

**“Human Rights in the Middle East”  
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You may wonder why a man just shy of his 88<sup>th</sup> birthday would get up at 5 in the morning to fly to Omaha to give a speech. Frankly, since accepting this kind offer, I’ve wondered myself. Here’s why. Having devoted much of my life to trying to make the Universal Declaration of Human Rights come alive in many places in the world, I have become alarmed at how some human rights organizations, including the one I founded, are reporting on human rights in the Middle East.

In reading about the discussions and actions of students on American campuses, I learned, of course, that the Israel-Palestine issues were very polarized, sometimes hostile, and that a lot of the hostility was by students angered over Israel’s treatment of the Palestinians and the endless process of trying to establish a second state.

I know we all believe in free speech. We believe in equality for women. We believe in tolerance of each other’s religious beliefs and in an open campus. When I go back to New York, tomorrow night, I will be attending the 150<sup>th</sup> anniversary of Bard College, a college very involved in the Middle East, as it has a combined degree program with Al-Quds, the Palestinian university in Ramallah. Here is what Leon Botstein, Bard’s President, says about education: “Education is a safeguard against the disappearance of liberty, but only if it invites rigorous inquiry, scrutiny, and the open discussion of issues.”

Believing in all these values and the others of the Universal Declaration of Human Rights, what is taking place on American campuses puzzles me. It seems to me that the State of Israel has all the values we just outlined. It is surrounded by 22 Arab states occupying 99-1/2% of the land in the Middle East and these states do not share these values. Israel, which occupies less than 1/2 of 1%, does share these values. There is a battle about two things: First, the size of the 23<sup>rd</sup> state, the new Palestinian state, which at present has many of the same values as the other 22 states. Secondly, the claims of many Arab states, Iran and its proxies Hezbollah and Hamas, about the very legitimacy of the State of Israel. I don’t think human rights organizations alone can solve this mess but I do wonder about the discussions on many campuses, particularly about Israeli abuses, regardless of what you believe about them, and whether they are constructive. I don’t see how discussions of Israeli abuses can take such precedence over the kind of state that will be next to Israel. That is, not only internally, although human rights advocates should care about that more than they do, but in its foreign policy toward its neighbor Israel.

With this and similar thoughts on my mind, I decided that accepting the honor of speaking here tonight would make me sort things out about the difficult situation that exists and then take this one opportunity to try and articulate my thoughts. So, here I am to do that.

While I was in Israel during the first week of October, I met with government officials, NGOs, educators, and, of course, the press. One journalist I met with was Khaled Abu Toameh, an Israeli Arab, who basically believes the Arab governing structure, including Palestinians, is

doing great harm to the Palestinians and that they would be much better off engaging with the Israelis. He constantly points out that most Israeli Arab citizens do not want to be part of a different state. He is in Ramallah in the West Bank almost every day and he also speaks on American campuses frequently – where he actually feels the most hostility. Should he come to Nebraska, I'm sure that won't be the case.

In thinking about campuses and why they are often so polarized, it occurred to me that one of the principal reasons is the encouragement they are getting from human rights organizations, including the one I founded – Human Rights Watch. I have found myself in strong disagreement with the policies and actions in the Middle East of Human Rights Watch and other human rights organizations that have similar policies – like Amnesty International and The Carter Center. These disagreements have actually polarized my own relationships with the organization as it chooses not to engage on the issues but instead to declare that I wish special treatment for Israel.

At Random House, I had the same wonderful assistant for 37 years. When you work together for that long, obviously, conversations get rather frank. Anne Johnson, that was her name, often said to me, “You have the greatest butterfly brain in the world. It doesn't stay on anything very long.” She was right and hence, before we get to the heart of the matter, there will be a few preambles which will help explain my view of the principal issues we are here to look at.

Though I've never spent time in Nebraska, I have come here with a very warm feeling because of two Nebraskans who influenced me in my life – one at the very beginning and one more recently. In World War II, I spent three years in the Army Air Force, non-flying, with the last two years on an airbase in Assam, India, in the foothills of the Himalayas, where I used to have long talks with my Commanding Officer – a warm, professorial colonel who I was extremely fond of. One day I asked him, “Colonel, what are you going to do when the war's over?” He said, “I'm going to go home to Nebraska and run for governor.” I kidded him about that, but when I got home in early 1946, I received a big box of pins, streamers, and pamphlets – all saying “Val Peterson for Governor,” and promising that if I did a good job of campaigning with Nebraskans in New York, he'd make me a member of the Nebraska navy. I'm sure you've heard of him. He was three times governor!

The other man is Ted Sorensen, who sadly died last week. Ted and I were friends for many years. His house in Bedford was right around the corner from mine, and we played tennis often. One of my wife Helen's proudest moments was when our son, Tom Bernstein, decided to have a book party to launch the then-Senator Obama's book, at our apartment in New York. Helen said, “We have to have Ted Sorensen,” and I believe that is where they met – and Ted became such a great help in Obama's campaign.

Here are a few thoughts about Ted that were not in his glorious obituary. He had the nastiest forehand I've ever seen, where he would bend over and cut the ball viciously. It would struggle across the net and bounce in some peculiar way. It brought the most wonderful laughs from Ted as his opponents struggled to change position.

Gillian and Ted gave an annual Christmas Eve party at their Bedford home, where Ted greeted his friends – the well-known and the not-so-well-known – with equal respect and joy.

There was also his wonderful humor. The last time I heard him speak was at the offices of the Carnegie Corporation at a reception for Vaclav Havel hosted by Ted's friend, Vartan Gregorian, President of the corporation. Ted started by saying, "Vartan could have had almost anyone speak here – even Henry Kissinger or Bill Clinton." But said Ted, "My friend Vartan is a great proponent of *free* speech – and that's why he had me."

During my twenty years at Human Rights Watch, I had spent little time on Israel. It was an open society. It had 80 human rights organizations like B'Tselem, ACRI, Adalah, and Sikkuy. It had more newspaper reporters in Jerusalem than any city in the world except New York and London. Hence, I tried to get the organization to work on getting some of the principles of the Universal Declaration of Human Rights, particularly free speech, into closed societies – among them, the 22 Arab states surrounding Israel. The faults of democratic countries were much less of a priority not because there were no faults, obviously, but because they had so many indigenous human rights groups and other organizations openly criticizing them.

My concentration on free speech came both from my background as a book publisher – I was at Random House for over 34 years, the last 25 as Chairman and President – and from my belief that if there was free speech, those free to speak would be sure to bring attention to all the other important human rights issues. I got into human rights because, as a book publisher in the 1970s, I was invited to the Soviet Union to discuss copyright with the Soviets. In 1973, they signed the International Copyright Law. They then asked me to publish Soviet books so they would make some money. In 1976, at a dinner party in Moscow given by *The New York Times* staff, I met the famous Soviet scientist turned dissident Andrei Sakharov and his remarkable wife, Yelena Bonner Sakharov. After two hours of talking, I said, "I have to publish your autobiography. It will be one of the most important books of our time." To my surprise and joy, he said, "I want you to do that." Knowing that his mail would be censored, I asked, "How can I get you a contract?" He said, "We'll sign one right now." Andrei then stuck out his hand, we shook, and he said, "Now we have a contract. You work out the details."

Andrei Sakharov was the most famous scientist in the Soviet Union because he had helped them develop the atomic bomb. He then became a fervent advocate of human rights and while the Soviet government could not jail him because of his prominence, they tried to silence him. They did this by exiling him to Gorky – a city miles east of Moscow – having KGB stationed at his home and following him whenever he went out – for eight years. During this time, Andrei was writing his autobiography. He carried it everywhere because his apartment was frequently searched. That didn't stop the KGB. At a visit to the dentist, he was anesthetized and when he woke up, the first 150 pages of his manuscript were gone. In one of Andrei's first statements after deciding he had to speak out, he said: "Intellectual freedom is essential to human society – freedom to obtain and distribute information, freedom for open-minded and unfearing debate and freedom from pressure by officialdom and prejudices. Such a trinity of freedom of thought is the only guarantee against an infection of people by mass myths, which, in the hands of treacherous hypocrites and demagogues, can be transformed into bloody dictatorship."

The Soviet Union, unhappy with my signing Andrei Sakharov, withdrew my visa. I went back to New York and decided Random House would publish Soviet writers as well as other writers behind the Iron Curtain who were being silenced – the most prominent of whom was Vaclav Havel. With some well-known writers, such as Toni Morrison and E.L.

Doctorow, we started the Fund for Free Expression to try and keep the writers' names prominent. In 1976, a document called the Helsinki Accords was signed by the Soviet Union and the West. It had as one part of it, the Universal Declaration of Human Rights. While the Universal Declaration of Human Rights had been approved in San Francisco in 1946, it became prominent after the signing of the Helsinki Accords as it became part of the Cold War battle. The Soviets at the international meetings were blocking discussion of the human rights parts of the agreement. George Bundy, President of Ford Foundation, and Arthur Goldberg who was the American representative to the Helsinki Talks, felt an NGO was necessary to support them. Aware of the Fund for Free Expression, they asked me if I would develop one. With Ford Foundation's support, I started Helsinki Watch and followed in the next four years to start Americas Watch, Asia Watch, Middle East Watch, and Africa Watch. It was too confusing, so in 1980, we merged them into Human Rights Watch. That is a story for another time.

In 1998, when I reached the age of 75, I told Human Rights Watch it was time to get another Chair and I became Founding Chair Emeritus. While I kept attending many Human Rights Watch meetings, I spent most of my time helping the Chinese form their own human rights organization – an organization called Human Rights in China – which has become quite prominent. I hope you visit their Web site. At the moment, Human Rights in China, is leading the fight to free Liu Xiaobo, the winner of the 2010 Nobel Peace Prize. They have an office in Hong Kong, but as free speech is not popular, their Beijing office is currently based in New York in the Empire State Building.

I continued to follow the work of Human Rights Watch and about six years ago became a member of the Middle East North Africa Advisory Committee because I had become concerned about what had appeared to me to be questionable attacks on the State of Israel. These were not violations of the Universal Declaration of Human Rights but of the laws of war, Geneva Conventions and international humanitarian law. There has been an asymmetrical war – you might call it a war of attrition in different ways involving Israel – not only with Palestinians but sometimes involving other Arab states, but of course, involving Iran and its non-state proxies Hezbollah and Hamas. In reporting on this conflict, Human Rights Watch – frequently joined by the UN – faulted Israel as the principal offender.

It seemed to me that if you talked about freedom of speech, the rights of women, an open education and freedom of religion – that there was only one state in the Middle East that was concerned with those issues. In changing the public debate to issues of war, Human Rights Watch and others in what they described as being evenhanded, described Israel far from being an advocate of human rights, but instead as one of its principal offenders. Like many others, I knew little about the laws of war, Geneva Conventions and international law, and in my high regard for Human Rights Watch, I was certainly inclined to believe what Human Rights Watch was reporting. However, as I saw Human Rights Watch's attacks on almost every issue become more and more hostile, I wondered if their new focus on war was accurate.

In one such small incident, the UN Human Rights Commission, so critical of Israel that any fair-minded person would disqualify them from participating in attempts to settle issues involving Israel, got the idea that they could get prominent Jews known for their anti-Israel views to head their investigations. Even before Richard Goldstone, they appointed Richard Falk, professor at Princeton, to be the UN rapporteur for the West Bank and Gaza. Richard Falk had written an article comparing Israel's treatment of Palestinians in the West Bank

and Gaza to Hitler's treatment of the Jews in the Holocaust. Israel, believing this should have disqualified him for the job, would not allow him into the country. Human Rights Watch leapt to his defense, putting out a press release comparing Israel with North Korea and Burma in not cooperating with the UN. I think you might be surprised to learn the release was written by Joe Stork – Deputy Director of Human Rights Watch Middle East Division – whose previous job for many, many years, was as an editor of a pro-Palestinian newsletter.

Following this, Richard Goldstone resigned as a Board member of Human Rights Watch and Chair of its Policy Committee to head the UN Human Rights Council investigation of Gaza. Human Rights Watch has been, by far, the biggest supporter of the UN Council, urging them to bring war crimes allegations against Israel – based on this report. I don't believe Human Rights Watch has responded to many responsible analyses challenging the war crimes accusations made by Goldstone and also challenging Human Rights Watch's own reports – one on the use of phosphorous, one on the use of drones and one on shooting people almost in cold blood. A military expert working for Human Rights Watch, who seemed to wish to contest these reports, was dismissed and I believe is under a gag order. This is antithetical to the transparency that Human Rights Watch asks of others.

After five years of attending the Middle East Advisory Committee meetings, seeing the one board member who shared my views leave the organization, another supporter on the Middle East Advisory Committee who had joined at my request being summarily dismissed, and having great doubts about not only the shift in focus to war issues but also the way they were being reported, I wrote an op-ed in *The New York Times* questioning these policies. To me, the most important point in my op-ed was the following: "They (Human Rights Watch) know that more and better arms are flowing into Gaza and Lebanon and are poised to strike again. And they know that this militancy continues to deprive Palestinians of any chance for the peaceful and productive life they deserve. Yet, Israel, the repeated victim of aggression, faces the brunt of Human Rights Watch's criticism."

A Human Rights Watch Board member told *The New Republic* that they go after Israel because it is like "low-hanging fruit." By that, I think he means that they have a lot of information fed to them by Israel's own human rights organizations and the press, that they have easy access to Israel to hold their press conferences, and that the press is eager to accept their reports. The organization, most would agree, was founded to go after what I guess you would call "high-hanging fruit" – that is, closed societies, where it is hard to get in. Nations that will not allow you to hold press conferences in their country. Nations where there are no other human rights organizations to give you the information.

It has been over one year since the op-ed appeared. Little has changed. For example, within hours of the flotilla incident, Human Rights Watch was calling for an international investigation pointing out that any information coming from the Israeli Army was unreliable. That was before any of the facts were known. I spent the first week of October in Israel seeking out as many different views as I could. I was privileged to meet Palestinian Prime Minister Salam Fayyad and Israeli Prime Minister Benjamin Netanyahu. I spent a day at Al-Quds, the Palestinian university in the West Bank, with the university's President Sari Nusseibeh, his staff, and students. I also met with NGOs including Jessica Montell of B'Tselem, passed an evening with my dear friends Natan and Avital Sharansky, and spoke with many journalists and government officials. I visited S'derot, the town most shelled by Hamas and other terrorist groups in Gaza. I came back convinced more than ever that

Human Rights Watch's attacks on Israel as the country tried to defend itself were badly distorting the issues – because Human Rights Watch had little expertise about modern asymmetrical war. I was particularly concerned that the wars were stopped but not ended – so they became wars of attrition.

In talking about Arabs, I want to be clear. If there's one thing I've learned in 40 years of human rights work, it's that you must separate the people that you're talking about from their government. When a totalitarian or authoritarian government are the rulers, the people, whatever they believe, are shut down – shut down hard – and only the views of the government rule, while those with other views are imprisoned, tortured, exiled – anything to silence them.

People, I believe, are the same everywhere and I believe that, given the chance, good things can happen. I've learned it over and over again, starting with seeing Germany and Japan change so dramatically after a devastating war – and more recently with South Africa, South Korea and with many countries in South America.

I believe the Arab people, given the chance, would not be opting for committing genocide of Israel – as Iran, supported by Hamas and Hezbollah, does. I believe the Arab people, like any people, would opt for a better life for themselves. The great majority would want it on this earth, not in the hereafter, and I question very much whether they would want to go to war if there were any other possible way of avoiding it. We will never know until their governments allow free speech, or until human rights organizations do a better job of trying to ferret out what the people actually think, as opposed to their government.

It is impossible to talk about human rights in the Middle East without looking at some of the factual background. The UN passed resolution 1701 at the end of the Lebanon War, which said that Hezbollah should be disarmed. The UN sent between 12,000 and 15,000 troops who are in Southern Lebanon, near the Litani River, which is 15 miles from the border of Israel. Not only has Hezbollah not been disarmed, but it has also reportedly brought in between 40,000 and 60,000 rockets from Iran. The rockets are of much longer range and power than they had at the start of the last war and it has been reported that some may contain biological and chemical agents. These weapons are buried in homes and public buildings – all along the Israeli border. This, of course, has occurred under the eye of the UN forces.

In addition, despite the blockade, I have read that thousands of tons of arms have poured into Gaza. When President Obama was in S'derot in southern Israel, the town most targeted by Hamas rockets, he said he would not want Sasha or Malia to go to school there. I believe that President Obama is dedicated to the defense of Israel. It's obvious to him and all of us that if there were 40,000 to 60,000 rockets on the other side of the Potomac River or the Hudson River near New York where I live, or any place where American citizens were threatened, and these rockets were in the hands of an enemy that had demonstrated it had little care about protecting its own citizens, you would not want your children to go to school there either. In fact, I question if we would want the rockets just left there on our border, opposite one of our great cities, with the enemy having the option of whether or not to use them. The fact that the UN has been unable to stop this build-up of arms, in the two places that Israel has voluntarily left, is a huge international failure. It is difficult to see how anyone can promise Israel security without addressing the situation.

It is hard for human rights organizations to do anything when war starts. Can anything be more threatening to civilian life than the thought of another war in Gaza? Shouldn't human rights organizations be talking to the Gazans about the wisdom of their government in re-arming? Instead, there is a debate about the blockade of Gaza. The debate over the blockade and whether Israel is achieving the right balance in trying to keep Gaza livable while keeping Gaza unprepared for war is too complicated to discuss here. We do know that a ship, coming from Iran and loaded with sophisticated arms, was apprehended by Israel off the coast. Yet, many visit Gaza and call for a complete lifting of the blockade without mentioning arms. Human Rights Watch believes the blockade is illegal based on their opinion that Israel and not Hamas controls Gaza. If one believes Hamas controls Gaza, a blockade is a legal way of trying to prevent rearmament. Hamas's irresponsible use of arms, even to the point of sacrificing its own citizens as a way to build world sympathy, is well-known. When you visit the Gaza border, the Israeli Army will give you a long list of everything that is going into Gaza and it is known that as the rocketing seems to have been contained, that Israel is trying to be more liberal. With all this happening, should a human rights organization limit the debate to a discussion of a blockade without discussing the arms build-up?

It is containing the arms build-up that is holding back the unfettered economic build-up of Gaza, which the world is so willing to help and which would create jobs. I have read that many of the youth, unable to get any other jobs, go into jihad as the only way to get money. It seems to me that, sadly, the blockade is not very effective in stopping arms. Like on the Lebanon border, their use could lead to war and the time to talk about that is now. In fact, the last war in Gaza occurred when the blockade failed to stop rockets going into Israel.

When I was in Israel, I went to the Gaza border and I learned that since the beginning of 2010, more than 11,000 patients with their escorts exited the Gaza Strip for medical treatment in Israel. Surprisingly and sadly, this policy has risks. I was told the Israelis make the Palestinians change cars at the border because cars had been rigged to explode. A woman on crutches was changing cars. She fell down. Three Israeli soldiers ran to help her get up. She blew herself up, killing the four of them. The Hamas government is preaching genocide of Israel, yet Israel is treating Gaza's sick. It struck me as bizarre that in an asymmetric war of attrition, which we're still learning about how to fight, a nation cares for the sick of a neighbor that is preaching genocide to its people and the only human rights comment has been that they are not doing it well enough.

Human Rights Watch's mandate states that they do not take a position on war, and they are very proud of this. They continually point out that they are not an anti-war group. Iran and its proxies, Hezbollah and Hamas are preaching genocide, not only of Israel but of all Jews everywhere. Genocide is one of the greatest human rights violations, and the Genocide Convention states it must be acted upon when it is first threatened. I believe that Human Rights Watch's position is that their mandate to not take sides in a war takes precedence over the Genocide Convention at this time. It is fair to ask, "Why?"

The reason they give for not taking sides on a war is that it is their responsibility to protect civilians on both sides during a war. Not before the war, and not after the war, but during the war. How can they protect Israeli civilians during a war when the opposition's aim is genocide and when Hamas states that there are no civilians since all Israeli Jews serve in the military? How can they protect Palestinians when their armies are not uniformed, hide their arms among the civilian population and in public buildings, and shoot from heavily

populated areas? Can you ignore what might happen to the civilians after the war, depending on who wins? The whole world is talking about how to prevent Iran from getting an atomic bomb. Human Rights Watch's policy is to criticize actions, not words. One must ask, is the creation of a bomb an action, or only its firing? There is no doubt they would criticize the launch of a nuclear weapon – but of course it would be too late.

Human Rights Watch's method to save civilians during a war is to investigate after the war and determine whether civilian deaths were avoidable or not. They do this primarily by interviews with Gaza citizens who are frequently accompanied by Hamas minders. They then believe by talking to those who lived through the war that they can determine whether civilian deaths were justified or not. It is this issue of civilian deaths which is perhaps the most focused-on discussion of all human rights discussions concerning Palestine and Israel. Human Rights Watch believes that they can sort out where civilian deaths should not have occurred and then by severely attacking those who committed those deaths can shame them into being more careful next time. The argument over the 1,200 to 1,300 deaths in Gaza has been intense. Let me make perfectly clear that nobody, certainly those who have spent our lives in human rights, want any civilian death (or for that matter, soldier's death) to occur. Certainly not avoidable ones. However, if by chance, Human Rights Watch is wrong in their analyses of the deaths in the Gaza war and blaming Israel for deaths that are really the collateral damage of war, think of the damage that's been done to Israel. On Thursday, November 4, a report came out that Fathi Hamad, the Hamas administration's Interior Minister, revealed that as many as 700 Hamas military-security operatives were killed during Operation Cast Lead. The number, consistent with Israel's examination, is significantly higher than the numbers given by Hamas and used by the Goldstone Report. It would indicate that about 60 percent of those killed in the war were actively engaged and not civilians – despite Hamas's tactic of embedding itself in the civilian population of Gaza. If this report holds up, it will be interesting to see if the Goldstone Report and Human Rights Watch reports are reevaluated by them – all of which took the Palestinians' figures as fact.

The facts that are known about civilian death in war make the Gaza reporting even more questionable. In Daniel Goldhagen's book, *Worse Than War*, he shows that 9 out of 10 people killed in war on terror today are civilians. Yoram Peri, in his book, *Generals in the Cabinet Room*, says that over 90 percent of the people killed in war starting after World War II – which is when non-uniformed armies started to appear – have been civilians and that there have been over 28 million people killed. Only with democratic armies – like the U.S., NATO, and Israel – are the facts very clearly different. In Gaza, if the new report about Hamas is verified, at most there was one civilian killed for every two Hamas fighters. In Human Rights Watch's three major reports, they cite 51 cases that they consider war crimes, but with a methodology that is now being questioned by many. Think about all the media coverage and outrage this has generated. In contrast to this number, I picked up the Security Council report for October entitled *Protection of Civilians in Armed Conflict* and found these figures: In Somalia, "3.25 million civilians were estimated to be in need of emergency aid and 1.1 million civilians displaced" by the war there.

Reports from military experts like Colonel Richard Kemp, who led British forces in Afghanistan, and Anthony Cordesman of the Center for Strategic and International Studies, claim that the Israeli Army performed admirably in Gaza and added that they have done nothing different than the U.S. and NATO forces facing the same problems in trying to avoid civilian death.



It is interesting that our daily newspapers often state how many civilians and how many enemy troops were killed. They only seem to do this with democratic armies. Again, no one is in favor of unnecessary civilian deaths. However, it seems to be that somehow, putting the two figures together with no comment implies that civilian death could have been avoided. The sad fact, as we have seen, is that, except with democratic armies, most deaths are civilian. Actually, in view of the one-sided statistics on civilian death that are emerging, the press might consider praising democratic armies for their successful attempts to minimize civilian casualties.

This has led me to believe that while there should certainly be oversight over democratic forces in battle, I question whether human rights organizations, unless they change their methodology and in my view, their attitudes, and are more accountable in terms of accuracy, are the right parties to do this. If they wish to continue as judges of democratic armies whose lives are at risk, they must be accountable. It would be interesting to review their past accusations of war crimes by the Israeli Army in view of the statistics that are emerging. War is a miserable business and should be avoided wherever possible, but the judgments being made by human rights organizations separating collateral damage in war from war crimes, I believe, are frequently unrealistic in asymmetric wars, and there should be some input by military authorities on what is possible. The efforts of the Israeli Defense Forces, NATO and the U.S. to avoid civilian death are consistently criticized by human rights groups as being insufficient or even non-existent. Military judgments of their own actions, particularly by Israel, are consistently accused of prejudice or lies. Yet the statistics show that civilian death by democratic uniformed armies are much, much, much lower than the 9 out of 10 civilian deaths in general conflicts. I'm sure this is going to be discussed by others. I leave that to journalists, military experts and human rights groups to make a judgment of what is occurring. The question of civilian death in war is not simple, especially when sometimes avoiding civilian death could mean increased risk for your own troops.

One of the principle causes of genocide is hate speech. It is common knowledge that hate speech is what is used to build-up to genocide. Human Rights Watch and others, to the best of my knowledge, will not take a position on hate speech because they believe that it interferes with free speech and is a risk that must be taken. Many free speech advocates, including myself, agree that there should be great latitude in tolerating hate speech in an open society where others can attack it. In the Arab world and Iran, there is no free speech, and the hate speech is government sponsored. Here is a typical quote – one of thousands – from Gaza. In a sermon, Ahmand Bahr, acting speaker of the Palestinian Legislative Council, said, “Oh Allah, vanquish the Jews and their supporters. Oh Allah, vanquish the Americans and their supporters. Oh Allah, count their numbers, and kill them all, down to the very last one.” Even on the West Bank, where Salam Fayyad is improving the economic condition and security, little has been done to stop hate speech and “martyr killers” are celebrated as heroes. Saudi Arabia’s publishing industry is spewing out textbooks for young children calling Jews “apes and pigs.” When Human Rights Watch went to Saudi Arabia to raise funds, it is doubtful that this was discussed, but they can tell us if it was. I believe this is a major issue, as the hate speech is going out into the Arab world uncontested. To those who say there is hate speech in Israel as well, it is true, but it is contested and the number of people it can affect is infinitesimal compared to the 350 million of the Arab population.

I am going to bring up the right of return only briefly because it is so complicated. The right of return is endorsed by Human Rights Watch and other human rights organizations – unless I have missed something. They realize that there is not going to be a return of people,

but that there will be compensation and that the right must be recognized. To me, it is the same philosophy that leads them to not taking sides in a war – the theory that one mandate decision is suitable for all occasions. I believe that the Arab decision to keep refugees in labor camps for 60 years along with the UN decision to have a different definition of refugee of Palestinians has made a mockery of what was intended. The right of return for all refugees is defined as being only for the people who actually left their country. However, the definition of a Palestinian refugee is different. It is for those who left Israel, their children born in exile, and for all of their heirs. Thus, while in every other case in the world, the refugee numbers go down over time, the number of Palestinian refugees has gone up. The original 600,000 is now up to 4 million worldwide, all claiming the right of return. While human rights organizations feel that the principle should be recognized, why do they not question the special status recognized for Palestinian descendants which makes solving the problem difficult, if not impossible? In the last few weeks, Jordan, with more Palestinians than the West Bank, withdrew rights they had previously given Palestinians which would have allowed them to remain in Jordan. If there is a Palestinian state, there will be 4 million – most in refugee camps in Jordan, Syria, Lebanon and Iraq, many of whom have not been given any citizenship. Since it is clear that they will not return to Israel but may receive compensation, will the Arabs be asking that 4 million people be returned to the West Bank and Gaza? Might human rights organizations be looking into this now?

Another factor that has not been dealt with is that the 800,000 Jews who left Arab countries and went to Israel immediately received citizenship and while they do not want a right of return, it is reported that they left over twice the amount of worldly goods in the Arab countries than the Arabs leaving Israel. What, if any, adjustments should be made to recognize this?

All such movements of population are both sad and difficult when they are made necessary by intolerance and hate. But, actually, the world has tried desperately to do its part by paying the substantial costs of the refugee camps for over 60 years – reportedly over \$13 billion with perhaps a quarter of it paid by the U.S. and little paid by the Arab countries.

If human rights organizations wish to be involved in this issue, it should not merely simplify it by saying that they accept the right of return – including the special refugee designation – of Palestinians as a principle.

The last point that human rights organizations, it seems to me, have avoided, and where they could be very helpful, whether it is in their mandate or not, is to start talking about what kind of second state is going to be next to Israel. And do the Palestinians have any responsibilities in talking about that? When Yelena Bonner Sakharov went to Oslo two years ago to represent her deceased husband at what was to be a celebration of Nobel Peace Prize winners, she asked, “What kind of a state is going to be next to Israel? *Judenfrei*, free of Jews, just as Hitler would have wished?” No Jews, of course, is only one of the human rights abuses that would exist in the state next to Israel, where open borders should be a desirable outcome.

Human rights issues must be considered in the settlement in the Middle East. Human Rights Watch and others have taken positions on the Wall, the borders, and the occupation, so it is hard to separate human rights issues from political issues. I have tried to show that they are doing damage in their focus on “war” issues, particularly on the issue of “civilian death” where they have questionable expertise. At the same time, in their attempts to do what they

think is evenhanded, they fail to recognize the virtues of nations that have had considerable success in making the Universal Declaration of Human Rights truly universal.

Certainly those who disagree with me may think I am too harsh on Human Rights Watch's Middle East policies and point out that they are doing good work elsewhere. They are! But the Israeli-Palestinian peace process has become such a crucial issue. I believe that unless human rights organizations correct some of the things discussed tonight, their authority in the rest of the world will be questioned. The polarization takes place when one party dismisses another by simply saying that a view is "pro-Palestinian or pro-Israel." The discussion – to be worthwhile – must be issue by issue.

At the beginning, I told you how Natan Sharansky came to my hotel and gave me an autographed copy of his latest book *Defending Identity*. In it, he has some very harsh words concerning human rights organizations. Having spent nine years in Soviet prisons, he has a very clear picture of the difference between free and totalitarian nations.

Here are a few sentences from his book: "The hypocrisy and double standards of the international human rights organizations reflect the disappearance of clear moral criteria that alone can guard human rights. A refusal to see the difference between free and totalitarian societies, between a state at peace and a state at war against terrorist regimes, undermines the universal values on which a claim to human rights is based."

He adds: "A commitment to human rights is above all a commitment to democracy and freedom and to the right to defend them. To equate all cultures, to refuse to distinguish between those that are democratic and those that are not, is the profoundest betrayal of human rights. . . It is acceptable to hold democracies up to a higher standard as long as you recognize that democracies, by definition, are already maintaining higher standards."

And he also says: "In its refusal to distinguish democratic from nondemocratic regimes, the human rights movement undercuts its own commitment to democratic freedoms and itself becomes a tool of undemocratic powers."

In closing, let me go back to my days with Colonel Peterson. When the war ended in 1945, the Allies had destroyed 66 Japanese cities. 65% of Tokyo residences were destroyed; 90% in the third-largest city of Nagoya. Three million Japanese civilians and soldiers were killed, 4-1/2 million wounded. But the war had truly ended and brutal as it was, it was over. Building rather than destruction became the aim. Think about it, only twenty-five years later, in the 1980s, Toyota and Nissan and all Japan had become an economic success as a democratic state threatening nobody.

Last week, I read that the first 5-star hotel for businessmen opened in the West Bank. I read of other businesses starting up there. It is a small start but the economy is looking up. Recently, a book called *Start-Up Nation* told the story of Israel's business success. It has registered 7,600 patents in its 60-year history. The 22 Arab states have registered 700, about 30 per state. The West Bank before Arafat's Intifada had an open border with Israel and at some point, Mr. Abbas and Mr. Fayyad, if they are to succeed, will have to address the issue of hate. As for Gaza, it is certainly appropriate in Nebraska to quote Warren Buffet. In fact, getting to the end of a speech without mentioning him I consider extraordinary. One of his clear, direct, concise statements could apply to Gaza: "You can't make a good deal with bad people." However, if the West Bank starts to compete with Israel in building rather

than destroying, they will have better lives for themselves, and to their surprise, they will have the free world, including Israel, helping them. The campuses of America should be thinking harder about what human rights organizations are doing. Are they helping the peace process?

In closing, let me make a statement to whichever students choose to listen: When I was in Israel, I talked to 18 year-olds, both boys and girls, who were not going to college but instead were going into the army for three years and then for one month a year until 45 or 50 years old. They've been doing this for 60 years. And most of them have faced some kind of danger during that period. They are not involved in the peace process. They are involved in the defense of their country and have to hope that their government will avoid war. I also think of the Palestinian 18 year-olds - particularly those in Gaza who can't get jobs because their economy is not thriving. I believe it is not thriving specifically because their government is bringing in arms and Israel is trying to stop them. And their government is preaching genocide. Many of these students can't afford college and that leaves jihad as their only opportunity. If college students can help bring the human rights movement back to trying to make the Universal Declaration of Human Rights truly universal in the Middle East, they will be making a valuable contribution.