The 50-Year Plan to Criminalize Israel

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By Elder of Ziyon

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The world claims that Israel constantly violates the Geneva Conventions, specifically [Article 49, Paragraph 6:](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=77068F12B8857C4DC12563CD0051BDB0)

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

The original intention of this paragraph was described by the International Committee of the Red Cross in 1958 in[the following way:](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=523BA38706C71588C12563CD0042C407)

This clause was adopted after some hesitation, by the XVIIth International Red Cross Conference (13). It is intended to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race.

It was referring in part to the German [Generalplan Ost](https://en.wikipedia.org/wiki/Generalplan_Ost" \t "_blank), a far-reaching plan to colonize most of Europe, expel (or murder) anyone whom the Germans felt was inferior, and replace all — forcibly, if necessary — with Aryans.

Only after 1967 did anyone think that this minor paragraph in a major article about forcible transfers of populations could apply to people who wanted — voluntarily — to return to the land of their ancestors in territory that was never under the legal sovereignty of their state.

For 50 years, the anti-Israel community of nations has been steadily nudging international law to be interpreted in a way that would turn Israel’s admirable action of allowing Jews voluntarily to move to ancestral lands into a war crime.

The first thing Israel’s opponents needed to do was to define Judea and Samaria as “occupied territory,” since Geneva only refers to occupied territory. They did this using a neat trick: They ignored the official definition of “occupied” as defined in the Hague Conventions, whereby the “occupied territory” must belong to a “state.”

Instead, Israel’s enemies say that the laws of occupation must apply anyway, because the people in the territory must be protected, whether they are residing in a state (a “high contracting party”) or not.

Israel [always stated](http://www.mfa.gov.il/mfa/foreignpolicy/faq/pages/israel-%20the%20conflict%20and%20peace-%20answers%20to%20frequen.aspx) that it would uphold the humanitarian provisions of Geneva for any non-citizen Arabs who lived under its rule. But it said that building houses and communities — which were nearly always away from Arab population centers — did not violate any humanitarian rules of Geneva.

Israel’s enemies claim that Geneva applies to the territories in total (and if this happens, they have won the argument that Israel is an “occupying” power), and therefore they try to apply the paragraph about “transfer” to Jews who move voluntarily. The international community has acquiesced to this false interpretation of Geneva — but that is still problematic to Israel’s enemies, because it is obvious that this was not the intent of Geneva’s framers, and because paragraph 6 is a bit vague.

So the Additional Protocols for the Geneva Conventions were drafted in 1977, and they elevated this violation of international law[into a “grave breach”:](https://ihl-databases.icrc.org/ihl/WebART/470-750111)

 4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:  
(a) the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;

Note how Israel’s enemies now placed a nation’s transfer of its own population before the much worse issue of forcible deportation. This is language that was directed at Israel — and only Israel.

But there is still the problem of defining “transfer.” In Geneva Article 49, the term is used seemingly only in reference to involuntary transfer, since every other use of that term in that article is clearly referring to deportations or forcible transfer.

When the International Criminal Court was being created, the Arab nations [seized the opportunity](http://elderofziyon.blogspot.com/2014/04/the-15-year-plan-to-convict-israel-at.html) to upgrade Israel’s “crime” once again. The Rome Statute lists as war crimes things like murder, torture, kidnapping, intentionally attacking civilians — but then it adds[one more](http://www.preventgenocide.org/law/icc/statute/part-a.htm) that has never been considered a war crime in history:

The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies.

[Arab states insisted](http://elderofziyon.blogspot.com/2015/01/how-arabs-added-specifically-anti.html)on adding the “directly or indirectly” terminology, and the drafting committee caved to this pressure. The only target of this was, again, Israel, which would now be considered criminal for not stopping Jews from moving into their historic lands.

This is only one of many examples of Israel-haters having managed to move the goalposts of international law against Israel — and only Israel.

The sober jurists and arbiters of international law have allowed themselves to be manipulated — due to decades of propaganda and laziness at deciding to “compromise” with those who want to destroy Israel — into believing that allowing Jews to live in the historic areas of Israel are war crimes on par with directly and purposefully attacking civilians.

The biggest irony of all is that Geneva IV, Article 49 is concerned with the huge human rights violations of forcible mass transfer of populations against their wills — and yet the world is steadily moving towards using that very same human rights law to forcibly transfer hundreds of thousands of Jews out of the homes in which many have lived all of their lives. It is not just a misinterpretation of Geneva; it is a perversion of Geneva. And it is only being directed at Jews. (Thousands of Israeli Arabs [have moved over the Green Line](http://elderofziyon.blogspot.com/2014/12/there-are-thousands-of-israeli-settlers.html) without any peep of protest by the international community.)

Perhaps the biggest perversion of all is that these legal instruments, in a sense, equate Israel with Nazi Germany. Many of the Geneva Conventions were specifically written to counter the worst kinds of human rights violations committed by Nazi Germany in order to ensure that they never happened again. Now the same instruments of international law are singling out the Jewish state as a paradigm of what is considered evil.

In this case, they aren’t trying to ensure that these supposed war crimes never happen again. After all, there are settlers being implanted in [Crimea](http://qha.com.ua/en/politics/ukrainian-prosecutor-called-exact-number-of-occupants-in-crimea/139491/), Western Sahara. Northern Cyprus and elsewhere — all without protest from these supposed humanitarians who created these laws. The purpose of these laws has been and remains to delegitimize [Israel, and only Israel](http://www.wsj.com/articles/at-the-u-n-only-israel-is-an-occupying-power-1473808544).

The new UN Resolution 2334, although not international law, is simply another in a series of never-ending actions that are all intended to twist, manipulate and create an international legal framework against Israel.

Between its own latent antisemitism, its fear of Arab terror and its lack of moral principles, the international community allows and even encourages these perversions.

After all, it can comfort itself by saying that this entire 50-year legal war against Israeli Jews is all “legal.”