

**FACTS, RESPONSES AND PERSPECTIVES
ON THE ISRAELI-PALESTINIAN CONFLICT**

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Purpose of this Document

There is widespread ignorance about the history of the Israeli-Palestinian conflict in the West, especially on college campuses where anti-Israel rhetoric and propaganda are common and often uncontested. Increasingly, as well, there is a growing tide of delegitimization of Israel's fundamental right to exist as a Jewish State around the world. This effort has been described as a "war by other means." If allowed to go unchecked it might achieve a critical mass of acceptance that could seriously jeopardize Israel's existence as the State of the Jewish people.

The purpose of this document is to offer context to the conflict and to address charges and propaganda leveled against Israel while also acknowledging the truth about Israeli policies vis a vis the Palestinians.

It is my conviction that a two-state solution to the conflict is a political and moral necessity to assure that Israel remains Jewish and democratic as a fulfillment of the original Zionist vision, and that the principle of justice for both peoples is fulfilled. Unless an end of conflict agreement comes soon that resolves all the major issues (e.g. Jerusalem, refugees, borders, settlements, water, and security) war is inevitable, the suffering of both the Israelis and Palestinians will continue, and a two-state solution may be impossible to achieve.

Jewish nationalism is an inherent part of contemporary Jewish identity both in Israel and in the Diaspora, just as Palestinian nationalism is intrinsic to Palestinian identity. Each people/nation has a unique narrative that must be understood, respected and accommodated by the other if peace is to be achieved and a Jewish democratic State of Israel is to be preserved.

Shalom and Salaam,
Rabbi John L. Rosove

CONTENTS

Nationhood and Jerusalem - p. 3
Arab and Jewish Refugees - p. 3
The Arab-Israeli Conflict - p. 4
The U.N. Record on Israel and the Arabs - p. 4
Current Demographics - p. 5

How to answer anti-Israel charges - p. 6-11

1. "Israel expelled the Palestinians in 1948 and has consistently taken over Palestinian land" - p. 6
2. "Most of the area of Israel was once Arab owned" - p. 6
3. "The establishment of the Jewish state violated the right of Palestinian Arabs to self-determination" - p. 6
4. "Arabs formed a majority of the population in Palestine & the Zionists were colonialists from Europe who had no claim to or right to the land of Israel" - p. 6
5. "Israel usurped all of Palestine in 1948" - p. 7
6. "The Jews are a religion and are not a nation" - p. 8
7. "Israel humiliated Palestinians during the 2nd Intifada (2001-2005)" - p. 8
8. "Israel's settlements are illegal" - p. 8
9. "The Palestinians should have the 'right of return' for all refugees in the future settlement" - p. 9
10. "Palestinians are victims of Israeli aggression" - p. 9

Operation Cast Lead - December 2008 - pps. 10-18

- Is Israel being unfairly maligned because it initiated the Gaza War? P. 10
- The Need to Act - Israel Fights Unconventional War - p. 11**
 - Efforts to Contain Hamas' Military Threat against Israel before going to War - p. 11
 - Hamas Military Strategy - p. 12
 - Israel's Concerns about Morality in War re: the Gaza War against Hamas - P. 12
 - Moral standards of the IDF - p. 14
 - Answering charges that Israel targets civilians - p. 14
 - IDF Internal Investigation of its Conduct of the Gaza War - p.15
 - Efforts to Create Moral Equivalence - p. 16
 - Evidence of International Moral Hypocrisy & Excessive Criticism of Israel - p. 16
 - The Goldstone Report - p. 17
 - Comparing Israel to Nazi Germany - p. 17
 - The Long-Term Effects of the Gaza Report - p. 17
 - Israeli & Hamas Investigations following Goldstone Report - Current Status - p. 18

- Were the wars between Hezbollah (2005) and Hamas (2008-9) successful from an Israeli point of view? P. 18

Terrorism and Palestinian Hostage Taking – pps. 18-19

- What have been the consequences of Israel's releasing terrorists in deals with terrorist organizations for the return of Israeli hostages or dead Israelis? – p. 18
- Should Israel deal with terrorists in exchange for Israeli hostages and/or bodies of fallen Israeli soldiers? – p. 19

What is in the future? – p. 19-21

1. The Security Fence – p. 19
2. The Election of PM Ehud Olmert (*Kadimah*) in 2006 – p. 19
3. The Election of PM Benjamin Netanyahu (*Likud*) in 2009 – p. 19
4. The Election of Fatah and Hamas in 2006 – p. 19
5. Palestinian Rejection of a Jewish State – p. 20
6. The Status of Jerusalem – p. 20
7. Case Histories – p. 21
8. The Impact of Israeli Settlement Activity on the Palestinian Authority – p. 21
9. Settlements and a Two State Solution – p. 21
10. The Future of Hamas and Fatah? – p. 22
11. Palestinian Polls on a Two State Solution – p. 22
12. The Obama Administration and Israel-Palestinian Peace – p. 23
13. A Peace Settlement establishing a Palestinian State alongside Israel – p. 23

Conclusion and Hopes – pps. 23-4

Including material taken from the Internet,
consultation with Professors Adam Rubin (HUC-JIR, Los Angeles),
Professor Michael Meyer (HUC-JIR, Cincinnati),
and Mike Rogoff (veteran Israel tour guide and writer)
Myths and Facts: 1985 (prepared by *The Near East Report*),
The International Edition of *The Jerusalem Post*,
"The Jerusalem Center for Public Affairs",
"Vignettes and Voices: Israel, March 2010" by Letty Cottin Pogrebin

NATIONHOOD AND JERUSALEM

1. Israel became a religious nation in the 13th century B.C.E., two thousand years before the rise of Islam.
2. Arab refugees in Israel began identifying themselves formerly as part of a Palestinian people in 1965 around the time that Yassir Arafat formed Fatah, two decades after the establishment of the Modern State of Israel in 1948. However, Gamal Abdul Nasser of Egypt also had a hand in fomenting a Palestinian identity for his own personal pan-Arabist ambitions, and it is possible that the beginnings of this identity took root in the 20s and 30s. Nevertheless, despite its relative recent history, Palestinian nationalism is now intrinsic to the Palestinian identity.
3. Since the Jewish conquest of Canaan in the mid 13th century B.C.E. the Jews had dominion over the land for one thousand years, with a continuous presence in the land for the past 3,300 years.
4. Muslim dominion since the conquest in 636 C.E. lasted well over one thousand years as well. Specifically, the Arabs penetrated Israel in 636 C.E., captured Jerusalem in 638 C.E., and the North in 640 C.E.. The Crusaders arrived in 1099 C.E.. Saladin threw them out in 1187 C.E., and when the Crusaders came back in 1191 C.E., the Muslims were reduced to the coastal plain north of Jaffa and the Galilee. The Crusaders were finally expelled in 1291 C.E., and the country remained under Muslim rule (though not necessarily Arab) until 1917/18.
5. For over 3,000 years, Jerusalem has been the “eternal center” of the Jewish people since the time of King David. Jerusalem was always the “capital” when there was Jewish independence or at least Jewish autonomy in the land. Babylon and sometimes Tiberias also held that position for extended periods when there was no Jewish independence or autonomy. Jerusalem has never been the capital of any Arab or Muslim entity. Even when the Jordanians occupied Jerusalem, they never sought to make it their capital, though King Hussein did begin to build a summer palace in the Judean Hills in East Jerusalem, but never occupied it.
6. Jerusalem is mentioned over 700 times in *Tanakh*, the Jewish Holy Scriptures. Jerusalem is not mentioned once in the Koran, though Muslims claim that the reference to Al Aqsa Mosque (“The Furthest Mosque”) refers to Jerusalem and thus has come to represent a third holy city in Islam after Mecca and Medina. The modern State of Israel naturally considers Jerusalem to be the eternal capital of the Jewish people. The Palestinians consider Jerusalem to be their capital as well.

7. King David made Jerusalem his royal center and dynastic capital around 1000 B.C.E. There is written evidence of Jerusalem as a city 1,000 years before David. Muhammed never physically came to Jerusalem, except in a dream vision, though this would be disputed by one billion Muslims.

8. Jews pray facing Jerusalem. Muslims pray facing Mecca.

ARAB AND JEWISH REFUGEES

9. In 1948 the Arab refugees were encouraged to leave Israel by both Israeli leaders and Arab leaders who promised to purge the land of Jews. Many Arabs fled on their own out of fear, and some were forcibly forced to leave by Israeli soldiers.

10. The Jewish refugees were forced to flee from Arab lands due to Arab brutality, persecution and pogroms leaving all their property behind.

11. The number of Arab refugees who left Israel in 1948 is estimated to be around 630,000. The number of Jewish refugees from Arab lands is estimated to be similar.

12. Arab refugees were INTENTIONALLY not absorbed or integrated into the Arab lands to which they fled, despite the vast Arab territory. Out of the 100,000,000 refugees created since World War II, the Palestinian Arabs is the only refugee group in the world that has never been absorbed or integrated into their own fellow Arab's lands. Jewish refugees were completely absorbed into Israel, a country no larger than the state of New Jersey.

THE ARAB-ISRAELI CONFLICT

13. The Arabs are represented by 22 separate nations in the Arab League. There is one Jewish nation. The Arab nations initiated/provoked (see below) and lost all eight wars (War of Independence - 1948; Sinai Campaign - 1956; Six Day War - 1967; War of Attrition - 1968-73; Yom Kippur War - 1973; Lebanon War - 1981; 2nd Lebanon War against Hezbollah - 2006; War against Hamas in Gaza - 2008-9). Israel defended itself each time and won. It should be noted, however, that Israel launched a preemptive strike on June 6, 1967 when it knew that the Arabs were planning an attack, and Israel initiated the 1982 Lebanese Campaign to expel the PLO from Southern Lebanon after years of terrorist attacks launched against Israel from that area. The PLO had taken up residence in Southern Lebanon in 1970 after King Hussein of Jordan, fearing a Palestinian insurrection, killed 10,000 Palestinians and exiled thousands more. As a result of the PLO's

presence in Lebanon, a civil war engulfed that country in 1975 almost destroying it. Two Intifidas (Palestinian uprisings) were waged in the late 1980s and from 2000 to 2006. In 2006 Israel launched a war against Hezbollah in South Lebanon after years of Hezbollah rocketing of Israeli northern communities and after Hezbollah crossed into Israel, murdered and kidnapped Israeli soldiers. In 2008 Israel destroyed the beginnings of a nuclear arms facility in Syria, though neither country has publicly acknowledged this action. (Israel had destroyed an Iraqi nuclear reactor in 1981.) In 2009 Israel launched another war against Hamas in Gaza (see below), to stop incessant bombings of southern Israeli settlements (8 years and 12,000 Hamas rocket attacks).

14. The P.L.O.'s Charter (1964) calls for the destruction of the State of Israel. The Palestine National Council has publicly voiced its acceptance of the State of Israel numerous times since, though it has refused to amend its charter claiming that the Palestinian Authority (i.e. Fatah) no longer considers every stipulation of its national charter binding. Before the most recent Intifada (2000-2006), polls indicated that more than 70% of all Palestinians had come to accept in principle the two-state solution to the Israeli-Palestinian conflict.

15. Under Jordanian rule (1948-1967), Jewish holy sites in Jerusalem's Jewish Quarter and on the Mount of Olives were desecrated and Jews were denied access to places of worship. Under Israeli rule, all Muslim and Christian sites have been preserved and made accessible to people of all faiths.

THE U.N. RECORD ON ISRAEL AND THE ARABS

16. Of the 175 Security Council resolutions passed before 1990, 97 were directed against Israel. Many subsequent resolutions have been passed as well.

17. Of the 690 General Assembly resolutions voted on before 1990, 429 were directed against Israel. Many subsequent resolutions have been passed as well.

18. The U.N. was silent while many Jerusalem Synagogues were destroyed by the Jordanians between 1948 and 1967.

19. The U.N. was silent while the Jordanians systematically desecrated the ancient Jewish cemetery on the Mount of Olives.

20. The U.N. was silent while the Jordanians enforced a policy of preventing Jews from visiting the Temple Mount and the Western Wall between 1948 and 1967.

21. Israel is the only member of the UN that is not permitted membership on the Security Council.

Current Demographics in the State of Israel
On eve of Israel's 62nd Birthday
Figures from the Central Bureau of Statistics (CBS)
Published in International Jerusalem Post - April 23-29, 2010)

- **Total population** - 7.59 million people populate the State of Israel. It is growing at the rate of 1.8%/year
- **Jewish population** = 75.5% (5,726,000 people) – of these 70% are sabras (Israeli born) – most are 2nd generation. 30% of population is under the age of 14 (compared with 17% in most other Western countries). 10% is over age of 65 (compared with 15% in other Western countries). The average Jewish family size is 2.96 children per household (an increase over the prior year)
- **Arab population** (Muslim and Christian) = 20.4% (1,548,000 people). In the Muslim community, there are 3.97 children per household. There are 2.11 children among Christian families.
- **Other population** = 4.1% (313,000)

1. Charge: Israel expelled the Palestinians in 1948 and has consistently taken over Palestinian land.

Answer: From the Israel left (Avi Shlaim, Ilan Pappé) to the right (Yoav Gelber, Benny Morris), there is agreement about mass expulsion, that many Arabs were, in fact, forced to leave. The only question is what proportion of the 700,000 Palestinians who left in 1947-48 were forcibly expelled, and what proportion left voluntarily. About 300,000 were likely forcibly expelled by the IDF, and one or two hundred thousand left because they were “encouraged” by rumors, bombing of empty buildings by the IDF, or frightened that the *Deir Yassin* massacre would be repeated (there is some evidence that one or two other such atrocities perpetrated by the IDF took place); the wealthiest parts of the Palestinian society left for the reason that people with resources always leave their homes during wartime: they had the financial means to depart (and reestablish their lives in Alexandria or Beirut, among other places) and hoped to return later after the troubles ended. The fact that the Palestinian elite left early (late '47-early '48) undoubtedly contributed to the willingness of others to abandon their homes and villages, particularly those afraid of sequels to *Deir Yassin*. That said, there is definitely NOT agreement on whether or not the expulsions were necessary. Such a statement is purely interpretive. There is also very serious disagreement about the precise nature of the expulsions (i.e., whether there were explicit orders from the leadership of the *Yishuv* to expel

Palestinians, or whether the expulsions were spontaneous responses to military conditions on the ground, carried out by local leaders). There's no doubt that David Ben-Gurion and others were very concerned about the large number of Palestinians in the land, and talked openly of "transfer" going back to the 1930s (in 1936 Jews constituted 28% of the total population). There is also no doubt that once Palestinians started leaving, the political and military leaders of the *Yishuv* were eager to "facilitate the situation." The debate is over *Tokhnit Dalet* (Plan D), the military plan that called for expulsions near or behind enemy lines, in hostile villages, etc. The Israeli historian Benny Morris argues that the evidence doesn't show an intentional program designed ahead of time, but rather a spontaneous response to military conditions by low-level commanders in the field. Others argue (using Morris' own evidence) that documents clearly show a plan for mass expulsions from above, that is, that *Tokhnit Dalet* was the realization of the "transfer impulse" under the cover of military language. Still other scholars take a middle position, arguing that *Tokhnit Dalet* was originally intended as a purely military and small-scale operation, but that once Palestinians were "encouraged" to leave and the IDF had attained military superiority, everyone understood that the long-term interests of the State of Israel were served by having as few Palestinians as possible, military commanders were given the "wink and nudge" to expel, and *Tokhnit Dalet* served as an appropriate cover/rationale.

It cannot be denied, as well, that many Palestinians fled out of fear of what their leaders were telling them would happen to them when the Jews would come into their villages, or they fled because promises were made to them by their leaders that when the Jews would be defeated they could come home. After they fled, Israel did take over their villages, leveling many of them and planting fields.

2. Charge: Most of the area of Israel was once Arab owned.

Answer: According to British government statistics, prior to the establishment of the state, 8.6% of the land area now known as Israel was owned by Jews; 3.3% by Arabs who remained there; 16.5% by Arabs who left the country. More than 70% of the land was owned by the British government. Under international law, ownership passed to Israel once it was established and approved as a member nation by the United Nations in 1948. The public lands included most of the Negev – half of Palestine's post-1922 total area. (Source: Survey of Palestine, 1946, British Mandate Government, p. 257).

3. Charge: The establishment of the Jewish state violated the right of Palestinian Arabs to self-determination.

Answer: The United Nations had offered self-determination to both Arabs and Jews in western Palestine in 1947 and both had been offered their own separate

state. Palestinian Arabs could have created their own state in the portion allotted to them under partition at any time. The Arabs unanimously rejected this offer, and the partition boundaries were erased by the Arab invasion in 1948. It was the Arab states - not the Jews - who destroyed the proposed Arab Palestine as they sought to grab all the territory for themselves. Part of what was designated as Arab Palestine was seized by Transjordan in the east (the West Bank and East Jerusalem) and by Egypt on the southwest coast (Gaza). Israeli forces captured western Galilee, which had been used as a base by Arab irregulars. Ironically, in 1947, the only group in the area supporting a separate Arab/Palestinian State was the State of Israel.

4. Charge: Arabs formed a majority of the population in Palestine and the Zionists were colonialists from Europe who had no claim to or right to the land of Israel.

Answer: See the above time line for an indication of how long Jews have had an emotional, religious and historic connection to the land of Israel.

At the time of the 1947 UN Partition resolution, the Arabs did have a majority in western Palestine as a whole. But the Jews were in a majority in the area allotted to them by the UN Partition resolution (a very small but contiguous area mostly along the coast and in parts of the Galilee - much smaller than the borders after the 1948 war). It should be stressed that a major reason for the Arab majority was that many thousands came from neighboring Arab countries to find work, opportunity and education in the area, which was undergoing rapid development because of Zionist settlement (note the dramatic increase in the Arab population especially between 1922 and 1945). Most of these numbers (an increase of 630,000) were people from other Arab countries - and were NOT Palestinians. Prior to the British Mandate in 1922, Palestine's Arab population had been declining. After 1922, Arabs began to come from Syria, Iraq, Lebanon, Transjordan, and Egypt in the hundreds of thousands. The Arab population increase was partly attributable to better health conditions in Jewish Palestine. The recorded Moslem infant mortality rate fell from 19.6% in 1922 to 14% in 1939. During that period the non-Jewish population in the country soared by 75.2%. The Arabs, at the time, were free to come but Jewish immigration was restricted and later denied by the British. Jews might have become a majority in all of Palestine had they been permitted to enter the country as the League of Nations Mandate contemplated and had they not been barred by Arab and British obstruction. Hundreds of thousands of Jews might have found refuge in Palestine, but were murdered by the Nazis.

The population figures of Jews and Arabs in Palestine:

<u>Year</u>	<u>Jews</u>	<u>% of Total</u>	<u>Arabs</u>
1880	20,000	4%	500,000
1922	83,790	11%	670,000
1945	544,000	31%	1,300,000 (west of Jordan River)
2006	5,500,000	69%	3,000,000 (Israel & West Bank)

In 1947 Jews owned only 7% of Palestine west of the Jordan River. The UN Partition plan was divided in a way so that the Jews had the land where they were concentrated and the Arabs had the land where they were most concentrated. However, one of the reasons the Palestinians say they turned down the 1947 U.N. Partition Plan was that it granted the Jews about 60% of the land (which included the inhospitable Negev where few people resided other than Bedouin, thus diminishing inhabitable land for a Jewish State dramatically. Ben Gurion, however, called upon the State to settle the Negev. He himself was a member of a kibbutz in the Negev – Sde Boker - and is buried there next to his wife, Paula.) when they only controlled 7% of it. Another was that 40-45% of the JEWISH part of the partitioned land would have been Palestinian.

5. Charge: Israel usurped all of Palestine in 1948.

Answer: Nearly 80% of what was the historic land of Palestine and the Jewish National Home, as defined by the League of Nations, was severed by the British in 1922 and allocated to what later became Transjordan. Jewish settlement there was barred completely, but Arabs from surrounding countries kept immigrating to Palestine in large numbers (see above). Britain’s precipitate decision to grant Transjordan independence in 1946 did not change the Palestinian Arab nature of the majority of Transjordan’s population or erase the extensive links between Transjordanian Palestine and the land west of the Jordan River. The remaining land of the Mandate (minus Transjordan) was partitioned by the UN into two states (one Jewish and one Arab). With Jordan’s annexation of the West Bank in 1950, Palestinian Arabs under the Hashemites controlled 82.5% of the territory of the Mandate, while the Palestinian Jewish state held a bare 17.5%.

6. Charge: The Jews are a religion and are not a nation.

Answer: Judaism is far more than a religion. It has history, a land, four specific languages (Hebrew, Aramaic, Yiddish, Ladino), law, ethics, religious texts, philosophy, theology, customs, rites, folkways, music, art and culture, and everything that the great civilizations claim for themselves (e.g. Ancient Egypt, Greece, Rome, Byzantine, Great Britain, and most recently, America). To limit Judaism simply to being a religion is false and reductionist, and to deny Jews the right to define themselves is inherently anti-Jewish. In the 19th century, modern

Zionism helped to define the national identity of the Jews reaching back to the beginnings of Jewish history (3500 years), just as in the 20th century the Palestinians also developed their own sense of nationalism.

7. Charge: Israel humiliated Palestinians during the 2nd Intifada (2000-2006).

Answer: It is true that Palestinians felt humiliated by the series of check points and searches throughout the West Bank. However, to cite the feelings of humiliation, as legitimate as they are, out of context belies the greater truth. Israelis have had good reason to fear their Palestinian neighbors because of the relentless terrorism, bombings of public buses, restaurants, university cafeterias, kibbutz children's houses and the deliberate murder of Israeli civilians. Israel's series of check points and searches (where at times excessive) are done not to intimidate or humiliate but for security. The erection of the Security Fence the length roughly of the Green Line was hotly debated in Israel until it became clear to the government that, political considerations aside, the fence was a security necessity. It has proven successful in drastically reducing infiltration of Palestinian terrorists. Some have compared the security fence to the Berlin Wall, but this comparison is false. The Berlin Wall kept East Berliners in East Germany against their wishes whereas the Israeli security fence keeps terrorists out of Israel. However, it has to be acknowledged that the Security Fence in some areas causes Palestinian hardship every day, divides villages from themselves and their orchards, and makes access to work and essential services in the West Bank difficult.

8. Charge: Israel's settlements are illegal!

Answer: Technically, they are not illegal because there has been no peace agreement delineating borders between Israel and the Arab nations. They are illegal when considered from the perspective of a more limited UN view that land taken in war cannot be settled by the occupying country. From the first perspective Jews have the right to live anywhere they wish. However, from a political point of view, many believe these settlements are "obstacles" to peace. Israel will not nor should not withdraw, however, from all the settlements in the West Bank. Some, especially those surrounding Jerusalem, will and should remain (there are roughly 100,000 Israelis living in these Jerusalem neighborhoods). However, many other settlements are scattered throughout the West Bank and have no purpose other than to claim territory (roughly 150,000 Israelis). They are impossible to defend and are considered an affront to the Palestinians. Former PM Ariel Sharon and his successor PM Ehud Olmert promised to remove the vast majority of these small settlements (not the larger settlement blocs which have most of the Israeli residents) since the unilateral evacuation of Gaza by Israel in 2005. As time has passed security fences have

been built circling such settlements, such as in Orah. In order to make one and sometimes two rings of fences around the settlement, land has been “grabbed” that is deemed legitimately to Palestinians. As “natural growth” is permitted by Israel in these settlements, more and more land has been taken over by the settlers with Israeli government acquiescence. Some of this land is owned by Palestinians and some is not so owned. Though there is recourse in Israeli courts, not all infringements are handled in a timely way. The result is deep resentment by the Palestinian population who cannot attend to their fields, who have lost substantial income and believe that their land has been stolen from them. It is feared that if the status quo is preserved, in time it will be impossible to uproot upwards of 100,000 settlers deep inside the West Bank thus making a 2 state solution impossible to effect. Then Israel will be faced with the horrendous decision of choosing either to remain democratic or Jewish, but not both, thus sacrificing the Zionist vision of a Jewish Democratic State in the Land of Israel. Israelis and Americans have argued that in a final peace agreement it will be necessary for Israel and Palestinians to effect a “land swap.”

9. Charge: The Palestinians should have the right of return for all refugees in the future settlement.

Answer: It is estimated that there are some 2 to 3 million Palestinians living all around the world as defined by the Palestinians. The Saudi proposal for Israel to return to the 1967 borders with the right of return of all Palestinian refugees in exchange for normalization with the Arab world is a recipe for the destruction of the Jewish State of Israel. All the parties have agreed to UN Resolutions 242 and 338 which state that Israel will withdraw from “territories” taken in war (wars that were thrust upon Israel) in exchange for security, recognition and normalization of relations. The definite article “*the*” before “territories” was deliberately left out to accommodate Israel’s legitimate security needs. The Arabs insist that Resolutions 242 and 338 refer to *all* the territories taken in the 1967 War. Israel insists that they do NOT point to all territories taken because of the exclusion of the definite article “the.”

The Palestinian birthrate is 6.1 children per family, whereas Israel’s birthrate is 2.6. That differential combined with the return of 3 million refugees to Israel proper would spell either the end of Israeli democracy or the end of a Jewish state. Israel cannot nor will it accept either the return to the 1967 borders or a blanket right of return of all refugees. In the event of an eventual peace agreement, Israel would likely negotiate a land exchange with Palestine.

10. Charge: Palestinians are victims of Israeli aggression!

Answer: Undeniably, Palestinians are victims - but of whom? For decades the despotic Arab nations used the Palestinians for their own purposes and kept them in squalor in refugee camps. They are also victims of former PA Chairman Yasir Arafat's malevolence, brutality, stupidity, and inability to take the final step to make peace with the Jewish state. They are now victims of Palestinian terrorist movements (e.g. Hamas, Islamic Jihad, Popular Front for the Liberation of Palestine, Al Aqsa Martyrs Brigade, etc.) which have refused to accept the existence of the State of Israel, and therefore to compromise over land. The Palestinians are victims of retaliatory raids by the Israeli military against terrorist leaders who deliberately operate out of civilian areas and draw fire from Israel, and they are victims of Jewish settlers who are often favored by Israel's military authorities over the rights of local Palestinians.

Israelis are also victims. Set against an Arab and Muslim world which is singularly hostile and a United Nations which is extraordinarily and unfairly biased against Israel, one has to acknowledge how bad the neighborhood is in which Israel dwells. The Palestinians would have had a state long ago if they had truly accepted Israel's right to exist and put down their arms (Abba Eban once quipped famously that "the Palestinians never miss an opportunity to miss an opportunity."). Israel was willing to give back nearly all the land it took in the 1967 War for peace. It has consistently offered peace since the 1936 Peel Commission suggested a division of the land. It accepted the 1947 UN Partition Resolution, gave back all of the Sinai Peninsula without an agreement after the 1956 Sinai War, and negotiated a return of the Sinai again after the 1973 Yom Kippur War for Peace with Egypt. Israel withdrew from some areas of the West Bank as well during the Oslo period. Israel withdrew unilaterally from Gaza in 2006 without an agreement of any kind with the Palestinians. Consistently, in good faith Israel has withdrawn from territory it took in wars forced upon it for nothing more than the promise of peace.

Having said this, despite Israel's official policy and principles based on respect for human rights, there have been human rights violations against Palestinians. Israel is a democracy and those violations are often addressed. The Israeli Supreme Court even reversed a decision of the Israeli government upon an appeal by Palestinians (represented by Israeli Jewish lawyers) who claimed that the Security Fence cut unfairly and unnecessarily through their land. PM Sharon agreed to move the fence once ordered to do so.

In contrast, the Palestinian Authority has a history of corruption and denial of human rights as a matter of policy. The PA, for example, executed 9 Palestinians without trial in the last several years on charges of "collaboration" with Israel, and arrested five more on similar charges. Hamas executed without trial more than 100 members of Fatah after the Gaza War on charges of collaboration with

Israel, and executed another 3 Palestinians for the same crime in 2010. Israel does not have the death penalty (except in the case of genocide - only Adolph Eichmann has been executed by a civilian Israeli court in all the years of Israeli statehood), and even Palestinian terrorists guilty of the most heinous offenses are never executed.

The government of Hamas cheered the suicide bombing in April 2006 that killed 9 Israeli civilians, trains its children to hate Jews and to become its future "fighters."

Operation Cast Lead December 2008

Is Israel being unfairly maligned because it initiated the Gaza War of 2008?

Answer: It is important to note as background that between 2001 and 2009, Hamas and other Palestinian terrorists launched 12,000 katyusha rockets and mortars from Gaza at uncontested southern Israeli settlements in an ongoing barrage that caused a number of deaths, injuries and general terror. These rockets were sent as far north as Ashkelon and Ashdod. By 2009, nearly one million Israelis came under the reach of Hamas rockets launched from Gaza. After Israel's unilateral withdrawal from Gaza in 2005 there was a 500% increase in rocket fire the following year, in 2006, despite the fact that there was no longer a territorial conflict in that region.

Israel chose not to respond in a forceful military action for years because of the risks such an action would pose to innocent Palestinian civilian life among whom the terrorists deliberately embedded themselves, and because Israel feared that many Israeli soldiers would become casualties.

Every-day life for innocent Israelis living in the south had become intolerable. The population in Sderot shrunk from 29,000 to 10,000. Children slept most nights in shelters and developed Post Traumatic Stress Syndrome with symptoms including high anxiety and bed-wetting. Those who could leave left their homes and moved to safer ground. Unemployment was very high. Israeli citizens living in those southern settlements couldn't decide whom they hated more, Hamas or the Israeli government for not protecting them.

Israeli leaders worried that should Hamas attain even more deadly and sophisticated missiles from its sponsor state Iran, that it was only a matter of time that Tel Aviv, Beersheba and other major Israeli cities would become targets. When that time came (and it was judged to be sooner rather than later) millions of Israeli civilians would be in danger of deadly attack.

The Need for Israel to Act

With all this in mind, Israel finally decided that it could wait no longer and needed to act decisively (even at the risk of Israeli and innocent civilian Palestinian casualties) to eliminate the threat of Hamas. And so, on December 27, 2008 Israel launched a war with the goal of ending the rocket barrage and destroying Hamas' military capability. Israel's targets were Hamas weapons stockpiles, launch sites and tunnels used to move contraband into Gaza from Egypt.

Israel Fights Unconventional War

No other nation in the world would have shown as much restraint as Israel has faced with identical threats to its people and territory. Israel did attack schools, clinics and mosques, however, it did so because those selected targets were being used as launching areas for rockets and as rocket stockpiles. First Israel dropped thousands of leaflets giving residents nearby warning, made thousands of phone calls to homes in neighborhoods where these attacks were launched, and sent thousands of text messages of warning to Palestinian residents. In spite of Israel's unprecedented efforts to warn civilians she has been forcefully condemned all over the world and been accused unfairly of "disproportionately" attacking sites in Gaza and even deliberately attacking civilians.

Colonel Richard Kemp, who led British forces in Afghanistan, studied Israel's tactics in Gaza and, in testimony before the United Nations Human Rights Council (that would eventually condemn both Israel's tactics and motives in its response to the Goldstone Report) said "During Operation Cast Lead, the Israel army did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare. Israel did so while facing an enemy that deliberately positioned its military capability behind the human shield of the civilian population."

Efforts to Contain Hamas' Military Threat against Israel before going to War

Ever since Israel unilaterally withdrew from Gaza in 2005 uprooting Israeli settlers, the Jewish State enforced a strict naval blockade to prevent shipments of armaments coming from Iran and being brought into Gaza by sea. A security fence between Israel and Gaza successfully prevented suicide bombers from entering Israel from Gaza. In spite of the threat to Israel, the Jewish State has regularly opened the borders to permit food and medical supplies into Gaza, and even did so during the fighting itself.

Israel had to choose between three options in confronting the Gaza rockets. It could attack the whole area indiscriminately, as the Russian Army did in Chechnya. It could simply give up and take no steps to protect its own civilians which, in the Israeli case would have amounted to giving Hamas a license to kill, or to do as much as possible to separate the civilians from the military targets and minimize casualties to the greatest possible extent. Hamas sought to merge them, using civilians as human shields. Israel chose the last option.

Hamas Military Strategy

As a matter of policy, Hamas fired its rockets from the rooftops of private homes that it commandeered as launch sites from unwilling owners. Hamas has consistently used the Palestinians as human “shields” and launch missiles from schools, hospitals, and mosques presuming that Israel would never fire back at those targets out of its concern for the safety of innocent Palestinian lives. As a tactic and policy directive, Hamas fighters intimidated residents whose homes were being used for storage and launching of rockets to not speak out to the press. Indeed, as noted above, Israel resisted doing so for years until it concluded that it had no choice but to fight back.

Israel’s Concerns about Morality in War relative to the Gaza War against Hamas

(The following is taken from a news brief – “Jerusalem Center for Public Affairs” – Volume 9, No. 18 – February 4, 2010 by Professor Asa Kasher, the Laura Schwarz-Kipp Professor Emeritus of Professional Ethics and Philosophy of Practice, and Professor Emeritus of Philosophy at Tel Aviv University. Dr. Asa is the Co author of the *Israel Defense Forces Code of Ethics*, “The Spirit of the IDF: Values and Basic Principles,” 1994.)

Conventional warfare between two clearly identified armies of separate nation states is essentially different from battling an entity that is not clearly identifiable, that embeds itself in civilian neighborhoods, wears civilian clothing, and attacks both its opponent’s military forces as guerilla forces and as terrorist actions deliberately targeting civilian communities. Israel has been forced to fight both kinds of enemies. In Israel’s early history (relative to wars Israel fought in 1948, 1956, 1967, and 1973) the IDF fought organized armies of Egypt, Jordan, Lebanon, Syria, and other units from Arab nations (including Iraq, Saudi Arabia, etc.). However, in recent years, the IDF has fought non-state terror organizations most recently in Lebanon against Hezbollah, in the West Bank against Al Aqsa Martyrs Brigade and other terrorist organizations, and in Gaza against Hamas terrorists.

Since the founding of the State of Israel, the morality of warfare is of utmost concern in the IDF and is emphasized in the IDF's training of soldiers. Even so, Israel has been unfairly and preposterously charged with war crimes (i.e. genocide) and deliberate, pre-meditated, indiscriminate, and disproportionate assault upon civilians.

What is the truth about what Israel has done in its self-defense, and about the moral standards to which Israel holds the IDF and its soldiers when fighting both conventional and non-conventional war? The following points are important in seeking to understand the unique situation in which Israel finds itself vis a vis its enemies:

- Israelis have fought against established national armies in wars between 1948 and 1973, and against terrorist organizations since. Conventional fighting against established armies and the ethical rules that govern such warfare are necessarily very different than those when the enemy is a terrorist organization fighting from within civilian populations.
- The IDF Ethics document mandates a number of actions that Israel must take before deciding to go to war. These include the requirement that non-combatants must be warned that they are residents of a neighborhood where it is dangerous to stay should fighting begin. In Gaza, the IDF employed a variety of unprecedented efforts meant to minimize injury to non-combatants, including the massive distribution of warning leaflets, thousands of phone calls, and non-lethal warning fire to encourage civilians to leave the area.
- No army in the world will endanger its soldiers in order to avoid hitting the warned neighbors when seeking out an enemy in such civilian populated areas. In such wars Israel justifiably favors the lives of its own soldiers (as does every nation in similar circumstances) over the lives of the well-warned neighbors in a terrorist embedded area, especially when Israel is operating in a territory that Israel herself does not effectively control (this is different than if fighting occurred in Tel Aviv or Jerusalem where Israel is in control). In such territories not under Israeli control Israel believes it does not bear the moral responsibility for properly separating between dangerous individuals and harmless ones (note: nor would any other country in the world).
- Israel does not consider proportionality in numerical terms, but rather in the context of assessing existing threats and the measures that must be taken in order to avert those threats. Proportionality, therefore, is

considered justifiable even when considering the tragic death of innocents if significant military advantage is gained as a result.

- Three considerations Israel weighs before going to war:
 1. Israel assesses whether a war is “just” before launching a campaign. She did so on December 27, 2008 after sustaining eight years of rocket attacks (i.e. 12,000 rockets launched against civilians in southern Israel from Hamas and others in Gaza).
 2. Israel follows the principle of “last resort” which dictates that if a dispute can be solved without resort to military force and the inflicting of casualties, then the parties are obligated to do so. In other words, military force is justified only if all other alternatives have been exhausted. Relative to the Gaza war, Israel waited eight years and after 12,000 rockets were deliberately and incessantly fired upon uncontested Israeli civilian territory before launching a large-scale military response.
 3. Israel considers the “probability of victory principle” that affirms that a military operation may be launched *only* if it has a reasonable chance of successfully achieving its aims. Such operations cannot be initiated as a symbolic gesture of bravery, if there is no chance of victory, or even if the gesture is for the purpose of restoring deterrence. The victory must be to eliminate a military threat and improve the security situation for Israel’s citizens.
- **Moral Standards of the IDF:** The following are principles that Israeli soldiers are taught during training and expected to uphold:
 1. The value of protecting the human dignity of every human being, even the most vile terrorist;
 2. The sanctity of human life of Israel’s troops, Israel’s citizens, and others;
 3. Tohar haneshek – Purity of arms --- i.e. purity of the usage of arms. Soldiers may use force only for accomplishing their mission, and nothing more. Anything beyond what is absolutely necessary is deemed immoral;
 4. The minimizing of casualties, both of Israeli soldiers and non-combatants. In non-conventional fighting in which one side are

terrorists that hide in civilian neighborhoods, Israel can only target those who are directly involved in the fighting against her, thereby justifying targeted killing when it is necessary to stop operations against the citizens of Israel. This is not a form of deterrence, which would be impermissible. Rather, it is for the purpose of eliminating a significant threat to Israeli lives. Deterrence is only a byproduct of an action;

5. The warning of non-combatants – In the Gaza war Israel distributed hundreds of thousands of leaflets, made 150,000 warning phone calls, and used non-lethal warning fire in unprecedented numbers to warn civilians to leave their homes and neighborhoods when a legitimate military target was identified.
6. In cases when civilians never leave their homes because they are old, sick, caring for relatives, afraid that their homes will be looted, or because they claim they have no place to go, Israel feels it cannot be responsible for the protection of such civilians in areas not under its control, and that no army in the world would endanger its own soldiers to avoid hitting well-warned neighbors of an enemy or terrorist.

Answering Charges that Israel Targets Civilians

Israel has never deliberately targeted innocent civilians despite charges to the contrary in the United Nations and in the Goldstone Report (2009). Israel's concern for innocent life is part of the culture of the Israel Defense Forces, part of an honor code developed since the establishment of the Jewish State called *Tohar haneshkek* (lit. "purity of arms" – see above). Yes, mistakes have been made as they are always made in war, and individual Israeli soldiers have been guilty of excess, bad judgment and even criminality from time to time. In such cases Israel does indeed investigate, charges and tries guilty individuals of criminality and negligence.

The claim in the Goldstone Report that Israel deliberately targeted civilians was based on non-corroborated Palestinian testimony. Israel's justification for initiating the war was self-defense and the IDF's stated goal was to destroy Hamas' military capability after years of attacks on Israeli civilian populations.

There are no quotes of Israel's Prime Minister, Defense Minister, or Chief of Staff that would suggest otherwise, despite the UN Gaza Report's statement to the contrary where it asserts that "statements by political and military leaders prior to and during the military operations in Gaza leave little doubt that

disproportional destruction and violence against civilians were part of a deliberate policy." No objective observer or reader of the record could come to this conclusion, suggesting that the report is blatantly politically biased.

IDF Internal Investigation of its Conduct of the Gaza War

The Israeli government published a reply (February, 2010) to the UNHRC report of its conduct of the War. The IDF undertook 150 probes of which 36 resulted in criminal prosecutions – 19 involved shooting toward civilians, and 17 involved using civilians as human shields, mistreating detainees and theft. The IDF investigation concluded the following:

- The IDF disciplined a brigadier-general and a colonel for exceeding their authority, because they employed white phosphorus shells in a comparatively confined area where civilians could be jeopardized. Three innocent people were wounded. White phosphorus is used to illumine dark areas and create a cloud shield, but it also causes skin to burn.
- Israel did not purposefully bomb wells in Jabalya to deprive the people there of fresh drinking water. In fact, the wells were situated within a Hamas compound.
- Israel did not deliberately attack the wastewater treatment plant in Gaza City. But there is a good chance the plant was damaged by Hamas to hamper the movement of IDF soldiers.
- Israel did not blow up the Bader flour factory to create a bread shortage in Gaza. But the site was a strategic high point in a Hamas-fortified zone. It was not the IDF that set the plant ablaze.
- The destroyed Abu Askar family house was used to store Grad rockets. The family was telephoned and urged to leave before the house was shelled.

Beyond these, the war has left a serious humanitarian crisis including a lack of adequate clean water, open sewers, destroyed homes and buildings, and massive injuries. Were Gaza in Israeli territory, responsibility for reconstruction and aid would be Israel's alone. Though few other armies in the world would worry about the destruction left in the wake of a war in an enemy's territory, it is a Jewish responsibility to do precisely that. To that end, Israel has consistently opened the gates to Gaza to allow truck convoys to deliver food and medicine. However, this is not enough to address the serious difficulties left following the war. Many continue to blame Israel for these problems and claim that she is not

only criminally responsible, but morally responsible. In fairness, given the circumstances that led to the war and Hamas' abject refusal and inability to put the lives of its citizens first, the larger blame must be placed at the feet of Hamas who has governed Gaza with a strong hand since it conducted a coup against the democratically elected government of the Palestinian Authority in 2006. Since then it has squandered the years to help adequately build Gaza and alleviate suffering that had been part and parcel of Gazan life for decades.

It should be noted that though the IDF did investigate, the IDF is not an independent body. Just as there was a 9/11 Commission in the United States that was bipartisan and composed of individuals who were respected and trusted to make an independent investigation, so too should Israel conduct an independent inquiry as a response to the Goldstone Report.

Efforts to Create Moral Equivalence

One significant difference between Israel and Hamas is that as a matter of policy Hamas deliberately attacks civilians and Israel does not. Yes, critics of Israel often create a straw dog and charge that the two forces are morally equivalent in intent, but this is not the case.

Evidence of International Moral Hypocrisy Unfair Excessive Criticism of Israel

Most estimates confirm that 1338 Palestinians were killed in a month of fighting in Gaza, of which Israel is fairly certain that a third were civilian casualties and two thirds were Hamas terrorists and members of other extremist Palestinian groups. A review of the actual members of the Hamas police force against which Israel fought during the war shows that no less than 91% of the fatalities among the Palestinian police (313 out of 343) were members of the Izz ad-Din al-Qassam military wing of Hamas or other terrorist groups. One of these policemen was responsible for the murder of three U.S. security men in northern Gaza in 2003.

This relatively small number of deaths compares with thousands that the United States killed in Faluja, Iraq in 2008 in far less time (During this operation, about 6000 Iraqis including 1200-2000 insurgents were killed. Of the city's 50,000 buildings, some 10,000 were destroyed, including 60 mosques. In the mid-1980s 10,000 people were killed by Syrian President Hafez el Assad in the Syrian city of Hama, and King Hussein of Jordan killed 10,000 Palestinians in September, 1970 in what came to be known as "Black September." Compare the death of innocents in Gaza as well to the thousands of murders taking place in Congo, Afghanistan, Sudan, and many other places in the world today, and then

consider how much United Nations attention has been directed at Israel while none is directed at places where far more serious and egregious human rights violations have and are occurring.

The disproportionate cry of “criminality” against the State of Israel when no such cry of protest is made by other nations to far greater death tolls suggests that there is a fundamental antipathy towards Israel by many nations and groups and little willingness to take on well-known brutal dictatorships in the Muslim world by the UNHRC.

No nation, including the United States, takes as much care to protect innocent civilians as does Israel – yet, she is condemned when fighting a war of self-defense. European governments, many of which are influenced by a very small but growing Muslim population (currently 5%) is an ill omen.

In response to the question above – **any reasonable person would have to conclude that yes, Israel is being unfairly maligned by its critics.** It is interesting to note that there was a strange silence during the Gaza War from the leaders of moderate Arab nations. Hamas is not popular among these nations because of its Muslim extremism and links with Iran. Saudi Arabia, Jordan, and Egypt were said to secretly hope that Israel would change the balance of power in the Palestinian areas and buttress the more moderate Fatah in the West Bank and Gaza Strip. Ironically, despite the widespread destruction in Gaza provoked over a period of years, Hamas has grown in popularity politically than ever before.

The Goldstone Report

The Goldstone Report (with the participation and cooperation only of Hamas – Israel refused to work with any UN Agency because of its mistrust of past UN actions towards Israel) accused both Hamas and Israel of having committed war crimes. The UNHRC then went one step further. It took the Goldstone Report and crafted a resolution in the General Assembly that condemned only Israel as guilty of war crimes, making no mention of Hamas having fired 12,000 missiles on civilian targets in southern Israel or embedding itself in civilian neighborhoods, mosques, schools, hospitals and clinics. Nor did the UNHRC account for a new kind of warfare, not between armies, but between one nation (Israel acting in self defense against terrorist attacks on its civilians over a period of years) and Hamas which used civilians as human shields as it aggressively fired missiles into uncontested Israeli territory. One member of the commission, Professor Christine Chinkin, charged as a co-signer to a published letter in the *London Times* on January 11, 2009, before she joined the mission and only a week

after the war began, when judgments would have been completely premature, that “Israel’s actions amounted to aggression and not self-defense.”

The Goldstone Report alleges that Israel deliberately attacked non-combatants as a matter of policy. Though, on its face, this is an outrageous conclusion, this does not mean that everything in the Goldstone Report should be dismissed out of hand.

Comparing Israel to Nazi Germany

The comparison has been made by haters of Israel that Israel has acted in Gaza as the Nazis had acted towards the Jews during the Holocaust. This obscene effort to attach moral equivalency to Israel’s legitimate actions of self-defense completely disregards the question of scale and intent – genocidal murder by the Nazis on the one hand and self-defense while making every effort to avoid civilian casualties by Israel on the other. Leading international military experts have said that never in the history of warfare has one nation, Israel, gone to such lengths to avoid civilian deaths. One must conclude that anyone who makes such a comparison is operating from a position of hatred and anti-Semitism, not legitimate critique.

The Long-Term Effects of the Gaza Report

The UN Human Rights Commission’s report condemning Israel’s action in Gaza with no condemnation of Hamas’ years of attacks on Israeli civilians and Hamas using its own Palestinian civilians as human shields was a victory of Hamas and its international terrorist strategy, which can be seen in its reaction to the report. Musa Abu Marzuk, the second-in-command of Hamas, said in an interview with Al Arabiya in October, 2009 following the UN Human Rights Council endorsement of the report: “The report acquits Hamas almost entirely.” The Report calls for an escrow account to be established for compensating Palestinian victims, and for Israel to contribute to that account. But no similar measure of remuneration is proposed for Israel’s victims. The report calls on state parties to the Geneva Conventions to open investigations of Israelis for war-crimes that could lead to more politicized complaints against Israeli officers in Europe, while Hamas commanders are not criticized. It is to be remembered that both the US Government and the European Union have deemed Hamas an international terrorist organization.

Israeli and Hamas Investigations – Current Status

As of February, 2010 the Israeli military has investigated more than 50 charges cited in the Goldstone Report and taken action against individuals. The Israeli

government is considering an independent investigation as well. Hamas has made no investigation whatsoever of charges made against it in the Goldstone Report. (See p. 15)

Were the wars between Hezbollah (2005) and Hamas (2008-9) successful from an Israeli point of view?

Answer: Observers believe that if success is measured by whether Israel has restored its deterrent edge, then yes, Israel was successful. The leader of Hezbollah (Nasrallah) said that had it anticipated Israel's strong reaction to its infringements across the border that sparked the 2005 war, it never would have done so. Hezbollah did not fire one rocket into Israel during the Gaza War despite harsh rhetoric. It is believed, as well, that Hamas will be careful to sustain a cease fire going forward for the same reason. Nevertheless, Hezbollah has been rearmed by Iran with reports of new longer range missiles capable of reaching Tel Aviv. Similar reports are coming out of Gaza.

Answering Terrorism and Palestinian Hostage Taking

For many years Israel was known as a country that refused to deal with terrorists. That has now changed. David Horowitz of *The Jerusalem Post* has put the difficult choice Israel faces in this way: "Gilad Schalit [the captured Israeli soldier that sparked Operation Cast Lead against Hamas in Gaza in 2008] has become our nation's child - and now the symbol, potentially, of either our heroic, vital humanity or of our essential, self-preserving clear-headedness."

Exchanging Israeli prisoners/Israeli dead soldiers with convicted Palestinian terrorists fulfills Israel's pledge to Israeli soldiers never to leave them behind on the one hand, and carries great risk against Israeli civilians in the future on the other.

The following are the views expressed by Benjamin Netanyahu in the concluding chapter of his 1995 book *Fighting Terrorism* (written before he became Prime Minister.)

"Prison releases only embolden terrorists by giving them the feeling that even if they are caught their punishment will be brief. Worse, by leading terrorists to think such demands are likely to be met, they encourage precisely the kind of terrorist blackmail which they are supposed to defuse.....once the terrorists know that virtually the entire population will stand behind the government's decision ever to negotiate with them, the possibility of actually extracting political concessions will begin to look exceedingly remote to them."

What have been the consequences of Israel's releasing terrorists in deals with terrorist organizations for the return of Israeli hostages or dead Israelis?

Answer: The Jerusalem Center for Public Affairs in a report in 2009 quoted an estimate by the Israeli security services that some 50% of the 10,000 Palestinian prisoners released by Israel since 1985 had returned to terrorism, "either as a perpetrator, planner or accomplice," killing hundreds of Israelis. In the case of the 1985 "Jibril deal" for the return of three Israeli soldiers captured in Lebanon, the report states, "the Israel Defense Ministry determined that 114 out of 238 [convicted Palestinian terrorists] who were released return to terrorism." In 2003, Matsab Hashalmon, jailed in 2003, was freed in the January 2004 deal with Hizbullah in exchange for the Israeli businessman Elhanan Tenenbaum, promptly recruited two suicide bombers who blew up two buses in Beersheba seven months later, resulting in the murder of 16 Israeli civilians. In 2007 Israel agreed not to pursue 400 Fatah terrorists in exchange for them ceasing their terror activity. Israel promised in turn that the IDF would stop hunting them. One of these individuals (who had received a pardon from Shin Bet) murdered Rabbi Meir Chai, aged 45 and father of seven. Another also involved with the Rabbi Chai murder was released from an Israeli prison after serving a seven-year sentence in January 2009. (Source: *International Jerusalem Post* - January 1-7, 2010 - p. 21-23)

Should Israel deal with terrorists in exchange for Israeli hostages and/or bodies of fallen Israeli soldiers?

Answer: This is one of the most difficult and painful questions facing Israeli leaders. The Israel Defense Forces has always assured its soldiers that it would not abandon them in battle, and that trust is sacred in a small country that values life above all else. However, the historical record is clear that many released terrorists have gone onto murder more Israelis gives one pause. David Horovitz put it this way - "There's no simple decision, but there is a right one. And it's not for the people of this nation, held hostage by Hamas, to take. That's why we have leadership." (ibid. p. 23)

WHAT IS IN THE FUTURE?

No one has a crystal ball. Here are a few thoughts:

- (1) **The Security Fence** will be completed within the next two years. Though it cuts through some Palestinian land, most of it runs generally along the Green Line with a few dramatic turns into the West Bank, primarily towards *Maaleh Ha-adumeem*. This "Fence" (only 4-5% is an actual wall)

has reduced the number of incursions by Palestinian suicide bombers dramatically in the last years where ever the fence has been built. Yes, the fence disrupts life in some Palestinian areas, but its benefit in protecting Israel from terrorist attacks is believed to outweigh the inconvenience it brings. The Israeli Supreme Court has ruled, however, that Israeli authorities have to make every reasonable effort to avoid disruption of Palestinian life, commerce and livelihood and then move the fence where possible if it unnecessarily makes life more difficult to Palestinians.

- (2) **The election of PM Ehud Olmert (*Kadimah*) in 2006** and his formation of a governing coalition that accepted the principle of unilateral withdrawal from large portions of the West Bank, but maintained Israeli security along the eastern border running coincident with the Jordan River, was a virtual mandate for this action.
- (3) **The election of PM Benjamin Netanyahu (*Likud*) in 2009** sheds less light than before. Despite Tzipi Livni of Kadimah winning the most Knesset seats (27), Benjamin Netanyahu of Likud (26 seats) was asked by President Shimon Peres to form a governing coalition because the center-right parties have more strength than the center left parties.
- (4) **The election of Hamas in 2006** was a clear blow to peace and a reflection of the frustration of many Palestinians with the corruption of Fatah over many years of rule. Hamas has more innocent Israeli blood on its hands than all the other Palestinian terrorist groups combined. It is unclear whether the Palestinians voting for Hamas agreed with their violent and rejectionist position vis a vis Israel. It should be noted that Hamas received less than 40% of the total Palestinian vote, but because of the way the parties handled their respective lists, Hamas succeeded in getting 70% of the seats in the Palestinian Parliament despite the fact that it did not achieve near a majority. Before the Gaza War Hamas had lost great support in Gaza as it became even more brutal in its suppression of free speech and dissent. After the Gaza War, it is feared that its increased popularity exceeds Fatah in the West Bank if elections were held today.
- (5) **Palestinian rejection of Jewish State:** Still, neither of the principle entities within the Palestinian movement, Fatah or Hamas, has changed its charter calling for the destruction of the State of Israel, and its leaders including President Abbas (the so-called “moderate”) has as recently as 2006 affirmed that the ultimate goal is a Palestinian State over all of Palestine and the destruction of Israel. All Palestinian maps continue to exclude Israel. Palestinian textbooks characterize Israel as a foreign element in the Middle East. Despite rhetoric directed to the west suggesting that

Palestinians in Fatah have long since accepted the existence of the State of Israel, the Palestinian leadership speaks differently in Arabic to its own people. It is likely that some of Fatah's leaders have accepted the two-state solution, nevertheless, mixed signs are constantly being articulated.

- (6) **The Status of Jerusalem:** In 1967 Israel's leaders envisioned a larger Jerusalem to assure the city's unity and Jewish majority. What resulted is a metropolis three times the size of Jerusalem's pre-war borders, and its 70,000 Arab residents were given residency status, but not full citizenship. Today (2010) there are 250,000 Palestinians in the city representing a third of its total population. Palestinians pay taxes and receive social security and health benefits, but cannot hold passports. They have voting rights in the municipality, and if they voted proportionally they could win a third of the seats in the Jerusalem City Council, but they do not exercise this right as a statement of opposition to Israeli control over pre-67 Jordanian land. There is a broad consensus among all Israelis that Jerusalem will remain unified in any future peace agreement, even if East Jerusalem becomes the "Capitol" of a Palestinian state. The international community, however, has never recognized Israel's annexation of East Jerusalem. Essentially, the city remains two separate entities. Arabs and Jews largely stay in their own neighborhoods. That has changed recently with settlers beginning to plant themselves in historically Arab neighborhoods in an effort to create "facts on the ground" and interrupt Palestinian contiguity between East Jerusalem and the West Bank. Settlers have been taking over one Arab house and hilltop after another. Then they demand security protection for themselves and their large families. For every settler house, the government has to fund three round-the-clock guards, private police who perform like an escort service. Protecting these settlers costs Israeli taxpayers 54m NIS annually. Since 1967, the Jerusalem municipality has issued five times as many housing permits for Jews than for Palestinians. Recently, Palestinian homes that had been built illegally to accommodate their growing families have been condemned by Israel.
- (7) **Case Histories:** Jewish settlement activity has changed the landscape of Jerusalem and made a potential contiguous Palestinian State more and more difficult to envision. The following are a few examples of government supported illegal right-wing settler activity that have not only changed facts on the ground but enraged local Palestinian land owners. **[a] Nof Zion:** A new Jewish neighborhood of one hundred twenty units in the Palestinian village of Jabel Mukaber appears like a gated community with luxury apartments; **[b] Abu Dis:** This town was originally envisioned in the Oslo period to become the Capitol of a Palestinian State, but the newest residents are settlers associated with Ateret Cohanim

whose supporters advocate destroying the Dome of the Rock and Al-Aqsa Mosque and replacing them with Israel's Third Temple. Ateret Cohaim, supported financially by the American Dr. Irving Moskowitz, has filed plans to build eight hundred housing units in this neighborhood; **[c] Beit Yonaton:** A six-story building towering over its Silwan neighbors and draped with an enormous Israeli flag, this building is in the middle of an historic Palestinian village just south of the City of David. It was built by Jewish settlers without a permit in honor of Jonathan Pollard, the American convicted of spying for Israel. After years of litigation, the structure was declared illegal. The Israeli Supreme Court ordered it sealed, the inhabitants evicted, the building demolished – yet, settlers continue to live there guarded by Israeli security. Jerusalem Mayor Nir Karkat and Interior Minister Eli Yishai (the same who embarrassed VP Biden on his trip to Israel causing a serious Israeli-American diplomatic crisis in March 2010) have thrown up obstacles to the court order; **[d] The Kings Garden:** Mayor Barkat has announced plans to demolish eighty-eight Palestinian homes to make way for King Solomon's Garden, an archeological park in the Bustan neighborhood of Silwan; **[e] The Elad Association:** an organization dedicated to the Judaization of historically Palestinian areas, Elad persuaded the Israeli government to pay 95m NIS to establish an illegal house in the middle of the Mount Olives cemetery as a "Visitors Center" – settlers are now living in the building; **[f] Sheikh Jarah** – a 200-unit development near the tomb of Shimon Hatzadik (a 2nd Temple sage) has been sponsored by a radical settler organization that has evicted several Palestinian families with the intention of demolishing an entire Palestinian neighborhood.

- (8) **The Impact of Israeli settlement activity on the Palestinian Authority:** The PA has made progress in the West Bank in improving security and public order, insuring the safety of Israelis and improving its economy. However, Israel's settlement expansion affects the PA's internal politics; it weakens and embarrasses the Palestinian leadership and any loss of credibility in the Fatah camp adds to the credibility of Hamas.
- (9) **Settlements and a Two State Solution:** Most Israeli and Palestinian observers acknowledge that they are destined to live alongside each other whether they like it or not. Israel cannot remain an occupying army both for reasons of security and demography and remain a democratic Jewish state (hence the unilateral withdrawal from Gaza in 2006). However, Israel's essential security may indeed be threatened should a Palestinian State ever be created on the West Bank. The threat of Hamas taking over the West Bank from Fatah has persuaded most Israelis that Israeli withdrawal from large portions of the west bank (i.e. Judea and Samaria)

is unthinkable in the foreseeable future, if ever. Many Israelis argue that Fatah too is a security threat given its refusal to change the PLO charter and the statements of its leaders that the end goal of the Palestinian struggle is the creation of a Palestinian State on all of Palestine (i.e. Israel). Either way, time is not on Israel's side especially since each large settlement bloc is allowed to expand for "natural growth." In a number of cases, according to *B'tzelem* (An Israeli human rights organization) Palestinian owned land (according to deed) is being confiscated by Israel to expand security fences around settlements. In some cases, Israeli settlements have been built on Palestinian owned land in what constitutes "a land grab." The longer Israel continues to expand these contested settlements the more difficult it will be to remove them in an eventual peace agreement with the Palestinians, if there is ever to be one. The consequence of this is that there is a threat of an eventual one-state solution. That would be either the death knell to a Jewish Zionist State or a Democratic Jewish State. The only solution depends upon two eventualities - [1] that Palestinians change the PLO Charter and that Hamas and Fatah both accept publicly in their own language and relative to the west that they are interested in a final resolution to the conflict with two states existing in perpetuity side by side within securely recognized boundaries, and [2] that Israel attempt to achieve a workable deal concerning the settlements and a reasonable resolution to the Palestinian refugee question, namely that all Palestinian refugees would have the right of return to their own state, and not to Israel. Shy of this, Israel needs to be assured that its security from the east will be maintained. At present, giving the West Bank back to the Palestinians with full rights for them to develop a military constitutes a mortal threat to the existence of the State of Israel. Distances are too close, and from strategic hill tops in the middle of the West Bank with only a pair of binoculars, it is possible to see planes taking off and landing at Ben Gurion Airport and even to identify the windows on tall apartment buildings in Tel Aviv as belonging to top Israel government officials (e.g. Defense Minister Ehud Barak). According to polls, Palestinians living on the West Bank would accept by a majority a state without tanks and an air force, but an agreement that says "no army" would be unacceptable.

- (10) **The Future of Hamas and Fatah:** Unless Hamas and Fatah both change dramatically their expressed intent of replacing Israel with a Palestinian state, agree to abide by all agreements signed between the PA and Israel during the Oslo process, and reject terrorism as an instrument of policy, then not only will Hamas and Fatah find themselves isolated from the West, but their coffers will run increasingly dry, and whatever they have built will collapse. The Palestinians know only too well that the

Arab and Muslim world have given only lip service to Palestinian rights for more than 60 years and strive to maintain, with Palestinian acquiescence, their status as refugees. Though Fatah is widely regarded as having accepted the two-state solution, many Israelis believe that this “acceptance” is tactical, and that it is not serious. Even so, most Israelis are willing to accept Fatah at its word and strive for a two state solution. As an indication of Israelis’ desire for peaceful resolution to the conflict, 53% of Israelis believe that Israel should even talk to Hamas.

(11) **Palestinian Polls on Two State Solution:** 75% of the Palestinians polled supported a peace plan based on the 1967 borders. That support plummeted to less than half when the question posited a land swap of 2-3% of the Occupied Territories to accommodate facts on the ground (i.e. Jewish settlements beyond the “Green Line.”) Since Israel’s best past offer included a swap of 6%, the Palestinians not only rejected the offer but refused to consider the idea of a swap. 58% of Palestinians (including 46% of Hamas supporters) said they would make peace with Israel if Palestinian refugees have the “right” to return to their homeland, if the Palestinian state accepts all refugees willing to live in it, and if the Jewish state takes in a maximum of 150,000 Palestinian refugees as part of a family reunification program, and remunerates the rest. Asked what are the chances of their having such a State in the next five years more than 70% of Palestinians said they were “zero to slim.” Most Palestinians will not accept an agreement that does not provide Palestinian sovereignty over the holy places; omits language about the right of return; uses the words “no army;” or calls for more than 3% territorial swaps. Most Israelis will not accept an agreement unless it requires a Palestinian state to be demilitarized; grants Israel sovereignty over Jewish holy sites; denies Palestinians an unrestricted right of return; and explicitly declares this the end of the conflict. About 2/3 of both populations believe that the other side will not accept a peace package. **Clearly, at this stage the maximum that Israel is prepared to offer in a two-state peace deal does not meet the minimum that the Palestinians will accept.**

(12) **The Obama Administration** has promised concerted diplomatic effort to resolve the Palestinian-Israeli conflict. President Barack Obama and Secretary of State Hillary Clinton appointed former Senator George Mitchell as a special Middle East envoy. The Obama Administration began with a number of missteps and as a consequence Israeli confidence in President Obama was low, in the mid-30% range. According to most Israelis, President Obama continues to expect much of Israel but little of the Palestinians. He speaks generally of “settlements” in his calling for a freeze, but does not distinguish between the Jerusalem neighborhoods, the

large West Bank settlement blocs, and the small outposts. However, how President Obama confronts Iran will ultimately be the test in the minds of most Israelis as to whether his administration is to be trusted. President Obama, a year into office, seems to have learned much about the needs of Israel. There is no question that he is a friend to Israel, despite critic's apprehensions.

- (13) **A peace settlement establishing a Palestinian State alongside Israel** as an end of conflict solution will eventually come (perhaps not for a generation or longer) including an arrangement around Jerusalem (though I suspect not ceding security or hegemony) and possibly an exchange of land. Palestinian Refugees will never be permitted to return to Israel except perhaps symbolically, rather to Palestine. Yet, time for a two state solution is regarded by many to be running out the more Israeli settlement activity continues.

CONCLUSION AND HOPES

We can only hope and pray that those violently opposed to the existence of the State of Israel will be overwhelmed by moderate voices within the Palestinian community, now in a minority and without power, that have taken the pragmatic position that Israel is a fact and cannot be destroyed, and that this realization will one day lead to peace with secure borders for two states living side by side. We can also pray that the violent Israeli settlers (estimated at between 5% and 10% of the Israeli population) will also accept some measure of compromise and will be persuaded by Israeli authorities that acting outside the rule of law and government policy is unacceptable in a democratic Jewish Israel. We also hope (at the time of this writing - 2010) that the Obama Administration will become more actively engaged in working towards agreements and the neutralization of Iran as a nuclear threat.