

International Law Revisionism and the Military Occupation of Palestine

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In-depth Report: [PALESTINE](#)

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In January 2012, Netanyahu appointed a three-member committee headed by former Supreme Court Justice Edmond Levy.

Included were former Foreign Ministry legal adviser Alan Baker and former Tel Aviv District Court president Tchia Shapira.

They examined three issues:

(1) Legal aspects of Israel's occupation.

(2) The 2005 Sasson Report's conclusion that dozens of outposts built on privately owned Palestinian land were illegal.

(3) Whether Israel's presence in the West Bank is, or is not, an occupation.

Levy's [report](#) rewrote international law. It claimed that occupation "as set out in the relevant international conventions cannot be considered applicable to the unique and sui generis historic and legal circumstances of Israel's presence in Judea and Samaria spanning over decades."

"Israelis have the legal right to settle in Judea and Samaria and the establishment of settlements cannot, in and of itself, be considered illegal."

It recommended legalizing illegal outposts. It said zoning officials should authorize them without further political approval. It urged no restraints on settlement construction.

Netanyahu praised the report, saying:

“In my opinion, this report is important because it deals with the legalization and the legitimization of the settlement enterprise in Judea and Samaria on the basis of facts, a variety of facts and arguments that should be seriously considered.”

It's unsurprising given [Likud's position](#) on settlements, stating:

“The Jewish communities in Judea, Samaria and Gaza (all Occupied Palestine) are the realization of Zionist values. Settlement of the land is a clear expression of the unassailable right of the Jewish people to the Land of Israel and constitutes an important asset in the defense of the vital interests of the State of Israel.”

“The Likud will continue to strengthen and develop these communities and will prevent their uprooting.”

Likud rejects Green Line separation of Israel and Palestine. It incrementally steals Palestinian land. It declared all Jerusalem sovereign Israeli territory.

Likud's [Charter](#) also rejects Palestinian self-determination, saying:

“The Jordan river will be the permanent eastern border of the State of Israel.”

“Jerusalem is the eternal, united capital of the State of Israel and only of Israel. The government will flatly reject Palestinian proposals to divide Jerusalem.”

“The Government of Israel flatly rejects the establishment of a Palestinian Arab state west of the Jordan river.”

Levy's Likudnik standing remains unblemished. On July 10, Uri Avnery's [Gush Shalom](#) Peace Bloc headlined “From Judge to shyster” saying:

“Edmond Levy took off the robe of a Supreme Court judge – and under it was revealed a shyster.”

He exposed himself as “a Likud Party hack” in good standing. He “provide(d) his client with a highly dubious, made-to-order opinion.”

After decades of lawless occupation, he claimed the West Bank is “not an Occupied Territory” and settlements are entirely legitimate.

Independent jurists say otherwise. International law supports them. In 2004, the International Court of Justice (ICJ) ruled the West Bank occupied. Settlements and boundary walls are illegal. It said:

“Israeli settlements in the Occupied Territory, including East Jerusalem, are illegal and an obstacle to peace and to economic and social development (and) have been established in breach of international law.”

The UN and other international bodies declared Gaza, the West Bank and East Jerusalem occupied. Officially they're called Palestinian Territories or Occupied Palestinian Territory. Israel is called an Occupying Power.

The ICJ, Security Council and General Assembly consider East Jerusalem part of the West Bank. It's occupied territory. Its residents are protected persons.

On November 29, 1947, the UN General Assembly passed Resolution 181, the Palestine Partition Plan.

It granted 56% of historic Palestine to Jews (with one-third of the population) and 42% to Palestinians.

It designated Jerusalem international city (a corpus separatum – separate body) under a UN Trusteeship Council.

The area included all Jerusalem, Bethlehem, and Beit Sahour. It encompassed Christian holy sites.

Resolution 181 called for an Independent Arab state by October 1, 1948.

It asked “all Governments and peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations.”

It called for the Security Council to be empowered with “the necessary measures as provided for in the plan for its implementation.”

Israel's 1948 “War of Independence” intervened. On May 14, 1948, a Jewish state was proclaimed. It's on stolen land. It's on 78% of historic Palestine.

On December 2, 1947, the General Assembly (GA) passed Resolution 32/40 A and B.

It expressed deep concern that “no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security.”

It reaffirmed “that a just and lasting peace in the Middle East cannot be established without the achievement, inter alia, of a just solution of the problem of Palestine on the basis of the inalienable rights of the Palestinian people, including the right of return and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations.”

Security Council Resolution 242 (1967) called for end of conflict and withdrawal of Israeli armed forces from Occupied Palestine.

SC Resolution 338 (1973) affirmed the same demand.

SC Resolution 298 (1971) said “acquisition of territory by military conquest is inadmissible.” It called Israel’s failure to observe previous resolutions “deplorable.”

It implied, but didn’t state, that conquered territory exceeding the 1947 partition is illegal. It includes 42% of historic Palestine and Jerusalem in its entirety.

Security Council Resolution 465 (March 1980) declared:

“all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel’s policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant (Fourth Geneva) violation....and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.”

On July 30, 1980, Israel’s Jerusalem Law lawlessly annexed the city as its unified capital.

In August 1980, Security Council Resolution 478 declared the Jerusalem Law null and void. It mandated its immediate rescinding.

Israel spurned the ruling and dozens of other UN resolutions. It breaches virtually all international laws. It institutionalized colonialism, occupation and apartheid. It denies Palestinians justice, equality, peace, and self-determination.

Fourth Geneva’s Article 49 states:

“Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”

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

International law is explicit, fundamental, inviolable, and sacrosanct.

A Final Comment

On July 10, a [Haaretz](#) editorial headlined “Bury the report,” saying:

“The committee headed by former Supreme Court Justice Edmond Levy, in effect, annexed the territories to the State of Israel, when it recommended that all Israeli outposts be sanctioned.”

Since 1967, Israel institutionalized military occupation. International laws call it illegal. Nonetheless, Israel continues to “expropriate private, Palestinian-owned land and to classify hundreds of thousands of acres as ‘state land.’ “

Levy’s report turned international law on its head.

“Attorney General Yehuda Weinstein, who opposed the creation of Levy’s committee, has a responsibility to explain to Prime Minister Benjamin Netanyahu the profound international law implications of adopting the report’s recommendations.”

“Netanyahu must shelve the report and insist that the executive branch of his government enforce, without delay, the judicial orders regarding all of the outposts, starting with those built on private land.”

On July 10, a [New York Times](#) editorial headlined “Wrong Time for New Settlements,” saying:

Hopes for Palestinian self-determination look dim. Peace talks go nowhere. “Now comes another, potentially disastrous, blow.”

The Levy report recommended “scores of new settlements.”

“Most of the world views the West Bank....as occupied territory and all Israeli construction there as a violation of international law.”

So said the World Court, Fourth Geneva, and Security Council Resolution 242.

Levy’s recommendations also violate past Israeli Supreme Court rulings. In 1979, it prohibited expropriating land for “military needs,” in fact, earmarked for settlement construction.

Rarely does The Times take a principled stand for Palestine. It blew its cover this time.

It expressed concern about possible “international anger at Israel” (and) divert(ing) attention from Iran” (when) sanctions and negotiations (target its) nuclear program.”

Even the editorial headline was disturbing. It’s never the right time to do the wrong thing.

For decades, Times articles, op-eds, and commentaries spurned Palestinian rights in deference to Israel. Reporting nearly always is one-sided. Media scoundrels institutionalized it.

Levy’s outrageous recommendations prompted The Times response. It reflects support for Israel. It’s concerned only about what harms its status and US imperial interests.

Those issues aside, Palestinian rights be damned.

Haaretz also fell short. It expressed concern about legitimizing illegal outposts. Doing so it said effectively annexes the Territories to Israel.

The Times and Haaretz missed the key point. Israel’s entire occupation of Gaza, the West Bank, and all of Jerusalem (East and West) is illegal.

Under international law, Palestinians are entitled to all land within pre-1967 borders, but more than that. The 1947 Partition Plan gave them 42% of historic Palestine.

Jerusalem in its entirety remains an international city.

In 1987, Francis Boyle drafted Palestine’s Declaration of Independence. On November 15, 1988, the Palestinian National Council (PNC) adopted his Memorandum “proclaim(ing) the existence of the new independent state of Palestine.”

Most nations recognize its status. It also deserves de jure UN membership. It qualifies in all respects. It's recognized under UN Charter article 80(1) and League Covenant article 22(4).

As the League's successor, the General Assembly has exclusive legal authority to designate the PLO as the Palestinian peoples' legitimate representative.

The Palestinian National Council (PNC) is the PLO's legislative body. It's empowered to proclaim an independent Palestinian state. The General Assembly will recognize it.

It has sole authority to do so by a two-thirds majority. The Security Council only recommends admissions. It can't veto them.

Major media reports exclude explaining all of the above and more. These and other vital issues aren't addressed. They won't be fully and accurately in future articles, commentaries or editorials.

Nor will demands be made to enforce international law with teeth.

Rare major media support for Palestinian rights falls short by excluding what's too important to omit.

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