

# INTERFAITH PEACE-BUILDERS



## PRE-DELEGATION READING PACKET

Background Information and Issues to Consider



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# INTRODUCTION

We hope this *Reading Packet* provides participants on Interfaith Peace-Builders delegations useful background information on the situation in Israel/Palestine.

Included in these pages you will find historical analysis, innovative research, voices of Israeli and Palestinian peace activists, debates on activist campaigns in the US and abroad, and more.

In this age when yesterday's tweet can be dismissed as 'old news' you may be surprised to find that some of these articles are from years past. This is intentional; these articles stand the test of time. We feel the pieces here maintain lasting significance and are cogent and (relatively) brief expositions of some of the most important issues to consider before you travel. The readings have been hand-selected by IFPB staff and include many authors and researchers at the forefront of scholarship in the field.

The contents are not exhaustive and not every topic each delegation addresses will be included here. Additionally, we have also set up an online portion of the reading packet to supplement the readings here with material bringing in recent developments and additional resources. To visit this portion, go to the following website:

**<http://www.ifpb.org/education/resources/delegates.html>.**

Although we are confident that each delegate participant is preparing for her/his experience in her/his own ways, we feel it's helpful to send preliminary readings that will give all delegation participants some common background and exposure to different voices and narratives of the region.

**These pieces reflect a variety of perspectives on the conflict. They are not necessarily the views of Interfaith Peace-Builders, co-sponsoring organizations, the individuals organizing this delegation, or trip leaders.**

We hope you enjoy the articles and look forward to having you with us on a powerful delegation!

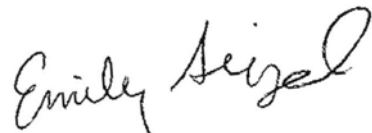
Sincerely,



Mike Daly



Jacob Pace



Emily Siegel

Interfaith Peace-Builders Staff

P.S. Due to the politically sensitive nature of this material, we ask that you **not** bring it with you on the delegation to Israel/Palestine. Please leave this booklet at home — you can always refer to it as a reference after the delegation.



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# HISTORICAL BACKGROUND

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*There was no Farewell*  
*Taha Muhammad Ali*

*We did not weep  
when we were leaving -  
for we had neither  
time nor tears,  
and there was no farewell.  
We did not know  
at the moment of parting  
that it was a parting,  
so where would our weeping  
have come from?  
We did not stay  
awake all night  
(and did not doze)  
the night of our leaving.  
That night we had  
neither night nor light,  
and no moon rose.  
That night we lost our star,  
our lamp misled us;  
we didn't receive our share  
of sleeplessness -  
so where  
would wakefulness have come from?*

# **Palestine, Israel and the Arab-Israeli Conflict: A Primer**

by Joel Beinin and Lisa Hajjar

*MERIP, the Middle East Research and Information Project* ([www.merip.org](http://www.merip.org))

Updated February 2014

## **Introduction**

The conflict between Palestinian Arabs and Zionist (now Israeli) Jews is a modern phenomenon, dating to the end of the nineteenth century. Although the two groups have different religions (Palestinians include Muslims, Christians and Druze), religious differences are not the cause of the strife. The conflict began as a struggle over land. From the end of World War I until 1948, the area that both groups claimed was known internationally as Palestine. That same name was also used to designate a less well-defined “Holy Land” by the three monotheistic religions. Following the war of 1948–1949, this land was divided into three parts: the State of Israel, the West Bank (of the Jordan River) and the Gaza Strip.

It is a small area—approximately 10,000 square miles, or about the size of the state of Maryland. The competing claims to the territory are not reconcilable if one group exercises exclusive political control over all of it. Jewish claims to this land are based on the biblical promise to Abraham and his descendants, on the fact that the land was the historical site of the ancient Jewish kingdoms of Israel and Judea, and on Jews’ need for a haven from European anti-Semitism. Palestinian Arab claims to the land are based on their continuous residence in the country for hundreds of years and the fact that they represented the demographic majority until 1948. They reject the notion that a biblical-era kingdom constitutes the basis for a valid modern claim. If Arabs engage the biblical argument at all, they maintain that since Abraham’s son Ishmael is the forefather of the Arabs, then God’s promise of the land to the children of Abraham includes Arabs as well. They do not believe that they should forfeit their land to compensate Jews for Europe’s crimes against Jews.

## **The Land and the People**

In the nineteenth century, following a trend that emerged earlier in Europe, people around the world began to identify themselves as nations and to demand national rights, foremost the right to self-rule in a state of their own (self-determination and sovereignty). Jews and Palestinians both started to develop a national consciousness and mobilized to achieve national goals. Because Jews were spread across the world (in diaspora), the Jewish national movement, or Zionist trend, sought to identify a place where Jews could come together through the process of immigration and settlement. Palestine seemed the logical and optimal place because it was the site of Jewish origin. The Zionist movement began in 1882 with the first wave of European Jewish immigration to Palestine.

At that time, the land of Palestine was part of the Ottoman Empire. This area did not constitute a single political unit, however. The northern districts of Acre and Nablus were part of the province of Beirut. The district of Jerusalem was under the direct authority of the Ottoman capital of Istanbul because of the international significance of the cities of Jerusalem and Bethlehem as religious centers for Muslims, Christians and Jews. According to Ottoman records, in 1878 there were 462,465 subject inhabitants of the Jerusalem, Nablus and Acre districts: 403,795 Muslims (including Druze), 43,659 Christians and 15,011 Jews. In addition, there were perhaps 10,000 Jews with foreign citizenship (recent immigrants to the country) and several thousand Muslim Arab nomads (Bedouin) who were not counted as Ottoman subjects. The great majority of the Arabs (Muslims and Christians) lived in several hundred rural villages. Jaffa and Nablus were the largest and economically most important towns with majority-Arab populations.

Until the beginning of the twentieth century, most Jews living in Palestine were concentrated in four cities with religious significance: Jerusalem, Hebron, Safed and Tiberias. Most of them observed traditional, orthodox religious practices. Many spent their time studying religious texts and depended on the charity of world Jewry for survival. Their attachment to the land was religious rather than national, and they were not involved in—or supportive of—the Zionist movement that began in Europe and was brought to Palestine by immigrants. Most of the Jews who emigrated from Europe lived a more secular lifestyle and were committed to the goals of creating a modern Jewish nation and building an independent Jewish state. By the outbreak of World War I (1914), the population of Jews in Palestine had risen to about 60,000, about 36,000 of whom were recent settlers. The Arab population in 1914 was 683,000.

## The British Mandate in Palestine

By the early years of the twentieth century, Palestine had become a trouble spot of competing territorial claims and political interests. The Ottoman Empire was weakening, and European powers were strengthening their grip on areas along the eastern Mediterranean, including Palestine. During 1915–1916, as World War I was underway, the British high commissioner in Egypt, Sir Henry McMahon, secretly corresponded with Husayn ibn ‘Ali, the patriarch of the Hashemite family and Ottoman governor of Mecca and Medina. McMahon convinced Husayn to lead an Arab revolt against the Ottoman Empire, which was aligned with Germany against Britain and France in the war. McMahon promised that if the Arabs supported Britain in the war, the British government would support the establishment of an independent Arab state under Hashemite rule in the Arab provinces of the Ottoman Empire, including Palestine. The Arab revolt, led by Husayn’s son Faysal and T. E. Lawrence (“Lawrence of Arabia”), was successful in defeating the Ottomans, and Britain took control over much of this area during World War I.

But Britain made other promises during the war that conflicted with the Husayn-McMahon understandings. In 1917, the British foreign minister, Lord Arthur Balfour, issued a declaration (the Balfour Declaration) announcing his government’s support for the establishment of “a Jewish national home in Palestine.” A third promise, in the form of the Sykes-Picot Agreement, was a secret deal between Britain and France to carve up the Arab provinces of the Ottoman Empire and divide control of the region.

After the war, Britain and France convinced the new League of Nations (precursor to the United Nations), in which they were the dominant powers, to grant them quasi-colonial authority over former Ottoman territories. The British and French regimes were known as mandates. France obtained a mandate over Syria, carving out Lebanon as a separate state with a (slight) Christian majority. Britain obtained a mandate over Iraq, as well as the area that now comprises Israel, the West Bank, the Gaza Strip and Jordan.

In 1921, the British divided this latter region in two: East of the Jordan River became the Emirate of Transjordan, to be ruled by Faysal’s brother ‘Abdallah, and west of the Jordan River became the Palestine Mandate. It was the first time in modern history that Palestine became a unified political entity.

Throughout the region, Arabs were angered by Britain’s failure to fulfill its promise to create an independent Arab state, and many opposed British and French control as a violation of Arabs’ right to self-determination. In Palestine, the situation was more complicated because of the British promise to support the creation of a Jewish national home. The rising tide of European Jewish immigration, land purchases and settlement in Palestine generated increasing resistance by Palestinian peasants, journalists and political figures. They feared that the influx of Jews would lead eventually to the establishment of a Jewish state in Palestine. Palestinian Arabs opposed the British Mandate because it thwarted their aspirations for self-rule, and they opposed massive Jewish immigration because it threatened their position in the country.

In 1920 and 1921, clashes broke out between Arabs and Jews in which roughly equal numbers from both communities were killed. In the 1920s, when the Jewish National Fund purchased large tracts of land from absentee Arab landowners, the Arabs living in these areas were evicted. These displacements led to increasing tensions and violent confrontations between Jewish settlers and Arab peasant tenants.

In 1928, Muslims and Jews in Jerusalem began to clash over their respective communal religious rights at the Western (or Wailing) Wall. The Wall, the sole remnant of the second Jewish Temple, is the holiest site in the Jewish religious tradition. Above the Wall is a large plaza known as the Temple Mount, the location of the two ancient Israelite temples (though no archaeological evidence has been found for the First Temple). The place is also sacred to Muslims, who call it the Noble Sanctuary. It now hosts the al-Aqsa Mosque and the Dome of the Rock, believed to mark the spot from which the Prophet Muhammad ascended to heaven on a winged horse, al-Buraq, that he tethered to the Western Wall, which bears the horse’s name in the Muslim tradition.

On August 15, 1929, members of the Betar Jewish youth movement (a pre-state organization of the Revisionist Zionists) demonstrated and raised a Zionist flag over the Western Wall. Fearing that the Noble Sanctuary was in danger, Arabs responded by attacking Jews in Jerusalem, Hebron and Safed. Among the dead were 64 Jews in Hebron. Their Muslim neighbors saved many others. The Jewish community of Hebron ceased to exist when its surviving members left for Jerusalem. During a week of communal violence, 133 Jews and 115 Arabs were killed and many wounded.

European Jewish immigration to Palestine increased dramatically after Hitler's rise to power in Germany in 1933, leading to new land purchases and Jewish settlements. Palestinian resistance to British control and Zionist settlement climaxed with the Arab revolt of 1936–1939, which Britain suppressed with the help of Zionist militias and the complicity of neighboring Arab regimes. After crushing the Arab revolt, the British reconsidered their governing policies in an effort to maintain order in an increasingly tense environment. They issued the 1939 White Paper (a statement of government policy) limiting future Jewish immigration and land purchases and promising independence in ten years, which would have resulted in a majority-Arab Palestinian state. The Zionists regarded the White Paper as a betrayal of the Balfour Declaration and a particularly egregious act in light of the desperate situation of the Jews in Europe, who were facing extermination. The 1939 White Paper marked the end of the British-Zionist alliance. At the same time, the defeat of the Arab revolt and the exile of the Palestinian political leadership meant that the Palestinians were politically disorganized during the crucial decade in which the future of Palestine was decided.

### **The United Nations Partition Plan**

Following World War II, hostilities escalated between Arabs and Jews over the fate of Palestine and between the Zionist militias and the British army. Britain decided to relinquish its mandate over Palestine and requested that the recently established United Nations determine the future of the country. But the British government's hope was that the UN would be unable to arrive at a workable solution, and would turn Palestine back to them as a UN trusteeship. A UN-appointed committee of representatives from various countries went to Palestine to investigate the situation. Although members of this committee disagreed on the form that a political resolution should take, the majority concluded that the country should be divided (partitioned) in order to satisfy the needs and demands of both Jews and Palestinian Arabs. At the end of 1946, 1,269,000 Arabs and 608,000 Jews resided within the borders of Mandate Palestine. Jews had acquired by purchase about 7 percent of the total land area of Palestine, amounting to about 20 percent of the arable land.

On November 29, 1947, the UN General Assembly voted to partition Palestine into two states, one Jewish and the other Arab. The UN partition plan divided the country so that each state would have a majority of its own population, although a few Jewish settlements would fall within the proposed Arab state while hundreds of thousands of Palestinian Arabs would become part of the proposed Jewish state. The territory designated for the Jewish state would be slightly larger than the Arab state (56 percent and 43 percent of Palestine, respectively, excluding Jerusalem), on the assumption that increasing numbers of Jews would immigrate there. According to the UN partition plan, the area of Jerusalem and Bethlehem was to become an international zone.

Publicly, the Zionist leadership accepted the UN partition plan, although they hoped somehow to expand the borders assigned to the Jewish state. The Palestinian Arabs and the surrounding Arab states rejected the UN plan and regarded the General Assembly vote as an international betrayal. Some argued that the UN plan allotted too much territory to the Jews. Most Arabs regarded the proposed Jewish state as a settler colony and argued that it was only because the British had permitted extensive Zionist settlement in Palestine against the wishes of the Arab majority that the question of Jewish statehood was on the international agenda at all.

Fighting began between the Arab and Jewish residents of Palestine days after the adoption of the UN partition plan. The Arab military forces were poorly organized, trained and armed. In contrast, Zionist military forces, although numerically smaller, were well organized, trained and armed. By early April 1948, the Zionist forces had secured control over most of the territory allotted to the Jewish state in the UN plan and begun to go on the offensive, conquering territory beyond the partition borders, in several sectors.

On May 15, 1948, the British evacuated Palestine, and Zionist leaders proclaimed the State of Israel. Neighboring Arab states (Egypt, Syria, Jordan and Iraq) then invaded Israel, claiming that they sought to "save" Palestine from the Zionists. Lebanon declared war but did not invade. In fact, the Arab rulers had territorial designs on Palestine and were no more anxious than the Zionists to see a Palestinian state emerge. During May and June 1948, when the fighting was most intense, the outcome of this first Arab-Israeli war was in doubt. But after arms shipments from Czechoslovakia reached Israel, its armed forces established superiority and conquered additional territories beyond the borders the UN partition plan had drawn up for the Jewish state.

In 1949, the war between Israel and the Arab states ended with the signing of armistice agreements. The country once known as Palestine was now divided into three parts, each under a different political regime. The boundaries between them were the 1949 armistice lines (the "Green Line"). The State of Israel encompassed over 77 percent

of the territory. Jordan occupied East Jerusalem and the hill country of central Palestine (the West Bank). Egypt took control of the coastal plain around the city of Gaza (the Gaza Strip). The Palestinian Arab state envisioned by the UN partition plan was never established.

## **The Palestinian Refugees**

As a consequence of the fighting in Palestine/Israel between 1947 and 1949, over 700,000 Palestinians became refugees. The precise number of refugees is sharply disputed, as is the question of responsibility for their exodus. Many Palestinians have claimed that most were expelled in accordance with a Zionist plan to rid the country of its non-Jewish inhabitants. The official Israeli position holds that the refugees fled on orders from Arab political and military leaders. One Israeli military intelligence document indicates that through June 1948 at least 75 percent of the refugees fled due to military actions by Zionist militias, psychological campaigns aimed at frightening Arabs into leaving, and dozens of direct expulsions. The proportion of expulsions is likely higher since the largest single expulsion of the war—50,000 from Lydda and Ramle—occurred in mid-July. Only about 5 percent left on orders from Arab authorities. There are several well-documented cases of massacres that led to large-scale Arab flight. The most infamous atrocity occurred at Dayr Yasin, a village near Jerusalem, where the number of Arab residents killed in cold blood by right-wing Zionist militias was about 125.

## **Palestinians**

Today this term refers to the Arabs—Christian, Muslim and Druze—whose historical roots can be traced to the territory of Palestine as defined by the British mandate borders. Some 5.6 million Palestinians now live within this area, which is divided between the State of Israel, and the West Bank and Gaza; these latter areas were captured and occupied by Israel in 1967. Today, over 1.4 million Palestinians are citizens of Israel, living inside the country's 1949 armistice borders and comprising about 20 percent of its population. About 2.6 million live in the West Bank (including 200,000 in East Jerusalem) and about 1.6 million in the Gaza Strip. The remainder of the Palestinian people, perhaps another 5.6 million, lives in diaspora, outside the country they claim as their national homeland.

The largest Palestinian diaspora community, approximately 2.7 million, is in Jordan. Many of them still live in the refugee camps that were established in 1949, although others live in cities and towns. Lebanon and Syria also have large Palestinian populations, many of whom still live in refugee camps. Many Palestinians have moved to Saudi Arabia and other Arab Gulf countries to work, and some have moved to other parts of the Middle East or other parts of the world. Jordan is the only Arab state to grant citizenship to the Palestinians who live there. Palestinians in Arab states generally do not enjoy the same rights as the citizens of those states. The situation of the refugees in Lebanon is especially dire; many Lebanese blame Palestinians for the civil war that wracked that country from 1975–1991, and demand that they be resettled elsewhere in order for the Lebanese to maintain peace in their country. Some elements of Lebanon's Christian population are particularly anxious to rid the country of the mainly Muslim Palestinians because of their fear that the Palestinians threaten the delicate balance among the country's religious groups. Palestinians in Syria have been caught up in violence since the uprising against the regime there started in 2011.

Although many Palestinians still live in refugee camps and slums, others have become economically successful. Palestinians now have the highest per capita rate of university graduates in the Arab world. Their diaspora experience contributed to a high level of politicization of all sectors of the Palestinian people, though this phenomenon faded in the 2000s as political factionalism increased and the prospects of a Palestinian state receded.

## **Palestinian Citizens of Israel**

In 1948, only about 150,000 Palestinians remained in the area that became the State of Israel. They were granted Israeli citizenship and the right to vote. But in many respects they were and remain second-class citizens, since Israel defines itself as a Jewish state and the state of the Jewish people, and Palestinians are non-Jews. Until 1966 most of them were subject to a military government that restricted their movement and other rights (to work, speech, association and so on). Arabs were not permitted to become full members of the Israeli trade union federation, the Histadrut, until 1965. About 40 percent of their lands were confiscated by the state and used for development projects that benefited Jews primarily or exclusively. All of Israel's governments have discriminated against the Arab population by allocating far fewer resources for education, health care, public works, municipal government and economic development to the Arab sector.

Palestinian Arab citizens of Israel have had a difficult struggle to maintain their cultural and political identity in a state that officially regards expression of Palestinian or Arab national sentiment as subversive. Until 1967, they were entirely isolated from the Arab world and often were regarded by other Arabs as traitors for living in Israel. Since 1967, many have become more aware of their identity as Palestinians. One important expression of this identity was the organization of a general strike on March 30, 1976, designated as Land Day, to protest the continuing confiscation of Arab lands. The Israeli security forces killed six Arab citizens on that day. All Palestinians now commemorate it as a national day.

In recent years it has become illegal in Israel to commemorate the *nakba*—the expulsion or flight of over half the population of Arab Palestine in 1948. Israel's Central Elections Committee has several times used patently political criteria to rule that Arab citizens whose views it found objectionable may not run in parliamentary elections. While in all cases the decisions were overturned by the Supreme Court, they contributed to anti-Arab hysteria and anti-democratic sentiment, which increased dramatically among Jewish Israelis after 2000.

### **The June 1967 War**

After 1949, although there was an armistice between Israel and the Arab states, the conflict continued and the region remained imperiled by the prospect of another war. The sense of crisis was fueled by a spiraling arms race as countries built up their military caches and prepared their forces (and their populations) for a future showdown. In 1956, Israel joined with Britain and France to attack Egypt, ostensibly to reverse the Egyptian government's nationalization of the Suez Canal (then under French and British control) and to neutralize Palestinian commando attacks on Israel from the Gaza Strip. Israeli forces captured Gaza and the Sinai Peninsula, but were forced to retreat to the armistice lines as a result of international pressure led by the US and the Soviet Union (in an uncharacteristic show of cooperation to avert further conflict in the Middle East). By the early 1960s, however, the region was becoming a hot spot of Cold War rivalry as the US and the Soviet Union were competing with one another for global power and influence.

In the spring of 1967, the Soviet Union misinformed the Syrian government that Israeli forces were massing in northern Israel to attack Syria. There was no such Israeli mobilization. But clashes between Israel and Syria had been escalating for about a year, and Israeli leaders had publicly declared that it might be necessary to bring down the Syrian regime if it failed to end Palestinian guerrilla attacks from Syrian territory.

Responding to a Syrian request for assistance, in May 1967 Egyptian troops entered the Sinai Peninsula bordering Israel. A few days later, Egyptian President Gamal Abdel Nasser asked the UN observer forces stationed between Israel and Egypt to redeploy from their positions. The Egyptians then occupied Sharm al-Sheikh at the southern tip of the Sinai Peninsula and proclaimed a blockade of the Israeli port of Eilat on the Gulf of 'Aqaba, arguing that access to Eilat passed through Egyptian territorial waters. These measures shocked and frightened the Israeli public, which believed it was in danger of annihilation.

As the military and diplomatic crisis continued, on June 5, 1967, Israel preemptively attacked Egypt and Syria, destroying their air forces on the ground within a few hours. Jordan joined in the fighting belatedly, and consequently was attacked by Israel as well. The Egyptian, Syrian and Jordanian armies were decisively defeated, and Israel captured the West Bank from Jordan, the Gaza Strip and the Sinai Peninsula from Egypt, and the Golan Heights from Syria.

The 1967 war, which lasted only six days, established Israel as the dominant regional military power. The speed and thoroughness of Israel's victory discredited the Arab regimes. In contrast, the Palestinian national movement emerged as a major actor after 1967 in the form of the political and military groups that made up the Palestine Liberation Organization (PLO).

### **UN Security Council Resolution 242**

After the 1967 war, the UN Security Council adopted Resolution 242, which notes the "inadmissibility of the acquisition of territory by force," and calls for Israeli withdrawal from lands seized in the war and the right of all states in the area to peaceful existence within secure and recognized boundaries. The grammatical construction of the French version of Resolution 242 says Israel should withdraw from "the territories," whereas the English version of the text calls for withdrawal from "territories." (Both English and French are official languages of the UN.) Israel

and the United States use the English version to argue that Israeli withdrawal from some, but not all, the territory occupied in the 1967 war satisfies the requirements of this resolution.

For many years the Palestinians rejected Resolution 242 because it does not acknowledge their right to national self-determination or to return to their homeland. It calls only for a “just settlement” of the refugee problem without specifying what that phrase means. By calling for recognition of every state in the area, Resolution 242 entailed unilateral Palestinian recognition of Israel without reciprocal recognition of Palestinian national rights.

### **The Occupied Territories**

The West Bank and the Gaza Strip became distinct political units as a result of the 1949 armistice that divided the new Jewish state of Israel from other parts of Mandate Palestine. During 1948–1967, the West Bank, including East Jerusalem, was ruled by Jordan, which annexed the area in 1950 and extended citizenship to Palestinians living there. In the same period, the Gaza Strip was under Egyptian military administration. In the 1967 war, Israel captured and occupied these areas.

Israel established a military administration to govern the Palestinian residents of the occupied West Bank and Gaza. Under this arrangement, Palestinians were denied many basic political rights and civil liberties, including freedoms of expression, the press and political association. Palestinian nationalism was criminalized as a threat to Israeli security, which meant that even displaying the Palestinian national colors was a punishable act. All aspects of Palestinian life were regulated, and often severely restricted. Even something as innocuous as the gathering of wild thyme (*za‘tar*), a basic element of Palestinian cuisine, was outlawed by Israeli military orders.

Israeli policies and practices in the West Bank and Gaza have included extensive use of collective punishments such as curfews, house demolitions and closure of roads, schools and community institutions. Hundreds of Palestinian political activists have been deported to Jordan or Lebanon, tens of thousands of acres of Palestinian land have been confiscated, and thousands of trees have been uprooted.

Israel has relied on imprisonment as one of its key strategies to control the West Bank and Gaza and to thwart and punish Palestinian nationalist resistance to the occupation. The number of Palestinians arrested by Israel since 1967 is now approaching 1 million. Hundreds of thousands of the arrestees have been jailed, some without trial (administratively detained), but most after being prosecuted in the Israeli military court system. More than 40 percent of the Palestinian male population has been imprisoned at least once.

Torture of Palestinian prisoners has been a common practice since at least 1971. In 1999 Israel's High Court of Justice forbade the “routine” use of such techniques. Dozens of people have died in detention from abuse or neglect. Israeli officials have claimed that harsh measures and high rates of incarceration are necessary to thwart terrorism. Israel regards all forms of Palestinian opposition to the occupation as threats to its national security, including non-violent methods like calling for boycotts, divestment and sanctions.

Israel has built 145 official settlements and about 100 unofficial settlement “outposts” and permitted 560,000 Jewish citizens to move to East Jerusalem and the West Bank (as of early 2013). These settlements are a breach of the Fourth Geneva Convention and other international laws governing military occupation of foreign territory. Many settlements are built on expropriated, privately owned Palestinian lands.

Israel justifies its violation of international law by claiming that the West Bank and the Gaza Strip are not technically “occupied” because they were never part of the sovereign territory of any state. According to this interpretation, Israel is but an “administrator” of territory whose status remains to be determined. The international community has rejected this official Israeli position and maintained that international law should apply in the West Bank and Gaza. But little effort has been mounted to enforce international law or hold Israel accountable for violations it has engaged in since 1967.

Some 7,800 Jewish settlers in the Gaza Strip were repatriated in 2005 following an Israeli government decision to “evacuate” the territory. Since then, Israel has maintained control of exit and entry of people and goods to the Gaza Strip and control of its air space and coastal waters.

## **Jerusalem**

The UN's 1947 partition plan advocated that Jerusalem become an international zone. In the 1948 Arab-Israeli war, Israel took control of the western part of Jerusalem, while Jordan took the eastern part, including the old walled city containing important Jewish, Muslim and Christian religious sites. The 1949 armistice line cut the city in two.

In June 1967, Israel captured East Jerusalem from Jordan and almost immediately annexed it. It reaffirmed its annexation in 1981.

Israel regards Jerusalem as its "eternal capital." Most of the international community considers East Jerusalem part of the occupied West Bank. Palestinians envision East Jerusalem as the capital of a future Palestinian state.

## **The Palestine Liberation Organization**

The Arab League established the PLO in 1964 as an effort to control Palestinian nationalism while appearing to champion the cause. The Arab defeat in the 1967 war enabled younger, more militant Palestinians to take over the PLO and gain some independence from the Arab regimes.

The PLO includes different political and armed groups with varying ideological orientations. Yasser Arafat was PLO chairman from 1968 until his death in 2004. He was also the leader of Fatah, the largest PLO group. The other major groups are the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP) and, in the Occupied Territories, the Palestine Peoples Party (PPP, formerly the Communist Party). Despite these factional differences, the majority of Palestinians regarded the PLO as their representative until it began to lose significance after the 1993 Oslo accords and the establishment of the Palestinian Authority in 1994. Hamas, which is an Islamist group and not a component of the PLO, emerged in the late 1980s. The rise of Hamas, especially in the 2000s, further diminished the authority of the PLO.

In the late 1960s, the PLO's primary base of operations was Jordan. In 1970–1971, fighting with the Jordanian army drove the PLO leadership out of the country, forcing it to relocate to Lebanon. When the Lebanese civil war started in 1975, the PLO became a party to the conflict. After the Israeli invasion of Lebanon in 1982, the PLO leadership was expelled from the country, relocating once more to Tunisia.

Until 1993, Israel did not acknowledge Palestinian national rights or recognize the Palestinians as an independent party to the conflict. Israel refused to negotiate with the PLO, arguing that it was nothing but a terrorist organization, and insisted on dealing only with Jordan or other Arab states. It rejected the establishment of a Palestinian state, demanding that Palestinians be incorporated into the existing Arab states. This intransigence ended when Israeli representatives entered into secret negotiations with the PLO, which led to the 1993 Oslo Declaration of Principles.

## **The October 1973 War and the Role of Egypt**

In 1971, Egyptian President Anwar al-Sadat indicated to UN envoy Gunnar Jarring that he was willing to sign a peace agreement with Israel in exchange for the return of Egyptian territory lost in 1967 (the Sinai Peninsula). When this overture was ignored by Israel and the US, Egypt and Syria decided to act to break the political stalemate. They attacked Israeli forces in the Sinai Peninsula and the Golan Heights in October 1973, on the Jewish holy day of Yom Kippur. The surprise attack caught Israel off guard, and the Arabs achieved some early military victories. This turn of events prompted American political intervention, along with sharply increased military aid to Israel.

After the war, US Secretary of State Henry Kissinger pursued a diplomatic strategy of limited bilateral agreements to secure partial Israeli withdrawals from the Sinai Peninsula and the Golan Heights while avoiding negotiations on more difficult issues, including the fate of the West Bank and Gaza. This strategy also positioned the United States as the sole mediator and most significant external actor in the conflict, a position it has sought to maintain ever since.

Sadat eventually decided to initiate a separate overture to Israel. He traveled to Jerusalem on November 19, 1977 and gave a speech to the Knesset. It was a powerful symbol of recognition that Israel has been expecting other

Arab heads of state to repeat, without due consideration of the particular circumstances that brought Sadat to Jerusalem.

In September 1978, President Jimmy Carter invited Sadat and Israeli Prime Minister Menachem Begin to the Camp David presidential retreat in Maryland. They worked out two agreements: a framework for peace between Egypt and Israel, and a general framework for resolution of the Middle East crisis, in other words, the Palestinian question.

The first agreement formed the basis of the Egyptian-Israeli peace treaty signed in 1979. The second agreement proposed to grant autonomy to the Palestinians in the West Bank and the Gaza Strip for a five-year interim period, after which the final status of the territories would be negotiated.

Only the Egyptian-Israeli part of the Camp David accords was implemented. The Palestinians and other Arab states rejected the autonomy concept because it did not guarantee full Israeli withdrawal from areas captured in 1967 or the establishment of an independent Palestinian state. In any case, Israel sabotaged negotiations by continuing to confiscate Palestinian lands and build new settlements in violation of the commitments Begin made to Carter at Camp David.

### **The First Intifada**

In December 1987, the Palestinian population in the West Bank and Gaza began a mass uprising against the Israeli occupation. This uprising, or *intifada* (which means “shaking off” in Arabic), was not started or orchestrated by the PLO leadership in Tunis. Rather, it was a popular mobilization that drew on the organizations and institutions that had developed under occupation.

The *intifada* involved hundreds of thousands of people, many with no previous resistance experience, including children and teenagers. For the first few years, it involved many forms of civil disobedience, including massive demonstrations, general strikes, refusal to pay taxes, boycotts of Israeli products, political graffiti and the establishment of underground “freedom schools” (since regular schools were closed by the military as reprisals for the uprising). It also included stone throwing, Molotov cocktails and the erection of barricades to impede the movement of Israeli military forces.

*Intifada* activism was organized through popular committees under the umbrella of the United National Leadership of the Uprising. This broad-based resistance drew unprecedented international attention to the situation facing Palestinians in the West Bank and Gaza, and challenged the occupation as never before.

Under the leadership of Defense Minister Yitzhak Rabin, Israel tried to smash the *intifada* with “force, power and beatings.” Army commanders instructed troops to break the bones of demonstrators. From 1987 to 1991, Israeli forces killed over 1,000 Palestinians, including over 200 under the age of 16.

Israel also engaged in massive arrests; during this period, Israel had the highest per capita prison population in the world. By 1990, most of the Palestinian leaders of the uprising were in jail and the *intifada* lost its cohesive force, although it continued for several more years.

During the first *intifada*, Israel instituted a secret policy of targeted killing in the Occupied Territories. These operations were conducted by undercover units who disguised themselves as Arabs to approach and execute their targets, or by snipers who killed from a distance. To evade war crimes allegations, for years Israel’s targeted killing policy was staunchly denied.

Political divisions and violence within the Palestinian community escalated, especially the growing rivalry between the various PLO factions and Islamist organizations ( Hamas and Islamic Jihad). Palestinian militants killed over 250 Palestinians suspected of collaborating with the occupation authorities and about 100 Israelis during this period.

The *intifada* made clear that the status quo was untenable and shifted the center of gravity of Palestinian political initiative from the PLO leadership in Tunis to the Occupied Territories. Palestinian activists demanded that the PLO adopt a clear political program to guide the struggle for independence. In response, the Palestine National Council (the PLO’s leading body) convened in Algeria in November 1988, recognized the State of Israel, proclaimed an

independent Palestinian state in the West Bank and the Gaza Strip, and renounced terrorism. The Israeli government did not respond to these gestures, claiming that nothing had changed and that the PLO remained a terrorist organization with which it would never negotiate. The US did acknowledge that the PLO's policies had changed, but did little to encourage Israel to abandon its inflexible stand.

### **The Negotiation Process**

US and Israeli failure to respond meaningfully to PLO moderation resulted in the PLO's opposition to the 1991 US-led attack on Iraq, which had occupied Kuwait. After the 1991 Gulf war, the PLO was diplomatically isolated. Kuwait and Saudi Arabia cut off financial support they had been providing, bringing the PLO to the brink of crisis.

The US sought to stabilize its position in the Middle East by promoting a resolution of the Arab-Israeli conflict. The administration of President George H. W. Bush pressed a reluctant Israeli Prime Minister Yitzhak Shamir to open negotiations with the Palestinians and the Arab states at a multilateral conference convened in Madrid, Spain, in October 1991. Shamir's conditions, which the US accepted, were that the PLO be excluded from the talks and that the Palestinian desires for independence and statehood not be directly addressed.

In subsequent negotiating sessions held in Washington, Palestinians were represented by a delegation from the Occupied Territories. Residents of East Jerusalem were barred by Israel from the delegation on the grounds that the city is part of Israel. Although the PLO was formally excluded, its leaders regularly consulted with and advised the Palestinian delegation. Although Israeli and Palestinian delegations met many times, little progress was achieved. Prime Minister Shamir announced after he left office that his strategy was to drag out the Washington negotiations for ten years, by which time the annexation of the West Bank would be an accomplished fact.

Human rights conditions in the West Bank and the Gaza Strip deteriorated dramatically after Yitzhak Rabin became prime minister in 1992. This development undermined the legitimacy of the Palestinian delegation to the Washington talks and prompted the resignation of several delegates.

Lack of progress in the Washington talks, human rights violations and economic decline in the West Bank and the Gaza Strip accelerated the growth of a radical Islamist challenge to the PLO. Violent attacks against Israeli military and civilian targets by Hamas and Islamic Jihad further exacerbated tensions. The first suicide bombing occurred in 1993.

Before the *intifada*, Israeli authorities had enabled the development of Islamist organizations as a way to divide Palestinians in the Occupied Territories. But as the popularity of Islamists grew and challenged the moderation of the PLO, Israel came to regret this policy of encouraging political Islam as an alternative to the PLO's secular nationalism. Eventually, Rabin came to believe that Hamas, Jihad and the broader Islamic movements of which they were a part posed more of a threat to Israel than the PLO.

### **The Oslo Accords**

The fear of radical Islam and the stalemate in the Washington talks brought the Rabin government to reverse the long-standing Israeli refusal to negotiate with the PLO. Consequently, Israel initiated secret negotiations directly with PLO representatives. The talks were conducted in Oslo, Norway. They produced the Israel-PLO Declaration of Principles, which was signed in Washington in September 1993.

The Declaration of Principles was based on mutual recognition of Israel and the PLO. It established that Israel would withdraw from the Gaza Strip and Jericho, with additional withdrawals from further unspecified areas of the West Bank during a five-year interim period. The key issues—such as the extent of the territories to be ceded by Israel, the nature of the Palestinian entity to be established, the future of the Israeli settlements and settlers, water rights, the resolution of the refugee problem and the status of Jerusalem—were set aside to be discussed in final status talks.

In 1994 the PLO formed a Palestinian Authority (PA) with "self-governing" (i.e., municipal) powers in the areas from which Israeli forces were redeployed. In January 1996, elections were held for the Palestinian Legislative Council and for the presidency of the PA, which were won handily by Fatah and Yasser Arafat, respectively.

The PLO accepted this deeply flawed agreement with Israel because it was weak and had little diplomatic support in the Arab world. Both Islamist radicals and some local leaders in the West Bank and the Gaza Strip challenged Arafat's leadership and rejected the negotiations. Hamas introduced the tactic of suicide bombings in this period. Some were done in retaliation for Israeli attacks, including a 1994 massacre by an American-born Israeli settler of 29 Palestinians who were praying at the Ibrahim mosque in Hebron. Others seemed motivated by a wish to derail the Oslo process.

The Oslo accords set up a negotiating process without specifying an outcome. The process was supposed to have been completed by May 1999. During the Likud's return to power in 1996–1999, Prime Minister Benjamin Netanyahu avoided engaging seriously in the Oslo process, which he fundamentally opposed.

A Labor-led coalition government headed by Prime Minister Ehud Barak came to power in 1999. Barak at first concentrated on reaching a peace agreement with Syria, a strategy aimed at weakening the Palestinians. When he failed to convince the Syrians to sign an agreement, Barak turned his attention to the Palestinian track.

During the protracted interim period of the Oslo process, Israel's Labor and Likud governments dramatically escalated settlement building and land confiscations in the Occupied Territories and constructed a network of bypass roads to enable Israeli settlers to travel from their settlements to Israel proper without passing through Palestinian-inhabited areas. These projects were understood by most Palestinians as marking out territory that Israel sought to annex in the final settlement. The Oslo accords contained no mechanism to block these unilateral actions or Israel's violations of Palestinian human and civil rights in areas under its control.

Final status negotiations between Israel and the Palestinians only got underway in earnest in mid-2000. By then, a series of Israeli interim withdrawals left the Palestinian Authority with direct or partial control of some 40 percent of the West Bank and 65 percent of the Gaza Strip. The Palestinian areas were surrounded by Israeli-controlled territory with entry and exit controlled by Israel.

In July 2000, President Bill Clinton invited Barak and Arafat to Camp David to conclude negotiations on the long-overdue final status agreement. Before they met, Barak proclaimed his "red lines": Israel would not return to its pre-1967 borders; East Jerusalem with its 175,000 (now about 200,000) Jewish settlers would remain under Israeli sovereignty; Israel would annex settlement blocs in the West Bank containing some 80 percent of the 180,000 (now about 360,000) Jewish settlers; and Israel would accept no legal or moral responsibility for the creation of the Palestinian refugee problem. The Palestinians, in accordance with UN Security Council Resolution 242 and their understanding of the spirit of the Oslo Declaration of Principles, sought Israeli withdrawal from the vast majority of the West Bank and the Gaza Strip, including East Jerusalem, and recognition of an independent state in those territories.

The distance between the two parties, especially on the issues of Jerusalem and refugees, made it impossible to reach an agreement at the Camp David summit. Although Barak offered a far more extensive proposal for Israeli withdrawal from the West Bank than any other Israeli leader had publicly considered, he insisted on maintaining Israeli sovereignty over East Jerusalem. This stance was unacceptable to the Palestinians and to most of the Muslim world. Arafat left Camp David with enhanced stature among his constituents because he did not yield to American and Israeli pressure. Barak returned home to face political crisis within his own government, including the departure of coalition partners who felt he had offered the Palestinians too much. But the Israeli taboo on discussing the future of Jerusalem was broken. Some Israelis began to realize for the first time that they would never achieve peace if they insisted on imposing their terms on the Palestinians; the majority came to believe that if that was the case, Israel would have to learn to live with the conflict indefinitely.

## **The Second (al-Aqsa) Intifada**

The problems with the "peace process" initiated at Oslo, combined with the daily frustrations and humiliations inflicted upon Palestinians in the Occupied Territories, as well as corruption in the Palestinian Authority, converged to ignite a second *intifada* in late September 2000. On September 28, Likud candidate for prime minister Ariel Sharon visited the Temple Mount (Noble Sanctuary) accompanied by 1,000 armed guards. In light of Sharon's well-known call for maintaining Israel's annexation of East Jerusalem, this move provoked large Palestinian protests in Jerusalem. The following day, Palestinians threw rocks at Jews praying at the Western Wall. Israeli police then stormed the Temple Mount and killed at least four and wounded 200 unarmed protesters. By the end of the day Israeli forces killed three more Palestinians in Jerusalem.

These killings inaugurated demonstrations and clashes across the West Bank and the Gaza Strip. In October there were widespread solidarity demonstrations and a general strike in Arab and mixed towns inside Israel, in the course of which police killed 12 unarmed Palestinian citizens of Israel.

The second *intifada* was much bloodier than the first. During the first three weeks of the uprising, Israeli forces shot 1 million live bullets at unarmed Palestinian demonstrators. It was a conscious escalation in the use of force designed to avoid a protracted civil uprising, like the first *intifada*, and the international sympathy it won the Palestinians. On some occasions, armed PA policemen, often positioned at the rear of unarmed demonstrations, returned fire.

Israel characterized the spreading protests as acts of aggression. Soon, the use of force expanded to include tanks, helicopter gunships and even F-16 fighter planes. The Israeli army attacked PA installations in Ramallah, Gaza and elsewhere. Civilian neighborhoods were subjected to shelling and aerial bombardment.

Officials justified waging full-scale war on Palestinians in the Occupied Territories by arguing that the law enforcement model (policing and riot control) was no longer viable because the military was “out” of Palestinian areas, and because Palestinians possessed (small) arms and thus constituted a foreign “armed adversary.” Officials described the second *intifada* as an “armed conflict short of war,” and claimed that Israel had a self-defense right to attack an “enemy entity,” while denying that those stateless enemies had any right to use force, even in self-defense.

In November 2000 Hamas and Islamic Jihad, and then later the PFLP and the Fatah-affiliated al-Aqsa Martyrs Brigade, began conducting suicide bombings and other armed operations. There were over 150 such attacks from 2000 through 2005, compared to 22 incidents from 1993 to 1999 by Islamist opponents of the Oslo process.

Palestinian-Israeli negotiations resumed briefly (importantly, with no US presence) at Taba (in the Sinai) in January 2001. The parties came “painfully close” to a final agreement, according to the lead negotiators, before they were called off by Barak in advance of the early elections he had called for prime minister to forestall a likely vote of no confidence in the Knesset. Ariel Sharon handily won the 2001 election.

Sharon’s first term as premier coincided with a particularly violent stretch of the second *intifada*. A cycle of targeted killings of Palestinian militants and Palestinian attacks inside Israel culminated in a suicide bombing in Netanya on March 27, 2002, during the Passover holiday. The attack killed 30 Israelis. In retaliation, Israel launched Operation Defensive Shield, a full-scale tank invasion of the West Bank that lasted for several weeks. Armored Caterpillar bulldozers razed swathes of the Jenin refugee camp and tanks ringed the Church of the Nativity in Bethlehem. Meanwhile, Israeli forces imposed all-day curfews in seven of the West Bank’s eight major towns.

Israel justified this offensive as hot pursuit of terrorist suspects, with the full backing of the George W. Bush administration in Washington. The US bucked the trend of international opinion, which was generally critical of Israel’s operation. A second, shorter tank invasion occurred in June.

The Likud Party dominated Israeli politics for the next decade. Its ascendancy marked the end of the Oslo “peace process” for all practical purposes, since the Likud unequivocally opposed establishing a Palestinian state or making “territorial compromises.” Many, if not most, Palestinians also came to reject the limitations of the Oslo Declaration of Principles and its two decades of “process” without peace or a Palestinian state. Nonetheless, the term “peace process” continues to be used, primarily as a vehicle for asserting US control over Palestinian-Israeli negotiations.

## **The 2002 Arab Peace Plan**

In 2002, at the Beirut summit of the Arab League, all the Arab states except Libya endorsed a peace initiative proposed by Saudi Arabia. The plan offered an end to the Arab-Israeli conflict, including recognition of Israel, peace agreements and normal relations with all the Arab states, in exchange for a full Israeli withdrawal from all the territories occupied since 1967, including the Golan Heights, “a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194,” and establishment of an independent Palestinian state in the West Bank and Gaza Strip, with East Jerusalem as its capital. The Arab League renewed its peace initiative in 2007.

By 2002 the Egyptian-Israeli peace treaty was in place for nearly a quarter of a century. In 1994 Jordan signed a peace treaty with Israel; in 1994 and 1996 Israel established mutual "interest sections" with Morocco and Tunisia; in 1994 an Israeli delegation visited Bahrain; in 1996 and 1998 Oman and Qatar initiated trade relations with Israel. On the Arab side, these steps were undertaken in anticipation of a Palestinian-Israeli peace agreement. Only the treaties with Egypt and Jordan survived the outbreak of the second *intifada*.

The offer of recognition and normal relations was a substantial innovation in the Arab diplomatic lexicon. Just as important was the proposal for "a just solution to the Palestinian refugee problem." While the Arab League document refers to the UN resolution calling on Israel to allow Palestinians who wish to live in peace to return to their homes, it does not use the term "right to return" and therefore implies that peace would not require the return of all the refugees. Nonetheless, Sharon rebuffed the Arab initiative and Benjamin Netanyahu, who became prime minister in 2006, rejected it again in 2007. Mahmoud Abbas, who succeeded Yasser Arafat as Palestinian Authority president, enthusiastically supported the Arab League proposals and urged the US to embrace them. In 2009 President Barack Obama announced that he would "incorporate" the Arab proposals into his administration's Middle East policy. But no public statement by the Obama administration suggests any substantive step in this direction.

### **The Separation Barrier**

In 2002 Prime Minister Sharon authorized the construction of a barrier ostensibly separating Israel and the West Bank. Sharon reluctantly embraced the concept of a separation barrier only when he understood that it was demographically impossible for Israel to annex all of the West Bank and the Gaza Strip and remain a majority Jewish state. In contrast, the concept of "separation" ("us here, them there," as Yitzhak Rabin put it) was long a principle of labor Zionism.

The separation barrier runs mostly to the east of the Green Line marking the border between Israel and the West Bank. Palestinians refer to the barrier as the "apartheid wall." It cuts communities in two, blocks routes of travel even within towns and villages, and has totally reconfigured the geography of the West Bank. About 95 percent of the barrier consists of an elaborate system of electronic fences, patrol roads and observation towers constructed on a path as much as 300 meters wide; about 5 percent, mostly around Qalqilya and Jerusalem, consists of an 8-meter-high concrete wall.

The area between the Green Line and the barrier—about 9.5 percent of the West Bank—is known as the "seam zone" and has been a closed military area since 2003, functionally detaching it from the West Bank and annexing it to Israel. Israeli officials insist that this wall is essential to preserve and defend Israeli security. In 2004, the case of the wall was taken before the International Court of Justice for an advisory opinion. The ICJ ruled that the wall is "disproportionate" and therefore constitutes a violation of international law.

### **Popular Resistance**

Dozens of Palestinian villages just east of the "seam zone" in the West Bank have engaged in popular resistance to protest the barrier's isolation or confiscation of their agricultural lands. Villagers have mounted demonstrations and other efforts to stop bulldozers from digging the foundations of the barrier. They have chained themselves to olive trees to prevent their being uprooted, cut the barrier open in sections where it is a fence, and painted graffiti on sections of the barrier where it is a concrete wall.

The International Solidarity Movement and thousands of Israelis, many of them organized by Ta'ayush/Palestinian-Israeli Partnership and Anarchists Against the Wall, have supported the Palestinian popular resistance and regularly participated in its activities. The four-month "peace camp" at the village of Masha in the spring and summer of 2003 and similar efforts in several other villages were critical experiences in forging solidarity among Palestinians, Israelis and internationals. Living and struggling together with Palestinians at this level of intensity for a protracted period raised the consciousness of the hundreds of Israeli participants to an entirely new level.

As a result of the popular resistance, the villages of Budrus and Bil'in, which became internationally renowned due to award-winning documentary films about their struggle, as well as several other villages, regained some of the lands that had been confiscated for construction of the separation barrier.

## **The Road Map and the Quartet**

On June 24, 2002, President George W. Bush delivered a speech calling for an independent Palestinian state living side by side with Israel in peace. Although this “two-state solution” had been the effective policy of the Clinton administration, Bush’s speech was the first time the United States officially endorsed that vision for ending the Palestinian-Israeli conflict. To advance this goal, the Bush administration proposed a “road map” beginning with mutual steps, including an end to violence and political reform by the Palestinian Authority and withdrawal from Palestinian cities and a settlement freeze by Israel.

The road map’s implementation was to be supervised by a Quartet composed of the United States, Great Britain, Russia, and the UN. In 2003, British Prime Minister Tony Blair conditioned his support for the impending US invasion of Iraq on a renewed international effort to resolve the Palestinian-Israeli conflict. The road map was apparently the Bush administration’s response.

Efforts to implement the road map were delayed for one year in order to allow Ariel Sharon and the Likud to win the elections of January 2003 without the obstacle of an American-sponsored plan for a Palestinian state. This lag also enabled the United States to carry out its invasion of Iraq and allowed a new Palestinian Authority cabinet led by Mahmoud Abbas to be installed. Israel and the United States refused to deal with Yasser Arafat, who was confined to his Ramallah headquarters by Israeli forces.

After the road map was announced on April 30, 2003, Israel submitted a list of 14 reservations. Although this list amounted to a rejection of the plan, the Bush administration pretended that both parties accepted it and renewed peace talks began on July 1. Negotiations soon stalled, however, due to an escalation of violence.

Despite the freezing of the road map, Prime Minister Sharon had begun to realize that Israel could not remain a Jewish state and control millions of Palestinians indefinitely. In early 2004 he announced his intention to withdraw Israeli forces unilaterally from the Gaza Strip. The Bush administration supported this plan.

President Bush gave additional diplomatic support by writing a letter to Sharon on April 4, 2004, stating: “In light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion.” Bush also stated that a resolution to the Palestinian refugee issue would have to be found in a Palestinian state.

In practical terms the United States had long accepted Israeli annexation of many of the Israeli settlements established since 1967 and supported Israel’s rejection of the Palestinian refugees’ “right to return” to their homes inside Israel. Nonetheless, Bush’s letter was a dramatic shift—in Israel’s favor—in formal US policy on two key issues.

### **Israel’s “Withdrawal” from the Gaza Strip**

In 2005 the Likud Party split over disagreements about the future of Gaza and the West Bank. Sharon led a group out of the Likud, which joined with defectors from the Labor Party to form the Kadima (Forward) Party as a vehicle to conduct Israel’s military redeployment out of the Gaza Strip. All Jewish settlements in Gaza were evacuated, and the Strip was sealed by a wall adhering closely to the Green Line. The only entry and exit for Palestinians was through several checkpoints totally controlled by Israel.

Despite official Israeli claims that this unilateral disengagement transformed Gaza into “no longer occupied territory,” neither those changes nor anything that has transpired since has ended the occupation. Israel’s occupation of Gaza continues to the present day because Israel continues to exercise “effective control” over this area; because the conflict that produced the occupation has not ended; and because an occupying state cannot unilaterally (and without international/diplomatic agreement) transform the international status of occupied territory except, perhaps, if that unilateral action terminates all manner of effective control. In addition, Israel continues to control the Palestinian Population Registry, which has the power and authority to define who is a “Palestinian” and who is a resident of Gaza.

Another manifestation of Israel's continuing occupation of Gaza is its periodic incursions to arrest residents and transport them into Israel. In the wake of Israel's unilateral disengagement, the Knesset enacted a new law to allow for the prosecution of Gazans in Israeli civil courts and their imprisonment inside Israel.

### **The 2006 Palestinian Elections and the Rise of Hamas**

In January 2005, following the death of Yasser Arafat, Mahmoud Abbas was elected president of the Palestinian Authority with the backing of his Fatah party. In the January 2006 elections for the Palestinian Legislative Council, Hamas won a majority of 77 out of 122 seats. Its victory over second-place Fatah in the popular vote was a much narrower 44.45 to 41.43 percent.

When announcing the road map, the Quartet had stipulated three conditions for participation in internationally sponsored negotiations. First, the parties had to recognize the State of Israel. Second, they had to accept all previous agreements signed between Israel and the Palestinians. And third, they had to renounce the use of violence for political ends. After the elections, Hamas said it was willing to extend a ceasefire with Israel. Its participation in the PA elections could be considered de facto acceptance of the Oslo accords, since those agreements had created the PA. And a senior Hamas figure said the party "did not oppose" the 2002 Arab League peace plan's offer to recognize the State of Israel. He did insist that such recognition come only when Israel recognized "the rights of the Palestinian people." The Quartet, together with Israel, has judged these positions as belligerent rather than as steps toward the Palestinian "moderation" they demand.

In response to the Hamas victory, the Quartet cut off its financial support for the Palestinian Authority. Israel began to withhold the tax revenue it collects on behalf of the PA. Because that revenue makes up over half the PA's budget, these measures further weakened the already embattled Palestinian economy. More than 150,000 Palestinians in the West Bank are on the PA's payroll and thousands of retirees also depend on PA pensions. Since 2006, the PA has frequently been unable to pay salaries on time or in full.

Ignoring the legitimacy of Hamas' victory in indisputably free elections, the United States provided \$84 million in military aid to improve the fighting ability of the Presidential Guard loyal to Mahmoud Abbas. Palestinian security forces in the West Bank were retrained under a program led by US Marine Lt. Gen. Keith Dayton. Israel also permitted the Presidential Guard to enhance its arsenal.

In June 2007, with backing from the United States, Fatah moved to carry out a coup to oust Hamas from the Gaza Strip. Hamas preempted the move and after a pitched battle established its sole control over the territory. Governance of the West Bank and the Gaza Strip has been divided between Fatah and Hamas since then.

In the aftermath of the failed coup, Mahmoud Abbas dissolved the Palestinian Authority cabinet and appointed Salam Fayyad, a US-trained economist with experience in the International Monetary Fund, as prime minister. Fayyad undertook to transform the Palestinian economy along neoliberal lines, hoping that this "good governance" along with more aggressive pursuit of Hamas and Islamic Jihad by the "Dayton Brigades," as they were known, would convince the West that the Palestinians deserved a state. Fayyad resigned in frustration in April 2013.

### **Israel's Siege of the Gaza Strip**

On September 19, 2007, Israel declared that Gaza had become a "hostile territory." With support from Egypt under President Hosni Mubarak, Israel tightened its blockade of the Gaza Strip.

Israel's 2008–2009 and 2012 assaults on the Gaza Strip enhanced Hamas' stature and popularity among Palestinians and internationally. In May 2010 the moderate Islamist party ruling Turkey expressed its sympathy for Hamas by permitting the *Mavi Marmara*, sponsored by the Islamist Humanitarian Relief Foundation, to join a flotilla to relieve the besieged population of the Gaza Strip. Israel attacked the *Mavi Marmara*, killing eight unarmed Turkish citizens and one unarmed US citizen of Turkish origin. (A tenth victim fell into a coma and died in May 2014.) This incident led to the freeze of the previously warm relations between Turkey and Israel.

## **The Secret Olmert-Abbas Negotiations**

Ariel Sharon suffered a stroke that put him in a permanent coma in January 2006. (He would die eight years later.) Ehud Olmert replaced him as prime minister and leader of Kadima.

From December 2006 to September 2008 Olmert and Abbas conducted secret negotiations that came close to agreement. The contents of those talks were revealed to Al Jazeera and published as “the Palestine Papers” in January 2011. Since then, Olmert and Abbas have publicly confirmed that they agreed on demilitarization of the Palestinian state; stationing of an American-led international security force on the border between Palestine and Israel; sharing Jerusalem and an international committee to oversee its holy sites; and return of 10,000 Palestinian refugees to Israel and compensation and resettlement for the rest.

The key disagreement was over the extent of Israeli annexations in the West Bank. To avoid evacuating populous settlements, Olmert proposed 6.3 percent annexation and compensation for Palestine with Israeli territory equivalent to 5.8 percent, plus a 25-mile tunnel under Israel from the South Hebron Hills to Gaza. Olmert suggested he might go down to 5.9 percent. Abbas offered no more than 1.9 percent. The settlements of Ariel and Ma’ale Adumim, deep in the West Bank, as well as Efrat, were the main bones of contention.

The leaders expected that the United States would help them split the territorial difference, as Clinton had in 2000. But the talks were abandoned because of Israel’s invasion of Gaza in December 2008, Olmert’s indictment on corruption charges, and the victory of Benjamin Netanyahu and the Likud in the February 2009 Knesset elections. Netanyahu refused to continue the negotiations from where they had left off.

## **Palestinian Statehood and the UN**

Mahmoud Abbas, in his capacity as chairman of the PLO, has twice petitioned the UN to accept Palestine as a member state. In September 2011 he approached the Security Council and asked for full membership for Palestine. The petition did not receive the nine required votes. In any case, the United States would have vetoed the petition, preventing it from being passed on to the General Assembly for a vote. On November 29, 2012, the sixty-fifth anniversary of UN General Assembly Resolution 181 partitioning Palestine, Abbas asked the General Assembly to accept Palestine as a non-member observer state, the same status enjoyed by the Vatican (and Switzerland before it joined the UN). This request was overwhelmingly approved with 138 votes in favor and 9 against, with 41 abstentions. The no votes came from Israel, the United States, Canada, the Czech Republic, Panama, the Marshall Islands, Micronesia, Nauru and Palau.

The vote had no effect on the ground. Israel continues to occupy the West Bank and the Gaza Strip. It did, however, open the possibility that Palestine could approach the International Criminal Court to pursue Israeli officials for crimes committed in the course of the occupation.

International opinion is nearly unanimous that a two-state solution, including a sovereign Palestinian state, is the best if not only way forward in the century-old conflict over historical Palestine. Yet there is no visible movement toward achieving this outcome.

One reason is the seismic rightward shift in Israeli Jewish opinion, which since the outbreak of the second *intifada* holds that no peace is possible with the Palestinians. Rather than “conflict resolution,” many feel, Israel should pursue a policy of “conflict management.” Partly to cater to such opinion, and partly to please the powerful settler lobby, recent Israeli governments have been unwilling to negotiate in good faith. Settlements grow apace.

A second reason is the split between Abbas and Hamas in the Palestinian body politic. Their dispute over strategy—negotiations versus resistance—divides ordinary Palestinians as well. Meanwhile, Palestinian citizens of Israel and refugees in neighboring Arab countries are adamant that a comprehensive peace must include them. There are increasingly pressing questions about the viability of the two-state vision and even the utility of international law for delivering a minimally just “solution” to the question of Palestine.

Still a third reason is the lack of political will in Washington, where the Obama administration (for the time being, at least) retains stewardship of the “peace process.” In the spring of 2013, Secretary of State John Kerry began traveling frequently to the Middle East in an effort to restart Israeli-Palestinian negotiations aimed at a two-state

solution. He succeeded in doing so, and at the time of writing maintains a brave face in public about the possibility of success. There is no indication, however, that a peace agreement is on the horizon. In January 2014 President Obama himself told the *New Yorker* that he estimated the chances of a successful conclusion to negotiations to be “less than 50–50.” In our judgment, the odds are much lower.

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## **Beyond Moderates and Militants: How Obama Can Chart a New Course in the Middle East**

By: Robert Malley and Peter Harling  
Foreign Affairs, September/October 2010

In the Middle East, U.S. President Barack Obama has spent the first year and a half of his presidency seeking to undo the damage wrought by his predecessor. He has made up some ground. But given how slowly U.S. policy has shifted, his administration runs the risk of implementing ideas that might have worked if President George W. Bush had pursued them a decade ago. The region, meanwhile, will have moved on.

It is a familiar pattern. For decades, the West has been playing catch-up with a region it pictures as stagnant. Yet the Middle East evolves faster and less predictably than Western policymakers imagine. As a rule, U.S. and European governments eventually grasp their missteps, yet by the time their belated realizations typically occur, their ensuing policy adjustments end up being hopelessly out of date and ineffective.

In the wake of the colonial era, as Arab nationalist movements emerged and took power across the Middle East, Europe either ignored the challenge they posed or treated them as Soviet-inspired irritants. By the time the West understood the significance and popularity of these movements, Europe's power had long since faded, and its reputation in the region was irreparably tarnished by the stain of neocolonialism. Likewise, the United States only became fully conscious of the jihadist threat in the aftermath of 9/11, after Washington had fueled its rise by backing Islamist militant groups in Afghanistan during the 1980s. And Washington only endorsed the idea of a Palestinian state in 2000--just when, as a result of developments on the ground and in both the Israeli and the Palestinian polities, the achievement of a two-state solution was becoming increasingly elusive.

The West's tendency to adopt Middle East policies that have already outlived their local political shelf lives is occurring once again today: despite its laudable attempt to rectify the Bush administration's missteps, the Obama administration is hamstrung by flawed assumptions about the regional balance of power. Washington still sees the Middle East as cleanly divided between two camps: a moderate, pro-American camp that ought to be bolstered and a militant, pro-Iranian one that needs to be contained. That conception is wholly divorced from reality.

Paradoxically, such a prism replicates the worldview of the Bush administration, which, in almost every other respect, the Obama administration has rejected. Its proponents assume the existence of a compelling Western vision of peace and prosperity, which the region's so-called moderates can rally around, even as U.S. and European credibility in the Middle East is at an all-time low. It underestimates and misunderstands the role of newly prominent actors, such as Turkey, that do not fit within either supposed axis and whose guiding principle is to blur the line between the two. Most important, it assumes a relatively static landscape in a region that is highly fluid.

Ignoring the Middle East's changing composition makes it difficult to understand the significance of recent political adjustments. If the goal is to defeat the radicals in order to strengthen the moderates, how is one to assess Saudi Arabia's resumed dialogue with Hamas or its improved ties with Syria? What is one to make of a regime in Damascus that simultaneously ships arms to Hezbollah, deepens its intelligence and security ties with Tehran, and opposes important Iranian objectives in Iraq? And how is one to interpret Turkey's multifaceted diplomacy--maintaining its ties to the West, deepening its relations with Syria, mediating a nuclear deal with Iran, and reaching out to Hamas?

By disregarding subtle shifts that are occurring and by awaiting tectonic transformations that never will, Washington is missing realistic chances to help reshape the region. Obama has an opportunity to change course by adopting a more elastic policy, but he cannot wait long: the United States might soon awake to a Middle East that it will find even harder to understand or influence.

### **LIKE FATHER, UNLIKE SON**

DURING THE 1990s, the United States arguably reached the apex of its power and prestige in the Middle East. President George H. W. Bush showcased Washington's formidable military capabilities by forcing Iraq out of Kuwait in 1991. Diplomatically, his performance was equally impressive: he assembled a diverse coalition in support of Operation Desert Storm and that same year convened an unprecedented Arab-Israeli peace conference in Madrid. President Bill Clinton's approach built on those achievements: he contained Iran and Iraq while managing the Arab-Israeli conflict through the peace process. Meanwhile, the Lebanese time bomb was temporarily defused by a U.S.-endorsed Pax Syriana that guaranteed stability in exchange for Beirut's submission to its neighbor's domination.

All told, Washington had successfully frozen the region's three most critical and volatile arenas of conflict: the Arab-Persian fault line, the occupied Palestinian territories, and Lebanon. This newfound equilibrium gave rise to a loose coalition among Egypt, Saudi Arabia, and Syria, whose relative convergence of interests--maintaining the regional status quo, a U.S.-managed peace process, and a Saudi-financed and Syrian-policed order in Lebanon--helped stabilize the inter-Arab balance of power. However halting, frustrating, and disappointing it proved to be, progress on the peace process also made the region less allergic to Washington's continuing special relationship with Israel. But this delicately constructed regional order collapsed with the outbreak of the Palestinian uprising in September 2000, and the situation only grew worse during the presidency of George W. Bush.

The George W. Bush administration's approach to the Middle East and its response to the 9/11 attacks fundamentally altered the region's security architecture. By ridding Afghanistan of the Taliban and Iraq of Saddam Hussein, Washington unwittingly eliminated Tehran's two overriding strategic challenges, thus removing key impediments to Tehran's ability to project power and influence across the region. At the same time, after the breakdown in the Israeli-Palestinian talks, the Bush administration redefined the core principles underpinning the peace process. It made meaningful advances dependent on preconditions, such as changes in the Palestinian leadership, the establishment of statelike institutions in the occupied territories, and the waging of a nebulous fight against an ill-defined terrorist menace. The end result was polarization of the region in general and of the Palestinian polity in particular. This approach also heightened the costs of the U.S.-Israeli alliance in the eyes of the Arab public. Finally, the United States overreached when--not content with having secured Syria's withdrawal from Lebanon--it pursued the unrealistic three-part goal of isolating Damascus, disarming Hezbollah, and bringing Lebanon into the pro-Western camp.

Although U.S. policy at the time helped put an end to the impasses that had long plagued Iraq and Lebanon, this came at a heavy human and political cost. More broadly, the resumption of crises in the Persian Gulf, Lebanon, and between the Israelis and the Palestinians prompted an ongoing, persistently vicious, and periodically violent renegotiation in the balance of power among nations (involving Egypt, Iran, Israel, Qatar, Saudi Arabia, Syria, and Turkey) and within nations (in Iraq, Lebanon, and the Palestinian territories). Suddenly, everything seemed up for grabs.

This proliferation of conflicts and emergence of new threats to U.S. interests occurred just as U.S. power was eroding and regional rivals were gaining strength. Serious limitations to the United States' military capabilities were exposed directly (in the quagmires in Afghanistan and Iraq) and indirectly (when Washington's ally, Israel, suffered setbacks in the Lebanon and Gaza wars).

Meanwhile, Washington made the promotion of liberal values a pillar of its Middle East policy, putting forth a profoundly moralistic vision of its role, precisely at a time when it was trampling the very principles underlying that vision. A president whose foreign policy was predicated on an ability to inspire Arabs with the rhetoric of democratic values undercut any such inspiration by occupying Iraq, rejecting the results of the Palestinian elections in January 2006, showing excessive deference to Israeli policies, and permitting human rights violations to take place, most notably at Guantánamo Bay and Abu Ghraib.

The "with us or against us" philosophy underpinning the U.S. war on terrorism placed Washington's Arab allies in a relationship that was becoming increasingly uncomfortable and politically costly as animosity toward the United States became widespread. Meanwhile, Iran, Syria, Hamas, and Hezbollah benefited from renewed popular sympathy and were driven together despite their often ambiguous relations and competing interests.

Washington's enemies were finding that the impediments to their geographic expansion and political ascent had disappeared: with the collapse of the Iraqi state, Iran was free to spread its influence beyond its borders toward the Arab world; Syria's withdrawal from Lebanon unshackled Hezbollah, helping transform it into a more autonomous and powerful actor; and the bankruptcy of the peace process boosted Hamas' fortunes and deflated Fatah's.

## **TOO LITTLE, TOO LATE**

EVEN AFTER the collapse of the Soviet Union, U.S. policymakers stuck to a Cold War-era approach to foreign policy: dividing the world between faithful friends and well-defined foes, anchoring diplomacy in relatively stable bilateral relationships, and relying on allies to promote clear-cut interests and contain enemies. In the 1990s, such a paradigm served as a more or less effective guide to Middle East policy because the United States enjoyed room to maneuver without being seriously challenged. Today, this model has become irrelevant.

The United States is currently juggling many competing and at times incompatible interests. These include curbing Tehran's increasing clout and its nuclear program while stabilizing an Iraq under heavy Iranian influence, shoring up the Nuclear Nonproliferation Treaty while protecting Israel's ambiguous nuclear status, retaining ties to friendly but repressive regimes while promoting democracy, preventing renewed violence in Gaza and Lebanon while not dealing with Hamas or Hezbollah, and advancing the peace process while perpetuating the schism among the Palestinians. Worse, the United States is striving to do all this at a time when it is no longer perceived to be as dominant as it once was. Local protagonists have learned various rhetorical and practical means of resisting U.S. pressure, ways of surviving and sometimes thriving by saying no. Local nonstate actors, which are harder to persuade or deter, have grown more powerful. Washington's foes can now use public opinion to their advantage, as do Hamas and Hezbollah, or curry favor with rival powers, as Iran has tried to do with Brazil, China, and Turkey.

The Obama administration has shown some signs of adjustment. Conscious of the United States' declining credibility in the Middle East and of its inability to resolve crises independently of one another, Obama has sought to reinvigorate the Israeli-Palestinian peace process, reach out to Iran and Syria, and forsake the simplistic "war on terror" mentality inherited from the Bush administration. It has redefined U.S. national security doctrine to make room for a more multipolar world.

Indeed, Obama is pursuing policies that, had Bush implemented them during his administration, may well have worked. But the region has not stood still, and at the current pace of change, the United States risks making vital policy adjustments only after it is too late.

The Obama administration will push for an Israeli-Palestinian agreement but will likely recognize the importance of intra-Palestinian unity for that goal only after spending several more years playing Fatah against Hamas and only after differences between the two movements have hardened beyond repair. Washington is engaging with Damascus, but by postponing a serious, high-level strategic dialogue about Syria's future regional role in a post-peace-deal environment, it risks making it immeasurably more costly for Damascus to relax its ties with Iran, Hamas, and Hezbollah. Similarly, Washington might formally accept Iran's right to enrich uranium for peaceful purposes only after Tehran has reached the point of no return in its nuclear weapons program.

At bottom, Washington still sees the Middle East as divided between moderates and militants--an understanding that blinds it to much of what currently fuels the region's dynamics. After all, on issues deemed central to U.S. interests, Washington's nominal allies in the region often pursue objectives that are not aligned with the United States', and its foes sometimes promote goals compatible with Washington's. For example, even though Iran and Saudi Arabia are bitter enemies, both tend to view Iraq through a similar confessional prism (albeit taking different sides in the sectarian competition), while Washington's vision of Iraq as a nonsectarian state is closer to Syria's and Turkey's. Even so, when it comes to Iraq, the U.S. government's inclination is to condemn Iran and Syria while praising Saudi Arabia and Turkey. Israel's undeclared nuclear program, foot-dragging approach to peace, and often single-minded reliance on military means to resolve conflicts are hard to reconcile with Obama's intention to restore the United States' standing in the Arab and Muslim worlds. And as Bush quickly discovered and as his successor knows, the United States' democracy and human rights agenda finds few takers among friendly regimes while resonating with the Islamist parties Washington is loath to empower.

Regional actors simply do not fit into a recognizable moderate-versus-militant template. Syria, one of the Arab world's most secular countries, is also the one most closely aligned with militant Islamist movements. Hezbollah, a symbol of Shiite militancy, has adapted to Lebanon's political system, which, with its pluralistic confessional makeup, liberal economic leanings, and endemic corruption, defies the movement's self-proclaimed principles. One can be a secular, liberal Arab democrat and still be profoundly hostile to Washington and the West, just as one can be an ally of the West and find common cause with certain jihadist groups.

Ironically, Iran espouses the bipolar logic of axes adopted by the United States, seeking to both lead and bolster a camp adhering to its militant values, even as Turkey, a NATO member and close U.S. ally, distances itself from Washington's vision and tries to erase the lines between the two purported groupings. Qatar hosts a U.S. military base, has enjoyed trade relations with Israel, has strong ties with Syria and Hamas, is friendly with Iran, and, through the global television network al Jazeera, has (notably on its Arabic channel) created the most potent and articulate exponent of the "militant" view. In May 2008, Qatar brokered the inter-Lebanese accord and Turkey mediated Israeli-Syrian negotiations. Neither Doha nor Ankara can plausibly be labeled as belonging to one axis or the other; both have earned reputations for talking to everyone.

## THE MYTH OF THE MILITANT CONSENSUS

IT SHOULD come as no surprise that the West is finding it increasingly problematic to manage complex situations with a rigid, one-dimensional paradigm. It is difficult to place Israel, Fatah, Wahhabi-dominated Saudi Arabia, and Iraq's outgoing prime minister, Nouri al-Maliki, in the same so-called moderate camp when they share neither values nor interests. Each has strong ties with Washington, to be sure, but these relations are motivated by different and sometimes contradictory considerations. Egypt, Jordan, and Saudi Arabia--standard-bearers of the moderate camp--do not have much in common, either. They do not share a willingness to engage with Israel, they exhibit different systems of government, and each pursues a separate approach to addressing religious extremism--Cairo tries to suppress it, Amman channels it through participation in a controlled democratic process, and Riyadh seeks to coopt it.

The moderate camp is in desperate need of what has been most lacking: a credible U.S. agenda around which its members can rally and that they can use to justify their alignment with Washington. In the absence of such an agenda, the most relevant competition pits two homegrown visions against each other. The first, backed by Iran, emphasizes resistance against Israel and the West and prioritizes security alliances and military buildups. The second, whose key advocate is Turkey, highlights forceful diplomacy, stresses engagement with all parties, and values economic integration. Although the two outlooks are being championed by non-Arab regional powers, both are largely in tune with local Arab sentiment. The region, it turns out, is organizing itself less in accordance with a U.S. policy and more in the absence of one.

The allegedly pro-Iranian axis also escapes neat description. In terms of ideology, interests, practical constraints, and even sectarian identity, Iran, Syria, Hamas, and Hezbollah differ in notable ways. Their ties fluctuate and reflect constant adjustments to shifting regional realities. Descriptions of this axis often veer into exaggeration and caricature. It is not, as some assume, the expression of a militant form of Shiism. Indeed, Syria is ruled by its Alawite minority, which has little in common with Iran's brand of Shiism, whereas Hamas is a quintessential Sunni movement and is at pains not to appear excessively beholden to Iran. Syria would prefer to see a Palestinian reconciliation that gave Hamas an important, albeit not exclusive, voice in decisionmaking. Hezbollah has outgrown its proxy relationship with Syria and has a vested interest in ensuring that Lebanese-Syrian relations do not revert to the old order. Contradictions between Iran and Syria run deeper still and are at play across the region. Whereas Iran has ruled out any dealings with Israel and openly calls for its destruction, Syria repeatedly asserts its willingness to negotiate and, should a peace deal be reached, normalize relations. And events in Iraq have brought Iran's and Syria's competing interests into even sharper relief. In Iraq today, as they did in Lebanon during the 1980s, Tehran and Damascus back different parties and espouse divergent goals: Iran seeks an Iraq under heavy Iranian influence, whereas Syria hopes to make the country an integral part of the Arab world.

What principally brings the so-called militant camp together is the need to counter what its members perceive as a U.S.-Israeli threat. The binary choice they face--either shift allegiances or remain frozen in a hostile relationship with the West--gives them no choice at all. On the contrary, the more that U.S., European, or Israeli pressure increases, the easier it becomes for them to disregard or downplay their disagreements. The unprecedented security coordination among Iran, Syria, Hamas, and Hezbollah is the clearest illustration of this dynamic, as each prepares for a potential wide-ranging confrontation. Meanwhile, "moderate" Arab countries--unsettled by a stagnant peace process and undercut by weakened U.S. leadership--face increasingly pointed social and political contradictions, potential succession crises, and a growing temptation to turn inward. Ironically, the United States has proved far more successful over the past decade in reinforcing the cohesiveness of its foes than it has in maintaining the unity of its allies.

## TURNING THE PAGE

SOME HAVE been quick to conclude that the United States is marginalized, that Washington's era in the Middle East is over, and that the future belongs to Tehran or Ankara. This is fantasy. As both Iran and Turkey are no doubt beginning to appreciate, there is a strict limit to what they can accomplish without--let alone in opposition to--the United States. Even with its popularity on the Arab street rising, Turkey has yet to achieve a breakthrough on any of the major initiatives on which it has labored: holding Israeli-Syrian peace talks, negotiating a nuclear deal with Iran, mediating a truce between Israel and Hamas, or attempting to reconcile Hamas and Fatah.

Still, in the absence of more forceful U.S. leadership, the Middle East is fast becoming a region of spoilers, nations whose greatest imperative--and sole possible accomplishment--is to prevent others from doing what they themselves cannot do. Egypt is trying to thwart Turkey's efforts to reconcile the rival Palestinian groups and get

Israel to lift its blockade of Gaza. Syria hinders peace efforts that come at the expense of its allies. Saudi Arabia is intent on blocking Iranian advances in Iraq. Practically no country has a positive agenda or is in a position to successfully advance one. Of course, despite the rise of its rivals, the United States still enjoys veto power over virtually all significant regional initiatives. But that is small consolation. To be spoiler in chief is a sad ambition for Washington and would be a depressing legacy for Obama.

The alternative is for the United States to play the role of conductor, coordinating the efforts of different nations even as it preserves its privileged ties to Israel and others. For example, Egypt and Saudi Arabia, together with Qatar and Turkey, could spearhead efforts to bring about Palestinian national reconciliation consistent with a continued U.S.-led peace process. Turkey, assuming that it mends its ties with Israel and maintains its newfound credibility in Arab countries, could serve as a channel to Hamas and Syria on peace talks or to Iran on the nuclear issue. Under the auspices of the United States, Iraq's Arab neighbors and Iran could reach a minimal consensus on Iraq's future aimed at maintaining Iraq's territorial unity, preserving its Arab identity, protecting Kurdish rights, and ensuring healthy, balanced relations between Baghdad and Tehran. Washington should intensify its efforts to resume and conclude peace negotiations between Israel and Syria, which would do far more to affect Tehran's calculations than several more rounds of UN sanctions. Syria also could be useful in reaching out to residual pockets of Sunni militants in Iraq.

As much as anything, the stalled Israeli-Palestinian peace process illustrates why a new approach is needed. Pillar after pillar supporting long-standing U.S. policy on this issue--strong, representative Israeli and Palestinian leaders; support from the Arab states; unrivaled U.S. power and credibility--has eroded to the point where they barely matter today. The Palestinian national movement has fragmented, Fatah's clout and legitimacy have dwindled, and foreign countries have boosted their influence over the Palestinian arena, affecting the decisions of Fatah and Hamas alike.

The most politically active Israeli and Palestinian constituencies--Israeli settlers and members of the Israeli religious right, on the one hand, and the Palestinian diaspora, Palestinian refugees, and Islamists, on the other--are the least involved in discussions about an eventual settlement, even though they are precisely the groups that could derail it. Egypt, Jordan, and Saudi Arabia, the Arab states on which Washington has customarily relied, are no longer popular enough in the region to sanction a deal on their own. Iran, Syria, Hamas, Hezbollah, and al Jazeera can dilute or even drown out any positive reaction to a possible accord by denouncing the agreement as a sellout. Given pervasive skepticism about the peace process among the Arab public, criticism of a deal is likely to resonate far more widely than is support.

For the United States, adapting to new patterns of power would at a minimum mean accepting the need for internal Palestinian reconciliation and acknowledging that a strong, unified Palestinian partner is more likely to produce a sustainable peace agreement than a weak, fragmented one. The United States must take into account the concerns of different Israeli and Palestinian constituencies (for example, acceptance of the Jewish right to national self-determination and recognition of the historic injustice suffered by Palestinian refugees); acknowledge that meaningful Israeli-Syrian negotiations have become a necessary complement to Israeli-Palestinian talks, not a distraction from them; and grasp the necessity of including new regional actors to help achieve what is now beyond the ability of Washington and its allies to do on their own: giving legitimacy and credibility to an Israeli-Palestinian accord.

It will not be easy for the United States to undertake such a strategic shift, nor will it be risk free. Traditional allies, feeling jilted, might lose confidence or rebel; newfound partners, getting a whiff of U.S. weakness, could prove unreliable. Still, hanging on to an outmoded policy paradigm does not offer much hope. The likely consequences would be increased regional divisions, increased tensions, and increased chances of conflict. Obama began his presidency with the unmistakable ambition of turning a page. To succeed in the Middle East, he will have to go further and close the book on the failed policies of the past.

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# EXPLORING THE NARRATIVES

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## *The Silver Salver*

*Natan Alterman*

*'A State is not handed to a people on a silver salver'  
Chaim Weizmann, first President of Israel  
The Earth grows still.  
The lurid sky slowly pales  
Over smoking borders.  
Heartsick, but still living, a people stand by  
To greet the uniqueness  
of the miracle.*

*Readied, they wait beneath the moon,  
Wrapped in awesome joy, before the light.  
-- Then, soon,  
A girl and boy step forward,  
And slowly walk before the waiting nation;*

*In work garb and heavy-shod  
They climb  
In stillness.  
Wearing yet the dress of battle, the grime  
Of aching day and fire-filled night*

*Unwashed, weary unto death, not knowing rest,  
But wearing youth like dewdrops in their hair,  
-- Silently the two approach  
And stand.  
Are they of the quick or of the dead?*

*Through wondering tears, the people stare.  
'Who are you, the silent two?'  
And they reply: 'We are the silver salver  
Upon which the Jewish State was served to you.'*

*And speaking, fall in shadow at the nation's feet.  
Let the rest in Israel's chronicles be told.*

## Israeli Perceptions of the Refugee Question

By Ilan Pappé

in *Palestinian Refugees and the Right of Return* (Naseer Aruri, ed.), Pluto Press, 2001.

The current Israeli attitude towards and perception of the Palestinian refugee problem has to be analyzed against their conduct in the 1948 Palestine war. The Zionist labor movement, at the time leading the Jewish community, wished to bridge the impossible gap between an ethnocentric nationalist ideology on the one hand, and a wish to belong to the community of liberal and democratic western states on the other. This movement, headed at the time by David Ben-Gurion, had declared in 1942 the whole of Palestine (including Transjordan) as the future Jewish state, but in 1946 had been content to revert to his 1936 tactical position – a Jewish commonwealth within Palestine – by transferring the indigenous population from areas in which Jews lived or from the vicinity in which they were living. By the time the British Mandate ended in 1948, the demographic composition and distribution in Palestine was such as to rule out any partition of the country into two homogenous ethnic states. Even the UN General Assembly, in its famous partition plan of 29 November 1947, Resolution 181, recognized this complexity by dividing the land into an Arab state and a Jewish state, of which almost half the population was to be Arab.<sup>1</sup>

If the Jewish State was to remain bi-national and democratic, the Arab Palestinians could have had a decisive effect on the new state's identity and future. The Zionist labor movement rejected such a possibility out of hand.

This gap between a desire to be ethnically pure and preserve the principle of democracy could be bridged only by giving up the dream of a Zionist state or by cleansing the territory of the Jewish state of any substantive Palestinian presence. Nur Masalha and Benny Morris have both accumulated enough evidence to show how, from the beginning of the Zionist case, and at much more intensive pace after 1936, the plan to transfer the Palestinian out of 'Jewish Palestine' became a major plank of Zionist thought and eventually a basic principle guiding the *Yishuv's* policy in the 1948 war.<sup>2</sup> In the months leading to the war Israel prepared its ethic-cleansing program – a plan that included mass expulsions, sporadic massacres, campaigns of terror and intimidation, and finally confiscation of land and assets.<sup>3</sup>

When the war ended every possible step was taken to prevent the repatriation of the refugees. The act of people returning to their homes after the winds of war subsided was regarded as an elementary and basic humanitarian development by the international community, which through the UN General Assembly, authorized it in Resolution 194.

International support for the unconditional repatriation of the Palestinian refugees was backed even by the US delegation to the United Nations. The Israeli government implemented a vigorous and callous policy of eradicating all that was left of the deserted villages and neighborhoods, establishing in their place new Jewish settlements or turning them into cultivated land.<sup>4</sup> This policy began in August 1948 and ended only in 1954. By that time any demand for repatriation would necessitate uprooting Jewish settlers brought by the government to the new settlements or accommodated in the old Palestinian houses. During that time, some Israeli politicians and intellectuals put forth the idea of repatriating about 100,000 refugees, some, such as the Israeli Foreign Minister, Moshe Sharett, doing so in response to American pressure (which did not last for long); others, such as the Jewish philosopher Martin Buber, from a moral position. Sharett would later suggest transferring some of the money Israeli receive as compensation from the Germans to the refugees,<sup>5</sup> while Buber, in 1958, wrote to David Ben-Gurion, the prime minister, urging him to take the initiative and put forward an Israeli proposal for a solution.

In his memo to the prime minister, Buber went further than any Israeli politicians to this day. He pointed to the presence of internal refugees in Israel as well to the refugees in the camps. He wished the government to repatriate as far as possible the internal refugees as for those in camps:

In the case of the refugees living in the Arab states, it is possible for the Israeli government to change in a fundamental way their situation. . . We suggest [the memo was written by the organization 'Ihud'] that the Israeli government should demand in the UN an immediate action and comprehensive action for solving the Palestinian refugee problem. Israel should declare its readiness to repatriate a certain number of refugees, provided that all the parties concerned would be willing to sit with Israel to discuss how best this project can be implemented. . . The Israeli government should invite experts to help devise a plan for resettlement both in Israel and in the Arab countries. . . We do not suggest fixing a number right now, before a thorough examination of condition would be carried out. . .<sup>6</sup>

What is missing here is Israel's moral responsibility for creating the refugee problem. But Buber had very clear notions about that. In correspondence with a former student, Gideon Fruendenberd, in December 1948, the ex-student was insulted by what he saw as Buber's doubt about Zionism's moral basis and justification given its conduct in the 1948 war. A few months before this correspondence, Buber had ridiculed the Zionist leadership's claim that their community had been the victim of the 1948 war and that the Palestinians had been the aggressors. Buber noted that Zionist policy from its very beginning had been an act of aggression against the Palestinians. Moreover, wrote Buber to his pupil, there are facts with regard to the war that refute your criticism, 'but I cannot explain it here, I am willing to do it in a conversation.'<sup>7</sup> The editor of Buber's letters, Paul Mende-Flohr, wrote the following explanation to the ambiguous phrase: 'It is quite possible that Buber refers here to the clandestine actions of the Israeli Defense Forces which meant to encourage the flights of the Arabs from Israel. The insinuations employed here by Buber is the result of Buber's fear of the military censorship.'<sup>8</sup> Buber always believed that the wish to create a Jewish majority or exclusivity would end in the total 'moral bankruptcy' of the Zionist project, as it led to the expulsion of the Palestinians in 1948. But Ben-Gurion rejected all these offers and led the anti-repatriation policy with full force.

He was fully supported by the intellectual and scholarly establishment. These political and academic forces, from 1954 until recently, excluded the refugees from the Israeli collective memory and replaced them in the consciousness of Israelis as well as in the Hebrew vocabulary with derogatory terms such as terrorists and saboteurs. There was no refugee problem on the agenda as far as the various Israeli governments were concerned; there was only Palestinian terror, which had to be dealt with military means.

At the end of the June 1967 war Israel created a new refugee problem. However, those expelled from the West Bank were acknowledged as refugees, since the public and the political systems were divided on the issues of the occupied territories. Since a large number of Israeli Jews were willing to withdraw from the West Bank and the Gaza Strip, the return of refugees to these territories seemed legitimate and did not involve any soul-searching on the part of the Israelis.

The Palestine question — for Israel and the world at large — was the fate of the Palestinian territories occupied by Israel in the 1967 war.<sup>9</sup> Israel conducted a quite successful campaign of excluding the refugee problem from the peace agenda. Ever since the first peace conference on post-1948 Palestine (the Lausanne meeting of April 1949), the refugee problem has been excluded from the peace talks and disassociated from the concept of 'the Palestine conflict.' In the wake of the June 1967 war, the world at large accepted Israel's claim that the conflict in Palestine revolves around the territories occupied by Israel in that war. Several Arab regimes have cooperated with this notion and have been ready to abandon the refugee problem as an issue in their bilateral peace negotiation with Israel. The issue of the refugees was kept alive and in the consciousness of people in the Middle East and in the world at large only by the PLO activity and policies. Outside the Middle East, it was the United Nations that mentioned in several of its resolutions the obligation of the international community to ensure the full and unconditional repatriation of the Palestinians refugees, a commitment first made in Resolution 194 from 11 December 1948.

The Oslo Accords are no different. Their architects, American, Israelis and Palestinians, have placed the refugee issue in a sub-clause, making it almost invisible within the flood of words in the documents describing future bridges, bypasses, garrisons and cantons. The Palestinian partner to the Accords contributed to this obfuscation—probably out of oversight rather than bad faith—but their result is all too clear. The refugee problems, the heart of the Palestine conflict, a reality acknowledged by all the Palestinians wherever they are and by anyone sympathizing with the Palestinian cause, was marginalized in the Oslo documents. The structure built for implementing the accord accentuated the negotiators' disregard of, and almost scornful attitude to, the refugee problem. A multilateral committee meant to deal with refugee problem was directed by the Israelis to deal only with the 1967 West Bank refugees, but not the 1948 refugees.

The implementation of the documents was no better; it was in fact worse. The rules of the Oslo game defined support by the Palestinian leadership for Jewish settlement in the occupied territories (not that new settlements were not built in violation of the accord, but this is beside the point). Five years after the bifurcation and cantonization of the 'Palestinian entity' and its transformation into a Bantustan, the Palestinian leadership was given permission to express its wish to deal with the refugee problem as part of the negotiations over the permanent settlement of the Palestine question. The Israeli source at this point distinguished between the introduction of the 'refugee problem' as a negotiable issue on the agenda — a legitimate Palestinian move — and the demand for the right of return, which is describes as a Palestinian provocation.

The victory of Ehud Barak in the 1999 Israeli general election was hailed locally and internationally as the return of the Jewish state to the peace track. A sigh of relief accompanied the defeat of Benjamin Netanyahu, and an air of

optimism surrounded the resumption of the peace negotiations. As the international media were quick to note, the final stage in the long road begun in Oslo was at hand.

This final stage was meant to be brought to completion in the Camp David summit of July 2001. Barak declared before his departure that Israel would never accept the right of return or Resolution 194. This was part of his list of 'red lines,' which were presented in Camp David, with the help of the Americans, as a peace plan. Arafat was asked to show 'leadership,' that is, accept the Israeli map and vision of a final settlement. His refusal to do so was condemned not only by the Israelis but also by President Clinton in his final comments on the summit.

In a press conference given before his return to Israel, Barak gave a sound-bite version of 1948, explaining why Israel did not bear any responsibility for making the refugee population. The Arab world had started the war, called on the population to leave and bears responsibility for keeping the refugees in the camps. Leading Israeli essayists, in the center and on the left, such as Dan Margalit and the former Meretz Minister of Education, Amnon Rubinstein, declared the demand for the right of return to be immoral and illegal.<sup>10</sup>

In a parallel move in July, legislation passed in the Knesset prohibiting any Israeli government from negotiation over the implementation of the right of return of Resolution 194 was speeded up (it had begun a few months before).

The balance of power between the present Israeli government and the Palestinian Authority has ensured the exclusion of the refugees issue from the bilateral negotiations. The purpose of this last phase is to end the conflict so that permanent peace could be declared as being intact and valid.

The Camp David accord exposed very clearly how the superior side in the balance of power views the map and components of the post-conflict reality. Around 90 per cent of the West Bank and Gaza are under PA rule. In the remaining 10 per cent, two large blocs of Jewish settlements would be annexed to Israel (thus there is for the first time an Israeli agreement to evict 20 per cent of the settlers). Villages in the vicinity of Jerusalem could be made into *al-Quds* (literally, the Holy City) and a symbolic Palestinian presence would be recognized on Haram al-Sharif. A few thousand refugees could be united with their families, not as part of an overall settlement of the refugees problem, but rather as a 'humanitarian act.'

The failure of the summit was presented by the Barak government as a license to perpetuate the present status quo — which includes settlement expansion, the takeover of Arab Jerusalem and disregard for any national Palestinian demands — until 'better conditions for peace' develop. The people in the occupied territories thought otherwise. Triggered by Ariel Sharon's provocative visit to the Haram al-Sharif, they rebelled once again. However, unlike the *intifada* of 1987, the October 2000 uprising is not just aimed against the occupation of the West Bank and Gaza Strip, it is also *Intifada al-Awda* (the uprising of the return) as it is the prelude to the uprising of the Palestinian minority in Israel. The refugees, and the Palestinians in Israel, are now joined again by the Palestinians under occupation, in a desperate move to refute the Israeli perception of what peace means and what the essence of a comprehensive settlement might be. The message was understood in many Jewish Israeli quarters. However, when faced with this clear message of what peace entails, the majority of the Jews, for the time being, prefer war and occupation. More people identified in the past with the peace camp. Now people such as Amos Oz, A.B. Yehushua and David Grossman have signed a petition against recognition of the right of return, thereby extending the local consensus against return. What is needed now is a campaign inside Israel, in the region and in the world at large to educate everyone interested or concerned about the essence of the conflict — the events of 1948 — and about the ways to solve it — by restitution, return and reconciliation. This should be argued for on a moral basis (the world has recently witnessed reconciliation efforts based on the recognition on the part of the victimizer and past evils) and at a practical level. Without such a move, the October 2000 uprising will be a prelude to a large wave of violence engulfing everyone — Jews and Arabs in the land of Palestine.

#### Notes:

1. Ilan Pappé, 'Were They Expelled?: The History, Historiography and Relevance of the Palestinian Refugee Problem', in Ghada Karmi and Eugene Cotran, *The Palestinian Exodus, 1948 – 1988* (London: Ithaca Press, 1999), pp. 37 – 62.
2. Benny Morris, *The Birth of the Palestinian Refugee Problem* (Cambridge: Cambridge University Press, 1988); Nur Masalha, *Expulsion of the Palestinians* (Washington: Institute of Palestine Studies, 1992).
3. Pappé, 'Were They Expelled?'
4. New information on how this had been done can be found in Meron Benvenisti, *Sacred Landscape* (Berkeley: University of California Press, 2000), pp. 11 – 54.

5. See Ilan Pappé, 'Moshe Sharett, David Ben-Gurion and the "Palestinian Option"', in *Studies in Zionism*, 7/1 (Spring 1986), pp. 77-95.
6. Martin Buber, *A Land of Two Peoples*, ed. With Commentary by Paul R. Mendes-Flohr (Tel Aviv: Schocken House, 1988), pp. 234-5.
7. Ibid., pp. 197-9.
8. Ibid., p. 199 n2.
9. See Ilan Pappé, 'Post Zionist Critique on Israel and the Palestinians', Parts 1-3. *Journal of Palestinian Studies*, 25, no. 2 (Winter 1997), pp.29-41: 26, no. 3 (Spring 1997), pp. 37-43: 26, no. 3 (Summer 1997), pp. 60-9.
10. These views appeared on a daily basis in *Ha'aretz* ever since the preparations for the Camp David summit began in earnest.

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## The Politics of Denial: Israel and the Palestinian Refugee Problem

(selections from “Epilogue”)

By Nur Masalha

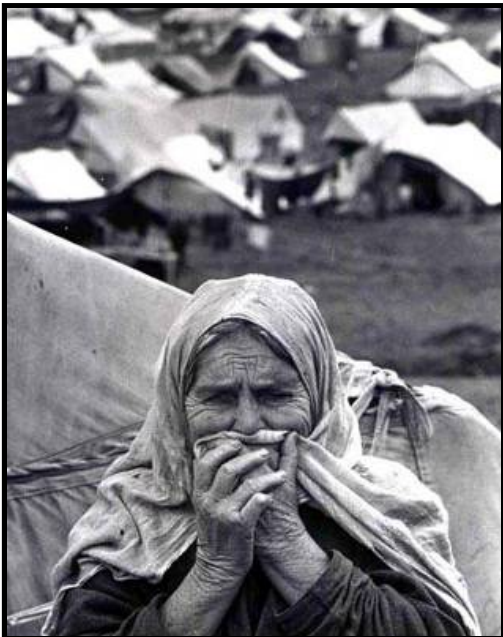
Pluto Press, 2003 (pages 259 – 269)

With the 1948 war the Zionists succeeded in many of their objectives; above all, they created a vastly enlarged Jewish state on 77 per cent of historic Palestine. From the territory occupied by the Israelis in 1948, about 90 per cent of the Palestinians were driven out – many by psychological warfare and/or military pressure and a very large number at gunpoint. The 1948 war simply provided an opportunity and the necessary background for the creation of a Jewish state largely free of Arabs; it concentrated Zionist-Jewish minds, and provided the security, military and strategic explanations and justifications for purging the Jewish state and dispossessing the Palestinians. The Israeli State Archives in Jerusalem contain a large number of official files with extensive information pertaining to Israel's policies towards the Arab minority, including what usually is describes in Israel as ‘population transfer.’ By the end of the 1948 war hundreds of Palestinian villages had been completely depopulated, and their houses blown up or bulldozed, the main objective being to prevent the return of refugees to their homes and villages. The overwhelming evidence shows that the refugee exodus was to a large extent the deliberate creation of Jewish leaders, especially David Ben-Gurion, and military commanders.

Once Palestinians had been driven out of their homes, villages and towns, Israel took steps to prevent their return. Palestinian farms and villages were razed and refugee property seized. Jews, many of them new immigrants, were settled in homes and neighborhoods belonging to Palestinian refugees. Subsequent policies adopted by the Israeli state were aimed at consolidating the power and domination of the newly created Jewish majority. An essential element in effort was the prevention of the return of Palestinian refugees. This objective has served until today as a guiding premise underlying Israeli policy concerning refugees.

The outcome of the 1948 left Israel in control of over 5 million acres of Palestinian land. After the war, the Israeli state took over the land of the 750,000 refugees, who were barred from returning, while the remaining Palestinian minority was subjected to laws and regulations that effectively deprived it of most of its land. These actions were legalized through the enactment of a range of laws reflecting the prevailing Zionist view that Palestinians refugees were not welcome and enshrining their prejudiced position as a matter of state policy. The massive drive to take over Palestinian refugee land was conducted entirely according to strict legality. Between 1948 and the early 1990s Israel enacted some 30 statutes that transferred land from private Arab to state (Jewish) ownership. In the early 1950s Israel did consider some form of restitution of refugee property in lieu of repatriation, although all

attempts to work out policy on compensation were tied to a settlement of abandoned Jewish property in Arab states.



UNRWA Photo by Munir Nasr

The Israeli position toward the refugees has always emphasized their resettlement and rehabilitation in the Arab states, rather than repatriation and/or compensation. This resettlement was designed to prevent refugees return, to ‘dissolve’ the refugee situation and break up the collective identity of the refugees and their perceived militancy, to reduce both international humanitarian, UN and Western diplomatic pressure on Israel and remove a critical problem from the heart of the Arab-Israeli conflict. While the desire among Israeli leaders to resettle the refugees in the Arab states or elsewhere, or, stated baldly, to be rid of the ‘Palestinian refugee problem,’ has remained a constant until the present day, the envisaged modalities of resettlement changed over the years according to circumstances. Realistic assessments during the 1950s and in the aftermath of the June 1967 conquests necessitated strategies and practical planning that produced a series of specific resettlement plans, generally involving Arab states – such as pre-Qaddafi Libya, Jordan, El ‘Arish in Sinai (Egypt) – as well as the Jordan Valley in West Bank and various Latin American countries. Although the Israeli resettlement schemes of the 1950s, late 1960s, the 1970s and 1980s ended in failure, they are significant in the sense of showing how successive Israeli government wanted to remove the

Palestinian refugee problem from the center of the Arab-Israeli conflict and eliminate the possibility of refugee return in the future.

In theory the decade between October 1991 and January 2001, from the Madrid peace conference to the Israeli-Palestinian permanent status talks at Taba, Egypt, offered an opportunity to negotiate the Palestinian refugee issue with intensity not witnessed for four decades. In the post-Madrid period the refugee question was discussed in five major fora: (a) the Refugee Working Group of the Multilateral Track; (b) the Continuing or Quadripartite Committee; (c) the Israeli-Palestinian Declaration of Principles of September 1993; (d) the Palestinian-Israeli permanent status negotiations, especially the Camp David Summit of July 2000 and the Taba negotiations of January 2001. In reality, however, Israeli refugee policy throughout this decade remained tied to its established position vis-à-vis the repatriation of the refugees. The classical Israeli refugee policies have remained unchanged throughout the Israeli-Palestinian negotiations, including the refusal to entertain any recognition of culpability of the Palestinian refugee problem or of moral and legal responsibility for the refugees. Indeed the politics of denial remained a main feature of the Oslo peace process – a process which important figures of labor Zionism interpreted as putting an end to refugee claims.

After the Madrid Peace Conference of 1991, Israel reluctantly agreed to discuss the refugee question provided that the 'right of return' was not raised. Shortly after the Declaration of Principles was issued in September 1993, Israel agreed to discuss certain categories of the 1967 refugees who might be allowed to return to the West Bank and the Gaza Strip within the restricted framework of family reunion. Subsequently, Israel also reluctantly announced its willingness to process 2,000 applicants for family reunion annually. However, the number of those awaiting family reunions – wives and children unable to live with their husbands and fathers – is estimated at 120,000. There are another estimated 100,000 persons who have been denied re-entry into the West Bank and Gaza on grounds of having stayed abroad for periods longer than the Israeli authorities permitted.<sup>1</sup> In practice, however, even within the perspective of family reunion little progress was made in recent peace talks on the 1967 refugees. There is also the question of the 300,000 people displaced by the 1967 war or expelled shortly after and their descendents. Although consideration of their case for return is allowed in Article 12 of the Declaration of Principles, no progress has been made on this issue. In reality the Israeli refugee policy throughout the last decade remained strictly tied to its established position vis-à-vis the repatriation of the refugees. The classic Israeli refugee policies remained unchanged throughout the Israeli-Palestinian negotiations, including the refusal to entertain any recognition of culpability for the Palestinian refugee problem and to accept moral and legal responsibility for the refugees. In contrast, during the same period Israel has shown a willingness, and huge capability, to absorb into its territory hundreds of thousands of Russian Jews.

The Palestinian 'right of return' is viewed by Israel's current governing majority (led by General Ariel Sharon) as a strategic, existential problem that retains the capacity to change the nature of the state of Israel. The meaning of the Palestinian right of return, Sharon had noted during the Taba talks of January 2001, 'is the end of the state of Israel.' He pointed out that as a child his parents had already taught him to distinguish between 'the rights over the Land of Israel, which belong *exclusively* to the Jewish people' (*hazchuyot 'al Eretz Yisrael shehem bel'adiyot le'am hayehudi*) and between certain 'rights in the country' which could be given to those 'residing here, including Arabs'.<sup>2</sup> Sharon's view on the right of return was endorsed by an evaluation of Israel's military Intelligence that Palestinian Authority Yasser Arafat 'remains committed to the right of return and sees it as a key to turning the Jews into a religious minority'.<sup>3</sup> At the instigation of a Likud member, the Knesset [Israel's Parliament], on 1 January 2001, enacted legislation echoing the November 1961 Knesset resolution, which categorically rejected the right of return.<sup>4</sup> The current debate in the Knesset, which rejected the repatriation of Palestinian refugees to their villages and towns, attests to its popularity across Israel's political spectrum.



UNRWA Photo

The Likud view of a solution to the refugee problem rests upon the rejection of three of its basic elements:

- no to a right of return;
- no to an assumption of Israeli responsibility for the problem;
- and no the repatriation of the 1948 refugees.

The previous Likud government (1996 - 1999) of Binyamin Netanyahu, in which Sharon served as Foreign Minister, did attempt to formulate a position on the refugee issue. The Netanyahu government's views offer instructive guidance on the parameters of policy under Sharon's direction, should the political environment require it. In March

1997 Netanyahu requested the preparation of what one participant in the effort describe as an 'inventory of the final status issues' including the issue of Palestinian refugees. The confidential 'study' addressed the nature of the problem, suggested guiding principles, offered a range of solutions, and articulated the three 'red lines' mentioned above. Reiterating firmly established positions across the right wing of Israel's political spectrum, Netanyahu's associates raised the idea that Jordan (which many Likud leaders view as a 'Palestinian state') and Egypt should each bear responsibility for resettling Palestinian refugees from Lebanon. In October 1998, before the talks at Wye Plantation that centered on further Israeli redeployment in the West Bank, then Foreign Minister Sharon had developed an alternative diplomatic approach – based up an extended interim agreement – to negotiations with the Palestinians that included the establishment of a Palestinian entity in the West Bank and Gaza. In that context Sharon noted that 'Israel will consider the return of the 1967 refugees to the West Bank'.<sup>5</sup> In February 2001, shortly after his election as Prime Minister, Sharon told Spanish Prime Minister Jose Maria Anzar that 'Israel does not bear historical responsibility for the refugee problem and will not under any circumstances agree to their return to Israel'.<sup>6</sup> Sharon's refusal to entertain any recognition of culpability for the Palestinian refugee problem runs deep among Israelis of all political persuasions.

A comprehensive, just and durable settlement will depend on bringing an end to the politics of denial and on addressing the refugee problem seriously. For decades the Palestinian right of return has been central to the Palestinians' struggle against dispossession and expulsion from their ancestral homeland and for national reconstitution. Only by understanding the centrality of the *nakba* and expulsion that the Palestinian people suffered in 1948 is it possible to understand the Palestinians' sense of the right of return. A durable peace in the Middle East is not possible against the desire and right of refugees to return home. The refugees and their descendants are currently demanding to be given a free choice between repatriation and/or compensation, in line with the international consensus enshrined in UN Resolution 194. The trauma of the 1948 catastrophe has remained central to the Palestinian society today (in the same way that the Holocaust has been central to Israeli and Jewish society). Today, the aspirations and hopes of millions of Palestinian refugees are linked to the 1948 catastrophe.

While a catastrophe of these dimensions can never be truly rectified, simple considerations of justice and reconciliation require that the refugees be given the right to return home. Any genuine reconciliation between the two peoples – peace between peoples as opposed to a political settlement achieved by leaders – could only begin by Israel and Israelis taking responsibility for the creation of the Palestinian refugee problem, and the displacement and dispossession of the refugees. Holocaust denial is abhorrent; in some European countries it is a crime. In the same way, acknowledging the Palestinian *nakba* and an official apology by Israel would be very helpful. However, the wrong done to the Palestinians can only be righted, and the disasters ended, though a return to their homeland and restitution of property.

Israel's obligation to compensate Palestinian refugees for land and property formerly owned by them was codified in paragraph 11 of UN General Assembly Resolution 194(III) of 1949.

Resolution 194 affirms two types of compensation: for non-returnees and for damage to property.<sup>7</sup> The question of compensation for Palestinian refugee property in Israel did figure in the final status talks at Camp David and Taba. At Taba, Labor's Yossi Beilin, in his private 'Non-Paper,' suggested: 'Restitution he [the refugee] will not get, compensation he will'.<sup>8</sup> Beilin, while rejecting repatriation and 'restitution' of property, suggested a fund for compensating refugees should be established to which both the international community and Israel would be required to contribute. Palestinian spokespersons, on the other hand, have rejected the debate over compensation versus return as a false dichotomy and have been careful not to imply that compensation must be in lieu of implementation of the 'right of return' according to Resolution 194.<sup>9</sup> Rather, they view compensation as one of the options delineated by Resolution 194. Palestinians have emphasized compensation, reparations and indemnification: (a) compensation: moneys paid for lost refugee property in Israel; (b) reparations and indemnification: moneys paid in recognition of the historical injustice which created the refugee problem. Resolution 194 singled out compensation, proposing that 'compensation should be paid for the property of those choosing not to return and or loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible.

At least part of the strong Palestinian opposition to proposals put forward by Israeli officials during the final status negotiations in favor of dissolving UNRWA [the United Nations Refugee and Works Agency for Palestinian Refugees – the UN body overseeing humanitarian affairs for Palestinian refugees] and transferring its assets and responsibilities to the Palestinian Authority had to do with the Palestinian perception that UNRWA's existence and registration system is the main international legal pillar supporting the claims of individual Palestinian refugees to return and to reclaim their properties in Israel. Although Palestinians have been reluctant to place a price tag on their historical injustice, Palestinian and Arab estimates of potential compensation/reparations have varied,

although they are typically in the tens of billions of dollars. The sums of reparations are very large, according to the most authoritative recent estimate of property losses alone. Depending on the criteria used, they range from \$92 billion to \$147 billion at 1984 prices, when the Hadawi-Kubursi study was done.<sup>10</sup> The Hadawi-Kubursi study defined refugee compensation in terms of repatriation, restitution of property and indemnification. Valuing Palestinian losses in today's dollars by the inclusion of compensation for psychological damage and pain (following the Federal Republic of Germany's compensation schemes to Jews), according to an updated recent study by Kubursi, would double the Hadawi-Kubursi 1984 figures.<sup>11</sup>

Will the Palestinians refugees gain restitution? Will Israel ever atone for the *nakba*? Unlike other indigenous people, the Palestinian refugees received neither apology nor acknowledgement of responsibility for displacement, ethnic cleansing, massacres, home demolition and dispossession. Moreover the marginalization of international law and the corresponding ascendancy of the Israeli role, promoted and protected by the US's global domination and virtual diplomatic monopoly, have combined to create a situation in which culpability for the Palestinian catastrophe is reassigned to the victim.<sup>12</sup>

To expect Israel now (under Ariel Sharon) to acknowledge its wrongdoing in 1948 is a remote prospect. Yet such an acknowledgement remains a precondition for genuine renegotiations and reconciliation between Palestinians and Israelis and the achievement of a just and lasting peace in the Middle East. Under principles of international law and UN resolutions the refugee issue is resolvable. Israel must acknowledge its active role in creating the *nakba* and recognize the refugees' 'individual' right to return to both their 'homes' and 'homeland.' For Israel, taking responsibility for the creation of the plight of the refugees also means acknowledging the justice of their claims for monetary compensation, restitution of property and repatriation. With acknowledgement and international support, the refugee issue can be resolved on the basis of an historic compromise between Palestinians and Israelis. The Reparations Agreement between Israel and the Federal Republic of Germany of September 1952, which was designed to compensate victims of the Holocaust, could still serve as a model to compensate victims of the *nakba*.<sup>13</sup>

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## Notes

1. McDowall, *The Palestinians*, pp. 148, 192, note no.3.
2. Cited by Nadav Shragai in *Haaretz*, 17 January 2002, 1b.
3. Meron Benvenisti, 'Zionist or Terrorist', *Haaretz*, 3 January 2002, 1b.
4. The Knesset resolution of November 1961 states: 'The Knesset resolves that the Arab refugees should not be returned to Israeli territory, and that the only solution to the problem is their resettlement in the Arab countries.' See Simha Flapan, 'The Knesset Votes on the Refugee Problem', *New Outlook* 4, no.9 (December 1961), p.8.
5. 'Akiva Eldar, 'Tochnit Sharon-Ramon', *Haaretz*, 13 March 2000, p.1b.
6. Aluf Ben and Netzan Hurowitz, in *Haaretz*, 13 March 2000, p.1b.
7. Terry Rempel, 'The Ottawa Process: Workshop on Compensation and Palestinian Refugees', *Journal of Palestine Studies* 29, no.1 (Autumn 1991), p.38.
8. 'Akiva Eldar, 'The Refugee Problem at Taba (interview with Yossi Beilin and Nabil Sha'ath', *Palestine-Israel Journal* 9, no.2 (2002), p.16.
9. Tamari, *Palestinian Refugee Negotiations*, p.38.
10. Sami Hadawi and Atef Kubursi, *Palestinian Rights and Losses in 1948: A Comprehensive Study* (London: Saqi Books, 1988), p.183.
11. Atef Kubursi, 'Valuing Palestinian Losses in Today's Dollars', in Naseer Aruri (ed.), *Palestinian Refugees: The Right of Return* (London: Pluto Press, 2001), pp.217-51.
12. Naseer Aruri, 'Will Israel Ever Atone? Will the Palestinians Gain Restitutions?' at: [http://www.tari.org/will\\_israel\\_ever\\_atone.htm](http://www.tari.org/will_israel_ever_atone.htm) (accessed on 28 December 2002).
13. Ronald W. Zweig, 'Restitution of Property and Refugee Rehabilitation: Two Case Studies', *Journal of Refugee Studies* 6, no.1 (1993), p.61.

## Truth and Reconciliation

By Edward Said

*Al-Ahram Weekly*, Issue No. 412 (14 - 20 January 1999)

Given the collapse of the Netanyahu government over the Wye peace agreement, it is time once again to question whether the entire peace process begun in Oslo in 1993 is the right instrument for bringing peace between Palestinians and Israelis. It is my view that the peace process has in fact put off the real reconciliation that must occur if the 100-year war between Zionism and the Palestinian people is to end. Oslo set the stage for separation, but real peace can come only with a binational Israeli-Palestinian state.

This is not easy to imagine. The Zionist-Israeli narrative and the Palestinian one are irreconcilable. Israelis say they waged a war of liberation and so achieved independence; Palestinians say their society was destroyed, most of the population evicted. And, in fact this irreconcilability was already quite obvious to several generations of early Zionist leaders and thinkers, as of course it was to all the Palestinians.

"Zionism was not blind to the presence of Arabs in Palestine," writes the distinguished Israeli historian Zeev Sternhell in his recent book, *The Founding Myths of Israel*. "Even Zionist figures who had never visited the country knew that it was not devoid of inhabitants. At the same time, neither the Zionist movement abroad nor the pioneers who were beginning to settle the country could frame a policy toward the Palestinian national movement. The real reason for this was not a lack of understanding of the problem but a recognition of the insurmountable contradictions between the basic objectives of the two sides. If Zionist intellectuals and leaders ignored the Arab dilemma, it was chiefly because they knew that this problem had no solution within the Zionist way of thinking."

Ben Gurion, for instance, was always clear: "There is no example in history," he said in 1944, "of a people saying we agree to renounce our country, let another people come and settle here and outnumber us." Another Zionist leader, Berl Katznelson, also had no illusions that the opposition between Zionist and Palestinian aims could ever be surmounted. And binationalists like Martin Buber, Judah Magnes, and Hannah Arendt were fully aware of what the clash would be like, if it ever came to fruition, as of course it did.

Vastly outnumbering the Jews, Palestinian Arabs during the period after the 1917 Balfour Declaration and the British Mandate always refused anything that would compromise their dominance. It's unfair to berate the Palestinians retrospectively for not accepting partition in 1947. Until 1948, Zionists held only about seven per cent of the land. Why, the Arabs said when the partition resolution was proposed, should we concede 55 per cent of Palestine to the Jews who were a minority in Palestine? Neither the Balfour Declaration nor the mandate ever specifically conceded that Palestinians had political, as opposed to civil and religious, rights in Palestine. The idea of inequality between Jews and Arabs was therefore built into British, and subsequently Israeli and United States, policy from the start.

The conflict appears intractable because it is a contest over the same land by two peoples who believed they had valid title to it and who hoped that the other side would in time give up or go away. One side won the war, the other lost, but the contest is as alive as ever. We Palestinians ask why a Jew born in Warsaw or New York has the right to settle here (according to Israel's Law of Return) whereas we, the people who lived here for centuries, cannot. After 1967, the issue between us was exacerbated. Years of military occupation have created in the weaker party anger, humiliation, and hostility.

To its discredit, Oslo did little to change the situation. Arafat and his dwindling number of supporters were turned into enforcers of Israeli security, while Palestinians were made to endure the humiliation of dreadful and



noncontiguous "homelands" that make up only about nine per cent of the West Bank and 60 per cent of Gaza. Oslo required us to forget and renounce our history of loss, dispossessed by the very people who have taught everyone the importance of not forgetting the past. Thus we are the victims of the victims, the refugees of the refugees.

Israel's *raison d'être* as a state has always been that there should be a separate country, a refuge, exclusively for Jews. Oslo itself was based on the principle of separation between Jews and others, as Yitzhak Rabin tirelessly repeated. Yet over the past 50 years, especially since Israeli settlements were first implanted on the Occupied Territories in 1967, the lives of Jews have become more and more entwined with those of non-Jews.

The effort to separate has occurred simultaneously and paradoxically with the effort to take more and more land, which in turn has meant that Israel has acquired more and more Palestinians. In Israel proper, Palestinians number about one million, almost 20 per cent of the population. Among Gaza, East Jerusalem, and the West Bank, which is where the settlements are the thickest, there are almost 2.5 million more Palestinians. Israel has built an entire system of "by-passing" roads, designed to go around Palestinian towns and villages, connecting settlements and avoiding Arabs. But so tiny is the land area of historical Palestine, so closely intertwined are Israelis and Palestinians, despite their inequality and antipathy, that clean separation simply won't, can't really occur or work. It is estimated that by 2010 there will be demographic parity. What then?

Clearly, a system of privileging Israeli Jews will satisfy neither those who want an entirely homogenous Jewish state nor those who live there but are not Jewish. For the former, Palestinians are an obstacle to be disposed of somehow; for the latter, being Palestinians in a Jewish polity means forever chafing at inferior status. But Israeli Palestinians don't want to move; they say they are already in their country and refuse any talk of joining a separate Palestinian state, should one come into being. Meanwhile, the impoverishing conditions imposed on Arafat are making it difficult to subdue the highly politicised people of Gaza and the West Bank. These Palestinians have aspirations for self-determination that, contrary to Israeli calculations, show no sign of withering away. It is also evident that as an Arab people -- and, given the despondently cold peace treaties between Israel and Egypt and Israel and Jordan, this fact is important -- Palestinians want at all costs to preserve their Arab identity as part of the surrounding Arab and Islamic world.

For all this, the problem is that Palestinian self-determination in a separate state is unworkable, just as unworkable as the principle of separation between a demographically mixed, irreversibly connected Arab population without sovereignty and a Jewish population with it. The question, I believe, is not how to devise means for persisting in trying to separate them but to see whether it is possible for them to live together as fairly and peacefully as possible.

What exists now is a disheartening, not to say, bloody, impasse. Zionists in and outside Israel will not give up on their wish for a separate Jewish state; Palestinians want the same thing for themselves despite having accepted much less from Oslo. Yet in both instances the idea of a state for "ourselves" simply flies in the face of the facts: short of ethnic cleansing or mass transfer as in 1948 there is no way for Israel to get rid of the Palestinians or for Palestinians to wish Israelis away. Neither side has a viable military option against the other, which, I am sorry to say, is why both opted for a peace that so patently tries to accomplish what war couldn't.

The more that current patterns of Israeli settlement and Palestinian confinement and resistance persist, the less likely it is that there will be real security for either side. It was always patently absurd for Netanyahu's obsession with security to be couched only in terms of Palestinian compliance with his demands. On the one hand, he and Ariel Sharon crowded Palestinians more and more with their shrill urgings to the settlers to grab what they could. On the other hand, Netanyahu expected such methods to bludgeon Palestinians into accepting everything Israel did, with no reciprocal Israeli measures.

Arafat, backed by Washington, is daily more repressive. Improbably citing the 1936 British Emergency Defence Regulations against Palestinians, he has recently decreed, for example, that it is a crime to incite not only violence, racial or religious strife but also to criticise the peace process. There is no Palestinian constitution or basic law. Arafat simply refuses to accept limitations on his power in light of American and Israeli support for him. Who actually thinks all this can bring Israel security and permanent Palestinian submission?

Violence, hatred, and intolerance are bred out of injustice, poverty, and a thwarted sense of political fulfillment. Last fall, hundreds of acres of Palestinian land were expropriated by the Israeli army from the village of Umm Al-Fahm,

which isn't in the West Bank but inside Israel. This drove home the fact that, even as Israeli citizens, Palestinians are treated as inferior, as basically a sort of underclass existing in a condition of apartheid.

At the same time, because Israel does not have a constitution either, and because the ultra-Orthodox parties are acquiring more and more political power, there are Israeli Jewish groups and individuals who have begun to organise around the notion of a full secular democracy for all Israeli citizens. The charismatic Azmi Bishara, an Arab member of the Knesset, has also been speaking about enlarging the concept of citizenship as a way of getting beyond ethnic and religious criteria that now make Israel in effect an undemocratic state for 20 per cent of its population.

In the West Bank, Jerusalem, and Gaza, the situation is deeply unstable and exploitative. Protected by the army, Israeli settlers (almost 350,000 of them) live as extraterritorial, privileged people with rights that resident Palestinians do not have. (For example, West Bankers cannot go to Jerusalem, and in 70 per cent of the territory are still subject to Israeli military law, with their land available for confiscation). Israel controls Palestinian water resources and security, as well as exits and entrances. Even the new Gaza Airport is under Israeli security control. One doesn't need to be an expert to see that this is a prescription for extending, not limiting, conflict. Here the truth must be faced, not avoided or denied.

There are Israeli Jews today who speak candidly about "post-Zionism", insofar as, after 50 years of Israeli history, classic Zionism has neither provided a solution to the Palestinian presence, nor an exclusively Jewish presence. I see no other way than to begin now to speak about sharing the land that has thrust us together, sharing it in a truly democratic way, with equal rights for each citizen. There can be no reconciliation unless both peoples, two communities of suffering, resolve that their existence is a secular fact, and that it has to be dealt with as such.

This does not mean a diminishing of Jewish life as Jewish life or surrendering Palestinian Arab aspirations and political existence. On the contrary, it means self-determination for both peoples. But that does mean being willing to soften, lessen, and finally give up special status for one people at the expense of the other. The Law of Return for Jews and the right of return for Palestinian refugees have to be considered and trimmed together. Both the notions of Greater Israel as the land of the Jewish people given to them by God and of Palestine as an Arab land that cannot be alienated from the Arab homeland need to be reduced in scale and exclusivity.

Interestingly, the millennia-long history of Palestine provides at least two precedents for thinking in such secular and more modest terms. First, Palestine is and always has been a land of many histories; it is a radical simplification to think of it as principally, or exclusively Jewish or Arab. While the Jewish presence is long-standing, it is by no means the main one. Other tenants have included Canaanites, Moabites, Jebusites, and Philistines in ancient times, and Romans, Ottomans, Byzantines, and Crusaders in the modern ages. Palestine is multicultural, multi-ethnic, multi-religious. There is as little historical justification for homogeneity as there is for notions of national or ethnic and religious purity today.

Second, during the inter-war period, a small but important group of Jewish thinkers (Judah Magnes, Buber, Arendt and others) argued and agitated for a binational state. The logic of Zionism naturally overwhelmed their efforts, but the idea is alive today here and there among Jewish and Arab individuals frustrated with the evident insufficiencies and depredations of the present. The essence of that vision is coexistence and sharing in ways that require an innovative, daring and theoretical willingness to get beyond the arid stalemate of assertion and rejection. Once the initial acknowledgment of the other as an equal is made, I believe the way forward becomes not only possible but attractive.

The initial step, however, is a very difficult one to take. Israeli Jews are insulated from the Palestinian reality; most of them say that it does not really concern them. I remember the first time I drove from Ramallah into Israel: it was like going straight from Bangladesh into southern California. Yet reality is never that near. My generation of Palestinians, still reeling from the shock of losing everything in 1948, find it nearly impossible to accept that their homes and farms were taken over by another people. I see no way of evading the fact that in 1948 one people displaced another, thereby committing a grave injustice. Reading Palestinian and Jewish history together not only gives the tragedy of the Holocaust and of what subsequently happened to the Palestinians their full force but also reveals how, in the course of interrelated Israeli and Palestinian life since 1948, one people, the Palestinians, have borne a disproportional share of the pain and loss.

Religious and right-wing Israelis and their supporters have no problem with such a formulation. Yes, they say, we won, but that's how it should be. This land is the land of Israel not of anyone else. I heard those words from an Israeli soldier guarding a bulldozer that was destroying a West Bank Palestinian field (its owner helplessly watching) in order to expand a by-pass road.

But they are not the only Israelis. For others, who want peace as a result of reconciliation, there is dissatisfaction both with the religious parties' increasing hold on Israeli life and Oslo's unfairness and frustrations. Many such Israelis demonstrate energetically against their government's Palestinian land expropriations and house demolitions. So one senses a healthy willingness to look elsewhere for peace than in land-grabbing and suicide-bombs.

For some Palestinians, because they are the weaker party, the losers, giving up on a full restoration of Arab Palestine is giving up on their own history. Most others, however, especially my children's generation, are sceptical of their elders and look more unconventionally toward the future, beyond conflict and unending loss. Obviously, the establishments in both communities are too tied to present "pragmatic" currents of thought and political formations to venture anything more risky, but a few others (Palestinian and Israeli) have begun to formulate radical alternatives to the status quo. They refuse to accept the limitations of Oslo, what one Israeli scholar has called "peace with Palestinians", while others tell me that the real struggle is over equal rights for Arabs and Jews, not a separate, necessarily dependent and weak, Palestinian entity.

The beginning is to develop something entirely missing from both Israeli and Palestinian realities today: the idea and practice of citizenship, not of ethnic or racial community, as the main vehicle for coexistence. In a modern state, all its members are citizens by virtue of their presence and the sharing of rights and responsibilities. Citizenship therefore entitles an Israeli Jew and a Palestinian Arab to the same privileges and resources. A constitution and a bill of rights thus become necessary for getting beyond square one of the conflict, since each group would have the same right to self-determination; that is, the right to practice communal life in its own (Jewish or Palestinian) way, perhaps in federated cantons, a joint capital in Jerusalem, equal access to land and inalienable secular and juridical rights. Neither side should be held hostage to religious extremists.

Yet, feelings of persecution, suffering and victimhood are so ingrained that it is nearly impossible to undertake political initiatives that hold Jews and Arabs to the same general principles of civil equality while avoiding the pitfalls of us-versus-them. Palestinian intellectuals need to express their case directly to Israelis in public forums, universities, and the media. The challenge is both to and within civil society which long has been subordinate to a nationalism that has developed into an obstacle to reconciliation. Moreover, the degradation of discourse -- symbolised by Arafat and Netanyahu trading charges while Palestinian rights are compromised by exaggerated "security" concerns -- impedes any wider, more generous perspective from emerging.

The alternatives are unpleasantly simple: either the war continues (along with the onerous cost of the current peace process) or a way out, based on peace and equality (as in South Africa after apartheid) is actively sought, despite the many obstacles. Once we grant that Palestinians and Israelis are there to stay, then the decent conclusion has to be the need for peaceful coexistence and genuine reconciliation. Real self-determination. Unfortunately, injustice and belligerence don't diminish by themselves: they have to be attacked by all concerned.

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# **No, Israel Does Not Have the Right to Self-Defense in International Law Against Occupied Palestinian Territory**

By Noura Erakat  
Jadaliyya, July 2014

*[In view of Israel's assertions that its current attacks on the Gaza Strip are an exercise in legitimate self-defense, Jadaliyya re-posts an analysis of this claim by Co-Editor Noura Erakat initially published in 2012.]*

On the fourth day of Israel's most recent onslaught against Gaza's Palestinian population, [President Barack Obama](#) declared, "No country on Earth would tolerate missiles raining down on its citizens from outside its borders." In an echo of Israeli officials, he sought to frame Israel's aerial missile strikes against the 360-square kilometer Strip as the just use of armed force against a foreign country. Israel's ability to frame its assault against territory it occupies as a right of self-defense turns international law on its head.

A state cannot simultaneously exercise control over territory it occupies and militarily attack that territory on the claim that it is "foreign" and poses an exogenous national security threat. In doing precisely that, Israel is asserting rights that may be consistent with colonial domination but simply do not exist under international law.

Admittedly, the enforceability of international law largely depends on voluntary state consent and compliance. Absent the political will to make state behavior comport with the law, violations are the norm rather than the exception. Nevertheless, examining what international law says with regard to an occupant's right to use force is worthwhile in light of Israel's deliberate attempts since 1967 to reinterpret and transform the laws applicable to occupied territory. These efforts have expanded significantly since the eruption of the Palestinian uprising in 2000, and if successful, Israel's reinterpretation would cast the law as an instrument that protects colonial authority at the expense of the rights of civilian non-combatants.

## **Israel Has A Duty To Protect Palestinians Living Under Occupation**

Military occupation is a recognized status under international law and since 1967, the international community has designated the West Bank and the Gaza Strip as militarily occupied. As long as the occupation continues, Israel has the right to protect itself and its citizens from attacks by Palestinians who reside in the occupied territories. However, Israel also has a duty to maintain law and order, also known as "normal life," within territory it occupies. This obligation includes not only ensuring but prioritizing the security and well-being of the occupied population. That responsibility and those duties are enumerated in [Occupation Law](#).

Occupation Law is part of the laws of armed conflict; it contemplates military occupation as an outcome of war and enumerates the duties of an occupying power until the peace is restored and the occupation ends. To fulfill its duties, the occupying power is afforded the right to use police powers, or the force permissible for law enforcement purposes. As put by the U.S. Military Tribunal during the *Hostages Trial* (*The United States of America vs. Wilhelm List, et al.*)

International Law places the responsibility upon the commanding general of preserving order, punishing crime, and protecting lives and property within the occupied territory. His power in accomplishing these ends is as great as his responsibility.

The extent and breadth of force constitutes the distinction between the right to self-defense and the right to police. Police authority is restricted to the least amount of force necessary to restore order and subdue violence. In such a context, the use of lethal force is legitimate only as a measure of last resort. Even where military force is considered necessary to maintain law and order, such force is circumscribed by concern for the civilian non-combatant population. The law of self-defense, invoked by states against other states, however, affords a broader spectrum of military force. Both are legitimate pursuant to the law of armed conflict and therefore distinguished from the peacetime legal regime regulated by human rights law.

## **When It Is Just to Begin to Fight**

The laws of armed conflict are found primarily in the Hague Regulations of 1907, the Four Geneva Conventions of 1949, and their Additional Protocols I and II of 1977. This body of law is based on a crude balance between humanitarian concerns on the one hand and military advantage and necessity on the other. The post-World War II

Nuremberg trials defined military exigency as permission to expend “any amount and kind of force to compel the complete submission of the enemy...” so long as the destruction of life and property is not done for revenge or a lust to kill. Thus, the permissible use of force during war, while expansive, is not unlimited.

In international law, self-defense is the legal justification for a state to initiate the use of armed force and to declare war. This is referred to as *jus ad bellum*—meaning “when it is just to begin to fight.” The right to fight in self-defense is distinguished from *jus in bello*, the principles and laws regulating the means and methods of warfare itself. *Jus ad bellum* aims to limit the initiation of the use of armed force in accordance with United Nations Charter Article 2(4); its sole justification, found in Article 51, is in response to an armed attack (or an imminent threat of one in accordance with customary law on the matter). The only other lawful way to begin a war, according to Article 51, is with Security Council sanction, an option reserved—in principle, at least—for the defense or restoration of international peace and security.

Once armed conflict is initiated, and irrespective of the reason or legitimacy of such conflict, the *jus in bello* legal framework is triggered. Therefore, where an occupation already is in place, the right to initiate militarized force in response to an armed attack, as opposed to police force to restore order, is not a remedy available to the occupying state. The beginning of a military occupation marks the triumph of one belligerent over another. In the case of Israel, its occupation of the West Bank, the Gaza Strip, the Golan Heights, and the Sinai in 1967 marked a military victory against Arab belligerents.

Occupation Law prohibits an occupying power from initiating armed force against its occupied territory. By mere virtue of the existence of military occupation, an armed attack, including one consistent with the UN Charter, has already occurred and been concluded. Therefore the right of self-defense in international law is, by definition since 1967, not available to Israel with respect to its dealings with real or perceived threats emanating from the West Bank and Gaza Strip population. To achieve its security goals, Israel can resort to no more than the police powers, or the exceptional use of militarized force, vested in it by IHL. This is not to say that Israel cannot defend itself—but those defensive measures can neither take the form of warfare nor be justified as self-defense in international law. As explained by Ian Scobbie:

To equate the two is simply to confuse the legal with the linguistic denotation of the term “defense.” Just as “negligence,” in law, does not mean “carelessness” but, rather, refers to an elaborate doctrinal structure, so “self-defense” refers to a complex doctrine that has a much more restricted scope than ordinary notions of “defense.”

To argue that Israel is employing legitimate “self-defense” when it militarily attacks Gaza affords the occupying power the right to use both police and military force in occupied territory. An occupying power cannot justify military force as self-defense in territory for which it is responsible as the occupant. The problem is that Israel has never regulated its own behavior in the West Bank and Gaza as in accordance with Occupation Law.

### **Israel’s Attempts To Change International Law**

Since the beginning of its occupation in 1967, Israel has rebuffed the applicability of international humanitarian law to the Occupied Palestinian Territory (OPT). Despite imposing military rule over the West Bank and Gaza, Israel denied the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (the cornerstone of Occupation Law). Israel argued because the territories neither constituted a sovereign state nor were sovereign territories of the displaced states at the time of conquest, that it simply administered the territories and did not occupy them within the meaning of international law. The [UN Security Council](#), the [International Court of Justice](#), the [UN General Assembly](#), as well as the [Israeli High Court](#) of Justice have roundly rejected the Israeli government’s position. Significantly, the HCJ recognizes the entirety of the Hague Regulations and provisions of the 1949 Geneva Conventions that pertain to military occupation as [customary international law](#).

Israel’s refusal to recognize the occupied status of the territory, bolstered by the US’ resilient and intransigent opposition to international accountability within the UN Security Council, has resulted in the condition that exists today: prolonged military occupation. Whereas the remedy to occupation is its cessation, such recourse will not suffice to remedy prolonged military occupation. By virtue of its decades of military rule, Israel has characterized all Palestinians as a security threat and Jewish nationals as their potential victims, thereby justifying the differential, and violent, treatment of Palestinians. In its 2012 session, the UN Committee on the Elimination of Racial Discrimination described current conditions following decades of occupation and attendant repression as tantamount to [Apartheid](#).

In complete disregard for international law, and its institutional findings, Israel continues to treat the Occupied Territory as colonial possessions. Since the beginning of the second Palestinian intifada in 2000, Israel has advanced the notion that it is engaged in an international armed conflict short of war in the West Bank and the Gaza Strip. Accordingly, it argues that it can 1) invoke self-defense, pursuant to Article 51 of the United Nations Charter, and 2) use force beyond that permissible during law enforcement, [even where an occupation exists](#).

### **The Gaza Strip Is Not the World Trade Center**

To justify its use of force in the OPT as consistent with the right of self-defense, Israel has cited UN Security Council Resolution 1368 (2001) and UN Security Council Resolution 1373 (2001). These two resolutions were passed in direct response to the Al-Qaeda attacks on the United States on 11 September 2001. They affirm that *those* terrorist acts amount to threats to international peace and security and therefore trigger Article 51 of the UN Charter permitting the use of force in self-defense. Israel has therefore deliberately characterized all acts of Palestinian violence – including those directed exclusively at legitimate military targets – as terrorist acts. Secondly it frames those acts as amounting to armed attacks that trigger the right of self-defense under Article 51 irrespective of the West Bank and Gaza's status as Occupied Territory.

The Israeli Government stated its position clearly in the 2006 HCJ case challenging the legality of the policy of targeted killing (*Public Committee against Torture in Israel et al v. Government of Israel*). The State argued that, notwithstanding existing legal debate, “there can be no doubt that the assault of terrorism against Israel fits the definition of an armed attack,” effectively permitting Israel to use military force against those entities. Therefore, Israeli officials claim that the laws of war can apply to “both occupied territory and to territory which is not occupied, as long as armed conflict is taking place on it” and that the permissible use of force is not limited to law enforcement operations. The HCJ has affirmed this argument in at least three of its decisions: *Public Committee Against Torture in Israel et al v. Government of Israel*, *Hamdan v. Southern Military Commander*, and *Physicians for Human Rights v. The IDF Commander in Gaza*. These rulings sanction the government's position that it is engaged in an international armed conflict and, therefore, that its use of force is not restricted by the laws of occupation. The Israeli judiciary effectively authorizes the State to use police force to control the lives of Palestinians (e.g., through ongoing arrests, prosecutions, checkpoints) and military force to pummel their resistance to occupation.

The International Court of Justice (ICJ) dealt with these questions in its assessment of the permissible use of force in the Occupied West Bank in its 2004 Advisory Opinion, *Legal Consequences on the Construction of a Wall in the Occupied Palestinian Territory*. The ICJ reasoned that Article 51 contemplates an armed attack by one state against another state and “Israel does not claim that the attacks against it are imputable to a foreign state.” Moreover, the ICJ held that because the threat to Israel “originates within, and not outside” the Occupied West Bank,

the situation is thus different from that contemplated by Security Council resolutions 1368 (2001) and 1373 (2001), and therefore Israel could not in any event invoke those resolutions in support of its claim to be exercising a right of self-defense. Consequently, the Court concludes that Article 51 of the Charter has no relevance in this case.

Despite the ICJ's decision, Israel continues to insist that it is exercising its legal right to self-defense in its execution of military operations in the West Bank and the Gaza Strip. Since 2005, Israel slightly changed its position towards the Gaza Strip. The government insists that as a result of its unilateral disengagement in 2005, its occupation has come to an end. In 2007, the government declared the Gaza Strip a “hostile entity” and waged war upon the territory over which it continues to exercise effective control as an Occupying Power. Lisa Hajjar expounds on these issues [here](#).

In effect, Israel is distorting/reinterpreting international law to justify its use of militarized force in order to protect its colonial authority. Although it rebuffs the de jure application of Occupation Law, Israel exercises effective control over the West Bank and Gaza and therefore has recourse to police powers. It uses those police powers to continue its colonial expansion and apartheid rule and then in defiance of international law cites its right to self-defense in international law to wage war against the population, which it has a duty to protect. The invocation of law to protect its colonial presence makes the Palestinian civilian population doubly vulnerable. Specifically in the case of Gaza,

It forces the people of the Gaza Strip to face one of the most powerful militaries in the world without the benefit either of its own military, or of any realistic means to acquire the means to [defend itself](#).

More broadly, Israel is slowly pushing the boundaries of existing law in an explicit attempt to reshape it. This is an affront to the international humanitarian legal order, which is intended to protect civilians in times of war by minimizing their suffering. Israel's attempts have proven successful in the realm of public relations, as evidenced by President Obama's uncritical support of Israel's recent onslaughts of Gaza as an exercise in the right of self-defense. Since international law lacks a hierarchal enforcement authority, its meaning and scope is highly contingent on the prerogative of states, especially the most powerful ones. The implications of this shift are therefore palpable and dangerous.

Failure to uphold the law would allow states to behave according to their own whim in furtherance of their national interest, even in cases where that is detrimental to civilian non-combatants and to the international legal order. For better or worse, the onus to resist this shift and to preserve protection for civilians rests upon the shoulders of citizens, organizations, and mass movements who can influence their governments enforce international law. There is no alternative to political mobilization to shape state behavior.

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# FACTS ON THE GROUND AND THE ARCHITECTURE OF OCCUPATION

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## *Identity Card*

*Mahmoud Darwish*

*Record!*

*I am an Arab  
And my identity card is number fifty thousand  
I have eight children  
And the ninth is coming after a summer  
Will you be angry?*

*Record!*

*I am an Arab  
Employed with fellow workers at a quarry  
I have eight children  
I get them bread  
Garments and books  
from the rocks..  
I do not supplicate charity at your doors  
Nor do I belittle myself at the footsteps of your chamber  
So will you be angry?*

*Record!*

*I am an Arab  
I have a name without a title  
Patient in a country  
Where people are enraged  
My roots  
Were entrenched before the birth of time  
And before the opening of the eras  
Before the pines, and the olive trees  
And before the grass grew*

*My father.. descends from the family of the plow  
Not from a privileged class  
And my grandfather.. was a farmer  
Neither well-bred, nor well-born!  
Teaches me the pride of the sun*

*Before teaching me how to read  
And my house is like a watchman's hut  
Made of branches and cane  
Are you satisfied with my status?  
I have a name without a title!*

*Record!*

*I am an Arab  
You have stolen the orchards of my ancestors  
And the land which I cultivated  
Along with my children  
And you left nothing for us  
Except for these rocks..  
So will the State take them  
As it has been said?!*

*Therefore!*

*Record on the top of the first page:  
I do not hate people  
Nor do I encroach  
But if I become hungry  
The usurper's flesh will be my food  
Beware..  
Beware..  
Of my hunger  
And my anger!*

## **The Key to Peace: Dismantling the Matrix of Control**

By Jeff Halper

*Israeli Coalition Against Home Demolitions* ([www.icahd.org](http://www.icahd.org))

In the complex situation in which Palestinians and Israelis currently find themselves, two things seem equally evident: First, a viable and truly sovereign Palestinian state alongside Israel is an absolute prerequisite for a just and lasting peace; and second, Israel needs a Palestinian state. Without a Palestinian state, Israel faces what it considers as two unacceptable options. If it annexes the Occupied Territories and grants citizenship to their three million Palestinian inhabitants, it creates de facto a bi-national state of 5 million Jews and 4 million Palestinians (not counting the refugees), an option that would end the Zionist enterprise. If it continues its Occupation, it inevitably creates a system of outright apartheid, an untenable option in the long run.

A Palestinian state thus appears to be indispensable for both Israel and the Palestinians. So what's the problem? Why did a decade of negotiations from Madrid and Oslo to Camp David and Taba end in such dismal failure, indeed, in an Intifada? What, indeed, must be done, not only to "restart the peace process," but to ensure that it concludes with a just peace offering not simply security for Israel but also a truly sovereign and viable state for the Palestinians?

Putting the issue of the refugees aside for the moment, the answer to these questions depends on whether the Palestinians succeed in dismantling the Matrix of Control Israel has laid over the Occupied Territories since 1967. The issue before us, the issue separating a just peace from an imposed one, a sovereign Palestinian state from a bantustan, has to do not only with territory but with control. One indisputable fact that has accompanied the entire "peace process" is that Israel will simply not relinquish control voluntarily over the West Bank and East Jerusalem. It will not relinquish the core of its settlement system, or control of the West Bank aquifers, or sway over the area's economy or its "security arrangements" extending over the entire Palestinian area.

From Israel's point of view, then, the trick is to find an arrangement that would leave it in control, but "relieve" it of the Palestinian population -- a kind of occupation-by-consent. This was the essence of the "take it or leave it" offer Barak and Clinton made at Camp David (the Palestinians left it), as well as that of the Taba negotiations in January, 2001. The popular impression has it that Barak made a "generous offer" of 95% of the West Bank, plus considerable parts of East Jerusalem and all of Gaza, and that the Palestinians made an "historic mistake" in rejecting it. This has let Israel off the hook in terms of repressing Palestinian resistance. It has become fashionable, even among the moderate Israeli left, to blame the Palestinians for "spoiling" the peace process. They, after all, spurned Barak's "generous offer" of 95% and reacted with "violence." We, the Israelis, did our part. We were forthcoming. They are not ready for peace, do not want peace, are not "partners" for peace. We are OK; they are to blame for everything. They deserve anything they get. We are not responsible.

### **The Matrix of Control: Rendering the Occupation Invisible**

Before we begin our analysis of Taba, I must define what I mean by a Matrix of Control. It is a system of control designed

1. to allow Israel to control every aspect of Palestinian life in the Occupied Territories, while
2. lowering Israel's military profile in order to give the impression to the outside that what Palestinians refer to as "occupation" is merely proper administration, and that Israel has a "duty" to defend itself and the status quo, yet
3. creating enough space for a dependent Palestinian mini-state that will relieve Israel of the Palestinian population while
4. deflecting, through the use of "administrative" image and bureaucratic mechanisms, international opposition and thus to maintain control indefinitely and, in the final analysis,
5. to force the Palestinians to despair of ever achieving a viable and truly sovereign state and to accept any settlement offered by Israeli. ("Time is on our side" is, as Sharon has often said, a cornerstone of Israeli policy.)

Because it operates under a Kafkaesque guise of "proper administration," "upholding the law," "keeping the public order" and, of course, "security," the Matrix of Control renders the Occupation virtually invisible. In "normal" times (when active Palestinian resistance can be stifled), its outward appearance is legal and bureaucratic, the most effective means of control over a long period of time. The Israeli military government over the Occupied Territories

is called, for example, the "Civil Administration," even though it is headed by a colonel under the strict authority of the Ministry of Defense, and is bound by the orders of the general commanding the "Central Front."

The control mechanisms of the Matrix are varied and diverse. There are, first of all, active measures to ensure acquiescence:

- Outright military actions, including attacks on civilian population centers and the Palestinian infrastructure;
- Extensive use of collaborators and undercover "mustarabi" army units; administrative detention, arrest, trial and torture; and
- "Orders" issued by the Military Commanders of the West Bank and Gaza (some 2000 in number since 1967), supplemented by Civil Administration policies, that replace local civil law with policies and procedures that cynically further Israeli political control.

A second set of controls derives from Israel's policy of "creating facts on the ground" - virtually all of them in violation of international law (including the Fourth Geneva Convention signed by Israel itself). These include:

- Massive expropriation of Palestinian land;
- Construction of more than 200 settlements and the transfer of 400,000 Israelis across the 1967 boundaries: about 200,000 in the West Bank, 200,000 in East Jerusalem and 6000 in Gaza (the latter occupying a fourth of the land, including most of the coastline);
- Carving the Occupied Territories into areas -- Areas "A," "B," "C," "D" in the West Bank; "H-1" and "H-2" in Hebron; Yellow, Green, Blue and White Areas in Gaza; nature reserves; closed military areas, security zones, and "open green spaces" of restricted housing over more than half of Palestinian East Jerusalem - which confine the Palestinians to some 190 islands all surrounded by Israeli settlements, roads and checkpoints;
- A massive system of highways and by-pass roads designed to link settlements, to create barriers between Palestinian areas and to incorporate the West Bank into Israel proper;
- Imposing severe controls on Palestinian movement;
- Construction of seven industrial parks that give new life to isolated settlements, exploit cheap Palestinian labor while denying it access to Israel, rob Palestinian cities of their economic vitality, control key locations and ensure Israel's ability to continue dumping its industrial wastes onto the West Bank;
- Maintaining control over aquifers and other vital natural resources;
- Exploiting holy places (Rachel's Tomb in Bethlehem, the Cave of the Patriarchs in Hebron and others in and around Jerusalem) as pretexts for maintaining a "security presence," and hence military control.

Yet a third set of control mechanisms, the most subtle of all, are those of a bureaucratic or "legal" nature. They entangle Palestinians in a tight web of restrictions and trigger sanctions whenever Palestinians try to expand their life space. These include:

- A permanent "closure" of the West Bank and Gaza;
- A discriminatory and often arbitrary system of work, entrance and travel permits system restricting freedom of movement both within the country and abroad;
- The use of diverse methods of active displacement: exile and deportation; the revoking of residency rights; induced emigration through impoverishment; land expropriation, house demolitions and other means of making life in the Occupied Territories unbearable. Schemes of "transfer" have also been suggested (in fact, two parties in Sharon's government -- the National Union Party of the assassinated Tourism Minister Ze'evi and Minister of Infrastructure Lieberman's "Israel Is Our Home" -- have "transfer" as their main political program). Hundreds of thousands of Palestinians have "departed" since 1967, but a core of three million sumud ("steadfast") Palestinians still remains.
- Zoning policies which, under the guise of planning and the law, serves to freeze the natural development of Palestinian towns and villages. Part of this system involves the restrictive use building permits, enforced by house demolitions, arrests, fines and daily harassment, all designed to confine the population to small enclaves;

- Expansive "master plans" being drawn around the settlements which allow for massive building while contending that settlement building has been "frozen."
- Restrictions on the planting of crops and their sale, together with the wholesale uprooting of hundreds of thousands of olive and fruit trees since 1967; and
- Employing licensing and inspection of Palestinian businesses as a means of political control.

To all of this must be added, of course, the debilitating psychological costs of life under occupation: loss of life, imprisonment, torture, harassment, humiliation, anger and frustration, as well as traumas suffered by tens of thousands of Palestinians (especially children) who witnessed their homes being demolished, saw their loved ones beaten and humiliated, suffered from inadequate housing, and who lost opportunities to actualize their life potentials. These are wounds that will take generations to heal.

### **Barak's "Generous Offer" and the Matrix of Control**

This popular view is based on both false information and false assumptions. First of all, there never was an Israeli "offer," and Israel never proposed to relinquish 95% of the West Bank. At a desperate time when Barak knew he would lose the election, the Israeli delegation came to Taba prepared to talk about conceding 93% of the West Bank - with the Palestinians counter-proposing 97%. But they were not talking about the same land. Because Israel does not consider East Jerusalem and "No Man's Land" around Latrun as part of the West Bank, but does include the part of the Dead Sea falling within the Palestinian territory, Barak's 93% was actually more like 88% of the actual Palestinian territory.

The major fallacy in this view is to equate territory with sovereignty. Although gaining control of 95% or 88% of the territory is important - especially if the territory is contiguous -- it does not necessarily equate with sovereignty. This is where the crucial issue of control enters the picture. The Palestinians could well receive 95% of the West Bank, Gaza and pieces of East Jerusalem and still not have the prerequisites of national self-determination: coherent territory, economic viability and genuine sovereignty. Since 1967 - and increasingly since the Oslo Accords were signed in 1993 -- Israel has laid a "Matrix of Control" over the West Bank, East Jerusalem and Gaza. The Matrix, an intricate and an interlocking series of control mechanisms, resembles the Japanese game of "Go." Instead of defeating your opponent as in chess, in "Go" you win by immobilizing the other side, by gaining control of key points of a matrix, so that every time your opponent moves he or she encounters another obstacle. This strategy was used effectively in Vietnam, where small forces of Viet Cong were able to pin down and virtually paralyze some half-million American soldiers possessing overwhelming fire-power.

In effect Israel has done the same thing to the Palestinians. Laid out strategically, the Matrix of Control paralyzes the Palestinian population even if Israel does not actually occupy large swathes of land. All the settlements and by-pass roads take up less than 5% of the land; "settlement blocs," "security zones" and other forms of control can be expanded to include 12% of the land as in Barak's conception or 56% as in Sharon's. But these 5-12% are what makes the difference between a bantustan and a sovereign, viable state. From the point of view of control, 88% of the West Bank that the Palestinians might receive indeed, sounds "generous," but it must be evaluated in light of the impact the other 5-12% have on Palestinian viability and sovereignty.

Barak's "offer" at Taba deserves to be looked at carefully, not because it was truly an "offer" or because it truly represented the Israeli position or a genuine possibility, but because, as Barak never tired of saying, it is by far the best "deal" the Palestinians will ever be offered, the most "generous," a one-time "take-it-or-leave-it" that would be a "historical mistake" for the Palestinians to reject. If all this is true, would the so-called "95% offer" at Taba have led to a sovereign and viable Palestinian state? Would it have in fact dismantled Israel's Matrix of Control? The answer to this "best case" scenario is "no."

It is true that some significant gains were made at Taba. Israel relinquished claim to the Jordan Valley, much territory was conceded (though not 95%), the settlement blocs were reduced in size, and Israel gave up its extra-territorial control over its by-pass road system. The Palestinians gained a greater degree of territorial contiguity and control of their borders, though not of their water resources. But Taba did not break Israel's hold on the Occupied Territories. On the contrary, it revealed how much Israel could relinquish and still retain control. Taba revealed the essential elements of the Matrix of Control, the minimum "red lines" of any foreseeable Israeli government. Looked at closely, this is what the "generous offer" in fact offered:

- Consolidation of Strategic Settlement Blocs. In the mid-1990s Israel began a major strengthening and consolidation of its settlement presence. In order to avoid international opposition to the establishment of new settlements, the government shifted to building new settlements within the expansive master plans around each settlement. In that way it was able to argue that it was simply "thickening" existing settlements to meet natural population growth (an outright falsification), not establishing new ones. It also began to merge discrete settlements into large settlement blocs. Although the fate of some of these blocs remains uncertain (the Jordan Valley settlements, for example, as well as the Kiryat Arba bloc near Hebron and settlements in heavily populated Palestinian areas), Israel is unmoving in this insistence on retaining three large blocs comprising today some 150,000 Israeli settlers:
  1. The city of Ariel and its surrounding "Western Samaria" bloc control a strategic area on the western side of the West Bank, seriously compromising territorial contiguity and the coherent flow of people and goods between the major Palestinian towns of Kalkilya, Nablus and Ramallah. It would also severely restrict the urban development of the Kalkilya area. No less important than its strategic location on the ground is Ariel's location vis-a-vis Palestinian resources under the ground: the Ariel bloc sits atop the major aquifer of the West Bank and would control the flow and distribution of water.
  2. The central Givat Ze'ev-Pisgat Ze'ev-Ma'alei Adumim (and perhaps Beit El) bloc stretches across much of the central West Bank from the Modi'in area to within 20 kilometers of the Jordan River. It effectively divides the West Bank in two, compelling north-south Palestinian traffic (especially from Ramallah to Bethlehem and Hebron areas) to pass through Israeli territory - the funnel-like Eastern Ring Road. It also keeps the Palestinians of the West Bank far from Jerusalem, isolating the 200,000 Palestinians of East Jerusalem from their wider state and society, and cutting the natural urban link between Jerusalem and Ramallah. In terms of viability, this bloc, a main component of Israeli "Greater Jerusalem," constitutes the greatest threat to a coherent Palestinian state.
  3. The Efrat-Gush Etzion-Beitar Illit bloc to the southwest of Jerusalem (yet connected through Gilo, Har Homa and the Eastern Ring Road/Road #7 complex to the Ma'aleh Adumim bloc) is the other key component of "Greater Jerusalem." It also impacts seriously on the viability and sovereignty of any Palestinian state. The bloc severs any coherent connection between the major cities of Bethlehem and Hebron, as well as traffic using the "safe passage" from Gaza. It forces Palestinians moving between these areas to use Israeli-controlled "security" roads passing through dense areas of settlement, continually exposed to disruption and closure. It locks in Bethlehem to the extent of preventing its normal urban development. And, like the Ariel bloc, it sits astride and brings into Israeli control a major West Bank aquifer.
- The Creation of a "Greater [Israeli] Jerusalem." The Givat Ze'ev-Adumim and Gush Etzion settlement blocs, 250 square kilometers containing some 80,000 settlers, when annexed to Israeli-controlled "Greater Jerusalem," will dominate the entire central region of the West Bank and obstruct the territorial contiguity necessary for a viable Palestinian state. They also function as a buffer, to separate Jerusalem from its wider West Bank surroundings, thus keeping the Palestinians at a considerable distance away. Because some 40% of the Palestinian economy revolves around Jerusalem in the form of tourism, commercial life and industry, removing Jerusalem from the Palestinian realm carries such serious economic consequences as to call the very viability of the Palestinian state into question. And in general the "Greater Jerusalem" concept neutralizes Jerusalem as a major Palestinian urban, religious and cultural center.
- The Emergence of a "Metropolitan [Israeli] Jerusalem." The ring roads and major highways being built through and around Jerusalem are intended to create a regional infrastructure of control, turning Jerusalem from a city into a metropolitan region. "Metropolitan" Jerusalem covers a huge area. Its boundaries, incorporating a full 10% of the West Bank (440 square kilometers), stretch from Beit Shemesh in the west up through Kiryat Sefer until and including Ramallah, then southeast through Ma'aleh Adumim almost to the Jordan River, then turning southwest to encompass Beit Sahour, Bethlehem, Efrat and the Etzion Bloc, then west again through Beitar Illit and Tsur Hadassah to Beit Shemesh. It also provides a crucial link to the Kiryat Arba and the settlements in and around Hebron. In many ways "Metropolitan" Jerusalem is the Occupation. Within its limits are found 75% of the West Bank settlers and the major centers of Israeli construction.

By employing a regional approach to the planning of highways, industrial parks and urban settlements, an Israeli-controlled metropolis can emerge whose very power as a center of urban activity, employment and transportation will render political boundaries, such as those between Jerusalem and Ramallah or

Jerusalem and Bethlehem, absolutely irrelevant. A good example of how this is already happening is the new industrial park, Sha'ar Binyamin, now being built at the "Eastern Gate" to metropolitan Jerusalem, southeast of Ramallah. In terms of Israeli control this industrial park provides an economic anchor to settlements - Kokhav Ya'akov, Tel Zion, Ma'aleh Mikhmas, Almon, Psagot, Adam, all the way to Beit El and Ofra - that otherwise would be isolated from the Israeli and Jerusalem economy. More to the point, it robs Ramallah of its economic dynamism, providing jobs and perhaps even sites for Palestinian industry that would otherwise be located in or around Ramallah. Again, looking at Israel's strategy from the point of view of control rather than territory, "Metropolitan Jerusalem" virtually empties a Palestinian state of its meaning in terms of viability and sovereignty.

- An East Jerusalem Patchwork. Between the negotiations at Camp David and Taba, various options were explored to give the Palestinians more of a presence in East Jerusalem, which they claim as their capital. The peripheral villages and neighborhoods to the north and south of the city might have been ceded, although the Palestinians might receive less than full sovereignty over them - "functional autonomy," "administrative control" or "limited sovereignty." In Taba Israel considered ceding some parts of the core areas as well: some of the "Holy Basin" between the Old City and the Mount of Olives, downtown East Jerusalem, the Sheikh Jarrah Quarter, and in the Old City the Muslim and Christian Quarters. The Temple Mount/Haram issue remained unresolved, with Israel prepared to cede "functional sovereignty" (though not official) to the "upper" area of the mosques, while retaining sole sovereignty over the "lower" Western Wall.

Regardless of the size of the territorial compromises, Israel will not cede the entire area of East Jerusalem, where Israelis (about 200,000 in number) outnumber Palestinians. Since the settlements there were situated strategically for maximum control of territory and movement, and since they are today in the process of being connected, any Palestinian patches will have only tenuous connections to each other and to the Palestinian capital in Abu Dis. The Palestinian presence in Jerusalem will be fragmented and barely viable as a urban and economic center. Moreover, it would be entirely surrounded by the "outer ring" of Israeli "Greater Jerusalem," hemming it in and preventing East Jerusalem's normal urban and economic development. (Indeed, functionally ceding Palestinian areas of East Jerusalem to the Palestinians - relinquishing an "unwanted" population of some 200,000 people without relinquishing control - while incorporating the surrounding settlements into a "Greater Jerusalem" would increase the majority of Jews in the expanded city from the present 70% to 85%.)

- Israeli Control over Highways and Movement. Over the past decades (and especially during the Oslo "peace process"), Israel has been constructing a system of major highways and "by-pass roads" designed to link its settlements, to create barriers between Palestinian areas and to incorporate the West Bank into Israel proper. Even if physical control over the highways is relinquished, strategic parts will remain under Israeli control - the Eastern Ring Road, Jerusalem-Etzion Bloc highway, Road 45 from Tel Aviv to Ma'aleh Adumim, a section of Highway 60 from Jerusalem to Beit El and Ofra, and the western portion of the Trans-Samaria highway leading to the Ariel bloc. In terms of the movement of people and goods, this will effectively divide the Palestinian entity into at least four cantons: the northern West Bank, the southern portion, East Jerusalem and Gaza. There are other restrictions as well. The "safe passages" from Gaza to the West Bank, crucial to the viability of a Palestinian state, will only be administered by the Palestinians; they will not receive extra-territorial status. And Israel insists on retaining rights of "emergency deployment" to both the highway system and to the Jordan Valley, severely compromising Palestinian sovereignty. Indeed, the highways would retain the status of Israeli "security roads," meaning that Palestinian development along them would remain limited.

To fully understand the role of the highway grid in completing the process of incorporation, one must link these West Bank developments to the ambitious Trans-Israel Highway project. Already in 1977, in his Master Plan for the settlement and incorporation of the West Bank, Sharon presented his "Seven Stars" plan calling for contiguous Israeli urban growth straddling both sides of the "Green Line." The Trans-Israel Highway, which hugs the border of the West Bank, provides a new "central spine" to the country. Hundreds of thousands of Israelis will be resettled in the many towns and cities planned along the length of the highway, especially along the "Green Line" and in areas of the Galilee heavily populated by Arabs. New and expanded Israeli cities, towns and settlements on both sides of the Green Line form a new "metropolitan core-region" in which Metropolitan Tel Aviv (including the Modi'in area settlements, Rosh Ha-ayin and the Ariel bloc) meets Metropolitan Jerusalem (stretching from Modi'in, Kiryat Sefer, Beit Shemesh and the Etzion Bloc across the most of the central West Bank to the settlements east of Ma'aleh Adumim). The Trans-Israel Highway, articulating as it does with the highways and settlement blocs of the West Bank, moves the entire population center of the country eastward, reconfiguring the entire country.

- **Industrial Parks for Economic Control.** The establishment of industrial parks on the "seam" between Israel and the Palestinian state is a key strategy in subduing popular Palestinian opposition to continued Israeli presence and control in the Occupied Territories. Seven such parks have already been built, with several other in various stages of planning and construction. Yet, while providing employment to the Palestinian workforce, these industrial parks threaten the economic viability of the Palestinian state, maintain a dependency relationship on Israel and present dangers to the environment. They allow Israeli firms continued access to cheap Palestinian labor while denying the workers access to Israel (a key component of the "separation" strategy). Although they pay higher salaries than Palestinians can earn in their own de-developed economy, the wages are still well below Israeli minimum wages and benefits. The proximity of Israeli industrial parks to weaker Palestinian industries nearby creates unfair competition and in the end saps Palestinian cities of their economic vitality. (They also provide crucial economic anchors to the settlements whose residents manage the parks and the factories, as the Sha'ar Binyamin project illustrates.) Just as serious, the lax environmental standards and low costs means that these industrial parks attract Israel's most polluting industries - chemical, aluminum, plastics, metalworks, batteries. Though established in Palestinian areas (or specially-created Industrial zones), these parks ensure Israel's ability to continue dumping its industrial wastes into the West Bank.
- **Meeting Israeli "Security" Concerns.** "Security" is defined by Israel in such maximalist terms that it ensures Israeli political, military and economic control. Israel insists that a Palestinian state will be demilitarized and forbidden to enter into military pacts with other states, that Israel controls Palestinian airspace, and that it reserves the right to deploy forces in the Jordan Valley in the indeterminate event that it perceived "a threat" of invasion. Controlling Palestinian labor and commercial movement through the imposition of "security borders," part of Israel's declared policy of "separation" from the Palestinians, constitutes additional constraints on Palestinian development, locking the less that 20% of Palestine that is the state from the other more than 80% that is Israel.
- **Limited Palestinian Sovereignty.** A Palestinian state would possess limited sovereignty only. It would be demilitarized and unable to form military alliances not approved by Israel. It would have jurisdiction over its borders, but would have certain restrictions as to who may enter (especially vis-a-vis the refugee issue). And the restrictions regarding military contingencies (defined by Israel) would apply.

### **Dismantling the Matrix of Control: The Only Way Out**

If Israel can force or induce the Palestinians to accept the Camp David formula (or find a post-Arafat quisling to sign the bottom line), it will have succeeded in securing control over the Greater Land of Israel while having relieved itself of the Palestinian population of the Occupied Territories. This is also true of Barak's "generous offer" at Taba - Israel's "best deal" (though it never really approached a concrete "offer" or "deal"). Again, it is not hard to understand why the Palestinians rejected it. Taba would have given Israel title to more than 80% of Palestine and control over the rest. The Palestinians would have had to cede the elements essential to their self-determination: economic viability and developmental potential, territorial contiguity, true independence, a normal and sovereign civil society, recognized borders under their own control. Indeed, they were already skating on the thin edge of viability and sovereignty. At Oslo the Palestinians gave up political claim to 78% of their country, and agreed to a mini-state of limited sovereignty: no army, no military alliances not approved by Israel, certain Israeli economic controls and even limitations on who may enter Palestine. Barak's "take it or leave it" approach also prevented agreement. The Palestinians feared they would be doomed forever to a truncated, dependent, semi-sovereign mini-state, their hopes for a real country and the resolution of the refugee issue frozen within the parameters of Oslo, Camp David and Taba - and ultimately within the Matrix of Control.

Taba did show that peace was possible, but only if Israel truly dismantled its Matrix of Control. Although it represents Israeli's "best case" scenario, it may not even have been "real." In articles and interviews Barak has given since leaving office, he has reiterated his old pre-Taba, Camp David positions -- 80% of the settlers must remain under Israeli sovereignty; "separation;" Israel retains 15% of the West Bank, etc. Or did he agree knowing full well that any Taba agreement had no chance passing the Knesset? We will never know. What we do have now is a Sharon-Peres government determined to break Palestinian resistance once and for all. Refusing to even consider picking up the negotiations from where they left off at Taba, Sharon has offered the Palestinians 42-56% of the West Bank (the present extent of Areas A and B with some corridors), none of East Jerusalem and a truncated Gaza.

The Matrix of Control represents Israel's success in establishing a system of control over the Occupied Territories that has lasted decades. Its usefulness does not end there. Because it renders the Occupation invisible, it is capable of deflecting opposition at home and abroad. Although it was Israel who prejudiced the outcome of the

Oslo negotiations by measurably strengthening its grip over the Occupied Territories and offering concessions that left its control intact, it is the Palestinians who have been almost universally blamed for the breakdown of the "peace process." An understanding of the Matrix of Control is essential for comprehending the sources of the present conflict and the obstacles to its resolution. Only dismantling it will lead to a just and lasting peace. This is the only way that Israel's long-standing and ongoing campaign of "creating facts on the ground" can be effectively neutralized.

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## Why Israel Needs a Fence

By Benjamin Netanyahu

*The New York Times*, July 13, 2004

While the advisory finding by the International Court of Justice last week that Israel's barrier in the West Bank is illegal may be cheered by the terrorists who would kill Israeli civilians, it does not change the fact that none of the arguments against the security fence have any merit.

First, Israel is not building the fence on territory that under international law can be properly called "Palestinian land." The fence is being built in disputed territories that Israel won in a defensive war in 1967 from a Jordanian occupation that was never recognized by the international community. Israel and the Palestinians both claim ownership of this land. According to Security Council Resolution 242, this dispute is to be resolved by a negotiated peace that provides Israel with secure and recognized boundaries.

Second, the fence is not a permanent political border but a temporary security barrier. A fence can always be moved. Recently, Israel removed 12 miles of the fence to ease Palestinian daily life. And last month, Israel's Supreme Court ordered the government to reroute 20 more miles of the fence for that same purpose. In fact, the indefensible line on which many have argued the fence should run -- that which existed between Israel and the Arab lands before the 1967 war -- is the only line that would have nothing to do with security and everything to do with politics. A line that is genuinely based on security would include as many Jews as possible and as few Palestinians as possible within the fence.

That is precisely what Israel's security fence does. By running into less than 12 percent of the West Bank, the fence will include about 80 percent of Jews and only 1 percent of Palestinians who live within the disputed territories. The fence thus will block attempts by terrorists based in Palestinian cities to reach major Israeli population centers.

Third, despite what some have argued, fences have proven highly effective against terrorism. Of the hundreds of suicide bombings that have taken place in Israel, only one has originated from the Gaza area, where Hamas and Islamic Jihad are headquartered. Why? Because Gaza is surrounded by a security fence. Even though it is not complete, the West Bank security fence has already drastically reduced the number of suicide attacks.

The obstacle to peace is not the fence but Palestinian leaders who, unlike past leaders like Anwar Sadat of Egypt and King Hussein of Jordan, have yet to abandon terrorism and the illegitimate goal of destroying Israel. Should Israel reach a compromise with a future Palestinian leadership committed to peace that requires adjustments to the fence, those changes will be made. And if that peace proves genuine and lasting, there will be no reason for a fence at all.

Instead of placing Palestinian terrorists and those who send them on trial, the United Nations-sponsored international court placed the Jewish state in the dock, on the charge that Israel is harming the Palestinians' quality of life. But saving lives is more important than preserving the quality of life. Quality of life is always amenable to improvement. Death is permanent. The Palestinians complain that their children are late to school because of the fence. But too many of our children never get to school -- they are blown to pieces by terrorists who pass into Israel where there is still no fence.

In the last four years, Palestinian terrorists have attacked Israel's buses, cafes, discos and pizza shops, murdering 1,000 of our citizens. Despite this unprecedented savagery, the court's 60-page opinion mentions terrorism only twice, and only in citations of Israel's own position on the fence. Because the court's decision makes a mockery of Israel's right to defend itself, the government of Israel will ignore it. Israel will never sacrifice Jewish life on the debased altar of "international justice."

**Benjamin Netanyahu** is a leader of Israel's Likud Party. He was Prime Minister of Israel from 1996 – 1999 and has served in various governmental posts including Foreign Minister and Finance Minister in the governments of Ariel Sharon.

## The Politics of Verticality (*selections*)

By Eyal Weizman

Opendemocracy ([www.opendemocracy.net](http://www.opendemocracy.net))

### Chapter 3: Hills and Valleys of the West Bank

*Mountains play a special part in Zionist holiness. The settlers' surge into the folded terrain of the West Bank and up to its summits combines imperatives of politics and spirituality.*

The Israeli-Palestinian conflict is a territorial one, though fought out in three dimensions. More than anything else, it is defined by where and how one builds. The terrain dictates the nature, intensity and focal points of confrontation. On the other hand, the conflict manifests itself most clearly in the adaptation, construction and obliteration of landscape and built environment. Planning decisions are often made not according to criteria of economical sustainability, ecology or efficiency of services, but to serve strategic and national agendas.

The West Bank is a landscape of extreme topographical variation, ranging from four hundred and forty metres below sea level at the shores of the Dead Sea, to about one thousand metres in the high summits of Samaria. The conflict is played out in the mountainous region – and this has influenced its forms.



### From the plains to the hills (and back again)

The settlement project in the West Bank is a culmination of Zionism's journey from the plains to the hills. That journey attempted to resolve the paradox of early Zionist spatiality – that, while seeking the return to the 'Promised Land', reversed the settlement geography of Biblical times.

Braudel's observation that "the mountains are as a rule a world apart from civilisations, which are urban and lowland achievement" suited the ancient geography of Israel well. The mountains of Judea became the breeding ground for an isolated form of monotheism; meanwhile the plains, inhabited by the Phoenician Philistines, the "invaders from the seas", gave birth to an integrated and progressive culture, set apart from the isolation of the mountain, close to the international road system and the seaports.

Migrating into Israel in the twentieth century, the Zionist movement, now itself an "invader from the seas", and dominated by a modern, pragmatic socialism, settled mainly along the coastal plains and fertile northern valleys, which suited its ideology of agricultural cultivation well. This spatial pattern would dominate the Israeli landscape until the political reversal of 1977, in which the hawkish Likud party replaced Labour in power for the first time.

The "civilian occupation" of the West Bank was a process that began in the deep, arid Jordan valley during its first ten years of Israeli rule under Labour governments (1967-1977). Fifteen agricultural villages were constructed under the Allon Plan that emphasized "maximum security and maximum territory for Israel with a minimum number of Arabs".

As the political climate in Israel changed, the reconstruction of Zionist identity began. The settlements started a long and steady climb to the mountains, where isolated dormitory communities were scattered on barren hilltops; without agricultural hinterlands, they cultivated nothing but "holiness" on their land.

The settlements of the mountain strip, built during the late 1970s and early 1980s, shifted the expansion stimulus from agricultural pioneering to mysticism and transcendentalism. These settlements were promoted mainly by Gush Emunim (The Block of Faith), a national-religious organisation that was fusing "Biblical" messianism, a belief in the "Land of Israel", with a political thinking that allowed for no territorial concessions.

The climb from the plains to the hills coincided with the development of a feeling of acting according to a divine plan. It promised the "regeneration of the soul" and the achievement of "personal and national renewal", imbued in a mystic quality of the heights. Ephraim Eitam, the retired general who is now the popular leader of the National Religious party, recently opposed any dismantling of these mountain settlements in these terms: "Whoever proposes that we return to the plains, to our basest part, to the sands, the secular, and that we leave in foreign hands the sacred summits, proposes a senseless thing".

Beyond the hard core of extremists inhabiting the mountain ridge of the West Bank, the majority of settlers built their home in the western slopes near the 1967 border. They went in search of a better quality of life, settling in green suburbs that belong to the greater metropolitan regions of Tel Aviv and Jerusalem.

What drew them there was the rhetoric of “living standards”, “quality of life”, “fresh air” and “open view”. “All you can dream of” for a very affordable price – this pitch has a special appeal to first-time buyers. Settlers benefit from substantial government subsidies; for the price of a small flat in Tel Aviv, they can buy their own red-roofed houses and gardens.

### **Vertical Planning**

Matityahu Drobless was appointed head of the Jewish Agency’s Land Settlement Division in 1978. Shortly after, he issued *The Master Plan for the Development of Settlements in Judea and Samaria*. In this masterplan he urges the government to

*... conduct a race against time... now [when peace with Egypt seemed immanent] is the most suitable time to start with wide and encompassing rush of settlements, mainly on the mountain ranges of Judea and Samaria... The thing must be done first and foremost by creating facts on the ground, therefore state land and uncultivated land must be taken immediately in order to settle the areas between the concentration of [Palestinian] population and around it... being cut apart by Jewish settlements, the minority [sic] population will find it hard to create unification and territorial continuity.*

The Drobless masterplan outlined possible locations for scores of new settlements. It aimed to achieve its political objectives through the reorganisation of space. Relying heavily on the topography, Drobless proposed new highvolume traffic arteries to connect the Israeli heartland to the West Bank and beyond. These roads would be stretched along the large westdraining valleys; for their security, new settlement blocks should be placed on the hilltops along the route. He also proposed settlements on the summits surrounding the large Palestinian cities, and around the roads connecting them to each other.

This strategic territorial arrangement has been brought into use recently during the Israeli Army’s invasion of Palestinian cities and villages. Some of the settlements assisted the IDF in different tasks, mainly as places for the army to organise, refuel and redeploy.



*This 270 degree panorama shows the Israeli settlement on a hill overlooking the Palestinian village in the valley*

The hilltops lent themselves easily to state seizure. In the absence of an ordered land registry in time of Jordanian rule, Israel was able legally to capture whatever land was not cultivated. Palestinian cultivated lands are found mainly in the valleys, where the agriculturally suitable alluvial soil erodes down from the limestone slopes of the West Bank highlands. The barren summits were left empty.

The Israeli government launched a large-scale project of topographical and land use mapping. The terrain was charted and mathematised, slope gradients were calculated, the extent of uncultivated land marked. The result, summed up in dry numbers, left about 38% of the West Bank in under Israeli control, isolated in discontinuous islands around summits. That land was then made available for settlement.

### **Chapter 5: Optical Urbanism**

High ground offers three strategic assets: greater tactical strength, self-protection, and a wider view. This principle is as long as military history itself. The Crusaders’ castles, some built not far from the location of today’s

settlements, operated through “the reinforcement of strength already provided by nature”. These series of mountaintop fortresses were military instruments for the territorial domination of the Latin kingdom.

The Jewish settlements in the West Bank are not very different. Not only places of residence, they create a large-scale network of “civilian fortification” which is part of the army’s regional plan of defence, generating tactical territorial surveillance. A simple act of domesticity, a single family home shrouded in the cosmetic facade of red tiles and green lawns, conforms to the aims of territorial control.



But unlike the fortresses and military camps of previous periods, the settlements are sometimes without fortifications. Up until recently, only a few settlements agreed to be surrounded by walls or fences. They argued that they must form a continuity with the holy landscape; that it is the Palestinians who need to be fenced in.

During the recent days of *Intifadah*, many settlements were attacked and debate returned over the effect of fences. Extremist settlers claimed that protection could be exercised solely through the power of vision, rendering the material protection of a fortified wall redundant and even obstructive.

Indeed, the form of the mountain settlements is constructed according to a geometric system that unites the effectiveness of sight with spatial order, producing “panoptic fortresses”, generating gazes to many different ends. Control – in the overlooking of Arab town and villages; strategy – in the overlooking of main traffic arteries; self-defence – in the overlooking of the immediate surroundings and approach roads. Settlements could be seen as urban optical devices for surveillance and the exercise of power.

In 1984 the Ministry of Housing published guidance for new construction in the mountain region, advising: “Turning openings in the direction of the view is usually identical with turning them in the direction of the slope ... [the optimal view depends on] the positioning of the buildings and on the distances between them, on the density, the gradient of the slope and the vegetation”.

That principle applies most easily to the outer ring of homes. The inner rings are positioned in front of the gaps between the homes of the first ring. This arrangement of the homes around summits, outward-looking, imposes on the dwellers axial visibility (and lateral invisibility), oriented in two directions: inward and outward.

Discussing the interior of each building, the guidance recommends the orientation of the sleeping rooms towards the inner public spaces and the living rooms towards the distant view. The inward-oriented gaze protects the soft cores of the settlements, the outward-oriented one surveys the landscape below. Vision dictated the discipline and mode of design on every level, even down to the precise positioning of windows: as if, following Paul Virilio, “the function of arms and the function of the eye were indefinitely identified as one and the same”.

Seeking safety in vision, Jewish settlements are intensely illuminated. At night, from a distance they are visible as brilliant white streaks of light. From within them, the artificial light shines so brightly as to confuse diurnal rhythms. This is in stark contrast to Palestinian cities: seeking their safety in invisibility, they employ blackouts as a routine of protection from aerial attacks.

In his verdict in support of the “legality” of settlement, Israeli High Court Justice Vitkon argued, “One does not have to be an expert in military and security affairs to understand that terrorist elements operate more easily in an area populated only by an indifferent population or one that supports the enemy, as opposed to an area in which there are *persons who are likely to observe them* and inform the authorities about any suspicious movement. Among them no refuge, assistance, or equipment will be provided to terrorists. The matter is simple, and details are unnecessary.”

The settlers come to the high places for the “regeneration of the soul”. But in placing them across the landscape, the Israeli government is drafting its civilian population alongside the agencies of state power, to inspect and control the Palestinians. Knowingly or not, settlers’ eyes, seeking a completely different view, are being ‘hijacked’ for strategic and geopolitical aims.



## Chapter 6: The Paradox of Double Vision

The journey into the mountains, seeking to reestablish the relation between terrain and sacred text, was a work of tracing the location of “biblical” sites, and constructing settlements adjacent to them. Settlers turned “topography” into “sceneography”, forming an exegetical landscape with a mesh of scriptural signification that must be “read”, not just “viewed”.

For example, a settlement located near the Palestinian city of Nablus advertises itself thus:

*Shilo spreads up the hills overlooking Tel Shilo, where over three thousand years ago the children of Israel gathered to erect the Tabernacle and to divide by lot the Land of Israel into tribal portions... this ancient spiritual centre has retained its power as the focus of modern day Shilo.*

Rather than being a resource for agricultural or industrial cultivation, the landscape establishes the link with religious-national myths. The view of the landscape does not evoke solemn contemplations, but becomes an active staring, part of an ecstatic ritual: “it causes me excitement that I cannot even talk about in modesty,” says Menora Katzover, wife of a prominent settlers’ leader, about the view of the Shomron mountains.

Another sales brochure, published for member recruitment in Brooklyn and advertising the ultra orthodox settlement of Emanuel, evokes the pastoral: “The city of Emanuel, situated 440 metres above sea level, has a magnificent view of the coastal plain and the Judean Mountains. The hilly landscape is dotted by green olive orchards and enjoys a pastoral calm.”

There is a paradox in this description. The very thing that renders the landscape ‘biblical’ – traditional inhabitation, cultivation in terraces, olive orchards and stone buildings – is made by the Arabs whom the settlers come to replace. The people who cultivate the “green olive orchards” and render the landscape biblical are themselves excluded from the panorama.

It is only when it comes to the roads that the brochure mentions Arabs, and that only by way of exclusion. “A motored system is being developed that will make it possible to travel quickly and safely to the Tel Aviv area and to Jerusalem on modern thoroughways, *bypassing Arab towns*” (emphasis in the original). The gaze that can see a “pastoral, biblical landscape” will not register what it doesn’t want to see – the Palestinians.

State strategy established vision as a mean of control, and uses the eyes of settlers for this purpose. The settlers celebrate the panorama as a sublime resource, but one that can be edited. The sight-lines from the settlements serve two contradictory agendas simultaneously.

The Emanuel brochure continues, “Indeed new Jewish life flourishes in these hills of the Shomron, and the nights are illuminated by lights of Jewish settlements on all sides. In the centre of all this wonderful bustling activity, Emanuel, a Torah city, is coming into existence.”

From a hilltop at night, a settler can lift his eyes to see only the blaze of other settlements, perched at a similar height atop the summits around. At night, settlers could avoid the sight of Arab towns and villages, and feel that they have truly arrived “as the people without land – to the land without people”. (This famous slogan is attributed to Israel Zangwill, one of the early Zionists who arrived to Palestine before the British mandate, and described the land to which Eastern European Zionism was headed as desolate and forsaken.) Latitude thus becomes more than merely relative position on the folded surface of the terrain. It functions to establish literally parallel geographies of ‘First’ and ‘Third’ Worlds, inhabiting two distinct planes, in the startling and unprecedented proximity that only the vertical dimension of the mountains could provide.

Rather than the conclusive division between two nations across a boundary line, the organisation of the West Bank’s particular terrain has created multiple separations, provisional boundaries, which relate to each other

through surveillance and control. This intensification of power could be achieved in this form only because of the particularity of the terrain.

The mountain settlements are the last gesture in the urbanisation of enclaves. They perfect the politics of separation, seclusion and control, placing them as the end-condition of contemporary urban and architectural formations such as 'New Urbanism', suburban enclave neighbourhoods or gated communities. The most ubiquitous of architectural typologies is exposed as terrifying within the topography of the West Bank.

### **Chapter 11: Control in the Air**

*Now and in the final settlement proposals, Israel holds control of the airspace over the West Bank. It uses its domination of the airspace and electromagnetic spectrum to drop a net of surveillance and pinpoint executions over the territory.*

Airspace is a discrete dimension absent from political maps. But it is a space of utmost importance – cluttered with civilian and military airways, allowing a vantage observational point on the terrain under it, denying that position to others.

Complete control over the West Bank's airspace is currently exercised by the Israeli Defence Force (IDF). In Camp David, Israel agreed to the concept of a Palestinian state, but demanded sovereignty over the airspace above it in the context of a final resolution . . .

[I]nternational law affirms the continuity between the ground and the sky. To bypass this continuity, a new definition of boundaries in airspace had to be invented for the Israeli- Palestinian situation. It was proposed that the sovereign ceiling of the emerging Palestinian state be significantly lowered, to include only architectural construction and low-flying helicopters. The upper layers were to remain in Israeli control.

The Israeli claim for sovereignty over Palestinian airspace started with the Oslo Accord. In the clauses concerning the electromagnetic sphere and airspace, the Accord states that "All aviation activity or usage of the airspace... shall require prior approval of Israel".

During the permanent status negotiations in Camp David, Israel demanded the "use of the airspace and electromagnetic space and their supervision". With control of the electromagnetic spectrum, Israel could continue to regulate radio frequencies and other communications in both states. With its control of the skies it could use the airspace over Palestine as training grounds for its Air Force. In return, the Palestinians were offered a special aerial corridor through Israeli airspace between Gaza and the West Bank.

### **The storm**

The outbreak of hostilities in the recent *Intifadah* introduced the airspace for the first time as the site of war with the Palestinians. "Do we want to transfer the war to the sky? To rockets [fired on Israeli cities] and anti-aircraft missiles?" asked Foreign Minister Shimon Peres, when questioned if Israel should fortify unilaterally behind a protected border on land. But it was too late. The war of the skies has already broken out. Besides the latest invasion of Israel into Palestinian areas on land, the actual day-to-day policing of the Occupied Territories is done primarily from the air.

Occupation of the skies gives Israel a presence across the whole spectrum of the electromagnetic field, and enables total observation. The airspace became primarily a place to 'see' from, offering the Israeli Air Force an observational vantage point for policing airwaves alive with electromagnetic signals – from the visible to the radio and radar frequencies of the electromagnetic spectrum.

The West Bank must currently be the most intensively observed and photographed terrain in the world. In a 'vacuum-cleaner' approach to intelligence gathering, sensors aboard unmanned air vehicles (UAVs), aerial reconnaissance jets, early warning Hawkeye planes, and even an Earth-Observation Image Satellite, snatch most signals out of the air. Every floor in every house, every car, every telephone call or radio transmission, even the smallest event that occurs on the terrain, can thus be monitored, policed or destroyed from the air.

Since the beginning of the recent hostilities, the Israeli Air Force has put in thousands of flight hours, gathered piles of information through its complex network of different airborne reconnaissance platforms, and put it at the disposal of different intelligence agencies.

These eyes in the sky, completing the network of observation that is woven throughout the ground, finally iron out the folded surface and flatten the terrain. From the air, everything can be watched – if you have the right kind of access.

Amongst the techniques of aerial interpretation is a process of 'hologrammatisation'. Two simultaneous images are captured from a double lens camera onto two plates. Then, when the prints are viewed through special spectacles, the different shades and colour on the images turn into higher and lower buildings, to hills, mountains and valleys. The specialised scrutinising gaze of the analyst transforms the two-dimensional prints into a three-dimensional simulation, allowing him carefully to identify targets or precisely assess the impact of previous raids.



This precise intelligence, a near absolute knowledge of the terrain and of movement of persons in it, coupled with the ability to deliver precise destructive force, has empowered Israel to wage a new kind of warfare: 'surgical' killings administered from above.

During 2001 Israeli Air Force conducted 5,130 sorties over the West Bank and Gaza in the context of the conflict. This included six hundred flight hours in assault helicopters, which fired five hundred missiles at Palestinian targets, with about a third of the missiles achieving the forty-five aerial "targeted killings," in which Palestinian militants were liquidated.

Most missions are built up in the air, where satellite, reconnaissance plane and helicopter gunship complete each other's task. As the attack helicopter is on its way to the suspected area, live intelligence about the target's location, intentions and destructive potential is transferred as radio and image data.

The Apache gunship, equipped with a sophisticated electro-optical array of precise target acquisition technology, travelling fast and low, detects, identifies and acquires the target, then fires a Hellfire missile into most often a Palestinian's vehicle. At other times, ultra-violet paint splashed by collaborators on the roof of a car marks the target for the pilot to destroy.

The aerial policing and execution of Palestinians within their cities was made possible by the integration of these technological advances. And the act of their liquidation is now subject only to will.

If the horrific potential of iron bombing already exhausted the imagination, in this next step of warfare, armies could target individuals within a battlefield or civilians in an urban warfare. Summary executions can be carried out after short meetings between army generals and politicians working their way down 'wanted' men lists. This kind of aerial warfare is so personal as to set a new horizon for the horror of war.

**Eyal Weizman** is an award-winning Israeli Architect and Director of the Centre for Research Architecture at Goldsmiths College, University of London. He is an editor-at-large of Cabinet magazine. Weizman's new book, *Hollow Land*, expands on the themes of this essay.

## Israel's settlements are on Shaky Ground

By Sarah Leah Whitson

Los Angeles Times, June 28, 2009

The debate over Israeli settlements in the occupied Palestinian territories is often framed in terms of whether they should be "frozen" or allowed to grow "naturally." But that is akin to asking whether a thief should be allowed merely to keep his ill-gotten gains or steal some more. It misses the most fundamental point: Under international law, all settlements on occupied territory are unlawful. And there is only one remedy: Israel should dismantle them, relocate the settlers within its recognized 1967 borders and compensate Palestinians for the losses the settlements have caused.

Removing the settlements is mandated by the laws of the Geneva Convention, which state that military occupations are to be a temporary state of affairs and prohibit occupying powers from moving their populations into conquered territory. The intent is to foreclose an occupying power from later citing its population as "facts on the ground" to claim the territory, something Israel has done in East Jerusalem and appears to want to do with much of the West Bank.

The legal principles were reaffirmed in 2004 by the International Court of Justice, which cited a U.N. Security Council statement that the settlements were "a flagrant violation of the Fourth Geneva Convention." The International Committee of the Red Cross and an overwhelming number of institutions concerned with the enforcement of international humanitarian law have concurred in that view.

The economic and social cost of Israeli settlements to the Palestinian population, stemming in part from Israel's need to protect them, are enormous. The 634 (at last count) roadblocks, barriers and checkpoints erected to control the movement of lawful residents of the territory make travel an ordeal. Sometimes even getting to work, school or the home of a relative is impossible for Palestinians. Every day, they must wait in line for hours to show their IDs, and some days they are randomly rerouted, told to go home or, worse, detained for questioning.

Similarly, the fact that Israel is building 87% of its projected 450-mile "security barrier" on Palestinian territory has less to do with protecting Israel from suicide bombers -- which could have been accomplished by erecting a wall on the Green Line -- than it does with putting 10% of West Bank territory, including most settlers, on the Israeli side. And while Israeli troops protect the settlers from armed Palestinian groups, there is little protection for Palestinians from the settlers' marauding militias and gangs, which have terrorized the local population, destroying their crops, uprooting their trees and throwing stones at their houses and schools.

Too little attention is given to the pervasive system of government-sponsored discrimination against Palestinians in the West Bank and East Jerusalem, where Israel has constructed roads exclusively for settlers and established vastly unequal access to water, fuel, education, healthcare, transportation, infrastructure and virtually every other social service. Israeli authorities readily grant settlers building permits that they deny to Palestinians, whose "illegal" homes they often demolish at short notice. The glaring discrepancy in Israel's treatment of two populations living on the same land has taken a significant moral toll on Israel, as well as a political one, with wide coverage of humiliation and abuse at the hands of its security forces.

The common refrain of Israeli and even American politicians who recognize that the settlements must go is that it would be politically difficult to dismantle them, in part because it would stir the ire of the settlers and their supporters, an important voting bloc in Israel. Instead, politicians argue that settlements must be a part of future negotiations and a possible land swap.

But this only serves as further incentive to expand settlements and makes a political resolution even more difficult. It also condones in the interim Israel's continuing human rights abuses in the name of settler security, leaving respect for Palestinians' rights a second-tier consideration that must await the conclusion of peace talks that have already gone on for decades.

Israel has a duty to protect its citizens, but not in a way that violates the rights of Palestinians. The lawful, rights-respecting way to protect the security of settlers is to move them back to Israel. That should be the starting point of any discussion on settlements.

**Sarah Leah Whitson** is Middle East director at Human Rights Watch.

# A COMPARATIVE ANALYSIS

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## *Biladi*

*Subliminal*

*My mother earth  
Not mine, all that was mine, even my country  
My danger has become a punching bag  
For international attacks  
That will determine for me to be or not to be  
Can't understand the trend, get hit  
Eyes closed shut, screaming live and let live  
It's not my people "bleeding hearts"  
Delusions  
Bleeding hearts" in slime, it cannot be  
But we are here, and we will never leave "here"  
Zionism  
In the Jewish blood that honors Islam  
Also Christianity and Buddhism and all the others too  
My throat is saturated, I'm not blood thirsty  
Understand that blood spills blood that spills blood  
Then his uncle dies and his blood spills too  
It's a waste of time, won't get up  
He will not wake up  
Daddy won't tuck the kids into bed again*

*(chorus) Who am I, what did I know and where did I come from?  
I am from here and I came from here  
This is my land and this is my country*

*Mother!!!*

*Look at me today  
I've put down my uzi, picked up the microphone  
Dreaming of peace (shalom), getting only goodbye  
Fuck miracles, everything is an illusions.  
Living in a storm in the heart of the danger  
Such big troubles in such a small state  
Want to live, to die, upright, slouchy, free, kidnapped, starting, ended, standing,  
falling, soldier, terrorist, give, steal, god, hell*

*You're an exhausted firstborn  
How did everything turn around?  
Stuck with danger like in a fusion reactor  
Again get up and fall from fear to the trash  
69 revolving, the contrary is upheaval  
Again a sidewalk in a reddish tone  
Human heart, the blood flows to the sea  
A crappy world, constipated reality  
Living in a "die hard" movie  
Living to die  
(chorus)*

\* Subliminal is an Israeli hip-hop artist.

# Beyond South Africa: Understanding Israeli Apartheid

by Samer Abdelnour

Al-Shabaka, April 4, 2013

## Overview

Much analysis of Israeli apartheid focuses on comparisons with South Africa. Al-Shabaka Policy Advisor Samer Abdelnour argues that the specific characteristics of Israel's unique brand of apartheid need to be better understood in order to successfully dismantle it. He identifies three inter-locking dimensions of Israeli apartheid: physical, architecture, and ideological. Examining apartheid through these dimensions, he reveals Israeli apartheid to be far more sophisticated than that of South Africa and suggests directions for thinking and action to overcome Israel apartheid.

## The Colonial Roots of Apartheid

"Israeli Apartheid" is a commonly used term to describe the racial violence and segregation enshrined in Israel's institutions.[fn]For an introduction to the subject, see: Ben White (2009) *Israeli Apartheid: A Beginner's Guide*, London: Pluto Press.

[fn] Though Israel's most ardent supporters will continue to resist the rhetoric of apartheid, the [reality of apartheid in Israel](#) is unmistakable. But, what exactly is apartheid? And how might we understand Israel's apartheid system?

[Apartheid](#) is a complex system of racial violence, segregation, and dispossession. The roots of apartheid are colonial; Europeans have long used [apartheid practices](#) to devastate the indigenous peoples they colonized and Europe's "undesirables" alike. Modern apartheid systems, like South Africa and Israel, evolved from historical practices of mobility restriction and internment. Just as Afrikaners learned from Canada's reservation system in the early 1900s[fn]Nadia Abu-Zahra and Adah Kay (2012) *Unfree in Palestine: Registration, Documentation and Movement Restriction*, London: Pluto Press; page 6.[fn], Israel implements practices reminiscent of apartheid-era South Africa.

Given Israel's strong support to [apartheid-era South Africa](#) and stark similarities between South Africa's apartheid policies[fn][South Africa's seven key apartheid policies](#) included: the Group Areas Act (permitting people to live in areas based on racial categories); Separate Education (children go to schools designated by racial categories); Separate Amenities (including separate public transport); African Homelands (considered the only true home of Africans, and thus when in 'white' areas African's are there for work); Separate Voters' Rolls (blacks vote for authorities who have limited power within their own racial categories and not in national elections); Mixed Marriages Act (prohibited marriage among people of different groups/status); and the Immorality Act (forbade sexual relations among people of different racial groups).[fn] and Israeli practices today, it is understandable that South Africa's experience grounds analysis of Israel's occupation of Palestine. Similarly, anti-apartheid activists replicate tactics reminiscent of those used to pressure the South African apartheid regime, most significant being strategies of [Boycott, Divestment, and Sanctions \(BDS\)](#).

Though similarities and shared histories between Israel and South Africa certainly exist, overreliance on comparisons may prevent a full appreciation of Israeli apartheid. Notable differences include the role and agency of indigenous labor. For example, South Africa was and continues to be dependent on black labor in sectors such as mining, which at times enabled meaningful mobilization in opposition to state practices. Today, although Israel is overall less dependent on Palestinian labor, settlement construction continues to be a significant employer of Palestinians. However, because settlements do not constitute a key generator of Israeli income (rather, they are highly subsidized by the state) it is difficult to envision how settlement-related labor mobilization might pose a threat to Israel. Similarly, Palestinians are captive markets for Israeli goods and produce, not the other way around.

Another difference relates to many political dialogues and agreements between Afrikaners and anti-apartheid leaders that concluded with an end to apartheid policies.[fn]Anti-apartheid campaigns and others simultaneously (and successfully) continued throughout these dialogues.[fn] In the case of Palestine, the clear outcome of agreements has been the advancement of segregation and Palestinian dispossession. More seriously, the Palestinian Authority has become an important player in apartheid, as indicated by Israeli-Palestinian ["security" coordination](#) and recent [threats made by President Abbas](#) that he will hand the "keys" of the West Bank back to Israel. Though Abbas' intent is to force Israel to face its responsibilities as an occupying power, it does imply that in

absence of a genuine process of national independence the Palestinian Authority holds a central administrative position within Israel's apartheid system.

Further, in the case of South Africa the international community eventually came to exert extreme pressure to end racial segregation within a one-state solution. In Palestine, the international community appears ready to support "statehood" without any serious contestation of Israeli apartheid. The "constructive engagement" mantra and the two-state solution are distracting myths that permit continued colonization and ethnic cleansing in Palestine. They also allow the U.S., EU, and Canada to continually reaffirm their support for apartheid through political rhetoric, military subsidies and contracts, trade agreements with Israel, and corporate profiting from [colonization](#) and [occupation](#). Moreover, under apartheid in South Africa, Bantustans were established as the means to confine Africans to "homeland" areas. Regardless of their spatial similarities, Palestinians today are actively denied homeland; doing so would go against the very ideologies of Zionism and circumvent Jewish colonial-settler expansion.

In Israel today, apartheid thrives through sophisticated bureaucratic, market, and military institutions superior to those of the South African apartheid era. It also receives unprecedented subsidies in the form of U.S. military support and humanitarian aid. The consequences of miscomprehension are significant; they may hinder thoughtful assessment and critique of existing strategies (such as BDS), and prevent the development of new strategies for securing Palestinian freedom and return. Though a considerable amount is known about Israeli apartheid, the overall system of apartheid remains a "black box" where much is hidden and misunderstood. I propose three dimensions for a more comprehensive understanding of apartheid: physical, architecture, and ideological.

### **The Physical Faces of Apartheid**

The physical faces of apartheid are those interface elements that are readily apparent and measurable. They come in the form of violence, destruction, and physical division: concrete and metal, including checkpoints, prisons, settlements, settler roads, walls, "security zones", tanks, tractors, bull-dozers, drones, and bombs. In addition, the physical manifestations of apartheid classify and divide: paper and digital permits, ID cards, databases, surveillance systems, visas, evacuation orders, legal notices, applications, vouchers, deeds, and related techniques of classification and categorization.

People and the organizations they work in are another tangible face of apartheid. These include Israeli military forces, judges, settlers, police, agencies such as the Jewish National Fund, as well as Israeli and multinational corporations and their related products and services. In addition, they include Israeli industries such as "security", and universities when [access to education is segregated](#), Palestinians are [prevented from traveling](#) to attend university, or [research contributes to war crimes](#).

These physical elements enact the violence that governs the lived experience of Palestinians under military occupation and in exile. We know much about this dimension of apartheid because it horrifies us, captures our attention, can be counted and classified, and is shared widely through social media. It is also politically legitimated, not only by the various apparatuses of the Israeli state including settler politics and the military, but also by a frustrated and helpless Palestinian Authority (such as proclamations of statehood from a small piece of [Bantustan Palestine](#)). Although understanding the physical elements of apartheid is extremely useful, it is also important to investigate the architecture that produces and sustains them.

### **The Architecture of Apartheid**

The architecture refers to the regulatory, political and economic elements of apartheid. These legitimate Israel as a nation-state through international law and trade agreements. They are also legitimated by Israel's legal and military apparatus, including political as well as economic mechanisms that foster marginalization and segregation (such as settlement economies and subsidies). The architecture of apartheid is extremely elusive; it cuts across multiple sectors and the connections between these often remain unclear. For example, from a macroeconomic perspective the Israeli economy is wedded to weapons development. Today, Israel's ["security" industry](#) is the 6th largest globally, and is securing an increasing number of contracts with European and African states. Given the magnitude of Israel's engagement with weapons research, sales and use (such as those deployed on captive Palestinian populations), a deeper understanding of connections between this industry and the physical elements of apartheid is imperative. It is also important to further expose links between military technology research and the occupation (such as surveillance technologies and drones).

A comprehensive mapping of apartheid's architecture requires articulating the relationships among Israeli institutions, corporations, civil society, and apartheid. Considerable research has already been done on the subject. For example, the [BDS movement](#) and [Adalah NY](#) have explored the contributions of Israeli universities and private corporations to the occupation, and such research informs arguments and calls for boycotts. Yet research must also seek to better understanding the overall architecture of apartheid in order to expand the basis of effective anti-apartheid action (be it legal or political action, and various forms of boycotts).

One such approach is that offered by feminist sociologist Dorothy Smith, what she terms "institutional ethnography."<sup>[fn]</sup>Dorothy Smith (2005) *Institutional Ethnography: A Sociology for People*, Toronto: AltaMira Press.<sup>[/fn]</sup> Her approach seeks to uncover those governing institutions that classify and control the lived experiences of people, through a mapping of the texts that they encounter. In the context of apartheid, for example, texts include permits and other means of classification, surveillance, and control. By mapping the movement of texts, and importantly all associated work, a fuller appreciation of apartheid's architecture can be had. Similarly, a supply-chain approach may help to uncover the suppliers and services behind the construction and maintenance of the physical elements of apartheid, such as checkpoints or settlements, the use and expropriation of lands, or banks and financiers. One can imagine how these or other approaches might be useful for uncovering the architecture of apartheid.

Such investigations may prove both challenging and disturbing, given the extreme level of integration and dependencies between Palestinians and Israelis. Though physical elements by their very nature convey separation and oppression, the architecture that produces and maintains these may reveal the opposite. The use of the Israeli Shekel and dependency on Israeli goods and services (given the intentional destruction of Palestinian productive capacity) are but two of many examples. Moreover, the vagueness inherent in apartheid's architecture raises significant questions for reflection and anti-apartheid action. For example, if an Israeli bank is involved in transferring funds or providing services within a settlement, are all account holders or even transactions of that given bank complicit in apartheid? And if the answer is yes, what is to be done about it?

Similar questions can be asked of countless relationships embedded within apartheid's architecture. More than political and economic, they exist as the ideologies that legitimate colonization as well as racial segregation and violence.

## **The Ideologies of Apartheid**

Much is known about the ideologies of apartheid and there are many "isms" to describe these, including: racism, colonialism, many forms of Zionism, religious fundamentalism, and neoliberalism. Like the physical elements of apartheid, ideology is highly relevant to apartheid's architecture. Yet unlike the physical, ideology is intangible and thus difficult to measure, particularly because features of multiple ideologies may readily intertwine; for example, Israeli settlers embrace elements of Zionist colonialism, racism, religious fundamentalism, and militarism.

[Yoav Shamir's film \*Defamation\*](#) offers a clear picture of the importance of ideology for shaping the Israeli imagination. Fear, as Shamir demonstrates, is a significant means for exploiting the perceived vulnerability of Israelis. Fear works with combinations of the above-mentioned ideologies to justify racial violence and segregation in all forms. Thus, for many Israelis violence is necessitated by the existential "threat" Palestinians pose. So embedded is the demonization of Palestinians in the ideologies of apartheid that any expression of Palestinian agency is seen as a threat to Israeli national security. A pregnant Palestinian woman is a demographic threat. Criticisms of Israel, including campaigns such as BDS and Israeli Apartheid Week, are a threat to its legitimacy. Even Palestinian [cultivation of za'atar](#) was once considered an ecological threat. The psychology of Israel's self-induced psychosis perpetuates an industry of fear that underpins Israel's fixation with its own "security" and the insecurity of others.

Beyond fear, ideology enables hypocrisy. Widely propagated claims suggest Palestinians might drive "Israelis into the sea" though no Palestinian is ever known to have done so. Rather, of the hundreds of thousands of Palestinians expelled by Israel's founding militias, many were pushed to the sea and forced to leave Palestine by boat. Ideology permits victims of ethnic cleansing to inflict the same horrors onto another people. Ideology also denies, allowing Arabs to be blamed for the persistence of the Palestinian refugee "problem". Further, ideology dehumanizes, as indicted by propagated myths such as "[a land without a people for a people without a land](#)" or the imaging of Palestinians as native parasites and savages. In the eyes of Israeli settlers and Christian Zionists alike, these images render indigenous Palestinians unworthy of homeland. Even worse are anti-Semitic claims that

suggest Palestinians to be culturally predisposed for hate and violence. Examples include recent remarks made by [British MP Gordon Henderson](#) in the House of Commons seconded by a number of MPs: “It is clear that a culture of hate has wormed its way into the very fibre of Palestinian society.”

The way ideology can blind nations was revealed during the [August 2011 Tel Aviv protests](#), when hundreds of thousands of Israelis demanded domestic justice and equality while wholly ignoring the most discriminated in Israel. They include [Palestinian Bedouins](#) struggling to maintain lands and traditions under forced expropriation, and [“Arab” \(Palestinian\) citizens of Israel](#) entrenched within Israel’s structural discrimination. More disturbing, ideology prevents a majority of Israelis from seeing a human Palestinian Other. For example, during [Israel’s 2008-9 bombardment of Gaza](#) the Israeli Agriculture Ministry announced emergency [medical services for Israeli pets](#) and street animals traumatized by “rocket-fire”. At the same time, the Israeli military massacred over 1,400 Palestinians, many burned by [white-phosphorous](#) bombs, with [overwhelming Israeli public support](#). What kinds of ideologies permit such convoluted humanitarianism?

Of course Palestinians are not the only people in Israel subject to dehumanization and racial violence. An emergent issue—and a potentially significant front for the struggle against Israeli apartheid—is the violence directed at [African migrants and refugees](#). This case exposes the racism embedded within Israeli ideologies and institutions, and raises important questions regarding the status and definitions of refugees in Israel.

The above-mentioned ideologies enable the manifestation of a mundane, taken-for-granted “everyday apartheid”. Poorly understood, the mundane is highly significant to the maintenance of apartheid’s architecture. For example, [Amira Haas writes](#) how “hundreds of thousands of perfectly normal Israelis who are not violent at home are partners in the mission of administering, demarcating, restricting and taming the other society while cumulatively damaging its rights, welfare and well-being.” [Rashid Khalidi places](#) this in the context of Israel’s “settlement-industrial complex”; in addition to the over half million Jewish settlers in the West Bank and East Jerusalem, this includes “the hundreds of thousands in government and in the private sector whose livelihoods and bureaucratic interests are linked to the maintenance of control over the Palestinians”. Insulated pseudo-European realities (or “[bubbles](#)”) permit a majority of Israelis to live prosperous lives relatively ignorant of the colonization and ethnic cleansing of Palestine. They enable Israelis to go to work, shop, take care of their families, and enjoy the luxuries of the first world without sensing they might be nested in the architecture of apartheid or contributing to its perpetuation.

## **Approaches to Dismantling Apartheid**

As indicated in this piece, apartheid today is far more sophisticated than that experienced by South Africans; several South Africans have themselves pointed this out, including [Desmond Tutu](#). Because significant aspects of apartheid remain underexplored, notably its architecture and the mundane aspects of its ideologies, the success of policies and strategies seeking an end to Israeli apartheid may be limited. The above discussion is only a preliminary attempt to explore the physical, architecture, and ideological nature of Israeli apartheid. Incorporating these into an integrated approach for understanding Israeli apartheid may help in strategizing its dismantling.

For example, in dealing with the ideologies of apartheid, it may be more important to understand how Israeli Zionists come to distance themselves from the propagated fear and demonization of Palestinians. To date, rather than seek an understanding of Israeli cognitive shifts, attention has focused on the processes of indoctrination employed by agents of Israel (such as education, military training, mass visits of Israeli students to Europe’s concentration camps, and programs like Birthright).

The experiences of Israelis and western Jews who come to reject ideologies of fear and racial superiority for those that promote equality and human rights must be better understood. What are the conditions that enable Israelis or European and American Jews to choose to disassociate themselves from the ideologies of apartheid? Perhaps it is enough to experience different values, to have space and time for reflection, or be exposed to alternative narratives and realities (such as meeting Palestinians or Israelis who refuse to serve the occupation). Perhaps it is enough to find a means to communicate a shared vision [ensuring equal and democratic rights](#) regardless of a one, two or other-state solution. Moreover, it may be valuable for a community of like-minded people to demonstrate paths to new ways of thinking. Whatever the mechanisms, messages able to disarm apartheid’s ideological basis must be explored and spread to the Israeli public. These should allow for widespread critique of those ideals that legitimate apartheid’s physical and architectural dimensions without evoking fear. This is a key challenge for the BDS movement: Israelis and supporters who do not fully comprehend apartheid, or have been engrossed in ideologies

of Zionism and fear, will default to a defensive position without considering the value and importance of boycott strategies.

The increasing numbers of Israelis and Jews who are distancing themselves from Israel's oppressive politics is extremely encouraging and important. These significant trends suggest that ideological transitions are entirely possible and must be better understood. Different communities may be better suited to understand and initiate such changes. For example, progressive Israelis and Palestinian citizens of Israel are intimately aware of the various ideologies Israelis hold. Elsewhere, Christian Palestinians and progressive Christian movements can work to cultivate and communicate alternatives to Zionist Evangelicalism. As we have seen in recent years, [Jewish movements](#) are organizing to effectively contest the influence of the Israeli lobby in the U.S., EU, and Canada. Again, the above transitions away from the ideals of apartheid are possible when ideology is brought into conscious critique.

Of course, there are limitations in evoking ideological changes, in particular where people are embedded in cohesive ideology communities (such as settlements). Further, where identity defines itself through ideology people will be hostile to alternative ways of thinking. Thus, supporters of Israeli apartheid who take Zionism as a taken-for-granted ideal will not be easily convinced otherwise. In such cases, encouraging alternative ways of thinking is perhaps best left to those who have themselves undergone the journey.

It is also important to challenge the subsidies that permit apartheid to thrive. On the topic of apartheid's subsidies, [U.S. military aid to Israel](#) is the most significant: from 2009 to 2014 the U.S. was set to provide over [\\$30 billion in military aid to Israel](#). In addition to U.S. aid to Israel, over [\\$8 billion in international aid](#) has been distributed to the Palestinian Authority post-Oslo. Much of this is intended to build Palestinian Authority capacity, promote development, and deliver humanitarian relief. However, a significant component of aid to Palestinians contributes to Israeli economic growth, thus creating [multiple layers of dependency](#) that serve to reinforce the apartheid status quo. Though President Obama may have reassured Israelis of [unconditional U.S. support](#), strategies must continue to challenge apartheid's subsidies. The sheer size of direct and indirect U.S. aid to Israel is tremendous; without U.S. support Israel could not remain an apartheid state.

Finally, the Palestinian people's embrace of counter-ideologies is a major source of strength for dealing with the three dimensions of apartheid. These include: diverse forms of resistance, return, homeland, nationalism, survival and *sumoud* (steadfastness). Because ideology divides as much as it enables, Palestinians must continually embrace ideologies that celebrate culture, land, freedom, equality and the justice of return. [The Palestinian narrative](#) is one means for reaffirming and communicating positive life-giving ideologies, as such it must be [reclaimed](#) and [embraced](#).

The South African boycott, divestment, and sanctions movement, initiated in 1960, exerted tremendous pressures onto the apartheid regime and hastened its collapse in 1994. But apartheid in South Africa was not brought down by these measures alone. International solidarity and isolation was but one of four key pillars of the anti-apartheid struggle, the others being internal resistance as well as underground and armed struggle. Thus, while the Palestinian BDS movement will undoubtedly remain a significant strategy for defeating Israeli apartheid, alternative strategies for combating apartheid must be reinforced (such as grassroots struggles and the youth movements) and new approaches developed. To support such actions the complex matrix of physical, architecture, and ideological elements of Israeli apartheid must be better understood: doing so will expedite its collapse.

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## Struggle for Equality

Nadia Hijab and Victoria Brittain

*The Guardian, Comment is Free, December 17, 2007*

In recent months a small group of Palestinian and Israeli academics, mainly in the diaspora, have prepared an intellectual bombshell to challenge the Palestinian leadership on the almost 40-year basic premise of an independent Palestinian state alongside the state of Israel. The division over the question of one state or two states is now as dramatic as the Hamas-Fatah fighting of the last year, which split the armed resistance.

On November 29, 2007 - the 60th anniversary of the UN plan to partition Palestine into an Arab and a Jewish state - the group issued a *one state declaration* and are seeking co-signatories. It was a direct challenge to the Annapolis meeting three days earlier when almost the entire international community, including the Arab world, lined up - again - with the US, Israel and the Palestinian national authority behind the goal of two states (and excluding the elected political movement, Hamas).

But is that goal now an anachronism? How many of the officials from the many nations herded to Annapolis by the US have actually visited the West Bank recently - let alone penetrated the terrible siege around Gaza?

Annapolis should have begun with a presentation on the fragmentation of the West Bank, a PowerPoint produced by the UN. This short, stark visual superimposes each piece of Israel's illegal occupation infrastructure over a map of the West Bank - its 149 settlements, 460,000 settlers, 96 outposts, closed military areas, 27 military bases, nature reserves, the separation wall, settler-only roads, checkpoints, and tunnels. By the final overlay, the Palestinian areas look like slivers of flesh hanging off a skeleton.



It is these facts on the ground that have led an increasing number of Palestinians to argue that the two state solution is dead, and that Palestinians should push for one secular democratic state in all of Israel and Palestine. It is a goal that the Israeli leaders fear more than anything.

One state is a compelling aspiration for the long term, but putting it forward now as the end goal of the Palestinian struggle is causing new problems - for Palestinians. The one state two state debate is beginning to split both Palestinians and their supporters abroad. This is weakening one of the Palestinians' major sources of power, as the international solidarity movement - which now takes the anti-apartheid movement with its roots in churches and trade unions as its model - is at its broadest behind a two state solution.

In addition, the call for one state lets the Israelis off the hook in an area where they are the weakest - the illegality of the occupation under international law. The Palestinians are in dire straits, but the Israelis are stuck. They need a Palestinian leadership to sign off on their conquest, but have proved unwilling to give up enough for even the most pragmatic Palestinian to do so.

Also, while the language of the one state declaration is inclusive of the Palestinian citizens of Israel, they could be accused of treason if they support this goal. Prominent Israeli Arabs, like the Knesset member Azmi Bishara, now in exile, have experienced how easily a treason charge can uproot a life. This means a major part of the Palestinian people cannot throw their weight behind the struggle, although they, like Palestinian exiles, are best placed to do so.

Finally, Israel holds all the power on the ground, a reality brought home by the government's announcement days after Annapolis that it intends to build 300 new housing units in Arab East Jerusalem. Palestinians are light years away from achieving any of their human rights if they can't find effective sources of power. What that power consists of, and how to get it, is the most pressing topic for Palestinian strategists.

Of course a clear goal is needed so that Palestinians and their supporters know what they are fighting for and how long to keep it up. How can clear goals be set without getting stuck in the one-state two-state debate? Palestinians can frame their goals in terms of fundamental human rights, without specifying a final outcome.

Four such rights are key:

- First, under international law, Palestinians are a recognized people with a right to self-determination. Palestinians must work towards fulfilling this right in the way the majority believes best.
- Second, also under international law, Palestinians have the right of return and compensation, both as individuals and as a people.
- Third, the occupation of the West Bank, Gaza, and East Jerusalem is illegal under international law based on the principle of the inadmissibility of the acquisition of territory by war. Calling for an end to occupation is not a call for two states. The occupation has to end irrespective of the final status solution. For far too long, the Palestinian leadership has allowed itself to be trapped in a situation of negotiating about the occupation, giving Israel the time to grab more land.
- Fourth, Palestinians have a right to equality: the Palestinian citizens of Israel must be equal citizens of the state. If and when there is a Palestinian state, its citizens too - its Christians, Muslims, and any Jews not there through force of arms - must also be equal citizens of the state. In other words, whether one state or two, both must be democratic states in which all citizens are equal under the law.

There is in fact a strategic statement of vision and goals that covers all these human rights: the July 2005 call by Palestinian civil society for boycott, divestment and sanctions. The call urges all Palestinians and their supporters to work for Palestinian self-determination, return, freedom from occupation, and equal rights for Palestinian citizens of Israel. The signatories also invite conscientious Israelis to support this call for the sake of justice and genuine peace.

The call is significant not only because it has a very clear set of goals: it also sets out a deliberately non-violent strategy to achieve those goals - boycott, divestment, sanctions. These measures are increasingly supported by churches and a range of human rights activists, many of them Jews. The call is broadly representative of the entire Palestinian people. It is endorsed by 171 coalitions, unions, and associations from across the political spectrum throughout the occupied territories, Israel and in exile. It is truly the Palestinian people speaking with one voice.

**Nadia Hijab** is senior fellow at the Institute for Palestine Studies. She co-founded the US Campaign to End the Israeli Occupation. **Victoria Brittain** is a journalist and a patron of the Palestine Solidarity Campaign in Britain.

## Democracy: An Existential Threat?

Ali Abunimah and Omar Barghouti

*The Guardian, Comment is Free*, December 30, 2007

As two of the authors of a recent document advocating a one-state solution to the Arab-Israeli colonial conflict, we intended to generate debate. Predictably, Zionists decried the proclamation as yet another proof of the unwavering devotion of Palestinian - and some radical Israeli - intellectuals to the "destruction of Israel". Some pro-Palestinian activists accused us of forsaking immediate and critical Palestinian rights in the quest of a "utopian" dream.

Inspired in part by the *South African Freedom Charter* and the *Belfast Agreement*, the much humbler One State Declaration, authored by a group of Palestinian, Israeli and international academics and activists, affirms that "the historic land of Palestine belongs to all who live in it and to those who were expelled or exiled from it since 1948, regardless of religion, ethnicity, national origin or current citizenship status". It envisages a system of government founded on "the principle of equality in civil, political, social and cultural rights for all citizens".

It is precisely this basic insistence on equality that is perceived by Zionists as an existential threat to Israel, undermining its inherently discriminatory foundations which privilege its Jewish citizens over all others. Israeli prime minister Ehud Olmert was refreshingly frank when he recently admitted that Israel was "finished" if it faced a struggle for equal rights by Palestinians.

But whereas transforming a regime of institutionalised racism, or apartheid, into a democracy was viewed as a triumph for human rights and international law in South Africa and Northern Ireland, it is rejected out of hand in the Israeli case as a breach of what is essentially a sacred right to ethno-religious supremacy (euphemistically rendered as Israel's "right to be a Jewish state").

Palestinians are urged by an endless parade of western envoys and political hucksters - the latest among them Tony Blair - to make do with what the African National Congress rightly rejected when offered it by South Africa's apartheid regime: a patchwork Bantustan made up of isolated ghettos that falls far below the minimum requirements of justice.

Sincere supporters of ending the Israeli occupation have also been severely critical of one-state advocacy on moral and pragmatic grounds. A moral proposition, some have argued, ought to focus on the likely effect it may have on people, and particularly those under occupation, deprived of their most fundamental needs, like food, shelter and basic services. The most urgent task, they conclude, is to call for an end to the occupation, not to promote one-state illusions. Other than its rather patronising premise - that these supporters somehow know what Palestinians need more than we do - this argument is problematic in assuming that Palestinians, unlike humans everywhere, are willing to forfeit their long-term rights to freedom, equality and self-determination in return for some transient alleviation of their most immediate suffering.

The refusal of Palestinians in Gaza to surrender to Israel's demand that they recognise its "right" to discriminate against them, even in the face of its criminal starvation siege imposed with the backing of the United States and the European Union, is only the latest demonstration of the fallacy of such assumptions.

A more compelling argument, expressed most recently on Cif by Nadia Hijab and Victoria Brittain, states that under the current circumstances of oppression, when Israel is bombing and indiscriminately killing; imprisoning thousands under harsh conditions; building walls to separate Palestinians from each other and from their lands and water resources; incessantly stealing Palestinian land and expanding colonies; besieging millions of defenceless Palestinians in disparate and isolated enclaves; and gradually destroying the very fabric of Palestinian society, calling for a secular, democratic state is tantamount to letting Israel "off the hook".

They worry about weakening an international solidarity movement that is "at its broadest behind a two-state solution". But even if one ignores the fact that the Palestinian "state" on offer now is no more than a broken-up immiserated Bantustan under continued Israeli domination, the real problem with this argument is that it assumes that decades of upholding a two-state solution have done anything concrete to stop or even assuage such horrific human rights abuses.

Since the Palestinian-Israeli Oslo agreements were signed in 1993, the colonisation of the West Bank and all the other Israeli violations of international law have intensified incessantly and with utter impunity. We see this again after the recent Annapolis meeting: as Israel and functionaries of an unrepresentative and powerless Palestinian Authority go through the motions of "peace talks", Israel's illegal colonies and apartheid wall continue to grow, and its atrocious collective punishment of 1.5 million Palestinians in Gaza is intensifying without the "international community" lifting a finger in response.

This "peace process", not peace or justice, has become an end in itself -- because as long as it continues Israel faces no pressure to actually change its behaviour. The political fiction that a two-state solution lies always just around the corner but never within reach is essential to perpetuate the charade and preserve indefinitely the status quo of Israeli colonial hegemony.

To avoid the pitfalls of further division in the Palestinian rights movement, we concur with Hijab and Brittain in urging activists from across the political spectrum, irrespective of their opinions on the one state, two states debate, to unite behind the 2005 Palestinian civil society call for boycott, divestment and sanctions, or BDS, as the most politically and morally sound civil resistance strategy that can inspire and mobilise world public opinion in pursuing Palestinian rights.

The rights-based approach at the core of this widely endorsed appeal focuses on the need to redress the three basic injustices that together define the question of Palestine - the denial of Palestinian refugee rights, primary among them their right to return to their homes, as stipulated in international law; the occupation and colonisation of the 1967 territory, including East Jerusalem; and the system of discrimination against the Palestinian citizens of Israel.

Sixty years of oppression and 40 years of military occupation have taught Palestinians that, regardless what political solution we uphold, only through popular resistance coupled with sustained and effective international pressure can we have any chance of realising a just peace.

Hand in hand with this struggle it is absolutely necessary to begin to lay out and debate visions for a post-conflict future. It is not coincidental that Palestinian citizens of Israel, refugees and those in the diaspora, the groups long disfranchised by the "peace process" and whose fundamental rights are violated by the two-state solution have played a key role in setting forward new ideas to escape the impasse.

Rather than seeing the emerging democratic, egalitarian vision as a threat, a disruption, or a sterile detour, it is high time to see it for what it is: the most promising alternative to an already dead two-state dogma.

**Ali Abunimah** is co-founder of *The Electronic Intifada* and author of *One Country: A Bold Proposal to End the Israeli-Palestinian Impasse*. **Omar Barghouti** is an independent analyst and a founding member of the *Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI)*.

# A ROLE FOR CIVIL SOCIETY

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## *Absence*

*Tala Abu Rahmeh*

*As you speak from the corner of your mind  
Release phrases  
Reasons  
Analysis  
You peel off my skin  
Layer  
By  
Layer*

*Your hands steal my voice  
Extract it slowly  
Cord  
By  
Cord  
Word  
By  
Word*

*When I hid under the bed  
Every bomb lit the house blue  
For eight hours  
I misplaced speech*

*You weren't there*

*When they walked in my living room  
Where rifles resisted gravity  
On the shoulders of ten soldiers  
I didn't know their names  
I couldn't ask them to stop*

*You weren't there*

*He said (as the bomb was falling on their roof)  
Thank you mommy  
For hiding me under your body  
My knees under your thighs  
My head under your cheek*

*You weren't there*

*When she held on to his leg as they dragged him away  
She said: I'm afraid I won't remember your face  
When our child is born  
I won't be able to tell if he yawns like you*

*You weren't there*

*When I saw his insides  
Shreds of his heart and stomach  
Splattered on the wall, the ceiling  
All I could think of was  
How will they clean them?  
We don't have enough time before the curfew  
begins again  
And blood stains*

*You weren't there*

*When I realized that I had lost faith  
In everything  
Mildly peaceful  
I don't remember what peace feels like  
I don't know what peace feels like*

*When the soldiers came in the second time  
They ate her birthday cake  
They ate her fucking birthday cake*

*You weren't there*

*Forgive me*

*You weren't there  
Because you can't come in  
Until I open the door*

*Will you be there  
When I decide  
To open the door?*

# **Palestinian Civil Society Calls for Boycott, Divestment and Sanctions against Israel Until it Complies with International Law and Universal Principles of Human Rights**

*Palestinian Civil Society Organizations, July 9, 2005*

One year after the historic Advisory Opinion of the International Court of Justice (ICJ) which found Israel's Wall built on occupied Palestinian territory to be illegal, Israel continues its construction of the colonial Wall with total disregard to the Court's decision. Thirty eight years into Israel's occupation of the Palestinian West Bank (including East Jerusalem), Gaza Strip and the Syrian Golan Heights, Israel continues to expand Jewish colonies. It has unilaterally annexed occupied East Jerusalem and the Golan Heights and is now de facto annexing large parts of the West Bank by means of the Wall. Israel is also preparing - in the shadow of its planned redeployment from the Gaza Strip - to build and expand colonies in the West Bank. Fifty seven years after the state of Israel was built mainly on land ethnically cleansed of its Palestinian owners, a majority of Palestinians are refugees, most of whom are stateless. Moreover, Israel's entrenched system of racial discrimination against its own Arab- Palestinian citizens remains intact.

In light of Israel's persistent violations of international law, and Given that, since 1948, hundreds of UN resolutions have condemned Israel's colonial and discriminatory policies as illegal and called for immediate, adequate and effective remedies, and Given that all forms of international intervention and peace-making have until now failed to convince or force Israel to comply with humanitarian law, to respect fundamental human rights and to end its occupation and oppression of the people of Palestine, and In view of the fact that people of conscience in the international community have historically shouldered the moral responsibility to fight injustice, as exemplified in the struggle to abolish apartheid in South Africa through diverse forms of boycott, divestment and sanctions;

Inspired by the struggle of South Africans against apartheid and in the spirit of international solidarity, moral consistency and resistance to injustice and oppression,

We, representatives of Palestinian civil society, call upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era. We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel. We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.

These non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall;
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.

## **Endorsed by:**

The Palestinian political parties, unions, associations, coalitions and organizations below represent the three integral parts of the people of Palestine: Palestinian refugees, Palestinians under occupation and Palestinian citizens of Israel.

### **Unions, Associations, Campaigns**

1. Council of National and Islamic Forces in Palestine (coordinating body for the major political parties in the Occupied Palestinian Territory)
2. Palestinian Independent Commission for Citizen's Rights (PICCR)
3. Union of Arab Community Based Associations (ITTIAH), Haifa
4. Forum of Palestinian NGOs in Lebanon
5. Palestinian General Federation of Trade Unions (PGFTU)
6. General Union of Palestinian Women (GUPW)
7. General Union of Palestinian Teachers (GUPT)
8. Federation of Unions of Palestinian Universities' Professors and Employees
9. Consortium of Professional Associations
10. Union of Palestinian Medical Relief Committees (UPMRC)
11. Health Work Committees - West Bank
12. Union of Agricultural Work Committees (UAWC)
13. Union of Palestinian Agricultural Relief Committees (PARC)
14. Union of Health Work Committees - Gaza (UHCW)
15. Union of Palestinian Farmers

16. Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI)
17. General Union of Disabled Palestinians
18. Palestinian Federation of Women's Action Committees (PFWAC)
19. Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI)
20. Palestinian Grassroots Anti-Apartheid Wall Campaign
21. Union of Teachers of Private Schools
22. Union of Women's Work Committees, Tulkarem (UWWC)
23. Dentists' Association - Jerusalem Center
24. Palestinian Engineers Association
25. Lawyers' Association
26. Network for the Eradication of Illiteracy and Adult Education, Ramallah
27. Coordinating Committee of Rehabilitation Centers - West Bank
28. Coalition of Lebanese Civil Society Organizations (150 organizations)
29. Solidarity for Palestinian Human Rights (SPHR), Network of Student-based Canadian University

## Associations

### Refugee Rights Associations/Organizations

1. Al-Ard Committees for the Defense of the Right of Return, Syria
2. Al-Awda Charitable Society, Beit Jala
3. Al Awda - Palestine Right-to-Return Coalition, U.S.A
4. Al-Awda Toronto
5. Aidun Group - Lebanon
6. Aidun Group - Syria
7. Alrowwad Cultural and Theatre Training Center, Aida refugee camp
8. Association for the Defense of the Rights of the Internally Displaced (ADRID), Nazareth
9. BADIL Resource Center for Palestinian Residency and Refugee Rights, Bethlehem
10. Committee for Definite Return, Syria
11. Committee for the Defense of Palestinian Refugee Rights, Nablus
12. Consortium of the Displaced Inhabitants of Destroyed Palestinian Villages and Towns
13. Filastinuna - Commission for the Defense of the Right of Return, Syria
14. Handala Center, 'Azza (Beit Jibreen) refugee camp, Bethlehem
15. High Committee for the Defense of the Right of Return, Jordan (including personal endorsement of 71 members of parliament, political parties and unions in Jordan)
16. High National Committee for the Defense of the Right of Return, Ramallah
17. International Right of Return Congress (RORC)
18. Jermana Youth Forum for the Defense of the Right of Return, Syria
19. Laji Center, Aida camp, Bethlehem
20. Local Committee for Rehabilitation, Qalandia refugee camp, Jerusalem
21. Local Committee for Rehabilitation of the Disabled, Deheishe refugee camp, Bethlehem
22. Palestinian National Committee for the Defense of the Right of Return, Syria
23. Palestinian Return Association, Syria
24. Palestinian Return Forum, Syria
25. Palestine Right-of-Return Coalition (Palestine, Arab host countries, Europe, North America)
26. Palestine Right-of-Return Confederation-Europe (Austria, Denmark, France, Germany, Italy, Netherlands, Norway, Poland, Sweden)
27. Palestinian Youth Forum for the Right of Return, Syria
28. PLO Popular Committees - West Bank refugee camps
29. PLO Popular Committees - Gaza Strip refugee camps
30. Popular Committee - al-'Azza (Beit Jibreen) refugee camp, Bethlehem
31. Popular Committee - Deheishe refugee camp, Bethlehem
32. Shaml - Palestinian Diaspora and Refugee Center, Ramallah
33. Union of Women's Activity Centers - West Bank Refugee Camps
34. Union of Youth Activity Centers - Palestine Refugee Camps, West Bank and Gaza
35. Women's Activity Center - Deheishe refugee camp, Bethlehem
36. Yafa Cultural Center, Balata refugee camp, Nablus

### Organizations

1. Abna' al-Balad Society, Nablus
2. Addameer Center for Human Rights, Gaza
3. Addameer Prisoners' Support and Human Rights Association, Ramallah
4. Alanqa' Cultural Association, Hebron
5. Al-Awda Palestinian Folklore Society, Hebron
6. Al-Doha Children's Cultural Center, Bethlehem
7. Al-Huda Islamic Center, Bethlehem
8. Al-Jeel al-Jadid Society, Haifa
9. Al-Karamah Cultural Society, Um al-Fahm
10. Al-Maghazi Cultural Center, Gaza
11. Al-Marsad Al-Arabi, occupied Syrian Golan Heights
12. Al-Mezan Center for Human Rights, Gaza
13. Al-Nahda Cultural Forum, Hebron
14. Al-Taghrir Society for Culture and Arts, Gaza
15. Alternative Tourism Group, Beit Sahour (ATG)
16. Al-Wafa' Charitable Society, Gaza
17. Applied Research Institute Jerusalem (ARIJ)
18. Arab Association for Human Rights, Nazareth (HRA)
19. Arab Center for Agricultural Development (ACAD)
20. Arab Center for Agricultural Development-Gaza
21. Arab Education Institute (AEI) - Pax Christie Bethlehem
22. Arab Orthodox Charitable Society - Beit Sahour
23. Arab Orthodox Charity - Beit Jala
24. Arab Orthodox Club - Beit Jala
25. Arab Orthodox Club - Beit Sahour
26. Arab Students' Collective, University of Toronto
27. Arab Thought Forum, Jerusalem (AFT)
28. Association for Cultural Exchange Hebron - France
29. Association Najdeh, Lebanon
30. Authority for Environmental Quality, Jenin
31. Bader Society for Development and Reconstruction, Gaza
32. Canadian Palestine Foundation of Quebec, Montreal
33. Center for the Defense of Freedoms, Ramallah
34. Center for Science and Culture, Gaza
35. Chamber of Commerce and Industry, Ramallah- Al-Bireh District
36. Child Development and Entertainment Center, Tulkarem
37. Committee for Popular Participation, Tulkarem
38. Defense for Children International-Palestine Section, Ramallah (DCI/PS)
39. El-Funoun Palestinian Popular Dance Troupe
40. Ensan Center for Democracy and Human Rights, Bethlehem
41. Environmental Education Center, Bethlehem
42. FARAH - Palestinian Center for Children, Syria

43. Ghassan Kanafani Society for Development, Gaza
44. Ghassan Kanafani Forum, Syria
45. Gaza Community Mental Health Program, Gaza (GCMHP)
46. Golan for Development, occupied Syrian Golan Heights
47. Halhoul Cultural Forum, Hebron
48. Himayeh Society for Human Rights, Um al-Fahm
49. Holy Land Trust - Bethlehem
50. Home of Saint Nicholas for Old Ages - Beit Jala
51. Human Rights Protection Center, Lebanon
52. In'ash al-Ussrah Society, Ramallah
53. International Center of Bethlehem (Dar An-Nadweh)
54. Islah Charitable Society-Bethlehem
55. Jafra Youth Center, Syria
56. Jander Center, al-Azza (Beit Jibreen) refugee camp, Bethlehem
57. Jerusalem Center for Women, Jerusalem (JCW)
58. Jerusalem Legal Aid and Human Rights Center (JLAC)
59. Khalil Al Sakakini Cultural Center, Ramallah
60. Land Research Center, Jerusalem (LRC)
61. Liberated Prisoners' Society, Palestine
62. Local Committee for Social Development, Nablus
63. Local Committee for the Rehabilitation of the Disabled, Nablus
64. MA'AN TV Network, Bethlehem
65. Medical Aid for Palestine, Canada
66. MIFTAH-Palestinian Initiative for the Promotion of Global Dialogue and Democracy, Ramallah
67. Muwatin-The Palestinian Institute for the Study of Democracy
68. National Forum of Martyr's Families, Palestine
69. Near East Council of Churches Committee for Refugee Work - Gaza Area
70. Network of Christian Organizations - Bethlehem (NCOB)
71. Palestinian Council for Justice and Peace, Jerusalem
72. Palestinian Counseling Center, Jerusalem (PCC)
73. Palestinian Democratic Youth Union, Lebanon
74. Palestinian Farmers' Society, Gaza
75. Palestinian Hydrology Group for Water and Environment Resources Development-Gaza
76. Palestinian Prisoners' Society-West Bank
77. Palestinian Society for Consumer Protection, Gaza
78. Palestinian University Students' Forum for Peace and Democracy, Hebron
79. Palestinian Women's Struggle Committees
80. Palestinian Working Women Society for Development (PWWS)
81. Popular Art Centre, Al-Bireh
82. Prisoner's Friends Association - Ansar Al-Sajeen, Majd al-Krum
83. Public Aid Association, Gaza
84. Ramallah Center for Human Rights Studies
85. Saint Afram Association - Bethlehem
86. Saint Vincent De Paule - Beit Jala
87. Senior Citizen Society - Beit Jala
88. Social Development Center, Nablus
89. Society for Self-Development, Hebron
90. Society for Social Work, Tulkarem
91. Society for Voluntary Work and Culture, Um al-Fahm
92. Society of Friends of Prisoners and Detainees, Um al-Fahm
93. Sumoud-Political Prisoners Solidarity Group, Toronto
94. Tamer Institute for Community Education, Ramallah
95. TCC - Teacher's Creativity Center, Ramallah
96. Wi'am Center, Bethlehem
97. Women's Affairs Technical Committee, Ramallah and Gaza (WATC)
98. Women's Studies Center, Jerusalem (WSC)
99. Women's Center for Legal Aid and Counseling, Jerusalem (WCLAC)
100. Yafa for Education and Culture, Nablus
101. Yazour Charitable Society, Nablus
102. YMCA-East Jerusalem
103. Youth Cooperation Forum, Hebron
104. YWCA-Palestine
105. Zakat Committee-al-Khader, Bethlehem
106. Zakat Committee-Deheishe camp, Bethlehem

*The Palestinian Campaign for the Academic and Cultural Boycott of Israel (<http://www.pacbi.org/>)*

## BDS: Can three simple letters spell liberation for one of the world's most polemical conflicts?

By Ben White

London Student, February 13, 2012

*The Israel-Palestine conflict is one fraught with passion. After the University of London Union passed a motion endorsing BDS last year, colleges like King's and LSE have come under greater scrutiny for their ties with companies such as Ahava and Technion. Ben White explains precisely what BDS is, and how logical and morally necessary a strategy it is for resolving the conflict.*

"It is no longer enough to try and change Israel from within. Israel has to be pressured in the same way apartheid South Africa was forced to change."

Those are the words of Yonatan Shapira, a former captain in the Israeli Air Force turned anti-apartheid activist. The Boycott, Divestment and Sanctions (BDS) campaign he supports has grown in just a few years to be a key strategy internationally for the advancement of Palestinian rights.



BDS is straightforward: "the application of pressure in an effort to change government and corporate practices". The call from NGOs, trade unions, faith groups, and students in Palestine includes three demands that encompass the core rights denied Palestinians by Israel: ending the military occupation, equality for Palestinians inside Israel, the right of Palestinian refugees to their homes and properties.

There are four main reasons for why BDS is necessary. The first, most important reason is the reality of Israel's ongoing policies of colonization and apartheid. Israel's settlements in the Occupied West Bank are built in defiance of international law, a position clarified in various UN resolutions, by the EU, UK government, and others. The Separation Wall has also been condemned, most notably by the International Court of Justice in The Hague in 2004.

The Israeli government and military routinely carry out gross violations of rights: demolishing homes outside the context of military necessity; holding Palestinians without trial; controlling people's freedom of movement based on what kind of ID they hold. In Occupied East Jerusalem – a territory Israel unilaterally and illegally annexed – Palestinian residents suffer from harsh discriminatory practices, including the rescinding of their very 'right' to live in the city.

Meanwhile, millions of Palestinians remain refugees, the legacy of the ethnic cleansing that took place with Israel's establishment in 1948, when the majority of Palestinians inside the new borders were excluded, forbidden from returning, and their property confiscated.

Israel's conduct has been slammed in numerous UN resolutions – and this leads us to the second reason for BDS: the absence of accountability. While groups like Amnesty, Human Rights Watch, and many others record the facts, what is missing at the governmental level is the will to enforce international norms. BDS is a response to this continued impunity, a way for Palestinians to seek support and solidarity that should be, but for now isn't, given by Western governments.

Thirdly, BDS educates Palestine solidarity actions, including those using the tactics of boycott and divestment, stimulates debate and discussion on campus, and provides an invaluable opportunity to increase awareness about the facts on the ground.

And fourthly, the BDS campaign empowers people to take action and make a difference. Just as students and non-students alike have answered the call from numerous oppressed groups in the past and through to today, the Palestinian call for action offers an alternative to apathy or complicity.

You might hear a number of objections to BDS. One claim is that it 'singles out' Israel. Well, yes, it does: the Palestinians have not been dispossessed or occupied by Guatemala. Those making the point would not dream of accusing Tibetan activists of 'singling out' China, or tell campaigners against child slavery to go focus on something else. In fact, this objection implies that Palestinians as a people are uniquely prohibited from resisting their oppression and seeking allies in their struggle.

A second objection is that BDS 'creates tension' on campus, a criticism sometimes accompanied by the suggestion that Jewish students are being 'targeted'. This is a cheap shot that seeks to smear students committed to human rights. Those active in BDS include Palestinians, Jews, and many others. Whenever injustice is challenged, a tension will occur: between those who seek to remove it, and those wanting to defend the status quo.

BDS has also been criticized on the grounds that 'it hasn't worked', i.e. its goals of implementing Palestinian rights has not been realized. I'm not sure if those making this argument understand how strange it sounds: thank goodness they weren't around in the 1970s to tell anti-apartheid activists, 'Give up, this boycott South Africa isn't going anywhere'.

A more substantial objection is that BDS alienates the Israeli peace camp. But who is in this 'peace camp'? The Israelis who yearn for the days of Yitzhak Rabin, an Israeli leader committed just like all the others to maintaining a regime of ethno-religious discrimination and colonization? The 'peace camp' that calls for a withdrawal from some or all of the West Bank – only in order to secure Jewish privilege in the majority of the land? Thankfully, there *are* Israelis who genuinely believe in peace with justice, and who join Palestinians in co-resistance to the system of discrimination. Israelis like Shapira, who support the call for boycott.

The words of Martin Luther King, in his letter from a jail in Birmingham, Alabama, resonate today:

"Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily... We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

To emphasize: BDS is a tactic, not an end in and of itself. It is a response to a call from Palestinians, and makes a direct link between Israeli crimes and a response to them. It is a sign of hope, not despair. And it is a grassroots strategy steeped in a rich, historical tradition of opposition to all sorts of injustice.

Boycott and divestment are not mysterious or new: BDS is a well-trodden path as a means of effecting change and challenging the powerful. It is not the *only* means of showing solidarity with Palestinians, and BDS must be part of a bigger picture, one element in a broader programme for Palestinian liberation. But it is *our* part to play. It is *our* response to the call from Palestinians, and in taking action, we can make a vital contribution to the establishment of a just resolution to the conflict.

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## Remarks to Brooklyn College on BDS

By Judith Butler

Text Printed in: *The Nation*, February 8, 2013

Usually one starts by saying that one is glad to be here, but I cannot say that it has been a pleasure anticipating this event. What a Megillah! I am, of course, glad that the event was not cancelled, and I understand that it took a great deal of courage and a steadfast embrace of principle for this event to happen at all. I would like personally to thank all those who took this opportunity to reaffirm the fundamental principles of academic freedom, including the following organizations: the Modern Language Association, the National Lawyers Guild, the New York ACLU, the American Association of University Professors, the Professional Staff Congress (the union for faculty and staff in the CUNY system), the *New York Times* editorial team, the offices of Mayor Michael Bloomberg, Governor Andrew Cuomo and Brooklyn College President Karen Gould whose principled stand on academic freedom has been exemplary.

The principle of academic freedom is designed to make sure that powers outside the university, including government and corporations, are not able to control the curriculum or intervene in extra-mural speech. It not only bars such interventions, but it also protects those platforms in which we might be able to reflect together on the most difficult problems. You can judge for yourself whether or not my reasons for lending my support to this movement are good ones. That is, after all, what academic debate is about. It is also what democratic debate is about, which suggests that open debate about difficult topics functions as a meeting point between democracy and the academy. Instead of asking right away whether we are for or against this movement, perhaps we can pause just long enough to find out what exactly this is, the Boycott, Divestment and Sanctions movement, and why it is so difficult to speak about this.

I am not asking anyone to join a movement this evening. I am not even a leader of this movement or part of any of its governing committee, even though the *New York Times* tried to anoint me the other day—I appreciated their subsequent retraction, and I apologize to my Palestinian colleagues for their error. The movement, in fact, has been organized and led by Palestinians seeking rights of political self-determination, including Omar Barghouti, who was invited first by the Students for Justice in Palestine, after which I was invited to join him. At the time I thought it would be very much like other events I have attended, a conversation with a few dozen student activists in the basement of a student center. So, as you can see, I am surprised and ill-prepared for what has happened.

Omar will speak in a moment about what the BDS movement is, its successes and its aspirations. But I would like briefly to continue with the question, what precisely are we doing here this evening? I presume that you came to hear what there is to be said, and so to test your preconceptions against what some people have to say, to see whether your objections can be met and your questions answered. In other words, you come here to exercise critical judgment, and if the arguments you hear are not convincing, you will be able to cite them, to develop your opposing view and to communicate that as you wish. In this way, your being here this evening confirms your right to form and communicate an autonomous judgment, to demonstrate why you think something is true or not, and you should be free to do this without coercion and fear. These are your rights of free expression, but they are, perhaps even more importantly, your rights to education, which involves the freedom to hear, to read and to consider any number of viewpoints as part of an ongoing public deliberation on this issue. Your presence here, even your support for the event, does not assume agreement among us. There is no unanimity of opinion here; indeed, achieving unanimity is not the goal.

The arguments made against this very meeting took several forms, and they were not always easy for me to parse. One argument was that BDS is a form of hate speech, and it spawned a set of variations: it is hate speech directed against either the State of Israel or Israeli Jews, or all Jewish people. If BDS is hate speech, then it is surely not protected speech, and it would surely not be appropriate for any institution of higher learning to sponsor or make room for such speech. Yet another objection, sometimes uttered by the same people who made the first, is that BDS does qualify as a viewpoint, but as such, ought to be presented only in a context in which the opposing viewpoint can be heard as well. There was yet a qualification to this last position, namely, that no one can have a conversation on this issue in the US that does not include a certain Harvard professor, but that spectacular argument was so self-inflationary and self-indicting, that I could only respond with astonishment.

So in the first case, it is not a viewpoint (and so not protected as extra-mural speech), but in the second instance, it is a viewpoint, presumably singular, but cannot be allowed to be heard without an immediate refutation. The contradiction is clear, but when people engage in a quick succession of contradictory claims such as these, it is

usually because they are looking for whatever artillery they have at their disposal to stop something from happening. They don't much care about consistency or plausibility. They fear that if the speech is sponsored by an institution such as Brooklyn College, it will not only be heard, but become hearable, admitted into the audible world. The fear is that viewpoint will become legitimate, which means only that someone can publicly hold such a view and that it becomes eligible for contestation. A legitimate view is not necessarily right, but it is not ruled out in advance as hate speech or injurious conduct. Those who did not want any of these words to become sayable and audible imagined that the world they know and value will come to an end if such words are uttered, as if the words themselves will rise off the page or fly out of the mouth as weapons that will injure, maim or even kill, leading to irreversibly catastrophic consequences. This is why some people claimed that if this event were held, the two-state solution would be imperiled—they attributed great efficacy to these words. And yet others said it would lead to the coming of a second Holocaust—an unimaginable remark to which I will nevertheless return. One might say that all of these claims were obvious hyperbole and should be dismissed as such. But it is important to understand that they are wielded for the purpose of intimidation, animating the spectre of traumatic identification with the Nazi oppressor: if you let these people speak, you yourself will be responsible for heinous crimes or for the destruction of a state, or the Jewish people. If you listen to the words, you will become complicit in war crimes.

And yet all of us here have to distinguish between the right to listen to a point of view and the right to concur or dissent from that point of view; otherwise, public discourse is destroyed by censorship. I wonder, what is the fantasy of speech nursed by the censor? There must be enormous fear behind the drive to censorship, but also enormous aggression, as if we were all in a war where speech has suddenly become artillery. Is there another way to approach language and speech as we think about this issue? Is it possible that some other use of words might forestall violence, bring about a general ethos of non-violence, and so enact, and open onto, the conditions for a public discourse that welcomes and shelters disagreement, even disarray?

The Boycott Divestment and Sanctions movement is, in fact, a non-violent movement; it seeks to use established legal means to achieve its goals; and it is, interestingly enough, the largest Palestinian civic movement at this time. That means that the largest Palestinian civic movement is a non-violent one that justifies its actions through recourse to international law. Further, I want to underscore that this is also a movement whose stated core principles include the opposition to every form of racism, including both state-sponsored racism and anti-Semitism. Of course, we can debate what anti-Semitism is, in what social and political forms it is found. I myself am sure that the election of self-identified national socialists to the Greek parliament is a clear sign of anti-Semitism; I am sure that the recirculation of Nazi insignia and rhetoric by the National Party of Germany is a clear sign of anti-Semitism. I am also sure that the rhetoric and actions of Iran's *Mahmoud Ahmadinejad* are often explicitly anti-Semitic, and that some forms of Palestinian opposition to Israel do rely on anti-Semitic slogans, falsehoods and threats. All of these forms of anti-Semitism are to be unconditionally opposed. And I would add, they have to be opposed in the same way and with the same tenacity that any form of racism has to be opposed, including state racism.

But still, it is left to us to ask, why would a non-violent movement to achieve basic political rights for Palestinians be understood as anti-Semitic? Surely, there is nothing about the basic rights themselves that constitute a problem. They include equal rights of citizenship for current inhabitants; the end to the occupation, and the rights of unlawfully displaced persons to return to their lands and gain restitution for their losses. We will surely speak about each of these three principles this evening. But for now, I want to ask, why would a collective struggle to use economic and cultural forms of power to compel the enforcement of international laws be considered anti-Semitic? It would be odd to say that they are anti-Semitic to honor internationally recognized rights to equality, to be free of occupation and to have unlawfully appropriated land and property restored. I know that this last principle makes many people uneasy, but there are several ways of conceptualizing how the right of return might be exercised lawfully such that it does not entail further dispossession (and we will return to this issue).

For those who say that exercising internationally recognized rights is anti-Semitic, or becomes anti-Semitic in this context, they must mean either that a) its motivation is anti-Semitic or b) its effects are anti-Semitic. I take it that no one is actually saying that the rights themselves are anti-Semitic, since they have been invoked by many populations in the last decades, including Jewish people dispossessed and displaced in the aftermath of the second world war. Is there really any reason we should not assume that Jews, just like any other people, would prefer to live in a world where such internationally recognized rights are honored? It will not do to say that international law is the enemy of the Jewish people, since the Jewish people surely did not as a whole oppose the Nuremberg trials, or the development of human rights law. In fact, there have always been Jews working alongside non-Jews—not only to establish the courts and codes of international law, but in the struggle to dismantle colonial regimes, opposing any and all legal and military powers that seek systematically to undermine the conditions of political self-determination for any population.

Only if we accept the proposition that the state of Israel is the exclusive and legitimate representative of the Jewish people would a movement calling for divestment, sanctions and boycott against that state be understood as directed against the Jewish people as a whole. Israel would then be understood as co-extensive with the Jewish people. There are two major problems with this view. First, the state of Israel does not represent all Jews, and not all Jews understand themselves as represented by the state of Israel. Secondly, the state of Israel should be representing *all* of its population equally, regardless of whether or not they are Jewish, regardless of race, religion or ethnicity.

So the first critical and normative claim that follows is that the state of Israel should be representing the diversity of its own population. Indeed, nearly 25 percent of Israel's population is not Jewish, and most of those are Palestinian, although some of them are Bedouins and Druze. If Israel is to be considered a democracy, the non-Jewish population deserves equal rights under the law, as do the Mizrachim (Arab Jews) who represent over 30 percent of the population. Presently, there are at least twenty laws that privilege Jews over Arabs within the Israeli legal system. The 1950 Law of Return grants automatic citizenship rights to Jews from anywhere in the world upon request, while denying that same right to Palestinians who were forcibly dispossessed of their homes in 1948 or subsequently as the result of illegal settlements and redrawn borders. Human Rights Watch has compiled an extensive study of Israel's policy of "separate, not equal" schools for Palestinian children. Moreover, as many as 100 Palestinian villages in Israel are still not recognized by the Israeli government, lacking basic services (water, electricity, sanitation, roads, etc.) from the government. Palestinians are barred from military service, and yet access to housing and education still largely depends on military status. Families are divided by the separation wall between the West Bank and Israel, with few forms of legal recourse to rights of visitation and reunification. The Knesset debates the "transfer" of the Palestinian population to the West Bank, and the new loyalty oath requires that anyone who wishes to become a citizen pledge allegiance to Israel as Jewish and democratic, thus eliding once again the non-Jewish population and binding the full population to a specific and controversial, if not contradictory, version of democracy.

The second point, to repeat, is that the Jewish people extend beyond the state of Israel and the ideology of political Zionism. The two cannot be equated. Honestly, what can really be said about "the Jewish people" as a whole? Is it not a lamentable stereotype to make large generalizations about all Jews, and to presume they all share the same political commitments? They—or, rather, we—occupy a vast spectrum of political views, some of which are unconditionally supportive of the state of Israel, some of which are conditionally supportive, some are skeptical, some are exceedingly critical, and an increasing number, if we are to believe the polls in this country, are indifferent. In my view, we have to remain critical of anyone who posits a single norm that decides rights of entry into the social or cultural category determining as well who will be excluded. Most categories of identity are fraught with conflicts and ambiguities; the effort to suppress the complexity of the category of "Jewish" is thus a political move that seeks to yoke a cultural identity to a specific Zionist position. If the Jew who struggles for justice for Palestine is considered to be anti-Semitic, if any number of internationals who have joined thus struggle from various parts of the world are also considered anti-Semitic and if Palestinians seeking rights of political self-determination are so accused as well, then it would appear that no oppositional move that can take place without risking the accusation of anti-Semitism. That accusation becomes a way of discrediting a bid for self-determination, at which point we have to ask what political purpose the radical mis-use of that accusation has assumed in the stifling of a movement for political self-determination.

When Zionism becomes co-extensive with Jewishness, Jewishness is pitted against the diversity that defines democracy, and if I may say so, betrays one of the most important ethical dimensions of the diasporic Jewish tradition, namely, the obligation of co-habitation with those different from ourselves. Indeed, such a conflation denies the Jewish role in broad alliances in the historical struggle for social and political justice in unions, political demands for free speech, in socialist communities, in the resistance movement in World War II, in peace activism, the Civil Rights movement and the struggle against apartheid in South Africa. It also demeans the important struggles in which Jews and Palestinians work together to stop the wall, to rebuild homes, to document indefinite detention, to oppose military harassment at the borders and to oppose the occupation and to imagine the plausible scenarios for the Palestinian right to return.

The point of the boycott, divestment and sanctions movement is to withdraw funds and support from major financial and cultural institutions that support the operations of the Israeli state and its military. The withdrawal of investments from companies that actively support the military or that build on occupied lands, the refusal to buy products that are made by companies on occupied lands, the withdrawal of funds from investment accounts that support any of these activities, a message that a growing number of people in the international community will not be complicit with the occupation. For this goal to be realized, it matters that there is a difference between those who

carry Israeli passports and the state of Israel, since the boycott is directed only toward the latter. BDS focuses on state agencies and corporations that build machinery designed to destroy homes, that build military materiel that targets populations, that profit from the occupation, that are situated illegally on Palestinian lands, to name a few.

BDS does not discriminate against individuals on the basis of their national citizenship. I concede that not all versions of BDS have been consistent on this point in the past, but the present policy confirms this principle. I myself oppose any form of BDS that discriminates against individuals on the basis of their citizenship. Others may interpret the boycott differently, but I have no problem collaborating with Israeli scholars and artists as long as we do not participate in any Israeli institution or have Israeli state monies support our collaborative work. The reason, of course, is that the academic and cultural boycott seeks to put pressure on all those cultural institutions that have failed to oppose the occupation and struggle for equal rights and the rights of the dispossessed, all those cultural institutions that think it is not their place to criticize their government for these practices, all of them that understand themselves to be above or beyond this intractable political condition. In this sense, they do contribute to an unacceptable status quo. And those institutions should know why international artists and scholars refuse to come when they do, just as they also need to know the conditions under which people will come. When those cultural institutions (universities, art centers, festivals) were to take such a stand, that would be the beginning of the end of the boycott (let's remember that the goal of any boycott, divestment and sanctions movement is to become obsolete and unnecessary; once conditions of equality and justice are achieved, the rationale for BDS falls away, and in this sense achieving the just conditions for the dissolution of the movement is its very aim).

In some ways, the argument between BDS and its opponents centers on the status of international law. Which international laws are to be honored, and how can they be enforced. International law cannot solve every political conflict, but political conflicts that fully disregard international law usually only get worse as a result. We know that the government of the state of Israel has voiced its skepticism about international law, repeatedly criticizing the United Nations as a biased institution, even bombing its offices in Gaza. Israel also became the first country to withhold cooperation from a UN review of its human rights practices scheduled last week in Geneva (*New York Times*, 1/29/13). I think it is fair to call this a boycott of the UN on the part of the state of Israel. Indeed, one hears criticism of the ineffectiveness of the UN on both sides, but is that a reason to give up on the global human rights process altogether? There are good reasons to criticize the human rights paradigm, to be sure, but for now, I am only seeking to make the case that BDS is not a destructive or hateful movement. It appeals to international law precisely under conditions in which the international community, the United Nations included, neighboring Arab states, human rights courts, the European Union, The United States and the UK, have all failed effectively to rectify the manifest injustices in Palestine. Boycott, divestment and the call for sanctions are popular demands that emerge precisely when the international community has failed to compel a state to abide by its own norms.

Let us consider, then, go back to the right of return, which constitutes the controversial third prong of the BDS platform. The law of return is extended to all of us who are Jewish who live in the diaspora, which means that were it not for my politics, I too would be eligible to become a citizen of that state. At the same time, Palestinians in need of the right of return are denied the same rights? If someone answers that "Jewish demographic advantage" must be maintained, one can query whether Jewish demographic advantage is policy that can ever be reconciled with democratic principles. If one responds to that with "the Jews will only be safe if they retain their majority status," the response has to be that any state will surely engender an opposition movement when it seeks to maintain a permanent and disenfranchised minority within its borders, fails to offer reparation or return to a population driven from their lands and homes, keeps over four million people under occupation without rights of mobility, due process and political self-determination, and another 1.6 million under siege in Gaza, rationing of food, administering unemployment, blocking building materials to restore bombed homes and institutions, intensifying vulnerability to military bombardment resulting in widespread injury and death.

If we conclude that those who participate in such an opposition movement do so because they hate the Jews, we have surely failed to recognize that this is an opposition to oppression, to the multi-faceted dimensions of a militarized form of settler colonialism that has entailed subordination, occupation and dispossession. Any group would oppose that condition, and the state that maintains it, regardless of whether that state is identified as a Jewish state or any other kind. Resistance movements do not discriminate against oppressors, though sometimes the language of the movement can use discriminatory language, and that has to be opposed. However, it is surely cynical to claim that the only reason a group organizes to oppose its own oppression is that it bears an inexplicable prejudice or racist hatred against those who oppress them. We can see the torque of this argument and the absurd conclusions to which it leads: if the Palestinians did not hate the Jews, they would accept their oppression by the state of Israel! If they resist, it is a sign of anti-Semitism!

This kind of logic takes us to one of the traumatic and affective regions of this conflict. There are reasons why much of the global media and prevailing political discourses cannot accept that a legitimate opposition to inequality, occupation, and dispossession is very different from anti-Semitism. After all, we cannot rightly argue that if a state claiming to represent the Jewish people engages in these manifestly illegal activities, it is therefore justified on the grounds that the Jews have suffered atrociously and therefore have special needs to be exempt from international norms. Such illegal acts are never justified, no matter who is practicing them.

At the same time, one must object to some of the language used by Hamas to refer to the state of Israel, where very often the state of Israel is itself conflated with the Jews, and where the actions of the state reflect on the nature of the Jews. This is clearly anti-Semitism and must be opposed. But BDS is not the same as Hamas, and it is simply ignorant to argue that all Palestinian organizations are the same. In the same vein, those who wrote to me recently to say that BDS is the same as Hamas is the same as the Nazis are involved in fearful and aggressive forms of association that assume that any effort to make distinctions is naïve and foolish. And so we see how the conflation such as these lead to bitter and destructive consequences. What if we slowed down enough to think and to distinguish—what political possibilities might then open?

And it brings us to yet another outcry that we heard in advance of our discussion here this evening. That was BDS is the coming of a second holocaust. I believe we have to be very careful when anyone makes use of the Holocaust in this way and for this purpose, since if the term becomes a weapon by which we seek to stigmatize those with opposing political viewpoints, then we have first of all dishonored the slaughter of over 6 million Jewish people, and another 4 million gypsies, gay people, disabled, the communists and the physically and mentally ill. All of us, Jewish or not Jewish, must keep that historical memory intact and alive, and refuse forms of revisionism and political exploitation of that history. We may not exploit and re-ignite the traumatic dimension of Hitler's atrocities for the purposes of accusing and silencing those with opposing political viewpoints, including legitimate criticisms of the state of Israel. Such a tactic not only demeans and instrumentalizes the memory of the Nazi genocide, but produces a general cynicism about both accusations of anti-Semitism and predictions of new genocidal possibilities. After all, if those terms are bandied about as so much artillery in a war, then they are used as blunt instruments for the purposes of censorship and self-legitimation, and they no longer name and describe the very hideous political realities to which they belong. The more such accusations and invocations are tactically deployed, the more skeptical and cynical the public becomes about their actual meaning and use. This is a violation of that history, an insult to the surviving generation, and a cynical and excited recirculation of traumatic material—a kind of sadistic spree, to put it bluntly—that seeks to defend and legitimate a very highly militarized and repressive state regime. Of the use of the Holocaust to legitimate Israeli military destructiveness, Primo Levi wrote in 1982, "I deny any validity to [the use of the Holocaust for] this defence."

We have heard in recent days as well that BDS threatens the attempt to establish a two-state solution. Although many people who support BDS are in favor of a one-state solution, the BDS movement has not taken a stand on this explicitly, and includes signatories who differ from one another on this issue. In fact, the BDS committee, formed in 2005 with the support of over 170 organizations in Palestine, does not take any stand on the one state or two state solution. It describes itself as an "anti-normalization" politics that seeks to force a wide range of political institutions and states to stop compliance with the occupation, unequal treatment and dispossession. For the BDS National Committee, it is not the fundamental structure of the state of Israel that is called into question, but the occupation, its denial of basic human rights, its abrogation of international law (including its failure to honor the rights of refugees), and the brutality of its continuing conditions—harassment, humiliation, destruction and confiscation of property, bombardment, and killing. Indeed, one finds an array of opinions on one-state and two-state, especially now that one-state can turn into Greater Israel with separated Bantustans of Palestinian life. The two-state solution brings its own problems, given that the recent proposals tend to suspend the rights of refugees, accept curtailed borders and fail to show whether the establishment of an independent state will bring to an end the ongoing practices and institutions of occupation, or simply incorporate them into its structure. How can a state be built with so many settlements, all illegal, which are expected to bring the Israeli population in Palestine to nearly one million of its four million inhabitants. Many have argued that it is the rapidly increasing settler population in the West Bank, not BDS, that is forcing the one-state solution.

Some people accept divestment without sanctions, or divestment and sanctions without the boycott. There are an array of views. In my view, the reason to hold together all three terms is simply that it is not possible to restrict the problem of Palestinian subjugation to the occupation alone. It is significant in itself, since four million people are living without rights of mobility, sovereignty, control over their borders, trade and political self-determination, subjected to military raids, indefinite detention, extended imprisonment and harassment. However, if we fail to make the link between occupation, inequality and dispossession, we agree to forget the claims of 1948, bury the

right to return. We overlook the structural link between the Israeli demand for demographic advantage and the multivalent forms of dispossession that affect Palestinians who have been forced to become diasporic, those who live with partial rights within the borders, and those who live under occupation in the West Bank or in the open air prison of Gaza (with high unemployment and rationed foods) or other refugee camps in the region.

Some people have said that they value co-existence over boycott, and wish to engage in smaller forms of binational cultural communities in which Israeli Jews and Palestinians live and work together. This is a view that holds to the promise that small organic communities have a way of expanding into ever widening circles of solidarity, modeling the conditions for peaceable co-existence. The only question is whether those small communities continue to accept the oppressive structure of the state, or whether in their small and effective way oppose the various dimensions of continuing subjugation and disenfranchisement. If they do the latter, they become solidarity struggles. So co-existence becomes solidarity when it joins the movement that seeks to undo the structural conditions of inequality, containment and dispossession. So perhaps the conditions of BDS solidarity are precisely what prefigure that form of living and working together that might one day become a just and peaceable form of co-existence.

One could be for the BDS movement as the only credible non-violent mode of resisting the injustices committed by the state of Israel without falling into the football lingo of being “pro” Palestine and “anti” Israel. This language is reductive, if not embarrassing. One might reasonably and passionately be concerned for all the inhabitants of that land, and simply maintain that the future for any peaceful, democratic solution for that region will become thinkable through the dismantling of the occupation, through enacting the equal rights of Palestinian minorities and finding just and plausible ways for the rights of refugees to be honored. If one holds out for these three aims in political life, then one is not simply living within the logic of the “pro” and the “anti”, but trying to fathom the conditions for a “we”, a plural existence grounded in equality. What does one do with one’s words but reach for a place beyond war, ask for a new constellation of political life in which the relations of colonial subjugation are brought to a halt. My wager, my hope, is that everyone’s chance to live with greater freedom from fear and aggression will be increased as those conditions of justice, freedom, and equality are realized. We can or, rather, must start with how we speak, and how we listen, with the right to education, and to dwell critically, fractiously, and freely in political discourse together. Perhaps the word “justice” will assume new meanings as we speak it, such that we can venture that what will be just for the Jews will also be just for the Palestinians, and for all the other people living there, since justice, when just, fails to discriminate, and we savor that failure.

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# **APPENDIX: TIMELINE, MAPS & ADDITIONAL ARTICLES**

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