



## ISRAEL NEWS

*A collection of the week's news from Israel  
A service of the Bet El Twinning Committee of  
Beth Avraham Yoseph of Toronto Congregation*

### Events...

#### August 18-22

Israel Mall, 1126 Finch Avenue West, Hours are Sunday 9-9, Mon.-Thurs. 12-9.  
Over 20 vendors from Israel -- silverware, jewellery, women's clothing, hats,  
music and more.

### Commentary...

#### I Was Wrong By Larry Miller

I was wrong. This is my first trip to Israel, and I knew I was coming, no matter what. But all my friends in Los Angeles told me to reconsider, that it was too dangerous. And on the flight over some of that filtered into the chewy parts of my brain, and I walked off the plane with visions of London in 1940, or the last act of "Miss Saigon."

Of course, that's just stupid. And I know that now, and I can tell all my pinheaded friends when I return. Unless, of course, I decide to make up a heroic story about saving someone's life... Nah, I'm married, and the only reason to lie like that would be to break the ice with Liv Tyler. Okay, I'll tell them the truth.

And I was wrong again. I thought political debate in the United States was vibrant, and that people who disagreed still shared common values and love of country. But now I know what shared values really are, that in Israel the Left and the Right have all served in the Army together, have all raised families together, have all mourned together, have all hoped together, and that they will always pull together to survive, because they have no choice.

A good example of this difference in political clarity is in Israeli leaders since 1948. In America, as you know, senators and presidents are usually handsome guys with full heads of hair and warm, understanding eyes, more adept at running for office than occupying it, men who ran in the first place only because it gave them greater opportunities of pinning flight attendants against a bulkhead and whispering, "My God, but you're lovely."

You guys pick prime ministers, Left or Right, who have ideals steeped in theory and aimed at survival. Peace. These are the qualities that matter most in a leader. Which is also lucky for them, because, let's be honest, from Ben-Gurion to Sharon, they tend not to be fellas you would describe as "fetching." I mean, in all due respect, one doesn't imagine Menachem Begin tapping a stewardess on the shoulder for anything but another glass of tea.

And I was wrong again. I thought people in Hollywood used their cell phones a lot. Compared to you guys, Americans are still using carrier pigeons. It's also not the amount you use them, which I know you don't need me to point out. It's the music everyone chooses in place of ringers. In one week, I have heard more snippets of Bach and Beethoven than Leonard Bernstein heard in a lifetime. It's annoying until new lunkheads like me realize that it allows you to keep in constant touch with loved ones in case, God forbid, once again, something horrible happens.

Americans just use their phones to pick new tiles for the pool. So keep using your phones whenever you need, and if, in 30 years, you all wind up with one ear looking like Mr. Spock, we'll all simply know for sure there really was something to that wacky radiation thing.

And I was wrong again. I thought visiting terror victims in the hospital would be nothing but tragic. It is that, of course, but it's so much more. I have seen, without compare, the greatest facilities, the most focused and committed doctors and nurses and administrators, the most hope and faith and, yes, joy, on the faces of relatives I've ever seen in my life. And I was stunned, literally, at how this care, this effort, this love, is given to all who enter, Arabs as well, and I left thinking, if there is hope for peace in Israel, indeed, in the world, our people, the Jewish people, in their gifts and their compassion, may well be the ones to, once

again, spread that light unto the nations. (Say, "Light Unto The Nations..." There's a neat phrase. I wonder who came up with it?)

And I was wrong again. Even though I'm religious and daven every day with tallit and tfillin (Okay, not every day. Fine. Happy now?) I was afraid that I would feel awkward and left out when I joined the most observant of our people at the Wall to pray and leave a note for my blessed parents, who both

passed on without getting here. But I joined a minyan effortlessly, and was carried away by the same inflections I heard in my youth, and was moved deeply by a feeling of sameness and brotherhood. As the song goes, "Hineni muchan umezuman, lekayem mitzvat bori."

And I as left, I smiled at every eye I caught. Admittedly, no one smiled back, but, in all fairness, when it's a 103°, and you're shuckling back and forth in a tweed Mackinaw, acknowledging the goofy grin of a bald American is not at the top of your to-do list.

So I guess I've been wrong a lot. But I've been right a lot, too. I'm right to love being a Jew. And I'm right in coming to Israel and telling everyone I meet they're not alone. And I'm right to go back home and tell my friends to get their lazy patoots over here now. And I'm right to come back with my family. Again and again.

And I'm right about Dvir, the 13-year-old boy in Hadassah Hospital who stepped on a mine eight weeks ago while picking cherries with his class. You're going to get better every day, you beautiful, beautiful boy, and give your calm, magnificent mother back the whole boy she loves so much. I'm not wrong about that, either. I'm right. (Jerusalem Post Aug 9)  
*The writer is an actor, writer, and comedian living in Los Angeles.*

#### The 10 Fatal Flaws of Oslo By Yossi Klein Halevi

President Bush's recent historic speech demanding Palestinian restraint and reform as preconditions for statehood was above all a eulogy for the Oslo process. In place of Oslo's "land for peace" formula, Bush now suggests "peace for land" -- that is, first the Palestinians prove their peaceful intentions, and only then does Israel empower them with territorial concessions.

In establishing that new sequence, Bush sought to correct a fatal flaw of the Oslo process: that Israel would yield concrete assets in exchange for easily revoked promises of peace. But that was only one fatal flaw in a fundamentally flawed process. Here is a list of the 10 fatal miscalculations made by the architects of Oslo -- perhaps the worst wound Israel ever inflicted on itself:

1. Empowering Arafat: "Only Arafat can make the necessary compromise," the Oslo visionaries assured us. "Only he can force the Palestinians to give up their dream of return. Besides," they continued, "if we don't negotiate with him, we'll be left with Hamas." When the time came, of course, Arafat refused to make the most basic concessions on refugee return. And in the last two years, his Fatah has joined with and even surpassed Hamas in suicide bombings. Empowering Arafat, then, meant creating a Hamas-like regime -- protected by international legitimacy.

2. Whitewashing Arafat: They want to forget it now, but many on the Israeli and American Jewish left were actually charmed by the mass murderer. The Hartzufim, Israeli TV's satirical puppets' show, portrayed Arafat as a bumbling but basically harmless and even likeable old man. Yitzhak Rabin's granddaughter said he was like an "uncle." Peace activists went on pilgrimage to him and listened to his paranoid tirades about an alliance of Muslim terrorists with settlers and Israeli generals to destabilize the "peace of the brave." And they continued to grant him legitimacy and ignore the growing incitement. Even Dennis Ross admits it now -- but not the extent of the left's cover-up for Arafat.

That cover-up began literally the day after the White House handshake, when Arafat told an audience in Amman that the Oslo process was the first step in the implementation of the "stages plan," the PLO's program for the gradual destruction of Israel. Arafat hid nothing from us; we hid the truth

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from ourselves.

3. Empowering the leadership of 1948: PLO-Tunis represented the Palestinian diaspora, the refugees of 1948. Israel resurrected the PLO, just as it was on the verge of collapse following the Gulf War. By saving Arafat, we imposed the leadership of 1948 onto the Palestinians of 1967 – that is, of the West Bank and Gaza, who had lived with us, however unhappily, and with whom we'd shared a measure of coexistence. Our struggle with the Palestinians of 1967 was over borders; our struggle with the Palestinians of 1948 was over existence itself. Yet we chose to empower precisely that part of the Palestinian people that is emotionally and ideologically incapable of compromise. The result was to suppress any chance for dialogue with the Palestinians of 1967.

4. Promoting a false symmetry: "Both sides want peace," the Oslo architects assured us." A Palestinian mother and a Jewish mother both want the same things for their children." Our children came home from kindergarten waving little flags made of Stars of David entwined with doves; their children were taught paeans to suicide bombers. And now Palestinian mothers send their grown-up children off to martyrdom. The flaw was in not understanding the basic asymmetry in the way each side viewed the other: A majority of Israelis had come to see this conflict as a struggle between two legitimate national movements, and accepted partition as a moral solution; while a majority of Palestinians continued to believe that all justice was on their side, and that partition was, at best, an unavoidable option imposed by Israeli power.

5. Pretending that the Middle East resembles Western Europe after World War II: That was a favorite insight of Shimon Peres, the basis for his New Middle East. Like the European Union, he said, the Middle East was on its way to replacing dreams of national glory for prosaic prosperity. Peres was right about Israeli society: Like Western Europe after World War II, most Israelis had fought one war too many and were ready to exchange nationalist for consumerist dreams. But he misjudged the Arab world by one war: Arab society more closely resembles Europe after World War I – aggrieved, militaristic and waiting for revenge for all those decades of Israeli military victories.

6. Encouraging dictatorship: In Yitzhak Rabin's words, Arafat could be trusted to suppress terrorism because, unlike Rabin himself, he wouldn't have to contend with "Bagatz and B'tzelem" -- that is, with a Supreme Court and human rights watchdogs. The result was that Israel helped build one of the Arab world's most corrupt regimes, and destroyed whatever hope the Palestinians had of emulating Israeli democracy.

7. Turning Judea And Samaria into the West Bank: The moral premise of partition is that two nations claim the same land, and so the only fair solution is to divide it between them. But what if one side insists that the whole land belongs to it by right, while the other side waives its claim to part of the land? That is precisely what Israel did by turning "Judea and Samaria" into the "West Bank." The result was that the world quickly came to see the Israeli willingness to concede its biblical heartland as no concession at all, merely the occupier returning his theft to its natural owners. The Palestinians, meanwhile, kept reminding the world that they had lost the 78 percent of Palestine that formed pre-67 Israel. Those Jews who supported partition should have been the first to stake their claim, at least in principle, to the whole of the land. If we have no claim to Hebron and Bethlehem and Shechem, what right do we have to trade those for Jaffa and Haifa and Lod?

8. Limiting the timetable: The Oslo process intended to resolve a 100-year conflict in seven years. By the end of that absurdly condensed period, Israel was to have transferred most of the territory to Palestinian control, with no mechanism for testing Palestinian compliance. The basis of the deal was essentially "land for words" -- strategic territory for guarantees of peace. But few bothered to check whether we were even getting the right words in return.

9. Delegitimizing the critics: It's not only the right who delegitimized Rabin; the left did the same to Oslo's critics. And Rabin himself was a prime offender, mocking the settlers and even comparing the Likud to Hamas as part of an "anti-peace" bloc. Maybe had the left paid more attention to the criticism of the right, we would have been spared seven years of self-deception. Just as Israel might have been spared the excesses of the Lebanon War and unlimited settlement, had the right learned to listen to its leftwing critics.

10. Democracy for peace: The Rabin government sacrificed democratic norms for the sake of the peace process, ramming through the Knesset far-reaching territorial concessions on the basis of a single vote -- that of an unscrupulous rightwing parliamentarian who was lured to support Oslo by a political bribe. It is hard to recall another democracy making such a fateful decision on the basis of a majority of one, let alone a majority won through a parliamentary trick. The culmination of Oslo's anti-democratic spirit occurred at Taba in January 2001, when Prime Minister Ehud Barak, left with a minority government and facing a landslide defeat, offered the Palestinians even more concessions than he'd offered six months earlier at Camp David.

The above list is by no means exhaustive; additional follies could easily be cited. Understanding what went wrong with Oslo is crucial, especially at a time

when some people are trying to divide the Jewish world with their insistence that Oslo's failure was Israel's fault. (JUF News August 2002)

*The writer is a contributing editor of The New Republic and a senior writer for the Jerusalem Report.*

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### Throwing Money Won't Work Jerusalem Post Editorial

A report on malnutrition in areas controlled by the Palestinian Authority published recently by the US Agency for International Development has generated calls worldwide for increased material aid to the PA.

Israeli officials familiar with the situation in the PA have not denied the report's findings. The Israeli public, which routinely sends doctors, nurses, and funds to disaster stricken regions the world over, would also be the last to disagree that all must be done to maintain, and where necessary restore, Palestinian human dignity.

Understandably, then, the realization that the war their leaders waged on Israel has actually resulted in malnutrition is making some suggest that the remedy to the situation lies in funneling money to the undernourished.

The analogy often resorted to in this regard is the Marshall Plan, the great mechanism devised by the US after World War II in order to rehabilitate Europe from its devastation. And yet, of all historical associations it is precisely that precedent that should lead to the grim conclusion that, in this case, both the problem and its solution are not about finances.

The Marshall Plan was about compensating for an otherwise financially developed Europe's momentary lack of funds, with the dollars that America had at the time in abundance.

In the Palestinian Authority's domain the situation is the exact opposite. Since the signing of the Oslo Accords the PA has received a cumulative \$4 billion in the form of direct aid, according to the World Bank. In fact, according to the World Bank's World Development Indicators 2002, per-capita aid to the PA in 2000 totaled \$214 and was the highest in the world, well ahead of Bosnia's \$185.

Moreover, after inflation adjustments, an average Palestinian received an annual \$161, while an average European in the beneficiary countries of the Marshall Plan received \$61. Beyond this gap lurk the real roots of the Palestinian food shortage, namely the lack of the kind of developed business environment which the Marshall Plan's recipients had harbored for well over a century, since the dawn of the Industrial Revolution.

It follows that, to help the Palestinians emerge from their current misery, more is needed than to merely spotlight their destitution, or to throw scraps at this or that under-fed area. What is truly needed is help in creating the kind of civic society that is glaringly lacking across the Arab world, and which indeed leads to conditions no less tragic than the Palestinians', even in places where there is no war.

According to the World Bank, annual per-capita income in the PA has plunged during the current war from \$1,660 in 2000 to an estimated \$1,340 in 2001, but even so remains firmly above Morocco's level for 2000, \$1,180, not to mention Syria's \$940. That figure would still leave the Palestinians richer than the Syrians, even if the World Bank's estimate – that annual per-capita income in the PA will nose-dive by the end of this year to \$1,040 – materializes. Other indicators also teach that the PA's plight has less to do with the current war and more with problems that plague the entire Arab world. The PA's infant mortality rate, for instance, remains half of Egypt's.

From this we learn three things: First, as the figures clearly demonstrate, in the short term the Palestinians' current malaise is no one's fault but their own, considering that they started and are continuing the war that is exacting from them such a hefty price.

Secondly, money has not only not been scarce in the PA in recent years, it has in fact been abundant; only it was in some cases unused, in others misused, and in others yet abused. Chances are that this would also be the aftermath of any well-intentioned emergency funding under the current circumstances.

And thirdly, the deeper root of Palestinian shortages lies in conditions that are common to the entire Arab world.

To be fair and efficient, any effort to alleviate Arab suffering must transcend the narrow Palestinian confines and seek to help build economic and social structures that will actually generate local wealth rather than develop an addiction to spending other peoples' money. For that to happen, the Arab world is in bad need of broader middle classes, the ones which their authoritarian regimes – whether due to intention, indifference, or ineptitude – have so glaringly failed to create. The West can help change this, provided it understands that most incumbent Arab regimes are in this respect part of the problem, rather than the solution. (Jerusalem Post Aug 9)

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**Joseph's Inheritance:** *The Israelis, restrained.* By Nissan Ratzlav-Katz

In an apparent reaction to last week's series of terrorist attacks on Israelis, including the bombing of the Frank Sinatra cafe at Jerusalem's Hebrew University, Israeli defense minister Binyamin Ben-Eliezer issued a "green light" to the IDF to take further action to uproot the terrorist infrastructure in the Palestinian Authority. The week's offensive included the Israeli takeover of the city of Shechem (Nablus), in Samaria.

IDF troops quickly took control of the city and began conducting house-to-house searches, endangering themselves as they did in Jenin, rather than bombing suspected terrorist bases and factories from the air. Thus far, the searches have netted a series of arrests, four bomb factories, weapons, and ammunition. In many cases, the explosives were being assembled and stored in the homes of local civilian residents, as has been the PLO practice.

For those familiar with the Bible, Shechem should ring a bell. It is the city where Joseph, son of Jacob (named Israel by God), was buried (Joshua 24:32) and where his tomb stands to this day. It is also the city where Levi and Simon, two other sons of Jacob, took vengeance for the rape of their sister Dina by a local chieftain, killing all the men of the city (Genesis 34). Despite its biblical identification with the city of Shechem, the modern city in the area is regularly referred to as Nablus in the general media. In that regard, Shechem is a symbol, a test case, of the subtle attempt, through the use of language, to disconnect Israel, the land, from the history of Israel, the nation.

That attempt to disassociate Jews from Judea began with the Roman conquerors of the second Jewish commonwealth. They changed the name of Jerusalem to Aelia Capitolina, Judea became Palestina, and, in 72 A.D., the Roman Emperor Vespasian established a new city on the site of Shechem, calling it Flavia Neapolis, and later Julia Neapolis. The Muslim hordes who swept north from Arabia in 636 called the city Nablus, as the Arabic language has no "p" sound and they could not pronounce the Roman name correctly. That is also why, to this day, the Arabs refer to the entire country as Filasteen, rather than the Roman Palestina. The crusaders, when they conquered the region from the Muslims, renamed Shechem, Naples. In short, there is no Arabic name for the city of Shechem, nor for the land of Israel — just mispronounced Latin ones. Jews, incidentally, had lived in Shechem periodically throughout the ages, totally abandoning the town only after countrywide anti-Jewish pogroms in 1929.

Jews returned to Shechem only in 1967, during the Six Day War, allowing the children of Israel once again to pray and study in the shadow of the Tomb of Joseph. Even after the ill-conceived Oslo Accords gave regional sovereignty over Shechem to the PLO, Israel retained a presence at the patriarch's tomb. That is, until October 2000, the start of the current terrorist war against the Jews. After a pitched battle that focused on the Tomb of Joseph, IDF soldiers withdrew, carrying with them the body of another Joseph — Druse Border Police corporal Joseph (Yusef) Madhat.

An awareness of the history of the area only highlights the temerity, arrogance, and hatred that must have inspired local Arabs to desecrate the Tomb of Joseph after the October battle. Subsequently, the PLO repaired the site, but converted it into a Muslim shrine to a deceased sheik, also, coincidentally, named Joseph. The Israeli government white paper, documenting the systematic PLO violations of agreements with the Jewish state, says that "P.A. forces failed to uphold their Interim Agreement obligations — and in the case of Joseph's Tomb, a promise just given to Israeli commanders in the Nablus area — to protect holy Jewish sites... Following Israel's decision to evacuate Joseph's Tomb — so as to avoid further bloodshed — it was looted, torched, and in parts dismantled. Local Palestinian commanders openly stated that no Israeli would set foot there again; and indeed, one man who apparently wanted to visit the site was brutally murdered, and a group of hikers (including women and children) 'suspected' of coming too near to the tomb, were shot at, wounded and one was killed." During Operation Defensive Shield, following the Passover Massacre in Netanya this past March, Israeli troops retook the tomb compound, but have not re-established access to the holy site.

Of course, the Muslim Arab view denying Jewish roots in the land is not limited to Shechem. "All Palestine is Islamic land..." said Sheik Taysir Bayoud al-Tamimi, chief justice of the Muslim Trust in Jerusalem and an Arafat appointee. "The Jews usurped it," he continued, "There can be no compromise on Islamic land." Al-Tamimi also made it clear that Jews have no right to pray at the graves of the patriarchs. Hamas leader Sheik Ahmed Yassin, in an interview with the Italian newspaper *Corriere Della Sera* explained, "Israel was born in violence and it will die in violence. The Jews have no right to the land of Palestine."

With all of the above in mind, one can only wonder what took the current Israeli government so long to decide to return to Shechem and to the Tomb of Joseph. (National Review Aug 8)

*The writer is opinion editor at www.IsraelNationalNews.com.*

**At War: Palestinians Whoop It Up** By Michael B. Oren

*How can there be peace with a people that celebrates mass murder?*

In Gaza last week, crowds of children reveled and sang while adults showered them with candies. The cause for celebration: the cold-blooded murder of at least seven people—five of them Americans—and the maiming of 80 more by a terrorist bomb on the campus of Jerusalem's Hebrew University. The joyful response of so many to the death, suffering and mutilation of students and university workers raises pointed questions about the health of Palestinian society, both mental and moral. It makes many Israelis ask whether, even if a cease-fire is reached and negotiations someday resume, peace with the Palestinians is possible.

There is, of course, nothing new about Palestinians applauding terror. During the Gulf War in 1991, they danced on rooftops in praise of Iraqi scud missiles raining on Israeli neighborhoods. Again, in the mid-1990s, after bus bombs in Israel killed dozens—one of them was my sister-in-law—an estimated 70,000 Palestinians filled a Gaza stadium to cheer a re-enactment of the massacre. The deaths of over 3,000 Americans on Sept. 11 was another cause for dancing in Palestinian streets, though Arafat's men suppressed foreign coverage of the fete.

The terrorist acts and their gruesome effects are celebrated as inspiration for the next generation. Most recently, a West Bank university held an exhibition in honor of the suicide bomber who killed 14 Israelis at a Jerusalem pizzeria in 2001; the props included painted puddles of blood and scattered body parts. Palestinian parades regularly feature columns of masked and hooded youths girded with cardboard explosives, proclaiming their frenzy to kill. Palestinian babies have also been photographed—proudly—in suicide bomber's garb.

Such festivities contrast radically with the reaction of Israelis to the deaths of Palestinian civilians in a recent attack on a Hamas terrorist leader in Gaza. Though "collateral damage" is virtually unavoidable in battle, though the army apologized for its mistake, and though the terrorist himself bore some responsibility for the tragedy by hiding out in a densely populated area, Israelis were deeply disturbed. Many engaged in introspection over antiterrorist tactics; some took to the street in protest. There was no gloating, no cheering, certainly, but rather nationwide expressions of remorse, even shame.

For all its anomalies, Israel is at base a healthy society. The reaction of Israelis to civilian casualties, even among their mortal enemies, is similar to that shown by Americans after the accidental bombing of villagers in Afghanistan. But the Palestinians are different. Though Palestinian spokesmen often seek to justify terror in terms of popular frustration and despair, there is no rational explanation for the outbursts of joy bordering on ecstasy at the dismemberment of innocent children, women and men. Beyond the controversy over settlements and territory, beyond the bitter conflict over Jerusalem, there is something else at work in the delight displayed by Palestinians over slaughter—something sick and perhaps even evil.

Readers of Richard Rhodes's recently published book, "Masters of Death," learn that, after a day of shooting thousands of Jews, members of the SS Einsatzgruppen often repaired for a celebratory drink and banquet. The Nazis' behavior is readily identified as barbaric and insane. Surely those same adjectives apply, then, to Palestinians who rejoice not only when great numbers of Jewish civilians are butchered, but when their own children are blown up in the process.

For all the kudos discretely given SS killers by the regime, Nazi Germany never publicly lionized them, never plastered their pictures on the streets, or openly encouraged children to emulate them. That kind of adoration for mass murderers can only be found, in abundance, among the Palestinians.

The majority of Israelis, myself included, are willing to make far-reaching sacrifices for peace and to embark on a process of genuine reconciliation with the Palestinians. Yet that same majority will have immense difficulty forgetting the horrific scenes of carnage and the spectacle of Palestinians extolling them. For us, the issue is no longer merely borders and topography nor even the terms of a cease-fire, but whether a fundamentally sound society can trust one that has lost its mental and moral bearings.

The damage to peace efforts has been massive, and the chances for repairing it are slim. Still, a sane and responsible Palestinian leadership might yet arise and put an end to the bombings and their public glorification. The alternative is the elimination of all hope for a peaceful settlement in this or even future generations. For the Palestinians, who are now paying a staggering price for their ruinous resort to terror, that is reason enough not to celebrate.

*The writer, a senior fellow at the Shalem Center in Jerusalem, is author of "Six Days of War" (Oxford, 2002). (Wall Street Journal Aug 10)*

## Staking Our Claim By Evelyn Gordon

US Secretary of Defense Donald Rumsfeld shocked the world last week when he referred to Israel's "so-called occupation" of the West Bank and Gaza. By implying that he does not consider Israel's presence in these territories to be an illegal occupation, Rumsfeld defied one of the modern world's most widely accepted dogmas.

Yet the very fact that his statement was received as little short of heretical begs an obvious question: How did a label with not a shred of basis in international law turn into such a universally accepted truth?

The standard definition of an occupation under international law is found in the Fourth Geneva Convention, which applies explicitly to "partial or total occupation of the territory of a High Contracting Party" (Article 2, emphasis added). In other words, "occupation" for the purposes of the convention means the presence of one country's troops in territory that belongs to another sovereign state – the only type of entity that can be a contracting party to the convention.

But when territory that does not clearly belong to another sovereign state is captured by one of the possible legitimate claimants – as, for instance, in Kashmir, which is claimed by India, Pakistan, and the Kashmiris – the term generally used is "disputed," not "occupied."

And that is precisely the situation in the West Bank and Gaza.

Neither of these territories belonged to any sovereign state when Israel captured them in 1967; they were essentially stateless territory. Both had originally been part of the League of Nations Mandate for Palestine and, according to the UN partition plan of 1947, they should have become part of a new Arab state when Britain abandoned the Mandate in 1948.

But since the Arabs themselves rejected this plan, not only did that state never come into being, it never even acquired theoretical legitimacy: The partition plan was no more than a non-binding "recommendation" (the resolution's own language) adopted by the General Assembly. Once rejected by one of the parties involved, it essentially became a dead letter.

The West Bank and Gaza were therefore not owned by anyone when they were seized by Jordan and Egypt, respectively, in 1948; and since their annexation by these countries was never internationally recognized (Jordan's annexation of the West Bank, for instance, was accepted only by Britain and Pakistan), they were still stateless territory in 1967.

Moreover, Israel had a very strong claim to both territories. Even aside from the obvious historical claim – the heart of the biblical kingdom of Israel was in what is now called the West Bank – the terms of the original League of Nations Mandate quite clearly assigned the West Bank and Gaza to the Jewish state.

The preamble to the Mandate explicitly stated that its purpose was "the establishment in Palestine of a national home for the Jewish people."

Does this mean that all of Mandatory Palestine – which included not only modern-day Israel, the West Bank and Gaza, but also the modern-day state of Jordan – was supposed to be a Jewish state?

An answer can be found in Article 25, which reads: "In the territories lying between the Jordan [River] and the eastern boundary of Palestine... the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions."

No such permission, however, was given west of the Jordan. In other words, while the Mandate arguably gave Britain and the council together the right to "withhold application" of the Mandate's stated purpose east of the Jordan, the land west of this river – which includes the West Bank and Gaza, as well as Israel – was unequivocally earmarked for the Jewish national home.

And the fact that both territories were captured in a defensive war from states that originally seized them through armed aggression strengthens Israel's claim still further.

How, then, did the myth of "occupation" – i.e., the myth that these territories indisputably belong to someone other than Israel – gain such universal credence? Sadly, the main culprit is Israel itself.

When Israel captured the territories in 1967, the government did not assert its claim. Instead, it insisted that Israel did not want these lands and was merely "holding them in trust" to be "returned" to the Arabs in exchange for a peace treaty. And every subsequent government reiterated this line.

But since no third party could be expected to press a claim that Israel refused to press for itself, the Arab claim, by default, became the only one on the international agenda. And since territories cannot be "disputed" if there is only one claimant, the only alternative was to view them as belonging to the sole remaining claimant – leaving Israel as the "occupier."

Israel did, of course, lay claim to one section of these territories from the start: east Jerusalem. But legally speaking, Israel's claim to east Jerusalem is no different from its claim to the rest of the West Bank. By essentially denying the latter claim, Israel badly undermined the former.

After 35 years, it may well be impossible to rectify this enormous historical

error. But Israel cannot afford not to make the effort. It must explain, at every opportunity, the sound legal basis for its own claim to the West Bank and Gaza. To do otherwise is to guarantee that it begins any future negotiations from the irremediably inferior position of an "occupier." (Jerusalem Post Aug 14)

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## The 'Human Rights' Inhumanity By Yisrael Medad

In the Hebrew-language press, a B'tselem advertisement was published on August 2, which sought to decry, in part, Arab terror.

The text of B'tselem (The Israel Information Center for Human Rights in the Occupied Territories) reads: "Attacks against civilians in Jerusalem, Tel Aviv, or Emmanuel undermine every human, moral, and legal principle. Since September 2000, 370 Israeli citizens, including 72 minors, have been killed in Israel and the territories. Premeditated killing of civilians is a war crime."

At first glance, I was amazed that B'tselem took the step of noting that persons living beyond the Green Line have human rights, including the most important one – recognizing their right to live. As B'tselem has never devoted previously any of their myriad reports, supplements, newsletters, and occasional papers to the suffering of Israeli civilians, this seemed to be a form of "coming out of the closet" – a closet of liberal progressivism.

However, the holes in B'tselem's presentation quickly revealed themselves.

The ad, after all, appeared only after Amnesty International had declared such Palestinian activities to be war crimes. B'tselem, although close to the scene and ostensibly an Israeli human rights organization, was not the initiator of such a declaration. Over a year ago, B'tselem released to the press a statement couched in similar terms but not, as now, in the form of a paid advertisement, one of maybe dozens that have been published in the past months. In addition, as a group close to Palestinians and quite supportive of their position in the past, it could be argued that if B'tselem had been more forthrightly "public" on this issue earlier, perhaps its influence could have been effective in preventing at least some of the killings of civilians.

In December 2000, a B'tselem report, among several other conclusions, noted that "the Palestinian Authority does almost nothing to prevent Palestinians from attacking Israeli civilians. The establishment of settlements is a violation of international law and therefore illegal; however, this does not justify attacks on settlers or on settlements. Intentional attacks on civilians are absolutely prohibited, regardless of the circumstances."

This is the sole other reference on their website to the subject of the rights of Israeli citizens out of over a hundred publications, not including the many dozens of ads they have published over the years. For a human rights organization, this level of concern would seem weak, pro forma, and totally inadequate in regard to the real problem of the death of innocents.

AND THEN I paid attention to the number of dead they cited: 370. Three hundred and seventy? But over 600 Israelis have been killed. One need not be a mathematical genius to figure out that soldiers and police personnel had been deducted from the total. Nevertheless, not all of those in uniform were on active duty. Many of those soldiers were killed by homicidal suicide bombers on Egged buses or at café tables, along with the civilians who were the main targets; others were crushed by a bus driven by an Arab. Others were killed when civilian targets they were guarding, such as a playground, were hit with mortar rockets.

Of course if B'tselem, an Israeli organization – even though it accepted funding from the British Foreign Office – can justify the deaths of security personnel by terrorism, we can thus understand the inclusion in other ads signed by B'tselem, in conjunction with various radical groups, of the names of the suicide bombers and terrorist gunmen among the Palestinian victims of violence. This is a new approach to the championing of a human rights cause.

B'tselem appears to be schizophrenic. Its morality and standards of ethics sway with the wind. In essence, though, its human rights banner is actually a cover for ideological inhumanity. B'tselem's goal, first and foremost, is to provide an ancillary reason for forcing Israel to yield the areas of the Jewish historic homeland, gained in a war of self-defense. To that end, it has mobilized the human rights' sphere and has been bashing Israel, its army and, earlier, its civil administration.

B'tselem refers to itself as the Israeli Information Center for Human Rights in the Occupied Territories. The political orientation of B'tselem as reflected in this ad and others belies its true intent and agenda. Of course, better late than never is an admirable stance, even human.

The writer, who resides in Shiloh, comments on political, social, and cultural affairs. (Jerusalem Post Aug 15)

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