

# **Israel's Foreign Policy and Human Rights**

---

*Yossi Beilin*

*Daphna Sharfman*

*David Kimche*

*Bassam Eid*

© 2001 by Friedrich-Ebert-Stiftung, Israel Office

Articles initially published in Hebrew in: Daphna Sharfman (ed.)  
A Light unto the Nations: Israel's Foreign Policy and Human Rights  
Hakibbutz Hameuchad Publishing House Ltd. 1999, Tel Aviv

Friedrich-Ebert-Stiftung  
P.O.Box 12235  
Herzliya 46733 Israel

Editor: Turkan Karakurt  
Translation: Ruth Morris  
Layout and Production: Jaffa Cohen  
Printing: Achdut

All rights reserved.

## Editorial

The Friedrich Ebert Foundation is a non-profit organization with ideological roots in the German and international labour movement. Out of a profound commitment to social justice and peaceful coexistence both within societies and between nations, the Friedrich Ebert Foundation's office in Israel contributes to

- Strengthening German-Israeli relations
- Facilitating the peace process and regional co-operation
- Improving labour relations
- Working for gender equality and women's empowerment
- Democracy education for youth
- Policy consulting and information

Together with its partners, the Israel office of the Friedrich Ebert Foundation regularly holds public forums and workshops which address the above-mentioned topics. Authoritative representatives from the political, social, economic, and academic worlds are invited to take part in these encounters.

Lectures and addresses given at these events, as well as conference summaries, are reproduced in this series of brochures, entitled "Forum Israel". The series is also intended for the presentation of policy analyses and research results which constitute the backdrop to such public forums.

**Contents:**

<i>Introductory Remarks</i>	7
<i>Yossi Beilin</i> - Foreign policy and ethics	9
<i>Daphna Sharfman</i> - Out of sight, out of mind: Israel and human rights	29
<i>David Kimche</i> - Ethical considerations and foreign policy	62
<i>Bassem Eid</i> - Israel and the Palestinian Authority: Human Rights Violations in the Occupied Territories- Transformation or Perpetuation?	69

## **Introductory Remarks**

The book: „A Light unto the Nations: Israel's Foreign Policy and Human Rights“, was published in Hebrew in 1999, primarily as a catalyst for the public and policy debate on the issues. It was also intended for the first time to introduce the dilemmas involved in the subject from a broad perspective to the public in general and academic teaching in particular.

The four articles presented in this English version were selected because of their interest to the international public: they deal both with central Israeli dilemmas which have been closely watched by the international community, and with general normative and policy-making questions as are debated in every democratic society.

The writers have been involved in different aspects of the field and bring their special points of view to their respective analysis.

The articles and authors:

*Dr. Yossi Beilin*, one of Israel's leading statesmen, former Minister of Justice and Deputy Minister of Foreign Affairs. He writes about the historical dilemma of morality and foreign policy and Israel's interests in this arena, describing also the struggle conducted under his guidance to change Israel's relations with South Africa.

*Dr. David Kinche*, former Director-General of the Ministry of Foreign Affairs and a senior official in the Mossad. Based on his personal knowledge, he writes about sensitive dilemmas in Israel's security and foreign policies, focusing on Israel's arms industry and arms sales, its relations with the apartheid regime in South Africa, moral considerations in the Mossad, and the tragic Israeli involvement in Lebanon.

*Bassem Eid* is the Executive Director of the Palestinian Human Rights Monitoring Group and a former researcher at B'Tselem, the leading Israeli human rights organization. He undertakes a

critical analysis of human rights violations in the Palestinian Territories under Israeli control in the past, as well as under the current rule of the Palestinian Authority.

*Dr. Daphna Sharfman* is an activist, researcher and author in the field of human rights and foreign policy. She is the Head of Political Science Studies at the Western Galilee Academic College. She writes about the connection between the relatively marginal place given in Israel to human rights and the development of a foreign policy suffering from a lack of sensitivity to this question in addition to a serious absence of public and media attention.

*Yossi Beilin*

## **Foreign policy and ethics**

### **I. WHO SETS THE NORMS?**

It would appear that the philosophical and historical debate between the Hobbes and Rousseau schools over the natural condition prior to the creation of the monarchist or political order will continue for ever. Was it a state of all-out war, in which man was a wolf to man, and which was brought to an end by an imposed order, or was it rather an ideal period in which people lived in absolute freedom, until the yoke of monarchy was imposed upon them?<sup>1</sup>

Another such question is: how have the world's traditional international norms been laid down -- what is right and what is wrong, what is permitted and what is prohibited between one people and another? In this respect, the "natural condition" continued long after the anarchy in each society was replaced by a particular regime. The norms were actually laid down by the world's ruling people -- the Babylonians, the Egyptians, the Assyrians, the Greeks, the Romans -- each in turn. Thus it was determined how to deal with male and female captives, and what to do with the enemy's spoils and property. Making the other side into slaves, deporting entire peoples from one location to another, treating the enemy's women as property -- these were the accepted norms, which the defeated side had no choice other than to accept. Over thousands of years of history, there evolved binding procedures, such as the willingness of the two rival sides to accept the outcome of a duel between two people representing them, equating it with the outcome of the war between them.

Later, and in part in parallel, we have the coming of the religions. Judaism, Christianity, and Islam each had its own understanding of how to behave during times of war and conquest. For example, Islam, which conquered wide swathes of the Mediterranean basin

in the seventh century, conferred the status of dhimmi on members of other faiths. On the one hand, conquered people had the status of protected citizens, but on the other hand they did not enjoy the civil rights of the Muslims, which was only natural in that world, because somebody who was defeated lost his rights. Conversion became widespread. The defeated could restore their status relatively easily by going over to the conquerors' religion. This phenomenon peaked in 15th century Spain, when the Christians coerced the Muslims and the Jews into deciding between conversion or expulsion.

In later periods, the empires reverted to setting norms. Several states assumed the task of laying down international norms. One such example is Venice at the beginning of the Renaissance period; another is Great Britain, which saw its enlightened imperialism as something intended to benefit both the world and those whom it conquered, rather than as something intended for its own benefit. To whom does the country under imperialist rule "belong," who owns its resources, and who is entitled to rule its people -- these were questions which were decided by the various conquerors, according to their particular degree of open-mindedness.

In the 19th century, a largely successful attempt was made to establish international alliances which endeavored to set norms on an ideological basis. Napoleon's conquests led to far-reaching changes in the areas of legislation and culture in all countries under his rule, and created an atmosphere of liberation and equal rights. On Napoleon's defeat, the Congress of Vienna in 1815 established the "Holy Alliance": this was a three-way Christian alliance inspired by Czar Alexander I, between Russia, Prussia, and Austria, in order to preserve religious and monarchist values, and "purge" Europe of the dreams of freedom and nationalism. This Alliance, which also included Britain (in the framework of the "Quadruple Alliance") as well as the smaller European principalities, put its stamp on European history up to 1848, setting norms in Europe governing both human rights and religious

and political freedoms. This was a genuine reaction to the French revolutionary spirit and the Napoleonic period, and its enduring success was characterized by regional stability and the prevention of bloodshed.

The second half of the 19th century was marked by a rise in nationalism, which began to hold sway. As national claims and national unification acquired legitimacy, national aspirations which crossed frontiers and led to imperialist conquests beyond Europe's borders -- in America, Asia and Africa -- became accepted as the norm. The arms race was the result of those years, with an "armed peace" becoming the standard stance.

By World War I, treaties had been signed laying down some of the rules of war between nations (Hague Convention, 1907) and relating primarily to what was permitted and what prohibited in respect of prisoners-of-war and occupied territory. Following the end of WWI, a growing feeling developed among peoples that the world must go further and lay down international norms governing foreign relations and to prevent another war. The Fourteen Points of Woodrow Wilson, then president of the United States, as presented in the U.S. Senate in January 1918, were highly influential, and it was against the backdrop of these points that the founding took place of the League of Nations, at that time the most important international political organization ever.

Most of Wilson's points discussed extremely concrete subjects which resulted from the territorial results of World War I (Belgium, Russia, France, Turkey), but they also addressed as a matter of principle the need for open diplomacy, freedom of the seas, removal of all international economic barriers, and recognition of the right of self-defense. Wilson also referred to the need for a "general association of nations."

The founding of the League of Nations constituted the first attempt to impose norms of behavior for the entire world, including

economic sanctions (which were applied to Italy in the wake of its invasion of Abyssinia). It also showed willingness to implement the principle of collective security, entailing automatic rejection of the right to wage war, which at the time every sovereign state considered self-evident. The League of Nations' principles reflected a worldwide effort to reduce armaments and achieve transparency in respect of existing weaponry. Each and every war was seen as affecting peace throughout the entire world and not just of the belligerent parties; consequently, any declaration of war was tantamount to a declaration affecting the entire world. Principles were laid down for submitting international disputes to mediation and arbitration, and 1921 saw the establishment of the Permanent Court of International Justice, which issued rulings in 32 cases during the 18 years of its existence.

Historically, the League of Nations was considered a failure, both because important countries such as the United States were not members, and also because it failed to prevent the most terrible war in the history of mankind, just 21 years after the end of another terrible war. However, what it did do was to set a precedent of a world-wide effort which ever since -- sometimes pitifully, sometimes more successfully -- has continued to educate the world, to stipulate what is permitted and what is forbidden, to punish offenders, and above all to make sure that international ethics are not relative ethics.

Founded in 1945, the United Nations Organization tries to learn from the League of Nations' mistakes. Its main goal is to set international norms, and its decisions and the treaties which it establishes in respect of controlling types of arms and other areas constitute mankind's most advanced effort to devise norms of international behavior.

During the Cold War era, the world was divided into two main blocs, each constituting a different normative system, *inter alia* in respect of the transparency and openness to the world of the

specific political setting. The Communist bloc treated the struggle for national liberation as taking precedence over human rights, while the U.N. provided an arena in which the two blocs could confront each other. Since the end of the 1980s, the West has been dominant, as reflected, for example, in resolutions on the Gulf War and international operations in Yugoslavia. On the threshold of the twenty-first century the tendency towards the universalization of international norms is intensifying and has reached unprecedented levels, while still being far from achieving worldwide coverage.

However, side by side with this growth in the normative common denominator among nations, at the end of the twentieth and on the brink of the twenty-first century, an increasingly acute question is the extent to which these norms have genuinely been taken on board by those players which, albeit not states, are no less important -- the major corporations, the multinationals. Operating in various countries, by the nature of things the goal of these corporations is solely to make profits. Nor are they bound by the ethical codes stipulated for international institutions. But these bodies, with their turnover totaling countless billions of dollars, are far more influential than countries which have a medium or small-size GDP and whose governmental or parliamentary decisions are taken after closely argued debates. Giant business corporations are not bound by decisions about boycotts or other sanctions against dictatorial or racist regimes, or those which are in breach of international resolutions.

Consequently, one of the challenges at the beginning of the twenty-first century will be to find a way of including these corporations both in decision-making and in the implementation of such decisions. It may be that international institutions such as the U.N. will have to give seats to these bodies too, in addition to the world's states which are gradually losing their influence. Nevertheless, such "privatization of foreign policy" must not take the form of relinquishing foreign policy and losing control of the

application of penalties against those who do not measure up to the ethical criteria set by world consensus.

## II. THE LIMITS OF ISRAELI FOREIGN POLICY

No country is a "free player" -- certainly not a small country, and certainly not Israel, given the special circumstances of its establishment as a state which throughout its entire existence has lived in danger of being wiped out, and as a country which sees itself as the state of the entire Jewish people. Israel's subjective feeling is that its room to maneuver is extremely limited.

One such limitation is the result of U.N. resolutions, particularly in the area of sanctions, which prescribe relationships with other countries. Israel has always had reservations over its relationship with the U.N. On the one hand, Israel came into being as a result of a U.N. resolution, but on the other hand the U.N. has adopted a long list of what Israel considers to be baseless resolutions against it. The most extreme of these was the resolution equating Zionism with racism, which was not revoked until December 1991, 17 years after it was passed.

One of the U.N.'s decisions which Israel breached was the prohibition on concluding arms deals with South Africa's apartheid regime. Despite the decision, adopted in 1977, the Israeli government continued to maintain defense ties with South Africa until 1987, a state of affairs which I will discuss below. However, this was an exception which proved the rule: generally speaking, Israel does comply with U.N. resolutions, and as is the situation for any other country in the family of nations, this constitutes a restriction on its foreign policy.

Another restriction relates to "special regimes," and the initiatives put forward in recent years with regard to the development of missiles and the use of different kinds of weapons (such as the

convention on chemical weapons). This is an inter-state agreement under which a state which is not a signatory and does not comply with its provisions risks losing information or not obtaining scientifically important and other material. Here too there is a restriction of the country's freedom of maneuver as a result of self-imposed restraint designed to ensure that it belongs to the club of legitimate states.

The United States possesses great influence over Israel's foreign policy. This is reflected at U.N. votes where Israel joins the United States in supporting sanctions against Cuba, for example, and in a lengthy series of other decisions. Despite the fact that Israel is not an American "satellite," and in many fields it has to act differently than or even in opposition to the U.S. position, it needs a particularly good reason not to go along with an American request. Thus, for example, Israel supports the United States' policy of "dual containment" against Iran and Iraq, even though most western countries do not take it seriously, and even in the United States there is major criticism of this position, while many in Israel tend to think that this is a failed policy which should be replaced by a more practical approach.

International organizations such as the Socialist International also have a certain degree of influence, albeit on a far lower level, when the Labor Party is in power. This largely involves these organizations' attitudes to despotic regimes (Chile and Argentina in the 1970s, Burma at the time of writing, and others) as well as to phenomena of economic exploitation deserving of forthright denunciation.

Regional frameworks are beginning to have some influence. The multilateral talks on arms control, refugees, economic cooperation, water and the environment, which began in the wake of the Madrid Conference and stopped after Netanyahu came to power, generated a new process of regard for neighbors. For decades we were like a solitary island, unable -- and perhaps also unwilling -- to



coordinate with our neighbors on how to handle various areas of life. As the peace process developed, so too the need for coordination between us grew, and there came about an understanding of its advantages -- the financial savings of connecting electricity grids, for example; the possibility of cooperating in tackling environmental problems; and the economic benefits of shared tourism packages. In order to have regional cooperation it is necessary to set joint and up-to-date standards governing such topics as animal diseases, atmospheric or water pollution and so on, as well as to take decisions affecting the choice of candidates for posts at international institutions.

### **The Jewish angle**

Jewish subjects have a not inconsiderable influence on Israeli foreign policy. The distribution of Israel's representations worldwide is greatly influenced by the size and nature of the different Jewish communities. Israel maintains more than one hundred representations around the world -- far more than other, larger countries. One of the main reasons for this state of affairs is the desire for the Israeli ambassador or consul general to constitute a vital address for the local Jewish community, bringing it messages from the State of Israel, and also acting as these communities' envoy in Israel.

Israel is required to react and protest not just as a result of antisemitic events, but also as a result of the decisions taken by local and world-level Jewish bodies. For example, when the World Jewish Congress decided to boycott Kurt Waldheim, the former Austrian President, following the disclosure of his WWII involvement as an army intelligence officer, it was impossible for Israel to remain on the sidelines. It recalled its ambassador from Vienna, and also boycotted the Austrian president. This was a classic case of a situation where a Jewish body takes a decision without consulting Israel's government, in fact forcing Israel to

act in a certain fashion, even if Israel's immediate interests are likely to be harmed.

Yet another example is the Toujman affair, involving the president of Croatia. Ever since Croatia was declared an independent state, it has been interested in establishing diplomatic ties with Israel. Israel has no problem with this, apart from the fact that Franjo Toujman is the president of the Croatian state. In the 1980s Toujman, a history professor, published a history book, in one of whose chapters he described the Holocaust as an event in which a few thousand Jews were killed among millions of war victims, and which the Jews turned into a catastrophe in which six million of their brethren allegedly paid with their lives. According to what he wrote, the Jews are exploiting the story of the Holocaust in order to promote their interests. Later, in the course of his election campaign for an additional term of office, Toujman said during one of his appearances that he was happy that his wife was neither a Serb nor a Jewess.

For Toujman advancing his ties with Israel was very important, apparently out of a belief shared by many antisemites that Israel could "bring pressure to bear" on the United States. He set up a pro-Croatia lobby in Israel, invited leading -- not necessarily the most important -- Israeli figures to his country, and explained to them that he was not an antisemite. He made sure that the English translation of his book did not contain the chapter which denied the Holocaust, and was prepared to apologize for the suffering caused to Jews by the Ustaks during World War II. But he never retracted what he wrote. Not until Netanyahu's nationalist government was in power the decision was taken in 1997 to renew ties with Croatia. Until then, for eight years Israel had refrained from doing so as a manifestly Jewish foreign policy.

Israel is only too aware that those who wish to hurt it can do so by harming Jewish communities in the world. To a large extent this is Israel's "soft underbelly" -- Jewish institutions in the

Diaspora which do not enjoy the same degree of protection as in Israel, and which Israel has no power to protect. The bombing of the Jewish community center in Argentina in July 1994, following Israel's attack on Hizbollah leaders in Lebanon, proved that Israel is not free to act solely in accordance with its own national interests, without taking account of the potential implications of such action for the Jewish national interest. This is a "weakness" which is known to our enemies, but it is also an attribute unique to us as a Jewish state.

Throughout Israel's history, we have felt the need to come to terms with extremely problematic regimes in order to prevent harm from befalling the Jews living under those regimes and enable them to emigrate to Israel. The most striking example of this was Romania under Nicolae Ceausescu. The Romanian dictator was considered "good for the Jews." He enabled the Jews to observe their religious commandments, allowing them to emigrate to Israel (in return for payment for every individual allowed to leave). Israel praised and lauded Ceausescu; heads of state, both left- and right-wing, presented him as a true friend, a revered leader, wise and peace-loving, and going out of their way to ensure that the U.S. Congress would extend every time the preferred economic status given to Romania, which was supposed to be revoked because of that country's human rights violations.

This Jewish foreign policy of ours may also be applied to a democratic country such as Italy in the mid-1990s. An example is the case of the three neo-Fascist ministers who joined the Berlusconi government. When as deputy foreign minister I announced that we would boycott these ministers, a violent debate erupted in Israel as to whether we were allowed to do something like this, since there was a Jewish community in Italy which was likely to suffer as a result of Israel's unequivocally negative attitude to members of the new government. In the end, we did indeed refrain from meeting with a delegation of representatives of the Far Right, and to our great pleasure the Berlusconi

government did not last long. However, had it continued in office, we would have found ourselves in a far from straightforward situation, facing a Jewish community which was itself divided over the issue of how to relate to this "refined Fascism."

### **Regional restraints**

The states contiguous with Israel constitute another limitation. We wish to live in peace with our neighbors, and we cannot make such living in peace conditional on the nature of their regimes. Most Arab countries have autocratic regimes which, according to all the annual reports of the relevant organizations, are accompanied by acute human-rights problems. In Israel the paradox is that it is specifically the liberal circles, who want peace and believe that it is a viable option now, who are reluctant to criticize neighboring regimes, and when they weigh up the possibility of preventing the next war against the need to insist on implementation of human rights throughout the world, the first interest outweighs and overshadows the second one. Hence those who are vociferous critics of the non-democratic phenomena in our region come from right-wing circles and the peace-skeptics, because this strengthens their opposition to making concessions for the sake of peace.

Israel sees itself as a small country in need of the world's recognition and assistance and hence, apparently, not allowed to challenge what it views as events which give rise to serious concern. Thus, for example, the 1989 Tiananmen Square massacre in Beijing failed to set alarm bells ringing in Israel: indeed, the then President of the State, the late Chaim Herzog, was one of the first western leaders to make an official visit to China, without generating any criticism from Israelis. Our feeling was that a small country like Israel, which had for many decades dreamed of diplomatic ties with the People's Republic of China, could not afford to act like a self-assured country and impose "private"

sanctions on a vast state like China. Ethical policy was something which we left to the large countries, convincing ourselves that a country grappling with existential problems like ours cannot act as the world's judge, because then it will quite simply remain isolated.

Thus we were unwilling to give a high-level welcome to the Dalai Lama, the leader of the world's expatriate Tibetan community, not because we were justifying what is going on in Tibet, but because we knew that this would have infuriated China. Nor did we agree to host the president of Taiwan, even as a pilgrim, not because we have no sympathy for the young Taiwanese democracy, but because we knew that this would incense the Chinese giant. Likewise, we failed to protest over East Timor and Indonesia's brutal treatment of those inhabitants of the island who wanted independence, because we thought that we should not confront the world's largest Muslim state, even if we have never had diplomatic relations with it.

Many of us were simply indifferent to or ignorant of the domestic problems of other countries. The few who did know and were distressed saw this ignoring of human rights violations elsewhere in the world as a form of maintaining Israel's "no alternative" policy. Only a very few actually protested.

### III. THE ADVISABILITY OF AN ETHICAL FOREIGN POLICY

Hans Morgenthau's book *Politics Among Nations: The Struggle for Power and Peace* poisoned generations of students of international relations, because it was taught as a monolithic unchallenged theory. In his book, written against a background of events which constituted an all-time low in human history, Morgenthau drew an oversimplified conclusion which his disciples adopted in an even more simplistic fashion: international policy is all-power politics, albeit presented differently. It is a policy of

exposed and naked vested interests, and anyone who plays the game differently will pay dearly.

This argument, which is neither new nor revolutionary, made what was a description of a particular situation into an ideological rule for many who became teachers and politicians. They justified the policy of vested interests by citing Morgenthau's theory, failing to understand that this was nothing more than a blatantly teleological outlook.

To say that every state ultimately acts in accordance with its own interests is like saying that all individuals take care of their own interests. So what? Of course all individuals take care of their own interests, and everything that they do stems from the thought that this action serves them best. When somebody yields to somebody else, or gives up something, or contributes money or donates blood, or even pays with their life in pursuing a particular ultimate goal, such as defending the borders of their country, he or she does so because they think that they will not be able to live with themselves if they act otherwise. This too is a form of "egoism." However, it is part of a teleology according to which everything you do is by definition taking your interests to their logical conclusion, as you see things at a given time and in a given context. These interests may be expressed in the form of compromise, or alternatively taking control, murder or suicide. Consequently, an ethical foreign policy is also a form of politics and of national interest, just as giving something to a beggar is also a form of egoism. It is true that countries always do what they think is good for them, but in very many cases, what is good for them is an ethical foreign policy.

#### **What is Realpolitik?**

The most concrete example that I can present from my own experience is Israel's policy towards South Africa. The

rapprochement between the two countries was “realpolitik,” which it is not difficult to justify. Practically all African countries broke off their ties with Israel in the wake of the Yom Kippur war, when Israeli forces landed on the western side of the Suez Canal and established themselves in Africa for a period lasting a number of months. One of the world’s most cynical steps was to punish Israel, not for its might, as expressed in 1967, but for its weakness, of all things, in the form it took in 1973. As a result, Israel was bereft of all diplomatic ties with the countries of the Communist bloc and most Third World countries, in addition to the fact that it had failed to date to develop diplomatic ties with countries such as Spain, Portugal, and Greece. In these years when things were at a really low ebb, a period which also included the passing of the cynical U.N. resolution equating Zionism with racism, for Israel’s government it was only natural to join up with other “pariah” states and establish closer ties with the world’s outcasts, shunned by the community of nations for a variety of reasons.

The pinnacle of Israel’s open ties with South Africa was when its prime minister, Dr. Belthazar Johannes Vorster, visited Israel in April 1976 as a guest of the prime minister, the late Yitzhak Rabin, against a backdrop of (extremely restrained) left-wing demonstrations. A year later, when the Likud party came to power, defense ties became closer, and Israel violated the sanctions which the U.N. had passed in 1977, requiring all of the world’s countries to break off defense ties with the apartheid state. The Israel of the late Menahem Begin felt that, the U.N. having turned its back on it, it was consequently not bound to take the international body over-seriously. As a result, large-scale arms deals were signed between Israel and South Africa, and Israel even acted as a “laundry” for the transfer of goods from the world to an embargoed South Africa.

In November 1986, I was appointed political director-general of Israel’s Ministry of Foreign Affairs, a few months after the riots in South Africa which led to tightening of the international

sanctions against the apartheid regime. Only then did I find out precisely how close the ties between the two countries were, and I began to take intensive steps to put an end to them. As a regular participant in the security cabinet, I spoke about the matter with both the Likud and the Labor ministers. Practically all of them thought that it was not necessary for Israel to take any decisions about imposing sanctions on South Africa, since this was a country which was rendering assistance to us and with a Jewish population of 100,000. They also argued that breaking off defense ties with South Africa would probably cause serious harm to Israel.

After a resolution by the U.S. Congress requiring the President to report to it every six months on those countries which were not complying with the sanctions against South Africa, the struggle became easier, but it was still practically impossible to get anywhere. I came out with a public declaration to the effect that it was unacceptable for the Israeli democracy to be the only one in the world not to go along with those who had legislated sanctions against a racist South Africa, and that the only Jewish state in the world could not allow itself to refrain from doing so. The argument became public, and from then on pressure of various kinds was brought to bear on me. Well-established and respected figures in the defense system came to me in order to explain that such sanctions would impair our security. People from the Histadrut, Israel’s trade union organization, came to see me to say that large numbers of Israelis would be fired as a result of a failure to renew contracts with South Africa, particularly in the metallurgical sector. Leaders of the Jewish community in South Africa argued that such an Israeli decision would put them at risk, and would make us look like enemies of the regime.

Finally, in March 1987, Israel admitted that it had been in breach of the U.N. resolution for ten years, and that henceforth it would not be renewing any defense contracts with South Africa. The cabinet set up an interministerial committee, headed by myself, to decide on steps in the economic and cultural domains. Pressures

were further stepped up. They culminated in a conversation which took place at the office of the then foreign affairs minister, Shimon Peres, with one of the most senior figures in the defense system, for whom I had the utmost regard. The man in question told us that the decision concerning cultural and economic sanctions was more of a blow to South Africa than the stringent decisions about defense sanctions. The entire world was abandoning this country, he said, and if Israel also acted likewise, this would be considered tantamount to a betrayal. The whites were some five million strong, armed to the teeth, and would never allow the blacks to take over South Africa. The decision about sanctions meant losing a strategic ally of many years, and would not win us the sympathy of the blacks, who were very much influenced by the PLO. He said that hypocrisy ruled: all sorts of people from different countries were wandering around South Africa, maintaining “under-the-table” ties with the authorities. The entire world understood that the whites would never hand over rule, and it would be terrible if Israel were to adopt a bleeding-heart policy and shoot itself in the foot, simply because somebody had decided to adopt an ethical policy in an unethical world.

The man finished his statement and left the room. I was left with Peres. “Well, what do you have to say?” asked the minister. I told him that the real mistake would be precisely if we were not to adopt sanctions against an avowedly racist policy, and our guest’s very resolution told me that I was right. Of course I could not say that the blacks would be able to take over South Africa in the future, but who could promise that the whites would govern there for ever? Apart from that, the U.S. Congress decision would have its effect, and the cabinet ministers would accept my suggestions about sanctions not because they were proposed by me, but because of the magic words “American pressure,” even though such pressure was not actually brought to bear.

Decisions on sanctions were taken by the Cabinet in September 1987, and Israel joined the rest of the world. Official visits to

South Africa were avoided, and it was even decided to finance courses for black leaders in a range of professional fields. The decision, taken after a protracted debate and supported by the then prime minister, Yitzhak Shamir, was received with great acclaim in South Africa, and considerable acclaim in the United States and the world.

It soon became clear that we had not paid a high price for this reaction. South Africa did not break off its diplomatic ties with us, since it had absolutely no choice. Nothing bad befell the Jews, and most factories which had worked for South Africa found themselves alternatives which prevented massive lay-offs.

Exactly two and a half years later, in February 1990, Mandela was released from prison, within four years becoming South Africa’s president. The ties which we developed with the African National Congress, the sanctions we adopted, and even our vehement debate in Israel before their adoption, constituted a bridge which we were able to cross in order to ensure that the new regime in South Africa would not see Israel as an enemy and the closest collaborator of the apartheid government.

This may be an unusual example, and obviously the short period of time in which the events took place was also unusual. Sometimes you have to pay a far higher price for implementing an ethical policy, and sometimes it is only a considerable time later that it becomes clear that it is also a worthwhile policy, by which time the decision-makers are no longer alive. But because I have the facts at my fingertips, I can say that in the 1980s, there was no decision whatsoever that we could have taken in respect of South Africa which could have prevented the phenomenon of a new and problematic enemy for Israel, other than that decision which at the time seemed so non-“realpolitik”.

Israel benefits greatly in adopting ethical policies:

1. Israel itself is a small state under threat. It is likely to need the

support of other countries if it gets into trouble. Helping others in their difficulties increases (albeit without any guarantees) the chances of them helping you too.

2. The great importance which we attach to protecting Jews wherever they are in the world requires us to take into account the fact that our ethical policy will help our claims that we are protecting them against antisemitism, and our insistence that the various governments provide effective protection for them.
3. As in the South African case, so too in many other examples: support for the weak becomes an investment when the weak come to power. This applies to organizations such as Solidarity in Poland, as well as the opposition to Franco in Spain, several of whose leaders (such as Felipe Gonzáles) received support from Israel which they did not forget when they came to power.
4. Today's world is extremely transparent, and is broadcasted live. In such a world it is very difficult to be Meternich. "Realpolitik" has a very bad TV image. A country with exposure to communications satellites cannot allow itself such a policy, and it is good that this is the case. "Realpolitik" is a euphemism for short-term exploitative, cynical policy which is harmful in the long run. Sometimes you have to do things which make you uncomfortable, in order to deal with an emergency situation, in order to save somebody, or in order to avoid a catastrophe. But when unethical behavior becomes justified and legitimate, you lose your good name and are likely to cause major damage to your country.

We tend to come to terms with dictatorial leaders who sometimes teeter on the brink of insanity, simply because they are ostensibly "legitimate" leaders of their countries. This is a well-known and standard game. These individuals gain power as a result of an army coup or some other coup d'état. They set up for themselves institutions which bear democratic names, hold elections in which no one stands against them, live the most affluent lifestyle, enjoying their people's adulation, demonstrations of support and affection, and emotional birthdays. The world honors them with official visits, exchanges of gifts, and earnest speeches at banquets,

where the tyrant and almost invariably his "outstanding qualities" are lauded at length. The day after he departs this world, whether naturally or otherwise, or is forced into exile, his people hold hostile demonstrations against him, and the world presents him as a demented dictator.

In Boutros Boutros-Ghali's book, *From Cairo to Jerusalem*, the author describes an extremely strange meeting with Idi Amin in Uganda in 1978, detailing the conversation with the dictator, his generous suggestion to Ghali that he rest on his bed at his side, and so on. On a first reading, the impression is of a soap opera or a penny dreadful, but on second thoughts you say to yourself: this was written when Idi Amin was no longer ruler of Uganda, and when Boutros-Ghali was a retired statesman. That same Boutros-Ghali provided legitimation to Idi Amin's madness when he visited him. An entire world knew exactly who Idi Amin was, just as an entire world knows who and what Saddam Hussein and Muammar Qaddafi are, and did not refrain from visiting and lauding him.

However, there is no need to go too far afield in such criticism. I remember very clearly the late Haim Bar-Lev, at one point Labor Party Secretary-General, coming back from the Communist Party Congress in Ceausescu's Romania. Bar-Lev good-humouredly described the congress, the crowds applauding Nicolai and Helena Ceausescu and their son, the young minister for sport, and shouting "Ceausescu peh tseh reh." To this day Bar-Lev's voice still rings in my ears, as he mocked this demonstration of adulation for the Romanian dictator, clapping and imitating the way that the crowd called out the initials of the Communist Party, as we laughed out loud.

If only instead of laughing we had said: "Never again!" No more visits to Romania -- we shall have no part in this hypocrisy of veneration for this leader! -- perhaps then we would have contributed to getting rid of him earlier.

In the twenty-first century it will be easier. A world in which the Communist bloc has practically disappeared, and today's China is very different from the China which we knew. It is a more transparent world, and most of it is covered by live broadcasts. It will be easier to act jointly than in the past, minimizing the risk of criticizing leaders who only become unbearable after they have disappeared.

Such cooperation will be the clearest expression of the fact that a "bleeding-heart" policy is also the most worthwhile policy.

#### NOTES

<sup>1</sup> In Leviathan, Hobbes argued that absolute monarchy was the most rational, hence desirable, form of government. Rousseau believed that civilization warps the fundamental goodness of human nature, but that its ill effects can be moderated by active participation in democratic consensual politics.

*Daphna Sharfman*

### **Out of sight, out of mind: Israel and human rights**

Concern about human rights and the quality of democracy has never headed the list of priorities of Israeli politics. Since the Yishuv period which predated the coming into being of the State of Israel, as well as ever since, the government has tended to play down the practical and legal importance of human rights, instead giving preference to security considerations, of varying degrees of genuineness, as well as to mainly coalitional considerations relating to the pressures brought to bear by the religious and ultra-Orthodox parties. At the same time Israel has developed its international policy, where it has had to deal with challenges and questions which relate directly to human rights issues.

At the beginning, there was a desire to establish good relations with developing countries, but Israel's international policy very soon changed, and it began to weave an overt and covert set of fairly close ties with dictatorial regimes throughout the world. In this way there evolved a uniform and complementary foreign-policy approach in terms of values. The marginal position of human rights and the low level of awareness as to their importance within Israel itself made it easier to forge a cynical policy throughout the world, including significant restrictions on the information provided to public opinion in Israel, as well as its involvement, about everything done worldwide in its name.

This restriction results from a technical and bureaucratic view of the importance of democracy and the obligations generated by it, and a paternalistic view of citizens and their rights. Thus it is stripped of any legitimization of the public to receive information about decisions taken in "closed rooms", in which legitimate diplomatic considerations are likely to be mixed up with personal and economic vested interests. This paper will therefore focus on the development of those circumstances which led to the shaping of a foreign policy devoid of sensitivity to human rights throughout

most of the State of Israel's existence. Towards the end of the article, there will also be a discussion of possible processes of change and their implications.

## I. IDEOLOGY, POLITICS AND HUMAN RIGHTS

During the Yishuv (pre-State) period, practically all the political movements, left- and right-wing alike, agreed on an ideological outlook which gave preference to society over the individual. Zionist revolutionism was primarily expressed in the "image of the pioneer", representing an outlook in which a worthy person was defined as somebody who made do with little, while making sacrifices for the sake of the whole of society, and for collective goals.<sup>1</sup>

However, this central position of the individual's voluntary contribution was fleeting only, and by as early as the 1920s there was occurring the consolidation of a collectivist-bureaucratic approach which operated in all respects as a government structure save for the restrictions resulting from Mandatory rule. The Histadrut (General Federation of Labor) apparatus under the leadership of Ben-Gurion and his colleagues in the Ahdut ha-Avoda ("Unity of Labor") party, and later in Mapai, wanted to strengthen its hold on government. It therefore took energetic action against groups which disagreed with its views and challenged its authority, showing tendencies towards organizational and political independence, including the Labor Corps (Gdud ha-Avoda), the Moshav Movement, and the Working Women's Movement (Tenuat ha-Poalot).<sup>2</sup>

The Revisionist movement, under the leadership of Vladimir Jabotinsky, also choose to give priority to the national struggle over all other matters. An extreme form of this idea is expressed in the underground movements which developed from within it, the IZL (Etsel) and Lehi.<sup>3</sup>

Religiously observant and ultra-Orthodox circles supported the strengthening of society at the expense of the individual, as part of their religious and cultural heritage. Belonging to the community and obeying its spiritual leaders were basic principles opposing the new spirit in Judaism, which advocated individualism and equality, and were viewed as hostile and dangerous to the religious tradition.<sup>4</sup>

Religious matters and ties with the religious parties were governed during the Yishuv period by agreements between the Yishuv's leadership and Orthodox circles. The status of the latter was reinforced as a result of three factors: the need to obtain the legitimation of observant East European Jews, the Reform Movement's negative attitude to Zionism, and the coalition structure of the Yishuv's institutions.<sup>5</sup>

The most important development occurred not long before the establishment of the State, in the form of the status quo agreement.<sup>6</sup>

The State of Israel was established, therefore, on the basis of a collective and elitist approach about which there was practically no dissent. The main political circles fought among themselves or cooperated with each other, without paying any real attention to the opinions of the man in the street.<sup>7</sup> More liberal circles, mainly among the General Zionists, many of whom were immigrants from Germany and other western countries, constituted a minority, which failed to change the overall policy.

The initial years following Israel's establishment -- the years marked by fighting to defend the country, and a major demographic and economic crisis -- did nothing whatsoever for the status of individual citizens and civil rights; rather, they were marked by a strengthening in government control and authority over the lives of the country's citizens. There were two key aspects to this trend: processes involving executive government action, and constitutional processes.



The first area -- the government's attitude to the citizen -- was distinguished by the elitist approach, primarily with regard to the population groups: the people of the mass immigration, of the 1950s, and Israel's Arabs. The immigrants ("olim"), the overwhelming majority of whom were destitute and completely dependent on the authorities responsible for their absorption, were treated with suspicion by the host or "absorbing" establishment, and in closed discussions warnings were issued concerning the future of the government and even of democracy in Israel, and fears were expressed about the destruction of the cultural, social, and economic achievements of the pre-state (Yishuv) period.<sup>8</sup>

The struggle for the votes of the "olim" in the elections led to phenomena wherein Mapai exploited government resources and increased its strength at the ballot boxes at the expense of the democratic rules of the game and the freedom of choice of the olim.<sup>9</sup> As a result of this state of affairs, support for Mapai was higher in the maabarot (transit camps) than among the general population.<sup>10</sup>

Such processes made the olim view the political system as a source of benefits, unrelated to ideology, receipt of the government service being dependent on holding a Mapai membership card. For its part, the government became accustomed to seeing olim as subjects who were there to be maneuvered, rather than as citizens with equal rights.<sup>11</sup>

The long-term result of this state of affairs was the reinforcement of the tendencies of paternalism and contempt for citizens and their rights, with ever growing alienation between them and the government and its representatives. The negative implications of this policy are salient today, perhaps more so than in the past, as Israeli society finds itself confronting and internally divided over the very issue of its fundamental values.

With regard to the Israeli Arabs, military rule was operative in the 1948-1966 period. At first it had to impose security and order in areas where the Arab population lived had remained in Israel following the end of the War of Independence. Military rule included restrictions on civil liberties, among them the imposing of curfews and the requirement for transit permits. Military commanders and government officials interfered in practically every walk of life of the Arab population, thereby consolidating the latter's dependence on these figures.

Military rule was accompanied by blatantly political aspects, such as when Mapai reinforced its electoral support by establishing Arab factions headed by traditional leaders, by which it increased its strength at the expense of other parties, which had no government status and hence no ability to guarantee jobs and permits.<sup>12</sup>

The extent of military rule gradually diminished in the 1960s and it was finally scrapped. Its existence highlighted the supremacy of security considerations, and the government's tendency to make use of them in order to camouflage considerations of political expediency.<sup>13</sup>

Two major legal decisions have influenced civil rights in Israel. To this day, they continue to exert influence: (a) the decision not to enact a constitution, and (b) the decision not to repeal the Mandatory security regulations.<sup>14</sup>

The idea of a constitution ran into the determined opposition of the religious parties, which wanted constitutional status to be conferred upon Jewish religious law (halachah) and threatened a Kulturkampf.<sup>15</sup> This was supplemented by the opposition of Ben-Gurion and the highest government echelons to giving the legislative branch powers of judicial review.<sup>16</sup> In contrast, enthusiastic support for the constitution came from Menahem Begin, leader of the opposition Herut party, for whom a constitution

was an instrument for preventing minority rights from being trampled underfoot.

The implications of this decision have been described by Ehud Sprinzak, who argues that it restricted the state's obligations to its citizens, and may constitute an early model for identifying the development of Israeli illegality. This model shows clearly that Israeli politicians' support for the idea of the rule of law is primarily lip service, devoid of any genuine commitment. As a result, sometimes the constitution will come off second best relative to political interests.<sup>17</sup>

A clear expression of this approach -- this time based on security considerations -- is the decision not to revoke the Mandatory emergency security regulations which were issued by the Mandatory authorities in 1945 to help in putting down the worsening disturbances in what was then Palestine, and were vehemently criticized by the leaders of the Jewish Yishuv. When the State of Israel was established, these regulations were used to operate the Military Administration, being subsequently used mainly in the territories occupied by Israel following the Six Day War.<sup>18</sup>

The use of these regulations within the State of Israel is expressed in the domain of press censorship, and in particular in the case of the 1984 closing down by defense minister Arens of the printing press of the Hadashot newspaper, at the height of the 300 bus route affair.<sup>19</sup>

Leaving the regulations on the statute book is a Damocles sword suspended over human rights in Israel, constituting ongoing evidence of the weakness of the government system, the absence of any desire to address weighty legal issues, and a preference for brushing them aside.

It should also be noted that, to date, all efforts to legislate a "Basic

Law -- Human Rights" have failed. These began in 1964. The only bright spot is the enacting in 1992 of the Basic Law: Human Dignity and Freedom, and the Basic Law: Freedom of Employment, legislation which opened a new page in the struggle to promote human rights.<sup>20</sup> Four other bills on human rights subjects had a first reading in the Knesset, but the process of enacting them ground to a halt in the Thirteenth Knesset because of the opposition of the religious and ultra-Orthodox parties.<sup>21</sup>

At this stage we can say in summary that the attitude to human and civil rights issues in Israel is characterized by elitist government centralization and persistent dependence by certain sectors of the population. The educational system has failed to adequately address the domain of human rights and has not spotlighted the importance of human rights. With the passing of the years ignorance and indifference have developed in respect of the feasibility of promoting this area in Israeli society. All of this, combined with the maintenance of censorship and reliance on the myth of security, have made it possible to create a "smoke screen" with the help of a series of laws intended to restrict freedom of information.<sup>22</sup> This screen has concealed the foreign-policy decisions taken over a period of years and their human-rights implications.

This policy was shaped in closed forums, on the whole, in the absence of adequate exposure to public scrutiny. Indeed, it is possible that some of what is described here took place precisely because of the fact that it was not exposed by public criticism, and were not subjected to genuine debate as should be the case in a democratic society.

## II. FROM YOUTHFUL DISAPPOINTMENTS TO BELONGING TO THE "PARIAS" STATES

For many years, the popular song "The Whole World is Against Us" was a symbol of Israel's international status. Sometimes the world (or most of it) was indeed against us, but often this was a view which suited the needs of internal politics, in the argument between the right and the left, or between "patriots" and "bleeding hearts."

Ben-Gurion frequently urged the idea that Israel should be a "light unto the nations," perhaps out of a need to present lofty challenges to a society suffering from difficulties in developing and absorbing immigrants, as well as a desire to raise the country above its neighbors as "the only democracy in the Middle East."<sup>23</sup>

The first foreign-policy factor, which is largely unique to Israel, is its definition as a Jewish state and place of refuge for Jews worldwide. This had implications for the political approach to the human rights of Jews specifically, and of their countries of residence generally. Israel's first task was to help persecuted Jews and to make every effort to bring them to Israel. Even before the State of Israel came into being, these efforts were viewed as a key Zionist goal, and also formed part of the struggle for international support in the establishment of the State of Israel as a place of refuge for Holocaust survivors and refugees.

In clandestine and dangerous operations, the Jews of the countries of North Africa, Yemen, Syria, and Iraq were brought to Israel, and beginning in the 1980s so too were the Jews of Ethiopia. An international information campaign, which began in the 1970s under the slogan "Let My People Go," made the subject of human rights the focus of international public opinion, with special emphasis on the right of Soviet Jews to emigrate, gaining the support of the American administration and Congress.<sup>24</sup>

While it was still taking action to bring Jews to Israel, the Israeli government was confronted with the problem of some Jews being unwilling or unable to leave their countries, but nevertheless constituting a factor which had to be taken into account when determining policy. This was particularly applicable to dictatorial regimes such as Iran, Morocco, Ethiopia, Romania, South Africa in the apartheid period, Argentina under the generals, and other countries whose Jewish community was always considered a potential hostage depending on Israel's positions.

Israel preferred quiet diplomacy, generally adopting a predominantly clandestine policy which included political, economic, and sometimes military assistance, at the same time maintaining a "low profile" in all matters relating to human rights violations in that particular country.<sup>25</sup> Sometimes the Jewish community's position provided a convenient excuse for warm relationships and profitable arms sales, or for strategic/defense considerations, such as in the case of Turkey or South Africa.

Israel also enlisted the influence of American public opinion, Congress, and the administration in order to help these countries in obtaining American economic assistance, and lobbyists representing Israel dashed around the corridors of Congress convincing members of the House to provide support to problematic regimes or on controversial subjects. By way of illustration, we would cite assistance for the Turkish government in its struggle against the bill brought by Republican Senator Robert Doyle, at the beginning of 1990, to commemorate the genocide carried out by the Turks against the Armenians in 1915.

### Israel and the Third World

As a result of the ring of isolation which the Arab countries created around Israel, it had to forge diplomatic paths to African and Asian countries which acquired their independence in the

post-WWII years. The first sign came from Burma, followed by Ghana. In 1958 Israel's Foreign Affairs Ministry set up an international cooperation division -- Mashav -- on the initiative of Golda Meir, Minister for Foreign Affairs, who believed that Israel could make an important contribution in this field.

Recent experience, gained in difficult conditions, in modern agriculture, development, community affairs, and health constituted a concrete contribution to the developing countries, particularly since Israel had no colonial past and was itself a developing country.<sup>26</sup> In Israel institutions were set up to provide training courses, including the Histadrut's Afro-Asian Institute, the International Center for Agricultural Development and Cooperation, the Carmel Center for Community Training, and others. Country-level assistance and courses for trainees were also provided for countries which had no diplomatic ties with Israel.

However, these good intentions soon shattered on the rock of the Israeli-Arab conflict. The turning point came about at the Bandung Conference, which convened in Indonesia in April 1955. Not having been invited to this meeting, Israel took a major beating from the Arab representatives, who managed to gain the support of African and Asian countries.

Since then resolutions condemning Israel have been taken by a number of conferences of the "unaligned" countries, and in the wake of the Yom Kippur War most Third World countries severed their ties with the Jewish state. They supported the operation of the oil embargo, and increasingly identified with the misfortunes of the Palestinians.<sup>27</sup> This identification soon led to the Palestinians being compared with freedom fighters in the Portuguese colonies, Rhodesia, and South Africa. Israel was described as being a crony of the United States and the apartheid regime in South Africa, and as a inseparable part of international colonialism.

This steep decline in Israel's status was particularly conspicuous during attacks on it at the United Nations, which were further reinforced by the General Assembly decision of November 17, 1974 to award the PLO the status of observer at the U.N. Assembly. Support for the PLO grew, because it seemed a faithful representative of the new tendencies prevalent at the United Nations during that period, when Third World countries were trying to change the existing power balance under the leadership of the West, which in their view represented the continuation of colonialism.<sup>28</sup>

This trend climaxed with the passing of the resolution equating Zionism with racism at the U.N. General Assembly on November 10, 1975. Israel was deeply disappointed at the fact that most of the developing countries which voted for the resolution forgot the assistance which it had extended to them when they obtained their independence. Ambassador Herzog even demonstratively tore up the piece of paper with the resolution, testimony to the anger and bitter disappointment felt at the time by the whole of Israel.<sup>29</sup>

This resolution provided the starting signal for a long series of anti-Israel decisions that passed at the General Assembly and in various U.N. committees. An important arena was the U.N. Human Rights Commission, whose annual meeting takes place in Geneva, with a membership of 52 countries, divided according to the U.N.'s regional distribution, and there too, as at the Assembly, there is a majority of Third World countries. This majority was exploited in order to pass resolutions which were primarily anti-South Africa and anti-Israel, persistently ignoring human-rights violations in most of the Third World countries themselves. Similarly, the permanent condemnation of Israel provided these countries with a "smoke screen" which diverted attention from the important goals of human rights organizations in the world, and from flagrant breaches taking place at the time in China, Cuba, Libya, Sudan, Syria, and elsewhere.<sup>30</sup>

At the Second Human Rights Conference, held in Vienna in June 1993, abortive efforts were made by Israel's representatives and Jewish organizations to have antisemitism included among the phenomena condemned by the conference. The chairperson of the drafting committee, Brazil's Gilberto Savoya, argued that the subject was a controversial one and therefore should not be included in the resolution.<sup>31</sup>

In this way Israel was pushed into the corner of the "pariah states" in the international arena, and found itself isolated, its diplomats being forced to deal mainly with warding off motions of condemnation in a variety of forums. The feeling that "the entire world is against us" grew ever stronger, and the voices grew louder of those with a variety of vested interests who argued that this was an inevitable situation. They wished in this way to provide legitimacy to a growing phenomenon of providing defense assistance and military consultancy services to dictatorial regimes. Soon these came to play a key role, compared with the status of assistance and consultancy for civil projects in developing countries.

In this context, the Israel-South Africa connection was particularly prominent. Up to the 1970s, Israel tried to remain with those who condemned apartheid. Thus it supported the November 1961 General Assembly resolution to impose sanctions on South Africa, and withdrew its ambassador. The fears about the possible implications for the Jewish community were rejected by Ben-Gurion, who argued that the Jews in other countries had to be looked after, and the authorities should not be given an excuse to harm them. He also said that consideration should be given to the feelings of the peoples of Africa and Asia, and Judaism's moral and conscience-based precepts should not be ignored.<sup>32</sup>

The turning point in relationships came about after the Yom Kippur war, with the oil embargo and Israel's international isolation. The link between the two countries became closer after the passing

of the U.N. resolution equating Zionism with racism. Some tended to attribute this to considerations relating to the position of the Jewish community, although ties between the two states also gave rise to controversy within the community itself, since Jews were also prominent among those combating apartheid.

The Jewish interest was not the only relevant one at that time. It was supplemented by economic cooperation, including South Africa's assistance to Israel in circumventing the restrictions imposed by the Common Market on the importing of goods from South Africa: limited cultural ties, and above all military-security links, which were concealed by both sides. Israel sold South Africa a range of arms, with scientific cooperation between the two countries developing in the nuclear sphere. These ties led Israel's opponents to further intensify their charge that this was an alliance between two racist states, turning a blind eye to most western countries' support for and cooperation with South Africa.

In response to criticism, the supporters of this policy in Israel argued that there was cooperation between the African National Congress -- the underground movement of the Blacks, headed by Nelson Mandela -- and the PLO, and that furthermore, these were matters in the security domain which were "best not talked about."<sup>33</sup>

The controversy over this subject was not a matter of public interest, on the whole, and the Israeli public was indifferent to all human-rights issues worldwide, whether because of ignorance or because of a feeling of alienation, as Naomi Chazan wrote:

"Nowadays, Israel's policy is characterized not only by a lack of sensitivity to ethical issues and problems involving man's treatment of his fellow man, but also by total ignorance of all matters relating to what is actually happening. Many Israelis simply lacked the most basic knowledge of the ties which their country had with South Africa. Very few of them had anything other than the vaguest idea of South Africa's policy and intentions [...] since

they are immersed in their own problems, they are unable following the same hypothesis, to protest against the government's policy."<sup>34</sup>

Towards the end of the Cold War, American and world pressure on South Africa was stepped up. In April 1987, the American Congress passed a resolution to terminate assistance to countries violating the arms embargo against South Africa. The Administration argued to Congress that Israel, together with France and Italy, was knowingly infringing the 1977 U.N. resolution on the embargo. The report submitted also detailed the means adopted by Israel in order to circumvent the embargo, including setting up Israeli companies in South Africa, direct sales of arms and military know-how, and arms transfers via South African companies in Europe and elsewhere. Although the Administration promised that it would not adopt sanctions against Israel, it was clear that the time had come for a policy rethink.<sup>35</sup>

Only as a result of a 1987 ministerial reshuffle in the national unity government and the appointment of Shimon Peres as Minister of Foreign Affairs, and Dr. Yossi Beilin as the Ministry's Political Director-General, a process of policy changes was initiated, involving confrontations with the Likud ministers in the government and many other figures in defense and business circles.<sup>36</sup>

An additional and equally important example of political ties with dictatorial regimes and their provision with defense assistance was Latin America, where in the 1970s and 80s civil wars raged and policies of oppression were carried out by mainly military regimes. The most striking example involves Israel's ties with Argentina during the period of the military dictatorship (1976-1982), when the Israeli government had friendly ties with this regime, selling it arms and military equipment. The British and Americans condemned Israel for continuing these sales, even during the 1982 Falklands War between Britain and Argentina.<sup>37</sup>

One of the key arguments advanced by the supporters of this policy was that arms sales are morally justified because they enable Israel's representatives to intervene on behalf of Jews persecuted by the authorities. Today, the truth of this argument is greatly disputed.<sup>38</sup>

Apart from such official activities, Israeli involvement in the Latin American continent also included ongoing ties on the part of representatives of the Histadrut, the Labor Party, and other bodies with trade union and left-wing political circles, who on the whole were being persecuted by their own country's government. At international forums such as the Socialist International, Israel's representatives encountered criticism and protests on the grounds of Israel's ties with the dictatorial regimes: at the Latin American conference of the Socialist International, which convened in 1982 in Rio de Janeiro, the representatives of El Salvador proposed condemning the Begin government for selling arms to the military faction in their country. In 1986, a senior Chilean representative requested a meeting with Prime Minister Peres and Defense Minister Rabin, in order to clarify the subject of Israel arms sales to the Pinochet regime.

Given the importance of Israeli assistance to dictator Somoza in Nicaragua, prior to the Sandinista revolution in that country in 1979, Labor Party representatives approached the Likud government, demanding that assistance be terminated. However, such approaches were all too rare, and generally government policy was tacitly accepted.<sup>39</sup>

### III. SECURITY ASSISTANCE AND THE MILITARY-INDUSTRIAL LOBBY

The development of the Israeli armaments industry was primarily an outcome of Israel's security needs, but from the 1960s onwards gradually economic and strategic emphasis was placed on exporting

arms and military know-how. Increasingly, arms sales were seen as part of the diplomatic instruments available to Israel, and were designed to promote Israeli influence in various countries, as well as the country's prestige as a powerful state.

The political aspect also included a clandestine relationship with the security services of these same countries, such as in Iran or Morocco; or alternatively, providing support to the opponents of the regime in order to weaken a government hostile to Israel, as in the case of the assistance to the Kurds in Iraq or the rebels in Eritrea. Naturally, sometimes considerations also involved maintaining the well-being of Jews or obtaining permission for them to emigrate to Israel -- such as in Morocco, Ethiopia, Iran, Argentina, and South Africa.<sup>40</sup>

The economic aspect, whose importance grew constantly, was related to the desire to reduce production costs, to assure technological development, and to prevent workforce dismissals in Israel's arms industry. The standard approach argued that Israel had to be part of the world arms market, like other western countries, while setting restrictive policy guidelines, as in these countries. Inter alia the Defense Ministry restricts the export of all kinds of different products in order to avoid them falling into the hands of hostile countries; there are restrictions on the export of arms intended to suppress civil riots, and there is a policy of not selling armaments to countries which are in conflict with each other, and of staying away from areas of tension and confrontation. However, this policy has been partially applied only, as can be shown.<sup>41</sup>

The policy is primarily based on defense and economic interests which are primarily controlled by the Defense Ministry, with partial involvement only of the Foreign Affairs Ministry. The Defense Assistance and Export Division (DAED) has the power to issue or deny permission at all stages in the defense export process. Decisions are taken by a small group of people, far from

the scrutiny of the media. All those involved -- government figures and industrialists, military advisers, etc. -- have a common military background, which apparently emphasizes military/defense/economic considerations, while largely disregarding the international aspect generally, and human rights specifically.<sup>42</sup>

"The defense establishment viewed its preferred policy as positive, constructive, and perhaps vital to the country's security, but [...] it was also the result of the social status of that selfsame establishment and its economic and social interests.

The key question is, to what extent did interest groups and groups with other outlooks take into account the policy recommendations of this group [...] The social processes which provided the foundation of the establishment of the military-industrial edifice call into question a positive response to the question".<sup>43</sup>

On the whole, the Knesset did not tend to interfere in these matters, and the Foreign Affairs and Defense Committee's involvement was partial only and normally clandestine, making genuine public control of this involvement impossible. In the 1980s, isolated debates took place in the Knesset, in which members of the Israeli parliament such as Yossi Sarid of Meretz and Uzi Baram of the Labor Party expressed critical objections, while most members of the house supported existing policy. Some also called for further diminishing self-criticism in this domain.<sup>44</sup>

Nevertheless, the conspiracy of silence was breached in the 1980s in the wake of the frequent exposure of questionable affairs involving Israeli citizens, and even the State itself. Some of these are discussed below.

### **Baram affair**

At the end of April 1986, Brigadier-General (res.) Avraham Baram was arrested by the American customs authorities and charged,



together with others, with conspiring to sell Phantom aircraft tanks, missiles, and other armaments to Iran. He threatened that unless Israel took steps to get him out of jail, it would also find itself involved in the affair. According to his version, the defense system knew about his links with a group of arms dealers, and some of the actual weapons were supposed to come from Israel. The charges against him were withdrawn in 1988, apparently because the Administration supplied weapons to Iran.<sup>45</sup>

#### **Iran-Contras affair**

Not long afterwards, a complex operation was uncovered, involving President Reagan's attempts to circumvent Congress' opposition to helping the Contras guerrilla force in Nicaragua which was fighting the left-wing Sandinista regime. Congress viewed the Contras as a dubious organization undeserving of assistance.

For its part, Israel was interested in obtaining intelligence about the regime in Iran, and creating ties with moderate circles in the highest echelons of the country's government. In six deals, between May 1985 and November 1986 Israel transferred to the Iranians American weapons in its possession. In parallel to the arms sales to Iran, Israel acquired similar armaments from the United States, in order to maintain stockpile levels, at a greatly reduced price. The price difference was transferred by American circles to finance operations of the Contras, without Congress being aware of all of this.

When the facts emerged, Israel was accused of interfering in United States' affairs and fraudulent practices intended to promote its own interests. In fact, Israel had previously provided military assistance to the Contras, and had transferred to them, through Honduras, arms which it had captured as booty in the Lebanon war. These were not new ties, the link with Nicaragua being far older. For years, Israel had supported Somozas' dictatorship, and

even when it became obvious that his fall was imminent, and western states severed their ties with him, Israel continued its arms supplies.<sup>46</sup>

Both El Salvador, with one of the continent's worst and most murderous right-wing regimes, and Guatemala also enjoyed Israeli military assistance. When in 1977 President Carter decided to stop assistance to these countries, in the wake of flagrant human-rights violations, Israel became their prime supplier of arms.

#### **"Hod ha-Hanit"**

In 1989, the intelligence agency of the Columbian government announced that an Israeli company was training hit squads associated with that country's drugs cartels. Investigations were carried out in Israel into the "Hod ha-Hanit" company, owned by Lieutenant-Colonel (res.) Yair Klein, to see whether there was any truth to the charges.<sup>47</sup>

#### **Panama**

Mike Harari, one of the former heads of the Mossad, became the right-hand man of Panama's dictator Noriega, and also trained his security units. When in September 1989 President Bush decided to send a military force to bring down Noriega and bring him to the United States to stand trial on drug-trafficking charges, the Israeli government was asked to take steps to get Harari out of Panama, despite claims by Israel's Foreign Affairs Ministry that he was operating there in a private capacity.<sup>48</sup>

Recognition of the need to apply closer controls led Defense Minister Yitzhak Rabin in 1986 to publish detailed regulations



declaring combat equipment and security know-how to be items and services subject to control. The regulations canceled the overall permits for defense exports, and required every exporter of arms or military know-how to request a permit from DAED for each deal.<sup>49</sup>

In 1995, the Defense Ministry, headed by Rabin, initiated a bill for controlling defense exports, designed to plug loopholes in the existing regulations, primarily with regard to overseas activities, in order to enable the Defense Ministry to bring criminal proceedings against defense export offenders for their actions outside Israel's borders. The law was to apply to private circles as well as all bodies owned by and operating on behalf of the State, with the exception of the GSS (General Security Service) and the Mossad.<sup>50</sup> At the time of writing, the bill has not yet been enacted, and it can be assumed that the reason for this is that it conflicts with the interests of many circles operating in this field.

Ties with dictatorial regimes are not just a legacy of the past. In more recent years, criticism has been leveled, inter alia in the United States, of Israel's large-scale defense deals with China. Businessman Shaul Eisenberg helped to set this up, acting as an intergovernmental intermediary in return for handsome commissions. In the past it has been estimated that Israeli exports to China exceed three billion dollars.<sup>51</sup>

After his release from jail in August 1995, Harry Wu, an opponent of the regime and human rights activist in China, sharply criticized Israel's conduct. In an interview broadcast on "Kol Israel," the Voice of Israel radio station, Wu claimed that Chinese military experts were working closely together with the Israeli military establishment. He called for the Israeli public to adopt the same negative stance that it has on the Nazi concentration camps in respect of the oppressive regime in China.<sup>52</sup>

Considerations relating to political and economic relations in

Africa were expressed in Israel's position in the U.N. debate on the proposal initiated by the United States and European countries condemning General Abache's dictatorial regime in Nigeria because of the executions on November 10, 1995 of nine human rights activists. In the debates which took place in the U.N. Assembly's Third Commission and in votes on the U.N. Assembly's proposal, Israel joined those states which condemned the executions (by a majority of 101 to 13), but stopped short of being one of the countries submitting the proposal, thereby becoming an exception among the western countries. Its policy apparently resulted from the fear of undermining its ties with the ruler of an important African state, most of whose population were Muslims.

The Israeli presence in Nigeria, formerly more extensive, was limited to some extent in the wake of the 1973 severing of ties, which were not re-established until May 1992. However, it turned out that there were Israelis who nevertheless provided this regime with military assistance and advice, which adversely impacted on human rights. In May 1996 reports appeared to the effect that Abache's government had signed a deal with Brigadier-General (res.) Shlomo Iia for training a security unit for VIPs, totaling eleven million dollars. Implementation was assigned to the Israeli company Tendo, operating in the area of intelligence, security, anti-terrorism, and investigations. The contract was approved by DAED.

In a newspaper interview Iia claimed that Israel's policy in respect of Nigeria had been hypocritical even under the previous ruler, General Babangida, when in order to strengthen its position in Africa, Israel turned a blind eye to the human rights violations that he perpetrated. A Foreign Affairs Ministry spokesman claimed that DAED had not consulted his Ministry, while a Defense Ministry spokesman claimed that the Foreign Affairs Ministry was represented on the committee which had discussed these matters...

The Foreign Affairs Ministry deputy director-general for African affairs, Zvi Mazal, accused Europe of hypocrisy vis-a-vis Nigeria. Nevertheless he stated that today an Israeli company would not receive approval for a defense project in Nigeria. He also voiced an interesting conjecture, to the effect that the Israelis operating in Nigeria were unaware that use would be made of the equipment and training provided by them for the purpose of suppressing opponents of the regime.<sup>53</sup>

#### IV. THE PEACE PROCESS -- AND A CAUTIOUS TURN IN THE DIRECTION OF THE WORLD

International criticism of Israel in the human rights sphere, focusing primarily on what was going on in the territories, intensified with the outbreak of the intifada in December 1987. Israel was forced to defend itself against the accusations of western governments and human rights organizations, headed by the American State Department, which carried out in-depth investigations of the deterioration of the situation during the intifada period. The public debate in Israeli society and politics became increasingly more passionate. Israeli organizations, headed by B'Tselem, monitored the violations, together with the local and international media.

The riots led to the human rights question occupying a central place in the public debate, both ethical and political -- something which was normally extremely rare. This time far more people were aware of the major problematic nature of the ongoing situation, and of Israeli society's responsibility for this situation.

The peace process and the signing of the Oslo Accords in September 1993 brought about a change for the better in Israel's international status, and helped to change the atmosphere of segregation and alienation which had characterized its policy for the previous two decades. The process also expressed the growing

influence of the Foreign Affairs Ministry, the heads of which were directly involved in all its stages.<sup>54</sup>

It did not take long for this process to bear its political fruits. Within a few years, the number of states which had diplomatic ties with Israel practically doubled -- from 79 at the end of 1986 to 142 in March 1994.

The Foreign Affairs Ministry geared up organizationally to deal with the new era. On the initiative of vice-minister Yossi Beilin it was decided to set up a human rights section under the Ministry's division for international organizations. Beginning operations in October 1993, the section's remit was defined in the light of the expectation that Israel would play a more significant role in world human-rights operations, including:

- \* Representing Israel on the human rights committee operating under Ecosoc (the U.N.'s economic and social council) and at the U.N. General Assembly.
- \* Handling complaints submitted by bodies, institutions, and individuals from abroad about human rights violations in Israel.
- \* Preparing reports for the treaty committees, the American State Department, and other international bodies.
- \* Taking steps to choose Israel's representatives to the U.N. committees and international organizations (to date, three Israeli representatives have been chosen).
- \* Cooperation with other departments at the Foreign Affairs Ministry on matters related to human rights issues; cooperation with the Education and Justice Ministries to initiate activities to increase knowledge of and education about human rights.
- \* Preparing visits to Israel by representatives of the Red Cross, special U.N. rapporteurs, Amnesty, and other foreign affairs ministry representatives involved with human rights.<sup>55</sup>

The Foreign Affairs Ministry also began taking initiatives to involve Israel in the circle of donors and participants in humanitarian operations throughout the world. Thus in July 1994

Israel for the first time contributed \$10,000 to the Voluntary Fund of the U.N.'s Human Rights Center, as well as making additional contributions to other bodies, and helped to set up a hospital in Rwanda in the wake of the mass slaughter there. Since then, this tendency has continued and been broadened, and is expressed in assistance with acquisitions of farming equipment, medicines, food, and mine clearance (Angola). In 1997-1998, according to Foreign Affairs Ministry publications, Israel extended humanitarian assistance to some 25 different countries.

Israel won great acclaim at home and abroad for its attempts to locate survivors of the explosion at the American Embassy in the Kenyan capital, Nairobi, in August 1998.

A Foreign Affairs Ministry delegation provided medical assistance to victims of the hurricane in Honduras and Nicaragua in November 1998. Medical teams treated some 150 people every day, and vast amounts of equipment were also flown out to Guatemala and San Salvador. Israel's efforts were greatly appreciated in these countries.

The relief operations to help the Albanian refugees from Kosovo in April/May 1999 included operating a field hospital and sending large amounts of equipment donated by the Israeli public, in conjunction with special fundraising campaigns, and social activities provided by youth movement representatives for the children in the refugee camps.

All of this reinforces the degree of people's personal identification with human rights and the terrible results of human rights violations. In the last instance, the media highlighted the moral obligation to help refugees, emphasizing that it was just not possible to "stand by" when such shocking events were taking place, and also the fact that Albania had done much to save Jews in World War II.

Nevertheless, this is not the opening of a completely new chapter;

since Israel's continuing control over part of the occupied territories still constitutes the backdrop to the disagreements with the European Union and the United States. The State Department report for 1998 states that the redeployment of the Israel Defense Forces outside the cities and populated areas of the West Bank, and before that in Gaza and Jericho, had significantly reduced the problem of human rights violations there, as far as Israel was concerned. Nevertheless, it was claimed that Israeli security forces had maltreated, and in certain cases tortured, Palestinians suspected of security offenses. Human-rights organizations and lawyers say that abuses and acts of torture are a widespread phenomenon, including violent shaking during interrogations.<sup>56</sup> Recently Israel voted against accepting the Convention for the Establishment of a Criminal Tribunal, voted on in Rome on July 17, 1998. The Convention stipulated that the Tribunal would have the power to try individuals throughout the world for the crime of genocide, serious crimes against humanity, and war crimes. The Convention will come into force once it has been ratified by 60 states. In the vote, 120 states supported accepting the Convention, 21 abstained, and 7 voted against, including Israel and the United States.

The official explanation for Israel's position is the Arab countries' success in including in the Convention a clause defining settlement as a war crime, for which it will be possible to put on trial somebody taking steps to transfer population to within territories. This clause must be seen as a sign which bodes ill. It is also argued that no possibility was provided of voting on the Convention clause by clause, nor of including reservations. These might have prevented the great embarrassment, both political and value-based, caused to Israel in the wake of this vote, after years of active involvement in the debates about the wording of the Convention.

## CONCLUSION

Israel's foreign policy and its ramifications for human rights can be described in terms of expectations and disappointments, forced isolation and extreme pragmatism, which led to dark alleys of associating with regimes deserving of widespread condemnation in Africa, Asia, and Latin America. In its early years, Israel did indeed strive to create ties by means of assistance and cooperation activities, but it soon encountered at least overt rejection by most developing countries. After the Six Day War and the Yom Kippur War, Israel became a target for an offensive by Arab states and the Third World, primarily in U.N. settings, against the background of its control of the territories.

This relegation to the sidelines of the international community took place in a period of changes in the areas of values and politics in Israeli society, related to the Right's coming to power and an increase in nationalistic messianic approaches among sections of the public. The Begin government put the stress on ethno-national components, while retreating inwards and turning to historical roots, out of a desire to strengthen feelings of self-assurance as a nation. All anti-Zionism was equated with antisemitism, with a concomitant strengthening of the distinction between Israel and the hostile "goyim."<sup>57</sup> In parallel, the defense industries expanded, with a strengthening of their affiliated military/defense lobby interest groups. The latter, naturally, supported a policy of creating and expanding defense ties.

Nevertheless, it cannot be said for certain that the direction taken by Israel was inevitable. It was primarily a result of considerations and pressures which tipped the balance towards cooperating with dubious regimes. The relevant decisions were taken in inner sanctums, under the aegis of censorship, with practically no information at all reaching the public. This was perhaps the "last bastion" of an elitist, patronage-based approach to civil rights and legal standing -- an approach which developed among policy-

makers during the Yishuv period and Israel's early years as a state, with a distinct preference for maintaining a monopoly over taking decisions in the areas of defense and foreign affairs.

An important aspect of the issue involves information and the public's right to know: the existence of censorship, and sometimes the manipulative use of its services, constitutes an example of the link between the process of making foreign-policy decisions and criticism of such decisions, and the status of human rights and citizens' involvement in human rights issues in their own country. In the past, too, the press reported on defense assistance and various arms sales, relying mainly on unofficial Israeli and overseas sources, but only infrequently did it discuss these topics from the more general point of view of policy-setting.

The debate on this subject increased in the 1980s, in the wake of the revelation (in part in the foreign press) of those affairs outlined here, in which Israel sold arms to out-and-out dictatorships, even circumventing an arms embargo, such as in the case of South Africa, to do so. Nevertheless, there also emerged the opposite phenomenon, of criticism of the government for not managing to conceal the arms deals it had transacted, and pointing to the likely damage to Israel's image.

The media are restricted by the censorship applied under the Emergency Security Regulations (1945) which, despite the trend towards liberalization, as expressed in the most recent agreement with the press, signed in 1996, still sometimes tries to prevent any publication embarrassing to the government on sensitive and controversial issues. At times the censor succeeds in delaying publication, but not in preventing it, as occurred recently in the Mishal Biridan affair, and the capturing of the Mossad agents in Switzerland and Cyprus.

It is also difficult to identify adequate parliamentary controls. The Knesset Foreign Affairs and Defense Committee largely

comprises former military men, who are not always balanced by people with an academic or diplomatic specialization. Reports of the Committee's discussions, to the extent that they actually reach the public through deliberate leaks, arouse apprehension that there is not always a prolonged and in-depth discussion of broader aspects of policy.

The repeated attempts to establish a "National Security Council," which are made from time to time, have still not managed to create a balanced and independent system of controlling the decisions taken in these areas. As a result, policy is largely determined by the Defense Ministry, without the requisite balance being achieved by the Foreign Affairs Ministry.

Today the subject of human rights is an important component in western states' policies. The principle of the right to intervene has been strengthened, with a concomitant weakening in the status of the principle of sovereignty, as illustrated by U.N. intervention in Rwanda, Bosnia, and Somalia, and NATO's intervention in Kosovo. The tendency not to turn a blind eye to major violations, and to punish those responsible for them, including those in leading positions, is now growing stronger with the establishment of courts for war criminals, and the decision to set up an international tribunal as taken last year under the Rome Convention.

In Israel, too, the public can be seen to be demonstrating to a greater extent a heightened interest in matters relating to human rights -- more public emphasis is displayed than in the past on International Human Rights Day and Women's Rights Day.

As in the western democracies, most of Israeli society has a critical civil attitude to the political system and its decisions. This attitude is reflected in the media, in petitions to the High Court, and even in parents' involvement in what goes on in the army, including in the making of decisions in defense-policy matters, with organizations such as the "Four Mothers" and "Kav Adom".

It must be hoped that in the future, public opinion in Israel will continue to develop and broaden its scope, accompanied by value-driven public involvement in the struggle to promote human rights both at home and in all aspects of foreign policy.

#### NOTES

1 S.N. Eisenstadt, *Israeli Society* (Hebrew), Jerusalem: Magnes Press and the Hebrew University, 5727-1967, pp. 13-22.

2 With the founding of Mapai in 1930, one of the high-ranking leaders of Hapoel Hatsair, Chaim Arlosoroff, warned against the increase in centralization and the loss of the individual's status, as well as phenomena such as the aloofness of the leadership and the rise in the power of officialdom in the face of indifference on the part of the movement's members. C. Arlosoroff, *Collections of Letters* (Hebrew), Jerusalem and Tel Aviv: The Zionist Library and Ayanoot Library, 5718-1948, p. 74.

3 Jabotinsky believed that the national struggle should be given supremacy over all other matters: "All other aspirations, personal or collective, social, cultural, etc., etc., all of them, without exception, we make subject to the sole primacy of the national idea, and we know nothing -- we wish to know nothing about any other imperatives." Z. Jabotinsky, *Book of the Jewish State* (Hebrew), Tel Aviv: 400, 168, 5697-1937, p. 91. See also Jabotinsky's article on Betar: Z. Jabotinsky, *The Betar Idea* (Hebrew), Tel Aviv: Betar Commission in Eretz Israel, 5684-1934.

4 An example of this is the seven-year struggle waged by these circles against granting women the right to vote for and stand for election to the *Asefat ha-Nivcharim*, the representative assembly elected by Jews in Eretz Israel during British Mandate period -- a struggle which culminated in its failure -- see N. Kahane, *Women's Involvement in Politics: The Case of the Struggle for Women's Right to Vote during the Period of the Yishuv* (Hebrew), M.A. thesis, Haifa University, 1984, pp. 75-80.

5 M. Friedman, *Society and Religion* (Hebrew), Jerusalem: Ben-Zvi Institute, 5738-1978, pp. 390-401.

6 This event took place not long before the establishment of the State, when the Jewish Agency leadership sent a letter dated June 15, 1947, signed by Ben-Gurion, Rabbi Maimon and Greenbaum, to the Agudat Israel leadership, in return for the promise of their support for the Zionist demand to establish the state, when they appeared before the U.N. Commission on the Palestine Question. The letter, which has gone down in history as the "status quo agreement," contained promises to continue the existing situation, including keeping the Jewish Sabbath (Shabbat)

as an official day of rest, kashrut in public kitchens, exclusiveness of rabbinical courts in judging matters relating to marriages and divorces, and the autonomy of religious education. A. Mittlestein, *The Religious Argument in the Israeli Constitutional Process* (Hebrew), Jerusalem 1972, p. 28; Z. Warhaftig, *A Constitution for Israel* (Hebrew), Jerusalem: Mesilot 1988, pp. 34-36; T. Segev, 1949: *The First Israelis* (Hebrew), Jerusalem: Domino 1984, pp. 232-234.

7 D. Horowitz and M. Lisk, *From Yishuv to State* (Hebrew), Tel Aviv: Am Oved 1977, pp. 332-333.

8 Segev, *ibid.*, p. 139, 143. Ben-Gurion himself thought that those responsible for absorption should inculcate the olim (immigrants) with the new society's values. When describing their parlous condition on their aliya (immigration) to Israel, he struck a negative chord: "They are children of a period of ruin and destruction throughout the world, a period of the world war and a material and spiritual decline which is linked to the shaking of the institutions of the universe, and they are from benighted, far-flung countries, exploited and oppressed." S. Svirski, "Not backward but storm-tossed" (Hebrew), *Machbarot le-Mechkar oole-Bikoret* (= *Research and Critical Journals*) (1981), p. 52, citation from Ben-Gurion in 1950 addressing the senior IDF command.

9 D. Bernstein, "The Transit Camps in the 1950s" (Hebrew), *Machbarot le-Mechkar oole-Bikoret*, 5, (November 1980), p. 29.

10 In the elections for the Second Knesset, held in 1951, the percentage of those voting for Mapai in the *mad'avarot* (transit camps for immigrants) varied between 37% and 50% (sometimes reaching 70%), compared with 37% among the general population. Bernstein, *ibid.*, p. 3.

11 Y. Galnor, *The Beginnings of Democracy in Israel* (Hebrew), Tel Aviv: Am Oved 1985, p. 159.

12 T. Keiman, "After the Catastrophe: The Arabs in the State of Israel, 1948-1950" (Hebrew), *Machbarot le-Mechkar oole-Bikoret*, 10, (December 1984), pp. 63-82. See also A. Ben-Moshe, "The Military Administration from Two Points of View" (Hebrew), *Public Problems Monthly*, 13th Year, Booklet 6 (January-February 1962), p. 3; Z. Schiff, "The Military Administration or the Security of the State" (Hebrew), issued by the Liberal Labor Movement (February 1962), Booklet 5, pp. 9-11.

13 Y.S. Shapira, who held office during that period as Attorney-General and later as Minister of Justice, distanced himself from the military administration and the way that it was run by Mapai in an interview that he gave. "There is no doubt that it is a broken reed to assume that 'in our country this will not happen [...] Take the best people and give them irrational authority, over time they will turn into monsters [...]' When you take government but you do not define its limits, [...] you are doomed to failure. And when you uproot people from where they belong without right and without justification and without solicitude, [...] ultimately they will overstep the mark and also become corrupt." The interview took place on February 12, 1985 with Daphna Sharfman, *Government vs. Rights*

in Israel (Hebrew), Haifa: Eitka 197, p. 60.

14 C. Klein, "A New Era in Israeli Constitutional Law," *Israel Law Review*, Vol. 6, No. 3 (1971), p. 379, 382.

15 A. Tsidon, *The House of Representatives* (Hebrew), Tel Aviv: Achiassaf 1971, pp. 362-367; *Knesset Proceedings*, Vol. 4, pp. 729-745. Zerah Warhaftig, the National Religious Party (NRP) representative, who headed the constitutional preparation committee, was one of its main opponents. In an interview he gave on April 22, 1985, he described his position as follows: "If this is to be a dry constitution without any hint or even the remotest connection with a traditional foundation, why should I provide a secular constitution with a pedigree that would make all laws subject to it." Sharfman, *ibid.*, pp. 45-46.

16 M. Shargar, "On the Unwritten Constitution," *Israel Law Review*, Vol. 9, No. 4 (1974), p. 471.

17 A. Sprinzak, *The Righteous Man in His Eyes* (Hebrew), Tel Aviv: Sifriat Hapolim 1986, p. 71.

18 The regulations give the Defense Minister and IDF commanders extremely broad powers in a variety of areas, such as limiting freedom of movement, administrative detentions (until the enacting of the Emergency Powers Act (Detentions) 1979), house demolitions or sealing operations, and defense censorship of newspapers, letters, and printed matter.

19 *Hadasior Ltd. et al. vs. Defense Minister*, High Court 234/84, Israel Law Reports 35 (II). The newspaper's appeal was rejected by the High Court on the grounds that the Minister had not exceeded his powers.

20 A. Rubinstein, *Constitutional Law in the State of Israel* (Hebrew), Tel Aviv: Schocken, 1991, Vol. II, pp. 704-706; *Knesset Proceedings* (Hebrew), November 15, 1989, pp. 402-403; A. Barak, "Human Dignity as a Constitutional Right" (Hebrew), *The Advocate*, 41 (1994), pp. 288-289. The Court's authority to overrule laws which conflict with the above-mentioned basic laws was affirmed in Civil Appeal 6821/93.

21 The bills are: legislation, rights at trial, freedom of expression and association, and social rights.

22 These laws include the following: Act Amending Penal Law (Security of the State) 5716-1957; Basic Law: The Government, Section on Espionage Offenses in Criminal Law, Penal Law, 5736-1977. An extensive discussion of this question can be found in M. Negbi, *Paper Tiger* (Hebrew), Tel Aviv: Sifriat Hapolim 1985, pp. 64-77; M. Negbi, *Freedom of the Press in Israel: Values as Reflected in the Law* (Hebrew), Jerusalem: Jerusalem Institute for Israel Studies, 1995, pp. 77-79.

23 M. Brecher, *The Foreign Policy System of Israel*, Oxford University Press, 1972, pp. 22, 242-243.

24 A. Klemann, *Statecraft in the Dark: Israeli Practice of Quiet Diplomacy*, Jaffee Center for Strategic Studies, Tel Aviv University, 1988, pp. 55-56. The Jackson-Vanik amendment, which was adopted by Congress in 1973, made economic assistance to the Soviet Union conditional on the granting of freedom to emigrate

- to the Jews.
- 25 Klieman, *ibid.*, pp. 68-72.
- 26 S. Amr, *Israel Development Cooperation with Africa, Asia and Latin America*, New York, Washington, London: Prager, 1974, pp. 2-3.
- 27 R. Kochan, "Israel in Third World Forums," in M. Curtis and S.A. Gielson (eds.), *Israel and the Third World*, New Brunswick N.J.: Transaction Books, 1976, pp. 249-262.
- 28 A. Becker, *The U.N. and Israel between Recognition and Denunciation* (Hebrew), Bar-Ilan University, 1985, pp. 74-78.
- 29 *Ibid.*, pp. 144-145; 72 Third World countries voted in favor of the resolution, and 35 western countries against; 35 countries abstained, and 3 were absent. The resolution was revoked by the U.N. on December 16, 1991, on an American initiative.
- 30 30% of the resolutions involved condemnation of South Africa, and 26% condemnation of Israel. A. Bayefsky, "Israel and the U.N. Human Rights Agenda: The Inequality of Nations Large and Small," paper delivered in a public lecture, Jerusalem, May 1995, pp. 2, 9, 15-17.
- 31 A. Bayefsky, "Israel and the U.N. Human Rights Agenda," *Israel Law Review*, Vol. 29, No. 3 (1995), pp. 433-434.
- 32 Brecher, *op. cit.*, pp. 233-235.
- 33 Naomi Chazan, "The Mistakes of Pragmatism: Israel's Foreign Policy towards South Africa 1974-1983" (Hebrew), in B. Neberg (ed.), *Wars and Arrangements* (Hebrew), Ramat Aviv: Open University, 1992, pp. 294-317.
- 34 Chazan, *ibid.*, pp. 315.
- 35 *Ha-Aretz* (Hebrew), April 2, 1987.
- 36 Cf. article by Dr. Yossi Beilin in this collection, as well as the book by Dr. Alon Liel, former Israel ambassador to South Africa, *Black Justice* (Hebrew), Tel Aviv: Hakibbutz Hameuchad, 1999.
- 37 A. Klieman, *Israeli Arms Sales, Perspective and Prospects*, Jaffee Center for Strategic Studies, No. 24 (February 1984), Tel Aviv University, pp. 44-47; *Klieman, Statecraft in the Dark*, *op. cit.*, p. 73
- 38 See S. Sankman, "Jewish Deliverance in Argentina during the Military Regime, 1976-1983" (Hebrew), in D. Sharfman (ed.), *A Light unto the Nations: Israel's Foreign Policy and Human Rights*, Hakibbutz Hameuchad, 1999, pp. 93-118.
- 39 Interview with Avraham Hazamri, formerly director of the Hisadnut's Latin America Institute and today director of the Labor Party's Division for Foreign Relations, June 12, 1996, Sharfman, *ibid.*, p. 148.
- 40 Klieman, *Israeli Arms Sales*, *op. cit.*, pp. 3-4, and Y. Perry and A. Neubach, *The Military-Industrial Edifice in Israel: Interim Report* (Hebrew), Tel Aviv, International Center for Peace in the Middle East, June 1984, pp. 55-57; A. Klieman, *A Two-Edged Sword* (Hebrew), Tel Aviv: Am Oved 1992, pp. 69-70.
- 41 A. Klieman, *Israeli Arms Sales* (Hebrew), *ibid.*, pp. 6-9; Klieman, *A Two-Edged Sword*, *ibid.*, pp. 144-154.
- 42 Klieman, *ibid.*, pp. 34-38.
- 43 Perry and Neubach, *ibid.*, pp. 41-42. My italics. Naming of leading individuals in this area and a description of their activities can be found in Klieman, *A Two-*
- 43 Perry and Neubach, *ibid.*, pp. 41-42. My italics. Naming of leading individuals in this area and a description of their activities can be found in Klieman, *A Two-Edged Sword*, *ibid.*, pp. 167-183.
- 44 In the Knesset debate of December 1982, Ma'arach M.K.s, who were in opposition, came out against government policy of selling arms to dictatorships in Latin America and in Black Africa. However, their fellow party member Chaim Herzog argued that the level of criticism should be moderated, based on Ben-Gurion's legacy, according to which the sole consideration must be "whether it is good for the Jews." Klieman, *A Two-Edged Sword*, *ibid.*, pp. 167-170.
- 45 Y. Melman and D. Raviv, *The Imperfect Spies*, London: Ha-Aretz (Hebrew), April 28, 1986; Sidgwick and Jackson, 1989, pp. 371-372.
- 46 Klieman, *A Two-Edged Sword*, *ibid.*, pp. 205-206, 280-291; Y. Karni, "On the Death of Moralism Without Regret" (Hebrew), *Politics*, 12 (January 1987), pp. 6-7. In his article "The Last Arms Boat" (Hebrew), Akiva Eldar described how a ship carrying arms from Israel was delayed shortly before it reached Nicaragua, as a result of American diplomatic intervention, because of expectations as to Somoza's imminent fall, *Ha-Aretz* (Hebrew), July 23, 1987.
- 47 Klieman, *ibid.*, p. 209; A. and L. Cockburn, *Dangerous Liaison: The Inside Story of the U.S.-Israeli Cover Relationship*, Harperperennial Library, 1992.
- 48 Melman and Raviv, *op. cit.*, pp. 374-375; Klieman, *ibid.*, p. 203.
- 49 *Compendium of Regulations* 4985 (Hebrew), December 4, 1986.
- 50 *Ha-Aretz* (Hebrew), May 1, 1995.
- 51 Melman and Raviv, *op. cit.*, pp. 368-369.
- 52 *Ha-Aretz* (Hebrew), August 28, 1995.
- 53 *Ha-Aretz Supplement* (Hebrew), May 3, 1996, pp. 18-22.
- 54 A. Klieman, "New Directions in Israel's Foreign Policy," *Israel Affairs*, Vol. 1, No. 1 (1994), pp. 96-117.
- 55 Interview with Erela Hadar, director of the Human Rights Division at the Foreign Affairs Ministry, August 28, 1995, in Sharfman, *ibid.*, p. 170.
- 56 *State Department Human Rights Report for 1998: The Occupied Territories*, pp. 1-2, USIS American Embassy, Tel Aviv, March 2, 1999.
- 57 S. Sandler, *The State of Israel, The Land of Israel*, Westport, Connecticut and London, 1993, pp. 142-150.



*David Kinche*

## **Ethical considerations and foreign policy**

In the conduct of foreign policy, there is no such thing as absolute ethics: not in our country, nor in any country in the world. As long as the decisive criterion governing decision-makers is the good of the country, they will be prepared to sacrifice absolute ethics for the good of the country. This does not mean that those who act in this way are corrupt and lacking in values. They are honest and faithful politicians and civil servants, who are acting in accordance with political or diplomatic interests. Naturally, a distinction must be made between such people and politicians and employees who are motivated by personal benefit, not the good of the country. However, the latter are not the subject of our discussion.

There are no absolute ethics, as I have indicated, when dealing with foreign policy: Was the bombing of Yugoslavia, which caused the deaths of thousands of innocent civilians, ethical, irrespective of the lofty humanitarian reasons which ostensibly provided the motives for this slaughter? And if we are talking about humanitarian motives -- why were these motives not applied in Sierra Leone, Rwanda, Algeria, or to help the Kurds?

Henry Kissinger once wrote that ethical principles are expressed in absolute concepts, but foreign policy will always involve an effort to match the ends to the means.<sup>1</sup>

Nevertheless, this does not imply that the determining or implementing of foreign and defense policy is devoid of ethical considerations. Honest and decent civil servants -- who, after all, constitute the overwhelming majority -- have their "red lines"; as do those who lay down policy. The question is, to what extent do these red lines square with absolute ethics, and do they prevent ethical values from being relinquished for the good of the country?

It is this question which I wish to address in the present article.

A classical example of the relinquishing of ethics in foreign policy is the highly problematic question of official arms exports. Much has been written about Israel's arms industry and arms exports to dubious elements. It is a known fact that, in the wake of the embargo which France imposed on defense exports to Israel on the eve of the Six Day War, the country's leaders decided that the State of Israel must be as self-reliant as possible in all matters relating to its own armaments.

Setting up an arms industry is no simple matter. It is an extremely expensive undertaking, and the industry is unable to sustain itself unless it sells the arms which it produces. The Defense Ministry was burdened with the job of finding buyers for Israeli weaponry. It was obvious that the greater the sales, the more could be invested in research and development, and hence the better Israel's defense needs could be met. In the times in which we were living, lurching from one war to the next, top priority was attached to the need to provide the Israel Defense Forces with state-of-the-art weapons. For this purpose, our arms industry had to continue developing, something which it was only able to do by increasing exports.

The trouble is that generally, those who need weapons somewhere in the world -- our arms industry's potential buyers -- are not necessarily the most shining examples of moral rectitude. Very soon the Defense Ministry's personnel found themselves associating with dubious bedfellows such as Somoza in Nicaragua, or the mouthpieces of apartheid in South Africa.

Ethical? Of course not. But the Defense Ministry's personnel were fired up to sell, the justification being Israel's security and the might of the Israel Defense Forces.

Nevertheless, here too, in an area considered critical to the country's security, there were "red lines". People at the Ministry



of Foreign Affairs were very unhappy about the Defense Ministry's allies. There is a committee which has to approve all arms exports, even the sale of a single pistol, and a representative of the Foreign Affairs Ministry sits on this committee. With regard to general policy, such as approval for arms sales to South Africa during the days of apartheid, there was a government ruling that the committee could not veto. However, in many other cases the committee did turn down requests for arms sales. As a rule, the committee did not approve any sales of arms earmarked for internal security and the oppression of civilian populations, and this sometimes led to angry reactions from the heads of the industry concerned, and sometimes also among officials at the Defense Ministry.

This rule was also applied to South Africa. I remember, for example, an urgent request by the South Africa Railway police which we were not prepared to approve at any price. We received requests to supply arms to El Salvador, for example, and we rejected them, just as we turned down an urgent American request to provide assistance to the Contras in Nicaragua. Our refusal caused great wrath in the American administration, as borne out in the book written by the assistant to the national security adviser in 1984, Howard Teicher.<sup>2</sup> (This was not the Iran-Contras affair.)

As I have been writing these lines, I have been asking myself a question which I asked dozens of times in the past: As somebody who loathed regimes such as that of Somoza or the apartheid system in South Africa, can I justify the policy of the Defense Ministry? On the other hand, as somebody who has worked for his country for most of his life, and was intimately acquainted with the security risks on the one hand, and the needs of the Israel Defense Forces on the other, can I honestly criticize these people in the Defense Ministry and level accusations at them? As is normally the case in such situations, the reply is not unequivocal. There are no absolute ethics in the conduct of policy, nor are there any unequivocal affirmative or negative answers to such questions. Perhaps this was the reason why, when I was director-general of

the Foreign Ministry from 1980-1987, I took vigorous action against any public Israeli support for the apartheid regime, such as Israeli operations in the "Bantustans" set up by the regime, and at the same time we initiated broad-ranging instructional activities among the black population of South Africa.

The question of ethics in foreign policy is not, of course, limited to the aspect of arms sales. Because of its special security situation, Israel relies more than other countries on the operations of its secret services, and by the nature of things, the Mossad was one of the world's more active services. Ethics and espionage? The immediate reaction is to say that these two concepts conflict with each other: How can there be morality in an army's operations, when innocent people are killed? On the other hand, I remember a talk given by the head of the Mossad, Isser Harel, to Mossad personnel serving abroad: "We in the Mossad have to demonstrate higher ethical standards than other State employees," he said, "because there is less control over us, and because we sometimes have to carry out operations which are against the law." This requirement was repeated many times, in different forms, in the years that I worked for the Mossad. It was something that the service's personnel believed in, and they were proud to serve in an organization which stressed the need to maintain morality, including when carrying out an assignment which sometimes violated accepted ethical standards.

It may be argued that gathering intelligence in various ways is accepted practice throughout the world, and the Mossad should not be criticized for the methods it uses in order to collect such information. However, "The Institution for Intelligence and Special Assignments" -- its full name -- does not engage in intelligence activities alone. Was there justification, for example, for the fact that the Mossad made contact with the Christians in Lebanon in the 1970s? I think so: The Lebanese approach to us was made when Israel was encircled by a hermetic ring of hostility. Sadat had not yet visited Jerusalem, and the immediate world around

us was sealed off and barred to us. And then there came an approach to us from our northern neighbors, asking for our help. And these were not just our neighbors, but neighbors who were being attacked by our sworn enemies at that time -- the PLO -- and were engaged in a desperate struggle for survival with a foe who was bigger and stronger than them.

The Mossad's considerations were unequivocal: Cooperation with the Lebanese had major intelligence potential, since it opened a window to the entire Arab world and this was an opportunity not to be missed. Moreover, the Lebanese were fighting our enemies, and from that point of view it could be said that they were fighting our war. Furthermore, assistance to the Maronites was tantamount to extending help to a persecuted minority under attack, and could not be refused. All of these considerations influenced the Mossad's decision to help the Christians, when they approached us in 1975 -- and this was entirely unrelated to the government's decision to launch the Peace for the Galilee operation in 1982. In the meetings of Mossad personnel with the Christians, they repeated over and over again the basis for the Mossad's actions in Lebanon: "We will help you to help yourselves. We will give you arms and we will train you, and no more. We will not fight your war."

The civil war in Lebanon was a brutal one, and all sides -- Christians versus Muslims, Lebanese versus Palestinians, Muslims against Christians -- did terrible things. We were certainly not involved in these actions, and we believed -- or wanted to believe -- that what we were doing was an ethical action of the first degree -- helping a minority to preserve its identity, its tradition, and its leadership.

Bashir Gemayel used to say to us: "I want to be free to decide whether to teach my children physics in French or in Arabic. The hostile majority is not prepared to give me this freedom." Israel's then prime minister, Menahem Begin, was greatly influenced by

such arguments, genuinely and naively believing that he was acting to save a minority from annihilation. "How can we as Jews act otherwise?" he would ask. Not all of his ministers, nor all those involved in the Lebanese affair, entirely agreed with him, but they would justify what they were doing in other ways. "I cannot stand the Lebanese Christians", one of those most active in the Lebanese arena once said, "but they are killing PLO people, so we have to help them".

Today, things look different, as together with the heads of the PLO we are jointly attempting to put an end to the Arab-Israeli conflict, but at the end of the 1970s, it should be remembered, the PLO was the enemy.

These comments do not apply to the Peace for the Galilee war, in which the considerations were entirely different. The primary motive for this war, as is well known, was the danger facing our northern villages and towns from the major concentration of PLO forces in South Lebanon. This was a genuine fear, for the entire Galilee was in the range of the guns of the PLO. Nevertheless, I do not intend here to discuss the extent of Israel's morality in how it ran this war, since in my opinion that question is far more complex than the simplistic assertions which are voiced in the debate for and against the war.

Arms sales, the Mossad's operations, and the subject of Lebanon here constitute examples which enable us to examine the ethical aspect in Israel's diplomatic activities. But the most striking example of this issue is undoubtedly the very fact that the State of Israel continues to hold an entire people under the yoke of occupation. At the beginning of the twenty-first century, with colonial regimes long since a thing of the past, the Palestinian people feel that they are still living in a colonial regime, their every move controlled by a foreign occupying army. Naturally, many people in Israel do not relate in this way to our presence in the territories, because after all, this is Eretz Israel, the Land

of Israel, and not some foreign, distant territory. Therefore even relative to these circumstances, which present a manifestly unethical position, there exists an extremely entrenched school of thought in Israel which is convinced of the existence of a solid moral basis for our actions in the territories. As far as those who support the tenets of this school are concerned, from the Zionist point of view there is no difference between our presence in Nablius or Hebron, and our being in Jaffa or Ramle.

I have chosen these examples in order to illustrate the special problematic nature of the State of Israel, in the domains of security as well as ideology. We would not have developed such a large-scale armaments industry had this not been required by paramount security needs. We would not have placed such a major emphasis on the clandestine operations of the Mossad and the General Security Service had we not been facing a threat to our very existence. And I doubt whether we would have acceded to the request of the Lebanese Christians to assist them had it not been for the manifest security aspects, and the concomitant intelligence opportunities for us. And as to our dubious position as an occupying power, Zionist ideology did not take account of the presence of another people in our homeland, nor did it draw a "green line" of any type dividing us from the territories.

As I pointed out at the beginning of my article, in the conduct of foreign policy there is no such thing as absolute ethics, but there must be an aspiration to act according to accepted ethical norms. As somebody who spent many years in the Mossad and the Ministry of Foreign Affairs, I am convinced that this has been the aspiration of the majority of those who determined Israel's foreign policy and of those who implemented it, and that remains their aspiration today also. I have no doubt that when we attain full peace with all of our neighbors, it will be far easier for us to act in the light of this aspiration.

#### NOTES

1 Henry A. Kissinger in *Newsweek*, May 31, 1999.

2 Howard Teicher and Gayle Radley, *Two Pillars to Desert Storm*, New York, 1993.

### *Bassam Eid* **Israel and the Palestinian Authority: Human Rights Violations in the Occupied Territories — Transformation or Perpetuation?**

The Palestinian struggle against human rights violations in the occupied territories first began in the 1980's with the founding of the organization al-Haq, the first Palestinian organization dedicated to dealing with human rights issues. The organization began to document human rights abuses in the territories, conduct research in the area, and publish periodic reports. The organization's staff was invited to Palestinian schools, universities and other public institutions, in order to heighten the awareness in different sectors of Palestinian society.

In 1986 another organization was founded, The Palestinian Human Rights Center (PHRIC). It was based in Jerusalem, and similar in its focus to al-Haq. Like its predecessor, PHRIC began to research, document, and publish information concerning human rights.

At the end of 1987, the Palestinian Intifada broke out. The outbreak began in Gaza City and quickly spread throughout the occupied territories. The Israeli government used heavy force and tough measures in its attempt to suppress the uprising, but these measures failed. The excessive use of lethal force (such as the common use of live fire) seriously violated the Palestinians' human rights. The Palestinian human rights organizations found themselves overloaded with the large number of complaints they were receiving corresponding to incidents that transpired in a very short amount of time.

Until the outbreak of the Intifada, there were no Israeli organizations dealing with human rights violations caused by the occupying Israeli government. At the beginning of 1989 several public

figures, journalists, lawyers, and Israeli members of Knesset offered to found an organization that would document abuses in the occupied territories. Their goal was to create awareness among the Israeli public of the violations in the territories, and to apply public and media pressure on Israeli decision-makers in charge of policy in the territories. Thus, B'Tselem was established.

This is how I started as a human rights activist. I was a field researcher.<sup>1</sup> I went to places not mentioned on the maps, remote villages that served as hiding places for people wanted by the Israeli security forces. I documented killings, housing demolitions, the activities of undercover Israelis (disguised as Arabs), violence perpetrated by settlers, the burning and uprooting of trees, confiscation of abandoned and tilled land, bureaucracy in the civil administration, violent searches inside houses including the infliction of irreversible property damage, curfews and closures, collective punishment, arrests and difficult conditions in IDF's facilities, torture inflicted as part of interrogation, a wide occurrence of administrative arrests, brutal collection of taxes, restriction of movement, military censorship of the Palestinian media, and many other violations.

The Palestinian people ardently fought these abuses, which penetrated almost every aspect of the everyday life of anyone living in the territories, making it impossible to ignore them. Additionally, there was a clear political interest for the Palestinian people to publicize the injustices inflicted by the occupying forces. The human rights violations inflicted by the Israelis were widely publicized throughout the occupied territories. I remember the editors of different Palestinian papers requesting that I write reports detailing human rights violations for their papers. These requests were made because the information Palestinian organizations provided the papers was disqualified from publication because of the military censorship. The information B'Tselem was reporting, however, was authorized for publication by those same military censors.

I never experienced any difficulty finding victims of the abuses. When I arrived at a remote village in order to collect information, I was warmly welcomed by the residents, even if it was my first visit to the village. The political activists within different movements understood the nature of my role and did everything in their power to help me complete my assignment. More and more complaints reached me from activists in the different movements in the territories, including the Fatah, Hamas, the Islamic Jihad movements, the Popular Front, the Democratic Front, and others.

Even Israeli journalists established close contacts with these activists, resulting in a heightened awareness among Israelis of activities in the territories. The media began to publicize reliable reports on the state of human rights in the West Bank, Gaza and East Jerusalem. Every story published further motivated Palestinian activists to report incidents more aggressively. I remember hundreds of times that I arrived at an area at the request of the residents in order to uncover the criminal violations that Israeli soldiers inflicted on the Palestinian population.

At that time the Palestinian Liberation Organization (PLO), situated in Tunis, began to take an interest in human rights violations perpetrated by the Israeli government in the territories, and in the organizations that focused on these abuses. Faxes from the PLO requesting reports were sent via Cyprus and Australia to the B'Tselem office. B'Tselem expediently provided these reports. The PLO translated some of these documents into Arabic and distributed them to the Arab media throughout the world. In this manner, the organization joined the struggle and heightened public awareness of human rights issues.

In 1991, when Yasser Arafat spoke at the UN in Geneva he mentioned B'Tselem and delivered the figures of the Palestinian victims killed by the IDF, based on figures that B'Tselem had compiled. Thus B'Tselem won the respect of many, but the

suspicion of the Israeli right. On numerous occasions B'Tselem was accused of receiving funding from the PLO and from other Arab and Muslim sources.

B'Tselem published a comprehensive report on torture methods used by the Shin Bet on Palestinians, which many readers found shocking. It was given to members of Knesset by the Ratz party, which was in the opposition at the time, and they brought it up for deliberation at the Knesset. The then Minister of Security Moshe Arens, announced the establishment of an investigation committee to be headed by Raphael Yardi.

The Yardi Committee investigated, and I brought to it Palestinian witnesses whose testimonies were reported in the B'Tselem report. The committee's conclusions and recommendations largely remained covert. A certain change was discernable in interrogation tactics, in that the Shin Bet was no longer granted a free hand on IDF premises and the authority for arrest and interrogation was transferred to the military police. The cases of investigators who deviated from the guidelines of interrogation were transferred to the state attorney's office, and the guidelines prohibiting certain kinds of interrogation were elucidated. Nonetheless, torture in the Shin Bet interrogation facilities continues with the tacit agreement of the courts.<sup>2</sup>

## Changes

A sharp turning point occurred in the relations between B'Tselem and the Palestinian organizations when, in 1992, B'Tselem decided to publish a report dealing with the killings of suspected collaborators by masked Palestinian assassins. Palestinians viewed the investigation into the murder of collaborators as crossing the line. My work in the field became difficult and even dangerous. The PLO, of course, was not excited about the idea, and some of the activists severed their connection with me. Since I had played

a major role in the investigation, the threat to my life was real, and I was even invited to a field trial by activists secretly at a camp in Nablus. Still, I insisted that the report be published, despite the difficulties and dangers this entailed.

The report was published in January 1994, and won wide media exposure in Israel and internationally. The report damaged the reputation of the Palestinian population and the PLO, as the body responsible for the behavior of the field activists.

The "Declaration of Principles" (Oslo Agreement) signed in Washington on September 13, 1993 signified a turning point in the perspective of the Palestinian population. Many of my friends called me after the signing of the agreement and asked me how I intend to make a living with the advent of peace. Without hesitation I responded that I intend on continuing my work as an investigator and reporter of human rights abuses. They laughed outloud and said, "better start looking for a job immediately"...

I, of course, continued. I did not expect, not even for a second, that the Palestinian Authority would actually honor human rights. The Authority is, after all, part of the Arab world, and I anticipated that it would not respect basic human rights, in the same way that neighboring Arab nations do not.

The following are various stories demonstrating that with the transfer of authority in the territories from Israel to the Palestinian Authority, no real change has occurred with regard to the upholding of human rights in the territories.

## Between the Hammer and the Anvil

On July 14, 1997, Eid Muhammad Barakat, 34 years old, married and father of three children, resident of Nevi Samuel in Jerusalem, was summoned to the Ministry of Security, based in Ramallah.

For an entire week no one was able to inquire as to his fate. His wife, Nahel, says that only on July 20th was she informed that her husband was being held in a Jericho prison.

On July 29th Barakat was released. I met with him that same day. He told me that he was held in solitary confinement and accused of collaborating with Israel by selling land to Jews in Nevi Samuël. During his imprisonment he was transferred to a hospital in Ramallah due to his deteriorating health. During the investigation he was deprived of sleep, and all of the interrogations began at midnight and ended at dawn. His hands were tied, his eyes were covered, and he was prevented from having any contact with the outside world. In the end he was released without charge or trial.

On August 14, 1997, approximately two weeks after his release, his home was demolished by Israeli bulldozers. The three-bedroom house was demolished with the claim that he lacked the proper permit. It is clear that had he been a collaborator with Israel, as the Palestinians claimed, his home would have been kept safe by Israel.

Barakat resides in Area C, in full Israeli control, but under the watchful eye of the Palestinian Authority, so that Barakat was subject to human rights abuses by both Israel and the Palestinian Authority.

Mahmud Badara, 25 years old and a resident of Machne Yavneh in the Gaza Strip was arrested by Israeli security forces in September 1990 for his involvement in the Intifada. He was tried and sentenced to three years in prison, and spent his jail time in the prison facility Kziot in the Negev. After his release in September 1993, he returned to his home in Gaza.

In May 1994 the Palestinian Authority entered the Gaza Strip. Like thousands of others, Mahmud celebrated this "independence day," waving flags, clapping, and participating in a mass assembly

convened by Arafat in the city center square. A month later Mahmud married and began to look for employment.

One September morning of that year Mahmud entered the Palestinian Police headquarters in order to submit the documents necessary for obtaining employment there. While standing in line, a Palestinian police officer approached him and requested that he accompany him. He was led to a room and arrested. He was suspected of collaborating with foreign authorities, among them Romania and Egypt. However, Mahmud had never left the borders of the region, and what is more, he does not even have a passport.

For close to three years Mahmud was held in a Palestinian prison without being brought to trial or even charged with these strange accusations. In June of 1997, he was released without being given any explanation for his arrest.

Dr. Abdul-Aziz Rantisi, from the political leadership of the Hamas organization was expelled by the Rabin government to Marj Alzohour in South Lebanon in December of 1992, together with 414 of his movement's members and and members of the Islamic Jihad organization. They were forced to reside in a camp that they set up in the Lebanon mountains. I visited the expelled in January of 1993 and documented the suffering and difficulty, as well as their struggle.

Dr. Rantisi was finally returned to Israel at the end of 1993, tried, found guilty of membership in a hostile organization and sentenced to three and a half years in prison. In April 1996, he was released from prison and returned to his home in Gaza.

In April 1998, approximately a month after the murder of Mohyi Addin al-Sharif, Dr. Rantisi was arrested by the Palestinian Police in Gaza for allegedly blaming the Palestinian Authority for murdering al-Sharif on the pretext of collaboration with Israel.

In June of 1998 Dr. Rantisi's attorney petitioned the Supreme Court of the Palestinian Authority, and argued that his client's arrest was illegal. The Palestinian Authority's Supreme Court ruled that Dr. Rantisi be freed immediately. The ruling was made in the middle of 1998, but Dr. Rantisi is still in police custody.

Ghazi Jabali, the Palestinian Police Chief, called the Supreme Court's decision "arbitrary", and argued that Dr. Rantisi's arrest does not belong in the jurisdiction of the legal system, but is an administrative decision of the Palestinian Authority.

### **The Interrogation Facilities**

The Authority carried out arrests brutal in their wide scope, especially after the suicide missions of members of the Hamas and the Islamic Jihad organizations. There are a huge number of interrogation facilities within the Authority connected with the different security mechanisms. At the time when only 3% of the West Bank was under the Palestinian Authority's control, before the Wye Accords, the different security mechanisms held 151 arrest and interrogation facilities in this area. The profusion of security forces, their different authorities, their interecine struggles and the sheer number of facilities greatly inhibited human rights organizations from exposing them and all that was taking place on their premises.

Arafat's announcement in April 1995 of the founding of the "State Security Court" and the blessings of Yitzhak Rabin and U.S. Vice President Al Gore, revealed the place where human rights abuses were taking place, and testified to the fact that the hope for change will not occur.

The population expected that with the newly founded court, the Palestinian Authority would put a stop to the human rights violations perpetrated by Israelis, but apparently forgot that the

Authority itself is conquered by Israel. Israel began to guide the Palestinian Authority as to how to treat the opposition and those who oppose the Oslo Accords. The Authority did not stray from Israel's directions and arrested thousands at Israel's demand.

### **Torture Leading to Death**

Abdul Samad Harizat was arrested by Israeli security forces at his home in Hebron close to midnight on April 21, 1995. He was brought in for interrogation in a detention center in Jerusalem, where he was tortured. Among other things, his interrogators shook him violently. A day after his arrest, on April 22nd, he was hospitalized unconscious at Hadassah Hospital at Ein Karem. He suffered from serious brain damage and was not expected to live. On April 24th, 1995, he died.

A security source reported (Ha'aretz, April 24, 1995) that the Shin Bet did not manage to interrogate Harizat. The source added that the security forces conducted an investigation in which they discovered that Harizat's interrogation was conducted by the army and the police, and not by the Shin Bet, and that "an internal investigation concludes that Harizat putatively suffered from a heart condition and other physical ailments even before his arrest."

The autopsy proved with all certainty that Harizat died as a result of the violent shaking inflicted on him.

Two days after Arafat's entrance into Gaza, on July 5th, 1994, the first Palestinian prisoner died in Gaza prison named Farid Jarbo'a. Farid's father said after his son's death: "When my son, Farid, was arrested I did not worry, because he was in good hands, the hands of my people, not in the hands of the Israelis. I did not know that they were worse than the Israelis." When I heard his words I thought that the father was angry due to the circumstances, but that the reality was different than his perception of it, and that

perhaps his son's death was a result of a "work accident." However, with time, the phenomenon of torture in the Palestinian detention and interrogation facilities became widespread.

Walid al-Qauasmah, 45 years old, married and father of eight children, was arrested by the Palestinian Security Forces on July 27, 1998 at his home in Hebron and taken into custody in Jericho. His death at a Jericho hospital was announced on August 9th. The Palestinian Security Forces insisted that the cause of his death was the heat wave in the region at the time he was in custody. However, the autopsy revealed that al-Qauasmah skull was broken, seemingly from blows to his head. The cracks in his skull caused internal bleeding, and ultimately his death.

When I publicized this incident, the Palestinian Security Forces protested. However, in November 1998 three of the Palestinian Security Force's personnel were brought to trial at the military courthouse in Jericho. After an hour the ruling was announced, and the three were found guilty of "negligence" and sentenced to a few months in prison. The fact that the trial took place was kept secret and the Palestinian Security Forces never took responsibility for al-Qauasmah's death.

In 1994, 2 prisoners died in the Palestinian interrogation facilities. In 1995, 4 prisoners died in the interrogation facilities. In 1996, 5 prisoners died in the interrogation facilities. In 1997, 7 prisoners died in the interrogation facilities. In 1998, 2 prisoners died in the interrogation facilities.

### **The Legal System**

Ahmed Hamdan, 82 years old from Siliwan, suffering from heart and kidney ailments, was sentenced in September 1998, by a judge in the court for local affairs, Shlomo Bareil, to a 1000 day prison sentence. Another option presented to him, but which he

could not take advantage of for financial reasons, was to pay a 100,000 shekel fine. The crime he was convicted of was adding another storey to his family's home in Siliwan without a permit. It must be stated that Jerusalem's municipality purposely refrains from granting Palestinians permits to build in the city, in order "convince them" to reside elsewhere. The Israeli courthouses have become another arm aiding in the enforcement of this political policy.

The elderly Hamdan, was sent to the hospital of the prison authority in order to serve his sentence, and released after some time.

The legal system functions as an arm of the Authority in its territories, and its dependence on the Authority and on Arafat is significant. An example that demonstrates this is the firing of Judge Avad Alsalam following a ruling he handed down.

In August, 1996, a group of lawyers petitioned the Palestinian Supreme Court on behalf of Bir-Zeit University in Ramallah, protesting the detention of ten students who were imprisoned for over six months without investigation and without being charged. The five-judge panel unanimously ruled in favor of releasing the students. President Arafat dismissed the head of the legal team, Judge Amin Addul-Salam, insisting that the students remain in detention.

In an additional incident that took place in Gaza, the head of the legal team, Judge Qusai al-Abadleh, harshly criticized the Palestinian Minister of Justice, Freih Abu Medien. A short while following the incident, the Judge was dismissed from his position with the explanation that he went into early retirement.

In other incidences, pressure on the legal system is applied at lower echelons. Rami Abdul-Latif Yasin, 12 years old, provided the following testimony at the Ramallah police station, on July 15, 1997:



“About a year ago, I went out with our flock to a mountain close to the Belin Village where I live. I was approached by a man by the name of Naser A’din, also from the Yasin family, who ordered me to lower my pants. He threatened me, hit me, and told me that if I don’t take off my pants, he will approach my father and accuse me of having sexual relations with men. He hit me with a bat, took off my pants, and then removed his pants. He forced me to sit between his legs, and I felt something penetrating me from behind. It hurt. After a short while he stood me up and ordered me to dress. He told me that he would cut me to pieces if I tell anyone what happened. We parted ways. After about a month, Naser A’din saw me again. He raped me again, and then again after about three months.”

Four people testified at the police station and District Attorney’s office that they saw Naser A’din having sexual relations with Rami. The boy underwent a medical examination that showed that indeed an adult had sodomized him several times. Even the physician testified for the police and the court case. The police conducted a comprehensive investigation, and the District Attorney issued a complaint against Naser A’din on September 7, 1997.

The court deliberated the case on four separate occasions, the last of which cleared Naser A’din due to insufficient evidence. How is this possible? The rapist is member of a nationalistic family which identifies with the Fatah Movement, the Palestinian Authority’s movement. Security forces applied pressure on Rami’s father to drop the suit. Rocks were thrown at his home at night, he was summoned for consultation with security forces at late hours of the night. When Rami’s father succumbed and cancelled the suit, the court ruled in favor of the defendant.

In any state guided by the rule of law, the court would have pursued the case and continued deliberations, punishing the rapist even if the father drops the complaint.

Both the police and the court did not see reason to send the boy for treatment by a psychologist or social worker, or any other framework that could help him overcome the terrible trauma.

### **Death Sentence**

In 1994 a bus was bombed in the Israeli city of Hadera. Five people were killed, and approximately 30 were hurt. Said Badarna, 24 years old, was arrested by the Israeli security forces. He was suspected of taking part in the bombing, and of belonging to the Izz eddin al-Qassam gangs of the Hamas. On November 24, 1994, the Israeli military court in Dotan sentenced Badarna to death. The sentence resulted in a massive outcry in the territories and by human rights organizations.

The military prosecution appealed the death sentence, and it was reduced to a life sentence plus 15 years added to the previous sentence.

I was asked by the newspaper al-Quds to write an article opposing the death sentence and its grave violation of the right to life, the most fundamental right. I was, of course, glad to have the opportunity, and the article was published.

Having said this, I must add that the Palestinian courts have issued 31 death sentences, and three of them have been carried out. The State Security Court and the military courts of the Palestinian Authority, to the grave distress of human rights organizations, have begun to hand death sentences to detainees involved in murder.

It must be stated that the population does not share the concern of human rights organizations. On the contrary, the majority of the population supports the death sentence as vengeance for abominable crimes.

On August 29, 1998, the Palestinian Military Court in Gaza sentenced the three Abu-Sultan brothers, found guilty of murdering two brothers from the Haldi family, to death. A day after their sentence was announced, on August 30, two were executed. The third brother was given clemency and was instead sentenced to life imprisonment and hard labor. The residents of the territories were pleased to hear of the sentence and praised President Arafat. Many congratulatory articles in newspapers followed the publication of the incident.

I wrote an article against the death penalty to the al-Quds newspaper. The article was not published.

### **Freedom of Expression**

Following the Oslo Accords, Israel released security prisoners, but only on the condition that they sign a document declaring their support of the Oslo Accords. To this day, Israel views political criticism of the Accords as dangerous and seeks to suppress it, even infringing on the rights of political activists.

In July 1997, the Palestinian security forces arrested Dr. Fathi Subuh, a lecturer in al-Azhar University in Gaza. In the past, during the Intifada, he was arrested 23 times by Israeli forces. Dr. Subuh lectures on social and educational issues, and in that same month issued an exam to his students where they were required to answer several questions including the following: “express your opinion on the corruption taking place within the Palestinian Authority.” That same day, security forces surrounded his home, and Dr. Subuh was arrested. The security forces published an announcement according to which the lecturer’s arrest was not connected to the test. He was charged with establishing contact with the enemy, or collaboration. Likewise he was charged with other crimes, such as sexual harassment in a homosexual context. The lecturer was tortured and imprisoned

for five months. At the end of November 1997, he was freed without trial, and without charges being brought against him.

As the director of a human rights organization, I drafted an announcement about two months after Dr. Subuh’s arrest, calling President Arafat to free him. The announcement was first sent to all the Palestinian lecturers with the hope that they would add their names and join the call to free him. A version of the announcement was sent to nine universities in Gaza, the West Bank, and Jerusalem. Only lecturers from one university, Bir Zeit, signed the ad, which was then published. Dr. Subuh is still fighting for his academic standing and his future, without his colleagues who belong to the same Palestinian academic echelon, which is supposed to build the groundwork for freedom and democracy standing by him. This clearly testifies for the repression, not freedom, of expression.

### **Freedom of the Media**

For some time Israel actively sought to suppress the freedom of the media and the freedom of expression of Palestinian reporters. That military censorship demanded that material be transferred to it for approval before publication which was detrimental to the journalists’ morale and their ability to do their job in good faith. The Israeli authority shut down editorial boards of some newspapers, forbade some newspapers from reporting, arrested journalists leaving them behind lock and key, shot at journalists, damaged their property, and put them on trial.

The Palestinian Authority, too, inflicts hardships on journalists. Journalists are beaten and arrested, often for months at a time without trial or charge, and some are tortured in the detention facilities. Journalists’ equipment is confiscated and damaged, newspapers are shut down for long periods of time for publishing articles criticizing the Authority’s institutions and their modi

operandi, journalists belonging to the opposition are jailed for their political views, etc. The Palestinian Authority does not shoot at journalists, but besides that, very little has changed since the Palestinian Authority came into the territories -- journalists continue to suffer.

### **Murder in Cold Blood**

Here, too, there are similarities between the behavior of the Israeli security forces and that of the Palestinian security forces. On December 7, 1998, there was an incident in which rocks were thrown at the Abu Dis intersection near Jerusalem. The border policemen chased the rock throwers into Abu Dis, where they escaped. During the chase, one border policeman stood on a rooftop in order to gain a better view of the alleys into which the rock throwers went. On another rooftop, about ten feet away from the policeman's position stood another man, a third year student at Bir Zeit University in Ramallah, named Naser Arikat, with a book in his hand. The border policeman aimed his weapon and shot a rubber bullet at Naser's head. Naser was mortally wounded and taken to Mugased Hospital where he died two days later.

On October 25, 1998 the Fatah organization organized a procession with 400 people in participation. At the head of the procession was a member of the legislative committee, Marwan Barghouti. The purpose of the procession was to protest the searches that took place in the Fatah offices by Palestinian military intelligence and the confiscation of material found there. The procession marched through the main streets of Ramallah, towards the military quarters where the mayor is stationed. The participants of the procession met with the mayor and complained about the search. After the meeting ended, the participants turned around and each went his own way. Two participants tossed two stones at the headquarter building. In response, rounds of ammunition were

fired at the demonstrators, causing the death of Wasim Hasan Tarifi, 16 years old at the time of his death.

### **Ambushes**

The Israeli security forces in general and the undercover units in particular shot, hit, and killed many innocent people in their attempt to capture wanted criminals. On March 18, 1992, for example, three men left Qadum Village in Qalqilia heading towards the adjacent Hajah Village (near Jenin) with a cow intended for breeding. The three left the cow in Hajah and in the evening turned back towards their village, passing a dark wadi on their way. Suddenly, from the middle of the wadi, they heard voices yelling at them to stop. Spotlights were lit and people in the wadi opened fire in their direction. One of the three emerged unharmed, the second was mortally wounded, and the third died instantly. Out of the chaos the aggressors appeared. They called a military helicopter to remove the wounded. The lone survivor was held and interrogated for hours, then released. The spokesman for IDF said that their forces were attacked, and when soldiers' life is seen to be in danger, they are ordered to open live fire. The spokesman did not explain why the survivor was not arrested despite supposedly having attacked soldiers.

On April 17, 1997, on the first day of the holiday of Eid al-Adha, Hanan Qash'am, 38 years old and the mother of eight children living in Dir-Dabuan Village close to Ramallah, traveled by car from her home to Bethlehem, where her sister lives. Hanan was with her brother in his car. The two sisters and the brother spent the first day of the holiday in Bethlehem, and in the evening turned back to their village. On their way home fire was opened in their direction. Hanan who was sitting in the back seat was hit twice and killed instantly. Clarification for the firing came a short while later, when it was explained that the Palestinian general intelligence personnel were waiting in ambush for activists

from the Islamic Jihad organizations, who would supposedly pass them in a similar vehicle. The general intelligence offered as a response: "human error."

### **Collaborators**

In the occupation years, Israel recruited tens of thousands of Palestinian collaborators who aided with intelligence and security matters. During the Intifada and following it, Israel failed egregiously to protect those people who helped it. Without Israel's intervention, more than 1,200 people suspected of collaborating with Israel were murdered by terror organizations. Suspected collaborators were severely tortured, their children expelled from school, their relatives murdered, and their families' lives made intolerable.

According to the figures in my possession, the Palestinian Authority arrested about 120 people in Gaza under suspicion of collaboration, and is holding some in prison for over three years without trial or charge. The detainees were tortured until they confessed to collaborating, their confession then made public in their places of residence. The detainees and their families cannot obtain legal aid or aid by a social worker. Moreover, the Palestinian Authority's security forces do not investigate or try those responsible for the murders of collaborators. Both society and the Palestinian Authority revoked all rights belonging to those suspected of collaborating, and their families.

### **Deadly Bureaucracy**

On January 25, 1991, at 9 pm, Bothayna Yasin (the mother of Rami Abdul-Latif Yasin, mentioned previously) from Bel'ain Village (near Ramallah) began to feel labor contractions. In the Persian Gulf, the war between the U.S. and Iraq was underway,

and in the occupied territories Israel announced an absolute curfew. Because of the curfew Bothayna had already missed a medical exam she was supposed to undergo a few days prior, for which Abdul-Latif Yasin, her husband, tried to secure a special permit. He walked on foot to the civil administration facility in the adjacent village, but the soldier at the gate refused to listen to him and sent him away. All requests are to be made only by the muchtar (village headman).

In Bothayna's remote village there is no doctor and no telephone. Abdul-Latif does not own a car. After his neighbors refused to take the mother to the hospital for fear of the curfew, the husband called the village midwife. With the midwife's help, Bothayna gave birth to Shurouk (sunrise), her fifth daughter in a breach birth. The midwife cut the umbilical cord, received her salary, and returned to her home. The baby was breathing, but her skin exhibited a bluish tint, and she did not make any sound. The next day a doctor was supposed to have visited them, but did not, apparently because of the curfew.

Two days later, on January 28th, Bothayna woke her husband and told him that the baby was very sick and seemed to be dying. It was close to midnight. Abdul-Latif went to look for a neighbor who would agree to take the baby to the hospital. He went from house to house knocking on his neighbors' doors, yelling that his daughter is dying. His neighbors said they were afraid to violate the curfew, some evaded his request with excuses, and some did not bother to open the door. Only at dawn did Abdul-Latif find a man who was willing to take him with his wife and daughter to a hospital in Ramallah.

After the baby was hospitalized, the couple turned to the civil administration authority to request a permit to return to their home and another to return to visit the baby the next day. Only after long hours of waiting and being sent from one officer to the next, they were handed a scribbled note permitting them to return

to their home until 3 pm. There was no way to gain permission to visit their daughter. Several days later, he turned to the civil administration authority in a neighboring village and requested a permit to go to Ramallah to visit the baby. He was told that there were no permits.

On February 9th the curfew was lifted in Ramallah. Abdul-Latif's brother, residing in Ramallah, visited the baby at the hospital, and was told that the infant had died. The reason for her death was not provided, and neither was a death certificate. The brother took the body and drove to Bel'ain. When Bothayna understood what had happened, she broke out in tears and shattering screams. Abdul-Latif and his brother buried the baby whose name, Shurok, means sunrise in Arabic.

Muhammad Hussein Barabra, 31 years old, resident of Tul-Karem and his wife had triplets on September 4, 1998. Muhammad, a construction worker, has health insurance, but because of the complicated birth, the couple decided that the birth would take place at a private hospital, the Anglican hospital in Nablus, and they would pay for the expenses themselves.

The triplets were born a month prematurely, and the babies, three healthy males, were put in incubators. The payment required for the hospitalization was 100 Jordanian Dinars (600 Shekels) per night, per baby. Muhammad could not afford the price and so decided to transfer them to the public hospital. No public hospital would admit these babies since they were not born on their premises.

After a few days, one of the babies, named 'Amir, fell ill with a serious disease caused by a virus. When the father arrived to visit the infants, he found that one of the beds was empty. In response to his queries, he was told that the baby had died. After some time, the second baby, Rami, was diagnosed with the same disease, and the doctor recommended transferring him to a pediatric

hospital. There is no such hospital in Nablus, however, and the only option was to transfer the infant to Mugased Hospital in Jerusalem.

The father, in possession of all the required documents, turned to the Palestinian Health Ministry in Nablus, and requested a financial commitment. He was told that such a commitment could only be given by the Minister of Health or President Arafat. The father wondered how he could gain access to the president, but some time later found someone who agreed to interfere on his behalf, and the commitment was issued. In the meanwhile, the infant's condition deteriorated and the father turned to Mugased Hospital, commitment in hand. He was told that there have been problems with the Palestinian Authority with regard to payment, and required a cashier's check.

After a few days and countless attempts, Muhammad succeeded in receiving the check. The father brought the infant to Mugased Hospital two weeks after the disease was first diagnosed. After examination, Muhammad was told that because of the amount of time that had elapsed since the infant was infected, the chances of saving his life were slim. After a few days, baby Rami died.

Muhammad and his wife have one boy left, named Murad. Muhammad blames the Palestinian Authority for the death of his two children and says: "They ought to go to my children's graves and ask for pardon and forgiveness."

### **Palestinian Society and Human Rights**

Human rights activists heading organizations that have worked in the past for the Palestinian people under the Israeli occupation - activists that the PLO thanked for their wonderful work in the past - are now being arrested and are considered enemies of the Palestinian Authority, working to serve foreign interests. I remember

President Arafat telling Dr. Aiad Al Saraj: "I educated Beirut with an army, not with human rights!"

Palestinian society learned a different lesson - the Authority is the government, and we are prohibited from criticizing its actions for fear that it might damage the Palestinian interest. Some say that dirty laundry should not be washed in public, while others maintain that the Authority is walking down a new road and must be given an opportunity. Still others say that the Authority is not a state and therefore is not bound by international human rights conventions.

Today, many Palestinians criticize those same human rights activists that helped them during the Israeli occupation. Past prisoners are now interrogators and torture their brothers; people who were tortured in the past now serve as chiefs of police stations; those same people who were hurt in the past are the ones that violate the human rights of their Palestinian brothers and denounce the human rights activists that came to their aid just a few years earlier.

I was personally arrested at the order of a man who, in 1992, I visited in the Israeli detention facility of Kziot.

### **Conclusion**

All the different examples provided above demonstrate the fact that the Palestinian Authority, like its predecessor, Israel, is a frequent violator of human rights. Without the shadow of a doubt, Israel was party to some of the abuses which occur due to pressure it has applied on the Palestinian Authority. We must keep in mind that apart from what is referred to as terror inflicted by individuals and organized terror, there is governmental terror, terror that is inflicted by the state on individuals or groups. Human rights abuses inflicted both by Israel and the Palestinian Authority is included in this category.

The Palestinian Authority pledged that after the agreement signed at Wye River, (the agreement that looks more like a security agreement than a peace document), it will initiate a wave of arrests of those defined in that agreement as "terrorists." The Authority did not skimp on arrests, arresting about 150 people. They were not tried, and no charges were brought against them. Both Israel and the Palestinian Authority are using the prisoners as bargaining chips. The Israelis threaten not to release them, and the Palestinian Authority threatens to release them.

While Israel is partner to Palestinian violations and in itself continues to violate human rights, the office of then Prime Minister Netanyahu, cynically used Palestinian violations as a political tool. Israel and the Palestinian Authority battle each other by means of the Internet, blaming each other for violating agreements and human rights. Each conveniently ignores its own violations.

Many documents have been published internationally and in Palestine on the topic of human rights violations perpetrated by the Palestinian Authority, but the Authority refuses to attach any significance to these. It argues that the situation is critical from a security and political standpoint, and there should be no interference from any entity. The result is a serious assault on the civil and political rights of Palestinians.

The cynical politicization of the attitude towards human rights comes into expression in the words of what is referred to as "the Israeli peace camp", people who are willing to step on the Palestinian people in order to come to an understanding with the Palestinian Authority. The following example, a section from Uri Avnery's September 16, 1998 article in the Israeli Maariv newspaper entitled "The New Collaborators":

"There is a new breed of collaborators. They are respectable. They win the world's acknowledgement and receive fat budgets from humanitarian organizations. They report the terrible conditions

in the autonomous Palestinian territories. Human rights are trampled upon, Arafat is an evil tyrant, and his team is corrupt to the core, his security forces arrest innocent people and torture them to death. The Israeli market is hungry for these goods, especially when it comes from Palestinians.... “

I responded to Mr. Avnery in that same newspaper, on September 28, 1998, in a piece entitled “Blind Support of Arafat.” The following is an excerpt:

“ This is a democratic principle I learned from the Israelis, and only a shortsighted political fool would ask us to forget this lesson. Our aspiration is that our people, the Palestinians, will arrive at the future Palestinian State healthy both in mind and spirit. The rule of the security forces in the Palestinian territories and blind support of people like Avnery in their own internal terror only lessens the chances of realizing this goal. “

The intervention of people like Uri Avnery, who give backing to the government but overlook the people, places serious obstacles on the paving of the road to Palestinian democracy. Although the Palestinian nation is learning the hard way that independence is not enough, and even if independence is within reach, the battle for democracy and human rights will continue. Palestinian human rights organizations undertook this difficult mission, despite all the obstacles that stand in their way.

#### NOTES

- 1 The author in 1996 founded the Palestinian H.R.I.C which he directs to this day.
- 2 On September 6, 1999, a panel of nine Supreme Court justices prohibited Shin Bet investigators from using such physical interrogation tactics as shaking the suspect, holding him in a position that induces pain, covering the suspect's head with an airtight cloth, and others. In this ruling the Supreme Court disqualified those guidelines which allow the Shin Bet to utilize these tactics under certain circumstances. The judges refrained from referring to these tactics as torture, but ruled that they constitute an illegal infraction of the suspect's rights and dignity. Ha'aretz September 7, 1999, editor's comment.