

Hanan Ashrawi Enraged by Secretary Pompeo, and She Has Some Democratic Company

by Hugh Fitzgerald



Hanan Ashrawi, the unpleasant-looking Palestinian propagandist and apparatchik, for decades a member of the PLO's Executive Committee, who has somehow managed to amass several million dollars on her Palestinian salary, and describes herself modestly as "Fiercely independent. Totally Palestinian & human," has been sent off the deep end by Secretary Pompeo's announcement that the American government no longer considers Israeli settlements in the West Bank to violate international law.

Ashrawi describes this announcement as "another blow to international law, justice & peace by a Biblical absolutist

waiting for the 'rapture.'" In Ashrawi's world, the only non-Jews who could possibly support the Zionists are demented millennarians, all waiting for the "rapture" that will transport true believers to heaven at the Second Coming of Christ. President Trump, and Secretary Pompeo, believe certain things, but neither one has ever expressed belief in the "rapture."

Ashrawi calls Pompeo's announcement "a threat to international peace and security." For good measure, she describes it, ever more wildly, **not just as an attempt to "defy international law...but to rewrite it,"** and what's more, **"it is an attempt to legalise war crimes."**

Pompeo's statement in fact, is none of those things. It is a sober recognition that Israel's claim to the West Bank is based on the Mandate for Palestine itself. By publicly supporting Israel's position, Pompeo's statement is more likely to contribute to the only peace between Israel and the Palestinians that can hold: not a "peace" based on treaties, given that Muslims take Muhammad's Treaty of Hudaibiyya as their model (a treaty with non-Muslims in Mecca that Muhammad broke as soon as he felt his side was sufficiently strong), but rather, one based on deterrence. The 620,00 Israelis in the West Bank and East Jerusalem are a major part of that deterrence. They contribute to "peace and security" by ensuring that Israel will maintain control of the militarily indispensable Judean Heights and the Jordan Valley.

Ashrawi told an Emirati paper, The National, that US President Donald Trump and Secretary of State Mike Pompeo were "trying to reshape the world" by "allowing" Israel to accelerate construction of illegal outposts. It gave a red light to Israel in its "policy of expansionism."

Trump and Pompeo are not "allowing" Israel to do anything. The Israelis do not need American permission to build settlements

in territory that was assigned to them, as part of the future Jewish National Home, by the Mandate for Palestine. Nor are they “accelerating” construction of what she wrongly describes as “illegal outposts.” Israel has in fact been slowing its West Bank construction, not for ideological reasons, but for practical ones: it’s running out of suitable land on which to build. As for Israel’s supposed “policy of expansionism,” Hanan Ashrawi needs to be reminded that Israel returned to Egypt the entire Sinai, constituting 95% of the territory Israel won in the Six-Day War. Some expansionism.

“This is a licence to kill,” Ms Ashrawi said. “Clearly it is a green light, and an active encouragement. I don’t think they can do any more. They have attacked every single component of the Palestinians.”

Ashrawi’s hysteria is striking. A mild remark about a question of international law becomes, in her overheated brain, a “license to kill.” Who has been killing whom on the West Bank? Who has been attacking whom on the border with Gaza, with Molotov cocktails, grenades incendiary kites, even at times live fire? Who are the terrorists bombing buses, schools, Passover dinners, pizza parlors, shooting at families in cars, stabbing pedestrians to death, both in Israel proper and in the West Bank, and who are the victims of that terror? It is Palestinians who have been killing Jews, for the crime of settling on land meant, under the Mandate, for inclusion in the Jewish state.

“Not only does it [Pompeo’s statement] defy international law, but it is attempting to rewrite international law unilaterally.

“It is an attempt to legalise war crimes and it is emboldening Israel to continue its policies of expansionism and destroying all chances of peace.”

Pompeo's statement was not defying international law, but upholding it. The relevant law derives from the League of Nations' Mandate for Palestine, which repeatedly called for the "establishment of the Jewish national home" through "close settlement of Jews on the land." The land in question included all the territory from Dan in the north to Beersheva in the south, and from the Jordan River in the east to the Mediterranean in the west. [Here](#) is Mandatory Palestine in 1946. What we now call the West Bank is clearly part of it.

Though the League of Nations came to an end, its successor international organization, the United Nations, recognized in Article 80 of its Charter the Palestine Mandate's continued significance. The 1948-49 war did not change the legal status of the West Bank, but the fact that the Jordanians seized and held onto what they renamed as "the West Bank" from 1949 to 1967 prevented Israel from enforcing its legal right; after 1967 it was in a position to do so, and that was when Israel began to build its settlements, in accordance with the provisions ("close settlement of Jews on the land") of the Mandate.

Both the U.N. General Assembly, and the U.N. Security Council, swayed by the bloc of Muslim nations, refused to recognize the continuing relevance of the Palestine Mandate to the West Bank. It simply dropped from discussion and, unfortunately, the Israeli diplomats at the U.N. did not invoke the Mandate, as they ought to have, but simply insisted, without details, on their "right" to settlement activity. Some Israeli diplomats preferred to make their case solely upon the basis of U.N. Resolution 242, which gave Israel the right to "secure and recognized boundaries." Israeli diplomats ought to have presented both of the two independent justifications for their settlement policy: first, the fact that the West Bank formed part of the Mandate territory and second, that Israel needed its West Bank settlements to ensure the "secure and recognized boundaries" it was entitled to under U.N. Resolution 242. At

the U.N., Israel limited itself to the second argument, a decision that, following Secretary Pompeo's announcement, it ought to reverse.

"The US decision goes against the stance of almost the entire international community and UN Security Council resolutions that have condemned Israeli settlement building as illegal.

"Until now, US policy was based on a legal opinion from the State Department in 1978, which said settlements in the Palestinian territories captured a decade earlier by Israel went against international law."

Hanan Ashrawi fails to note that several presidents recognized Israel's right to hold onto settlements, especially those with large populations, based on U.N. Resolution 242. President George W. Bush in 2004 wrote a letter to Prime Minister Ariel Sharon in which he said he expected some of the settlements would remain part of Israel. "As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338."

President Reagan similarly believed Israel had not violated international law. He said of the settlements in a February 2, 1981 interview with the New York Times that "I disagreed when the previous Administration referred to them as illegal. They're not illegal." Reagan addressed this on several occasions. On October 14, 1980, as a presidential candidate, he said of the Carter administration, "the charge by this Administration at the time those settlements were first started, that they were illegal, was false. They are entirely legal under the U.N. Resolution 242." And on February 22, 1984, in a news conference, Reagan said of the settlements, "I had never referred to them as illegal, as some did. But I did say that I thought they were not helpful." Note that both Bush and Reagan relied only on U.N. Resolution 242, without making

mention of the even stronger Israeli case for building such settlements, based on the Mandate for Palestine. At the U.N. successive American administrations have stood with Israel in voting against resolutions that condemn its settlements as illegal, until Barack Obama who, in a shocking betrayal of an ally, abstained on a resolution that called Israeli outposts a “flagrant violation” of international law. The charge was not just of a “violation” but of a “flagrant violation” of international law – and yet Obama could not bring himself to vote against it.

Hanan Ashrawi does not dare to mention either the Mandate for Palestine, or U.N. Resolution 242. She prefers to simply repeat, ad nauseam, that Pompeo’s remark violates international law, destroys the possibilities for peace, is an “incitement to murder,” in hysterical ascending order. If repeated enough times, she has learned, any lie can become widely-accepted as the truth.

Let’s repeat what we know to be true.

In 1922, the Mandate for Palestine was created by the League of Nations, for the sole purpose of establishing the Jewish National Home. Other mandates were created for the Arabs – the mandates for Iraq and Syria/Lebanon – but this one was for the Jews. The Mandatory authority for Palestine, Great Britain, was supposed to facilitate Jewish immigration and “close settlement by Jews on the land.” What we today call the West Bank was included in the tiny territory assigned to the Mandate for Palestine. Israel held the only legal claim to the West Bank, but until 1967, when by force of arms it expelled the Jordanians and came into possession of the West Bank, it had been unable to exercise that claim. The West Bank was never “occupied” by Israel, which has a legal claim superior to all others; the Fourth Geneva Convention thus does not apply. Furthermore, after 1967, there was neither the forcible transfer of Arabs out of the West Bank, nor the forcible transfer of Israelis into the West Bank. The latter were

merely allowed to establish settlements that then grew into towns and cities. The Fourth Geneva Convention does not apply, then, for two reasons: first, the West Bank was not, for Israel, "occupied territory"; second, there was no forcible transfer by Israel of peoples either into, or out of, the West Bank.

While Ashrawi's hysteria is nothing new, it is infuriating that some Democratic politicians have been so dismissive of Pompeo's statement. Particularly maddening was **Elizabeth Warren, who said she would reverse Mr Pompeo's "blatantly ideological" shift on settlements.**

"Not only do these settlements violate international law, they make peace harder to achieve," Ms Warren tweeted.

Warren is a former law professor. Perhaps she can tell us how Israeli settlements "violate international law." She no doubt will want to do a little homework – it might take all of ten minutes to find the Mandate for Palestine online, and to read it, and to study the Mandate maps that clearly show the West Bank as territory set aside for the Jewish National Home, from the Jordan to the Mediterranean. Then she can consult Article 80 of the U.N. Charter, which sets out the continuing relevance of the Palestine Mandate even after the League of Nations closed down. And then, if she can spare, say, another half-hour from all the selfies she takes with supporters at her campaign rallies, she could also read both U.N. Resolution 242, and the discussion of its meaning for Israel's post-bellum territorial adjustments, by the resolution's author, Lord Caradon. All that various study ought to provide a salutary little shock. Elizabeth Warren will discover that "these settlements" do not "violate international law." Nor do they make "peace harder to achieve." Instead, by supporting continuing Israeli control of the West Bank, they make a lasting peace, between Muslim and non-Muslim parties, achievable in the only way possible, through deterrence. But let's look on the bright side of Elizabeth Warren. Let's be

thankful that she did not accuse the Trump Administration, as Hanan Ashrawi did, of issuing to Israel a “license to kill.” At least, she hasn’t done so yet. But the campaign season is young yet. Who knows what further outrages she, or Bernie Sanders, or more than a dozen other of her fellow candidates, will commit in commenting on Israel’s much misunderstood, and entirely legal, settlement-building in the West Bank?

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