

U.N. Court Orders Jews—‘Get Out!’

By Eric Rozenman



The U.N. International Court of Justice ruled on July 19 that Israel should get out of “illegally occupied Palestinian territory”—the West Bank (Judea and Samaria) and eastern Jerusalem. As law, the decision is a travesty. As propaganda it is toxic.

Contrary to the ICJ’s advisory opinion, the legal status of the West Bank and eastern Jerusalem is disputed, not occupied. And Israel possesses a strong claim.

- In 1967, a build-up of Egyptian, Syria and Jordanian forces—supported by Algeria, Iraq, Kuwait, Saudi Arabia and Palestinian terrorists—squeezed Israel’s narrow borders. Arab leaders issued annihilationist threats. Israel struck first in pre-emptive self-defense. It gained, among other territories, the West Bank and eastern Jerusalem, illegally occupied until then by

Jordan, and the Gaza Strip, illegally held by Egypt.

- "Occupied territory" must belong to a sovereign ruler. The last such sovereign over the areas had been the Ottoman (Turkish) Empire, which after 500 years lost control to British forces in World War I. No sovereign Palestine ever existed.
- In 1920, the League of Nations assigned Great Britain the Palestine Mandate. Although the ancient Jewish kingdoms of Israel and Judea ruled much of the disputed lands, the mandate was history's first political entity called "Palestine." The San Remo Treaty that year confirmed the mandate as international law. The mandate originally was to include Transjordan, today's Palestinian Arab majority country of Jordan. But in 1921, London unilaterally decided to reward Arab allies in World War I with Transjordan.
- Formally adopted the next year, the Palestine Mandate covered lands west of the Jordan River—today's Israel, the West Bank and Gaza Strip. Recognizing "the historical connection of the Jewish people with Palestine," the mandate charged the British with facilitating restoration of the Jewish national homeland. Though it called for safeguarding the rights of non-Jewish residents, "the mandate did not refer to Arab national rights," as Ariel University law [Prof. Talia Einhorn notes](#).
- Mandate's [Article 6](#) encouraged "close Jewish settlement" on land west of the Jordan, especially open, government-controlled or "waste lands." The United Nations, successor to the League, upheld the mandate and Article 6 in its founding Charter, [Chapter 12, Article 80](#).
- In 1924, the United States, as party to the Anglo-American Convention, recognized Jewish rights in British Mandatory Palestine.
- Shortly after the 1967 Arab-Israel war, the U.N. Security Council adopted Resolution 242. In outlining a path to a negotiated peace agreement, it recognized, if

implicitly, the disputed nature of territories seized by Israeli forces.

One of 242's co-authors, U.S. Under Secretary of State [Eugene Rostow, later recalled](#) "speaker after speaker made it explicit that Israel was not to be forced back to the 'fragile' and 'vulnerable' Armistice Demarcation Lines, but should retire once peace was made to what Resolution 242 called 'secure and recognized' boundaries, agreed to by the parties."

But the Arab League, prodded by the Palestine Liberation Organization, pre-emptively issued its ["three no's"](#): no recognition of Israel, no negotiations, no peace.

- After the 1973 Yom Kippur War launched against Israel by Egypt and Syria, with support from Jordan and other Arab countries, the U.N. Security Council adopted Resolution 338. It reaffirmed 242 and urged the parties to start negotiating according to terms of the earlier measure. Egypt eventually did, reaching a peace treaty with Israel in 1979 and regaining the Sinai Peninsula—also taken by Israeli forces in 1967.

So much for law. As for propaganda, the ICJ's finding of race-based "systematic discrimination" by Israel against Palestinian Arabs advances an old-new smear.

In 1975, the U.N. General Assembly, which unlike the Security Council cannot make law, adopted [a Soviet-inspired](#), Palestine Liberation Organization-promoted resolution equating Zionism with racism. Zionism being the Jewish people's national liberation movement, and Israel being Zionism manifested, the "racism" charge delegitimizes Israelis and their supporters.

The United States in 1991 led repeal of the "Zionism-is-racism" calumny. Regardless, the malediction remains the contemporary equivalent of the medieval antisemitic "Christ-killer," inflaming today's campaign to re-ghettoize Jews and destroy their state.

Hence the ICJ's libel that Israel, in its "illegal occupation of Palestinian land," commits "systematic discrimination" against Palestinian Arabs based on race or ethnicity. When it comes to blind justice, note that [the ICJ president, Nawaf Salam](#), twice sought to be Lebanon's prime minister and is venomously anti-Israel.

America does not participate in the U.N.'s International Criminal Court, fearing political indictments of U.S. civilian and military leaders—like those the ICC levels against Israelis. ICJ's attacks on Israel, a fellow democracy and ally, show it's time to cut that cord as well.

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First published at [The Jewish Policy Centre](#)

Eric Rozenman recently retired as communications consultant for the Washington, D.C.-based Jewish Policy Center. His latest book is From Elvis to Trump, Eyewitness to the Unraveling: Co-Starring Richard Nixon, Andy Warhol, Bill Clinton, the Supremes and Barack Obama!