

Israeli-UAE Normalization – A Loss for Public International Law in the Middle East

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The recent agreement moving towards full diplomatic relations between Israel and the United Arab Emirates, and Israel and Bahrain, serves those governments well. The UAE and Bahrain have become only the third and fourth Arab countries to open diplomatic ties with Israel, strengthening shared efforts to weaken both Iran and the Islamist groups which they see as a regional threat. For Israel, normalization with the UAE will markedly expand its exposure to the contemporary Arab world.

With so much conflict in the world, new diplomatic normalization in the Middle East evokes optimism, and appropriately so. Yet this pending set of pacts also highlights the unfortunately diminishing relevance of public international law in the Middle East, and more generally. Be it the status of Palestinians and their territories, or the tragic, ongoing Syrian refugee crisis, the Middle East showcases the paralysis of key political goals of contemporary international law.

In the UAE-Israel deal, Abu Dhabi breaks with decades of Arab policy by rewarding Israel merely for suspending its announced expansion of ongoing violation of international law in the West Bank. Israel's plan to formally annex portions of the West Bank, occupied militarily since 1967, violates international law against seizing territory gained through war, and specific United Nations legal resolutions. While the growing number of government-sponsored Jewish settlers in the West Bank has encouraged some Israelis to formulate positions justifying settlements, the United Nations and every country other than Israel, and the US until November 2019, has continued to consider such settlements illegal.

Despite global consensus on the illegality of West Bank settlements, the UAE did not tie diplomatic normalization to improving Palestinians' status. Rather, Abu Dhabi agreed to full relations with Israel so long as the latter avoids annexing portions of the West Bank directly. Emirati leaders argue, with some reason, that their diplomacy has likely forestalled a worse situation for West Bank Palestinians. Yet most Palestinians reject such reasoning, arguing that it effectively rewards an ongoing international lawbreaker for stopping at the brink of more flagrant illegality.

In this way, the UAE-Israel pact compounds the international legal system's failure to stem a steady pattern of illegality, in this case the appropriation of occupied Palestinian territory. Unfortunately, this is not the only example of this problem in the contemporary Middle East. After the Syrian Civil War created numbers of refugees unseen since the end of World War II, most major Western states have worked to reduce their admission numbers and tighten border security as to avoid granting claims for political asylum. This race to the bottom has called into question the efficacy and durability of international refugee law.

On the one hand, international law means to protect people from destructive challenges like war and forced statelessness. On the other, international law must take into account national sovereignty and domestic political considerations to achieve cooperation. In the absence of a definitive global

enforcement mechanism, the inherent tension in the international legal system has spawned remarkably diverse and useful norms and procedures. Yet, as we see in the Middle East today, this tension amplifies major issues of global political injustice.

With public international law looking especially weak today and in the Middle East particularly, what might reverse this trend?

If there is hope for buttressing relevant international law that helps marginalized Middle Easterners, it will come from efforts to diversify sources of enforcement and encouragement of the legal order. Relying on the leadership of a superpower such as the US has by and large not served to guarantee the enforcement of more challenging demands of public international law. This has only gotten worse under the presidency of an anti-globalist like Donald Trump. While a range of leaders can play an important role in reinvigorating the robustness of the international legal order, the trend towards heightened global authoritarianism suggests that other, non-state-centric initiatives are critical.

Other strategies for countering the broad contemporary challenge to public international legal norms are needed. For one thing, new transnational initiatives specifically around Palestinian well-being or Syrian refugee management that can supplement existing UN mechanisms can help. One example of this has been the [Jordan Compact](#), which has brought an international aid fund to Syrian refugees in Jordan, with the specific goal of creating economic opportunities for both Syrians and Jordanian citizens. The potential of such initiatives is that they can receive and disperse new funding and functions more efficiently than the overall UN system.

A second option is loose, regional initiatives. The reconfiguration of regional politics in the Middle East, a trend represented by the UAE-Bahrain-Israel accord, could inspire new ways of conceiving incentives and pressures around more regionally appropriate solutions to regional problems. With respect to refugees, Middle Eastern states have demonstrated concern for, or hosted displaced people, even though most have not signed the 1951 Convention Related to the Status of Refugees.

A third approach is new effort by global legal experts and concerned citizens to step up campaigns to pressure organizations and governments to observe international law. A traditional argument of human rights advocates is that publicizing clear national violations of international law raises the cost of state oppression. The proliferation of government-aligned organizations, social media, and violations of citizen rights generally has made shaming governments more difficult. Yet the dangers of rising authoritarianism and increasing human misery augment the acute need for widespread popular attention to the need for more consistency around international legal standards.

The above ideas admittedly will take energy, creativity, and some luck, to work. Indeed, global economic crisis, authoritarian influences, and increasingly lengthy humanitarian challenges, such as those of Palestine and Syria, are formidable obstacles to a sea change in public international law. Yet the present moment of worsening conditions for vulnerable populations will not improve if well-meaning people throughout the world defer to the reasoning of governments, who, as the recent UAE-Bahrain-Israel agreements show, naturally embrace their sense of national strategic and economic interest in the face of the declining efficacy of public international law.