

## Netanyahu's proposal for 'lasting peace' - and a human rights response

By Chibli Mallat, Muhammad Aburdaini and Sharhabeel Al Zaeem

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*For the State of Israel as the nation-state of the Jewish people*

**By Benjamin Netanyahu**

*For a Federal Israel-Palestine: A human rights response*

**By Chibli Mallat, Muhammad Aburdaini, Sharhabeel Al Zaeem**

**Editor's note:** *The following is a detailed response to the Israeli Prime Minister's important speech at the Israeli National Defense College Graduation Ceremony on August 3, when he explained his "foundations" for a "lasting peace." On today's law page, two Palestinians and a Lebanese – **Muhammad Aburdaini**, **Sharhabeel Al Zaeem** and **Chibli Mallat** – discuss his proposals, while putting forward alternative foundations in a fresh initiative based on human rights and a federal future for Palestine/Israel. Mr. Netanyahu's words are reproduced in full, minus a few deletions relating to the occasion, with our response following each part of his speech.*

Benjamin Netanyahu [BN]: ... If one were standing here in the middle of the 19th century, one would not be raising such issues, because one would not believe that there would be anything here. There were thirty, or at most, forty thousand Jews in the entire Land of Israel. No one would have dared to believe that what has happened here could actually happen here.

A hundred years later, the number of Jews grew to six hundred thousand, and today we are close to six million. For the first time since the period of the Second Temple, the majority of Jews will live in their homeland. These things required vision, daring and great faith, and also our ability to concentrate our capabilities in the economy, in education, in culture, in science, in technology, in agriculture, and above all in security, in security and in faith.

*Muhammad Aburdaini, Sharhabeel Al Zaeem, Chibli Mallat [MAR, SZ, CM]: The mirror story is less happy: in 1860, there were eight to nine times more non-Jews in the historic land of Palestine, some 400,000 total population to the 30 to 40 thousand Jews, living together relatively well under Ottoman rule. A hundred years later, in 1948-9, the descendants of the non-Jewish inhabitants were uprooted in five massive waves of violence described by historian Benny Morris, as a phenomenon that qualifies today as ethnic cleansing. In 1948,*

*only one-third of the population of historic Palestine was Jewish. Of the 800,000 non-Jewish inhabitants of the land that came under Jewish control as the State of Israel, 90 percent were expelled or fled before the violence, and were subsequently prevented from returning to their homes. They have grown to some 4-5 million inhabitants most of whom live in miserable camps in Gaza, the West Bank and outside the historic borders of Palestine. The 100,000 Palestinian Israelis who remained have grown to 1.3 million, they constitute one fifth of the overall population and almost one fourth when compared to the Jewish population according to official Israeli statistics – since about 5 percent of the population is neither “Jewish” nor “Arab.” So the fuller, actual “vision” is this: against the six million Jews who enjoy peace and equality among themselves, 4 million non-Jews are refugees living forcibly outside Israel, 3 millions are under various degrees of siege (Gaza) and direct occupation (the West Bank including Jerusalem, walled in and relentlessly colonized), and the remaining 1.3 million continue to be denied basic representation in government: their political, social and economic rights are systemically curtailed by Israeli law and governmental practice. They are de jure and de facto discriminated against in land ownership, marriage, work opportunities, service to and by the state, and right to family reunion. They never had one important ministry, one key judicial position, and were never allowed to head a meaningful committee in parliament.*

BN: I have great faith that we will be able to surmount these hardships, and establish a future of peace between us and our neighbors. But any such faith, like Zionism itself, requires correct detection of the problem and quick provision of the right solution. We can see the problems from here. Climb one of the towers, look east, and you will see the Dead Sea, and the Jordan mountains. If you choose a higher tower and look west, you will see the Mediterranean Sea. At its maximum breadth, the Land of Israel is very small, and if we make peace agreements, the borders will be moved. Therefore, our first problem that makes it difficult with regard to our national security is that we have a very small country. This in itself does not mean that there are security problems – Monaco has no security problems. Neither does Luxembourg have any security problems. Both these countries are smaller than we are. But when you combine the smallness and the country’s dimension and look at some of our neighbors, their activities and their stated intentions – this combination of such minute dimensions and neighbors, some of whom negate the State of Israel’s existence and use all means in order to abrogate our existence – this creates problems of national security which don’t exist in any other country or for any other people.

*MAR, SZ, CM: It is one thing is to deny the existence of the State of Israel, which is, we agree, a non-starter. It is quite another to question the legal morality of the State exclusively defined as Jewish.*

*Security of Israel cannot be achieved if the State of Israel is meant as the nation-state of the Jewish people only, so long as this definition denies or discriminates against the rights of non-Jews.*

*One fundamental right is that of equality, which does not exist, in law and in fact, for non-Jews across historic Israel-Palestine. Another fundamental right is the universal right of a refugee to return to the place from which he or she was ejected by the onset of violence. Luxembourg and Monaco do not have the equivalent of Palestinians inside their country or around it.*

BN: In order to provide a response to this issue, given our attempts to achieve peace with the Palestinians, we need to respond to two problems: on the one hand, the problem of the denial of our right to exist, and on the other hand, the problem of security which stems from Israel’s geographic dimensions.

*MAR, SZ, CM: Agreed so long as it is mutual.*

BN: The way of dealing with the denial of the State of Israel's existence is the recognition of the State of Israel's right to exist. This is the first foundation. This is a demand which we state in the clearest, most direct manner to our neighbors. This is not in order to receive their approval, which we do not need. We need this in order for the Palestinians to internalize this right.

*MAR, SZ, CM: The right to exist is naturally granted, and does indeed not need approval. The problem is the political and constitutional regime of the State of Israel as presently exists. No less than in Arab countries, we need regime change in Israel, achieved with non-violent means. As for internalizing a fact perceived to be unjust by the victims, which is becoming a hollow motto: Jews in Israel should stop asking Palestinians to "internalize a right" that negates their suffering.*

BN: If we are asked, which we are, to recognize the Palestinian state as the nation-state of the Palestinian people – and we are willing to do so – it is only natural that we ask our Palestinian neighbors to recognize the State of Israel as the nation-state of the Jewish people.

This is not only natural – it is necessary, just and logical, and it is the first foundation of peace.

*MAR, SZ, CM: How would the Jewish, Muslim, Buddhist or non-believer citizens of America react to a request for the United States as the nation-state of Christians? We can accept the State of Israel as "the nation-state of the Jewish people" only by adding "also" to your request. The legal response that includes us all as equals, individually and collectively, we need to articulate together.*

*We propose against your exclusive concept a Federal Israel-Palestine for its Jewish and non-Jewish peoples on the whole of historic Palestine, which encourages interaction and intermarriage, equates between all its citizens individually, and offers to the Jewish and non-Jewish communities alike collective standing.*

BN: Two additional foundations the second and the third are derived from the foundation or principle of recognition. The second foundation is that the Palestinian refugee problem will be resolved outside the borders of the State of Israel. It is not possible to maintain this small state as a state with a clear Jewish majority if the State of Israel is flooded with refugees and their descendents. This is also unjust.

*MAR, SZ, CM: We accept that a massive flooding of non-Jewish refugees can lead to injustice if it threatens the Jews of Israel, yet two rights are apposite here: one is the right of the refugees to return, which is universal and supported by international law and leading human rights groups, including Amnesty International. The other is the right of Jews not to be imperiled as a collective group. We need to find together a way to reconcile both rights. We propose to engage with you, in terms that we all feel comfortable with, in a structured conversation to resolve the Palestinian refugee problem that accommodates those two rights: the right for Jews in Israel to defend security and demographic developments they perceive as existential threats, and the appropriate means to accommodate the right of Palestinians to live on the land they were forced to leave and continue to be prevented visiting. At the center of this accommodation would be a staggered and continuously enhanced principle of free movement, for both Israelis and Palestinians, including Jewish*

*Israelis in the rest of the Middle East, within a joint and detailed humanist plan that develops heuristically over ten to twenty years. This conversation, and the action we can design together, will give a particular attention to the concerns of the Jewish community, as well as the subhuman conditions of refugee life in camps in the West Bank, Gaza and outside the 1948 historic Palestine boundaries.*

BN: This is unjust because the Arab attack upon the State of Israel's existence in 1948 created two refugee problems. The first one is the Palestinian refugees which the entire world knows about. The second refugee problem is of the Jewish refugees who were forced to leave the Arab countries. But no one recognizes this problem because Israel with its limited resources, with a sliver of land, without oil resources, resolved this problem, whereas the first problem continues to exist to this day.

*MAR, SZ, CM: The 1948 military intervention of the neighboring Arab countries would qualify in 21st century language as "Right to Protect." But let's look to the injustices of the past with an eye to the future. We and many colleagues across the Arab world have long advocated the need to reverse the legacy of the pogroms against Jewish Arabs that followed the establishment the State of Israel in 1948. We have openly acted for these historic grievances to find their fullest redress, and will continue to do so irrespective of the Israeli government position. One of the greatest losses for Arab countries was their time-honored Jewish communities.*

BN: The third foundation to reaching an end to the conflict – is the end of the conflict. When we sign a peace agreement with the Palestinians, which I believe will happen – we want it to be a final agreement – an end to the conflict, an end to the conflict's claims.

*MAR, SZ, CM: Agreed.*

BN: We are not expecting a situation whereby a Palestinian state established within the borders of the State of Israel will continue to demand the entry of refugees, or that there will be national claims towards the territory and population within the borders of the State of Israel. An end to the conflict means an end to claims.

*MAR, SZ, CM: We agree, but must emphasize that only the Palestinians concerned can end these claims. The Israeli government must sit with them to negotiate an end to their claims, in good faith. Some will be satisfied with compensation, some with a place in the new Palestinian unit within the Israel-Palestine federation, some with a right to freedom of visit and work as aliens in the new state, some with exile in Europe and the US, many with a mixture of the above in a plan to be developed universally. But no one, including other Palestinians, can abandon the individual refugees' claim in their stead. We think that a major breakthrough for peace would be achieved if, as a first step, you announce your readiness to sit with Palestinian refugees without preconditions.*

BN: I have highlighted three foundations in my speech: recognition of the State of Israel as the nation-state of the Jewish people, resolving the refugee problem outside our borders, and an end to the conflict. These are all connected to the question of recognition of the State of Israel. We raise these matters in an explicit and clear manner with the aim of reaching an agreement. These are the fundamental and necessary conditions, not for starting negotiations – we are not attaching any conditions to opening negotiations, but these are fundamental conditions for the successful completion of a real peace agreement.

*MAR, SZ, CM: Here is our counteroffer: we sit together, that is Arabs with claims against Israel, and Israelis with claims against Arabs, without pre-conditions. Our departing foundations are the following: recognition of the State of Israel as Federal State that accommodates, on equal individual and collective terms, its Jewish and non-Jewish inhabitants; resolution of the refugee problem in a long-term, staggered plan that includes Jews of Arab countries and Palestinians of the present territory controlled by the State of Israel and of the Palestinian diaspora.*

BN: The next two foundations are connected to security. Even if the first three foundations are implemented, and I believe that they will be achieved, it will still take an entire generation of Palestinians to internalize recognition and the permanent legitimacy of the State of Israel.

*MAR, SZ, CM: Agreed. However we must be candid again about this "internalization": Palestinians, like all colonized people, will continue to grieve for the sixty years of misery chiefly inflicted by the establishment of the State of Israel, and we expect that Jewish Israelis killed over sixty years will continue to grieve for their loved ones killed in battle, bombs and other attacks. But we all accept that such grievances will not deter our absolute rejection of violence in any future, inevitable, disagreements, on the road to perfecting our inevitably common destiny.*

BN: For the foreseeable future, we need to ensure that peace will be maintained. In order to maintain peace, the first foundation is security, and the first foundation of security in the case of the arrangement proposed here is demilitarization.

None of us want a repeat of what happened in Gaza, or in South Lebanon. We want to ensure that any territory which we vacate within the framework of an arrangement will not be seized by terrorists or by Iran's representatives. This is the fourth foundation.

This is not a theoretical discussion for us. We know exactly what happened in the north, and what happened in the south. Heaven forbid that this should happen in the center of the country, on the mountains and the hills that overlook the majority of the State of Israel's population, on the strategic installations on which you depend and which are vital for our protection – this would undermine our security and naturally also invalidate the peace.

Therefore, our demand for effective demilitarization is a fundamental demand for establishing a real and stable peace with the Palestinians. I use the term effective demilitarization because we desire practical and effective arrangements. We all have experience with ineffective demilitarization. Effective demilitarization means that there will not be a foreign army west of the Jordan. A police force, a counter-terrorism mechanism by all means, but there is no reason for such a force to have tanks, artillery or other types of weapons. The second thing is that we will have control of our airspace. This is vital for ensuring our security.

The third component is to prevent rockets, missiles and other types of weapons from being brought into this territory. The Palestinians' self-determination does not require that there be, in any shape or form, Kassams or rockets which can be launched on Tel Aviv, on the coastal plain, cities or on other areas of the State of Israel.

The fifth and final of the foundations for peace is international recognition of the very demilitarization arrangements which we have talked about. I wish to clarify that we are not talking about American or NATO soldiers defending us and doing the defense work of the State of Israel. We have never requested this, nor are we requesting it now.

We are talking about an international guarantee, headed by the United States, for the demilitarization arrangements that we will establish. We wish them to make it clear that these arrangements will be completely legitimate, and that there will also be total legitimacy

for any action deemed necessary to preserve them. The purpose of this guarantee is that it adds a layer of deterrence against the intentions of those who may, in the future, wish to invalidate, or violate the demilitarization arrangements.

Recognition of the State of Israel, resolving the refugee problem outside Israel, an end to the claims as part of the end to the conflict, effective demilitarization and international recognition of the demilitarization arrangements – these are the five foundations which are essential for peace, and also have widespread consensus among the Israeli public. This is also the shared base of the unity government which the Minister of Defense, the other factions and I established.

As long as we unite behind these conditions, the chance of implementing them increases, because the international community respects a clear, solid, logical and just stance, which they also represent.

*MAR, SZ, CM: Fine on all points so long as the historic, mutual, grievances are resolved jointly. Most of the security components are moot if the Federal State we propose is established. We can even go further: we are actually ready to consider the military protection by NATO of an agreement reached by Israelis and Palestinians on the basis of equality within a Federal State that is also a nation-state for the Jewish people.*

BN: I think that there is an additional foundation which can assist us in reaching peace arrangements and in keeping them.

I have just come from a tour of the Allenby Bridge. A directive has been given to extend the terminal's operating hours at the bridge, for both goods and pedestrians. This is part of the policy which we are carrying out in order to make the lives of the Palestinians easier where possible, in fact to improve the flow of the Palestinian economy.

The Minister of Defense has removed a significant number of road blocks, and we are working together in the government in order to remove obstacles for economic projects which could advance the Palestinian economy. We are doing this because we are convinced that economic progress and development will help achieve both diplomatic and political peace.

*MAR, SZ, CM: On the Allenby directive you mention: any move along these lines is welcome. In legal speech, it is called the freedom of movement and establishment, as developed in the careful case-law and legislation of the European Union. Again, we propose that such a right to free movement be a central element of the agreement, to be refined further in the way successfully charted by the Europeans since the Treaty of Rome in 1957.*

BN: We are convinced of this because there is a struggle here, as in other parts of the world, with dark, radical forces, where the last thing that they want is progress. I say that our real test, here, with the Palestinian Authority, is whether they can move closer in Dubai's direction, or whether they will retreat in Gaza's direction. I am not saying that it will be like Dubai here tomorrow, or even the day after tomorrow, but they are growing as a result of the things that they have done and that we are doing.

*MAR, SZ, CM: Dubai is not a democratic country. For a Federal Israel-Palestine to work, it must be first and foremost democratic.*

BN: The Palestinian economy here in Judea and Samaria is currently growing at a rate of more than 7percent, and it can grow even higher. I want you to imagine what will happen when the skylines of Ramallah, Jenin and Hebron start to be filled with skyscrapers, when

malls, cinemas and restaurants are opened, and when the Palestinian youth know that they have a future.

*MAR, SZ, CM: On the lighter side: a skyscraper and mall definition of peace may not be that alluring humanly or esthetically. We hope we can together spare Jerusalem the skyline of Tel Aviv.*

BN: I am not ruling out the need for diplomatic agreements; on the contrary, I claim that economic peace will assist diplomatic peace. In the struggle between darkness and terror and progress and prosperity, I have no doubt that the vast majority of the world's Muslim population will choose progress and prosperity. We saw this a month ago in Teheran, we saw this six months ago in Hebron, Jenin and Ramallah during "Operation Cast Lead," and I tell you that we will see it in Gaza tomorrow.

The very fact that the Hamas regime, an offshoot of the Iranian tyranny, is forcing women to wear veils – I can tell you – is not winning it favor among the Palestinians in Gaza, and if they had the power to overthrow this regime, they would do it – and it will be in their power. This is why advancing economic peace and development is integral for helping to promote peace. Eventually radical Islam will be defeated by the global information revolution, by the freedom of ideas which are breaking out, through technology and through ideas of freedom. This won't happen immediately, but it will happen, and it will happen here as well.

The only thing that can postpone and disrupt the rate of the extinguishing of radical Islam is the possibility that it will be armed with a nuclear weapon. Today, this is so dangerous that I would go so far as to say that understanding of this danger is permeating governments, leaders, public opinion shapers, and even armies.

If there is one mission that we are partner to, it is to ensure that the forces of moderation, of progress, prosperity and peace will win this struggle.

I now turn to the representatives of several countries who are here with us. We all have the same mission, we are all on the same mission – to make sure that the forces of dark radicalism, of medievalism are held back.

I am certain of our ability to achieve this goal, and I want to thank the National Defense College alumni for all that they have done to ensure security, prosperity and peace for the State of Israel, and for what they have yet to do.

On the summit of Mount Scopus, we will guarantee peace for Jerusalem and for the State of Israel.

*MAR, SZ, CM: The above is mostly rhetorical. Once the State of Israel is the state of all of its inhabitants, including Jews, rhetoric can more easily match reality. We believe that the achievement of any common humanist vision is premised on non-violence as the exclusive means for achieving it.*

**Benjamin Netanyahu** is prime minister of Israel. **Chibli Mallat** is a former candidate to the Lebanese presidency, an attorney and law professor in the US and in Lebanon. He is the editor of The **Daily Star** law page. **Muhammad Aburdaini** is a Palestinian survivor of the 1982 Sabra and Shatila massacres. His family was decimated in the killings. He lives in London. **Sharhabeel Al Zaeem** is a leading Palestinian lawyer who lives in Gaza.