23 September 1983

The back door to Carterism

THE WASHINGTON old hands who control the continuity of State Department policy are twisting and turning in their efforts to cast a cloak of oblivion over the admission made by Ronald Reagan during the 1980 presidential campaign – and later reaffirmed both by the president himself and by their boss, U.S. Secretary of State George Shultz – that Jewish settlements in any part of Palestine are not illegal.

A sample of their method was provided recently during the UN Security Council debate on the Arabs' motion to censure Israel. (The U.S. vetoed the resolution, but a substantial portion of its representative's remarks was not friendly to Israel.)

Unable expressly to disclaim a policy statement by the president, the spokesman (deputy U.S. representative to the UN Charles M. Lichenstein) went to the brink of disavowal.

On a number of subjects he was clear and unequivocal in his speech to the council. Only on the settlements did he refrain – deliberately – from telling the council what Washington's new policy was: that the settlements were kosher from the point of view of international law.

He proclaimed instead that the U.S. cannot "accept continuing the sterile argument as to whether the settlements are illegal, an argument which unfortunately has dominated discussion in the UN."

Breaking through this mesh of undignified obfuscation is the traditionally hostile attitude of the State Department towards Israel (and towards Zionism).

As long as it was official policy to say "settlements" were illegal, Washington's spokesmen at home and abroad were not shy at all about saying so. They found nothing sterile then in the discussion. On the contrary, it was Washington that made that "illegality" the central theme of an unbridled vicious campaign of denigration of Israel.

Every forum was used; and the willing media, in full cry, followed the administration's line.

The campaign lasted throughout President Jimmy Carter's period of office; and it was undoubtedly that campaign that projected a sinister, almost criminal, image to the policy of enabling Jews to go and live in the heart of their historic homeland.

Reagan's stamp of legality on the settlements was, in effect, an admission that a United States government – Carter's – had committed a grievous sin against Israel and had caused it severe damage.

Now, with Israel once again under fire at the United Nations Security Council for that alleged "illegality," an opportunity was offered the U.S. spokesman to come to its defence and to redress, even if only in small measure, the evils that had been brought down on it.

Instead, he suddenly discovered that this would be "sterile" and that he did not want "to play any more."

He knew well, of course, that neither the Arabs nor their friends intended giving up the weapon of "illegality" in their attacks on Israel. The game would go on without the U.S.

To Israel's shame, be it said that that campaign by the Carter administration went on virtually unchallenged from official quarters.

The near-paralysis imposed on Israeli information as long as Moshe Dayan was foreign minister ensured that there should be no serious attempt at defence (let alone counter-attack) to the grotesque mendacity of the charge of illegality.

Dayan himself, given a golden opportunity by TV interviewer Barbara Walters to answer the charge and thus tell millions of Americans the truth about the settlements, disdainfully dismissed the question: "We are not in a court of law," he said.

It is, perhaps, little wonder then that the leaders of the U.S. Jewish community also, for a long time, did not trouble to respond seriously to the attacks. Some of them were themselves evidently brainwashed.

There were, indeed, during that time many distinguished American voices raised to expose the absurdity of the "illegality" charge; but it took two full years before the official Jewish leadership – the Presidents' Conference – published its statement (in June 1979) affirming the legality of Jewish settlement.

Even then no comprehensive information counter-campaign was organized. Just as the Israeli government has failed to establish adequate machinery to carry on the information war – an authority armed and manned in accordance with the massive tasks to be performed – so, too, have the Jewish organizations in the U.S. failed to understand the depth of the need for them to set up an adequate, united information "War Council" and machinery.

The work was not done; and Israel has continued to suffer the effects to this day – with many even of her friends still "baffled" by the subject of "settlements."

MR. LICHENSTEIN did not content himself with failing to make plain his president's policy. He slipped into his speech another significant – and ominous – statement: that the Fourth Geneva Convention of 1949 is "applicable to the territories occupied by Israel."

"The U.S. Government," he said, "has stated this on numerous occasions, and I affirm it again today. Israel, as the occupying power in the West Bank, is bound by the terms of the Fourth Geneva Convention."

This is precisely the convention which, the Carter administration pretended, provided the legal grounds for the charges against Israel.

In fact, the claim that it is applicable to Israel's presence in Judea, Samaria and Gaza is a broad and deep piece of nonsense.

Yet the Israeli government should not allow such statements to go unchallenged and unanswered. Nor should the Jewish leaders in the United States.

Unfortunately this is what has happened again. Mr. Lichenstein's address was delivered on August 2. To this day not only has there not been any "counter-attack," there has not been even a simple rebuttal of his statement.

The short answer to Mr. Lichenstein is indeed very simple.

No Israeli government has ever accepted the Fourth Geneva Convention as being applicable to Judea, Samaria and Gaza; and the most explicit, indeed the unassailable, ground for its non-acceptance is the unequivocal text of the convention itself.

THE CRUCIAL fact is that the convention is simply irrelevant to Israel's presence in Judea, Samaria and Gaza. In its second article, the terms of the convention's applicability are defined precisely:

"The present convention shall apply to cases of partial or total occupation of the territory of a High Contracting Party."

Judea, Samaria and Gaza were not the territory of any High Contracting Party. Transjordan occupied Judea and Samaria, and Egypt occupied Gaza, in acts of unprovoked aggression – and, indeed, of intended annihilation of Israel, publicly declared.

Transjordan's act of annexation (it was then that overnight Transjordan became "Jordan") did not give it a title to the land. Egypt never even tried to claim ownership of Gaza.

Nor, as it happened, did Israel initiate the war in 1967 which led to its wresting these areas from Jordan and Egypt. The Arab countries simply launched a second war of annihilation – and lost. In an act of classic self-defence, Israel "occupied" the remaining portions of Western Palestine raped in 1948 by Jordan and Egypt.

THAT IS not all. Even if the Geneva Convention applied to the Palestine conflict, that would be no bar to Jews taking up residence in the "occupied territories."

Here, the abysmal absurdity of the American charge of "illegality of the settlements" was even more sharply exposed. It was based specifically on Article 49 of the convention.

Now Article 49 had a specific purpose: It was intended to outlaw the kind of practices employed by the Nazis in their occupation of Europe. It therefore was laid down – in its paragraph 6 – that "the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies."

The ludicrous suggestion (as the Carter administration did indeed suggest) that this paragraph applied to Israel contained, moreover, a double insult: It insulted the idealism and exertion of the free choice of the people who, for example, went down to live in the difficult climate of the Jordan Valley or to hew out a home for themselves on the barren hills of Samaria (in some cases, flouting the government's wishes). It insulted Israeli democracy – suggesting that an Israeli government had assumed the totalitarian authority to "transfer or deport" parts of its civilian population.

IT IS TRUE that U.S. policy has been, and remains, wedded to the notion that Israel should withdraw into the 1949 Armistice Lines, giving up Judea and Samaria and Gaza; and that this will bring peace.

Their holding this view does not justify their bolstering it by the fabrication of spurious legal claims for the Arabs.

Nor dare the Israeli government remain silent in the face of renewed affirmation of those claims by the State Department's digging up once again the fable of applicability of the Fourth Geneva Convention.