

REPLY TO THE UK METHODIST CHURCH CONCERNING:

A REPORT OF THE ISRAEL/PALESTINE WORKING GROUP

<http://www.methodist.org.uk/downloads/conf10a-14-pal-israel-160211.pdf>

1. ISRAEL'S LEGAL POSITION

The above 2010 Conference Report (CR) repeatedly uses the terms 'occupation' and 'illegal'. These terms are used for example in the following Conference Resolutions:

"to consider and develop further ways in which the Methodist Church of Great Britain and its people ... can work for an end to the Occupation ..." (Res 14/8)

"The Methodist Conference notes the call¹ of the World Council of Churches (WCC) in 2009 for an international boycott of settlement produce and services ... and calls on the Methodist people to support and engage with this boycott of Israeli goods emanating from illegal settlements." (Res 14/9).

So the Methodist Church is calling on its rank and file members to take action against Israel's position. But some Methodist Churches, and many other Christians, read the situation differently.

The CR appears to rest heavily upon international legal opinion, and particularly upon the Advisory Opinion of the International Court of Justice (ICJ) 2004 (comprised of 15 international judges). This would seem a safe legal position for the Church to adopt since the ICJ is the UN's highest legal body (both the UN General Assembly and the UN Security Council look to the ICJ for legal advice). The Methodist Church also sees support for its position from EU law by noting that the EU-Israel trade agreement does not apply to products from the occupied territories.

The 2004 ICJ Advisory Opinion dealt with the legal implications of building a wall on the West Bank and the court declared the wall illegal. To counter this ruling, Israel maintains it only built the wall/fence to defend its citizens from Palestinian attacks and suicide bombings that had taken nearly 1,000 Israeli lives (this is acknowledged in 5.3.1). More background on this is given at http://www.jewishvirtuallibrary.org/jsource/talking/31_icj.html. Israel maintains that no court or international organization has the authority to determine how Israel protects its citizens. This very reasonable point is not made in the CR, and weakens the case for resting on the ICJ.

The terms 'occupation' and 'illegal'

The CR provides a timeline of historical events but section 4.4.1 omits a crucial event around 1948. In 1946 the League of Nations was dissolved and its assets and duties transferred to the UN. So the 1922 British Mandate Trust for Palestine was transferred to the UN (article 80 of the UN Charter). This Mandate included Gaza and today's 'West Bank' (up to the Jordan) and so at this time these areas were legally mandated as part of the Jewish homeland and Jews could settle anywhere between the Jordan and the Mediterranean Sea. Legally, at this time these areas had never

¹ <http://www.oikoumene.org/en/resources/documents/central-committee/geneva-2009/reports-and-documents/report-on-public-issues/statement-on-israeli-settlements-in-the-occupied-palestinian-territory.html>

formally been allocated and were strictly *unallocated Palestine Mandate territory*². So there was no concept of 'occupation of illegally owned land'. This should be pointed out in the CR.

Shortly after the Jews proclaimed an Independent State of Israel in May 1948, five Arab armies (Egypt, Syria, Jordan, Lebanon and Iraq) invaded Israel (the 1948-49 war). At the end of the war, Egypt held Gaza and Jordan held the West Bank (Judea and Samaria) and east Jerusalem. Jewish communities in the West Bank that had existed prior to the Arab invasion were demolished, as was the Jewish quarter of the Old City of Jerusalem. From 1948-67, the city was divided between Israel and Jordan.

The taking by war of Palestinian Mandated territory and subsequent occupation and annexation between 1949 and 1967 by Arab countries is not made apparent in the CR. Rather, the CR insists that the 1967 6-day war "culminated in the Occupation of East Jerusalem and the West Bank" by Israel (section 4.4.4). The CR would be a fairer summary if it pointed out that between 1949 and 1967 the Arab countries annexed the West Bank and E. Jerusalem only by war (as admitted in the VEOLIA document) *and that in 1967 Israel merely took back the Mandated Land*.

It seems biased and inconsistent that, in 1967, UN Resolution 242 called upon Israel to withdraw from 'occupied territories' whilst the UN ignored the fact that Mandated Land was held through war by Arab nations from 1949!

UN Resolution 242

The 1967 UN Resolution 242 called for the "Withdrawal of Israeli armed forces from territories occupied in the recent conflict". It did not demand that "Israel pull back to the 1967 lines". Lord Caradon, the British Ambassador who drafted the resolution said:

"It would have been wrong to demand that Israel return to its positions prior to June 1967 (i.e. to the 1948 Armistice Lines) because those positions were undesirable and artificial."

Similarly, Arthur Goldberg, a drafter of Resolution 242 repeatedly stated that:

"... the armistice lines of 1948 were intended to be temporary ... this, of course, was particularly true of Jerusalem. At no time ... did I refer to East Jerusalem as occupied territory."

This view is supported by Prof. Judge Schwebel (former President of the UN ICJ) who states:

"The armistice agreements of 1949 expressly preserved the territorial claims of all parties and did not purport to establish definitive boundaries between them."

Given these UN statements regarding the pre-1967 war boundaries (the "Green Line"), the CR should be wary of adopting the current international cry of 'occupation' and 'illegal'. The boundaries were clearly "artificial" and "temporary" but this and the Mandate seems to have been conveniently forgotten by the international community.

² Prof. Eugene V. Rostow, Undersecretary of State to Lyndon Johnson and Professor Emeritus at Yale Law School

4TH Geneva Convention

The CR position on Israel also rests upon the 1949 4th Geneva Convention. Article 49(6) states: "The occupying power shall not deport or transfer parts of its own population into territories it occupies". Israel is accused of violating the Convention in the West Bank. This legal argument relies upon the concept of "occupation of a legally owned land", but, as pointed out above, this is still disputed in international law since no Arab nation or 'Palestinian People' ever legally owned the West Bank and consequently Israel never legally 'occupied' it! The right of Jews to settle in the West Bank is protected by Article 80 of the UN Charter. So, again, it can be argued that the CR is weak here when the full historical and legal facts are considered.

Gaza

On behalf of the UN Human Rights Council, Judge Richard Gladstone made his 'fact-finding' tour of Gaza after Israel's 2008/2009 offensive against Hamas. He reported that there was evidence of potential war crimes and possible crimes against humanity by both Israel and Hamas. In section 7.4.1 the CR states:

"The Methodist Church expresses its concern that the Goldstone report has been rejected by parties to the Gaza conflict and believes that the recommendations of the report should be implemented in full."

Unfortunately, Gladstone has now accepted that there is *no evidence* of Israel targeting civilians, whereas Hamas purposefully and indiscriminately targeted civilians³. The UN now finds "Israel has dedicated significant resources to investigate over 400 allegations of operational misconduct in Gaza" while "the de facto authorities (i.e., Hamas) have not conducted any investigations into the launching of rocket and mortar attacks against Israel."

So it seems that the CR should avoid using the Goldstone Report since it has since proved inaccurate.

2. PALESTINIANS & PALESTINIAN REFUGEES

The CR uses, without justification, the term 'Occupation of Palestinian territory' (section 2.1). The legality of 'occupation' has been discussed. What about 'Palestinian territory'? Historically, although Muslims dominated Palestine at the start of the 20th century, there was no distinctive "Palestinian people". Historian Richard Hartmann claims that the inhabitants didn't share a common Arab identity but were an ethnic mix of Balkans, Greeks, Syrians, Egyptians, Turks, Armenians, Italians, Persians, Kurds, Germans, Afghans, Bosnians, Sudanese, Algerians and others. Prof. Bernard Lewis claims that the land was not a "country" and had no frontiers, only administrative boundaries.

So naturally the 1922 Mandate didn't recognise the existence of a "Palestinian people" (there was no such group) but instead referred to the local Arab population as *existing non-Jewish communities*. Article 2 of the Mandate safeguarded the civil and religious rights of all inhabitants of Palestine irrespective of race or religion, but it did not identify a Palestinian people. The concept of a "Palestinian State" seems to have come to prominence in response to the Mandate and provides

³ R. Gladstone. The Washington Post, April 2011

a political and humanitarian reason to oppose Israel. Even as late as 1947, the UN Palestine Partition Plan referred only to the creation of an Arab (rather than a “Palestinian”) State. So the CR should be more historically accurate and perhaps refrain from using the term ‘Palestinian territory’ (see for example <http://www.imninalu.net/myths-pals.htm>).

Refugees

The CR states that, around 1949, “750,000 Palestinians (were) forced from their country” (section 4.4.1). But it omits the fact that at this time over 800,000 Jews were forced to leave Muslim countries after their property was confiscated, and that in 1949 Israel offered to repatriate 100,000 Arab refugees - but this was rejected. It is ironic that Palestinians that stayed in Israel have rights: they received full Israeli citizenship. As of 2002 there were 980,000 Arab Israeli Citizens (mostly Muslim, some are Christian) who have the right to vote and have parties of their own represented in the Knesset⁴.

As stated, according to the British Mandate (now Article 80 of the UN Charter), Article 2 safeguarded the civil and religious rights of all inhabitants of Palestine. So the refugee problem need never have happened, and only arose when Arab leaders rejected the new State of Israel in 1948 and *encouraged* the Arabs to leave Israel prior to the Arab nations ‘purging the land of Jews’. So, to balance the discussion, this point should be mentioned alongside the detailed comments about Palestinian suffering.

Overall, the CR needs to present a more balanced view on Palestinian refugees.

3. A 2-STATE SOLUTION?

Whilst the CR has no explicit discussion of a 2-State solution, it frequently uses phrases like “bring to an end the Occupation”, as in Res 14/7. The implication is that it looks to a 2-State solution to solve the conflict and plight of the ‘Palestinian’ people.

Historically there have been several attempts at a 2-State solution. The Peel and Woodhead commissions of 1937 and 1938 recommended partitioning Palestine into a small Jewish state and a large Arab state, *but this was rejected by the Arab leadership*. Then in 1947 the UN General Assembly adopted a partition plan (UN Resolution GA 181) that partitioned Palestine equally into an Arab state and a Jewish state. The Jews accepted the UN resolution *but again the Arabs rejected it*.

Legally, it is internationally recognised that the UN General Assembly can only *recommend* the establishment of a Palestinian State (as Resolution 181 recommended the establishment of the Jewish State in 1947). It is up to States themselves to assert state-like-control over their territory and affairs. The 1988 Algiers declaration of Palestinian Statehood (as referenced in section 4.6.2) proved ineffective because the PA and the PLO could not meet the criteria for control⁵. Can the current PA control the various Arab factions (Fatah, Hezbollah, Hamas, al-Aqsa Martyrs and al-Qaeda)?

⁴ <http://www.factsofisrael.com/en/history.htm>

⁵ Ed Morgan, Professor of Law, University of Toronto, 2011

So it can be naive to assume a 2-State solution within Palestine Mandate territory is the answer; Arabs have rejected it before and seem to have difficulty exercising sufficient control. More importantly, the Bible appears to speak against such a solution:

“And I will enter into judgement with (the nations) ... they have also *divided up* My land” (Joel 3.2)

Most agree that this prophecy applies to the time when Christ comes again. So the nations will have to answer for dividing up the Promised Land, as in a 2-State solution. It does not appear to be good policy for the Methodist Church to support a 2-State solution!

A Paradox: Peace with, and non-recognition of, Israel

In the wake of the Arab defeat in 1967, eight Arab heads of state attended an Arab summit in Khartoum, Sudan (August 29 - September 1, 1967). It formulated the Arab consensus that underlay the official policies of most Arab states for the next two decades and beyond, with the exception of Egypt: "No peace with Israel, no recognition of Israel, no negotiations with Israel."

To a degree this continues today; PA negotiators are still opposed to the characterization of Israel as a Jewish State⁶. The founding document for Hamas is the 1988 Hamas Covenant, which denied the existence of Israel and called for the destruction of the Jewish state⁷. Hamas has now dropped this aim from its manifesto and replaced it with the aim of establishing an independent Palestinian State whose capital is Jerusalem. The new aim is still totally unacceptable to Israel.

Commentators have made another important point: to accept the existence of a Palestinian Arab state, Israel or Zionist ideology does not have to make any change whatsoever in its world view. It is not exclusionary. Palestinian nationalism is. For it to accept the existence of Israel - in real terms or even by signing a final peace treaty - requires a political and intellectual revolution⁸!

So again it is paradoxical and naive for the CR to call for “*Muslims, Christians and Jews, wherever they may live within Israel/Palestine, to be able to freely travel to and peacefully worship at their holy sites*” (section 7.4.1). Rather, the CR should be calling for the PA to recognise Israel as a Jewish State. No progress will be made until this happens.

4. ISRAEL’S THEOLOGICAL POSITION

CR Resolution 14/5 underscores the need “to undertake further work on the theological issues, including Christian Zionism”. This is to be welcomed since, like the Anglican Church, the CR appears to take a liberal view of certain quite clear scriptures in order to fall in line with secular thinking. The central issue seems to be the promises of the Abrahamic Covenant. Concerning these, section 3.5 says:

“We must ask the question how and for whom. In short, who can legitimately claim to be Abraham's descendants and hence heirs to the promises? Since the patriarch is claimed by all three monotheistic religions – Christianity, Islam and Judaism – does it follow that all three are legitimate inheritors of the covenantal promises? Does it matter that the Jewish people were the first to receive the promise?”

⁶ <http://arielzellman.wordpress.com/2011/02/21/palestine-papers-the-pa-and-the-jewish-state>

⁷ <http://www.askisrael.org/facts/gpt.asp?fid=17>

⁸ http://www.worldsecuritynetwork.com/showArticle3.cfm?article_id=17950&topicID=28

And section 3.6 says:

“It sits uncomfortably with many modern Methodists to imagine a God who singles out individuals or groups in order to promise possessions.”

So the essential questions are ‘who are Abraham’s covenant descendants’, and ‘why was a particular people group singled out for special possessions?’ Assuming the Methodist Church bases its theology solely on the Bible, we can reply to these queries as follows:

- God promised by covenant that He would give all the land of Canaan (modern Israel) to Abraham and his descendents. This was 'forever'. (Gen 17.7,8)
- The covenant was established through Isaac and not through Ishmael. So the Jews are the true descendents of Abraham in the covenant sense and they keep this covenant through circumcision. (Gen 17.10,20,21)
- The covenant people (national Israel - the twelve tribes) have been chosen by God to be His witnesses and servant in the world. They are a special people through whom God will make a name for Himself. (Isa 43.1,10)(2 Sam 7.23)
- Through this people all the nations of the earth will be blessed - a reference to the Messiah, Jesus. (Gen 22.18)(Acts 3.25)
- In the last days God will take scattered Israel (the 12 tribes) from among the nations and bring them into their own land. (Jer 30.3)(Ezek 37.21)(Zech 8.7,8)

It has to be asked why the Methodist Church has to muddy the waters when these texts are quite clear and are being fulfilled before our eyes. The theme of the CR appears to be ‘compromise with the world and muddy the truth’! It appears to already echo the Kairos call “to re-visit fundamentalist theological positions which support unjust political options” (section 6.1).

Covenant Responsibilities

It is true that “at the very heart of the Hebrew Bible’s concept of covenant is the notion of a relationship and with it, a set of responsibilities” (section 3.6). And it is tragic that, as the CR points out in great detail, there is much suffering in Israel/Palestine.

The Bible instructs the people of Israel how they should treat foreigners (non-Jews). Old Testament Israel was commanded to love foreigners and to let them live normal lives amongst the Israeli people (Deut 10.19):

"When a stranger resides with you in your land, you shall do him no wrong ... (he) ... shall be to you as the native among you, and you shall love him as yourself ..." (Lev 19.33,34)

This instruction is timeless and applies to future Israel. Taking a ‘millennial’ view of the prophecy, once Israel has returned to her land, the land is divided up amongst the tribes of Israel and the stranger amongst them is also ‘allotted an inheritance’:

"And they (strangers) shall be to you as the native-born among the sons of Israel; they shall be allotted an inheritance with you among the tribes of Israel." (Ezek 47.22)

So this care of the foreigner applies *now*. During an interview in 1989, Ariel Sharon was asked: “Do you think of Arabs as your friends, neighbours, your enemies?” He replied:

"From my childhood, I have believed Jews and Arabs can live together, and I believe now they should live together. All the rights to this country, to the land of Israel – especially Judea and Samaria – are Jewish ... but everyone who lives in the country should have all the rights of the country". [Ariel Sharon, TIME, April 1989]

Unfortunately, as long as Arab countries refuse to recognise Israel and continue to attack her, such cohabitation would seem to be impossible.

CONCLUSIONS ON THE REPORT OF THE ISRAEL/PALESTINE WORKING GROUP

The 2010 Methodist Conference Resolutions appear to fall in line with the international and WCC view on Israel, namely, that Israel has a right to exist but is illegally occupying land, causing great hardship, and must return to the pre-1967 borders. The legality of such a stance has been questioned, along with the historical accuracy/honesty of the CR.

The CR avoids detailed discussion of the need for a two-state solution, but strongly implies it. Some hope that this will provide a mechanism of peaceful co-existence (an aspiration of the CR). But given the current PA leadership this hope appears naive.

The debatable and somewhat biased arguments of the CR weaken the case for a call to Methodist people "to support and engage with the (WCC) boycott of Israeli goods emanating from illegal settlements." One could make a biblical and better case for actually *supporting* Israel, starting with Gen 12.3.

The CR appears to adopt a liberal and fuzzy theology in order to fall in line with the international view on Israel. This vague theological stance will only confuse the Methodist people which the CR aims to help. Whilst developing its theology on Israel and Zionism, perhaps the Methodist Church should ask itself if it is currently 'believing a lie' (2 Thes 2.11)!
