

Pete Buttigieg, Like So Many Others, Needs a History Lesson

by Hugh Fitzgerald



The story is [here](#):

Pete Buttigieg, mayor of South Bend, Ind., who is running for the 2020 Democratic presidential nomination, reiterated on Monday [October 28] that the United States should condition its assistance to Israel on the Jewish state not fulfilling Prime Minister Benjamin Netanyahu's campaign promise to annex parts of the West Bank.

"We need to have the visibility to know whether U.S. funds are being used in a way that's actually not compatible with U.S. policy, and U.S. policy should not be promoting this

kind of settlement construction,” he said at the annual J Street conference in Washington, D.C.

In June, Buttigieg warned about possible West Bank annexation by Israel.

“If Prime Minister Netanyahu makes good on his threat to annex West Bank settlements, he should know that a President Buttigieg would take steps to ensure that American taxpayers won’t help foot the bill,” he declared.

Thus did Pete Buttigieg, who is running for President, recently address the group J Street in Washington. J Street is an organization that claims to be “pro-Jewish” and “pro-peace”; it is, in fact, a left-wing Jewish group that promotes pressuring Israel to make concession after concession to the Palestinians.

Quite a few remarkable statements have been made about Middle East policy by other Democrats running for President. Elizabeth Warren has threatened that if the two-state “solution” is opposed by Israel, then “everything [including American aid] is on the table.” Apparently, for that keen student of Middle Eastern history, Israel must be forced to give up much of the territory in the West Bank, so that it can become part of the new State of Palestine. Presumably Gaza will also be part of that state, though how Gaza can be connected by a land corridor to the West Bank without dividing Israel in half has never been explained. Warren, who prides herself on her wonky attention to detail, appears never to have read the Mandate for Palestine, without which judgments cannot be made as to the legitimacy of Israel’s legal claim to hold onto the West Bank. And she may not have read, either, U.N. Resolution 242, which gives Israel a claim to hold onto much, or all, of the West Bank, if it is deemed necessary to obtain, as Resolution 242 allows, “secure and recognizable boundaries,” with “secure” meaning “defensible.”

Then there is Bernie Sanders, who spoke at the same J Street meeting before Pete Buttigieg, and declared that if President, he would take aid that now goes to Israel and transfer it to Gaza, which is ruled by Hamas. In other words, Sanders believes that the Israelis have so mistreated the Gazans, that they have a better claim to American aid and sympathy than do the Israelis, who are surrounded by enemies, and have had to fight defensive wars from the very beginning of the state's existence. Sanders would have America take aid money meant for Israel and divert it to Gaza, which means the Americans would be supporting the terrorist group Hamas, which runs Gaza, and also terrorizes the very people, the Gazan Palestinians, whom Bernie Sanders claims he wants to help. As for diverting aid from Israel, Sanders doesn't explain what he hopes to achieve. Does he think the Israelis would simply fold, give up territory that they believe is essential for their survival, because of the likes of Bernie Sanders? And how likely is it that such a policy change could ever be enacted? Does Sanders not realize that all of the Republicans, and most of the Democrats, for all the talk about the leftward turn of the Democratic Party, remain steadfast in their support of Israel? Plenty of media attention is given to the chief anti-Israel Congresswomen, Ilhan Omar and Rashida Tlaib, but their significance is greatly exaggerated; they have antagonized many Democrats in Congress, and so far have had no legislative impact whatsoever.

But let's return to Pete Buttigieg. He's not as menacing in the tone of his remarks on Israel as Warren and, especially, Sanders, have been. But he is disturbing, for the deep ignorance he reveals about the history of the Jewish state. He does not know that when the League of Nations established the Mandates system, following the collapse of the Ottoman Empire after World War I, several mandates were created exclusively for the Arabs. France held the Mandate for Syria and Lebanon, Great Britain held the Mandate for Iraq. Those European powers were responsible for guiding the local populations to achieve

independence. In the end, as we all know, the Arabs have in the end managed to acquire 22 separate states, far more than any other people, places where they treat non-Arab Muslims – Kurds, Berbers, black Africans – with contumely or worse. And in many of those Arab states, non-Muslims are often humiliated, persecuted, and sometimes killed.

The territory reserved for the Mandate for Palestine originally extended from the Golan in the north to the Gulf of Aqaba in the south, and from an area east of the Jordan River “out into the desert” to the Mediterranean. The British then unilaterally decided that all the territory east of the Jordan – 78% of the original territory of the Mandate – would be closed to Jewish immigration, so that it would become part of the newly-created Emirate of Transjordan (later the Kingdom of Jordan). What was left in the Palestine Mandate for the Jews was 22% of the territory that was originally to have been included. This was the sliver of land that went from the Jordan River to the Mediterranean, and from the Golan to the Gulf of Aqaba. That Mandatory territory, that was to have formed part of the future Jewish state, included all of what became known as the West Bank. It’s likely that Pete Buttigieg is unaware of this.

When the League of Nations closed in 1946, soon to be replaced by the United Nations, there remained the question of what would happen to the Mandate for Palestine. Article 80 of the U.N. Charter – “the Jewish people’s article,” as it was called – made clear that the provisions of the Mandate still held, and would be honored by the United Nations as the successor organization to the League of Nations. The Mandate finally came to an end on May 14, 1948, when Israel, the successor state to the Mandate, declared its independence.

In the 1948-49 war, at the end of hostilities the Arab Legion of Jordan held onto those parts of Judea and Samaria west of the Jordan that the Jordanians soon renamed the “West Bank.” In taking possession of the West Bank, Jordan did not

establish a legal claim; it remained a military “occupier.” Israel, which did have a legal claim to the West Bank, was not in a position to enforce that claim; that would come only after the Six-Day War. But juridically the West Bank remained, as it had been under the Mandate, part of the Jewish National Home. In 1967, Israel did not establish a new legal claim, but merely became able, through force of arms, to enforce the claim it had always possessed. Pete Buttigieg needs to understand the intent of the Mandate for Palestine – to create the Jewish National Home – and to recognize the territory that had been assigned to it. He might then take quite a different view of Israeli villages and cities (tendentiously described by so many as “settlements”) and of Israel’s so-called “occupation”– a charge so mindlessly repeated – of the West Bank..

When Buttigieg called for an “end to the occupation” by Israel, what was he thinking? Israel has been completely out of Gaza since 2005; Gaza is not under any “occupation.” And the West Bank could never have been “occupied” by Israel in a legal sense; it was always part of the territory assigned to the Mandate for Palestine, to be incorporated into the future Jewish National Home.

The most important part of the Mandate document is the preamble:

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

The declaration of November 2, 1917, which is referred to in the preamble, is the Balfour Declaration, which declared British support for the establishment of the Jewish National Home.

Note the phrase, too, about how “nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine.” The drafters quite deliberately left out any mention of “political rights” because, of course, a Jewish National Home, leading to the establishment of a Jewish state, would necessarily impinge on the political rights of local Arabs.

Article 4 of the Mandate makes clear that it is to lead to the creation of a single Jewish National Home, and not to the creation of two states, Jewish and Arab, in the territory west of the Jordan that was ultimately assigned to the Mandate:

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration to assist and take part in the development of the country.

The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 6 of the Mandate calls on the mandatory authority to “facilitate Jewish immigration” and “encourage...close settlement by Jews on the land, including State lands and waste lands”:

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

So to repeat yet again – and it deserves this constant repetition – the West Bank was always intended to be part of the Jewish National Home. Thus it was intended by the Mandates Commission, headed by the Swiss law professor William Rappard, who was distressed when the British ended Jewish immigration east of the Jordan. Had the Jews managed to hold onto the West Bank in the 1948-49 war, it would have become, as the Mandate always intended, part of Israel, every bit as much as Tel Aviv or Haifa or Ashdod. When the Jordanian army seized and held territory west of the Jordan in the 1948-49 war, Jordan emulated the Romans, who had renamed “Judea” as “Syria Palaestina” or “Palestine” to efface the Jewish connection to the land. The Jordanians renamed the parts of Judea and Samaria it now controlled as “the West Bank.”

Jordan was the illegal “occupier” of the West Bank from 1948 to 1967; its only claim was that of military possession. The juridical situation was quite different for Israel, its claim based 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 system of 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 Palestinian Arab 'people' of the West Bank and the Gaza Strip have a substantial claim to the sovereign possession of the occupied territories.

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. 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 Jewish settlement 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.

It is disturbing how few of our politicians have bothered to read the Mandate for Palestine, or understood the significance of its Articles 4 and 6, or have investigated what territories were included in the Mandate's provisions. Fewer still have read Article 80 of the U.N. Charter. It's not much to ask of them. It would clear up a lot of mistakes. Perhaps Pete Buttigieg – young, energetic, a former Rhodes Scholar acquainted with study, and someone who earlier this year showed, unlike Sanders or Warren, a definite leaning in favor of Israel – would be willing to take up the task, and share

what he learns with others. Let's hope.

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