That’s Not How Any of this Works: Combating New Lawfare Front Against Israel at the U.N.

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We just sent a legal [letter](http://media.aclj.org/pdf/LTR-Guterres-1-10-18_Redacted.pdf) to the United Nations (U.N.) Secretary-General, António Guterres, regarding the latest attempts by the Palestinian Authority (PA) and its supporters to do at the United Nations what they have been unable to do anywhere and everywhere else: unilaterally create a would-be Palestinian “state.”

Under international law, when a group of nations come together to create a treaty, they will often deposit that treaty with the Secretary-General of the U.N. The Secretary-General then becomes responsible for maintaining the list of members. It does not take much for a state to ratify a treaty; as long as they agree to abide by its terms, they can generally sign it, even while announcing their reservations with regard to particular points. In fact, there are plenty of treaties that nations will sign, but never fully incorporate into their law. The treaty process is literally how international law is created. International law involves actual states, making actual decisions about the law, and working together to make the world a better place. It is not known as the law of organizations, but the law of nations.

However, the PA has once again tried to abuse the treaty process for its own political agenda. This is not the first time; in 2014, after walking away from negotiations with Israel, the PA decided to sign a large group of international treaties and conventions all at once. Their reasoning is that since treaties and conventions can only be signed by states, their being allowed to sign them is now proof that they are a state.

That’s not how treaties work. That’s not how international law works. That’s not how any of this works.

The very act of allowing non-state actors to “sign” on to treaties and conventions makes a mockery of international law. It not only belittles the important topics of those treaties, but it weakens their enforcement and cheapens their effectiveness.

For the reasons we have laid out in our various submissions to the U.N. and the International Criminal Court (ICC), international law requires a lot more to be a state. Still, in 2014 the PA was allowed to sign those conventions and treaties, over the express complaints of Israel and others.

This time, in response to President Trump acting under his constitutional and statutory authority to officially recognize the fact that Jerusalem is the capital of Israel, the PA is trying to misuse some very important conventions and treaties as part of their latest political stunt.

The PA signed things like the International Convention for the Suppression of Acts of Nuclear Terrorism; Protocol on the sale of Children, Child Prostitution and Child Pornography; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

These essential and imperative conventions are being used by the PA to score cheap political points. These conventions and treaties represent an international response to real life horrors like human trafficking, rape, child prostitution, and nuclear war; and this flippant use of them to score would-be political points must not be allowed. We notified the U.N. Secretary-General of this fact and made him aware that this kind of cheap ploy should not be allowed to move forward.

In addition, we note that the same Palestinian Authority that signed conventions and treaties on terrorism and torture is the same Palestinian Authority that is [joining](https://aclj.org/israel/pass-the-taylor-force-act-end-us-funding-of-palestinian-pay-for-slay-terrorism-against-israel) in a Unity Government with Hamas, a [recognized terrorist organization](https://www.state.gov/j/ct/rls/other/des/123085.htm) that has killed and threatened the lives of Israeli civilians for decades. If this doesn’t make you think twice about letting the PA sign onto something, then nothing will.

Our crucial legal [letter](http://media.aclj.org/pdf/LTR-Guterres-1-10-18_Redacted.pdf) to the Secretary-General is just one in the latest round of efforts by the ACLJ to protect Israel and the rule of law globally. Even now, ACLJ attorneys are drafting briefs for the International Criminal Court (ICC) and its Office of the Prosecutor (OTP) on how this continued international aggression towards Israel, lawfare, and the abuse of international bodies to try and score political points, cannot be allowed to continue.