

MEMMO

Oct. 22, 2009

Palestinians, Arabs Push Anti-Israel U.N. Agenda

As the Obama administration tries to revive Mideast peace negotiations, Palestinian and other Arab leaders are mounting a campaign at the United Nations to isolate Israel. Reneging on a commitment to the United States, Palestinian Authority (PA) President Mahmoud Abbas has asked various U.N. bodies to endorse the Goldstone report on the conflict in Gaza, which the Obama administration has described as “deeply flawed.” Such biased action by the United Nations will likely frustrate American efforts to promote Israeli-Palestinian peace.

The United States has rejected the findings and methodology of the Goldstone report.

- The United States has rejected the findings of the report, which wrongly accuses Israel of deliberately launching attacks on civilians for political purposes. The United States has also objected to the report being considered by the Security Council, or to its further review by the International Criminal Court.
- U.S. Ambassador to the U.N. Susan Rice said the United States has “very serious concerns about many recommendations in the report” and has “long expressed our very serious concern with the mandate that was given by the Human Rights Council prior to our joining the council, which we viewed as unbalanced, one-sided and basically unacceptable.”
- Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner slammed the Goldstone report for “its failure to deal adequately with the asymmetrical nature of [the Gaza] conflict or assign appropriate responsibility to Hamas for its decision to base itself and its military operations in heavily civilian-populated urban areas.”
- During the October meeting of the Security Council, U.S. Deputy Representative Alejandro Wolff reiterated, “The allegations of human rights and humanitarian law violations contained therein it are not a matter for Security Council action.”



PA President Mahmoud Abbas has reneged on a commitment to the U.S. and is now pressing the U.N. to adopt the Goldstone report.

The Goldstone report failed to recognize Israel’s right to self-defense after years of rocket attacks against its civilians.

- The Goldstone report explicitly fails to recognize Israel’s actions in Gaza were part of a legitimate response to ongoing rocket and terrorist attacks by Hamas and other terrorist groups.
- Article 51 of the United Nations Charter clearly establishes the right of every nation to act in self-defense against those who willfully attack innocent citizens.
- Instead, the report equates the actions of a terrorist group (Hamas) with those of a democratic country (Israel) reluctantly taking action to defend itself from terrorism while at the same time

taking unprecedented steps to minimize civilian casualties. Israel had already endured more than 12,000 indiscriminate rocket and mortar attacks during the previous eight years.

- The report also ignores overwhelming evidence of Hamas' deliberate and callous use of civilian infrastructure to hide its terrorist activity. Hamas located its terrorist infrastructure in densely populated housing, near and in hospitals, schools, mosques, and U.N. facilities in order to make it more difficult for Israel to target them, facts disregarded by the Commission.
- The report also ignores Iran's role in arming and funding Hamas as part of their mutual goal of destroying Israel.

The Goldstone report is part of a pattern at the U.N. of singling out Israel for criticism and condemnation.

- After the United States successfully secured the PA's agreement to defer consideration of the report until March, the Palestinians reneged on their commitment and have been working with Libya to push the matter at the U.N.
- The Goldstone Commission is part of long series of biased, one-sided actions taken by the U.N. Human Rights Council, which already has passed 26 anti-Israel resolutions out of 33 motions to censure countries since the Council's inception in June 2006.
- On Oct. 15, the Human Rights Council held a special session to discuss the Goldstone report. The session is only the 12th special session since 2006, but the sixth to address the Israeli-Palestinian conflict.
- At the special session, U.S. Representative Douglas M. Griffiths said, "We do not believe that this Special Session constitutes the appropriate forum for such a discussion." Nonetheless, the Council passed a resolution endorsing the report and recommending further action in the General Assembly and Security Council.
- The United States has criticized the Human Rights Council's unrelenting focus on Israel. As Assistant Secretary Posner said, "We must step back and take issue with the grossly disproportionate attention the Council pays to one country, Israel. When the United States decided to seek a seat on the Council, we stated our clear intention to address this lack of balance in the Council's proceedings."

Israel's actions in Gaza were consistent with international law and subject to rigorous internal legal scrutiny.

- Consistent with international law, Israel sought to limit its actions to legitimate military targets that threatened its civilian population with mass casualties.
- Throughout its operations in Gaza, Israel made extraordinary and unprecedented efforts to avoid civilian casualties. Israel transmitted specific warnings via leaflets, radio, and telephone calls to Gazans warning them about impending actions against Hamas targets.
- Israel also facilitated humanitarian assistance to Palestinians in Gaza throughout the entire operation even while its soldiers and civilians were being attacked.
- Article 28 of the Fourth Geneva Convention says the responsibility for civilian casualties lies with the party that deliberately places them at risk, namely Hamas, which used them as human shields.
- As befitting a democratic nation with an independent judiciary and army that prides itself on conducting its operations in an ethical manner, Israel has launched investigations into more than 100 allegations regarding the conduct of its forces during the operation. Despite this, the Goldstone report totally rejected Israel's ability to conduct fair and serious inquiries.