

1. The historical link between the Jews and their land

The Jews are no newcomers to the land of Israel. The Hebrews arrived in present-day Israel around 1300 B.C.E., which is about 1800-1900 years before the birth of Islam. Under Joshua, and later kings Saul, David and Solomon, independent Hebrew kingdoms existed in the land of Israel. In the year 70 CE, the Jews were exiled by the Romans (their second exile) after thirteen centuries of being an autonomous ruling kingdom in Israel. This means that 600 years before the birth of Islam, Jews were already yearning to come back to their land. However, the land was never without a significant and well-documented Jewish presence, and remained a center of Jewish learning, piety, and mysticism throughout the ages. Jewish communities were concentrated mainly in Jerusalem, Safed, Tiberias and Hebron.

In the Hebrew Bible, Jerusalem (Zion) is mentioned over 700 times. This intense focus shows how crucial this land is to the Jewish people. While Jerusalem later gained importance to Muslims, it is not mentioned by name even once in the Koran. For centuries, Jews have made it an integral part of their lives to remember Israel and Jerusalem: Jews pray while facing Jerusalem (while Muslims face their spiritual center, Mecca). The rebuilding of Jerusalem is a central theme in Jewish faith and culture. At a Jewish wedding the groom breaks a glass as a remembrance of the destruction of the Temple and Jerusalem. Even in the greatest moment of joy, a Jew commits himself to remembering his longing to return to his land.

The First **Aliyah**, or immigration wave, (from 1882-1903) was one link in a wave of immigrations over the course of many generations, and it symbolized the initial phase of the **Yishuv** ("return" or "community"). Jewish immigrants were simply returning to their historic homeland to escape persecution. The First Aliyah included Jewish refugees from Romania, Russia, Yemen, North Africa, Turkey, The Balkans, Persia and Buchara.

When the First **Aliyah** began, fewer than 250 000 Arabs lived in the region of the Ottoman Empire, which Britain later renamed Palestine, and the majority of them had arrived in the recent decades. Most Arab residents in this region were newcomers –either immigrants or descendants of those who had immigrated in the previous seventy years. The First *Aliyah* was followed by four other waves of immigration.

By the beginning of the First World War, the number of Jews living in present-day Israel was somewhere between 80 000 and 90 000. Even before the **Balfour Declaration** of 1917, there was a *de facto* Jewish national home in Palestine consisting of several dozens of Jewish settlements in the western and northern parts of the land, as well as in Jewish cities such as Tel Aviv, Jerusalem and Safed.

2. Arab rejection of Jewish freedom and sovereignty in the Middle East

The Balfour Declaration, the League of Nations, and the national rights of the Jewish people

The United States entered World War I on the side of the British in 1917, and President Woodrow Wilson declared that the principle of self-determination should govern any postwar reorganization of territories that were formerly controlled by the Ottoman Empire. Jewish self-determination was part of Wilson's vision.

The Sykes-Picot agreement of 1916 divided control of the Middle East between France and Britain. The allied powers had to make a decision on how to allocate a 45,500-square-mile area of land that had been captured from the Ottoman Empire and was populated by Arabs, Jews and others. The text of the 1917 Balfour Declaration was approved by President Wilson and subsequently by the French and Italian governments. It was later officially endorsed in 1922 by the League of Nations, thus becoming binding in international law.

International law recognized that the Jewish community was "in Palestine by right" and that efforts to "facilitate the establishment of the Jewish National Home was a binding international obligation on the Mandatory Power [i.e. Great Britain]."

The 1937 Partition Plan

Following the Balfour Declaration, and until 1948, the year in which Israel was established, the goal of the Arab leadership was to prevent, by violent means, the establishment of a Jewish state in any part of British Palestine, to transfer the Jews out of their historic homeland and to make all of British Palestine empty of Jews. Jewish leaders, on the other hand, were willing to make painful compromises as long as they could have a Jewish homeland in those areas of British Palestine in which they were a majority. And indeed, shortly after the Balfour Declaration became binding in international law, several organized assaults were directed against Jewish refugees. In an effort to control the violence, the British appointed **Haj-Amin Al-Husseini** the grand Mufti of Jerusalem, the spiritual and effectively political leader of the Muslims in Palestine.

Husseini was a virulent anti-Semite whose hatred of Jews was both religious and racial. He was eventually to become a close ally and advisor to Adolf Hitler, and an active supporter of the "final solution" – the mass murder of European Jewry. He urged Hitler to extend the final solution to the Jewish refugees who had reached Palestine, and, in a document that was later submitted to the United Nations, he advised Hitler in 1943 (when it was well

known what was happening in Poland's death camps) to send the Jews to Poland, "in order to protect oneself from their menace." Al-Husseini instigated anti-Jewish riots and preached anti-Jewish incitements. He also lent his imprimatur to the unwillingness of his people to compromise. According to him, the only solution was either for the Jews to be driven from the land by violence, or for a small number of Jews to remain in a Muslim country as *dhimmi* –second-class non-citizens subject to the absolute control of the Muslims. He made it clear that if Muslims ever controlled all of Palestine, most of the Jews would be transferred out. Al-Husseini's approach to the Jews of Palestine culminated in the Hebron massacre of 1929, that occurred after a series of religiously inspired massacres deliberately incited by the Mufti.

Instead of responding to Muslim violence by cracking down on its perpetrators, the British punished the victims by giving the Mufti exactly what he was seeking: a reduction of Jewish immigration and a statement by the British High Commissioner in Palestine that the Balfour Declaration was a "colossal blunder".

In 1937, the **Peel Commission** recommended a partition plan aimed at resolving the conflict between Jews and Arabs¹. It proposed a Jewish home in the areas in which there was a clear Jewish minority, divided into two noncontiguous sections. It suggested that over time there could be exchange of land and population. The commission also alluded to how partition would help the rescue of Europe's Jews from Nazism.

The Jews reluctantly accepted the Peel partition plan, while the Arabs categorically rejected it, demanding that all of British Palestine be placed under Arab control and that most of Jewish population of Palestine be "transferred" out of the country, because "this country [cannot] assimilate the Jews", as the Grand Mufti Al-Husseini was quoted in the Peel Report.

The Peel Commission implicitly recognized that it was not so much that the Arabs wanted self-determination as that they did not want that the Jews to have self-determination or sovereignty over the lands the Jews themselves had cultivated and in which they were a majority. After all, some Palestinian Arab leaders wanted to be part of Syria and be ruled over by a distant monarch. They simply could not abide the reality that the Jews of British Palestine had created for themselves a de-facto democratic homeland pursuant to the League of Nations mandate and binding in international law.

The Arabs responded to the Peel plan with massive violence directed at Jewish civilians, as well as at British police and civil servants. This led directly to the British decision to curtail the flow of Jewish refugees into British Palestine: in 1939 Britain published a White Paper that limited Jewish immigration to 75,000 over the next five years. British imperialistic goals now favored the Arabs over Jews. Britain gave in to Arab pressure and prevented

¹ The entire document can be seen on Israel's Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

the creation of a Jewish refuge while Hitler had already seized power in Germany. Subsequently, six million Jews were murdered by the Nazis.

The UN Partition Plan of 1947

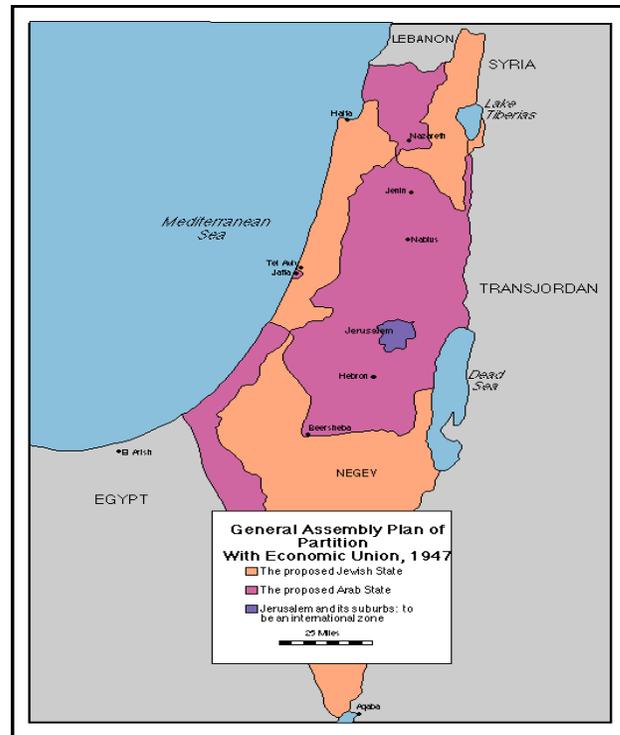
After the Second World War and the Holocaust, masses of Jewish survivors attempted to enter the land of Israel. The British tried to prevent their immigration, as did some Arab leaders. In 1947, with the British no longer eager to keep control of the troubled area, the United Nations stepped in. During an historic vote at the UN General Assembly on November 29, 1947, a Partition Plan (**Resolution 181**) was passed. The Plan split the area that remained of the **British Mandate** (in 1922, Britain cut off 78% of the Mandate from the Jews to create the Kingdom of Jordan) into two parts, one for the new Arab state, and one for the new Jewish state, based in part on demographics.

The partition plan allotted the Jews land in the northern part of the country, the Galilee, and the large, arid Negev desert in the south. The remainder was to form the Arab state. Jerusalem was to become an international city. The borders of the Jewish State were arranged with no consideration of security; hence, the new state's frontiers were virtually indefensible. Critics claim the UN gave the Jews fertile land while the Arabs were allotted hilly, arid land. This is untrue. Approximately 60 percent of the Jewish state was to be the arid desert in the Negev.

Regarding the issue of self-determination, the UN plan was fair to both sides. But neither the Jews nor the Arabs were fully satisfied with the plan. Nevertheless, the Jews accepted the partition plan despite its less-than-ideal solution, understanding the need to compromise. It was the Arabs who refused the plan, demanding total control and rejecting any form of Jewish sovereignty.²

UN Partition Plan of 1947

² The entire document can be seen on Israel's Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.



Arab refusal to recognize Israel's legitimacy

Arab rejection of Israel's right to exist is the root cause of the Arab-Israeli conflict. The repeated rejection of the two-state solution since 1937 by Haj Amin Al-Husseini and later by **Hamas**, **Islamic Jihad** and **Hizbullah**, and by the **Palestinian Liberation Organization (PLO)** - lies at the heart of the Arab-Israeli conflict. The reason for such rejection is that most Arab and Muslim leaders cared more about denying the Jews the right of self-determination in those areas of Palestine in which they were a majority, than in exercising their own right of self-determination in those areas with a Muslim majority.

The Jewish and Arab population in British Palestine before 1948

Absentee landowners owned much of the land that was eventually partitioned by the UN. The Jews bought land from them and from Arabs leaders such as the mayors of Gaza, Jerusalem, and Jaffa. Historical surveys of land purchases from 1880-1948 show that 73% of Jewish plots were purchased from large landowners. Most of the land bought was non-arable.

Palestinian propagandists have widely exaggerated the number of Arab families actually displaced by Jewish land purchases. In 1937 the British Peel Commission found that Arab complaints about shortage of land was "due less to the amount of land acquired by Jews than to the increase in Arab population".

The number of Arabs who lived in the Jewish areas grew dramatically after the Jewish settlements blossomed, not only because many Arabs were attracted to the newly settled areas and newly cultivated land, but also because the Jewish presence improved health care, cut infant mortality, and expanded adult life expectancy.

Based on census figures, authoritative reports, eyewitness accounts, and arithmetic, the myth of displacement by European Jewish refugees of a large, stable, and ancient Arab population is simply false.

The Jewish support for the British in World War I and for the allies during World War II helped to earn them the Balfour Declaration and the UN Partition of 1947. In spite of the Arabs' support for the Nazis, they were instead offered in 1947 nearly the same deal they had rejected in the Peel Commission Plan in 1937. This, despite the greater need for a safe haven for the hundreds of thousands of Jewish refugees from the death camps of Europe, and for similar amounts of Jewish refugees from Arab and Muslim countries who were treated as non-citizens and as a target for violence.

By the mid-1890's, only a dozen years after the beginning of the First Aliyah, Jews were becoming an important part of the ethnic and religious mix of Palestine, especially in the area allocated for the Jewish state by the UN Partition Resolution. At the time of the 1947 partition resolution, the Arabs did have a majority in western Palestine as a whole - 1.2 million Arabs versus 600,000-650,000 Jews, according to the UN. But the Jews were a substantial majority in those areas of British Palestine partitioned by the UN for a Jewish state. In estimating the Arab population of British Palestine at the time of the UN partition of 1947, advocates of the Arab cause sometimes include the population of what is now Jordan as well as the West Bank and Gaza. The official UN estimate was that the land assigned to the Jewish state contained approximately 538,000 Jews and 397,000 Arabs (including Christians, Bedouins, Druze, and others).

The land allocated to the Jewish state did not include western Jerusalem, which had a Jewish majority since the 19th century, or Hebron. These are two of Judaism's holiest and most historic cities. Jerusalem, with a Jewish population of 100,000, was to be internationalized and cut off from the Jewish state.

Nevertheless, the Jews accepted the **UN Partition Plan** and soon declared statehood. The Arabs rejected partition and attacked the new Jewish state from the air and the ground.

3. The Arab-Israeli Wars

The War of Independence (1948)

The Israeli War of Independence was started by the Arabs, whose expressed aim was genocidal. As soon as Israel declared its independence following the UN partition in 1947, Egypt, Jordan, Syria, Iraq, and Lebanon attacked it, with

help from Saudi Arabia, Yemen, and Libya. The Arab armies were determined to destroy the new Jewish state and exterminate its population. With great cost in human life (Israel lost 1 percent of its total population) the new Israeli army defeated the invading Arab armies and the Palestinian attackers. The Israelis won in large part because the stakes were much greater for them, as they had the morale-boosting stimulus of fighting for their own life. The Arab soldiers on the other hand, were fighting an aggressive war, far away from home, and for a cause that seemed somewhat abstract.

In defeating the Arab armies, Israel captured more land than that allocated to it by the UN Partition Plan. Much of the newly captured land had significant Jewish populations and settlements, such as in western Galilee. This land had to be captured in order to assure the safety of its Jewish civilian residents. The Egyptians and Jordanians also captured land, but for no reason other than to increase their own territory and to control the Palestinian residents. The Jordanians wanted the West Bank and the Egyptians wanted the Gaza strip. Neither wanted an independent Palestinian Arab state.

Israel's Borders Following the 1948 War ("The Green Line")



The Sinai Campaign (1956)

The Sinai Campaign was the result of Egyptian President Gamal Abdel Nasser's decision to violate the terms of his country's armistice agreement with Israel. Egypt blocked Israeli ships from passing through the Suez Canal and the Straits of Tiran, a narrow water passage linking Eilat to the Red Sea. These moves seriously harmed Israeli trade with much of Africa and the Far East.

On July 26, 1956, Nasser nationalized the Suez Canal, a move which threatened British and French interests in oil supplies and Western trade. Meanwhile, armed Palestinian **fedayeen** based in Egypt, Jordan and Syria launched attacks on Israeli civilian and military targets. In addition, a massive

arms deal with Czechoslovakia threatened to flood Egypt with new Soviet equipment, changing the balance of power in the Middle East.

On October 29, 1956, after diplomatic moves failed to solve the crisis, Israel began a military assault on Egyptian military positions in an effort to reopen these vital waterways, and succeeded in capturing the entire Gaza Strip and Sinai Peninsula. France and Britain joined the operation two days later, and the fighting ended on November 5.

Four and a half months later, on March 16, 1957, Israel withdrew its troops from the Sinai and Gaza strip after receiving international reassurances that Israel's vital waterways would remain open. United Nations troops replaced them. Despite Israel's withdrawal, the Egyptians refused to open the Suez Canal to Israeli shipping.

The Six-Day War (1967)

Although Israel technically fired the first shots, Egypt, Syria, and Jordan were those who started the war (themselves encouraged and misled by the Soviet Union). The illegal Egyptian decision in 1967 to close the Straits of Tiran by military force cut off Israel's only supply route with Asia and stopped the flow of oil from its main supplier, Iran. This act was recognized by the international community to be an act of war; Syrian President Hafiz Al-Assad ordered his soldiers to "strike the enemy's settlements, turn them into dust, and pave the roads with the skulls of Jews"; the prime minister of Iraq predicted that "there will be practically no Jewish survivors."

The Arab rhetoric was matched by the mobilization of Arab forces. Approximately 250,000 troops (nearly half in Sinai), more than 2,000 tanks and 700 aircraft circled Israel, poised to strike. Egyptian battle plans included the massacre of the Tel Aviv civilian population.

A combination of bellicose Arab rhetoric, threatening behavior and, ultimately, an act of war left Israel no choice but preemptive action. To do this successfully, Israel needed the element of surprise. On June 5, the Israeli air force attacked Egyptian, Syrian, and Iraqi military airfields. Had it waited for an Arab invasion, Israel would have been at a potentially catastrophic disadvantage.

Israel did not attack Jordan, hoping it would stay out of the war, despite its treaty with Egypt. Israel sent several messages to King Hussein promising not to attack Jordan unless it was attacked first. Israel made it clear that it had no designs on the West Bank or even the Jewish Quarter of Jerusalem, with its Western Wall, unless it were to be attacked. It was the Arab Legion that began shelling Jewish civilian population centers in and around Israel's major cities and suburbs. At first, the Israeli army did not respond, hoping that Jordan would limit its military actions to a few opening bombardments, but after Jordan sent its air force into the sky to bomb residential areas in Israel, the Israeli air forces finally attacked Jordanian military airfields. Israel then accepted a cease-fire proposed by the UN, but the Jordanians fought on. Only then did Israel capture the West Bank and the Old City of Jerusalem.

Israel's Borders Following the Six-Day War



The Yom Kippur War (1973)

In October 1973, Egypt and Syria launched surprise attacks against Israel on Yom Kippur, the holiest day of the Jewish year. The equivalent of the total forces of NATO in Europe was mobilized on Israel's border. Arab countries joined the attack by sending troops (Iraq, Saudi Arabia, Kuwait, Sudan, Morocco), and war aircrafts (Libya, Algeria). The attacks also took place during Ramadan, a period when Muslim leaders often claim an attack on them would violate religious principles and show disrespect for Islam.

The Egyptians and Syrians' goal was to recover the pride that they had lost with their defeat in the Six-Day War, and to regain the land they lost in the war. Israel ultimately prevailed in the war, but with enormous casualties. The Yom Kippur War revealed to Israel its vulnerability, even with expanded borders. Egypt's initial assault included an attempt to drop bombs on Tel Aviv, which was prevented by Israeli air force interceptors. It also showed that Arab enemies could afford to lose war after war, with no threat to their existence and no danger to their civilian populations. But if Israel lost even a single war, it could mean the end of the Jewish state, a massacre of its civilian population, and the transfer of surviving refugees out of the country. It also demonstrated that any Arab leader who can inflict serious damage on Israel is motivated to do that, even if his nation will ultimately lose the war.

The Lebanon War (Operation Peace for Galilee) (1982-1985)

In June 1982, the Israel Defense Forces entered Lebanon in order to drive out PLO terrorists who were shelling northern Israeli towns. Israel withdrew most of its forces in June 1985, leaving only a residual force in southern Lebanon in a "security zone", which was necessary as a buffer against attacks on northern Israel. Israel voluntarily withdrew from the security zone in May 2000.

4. Israel's military presence in the disputed territories

Resolutions 242 and 338³

On November 22, 1967, the UN Security Council unanimously adopted Resolution 242, establishing the principles that were to guide the negotiations for an Arab-Israeli peace settlement.

The resolution does not require Israeli withdrawal from *the* territories captured during the war, only "territories", thus contemplating some territorial adjustments of the kind proposed by Israel at **Camp David** and **Taba** in 2000. The elimination of the definite article "the" was an explicit compromise engineered by the United States and Britain in order to permit the retention by Israel of territories necessary to assure secure boundaries. This resolution, for the first time in history, ordered a nation to return territories lawfully captured in a defensive war. But it ordered this only as a part of an overall peace agreement recognizing Israel's right to "live in security".

The ultimate goal of Resolution 242 is the achievement of a "peaceful and accepted settlement." This means a negotiated agreement based on the resolution's principles. This is also the implication of **Resolution 338** (adopted after the 1973 war). That resolution called for negotiations between the parties immediately after the ceasefire.

The Palestinians are not mentioned anywhere in Resolution 242. They are only alluded to in the second clause of the second article of 242, which calls for "a just settlement of the refugee problem." The Palestinian claim for political autonomy or territory is not rooted in Resolution 242.

Israel is willing to trade land captured in a defensive war for peace, as it eventually did with the Egyptians and Jordanians, but neither the Palestinians nor the Syrians have been willing to offer peace in exchange for land, as required by Security Council Resolution 242. Almost immediately upon prevailing over the Arab armies, the Israeli government agreed to comply with Resolution 242 of the UN Security Council. In June 1967, the Israeli cabinet decided that Israel would "give up Sinai and Golan in exchange for peace" with Egypt and Syria. Within days both Egypt and Syria rejected the overture. As former Israeli Foreign Minister and Ambassador to the UN Abba Eban

³ The entire document can be seen on Israel's Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

commented, the Six Day War was the first military conflict in history in which the winners asked for peace and the vanquished demanded total surrender.

5. The land for peace principle

Israel's boundaries

The first time Israel's boundaries were determined by the United Nations was when it adopted Resolution 181 on partition in 1947. In a series of *defensive* wars launched against Israel (the **War of Independence** and the **Six-Day War** in 1967), Israel captured additional territory it used later as a bargaining chip to reach peace agreements, or at least disengagement or non-belligerency agreements.

As part of the 1974 disengagement agreement, Israel returned territories captured in the 1967 and 1973 wars to Egypt and Syria.

Israel and Egypt

Under the terms of the 1979 Israeli-Egyptian peace treaty, Israel withdrew from the Sinai Peninsula for the third time, thus relinquishing 90% of the territories it had captured in 1967. Israel had already withdrawn from large parts of Sinai which it captured in its War of Independence and relinquished the peninsula to Egypt, one year after the 1956 Suez conflict.

Israel and Lebanon

In September 1983, Israel withdrew from large areas of Lebanon to positions south of the Awali River. In 1985, it completed its withdrawal from Lebanon, except for a narrow security zone just north of the Israeli border. That too was abandoned, voluntarily, in 2000.

Israel and Syria

Israel and Syria have officially been engaged in several rounds of high level peace talks since the 1991 **Madrid Conference**. The last round took place in December 1999, at a summit meeting in Washington, attended by U.S. President Bill Clinton, Israeli Prime Minister Ehud Barak, and Syrian Foreign Minister Farouk al-Shara. These were followed by a round of talks in Shepherdstown, West Virginia in January 2000. Among the challenging topics discussed were the **Golan Heights**, Syrian support for terrorism and **Israeli MIAs**.

A point of contention between the two countries was the “starting point” of the negotiations. President Clinton had announced that the talks were to begin from the point where they left off in 1996. However, Israel and Syria have different perceptions of what this point was. The late Syrian president Hafez al-Assad claimed that in the 1995-1996 negotiations, the governments of Yitzhak Rabin and Shimon Peres had agreed to a full withdrawal from the Golan Heights as the basis for any peace agreement with Syria, and that this understanding must be the condition for further negotiations. Israel, however, as well as American officials intimately involved in negotiations with Syria,

maintains that there was no such understanding, and that Prime Minister Rabin had agreed only hypothetically to a withdrawal from the Golan Heights, in phases and in conjunction with full normalized relations with Syria. Syria, though, had refused the Israeli condition of normalized relations. Furthermore, there was a disagreement as to whether a “full withdrawal” meant to the 1967 lines, as Assad claimed, or to the international border, which is the mandate border of 1923.

Although during these negotiations Israel moved closer to Syrian demands, and even agreed to a withdrawal on the basis of the 1967 lines, as long as it could keep a small amount of land off the coast of the Sea of Galilee (Israel’s major source of water), Assad refused to accept this extremely generous offer and negotiations ended unsuccessfully.

In 2004, Syrian President Bashar al-Assad called to resume direct negotiations with Israel, although Syria has flipflopped on whether or not it is seeking preconditions. In response to these statements, Prime Minister Ariel Sharon stated that he would be willing to meet with Assad only if the Syrian government showed one true sign that it is truly interested in peace with Israel.

Syria has kept the Golan Heights quiet since 1974, deterred by the IDF presence within artillery range of Damascus. But it is still a hostile neighbor. It supports **Hizbullah’s** terrorism towards Israel and supports numerous other terrorist groups that attack Israel. In addition, Syria still deploys hundreds of thousands of troops on the Israeli front near the Heights. For Israel, relinquishing the Golan to a hostile Syria *without adequate security arrangements* could jeopardize its early-warning system against surprise attack.

The “Green Line”

The “Green Line” was an *armistice line* specifically defined as “temporary” upon the insistence of Jordan in the armistice agreements it signed with the State of Israel in Rhodes in 1949. It was never a border. After unlawfully attacking Israel in 1948 (together with four other Arab armies), Jordan illegally annexed the West Bank in 1949 –an annexation that was neither recognized nor endorsed by the international community, with the exception of Britain and Pakistan. Jordan repeated its aggression against Israel in June 1967 with the declared purpose of eliminating the very existence of the State of Israel. The temporary **armistice line** of 1949 lost its legal validity the moment Jordan revoked the armistice agreement by attacking Israel. Israel fought back in a defensive war and subsequently seized the West Bank, without annexing it. It did not, and does not, occupy a foreign country but rather seized a territory that had previously been illegally annexed by Jordan.

Because Israel seized that territory in a war of self-defense, its legal title over it is stronger than Jordan’s, as argued by former **International Court of Justice** President Stephen Schwebel.

UN Security Resolution 242, passed in November 1967, states that the future borders between Israel and its neighbors will be determined through *negotiations*, and that these borders shall be “*secure*” and “*defensible*.” Resolution 242 does not require that Israel withdraw to the 1949 armistice lines. It requires Arab states to recognize Israel as a precondition to Israel’s withdrawal “*from territories*” seized during the June 1967 war. It is beyond dispute that the 1949 armistice lines are neither secure nor defensible.

The wording “*from territories*” was not accidental: indeed it was the result of long diplomatic negotiations (the resolution was adopted more than five months after the end of hostilities) between members of the Security Council. The Soviet Union and France had insisted on passing a resolution that would have required a total and unconditional Israeli withdrawal, but Britain (which was chairing the Council) rejected the Soviet and French demands. Both Lord Caradon, the British UN Ambassador, and George Brown, the British Foreign Secretary, made it clear that Britain had worded Resolution 242 so as not to impose an unconditional and total withdrawal on Israel. The fact that France purposely mistranslated Resolution 242 into “*des territoires*” (“*from the territories*”) to please its Arab clients is irrelevant and has no legal implication. In accordance with UN practice, only the English-language text is authoritative.

Not only has the 1949 armistice line lost its very legal existence, relevance, and status, but Israel’s presence beyond that line is legal as long as Resolution 242 is not applied to the final status of the West Bank. The last international legal allocation of territory that includes what is today the West Bank was the 1922 League of Nations Mandate for Palestine, which recognized Jewish national rights in *all* of Mandatory Palestine. This is the only binding international document that has ever assigned legal sovereignty and ownership over what is now Israel and the West Bank. Not a single binding document has ever assigned the West Bank to Palestinian Arabs (the 1947 UN Partition Plan [General Assembly Resolution 181] was a non-binding recommendation which was rejected by the Palestinians, and therefore subsequently became null and void).

6. Israel’s proven readiness for peace with the Palestinians

Israel's readiness for peace with the Palestinians

Israel has stood ready, and stands ready today, to offer the Palestinians statehood, in exchange for the **Palestinian Authority’s** making genuine efforts to stop terrorism by those Palestinian groups committed to continuing their crimes against humanity until Israel is destroyed. However, the Palestinians have said *no* to peace at least 8 times in the last 68 years:

- In 1937, when Britain, under the Mandate, offered the **Peel Commission** plan.
- In 1947, when the UN proposed the establishment of two states in the region - one Jewish, one Arab (UN Partition Resolution 181).
- In 1948, when Israel's Proclamation of Independence invited the Palestinians to remain in their homes and become equal citizens in the new state.
- In 1967, when Israel offered to return territories in return for peace.
- In 1978-9, when Israel offered the acceptance of Palestinian autonomy in exchange for peace at Camp David I.
- In 1993, when Yasser Arafat signed the Oslo accords, promised to renounce terrorism and recognize Israel, and then declared on Jordanian television that he had taken the first step in the 1974 plan. This was a thinly veiled reference to the **PLO's** "phased plan," according to which any territorial gain was acceptable as a means toward the ultimate goal of Israel's destruction. The Oslo process ultimately led to an end to the Israeli occupation of Palestinian cities, towns, and villages. On September 25, 1995, Israeli troops withdrew from most of the populated areas of the West Bank and Gaza (Israel was compelled to reoccupy many of these population centers in 2001, as a result of renewed Palestinian terrorism).
- At the Camp David II Summit in July 2000, when Israeli Prime Minister Ehud Barak offered the Palestinians a final status agreement with concessions that went far beyond widespread expectations. The offer included extensive concessions on sharing Jerusalem, including the **Temple Mount**, establishing an independent Palestinian state in 100 percent of the Gaza Strip and as much as 95 percent of the West Bank and uprooting Israeli settlements.
- In 2000-2001, when Israeli Prime Minister Ehud Barak offered Yasser Arafat the most far reaching plan: between 94 and 96 percent of the West Bank and all of the Gaza Strip. In exchange for the 4 to 6 percent that Israel would retain for security purposes, it would cede 11 to 3 percent of its land to the Palestinians. (This is according to Security Council Resolution 242, which mandated return of "territories", not all territories, captured in Israel's defensive war with Jordan). In addition Barak offered the Palestinians a state with East Jerusalem as its capital, and complete control over the Arab quarter of the Old City, as well as the entire Temple mount, despite its historic and religious significance to the Jews. On the refugee issue, "Israel would acknowledge the moral and material suffering caused to the Palestinian people as a result of 1948 War and the need to assist the international community in addressing the problem". Israel would allow the return of around 100,000 refugees under "humanitarian" grounds in the form of family reunions and

considers such a step as compliance with UN Resolution 194. Most of the refugees will live in the Palestinian state. Yasser Arafat rejected the Barak proposal.

Instead of accepting any of these arrangements, the Palestinian leadership favored terrorism, the destruction of Israel, and the transfer of the Jewish population. Israel offered statehood to the Palestinians in exchange for a commitment by the PA to make its best efforts to end terrorism, and the Palestinian response was the escalation of terrorism.

The Geneva Initiative

The Geneva Initiative⁴, also called the Geneva Accords, is an unofficial blueprint for resolving the Israeli-Palestinian conflict. It was drafted by private individuals and facilitated by Switzerland. Yasser Abed Rabbo led the Palestinian representatives and Yossi Beilin led the Israeli delegation. It was negotiated over the course of two years in a series of private meetings. The agreement was officially signed by its authors on December 1, 2003.

The Geneva Initiative proposes a two-state solution. Its parameters are based on past milestones including the **Oslo Accords**, **Camp David**, the **Taba agreements** and the **Road Map**⁵. It calls for mutual recognition of Israel and Palestine, the agreement to end the conflict and the right to secure and defensible borders. The plan envisions a Palestinian state on nearly all of the West Bank and Gaza, with Israel absorbing settlement blocs in return for land from pre-1967 Israel. It recommends Palestinian sovereignty over the Temple Mount, Israeli sovereignty over the Western Wall, and shared control of the Old City of Jerusalem. The plan is seen as being unrealistic by most Israelis, in part because it recognizes the “right of return” of Palestinian refugees to Israel, which creates a situation in which Israel will eventually lose its right and ability to limit the number of refugees allowed to return. In addition, the Geneva Initiative does not require an end to terror as a precondition for the implementation of its terms. While the Arab minority of the Jewish state will remain and grow, no Jewish minority will be allowed in the Arab state. The plan has not been officially adopted by the Israelis nor by the Palestinians.

The deployment of international forces in the region

During the recent years, the idea of deploying an international force in the region has been raised from time to time by various people and groups, among them the Palestinians, the UN Secretary General Kofi Annan, the G-8 and senior media figures. The aim of these ideas was to monitor a settlement between Israel and the Palestinians.

Two cases of deployment of international forces in the region have proven successful.

⁴ The entire document can be seen on Israel’s Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

⁵ These documents can be seen on Israel’s Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

One was the UN Disengagement Observers Force (UNDOF), deployed along the border between Syria and Israel following the Disengagement of Forces agreement of 1974. The other was the Multinational Force and Observers (MFO) who were deployed as part of the peace agreement with Egypt. The success of these forces stemmed from the fact that both cases involve safeguarding and overseeing agreements signed by two states with regular armies. Both sides had an interest to maintain the agreements between them. In both cases, buffer zones were established as part of the agreements, and the sides undertook intensive steps to quell any provocations of a third party.

On the other hand, there are some other cases of deployment of international forces that have failed. Immediately prior to the **Six-Day War**, Egypt ordered the withdrawal of the UN Emergency Force, stationed in the Sinai since 1956. The **UN Interim Force in Lebanon (UNIFIL)** which was deployed in 1978, following Operation Litani (carried out by Israel against **PLO** targets in southern Lebanon), and without Israel's consent can be defined as a failure. It did not fulfill any significant role in the region. **The Temporary International Presence in Hebron (TIPH)**, in place since the 1994 Hebron Agreement, has not stopped violence against Israelis in the Hebron area under its scrutiny. TIPH has been accused of a clear bias in favor of the Palestinians. The international monitoring committee, set up in Lebanon following Israel's "Grapes of Wrath" operation in 1996 was also a failure.

Prime Minister Ariel Sharon's voluntary Disengagement Plan of 2005

Israel's voluntary **Disengagement Plan**⁶ was proposed by Israeli Prime Minister Ariel Sharon in December 2003, to remove all 21 Israeli settlements from the Gaza Strip and 4 settlements from the West Bank, while holding onto at least six groups of communities and settlements in the heart of the territory (Ariel, Efrat, Gush Etzion, Kiryat Arba, Ma'ale Adummim, and the re-established community in Hebron). The aim of the plan is to improve Israel's security while giving the new Palestinian leadership an historic opportunity to dismantle the terrorist infrastructure while creating strong democratic institutions and a stable government.

Failing to gain public support from senior ministers, Sharon agreed that the **Likud** party would hold a referendum on the plan in advance of an Israeli cabinet vote. The referendum was held on May 2, 2004 and ended with 56% of the voters saying no to his Disengagement Plan, . Following this, Sharon ordered Minister of Defense Shaul Mofaz to create an amended plan. On June 6, 2004, Sharon's government approved the amended Disengagement Plan, but with the reservation that the dismantling of each settlement should be voted on separately. The plan was approved with a majority of 14-7.

Sharon's pushing through this plan has alienated many of his supporters on the right and has garnered him unusual support from the left wing in Israel. It is believed he has a majority for the plan in the government but not his own

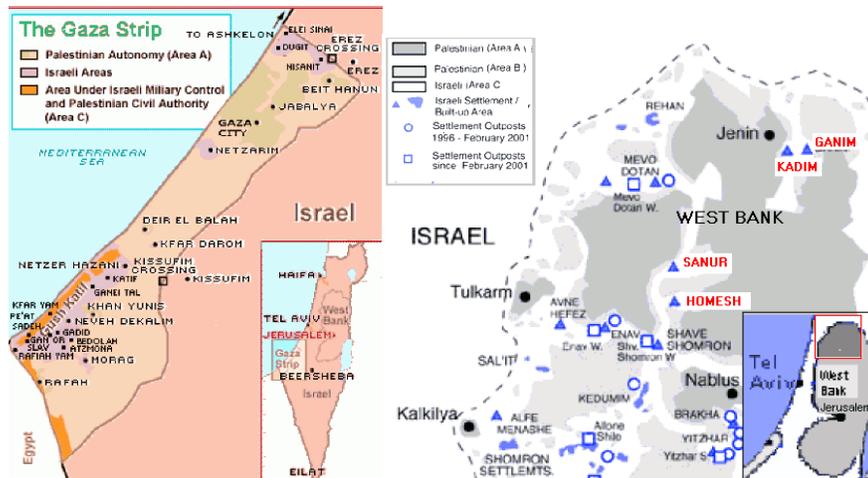
⁶ The entire document can be seen on Israel's Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

party. This was a main reason for the establishment of the current National Unity government.

U.S. president George W. Bush has endorsed the plan. Javier Solana, European Union High Representative for Common Foreign and Security Policy (CFSP), welcomed Sharon's proposal on June 10, 2004, as "representing an opportunity to restart the implementation of the Road Map, as endorsed by the UN Security Council".

At Camp David I (1979) and II (2000), Israel proved that it was willing to trade territory for peace. With the voluntary Disengagement Plan, which was executed beginning in August 2005, Israel proved that it is willing to depart from territories claimed by the Palestinians, even without any prospect of peace.

Disengagement Plan



7. Palestinian leadership

Corrupt Palestinian leadership has been the reason that an independent Palestinian state has not yet been established, as well as the reason for poverty among the Palestinians.

Palestinians living inside the Palestinian Authority have been given far greater international financial support than most other peoples. Between 1994 and

2001, the Palestinians Arabs received \$4 billion in foreign aid. Today the figure is closer to \$5.5 billion. This is the equivalent of \$1,330 per Palestinian Arab. By comparison, the Marshall Plan to rebuild Europe after World War II provided \$272 per European (in today's dollars).

Strangely, the violent uprising and terrorism led to an increase in support: in 1999, international donors provided \$482 million, in 2000 \$636, and it jumped to \$929 million in 2001. These figures do not include the billions of dollars in assets the Palestine Liberation Organization is believed to have accumulated over the years through drug trafficking, illegal arms dealing, money laundering, fraud, extortion, and legal investments.

In 1996, \$326 million disappeared from the Palestinian Authority. A Palestinian investigative commission found that nearly 40 percent of the PA's \$800 million budget had been lost through corruption and mismanagement.

In 2000, Arab countries withheld \$1 billion in aid to the Palestinian Authority, after Arafat refused to commit to transparency in the funds. On June 5, 2002, the Kuwaiti daily Al-Watan published documents showing that Arafat had deposited \$5.1 million from Arab aid funds into his personal account to support his wife and daughter's lavish lifestyles in Paris.

Despite their concerns, Arab governments have transferred since April 2001 \$45 million each month to the PA, and the European Union has contributed another \$10 million monthly. The G-8 recently announced that it is giving a \$3 billion aid package to the Palestinians.

The post-Arafat period

The death of Arafat, who rejected any offer to end the Palestinian-Israeli conflict until his last day, has stimulated hope that the new Palestinian leadership will be prepared to negotiate the establishment of a Palestinian state that will live in peace beside Israel.

The Palestinians have chosen Mahmoud Abbas (Abu Mazzen) to lead them. Abu Mazzen, who was involved in past negotiations between Israel and the Palestinians, has some uncompromising positions on issues like the "right of return" of Palestinian refugees. On the other hand, immediately following Arafat's death, he announced that the use of weapons in the current Intifada is damaging and must cease. It was not the first time he said this, but his announcement's importance derived from his new position, and the anticipation that it will be received with understanding and acceptance by the majority of the Palestinians.

Israel has welcomed his election and Prime Minister Ariel Sharon has met with Abu Mazzen. Though it has no obligation to do so, Israel has taken steps to show its goodwill, including facilitating the Palestinian elections (which international observers reported were unfettered by Israel), releasing prisoners, and withdrawing troops from parts of the **disputed territories**. Israel also coordinated some aspects of the Disengagement Plan with the Palestinians. All of these actions were aimed to encourage Abu Mazzen to

demonstrate that he has both the will and ability to reform the Palestinian Authority, to dismantle the terrorist networks, and to end the violence.

The terrorists' identities and locations are known. The PA has an estimated 40,000 policemen and multiple security services. Abu Mazzen must use the resources at his command to disarm and arrest anyone who illegally possesses weapons and threatens or engages in violence.

The Palestinian Authority has taken some steps towards stopping violence. As a result, Prime Minister Sharon announced that Israel would hold off on engaging in counterterrorist activities, reinstating that "quiet will bring quiet". However, Palestinian terrorists have continued launching Qassam rockets on Israeli towns, and there have been several other attacks since Abu Mazzen's election.

If and when the Palestinian side demonstrates its willingness to cease terrorism and institute reforms as required by the Road Map, the dialogue for peace can resume.

8. Jerusalem

The historical, moral and legal claim of the Jews to the city

Jews have been living in Jerusalem continuously for nearly two millennia. They have constituted the largest single group of inhabitants there since the 1840's. Ever since King David made Jerusalem the capital of Israel more than 3000 years ago, the city has played a central role in Jewish existence.

Before 1865, the entire population of Jerusalem lived behind the Old City walls (what today would be considered part of the eastern part of the city). Later, the city began to expand beyond the walls because of population growth, and both Jews and Arabs began to build in new areas of the city.

By the time of partition in 1947, a thriving Jewish community was living in the eastern part of Jerusalem, an area that included the Jewish Quarter of the Old City. This area of the city also contains many sites of importance to the Jewish religion, including the City of David, the **Temple Mount** and the Western Wall. In addition, major institutions like the Hebrew University and the original Hadassah Hospital are on Mount Scopus, in eastern Jerusalem.

The only time that the eastern part of Jerusalem was exclusively Arab was between 1949 and 1967, and that was because Jordan occupied the area and forcibly expelled all the Jews, destroying and desecrating their religious and historical sites.

On October 1, 2002, the United States Congress passed the Foreign Relations Authorization Act for the fiscal year 2003, which President Bush signed into law. Included in the legislation authorizing State Department programs for the year is language expressing congressional commitment to

relocate the US Embassy in Israel from Tel Aviv to Jerusalem, allow for a US citizen born in Israel to list "Jerusalem, Israel" as the place of birth on his or her birth certificate or passport and require any US Government document to list Jerusalem as Israel's capital.

Freedom of worship to all religions and faiths

From 1948-1967, Jordan violated the 1949 Armistice Agreement by denying Israelis access to the Western Wall and by putting restrictions on Israeli Christian pilgrims and native Christians. It also desecrated Jewish sacred places and ravaged the ancient Jewish quarter.

After the 1967 war, Israel abolished all the discriminatory laws promulgated by Jordan and adopted its own tough standard for safeguarding access to religious shrines. "Whoever does anything that is likely to violate the freedom of access of the members of the various religions to the places sacred to them," Israeli law stipulates, is "liable to imprisonment for a term of five years." Israel also entrusted administration of the holy places to their respective religious authorities. Consequently, the Muslim Waqf has responsibility for the mosques on the Temple Mount, though it is the holiest site in Judaism.

9. The Jewish towns/settlements in the disputed territories

The size of the territory comprised by settlements

Settlements make up less than 2 percent of the West Bank. According to Peace Now, which opposes Israeli settlement in the territories, the built-up areas of the settlements take up only 1.36 percent of the West Bank.

B'Tselem, an Israeli human rights watchdog group, places the figure slightly higher, at 1.7 percent. A higher estimation (from the website of the Council on Foreign Relations), based on monitoring organizations says the settlements comprise some 2.2 percent of the total West Bank.

The much larger numbers often used to describe the land comprising Israeli settlements are reached only by including roads and adjacent areas, as well as land between settlements or between settlements and roads, nearly all of which is unpopulated.

History of Jewish settlement in the disputed territories

Jews have lived in the areas known today as the West Bank and Gaza Strip since ancient times. The West Bank, in Judaism traditionally called Judea and Samaria, was the heart of Jewish civilization in the Land of Israel, beginning 3000 years ago. The only time Jews have been prohibited from living in these territories was during Jordan's rule from 1948 to 1967.

Many present-day Israeli settlements in the West Bank have been established on sites that were home to Jewish communities in previous generations, in an expression of the Jewish people's deep historic and religious connection with the land.

The legality of the settlements under international law

Israel established its settlements in the West Bank and Gaza Strip in accordance with international law. Attempts have been made to claim that the settlements violate Article 49 of the Fourth Geneva Convention of 1949, which forbids a state from deporting or transferring "parts of its own civilian population into the territory it occupies." However, this allegation has no validity in law. The Convention was drafted immediately following the Second World War, against the background of the massive forced population transfers that occurred during that period. Israel has not forcibly transferred its civilians to the territories and the Convention does not prohibit individuals voluntarily choosing their place of residence. Moreover, the settlements are not intended to displace Arab inhabitants, nor do they do so in practice. Finally, whether the Fourth Geneva Convention applies to the West Bank and the pre-disengagement Gaza Strip is disputable, since these areas did not constitute a sovereign country before they were seized by Israel in a war of self-defense. These territories are disputed, and therefore it is at best questionable whether the Fourth Geneva Convention is relevant to them.

Despite the legality of the settlements, Israel has repeatedly stated its preparedness to dismantle many of them in the framework of a peace agreement, and has done so voluntarily in the Gaza strip and the northern West Bank.

Exchange of land – a possible arrangement for future agreement?

A possible solution to the Arab-Israeli conflict is a bilateral or multilateral territorial swap between Israel and the Palestinians, or one involving other countries in the region. The idea is to exchange territories in a way that takes into account demographic considerations, economics, security and natural resources.

The Peel Commission in 1937, which recommended partition as the only just solution for the Jews and the Arabs, suggested that over time, there could be exchange of land and population.

On November 22, 1967, the UN Security Council unanimously adopted Resolution 242, establishing the principles that were to guide the negotiations for an Arab-Israeli peace settlement. The Security Council did not say Israel must withdraw from "all the" territories occupied after the Six-Day War, thus enabling border amendments and exchange of land.

In the negotiations in Washington in 2000 between Israel and the Palestinians, it was agreed that the international border between Israel and the Palestinians would be based on the June 4, 1967 lines with border adjustments and exchange of land.

According to Camp David diaries, on August 9, 2000, Palestinian negotiator Saeb Erekat told Israelis: "Our strategy is based on UN Resolutions...once

there is a recognition of the Palestinian state on the June 1967 borders, we will then immediately begin negotiations on the border amendment and equal *exchange* of land in quality and quantity”.

The idea of exchange of land was successfully incorporated in various cases: In 1965 Saudi Arabia and Jordan agreed to boundary demarcations involving some exchange of territory, and Jordan's coastline on the Gulf of Aqaba was lengthened by about eighteen kilometers. The new boundary enabled Jordan to expand its port facilities and established a zone in which the two parties agreed to share petroleum revenues equally if oil were discovered. The agreement also protected the pasturage and watering rights of nomadic tribes inside the exchanged territories.

Another case is India and Bangladesh: following an agreement between the two countries in April 2003, the two sides were to discuss in the “Joint Boundary Working Groups” issues like the exchange of 162 enclaves in both countries, the allocation of divided villages, and the cessation of illegal cross-border trade, migration, and violence.

10. Refugees

A double refugee problem

The immediate cause of the plight of Palestinian refugees was the Arab leadership's rejection of **UN Partition Resolution 181** of 1947, and the war they then started in the hope of destroying Israel. During the hostilities, many Arabs abandoned their homes. This created a double refugee problem: scholars such as Bernard Lewis agree that an estimated 900 000 Jews were expelled from Arab countries and Iran as a result of violence directed against them, and an estimated 600 000 Arabs (according to census figures) fled from British Palestine. Therefore, the Palestinian refugee problem is actually an Arab-Jewish refugee problem. But while the Jewish state has solved this problem by integrating Jewish refugees, the Arab states have purposely maintained this problem by keeping Arab refugees in refugee camps for three generations to use them as political pawns.

Most of the Arabs who fled during the war were encouraged to do so by Arab countries who promised them that they would return after Israel was defeated, although there were also cases of Arabs being forced out of their homes during the fighting. However, those Arabs who did not flee and remained in the Jewish state became full and equal citizens of Israel.

The UN criterion to determine who is a Palestinian refugee is flawed. The UN defines a Palestinian refugee as any Arab who had lived in Israel for two years before leaving. Moreover, an Arab is counted as a Palestinian refugee even if he moved just a few miles from one part of Palestine to another, as many Arabs and Jews did during the 1947-1949 war. On the other hand, the Jews who moved from one part of Palestine to another to escape Arab assault and massacres were never defined as refugees by the UN. If the

standard definition of refugee (which applies to all other refugee groups) were to apply to the Palestinians, the number of Palestinian refugees would fall dramatically. By contrast, the hundreds of thousands of Jewish refugees from Arab and Muslim countries had lived there for hundreds and sometimes thousands of years, even before the advent of Islam. When the **War of Independence** broke out in 1947, 300 Jewish homes and 11 synagogues were destroyed in Aleppo, and 82 Jews were killed in Aden. Riots in Iraq and Egypt forced Jews out of those countries.

Thousands of Arabs and their descendants have been kept in refugee camps for over half a century, to be used as hostages in an effort to demonize Israel. Meanwhile, many refugee problems have been solved around the world by their integration into another country, something which could have been done, for example, by Jordan between 1948 and 1967. During those years, an independent Palestinian state could have been established.

Even after the **Palestinian Authority** assumed control over all the major cities of the West Bank and in Gaza (following the initial implementation of the **Oslo II Agreement** in 1995), no effort was made to integrate Palestinian refugees by dismantling refugee camps and building permanent homes.

The international community has also played a role in perpetuating the Palestinian refugee problem. It has averted efforts to resettle the refugees, as is the international norm. The UN High Commissioner for Refugees, responsible for finding permanent homes for all refugee groups around the world, does not do so for the Palestinians. Instead, a special agency was set up to handle Palestinian refugees. This organization, the United Nations Relief and Works Agency (UNWRA), operates solely to maintain and support the Palestinians in refugee camps.

The “right of return”

The Palestinians have demanded a "right to return" to the State of Israel's pre-June 1967 lines. This is not anchored in international law, relevant UN resolutions or the agreements between Israel and its Arab neighbors. United Nations Resolutions 242 and 338 refer not to a "right of return," but to the need to resolve the refugee issue. The international resolutions traditionally referred to by the Palestinians, such as **UN Resolution 194** and Article 12 of the 1966 International Covenant on Civil and Political Rights, are non-binding and inconsistent with current conditions and realities. For instance, Resolution 194 calls for a return of refugees to "live at peace with their neighbors" – hardly a realistic scenario. It also proposes UN rule over all Jerusalem and the holy sites. Article 12 refers to individuals, not a group of people, who left the country as a result of war.

The international community has yielded to political pressure from Arab regimes and in effect granted the Palestinians an exception from the internationally accepted definition of a refugee under the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol which make no mention of descendants. This exception means that the vast majority of

Palestinian refugees who demand to immigrate to Israel have never actually lived within the borders of Israel. Moreover, the exceptional definition of refugees in the Palestinian case includes any Arab who lived in the area that became Israel for just two years before leaving. These exemptions have inflated the number of Palestinian refugees and allowed it to expand over the years from the hundreds of thousands to the millions.

11. Palestinian terror and violence

The wave of terror that began in 2000 was a strategic Palestinian decision to use violence in gross violation of the Oslo Agreements

Ariel Sharon's visit to the Temple Mount in Jerusalem on September 28 2000, which many blame for the outbreak of the Al-Aqsa Intifada, was in fact not a provocative act. Leaving aside the fact that there were incendiary calls for action in the Palestinian media and in religious sermons before Sharon's visit, and the fact that **Mitchell Report**⁷ concluded that the visit did not cause the "Intifada", the very act of a Jew visiting the **Temple Mount**, Judaism's most holy site, is an exercise of the freedom of worship that Israel guarantees to all its citizens.

The Temple Mount is sovereign Israeli territory, and the State of Israel ensures that everyone, regardless of religion, is allowed free access to the area, and to all holy sites. Ariel Sharon, as well as many other prominent Jewish figures, had visited the Temple Mount several times before without incident. Therefore, there is no basis for calling Sharon's visit illegal or provocative. It was simply used as a pretext to trigger the riots that began the terror war.

Palestinian terrorism and Israel's efforts to defeat it are incomparable

There is a clear and obvious distinction between deliberately targeting civilians and inadvertently killing civilians while targeting terrorists who hide among them. The Palestinian terrorist targets have included, among others, buses, a nursery school, an elementary school, a Jewish community center, a Turkish synagogue, a Swiss airliner headed to Israel, a passenger terminal at Lod Airport, a Passover Seder, a discotheque for teenagers, a Hebrew university cafeteria, and an airplane filled with Israeli tourists returning from Chanuka vacation in Kenya. Amnesty International has declared such terrorist acts to be "crimes against humanity". Many terrorist acts are even directed against Jews who live outside Israel, regardless of their views about Israel. This is anti-Semitic hate violence.

Terrorists try everything to maximize the death toll, sometimes even soaking the nails they use in their bombs in rat poison in order to prevent coagulation of blood. There is also a concern, expressed by Israeli doctors who had

⁷ The entire document can be seen on Israel's Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

treated terrorists, that the blood of some of the suicide bombers might contain hepatitis or the AIDS virus.

Palestinian terrorists use their own civilians as shields, which is a violation of international law. Palestinian leaders are also responsible for the large number of Palestinian children and young adults killed and injured by Israeli gunfire, by deliberately using them as suicide bombers, bomb-throwers, and rock-throwers.

Faced with an angry, violent mob, Israeli police and soldiers often have no choice but to defend themselves by firing rubber bullets and, in life-threatening situations, live ammunition. Armed Palestinians use hospitals, schools, and the homes of innocents as shelter. Israel, as any other country faced with this kind of threat would do, does its utmost to protect its civilians by making efforts to prevent and defeat terror.

The term “cycle of violence”

The term "cycle of violence" presupposes that one side can voluntarily stop the cycle if it simply does not respond to the other side's violence. Experience shows that when Israel did not respond firmly to Palestinian terrorism, more terrorism followed. And when Israel took appropriate military steps, the number and severity of terrorist attacks were reduced.

Palestinian terrorism is a rational tactic selected by its leadership because it has proven to be effective. One of the goals of the terrorists is to provoke an overreaction by the Israelis so as to generate support for the terrorists' cause.

Ultimately, the goal is to kill as many Israelis as possible and to try to frighten Israel into submission.

The asymmetry between Israeli and Palestinian casualties

The Palestinians have tried to kill many more Israelis than they have succeeded in doing, whereas the deaths attributable to Israel have mostly been caused accidentally in the legitimate effort to try to stop terrorism. Comparison between deaths as a result of Palestinian terrorism and those as a result of the Israeli response is hypocritical and misleading for several reasons:

- Israeli authorities prevented thousands of attempted terrorist attacks in which thousands of Israeli citizens would have been killed.
- The Palestinian Authority has decided not to transfer wounded Palestinians to Israeli hospitals, where several lives could have been saved.
- Despite the enormous personal wealth accumulated by some of the Palestinian leaders through personal corruption (Arafat's personal wealth according to *Forbes* magazine was of \$300

million), very little money has been allocated to upgrading the Palestinian medical system.

- Palestinians casualties count Palestinian suicide bombers, armed Palestinian fighters, leaders of terrorist groups, terrorists shot in self-defense while planting or throwing bombs, bomb makers, collaborators who have been killed by other Palestinians and even people who have died as a result of the absurd and dangerous practice of shooting live ammunition in the air at Palestinian funerals and protests.
- The Palestinians also count innocent people caught in crossfire between Palestinian and Israeli fighters, like the child (Mohammed Al-Dura) who was filmed by France 2 being allegedly shot in his father's arms. Further investigation showed that the child could only have been hit by Palestinian fire, and that the whole affair might very well be a hoax to begin with.

Even with all these distortions and exaggerations, the actual number of innocent Palestinian civilians killed by Israelis is considerably lower than the number of innocent Israelis killed by Palestinians. The vast majority of the Palestinians who were killed were directly involved in terrorist activity.

Freedom of expression and dissenting views on the Israeli-Palestinian conflict

The reality is that complete freedom of information and freedom of speech among Israelis and Jews allows for the widest array of views to be presented, whereas virtually total control over information to most residents of Arab and Muslim states, coupled with extreme sanctions for expressing dissenting views, makes any realistic comparison impossible.

The media tends to emphasize dissenting rather than mainstream views. Many Jewish organizations in the US, anxious to hear the widest range of views, welcomed the dissenters and gave them a full hearing. The American and European media have made a habit of presenting the views of articulate Israelis who tend to be quite critical of current Israeli policies.

The explanation given for this phenomenon by Alan Dershowitz, one of America's most distinguished lawyers, is that many Israelis are so anxious to make peace that some are willing to distort and deny clear facts, as history and facts seem to make it more difficult to make peace. Many peace advocates are so willing to accept revisionist, and often false, historical accounts that produce a more "even-handed" narrative of the past, because they believe that such a narrative is more conducive to peace.

There has always been a small element within the Jewish community that has been hypocritical of everything associated with Judaism, Jews, or the Jewish state. There are also Jews that feel some embarrassment from Israel's growing unpopularity among the radical left, and they want to be liked by those whose politics they support on other issues. Accordingly, they tend to distance themselves from Israel and often support the Palestinian side without

much thought about the merits of the case. Opposing Israel and supporting the Palestinians is, for some Jews, a way of establishing their left-wing credentials and proving that their political correctness trumps any ethnic solidarity.

A related phenomenon has seen some Jews, especially in Europe, abandoning their support of Israel because of fear of violence.

12. The Palestinian culture of hatred

Palestinian terrorism is the fruit of a culture of hatred

In Palestinian society (as in a number of Arab countries), the struggle against Israel is considered an end in itself, and the call to destroy Israel has been at the core of the social-cultural-political ethos. The Palestinians' vehement anti-Israel rhetoric has had a crippling impact throughout the region on efforts for peace. The intense coverage of the Palestinian perspective of events and incitement from Palestinian spokespersons have inflamed anti-Israeli sentiments in Arab countries, even influencing many moderate Arab states to downgrade their ties with Israel.

The Palestinian education system, media, literature, songs, theater and cinema are mobilized for extreme anti-Israel indoctrination, which at times degenerates into blatant anti-Semitism. The incitement to hatred and violence is pervasive almost everywhere in Palestinian society: in nursery schools and kindergartens, youth movements, schools, universities, mosque sermons and street demonstrations.

Incitement against Israel has many faces. It begins by totally denying the very legitimacy of the State of Israel and ignoring its existence. The maps in Palestinian schools and universities do not bear even the name of Israel, nor a large number of its cities and towns. Beyond that, the incitement extols the names and deeds of the suicide bombers, names football teams after them, and holds the terrorists up as models to be emulated. The incitement includes anti-Semitic cartoons that use the same kind of motifs and imagery that were used against the Jews during the Nazi era.

Palestinian terrorism is *not* the fruit of poverty or occupation

Osama Bin-Laden is a billionaire, and the young and educated men who crashed their planes in the World Trade Center on September 11 came from wealthy families. Palestinian terrorism is not the fruit of poverty: Haiti is one of the poorest countries in the world. It has always been poor, and its lot is unlikely to improve. Then how come Haiti is not an international center for terrorism? There are many other poor countries in the world, such as Madagascar or Bangladesh, but none of them have ever produced suicide bombers.

The British occupation of India was the longest occupation in history. Yet occupied Indians did not produce one suicide bomber. One of the most cruel and unjustified occupations in the world is the occupation of Tibet by China. No Tibetan has ever blown himself or killed innocent human beings to reach independence. Another particularly cruel and unjustified occupation was the occupation of France by Germany during the Second World War. The French *Résistants* never blew themselves up or killed the wives and children of German officers.

Towards the beginning of the twentieth century, the Jews of British Palestine were also poor. However, the leaders of the **Yishuv** consistently renounced the Jewish extremist factions who used violence against the British. They worked, initiated, built, planted, invested, invented, imported, exported and took risks. So did the South Koreans, the Taiwanese, the Germans and the Japanese after the Second World War. The Germans and Japanese were under American occupation for many years, but they did not murder women and children. Instead, they turned their countries into economic superpowers.

Palestinian suicide bombing appeared precisely *after* the Israeli occupation ended. In the entire two decades of Israeli occupation preceding the **Oslo accords**, some four hundred Israelis were murdered by the **PLO** and associated terrorist groups. Since the conclusion of that agreement, three times as many Israelis have lost their lives in terrorist attacks. Moreover, many of the worst outrages against Israeli civilians occurred not at moments of breakdown in the Oslo “peace process” but at its high points, when the prospect of Israeli withdrawal appeared imminent.

Suicide bombings were introduced at a time of widespread euphoria only a few months after the Rabin-Arafat handshake on the White House lawn: eight people were murdered on a bus in Tel Aviv. In the following year, five bombings took the lives of an additional thirty-eight Israelis. During the government of the very pro-peace Shimon Peres (November 1995-May 1996), fifty-eight Israelis were murdered within the span of one week in three suicide bombings in Jerusalem and Tel Aviv.

According to an Amnesty International Report (June 11, 2002) suicide bombing is a crime against humanity. The Palestinian leadership under Arafat and Arab nations have been glorifying suicide bombings against Israeli civilians and financing terror groups. According to Amnesty International, “no violations by the Israeli government...justify the killing of civilians.”

A study by a United Nations relief worker in Gaza of nearly 250 aspiring Palestinian suicide bombers found that “none were uneducated, desperately poor, simple-minded or depressed”. Other studies found that these mass murderers “were not ignorant, destitute or disenfranchised”. They held “normal respectable jobs” and seemed “to be entirely normal members of their families”. They did not “express hopelessness or a sense of nothing to lose”.

Desperation may explain how easy it has been for elite leaders to persuade impressionable youngsters to become suicide bombers, but desperation alone

is not the complete explanation even for that form of Palestinian child abuse. Glorification of the suicide bombers coupled with dehumanization of the victim are essential contributing factors to why children are willing to blow themselves up.

Islamic religious and political leaders make it easier for these suicidal killers to engage in the mass murder of civilians by dehumanizing Israelis and Jews in their schools, mosques, and media. Palestinian educators, too, incite their students to murder by racist rhetoric.

13. The PLO Charter

In the exchange of letters between Yasser Arafat and Yitzhak Rabin on September 9, 1993, Arafat committed himself to repeal those articles of the PLO Charter that deny Israel's right to exist and that justify terrorism. In the Oslo II Agreements (September 1995), the PLO was required to change its charter by May 7, 1996. According to Article 33 of the PLO Charter, the text of the Charter can only be changed by a vote of a two-thirds majority of the total membership of the PLO's **Palestinian National Council (PNC)**.

Yoel Singer, the Foreign Ministry Legal Advisor during the Rabin-Peres governments (1993-1996), told Ma'ariv newspaper on June 19, 1998, that in early 1996 senior Israeli and Palestinian officials had agreed upon the text of a resolution to be presented to the PNC on April 24, 1996, that would have cancelled the PLO Charter. However, two days before the PNC meeting, Mahmoud Abbas (Abu Mazzen) informed the Israelis that Arafat would present a resolution that would amend the PLO Charter rather than cancel it altogether. The resolution, Arafat said, would amend the PLO Charter by deleting those passages that conflicted with the Oslo Accords.

But Arafat did not even present "his" version. Instead, the PNC met in Gaza on April 24, 1996, and passed a decision which did not change the PLO Charter but empowered a legal committee to do so. That committee never materialized and never submitted the revised Charter to the PNC.

On January 22, 1998, Arafat presented a letter to President Clinton claiming, falsely, that the PLO Charter had been changed at the April 1996 PNC meeting. However, the next PNC's meetings never voted with a two-third majority to change and/or cancel the PLO Charter.

On April 22, 2004, the Jordanian newspaper *Al-Arab* published an interview with Farouk Kaddoumi, the Palestinian foreign minister, who admitted that the PLO charter was never changed. This public admission put an end to an eight year-old charade about the question: "Did the PLO change its charter?" The PLO Charter denies the very existence of the Jewish people and the right of the State of Israel to exist, regardless of its borders. It defines the "liberation of Palestine" (i.e. the destruction of Israel) as a national duty (article 15), calls the 1947 UN Partition Plan "null and void" (article 19), rejects any

compromise with Israel and justifies terrorism as the only way to destroy the Jewish state (articles 7, 9, and 10).

It is no surprise, then, that before Oslo Israel had always refused to deal with such an organization, which not only declared its macabre intentions but also put them into practice by killing dozens of innocent Israelis. And this is why, when Prime Minister Yitzhak Rabin took the risk of cutting a deal with the PLO, his first condition was that the PLO should repeal those article of its charters that deny Israel's right to exist and that justify terrorism against Jews.

14. The anti-terrorist fence

The fence is not a wall

In light of the numerous suicide bombings inside Israel, Israel decided to build an anti-terrorist fence in order to block Palestinian terrorists coming from the West Bank to perpetrate terrorist actions.

The anti-terrorist fence is not a wall. More than 97% of its planned 720 kilometers. (480 miles) will consist of a chain-link fence system. Less than 3% of the fence will be constructed of concrete. The purpose of the fence is to keep the terrorists out and thereby save the lives of Israel's citizens, Jews and Arabs alike.

The *route* of the fence has been determined on the basis of *security needs* and topographical considerations. It is a *temporary, defensive* measure - not a border: the border is to be determined by direct negotiations between Israel and the Palestinians. The fence *will not* annex Palestinian lands nor change the legal status of the Palestinians. When the fence is no longer required, that is, when there is no more terrorism, it can be dismantled within a short period of time.

Israel attaches considerable importance to the interests of the local Palestinian residents. Israel recognizes the necessity of finding an appropriate balance between the imperative need to prevent terrorism and defend its citizens, and the humanitarian needs of local Palestinian residents. On June 30, 2004 the Israeli Supreme Court ordered the state to reroute 30 km of a 40 km stretch of the fence in northeast Jerusalem, due to the needs of the local Palestinians.

Israel has made the use of public lands a priority in building the anti-terrorist fence, in order to avoid the use of private lands. If this is not possible, then private land is requisitioned, not confiscated, and it remains the property of the owner. Most Palestinians will be on the eastern side of the fence. They will have access to their commercial and urban centers. No Palestinians will have to relocate. The anti-terrorist fence was built, to the greatest possible degree, on unused land in order to avoid harming agriculture. Palestinian farmers will have access to their fields and will reach them through special gates that are being built into the fence. Trees affected by the construction will be replanted.

The partially completed anti-terrorist fence has already succeeded in reducing the number of terrorist attacks. Data reveals a clear correlation between the

construction of the fence and a drop in the number of terrorist attacks from those areas adjacent to the parts of the fence that have been completed. So far, according to the Israeli Minister of Defense, the fence has contributed to reducing terrorist attacks by more than 80%.

The Anti-terrorist Fence



The fence is not a manifestation of apartheid and racism

Almost every Palestinian claim attaches the term "apartheid" to the fence. But the Palestinian-Israeli conflict is nothing like the situation that existed in South Africa, and Israel's anti-terrorist fence has nothing to do with racial separation, only with the need to prevent terrorism. Racial separation, as embodied by apartheid, was used in South Africa against fellow citizens of the same country; black South Africans were denied all rights and mingling between the ethnic groups was strictly forbidden.

The Palestinians are referring to the building of the anti-terrorist fence by misusing the term "ghettos". Anti-terrorist measures, such as the fence, have no connection whatsoever with "ghettos". In misusing the term "ghetto" the Palestinians choose to manipulate a term linked to the darkest, most painful periods of Jewish history, and especially the Holocaust. In this manner, the Palestinians are seeking another means to once again smear the name of Israel. This is a classic example of the propagandistic use of an outright lie for the purpose of rewriting and falsifying history and transforming the victim into the perpetrator.

The Jews were forced into ghettos in order to persecute them, to discriminate against them and to isolate them, and ultimately, during the Holocaust, to kill them. Israel is not forcing the Palestinians to live where they are, but is being forced to build the anti-terrorist fence to keep the Palestinians terrorists away from Israeli communities.

The conflict between Palestinians and Israelis is not a racial one, nor a domestic one, but, in fact, a national-territorial conflict between two distinct peoples.

The UN's International Court of Justice is not the appropriate venue for taking decisions on the fence

The *Israeli government has both a legal and a moral obligation to comply with the Israeli Supreme Court's decision* regarding the anti-terrorist fence. After all, the Supreme Court is a creation of the **Knesset** and is therefore representative of all of the people of Israel - Jews, Muslims, and Christians alike. Moreover, the Supreme Court has a real stake in both sides of the fence dispute. Its job is to balance the security needs of its citizens against the humanitarian concerns of West Bank Palestinians. It tried to strike that balance by upholding the concept of an anti-terrorist fence while insisting that the Israeli military authorities give due weight to the needs of the Palestinians, even if that requires some compromise on the security of Israelis.

This contrasts with the questionable status of the International Court of Justice in the Hague. No Israeli judge may serve on that court as a permanent member, while sworn enemies of Israel serve among its judges, several of whom represent countries that do not abide by the rule of law. Virtually every democracy voted against that court's taking jurisdiction over the fence case,

while nearly every country that voted to take jurisdiction was a tyranny. Israel owes the International Court absolutely no deference. It is under neither a moral nor a legal obligation to give any weight to its predetermined decision.

The Supreme Court of Israel recognized the unquestionable reality that the anti-terrorist fence has saved numerous lives and promises to save more, but it also recognized that this benefit must be weighed against the material disadvantages to West Bank Palestinians. The International Court, on the other hand, discounted the saving of lives and focused only on the Palestinian interests. By showing its preference for Palestinian property rights over the lives of Jews, the International Court displayed its bias.

The International Court of Justice is much like a Mississippi court in the 1930s. The all-white Mississippi court, which excluded blacks from serving on it, could do justice in disputes between whites, but it was incapable of doing justice in cases between a white and a black. It would always favor white litigants. So, too, does the International Court. It is perfectly capable of resolving disputes between Sweden and Norway, but it is incapable of doing justice where Israel is involved, because Israel is the excluded black when it comes to that court – indeed when it comes to most United Nations organs.

A judicial decision can have no legitimacy when rendered against a nation that is willfully excluded from the court's membership by bigotry.

Just as the world should have disregarded any decision against blacks rendered by a Mississippi court in the 1930s, so too should people disregard the imbalanced decisions of the International Court of Justice when it comes to Israel.

The International Court of Justice should be a court of last resort to which aggrieved litigants can appeal when their own country's domestic courts are closed to them. The Israeli Supreme Court is not only open to all Israeli Arabs, but also to all West Bank and Gaza Palestinians. Israel's Supreme Court is the only court in the Middle East where an Arab can actually win a case against his government.

The decision of the International Court of Justice against Israel should harm the reputation of that court in the minds of objective observers rather than damage the credibility of Israel. The Israeli government will comply with the rule of law by following the decision of its own Supreme Court.

In 1975 the ICJ issued an advisory on Western Sahara. But after that, Morocco did not back down on its claims, and proceeded to colonize Western Sahara. Between 1980 and 1987, Morocco built most of a 1000-mile long barrier across the heart of the territory of Western Sahara. The UN never challenged the legitimacy of this security barrier.

In 2001, Kofi Annan wrote a special report calling for Moroccan sovereignty and Sahrawi autonomy. As a result, since 2003, the UN has dropped its calls for decolonization and Sahrawi independence.

Thus, the UN has been applying double standards toward Israel and Morocco. While the purpose of Morocco's fence is to annex and colonize Western Sahara, the purpose of Israel's fence is to protect its citizens from suicide bombers. Yet the UN condemned Israel's legitimate and self-defensive fence and approved Morocco's illegitimate and annexionist one.

There are no grounds for the Security Council to enact sanctions against Israel because it did not accept the ICJ's conclusions regarding the fence

During the deliberations on the anti-terrorist fence at the ICJ in the Hague, lawyers for the Palestinians explicitly argued that noncompliance with the ICJ is a classic case in light of the opinion issued by the Court in the Namibia case (see below). Their argument was that as a result of the serious breaches of international law by the State of Israel, other states are obliged to cooperate with one another and with the United Nations and other competent international organizations, in order to put a stop to Israel's alleged violations, not to recognize the unlawful situations arising from these alleged violations, and not to assist in the maintenance of these situations. They added that if Israel persists in its refusal to apply the rules of international law and does not accept the consequences of its responsibility, the General Assembly is entitled to expect the Security Council to take the necessary coercive measures which, in the case of violations of mandatory legal rules, should not be amenable to the use of a veto by any member of the Council.

However, just as the general comparison between Israel and South Africa is specious, so too is the specific linkage of the Namibia and anti-terrorist fence cases. Both cases are in the form of advisory opinions on "legal consequences." In substance and circumstance, though, they have important differences that invalidate the comparison:

- South Africa was already in defiance of several Security Council resolutions demanding their immediate withdrawal from Namibia, when the Security Council asked for the ICJ opinion. By contrast, the Security Council decided not to condemn the anti-terrorist fence during its debate of October 14, 2003.
- The ICJ's advice to the Security Council regarding the actions of other states toward South Africa reiterated the Security Council's call in Resolution 276 (1970).
- South Africa's claim to continued rule over Namibia was universally rejected as entirely illegitimate. The status of the areas where the anti-terrorist fence is built or planned is subject to negotiations, as indicated in Resolutions 242, 338, 1397, 1515, the **Oslo Accords**, the **Camp David II** negotiations, and the **Road Map**.
- The anti-terrorist fence has significantly reduced terror attacks, saving lives and enhancing the conditions for renewed negotiations.

Israel's non-compliance with the ICJ's opinion on the anti-terrorist fence has more in common with France and Iceland than with South Africa. Both of these democracies rejected ICJ decisions – in contentious cases, not advisory opinions – when the court ruled against their national security policies. In defiance of a 1973 ICJ order, France continued atmospheric nuclear testing in the South Pacific until its nuclear weapons program no longer required such tests. In 1974 the ICJ ruled against Iceland's unilateral expansion of its exclusive fishing zone. Yet Iceland disregarded the decision. Fishing was the core activity in Iceland's economy and was considered a national security interest that outweighed the ICJ's ruling.

The United States' rejections of ICJ decisions in the Nicaragua and La Grand cases are also relevant to the anti-terrorist fence case. In 1984, the US lost the jurisdictional decision on the complaint brought by the Nicaraguan government and withdrew from the proceedings. In the La Grand case, the US Supreme Court disregarded an ICJ order to halt the execution of a German national in Arizona. The anti-terrorist fence is a self-defense measure against an illegal use of force – terrorism – and Israel cannot rely on the ICJ to decide such questions properly and fairly.

15. Human rights

Israeli democracy and minority rights

Democracy is the cornerstone of the State of Israel. As emphasized in the Declaration of Independence⁸, Israel guarantees that its government will "be for the benefit of all its inhabitants; it will be based on freedom, justice, peace; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations." Israel's two official languages are Hebrew and Arabic, and all citizens regardless of religion, ethnicity or color are accorded full civil and political rights, and equal participation in all aspects of Israeli social, political, and civic life.

The Israeli law of return is a humanitarian law rather than a religious, family reunification law. It came following the immigration waves during Israel's first years which brought Holocaust survivors, along with refugees forced out of Arab countries to Israel. Although Jews are entitled to citizenship, non-Jews may also seek citizenship, and many have been welcomed by Israel as citizens with equal status and rights to Jewish citizens.

Nine European countries –Austria, Bulgaria, Greece, Hungary, Italy, Romania, Russia, Slovakia, and Slovenia- have laws that grant official status to the connection between the nation and its ethnic national brethren living abroad. Section 108 of the Greek Constitution states that Greece will take responsibility for the "care for emigrant Greeks and for the maintenance of

⁸ The entire document can be seen on Israel's Ministry of Foreign Affairs website, www.mfa.gov.il, or on www.mideastweb.org.

their ties with the fatherland." A law passed by the Russian parliament in March 1999 states that any Russian who returns to Russia can automatically become a Russian citizen. In October 2001, the Council of Europe published a report which stated that relationships between a homeland and its Diaspora kinsmen do not contravene international law as long as they do not undermine the territorial sovereignty of the countries involved.

Israeli law makes no distinction between its Arab and Jewish citizens. Israeli Arab citizens enjoy the same rights as their Jewish neighbors. They are free to practice their religion without discrimination, and they are not forced to serve in the army. There are a number of Israeli Arab parties represented in the **Israeli Knesset (parliament)**, and Arab members of Knesset are vocal in promoting their issues and opinions. Recently, disappointed by the scarcity of Arab ministers in high governmental positions, the Israeli courts instituted a policy of affirmative action for Arabs in the higher echelons of the government. Today, an Israeli Arab serves as a judge in Israel's Supreme Court.

As in every country, much more needs to be done to promote greater educational and employment opportunities for minorities, particularly for Israeli Arabs. The Israeli government has committed to investing in the necessary infrastructure and assistance for these communities. In contrast, the most primitive discrimination against non-Muslims is still openly practiced in Muslim countries.

Israeli democracy and human rights

Israel is the only nation in the Middle East that operates under the rule of law. Its record on human rights compares very favorably to that of any country in the world that has faced comparable dangers. Its Supreme Court is among the most highly regarded in the world, and it has repeatedly overruled the army and the government, ensuring that they operate under the rule of law.

Israel has among the best records in the world with regard to the rights of women, homosexuals, the physically and mentally challenged, and other minorities. It also strongly promotes freedom of speech, press, dissent, association, and religion.

The large Arab minority in Israel, which constitutes 19 percent of its population, enjoys full civil and political rights, including freedom of expression, religion and worship. They vote in Israel's elections, and Arab representatives are elected to Israel's parliament. Israeli Arabs serve as judges, mayors, and civil servants. In addition to Hebrew, Arabic is an official language of the state.

It is difficult to think of another nation in history that has tried so hard to require its military to operate within the rule of law. The Israeli Supreme Court played a far greater role in controlling the Israeli military than any court in history has ever played in the conduct of military affairs, including the US. In any other democracy, the courts are extremely limited in their ability to

prevent the military from taking whatever action it deems necessary to preserve national security.

Civilian casualties

Palestinians of all ages attack Israeli civilians and soldiers with stones, Molotov cocktails, pistols, assault rifles, machine guns, hand grenades and explosives. Moreover, mixed among rock throwers have been Palestinians, often policemen, armed with guns. Faced with an angry, violent mob, Israeli police and soldiers often have no choice but to defend themselves by firing rubber bullets and, in life-threatening situations, live ammunition.

The Palestinians have escalated their violent attacks against Israelis by using mortars and anti-tank missiles illegally smuggled into the Gaza Strip. Palestinians have fired mortar shells into Jewish communities in Gaza and Israel proper, causing life casualties, and IDF reports indicate that anti-tank missiles have been fired at Israeli forces in Gaza. It is commonly known that the Palestinian Authority (PA) has also been stockpiling weapons smuggled into Gaza by sea and underground tunnels linked to Egypt.

According to the rules of engagement for Israeli troops in the disputed territories, the use of weapons is authorized solely in life-threatening situations or, subject to significant limitations, in the exercise of the arrest of an individual suspected of having committed a grave security offense. In all cases, IDF activities have been governed by an overriding policy of restraint, the requirement of proportionality and the necessity to take all possible measures to prevent harm to innocent civilians.

The Palestinians use children as weapons. When he was Arafat's deputy, Abu Mazzen revealed that children are paid to carry out terrorist attacks against Israel. He told a Jordanian newspaper that "at least 40 children in Rafah lost arms from the throwing of Bangalore torpedoes [explosive charges]. They received five shekels [approximately \$1.00] in order to throw them."

Israel has shown great restraint and made a determined effort to limit Palestinian casualties. Whenever possible, the Israel Defense Forces respond to Palestinian violence in a very directed manner, at carefully specified targets. As the campaign of terrorism began, terrorist organizations set up their operation and training centers in the middle of heavily populated centers, such as West Bank refugee camps. Israel has no option but to go into Palestinian centers, since Palestinian terrorists and militia often deliberately position themselves in densely populated areas.

For three quarters of a century, the Arab-Israeli conflict has been between Arab nations dedicated to genocidal aggression against civilians on the one hand and the Jewish state determined to protect its civilian population by taking defensive actions against military targets on the other hand.

Since the end of the 1967 war, the entire focus of the Palestinian aggression has been on civilians, both inside Israel and around the world. Even between

1948 and 1967, Palestinian *fedayeen* sponsored by Egypt and Syria murdered Israeli civilians in hundreds of cross-border raids. These murders took place *before* Israel's military presence in the disputed territories.

In April 2002, following hundreds of suicide bombings of Israeli civilians, Israeli infantrymen entered the Jenin refugee camp, which has become a bomb-making factory and terrorist center. They went from house to house in search of terrorists and bomb-making equipment, which they found plenty of. 23 Israeli soldiers and 52 Palestinians, many of whom were combatants, were killed. This was called a massacre by Palestinian propagandists, supported by the head of **UNRWA**. The number of Palestinian deaths was obscenely exaggerated until the record was made clear.

While detractors make outrageous claims about Israel committing genocide or ethnic cleansing, the Palestinian population in Gaza, for example, increased from 731 000 in July 1994 to 1 225 911 in July 2002, an increase of 68 percent. The growth rate was 3.95 percent, one of the highest in the world. According to the UN, the total Palestinian population in the West Bank, the Gaza Strip, and East Jerusalem was 1 006 000 in 1950, rose to 1 094 000 in 1970, and exploded to 2 152 000 in 1990. The Palestinian population has continued to grow exponentially, increasing more than 20 percent just from 1995 to 2000 when it reached 3 183 000, according to census reports. The Palestinian Central Bureau of Statistics has the Palestinian population in Gaza at 1 390 000, and claims that this number is three times the Palestinian population there in 1967. This growth rate proves the falsity of the outlandish claim that Israel is committing genocide.

Torture

Israel is the only country in the world whose judiciary has faced the issue of whether it is ever justified to engage in even a modified form of non-lethal torture in order to obtain information deemed necessary to prevent a ticking bomb from killing dozens of civilians. On September 6, 1999, the Israeli Supreme Court decided that not only is torture absolutely prohibited, but even the types of physical pressure currently being used by the US (sleep deprivation, forced uncomfortable positions, loud music, shaking, hoods over the head) are prohibited by Israeli law, even in cases in which the pressure is used not to elicit a confession but rather to elicit information that could prevent an imminent terrorist attack.

This contrasts sharply with the situation in Egypt, Jordan, Morocco, Saudi Arabia, the Philippines and other Muslim countries, where torture- including lethal torture of purely political prisoners - is common and approved at the highest levels of government. It also contrasts even with the situation in the US, where modified forms of torture that include physical and psychological components are practiced and are not easily subject to judicial review. A debate about this difficult issue is currently underway in Germany. Other countries, such as France, publicly condemn all forms of torture while quietly tolerating some of its worst forms. England employed tactics similar to those

used by Israel, when interrogating suspected terrorists in Northern Ireland. But only Israel has been so repeatedly and viciously condemned for a practice that their law does not even permit!

House demolitions

Israel does not arbitrarily decide to demolish the homes of Palestinians. The army usually decides to take this drastic measure only after extreme provocation, and in order to ensure the security of soldiers and civilians. Many Palestinian homes, in the Gaza Strip in particular, have been used as bomb factories, to provide cover for snipers, and to conceal tunnels used to smuggle weapons from Egypt. The hope is that before engaging in terrorism, a terrorist might think twice about the consequences. The IDF has, in fact, found the demolition of homes to be an effective deterrent, and that the policy has led fathers to turn in their sons before the youths participate in terrorist attacks that would lead to the destruction of the family's home.

The Israeli policy of demolishing houses that were used to facilitate terrorism, or owned by people who assist terrorists, is an economic penalty for complicity with murder. It is not a collective punishment. Moreover, the concept of collective accountability for terrorism that is widely supported by the vast majority of Palestinians and their leadership is entirely consistent with law and morality.

Palestinian terrorists have learned how to use civilians as both swords and shields: they target Israeli civilians and then hide behind Palestinian civilians when the IDF comes after them. They use noncombatants as shields for combatants. They deliberately place their bomb-making factories adjacent to schools, hospitals, and other civilian buildings.

Targeted assassinations

Since September 2000, Israeli civilians and soldiers alike have had to face thousands of organized, violent and life-threatening attacks, only a small percentage of which have been reported in the international media. These attacks have included suicide bombings, shootings, violent riots, lynching, fire-bombings, roadside ambushes, mortar barrages, and car bombs directed at civilian targets. The Palestinians have also attempted - but fortunately failed - to carry out acts of "mega-terrorism," including attempted attacks on the Pi-Gililot gas and fuel storage facility near Tel Aviv and the truck bombing of Tel Aviv's largest skyscrapers. To date, over 1000 Israelis have been killed and thousands wounded as a result of this violence.

Targeted assassination is a tactic that seeks to prevent future terrorism by incapacitating those who are planning to carry it out but are beyond the reach of other methods of incapacitation, such as arrest. The virtue of targeted assassination is that it is targeted and tends to avoid collateral and collective punishment.

As a result of the relative calm that ensued after the election of Abu Mazzen, Israel announced that it will abandon its policy of targeted assassinations for as long as there are no terrorist attacks.

16. Boycott

Israel has always been willing to compromise and all Israeli governments have been willing to make major sacrifices for the sake of peace. However, peacemaking requires concessions and confidence-building measures on both sides. Just as Israel is willing to address the rights and interests of the Palestinians, Israel has rights and interests that need to be addressed. When in the past Israel met Arab leaders, like President Sadat of Egypt and King Hussein of Jordan, who spoke the language of peace to their own people and were willing to take concrete steps for peace, Israel reached agreements with them and peace was achieved.

Only negotiations can lead to peace. Attempts by the Palestinians and the Arab countries to compel Israel to accept Palestinian demands or one-sided UN resolutions promoted by the Arab states will not bring the parties closer to peace. UN Security Council resolutions **242** and **338** provide an important outline for conducting negotiations on a permanent settlement. Israel has also indicated its readiness to implement the measures of the **Road Map**. But the Road Map will work only if the Palestinians fulfill their obligations, especially when it comes to dismantling the terrorist infrastructure and ending incitement, as required in the first phase of the Road Map.

Peacemaking requires the creation of a positive atmosphere, one that is free of terrorism and incitement, and one that promotes efforts to achieve mutual understanding. Israel has on many occasions taken steps to help improve Palestinian living conditions and the rehabilitation of the Palestinian economy. Israel has made and is willing to take confidence-building measures, such as easing restrictions by removing road barriers, lifting closures, allowing Palestinian workers into Israel and withdrawing from Palestinian towns. Israel is ready to take these steps provided that Israeli security is not harmed and that the Palestinians do not respond with terrorism.

On colleges and university campuses throughout the world, campaigns to boycott and divest from Israel have been waged in recent years. These campaigns are fueled by ignorance, bigotry, and cynicism. The intellectual godfather of this campaign is Noam Chomsky, who signed a petition calling to divest from Israel, for "human rights abuses against Palestinians at the hands of the Israeli government". The petition demands that Israel comply with UN Resolution 242, The UN committee against torture's 2001 report, the Fourth Geneva Convention and **UN Resolution 194** with respect to the rights of the refugees.

But those who call for divestment ignore the fact that Israel has already complied with or has offered to comply with each of the four demands.

- Regarding **UN Resolution 242**: Israel already complied with this resolution and even went beyond it when it returned every inch of the Sinai Peninsula to Egypt. Moreover, in 2000, Israel offered to give the Palestinians between 94 and 96 percent of the disputed land in the West Bank and Gaza, and to accept a Palestinian state. That offer would have left Israel in possession of a tiny percentage of the land referred to by Resolution 242. It surely constitutes full compliance with the language of Resolution 242. It is the Palestinians who ignore the resolution's clause that every state in the area has the "right to live in peace with secure and recognized boundaries free from threats or acts of force".
- Regarding the use of "legal torture" as outlined in the 2001 UN report on torture: Israel has already complied with this report. Two years before the UN report was circulated, the Israeli Supreme Court outlawed the use of all physical pressure in eliciting information from potential terrorists.
- Israel has acknowledged in principle that refugees be allowed to return to their former lands, or else be compensated for their losses, to comply with **UN Resolution 194**: Israel has already tried to comply with this resolution in **Camp David** and **Taba**, when it offered the option for the Palestinians to be compensated for their losses, and the Palestinians rejected it. Moreover, no Arab state has yet offered compensation to the hundreds of thousands of Jewish refugees who were forced to flee after Arab countries declared war on Israel in 1948.
- Regarding the settlements, it is disputable whether or not the Fourth Geneva Convention can be applied to the West Bank and Gaza Strip. Even so, the Israeli government has voluntarily dismantled all the settlements in Gaza, and several in the north of the West Bank, as a part of the voluntary disengagement.

The **Arab League** announced in Amman, Jordan, in March 2002, a decision to reactivate the past Arab economic boycott of Israel.

Most Arab nations continue to refuse to trade directly with Israel. Many Arab companies still include a "boycott clause" in contracts with international companies, which provides for a cancellation of the contract if it is discovered that goods being supplied originated in Israel, or even if the company has a business relationship with Israel or Israelis.

Unlike the United States, where anti-boycott legislation has been enacted, the response to the Arab calls for a boycott of Israel in Europe and the Far East was ambivalent at best. The objective of the boycott has been to isolate Israel from its neighbors and the international community, as well as to deny it trade that might be used to augment its military and economic strength.

The goal of an economic boycott is to isolate and weaken Israel economically and hence make the state non-viable. The Arab boycott has cost Israel billions in lost trade and investment over the last 50 years, and it has undoubtedly contributed to Israel's isolation and separated it from its most

natural markets. So far, the boycott has failed to undermine Israel's economy to the degree intended.

17. The UN and Israel

The UN is a politicized body

According to its charter, the UN is committed to tolerance and equality for all men and women and of large nations and small. While it supposed to be an international body representing all nations, it is instead a politicized forum where the Arab states are able to exert significant power due to their number and bloc voting. It is dominated by the Arab-Muslim automatic majority, who are enabled to pass almost any anti-Israel resolution in the General Assembly and to thwart any resolution that has any hint of criticism against Arab or Palestinian interests.

For over 30 years, the UN has been acting as a discriminatory body and has been a source of hostility, consistently passing resolutions condemnatory of Israel.

The General Assembly

A long-standing tradition of singling out Israel exists in the General Assembly and its committees. The General Assembly has consistently produced a stream of resolutions condemning Israel. According to an AIPAC report, Israel is the object of more investigative committees than any other state in the UN.

While the Arab-Israeli peace process that was launched in Madrid in 1991 is structured on the basis of direct negotiations between the parties, the UN constantly undercuts this principle, and the General Assembly routinely adopts resolutions that attempt to impose solutions on critical issues such as Jerusalem, the **Golan Heights** and settlements.

Only after continuous pressure from Jewish communities did the UN finally commemorate the Holocaust, in January 2005 in a ceremony marking the 60th anniversary of the liberation of Auschwitz. Previously, special efforts to include the Holocaust in a commemoration of the Second World War were rejected.

In 2002 there were twenty General Assembly resolutions directed at Israel. They include claims that Israeli sovereignty over any part of Jerusalem is null and void, that all persons displaced as a result of the June 1967 war and subsequent hostilities have a right to return to their homes, and that "the problem of the Palestine refugees" must be resolved in conformity with **Resolution 194(III)** of 1948.

The 2002 General Assembly adopted for the first time a new resolution which gives special recognition to Palestinian children. It is now one of only three General Assembly resolutions on children - the other two are on the rights of the child and the rights of the female child. It was adopted in committee in the same week that a gunman from Arafat's **Al-Aqsa Martyrs Brigade** broke into

a home in a kibbutz in northern Israel and shot to death a four and five-year-old at close range while their mother tried to hide them beneath her body. Although during the days of the Palestinian violence, over one hundred Israeli children have been murdered, and one thousand wounded or maimed, the UN resolution made no mention of Israeli children. Only the United States, Israel, the Federated States of Micronesia, the Marshall Islands, and Palau voted against this resolution.

The UN General Assembly's resolutions are not binding in international law. There are two types of UN resolutions: those passed by the General Assembly and those passed by the Security Council. General Assembly resolutions are recommendations only. They are not legally binding and are not enforceable in international law. Only Security Council resolutions are mandatory upon UN members.

Thus, no UN member, including Israel, is required to comply with General Assembly resolutions. Besides, the General Assembly is a politicized body that has been hijacked by the Arab world since the early 1970s to fight Israel on the diplomatic front. Thanks to Third World and (then) Soviet support, the Arab states enjoyed an "automatic majority" that enabled them to pass all the resolutions they worded in order to isolate and de-legitimize Israel. This is how the General Assembly gave a standing ovation to Yasser Arafat in 1974 after he openly declared his intention to wipe out the State of Israel. And this is how the General Assembly passed a resolution in November 1975 calling **Zionism** a form of racism.

The General Assembly's moral corruption and bankruptcy is further exemplified by the fact that its commissions and committees have become a farce that has crossed all the limits of hypocrisy and bad taste. For example, Libya chairs the Human Rights Commission, and Iraq chaired the Disarmament Commission during Saddam's regime. Sudan's Islamic government, while committing genocide against its Christian minority, was recently elected to the Human Rights Commission.

The UN General Assembly and its committees/commissions have become an industry in passing resolutions against Israel because of the manipulation of the "automatic majority" by the Arab States. However, it has never expressed any concern about Jewish victims of Arab terrorism, about the 1988 gassing of the Kurds by Saddam Hussein, about the occupation of Tibet by China, or about the de-facto annexation of Western Sahara by Morocco –to use only a few examples.

So not only is there no legal obligation to comply with UN General Assembly resolutions, but these resolutions lack any sort of moral authority or value, because they are the result of political manipulations, hypocrisy, bad faith, bad taste, and cynicism.

Regional groups

For 52 years Israel has been the only UN member excluded from a regional group. Geographically, it belongs in the Asian Group; however, the Arab

states have barred its membership. Without membership in a regional group, Israel cannot sit on the Security Council or other key UN bodies. On May 30, 2000, Israel accepted an invitation to become a temporary member of the Western European and Others (WEOG) regional group. But its membership is severely limited and temporary, and it only applies to UN bodies located in New York (and not in Geneva).

On the other hand, Syria, which has been added to the US list of states sponsoring terrorism, was elected in October 2001 to serve as a non-permanent member of the United Nations Security Council, a body supposedly responsible for maintaining international peace. Similarly, Libya has chaired the UN Commission on human rights, and Iraq chaired the UN Commission on Disarmament before the toppling of Saddam Hussein.

Emergency Special Sessions

Israel has been the subject of many Emergency Special Sessions of the UN. Oddly, no such session has ever been convened with respect to other member states accused of occupying foreign or disputed territories.

UN Durban World Conference Against Racism

The UN Durban World Conference Against Racism in September 2001 became a front for Israel-bashing and anti-**Zionism**. In the conference, only one situation was criticized as racist in the world today - Palestinians living under Israeli occupation. The NGO Forum, immediately preceding the government conference, adopted a document that equated Zionism with racism, reminiscent of the infamous 1975 UN "Zionism is racism" resolution, which was eventually repealed. In the government conference, the drafting committees discussed whether Holocaust had a capital 'H' or an 's' on the end, whether anti-Semitism also meant discrimination against Arabs, the legitimacy of referring either to anti-Semitism or the Holocaust at all, and the legitimacy of mingling Muslims and Jews on Arab soil. In the end, almost all references to anti-Semitism and the Holocaust, particularly in sections requiring specific actions in the fields of education, political parties, and the judicial function, were deleted. The outcome reflected a consensus by all but the United States and Israel, the only two states to walk out of the conference.

Durban is now the centerpiece of the UN anti-racism agenda. Every time follow-up to the Durban conference has come to the General Assembly or Commission on Human Rights, there is doubt about the legitimacy of UN concern with anti-Semitism. Both in the Fall 2002 General Assembly and the 2003 Commission, anti-Semitism was deleted from the explicit terms of reference of the UN investigator on racism.

UN Human Rights Forums

The Commission on Human Rights routinely adopts totally disproportionate resolutions concerning Israel. Of all the condemnations of this agency, 26 percent refer to Israel alone, while rogue states such as Syria are never criticized.

The "UN human rights organizational structure" on the UN website lists only one country-specific mandate, the "Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories." Established in 1968, it is the only country-specific UN human rights investigative mechanism that is not comprised of independent experts, but state representatives.

In 1993 the UN Commission on Human Rights created the role of Special Rapporteur on the Palestinian territories. The Rapporteur's mandate is to investigate only "Israel's violations of...international law," and not to consider human rights violations by the Palestinian Authority.

At the 1993 Vienna World Conference on Human Rights (only the second world conference on human rights in the history of the UN), efforts to place anti-Semitism into the Vienna Declaration failed because, in the words of the Chair of the Drafting Committee, it was too controversial a subject.

The 2003 Commission on Human Rights adopted a resolution which specifically affirms (through incorporation by reference of an earlier General Assembly resolution) the legitimacy of suicide-bombing - or, in UN-language, "all available means including armed struggle" - in order to resist "foreign occupation and for self-determination." The only states to vote against were Australia, Canada, Germany, Peru, and the United States. The United Kingdom and France, for example, merely abstained.

Security Council

In December 2002 the Security Council passed a resolution on the November 28th terrorist attacks in Kenya which were directed at Israelis. In October a hostage-taking incident in Moscow and a terrorist bombing in Bali resulted in Security Council resolutions within twenty-four and forty-eight hours respectively. But it took the Council two weeks of intensive negotiation to adopt the resolution concerning the attacks in Kenya because of a struggle over references to Israel and Israeli victims. Eventually omitted from the final draft is a reference to "Israeli civilians" and to any cooperation with "Israeli authorities" in order to bring the perpetrators to justice.

Special UN missions

In April 2002, UN behavior was a major contributing factor to an atmosphere of hysteria over an alleged Israeli "massacre" in Jenin, labeled even in a **Fatah**-authored report as "the suicide bomber's capital." Terje Rod-Larsen, UN Special Coordinator for the Middle East Peace Process, told the world the scene in Jenin was "horrific beyond belief," "totally destroyed...like an earthquake; we have expert people here who...say they have never seen anything like it." Peter Hansen, Commissioner General of **UNRWA**, called it "a human catastrophe that had few parallels in recent history." UN press releases blazed: "End the horrors in the camps." Buried in paragraph 57 of a report issued by the Secretary General in the summer was the fact that the Palestinian death toll had been fifty-two, more than half of whom were armed

combatants. The impression of a massacre at Israeli hands is what remains in the public consciousness.

The most recent report of the Special Rapporteur on Israel, by South African John Dugaard to the 2003 Commission on Human Rights says: "Both Palestinian and Israeli children have been exposed to threats of personal safety, while Palestinian children have, in addition, felt the breakdown of family life." He could not conceive of the breakdown of the family life of the Israeli child whose parent is murdered or maimed in a suicide bombing. Says Dugaard of suicide bombings, on the one hand, and civilian deaths that result from military action by Israel (which he labels "reckless"), on the other, "from a moral perspective both are reprehensible."

UN NGO committee

In recent years, Jewish non-governmental organizations, such as the International Association of Jewish Lawyers and Jurists, Hadassah, and the Simon Weisenthal Center, have been singled out for differential treatment by the UN's Economic and Social Council NGO Accreditation Committee, which has attempted to impede their UN accreditation (and, by implication, access).

The Palestinian claim for independence is no stronger than some other cases which receive far less attention from the UN

The Palestinian claim to statehood and independence is no stronger, and in some cases far weaker, than the claims of the Tibetans, the Kurds, the Basques, the Chechens, the Turkish Armenians, and other stateless groups. The Palestinians supported the losing side in every war of the 20th century: two World Wars, the Cold War, and the **Gulf War**. The Tibetans and the Kurds have not aligned themselves with the evils of Nazism, Communism and Islamic terrorism, yet receive much less attention from the UN.

The occupation of Tibet by China has been long and brutal. The Chinese government has built far more settlements in Tibet than Israel has in the West Bank and Gaza. Jewish settlers constitute a tiny minority in Palestinian areas, while the Chinese have flooded Tibet with so many ethnic Chinese that Tibetans have become a minority in their own land.

Despite this, the UN has never condemned China or recognized the right of the Tibetans to self-determination. On the contrary, the international community rewarded China with the 2008 Olympics. Same thing goes for the Kurds, the Armenians in Turkey, the Chechens, the Basques, and dozen of other stateless groups, none of which have observer status at the UN or recognition by so many states.

A large part of the Palestinian population supports the destruction of a UN member state, whereas neither the Tibetans nor the Kurds seek the destruction of any state. Palestinians have attracted worldwide attention by murdering thousands of innocent people, whereas the Tibetans have never resorted to terrorism. Palestinian terrorism has been richly rewarded, however

it has not brought them a state, because neither Israel nor the US has been willing to reward terrorism in the way the UN, the EU, the Vatican, and others have.

The Security Council and the use of force

Since Iraq's August 1990 invasion of Kuwait and the **1991 Gulf War** that followed, Arab diplomats at the United Nations have charged the international community with a policy of "double standards" regarding UN actions against Iraq for failing to comply with UN Security Council resolutions. Thus, in the debate leading up to the adoption of UN Security Council Resolution 1435, concerning Israel's presence in Ramallah, the representative of the Arab League charged that the UN was pressing Iraq while ignoring Israeli violations of UN resolutions. In May 2004, Iraqi Deputy Prime Minister Tariq Aziz complained that sanctions were imposed on Iraq for non-compliance but not on Israel.

Two chapters of the UN Charter clarify the powers of the UN Security Council and its resolutions. Resolutions adopted under Chapter VI of the UN Charter - that deals with "Pacific Resolution of Disputes" - are implemented through a process of negotiation, conciliation, or arbitration between the parties to a dispute. **UN Security Council Resolution 242** from November 1967 is a Chapter VI resolution which, when taken together with Resolution 338, recommends an Israeli withdrawal from territories (not all the territories) that Israel entered in the 1967 **Six-Day War**, by means of a negotiated settlement between Israel and its Arab neighbors. The resolution is not self-enforced by Israel alone; it requires a negotiating process.

The most severe resolutions of the UN Security Council are those specifically adopted under Chapter VII of the UN Charter, that deal with "threats to peace, breaches of the peace and acts of aggression." When Iraq invaded Kuwait in 1990, the UN Security Council adopted all its resolutions against Iraq under Chapter VII of the UN Charter. The implementation of those resolutions was not contingent on Iraqi-Kuwaiti negotiations, for Iraq engaged in a clear-cut act of aggression. Moreover, UN resolutions on Iraq are self-enforcing, requiring Iraq alone to comply with their terms. However, the UN recognized, under Article 42 of the UN Charter, the need for special military measures to be taken if a Chapter VII resolution is ignored by an aggressor.

It is noteworthy that in 1967, no UN body adopted a resolution branding Israel as the aggressor in the Six-Day War, despite Soviet efforts, for it was commonly accepted that Israeli actions were the result of a war of self-defense.

The debate over compliance with UN resolutions, however, has called attention to flagrant violations of Chapter VII resolutions on Iraq by Syria, which is ironically a member of the UN Security Council. UN Security Council Resolution 661 provided that no state was to trade in Iraqi oil; subsequently, the UN created, for humanitarian reasons, the oil-for-food program, which

permitted Iraqi oil sales as long as the UN could strictly control the expenditure of any resulting oil revenues for food and medicine.

However, Syria agreed to illegally pump Iraqi oil through its pipeline to the Mediterranean in violation of UN Chapter VII sanctions on Iraq. Syria earned approximately \$1 billion per year from this illegal trade that circumvented the UN oil-for-food program. Additionally, by harboring known international terrorist organizations, like **Hamas**, **Hizbullah**, and the **Islamic Jihad**, Syria is violating the specific terms of UN Security Council Resolution 1373, adopted under Chapter VII of the UN Charter after the September 11, 2001, attacks on the United States.

18. Israel's relative size and power in the Middle East

The IDF versus other regional armies

Israel is no regional Goliath. It is a democracy of 6 million citizens, surrounded by 22 Arab dictatorships (plus Iran) that cover a population of 360 million Arabs and Iranians. Israel's population constitutes 1.6% of the entire Middle East population. Israel's territory covers 0.1% of the Middle East.



According to the Jaffe Center for Strategic Studies, as of May 2004, there are about 600,000 Israeli soldiers (including reserves) for over 5 million Arab soldiers, 3,700 Israeli tanks for 15,000 Arab tanks, and 550 Israeli combat aircrafts for 2465 Arab combat aircrafts.

Conventional and non-conventional threats to Israel

The threat to Israel has not diminished much in the past five decades - the peace treaties with Egypt and Jordan have helped set important precedents, but the hatred in the Arab and Muslim worlds remains intense.

Past Arab-Israeli wars were the result of an alliance of Arab states joining, if only temporarily, to launch a strike at Israel. The Arabs have traditionally put aside their differences at times of conflict with Israel.

Even alone, Syria would pose a serious threat to Israel. Damascus received more than \$2 billion from the Gulf states during of the Gulf crisis. Much of this money was spent on new modern weaponry to advance Hafez Assad's quest for "strategic parity" with Israel. Today, Syria has more tanks than Israel, and nearly as many troops and aircraft. Syria has also acquired long-range missiles from North Korea as well as biological and chemical weapons. Syria has first-strike capabilities against key Israeli installations, including air bases and troop mobilization points. According to the annual report on threats to Israel in 2005, presented by Meir Dagan, Chief of the Israeli **Mossad**, in January 2005, there are suspicions that Syria has already launched a nuclear project of its own.

Iran poses a major threat to Israel. It calls for Israel's destruction, is developing nuclear weapons, and it supports Hizbullah in Lebanon as well as Palestinian terrorist organizations. According to the same report given by Meir Dagan, by the end of 2005 Iran will reach a point-of-no-return in its uranium enriching program, and from that point it will have the capability to produce by its own nuclear bomb. Iran already possesses long range ballistic missiles.

Israel has valid reasons to fear an Iranian nuclear capability. Iran continues to declare their rejection of "the Zionist entity" and the peace process. In December 2001, former Iranian president Hashemi Rafsanjani called the establishment of the Jewish state the "worst event in history," and declared, "In due time the Islamic world will have a military nuclear device, and then the strategy of the West would reach a dead end, since one bomb is enough to destroy all Israel." Iran's supreme leader Ayatollah Ali Khamenai told the Syrian premier during his visit to Tehran in November 2000 that "the destruction of Israel will certainly occur." Khamenai further emphasized in a Friday sermon "that the cancerous tumor called Israel must be uprooted from the region." In January 2001, he noted: "The foundation of the Islamic regime is opposition to Israel and the perpetual subject of Iran is the elimination of Israel from the region."

While Egypt remains formally at peace with Israel, it has amassed a substantial offensive military capability in recent years. Should the present regime in Cairo be overthrown, the prospect for continued stable relations with Israel would diminish substantially. Egypt has purchased Scud missiles from North Korea and is thought to possess chemical weapons. Its army, air force and navy now field a wide range of the most sophisticated Western arms, many identical to Israel's own weapons.

19. Israel and the nuclear issue

Israel's "nuclear ambiguity"

Though Israel does not formally acknowledge that it has a nuclear capability, it has been widely reported that it has been a member of the "nuclear club" for a number of years.

Israel's nuclear policy is characterized by a low profile, unobtrusiveness and self-restraint. Statements by the country's leaders on the nuclear issue are measured and parsimonious, the most significant being the declaration that Israel will not be the first to introduce nuclear weapons into the region.

The unobtrusiveness is reflected, for example, in the official avoidance of reference to any nuclear capabilities whatsoever, apart from scientific ones and technological infrastructures. The self-restraint is manifested in, among other things, Israel's refraining from boasting or threatening language. This restrained and controlled policy has been consistently followed by all Israeli governments, and it rests on a broad consensus within the Israeli public.

Israel's policy is also quite well understood by key states. British Prime Minister Tony Blair has recently spoken of "the particular worries that Israel has about security, given that it is surrounded by many countries, some of whose stated objective is still to get rid of it." Referring to the idea of a nuclear free zone in the Middle East, Blair noted that: "In order to achieve it, Israel is going to have to be sure that it is surrounded by countries that do not wish it ill." British Secretary of State for Foreign and Commonwealth Affairs Jack Straw has made it clear that Israel is in an altogether different security category from all the other nations of the world, because Arab and Islamic states are threatening its very existence and denying its right to exist.

American Defense Secretary Donald Rumsfeld has expressed the view of the United States on this issue in his typically colorful manner: "Israel is a small state with a small population. It's a democracy and it exists in a neighborhood that in many, over a period of time has opined from time to time that they would prefer it not be there and they would like it to be put in the sea. And Israel has opined that it would prefer not to get put in the sea, and as a result, over a period of decades, it has arranged itself so it hasn't been put in the sea."

John Bolton, former US undersecretary for Arms Control stated on October 12, 2003: "We tolerate nuclear weapons in Israel for the same reason we tolerate them in Britain and France. We don't regard Israel as a threat".

In his April 14, 2004 letter of commitment to Prime Minister Ariel Sharon, United States President George W. Bush mentioned America's "steadfast commitment to Israel's security, including secure, defensible borders, and to preserve and strengthen Israel's capability to deter and defend itself, by itself, against any threat or possible combination of threats." This commitment was first made by President Bill Clinton to Prime Minister Benjamin Netanyahu, and later on also to Prime Minister Ehud Barak. Now Bush, too, has reaffirmed it.

Such understanding for Israel's nuclear posture derives from its unique security situation, from the fact that it is threatened but not threatening, and by virtue of its democratic and responsible character.

Israel and the Non-Proliferation Treaty

From the outset, Israel has supported the principles of nuclear non-proliferation. Although it is not a signatory to the Non-Proliferation Treaty (NPT), due to the demonstrated limitations of this treaty, Israel has refrained from disseminating nuclear knowledge and technology.

Israel's decision not to be bound by the Non-Proliferation Treaty (NPT) is based largely on the grounds that the treaty has done little to stem nuclear proliferation in the region. Iraq is a signatory to the NPT, and yet was able to amass a large amount of nuclear material without the knowledge of the International Atomic Energy Agency.

Israeli nuclear policy has been particularly careful and responsible. In sharp contrast to Pakistan, whose chief nuclear scientist, A. Q. Khan, ran what the **International Atomic Energy Commission (IAEA)** referred to as a "nuclear supermarket" for states such as Libya, Iran, North Korea, and perhaps Syria and Saudi Arabia, Israel has avoided any contribution to nuclear proliferation. Recent changes in Israeli export regulations have brought these into line with the **Nuclear Suppliers Group (NSG)** and the **Australia Group** (with respect to preventing proliferation of chemical and biological weapons), opening the way for greater cooperation in these frameworks.

Israel and the issues of arms control and regional security arrangements

Conceptual issues in the nuclear domain have already been discussed in the multilateral **Arms Control and Regional Security (ACRS)** working group that met between 1992 and 1995. There, Israel made clear what it had declared a decade earlier - that its long-term vision is identical to that of its allies: making the Middle East free of all types of non-conventional weapons, in the belief that this will be made possible once comprehensive peace relations prevail among all the countries of the region.

Israel's agreement to the idea of a regional security dialogue, parallel with the peace process, can also be found in the guidelines of the **Road Map**: In the second phase of the Road Map the five multilateral tracks are to be restarted, among them arms control and regional security. Egypt caused the suspension of these tracks. Yet, if the Road Map, which enjoys broad international legitimacy, were to be implemented, then later on the multilateral tracks will also be advanced, among them arms control and regional security.

It is true that Israel's security environment has improved in the past few years, particularly after the destruction of Saddam Hussein's arsenal of Scud missiles and other weapons and the fall of his regime. In addition, after the Libyan government was caught attempting to import components for the production of enriched uranium, it relinquished major **WMD**-related components, including chemical weapons materials. This is another direct benefit of the **Iraq War**. The threat of massive conventional attacks against Israel has also diminished with the end of the Cold War and the parallel decline of Syrian and other forces that had been aligned with the Soviet Union.

However, the fundamental asymmetry that has always characterized Israel's strategic position in the Middle East remains unchanged. In the regional turbulence which has increased as a result of the war in Iraq, Israel's miniscule territorial size and small population could present an irresistible target of opportunity for yet another Arab leader seeking to divert attention from internal pressures. From this perspective, Israel's nuclear deterrent option is given credit for preventing catastrophic miscalculation, even in the case of Saddam Hussein. Israel is not going to be destroyed, and the only rational alternative is mutual acceptance.

Israel and Libya's example of renouncing nuclear weaponry

Libya's declaration in December 2003 that it was ending its pursuit of weapons of mass destruction, dismantling the capabilities and facilities that it had already developed, and opening its territory for inspections marks an important stage towards the reduction of threats and instability in the Middle East.

However, after decades in which Libyan leader Muammar Qadhafi was directly involved in terrorism, and given Libya's long history of deception, particularly regarding production of chemical weapons at the Rabta complex, the latest pledges must be viewed with some caution. (After the US threatened to bomb Rabta, the Libyans claimed that it was destroyed in a fire, while apparently moving production to another site.) In addition, in the Arab League and other frameworks, Libya's anti-Israel and anti-American rhetoric remains intense and rejectionist, and its position on the Palestinian issue calls for the replacement of Israel with a bi-national state.

It is true that this time, the Libyan public statement was preceded by inspections of **WMD** facilities by US and British experts, which adds credibility. But Qadhafi's pledge to implement transparency and open up all facilities to international inspection remains to be implemented and tested.

In these preliminary inspections, Libya, like Iran, was found to have blatantly violated its commitments under the 1970 Nuclear Non-Proliferation Treaty (NPT). The unreported and unsafeguarded enrichment of uranium, which is the essential step for manufacturing atomic weapons, is explicitly prohibited, and remained undiscovered by the IAEA. In the absence of intelligence information pointing to such illicit activities or threats of major military action from both the Bush administration and the UK - backed up by the very visible example of Iraq - Libya and Iran would have been able to develop nuclear weapons within a short time period.

The ability of both Libya and Iran to violate their legal commitments and obtain the necessary technology from external suppliers (Pakistan, North Korea, as well as Western sources, are suspected in this process) is further proof of the inadequacy of the verification and safeguards systems that are employed by the IAEA, which is charged with implementing the NPT. It is important to recall

that the IAEA, under Hans Blix, gave Iraq a clean bill of health prior to Israel's strike on its **Osiraq** reactor.

20. Israel and the US

The US-Israel relationship and America's national interests

The United States is a longstanding strong ally of Israel, based on shared democratic values and strategic interests, including the rejection of terrorism. The United States has a great interest in the stability of the Middle East, a region that is afflicted by extremists who violently oppose the US, Israel, and democracy. These are rogue states with large military arsenals which include non-conventional weaponry, and other authoritarian regimes. Bolstering and supporting peace, stability and democracy in the region through relations with Israel is very much in America's strategic interest.

US-Israel relations do not jeopardize relations with others in the region. The US enjoys a symbiotic relationship with its Arab allies, who have overriding national interests in maintaining their close relations with the US. They are an important source of fuel for Americans, while the US provides them with crucial military and political support as exemplified by the leading US role in the **1991 Gulf War**.

For supposed US allies such as Egypt and Saudi Arabia, internal pressures dictate how much those nations can show support for any US-led coalition against extremists, regardless of Israeli policies or involvement. Because of internal threats from Islamic extremists in their own populace, these nations will not provide too much public assistance (for example, using their countries as takeoff points for US military actions) lest they antagonize these anti-American extremists. At the same time, given the threat Islamic extremist terrorist organizations pose to both the Egyptian and Saudi regimes, they are supportive of the US effort against Osama bin Laden and Al-Qaeda.

The Al-Qaeda network and the Arab-Israeli conflict

The hatred of the United States and the West by Osama Bin Laden and Al-Qaeda is one of the pillars of its ideology and has little to do with the Israeli-Palestinian conflict.

In bin Laden's public pronouncements and decrees, the US is blamed for its presence on Muslim soil (stationing US troops in Saudi Arabia and Pakistan), for its support of "moderate Arab regimes" such as Saudi Arabia, Kuwait, Egypt, Jordan and others that he considers corrupt and anti-Muslim. Bin Laden and his supporters recognize that the US and its allies in the region (including Israel, Saudi Arabia and Egypt) stand in the way of his ultimate goal: the establishment of a unified Muslim state across the region that would be ruled according to an extreme interpretation of Islam. These extremists are

also ideologically opposed to everything the US holds dear: democracy, modernism, freedom, globalism and diversity.

American foreign aid to Israel

U.S. aid to Israel promotes vital American security interests. Israel is a reliable, pro-American stabilizing force in an otherwise volatile, but critical region of the world. Israel stands together with the United States in countering the most dangerous threats the U.S. faces in the region, including the proliferation of weapons of mass destruction by rogue regimes and the use of terror by groups supported by these same countries to destabilize moderate regimes and disrupt peacemaking efforts.

Israel provides invaluable intelligence, sharing proven military tactics faced by both armies in similar situations and contributing important military technologies utilized in U.S. military campaigns both in Afghanistan and Iraq. U.S. aid keeps Israel strong at a time of increasing threats.

Foreign assistance programs are cost-effective ways to advance U.S. national and security interests throughout the world, which has become even more important since 9/11. At only one percent of the federal budget, foreign aid provides the United States with the tools to pursue an active and engaged American foreign policy.

In recent years, Israel has committed to reducing and eventually eliminating foreign aid from the United States, maintaining only military assistance to promote Israel's security. Israel's cumulative aid levels have decreased by \$1.68 billion to date, from the \$3 billion Israel was receiving in the years prior to 1998.

America's decision to launch the war in Iraq

The American war against Iraq may have had the side-effect of removing a secondary or tertiary threat to Israel, but not a primary threat.

Iraq was a potential primary threat for other states in the region, like Iran, Kuwait, and Saudi Arabia, whose territory was actually invaded or threatened by Iraqi forces in the last 20 years.

If Israel wanted to get into the business - which it did not - of prodding the US to go to war on its behalf, it would have chosen Iran and not Iraq. Iran did not face the same international constraints, so both its nuclear and ballistic missile programs were far more advanced. In August 2005, Iran said that it has improved the range and accuracy of its Shihab-3 missile, which can be armed with chemical or nuclear warheads, saying that the weapon can strike targets as far away as 2000 kilometers with an accuracy of within one meter.

On the nuclear side as well, Iran was moving ahead of Iraq by the year 2000. The **International Atomic Energy Agency (IAEA)** already knew about Iran's covert nuclear enrichment facility at Natanz by September 2002 when the

issue was raised by IAEA Director General Dr. Mohammed El-Baradei with Iran's vice-president. A confidential IAEA report in 2003 described how the clandestine Iranian nuclear enrichment program had been based on complex technologies developed over the past 18 years.

Most of President George W. Bush's advisors are actually life-long conservatives, but because there are also some neo-conservatives in the administration, the influence of this group appears to have been exaggerated. The fact that some notable neo-conservatives are American Jews has allowed some commentators, as Norman Podhoretz has observed, to play on ancient anti-Semitic canards as they trash the Bush administration's Iraq War strategy. Like the forged Protocols of the Elders of Zion, these conspiracies are based on a sinister Jewish plot to exercise global influence. In its current variant, that influence is exercised on behalf of Israel.

The US and Israel are allies with joint interests. They are allowed to share the same perceptions, and it does not mean that the US was dragged into the Second Gulf War. The 9/11 attacks on New York and Washington have only enlarged the scope of the joint interests of the US and Israel to defeat global terrorist organizations that are harbored by rogue regimes in the Middle East. If Israel didn't exist, that would remain a primary US interest today.

21. Europe and the Middle East

The European position on the Middle-East is imbalanced

Since the use of the oil weapon by the Arab states in 1973, Europe has adopted a pro-Arab bias and applies double standards in the Middle East. Even the former Vice-President of the European Commission, Henri Simonet, admitted that after 1973, "when faced with the economic, social and political consequences of a sustained oil embargo, the Nine [the nine member states of the then European Economic Community] had chosen the path of appeasement at any price."

Most European opinion makers buy the Arab canard that the Arab-Israeli conflict began in 1967, ignoring the fact that the 1967 war and its territorial outcome were the *consequence* and not the cause of that conflict. This mistaken approach has led to the assertion that the removal of Israeli settlements and Israel's withdrawal to the 1949 **armistice lines** (wrongly called "1967 borders") will solve the Arab-Israeli conflict. In reality, the Arab world did all it could to eliminate Israel well before 1967 and had no intention of recognizing Israel's right to exist before the **Six-Day war**.

With the **Venice Declaration** (in 1980) and the **Berlin Declaration** (in 1999), the Europeans have adopted the PLO goal of an externally imposed "solution"

to the Israeli-Palestinian conflict, demanding from Israel an unconditional and total withdrawal to the 1949 armistice lines (in contradiction with **UN Security Council Resolution 242**), and the “reintegration” of the so-called Palestinian refugees.

In May 2000, when the IDF withdrew from its security zone in Southern Lebanon, the EU pledged to send a strong force to bolster UN troops, disarm Hizbullah, and ensure stability. In reality, nothing happened on the ground and Hizbullah attacks continued.

On April 15, 2002, a number of European states (including Austria, Belgium and France) voted in favor of a resolution passed by the UN Commission on Human Rights (which includes major human rights violators such as China, Libya, Saudi Arabia and Syria) that in effect justified suicide bombings against Israeli civilians. The resolution affirmed “the legitimate right of the Palestinian people to resist Israeli occupation” which in the context of the events of 2002 and in PLO-talk means terrorism.

The intensive European involvement and initiatives have failed to contribute to regional peace and security. The EU’s highly visible reaffirmation of Arafat’s position in 2003 was designed primarily to snub the US, but its impact was entirely negative and undermined the goal of Palestinian regime change as the first step of the **Road Map** process.

The large budgets provided by the EU as well as by member states to the Palestinian Authority and to Palestinian NGOs (generally aligned with the PLO) have been counter-productive in terms of the goals defined by European policy-makers. These funds have been diverted by a corrupt and anti-democratic leadership, including for the purchase of weapons and the funding of terrorism.

The EU has been funding Palestinian schoolbooks that incite against Israel, deny Israel’s legitimacy, and are violently anti-Semitic. The European Commission has been denying these misdeeds, even after a recent inquiry strongly supported the claim that European tax money has been diverted toward Palestinian incitement and terrorism.

Some isolated and courageous European MPs have been challenging the European Union’s anti-Israel bias and implicit support of Palestinian terrorism and incitement. They pay dearly for “daring” to say that Palestinian terrorism is unacceptable and that Israel has the right to defend itself. Among them, François Zimeray, who supports the peace-process and Palestinian statehood but is very critical of Europe’s anti-Israel bias, was recently rebuked: in April 2004, the French Socialist Party prevented his re-election to the European Parliament.

EU funds to the Palestinian Authority have gone towards anti-Israel incitement and terror

The World Bank calls European and international financial support for the Palestinian Authority (PA) “the highest per capita aid transfer in the history of foreign aid anywhere.”

In early 2002, the Israeli government exposed Palestinian documents which disclosed a pattern of corruption, diversion of international aid, and deliberate violence by the Palestinian Authority.

While the revelations aroused some concern within the donor community, the largest of the donors – the European Commission (EC) – responded with coolness and denial. The EC leadership denied the validity of the Israeli evidence at every opportunity, claiming that European aid was well supervised and controlled, and was actually achieving its intended purposes. Asserting that PA budgets had to be supplemented by outside donors to promote a reform process within the PA, the EC continued and continues to donate vast sums. Eventual peace between the parties, it maintains, is the ultimate goal.

Investigative reporting in the European press led to revelations that directly contradicted the EC’s stand. Christopher Patten, the EU’s External Relations Commissioner, went so far as to put his reputation behind the EC positions. And yet, members of the European Parliament, in numbers well beyond the requisite quorum, petitioned for an official inquiry. Their wishes were not respected, and instead, in early 2003, the Council of Presidents established a Parliamentary Working Group that lacked the authority and scope of a parliamentary inquiry. At the exact same time, whether by coincidence or design, OLAF, the European anti-fraud office, started a top-secret investigation of money flowing from the EU’s vast coffers to the Palestinian leadership. A growing wave of public revelations in the meantime raised the level of concern.

In September 2003, the International Monetary Fund (IMF) reported that it had found \$900 million ‘diverted’ from Palestinian assets into private accounts. Its report noted significant control weaknesses that were consistent with the IDF claims. The same month, then PA Prime Minister Abu Mazzen resigned. In his final speech to the Palestinian parliament, he complained angrily of corruption within the PA – confirming claims made by the IDF and denied by the EC. It is not a secret that when Arafat was still alive, his wife was under investigation in France for mysterious bank transfers from the PA to her private accounts.