

Keynotes and lectures of the conference “Perspectives Beyond War and Crisis III: What Kind of Palestinian State for What Kind of Peace?” which was held on November 23, 2010 in Vienna.



# Perspectives Beyond War and Crisis III

## What Kind of Palestinian State for What Kind of Peace?



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Perspectives Beyond War and Crisis III

Conference Report

Vienna, November 23, 2010



Perspectives Beyond War and Crisis III  
What Kind of Palestinian State for What  
Kind of Peace?

**Report based on a Conference  
at the Albert-Schweitzer-Haus  
in Vienna, Austria  
November 23, 2010**

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**Meron Benvenisti** is an Israeli political scientist who was Deputy Mayor of Jerusalem under Teddy Kollek from 1971 to 1978 and administered East Jerusalem and its largely Arab neighbourhoods. He has long been a critic of Israel's policies towards Palestinians in East Jerusalem, the West Bank and Gaza Strip and is an advocate of the idea of a bi-national state. Benvenisti was a critic of Ariel Sharon's disengagement plan, arguing that it would lead to a „bantustan model” for Gaza and the West Bank and create an „apartheid Israel”.

**Avraham Burg** is an Israeli author; he was formerly a member of the Knesset, its Speaker and Chairperson of the Jewish Agency for Israel and Speaker of the Knesset. He graduated from the Hebrew University of Jerusalem with a degree in the social sciences. In 2004 Burg resigned from the Knesset and public life. Since then, he has lectured at international events and served on boards of various companies and organizations. Most recent publications: „Defeating Hitler”, 2007; „The Holocaust Is Over: We Must Rise From its Ashes”, 2008.

**Raphael Cohen-Almagor** is currently Chairperson in Politics at the University of Hull, received his D. Phil. in political theory in 1991. In 1992-1995 he lectured at the Hebrew University Law Faculty. Founder and Director of the Medical Ethics Think-Tank at the Van Leer Jerusalem Institute (1995-1998); Chairperson of Library and Information Studies, University of Haifa (2000-2003);

Founder and Director of the Center for Democratic Studies, University of Haifa (2003-2007). Prof. Cohen-Almagor was Fulbright Visiting Professor at UCLA School of Law and Dept. of Communications (1999-2000), and Visiting Professor at Johns Hopkins University (2003-2004). Among his numerous publications on the Israeli-Palestinian conflict: „Israeli Democracy at the Crossroads” (ed.), 2005, and „Israeli Institutions at the Crossroads”, (ed.), 2005.

**Helmut Krieger**, social scientist, is a lecturer in the field of international relations at the Institute of Political Science and the Department of Development Studies at the University of Vienna. His main research areas are the Israeli-Palestinian conflict, political Islam in the Arab world, critical state theories, and postcolonial theory.

**Ronit Lentin** was born in Haifa prior to the establishment of the State of Israel and has lived in Ireland since 1969. She is a political sociologist and a writer of fiction and non-fiction. Ronit is head of the Department and director of the MPhil Program in Race, Ethnicity, Conflict of the Department of Sociology, and co-founder of the Trinity Immigration Initiative, Trinity College, Dublin. Ronit has published extensively on racism in Ireland, Israel and Palestine, gender and genocide, and gender and the Holocaust. Her most recent publications: „Thinking Palestine” (ed.), (London: Zed Books, 2008); „Co-Memory and Melancholia: Israelis Memorialising the Palestinian Nakba” (Manchester University Press, 2010).

**Luisa Morgantini** served as a member of the European Parliament and its Vice-President between 2007 and 2009. She was, inter alia, the chairperson of the delegation for relations with the Palestinian Legislative Council, a member of the Committee on Development as well as of the Euro-Mediterranean Parliamentary

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## Preface

*Magda Seewald*

The present documentation presents the proceedings of the conference ***“Perspectives Beyond War and Crisis III: What Kind of Palestinian State for What Kind of Peace?”*** held at the Albert-Schweitzer-House in Vienna on November 23rd, 2010.

With this conference the VIDC continues its series of a differentiated confrontation with the Israeli-Palestinian conflict.

The first conference of this series, ***“Perspectives Beyond War and Crisis? Donor Politics and Gender Orders in the Israeli-Palestinian Conflict”***, took place in April 2008 and reflected on the gender-dimension of the conflict. Gender-critical analyses were offered by speakers who for many years have been involved in critical research and engaged in social and political activities at the grassroots-level.

Last year’s conference, ***“Perspectives Beyond War and Crisis II: Food Aid, Poverty Administration and Development Policy in the Israeli-Palestinian Conflict”***, provided a forum for a critical review of and intense debate concerning donor policies in the occupied Palestinian territories; in particular it attempted to identify which development perspectives are necessary and realistic in the Israeli-Palestinian conflict. A number of international academics participated together with representatives of donor agencies and Palestinian civil society organizations.

The present conference focused on political concepts of possible solutions to the conflict. Essential questions to answer were:

- What would a possible Palestinian statehood in the current situation entail?
- To what extent has the idea of a two-state solution become obsolete?

- What alternative political concepts are in discussion?

Currently a number of possible solutions concerning Palestinian statehood are being debated. This debate was intensified when Salam Fayyad, the Palestinian Prime minister, called in 2009 for a Palestinian state within two years.

The two-state solution, already officially adopted by the Palestinians in 1988 and implicitly confirmed in the Oslo Agreement in 1993, remains today the basis of many international documents dealing with perspectives for peace.

However, the facts on the ground have changed within the last twenty years. We have seen an immense increase of Jewish-Israeli settlements in the occupied Palestinian territories and a fragmentation of the Palestinian people, in view of which the two-state solution is being called into question. New forms of statehood have found their way into the debate: an Israel-Palestinian Union according the EU-model, a bi-national state for Israelis and Palestinians together or, as recently brought into the debate by members of the right-wing in Israel, an expanded Jewish state (“Greater Israel”) in which Palestinians will be given limited rights and no sovereignty.

And yet, in official contacts between the US-administration, the Israeli government and the Palestinian Authority, all parties keep holding on to the two-state solution.

Although the speakers of the present conference represent different views on the question of Palestinian statehood, it is clear that they do not represent the whole range of perspectives in this debate, neither on the Israeli nor on the Palestinian side.

Here I would like to thank all the lecturers for attending and presenting their statements. My special thanks go to Helmut Krieger, a consultant to the VIDC, for his contribution to the conference

and its concept. Furthermore I would like to thank the Austrian Development Cooperation for financing the conference.

It is our hope that by providing a neutral “thinking-space” and by bringing together different political views based on astute analyses (as in the previous conferences), we have contributed toward developing new perspectives beyond war and crisis in this seemingly unsolvable conflict.



## Introduction

### *Helmut Krieger*

When the inner-Palestinian power struggle between the two major organizations Fatah and Hamas beginning from mid-2007 entailed a political divide between the West Bank and the Gaza Strip, the time was ripe for the US and the EU to employ a West-Bank-First-Strategy. ‘Western’ political and financial support was expected to enable the reinstated administration under Prime Minister Salam Fayyad acting from Ramallah to bring forward the economic and political stabilization of the West Bank. From now on, the Palestinian National Authority (PNA) had the task to reorganize the existing institutional apparatus in a manner rendering it receptive towards neoliberal economic policies. Simultaneously, the police and intelligence forces had to be put under central rule in order to allow for their enmeshment with the Israeli security establishment.

So, following strategies and policies are characteristic for the rule under Prime Minister Fayyad since mid-2007:

- centralization of the security system in an attempt to achieve monopoly on the use of force in the West Bank; this also includes the persecution and suppression of the Islamist opposition;
- fighting corruption and containing patronage structures and relationships by raising the effectiveness of institutions;
- social cushioning of persistently high unemployment rates of about 32 percent and poverty rates of around 57 percent for households in 2008<sup>1</sup> by raising the employment

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<sup>1</sup> UNCTAD, Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory, Geneva, September 2009

levels in the public sector; wage payments to around 150 000 employees of the Palestinian National Authority amounted to 60 percent of the entire budget in 2008 <sup>2</sup>;

- securing financial aid from the West to bolster the budget; in line with this, \$ 1.8 billion in aid of a total of \$ 1.9 billion went into the budget of the PNA <sup>3</sup>; it is worth considering that this corresponded to 30 percent of the GDP in 2008 <sup>4</sup>;
- attempts to attract foreign investment capital propagating large-scale projects in sectors such as production, real estate, and tourism.

Overall, the paradigm of good governance that has often been tested at various places without any success seems to be enforced as a model for the West Bank by the West. Accordingly, the Abbas regime is trying to kick-off an economic reform process of limited nature. This process is expected to help the PNA win the political support of mainly the petty bourgeoisie in cities while not creating any socio-economic perspectives for marginalized social classes in the West Bank – at least not in the mid-term.

In general terms, the structural dependency of the PNA on the Israeli occupying force has remained unchanged. The continued policy of extending settlements and establishing new ones is indicative of the existing power asymmetry between the Abbas regime in Ramallah and Israel. Nevertheless, the reduction of structural dependency to the expansion of settlements only helps to

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<sup>2</sup> World Bank, *a Palestinian State in Two Years: Institutions for Economic Revival. Economic Monitoring Report to the Ad hoc Liaison Committee*, Washington D.C., September 22, 2009

<sup>3</sup> UNCTAD, *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, Geneva, September 2009

<sup>4</sup> World Bank, *Palestinian Economic Prospects: Gaza Recovery and West Bank Revival. Economic Monitoring Report to the Ad hoc Liaison Committee*, Washington D.C., June 8, 2009

veil the military, economic, political and social dimensions of such dependency. Seen in this light, the West-Bank-First-Strategy of the US and the EU seems to cement what has been propagated on so many occasions: the creation of a viable Palestinian state. Yet, this concept apparently does not envision a two-state solution along the borders of 1967 and instead aims at a fragmentation of the Palestinian territories.<sup>5</sup> Thus, even though the Palestinian President, Mahmoud Abbas, keeps reiterating that the creation of a Palestinian state along the borders of 1967 is the sole solution to the conflict, the PNA's authority is de facto limited to the administration of fragmented autonomy zones. As a consequence, the PNA turns into a mere appendage of Israeli security policies. Notwithstanding the question as to whether it has ever been a source of attraction, the West Bank is no longer attractive as a model for a future Palestinian state.

Such attempts to regulate the conflict do not only hinder the creation of an independent Palestinian state along the borders of 1967 but, at the same time, hold tomorrow's escalation dynamics. Indeed, one should not forget that the Israeli siege of the Gaza Strip has always been a major strategic component of the international West-Bank-First-Strategy. The international boycott of the Hamas regime backed the blockade imposed by Israel and led to an erosion of the productive basis and to a massive impoverishment of the population. Subsequently, the Israeli war against the Gaza Strip at the turn of the year 2008/2009 left 1,326 dead, more than 5,000 injured and more than 100,000 internally displaced simultaneously causing a material damage worth almost \$ 2 billion.<sup>6</sup> Seemingly, the political isolation of and the military fight against the Hamas

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<sup>5</sup> See VIDC (ed.), *Perspectives beyond War and Crisis II. Food Aid, Poverty Administration and Development Policy in the Israeli-Palestinian Conflict*, Conference Report, Vienna, 2010

<sup>6</sup> UNCTAD, *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, Geneva, September 2009

regime in the Gaza Strip are to be supplemented with an impoverishment of the population, which is expected to lead to the emergence of new local movements challenging the rule of Hamas. The extent of the catastrophic consequences of such cynical political calculations can continuously be observed in the Gaza Strip.

So, given all these developments of recent years, has a two-state solution along the borders of 1967 become obsolete at last? Does the two-state solution solely constitute an illusion now, while it could have been implemented many years or decades ago? Is such a concept more of a hindrance than a facilitator? We have been witnessing a controversial debate on the historical in/feasibility of a two-state solution or of a one-state solution in recent years actually.<sup>7</sup> The conference contributions are situated in exactly this area of controversy. Starting from differing perspectives and viewpoints, the question is tackled as to what (if any) avenues can be taken within the framework of the Israeli-Palestinian conflict in order to prevent a further catastrophe. Even though the contributions might be conflicting and contradictory at many points, they nonetheless hint that a solution is still possible today – no matter how difficult it might be to realize.

This volume follows the underlying demarcation lines of the conference between political and scientific contributions. The opening speech of the conference was delivered by the Palestinian politician and activist **Mustafa Barghouti**. In his paper, Barghouti shows why the two-state solution has not been implemented yet and why, in his view, an Apartheid regime was installed instead. Thereafter, he elaborates on the question as to which possibilities for conflict resolution exist currently.

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<sup>7</sup> See Jamil Hilal (ed.), *Where Now for Palestine? The Demise of the two-state Solution*, London/New York, 2007; *The One State Declaration*, Statement, Various undersigned, Madrid and London, 2007 <http://onestate.net/pages/declaration.htm>, accessed March 2011

His introductory paper is followed by the analyses of Ronit Lentin, Raphael Cohen-Almagor and Gilbert Achcar. **Ronit Lentin's** work constitutes an analysis of Israel as a ‚racial state‘. Combining concepts by Theo Goldberg, Michel Foucault and Giorgio Agamben in an attempt to offer a reinterpretation of the Israeli state as a ‚racial‘ one, she further refines existing critical analytical categories such as ‚ethnic democracy‘ or ‚ethnocracy‘. In the second part of her essay, she subsequently tries to analytically circumscribe those spaces where a Palestinian other can emerge as a historical subject.

**Raphael Cohen-Almagor** offers a critical analysis of the Oslo Process and discusses what underlying conditions have to be met for a peace process. Referring to the Clinton parameters and the Geneva Accord, he argues that a settlement is possible when negotiations build on trust, good will and security.

Next, **Gilbert Achcar** analyzes the historical dilemma Israel faced in the aftermath of the Six-Day War of 1967. Critically scrutinizing the Allon Plan devised then, Achcar argues that the elements of this plan still characterize Israel's handling of the Occupied Territories. Consequently, from his point of view, the evacuation of all settlements in the Occupied Territories is an indispensable prerequisite for viable Palestinian sovereignty.

The second part of this volume consists of the assessments of politicians who have become part of the very same conflict they have been dealing with for so many years due to their profession. So, **Hesham Youssef**, Head of the Cabinet of the Secretary General of the Arab League, Amre Moussa, depicts in his article the historical opportunities for a peace agreement the Arab Peace Initiative of 2002, in his view, contained. He also refers to the factors that have blocked the implementation thereof so far.

**Louisa Morgantini**, a former Member of the European Parliament, advocates a two-state solution in her essay arguing that it is the only formula still realistic and feasible. Yet, a necessary condition for the implementation of such a model is exerting political pressure on Israel, she adds, especially by the EU.

The former Austrian Foreign Minister, **Ursula Plassnik**, considers the two-state solution as the first stage of reconciliation between Palestinians and Israelis. Once the borders between Israel and a Palestinian state have been erected, the very same demarcation lines can be transcended and transformed by various forms of cooperation, Plassnik holds. She further believes that the European model and experience of integration might even serve as a model in this context.

Pointing to processes of globalization and a general questioning of the nation-state, **Avraham Burg**, the former Speaker of the Knesset, calls the reason of a two-state solution into question, thus arguing in a similar fashion as Plassnik does in some respects. He maintains that especially due to such processes it is necessary to discuss the significance of a Palestinian state jointly with the aspect of regional cooperation and, what is more, with a so-called 'suprastructure' to be created by the Palestinian state and Israel.

A form of bi-nationalism is identified by the former Vice-Mayor of Jerusalem, **Meron Benvenisti**, in his essay. Though, he does not conceive bi-nationalism as a political or ideological claim, but as an adequate depiction of the societal status-quo. What is essential in this regard, Benvenisti holds, is that the co-existence of the two national communities rests on equality, human dignity and liberty.

In the closing essay, **Samir Abdullah Ali**, the former Minister for Planning and Labor with the PNA, categorically rejects the idea of a one-state solution. Such a formula is not desired by any party and would simply prolong the conflict, the former Minister is convinced. He also asserts that it is necessary to put international pressure on Israel in order to bring forward the two-state solution.



## **Reality in Palestine, the (Non-)Viability of a Two-State Solution**

*Mustafa Barghouti*

My present concern is the reality of the situation in Palestine and the viability or non-viability of the two-state solution. Many people ask us, is it still possible to have a two-state solution? And I say, given the Israeli measures on the ground and the absence of serious international pressure on Israel, that the two-state solution is practically gasping. In this connection I would point to five reasons why the so-called peace talks will not succeed – if they ever do take place. The first is the fact that these talks are to be held between two unequal parties in a situation of complete disparity and asymmetry. One side, the Israeli, is very powerful, whereas the other side, the Palestinian, is occupied by Israel, weak and incapable of standing up to the occupier. The second reason that forebodes the failure of these negotiations is the status of impunity given to Israel impunity in regard to international law and international humanitarian law. Israel basically feels that it is above every law in this world, a status reflected in the fact that Israel is allowed to continue settlement activities, not only in the West Bank, but also in East Jerusalem. Practically what we see in East Jerusalem is nothing but a process of slow ethnic cleansing similar to what happened in many areas in 1948. The third reason why these talks will not succeed is that in Israel there is little motivation now to make peace. Unfortunately during the last two decades, instead of the Israeli people becoming more moderate because of the peace agreements concluded with Egypt and Jordan and the Oslo Agreement with the Palestinians, what happened in Israel is exactly the opposite. What we have seen is a shift of the Israeli public more to the right and to extremism and racism; even the religious parties in Israel, which in the 1970s were a relatively moderate political

force, are now representing some of the most extreme trends in Israel and have become the basis for the political activity and influence of the settlers. And this movement on the political spectrum has been paralleled by economic-military developments. Not only does Israel have one of the most powerful military machines in the world, it has tripled its GDP in the last decade three times thanks to the fact that it has become the third largest military exporter in the world, surpassing both France and Britain. And within the next couple of years it probably will become the second largest military exporter in the world, surpassing even Russia. Israel depends a lot today on exporting military equipment and military and security systems.

The fourth factor negatively affecting such negotiations is the continuation of the internal Palestinian division and the fact that the United States and many other international forces, on the behest of and in agreement with Israel, continue to obstruct any possibility of unity between the Palestinian fractions. I would remind the readers of this article that in the past we did manage to build a national unity government: I was personally involved in negotiating the agreement between Fatah and Hamas and later served as a member of that national unity government, which collapsed only because the international community insisted on putting us under an embargo, even though we were representing 96% of the Palestinian electorate.

The fifth factor which ensures the failure of negotiations is the fact that the only mediator in this process is the United States, which monopolizes the process and at the same time fails to be an impartial mediator. The United States is clearly biased towards Israel, as evidenced most recently by the proposed agreement in which the United States has offered to give Israel military equipment (including the most sophisticated jetfighters in the world, the

F-35) worth three billion dollars in exchange for an Israeli abstention from settlement construction for 90 days in part, i.e. in not all of the West Bank, and excluding Jerusalem. In addition to this unprecedented amount of money for a partial and temporary suspension of settlement construction, the US would obligate itself to cease pressuring Israel on this matter and to do its best to prevent a Palestinian declaration of a state and a recognition of an independent Palestinian state in the United Nations and in other forums; further, the US promises to conclude large-scale security agreements with Israel in the future. This is an act of appeasement to Israel, an unacceptable act of appeasement, but it also shows that the United States is not impartial as a mediator in this case.

The outcome of the failure of the so-called peace process, which has continued for more than 19 years, is nothing but the consolidation of a system of apartheid in the West Bank, Jerusalem and Gaza, and even regarding the Palestinians living inside Israel itself. What we see today is a system of apartheid that was described by some of our friends from South Africa as a much worse apartheid-situation than the one that prevailed there. Israelis often react with anger when the word “apartheid” is used in their case. And so I ask them to give me an alternative word to the situation, where the Israeli government has confiscated 80% of the water resources in the occupied West Bank, and allows Palestinians to use no more than 50 cubic meters per capita per year of water, while it allows Israeli settlers to use 2,400 cubic meters per capita per year – 48 times more than Palestinians. How should one describe a situation where the Israeli GDP per capita is \$28,000 while the Palestinian GDP per capita is only \$1,300, but we are obliged to buy products at Israeli market prices because of an imposed market union. Or a situation where we have to buy our water from Israel at a price that is double the price that Israeli citizens pay for the same amount of water. And that also applies to electricity. There is talk about state-building, but all the funding that is coming from abroad is

concentrated on projects and building structures only in the so-called A and B area, which is not more than, or actually less than 40% of the West Bank. None of these resources are used for Palestinian construction in the Jordan Valley, in Jerusalem, or in the Gaza Strip, or in the so-called area C, which represents about 60% of the West Bank.

So unless something changes, what we see is nothing but a consolidation of a system of Bantustans and ghettos, prison-like entities where the Palestinian Authority is constantly pressured to play the role of a security sub-agent for Israel, where the Palestinians do not have contiguity of their land or territory and definitely where they will not have a structure that can be called a state – it would be only clusters of Bantustans that have no viability in the future. Today the whole possibility of the two-state solution is at risk because of the Israeli behavior and because of the failure of the international community to pressure Israel. To change that we need to change the balance of power. And to change the balance of power we need several actions, the first of which relates to the Palestinians themselves. And that's why we call on people to support the non-violent Palestinian resistance, which is happening on the ground, and to exert pressure on Israel to restrain its unnecessary use of force against the Palestinian non-violent demonstrators and non-violent activists. Today, many have been killed, many have been injured, many are subject to arrest and oppression, just because they non-violently protest against oppression and the apartheid system.

The second thing that needs to be done to change the balance of power is to immediately declare the establishment of an independent Palestinian state in all the territory occupied in 1967 including the West Bank, Gaza Strip as well as East Jerusalem, which will serve as the new state's capital. We call on the PLO to do this and to demand immediate recognition from all those in the world who

claim that they support the idea of a Palestinian state. Immediate recognition of the state, immediate recognition of its borders and its capital will mean changing the terms of reference in the so-called negotiations. Today, Israel has been given veto power, not only on the substance of discussion, but also on what can be discussed and what cannot be discussed. And with such a situation there will never be any fruitful or productive negotiations.

The third step that has to be taken is to demand that the international community no longer grant Israel the status of impunity. The continuation of impunity means a definite failure of the negotiations. And to remove the sense of impunity that Israel enjoys we are urging support for the worldwide Boycott Divestment Sanctions (BDS) campaign. Some countries raise the objection that this is too extreme a measure, but I ask in return, what can justify the fact that many European countries today, many governments of the world, are importing military equipment from Israel, from a country that is violating international law, Geneva Conventions, international humanitarian law, and the ruling of the International Court of Justice. There is no justification for continuing military cooperation with Israel. And there is no justification for abstaining now from boycotting military cooperation with Israel.

Finally, in order to change the balance of power we need to create an international support structure or international support movement, to support the right of the Palestinians to be unified again on the basis of democracy, on the basis of accepting to resolve our differences internally in a democratic way.

The last point I want to mention is that people have to be clear and honest when they speak about state-building in Palestine. State-building does not mean only government building or building government structures only. State building does not mean only creating a security apparatus that is consuming 34% of the budget of the Palestinian Authority which is still under occupation, while the

government is allocating less than 1% to agriculture. That is not the right way. State-building means, first of all, building democratic institutions. It also means building a viable economy. It means concentrating on social rights, on health, education, and democratic institutions. And that's why we insist that what we want is not just a state. We want a Palestinian democratic state where people are free from any form of oppression and where people can practice their democratic rights. I say that because today suddenly nobody speaks about democracy. When the local elections in Palestine were cancelled, they were prevented in Gaza and they were cancelled in the West Bank, we didn't hear a single protest against that. And that was strange. It is especially strange when we remember that some cities in the West Bank like Yatta or Hebron or Tulkarm, or Gaza City itself, have not had local elections for 34 years. That's why we say democracy goes hand in hand with peace. And that's why we always said that there can be no durable peace in this region unless it is concluded between two democracies.

What can happen if the existing scenario continues? I believe this would mean not only the gasping, but actually the death of the two-state solution, which then would leave us Palestinians only with one alternative, which is to continue our struggle against apartheid, against injustice, and against oppression to achieve one democratic state for both people, where both people can live side by side in a democratic system with equal rights and equal duties. I know that it's a very long and a difficult way. And that's why we were always ready – and are still ready – for an intermediate solution: a real two-state solution, where Palestinians can have a real, sovereign, viable, democratic, and capable state of their own. But if the Israeli side and their supporters want to exchange the idea of real statehood for clusters of ghettos and Bantustans, we will say no. You, we will say to the Israelis and to the world, are responsible through your acts and your acquiescence, for the killing and the

death of the "two states" option.

Some politicians speak of a one-state solution and intend that as an instrument of threat – but that is not my intention. No, the one-state solution would have been the most effective, the most human, and the most democratic solution to the problem for both people. And when we struggle against apartheid, I say we struggle not only for Palestinian children, we are actually struggling for Israeli children as well. Because Israeli people themselves will never be free as long as we are not free. And when we struggle to liberate ourselves from apartheid, we are actually struggling to liberate them also from apartheid, an apartheid system that is destroying the future of everybody.

The possibility of dissolving the Palestinian Authority is also a subject under discussion. Of course, the whole function of the Palestinian Authority is relevant to a plan that conceives this Authority as something transitional and as an interim measure during Oslo Agreement, which should have led to a Palestinian state. It was proposed that the Palestinian Authority would last only between 1993 and 1999, by which time the final agreement would have been reached and Israel would have redeployed from the West Bank and Gaza Strip and East Jerusalem. And a Palestinian state would have been established. None of that has happened, because Israel practically destroyed the Oslo Agreement. And today the Palestinian Authority is facing a serious dilemma. The Palestinian Authority operates on different levels; I don't think we should give back to the Israelis the responsibility for our health or education, for instance. But I think the nature of the Palestinian Authority should change and there are specific things that have to be done in response to the existing situation and in response to the stalemate that Israel has created. One thing should be the creation of a national unity government, despite Israeli objections.

Another thing should be immediately ceasing any form of security cooperation with Israel, which is being carried out at the expense of the Palestinian people, and refusing this whole theory, this whole security concept, which says that the Palestinian people who are under occupation are responsible for providing protection to their occupier while they cannot provide protection to their own people against the same occupier. That is totally unacceptable and it has never happened in human history before. So this concept has to be rejected and a number of things have to be done. In other words, I demand, that if the Palestinian Authority is to continue to exist, it has to liberate itself immediately from all the constraints of Oslo Agreement and start to work as an instrument that serves the National Liberation Movement of the Palestinian people, rather than becoming an instrument that co-opts the Palestinian National Movement. It is truly difficult to say what will happen to the Authority in the coming months, but I do know one thing, that today – and that's the call we have made in the Palestinian National Initiative to the PLO – there should be a unified Palestinian position that includes all Palestinian political groups and movements to immediately declare a Palestinian state on all occupied territories without exception and with Jerusalem as its capital, and initiate a huge international movement to support the recognition of that state.

If that fails, then as I said, we the Palestinians, the people who have struggled for a very long time for our freedom and liberty and independence, we the Palestinians will never accept being slaves of occupation or apartheid. We will continue our struggle against apartheid until we attain the same thing that every other people strives to reach in this world – freedom, justice, independence, and democracy.

**Part 1      Analyses**  
**Perspectives on State Formation in Palestine**  
**– a Road to a Failed (Non-)State?**

**Re-thinking Israel-Palestine: Racial State,  
State of Exception**

*Ronit Lentin*

*Abstract:*

The State of Israel has been theorised as an ‘ethnocracy’, an ‘ethnic democracy’, a ‘settler-colonial society’ and even a ‘racist state’, but to date it has not been explicitly theorised as a ‘racial state’, the focus of this paper. Through reading David Theo Goldberg’s theorisation of all modern nation-states as ‘racial states’, Michel Foucault’s outline of the birth of state racism, and Giorgio Agamben’s theorisation of the ‘state of exception’, this paper theorises Israel as a racial state which uses technologies of bio- and thanato-power to control its Palestinian others. The duty to defend society against itself (and by extension defend ‘the nation’ from its indigent and immigrant others) means that the state can hardly function without racism, which Foucault sees as ‘the break between what must live and what must die’. According to this analysis, racism has two functions: separating out the groups that exist within a population, and making it possible to establish ‘a relationship between my life and the death of the other that is not a military or warlike relationship of confrontation, but a biological-type relationship: the more inferior species die out, the more I – as species rather than individual – can live, the stronger I will be’. The Israeli state of exception with reference to its Palestinian oth-

ers was instituted from its very establishment through a series of emergency laws, not yet repealed. According to Agamben, through the state of exception, the sovereign excludes himself from the law while creating and guaranteeing the situation that the law needs for its validity. This circularity characterizes not only extreme regimes, but also the voluntary creation of a permanent state of emergency which has become an essential practice of contemporary states, including so-called democratic ones. This involves, on the one hand, the extension of the military authority's wartime powers into the civil sphere, and on the other, the suspension of constitutional norms that protect individual liberties, creating 'zones of exception' as in the case of the Palestinian territory, zones of abandonment, as in the case of Gaza, and zones of racial exclusion, as in the case of Israeli internal racisms.

This paper has two parts. In the first part I briefly theorise the state of exception, state racism and the racial state. Being also a Fanonian project, in a sense, the second part of the paper draws on Yehouda Shenhav's re-reading of Fanon's *The Wretched of the Earth* and his critique of Agamben's interpretation of Benjamin's 'Critique of violence', to think about potentialities of resistance to the racial state. I conclude by arguing that describing the Israeli state as a racial state makes better theoretical and political sense than understanding it as an ethnocracy and Zionism as a settler colonial project, although it is these also.

### **Introduction: The dialectics of Israel-Palestine**

2010 has been another eventful year in Israel-Palestine. First there was the debacle of the Gaza flotilla. Later on, Israeli police forces demolished the 'unrecognised' village of El Araqib three times. In Sheikh Jarrach, Silwan and Bil'in riot police keep arresting unarmed demonstrators. In October, Israel legislated to obligate all non-Jewish candidates for citizenship to pledge allegiance to Israel

as a Jewish democratic state. The law officially entrenched nationalist and fascist principles, endorsed by large parts of the Israeli Jewish population (Misgav 2010). This occasioned debates as to whether this and several other proposed laws – such as ‘the Bishara law’, revoking wages and pensions of Knesset members suspected of terror-related offenses and aiding the enemy, approved earlier this month by the House Committee following heated exchanges between Arab and rightist MKs (Sofer 2010) – signal new manifestations of fascism and racist nationalism. These debates build on academic debates on Israel as a settler colonial society or an ethnocracy.

Following Edward Said’s argument (1980: xv) that thinking Palestine involves dialectically setting the Palestinian experience against Zionism, and following my book *Thinking Palestine* (Lentin 2008),<sup>1</sup> this paper dialectically theorises Palestine, after Giorgio Agamben (1998, 2005) as a ‘state of exception’,<sup>2</sup> and Israel, after David Theo Goldberg (2002, 2008, 2009), as a ‘racial state’.<sup>3</sup> According to Fabio Vighi (2010), theorists such as Agamben (and also Žižek and Badiou; I would also add Foucault) reject postmodern theories as essentially a-political and insist instead on the urgent need to re-politicise theory. I refer to their theorisations, therefore, not in order to present abstract theorisations of the Palestinian question, but rather as an attempt to re-politicise the universal questions of sovereignty and abject subjecthood in the context of Palestine and Israel.

Furthermore, I am acutely aware of my problematic position as an

<sup>1</sup> Arising out of a conference held in Trinity College Dublin in September 2006, titled ‘Palestine as state of exception – a global paradigm’ (Lentin 2008)

<sup>2</sup> Agamben’s concept is based, inter alia, on of the work of the Nazi jurist Carl Schmitt, the German-Jewish cultural theorist Walter Benjamin and the French theorist Michel Foucault, who, in *Society Must be Defended* (2003) posits the birth of state racism.

<sup>3</sup> Taking on board Goldberg’s call to anchor racialisation in regional models rather than ideal types or broad generalisations (Goldberg 2005: 88).

exiled Jewish-Ashkenazi member of the perpetrator group. However, it is worth noting that beyond empathy and solidarity,<sup>4</sup> the preoccupation of many Israeli scholars with Palestine has to do with orientalising the Palestinian other (Said 1978), or worse, with many Israeli researchers being security services veterans (Rabinowicz 1998: 134), contributing to the colonial power/knowledge regime.<sup>5</sup> In much Israeli research on Palestine, the Palestinians are erased, their voices subsumed by the powerful coloniser. My question is whether this emanates, as I argue in *Co-Memory and Melancholia: Israelis Memorialising the Palestinian Nakba* (2010), from unresolved melancholic longing for the land we destroyed and the Palestinians we dispossessed?

This paper is also a Fanonian project. For Nadia Abu El-Haj, the Israeli state is Janus-faced, simultaneously colonial and neoliberal (2009: 41). However, in her afterword to the Hebrew edition of Fanon's *The Wretched of the Earth* (2006), Ella Shohat proposes another dialectic paradox in theorising Zionism. On the one hand, Jews can identify with Fanon's antiracist and emancipatory project, because antisemitism is racism and Zionism sees itself as a Jewish national liberation project. On the other, Israel's rule over Palestine, as well as Zionist racism against Palestinians and Mizrahi Jews, locate it on the European side of the Fanonian equation (Shohat 2006: 331). These dualistic interpretations echo Yehouda Shenhav's (2006) postcolonial re-reading of *The Wretched of the Earth* (1963) and of Agamben's interpretation of Benjamin's 'Critique of violence' (1921), even though, surprisingly, Shenhav stops short of theorising Israel as a racial state, as I argue in this paper.

The paper is structured around several inter-linked theoretical

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<sup>4</sup> Both contested concepts, see A. Lentin 2004; Landy 2008.

<sup>5</sup> The close cooperation between the security services and universities and research institutes is indeed no secret.

propositions. I begin with an outline of the state of exception, state racism and the racial state. I then posit Israel as a racial state, where the state of exception and ‘zones of abandonment’ (Abu El-Haj 2009) were instituted from its very establishment. Abu El-Haj argues that what Goldberg calls ‘racial Palestinianisation’ is far from a new, what he dubs ‘born again racism’, and argues that Zionism was deeply embedded in racial tropes from the very start, constructing ‘the Jew’ and differentiating between Palestinian and Jew and between Ashkenazi and Mizrahi Jew. To counteract this racialisation, my discussion of Fanon, Benjamin and Shenhav enables me to read the Palestinian as active agent rather than passive victim, leading me to conclude by arguing that in envisioning the future – for me the only possible future is a one-state solution – thinking Israel as a racial state, rather than an ethnocracy or Zionism as a settler colonial project, although it is these also, makes better sense.

### **State of exception**

The ‘state of exception’, according to the Nazi legal theorist Carl Schmitt, is determined by the sovereign as a response to perceived danger to the continuing existence of the state. At the same time, the sovereign is constructed by the very state of exception he created. The sovereign, in other words, both creates the state of exception and puts himself outside the law (Schmitt 2005: 25-7).

Modern totalitarianism can be defined as the establishment, by means of a state of exception, of a legal civil war that allows the physical elimination not only of political adversaries, but of entire categories of citizens not integrated into the political system. Thus, though it is tempting to link the state of exception to totalitarian regimes, such as the Nazi Reich, Agamben insists that the voluntary creation of a permanent state of emergency has become one of the essential practices of contemporary states, including

so-called democratic states (Agamben 2005: 2); and this, I would argue, is a significant trait of the state of Israel. The state of exception involves, on the one hand, the extension of the military authority's wartime powers into the civil sphere, and on the other, the suspension of constitutional norms that protect individual liberties, as argued by Raef Zreik (2008) in relation to Israeli constitutionalism.

According to Agamben, the state of exception means not only the sovereign declaring a state of emergency in which the sovereign both enacts the law and stays outside it, but also the idea that it is the nation (volk rather than citizenry or residency) which needs defending from its others. Crucially, the state of exception is a security state, using the paradigm of security as 'the normal techniques of government' (Agamben 2005, 14).

In *Homo Sacer: Sovereign Power and Bare Life* (1995), Agamben further argues that the constant state of exception enables the state to render the lives of those under state rule into what he calls homo sacer or 'bare life', who may be killed with impunity (but not sacrificed). Agamben extends the 'bare life' of Nazi concentration camp inmates to the lives of administrative detainees,<sup>6</sup> arguing for the general applicability of the state of exception: 'At once excluding bare life from and capturing it within the political order, the

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<sup>6</sup> An example Agamben gives to illustrate the biopolitical significance of the state of exception as the structure in which the law encompasses living beings by means of its own suspension is the 'military order' issued by the US President on November 13 2001, which authorises the indefinite detention and trial by 'military commission' of non-citizens suspected of terrorist activities. The USA Patriot Act enacted on 26 October 2001 already allowed the Attorney General to take into custody aliens suspected of activities endangering the national security of the United States, though within seven days the alien had to be either released or charged. What was new about Bush's order was that it erased any legal status of the individual, thus detainees not only did not have a POW status, but they did not even have the status of persons charged with a crime according to American laws. Like in the Nazi camps, detainees lose any legal identity (Agamben 2005, 3).

state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested' (Agamben 1995: 9). Extending Hannah Arendt's theorisation of the refugee as the incarnation of a new historical paradigm, Agamben further suggests that the refugee, his *homo sacer*, destabilises the holy trinity of state-nation-territory, and must thus be regarded as a central actor in our contemporary political history (Agamben 2000: 22).

Judging by Israel's intricate regime of emergency regulations and the play between the judiciary, the legislature and the executive with regards to Palestinians living under occupation but also to Israel's Palestinian citizens, it does not take a major leap of the imagination to extend the analysis of the state of exception to Palestine and the paradigmatic position of *homo sacer* to the liminal political position of the Palestinian refugee.

Moreover, Agamben's Foucauldian project centres on the right of the sovereign to kill with impunity. Foucault (1990) proposed that when life becomes included in mechanisms of state power, politics turns into biopolitics, the territorial state becomes a 'state of population', and the nation's biological life becomes a problem of sovereign power, which he terms 'biopower'. Through various governmental technologies, biopower creates 'docile bodies' and the population – its life, welfare, longevity, health – becomes the ultimate object of 'acts of government'. In his 1975-6 lecture series at the Collège de France (2003), Foucault posits the transition from the sovereign power of the old territorial state, 'to make die and let live', to modern biopower, 'to make live and let die'. The duty to defend society against itself (and defend the nation from indigenous and immigrant others) means that the state can scarcely function without racism, which Foucault sees as 'the break between what must live and what must die' (Foucault 2003: 254).

Thus racism has two functions, the first is separating out groups within a population, the second is making it possible to establish ‘a relationship between my life and the death of the other ... the more inferior species die out... the more I – as species rather than individual – can live, the stronger I will be’ (Foucault 2003: 255). Race – understood in classificatory rather than biological terms – becomes a tool of social conservatism and of state racism, which society *practices against itself*. In the case of Israel, this explains ‘ethnic cleansing’, from Plan Dalet to today’s ongoing land confiscation, house demolitions, and plans to ‘transfer’ Palestinians outside the state’s borders (e.g., Pappe 2006).

Foucault’s biopolitical acts of government manage the population’s life, but for some groups within the population, governmentality becomes one of death, what Mbembe (2003) calls ‘necropolitics’ and Honaida Ghanim documents as ‘thanatopolitics’: ‘from the moment that power is directed to destroying, eliminating and dismantling their group, the decision about their life becomes a decision about their death’ (Ghanim 2008: 69)

Despite this, as Abu El-Haj points out, the ‘racist character of the Israeli state – the organisation of the state around the distinction between Jew and non-Jew, military and civilian legal systems, enclosure and movement, and, since the 1967 war, the additional distinction between citizen and subject – becomes ... unspeakable for much of the Euro-American world’ (2009: 30), who are blind to the racial nature of the Israeli state as I now argue.

### **Racial state**

Before outlining Goldberg’s (2002) theorisation of all modern nation-states as racial states, I remind myself of Bourdieu’s cautioning, that ‘to endeavour to think the state is to take the risk of being

taken over by the thought of the state' (Bourdieu 1994: 1); therefore I aim to analyse Israel outside of state logic which speaks to Jewish victimhood at best and to expansionist, racist intentions at worst.

Goldberg's racial state is a state of power which excludes and includes in order to construct homogeneity, achieved through governmental technologies such as constitutions, border controls, the law, policy making, bureaucracy, population census, but also invented histories and traditions, ceremonies and cultural imaginings, including ancient (in Israel's case, Biblical) origins. Modern states, each in its own way, are defined by their power to exclude and include in racially ordered terms, aiming to produce a coherent picture of the population by keeping racialised others out and by legislating against the 'degeneracy' of indigenous minorities.

If we agree with Goldberg's theorisation of all modern nation-states as racial states, and with Foucault's view of racism as intrinsic to all modern, normalising states (through the use of bio- and thanato-political technologies ranging from social exclusion to mass murder), there is little doubt that Israel must be theorised as a racial state par excellence, where, according to Shenhav, 'there is a constant state of emergency. The state inherited the British Mandate's "Emergency Regulations" under which it continued the anomalous suspension of the law, within the law... this system enables: one rule (life) for the majority of the state's citizens, and another (death, threat of death, threat of expulsion) for the state's subjects, whose lives have been rendered "bare"' (2006: 206-7). Israel keeps creating zones of exception, or, as Abu El-Haj (2009) puts it in relation to Gaza, whose inhabitants have been abandoned to their besieged fate, 'zones of abandonment'. This is illustrated by Alina Korn's description of the post-Oslo Accords ghettoisation and restriction of the Palestinians to their villages and towns,

understood as another means of protecting Israeli Jews through decreasing use of Israeli prisons and mass incarceration to assure efficient control (Korn 2008) – the ultimate aim of governmentality. Governmentality, however, cannot be fully understood without recourse to understanding Jewish self- and other racialisation as an integral part of the Zionist ideology, as I now demonstrate.

### **Zionism's Jewish racial subjects**

In line with Said's logic that thinking Palestine is indelibly linked to thinking Zionism, Goldberg argues that 'Israel cannot live with the Palestinians, purging them persistently from green-line Israel, but cannot live without them, conceptually as much as materially, existentially as much as emotionally' (2009: 113).

However, Zionism is not only about the modernising imperative according to which Jews (though an ancient Biblical people) are modern, while Palestinians (Philistines) are pre-modern and thus in need of European Zionism's civilising – though always also colonising – mission, or what Goldberg calls 'historicist racism'. Zionism also articulates 'the Jewish race', creating homogeneity for 'the Jewish people' despite obvious Jewish heterogeneity (and in the face of internal racisms directed towards Mizrahi and Ethiopian Jews). Foucault's idea of the need to defend society and Burleigh and Wiperman's (1999) theorisation of the Nazi state as the ideal type racial state, where the object was the *protection of the body of the volk*, bring to mind the Zionist imperative to protect the nebulous body dubbed 'the Jewish nation' from antisemitic persecutions, which led to its state building aspirations.

Indeed, the Israeli geneticist Rafael Falk reads the entire history of Zionism as a eugenicist race project, aiming to save the Jewish genetic pool from the degeneration forced upon the Jews by diaspora existence (Falk 2006, 25). Understanding Judaism as a racial

essence became an integral part of Zionist thought towards the end of the nineteenth century. While many European Jews opposed the idea of Judaism as a race, just as the antisemites justified the persecution of Jews by biological reasoning, seeing Jews as a separate ‘race’, prominent Zionist thinkers such as Theodor Herzl, Moshe Hess, Haim Nahman Bialik, Max Nordau and even the liberal philosopher Martin Buber adopted the terminology of *volk* – a racial nation shaped by ‘blood and soil’ (Falk 2006, 18-9).

Thus, in 1862 Moshe Hess ‘implored “the Jewish race” to be the bearers of civilization to peoples who are still inexperienced... in the European sciences’ (Goldberg 2009: 108). Thus too Arthur Ruppin, director of the ‘Erez Israel Office’, and Zionism’s main ‘colonisator’, preached the eugenicist selection of Jewish ‘human material’ in the Zionist settlement of Palestine. Like other race hygienists, Ruppin argued that the state has a role in improving the race, or the *volk*, and was instrumental in producing a Zionist repertoire of racial categorisation and *volkish* imagery (Bloom 2007).<sup>7</sup>

Paradoxically, this race thinking, albeit without ‘race’ – the prevalent thinking about racist discrimination in Israel rejects the notion of ‘race’, preferring, as does Oren Yiftachel, to theorise Israeli schisms in ethnic terms and the state of Israel as an ‘ethnocracy’ (Yiftachel 2006) – supports the theorisation of Israel as a racial state (Goldberg 2008, 2009).

Some examples: Israel, constructed as the state of the ‘Jewish nation’, grants automatic citizenship to anyone who can prove she has a Jewish mother, while depriving citizenship to Palestinians born on the land, who happened to be absent on census day – this

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<sup>7</sup> See also Piterberg 2008: 81-2.

applies to both 1948 and 1967. The 160,000 Palestinians not expelled during the 1948 *Nakba* were re-dubbed 'Israeli Arabs' and put under military rule, based on 1945 British Mandate Emergency Regulations. These regulations abolished basic rights of expression, movement, organisation and equality before the law, though they left Palestinian citizens the right to vote and be elected. A series of laws, including the Law for Absentee Property (1950), the JNF Law (1953) and the Law of Agricultural Settlement (1967), barred – by legal means, demonstrating the state of exception – the selling, leasing, sub-letting and owning of land by 'non-Jews', read Palestinians. Though officially abolished in 1966, to all intents and purposes the emergency regulations are still in place – controlling 20 per cent of Israel's citizens (Pappe 2006: 220-2).

Another example of this ongoing anomaly is the Jewish National Fund (JNF), the agency in charge of forestation, hebraicisation of Palestinian place names and land ownership. Not only was the state of Israel established on 78 per cent of historic Palestine (instead of 55 per cent as recommended in the UN Partition Plan of 1947); the deliberate appropriation by the state of 93 per cent of the lands previously owned by (now) dispossessed Palestinians led to these lands being designated as public, read Jewish lands, while Israel's Palestinian citizens are prohibited from establishing new settlements to this day. The JNF took active part in the *Nakba* by preparing the 'village files' – a complete mapping of each Palestinian village, which served the actual plans, culminating in Plan *Dalet*, devised by the Zionist leadership, to eliminate the Palestinian elite, damage their sources of livelihood and water supply, and bring about their systematic and total expulsion from their homeland. Documenting this process in *The Ethnic Cleansing of Palestine* (2006), Ilan Pappé convincingly deconstructs the argument of the so-called Israeli 'new historians' that the expulsion of the Palestinians was an 'unfortunate' consequence of war. How-

ever, and now famously, the Israeli ‘new historian’ Benny Morris writes, in an article on Zionist historiography: ‘In 1948 most of the Arabs were transferred from the new Israeli state... The transfer was *not premeditated or the result of a master plan*, as argued by Arab spokespersons later... but there is no doubt that the idea of transfer existed in the minds of the Yishuv leaders (headed by Ben Gurion) and the army commanders’ (Morris 2000, 43, emphasis added).

Agamben stresses the centrality of the *security* imperative to the state of exception. Security is indeed central to the Israeli state. Kimmerling (1993) posits Israeli ‘cognitive militarism’ and argues that during times of war the system puts routine activities ‘on hold’, mobilising all its resources to deal with what it sees as the ongoing ‘existential threat’. As Israel sees itself as a haven for the ‘Jewish nation’, the control of the Palestinians is viewed as an imperative born of an ongoing state of emergency, which, to paraphrase Agamben, creates and guarantees the situation that the law needs for its validity, enacted to defend (Israeli Jewish) society.

Israeli preoccupation with state security determines the state of exception in governing the territory occupied in 1967, but also the lives of Palestinian citizens in the Israeli state proper.<sup>8</sup> Summarising this state of exception, Shenhav cites Agamben: ‘A state whose main preoccupation is security, and for whom security is the main legitimisation, is a brittle organism; such a state will remain vulnerable to terrorism and will ultimately become terrorist itself’. The state of exception does not pertain only to the ‘enemy’ but refers to all social strata and institutions, making it ultimately undemocratic (Shenhav 2006 217).

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<sup>8</sup> As argued, for instance, in Sabagh-Khouri and Sultani’s essay on the trial of the Israeli-Palestinian leader of the National Democratic Assembly, Azmi Bishara (2006, see also Pappé 2008).

While Israeli obsession with state security is fed by a deep sense of Jewish victimhood and vulnerability, Said reminds us in *The Politics of Dispossession* (1994) that ‘The question to be asked is... how long are we going to deny that the cries of the people of Gaza... are directly connected to the policies of the Israeli government and not to the cries of the victims of Nazism’.

### **‘Insurrection of subjugated knowledges’**

In order to avoid the dangers cautioned against by Bourdieu in relation to ‘being taken over by the thought of the state’ in re-thinking Israel and Palestine, I want to move beyond the objectification of ‘the Palestinian’ as either victim or terrorist, and consider Foucault’s notion of the ‘insurrection of subjugated knowledges’ ([1976] 1980, 81-82).<sup>9</sup> Foucault insists that ‘subjugated, local, regional knowledge’ that stands in opposition to professionalising, medicalising, and state knowledge, is the only way of enabling criticism to perform its work. Likewise Goldberg insists that the racial state encompasses the potentialities of resistance, and Agamben argues that the state of exception includes the potentiality of the right of resistance.

To think resistance to the racial state of Israel and dismantle Palestine as a ‘state of exception’ (taking on board Pappé’s rejection of the term and his insistence on Israel as another Middle Eastern ‘Mukhabarat state of oppression’ [2008]), I follow Shenhav in discussing Walter Benjamin’s and Frantz Fanon’s writings about violence, which help us think the Palestinian subject not merely as *homo sacer*, but rather as active resistant staging an ‘insurrection of subjugated knowledges’. I concentrate on the component of violence in the process of de-colonisation, even though I am well aware that many Palestinians, particularly those espousing the

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<sup>9</sup> My thanks to Festus Ikeotuonye for drawing my attention to this concept.

Palestinian Authority's political path (as articulated by Mustafa Bhargouti in the VIDC conference, Vienna, 2010), strongly – and rightly – insist on non-violent resistance, including, inter alia, BDS (the international campaign for boycotts, dis-investment and sanctions against Israel – ed.).

In *Black Skin, White Masks* (1952) Fanon introduces the internalisation of blackness by the black subject in a racist society, through dehumanisation, invisibility and lived experience. Not content with constructing a history or an identity of the black subject, Fanon insists on 'lived experience' as the central focus of a politics of resistance (A. Lentin 2006). It is not surprising, however, that in *The Wretched of the Earth* (1961), written while he was deeply involved in the Algerian struggle, he posits violence as a crucial phase of de-colonisation.

Unlike Audre Lorde's well-rehearsed feminist dictum that 'the master's tools will not destroy the master's house' (2001), Fanon instructs his insurgent readers to use the master's tools to destroy the master's empire, reminding us that 'decolonisation is always a violent phenomenon'. Fanon recognised that large forces of occupation cannot last and that for the colonised natives the most essential value, because the most concrete, is first and foremost the land (2001, 34). The coloniser's argument that the colonised understand only force<sup>10</sup> – often repeated by Israel in justifying its aggression – means that colonial violence aims not only to keep the enslaved at arm's length, but also to dehumanise them. The settler nation's preoccupation with security makes it remind the natives out loud that it alone is master: an illustration is the extreme rightist demonstrators in Umm El Fahem against the Is-

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<sup>10</sup> In 1956, the FLN's famous leaflet argued that 'colonialism only loosens its hold when the knife is at its throat' (Fanon 2001: 48).

lamist Movement shouting ‘we are Israel’s landlords’ as the police attacked Palestinian protestors (*Ha’aretz* 2010).

As a result, ‘the settler keeps alive in the native an anger which he deprives of outlet; the native is trapped in the tight links of the chains of colonialism... thus collective auto-destruction ... is one of the ways in which the native’s muscular tension is set free’ (2001, 42). Violence, according to Fanon, leads not only to trauma and hence submission, but also to the colonised making violence their own. As the colonist army becomes ferocious, as the country is marked out and there are mopping up operations, transfers of population, reprisal expeditions, and massacres of women and children, the colonised draws from violence his humanity (Sartre 2001, 20; see also Abdo 2008). As Europe and the West benefit from colonialism, the humanitarian chatter of the liberal intellectuals obscures the fact that the European has only been able to become profiteer through rendering the colonised slaves and monsters.

Fanon produces the colonised viewpoint: the colonial sovereign declares a state of emergency, positioning himself outside the law, while remaining the very incarnation of the law, evidence for which we can see every day in Sheikh Jarrach, Silwan, Bil’in, El Araqib and elsewhere. But the colonial sovereign makes the state of exception a paradigm of the normal – blurring exception and the law. Thus there is little point in obeying that law, as argued by Walter Benjamin (2004), who influenced Schmitt’s work on the state of exception and who says that it is precisely ‘pure violence’, that is, violence which stands outside the law, which is appropriated for the benefit of the sovereign by the declaration of a state of emergency.

Shenhav’s useful postcolonial reading suggests that Fanon may provide the missing piece in the current European debate about the

state of exception. Taking this reading further, Ella Shohat (2006) points out that as Zionism, a reaction to ongoing oppression, had no metropolis from which to colonise Palestine (if we disregard Zionism's European orientation), it cannot be thought of as classical colonialism. Rather, she argues, post-Zionism is the child of Zionism, not anti-Zionism. This reading supports Bourdieu's cautioning about not analysing the Israeli racial state using state logic, urging us to theorise Israel using non-statist analytical tools.

### **Conclusion: Racial state, not ethnocracy**

Though some anxious Israeli Jews wonder whether the loyalty law is a new manifestation of fascism, the law is far from new. According to Hanan Hever in *Ha'aretz*, the new law reiterates Israel's foundation as an exclusively Jewish state. 'Jewishness', that is religion-based ethno-racism, is the necessary condition for equal rights in the state of Israel. The aim of the law is to re-clarify to non-Jewish applicants that they can only be subordinate second class citizens. Membership in the Israeli Jewish community is based on religious principles and on the purity of blood. Thus, despite being in denial about its racist predication, the state of Israel colonises another people and discriminates against its Arab citizens (Hever, 2010). And such discrimination, I want to suggest, is racially based. Goldberg calls this 'racial Palestinianisation': 'Palestinians are treated not as if a racial group, not simply *in the manner* of a racial group, but as a despised and demonic racial group' (2009: 139).

However, if we read the state of Israel as a racial state, established in order to re-affirm the racial superiority of 'the Jew' over 'the (Palestinian) native', reading Palestine as a state of exception allows us to re-invest the Palestinian subject with the potentiality of the 'insurrection of subjugated knowledges', which includes resistance to colonial oppression as a means of re-assuming subjecthood. This clears the way for interpretative control by Palestinian sub-

jects who, even in empathetic Israeli Jewish readings, have hitherto largely been theorised as victims, or ‘bare life’. That such a reading is no longer acceptable is evidenced, inter alia, by the ‘future vision’ documents published in 2007 by leading Israeli Palestinian organisations, calling for the abolition of the Jewish character of the state which, their authors argue, stands in the way of their equality (see e.g., Ghanem 2007; Pappé, 2008).

I want to end with a reminder to Said’s argument already in 1980, in *The Question of Palestine*, that the Palestinian position is ‘not well known ... even now, where there is so much talk of the Palestinians and of the Palestinian problem’ (Said 1980: xi), which, I suggest, is still relevant today, as the ‘solution’ to the ‘Palestinian question’ is often limited to ending the 1967 occupation while ignoring the 1948 Nakba<sup>11</sup> and to the no longer acceptable two-state solution, and as the west opts to empower the Fatah-led Palestinian Authority while ignoring the elected Hamas government.

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<sup>11</sup> On the fortieth anniversary of the 1967 war, Samera Esmeir (2007) called to re-introduce ‘the question of Palestine’ by remembering that the 1967 occupation is but the latest cycle of occupation.

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## The Failed Peace Process in the Middle East 1993-2010

*Raphael Cohen-Almagor*\*

### *Abstract:*

Since 1977, the Israeli society is split over the question of peace versus land. The aim of this paper is to outline some of the developments that took place since the signing of the Oslo Accords in September 1993. It is argued that the peace framework agreement was like a Swiss cheese with one difference: the holes were so big as to question the essence of the cheese. I analyze the major mistakes that were made along the way by Israeli leaders. I also analyze Arafat's conduct, arguing that brinkmanship policy is very dangerous when one or both sides are willing to pay a high price with blood. The danger of escalating the situation into a comprehensive regional war is very much alive and real. It is argued that the way to escape the deadlock is to rely on the Clinton parameters and the Geneva Accord. Both documents lay the foundations for resolving all issues of contention.

### **Introduction**

God is sitting with his loyal angels, Raphael, Michael and Gabriel and looks at the creation. Michael points out to God an old farmer who plows the land with tired legs and hands. Michael said: "Dear God. This man is seventy years old. He has been working hard all his life in order to sustain his wife and six children. They live meagerly. Maybe we should lend him a hand?"

God answers laconically: "He is not ready yet".

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The following week, God is sitting with his loyal angels, watching his creation. Michael, the stubborn angel, tries again: "If you forgive me, dear God. Please note this farmer. He has been working the field since 6 a.m. This is what he does for more than fifty years. Maybe we can help him?"

God: "He is not ready".

The following week, same thing. Michael asks, and God refuses. Week after week Michael tries on behalf of the farmer, and God declines, until one day God agrees to help. While the farmer was returning home with his little horse and wagon, God wrapped a heavy gold bar in simple cloth and threw it on the road. The carriage hit the gold bar. One of the wheels broke. The farmer went down off his seat, swearing his bad luck. He took the wrapped gold bar and threw it away. Then he fixed the wheel and slowly made his way back home.

God, tiredly: "I told you he is not ready yet".

Since 1977, the Israeli society is split over the question of peace versus land. The main issue is: What price are we willing to pay for peace? Here we need to distinguish between *peace en abstractum* v. *peace en practicum*.

In September 1993, Israel woke up to a new, dramatic reality. Out of the blue, we have a peace treaty with our foe. The enemy of yesterday became a partner for peace. There was jubilation on the left, in the peace camp. At the same time, there were fears and anxieties on the right: People from the right realized that now they needed to encounter the issue of the price: What price will Israel pay for the treaty?

Not all people on the left were happy with the way this peace treaty was conceived and constructed: Secretive, away from the public eye. Even Elyakim Rubinstein, who headed the Israeli delegation in the Washington negotiations with the Palestinians, knew nothing about the Oslo path. However, for peace this seemed to be a

small price to pay. Most people were happy to see it coming. People accepted Shimon Peres' argument that this was the only way to achieve the desired end; that negotiations must be carried out in diplomatic corridors, without the public knowledge, not to mention consent.

Rabin and Peres believed that if they come with a peace package, the people would accept it. The Israeli public would not dare to reject such an achievement. This was a major mistake on their part.

Second gross mistake: The content of the peace treaty framework. The rationale was: let's agree now on what is relatively easy to agree upon. The difficult issues were postponed to later stages. As a result, major controversial and important issues were not dealt with, believing that as the process continues, the good faith built on both sides will be sufficient to recruit the resources needed to resolve the difficult issues. Hence, questions of borders, refugees' compensation and their right of return, settlements, Jerusalem, Temple Mount, and security were not resolved. The peace framework agreement was like a Swiss cheese with one difference: the holes were so big as to question the essence of the cheese.

Israel allowed Arafat to have as many security forces as he wanted. Arafat believed in divide-and-rule, hence manifold forces, each with limited power while he possessed control. The divide-and-rule tactics also guided Arafat's peace negotiations. Perhaps the most salient characteristic of the Palestinian negotiating teams was the fierce competition among negotiators. Arafat authorized multiple negotiation tracks, continuously altered the composition of the negotiating teams and often provided blurred guidance regarding what he aimed to achieve. The result was a high degree of mutual suspicion among negotiators, each of whom sought to be the one who brought home the desired deal for that moment but at the same time feared being regarded as weak or traitorous

by others.<sup>2</sup>

Furthermore, the Oslo architects on both sides did not fully appreciate the enormous complexity of implementing what they drafted. As Amos Guiora notes, the implementers found themselves wondering what the drafters had intended.<sup>3</sup>

In this essay I analyze the major mistakes that were made along the way by Israeli leaders. I also analyze Arafat's conduct, arguing that brinkmanship policy is very dangerous when one or both sides are willing to pay a high price with blood. It is argued that the way to escape the deadlock is to rely on the Clinton parameters and the Geneva Accord. Both documents lay the foundations for resolving all issues of contention.

### **The Gaza-Jericho Agreement (also known as The Cairo Agreement)**

The Gaza-Jericho Agreement of May 4, 1994 outlined the main areas of PA responsibility. In accordance with the Gaza-Jericho agreement, the Israeli Civil Administration in Gaza and the Jericho area was dissolved and its powers and responsibilities were transferred to the Palestinian Authority (PA) in the following civilian spheres: education; nature reserves; insurance; public works; housing; social welfare; tourism; parks; postal services; telecommunication; archaeology; religious affairs; commerce and industry; water and sewage; employee pensions; planning and zoning; transportation; health; agriculture; environmental protection; direct taxation; population registry; employment and documentation; electricity; treasury.

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<sup>2</sup> Omar M. Dajani, "Surviving Opportunities", in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate* (Washington DC.: US Institute of Peace Press, 2005), p. 58.

<sup>3</sup> Amos N. Guiora, "Negotiating Implementation of a Peace Agreement: Lessons Learned from Five Years at the Negotiating Table", *Cardozo J. Conflict Resol.*, Vol. 11 (2010).

A Joint Civil Affairs Coordination and Cooperation Committee was established in order to coordinate between the Palestinian Authority and Israel on civil matters. Other matters to be coordinated related to infrastructure, questions regarding passage in and to/from the autonomous areas and general contacts between the two sides.<sup>4</sup>

In order to achieve peace, there is a need to assure security. Peace and security must go hand in hand. One cannot be achieved without the other. During 1993-1996 we witnessed a series of murderous attacks on civilians and military targets. The years of 1994-1996 were especially bloody, with a series of hard-hitting suicide murderers at the heart of major Israeli cities.<sup>5</sup> The will for peace was eroding. More and more people felt that this was too high a price to pay for peace.

On November 4, 1995, Prime Minister Rabin paid the highest price for pursuing peace at the expense of land. At the end of a large public demonstration whose message was “Yes to peace, No to violence”, a religious zealot, Yigal Amir, approached Rabin and shot him at close range, fatally wounding him. Rabin died a few hours later in hospital. The frustration among those opposing the price Israel was willing to pay for peace grew into anger. When Rabin refused to speak to the settlers, the anger had developed into alienation, and as the Oslo Accords continued to formulate and to take shape, many people in the West Bank and elsewhere became more and more desperate. That sense of desperation led Amir to

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<sup>4</sup> <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Main%20Points%20of%20Gaza-Jericho%20Agreement>

<sup>5</sup> Suicide and Other Bombing Attacks in Israel Since the Declaration of Principles (Sept 1993), <http://www.mfa.gov.il/MFA/Terrorism+Obstacle+to+Peace/Palestinian+terror+since+2000/Suicide+and+Other+Bombing+Attacks+in+Israel+Since.htm> .

pull the trigger.

Shimon Peres became the next prime minister – as it turned out for a mere eight months. He continued the misconception of “The New Middle East”. However, for most Israelis, this was/is the old, familiar, bloody Middle East. People want to have security in riding buses, in going to shopping malls, in waiting at bus stations, living in a society free of terror. The Arab response to Peres’ New Middle East was lukewarm at best, repulsive and suspicious at worse. Unfortunately, the Middle East was not ready for the role that Peres wanted Israel to assume. The Middle East is still not ready. From then on, the process went downhill, especially during Prime Minister Netanyahu’s term in office (1996-1999).

### **The 2000 Camp David Peace Summit**

The decision to convene the summit at Camp David was a gross mistake. You cannot make peace in a pressure cooker when there is little trust between the two sides and when you do not have public support.<sup>6</sup> Moreover, the parties came to the summit unprepared, with the gaps between the sides being too wide. The negotiators were not familiar with details of possible solutions to problems. Furthermore, Arafat was very reluctant, fearing the summit might be a trap orchestrated by Clinton and Barak. That the US issued the invitations despite Israel’s refusal to carry out its earlier commitments and despite Arafat’s plea for additional time to prepare, only reinforced in his mind the sense of a US-Israeli conspiracy.<sup>7</sup> Too many difficult issues were on the agenda and the lack of preparations allowed room for fears, suspicions, prejudices

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<sup>6</sup> Beilin writes that during the last week before the Camp David summit he met with a Palestinian central figure who thought that the summit was destined to fail because not enough was done in practical areas, and the atmosphere between the two sides was not positive. See Beilin, *The Path to Geneva* (NY: RDV Books, 2004), p. 152.

and insecurities to surface. So much so that Dennis Ross, the Chief US Negotiator, argued that the Palestinians were not serious for the first eight days of the summit and that the Israelis were not serious for the first six days of the summit.<sup>8</sup>

Prime Minister Ehud Barak, who came to power in 1999 after Netanyahu's disastrous regime, was willing to discuss all Palestinian demands, realizing that this was probably the last chance to achieve something when Bill Clinton was still around. In a few months, Clinton was about to leave the White House. At the summit Barak tried to avoid dealing with Arafat face to face, leaving the hard work of pressuring him to the highly dedicated Clinton. However, Clinton lacked or preferred not to show the toughness needed to press the parties to agreement.<sup>9</sup>

Barak was thinking in historical terms. He addressed the Palestinian demands with the following proposal:

- Evacuation of 91% of Judea and Samaria, and 100% of the Gaza Strip. This entailed evacuation of many settlements.

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<sup>7</sup> Robert Malley and Hussein Agha, "Camp David: The Tragedy of Errors", NY Review of Books (August 9, 2001), <http://www.nybooks.com/articles/archives/2001/aug/09/camp-david-the-tragedy-of-errors/?pagination=false>

<sup>8</sup> From Oslo to Camp David to Taba: Setting the Record Straight, Featuring Dennis Ross, Margaret Warner, and Jim Hoagland, The Washington Institute for Near East Policy (August 8, 2001), <http://www.washingtoninstitute.org/templateC07.php?CID=172>.

<sup>9</sup> Aaron David Miller, *The Much Too Promised Land: America's Elusive Search for Arab-Israeli Peace* (NY: Bantam, 2008), chap. 8; personal conversations with Miller, Washington DC, 2008. I should note that while Miller describes Clinton as "Mr nice guy", Malley and Agha write that Clinton exerted quite strong pressure on the Palestinians using explicitly threatening words. According to them, toward the end of the summit, an irate Clinton would tell Arafat: "If the Israelis can make compromises and you can't, I should go home. You have been here fourteen days and said no to everything. These things have consequences; failure will mean the end of the peace process.... Let's let hell break loose and live with the consequences". Robert Malley and Hussein Agha, "Camp David: The Tragedy of Errors", NY Review of Books (August 9, 2001), <http://www.nybooks.com/articles/archives/2001/aug/09/camp-david-the-tragedy-of-errors/?pagination=false>.

- Exchange of land between Israel and the Palestinian Authority: In return for keeping some major clusters of settlements Israel will concede territories in the Jordan River area.
- Dividing Jerusalem and acknowledging Al Kuds as the Palestinian capital.
- Palestinian permanent custodianship over the Haram al-Sharif.
- Accepting the establishment of a Palestinian State.
- Return of refugees to the prospective Palestinian state<sup>10</sup>

though with no “right of return” to Israel, and a massive aid program to facilitate the refugees’ rehabilitation sponsored by the international community.

Barak thought that this package of ideas would bring Arafat to sign a peace treaty with Israel and settle the conflict once and for all. He thought that if Israel will offer a partial alternative, the Palestinians will prefer it to the painful permanent settlement. Barak insisted that Israel was willing to offer this much upon the condition that both sides sign a formal declaration signifying the end of the conflict.

Arafat, however, said NO. He was unwilling to agree to a permanent deal that would resolve the conflict once and for all. Ron Pundak explains that Barak’s approach to the negotiations facilitated this result. His arrogance, single-mindedness, his historical insights, the belief that only he understands the “big picture” had failed him as

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<sup>10</sup> Benny Morris, “An Interview with Ehud Barak”, *New York Review of Books*, Vol. XLIX, 10 (June 13, 2002), <http://www.nybooks.com/articles/archives/2002/jun/13/camp-david-and-after-an-exchange-1-an-interview-wi/?pagination=false>; Robert Malley and Hussein Agha, “Camp David: The Tragedy of Errors”, *NY Review of Books* (August 9, 2001), <http://www.nybooks.com/articles/archives/2001/aug/09/camp-david-the-tragedy-of-errors/?pagination=false> . Barak speaks of 92% of the West Bank; Malley and Agha of 91%.

he attempted to impose his operating style on Arafat who was not willing to accept dictates.<sup>11</sup> Gilad Sher reports repeated criticism of Barak by members of the Israeli delegation for dictating terms to the Palestinians.<sup>12</sup> The dictation method played into Arafat's hands as it was easier for him to reject it tout court. Arafat complained to Clinton: "I have the impression that we're expected to keep quiet and wait for Mr. Barak to decide what's good for him and for us".<sup>13</sup> A more sophisticated negotiation method, one showing respect and speaking on equal terms, would have been more difficult for Arafat to reject. Dennis Ross characterizes Arafat's maneuvering: "never erase an option, never close a door, and never commit to anything that was irrevocable — indeed, never regard any commitment as binding".<sup>14</sup>

Ehud Barak said that Arafat failed to negotiate in good faith. He rejected every offer without making counter-proposals. According to Barak, Arafat believed that Israel "has no right to exist, and he seeks its demise".<sup>15</sup> Shlomo Ben-Ami said that the most frustrating thing in Camp David was that Arafat never came with a counter-proposal.<sup>16</sup> To a certain extent, this passivity arose from the conviction that the Israeli team, which dictated its terms without explanation, was not putting all cards on the table and sought to close

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<sup>11</sup> Ron Pundak, "From Oslo to Taba: What Went Wrong?", *Survival*, Vol. 43, No. 3 (2001), p. 40.

<sup>12</sup> Gilad Sher, *The Israeli-Palestinian Peace Negotiations, 1999-2001: Within Reach* (London: Routledge, 2006).

<sup>13</sup> Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002* (NY: Other Press, 2003), p. 163.

<sup>14</sup> Dennis Ross, *The Missing Peace: The Inside Story of the Fight for Middle East Peace* (New York: Farrar, Straus and Giroux, 2004), p. 40.

<sup>15</sup> Benny Morris, "An Interview with Ehud Barak", *New York Review of Books*, Vol. XLIX, 10 (June 13, 2002), p.42, <http://www.nybooks.com/articles/archives/2002/jun/13/camp-david-and-after-an-exchange-1-an-interview-wi/?pagination=false>

<sup>16</sup> Private conversation with the author. See also Shlomo Ben-Ami, *Scars of War, Wounds of Peace* (London: Phoenix, 2005), p. 261.

a low-price deal. The Israeli delegation spoke of “needs” which appeared arbitrary to the Palestinians.<sup>17</sup> Thus, all Arafat did was to reject the Israeli proposals in order to pressure the Israeli delegation into lowering the price and making another concession.

The Palestinians wanted the whole of the West Bank and the Gaza Strip. In case Israel insisted on including the three settlement blocks in its territory, they demanded an exchange of territory on the same scale. The Palestinian concession to modifications in the 1967 borders meant that Israel could have incorporated 80 percent of the settlements.<sup>18</sup>

The Palestinians demanded Israel’s recognition of the Palestinian refugee right of return. Israel refused. Throughout the negotiations held in 2000-2001, the Palestinians underestimated the degree to which Israelis associated even a theoretical Palestinian right of return with the prospect of the end of Israel as a Jewish state. The Israelis, for their part, have belittled the seriousness of the Palestinians’ demand.<sup>19</sup>

On security, the Palestinians demanded that Israel’s security arrangements will not jeopardize Palestinian sovereignty. Here the Palestinians were prepared to make another concession, allowing three Israeli early warning sites. On this issue the negotiations yielded agreement between the Israelis and the Palestinians.<sup>20</sup>

The Palestinians wanted Al Kuds as their capital in East Jerusalem,

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<sup>17</sup> Omar M. Dajani, “Surviving Opportunities”, in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate* (Washington DC.: US Institute of Peace Press, 2005), pp. 61, 71.

<sup>18</sup> From Oslo to Camp David to Taba: Setting the Record Straight, Featuring Dennis Ross, Margaret Warner, and Jim Hoagland, The Washington Institute for Near East Policy (August 8, 2001), <http://www.washingtoninstitute.org/templateC07.php?CID=172>.

<sup>19</sup> Hussein Agha and Robert Malley, “A solution is possible now”, *The Guardian* (March 29, 2002).

<sup>20</sup> From Oslo to Camp David to Taba: Setting the Record Straight, Featuring Dennis Ross, Margaret Warner, and Jim Hoagland, The Washington Institute for Near East Policy (August 8, 2001), <http://www.washingtoninstitute.org/templateC07.php?CID=172>.

including the Haram al-Sharif/Temple Mount. Israel agreed to relinquish sovereignty over the Muslim and Christian parts of the Old City of Jerusalem. For the first time, there was an Israeli suggestion to divide Jerusalem.<sup>21</sup> Israel offered a form of Palestinian custodianship over the Haram al-Sharif/Temple Mount but Arafat insisted on sovereignty.<sup>22</sup> The Palestinians agreed for the first time to recognize that the Wailing Wall, the Jewish Quarter of the Old City, and Jewish neighbourhoods of East Jerusalem would be part of Israel.<sup>23</sup>

However, the points of agreement were too few. Major disagreements remained regarding borders, security, refugees, Jerusalem and the Temple Mount. The negotiations were at an impasse. The Palestinians refused to accept the Israeli dictates. Instead of furthering the negotiations, the Israeli side weakened them by making the Palestinians feel that they were not an equal partner to the negotiations. The Palestinians felt that Israel sought to impose a settlement on them and rejected the Israeli offers. President Clinton tried to salvage the summit by presenting his ideas as possible solutions. Arafat, however, rejected the ideas, viewing Clinton's

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<sup>21</sup> Beilin, *The Path to Geneva*, p. 164.

<sup>22</sup> William B. Quandt, "Israeli-Palestinian Peace Talks", in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate* (Washington DC.: US Institute of Peace Press, 2005), p. 33. Arafat said: "I can't betray my people. Do you want to come to my funeral? I'd rather die than agree to Israeli sovereignty over the Haram al-Sharif... I won't go down in Arab history as a traitor". Omar M. Dajani, "Surviving Opportunities", in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate*, *Ibid.*, p. 64.

<sup>23</sup> Beilin, *The Path to Geneva*, p. 160; *From Oslo to Camp David to Taba: Setting the Record Straight*, Featuring Dennis Ross, Margaret Warner, and Jim Hoagland, The Washington Institute for Near East Policy (August 8, 2001), <http://www.washingtoninstitute.org/templateC07.php?CID=172>; Robert Malley and Hussein Agha, "A Reply to Ehud Barak", *New York Review of Books*, Vol. XLIX, 10 (June 13, 2002), p. 46, <http://www.nybooks.com/articles/archives/2002/jun/13/camp-david-and-after-an-exchange-2-a-reply-to-ehud/?pagination=false>.

proposal as an American-Israeli plot.<sup>24</sup>

There was no urgency in the Palestinian camp. The Israeli side, on the other hand, was desperate to reach an agreement, not wanting to return home empty-handed as the Israelis knew that this would seal their political fate. Failure would mean return to the opposition benches. To avoid failure, they played into Arafat's hands. He did not have to do much, simply to reject every Israeli offer. Israel's sense of urgency compelled the negotiators to succumb to pressure, largely self-imposed, to extend their offers.

Indeed, one of the main problems in the Camp David negotiations was the shifting of red lines. Israel would say "This is the most we can do". Arafat would say no, and soon enough yesterday's red line would become obsolete. The red lines kept moving, making the absolutely-last-offer hardly credible and the (carrying out of the) negotiations exercise most difficult. The Palestinians realized that rejection would yield them positive results. Aharon Klieman argues that in his eagerness to reach an agreement, Shlomo Ben-Ami was instrumental in tabling supplemental concessions that in effect systematically erased Israel's "red lines".<sup>25</sup> Ben-Ami puts the blame on Barak, writing that his major tactical blunder was the constant shifting of red lines.<sup>26</sup> Regardless of who was responsible for this blunder, it is clear that the Israeli negotiators lacked negotiation skills and until the collapse of the talks did not really understand

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<sup>24</sup> Beilin, *The Path to Geneva*, p. 161.

<sup>25</sup> Aharon Klieman, "Israeli Negotiating Culture", in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate* (Washington DC: US Institute of Peace Press, 2005), p. 98.

<sup>26</sup> Shlomo Ben-Ami, *Scars of War, Wounds of Peace*, p. 256. See also p. 263, and Robert Malley and Hussein Agha, "Camp David: The Tragedy of Errors", *NY Review of Books* (August 9, 2001), <http://www.nybooks.com/articles/archives/2001/aug/09/camp-david-the-tragedy-of-errors/?pagination=false>

their opponent. I would say that until today Israel does not really know how to negotiate with the Palestinians in order to achieve a mutually beneficial peace deal.

Barak, who thought that with Clinton's endless efforts he would return to Israel as a victor, as the person who brought the end to the Israel-Palestinian conflict, had to return home empty-handed, with no peace treaty. Ben-Ami writes that at Camp David the United States looked like a diminished and humbled superpower, unable to assert its will.<sup>27</sup> Now Barak had to face the internal problems.

Barak went to Camp David without real public support. At that point he did not have the backing of the Knesset. His coalition included only 42 MKs out of 120 MKs. Barak's government's ability to function was extremely limited. The person who came to change things for the better after Netanyahu's disastrous regime proved to be a very weak politician. He sounded more and more like Netanyahu as far as handling politics was concerned. And he failed to convince the public of the desirability of the ends that he mapped. The same old Rabin-Peres's mistake: pushing the process too rapidly; forcing it; believing in the momentum; losing the people in the process.

Barak thought that the public would forgive him for everything and would not reject a signed pact. But now there was no signed pact. No referendum on a peace treaty, just more and more difficulties to sustain his collapsing coalition.

Arafat said "NO" in Camp David, being loyal to his brinkmanship policy: never say YES if you think you could achieve more by being patient. Push the process further; exert more pressure; be dif-

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<sup>27</sup> Shlomo Ben-Ami, *Scars of War, Wounds of Peace* (London: Phoenix, 2005), p. 263.

ficult; gain the reputation of enfant terrible; work on the desires of your opponent; manipulate and wait. Slowly Barak will succumb to the pressure and will give more. Hence unleash some terror acts to exert more pressure. Work on Barak's desire to continue holding his post as prime minister. Barak will have to agree to more if he wishes to remain in office. But in the process, Barak and Arafat lost the people. The Israeli public was no more willing to pay the price for peace. The price was perceived to be too high, in return for an abstract peace that was never practiced. Indeed, terror and democratic processes cannot live together. A zero sum game exists between terror and democracy. One comes at the expense of the other.

Barak, who came to office as Mr. Security faded away. Things escalated rapidly when the al- Aksa Intifada erupted in September 2000. Shootings became routine in everyday life. The lynch of two Israeli reserve soldiers in Ramallah on October 12, 2000 was a bitter reminder of the real face of our 'partners' for peace. The lynch took place in a police station.

Under Barak's weakened leadership, the Labour Party declined, clearing the stage for the Likud and Kadima parties to dominate Israeli politics. Under Prime Minister Sharon's leadership, Israel evacuated the Jewish settlements in the Gaza Strip (2005). Under Prime Minister Olmert's leadership, Israel opened two wars: First against the Hezbollah in Lebanon (2006), and then against Hamas in Gaza (December 2008-January 2009).

### **The 2009 Israeli Elections**

Elections for the 18th Knesset were held in Israel on February 10, 2009. These elections became necessary due to the resignation of Prime Minister Ehud Olmert as leader of the Kadima party, and the failure of his successor, Tzipi Livni, to form a coalition government.

Benjamin Netanyahu formed the arguably most hawkish government in the history of modern Israel. In the Bar Ilan University speech (June 14, 2009), Netanyahu, for the first time, endorsed the idea a Palestinian state. He started by describing the kind of Palestinian entity that would be acceptable to Israel in the framework of a peace agreement. That entity would have to be, according to Netanyahu, fully demilitarized, with iron-clad international supervision. He made it clear, albeit in a rather implicit manner, that the frontiers would have to be supervised to prevent smuggling of prohibited weaponry, and the freedom of its airspace would have to be partially curtailed to avert any possible aerial attack on Israeli targets. Netanyahu then went on to say that, if the aforementioned conditions were met, he would agree to the establishment of a Palestinian state.<sup>28</sup>

Netanyahu did not wish to portray himself as the De Gaulle of a Palestinian state. He had no intention to make the Balfour Declaration for the Palestinian people. His speech was designed to fend off external pressures while maintaining the support of his domestic audience. He had to maintain a delicate equilibrium by adopting the idea of a Palestinian state while maintaining his right-wing coalition. The whole speech was aimed at eliciting the support of the international community while maintaining the backing of his domestic base.<sup>29</sup>

Netanyahu is not a pragmatist like Menachem Begin who withdrew from Sinai or like Ariel Sharon who withdrew from Gaza; he is

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<sup>28</sup> Address by PM Netanyahu at Bar-Ilan University, [http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address\\_PM\\_Netanyahu\\_Bar-Ilan\\_University\\_14-Jun-2009.htm](http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.htm)

<sup>29</sup> Yoav J. Tenenbaum, "The Conceptual Dimension of Netanyahu's Peace Policy," *Letras Internacionales*, <http://www.ort.edu.uy/facs/boletininternacionales/contenidos/87/tenenbaum87.html>

not driven by a sense of history, as Begin was, and his realpolitik is based on different principles than Sharon's. Netanyahu's philosophy is based on the following components:

- Israel should take care of itself. No other country will go out of its way for Israel. The world is busy. Countries have other priorities. We are the only people who understand our needs, appreciate our difficulties, and will be there for us in time of trouble.
- Therefore, Israel needs to be strong. Very strong. Our enemies will restrain themselves in the face of a strong Israel.
- Strength is manifested also by a strong economy which is founded on capitalist interests, bringing wealth to the nation, and retaining it. This means keeping the economic elite happy, and bringing external investments.
- Israel is a very small country, surrounded by hostile neighbours. It should not be smaller than it already is. Therefore, we should retain our territory, build in it, settle it, and we need to help those pioneers, those wonderful people who are willing to conquer new lands, and establish facts in the land. These people truly care for Israel and its destiny.
- The Palestinians have severe problems. They should strive to solve them, possibly with the help of the Arab world, but not at the expense of Israel.
- Some of their problems are the result of Israel's presence in the occupied territories. This is granted. But these problems are the result of their terrorist behaviour. They should first prove to us that they have rejected terror. Once they do, Israel will be happy to relax the pressure. We don't enjoy oppressing the Palestinians. We do it out of necessity to retain our strength and secure our people.
- The UN is not to be trusted. It is biased toward the Muslim and Arab world, with dozens of representatives in the Mis-

sion, against one tiny Israel.

- The European Union is biased. It is driven by economic interests, by its own concern vis-a-vis the growing Muslim presence on the continent, by geopolitical interests in which Israel features as a problem. Some argue that Europe is anti-Semitic. Europe should prove otherwise.
- Israel should retain its special relationship with the USA. We should be attentive to any American administration's demands, with reason, communication, and mutual understanding of the respective needs.
- This set of principles allows very little scope for concessions and for pragmatism. The Palestinians will not be satisfied with what is offered. At best, the region is in a standstill as far as peace is concerned. At worse, things will escalate into yet another bloody confrontation. Iran, with its offshoots (Hezbollah in Lebanon, Hamas in Gaza and the West Bank), will make things more complicated and volatile.

## **Conclusions**

In Camp David, Prime Minister Barak was willing to confront history and mythology and to make hard concessions. However, his tactics were deficient, and his partner was not similarly willing to confront history and mythology and to make hard decisions. To resolve the Israeli-Palestinian conflict there is a need for courageous leaders on both sides who seize the opportunities presented before them and make the most for their peoples.

At present, many Israelis are quite content with satisfying security needs. They believe that the status quo is good for Israel. However, in reality there is no status quo, as Israel continues to build the settlements, thus hampering the possibility of striking a deal with the Palestinians in the future. The situation on the ground keeps

changing, supposedly in favour of Israel. The Palestinians watch as their future state shrinks before their eyes and there is very little that they can do about it. Furthermore, the occupation remains a reality and is undermining the vital ingredients needed for peace talks: good faith and trust. Under occupation, Palestinians lack freedom and control over their lives. Their economic activities, the allocation and management of their natural resources, their health and well-being, their ability to move are all in the hands of Israel.<sup>30</sup>

What of the September 1993 Oslo Accords is still relevant today in 2011?

The Palestinian Authority, established in 1994, controls parts of the West Bank and administers the lives of most Palestinians. In 2007, it lost control over the Gazan population to Hamas.

The PLO remains the sole legitimate representative of the Palestinian people. All governments in Israel negotiate (d) with the PLO.

Israelis still cannot enter the A Zone, under Palestinian security control. The PA administers the civic life of the population in Zone B.

The Oslo Accords provide a judicial framework for all negotiations between Israel and the Palestinians.

After Oslo, Israel and the PA signed the Paris Accords which include bilateral economic and humanitarian relationships between Israel and the PA.<sup>31</sup>

The Oslo Accords brought about the lifting of some of the Arab ban on Israel. They led to the peace accord with Jordan, and to the establishment of some forms of relationship with other Arab

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<sup>30</sup> Omar M. Dajani, "Surviving Opportunities", in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate* (Washington DC.: US Institute of Peace Press, 2005), p. 46.

<sup>31</sup> <http://publicintelligence.net/international-agreements-with-third-parties/>

states, mainly in the Gulf.

To erect peace, it is essential to have:

Trust

Good will

Security.

It would be far-fetched at present to aspire for peace. We should have little illusions about peace, at least so long as Hamas is determined to wipe Israel off the map. Israel does not even appear on Hamas maps. Israel should aspire to enter a long-term interim agreement; to build trust; evacuate isolated settlements; consolidate economic conditions for Palestinians; bolster security on both sides; stop enlarging existing settlements; dismantle checkpoints to make the lives of Palestinian civilians easier; develop the nautilus Iron Dom against rockets and other anti-rocket mechanisms.

The fence/wall creates a political reality. It should be moved to a route along the 1967 borders.

Both sides need to clean the atmosphere: fight bigotry, racism, incitement and hate on both sides of the fence. This includes a close study of the education curricula in both the PA and Israel. Both sides should utilize the media to promote peaceful messages of reconciliation and mutual recognition.

Israel should remain steadfast in its demand of the Palestinians to fight terrorism. Zero tolerance in this sphere.

Finally, international cooperation is required to remove the Iranian existential threat.

I believe that if there is a will, there is a way. Both sides should aspire for peace in order to reach peace. Both sides need to understand that peace is a precious commodity and therefore be prepared to pay a high price for its achievement. Both sides should reach a solution that is agreeable to both. The peace deal should

be attractive to both, equally. It cannot be one sided, enforced or coerced. Of all the possible solutions presently on the table, a two-state solution seems to be the most viable.<sup>32</sup> I believe that good starting points are the Clinton parameters<sup>33</sup> and the Geneva Accord.<sup>34</sup> Both documents lay the foundations for resolving all issues of contention:

**Borders** – Israel will withdraw to the Green Line, evacuating settlements and resettling the settlers in other parts of the country. Major settlement blocs may be annexed to Israel upon reaching an agreement with the PA for an exchange of territory equal in size. At the Taba talks, the Palestinians presented a map in which Israel would annex 3.1 percent of the West Bank and transfer to the PA other territory of the same size.<sup>35</sup> Beilin said that they were willing to concede Israeli annexation of three settlement blocs of at least 4 percent of the West Bank.<sup>36</sup>

**Territorial contiguity** – a major elevated highway will connect the West Bank and the Gaza Strip to allow safe and free passage. The road will be solely Palestinian. No Israeli checkpoints will be there.

**Security** – The Palestinian sovereignty should be respected as much as possible. Checkpoints will be dismantled. Only the most necessary will remain, subject to review and necessity. The Palestinian state will be non-militarized. This issue was agreed upon in

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<sup>32</sup> See Aditi Bhaduri, “A society under constant stress”, *In the Fray* (May 6, 2007) <http://inthefray.org/content/view/2268/36/>

<sup>33</sup> The Clinton Parameters, [http://www.peacelobby.org/clinton\\_parameters.htm](http://www.peacelobby.org/clinton_parameters.htm)

<sup>34</sup> The Geneva Accord, <http://www.geneva-accord.org/mainmenu/english>

<sup>35</sup> Beilin, *The Path to Geneva*, p. 239.

<sup>36</sup> Beilin, *The Path to Geneva*, p. 246.

1995. Also agreed: Joint Israeli-Palestinian patrols along the Jordan River, and the establishment of a permanent international observer force to ensure the implementation of the agreed-upon security arrangements.<sup>37</sup>

**Jerusalem** – What is Palestinian will come under the territory of the new capital al-Kuds. What is Jewish will remain under Israeli sovereignty.

**Haram al-Sharif** – Palestine will be granted extra-territorial sovereignty over the site under Waqf administration. Jews will enjoy right of access.

**Water** – Israel and Palestine should seek a fair solution that would not infringe on the rights of any of the sides and will assure that the Palestinian people will have the required water supply for sustenance and growth.

**Terrorism and violence** – Both sides will work together to curb terrorism and violence. I emphasize that there is zero sum game between terror and peace. Therefore, both sides will see that their citizens on both sides of the border reside in peace and tranquility. Zealots and terrorists, Palestinian and Jews, will receive grave penalties for any violation of peace and tranquility. The Palestinians, apparently, fail to understand the gravity of terrorism and are willing to accept it as part of life. Nabil Shaath said: “The option is not either armed struggle or negotiations. We can fight and negotiate at the same time, just as the Algerians and the Vietnamese had done”. Democracies, however, see things differently. On this issue there should be no compromise.

**Incitement** – Both sides will overhaul their education curricula,

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<sup>37</sup> Beilin, *The Path to Geneva*, p. 169.

excluding incitement, racism, bigotry and hate against one another. The curricula should reflect a language of peace, tolerance and liberty.

**Prisoner exchange** – As an act of good will, part of the trust-building process, Israel will release a number of agreed upon prisoners. In return, Gilad Shalit and other Israeli prisoners (if any) will return home. With time, as trust will grow between the two sides, all security prisoners will return home.

**Right of return** – the 1948 Palestinian refugees will be able to settle in Palestine. Israel will recognize the Nakba and compensate the refugees for the suffering inflicted on them. No refugees will be allowed to return to Israel. This dream should be abandoned.<sup>38</sup>

I opened with the story of the farmer who was not ready to change his lot and threw away a golden opportunity to improve his life for the better. A few golden opportunities to establish peace presented themselves before the two parties in the past. I hope the next time such an opportunity presents itself Israeli and Palestinians will be ready to make the most of it.

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<sup>38</sup> Today, more than 4.2 million Palestinian refugees are dispersed across areas of the Middle East in which their forefathers originally took refuge, with others dispersed across the world. See The UN refugee Agency, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4444afcb0&qquery=palestinian%20refugee%20number>

## The Allon Plan and the Impediments to Palestinian Statehood

*Gilbert Achcar\**

The Israeli Declaration of Independence of May 14, 1948, proclaimed, that the new state “will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex.” This proclaimed egalitarianism was in patent contradiction with the concept of the “Jewish State,” the central objective of the world Zionist movement. It was not simply the State of Israel that was proclaimed, but “a Jewish State in Eretz Israel [the land of Israel], to be known as the State of Israel,” and which “will be open for Jewish immigration and for the Ingathering of the [Jewish] Exiles”.

### The Zionist Project of the “Jewish State”

The contradiction between proclaimed egalitarianism and implicit discrimination had become inherent in the Zionist project of colonization when it targeted a territory already inhabited by a non-Jewish population.<sup>1</sup> It was necessary from that point that the “colonists” of the “Jewish Company” conceived by Theodor Herzl<sup>2</sup> establish their state through the expulsion of the indige-

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\* This essay is based on Achcar, Gilbert, “Zionism and Peace: From the Allon Plan to the Washington Accords,” in Achcar, *Eastern Cauldron*, New York: Monthly Review Press, 2004, and the powerpoint presentation prepared for the Vienna VIDC conference.

<sup>1</sup> “Wanting to create a purely Jewish, or predominantly Jewish, state in an Arab Palestine in the twentieth century could not help but lead to a colonial-type situation and to the development (completely normal sociologically speaking) of a racist state of mind, and in the final analysis to a military confrontation between the two ethnic groups.” (Maxime Rodinson, *Israel: A Colonial-Settler State?*, New York: Monad Press, 1973, p. 77).

<sup>2</sup> Herzl, Theodor, *The Jewish State: An Attempt at a Modern Solution of the Jewish Question*, London: H. Pordes, 1972. The reference to colonists is on p. 46.

nous inhabitants, before being able to show themselves generous towards their eventual “guests”: “And if it should occur that men of other creeds and different nationalities come to live amongst us, we should accord them honourable protection and equality before the law. We have learnt toleration in Europe.”<sup>3</sup>

Rereading Herzl’s work in 1946, Hannah Arendt stressed the point to which the “state of mind” of the founder of the Zionist movement was inspired by the tradition of German nationalism.<sup>4</sup> This common state of mind in the dominant currents of political Zionism would lead to a convergence on the terrain of armed expansionism, between the “socialist” Zionism of a Ben-Gurion and the “Revisionism” of a Jabotinsky, although the former had not hesitated, at the beginning of the 1930s, to compare the latter to fascism and Hitlerism.<sup>5</sup> The politics of power, the *Machtpolitik*, was built into the very logic of the “Jewish State” project ever since it was decided to establish it in Palestine: it could only be achieved by force, as advocated by the “Revisionists”.

In 1946, Judah Magnes, a partisan with Martin Buber of peaceful coexistence between Arabs and Jews in a binational Palestine, noted bitterly that the Zionist movement had *de facto* adopted Ja-

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<sup>3</sup> *Ibid.*, p. 71. “We should there [in Palestine] form a portion of the rampart of Europe against Asia, an outpost of civilisation as opposed to barbarism” (p. 30).

<sup>4</sup> “The Jewish State: Fifty Years After — Where Have Herzl’s Politics Led?,” in Gary Smith, ed., *Zionism — The Dream and the Reality: A Jewish Critique*, Barnes & Noble, New York, 1974, pp. 67-80.

<sup>5</sup> See Teveth, *Shabtai, Ben-Gurion: The Burning Ground, 1886-1948*, Boston: Houghton Mifflin, 1987, ch. 26 in particular. The Ben-Gurion-Jabotinsky meetings and their 1934 agreement (aborted by the opposition of the Zionist left) were the occasion for the two men to note their “like-mindedness” (Teveth, ch. 29, p. 482). It was Ben-Gurion’s Rafi that insisted in 1967 on including Menachem Begin’s Gahal in the government of national unity. On the convergence between Ben-Gurion and Jabotinsky-Begin, see Cohen, Mitchell, *Zion & State: Nation, Class and the Shaping of Modern Israel*, New York: Basil Blackwell, 1987.

botinsky's point of view.<sup>6</sup> Forty years later, Simha Flapan, former leader of Mapam, party of the Zionist far left, attacking the legend woven by the Labor Party around the historic figure of Ben-Gurion, wrote about him in his posthumous work: "...where the Arabs were concerned, [Ben-Gurion] espoused the basic principles of Revisionism: the expansion of the borders, the conquest of Arab areas, and the evacuation of the Arab population."<sup>7</sup>

The partition plan adopted by the UN in 1947 attributed nearly 55 percent of the territory of British Mandate Palestine to the "Jewish state," whereas the Jewish residents of this territory only constituted one third of its total population. It is well known that even within the territory allocated to the "Jewish state" only 55 percent of the population was Jewish. It would have been very much less so within the frontiers established by the 1948 war (650,000 Jews to 877,000 Arabs), were it not for the massive exodus of Palestinians (710,000) fleeing the terror and the fighting. The reasons for this exodus have been much discussed. The key point, however, is that the Palestinian refugees were prevented by the new state from recovering their lands and their homes (which were massively destroyed with entire villages being razed). They were prevented from their unchallengeable right of return to their age old territory, now "open to Jewish immigration."

On the other hand, the "Law of Return" of 1950 accorded Israeli citizenship automatically to all new immigrants, on condition that they were "Jewish," according to a definition which would be inexorably reduced to the most obtuse religious criteria.<sup>8</sup> Thus, by a

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<sup>6</sup> "A Solution through Force?," in Smith, ed., pp. 109-118.

<sup>7</sup> Flapan, Simha, *The Birth of Israel: Myths and Realities*, Pantheon, New York, 1987, p. 37.

<sup>8</sup> On the odd debates in Israel on the definition of Jewish identity, see Orr, Akiva, *The UnJewish State: The Politics of Jewish Identity in Israel*, London: Ithaca, 1981.

cruel irony of history, the Zionist movement — fleeing a hideous European anti-Semitism that erected religious descent as a criterion of “racial” discrimination — had come to establish a state founded on discrimination based on the same religious criterion, with a more restrictive religious interpretation.

### **The ideology of the “Jewish and Democratic State”**

And yet, this Zionist state, founded on a religious discrimination, is undoubtedly democratic for its inhabitants of Jewish descent. Moreover, the Palestinian Arabs who hold Israeli citizenship, although second-class citizens in many respects, also undoubtedly enjoy more political rights than the inhabitants of most Arab states. What this shows is that there is no antinomy between formal political *democracy* and the existence of a constitutive *discrimination* in shaping the *demos*. From whence the *possibility* of a Zionist ideology of the “Jewish and democratic state” as developed by Ben-Gurion in opposition to the Revisionists.

As to the *plausibility* of this ideology with regard to the egalitarian universalism proclaimed in 1948, it is precisely conditioned by the existence of an assured Jewish majority inside the *demos* — concealing the fact that it has been constituted by the discriminatory denial to the indigenous inhabitants of an elementary right of return. The maintenance of a minority of non-Jewish citizens inside the Israeli *demos* appears, therefore, as the indispensable token, not to say alibi, of Zionist democracy and its proclaimed universalism — on the express condition that this minority remains very much a minority and cannot put in question the “Jewishness” of the state.

Such is the rationale of the opposition of Ben-Gurion and his disciples to the program of the Zionist right, advocating the extension of the frontiers of the “Jewish” state by the pure and simple an-

nexation of the entire territory of mandatory Palestine, if not the two banks of the Jordan — prepared thus to include a great mass of Arabs and to accommodate itself to political discrimination inside its boundaries, making a nonsense of the myth of the democratic state. “Labor”, wrote Simha Flapan, “presents Ben-Gurion’s ideas and strategies as the other alternative to Likud’s concept of a Greater Israel, pointing out that he totally rejected rule over another people and was unconditionally committed to the preservation of the Jewish and democratic character of the state.”<sup>9</sup>

The Mapam leader added this commentary: “Indeed, the concept of a democratic Jewish society might conceivably provide such an alternative were it free from the impulse toward territorial expansionism — for whatever reason: historical, religious, political or strategic. But the fact is that Ben-Gurion built his political philosophy precisely on these two contradictory elements: a democratic Jewish society in the whole, or in most, of Palestine.”<sup>10</sup>

Ben-Gurion did not hide indeed the fact that he only accepted partition out of tactical concerns, on a provisional basis, and that his objective was “Palestine as a whole.”<sup>11</sup>

The motivation for his expansionism was the necessary space for the original Zionist project of gathering in Palestine the majority of the world’s Jews, a project that he always placed above any other consideration. Thus, the disagreement between Jabotinsky’s heirs and those of Ben-Gurion was never about the desirable position of the eastern frontier of the Zionist state: all are agreed that it

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<sup>9</sup> Flapan, p. 234.

<sup>10</sup> *Ibid.*, p. 236. The emphasis is the author’s.

<sup>11</sup> See Thevet, ch. 34 and 35, as well as p. 853. Chaim Weizmann shared the same opinion (see Rose, Norman, *Chaim Weizmann: a Biography*, New York: Viking, 1986, pp. 320-330): the aim was, he said, “to get a fulcrum on which to place a lever... leaving the problems of expansion and extension to future generations.” (p. 323)

should pass along the Jordan River and the Dead Sea, if only for “security” reasons.

The disagreement rather concerned the way of settling the demographic problem in this framework, so as to preserve the “Jewishness” of the state — the concern of the Labor Party being to preserve at the same time its democratic reputation, a vital question for a state so dependent on foreign aid. It is then highly significant that the first coalition government grouping together the Revisionists (represented by Menachem Begin) and the socialists was formed on the eve of the war of June 1967 and in preparation for this latter.

### **Israel’s post-1967 dilemma and the Allon Plan**

Contrary to what happened 19 years earlier and for several reasons, among them undoubtedly the desire not to share the unenviable fate of the 1948 refugees, the great majority of the Palestinian population of the West Bank and Gaza remained in their territory in 1967. The Zionist leaders found themselves confronted with a real dilemma. Having attained their objective of shifting the eastern frontier of their state to the Jordan River, they found themselves with a sizeable Palestinian Arab population under their control. In these conditions, pure and simple annexation of the whole of the newly occupied Palestinian territories became impracticable; by granting Israeli citizenship to their inhabitants, it would imperil the *Jewish* character of the Zionist state; in refusing this citizenship, it would put in question its *democratic* character.

By any logic, the only solution which would permit both remaining along the bank of the Jordan River and preserving the “Jewish state” as well as its democratic reputation, was to grant to the *areas of Palestinian high population density* (with the exception of East Jerusalem, annexed from the beginning for ideological reasons) the

status of enclaves within the new frontiers of the state of Israel. It was Yigal Allon, a major commander in the 1947-48 war and key planner of the June 1967 war, who elaborated this concept for a settlement, which became known as the “Allon Plan.”<sup>12</sup> He presented it to the government of Levi Eshkol, in which he was deputy prime minister, at the beginning of July 1967. It is useful to cite the author of the plan himself to clarify the key factors:

“The territorial solution must respond to three fundamental imperatives:

- a) the historic rights of the people of Israel on the land of Israel;
- b) a state with a preponderant Jewish majority on the national level, which is democratic on the political, social and cultural levels;
- c) defensible frontiers.<sup>13</sup>

Consequently, if it is necessary to choose between a de facto binational state with more territory and a Jewish state with less territory, I opt for the second eventuality, on condition that it has defensible frontiers.

The alternatives are pitilessly clear.

If we held within Israel all the territories of strong Arab density by granting their inhabitants all civic rights, we would no longer have a Jewish state. If we annexed them in refusing these rights to the inhabitants, we would cease to be a democratic society. But we want at the same time a Jewish state — with an Arab minority enjoying equality of rights — and a democratic society in the full sense of the term.”<sup>14</sup>

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<sup>12</sup> See Yigal Allon, *Israël: la lutte pour l'espoir*, Paris: Stock, 1977. The Allon Plan met with the approval of the United States (see the extracts from Yeruham Cohen's book in Hebrew on The Allon Plan, reproduced in the appendix to the preceding book, pp. 243-247). Allon died in 1978.

<sup>13</sup> *Ibid.*, p. 180. Emphasis by the author.

<sup>14</sup> *Ibid.*, p. 184.

In the light of these imperatives, Allon advocated the definitive acquisition by Israel of a border strip of roughly 15 kilometers width along the Jordan River, stretching to the west of the Dead Sea to the outskirts of Hebron, as well as the acquisition, in addition to the old city of Jerusalem, of its eastern flank up to the River — so as to reduce the Palestinian territories of the West Bank to two separate enclaves to the north and the south of the “holy city” linked by a narrow corridor. This formula, according to Allon, “allows an Arab solution for the population of the West Bank and leaves a sovereign corridor at its disposition between Ramallah, Jericho and the Allenby Bridge.

“This defense configuration could resist a modern army. It is meant to protect the country, not only from its direct neighbors, but also from the entire region to the east, which extends as far as the Persian Gulf and the Indian Ocean, *a fortiori* since the countries that compose it are equipping themselves massively with ultramodern offensive weapons. It creates also a *hinterland* destined to protect Jerusalem and its environs from the dangers of guerilla warfare, and gives us the possibility of settlement in the semi-deserted areas. I add that the territories that we would return will be demilitarized, and that in installing ourselves on the flank of the population of the West Bank, we will in any case neutralize its offensive potential.”<sup>15</sup>

As to Gaza, Allon advocated that it should not be returned to Egypt, but rather attached to the West Bank enclaves, as access to the sea “with rights of circulation, but without creating a corridor,” while keeping control of the south of the sector so as to control access to the Egyptian Sinai.

Yigal Allon was in no way motivated by some internationalist or paci-

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<sup>15</sup> Ibid., p. 189.

fist generosity; his entire past as a nationalist combatant attests to it,<sup>16</sup> as does his own line of argument, faithful to the Zionist tradition of Ben-Gurion. At the time when he formulated his plan, that is immediately after the 1967 war, the territories concerned had only just been conquered. The Israeli pacifists, the true “doves,” proposed that they should be returned in their quasi-totality in exchange for peace treaties with the Arab states.<sup>17</sup> The Allon Plan envisaged, on the contrary, a prolonged occupation and a process of annexation by the requisition of lands and the implantation of settlements, so as to physically occupy the territory that it sought to acquire definitively (see map 1).

Fundamentally, *the Allon Plan was thus a plan of colonization and partial annexation*, in the name of “territorial compromise,” unlike the complete annexation advocated by the Zionist right.<sup>18</sup> The Allon Plan was however very much more coherent and realistic than

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<sup>16</sup> Allon was already in 1948 a partisan of the conquest of the whole of Palestine up until the Jordan river, as he himself recalled: “...I say it openly: I disagreed with the way in which the war ended... I was already convinced that we should go as far as the Judean desert and the Jordan to create the conditions of a stable defense... while finding a solution to the problem of the Arab population.” (Ibid., p. 37) Allon had certainly conceived this “solution” well before presenting it to the Israeli cabinet. In 1967, he was the leader of Ahdut Haavodah (Unity of Labor), which laid claim to the whole of Palestine, as well as of the Hakibbutz Hameuhad movement, which pioneered the creation of strategic settlements in the aftermath of the “Six Day War.” It is also significant that he was in charge of the ministry of absorption of immigration, from 1967 to 1969.

<sup>17</sup> In the debate that raged inside the Labor Party in 1969, Allon’s faction, Ahdut Haavodah, allied itself to Rafi, the rightist faction led by Moshe Dayan and Shimon Peres, against the “doves” of the party (Abba Eban, Pinhas Sapir, allied to Mapam).

<sup>18</sup> Subsequently, the drift to the right of Israeli society revealed by the electoral victory of the Likud would make Allon appear as a “dove.” Simha Flapan, former leader of Mapam, could not fall victim to this optical illusion. In his posthumous work, he recalled that “the first settlements in the West Bank were constructed at the instigation of Yigal Allon,” and that “it was again Allon who gave his agreement to the attempts of the fundamentalist rabbi Moshe Levinger to establish a Jewish community in the heart of Arab Hebron” (Flapan, p. 239).

the aims of Likud. Having come to power in 1977, Likud did not dare anyway to carry out its program to the end, but got bogged down with the subtleties of a project of extra-territorial Palestinian autonomy that never convinced anybody. The Labor Party plan thus ended up de facto as the fundamental line of conduct of the Zionist state in the 1967 territories — even under the Likud, which, despite having amended it in its fashion, strengthened nevertheless its essential tendencies.

To the extent that the Allon plan was precisely a long term one, it was necessary to allow some time for its implementation and for the ultimate emergence of an Arab interlocutor disposed to collaborate with the settlement dictated by Israel,<sup>19</sup> but nonetheless armed with the authority needed to be credible. Since the creation of a Palestinian state, that is an entity enjoying the attributes of political and military sovereignty, had always been categorically rejected by the entire Zionist establishment, the three possibilities envisaged for the enclaves were to reunite them with King Hussein's Jordan, or to federate them with this latter, or again to constitute them as an "autonomous entity."

Allon was originally in favour of an "independent" Palestinian state, as opposed to the "Jordanian option." At the cabinet meeting on June 19, 1967, he warned against the Jordanian option:

"Gentlemen, we entertained thoughts of this in 1948 ... and we paid for this dearly.... The last thing we must do is to return one inch of the West Bank. We must not view Hussein as existing forever ... I am taking the maximum possibility. Not a canton, not *an autonomous region, but an independent Arab state agreed on*

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<sup>19</sup> "Peace will not come as a result of a 'revolution of hearts' among them [the Arabs], but as the corollary of the balance of forces and cold political realism. It will be lucidity and the acceptance of reality which will lead them to reconciliation, negotiation and peace." Allon, p. 179.

*between us and them in an enclave surrounded by Israeli territory—independent even in its foreign policy.”*<sup>20</sup>

At the beginning of 1968, Allon shifted in favour of the “Jordanian option.” However, he kept the Palestinian option open:

“I will not enter into a debate here on what is known as the “Palestinian entity.” I am among those who think that historic circumstances entail its constitution even if it does not have roots plunged deep into the past.... Do not forget above all that it was in the name of the Palestinian problem that the Arab states unleashed war against us in 1948... and that, without its solution, one cannot hope for a real peace....

The king’s idea of [Jordanian-Palestinian] federation does not in principle obstruct the road of direct negotiations with the population of these territories... From our point of view, there is room for negotiations with both.”<sup>21</sup>

This well perceived importance of the Palestinian factor in any credible settlement would lead successive Israeli governments to search for Palestinian negotiating partners.<sup>22</sup> In 1977, Allon ex-

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<sup>20</sup> Allon, quoted in Pedatzur, Reuven, “The ‘Jordanian option,’ the plan that refuses to die,” Haaretz, 25 July 2007.

<sup>21</sup> Allon, *Israël: la lutte pour l’espoir*, p. 257 (from a speech made by Yigal Allon to the Central Committee of the Israeli Labor Party in 1972, reproduced as an appendix to the book).

<sup>22</sup> Here again it is important not to be taken in by appearances. The stress placed on the distinction between the Palestinian West Bank and the Jordanian kingdom is not in itself indicative of the attitude of a “dove.” Initially, it was the right wing of the Labor Party — Dayan and Peres, in particular — who rejected the idea of returning it to Jordan, whereas the left defended the idea of a territorial continuity between the two banks of the Jordan (see Merhav, ch. 24). The Likud, partisans of the annexation of the whole of the West Bank, supported all the more strongly Palestinian “autonomy” (purely administrative in the framework of Israeli sovereignty), which it placed at the heart of the Camp David agreement with Sadat’s Egypt.

cluded no hypothesis in this regard, including that of dealing with the PLO if it were to mend its ways. His words have today acquired a premonitory value: “Certainly, if the PLO ceased to be the PLO, we could cease to consider it as such. Or if the tiger transformed itself into a horse, we could mount it. At that moment, we would get front-page headlines in our favor.”<sup>23</sup>

The Allon Plan informed Israel’s military deployment and settlement activities on the West Bank since June 1967. The West Bank was turned into two enclaves, North and South, each one bordered with Israeli settlements and military positions. Under Likud, which came to power ten years later, in 1977, the Northern enclave was cut in two by the development of the Shomron (Ariel) bloc of settlements (see map 2).

Within the Palestinian-populated areas themselves, settlements were built on strategic positions—the hilltops (see map 3)—in order to exert full control over the Palestinian territories. In all subsequent Israeli official “peace offers” until the plan designed by Ehud Barak in 2000 (map 4) and, of course, in Ariel Sharon’s 2001 plan (map 5), this basic scheme was respected. Only in the plan designed by Ehud Olmert in 2008 (map 6)—who was in a “lame duck” position a few months before leaving office—were the traditional “security” requirements of keeping military positions along the Jordan River not presented as permanent, but only temporary Israeli positions (hence their absence on the “final” map published in Haaretz<sup>24</sup>).

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<sup>23</sup> Allon, *Israël: la lutte pour l’espoir*, p. 204.

<sup>24</sup> Ben, Aluf, “Haaretz exclusive: Olmert’s plan for peace with the Palestinians,” Haaretz, 17 December 2009.

### **In guise of conclusion: the conditions for a viable Palestinian sovereignty**

As the Special Rapporteur on the situation of human rights in the 1967-occupied Palestinian territories put it in very clear terms in his 2005 report:

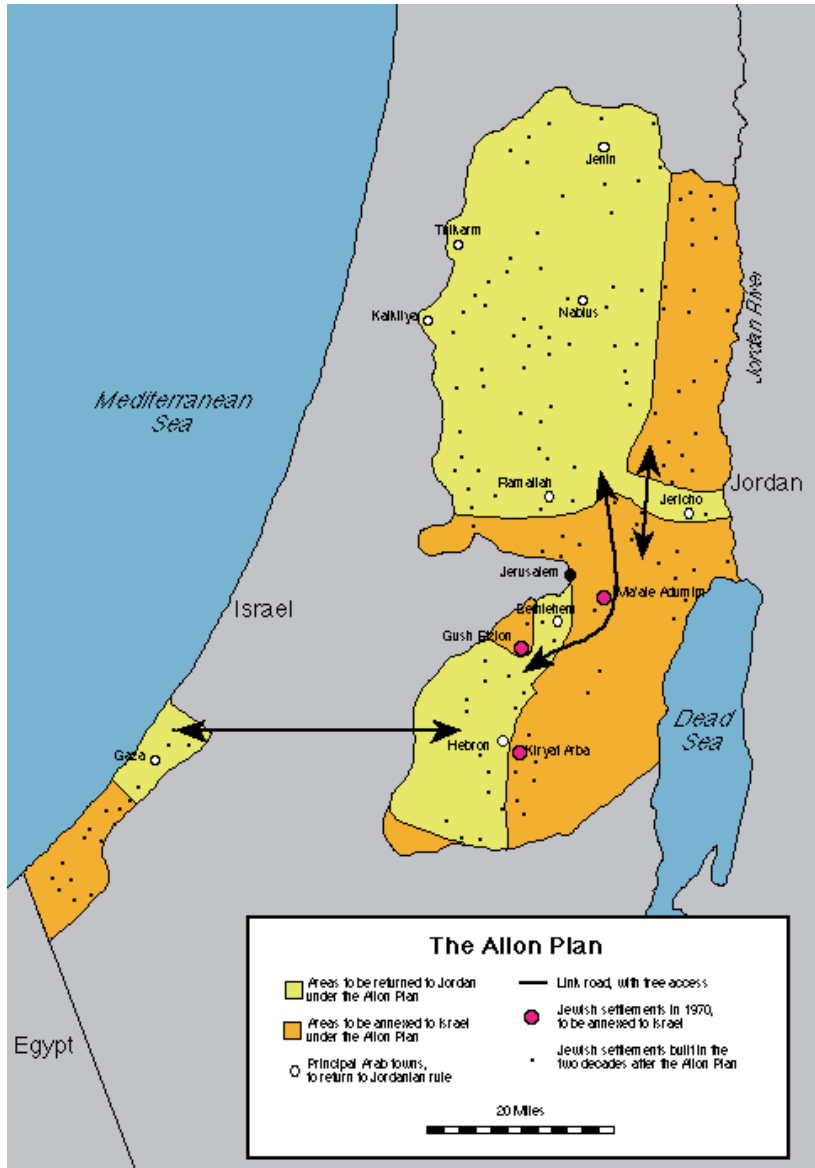
“One wonders whether the time has not come for the international community to change its use of language, for *settlements do constitute a form of colonization in a world that has outlawed colonialism*. The policies of the Western imperial powers were once determined or influenced both at home and abroad by colonial interests. So too with Israel. The protection and advancement of the interests of its colonists/settlers determines its policies towards Palestine. **Without settlements, a two-state solution is possible; with them, it becomes impossible.**”

This last factual observation points indeed to another true observation: that the key to a lasting and credible peaceful solution to the conflict resides in a radical change of course at the helm of the Israeli polity, leading to a genuine devolution to the Palestinians of territorial sovereignty over the entire West Bank and Gaza, with a special arrangement for Jerusalem. It is only if this condition were satisfied that the problem of the viability of the “Palestinian entity” could be resolved through the (re)constitution of integration and complementarities between the 1967-occupied Palestinian territories and Jordan, either in a federative form or within a unified democratic state based on majority rule.

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<sup>25</sup> Dugard, John, “Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967,” UN Human Rights Commission, 3 March 2005.

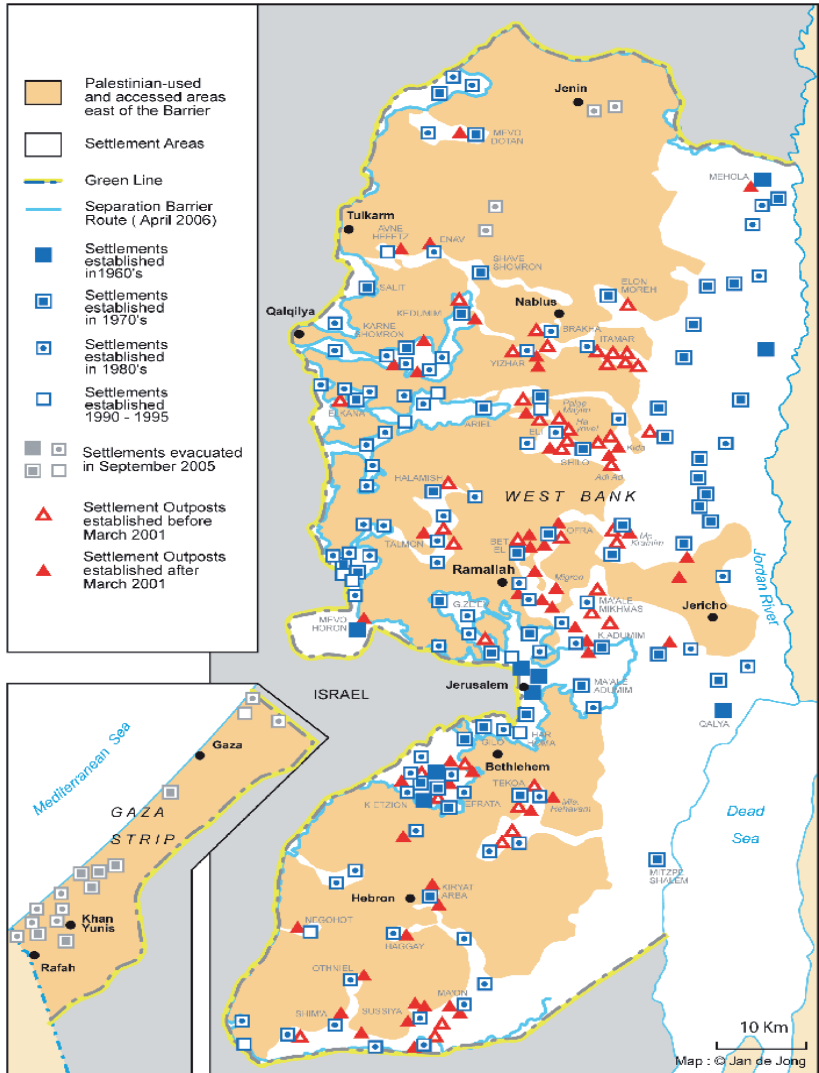
# MAP 1



Source: Jewish Virtual Library

## MAP 2

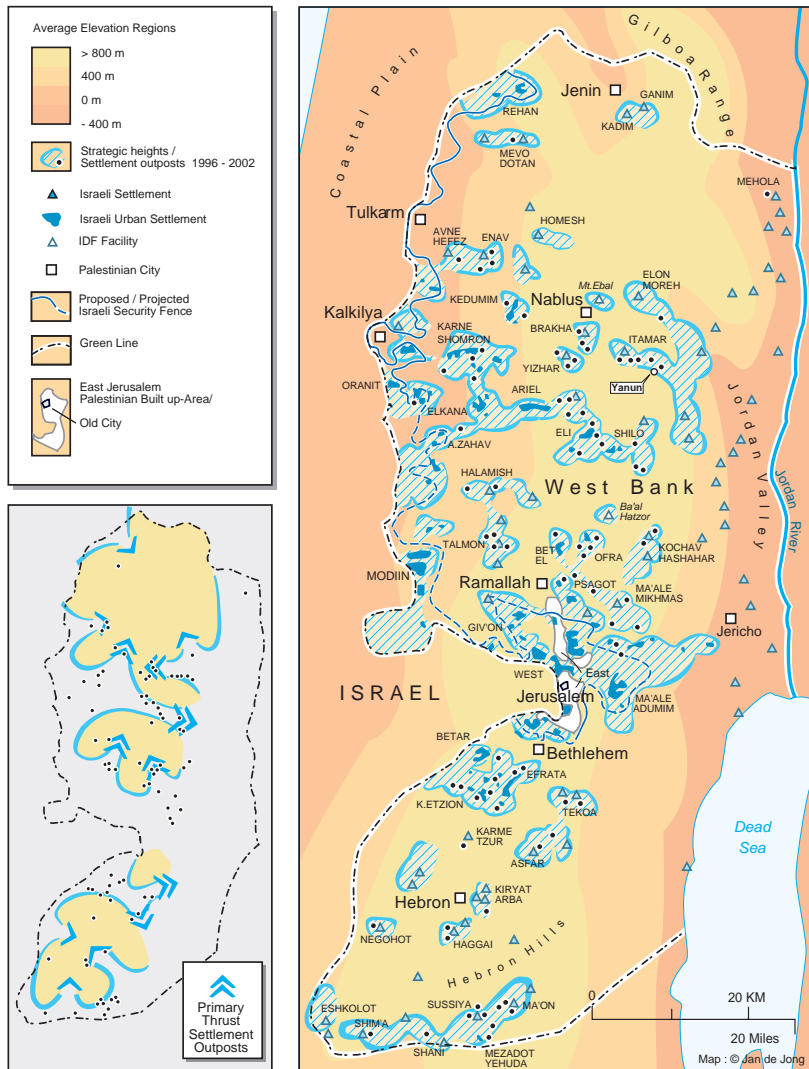
Settlements Established and Evacuated 1967 - 2008



Source: Foundation for Middle East Peace <<http://www.fmep.org/>>

# MAP 3

*"Capturing the Hilltops" Israeli Settlement Outposts 1996 - 2002*



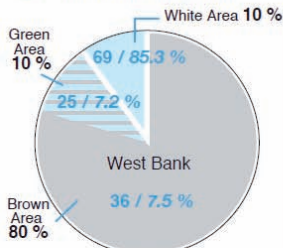
Source: Foundation for Middle East Peace

# MAP 4

## Projection of the Final Status Map Presented by Israel - December 2000

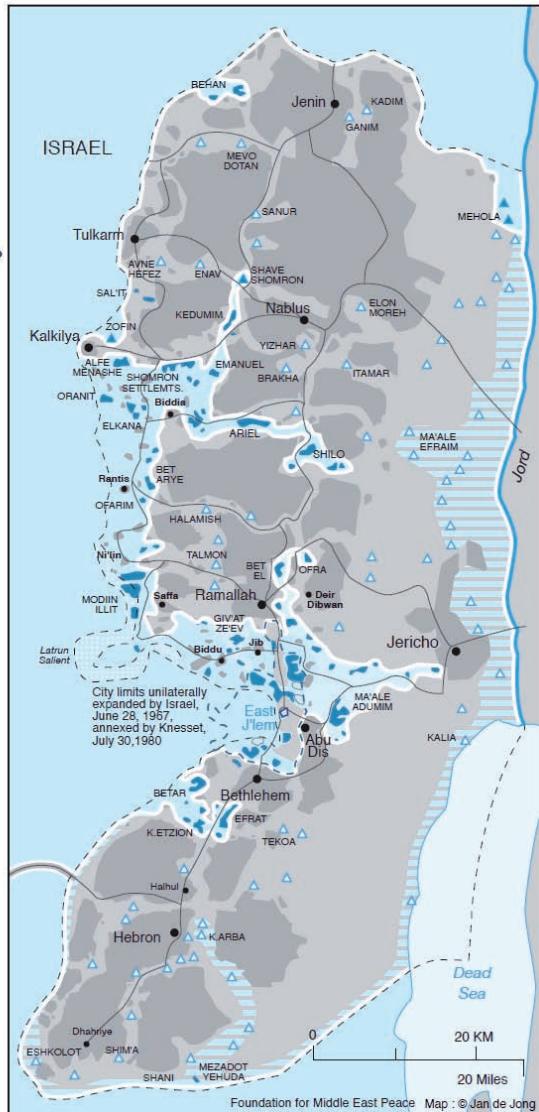
Based on a 10% - West Bank Territorial Transfer to Israel

- Palestinian Autonomous Areas (Areas A and B)
- 'Brown' Area: Palestinian Sovereignty
- 'Green' Area: Israeli Security Control Ultimately under Pal. Sovereignty
- 'White' Area: Israeli Sovereignty / Settlement Built-up Areas
- No Man's Land as defined in Armistice Agreement 1949
- Israeli Settlements within 'Green' Areas or 'Brown' Areas



West Bank and Gaza Sovereignty Areas, including Number of Israeli Settlements and Percentage of Settlers, excluding East Jerusalem

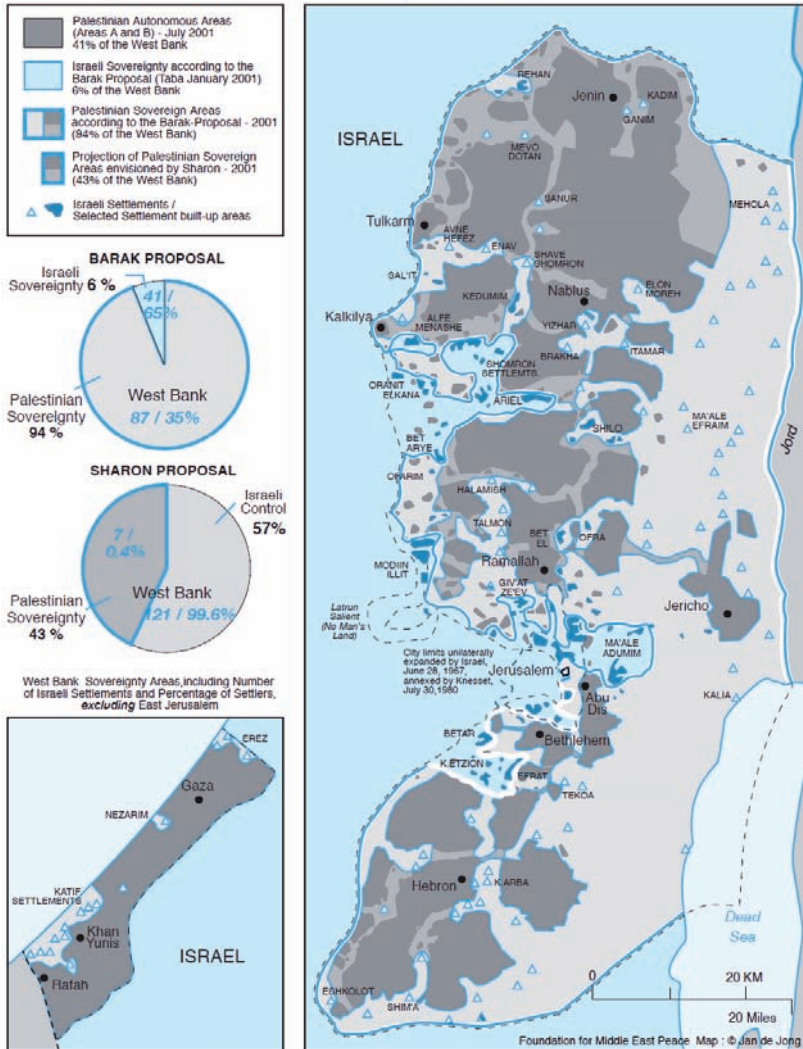
Comparative Analysis of Israeli Annexations (in percentages of West Bank Territory)



Source: Foundation for Middle East Peace

# MAP 5

## *Palestinian Sovereign Areas According to the Barak / Sharon Proposals - 2001*



Source: Foundation for Middle East Peace

## MAP 6



\*according to sources who received detailed reports from Olmert's talks with Abbas

Source: Haaretz, 17 December 2009.



## **Part 2      Political Statements**

### **A Viable Palestinian State, Two-State Solution, One-State Solution – Where to go?**

#### *Arab and European Perspectives*

#### **The Arab Peace Initiative**

*Hesham Youssef*

On speaking about the conflict on various occasions we, Palestinian spokespeople, have repeatedly explained that we are passing through difficult times, crucial moments, critical junctions, facing serious crossroads, all defining moments. We kept choosing most of these words in a manner that made them lose their value. Because now that we're facing all this and more, it becomes very difficult to describe the situation: the options are that we either succeed and achieve a direct route towards peace, or that we fail. And if we fail we will be faced with yet another cycle of violence, bloodshed, and destruction. This time, however, it will be markedly different from previous experiences, because this time it may result in re-drawing the map of our region. One of the difficulties facing us is that there are those in influential circles here in Europe, in the United States, and in Israel who are treating the current situation as simply "business as usual". And that sooner or later the weak Palestinians and the weak Arabs will come around and make the necessary concessions. Unfortunately, this time this will not happen. The Palestinians and the Arabs have reached the limit of what they can offer under the current circumstances without getting any meaningful concessions from the Israeli side. And the policies of

the current Israel government have already made the differences between what was once categorized as moderate states and not so moderate, inflexible, or whichever term was used, indistinguishable. So we owe our unity to some extent to the policies that are followed by Netanyahu.

Of course we differ with this categorization of moderate versus immoderate states because it's a simplistic view of a very complicated situation. And it is based on the doctrine that was adopted by the previous US administration that divided the world into those who are with us and those who are against us. I believe that there are moderates and extremists in all camps, starting from the US, to the Palestinians, to the Israelis, and to all those who are involved in this conflict.

The Arab world has tried and has done its best to advance these efforts toward peace. We started by adopting an Arab Peace Initiative, which was unanimously accepted at a summit meeting in Beirut. And this peace initiative has been reconfirmed by every single summit since it was adopted in 2002. Furthermore, it received support from the whole world, including some political forces in Israel, but of course not from the successive Israeli governments since 2002.

On the other hand I have to admit that public support in the Arab world for the Arab Peace Initiative is sharply declining, and one of the reasons is, that it hasn't received a positive response from Israel until today. We are no longer being asked how are you going to advance this peace initiative, or how are you going to promote this peace initiative. We are being asked every single day, when are you going to pull this initiative off the table, because it hasn't been respected by Israel? This is why I feel that the Arab Peace Initiative is in danger. And it is in danger, because it has not been dealt

with in a respectful way by a single Israeli government. As a result, the feeling is prevalent that this initiative should not remain an offer for much longer. This position is not meant as a threat, it does however express public sentiment in our part of the world at this time.

I personally do not believe that this initiative should be frozen or pulled off the table – it reflects a strategy by the Arab world to achieve peace and should only be rescinded when there is an alternative strategy to deal with the Arab-Israeli conflict. And if the Israelis want to know how difficult it is to have an initiative of that kind, perhaps they should contemplate coming up with a peace initiative of their own. Of course this never happened, although Israeli officials indicated to us on many occasions that they will be coming with a peace initiative. That such a step never materialized is most likely explained by the fact that their ideas for peace would not receive as much support from the world as did the Arab Peace Initiative.

The Arab side has made serious efforts to promote the Arab Peace Initiative, including in Israel itself. The Arab League sent two foreign ministers, from Egypt and Jordan, to work on promoting the Arab Peace Initiative. The Israeli foreign minister at the time was Ms. Livni, and she acknowledged this mission as a truly historic act. And what was the Israeli response to this gesture? The war on Lebanon in 2006.

The Palestinian Authorities also made significant efforts in this regard: they translated the Arab Peace Initiative into Hebrew and even placed advertisements for it in all the major Israeli newspapers, as well as putting up posters on billboards on the roads in major Israeli cities. More recently we tried to help President Obama in his efforts. Despite serious attempts from his side and his expres-

sions of support to Palestinian President Abbas for the Palestinian cause, he did not succeed in achieving a simple objective: a moratorium on settlement activity. Yet, we tried to accommodate him by accepting indirect talks or proximity talks and then accepting direct talks, despite the fact that the moratorium was incomplete and unsatisfactory.

One of Obama's tactics in this context was the offer presented by the United States to Israel. We Palestinians did not receive official information about the contents of the understanding that was being negotiated between the United States and Israel, but if the news transmitted by the media is accurate, then, as far as the Palestinian side is concerned and as far as the Arab side is concerned, there are elements that we consider unacceptable. One such element is the understanding that the moratorium would be extended for ninety days and would not be renewed after that. This means that the Palestinian and the Arab side would have to accept the legitimacy of further settlements after ninety days, regardless of whether progress was made or whether Israel succeeded in procrastinating during the negotiations for the entire three months; unfortunately we are well acquainted with the Israeli talent for doing so.

Another unacceptable element: The Israeli side keeps arguing that the Arab-Israeli conflict is not of major importance or urgency, and that the more important conflict, the vital concern that we are facing, that all of the world is facing today, is neither the Arab Israeli conflict nor the Palestinian question – it is Iran. According to this line of thinking, one has to focus on Iran first and then, once that problem is solved, the Palestinians can be dealt with. A further point of contention has to do with the issue of Israel being a “Jewish state”. The Israelis are now arguing that the reason why we have not resolved the Arab-Israeli conflict is because the Arabs did not recognize Israel as “a Jewish state”. Actually, however, it

was only a few years ago that the Israeli side first raised this issue; it was not mentioned when Israel was negotiating with Egypt nor when it was negotiating with Jordan, and also not during the many years of contact and negotiations with the Palestinians.

And finally, the clinching argument that Israel falls back on to counter any claims that it lacks the willingness to negotiate, is the statement: “The Palestinians are not real partners for peace negotiations.” This, together with the claim that the Palestinians and the Arabs – and any and all other critics of Israeli policy – are trying to delegitimize Israel, serves as an effective excuse for Israeli intransigence. And as we know, any criticism of Israel is an attempt at delegitimization.

Remaining in the context of the discussions between Israel and the United States, we can point to an additional problem: Israel is being treated as a country that is above the law. But now Israel is not even satisfied with being above the law: It is asking for a written guarantee from the United States that it will strongly oppose any serious criticism directed at Israel. This translates into blanket support for Israel, allowing it to do whatever it wishes, with underwriting from the super power of the world. And how, we may further ask, does providing F-35 attack jets to one of the strongest military powers in the world promote peace efforts? Against whom are they to be used? Against the Palestinian people whose civilians have been killed using F-15s and other American military equipment?

Finally, it is not clear how this US-Israeli understanding would deal with the question of Jerusalem. In an article published in the Washington Post two days ago, Ambassador Dan Kurtzer, a friend of mine, who was the US ambassador both to Egypt and to Israel, and who is also a good friend of Israel, wrote that this understanding is a reward for bad behavior. He even called it a bribe that Israel and the United States will live to regret. He said that in the past,

US opposition to the settlements resulted in penalties. Now it is resulting in rewards, something that we think is unbelievable. But the main question remains: is Israel ready for the price of peace? Yes or no? And the answer that we have reached in our part of the world is that they are not ready for peace. It doesn't make a difference whether it's Netanyahu, Barak, Livni, or whoever. The Israeli establishment is not ready for peace, and this is our problem. And as a matter of fact, there are several foreign ministers in Europe who have also reached this conclusion and have indicated that they believe that Israel is not serious in addressing problems related to peace.

What are our options? President Abu Mazen presented a number of options in an extraordinary summit that took place in Libya only a few weeks ago. He explained that his first option is for the US to succeed so that he can return to the negotiations. . If this fails, then he will ask the United States to recognize the Palestinian state along the lines and the borders of 1967 with East Jerusalem as its capital. The third option is for us to go to the Security Council. Since there are several different options as to how to deal with this issue in the Security Council, we have not yet composed a resolution-draft. We may address only settlements; this is one of our options. Another option is to address the issue of recognizing a Palestinian state. Even the option to ask the Trusteeship Council to put the Palestinian territories under the trusteeship of the Security Council is being considered. If all these approaches to the Security Council fail, then we will go to the General Assembly.

A final political strategy to be mentioned is the acceptance of the impossibility of bringing Israel to agree to dividing the land west of the Jordan into two states. This points to the one-state option, as proposed by Mustafa Barghouti (and others). Only a few years back it was a taboo to talk about the one-state solution, but with the lack of progress toward establishing a separate Palestinian state, and due to the extensive settlement infrastructure, it is now

being raised in mainstream discussion as an option for serious consideration.

At the same time, we have already embarked in another direction. We are convinced that one of the reasons for the lack of progress toward solving the Arab-Israeli conflict is the fact that maintaining the status quo is not a serious financial burden on Israel (actually the opposite is true – there are many ways that the Israeli economy profits from the occupation). And this situation is enabling Israel to achieve something that has never been achieved in the history of mankind: a comfortable, low-cost occupation. Therefore we have put a plan into action with the aim of raising the price Israel will have to pay for the status quo, making this an expensive occupation.

Despite the rather gloomy picture painted above, we can discern a number of positive elements. One of these is the reaction of international public opinion to what happened in the wars on Gaza and the war on Lebanon. A second is the reaction of public opinion in many quarters around the world regarding what happened with flotilla to Gaza. A third is the position that was adopted by the European Union last December in relation to Jerusalem. The fourth is the efforts at state- and institution-building that are being carried out by Salam Fayyad and that have been recognized by the whole world as extremely positive. The fifth is that there is a general understanding of the parameters of a solution for the Arab-Israeli conflict. Finally, there is also an understanding in the United States that there are linkages between the conflicts in the region, between what is happening in Iraq, Iran, in Afghanistan, and in the Arab-Israeli conflict, and that it is in the US national interest to address this conflict in a more serious way.

We on the Palestinian side have been working and will continue to work toward a peaceful solution. Our only hope is that we will have

a partner to advance this peace.

## **What Kind of Palestinian State for What Kind of Peace?**

*Luisa Morgantini*

“What kind of Palestinian state for what kind of peace?”

This is a very vital question. I think it could be answered in a very straightforward and very simple way, but as Bertold Brecht said in another context, it is the kind of simplicity which is so difficult to realize.

Personally, if I think of what kind of Palestinian state I would like to see, I cannot think of a better formulation than the one in the declaration of the Palestinian National Council which was held on November 15th, 1988. This document, composed so beautifully by the late Palestinian poet Mahmoud Darwish, calls for the establishment of a sovereign democratic Palestinian state in the territories occupied in 1967; this would be a state for and of all its citizens, based on justice for the Palestinian People and at the same time open to people of all religions. So that would be my answer to the question, what kind of Palestinian state would I like to see – the state whose establishment has already been declared by the PLO in November 1988.

What kind of peace? This also should be very simple to answer, because I would like a peace where people can live together but where there is also justice; not military occupation, not oppression, but rather equality and self-determination. Utopia? Perhaps, but I see this possibility when I encounter Palestinians and Israelis who meet not only to have dialogue and not only to try to understand each other, but who also recognize the differences and the asymmetry between the two sides and struggle together against the occupation. I am thinking, for example, of the Combatants for

Peace, ex-soldiers who decided to leave the army to join Palestinian ex-prisoners and who are saying together “no violence anymore, we are together to fight against the occupation”, as well as of the Israelis who, alongside Palestinians and international peace activists, are confronting in a nonviolent way the soldiers who are blocking the access of the Palestinian farmers to their lands.

I was also asked to take part in the discussion regarding the one-state or two-states solution. I have to admit, I am not very fond of this discussion, not because I underestimate the importance of having a vision or of being able to analyse the problem; my reluctance is also not because of the fact that after so many years of saying “two states for two peoples”, this became only an empty slogan, since the Israeli government is grabbing more and more land, fragmenting the Palestinian territories, and – with the construction of more settlements and bypass roads –, destroying the viability of a future Palestinian state. Rather it is because the option of a one-state solution seems to me even more difficult to realize than the two-state solution. Of course, like the advocates of the one-state solution, “one state for all its citizens”, I also consider it to be the best and the right solution.

But in this situation it seems to me that the one-state solution has become an “escamotage”, an avenue of escape: “we failed on the two states, let’s try one state”. I share the disappointment and the feelings of failure above all of Europe, its Council, Commission, and Parliament. Since 1980 we have recognized the Palestinians’ rights for a state of their own and demanded an end of the occupation, and not only did we not see this come about, we saw the opposite – the expansion of settlement. I know that among Palestinians and Israelis there is growing support for the one-state solution. Even if a minority in their society, there is a new generation of Israelis, who – for example – are demonstrating every

Friday not only in Sheikh Jarrah [in East Jerusalem] against the expulsion of the families there but also all over the West Bank together with the Palestinians. This new generation of Israelis is not the same as the generation Avraham Burg describes in his book “Defeating Hitler” – a generation that Burg claims did not defeat (the) Hitler within themselves. , These young Israelis today have already defeated Hitler within themselves and they are saying: “I don’t want to be an occupier, I don’t want people to be persecuted, I’m here to say that ‘never again’ refers to everyone”. This is the generation of Israelis who say “we don’t want to be occupiers, we want to live in peace with the Palestinians”; they also say they want to live in one state, they don’t want a state only for the Jewish people. On the other hand, there is the Palestinian who says “one state for all its citizens”, but there are also the farmers in Bil’in who demonstrate against the Wall together with young Israelis and internationals and who are saying: ”Well, one state, two states, four states, I don’t mind. I don’t want to live under occupation, I don’t want to be imprisoned, I want to work my land, I don’t want to see someone arriving and grabbing my land, my water, my resources”. I am afraid that given the present condition of the state of Israel, where the orthodox and right-wing politicians are gaining more and more power, the one-state solution would resemble more an apartheid-state with discrimination of the Palestinians, who, like the Indians of the US, would be kept in reserves.

To say this doesn’t mean of course that I dismiss the importance of the question of the one-state or two-states solution. Since I’m old enough to have had a father who fought in the mountains against the Nazis and the Fascists, I think that the one-state solution would be the best. I sincerely believe that there should be no ethnic or religious states, and I would prefer there be no closed borders; Europe should open its borders too. But in regard to Palestine and Israel, I think a solution must be based on the reality

existing there, meaning two states for the two peoples, even in the face of the claim that due to the settlements, there is no viability for a Palestinian state. I still consider the two-states solution possible, feasible, especially in view of the sacrifices made by the Palestinians over all these years. I remember the first intifada when young Palestinians were killed just for having waved their flag, and although I have never been for the Italian flag, because for me and my generation it reminded us of fascism, I understand that for the Palestinians showing the flag was part of the struggle for their identity as a people, an identity which the Israelis tried to destroy. So I think that also in their name we should keep striving for the realization of the two-states solution.

To those who argue that the two-states solution is not feasible because of the settlements, because of the bypass roads and so forth, I would like to suggest that the settlers who are not religious fanatics and who do not believe that the land was given by divine right only to them – that these Jews could stay in a Palestinian state as Palestinian citizens, just as there are Palestinian people in Israel who are Israeli citizens. And the others should go. But on the other hand, this idea might be even more utopian than the one-state solution, and in any case I understand that it is extremely difficult.

Why is it so difficult? First of all, because the international community has always used double standards. Because as an international community – and I can speak about Europe – we are not accountable. We are speaking about accountability, we are asking everybody to be accountable, but we are not accountable. We don't use the tools that could make a change in the Israeli colonial policy. We condemn the illegal actions, the violation of human rights, the illegality of the colonies, the demolition of houses, the evacuations in East Jerusalem, the repression of human rights defenders and the popular nonviolent struggle, but we don't act with the legal

tools we have.

As an example, we do not respect the agreement that we signed as the European Union and we are not making Israel pay the price for its violation of international law; as a matter of fact, we have relieved Israel of its responsibility as an occupying power that lawfully should provide for the occupied population – we are the ones who are paying for its maintenance. We are speaking about respect of human rights and then we do not take action when human rights are violated. Of course they are also violated in our countries; in Italy, for example, new forms of racism are more and more legitimized, even by government policies. Certainly, this is not the Europe which we wanted to see emerge after the Second World War. Europe has not been accountable and above all we did not see positive results. We are saying since 1980 “a state for the Palestinians”...I’ve been in the European Parliament for 10 years. In the last 10 years I often just wanted to run away, because every time we brought up the Palestinian-Israeli question in the plenary session, there was the same rhetoric: yes, we are supporting the Palestinian state; yes, we are giving so much money to the Palestinians; yes, we deplore Israel violating human rights; yes, we deplore Israel committing crimes against Palestinians and defying international laws and conventions; but no one single action has been taken to pressure Israel; it was always argued that “we need to persuade them”. As one of the ambassadors of Europe told a delegation of members of the European Parliament: “to Israel we give a carrot and then a bigger carrot and then an even bigger carrot”. Perhaps also a flower – I don’t know.

I’m thinking, for example, about the Trade Association Agreement that we have with Israel. Article Two of the agreement clearly states that the agreement should be suspended in case there is a violation of human rights. We never applied this Trade Association

Agreement to Israel, which means that we do not honour our own signature.

Looking at the situation I strongly believe, together with many Israeli friends, that Israel will change its policy only if it will be forced to pay a high price for the continuation of the occupation. It's true, peace agreements should be worked out together, should be negotiated, should be the outcome of agreement; but I have come to the conclusion that the asymmetry of power between Israel and the Palestinians will never make a just peace possible. There is a need to impose measures on Israel that will bring an end to its policy of colonization, and this position is shared not only by a number of Israelis but also by many members of the international community.

From voices inside Israel comes a call which really gives hope that their humanity is not dead – some of those speakers are here at the conference. I have in mind both the young and the not-so-young people who are resisting peacefully, not only in order to fight the occupation but also in order to fight the legislation which is proposed in the Knesset – legislation which really curbs the freedom of dissent in Israel. I am convinced that it is time to impose a solution on Israel. I'm not speaking about military force, of course, since I am against military force; it suffices to point to the devastation caused by the military intervention in Iraq or in Afghanistan. But is necessary to make Israel pay the price of the occupation.

One idea for action that we are supporting at the European Parliament is to refuse to give a single penny to investments in the settlements; we also should not buy a single product coming from the settlements, since they are illegal. On this matter the Palestinian Authority has taken an extremely important decision, which is also a form of nonviolent struggle and education for people: not

to buy a single product from the settlements (there is also a BDS (Boycott/De-investment/Sanctions) campaign organized by the civil society). In addition to a law passed by the PA, Palestinians have organized, with three thousand volunteers, a door to door campaign to convince people not to buy products that are destroying their own economy and freedom.

As Europeans but also as Arabs – since our friend from the Arab League is in attendance –, we should believe more in ourselves, we should start being more proud of ourselves as a European Union and not let the Americans be the tone-setting players; also because until today they have showed their failure in being “honest brokers”.

Furthermore I think that it is important that we regain our own independence, our own autonomy, not only for the sake of the Palestinians, whose life under occupation is clearly terrible, but also for the sake of the Israelis, since occupation also means corruption of the occupier. Today the Palestinian Authority and the Popular Committees for nonviolent resistance have clearly taken the step of resisting occupation without violence, but if there will not be positive results from a “peace process”, extremist forces could again resort to violence – and we know how devastating, horrific and immoral the suicide attacks against the Israeli civilian population were.

If we really want peace, a just peace in the Middle East, if we want a “two state” or one-state solution, we have tell Israel “enough is enough”, and exert economical and political pressure.

It sounds simple and naïve, but it is what we should do, because in all the years that we tried persuasion Israel was never persuaded to change its policy, but rather took the opportunity to change the facts on the ground: continuing with the policy of colonization.

I totally agree with what Mustafa Barghouti is proposing and share completely his point of view, not only on the need and duty to support the Palestinian popular nonviolent resistance, which is growing and being participated in by Israelis and internationals, but also regarding the political campaign to demand from the Security Council recognition of a Palestinian State, a state on the land occupied in June 1967 with East Jerusalem as capital.

It is time that we stand alongside the Palestinian Authority and not leave it to resist alone the pressure of the US blackmail to restart negotiations for three, actually now even less, months of a moratorium on settlement construction. Also here we are incoherent: if the settlements are illegal, then they will also be illegal in the future, and their construction should be stopped permanently, not for a moratorium period of 90 days. By the way, whoever goes to the Occupied Territories can see how many new settlements or so called “illegal outposts” are implanted every day. Nearly every month I go there and every month I see the grabbing of land by new settlers who are not anymore those fleeing from racism or anti-Semitism, but rather fanatics who believe that that land was given to them by divine right and that the people who have lived there for centuries or more have to leave. These settlers, besides being illegally in the land of the Palestinians, are with their behaviour destroying Israel as well, with the complicity of their government. As David Grossmann said – Israel has become a carnivore plant which is eating itself.

We should really put an end to this situation for the Palestinians, who for generations are living under occupation, with no freedom and independence, as well as for the Israelis and for ourselves.

And not only because war and violence are a tragedy for everyone. As Europeans, we should act to regain our dignity, which has been

lost by our calling for “two people-two states” and at the same time continually assisting the settlements to expand. The Palestinians also have several tasks to accomplish. I hope the Palestinians will soon reach the political and geographic unity which they so badly need. Furthermore, I hope for the Palestinians and for all concerned, that their state will not be a religious state but a democratic, sovereign state with justice and peace for all its citizens, as expressed by Mahmoud Darwish and the PLO in the declaration of 1988 – the state that the millions of Palestinians in Israel, in the occupied territories and in the diaspora, especially the refugees, have always yearned for.



## Perspectives for Peace – Learning from the European Experiences

*Ursula Plassnik*

Dealing with the Middle East means having to be ready to deal with frustration, even anger. At the heart of this is the question of how can we put pressure on Israel to change its unacceptable behavior.

I will not simply go along with that line of argument and I want to explain why. Being out of the cage of government now and much more of a free flying bird, I take the liberty of presenting my personal views. They are, quite naturally, shaped by the fact that I am Austrian. And we do have relations of trust with both the Palestinians and the Israelis. This is not a small responsibility at a critical moment as the one that we are facing. So even if some of you will not be happy with things I am going to say, please accept that they reflect both my sincere conviction and also my experience.

I am speaking as a European who wants to share one specific historical experience with our Palestinian friends: Our generation has seen the Berlin Wall and the Iron Curtain coming down. Part of our modern European identity was defined by this event. By the very fact that we saw something totally unforeseeable actually occur, something we wanted very much, but we no longer believed we would see in our lifetime. We not only saw this happen but 20 years later we are still dealing in political terms with the consequences of what happened then. To be honest, this is what keeps me personally motivated when I talk to my Palestinian and Israeli friends. Walls come down and hopes buried are realized one not so far away day. The easiest feeling to catch in the region is, of course, resignation and beyond that frustration and beyond that anger.

The culture of despair has been so much stronger in the Middle East than the culture of hope, as Amos Oz put it in 2002.

Today we are discussing perspectives rather than tactics. Tactics are questions of day to day politics, and they are not the ones that we can decide upon because we are not part of the political decision taking bodies. So what are the perspectives? I am a person who openly clings to the two-state solution. And I think I have good reasons for that. Part of it is realism, part of it is the understanding that national sovereignty is a phase that we will have to pass through in the Middle East with regard to the Palestinians and to their idea of identity. At the basis of what we are discussing here are the extremely delicate questions of identity: right now, striving for national sovereignty is part of the modern Palestinian identity. Recently, in Jericho, I discussed with a Palestinian friend some of the questions relating to sovereignty. Questions I normally discuss with academics and students here in Europe: What is modern sovereignty like? What does sovereignty mean for a state, is there real sovereignty left? What is a modern concept in an age where we are faced with terrorism and new kinds of internal and external threats? What can a government really decide upon today in full unrestricted sovereignty?

I was surprised and appreciative of one of the answers I got from this Palestinian friend. She said that “sovereignty might be something you want to have because the neighbor has it”. It is a valid reflection that sovereignty is not an absolute notion but rather something that is relative to your surroundings, to your political and social environment at a given moment in time. And that it can also change over time and according to context.

I personally see the perspective of development in the Middle East and in particular between Palestinians and Israelis in very much the

same light that I have seen the European integration process work. This means once you have fixed and established the borders, you can then work on ways and means how to transcend and transform these borders by cooperation, even integration. How to turn borders from barriers into bridges, from separation lines to connecting lines. What we have achieved inside the European Union is not the abolishment of borders as people sometimes say in a shorthand way of expressing it. It is not true; borders do continue to exist, but we have transformed their very nature in the way we cooperate, in the way we are sharing certain parts of sovereignty. Think of our common currency, the Euro, and of our passport-control-free Schengen-zone. This proved to be a very useful concept for us on this continent.

With my insisting on the two-state solution I am on this panel in a bit of disagreement with my friend Luisa Morgantini, with whom I work in a group of Israeli and Palestinian women engaged in peace work, the IWC. We are trying to do on our small-scale level what we can possibly do. We have just been to Jericho for three days; I then went on to Jerusalem and to Tel Aviv and met my former colleague and now opposition leader Tzipi Livni. I continue to believe that unless we understand both parties' deepest concerns and fears we as outsiders cannot be of any help. This is why I never go to the region without listening to friends on both sides.

I do not believe that a three-state solution makes sense. In my opinion, that is a very cynical idea to start with. There cannot be something like an Emirate of Hamas as a third state entity around. I absolutely fail to see any value added in this for the security of Israel. And none for the moderate Palestinians of Gaza and those in the West Bank. Which brings me to the Palestinians and the homework I still see for them. No doubt, they have done an enormous amount of homework over the last decades, they have accelerated

the work on the institution building and on economic recovery and development. The European Union, by the way, is quite good in supporting these efforts by the Palestinians not only by financial means, but also by the know-how we provide. In this, we do a better job, in my opinion, than the Arab countries. After much controversy, the Palestinians are now coming to realize that Palestinian reconciliation will have to be motored by them and not by anybody else. Palestinian leadership cannot and will not be substituted on that point by either the European Union or the Americans, by Israel or even by Egypt. Egypt can give a helping hand, as it does in practical work, anyhow.

I am under no illusion: Palestinian reconciliation is a very thorny and difficult matter. When I was a foreign minister, I strongly supported the first national unity government that collapsed unfortunately with the military coup in Gaza in the summer of 2007. As to Hamas, we should remember that Hamas did not have a mandate from its electorate for the military putsch in Gaza. It still does not have any such mandate. Difficult as it is for the Palestinians to have this split among themselves, and with all the understanding for the emotions of President Abbas and the others, I still insist today that Palestinians must think about the damage this split does to them. Giving up the idea of re-tying their links and re-establishing Palestinian unity also with Gaza is, in my mind, not a good idea. It is certainly not an idea that will be conducive to a two-state solution any time soon. Quite on the contrary, neglecting the homework of Palestinian reconciliation might also contribute to extinguishing chances for a two-state solution altogether.

Palestinians should thus accelerate work on internal reconciliation, it will help them and strengthen their negotiating position. With regard to what Luisa just said about an imposed solution, I oppose this idea. Of course, we all dream of “imposed solutions” every

once in a while, but this leaves aside the fundamentals of democracy. And indeed, we do have two democracies involved, one state on the Israeli side and one state-in-building on the Palestinian side. Sometimes my Israeli friends tell me, “we cannot deal with the Palestinians, they are not a democracy”. I totally disagree. I personally wish more people in the region would behave as democratically as the Palestinians have been behaving in large parts of their recent development.

I also believe that the only way of achieving any kind of solution will be a negotiated solution. Any sustainable solution will have to be based on and supported by public opinion on both sides. Peacemaking is not about making peace between two governments. It is a question of making peace between peoples, between human beings. They have to be persuaded that they have more to win for the future of their children in working towards peace, in investing themselves in peace, than in continuing their introspective view of themselves and the refusal to recognize and deal with the sentiments and aspirations of their neighbor. For me there continues to be in the whole region a lack of knowledge about each other, a lack of willingness to see the other, to see their lives and their worries. In short, to respect their human dimension. This I found, regrettably, even in my work with women in the region.

It is so easy once you build a wall not to see the other party any longer, to hide yourself, in a way, behind the wall and to turn your eyes away from the neighbor. This is why I very much favor increasing networks of media workers. In the Austrian Foreign Ministry, we tried hard to push for media women to work with each other, to share the knowledge about their aspirations, about the dangers they see, and about the losses that have occurred. The people are quite reliable, both the Israelis and the Palestinians want to live a normal life. Their increasing desire to live in normality is reflected

in many of the polls we have.

How can we get to the point where the living conditions for all Palestinians and Israelis, all over Israel and the occupied territories can be improved? Living conditions in part in the West Bank have been improving over the last year, there is no doubt about that. As for Gaza, I am sorry to say, they have not improved even if there is enough food around. Living conditions in the sense of being able to live safely and work and meet and travel, go far beyond providing food and securing an existence.

What can Europeans do in that context? I have brought along the conclusions of the EU foreign ministers in December 2009, which are very explicit on a number of points. And I just want to read one passage, because sometimes the frustration with the European Union gets enormous, and I have understanding for that. But it is worth pointing out some of the things that the European Union continuously keeps insisting on in very clear terms, in particular on settlements:

“The Council re-iterates that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace, and threaten to make a two-state solution impossible. The Council urges the government of Israel to immediately end all settlement activities in East Jerusalem and the rest of the West Bank and including national growth and dismantle all outposts erected since March 2001.”

These are very clear commitments. And to those who object that these are just words, just language, I say: If we want to negotiate and avoid violence, if we want to keep our own commitment to non-violence, we will have to be careful with words, and we will

have to work with language. It will have to be the language of persuasion. It will not be the language of force and aggression. There has been enough bloodshed in the region. We all know the language of blood, and we know the cost of the language of blood in human suffering and in human frustration. So while I fully share your frustration with language and words, I continue to firmly believe that working towards a negotiated settlement will be the only viable way of achieving what I believe is the best option in political terms.

I also would like to add one element that I know will be controversial: Once the two-state solution is achieved, we should not stop on the road. We should invent a regional security framework very much like the Helsinki Process of 1975 in Europe that was about the recognition of post World War II borders and at the same time about regional cooperation and a common code of conduct. It helped to put all the unresolved questions on a table for everybody. And there will be unresolved questions that will be left even once there is a two-state solution with borders and refugees and Jerusalem settled. These questions should then be put on the table and we will have to discuss them and work out solutions for them, including the perspective of a nuclear free Middle East.

The perspective of peace for me is larger than just that of an agreement between governments. We will have to work together better and with greater urgency and intensity, including the Arab nations. And we will need a larger regional framework that is trusted by both parties to the conflict. What we need to do right now is to persevere in our work and avoid the language of accusation and irreconcilability. The language of retribution might give short term emotional satisfaction to us who have the privilege to sit here in peace and in tranquility. But it does not help any of the people in the region suffering from peacelessness and hopelessness.



## *Israeli and Palestinian Perspectives*

### **The Two-State Solution – Is It Still Possible?** *Avraham Burg*

The fact that the discussions over peace and its chances and formulations and modules are back means that perhaps peace is again around a corner. One could also describe this with “the peace business is back to business”.

Originally the topic to be discussed concerned a Palestinian state, the one-state and two-state solutions, and about how to proceed. Thirty years ago Meron Benvenisti, who is in a way the teacher and mentor of our generation in politics and political science, wrote that with 30,000 settlers in the West Bank the point of return had already been reached. Now we have more than ten times that number, and when we try to solve the problem you ask yourself, is it now ten times “beyond the point of no return”? At the time, the two-state solution was perceived as the final arrangement. Today, if and when it will happen, it will resemble a miracle, a kind of *deus ex machina* that will bring peace down to the Middle East. At best, however, it will be an interim solution, an interim stage towards something else.

And having said that, we have to realize that the two-state solution/formula is still on the table, but it lives on borrowed time. The time of the formula, the days of the formula are numbered. They are numbered for a number of reasons. The first one is that in a way, i. e., allegorically speaking, we are talking about two abducted societies. The euphoria of Oslo fifteen years ago is a historical fact, and even though 75% of both populations didn't know exactly the details of the agreement and didn't fully understand its meaning,

still we both erupted with happiness. This potential support of coexistence is still there, but the disappointment and the despair and the pain and the failure and the leaderships and whatever else was involved, brought it to a situation in which the majority will of both societies to accept some kind of arrangement was abducted by a different vision. Israel was kidnapped by the settlers. The settlers are living for more than thirty years with a different vision. It's a one-state solution according to the Biblical boundaries and according to their interpretation of the religious message in the Bible. And Palestine was abducted by a Moslem religious eschatology, transmitted by people who would like to see the greater Land of Palestine according to the Islamic Sharia. There is a kind of a correspondence between the respective religious elements negating the possibility of a solution according to the the two-state formula. As a result, both societies have developed a kind of a Stockholm syndrome, which is an affection to the abductor(s), and now we do not know how to get rid of them.

Our discussions focus solely on the West Bank, as if Gaza had disappeared. David Copperfield came, Houdini came, *hocus pocus* there is no Gaza. But there is Gaza. There is Gaza for Israel, there is Gaza for Palestine, there is Gaza for Egypt, as much as they try to ignore it. Gaza is there. You cannot ignore it. But out of Gaza there comes a religious message, which radiates to the rest of the region, a one-state solution according to Islam. The same is coming out of the settlements – a one-state solution according to the Bible. And as long as both societies are not able either to get rid of the abductor or to bring the genie back into to the bottle, their days are numbered.

But let's assume that tomorrow morning we have a Palestinian state. We should then ask the very important question, whether we are still thinking about the nation-state we used to talk about in

Europe 100 years ago. The definition of a state today is a different definition. The definition of a nation today is a different definition. So do we, living in the post-modern reality, go back to the same definitions that were applicable 100 years ago, 50 years ago, 30 years ago? Isn't that a kind of obsolete discussion? These are issues to discuss when we speak of a "Palestinian state".

Now, we have to remember that there are eroding powers and forces eroding our traditional patterns of thinking. We have globalization in everything: economic globalization, religious globalization, but we must also deal with the political definition of a state and a nation. What is a Palestinian nation, what is the Jewish nation, what is the Jewish state or the Israeli state, what is a Palestinian state? Let us assume that, after a discussion of these questions, we agree on the answers and then the following morning we hear Bibi Netanyahu's emotional commitment to a two-state solution. I heard him with my own ears saying two-state solution and I was persuaded by his emotional conviction and absolute total ideological commitment to the formula. Is that enough? The answer is no. Because we shall need at least two suprastructures. The first one is about infrastructure. It is impossible that water will be divided. It is impossible that the environment will be divided. It is stupid that electricity will be divided and roads will be divided. So we'll need a kind of a regional cooperation between the Israeli state and the Palestinian state for a kind of infrastructure-cooperation between the two of them. And we need a constitutional suprastructure to make a normative way of life possible, because it's impossible that we live next to each other and that for you somebody is a murderer and for me he is a patriot. We have to try to level the constitutional values and the value language in which these two neighbouring states (and their populations) are talking to each other.

So eventually we have to think about what is meant by a two-states

solution. What is the kind of the regional cooperation that we can agree upon and that can compromise some elements of the traditional, classical formation of what we used to call a nation-state? In any case, I oppose the separation of the region into us and them. Us and them, I don't know about the 'us' and I have no idea about the 'them'. When the Wall came down in Berlin, Huntington put a paper on the table of the world arguing that the next conflict of the 21st century will not be between states over economic and political interests, but rather between civilizations over cultures and content, etc., and that the conflict now waiting around the corner is one between "demo-Christianity" and Islam; and out of this dualistic separation of the world came George Bush's wonderful fantastic decade of peace in the world and Christian reconciliation all over the globe. I don't accept Huntington's division. I think there is a clash of civilizations, but it is not a confrontation of "all of us versus all of them". The clash of civilizations for me is between the citizens of the democratic hemisphere, people for whom liberty is a foundation of living and democracy is the common human source of authority that we define for ourselves, and between the citizens of theocracies. For them God is the source of authority. Now this clash between democracy and theocracy happens within Judaism, within Christianity, and within Islam. If this is the reading, then it is a situation of some of us, the Jews, with some of them, the Muslims and some of them, the Christians, together against some of us and some of them and some of them. I do not buy that being genetically Jewish makes everybody Jewish my brother. And I do not buy that being genetically Muslim or religiously Muslim makes all of them my enemy. And therefore, when we come to whatever is the future of the region, we should think along different coalitions and along different alliances, because it is possible to have Jews and Arabs and Muslims and Christians functioning together for the benefit of the same goal, be it within Israel or within Palestine, be it in the suprastructure that will be the

beginning of the regional union. And we can also find animosity between Jews and Jews, because yes, some of my cousins and my uncles are my enemies. And yes, some of the cousins and the uncles and the nephews of my Muslim neighbour are his enemies or her enemies. And it is OK to admit it and I think it's about time to create coalitions not around religions and not around nationalism, but around values and around the common denominators that we have between us regardless of yesterday's separations.



## **Bi-nationalism: Description, Not Prescription**

*Meron Benvenisti*

It is despairing to see that for the last 30 years the debate regarding the solution for the Palestine-Israel conflict is continuing on the wrong premise. We are debating whether the solution should be two states or one state, when the situation on the ground is already, and has been for the last 20 years, that of one state; indeed, it is controlled by one side, the Jewish- Israeli, but it is de facto one regime. Already by the late 1980s', after two decades of occupation, Israeli control of the territories beyond the Green Line had become quasi-permanent, differentiated from sovereign rule only vis-à-vis the Palestinians. And today, as far as Israeli citizens and their range of interests are concerned, the annexation of the territories is a *fait accompli*. There is practically no difference between the living conditions of almost half a million Israelis living across the Green Line and the situation in what's called "Israel proper".

We are mesmerized by the Green Line. It makes us feel that the world is organized. You have Israel and then you have the occupied territories, ostensibly two separate entities. And we cling to that shibboleth of defining the situation across the Green Line as "occupation". This is a shibboleth, because by using that term we define who the speaker is; if he uses it he belongs to the good guys. Behind it is the illusion that the occupation is a military occupation and therefore temporary; it will end when a peace agreement is reached. But this regime is not temporary; it is there to stay no matter how one describes it. If you want to define it in one word, call it domination, not occupation.

Between the two communities there will never be full peace but rather friction and competition, a normal situation in polarized so-

cieties; if we want to think about what word to use to define peaceful co-existence, we should use reconciliation. Peace is between nations, and the Israelis and Palestinians are not extraneous to one another. The whole approach of looking at the situation as something that began in 1967 is wrong. It is a conflict between settlers and natives that began 120 years ago. It basically can be defined by sociologists as a deeply divided society. Indeed, all the deliberations about the partition of Palestine are a waste of time. The only the partition of Palestine was achieved by force of arms in 1948, in which the Palestinians played no role, and existed for 19 years based on Israeli-Jordanian agreement to suppress the Palestinians. Partition will not be achieved not because of the wickedness of the Israelis but rather because partition under the existing power relationships will not endure; it will be an Israeli diktat, and therefore volatile.

The question is no longer arguable, whether a bi-national entity will be established, but rather what kind of entity it will be. The historical forces that began in the aftermath of 1967 have eliminated the partition option, if it ever existed.

Bi-nationalism in Israel/Palestine is not a political and ideological problem as such, but a de facto reality masquerading as a temporary situation. It is a description of the situation, not a prescription. And that's the way we have to understand it. When I advocate bi-nationalism I do not advocate it because I want it to be that way. As a Zionist, this is the worst of my nightmares. But now I have to adjust myself to the conditions that have developed. I'm not going to deal here with the question who is responsible, but I'll say one thing: it is very convenient to put all the blame on the Jewish settlers only. The settlers are depicted as the wicked ones; they are the ones who brought it about; but this is wrong. It's the entire Israeli Jewish body politic that has spent 40, some people say even 100

billion dollars, on a system of control that is in place in the territories, and in which the number of settlers is no longer relevant.

There are many other elements of Israeli existence and control in the territories in the context of which the number of settlers is secondary. Still, we keep counting: houses, population statistics, and so on. It's relevant only as a political rallying point for the Israeli left, the right, the European Union, Palestinians, and so on. Indeed, it is another shibboleth meant to concretize the problem by providing numbers, numbers of settlers, or what is called, rather racially, "The Demographic Threat" – the fact that the Palestinians will become a majority in the land. That is why all efforts to maintain the status quo are based on the fragmentation of the Palestinian people, strangely enough, with their full acceptance. We've fragmented the Palestinian people into five groups: Israeli Palestinians, West Bankers, Gazans, East Jerusalemites and the Diaspora. And the success of the Israelis in causing fragmentation (which is, incidentally, supported by the international community) is so great that the Palestinians have accepted it themselves and formed different and contradictory strategies to cope with Israeli threats. Take the Israeli Arabs: they want to be part of the Israeli system and demand civil rights; Palestinians in the West Bank demand self-determination; Gazans under Hamas repudiate the premise of two states; East Jerusalemites wish to be left alone in peace, and they'll remain Israelis because of the benefits that they accrue from being residents of annexed Jerusalem. And then you have the Palestinians in the Diaspora who carry the keys to their destroyed homes, but know that they have no solution, because the right of return cannot be exercised.

We just, recently, took one and a half million Palestinians in the Gaza Strip and, so to speak, cut them out of the demographical equation, by declaring them "free of the Israeli occupation", sup-

posedly, and the whole world applauded. So what we are doing is manipulating the numbers, and toying with the wrong perception. The paradigm in which we understand the reality leads people to support the status quo while believing that they are fighting to transform it. Amongst them is, I'm sorry to say, the Palestinian Authority. The PA is a great pillar of the status quo by enjoying the political and financial support of the international community that perpetuates the present regime. An additional element of this arrangement is the support of the many NGOs, as is the policy of the neighboring Arab states: it suffices to observe the way Egypt and Jordan are behaving vis-à-vis the Palestinians: paying lip service to their aspirations and at the same time opposing the emergence of a strong Palestinian state. I think that Jordan wants Israeli soldiers to be on the Jordan River, and it is a well-known fact that the Egyptians are enforcing the siege of Gaza on the border between Rafah and Sinai, thus abetting the Israelis. And then, you have propaganda about the importance of the Peace Process that is not more than processing peace, and by continuing it you create false hopes. All this is contributing to the wrong perception of where we are, and thus it reinforces the durability of the status quo.

In other words, reality has overtaken our stale perceptions: there will be no Palestinian state. And if, a Palestinian state does come into being, it would only be a way to legitimize the Bantustanization of the West Bank. It would be limited to one quarter of the Palestinian population, i.e., only for the West Bankers; the whole process has nothing to do with Gaza, nor with Israeli Arabs, nor with the Palestinian Diaspora. It focuses only on Ramallah and the district around it. If so, the question arises, with what and with whom is a peace process concerned? And the answer: with ten percent of the area of historic Palestine/ Land of Israel and with about two million out of about 10 million Palestinians. Another

question concerns Gaza – should it remain separated from the West Bank, and whose interest is it to keep it separated – only Israel's? West Bankers are very happy to have all the Palestinians in Gaza separated from them. The last thing they want is the possibility of free passage from Gaza to the West Bank. All of these above points indicate to what extent the discussion of the problem is marked by hypocrisy on all sides: the Israeli, Palestinian, Egyptian, the European (Union), in effect the entire the world.

Now let us go to the crux of the matter: There already exists a de facto bi-national state controlled by one side; this control, and the inequality on which it is based – actually, they are mutually perpetuating –, are not only political but also economic. We have a regime totally monopolized by Israel and serving solely its interests; the question is, what can we do about it? A revolutionary transformation is impossible because of the complexity of the ethno-national mixture; therefore an evolutionary- incremental process must be devised.

It is impossible to simply divide the water resources, the air, the environment and so the other elements. There are almost 10 million people living in the area between the Jordan and the Mediterranean, and – in a democratic state – all must share the limited resources and manage them together; therefore, a plan to divide the land into two sovereign states would be disastrous. On the other hand, when we speak about the need to ensure the cooperation necessary for the existence of two states, we mean bi-nationalism, just with a different name.

People are against bi-nationalism because it seems to them contrary to a two-states solution. In fact, bi-nationalism and statehood or partition are not dichotomous, but can be put on a continuum. There can be bi-nationalism defined as territorial cantonization on national lines and there can be two states with bi-national power sharing and constitutional arrangements to ensure collective equal-

ity. So bi-nationalism is not a blueprint for a specific regime, but an existing condition in which two communities confront each other within one geo-political framework. This condition can be managed either by coercion or by political agreement. Bi-nationalism by agreement consists of a whole universe of matters: power sharing in the context of consociational arrangements, cantonization, federalism, a bill of rights to deny majority tyranny. In fact bi-nationalism is a code word for any arrangement that seeks to deal in an egalitarian and non-coercive manner with conflicts stemming from the inherent tension between ethno-national cleavages and liberal democracy. The problem is not individual rights; it's not only about individual equality but mainly about collective equality.

Theoretically, bi-nationalism can be implemented in one step – overall constitutional transformation – or evolutionarily and incrementally. Without going into detail on the matter, it must be said that we need a new agenda to deal with that situation. If we accept that a bi-national condition exists and that this is the correct definition of the reality, then we must think of different approaches; the simple, customary approach of a diplomatic discussion (“negotiations”) or a written peace agreement will not do, because communities don't sign peace agreements. Communities struggle and find a way to lessen the friction between them. One cannot encapsulate a process of reconciliation in a written document; under such conditions you need poets, not lawyers.

What is important in all that is to insert – and apply – the principle that I admire from the vocabulary of the Northern Irish peace talks, which says “Parity of Esteem”. It reflects the principle of respect for the identity and the ethos of the quarrelling communities and underlies the effort to achieve co-existence in a common physical space despite cultural differences. In the prevailing situation in Israel-Palestine, it doesn't really matter whether a person supports

two states for two peoples or a federal state or other models. The nature of the constitutional arrangements is secondary. After all, the entire dilemma is not earth-shattering; it is a choice between horizontal partition – power-sharing in its various forms – or vertical partition, which is a territorial partition.

The bottom line is this: the coexistence of the two national communities is a destiny that cannot be avoided. All attempts to separate them have failed, and this failure should be acknowledged. The coexistence must be based on community equality and ethical principles, human dignity and freedom; otherwise it will not endure. It will perpetuate violence. It is clear that without mutual respect for the identity and equality of the two communities, there will be no reconciliation and neither of the alternatives, partition or power sharing is implementable. Neither one can be implemented, because a peace agreement under the present conditions will reflect the power-relationships between Israel and Palestine. Therefore it will be biased and won't hold. We need to understand that in any case productive discussion of this topic will be possible only when the people of this region have taken psychological ownership of the bi-national condition that has been thrust upon them and will begin to strive together to pave the road to reconciliation.



## Two States or One State

*Samir Abdullah Ali*

Before relating to the question in the title above, I would like to bring your attention to the following points:

1. The Israeli-Palestinian peace process is now 19 years old and, in these 19 years, it has not delivered on its promises. It has not created a Palestinian state within the 1967 borders with East Jerusalem as its capital. It has not facilitated a just solution for the Palestinian refugees in the region and around the world. It has not created a productive or sustainable economy for the Palestinians. It has not slowed the expansion of the Jewish-Israeli settlements in the occupied West Bank, all of which are illegal, nor has it stopped the progress of Israel's Wall of Annexation despite the rulings of the International Court of Justice.

Knowing all of this, one should ask 'exactly what has been achieved by the international efforts to bring peace to our region?' In my humble opinion, negotiations have ironically brought about many negative consequences. The political ambiguity and lack of tangible progress resulting from the negotiations are a source of despair. When the hope for a negotiated peace dies, what is left besides continued occupation and violence?

The peace process' failure began with the misguided perception that Israel is ready and willing to end the occupation. This perception allowed for the creation of a framework through the Oslo Accords and the Road Map where Israel maintained total control. The belief that Israel is willing to move towards peace and the end of occupation has meant that Israel faces almost no pressure from Western governments.

When I speak of pressure, I am not talking about condemnation of specific Israeli actions, such as the recent crimes against the Humanitarian Flotillas or the destruction of the Gaza Strip early last year. What I speak of is how the international community has never put into place a mechanism to ensure that we move forward.

A second misperception by Western governments has been that, while Israel is seen as a 'partner for peace', Palestinians are not. Such a perception does not stand up to the historical record. As Israel continues to annex more land while refusing to respect its obligations, Palestinians are asked to make more concessions before they even begin negotiating.

Palestinians have been asked to renounce armed resistance to occupation, though it is a right enshrined under international law. Palestinians have recognized Israel within its pre-June 1967 borders as opposed to the 1947 UN mandated Partition Plan. This meant that, rather than building a state on 44% of historical Palestine, only 22% is demanded by the Palestinian side. The 2002 Arab Initiative created further incentives for Israel to accept a peace agreement. In exchange for Israel's honoring its previous commitments, 57 nations would agree to normalize relations with Israel.

Today Palestinians are again being asked to make concessions before negotiating. Now we are being asked to recognize Israel as a Jewish state. However, this is one demand that Palestinians cannot agree to. First, it reinforces the myth that Israel has a historical right to the land while denying this right to ourselves. Secondly, it undermines the rights of the Palestinian citizens of Israel, who, despite being the original inhabitants, are made to feel like visitors in their own homes. Finally, recognizing Israel as a Jewish state means surrendering the right of return of Palestinian refugees prior to negotiations.

Best practices in conflict resolution are irrelevant unless both sides are either willing or compelled to adhere to them. This is not the case in Israel and Palestine. Israel is not punished for its refusal to move forward. While the wall and settlements are condemned in Washington, the Hague and Brussels, there are no diplomatic or financial consequences for their continuation. In fact, Israel receives more aid per capita than every other nation in the world. As long as Israeli stubbornness is rewarded by the international community, there is no reason to think that they will change.

2. Despite the reality I have outlined, Palestinians are once more facing pressure to sit down at the negotiating table. An unwillingness to do so on the Palestinian side may even result in punishment from the international community in the form of withholding aid, or the unilateral settlement of final status issues without the consent of the Palestinians, such as borders.

Yet nobody enters into a game of chance where they know that they will lose. I am not talking about a 'risk', but a guarantee, of losing. With no change in the form and content of talks, there is no reason to assume that they will succeed where others failed.

Remembering previous broken promises, Palestinians know that they should not fall for the same tricks. There are still no mechanisms in place to assure adherence to any commitments made and there is still no reason to believe that Israel is ready to end the occupation. In fact, there is every reason to believe that Israel wishes to continue it through expanding settlements, building the Annexation Wall and institutionalizing the siege on Gaza.

All Palestinians are aware of this, not just the leadership. If the leaders agree to enter into a losing game, they will discredit them-

selves amongst their own constituency. Moreover, the Palestinian leadership knows that it will be effectively legitimizing the status quo if they sit across the table from a party who has not made steps to implement their side of the Oslo Accords or the Road Map.

If there were a real opportunity for peace led by an internationally monitored process that would result in a scheduled creation of a Palestinian state, then Palestinians would be happy to sit at the table. But this would require a clear and transparent mechanism, not blind trust in a government that does not adhere to previous agreements or to international law.

Right now Israel knows that there is no pressure. The undying loyalty of the US not only ensures that the Israelis will receive financial assistance regardless of their actions, but also that the international bodies, such as the UN, will remain impotent in the face of the US veto. Without any pressure, there is no reason for Palestinians to negotiate.

As I described above, the consequences of failure should not be underestimated. We should not waste these opportunities as we did in Annapolis, only because the United States and its allies want to see negotiations. We should hold on to them until there is a real process with real mechanisms that actually has a chance of succeeding.

3. Despite the media portrayal of Palestinians as not being ‘the partners for peace’, we have remained committed to a strategy that seeks a real and just peace based on the three avenues of development outlined in Prime Minister Fayyad’s national plan: Social, Political and Economic.

In the absence of a real state, Palestinian civil society has served as the protector of Palestinian steadfastness for more than 43 years of brutal occupation. Our nonviolent resistance to Israel does not receive much attention in media around the world, but it continues and grows stronger by the day. Marches in cities such as Bil'in and Nihlin have been taking place every week for almost half a decade. It is not only Palestinians attending these rallies. They are joined by Israeli and international peace activists as well. Like the civil rights movements in the United States, our young people march into tear gas, beatings, bullets and Israeli prisons willingly and knowingly – carrying nothing in their hands but Palestinian flags.

NGOs and protests make up only a small portion of our civil society and social resistance. Palestinian unions, social clubs and innumerable individual and community initiatives all serve to resist the occupation and support our national goals of freedom and self-determination. Often resistance simply means staying put, as with the families of East Jerusalem and Area C who refuse to leave their homes, even while Israel bulldozers bring down the walls around them.

Diplomatically, Palestinians have sought support from the international community by working in capitals around the world to tell our side of the story. Their efforts may not appear to be successful at first, but this reflects more upon international relations of power than it does on the justice of our cause. If a vote were to be held tomorrow in the UN General Assembly, we would have a state.

At home, and especially over the last four years, Palestinian diplomatic efforts have been paralleled by an agenda of reform to strengthen the institutions of a future Palestinian state. The Palestinian Reform and Development Plan (2008 – 2010) as well as the Plan of the 13th government have laid the groundwork for

responsive, stable and transparent governance in the Palestinian Authority. We have adhered to the best practices of liberal state-building, now we are waiting for the declaration of the establishment of the state.

Finally, despite the challenges we face, and the limited policy space we enjoy, Palestinians have worked to build a strong economy. And when this economy is destroyed again and again, we have rebuilt it as best we could with the help of the international community. While it is impossible for us to reach our economic potential under occupation, our resilience and human capital are a promise to the world of what Palestinians can offer if ever given the chance.

While these four concepts serve as cornerstones of our drive for freedom and statehood, they require a like-minded partner. If Israel will not be this partner of its own free will, then peace requires more coercive measures from the international community. ‘Tough love’ means punishing someone for their own good. It means helping to open their eyes before they continue walking towards the edge of a cliff. Without such love, Israel is likely to continue to walk blindly. If they are allowed finally to step over the edge, they will bring the Palestinians, the region and the international community down with them.

4. What is this ‘cliff’ that I am speaking of? For me, the cliff represents the decision of whether we should seek a one or two-state solution to the conflict.

In my opinion, and in the opinion of the Palestinians living under occupation, there is only one real choice: two sovereign states living side by side in peace. This is the only alternative that will end the suffering of the Palestinian people and respect their right to sovereignty, development and self-determination. We do not want

to join a state; we want to build our own.

While it has increasingly entered the international discourse, the one-state solution is not a viable option. Neither side wants this. In my opinion, it is only a way to formalize an apartheid system that already exists and ensure a violent and disruptive civil struggle within the borders of a new state for decades or centuries to come. One only has to look at the situation of Israeli Palestinians to see how, after 62 years of Israeli citizenship, they remain marginalized and second class. Every day in cities throughout Israel, civil unrest is at the tipping point. Adding the West Bank, East Jerusalem and the Gaza Strip to this scenario will not help – it will create a disaster.

This is not only a horrible idea for Palestinians; it would in effect mean an end to the aspirations of the majority of Israeli Jews as well. The dream for a Jewish democratic state would end overnight as the inclusion of Palestine's citizens would upset the demographic balance they have worked (often illegally) to create.

In this case, Israel's choice would be simple – to choose between the state's Jewish character or its democracy. As the demographic majority shifts towards the Palestinians, the state would have to become bi-national as opposed to having a Jewish majority. Without employing further illegal measures such as disenfranchisement of Palestinian voters or forced deportation to neighbouring countries, there would be no way to stop this. Though the choice is simple to understand, it would be difficult to make. Preserving democracy in a one-state solution would mean surrendering the Jewish political majority. Preserving the Jewish political majority in one state with two peoples would effectively mean surrendering its democracy.

While the one-state solution is a bad idea, it may become the only solution by default. As the Israeli Government continues to spread

throughout the West Bank, it will no longer be possible to divide the land into two distinct and viable states.

It is the duty of the international community to prevent this bad idea from becoming a reality.