

The UN General Assembly Drags Israel to the World Court

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The United Nations General Assembly (UNGA) voted last week to refer Israel to the International Court of Justice (World Court) for its on-going violation of the right of the Palestinian people to self-determination in the occupied territories of the West Bank and Gaza and for adopting measures aimed at altering the demographic composition, character and status of the holy city of Jerusalem.

Before we analyse the significance of the vote, let us probe the actual voting pattern. 87 states voted to refer Israel to the World Court. This represents almost all the Muslim majority states including those that had recently established diplomatic relations with Israel. It shows that on this issue at least, the diplomatic manoeuvres of Israel and its backers have not helped the Zionist state. Other largely non-Muslim majority states in Latin America, Africa and Asia also endorsed the resolution. It is notable that both China and Russia supported the move to haul Israel before the World Court. 26 countries voted against the UNGA resolution. Among them were of course the US, Britain and a number of other Western states. A huge number — 53 — also abstained. India which at the time of the creation of Israel in 1948 was in the forefront of the struggle to defend the rights of the Palestinians was one of the abstentions. Its growing ties with Israel, especially in the military sphere have often been cited as the main reason for this change in attitude.

The Indian stance does not in any way nullify the significance of the vote for the resolution. The UNGA is asking the highest jurisdictional authority in the world to state its stand on Israel's conduct as the Occupying Power over lands it has held in its grip for the last 55 years. Right from 1967, the UNGA has viewed Israel not only as an Occupying Power but has also demanded that Israel withdraw from the West Bank and Gaza. Needless to say, Israel has ignored this plea. It is worth observing that this time the UNGA's request is being made when Israel is led by perhaps its most extreme right-wing government which has pledged to pursue policies that will undermine even further what little is left of the rights of the Palestinian people and demolish even more the Christian and Muslim features of Jerusalem.

By asking the World Court to examine Israeli behaviour in the Occupied Territories, the UNGA is telling Israel that it is under scrutiny. It is holding Israel accountable. It is forcing a rogue state to behave properly — a State that since 1948 has refused to abide by the norms and standards of conduct that all states are expected to uphold.

If the World Court concurs in essence with the UNGA resolution that Israel has violated the right of the Palestinian people to self-determination and has attempted to alter the character of Jerusalem, how would the Israeli government under Benjamin Netanyahu respond? Going on the basis of his past and present conduct, it is almost certain that he will ignore the World Court's position and even rail against the body just as he has condemned the UNGA for its recent resolution. In other words, there will be no change in Israeli behaviour in the Occupied Territories or in Jerusalem. After all, in 2004 the World Court had already ruled that Israeli settlements in the Occupied Territories were in breach of international law but Israel continued to expand the settlements which today house about 700,000 Jewish settlers.

But this should not in any way diminish the usefulness of going to the World Court or working through the UNGA. These are important routes to take for at least two reasons. One, they reveal that Israel is the real problem and that it is this problem that has to be resolved in the interest of genuine peace. Two, by harnessing support from UN member states and UN agencies, the Palestinian cause is enhanced. It strengthens the Palestinian position as it confronts not just Israel but its principal backer, the US and a number of European states, sometimes joined by Japan and South Korea.

It is perhaps at this juncture that we should examine briefly Palestine's relationship with the UN. It has been ambivalent at best. It was the UN under the influence of the US and other Western powers that presided over the unjust partition of historical Palestine in 1948 giving the less than 30% Jewish population two-thirds of the land while the 70% Palestinian majority comprising Muslims and Christians was awarded the remaining one-third. There was no plebiscite to determine how the people — the entire population — felt about the proposed partition. By ignoring the people's feelings, the UN in effect transgressed its own Charter.

But after Israel seized Gaza and the West Bank including East Jerusalem in 1967, UN resolutions — as we have seen — clearly recognise Palestinians living in those territories as victims of Occupation. It should also be emphasised that through various resolutions the UN continues to recognise the right of the Palestinian people to self-determination, national independence and sovereignty. Besides, since November 2012, Palestine is a non-member observer state of the UN General Assembly.

The UN also looks after Palestinian refugees. The United Nations Relief and Works Agency (UNRWA) provides education, health relief and social services for over 5 million Palestinian refugees in Jordan, Lebanon, Syria. Gaza and West Bank, including East Jerusalem.

Palestine's relationship with the UN is one wrapped in obligations, responsibilities, rights and aspirations. It has had its ups and downs. But it should continue to be viewed as one of the many channels through which the Palestinian people seek to secure their justice, freedom and dignity.

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