
The UN and the Jews

Anne Bayefsky

IT WAS not an event that any of the big newspapers saw fit to cover, but this past December, a draft United Nations resolution condemning anti-Semitism was quietly withdrawn by Ireland, its sponsor in the General Assembly. In a complicated exchange, Irish Foreign Minister Brian Cowen had promised the measure to his Israeli counterpart Silvan Shalom, but in the end Cowen refused to carry out his side of the bargain, pointing to a lack of consensus on the issue. (Several Arab and Muslim states had objections.) Thus went by the boards what would have been the first-ever General Assembly resolution dealing directly with the problem of anti-Semitism.

And thus, too, has gone much else at the UN in the name of human rights. Indeed, for veteran observers of the goings-on at Turtle Bay, the outcome of the latest session was just one more episode in a long and ugly history. Even when judged against the hypocrisy with which the UN has frequently treated its own founding principles—principles of tolerance, human dignity, and national self-determination—the international body’s abiding hostility to the just claims of Israel and the Jewish people remains a special, and especially egregious, case.

THE EVENTS of World War II and the Holocaust weighed heavily on the founders of the United Na-

tions. The starting point of the new organization’s Universal Declaration of Human Rights, adopted in 1948, was the determination to overcome the “disregard and contempt for human rights” that had “resulted in barbarous acts which have outraged the conscience of mankind.” Nazism had tried to eradicate one people, the Jews. The UN’s core documents generalized from that case, declaring that global progress depended on respect for fundamental freedoms without distinction of race, sex, language, or religion. Human rights were to be the new currency of international politics.

But even as some transgressions of these principles received juridical attention in the UN’s early years—theft of cultural property, gross deficiencies in education and labor standards, and the like—no mention was made of anti-Semitism. Not until 1959, when some 2,000 anti-Jewish incidents, ranging from serious property damage to threats of bodily harm, were reported in almost 40 countries (a large number of them in West Germany), did the UN’s Commission on Human Rights pass a resolution titled “Manifestations of Anti-Semitism and Other Forms of Racial Prejudice and Religious Intolerance of a Similar Nature.” By the time the resolution reached the floor of the General Assembly, however, the term “anti-Semitism” had been dropped.

Drafters of the UN’s key declarations on human rights soon became masters at evading the issue. When, in 1964-65, the American delegation (with

ANNE BAYEFSKY, a new contributor, is a professor of political science at York University in Toronto and an adjunct professor at Columbia University Law School.

the assistance of Brazil) tried to include a reference to anti-Semitism in the International Convention on the Elimination of All Forms of Racial Discrimination, the effort failed, thanks to the Soviet Union, its satellites, and its Arab allies, who among other things insisted that anti-Semitism was a question not of race but of religion. When the UN finally got around to adopting its first declaration on religious intolerance in 1981, anti-Semitism was again excluded. By 2003, the lead sponsor of the perennial resolution on religious tolerance, Ireland, insisted with a straight face that anti-Semitism should be omitted because it was more properly considered under the rubric of race.

Against this unrelievedly dark record of omission, a few glimmers of progress have appeared over the past decade. After tumultuous multi-week negotiations in 1994, the U.S. persuaded the UN Commission on Human Rights to adopt its first resolution including the word “anti-Semitism” in over 30 years—and only the second in its history. Even so, a full third of the commission’s members refused to support it, and eight years later, with the U.S. temporarily voted off the commission, it returned to form, withdrawing its short-lived concern and excising anti-Semitism from the racism resolution. Last year, after drawn-out negotiations, the General Assembly did manage to permit references to anti-Semitism in two resolutions on racism, one of them without effect or follow-up and the second in the full knowledge that other elements in the resolution would force the United States and Israel to vote against it.

By the summer of 2001, at the now notorious UN World Conference Against Racism in Durban, South Africa, the notion that Jews were the target of any special animus, now or in the past, was being treated with simple contempt. References to anti-Semitism were removed from almost all parts of the final declaration. Not only was there no mention of the Holocaust in the conference’s demand that those who incite racial hatred should be brought to justice, but absent as well was any mention of the need to study the Nazi war against the Jews. The only references to the Holocaust and anti-Semitism appeared as part of a “Middle East package” in which Palestinians were declared to be victims of *Israeli* racism.

And what of today, as we experience the world’s most virulent outbreak of anti-Semitic deeds and speech in over a half-century? Concern over this phenomenon did make an appearance, however fleetingly, in two reports issued in 2003 by the UN special investigator on racism, Doudou Diéne. In

one of them, his comment consisted of a short, vague reference to the controversy surrounding the recent broadcast on Egyptian television of a series based on the infamous czarist forgery, *The Protocols of the Elders of Zion*. Unnamed “authorities of the countries concerned,” Diéne wrote, were in the process of sending him further information on this “allegation” of anti-Semitism.

In a second report published last year, this one addressed to the General Assembly itself, Diéne offered a seemingly new approach, promising to turn his attention to the “clear resurgence of anti-Semitism.” But his only action to date has been to take note of the obvious fact that attacks on Jews are “on the rise in Europe, Central Asia, and North America.” Entirely absent from his statements has been any mention of the boiling cauldron of *Middle Eastern* anti-Semitism—a silence all the more remarkable in light of the multiple examples of “Islamophobia” that he has documented with alarm. In this connection, it is worth noting that, though Diéne is now required to produce annual reports “on discrimination against Muslims and Arab peoples in various parts of the world,” no report dedicated to the problem of anti-Semitism has ever been produced by any organ of the UN.

THIS INDIFFERENCE to anti-Semitism has been mirrored by the UN’s growing refusal over the decades to support the principle of self-determination for the Jewish people—that is, Zionism. The irony, of course, is that the UN General Assembly was very much present at the creation of the state of Israel, having endorsed the postwar partition plan for British-ruled Palestine. But much has changed since 1948.

In general, and in the abstract, the UN has remained committed to the ideal of self-governing nation-states. As one characteristic declaration of the General Assembly puts it, “All peoples have a right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.” Indeed, over the years, the UN has developed and extended the principles of self-determination, which are now taken to entail not just the basic right of political independence but guarantees of non-interference by other nations, a realm of domestic jurisdiction and national sovereignty, and the preservation of historical, cultural, and religious particularities.

Where the UN has fallen markedly short is in the application of these principles, and in no case more strikingly than that of Israel. The key factor

has been the changing composition of the international body. From the late 1940's to the mid-60's, the original membership more than doubled. Of the 67 new states joining in this period, 80 percent attached themselves to the Group of 77—the UN's third-world caucus, made up of many former European colonies—and some 40 percent had Muslim majorities. By 1977, the five members of the Arab League who helped to found the UN had been joined by all sixteen others.

To this radicalized and often Soviet-influenced contingent, self-determination was invoked in UN circles not as a general principle but as a tool to wield against the West, especially the U.S. and its increasingly stalwart ally, Israel. Self-determination was a right of the oppressed, to be exerted against oppressors. In the prosecution of this cause, the weight assigned to historical claims was itself selective and discriminatory: those who rejected the UN's 1947 partition plan for Palestine were labeled the oppressed, while Jewish victims, from Palestine to Europe, were characterized as the oppressors.

By this means has the UN negotiated the passage from omission to commission. Not only has it consistently failed to appreciate or even to acknowledge the state of Israel's preservation of Jewish independence and identity, it has become the loudest and most determined foe of the Zionist project.

In 1975 the UN General Assembly passed its notorious resolution explicitly equating Zionism with racism. Ever since then, and notwithstanding the formal repeal of the resolution in 1991, the repellent imagery of Israelis as racists has been a staple of UN rhetoric. Today, diplomats from Arab and Muslim states—states that effectively rendered themselves *Judenrein* in the late 1940's—refer to Israel's new security fence against terrorism as an “apartheid wall.” Palestinian towns and villages are called “Bantustans.” And the Palestinian Marwan Barghouti, on trial in Israel for acts of terrorism, is labeled another Nelson Mandela.

To judge by the UN's official pronouncements, the Jewish state is the world's archetypal human-rights villain. Over the past 40 years, almost 30 percent of the resolutions passed by the UN Commission on Human Rights to condemn specific states have been directed at Israel, which also has the distinction of being the only state to which the commission has devoted an entire item on its agenda.

As for the General Assembly, of the ten emergency special sessions it has convened in its history, six have focused on the purported misdeeds of Israel, from the Suez campaign of 1956 to the current dis-

pute over the security fence. The abuse of this process has gone so far that the tenth session, originally convened in 1997, has become a permanent, open-ended forum; it has now been “reconvened” twelve times, most recently this past December.

Israel has been singled out in other ways as well. In the UN bureaucracy, it is the only country with its own standing inter-state monitor: the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. Established as long ago as 1968, this body has issued annual reports ever since. Another committee, on the Exercise of the Inalienable Rights of the Palestinian People, was established in 1975, on the same day the General Assembly passed the Zionism-is-racism resolution. Still going strong almost three decades later, with 24 members and 25 observers, it too summarizes its findings every year while at the same time sponsoring a full program of meetings, conferences, and publications. In 2003 alone, the UN bureaucracy generated 22 reports and formal notes on “conditions of Palestinian and other Arab citizens living under Israeli occupation.”

The UN's response to an Israeli military incursion into the West Bank town of Jenin in April 2002 typifies the organization's treatment of the Jewish state. At the time, even a report by Yasir Arafat's Fatah movement recognized Jenin as “the suicider's capital,” a place where organizations like Hamas and Islamic Jihad had sought shelter, among civilians, for their ongoing murderous operations. But the UN saved its venom for Israel's armed response to the violence directed against its citizens. Terje Roed-Larsen, the organization's special coordinator for the Middle East peace process, described the scene after Israel's strike—a strike expressly designed to limit civilian casualties—as “horrific beyond belief.” Peter Hansen, commissioner general of the UN Relief and Works Agency, called it “a human catastrophe that had few parallels in recent history.” A UN press release was headlined, “End the horror in the camps.” Only much later, in mid-summer, did the UN Secretary General release a report on Jenin noting that the Palestinian death toll from this “massacre” was 52, approximately 35 of whom were armed combatants.

ISRAEL'S POLICIES are, of course, fair game for legitimate criticism. But the UN's outrage is grossly selective, especially when one considers the record of any number of other member nations. In 2003, the General Assembly passed eighteen resolutions that singled out Israel for criticism; human-

rights situations in the rest of the world drew only four country-specific resolutions. Nor, despite serious and well-documented charges of abuse reported to the UN over the years from, among others, the organization's own special rapporteurs, has any resolution of the UN Commission on Human Rights ever been directed at China, Syria, Bahrain, Egypt, Saudi Arabia, the United Arab Emirates, Yemen, Pakistan, Malaysia, Mali, or Zimbabwe.

Consider the case of Sudan. This past year, members of the UN Commission on Human Rights had before them the report of their own special rapporteur on torture, which described the articles of the Sudanese penal code mandating "cross amputation"—the amputation of the right hand and the left foot—for armed robbery and, for other offenses, "death by hanging crucifixion." The report also took note of various cases in which Sudanese women had been stoned to death for adultery after trials conducted in a language they did not understand and in which they were denied legal representation.

The response to these gruesome findings? On behalf of the Organization of the Islamic Conference, Pakistan vehemently objected to a draft resolution condemning this sort of "cruel, inhuman, and degrading treatment or punishment," declaring such views "an offense to all Muslim countries." The resolution went down to defeat; for good measure, the commission terminated the ten-year-old position of rapporteur on human rights for the long-suffering people of Sudan.

The justifications that are typically given for turning a blind eye to human-rights violations in 95 percent of UN states are predictable enough. In 2003, teaming up to defeat a resolution condemning Russian behavior in Chechnya, Syria and China called it "interference in the internal affairs of that country." India said that "every state had the right to protect its citizens from terrorism." When it came to reproving Zimbabwe, South Africa objected to "naming and shaming," while Libya, complaining that the resolution was "an attempt to make the commission a forum to settle differences between countries," declared its preference for "the language of cooperation and dialogue."

How is it, one might wonder, that such reservations never give the UN a moment's pause when it comes to the organization's relentlessly one-sided prosecution of Israel—a democratic state with an independent judiciary that, unlike all these others, can point to a long and distinguished record of respect for human rights? The demonization of Israel would seem to be about something else entirely.

WHAT THAT something is has become too clear to deny: over the past several decades, the UN has fashioned itself into perhaps the foremost global platform *for* anti-Semitism.

The leading agent of this process, needless to say, has been the Palestine Liberation Organization (PLO), Israel's supposed "partner in peace," in close cooperation with Arab and Muslim members of the UN. In presentations to the UN Commission on Human Rights, Palestinian delegates have repeatedly devised new variations on the medieval blood libel, accusing the Israelis of such things as needing to kill Arabs for the proper observance of Yom Kippur and of injecting Palestinian children with HIV-positive blood.

By Palestinians and others, Israelis are now routinely condemned with Nazi terminology—current resolutions speak of the "Judaization" of Jerusalem—or are themselves likened to Nazis. As the Algerian representative recently observed, in an especially memorable outburst:

Kristallnacht repeats itself daily. . . . Israeli soldiers are the true disciples of Goebbels and of Himmler, who strip Palestinian prisoners and inscribe numbers on their bodies. . . . Must we wait in silence until new death camps are built. . . . The Israeli war machine has been trying for five decades to arrive at a final solution.

The nadir of the UN's record in these matters was the conference on racism and xenophobia held under its auspices in Durban in 2001. It would have been bad enough if (as we have already seen) the event had simply refused to acknowledge the growing problem of anti-Semitism; but it went much farther, turning into a festival of hatred against the Jews.

Though the Durban conference concluded with a formal meeting of government representatives, its first half consisted of an NGO forum—a meeting, that is, of the various nongovernmental organizations purportedly devoted to combating racism. NGO's play a key role in the UN system, with some of them receiving formal status, but here Jews have once again been singled out for discriminatory treatment. Over the years, attempts have been made to impede groups like Hadassah, the Simon Wiesenthal Center, and the International Association of Jewish Lawyers and Jurists from obtaining official accreditation. Durban gave some idea why.

At the conference's NGO forum, the Arab Lawyer's Union freely distributed books containing cartoons of swastika-festooned Israelis and fanged, hooked-nosed Jews, blood dripping from their hands. Another best-selling title was *The Pro-*

ocols of the Elders of Zion. Hundreds of flyers were distributed with a picture of Hitler and the words, "What if I had won? The good thing—there would be no Israel." Appeals to the conference's secretary-general, UN High Commissioner for Human Rights Mary Robinson, to demand the removal of this anti-Semitic literature went unheeded.

The NGO forum at Durban did sponsor a single event on anti-Semitism, but it was disrupted by an angry mob of protesters, shouting, "You are killers! You are killers!" A news conference the following day, called by a broad range of national and international Jewish organizations, was similarly interrupted, this time for the benefit of the TV cameras, and was finally called off.

As the NGO forum drew to a close, the Jewish caucus, like all the other caucuses, submitted provisions for the conference's final document. The group's contribution stated that anti-Semitism could take many forms, including the equation of Zionism with racism, the attempt to de-legitimize the self-determination of the Jewish people, and the targeting of Jews throughout the world for violence because of their support of Israel. When the time finally came for a vote, a representative of the World Council of Churches called for the deletion of this language; the Jewish caucus was alone in voting against the motion. Jewish NGO's from all over the world walked out in protest, even as representatives of Amnesty International, Human Rights Watch, and the Lawyers Committee on Human Rights stood by in silence. No statement proposed by any other caucus was deleted.

DID THE UN system learn a lesson from this fiasco? To the contrary. Just months after Durban, Vladimir Petrovsky, director-general of the UN office in Geneva, declared the conference "the most extensive and momentous expression of the global resolve to combat the scourge of racism and intolerance in all its forms and at all levels." Commissioner Mary Robinson agreed, telling a subsequent UN human-rights gathering that the Durban conference's International Youth Summit—a part of the NGO forum at which young Jews from all over the world were jeered, heckled, and threatened, before eventually walking out—had been "an inspiring event."

In the two years since Durban, whose outrages were quickly overshadowed by the events of 9/11, anti-Semitism voiced under the auspices of the UN has taken a new and, arguably, even more dangerous turn. In every UN body, Arab and Muslim states have opposed any effort to give meaningful

definition to the notion of terrorism, largely because of its obvious implications for the Palestinian "uprising." The UN Counter Terrorism Committee, set up by the Security Council in the wake of 9/11, has yet to identify publicly a single terrorist organization or state sponsor of terrorism.

Worse still, organs of the UN have taken to glorifying terrorist violence against Israeli targets. In 2002, John Dugard, a special rapporteur for the Commission on Human Rights, could barely contain his admiration for the murderous enemies of the Jewish state: "The Palestinian response is equally tough: while suicide bombers have created terror in the Israeli heartland, militarized groups armed with rifles, mortars, and Kassam-2 rockets confront the IDF [Israeli army] with new determination, daring, and success."

In 2003, as Israel suffered successive waves of attack against its civilians, the commission itself put forward a resolution affirming the legitimacy of suicide bombing, declaring that movements against "foreign occupation and for self-determination" were entitled to "all available means, including armed struggle." The only members to vote against the resolution were Australia, Germany, Peru, Canada, and the United States. (France and the United Kingdom abstained.) The American and Canadian delegates protested that the resolution was "contrary to the very concept of human rights" and "deeply repugnant to the commission's core values." It carried by a wide margin.

IT IS no accident that a UN apparatus which, for decades, has ignored anti-Semitism and distorted beyond recognition the idea of Zionism would seek to isolate Israel from the global community. At the UN, Israelis and Jews are, by definition, oppressors, as are the nations and organizations that rally to their cause. The energy with which these hateful views are expressed has ebbed and flowed over time, but there is no reason to think that the underlying reality will change anytime soon.

To appreciate the dimensions of this tragedy one need only recall the lofty promises of the UN Charter, ratified in the hope of securing the "equal rights of men and women and of nations large and small." By this plain and unambiguous standard, anti-Semitism is not some necessary if unfortunate by-product of multilateral progress, as some would suggest. It is an out-and-out malignancy, and it has compromised the integrity of the entire organism. Perhaps it is time to stop holding seminars and conferences on whether the UN glass is half-full or half-empty. The contents of the glass have been poisoned.