

Anti-Israel Bias at the U.N.

September 2004

The 59th Session of the United Nations General Assembly, beginning September 2004, will likely be loaded with the same problematic attitudes and actions that have afflicted the international body for decades.

As in past years, the General Assembly (GA) is expected to pass one-sided resolutions criticizing Israel, while continuing to pay little attention to the four-plus years of continued Palestinian violence and terrorism. Rather than considering constructive contributions for improving the situation on the ground, the GA will likely continue to undermine the credibility of the United Nations as a partner for peace in the Middle East.

Sadly, the now-predictable anti-Israel atmosphere at the U.N. is likely to continue into the 59th GA session. It is likely that the annual menu of anti-Israel resolutions will carry into this session, and although diplomatic efforts are underway to limit or consolidate the annual resolutions, in the current environment that appears unlikely. New developments include an anticipated campaign by the Palestinians and others to renew focus on Israel's security barrier and the recent advisory opinion against the barrier by the International Court of Justice in the Hague, with an attempt to push for action first in the Security Council (which is expected to be defeated) and then the GA. The campaign might include a demand for punitive action, including boycotts, against Israel. Jewish organizations and others are engaged in an effort for a GA resolution condemning anti-Semitism, particularly following Secretary General Kofi Anan's support for this initiative in recent statements. Preliminary canvassing of U.N. member nations, however, reveals little enthusiasm for such a stand-alone resolution, making its introduction and passage doubtful.

The Jewish community has always held mixed feelings about the U.N. While the U.N. created the State of Israel, the international body has a history of a one-sided, hostile approach to Israel.

- Of ten emergency special sessions called by the GA, six have been about Israel. No emergency sessions have been held on the Rwandan genocide, ethnic cleaning in the former Yugoslavia, or the two decades of atrocities in Sudan.
- At the U.N. Commission on Human Rights in Geneva, only Israel has its own agenda item (item 8) dealing with alleged human rights violations. All other

countries are dealt with in a separate agenda item (item 9). More than one quarter of the resolutions condemning a state's human rights violations adopted by the Commission over the past 40 years have been directed at Israel.

- A series of anti-Israel resolutions are passed each year by the GA.
- Until recently, Israel was the only member nation consistently denied admission into a regional group. The Arab states continue to prevent Israeli membership in the Asian Regional Group, Israel's natural geopolitical grouping. As a result, Israel sought entry into the Western and Others Group (WEOG) and was granted admission in May 2000 to that regional group in New York, but not in Geneva. Israel's full participation in the U.N., therefore, is still limited and it is restricted from participating in U.N.-Geneva based activities.

Early U.N. Biases against Israel

It is ironic that the United Nations has become a forum for the delegitimization of the State of Israel, considering that the international body played a pivotal role in the establishment of the Jewish State.

In fact, the U.N. can be credited for creating Israel by passing U.N. Resolution 181 in 1947, which called for the partition of Palestine into two states, one Jewish and one Arab. Following Israel's independence in 1948, the Jewish State became an official member of the international body.

Since that time, however, the U.N. has more often than not demonstrated hostility and belligerency toward Israel, criticizing Israeli policies, singling out Israel for offenses committed by other states, and prohibiting Israel from the full participation enjoyed by other members.

Since Israel's establishment, Arab member states of the U.N. have used the GA as a forum for isolating and chastising Israel. With support from third-world nations, particularly the Non-Aligned Group, and others, the Arab states have had little difficulty passing harsh anti-Israel resolutions through the GA. Even today, the strength of these groups in the world body allows them to continue rebuking Israel. This is demonstrated each year at the opening session of the GA when the Arab members challenge the credentials of the Israeli delegation.

While anti-Israel resolutions are easily passed in the GA, this is not the case in the Security Council, where resolutions are binding in nature, and where the United

States has consistently used its veto power to prevent the passage of many such resolutions.

Several U.N. committees and divisions of the Secretariat, which primarily serve the interests of the Arab nations that encouraged their creation in the 1970s, have also been extremely critical of Israel. Among these are the Division for Palestinian Rights of the Secretariat, the Committee to Investigate Israeli Practices in the Territories, and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Some U.N. agencies have also continued to exhibit anti-Israel sentiments. For example, the United Nations Educational, Scientific and Cultural Organization (UNESCO), between 1974 and 1978, instituted financial sanctions against the Jewish State, passed hundreds of resolutions criticizing Israel's activities on the West Bank, and denounced Israel's archeological and restoration efforts in Jerusalem.

Among the most harmful U.N. anti-Israel resolutions was the notorious resolution equating Zionism with racism, passed in November 1975 by 72 to 35. The resolution declared that Zionism is a form of racism and racial discrimination... [and] is a threat to world peace and security." This resolution was meant to deny Israel's political legitimacy by attacking its moral basis for existence. It was only repealed in December 1991, following the Madrid Conference, as a goodwill gesture to support Israeli-Palestinian peace efforts.

Resolutions 242 and 338

In the 1960s and 1970s two resolutions were passed by the U.N. which, in later decades, became the cornerstone of Middle East diplomatic efforts. On November 22, 1967, following the Six Day War, the Security Council passed Resolution 242 with the stated intention of providing a solution for the conflict in the Middle East. This resolution called for the withdrawal of Israeli armed forces from territories occupied during the Six Day War, in exchange for the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

Similarly, Resolution 338, passed on October 22, 1973, in the midst of the Yom Kippur War, called for the termination of the ongoing armed battle and for

negotiations to begin between Israel and her Arab neighbors on the land-for-peace premise of Resolution 242. In calling upon the Arab states to end their war against Israel, and to engage in direct peace talks, an effective framework for the future peace negotiations was produced at the U.N.

As 242 and 338 call for Israel's "withdrawal from territories," and not "the" territories as part of a peace agreement, it is understood by Israel and the United States that as part of a peace agreement, Israel may withdraw from areas of the West Bank and Gaza Strip consistent with its security needs. However, the Palestinians continue to use these resolutions to justify their claims that Israel should withdraw from all West Bank and Gaza territories.

The Oslo Years: U.N. – Middle East Peace Efforts lead to Reconciliation

As the Middle East peace process got underway and the Israelis and Palestinians signed the historic Declaration of Principles in 1993, there began to be a significant decrease in the number of anti-Israel condemnations at the U.N. For the first time the Human Rights Commission condemned anti-Semitism as a form of racism. In 1994, when Israeli Foreign Minister Shimon Peres addressed the GA, only the representatives from Iran did not attend. This contrasted markedly with the roll call of earlier years when it was common for Arab members to storm out of the GA hall in the presence of an Israeli speaker.

Israel's participation in U.N. operations, from which it had previously been barred, also began to increase. In June 1993, Israel was nominated to its first U.N. committee, the Committee for Information. In 1994, Israelis were permitted to participate in the U.N. peacekeeping mission in Angola and to travel to South Africa as part of a U.N. effort to monitor the country's first democratic elections. At that time, Israelis also began to be elected to notable U.N. positions, such as the high administrative tribunal at the Hague, Vice Chair of the World Health Organization's Executive Committee and the Human Rights Committee.

In addition, efforts were made to amend a number of previously adopted anti-Israel resolutions. In 1992, the GA passed 29 anti-Israel resolutions, but in the years following, seven were eliminated or consolidated, and four were redrafted in favor of Israel. In 1995, the GA adopted 18 Middle East resolutions, eight of which were then reworded to refrain from condemning Israel.

As part of this attempt to revise the outdated anti-Israel resolutions, in 1993, the U.N. amended the group of resolutions, adopted each year by the GA, known as the "Question of Palestine." The resolution entitled, "The Peaceful Settlement of

the Question of Palestine,” was revised to omit its reference to Jerusalem as occupied territory, as well as its charge against Israeli settlements as illegal obstacles to peace. The resolution entitled “Situation in the Middle East” was revised to omit its condemnation of Israel’s presence in the territories. In 1993, the resolution entitled “Israeli Nuclear Armament,” also adopted by the GA annually, was revised to eliminate its severe criticism of Israel. Moreover, between 1993 and 1995 the Security Council never directly condemned Israel. During this period, the Security Council also denounced terrorism against Israel for the first time.

The most central resolution passed during this warming trend toward Israel came on December 14, 1993 when 155 member states endorsed the Israel-Palestinian and the Israel-Jordan agreements and granted “full support for the achievements of the peace process so far.” This resolution was the first U.N. call for Middle East peace that did not criticize Israel. In fact, many viewed this improvement between Israel and the international community as actual U.N. support for some Israeli government policies. In October 1993, for the first time since 1981, the Arab members of the U.N. did not challenge Israel’s seat at the GA.

1995-2000: U.N. Biases Against Israel Resurface

After several years of increased Israeli participation and acceptance at the U.N., Israel once again became the target of condemnation and unduly harsh criticism on a host of issues, including the status of Jerusalem, Israel’s operations in Lebanon, its policy toward the Palestinians, the peace process, and Israeli housing projects over the Green Line.

In December 1995, the U.N. GA voted 133 to 1 against Israel’s sovereignty in Jerusalem following the announcement of an Israeli building project in eastern Jerusalem. The GA resolution said that, “The decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal . . . and null and void.” Furthermore, it denounced “the transfer of some States of their diplomatic missions to Jerusalem.” While Israel was the only nation to vote against the resolution, the U.S. abstained from the vote, saying that according to the Oslo agreements the issue of Jerusalem is to be determined during bilateral final status negotiations, that interference by the international community in the peace process is detrimental to its success, and that unilateral condemnations of Israel serve only to exacerbate tensions in the region.

In April 1996, an Israeli counterattack against Hezbollah fighters in Lebanon who had fired Katyusha rockets in northern Israel, inadvertently hit a U.N. base in Qana, tragically killing 100. In response, the GA called for a halt in Israeli-Lebanese hostilities, condemned Israel alone for the incident and demanded that Israel pay reparations and withdraw from all Lebanese territory. In June 1997, the GA again passed a resolution calling on Israel to pay reparations to cover the damages in Qana. No reference was made to ongoing Hezbollah aggression against Israel, or the damages Hezbollah caused in northern Israel.

In November 1996, the U.N. issued a report condemning Israeli policy towards the Palestinians, following an Israeli military closure in the West Bank and Gaza, which had been implemented in response to a series of Palestinian suicide bombings that killed 59 Israelis. With no consideration of Israel's security concerns, the U.N. report harshly rebuked Israel for human rights violations and demanded an end to the military closure and the release of Palestinian prisoners. The report also criticized the expansion of Jewish settlement and accused Israel of "creeping ethnic cleansing" of Palestinians in East Jerusalem.

In December 1996, the GA passed several resolutions regarding Israel and the Middle East peace process. One of the resolutions demanded that Israel withdraw from territories occupied in 1967 and stressed the importance of the realization of the inalienable rights of the Palestinians. Another resolution demanded that Israel withdraw from the entire Golan Heights. The U.S., which voted against these resolutions, reprimanded the GA, saying that its interjection into the peace process, and matters that the parties had agreed to discuss during bilateral negotiations, would only further complicate the situation in the Middle East.

In 1997, the Arab group at the United Nations tried to invoke the Fourth Geneva Convention against Israel, in regard to its settlements in the West Bank and Gaza Strip, and in particular to the Har Homa building project in Jerusalem. The Fourth Geneva Convention on Rules of War was adopted in 1949 by the international community in response to Nazi atrocities during World War II. The international treaty governs the treatment of civilians during wartime, including hostages, diplomats, spies, bystanders and civilians in territory under military occupation. The convention outlaws torture, collective punishment and the resettlement by an occupying power of its own civilians on territory under its military control. In the 50 years since its adoption, the Fourth Geneva Convention has never been reconvened to dispute world atrocities including those in Bosnia, Rwanda, Kosovo, Tibet, etc. International efforts led by the United States were successful in scaling down a special UN meeting in Geneva held on July 15, 1999. The

closed-door meeting lasted a mere 45 minutes. However, a resolution was unanimously passed stating that the Fourth Geneva Convention does apply to Israeli settlements in the "occupied territories."

One major positive development during this period of increased hostility toward Israel was Israel's acceptance into the Western and Others Group (WEOG) in May 2000. Until this time, Israel was the only member state consistently denied admission into a regional group. The Arab states continue to prevent Israel's membership into its natural geopolitical grouping, the Asian Regional Group. While Israel is now a member of WEOG, it was only granted admission to that regional group in New York, but not in Geneva. Israel, therefore, is still restricted from participating in U.N.-Geneva based activities.

2000 – Present: U.N. Anti-Israel Bias Continues

With the outbreak of Palestinian violence in September 2000, the environment in the U.N. became increasingly hostile towards Israel. Over the past four years, numerous GA resolutions condemning Israel for its response to Palestinian violence and terrorism have been passed with little or no mention of Palestinian actions.

U.N. – Israel relations hit a new low with the 2001 [U.N. World Conference Against Racism](http://www.adl.org/durban) (www.adl.org/durban) in Durban, South Africa. Members of the U.N. and a host of non-governmental organizations participated in this third international conference on racism, which intended to examine effective mechanisms to combat racial discrimination and promote understanding and awareness of a global problem. Despite these laudable goals, however, the conference was hijacked by some to promote hateful anti-Jewish canards such as "Zionism is racism" thereby turning the conference into a platform for delegitimizing Israel. The conference ended with the adoption of a "compromise" proposal on the Middle East reached between the European Union and Arab countries and facilitated by South Africa. Even at the final plenary session of the conference, Arab delegates led by Syria and Pakistan sought to add three paragraphs of the earlier anti-Israel language that had prompted the U.S. and Israel to abandon the conference.

Following Durban, efforts have been made to address the issue of anti-Semitism at the U.N. Most recently, in June 2004, at the first U.N. Department of Public Information Seminar on Anti-Semitism, U.N. Secretary General Kofi Annan described "an alarming resurgence of this phenomenon." In his speech before the conference, the Secretary General acknowledged that "the United Nations' record

on anti-Semitism has at times fallen short of our ideals” and made specific reference to the GA resolution of 1975, equating Zionism with racism, as “an especially unfortunate decision.” In concluding his speech, the Secretary General called on the U.N. to take up the fight against anti-Semitism and proclaimed that, “Jews everywhere must feel that the United Nations is their home, too.”

Since Durban, however, Israel has continued to face excessive criticism and condemnation at the U.N. The U.N. has refused to recognize Israel’s legitimate right to defend itself against Palestinian violence and terrorism. Nearly every response Israel has undertaken to defend its civilians from suicide bombings has been condemned in resolutions passed by the GA. Israel’s security fence, which has been effective in greatly reducing the number of suicide bombings in Israel, has been the latest target of U.N. criticism.

On December 8, 2003, the GA, in a special emergency session, adopted a Palestinian-initiated resolution sending the issue of Israel's security barrier to the International Court of Justice (ICJ) in The Hague for an advisory opinion on the question: "What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory." The Palestinian Authority and supporters had attempted to have the Security Council pass such a resolution, however these efforts were unsuccessful, and they turned instead to the GA, where anti-Israel resolutions are routinely supported by the majority of member nations. The resolution passed 90-8, with 74 countries abstaining.

It should be noted that because Israel is currently barred from participating in U.N. Geneva-based regional groups (although Israel is now a member of the New York-based WEOG U.N. regional group) an Israeli judge cannot be elected to the court, nor can the State of Israel even participate in the voting for the makeup of the court.

The ICJ issued its decision on the Israeli security barrier on July 9, 2004. The Court announced that Israel violated international law in the routing of the security fence and called on Israel to dismantle sections built in the West Bank and East Jerusalem. In a statement to which U.S. judge Thomas Buergenthal and Dutch judge Pieter H. Kooijmans dissented, the court further called on the international community to refrain from rendering "aid or assistance in maintaining the situation created by such construction" (of the fence). In its decision, the Court easily dismissed the arguments of Israel, along with those of 22 other nations who

submitted written briefs, while accepting without reservation the arguments of the Palestinians and their supporters. (http://www.adl.org/Israel/court_of_justice.asp).

Following the July 9 decision, the GA passed a resolution calling on Israel to abide by the non-binding ICJ decision and remove the security barrier. The passage of this resolution once again demonstrates that the GA denies Israel the right to protect its citizens from terrorism. The resolution does nothing to further peace or reconciliation between Israel and the Palestinians and undermines the integrity of the United Nations.