

OPINION

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PRO-CON

Is Airbnb wrong to bar Israelis from using its room rental services?



AP Photo/Tsafir Abayov

Moshe Gordon sits outside his guest house advertised in 2016 on the Airbnb international home-sharing site, in the Nofei Prat settlement in the West Bank. Israel's tourism minister, Yariv Levin, recently threatened Airbnb with higher taxes, restrictions and legal repercussions over its decision to remove listings from Israeli settlements.

PRO: Airbnb unfairly sides with Palestinians in the West Bank

WASHINGTON — “We are most certainly not the experts when it comes to the historical disputes in this region,” Airbnb stated in announcing that it would no longer list rentals by Israeli citizens in the West Bank. Airbnb’s modesty is commendable, but its ignorance is insidious.

Its policy for the West Bank subjects Israel to a singular global standard and reflects an all-too-common narrative about the Israeli-Palestinian conflict. By empowering one-sided Israel-haters, it also makes peace less likely, not more.

The West Bank is obviously disputed territory, but Airbnb sees the dispute only through Palestinian eyes.

After all, it isn’t leaving the West Bank. If you want a place to rent there, you can use Airbnb to find one that’s owned by a Christian or a Muslim. You just can’t find any of the 200 or so owned by an Israeli Jew.

Airbnb concluded that “Israeli settlements in the occupied West Bank” are “at the core of the dispute between Israelis and Palestinians.”

So, Airbnb believes, what’s not “at the core of the dispute” is the rejection of Israel’s right to exist that’s broadly shared among Palestinians and their leaders; or the incitement to violence against Jews on Palestinian TV and social media; or textbooks that teach Palestinian school children that a future Palestine should encompass all of what’s now Israel; or Palestinian claims that Jews have no historical ties to key religious sites in Jerusalem.

Interesting. So, too, is Airbnb’s apparent ignorance that Palestinians have rejected numerous offers of a state, including Israeli Prime Minister Ehud Olmert’s offer of 2008 that would have given the Palestinians about 97 percent of the West Bank and divided Jerusalem between the two sides.

Airbnb isn’t offended by territorial disputes per se. It operates in such disputed lands as the Western Sahara, Northern Cyprus, Kashmir and Tibet.

Nor is it concerned about the issue that lies behind such disputes, which is the human rights of those involved. That’s true for two reasons:

First, while Israel occupies the West Bank,

the Palestinian Authority runs it.

The successor to Yasser Arafat’s Palestinian Liberation Organization, the PA is headed by President Mahmoud Abbas, who was elected to a four-year term in 2005 and has prevented elections to his office ever since.

Though the PA routinely abuses the human rights of Palestinians, Airbnb has nothing to say.

Nor — while blaming the conflict on Israeli settlement policy — does it seem to care that, under Palestinian law, a Palestinian can face the death penalty for selling real estate to a Jew or that two Palestinians were sentenced last month to 15 years of hard labor for doing so.

Second, Airbnb has business in some of the world’s worst human rights-abusing countries.

In its 2018 “Freedom in the World” report, Freedom House lists 88 countries as “free” — that is based on their political rights and civil liberties.

Fifty-eight nations are considered “partly free” and 49 as “not free.” Airbnb conducts business in more than 190 countries so, by definition, it offers rentals in some of the world’s most abusive places.

Want to work for Airbnb? Check out its office in Beijing, the capital of China, where Xi Jinping is brutally “re-educating” Uighur Muslims in concentration camps.

Want a rental in one of Airbnb’s busier cities? Try Istanbul, showcase city of Turkey, where Recep Erdogan jails opponents and journalists under an increasingly autocratic rule.

What’s Airbnb’s real motive?

Well, the company announced its policy a day before Human Rights Watch was to report on its West Bank listings. It also was reportedly on a blacklist of companies operating in Israeli settlements that the U.N. Human Rights Council plans to issue.

So, what’s their brand, Airbnb is imposing a singular and wholly baseless standard on Israeli settlements in the West Bank. How inspiring!

Lawrence J. Haas, former communications director for Vice President Al Gore, is a senior fellow at the American Foreign Policy Council.



LAWRENCE J. HAAS

CON: Airbnb has no choice but to comply with international law

COLUMBUS, Ohio — Airbnb, the company that connects travelers with temporary housing, has announced that it will no longer list housing in Israeli settlements in the Palestinian West Bank.

In a press statement, Airbnb explained that it had studied carefully the status of the West Bank, which is territory of Palestine occupied by Israel.

“We concluded,” states the company, “that we should remove listings in Israeli settlements in the occupied West Bank that are at the core of the dispute between Israelis and Palestinians.”

Airbnb had 200 listings of available temporary housing in the West Bank.

The company’s concern that it was taking a side in a dispute of international significance is based on a longstanding view of the United States and other countries.

A commission appointed to study the matter and chaired by former U.S. Sen. George Mitchell, D-Maine, concluded in 2001 that “the freezing of Israeli settlement activity” was necessary if there was to be a hope of a negotiated Israel-Palestine peace. The settlements, moreover, are considered illegal by the international community.

The Fourth Geneva Convention of 1949 forbids a state that takes territory in warfare to plant its own people there. Israel took the West Bank in warfare in 1967.

At that time, Israel’s government consulted its own legal adviser, Theodor Meron, to see whether it would be legal to set up settlements in the West Bank. In a formal opinion letter, Meron replied that civilian settlement “contravenes explicit provisions of the Fourth Geneva Convention.”

Ignoring Meron, Israel helped thousands of Israelis settle in the West Bank.

That posed a problem for the United States, which gives Israel aid. Were we helping Israel do something illegal?

In 1978, members of Congress asked the White House if the settlements were legal. Herbert Hansell, legal adviser to the Department of State, wrote back that “the establishment of the civilian settlements in those territories is inconsistent with international law.”

Hansell explained, “Territory coming

under the control of a belligerent occupant does not thereby become its sovereign territory.”

That is the consistent view internationally. In 2004, the International Court of Justice said the settlements are illegal.

In 2016 the United Nations Security Council said they are “a flagrant violation under international law and a major obstacle” to peace.

U.S. companies like Airbnb that operate internationally are sensitive to being on the wrong side of the law.

The settlements would not be so harmful if they were small. But over three quarters of a million Israelis have been settled.

They take up territory that Palestine needs to be viable as a state.

That is why, as Airbnb says, the settlements are central to the overall Palestinian-Israeli dispute.

As a violation of laws of warfare, the establishment of settlements in occupied territory is not only illegal for governments, it is a crime for individual persons.

The treaty establishing the International Criminal Court at the Hague lists acts that constitute war crimes. The act of transferring civilians into occupied territory is on the list.

The International Criminal Court’s prosecutor in fact is currently collecting evidence with a view to leveling indictments against persons, presumably Israeli officials, for the West Bank settlements.

At the Hague court, criminal liability falls not only on direct perpetrators of war crimes, but on accomplices as well.

This meant that Airbnb executives were in jeopardy for being complicit with the Israeli officials who promote settlements.

Airbnb, by listing settlement properties as sites for housing, was benefiting financially and was helping Israel’s settlers financially, thereby solidifying the settlements. Airbnb understandably does not want its executives to have to worry about going to jail.

Israel has responded to Airbnb with threats to hurt its business elsewhere. Israel would do better to take a hard look at its own behavior.

John B. Quigley is a distinguished professor of law at Ohio State University’s Moritz College of Law.



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