

Israeli Human Rights Abuses and the U.S. Attack on the United Nations and the NGO Community

By Stephen Zunes | June 30, 2005

The Bush administration, like its predecessors, has frequently taken advantage of the idealism and values of the U.S. citizenry to justify foreign policies that most Americans would otherwise find morally unacceptable. The recent emphasis on justifying Washington's imperial goals in Iraq and elsewhere in the Middle East in the name of spreading liberty and democracy is a case in point. The fact that the United States is the world's principal supporter of autocratic Middle Eastern regimes is conveniently overlooked, as the administration focuses solely on the human rights abuses of governments that challenge U.S. hegemony in the region, such as Iran and Syria. Similarly, repeated emphasis of the fact that Israel has established advanced democratic institutions (at least for its Jewish citizens) and an accountable government (relative to anything that currently exists in the Arab world) makes it possible for most Americans to ignore the pattern of gross and systematic Israeli human rights abuses in the occupied Palestinian territories.

Successive White House administrations, along with the leaders of both major political parties and the vast majority of their members in Congress, have justified U.S. support for the Israeli occupation and colonization of the West Bank and Gaza Strip by defining the core issue of the Israeli-Palestinian conflict as Israeli security rather than Palestinian rights under international law or the inherent relationship between human rights and security. Given that Israel's survival is no longer threatened by the armies of neighboring Arab countries, as it may have been in the early history of the modern Jewish state, security emphasis has instead been placed upon the threat to Israeli civilians from individual terrorists, which is correctly recognized as a violation of international humanitarian law expressly forbidding armed attacks against noncombatants. By contrast, Israeli violations of international humanitarian law—which also include armed attacks against noncombatants—are largely ignored, denied, or defended by the U.S. government.

(This is certainly not a new phenomenon, nor one restricted to the Middle East. For example, during the 1980s, real and alleged human rights abuses by the leftist Sandinista government in Nicaragua were given much greater attention by the U.S. government and media than the far greater human rights violations by the U.S.-backed rightist government in neighboring El Salvador.)

Because Israeli violations of internationally recognized human rights have been so flagrant and widespread, and because most of these violations have occurred in territories under belligerent occupation—thereby bringing

them under the purview of the Geneva Convention relative to the Protection of Civilian Persons in Time of War—the United States has had to go to rather extraordinary lengths to minimize the impact of international concern over the occupation policies of its most important Middle Eastern ally. It is especially important for Washington officials to deny, downplay, or excuse Israeli human rights abuses, since the prevailing attitude toward U.S. foreign aid is profoundly skeptical, particularly when such financial support is provided to relatively affluent countries and to governments that violate human rights. A frank acknowledgement of Israeli human rights abuses could result in domestic political pressure to reduce or condition aid to Israel, which for more than 35 years has been the largest recipient of U.S. foreign aid and now receives over \$100 billion.¹

U.S. Policy and Intergovernmental Organizations

Although the majority of Middle Eastern governments engage in serious human rights violations, most Israeli abuses occur in non-self-governing territories (outside Israel's internationally recognized borders), subjecting these crimes to special scrutiny by international organizations, particularly the United Nations. In the UN General Assembly, the United States has repeatedly been isolated as the only country other than Israel itself (and sometimes a few states economically dependent on Washington, such as the three that emerged from the former U.S. Pacific Island Trust Territories) to vote against resolutions condemning Israeli human rights vio-

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lations. Other such resolutions, although passing by comfortable margins, garner some negative or abstaining European votes, because they are strongly supported by tyrannical governments guilty of even worse human rights abuses.² Since Israel is the world's only Jewish state, some European nations consider such resolutions hypocritical and motivated by anti-Semitism. When this happens, the substantive human rights issues that prompted these resolutions become lost in the debate over whether Israel is being unfairly singled out for criticism by the world body.

Resolutions critical of Israel passed by the UN Security Council have been more problematic for U.S. administrations. Such resolutions are legally binding and enforceable, and the Security Council enjoys more credibility than the General Assembly, which most Americans view as dominated by authoritarian Third World states.

As a result, nearly half of Washington's 84 vetoes since 1984 have been cast to block resolutions critical of Israeli violations of international humanitarian law. Recent examples have included resolutions criticizing ongoing Israeli violations of the Fourth Geneva Convention in the occupied West Bank (1997), establishing an unarmed human rights observer force in the occupied Palestinian territories (2001), deploring the killing of UN employees and the destruction of a World Food Program warehouse by Israeli occupation forces (2002), calling on Israel to cease construction of a security barrier in the occupied territories (2003), and decrying Israeli assassinations of alleged Palestinian militants (2004).

Until the early 1990s, Washington allowed certain UN Security Council resolutions to pass requiring Israel to comply with provisions of the Fourth Geneva Convention and to withdraw from its illegal settlements in the occupied territories. Like the Clinton White House, the current administration contends that the United Nations no longer has any standing in the Israeli-Palestinian conflict, arguing that the applicable UN resolutions have been superseded by the Oslo Accords. As a de facto result, the United States claims that the United Nations no longer has the power to address such human rights issues as the fate of Palestinian refugees, Israeli settlements, or the status of Jerusalem.³

However, this attempt to unilaterally negate the authority of the United Nations has not been seconded by the international community. No UN resolution can be

rescinded without a vote of the body in question. Neither the UN secretary-general nor any other member of the Security Council agrees with the U.S. assessment discounting the relevance of the applicable UN resolutions. Furthermore, no bilateral agreement between two parties can supersede the authority of the UN Security Council. This is especially true when one of the two parties (in this case, the Palestinians) has made it clear that the UN resolutions are still very relevant. Washington's move is part of a broader effort to challenge the Security Council's jurisdiction regarding international humanitarian law in the West Bank and Gaza Strip.

The UN Security Council has jurisdiction over the human rights situation in the West Bank and Gaza Strip because, as territories under belligerent occupation, they are protected by the international humanitarian statutes of the Fourth Geneva Convention. But early in the Clinton administration, the U.S. government began referring to these occupied territories, as well as the Golan Heights, as "disputed territories." Not only does the term imply that both sides have an equally valid claim to the land in question, disputed territories—unlike occupied territories—are not encompassed by the Fourth Geneva Convention.

With the United States veto effectively preventing the Security Council from upholding and enforcing international humanitarian law, the General Assembly voted in 2003 to place the question of Israel's construction of a separation barrier inside the occupied West Bank before the International Court of Justice (ICJ) for an advisory opinion. In July 2004 the ICJ ruled that the wall's construction was illegal.⁴

Within hours of the court's ruling, the credibility and jurisdiction of the ICJ were challenged by the U.S. government. The Bush administration denounced the World Court's 14-1 advisory ruling, arguing that the route of the wall should be determined solely through U.S.-managed negotiations between the Palestinians and the Israeli government.⁵ In reality, substantive negotiations were unilaterally suspended by the Israeli government in February 2001, and even while negotiations were ongoing, the United States had effectively sidelined consideration of international humanitarian law. The U.S. House of Representatives—by an overwhelming bipartisan 361-45 majority—voted to deplore the World Court's decision and commended President Bush for "his

leadership in marshalling opposition to the misuse of the ICJ...⁶ The congressional resolution also warned other countries not to utilize international humanitarian law with regard to the occupied West Bank, stating that nations would “risk a strongly negative impact on their relationship with the people and Government of the United States should they use the ICJ’s advisory judgment as an excuse to interfere”⁷ with the U.S.-managed peace process. Under U.S.-brokered negotiations, the number of illegal Israeli settlements on occupied Palestinian land has doubled.

U.S. Policy and the NGOs

With the United States effectively preventing such intergovernmental organizations (IGOs) as the United Nations from addressing the human rights situation in the Israeli-occupied territories, the burden falls on nongovernmental organizations (NGOs) to challenge abuses by the Israeli government. Nongovernmental organizations have historically been crucial players in the struggle for human rights around the globe, not just in challenging the behavior of governments that engage in gross and systematic human rights abuses but also in questioning the policies of governments in Western democratic countries, which—in order to advance their perceived strategic and economic interests—would otherwise ignore human rights abuses of key allies. For example, were it not for the pivotal role of NGOs in North America, Europe, Australia, and elsewhere, it is highly probable that East Timor would still be under Indonesian occupation and South Africa would still be under apartheid.

Therefore, it is in the interest of great powers like the United States to routinely discredit the NGO community in order to get away with supporting allies that engage in gross and systemic human rights abuses, as does Israel in the occupied Palestinian territories. Indeed, there appears to be a systematic effort to undermine the credibility of NGOs, both those operating within Israel and the occupied territories and those operating globally.

NGOs Operating in Israel/Palestine

Several tactics have been utilized in an effort to hamper nongovernmental organizations operating in the occupied territories or on behalf of Israel’s Arab minority. One has been a concerted effort to deny U.S. financial support to NGOs suspected of having links to individuals and governments identified by Washington as “terror-

ists.” It is not uncommon for militant groups to use charitable organizations as a cover to raise funds from overseas donors, particularly from the Islamic community in Europe and North America, and all governments have the right to screen for such potential abuses. But given how loosely and selectively U.S. officials use the term “terrorist,” the potential for abusing this designation for political purposes is very real. More seriously, since the U.S. government can hold private foundations accountable for even unwittingly funding a group with alleged terrorist connections, foundations have had to divert enormous time and energy into screening applicants and recipients. Since Washington’s terrorist watch list changes almost daily, foundations must maintain constant vigilance, if they wish to avoid having their assets frozen, staffs arrested, and reputations ruined.

In addition, U.S. officials have successfully pressed a number of private grantmaking institutions, such as the Ford and Rockefeller foundations, to deny funding to individuals or organizations unless they are able to prove that the grantees do not promote “violence, terrorism, bigotry, or the destruction of any state.”⁸ Certainly, there is nothing inherently wrong with any government or nonprofit organization denying grants to NGOs that pursue a political agenda contrary to well-established moral and legal norms. However, such a political litmus test can be problematic, particularly given the highly polarized debate regarding the Israeli-Palestinian conflict. For example, even in cases where an NGO provides a clear distinction both fiscally and operationally between its humanitarian and political efforts, restrictive government conditions could deny funding for worthwhile efforts.

The vague language in the government’s stipulations is also problematic. For example, a group that advocates the eventual creation of a binational Israeli-Palestinian state could be viewed as supporting the “destruction” of Israel, even though it might never advocate the physical annihilation of the nation and its inhabitants. Moreover, since Washington considers assaults against Israeli occupation forces in the West Bank and Gaza Strip to be acts of terrorism, a group that categorically rejects attacks against civilians but acknowledges the legal right of residents under foreign military occupation to engage in armed resistance would similarly be rendered ineligible for foundation grants.

Even groups that explicitly support a two-state solution and exclusively embrace a nonviolent resistance strategy

could find their funding at risk given Washington's current policy. For example, the American Friends Service Committee (AFSC), a project of the pacifist Religious Society of Friends (Quakers) and winner of the 1947 Nobel Peace Prize for its work with Jewish refugees in Europe, has maintained development projects and relief operations for Palestinian refugees in the Gaza Strip since 1948. The AFSC, which also has an active U.S. peace education program addressing Israeli-Palestinian issues, has been accused of advocating the destruction of Israel, because it has called on the Israelis to withdraw from the occupied territories and end their human rights abuses. The Quaker group has even been accused of supporting terrorism when it urges the United States and Israel to include the Palestinian Liberation Organization (PLO) as a negotiating partner and when it notes the correlation between certain Israeli policies and the propensity of some Palestinians to resort to violence.

Any investigation of the AFSC's writings, public statements, and activities regarding the Israeli-Palestinian conflict would indicate that it has consistently opposed terrorism in any form and has always supported Israel's right to exist in peace and security as a Jewish national homeland. Yet, as a result of terrorism-liability policies recently adopted by several major U.S. foundations, funders must shift valuable staff time to investigate spurious allegations—like those made about the AFSC—thereby diverting financial and human resources away from more useful pursuits. To avoid wasting time and energy, foundations could understandably choose to fund less controversial NGOs, though they may be less qualified to administer a proposed humanitarian project.

By creating a climate of proactive caution, Washington gives NGOs an incentive to depoliticize their activities in the occupied territories for fear of losing the funding necessary to carry on their valuable humanitarian work. Some NGOs will decide that their political activities—whose impact is hard to measure—are not worth risking discontinuation of funding for their humanitarian efforts, which do provide demonstrable and tangible results for people. However, the critical economic, legal, and humanitarian problems that these NGOs are working to alleviate are a direct consequence of the occupation and will inevitably continue or even worsen unless and until the occupation ends. Recognizing the need to continue to speak out against the occupation and its manifestations, many NGOs are faced with a serious moral dilemma. What government officials are hoping, of course, is that a more quiescent

NGO community will put less energy into raising public awareness over the humanitarian consequences of Israel's policies, making it easier for Washington to continue support for the Israeli occupation.

Human Rights NGOs Internationally

Since the U.S. government is less capable of applying financial pressure on NGOs that do not engage in direct humanitarian relief and development assistance, the emphasis has been on ignoring them, discrediting them, or citing their work only selectively. Few Americans, for example, are even aware of the existence of such Israeli human rights organizations as B'Tselem, Rabbis for Human Rights, Yesh G'vul, the Committee Against House Demolitions, and others. Even fewer U.S. citizens are familiar with the work of Al Haq and various Palestinian human rights groups, and—given the widespread anti-Arab racism in the United States—these organizations generally have less credibility than Israeli or international groups.

NGOs concerned with human rights abuses in Middle Eastern countries whose governments are not supportive of U.S. policy in the region are routinely provided forums at government-sponsored events and are asked to testify before congressional committees. However, most Americans are only aware of groups challenging human rights abuses by U.S.-backed governments through small forums sponsored by allied NGOs in the United States.

Beyond a few U.S. organizations and individuals concerned with human rights issues in the Middle East, the only Americans consistently exposed to human rights abuses by Israel are those affiliated with organizations embracing a global human rights agenda. Amnesty International and Human Rights Watch, for example, include reports on Israeli human rights abuses along with offenses by other nations throughout the world. Washington views such groups as particularly threatening, since they are critical of human rights abuses by Arab and other Middle Eastern countries as well, rendering charges of an anti-Israel bias less credible.

As a result, there has been a concerted effort by Congress and the Bush administration to discredit these groups also. For example, in April 2002, Amnesty International published a detailed and well-documented report on the ongoing military offensive by Israeli forces in the occupied West Bank, noting how "the IDF [Israeli Defense Forces] acted

as though the main aim was to punish all Palestinians. Actions were taken by the IDF which had no clear or obvious military necessity.”⁹ The report goes on to document unlawful killings, destruction of civilian property, arbitrary detention, torture, assaults on medical personnel and journalists, and random shooting at people in the streets or in their houses. Similar reports were issued by Human Rights Watch, the International Commission of Jurists, Israeli and Palestinian human rights groups, and international journalists.

In response, Republican Congressman Tom DeLay of Texas, then the assistant majority leader of the U.S. House of Representatives, introduced a resolution asserting that “Israel’s military operations are an effort to defend itself ... and are aimed only at dismantling the terrorist infrastructure in the Palestinian areas.”¹⁰ Given the dichotomy between this resolution and the aforementioned reports from human rights groups, the House of Representatives was essentially given a choice between aligning itself with DeLay, one of the most right-wing members of Congress (who supports Israeli annexation of all of the occupied territories, based on his fundamentalist interpretation of the Old Testament), or supporting reputable NGOs like Amnesty International, a Nobel Peace Prize winner. DeLay’s resolution passed 352-21, a move widely interpreted as an attack against the credibility of the international human rights community. This bipartisan House resolution also called for an increase in military aid—already more than \$2 billion annually—for Israel and praised President Bush for his support of Israel’s occupation policies.

Reasons Behind U.S. Support for Israeli Human Rights Abuses

U.S. support for human rights abuses by Israel is neither new nor unique. It is not, as some would allege, primarily the fault of the “Jewish-American lobby,” since it is very doubtful that U.S. policy toward the Middle East would champion human rights even if lobbying groups advocating the Israeli occupation did not exist. Actually, Washington’s sanction of Israeli human rights abuses is quite consistent with a policy that condones abuses by other client states in the Middle East, Africa, Latin America, South and Southeast Asia, and elsewhere. For example, there was no “Indonesian-American lobby” pressuring the United States to back Indonesia’s brutal 26-year occupation of East Timor; nor is there a “Moroccan-

American lobby” motivating Washington’s ongoing support for Moroccan human rights abuses in the occupied Western Sahara. The U.S. government has proven perfectly capable of allying itself with governments that conquer, colonize, and oppress neighboring countries without an ethnic lobby inducing it to do so.

A case can be made, however, that congressional support for Israeli human rights abuses is more widespread than for abuses by other U.S. allies. Unlike congressional grumblings about El Salvador in the 1980s and Indonesia in the 1990s, there is no serious organized effort in Congress to suspend military and economic aid to Israel, despite public opinion polls that suggest a sizable majority of Americans oppose unconditional aid to Israel or any government that engages in gross and systematic human rights abuses.

One reason for Israel’s special status is a fear that highlighting Israeli human rights abuses could unwittingly encourage anti-Semitism, particularly since some of the leading critics of Israel’s offenses appear to have ulterior motives. Another reason is that many Congress members, particularly in the Democratic Party, are financially dependent for their re-election upon individuals and political action committees sympathetic with the Israeli government. Likewise, several peace and human rights organizations with a strong universal commitment to democracy and human rights have been subjected to attacks and reduced funding when they have raised the issues of human rights violations by Israel or democratic rights for Palestinians.¹¹

Moreover, U.S. military aid to Israel represents a greater financial windfall for American arms exporters—among the most powerful lobbyists in Washington—than does the aid to any other recipient nations. Since the Arms Export Control Act and related federal laws prohibit U.S. military aid to countries that use these weapons for nondefensive measures or that violate human rights, acknowledging the extent of Israeli human rights violations could conceivably threaten the more than \$2 billion in U.S. armaments sent to Israel every year.

As a result, the refusal of the Bush administration and Congress to address Israeli human rights violations is so categorical that activists simply choose to apply their meager resources to more winnable causes. Thus, the reluctance by grassroots movements to more vigorously address Israeli human rights abuses may be more tactical than ideological. This situation results, however, in a kind of self-fulfilling prophecy. For example, an aide to House Democratic

leader Nancy Pelosi acknowledged in the late 1990s that her office received ten times as many phone calls about East Timor as it did about Palestine.¹²

Nevertheless, a just settlement of the Israeli-Palestinian conflict is still possible. Activism by peace and human rights advocates has resulted in forcing change in U.S. foreign policy in the past, most notably in regard to Vietnam, Central America, South Africa, and East Timor. And there is currently an unprecedented degree of activity on university campuses and in the churches opposing the Israeli occupation and supporting Palestinian human rights. If this movement grew large enough, elected officials could no longer ignore the popular sentiment. The role of credible NGOs and others involved in human rights work is and will likely continue to be an important factor in raising popular awareness of the situation in the occupied territories and eventually changing U.S. policy. Indeed, such human rights activism may be the single best hope for peace and justice in Israel and Palestine.

Endnotes

- 1 U.S. Embassy , Israel , “ U.S. Assistance to Israel , 1971-2004.”
- 2 This is certainly not a unique phenomenon. During the Cold War, repressive right-wing dictatorships would often join U.S.-led efforts to condemn human rights violations by communist governments, and various left-wing dictatorships would join the Soviet Union in condemnation of rightist governments.
- 3 U.S. Permanent Representative to the United Nations Madeleine Albright, letter to the United Nations General Assembly, August 8, 1994 .
- 4 International Court of Justice, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory ,” July 9, 2004 .
- 5 Office of the Press Secretary, White House, “Press Gaggle by Scott McClellan,” July 9, 2004 .

- 6 U.S. House of Representatives, House Resolution 713, 108 th Congress, 2 nd session.
- 7 Ibid.
- 8 Ford Foundation, Memorandum to Ford Foundation Grantees on Ford Foundation Policies, January 8, 2004.
- 9 Amnesty International, “ Israel and the Occupied Territories: The Heavy Price of Israeli Incursions,” AI-index: MDE 15/042/2002, April 12, 2002.
- 10 U.S. House of Representatives, House Resolution 392, 107 th Congress, 2 nd session.
- 11 Stephen Zunes, “ Israel ’s Blank Check: How Congressional Liberals Support Israeli Human Rights Abuses,” *The Progressive*, November 1989.
- 12 Background briefing, San Francisco , CA , October 23, 1998 .

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