

Israel's advance-diplomacy delivers the big guns by Reiner Bernstein

On 30 May the newsletter of the Israeli Embassy in Berlin reproduced a letter published by the “Jerusalem Center for Public Affairs” (JCPA) which appealed to the Secretary-General Ban Ki-moon “to use your influence and authority among the member states of the UN” to prevent the adoption of the resolution to recognize a Palestinian state within the borders of 1967. The letter originates from a source whose political right-wing preferences are beyond question.

One might be inclined to put the paper aside like so many other official communications. But, we should give it our attention because of its apparent use of international law and the consequences of that. “The Jerusalem Center for Public Affairs,” led by former Israeli UN Ambassador Dore Gold, is vigorously strengthening an argument in order to transfer the official Israel commitment to a two-state solution into the wastepaper-basket.

The authors base their argument on the Mandate of the League of Nations of 24 July 1922 which affirmed the historical bonds of the Jewish people to Palestine as the rationale for the restoration of the Jewish national home. It did not mention the establishment of a Jewish state. The “jurists and international lawyers” – whose names remain unmentioned – deliberately ignore the Churchill White Paper of 3 June 1922 which accentuated the British viewpoint that not all of Palestine – including today's Kingdom of Jordan – should be converted into a Jewish national home.

Accordingly, one year later, on 15 May 1923 – exactly 25 years before Israel was founded – the proclamation of the Hashemite Emirate of Transjordan took place. On 30 June 1922 both houses of the U.S. Congress confirmed the statement of the League of Nations

and the British White Paper. The Mandate for Palestine went into force on 29 September 1923.

Employing their curious interpretation of the League of Nations' declaration, the authors try to rehabilitate at least some of the revisionist positions of Zeev Jabotinsky: namely that the "Palestinian question [which meant the Zionist question] be solved in the sense of a Greater Palestine including Transjordan," as Joseph B. Schechtman and Yehuda Benari summarized the political ideas of Jabotinsky and his allies in their sympathetic "History of the Revisionist Movement."

By returning to those positions the authors find that Israel undeniably can claim an entitlement under international law to "Judea and Samaria" at least. Consequently, they reject the UN Partition Resolution 181 of 29 November 1947 – which established *inter alia* Jerusalem as a "corpus separatum" – and emphasize that the Rhodes' Ceasefire Agreement with Jordan of 3 April 1949 along the Green Line is "without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto." In international relations usually power secures desired advantages.

By publishing the letter, Israel's diplomatic mission in Berlin implies it has obtained the consent of its government. Dore Gold, head of the JCPA, can certainly count on the responsive compassion of Benjamin Netanyahu and Avigdor Lieberman. As for the Palestinians, they definitely need no further proof that the Israeli government is not interested in result-oriented negotiations and that they must work on their own for the international recognition of Palestine. (Netanyahu's rhetoric leap from the "painful" to the "generous compromises" a week ago in Washington is irrelevant because it is unbelievable that he is going to deliver donations in either case.

Palestinian endeavours and Europe's hesitancy

Ramallah has to deposit its request in New York in mid-July to organize the expected outcome of the proceedings of the gathering of the General Assembly starting in mid-September. But first of all the Palestinian draft must prevail over the hurdles of the Security Council which is chaired in July by the Federal Republic of Germany. Given what she has declared before Chancellor Angela Merkel will try to enforce her understanding of decision-making: "The current state" [of deadlock between Israelis and Palestinians] is indeed "totally unsatisfactory", but "unilateral measures of either side will lead (...) into a dead end." If the opposition parties in the Bundestag fail to produce counterweights arguments, the German ambassador to the UN will be urged to reject the Palestinian claim, as the U.S. administration is expected to do.

It's Netanyahu who clings to unilateral measures. On 31 May – on "Jerusalem Day" – he underscored his commitment to authorize more building permits than ever before in the city. Indeed, the Israeli Prime Minister delivered what Chancellor Merkel requested of him during the third bilateral government consultations at the end of January: he laid his political intentions on the table. By revealing his map Netanyahu is relying once again on a recent survey which showed 66 percent of the adult Israelis are determined that no part of Jerusalem should be passed to establish a future Palestinian capital. Furthermore, 73 percent would protest against any international control of the holy [Jewish] sites as part of a peace treaty. Reuven Rivlin, Likud member and Speaker of the Knesset, noted 24 hours later that not even the postal services are functioning properly in the city between west and east...

Still, EU policy does not face up to the reality and is uncoordinated. On 31 May Brussels promised a grant of two million Euros to the Palestinian Authority to develop the Palestinian infrastructure in East

Jerusalem and to cover the costs if a Palestinian resident takes out a lawsuit against Israeli activities which cause him or her disadvantage. One should not be surprised when Europe yet again expresses sorrow at Netanyahu's announcement. Should one attribute deep-seated naivety to political weaknesses or moan about appalling confusions?

If Israel's policy raises claims on the West Bank and on East Jerusalem, however legitimate they may be, it does not include the Palestinian population. On the contrary, at best Israel is not interested in them, at the least, Israel can drag confidence from Merkel's statement in the Bundestag that "any Palestinian government [must] renounce violence and recognize Israel's right to exist." From this, Germany has already declared who the aggressor is, regardless of who actually resorts to violence. Reciprocity of behaviour was and is not required.

Munich, 2 June 2011
