

Peace by Plebiscite:

An Alternative End to the Israeli-Palestinian War

By

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Rational

After 60 years of war, 40 years of occupation, and 25 years of negotiation, the governments of Israel and the Palestinians have proven themselves incapable of reaching a peace agreement.

Put simply this conflict costs the whole world far too much for it to be allowed to continue and part of that ongoing war is the so-called Annapolis peace process. This process, based on negotiations between Israel and the Palestinians, needs to be abandoned for an arbitrated Regional Peace Treaty, developed through the joint efforts of the European Union, Arab League, and the United Nations, to end the war by plebiscite.

Central to the solution is bypassing the governments of Israel and the Palestinians with a plebiscite in which Israeli and Palestinian populations would vote on the same Plebiscite Day, each by majority vote, to accept or reject a Regional Peace Treaty.

The US acting in the role of "honest broker" is not working. Much like a hostile divorcing couple, Israel and Palestine need outside help to end their marriage and begin a workable relationship. The US, as a special friend to one of the couple, would best serve the resolution process in the more realistic role of a supportive special friend to Israel.

A Regional Peace Treaty approved by plebiscite gets around the question of what is the government of the Palestinians. Because that government is expected to negotiate with Israel under the current process and exercises very limited power, it can be expected to be repeatedly manipulated and overthrown,

as has already happened. Such a government can not legitimately convey representative consent.

Bypassing the current peace process with a regional treaty development process serves common US, regional, and global strategic interests. It takes political pressure off the US government, because a treaty ready to sign and backed by a plebiscite would be easier to support. In addition, the economic contraction of the US makes the role of the US as guarantor and deal sweetener increasingly less likely, even as it makes a resolution more urgent. The success of the Regional Peace Treaty would greatly assist in resolving the conflicts in Iraq and Afghanistan, lessening peripheral tensions with Iran and Pakistan, and increasing the likelihood of general cessation of its so-called “War on Terror”, thereby relieving economic and political pressures on all parties. Ending the occupation of East Jerusalem reduces the destabilizing pressures on regional governments created by the continued failure to end the occupation.

Instead of using democracy as an empty slogan, a plebiscite would use democracy as a powerful tool to empower the people of Israel and Palestine to grant decisive political legitimacy to a peace agreement, thereby imposing upon their governments what has been otherwise impossible to attain. Most fundamentally, the people of Israel and Palestine need a real opportunity to act with democratic self-determination to end their war with each other.

This should be pursued on an emergency basis, with the goal of holding the plebiscite within one year. While admittedly ambitious, it can be accomplished: Given years of negotiation and discussion, the general terms of such a Regional Peace Treaty are understood well enough so that the process could begin promptly.

Suggested Treaty Summary of Principles

To assist the Regional Peace Treaty development process, a draft of the Regional Peace Treaty Summary of Principles is presented for consideration, suggesting a possible range of issues and level of detail:

1. Israel and Palestine grant full diplomatic recognition and tariff-free trade relations to each other.

2. All other signatory nations grant full diplomatic recognition and equal tariff-free trade relations to Israel and Palestine.
3. The borders of Israel and Palestine are those in effect on January 1, 1967, and each shall withdraw its military forces from the territory of any other nation.
4. The citizens of Israel and Palestine, as well as those granted visitor visas by either nation, shall by right be allowed to travel freely within the municipal boundaries of East and West Jerusalem.
5. Israel and Palestine agree to grant visitor visas to each other's citizens for the purpose of visiting sites of personal, familial, or religious interest in those areas within their borders located outside the municipal boundaries of Jerusalem.
6. All Palestinian rights of return to Israel are terminated; all property rights acquired by non Palestinians within Palestine since January 1, 1967 are forfeited to the then owners; and, compensation for resulting claimed losses shall be paid, if at all, under the laws of and by the government of the country whose citizen makes such claim; and, all resulting property ownership disputes to be settled under the laws of and by the courts of Palestine; all other claims arising from the conflict against the governments of Israel, Palestine, Signatories, and their citizens are terminated.
7. All Israeli settlements within Palestine shall be abandoned, with occupants allowed to remove their personal property, but with all structures and facilities otherwise left undamaged.
8. A general amnesty and full pardon for all criminal acts arising from the conflict, from January 1, 1947 to the date of the United Nations General Assembly's vote approving the final Regional Peace Treaty text, shall be granted, including all domestic and international crimes against humanity, war crimes, and espionage crimes, with all prisoners to be promptly and unconditionally released by Israel, Palestine and all Signatories following certification of treaty acceptance by the Plebiscite Day vote.
9. Citizens of Palestine shall be granted the right of innocent passage of persons and goods to cross Israel between Gaza and the other territories of Palestine, on routes and under procedures to be determined by the Regional Peace Treaty.
10. All rights to coastal waters and off-shore resources shall be held jointly by Israel and Palestine; and, all shared inland aquifers shall be jointly managed and protected by Israel and Palestine, with drawing rights based on volumes

present within territorial boundaries, as determined by independent survey conducted under supervision of the International Court of Justice.

11. Israel or Palestine may use its own territory to station peacekeeping troops to secure its borders as specified by the Regional Peace Treaty, but may not otherwise allow stationing or transiting of foreign military forces within its borders.
12. While Israel and Palestine may arm themselves as they each see fit, Israel and Palestine are prohibited from using their military forces against each other; and, they are each required to prevent their own territories from being used to commit acts of violence upon the territory or citizens of the other, and to prosecute those committing such acts.
13. Membership in any international organization offered to either Israel or Palestine must also be offered to the other under equivalent terms.
14. Israel and Palestine are otherwise free to organize their governments, and to enter into other agreements with each other or with others; and, Israel and Palestine may amend the Regional Peace Treaty by mutual agreement, provide such amendments do not alter the protections and rights of other signatory nations without their agreement.
15. All disputes arising from the Regional Peace Treaty implementation shall be settled through binding arbitration by the International Court of Justice, to which Israel, Palestine, and all other Signatories agree to be bound, and whose orders and judgments arising from this arbitration shall be enforced by the United Nations and its member states.

Suggested Treaty Implementation Process

To take steps to translate such principles into a real alternative for peace on an emergency basis, the following process outline is suggested for consideration:

Step 1: The European Union and Arab League could each appoint a committee with instructions to meet jointly and draft a brief Summary of Treaty Principles to be present directly by the committee to the United Nations General Assembly within three months of commencing work. Should one body, but not the other, appoint a committee, then, after a one month wait, the existing committee could commence its work, hopefully to be joined soon by the other.

Step 2: The joint drafting committee could presumably establish its own procedures, obtain advice and testimony from interested parties, and study past efforts drafting such a treaty. The joint committee could release a preliminary draft with a request for comments. Finally, the joint committee could submit the completed Summary of Treaty Principles directly to the United Nations General Assembly for consideration.

Step 3: The United Nations General Assembly, upon consideration and any needed amendments, could vote on emergency basis within two months to approve, by at least a 9/10s majority vote, the Regional Peace Treaty Summary of Principles upon which a final draft treaty would then be based. Included in the Summary of Principles passed by the United Nations General Assembly could be a request that the draft text of the Regional Peace Treaty be drawn up by the staff of the International Court of Justice at the Hague based on the Summary of Principles.

Step 4: Upon receipt of the United Nations approved Summary of Principles and request to draft a Regional Peace Treaty text, the staff of the International Court of Justice staff would then write the text of the Regional Peace Treaty, on emergency basis within four months, based on the Summary of Principles.

Step 5: The International Court of Justice staff could submit to the United Nations General Assembly for passage, by a 9/10s majority vote, the draft text of the Regional Peace Treaty. The United Nations General Assembly could complete passage on emergency basis within two months.

Step 6: After passage of the final text and prior to scheduling Plebiscite Day, all required participating regional governments, except Israel and Palestine, must sign the Regional Peace Treaty, including those in the Arab League, European Union, and any other Signatory nation wishing to abide voluntarily to its terms. By doing so they agree in advance to grant, upon approval of the plebiscite by majority vote of the voters of Israel and Palestine, full diplomatic recognition and tariff free-trade relations to both nations, and otherwise abide by the terms of the treaty.

Step 7: Once passed by the United Nations General Assembly and signed by the required regional nations, the final text of the Region Peace Treaty would be submitted for separate approval, by majority vote of the voters of Israel and

Palestine, to take place on the same Plebiscite Day specified. Should either Israel or Palestine refuse to allow a open and fair vote within its territory, a complete economic embargo agreed by all Signatories to the Regional Peace Treaty should commence until such agreement is forthcoming. No cease-fire need be in place for the Regional Peace Treaty drafting or plebiscite voting to take place. The voters of Israel and Palestine should have at least 60 days to study the text of the treaty before voting.

Step 8: Plebiscite Day wherein the voters of Israel and Palestine each vote to accept or reject the Regional Peace Treaty by majority vote. If the treaty is accepted by both populations, then it goes into immediate effect; if not accepted by both populations, the conflict would presumably continue.

The European Union and Arab League should publically commit to supporting whatever Summary of Principles and Final Regional Peace Treaty the United Nations General Assembly passes by 9/10s vote.

The power to begin the process is in the hands of the European Union and Arab League. The time to act is now.