

A photograph of a high concrete wall, likely the West Bank barrier, with a watchtower in the background. The wall is covered in graffiti, and a person in a dark uniform and white headscarf is walking away from the camera on a path in the foreground. The sky is clear and blue.

THE ISRAEL- PALESTINE CONFLICT

A Collection of Essays

BY JEREMY R. HAMMOND

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WORLDVIEW PUBLICATIONS

THE ISRAEL- PALESTINE CONFLICT

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THE SIMPLICITY OF THE ISRAELI-PALESTINIAN CONFLICT

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THERE IS A GENERAL PERCEPTION that the reason the Israeli-Palestinian conflict has continued for so long is because it is extremely complex. Nothing could be further from the truth. Placed in historical context, understanding the root cause of the conflict is simple, and in doing so, the solution becomes apparent.

During the late 1800s, a movement known as Zionism arose to establish a Jewish state in Palestine, then a territory under the Ottoman Empire. As a result of World War I, the Ottoman Empire was dissolved and Great Britain and France conspired to divide the territorial spoils of war between themselves. The British became the occupying power of Palestine. The League of Nations issued a mandate effectively recognizing Great Britain as such.

During the war, the British had promised the Arab nations their independence in return for their cooperation in helping to defeat the Ottoman Turks. At the same time, the British declared its support for the goal of Zionism of establishing a “national home” for the Jewish people and permitted Jewish immigration into Palestine.

The Zionist aims did not sit well with the majority Arab inhabitants of Palestine. The Arab states proposed that the independence of Palestine be recognized and a democratic government established that would include representatives of the Jewish minority. But this solution

was rejected by both the Zionists and the British, whose respective leadership recognized that the Zionist project could not be carried out except by force of arms.

As Jewish immigration continued and Arabs were displaced from their land, violent clashes between the two communities began to erupt. In 1921, for instance, Arabs rioted and attacked Jewish communities, and in 1929, Arabs massacred Jews in Hebron.

Zionist terrorist organizations targeted not only Arabs, but the British as well, such as the bombing of the King David Hotel in 1946. That attack was carried out by the Irgun, whose leader, Menachem Begin, would later become prime minister of Israel.

Following World War II, the British, unable to reconcile its conflicting policies and commitments, requested that the newly formed United Nations take up the matter. This resulted in the creation of the U.N. Special Commission on Palestine. The members of the commission, which included no representatives from any Arab state, explicitly rejected the right to self-determination of the population. Although the Arab states reiterated their proposed democratic solution, it was again rejected. The commission instead recommended dividing Palestine in two.

Under their partition plan, more than half of the territory would go to the minority Jews, who owned just seven percent of the land (while 85 percent was owned by Arabs). The General Assembly passed a resolution in 1947 recommending that the commission's partition plan be implemented. Naturally, the Arabs rejected the plan.

Contrary to popular myth, Israel was not created by the U.N. Israel was born on May 14, 1948, when the Zionist leadership unilaterally declared its existence. The neighboring Arab states took up arms against the newly declared state in the war known to Israelis as the "War of Independence" and to the Arabs as the "Nakba", or "Catastrophe". During the war, 700,000 Arabs were either driven from their homes or fled out of fear of further massacres such as had occurred at the village of Deir Yassin shortly prior to the Zionist declaration.

This ethnic cleansing of Israel is the root cause of the Palestinian refugee problem one hears so much about today. Although their right of

return is guaranteed under international law, Israel has refused to allow those who fled and their descendants to return to what is rightfully their own land. This is also the reason why Palestinians today do not recognize that Israel has a “right to exist”.

Another watershed event occurred in June of 1967, when Israel launched a surprise attack against Egypt (then the United Arab Republic). Such was the superiority of the Israeli force of arms that the war lasted only six days, during which Israel invaded and occupied the Palestinian territories of the West Bank and the Gaza Strip.

As a result of the war, the U.N. Security Council passed resolution 242, which emphasized the inadmissibility of the acquisition of territory by war and called on Israel to withdraw from the territories it had occupied.

Today, the West Bank remains under Israeli occupation. Israel continues to bulldoze Palestinian homes and construct Jewish settlements in violation of international law and numerous U.N. resolutions.

As for Gaza, Israel withdrew in 2005, but has since placed it under siege, permitting in only enough aid to prevent a full-scale humanitarian catastrophe, while keeping Gazans perpetually in a state of misery and despair.

Then, on December 27, 2008, Israel launched a full-scale military attack against Gaza dubbed Operation Cast Lead, during which the Israeli military rained down death and destruction upon the defenseless civilian population and infrastructure of Gaza.

The reason why this state of affairs can continue is simple. It is because the United States unconditionally supports Israel. An illuminating example was the announcement early in the Obama administration that if Israel did not end settlement activity, it would suffer no consequences. U.S. support would continue regardless. That message was understood perfectly well by the Netanyahu government in Israel.

U.S. policy must be understood and judged by deeds and not rhetoric. The fact of the matter is that the U.S. supports Israeli violations of international law financially (\$3 billion plus annually), militarily (U.S. made F-16 jets, Apache helicopter gunships, and white phosphorus

munitions were used during Operation Cast Lead, for instance), and diplomatically (such as the U.S. use of the veto in the U.N. Security Council).

The most practical and equitable solution to the conflict has been recognized for decades. There is an international consensus on a two-state solution that has long been accepted by the Palestinian side. The reason this solution has not been implemented is also perfectly simple. It is because the Israeli and U.S. policies of rejectionism prevent it from happening.

Israeli policy will continue so long as it has U.S. backing. U.S. policy will continue so long as the American people permit it to.

A just and lasting peace in the Middle East is possible. It's simple. There is a choice.

TOP TEN MYTHS ABOUT THE ISRAELI-PALESTINIAN CONFLICT

Originally published at Foreign Policy Journal, June 17, 2010.

Myth #1 - Jews and Arabs have always been in conflict in the region.

Although Arabs were a majority in Palestine prior to the creation of the state of Israel, there had always been a Jewish population, as well. For the most part, Jewish Palestinians got along with their Arab neighbors. This began to change with the onset of the Zionist movement, because the Zionists rejected the right of the Palestinians to self-determination and wanted Palestine for their own, to create a “Jewish State” in a region where Arabs were the majority and owned most of the land.

For instance, after a series of riots in Jaffa in 1921 resulting in the deaths of 47 Jews and 48 Arabs, the occupying British held a commission of inquiry, which reported their finding that “there is no inherent anti-Semitism in the country, racial or religious.” Rather, Arab attacks on Jewish communities were the result of Arab fears about the stated goal of the Zionists to take over the land.

After major violence again erupted in 1929, the British Shaw Commission report noted that “In less than 10 years three serious

attacks have been made by Arabs on Jews. For 80 years before the first of these attacks there is no recorded instance of any similar incidents.” Representatives from all sides of the emerging conflict testified to the commission that prior to the First World War, “the Jews and Arabs lived side by side if not in amity, at least with tolerance, a quality which today is almost unknown in Palestine.” The problem was that “The Arab people of Palestine are today united in their demand for representative government”, but were being denied that right by the Zionists and their British benefactors.

The British Hope-Simpson report of 1930 similarly noted that Jewish residents of non-Zionist communities in Palestine enjoyed friendship with their Arab neighbors. “It is quite a common sight to see an Arab sitting in the verandah of a Jewish house”, the report noted. “The position is entirely different in the Zionist colonies.”

Myth #2 - The United Nations created Israel.

The U.N. became involved when the British sought to wash its hands of the volatile situation its policies had helped to create, and to extricate itself from Palestine. To that end, they requested that the U.N. take up the matter.

As a result, a U.N. Special Commission on Palestine (UNSCOP) was created to examine the issue and offer its recommendation on how to resolve the conflict. UNSCOP contained no representatives from any Arab country and in the end issued a report that explicitly rejected the right of the Palestinians to self-determination. Rejecting the democratic solution to the conflict, UNSCOP instead proposed that Palestine be partitioned into two states: one Arab and one Jewish.

The U.N. General Assembly endorsed UNSCOP’s in its Resolution 181. It is often claimed that this resolution “partitioned” Palestine, or that it provided Zionist leaders with a legal mandate for their subsequent declaration of the existence of the state of Israel, or some other similar variation on the theme. All such claims are absolutely false.

Resolution 181 merely endorsed UNSCOP’s report and conclusions as *arecommendation*. Needless to say, for Palestine to have been officially

partitioned, this recommendation would have had to have been accepted by both Jews and Arabs, which it was not.

Moreover, General Assembly resolutions are not considered legally binding (only Security Council resolutions are). And, furthermore, the U.N. would have had no authority to take land from one people and hand it over to another, and any such resolution seeking to so partition Palestine would have been null and void, anyway.

Myth #3 – The Arabs missed an opportunity to have their own state in 1947.

The U.N. recommendation to partition Palestine was rejected by the Arabs. Many commentators today point to this rejection as constituting a missed “opportunity” for the Arabs to have had their own state. But characterizing this as an “opportunity” for the Arabs is patently ridiculous. The Partition plan was in no way, shape, or form an “opportunity” for the Arabs.

First of all, as already noted, Arabs were a large majority in Palestine at the time, with Jews making up about a third of the population by then, due to massive immigration of Jews from Europe (in 1922, by contrast, a British census showed that Jews represented only about 11 percent of the population).

Additionally, land ownership statistics from 1945 showed that Arabs owned more land than Jews in every single district of Palestine, including Jaffa, where Arabs owned 47 percent of the land while Jews owned 39 percent – and Jaffa boasted the highest percentage of Jewish-owned land of any district. In other districts, Arabs owned an even larger portion of the land. At the extreme other end, for instance, in Ramallah, Arabs owned 99 percent of the land. In the whole of Palestine, Arabs owned 85 percent of the land, while Jews owned less than 7 percent, which remained the case up until the time of Israel’s creation.

Yet, despite these facts, the U.N. partition recommendation had called for more than half of the land of Palestine to be given to the Zionists for their “Jewish State”. The truth is that no Arab could be reasonably

expected to accept such an unjust proposal. For political commentators today to describe the Arabs' refusal to accept a recommendation that their land be taken away from them, premised upon the explicit rejection of their right to self-determination, as a "missed opportunity" represents either an astounding ignorance of the roots of the conflict or an unwillingness to look honestly at its history.

It should also be noted that the partition plan was also rejected by many Zionist leaders. Among those who supported the idea, which included David Ben-Gurion, their reasoning was that this would be a pragmatic step towards their goal of acquiring the whole of Palestine for a "Jewish State" – something which could be finally accomplished later through force of arms.

When the idea of partition was first raised years earlier, for instance, Ben-Gurion had written that "after we become a strong force, as the result of the creation of a state, we shall abolish partition and expand to the whole of Palestine". Partition should be accepted, he argued, "to prepare the ground for our expansion into the whole of Palestine". The Jewish State would then "have to preserve order", if the Arabs would not acquiesce, "by machine guns, if necessary."

Myth #4 – Israel has a "right to exist".

The fact that this term is used exclusively with regard to Israel is instructive as to its legitimacy, as is the fact that the demand is placed upon Palestinians to recognize Israel's "right to exist", while no similar demand is placed upon Israelis to recognize the "right to exist" of a Palestinian state.

Nations don't have rights, people do. The proper framework for discussion is within that of the right of all peoples to self-determination. Seen in this, the proper framework, it is an elementary observation that it is not the Arabs which have denied Jews that right, but the Jews which have denied that right to the Arabs. The terminology of Israel's "right to exist" is constantly employed to obfuscate that fact.

As already noted, Israel was not created by the U.N., but came into being on May 14, 1948, when the Zionist leadership unilaterally, and

with no legal authority, declared Israel's existence, with no specification as to the extent of the new state's borders. In a moment, the Zionists had declared that Arabs no longer the owners of their land – it now belonged to the Jews. In an instant, the Zionists had declared that the majority Arabs of Palestine were now second-class citizens in the new “Jewish State”.

The Arabs, needless to say, did not passively accept this development, and neighboring Arab countries declared war on the Zionist regime in order to prevent such a grave injustice against the majority inhabitants of Palestine.

It must be emphasized that the Zionists had no right to most of the land they declared as part of Israel, while the Arabs did. This war, therefore, was not, as is commonly asserted in mainstream commentary, an act of aggression by the Arab states against Israel. Rather, the Arabs were acting in defense of their rights, to prevent the Zionists from illegally and unjustly taking over Arab lands and otherwise disenfranchising the Arab population. The act of aggression was the Zionist leadership's unilateral declaration of the existence of Israel, and the Zionists' use of violence to enforce their aims both prior to and subsequent to that declaration.

In the course of the war that ensued, Israel implemented a policy of ethnic cleansing. 700,000 Arab Palestinians were either forced from their homes or fled out of fear of further massacres, such as had occurred in the village of Deir Yassin shortly before the Zionist declaration. These Palestinians have never been allowed to return to their homes and land, despite it being internationally recognized and encoded in international law that such refugees have an inherent “right of return”.

Palestinians will never agree to the demand made of them by Israel and its main benefactor, the U.S., to recognize Israel's “right to exist”. To do so is effectively to claim that Israel had a “right” to take Arab land, while Arabs had no right to their own land. It is effectively to claim that Israel had a “right” to ethnically cleanse Palestine, while Arabs had no right to life, liberty, and the pursuit of happiness in their own homes, on their own land.

The constant use of the term “right to exist” in discourse today serves one specific purpose: It is designed to obfuscate the reality that it is the Jews that have denied the Arab right to self-determination, and not vice versa, and to otherwise attempt to legitimize Israeli crimes against the Palestinians, both historical and contemporary.

Myth #5 - The Arab nations threatened Israel with annihilation in 1967 and 1973

The fact of the matter is that it was Israel that fired the first shot of the “Six Day War”. Early on the morning of June 5, Israel launched fighters in a *surprise* attack on Egypt (then the United Arab Republic), and successfully decimated the Egyptian air force while most of its planes were still on the ground.

It is virtually obligatory for this attack to be described by commentators today as “preemptive”. But to have been “preemptive”, by definition, there must have been an imminent threat of Egyptian aggression against Israel. Yet there was none.

It is commonly claimed that President Nasser’s bellicose rhetoric, blockade of the Straits of Tiran, movement of troops into the Sinai Peninsula, and expulsion of U.N. peacekeeping forces from its side of the border collectively constituted such an imminent threat.

Yet, both U.S. and Israeli intelligence assessed at the time that the likelihood Nasser would actually attack was low. The CIA assessed that Israel had overwhelming superiority in force of arms, and would, in the event of a war, defeat the Arab forces within two weeks; within a week if Israel attacked first, which is what actually occurred.

It must be kept in mind that Egypt had been the victim of aggression by the British, French, and Israelis in the 1956 “Suez Crisis”, following Egypt’s nationalization of the Suez Canal. In that war, the three aggressor nations conspired to wage war upon Egypt, which resulted in an Israeli occupation of the Sinai Peninsula. Under U.S. pressure, Israel withdrew from the Sinai in 1957, but Egypt had not forgotten the Israeli aggression.

Moreover, Egypt had formed a loose alliance with Syria and Jordan, with each pledging to come to the aid of the others in the event of a war with Israel. Jordan had criticized Nasser for not living up to that pledge after the Israeli attack on West Bank village of Samu the year before, and his rhetoric was a transparent attempt to regain face in the Arab world.

That Nasser's positioning was defensive, rather than projecting an intention to wage an offensive against Israel, was well recognized among prominent Israelis. As Avraham Sela of the Shalem Center has observed, "The Egyptian buildup in Sinai lacked a clear offensive plan, and Nasser's defensive instructions explicitly assumed an Israeli first strike."

Israeli Prime Minister Menachem Begin acknowledged that "In June 1967, we again had a choice. The Egyptian army concentrations in the Sinai approaches do not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him."

Yitzhak Rabin, who would also later become Prime Minister of Israel, admitted in 1968 that "I do not think Nasser wanted war. The two divisions he sent to the Sinai would not have been sufficient to launch an offensive war. He knew it and we knew it."

Israelis have also acknowledged that their own rhetoric at the time about the "threat" of "annihilation" from the Arab states was pure propaganda.

General Chaim Herzog, commanding general and first military governor of the occupied West Bank following the war, admitted that "There was no danger of annihilation. Israeli headquarters never believed in this danger."

General Ezer Weizman similarly said, "There was never a danger of extermination. This hypothesis had never been considered in any serious meeting."

Chief of Staff Haim Bar-Lev acknowledged, "We were not threatened with genocide on the eve of the Six-Day War, and we had never thought of such possibility."

Israeli Minister of Housing Mordechai Bentov has also acknowledged that "The entire story of the danger of extermination was invented in

every detail, and exaggerated a posteriori to justify the annexation of new Arab territory.”

In 1973, in what Israelis call the “Yom Kippur War”, Egypt and Syria launched a surprise offensive to retake the Sinai and the Golan Heights, respectively. This joint action is popularly described in contemporaneous accounts as an “invasion” of or act of “aggression” against Israel.

Yet, as already noted, following the June ‘67 war, the U.N. Security Council passed resolution 242 calling upon Israel to withdraw from the occupied territories. Israel, needless to say, refused to do so and has remained in perpetual violation of international law ever since.

During the 1973 war, Egypt and Syria thus “invaded” *their own territory*, then under *illegal* occupation by Israel. The corollary of the description of this war as an act of Arab aggression implicitly assumes that the Sinai Peninsula, Golan Heights, West Bank, and Gaza Strip were Israeli territory. This is, needless to say, a grossly false assumption that demonstrates the absolutely prejudicial and biased nature of mainstream commentary when it comes to the Israeli-Arab conflict.

This false narrative fits in with the larger overall narrative, equally fallacious, of Israeli as the “victim” of Arab intransigence and aggression. This narrative, largely unquestioned in the West, flips reality on its head.

Myth #6 - U.N. Security Council Resolution 242 called only for a partial Israeli withdrawal.

Resolution 242 was passed in the wake of the June ‘67 war and called for the “Withdrawal of Israel armed forces from territories occupied in the recent conflict.” While the above argument enjoys widespread popularity, it has no merit whatsoever.

The central thesis of this argument is that the absence of the word “the” before “occupied territories” in that clause means not “*all of the* occupied territories” were intended. Essentially, this argument rests upon the ridiculous logic that because the word “the” was omitted

from the clause, we may therefore understand this to mean that “*some of the* occupied territories” was the intended meaning.

Grammatically, the absence of the word “the” has no effect on the meaning of this clause, which refers to “territories”, *plural*. A simple litmus test question is: Is it territory that was occupied by Israel in the ‘67 war? If yes, then, under international law and Resolution 242, Israel is required to withdraw from that territory. Such territories include the Syrian Golan Heights, the West Bank, and the Gaza Strip.

The French version of the resolution, equally authentic as the English, contains the definite article, and a majority of the members of the Security Council made clear during deliberations that their understanding of the resolution was that it would require Israel to *fully* withdraw from *all* occupied territories.

Additionally, it is impossible to reconcile with the principle of international law cited in the preamble to the resolution, of “the inadmissibility of the acquisition of territory by war”. To say that the U.N. intended that Israel could retain *some* of the territory it occupied during the war would fly in the face of this cited principle.

One could go on to address various other logical fallacies associated with this frivolous argument, but as it is absurd on its face, it would be superfluous to do so.

Myth #7 - Israeli military action against its neighbors is only taken to defend itself against terrorism.

The facts tell another story. Take, for instance, the devastating 1982 Israeli war on Lebanon. As political analyst Noam Chomsky extensively documents in his epic analysis “The Fateful Triangle”, this military offensive was carried out with barely even the thinnest veil of a pretext.

While one may read contemporary accounts insisting this war was fought in response to a constant shelling of northern Israeli by the PLO, then based in Lebanon, the truth is that, despite continuous Israeli provocations, the PLO had with only a few exceptions abided by

a cease-fire that had been in place. Moreover, in each of those instances, it was Israel that had first violated the cease-fire.

Among the Israeli provocations, throughout early 1982, it attacked and sank Lebanese fishing boats and otherwise committed hundreds of violations of Lebanese territorial waters. It committed thousands of violations of Lebanese airspace, yet never did manage to provoke the PLO response it sought to serve as the *casus belli* for the planned invasion of Lebanon.

On May 9, Israel bombed Lebanon, an act that was finally met with a PLO response when it launched rocket and artillery fire into Israel.

Then a terrorist group headed by Abu Nidal attempted to assassinate Israeli Ambassador Shlomo Argov in London. Although the PLO itself had been at war with Abu Nidal, who had been condemned to death by a Fatah military tribunal in 1973, and despite the fact that Abu Nidal was not based in Lebanon, Israel cited this event as a pretext to bomb the Sabra and Shatila refugee camps, killing 200 Palestinians. The PLO responded by shelling settlements in northern Israel. Yet Israel did not manage to provoke the kind of larger-scale response it was looking to use as a *casus belli* for its planned invasion.

As Israeli scholar Yehoshua Porath has suggested, Israel's decision to invade Lebanon, far from being a response to PLO attacks, rather "flowed from the very fact that the cease-fire had been observed". Writing in the Israeli daily *Haaretz*, Porath assessed that "The government's hope is that the stricken PLO, lacking a logistic and territorial base, will return to its earlier terrorism.... In this way, the PLO will lose part of the political legitimacy that it has gained ... undercutting the danger that elements will develop among the Palestinians that might become a legitimate negotiating partner for future political accommodations."

As another example, take Israel's Operation Cast Lead from December 27, 2008 to January 18, 2009. Prior to Israel's assault on the besieged and defenseless population of the Gaza Strip, Israel had entered into a cease-fire agreement with the governing authority there, Hamas. Contrary to popular myth, it was Israel, not Hamas, who ended the cease-fire.

The pretext for Operation Cast Lead is obligatorily described in Western media accounts as being the “thousands” of rockets that Hamas had been firing into Israel prior to the offensive, in violation of the cease-fire.

The truth is that from the start of the cease-fire in June until November 4, Hamas fired no rockets, despite numerous provocations from Israel, including stepped-up operations in the West Bank and Israeli soldiers taking pop-shots at Gazans across the border, resulting in several injuries and at least one death.

On November 4, it was again Israel who violated the cease-fire, with airstrikes and a ground invasion of Gaza that resulted in further deaths. Hamas finally responded with rocket fire, and from that point on the cease-fire was effectively over, with daily tit-for-tat attacks from both sides.

Despite Israel’s lack of good faith, Hamas offered to renew the cease-fire from the time it was set to officially expire in December. Israel rejected the offer, preferring instead to inflict violent collective punishment on the people of Gaza.

As the Israeli Intelligence and Terrorism Information Center noted, the truce “brought relative quiet to the western Negev population”, with 329 rocket and mortar attacks, “most of them during the month and a half after November 4 , when Israel had violated and effectively ended the truce. This stands in remarkable contrast to the 2,278 rocket and mortar attacks in the six months prior to the truce. Until November 4, the center also observed, “Hamas was careful to maintain the ceasefire.”

If Israel had desired to continue to mitigate the threat of Palestinian militant rocket attacks, it would have simply not ended the cease-fire, which was very highly effective in reducing the number of such attacks, including eliminating all such attacks by Hamas. It would not have instead resorted to violence, predictably resulting in a greatly *escalated* threat of retaliatory rocket and mortar attacks from Palestinian militant groups.

Moreover, even if Israel could claim that peaceful means had been exhausted and that a resort military force to act in self-defense to defend

its civilian population was necessary, that is demonstrably *not* what occurred. Instead, Israel deliberately targeted the civilian population of Gaza with systematic and deliberate disproportionate and indiscriminate attacks on residential areas, hospitals, schools, and other locations with protected civilian status under international law.

As the respected international jurist who headed up the United Nations investigation into the assault, Richard Goldstone, has observed, the means by which Israel carried out Operation Cast Lead were not consistent with its stated aims, but was rather more indicative of a deliberate act of collective punishment of the civilian population.

Myth #8 – God gave the land to the Jews, so the Arabs are the occupiers.

No amount of discussion of the facts on the ground will ever convince many Jews and Christians that Israel could ever do wrong, because they view its actions as having the hand of God behind it, and that its policies are in fact the will of God. They believe that God gave the land of Palestine, including the West Bank and Gaza Strip, to the Jewish people, and therefore Israel has a “right” to take it by force from the Palestinians, who, in this view, are the wrongful occupiers of the land.

But one may simply turn to the pages of their own holy books to demonstrate the fallaciousness of this or similar beliefs. Christian Zionists are fond of quoting passages from the Bible such as the following to support their Zionist beliefs:

“And Yahweh said to Abram, after Lot had separated from him: ‘Lift your eyes now and look from the place where you are – northward, southward, eastward, and westward; for all the land which you see I give to you and your descendants forever. And I will make your descendants as the dust of the earth; so that if a man could number the dust of the earth, then your descendants could also be numbered. Arise, walk in the land through its length and its width, for I give it to you.’” (Genesis 13:14-17)

“Then Yahweh appeared to him and said: ‘Do not go down to Egypt; live in the land of which I shall tell you. Dwell in the land, and I will be with you and bless you; for to you and your descendants I give all these lands, and I will perform the oath which I swore to Abraham your father.’” (Genesis 26: 1-3)

“And behold, Yahweh stood above it and said: ‘I am Yahweh, God of Abraham your father, and the God of Isaac; the land on which you lie I will give to you and your descendants.’” (Genesis 28:13)

Yet Christian Zionists conveniently disregard other passages providing further context for understanding this covenant, such as the following:

“You shall therefore keep all My statutes and all My judgments, and perform them, that the land where I am bringing you to dwell may not vomit you out.” (Leviticus 20:22)

“But if you do not obey Me, and do not observe all these commandments ... but break My covenant ... I will bring the land to desolation, and your enemies who dwell in it shall be astonished at it. I will scatter you among the nations and draw out a sword after you; your land shall be desolate and your cities waste ... You shall perish among the nations, and the land of your enemies shall eat you up.” (Leviticus 26: 14, 15, 32-33, 28)

“Therefore Yahweh was very angry with Israel, and removed them from His sight; there was none left but the tribe of Judah alone.... So Israel was carried away from their own land to Assyria, as it is to this day.” (2 Kings 17:18, 23)

“And I said, after [Israel] had done all these things, ‘Return to Me.’ But she did not return. And her treacherous sister Judah saw it. Then I saw that for all the causes for which backsliding Israel had committed adultery, I had put her away and given her a certificate of divorce; yet her treacherous sister Judah did not fear, but went and played the harlot also.” (Jeremiah 3: 7-8)

Yes, in the Bible, Yahweh, the God of Abraham, Isaac, and Israel, told the Hebrews that the land could be theirs – *if* they would obey his commandments. Yet, as the Bible tells the story, the Hebrews were rebellious against Yahweh in all their generations.

What Jewish and Christian Zionists omit from their Biblical arguments in favor of continued Israel occupation is that Yahweh also told the Hebrews, including the tribe of Judah (from whom the “Jews” are descended), that he would remove them from the land if they broke the covenant by rebelling against his commandments, which is precisely what occurs in the Bible.

Thus, the theological argument for Zionism is not only bunk from a secular point of view, but is also a wholesale fabrication from a scriptural perspective, representing a continued rebelliousness against Yahweh and his Torah, and the teachings of Yeshua the Messiah (Jesus the Christ) in the New Testament.

Myth #9 - Palestinians reject the two-state solution because they want to destroy Israel.

In an enormous concession to Israel, Palestinians have long accepted the two-state solution. The elected representatives of the Palestinian people in Yasser Arafat’s Palestine Liberation Organization (PLO) had since the 70s recognized the state of Israel and accepted the two-state solution to the conflict. Despite this, Western media continued through the 90s to report that the PLO rejected this solution and instead wanted to wipe Israel off the map.

The pattern has been repeated since Hamas was voted into power in the 2006 Palestinian elections. Although Hamas has for years accepted the reality of the state of Israel and demonstrated a willingness to accept a Palestinian state in the West Bank and Gaza Strip alongside Israel, it is virtually obligatory for Western mainstream media, even today, to report that Hamas rejects the two-state solution, that it instead seeks “to destroy Israel”.

In fact, in early 2004, shortly before he was assassinated by Israel, Hamas founder Sheik Ahmed Yassin said that Hamas could accept a Palestinian state alongside Israel. Hamas has since repeatedly reiterated its willingness to accept a two-state solution.

In early 2005, Hamas issued a document stating its goal of seeking a Palestinian state alongside Israel and recognizing the 1967 borders.

The exiled head of the political bureau of Hamas, Khalid Mish'al, wrote in the London *Guardian* in January 2006 that Hamas was “ready to make a just peace”. He wrote that “We shall never recognize the right of any power to rob us of our land and deny us our national rights.... But if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms.”

During the campaigning for the 2006 elections, the top Hamas official in Gaza, Mahmoud al-Zahar said that Hamas was ready to “accept to establish our independent state on the area occupied [in] ’67”, a tacit recognition of the state of Israel.

The elected prime minister from Hamas, Ismail Haniyeh, said in February 2006 that Hamas accepted “the establishment of a Palestinian state” within the “1967 borders”.

In April 2008, former U.S. President Jimmy Carter met with Hamas officials and afterward stated that Hamas “would accept a Palestinian state on the 1967 borders” and would “accept the right of Israel to live as a neighbor next door in peace”. It was Hamas’ “ultimate goal to see Israel living in their allocated borders, the 1967 borders, and a contiguous, vital Palestinian state alongside.”

That same month Hamas leader Meshal said, “We have offered a truce if Israel withdraws to the 1967 borders, a truce of 10 years as a proof of recognition.”

In 2009, Meshal said that Hamas “has accepted a Palestinian state on the 1967 borders”.

Hamas’ shift in policy away from total rejection of the existence of the state of Israel towards acceptance of the international consensus on a two-state solution to the conflict is in no small part a reflection of the will of the Palestinian public. A public opinion survey from April of last year, for instance, found that three out of four Palestinians were willing to accept a two-state solution.

Myth #10 - The U.S. is an honest broker and has sought to bring about peace in the Middle East.

Rhetoric aside, the U.S. supports Israel’s policies, including its illegal

occupation and other violations of international humanitarian law. It supports Israel's criminal policies financially, militarily, and diplomatically.

The Obama administration, for example, stated publically that it was opposed to Israel's settlement policy and ostensibly "pressured" Israel to freeze colonization activities. Yet very early on, the administration announced that it would not cut back financial or military aid to Israel, even if it defied international law and continued settlement construction. That message was perfectly well understood by the Netanyahu government in Israel, which continued its colonization policies.

To cite another straightforward example, both the U.S. House of Representatives and the Senate passed resolutions openly declaring support for Israel's Operation Cast Lead, despite a constant stream of reports evidencing Israeli war crimes.

On the day the U.S. Senate passed its resolution "reaffirming the United States' strong support for Israel in its battle with Hamas" (January 8, 2009), the International Committee of the Red Cross (ICRC) issued a statement demanding that Israel allow it to assist victims of the conflict because the Israeli military had blocked access to wounded Palestinians – a war crime under international law.

That same day, U.N. Secretary General Ban Ki-moon issued a statement condemning Israel for firing on a U.N. aid convoy delivering humanitarian supplies to Gaza and for the killing of two U.N. staff members – both further war crimes.

On the day that the House passed its own version of the resolution, the U.N. announced that it had had to stop humanitarian work in Gaza because of numerous incidents in which its staff, convoys, and installations, including clinics and schools, had come under Israeli attack.

U.S. financial support for Israel surpasses \$3 billion annually. When Israel waged a war to punish the defenseless civilian population of Gaza, its pilots flew U.S.-made F-16 fighter-bombers and Apache helicopter gunships, dropping U.S.-made bombs, including the use of white phosphorus munitions in violation of international law.

U.S. diplomatic support for Israeli crimes includes its use of the veto power in the U.N. Security Council. When Israel was waging a devastating war against the civilian population and infrastructure of Lebanon in the summer of 2006, the U.S. vetoed a cease-fire resolution.

As Israel was waging Operation Cast Lead, the U.S. delayed the passage of a resolution calling for an end to the violence, and then abstained rather than criticize Israel once it finally allowed the resolution to be put to a vote.

When the U.N. Human Rights Council officially adopted the findings and recommendations of its investigation into war crimes during Operation Cast Lead, headed up by Richard Goldstone, the U.S. responded by announcing its intention to block any effort to have the Security Council similarly adopt its conclusions and recommendations. The U.S. Congress passed a resolution rejecting the Goldstone report because it found that Israel had committed war crimes.

Through its virtually unconditional support for Israel, the U.S. has effectively blocked any steps to implement the two-state solution to the Israeli-Palestinian conflict. The so-called “peace process” has for many decades consisted of U.S. and Israeli rejection Palestinian self-determination and blocking of any viable Palestinian state.

ISRAEL'S ATTACK ON EGYPT IN JUNE '67 WAS NOT 'PREEMPTIVE'

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ISRAEL'S JUNE 5, 1967 SURPRISE attack on Egypt resulted in the obliteration of Egypt's air force while most of its planes were still on the ground.

It is often claimed that Israel's attack on Egypt that began the June 1967 "Six Day War" was a "preemptive" one. Implicit in that description is the notion that Israel was under imminent threat of an attack from Egypt. Yet this historical interpretation of the war is not sustained by the documentary record.

The President of Egypt, then known as the United Arab Republic (UAR), Gamal Abdel Nasser, later [conveyed](#) to U.S. President Lyndon Johnson that his troop buildup in the Sinai Peninsula prior to the war had been to defend against a feared Israeli attack.

In a meeting with Nasser, Johnson's special envoy to the UAR, Robert B. Anderson, expressed U.S. puzzlement over why he had massed troops in the Sinai, to which Nasser replied, "Whether you believe it or not, we were in fear of an attack from Israel. We had been informed that the Israelis were massing troops on the Syrian border with the idea of first attacking Syria, there they did not expect to meet great resistance, and then commence their attack on the UAR."

Anderson then told Nasser “that it was unfortunate the UAR had believed such reports, which were simply not in accordance with the facts”, to which Nasser responded that his information had come from reliable sources (presumably referring to intelligence information passed along by the USSR).

Nasser added that “your own State Department called in my Ambassador to the U.S. in April or May and warned him that there were rumors that there might be a conflict between Israel and the UAR.”

U.S. intelligence had indeed foreseen the coming war. “The CIA was right about the timing, duration, and outcome of the war”, notes David S. Robarge in an [article](#) available on the CIA's website.

On May 23, Director of Central Intelligence Richard Helms presented Johnson with the CIA's assessment that Israel could “defend successfully against simultaneous Arab attacks on all fronts ... or hold on any three fronts while mounting successfully a major offensive on the fourth.”

In an document entitled “Military Capabilities of Israel and the Arab States”, the CIA assessed that “Israel could almost certainly attain air supremacy over the Sinai Peninsula in less than 24 hours after taking the initiative or in two or three days if the UAR struck first.”

Additionally, the CIA assessed that Nasser's military presence in the Sinai was defensive, stating that “Armored striking forces could breach the UAR's double *defense line* in the Sinai in three to four days and drive the Egyptians west of the Suez Canal in seven to nine days. Israel could contain any attacks by Syria or Jordan during this period” (emphasis added).

Although the Arabs had numerical superiority in terms of military hardware, “Nonetheless, the IDF [Israeli Defense Force] maintain qualitative superiority over the Arab armed forces in almost all aspects of combat operations.”

Johnson himself told the Israeli Foreign Minister, Abba Eban, “All of our intelligence people are unanimous that if the UAR attacks, you will whip hell out of them.”

Israel meanwhile claimed that it was “badly outgunned”, apparently presuming, Robarge writes, “that Washington accorded its analyses such special import that US leaders would listen to its judgments on Arab-Israeli issues over those of their own intelligence services.”

Yet “Helms had the Office of National Estimates (ONE) prepare an appraisal of the Mossad assessment”, which stated: “We do not believe” that the Israeli claim of being the underdog “was a serious estimate of the sort they would submit to their own high officials.”

Neither U.S. nor Israeli intelligence assessed that there was any kind of serious threat of an Egyptian attack. On the contrary, both considered the possibility that Nasser might strike first as being extremely slim.

The current Israeli Ambassador to the U.S., Michael B. Oren, acknowledged in his book *Six Days of War*, widely regarded as the definitive account of the war, that “By all reports Israel received from the Americans, and according to its own intelligence, Nasser had no interest in bloodshed”.

In the Israeli view, “Nasser would have to be deranged” to attack Israel first, and war “could only come about if Nasser felt he had complete military superiority over the IDF, if Israel were caught up in a domestic crisis, and, most crucially, was isolated internationally—a most unlikely confluence” (pp. 59-60).

Four days before Israel’s attack on Egypt, Helms met with a senior Israeli official who expressed Israel’s intent to go to war, and that the only reason it hadn’t already struck was because of efforts by the Johnson administration to restrain both sides to prevent a violent conflict.

“Helms interpreted the remarks as suggesting that Israel would attack very soon”, writes Robarge. He reported to Johnson “that Israel probably would start a war within a few days.”

“Helms was awakened at 3:00 in the morning on 5 June by a call from the CIA Operations Center”, which had received the report “that Israel had launched its attack” and that, contrary to Israel’s claims that Egypt had been the aggressor, Israel had fired first.

Yitzhak Rabin, who would later become Prime Minister, told *Le Monde* the year following the ’67 war, “I do not think Nasser wanted war. The two divisions which he sent to the Sinai, on May 14, would

not have been sufficient to start an offensive against Israel. He knew it and we knew it.”

Israeli Prime Minister Menachem Begin acknowledged in a [speech](#) in 1982 that its war on Egypt in 1956 was a war of “choice” and that, “In June 1967 we again had a choice. The Egyptian army concentrations in the Sinai approaches do not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him.”

Despite its total lack of sustainability from the documentary record, and despite such admissions from top Israeli officials, it is virtually obligatory for commentators in contemporary mainstream accounts of the '67 war to describe Israel's attack on Egypt as “preemptive”.

THE MYTH OF THE U.N. CREATION OF ISRAEL

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THERE IS A WIDELY ACCEPTED belief that United Nations General Assembly Resolution 181 “created” Israel, based upon an understanding that this resolution partitioned Palestine or otherwise conferred legal authority or legitimacy to the declaration of the existence of the state of Israel. However, despite its popularity, this belief has no basis in fact, as a review of the resolution’s history and examination of legal principles demonstrates incontrovertibly.

Great Britain had occupied Palestine during the First World War, and in July 1922, the League of Nations issued its mandate for Palestine, which recognized the British government as the occupying power and effectively conferred to it the color of legal authority to temporarily administrate the territory.[1] On April 2, 1947, seeking to extract itself from the conflict that had arisen in Palestine between Jews and Arabs as a result of the Zionist movement to establish in Palestine a “national home for the Jewish people”, [2] the United Kingdom submitted a letter to the U.N. requesting the Secretary General “to place the question of Palestine on the Agenda of the General Assembly at its next regular Annual Session”, and requesting the Assembly “to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine.” [3] To that end, on May 15, the General Assembly adopted Resolution 106, which established the

U.N. Special Committee on Palestine (UNSCOP) to investigate “the question of Palestine”, to “prepare a report to the General Assembly” based upon its findings, and to “submit such proposals as it may consider appropriate for the solution of the problem of Palestine”. [4]

On September 3, UNSCOP issued its report to the General Assembly declaring its majority recommendation that Palestine be partitioned into separate Jewish and Arab states. It noted that the population of Palestine at the end of 1946 was estimated to be almost 1,846,000, with 1,203,000 Arabs (65 percent) and 608,000 Jews (33 percent). Growth of the Jewish population had been mainly the result of immigration, while growth of the Arab population had been “almost entirely” due to natural increase. It observed that there was “no clear territorial separation of Jews and Arabs by large contiguous areas”, and even in the Jaffa district, which included Tel Aviv, Arabs constituted a majority. [5] Land ownership statistics from 1945 showed that Arabs owned more land than Jews in every single district in Palestine. The district with the highest percentage of Jewish ownership was Jaffa, where 39 percent of the land was owned by Jews, compared to 47 percent owned by Arabs. [6] In the whole of Palestine at the time UNSCOP issued its report, Arabs owned 85 percent of the land, [7] while Jews owned less than 7 percent. [8]

Despite these facts, the UNSCOP proposal was that the Arab state be constituted from only 45.5 percent of the whole of Palestine, while the Jews would be awarded 55.5 percent of the total area for their state. [9] The UNSCOP report acknowledged that

With regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories, at the time of the creation of the ‘A’ Mandates, it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there. Actually, it may well be said that the Jewish National Home and the *sui generis* Mandate for Palestine run counter to that principle. [10]

In other words, the report explicitly recognized that the denial of Palestinian independence in order to pursue the goal of establishing a

Jewish state constituted a rejection of the right of the Arab majority to self-determination. And yet, despite this recognition, UNSCOP had accepted this rejection of Arab rights as being within the bounds of a legitimate and reasonable framework for a solution.

Following the issuance of the UNSCOP report, the U.K. issued a statement declaring its agreement with the report's recommendations, but adding that "if the Assembly should recommend a policy which is not acceptable to both Jews and Arabs, the United Kingdom Government would not feel able to implement it." [11] The position of the Arabs had been clear from the beginning, but the Arab Higher Committee issued a statement on September 29 reiterating that "the Arabs of Palestine were determined to oppose with all the means at their disposal, any scheme that provided for segregation or partition, or that would give to a minority special and preferential status". It instead advocated freedom and independence for an Arab State in the whole of Palestine which would respect human rights, fundamental freedoms and equality of all persons before the law, and would protect the legitimate rights and interests of all minorities whilst guaranteeing freedom of worship and access to the Holy Places. [12]

The U.K. followed with a statement reiterating "that His Majesty's Government could not play a major part in the implementation of a scheme that was not acceptable to both Arabs and Jews", but adding "that they would, however, not wish to impede the implementation of a recommendation approved by the General Assembly." [13]

The Ad Hoc Committee on the Palestinian Question was established by the General Assembly shortly after the issuance of the UNSCOP report in order to continue to study the problem and make recommendations. A sub-committee was established in turn that was tasked with examining the legal issues pertaining to the situation in Palestine, and it released the report of its findings on November 11. It observed that the UNSCOP report had accepted a basic premise "that the claims to Palestine of the Arabs and Jews both possess validity", which was "not supported by any cogent reasons and is demonstrably against the weight of all available evidence." With an end to the Mandate and with British withdrawal, "there is no further obstacle to

the conversion of Palestine into an independent state”, which “would be the logical culmination of the objectives of the Mandate” and the Covenant of the League of Nations. It found that “the General Assembly is not competent to recommend, still less to enforce, any solution other than the recognition of the independence of Palestine, and that the settlement of the future government of Palestine is a matter solely for the people of Palestine.” It concluded that “no further discussion of the Palestine problem seems to be necessary or appropriate, and this item should be struck off the agenda of the General Assembly”, but that if there was a dispute on that point, “it would be essential to obtain the advisory opinion of the International Court of Justice on this issue”, as had already been requested by several of the Arab states. It concluded further that the partition plan was “contrary to the principles of the Charter, and the United Nations have no power to give effect to it.” The U.N. could not deprive the majority of the people of Palestine of their territory and transfer it to the exclusive use of a minority in the country.... The United Nations Organization has no power to create a new State. Such a decision can only be taken by the free will of the people of the territories in question. That condition is not fulfilled in the case of the majority proposal, as it involves the establishment of a Jewish State in complete disregard of the wishes and interests of the Arabs of Palestine.[14]

Nevertheless, the General Assembly passed Resolution 181 on November 29, with 33 votes in favor to 13 votes against, and 10 abstentions.[15] The relevant text of the resolution stated:

The General Assembly....

Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

Requests that

(a) The Security Council take the necessary measure as provided for in the plan for its implementation;

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measure, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

Appeals to all Governments and all peoples to refrain from taking action which might hamper or delay the carrying out of these recommendations....[16]

A simple reading of the text is enough to show that the resolution did not partition Palestine or offer any legal basis for doing so. It merely *recommended* that the partition plan be implemented and *requested* the Security Council to take up the matter from there. It *called upon* the inhabitants of Palestine to accept the plan, but they were certainly under no obligation to do so.

A Plan Never Implemented

The matter was thus taken up by the Security Council, where, on December 9, the Syrian representative to the U.N., Faris El-Khoury, observed that “the General Assembly is not a world government which can dictate orders, partition countries or impose constitutions, rules, regulations and treaties on people without their consent.” When the Soviet representative Andrei Gromyko stated his government’s opposing view that “The resolution of the General Assembly should be implemented” by the Security Council, El-Khoury replied by noting further that

Certain paragraphs of the resolution of the General Assembly which concern the Security Council are referred to the Council, namely, paragraphs (a), (b) and (c), outlining the functions of the Security Council in respect of the Palestinian question. All of the members of the Security Council are familiar with the Council’s functions, which are well defined and clearly stated in the Charter of the United Nations. I do not believe that the resolution of the General Assembly can add to or delete from these functions. The recommendations of the General Assembly are well known to be recommendations, and Member States are not required by force to accept them. Member States may or may not accept them, and the same applies to the Security Council. [17]

On February 6, 1948, the Arab Higher Committee again communicated to the U.N. Secretary General its position that the partition plan was “contrary to the letter and spirit of the United Nations Charter”. The U.N. “has no jurisdiction to order or recommend the partition of Palestine. There is nothing in the Charter to warrant such authority, consequently the recommendation of partition is ultra vires and therefore null and void.” Additionally, the Arab Higher Committee noted that

The Arab Delegations submitted proposals in the Ad Hoc Committee in order to refer the whole legal issue raised for a ruling by the International Court of Justice. The said proposals were never put to vote by the president in the Assembly. The United Nations is an International body entrusted with the task of enforcing peace and

justice in international affairs. How would there be any confidence in such a body if it bluntly and unreasonably refuses to refer such a dispute to the International Court of Justice?

“The Arabs of Palestine will never recognize the validity of the extorted partition recommendations or the authority of the United Nations to make them”, the Arab Higher Committee declared, and they would “consider that any attempt by the Jews or any power or group of powers to establish a Jewish State in Arab territory is an act of aggression which will be resisted in self-defense by force.”[18]

On February 16, the U.N. Palestine Commission, tasked by the General Assembly to prepare for the transfer of authority from the Mandatory Power to the successor governments under the partition plan, issued its first report to the Security Council. It concluded on the basis of the Arab rejection that it “finds itself confronted with an attempt to defect its purposes, and to nullify the resolution of the General Assembly”, and calling upon the Security Council to provide an armed force “which alone would enable the Commission to discharge its responsibilities on the termination of the Mandate”. In effect, the Palestine Commission had determined that the partition plan should be implemented against the will of the majority population of Palestine by force.[19]

In response to that suggestion, Colombia submitted a draft Security Council resolution noting that the U.N. Charter did “not authorize the Security Council to create special forces for the purposes indicated by the United Nations Palestine Commission”. [20] The U.S. delegate, Warren Austin, similarly stated at the 253rd meeting of the Security Council on February 24 that

The Security Council is authorized to take forceful measures with respect to Palestine to remove a threat to international peace. The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General Assembly or of the Security Council itself. What this means is this: The Security Council, under the Charter, can take action to prevent aggression against Palestine from outside. The Security Council, by these same powers, can take action to prevent

a threat to international peace and security from inside Palestine. But this action must be directed solely to the maintenance of international peace. The Security Council's action, in other words, is directed to keeping the peace and not to enforcing partition.[21]

The United States nevertheless submitted its own draft text more ambiguously accepting the requests of the Palestine Commission "subject to the authority of the Security Council under the Charter".[22] Faris El-Khoury objected to the U.S. draft on the grounds that "before accepting these three requests, it is our duty to ascertain whether they are or are not within the framework of the Security Council as limited by the Charter. If it is found that they are not, we should decline to accept them." He recalled Austin's own statement on the lack of authority of the Security Council, saying, "It would follow from this undeniable fact that any recommendation on a political settlement can be implemented only if the parties concerned willingly accept and complement it." Furthermore, "the partition plan itself constitutes a threat to the peace, being openly rejected by all those at whose expense it was to be executed." [23] Austin in turn explained the intent of the U.S. draft that its acceptance of Resolution 181 is subject to the limitation that armed force cannot be used for implementation of the plan, because the Charter limits the use of United Nations force expressly to threats to and breaches of the peace and aggression affecting international peace. Therefore, we must interpret the General Assembly resolution as meaning that the United Nations measures to implement this resolution are peaceful measures.

Moreover, explained Austin, the U.S. draft does not authorize use of enforcement under Articles 39 and 41 of the Charter to empower the United Nations Commission to exercise in Palestine the functions which are assigned to it by the resolution, because the Charter does not authorize either the General Assembly or the Security Council to do any such thing.[24]

When the Security Council did finally adopt a resolution on March 5, it merely made a note of "*Having received* General Assembly resolution 181 and the first monthly Palestine Commission report, and resolved

to call on the permanent members of the Council to consult and to inform the Security Council regarding the situation with respect to Palestine and to make, as the result of such consultations, recommendations to it regarding the guidance and instructions which the Council might usefully give to the Palestine Commission with a view to implementing the resolution of the General Assembly.[25]

During further debates at the Security Council over how to proceed, Austin observed that it had become “clear that the Security Council is not prepared to go ahead with efforts to implement this plan in the existing situation.” At the same time, it was clear that the U.K.’s announced termination of the Mandate on May 15 “would result, in the light of information now available, in chaos, heavy fighting and much loss of life in Palestine.” The U.N. could not permit this, he said, and the Security Council had the responsibility and authority under the Charter to act to prevent such a threat to the peace. The U.S. also proposed establishing a Trusteeship over Palestine to give further opportunity to the Jews and Arabs to reach a mutual agreement. Pending the convening of a special session of the General Assembly to that end, “we believe that the Security Council should instruct the Palestine Commission to suspend its efforts to implement the proposed partition plan.”[26]

The Security Council President, speaking as the representative from China, responded: “The United Nations was created mainly for the maintenance of international peace. It would be tragic indeed if the United Nations, by attempting a political settlement, should be the cause of war. For these reasons, my delegation supports the general principles of the proposal of the United States delegation.”[27] At a further meeting of the Security Council, the Canadian delegate stated that the partition plan “is based on a number of important assumptions”, the first of which was that “it was assumed that the two communities in Palestine would co-operate in putting into effect the solution to the Palestine problem which was recommended by the General Assembly.”[28] The French delegate, while declining to extend either approval for or disapproval of the U.S. proposal, observed that it would allow for any number of alternative solutions from the

partition plan, including “a single State with sufficient guarantees for minorities”.[29] The representative from the Jewish Agency for Palestine read a statement categorically rejecting “any plan to set up a trusteeship regime for Palestine”, which “would necessarily entail a denial of the Jewish right to national independence.”[30]

Mindful of the worsening situation in Palestine, and wishing to avoid further debate, the U.S. proposed another draft resolution calling for a truce between Jewish and Arab armed groups that Austin noted “would not prejudice the claims of either group” and which “does not mention trusteeship.”[31] It was adopted as Resolution 43 on April 1.[32] Resolution 44 was also passed the same day requesting “the Secretary-General, in accordance with Article 20 of the United Nations Charter, to convoke a special session of the General Assembly to consider further the question of the future government of Palestine.”[33] Resolution 46 reiterated the Security Council’s call for the cessation of hostilities in Palestine,[34] and Resolution 48 established a “Truce Commission” to further the goal of implementing its resolutions calling for an end to the violence.[35]

On May 14, the Zionist leadership unilaterally declared the existence of the State of Israel, citing Resolution 181 as constituting “recognition by the United Nations of the right of the Jewish people to establish their State”.[36] As anticipated, war ensued.

The Authority of the U.N. with Regard to Partition

Chapter 1, Article 1 of the U.N. Charter defines its purposes and principles, which are to “maintain international peace and security”, to “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”, and to “achieve international co-operation” on various issues and “promoting and encouraging respect for human rights and for fundamental freedoms for all”.

The functions and powers of the General Assembly are listed under Chapter IV, Articles 10 through 17. It is tasked to initiate studies and make recommendations to promote international cooperation and the

development of international law, to receive reports from the Security Council and other organs of the U.N., and to consider and approve the organization's budget. It is also tasked with performing functions under the international trusteeship system. Its authority is otherwise limited to considering and discussing matters within the scope of the Charter, making recommendations to Member States or the Security Council, or calling attention of matters to the Security Council.

Chapter V, Articles 24 through 26, states the functions and powers of the Security Council. It is tasked with maintaining peace and security in accordance with the purposes and principles of the U.N. The specific powers granted to the Security Council are stated in Chapters VI, VII, VIII, and XII. Under Chapter VI, the Security Council may call upon parties to settle disputes by peaceful means, investigate, and make a determination as to whether a dispute or situation constitutes a threat to peace and security. It may recommend appropriate procedures to resolve disputes, taking into consideration that "legal disputes should as a general rule be referred by the parties to the International Court of Justice". Under Chapter VII, the Security Council may determine the existence of a threat to peace and make recommendations or decide what measures are to be taken to maintain or restore peace and security. It may call upon concerned parties to take provisional measures "without prejudice to the rights, claims, or position of the parties concerned." It may call upon member states to employ "measures not involving the use of armed force" to apply such measures. Should such measures be inadequate, it may authorize the use of armed forces "to maintain or restore international peace and security". Chapter VIII states that the Security Council "shall encourage the development of peaceful settlements of local disputes" through regional arrangements or agencies, and utilize such to enforce actions under its authority.

The functions and powers of the International Trusteeship System are listed under Chapter XII, Articles 75 through 85. The purpose of the system is to administer and supervise territories placed therein by agreement with the goal of "development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of

the peoples concerned”. The system is to operate in accordance with the purposes of the U.N. stated in Article 1, including respect for the right of self-determination. The General Assembly is tasked with all functions “not designated as strategic”, which are designated to the Security Council. A Trusteeship Council is established to assist the General Assembly and the Security Council to perform their functions under the system.

Chapter XIII, Article 87 states the functions and powers of the Trusteeship Council, which are shared by the General Assembly. Authority is granted to consider reports, accept and examine petitions, provide for visits to trust territories, and “take these and other actions in conformity with the terms of the trusteeship agreements.”

Another relevant section is Chapter XI, entitled the “Declaration Regarding Non-Self-Governing Territories”, which states that

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories...

To that end, Member states are “to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions”.

Conclusion

The partition plan put forth by UNSCOP sought to create within Palestine a Jewish state contrary to the express will of the majority of its inhabitants. Despite constituting only a third of the population and owning less than 7 percent of the land, it sought to grant to the Jews more than half of Palestine for purpose of creating that Jewish state. It would, in other words, take land from the Arabs and give it to the Jews. The inherent injustice of the partition plan stands in stark contrast to alternative plan proposed by the Arabs, of an independent

state of Palestine in which the rights of the Jewish minority would be recognized and respected, and which would afford the Jewish population representation in a democratic government. The partition plan was blatantly prejudicial to the rights of the majority Arab population, and was premised on the rejection of their right to self-determination. This is all the more uncontroversial inasmuch as the UNSCOP report itself explicitly acknowledged that the proposal to create a Jewish state in Palestine was contrary to the principle of self-determination. The plan was also premised upon the erroneous assumption that the Arabs would simply acquiesce to having their land taken from them and voluntarily surrender their majority rights, including their right to self-determination.

U.N. General Assembly Resolution 181 neither legally partitioned Palestine nor conferred upon the Zionist leadership any legal authority to unilaterally declare the existence of the Jewish state of Israel. It merely *recommended* that the UNSCOP partition plan be accepted and implemented by the concerned parties. Naturally, to have any weight of law, the plan, like any contract, would have to have been formally agreed upon by both parties, which it was not. Nor could the General Assembly have legally partitioned Palestine or otherwise conferred legal authority for the creation of Israel to the Zionist leadership, as it simply had no such authority to confer. When the Security Council took up the matter referred to it by the General Assembly, it could come to no consensus on how to proceed with implementing the partition plan. It being apparent that the plan could not be implemented by peaceful means, the suggestion that it be implemented by force was rejected by members of the Security Council. The simple fact of the matter is that the plan was never implemented. Numerous delegates from member states, including the U.S., arrived at the conclusion that the plan was impracticable, and, furthermore, that the Security Council had no authority to implement such a plan except by mutual consent by concerned parties, which was absent in this case.

The U.S., Syria, and other member nations were correct in their observations that, while the Security Council did have authority to declare a threat to the peace and authorize the use of force to deal with

that and maintain or restore peace and security, it did not have any authority to implement by force a plan to partition Palestine contrary to the will of most of its inhabitants. Any attempt to usurp such authority by either the General Assembly or the Security Council would have been a *prima facie* violation of the Charter's founding principle of respect for the right to self-determination of all peoples, and thus null and void under international law.

In sum, the popular claim that the U.N. "created" Israel is a myth, and Israel's own claim in its founding document that U.N. Resolution 181 constituted legal authority for Israel's creation, or otherwise constituted "recognition" by the U.N. of the "right" of the Zionist Jews to expropriate for themselves Arab land and deny to the majority Arab population of that land their own right to self-determination, is a patent fraud.

Further corollaries may be drawn. The disaster inflicted upon Palestine was not inevitable. The U.N. was created for the purpose of preventing such catastrophes. Yet it failed miserably to do so, on numerous counts. It failed in its duty to refer the legal questions of the claims to Palestine to the International Court of Justice, despite requests from member states to do so. It failed to use all means within its authority, including the use of armed forces, to maintain peace and prevent the war that was predicted would occur upon the termination of the Mandate. And most importantly, far from upholding its founding principles, the U.N. effectively acted to prevent the establishment of an independent and democratic state of Palestine, in direct violation of the principles of its own Charter. The consequences of these and other failures are still witnessed by the world today on a daily basis. Recognition of the grave injustice perpetrated against the Palestinian people in this regard and dispelling such historical myths is essential if a way forward towards peace and reconciliation is to be found.

References

1. The Palestine Mandate of the Council of the League of Nations, July 24, 1922, http://avalon.law.yale.edu/20th_century/palmanda.

- [asp](#).
2. Great Britain had contributed to the conflict by making contradictory promises to both Jews and Arabs, including a declaration approved by the British Cabinet that read, “His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.” This declaration was delivered by Foreign Secretary Arthur James Balfour to representative of the Zionist movement Lord Lionel Walter Rothschild in a letter on November 2, 1917, and thus came to be known as “The Balfour Declaration”, http://avalon.law.yale.edu/20th_century/balfour.asp.
 3. Letter from the United Kingdom Delegation to the United Nations to the U.N. Secretary-General, April 2, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/87aaa6be8a3a7015802564ad0037ef57?OpenDocument>.
 4. U.N. General Assembly Resolution 106, May 15, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/f5a49e57095c35b685256bcf0075d9c2?OpenDocument>.
 5. United Nations Special Committee on Palestine Report to the General Assembly, September 3, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/07175de9fa2de563852568d3006e10f3?OpenDocument>.
 6. “Palestine Land Ownership by Sub-Districts (1945)”, United Nations, August 1950, <http://domino.un.org/maps/m0094.jpg>. The map was prepared on the instructions of Sub-Committee 2 of the Ad Hoc Committee on the Palestinian question and presented as Map No. 94(b). Statistics were as follows (Arab/Jewish land ownership in percentages): Safad: 68/18; Acre: 87/3; Tiberias: 51/38; Haifa: 42/35; Nazareth: 52/28; Beisan: 44/34; Jenin: 84/1, Tulkarm: 78/17; Nablus: 87/1; Jaffa: 47/39; Ramle: 77/14; Ramallah: 99/less than 1; Jerusalem: 84/2; Gaza: 75/4; Hebron:

- 96/less than 1; Beersheeba: 15/less than 1.
7. UNSCOP Report.
 8. Walid Khalidi, “Revisiting the UNGA Partition Resolution”, *Journal of Palestine Studies* XXVII, no. 1 (Autumn 1997), p. 11, <http://www.palestine-studies.org/enakba/diplomacy/Khalidi,%20Revisiting%20the%201947%20UN%20Partition%20Resolution.pdf>. Edward W. Said, *The Question of Palestine* (New York: Vintage Books Edition, 1992), pp. 23, 98.
 9. Khalidi, p. 11.
 10. UNSCOP Report.
 11. “U.K. Accepts UNSCOP General Recommendations; Will Not Implement Policy Unacceptable by Both Arabs and Jews”, Press Release, Ad Hoc Committee on Palestinian Question 2nd Meeting, September 26, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/ecb5eae2e1d29ed08525686d00529256?OpenDocument>.
 12. “The Arab Case Stated by Mr. Jamal Husseini”, Press Release, Ad Hoc Committee on Palestinian Question 3rd Meeting, United Nations, September 29, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/a8c17fca1b8cf5338525691b0063f769?OpenDocument>.
 13. “Palestine Committee Hears U.K. Stand and Adjourns; Sub-Committees Meet”, Press Release, Ad Hoc Committee on Palestine 24th Meeting, United Nations, November 20, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/12966c9f443583e085256a7200661aab?OpenDocument>.
 14. “Ad Hoc Committee on the Palestinian Question Report of Sub-Committee 2”, United Nations, November 11 1947, <http://unispal.un.org/pdfs/AAC1432.pdf>.
 15. United Nations General Assembly 128th Plenary Meeting, United Nations, November 29, 1947, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/46815f76b9d9270085256ce600522c9e?OpenDocument>.
 16. United Nations General Assembly Resolution 181, November 29, 1947, <http://unispal.un.org/>

- unispal.nsf/9a798adb322aff38525617b006d88d7/7f0af2bd897689b785256c330061d253?OpenDocument.
17. United Nations Security Council 222nd Meeting, December 9, 1947, <http://unispal.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/ce37bc968122a33985256e6900649bf6?OpenDocument>.
 18. “First Special Report to the Security Council: The Problem of Security in Palestine”, United Nations Palestine Commission, February 16, 1948, <http://domino.un.org/unispal.nsf/5ba47a5c6cef541b802563e000493b8c/fdf734eb76c39d6385256c4c004cdba7?OpenDocument>.
 19. Ibid.
 20. Draft Resolution on the Palestinian Question Submitted by the Representative of Colombia at the 254th Meeting of the Security Council, February 24, 1948, <http://unispal.un.org/pdfs/S684.pdf>.
 21. U.N. Security Council 253rd Meeting (S/PV.253), February 24, 1948, <http://documents.un.org>.
 22. Draft Resolution on the Palestinian Question Submitted by the Representative of the United States at the Two Hundred and Fifty Fifth Meeting of the Security Council, February 25, 1948, <http://unispal.un.org/pdfs/S685.pdf>.
 23. United Nations Security Council 260th Meeting, March 2, 1948, <http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/fcbe849f43cbb7158525764f00537dcb?OpenDocument>.
 24. Ibid.
 25. United Nations Security Council Resolution 42, March 5, 1948, <http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/d0f3291a30a2bc30852560ba006cfb88?OpenDocument>.
 26. U.N. Security Council 271st Meeting, March 19, 1948, <http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/5072db486adf13d0802564ad00394160?OpenDocument>.
 27. Ibid.
 28. United Nations Security Council 274th Meeting, March 24,

- 1948,<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/NL4/812/32/PDF/NL481232.pdf?OpenElement>.
29. Ibid. [30] Ibid.
30. United Nations Security Council 275th Meeting, March 30, 1948,<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/NL4/812/32/PDF/NL481232.pdf?OpenElement>.
31. United Nations Security Council Resolution 43, April 1, 1948,<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/676bb71de92db89b852560ba006748d4?OpenDocument>.
32. United Nations Security Council Resolution 44, April 1, 1948,<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/1b13eb4af9118629852560ba0067c5ad?OpenDocument>.
33. United Nations Security Council Resolution 46, April 17, 1948,<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/9612b691fc54f280852560ba006da8c8?OpenDocument>.
34. United Nations Security Council Resolution 48, April 23, 1948,<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/d9c60b4a589766af852560ba006ddd95?OpenDocument>.
35. The Declaration of the Establishment of the State of Israel, May 14, 1948,<http://www.mfa.gov.il/mfa/peace%20process/guide%20to%20the%20peace%20process/declaration%20of%20establishment%20of%20state%20of%20israel>.

REJOINDER TO 'IS UN CREATION OF ISRAEL A MYTH? ASK FOREIGN POLICY JOURNAL'

Originally published at Foreign Policy Journal, October 28, 2010.

ISRAEL NATIONAL NEWS (INN) HAS [PUBLISHED an op-ed](#) about my essay "[The Myth of the U.N. Creation of Israel](#)", in which they asked Dr. Mordecai Nisan, a lecturer at Hebrew University, to respond. There are two observations to be made about this op-ed: First, it does not actually refute so much as a single point of fact or logic from my article, and, second, Dr. Nisan in fact acknowledges that my thesis is correct.

"Of course it *is* a myth to assert or believe that the U.N. created Israel," Dr. Nisan admits in his reply. One might think that, since there is agreement on this point of fact, there would be not much else to debate. What he challenges, however, is not the thesis itself, but the corollary that the Zionist leadership lacked any legal foundation for their unilateral declaration of the establishment of the state of Israel.

"It is transparently true that Israel's founding came through the sword," Dr. Nisan acknowledges. But he argues that this use of force was "exercised on behalf of the transcending right of an ancient and integral people, the likes of whose special claim to the Land of Israel

no other human collectivity can equal whatsoever.” In other words, the rights of the Jews to the land of Palestine “transcended” the rights of the Arabs, so the Zionist’s use of force to create their Jewish state (at which time more than 700,000 Arabs were ethnically cleansed from Palestine) was therefore legitimate. Dr. Nisan thus presents a racist argument for Israel’s legitimacy – indeed, an anti-Semitic one, as Arabs are also Semites.

I would observe that, in addition to being a racist argument, this in no way negates a single point of fact or logic from my essay. One may claim that Yahweh gave the land to the Jews ([a claim not supported by the Bible](#)), but the fact remains – as Dr. Nisan acknowledges – that the U.N. neither created the Jewish state nor conferred upon the Zionist leadership any legal authority to unilaterally declare the establishment of the state of Israel. The theological argument is a separate discussion entirely, with no bearing on my thesis.

Elsewhere, the INN op-ed simply relies upon strawman arguments to make its points. Just to set the record straight, I did *not* argue in my essay that the General Assembly “had no right to propose the partition plan”. The General Assembly did indeed have the authority, and the duty, to make recommendations towards peaceful resolutions to international conflicts. In this case, however, the point is that by accepting the U.N. Special Commission on Palestine’s (UNSCOP’s) majority recommendation to partition Palestine, it rather inflamed the situation. UNSCOP had explicitly rejected the right of the Arab Palestinians to self-determination. As I noted in the article, the plan called for taking land from the Arabs (the majority comprising 65% of the population, who owned 85% of the land, but who were offered only 45.5% of the territory under the plan) and giving it to the Jews (the minority comprising 33% of the population, who owned just 7 % of the land, but who were offered 55.5% of the territory), and was thus inherently inequitable and unworkable. The only way this plan could have any legal force would have been for both sides to accept it. The Arabs reasonably rejected it. It was thus moot. Neither the U.N. General Assembly nor the Security Council had any authority to

implement partition by force, or to confer upon the Zionist leadership any such authority.

I also did *not* argue that “The Arab population was not given the right to self determination because the U.N. wanted to create the Jewish State”. Firstly, far be it from me to claim that self-determination is something “given”! Self-determination is not a granted privilege, but an inherent and inalienable right. INN’s mischaracterization of what I actually wrote, therefore, only serves to demonstrate its editors’ own ignorance of this elementary principle of morality and law. Secondly, to clarify further, what I stated in my article is that the partition plan was premised upon the explicit rejection of the Arab Palestinian’s right to self-determination. That is not a “claim”, as INN asserts, but a demonstrable fact, acknowledged plainly in UNSCOP’s report itself.

Dr. Nisan creates a similar strawman argument in suggesting that “Hammond . . . has pointed to force as the only alternative” to partition. Far be it from me to suggest such a thing! In fact, I argued the opposite in my essay, that there were alternative courses of action that could have prevented the tragic war that ensued. The U.N. Security Council, for example, had the authority to declare a threat to the peace and authorize the use of force to prevent the violence that occurred. It had the authority to establish a Trusteeship over Palestine until such time as its inhabitants were prepared to exercise independence without such recourse to violence. And, most importantly, the alternative proposal to partition could have been implemented, which was the Arab proposal to establish an independent state of Palestine in which the rights of the Jewish minority were recognized and protected under a constitution that would guarantee Jewish representation in its legislative body. Yet this democratic solution was rejected by the Zionists, who preferred “the sword”, as Dr. Nisan acknowledges — the ethnic cleansing of over 700,000 Arabs from the land.

“Hammond’s line of argument leads to the dissolution of the conflict-management or resolution-capacity of the U.N.”, writes Dr. Nisan. This is a non sequitur. As just noted, I in fact argued the opposite in my essay.

Dr. Nisan states that the Jewish minority also had a claim to self-determination. Certainly! Far be it from me to suggest otherwise. But the fact remains that the use of force to acquire territory was then, as it is now, illegitimate under international law. The principle of the inadmissibility of the acquisition of territory by force is emphasized, for example, in U.N. Security Council Resolution 242, which calls upon Israel to withdraw from the territories it occupied during the June 1967 war.

Dr. Nisan states the Arab rejection of the plan was “in breach of the international decision for partition”. Notice the word “breach”, implying a failure to comply with a law, to keep a trust or contractual obligation, etc. The Arabs “breached” nothing in rejecting the plan – a plan which itself, had it been implemented, would have been a breach of the U.N. Charter.

From the premise that the U.N. had no legal authority to implement the partition plan, Nisan draws the corollary that “there is no reason to accept the authority of U.N. [General Assembly] Resolution 194 that calls for Palestinian refugee return.” It would be correct to say that this General Assembly resolution, as all General Assembly resolutions, is legally non-binding. However, Israel is still bound by both formal and customary international law, and the right of return of refugees is a universally recognized right, codified in such documents as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the latter of which Israel is a signatory of.

Dr. Nisan states, “An emasculated U.N. cannot be manipulated to be only good for the Arabs and bad for the Jews when that is politically convenient.” Certainly! Far be it from me to disagree. But Dr. Nisan next states, “Hammond argues that the U.N. did not have a right to create Israel, so then it does not have a right to dissolve its existence under the guise of sanctifying resolution 194 from 62 years ago.” Dr. Nisan thusly attempts to change the subject, but in doing so, does nothing to actually refute anything I wrote. Without getting into the tangential issue of contemporary demographics, once again, that the U.N. did not have a right to create Israel by partitioning Palestine is not

a claim, it is a point of fact under the U.N. Charter and international law.

In sum, neither INN nor Dr. Nisan have managed to point to even a single error in either fact or logic on my part in my essay. The facts are as I have stated them, and the logical conclusions drawn inescapable.

THE DEMONIZATION OF RICHARD FALK

Originally published at Foreign Policy Journal, April 26, 2013.

THE ZIONIST ORGANIZATION UN WATCH has cited a commentary by Professor Richard Falk on the Boston bombings in a letter to U.N. Secretary-General Ban Ki-Moon demanding that that Prof. Falk be reprimanded for it. Mr. Falk, who serves as the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, [originally posted](#) the commentary on his blog and I republished it, as I often do his writings, with his kind permission, in *Foreign Policy Journal*, which version UN Watch cites in its letter. As one should expect, [the letter](#) from UN Watch is characterized by its dishonesty and vain attacks on Prof. Falk's character that deflect attention away from and fail to address the substance of what he wrote.

The UN Watch letter begins with the lie that Prof. Falk in his article “justifies the Boston terrorist attacks”. The UN Watch letter also falsely claims that Prof. Falk blamed the Boston terrorist attacks on Israel and characterized the attacks as “due ‘retribution’ for American sins”. Where Mr. Falk discusses Israel in the article, it is in the larger context of blowback for U.S. foreign policies, including the 9/11 attacks, which, as the 9/11 Commission noted in its report, were motivated in no small part by U.S. support for Israel's oppression of the Palestinians.

Nowhere in his commentary did Mr. Falk blame Israel for or otherwise connect Israel to the bombings in Boston.

Mr. Falk has since written [a follow-up post](#) on his blog clarifying, “I had no intention whatsoever to connect any dots as to whether there was a causal linkage between what the U.S. or Israel have done in the world and what happened in Boston. My only effort was to suggest that in addition to grieving and bringing the perpetrators to justice, this could also become an occasion for collective self-scrutiny as a nation and as a people.”

As for the word “retribution”, where it appears in Mr. Falk’s article, it is in the context of a quote *from someone else*. What Falk actually wrote was:

Listening to a PBS program hours after the Boston event, I was struck by the critical attitudes of several callers to the radio station: Another caller asked “is this not a kind of retribution for torture inflicted by American security forces acting under the authority of the government, and verified for the world by pictures of the humiliation of Iraqi prisoners at Abu Ghraib?”

Nowhere did Falk say the attack was “due” or “justified”. The letter goes on this way with its fabricated charges against Falk’s character.

At the UN Watch blog, the letter is prefaced with the remark that Falk “was recently [expelled](#) by the Human Rights Watch [HRW] organization”. The link directs readers to a video embedded in another UN Watch blog post claiming that Falk was “Removed For Anti-Semitism”, the source for that claim being none other than Hillel Neuer, the Executive Director of UN Watch and author of the letter to the Secretary-General. In fact, [the reason](#) Mr. Falk left HRW’s local support committee in Santa Barbara, California, was because of HRW’s “longstanding policy, applied many times, that no official from any government or UN agency can serve on any Human Rights Watch committee or its Board. It was an oversight on our part that we did not apply that policy in Richard Falk’s case several years ago when he assumed his UN position.” But the truth just doesn’t serve Neuer’s or his organization’s agenda, so he prefers to make up lies to demonize an honorable man.

The UN Watch's lies have been parroted elsewhere by unscrupulous so-called "journalists" who don't let little things like honesty or integrity get in the way of an opportunity to manufacture a sensational headline.

Anne Beyefsky, for example, at *Breitbart*, [unashamedly lies](#) that "Richard Falk has published a statement saying Bostonians got what they deserved in last week's terror attack" before accusing him of "antisemitism" for his criticisms of Israeli policies in his role as Special Rapporteur for the U.N. The fact that Mr. Falk is himself Jewish shouldn't cause anyone to be surprised that he would face such a charge; indeed, this kind of intellectually and morally bankrupt accusation is standard fare for apologists of Israel's constant violations of international law. It certainly comes as no surprise that Beyefsky is unable to produce any quotes from Mr. Falk to back up any of her disgraceful lies about him.

Bayefsky also wrote [another piece](#) for *Fox News* titled "Antisemitism, anti-Americanism are UN Human Rights Council official's job description", where she repeats the lie that Falk "announced that Boston had it coming" and denounces his true sin of describing the bombing as "blowback".

Fox News elsewhere [repeated](#) the falsehood that "Falk also blamed Israel for the unrest he believes prompted" the Boston attacks.

A Washington D.C. CBS affiliate [ran the sensational headline](#), "Falk: Boston Marathon Victims 'Have To Die' Because of American-Israeli Relations". The quoted words, "have to die" do appear in Mr. Falk's article, where he asks how many more innocent civilians have to die as a result of terrorist attacks motivated by the U.S. government's criminal foreign policies (e.g., the illegal war on Iraq, etc.). The CBS hit piece then leads with the lie that Falk "said that Bostonians who were injured or killed in the Boston Marathon bombing were deserving of their collective fate."

Curiously, CBS links to Mr. Falk's actual article at *Foreign Policy Journal*, but cites *Global Dispatch* as the source for this false claim, indicating that the anonymous author(s) of the CBS piece never bothered to check for themselves what Falk actually wrote, while repeating the

lie [headlined](#) by *Global Dispatch* that Falk “Says Boston Got What It Deserves” as a fact. So it isn’t clear whether those responsible at CBS are incompetently lazy or just willfully dishonesty like the rest of them.

Sohrab Ahmari in the *Wall Street Journal* likewise jumps on the bandwagon and [repeats the lie](#) that Falk blamed Israel for the Boston bombings while denouncing him for “political lunacy”.

In an online *Journal* [video](#) titled “U.N.’s Resident Anti Semite”, Ahmari talks with editorial board member Mary Kissel about the latest “embarrassment” for the U.N. from Falk, who “has been active for years saying all sorts of crazy things, your typical anti-American demagogue of the academic sort.” Kissel quotes Falk as saying, “(A)s long as Tel Aviv has the compliant ear of the American political establishment, those who wish for peace and justice in the world should not rest easy”, which the video displays under the words “Falk on the Boston Bombings”. However, this quote was *not* in reference to the Boston attacks. The sentence from which it was pulled in fact began, “*The war drums are beating at this moment in relation to both North Korea and Iran, and as long as Tel Aviv...*” This context was willfully omitted by the dishonest Ms. Kissel and Mr. Ahmari, who proceed with their show of manufactured controversy. Kissel, after reading the quote out of its context, feigns shock: “So let me get this straight. So, he’s linking *Israel* to the terror attacks in Boston?” To which Ahmari replies, “That’s right.” No, that’s not right. It a deliberate lie, as can easily be seen simply by placing the quote back into its actual context. The duo proceeds from there to blast Falk for his heresy of describing the Boston bombing as blowback for U.S. foreign policies and accusing him of “anti-Americanism” and “anti-Semitism”.

(When [I confronted the pair on Twitter about their lies](#), asking “Don’t you have any real journalism to be doing?” the best Ahmari could do in reply was, “Don’t you have crackpot theories about Jews and the NWO to be formulating?” Kissel’s response was, “I think exposing crackpot theories about Israel is a very worthy use of time”. Ahmari then added, “The trouble is that Mr. [@jeremyhammond](#) is an originator of such theories”, to which I replied, “I sense a strawman argument coming on. Come on, then, let’s have it.” He proceeded to block me on Twitter,

and Kissel did not respond to my further reply, “Do you think making up lies to demonize [#RichardFalk](#) is a very worthy use of your time?”)

Michael Goodwin in the *New York Post* [calls](#) Mr. Falk’s commentary “a rancid piece of trash” and repeats the lie that he “basically calls the Boston terror attack just deserts”. As for his real sin, Mr. Falk committed the heinous apostasy of urging “politicians to ‘connect the dots’ between US foreign policy and terrorism at home”. (Mr. Falk’s “new assault appears in Foreign Policy Journal”, Goodwin adds, “where nearly every other article attacks Israel.” Perhaps he had some of my own articles, such as “[Rogue State: Israeli Violations of U.N. Security Council Resolutions](#)” or “[The Myth of the U.N. Creation of Israel](#)”, in mind?)

The *New York Daily News* [repeats the lie](#) that “Falk blames Boston Marathon attack on Israel” while calling him a “Jew-basher”, “United Nations anti-Semite-in-chief”, and “a loon”.

Mitch Wolfe in *The Huffington Post* [criticizes](#) Mr. Falk for daring to suggest that the Boston bombings were motivated by U.S. foreign policies; never mind that, as the *Washington Post* [has reported](#), “The 19-year-old suspect in the Boston Marathon bombings has told interrogators that the American wars in Iraq and Afghanistan motivated him and his brother to carry out the attack”.

Not to be outdone, Lauren Izso in the *Jerusalem Post* [takes the lie a step further](#), writing that Falk “implies” that the bombings were “largely due to Obama’s recent trip to Israel”.

A JTA (Jewish Telegraph Agency) [headline repeats the lie](#) that Falk “pins blame for Boston Marathon bombing on ‘Tel Aviv’ and the falsehood that Falk “called the Boston attack ‘retribution’ for the actions of the U.S. military in Afghanistan, Iraq and Pakistan”, which leads one to wonder whether the author of the JTA story even bothered to read Falk’s article or relied entirely on UN Watch’s distortions of it for its own reporting.

The *Times of Israel* also [picked up the story](#), stating that Falk “has a history of provocative and outrages [*sic*, i.e., “outrageous”] statements, both supporting Islamic terror and bashing Israel.” The *Times of Israel* would have a very hard time indeed finding any substantiation

for its lie that Falk has made statements “supporting Islamic terror”; and “bashing” Israel is the usual euphemism for legitimately criticizing Israel’s constant violations of international law. Just as instructively, the “outrageous” statement referred to in this case is Falk’s remark that “The American global domination project is bound to generate all kinds of resistance... the United States has been fortunate not to experience worse blowbacks”. The *Times of Israel* spins this observation into the dishonest headline, “UN official says US had Boston attack coming”; the [idiom](#) “to have it coming” meaning, of course, that the outcome is deserved. This headline is just another lie. Yet Mr. Falk neither said nor implied that the U.S. *deserved* the attacks in Boston.

An *Arutz Sheva* (Israel National News) [headline](#) also repeated the falsehood, “UN Official Attempts to Blame Boston Bombings ‘On Tel Aviv’”. The article quotes Anti-Defamation League (ADL) National Director Abraham H. Foxman decrying Falk as “a wildly conspiratorial and highly biased extremist” with a “notorious record of anti-Israel and anti-American propaganda.”

Dr. Philip Brodie, in an *Arutz Sheva* op-ed, [condemns Falk](#) for daring to point out that U.S. foreign policy, including its support for Israel, increases the threat of terrorism and results in blowback such as the 9/11 attacks.

The JC [ran a headline](#) repeating the lie, “US-Israel ties factor in Boston bombing, says UN man”.

Mark Leon Goldberg at *UN Dispatch* [calls Falk’s commentary](#) a “dumb” “diatribe” and feigns not to understand Mr. Falk’s rather elementary point that the U.S. government’s policies create hatred towards the country and result in blowback such as the 9/11 attacks.

John Hinderaker at the *Power Line* blog [repeats the lie](#) that Mr. Falk said “Boston had it coming”. Hinderaker reveals his remarkable ignorance by saying that Falk’s statement that “the neocon presidency of George W. Bush, was in 2001 prior to the attacks openly seeking a pretext to launch a regime-changing war against Saddam Hussein’s Iraq”, among others, is “false” (the truth of that and other of Mr. Falk’s statements is hardly a secret and not in the least bit controversial). Hinderaker goes on to dismiss Falk as “a lousy writer”, “insane”, “a

psychopath” who has a “demented frame of reference, that we associate with mental illness”, “a nut; a crank”, “a mental case”, someone who “should seek treatment for his mental illness.”

Bryan Preston at *Pf Media* similarly [repeats the lies](#) that Falk “Justifies” the bombing in his article and said that the U.S. “had this coming”.

Noga Gur-Arieah at *The JewishJournal.com* begins an article on the matter [by lying](#), “Richard Falk, a UN official, referred to the Boston Marathon in a column he wrote for the Foreign Policy Journal, saying the US ‘had it coming’ because of its policy around the world and specifically in the Middle East, Iraq and Afghanistan. Yes, that’s right.” No, that’s a deliberate lie, complete with fabricated quote.

U.S. Ambassador to the U.N. Susan Rice [tweeted](#) in response to Mr. Falk’s article, “Outraged by Richard Falk’s highly offensive Boston comments. Someone who spews such vitriol has no place at the UN. Past time for him to go.” Whether Ms. Rice is outraged over things Mr. Falk never actually said or the truth he did tell isn’t entirely clear, though we may perhaps reasonably assume both.

A spokesperson for Ban Ki-moon, meanwhile, instead of rejecting the deliberate distortions of Mr. Falk’s piece, said that “The Secretary-General is hopeful that special rapporteurs such as Mr. Falk understand that while they have independent status, their public comments can undermine the credibility and the work of the United Nations.” This was reported by *Reuters* in [a rare objective and honest piece](#), which accurately states that Falk “suggested the Boston bombings were a response to U.S. foreign policy” before pointing out that federal law enforcement officials have indeed told reporters “that the Tsarnaev brothers had been motivated by the U.S. wars in Afghanistan and Iraq”—in other words, that Mr. Falk is correct in his observation.

One is just not supposed to tell the public that U.S. foreign policy results in what intelligence analysts call “blowback”. This is a forbidden truth, reminiscent of the 2007 presidential debate [when Rudy Giuliani condemned Ron Paul](#) for making the completely uncontroversial statement that the 9/11 attacks were “blowback” for U.S. foreign policy, to which Dr. Paul replied by standing firm and repeating the

uncomfortable truth before the audience. It is a point that Michael Scheuer, former head of the CIA's Osama bin Laden unit, Alec Station, has also made in a commentary on the Boston bombings published at *Foreign Policy Journal*, [in which he remarks](#) that "it is blatantly obvious from the evidence the authorities have presented to date that the attackers were motivated by what the U.S. government does in the Muslim world".

It is clear from the hysterical reactions to Mr. Falk's commentary on the Boston bombings that his own sin is in speaking uncomfortable truths many Americans don't want to hear about their government's policies, as well as for his courageous stand against Israel's lawlessness in the face of such demonization by its Zionist apologists.

ISRAEL'S ILLEGAL USE OF WHITE PHOSPHORUS DURING 'OPERATION CAST LEAD'

Adapted from excerpts from the author's forthcoming book, Obstacle to Peace: The US Role in the Israeli-Palestinian Conflict, and originally published at Foreign Policy Journal, May 3, 2013.

ISABEL KERSHNER WROTE LAST WEEK in the *New York Times* that the Israeli Defense Force (IDF) plans to discontinue the use of white phosphorus munitions, adding that

Israeli and international human rights organizations accused Israel of using white phosphorus munitions improperly during Israel's three-week military offensive against Hamas and other militant groups in Gaza in the winter of 2008-9. Such munitions are not prohibited under international law, but they are not supposed to be used in civilian areas, because white phosphorus is highly flammable and, like napalm, it can burn flesh. Israel maintained that its use of shells containing phosphorus did not violate international law.[1]

Human rights organizations "accused" Israel, Kershner wrote, as though this was merely an unproven accusation and not a well-documented, indisputable fact. The "accusation" is that Israel used white phosphorus "improperly", Kershner's euphemism for "illegally".

The munitions are “not prohibited under international law, but they are not supposed to be used in civilian areas”, meaning that *the use of white phosphorus in civilian areas is prohibited under international law*. Finally, Israel maintains it “did not violate international law.”

The question one might find oneself asking after reading this is: Did Israel use the munitions in civilian areas, or not? We know the answer. So, then, why cannot Kershner bother herself to tell her readers that there is no question that Israel did in fact use the munitions in civilian areas? Why does she decline to point out to her readers that, by doing so, it is an incontrovertible fact that Israel violated international law with its use of white phosphorus?

Kershner also didn't mention that Israel initially denied its use of white phosphorus, which would be an behavior had its use of the munitions been legal. The London *Times* reported on January 5, 2009 that despite Israel's denials, “the tell-tale shells could be seen spreading tentacles of thick white smoke to cover the troops' advance.”[2] On January 8, *The Times* reported again that photographic proof of Israel's use of white phosphorus munitions had emerged, “despite official denials” by the IDF. *The Times* had identified munitions bearing the designation M825A1, made in the USA. Confronted with the evidence, an IDF spokeswoman lied, “This is what we call a quiet shell—it is empty, it has no explosives and no white phosphorus. There is nothing inside it”.[3]

By January 10, Human Rights Watch called upon Israel to “stop using white phosphorus in military operations in densely populated areas of Gaza”, including Gaza City. “White phosphorous can burn down houses and cause horrific burns when it touches the skin,” said Marc Garlasco, senior military analyst at HRW.[4] Noting that when white phosphorus munitions burst in the air, they spread “116 burning wafers over an area between 125 and 250 meters in diameter”, HRW added that “the use of white phosphorus in densely populated areas of Gaza violates the requirement under international humanitarian law to take all feasible precautions to avoid civilian injury and loss of life.” The IDF continued to deny that it was using white phosphorus, HRW also

pointed out, despite the fact that the distinctive air-bursting munitions had been photographed being used over populated areas of Gaza.[5]

“I can tell you with certainty that white phosphorus is absolutely not being used”, an IDF spokesperson had initially lied. Several days later, and two days after the HRW report, after photographs of the weapon being used in Gaza had appeared widely in the media, the official Israeli position became: “Any munitions that Israel is using are in accordance with international law. Israel does not specify the types of munitions or the types of operations it is conducting.”

Kershner perhaps took her cue from earlier reporting. CNN at the time likewise characterized Israel’s use of white phosphorus as merely an *accusation* with the headline “Group accuses Israel of firing white phosphorus into Gaza”. [6] The characterization came despite the fact that the article was accompanied online with an image of the weapon in use, clear photographic proof that the HRW “accusation” was true and that Israeli officials were lying.

In a similar fashion, the caption of a photograph on a BBC report unmistakably showing white phosphorus munitions bursting over populated areas read “Human Rights Watch says pictures like this point to white phosphorus use, but Israel denies this”. The BBC article disingenuously added, “There is no way independently to explain the contradiction between the Israeli military’s denial” and the reports that Israel had been using the weapon.[7] Unimaginatively, the BBC failed to realize the simplest and most obvious explanation: that Israeli officials were lying—a fact proven beyond any reasonable doubt by the very photograph the BBC included with the article.

The Israeli human rights organization B’Tselem observed that under international law, “such [incendiary] weapons may only be used against military objects. When the military object is located within a civilian area, the use of phosphorus is absolutely prohibited.” While Israel had not signed the Additional Protocols to the Geneva Conventions, the specific prohibition was nevertheless “based on two customary principles of international law, which are binding on Israel. The first is the prohibition on using weapons that cannot distinguish between

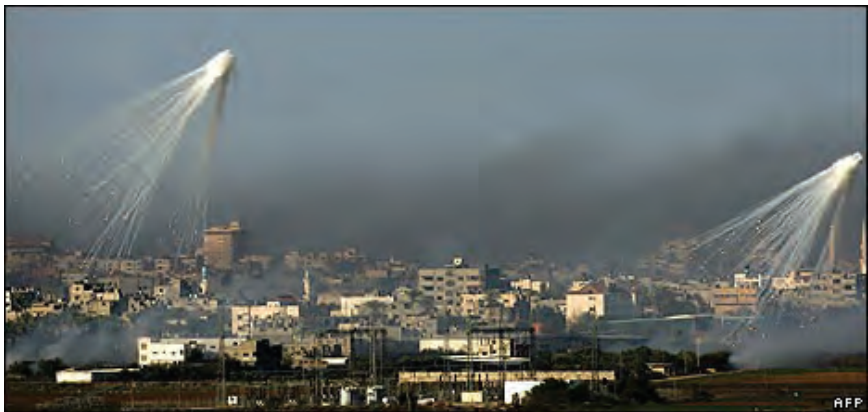
combatants and civilians, and the second is the prohibition on using weapons which by their nature cause unnecessary suffering.”[8]

An ICRC official also confirmed to the *Associated Press* that Israel was in fact using white phosphorous munitions. His comments made headlines in the U.S. because he had also said, “But it’s not very unusual

to use phosphorus to create smoke or illuminate a target. We have no evidence to suggest it’s being used in any other way.” The widely published AP article was misleadingly titled “ICRC: Israel’s use of white phosphorus not illegal”, despite the fact that the official quoted, Peter Herby, hadn’t



actually said that. Rather, he had indicated that additional information was required before a judgment could be made as to whether Israel’s use of the weapon was legal or not. The AP report noted in the third



to last paragraph that Herby had also “said evidence is still limited because of the difficulties of gaining access to Gaza”, but the distinction was no doubt lost upon many readers, even among those who actually read past the false headline.[9]

Apparently, Herby had not seen any of the numerous photographs that had already appeared in the media or spoken with the credible witnesses of the weapons being used over heavily populated residential areas, and thus illegally. In another example, the *Christian Science Monitor* repeated Herby's comments to the AP under the headline, "Red Cross: No evidence Israel is using white phosphorus illegally", despite its own admission that "Monitor staff writer Robert Marquand reported yesterday that human rights groups have witnessed white phosphorus munitions exploding *over populated area [sic] of Gaza*" (emphasis added).[10] The headline was made even more egregious given the fact that in a separate article published the same day, Marquand reported (emphasis added):

Marc Garlasco has been on the northern border of Gaza for the past five days watching what he says are *white phosphorus munitions exploding over a crowded refugee camp*. Mr. Garlasco, a senior military analyst for New York-based Human Rights Watch (HRW), says that the way Israel is using the incendiary device is illegal.... "The IDF acts only in accordance with what is permitted by international law and does not use white phosphorus," IDF Chief of Staff Gabi Ashkenazi told Israel's Foreign Affairs and Defense Committee on Tuesday in response to a query. But Garlasco says that *phosphorus is clearly being used in the Jabaliya refugee camp, one of the most crowded areas in Gaza. "I can see them; we are very certain, whatever the Israeli Defense Forces may say, that white phosphorus is being used...."*[11]

From inside Gaza, Palestinian *New York Times* correspondent Taghreed El-Khodary reported that large numbers of Gazans were "fleeing their homes for makeshift shelters in schools, office buildings and a park as the Israeli Army continues to press its military campaign deeper into Gaza City." Israel continued to drop "leaflets to warn families to leave areas where they planned to operate", but, she added, citing the Israeli shelling at a school in Jabaliya that had killed 43 people as an example, "the shelters are not completely safe". Palestinians interviewed also "cited another reason for their flight: Israel [*sic*] soldiers, they said, are firing rounds of a noxious substance that burns skin and makes it hard to breathe." A resident from Gaza City showed reporters the

source of the “noxious substance”, a “metal casing with the identifying number M825A1”. Her report concluded:

When exposed to air, it ignites, experts say, and if packed into an artillery shell, it can rain down flaming chemicals that cling to anything they touch. Luay Suboh, 10, from Beit Lahiya, lost his eyesight and some skin on his face Saturday when, his mother said, a fiery substance clung to him as he darted home from a shelter where his family was staying to pick up clothes. The substance smelled like burned trash, said Ms. Jaawanah, the mother who fled her home in Zeytoun, who had experienced it too. She had no affection for Hamas, but her sufferings were changing that. “Do you think I’m against them firing rockets now?” she asked, referring to Hamas. “No. I was against it before. Not anymore.”[12]

What the *Times* didn’t mention was that the M825A1 white phosphorus munitions were, of course, supplied to Israel by the U.S.[13]

More proof still was needed, however, for El-Khodary’s colleague Ethan Bronner to report that Israel was using white phosphorus. The only instance in which it received any mention from Bronner occurred two days after the above piece was published, in an article where Bronner wrote that ICRC president Jakob Kellenberger had said that during his own visit to Gaza, “he had seen no evidence of the use of white phosphorus, an obscurant used in military conflicts that can be dangerous for civilians under certain circumstances”—such as when their homes or places of shelter are targeted with it. “*Palestinians say Israel is using it in Gaza*,” Bronner added (emphasis added).[14] All of the relevant facts Bronner saw fit to sweep down the memory hole, to be replaced by a meaningless citation of one individual who happened not to have himself personally witnessed white phosphorus being used and by the characterization that its use by Israel was nothing more than a baseless Palestinian claim. The repeated statements from human rights organizations like HRW and B’Tselem condemning its documented use, the photographic proof published in media outlets around the world, his own colleague’s reporting from on the ground in Gaza of the finding of shells marked “M825A1”, etc.—none of this

did Bronner consider relevant in what can only have been a deliberate attempt, assuming his competence as a reporter, to mislead his readers into mistakenly believing that Israel's use of the weapon was somehow in doubt. (These were the only two articles from the *Times* that mentioned Israel's use of white phosphorus during its entire military operation in Gaza.)

On January 15, the main UNRWA compound in Gaza City was targeted with white phosphorus munitions, causing a fire that destroyed a workshop and the main warehouse where hundreds of tons of humanitarian supplies were being stored and 700 Palestinians were taking refuge.[15] The Gaza Director of Operations John Ging told a news conference about Israel's use of white phosphorus against the UNRWA compound, while Israel continued to deny its use. "It looked like phosphorous, it smelled like phosphorous and it burned like phosphorous, so that's why I'm calling it phosphorous," he said. "The place went up in flames. Our workshop was the part that was hit most severely. It went on fire, as did part of the warehouse. Of course, we had to take cover until we got reassurances that there wouldn't be further firing." He added that the fire service was delayed because of the fighting in the area and by the time they got there, "Unfortunately, it was too late to save the warehouse where we had hundreds of tons of food and medicine that were to be dispatched today to our centers, the health centers and food centers." While Israel claimed it had responded to Hamas fire from the vicinity of the UNRWA compound, Ging emphasized that no militants had fired from the compound and questioned why Israeli liaison officers never reported to U.N. officials that Hamas militants were in the area, despite having been in constant contact. "They should tell us if there are militants operating in our compound or in our area. The fact that they don't, we take as indicative of the fact that there wasn't," he said.[16] "Their credibility is hanging in rags." UNRWA spokesman Christopher Gunness said that the IDF had privately acknowledged that the alleged source of fire was several hundred yards away from the UNRWA compound.[17] Under-Secretary-General for Humanitarian Affairs and United Nations Emergency Relief Coordinator John Holmes condemned the use of white

phosphorus in civilian areas, saying that Israel's disproportionate use of force was unjustified and in violation of international humanitarian law.[18]

On January 17, Israel hit another UNRWA-run school in Beit Lahiya with white phosphorus. Secretary General Ban Ki-moon condemned the attack, which had occurred two days after Israeli leaders had apologized and given him their assurances that U.N. sites would be respected. He demanded an investigation and "punishment of those who are responsible for these appalling acts." [19] John Ging reported that two brothers, aged five and seven, had been killed, and fourteen others were wounded.[20] Christopher Gunness said,

Where you have a direct hit on an UNRWA school where about 1,600 people had taken refuge, where the Israeli Army knows the coordinates and knows who's there, where this comes as the latest in a catalogue of direct and indirect attacks on UNRWA facilities, there have to be investigations to establish whether war crimes have been committed.[21]

One of the first Western journalists to get into Gaza following the ceasefire, photographer Bruno Stevens reported, "What I can tell you is that many, many houses were shelled and that they used white phosphorus.... It appears to have been indiscriminate." [22]

An Amnesty International fact-finding team arrived in Gaza and reported finding evidence of the widespread use of white phosphorus munitions, including still-burning wedges of phosphorus, in heavily populated areas.[23] Amnesty took the unprecedented step of calling for the U.S. to suspend its military aid to Israel. "Israeli forces used white phosphorus and other weapons supplied by the USA to carry out serious violations of international humanitarian law, including war crimes," said the head of Amnesty's fact-finding mission to southern Israel and Gaza, Donatella Rovera.[24]

Human Rights Watch issued a report documenting "Israel's extensive use of white phosphorus munitions". HRW concluded that the IDF "repeatedly exploded white phosphorus munitions in the air over populated areas, killing and injuring civilians, and damaging civilian structures, including a school, a market, a humanitarian aid warehouse

and a hospital”, all in violation of international law. In the case of the attack on the UNRWA headquarters, “the IDF kept firing white phosphorus despite repeated warnings from U.N. personnel about the danger to civilians.” The “circumstances demand the independent investigation of the use of white phosphorus and, if warranted, the



prosecution of all those responsible for war crimes.” HRW pointed out that if the IDF’s aim had been to create a smoke screen, it could have used the 155mm smoke projectiles in its inventory, “which produce the equivalent visual screening properties without the incendiary and destructive effects”, and “with no risk of fires or burns to civilians.” Israel’s choice of white phosphorus “strongly suggests that the IDF was not using the munition for its obscurant qualities, but rather for its incendiary effect.” Additionally, HRW “found no evidence of Hamas using human shields in the vicinity at the time of the attacks.” Doctors had described patients that had been burned to the bone with chemical burns. All of the white phosphorus shells that HRW had seen had been provided to Israel by the U.S.[25]

Israel claimed that the burning down of the UNRWA warehouse during Operation Cast Lead was “the unfortunate result of the type of warfare that Hamas forced upon the IDF”, while failing to explain why the IDF had chosen to use white phosphorus munitions in that

attack, or elsewhere over densely populated areas. The IDF claimed that its “forces did not intend, at any stage, to hit a U.N. facility.”[26] It offered no further explanation for how, if Israel had not intended to hit the compound, which the IDF knew the precise GPS coordinates of, it then ended up taking numerous direct hits, or why, then, Prime Minister Olmert had asserted that Israel had targeted U.N. compound because “ Hamas fired from the UNRWA site”, why he had lied, “It is absolutely true that we were attacked from that place.”[27]

A U.N. inquiry found “no evidence” that any fire had originated from within the compound and stressed that, contrary to Israel’s claim that Hamas had fired from the vicinity, the U.N. staff “stated that they heard no gunfire from within the compound or from the immediate area”. The report found that Israel’s decision to use white phosphorus in its attack on the compound “was grossly negligent, amounting to recklessness.” It drew similar conclusions with regard to Israel’s attack using white phosphorus munitions on the UNRWA Beit Lahiya Elementary School on January 17.[28]

The subsequent report of the U.N. Fact-Finding Mission on the Gaza Conflict, more popularly known as the Goldstone Report, found that the IDF had also been “systematically reckless” in using white phosphorus munitions and negligent in its use of inherently indiscriminate flechettes in populated areas. The Mission found that Israel’s attacks on the UNRWA compound on January 15 using white phosphorus, which had continued for “over several hours despite [the IDF] having been fully alerted to the risks they created”, violated international law. During the “sustained shelling” of the compound, it took direct hits from three high explosive shells and at least seven white phosphorous container shells that discharged their contents “completely or very substantially in the confines of a very limited space around particularly vulnerable areas of the UNRWA compound.” UNRWA officials had made numerous calls to Israeli officials. John Ging, who was in Jerusalem at the time, had made “a total of 26 calls” to the IDF’s Humanitarian Coordination Center (HCC) in Tel Aviv “to demand that the shelling be stopped”. He was met with assurances that it would be, “but it was clear when he relayed this message back

to Gaza that shelling was continuing.” The Mission rejected Israel’s justification for the attack, that the IDF had “not anticipated” that the compound would be hit, on the simple and obvious grounds that “[t]he Israeli armed forces were told what was happening. It no longer had to anticipate it.” The Mission also noted that Prime Minister Olmert had claimed that the IDF had struck the location deliberately because Palestinian militants had fired from within the compound, but that Israel subsequently changed its story, claiming that the alleged fire had instead come from nearby. UNRWA staff had said “that they were unaware of any sustained fire” by Palestinian militants in the area at the time, but even giving Israel the benefit of the doubt, Israel’s choice of white phosphorous munitions “could not be deemed proportionate”. The IDF had shown “reckless disregard” in the means by which it responded to the alleged anti-tank fire, which was further compounded by its “decision to continue using the same means” even after having been notified of the consequences. The report concluded that Israel’s attack on the compound “violated the customary international law requirement to take all feasible precautions” to avoid civilian casualties and damage to civilian objects.

Israel had also attacked the al-Quds hospital on January 15 with white phosphorus munitions and at least one high explosive shell. The Mission had addressed questions to Israel about this attack “but received no reply.” The circumstances of the attack led to the conclusion that the hospital “could not be described in any respect at that time as a military objective”, but had nevertheless been “the object of a direct attack” by the IDF, in violation of Article 18 of the Fourth Geneva Convention. “Even in the unlikely event that there was any armed group present on hospital premises,” the report noted, the attack was made without warning, in violation of Article 19 of the Convention.[29]

Israel continued to declare that the IDF’s use of white phosphorus munitions “was consistent with Israel’s obligations under international law.”[30] With regard to its attacks on the UNRWA compound on January 15, Israel claimed that the IDF “needed” to use white phosphorus munitions “to protect Israeli forces” and that their use “complied with the requirements of proportionality” under

international law. No explanation was offered for how, if “aimed at military targets”, multiple rounds managed instead to hit the U.N. compound, including white phosphorus shells that burned down the warehouse, which bombardments continued even after the IDF had been repeatedly informed that it was hitting the compound. Israel also self-contradictorily stated that the damage to the U.N. site “was more extensive than the IDF had anticipated”, thus tacitly admitting that the IDF knew its bombardments were hitting the compound.[31]

Human rights organizations rejected the findings of Israel’s self-investigations. Amnesty International issued a statement describing Israel’s response as “totally inadequate”, blasting it for leaving critical questions about the IDF’s conduct “not credibly addressed”, including its “use of white phosphorus in densely-populated areas”. [32]

Human Rights Watch issued a report titled “Turning a Blind Eye: Impunity for Laws-of-War Violations during the Gaza War”, which pointed out that Israel’s self-investigations “have fallen far short of international standards”. Israel had also failed to investigate culpability among the political and military leadership who authorized policies “that may have led to violations of the laws of war”, including the use of white phosphorus.[33]

But never mind the actual facts. All *New York Times* readers need to know, in the minds of Isabel Kershner and her editors, is that Israel was “accused” of using white phosphorus “improperly”, but that Israel has maintained that its use of the munitions did not violate international law but will discontinue their use anyway. That is it. That is all you need to know. To report that Israel’s use of white phosphorus amounted to war crimes just would not serve the purpose of manufacturing consent for the U.S. policy of financially, militarily, and diplomatically supporting Israel’s violations of international law, and so this fact must be deliberately obfuscated.

References

1. Isabel Kershner, “Israel: Military to Stop Using Shells Containing Phosphorus,” *New York Times*, April 26, 2013, <http://www.nytimes>.

- [com/2013/04/27/world/middleeast/israel-military-to-stop-using-shells-containing-phosphorus.html](http://www.commondreams.org/headline/2009/01/05-0).
2. Sheera Frenkel and Michael Evans, "Israel Rains Fire on Gaza With Phosphorus Shells," *The Times*, January 5, 2009, <https://www.commondreams.org/headline/2009/01/05-0>.
 3. Michael Evans and Sheera Frenkel, "Gaza Victims' Burns Increase Concern Over Phosphorus," *The Times*, January 9, 2009, <https://www.commondreams.org/headline/2009/01/09>.
 4. "Israel: Stop Unlawful Use of White Phosphorus in Gaza," Human Rights Watch, January 10, 2009, <http://www.hrw.org/en/news/2009/01/10/israel-stop-unlawful-use-white-phosphorus-gaza>.
 5. "Q&A on Israel's Use of White Phosphorus in Gaza," Human Rights Watch, January 10, 2009, <http://www.hrw.org/en/news/2009/01/10/q-israel-s-use-white-phosphorus-gaza>.
 6. Ben Wedeman, "Group accuses Israel of firing white phosphorus into Gaza," CNN, January 12, 2009, <http://edition.cnn.com/2009/WORLD/meast/01/12/white.phosphorus/index.html>.
 7. "Israel denies banned weapons use," BBC, January 11, 2009, http://news.bbc.co.uk/2/hi/middle_east/7823078.stm.
 8. "Israel is using phosphorus illegally in Gaza Strip bombings," B'Tselem, January 12, 2009, http://www.btselem.org/gaza-strip/20090112_use_of_white_phosphorus.
 9. Bradley S. Klapper, "ICRC: Israel's use of white phosphorus not illegal," *Associated Press*, January 13, 2009. The AP report was widely published, including by the *Jerusalem Post* (<http://fr.jpost.com/servlet/Satellite?cid=1231866575577&pagename=JPArticle%2FShowFull>), CBS News (<http://www.cbsnews.com/stories/2009/01/13/ap/europe/main4719434.shtml>), FOX News (<http://www.foxnews.com/wires/2009Jan13/0.4670,EUredCrossWhitePhosphorus.00.html>), Seattle Times (http://seattletimes.nwsourc.com/html/nationworld/2008622964_apeuredcrosswhitephosphorus.html), and The Huffington Post (http://www.huffingtonpost.com/2009/01/13/israels-use-of-white-phos_n_157648.html).
 10. Michael B. Farrell, "Red Cross: No evidence Israel is using white

- phosphorus illegally,” *Christian Science Monitor*, January 14, 2009, <http://www.csmonitor.com/World/Global-News/2009/0114/red-cross-no-evidence-israel-is-using-white-phosphorus-illegally>.
11. Robert Marquand and Nicholas Blanford, “Gaza: Israel under fire for alleged white phosphorus use,” *Christian Science Monitor*, January 14, 2009, <http://www.csmonitor.com/World/Middle-East/2009/0114/p07s01-wome.html>.
 12. Taghreed El-Khodary and Sabrina Tavernise, “UN warns of refugee crisis in Gaza Strip,” *New York Times*, January 13, 2009, <http://www.nytimes.com/2009/01/13/world/africa/13iht-14mideast.19307282.html>.
 13. Sheera Frenkel, “Amnesty International: Gaza white phosphorus shells were US made,” *The Times*, February 24, 2009, <http://www.thetimes.co.uk/tto/news/world/middleeast/article2604460.ec>.
 14. Ethan Bronner, “Egypt Cites Progress Toward Truce as Gaza Toll Exceeds 1,000,” *New York Times*, January 14, 2009, <http://www.nytimes.com/2009/01/15/world/middleeast/15mideast.html>.
 15. “Field Update on Gaza from the Humanitarian Coordinator,” United Nations Office for the Coordination of Humanitarian Affairs, January 15, 2009, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/43bcda73f7237eb18525754000532c24?OpenDocument>.
 16. “Senior official gives eyewitness account of Israeli shelling of UN Gaza compound,” U.N. Department of Public Information, January 15, 2009, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/80ed8ed8e156cbbc8525753f007a6a48?OpenDocument>.
 17. Isabel Kershner, “Israel Shells U.N. Site in Gaza, Drawing Fresh Condemnation,” *New York Times*, January 15, 2009, <http://www.nytimes.com/2009/01/16/world/middleeast/16mideast.html>.
 18. “Press Conference on Gaza Humanitarian Situation,” U.N. Department of Public Information, January 15, 2009, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/b974aca8e8fe201d85257540004ffedc?OpenDocument>.
 19. “As Third United Nations School Hit by Israeli Forces, Secretary-

- General Condemns 'Outrageous Attack', Demands Investigation, Punishment of Those Responsible," U.N. Department of Public Information, January 19, 2009, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/e9de19ecaaab587585257543007584c5?OpenDocument>.
20. Steven Erlanger, "Israel Declares Cease-Fire; Hamas Says It Will Fight On," *New York Times*, January 17, 2009, <http://www.nytimes.com/2009/01/18/world/middleeast/18mideast.html>.
 21. "Field Update on Gaza from the Humanitarian Coordinator," United Nations Office for the Coordination of Humanitarian Affairs, January 18, 2009, <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/258df5246a4529e38525754400665283?OpenDocument>.
 22. Fida Qishta and Peter Beaumont, "Israel accused of war crimes over 12-hour assault on Gaza village," *The Guardian*, January 17, 2009, <http://www.guardian.co.uk/world/2009/jan/18/israel-war-crimes-gaza-conflict>.
 23. "Israel used white phosphorus in Gaza civilian areas," Amnesty International, January 19, 2009, <http://www.amnesty.org/en/news-and-updates/news/israeli-armys-use-white-phosphorus-gaza-clear-undeniable-20090119>.
 24. "Foreign-supplied weapons used against civilians by Israel and Hamas," Amnesty International, February 20, 2009, <http://www.amnesty.org/en/news-and-updates/foreign-supplied-weapons-used-against-civilians-israel-and-hamas-20090220>.
 25. "Rain of Fire: Israel's Unlawful Use of White Phosphorus in Gaza," Human Rights Watch, March 25, 2009, <http://www.hrw.org/en/reports/2009/03/25/rain-fire>.
 26. "Conclusion of Investigation into Central Claims and Issues in Operation Cast Lead," Israeli Defense Force, April 22, 2009; Part 1: <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Hamas+war+against+Israel/IDF+Conclusion+of+investigations+Operation+Cast+Lead+Part1+22-Apr-2009.htm.htm>; Part 2: <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Hamas+war+against+Israel/Conclusion+of+Investigations+into>

- [Central Claims and Issues in Operation Cast Lead-Part2 22-Apr-200.htm](#). (These are the original links to the report, which at the time of this is no longer available there.)
27. Sheera Frenkel and Philippe Naughton, "UN Headquarters in Gaza Hit by Israeli 'White Phosphorus' Shells," *The Times*, January 15, 2009, <https://www.commondreams.org/headline/2009/01/15-4>. "UN accuses Israel over phosphorus," BBC, January 15, 2009, <http://news.bbc.co.uk/2/hi/7831424.stm>.
 28. "Secretary-General's Summary of the Report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009," May 5, 2009, <http://image.guardian.co.uk/sys-files/Guardian/documents/2009/05/05/4MayGltrtoSCBrd.pdf>.
 29. "Report of the United Nations Fact Finding Mission on the Gaza Conflict," United Nations Human Rights Council, September 25, 2009, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.
 30. "Gaza Operation Investigations: An Update," State of Israel, January 2010, <http://www.mfa.gov.il/NR/rdonlyres/8E841A98-1755-413D-A1D2-8B30F64022BE/0/GazaOperationInvestigationsUpdate.pdf>. (No longer available.)
 31. "Gaza Operations Investigations: Second Update," State of Israel, July 2010, <http://www.mfa.gov.il/NR/rdonlyres/1483B296-7439-4217-933C-653CD19CE859/0/GazaUpdateJuly2010.pdf>. (No longer available.)
 32. "Latest Israeli response to Gaza investigations totally inadequate," Amnesty International, February 2, 2010, <http://www.amnesty.org/en/news-and-updates/latest-israeli-response-gaza-investigations-totally-inadequate-20100202>.
 33. "Turning a Blind Eye: Impunity for Laws-of-War Violations during the Gaza War," Human Rights Watch, April 11, 2010, <http://www.hrw.org/reports/2010/04/11/turning-blind-eye-0>.

THE ROLE OF THE U.N. IN CREATING THE ISRAELI-PALESTINIAN CONFLICT

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THE UNITED NATIONS WAS FOUNDED with the stated aim of maintaining peace among nations, but the reality is that not only has it consistently failed to prevent international conflicts, it has had no small part in causing them. One instructive case study was its role in its early years of helping to create the still-unresolved Israeli-Palestinian conflict.

According to the preamble to the U.N. Charter, signed by its founding member states in June 1945, the organization's goal is "to save succeeding generations from the scourge of war" and to "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." Article 1 of the Charter further describes the U.N.'s purposes as being to "maintain international peace and security...in conformity with the principles of justice and international law." The Charter also explicitly recognizes "the principle of equal rights and self-determination of peoples."

Nevertheless, the U.N. almost immediately upon its founding helped to exacerbate the unfolding situation in Palestine by acting contrary to its own declared principles.

Following the First World War, Great Britain, appointed the occupying power under the League of Nations' Palestine Mandate, proceeded to implement policies that contributed to escalating hostilities between the native Arab and immigrant Jewish communities. After World War II, the League of Nations was replaced by the U.N., which assumed authority over the League's Mandates. Britain, unable to reconcile its conflicting promises to both the Arab and Jewish communities, sought to extricate itself from the situation it had helped to create by requesting that the U.N. take up the question of Palestine. Thus, in May 1947, the U.N. General Assembly considered and adopted a resolution establishing the U.N. Special Committee on Palestine (UNSCOP) to investigate and make recommendations.

At the time, the U.N. consisted of 55 members, including Egypt, Iraq, Lebanon and Syria. Palestine remained the only one of the formerly Mandated Territories whose independence was not recognized. No representatives from any Arab nations were included in UNSCOP, however, whose membership comprised Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia. Egypt, Iraq, Syria, Lebanon, and Saudi Arabia requested that Britain's Mandate be terminated and Palestine's independence recognized, but this motion was rejected.

The population of Palestine at the end of 1946 was about 1,846,000, more than two-thirds of whom were Arab and one-third Jewish. While the growth in the Arab population was due to natural increase, the growth of the Jewish population was mainly the result of immigration, which was supported by British policy. Arabs constituted a majority and owned more land than Jews in every district in Palestine, including Jaffa, which included Tel Aviv. According to the UNSCOP report, Arabs were in possession of about 85 percent of the land, compared to only about 5.8 percent owned by Jews.

Despite these facts, the majority UNSCOP recommendation was that Palestine should be partitioned into two states, with the majority

Arabs surrendering land to the Jews for their state. Under the proposal, 45 percent of the land would be for the Arab state, compared to 55 percent for the Jewish state. UNSCOP explicitly rejected the right of the Palestinian Arabs to self-determination, stating that this principle “was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there.” Arab representatives had proposed a unitary Palestine with a democratic constitution guaranteeing full civil and religious rights for all citizens and an elected legislative assembly that would include Jewish representatives. UNSCOP dismissed this as “an extreme position.”

India, Iran and Yugoslavia dissented from UNSCOP’s majority recommendation for partition, supporting instead the alternative proposal, which was, they observed, “in every respect the most democratic solution” and “most in harmony with the basic principles of the Charter of the United Nations.” Arab representatives naturally also rejected the proposed partition plan. After receiving UNSCOP’s report, the General Assembly established another committee that similarly rejected the majority recommendation as being “contrary to the principles of the [U.N.] Charter,” pointing out that the U.N. had no authority to “deprive the majority of the people of Palestine of their country and transfer it to the exclusive use of a minority in the country.” The new committee likewise proposed that the independence of Palestine instead be recognized.

Nevertheless, on Nov. 29, 1947, by a vote of 33 in favor, 13 against, and 10 abstentions, the General Assembly adopted Resolution 181, which recommended that the majority UNSCOP plan be implemented. The nonbinding resolution was referred to the Security Council—*where it died*. It is important to emphasize that, contrary to popular myth, the U.N. neither created Israel nor conferred upon the Zionist leadership any legal authority for its unilateral declaration on May 14, 1948 of the existence of the state of Israel.

Indeed, the U.S. ambassador to the U.N., Warren Austin, observed that the only way the UNSCOP plan could be implemented would be through the use of force, and that the Security Council had no such authority to enforce the partition of Palestine. He further noted that the

expectation of the termination of the Mandate and withdrawal of the British from Palestine “would result, in the light of information now available, in chaos, heavy fighting and much loss of life in Palestine.”

On the other hand, Austin argued, the U.N. *did* have authority to take action, including the use of force, to prevent such a violent outcome. The Council “can take action to prevent a threat to international peace and security from inside Palestine,” he stated, as well as “to prevent aggression against Palestine from outside.” He urged the Council: “The United Nations cannot permit such a result. The loss of life in the Holy Land must be brought to an immediate end. The maintenance of international peace is at stake.”

The U.N. however, did nothing as the Zionist leadership under David Ben-Gurion implemented a campaign of ethnic cleansing, the expulsion of the Arab population being a prerequisite for the creation of a demographically “Jewish state.” As Ilan Pappé wrote in his groundbreaking book, *The Ethnic Cleansing of Palestine* (available from the AET Book Club), “U.N. agents and British officials stood by and watched indifferently” as Zionist forces systematically attacked major urban centers of Palestine. Similarly, by the end of April, “U.S. representatives on the ground were by now fully aware of the expulsions that were going on.”

Fait Accompli

By the time the British occupation came to an official end on May 14, 1948, a quarter of a million Palestinians had already been expelled from their homes by Jewish military forces. The same day, the Zionist leadership issued its unilateral declaration of the existence of Israel, which falsely cited U.N. General Assembly Resolution 181 as having granted legal authority for the establishment of their “Jewish state.”

As predicted, war ensued as the neighboring Arab states attempted to muster a military response. In the end, the Arab forces only managed to hold onto the areas known as the West Bank (west of the Jordan River) and the tiny Gaza Strip. Three-quarters of a million Arabs had been ethnically cleansed from Palestine by the time armistice agreements

were signed in 1949. To Israelis, this was a “War of Independence,” but Palestinians refer to it as the “*Nakba*”—their “catastrophe.”

In November 1948, Israel requested membership in the U.N., declaring that it “unreservedly accepts the obligations of the United Nations Charter and undertakes to honor them.” The following month, the General Assembly passed Resolution 194, which recognized the right of Palestinian refugees to return to their homes from which they had been ethnically cleansed. Israel rejected the resolution and refused to permit the refugees to return. The U.N. Security Council in March 1949 nevertheless proceeded to lend legitimacy to the Zionists’ unilateral declaration of statehood and ethnic cleansing of Palestine by declaring in Orwellian fashion that “Israel is a peace-loving State... willing to carry out the obligations contained in the Charter” and recommending to the General Assembly that Israel be admitted to the U.N. as a member.

Resolution 194 also established the Conciliation Commission for Palestine to assume the functions of U.N. mediator Count Folke Bernadotte, whom Jewish terrorists assassinated on Sept. 17, 1948. In April 1949, the Commission issued a report stating that it “had no difficulty in recognizing the truth” that “Israel not only had not accepted” the principle of repatriation for refugees, “but had endeavored to create a *de facto* situation which would render the practical application of the principle more difficult and even impossible.”

When the General Assembly debated Israel’s application for membership the following month, the representative from Lebanon, Charles Habib Malik, observed that admitting Israel as a member while it rejected the principle of repatriation of Arab refugees “would be tantamount to a virtual condemnation of one million Arabs to permanent exile,” which, he predicted, would “give rise to serious political, social, economic and spiritual disturbances in the Near East and in the whole world for generations to come.”

To admit Israel, he continued, would be to “reward” it “for its defiance of the Assembly’s wishes” and would mean “the perpetuation of the homelessness of the Arab refugees.” Furthermore, Israel had not declared its own borders, and it now controlled territories well beyond

those envisioned under the partition plan for the Jewish state and “had no intention of giving them up.” Thus, admitting Israel would be “equivalent to giving it a blank check to draw its frontiers wherever it wished.”

“In effect,” Malik argued, “it meant condoning, by a solemn act of the United Nations, the right of conquest,” and “would be prejudicial to the negotiations on the demarcation of boundaries now in progress.”

Nevertheless, by a vote of 37 in favor, 12 against, and 9 abstentions, the General Assembly on May 11, 1949 adopted Resolution 273 deciding, despite all evidence to the contrary, “that Israel is a peace-loving state which accepts the obligations contained in the Charter” and admitting Israel as a member into the United Nations.

While it is impossible to know how history might otherwise have unfolded had the U.N. not played the role it did, it must be recognized that the conflict that still rages today between the Israelis and the Palestinians is in no small part a consequence of the decisions made and actions taken by member states of the United Nations that were contrary to the very principles the organization was ostensibly founded to uphold.

THE PATH TO PEACE LIES IN REJECTING THE ‘PEACE PROCESS’

Originally published at Foreign Policy Journal, August 28, 2013.

PALESTINE’S ILLEGITIMATE PRESIDENT, MAHMOUD ABBAS, is doing incredible damage to the cause of his people.

It is betrayal enough that he has decided to return to the U.S.-led so-called “peace process”—which is the process by which the U.S. and Israel block implementation of the two-state solution—despite Israel refusing to show even a modicum of good faith. Under threats of punishment for disobedience and promises of financial reward for compliance, Abbas agreed to return to talks “without preconditions”, meaning while Israel’s illegal colonization of the West Bank and East Jerusalem continue unabated.

But his betrayal goes much further. He has also expressed his willingness to surrender the Palestinians’ national sovereignty and right to self-defense by agreeing to the Israeli demand that the state of Palestine must be “demilitarized”. Abbas has tried to justify this decision by [reasoning](#), “We don’t need planes or missiles”. But whether having the means to defend the state of Palestine is *necessary* or not is not the question. It may or may not be *necessary*, as a *practical* matter, but by agreeing to Israel’s demand to a “demilitarized” state, Abbas is surrendering, as a matter of *principle*, that Palestine might have the

means by which to exercise its right to self-defense if it ever became necessary to do so—such as if Israel were to do what it often does and launch airstrikes or ground invasions against the state of Palestine.

Why is Abbas making such enormous concessions to Israel? The answer is that the Palestinian Authority, created under the so-called “peace process”, acts as Israel’s proxy security force. Bureaucrats like Abbas benefit from this system, as they have jobs and salaries, and they don’t want to risk upsetting the status quo if it means losing their relatively comfortable lives. The P.A. doesn’t want to risk losing the funding it receives from the U.S. by disobeying orders from Washington. It is rather content on making deals with the devil while maintaining the delusion that this road will somehow lead to heaven. This dependence of the Palestinian government upon the very nation most responsible for supporting Israel’s crimes against the Palestinian people and for blocking implementation of the two-state solution is perverse.

The reason the U.S. and Israel consider Abbas a “partner for peace” is precisely *because* he is largely willing to comply with orders from Washington and Tel Aviv. If he *wasn’t* willing to do so, he by definition *wouldn’t* be a “partner for peace” in their lexicon. The Palestinians must have a leadership that the U.S. and Israel *don’t* consider a “partner” in their efforts to block implementation of the two-state solution if they ever want to see the two-state solution realized.

The Palestinians are not without options. Since obtaining the status of non-member observer state in the General Assembly, they now have legal recourse to the International Criminal Court and International Court of Justice. They have the option of bringing complaints against Israel’s violations of international law that prejudice their rights, such as its occupation regime and illegal colonization.

Israel has threatened to withhold taxes it collects on behalf of the P.A. in areas of the West Bank under its control and the U.S. has threatened to cut off aid if the Palestinians pursue such action, but this is also a Catch-22 for Israel and the U.S., since a collapse of the P.A. would not be in Israel’s interests, either.

The Palestinian leadership will gain nothing by negotiating with the government of the country occupying their land, stealing or destroying their resources, and colonizing their soil. The only possible outcome of participating in the charade known as the “peace process” will be the further loss of Palestinians’ internationally recognized rights. That Palestinians must surrender their rights is an explicit precondition imposed by Israel on any agreement to be arrived at via talks. So what is the point of talking?

The leadership of Palestine should immediately end talks and make clear that there is no point in negotiating unless and until Israel ceases its illegal colonization *and withdraws from occupied Palestine*. They should insist that any talks should be based on the equal rights of both parties, rather than agreeing to the framework of the “peace process” that excludes anything international law has to say about it, in which any agreement to be achieved is not about what Israel has a *right* to under the law, but what Israel *wants* that *contravenes* the law.

The leadership should also immediately file claims against Israel for its crimes against the Palestinians, including the ongoing collective punishment of the civilian population of Gaza, *and also against the U.S. for its complicity in those crimes with its financial, military, and diplomatic support for them*, at the ICC; as well as request that the General Assembly refer the matter to the ICJ.

The way to make Israel’s occupation unsustainable is for the P.A. leadership to stop acquiescing to sustaining it. Simply choosing *not* to comply with orders from Washington to maintain the status quo and complacently continue with the charade of the mislabeled “peace process”, to walk away from it and *use* the legal mechanisms available to them in order to put an end to the U.S.’s support for Israel’s criminal policies by making it politically infeasible to continue, is the only path forward.

If the current Palestinian leadership won’t do that, the Palestinian people need to rid themselves of the Abbas regime, and perhaps rid themselves of the P.A. altogether, and lead themselves down the path towards an end of the perpetual injustices that have been and are being done to them.

If the U.S. responds by cutting financing to the Palestinians, let the world see this “aid” for what it really is: bribery payments intended to keep the P.A. leadership dependent upon and therefore compliant with the very nations oppressing them—namely, Israel and the U.S. The Palestinians are a resourceful people, and economic hardship is no stranger to them. The people of the world are with them in their struggle for justice. They will weather the storm. And the sacrifice of U.S. money to the P.A. seems a small price to pay in order to be done finally with the miserable “peace process” and get on with the process of making peace.

For as long as the injustices continue, there can be no peace. There is law. The path to peace will not be found by continuing with a framework that rejects law. It will be found by choosing the framework that seeks remedy and accountability under the law.

Let the Palestinian leadership stop this nonsense about negotiating with their oppressor while their land is occupied, stolen, and colonized. The time to begin negotiations on a final peace settlement, including a final agreement on borders, *is when the occupation comes to an end.*

That was the original intent of U.N. Resolution 242, and *that* is officially, under the law, what the international consensus is of how to achieve the two-state solution. That *is the* two-state solution.

That is also the reality that the U.S.-led “peace process” has fought so hard for so many years to make everyone forget. The U.S. has effectively *reversed* the prescription of the two-state solution by accepting Israel’s warped and legally invalid unilateral interpretation of 242, that a final settlement must be achieved first, and only *then* will it withdraw from *some* of the Palestinian territory it now occupies, annexing the rest into the “Jewish state”.

The Palestinians need no one’s permission—least of all *Israel’s*—to exercise self-determination. There is no sense at all in participating in a “process” in which they must *ipso facto* agree that Israel may exercise a veto power over their own statehood.

The Palestinian leadership must stop *choosing* that the Palestinians live as oppressed peoples. That will be the next step towards peace.

ROGER COHEN'S RACIST OPPOSITION TO THE PALESTINIAN RIGHT OF RETURN

Originally published at Foreign Policy Journal, February 13, 2014.

NEW YORK TIMES COLUMNIST ROGER COHEN this week [made an openly racist argument](#) against the Palestinian right of return, declaring his opposition to this goal of the BDS movement on the grounds that it would threaten Israel's existence as a "Jewish state".

In his article, Cohen first expresses his support for the two-state solution and position that Israel must end its occupation of Palestinian territory, describing it is a "positive factor" that when foreign companies stop doing business with Israeli companies that have operations in Israel's illegal settlements, "they send a powerful signal to Israel to get out of the West Bank."

But then he says that such developments make him "uneasy" because he doesn't "trust" the BDS (boycott, divestment, and sanctions) movement, claiming they have a "hidden agenda". How so? Well, the movement's "stated aim is to end the occupation, secure 'full equality' for Arab-Palestinian citizens of Israel, and fight for the right of return of all Palestinian refugees." So what's wrong with any of that? The problem

for Cohen is that for Arab citizens of Israel to be treated equally *and* for Palestinians who were ethnically cleansed from Palestine to return to their homes would mean “the end of Israel as a Jewish state.”

Cohen explicitly rejects the right of Palestinians to return to their homes from which they were ethnically cleansed so that Israel could be established as a demographically “Jewish state”. He denies that they have any such right, asserting that this is merely a “claim” and that Palestinian refugees should be compensated instead. It isn’t clear whether Cohen thinks they have a *right* to be compensated for having been expelled from their homes and having their property confiscated or whether he just thinks it would be a nice thing to do. But the fact is that it *is* an internationally recognized *right* of refugees to return to their homes.

[U.N. General Assembly Resolution 194](#) of December 11, 1948 invoked this recognized principle of international law when it resolved “that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible”.

Note that Cohen is *not* saying that Palestinians who choose not to return to their homes should be compensated. He is saying that refugees should be compensated and *not* allowed to return. In Cohen’s view, this is not the refugees’ choice to make. *And he rejects this right of the Palestinians explicitly on the grounds that Israel should remain a “Jewish state”*. In other words, he is making a strictly *racist* argument for rejecting Palestinians’ individual right of return.

By 1948, [the right of return of refugees](#) was already [recognized as customary international law](#). The U.S. representative at the U.N. acknowledged that Resolution 194 did not create a new right, but rather “endorsed a generally recognized principle and provides a means for implementing that principle”. Incidentally, Israel’s admission into the U.N. as a member state *was conditional upon its implementation of Resolution 194*.

The right of refugees to return to their home was recognized in the Hague Regulations annexed to the 1907 Hague Convention Respecting the Laws of War on Land and again in the 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War. The Hague Regulations and Geneva Conventions also prohibited forced expulsions. The Universal Declaration of Human Rights adopted on December 10, 1948, recognized that “Everyone has a right to leave any country, including his own, and to return to his country.” The International Covenant on Civil and Political Rights later also affirmed that “No one shall be arbitrarily deprived of the right to enter his own country.”

Cohen closes by touting Israel as “a democracy” and saying that all Israel’s citizens “should enjoy equality” and be “permitted to identify themselves as Israelis if they so wish, rather than as Jews or Arabs or Druze — that is as undifferentiated citizens.” This is, of course, totally incompatible with his rejection of Palestinians’ rights and insistence that Israel must remain a “Jewish state” — an illustration of extreme cognitive dissonance.

What Cohen is in effect saying, when he declares his rejection of the right of return on the racist grounds that it would threaten Israel’s existence as a “Jewish state” is that the ethnic cleansing by which this “Jewish state” came into existence was legitimate. This is, after all, the purpose of Israel’s demand that the Palestinians recognize Israel explicitly *as* a “Jewish state”. While expressing opposition to the occupation and spouting rhetoric about democracy and equality, what Roger Cohen is actually doing is siding with Israel in its effort to oppress and coerce the Palestinians into surrendering their internationally recognized rights.

It is highly instructive that such an openly racist rationale for doing so is regarded in the American mainstream media as perfectly acceptable, provoking not the least bit of controversy. As a simple thought experiment, one might imagine what the reaction would be if a columnist argued, say, against the right of Jewish refugees to return to their homes in Germany following World War II on the grounds that it could threaten Germany’s existence as an “Aryan nation”. But Cohen

is, after all, merely serving his duty as a high priest for the state religion. In accordance with the mainstream media's usual role, he is dutifully performing the task of manufacturing consent for U.S. foreign policy, which includes backing Israel's position and [pressuring the Palestinians to recognize Israel as a "Jewish state"](#).

That is to say, the U.S. government has adopted an explicitly racist policy. But you won't read that in the *New York Times* or other U.S. mainstream media.

FLAWED REASON: INSIGHT VIA INCONSISTENCY

*A review of Ari Shavit's My Promised Land by Jeremy R. Hammond,
originally published in Barron's.*

ISRAELI JOURNALIST ARI SHAVIT, COLUMNIST for the Tel Aviv-based newspaper Haaretz and a contributor to the New Yorker and New York Review of Books, has recently enjoyed an author's version of the best of both worlds—popularity *and* prestige. *My Promised Land*, his highly personal account of the “triumph and tragedy” of his country, has not only been a New York Times best seller; it was also named by both the New York Times and the Economist as one of the best books of 2013.

For starters, however, one wonders if the award givers noticed the author's flawed grasp of economics. “The free market,” Shavit declares at one point, “enabled Israeli talent and initiative to burst forth and create a booming modern economy.” But as a supporter of “social democracy,” he also complains that there has been “no government to restrain market forces ... and stand for the hardworking, constructive middle class.” Shavit therefore seems to believe that Israel's booming, modern, free-market economy can offer few opportunities to the hardworking middle class unless the government acts to restrain the free market. But whether he really holds that bizarre view is thrown

into doubt when he elsewhere recalls “the well-to-do houses and upper-middle-class lawns” of the Israel of his youth.

Shavit’s confused and conflicted view of capitalism might be dismissed as typical of today’s man-of-the-left, if it did not typify so much of *My Promised Land*. Ari Shavit reveals himself to be a fearful person, unsure of who he really is or what he truly believes. The subtitle’s reference to “triumph and tragedy” is perhaps an unwitting clue as to why he seems so haunted. For Shavit, the success of Zionism in establishing Israel was a triumph, while Israel’s occupation and settlement construction in Palestinian territory is a tragedy, but only because it threatens the gains made by those early Zionists.

Yet, he candidly explains how the Zionist project of establishing a demographically “Jewish state” required the removal of the Arab population. About three-quarters of a million Palestinians fled or were expelled from their homes from 1947 to 1949. In the wake of the Holocaust, this was a necessary step, he says, to create a home for the Jews that would ensure their salvation. It was irrefutable “Zionist justice” in his view, despite the admitted “injustice caused to native Arabs by the Zionist project.” Never mind that these native Arabs bore no responsibility for the Holocaust, or that the territory in which this “Jewish state” was unilaterally declared by the Zionist leadership to exist was inhabited by an Arab majority that owned most of the land, while the Jewish community owned less than 7%.

The author expresses his opposition to Israel’s occupation and settlement of the West Bank, but nevertheless chooses to adopt the settler community’s description of the territory as “Judea” and “Samaria,” part of “greater Israel.” The problem for him is not the fact that the settlements are built in violation of international law or how this policy violates the rights of the Palestinians, but how it threatens Israel’s existence as a “Jewish-democratic state.” He describes the growth of the Palestinian population as a time bomb endangering Israel’s identity as such. He acclaims Israel’s “democratic values” and “moral society” while acknowledging how the fifth of Israel’s population that is Arab “have been oppressed” and their rights “trampled” by a state that doesn’t treat them as equals to Jewish citizens.

When it comes to enlightenment about Israel's inner and outer conflicts, this book is instructive not despite but because of its prejudice and inconsistency. In this sense, at least, *My Promised Land* delivers to readers what it promises.

NETANYAHU'S "FLIP-FLOP" AND THE WILLFUL BLINDNESS OF THE MAINSTREAM MEDIA

Originally published at Foreign Policy Journal, March 22, 2015.

Claims that Israeli Prime Minister Benjamin Netanyahu has twice now reversed his position on a two-state solution to the Israeli-Palestinian conflict illustrate the institutional myopia of mainstream American commentators, as well as how the media serves to manufacture consent for the US policy of supporting Israel's crimes against the Palestinian people.

WHEN BENJAMIN NETANYAHU DECLARED THIS week that he would work to prevent a Palestinian state from being established if reelected as Israeli Prime Minister, the mainstream media described it as a "reversal" from a policy speech he gave in 2009, in which he ostensibly expressed support for a two-state solution. Then he insisted two days later that his policy view hasn't changed, prompting mainstream commentators to accuse him of blatant inconsistency. A closer examination, however, reveals that this inconsistency is an invention of the media. The real lesson from this episode is in how well it illustrates the institutional myopia among mainstream commentators, and how the mainstream discussion serves

only to perpetuate the illusions required to maintain US policy towards the Israeli-Palestinian conflict.

The 'Flip-Flop' Narrative

Certainly, when Netanyahu promised to prevent Palestinian statehood, he was saying something he thought that at least a plurality of Israeli voters wanted to hear, in order to win the election. And his tactic appears to have worked.

Pre-election polls showed the Zionist Union ahead of Netanyahu's Likud party.[1] Then, in what the *New York Times* described as a "seemingly desperate bid to rally support halfway through the balloting," Netanyahu "went on a tirade against Israel's Arab citizens." [2] He said that the Israeli right-wing was "in danger" because "Arab voters are streaming in huge quantities to the polling stations." [3] He also promised that a Palestinian state would not be established if he was reelected. [4]

When Likud emerged victorious, the *Times* described it as a "stunning turnabout" attributable to Netanyahu "promising that no Palestinian state would be established as long as he remained in office and insulting Arab citizens." [5]

That wasn't the only turnaround mainstream media has perceived, however. In the *New York Times*, Jodi Rudoren described Netanyahu's rejection of Palestinian statehood as having "reversed" his 2009 "endorsement of a two-state solution". [6] Her colleague Isabel Kershner concurred that it was "a reversal of a stance he had taken six years earlier." [7] William Booth in the *Washington Post* likewise asserted that Netanyahu's remarks "appeared to reverse" his "previous declarations of support for a sovereign Palestinian state." [8] John Hudson and Column Lynch at *Foreign Policy* wrote that Netanyahu's "pre-election declaration that he would never allow the creation of a Palestinian state" had "completely reversed the Israeli leader's previous support for an independent Palestine as part of a permanent peace deal between the two sides." [9] David Francis likewise claimed at *Foreign Policy* that Netanyahu had announced "that he was willing to accept the creation

of an independent Palestinian state” in his 2009 Bar-Ilan speech, but that he “reversed course” during the election.[10]

Unsurprisingly, this narrative is being propagated not only by the media, but also by the US government. State Department spokesman Jen Psaki chimed in that Netanyahu’s remarks indicated that he had “changed his position”, and had at least “brought into question” his commitment to a two-state solution.[11]

But then, just two days later, according to the continuing media narrative, the Israeli Prime Minister reversed himself once again. “I don’t want a one-state solution”, Netanyahu said in an interview with NBC News. “I want a sustainable, peaceful two-state solution.”[12]

NBC sensationalized it as another “STUNNING REVERSAL”. [13] It was “another reversal”, agreed *Foreign Policy*. [14] CNN concurred that “Netanyahu walked back his disavowal of a two-state solution”. [15] The *Associated Press* declared that Netanyahu has now “backtracked from hard-line statements against the establishment of a Palestinian state in the face of a diplomatic backlash.” In particular, Netanyahu’s rejection of Palestinian statehood had “angered the Obama administration, which views a two-state solution as a top foreign policy priority.” [16]

White House spokesman Josh Earnest noted that the US’s longstanding policy of habitually opposing any UN resolutions critical of Israel—including vetoing an uncontroversial Security Council resolution condemning Israel for illegal settlement activity in 2011—was “predicated on this idea that the two-state solution is the best outcome.” But Netanyahu during the election had said Israel he was “no longer committed to that solution”, which meant, Earnest said, that “we need to reevaluate our position in this matter”. [17]

The question put to Obama for a *Huffington Post* interview was revealing: “Given Prime Minister Benjamin Netanyahu’s recent comments on a two-state solution in the close of his campaign, can the US continue to oppose Palestinian efforts to gain statehood at the United Nations?” The US, of course, opposes Palestinian statehood at the UN in the name of supporting Palestinian statehood. The question

itself laid bare the US's true rejectionist policy, scarcely concealed behind a thin veil of rhetoric.

Obama's answer was also revealing. He said his administration was "evaluating what's taking place" because "we continue to believe that a two-state solution is the only way for the long-term security of Israel, if it wants to stay both a Jewish state and democratic. And I indicated to him that given his statements prior to the election, it is going to be hard to find a path where people are seriously believing that negotiations are possible." [18]

So Obama, too, laid bare the real issues, as far as Washington is concerned. The first problem is that Palestinians exist and have a tendency to procreate, which poses a threat to Israel's identity. If the Palestinians can't be made to accept some form of limited autonomy over an area of land they could apply the term "state" to, the alternatives are permanent occupation or annexation. With massive and growing global public opposition to Israel's occupation and illegal colonization, it will become increasingly difficult for the US to provide the backing required for its continuance. This is what Obama meant a few moments later in the interview, when he said that "the status quo" could not be maintained "in perpetuity". [19] But annexation would come with its own set of problems. The world would not tolerate another apartheid state, but to respect the equal rights of the Palestinians as citizens of Israel would threaten its identify as a "Jewish state".

Hence the best solution, insofar as US policy is concerned, remains to force the Palestinians to acquiesce to Israel's demands in direct, US-mediated, negotiations. This brings us to the second problem, which is convincing the public to *believe* that the so-called "peace process" is actually intended to bring about peace, as opposed to beating the Palestinians into submission. So long as enough of the world *believes* that the Palestinians should have to negotiate with the Occupying Power over their own independence, Washington will be able to maintain the status quo. If, however, the "peace process" loses its credibility, the US will no longer be able to maintain the same high level of support for Israel's criminal conduct.

The problem for Netanyahu's comments, from the view of the Obama administration, is that such honesty makes it hard to maintain illusions.

It is true that Netanyahu did speak words expressing support for a two-state solution in 2009. What neither the Obama administration nor the mainstream media is telling the public, however, is that the two-state "solution" favored by the US and Israel differs entirely from the two-state solution favored by the rest of the planet. Though the mainstream media isn't enlightening the public about it, what Netanyahu *actually* said in 2009 is quite relevant.

Netanyahu's Bar-Ilan Speech

On June 14, 2009, at Bar-Ilan University in Tel Aviv, Netanyahu gave a speech in which he invited Arab leaders to meet with him to "make peace". Then he outlined what would be required for the "peace" he desired to occur. He reiterated his demand that the Palestinian leadership must "begin peace negotiations without prior conditions". This was in accordance with US policy that the Palestinians must enter talks with Israel "without preconditions", a euphemism meaning while Israel's expansion of settlements in the occupied West Bank continues, despite this activity being a violation of international law.

Israel, Netanyahu declared, was "committed to international agreements, and expects all sides to fulfill their obligations". This was in accordance with US policy that the Palestinians must abide by the Oslo Accords and stick to the US-led "peace process" by engaging in negotiations with Israel, rather than appealing to institutions like United Nations, the International Criminal Court (ICC), and the International Court of Justice (ICJ) to resolve the conflict through the application of international law.

The "root of the conflict" was not Israel's occupation, colonization, and rejection of Palestinian self-determination, Netanyahu declared. Rather, it was the refusal of the Palestinians "to recognize the right of the Jewish People to its own state". This was in accordance with US policy that the Palestinians must recognize Israel's "right to exist", as well as the

Obama administration's subsequent acceptance of Netanyahu's demand in the framework for negotiations that the Palestinians recognize Israel as the "Jewish state".

Then Netanyahu declared that the illegal colonization of Palestinian land would continue; reiterated Israel's rejection of the internationally recognized right of Palestinian refugees to return to their homeland; and announced that any "area in Palestinian hands", whether or not it was called a "state", would need to be defenseless (Palestinians could not have an army, could not control their own air space, and could not enter "military treaties"). All these preconditions, too, were in accordance with US policy and its role as mediator in the "peace process".

If the Palestinians would agree to these demands to surrender their rights and sovereignty, Netanyahu said, only *then* would he be "ready to agree to a real peace agreement, a demilitarized Palestinian state side by side with the Jewish state." [20]

In other words, Netanyahu's "acceptance" of "a two-state solution" to the conflict consisted of an explicit rejection of Palestinian self-determination, as well as an explicit rejection of the two-state solution founded on the principles of international law that is favored by most of the planet (the exceptions being Israel and its superpower benefactor, the US government).

The international consensus on the two-state solution is grounded in principles of international law that there is a universal right to self-determination and that the acquisition of territory by war is inadmissible. This latter principle was emphasized by the UN Security Council when, in the wake of the June 1967 Israeli-Arab war, it passed Resolution 242, which called on Israel to withdraw from the territories it had occupied: The Syrian Golan Heights; the Egyptian Sinai Peninsula; and the Palestinian territories comprised of the West Bank, including East Jerusalem, and the Gaza Strip. This principle is also reflected in the 2004 advisory opinion of the ICJ that Israel's separation wall and settlement regime in the occupied Palestinian territories violate international law.

The governments of Israel and the US may speak of supporting *a* two-state solution; but what they favor is emphatically *not* the same as *the* two-state solution. The entire framework for negotiations under the US-led Oslo “peace process” is premised on *rejecting* the applicability of international law to the conflict. Its whole purpose is to *prevent* the implementation of the two-state solution and instead to force a different “solution” on the Palestinians; namely, the Palestinians must surrender their internationally recognized rights, including the right of refugees from the ethnic cleansing of Palestine to return to their homeland. And until the Palestinians agree to these terms of surrender, Israel will continue its oppression and violence against them, as well as prejudice the outcome of “peace process” negotiations on borders by continuing to illegally expand settlements in the occupied West Bank.

Notwithstanding the actual meaning of Netanyahu’s words, the *Washington Post* reported his Bar-Ilan speech under the headline, “Netanyahu Backs 2-State Goal: Endorsement Comes With Prerequisites for Palestinians”.^[21] The *New York Times* headline likewise announced: “Netanyahu Backs Palestinian State, With Caveats”.^[22] Neither the *Post* nor the *Times* bothered to elaborate for readers that the “Prerequisites” or “Caveats” accompanying his words of support in fact consisted of an unambiguous rejection of the two-state solution and included demands that the Palestinians surrender their internationally recognized rights and sovereignty.

President Obama similarly responded to Netanyahu’s speech with praise, calling it an “important step forward” that showed how “committed” Netanyahu was to a two-state solution.^[23] It was a “positive” step, Obama told the press, while taking the occasion to reemphasize the longstanding US policy of treating Israel’s “security” as “non-negotiable”—unlike Israel’s obligation not to violate international law or Palestinians’ rights, including the right to self-determination and the right of return, which are very much matters to be negotiated away in the framework of the “peace process”.^[24]

Given what Netanyahu actually said, and the true meaning behind his words, it is evident that his 2009 Bar-Ilan speech was perfectly

consistent with his election promise to prevent a Palestinian state from being established. So why the pretense to the contrary?

The Significance of Netanyahu's 'Flip-Flop'

The Obama administration's policy with regard to the conflict has been and continues to be synonymous with the Netanyahu government's. The narrative being propagated by the media serves one simple purpose: to obfuscate the fact that this US policy has always been to block implementation of the two-state solution, meaningless rhetoric about support for "a two-state solution" notwithstanding.

That is not to say that there isn't a difference of opinion between the Obama and Netanyahu regimes. The Obama administration's frustration with Netanyahu over his recent comments is certainly understandable. The problem with Netanyahu, from the Obama administration's point of view, is that he makes it very difficult for the US government to sustain the illusion that it supports Palestinian self-determination. Statements like Netanyahu's make it hard for the US to maintain the perception that it is an "honest broker" in the Israel-Palestinian conflict and that it supports Palestinians' rights.

It is the same problem that arose in March of 2010 when Israel announced plans for further illegal settlement construction after US Vice President Joe Biden had arrived in the country as part of the administration's efforts to revive the stalled "peace process". That sparked what Israeli Ambassador to the US Michael B. Oren theatrically described as "a crisis of historic proportions" in US-Israeli relations.[25]

There had been countless other Israeli announcements of plans to expand settlements. The distinguishing characteristic of this particular announcement is that it was done while a high-level US official was in the country on a much-publicized mission to restart "peace" talks. The problem was strictly that the *timing* of this particular announcement drew unwanted attention to the true nature of the US-led "peace process" and risked undermining US efforts at managing perceptions, including among its Arab allies, which in turn undermined the US's overarching

policy in the Middle East, aimed at maintaining its hegemony over the region, including through the use of military force.

“What you’re doing here undermines the security of our troops who are fighting in Iraq, Afghanistan and Pakistan”, Biden reportedly lectured Netanyahu. “That endangers us and it endangers regional peace.”[26]

As US Central Command (CENTCOM) commander General David Petraeus explained in testimony to the Senate Armed Services Committee, “The enduring hostilities between Israel and some of its neighbors present distinct challenges to our ability to advance our interests in the AOR [CENTCOM Area of Responsibility]. Israeli-Palestinian tensions often flare into violence and large-scale armed confrontations. The conflict foments anti-American sentiment, due to a perception of US favoritism for Israel. Arab anger over the Palestinian question limits the strength and depth of US partnerships with governments and peoples in the AOR and weakens the legitimacy of moderate regimes in the Arab world. Meanwhile, al-Qaeda and other militant groups exploit that anger to mobilize support.”[27]

The significance of Netanyahu’s recent remarks is not that they represent typical election flip-flopping or demonstrate some change in Israeli policy. The significance is that his comments summarized the Israeli government’s longstanding policies concerning the Palestinians, and in doing so also revealed the true nature of US policy—and how Netanyahu has been making it exceedingly difficult for the Obama administration to maintain illusions.

As the editor-in-chief of the Israeli daily *Haaretz*, Aluf Benn, observed, “Benjamin Netanyahu won the election because he delivered a crystal-clear sharp message to his voters: I am the true right and I am committed to the values of the ‘national camp,’ topped by hatred of Arabs and opposition to withdrawal from territories conquered by Israel in 1967. This is what his voters wanted to hear and they rewarded him generously at the polling stations.”[28]

Haaretz columnist Gideon Levy similarly commented on how Israelis “voted for the man who admitted to having duped half the world during his Bar-Ilan speech” and has now “torn off his mask”. [29]

The episode lays bare the prevailing racism among Israeli Jews. Indeed, the Zionist project itself is predicated on racist ideology. It was this racist ideology that led to the ethnic cleansing of three-quarters of a million Arabs from Palestine in order to establish the “Jewish state”, and it continues to underlie Israeli policies today—policies that, meaningless rhetoric to the contrary notwithstanding, are fully backed by the US government, financially, diplomatically, and militarily.

Like Netanyahu, other prominent Israelis in government do little to conceal their racism. The *New York Times* relayed one insightful incident that occurred during the election:

Avigdor Lieberman, Israel's nationalist foreign minister, stared coolly at the Arab politician sitting at the opposite end of a glass table during a televised election debate.

“Why did you come to this studio, why not to Gaza, or Ramallah? Why are you even here?” asked Mr. Lieberman, who frequently calls Israel's Arab citizens traitors and suggests that their towns be transferred to Palestinian control. “You are not wanted here; you are a Palestinian citizen.”

The politician, Ayman Odeh, the leader of an alliance of Arab parties formed to contest Israeli elections on Tuesday, appeared unruffled.

“I am very welcome in my homeland,” he said, a subtle dig at Mr. Lieberman, an immigrant from the former Soviet republic of Moldova. “I am part of the nature, the surroundings, the landscape,” he said in Arabic-accented Hebrew.[30]

The true significance of the “flip-flop” incident lays scarcely concealed beneath the surface of the US media's fictional narrative. Jodi Rudoren acknowledged in the *New York Times* that Netanyahu “fulfilled many world leaders' suspicions that he was never really serious about peace negotiations.”[31] *Times* columnist Roger Cohen noted that Netanyahu's rejection of Palestinian self-determination reflects “a wide section of Israeli society” that “prefers its Palestinians invisible behind barriers.”[32] These candid remarks are hardly profound; but they are nevertheless remarkable for having actually appeared in the mainstream discussion—and for illustrating the cognitive dissonance

inherent in the media narrative. Indeed, Netanyahu himself stated explicitly that the premise that he had reversed himself was *false*.

“I haven’t changed my policy”, he told NBC. “I never changed [my position from] my speech in Bar-Ilan University six years ago calling for a demilitarized Palestinian state that recognizes the Jewish state.”

“And I don’t want a one-state solution”, he added later in the interview. “I want a sustainable, peaceful two-state solution, but for that circumstances have to change.”[33]

That, of course, simply means that the Palestinians will have to accept the US and Israel’s demands to return to the “peace process” and negotiate away their rights rather than appealing to the international community and seeking legal remedy through the application of international law.

The editorial board of the *New York Times*, too, noticed that Netanyahu’s actual deeds over the past six years (including “aggressively” building illegal settlements “and never engaging seriously in negotiations”) had “long convinced many people that he has no interest in a peace agreement.” Indeed, it must have taken an extraordinary amount of self-discipline on the part of mainstream American commentators—including the *Times* editors—to maintain the pretense to the contrary.

The editors indicated that they have finally become convinced: Netanyahu’s rejection of Palestinian statehood, they added, “laid bare his duplicity” and “confirmed Palestinian suspicions”. [34] But one can reasonably expect that it won’t be long before the *Times* editors are back to declaring their opposition to any “unilateral” moves at the UN by the Palestinians and affirming their support for the US-led “peace process”.

Conclusion

Netanyahu spoke honestly about his government’s longstanding policy of rejecting Palestinian self-determination, and it won him an election. He will face criticism at home for seemingly walking back from his promise to oppose a two-state solution if reelected, but it isn’t likely

he'll lose any sleep over this because his actions will prove that he is indeed committed to that election promise.

He will face criticism from the US for having put in jeopardy the Obama administration's ability to maintain its policy of supporting Israel's crimes against the Palestinians and rejection of their rights. But the Obama administration let Netanyahu know he had stepped out of line, and Netanyahu obediently reaffirmed his commitment to the US-led "peace process". That alone was not enough, of course, to provide the requisite cover for the US to maintain its own policy. More will be required of Netanyahu and the new Israeli government. It might take another so-called "freeze" of new approvals for settlement construction, or some other such symbolic commitment to the Oslo process. But it is unlikely that a political gaffe from the Israeli Prime Minister will spell the end of the "peace process".

At most, it will mean a significant shift in tactics for the US. There is already talk about the US itself now turning to the very institution it has long insisted should have no role in the "peace process" (apart from the Secretariat giving his endorsement to Quartet statements). This is indicated by the Obama administration's statements about reassessing its policy. "We're currently evaluating our approach", said State Department spokeswoman Jen Psaki. "We're not going to prejudge what we would do if there was a UN action".[35] The purpose of the shift in tactics would be to maintain the overarching policy. A former member of the Obama administration's Middle East peace team, Ilan Goldenberg, told *Foreign Policy* "that Washington might be inclined to support a Security Council resolution backing a two-state solution as an alternative to the Palestinian effort to hold Israel accountable at the ICC." Such a resolution, Goldenberg added, "could protect Israel from a worse outcome".[36]

And the American intelligentsia, of course, will play along with the whole charade, of course, and enlighten the public about the importance of preventing the Palestinians from making "unilateral" moves at the UN and ensuring that any "peace" efforts are undertaken within the framework of the Oslo process. Israel's occupation and illegal settlement regime will meanwhile continue, as ever, with US support.

References

1. Jodi Rudoren, "[Netanyahu Soundly Defeats Chief Rival in Israeli Elections](#)," *New York Times*, March 17, 2015.
2. Isabel Kershner, "[Deep Wounds and Lingering Questions After Israel's Bitter Race](#)," *New York Times*, March 17, 2015.
3. Kershner, "Deep Wounds."
4. William Booth, "[Netanyahu says no Palestinian state if he wins](#)," *Washington Post*, March 16, 2015. As the *Post* reported: "'I think that anyone who is going to establish a Palestinian state today and evacuate lands is giving attack grounds to the radical Islam against the state of Israel,' he said in a video interview published Monday on the NRG site. 'Anyone who ignores this is sticking his head in the sand. The left does this time and time again,' Netanyahu said. 'We are realistic and understand.' Netanyahu was then asked specifically whether he meant that a Palestinian state would not be established if he were reelected prime minister. He answered, 'Correct.'"
5. Rudoren, "Netanyahu Soundly Defeats Chief Rival."
6. Jodi Rudoren, "[Netanyahu Says No to Statehood for Palestinians](#)," *New York Times*, March 16, 2015.
7. Kershner, "Deep Wounds."
8. Booth, "Netanyahu says no Palestinian state."
9. John Hudson and Colum Lynch, "[From Tel Aviv to Turtle Bay](#)," *Foreign Policy*, March 18, 2015.
10. David Francis, "[Benjamin Netanyahu's Flip-Flop Flip](#)," *Foreign Policy*, March 19, 2015.
11. Francis, "Benjamin Netanyahu's Flip-Flop Flip."
12. "[Israel's Benjamin Netanyahu Tells NBC He Wants a 'Peaceful Two-State Solution'](#)," *NBC News*, March 19, 2015.
13. Ibid.
14. Francis, "Benjamin Netanyahu's Flip-Flop Flip"
15. Jeremy Diamond, Kevin Liptak, and Jim Acosta, "[Obama to 'reassess' Israel relationship](#)," *CNN*, March 20, 2015.
16. Ian Deitch, "[Israeli leader backtracks from Palestinian state](#)

- [opposition](#),” *Associated Press*, March 19, 2015.
17. Steve Weizman, “[Netanyahu’s Palestinian backtrack fails to mollify US: analysts](#),” *Agence France-Presse*, March 20, 2015.
 18. Sam Stein, “[Here’s The Full Transcript Of Obama’s Interview With HuffPost](#),” *Huffington Post*, March 21, 2015.
 19. Ibid.
 20. “[Full text of Netanyahu’s foreign policy speech at Bar Ilan](#),” *Haaretz*, June 14, 2009.
 21. Howard Schneider, “[Netanyahu Backs 2-State Goal](#),” *Washington Post*, June 15, 2009.
 22. Isabel Kershner, “[Netanyahu Backs Palestinian State, With Caveats](#),” *New York Times*, June 15, 2009.
 23. Schneider, “Netanyahu Backs 2-State Goal.”
 24. The White House, “[Remarks by President Obama and Prime Minister Berlusconi of Italy in Press Availability](#),” June 15, 2009.
 25. Jeffrey Heller, “[Israeli envoy sees ‘historic crisis’ with U.S.: report](#),” *Reuters*, March 15, 2010.
 26. Mark Perry, “[The Petraeus briefing: Biden’s embarrassment is not the whole story](#),” *Foreign Policy*, March 13, 2010.
 27. US Congress, [Statement of General David H. Petraeus, U.S. Army Commander, U.S. Central Command, Before the Senate Armed Services Committee on the Posture of U.S. Central Command](#), March 16, 2010.
 28. Aluf Benn, “[Netanyahu revealed his true face – and voters loved it](#),” *Haaretz*, March 18, 2015.
 29. Gideon Levy, “[Netanyahu deserves the Israeli people, and they deserve him](#),” *Haaretz*, March 18, 2015.
 30. Dina Hadid, “[Arab Alliance Rises as Force in Israeli Elections](#),” *New York Times*, March 15, 2015.
 31. Rudoren, “Netanyahu Says No to Statehood for Palestinians.”
 32. Roger Cohen, “[An Uneasy Coalition for Israel](#),” *New York Times*, March 17, 2015.
 33. Zack Beauchamp, “[Read Netanyahu’s dizzying flip-flop on peace with Palestinians](#),” *Vox*, March 19, 2015.
 34. Editorial Board, “[An Israeli Election Turns Ugly](#),” *New York Times*,

March 17, 2015.

35. Hudson and Lynch, "From Tel Aviv to Turtle Bay."

36. Ibid.

THE U.S. ROLE IN THE ISRAELI-PALESTINIAN CONFLICT

An interview by Devon Douglas-Bowers with Jeremy R. Hammond, publisher and editor of Foreign Policy Journal, about his forthcoming book, Obstacle to Peace: The US Role in the Israeli-Palestinian Conflict. Originally published at The Hampton Institute, December 2, 2013.

What led you to write this book and is it a follow-up to your book “The Rejection of Palestinian Self-Determination”?

It’s funny you should ask! The new book will be the final result of a process that began in earnest during Israel’s ’08-’09 military assault on Gaza, dubbed “Operation Cast Lead”. That event prompted me to want to write a book about the Israeli-Palestinian conflict, but I knew I couldn’t write about contemporary events such as that without also providing historical background as context. So I had a grand ambition to provide an overview of the conflict going back to its roots and up through the present day. That idea proved overly ambitious for me at the time, but it did result in *The Rejection of Palestinian Self-Determination*.

I continued to keep in mind the book I’d wanted to do on Operation Cast Lead and the U.S.-led so-called “peace process”, however. What prompted me to begin this project in earnest again was President

Obama's May 2011 speech in which he referred to the "1967 lines" as the starting point for negotiations, and the media's inane response to it as representing some kind of dramatic "shift" in U.S. policy. It was no such thing, as I explain in the forthcoming book.

So it is in some ways a follow-up to my other book, which focuses more on the contemporary history of the conflict while jumping back to provide crucial historical context as necessary to properly understand events. For example, to understand the so-called "peace process", one needs to understand the roots of the conflict and how Israel came into existence through the ethnic cleansing of three-quarters of a million Arabs from Palestine. A look back at the June 1967 war and its aftermath is necessary to understand events today, and so on.

With regards to the US' initial support for Israel, what factors led to the US to go this route and how does the reality of the situation deviate, if at all, from the mainstream narrative?

The U.S. supported Israel from its birth. The Truman administration recognized the newly declared state of Israel on May 14, 1948 literally minutes after this unilateral declaration was made. What we think of today in terms of U.S. support, however—which includes massive military and financial aid (over \$3 billion annually) as well as diplomatic support in terms of protecting Israel (such as through the use of the U.S. veto in the U.N. Security Council) from being held accountable for its violations of international law—really began in earnest following the 1967 war, when Israel demonstrated its worth as a regional partner by defeating the combined armies of the neighboring Arab states in just six days, following its surprise attack on Egypt that started the war on June 5.

The mainstream media makes no secret of this U.S. support for Israel, but it at the same time attempts to maintain the narrative of the U.S. as an "honest broker". This is a farce. The entire U.S.-led so-called "peace process" is the process by which the U.S. and Israel block implementation of the two-state solution based on the requirements of international law, including U.N. Security Council Resolution 242

following the '67 war, which called on Israel to withdraw from the territories it then occupied and has continued to occupy ever since in keeping with the principle that the acquisition of territory by force is inadmissible. There is an international consensus favoring the two-state solution. The Palestinians accept it, but it is rejected by Israel and the U.S., which both speak of support for a “two-state solution”. But the “solution” the U.S. and Israel push for is not at all the same thing as *the* two-state solution. On the contrary, the framework for the “peace process” is one that *rejects* any application of international law in resolving the conflict.

How did the American public feel about supporting Israel?

The American public by and large consents to the U.S. policy of supporting Israel, which in reality means supporting Israel's oppression of the Palestinian people and defending its violations of international law. There are many reasons for this. A lot of it has to do with the role of the media in misleading the public about the nature of the conflict and manufacturing consent for U.S. policy. A lot of it also has to do with the sense among many Christians that they must support Israel no matter what. A lot of it has to do with anti-Arab and anti-Muslim bigotry. And so on.

When did groups like AIPAC spring up and begin to lobby Congress? Did they face any domestic resistance?

The American Israel Public Affairs Committee (AIPAC) was founded in 1963. I doubt there was much resistance to its formation, but the history of the lobby isn't something I've done much research into. I don't focus on AIPAC much in my book, mainly because I consider its influence to be relatively unimportant. A lot of people think that this lobby actually drives U.S. foreign policy, but this is a mistaken view. I would posit that if AIPAC ceased to exist tomorrow, U.S. policy would continue as it has. It has some influence in the Congress, but it is not as though U.S. Congresspersons wouldn't express their support for Israel if it didn't exist. U.S. policy is determined by U.S. policymakers in

terms of their own beliefs and perceptions and American “interests” as they narrowly define them, not by the Israel lobby.

Why does the US continue to support Israel when they have spied on and even gone so far as stealing nuclear information from the US, lobbyists aside?

This kind of behavior from Israel is tolerated by the U.S. because it is considered by policymakers to be a valuable strategic partner in the region. One can disagree with this and argue that Israel is in fact a strategic liability. I would agree. But the fact remains that in the minds of U.S. policymakers, Israel is a strategic partner. U.S. and Israeli “interests”, again as narrowly defined by government officials, don’t always align, but they very often do, such as with the goal to overthrow the regime of Saddam Hussein in Iraq or to get Iran to surrender its right to nuclear technology for peaceful purposes under the nuclear non-proliferation agreement (NPT). Even vague talk about Israel in any kind of negative light produces a horrible backlash for any politician. The Obama administration, for example, has come under fire simply for suggesting that Israel should stop its illegal construction of settlements in the occupied West Bank. During his reelection campaign, he was accused by Mitt Romney of “throwing Israel under the bus” for such, even though the level of support Israel has received under the current administration has been unprecedented—the Obama administration vetoed an uncontroversial U.N. Security Council Resolution condemning Israel for this ongoing illegal activity, for example. And as I said, the American people themselves largely hold favorable views towards Israel. Romney was appealing not only to Jewish Americans but conservative Christians with his ridiculous substanceless criticisms of Obama. There was plenty Romney could have criticized Obama for on matters of substance, but he didn’t because Romney holds the same pro-Israeli views as Obama.

Why is the US actively against a Palestinian state in practice when such a state wouldn’t be a threat to the security of Israel?

This is an excellent question that doesn't have just one answer. I've already touched on some of the reasons. This kind of support for Israel from the U.S. government, including helping to block implementation of the two-state solution, is institutionalized. Imagine a new administration coming into office and declaring that it was going to abandon the "peace process" that has been going on since the Madrid conference in 1991. It's unthinkable. No candidate who held such a sensible view of the conflict as to recognize how this process is the very mechanism by which the two-state solution has been *blocked* could ever get elected.

The purpose of my book is to help change that by exposing the true nature of Israel's policies towards the Palestinians, of the U.S.'s policy towards the conflict, and of the role of the media in manufacturing consent for this policy. For any progress to be made towards peace, *U.S. support for Israeli violations of international law must cease*. And for that to happen, it must become politically infeasible for it to continue. I want to contribute to making that necessary paradigm shift happen with this book. The U.S. government isn't going to solve the conflict. *We* need to step up and take actions to make a just peace possible.

How and why have the American public's perception of Israel change over the years, if any perception change has occurred at all? Positively or negatively?

I think the Palestinians have attracted increased sympathies from Americans in recent years. Despite the enormous amount of pro-Israel propaganda, for example, regarding Operation Cast Lead, many people saw through it and couldn't reconcile Israel's claim of "self-defense" with the civilian Gazan death toll and wanton destruction of civilian infrastructure. Then there was Israel's murderous attack on the Freedom Flotilla, killing nine peace activists aboard the *Mavi Marmara*. There is a growing boycott, divestment, and sanctions (BDS) movement calling for corporate responsibility, e.g., holding accountable businesses that profit from products made in the illegally-constructed settlements in Palestinian territory. Israel has become increasingly

isolated in the international community. The E.U. fairly recently issued a new policy guideline, for example, that will require any Israeli company seeking to do business with European entities to declare that it has no connection to the illegal settlements. The tide is turning, slowly but surely. I hope my book will help further these positive developments towards accountability under international law, the pursuit of justice for the Palestinians, and the realization of peace for both sides.

Why does the US continue to say that Israel has the right to defend itself while never stating if the Palestinians have a right to self-defense as well?

The simple answer is that while the U.S. interprets Israel's "right" to "defend" itself to include violations of international law including war crimes, it effectively doesn't recognize any right of the Palestinians to self-defense. An illustrative example was Obama's much-touted Cairo speech. I'll just share an excerpt from the book on this point:

In a much anticipated speech at Cairo University in Egypt on June 4, 2009, President Obama said he was there "to seek a new beginning between the United States and Muslims around the world" while also stressing "America's strong bonds" and "unbreakable" relationship with Israel.

He sought to assure that "America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own", but then proceeded to reiterate the U.S.'s preconditions for this to occur: the Palestinians must "abandon violence", "recognize past agreements", and "recognize Israel's right to exist"—none of which were reciprocally required of Israel. He went so far as to lecture the Palestinians that armed resistance was "wrong", a judgment that didn't apply to the U.S. and Israel's own "violence and killing", which was rather deemed legitimate by the same president, who would later defend the U.S.'s own frequent use of it during his Nobel Prize acceptance

speech by saying that “force may sometimes be necessary” and that the “non-violence practiced by men like Gandhi and King may not have been practical or possible in every circumstance”.

The hypocrisy is extraordinary, but standard when it comes to prejudice against the Palestinians.

Why do both the US and Israel continue to demonize Hamas when in 2006 they offered a full truce to President Bush and more recently in 2012, Hamas offered a long term cease fire with verifications that would have allowed for the two sides to talk?

Hamas has in fact consistently and for a long time expressed its willingness to accept a state of Palestine with borders along the '67 lines alongside Israel coupled with the offer of a long-term truce. Again, an excerpt from the book:

To cite a few examples, in early 2005, Hamas issued a document stating that goal and “unequivocally” recognizing the pre-June 1967 line as Israel’s border.

In early 2006, Hamas official Mahmoud al-Zahar publicly stated that Hamas was seeking a Palestinian state and would accept a long-term truce with Israel if it withdrew from the territories it occupied in 1967.

Ismail Haniyeh, as already noted, had reiterated to the *Washington Post* in February 2006 that Hamas would accept an agreement for “the establishment of a Palestinian state with Jerusalem as its capital with 1967 borders”.

In December 2006, Hamas leader Khaled Meshal said that “all the Palestinian factions agree to a return of Israel’s borders to pre-1967 designations.” He said, “We accept the need for two countries to exist, but Israel has no legitimacy

so long as the occupation continues.”

Meshal said in January 2007 that Hamas was “with the consensus of the necessity of establishing a Palestinian state on the June 4 borders, including (East) Jerusalem, the right of return and the withdrawal of Israel to these borders.” When asked whether this presupposed the existence of Israel, he answered, “The problem is not that there is an entity called Israel. The problem is that the Palestinian state is non-existent.” Meshal explained:

There will remain a state called Israel. This is an issue of fact, but the Palestinians should not be required to recognize Israel.... As a Palestinian today I speak of a Palestinian and Arab demand for a state on 1967 borders. It is true that in reality there will be an entity or a state called Israel on the rest of Palestinian land.... We are demanding a Palestinian state on the 1967 border including Jerusalem and the right of return.

Former U.S. President Jimmy Carter had met with Hamas officials in April 2008, and reported that they “said they would accept a Palestinian state on the 1967 borders” and would “accept the right of Israel to live as a neighbor next door in peace” if Israel withdrew. Hamas’s “ultimate goal”, Carter said, “is to see Israel living in their allocated borders, the 1967 borders, and a contiguous, vital Palestinian state alongside.”

Khaled Meshal at the same time had repeated, “We accept a state on the June 4 [1967] line with Jerusalem as capital, real sovereignty and full right of return for refugees but without recognizing Israel.... We have offered a truce if Israel withdraws to the 1967 borders, a truce of 10 years as proof of recognition.” *Haaretz* explained that “Meshal used the Arabic word *hudna*, meaning truce, which is more concrete

than tahdiya—a period of calm—which Hamas often uses to describe a simple cease-fire. Hudna implies a recognition of the other party’s existence.”

Haaretz also reported that on November 8, 2008, four days after Israel’s violation of the ceasefire, Haniyeh once again had reiterated that “his government was willing to accept a Palestinian state within the 1967 borders.”

There are numerous additional examples cited elsewhere in the book. Despite this fact, it is obligatory for government officials and the compliant mainstream media to parrot that Hamas seeks Israel’s destruction. Why? For the American public to know the truth about Hamas’s actual consistent position since at least 2005 would undermine the goal of manufacturing consent for the U.S. policy of supporting Israel’s crimes against the Palestinians.

ABOUT THE AUTHOR

“a writer of rare skill” -- Barron’s

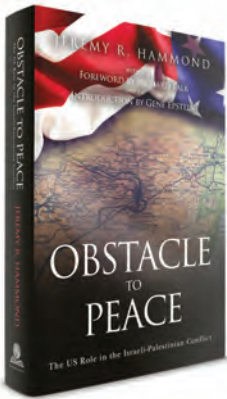
THE MAINSTREAM MEDIA PROVIDES INFORMATION within a very narrow framework that serves to manufacture consent for government policies and stifle meaningful debate on important issues.

Jeremy R. Hammond provides analysis and commentary from outside the standard framework, challenging mainstream narratives, exposing government and media propaganda, and broadening the scope of the discussion.

He is an independent political analyst, a recipient of the Project Censored Award for Outstanding Investigative Journalism, author, and publisher and editor of *Foreign Policy Journal*.

He’s the author of three books: *The Rejection of Palestinian Self-Determination: The Struggle for Palestine and the Roots of the Israeli-Arab Conflict* (2009), *Ron Paul vs. Paul Krugman: Austrian vs. Keynesian Economics in the Financial Crisis* (2012), and *Obstacle to Peace: The US Role in the Israeli-Palestinian Conflict* (2016).

WHAT OTHERS ARE SAYING ABOUT “OBSTACLE TO PEACE”



“JEREMY HAMMOND’S CAREFULLY DOCUMENTED AND highly informative study of how Washington has joined Israel in undermining the efforts to achieve a peaceful political settlement of the Israel-Palestine conflict is a welcome and timely contribution, and one that focuses directly on a salient issue, all too often evaded. Unless and until US policy shifts from the obstructionism that he details convincingly, this grim and destructive confrontation is likely to take a terrible toll on the Palestinian victims, with harmful consequences for the Israeli occupiers as well, probably reaching well beyond.”

-- **Noam Chomsky**, Professor Emeritus at the Massachusetts Institute of Technology and author of numerous books, including *Fateful Triangle: The United States, Israel, and the Palestinians*.

“This is simply the best book ever written on the duplicitous role played by the U.S. Government in complicity with Israel to deny Palestinians their rights under international law, particularly their right to a state of their own. Brilliantly reasoned and researched, *Obstacle to Peace* is a must

read. Americans have a special duty to understand this conflict as our country bears such a heavy responsibility for the prolonged Palestinian ordeal.”

-- **Richard Falk**, Professor Emeritus of International Law at Princeton University, former UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and author of numerous books, including *Palestine: The Legitimacy of Hope* and *Israel-Palestine on Record: How the New York Times Misreports Conflict in the Middle East*.

“This important book documents Washington’s complicity in, and coverup of, Israel’s theft of Palestine.”

-- **Paul Craig Roberts**, former university professor, Treasury official, and *Wall Street Journal* editor

“Successive American administrations from both parties have doomed Palestinians to a series of Bantustans in the West Bank and what amounts to an open air prison in the Gaza Strip. In turn, Washington has emboldened right-wing forces in Israel, plunging the country into a zero-sum game with no clear resolution in sight. Over the course of a book that is as meticulously detailed as it is readable, Jeremy Hammond explains how the US approach he correctly identifies as rejectionist is closing the door on peace in the Holy Land. We must learn the historical lessons Hammond outlines in *Obstacle to Peace* before that door is nailed shut for good.”

--**Max Blumenthal**, author of *Goliath: Life and Loathing in Greater Israel*

“Jeremy Hammond is a fearless independent journalist who does not allow hypocrisy and maneuvers to escape his critical eye. His book

Obstacle to Peace: The US Role in the Israeli-Palestinian Conflict is a sharp analysis of America's Middle East policy which shields Israel's crimes against Palestinians. This book should be read by anyone interested in knowing about the agony of Palestinians."

-- **Deepak Tripathi**, author of *Imperial Designs: War, Humiliation and the Making of History*

"I read *Obstacle to Peace* with great interest. Hammond is a knowledgeable and insightful writer. His analysis is sharp and original, refusing to allow mythology to supersede reality. We often discuss Israel-Palestine with too little attention to the central role of US policy. This book illustrates why such an omission is a terrible mistake."

-- **Steven Salaita**, Associate Professor of English at Virginia Tech and author of six books, including *Israel's Dead Soul* and *The Holy Land in Transit: Colonialism and the Quest for Canaan*.

"Outstanding. This highly informative and meticulously researched book is a valuable resource for every scholar and activist. The flair with which the book has been written makes it accessible to those who are not as familiar with the Israel-Palestinian issue but who are eager to perfect their knowledge. Hammond's illuminating and invaluable book deserves a wide audience."

-- **Soraya Sepahpour-Ulrich**, independent researcher and US foreign policy analyst

"In *Obstacle to Peace*, Mr. Hammond provides a meticulously documented and compelling narrative of the long running Israel-Palestine conflict and the role that the United States has played in thwarting potential solutions. This work not only tells the story but also provides a valuable

research vehicle for policy makers and commentators alike. It is must for every bookshelf on this topic.”

-- **Donald Liebich**, author of *Fault Lines: The Layman's Guide to Understanding America's Role in the Ever-Changing Middle East*

“When I first came to Palestine in 2003, I was naïve in many ways and had to start from the beginning. My previous work in South Africa helped to open up my eyes and see the deepening of apartheid in the Middle East, but what was missing was a book like *Obstacle to Peace*. The book is a bridge to a real peace process, unlike the vacuous diplomacy that continues while the colonization and theft does not stop and the apartheid is manifested. *Obstacle to Peace* helps those of us concerned with peace and justice to be firmly rooted when we speak out.”

-- **Mats Svensson**, former Swedish diplomat and author of *Crimes, Victims and Witnesses: Apartheid in Palestine*