



Lauder School of Government, Diplomacy and Strategy
Institute for Policy and Strategy

The Fourth Annual Conference
The Balance of Israel's National Security

16-18 December, 2003

SETTING NATIONAL PRIORITIES

The United Nations Agenda and Israel

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Fourth Annual Herzliya Conference: The Balance of Israel's National Security

December 17, 2003

For years the prevailing Israeli attitude towards the UN was UM-SHMUM. Yes it's biased, but who cares. For an equal number of years, the US attitude towards the UN - though it has varied somewhat between administrations - has been to think it was a place easily manipulated, where the General Assembly was an irrelevant talking shop and everything that really mattered occurred in the Security Council over which it retained control.

The result of these attitudes was that Israel virtually never went on the offensive at the UN - it spent its time playing defense - and successive US administrations ignored large elements of what went on there, allowing the state department bureaucracy to play what it believed to be diplomatic parlour games.

The problem is that the harmless-looking baby crocodile, that some poor New Yorker recently thought he could keep in his apartment as a pet, grew bigger and ensuring it doesn't bite the hand that feeds it is no longer a simple matter.

The current US administration is still living in a state of denial about those teeth - believing it can have it both ways - in other words, that it can make use of the Security Council (or feed its credibility) when it is convenient, and turn its back on the UN apparatus when not. The evidence, however, indicates the appetite of the creature is just increasing, and it is no longer prepared to wait passively for its next meal.

Israel is that meal. For Jews and for Israel the UN stands as the single most pernicious element in international relations today. The enormity of the scandal and the threat should not be underestimated. The UN was founded in large measure on the ashes of the Jewish people. The Universal Declaration of Human Rights of 1948 - the UN's core statement of the centrality of human dignity to its mission - begins "Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind..." Only half a century later the victims of the Nazis are characterized by the UN as the Nazi-counterparts of the 21st century.

This transformation was incremental and at each step of the way the changes were thought either to be insignificant, or unfortunate by-products of issues of larger importance, or the requirements of the give and take of multilateralism. It began with the simple failure to acknowledge or condemn anti-semitism. A rash of anti-semitic incidents in 1959 and 60 in 40 countries gave rise to one resolution of the UN Commission on Human Rights on anti-semitism. There wasn't another mention of anti-semitism in a UN resolution for another 34 years. During the drafting of the primary UN treaty on racism, xenophobia and related intolerance in 1965 the General Assembly specifically rejected any reference to anti-semitism. At the second World Conference on human rights in UN history - which took place in Vienna in 1993 for the stated purpose of rededicating the global community to the Universal Declaration - UN members specifically refused to include a mention of anti-semitism. In 1995 the General Assembly adopted a resolution commemorating the end of the Second World War. They refused to insert any reference to the Holocaust. Every time an effort is made to condemn anti-semitism in UN fora, the wheels of multilateralism grind to a halt.

The point was made dramatically this year in connection with a resolution on religious intolerance - first taken up at the April 2003 session of the UN Commission on Human Rights and then at this fall's General Assembly. Ireland - which has had the role of shepherding the subject of religious intolerance through the UN for almost twenty years - has never once had an

interest in including concern about anti-semitism. At the Commission, the US delegation - headed by Ambassador Jeane Kirkpatrick - insisted that anti-semitism be condemned as part of the resolution. The Irish said no. Kirkpatrick persisted and demanded from the floor that the matter come to a vote. The US proposal succeeded - albeit with a sizeable opposition from the UN "human rights" community.

When the matter came again to the General Assembly, Ireland was determined to keep the mention of anti-semitism out. After the bombings of Turkish synagogues Israel decided that it would move an amendment from the floor to include anti-semitism in the footsteps of Ambassador Kirkpatrick. The Irish were sufficiently unnerved that Irish Foreign Minister Brian Cowen and Minister Shalom made a deal - Israel would withdraw its threatened amendment in exchange for Ireland putting forward for the first time in UN history a resolution specifically on the subject of anti-semitism. In a Machiavellian move of singular audacity, the Irish delegation waited for their resolution on religious intolerance to pass through Committee minus anti-semitism before withdrawing their promised resolution on anti-semitism. Their excuse was the lack of consensus. Among others, Ireland went to the Iranian delegation and asked for support. They then claimed they were surprised at the opposition.

The subject isn't quite over. Late this week or early next week the resolution on religious intolerance must be formally approved by the plenary of the General Assembly. Israel or the United States could insist once again, that the Cowen-Shalom deal having been unilaterally breached, they will move to insert anti-semitism from the floor. The Arab and Muslim opposition would be forced out of the back rooms and into public view. The Irish have made it clear they would be very angry and they are due to take over the presidency of the EU in January. But there is no Jeane Kirkpatrick in New York. On the contrary, the State Department - with the possible backing of the ADL according to today's Haaretz - I would be very happy if Abe could enlighten us about the ADL position - is pressuring Israel to join consensus on the resolution in the plenary without anti-semitism - despite having been double-crossed. In the result, Israel may

register its unhappiness by technically call for the vote on the resolution on religious intolerance and then abstaining. If it does so, it will be going it alone because the United States - with more Jews than the State of Israel - is currently refusing to support such an Israeli position. Let me be clear: the United States is refusing to register any objection - however mild - to a resolution of the General Assembly on the subject of religious intolerance in the year 2003 without so much as the word anti-semitism in a preamble.

Brazilian Ambassador Gilberto Saboia speaking many years ago in another UN context, explained the problem this way: “anti-semitism”, he said, “is a controversial subject”. The real controversy ought to be about the UN.

At the heart of the UN’s problem with anti-semitism lies rejection of the very idea of Jewish victimhood. A stark example of this occurred this past November when a draft General Assembly resolution condemning terrorist attacks on Israeli children failed. Israel was forced to withdraw its resolution because Egyptian amendments deleting “Israeli” before every mention of the word “children” were guaranteed an automatic UN majority. By contrast, a resolution on Palestinian children had been adopted earlier with only four states opposed.

Eschewing anti-semitism, or the Holocaust, or the suffering of Israeli children - that is Jews as victims - is only one side of the coin. On the other, stands the UN’s characterization of the Jewish state as arch-villain, or the archetypal human rights violator in the world today.

Although the General Assembly formally revoked the 1975 Zionism is racism resolution in 1991, the association of Zionism with racism - that is, with criminality - was reinvented as UN policy at the Durban Racism Conference. It declared Palestinians to be victims of Israeli racism. The imagery of Israelis as racists is constantly invoked in UN bodies - Israel’s new security fence is an “apartheid wall”. Palestinian towns and villages are “bantustans”, Marwoun Barghouti is another Nelson Mandela. The analogy between Israel and apartheid South Africa resonates at the

UN no matter how contrary to the facts. One-fifth of Israel's citizens are Arab, while Arab states effectively rendered their countries Judenrein in the wake of Israel's birth - let alone the desecration of Jewish holy sites and the total intolerance of what is called "Judaization" in the territories today.

The examples of UN demonization of Israel goes on and on. Almost 30% of UN Commission on Human Rights resolutions condemning human rights violations by specific states over a 40-year period have been directed at Israel. The General Assembly has invented a procedure for keeping Israel permanently in the docket - the so-called emergency session. There have been ten emergency sessions in UN history and six of them have been on Israel. The 10th and last session has now been "reconvened" 12 times - three times this past fall - first to pass a resolution in support of Arafat, then to condemn the fence and ask the International Court of Justice to condemn it too. There are multiple UN bodies created to churn out reports, followed by resolutions, on Israel's human rights crimes - the 1968 "Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories", marking 2003 with its 35th report; the "Committee on the Exercise of the Inalienable Rights of the Palestinian People" established at the same time as the 1975 Zionism is Racism resolution, with 49 members and observers, and sponsoring meetings, conferences and various publications around the world, year long - this month for example in places like Spain and Beijing. In 1993 the UN Commission on Human Rights created the role of Special Rapporteur on the "Palestinian territories". The Rapporteur's mandate is to investigate only "Israel's violations of...international law" and not to consider human rights violations by Palestinians in Israel. And there are the personal campaigns of UN bureaucrats, such as Terje Roed-Larsen or Peter Hansen of UNWRA. Recall the UN-fueled hysteria over events in Jenin - described by Roed-Larsen, as "horrific beyond belief", "...totally destroyed...like an earthquake; we have expert people here who...say they have never seen anything like it" or in Hansen's words "a human catastrophe that had few parallels in recent history", "a hellish battleground", or UN press releases headlined "End the horror in the camps". The impression which remains in the public

consciousness is of an Israeli massacre, not paragraph 57 of a report by the Secretary General released three months later noting 52 Palestinians died, a large majority of whom were armed combatants.

Taken to its extreme, the UN provides a forum for depicting Israel as the Nazi counterparts of today. At the 2003 Commission on Human Rights the Palestinian representative said: "The world condemned the old Nazism in the past...during the Second World War...The world also condemned Zionist Israel for the same criminal crimes it has been perpetrating against the Palestinian people...for over 50 years now, starting...in 1948." He called for the "elimination" of "the New Zionist Nazism". The Algerian delegate said: "Kristallnacht repeats itself daily... Israeli soldiers are the true disciples of Goebbels and of Himmler, who strip Palestinian prisoners and inscribe numbers on their bodies... Must we wait in silence until new death camps are built, new massacres like at Babi Yar?... The Israeli war machine has been trying for five decades to arrive at a final solution."

Of course this attention is not about legitimate critique of policies affecting human rights of all nations with equal or worse human rights records. There has never been a UN Commission on Human Rights resolution on countries like China, Syria, Saudi Arabia or Zimbabwe. The position of UN special investigator on human rights in Iran was terminated in 2002 by the Commission after Iran refused to admit him into the country for the previous six years and he reported systematic human rights abuses. A similar position on human rights in Sudan was terminated this past year by the Commission after reports criticized the Sudanese practice of "cross-amputation" - the chopping off of left hands and right feet.

Having demonized Israel, it has been a short-step for UN bodies to encourage terrorism against Israelis. At the 2003 Commission a resolution was passed affirming the legitimacy of suicide-bombing or in UN-speak the use of "all available means including armed struggle" in order to resist "foreign occupation and for self-determination." The only states to vote against were

Australia, Canada, Germany, Peru and the United States - the UK and the rest of the European Union Commission members abstained.

A few weeks ago the UN celebrated International Day of Solidarity with the Palestinian People - November 29th marking the day the UN partitioned the British Palestine mandate. At the front of the room stood Secretary General Kofi Annan, the President of the Security Council, and the President of the General Assembly in the presence of over 100 states. To their right stood a Palestinian flag, a UN flag and between them a large map of the region pre-dating the creation of Israel. As the session opened all participants were asked to rise and observe a moment of silence "for all those who had given their lives for the Palestinian people" - in other words, suicide-bombers included.

And finally comes the UN denunciation of every Israeli move to protect itself against the onslaught. UN Secretary General Kofi Annan called Israel's attempt to assassinate Sheikh Ahmad Yassin an "extrajudicial killing" "in violation of international law." He responded to the killing of Hamas leader Ismail Abu Shanab with "Israel does not have the right to resort to extrajudicial measures, as it used today in the Gaza Strip... The secretary-general calls upon the government of Israel to... halt its current military actions." After Israel killed two senior Hamas military-wing terrorists who were ticking bombs, engaged in planning suicide attacks in the short term in September Terje Roed-Larsen "expressed serious alarm over the latest violence in the Middle East... after an Israeli operation yesterday in Hebron, in which a 12-year-old boy was killed... Israel has an obligation under international humanitarian law to protect civilians and refrain from the use of disproportionate force."

The Secretary General and his closest associates are fabricating international law - which actually says combatants in a war are not entitled to judicial process before being targeted - particularly in circumstances as here where Israel cannot arrest them and the PA refuses to do so. Furthermore, the Geneva Conventions say specifically that the presence of "civilians shall not be used to

render... areas immune from military operations... in attempts to shield military objectives from attack", and incidental loss of civilian life as result of an attack on a military target is only prohibited if "excessive". Proportionality does not mean zero civilian casualties. Inversely the UN has never once condemned the real violation of international law by the Palestinian Authority - namely, putting civilians, deliberately and directly, in harm's way - using the civilian population as human shields.

Three weeks ago the Secretary General released a report on the security fence. He spent pages detailing alleged human rights violations against Palestinians as a result of the fence. He failed to mention a single act of terrorism that gave rise to the fence. He said the test of legality was whether Israeli measures "increase suffering among Palestinian people" - an impossible standard applied to the self-defence of no other UN member state. As Israel's Ambassador Dan Gillerman pointed out to the General Assembly on December 8 the UN now tells Israelis "Not only will we not call upon the Palestinian side to stop the terror, ... we will not allow you to do it yourselves."

The UN Charter requires the Organization to observe "the equal rights of men and women and of nations large and small". The question is: what can and should be the response to this flagrant violation of the UN's first principles in the case of Israel? The answer is as obvious as it is elusive. No to a Middle East Quartet with the UN as a partner in a Middle East peace process. An unequivocal no to the Roadmap - whose substance was in large measure dreamed up in UN circles, diminishes the role of a negotiated settlement, and which contradicts the President's June 24th speech. No to the recent Security Council resolution throwing the Israeli 14-conditions out the window, and making the Roadmap a UN standard - now subject to the oversight and enforcement of the Council.

When will it come home that saying yes to the UN does not score points? It only encourages voraciousness. It does not buy time. It only hastens a UN end-game.

As for America, the message has to be clear – whatever Tony Blair’s exigencies, Israel is not the consolation prize for progress in Iraq or Iran, or any pretense of Arab democratization or Muslim “moderation”. Remember that it was a US-sponsored Security Council resolution which called for UN investigators to go into Jenin. The US failed to veto Security Council resolutions critical of Israel and setting the stage for greater UN involvement in the peace process on successive occasions over the past two years when America sought - and continues to seek - UN approval for various action on Iraq. The US acceded to Russian insistence that the Roadmap become a Security Council document. These developments contrast unfavorably with the position three years ago when the US virtually shut out the UN from the Middle East peace process. Today, there are disturbing trends to thread American foreign policy through the eye of the UN. Extreme and unrepentant UN bias should be sufficient to exclude Israel from that net. If more is needed, it bears repeating that those who target Israelis first, target Americans second.

As for the European Union, and its new Irish President, the message need not be complicated: anti-semitism is not a necessary, but unfortunate by-product of multilateral progress. It is a malignancy compromising the integrity of the entire organism. Requiring the standard to be one of consensus in a global village where anti-semitism is on the rise, evidences not good intentions but an opportunism which undercuts the wisdom of any EU involvement in the Middle East peace process.

Whether it be the Quartet, the Roadmap, security and democratization in Iraq, or the war against terrorism, there is a broad expectation that the UN should serve as a key player, if not the central player. Today’s UN deserves no such role. Fomenting anti-semitism and encouraging terrorism is not just a Jewish problem.