



PERSPECTIVES

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“The Occupation” – How the EU Discriminates Against Israel

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EXECUTIVE SUMMARY: Why does the EU single out Israeli “occupation” over other “occupations”? Because anti-Israeli, pro-Palestinian positions are one of the few rallying cries that unite Europe.

The European Commission, the executive and bureaucratic arm of the EU, has an excellent search function with which to find and sort decisions and reports from among the hundreds of thousands of documents it produces.

Such a search can be incriminating.

Ostensibly, the European Commission is committed to fair, indiscriminate treatment of political actors both within and without the Union. It allegedly interacts with all equally, on the basis of respect for human rights, social justice, and equality.

It sees itself and the Union it serves as a champion against occupation by outside powers over territory not their own and conquered by force. As the same time, it is a champion of equal treatment of states outside the Union.

Israel is deemed by the EU as an occupying power even though some of the greatest legal minds in international law, such as Elihu (Hirsh) Lauterpacht (a center for international law at Cambridge University is named after him) and Eugene Rostow (a former dean of Yale Law School and Under-Secretary at the Department of State) question whether Israeli rule in the West Bank – rule that resulted from Jordanian aggression – was ever in fact an occupation, as sovereignty over the areas was never recognized by most states.

Only Great Britain and Pakistan recognized Jordan’s annexation of the West Bank in 1950, which constitutionally to this day has never been abrogated by

the Hashemite Kingdom of Jordan. "The West Bank" was the name given by Jordan to replace the British Mandate's designation of the area as "Judea and Samaria," Anglicized versions of the Biblical "*Yehuda ve-Shomron*."

But let us assume for the purposes of this exercise that Israel occupies the West Bank. Turkey militarily occupied northern Cyprus in 1974. China occupied Tibet in the 1950s. Morocco occupied parts of Western Sahara in 1977. What's more, "occupation" continues in all three places.

Like Israel (again on the assumption that the Hebrew biblical lands of Judea and Samaria are Israeli-occupied territory), all three of these other states have colonized the contested lands – China and Morocco massively so; Israel and Turkey on a much smaller scale relative to the existing populations.

There is of course a crucial difference. Only Israel has a deep historical claim to the area it "occupies." The 24 books that make up the Jewish Scriptures (the Bible, the Prophets and Scriptures) refer to "Judea and Samaria," the Jewish tribes that inhabited them, and the places they inhabited in the area hundreds of times. So frequently are they mentioned, indeed, that it is abundantly clear that Judea and Samaria were the centers of Jewish life and politics for thousands of years.

Let us now take a look at the search function on the European Commission's internet site. (The phrase "military occupation" was used by this author rather than simply "occupation" as the latter produces thousands of documents on work vocations.)

These are the results, entering in the relevant country names:

- Israeli military occupation – 85 results
- Turkish military occupation – 3 results
- Moroccan military occupation – 2 results
- Chinese military occupation – no results found.

Considering how proud the European Commission is that it treats all states fairly, it is hard to understand why Israeli military occupation receives nearly 30 times more consideration (and opprobrium) than Turkish occupation and colonization and over forty times more than Moroccan occupation. It also prompts the question of why the Chinese colonization of Tibet is not viewed as an occupation at all.

Just to confirm that my findings were not arbitrary, I searched the terms "Tibet" and "Palestine." For the former, 224 documents came up; for "Palestine," over 20,000.

What explains this deviation from the EU's professed impartiality, fairness, and equality? How could an EU that brings together citizens of countries whose roles in the Holocaust ranged for the most part from the barbarous (Germany) to the infamous (Poland, the Baltic States, the former allies to the Axis powers) so clearly discriminate against the Jewish state?

Geopolitics – the politics of power (which so much of EU rhetoric tries to deny) – is certainly behind the kid glove treatment of China and the partiality toward Turkey. But it hardly explains the Moroccan case, especially given the weakness of Arab states for the past three decades at least.

The answer is that the deeply divided European Community has one issue over which it can clearly rally – faulting Israel, the Jewish state. Disturbingly, just as “Juden Raus” rallied the peoples of Europe in the 1930s – to Palestine, they commanded, as the late novelist, Amos Oz, often said – now they rally around “Juden Raus” – Jews, get out of Judea and Samaria.

The European Community claims to be committed to peace in the Holy Land. Peace is only going to be achieved on the basis of recognition that Israel has deep-rooted historical rights to the West Bank, which it secured in a war Jordan initiated in its bombardment of western Jerusalem on the first day of the Six-Day War.

The importance of recognizing these rights falls mostly on the Palestinians. However, the EU can play an important role in facilitating that recognition, without which there will be no peace in the Holy Land.

This is an edited version of an article that appeared in the Jerusalem Post.

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