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History: The Inherent Irony in the Palestinian-Israeli Struggle

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The word 'irony' sums up much that is probably inherent in human nature and manifest at times in human history, when one considers the on-going conflict between the Palestinians and Israel.

Historical pogroms had been launched against Jews – 'pogroms' used in the widest sense of its meaning as violent attack, expulsion, or marginalisations – then the history is a long one.

King Edward I in 1290 signed an edict expelling all Jews from the Kingdom of England;

Pope Innocent the III had issued a decree against Jews, placing them in servitude for the killing of Christ; Czarist Russia and the Russian Orthodox Church pursued an exclusionary policy towards Jews;

More recently there is the Holocaust; and other instances which could be cited mainly in and around Europe of anti-Jewish actions being perpetrated.

In what can be termed historical Palestine, prior to 1948 Jews, Arab Palestinians and Christians lived peacefully with the Jewish population being about a mere 6% of the total in Palestine. The road to the creation of the state of Israel in 1948 might be said to have been signposted with Jewish hopes which followed certain critical stages.

Following the end of the Ottoman Empire, there was a new carving out of territories for the 'Great Powers' and in 1917 there was the Balfour Declaration announcing an intent to create a national homeland for Jews; in 1920 there was the San Reno Conference and by 1924 the then League of Nations approved the British Mandate for Palestine. Here comes trouble. Between 1936 to 1939 the Palestinians resisted British policy in Palestine. By the Post World War 11 era the world's conscience had been touched and galvanised in favour of a Jewish state and by 1948 Zionists saw and grasped the opportunity. The on-going conflict had emerged since the inception of the Jewish state, for reasons such as:-

1. The displacement and expulsion of several hundred thousand Palestinians to make space for the new Jewish arrivees.

2. The anti-democratic embrace of the idea that one ethnicity can reserve for itself the exclusive right to citizenship at the expense and to the disadvantage of the prior inhabitants of the land.
3. The need to corral the expelled Palestinians, and deny them the right of return to their homeland.

The list of causes for the conflict could be significantly expanded – but this brief commentary is about the inherent 'irony' existing in the state of Israel.

International Law and the mandate

1947, the United Kingdom had relied on Article 10 of the UN Charter:-

> "The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters."

Wherein commences a problem (the problem?). A number of Arab States had opposed the British Mandate being brought to the floor of the General Assembly for reason that under Article 12.1 of the UN Charter there is express provision that while the Security Council is exercising the functions assigned to it by the Charter in relation to any dispute or situation, the General Assembly must not adopt any recommendation regarding that dispute or situation unless requested to do so by the Security Council. The preexisting system of mandated territories under the law as applied via the League of Nations did not provide for any mandated territory to be transferred via the new UN schema of law. Here is how the problem commenced and continues to this day in point of law.

Articles 75 to 79 of the UN Charter address the UN Trusteeship system, which is the successor to that which had existed under the former League of Nations system as mandated territory. Under Article 79, the terms of trusteeship agreements were to be agreed by "…the States directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations". Additionally, the agreements had to be approved by the Security Council in the case of territorial areas deemed to be strategic areas (see: Article 83) and note the provisions of Article 85 with regards to the General Assembly's role.

Before the UN in 1947 adopted a crucial Resolution on Palestine, the UK had made known that it wanted to withdraw from Palestine, terminate the Mandate and avoid the transfer into an international Trusteeship System.

On 29 November 1947, the UN General Assembly adopted a Plan as Resolution 181 (II). That resolution recommended the creation of independent Arab and Jewish States with a Special International Regime being established for the city of Jerusalem.

By 1948 Jewish re-population and de-population of the Palestinian Arabs, throughout the various iterations of the conflict really does constitute – at least the Alpha – if not fully yet the Omega of the issue. A book would have to be written if I were to continue explaining the issue from its root causes. I simply want to lay an adequate historical and legal plinth to afford a credible shift leading logically to the main point of the 'irony' of that which was

mentioned in the title at the start of this commentary.

Ironies.

Lack of sympathy and/or support for fellow oppressed people

At a time when Apartheid South Africa was seeking to perpetuate White minority rule, it was Israel which traded with and provided the scientific means to the racist regime to acquire nuclear weapons, as shown here and here.

Establishment and perpetuation of Apartheid policies in Israel

The position of the recognition of the 1967 borders under international law as constituting the boundaries for Israel, is simply ignored and greater settler colony expansion is taking place on Palestinian lands.

When the Jewish 'nation-state law' was passed in Israel in 2018 the Arab members of the parliament ripped it up and shouted, "Apartheid". Indeed, reservation for a certain group based on ethnicity in these circumstances can, quite accurately, be so termed.

Expulsion of Palestinians from their homes while promoting more illegal Jewish settlements (contrary to international law)

To say the least, is it not truly ironic, that a group of people, undeniably historically displaced and dispossessed for centuries, would embrace policies such as declaring "Jewish settlement as a national value" while mandating that the state "will labor to encourage and promote its establishment and development."?

Beyond the immediate former proclamation, is it not, within historical context – ironic in the extreme for the Zionists to tell the Palestinians to forget their expulsion as of 1948 – being a diaspora people who kept a dream of return with collective memory alive over 2,000 years — long enough to remove people who historically really never did Jews any harm?

Conclusion

International Refugee Law weighs heavily in favour of the right of return. Which version would you presently embrace Israel – the one before 2,000 years ago – or – from 1948 onwards? Change course Israel – or – continue fighting as Apartheid South Africa did over many years, being truly reflective of what you are doing now – fighting, however ironic the fight may be – to the end.

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This article was originally published on Effective Learning Report.

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