

# Israel and the United Nations\*

Public Lecture for the Bullock Chair, Hebrew University

Prof. Stephen J. Toope  
Munk School of Global Affairs, University of Toronto

19 May 2015

Thank you for the kind introduction. It is a real honour to be here again at Hebrew University, this time as Bullock Chair. I offer my sincere thanks to Prof. Ben Yehuda and the Board of the Halbert Centre for Canadian Studies for hosting me so warmly. And a particular thank you to Dapha Oren for all her cheerful logistical support.

When I told friends and colleagues at home in Canada, especially Jewish friends and colleagues, that I was going to come to Jerusalem to talk about Israel and the United Nations, the most common response was an awkward chuckle. One

---

\* I want to thank Ms. Chelsea Rubin (MGA 2016) for her excellent research assistance in the preparation of this lecture. Of course, the views expressed are solely attributable to me. A shorter, edited version of this lecture will be published in the European Society of International Law's online *Reflections* blog.

friend, a specialist on the politics of the Middle East, looked at me strangely and said, “are you sure that you want to do that?”

You too may be wondering why I would pick a topic that is likely to generate more heat than light, more frustration than discussion. We all know of Ben-Gurion’s famous aphorism: “Oom Shmoom.”<sup>1</sup> Even more pointedly, no less a figure than the influential Israeli diplomat and international law scholar, Shabtai Rosenne, argued that by the 1970s “the UN [had] finally become marginal in the policies of most countries, its debates often bordering on the farcical, its agenda repetitive and vituperative” especially in relation to Israel.<sup>2</sup> And only a few years ago, standing at the podium of the UN General Assembly, Prime Minister Netanyahu called the UN “a place of darkness for my country.”<sup>3</sup>

You may also be wondering why a person holding the “James R. Bullock Chair in Canadian Studies” would speak on a subject that seems to have little to do with Canada.

Let me tackle that issue first, and briefly. Canada, Israel and the United Nations have a long history of interaction. Canada was part of the majority of the members of the General

Assembly that supported Resolution 181 of November 29, 1947 giving general political support to the establishment of a Jewish state in Palestine, and agreeing to partition. Then, in 1956 Canadian Foreign Minister, later Prime Minister, Lester B. Pearson worked closely with UN Secretary General Dag Hammarskjold during the Suez Crisis to create a UN peacekeeping force that allowed Israel, France and the United Kingdom to step back from a disastrous military adventure.

Less well-remembered is the role that Canada played (with Denmark), admittedly a futile role, in trying to shape a rational political discussion in the Security Council after the six-day war of 1967. Ultimately, as this audience will know, the Security Council passed Resolution 242, which continues to serve as a touchstone for abortive peace negotiations to this day.

Since the 1960s, Canadian diplomats have generally worked in the UN to try to moderate abusive attacks on Israel, although the Government of Canada – until the current government under Prime Minister Harper – also tried to play a quiet connecting role between Arab states and Israel. In the last few years, Canada has aggressively pursued an agenda supporting

the policies of the government of Prime Minister Netanyahu in all circumstances.

As a Canadian with a focus on global affairs, I am concerned that the continuing tension between Israel and the United Nations, admittedly often provoked by malicious and spurious attacks on Israel in various UN General Assembly and Human Rights Council resolutions, is damaging to the legitimacy of both Israel and the United Nations. This in turn undermines efforts to promote peace and security, and not only in relation to Israel itself.

I am also concerned that the continuing failure to address the open sore of the Israel-Palestinian conflict – an issue that shapes all of Israel’s international relationships including in the UN – undermines not only the security of this region but of many other states as well, including Canada. Why is that? There is consistent evidence from reputable academic studies of radicalization in Western states that one of the primary motivators for young people to become foreign fighters in Syria and Iraq (and to return home as jihadists) is anger at the “foreign policy” of Western governments. That is code for “support for Israeli governmental resistance to Palestinian

claims for statehood.” Failure to conclude an agreement between Israel and the Palestinian Authority undermines the security of all of Israel’s friends around the world.

Canadians have invested significantly over many years in multilateralism generally, and in the UN in particular. That makes sense for a country that sits next to the most powerful state on earth. In the evocative image of Pierre Trudeau: Living next to the USA “is in some ways like sleeping with an elephant. No matter how friendly and even-tempered is the beast, if I can call it that, one is affected by every twitch and grunt.”<sup>4</sup> Within the UN for over fifty years, Canadian self-identity was bolstered through our engagements in peace-making diplomacy. It must be said that we are no longer involved in this activity, but until quite recently, Canadians defined ourselves globally as “honest brokers,” in situations of profound conflict: in relation to Cyprus, Cuba, Sri Lanka, the Balkans, Haiti, and yes, modestly, even in the Middle East.

Therefore, for a Canadian with global interests and commitments, the continuing estrangement between Israel and the United Nations is both frustrating and worrying. In undermining the legitimacy of the UN, it weakens an organization that, for all its many faults, is the only global locus

for debate and negotiation. It also damages the subsidiary organs of the United Nations that do good work on important global issues from pandemic disease to climate change to refugee protection. To the extent that Canada is more influential within multilateral fora than as a unilaterally acting “middle power” in relative decline, given the rise of other “middle powers” such as Korea, Mexico and South Africa, decay in the United Nations is decay in Canada’s ability to contribute to positive diplomatic agendas. Finally, the estrangement of Israel and the UN reinforces doubts about Israel’s willingness to deal with the Palestinian aspirations for statehood, undermining the security of all states that are seen as supporters of Israel, including Canada.

If I have convinced you that a Canadian has an interest in Israel’s relationship with the UN, it remains for me to explain why Israelis should care about an institution that has again and again disappointed and even undermined Israel’s legitimate aspirations as an independent state. The answer to that question will require deeper and more detailed analysis, starting with the very founding of Israel in 1948.

I am not presumptuous enough to lecture you about the history of your own country. But I do need to refer to certain key moments to make my case that Israelis should care about their relationship with the United Nations. Now let's be clear at the outset: the UN did not "create" Israel; Israelis did that for themselves in the War of Independence.

And here, we return to "Oom shmoom." Ben-Gurion first uttered that phrase as a rebuke to then-Prime Minister Moshe Sharëtt, who had argued in a cabinet meeting that UN General Assembly resolution 181 of 1947 allowed the founding of the State of Israel. Sharëtt's diary contains the following account of Ben-Gurion's forceful response: "No, no, no! [He shouted]. Only the daring of the Jews created the state, and not any *Oom-Shmoom* resolution."<sup>5</sup>

But those efforts of will and force in the War of Independence were buttressed by the legitimacy granted by resolution 181, with its partition of the British Mandate territory into two entities, one Jewish and one Arab. And remember that at that time, the United States, later to become Israel's greatest defender within the UN, was actually frustrated by the process of partition.<sup>6</sup> Here are the words of President Truman:

[N]ot only were there pressure movements around the United Nations unlike anything that had been seen there before, but ...the White House, too, was subjected to a constant barrage. ... The persistence of a few of the extreme Zionist leaders—actuated by political motives and engaging in political threats—disturbed and annoyed me.<sup>7</sup>

The US vote to support partition was pressured and seems to have been grudging. I mention this only to make the obvious point that no political alliance is eternal; who could have imagined that Israel's strongest supporter in Europe today would be Germany? Alliances and friendships require constant effort and reinforcement.

Although we typically remember the testy and pragmatic Ben-Gurion as an opponent of the UN, it is useful to recall his own words:

Not just Jewish morality but the basic Jewish interest necessitates that we support the UN. We must be loyal to the institutions of the UN, that is at once a moral and a political incumbency. We need the UN, as the State of Israel, as part of humanity; we are interested in and desire the strengthening of its authority... The UN, as it exists today, lacks all authority and power; it hasn't the ability, the tools or the means to impose its will on sovereign nations.<sup>8</sup>



I will return to the second, questioning, part of this quote later, but for now, I simply want to highlight that at Israel's founding even Ben-Gurion could see value in the UN, at least presumptive value.

It was in those early days that UN representative Ralph Bunche won the Nobel Peace Prize for finding a way forward as the Arab states unanimously rejected partition and war broke out. The Security Council called for an immediate ceasefire, which was in the interest of Israel, not of the Arab states, and established a truce commission. Bunche negotiated the Armistice Agreements that finally gave some breathing room for the State of Israel to strengthen and develop.

Now, I don't want to suggest that all was rosy even at the beginning of the UN's relationship with Israel. Here is some interesting socio-historical context. Shabtai Rosenne argued convincingly that the Basel Programme of the World Zionists evinced a focus on the rule of law as a foundational element of any Jewish state. He recalled the famous demand for "a home in Palestine [for the Jewish people] secured by public law."<sup>9</sup> This "legalistic" approach found echoes in the Balfour Declaration of course, but importantly for the relationship

between Israel and the UN, legalism also framed the attitudes of the United Nations to Israel in its earliest days. The Secretary General, Dag Hammarskjold, kept insisting that Israel comply with its commitments in the Armistice Agreements and the demands of Security Council resolutions even when the Arab states refused to recognize the very existence of Israel.

What emerged in Israeli responses to this UN pressure was what Michael Oren called, in his scholarly days, a moralist reaction to legalism.<sup>10</sup> Ben-Gurion and many subsequent Israeli political actors argued that the UN Charter contains the basic moral premise that independent states are to be respected and that they should not be subjected to the use of force. Given that from the first days of its existence, Israel had been threatened and attacked by its Arab neighbours, who refused to recognize the legitimacy of its existence, the legal details of various treaties and resolutions should be given less weight. The essential *quid pro quo* to Israeli compliance – Arab recognition – was missing. Ben-Gurion kept asking where the fundamental moral principles lay. It was his frustration with the UN's answer – continued legalism – that prompted Ben-Gurion to struggle against the UN for much of his Premiership.

The “moralist” set of questions that rises again and again in Israeli frustrations with the UN may well be rooted in what Rosenne suggests is an important historical strain that ran parallel to the legalist underpinnings of the Zionist cause, that is the idea that the Jewish people are apart and without friends: a people that “dwells alone,” as the Book of Numbers describes the Israelites.<sup>11</sup> To dwell alone requires fundamental faith in oneself, a faith rooted in moral certainty.

There can be no doubt that the Arab rejectionist stance fed an Israeli sense of isolation and threat. That rejectionist view was made manifest with the launch of war upon the declaration of partition. It continued with the refusal of Arab states to meet directly with Israel in the Palestine Conciliation Commission, which led ultimately to the Commission’s collapse. In the early 1950s Arab irregulars were supported by Egypt in attacks upon Israeli villages, while Syria bombarded northern Israel from the Golan Heights. When launching the new Egyptian Constitution in 1956, President Nasser pledged to re-conquer Palestine, and later he expelled the Jews of Egypt. In the lead up to the Six Day War in 1967, Syria declared that only the elimination of Israel could solve the Palestinian situation.

In 1968, the PLO's National Council's Covenant called for the destruction of Israel. This commitment was only withdrawn in the 1990s, as a result of the Oslo accord process, but the required redrafting of the Covenant seems never to have been completed.

The Arab rejectionist attitude was fuelled in part by the Cold War. Although the USSR and its allies had voted for partition in 1947, in their desire to dominate in the developing world, and especially in the Arab world, the USSR became a stern foe of Israel, particularly in the context of the United Nations. One result was the odious, and now-repudiated UN General Assembly Resolution 3379 determining that "zionism is a form of racism and racial discrimination."<sup>12</sup> When the resolution was finally repealed on 16 December 1991 (in the early, heady days after the fall of the Berlin Wall), the Soviet Foreign Minister called the resolution "obnoxious" and a "legacy of the Ice Age."<sup>13</sup> But damage had been done. In a 1998 address in Jerusalem, Secretary-General Kofi Annan called the "Zionism is Racism" resolution the "low-point" in Israel-UN relations, adding that "its negative resonance even today is difficult to overestimate."<sup>14</sup>

After the Cold War the locus of Arab rejectionist activity was firmly placed in the so-called Group of 77, the non-aligned developing world states who constitute a majority of UN members. After the Yom Kippur War of 1973, initiatives taken by Arab and other non-aligned states within the UN were hostile to Israel, but by the later 1970s intense diplomatic activity resulted in the Camp David Accords of 1978, and the Israel-Egypt Peace Treaty of 1979. Yet Arab rejection continued, with subsequent calls for the expulsion of Israel from the UN.

I won't (and couldn't) trace out the entire history of Israel's relations with its neighbours beyond saying that Saddam Hussein targeted Scud missiles at Israel during the first Gulf War in 1991 and two Intifadas resulted in significant terrorist attacks against Israel. Despite an Israel-Jordan Peace Treaty in 1994, and two rounds of Oslo Accords, missiles were fired from Gaza into Israel in 2001 and Hamas came to power in Gaza in 2005, with a stated objective of destroying Israel. Hezbollah attacked Israeli soldiers from its base in Southern Lebanon, resulting in war. Hamas launched rockets into Israel from Gaza in 2008 prompting Israeli intervention. The same pattern repeated in 2014.

Meanwhile, within the UN system during the Cold War and after, with the majority provided by the non-aligned movement, Arab states have been very successful in passing a long series of resolutions, especially in the General Assembly and the Human Rights Commission, later Council, condemning Israel. For example, in the 2013-14 session of the UN General Assembly, 21 separate resolutions singled out Israel for criticism; only four dealt with other countries, one each for Syria (in the midst of a bloody civil war prompting massive refugee flows), Iran, North Korea, and Myanmar. The same was true in 2014-15, when 20 resolutions were passed specifically singling out Israel for condemnation.

Within the Human Rights Council the imbalance in attention is even more pronounced because Israel is the only country that is subject to a targeted discussion every year under Agenda Item 7 (“the human rights situation in Palestine and other occupied Arab territories”). The human rights situation in all other states in the world is discussed under Agenda Item 4 (“human rights situations that require the Council's attention”). Examples of unbalanced resolutions are legion. In recent times, the failure to acknowledge Hamas rocket attacks

against Israel while condemning Israeli responses has been especially troubling.

One superficial response to the continuing condemnation of Israel in the UN System is to say that the fundamental problem is one of “communication”: if only the world understood Israel better, balance would be achieved, and Israel would be more respected internationally. One hears of the need for more effective “*hasbara*,” or public diplomacy.

Of course, that assumes that Israel’s story is not well known internationally. That assumption is not true, in my estimation. Because of its close relationships with some key Western states, notably the United States, but also Canada, Germany, the United Kingdom, and Australia, for example, Israeli governmental views are very well known in the global press. Governmental spokespersons are fluent in English and other European languages, and sophisticated in their communications. No, the central problem is not merely that Israel’s case has not been made.

I submit, with great respect that the “*hasbara*” solution also assumes that widespread global criticisms of Israeli

government policy are without foundation. That is also untrue, I believe. I have already briefly traced out the history of Arab rejectionist attitudes, of Cold War attacks on Israel and of the capture of some UN organs by unbalanced anti-Israel forces. But there is an important parallel story of some Israeli government decisions and policies over many years that have antagonized even friendly governments and alienated global public opinion. Let me trace out a few examples. My goal is not to stigmatize, but to make the fundamental point that Israel is a state with interests and values. All states have interests and values. They often conflict. No state is blameless in international affairs.

In 1956, as UN Secretary-General Hammarskjold first entered directly into mediation of the continuing conflict between Israel and Egypt, and sought to reinforce the proscription of “warlike or hostile acts” in the General Armistice Agreement, Israeli forces overran an Egyptian position at al-Sabhah, killing 200 Egyptian soldiers. Hammarskjold was furious. The next year, in response to Egyptian shelling that caused few casualties, the Israel Defence Force bombarded the Gaza market, killing 66 people – this only three days before Hammarskjold was to arrive in Israel.<sup>15</sup>



In 1967, the famous Security Council Resolution 242 guaranteed the “territorial inviolability and political independence of every State in the area,” a boon to Israel given continuing Arab rejectionist attitudes. But it also required Israeli forces to withdraw from “territories occupied in the recent conflict,” the *quid pro quo* being a commitment to mutual recognition by all the states in the area and acknowledgement of “their right to live in peace.”

Despite peace treaties with Egypt and Jordan that meet the conditions of Resolution 242, occupation of the West Bank continues. I fully understand the complexity of the issues: the fact that other Arab states have not met the conditions of Resolution 242, and that a commitment to “peace” by the Palestinian leadership has not been manifest. However, for many people around the world the abject failure to make any progress in withdrawal from the West Bank is an issue of sincere concern.

Later, two Israeli invasions of Southern Lebanon prompted international opprobrium, even from close allies like the United States and Canada. This was especially true in 1982,

after the slaughter by Lebanese militiamen allied with Israel at the Sabra and Shatila refugee camps. I must remind you that the Israeli-government-created Kahan Commission found that Israel was indirectly responsible for the atrocity and that Israeli Defence Minister Ariel Sharon was personally responsible "for ignoring the danger of bloodshed and revenge" and "not taking appropriate measures to prevent bloodshed." It was recommended that Sharon be dismissed as Defence Minister.<sup>16</sup> Much later, of course, Sharon visited Temple Mount while opposition leader, sparking (note that I do not say "causing") the second Intifada.

In 1985, Israeli forces attacked the PLO headquarters in Tunis, prompting condemnatory Security Council Resolution 573, where the US chose to abstain rather than exercising its veto. All 14 of the other members of the Council voted to censure Israel. In 1996, the Israeli government opened a new exit to the Western Wall tunnel, triggering a wave of Palestinian violence and yet another Security Council resolution condemning Israel, passed by 14 of 15 members with the US again choosing to abstain.

Of course, the most provocative of the Israeli governmental decisions, the collection of initiatives that has prompted the greatest and most widespread condemnation, is the expansion of settlements on the West Bank. Tensions around this subject in the UN were already high in 1979, when the Security Council adopted Resolution 446, stating that “the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.” The US abstained, allowing the resolution to pass.

Settlement activity was more and less active (with shifting Israeli government policies) in the 1980s and 90s. In August 1996, a previous freeze on settlement construction on the West Bank and Gaza was lifted, and in December of that year financial subsidies to settlement communities were reinstated. In 1997, construction was approved on Har Homa in southern East Jerusalem, prompting a General Assembly condemnation where the votes were 120 in favour, with 3 against and 5 abstentions.

Although the Gaza settlements were forcibly abandoned in 2005, and I know that this was very difficult within Israel, settlement activity on the West Bank continued with a 10-month pause beginning in 2009, in the vain hope of triggering peace talks with the Palestinian Authority. As recently as May 2015, the UN Secretary-General, Ban Ki-moon, expressed grave concern about Israeli government proposals to further expand settlement in East Jerusalem.<sup>17</sup>

One would be hard-pressed not to support the question posed in an article in *The Economist*, generally sympathetic to Israeli policy: “How can vigorous attempts to colonise the occupied territories be reconciled with Israel’s claim to accept [Resolution] 242 and the principle of land for peace that underlies it?”<sup>18</sup> Somewhat earlier, former Secretary General Kofi Annan made the point explicitly in a speech right here in Jerusalem: “The great mass of world opinion, including many countries that are sympathetic to Israel and to the Israeli dilemma, genuinely feels that Israel is doing a great disservice to its cause and its standing by persisting with these [settlement] practices.”<sup>19</sup> Lest you conclude that Kofi Annan was not “balanced “ in his criticism, note that three years later, he spoke in Amman before the Arab League and criticized Arab

states for their failure to recognize Israel's right to exist. He noted that Arab criticisms of Israeli government policy would ring truer "if many Israelis did not believe that their very existence is under threat. Israel has a right...to exist in safety within internationally recognized borders."<sup>20</sup>

International concern over expanding settlements was exacerbated with the decision of the Israeli government to respond to the terrorist activity of the second Intifada by building a security Wall. First approved by Cabinet in 2001, the Wall was constructed from June 2002 to protect Israel and some major settlements. In 2004, 13 of 15 Judges on the International Court of Justice concluded that the construction of the Wall was "contrary to international law." Many of these judges were highly distinguished and had no history of anti-Israel bias. The Court can be criticised, and was by some of its leading members in Separate Opinions, for not providing adequate context to its decision, revealing more about *why* Israel built the Wall. But the fact remains that the vast majority of a distinguished bench concluded that Israel had violated international law.

I provide this brief summary of controversial Israeli governmental decisions and policies since the 1950s to emphasise that the sometimes-negative reputation of Israel internationally is not due only to a failure in *hasbara*. Many people and governments around the world actually disagree with Israeli actions and policies on important matters. That should not be a surprise. Israel is a state and states do not always act wisely or even sensibly. Not Israel, not the United States, not Canada, not France, not Thailand. They are often worthy of criticism. That gets expressed routinely in the United Nations.

For some governments the criticism is rooted in rejectionist attitudes, the desire to see Israel disappear; and it *is* compounded in some cases by overt or thinly veiled anti-Semitism. That is what makes unbalanced criticism of Israel so hard to take, and why it is so corrosive to wider international discourse.

Nonetheless, it is possible to be entirely sympathetic to Israel's security plight, to support its right not only to exist but to thrive and to contribute actively in the global world, and yet to

be strongly critical of specific actions and policies of Israel's governments.

What does this mean for Israel's relationship with the United Nations? The most important point is that the United Nations is us, "we the peoples of the United Nations" as the Preamble to the UN Charter says. To complain about the United Nations is actually to complain about global attitudes and global governance. If the UN disappeared tomorrow, political and security pressures on Israel would be no less – in fact, without any framework for debate, and any possibility for moderating influences, Israel's position in the world might well be worse.

There is relatively recent evidence to support this claim. Every now and then within the UN, actions are taken and statements made that are strongly reaffirming of Israel, its interests and values. For the first time in 2004, the UN Department of Public Information held a conference on anti-Semitism in New York, a conference opened by the Secretary-General himself. Later that year, the Third Committee of the General Assembly passed a resolution on the "elimination of all forms of religious intolerance" including anti-Semitism. This resolution was precursor to a resolution of the entire General Assembly

establishing January 27<sup>th</sup> as “International Holocaust Memorial Day.”

In 2005, the Israeli Ambassador to the UN was appointed to be one of the 21 Vice-Presidents of the General Assembly, the first to be so chosen since Abba Eban in 1953. Somewhat later, then-Israeli Foreign Minister Tzipi Livni suggested in an speech to Israel Model UN students that UN Security Council Resolution 1701 of 2006, which ended yet another Lebanon War, “represented the interests of Israel.”<sup>21</sup> That resolution was the result of intense and effective political negotiation – lead by the US and France – but with constant Israeli involvement. Then, in 2007, for the first time ever an Israeli official was selected to head up a General Assembly Committee.

In the same period, as part of his UN reform efforts, Secretary-General Annan criticised the old Human Rights Commission explicitly for its “disproportionate focus on violations by Israel.”<sup>22</sup> Sadly, the transformation of the Human Rights Commission into the Council has not achieved Annan’s ambitions on many fronts, including in relation to Israel. But the fault remains with states themselves and not abstractly with “the UN.” More recently, in 2014, after Hamas kidnapped



an IDF soldier, Secretary-General Ban Ki-moon condemned “in the strongest possible terms” ceasefire violations by Hamas and demanded the immediate release of the captive soldier.<sup>23</sup>

The United Nations, even the General Assembly, is not invariably opposed to Israel. And there is evidence that Israel can engage and affect decisions, admittedly usually with the assistance of its friends, especially the United States. But that is the nature of international diplomacy. To be effective, and to protect national interests and values, one needs allies and friends.

I don't pretend that Israel will be able to attract majority support in the UN General Assembly at any time in the foreseeable future. The influence of the Arab states with the non-aligned movement remains strong. And the unbalanced criticisms of the Human Rights Council will continue. To be a member in good standing at the United Nations, a state simply must exist *de facto*. Although in theory states must pledge to uphold the principles of the UN Charter, in practice there is no substantive test for UN membership, certainly not democratic governance, or a fundamental commitment to peace or human rights. We may deplore that state of affairs, but it applies

universally and the effects are felt by all states, not just by Israel. So we will continue to see gross human rights abusers and aggressors sitting in the General Assembly and lecturing states that are far more committed to the UN principles. We will even see terrible regimes represented on the Human Rights Council, as long as enough states vote for them. Again, the UN is us – collectively what the world actually looks like.

There is even some logic to the “contentless” UN membership criteria: it ensures that there is at least one place where the whole world can gather and talk. The talk may be frustrating, the posturing hypocritical but as Churchill famously said “[t]o jaw-jaw is always better than to war-war.”

And here is an important point to remember: for the most part, Israel has been able to see its reasonable interests protected where it counts most, in the Security Council. This is where Israel should focus its most serious engagement with the UN, and it is here where the controversial policies of the Israeli Government, especially settlement policies, expose Israel to the greatest risk.

Let us return briefly to Resolution 242 of 1967. The Security Council found a balance that can still fit with Israeli interests and values: contrary to what many anti-Israel polemicists assert, the Council did not demand unilateral withdrawal from the newly won territories. It called for a negotiated settlement of the Israel-Arab conflict based on the premise that land should be exchanged for peace. It is also worth noting that at no time has the Security Council passed a resolution relating to the Arab-Israeli conflict explicitly invoking its Chapter Seven powers. Chapter Seven would allow the Council to authorize mandatory action by UN members. Instead, all Council resolutions that involve Israel have been taken under Chapter Six, dealing with the peaceful resolution of disputes. This has protected Israel from any claim that its actions justify the use of force against it.

As I conclude, I want to return to the assessment offered by Ben-Gurion seventy or so years ago:

The UN, as it exists today, lacks all authority and power; it hasn't the ability, the tools or the means to impose its will on sovereign nations.<sup>24</sup>

It is still true that in almost all cases the UN cannot "impose its will on sovereign nations." It is only the Security Council,

operating under Chapter Seven that has any quasi-legislative power for the world. Israel has always had at least one good friend on the Security Council, one with a veto. At various points in the past, other friends and allies like the UK and France have also weighed in to ensure some measure of protection for reasonable Israeli interests.

But we have seen that there have been times when friendship has been stretched; when the US and others have not been able to condone specific actions of the Israeli government. It is at such times that Israel should genuinely worry about its relationship with the UN, by which I mean its relationship with the states of the world. As one former Israeli Foreign Minister argued not so long ago, “we live in a world where UN decisions have significance” and where Israel must constantly work to enhance its ability to influence UN positions and decisions.<sup>25</sup>

Israel, precisely because it is threatened by some states that do not yet accept its right to exist, must find ways to maintain and develop relationships of mutual respect with a range of states, and especially with the United States. Like all states, Israel will articulate its own interests and values, but it does so in a world of constant and deep interaction, epitomised by discussions

and actions in the United Nations. If it is true that a powerful strain of Jewish history speaks of a “people that dwells alone,” I suggest that our contemporary, interconnected world may not be sympathetic to that idea. Israel is a part of the United Nations and of the disunited world. To be alone is to be under constant and increasing threat.

---

<sup>1</sup> Moshe Sharett, *Yoman ishi* [“Personal Diary”], vol. 3 (Tel-Aviv: Sifriyat Ma'ariv, 1978) 874, translated from the Hebrew in Neil Caplan, “Oom Shmoom Revisited: Sharett and Ben-Gurion” (unpublished, 2010) 2, online at <http://www.sharett.org.il/downloads/pdf/OomShmoom.pdf> (accessed 3 July 2015).

<sup>2</sup> Shabtai Rosenne, “Israel and the United Nations: Changed Perspectives, 1945-1976” (1978) 78 *The American Jewish Year Book* 3, at 8.

<sup>3</sup> Benjamin Netanyahu, “Remarks by PM Benjamin Netanyahu to the U.N. General Assembly” online at [http://mfa.gov.il/MFA/PressRoom/2011/Pages/Remarks PM Netanyahu UN General Assembly 23-Sep-2011.aspx](http://mfa.gov.il/MFA/PressRoom/2011/Pages/Remarks%20Assembly%2023-Sep-2011.aspx) (accessed 3 July 2015).

<sup>4</sup> Pierre Eliot Trudeau, Speech at the National Press Club, Washington D.C., 25 March 1969, online at <http://www.cbc.ca> (digital archives) (accessed 13 August 2015).

<sup>5</sup> *Supra* note 1.

<sup>6</sup> Michael B. Oren, “Ambivalent Adversaries: David Ben-Gurion and Israel vs. the United Nations and Dag Hammarskjold, 1956-57” (1992) 27 *Journal of Contemporary History* 89, at 91.

<sup>7</sup> George Lenczowski, *American Presidents and the Middle East* (Duke U. Press, 1990) 28 (quoting Harry S. Truman, *Memoirs* 2, at 158).

<sup>8</sup> Quoted in Oren, *supra* note 6, at 91.

<sup>9</sup> Quoted in Rosenne, *supra* note 2, at 4.

<sup>10</sup> Oren, *supra* note 6, at 120.

<sup>11</sup> Numbers 23:9, quoted in Rosenne, *supra* note 2, at 4.

---

<sup>12</sup> UNGA Res. 3379 (XXX), 10 November 1975 (the lower case z in “zionism” is in the original).

<sup>13</sup> Norman Kempster & Michael Parks, “Soviets Join U.S. on U.N. Zionism Issue: Policy: Moscow reverses longstanding resolution condemning Israel as a racist state” *Los Angeles Times*, 25 September 1991, online at [http://articles.latimes.com/print/1991-09-25/news/mn-2540\\_1\\_soviet-foreign-policy](http://articles.latimes.com/print/1991-09-25/news/mn-2540_1_soviet-foreign-policy).

<sup>14</sup> Kofi Annan, “Israel and the United Nations,” a speech to the Israel Foreign Relations Council and the United Nations Association of Israel, Jerusalem, 25 March 1998, SG/SM/6504/Rev.1, online at [unispal.un.org](http://unispal.un.org) (accessed 13 August 2015).

<sup>15</sup> Oren, *supra* note 6, at 94 and 96.

<sup>16</sup> *Report of the Commission of Inquiry into the events at the refugee camps in Beirut* [Kahan Commission], 8 February 1983, online at <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook6/pages/104%20report%20of%20the%20commission%20of%20inquiry%20into%20the%20e.aspx> (accessed 3 July 2015)

<sup>17</sup> Ban Ki Moon, “Statement attributable to the Spokesman for the Secretary-General on Israeli settlements in the occupied West Bank, including East Jerusalem,” 15 May 2015, online at <http://www.un.org/sg/statements/index.asp?nid=8632> (accessed 3 July 2015).

<sup>18</sup> “Special Report. Iraq, Israel and the United Nations Double Standards,” *The Economist*, 10 October 2002 online at <http://www.economist.com/node/1378577/print> (accessed 3 July 2015).

<sup>19</sup> Rebecca Trounson, “U.N. Chief Exhorts Israeli Leadership to Resume Trading Land for Peace,” *Los Angeles Times*, 26 March 1998, online at <http://articles.latimes.com/print/1998/mar/26/news/mn-32963> (accessed 3 July 2015).

<sup>20</sup> Michael Slackman, “Annan Raps Israel but Urges Arabs to Accept Jewish State,” *Los Angeles Times*, 28 March 2001, online at <http://articles.latimes.com/print/2001/mar/28/news/mn-43660> (accessed 3 July 2015).

<sup>21</sup> Tzipi Livni, . “Address by FM Livni to the Model Un in Israel,” online at <http://mfa.gov.il/MFA/PressRoom/2008/Pages/Address%20by%20FM%20Livni%20to%20Model%20UN%20in%20Israel%2010-Feb-2008.aspx> (accessed 3 July 2015).

<sup>22</sup> United Nations. Secretary General. Press Release, 8 December 2006, SG/SM/10788-HR/4909-OBV/601, online at <http://www.un.org/press/en/2006/sgsm10788.doc.htm> (accessed 3 July 2015).

<sup>23</sup> Yifa Yaakov (and AFP), “UN Chief Condemns Hamas, Urges Restraint from Both Sides and New Truce,” 1 August 2014, online at <http://www.timesofisrael.com/un-chief-condemns-hamas-urges-restraint-from-both-sides-and-new-truce/> (accessed 3 July 2015).

<sup>24</sup> *Supra*, note 1.

<sup>25</sup> Livni, *supra* note 21.