

January 10, 1992

## WHAT ARIDOR DIDN'T SAY TO THE UN

LAST Monday's Security Council debate on Israel's decision to deport 12 known terror activists gave sharp emphasis to Washington's pretense of being an "honest broker" between Israel and the Arabs. US delegate Thomas Pickering found that the denunciatory resolution proposed by the PLO was too mild, and he went on to propose a much more stinging resolution - which was passed. Those who know the workings of the political kitchens in which such resolutions are cooked up may be forgiven for suspecting that this division of labor was coordinated in advance between the State Department and the PLO.

Pickering's speech and the additional public statement by State Department spokesman Marlin Boucher mark a further stage in the long-term American campaign to delegitimize Israel's presence in Judea, Samaria and Gaza. The ploy designed to give a cloak of legality to this purpose has been repeated time and again since the days of the Carter administration. Invoked is the Fourth Geneva Convention of 1949.

It serves to depict Israel as an occupying power, on whom various restrictions are imposed. It was, for example, in the name of that convention that Washington years ago proclaimed Jewish settlement in Judea, Samaria and Gaza to be not only an "obstacle to peace" but also illegal. The Reagan administration - though adhering to Washington's established political opposition to Jewish settlement, recognized their legality.

Now it suits the convenience of the architects of the "New World Order," who have manifested their hatred of Israel and their dislike of American Jews, to renew by various means the campaign to delegitimize Jewish life in the heartland of the Jewish National Home. Hence the new flourishing of the Fourth Geneva Convention. However, the only way that convention can be used to apply to Israel is by ignoring its text.

Its use (as Reagan learned) was and remains based on a lie. The Fourth Geneva Convention of 1949 does not apply to Israel's existence or activities. Its second article states clearly and unequivocally: The present convention shall apply to cases of partial or total occupation of the territory of a High Contracting Party.

The territories occupied by Israel in 1967 were not the territories of any High Contracting Party. Gaza did not belong to Egypt, nor Judea and Samaria to Jordan. Egypt and Jordan invaded them unlawfully in 1948, then used these territories as bases in their second attempt to annihilate Israel.

Israel wrested the territories from the aggressor in a desperate war of self-defense. SECURITY Council resolutions or declarations by Washington spokesmen do not make the illegal legal, or the legal illegal. But Israel should not content itself with baldly rejecting those resolutions and statements or with plaintively describing them as "one-sided" (the soggy term repeated year after year by Israeli diplomats, and now once again last Monday).

They are one-sided; this is technically true. That being so, however, let the UN Security Council serve as a forum for stating Israel's side in the face of the ugly farrago of mendacity and insult, injustice and encouragement of its enemies that have enveloped Israel at the UN throughout most of its life as a state. Israel must stop adapting itself to

the role of defendant, of accused.

Ambassador Yoram Aridor's limp response to the Security Council resolution was itself a serious blunder. He should have made it clear in emphatic terms that the Fourth Geneva Convention does not apply to Israel and never did. (It has never been accepted since the days of Ben-Gurion.) Aridor should have read out the simple wording of Clause Two from the printed text of the convention.

He should have gone much further. Israel having been lambasted, condemned and denounced, Aridor could not be prevented from recounting the origins of the issue the council was pretending to resolve. These are not to be found in last week's newspapers.

They go back to the British administration - which openly collaborated with Jordan (then known as Transjordan) in its invasion of Western Palestine, an act which is the fons et origo of the Security Council's debate. The Fourth Geneva Convention is being invoked on the grotesque assumption that, by that illegal invasion, Jordan became the legal owner of Judea and Samaria. "That assumption," Aridor could have added, "was never accepted by anybody except Britain - which itself sponsored that invasion.

As the British delegate here has voted for the resolution denouncing Israel for deporting 12 terrorist activists, it is not unfair to recall that when Britain governed Palestine under the Mandate and its rule was resisted, it not only imprisoned hundreds of Jews without trial, but deported hundreds more to faraway colonies in Africa and then imprisoned them there, again without trial. When it did try some of them, it hanged them. There is surely, to say the least, some incongruity in its setting itself up as a judge of Israel's defensive, and defensible, actions." Nor should the Soviet Union's historic role be passed over.

It is highly relevant to the debate. The Arab aggressions in 1967 which forced the Six Day War on Israel, leading to its "occupation" of Judea, Samaria and Gaza, were quite frankly encouraged by the Soviet Union. "There is certainly," Aridor could add, "room for Israel's deep regret that in one of the first acts as a member of the Security Council, it should forget its own role and the blatant facts of 1967 which make nonsense of today's malicious resolution." There is no reason to believe that any members of the Security Council would be "converted." They have their own agenda.

A statement like the one suggested here, putting the record straight, is first of all a matter of national self-respect; it could help to lift the hearts of Israel's friends - non-Jewish no less than Jewish - who suffer almost daily the belaborings and belittlings of Israel in the diverse media of pro-Arab propaganda. Then, it provides them with information, with ammunition in their own debates and confrontations over Israel. How many people know that the whole so-called "legal" basis for the charges against Israel - including the vicious campaign against "settlements" - is non-existent, a falsification? What has been written here can do no more than support a slight alleviation of the pain caused by Israel's failure to set up adequate machinery to counter the barrage of worldwide anti-Israel propaganda.

One must, however, do what one can.

## THE GENEVA CONVENTION

January 26, 1992

An Exchange of Letters

Sir, - Shmuel Katz (January 10) writes of what Israel's ambassador to the UN should have said in defence of the decision to deport 12 Palestinians from the Occupied Territories. It is not for the undersigned, as representative of a neutral and impartial organization, the International Committee of the Red Cross (ICRC), to advise the State of Israel on what arguments to use. But under its mandate as guardian of the Geneva Conventions, a mandate given to the ICRC by the 167 states party to the Conventions, the ICRC has to reaffirm that the Fourth Geneva Convention does apply to the West Bank, including East Jerusalem, and to the Gaza Strip.

All of Mr Katz's arguments as to who the aggressor was in 1967 and whether the former Jordanian and Egyptian presence or current Israeli military occupation are legitimate or not, are historically interesting but legally irrelevant. According to the legal standards accepted by the states, including Israel, it is the very essence of the Geneva Conventions that they apply to all armed conflicts and occupations resulting from them, regardless of who the aggressor was or of any claim to a legitimate cause. Were this not the case, the Conventions could never be applied, as the question of the respect of belligerents for victims of war is always controversial.

Andre Collomb, IRCC

Shmuel Katz replies:

The articles of the Fourth Geneva Convention which should have been read in this respect are the following: A. Art. 2 (1). Does he think that Mr Arafat should be recognized as a High Contracting Party? There is however something much more serious, one might almost say sinister, in the contention that Article 49 of the Convention applies to these expulsions.

Mr Collomb must surely remember the specific objective of Article 49 the prohibition of German Nazi-style deportations during World War II. Like the rest of the Fourth Convention, Article 49 was compiled by Mr Collomb's own organization, the Red Cross. Its text was accompanied by an official Red Cross commentary, which included a spine-chilling description of those deportations that had caused terrible suffering to "women and children, old people and sick." The commentary goes on to say that this paragraph in Article 49 is "intended to forbid such hateful practises for all time." Mr Collomb, head of the Red Cross Delegation in Israel, is thus insisting that this prohibition should apply to the deportation of 12 individuals engaged in terroristic activities whose victims and intended victims are precisely the men, women and children of Israel.

And he talks of "good faith."