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Book Review

Armed Conflict in Lebanon 1982: Humanitarian Law in a Real World Setting

By Sally V. Mallison and W. Thomas Mallison. Washington, D.C.: American Educational Trust, 1985 (2nd edition). 107pp. \$8.95.

Reviewed by Linda A. Malone



Sally V. Mallison and W. Thomas Mallison have written a much needed legal analysis of Israel's 1982 invasion of Lebanon and the United States' involvement in that invasion, which has thus far been explored primarily from a political and journalistic perspective. Mrs. Mallison is a Research Associate in the International and Comparative Law Program at George Washington University, and Dr. Mallison is a Professor of Law and Director of that program.

As the Mallisons make clear in their preface to the book, the only hope for at least minimum international order is in international law, which has evolved to ensure that state decisions affecting the world order are predicated on something other than simply "might makes right." The first edition of *Armed Conflict in Lebanon, 1982* came out in 1983. That edition and the current one utilize Western, Israeli and U.N. sources to establish the fact situations to which the rules of international law are applied.

The second edition incorporates an entirely new chapter, Chapter IV, concerning the U.S. involvement and legal responsibility for the invasion and its aftermath. This chapter benefits from the 1984 book *Caveat: Realism, Reagan and Foreign Policy* by former Secretary of State Alexander M. Haig, Jr. His recollections confirm statements in an earlier article entitled "The Green Light" by Israeli investigative reporter Ze'ev Schiff in *Foreign Policy* magazine (Spring,

1983) that Haig knew in advance of the planned June invasion. Others have written about the significant May 20, 1982 meeting between Sharon and Haig, but in *Armed Conflict in Lebanon, 1982* the Mallisons explore in depth the legal ramifications of Haig's advance knowledge.

U.S. Involvement and Responsibility

The authors evaluate the potential responsibility of U.S. government officials for "crimes against peace" under the Nuremberg Charter. The significance of Secretary Haig's involvement is that the deeper the extent of U.S. acquiescence in the invasion, the greater the potential for individual responsibility in crimes against peace, crimes against humanity, and war crimes under the Nuremberg Charter. *Armed Conflict in Lebanon, 1982* explores these legal ramifications based on the facts of the U.S. involvement as now known.

Although it is the new Chapter IV which is the highlight of the 1985 edition, some mention should be made of the far-ranging and thorough legal analysis in the remaining chapters. In those chapters, the Mallisons investigate both the legality of Israel's invasion of Lebanon and the way in which it was conducted, measured against the humanitarian rules of armed conflict set forth primarily in the Hague (1907) and Geneva (1949) Conventions. It is here that the authors best illuminate the violations of international law which occurred. Even in an armed conflict which would qualify as permissible self-defense under international law, the parameters of force are circumscribed by international law to minimize destruction and protect individual human rights. The result, when individuals and states ignore those limitations, is exemplified by the tragedy of Sabra and Shatila.

Israeli and Phalange Violations

The Mallisons also examine alleged violations of international law by the United States during the invasion that are not directly related to the invasion itself, including responsibility for the Sabra and Shatila massacres. As the Israeli government's Kahan Report on the massacres states, "One might also make charges concerning the hasty evacuation of the multi-national force by the countries whose troops were in place until after the evacuation of the terrorists." A chronological review illustrates the U.S. role in events leading to the massacres.

The United States had a special legal responsibility in that the P.L.O. withdrawal from Beirut was in return for U.S. guarantees of safety for the Palestinian civilians remaining in Lebanon. Therefore, one might seriously question whether

withdrawal of U.S. forces before the expiration of their original mandate was undertaken with due regard for the safety of the Palestinians remaining in West Beirut. It would appear that the United States did expressly guarantee the safety of the remaining Palestinians based on assurances obtained from Israel and the Phalangists, and that the guarantee was to extend beyond the departure of the multi-national force. Following the Israeli takeover of West Beirut, the United States was unable to fulfill its assurances to the P.L.O., and both Israel and the Phalangists violated their commitments. As a result, the United States violated its legal obligations under the August 21, 1982 departure agreement with the P.L.O., thus incurring substantive responsibility under international law for the massacres.

Linda A. Malone is Professor of Law at the University of Arkansas and the author of numerous articles on international law and human rights.