

# **The Balance of Israel's National Security**

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## **Israel in the New International Environment: The Media and Legal Arenas**

### **Executive Summary**

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This document includes the findings and conclusions of the taskforce. It is a draft for discussion purposes and reflects the opinions of the taskforce members only.

## **Israel in the New International Environment: The Media and Legal Arenas**

The relations between the State of Israel and her Arab neighbors in general and with the Palestinians in particular, especially against the background of the two year old Intifada calls for a new look at the international environment which has a significant effect on the developments in the Middle East. Important traits of this environment are quite different to those of the past. The team chose to focus on two areas: the media and the realm of international law.

### **The Media:**

The media battleground is a major significant element in the conflict between Israel and the Palestinians. In this conflict, the media serves not only as a channel of information but also as the stage, backdrop and even occasionally as the leading actor and judge.

Along with its professional interests, the media reflects – perhaps primarily – the economic interests of its owners abroad and the personal-career interests of the journalists in Israel. Much of the Western media judges Israel with disproportional severity; and for a variety reasons, there is a tendency to present matters without any attempt to check them in depth. The Palestinians are perceived as a “David” fighting against the Israeli “Goliath”. Most of the journalists are not military correspondents and, therefore, do not always have a grasp of military considerations.

Other characteristics of the situation are: the reluctance of Israeli authorities to provide “attractive” material – even after terrorist attacks; lack of enthusiasm of senior Israeli officials to appear before the foreign media – in stark contrast to the willingness of senior Palestinians to appear before the cameras; a lack of understanding on the part of many Israeli policy makers of the fact that the traditional separation between statements for domestic

consumption and those meant for foreign audiences has virtually disappeared, due to the global presence and penetration of the media.

The State of Israel has not yet digested the fact that the media should be treated as a battle dimension in its own right (like land, sea and air). The top political level should take the initiative in setting the strategy for the battle. This strategy should include an offensive approach alongside the other approaches, taking maximum advantage of forces which are not yet sufficiently integrated, (e.g. the academic world, Women's associations), sanctions against media which take a hostile one-sided stance and adjusting the medium and the message to the audience (the US, Europe etc.).

Regarding the contents of Israel's message, it was agreed that an approach should not be based on the current events and the lone incident, but rather should integrate the historic context as much as possible. There is a need to create and Israeli "media product". Israeli public remarks should not limit themselves to defensive propaganda and should stress the importance of those values common to Israel's status as an "outpost of democracy" and the West. There were disagreements within the team regarding the wisdom of presenting a dichotomous world of "Good Guys" and "Bad Guys" or of stressing the element of a "War of Civilizations".

### **Developments in International Law:**

The most significant developments in international law are in the realm of "universal law". The team discussed the problem arising from the trend in West European countries to allow their courts to try foreign nationals for "Crimes against Humanity" even if they have no direct relation to either of the sides or to the territory in which the crime was alleged to have taken place. The team also discussed the development of the "Humanitarian Law" as an offshoot of the "Law of War" and of law of "Human Rights".

It was agreed upon that even though these developments make things difficult for Israel in the arena of international law, Israel must be careful not to abstain completely from involvement in the processes of international legislation. However, there were disagreements regarding the advantages or disadvantages of Israeli ratification of the Rome Convention.

Another matter which arose was that of the legal definition of the conflict between Israel and the Palestinians. While Israel defines the conflict as an “armed conflict”, the Palestinians and the Europeans do not accept this definition. This has a direct bearing on the legal attitude towards IDF activities. For example, “targeted liquidation”, is considered by Europeans as “extra-judicial executions”.

The practical meaning of these developments is that the Palestinians, some Arab countries, NGOs and even extreme left elements in Israel are preparing “dossiers” and even legal suits against senior Israeli military officers and Israeli political figures. Such acts may impede the free movement of senior officials abroad. The team recommended in this area – as in the area of the media war – not to restrict activities to defensive legal action alone, but to develop an offensive policy, take advantage of talents within the Israeli academic world and the intelligence community.

## **Conclusion**

The arenas of international media and international law are inter-related and have a mutual influence on each other creating a tendency toward delegitimization of the State of Israel. This danger is not fully understood by the authorities in Israel, which are occupied, by and large, with reactions and apologetics. There is, therefore, a need for a “strategic” policy initiative based on claims of historic rights and a “just cause”, and on linking up forces from various disciplines within the framework of a formal coordinating body and under the direction of the top political level.

[Back to Table of Contents](#)

