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ISRAEL PONDERING ELEMENTS IN ITS AGREEMENT WITH LEBANON

By David Landau

JERUSALEM, May 19 (JTA) -- Israeli circles were pondering today whether all of the provisions in the agreement just signed with Lebanon are contingent on the withdrawal of foreign forces from that country. Some Israeli legal experts insist they are not.

The agreement will be ratified by the Israeli and Lebanese governments once there is a formal exchange of the "instruments of ratification," but Israel has made it clear, in secret accords with Lebanon and the U.S. and in the public statements of its officials, that Israel is not required to pull its forces out of Lebanon until Syria agrees to a simultaneous withdrawal of its own forces and those of the Palestine Liberation Organization. So far Damascus has fiercely rejected the Israel-Lebanon accord and has given no indication that it will pull its army out of Lebanon.

The U.S. is currently engaged in diplomatic efforts to induce the Syrians to cooperate. Special Ambassador Philip Habib is in Beirut to assist in those efforts and was due to go to Damascus, but according to Damascus Radio, the Syrian government said yesterday that Habib would not be received.

No Deadline For Syrian Compliance

As long as this uncertain situation persists, the Israelis are keeping a low profile. They have set no deadline for Syrian compliance but have made it clear that Israel will not wait indefinitely. "We are not talking in terms of days, but neither of weeks," a ranking Israeli official told reporters after the agreement with Lebanon was signed in Kiryat Shemona Tuesday.

In the interim, however, it remains unclear whether the parties intend to mark time or to proceed with implementation of those parts of the accord not directly related to the withdrawal process.

According to the legal experts here, an obvious example is Article I of the agreement in which Israel and Lebanon "confirm that the state of war ... has been terminated and no longer exists." The experts say it would be illogical and spurious to argue that if there is no withdrawal of all foreign forces from Lebanon the "state of war" would be resumed between the two countries.

A similar question concerns the provision for a "Joint Liaison Committee" of Israel and Lebanon to begin working as soon as the instruments of ratification are exchanged. While many of the committee's functions are security related and therefore contin-

gent on the withdrawal of forces, others -- the maintenance of an Israeli liaison office in Beirut, for example and the "development of mutual relations between Israel and Lebanon" -- are not.

There are of course many provisions in the agreement that are meaningful only in the context of withdrawal, such as security arrangements and the limitation of forces in south Lebanon. But prima facie, the Israel-Lebanon agreement signed this week is a valid international document regardless of what happens in terms of the withdrawal, Israeli sources say.

U.S. LOOKING TO ARAB COUNTRIES TO PERSUADE SYRIA TO WITHDRAW ITS TROOPS FROM LEBANON

By David Friedman

WASHINGTON, May 19 (JTA) -- The Reagan Administration is looking to the Arab countries to persuade Syria to pull its troops out of Lebanon in the wake of the Israeli-Lebanese agreement for Israeli troops withdrawal.

Special envoy Philip Habib, who was told by the Syrians yesterday that he would not be welcomed in Damascus, was in Saudi Arabia today apparently to begin this effort, after a brief stop-over in Cairo where he held talks with President Hosni Mubarak.

President Reagan indicated that the U.S. was taking this course at his news conference Tuesday night when he was asked what reasons he had to be "optimistic" that the Syrians would withdraw. "The Syrians have repeatedly said that when other forces leave, when the Israelis leave and so forth, they, too, will leave Lebanon," Reagan replied.

"Now I grant you they're saying some different things today," the President continued. "But I also know that a number of their Arab allies are urging them to stick with their word and to leave when all forces are prepared to leave. And I can't believe that the Syrians want to find themselves alone, separated from their Arab allies."

Syria To The U.S.: Butt Out

The next day, in an apparent reply to Reagan, the official Syrian news agency, SANA, said "It has been decided not to receive Habib in Syria because we have nothing to discuss with him and because he is one of the most hostile American diplomats toward the Arabs and their cause."

Damascus Radio replied directly to Reagan declaring that Syria rejects the Israeli-Lebanese agreement which it charged was "dictated on Lebanon by the United States and Israel and this rejection will continue until the accord is dropped." The government-controlled radio station said Reagan spoke of Syria "as

though he possesses the right of decision making in Syria or can dictate its will on it." But it stressed that "neither Reagan's statement nor Israel's threat can alter Syria's decision."

U.S. officials have pointed out that while the Israeli-Lebanese agreement stands on its own, Israel will not begin its withdrawal from Lebanon until there is also an agreement for the departure of Syrian troops and PLO terrorists.

State Department spokesman John Hughes, noting yesterday that "dialogue is the best way to advance the cause of peace," said that the Syrian refusal to see Habib means that "the dialogue cannot go forward for the moment if nobody is talking."

Senate Commends The Agreement

Meanwhile, the Senate, by a 100-0 vote yesterday adopted a resolution commending the Israeli-Lebanese agreement and urging "Syria and the Palestine Liberation Organization to respect the sovereignty and territorial integrity of Lebanon by agreeing to prompt withdrawal of their forces from Lebanon." A spokesman for the Senate Foreign Relations Committee, whose leadership drafted the resolution, noted it was rare for all members of the Senate to vote in favor of any resolution.

Sen. Charles Percy (R. Ill.), in introducing the resolution on the Senate floor, noted that Israeli Premier Menachem Begin has repeatedly stressed that Israel had no intention of occupying Lebanon. The "agreement proves that those who doubted Israel's intentions were wrong and confirms for all that security remains Israel's primary concern," Percy said.

He said that many of the Arab countries have supported Lebanon's signing the agreement. "These nations, including Iraq, Algeria, Jordan, Tunisia, Egypt and others, also recognize the need for Syrian and Palestine Liberation Organization forces to withdraw," Percy said. "Syrians and Palestinians will not succeed in advancing their own legitimate interests if they do not respect the sovereignty and territorial integrity of Lebanon."

Status Of F-16 Jet Fighters

At his press conference Tuesday night, Reagan confirmed that the Administration is considering lifting the embargo to supply Israel with the promised 75 F-16 jet fighters. Reagan said in April that the planes would not be sent to Israel as long as it is in Lebanon.

"This is a matter now that must go to consultation between the State Department, they handle that, and the Congress, and that consultation is about to begin," Reagan said Tuesday night of the F-16 decision. Earlier in the day, Nicholas Vellotes, Assistant Secretary of State for Near Eastern and South Asian Affairs, said that the decision is being considered by the President.

Many observers believe that no official announcement would be made, which would be in the form of a letter to Congress notifying it

of the proposed sale, as long as the present effort is going on to get Syria to agree to leave Lebanon. This is also true of the expected announcement of a visit by Begin to Washington soon.

BARBIE CLAIMS GERMAN ARMY, FRENCH POLICE ROUNDED UP JEWS IN LYON DURING WWII By Edwin Eytan

PARIS, May 19 (JTA) -- Nazi war criminal Klaus Barbie claimed today that French police and the German army -- not the Gestapo -- rounded up Jews in Lyon during World War II and deported them to death camps in Eastern Europe.

Barbie was questioned for the first time this morning by Christian Riss, the French magistrate assigned to the case after Bolivia handed Barbie over to French authorities 3 1/2 months ago. Barbie also denied charges that he had personally supervised the shipment of Jews from the Lyon railway station.

Barbie served from 1943 until the final months of the German occupation as Gestapo deputy commander for the Lyon area. He is accused of having carried out mass deportations of Jews and resistance fighters. Known as the "butcher of Lyon," he has been charged on five counts of "crimes against humanity" alleged to have been carried out during the years he served in Lyon.

Barbie was taken from his cell at the high security Saint Joseph Prison early today to Montluc Fort which had been one of the main Gestapo detention centers during the war. A former Jewish deportee, an elderly woman whose identity was not released, re-enacted her own deportation. She showed Magistrate Riss her former cell and said that on August 11, 1944 she saw Barbie personally supervise the deportation of shipment of Jews from Lyon to Auschwitz.

Barbie, who watched the re-enactment and heard the woman's testimony told the judge that he was not present. He claimed that the round-up of Jews and the deportations were carried out by units of the German army and not by members of the Gestapo who, he said, were busy fighting the French resistance and preventing sabotage operations.

EUROPEAN PARLIAMENT URGES EEC TO TAKE PART IN CONCLAVE ON PALESTINE

STRASBOURG, May 19 (JTA) -- The European Parliament called today on the governments of the 10 European Economic Community member-states to take an active part in the UN-sponsored international conference on Palestine scheduled to take place next summer in Paris.

The European Parliament resolution was adopted by a large majority in spite of the fact that the governments of the 10 states have condemned the conference and have announced that they will not participate.

France's Foreign Minister Claude Cheysson has condemned the forthcoming meeting as "not a productive move" and has called on the Palestinian leadership and on the Arab states to call off the scheduled meeting. The conference, decided by a UN General Assembly vote last summer, is to take place at UNESCO headquarters in Paris August 16-27.

CONTROVERSY OVER ISRAELI DANCE TROUPE IN KENYA BACKFIRES

By Aviva Cantor

NAIROBI, May 19 (JTA) -- A leader of the Jewish community here expressed satisfaction that Kenya did not bow to Arab pressure to cancel the performances of the Israeli Bat Dor dance troupe at the National Theatre. Ivor Davis, a former president of the Council of the Nairobi Hebrew Congregation and its public affairs person, told the Jewish Telegraphic Agency at the troupe's final performance (May 11) that "the government of Kenya stood firm, that is the important thing."

Barry Swersky, general manager of Bat Dor, told reporters that "politically a great point was proved -- the Kenyan government said no to the Arabs. The performances took place." A local critic, Nigel Slade of the English-language daily, the Standard (circulation 58,000), praised the performance of the troupe, adding: "With greatly becoming dignity, the government quietly ignored (the calls to cancel the run), having made its stand clear."

Calls to cancel the troupe's scheduled appearance in Nairobi after its performances in Zaïre came from the PLO mission, the Libyan Embassy and the Arab League office in Nairobi, and were printed in only one of the three English-language dailies, the Nation. This newspaper, owned by the Aga Khan family, with a circulation of 100,000, attempted for an entire week to generate opposition to the performances by claiming "unconfirmed rumors" of wide disapproval and using strident front-page banner headlines and stories, plus editorials to highlight statements by the Arabs and local politicians.

All the Arab statements indicated that relations between Kenya and the Arab states would be damaged if the show went on. The PLO statement expressed "deep concern" over the "political implications" of the performance "at a time when the Afro-Arab relationship is growing steadily."

It called on the Israeli "mercenary multinational teams to bring with it some pictures of the massacres of Sabra and Shatila (camps) in Lebanon, and then everyone will believe in their skill of how to dance on the skulls of Palestinian and Lebanese women and children."

Libya Tries To Exert Pressure

The first of two Libyan statements called the visit a "premeditated act aimed at provoking and humiliating the Libyan national (soccer) players" whose game with the Kenyan team was scheduled the same day as Bat Dor's premiere. (The Kenyans won the match 1-0). The Israeli tour, continued the Libyans, will wreck "the bond of brotherhood and bilateral relations" between Kenya and Libya, "and pro-Arab relations in general."

In the second Libyan statement, which appeared in an interview with the Nation on the day of the troupe's first performance, the Charge d'

Affaires, Taher Ettoumi, said that the good work Kenyan president Daniel arap Moi is doing as president of the Organization of African Unity (OAU) "was being undermined by the Kenyan authorities who allowed the Israelis to perform in Nairobi."

Along similar lines, the Charge d'Affaires of the Arab League Mission in Nairobi, Abdul Salaam Al-Azoumi, claimed that it was obvious that the visit "is a conspiracy to discredit the Kenyan government" and its support for peace in the Middle East.

Despite, or perhaps partly because of all the publicity surrounding the performances, the run in the National Theatre, which seats 500, was sold out, with two shows being added on to the originally scheduled five. Arrangements had also been made for several foreign companies to buy blocks of seats for free distribution to Kenyan students. Security at the theater was tight; people were checked by metal detectors, which picked up two pistols on one night and a knife on another.

Friendly Media Reports

The Bat Dor Troupe, Swersky said, had at the end of April signed a lease with the National Theatre. The theater followed the usual procedure of applying for and receiving a stage play license from the office of the Provincial Commissioner for the Nairobi area, Fred Waiganjo.

A news conference on April 24 by the troupe's advance people led to what Swersky characterized as "fairly friendly reports" in the press and a 13-minute segment on the current affairs program of the government-controlled television station.

The Standard mentioned in its story that one of the works, "And After," choreographed by Black American Gene Hill Sagan was a "comment on war dedicated to a dancer friend who fell fighting in the Golan Heights during the 1973 war between Israel and Egypt." The Nation ran a similar description of this work.

The trouble began on April 30, when The Times (circulation 35,000), the English-language daily of the Kenya African National Union, the ruling political party, ran a story saying that "a spokesman for the Foreign Affairs Minister has confirmed they (sic) are not aware of the circumstances under which the Israel dancing group Bat Dor was licensed to perform in Nairobi."

The same day, Swersky received a letter from the Provincial Commissioner cancelling the permit and telling him to stop transactions based on it. The letter was cancelled several days later, and the theatre told to ignore it. The Provincial Commissioner was quoted in the Nation on May 4 as stating, "we see nothing wrong in the group performing a cultural dance in Kenya."

Phrase Seized Upon

The Nation was, at this point, well into its sensationalist coverage of the "rumors" of "pressure" against the troupe's performance. Its initial stories and editorial stressed two reasons for the opposition to the performances. One was that the troupe's artistic director, Jeanette Ordman, was a native of South Africa, a country she incidentally left 20 years ago. The second was an

Israeli brochure mentioning the performance and referring to Africa as "the Dark Continent," which its editorial called a "white supremacist" phrase.

Asked about this phrase, Swersky said that no brochure using it was distributed in Kenya. A booklet in Hebrew and English for subscribers on the troupe's plans, published in Israel, had used the words "yabeshet shechora," Black continent, which, he said, was unfortunately mistranslated into English as "Dark Continent."

The Nation editorial also cited the argument that "to allow cultural exchanges with Israel is to negate the severance of diplomatic relations." A later editorial changed its focus to opposition to the Arabs' and Israelis' "covert and overt efforts to drag us into their quarrels."

The editorial said, "we do not intend to deny the Libyans and Palestinians their rights to spew off their hatred for the Israelis" or the Israelis "their right to champion their cause." But neither Arabs nor Israelis should "make political capital" from whatever relations exist between them and Kenya.

The widely respected Weekly Review, which is regarded as a kind of Kenyan Time or Newsweek, recapitulating the controversy, stated in an editorial that "Kenya would appear to be the next target" of the Israeli "diplomatic offensive to regain ties in Africa." But Israel's "close links" with South Africa, the editorial continued, "are likely to make resumption of diplomatic relations between Israel and Black African states rather difficult."

Politicians Enter the Fray

Local politicians also entered the fray. The Minister for Culture and Social Services, Stanely Oloitipiti, stated that the troupe should be stopped, not only from performing in Kenya but also from coming to that country. A different tack was taken by Dennis Akumu, chairman of the Organization of African Trade Unions Unity. In words reminiscent of the second Libyan statement, he said that those who invited Bat Dor "intended to discredit and tarnish the leadership of Kenya and its president Daniel arap Moi, as OAU chairman."

The statements by Akumu and the Libyans, which mentioned the Kenyan president by name, triggered off a counter-attack by a Moslem MP from Mombasa South, Abdullah Ndovu Mwidau. A Provincial Commissioner and former Mombasa Mayor, Mwidau urged the government to close down the Libyan Embassy on the grounds that "they want to dictate to Kenya what should be done in its own internal affairs" and "who should be her friend."

ROMANIA TO DROP EMIGRATION TAX

WASHINGTON, May 17 (JTA) -- Rumania intends to drop its tax on emigrants, Foreign Minister Stefan Andrei of Rumania told Vice President George Bush and Secretary of State George Shultz

and other U.S. officials during two days of talks this week in Washington. The move is an effort on the part of Rumania to avoid losing its most-favored-nation status with the U.S.

Rumania is expected to issue a formal statement to the U.S. government affirming that the tax on emigrants will not be applied. Rumania imposed the tax on emigrants last November despite warnings by the Reagan Administration at the time that such a step would bring about the revocation of the MFN status. Rumania began imposing the tax, the cost of free education emigrants received beyond the compulsory 10 years, on those seeking to leave for Israel, the U.S. and West Germany.

On March 4, President Reagan announced that Rumania would lose its trade status by June 30 unless it changed its policy by then. Under the 1974 Trade Act, any Communist country that imposes an "education tax" automatically loses its MFN status.

That provision, part of the Jackson-Vanik amendment to the Act, was prompted by the Soviet Union, which had imposed such a tax but later rescinded it. Hungary and Rumania are the only two Warsaw Pact countries with MFN status. Poland had that status but it was suspended last year after its government cracked down on the Solidarity trade union.

60 LAWMAKERS ASK SYRIA TO REVEAL THE WHEREABOUTS OF A BROOKLYN-BORN ISRAELI SOLDIER

By David Friedman

WASHINGTON, May 19 (JTA) -- Sixty members of the House have sent a letter to Syrian Ambassador Rafic Joueati, asking that his government reveal the whereabouts of a 22-year-old Brooklyn-born Israeli soldier who has been missing since last June 11.

A spokesman for Rep. Gary Ackerman (D-L, N.Y.) who originated the letter said that the family of Zachary Baumel believes that he and the four other members of his tank crew were captured by either the Syrians or the PLO in Lebanon.

He was last seen on TV being paraded through the streets of Damascus. Neither the International Committee of the Red Cross nor the State Department have been successful in obtaining any information about Baumel, according to the spokesman.

Ackerman became interested in the case after the soldier's mother, Miriam Baumel, visited the U.S. in an effort to seek help in learning the whereabouts of her son. "Nearly a year ago, a 22-year-old American was captured by the Syrian forces, yet they haven't had the decency to acknowledge his capture, or even say whether he is dead or alive," Ackerman said.

"I exhort the Syrian government to uphold the Geneva conventions which serve as a basic code of behavior for all people everywhere." Copies of the letter were also sent to Syrian President Hafez Assad and Secretary of State George Shultz.

NEW YORK (JTA) -- A delegation of the Conference of Presidents of Major American Jewish Organizations will meet with Secretary of State George Shultz at the State Department Friday. A conference spokesman said the meeting was initiated by Shultz.