

Working to remove Netanyahu

by Chibli Mallat

Around 1985, Israel's envoy at the United Nations was invited to address an audience of law professors and law students at Boalt Hall, the school of law of the University of Berkeley in California, where I was engaged in some research.

A decade later, my recollection of the contents of the speech are understandably dim, but the impression the speaker left was as strong as it was negative. He churned out a vociferous cacophony about Arab terrorism, Israeli superiority and Jewish righteousness. There was not a single argument that was new, and there wasn't even an effort to provide a speech which was coherent.

The context added to my sense of shock: here were some of the important professors at one of the great universities in the West - Boalt Hall is where the most celebrated US Chief Justice of the 20th century, Earl Warren, has left his mark. The speaker addressed them as if they were high school graduates in a less than average town in rural America.

Here was the epitome of what Général de Gaulle once described as a typical Israeli trait, *sûr de lui et dominateur*. So mediocre was the talk that I forced myself to commit to memory the name of the speaker. He was Benjamin Netanyahu - he man who today appears to command the destinies of the Middle East.

I have had other occasions to listen to the man since then, especially during the Gulf war, when he served up his rhetoric on world television, mostly on the basis that his American English tends to be more fluent than that of other members of the Likud. Then, as mediocrity and power games beset the party with Yitzhak Shamir getting too old to remain at the helm, Mr Netanyahu, an erstwhile furniture trader, came out as the compromise candidate of the worst factions in the old Herut, and as the champion of another dark hero of modern Israeli history, Ariel Sharon.

It is the conjunction of Netanyahu's medi-

ocrity and the going-all-the way practices of Sharon and his other crony in crime and government, minister Rafael Eitan, which suggests that the salvation of the peace process, and our societies by the same token, may primarily rest in the removal of the present prime minister of Israel.

This is a tall order. One learns in the most basic courses in government that the removal of a leader in power is by nature the most difficult political task to contemplate. One learns intuitively from modern Middle East history that such a task is doubly difficult in the region. After all, Saddam Hussein is still in power, six years after his defeat in 'the mother of all battles'.

Still, I think that there are enough elements in the present make-up of both the peace process dynamic and Israeli society to either force Mr Netanyahu out, or to make him cave in to the logic of the peace process.

This will not happen naturally, and the domestic elements in Israel which have started to undermine him need some support from outside, including from within the Arab world.

All the 'peace indicators' have been in decline since Mr Netanyahu assumed power at the end of May: investment in Israel, which had reached a decade-high under Labor, has all but stopped; at November's Cairo economic summit, Israeli business leaders themselves vented their frustration at the regional and international isolation that the scuttling of the peace process had forced on them.

Troubling news emerged last week of a profound dismay in intelligence and army circles

over the hard-headedness of the prime minister, his poor understanding of Palestinian frustrations and the limits that security forces have in such extreme situations. This dismay was itself an offshoot of the tragic events which resulted from the decision to open the tunnel under the holy mosque in Jerusalem and the consequent deaths of 70 or so unnecessary victims, including more than ten Israelis.

Meanwhile, Mr Netanyahu had seen several challenges by the High Court to his nominees who was deemed 'unfit' in November. A motion filed by more than 40 members of the Knesset last week deemed Mr Netanyahu unfit to rule.

There is an important precedent in the case of Ariel Sharon. In 1983, the Kahane commission expressly stated "that the Minister of Defense bears personal responsibility" in the massacres of Palestinian civilians at Sabra and Shatila camps, and concluded "if necessary,

that the Prime Minister, after informing the Cabinet of his intention to do so, remove a minister from office."

Continued blundering by Mr Netanyahu raises the spectre of his political or judicial removal from office, especially in view of the 'public fiduciary duty' doctrine which was developed by the President of the Israeli Supreme Court, Judge Aharon Barak, now the main target of Jewish extremists whose ideology the Israeli prime minister feeds upon.

The international isolation of Israel has grown to an extent unprecedented in modern times. Not even at the height of the *intifada* did an Egyptian foreign minister criticise

Israel in the way Amr Musa has done, consistently, since the summer.

The international distancing from the Israeli prime minister took another dimension with the letter of United States dignitaries, including three former secretaries of state, expressing their worries about Israeli extremist policies. Nor are the ramblings less dramatic inside the US Jewish community, who have always shied away from criticising Israel openly, but who are clearly unhappy with its present leader.

All of this, alas, is not decisive. It could only become decisive if means and ends start converging in more studied and better coordinated ways.

An approach directed towards the removal of Benyamin Netanyahu should be premised on two principles: the first is defined by the rule of law, in the form of signed agreements between Palestinian and Israelis, between Israelis and Jordanians, and, on the northern front, by blueprints already available between Syrians and Israelis, within the proper framework of UN resolutions (namely Resolutions 242, 338 and 425).

The second is Arab readiness to decrease, and eventually renounce, violence, in proportion to the respect and progress offered by the Israeli government on these agreements.

If the end, defined by the rule of law, and the means, defined by a gradual and proportionate renunciation of violence, are identified correctly, it follows that all those who share those two fundamental principles should coordinate their efforts until the Israeli prime minister either bows to them, or leaves.

On Monday, I will outline the ways in which pressure can build up by the emerging coalition of 'peace forces'.

Chibli Mallat is the author of The Middle East into the 21st Century (London, 1996) and editor of The Arab-Israeli Accords: Legal Perspectives (The Hague, 1996). He is a practising lawyer and law professor at St Joseph's University, New York.

The elements in Israel which have started to undermine him need some support from the Arab world