The UN's vote against Israel and its historic contradictions

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In a changing world where Iran, Russia, Turkey and others routinely violate international law, the focus on Israel appears misplaced.

On the one hand, the UN’s request that the International Court of Justice examine the issue of Israel’s ‘occupation, settlement and annexation’ is merely following in the footsteps of countless other condemnations of Israel. Back in 2016, the Security Council slammed Israel for its ‘settlement’ activities. The US, at the time, did not veto the resolution, a surprise move that came at the very end of the Obama administration.

The current resolution is simply part of a larger process.

The focus on[Israel and the ‘occupation’](https://www.jpost.com/international/article-726252) has always been disproportionate at the UN.

Under ‘international law,’ Israel is often singled out. Considering the changing world, in which Russia has[annexed Crimea and invaded Ukraine,](https://www.jpost.com/opinion/article-701839) and Turkey is illegally occupying Afrin in Syria, it is worth considering why and how Israel alone seems to be at the center of these international law disputes.

Israel’s role in the West Bank is not unique. Whether it is issues of ‘annexation’ or demographic changes, these are processes that have happened elsewhere.

Israel’s actions used to be seen as unique among most democracies or Western allies and thus Israel should be held to a higher standard. This is not factually accurate today, considering that Turkey has invaded parts of Syria and caused [ethnic cleansing of Kurds](https://www.jpost.com/opinion/ethnic-cleansing-is-not-the-answer-to-the-kurdish-question-608051) and resettled other people in these areas. Turkey is a NATO member. This isn’t an issue of ‘whataboutism;’ international law ostensibly applies to all countries equally.

One of the contexts in which this decision appears is the assertion by several human rights groups that Israel is practicing ‘apartheid’ over the ‘whole area’ between the Jordan river and the sea. This has taken up a typical Palestinian nationalist talking point and depicts one state as existing in the area that was partitioned by the UN in 1947. Even though Israel is only one of many authorities that played a role in the Gaza Strip, it is still the sole ‘occupier.’ The British Mandate colonial authorities did not ‘occupy’ Gaza, nor the Egyptians.

In essence, the argument here is that Israel continues to ‘occupy’ Gaza and that Israel runs the entire area administratively, even though it doesn’t. The long-term goal here, now adopted by the Western far Left and the Palestinian far Right, is to create one state.

The United Nations and 'international law'

The essence of the ‘international law’ that underpins the decision at the UN is a bit confusing. On the one hand, Jerusalem is defined as not being part of Israel because the UN decided in 1947 that it was an ‘international’ city. However, the resolution implicitly defines part of the city as Palestinian because it refers to the Temple Mount as al-Haram al-Sharif. Therefore the UN appears to accept the division of the city in 1948, after the war, and the subsequent Jordanian occupation of half the city. The UN isn’t suggesting the city is an international area, but rather a Palestinian one.

The UN takes the 1967 borders as the key borders to investigate the ‘occupation.’ Like the one-state advocates, this often assumes Gaza is still ‘occupied.’ This means that even though Israel withdrew from Gaza, Israel is never permitted to withdraw according to some viewpoints. This is an interesting fact. While the UN and various countries accuse Israel of ‘occupation,’ even if Israel wants to leave these areas, it is not permitted to. Gaza was occupied by Egypt from 1948 to 1967 and from 2005 to 2022 it has been occupied by Palestinian factions, primarily Hamas. That means that for 35 years since 1948, Gaza has not been under Israeli control. It was only controlled by Israel for roughly 38 years, and part of those areas was administered by the PA as part of the Oslo peace process. However, even though Israel is only one of many authorities that played a role in Gaza, it is the sole ‘occupier.’

This is at the core of the contradictory policies behind ‘international law.’ Western colonial powers were able to set up various administrations all around the world, sometimes only for a few decades. During that time, they often carved up areas and created arbitrary lines on maps to partition the areas. These powers were rarely accused – retroactively – under international law, of ‘illegal occupation.’ The concept of ‘international law’ was primarily inaugurated after Western colonial powers withdrew.

The remaining vestiges of colonial-era rule, such as some islands here and there, are not considered ‘occupied.’ In this narrative, Western countries never ‘occupied,’ but when they decided to partition countries or draw arbitrary lines on maps, cutting peoples and tribal territories in half, it was always ‘legal.’ This was the case in the partition of India and the creation of [the Kashmir dispute.](https://www.jpost.com/j-spot/article-709650)

It was also the case with the Middle East. The Golan Heights are part of Syria, not because of some ancient legal reason, but because the British and French colonial authorities demarcated the border this way. Neither side of that equation was ever ‘occupying.’ Only when the European countries decided to give ‘independence’ to various states or leave, did international law suddenly swoop in and say that the borders the former powers had drawn would be set in stone. Now any changes were against international law.

THE STRANGEST thing is that the 1947 Partition Plan the British and UN left behind was unworkable. International status for Jerusalem and a patchwork of areas for two states, one Arab and one Jewish, in what had been British Mandate Palestine. Yet the ‘law’ today isn’t entirely based on the 1947 decision. Instead, there was a ceasefire in 1948 and then a war in 1967. International law has a way of swooping in only when changes are made in Israel’s favor.

For instance, there was no ‘occupation’ of Jerusalem or ‘demographic change’ issue between 1948 and 1967 when Jordan ran east Jerusalem. Even though Jews were ethnically cleansed from areas of [the Old City,](https://www.jpost.com/tags/old-city-jerusalem) this was not a ‘demographic change.’

When Israel took over Jordanian-occupied east Jerusalem, then international law says the situation in 1967 must be set in stone – not the situation in 1947 or 1887. How do interpreters of the law know when to draw the line?

Similarly, it’s not clear why international law often portrays Israel as an ‘occupier’ of Gaza. The Gazans were not consulted on whether they wanted to be occupied by the British or the Egyptians. Yet the ‘law’ seems to only relate to Israel’s temporary control of Gaza and in essence forces Israel to forever be the ‘occupying power.’

This is the same international concept that underpins the Oslo Accords, abrogating those very accords and making it impossible for Israel to give up control. This is problematic because even if Israel wanted to withdraw from parts of the West Bank and enable a full-fledged Palestinian state, the ‘law’ would always portray Israel as continuing to ‘occupy’ something.

This is the case in Lebanon, for instance, where even though Israel withdrew in 2000, Hezbollah continues to accuse Israel of occupying the Mount Dov/Shaba Farms area. It’s hard to imagine a way Israel can ever extricate itself from the endless UN focus, even if it wanted to. The focus on Israel is convenient since it means more contentious issues such as focusing on Turkey’s occupation of Syria, are not spotlighted. Many countries agree to shift the focus to Israel.

The related features of international law, that it is often rooted in arbitrary European colonial power decisions, and in arbitrary dates, create many contradictions. It’s hard not to see it as merely being made up as it goes along to single out Israel.

Some of the countries that created the ‘law’ and the chaos of 1948, then condemn Israel for controlling the very thing they created and also refuse to let Israel leave areas they demanded Israel leave. Increasingly, this is a tool of countries in the global south and authoritarian regimes.

Many Western countries do not see the constant focus on Israel as helpful. Some countries have realized that letting Iran and Russia hijack international forums is also no longer helpful. It is unclear if there will be more pushback against these kinds of resolutions and decisions that focus on Israel.