

@CHAPTER = ISRAELI-OCCUPIED<R>TERRITORIES

Only two weeks after President Bush took office, U.S. criticism of Israeli human rights practices became front-page news at home and in the Middle East. The occasion was the publication of the State Department's *Country Reports on Human Rights Practices in 1988*, which included a chapter on the occupied territories, prepared by the Reagan administration, that was far more blunt and accurate than in previous years.

The country report represented the strongest public human rights criticism that the United States had made of its ally since the start of the occupation in 1967. A few days after its release, key members of the House and Senate Appropriations Committees warned that Israel's treatment of Palestinians in the occupied territories was unacceptable and could weaken Congressional support for aid to Israel.

The Bush administration, however, made few public comments during the year that approached this level of frankness. As 1989 progressed with no improvement in the human rights picture in the territories, it became clear that the country report did not mark a shift toward more public stances by the administration on Israel's human rights practices. Instead, President Bush has continued his predecessor's policy -- from which the country report was an exception -- of shunning or toning down criticism of Israel's abuses.

Since the start of the intifada, or Palestinian uprising, in December 1987, U.S. policy in the region has focused on reviving the peace process. In their public comments, U.S. officials have generally cast human rights violations as symptoms of the Arab-Israeli conflict, to be addressed most effectively by achieving a negotiated comprehensive peace in the region. They have argued, at the United Nations and elsewhere, that constant criticism of Israel does not serve the search for peace in the region, although they have not explained how even-handed public criticism of rights violations would derail the diplomatic process. While there is an undeniable connection between the state of human rights and the unresolved larger political conflict, what emerges is that the Bush administration has used the goal of a long-term settlement as a pretext to avoid speaking out on the abuses being committed daily against the Palestinians. Even on the few occasions in which the Bush administration has addressed Israeli abuses publicly, it has tended to address them not as violations of human rights but as obstacles to the peace process.

Criticism by the United States, Israel's closest ally, would not be dismissed lightly by Israel. The U.S. commitment to Israel's security and economic well-being is demonstrated annually by a foreign aid package in excess of \$3 billion, <\$F>U.S. aid sought for Israel in the fiscal year 1990 budget consists of \$1.8 billion in military grants and \$1.2 billion in economic grants. These figures, which were unchanged from fiscal year 1989, represent by far the largest aid program to any country in both absolute and per capita terms. Egypt, the second largest recipient, received a total of \$2.3 billion in assistance in the fiscal year 1990 budget.>

The \$3 billion figure for 1990 was supplemented by an additional \$666.1 million in other forms of economic and military assistance, according to a study conducted by the American Israel Public Affairs Committee. These additional programs include \$179.6 million for the development and purchase of Israeli military equipment, \$100 million in U.S. military stockpiles in Israel, \$183.5 million for the construction of Voice of America relay stations in Israel, and a \$55.5 million savings in interest payments because Congress agreed to disburse the entire \$1.2 billion in economic grants at the start of the fiscal year, instead of in quarterly installments, as is the case for most countries receiving aid. strategic coordination, preferential trade agreements, and other

areas of cooperation.

The Bush administration's diplomacy did give rise to some small progress in the peace process. After beginning his term with a detached approach to peacemaking in the region, President Bush grew more involved in April when he endorsed Prime Minister Yitzhak Shamir's proposal for elections in the occupied territories. The proposal, approved by the Israeli cabinet on May 14 and based on the framework of the Camp David accords, calls for the one-and-a-half million Arab residents of the Gaza Strip and the West Bank, excluding East Jerusalem, to elect representatives to discuss with Israel the future of those territories.

The United States said it backed the Shamir plan not as an end in itself but as a means of setting a negotiating process in motion. The Palestine Liberation Organization ("PLO") and leading Palestinian figures in the territories called the conditions attached to Israel's plan unacceptable, but did not flatly reject the idea of a vote by the Palestinians under occupation.

In July, President Mubarak of Egypt, in consultation with the PLO, proposed a set of conditions for the elections that attempted to bridge the gap between the Israeli and PLO positions. Secretary of State James Baker, working from the Israeli and Egyptian proposals, proposed his own set of clarifications to the plan, which the Israeli cabinet conditionally accepted in November. In December, Egypt, with the PLO's apparent assent, also responded favorably to Baker's plan.

As the diplomacy inched forward, the Palestinian uprising completed its second year with few signs of fading. But the character of the uprising changed somewhat. Confrontations with troops became increasingly the domain of small cells of activists; the mass demonstrations that took place almost daily during the early months of 1988 grew less frequent, although acts of civil disobedience, such as strikes, work stoppages, nonpayment of taxes and peaceful marches, continued.

The most common form of physical confrontation pitted groups of youths hurling stones and occasionally firebombs and other objects at armed soldiers.<§According to the Israeli Defense Ministry, 85 percent of the violent activity is stone throwing; five percent of the violence involves the use of clearly lethal weapons -- firebombs, knives and firearms.> These clashes usually occurred as soldiers of the Israel Defense Force ("IDF") or Border Police moved about Palestinians towns, camps and villages, either on routine patrol or to carry out particular missions: making arrests, collecting taxes or forcing local residents to paint over graffiti, clear roadblocks or remove outlawed Palestinian flags.

The surge in the killing of Palestinians suspected of collaborating with Israel was another trend during the intifada's second year. Activists in the territories threatened and violently punished these suspected collaborators. The number of Palestinians executed on these grounds jumped from 18 during the first year of the intifada to 118 during the second, according to IDF statistics.<§According to the Associated Press, 22 suspected collaborators were slain during the first year of the intifada and 131 during the second.> In many of these cases, it was not possible for outsiders to ascertain the nature of the victim's alleged collaboration or the veracity of the charges.

In trying to suppress the intifada, Israel has relied largely on measures that it had been using, albeit less frequently and intensively, during the first 20 years of the occupation: firing live ammunition at demonstrators and stone-throwers, often in situations where the lives of soldiers were not endangered; deporting or detaining without charge suspected political activists; and imposing collective punishments such as school and university

closings, curfews, travel restrictions and home demolitions. During the second year of the intifada, these measures were on the whole imposed in a manner at least as severe as during 1988.

From December 1988 through the end of November 1989, 295 Palestinians were killed by Israeli soldiers, 11 by Israeli civilians and two by Palestinian collaborators, according to B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories. The total figure of 308 is identical to the number killed during the first year of the intifada. According to B'Tselem, 285 of those fatalities in the second year were caused by bullets of all types, compared with 270 during the first year.

There have been some 50,000 intifada-related arrests during the uprising, according to the Israeli army, and 13,000 Palestinians were in military or civilian jails as of late 1989. IDF figures released in October 1989 showed that approximately 8,400 Palestinians had been administratively detained since the start of the intifada, and 1,889 were then in administrative detention. In late December, B'Tselem estimated the number of administrative detentions during the intifada at 10,000. Administrative detention involves imprisonment without charge or trial. In August 1989, military authorities in the occupied territories doubled the maximum term of administrative-detention orders from six months to one year. The effect of this measure was minor, however, since authorities were able to -- and still can -- renew detention orders indefinitely, subject to review by a military judge. >

The Fourth Geneva Convention Relative to the Protection of Civilians in the Time of War permits occupying powers to detain individuals for "imperative reasons of security" (Art. 78). However, as the State Department's country report observed, "Israel defines 'security' very broadly, and in many cases individuals appear to have been detained for political activities which the authorities regard as a security threat. Many individuals, including academics, journalists, and human rights workers, who have not engaged in or advocated violence or other acts threatening security, have been detained<%-20><%0>.<%-20> <%0>.<%-20> <%0>.<%-20> <%0>.<%-20> <%0>"

The U.S. government maintains that the Fourth Geneva Convention applies to Israel's occupation of the West Bank and Gaza. Israel is a party to that convention, but disputes its applicability to the occupied territories on the grounds that those territories were not legally part of Egypt or Jordan prior to their capture by Israel in 1967, and thus are not occupied within the meaning of the convention. Israel has nonetheless stated that it will abide by the convention's humanitarian provisions.

Curfews, which prevented Palestinians from traveling to work or to market, caused severe economic hardship, disruption of schooling, hunger and medical emergencies. Although curfews were on the average of shorter duration than in 1988, there were nevertheless at least 1200 curfews imposed in parts of the West Bank and Gaza Strip during the first nine months of 1989, including 230 that lasted four days or longer, according to Al-Haq, the Palestinian human rights organization. For 1988 data, see Al-Haq's *Punishing a Nation: Human Rights Violations during the Palestinian Uprising, December 1987-1988.* In June, the entire population of the Gaza Strip was placed under curfew almost continuously for one week.

The State Department's most recent country report reflects an awareness of these and other abuses committed against the population of the occupied territories. But despite their persistence throughout 1989, U.S. officials rarely criticized them openly.

The two exceptions to this pattern of silence were on the issues of deportation and school closings, on which the U.S. spoke out repeatedly and on occasion

forcefully. Between August 1985 and December 1987, Israeli authorities deported 42 Palestinians whom it accused of leading and organizing subversive activities in the territories. During the first eight months of the uprising, another 25 were deported.

The U.S. has repeatedly publicized its view, shared by nearly all governments of the world, that Israel's deportation policy violates the Fourth Geneva Convention. On January 5, 1988, the U.S. voted for the first time in seven years in favor of a Security Council measure critical of Israel. The resolution called on Israel to drop plans to deport nine Palestinians from the territories. In late August 1988, after Israeli authorities named 25 more Palestinians whom it intended to deport -- by far the largest deportation since the start of the occupation -- a State Department official privately warned the Israeli embassy that deportations could damage bilateral relations. A furor erupted when an Israeli diplomatic cable describing the meeting was leaked to the Israeli press.

Since this incident, Israeli authorities have issued no new deportation orders, although all but one of the 25 named in August 1988 were expelled during 1989. U.S. pressure appears partly responsible for deportation being one of the few restrictive sanctions employed by Israeli authorities which has been used less frequently during the last 15 months.

The August 1988 incident demonstrated that the U.S. has raised human rights issues with the Israeli government through diplomatic channels, as it so often claims to do when declining to comment publicly on an issue. It does not, however, indicate whether these private communications are effective, since the impact of the rebuke was clearly magnified by its public disclosure.

To its credit, the Bush administration, like the Reagan administration before it, continued to speak out each time that some of the 25 named in August 1988 were deported. When the first 13 were expelled to Lebanon in January 1989, the Reagan State Department called the action "unacceptable" and "counter-productive." When eight were forced out on June 29, a Bush State Department spokesman stated that the United States is "strongly opposed to deportations," and the U.S. abstained on a Security Council resolution "deeply regretting" the deportations, allowing the resolution to pass by a vote of 14-0-1. When the last four were deported in August 1989, a U.S. abstention allowed a Security Council resolution "deploring" Israel's deportations to prevail by an identical vote.

Explaining the vote to abstain in July, U.S. Ambassador to the U.N. Thomas Pickering said that while the United States joined in the call on Israel to cease the deportations,

“We do not believe...that raising the issue in the Council now, in the form in which it is being presented, will help to reduce tensions or to restore calm. Neither, unfortunately, do we believe a resolution will assist in achieving the cessation of the deportations.... Neither more deportations nor more such resolutions are likely to serve in the efforts in which we all share a responsibility to bring the parties to the negotiating table.

The one other human rights issue that the U.S. publicized in a prominent fashion during 1989 was the closure of schools in the West Bank. On February 3, 1988, after sporadic closures of schools, military authorities on the West Bank ordered all schools closed indefinitely, claiming that they were centers of violent protest. Schools in East Jerusalem and the Gaza Strip remained open most of the time, although pupils in Gaza were forced to miss many days of school due to curfews. On the West Bank, however, from February 1988 until July 1989, with the exception of a few short periods, some 320,000 primary and secondary school students were kept out of classes. As of December 1989, all

universities in the occupied territories had been closed continuously since February 1988, and some for longer.

The United States and its European allies have repeatedly voiced concern to Israeli authorities about the school closures. The U.S. plea for their reopening was made most dramatically in a major policy speech by Secretary of State Baker on May 22, 1989, in which he urged greater pragmatism by both Israelis and Palestinians. Addressing the annual conference of the American-Israel Public Affairs Committee ("AIPAC"), he said:

"For Israel now is the time to lay aside, once and for all, the unrealistic vision of a greater Israel.... Forswear annexation; stop settlement activity; allow schools to reopen; reach out to the Palestinians as neighbors who deserve political rights.

In a manner that typified U.S. policy, Baker urged the reopening of schools as a good-will measure that might improve the atmosphere for negotiations. While such good-will measures are welcome, the U.S. avoided the human rights dimension of the problem -- Israel's closure of West Bank schools was by its comprehensive nature an act of collective punishment, Article 50 of the Fourth Geneva Convention states: "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children." Article 33 of that convention prohibits collective punishments. affecting not only those schools where violence had broken out but every classroom in the West Bank, from kindergarten to university. In July 1989, classes were permitted to resume on the West Bank. In November, however, authorities again closed all West Bank schools through January 10, 1990.

The U.S. position on administrative detentions can be seen in a similar light. The U.S. is on record as opposing "widespread" administrative detention, a characterization that the country report clearly applied to Israel's internment of Palestinians during the intifada. However, during 1989, the issue was raised most frequently as a means of improving the atmosphere for peace talks, rather than as a human rights violation. See, e.g., Thomas Friedman, "U.S. Gives Israel an Outline for Peace: Quick Steps and Long-Range Moves," *The New York Times*, March 14, 1989.

Typical was the State Department's response to the IDF's decision in early August to double the maximum allowable period for an initial detention order, from six to twelve months. "As we have said many times before," the Department spokesman said on September 11, "we oppose the practice of widespread administrative detention. Extending the use of this practice does not, in our view, further efforts to reduce the confrontational atmosphere in the occupied territories."

Nonetheless, this emphasis on measures that reduce tensions may have yielded some results back in April: on the eve of Prime Minister Shamir's departure for Washington for talks with President Bush and Secretary of State Baker, military authorities released more than 400 Palestinian prisoners, including some administrative detainees, though most of those released were nearing the end of their terms. While denying any connection between the measure and the request from the United States to release some detainees, Israeli authorities informed all foreign journalists of the times and locations of the releases.

The release of some detainees who had been held without charge was welcome. But this isolated gesture did not address the basic problem, which was the widespread use by military authorities of the power to detain individuals without charge or trial for renewable periods, subject to minimal review by military judges.

With regard to the use of excessive force by the Israeli military, which the

State Department's country report blamed for "causing many avoidable deaths and injuries," administration officials found little to say publicly during the year. Their preferred response to questions on the subject was to call the violence "counter-productive" and to urge restraint on all sides. In a typical statement, made on April 24 after increasing clashes in the territories had led to the highest number of Palestinian shooting victims in several months, the State Department spokesman said:

"We are deeply concerned over the increase in casualties which have occurred in the course of violent confrontations.... The increase in tension in the territories runs directly counter to the cause of peace. We strongly urge all sides to exercise restraint. We remain determined to work with all parties to break out of the current confrontation and to replace violence with political dialogue and accommodation.

Plastic bullets have been responsible for a large share of the fatalities since their introduction in August 1988 as a supposedly nonlethal means of dispersing violent demonstrators. Plastic bullets were at the center of an uproar in January because their liberal use had caused 47 deaths in five months, according to IDF figures. After the Justice Ministry upheld the legality of their use in non-life-threatening situations, soldiers continued to fire plastic bullets at demonstrators throughout the year, inflicting an additional 70 fatalities by late September 1989, according to an IDF spokesman.

A new controversy over open-fire orders broke out in the summer, after the army permitted soldiers to shoot at the legs of anyone wearing a mask who did not heed orders to halt. Throughout the intifada, Palestinian youths and activists have covered their faces with kafiyehs, a traditional headdress, to avoid identification by authorities and informants. The new policy -- which Israeli authorities said was intended to deter the groups of masked youths from allegedly spearheading the campaign of harassment and violence against Palestinians suspected of collaborating with Israeli authorities -- led to dozens of masked youths, or persons in their company, being killed or seriously wounded by army gunfire.

In 1989, as in the previous year, few soldiers were prosecuted for using excessive force in violation of the open-fire orders. As of October 10, 1989, indictments had been returned in only 13 cases of deaths by shooting or beating since the start of the intifada. The stiffest sentence given so far in these cases was two years' imprisonment. As the country report stated, "regulations were not rigorously enforced; punishments were usually lenient; and there were many cases of unjustified killing which did not result in disciplinary actions or prosecutions."

With the implementation of permissive guidelines on firing plastic bullets and targeting masked persons, the character of IDF shootings changed from the early days of the intifada, when troops frequently faced large crowds and authorities claimed that casualties occurred because troops had been caught ill-trained in riot-control techniques. Israeli claims that the task of quelling disturbances caught the IDF by surprise were dubious. For years, the army had been contending with stone-throwers, roadblocks and large, unruly demonstrations in the territories, although on a less frequent basis. Despite the steady rate of killings and the rising number of child casualties, the U.S. hardly raised the issue of excessive force in public.

One exception was the U.S. response to the clash in the West Bank village of Nahalin on April 13. Early that morning, a raid by border police<The border police is a paramilitary force of the Israeli police that operates in the occupied territories under the procedures and jurisdiction of the IDF.> went awry when the policemen encountered resistance from local youths and responded

with indiscriminate gunfire, killing five. At the U.N., Ambassador Pickering said

"The Nahalin incident is a particularly serious tragedy.... We trust that necessary corrective actions will be implemented promptly [by Israeli authorities]. In the meantime, we urge that Israel make every effort to avoid the unwarranted use of lethal force in the West Bank and Gaza. A high-level IDF panel investigating the incident found that the Border Police had committed serious errors in the planning and execution of the raid, and that they had opened fire without restraint. The panel recommended that the commander of the Bethlehem region, who had ordered the raid, be transferred from his post. The officer was reassigned to another post of equal stature in the West Bank."

The administration also made a couple of cautious statements on acts of violence committed by Israeli settlers against Palestinians. Responding to a spate of such violence, the State Department spokesman said on March 30: "We condemn vigilante attacks. We note the Israeli government's view that there could be no justification for people taking the law into their own hands. We certainly agree." And on June 9, Ambassador Pickering called "the recent escalation in attacks by Israeli settlers against unarmed Palestinians an especially disturbing development." These statements, while welcome, did not allude to one of the reasons such vigilantism was on the rise: Israel's courts treat settlers who use force illegally far more leniently than Palestinians who are convicted of throwing stones or other acts of violence. This point, noted in the State Department's country report, should have been made again.

Other violations catalogued in the country report, including poor prison conditions, inadequate due process for Palestinians suspected of security offenses, and allegations that detainees and persons under interrogation were beaten or mistreated, did not prompt further public comment in 1989. We are also aware of no statements made by U.S. officials on prolonged punitive curfews, which restricted the lives of more Palestinians than any other Israeli policy during the uprising. On the issue of house demolitions and sealings, Tselem reported that in the second year of the uprising, Israeli authorities demolished at least 138 houses in the occupied territories belonging to the families of persons suspected of having carried out serious acts of violence. A further 222 homes were completely or partially sealed shut on the same grounds. Almost invariably, the sanctions were carried out before the suspect was convicted; in some cases, the suspect was still being sought. These figures represented an increase over the first year of the intifada, when at least 119 houses were demolished and 40 were sealed because of a suspected security offense by a resident or family member. Ambassador Pickering reiterated the U.S. view, on November 7, that this policy contravened the Fourth Geneva Convention, but the matter was not publicly raised elsewhere to our knowledge.

In April, the Bush administration ruled against a petition by an Arab-American group to revoke Israel's trade benefits under the Generalized System of Preferences ("GSP"). The petition, filed under U.S. law barring GSP benefits to countries that violate internationally recognized worker rights, argued that Israel violated the rights of Palestinian workers. The administration's decision was based on the narrow legal ground that because the GSP legislation mandates a review of labor conditions *within* countries, it could not be used to evaluate conditions in the occupied territories, where Israeli sovereignty is not recognized by the United States. While this is a colorable argument, it is regrettable that the administration found no occasion during the year to

comment on Israel's closure of many trade-union offices in the West Bank and the detention of scores of union leaders and activists. In the case of the office closures, Israel usually claimed that the trade unions were fronts for the PLO but rarely provided evidence to support these accusations.

The administration also had little to say in public about Israel's handling of the Palestinian tax revolt during the intifada. On September 21, a particularly bitter confrontation began that pitted Israeli tax collectors against residents of the West Bank town of Beit Sahour, who had collectively refused to pay taxes. Determined to make an example of Beit Sahour, Israeli authorities sealed off the village for six weeks, cut phone lines, imposed a partial curfew, entered shops and homes, confiscated and damaged personal property worth more than the taxes owed, and jailed individuals for days without charge.

The administration, according to a State Department source, discussed with Israeli authorities its concerns over these actions but said nothing publicly. In November, when the Israeli siege of Beit Sahour was lifted, the State Department spokesman blandly responded: "The end of this particular confrontation is welcome. As we have said, actions which contribute to confrontation and mistrust between Palestinians and Israelis do not advance the peace process."

While trying to make headway on a negotiating process, administration officials made few high-profile trips to the region in 1989. Neither President Bush, Secretary of State Baker nor Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter visited Israel. In the last year of the Reagan administration, by contrast, Secretary of State Shultz and Assistant Secretary Schifter traveled to Jerusalem. Visits by Dennis Ross, the State Department's Director of Policy Planning, in May 1989, and by Assistant Secretary of State for Near Eastern and South Asian Affairs John Kelly, in early August, gave rise to no significant statements on human rights in the occupied territories.

Israeli officials made several trips to Washington during the year, where they were given a mixed reception, due primarily to U.S. impatience with Israel's conditions surrounding the elections plan. The administration made no public mention of abuses in the occupied territories during these visits.

For example, when Foreign Minister Moshe Arens visited the United States in March, members of the Senate Foreign Relations Committee warned him that U.S. public support for Israel was slipping. The administration, on the other hand, said nothing publicly on human rights issues during the visit.

The main event of Prime Minister Shamir's visit in early April was his announcement, with President Bush's backing, of the above-mentioned plan for elections in the occupied territories. Although Bush made no formal public comment on human rights during Shamir's visit, the press reported that the administration had asked the Prime Minister to take steps in the territories to improve the climate for talks. One step reportedly recommended was the reduction of the Israeli military presence in the urban centers of the West Bank and Gaza Strip. Shamir replied that no such gestures were needed.

Differences between the U.S. and Israeli positions on the elections plan and the conditions surrounding it prompted some blunt talk by Secretary Baker. In striking a note that deserves repeating during all talk of elections, Secretary Baker told Foreign Minister Arens in a letter in late April that the



administration looked favorably upon certain liberties, such as freedom of speech, assembly and association, which were currently restricted in the West Bank and Gaza but which had a bearing on the quality of the elections. The letter, made public in May, also suggested that Israel create a conducive atmosphere for elections by, for example, releasing some prisoners.

On May 21, Arens and Baker had further talks in Washington on U.S. reservations about Shamir's elections plan. The following day, Baker delivered his above-noted call for greater Israeli pragmatism in the speech before the AIPAC conference. When Israeli Defense Minister Yitzhak Rabin visited a few days later, Secretary Baker reportedly reiterated privately the points made in that speech. But Rabin, who has directed the army's response to the uprising since it erupted, escaped any public comment on human rights by the administration. The same was true during visits by Rabin and Arens in September.

The reception was somewhat different when Prime Minister Shamir returned to Washington in mid-November to meet with President Bush, Secretary of State Baker, and Secretary of Defense Dick Cheney. Irked by Israel's conditions on the elections plan, President Bush waited until just before Shamir's departure from Jerusalem to announce that the President would see him. While the administration made no public statements on human rights during Shamir's week-long stay in the United States, the press reported widely that Bush, in his November 15 meeting with Shamir, criticized Israel's abuses in the territories. The specifics were not divulged.

At the United Nations, the U.S. has repeatedly voted against resolutions of the Security Council and the General Assembly criticizing Israeli human rights violations. While affirming U.S. concern about the abuses cited in those resolutions, Ambassador Pickering and his predecessor under the Reagan administration, Ambassador Herbert Okun, repeatedly voted against resolutions on the grounds that they were one-sided and failed to advance the quest for a negotiated settlement of the political conflict. On these grounds the U.S. voted against:

@BULLET = A February 1 Security Council resolution appealing for Israeli restraint and calling for the Arab-Israeli conflict to be resolved under UN auspices;<\$FThe other 14 members of the Security Council voted in favor of the resolution.>

@BULLET = A February 17 Security Council resolution condemning Israeli tactics against the uprising; and

@BULLET = A June 9 Security Council draft resolution condemning Israeli tactics against the uprising and acts of violence committed by Israeli settlers.

Although many U.N. resolutions on Israel are one-sided, the administration would have more credibility in voting against them if it used the occasion of its votes to make clear its opposition to Israeli abuses. This, unfortunately, has rarely happened.

While administration officials in Washington and at the U.N. have been generally soft-spoken on human rights in the occupied territories, the staff of the U.S. embassy in Tel Aviv and the consulate in Jerusalem actively monitored human rights in the field, regularly traveling in the West Bank and Gaza Strip and maintaining contacts with Israeli and Palestinian human rights organizations and activists. They are partly responsible for the quality of the reporting in the State Department's country report.

In a November 6 letter to Human Rights Watch, Embassy First Secretary John Chamberlin wrote:

@QUOTENOIND = The fact that the Ambassador, Deputy Chief of Mission, Political Counselor, and others at the Embassy regularly take up human rights questions and express U.S. official views on these questions constitutes a public stand

in behalf of human rights. One can reasonably include in the domain of public stands or "gestures" the Ambassador's meetings with Gaza figures (and, from time to time, under the auspices of our Consul General in Jerusalem, with West Bank and Jerusalem Palestinian figures) in a context that clearly indicates a concern over human rights in the Territories.

In its first year in office, the Bush administration has demonstrated concern for human rights in the territories but for the most part has shunned public actions. In November, when voting against yet another resolution critical of Israel at the United Nations, Ambassador Pickering said, "I need not reiterate United States policy regarding the human rights situation in the occupied territories.... These positions are well-known."

In fact, administration positions are ambiguous. After taking a giant step forward last February with the country report, U.S. human rights policy toward the occupied territories assumed a low profile again, subordinated to the search for a political solution, despite the persistence of grave abuses during the second year of the intifada.

Progress on the diplomatic front does not necessarily entail improvements in human rights in the territories. While the U.S. believes that liberalizing measures on the ground will improve the atmosphere for the peace process, Israeli authorities seem to view hard-line policies as the appropriate precondition for negotiations. Defense Minister Rabin and others have said repeatedly that the peace process can advance only after Palestinians are convinced that they can gain no further political ground through intifada tactics. In May, Rabin even warned that the army would crack down harder on the uprising if Palestinians rejected "the golden opportunity" being offered to them in the election plan. He explained: "We will use whatever is needed, more force, to put down the violence, and with much greater justification."

For these reasons, the U.S. must not neglect the state of human rights in the territories as it strives toward the still-distant goal of a just and durable settlement. Furthermore, the United States made an undertaking under international law to promote compliance with humanitarian law in the territories. The Fourth Geneva Convention, which the U.S. maintains is applicable to Israel's occupation of the West Bank and the Gaza Strip, requires high contracting parties to "undertake to respect and to ensure respect for the present Convention in all circumstances." The U.S. has stated that many of Israel's practices in the territories, such as deportations, house demolitions, widespread administrative detention and other measures, violate the convention -- but, as shown, the Bush administration has not made vigorous efforts to curtail these violations. As we stated on these pages last year, the protection of basic human rights deserves heightened attention when political rights are not enfranchised and a population is living under long-term military occupation. In such a situation, quiet diplomacy is not enough. The U.S. should draw on its credibility as Israel's staunch ally to speak frankly on the subject.