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AUSTRALIA/ISRAEL & JEWISH AFFAIRS COUNCIL



ISRAEL and the **Arab-Israeli** **Conflict**

A Brief Guide for the Perplexed

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AIJAC's Brief Guide for the Perplexed

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Events in the Middle East continue to dominate the media and arouse heated debate around the world. The wars in Syria, Iraq and Yemen, ISIS and al-Qaeda are only some of the topics that have kept that troubled region hot in the news. Of all topics keeping the Middle East in the news, however, no sub-issue generates as much emotion, debate, and ire as the Israel-Palestinian conflict.

Because the issue is given to emotion, it is often difficult to discern facts from opinion, truth from falsehood, information from disinformation. It is also difficult to maintain a sense of historical context when discussing the issues at hand. This paper provides some perspectives and talking points, both historical and contemporary. It is not intended as an exhaustive examination of the subject.

When presented with the facts, it is important to understand:

- the real dangers faced by Israel, a tiny country less than one third the size of Tasmania, in a tumultuous, heavily armed neighbourhood;
- Israel's commitment to democracy and democratic values;
- the common enemies of extremism and fanaticism faced by Israel and the Western world;
- Israel's impressive contributions to world civilisation in such fields as science, medicine, technology, agriculture, and culture – contributions that are even more remarkable given the country's relative youth and its heavy defence burden.

No country's historical record is perfect, and Israel, like other democratic nations, is no different. But acknowledging fallibility is a national strength, not a weakness, and Israel's overall record on democracy, economy, education, science and plurality compares favourably with that of any other country in the region, and indeed well beyond the region.

The Jewish people's link to the land of Israel is incontrovertible and unbroken.

It spans nearly four thousand years. Exhibit A for this connection is the Hebrew Bible. The Book of Genesis, the first of the five books of the Bible, recounts the story of Abraham, the covenantal relationship with the one God, and the move from Ur (in present-day Iraq) to Canaan, the region corresponding roughly to Israel. Exhibit B is any Jewish prayer book in use anywhere in the world. The references in the liturgy to Zion, the land of Israel, are endless.

Medieval Jewish scholar Nachmanides counted living in Israel as a divine precept or obligation (mitzvah), and the Jewish Holy book of interpretation of Jewish Law, the



Ancient ties: The first century synagogue at Katrin

Talmud, even declares that refusal to move to Israel is a legitimate grounds for divorce.

In later years, the leaders of three widely divergent movements of the Jewish people – Zionism, Hassidism, and Mitnagdism – independently sent their students to revitalise Jewish life in the Land of Israel. These leaders disagreed on a great many issues, but were united

in the central role of Israel in the life of the Jewish people.

The same is true of the connection between the Jewish people and Jerusalem.

It dates back to the period of King David, who lived approximately three thousand years ago, and who established Jerusalem as the capital of Israel. Ever since, Jerusalem has represented not only the geographical centre of the Jewish people, but also the spiritual and metaphysical heart of our faith and identity. Indeed, the relationship between Jerusalem and the Jewish people is unique in the annals of history.

Jerusalem was the site of the two Temples – the first built by King Solomon during the tenth century B.C.E. and destroyed in 586 B.C.E. during the Babylonian conquest, and the second built less than a century later, refurbished by King Herod, and destroyed in 70 C.E. by Roman forces. Even in exile, for centuries Jews have ended prayers on the two holiest of their religious holidays, Passover and Yom Kippur (Day of Atonement), with the hopeful cry “Next Year in Jerusalem!”.

As the psalmist wrote, “If I forget thee, O Jerusalem, let my right hand wither; let my tongue stick to my palate if I cease to think of thee, if I do not keep Jerusalem in memory even at my happiest hour.” For thousands of years Jews have prayed for her well-being, and always faced Jerusalem while praying.

Jews have never stopped yearning for Zion and Jerusalem.

For nearly two millennia, traditional Jews have prayed three times a day to return to the Land of Israel, and have marked the anniversary of the exile, on the ninth day of the Hebrew month of Av, by fasting and mourning. Despite the long exile there have always been Jewish communities in the Holy Land, and especially Jerusalem.

Indeed, since the mid-nineteenth century, Jews have constituted a majority of the Jerusalem's population. For example, according to the Political Dictionary of the State of Israel, Jews were 61.9 percent of Jerusalem's population in 1892.

The historical and religious link to Jerusalem is especially important because some Arabs seek to rewrite history and assert that Jews are “foreign occupiers” or “colonialists” with no actual tie to the land. Such attempts to deny Israel's legitimacy are demonstrably false and need to be exposed for the lies they are. They also entirely ignore the “inconvenient” fact that when Jerusalem was under Muslim (i.e., Ottoman and, later, Jordanian) rule, it was always a backwater.



Jewish prayer at the Western Wall in Jerusalem, 1870s

Zionism is the quest for national self-determination of the Jewish people.

Although the yearning for a Jewish homeland derives from a longing that dates back thousands of years, it also stems from a more contemporary reality.

Theodor Herzl, considered the father of modern Zionism, was a secular Viennese Jew who became appalled at the blatant antisemitism fuelling the show trial in the 1890s of a French army officer named Alfred Dreyfus. A century earlier France had become the first European country to extend full rights to the Jews, but the Dreyfus affair brought Herzl to the conclusion that Jews could never enjoy full equality as a minority in Europe. Therefore, he called for the establishment of a Jewish state, in which Jews would no longer be dependent on outside forces. He described his vision in a landmark book, *Altneuland* (“Old-New Land”), published in 1902.

Herzl died in 1904, but his vision was posthumously endorsed by the British foreign secretary, Lord Balfour in 1917:

His Majesty's Government views with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement

of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

In 1922, the League of Nations, entrusting Britain with a mandate for Palestine, recognised “the historical connection of the Jewish people with Palestine.”

The rise of Hitler and the Nazi “Final Solution to the Jewish Question,” spearheaded by Germany – and facilitated by widespread antisemitism and indifference to the fate of the Jews – revealed in tragic dimensions the desperate need for a Jewish state. (Haj Amin el-Husseini, the mufti of Jerusalem, was among the enthusiastic supporters of the Nazi genocide of the Jewish people.)

Only in such a state, the Zionists believed, would Jews be free of the need to rely on the “goodwill” of others to determine their destiny. All Jews would be welcome to settle in the Jewish State, whether taking refuge from persecution or in a fulfilment of a “yearning for Zion.” Indeed, this latter point fired the imagination of many Jews who settled in what was then a generally desolate Palestine, in the late nineteenth and early twentieth century, out of idealistic convictions, and who laid the foundation for the modern State of Israel.

Israel’s adversaries try to twist the meaning of Zionism and present it as a demonic, or colonising, force, a foreign implant in the Middle East, rather than recognise the Jews as an independent nation with the same rights as other countries. The stated goal of many of Israel’s enemies is to undermine her *raison d’être* and to isolate the state from the community of nations.

Over the years anti-Israel countries have had their share of success. In 1975 the United Nations adopted a resolution labelling Zionism as “racism”, over the strenuous objections of the democratic countries. The resolution was repealed in 1991, but the canard resurfaced ten years later, ironically, at the World Conference Against Racism in Durban, South Africa. The Arab bloc, however, failed in that effort to condemn Zionism in the conference documents. This time many nations understood that the conflict between Israel and the Palestinians is, and has always been, political, not racial.

In this vein, it’s well worth remembering the comments of the Reverend Martin Luther King, Jr. on anti-Zionism:

And what is anti-Zionism? It is the denial to the Jewish people of a fundamental right that we justly claim for the people of Africa and all other nations of the Globe. It is discrimination against Jews, my friends, because they are Jews. In short, it is anti-Semitism.... Let my words echo in the depths of your soul: When people criticise Zionism, they mean Jews – make no mistake about it.

Israel’s Jews and non-Jews

Although Israel defines itself as both a Jewish and a Democratic state, the rights

of non-Jews are guaranteed in the Declaration of Independence and Israel's basic laws, which serve a role much like a Constitution. One-fifth of Israel's citizens are non-Jews, more than 1 million Arabs, and Arabic is an official national language. Friday, the Moslem day of rest, is enshrined in law as the day of rest for the Arab sector, equivalent to the Jewish sabbath. In addition, Israeli Arab communities benefit from government grants for cultural activities, including fairs, festivals, and sport. The Museum of Islamic Art in Jerusalem is visited by thousands of guests, Arab and Jewish, each year.

Israeli Arabs enjoy all the same political and legal rights as Israeli Jews, which means they have more political and human rights than any other Arabs in the Middle East. It is true that economic discrepancies exist between Israel's Jewish and Arab populations, but statistics show these gaps are closing, and the government has recently committed to taking strong action in this regard. Moreover, in terms of key statistics of overall community well-being such as infant mortality, there is less of a gap between Israeli Arabs and Israeli Jews than there is between Muslim minorities and the general population of most Western European countries.

Meanwhile, Israel's Jewish population has always reflected enormous national, ethnic, cultural, and linguistic diversity, which became even more pronounced in the 1980s, when Israel rescued tens of thousands of black Jews who were dreaming of resettlement in Israel from famine-stricken Ethiopia.

Arab Attacks on Jews preceded the establishment of the State of Israel.

The fallacious claim is often made that Arab terrorism began in reaction to Israel's "occupation" of the West Bank and Gaza Strip following the June, 1967 Six-Day War. In reality, Arab attacks on Jewish civilians began when Jews were actually a small minority in Palestine. From 1880-1914 emerging Jewish communities took care to protect themselves and their crops from marauders, thieves, and organised gangs. The first organised Jewish security group, called Bar Giora, was organised in 1907.

As Jewish settlement continued, Arab attacks increased. Widespread rioting broke out in Jerusalem, Haifa, Jaffa, and Hebron several times in the 1920s and 30s.

The Arab-Israeli conflict was avoidable.

Shortly after its founding in 1945, the United Nations took an interest in the future of mandatory Palestine, then under British rule. A UN commission (UNSCOP, or the United Nations Special Committee on Palestine) recommended to the General Assembly a partition of the land between the Jews and the Arabs. Neither side would get all it sought, but a division would recognise that there were two populations in the land – one Jewish, the other Arab – each meriting a state. The broad principal UNSCOP used in drawing the borders of the two states was that majority Jewish areas should be part of the Jewish state



and majority Arab ones, the Arab state.

On November 29, 1947, the UN General Assembly, by a vote of 33 in favour, 13 opposed, and 10 abstaining, adopted Resolution 181, known as the Partition Plan.

The Arab states and the local Arab population vehemently rejected the proposal, and they refused to recognise a Jewish claim to any part of the land and chose war to fulfil their objectives.

On May 14, 1948, the State of Israel was founded. Winston Churchill said at the time: *The coming into being of a Jewish state ... is an event in world history to be viewed in the perspective not of a generation or a century, but in the perspective of a thousand, two thousand or even three thousand years.*

Years later, US President John F. Kennedy offered his perspective on the meaning of Israel:

Israel was not created in order to disappear – Israel will endure and flourish. It is the child of hope and home of the brave. It can neither be broken by adversity nor demoralised by success. It carries the shield of democracy and it honours the sword of freedom.

Israel's Declaration of the Establishment of the State included these words:

We extend our hand to all neighbouring states and their peoples in an offer of peace and good neighbourliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land.

Tragically, that offer was ignored.

On May 15, 1948, the armies of Egypt, Iraq, Jordan, Lebanon, and Syria attacked the fledgling Jewish state, seeking its destruction.

In the course of this war, launched by the Arabs, civilian populations were affected, just as in all wars. Controversies continue to this day about how many local Arabs fled Israel because Arab leaders called on them to do so or threatened them if they did not, how many left out of fear of the fighting, and how many were compelled to leave by Israeli forces. Importantly, hundreds of thousands of Arabs ended up staying in Israel and became citizens of the state.

But the central point must not be overlooked – Arab countries began this war with an explicitly announced aim to wipe out the 650,000 Jews in the new State of Israel, and by doing so, the Arabs defied the UN plan for the creation of both Arab and Jewish states.

If this had not happened, not a single Palestinian would have become a refugee or been forced to leave their home.

There is no comparable situation in the world today where a refugee population has been cynically exploited in the way the Palestinians have been.

In contrast to Israel, only one Arab country – Jordan – has offered citizenship to the Palestinian refugees. The other twenty-one Arab countries, who share a common language, religion, and ethnic roots with the Palestinians, have refused to do so.

One country, Kuwait, actually allowed many Palestinians to work prior to the Gulf War of 1991. But following Yasser Arafat's vocal support for Iraq's invasion the previous summer, Kuwait summarily expelled over 300,000 Palestinians working in the country.

The Oslo process of the early 1990s brought hope to many refugee families in the West Bank and Gaza Strip. They assumed Yasser Arafat and the PLO, who created the Palestinian Authority in 1994, would use their newfound power to relieve their difficult situation. But help never materialised, despite more than a billion dollars in international aid to the PA. Today, the refugees continue to wallow in squalor in UN-run camps.

A clue to the approach of the Arab countries to the refugees can be found in a 1961 Radio Cairo address, which admitted "the refugees are the cornerstone in the Arab struggle against Israel." By maintaining the refugees in difficult conditions with few options, countries like Syria and Lebanon – as well as the Palestinian Authority itself – use the refugees as a key weapon to maintain their ongoing struggle against Israel.

The Palestinian refugee population was initially between 600,000 and 800,000, but has expanded to an estimated 5 million. There were certainly larger movements of populations in the years following the Second World War. An estimated 20 million were displaced when the border of India and Pakistan were settled. Millions of Germans were forced to flee Eastern Europe in the aftermath of the Second World War. None of these people are refugees today.

One reason for this anomaly is that the Palestinian refugees had a completely different body set up to look after them – the United Nations Relief and Works Agency, which still maintains refugee camps even in areas now governed by the Palestinian Authority and Hamas. Every other refugee population comes under the UN High Commission for



Refugees. Another is that, with the exception of Jordan, the refugees in Arab countries were, and still are, corralled into camps, generation after generation, and refused some of the most basic rights, such as the right to own land or to work in various jobs.

The most important reason, however, is that the Palestinian refugees were given a unique definition. Rather than just being the actual people who fled, as is the case with every single other refugee population, the definition of a Palestinian refugee includes anyone who is the descendant of a refugee. Thus, the Palestinian refugee problem is perpetuated and worsened rather than being solved.

There were two refugee populations created by the Arab-Israeli conflict, not one.

While world attention has been focused on the Palestinian refugees, the plight of Jews from Arab countries, hundreds of thousands of whom became refugees as well, has been largely ignored. Indeed, the size of the two groups was roughly comparable. But there was one profound difference – Israel immediately absorbed the Jewish refugees, while the Palestinian refugees were placed in camps and kept there as a matter of Arab and United Nations policy.

When the issue of Jewish refugees from Arab countries is raised, Arab spokesmen often feign ignorance or strenuously assert that Jews lived well under Muslim rule (unlike Jews in Christian Europe). Sometimes they disingenuously argue that Arabs, by definition, cannot be antisemitic because, like Jews, they are Semites. (This ignores the origins of the term. Antisemitism was a term which has always been used to describe hatred of Jews – except in terms of linguistic origins, it has nothing to do with the Semitic groups of languages of which Arabic is also a part.)

It is certainly true that there was no equivalent of the Holocaust in the Jewish experience in Muslim lands, and it also true that there were periods of cooperation and harmony. But Jews never enjoyed full and equal rights with Muslims in Islamic countries, and there were clearly delineated rules of behaviour for Jews as second-class citizens. Ethnic violence against Jews was also far from unknown in the Muslim world.

Jews in Arab Lands

Apart from the Land of Israel, Jews also have a long history in the Middle East. For instance, there was a continuous Jewish presence in Libya from the time of the Phoenicians, many centuries before migratory tribes arrived from the Arabian Peninsula, bringing Islam to North Africa and settling – some might say occupying – lands already inhabited by Berbers and other local peoples.

Like Jews throughout the Arab world, the vast majority of Libya's 40,000 Jews fled between 1948 and 1951. Even before the State of Israel came into existence, pogroms in 1945 and 1948 killed many people, and most of the community emigrated to Israel

at the first opportunity. In 1951, Libya became an independent country. Despite constitutional guarantees, the Jews who remained in the country were denied the right to vote, hold public office, obtain Libyan passports, supervise their own communal affairs, or purchase new property. After a third pogrom in 1967, Libya's remaining 4,000 Jews fled, permitted to leave with only one suitcase and the equivalent of \$50. At the same time, the government destroyed Jewish cemeteries, using the headstones to pave new roads, as part of a calculated effort to erase any vestige of the Jewish historical presence in the country.

There were an estimated 754,000 Jews in Arab countries in 1948, the year of Israel's establishment. Today, there are fewer than 8,000, the bulk of whom live in Morocco and Tunisia.

How were Palestinians treated from 1948 to 1967?

Following Israel's War of Independence, Egypt ruled the Gaza Strip, and Jordan the West Bank. Egyptian authorities imposed military rule in Gaza, and Jordan annexed the West Bank and eastern Jerusalem. Neither moved to create an independent Palestinian state.

In 1964 – three years before Israel entered the West Bank – the Palestine Liberation Organization (PLO) was founded. Its aim was not the creation of a state in the lands under Egyptian and Jordanian rule, but rather the elimination of Israel and the founding of an Arab Palestinian state in the whole of Palestine. According to Article 15 of the PLO Charter

The liberation of Palestine, from an Arab viewpoint, is a national duty to repulse the Zionist, imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine.

The PLO Covenant also clearly spells out the method by which Palestine is to be “liberated” from Israel. Article 9 spells out

Armed struggle is the only way to liberate Palestine. This it is the overall strategy, not merely a tactical phase.

The Palestinian “armed struggle” turned out to be a war of terrorism, waged mainly against civilian targets. In the ensuing years, PLO-sponsored terrorists murdered Israeli Olympic athletes, held school children hostage, hijacked aeroplanes and cruise ships, and opened fire on airport check-in desks.

How did Israel come into possession of the West Bank, Golan Heights, Gaza Strip, the Sinai Peninsula, and the eastern half of Jerusalem, including the Old City?

Some people reflexively refer to the “occupied territories” without ever asking the question of how they fell into Israel's hands in 1967. Once again, there are those in the

Arab world who seek to rewrite history and impute expansionist motives to Israel, but the facts are clear. Here's a quick summary of some of the major events leading up to the Six-Day War:

- On May 16, 1967, Cairo Radio announced: "The existence of Israel has continued too long. The battle has come in which we shall destroy Israel." On the same day, Egypt demanded the withdrawal of UN forces that had been stationed in Gaza and Sharm el-Sheikh since 1957. Three days later, the UN announced it would comply with the Egyptian demand.



The Six Day War, 1967

- On May 19, Cairo Radio said: "This is our chance, Arabs, to deal Israel a mortal blow of annihilation...."

- On May 23, Egypt's President Gamal Abdel Nasser declared his intention to block the Strait of Tiran to Israeli shipping, thus effectively severing Israel's vital trade links with East Africa and Asia. Israel replied that under international law this was a casus belli, an act of war.

- On May 27, Nasser said that "our basic objective will be the destruction of Israel."

- On May 30, Jordan's King Hussein placed Jordanian forces under Egyptian control. Egyptian, Iraqi, and Saudi troops were sent to Jordan.

- On June 1, Iraq's leader added his thoughts: "We are resolved, determined, and united to achieve our clear aim of wiping Israel off the map."

- On June 3, Cairo Radio hailed the impending Muslim holy war.

- On June 5, as Arab forces gathered to mount an attack, Israel launched a pre-emptive strike. Within six days, Israel had defeated its adversaries and, in the process, captured land on the Egyptian, Jordanian, and Syrian fronts.

Another lost peace opportunity, 1967

Following the war, Israel indicated its desire to negotiate peace with its Arab neighbours. While Israel refused to relinquish the eastern half of Jerusalem – which contained Judaism's holiest sites and which, despite the terms of the Israeli-Jordanian armistice agreement, had been entirely off limits to Israeli Jews for nineteen years – it was willing to exchange the seized territories for a comprehensive settlement. But Israel's overtures were rebuffed. Arab leaders met on September 1 in Khartoum, Sudan, where they re-affirmed their previous attitude to Israel. In a sweeping communique, leaders

announced the infamous “three no’s”: “no peace, no recognition, and no negotiation.”

UN Security Council adopted Resolution 242.

This resolution, adopted in November 1967, is often cited in discussions about the Arab-Israeli conflict as the basis for resolving it, but is not always quoted with precision. The resolution stresses “the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every [emphasis added] State in the area can live in security.” It also includes a call for “termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area”.

Furthermore, it calls for “withdrawal of Israeli armed forces from territories occupied in the recent conflict,” but deliberately omitted use of the word “the” before the word “territories.” The US ambassador to the UN at the time, Arthur Goldberg, noted that this was intentional, so that any final settlement could allow for unspecified border adjustments that would take into account Israel’s security needs.

Lord Caradon was the British Ambassador to the UN at the time, and took the lead in drafting the resolution. He later said, “Much play has been made of the fact that we didn’t say “the” territories or “all the” territories. But that was deliberate. I myself knew very well the 1967 boundaries and if we had put in the “the” or “all the” that could only have meant that we wished to see the 1967 boundaries perpetuated in the form of a permanent frontier. This I was certainly not prepared to recommend.”

Eugene Rostow, a legal scholar and former dean of Yale Law School, was US Undersecretary of State for Political Affairs, 1966-1969. He helped draft Resolution 242. He stated, “Five-and-a-half months of vehement public diplomacy in 1967 made it perfectly clear what the missing definite article in Resolution 242 means. Ingeniously drafted resolutions calling for withdrawals from ‘all’ the territories were defeated in the Security Council and the General Assembly. Speaker after speaker made it explicit that Israel was not to be forced back to the ‘fragile’ and ‘vulnerable’ Armistice Demarcation Lines, but should retire once peace was made to what Resolution 242 called ‘secure and recognized’ boundaries, agreed to by the parties. In negotiating such agreements, the parties should take into account, among other factors, security considerations, access to



UN Resolution 242, 1967: Frequently misunderstood

the international waterways of the region, and, of course, their respective legal claims.”

In short, Resolution 242 establishes the principle of Land for Peace, but makes it clear that Israel is only expected to relinquish land in return for a concrete peace arrangement with the Arab world. It does not call on Israel to make unilateral concessions or return to its pre-Six Day War borders.

The settlements have been a contentious issue.

No question, but, like just about everything else associated with the Arab-Israeli conflict, there's more here than meets the eye.

After Israel's victory in the 1967 war, and once it became clear there would be no peace negotiations, Israel's Labor government encouraged the construction of new communities in the West Bank, Gaza Strip and Golan Heights. This practice was accelerated under Likud-led governments after 1977.

In any discussion of the settlements, it is important to understand the factors Israel considered before pursuing this contentious policy. (a) Israel contended that the land was disputed – both Arabs and Jews laid claim to it – and since there was no sovereign authority, Israel had as much right to settle there as the Palestinians; (b) there had been Jewish communities in the West Bank long before 1948, for example, in Hebron and Gush Etzion, both sites of massacres by Arabs in which large numbers of Jews were killed; (c) the West Bank represents the cradle of Jewish civilisation, and many Jews, driven by faith and history, wanted to reassert that link; (d) the Israeli government believed that certain settlements would serve a useful security purpose; and (e) some Israeli officials felt that building settlements, and thus creating facts on the ground, might hasten the day when the Palestinians, presumably realising that time was not on their side, would talk peace.

So is it legal for Israel to settle its population there? Most commonly quoted in relation to this question by those who deem the settlements illegal is article 49(6) of the Fourth Geneva Convention – “The occupying power shall not deport or transfer parts of its own civilian population into territory it occupies.”

There are two questions here – Is Israel an “occupying power” for these purposes and, if so, do the settlements constitute “transferring part of its civilian population.” Many experts argue no to both points.

The concept of occupied land at international law means taken from another country with a better claim. There is no such better claim here because in 1948, only the UK and Pakistan recognised Jordan's right to the area. There is also a presumption against capturing land through war, but the Six Day War was defensive – Israel was legitimately responding to acts of war against it, and, in the case of Jordan, armed attack.

So has Israel transported its population? Many say yes, but Israel and others say no.

The Geneva conventions were written with WWII in mind, to prevent a country

forcibly transferring elements of its population, particularly minority elements, as the Nazis did. All the discussions around the drafting assumed Article 49 was to deal with forcible transfer. Israel may provide incentives, but has never forced anyone to move there.

It should also be noted that Israel does not intentionally build settlements on privately owned Palestinian land – they're either on the equivalent of crown land, or on land owned by Jews, generally bought prior to 1948. (The exception is that a few mistakes have been found by Israeli courts.)

Today, most Israelis agree that any peace agreement with the Palestinians will necessarily entail dismantling many, though not all, of the settlements. Polls repeatedly show that a majority of Israelis accept this prospect, but only in return for a real peace. However, Israelis fear that any unilateral decision to withdraw would be viewed by the Palestinians and their Arab supporters as a sign of weakness, not strength, and would only encourage further violence.

In hindsight, this perception of Israeli weakness may have actually been one of the unintended consequences of Israel's unilateral withdrawal from southern Lebanon in 1999. Israeli troops were there for one reason only – not to acquire territory, but rather to maintain a security zone that would prevent deadly terrorist strikes from Lebanon on the villages and towns of northern Israel.

But periodic attacks by Hezbollah on Israeli soldiers took their toll, and Prime Minister Barak concluded that the benefit to Israel no longer justified the price. He ordered the troops home in May 2000. Hezbollah declared victory over the seemingly invincible Israel Defence Force (IDF). Many Palestinian opinion leaders in the West Bank and Gaza have cited this withdrawal as part of their rationale for using violence against Israel since September 2000, arguing that they could follow Hezbollah's example and accomplish what no Arab army had succeeded in doing since Israel's founding in 1948, namely, defeat the IDF.

The possibilities of peace: Egypt-Israel, 1978

In 1977, Menachem Begin, Israel's first prime minister from the centre-right Likud party, took office. A few months later, Egypt's President Anwar Sadat made his historic trip to Israel and addressed the Knesset, Israel's parliament. An extraordinary peace process ensued, with all the ups and downs that came with a difficult set of negotiations. In September 1978, the Camp David Accords were adopted, containing a framework for comprehensive peace, including a proposal for limited self-government for the Palestinians. (The proposal was rejected by the Palestinians.) Six months later, a peace accord was signed and the thirty-one-year state of war between Israel and Egypt came to an end.

It was a remarkable moment in history. Sadat, virulently anti-Israel and antisemitic for much of his life, and the mastermind of Egypt's surprise attack (together with Syria) on Israel that ignited the 1973 Yom Kippur War, teamed up with Begin, the head of Israel's leading right-wing party, to open a new chapter in Arab-Israel relations. It proved that with will, courage, and vision, anything was possible.



Sadat (left) and Begin (right) came together for the 1979 Camp David Peace Accords

But every Arab country, except Sudan and Oman, severed diplomatic ties with Cairo. And in 1981 the Egyptian leader was assassinated by members of Egyptian Islamic Jihad, who would later become brothers-in-arms of Osama bin Laden and his Al-Qaeda network.

For its part, Israel yielded the vast expanse of the Sinai (approximately 60,000 square kilometres), which had provided a critical strategic buffer zone between itself and Egypt. It also gave up valuable oil fields it had discovered in the Sinai, a big sacrifice for a country with no natural resources to speak of. It closed important air bases it had constructed. And, despite Begin's staunch commitment to settlements, it dismantled these enclaves in Sinai.

In doing so, Israel demonstrated very clearly its desire for peace, its willingness to take substantial risks and make sacrifices, and its scrupulous commitment to fulfilling the terms of its agreements.

Similarly, beginning August 16, 2005, Israel carried out a Disengagement Plan which saw the evacuation of all settlements and military infrastructure in the Gaza Strip, as well as four settlements in the northern West Bank.

The 1991 Madrid Peace Conference

On October 30, 1991, Israel, Syria, Lebanon, Jordan and the Palestinians held an historic conference jointly sponsored by the US and the Soviet Union. For the first time, Israel entered into direct, face-to-face negotiations with Syria, Lebanon, Jordan, and the Palestinians.

Madrid was the catalyst for a series of secret meetings in Norway between Israeli and Palestinian representatives which led to the launching of the Oslo peace process.

The Oslo accords, 1993-1995

The Oslo accords are the foundation on which current peace negotiations between Israel and the Palestinians are based.

The “Declaration of Principles,” entailing mutual recognition was signed at a Washington ceremony hosted by U.S. President Bill Clinton on September 13, 1993, during which Palestinian leader Yasser Arafat and Israeli Prime Minister Yitzhak Rabin shook hands, ending decades as sworn enemies.

The “Declaration of Principles” sketched out a series of interim steps leading to a long-term “final settlement”, including the withdrawal of Israeli troops from the Gaza Strip and the West Bank, and the Palestinians’ right to self-rule in those territories.

Following the signing of another agreement in May 1994 in Cairo, Palestine Liberation Organisation (PLO) Chairman Yasser Arafat returned to Gaza from his base in Tunisia, together with hundreds of officials and PLO fighters, to take control of a new Palestinian Authority which would govern the Palestinian towns evacuated by Israel.

On September 28, 1995, at another White House ceremony, Israelis and Palestinians signed another deal known as the “Interim Agreement” or “Oslo 2.” The 400-page pact allowed for a second stage of autonomy for the Palestinians, giving them self-rule in all the majority Palestinian towns of the West Bank (except Hebron, which was transferred later) and 450 villages, while allowing Israeli-guarded Jewish settlements to remain under Israeli control.

Peace with Jordan, 1994

This was a much easier negotiation than with Egypt, since Israel and Jordan already enjoyed good, if quiet, ties based on overlapping national interests with regard to the Palestinians. Israel once again demonstrated its deep yearning for peace and readiness to take the steps necessary to achieve it, including border adjustments and water-sharing arrangements called for by Amman.

Another opportunity for peace was spurned by the Palestinians in 2000-2001.

When Ehud Barak took office as prime minister in 1999, he announced an ambitious agenda. The Israeli leader said he would attempt to reach an historic end to the conflict with the Palestinians within thirteen months, and set off on an ambitious program to conclude the process started at the 1991 Madrid Conference and accelerated by the 1993 Oslo Accords. As it turned out, he went beyond what anyone in Israel might have thought possible in his willingness to compromise.

With the active support of the Clinton administration, Barak pushed the process as far and as fast as he could, and, in doing so, he broke new ground on such infinitely sensitive issues as Jerusalem for the sake of an agreement. But alas, he and Clinton failed.

Arafat was not ready to engage in the process and make it work.

Rather than press ahead with the talks, which would have led to the establishment of the first-ever Palestinian state, with its capital in eastern Jerusalem, he walked away,



The Camp David Summit, 2000

after preposterously trying to persuade President Clinton that there was no historical Jewish link to Jerusalem and dropping the bombshell demand of a so-called “right of return” for Palestinian refugees and their generations of descendants. Arafat surely knew that this was an instant deal-breaker, since no Israeli government could ever conceivably allow millions of Palestinians to settle in Israel and thus destroy Israel as a Jewish state.

What exactly did Barak offer?

In short, Barak offered the Palestinians a state and almost all the land they claimed. Barak accepted a compromise proposal made by Clinton in December 2000, which entailed a state on more than 96 percent of the West Bank as well as all of Gaza, according even to Faisal Husseini, one of the chief Palestinian negotiators at the time. The offer included full territorial contiguity, and sovereign control of the Arab neighbourhoods of Jerusalem to serve as the Palestinian capital, as even a map of the proposal produced by the Palestinian Authority concedes. In addition, Barak offered to compensate the Palestinians for the remaining three percent of the West Bank with land from inside pre-1967 Israel. The proposal had the support of US President Bill Clinton, chief negotiator Dennis Ross, many Israelis and several Palestinian negotiators as well.

If Barak offered the Palestinian so much, why did negotiations fail?

The main reason is refugees. Yasser Arafat demanded Israel accept full moral responsibility for the refugee problem, as well as a full “right of return” for Palestinian refugees to Israel proper. Israel agreed that refugees be allowed to “return” to the new Palestinian state, but an influx of up to 5 million Palestinians to Israel would spell the end of Israel as a Jewish state. But Arafat had promised – and his successors continue to promise – the children and grandchildren of 1948 refugees they will eventually “return” to previous homes inside Israel proper. By continuing to foster this hope, Arafat ensured the continuation of the conflict.

Another contentious issue for Arafat was Jerusalem. Although Arafat publicly said he was only interested in the now-Palestinian half of the city, he continued to stress his belief that no Jewish links existed to the city prior to the Zionist settlement, and demanded the inclusion of a similar clause in any final-status agreement. As illustrated above, that position is simply false.

Many observers, including some of the key American mediators, feel the real issue that drove Arafat away from the negotiating table was Barak’s insistence on an “end of

the conflict” clause to any treaty. Barak was willing to grant the Palestinians almost all their demands, provided Arafat agree there would be no further claims against the State of Israel. Again, Arafat refused, and US mediator Dennis Ross has suggested that “For reasons relating to who he is, his self-definition, having been a revolutionary all his life, somehow transforming himself was something he couldn’t do.”

September 2000

Tragically, Arafat revealed himself incapable or unwilling, or both, of pursuing peace at the negotiating table. Instead, he returned to a more familiar pattern – on occasion talking peace while consistently encouraging violence.

He knew that the media images of heavily armed Israeli troops facing Palestinians in the streets, including children cynically sent to the front lines, would work to his advantage. Israel would be cast in the role of aggressor and oppressor, the Palestinians as downtrodden victims.

It wouldn’t be long, he calculated, before the Arab world would angrily denounce Israel, the non-aligned countries would dutifully follow suit, the Europeans would urge still more concessions from Israel to placate the Palestinians, international human rights groups would accuse Israel of excessive force, and the world, plagued by a short memory, would forget that the Palestinian leader had just spurned an unprecedented chance to strike a peace deal.

Moreover, he presumably reckoned, Washington might eventually take a tougher line on Israel, as the result of pressure from Egypt and Saudi Arabia, two Arab countries that loom large in the worldview of American policy makers. And finally, there was the long-term possibility that Israel, a first-world country, would begin to tire of the struggle and its daily toll of military and civilian casualties, the negative impact on the nation’s mood and psyche – not to speak of its economy – and the potentially growing international isolation.

Using then-Opposition Leader Ariel Sharon’s visit to Judaism’s Holiest site, the Temple Mount in Jerusalem, as a pretence for war, (Sharon had actually visited the site on a number of occasions previously) Palestinians were urged by official Palestinian media to begin attacking Israeli soldiers and civilians on September 29, 2000. Hamas and Islamic Jihad prisoners were released from Palestinian jails, Palestinian police fired on Israeli civilians, and later, suicide bombers became almost a daily occurrence in Israel.



Yasser Arafat: unable to accept the concept of a ‘final peace’

Many within the Palestinian leadership have subsequently admitted that the intifada, far from being the spontaneous eruption of anger claimed at the time, had been carefully pre-planned by Arafat. To give just one, early example, on Dec. 5, 2000, Imad Faluji, PA Minister of Communications, stated, “Whoever thinks that the Intifada started because of the hated Sharon’s visit to Al-Aqsa Mosque is mistaken. That was only the straw breaking the Palestinian people’s patience. This Intifada was already planned since the President [meaning Arafat] returned from the recent talks at Camp David.” Arafat’s wife Suha has also subsequently said that he ordered her to leave the West Bank in mid-2000 because he was planning the intifada.

By the time the intifada ceased, in 2005, over 1,000 Israeli civilians had died in terror attacks and well over 3,000 were been injured. Groups such as Hamas, Islamic Jihad, and the late Arafat’s own Fatah attacked school buses, teenage hangouts, fast food restaurants, and a Passover seder meal, one of the most important religious ceremonies in the Jewish calender.

One statistic that was often repeated in the media is the number of Palestinian casualties since September 2000, which is well over triple the number of Israeli dead. But there are several important differences. One, the majority of Palestinian casualties were armed combatants, as opposed to the vast majority of Israel’s dead and wounded, who were civilians. Moreover, Palestinian fighters routinely positioned themselves amongst civilians. The legal term for this illegal tactic is perfidy, and the effect, under international law, is that the Palestinian terrorist groups bear full responsibility for the civilian deaths.

Did Israel use excessive force in its response to the violence and terrorism?

Every nation must protect its citizens from threats to their lives. No nation can acquiesce to a situation in which its citizens are victimised daily by indiscriminate terrorism.

The oft-repeated charge that Israel used excessive force against innocent Palestinian civilians is a distortion of the truth. Israeli soldiers and civilians alike had to face thousands of organised, violent and life-threatening attacks by Palestinians, only a small percentage of which were reported in the media. These attacks included suicide bombings, shootings, violent riots, lynchings, fire-bombings, roadside ambushes, mortar barrages, and car bombs directed at civilian targets.

Under these difficult conditions, the Israel Defence Forces acted with the greatest possible restraint, taking action only when inaction by Israel would have resulted in loss of innocent lives in imminent terrorist actions. For example, the Israeli government waited through 18 months of widespread terrorism before launching Operation Defensive Shield in late March 2002, in order to root out terrorists from the crowded Jenin refugee camp and other sites in the West Bank. It also tried to target only those responsible for the violence, and did its utmost to prevent collateral civilian injury or loss of life. The

loss of any life, Jewish or Arab, is of course regrettable. In the final analysis, however, responsibility for these casualties lies with the Palestinian Authority, which initiated the violence.

The inaction of the Palestinian Authority in the face of widespread terrorist activity in the areas under its control, coupled with the PA's active support of this violence, left Israel no alternative but to take the necessary action itself to avert continued terrorism. Therefore, Israel had to undertake preventive, targeted operations that were designed to bring about a cessation of these lethal threats.

Israel was engaged in a situation best defined as an armed conflict. International law in general and the law of armed conflict in particular recognise that individuals who directly take part in hostilities cannot then claim immunity from attack or protection as innocent civilians. By initiating and participating in armed attacks against Israeli civilians or security personnel, such individuals designated themselves as combatants in the conflict, and forfeited such legal protection. By the same token, an individual who becomes a combatant is considered to remain a combatant until hostilities come to an end and not merely during that exact instant when the individual is carrying out or organising an attack. Israel only acted in a manner that is in compliance with the principles and practice of armed conflict, and made every effort to avoid the involvement of innocent civilians.

Operation Defensive Shield

By the end of February 2002, the Israeli population had already suffered through 17 months of continuous Palestinian violence and terrorism. However, nothing could have prepared them for the wave of shootings, roadside attacks and incessant suicide bombings that triggered Operation Defensive Shield. During the month of March 2002, more than 130 people were killed in attacks – the bloodiest month of terrorism in Israeli history. Taken proportionally, 130 Israeli deaths would equal over six thousand Americans killed or more than 400 Australians deaths – double the number of dead in the September 11 attacks and around five times the total number of Australians killed in the Bali bombing.

Operation Defensive Shield was launched in order to counter the extreme escalation in Palestinian terrorism. The Operation's aim was to attack the infrastructure of Palestinian terrorism in all its parts and components. Israel hoped to apprehend as many terrorists as possible, to uncover and destroy arms caches and bomb-making laboratories, and to gather the intelligence necessary to prevent future attacks.

In order to effectively attack the terrorist infrastructure, the Israel Defence Forces [IDF] were forced to operate in densely populated areas, since the terrorists chose to conceal their activities by hiding them in the heart of the civilian population. During the previous 18 months, Israel made every effort to avoid extensive operations in these areas because of the high concentration of civilians. When urban warfare finally became

unavoidable, the IDF took maximum care to prevent harm to Palestinian civilians, often risking the lives of its soldiers to do so. Israel employed infantry in house-to-house searches, rather than rely upon heavier weapons which, while protecting the lives of the soldiers, would have placed Palestinian civilians at greater risk. The high moral standards demonstrated by Israeli soldiers during battle stands in sharp contrast to that of the terrorists, who deliberately chose to hide behind



Operation Defensive Shield: Israeli soldiers in Jenin

civilian “shields”. Israel paid a heavy price for its principles. During Operation Defensive Shield, 29 IDF soldiers were killed (23 of these in Jenin alone) and 127 were wounded.

In the course of the three -week operation, the IDF succeeded in capturing many wanted terrorists, while others were killed in the fighting. Thousands of guns and rifles were seized, as were large amounts of explosives and other tools of terrorism. Many explosive belts – ready for use by suicide bombers – were found and two dozen bomb-making laboratories were uncovered.

The Jenin myth

Shortly after the battle began, PA spokespersons proclaimed worldwide that Israeli forces had committed a “massacre” in Jenin. The Palestinians originally said that 3,000 civilians had been killed, but gradually reduced their claim to about 500. After a few weeks, after questions began to be raised in the international media, a high-ranking Fatah official was forced to admit that the death toll numbered only in the dozens. Kadoura Mousa Kadoura, the Director of the northern West Bank for Yasser Arafat’s Fatah movement, told reporters that his own investigation showed that 56 Palestinians had died in Jenin during the operation, a majority of them armed fighters who were killed during combat. The subsequent report by the UN Secretary General, which found no evidence of a massacre, could only verify 52 Palestinian casualties – a far cry from the original claims. Had Israel taken the easy way and just bombed the camp, it could have spared the lives of its soldiers, but would have killed more Palestinian civilians.

The Roadmap Peace Plan

The most commonly discussed plan to end the Israeli-Palestinian conflict was the “Roadmap for Peace.” It was proposed by the “quartet” of international entities: the United States, the European Union, Russia, and the United Nations on April 30, 2003,

endorsed by UN Security Council Resolution 1515 on November 19, 2003, and was accepted in principle by both the Israeli government and the Palestinian Authority. The principles of the plan were first outlined by US President George W. Bush in a speech on June 24, 2002, in which he called for substantial Palestinian reforms in terms of political democratisation, the establishment of effective law and order and a monopoly on force, leading to an independent Palestinian state living alongside Israel in peace. Bush was the first US President to explicitly call for the establishment of a Palestinian state.

In exchange for statehood, the roadmap required the Palestinian Authority to make democratic reforms, abandon the use of terrorism, and disarm terror groups. According to the plan, the PA was to “undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks on Israelis” and to dismantle “terrorist capabilities and infrastructure.”

Israel, for its part, was required to support the emergence of a reformed Palestinian government and stop additional settlement activity in the Gaza Strip and West Bank following the disarming and dismantling of the Palestinian terrorist infrastructure.

The road map comprised three goal-driven phases with the ultimate goal of ending the conflict as early as 2005, however progress was initially only partial, and the plan never even came close to fruition. The phases were:

Phase I – End to Palestinian violence; Palestinian political and security reforms; Israeli withdrawal and freeze on settlement expansion; Palestinian elections.

Phase II – Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement, international conference and international monitoring of compliance with the road map.

Phase III – Second international conference; permanent status agreement and end of conflict; agreement on final borders, clarification of the highly controversial question of the fate of Jerusalem, refugees and settlements; Arab states to agree to peace deals with Israel.

On April 15, 2004, President George W. Bush offered Israel two assurances about the envisioned peace agreements resulting from the roadmap – namely that the US position was that in those agreements, 1. Israel would retain major population centres located to the east of the 1949 Armistice line, “in light of new realities on the ground,” and 2. the Palestinian refugees would be allowed to settle in their newly-created state but not in the State of Israel.

The Death of Arafat and the end of the intifada

On November 11, 2004, Yasser Arafat passed away in a Paris hospital. Airlifted to the French capital to get treatment for an unknown illness, Arafat’s death signalled an end to his four decades as the leader of the Palestinian people.

In January 2005, Mahmoud Abbas was elected as the new president of the Palestinian Authority. Abbas felt that the terror tactics of the intifada were detrimental to the Palestinian cause. This lack of support from the Palestinian Authority leadership, and Israel's security measures, saw the intifada peter out in 2005.

Israel used various methods to ultimately defeat the intifada. They include the following: Targeted killings, where Israel used intelligence to target and kill terrorist leaders who were in the process of planning attacks, and could not be arrested without major military action. A number of Hamas leaders in particular were killed this way; Checkpoints throughout the West Bank to make it harder for terrorists to transport bombs and plan attacks; and probably most notably, the security barrier which ultimately prevented terrorists from the West Bank entering Israel.

Israel received much criticism for the barrier, but it did end the violence, saving many lives on both sides. It is said the barrier should be along the 1967 border, but Israel counters that the 1967 border is not intended to be the final border, the barrier is a temporary measure which can be moved or removed when there is peace, and has been re-routed many times already, it is a defensive measure and is therefore sited where it is best able to perform this function, such as on hilltops, and given that the Palestinians were the aggressors, they have no right to determine the route. It is often portrayed as a wall, but is in fact only a wall for about five percent of its length, where it needed to be solid to stop Palestinians in the West Bank shooting at Israelis in adjacent communities and roads. The rest is a wire fence with sensors, and sand tracks and roads so incursions can be detected.

Israel's Disengagement Plan

Hope for the prospects of peace briefly revived with death of Yasser Arafat and the election of his successor, Mahmoud Abbas. Within that context, Israel's Disengagement Plan, introduced in December 2003, was seen as an important step forward.

Ever since the 1967 Six Day War brought the West Bank and the Gaza Strip under Israel's administration, their status has been in contention. Israel was forced to wage that war in self-defence, and the disputed territories were held not as the object of conquest, but to be part of eventual negotiations for lasting peace.

Although Israel has historic ties, security needs and other vital interests that are directly connected to these disputed territories, it was never Israel's intention to rule over a large Palestinian population. Israel has been ready to address the vital interests of the Palestinians in these areas. The goal is to reach a just settlement that would allow both peoples to live in genuine peace and security.

Israel demonstrated its willingness to trade land for peace in its 1979 peace treaty with Egypt, when it gave back all of the Sinai Peninsula. This decision entailed painful



Israeli evacuation from Gaza, 2005

sacrifices, including the dismantlement of the town of Yamit and the uprooting of all the Sinai settlements.

Under the Disengagement Plan, Israel evacuated all settlements – housing some 8000 people – from the Gaza Strip and four settlements in the northern West Bank. The initiative was seen as the first practical test of the possibility for peaceful coexistence with the Palestinian Authority under the new leadership of Mahmoud Abbas.

Preparations for implementing the government's Disengagement Plan, which was endorsed by the Knesset (Israel's Parliament) in October 2004, received a boost at the Sharm el Sheikh Summit in February 2005, where Prime Minister Ariel Sharon and PA Chairman Abbas both declared an end to the violence and formally renewed the dialogue for peace.

In accordance with the plan, the last Israeli left Gaza on September 12, 2005. The Israelis demolished the homes of the settlements at the request of the Palestinian Authority, as it was felt they were too small for the typical expanded Palestinian families. They did, however, leave many greenhouses. The plan was that the Palestinians would develop an economy based on agriculture, would live in peace alongside Israel, with Israel facilitating the growth of the economy and, as confidence grew, further withdrawals could take place. Sadly, the reality was somewhat different.

The Palestinians immediately destroyed the hothouses, and rockets – initially crude and homemade – soon came flying over the border. On June 25, 2006, Israeli soldier Gilad Shalit was kidnapped and two of his colleagues killed in a Hamas raid into Israel, using tunnels dug from Gaza. Shalit was eventually released in October 2011 in exchange for over 1,000 Palestinian and Israeli Arab prisoners.

Palestinians elect Hamas

Meanwhile, on 25 January 2006, the Palestinian Authority held elections for its parliament. Israel, against its better judgement, but under urging from the international community, allowed Hamas to run, despite Hamas being a terrorist group committed to Israel's violent destruction, and therefore not adhering to the Oslo Accords which allowed the election to occur. Hamas won the elections, largely because it was regarded as less corrupt than Fatah, and because its campaign was far more disciplined. However, the Quartet was not prepared to recognise the Hamas government until the group renounced violence, accepted Israel's right to exist and accepted all previous agreements, steps it

refused to take. Mahmoud Abbas remained as President, having been elected in January 2005 (and as at February 2016 was still there, despite his term expiring in 2009).

Hezbollah starts a war

Israel's next major challenge came from the north. Since Israel's withdrawal from southern Lebanon in 2000, Hezbollah had been building up its strength there. With the support of Syria, its position as a fighting force beyond the Lebanese government was basically unchallengeable. Israel's sworn enemy, Iran, was and still is Hezbollah's sponsor, arming and directing the group. By 2006, Hezbollah had an arsenal of tens of thousands of rockets, and a sophisticated defence network. There had been sporadic flare-ups between the two sides since the withdrawal, but in July 2006, war broke out.

The war was provoked by a surprise Hezbollah attack on July 12, 2006. First, a barrage of rockets was fired at Israeli military positions and civilian communities. While this was going on, a Hezbollah force infiltrated the Israeli border and attacked an army patrol, killing three soldiers and capturing two others, who it was discovered two years later had also been killed. An Israeli rescue force was then ambushed and five more soldiers were killed.

Israel retaliated to this act of war with intense air and artillery attacks on Hezbollah positions, knocking out many of the group's long-range rockets. However, Hezbollah was able to continue to fire rockets, hitting right across the north of the Israel, ultimately killing 44 Israeli civilians. Due to the failure of its air and artillery campaign to stop the rockets, Israel launched a hastily planned ground campaign, which came up against unexpectedly fierce and well-armed Hezbollah resistance, and cost the lives of 121 soldiers.

One reason Israel had trouble destroying Hezbollah's rocket infrastructure was that it was largely hidden in civilian houses, meaning that Hezbollah committed a double war crime of indiscriminately targeting Israeli civilians while hiding its infrastructure among Lebanese civilians, also endangering them.

Lebanese casualties of the war were estimated at around 1,100. Hezbollah claimed that they were almost all civilians, but because its fighters generally don't wear uniforms (also a war crime), it is hard for outsiders to apportion the casualties. However, Israel has stated, based on Hezbollah announcements of its fighters killed, that around 600 of those killed in the war were Hezbollah fighters.

The war ended with a UN resolution – 1701, which stated that the UN would monitor the south of Lebanon and prevent further arms reaching Hezbollah there. Yet today, Hezbollah has many times the missiles it had before the 2006 war, and they are more sophisticated and with longer ranges. It has also reestablished its defensive infrastructure in the south of the country.

The Olmert peace plan of 2008

Ehud Olmert, who succeeded Ariel Sharon as Israeli Prime Minister after the latter suffered a debilitating stroke in January 2006, continued to work towards peace with the Palestinians. In September 2008, he presented Mahmoud Abbas with a proposal that gave the Palestinians almost all that they claimed to want. Under the proposal, the Palestinian state would have covered all of Gaza and almost 94% of the West Bank, with land from inside pre-1967 Israel to compensate for the rest. There would also have been a land bridge connecting the West Bank and Gaza, meaning the land would have been equivalent to 100% of the West Bank and Gaza. There would have been a very limited return for Palestinian refugees, an Israeli withdrawal from Arab neighbourhoods of east Jerusalem, and the Old City would have been placed under international control. Then US Secretary of State Condoleezza Rice said the offer was so generous it took her breath away.

Abbas said he would need to consider it, and would get back to Olmert the next day. The next day, however, he suddenly “remembered” that he had a meeting in Jordan, and never got back to Olmert. In November 2015, Abbas admitted that he rejected the offer “out of hand”, in part because it didn’t allow the unlimited return of the refugees. This, as mentioned earlier, is completely inconsistent with the principle of two states for two peoples.



The Olmert peace plan offered the Palestinians almost everything they claimed, but Mahmoud Abbas did not take it up

Israel's wars with Hamas in Gaza

In June 2007, Hamas took over control of Gaza, after a brief period of often brutal fighting, which included Fatah members being handcuffed and thrown from the top of Gaza’s tallest building. As an aside, most experts agree that if it was not for Israel’s continuing security cooperation with the Palestinian Authority, something similar would inevitably happen in the West Bank.

Approximately 15,000 rockets and mortars were fired from Gaza at Israeli civilians between the withdrawal in 2005 and the end of 2015. Israel regularly retaliates against the source of the fire. On three occasions, sustained barrages over a number of days have forced Israel to take more intense military action, and small wars have broken out – in December 2008 to January 2009, in November 2012 and again in July and August 2014.

Each conflict has had very similar characteristics. In each case, Israel responded to the barrages by attempting to target the Hamas military infrastructure, but this was

made difficult by Hamas hiding its military among civilians, the same double war crime committed by Hezbollah in 2006. In fact, its command headquarters has been located in the basement of Gaza's largest hospital, as reported by the Washington Post among others. In each case, Hamas' exaggerated claims of civilian casualties, including labelling many of its fighters killed as civilians, were generally accepted by the UN and then the media.

In each case, Israel went to unusual lengths to try to avoid civilian casualties, to the detriment of its own military proficiency, but was accused of war crimes. Hamas, in fact, makes no secret of its strategy of attempting to incur civilian casualties, or, as it calls them, martyrs, to try to win the PR battle against Israel.

Steps Israel has taken in all three conflicts have included leafleting areas due to be attacked, phoning or texting people whose houses are going to be hit, and calling off strikes when civilians are present. In the 2014 conflict, Israel also adopted what it called a "knock on the roof" procedure, dropping an unarmed bomb on the roof of a building about to be hit as a warning. Various military experts have said that Israel goes further than any other army to avoid killing civilians.

The 2014 war was examined by a group, called the High Level International Military Group, which was led by General Klaus Naumann, former Chief of Staff of the Germany army, the Bundeswehr, and Chairman of the NATO Military Committee, and Giulio Terzi, former Foreign Minister of Italy. It was made up of senior military and political figures, including retired Australian Major General Jim Molan. In relation to Israel's conduct, the group wrote, "The measures taken were often far in excess of the requirements of the Geneva Conventions. They sometimes placed Israeli lives at risk. To an extent these steps also undermined the effectiveness of the IDF's operations by pausing military action and thus allowing Hamas to re-group and replenish...A measure of the seriousness with which Israel took its moral duties and its responsibilities under the laws of armed conflict is that in some cases Israel's scrupulous adherence to the laws of war cost Israeli soldiers' and civilians' lives."



Israel has had to intervene in Gaza to stop Hamas attacks on multiple occasions

Similarly, US Joint Chiefs Chairman General Martin Dempsey, America's most senior soldier, said, in November 2014, "Israel went to extraordinary lengths to limit collateral damage and civilian casualties."

In the 2014 conflict, however, Hamas countered the Israeli tactics by refusing to let civilians leave areas about to be attacked.

Also in 2014, Israel discovered that Hamas had at least 25 tunnels that led from Gaza, mostly in residential districts, to communities in Israel. Hamas had plans to infiltrate 40 fighters into Israel through each of these tunnels – 1,000 in total, and carry out large-scale massacres of Israeli civilians. The fighters were then to return to Gaza, taking with them kidnapped Israeli civilians as hostages.

Israel obviously needed to destroy these tunnels at their source, which necessitated invading the areas where the entrances were situated. These areas were heavily booby-trapped and defended. Many houses, and in some cases blocks, were destroyed in this fighting, but often the destruction was caused by the booby-traps rather than Israeli ordnance. In fact, much of the destruction of the conflict was caused by secondary explosions – Palestinian weapons exploding when hit by Israeli bombs or artillery.

Do Israel's actions against Hamas breach international law?

Israel is often accused of war crimes in these conflicts, and specifically of using disproportionate force, but this is based on an inaccurate interpretation of the law of proportionality. Using proportionate force does not mean one side is allowed to kill as many people as have been killed by its enemy, and no more. While Israel's civilian casualties are generally comparatively low, this is because of the huge efforts Israel goes to in order to protect its civilians. Every house in the south of the country has its own bomb shelter, as do all public buildings, and even playgrounds. Furthermore, Israel has developed a system, Iron Dome, which actually identifies rockets that are going to hit built up areas, and shoots them out of the sky.

However, no country can be expected to put up with the type of bombardment Hamas and its fellow terror groups subject Israel to. All activity stops under those circumstances.

What the law of proportionality actually provides is that once an army has identified a legitimate military target – one that is part of its enemy's military infrastructure, be it weapons, fighters, command posts and so on, it is entitled to use the amount of force required to successfully attack that target, bearing in mind the requirement to minimise the hurt to civilians as much as possible.

Israel has also been criticised constantly for its so-called blockade of Gaza, but the blockade is only partial. Civilian goods such as food, water, medicine, fuel and consumer goods are allowed in without limit, and always have been. Only goods with military use are kept out. Even the UN's Palmer Report has held that the blockade is legal. One product that Israel did exclude was concrete, because Hamas uses it to build its tunnels and bunkers. Israel did agree after the 2014 war to let in concrete under strict conditions of oversight to allow the rebuilding of houses following the latest conflict. However, very

little work has been done on houses, while Hamas is seemingly making good progress in rebuilding its tunnels according to numerous reports.

It is also worth noting that Gaza has a border with Egypt too, but this border is generally tightly sealed, as Egypt's rulers see Hamas as their enemy, aligned closely with the Muslim Brotherhood, which they overthrew.

Netanyahu peace efforts strike Palestinian Intransigence

Since Benjamin Netanyahu regained the prime ministership in 2009, there has been very little progress in the peace talks, but again, this has not been through any lack of Israeli effort, despite what may be portrayed in the international media. In 2009, at the urging of the US, Netanyahu instigated an unprecedented ten-month moratorium on building in the settlements. No new houses were begun in that time, despite the constant demand to accommodate natural growth within settlements, as families there expand. This was specifically done as a goodwill gesture to encourage peace talks, but Mahmoud Abbas refused to talk for the first nine months and then, in the final month, wanted only to talk about extending the moratorium.



Netanyahu: Calls for direct negotiations ignored

In 2013, Netanyahu tried again, agreeing to release 104 Palestinian prisoners who had murdered Israelis, in four installments of 26. Abbas took the first three without negotiating in good faith, and, when Netanyahu refused to release the final 26 without some progress, Abbas walked away, negotiated a unity government with Hamas, still committed to Israel's violent destruction, and, in contravention of the Oslo Accords, began to

pursue action against Israel through international bodies. US negotiator Martin Indyk stated that Netanyahu was in the zone of a possible agreement, but Abbas seemed disinterested.

Netanyahu has been criticised for comments during the 2015 election campaign that suggested he opposed a Palestinian state. However, he has since clarified many times that he meant he would oppose one under the current circumstances, where his supposed peace partners, Mahmoud Abbas' PA, is refusing to talk peace, is in a unity government with Hamas, and where radical Islamist terrorist organisations such as ISIS, or Hamas for that matter, are filling power vacuums in the region. It is one thing to have rockets coming in from Gaza, but rockets from the West Bank would threaten all of Israel's major population centres, and the only international airport, and basically shut down the country. In fact, as all serious international players have long recognised, any peace deal would need to cater for Israel's legitimate security concerns. Netanyahu has also repeatedly said he is happy to

have negotiations at any time, and without any preconditions, but Abbas shows no sign of taking up this offer. On February 15, 2016, his foreign minister, Riyad al-Malki, seemed to confirm Palestinian Authority disinterest, stating at a media conference in Japan, “We will never go back and sit again in a direct Israeli-Palestinian negotiations.”

While the suicide bombings of the intifada are now just a traumatic memory, Palestinian incitement against Israel and glorification of terrorists continues unabated. The Palestinian Authority names streets, sports stadiums and even soccer tournaments for children after terrorists who have killed Israelis, while the families of those killed attacking Israel or jailed for terrorist acts are paid a generous pension.

Are the West Bank settlements expanding and preventing peace?

The issue of the legal standing of the settlements was covered above, but there are also constant claims that the settlements are expanding into areas the Palestinians want for



Construction in Israeli settlements has slowed in recent years

a state, and therefore are the major obstacle to peace – even making a two state peace impossible. These claims are simply demonstrably untrue, as proven by the fact that Ehud Olmert was able to offer the equivalent of all of Gaza and the West Bank, despite the settlements. The vast majority of settlers live in blocs in areas it is almost universally agreed Israel will retain in any peace agreement in exchange for land swaps. Even the Arab League has endorsed the notion of land swaps.

Furthermore, apart from a few exceptions involving very small parcels of land, the geographical boundaries of the settlements have not expanded since before the agreement between George W Bush and Ariel Sharon in 2004, with any growth in building numbers taking place within those boundaries. Moreover, as even Palestinian chief negotiator Saeb Erekat admitted in a 2011 radio interview, settlements only take up 1.1% of the land area of the West Bank.

As confirmed in 2015 by B'tselem, an Israeli NGO very critical of Israeli government policy, the government has not built any new settlements since 1999, while no illegal outposts – small settlements established in defiance of Israeli law – had been initiated for ten years.

While there have been claims of a settlement surge under the governments of

Binyamin Netanyahu, who is generally regarded as being pro-settlement, the data shows that construction in settlements has been slower under him than under any other recent prime minister. For example, between 2003 and 2008, 11,366 housing units were begun in the West Bank. However, from 2009 until 2014, only 9,216 units were initiated. (Netanyahu began his current stint as prime minister in May 2009.)

From mid-2014 to the end of 2015, Israeli media has confirmed the government went even further, implementing an unofficial de facto freeze, whereby buildings with pre-existing permits were allowed to proceed, but no new permits were given except in the rare cases where legal action made it necessary.

The “Stabbing Intifada”

Currently, Israel is going through another round of violence, this time in the form of random stabbings and car attacks by Palestinians. These began with incitement from the Palestinian Authority based around completely false claims that Israel was intending to change the status quo on the Temple Mount. This status quo is that Jews and others are allowed to visit the site at restricted times, but only Muslims can pray there. Abbas stated about Israeli Jews, in a speech broadcast on official PA TV, “The Al-Aqsa is ours... and they have no right to defile it with their filthy feet. We will not allow them to, and we will do everything in our power to protect Jerusalem.” He continued, “We bless every drop of blood that has been spilled for Jerusalem, which is clean and pure blood, blood spilled for Allah, Allah willing. Every Martyr will reach Paradise, and everyone wounded will be rewarded by Allah.” As of February 24, 2016, 31 Israelis had been killed by these attacks, and 352 more wounded. Over a hundred Palestinian have also died, but the vast majority have been attackers killed in the act of physically attempting to stab or otherwise harm Israelis with weapons.

Israel’s place in the world

So where does this all leave Israel. On the one hand, it seems at least as isolated as ever. The campaign to boycott, divest from and sanction Israel, known as the BDS campaign, remains active. At the session of the UN General Assembly session towards the end of 2015, of 23 motions condemning single countries, one was on Syria, one on Iran, one on North Korea and the other 20 were about Israel. This is just a continuation of the pattern of previous years. The UN in fact has a bureaucracy devoted to the Palestinians and their conflict with Israel that is the same size as its bureaucracy devoted to the whole of North and South America, and Israel is similarly singled out in many other UN and international bodies.

There seems to be no end in sight to the conflict with the Palestinians, and no end to those who, despite all the evidence, hold Israel responsible for that sad state of affairs.

Much of the condemnation of Israel revolves around the allegedly illegal settlements, yet strangely there isn't the same concern about other nations occupying land that is not only not theirs, but which they have far less of a claim to be occupying than Israel does to the West Bank. Examples include China in Tibet, Turkey in northern Cyprus, Morocco in Western Sahara, Armenia in parts of Azerbaijan surrounding the disputed Nagorno-Karabakh region and Russia in parts of Ukraine. Similarly, the fact that Israel



Israel: A robust democracy with a vibrant civil society and a dynamic economy

is the only Middle East country whose Christian population is increasing seems not to register with those who are otherwise rightly concerned with the fate of ancient but fast diminishing Christian communities in the area.

Likewise, it is incongruous that left-wing and “human rights” activists, who claim to value everything that Israel alone in the area stands for – gender equality, gay rights and so on, would rather make common cause with Israel’s enemies, for whom those values are a complete anathema. Israel is often slandered as an Apartheid state, even though all of its citizens are equal under law, and Arabs have been generals in the Army,

supreme court judges and the deputy speaker of the parliament.

The coddling of the Palestinians, as though they are not responsible for their own destructive decisions, through this routine condemnation of Israel and rush to prematurely recognise Palestine as a state, is actually inimical to the cause of peace. It helps convince the Palestinians they can achieve their state without negotiating in good faith and making the necessary compromises, when that is the only way a peaceful two-state resolution can be achieved.

On the other hand, outside the somewhat artificial world of diplomacy and activism, Israel’s position has never been better. Certainly its relations with many of its Middle East neighbours, with the notable exception of Iran and its allies, have been thawing. Egypt has Hamas as a common enemy, so military cooperation in the Sinai is stronger than ever before. Saudi Arabia and many of the Gulf states see Israel’s sworn enemy Iran and its allies in Hezbollah and what’s left of the Assad regime in Syria as a far greater concern than Israel. In November 2015, it was announced that Israel was to open a diplomatic office in the United Arab Emirates. While this is not officially a delegation to the UAE, as it is accredited to the International Renewable Energy Agency located in Abu Dhabi, it is

still a significant step.

Many Arab intellectuals, commentators and activists look longingly at Israel, the region's only true democracy with its free, egalitarian, rule of law culture, and wish their own countries were more like it. What's more, they are expressing these wishes.

More broadly, Israeli trade is growing throughout Asia, particularly in the growth markets of China and India. Israel in fact has much to offer the world, especially in the field of technology, and members of the Australian government have recently been saying the country could learn a lot from the Israeli start up, innovation culture. Israeli exports in areas such as medicine, agriculture, including irrigation systems, and IT, just to name a few, have made a great contribution to the international community. Israel is also becoming known as one of the most effective and generous providers of aid in the face of natural disasters.

What Israelis want is to be treated as any other country, living at peace with their neighbours. Opinion poll after opinion poll, over many years, have found that the large majority of Israelis are prepared to make painful compromises if it means they get genuine peace in return. It should be the wish of all people of goodwill, that they get that chance.

So how can a peaceful resolution be achieved?

Israel's goal has remained constant: halting the violence, and returning to peace negotiations, in order to achieve a permanent resolution of the conflict. Only negotiation – not violence and terrorism – can ever bring peace.

Israel remains committed to finding a peaceful solution to the Arab-Israeli conflict in general and the Palestinian issue in particular. Israel has already achieved peace agreements with Egypt, its largest neighbour, and with Jordan, with whom Israel shares the longest common border. Since the PLO's declared renunciation of terrorism in 1993, Israel has completed a series of interim agreements with the Palestinians, all meant to move the parties towards a permanent peace between them.

Polls repeatedly show the majority of the Israeli population is prepared to offer compromises, involving withdrawal from the vast majority of the West Bank, as part of a final peace, provided only that they can be confident genuine peace will be achieved as a result. Unfortunately, the continuing Palestinian incitement, intransigence and violence have prevented a final peace thus far, and stymie any chance in the foreseeable future.

The Palestinian leadership has obligated itself, in signed agreements, to renounce terrorism, cooperate with Israel in preventing violence and peacefully negotiate a solution to outstanding issues between the parties. The underpinning of international



law rests upon the principle that signed agreements must be respected. The international community must therefore hold the Palestinian leadership accountable for the wholesale violation of their obligations. To sanction such disregard for signed agreements would undermine a fundamental principle of international legitimacy. Now more than ever, it must be clear to all parties in the regional and international arenas that violence and terrorism do not pay.

Israel implores the international community to bring pressure to bear on the Palestinian leadership to end the violence, stop pro-terrorist incitement and return to the negotiating table. The world community has a very important stake in the outcome of these efforts – primarily because terrorism is a global scourge and should not be rewarded with political gains. If this fundamental principle is disregarded, the stability of the region and the globe will be threatened.

Peace can only be built through dialogue, not unilateral violence. When terrorism is halted and ceases to be a constant threat, talks can resume. It is clear that building peace requires historic compromises on the part of all sides. Israel has already demonstrated its willingness to make far-reaching compromises in the service of peace; now is the time for the Palestinian leadership to do the same.

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Some suggestions for further reading

ONLINE:

AIJAC	Our website allows you to search our past publications and view large amounts of material on recent and historical events.	www.aijac.org.au
Myths & Facts Online: A Guide to the Arab-Israeli Conflict	Simply your best first port of call for discovering the truth about many of the historical myths often repeated about the conflict. Contains many maps and documents.	www.jsource.org/jsource/myths/mftoc.html
Palestine Facts	A very useful collection of articles explaining both the history of the conflict and providing background for current events.	www.palestinefacts.org
The Israeli Ministry of Foreign Affairs	Contains a large library of reference information on Israel's history, politics, demographics, etc., as well as on the history of the peace process.	www.israel.org/mfa/
Jerusalem Centre for Public Affairs	Think tank which publishes both useful longer articles and short issue briefs on history, current events, and important controversies affecting Israel.	www.jcpa.org

BOOKS:

- **Dershowitz, Alan.** *The Case for Israel*. John Wiley & Sons, 2004.
- **Gilbert, Martin.** *The Arab-Israeli Conflict: Its History in Maps*. Weidenfeld & Nicolson Ltd., 1993.
- **Gilbert, Martin.** *Israel: A History*. William Morrow & Co., 1998.
- **Lozowick, Yaacov.** *Right to Exist: A Moral Defense of Israel's War*. Doubleday Books, 2003.
- **Netanyahu, Benjamin.** *A Place Among the Nations*. Bantam, 1993.
- **Rubin, Barry and Rubin, Judith Colp.** *Yasir Arafat: A Political Biography*. Oxford University Press, 2005.

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