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Book Review

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BOOK REVIEW

ISRAELI OCCUPATION: INTERNATIONAL LAW AND POLITICAL REALITIES by D.E. George. Exposition Press, 1980. Pp. 126.

Israeli Occupation: International Law and Political Realities is a series of essays examining the role of international law in the Arab-Israeli crisis, particularly in relation to the status of lands which the Israelis conquered during the Six-Day War of 1967 and have continued to occupy since that time. The fundamental principle upon which the author rests his analysis is that "international disputes must be settled by the use of international law" (p. 2). The bodies of international law relied upon are the U.N. Charter and a series of U.N. Resolutions. The author claims to undertake the analysis with "professional objectivity" (p. ix). While objectivity is surely to be desired and greatly admired in such a work, it is often an unrealized goal. Indeed, it appears that while this author has undertaken a much needed analysis of the controversy concerning the Israeli occupation, he has fallen short of his objective of maintaining objectivity. Immediately evident is the fact that the text has been dedicated "[t]o the Palestinian people whose lands are wrongfully held." That the lands are wrongfully held does not seem to be the author's conclusion, but rather his presumption and thesis. It is apparent throughout the book that Mr. George takes a sympathetic stance with the Arab position. For this reason, the text should not be regarded as an objective analysis of both sides of the controversy, but rather as a work carefully analyzing the Arab position and strongly supportive of it.

Article 2, Section 4, of the Charter of the United Nations upholds the right of self-defense and condemns unwarranted acts of aggression. The author claims that on the morning of June 5, 1967, the Israeli Air Force attacked several military airfields as well as the U.S.S. Liberty, an electronics surveillance ship that was monitoring Israeli air sorties. An Arab source is cited as authority. (See footnote 2, p. 12.) The alleged fact is never conclusively established. Uninterested authorities are not cited. A careful examination of the events which led Israel to a preemptive strike leaves the reader no choice, we are told, but to conclude that Israel was in no way justified in issuing such a strike. Imminent threat of force does not authorize preemptive use of force in self-defense. Israel's status is, it is therefore concluded, that of invader-occupant. The author claims that the Israeli government "misinterpreted" many facts and overlooked others. Israel asserted that it feared for its existence and survival. But

this claim is readily dismissed by the author. Mr. George concludes that Israel was never in danger of attack from her Arab neighbors and that the preemptive strike of June 5, 1967, "cannot be justified under the terms of Article 51 of the United Nations Charter" (p. 17). Israel, the author says, has no right of sovereignty, and should withdraw her forces from occupied Arab lands.

Resolution 242, adopted by the United Nations Security Council on November 22, 1967, is claimed by the author to represent the most viable settlement to the dispute. The Resolution includes the inadmissibility of acquisition of territory by war, but requires the withdrawal by Israel from occupied territories to be part of the complete settlement. The Resolution is incorporated in Chapter 6, Article 37, of the United Nations Charter. The Arabs and Israelis have given the Resolution vastly different interpretations. Each side has interpreted the document to its individual advantage. The Resolution has therefor failed to be the basis for a settlement.

The Arabs have called for withdrawal from all territories in accordance with the preamble of Resolution 242. Israel maintains that Resolution 242 requires withdrawal from only some of the territories. Israel's Foreign Minister said in 1973 that the purpose of Resolution 242 is to prevent the recurrence of "a situation of vulnerability and peril that resulted in the 1967 hostilities" (p. 21). The author, on the other hand, notes that the Resolution "demands the immediate and unconditional withdrawal of Israeli forces of occupation from all the territories they occupied and Israeli affirmation of the sanctity of international borders" (p. 21). Mr. George refers to a single Arab source to support his position. Lord Caradon, Foreign Minister of Great Britain and principal architect of Resolution 242, on the other hand, is quoted in 1973 as saying "it is not for us to lay down exactly where the borders should be" (p. 22). Given the greatly divergent interpretations of the Resolution, and given the variance of authoritative opinion on the subject, it would appear that the issue is not as clearcut as Mr. George believes. Considering that it has not been affirmatively and absolutely proven that Israel was the initial aggressor, the legality of the occupation appears to remain in question as well. When the author remarks that most member states of the United Nations have called for immediate Israeli withdrawal from all occupied territories, he once again cites a single Arab authority. Neutral sources are neglected.

In his analysis of the Yom Kippur War of 1973, Mr George reports that Egyptian and Syrian troops were first to cross the cease-fire line. The author attempts to justify Arab actions while at the same time insisting that military aggression is to be condemned internationally. To resolve this apparent inconsistency, the author claims that the Arabs had become frustrated because the Israelis continued to refuse to withdraw from occu-

ped lands despite international protests, and for this reason the Arabs were somehow justified in commencing military activities. It was a defensive measure intended to liberate the occupied territories. Mr. George also asserts that the Palestinian Liberation Organization (PLO) has gained legitimacy in the world community only since the 1973 war because the war brought its claims to light. The inference is that this newly acquired status somehow indicates that Arab military action in 1973 was justified (see p. 83). Since 1973, the PLO has continued to rise in stature. The author is supportive and even laudatory of the PLO. At the same time, the author cites a United Nations General Assembly Resolution denouncing Zionism as a form of racism and racial discrimination. In his quest for objectivity, the author fails to inform the reader that the PLO's charter explicitly calls for the destruction of the state of Israel.

Mr. George concludes that "international law provides a vehicle for the resolution of the Middle East situation . . ." (p. 106). Throughout the text, the author renders a very thorough analysis of the Middle East problem. But it is also apparent that the analysis was conceived and implemented with a strongly pro-Arab bias, and for this reason fails to achieve the level of professional objectivity that is required of such a work. As the author correctly indicates, this text should not be treated as the primary scholarly and authoritative treatise on the subject of the Middle East dilemma, but rather as a detailed analysis setting forth the Arab position in the most favorable light possible.

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