Preempting ICC's decision to invent 'Palestine'

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By [Maurice Hirsch](https://www.israelhayom.com/writer/maurice-hirsch/)

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On the morning of June 5, 1967, Israel carried out a massive preemptive strike against its enemies. The strike decimated the air forces of Egypt and Syria, both of which were planning to launch an unprovoked attack. The preemptive strike saved Israel from destruction.

Fifty-two years on, Israel needs to carry out another preemptive strike.

For the last few months, the International Criminal Court's Pre-Trial Chamber has been weighing its decision regarding whether to invent a "State of Palestine" and set its borders.

The court was created to hold the most heinous of offenders responsible for their actions, in instances where national courts were either unwilling or incapable of dispensing justice. Entry to the court is limited to states.

In December 2019, the ICC prosecutor, Fatou Bensouda, submitted a request to the court regarding the "situation in Palestine." In her request, she asked the court to recognize the existence of the State of Palestine and to set its borders.

While the existence of a state is usually a matter of simple fact, Bensouda needed no fewer than 120 pages to explain why she believed the court should invent the "State of Palestine" and decide that its territorial borders include the West Bank, eastern Jerusalem, and the Gaza Strip. Her factual and legal acrobatics, sometimes self-contradictory, were no less than miraculous.

In order to invent the state that does not exist, and has never existed, Bensouda needed to complete a complex puzzle.

On the one hand, she had to negate or ignore critical documents that designated for Israel all the areas she now claims to be part of the "State of Palestine." These documents include the Balfour Declaration; the decisions made by the allied forces in San Remo, Italy, following World War I; and the League of Nations Mandate for Palestine. All these documents reaffirmed the historic connection of the Jewish people to the area from the Jordan River to the Mediterranean Sea and granted that area to the Jewish people for its future state.

On the other hand, she needed to discount or negate every action of the Arabs that would undermine her theory.

She had to discount the Arab rejection of UN General Assembly Resolution 181 – AKA the UN Partition Plan; turn the 1948-9 Armistice Lines – which the Arabs demanded never be seen as borders – between Israel and the surrounding Arab countries, into borders; and negate clear provisions of the Oslo Accords that specifically deny the Palestinian Authority state status.

These acrobatics were possible because the proceedings against Israel are not founded in either fact or law, but are entirely politically motivated.

Having failed miserably to destroy Israel by military force or waves of terror, the Palestinians decided to abuse the ICC and turn it into the latest arena for Palestinian "lawfare."

On this course, the Palestinians were building on the many years of demonization of Israel by numerous hostile organizations that operate within Israel.

First among these are the plethora of UN organizations that operate in Judea and Samaria, the area they define as the "occupied Palestinian territories." These organizations do not care that this land was designated to be part of the Jewish state by the international decisions that have never been revoked, or that the lands were never governed by the Arab "Palestinians," or that Israel liberated these areas from illegal Jordanian occupation.

Thus, as the ICC ponders whether to invent a Palestinian state in the "occupied Palestinian territories," the court is merely adopting the politically biased stance of the hostile UN organizations.

To combat and balance this bias, Israel should carry out a political preemptive strike by informing the United Nations that should the ICC decide to invent "Palestine," all UN staff in Israel will be declared personae non gratae.

First on that list would be the UN Secretary-General's Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, who recently called for "Palestinian unity" against Israel. While this call may seem innocuous to some, in practice Mladenov called for PA leader Mahmoud Abbas' Fatah Party to join hands with the internationally recognized homicidal terror organization Hamas to fight Israel. When Mladenov sided with Hamas, he proved himself unworthy to hold any UN position related to Israel.

Next, Israel should demand that the United Nations immediately vacate the Governor's Palace compound in Jerusalem's Armon Hanatziv neighborhood. The compound is home to the United Nations Truce Supervision Organization, the UN force created to monitor the 1949 armistice lines. If the ICC invents "Palestine" and sets its borders, thereby nullifying the armistice agreements, there is no need whatsoever for this UN force to remain in Israel.

Accusing Israel of committing "crimes against humanity" is simply ludicrous. A political decision of this nature should be met with a harsh political response. Removing from Israel the hostile UN agencies responsible for creating the fiction of "Palestine" would be a good start.