

# Israel, the United States and international law

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Israel has responded to the United Nations Human Rights Council's endorsement of the Goldstone report accusing it of war crimes during its assault on Gaza in 2008-2009 by denouncing the UN and seeking to overturn existing international law.

The explicit aim of Tel Aviv is to give the Israel Defence Forces (IDF) carte blanche to do as it likes in the name of "combating terrorism."

The report by South African Judge Richard Goldstone said the war on Gaza was "a deliberately disproportionate attack designed to punish, humiliate and terrorise a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever-increasing sense of dependency and vulnerability."

Goldstone said that the UN Security Council should refer the case to the International Criminal Court if Israel failed to carry out an independent investigation into the military's conduct. Those countries that were signatories to the 1949 Geneva Conventions had a duty to use their powers of "universal jurisdiction" to search for and prosecute those responsible for war crimes, he added.

President Shimon Peres and Premier Binyamin Netanyahu rejected the UN Human Rights Council's vote outright, denounced the report as biased, and refused to comply with its recommendations. Ehud Barak, defence minister and architect of the assault on Gaza, refused to even permit a cabinet discussion about setting up an inquiry. The government wanted to give the Israeli military "the full backing to have the freedom of action," he said.

Netanyahu insisted that no Israeli official would stand trial for war crimes and promised that the resolution would be vetoed at the Security Council—that is, by Washington. He instructed his government to draw up plans for a "worldwide campaign" to lobby for changes in the international laws of war "in the interest of

anyone fighting terrorism" and to ensure that countries remove or water down their universal jurisdiction legislation.

Israel enjoys the unconditional support of the Obama administration, which called the Goldstone report unbalanced and lobbied to secure rejection. Since the report was endorsed, Washington has repeatedly reiterated its support for Israel and publicly criticised the UN.

This reached its high point last week, when President Barack Obama sent Peres a fawning greetings video for the 2009 Presidential Conference in Jerusalem, which was attended on his behalf by Susan Rice, the US ambassador to the UN.

Speaking at the conference, Rice spelt out explicitly Washington's attitude towards the UN, an institution that she branded as "evidently imperfect." She made clear that the UN's authority is to be invoked only as and when it suits US interests, and dismissed when it does not.

"There is no substitute for the legitimacy the UN can impart or the forum it can provide to mobilise the widest possible coalitions to tackle global challenges, from nonproliferation to global health," she said.

"But the United Nations is an institution comprised of nations," she continued. "It rises or falls according to the will of its members. And the UN must do more, much more, to live up to the brave ideals of its founding—and its member states must once and for all replace anti-Israel vitriol with a recognition of Israel's legitimacy and right to exist in peace and security."

For Obama, like President Bush before him, the UN is a useful tool only when it supports and legitimises Washington's geopolitical interests, as when UN resolutions provided a pretext for waging an illegal war of aggression against Iraq.

Thus, when a UN body attempts to call Israel to order, its action is denounced by Rice as "basically

unacceptable.” This is in stark contrast with Washington’s attitude towards Iran.

The US is even now seeking to invoke the UN’s authority, in the form of the International Atomic Energy Agency (IAEA) and the Security Council, to threaten Iran and press ahead with its ambitions for economic and strategic dominance in the energy-rich regions of the Middle East and Central Asia.

When it comes to Tehran, which is not accused of war crimes but of seeking to develop a nuclear programme in accordance with the terms of the Nuclear Non-Proliferation Treaty—a programme that the IAEA says has to date revealed no clear evidence of having nuclear weapons aims—Obama declares baldly, “The Iranian government must now demonstrate through deeds its peaceful intentions or be held accountable to international standards and international law.”

The policy of Washington, along with London, Berlin and Paris, is determined solely by imperialist ambitions to control the world’s resources and markets, for which the UN functions merely as a cover and negotiating chamber. The present regime in Iran is seen as an obstacle to these aims.

Israel has long served as the custodian of US interests in the region and is today a likely conduit for launching a military attack on Tehran and its nuclear facilities, should Washington decide on such a course.

As well as seeking to protect a strategic ally, the US and Europe are determined to avoid setting a dangerous precedent that could lead to prosecutions of their own war crimes in Iraq, Afghanistan and Pakistan.

Netanyahu knows this very well. As he warned the major powers in response to Goldstone’s report: “It’s not just our problem. If they accused IDF officers, IDF commanders, IDF soldiers, IDF pilots and even leaders, they will accuse you too. What, NATO isn’t fighting in various places? What, Russia isn’t fighting in various places?”

Such shared political concerns explain why Israel has been given free rein by Washington to defy the UN, while Iran is proclaimed a global pariah. That is why Obama declared Israel and the US to be “democracies” that “can shape their own destinies,” even as Netanyahu seeks to legitimise war crimes, while Iran is subject to sanctions and threats.

And it is why British Prime Minister Gordon Brown and French President Nicolas Sarkozy wrote to

Netanyahu declaring their recognition of Israel’s “right to self-defence” following the adoption of Goldstone’s report, while Brown demands the drawing of “a line in the sand” when it comes to Iran’s “breach of international commitments.”

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