

PEOPLE & BORDERS

Shaul Arieli

About the Israeli-
Palestinian conflict



Revised **Fifth** Edition

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*Dedicated to my brother, Yaakov Arieli (Ahwan)
who passed away this year, aged 74*

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Introduction

This collection brings together a selection of my articles, which grapple with various aspects of the Israeli-Arab conflict, with emphasis on the Israeli-Palestinian conflict. They have been published in various journals and newspapers in recent years, with some of them lightly edited for consistency. The articles express and reflect, first and foremost, my understanding of the processes, and my position towards them, but they may also represent the writings and actions of the civil society in Israel in the framework of Non-Governmental and Non-Profit Organizations.

A considerable portion of the articles are new, and have not been included in the last four editions of this book. However, I chose to carry over several articles from previous editions, due to their importance in establishing the historical background. Some of the articles include maps that assist in clarifying and describing different concepts and locations that appear in said articles. At the end of the book, I have included a list of milestones, describing the various concepts, agreements, conferences, resolutions, wars and more, that constitute the timeline of the Israeli-Arab and Israeli-Palestinian conflicts. Finally, a few general maps are included to assist in understanding the basic tenets of the territorial aspect of the conflict.

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1> Peace Plan Fantasies [Haaretz in Hebrew, 23/01/18]

"So what do you suggest?" For many years, this was the question that shattered the arguments of the nationalists and the messianics who opposed a permanent status agreement, trying to convince the public of the dangers of two states. Despite the passage of over two decades since the Oslo Agreement, the question remains valid. However, in recent years, the leaders of this camp have sown sand in the eyes of some of the public by spreading "ideas" and "plans" for an alternative solution, even if baseless and with no practical and political feasibility.

In contrast to those who deny and ignore the history of the conflict and the contradictory narratives of the parties, who seek a federation, a confederation or a state of all its citizens, this camp is careful to show its awareness of the impossibility of annexing the entire West Bank to Israel. Its ideas are brimming with "solutions" to the tension between the desire to annex the land and the threat that granting citizenship to Palestinians poses to Israel's Jewish identity.

To these thinkers - Benny Begin and his emphasis on the status quo, Mordechai Kedar and his "emirates", the National Union's "Decisive Action Plan", the Jewish Home's "Lull Plan", and the Likud Central Committee's resolution on annexation – we can now add President Trump, who adopted and promotes Prime Minister Netanyahu's vision. Even if it boils down to the slogan "two states for two peoples," it ridicules the Palestinian Authority, and like others, it is based

on ignorance, detachment from reality, aggression, disregard for international law and the rest of the international community, and a slippery rewriting of history.

Benny Begin is not asking for revolutions. Last October, he wrote: "The establishment of foreign sovereignty should not be permitted west of the Jordan ... As much as possible and dependent on us, within the limits of the security risk, we should allow the Arab residents of Samaria and Judea to live in comfort, including the right to work in Israel, and in the future enable their social and economic development." He concluded that "in these matters there is of course nothing new, and innovation is indeed impossible." In other words, as long as the Palestinians struggle for their right to a state as recognized by the international community, Israel will prevent them from attaining social and economic welfare and development through continuing control and occupation.

Mordechai Kedar, who serves as the "shofar" of the camp in the Arab world, admitted in an interview in July 2016 that "I am not concerning myself with the technical details ... I'm just laying out the general model." That did not stop him from drawing up an illogical plan that includes Jericho, Hebron, Tulkarm, Qalqiliya and Gaza, "each of which is a kind of city-state." For example, "Nablus and its nearby towns would have their own passport and government, and a political and economic structure." Could it be that Kedar is not aware that this model was appropriate for antiquity and the Middle Ages? That apart from a few unique examples, this model simply does not exist in the 21st century? Even if we assume that Kedar deliberately ignores East Jerusalem

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and its 350,000 Palestinian residents, who will probably acquire Israeli citizenship, we can not refrain from asking: Has he not heard of the 200,000-strong Bethlehem-Beit Jala-Beit Sahour conurbation, excluded from the proposal? Has Kedar forgotten Jenin, where there are a quarter of a million Palestinians living without Jewish settlements?

Kedar continues: "The rural area slated for Israeli annexation will include about 10 percent of the Arab residents, who will be given the possibility of obtaining full Israeli citizenship." Has Kedar failed to notice that in fact, the rural areas surrounding his "emirates" include about *70 percent* of the Palestinian population? Kedar remembers to state that "the crossings between Israel and each of the countries will be a kind of border crossing, and movement in the area will be possible through visas." Does he realize that in order to enforce this, a security barrier must be built around each "emirate"? That Israel would be required to construct and maintain hundreds of gates in order to allow the cultivation of Palestinian-owned fields? That it would have to monitor hundreds of kilometers of inter-emirate routes, since he would generously allow the emirates to form a federation?

Bezalel Smotrich and Uri Ariel have moved farther into the past than Kedar, and as a model of the desired treatment for Palestinians today, they launched a program based on the days of Joshua bin Nun. According to the Midrash, he sent three letters to the inhabitants of the land on the verge of entering it: "Whoever want to acquiesce - will acquiesce" - that is, to the annexation of the West Bank to Israel and the establishment of six administrative districts for the

Palestinians (suggestive of Kedar's "emirates"); "Whoever wants to go - will go" - that is, regardless of the Palestinian ideal of *sumood*, receive compensation in exchange for emigrating; "Whoever wants to fight – will fight" - "We will fight the Palestinians who choose to continue the armed struggle against the State of Israel, and follow the normal conduct of wars." In other words, a golden opportunity for a second *nakba*.

Naftali Bennett and his colleagues from the Jewish Home Party have exceeded all others with their sophisticated smoke-and-mirrors "Lull Plan". Bennett admits that "the full annexation of Judea and Samaria and their two million Arab residents" is not feasible and "jeopardizes" the future of the State of Israel for security, demographic and moral reasons. Therefore, he seeks to "present a sober solution that serves the interests of the State of Israel," in the form of Israel's annexation of Area C, which covers 60 percent of the West Bank, and maintains Palestinian autonomy over Areas A and B. Is that so?

A quick glance at the map of the interim agreement reveals that Areas A and B are not the two virtual areas appearing in the video explaining the plan, but in reality, are made up of about 169 isolated Palestinian blocs and settlements. So too, Area C is made up of dozens of narrow corridors that criss-cross the entire West Bank. How does Bennett intend to keep his promise to create a "full transport continuum for the Palestinians," one that allows "Arab residents to reach any point in Judea and Samaria, without checkpoints or soldiers?" By building dozens of connecting roads, interchanges and

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tunnels worth billions? By using hundreds of roadblocks, UAVs and IDF patrols for supervision?

Does he really intend to grant citizenship to Palestinians in Area C? Even if the dry facts count 300,000 people living there and not 50,000, as the plan notes? How does he plan to supervise entry into Israel from the territories of autonomy? By dismantling the existing security fence, in which NIS 15 billion was invested, and the construction of a new 1,800-kilometer fence at a cost of NIS 27 billion, involving an annual maintenance cost of NIS 4 billion, with a couple of army divisions for security?

How does he intend to secure the property rights of the Palestinians who own more than half of the Area C annexed to Israel? Is it by opening hundreds of agricultural gates to 350 Palestinian communities in the Autonomy, some of whose land has been annexed to Israel? Is he aware of the thousands of soldiers who will be required for such a routine task? Perhaps he is not aware of the threat posed by any such gate, as the IDF wrote to the High Court of Justice: "Every crossing point increases the risk involved in the infiltration of terrorists into Israel and constitutes a point of friction that increases the risk to the security forces in charge of the crossing point."

The Likud Central Committee unanimously approved the proposal to apply Israeli sovereignty to settlement areas - the "blocs" of Jewish settlement. Do the members know that with the exception of Gush Etzion (and the evacuated Gush Katif), the settlements have never been built in this pattern? In the

Jordan Valley "bloc", the average distance between the settlements is 21 kilometers, 60 percent of the settlements are isolated, one-third of the settlements live about 60 families, and half of them have a population of less than 1,000, and the vast majority of the 15 largest settlements are located on the Green Line or near Jerusalem.

The final participant in this parade of illusions is Benjamin Netanyahu, who enjoys the support and encouragement of the American administration. It was hard to miss the enthusiasm in the Prime Minister's voice when he announced during Vice President Mike Pence's visit that he would support Trump's efforts for peace, and it is even more difficult to assume that the source of the enthusiasm is his lack of knowledge of the details of the proposal being formulated. The document submitted by Saeb Erekat to Mahmoud Abbas reveals content suitable for Netanyahu's school as a glove for the hand, relying on the tremendous effort invested by ambassadors Ron Dermer and David Friedman in formulating and marketing them. And for those who have forgotten, the latter believes that Israel occupies only two percent of the West Bank.

An "American plan" that rejects the 1967 lines as a starting point and enables Israel to annex 10 percent of the West Bank without territorial exchange, is quite removed from the international consensus and the Palestinian position. Foregoing the possibility of a Palestinian capital in East Jerusalem can only make the Arab and Islamic World stand by the Palestinian "refusenik" approach. The possibility of Israeli military intervention in the demilitarized state of

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Palestine presents a new definition of the term "sovereignty". Therefore, the chances of acceptance of this plan, which undermines international resolutions and is based on forcefulness and the existing balance of power between Israel and the Palestinians, are no higher than the chances of the "Emirates Plan" being adopted. On the other hand, the chances that a Palestinian refusal to a proposal would legitimize the adoption of one or similar other plans by Israel (annexation of Ma'aleh Adumim or Greater Jerusalem) are much higher.

This line of thought reflects the approach espoused by the person who suggested making do with one railway track. To those who asked how could the train go both ways on one track, he replied: "I'm only making a proposal." It was Yehoshafat Harkabi who wrote about the fall of Masada and warned that "the greatness of the vision, upon which its realization is conditioned, is its realism: although the vision seeks to transcend reality, its legs are always planted in it. That is what separates a vision from a fantasy, floating on the wings of illusion."

Hopefully, these words are sufficient to demonstrate that these "plans" are not visions, but hallucinations, ignoring reality and its urgency. The hope that ideas without any feasibility will shape a desired reality is a proven recipe to a deterioration into a disaster. Let us hope that we will not need the fan of reality to spread messianic dust in all directions, and rediscover the conflict with all its sharpness, and the necessary insight that the chance to settle it lies in the idea of separation and the establishment of two states.

2> Rehavam Ze'evi, your prophecy will soon come true [Haaretz in Hebrew, 02/01/18]

In the coming weeks, Rechavam Ze'evi ("Gandhi") is expected to win the status of prophet or at least the fortune teller of the new Jerusalem. The prospective candidates to reward him this prize are ministers Naftali Bennett and Zeev Elkin. They managed to hold a lengthy debate in the Knesset before the final approval of the law, which would allow the separation of the Palestinian neighborhoods beyond the separation barrier from the Jerusalem municipality and their transfer into a new Israeli local authority.

Ze'evi, a central figure on the committee that was appointed immediately after the Six-Day War by the Eshkol government to determine the new borders of Jerusalem, was asked by Justice Minister Yaakov Shapira what logic is behind his new proposed boundaries. Ze'evi's reply is about to become prophetic: these were aimed at "maximizing the area added to Jerusalem, allowing it to become a large metropolis," but added: "If it becomes clear in the future that we have gone too far in including territories and population, then Jerusalem proper could be separated from the outlying areas, which would receive the status of a regional council. "

This answer, which was given exactly 50 years ago, naturally raises the memory of another, truly important "prophecy" - the decision to establish the State of Israel, exactly 50 years after Benjamin Ze'ev Herzl envisioned it. But with the dimension of time the similarity between the two ends.

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Ze'evi's original proposal was to expand Jerusalem by no less than 200 square kilometers, a vast area east of the city that extends to Wadi Kelt. This decision would have led to the loss of the precious Jewish majority in Jerusalem that had been created there for the first time since 1870. This was a such a messianic proposal that even Ze'evi himself doubted. At the cabinet meeting, it was Defense Minister Moshe Dayan who knew how to block the destructive idea: "I know the Jewish appetite, if you add the airport and Ein Prat, rather than annexing the other half of Jerusalem, we would be dividing the West Bank in half and I am against it. "

It turns out that the government's decision to be content with the annexation of "only" 70 square kilometers did not render Ze'evi's prophecy irrelevant. We still went too far by annexing 11 times the area of Jordanian East Jerusalem, which covered only 6 square kilometers. We went too far by turning 70,000 Palestinians into Israeli permanent residents, who constituted 26 percent of the united city's population and have now grown to almost 40 percent. We went too far by coveting the territories while ignoring their Arab residents for 50 years, as the mayor and former prime minister, Ehud Olmert, admitted in an interview in 2012: "No Israeli government since 1967 has done anything to unify the city ... Although we invested in Jerusalem, we consciously invested mainly in the western part of the city and in the new neighborhoods like Har Homa, Pisgat Ze'ev, Ramot and Gilo, and we did not invest in the areas that in my opinion will not be under Israeli sovereignty in the future. "

We went too far by making "united" Jerusalem into a city characterized by negative security, economic and social trends that harm all its residents and threaten to turn the capital of Israel into a poor, terror-stricken city with a weak Jewish majority. We went too far by creating a situation that causes an average of 8,000 Jews to leave the city each year.

50 years before the decision to establish the Jewish state, Herzl concluded the First Zionist Congress thus: "Zionism aspires to establish a home for the Jewish people in the Land of Israel, which will be guaranteed by public law." In other words, the Jewish state will be built on the basis of international recognition, both political and legal, of the justice of its demand to establish a national home for the Jewish people in the Land of Israel. Therefore, it was Ben-Gurion who insisted on adding the following sentence to the Declaration of Independence: "On the basis of the resolution of the United Nations Assembly." On the other hand, recognition of the annexation of East Jerusalem and other areas of the West Bank was then and now denied by the entire international community. Even Trump's last statement does not relate to the current boundaries of Jerusalem.

While the Zionist movement was certain of the justice of its claim and morality, the Israeli government tried at the time to conceal the act of annexation with all sorts of pretexts. As Foreign Ministry official wrote to Prime Minister Eshkol's chief of staff: "I suggested to Dr. Herzog (the governor of the West Bank) that immediately after the adoption of the law for the unification of municipal areas, a number of villages

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would be annexed to Nablus or Bethlehem, for the sake of 'administrative efficiency', in order to camouflage the main intention. "

The Zionist movement saw the state as being democratic and liberal, but Ze'evi and his current heirs regard the Palestinians as stateless and underprivileged people, whose sole purpose is to disappear from the Promised Land. After all, there is no municipal logic in establishing an authority consisting of two refugee camps, neighborhoods and villages that are miles apart. The messianic and racist ideology of these thinkers prevents them from considering transferring these neighborhoods to the jurisdiction of the Palestinian Authority under a fair, ongoing program of rehabilitation, development and compensation program. There is but one logic: "let them go to hell" and not influence our municipal elections.

The lesson of Dayan's "Jewish appetite" has apparently not been learned. Evidence of this was given to us this week when about 1,500 members of the Likud Central Committee voted in favor of a resolution requiring the party to support the application of Israeli sovereignty in Judea, Samaria and the Jordan Valley. The political, demographic, economic, social, and moral realities are transparent and have no effect on these voters. All warnings of the forced annexation of millions of Palestinians with national aspirations recognized by the international community fall on deaf ears. Not even half a prophet is needed to understand that if this move is adopted, it is the end of the State of Israel we know and want to raise our children and their children in.

**3> Israel is not prepared for the Trump Plan
[Haaretz in Hebrew, 28/12/17]**

The preoccupation with the Trump Initiative is shunted aside in the shadow of the cloud of social protest against corruption. All the political bets, assessments, "media balloons" and public opinion maneuvers are many and varied, but these indicate the uncertainty regarding the launch of the initiative, its contents, and most importantly - if it succeeds where others have failed. The history of the negotiations between Israel and the PLO over the last three decades makes these questions irrelevant. Everyone involved knows which package deal can drive negotiations that could result in a permanent settlements, and which proposal can at best maintain the current freeze – and at worst, launch a new round of violence.

Trump's declaration on Jerusalem did not contribute much to Israel's standing and position, but it does hint to the Palestinians that the American president wants to ignore the international consensus and base the negotiations solely on the existing balance of power between them and Israel. This will at once tilt the playing field strongly against the Palestinians.

The history of the conflict shows us, and Trump and his emissaries should see it, that the PLO-led Palestinians adopted only one dramatic turn in their policy in a century of conflict, and that happened in 1988. Since the Balfour Declaration of 1917, the Palestinians have held a discourse of rights based solely on their interpretation. They rejected the

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legitimacy of the international community's decision to exclude the Land of Israel from the principle of self-determination in favor of the establishment of a Jewish state in part of it, since their position was that they had the right to self-determination as the overwhelming majority of the country's population. They went to war after the Partition Plan in November 1947, as Jamal al-Husseini, the Mufti's nephew, explained to the Security Council in April 1948: "A representative of the Jewish Agency told us yesterday that they are not the aggressor, because the Arabs are the ones who started the fighting ... In fact, we do not deny this fact ... We told the world ... that we do not agree that little Palestine will be divided."

Forty years later, following the PLO's dialogue with the Reagan State Department, and in light of the global and regional geo-strategic changes (the beginning of the collapse of the Soviet Union, the first intifada, etc.), the PLO changed its basic policy. The Palestinian rights discourse came to be based on the decisions of the international community, and the PLO accepted UN Resolutions 181, 242 and 338. As Mahmoud Abbas later stated in April 2008, "The opportunity of partition of 1947 was lost, and before that the opportunity of the Peel Commission was lost. We did not want to lose another chance, and therefore we accepted the 1948 and 1967 partition, leaving us with a mere 22% of historic Palestine." In other words, the change in policy reflected the significant but also the only compromise that the Palestinians are prepared for: giving up the dream to have 100% of the homeland Palestine, in exchange for a Palestinian state on 22% of the land.

While the negotiations between Israel and the PLO did not take place under this framework, especially in the Oslo process, the parties were unable to bridge significantly the gaps between them. The Palestinians have clung to the discourse of rights on the basis of international resolutions since, as Hanan Ashrawi explained, international decisions tend to even out the playing field that is usually controlled by Israel as the stronger party.

A breakthrough was finally achieved in the Annapolis process, led by Ehud Olmert and Mahmoud Abbas in 2007-2008. While the two failed to achieve a final status agreement, the parameters for the four core issues were set for the first time in a manner consistent with the international resolutions and, more importantly, the substantive interests of both sides. In addition, it was reiterated that these issues are divided into two pairs of mutually-dependent issues: borders-security, Jerusalem-refugees. In order for Palestine to be demilitarized and lack heavy weapons alongside other security arrangements, as Israel demands, the latter must reiterate its acceptance of the 1967 border as the basis for a future border, with territorial exchange in a 1:1 ratio. Similarly, realizing Israel's demand for the Palestinians to forgo the Right of Return is contingent upon the establishment of a Palestinian capital in East Jerusalem. It is no secret that Netanyahu and his government have long since backed away from these parameters on borders and Jerusalem, and have even intensified Israeli demands on security and refugees.

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When they formulate their proposal to President Trump, Kushner and Greenblatt must recognize that Abbas, in the event that he agrees to American mediation once again, cannot deviate from the Annapolis framework. Egyptian President Al-Sisi and Saudi Crown Prince Muhammad bin Salman will not be able to get the Palestinians to agree to a proposal that is not parked in the interpretive space of the Arab League initiative. Any attempt to flee from there will encounter the gravitational resistance of the Palestinian national interest and of Arab public opinion.

Abbas is making every effort to ensure that the Arab Quartet will stand by him. Last month he extracted a promise from the Saudi king that the Arab position was based on the League's initiative, which guarantees the two required Palestinian goals: the 1967 lines and a capital in East Jerusalem. The Saudi foreign minister, who was asked to comment on reports that the Arab states are ready to relax the conditions presented in the peace initiative, reiterated: "The Arab conditions are clear: two states are a Palestinian state with East Jerusalem as its capital. The Arab countries have always supported the Palestinian brothers. "

They must make it clear to Trump that there is no "ultimate deal" that is not based on international resolutions. They are the only possible frame of reference for the parties, since we can not talk about negotiating according to the balance of power between them, and worse still - according to their contradictory national narratives.

At the same time, given a clear commitment to the final status agreement under these parameters, the Saudi and Egyptian pressure on Abbas will aim to demonstrate his readiness for interim stages, which he has so far refused to accept. These will include a series of parallel and coordinated steps by the Arab Quartet, Israel, and the Palestinians. It will also be possible to conduct negotiations on these two pairs, but it is not possible to change these basic give-and-take relations with regard to the permanent status agreement.

A withdrawal from these understandings, due to Israeli or internal American pressure, will throw the Americans' proposal into the trash can of history, and lead Hamas and parts of Fatah to demand that Abbas declare the political process dead and resign his post. This move could set the clock back to before 1988, with the PLO withdrawing its recognition of Israel and returning to armed struggle. Fatah, along with all the Palestinian opposition organizations, including Hamas and Islamic Jihad, signifies the American recognition of Jerusalem as the capital of Israel, as well as an American regional arrangement whose main points will not include the minimum required, to be crucial issues, red lines. This change to the rules of the game will drive the Palestinian public to the streets in support of its leadership, even if there is no direct call for such a protest.

Netanyahu, among all his investigations and trips, is not interested in opening this Pandora's box ahead of time, and in September he made do with updating cabinet members that Trump is preparing a peace plan and determined to advance.

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This "preparation" is far from sufficient for any scenario that will develop, with the exception of postponing the launching of the program to an unknown date and the continuation of the current situation. A fair plan for the sides requires Netanyahu and Israel to prepare a national strategy, regardless of whether they want to accept or reject it. A "pro-Israeli" plan would also obligate Israel to prepare for the Palestinian response and the response of the Arab world. It is very possible that at that time, if he could, Netanyahu would prefer to choose an exit from the political process to an election arena in which he or his successor would present themselves as champions of Israel's security.

4> So Israel Remains Israel [Haaretz in Hebrew, 07/12/17]

"You cannot enter the same river twice," wrote the Greek philosopher Heraclitus in the fifth century BCE. It seems that not many Israeli government ministers have found time to read this short sentence and internalize its implications for the future of the West Bank. And they seem to believe that its annexation due to the settlement enterprise is undeniable.

Some of them base their faith in completing the stage of "the beginning of redemption" on the determinism contained in the words of HaRav Kook, writing in London in 1917 in the context of the Balfour Declaration: "Every person who has the ability to penetrate and observe what is beyond the apparent external phenomenon knows that the hand of God appears to lead the history and is destined to lead this process to its conclusion. " However, most still believe that Israel's success in winning international recognition of the annexation of the territories occupied in the War of Independence will also be repeated in relation to the West Bank that was occupied in the Six-Day War. Or at the very least, they believe, the world will remain silent and get used to the reality of the occupation. But that is not the case.

The political goal of preserving the territories occupied by Israel during the War of Independence and designated in the partition resolution to the Arab state by establishing irreversible facts on the ground, primarily the change in the demographic balance and the creation of spatial dominance,

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was achieved under various basic conditions that differ, and even stand in contrast, to those existing in the West Bank since 1967. The Israeli government's lack of understanding of the differences between the current conditions and the conditions prevailing in 1949 - ignoring reality and its urgency in the hope that history will repeat itself and shape the desired reality that will achieve the same political goal - is a proven recipe for deterioration into disaster. A comparison of the conditions prevailing in 1949 with the conditions today leaves no room for doubt.

First, the position of the international community. In 1949, the international community was sympathetic to Israel and its moves because of many factors: the exposure of the horrors of the Holocaust, which aroused a sense of guilt in many countries; the consent of the Jewish Yishuv to the partition resolution (181), supported by the United States and the USSR, and by its rejection by the Arabs of the Land of Israel and the Arab world; the Arab decision to start a war in order to nullify the partition resolution, contrary to UN warnings; the UN view that the armistice agreements signed in 1949 are the basis for future peace agreements; and above all, the fact that Israel was perceived by the international community as a peace-loving state, ready for compromise, and fighting for its physical existence against continued Arab refusal to recognize it and sign peace agreements with it.

In contrast, the international political situation since 1967 has been completely different: the formula of "land for peace" to settle the conflict (according to UN Security Council

Resolution 242) was set and accepted by all parties, including Israel; Egypt and Jordan have signed peace agreements with Israel and have respected them for decades; for 15 years, the Arab League has been reaffirming its peace plan, based on Resolution 242; the PLO recognized Israel der Resolutions 242 and 338, and recently gained the status of non-member observer state in the UN; and finally, Israel is perceived by world public opinion as a peace refusenik who grossly violates international conventions in the course of settlement in the West Bank and East Jerusalem.

Second, the demographic and spatial balance. Israel's success in achieving a Jewish majority and territorial control after the War of Independence is based on the fact that 711,000 Palestinians (more than half the Arabs of Mandatory Palestine) became refugees and did not return to Israel at the end of the war. Large numbers of Holocaust survivors from Europe and Jews from Arab countries, Iran and Iraq, immigrated to Israel in the years following independence, reducing the proportion of Arabs in the young state to only 16%, whereas in the Six-Day War the number of refugees was much smaller, about 250,000, and most of the Arab population remained in their homes. Though a few villages were destroyed, the rest remained standing and their inhabitants continued to cultivate their lands. Since 1967, Israel has experienced a large wave of immigration only once, following the breakup of the Soviet Union in the early 1990s. In the years that followed, there was little to negative immigration to Israel, and net migration is projected to be zero over the next few decades.

Third, the status of the territories. Immediately after the War of Independence, Israel applied its jurisdiction and administration to the occupied territories through decrees signed by the defense minister. In contrast, since the occupation of the West Bank in 1967, Israel has failed to apply Israeli law to this area, except for 70 square kilometers, which were annexed to West Jerusalem immediately after the Six-Day War. As opposed to international recognition of the 1949 acquisitions, the annexation of East Jerusalem in 1967 and the annexation of the Golan Heights in 1981 were strongly rejected by the world. The status of the territories has a significant influence on the following two factors.

Fourth, the status of Arab residents. In 1949, Israel granted full citizenship to Arab residents of the occupied territories. This process strengthened its status as a democratic state that grants equal rights to all its residents, in accordance with the Declaration of Independence (even if in practice there was discrimination against Israeli Arabs). In contrast, Palestinian residents of the West Bank have been denied since 1967 collective rights of self-determination and basic civil rights. The establishment of the Palestinian Authority did not provide a solution, because the PA does not have authority to conduct its own foreign affairs, security and economic policies, and does not control 60 percent of the West Bank and a quarter of its population (in East Jerusalem and Area C). Even worse, Israel maintains two different legal systems in the West Bank for the Jewish population and for the Arab population.

Fifth, the land issue. After the War of Independence, Israel enacting the Absentee Property Law, seizing control of more than 4 million dunams of agricultural land and thousands of dunams of urban land. Additionally, it expropriated much of the land owned by the Arab villages that remained under its sovereignty, as part of the military government imposed on them until December 1966. These lands were allocated to existing settlements and the establishment of nearly 300 new Jewish settlements until 1967. In contrast, since 1967, the Supreme Court held under the Elon Moreh ruling that "the legal regime that began in these areas (the West Bank and the Gaza Strip) is governed by public international law dealing with belligerent occupation (the Hague Convention and the Fourth Geneva Convention)", and since 1979 it has been forbidden to seize private land from its Palestinian owners for the purpose of establishing settlements, not even through military decree (a situation that the proposed "regulation law" seeks to change).

Sixth, the position of the Jewish Israeli public. After the War of Independence, there was a full consensus among all the Zionist parties regarding the future of the occupied territories. The first settlers to settle during the war were the kibbutzim and moshavim, who enjoyed a significant increase in the amount of land available to them. The immigrants in the 1950s and 1960s saw the settlements as their new homes. The sense of justice due to Arab aggression in the War of Independence and the security threat posed by the Arab world after the war united Jewish society in Israel. After the Six-Day War, it is surprising to note that in the Gaza Strip there

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was unanimous agreement by the Israeli government to annex it after the refugees were resettled outside its borders. With respect to the West Bank, the views were divided, with solutions ranging from annexation to its return to Jordan as part of a peace agreement. Today there is a deep rift in Jewish society with regard to its future. A little over half of the Jewish Israelis support the two-state solution, and the rest oppose it. Many see the settlement enterprise as a destructive move that impedes the political process and, worse, threatens the identity and democratic regime of Israel and its survival as a single society.

Until 1967, Israel succeeded in shaping the reality in the territories conquered during the War of Independence and establishing Jewish majority and control, except in the Wadi Ara area, the Galilee, and part of the northeastern Negev. UN Security Council Resolution 242, which followed Israel's military victory in 1967, implicitly recognized the territories occupied in 1949 as part of Israel's territory, and conditioned the peace agreement with the Arab states, excluding the Palestinians, on an Israeli withdrawal only from territories occupied in the Six-Day War. Thus, the political goal of preserving the territories occupied by Israel during the War of Independence was achieved 19 years later, thanks to the opportunity created by the Six-Day War.

On the other hand, despite the efforts of 50 years since the Six Day War, the Jewish settlement in the West Bank is far from achieving demographic or spatial dominance, while the percentage of Arabs in the West Bank still stands at 82%,

while only 11% of the settlements number more than 5,000. In the West Bank there is no significant Israeli agriculture or industry, and the Israeli "blocs", with demographic and spatial dominance, barely cover 4% of the West Bank, and the international community does not recognize the legality of the settlements or the annexation of East Jerusalem. On November 29, 2012, 138 countries recognized Palestine in its 1967 borders as a UN observer state. The only flexibility that the international community, the Arab League, and the Palestinians, has in the region is the acceptance of the idea of an exchange of territories (3-4%) that will enable Israel to annex territories housing the majority of Israeli settlers in exchange for similarly-sized territory ceded to Palestine.

Indeed, the Israeli settlement enterprise will succeed in shaping the eastern border of the State of Israel if a permanent agreement is signed, but it has not succeeded in adding a single dunam to its territory. Following the idea of Heraclitus, the 1949 territories are not the 1967 territories. Israel, the international community, the Arab world and the Palestinians are no longer as they were in 1949. In order for Israel to remain a democratic Israel with a Jewish majority, it must change its positions and adapt them to the changes that have taken place. To the extent that this understanding is internalized by the Israeli government and Israeli society, blood and resources will be spared from both sides, until the separation necessary for both of them.

5> A Palestinian Sadat? Another false claim of Netanyahu's [Haaretz in Hebrew, 28/11/17]

At an event marking the 40th anniversary of Anwar Sadat's visit to the Knesset last week, Prime Minister Benjamin Netanyahu referred to the possibility of negotiations with the Palestinians. He said: "I have not yet encountered a Palestinian Sadat, who will declare his desire for an end to the conflict, recognize the State of Israel with any borders and support our right to live in security and peace." As usual, this is not only a rewriting of history by Netanyahu but a collection of lies that one need not make an effort to unravel.

As early as September 9, 1993, the exchange of letters between Yitzhak Rabin and Yasser Arafat on the eve of the signing of the Oslo Accords stated: "The PLO recognizes the right of the State of Israel to exist in peace and security ... accepts United Nations Security Council Resolutions 242 and 338 commits itself ... to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations", and in the light of " a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability ... renounces the use of terrorism." Arafat continued to define the clauses of the Palestinian Covenant that negate Israel's existence as "invalid and impracticable." In exchange for all of this, Israel was asked to recognize the PLO as the representative of the Palestinian people.

On September 13, 1993, the Declaration of Principles - which Netanyahu, according to his own testimony, did everything in his power to sabotage - stated right at the beginning that the parties "agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process."

And if that is not enough, on September 28, 1995, the Interim Agreement stated that the sides "[reaffirm] their determination to put an end to decades of confrontation and to live in peaceful coexistence, mutual dignity and security, while recognizing their mutual legitimate and political rights."

Of course, Netanyahu did not remain committed to these clear and formal commitments, and according to expediency, released his own declarations of "support" for his "peace" doctrine. He began in 1993 by saying that "a PLO state planted 15 kilometers from the shores of Tel Aviv would be an immediate mortal danger to the Jewish state" or that "PLO policy is the doctrine of stages and its goal is to destroy the State of Israel and not reach an agreement with it. The decisions made by the PLO in 1988 were intended only to please the United States," and the Palestinians' move to negotiations for the establishment of a Palestinian state "was intended only to bring Israel back to the narrow pre-1967 borders and renew the attack on the Jewish state. "

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Netanyahu was careful to express his "willingness" for a two-state solution even in his later terms: "under their current conditions, a Palestinian state is out of the question" (2015). And on the eve of the elections he promised that "if I'm elected, there will not be a Palestinian state in my term" (March 2015). As far as Netanyahu is concerned, one can only go so far as to reach the next solution: "The autonomy plan under Israeli control is the only alternative to preventing these dangers, which are hidden in the 'peace' plan of the Oslo agreement."

Netanyahu continues to ignore Abbas's repeated statements regarding the end of the conflict in various events, such as his speech in Gaza: "The Nakba must be destroyed through a permanent solution based on the principle of two states for two peoples." The establishment of a Palestinian state alongside Israel will lead to historic reconciliation between the two peoples." And later: "historic reconciliation on the basis of two states for two peoples" (Gaza, September 13, 2005). "They say that even after the peace agreement we will demand Haifa, Acre and Safed; that's not true, and the agreement will be the end of the conflict," he said. "If there is no permanent agreement that talks about the end of the conflict, it will give various elements the possibility of sabotaging and stopping everything" (Ramallah, 2013).

If Netanyahu had asked, Abbas would have showed him the pamphlet called "The Position," which in recent years has been distributed in three languages to anyone who visits the Muqata or anyone who asks. There he would have found

right at the outset the appeal that appeared at the initiative of the Arab League, which was unanimously approved and reiterated each year, regarding the "two-state solution and the end of the conflict." On the same page he would find that "in Algeria in 1988, the Palestinian leadership announced the acceptance of the principle of a two-state solution on the lines of June 4, 1967, as a basis for ending the Israeli-Palestinian conflict ... and the establishment of an independent Palestinian state on the 1967 lines with small and agreed on border adjustments on both sides."

Even with regard to the issue of the refugees, it was written: "In previous meetings between the Palestinians and Israel, it was proven that there are practical and feasible ideas for solving the Palestinian refugee problem, and this is when there are sincere intentions to reach a two-state solution and end the conflict." And to remove any doubt regarding the realization of the right of return, it was immediately stated that this was a "just and agreed solution ... This means that no solutions will be imposed on any side."

The end of the conflict is the product of the final status agreement, in which all the claims are resolved. In order to sign such an agreement, Israel must return to the negotiating table based on the known parameters from which Netanyahu withdrew in 2009. The end of the conflict as an agreement clause cannot survive for long if both sides do not commit to an honest and prolonged process of reconciliation. This is possible only if the two sides sign an agreement in which they make painful concessions, while preserving their core

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interests: Israel, the democratic state of the Jewish people enjoying security and recognized borders, and the Palestinians an independent state in the West Bank and Gaza Strip.

To this end, it turns out, Sadat is not missing a Palestinian, but more an Israeli, and no less an American Carter.

6> What is really happening with the American proposal? [with Nimrod Novik, Haaretz in Hebrew, 22/11/17]

It is difficult to gauge President Donald Trump's determination in realizing his intention to launch a political initiative to resolve the Israeli-Palestinian-Arab conflict. It is even more difficult to assess whether the American administration - characterized by a "revolving door" policy at senior levels; having not yet made vital appointments in the areas of foreign affairs and security; and to put it mildly, lacks a coherent foreign policy – would be able to conduct complex negotiations, and then implement an agreement if it is reached.

However, the president's adviser on international negotiations, Jason Greenblatt, who is assisted by a small but well-versed team, is doing his best to formulate a peace plan based on lessons from the past. He has conducted dozens of meetings with the parties as well as with experts from the region and beyond. The president and his son-in-law and top adviser, Jared Kushner, who is in charge of the issue, have contributed to the effort by emphasizing its importance, demonstrating to the parties that Greenblatt is indeed speaking on behalf of the president.

All this comes despite the president's statement that from his point of view, he would accept "one state [or] two states", provided that the parties agree, and moreover, despite his ambassador to Israel, David Friedman, not exactly being an avid supporter of the two-state vision.

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One of the challenges that Greenblatt is trying to overcome is the level of skepticism between the two peoples - the Israelis and the Palestinians - as well as the Arab environment relevant to the success of his mission. In an attempt to prepare the ground, he is making an effort to persuade all those involved to take early steps that will bring about a change of atmosphere, enabling the process to be launched under somewhat improved conditions.

To his surprise, he found considerable willingness to do so in the most unlikely places, chiefly Saudi Arabia and the United Arab Emirates. But their willingness to change the atmosphere by taking steps demonstrating to the Israeli public the value of the regional process is being halted by their deep distrust of Benjamin Netanyahu. They fear that he will not live up to his promises to respond to their gestures by taking steps that will demonstrate his commitment to the two-state solution. Therefore, the American request for "advances" from the Arab side encountered a willingness to "synchronize reciprocity." Or in the words of Netanyahu: "if they give, they'll get; if they don't give, they won't get." It seems that the fear of being portrayed as suckers is not a uniquely Israeli phenomenon: past experience teaches them that Netanyahu leaves them to pay the bill in the face of Arab public opinion and the more extreme countries and organizations.

The administration believes that this effort will not only solve the local problem, but also enable the creation of a regional framework that will better synchronize Israel's interests with

those of the Arab Quartet (Saudi Arabia, Egypt, Jordan and the UAE) in face of the Iranian and jihadist threat. For Kushner, Greenblatt and Friedman all realize that progress on the Palestinian front is essential to the integration of Israel into the regional community.

At this point, it seems that the American team still needs more time to complete two main pillars of its program: first, to ensure that when the Trump program is launched, they will have a clear commitment on the part of the three main players - Israel, the PLO and the Arab Quartet – to promote trust-building measures demonstrating their commitment to the process and reduce the lack of confidence to a degree that makes negotiations viable.

Second, to expand the framework of negotiations so that it will be held in three parallel channels:

Israel - PLO: Negotiations on all core issues for a permanent settlement of two states for two peoples; **Israel - The Arab Quartet:** Dialogue on Israel's reservations about the wording of the Arab peace initiative as well as on common regional issues; **The donor countries - the PLO:** discussions in the context of "economic peace" and the construction of the organizational and economic infrastructure for a Palestinian state.

In the first context, it appears that the Americans want to reach the launch of the program with three deposits that will be carried out gradually but simultaneously (using a "three-

sided zipper") the day after the start of the process. The components of the various "packages" are still being discussed, but there are reasons to assume that the Israeli contribution should include renewed commitment to the two-state solution; acceptance - albeit conditional - of the Arab peace initiative as a basis for reference to the process; avoidance of undermining the internal Palestinian reconciliation process; restricting construction in the settlements to the built-up area (in American English: up but not out, ie, high-rise construction); and the transfer of a symbolic piece of territory from Area C to Area B (as an illustration of the fact that the annexation talks do not reflect a policy that Area C is not subject to negotiations).

In the Palestinian package, the PLO is required to refrain from international moves against Israel, to maintain and deepen security coordination, deal with incitement, promote internal Palestinian reconciliation, and work with donor countries to improve governance and transparency of the PA budget. The "package" of contributions from the Arab Quartet (which, of course, mainly refers to Saudi Arabia and the Emirates, though other countries seem to be considering), includes initial normalization measures, including flight permits for Israeli aircraft in the airspace of the countries in question; interoperability of communication lines; promotion of business meetings and visas for business people for reciprocal visits; encouraging mutual media coverage, including the opening of Arab media to Israeli interviewees and the possibility for Israeli media to operate in the relevant countries. It is expected that these countries will also

undertake commitments to grant the PLO financial and political support.

As for the nature of the negotiations itself, it appears that the Greenblatt team is still working on preparing the parameters for conducting the negotiations and that the team's work is based on generations of past litigants, but their deliberations regarding the core issues are not simple at all. The team is supposed to present the president with parameters while his attention is to considerations other than the success of the process: the need to balance his domestic needs (including the fear of angering the evangelical base) and the expectations of his friends in Riyadh, the difficulty of pressuring Netanyahu in the light of the Republican political flak jacket, the fear that pressuring the Palestinians will bring about the collapse of the PLO, etc.

Thus, the strenuous work of an impressive Washington team, an exception in the current administration, is only a few months from the moment it is presented to their unpredictable president. Then it would be clear whether he's determined to follow through or that his enthusiasm has waned. If he decides to leave the matter, he will leave us with the same familiar dilemmas: in the absence of an external savior, how to protect the Zionist project from annexation trends which marks its end.

If he chooses to take on this mission, while being aware of the scope of the effort required to jumpstart a process and further promote it over time, then the leaders of the three

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main players in the drama will be tested - the Arab Quartet, the Palestinian people, and Israel. But in reality, whatever the contribution of the others to success – or failure - we Israelis will not be satisfied with praying for the success of the move. We will have to insist that our leader is worthy of the task and if not - to ensure that Israeli democracy replaces him by another.

7> When Rabin will rest in peace [Haaretz, 15/11/17]

Yitzhak Rabin would be turning in his grave at the variety of “outside the box” proposals for a solution to the conflict doing the rounds these days. These include such ideas as “there’s no need to evacuate settlers,” “enclaves under Israeli sovereignty” and a variety of confederations, federations, regional autonomies, shared homelands and the like. It’s interesting to note that, close to the 22nd anniversary of former Prime Minister Rabin’s assassination, the settlement enterprise outside of the “settlements blocs” has been embraced by supporters of the two-state solution – whether politicians, grass-roots activists or experts.

Even if these proposals have a genuine desire to overcome what many perceive as an obstacle to a permanent solution, such suggestions – because of their impact on public consciousness – may actually contribute far more than the actions of the Netanyahu government to increasing the strength and size of the isolated settlements threatening the two-state solution.

The route of the West Bank separation barrier has been perceived in the public consciousness as, more than anything else, representing the border between Israel and Palestine if an agreement is reached. That is, to Israelis, the barrier draws a line between the settlements that can stay under Israeli sovereignty and those that will have to be evacuated.

As then-Defense Minister Ehud Barak said in 2007: “When we build a fence, it is clear that there are areas behind the fence, and it is clear that when an agreement [is signed] these areas behind the fence will not be part of Israel.” In addition, the route of the barrier is perceived as enabling a final status agreement, even among the settlement leaders, as they themselves said when it was built: “We tried to obstruct the plan to build the fence on the Green Line [the

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pre-1967 border], but if we're honest with ourselves, we couldn't obstruct it in a way that impedes the ability to establish a Palestinian state."

The recent declarations and proposals have led to several things: First, they mistakenly dismiss the argument that the isolated settlements are an obstacle to the agreement. Second, they may remove the threat of evacuation hanging over the heads of those who wish to spare their families this painful experience. Third, in light of the fact that the latest Central Bureau of Statistics data regarding the socioeconomic index found that 81 percent of settlers live in communities whose socioeconomic level is lower than it was five years earlier, these declarations could, paradoxically, increase demand for these communities, since they are now receiving significant tax reductions and economic benefits. Finally, these declarations eradicate the demand that Israel withdraw from settlements that are a slight distance from the Green Line, like Efrat.

The first absurdity of trying to find a solution to the conflict without evacuating these isolated settlements is the fact that most of them are located on hilltops and are the result of the activities of Gush Emunim's settlement movement, Amana – a movement that utterly rejects the two-state solution. These residents moved there despite the policy of the Rabin government. In 1979, Rabin wrote: "We must not move Jewish settlers to the heart of the West Bank, densely populated with Arabs. Such dramatic settlement is flaunting and provocative to the Arabs and the United States, and there is no need or justification in terms of security."

Second fact: From the start, these settlements were intended to damage the contiguity of a Palestinian state, as was written in the 1978 plan devised by Matityahu Drobles, then head of the Settlement Division of the World Zionist Organization: "The disposition of settlements must be carried out not only around the settlements of the minorities, but also in between them ... [because

this] is the best and most efficient way to remove any shadow of a doubt about our intention to keep Judea and Samaria forever.”

This policy worked. Fewer than 10,000 Israelis living in 15 isolated settlements south of Gush Etzion (not including Kiryat Arba) have dissected the Hebron district – where 750,000 Palestinians live – into dozens of Area A and Area B “islands.” This was done for the sake of providing access roads to the isolated settlements of Area C, leading to a greater Israeli military presence along these roads, thus disturbing the Palestinians’ lifestyle and any possible development plan.

As far as Gush Emunim was concerned, anything went in order to achieve this goal. Despite the promises of the Israeli government that settlements would be built only on “state land,” a May 2015 report by the Regavim NGO found that at least 2,000 homes in these settlements were built on private, Palestinian-owned land. To these should be added the dozens of illegal outposts that continued to prosper and the intensified land grabs, despite a government decision to adopt the 2005 Talia Sasson report and evacuate them – and also despite the fact that this was one of the main recommendations of the 2012 report by former Supreme Court Justice Edmond Levy on the legal status of construction in the West Bank.

Third fact: All of these settlements are urban communities lacking agriculture or industry. In most of them, the primary employer is their local council. The smaller the settlement, the more its residents rely on the government for financial support. More than 80 percent of the isolated settlements have fewer than 1,000 residents each. That leads to one of two possibilities: fantasizing that the Palestinian state will fund its new Jewish citizens; or that Israel will fund the citizens of a foreign country.

Were they to recognize these three basic facts, would all of these “outside the box” thinkers ever consider demanding that the

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isolated settlements remain under Palestinian sovereignty – or, worse, as Israeli enclaves? Do they wish to ignore the history of 100 years of conflict and all the recommendations for partition, given by all the international entities, and to sow with their own hands the seeds of the next round of violence? Do they believe the Palestinians will agree to this when, as far as they are concerned, they have already given up 78 percent of the Palestinian homeland?

Even Rabin's Knesset speeches to approve the Israeli-Palestinian Interim Agreement – given a month before his murder in 1995 – in which the future borders he sketched were extensive, not a single isolated settlement was mentioned. Nevertheless, any Israeli still wanting to live in a future Palestinian state would be able to do so via the standard procedures and laws of immigration.

The evacuation and relocation of Israelis from isolated settlements is a huge challenge, but far less than what most of the public thinks – and far less than the damage caused by leaving them in place. We shouldn't expect the Netanyahu government to act in this direction: its limit was reached with the evacuation of the illegal outpost of Amona in February, at a cost of 137.5 million shekels (\$39 million) to the Israeli taxpayer, and by giving many millions to the lawbreakers in the illegal outpost of Migron.

Supporters of the two-state solution must stop seeking “creative” solutions and act differently. Often, the most arduous road initially is also the best one in the long-term.

We can begin with changes in budgetary priorities, as Rabin decided in the government he established in 1992. He distinguished between “security settlements” and “political settlements”; all the isolated settlements are in the latter group. His government acted to stop settlement growth, canceled contracts to build housing in the settlements, and refused to allow people to move into homes that had already been built there (Resolution 360, November 1992). From here, we can move onto a

law providing compensation for evacuees that will significantly reduce the number of people needing to be evacuated. Those living in the Jordan Valley who answered the call of Rabin and Yigal Allon to found security settlements, and who are now more than 70, must be allowed to move back over the Green Line, which many of them want to do. The separation barrier should also be completed along security routes and Israel should declare it has no territorial claims east of it.

Finally, a gradual, moderate diplomatic process must be launched, with regional and international involvement to resolve the conflict by means of known parameters – which will include the evacuation of isolated settlements after preparations at the national level.

All of this will require public courage, determination and true faith in the path ahead. But maybe then and only then will Rabin be able to rest in peace.

**8> Hamas has a reconciliation strategy
[Matzav, 31/10/17]**

It is impossible to predict whether Israel's destruction of the tunnel near Kissufim, in which eight Islamic Jihad and Hamas militants were killed, will provoke a response from these organizations, but it will definitely be a significant test for Yahya Sinwar, Hamas's Gaza-based leader. Sinwar can either curb or contain the deadly event in order to maintain the strategy Hamas adopted since he came into power in February.

The uproar surrounding the Netanyahu family and the French Law has created a heavy fog that manages to detach the public discourse in Israel from the events taking place just a few kilometers away, despite the potential for dramatic changes. For the past few months, Sinwar has been navigating a strategic move in the form of a "blessing in disguise," thus capturing Mahmoud Abbas in the corral of creating a united government. A move that could lead to Hamas's control of the PLO would return both parties, Israel and the Palestinians, to the starting point of the conflict under the concept of a zero-sum game, and to an even bloodier dispute.

The continued deterioration in Hamas's economic situation and political position – as a result of Israel's prolonged blockade; Egyptian President Abdel Fatah al-Sisi's policies; Arab sanctions against Qatar; and Abbas's recent moves – led Sinwar, like his predecessor Ismail Haniyeh before Operation Protective Edge, to offer Abbas management of the Gaza Strip. Publicly, this move is seen as one step backwards, but in Sinwar's view it advances Hamas more than two steps forward because it frees it from civil responsibilities of Gaza's residents, allowing it to break through the narrow borders of the Gaza Strip into the West Bank, East Jerusalem, Israel and the countries of the region. Sinwar recognizes what most Israeli cabinet ministers do not recognize: The PLO, despite its weakness, is the best stepping stone to achieve this significant breakthrough.

To this end, Sinwar, along with the new leadership, understand the Palestinian longing for reconciliation for over a decade. Sinwar is willing to go as far as necessary to achieve it, especially to foster united leadership. Hossam Badran, who was appointed the portfolio of reconciliation with Fatah on behalf of Hamas, said in his first interview with the London-based Al-Hayat newspaper that “Hamas’s new leadership, based on released prisoners [in the Shalit deal] who were not involved in the internal Palestinian split, has decided to uproot this division at any cost”. The clarification he published later did not eliminate Fatah’s criticism against the previous leadership, headed by Meshaal, on serving the agenda of the Muslim Brotherhood, Qatar and Turkey, which did not want Palestinian reconciliation. Even when discussing the military wing, Sinwar has gone a long way and stated that: “We as a nation are still at the stage of national liberation, hence we can not turn in our arms. However, our weapons must be under one national umbrella, incorporating all Palestinians, and this umbrella is the PLO. Al-Qassam Brigades’ weapons are the property of the Palestinian people.” In other words, the PLO is the representative organization of the Palestinians, and as such it must include all the organizations. When that happens, Hamas will give over its weapons, hoping it will be the leading organization in the PLO.

Hamas’s leadership is not moved by Netanyahu and his government throwing dust in their eyes, declaring that they will not negotiate with a Palestinian Authority that includes Hamas. First, they know the most basic thing that was overlooked by the Israeli public – the Israeli government never negotiated with the PA, but only with the PLO, the sole legitimate representative of the Palestinian people. It was the PLO that was upgraded to the status of observer state in the UN General Assembly on November 29, 2012, and it is not within the authority of the PA to negotiate a final-status agreement. Even if the PA would be dismantled tomorrow, “Palestine” will continue to exist as an observer state with the PLO’s Chairman as its president.

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Second, Hamas is fully aware of the position of Netanyahu's government, which rejects the two-state solution. Ismail Haniyeh's deputy, the Head of the Political Bureau, Saleh al-Arouri, also a released prisoner, clarified the matter last month: "The political path has failed and haven't promoted anything, not leading to the end of the occupation of our people. However, the Fatah movement, our partners in reconciliation and the PLO, believe in this way and think that the split serves Netanyahu's desire to destroy this path. We in Hamas, for our special reasons, want to restore the unity of the Palestinian people and strengthen its position, status and ability to deal with the Zionist enterprise. We share their aspiration to unite the Palestinian arena in order to benefit from political activity for the sake of our people and our cause. We and our partner will march to realize our people's interests, by resistance and political activity." In other words – Hamas will not negotiate with Israel, but it will not interfere when the PLO does. If reconciliation is essential for this objective Hamas will grant it, only to show that the political path has failed regardless of the Palestinian division. Then, Hamas can come clean-handed to the Palestinian public and say "we tried everything" with Israel, calling Fatah to replace its diplomatic tools with Hamas's armed resistance and reverting to the original PLO charter, prior to the Oslo Accords, which sanctified the armed struggle.

The Egyptians, whose interests do not fully coincide with those of Israel, prefer to unite ranks in the Arab world to counter the Turkish and Iranian threats to Arab nationalism. Abbas, who understands the quagmire he was brought into by the Egyptians with the U.S.'s consent, and fully aware of the position of Netanyahu's government, is doing everything possible to get out of it, and out of the reconciliation agreement. After his meeting with King Abdullah of Jordan last week, he said: "In the framework of the Cairo agreement, there should be one authority, one law, and one weapon, so there will be no more militias, which is an unsuccessful model. That's what we consider as reconciliation."

Hence, Hamas's entry into the PLO will depend on the inclusion of the military wing into the Palestinian National Security Forces.

Under the current circumstances, the chances of completing the reconciliation process and reaching an agreement are slim. Hamas, which stopped collecting taxes at the border crossings, will be unable to pay salaries to its employees. Even if a temporary financial solution is found, the instability will be too great to persevere. Any escalation between Hamas and Israel will be supported by the entire Palestinian public. In the current atmosphere, a reconciliation failure will point towards Abbas, who will not be able to blame Hamas and will have no choice but to join the next round of violence. Israel may face a unified Palestinian front in which Hamas sets the tone. Reoccupying Gaza, based on the doctrine of Liberman, the Defense Minister, will only exacerbate the wound. His dream to "crush Hamas" will be revealed as a completely unfeasible because Hamas will enjoy greater control in the West Bank, East Jerusalem and even among some Israeli-Arabs.

A grounded Israeli government would have adopted the concept of Judo – dragging Hamas into the PLO, while simultaneously pushing to renew negotiations for an effective permanent settlement. In that scenario. Abbas would enjoy increasing his prestige in the public eye and ensuring he does not lose his sit to Yahya Sinwar, and Hamas would have to acknowledge the legitimacy of the PLO's decisions, which correlate to the Quartet's demands, primarily recognizing Israel. However, such a government would have also reflected that current conduct surrounding the Netanyahu family has more clout on the Israeli government than responding to Hamas's strategic maneuvers.

9> A close look at the illusions that Ya'alon is driving [Haaretz, 24/10/17]

"The danger of national error was engraved in the fact that we are a visionary country. The vision is aimed at changing reality, but the greatness of vision is the reality, that although the vision aims to elevate reality, its feet are always embedded in this reality. This is the difference between the vision and the imagination that shines on the wings of illusions," wrote Hoshkapat Hercapi in his book on Metasada (1982). There are no statements such as the words of Moshe Buggy in front of the students of the Institute in Beit Shemesh, which is an embodiment of how ignorance of the history of the modern Jewish people and how to ignore the reality and its necessities in order to create illusions is the hoped-for recipe for sliding towards disaster.

"I claim that the borders are drawn by the plow, and the borders are drawn by the children's house." There is no more mythical historical legend than this claim. Of all the Jewish settlements in the Land of Israel, only the hill was the one that influenced the delineation of the borders of Mandatory Palestine. The hill was considered by the British and the French as the historical Dan, which represents the Torah version of the land of Israel "from Dan to Beersheba." It was annexed to its territory and given "the finger of Galilee" in the agreement signed in 1920.

Various proposals for dividing the country between Arabs and Jews were presented several times by various parties and considerations in the years 1922-1947, but they did not materialize. In the partition resolution of 1947, which did not apply, other considerations were included in addition to the distribution of the population, for example in the Negev, between Beersheba and the Gulf of Aqaba, there was no Jewish settlement. However, the Jewish State was allocated to use this area as a wild passage for the Red Sea for export to Africa and East Asia. On the other hand,

according to this decision, there should have been at least 33 Jewish settlements in the territory of the Arab state. Because it was located far from the centers of Jewish settlement. Just like the isolated settlements in the West Bank, which there is no possibility of annexing to Israel under the permanent agreement.

Six-Day War

The borders of the State of Israel were defined in Israel's wars and mainly in the War of Independence. Geographer Gideon Baker describes extensively how the "gun war" rather than the "plow plow" is what drew the boundaries. Armistice lines were identified along the lines of troop positions at the end of the war. The areas added to Israel were first and foremost intended to create a logical and wide geographical connection between the three areas allocated to the Jewish state. And the loss of ten Jewish settlements, including the settlement of Gush Etzion, did not discourage Ben-Gurion from ending the war and signing the Armistice Agreement. Settlement in the occupied territories came after the war.

So it is for the Six-Day War. Israel occupied Sinai and the Golan Heights, and the settlers came in the wake of the Israeli army. When Israel preferred a strategic peace with the larger Arab state, it evacuated all the settlements in the Sinai. The Gaza Strip is another example. At a time when Israel realized in Sharon's mandate that it was paying a heavy price for sticking to the isolated settlements in Gaza, it had split.

"In a place where there is no home for children, there is no army." If you want to keep land there must be settlers, "Ya'alon continued. Does the Israeli army keep the Sinai peninsula, which is six times the size of the State of Israel, only for the 7,000 Israelis living there? Did not he evacuate her even though they were there? Is the Negev, which constitutes 60 percent of the territory of the State of Israel, for tens of thousands of Israelis living in southern

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Beersheba? Did Israel not evacuate Gaza and northern Samaria even though there were settlements and a kindergarten for children? Does not Ya'alon turn the IDF into the IDF for the settlements?

Ya'alon continues to define policies: "We do not settle on every hill. There is enough room for settlements in Judea and Samaria for one million or two million others, and there are enough places that are politically appropriate for us. We are doing this with a balanced policy. "

First, there is no such thing as the Jordan Valley, which embodies the "politically appropriate area" of the Allon plan in 1967 and even the well-known position of Ya'alon, namely, not to evacuate the Jordan Valley in any scenario. After twenty years of occupation and settlement, despite the declaration of Yigal Allon to bring two million Jews to the Jordan Valley and Sharon's declaration of the housing of a million Jews there, this area remained the same as it was at the time of its occupation. A small regional council with 5,000 people. Some of its settlements lost a number of its inhabitants in the past year (such as Hamra, Yvit and Argaman). Or that Ya'alon sees in the site «House of blessing», which was purchased by an American association stands behind the American millionaire Irving Moskowitz and his wife, a politically appropriate area? The site is 40 dunums and is located outside Gush Aseon and adjacent to the al-'Arroub refugee camp, which when he was defense minister approved his annexation to the territory under the jurisdiction of the Gush Etzion Regional Council. Second, where will one million or two million Jews come from? As the Central Bureau of Statistics forecasts that there will be no migration to Israel.

Migration from within Israel

Do you mean immigration from Israel to the West Bank? The data published by the Central Bureau of Statistics indicates a sharp decline in the annual increase of Israelis in Judea and Samaria, from 10.3 percent in 1996 to 3.4 percent in 2016, and indicates a shift in sources of increase. In 1996, 68 percent of the emigration came from the country and in 2016 the migration rate dropped to 22 percent. Even if this trend changes, in the absence of migration, it is about transferring "pocket to pocket" and not because of Jewish natural reproduction, a transfer that creates a reality that requires the creation of a state and the loss of Zionist vision.

Thirdly, where does Ya'alon intend to house them? 52 of the 100 Area C are privately owned Palestinian land recognized by Israel. Is it based on the non-democratic "settlement law"? Or that he intends to send the Israelis to IDF training areas in the Judean Desert?

Settlements in the West Bank are true dictates the eastern borders of the State of Israel. But this would only happen under a permanent agreement. An agreement on the exchange of land between Israel and the Palestinians relates to the central blocs near the Green Line with an area of four hundred and the evacuation of the isolated settlements, which greatly harm Palestinian territorial contiguity and the potential for comprehensive development.

Three things must be emphasized in this context, which reflect the heavy price of the illusions of Ya'alon. First, the exchange of land will not add any one square meter to the territory of the State of Israel because it is linked to a 1: 1 exchange rate. Secondly, the greater the number of these blocs, the more Israeli settlements in the enclave of Gaza, Bisan and Lachish will be required to concede more territory and cease to be collective agricultural settlements. Third, the boundary line will triple in length, from 313 km to about 900 km. This means that the cost of change is too large to be

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measured with the benefit. The settlement project is the most failed real estate project in the history of Zionism. A project that would lead Israel to harm the future of the settlements it had been involved in, which enjoyed international legitimacy in favor of new settlements, a number of which were established illegally, fraud and theft and without contributing to the security of the State.

Ya'alon's statement about reality and its necessities has no vision but is a dangerous illusion. This situation and circumstances do not resemble the unique process of establishing the State of Israel. The upcoming election campaign, and the unrealistic reality Netanyahu and his colleagues are constantly building, have enabled politicians to continue to show irresponsibility regarding the future of Israeli society and the State of Israel through a number of slogans that have no historical basis or mature future. So beware of these politicians.

10> Zionism Doesn't Need 'Divine Promise' to Justify Jewish Nation-state [Haaretz, 22/10/17]

“The Bible says that God promised the Land of Israel to the Jewish people,” is a claim frequently made by Israeli ministers and lawmakers. “We do not need anything more than that,” they say. And in the words of the late Rabbi Shlomo Goren, “No national or international law has the power to change our status, our rights. By the law of the Torah, these areas are to be the Land of Israel, under Jewish rule and Jewish sovereignty.”

The process of religion being wedged into all areas of our lives has not bypassed Zionism either, and it's paying a lot of attention to the Zionist narrative. A concerted effort is being made by some Israeli ministers to erase the canonical history of Israel's founding – and they aim to replace the international stamp of approval for the Jewish people's right to a state in its own land with religious and messianic justifications that reject any possibility of compromise.

First, this is an attempt to conflate the validity and rightful existence of the Jewish nation-state with religious faith. That is, if you do not believe in the divine promise of the Land of Israel to the Jewish people, you can't justify the existence of the State of Israel. But the existence of the Jewish nation-state does not require a belief in God, and the realization of the Jewish people's right to self-determination in its homeland does not require a divine promise.

Second, this conflation rules out any notion of compromise in light of the current reality – because, for them, any deliberate concession (of territory in the Land of Israel) constitutes a conscious violation of the sacredness of the land and of God's covenant with Abraham. In other words, someone who believes in the divine promise cannot concede any territory.

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Ignorance about Zionism's history – which is growing steadily among children in the educational system and among the public in general – provides a convenient platform for the activities of those who seek to increase religiosity and to turn the national conflict into a religious one. But by relying on faith-based arguments devoid of any diplomatic or legal validity in the 20th and 21st centuries, they are undermining the solid foundations of the Zionist narrative that have been accepted by the international community for a century.

The story of the rebirth of Israel is a case of rejecting holiness and messianism in favor of secularism and science when it comes to bearing responsibility for our own fate. "Faith unites us, science makes us free," wrote Theodor Herzl in his 1896 book "The Jewish State." And in its closing resolution in 1897, the First Zionist Congress determined that the establishment of a state for the Jewish people in what was then Ottoman Palestine would be based on legal and diplomatic recognition and legitimacy from the international community, based on the accepted and standard practice at the time. And this Zionist aspiration did indeed gain diplomatic-legal, historical, practical-egalitarian and moral validity from the international community.

First was the legal-diplomatic recognition, which comprised three layers. The first is the Balfour Declaration, given by Great Britain – the major power that conquered Ottoman Palestine during World War I. Its validity rests on the "imperial principle," which was at the heart of international custom until the early 20th century. The PLO was also aware of the validity of the declaration, as Edward Said – then a member of its steering committee – wrote in 1979: "The declaration's importance is first and foremost in being the legal basis for Zionism's claim to Palestine."

The second layer is the decision by the victorious powers at the San Remo Conference in April 1920 to award mandates to Britain and France over the territories they conquered in the Middle East –

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including Palestine, where the Balfour Declaration would be realized. These powers recognized the validity of the Zionist aspiration, as French Foreign Ministry representative Jules Cambon stated in June 1917: “It would be a deed of justice and reparation to assist, by the protection of the Allied Powers, in the renaissance of the Jewish nationality in that land from which the people of Israel were exiled so many centuries ago.”

And as U.S. President Woodrow Wilson stated in March 1919: “I am persuaded that the Allied nations, with the fullest concurrence of our own government and people, are agreed that in Palestine shall be laid the foundation of a Jewish Commonwealth.”

The validity of the decision by the major powers rested on the principle of self-determination expounded by Wilson and adopted by the League of Nations, which was established in January 1920 following the Versailles Peace Conference. Section 22 of the Versailles Treaty states that nations not ready for independence will initially be “entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility.”

The third layer is the recognition and support of the international community. First, in July 1922, the League of Nations unanimously (including Iran) approved the Mandate for Palestine that was given to Britain, in which the British were tasked with creating “such political, administrative and economic conditions as will secure the establishment of the Jewish National Home.”

Then, on November 29, 1947, there was the vote on the UN Partition Plan, which set a clear date for the end of the Mandate and the establishment of an independent Jewish state on 55 percent of the land of British Mandatory Palestine.

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The second basis for the Zionist aspiration can be ascribed to the historical connection and continuity of the Jewish people with its homeland. The League of Nations rejected the argument of the Arabs (and some Jews) that Judaism is a religion and not a nationality, and that therefore its followers are not entitled to self-determination. It also rejected the claim there was no connection between the Jews of the 19th century and the Land of Israel, as was later argued in Article 20 of the Palestinian National Charter from July 1968, which stated: “The Balfour Declaration, the Mandate for Palestine, and everything that has been based upon them, are deemed null and void. Claims of historical or religious ties of Jews with Palestine are incompatible with the facts of history and the true conception of what constitutes state-hood. Judaism, being a religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizens of the states to which they belong.”

Future British Prime Minister Winston Churchill told a delegation of Palestinian Arabs in March 1921: “It is manifestly right that the Jews, who are scattered all over the world, should have a national centre [sic] and a National Home where some of them may be reunited. And where else could that be but in this land of Palestine, with which for more than 3,000 years they have been intimately and profoundly associated?”

The text of the 1922 Mandate for Palestine states clearly and with the support of all the member countries that the League of Nations recognized “the historical connection of the Jewish people with Palestine” and the “grounds for reconstituting their national home in that country.”

The third basis is the practical-egalitarian justification for the Zionist aspiration. British Foreign Secretary Arthur Balfour saw a solution for the Jewish problem as a need of the hour that was to be met with a just partition. In an August 1919 memorandum he wrote, “And Zionism, be it right or wrong, good or bad, is rooted in

age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land.” He viewed the allocation of a sliver of the Arab lands conquered by Britain to the Jewish people as just, and said in a July 1920 speech: “So far as the Arabs are concerned I hope they will remember that the Great Powers, and most especially Great Britain, has freed them, the Arab race, from the tyranny of their brutal conqueror. I hope they will remember it is we who have established the independent Arab sovereignty of the Hedjaz. I hope they will remember that it is we who desire in Mesopotamia to prepare the way for the future of a self-governing, autonomous Arab State. And I hope that, remembering all that, they will not grudge that small notch – for it is no more geographically, whatever it may be historically – that small notch in what are now Arab territories being given to the people who for all these hundreds of years have been separated from it, but surely have a title to develop on their own lines in the land of their forefathers.”

The fourth basis is the moral justification. Amnon Rubinstein and Alexander Yakobson noted in their 2008 book “Israel and the Family of Nations”: “Whereas the Jewish aspiration to national independence was no different in essence from the national aspirations of other peoples, the way in which the Jewish people attained independence was indeed unique – because the Jewish tragedy was unique. Does it mean that it was less justified for that?”

Basically, the international community took the view that it would be immoral to “punish the Jewish people twice.” Once in being forcibly exiled from its land and deprived of all its rights – including the right to return to its land and forming a significant majority there; and second, to deny it its natural right to self-determination in its homeland, the Land of Israel.

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It must be stressed that the broad and strong justification for the Zionist claim does not invalidate the Palestinian aspiration, or vice versa – as Natan Alterman argued in February 1970: “Once we admit the existence of a Palestinian national fiction, from that moment all of Zionism becomes a matter of stealing a homeland from an existing people,” he said. “And to the extent that we are currently helping to root this notion in the world and our inner consciousness, we are undermining the historical and human basis of Zionism.”

Alterman was wrong. Long and profound conflicts, like tragedies, do not arise out of a struggle between good and evil or right and wrong. In the Israeli-Palestinian conflict, the national aspirations may be oppositional, but each has validity. It is not necessarily a zero-sum game. A compromise in the form of an agreed-upon partition would make it a win-win situation, even if it was based initially on narrow interests alone and only later on reconciliation.

Similarly, belief in the divine promise does not require ruling out compromise for the sake of other values – as shown this week by Labor Party Chairman Avi Gabbay. Though he did proclaim fealty to the religious argument that has no international validity when declaring, “I believe in the justness of our existence here. I believe all of the Land of Israel is ours. After all, God promised Abraham the whole of the Land of Israel,” he also added: “But I also believe that since there are 4.5 million Arabs, we have to compromise in order to create a situation in which we live in a state with a Jewish majority and they live in a state of their own.”

We have seen that the Zionist narrative and the Zionist claim to a state for the Jewish people rests on a broad and deep basis. The State of Israel, in the 1967 lines, receiving this full authority, is obligated to respect the decisions of the international community also in relation to the establishment of an independent Palestinian state alongside it. Its officials should refrain from using the biblical story put forth by Habayit Hayehudi and its friends in Likud, which

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is based on a “divine promise” that has no validity in international relations, and leave that kind of talk to the prime minister’s Bible Study groups.

The Education Ministry must ensure that Israel’s teachers and students are taught about the real, internationally accepted basis for the Jewish state’s existence; the Foreign Ministry should make sure its diplomats are well versed in it; and the Jewish Agency should train its emissaries to recite it abroad. We don’t need anything else.

11> Special Solutions to the Israeli-Palestinian Conflict [Matzav, 11/10/17]

In leaked conversations, Jared Kushner, the son-in-law of United States President Donald Trump and his envoy to the Middle East, questioned the American administration's ability to find a solution to the Israeli-Palestinian conflict. His statement came in July of this year, a century after the start of the dispute and the Balfour Declaration . "You know everyone finds an issue, that, 'you have to understand what they did then,' and 'you have to understand that they did this.'" Kushner observed. "But how does that help us get peace?" The U.S. negotiator continued. "Let's not focus on that. We don't want a history lesson. We've read enough books. Let's focus on how do you come up with a conclusion to the situation.

On the one hand, Kushner's approach dictates that settling the actual Israeli-Palestinian dispute is required more than anything else. This is something positive. For over 100 years, we have heard that the conflict cannot be resolved by creating a common narrative that will form the basis for reconciliation between Jews and Arabs, Israelis and Palestinians. Each party retains a novel's worth of legal, political and historical impact, all of which clashes with the other side's narrative. The potential for resolving the conflict lies not in drafting a shared history, but in finding a compromise that is in line with the fundamental interests of the parties, such as those based on the criteria negotiated in Annapolis in 2008.

Still, Kushner and others must understand that such a compromise cannot contradict the two sides' accounts, and certainly must not ignore them altogether. These narratives serve public awareness and create the psychological conditions necessary to recognize the need to pay a painful price. Thus, the two narratives should be assigned an undefined presence with broad interpretation, but without practical implications. To this end, within his duties, Mr. Kushner should recognize and understand the special nature of the

Israeli-Palestinian conflict and the distinctive solutions needed to resolve it.

Every international conflict has its own advantages, but it seems that the Israeli-Palestinian conflict is unique in history after the Springtime of the Peoples. Its own nature has many varied elements that can explain both the conflict's length and the many complexities required to settle them within the framework of a permanent agreement.

General Assembly

In 1897, the first Zionist Congress in Basel adopted the decision formulated by Max Nordau under the Basel Plan, according to which "Zionism aspires to establish the Jewish people a homeland in the Land of Israel, promised by the common law." A young national movement has never undertaken a similar size commitment. It ruled that the right to self-determination of the Jewish people in their homeland would be resolved by the international community. Thus, 50 years later, in the Declaration of Independence of 14 May 1948, David Ben-Gurion was keen to point out the fact that the State of Israel had also been established "on the basis of the resolution of the General Assembly of the United Nations."

The leaders of the movement understood that the way in which the Jewish people would embody their right to self-determination would be anomalous precisely because the 2,000 year-old Jewish tragedy was anomalous. They did not believe that their unique predicament reduced the moral justification for realizing this right.

The Balfour Declaration

The Balfour Declaration was a statement of legal effect in its reliance on the imperialist principle of that time under which each

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state could embark on wars of conquest and decided the fate of newly seized lands. “The importance of the declaration lies first and foremost in the fact that it was the legal basis for the claim of Zionism in Palestine,” wrote Edward Said, a member of the Palestinian National Council, in 1979. The declaration was issued to the Jewish people as a whole, who were not all resident in the country at that time. Thus, the Jews consider the declaration to be the first political force in their claim to the national homeland, which the Palestinians see in turn as the starting point of the conflict. The Palestine Liberation Organizations articulates as much in its 1964 charter: “The Council recognizes that aggression against the Muslim Ummah and its land began in 1917.” The significance of 1917 in the Palestinian narrative has not changed, even ten decades later. Indeed, in a speech to the United Nations in September 2016, Palestinian President Mahmoud Abbas referenced the “notorious Balfour Declaration.”

Special Mandate

The Mandate Instrument for Palestine issued at the April 1920 San Remo Conference and adopted by the League of Nations in August 1922 stated that British control “should create in the country [Palestine] political, administrative and economic conditions that guarantee the establishment of the Jewish national homeland.” This statement is rather abnormal, and a special characteristic of the dispute.

Under the leadership of United States President Woodrow Wilson, the principle of self-determination replaced the imperialist concept, determining that “the country belongs to its inhabitants and not to its occupiers.” While this principle was applied in most areas occupied by empires of the World War I era, the only place where it was not enforced was in Palestine. In 1947, the UN Special Committee on Palestine stated that “the principle of self-determination did not apply to Palestine when the Mandate was established in 1922 because of the aspiration to allow the

establishment of a Jewish national homeland.” The Arabs, who at the time constituted 90 percent of the country’s population, had to be content with equal civil and religious rights in a state established for the Jewish diaspora.

Demographic Importation

The demographic balance in the Land of Israel at the time of the Balfour Declaration and the Palestine Mandate was 9:1 in the interest of the Arabs and created an unprecedented challenge to the establishment of a Jewish democratic state. Unlike the typical process of establishing nations after the First World War, when the people, including minorities, remained in their places while new borders arose around them, the Jewish case presented a need to import people from the diaspora into Land of Israel.

This is how Ze’ev Jabotinsky describes the problem in the Council of Israel in 1919: “In other countries, the place where all the people live in their country is simple. This is the principle; but not in our country, which is in this regard is the land of non-naturalism ” Its citizens are outside the borders of the country. ” Thus, the fact that the country desired by the Jewish people was not empty of a population. Jabotinsky continues, “Since 1891, I had stressed that we are accustomed to faith in the outside of the country, that the Land of Israel is now all desolate, but the truth is that there is no such thing.” There were people in the country, and the people of this country had different national aspirations than the aims of the Zionist movement.

Less Land

The borders of Mandatory Palestine as agreed upon at the end of 1922 were different from those discussed at the Versailles Peace Conference in February 1916. The delegates at Versailles presented the proposal of the Zionist Histadrut, which included parts of

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Lebanon, Syria, Jordan, and Egypt. That landmass would be about 45 thousand square kilometers in area. In the end, the future State of Israel's political borders were set at about 27,000 square kilometers. As a result, the victorious superpowers Britain and France determined the boundaries of the territorial units adjacent to the Land of Israel. The Sinai Peninsula was given to Egypt on the basis of the administrative line of 1906. Transjordan (today's Hashemite Kingdom of Jordan) was handed over to the Hashemite family, partially implemented by the British promise to Hussein ibn Ali in 1915. The line between Syria and Lebanon was decided on the basis of French national interests.

The Emergence of a People

Another special feature relates to the fact that the Palestinians are a people that grew up like other Arab peoples crystallized in the Arab sphere of the Ottoman Empire. The report of the partition committee in 1947 stated that "the will of the Arab people in Palestine to ensure their national existence is certainly natural." But Palestinian nationalism, unlike Arab nationalism, is itself a relatively recent phenomenon. "

Until the end of the nineteenth century, the Arab population did not use the name of Palestine to refer to their national territory. They saw themselves as belonging to Greater Syria, in the southern part of the region, which now includes Syria, Lebanon, Israel and Jordan. At the first Arab National Congress held in Jaffa in January 1919, the Arabs were assigned as part of Greater Syria. With the consolidation of the mandates at the San Remo Conference in April 1920, the Arab world exposed that Britain had no intention of carrying out its promises to Hussein Ben Ali about the establishment of the Kingdom of Arabia. France, which received the Mandate of Syria, expelled Faisal from his throne in Damascus in the Battle of Methallon in July 1920. These actions decimated the Pan-Arab dream and prompted the Arabs of the Land of Israel to solidify their political demands in Palestine.

At the Third Arab National Congress, in December 1920, the Arabs of Palestine began to define themselves as the Arab Palestinian Executive Committee and asked for the formation of a government. At the Fourth National Congress, in May 1921, they were defined as the “Palestinian Arab people.” The national movement of Palestinian Arabs divided the Land of Israel quickly and culminated in the Arab Revolt in 1936 and in the formation of the Higher Arab Committee headed by Grand Mufti Haj Amin al-Husseini.

The White Paper

Britain’s narrow enforcement of the Mandate Instrument issued by the San Remo Conference in the modern day countries of Israel and Jordan (about 130,000 square kilometers) provided to be another unique element of the conflict. Already, the Balfour Declaration of 1917 had promised to establish a national homeland for the Jews in Palestine. That is, in part of the Land of Israel, and not all of it. Later, after the French overthrew Faisal, Winston Churchill rushed to announce at the Cairo Conference in March 1921 the transfer of Transjordan (about 91,000 square kilometers) to Prince Abdullah (Faisal got Iraq).

In order to ensure this legal-political decision, the first White Paper was published by Churchill in June 1922. After the adoption of the Mandate of Palestine at the League of Nations in August 1922, the Zionist movement accepted that month at the conference of Clerksbad both the Mandate and the White Paper. “The current political situation exists under two important documents, the Mandate instrument and the White Paper of the British government... the White Paper, which the Zionist administration agreed upon after long and difficult consultations with the British government and with the High Commissioner and not with an easy heart,” Chaim Weizmann wrote at the time. Even Jabotinsky acknowledged this. In response to press questions following his resignation from the Zionist Executive, stating that he was fully

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responsible for signing the Yishuv's consent to the White Paper. In September 1922, the British Mandate was issued by the British High Commissioner for Palestine, Herbert Samuel, who removed the eastern part of Palestine from the Balfour Declaration's purview and established the Emirate of Transjordan.

In 1937, following the Arab Revolt that broke out a year prior, the Peel Commission published its recommendation for the partition of Palestine, declaring that "this is a struggle between two national movements whose demands are effective and cannot be reconciled between the demands of one another." The proposal to implement the Balfour Declaration was once again reduced to about 17 percent of the country's area between the river and the sea. It should be noted that the rest of the land, with the exception of Jerusalem and Riwaq to Jaffa, remains under the control of the Mandate, for Prince Abdullah, not for an independent Palestinian state. The British, who despaired to resolve the differences between the two peoples in the country, did not eventually implement the Mandate instrument and did not establish a national homeland for the Jewish people in the Land of Israel.

Recognition of the Arabs

The Zionist movement, even though it was in a struggle for life or death with the Palestinian national movement, was the first to recognize that the Arabs of Palestine had the right to self-determination under the framework of the dividing the country. In a speech in Ein Harod in 1924, Ben-Gurion reflected that, "Certainly, the Arab community in the country has the right to self-determination and to govern themselves. It is not reasonable to underestimate or minimize this right."

In February 1947, after deliberations on the future of the Land of Israel in London, Ben-Gurion sent a letter to British Foreign Secretary Ernest Bowen, calling for partition and the establishment of two independent states: "The only possible immediate

arrangement, the basis of which is the completion of two states, one Jewish and one Arab, “he wrote.

Without Borders

The State of Israel has never declared its borders: not in the Declaration of Independence of May 14, 1948, and not for the nearly 70 years since. In the Arab world, this is understood as a strategy of permanent expansion at the Palestinians’ expense, without giving importance to Arab responsibility in this regard. Thus, for example, in the deliberations of the Security Council in April 1948, the delegate of the Arab Higher Committee, Jamal al-Husseini, admitted that “the representative of the Jewish Agency told us yesterday that they are not the aggressor. The Arabs are the ones who started fighting... In practice, we do not deny this fact... We told the world... We do not agree to divide small Palestine, and we intend to fight against this.”

The decision not to declare borders was a conscious choice for the Government of Israel, as Ben-Gurion described it to the People’s Council in May 1948. “We decided to evade this issue for a simple reason: if the United Nations implements its decision, we will respect all decisions. So far the United Nations has not done so... and therefore everything is not necessary and we have kept this issue open.” The border issue was left open to future development.

The Green Line

As a rule, the international community treats the armistice lines of 1949 as the recognized borders of Israel. These boundaries are often called the Green Line or the June 1967 lines. It grants Israel 78 percent of former Mandate Palestine. With the end of the War of Independence, the minister of defense published decrees, applying Israeli law, administration and judicial power to the land occupied beyond the borders of the partition resolution.

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Despite the article in the Charter of the United Nations, which prohibits the acquisition of land by force, Security Council resolution 242 of November 1967 granted a de facto recognition of Israel's territorial gains from the War of Independence. The resolution called for the withdrawal of Israel's armed forces only from the territories occupied in the Six-Day War, and thus, without any agreement, recognized Israel's sovereignty over land outside the partition areas. This decision was formally made in the advisory opinion of the International Court in The Hague in June 2004 when judges pointed out that the West Bank and Gaza Strip are the only occupied territories at play in the Israeli-Palestinian dispute.

This declaration was once again formally endorsed by the United Nations General Assembly when 138 countries voted to accept Palestine within the 1967 borders as an observer state.

Insecurity

Another special feature of the conflict relates to the fact that Israel, despite its power, still places the issue of security as a central factor in the implementation of the two-state solution. Israel's demands a future Palestinian state be demilitarized, lacking a regular army and heavy weapons. Further, Israel insists that Palestine be prohibited from entering into military alliances with other countries and expects international forces to be present in Palestinian territory as a guarantee on security.

The Right of Return

The demand on the part of the Palestinians to realize the right of return in the State of Israel, even if symbolically, is a special issue at the heart of the Arab narrative. A solution to the refugee question which allows displaced persons and their descendants to return to the State of Palestine (established in the current occupied

territories) is not acceptable to some. In an unprecedented way, they want to return specifically to Israel and not to their state. For their part, to return to their villages even if they were in another country and even if they could return to their homeland and country.

The Demand of Recognition

A new and important feature of negotiations is the demand that the Palestinians recognize Israel as a Jewish state, the national state of the Jewish people. Israel is the only country that demands recognition of its identity, not just its sovereignty. The recognition by the PLO of Resolution 181 of November 1988, the State of Israel's right to exist within recognized and secure borders in accordance with UN Security Council Resolutions 242 and 338, as in 1993 does not satisfy Israel.

Interference of Interests

Each party's willingness to compromise stems from the understanding that its ability to achieve its intrinsic national interest also involves the other party's interest. Recognition of this fact by Israelis and Palestinians is necessary to reach an agreement.

Fundamental Issues

Each of the four core (borders, security, Jerusalem, and refugees) issues requires flexibility and creativity to address the tension between the positions of the parties. The Palestinian position on the first three entails an Israeli withdrawal to the 1967 lines in accordance with UN Security Council Resolution 242. For the Palestinians, this is a compromise in exchange for ceding the quest to "take back" 100 percent of historic Palestine.

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The Israeli security perspective focuses on instability in the broader Middle East region and the fact that the West Bank dominates the Israeli coastal plain, leaving Israel without strategic depth. Israel has maneuvered around this with demands for the absence of a Palestinian army in the Palestinian state. Should Palestine accept demilitarization, they would join Costa Rica as the second country to renounce the right to armed forces under international law.

On the subject of borders, Israel wants to avoid having to evacuate the 600,000 Jewish settlers living east of the Green Line. A possible way around this is land exchange. On the question of Jerusalem, Israel's interest is concentrated on holy sites. Here two solutions are presented: First, the division of sovereignty along the Wailing Wall, the Jewish Quarter, half the Armenian Quarter, and the rest of Mount Zion. The other offers internationalization of the historic basin by a multilateral administration and bilateral arrangements between Israel and Palestine.

The refugee issue is experiencing an emerging tension between a refugee's personal right and a demographic threat to Jewish identity in the State of Israel. The absorption of refugees in the State of Palestine is a possible solution to this issue. Knowing each of these aspects of the conflict and the proposed solutions can relieve mediators, American or otherwise, of unnecessary failure and frustration and spare the parties another round of violence. Third-party intermediaries like the United States must ensure a clear and detailed framework for the conduct of negotiations, but also give room for both narratives and a self-sense of fairness and integrity in the agreement. This mixture can ensure the parties' commitment to talks, as well as signing and implementing an accord and working with determination on its stability.

12> It All Starts With Education [Matzav, 21/08/17]

In 2011, Bezalel Smotrich published an article in the magazine “B'Sheva” entitled “We Deserve More,” in which he wrote that “The state should invest more in religious Zionist education. Why? Because its sons have been assigned the task – to lead the nation of Israel.” Many simply dismissed this declaration as irrelevant nonsense, calling it racist, delusional, and impossible. The report published in Lior Detel’s article (The Marker, 17.8) shows that Smotrich’s heart is truly where his mouth is. Naftali Bennett and his party members truly believe in it, and when given the power they have no inhibitions to implement their doctrine.

It should be noted this assertion – the task of leading the state – does not relate to the democratic process, but rather to the privilege that they attribute to themselves on behalf of their religion is based on Kookism – the teachings of the Rabbis Kook, the founders of religious Zionism. They believe that political reality carries messianic omens, and their unquestioning faith gives them the ability to decipher the will of God and the secret that decodes the course of history. Therefore, it is very important to nurture religious Zionism and to do so in a clear preference over others.

It turns out that Gideon Saar and Shai Piron also share this agenda. According to data from the Ministry of Education, between 2012 and 2016, the Ministry increased the budget for religious high school students more than any other demographic – reaching a peak of 33,000 NIS per student per year. This amount is 22% higher than the budget allocated to secular Jewish high school students, and 67% higher than the budget allocated to Arab high school students.

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A study by the Macro Institute reveals that the preference for this sector over others is also evident in other areas. The budget for 2017-2018 gives a clear preference to those living in the West Bank: residents of Judea and Samaria receive benefits and tax grants that are higher in 24% of the Negev residents, 19% more than in the Galilee and 5 times the average Israeli living west of the Green Line.

A study by the Adva Institute reveals that government participation in the budgets of non-Haredi communities in the territories – not including balancing grants – stood at nearly 3,000 NIS in 2015, almost 50% more than in the development towns, where per capita participation is only 2,000 NIS. The balancing grants to the non-ultra-Orthodox settlements were close to NIS 1,000 per capita, about 50 percent more than the balancing grants to the development towns. But among the settlers, too, the distribution takes place in a clear order of preference. Per capita participation in the national council's budget is only 1,415 NIS in the ultra-Orthodox settlements, which are not identified with Gush Emunim's ideology over the years, whereas in others the participation is 2,953 NIS per capita.

The shaping of the political position of the youth will affect the political system, the character and the regime of the State of Israel in the coming years. This insight is not hidden from those who wish to settle in people's hearts and promote nationalistic messianic ideas.

If these trends are not halted and the process does not reverse, Israel will move closer to the realization of Lord Nathaniel Rothschild's warning in his letter to Herzl in 1903: "I should view with horror the establishment of a Jewish Colony pure and simple; such a Colony would be Imperium Imperio; it would be a Ghetto with the prejudices of the Ghetto; it would be a small petty Jewish State, orthodox and illiberal, excluding the Gentile and the Christian.

People & Borders

The war on the character, identity and future of the State of Israel must be returned to the field of education, which was abandoned many years ago by the ruling parties, granted as an unholy fee for the establishment of a government. This is a long process, but for the minority that still believes in the possibility of a different Israel, there is nothing left to do but to start rebuilding it.

13> Jason Greenblatt's Challenge [Haaretz, 15/08/17]

American envoy Jason Greenblatt has stepped into the shoes of all those who tried to find a solution to the conflicting national aspirations of the Jews and Arabs in the land of Israel. His visits and meetings with those familiar with the issue indicate he wants to learn from past experience. Even if an American initiative seems a bit distant today, because of Prime Minister Benjamin Netanyahu's investigations and U.S. President Donald Trump's situation, one can hope that Greenblatt will learn the historical lessons of international involvement in the conflict.

Examining a hundred years of this conflict shows that the international community hasn't succeeded in imposing its decisions on the parties. All the proposals for dividing the land, from the Peel Commission (1937) through the Partition Plan of 1947 were rejected by either one or both sides, and all the international resolutions since then are gathering dust in the UN archives. This tells us that there isn't much of a chance to impose a permanent agreement on the parties and expect them to accept it and implement it as written.

But even within this series of failures we can point to two successes. The first was that the international community in 1922 was able to establish the object of the conflict as the area of Mandatory Palestine-Eretz Yisrael between the Jordan River and the Mediterranean Sea. Despite the involvement of the Arab states in the Israeli-Palestinian conflict, it is universally acknowledged that the territorial dispute applies solely to the borders of Eretz Yisrael.

When the War of Independence ended, the international community allowed Israel, Jordan and Egypt to retain the lands they'd captured that were meant for the Palestinian Arab state, but

it forced Israel to withdraw to the Mandatory lines from those areas it had seized in the Sinai and Lebanon. Even after the 1956 Sinai Campaign it forced Israel back to the Green Line. These successes can be attributed to Israel's relative weakness during that period, which is not the case today. But while Israel is indeed a regional power, the Palestinians have power of their own; their very weakness gives them the ability to withstand pressure that seeks to harm their vital interests.

The international community's second accomplishment was in creating diplomatic frameworks for resolving the conflict. Their success depends on the parties seeing them as compatible with the achievement of their interests. The Partition Plan of 1947 wasn't implemented but it established the key to resolving the conflict – partition. This is because the international community thought then, as it does today, that “the claims to Palestine by both the Arabs and the Jews have validity and are irreconcilable. Of all the proposals made, partition is the most practical.” But only the Jews accepted this solution at the time.

The most significant success was the UN Security Council Resolution 242 in November 1967, which established land for peace as the basis for resolving the conflict. And indeed, after another war in 1973, which persuaded Israel that it couldn't preserve the status quo, the resolution was partially implemented; an agreement was signed under which Israel returned the Sinai Peninsula to Egypt, and the latter exited the cycle of war.

Jordan's disengagement from the West Bank in 1988 and the Oslo Accords in 1993 allowed Israel and Jordan to sign a peace treaty in 1994 and restore the border between them to what was set in 1922. It's still important to recall that even there, the two sides needed the deep involvement of an American mediator and financial incentives to reach an agreement.

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The Palestinians have been able to represent themselves since 1988 because they finally accepted UN Resolutions 181 and 242. Because of the geopolitical reality that had been created with the fall of the Soviet Union, along with the emergence of a local leadership during the first intifada, these UN resolutions constituted the only platform on which the PLO could seek to realize the Palestinian national aspiration to an independent state, even at the cost of giving up 78 percent of “historic Palestine.”

The international community can influence the definition of the parties’ interests and take advantage of the diplomatic framework that has been created to resolve the conflict. The balance of power between the different camps among the public and in the political system sets and defines those interests. The Israeli public has for years been subject to the Netanyahu governments’ efforts to maintain the ethos of the conflict and reject the two-state solution. In recent years this effort has even been accompanied by legislation designed to limit the power of those who support this solution.

On the Palestinian side there is the threat of Hamas, which sees all of Palestine as one and the return of all the Palestinian refugees as the only solution to the conflict. Palestinian organizations are also restricted in their ability to forge ties with their Israeli counterparts. The international community can strengthen the capacity of these organizations to influence public discourse.

To succeed where others have failed, it would behoove Greenblatt to establish a clear framework and parameters for a final-status agreement and to work out a package deal that will include deterring “sticks” and encouraging “carrots,” and to create an international atmosphere that will allow the civil society on both sides to influence the definition of their respective interests and national positions.

**14> What It Takes to Be a Liar [Haaretz,
31/07/17]**

A year after being elected prime minister in 1996, Benjamin Netanyahu slandered, incited and sowed division by telling Rabbi Yitzhak Kedouri, “The left forgot what it is to be Jewish.” Twenty years later, Netanyahu clearly still has not learned what the Jewish people is. His conduct with regard to the Western Wall worship compromise and the conversion bill set a new record for his deceptive policies concerning both the Israeli-Palestinian conflict and relations with Diaspora Jewry.

Netanyahu has never understood that to display credibility, there must be a relationship between words and deeds. It now seems he has also forgotten that the two most important qualities for a liar are consistency and a good memory.

The claim that the Palestinians led by Mahmoud Abbas are unwilling to recognize Israel as the nation-state of the Jewish people serves Netanyahu as perpetual justification of his rejection of a two-state solution. He holds that the Palestinians have no intention of making peace, but only “to return [Israel] to the narrow borders that existed prior to the Six-Day War. Afterwards, they will renew their offensive from these borders to destroy the Jewish state”.

But in complete contrast to the Palestinians, who have no power either to militarily threaten Israel’s existence or to influence its identity and character within its recognized borders, Netanyahu is actually the one who, given his influential position, both has the power to and is succeeding in threatening the state’s character and identity and building a wall between it and the Jewish people, in order to preserve his bridge to a group of settlers and their supporters who threaten the future of the Zionist dream.

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Implementing the Zionist idea, which sees Israel as the state of the Jewish people, has been a guiding light to successive Israeli governments ever since the state was established. Prime Minister David Ben-Gurion explained his position on the upcoming armistice talks in Rhodes during an internal discussion that took place in mid-December 1948: “The main goal now is peace. There is an excess of intoxication with victory. [Jewish immigration] requires an end to the war; our future requires peace and friendship with the Arabs”.

And as the late Revisionist philosopher Israel Eldad later admitted, “The state would not have been built had it not been for what the left and the pioneers’ movement did. ... We wouldn’t have established a state. ... [Menachem] Begin wouldn’t have brought a million Jews from Middle Eastern countries”.

The challenge is greater today, because circumstances have changed since the state’s early days. Around half of the world’s Jews now live in Israel, and the rest are mainly in the United States and other developed countries. Thus the challenge for a government that seeks immigration is to guarantee that Israel serves as a source of inspiration and identification for Jews from various movements, not only for Orthodox Jews. It must ensure that Israel remains a democratic state that safeguards its citizens by guaranteeing the conditions that make their personal, economic and cultural fulfillment possible.

But as we know, Netanyahu and cabinet members Naftali Bennett, Ayelet Shaked, Arye Dery, Yaakov Litzman and Miri Regev are working for the exact opposite. This space is too small to detail all the actions, laws, statements and budgets of the Netanyahu government against these goals in every area in recent years: in foreign relations, against the Palestinians, the Arab world and Israel’s supporters in Europe and America; in the social sphere, in regard to the cost of living, the culture wars, the loyalty laws and the exclusion in and growing religiosity of the education system

and the public square; and on the legal front, in the justice minister's war on the Supreme Court and the attorney general's protective behavior.

Netanyahu also sees both Diaspora Jews and Israelis living abroad as pawns in his game of personal political survival. In 2010, together with Avigdor Lieberman, he promoted a bill allowing Israelis living abroad to vote in Israeli elections, because he believed the prevailing assumption that they lean toward the right.

His cynical exploitation of the Holocaust for cheap political gain reached new heights recently, when he ignored the Hungarian prime minister's approbation for Hungary's Arrow Cross party, which collaborated with the Nazis, and even backtracked to come out in support of an anti-Semitic incitement campaign against George Soros, a Holocaust survivor and a well-known donor to the U.S. Democratic Party. This shortsightedness from the son of a historian has deep roots in the Israeli right. Until Netanyahu recognizes his error, we will all pay the price of his disrespect for the Holocaust and for ties with Diaspora Jewry.

The shortsightedness that is the Netanyahu government's main characteristic has not skipped over the area of immigration. This government even contravenes its own messianic political vision — which is unfeasible from the demographic, economic and security perspectives, as well as immoral — of annexing the West Bank, or at least a large portion of it.

Netanyahu, like his ministers, is well aware of the current demographic balance and the forecast for the next few years in British Mandatory Palestine. They know there's no credible scientific basis for claiming that the West Bank Palestinian population is smaller than the figures of all the states and official organizations. They recognize that the possibility of realizing their dream while putting off the demographic threat it entails depends on massive Jewish immigration, just as Israel gained time in the

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1990s thanks to mass immigration from the former Soviet Union. Yet their blindness is absolute.

The only bridge the Netanyahu government wants to build and has built is a bridge to the messianic ultranationalist settlers and others of “our crowd,” who are cushioned with mountains of shekels and carried on the shoulders of Israeli soldiers. This is a tiny group that doesn’t represent the Jewish people and seeks to annex the West Bank, or parts of it, to Israel even at the price of annulling the Zionist dream of a democratic state with a Jewish majority.

But neither this government nor those settlers will be anything but a passing stain on the history of the Jewish people. Because Netanyahu is the one who has “forgotten what it means to be a Jew”.

15> Is Israel Becoming A Fascist State? [Haaretz, 21/04/17]

Is the attempt to bring the Messiah “by means of human hands” – i.e. by members of the right wing Habayit Hayehudi party and their Likud colleagues – flooding Israel with characteristics of fascism as defined by Umberto Eco in his renowned “Ur-Fascism” article in the New York Review of Books in June 1995?

The Italian semiotician and author, who passed away last year, wrote that eternal fascism (“Ur-Fascism”) is present everywhere, always. Sometimes it wears civilian clothing and can return in the most innocent of garbs. In the article, which he wrote to mark the 50th anniversary of the end of World War II – which more than anything symbolized the victory of the human spirit over the darkest regimes – Eco argued that it is our duty to expose fascism and point out any new appearances every day, throughout the entire world.

He wrote that the fascistic features listed in his article cannot be organized into a system – some contradict one another, while others characterize other forms of despotism and fanaticism. However, the presence of just one of these characteristics is enough to allow fascism to coagulate around it.

Indeed, the Messiah isn’t about to come – but maybe his donkey is wearing fascism. The Messiah doesn’t seem to share the belief of the “Beginning of Redemption” espoused by the followers of Rabbi Kook, who see the establishment of the state, its military victories and the settlement enterprise as signs that He will come in our own times to build the Third Temple and reestablish the Kingdom of David.

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I have chosen to present a selection of comments made by Israeli politicians – mostly on social media – alongside seven of the characteristics Eco discussed, in order to examine whether Israel is heading toward a fascist regime, or whether this is nothing more than foam on the waves, which will disappear as the waters break on the shores of strong Israeli democracy.

Cult of tradition

A “cult of tradition,” based on the assumption that the (divine) truth has already been given to us and all that remains is to continue interpreting the message we have received, stands out in the words of three Knesset members. Culture and Sports Minister Miri Regev concluded her Knesset speech to mark Bible Day in July 2015 by saying, “It has already been said many times that the Bible is not only a historical story ... but also a book that always maintains a dimension of current events.” The Likud lawmaker added, “The answers that are found in its pages, as well as questions formulated among its chapters, position it as an ongoing, eternal spiritual and practical guide that instructs us in all times”.

The second MK, Moti Yogev (Habayit Hayehudi), more than anyone else expresses the philosophy of his own party. He does this bluntly and without recourse to smokescreens, which is what party chairman (and education minister) Naftali Bennett does. In August 2015, Yogev wrote a Facebook post condemning the actions of Israel Defense Forces Chief of Staff Gadi Eisenkot, stating: “The Military Rabbinate connects soldiers to Jewish tradition as the roots of the tree giving it the strength to grow and flourish.” And Yogev’s party colleague, Nissan Slomiansky, is devoting his energies to advancing a Knesset bill that would deepen the influence of Jewish religious law (halakha) on contemporary legal rulings.

The rejection of modernism

This “traditionalism” contains a characteristic Eco called “the rejection of modernism.” Adherents to the tradition perceive the modern age as the start of a dangerous process that leads to apostasy. In August 2015, Yogeve published a Facebook post protesting the opening of the Yes Planet cinema complex in Jerusalem on Shabbat. “Observing the Sabbath is a matter that determines the character of the Israeli nation,” he wrote, expressing regret that “Tel Aviv is ‘a city that never stops,’ and maybe doesn’t even know what it is missing on the Sabbath”.

In September 2016, Bennett declared at an event honoring the Tali Foundation (which funds Jewish enrichment studies in secular schools): “Studying Judaism and excelling in it is more important to me than studying math and sciences,” and rejected subsequent criticism of his position.

Anti-intellectualism has always been a symptom of fascism. The persecution of liberal intellectuals for their betrayal of traditional values was a guiding light of the fascist elite. Poet Lea Goldberg explained this when she wrote that intellectuals and artists threaten dictatorships and worldviews that deny human liberty, by teaching “humanity to say ‘no’ with bitter mockery when the time demands it”.

In an interview with the newspaper Israel Hayom in September 2015, Regev presented new criteria for defining culture: “Someone who has never been in a theater or cinema and who never read Haim Nahman Bialik can also be cultured,” she declared. “He can be far more cultured than the people who air their fur coats once a month at some theater.” But even these definitions pale when compared with the words of MK David Bitan (Likud), who declared in March: “The last time I read a book was 10 years ago”.

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In January 2015, Ayelet Shaked (Habayit Hayehudi, and now the justice minister) posted on Facebook: “Natan Zach supports diplomatic terror against Israel,” referring to the revered Israeli poet, but hastened to remove her post. And in a July 2016 post in response to a Facebook tirade by film critic and radio presenter Gidi Orsher, Regev vowed: “These are the death throes of the old elite, and I will not stop until this racist elite is deprived of its assets and positions of power”.

Fear of difference

Calling any opposition traitorous is another defining characteristic of fascism. In October 2016, Bitan called for revoking the citizenship of the head of the human rights group B’Tselem. This February, his Likud colleague, MK Miki Zohar, wrote on Facebook: “Whenever an extreme leftist organization rises up, it makes sure to proclaim its self-righteous principles, presumably to look good to the rest of the world, even at the price of harming the State of Israel and its security. So one time it is B’Tselem, another time it is Breaking the Silence, and in the case of [the dismantled settlement] Amona, there was Yesh Din [Volunteers for Human Rights]. It is important to note that these organizations are funded by millions of dollars from elements all over the world who are hostile to Israel”.

MK Tzipi Hotovely (Likud, now also deputy foreign minister) wrote this on Facebook in September 2014: “The refusal by officers of Unit 8200 [referring to intelligence reservists who refused to serve in the territories] is a social explosive belt, and reflects the moral bankruptcy of the education system in which they grew up. They are not worthy of serving in the most moral army in the world”.

Meanwhile, Shaked complained in September 2014 that “the High Court of Justice trampled on the legislative branch,” after the court rejected an amendment to a law dealing with asylum seekers. And in August 2015, Yogev wrote on Facebook: “Supreme Court Justice

Uzi Vogelmann, in his ruling today, which delayed the demolition of murderous terrorists' homes, has put himself on the side of the enemy. He is defending the rights of murderers, and thus prevents punitive measures and endangers lives”.

In a Facebook post in 2015, Bennett called on Israelis to vote for Habayit Hayehudi, on the grounds that “no one else will fight against the legal tyranny of the High Court of Justice, which is mortally harming our state.” And he didn't hesitate to bring electioneering into the Israel Defense Forces, writing, “For the sake of the Jewish people: Pick up your phones, convince the soldiers in your brigade!” Thus, he encapsulated the harsh comments by his fellow party members concerning the Supreme Court.

All these grave remarks indicate ignorance and a lack of basic understanding of the respective roles of the legislature and judiciary. Their aim is to “mark” as traitors – illegitimate – all those who opposes the spirit of the current government.

Appeal to a frustrated middle class

In this area, Habayit Hayehudi once again leads the way. In March 2015, Bennett declared that “Habayit Hayehudi [which means Jewish Home] is Israel's social home.” Meanwhile, in a September 2013 Facebook post, MK Eli Ben-Dahan explained that when he visited south Tel Aviv, “I saw some of the effects of leaving the infiltrators [African asylum seekers] in Israel. The inhabitants of south Tel Aviv have been living in fear for a long time. We must rectify this, and I am working to restore the Jewish spirit there”.

Everybody is educated to become a hero

The cult of the hero is directly connected to the cult of death – heroism is the norm in fascism. Statements that express militarism and sacrifice for the sake of the state have many progenitors. In

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February 2015, Bennett wrote a post directed at opposition leader MK Isaac Herzog: “Religious Zionism is no longer going around with its head down,” he wrote. “We are standing up straight. We are big and strong, influencing and contributing, proud of who we are. The cemeteries are full of heroes, graduates of the pre-military programs and the hesder yeshivas, and graduates of Ezra and Bnei Akiva” – religious Zionist youth movements.

And in October 2015, Yisrael Beiteinu Chairman Avigdor Lieberman (now also defense minister) wrote on Facebook: “I expect that at the end of the cabinet meeting this afternoon, there will be clear decisions and guidelines: No male or female terrorist will emerge alive from any terror attack; and to apply emergency laws and install a military government wherever necessary, in order to eradicate terror. Security is achieved with an iron fist”!

Life is permanent warfare

“Fascism does not fight for life, it lives for the struggle.” This seems to be the belief of Prime Minister Benjamin Netanyahu, who, hinting at the assassination of former Prime Minister Yitzhak Rabin, said in October 2015 at the Knesset Foreign Affairs and Defense Committee: “These days, there is talk about what would happen if this or that person would have remained. It’s irrelevant. ... I’m asked if we will forever live by the sword – yes”.

In a February 2014 post, Bennett promised soldiers doing guard duty in the rain that it will end some day, but “one day you will be at home with your wife, your children, in the warmth, with a thick, thick blanket, and then the next soldiers will be guarding you”.

Obsession with a plot

At the root of fascist psychology is the obsessive belief that international bodies are conspiring against the state, which is therefore under siege. Consequently, many fascist regimes are characterized by appealing to xenophobia. This serves them well. Netanyahu leads in the number of such comments on his office's website: "A deep and wide moral abyss separates us from our enemies. They sanctify death while we sanctify life. They sanctify cruelty while we sanctify compassion" (July 2014). "Will we surround the entire State of Israel with a fence and barrier? The answer is yes. In the environment where we live, we must defend ourselves from wild beasts.(2016) "

In fascism, "[I]ndividuals as individuals have no rights, and the People is conceived as a quality, a monolithic entity expressing the Common Will. Since no large quantity of human beings can have a common will, the Leader pretends to be their interpreter." These are the words of MK Bezalel Smotrich (Habayit Hayehudi), in a 2011 article titled "We Deserve More" in the settler publication Sheva. "It is fitting that the state invest larger budgets in religious Zionist education," he continued. "Why? Because its sons have been tasked with leading the Jewish people".

When it comes to machismo and oppression of sexual minorities, Smotrich is without doubt the champion. In February 2015, on a high school panel in Givatayim, he said gay people and lesbians are "abnormal." And his colleague Yogev spoke out against the LGBT community in July 2013, telling Channel 10: "This is a phenomenon worthy of pity, not encouragement. ... This is not only a halakhic stance, but also a moral position that it is correct to articulate".

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Another feature of fascism, impoverishment of language, can be found in many of the aforementioned lawmakers, but no one comes close to the lows of Culture Minister Regev. All fascist textbooks used a limited vocabulary and the most basic syntax, limiting the tools needed for critical and complex thinking. In a short five-minute speech to an audience of high school students in 2012, Regev stated that MK Stav Shaffir (Zionist Union) was a communist; that former Labor Party leader Shelly Yacimovich voted for Hadash; and declared “Jerusalem forever and ever ... applaud”!

In his article, Eco quoted the words of U.S. President Franklin D. Roosevelt on November 4, 1938, which are relevant to Israeli democracy today: “I venture the challenging statement that if American democracy ceases to move forward as a living force, seeking day and night by peaceful means to better the lot of our citizens, fascism will grow in strength in our land”.

Eco began his article with a description of his boyhood in Mussolini’s Italy, which was captured by the fascist ideology for more than 20 years. Is it really the case now that, 50 years after the Six-Day War, all these statements by elected Israeli officials are nothing but foam on the water? Is Israeli democracy as strong and sturdy as we used to think?

16> Israel's Settlement Movement Isn't Growing The Way You Thought It Was [05/03/17]

Forget about alternative facts. We're now regressing to alternative analysis. In other words, we use facts but interpret them as we wish. The picture may be different but the country won't crash and burn.

Just before we adopt one of President Donald Trump's proposals for resolving the conflict, there's nothing like the increase in settler numbers in the second half of 2016. These figures in the Civil Administration's population registry reveal the deception and the real failure of the settlement enterprise.

This failure triggered desperate reactions by the messianic-nationalist camp led by Habayit Hayehudi's Naftali Bennett, Uri Ariel, Ayelet Shaked and their friends in Likud. Habayit Hayehudi Knesset members tried to conceal the failure via various proposals: the land-grab law by Shuli Moalem, the annexation of Ma'aleh Adumim by Yoav Kish and Bezalel Smotrich, the annexation of settlement blocs and Area C by Bennett, and the annexation of the entire West Bank by Tzipi Hotovely and Miri Regev.

Such measures are apparently aimed at legitimizing the settlers' situation, based on the claim that it's high time to do so, and that the settlers' presence across the West Bank is irreversible and has already defeated the Palestinians and their national aspirations. This false claim seeks to justify the flow of tens of millions of shekels to the land-grabbers of Amona and the tens of millions from the Education Ministry for school tours to settlements operated under that Zionist moniker "Get to know the other and those who are different." Then there are the millions more for boarding schools in Israel whose goal is to win hearts and minds.

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And we haven't even said a word about the billions for infrastructure and security, or about the political, moral and social price Israeli society pays for these pipe dreams.

Betar Ilit and Modi'in Ilit

But what do the statistics really show? They show that in the second half of 2016, the Israeli population in the West Bank grew by 7,053.

Sound impressive? But it turns out that 43 percent of them live in the ultra-Orthodox settlements of Betar Ilit and Modi'in Ilit, and the vast majority due to natural growth. A third of Israelis living in the West Bank live in these two cities, which provide a cynical solution to the ultra-Orthodox community's housing crisis and whose residents see themselves as "settlers against their will."

In other words, the entire concept of "bolstering the settlement enterprise" is based on the natural growth of these two ultra-Orthodox cities, which account for 1.6 percent of the number of settlements. These are very poor cities, which are on the lowest, first rung of the Central Bureau of Statistics' socioeconomic ladder and are expected to be annexed by Israel under any land-swap scenario for peace.

For anyone who fails to grasp these facts, I'll repeat: The crowning glory of the settlement movement, that great startup for making Palestinians and their national aspirations disappear, is based on natural growth in two ultra-Orthodox cities to be annexed in any peace deal.

And what about their secular sister Ma'aleh Adumim that the right wing is so enthusiastic about annexing? Its residents have for long been voting with their feet; their number decreased by eight during the second half of 2016. In other words, if you factor in natural growth, you realize that dozens of families left Ma'aleh Adumim.

So maybe before they build in the E1 area east of Jerusalem, and instead of pouring money on cheap housing for poorer people pushed against their will to live in the territories, wouldn't it be better to divert these precious resources to constructing affordable housing inside Israel?

Anemic Ariel

And what about the remote Ariel, the capital of Samaria? It remains the smallest Jewish city in the territories; its growth accounted for just 4.5 percent of Israeli population growth in the West Bank in the second half. And regarding the other people moving to the West Bank, most have moved to secular settlements near the Green Line that will be annexed to Israel under a permanent agreement: Givat Ze'ev, which ultra-Orthodox newcomers have made poorer, to rung 5 from rung 6; Alfei Menashe; Oranit; Har Adar and Efrat.

The messianic-nationalist centers are the ones that have lost residents and whose population has weakened. Beit El has declined by 34 residents and sunk to rung 3, Elkana has lost 50 residents and sunk to rung 7, Kiryat Arba six people to rung 2, and even the Jewish community in Hebron has lost a resident.

The numbers point to known processes that have gone on for two decades despite the efforts to stem them and hide them (at huge expense to the Israeli taxpayer). There has been a 60 percent decline in annual Israeli population growth in the West Bank. The sources of growth are now the other way around; it's no longer due to migration – 80 percent is natural growth. In other words, about half the increase in the West Bank takes place in two ultra-Orthodox cities, and the population continues to decline in some settlements, especially the more isolated ones.

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The rational conclusion seems to be that the chances of ensuring the future of most Israelis living in the West Bank, including in East Jerusalem's Jewish neighborhoods, lies in a permanent solution that would leave 80 percent in their homes and under Israeli sovereignty. Therefore the residents of the blocs near the Green Line must demand such a solution.

Any solution involving the legalization of illegal settlements will only lead to violence and hurt the economy; the best people will abandon the more established settlements.

The billions Israel's messianic government intends to stream to the settlements will attract only weaker people whose chances of advancing economically are nil due to a lack of jobs in the settlements. They would join the Israeli workforce on the other side of the Green Line, or join the ranks of welfare recipients in the ultra-Orthodox cities.

The facts speak for themselves. The interpretation of the facts is another matter. You can always argue about it, but overdosing on fantasy pills and sliding into hallucinatory messianic trips aren't recipes for longevity. Israel would be better off overcoming the addiction and preparing for a two-state solution.

17> The Dangers of Annexing the West Bank [Haaretz, 25/01/17]

Israelis can't know for certain what it would look like if and when a two-state solution is adopted, but a "one state" future can already be seen in "united Jerusalem." Once a developing city with a decisive Jewish majority recognized de facto by the international community, it has become a city marred by rifts and violence, a desperately poor city losing its Jewish majority and the international recognition it wants so badly.

In 1967, the government annexed 70 square kilometers on which 69,000 Palestinians lived at the time, constituting just 26 percent of the combined city's population. By 2015 these numbers had reached 320,000 and almost 40 percent.

Because of Jewish migration from the city, because of its many tensions, within two decades Israel's capital will clearly become a city with a Jewish minority. If the Palestinians change their policy and decide to take part in local elections, the mayor and most of the city council will be Palestinian.

The most recent socioeconomic index from the Central Bureau of Statistics shows that out of 255 local governments, Jerusalem ranks 195th, tumbling dozens of places since the last report in 2008. According to the last poverty report, almost 50 percent of Jerusalemites – and 60 percent of the city's children – live below the poverty line, amid rising numbers of poor among the city's Arabs. Again, based on demographic forecasts, "united Israel" would also slide in the socioeconomic indexes. With a poverty rate of 45 percent, it wouldn't remain in the OECD for long.

The number of terror attacks in the city fluctuates annually, but the city's position as the top target is stable. The day-to-day friction and Palestinians' freedom of movement in Jerusalem create

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opportunities for terrorism, reflected in the fact that the city's Palestinian residents share in the struggle to create a state with East Jerusalem as its capital.

A unilateral annexation of the West Bank wouldn't make the Palestinians forgo their national dream. In the absence of separation and a security fence, it would be all the easier for them to ply violent resistance throughout "united Israel."

Much the same would happen with "united Israel" if we succumb to the annexation longings of Habayit Hayehudi's Naftali Bennett and Bezalel Smotrich. At the time of annexation, the proportion of Jews would be about 60 percent, but within 15 years the country would have an Arab majority. We would wake up into the reality that David Ben-Gurion warned about in 1947 even before Israel existed: "There can be no stable and strong Jewish state so long as it has a Jewish majority of only 60 percent."

There are some hard questions that the proponents of annexing the West Bank have to answer. What about Gaza? Can we simply ignore its 2 million people and claim, as Bennett does, that it can survive as a state on its own? What about the UN report predicting Gaza's socioeconomic collapse by 2020?

What about the Palestinian refugees? Could Israstine, a country with two peoples living together, prevent the refugees from returning, at least in part? What sort of army would a country like that have? Who would serve in it? Would the draft that doesn't apply to Israeli Arabs remain the law of the land? Would Israeli Arabs be allowed to volunteer for the army? Would we let them have guns?

Who would finance the welfare systems of the binational state? Who would take care of the millions who joined the circle of poverty? Would the younger generation agree to "shoulder the

burden” – serve in the army and finance the welfare of the Arabs while living in fear of terror attacks? Might they not prefer to live elsewhere, which actually is happening in Jerusalem today?

These questions are largely rhetorical because “united Israel” would mean perpetual civil war, apartheid and socioeconomic implosion. But these are the very questions that Benjamin Netanyahu is trying to sweep under the rug of his messianic-nationalist government. Its blindness and obtuseness prevent it from heeding the words of the philosopher Yeshayahu Leibowitz.

Immediately after the Six-Day War, Leibowitz wrote that annexing the territories would destroy Israel as the state of the Jewish people. It would bring destruction on the entire Jewish people, bring down Israel’s socioeconomic structure and sully the people – Jews and Arabs alike. And all that would happen even without the Arabs becoming a majority.

18> A.B. Yehoshua, You're Deluded: The Two-State Solution to the Israeli-Palestinian Conflict Remains Viable [Haaretz, 31/12/16]

If there is a sure sign that the Zeitgeist prevailing in Israel today is one of messianism, imperviousness and detachment, it's the triumph of fantasy over reality. There is no doubt here that a resolution can be achieved regardless of the situation on the battlefield and that psychological warfare can result in the desired outcome, even if the actual reality shows quite the opposite picture. But contrary to the spirit of the time, a battle is an event limited to a specific place and time, while the Zeitgeist is ongoing and open to interpretation.

It is hard to understand A.B. Yehoshua's recent about-face, in which he chose to hoist a white flag on behalf of the two-state solution. [Yehoshua calls on Israel to grant residency to some 100,000 Palestinians living in Area C of the West Bank but denies that this is annexation.] In his distress, he has turned to solutions that are completely divorced from the history of the conflict, and from the demographic and physical realities in the West Bank.

If, for example, Yehoshua were to take a drive from the Etzion Bloc (south of Jerusalem) to the southern Hebron Hills, he would discover that his car is one of the very few sporting Israeli license plates in a long convoy of Palestinian vehicles, and that he is being protected by Israel Defense Forces patrols and concrete barriers by the roadside. He would also learn that there is only one Jewish community in this area with a population of more than 5,000 (Kiryat Arba), and it is embedded in the midst of the Hebron district where some 750,000 Palestinians live. At this point, he would not dare say that the demographic and physical dominance of the Palestinians is "threatened" by the (Jewish) regional council in the southern Hebron Hills, whose population only numbers some 8,410 souls.

Alternatively, if he were to travel to northern Samaria and pass through the West Bank separation barrier at the Reihan crossing, Yehoshua would discover that the Israeli presence there amounts to two small communities – Mevo Dotan and Hermesh – where a grand total of 718 Israelis live, fueled by the Amana movement and exceptional state budgets, and protected by numerous IDF soldiers. Some 400,000 Palestinians currently live in the surrounding area, between Nablus and Jenin.

From here, Yehoshua could head to the Jordan Valley and observe along the entire route hundreds of thousands of dunams of agricultural land belonging to Palestinians, mostly planted with olive groves. He would discover that in the Arvot Hayarden Regional Council, which covers about 15 percent of the area of the West Bank, there are 22 tiny communities where a total of only 5,101 Israelis live. There has been an actual decrease in the number of Israelis living in some of these communities, with the record held by Ma'aleh Efraim, which has seen one in four residents departing over the past five years.

Then, Yehoshua could take the car southward to the Megillot Regional Council and find that in another 8 percent of the area of the West Bank, there are a mere 1,431 Israelis living in just six settlements.

Overwhelming majority

Yehoshua should also take a look at important data residing on official State of Israel websites. This would tell him, for example, that the Palestinians enjoy an overwhelming demographic majority of 82 percent in the West Bank. Sixty of the 126 Israeli settlements there are inhabited by fewer than 1,000 people, and only a total of 28,000 people live in all these 60 settlements combined.

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In 51 additional settlements, the number of residents in each place ranges from 1,000 to 5,000 (totaling 114,000 Israelis). The 15 remaining settlements are the ones that constitute the Israeli “settlement blocs.” Together with East Jerusalem, these “blocs” cover only 4 percent of the area of the West Bank – and about 80 percent of Israelis living beyond the Green Line (Israel’s pre-1967 borders) live in them. These are the territories that are candidates for annexation to Israel in the framework of land swaps, and no one is demanding the evacuation of “450,000 settlers” (the number of settlers quoted by Yehoshua).

And here’s another important fact: About 60 percent of the Israeli workforce in the West Bank works in Israel proper, and another 25 percent works in the education system (double the average within Israel). And it transpires that the smaller and more isolated the settlement, the greater the proportion of employees working for the local council or education system – this can reach 80 percent.

In addition, the socioeconomic report published recently by the Central Bureau of Statistics indicates a socioeconomic decline in seven of the “Jewish” councils in the West Bank. Moreover, it’s important to note that the two large ultra-Orthodox cities, Betar Ilit and Modi’in Ilit – which are home to about a third of all Israelis in the West Bank – are ranked in that index’s first “cluster” i.e., they are heavily subsidized by the state.

The respirator of the settlement enterprise is these exceptional budgets. The Macro Center for Political Economics has found that in the 2017-2018 budget, each Israeli living in the West Bank will be allocated nearly four times the national average, and tens of percentage points more than a resident of the Galilee or southern Israel.

Nevertheless, in the past 20 years there has been a drastic decline in the annual growth rate of the number of settlers – from 10.4 percent to only 4 percent now. The causes of population growth have also changed considerably. Today, only a third of settler growth comes via immigration from within Israel proper to the West Bank, while two-thirds stems from birthrate (half of which is accounted for by the Haredi cities of Betar Ilit and Modi'in Ilit, which will likely be annexed to Israel in any future agreement).

Israelis do not travel on two-thirds of the roads in the West Bank. And there is no significant Israeli agriculture or industry in the West Bank, with nearly all those workers you see in the fields being Palestinian.

If Yehoshua had noticed these facts, he would have understood that it is precisely an attempt to overcome the failure of the settlement enterprise that the plan to annex Area C was born, as Education Minister Naftali Bennett has himself already admitted: “The full annexation of the West Bank with the 2 million Arabs there ... is not practicable and endangers the State of Israel for reasons of security, demographics and values,” he has said.

And if Yehoshua continued his West Bank tour, he would discover the extent to which Bennett's plan is groundless from the security, diplomatic, legal and, especially, physical angles. It's easy to discern that, contrary to what was presented in a video produced by Bennett's Habayit Hayehudi party recently, Areas A and B in the West Bank are not contiguous blocs, spreading over 40 percent of the West Bank. Instead, they consist of no less than 169 Palestinian blocs and communities, cut off from one another by innumerable Israeli corridors and unused IDF firing zones that are together defined as Area C.

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Yehoshua would then understand that, in fact, Bennett is proposing to increase the length of the Israeli border from 313 kilometers to 1,800 kilometers (194 to 1,118 miles). If he continues to believe Bennett, he will doubtless back the dismantling of the security barrier that Israel has built to the tune of 15 billion shekels (\$3.9 billion), but he will have to accept that annexing Area C means Israel will have to build a barrier along the new border at the cost of 27 billion shekels and allocate another 4 billion shekels per year for maintenance purposes.

If he looked at the maps, Yehoshua would discover that 50 percent of Area C is privately owned Palestinian land, most of it agricultural, registered in the names of inhabitants in 276 Palestinian locales. Seeing this, he would realize that Israel would have to open hundreds of agricultural crossings, in accordance with the current model of the separation barrier, and that this would cost many billions of shekels.

This is the place to note that Bennett has pledged to create “a fully contiguous transportation strip for the Palestinians with a one-time investment of hundreds of millions of dollars, which will enable the Arab inhabitants to reach any point in Judea and Samaria without any checkpoints or [Israeli] soldiers”.

Finally, we must not forget that such an annexation would seal off the Palestinian Authority and require Israel to reestablish its Civil Administration, whose annual operational cost would be about 11 billion shekels.

As for Prime Minister Benjamin Netanyahu, Bennett and the rest of the supporters of annexation, we have already learned that the facts and physical reality are not criteria for determining their policy. Indeed, Yehoshua is correct in noting that there is no likelihood of an agreement with the Palestinians under Netanyahu’s rule – but it is impossible to claim that the physical reality is the reason for this.

Way back in 1982, Prof. Yehoshafat Harkabi, a former Military Intelligence chief, wrote: “The danger of the national mistake was inherent in our existence as a land of vision, because the vision tries to change the reality. However, the size of the vision, which conditions its realization, is its realism, despite the fact that even though the vision aspires to rise above the reality, its feet are always planted in that reality. This is the difference between a vision and a fantasy hovering on the wings of illusion”.

The vision of the democratic Jewish state, which is the basis for the two-state solution, is more realistic – even today – than Netanyahu and Bennett’s nationalistic-messianic one-state vision. Only the two-state solution encompasses a moral vision within it. Ignoring the existing reality and its constraints, in the hope that the signs and vision will shape a different reality, is a proven recipe for deterioration and a dangerous move toward disaster.

19> Those Undermining the Jewish State [Haaretz, 25/08/16]

Never had a young national movement undertaken a commitment on the scale of the one adopted by the first Zionist Congress, held in Basel in 1897. That congress adopted a resolution which stated that “Zionism seeks to establish a home for the Jewish people in Palestine secured under public law”. Zionists recognized their political and physical weakness but were confident in the justice of their claim, which was based on universal values. This is why they determined that the right to fulfill the principle of self-determination of the Jewish people would be decided by the international community. They realized that the manner in which the Jewish people realized its right to self-determination would be exceptional, since the absolute majority of the nation lived outside the Land of Israel, in which there was a decisive Arab majority. However, they did not regard this as harming the moral justification for fulfilling the rights of the Jewish people, in light of their exceptional, tragic history.

In contrast, proponents of religious-messianic nationalism, who are key partners in the current Israeli government, are trying to base the legitimacy of the Jewish state over all of the territory of Mandatory Palestine on a divine promise made in the Bible. In doing so they undermine the historic, political, legal and moral validity that underpins the foundation of the Zionist narrative and which serves as the basis for the establishment of the State of Israel. Realization of their policies could lead Israel to failure in meeting the standards of the “law of nations”.

‘All or nothing’

One could debate the validity of a faith-based way of thinking, but one cannot ignore the damage it is inflicting on Israel’s standing in the world. By the very nature of such thinking, its proponents

refrain from using arguments that are customary in the sphere of international relations, ones that could lead to compromise. Adherents of such a faith-oriented approach rely on an axiomatic conception that allows them to disqualify the legitimacy of others – Palestinians, Arabs, Muslims – leading the two sides into an “all-or-nothing” religious war under the belief that they will be the ones to win the entire land.

The Zionist claim for a Jewish state in the Land of Israel does not require ratification such as the one expressed by Deputy Foreign Minister Tzipi Hotovely, who said, “The entire land was granted to us by the Creator.” The validity of the Zionist claim is based firmly on a host of arguments that were accepted and promoted by the international community, justifying the non-application to Palestine of the principle of self-determination despite its Arab majority “due to the wish to establish a national home for the Jewish people,” as stated in the UN Partition Plan report from 1947.

The political-juridical validity of the Zionist claim was built on three layers. One was the Balfour Declaration of 1917, which granted Zionism recognition by Britain, the power that had conquered the Middle East. However, this declaration was but one of several declarations of support. There was another given in 1917 by Jules Cambreau on behalf of the French government, stating that “it would be a just and compensatory act to support, with the help of the powers, the revival of the Jewish nation in the land from which it was expelled centuries ago”; a further declaration was made by U.S. President Woodrow Wilson in 1920: “I have become convinced that the allies, with the full assent of our government and people, agree that the foundations for a Jewish community be laid in Palestine”.

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The second layer was the Mandate Order given to Britain by the Entente powers at San Remo in 1920. The third and decisive layer was the unanimous ratification of the Mandate by the League of Nations in 1922.

A nation, not just a religious community

The recognition of the natural right of the Jewish people to self-determination drew its strength from the international community's recognition of the Jews, dispersed across the world, as one nation. In other words, as a group with a common national history, language and culture, not just as a religious community that believes in the Old Testament. International recognition was given despite the controversy surrounding this issue within the Jewish community itself, as demonstrated in 1917 by an ad published in the Times by the Jewish community in London, in which it declared that "Judaism is not a nationality but strictly a religion." In later years, the Arabs wrote in the Palestinian national charter: "Judaism as a divine religion is not a nationality on its own, and Jews do not constitute one people ... they are citizens in the countries they belong to".

In the Mandate Order the international community emphasized the historic validity of the Zionist claim. In the context of the Arab statement that appeared later in the Palestinian charter, saying that "claims of a historic or spiritual connection of Jews to Palestine are not consistent with historic truths," it should be noted that the Mandate Order said, "Recognition is hereby given to the historic links between the Jewish people and Palestine and to their right to renew their national home in this land".

Moreover, the international community later emphasized, in the partition report of 1947, that "both the Balfour Declaration and the Mandate Order included an international commitment to the entire Jewish people." In other words, Jewish communities around

the world belong to one nation that was exiled from its land, to which it has a right to return and re-establish its independent state. The commitment was made to the entire Jewish people, not just to the 80,000 Jews then living in the Land of Israel.

These solid foundations of the Zionist claim and narrative were used again by David Ben-Gurion in the 1948 Declaration of Independence. He chose to emphasize that the Zionist movement had withstood the test of the law of nations, so that the Jewish state was being established based on three-fold rights: “the validity of our natural and historic rights and on the basis of the UN General Assembly resolution.” The “natural right” of the Jewish people is the right any nation has to self-determination. The “historic” right derives from historic ties between Jews and the land. Along with these came a right based on recognition and support by the international community. The inclusion of this third right in the Declaration of Independence was made possible only after bitter arguments with Herzl Rosenblum, the Revisionist representative, who opposed it.

Resistance to ‘law of nations’

Adherents of religious-messianic nationalism do not want to and cannot adopt a position based on the “law of nations” since over the years the international community has also recognized Arab claims. In 1923 the League of Nations decided to exclude Transjordan from the scope of the Balfour Declaration, according to Article 25 in the Mandate Order, enabling the establishment of an Arab kingdom there (Transjordan). In 1947 the United Nations decided, in its partition resolution, to establish an Arab state alongside the Jewish one, since the basic assumption underlying the Partition Plan was that the claims on Palestine, by Jews and Arabs, were both valid yet irreconcilable. Of all the proposals submitted, partition was the most practical one, which would allow the partial fulfilment of the claims and aspirations of both sides.

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Since 1988, the year in which the PLO recognized the Partition Plan (UN Resolution 181) and the Security Council's Resolution 242, many resolutions have been adopted at the United Nations and other supranational organizations, resolutions that recognize official Palestinian demands to establish a state defined by the 1967 borders. The most prominent one was adopted on November 29, 2012, in which 138 countries recognized the PLO as the state of Palestine, defined by these borders.

Hotovely tried to strengthen her national-religious position by quoting Rabbi Yehuda Ashkenazi, who said that "if Jews are convinced of the righteousness of their cause when confronting the world, they'll be OK." Naftali Bennett, Hotovely's coalition partner, expresses similar views, saying that "we'll help the world get used to" an annexation of Area C, the Golan Heights and East Jerusalem.

In the absence of a capability to contend with the international community's recognition of Palestinian demands, and with the support of this position by more than half of all Israelis, the adherents of a nationalist-religious-messianic worldview only become more extremist. Their failure and despair push them into promoting a raft of new bills bearing the hallmarks of post-World War I fascism: militarism, anti-intellectualism, xenophobia, oppression of the individual, of women and the LGTB community, perpetual war, accusations of treason hurled at peace-seekers, exploitation of social distress and more.

Losing international community's support

The upsurge in these phenomena could turn the harsh, exceptional incidents we've witnessed in recent years, such as in the West Bank village of Qusra, whose inhabitants were targeted by settler vigilantes, or in Duma, where the Dawabsheh family home was torched, or the incidents in Hebron, will become routine. If Jewish

Israeli society allows these types of incidents to persist it will by its own hand cancel the moral validity on which this country was based. It will lose the international community's support for "the existence of a Jewish homeland in the Land of Israel," by breaching the clear condition for such support, as emphasized in the Mandate Order, that "no action will be to harm the civil and religious rights of non-Jewish communities".

Bennett, Hotovely, Zeev Elkin, Miri Regev, Benjamin Netanyahu, Gilad Erdan, Yariv Levin and others must recognize that the Jewish people don't need religious and messianic arguments referring to a divine promise in order to obtain international recognition for their right to sustain their country on the Land of Israel, within recognized borders.

The arguments that have to be repeated are not the ones viewing Jews as a chosen nation, superior to others, whose land was promised to them by the Creator. Instead, in the spirit of Jewish humility and morals, legal, political, historic and moral arguments that have withstood the rule of the "law of nations" should be employed. One should reiterate that these are valid only if one recognizes their universality and the right of the Palestinians to a state of their own, as also recognized by the "law of nations." Ignoring the requisite compromise and mutual recognition, together with the desperate attempt to hold on to one "truth" that is convenient to one side only, is pushing Israel outside the boundaries of universal morality, evicting it from the family of nations.

20> Look at the Figures: Israel's Settlement Enterprise Has Failed [Haaretz, 27/06/16]

Prof. Yehoshafat Harkabi wrote in 1982 about the Bar Kochba revolt in the context of contemporary political realism. “The risk of a national disaster was inherent in our existence as a land of vision, since a vision wishes to change reality. However, the magnitude of this vision, which determines its successful realization, depends on its connection to reality, so that even if the vision wishes to override reality, it is always embedded in this reality. That’s the difference between a vision and ‘a fantasy floating on an illusion’” (“Vision, not Fantasy: Lessons from the Bar Kochba Revolt and Realism in Contemporary Politics,” in Hebrew).

Demographic data published at the end of 2015 by the Civil Administration in the West Bank regarding the number of Israelis living in Judea and Samaria shows that last year, as in preceding ones, the efforts invested by Benjamin Netanyahu’s current government in consolidating the settlement enterprise in order to establish irreversible facts on the ground reflect a very costly self-delusion.

The real significance of these settlements is rooted in the continued damage they do to Israel’s standing and image, in addition to the harm caused to its social fabric.

The Jewish population in the northern West Bank, say the data, grew by 4 percent in 2015 – double the rate in Israel proper. This number is touted by all the disciples of the Greater Land of Israel. The truth, as usual, lies in the details and trends reflected by these numbers. The government doesn’t bother to distinguish between the causes of growth in specific locations, since murkiness serves its purpose. This is to prove that the Jewish population in the West Bank has grown and is further entrenched there, perpetuating an irreversible reality that obviates a two-state solution.

In 2015, as in the preceding five years, almost 90 percent of the 15,523 individuals who joined the population of Judea and Samaria were a result of natural population growth. The drastic drop in migration from locales within the Green Line (1967 borders) to the West Bank over the last 20 years (from 6,000 a year in 1996, to less than 2,000 in 2014) attests to the fact that people “are voting with their feet” rather than considering building a future in these settlements.

Naturally, much of the natural growth in question occurs in Orthodox (Haredi) populations, amounting to 40 percent of the total. Almost all the growth took place in two West Bank locales: Betar Ilit and Modi’in Ilit. These towns were established as a cheap solution to housing shortages in Haredi communities and their growth is due to two factors: their proximity to the Green Line and the fact that, according to all diplomatic proposals discussed in negotiations between Israel and the Palestinians to date, these towns will remain under Israeli sovereignty.

This interpretation of the situation is supported by the fact that in the Haredi town of Emanuel, which is quite far from the Green Line, there were only 27 new residents last year, although the town is slated to remain within the planned separation barrier (Betar Ilit grew by 2,361 people that year).

A similar trend can be seen in the two secular towns of Ariel and Ma’aleh Adumim, which also lie within the proposed, future barrier. Ma’aleh Adumim, five kilometers past the 1967 borders, grew twice as much as Ariel, which is situated 21 kilometers away from them. However, the growth in these two locales constituted only 7 percent of the number of new residents across the West Bank and accounted for only 9.3 percent of the population growth in areas lying within the planned barrier.

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These facts imply that the feet of the ultra-Orthodox, who mostly call themselves “settlers by coercion,” as well as the feet of secular people, are planted firmly in reality. They are under no illusions.

Last year, as in all the preceding 40 years, 75 percent of the population growth occurred in settlement blocs in the territories, despite the fact that in recent years 50 percent of new housing units were constructed outside these blocs. Assuming that these groupings of settlements – constituting only 4-5 percent of the total area of the West Bank – are not substantial enough to prevent establishment of a Palestinian state as part of a final agreement that will include land swaps, members of Habayit Hayehudi and their Likud partners have been strenuously promoting the expansion of isolated settlements and the strengthening of illegal outposts, whose inhabitants mainly support these parties.

Figures published by the Civil Administration show that whereas only 9 percent of population growth occurred within the bounds of the future security barrier, in settlements associated with the traditional Gush Emunim settler movement, 50 percent of the increase in the number of Jewish residents took place in settlements lying outside these boundaries.

According to the vision they champion, Likud and Habayit Hayehudi believe that establishment of certain demographic facts will prevent the partition of the land. This can be achieved by channeling support and extraordinary funds to isolated settlements, bolstering all aspects of life there.

In practice, however, the reality is stronger than the vision. First of all, the nationalist-religious-messianic camp contributed less than 20 percent of the annual population growth recorded in the number of Jews in the West Bank. This increase is dispersed across dozens of small communities and does not constitute even one half of the increase in the two larger locales mentioned above. Secondly, Palestinian demographic dominance is on the rise vis-a-vis isolated

Jewish locales outside the blocs of settlements, with a current 26:1 population ratio between them.

Thirdly, several Jewish settlements are stagnating. In some, population growth is lower than the average rate in Israel proper; in others there is even a decline. “Infusion” tactics by the Amana settlement movement, which sends groups of young people to live in these isolated communities, are insufficient for spurring serious growth and development. Ignoring the problem of the massive military presence required for their protection, the spatial and demographic impact of these isolated settlements is negligible, as is the impact of the illegal outposts, 35 of which the government is now trying to authorize.

Moreover, plans to pass a bill by which Palestinians will be compelled to concede privately owned lands within such settlements for monetary compensation are but “a fantasy floating on an illusion,” in Harkabi’s words.

The future of most of the secular settlements, as well as that of some of the national-religious and mixed ones, depends on whether the government adopts a two-state solution and its territorial parameters, according to which the border will be based along the 1967 lines, with mutually agreed exchange of lands, comprising up to 4 percent of all the occupied territories.

One can hope that the leaders of these communities will face reality soon and demonstrate responsibility toward their citizens. They must insist that the government dispel the political fog regarding the future of their locales, thereby stanching the erosive trends of abandonment and stagnation that exist there.

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The data show that, as in earlier years, in 2015 as well the settlement enterprise failed to establish the physical conditions on the ground that would facilitate a unilateral annexation of the West Bank or large parts of it, thus flying in the face of worldwide opposition, in a move that would not harm the Zionist vision of a democratic country with a Jewish majority.

The existence of some of these settlements could change Israel's boundaries as part of a final agreement, but they won't add even a single square meter to its area, due to land swaps.

It turns out that the settlement enterprise has been the worst real estate investment in the history of the Zionism, unless one prefers Jewish settlements on the western slopes of Samaria to Israeli settlements in the western and northern parts of the Negev or in the Beit She'an valley.

A responsible government needs to extract the maximum it can from a given reality, by agreeing to land swaps as part of a final settlement. The settlement enterprise contributed its part by making the Palestinians and the PLO adopt a compromising approach, and by bringing them to adopt United Nations Resolution 242, which gives them a state on only 22 percent of Mandatory Palestine.

Ignoring current reality and its constraints by adopting a false hope that vision and symbols will shape a more desirable reality is a sure recipe for disaster.

**21> Of the Three Alternatives Facing Israel
[Haaretz, 24/05/16]**

A hypothesis has become fixed in the understanding of the Israeli and Arab publics, and of the international community, that both sides, the Israeli and Palestinian, are by necessity marching towards a decision between one of two possibilities: a single state, or two states for two peoples.

But the implementation of either of those results cannot be the natural continuation of the situation, because of the important and fundamental difference between the two choices. Implementation requires national preparations on the order of the establishment of a country. The governments of Prime Minister Benjamin Netanyahu, who has been running away from such a decision for a decade and has avoided making the necessary preparations, are leading the parties to a third, fundamentally chaotic alternative.

Implementing the idea of two states requires enormous resources on a national level for such arrangements, in order to deal with the attempts made over the past 50 years to erase the Green Line and change the demographic reality on the West Bank. Even though these efforts did not achieve their political goal – creating the conditions for annexing the West Bank without harming the Zionist vision of a democratic country with a Jewish majority – it did succeed in establishing facts on the ground in quite a number of areas.

Preparations for the possibility of two states is meant to include, among other things, the evacuation of some of the settlers and their absorption in Israel; preparing Jerusalem for the establishment of two capitals, with an emphasis on a special regime in the holy places; international involvement in the settling of the refugee issue; economic separation; movement between the two parts of the Palestinian state; the establishment of a new border, road network and crossings; a new deployment of the IDF; and a plan to

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handle the transition period between the signing of the agreement and the permanent situation.

Netanyahu's insistence on ruling out the recognized parameters for setting an agreed upon border, and not responding to the Palestinian proposal for an agreement first on the borders, also prevents the Palestinians, who are suffering from limited governmental capabilities, from preparing a master plan according to the future borders of Palestine.

Preparing for a single state is harder. Here are four challenges that supporters of the idea have not properly thought out: Israel will not be able to avoid annexing the Gaza Strip in addition to the West Bank in the end, if the Palestinians agree to a single state. Another challenge will be the decision on the goals of the IDF and its character, as well as the character of the other security establishments. Absorbing the Palestinian Authority, which has the characteristics of a Third World country, into the economy of Israel, which is one of the developed nations, will require arrangements in areas of education, health, welfare and more. In the end, the single state will have to deal with absorbing some of the refugees.

Netanyahu's sanctifying of the status quo, which guarantees his political survival as prime minister, is certainly not a plan for preparation. Not Naftali Bennett's ideas of partial annexation either, which lack any diplomatic, security, practical or legal feasibility.

The third alternative is growing and because of the lack of any decision. This alternative is the continuation of the status quo, and could well be forced on Israel under certain circumstances, including the fall of the PA, the breakdown of the system of sustenance in the Gaza Strip, a new violent outbreak and Israeli Arabs joining in with the Palestinians.

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It is difficult to draw the outline of this possibility, but we can say it will have characteristics of a civil war: partial governmental anarchy, because of growing tension between the military leadership and cabinet ministers; violence on a personal, daily level, given a lack of police enforcement; breakdown of the status of the High Court of Justice; and organization of armed cells. All this will harm the economy and social cohesion, and invite international boycotts, observers and even sanctions.

22> West Bank Settlement Blocs Blocking Progress Toward Israeli Stability [Haaretz, 13/03/16]

Once a concept becomes crystallized in the minds of the public, it's very difficult to dislodge. Sometimes, its crystallization reflects a lack of thought; sometimes it is intentional; sometimes it is intellectual stagnation; and sometimes it's all of these together. The fact that the State of Israel has no permanent borders greatly affects its conduct in the diplomatic arena with regard to resolving the conflict with the Palestinians. In the context of attempts to agree on Israel's borders, the concept of the "settlement blocs" has crystallized into a fossil that no one has the strength to smash.

Over the past 20 years, this concept – which refers to adjacent Jewish settlements in the West Bank – has become an organizing principle in every proposed diplomatic plan. It has been present in all negotiations since then, and also in the unilateral measures Israel has taken.

The plan for the 2005 disengagement from Gaza and northern Samaria in the West Bank was the start of a process in which then-Prime Minister Ariel Sharon aimed to evacuate most of the isolated settlements and concentrate Jewish settlement in "blocs." Ehud Olmert, who succeeded him in 2006, tried to complete the process by means of the "convergence plan" – which, in essence, concentrated the Jewish settlements to the west of the West Bank separation barrier.

In 2008, within the framework of the Annapolis plan, Olmert continued the policy that then-Prime Minister Ehud Barak had begun in 2000 and proposed evacuating the isolated settlements, annexing the settlement blocs and in return giving the Palestinians appropriate territories from inside the Green Line (the pre-1967 borders of Israel). Recently, Prime Minister Benjamin Netanyahu

announced accelerated construction work to complete the separation barrier and protect “the settlement blocs,” while opposition chairman MK Isaac Herzog (Zionist Union) also called for separation on the basis of the “blocs”.

Peace-seeking nations aspire to establish their borders in a manner that ensures stability in relations with their neighbors; it's pointless to establish borders that undermine this stability. Boundaries, as every parent knows, must be explicit, clear and logical, and must serve a long-term aim. This is not how Israel is conducting itself in relation to the “blocs,” and their effect on its future border and relations with a future Palestinian state.

If we examine the development of the concept of “the blocs,” we find that it clearly reflects the development of Israel's short-term interests in the West Bank. These are driven by internal politics and completely ignore the interests of the Palestinian inhabitants and the implications for their ability to sustain a future state, as well as Israel's own long-term interests and its ability to maintain the stability of a future border.

The frequent use of the term “blocs” has firmly established it as axiomatic – a *fait accompli*, an unmovable fact, as if it refers to areas that are impossible to evacuate. In this instance, it is not the experience that has shaped the consciousness, but rather the mind-set that is trying to shape the reality – with no security, economic, demographic or political logic.

For this reason, recent Netanyahu governments have continued to build most of the new housing units in isolated settlements. The aim is to then transform these into “blocs” that will establish themselves in the public discourse as spaces that absolutely must be preserved – even though most of the public is completely unfamiliar with them.

Birth of the blocs

The birth of the “bloc” concept came in the “five-fist plan” proposed by then-Defense Minister Moshe Dayan in 1968, which derived chiefly from the security need to control the central mountain ridge (Gav Hahar), which was densely populated by Palestinians. Dayan proposed establishing a “fist” – including an army base, town and agricultural communities – adjacent to each of the five major Palestinian cities that were the political and economic centers of the West Bank: Jenin, Nablus, Ramallah, Bethlehem and Hebron. The aim was to enable an immediate response to disturbances and terror actions; or, in the event of a broader security threat, to cut the West Bank into several parts (all the “fists” were located along Route 60, which runs along the length of the West Bank). Then-Prime Minister Levi Eshkol’s government rejected the plan.

In 1967, the Israeli government chose to implement the Allon Plan, the essence of which was Jewish settlement in “security zones” and not in “blocs.” The plan was initially implemented in the Jordan Valley, which emptied after its Arab inhabitants fled to Jordan, and later also around Jerusalem (the so-called “big triangle” of Jerusalem, which later became known as the “Jerusalem envelope”). The plan’s intention was primarily to provide security, but a second stage was aimed at annexing those areas and establishing a new Israeli border along the Jordan River.

In September 1977, after the change of government that first brought Likud to power, Sharon – who was agriculture minister at the time – brought his new plan to Menachem Begin for approval. Like the Allon Plan, the “Sharon Plan” was aimed at strengthening security in the Jordan Valley and adding a “security zone” east of the Green Line. However, unlike the Alignment [Labor precursor] governments, what Sharon and Begin aspired to was that by the end of the process, the West Bank would be part of the State of Israel and under its sovereignty.

In October 1978, Matityahu Drobles – the then-head of the World Zionist Organization’s Settlement Division – prepared a detailed blueprint for implementing the Sharon Plan. He argued that “a strip of settlements at strategic sites enhances both internal and external security alike, as well as making concrete and realizing our rights to Eretz-Israel.” Therefore, he continued, the “contiguity must be made not only around settlements of the minorities [the Palestinians], but also in between them, in accordance with the settlement policy adopted in the Galilee and other parts of the country”.

To accomplish the complete butchering of the territorial contiguity of Palestinian locales and creating conditions for the annexation of the West Bank, no fewer than 22 blocs were stipulated, some of which even included settlements to be built to the west of the Green Line in order to make it disappear.

For a while, the Oslo Accords introduced obstacles for those disciples envisaging a “Greater Israel.” So, in 1997, the WZO’s Settlement Division launched a new plan called “Super Zones of Jewish Settlement”.

These zones replaced the idea of “the blocs,” under the diplomatic directive of Prime Minister Benjamin Netanyahu, who wrote in his 1995 book “A Place Under the Sun,” “Autonomy under Israeli control is the only option for preventing those dangers inherent in the Oslo Accords.” The plan consisted of five areas of Jewish settlement, spread over about 60 percent of the area of the West Bank, and left the Palestinians only Areas A and B.

The negotiations on the permanent status solution in 1999-2000 (at Camp David and Taba); the route of the separation barrier built in 2002-2007; and the negotiations in Annapolis in 2008 – these were all influenced by the fear of evacuating Jewish settlements, a fear shaped by the presence of the “blocs,” their boundaries and numbers.

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Clearly, it doesn't matter if unilateral steps were taken or if proposals were put forward during negotiations – on both fronts over the past 20 years, the concept of “the blocs” has remained fossilized and no one is going to try to match it to the aim of achieving a stable border in any possible future agreement.

The aim of Barak, Sharon and Olmert, as well as Netanyahu, was to prevent the evacuation of a large number of Israelis who live beyond the Green Line. To this end, they drew up borders shaped by seven “blocs” and “fingers” that are mostly imaginary and lack any spatial logic or settlement consolidation. Instead, their entire logic is an attempt to create territorial contiguity for Israel. It goes without saying that these blocs completely ignore the lives of both Palestinians and Israelis.

So, for example, there's the “Ariel finger,” which stretches 21 kilometers (13 miles) eastward from the Green Line; and its twin, the “Kedumin finger,” which is 23 kilometers long and includes Jewish settlements from separate and different regional councils. These cut Palestinian contiguity in Samaria into separate pieces.

The settlement of Ma'aleh Adumim has been granted a “bloc” that increases its area by a factor of six, in order to sever the West Bank in two. This bloc includes the settlements of Kfar Adumim and Almon, which belong to the Mateh Binyamin regional council. And the inclusion of the small settlement of Beit Horon in the Givat Ze'ev “bloc” thwarts the possibility of the development of greater Ramallah westward.

A few years ago, Netanyahu said “My blocs aren't the blocs of the left.” And two years ago, he even added another couple of “blocs” – or two “fingers” – to Olmert and Barak's seven blocs that sever Palestinian contiguity, this time in areas near Ramallah (Ofra-Beit El) and Hebron (Kiryat Arba).

Israel's fixation with "the blocs" harms its own interests in the long term – the desire to have a stable border. Israel must define its border from the Palestinians in a permanent status agreement, or in the framework of a transition period, in a way that is different from the doctrine of the imaginary "blocs." It must present a proposal for a new border that will prevent the creation of unnecessary points of friction and interference with the Palestinian social fabric, and will also ensure an open and "breathing" border that is essential to both sides. It must propose that the only Jewish settlements to be annexed are those that won't hurt the configuration of Palestinian population areas and their lives, while creating a short and secure border.

For example, it can be decided that only "first line" settlements will be annexed to Israel – that is, only those settlements that are not separated by the Green Line from Palestinian locales or infrastructures.

A simple check shows this will allow Israel to leave about 75 percent of the Israelis living beyond the Green Line in their homes and under its sovereignty by means of territory exchanges amounting to some 3 percent, and shortening the length of the border that Israel proposed a number times in the past from about 760 kilometers to less than 450 kilometers (the Green Line is 313 kilometers long).

Even if this move means that Israel will have to face evacuating a larger number of Israelis, the price in the short term is negligible compared to the long-term ramifications of a border that is long, winding, damaging and full of friction points.

The concept of "the blocs" developed in accordance with the changing aims Israel hoped to achieve. But in the past 20 years, it has become ensconced in a way that damages the country. It must be understood that the concept is not "the Torah from Sinai." More

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importantly, if Israel continues to develop its current definition and doesn't update and shape it in accordance with the idea of two states, it will sow with its own hands the seeds of instability on the border with the Palestinians.

While the "bloc" doctrine could drag Israel into the familiar and endless cycle of violence from which it is desperately trying to extricate itself, the return to the drawing up of simple and clear "lines" will emphasize the Israeli interest. Only this will contribute to the stability of the border we so desire.

23> What Israelis Aren't Being Taught in School, And Why [Haaretz, 03/01/16]

Our culture is characterized by endless reams of information, which we receive unfiltered, unclassified and lacking a quality-based hierarchy. Access to this data trove allows us to challenge prevailing concepts, but makes it harder for us – since we lack the conceptual and historical “anchors” that withstand scientific examination – to turn that information into knowledge that could improve the reality in which we live.

In this culture, which reveres the here and now, it is difficult to track and understand processes that span many years – at least until the moment arrives that throws the process and its consequences into sharp relief. This is what happened last summer when a poll of Israeli teachers conducted by the Israel Hayom newspaper exposed a particularly grim picture: Some 69 percent of teachers in Israel didn't know what happened on November 29, 1947. Furthermore, 57 percent didn't know about the Green Line (the armistice borders fixed at the end of the War of Independence), or how it was determined.

This ignorance of fateful matters is not an accident. It's the end result of years in which the education system has been under the leadership of ministers from the nationalist and messianic camps. The process taking place in the public education system, driven by these ministers, is composed primarily of two important trends, which determine the political culture and are taking place in the public sphere.

The first trend, and the more important of the two, is the one which guarantees that by leaving out the two key subjects mentioned above, school curricula will not construct a system of concepts, facts and historical processes that could lead to a better understanding of the history of Zionism and the conflict with the

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Arabs. The resulting void is easier to fill with “historical truths” and change them as required to reflect this or that political necessity – as proven by Prime Minister Benjamin Netanyahu’s recent comparison of Hitler and the grand mufti of Jerusalem.

Consigning the events of November 29, 1947, to oblivion creates room for another “truth”: that the State of Israel was established by the power of a divine promise and victory in the War of Independence. The role the international community played in the state’s establishment has disappeared, which allows many to see the United Nations as the embodiment of the claim that “the whole world is against us.” Nowadays, no one remembers the decisive clause in Israel’s Declaration of Independence, which bases the diplomatic and legal legitimacy of the new state on UN Resolution 181(II) (the Partition Plan). And who cares that on the Shabbat after the UN vote, a special prayer of thanks was offered at the Great Synagogue in Tel Aviv? It opened with these words: “Our father who art in heaven, bless the nations, big and small, who voted on the decisive day in favor of the weakest among the nations, to give it a name and a place in the land of its ancestors.”

Most of those who have heard of the November 29 resolution know only the part that relates to the establishment of a Jewish state. The fact that it also declared the establishment of an Arab state in the Land of Israel has slipped their minds. They also forget that it was David Ben-Gurion, the head of the Jewish Agency and Zionist Congress, who turned to the British foreign minister in February 1947 and wrote, “The only immediate and possible arrangement that has an element of permanence is the establishment of two states, one Jewish and one Arab [...] The Arab community has a right to self-determination and self-rule; we would not even consider depriving them of that right or making less of it.”

Many believe the partition resolution and the state’s establishment were the fruit of Jewish underground organizations’ struggles against the British: In their minds, the part that the Irgun (the

prestate militia led by Menachem Begin) and Lehi (another prestate militia, also known as the Stern Gang) played in that struggle grows every year, at the expense of the Haganah (the prestate army of Palestine's Jews). Few recall that, through 1917's Balfour Declaration, the British were the first to support the establishment of a national home for the Jewish people in Israel, and that they made sure to incorporate this declaration into the mandate for Palestine they received from the League of Nations in 1922. Even fewer people know that the mandate conditioned the establishment of a Jewish state on it being a democracy with equal rights for all its citizens.

Thanks to former Foreign Minister Abba Eban, the Green Line has been burned into the psyche of many as the "Auschwitz borders." Only a few know that the Green Line increased the Jewish state's territory, as previously determined by the partition resolution, by no less than 30 percent. Even UN Security Council Resolution 242, reached after the Six-Day War in 1967, is also considered anti-Israel because it gave rise to the "land for peace" formula and declared that Israel must withdraw from the territories it captured in the war. But most people don't know that this resolution – for the first time, and in a manner that contradicted Article 2 of the UN Charter – internationally recognized the Green Line as the border of the State of Israel, and laid the groundwork for the signing of the subsequent peace treaties with Egypt and Jordan.

Not many know that, until 1967, the total area of East Jerusalem was less than six square kilometers (2.3 square miles), while many believe that "united Jerusalem," in all its 126.4 square kilometers, has the same historical, religious and nationalist standing as David and Solomon's Jerusalem – even though that occupied less than 2 percent of the city's current area. And who among those who seek to change the status quo on the Temple Mount wants to learn of Menachem Begin's 1944 promise that the government would "declare the Christian and Muslim holy sites to be extraterritorial"?

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Only a few of those who hang Begin's portrait on their office wall and call for "the Oslo criminals" to be indicted know that the Declaration of Principles (better known as the Oslo I Accord) – which was signed in 1993 by the Rabin administration – was a near-identical copy of the second framework agreement that dealt with the future of the Palestinians, signed by the Begin administration at Camp David in 1978. These two prime ministers understood that a peaceful resolution of the Arab-Israeli conflict is only through an agreement with the Palestinians – and not vice versa, as the prime minister says today.

The second trend relates to the replacement of the old with the new. Incorporating nationalist, religious and messianic material into the curriculum, as Education Minister Naftali Bennett does covertly, is easy and convenient when there's no firm knowledge base to deal with. It's another expression of the Bennett plan which states that the Land of Israel must change the people of Israel and the State of Israel. He and his brethren are focusing these days on "hearts and minds," after a series of traumas that came after their messianic camp's painful collision with the rock of reality. This started with the disengagement from Gaza in 2005, the evacuation of the Amona and Migron settlements in the West Bank in 2012, and the slowdown in settlement construction as a result of international pressure.

In a process that took decades, the number of people who have knowledge of the history of Zionism has slowly decreased, leaving behind an easy-to-fill void. Some have explained this as being due to ideological differences – like MK Nissan Slomiansky (Habayit Hayehudi), who boycotted the 100-year anniversary of Theodor Herzl's death, claiming that Herzl's Zionism was not his Zionism. The Education Ministry's response a few years ago to a query regarding Herzl's absence from the high school curriculum was similar: "There are different approaches to the study of history."

The painful truth is that this trend is actually about the opposite process – replacing the new with the old. First, it must be remembered that the ultra-Orthodox education stream, whose percentage of students grows apace every year, has never felt the need to study the history of Zionism, and made sure to preserve “the old” – some of which is anti-Zionist. It is the same in the Arab community.

Second, the Zionism of Herzl, Chaim Weizmann, Ze’ev Jabotinsky and Ben-Gurion sought to create a Jewish, liberal and democratic state, a member of the family of nations. Yet current trends show that Israeli-Jewish society is turning to the very same values that secular Zionists previously sought to disengage from.

If these trends aren’t curbed, and if the process isn’t reversed, Israel will be perilously close to realizing Lord Rothschild’s warning to Herzl in 1902: “I should view with horror the establishment of a Jewish colony; such a colony would be *Imperium Imperio* [a state within a state]; it would be a ghetto with the prejudice of the ghetto; it would be a small, petty Jewish state, Orthodox and illiberal, excluding the Gentile and the Christian.”

The war on the character, identity and future of the State of Israel must be brought to the field of education, which was abandoned by the ruling parties years ago as the price to be paid for establishing a coalition with smaller factions. It’s a long process, but for the minority who still believe in the possibility of another Israel, there’s no other choice but to start rebuilding it once again.

24> Justices Under Fire [Haaretz, 06/12/15]

The writing is on the wall yet again. Flashing in red neon lights and doubled in determination, by those whose finger is pressing on an imaginary trigger. And although they do not gaze directly but only mumble – “We did not mean it,” “These are only weeds” – their words are like three deadly bullets.

The lesson was never learned and remorse was never uttered, only the objective changed and today it is not the prime minister, but rather the Supreme Court and its justices. That demonstrates that the partition to right and left is relevant way beyond the struggle on the future of the Israeli-Palestinian conflict. We are entangled deeply in a war on the character of the State of Israel and its regime. Lately, it seems as tough the attacks by MKs and ministers from the Jewish Home party, the Likud party and the Israel Beytenu party are breaking records.

Time and again they throw a vast scope of accusations against the Supreme Court that may prepare the grounds for the public to support bills that would hurt the Supreme Court’s stand and authorities, while planting individual motivation to violently act against justices.

“The justices are disconnected from the Israeli public,” announced MK Miri Regev (Likud) last year, after the High Court of Justice ruled out one of the more severe versions of the Infiltration Law. Another party member, MK Ze’ev Elkin, was sterner when he claimed that “the High Court of Justice prefers the favor of illegal infiltrators over the safety of hundred-thousands of law-abiding citizens in Israel,” and MK Yariv Levin (Likud) determined the Supreme Court’s justices have given “legitimacy to terror.”

Not only disconnected, but mean, immoral, elitist and managed in darkness. “And the place of judgment...wickedness was there,” tweeted Yinon Magal (while still an MK for the Jewish Home), following a High Court of Justice’s decision to evacuate the Dreinoff project in Beit El, and his fellow party member Moti Yogev in his own tweet: “It is time to put the judicial authority in its place and show it who is the ruling authority.” In another opportunity Yogev called the Supreme Court justices “junta,” and talked about the “ivory tower of dictatorship that have created for themselves.” And that is without mentioning the Facebook post that led to the increase of security around Justice Uzi Fogelman, in which Yogev wrote that Justice Fogelman “put himself alongside the enemy” (after he had ordered a Supreme Court decree to temporarily halt demolition of terrorists’ home).

MK Yaron Mazuz (Likud) branded justices as living in elite neighborhoods, and MK Yariv Levin criticized the HCJ for “invading the areas of the Knesset and the government and adopts post-Zionist stances more than once.” He also complained that its justices are “appointed surreptitiously, without public debate and while perpetuating the rule of a marginal minority on the entire judicial system.”

Now the road is paved for any unfounded blame. “The HCJ has trampled the legislative authority,” MK Ayelet Shaked has said after the Infiltrator Law was struck down a year ago. And Moti Yogev: “The HCJ’s intervention is a severe blow to the principle of the separation of powers in democracy and in Israel.”

The Supreme Court is presented as hurting security, and even more than that. “It is a shame that the court is encouraging the Arab enemy and the terror machine it is operating against us,” said Jewish Home MK Bezalel Smotrich following the decision to demolish a synagogue in Givat Ze’ev. Miri Regev is already preparing the indictment: “If the HCJ does not let us strengthen deterrence and severely punish the murderers, it will be held

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accountable for the continuation of the terror wave,” she said following the ruling that temporarily halted house demolition.

Elected officials know exactly why this is happening: the Supreme Court is anti-Jewish, anti-Zionist, supporting terror and hurting State security – just because it is “leftist.” Yariv Levin said that the HCJ has a “strong grip of the radical left – not just left – that is treating the court like it has a state and not the other way around.” Smotrich has said that “the Supreme Court is knowingly and willingly being used as a political attack tool in the hands of radical left-wing organizations,” and MK Oren Hazan (Likud) claimed that the HCJ is managing the state, and even predicted that this will bring “vast hunger strikes and terror in the streets.”

What is the solution? “It is time we bring the Supreme Court to its natural place and position,” Smotrich suggests-threatens. His party leader, Naftali Bennett, is offering a more restrained version of the offer: “If the excessive intervention continues, we will work to curb this activism. A government needs to govern and judges need to judge. When a single justice or legal advisor penetrates the field of sovereignty, it is a blow to the state.”

Levin, too, offers “to act to change the way justices are elected to ensure that the arrangement of the HCJ is balanced and pluralistic.” And he specifies: “it is time to change the method justices are elected from the grounds, so that on the judgment throne sit people who are dedicated to the State of Israel and the principle of Zionism.”

It will be sad if one day these remarks will have to be discussed in a committee of inquiry, but it would be even sadder if elected officials are able to turn Israel into a state where these kinds of remarks are not questioned at all.

25> The Settlement Enterprise Has Failed [Haaretz, 15/11/15]

For years, the Israeli public has engaged in a seemingly important debate on the future of the Israeli-Palestinian conflict. However, the absurd thing is that the argument has focused on the wrong issue: the superficial question of whether or not there is “a partner,” something that will never offer a clear-cut answer. The question also does nothing to advance the discussion even half a step beyond the two sides’ opening positions.

The unspoken part of that question is actually the key part – a partner for what? For which plan exactly? Under which conditions? In order to answer these fundamental questions, we must return to facts and figures.

While Jewish settlement in the West Bank has scattered over the years and used illegal outposts and small settlements to stick wedges into Palestinian residential blocs, the numbers paint a completely different picture. Overall, Jewish settlement in the West Bank doesn’t create a dominating presence there – not in terms of population in comparison to the Palestinian population (Jews comprise only 13.5 percent of the West Bank’s population), nor in terms of the amount of land held by Jewish settlements (4 percent of the West Bank).

In addition, the Jewish settlements do not rely on local agriculture, industry or research and development. In practice, only about 400 Jewish households in the West Bank cultivate agricultural land (with Palestinian labor). The total amount of Jewish-owned farmland in the West Bank is 100,000 dunams (about 25,000 acres), 1.5 percent of the West Bank – and 85 percent of that is located in the Jordan Valley.

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There are only two significant industrial zones in the West Bank, Mishor Adumim and Barkan, and 95 percent of the workers there are Palestinian. Sixty percent of the Jewish workforce in the West Bank makes the daily commute into Israel. Based on that, the settlement enterprise – run by one section of the population, religious Zionist-messianic Jews – has failed: it has not actually created the appropriate conditions for annexing the West Bank.

Even if Palestinian Authority President Mahmoud Abbas had acceded to then-Prime Minister Ehud Olmert's proposal that Israel take 6.5 percent of the West Bank in a land swap – despite the damage this would do to territorial contiguity and the fabric of life in dozens of Palestinian villages – Israel is not capable of offering a similarly sized area to the Palestinians. Thorough research into proposals, both official and unofficial, shows that Israel cannot possibly give up more than 4 percent of its territory – any more than that would do severe damage to the national infrastructure and dozens of Jewish communities within the Green Line.

A territorial swap of 4 percent would leave four out of five Israelis (80 percent) under Israeli sovereignty. It would necessitate evacuating some 30,000 households. Can Israel absorb such a number? The answer is yes. Israel has already successfully absorbed over a million immigrants from the former Soviet Union.

Seeing as how 60 percent of Israelis in the West Bank work within the Green Line, only 4,000 new jobs would need to be created every year for five years. Over the last decade, Israel created some 80,000 jobs annually. There will also be the need for 30,000 new housing units over five years. As of now, Israel's potential for additional housing, based on annual demand, is many times that amount. Even the budget necessary for evacuation and reparations, assuming Israel will not receive international aid, would only require a two percent increase in the government's overall budget.

In Jerusalem, there will be no choice but to create two capitals. But even here there are numerous ways to make it happen. Most proposals for partitioning East Jerusalem (the territory annexed by Israel in 1967 following the Six-Day War) are based on the demographic and ethnic divisions already existing in the city: 12 Jewish neighborhoods for Israel; 28 Arab villages and neighborhoods for Palestine. There are two alternatives for a solution for Jerusalem's Old City: either sovereignty will be divided according to the demographic reality, which would leave Israel with the Western Wall, the Jewish Quarter, the Armenian Quarter and all of Mount Zion; or the entire area will be managed by an international body, with the cooperation of both sides.

With regard to refugees, the issue is much less complex than it seems – all that's required is to agree a number. Historically, Israeli proposals put the number of refugees at about 5,000, while the Palestinians cited 100,000. Either way, the number is negligible in terms of influence on Israeli population demographics. Also, under any overall agreement, more than 300,000 East Jerusalem residents will no longer be considered Israeli residents.

However, political feasibility is required in order to make any agreement a reality. Considering the various political parties' platforms, and the positions held by the prime minister and other cabinet members, one clear conclusion can be drawn: Israel rejects, out of hand, the establishment of a Palestinian state. During the last election, Prime Minister Benjamin Netanyahu promised that a Palestinian state will not be founded on his watch. And his ministers in Jerusalem agree.

The Knesset is seemingly more balanced: against the 44 MKs that reject division (Likud, Habayit Hayehudi and Yisrael Beiteinu), and 23 "swing votes" (Kulanu, Shas and United Torah Judaism), there are 53 supporters (Zionist Union, Meretz, Yesh Atid and the Joint List). But the supporters generally list conditions for division, like a

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united Jerusalem under Israeli sovereignty or the right of return, which make reaching a consensus more difficult. Thus, on the Israeli side, support for two states for two peoples depends on four cumulative conditions: a change in the prime minister's position; a Likud split; a change in the government's composition; and the opposition's criteria for partition being met. The chances for this are extremely low.

The picture is different on the Palestinian side, but no less complex. Abbas is struggling to maintain his position within the Palestine Liberation Organization and his own political path, with opposition from numerous figures – including Mohammed Dahlan, Salam Fayyad, Yasser Abed Rabbo, Ahmed Qurei (Abu Ala), Nabil Amr, Marwan Barghouti and Jibril Rajoub. Outside of Abbas' camp, there is, of course, Hamas, which rules in Gaza: although it sometimes makes pragmatic declarations, it still refuses to recognize Israel at all, let alone make any long-term agreement. Abbas' ability to forge any kind of agreement that might garner Palestinian public support hinges on international and pan-Arab legitimacy, in accordance with parameters set by the Arab League, the Bill Clinton outline, or the negotiations that took place in Annapolis in 2007. These are parameters that Netanyahu refuses to accept, especially in relation to what they would mean for Israel's borders and the status of Jerusalem.

And what does the public think? On the Palestinian side, where there haven't been democratic elections for many years, the people are split between Hamas' terror and opposition, and Abbas' diplomacy. The Palestinian public feels diplomacy hasn't achieved results or made their lives easier, and thus they're turning to violence. According to a new poll conducted last September among the Palestinian public, 51 percent oppose a two-state solution and 48 percent support it.

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Among the Israeli public, too, we must admit that the Zionist movement was never particularly excited about dividing the land. Agreements to partition in 1937 and 1947 were the result of an accurate reading of the demographic reality at the time – a Jewish minority, which prevented the establishment of a Jewish state in all the territory.

For many, the Six-Day War in June 1967 was an opportunity to strive for a Greater Israel. But a window of opportunity for an agreement with the Palestinians opened in the early 1990s, due to geopolitical changes such as the collapse of the Soviet Union, regional phenomena like the first Gulf War and events like the first intifada. These pushed the two sides to recognize one another and sign the Oslo Accords in 1993.

Today, the reality is viewed by most Israelis as more favorable. It is one that doesn't require concessions and seemingly makes it possible to uphold the status quo – or “manage the conflict,” as the government likes to say. The economic situation, U.S. position and the weakening power of both Hamas and neighboring Arab states guarantees Israeli supremacy and stability. Changes to this perception are possible if, and only if, Israelis internalize the fact that the status quo's ramifications could threaten Israel's character in the future, both as a democratic and Jewish state.

26> Why Jerusalem Can and Must Be Divided [Haaretz, 19/10/15]

At the beginning of the 1999 negotiations on a permanent arrangement, the Israeli negotiating team tended to stress the difficulty in dividing “united” Jerusalem, hinting that its municipal boundaries conferred holiness on the land within them. The Palestinians had two responses to this. First they would say, “Explain to us how Sur Baher and Kafr Aqab are holy in Jewish tradition.” Then they would add, “You’re too smart a team to divide Jerusalem. Bring us one of Jerusalem’s Border Policemen and ask him where they place the barriers when there’s violence. The line you’ll get is our proposal for dividing the city.”

The relative quiet on the security front that prevailed at the tail end of the 1990s made it difficult for the representatives of then-Prime Minister Ehud Barak’s government to agree with the Palestinians. His most “generous” offer at the 2000 Camp David Summit regarding Jerusalem was worded thusly: “The Temple Mount will be under Israeli sovereignty, with some sort of Palestinian custody and permission for Jews to pray on the Mount. In the Old City, [Palestinian Authority chairman Yasser] Arafat will get sovereignty over the Muslim Quarter and the Church of the Holy Sepulchre. Perhaps the Christian Quarter, too. Sovereignty in the Jewish and Armenian Quarters is Israeli. The outlying Muslim neighborhoods will be transferred to Palestinian sovereignty, while the inner ones will remain under Israeli sovereignty.”

In other words, pre-1967 East Jerusalem would remain under Israeli control, while only the outlying villages that were annexed by Israel after the Six-Day War would be given to the Palestinians.

Only the second intifada, which erupted in full force immediately after in September 2000, led Barak to adopt a more reasonable alternative, just before he was unseated by Ariel Sharon. “We’re

talking about an effective solution, albeit not absolute,” he said. “It includes two walls in Jerusalem: the first is political, around the greater metropolitan area, which includes Ma’aleh Adumim, Gush Etzion and Givat Ze’ev; the second is a security wall, between most of the Palestinian neighborhoods and the western city, and between the Israeli neighborhoods in East Jerusalem and the Holy Basin [a reference to the Old City and adjacent areas], with supervised crossings within the city.”

The fact that Jerusalem suffered a third of all Israeli attacks and casualties during the second intifada failed to teach the Sharon government that the Palestinian residents of East Jerusalem are an inseparable part of the national struggle to establish a Palestinian state whose capital is East Jerusalem.

Likud, whose ministers spouted slogans like “Jerusalem united for all eternity” and “Jerusalem must not be divided,” made sure that the political wall was the only one built, and that it included most of the Arab neighborhoods – contrary to all social or security logic.

The application of Israeli law and the annexation of East Jerusalem after the 1967 war tied the hands of High Court justices in the face of numerous petitions filed against the route of the separation barrier, which divided Palestinians in some places but not Palestinians from Israelis. Detailed presentations showing that the wall’s location would actually hamper security forces during periods of escalation didn’t help.

Facts indicating that East Jerusalem already served as the unofficial capital of the West Bank, and maintained a separate existence from the Jewish population in almost every field – education, transportation, employment, trade and leisure – were not effective, either.

Shaul Arieli

The reannexation of East Jerusalem by the separation barrier did not lead to any change in Israeli policy toward the city's Palestinian residents. Israel continued to unite the area, but not the residents, as former Prime Minister Ehud Olmert explained: "The government I headed didn't do everything necessary to turn Jerusalem into a united city," he related. "We invested in Jerusalem, but consciously invested in the western city and the new neighborhoods ... and avoided investing in areas that I think in the future will not be part of the Jerusalem that will be under the State of Israel's sovereignty."

This insight, which led, in 2008, to Olmert agreeing to the division of East Jerusalem, is absent in the consciousness of Prime Minister Benjamin Netanyahu. Relying on the support of Yesh Atid's Yair Lapid, Eli Yishai (then head of Shas) and Habayit Hayehudi's Naftali Bennett for preserving "united" Jerusalem, he refused to present U.S. Secretary of State John Kerry with any diplomatic proposals regarding Jerusalem, and continued the failed effort to "Judaize" East Jerusalem.

In the last decade, the number of Jews living in East Jerusalem has remained static at 200,000. By contrast, the number of Palestinians has risen by 69,000 to almost 350,000, making them some 40 percent of the city's population. A decade ago, Maj. Gen. (ret.) Giora Eiland warned Sharon, "There is great significance as to when we reach a permanent arrangement. It's preferable that we don't reach a situation where we go to a permanent arrangement when half the capital's residents are Palestinians." That warning is about to be realized.

Members of Netanyahu's government did not make do with building in Jewish neighborhoods, but also sought changes on the Temple Mount. One privately commissioned report last year stated, "The confrontations are occurring on the backdrop of gradual but significant changes that were made to the Muslims' entrance arrangement to the Temple Mount. The regular ascendance by

Jews ... a large portion of them activists who go up to the Mount a number of times with various groups ... This increase in numbers is accompanied by the presence of Israeli MKs and ministers, some of whom [then-Likud MK Moshe Feiglin and then-Housing Minister Uri Ariel] give media interviews on the Mount and/or authorize Jewish prayer near the Dome of the Rock and Al-Aqsa Mosque – actions that were forbidden in the past, but are now taking place under the auspices of the Israel Police.”

The report also stated that the new instructions – “whereby, when there’s a Jewish presence on the Temple Mount, Muslims, men or women, under the age of 50 are not allowed to enter” – practically speaking divides “the times of entry to the Temple Mount between Muslims and Jews,” so that on weekday mornings, Sunday through Thursday, “Muslims are totally prevented from entering the Temple Mount area.”

Decisions by Netanyahu’s security cabinet and declarations to the media demonstrate that this government and its head haven’t learned or forgotten anything. One can maintain the position that a “united” Jerusalem will remain under Israeli sovereignty. But by taking such a position, there’s no point in dreaming about a permanent arrangement based on a compromise with the Palestinians.

One can only hope that the comment by the late Jerusalem Mayor Teddy Kollek isn’t realized: “Your government, they’re all drunk,” he said. “One day they’ll sober up, but then it will be too late.”

**27> Zionism? Nonsense, it's all about God
[Haaretz, 25/08/2015]**

"I live here and you live in Re'ut only by virtue of the Divine Promise giving the Land exclusively to the People of Israel," a settler from Mount Haresha (an outpost near Talmon in the northern West Bank) summarized our conversation this week. This was a predictable argument in our discussion of the legitimacy of his outpost, and was raised for lack of choice, in the absence of any other convincing arguments. Legal and factual arguments are not the preferred *modus operandi* for the nationalist-messianic settlers, and his odds of convincing anyone were slim.

This argument, currently voiced by many cabinet ministers and Knesset members, expresses the ability of religion to provide believers with axiomatic answers in every sphere of life. It serves the apostles of messianic nationalism, among whose numbers are members of Habayit Hayehudi, but also many in the Likud party who are trying to take possession of secular Zionism and its achievements, while rewriting these in the light of their own values. In their view, the divine promise to inherit the land, given to the people of Israel, and their mobilization to this end, is what brought about the establishment of the state of Israel and its flourishing, not the actions of the Zionist movement and the decisions of its leaders.

The fact that faith in messianic redemption, constrained for 2,000 years by a religious edict forbidding taking action to hasten the Messiah's coming, did not bring about the re-establishment of Jewish sovereignty in its historical homeland – an event that had to wait for the Balfour Declaration, the granting of the right for self-determination and the ratification of the British Mandate in 1922 – did not shake the belief system that always ties, in the eyes of the messianic faithful, all events to the Jewish God.

The Chief Rabbi in Mandatory Palestine, Rabbi Kook, had no difficulty in embracing the Balfour Declaration when he wrote that “the commencement of redemption is appearing before our very eyes ... anyone with a soul, who can see through the external trappings of events, knows that the hand of God is evident in guiding history, and it will lead this process to its culmination.”

The fact that secular leaders – Herzl, Weizmann, Jabotinsky, Ben-Zvi, Ben-Gurion, Sharett and others – were the ones to adopt the political ambitions of the Jewish people and work towards their fulfilment within a framework of a national movement, Zionism, does not rattle the underlying assumption of the followers of Kook.

The disciples of messianic nationalism did not see the settlement and diplomatic policies of the Zionist movement as a necessary step on the way to building the economy and institutions of the fledgling state, but as a divine sign of the end of exile and the beginning of redemption.

The messiah’s donkey

They aren’t impressed with the fact that secular Zionism wanted to establish a secular and liberal society, as Jabotinsky threatened determinedly: “In our national home we’ll consider those Jews who do not shake off the rust of exile and who refuse to shave off their beards and sidelocks as second-class citizens. We won’t give them voting rights.” In their view, secular Zionism is the donkey on which will ride the messiah king announcing the coming of redemption, as described in Zechariah 9:9: “Rejoice greatly, O daughter of Zion; shout, O daughter of Jerusalem: behold, thy King cometh unto thee: he is just, and having salvation; lowly, and riding upon an ass, and upon a colt the foal of an ass.”

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Rabbi Kook's son mobilized in the effort to explain the religious "miracle" which was revealed in the founding of the state. According to his vision, the partition plan wasn't the fruit of enormous diplomatic efforts by the Zionist movement, a result of the impact of the Holocaust and the consolidation of the Jewish community in Palestine. It happened only because God moved the hearts of the world's nations to support the process of redemption, and when redemption begins there is no room for pulling back. "Just like the morning star is the redemption of Israel."

According to the messianic ones, the victory in the War of Independence wasn't a product of the far-sightedness of Ben-Gurion and others. Anita Shapira, his biographer, emphasizes the protracted search by Ben-Gurion for the right timing of establishing the state, basing his assessment on data and not on miracles. "During the 1930s he talked of reaching a solution with the Arabs but at the same time, quietly and surreptitiously, he noted every month the numbers of army-age men among Jews and Arabs, calculating how many more we need in order to oppose them."

Victory, in the eyes of the messianic ones, was a divine miracle, since only thus can one explain the myth of a victory of the few and weak over the many and strong. The meticulous preparations of the Jewish pre-state community, under the leadership of Ben-Gurion – as he explained to the Knesset in 1960: "In the War of Independence the Arabs were disunited... they weren't well-equipped... when our equipment arrived it was better than theirs. Besides, as strange as this may seem, we had a larger army than they did" – these are insignificant historical facts to them.

The Six Day War also became a divine miracle for them. Even the settlements in the occupied territories, the flagship of their worldview, were explained by the fact that the secular donkey working in their service changed, "not knowing who was driving him." Alon, Peres and Rabin tried to lure young kibbutz and

moshav members to the Jordan Valley, although not altogether successfully. It was Sharon, the secular pragmatist, who turned the settlement enterprise into what it is today, taking advantage of the housing shortages faced by ultra-Orthodox families and pushing them into Modi'in and Beitar Illit, and luring secular people – immigrants and lower- and middle-class people – to Ma'ale Adumim and Ariel. The national messianic ones didn't establish even one settlement numbering ten thousand Jews. Most of their communities are small, isolated and dependent on government assistance.

In contrast to messianic dogmatism which explains the twists of history only as serving territorial expansion, backed by divine decree, Israel's key leaders knew how to persist in their pursuit of the Zionist vision of a democratic state for the Jewish people at historical intersections, even when this meant scaling down. They succeeded in shaping reality by correctly understanding it. A careful consideration of diplomatic and demographic conditions motivated Ben-Gurion to make do with the Armistice agreement lines (the "Green Line") in 1949 and to withdraw the IDF from Sinai in 1956. Thus, Begin decided on peace with Egypt in exchange for returning Sinai and Rabin returned to Jordan some land that Israel had taken over in the Arava as part of the peace agreement with Jordan in 1994. Barak withdrew from southern Lebanon in 2000, and five years later Sharon withdrew the IDF and evacuated settlements in Gaza and northern Samaria.

In all these cases, to the messianic-nationalists' chagrin, no divine intervention, not even at the last moment, stopped the unfolding of events. These leaders saw territory held by Israel as a means for meeting the changing diplomatic, economic, cultural and social objectives of Israeli society, not as an immutable, sacred objective, in and of itself, overriding any other interest or consideration. They did not sanctify the status quo as Golda Meir and Yitzhak Shamir had done earlier, and as Netanyahu is doing today, but chose active and responsible Zionist action.

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Because of the blind faith of those who espouse messianic nationalism, that everything that happens in the political and diplomatic arenas is an expression of divine preferences, and that the ability to fathom the ways of the divine is given only to them, they don't need a democratic system. "It's time it moved over," said Yehudit Katzover.

Furthermore, these disciples, who claim that "every step we take, every waving of our arms, opens electrical circuits that turn on lights in divine spheres" demand preferential budgeting. An extreme expression of this attitude was evident in an article published last year by MK Bezalel Smotrich under the caption "We deserve more." He explained, without an iota of embarrassment, that it is seemly that the state allocate more budgets to Zionist religious education. Why so? Since according to his belief, religious Zionism was given the task of leading the people of Israel.

Lead it in which direction? Hanan Porat has the answer – "to establish a kingdom of priests and a holy people," the return of divinity to Jerusalem, the establishment of the Kingdom of the House of David and the erection of the Temple – as the key elements in repairing the world and establishing the kingdom of God on earth." This answer, given in 2008, only repeated what was written in 1974 with the establishment of Gush Emunim, the settlement movement which tried to block diplomatic agreements that entailed withdrawal from conquered territories, while taking over the reins of Zionism: "Gush Emunim was established with the aim of infusing an old-new message into existing vessels, in order to arouse people to fully fulfill Zionism by action and by spirit, while recognizing that the source of its vision lies in Israel's heritage and the roots of Judaism, and that its objectives are the full redemption of the people of Israel and the entire world."

At the time only a few people understood the magnitude of the threat to the Zionist vision. They included Rabin, who wrote in 1979: "I saw in Gush Emunim a very grave phenomenon – a cancer in Israel's democracy. To counter their basic conception that is contradictory to Israel's democratic basis it was necessary to wage a battle of ideas, in order to expose the real significance of the movement's positions and modes of operation." Prof. Yeshayahu Leibowitz explained that the messianic teachings of the younger Rabbi Kook would lead to a transition from "humanity, through nationalism, to bestiality, turning the people of God into ignoramuses."

Today, successive Netanyahu governments have turned the nationalist-messianic approach into official policy. Its key representatives hold important ministerial posts – education, culture, justice, internal security, immigration, tourism and even representing Israel at the UN. Their words and deeds shape the image of Israel in global public opinion, repelling and distancing Israel's closest friends, causing continuous erosion in the support of Diaspora Jews. The chance of returning Zionism to its origins and to its rightful heirs depends on a sobering up of the Jewish public in Israel from the delusion of man-made messianism, which in practice only amounts to down-to-earth politics, proceeding on a path of racist ultra-nationalism, tinged with corruption. This path is threatening the security and the democratic, moral and social future of Israel.

28> The settlement enterprise has not blocked a two-state solution [16/03/2015]

Prime Minister Benjamin Netanyahu won two great victories in the battle for the public's and international community's minds. Both are false victories for which Israel is paying an expensive and unnecessary price.

The first was achieved in Netanyahu's Bar-Ilan speech in June 2009 after he became prime minister again. In the address, Netanyahu gave the impression he supported a two-state solution.

Almost everyone ignored that Netanyahu was still trapped by the belief that a "PLO state" 15 kilometers from Tel Aviv was an existential threat, as he wrote in his 1993 book "A Place Among the Nations." Some Israelis – and all world leaders – have sobered up, but the severe damage because of Israel's insincerity in implementing a two-state solution has been done.

The second victory is almost total, and certainly much sadder. Most of the Israeli public and the international community believe that the settlement enterprise has become so established under Netanyahu that a two-state solution is impossible. But this conclusion has no basis in fact.

Figures from the Central Bureau of Statistics show that during Netanyahu's 2009-2013 term the number of Israelis living in the West Bank (not including East Jerusalem) grew at an annual rate of 5 percent – an additional 69,000 people over five years.

This rate is almost double the rate for Israel proper, but 75 percent of the new West Bank residents chose to live in the large settlement blocs – exactly the same percentage as before Netanyahu was elected. (At the end of 2013, 285,214 people lived in the settlement blocs out of 354,308 in all the settlements.)

During the Annapolis peace talks in 2008, Prime Minister Ehud Olmert proposed to annex – as part of land swaps – these settlement blocs, whose area is no greater than 5 percent of the West Bank. If we add to them East Jerusalem’s Jewish neighborhoods – nearly 1 percent of the West Bank where some 200,000 Jews live – then with a swap of only 6 percent of the West Bank, Israel can preserve its sovereignty over (and the homes of) 35 of every 40 Israelis living over the Green Line.

These figures show that despite the investment of tens of billions to expand the Jewish presence outside the settlement blocs, the Palestinian dominance over 94 percent of the West Bank has been preserved. In these areas there are 26 Palestinians for every Jew, and they own private land there too.

‘Unwilling’ ultra-Orthodox settlers

Other numbers reveal another interesting – and little known – fact. Despite the efforts of Naftali Bennett’s Habayit Hayehudi to prove that it has many nonreligious partners in the settlement enterprise, the number of nonreligious people moving to the settlements in those five years is trivial. Most of the contribution to Israeli population growth in the territories comes from the ultra-Orthodox, the Haredim – 45 percent. And almost all of them live in two large ultra-Orthodox cities: Modi’in Illit and Betar Illit, which have grown 39 percent in the five years.

The surge in Haredim moving to those cities stems from a lack of housing in Jerusalem and Bnei Brak and makes them – in their own words – “settlers against their will.” By comparison, two smaller nonreligious cities, Ma’ale Adumim and Ariel (Modi’in Illit has 5.3 times the number of residents as Ariel) recorded population growth a shade under the rate for Israel proper over those years.

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The number of Israelis who were added to the settlements outside the large settlement blocs in those years was tiny in absolute terms: only 17,795. This figure is smaller than the number of people added to the Israeli city of Modi'in during that period.

This growth in the settler population, attributed to the settlements affiliated with the Gush Emunim movement, largely reflects voters of Likud and Habayit Hayehudi. In a number of these communities there was a significant population increase: Talmon grew 29 percent, Itamar 30 percent, Har Bracha 50 percent, Yitzhar 41 percent, Ateret 71 percent and Har Gilo 163 percent. But many of these communities saw no significant population growth, and a few of them even saw their populations fall (Kiryat Arba, Rimonim, Ma'ale Amos, Hagai, Kochav Hashahar and Carmel).

The settlements of the Jordan Valley and the northern Dead Sea region, which Netanyahu and his ministers often use as an example of the settlements' importance for security needs (a baseless claim), are the last priority for allocating resources. The population increased by only 216 there during those five years, only 3.6 percent, even lower than population growth for Israel proper.

About a third of these communities, all of them nonreligious, saw a fall in their populations; for example, Almog, Argaman, Tomer and Na'omi. The biggest drop was in Ma'ale Efraim – a 26.6-percent fall.

Even in East Jerusalem's Jewish neighborhoods there is no visible influx of residents, despite Bennett's declarations about "Judaizing Jerusalem." Over the past five years the number of these residents grew by only about 5,000 (and many of them are Arabs). This reflects growth under the Israeli average. Given these numbers, if Jewish population growth in Jerusalem remains stable, within a decade the city will have an Arab majority.

Blocking Palestinian contiguity

The trends described here are no surprise for anyone following the settlement enterprise. We were never even close to achieving a Jewish majority in the West Bank – neither in terms of land ownership nor control of territory – because there was never the demographic potential or legal basis.

The “achievement” of building a Jewish-settlement system separate from the Palestinian one merely blocks the contiguity of the Arab population. Dozens of small isolated settlements on the hilltops depend on roads built on a completely illogical diplomatic, security, geographic and economic framework, as well as a heightened military presence.

With the help of these settlements, Israel has achieved control over the Palestinians and prevented the natural development of their communities. Israel has maintained this situation for decades via enormous budgets that are only growing.

True, this threat is not great enough to prevent the establishment of a Palestinian state, but it is expected to raise the price Israel will have to pay for a solution to the conflict, whether agreed on or dictated. Netanyahu, Bennett and Avigdor Lieberman are working to strengthen the trend of expanding the settlements outside the large settlement blocs. (The small isolated settlement of Nokdim where Lieberman lives grew 93 percent over those five years. A new multilane road connects it to Jerusalem.)

Over the past two years, under the leadership of Housing and Construction Minister Uri Ariel, housing starts have actually been concentrated in the isolated settlements outside the settlement blocs – 40 percent of housing starts in the settlements, compared with 20 percent until two years ago.

Shaul Arieli

But remember that land swaps of any size would damage the prospects of some kibbutzim and moshavim in Israel proper near the Green Line. They would lose agricultural land – and economic resources – as part of land swaps. There is a direct connection: Growth in the size of the settlement blocs to be annexed would increase the damage to kibbutzim and moshavim.

Hence the price Israel is paying for the illusion. Israel invests enormous resources for an unfeasible goal lacking any Zionist, diplomatic, economic, social or moral logic. The price of the campaign that Netanyahu and his cabinet are conducting for the settlements is like slaughtering the Israeli economy with a dull knife, along with its relations with the United States, Europe and Arab countries that have signed peace deals with Israel. (As Minister Yuval Steinitz has said: “We have doubled the budgets for Judea and Samaria.”)

Israelis hear endless empty slogans and “peace proposals” that distort reality. And this consciousness building, even if it is false, determines political opinions.

We are left with the separation between the majority of Israelis living in the settlement blocs – which cover only a few percent of the area of the West Bank – and the Palestinians, who are the vast majority in the West Bank and the owners of a clear majority of the land. Israelis must demand that this separation become an official separation, one essential for Israel’s future.

29> The diplomatic process between Israel and the PLO from the Madrid Peace Conference until today – The Israeli positions on four core issues [10/03/2015]

General

1. The objective of this document is to survey and present the State of Israel's agreements and positions in the course of diplomatic negotiations with the PLO from the Madrid Conference in 1991, through the Oslo Process and Road Map, until the shuttle diplomacy of US Secretary of State John Kerry.
2. The survey presents the agreements that were signed between the State of Israel and the PLO in a series of official agreements, as well as the Israeli positions in negotiations which did not involve signed agreements.
3. The Israeli agreements and positions are presented in three main categories:
 - Agreements – Declaration of Principles, interim agreements (Gaza and Jericho, the Hebron Protocol, the Wye Memorandum).
 - The negotiations for a permanent agreement – the Madrid Conference, Camp David Summit, the Taba Talks, the Annapolis Conference, and the Kerry shuttle talks.
 - Proposals and programs – the Clinton Parameters, the Arab League Initiative and the Road Map for Peace.
4. Similarly, the Geneva Agreement is presented. Despite the fact that it is not an official document, it is the only document drafted by the two parties as a permanent agreement and it addresses all the issues involved. Many people view it as a possible model for a permanent agreement between Israel and Palestine.

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5. The survey only covers the “core issues” of the conflict: borders, security, Jerusalem and refugees.
6. The relative weight of the issues (and the extent of their coverage) varied in the course of the negotiation process for two reasons:
 - Some were discussed only in talks on a permanent agreement.
 - Most of the talks devoted the bulk of their time to the core issues of borders and territory, including the settlement issue.
7. The negotiation processes between Israel and the PLO took place in various channels, sometimes even simultaneously. Also, in each channel separate talks took place between different persons from each side. The participants of the talks from both sides were briefed by different leaders, and were required to report back only to them. As a result, differing positions were occasionally expressed by the same side in the same time period.
8. The changes in the Israeli positions did not develop in a linear fashion; sometimes the Israelis regressed back to old positions. This is because the underlying negotiation principle was that “nothing is agreed upon until everything is agreed upon.” Thus sometimes a compromise position was only presented as part of a comprehensive “package deal” of “give and take” in the four issues.

The Madrid Conference – 1991

After the First Gulf War, the United States renewed its attempts to reach peace arrangements in the Middle East while exploiting the inter-Arab situation that was created with the end of the war. In brief, the US proposed a procedural framework for convening a peace conference for the Middle East. The proposal recommended that Israeli-Palestinian negotiations be conducted in the conference on a two-tier solution to the conflict between them. In the first stage, autonomous self-rule would be established for an

interim period of five years, and negotiations on the permanent agreement would begin in the third year of the interim period. The Madrid Conference was jointly convened by the presidents of the United States and the Soviet Union. These invited representatives of the governments of Israel, Syria, Jordan, Lebanon and Egypt as well as of the United States, the Soviet Union and the European Union. The Palestinians were represented in the conference as part of the Jordanian delegation. The parties accepted the invitation and the conference was held in Madrid, capital of Spain, from October 30 to November 1, 1991.

While the initial preparations were underway for convening the Madrid Conference in 1991, the involved parties began to realize that the question of Jerusalem and its Arab residents could not be ignored. Thus Israel presented two pre-conditions for its participation in the conference. First, that East Jerusalem Arabs would not be included in the joint Jordanian-Palestinian delegation. Second, that the Jerusalem issue be omitted from the conference agenda and from the terms of the interim arrangement while in fact, most of the conference discussions would focus on the interim arrangement.

In actual fact, the negotiations did address the East Jerusalem issue indirectly, took place in Jerusalem, and East Jerusalem Arabs were usually included among the Palestinian participants. Between April and November 1991 US Secretary of State James Baker met with a delegation of three representatives, two of them from Jerusalem: Hanan Ashrawi and Faisal Husseini. The Palestinian delegation's center of activity was in East Jerusalem, in the Orient House. Due to the Palestinian delegation's connection to the PLO "outside" the delegation actually represented the PLO; the Orient House turned into a kind of local branch of the PLO's "foreign ministry."

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While the conference itself did not have immediate results, it contributed its share toward the peace process that began a year later. As explained by Saeb Erekat, who was tasked with negotiating with Israel on behalf of the PLO, “We went to Madrid under the umbrella of a Jordanian-Palestinian delegation. On the one hand we weren’t the PLO, on the other hand we received orders from Arafat and others in Tunis... Unwillingly and under coercion, Shamir gave the seal of approval to the ‘terms of reference’ of the peace process (Security Council Resolutions 242 and 338). Without Madrid, we never would have gotten to Oslo. He didn’t understand what we understood – that things would develop naturally, and that those who would try to stop the process would disappear.”¹

Immediately after the conference, a channel was opened in Washington for direct talks between Israel and a joint Jordanian-Palestinian delegation that ostensibly did not include the PLO (although it was clear to everyone involved that the PLO pulled the strings). The first five rounds of talks in Washington took place at a time that the Likud, headed by Yitzhak Shamir, made up the government. The talks dealt mainly with procedural issues, and Israel refused to discuss territorial concessions. Israel was only willing to consider a limited autonomy plan for the Palestinians.

Yitzhak Rabin replaced Yitzhak Shamir as prime minister but the change of leadership had no effect on the atmosphere of the talks. Then-Foreign Minister Shimon Peres said, “As the negotiations with the Palestinian delegation advanced, so did the pullback from the agreement. More and more, the negotiations felt like one long press conference in which each side tried with all its might to prove to its bosses that it is firm as a rock and nothing will move it from its place. The Palestinian delegation was literally torn to pieces

¹ Akiva Eldar, “The peace process in the eyes of Saeb Erekat” [Hebrew], *Ha’aretz*, January 14, 2006, as reproduced on the Walla! News website.

between the contradictory instructions and responses it received. The orders from Tunis were uncompromising. True, the leadership did not directly participate in the talks, but it determined the Palestinian position as if it was an internal ideological discussion, one of the sides negotiating with itself.”²

Declaration of Principles – 1993

In 1992, Yitzhak Rabin was re-elected to the premiership of the Israeli government after he received 44 seats in the elections held on June 23. Until the previous elections in 1988, the well-known position of Rabin and the Labor Party regarding additional peace agreements can be summarized in the following three principles:

- There will be no return to the borders of June 4, 1967.
- No Israeli settlements will be evacuated from territories that Israel would return as part of any future agreements.
- No kind of dialogue will be held with the PLO.³

The Labor Party elections platform for the 13th Knesset created an opening for other possibilities: “The Labor Party bears a vision of a new Middle East in which there will no longer be war or terrorist acts; tremendous economic resources will no longer be devoted to an armament race. We will live in a Middle East in which peace will reign, which will enjoy a common market with regional systems of water irrigation, tourism, transportation, media and of cooperation in the spheres of energy, culture and science.”⁴

² Shimon Peres, *The New Middle East* [Hebrew] (Tel Aviv: Steimatzky, 1997), p. 17.

³ In May 1989, when Rabin served as Defense Minister, he initiated a diplomatic initiative which he tried to realize via a peace agreement with Jordan.

⁴ Israeli Labor Party, "Labor Platform for the 13th Knesset" [Hebrew],

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The beginning of Rabin's second tenure as prime minister was focused on the talks that took place in Washington between Israeli delegations and the Palestinians, on the background of the escalation of the Intifada in the territories. At the time, Rabin strove to initiate an economic and physical separation from the territories.⁵

In this context, then-Deputy Foreign Minister Yossi Beilin initiated a secret negotiation channel between Israel and the PLO, in order to extricate the negotiations in Washington from the impasse it had reached. This is described by then Foreign Ministry Director-General Uri Savir who said, "In the course of 1992, Beilin hooked up with a Norwegian social sciences researcher, Terje Rød-Larsen. The two brought about the beginnings of informal talks on January 20, in Norway, between two Israeli professors (Yair Hirschfeld and Ron Pundak) and three PLO men (Ahmed Qurei, Hassan Asfour and Maher El-Kurd). The goal of these talks was to formulate an unofficial document with a "Declaration of Principles" for establishing peace in the future between Israel and the Palestinians.⁶

Archives of the Labor Party,

<http://www.archavoda.org.il/avodaarch/matza/pdf/kneset13.pdf>.

⁵ Rabin said the following to the Knesset on April 8, 1993. "The goal of this closure is to create, not in one fell swoop, maximum severance, without any connection to the question of a diplomatic process... In my opinion, an opportunity has arisen to solve additional problems in the Israeli economy and society... I look forward and believe that it is possible to implement the instruments that we have started to adopt in a phased process, because it is impossible to do it with one stroke. It is impossible to change things that took root over 25-26 years..." Israeli Foreign Ministry, *Yearbook of Official Documents 1994* [Hebrew] (Jerusalem, 1996), pp. 414-415.

⁶ Uri Savir, *The Process* [Hebrew] (Tel Aviv: Yedioth Ahronoth/Hemed, 1998), pp. 17-18.

The negotiations that took place mainly in Norway led to the signing of the Declaration of Principles by the two sides in Washington on September 13, 1993, under the heading of “Declaration of Principles on Interim Self-Government Arrangements.” On the one hand, it was decided to begin a process that would lead to diplomatic separation, resulting in the rise of a Palestinian state with limited sovereignty. On the other hand, the captains of the process understood that for a rather long interim period, some kind of integrative economic framework [with Israel] had to be formed. The Paris Protocol was signed in 1994, stating that Israel would support the Palestinian Authority until the latter would reach economic independence. Eventually Rabin came to support this solution from the concern that harsh, sustained economic distress among the Palestinians would collapse the political foundations of the entire Oslo Process.⁷

Nevertheless, even then it was clear what the ultimate goal of the Palestinians was. Yoel Zinger, who served then as legal advisor of the Foreign Ministry, said, “There is no doubt that the Palestinians’ goal is the establishment of an independent state, and it even seems that they prefer a confederation with Jordan while cultivating joint interests with Israel.”⁸

The Declaration of Principles dealt mainly with the withdrawal of Israel from the territories of Gaza and Judea and Samaria, and the establishment of a Palestinian Authority for self-rule in the region for an interim period that would last no more than five years. The objective was to reach a permanent agreement between the sides on the basis of Security Council Resolutions 242 and 338.⁹

⁷ Dan Shiftan, *Disengagement: Israel and the Palestinian Entity* [Hebrew] (Tel-Aviv: Zmora Bitan, 1999), pp. 50-51.

⁸ Savir, p. 51.

⁹ English Knesset website:

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On September 9, 1993, as part of an exchange of letters between Yitzhak Rabin and PLO Chairman (since 1969) Yasser Arafat, Israel recognized the PLO as the representative of the Palestinian people and announced its decision to begin negotiations with Arafat as part of the peace process in the Middle East. Arafat, on his part, recognized Israel's right to exist in peace and security. He committed himself to the peace process in the Middle East and the peaceful resolution of the conflict between the two parties; he committed himself to refrain from using terror and other violent activities; he repeated his acceptance of Security Council Resolutions 242 and 338; and committed himself to bring the necessary changes in the Palestinian Charter for approval of the Palestinian National Council, mainly the articles that invalidate the existence of the State of Israel and other articles that contradict the commitments included in Arafat's letter to Rabin.¹⁰

Moreover, it was decided that the negotiations on the permanent agreement between the State of Israel and the representatives of the Palestinian people would begin as soon as possible, and not later than the beginning of the third year of the interim agreement. These negotiations would encompass all the other issues: Jerusalem, the refugees, settlements, security arrangements, borders, relations and cooperation with other neighboring states, as well as other relevant topics. A two-day discussion, headed by Yitzhak Rabin, was then held in the Knesset on the government's announcement regarding the agreement. On September 23, 1993 a no-confidence motion in the government regarding the signing of the agreement took place. Sixty-one Knesset members voted against the motion and fifty voted in favor. Eight MKs abstained from voting and one MK was absent.

https://www.knesset.gov.il/process/docs/oslo_eng.htm.

¹⁰ Israeli Foreign Ministry website:

<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-plo%20recognition%20-%20exchange%20of%20letters%20betwe.aspx>.

Territory and borders

The Declaration of Principles (DOP) determined that the negotiations would lead to a “permanent agreement based on Security Council Resolutions 242 and 338.” In addition:

The two sides will arrange and sign an agreement regarding the withdrawal of Israeli forces from the Gaza Strip and the Jericho area within two months of the date that this DOP takes effect. Immediately after signing the Gaza-Jericho agreement, Israel will rapidly withdraw Israeli military forces from the Gaza Strip and Jericho areas according to schedule, and within a period of no longer than four months after the signing of this agreement.

Security

The sides agree that:

In order to ensure public order and internal security for Palestinians in the West Bank and the Gaza Strip, the Council will establish a strong police force. Meanwhile, Israel will continue to assume responsibility for providing defense from external threats, as well as overall security of the Israelis to ensure their internal security and public order.

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Jerusalem

The declaration stipulated that Jerusalem would be discussed in the negotiations on the permanent agreement, as a separate issue. Nevertheless, it was decided that the Palestinian residents of Jerusalem would have the right to participate in the Palestinian elections in accordance with an agreement between the sides.¹¹

Regarding the Palestinian Authority institutions: Arafat demanded that these be situated in Jerusalem while Israel demanded that they operate from Jericho and Gaza. Foreign Minister Shimon Peres wrote a letter to Arafat and to the Norwegian Foreign Minister that “I wish to confirm that the Palestinian institutions of East Jerusalem (...) are of great importance and will be preserved. (...) Needless to say, we will not hamper their activity; on the contrary, the fulfillment of this important mission is to be encouraged.”¹²

Refugees

The DOP stated that the refugee issue would be discussed in the negotiations on the permanent agreement.

¹¹ The formulated agreement is displayed on the Israeli Foreign Ministry's website:
<http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Declaration+of+Principles.htm>

¹² Jerusalem Institute for Israeli Studies, *Peacemaking in Jerusalem – A Task Team Report* (Jerusalem, 2000).

The Gaza-Jericho (“Cairo”) Agreement

Israel’s main preparations before the first agreement were with regard to security issues. The IDF, which had not been at all involved in the negotiations on the DOP, now quickly went to work to prepare the main points regarding the new security situation before the start of the talks.¹³ The IDF addressed the following security needs and considerations in the agreement:

- Maintaining the security of Israelis and Palestinians.
- Protecting Israeli settlements and movement of Israelis in the Gaza Strip area.
- Protecting the international borders.
- Preventing terror against Israel.
- Enforcing the law, preventing acts of violence on the street and maintaining the public order.¹⁴

After the negotiations that began on October 13, the first Interim Agreement was signed on May 4, 1994 in Cairo between Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat. The signing ceremony was in the presence of the United States, Russia and Egypt as witnesses.¹⁵ According to the DOP, this agreement should have been signed on December 13, 1993; the postponement of five months was a sign of things to come regarding implementation of the time schedule that was set in the DOP.

¹³ The first discussion was held in the IDF’s Planning Branch already on September 8, when the negotiations became public but before the DOP was signed. One month later, on October 8, the head of the Operations Division published the main points of the new operational view.

¹⁴ From the minutes of Security Committee discussions No. 2 headed by Maj. Gen. Yom Tov Samia, November 4, 1993.

¹⁵ The Knesset website:

http://knesset.gov.il/process/docs/cairo_agreement_eng.htm.

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The essence of the territorial aspects of the agreement:

1. The two sides affirm their allegiance to mutual recognition and commitment as expressed in the Letters of Recognition from September 9, 1993 that were signed between PM Rabin and PLO Chairman Arafat.
2. They re-confirmed the understanding that the interim arrangements regarding self-rule, including the arrangements related to the Gaza Strip and the Jericho region in this agreement, are an inseparable part of the peace process in its entirety, and that the negotiations regarding the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

The withdrawal of IDF forces from the Gaza Strip and the Jericho area:

- Evacuation of military bases and other permanent facilities.
 - Handing them over to the Palestinian police.
 - IDF redeployment in settlements and in the area of military facilities.
3. The Gaza Strip ¹⁶ area was divided into three different jurisdictions:
 - Territories under Israeli civil administration (the settlements and the industrial region in Erez) – 43 square kilometers [26 square miles].
 - Territories under Israeli security jurisdiction (the Muasi area and the lateral axes) – 20 square kilometers [12 square miles].
 - Territories under Palestinian jurisdiction – 300 square kilometers [186 square miles]. According to the terms of

¹⁶ 363 square kilometers [140 square miles].

agreement, Israel was to make these changes within three weeks. And Israel did complete the process within two weeks.¹⁷

In the course of 1994, a security fence was erected around the Gaza Strip. It was built along the Green Line without evacuation of any settlements; instead, a complex “security envelope” was created for these settlements. It had no impact on the diplomatic negotiations underway at that time regarding the interim agreement.

Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip

Before the negotiations on the interim agreement, Head of Central Command Ilan Biran created a program for the interim period, as mandated by the DOP; he did this because no clear diplomatic directive existed at the time. This program was called “Additional Step,”¹⁸ and was based on the following working assumptions:

- A scenario regarding a potential eastern front (Jordan, Syria, Iraq and expeditionary forces).
- Possible scenarios in the development of the Israeli-Palestinian process.

The plan was assembled from 6 territorial segments to provide security coverage for external and internal security threats: the Jordan Rift valley,¹⁹ the Jerusalem “envelope,”²⁰ the “seam line,”²¹

¹⁷ In that time period, I served as officer of the Northern Brigade in the Gaza Strip.

¹⁸ In the 1994-1997 period, I served as Head of the Administration of Hues of the Rainbow 2 (Interim Agreement) under the command of General Ilan Biran and General Uzi Dayan.

¹⁹ A strip that extends from the north (Mehola) to the south (Ein Gedi) and from the Jordan River to the eastern slope of Samaria (the Alon Road), and from south of Jericho to the Haheetekim cliffs that are west of Road

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strategic sites,²² operative routes,²³ Israeli settlement blocks and their infrastructures. The plan was based on eight principles for Israel's redeployment. The territorial principle states that "the Palestinians' cities and rural spaces will be territorially delimited according to the principle of 'maximum demography in minimal territory'."²⁴ In other words: the deployment concept was to transfer the least possible territory to the Palestinians according to the agreements, and to add to this territory in future agreements. This plan translated into a map that extended over 40% of the West Bank area, leaving the other 60% for potential transfer to the Palestinians in the interim period.

Territory and borders

The agreement determined three categories of regions in the West Bank: Area A that included all the West Bank cities except for Hebron; Area B that included the Palestinian villages and smaller hamlets; and Area C in which remained the Israeli settlements and army installations.

The agreement stipulated that prior to elections to the Palestinian Council, Israel would redeploy its military forces in accordance with the attached map (2.9% to Area A, and 23% to Area B). After the establishment of the Palestinian Council, Israel would redeploy its military forces three more times in accordance with the DOP. In

90.

²⁰ A triangle with the following vertices: Modi'in Illit, The Good Samaritan, the Etzion Bloc/Betar Illit.

²¹ A strip 5-10 kilometers [3-6 miles] wide along the Green Line on its eastern side.

²² Like Baal Hazor, Mount Eval and more.

²³ Such as the Alon Road, the Cross-Samaria Highway, 1 East, and more.

²⁴ Shaul Arieli, Rainbow of Colors (Keshet Tzevaim Planning Cell) in the Central Command – Summary of a Multi-Disciplinary Project in the Territorial Command, October 1995.

other words, designated military sites would be re-deployed in three stages in six-month time intervals. Thus the redeployment would be completed within eighteen months from the day the Council is established.

Security

It was determined that:

In order to ensure public order and internal security for the Palestinians in the West Bank and the Gaza Strip, the Council will establish a strong police force. Meanwhile, Israel will continue to bear responsibility for protection from external threats from air and sea, including responsibility for protecting the borders with Egypt and Jordan. Israel will also be responsible for the comprehensive security of Israelis and Israeli settlements, for ensuring their internal security and public order, and for maintaining the necessary forces to adopt the requisite steps to carry out these responsibilities.

The Palestinian Authority will assume responsibility for public order and internal security in the A and B areas. Nevertheless, in Area B Israel will assume primary responsibility for the security of Israelis dealing with the threat of terror. Cooperation and liaison apparatuses were determined on various levels and rules were created regarding a number of unique areas such as Hebron, the Muasi in the Gaza Strip, safe passage and more.

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Jerusalem

The interim agreement determined the voting arrangements of East Jerusalem residents for the Palestinian parliament. It was agreed that voting would take place in the postal branches in East Jerusalem under international supervision.²⁵

Refugees

The refugees were not discussed in the interim agreements.

Rabin delivered a speech to the Knesset on October 5, 1995 regarding ratification for the Interim Agreement. In his speech, Rabin presented, for the first time, his perspective regarding a permanent agreement conforming to the interim agreement map:

...Our view of the permanent solution is that the territory of the State of Israel will include most of the territory of Eretz Israel as it had existed under British mandatory rule. Side by side will be a Palestinian entity that will be the home of most of the Palestinian residents living in the Gaza Strip and the West Bank territory. We want this entity to be less than a state and that will independently administer the lives of the Palestinians under its rule. The borders of the State of Israel, during the permanent solution, will be beyond the lines that existed before the Six Day War.²⁶

²⁵ Article 6 in Appendix 2 of the Interim Agreement. For information about the voting arrangements, see: Hillel Cohen, *The Rise and Fall of Arab Jerusalem 1967-2007* [Hebrew] (Jerusalem: Jerusalem Institute for Israel Studies, 2007), pp. 158-181.

²⁶ Israeli Foreign Ministry website:

A short time after ratification of the agreement in the Knesset on November 4, 1995, Rabin was murdered by a Jewish assassin, member of the right-wing national religious sector, at the end of a large demonstration against violence and in favor of the peace process.

The Hebron Protocol – 1997

The Likud movement and those who headed it opposed the Oslo Process. Former Prime Minister Shamir argued that Jews are not allowed to concede any part of their historic homeland, and viewed the Oslo Accord as the ruination of the entire Zionist process. He called the option of evacuating Jewish settlements by Israeli soldiers as, “...if they murdered their mothers or fathers, their very history.”²⁷

Prime Minister Netanyahu, like former Likud premiers Yitzhak Shamir and Menachem Begin, viewed the conflict differently than did Rabin. Netanyahu felt that “the conflict is not about certain tracts of land but about the entire land; the conflict is not territorial but existential. The issue under discussion is not where exactly the border demarcations will be, but the very national existence of Israel. They do not want a Palestinian state side-by-side with Israel, but a state instead of Israel.”²⁸

Netanyahu repudiated the establishment of a Palestinian state with the argument that “a PLO state that is transplanted 15 kilometers [9 miles] from the beaches of Tel Aviv will constitute a clear and

<http://www.mfa.gov.il/mfa/mfa-archive/1995/pages/pm%20rabin%20in%20knesset-%20ratification%20of%20interim%20agree.aspx>

²⁷ *Ha'aretz*, April 1, 1994 [Hebrew].

²⁸ Benjamin Netanyahu, with Ari Shavit, *Partition of the Land* [Hebrew] (Jerusalem: Keter, 2005), p. 150.

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present danger to the Jewish state.” Netanyahu felt that the PLO policy was really a “doctrine of stages” (or “phased plan”) with the objective of destroying the State of Israel, not coming to an arrangement with it. The decisions taken by the PLO in 1988 were only intended to appease the US, and the Palestinian willingness to negotiate was only “to return it [Israel] to the narrow borders that existed prior to the Six Day War. Afterwards, they will renew their offensive from these borders to destroy the Jewish state.” Netanyahu said that “the autonomy plan under Israeli control is the only alternative to avert the dangers inherent in the ‘peace’ plan of the Oslo Accord”.²⁹

Netanyahu was elected premier after running against Shimon Peres on May 29, 1996,³⁰ on the background of terror attacks led by the Hamas movement. After the election Netanyahu hurried to announce that “we have to lower expectations” among the Palestinians toward the continuation of the negotiations with Israel. What this meant in practice was a policy of “foot-dragging” that dragged out the process begun in Oslo.

Following Netanyahu’s decision to open the northern entrance to the Western Wall’s tunnel in September 1996, Yasser Arafat called on the Palestinian people to respond to this step. The two sides experienced three days of fighting from the night after Yom Kippur, September 23, until September 27, 1996. One of the results of these events was renewal of the negotiations on Israel’s redeployment in the city of Hebron – a deployment that had not yet been completed.

²⁹ Benjamin Netanyahu, *A Place Under the Sun* [Hebrew] (Tel Aviv: Yedioth Ahronoth, 1995).

³⁰ Peres had inherited Yitzhak Rabin's premiership for half a year, after Rabin's assassination.

The Hebron Protocol regarding the IDF's redeployment in Hebron was an accessory contract to the Interim (Taba) Agreement that was signed on January 15, 1997 between the Netanyahu government³¹ and the PLO. The Protocol divided Hebron into two regions: H1, which would come under Palestinian control, and in which Palestinian police would have a similar status as that in Area A, and H2, which would remain under Israeli control, and in which Israel would retain sole jurisdiction and responsibility for internal security and public order. In addition, Israel would continue to assume responsibility for the overall security of Israelis.

The Wye River Memorandum – 1998

The Interim Agreement stipulated that Israel would redeploy its forces three additional times; this mainly involved transferring jurisdiction over West Bank territories from Israel to the Palestinian Authority. The exception was certain territories associated with issues that were to be discussed later on, in the permanent agreement talks. In actual fact, no additional redeployment was carried out by the IDF by the end of 1998, and Netanyahu refrained from holding significant discussions on the subject with the Palestinians.

Under the pressure inflicted by President Clinton and his administration, and after negotiations in Maryland which lasted ten days, the Wye River Memorandum was signed on October 23, 1998 by Prime Minister Netanyahu, PLO Chairman Arafat, and United States President Clinton. The ceremony was held in the presence of King Hussein of Jordan, after meetings were held with delegations from Israel, the PLO and the United States regarding the first and second additional redeployments (further redeployments – FRD). Israel obligated itself to transfer 13% of

³¹ Former Chief of Staff Dan Shomron signed the agreement on behalf of Israel.

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Area C to the Palestinian Authority: 12% to Area B and 1% to the Area A. The Palestinians agreed to set aside 3% of these tracts for nature reserves.³²

The two underlying considerations that led Israel to set these percentages are as follows: security considerations – retaining the so-called “security spaces” under Israel’s full control, and settlement issues – retaining space for future development of the Israeli settlements and safeguarding all their relevant traffic arteries.³³

In actual fact, Israel transferred only 2% of Area C to B. Similarly, the status of 7.1% of Area B was changed to A.

Negotiations over the permanent agreement

Sharm el-Sheikh Memorandum

Ehud Barak was elected to the premiership in May 1999 (from the Labor Party), thus replacing Netanyahu. Barak then decided to renew negotiations on the permanent agreement with the PLO. At first he wanted to “refresh” the Wye River Memorandum and conclude a Framework Agreement on Permanent Status (FAPS) with the Palestinians before reaching a Comprehensive Agreement on Permanent Status issues (CAPS). This, however, did not happen; instead, a Memorandum was signed on September 4, 1999, with PLO Chairman Arafat, in the presence of US Secretary of State Madeleine Albright, Jordanian King Abdullah II, and Egyptian President Hosni Mubarak. According to the Memorandum, it was agreed that a determined effort would be

³² English Knesset website: https://www.knesset.gov.il/process/docs/wye_eng.htm.

³³ In this time period, I served as Deputy Military Secretary for the Defense Minister. I coordinated the Palestinian issue.

made to craft a framework agreement on the permanent agreement by February 13, 2000 and that the comprehensive, final arrangement would be formulated by September 13, 2000.³⁴

Later on, the Memo addressed the implementation of the Wye Memorandum regarding the first and second additional redeployments and set a time schedule for transferring territories from Area C and from Area B to A.

- a. On September 5, 1999 to transfer 7% from Area C to Area B.
- b. On November 15, 1999 to transfer 2% from Area B to Area A and 3% from Area C to Area B.
- c. On January 20, 2000 to transfer 1% from Area C to Area A and 15% from Area B to Area A.

Ultimately, Israel did not transfer these territories to the Palestinian Authority. All the “additional redeployments” that Israel had committed itself to (as part of the interim agreement) were not realized. Today Areas A and B extend over only 40% of the West Bank territory.

Pre-Camp David – 1999-2000

Territory and borders

The Israeli outlook was based on creating a reality that (it thought) would make the agreement worthwhile to both sides, even if the Palestinians would need to make territorial concessions on behalf of Israel as the result of the existing asymmetry. The Israel dilemma stemmed from the fact that it really wanted West Bank territories, while rejecting the Palestinians living there. Therefore, Israeli policy was to try to separate from the Palestinians but to

³⁴ English Knesset website: https://www.knesset.gov.il/process/docs/sharm_eng.htm.

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remain in control of those territories uninhabited by the Palestinians. The Israeli government had no empathy for the Palestinian point of view. The discourse and priority-list was based on Israeli interests alone. The “win-win” viewpoint of Oslo was not implemented.

Barak’s stance when he began his term as prime minister was that the territorial issue would be resolved by a “just partition of the Judea-Samaritan territories.”³⁵ Barak felt that the goal of the agreement is the following: “an agreement that leads to the end of the confrontation and conflict in actual fact, between the two peoples – the Israeli and Palestinian – permanently and perpetually, including all national demands of each side or a minority with national aspirations, based on relations of peace, mutual respect, economic welfare and security, with mutual recognition of the legitimate political rights of each side, and based on the recognition of the existence of two separate entities on the territory of Eretz Israel.”³⁶

Israel created the following list of needs and interests:

- Security
 1. Protecting Israel from threats from the east.
 2. Protecting Israel from terror threats originating either within or by way of Judea, Samaria and Gaza.
 3. The security of the settlers in the Judea, Samaria and Gaza region, and the Israelis traversing these areas (in the transitional period).

³⁵ When Barak began the premiership, he appointed me to head the administration of negotiations on the permanent agreement and of implementing the interim agreement in his office.

³⁶ Project portfolio for the negotiations between Israel and the PLO, October 20, 1999.

- Others
 1. Water whose sources are in the Judea-Samaria region.
 2. Economic arrangements.
 3. Control over Israelis and their assets in the Judea, Samaria and Gaza regions.
 4. Historic sites that are holy to the Jewish people.
 5. Electrical and communications infrastructure sites.
 6. Airspace.
 7. Electromagnetic space.
 8. Environment protection.

Later on, the following basic Israeli positions were hammered out:

- End of the conflict.
- Not to rule over a foreign people.
- Physical separation between the entities.
- Israel will not return to the 1967 lines.
- A united Jerusalem under Israeli sovereignty.
- Most of the settlers in the main settlement blocs will remain under Israeli sovereignty.
- Demilitarization of the territory west of the Jordan River from a foreign army and heavy weapons.
- Rights to the water sources in the Judea-Samaria region.
- No return of refugees to the territory of the State of Israel.

Furthermore, Israel delineated (for the first time) what it viewed as Palestinian needs and interests:

- Control over the entire Arab population in the Judea, Samaria and Gaza region, including East Jerusalem.
- A Palestinian entity that is territorially contiguous with the Arab world.
- An exclusive, reliable land connection between Gaza and the West Bank.
- Direct access to harbor, air and naval services.

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- Living areas for development and for absorption of refugees.
- Control over lands and water.

The following are the rest of the basic, anticipated Palestinian positions:

- Establishment of an independent Palestinian state on all of the West Bank and Gaza Strip territories (the 1967 lines).
- East Jerusalem as capital of Palestine.
- Evacuation of all of the settlements.
- Full Palestinian sovereignty over internal and external security.
- Solving the refugee problem in accordance with the UN resolutions, headed by Resolution 194 that gives the refugees the option of choosing between “return” and compensation.
- Full rights over the water in its sovereign territory.

Therefore, the work of the Negotiations Administration focused on finding solutions and answers to the interests of both sides.³⁷

Prime Minister Barak understood the importance of the territorial aspects of negotiations and, therefore, started off the talks with a discussion on this issue. But instead of approaching the subject in a way that would increase the chances of reaching an agreement, his strategy reversed precedents that had already been created. Thus from the very first moments of the negotiations, Barak’s approach fostered distrust between the sides.³⁸

³⁷ Ibid.

³⁸ In June 1999, one month after he was elected, Barak in effect unilaterally “froze” the Wye Memorandum that had been signed by his predecessor, former Prime Minister Benjamin Netanyahu.

The Israeli side could have chosen one of two paths: the first option is that the territories are a trust held by Israel, and in exchange for a comprehensive peace, Israel would withdraw completely from them and an independent Palestinian state would be established side by side with the State of Israel. The second option would be to treat the territories as of disputed status regarding issues of control and sovereignty, thus the solution is to partition the territory between the two sides. In other words: Israel had to decide whether the June 4, 1967 lines constitute the basis for demarcating a border between two independent states that would sign a permanent arrangement and a peace agreement. The alternative was to completely annul the validity of the 1967 lines, to distance the Israeli government from previous agreements in which Resolution 242 was deemed relevant to the Israeli-Palestinian dialogue, eschew any mention of a Palestinian state, and instead to discuss the establishment of a Palestinian “entity.”

Barak’s strategy vis-à-vis the Palestinians was erroneous, and held the seeds of the resultant blow-up. Instead of putting the principles of the solution on the table in the early stages (mainly with regard to self-determination and territory), thus giving the Palestinians incentive to advance in the negotiations, Barak chose the latter option and in addition, adopted foot-dragging and Oriental-bazaar type negotiation tactics. Barak did not even try to deal with the paradox he created. On the one hand, he again ratified the Wye Memorandum of September 1999 which stated the goal of negotiations is to lead to a permanent agreement based on Security Council Resolution 242. Yet on the other hand he accepted the controversial stance of Israel’s legal advisor to the government who held that Resolution 242 is not relevant to the territories of Judea, Samaria and Gaza and that the territories are not “occupied” but “disputed” territories. Therefore, Israel’s opening offer to the Palestinians was a permanent agreement based on Israeli withdrawal from the Gaza Strip and from 55-60% of West Bank territory. Moreover, many months into the negotiations, the prime minister absolutely barred the Israeli negotiation team from

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referring to a “Palestinian state,” only an “entity.” This was despite the fact that Barak knew that members of his own team were opposed to this approach.

Recommendations were also heard from highly placed Israeli diplomatic sources in Barak’s environs; in practice, these sources were cut off from the behind-the-scenes happenings regarding Palestinian statecraft. These pundits argued that “we can cut a deal with the Palestinians that includes a Palestinian state in all of Gaza and only 80% of the West Bank territories, with Israeli annexation of 20% of the territory without territorial exchange. Alternatively, a state in all of Gaza and on 70% of the West Bank, with an Israeli annexation of 10% without territorial exchange. This leaves 20% for future discussion.”

On the other hand, other Israeli diplomatic sources as well as sources in the intelligence system made it clear that the Palestinian leadership did not have much territorial negotiating room in which to maneuver. Arafat’s precondition for signing on a deal was based on receiving 100% of the territory, with agreement for territorial exchange designed to answer special needs of the Israelis and the reality that developed on the ground (the settlements) over more than thirty years of occupation. The Israeli political system did not internalize the fact that as far as Arafat and his leadership were concerned, the Palestinian side had already made their substantive, fundamental territorial concession in Oslo. In the Oslo Accord, the Palestinians had, for the first time, signed a document stating that Palestinian self-determination – in other words, statehood – would be expressed via implementation of Security Council Resolution 242; in other words, only in the West Bank and Gaza Strip territories.

Concrete territorial negotiations started with the meetings of the first team heads for negotiating the permanent agreement. At the

beginning of 2000, several rounds of contacts took place between the delegation headed by Ambassador Oded Eran³⁹ and that headed by Yasser Abed Rabbo. Eran showed the Palestinians a schematic map (which did not facilitate a more detailed view), with Israel's opening proposal. The map included three areas: a "brown" region, divided into three cantons stretched out on less than 60% of the West Bank, on which the Palestinian "entity" was supposed to be founded. A "white" region of about 15% was to be annexed to Israel; this would include contiguous settlements in the West Bank including width strips that split Western Samaria from the Green Line until the Jordan River, and the Jerusalem area from Ma'ale Adumim to the Dead Sea. Finally, there was the "green" region including about 25% that would be held by Israel under a "special status," allowing Israel to surround the Palestinian entity on all sides. This would also create "fingers" and "islands" of control over places not included in the annexed territories. Some examples are: Hebron, Kiryat Arba, Gush Dolev, Talmon, and the Jordan Valley settlements.

The Stockholm Channel – 2000

About four months were wasted until Barak decided to bring attorney Gilead Sher (a close confidante) back to the negotiation table together with the talented and enterprising Minister (and professor) Shlomo Ben-Ami. These two men, together with a small number of assistants, constituted a working group that viewed things more progressively than did the prime minister. In retrospect, we see that while these two negotiators did have some influence over Barak, they were ultimately unsuccessful in leading him to cross the Rubicon and make critical decisions in the territorial negotiations. The beginning of May 2000 marked a

³⁹ The Palestinians were forced to wait about three months for the appointment of Oded Eran, after Gilead Sher was forced to vacate his seat at the recommendations of the legal advisor to the government.

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breakthrough in the negotiations between the sides and the establishment of an official but covert backchannel that later became known as the “Stockholm Channel.” The secret talks, which at first commenced in the Jerusalem area and then continued in Sweden, led to substantial progress in all the subjects of dispute including, of course, territorial issues. This time, Israeli permission was given to discuss a potential Palestinian state (not just an “entity”). Another example of progress was Israeli acceptance of the Palestinian “100% minus” formula (in other words, 100% of the territories minus what was needed for Israel’s essential needs) and on the other hand, Palestinian readiness to appropriately address some of Israel’s needs.

Territory and borders

Barak’s inclination was to retain his “three zones” standpoint, namely the “brown,” “white” and “green” zones. He was ready to compromise by postponing the final-status fate of the “green” zone to a future date, at least five years after the signing of the agreement. Already at this point the head of the IDF’s Military Intelligence (MI) branch presented the MI view: that the Palestinians were likely to accept an Israeli territorial annexation that did not exceed 5-6% of the West Bank.⁴⁰ Barak ignored this position and, just before leaving for Stockholm, instructed his team to offer the Palestinians a state on only 77% of the area, with an Israeli annexation of 13-15% without territorial exchange and an understanding that the fate of the remaining 8-10% would be negotiated at a future date after the signing of an agreement. In actual fact, the map presented to the Palestinians showed 76.6% of the area for the Palestinians, 10.1% in Israel’s hands under a special

⁴⁰ Gilead Sher, *Just Beyond Reach: The Israeli-Palestinian Peace Negotiations 1999–2001* [Hebrew] (Tel Aviv: Yedioth Ahronoth/ Idanim, 2001), p. 85.

status, and 13.3% of the area to be annexed by Israel.⁴¹ When the Israeli team started to present the aforementioned plan to the Palestinians they were greeted by an angry negotiating partner; the Palestinians argued that Israel had returned to square one of the negotiations. Abu Ala's response was, "this kills our desire to continue," and repeated the pragmatic Palestinian stance that "the 1967 lines constitute the border... We will be willing to make minor adjustments in these borders, so long as they [i.e. the adjustments] are reciprocal and absolutely equal in quality and area." Hassan Asfour added that they are willing to make changes but not willing to accept unilateral annexation, while Abu Ala stated that there was no justification for the Palestinians to receive less than 100% of the territory. They made it clear that the "100% deal" might include Israeli annexation of the settlement blocs in the West Bank and Jewish neighborhoods in East Jerusalem.⁴²

After their return to Israel, the Israeli negotiation team reported the results to the prime minister. One of Barak's instructions following the debriefing was to prepare new maps in which the settlements of Beit El and Ofra, as well as Baal Hazor and Psagot, would be connected to the territories that would be annexed to Israel as settlement blocs.⁴³ The Palestinians viewed this as an Israeli geographic panhandle extending from the Jerusalem area to the eastern edges of Ramallah, when in actuality this panhandle is connected to the geographic bloc on the south, creating an area that not only blocks East Jerusalem, but also the cities of Al-Bireh and Ramallah. This annexation makes very little geographic or territorial sense; instead, it seems to express the desire to placate the settlers of Beit El and Ofra, known as the traditional ideological heart of the Gush Emunim movement.

⁴¹ Ibid, pp. 86, 90.

⁴² Ibid, pp. 87, 90, 91.

⁴³ Ibid, p. 93.

The territorial gaps remained deep and substantive during the subsequent meeting held in Sweden on May 20, 2000. The Palestinian team reiterated its stance: that the Palestinians would under no circumstances agree to an Israeli annexation of 13%. They would also not accept the Israeli concept of dominance over territory by means of “special arrangements” (the “green” zone); from their point of view, this is merely another form of Israeli annexation. The Palestinians repeated and clarified the stance they had adopted in the Beilin-Abu Mazen agreement that the settlers remaining in Palestinian territory can remain as individuals and not as communities. They would be Israeli citizens under Palestinian sovereignty with special arrangements in fields such as education, culture and the like.

Five days earlier, the prime minister delivered a political statement in the Knesset that had been previously ratified by the government. The prime minister announced a change of status of three villages in the Jerusalem area (Abu Dis, Al-Azaria and Eastern Sawahra): these had changed from Area B to Area A. This, he said, was not a substantive change; mainly it meant that the responsibility for security of the villages was being transferred to the Palestinian police, which was already situated in the area of the villages. Meanwhile, harsh demonstrations broke out on that very day as the Palestinians throughout the territories marked the nakba (calamity in Arabic) of the establishment of the State of Israel in 1948. Tension on the ground continued for a number of days; two “days of fury” (May 19-20) were declared by the Palestinians with severe rioting and numerous casualties, totaling about a hundred wounded Palestinians and a number of wounded Israeli soldiers. In response, Barak ordered the negotiation team to return from Sweden and announced his nullification of the decision to transfer jurisdiction over the three villages. In fact, jurisdiction over the three villages was never transferred to the Palestinians.

Palestinians argue to this day that this decision made by Barak epitomizes his negotiation style, which was – they felt – merely pretty words and empty promises, when in fact he never took action to back up his supposedly positive intentions. In this context they criticized a public statement made by Barak: he called himself the only prime minister who did not transfer territories to the Palestinians, in contrast to Rabin, Peres and Netanyahu. The Palestinians perceived this statement as being arrogant at best, and as reflecting Barak's strategy at worst.

During the first three days of June, a reinforced "Stockholm Team" was convened for a number of lengthy sessions in Jerusalem. The Palestinians held fast to their positions on territorial and other issues. Abu Ala repeatedly emphasized to Minister Ben-Ami that "Arafat wants an agreement." He reiterated that a 13% annexation is much too excessive and asked the Israelis to come up with a more moderate offer, based on the fact that the Israeli settlements in the West Bank do not constitute more than 2% of the territory. "Present a more realistic approach regarding the settlement blocs, and offer land swaps."⁴⁴ The Israelis responded by criticizing the Palestinians for not making any concrete proposals regarding the territorial issue.

The disparity between the size of the built-up settlement areas, constituting less than 2% of the West Bank territory, and the territory size that Israel demanded to annex, was an issue that plagued both sides throughout the negotiations. The gap began to close only six months later, when the Clinton Parameters were disseminated. The dispute was rooted in two opposing views: Israel aspired to annex as much area as possible even in the absence of unequivocal national interests, while the Palestinians aspired to drive the Israelis out of as many areas as possible, without taking into consideration the Israeli need to retain not only the large

⁴⁴ Ibid, p. 112.

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number of settlements in the West Bank, but also to include them in blocs with room for urban expansion and with convenient connecting roads for transportation.

Still, both Ben-Ami and Gilead Sher understood that the Palestinians had to present a deal to their people based on the absolute number of 100%. Ben-Ami and Sher knew that they had to reach a preliminary agreement regarding the land swap principle that would make it easier for the Palestinians to agree to an Israeli annexation of settlement blocs. However, the prime minister was not willing to internalize this message. Barak, whose opening bid to the Palestinians was the 50:50 ratio of the West Bank area, clung to his “golden formula” (so called by the team) that included Israeli annexation of 650 square kilometers [251 square miles] of the territories. This was presented by the Israeli side in Camp David as an Israeli retreat from 89.5%, and without land swaps. Barak derived the adjusted percentage not from the West Bank area, as was customary, but from the total West Bank and Gaza Strip territories; ostensibly, that is how he reduced the percentage.

A few weeks before Camp David, the Israeli team met Arafat in Nablus with the purpose of sweetening the pill and preparing for the summit. Ben-Ami explained to Arafat that while the Israeli starting point had previously stood at only a 50% withdrawal from the territories, now it reached 87% with the promise that Israel would withdraw immediately from 76% of said area. Ben-Ami added that even the 13% that Israel wanted to annex, was still subject to negotiations. Arafat did not respond. When the Israeli team debriefed Barak of the meeting, Barak clarified that Israel must try to hold onto the Jordan Valley for thirty years. He said that once in every decade, they would investigate the feasibility of transferring parts of the Jordan Valley to the Palestinians.⁴⁵ This meant that, for all intents and purposes, the Palestinian state would be reduced to a mere 75%.

⁴⁵ Ibid, pp. 140-142.

After the Stockholm discussions and before the Camp David Summit, Israel attempted to narrow the gaps between them and the Palestinians by decreasing the preferred Israeli annexation from 13% to 11%. This change, which seemed substantive to the Israeli side, had no impact on the Palestinians. In their view, the Israeli position was still excessive, especially since Israel continued to cling to its demand that an additional 10%, mostly in the Jordan Valley, would be held by Israel for an indefinite amount of time. According to Ben-Ami, Abu Ala agreed to an annexation of only 4%.⁴⁶

Yet Israel's Military Intelligence head and Intelligence Officer to Camp David held more realistic assessments regarding the Palestinian position. These evaluations were known to the Israeli decision makers, thus making their position regarding negotiation leeway on the territorial issues even more distorted and puzzling. The MI head and Intelligence Officer both agreed that "we can reach an agreement with Arafat under the following conditions: A Palestinian state with [Arab] East Jerusalem as its capital; sovereignty over the Temple Mount; 97% of the West Bank and one-to-one land swaps with regard to the remaining territory; plus some kind of formulation that includes Israel's acknowledgement of its responsibility for the refugee problem and its willingness to accept 20 or 30 thousand refugees."⁴⁷ Furthermore, according to General Malka, a few weeks prior to Camp David he reviewed Arafat's positions for the Cabinet and said that "there is no chance that Arafat will compromise on 90% of the territories, not even 93%." According to Malka, Barak's response was "You say that he won't accept an offer of 90%? I don't agree with your assessment." Malka remained adamant and told the prime minister that "there is

⁴⁶ Oded Granot, "From Shlomo Ben-Ami's Journal" [Hebrew], *Maariv*, April 6, 2001.

⁴⁷ Amos Malka, former Chief of the IDF Intelligence Branch, *Ha'aretz*, June 2004, in an interview with reporter Akiva Eldar [Hebrew].

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no chance that he'll go for it." General Malka adds that "Barak viewed himself as an expert who needs no intelligence evaluations since he was Mr. Intelligence himself, he thought that he was smarter [than everyone else]. Later it was more convenient for him to explain away his failure by giving a distorted description of reality."⁴⁸

Security

In the course of Israeli-Palestinian negotiations on the permanent agreement (Oslo Process 1999-2001), the Israeli security position on the need to remain in control of territory underwent a revolution. In the negotiations conducted during Ehud Barak's tenure as prime minister, Israel still insisted on adhering to Yitzhak Rabin's view as expressed in Rabin's Knesset speech of October 1995; "We view a permanent solution [as involving] a Palestinian entity which is less than a state. [...] The security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term."⁴⁹

Thus, the Jordan Valley was included in the territory that Israel demanded to annex in all the maps presented to the Palestinians and Americans in the negotiation rounds, including the Camp David Summit (2000). The Israel delegation defended this demand using security considerations, mainly with regard to potential threats from the east including concern regarding the smuggling of weapons into the West Bank. But when the Palestinians argued that the Israeli demand regarding the Jordan Valley was merely an attempt to annex territory under guise of security, the width of the

⁴⁸ Ibid.

⁴⁹ Israeli Foreign Ministry website:

<http://www.mfa.gov.il/mfa/mfa-archive/1995/pages/pm%20rabin%20in%20knesset-%20ratification%20of%20interim%20agree.aspx>

“security space” in the Valley narrowed as the talks progressed. The Israeli demand for sovereignty in the Jordan Valley was exchanged for a transitional military presence in only part of the Valley.

At the end of May 2000, an Israeli document was formulated that addressed the security issue in the following principles and words; “Demilitarization of Palestine from military forces. It is recommended that Israel agree to international guarantees for the national security of Palestine. Authorization for the establishment of military sites for Israeli military deployment. The number of sites and their surface area will be limited. Establishment of a supervisory apparatus to oversee the understandings that had been summed up.”⁵⁰

Jerusalem

The talks about the future of Jerusalem were finally begun in March 2000, during Ehud Barak’s tenure as prime minister (he was elected to the position in May 1999). In May 2000 the Israeli government and the Knesset approved a status change for four Arab villages close to Jerusalem (Abu Dis, Al-Azaria, and Arab al-Sawahra al-Sharqiya) from the status of Area B to Area A. However, Barak ultimately never carried out this move due to pressure from the following factions within the coalition: Shas, the Mafdal and Yisrael B’Aliya (the last two left the coalition before the Camp David Summit).

Before the Camp David Summit in July 2000, Barak still clung to the proposal for a permanent agreement with the Palestinians in which a unified Jerusalem would remain under Israeli sovereignty. Due to this avowed position, the Israeli government did not conduct any discussions on Jerusalem even as discussions began on other issues in the permanent agreement. Thus, Israel finally

⁵⁰ Sher, p. 104.

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discussed the Jerusalem issue only at the Camp David Summit. Barak instructed Israel's representatives at the talks not to conduct substantive negotiations on Jerusalem and to postpone it "to the very end." He argued that a substantive discussion on Jerusalem "is likely to blow up the [peace] process in terms of the public discourse in Israel." Barak asked them not to document their positions regarding Jerusalem and not formulate drafts or documents on the subject.⁵¹

Nevertheless, the Jerusalem issue came up in the Stockholm Channel⁵² though only in general outline form. In the talks, Israel proposed the following solution: that the borders of Jerusalem would be extended beyond the present municipal boundaries until Ma'ale Adumim in the east, Giv'at Ze'ev in the north and the Etzion Bloc in the south. Then, the enlarged city would encompass two capitals: Jerusalem and al-Quds. Each sub-municipality would administer its neighborhoods and the Old City would have its own "special regime."⁵³

⁵¹ Sher, p. 121; Ben-Ami, p. 88.

⁵² This was a back-channel for talks between Shlomo Ben-Ami and Abu Ala; later on, Gilead Sher and Hasan Asfour joined them. It was called the Stockholm channel because the talks took place from May 2000 in Harpsund in Sweden. The first round of talks in Sweden took place from May 11 to May 17, 2000. The second round started on May 20 but was halted in the context of the violence that broke out in the territories ("Days of Rage"), and the third, and last, round took place in Israel starting from June 1 of that year. While the talks themselves were covert, their existence became public knowledge at an early stage.

⁵³ Sher, pp. 81, 114; Ben-Ami, p. 39. For more information about this viewpoint, also see: Danny Yatom, *Secret Partner* [Hebrew] (Tel Aviv: Yedioth, 2009), pp. 376-378.

The preparatory document of the negotiating team toward the summit said that within the Jerusalem domain (the city and its environs) would be Israeli areas (Jerusalem), Palestinian areas (al-Quds), and grey areas in which special arrangements would be established. A special polity would run the Historic Basin. There will be mutual recognition of the right of each party to declare its areas of Jerusalem as capital.⁵⁴

We see that at this stage of pre-Camp David contacts, Israel searched for solutions that would not entail conceding its sovereignty within Jerusalem's municipal borders. Some suggested solutions were: enlarging the city's borders; agreeing to postpone discussions on the subject; or creating special arrangements that would not involve changes in the city's sovereign status. However, in a June 2000 talk with American representatives just before the Camp David Summit, Ben-Ami and Sher hinted at the possibility that the Palestinian capital could also include "outer" Arab neighborhoods in East Jerusalem such as Sur Baher, Shuafat and Beit Hanina. Ben-Ami proposed that these neighborhoods would be under Palestinian sovereignty, while Sher proposed to leave the sovereignty issue of these areas open.⁵⁵ According to this proposal, the "inner" neighborhoods would remain under Israeli sovereignty, but the Palestinians would receive certain powers. Regarding the "room for flexibility" on Jerusalem, Barak told Clinton on July 1, 2000 that he would agree to Palestinian sovereignty over only the part of Abu Dis that is within the municipal domain of Jerusalem, and over Shuafat. Barak emphasized that he would only make this concession if this issue was the last remaining barrier to reaching an agreement.⁵⁶

⁵⁴ Sher, pp. 103-104.

⁵⁵ Ben-Ami, pp. 112-113.

⁵⁶ Martin Indyk, *Innocent Abroad: An Intimate Account of American Peace Diplomacy in the Middle East* [Hebrew] (Tel Aviv, Am Oved, 2009),

Refugees

The Israeli government and the PLO leadership entered negotiations on the question of the refugees, only after signing the Oslo Accord in September 1993. The refugee issue was quickly postponed to the later discussion stage on the permanent agreement, and first appeared on the negotiation table only in the year 2000. During the negotiations, the leaderships of both sides addressed the issue much more pragmatically than the general public. The statements aired in public – mainly by the Palestinian side – were far more intransigent regarding the right of return and its realization in actual practice.

Regarding the refugee narrative: the Palestinian leadership declared that if Israel would recognize the right of return and ask forgiveness, or express remorse for its part of the dynamics that caused the refugee problem, then the Palestinians would be willing to acknowledge the reality created afterwards, including the existence of Israel as a legitimate and sovereign state. The Israelis, on their part, feel that any recognition on their part of the Palestinian right of return is tantamount to accepting responsibility for resolving the refugee problem. Even if this right would not be realized in practice in the first stage, the very recognition implies the end of Israel as a Jewish state.

p.299. Meridor says that Barak told him (in their July 8, 2000 meeting) that he was willing to accept "certain concessions on Jerusalem, [the transfer of] Arab neighborhoods and unhampered Palestinian access to the Temple Mount, which would also come under their control in practical matters without our relinquishing sovereignty." See: G. Weitz, "Final moments of dialogue: Meridor diaries" [Hebrew], *Ha'aretz*, July 29, 2011, p. 18.

The PLO representatives attempted to make a distinction between recognition of the right of return and its actualization on the ground, in a way that would not threaten the Jewish majority in Israel. Israeli representatives tried to ignore the right of return completely and instead focus on the practical aspects of the solution: absorption of refugees outside Israel, whether in the Palestinian state or their current residences, or paying compensation. The two leaderships agreed that any solution would be realized via an international apparatus.

At the initiative of Yossi Beilin and Abu Mazen in 1995 (a year before the agreed-upon date for holding official talks on the permanent agreement), the following suggestion was made for resolving the right-of-return issue: the Palestinians would accept the fact that it would not be possible to implement what they view as their rights to return to their homes; the Israelis would recognize the physical and emotional suffering inflicted on the Palestinian refugees; and both sides would seek the establishment of an international organization, headed by the Swedish government, that would deal with the compensation issue. Israel would contribute to an international fund that would compensate the refugees and also would continue absorbing certain refugees who fall into special humanitarian categories, such as reuniting families.

The negotiation team formulated the following document just before the Camp David Summit in 2000:

We propose the following deal for your consideration: Responsibility issue – a joint far-sighted statement focusing on the need to resolve the refugee problem, versus Israel's unilateral statement of recognition of the suffering caused by the 1947-1949 war and its willingness to take part in solving the problem.

Israel will allot a specified sum of money that

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will be spread over a number of years. The funds of the custodian of absentees' property will constitute the financial seed/money of the solution. The Palestinians will pledge to refrain from any further demands.

Return – From among the refugees who will seek to realize their right to return to Israel, Israel will absorb a small number each year on a humanitarian basis, subject to its sovereign judgment. Rehabilitation/emigration programs will be offered to the rest of the refugees.

Israel and the Palestinians will convene a new donors' conference on the refugee issue, with the goal of reaching the sum of 20 billion dollars.

The Camp David Summit, 2000

President Clinton acceded to Prime Minister Barak's pressure to convene the Camp David Summit. This was despite Arafat's arguments that the gaps between the sides were still too great for a summit of leaders. The Camp David Summit⁵⁷ for Peace in the Middle East was held from July 11 to July 25, 2000 and headed by United States President Bill Clinton; Israeli Prime Minister Ehud Barak; and PLO Chairman, Yasser Arafat.

⁵⁷ Parallel to the talks that took place in Camp David and dealt with the core issues, negotiation was also held between the Israeli and PLO delegations in the nearby town of Emmitsburg, on general issues.

Territory and borders

The following were Barak's positions: The Palestinians would not receive 100% of the territory. At the beginning of Barak's premiership, a negotiations-outline was prepared internally in the administration in his bureau, but he refused to describe the goal of the negotiations as something like, "two states west of the Jordan." Instead, Barak initially wanted to word the objective as a "just division of the Judea and Samaria territories between the sides." Therefore, he rejected the principle of the 1967 lines. Minister Ben-Ami followed Barak's lead when he announced to the Palestinian team, in the presence of President Clinton, that "we cannot comply with the demand to agree to the principle of the '1967 lines,' and then talk afterwards."⁵⁸

While Ben-Ami agreed with Barak, he was surprised to see Barak's negative response to the American working paper based on the 1967 lines. "His response was unnecessarily hysterical, and mainly counterproductive," in Ben-Ami's words. Ben-Ami also suggested to Barak that they give the Americans a "deposit" on the 1967 lines issue, in the spirit of the "Rabin Deposit" regarding the Golan Heights, but Barak opposed this idea as well.⁵⁹

The disparity between the sides on the territorial issue was enormous. Colonel (ret.) Ephraim Lavie (head of the Military Intelligence Palestinian Research Unit) transmitted the following clear, lucid picture of the Palestinian stance to the decision-makers: "Arafat and the Palestinian leadership intend to make the most of the diplomatic process with the goal of reaching the two-

⁵⁸ Oded Granot, "From Shlomo Ben-Ami's diary" [Hebrew], *Ma'ariv*, April 6, 2001.

⁵⁹ Shlomo Ben-Ami, *A Front without a Rearguard: Voyage to the Peace Process Borders* [Hebrew] (Tel Aviv: Yedioth Ahronoth, 2004), pp. 143, 154.

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state solution, according to the fixed, well-known Palestinian diplomatic stance accepted by the PLO in 1988: a state in the 1967 lines, including Arab Jerusalem,⁶⁰ on the basis of Security Council Resolutions 242 and 338.” At the time, the MI emphasized that “the territorial subject is the substantive issue in Palestinian eyes, while the right of return is their important bargaining chip vis-à-vis Israel.”⁶¹

Israel’s opening proposal that was placed on the discussion table at Camp David included annexation of 13% and retention of another 10% of territory (Jordan Valley) for a large number of years. In other words, this allowed for a Palestinian state on about 77% of the West Bank territory and most of the Gaza Strip. Before the teams sat down to discuss the territorial issue, Barak guided his people in a way that directed the discussions straight into a crisis. His unequivocal summary was, “No territorial exchanges.”⁶² As aforesaid, some members of the Israeli delegation understood that without territorial exchange, there was no chance of reaching an agreement. Professional studies had already been prepared outside the walls of the Prime Minister’s Office to locate relevant territories within the Green Line that could be transferred to the Palestinians. These delegation members mistakenly believed that Barak was saving this “concession” for the eleventh hour of the negotiations.

But Barak was adamant. The discussions on the territorial issue ran aground over and over, in the very first week it was discussed. “It is no wonder that the discussions on territory blew up in the end. We had no ammunition with which to set the wheels of negotiations in

⁶⁰ This refers to Eastern Jerusalem. Until 1967, Eastern Jerusalem extended only over six square kilometers [2.3 square miles] and included the Old City.

⁶¹ Colonel (ret.) Ephraim Lavie, in an interview with Yoav Stern [Hebrew], *Ha’aretz*, June 13, 2004.

⁶² Sher, p. 160.

motion. We were not qualified to propose a formula based on the 1967 lines, nor with regards to the eastern border, in other words the Jordan Valley.”⁶³ According to Ben-Ami, Barak felt that a demonstration of “strong nerves” would ultimately break the Palestinians, and “that was the decisive mistake of this summit and of Barak’s entire peace-making concept.”⁶⁴

Ben-Ami addresses the famous meeting in which “President [Clinton] turned the table on Abu Ala” and blamed the Palestinians for “lack of good faith.” Ben-Ami admits that at that meeting, the Israelis presented a new map “with a regression in comparison to our previous maps. Ehud added another 3% annexation to this map and stuck in annexation ‘fingers’ in the heart of the West Bank in order to include Kedumim, Eli, Beit El and Ofra. I had misgivings about the map that I presented, though of course I carried out Ehud’s orders.” Meanwhile, Ben-Ami wrote in his journal, “I don’t know where Barak is going with this. Does he want to torpedo all our chances for peace? What kind of brilliant strategy is this?”

Also, throughout the entire summit, Barak held onto one demand that was incomprehensible not only to the Palestinians, but to the Israelis as well. For some reason, he insisted on annexing a small portion of the northern Gaza Strip, instead of leaving the Strip completely.⁶⁵ Even Gilead Sher wrote in his book that the demand “was unnecessary and peculiar, in my opinion.”⁶⁶

⁶³ Ben-Ami, p. 155.

⁶⁴ Ibid.

⁶⁵ This refers to an area in the northern edge or tip of the Gaza Strip, which included the settlements of Nisanit, Elei Sinai and Dugit.

⁶⁶ Sher, p. 167.

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Four days before the end of the summit, the Israeli team presented a map to the Palestinians⁶⁷ in which 77.2% of the territory was earmarked for immediate transfer to the Palestinians, another 8.8% was territory that would be transferred after a number of years, leaving 13.3% for Israeli annexation. Some tenths of a percent still remained debatable. In actual fact, this position was more uncompromising than what had been told earlier to the Palestinians, though the Palestinians were told orally that the annexation would “only” include 11-11.5%. According to Minister Dan Meridor who participated in the summit, “the maps presented at Camp David left 17% in our hands. Afterwards there was talk about 10.5%. The most far-reaching proposal was 10.5%.” In his opinion, “even this was too minimal, and I’m not ready for territorial swaps.”⁶⁸

Yet after the fact, the version presented by Israeli spokesmen held that Barak had offered a Palestinian state on 95% of the territory with territorial compensation of 5%, or alternately 97% with another 3% compensation. This is tantamount to re-writing history. Barak himself said in a press interview at Camp David that he agreed to transfer between 90-91% of West Bank territory to the Palestinians and to a land swap of 1% within the Green Line. He also said that he never agreed to transfer the Jordan Valley.⁶⁹ Nevertheless, Barak’s last official proposal to President Clinton was a Palestinian state on 89% of the territory with an elevated passageway (or corridor) that would connect the Strip and the West Bank.

⁶⁷ Sher, p. 203.

⁶⁸ Interview with Dan Meridor [Hebrew], *Ha’aretz Supplement*, March 21, 2003.

⁶⁹ Barak’s interview with Newsweek and The Washington Post, as quoted in *Yedioth Ahronoth* [Hebrew], July 15, 2001.

In his book “Secret Partner,” Danny Yatom writes that Barak’s proposal to Arafat via President Clinton was “no less than 11% of the territory, in which 80% of the settlers live, would be annexed to Israel. In addition, no sovereign Israeli territory would be transferred to the Palestinians (land swaps)... Israel would control about a quarter of the Jordan Valley for a few years in order to ensure its control over the passageways between Jordan and Palestine.”

A day before the end of the summit, the Israeli side still clung to the official position it held from day one. The last version presented to President Clinton again included annexation of 650 square kilometers [251 square miles], and the principle that there would be no land swaps. This gap between Barak’s stance and the Palestinian compromise position was so great that there really was no room to maneuver in the negotiations.

Security

In general, the following statement sums up Israel’s final position at Camp David: “Security arrangements are based on the assumption that the Palestinian state will be demilitarized. For a few years, Israel will control about a quarter of the Jordan Valley, in order to ensure Israeli control over the passageways between Jordan and Palestine.”

The following statement summarizes the security arrangements formulated at Camp David:

- The sides agreed to Israeli early warning stations on hilltops; the Palestinians asked for the presence of American representatives as well as Palestinian liaison officers on the station sites.
- The sides agreed that there will be unified air surveillance. Israel would retain authority and responsibility for aerial space

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security, and these will, in any event, prevail over civilian authority. The Palestinians emphasized their demand that their commercial flights not be adversely affected, and that their airport continue to function.

- The Palestinians essentially accepted the principle of demilitarization, but demanded that the designation would be “the Palestinian state will have limited armament” and not “a demilitarized state.”
- The sides agreed to the posting of an international force in the Jordan Valley. The Palestinians emphasized that they wanted it to be an American force.

Jerusalem

There were ups and downs in the flexibility demonstrated by the Israeli side in its proposals for solutions in Jerusalem.

On July 15, Barak outlined for Clinton his proposal to resolve the Jerusalem conundrum. According to his proposal, the city would remain under Israeli sovereignty and the Palestinian capital would arise in the villages of Abu Dis and Anata. The Arab neighborhoods of East Jerusalem would receive a certain amount of municipal autonomy, and the Old City would remain under Israeli sovereignty but would have a ‘special regime’ (religious custodianship or trusteeship). Barak made it clear to the Americans that if a document proposing Palestinian sovereignty in Jerusalem would be presented, he would leave the summit.⁷⁰

On July 16, Barak revealed to Clinton new areas of flexibility; these created a significant turnabout in the traditional Israeli stance regarding Jerusalem. Barak proposed that the outer Palestinian neighborhoods in East Jerusalem would be under Palestinian

⁷⁰ Yatom, pp. 378-381.

sovereignty. In the inner Palestinian neighborhoods, Israeli sovereignty would be maintained but the neighborhoods would receive self-rule jurisdiction in the fields of planning, construction, and law enforcement. The Old City would be divided as follows: the Muslim and Christian quarters would be under Palestinian sovereignty while the Jewish and Armenian quarters would remain under Israeli sovereignty. The Temple Mount would remain under Israeli sovereignty but the Palestinians would receive guardianship of the site. A transportation solution would be found to enable movement from the outer neighborhoods to the Haram, without passing through Israeli territory. The proposal even included the possibility for Jewish prayer on the Temple Mount. Barak suggested to Clinton to raise his proposal to the Palestinians and present it as an American idea.⁷¹

Barak presented his most generous, final offer of the Camp David Summit in a meeting with Clinton. As Danny Yatom testifies, Barak offered the following proposed solution to Clinton to transmit to the Palestinians: the Temple Mount would remain under Israeli sovereignty, but with a type of Palestinian custodianship and permission for Jews to pray on the Temple Mount. Arafat would receive sovereignty over the Muslim Quarter and the Church of the Holy Sepulcher in the Old City. Clinton could also offer him the Christian Quarter, while the Jewish and Armenian quarters would remain under Israeli sovereignty. The outer Muslim neighborhoods would receive Palestinian sovereignty, and the inner Muslim neighborhoods would remain under Israeli sovereignty, but under a special polity; the neighborhood administrations would receive municipal jurisdictions from the Israeli sovereign. Appropriate transportation would be created to allow the Muslims in the outer neighborhoods to attend prayers on the Temple Mount without passing through Israeli sovereign territory.

⁷¹ Indyk, pp. 316-317; Yatom, p. 395.

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When Clinton returned to Camp David, Barak announced the withdrawal of his Jerusalem proposal after Arafat rejected it, and declared a turnaround in his (Barak's) position. Barak did not change his position regarding the outer neighborhoods but he announced that he would not agree to Palestinian sovereignty in the Old City, though he would exhibit a certain amount of flexibility regarding certain inner neighborhoods.⁷²

Refugees

There was almost no progress made at Camp David on the refugee conundrum. Israel refused wholesale absorption of all the refugees, though displayed willingness to a limited absorption of 10-12,000 refugees. By the end of the summit, no kind of agreement was reached between the sides: not regarding the depiction of how the problem began, not regarding compensation, nor the number of refugees that would be absorbed in Israel.

Between Camp David and Taba – end of 2000

Territory and borders

These negotiations continued for a few months and included peaceful, detailed work meetings that involved exchanges of advanced drafts; this led the sides closer to an agreement. In actual fact, negotiations headway was made in all areas, in relation to the end-point of the Camp David talks.

⁷² Ben-Ami, pp. 210-212; Indyk, p. 326. Barak told Ben-Ami that he wanted to carry out a tactical regression in his position so that Arafat would pay a price for his recalcitrance. Ben-Ami proposed that Barak should reconsider his agreement to Palestinian sovereignty in the Christian Quarter, but to offer, in exchange, Palestinian sovereignty in the Arab neighborhoods outside the city walls (Ben-Ami, pp. 210-211).

In the middle of December, the dialogue began to gather momentum. The two leaders, Arafat and Barak, seemed determined to reach an arrangement. At first, Barak continued to insist on the annexation-formula of 650 square kilometers [251 square miles], because this formula allowed for the annexing of 80% of the Israelis (without East Jerusalem). However, in the peace cabinet meeting on December 18, 2000, a day before the delegations left for another round in Washington, Barak already expressed a more realistic position. He said, "We must strive toward a 95% territorial formula."⁷³

The talks took place in the US Bolling Air Force Base. This time, the person to set the tone in the Israeli team was Minister Ben-Ami, who presented a more flexible Israeli position than what the other team members were inclined to do. This created severe tension within the Israeli delegation, to the point where one of the Israeli team members "resigned." Ben-Ami held a more far-sighted view than the other team members – at least with regard to territorial issues – although in retrospect, even he was not far-sighted enough. The map that caused clashes within the team displayed an Israeli annexation of only 5.5%, but without land swaps.

Security

In general, Israel's positions regarding defense issues – demilitarization, sites for emergency deployment and strategic sites – did not change in the course of this period from the positions it held in Camp David. One issue in which there was a dramatic change, was with regards to the Jordan Valley: Israel no longer demanded control of the Valley.

⁷³ Sher, p. 352.

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Jerusalem

The sides continued to negotiate even after the Camp David Summit failure. They made progress in resolving the Jerusalem issue in 25 meetings that took place in Israel and abroad. Most of the meetings dealt with annexation of Jewish neighborhoods into Israel, while Israel continued to refuse to include them in its calculations of annexed territory. Regarding the Old City, the Israeli position proposed a “special regime” so as not to partition the city. However Israel emphasized that if Jerusalem would be divided, it should be done according to a 2:2 ratio (the Christian and Muslim quarters to the Palestinians, the Jewish and Armenian quarters to Israel).

It is interesting to note that it was during this time period that the substantive debate regarding Temple Mount sovereignty became clear: the goal of each side was to forestall sovereignty of the other side, rather than maintaining it itself. Israel agreed to concede its sovereignty but wanted to ensure that nothing would be done to harm the ancient Jewish antiquities holy to the Jewish people, and to show that Israel does not waive its connections to the Temple Mount. The following is the formulation proposed by Shlomo Ben-Ami in the round of talks that took place in the American Bolling Air Force Base on November 19, 2000. “The Palestinian State recognize the holiness of the site to the Jewish people, as well as the centrality of the site in the history, tradition and identity of the Jewish people. Therefore, the Palestinians commit themselves not to conduct excavations on the Haram site or below it so as not to harm the holy place of the Jews. Similarly, out of recognition of those values, the Jews will be allowed to pray on the mountain in a delineated area that will be agreed upon. This agreement, as well as the statement that accompanies it, will be verified by the Organization of the Islamic Conference” (the Palestinians rejected this outright).

Refugees

The Israeli stance regarding the refugees did not change. One change should be noted: that Barak was willing to classify all the agreements, as implementation of the UN General Assembly's Resolution 194.

The Clinton Parameters

On December 23, 2000, towards the end of the negotiating round at Bolling, President Clinton invited the two delegations to the White House. There he presented the "Clinton Parameters."

Territory and borders

President Clinton believes that the parties "should work on the basis of a solution that provides between 94 and 96 percent of West Bank territory to the Palestinian state with a land swap of 1 to 3 percent.⁷⁴ This was in addition to territorial arrangements such as a "permanent safe passage" between the West Bank and the Gaza Strip. President Clinton suggested that the sides should also consider swaps of leased land. Creative solutions exist that would resolve needs and worries of the Israelis and Palestinians in this field. The President felt that the parties should outline a map that would meet the following principles: territorial contiguity; minimize the annexed areas; minimize the number of Palestinians who would be affected by the annexation.

⁷⁴ Indyk, *Innocent Abroad*, Appendix D: The Clinton Parameters. In other words, Israel would receive 3% without territorial exchange. In addition, more land swaps would be possible ranging from 1-3% for which Israel would compensate the Palestinians in a 1:1 ratio. Thus ultimately, the Palestinian state would extend over 97% of the territory.

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Security

Clinton attempted to balance Israel's security needs with honoring Palestinian sovereignty. His proposal, as described by Gilead Sher, included the following elements:

- The key to the issue is an international presence that could only be removed from the area if both sides agree to its removal. This force will also be responsible for supervising the implementation of the agreement between the two sides.
- According to the President's best judgment, the phased Israeli withdrawal would take place within 36 months. In parallel, the international force would effect a phased deployment in the same area.
- At the end of this period, a small Israeli presence would remain in fixed military locations in the Jordan Valley for an additional period of 36 months, under the authority of the international force. This period could be reduced in the event of positive regional developments that would diminish the threats on Israel.
- Early warning stations: Israel would maintain three early warning stations (EWS) in the West Bank, in the presence of a Palestinian liaison. The EWS would be subject to discussion after ten years (according to the Palestinian version: once every ten years), and any change in their status would require bilateral agreement.
- Zones for state-of-emergency deployment: the President understands that the sides intend on preparing a map of the deployment territory and the routes to it. A "state of emergency" is defined as the existence of a clear and present danger to Israel's national security, a military threat necessitating activation of a national state of emergency. The international force would be notified of any such decision.
- Airspace: The Palestinian state would gain sovereignty over its own airspace, but the two sides must prepare special

arrangements for Israeli training and operational needs.

- The President understands that Israel's position is that Palestine should be defined as a "demilitarized state," while the Palestinian side proposes that it be called "a state with limited arms." The President proposed a compromise: that the state be defined as a "non-militarized state." In addition to a "strong security force," the Palestinian state would have an international force for border security and deterrence purposes.

Jerusalem

(1) Ethnic partition of Jerusalem: "What is Arab, to the Palestinians; what is Jewish, to Israel." Arab neighborhoods will be part of Palestine, and Jewish neighborhoods beyond the Green Line (such as Ramot, Gilo, Armon Hanatziv and the Shuafat Ridge) will be in Israel.

(2) "Vertical" partition of the Temple Mount: What is aboveground (the Al-Aqsa and Dome of the Rock mosques, and the courtyard between them) would be under Palestinian sovereignty. Everything underground (the underground cavity under the Muslim mosques, in which relics of the Jewish Temple may be buried) will have a special status that will honor the Jewish connection to the site.

Clinton proposed two alternatives for the Temple Mount: In the first alternative the Palestinians would receive sovereignty over the Haram, and Israel would receive sovereignty over either 'the Western Wall and the space sacred to Judaism of which it is a part' or 'the Western Wall and the Holy of Holies of which it is a part.' There would be a firm commitment by both not to excavate beneath the Haram or behind the Western Wall. In the second alternative, the agreement could provide for Palestinian

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sovereignty over the Haram and Israeli sovereignty over the Western Wall and for ‘shared functional sovereignty over the issue of excavation under the Haram or behind the Western Wall.’

(3) A special regime in the Old City: this regime would facilitate free access and passage without fences or passport control.

The Christian and Muslim quarters would be part of Palestine. The Jewish quarter, like the Western Wall, would be in Israel. The Armenian quarter would be divided in a way that would allow for passage within Israeli sovereignty in a corridor from Jaffa Gate to the Wall. The rest of the quarter would be under Palestinian sovereignty.

According to then-Foreign Minister Shlomo Ben-Ami, President Clinton did not expressly address the question of the “Holy Basin,” i.e. the entire area outside the Old City that includes the City of David and the Tombs of the Prophets on the road to the Mount of Olives.

Refugees

Another clarification of the refugee question appeared in President Clinton’s proposal of December 2000. That proposal suggests that Israel acknowledge the “moral and material suffering caused to the Palestinian people by the 1948 war, and the need to assist the international community in addressing the problem.” The refugees will be given five alternatives for absorption:

- In the Palestinian state.
- In territories that Israel will transfer as part of the land exchange.
- Rehabilitation in their current host countries.
- Third-party countries willing to absorb them.
- A limited number in Israel, if Israel agrees to accept them.

Priority would be given to refugees in Lebanon. Both sides would agree that United Nations General Assembly Resolution 194 has been implemented. It would be clarified that the right of return of the refugees cannot be realized freely in Israel proper, but that the Palestinians would have right of return to historic Palestine or “their homeland.” The agreement would clearly mark the end of the conflict and its implementation would put an end to all claims.

On December 28, the Government of Israel ratified the Clinton Parameters as a basis for continuation of the negotiations with a majority of ten supporters vis-à-vis two dissenters and two abstainers. This was contingent on similar Palestinian agreement.⁷⁵ Furthermore, the government expressed the following reservations:

- The territory offered to the Palestinian state does not allow for retaining 80% of the settlers on the territory of the State of Israel.
- The security-related parameters differ from the Israeli position.
- Israel wants a “special regime” for the Holy Basin.
- The refugee-return issue needs further clarification.
- The parameters neglect to address additional, important issues regarding the permanent status agreement between the sides.

⁷⁵ Sher, p. 369; Ben-Ami, p. 387; Indyk, p. 357. Two ministers opposed the proposal (Roni Milo and Michael Malchior) and two abstained (Ra’anan Cohen and Matan Vilnai). For more information about the discussion in the government, see: Ben-Ami, pp. 387-391.

Taba 2001

In the time-period that elapsed between Camp David and the Taba Summit in January 2001, the considerations that shaped the Israeli standpoint changed dramatically. Barak felt that it would not be possible to find a partner on the Palestinian side who would agree to leave large swaths of the West Bank under Israeli control based on security considerations relevant to events of conflict. Therefore, Israel's new positions with regard to the border line no longer placed special weight on what had been defined as Israel's "vital interests", such as security spaces, control over water, control of strategic traffic arteries and control of areas that command Ben-Gurion Airport's runways and landing routes. In other words, all these needs would be fully resolved by other means, and not by 'Israeli boots on the ground'. Instead, the emphasis shifted to settlement considerations – the need to include as many Israelis as possible living beyond the Green Line, under Israeli sovereignty.

The last stage of negotiations took place in Taba and started on January 21, 2001. This was only a few days before the Israeli election date for the premiership. The two sides arrived at the talks, equipped with President Clinton's Parameters.

Territory and borders

In general, the Israelis tried to stretch the terms of the agreement beyond the upper limit of 6% annexation and below the lower limit of 3% territorial compensation. The first Israeli map included an 8% annexation, in other words a Palestinian state on 92% of the territory.

The Israeli demand (from the Camp David period) of possession without annexation of hundreds of additional square kilometers for a thirty-year period now disappeared from the discussion table. Nevertheless, the Palestinians responded angrily that the

percentages were higher than Clinton's Parameters and that the annexed area included numerous Palestinian villages. The Palestinians demanded that the sides hammer out a map that would include a 5% annexation, as a compromise between the low and high numbers in Clinton's Parameters. The Israeli side refused and clung to the 8% map. While one part of the delegation sided with Barak's more inflexible mandate, the sides negotiating in another room began to progress in the territorial issue. New ideas brought the two positions closer, but before anything could develop, Barak was summoned. Barak, who was updated by his representatives in the team, instructed Ministers Shahak and Ben-Ami not to deviate below the bar of 8% Israeli annexation. At this point, the two had already showed the Palestinians the 6% map.

Security

The sides went to Taba on the basis of the Clinton Parameters, even though they had many reservations on them. The maps presented by Israel no longer included the demand for Israeli sovereignty over any part of the Jordan Valley. Now the dispute focused mainly on the following points:

- IDF deployment region in an emergency: the Israeli side wanted to retain five active emergency posts in Palestinian territory (the Jordan Valley). The Palestinians agreed to two posts at most, conditional to a specific date on which Israel would be committed to dismantle them. Similarly, the Palestinian side demanded that these two stations be operated by an international force and not by Israel. The Israeli side informally expressed willingness to examine how a multinational force could resolve the concerns of both sides.
- The Palestinian side refused to allow deployment of Israeli forces on Palestinian territory during emergencies, but was willing to consider ways in which the international force could take on this role, especially in the context of efforts at regional

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security cooperation.

- Number of military sites: The Israeli side demanded three early warning stations on Palestinian territory. The Palestinian side agreed to the continued operation of the early warning stations, subject to several conditions.
- Division of the electromagnetic spectrum: The Israeli side recognized that the Palestinian state would have sovereignty over its electromagnetic space, and said that while it would not try to limit commercial use of this space by the Palestinians, they (the Israelis) did want to receive control over it for security needs. The Palestinian side wanted full sovereignty over the electromagnetic space, but agreed to accommodate reasonable Israeli electromagnetic needs, as part of cooperation in accordance with international rules and regulations.
- Airspace cooperation: The two sides recognized the sovereignty of the Palestinian state over its airspace. The Israeli side agreed to accept and honor all Palestinian rights of civil aviation according to international regulations, but aspired to a unified aerial control system under overall Israeli control. Israel also asked for access to the Palestinian airspace for military operations and training exercises. The Palestinian side agreed to examine models for cooperation and coordination with regards to civil aviation, but did not agree to give Israel overall airspace control. The Palestinian side rejected the Israeli request for military training and military activity in the Palestinian airspace, and argued that such a request is not consistent with the neutrality of the Palestinian state. They argued that they could not give Israel this privilege while withholding it from neighboring Arab states.

Jerusalem

The Israeli delegation headed by Foreign Minister Shlomo Ben-Ami presented maps in which the Jewish neighborhoods in the east of the city remained under Israeli sovereignty. According to Israel's proposal, a special regime would exist in the Historic (Holy) Basin, meaning that the religious-administrative status quo would be retained in the holy sites. This would include division of the functional sovereignty in the Old City according to quarters (neighborhoods): the Armenian and Jewish quarters under Israel, the Muslim and Christian quarters under Palestine.

A discussion was also held in Taba on the connection between the two parts of the city. The Palestinian side suggested that Jerusalem be an open city, without inner physical partition, and inspection points outside the two capitals. Israel suggested an open city on a more limited geographic space that would include the Old City and part of the Holy Basin, but the Palestinians opposed this and emphasized that they would agree to an open city only if its borders would overlap Jerusalem's municipal borders. The Israeli representatives raised another option of a "flexible border regime" that would dispense special ID cards to residents of Jerusalem and Al-Quds, allowing them free passage between the parts of the city.⁷⁶

Refugees

Thus the sides began another round of talks in Taba, on the basis of Clinton's Parameters. Yossi Beilin and Nabil Sha'ath conducted the negotiations on the refugee issue. The Palestinian representative opened the talks and emphasized the centrality of the refugee question and the condition of the refugees in Lebanon. He noted – while quoting many Israeli studies – Israel's part in creating the

⁷⁶ Menachem Klein, *The Geneva Initiative* [Hebrew] (Jerusalem: Carmel, 2006), pp. 140-141; Sher, pp. 355, 313, 410.

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refugee problem. Beilin, on his part, reminded Sha'ath of the fact that the Arabs rejected the Partition Plan and Resolution 194 that was passed before the end of the war, and also Israel's proposal in the Lausanne Conference of 1949 to absorb 100,000 refugees.

In light of the gap in the narratives regarding responsibility for creating the refugee problem and regarding the right of return, the following solution was decided: Each side would provide a concise description of the sequence of events in its eyes, and its respective interpretation of Resolution 194, while agreeing that the realization of Resolution 194 would be subject to the Clinton Parameters. The additional meetings in Taba were devoted to discussing ways in which the resolution could be implemented. These discussions were more practical and also addressed the option of absorbing refugees from Lebanon in Palestine or in third-party states willing to absorb them.

Regarding pre-1967 Israeli territory it was said that housing could be built on the territories that would be handed over to the Palestinian state as part of territorial exchange. Israel would continue to consider family reunification in special humanitarian cases. The sides also touched upon principles for compensation that would be donated by the nations of the world and also given to the states that absorbed the refugees. They also talked about the connection to compensation for Jews evicted from Arab countries, who were forced to forfeit their assets. It was agreed that UNRWA would close down within five years.

The Taba talks were stopped on January 27, 2001 and the delegations went their separate ways without coming to agreement. At the end of this round of negotiations, drafts were exchanged between the sides and some kind of agreement was formed regarding the sequence of events. An almost full agreement was achieved regarding the principles for resolving the problem. The financial compensation to be underwritten by Israel was set aside for the permanent status agreement stage, while the symbolic

number of refugees that Israel would be willing to accept remained for the leaders to decide, towards the signing of a framework agreement.

Arab League's 2002 Peace Initiative

A year after Taba, the diplomatic process ground to a halt on the background of the Second Intifada and the September 11, 2001 terror attacks on the United States. The Arab Peace Initiative was publicized in March 2002 at the Beirut Summit of the Arab League (also known as The Council of Arab States at the Summit Level at its 14th Ordinary Session). Its main points are as follows:

Reaffirming the resolution taken in June 1996 at the Cairo Extra-Ordinary Arab Summit that a just and comprehensive peace in the Middle East is the strategic option of the Arab countries, to be achieved in accordance with international law, and which would require a comparable commitment on the part of the Israeli government.

Having listened to the statement made by his Royal Highness Prince Abdullah bin Abdul Aziz, crown prince of the Kingdom of Saudi Arabia [today's king of Saudi Arabia], in which his highness presented his initiative calling for full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council Resolutions 242 and 338, reaffirmed by the Madrid Conference of 1991 and the land-for-peace principle, and Israel's acceptance of an independent Palestinian state, emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the

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parties, the council:

1. Requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.
2. Further calls upon Israel to affirm (the following demands):
 - a. Full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights, to the June 4, 1967 lines as well as the remaining occupied Lebanese territories in the south of Lebanon.
 - b. Achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with U.N. General Assembly Resolution 194.
 - c. The acceptance of the establishment of a sovereign independent Palestinian state on the Palestinian territories occupied since June 4, 1967 in the West Bank and Gaza Strip, with East Jerusalem as its capital.⁷⁷
3. Consequently, the Arab countries affirm the following:
 - a. Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.

⁷⁷ <http://www.molad.org/images/upload/files/The-Arab-Peace-InitiativeFinal.pdf>.

- b. Establish normal relations with Israel in the context of this comprehensive peace.
4. Assures the rejection of all forms of Palestinian repatriation which conflict with the special circumstances of the Arab host countries.⁷⁸
5. Calls upon the Government of Israel and all Israelis to accept this initiative in order to safeguard the prospects for peace and stop the further shedding of blood, enabling the Arab countries and Israel to live in peace and good neighborliness and provide future generations with security, stability and prosperity.
6. Invites the international community and all countries and organizations to support this initiative.
7. Requests the chairman of the summit to form a special committee composed of some of its concerned member states and the Secretary-General of the League of Arab States to pursue the necessary contacts to gain support for this initiative at all levels, particularly from the United Nations, the Security Council, the United States of America, the Russian Federation, the Muslim states and the European Union.”

⁷⁸ This article was inserted at the demand of Syria and Lebanon that asked not to leave the Palestinian refugees in their respective countries.

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The Israeli government never officially addressed the Arab League proposal, but in general it rejected it. Israel views the Initiative as an attempt to force it to a full withdrawal to the 1967 lines including Jerusalem and the absorption of the Palestinian refugees.

The League's Initiative is ratified every year. On April 30, 2013 the Arab League published an announcement regarding its agreement in principle to adopt peace negotiations on the basis of the 1967 lines with territorial exchanges. This announcement was made at the conclusion of discussions in Washington attended by government officials, including the following personages: Obama's Vice President Joe Biden; Secretary of State John Kerry; Secretary-General of the Arab League, Nabil al-Arabi; and Qatari Prime Minister Hamad bin Jaber Al Thani. The Qatari prime minister said that the League was willing to accept these principles in order to facilitate Washington's two-state plan.

Road Map – 2002

On the background of the great violence during the Second Intifada, the Road Map for peace was launched as a diplomatic plan to resolve the Israeli-Palestinian conflict. It was presented as realization of the vision introduced by US President George Bush (the son) in his June 24, 2002 speech.⁷⁹ The plan is a performance-based and goal-driven Road Map for resolving the Israeli-Palestinian conflict, with clear phases, timelines, target dates, and benchmarks under the auspices of the Quartet. The destination was a final and comprehensive settlement of the Israel-Palestinian conflict by 2005.⁸⁰

⁷⁹ <http://www.ynet.co.il/articles/1,7340,L-1962713,00.html> [Hebrew]

⁸⁰ <http://www.un.org/News/dh/mideast/roadmap122002.pdf>

People & Borders

Phase I: Ending terror and violence, normalizing Palestinian life, and building Palestinian institutions

1. Unconditional and immediate cessation of Palestinian violence.
2. Resumption of security cooperation between the sides.
3. Comprehensive Palestinian political reform.
4. Israel takes all necessary steps to help normalize Palestinian life.
5. Israel withdraws from Palestinian areas occupied from September 28, 2000.
6. Israel freezes all settlement activity, consistent with the Mitchell report.

Phase II – Goals

1. International conference to support Palestinian economic recovery.
2. Establishment of a Palestinian state with provisional borders.
3. Arab states restore links to Israel.
4. Revival of multilateral engagement on regional issues: water resources, environment, economic development, refugees and arms-control issues.
5. Approval of a new constitution for the democratic, independent Palestinian state.

Phase III – Goals

1. International recognition of a Palestinian state with provisional borders and launching a negotiation process for a final, permanent status arrangement.
2. Continued progress on the reform agenda.
3. Continued effective security activity.
4. Negotiations for a permanent status agreement on the basis of Security Council Resolutions 242, 338 and 1397.
5. The Arab states accept full normalization of relations with Israel.

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Israeli Prime Minister Ariel Sharon announced his support of the plan in his address to the Third Herzliya Conference in 2002. The Israeli cabinet discussed the plan on May 25, 2003 and accepted it, subject to 14 reservations. In the reservations submitted by Israel on the Road Map, it stated that “there will be no pursuit of issues connected to the permanent agreement.” In actual fact, the sides did not continue to implement the plan beyond the first stage.

The Geneva Initiative – 2003

The Geneva Initiative is a proposal for an Israeli-Palestinian permanent agreement crafted by unofficial teams, headed by Yasser Abed Rabbo and Yossi Beilin, under the supervision and support of the Swiss government. The document was signed in October 2003 and is based on the Clinton Parameters of December 2000.⁸¹

When meetings commenced in January 2002, the sides adopted a new negotiation approach. They decided to eschew a “zero-sum game,” in which one side has to “lose” in order for the other to “win,” leading to a dynamics in which each side strives to squeeze as much as possible from the other side. Instead, they opted for a “win-win” game in which a permanent agreement would constitute the vital, mutual goals of both sides as it would create the reality for a stable, positive future. This new approach was based on a secret paper dubbed the “Day-after Plan – 2020,” prepared by National Security Council headed by Major General (ret.) Gideon Sheffer for the negotiations in Camp David, but was never actually implemented. (Sheffer was also a senior partner in the Geneva Initiative.) In this spirit, the sides made efforts to avoid creating potential friction points in harming sovereignty and more.

The sides agreed that the negotiations would commence from the

⁸¹ <http://www.geneva-accord.org/mainmenu/english>

point at which the official Taba talks had been terminated, in January 2001. This agreement was made possible by the fact that many of the negotiations participants of both sides had had active roles in official negotiations in the past. These included: Minister Dr. Yossi Beilin, Chief of Staff Amnon Lipkin Shahak and the author of this document (Shaul Arieli). On the Palestinian side were Ministers Yasser Abed Rabbo, Dr. Samih al-Abed, Dr. Nabil Kasis and others.

This decision (to commence negotiations from where the Taba talks had ended) spared the sides from returning to new-old starting points, and instead enabled them to benefit from the significant progress achieved in the Taba talks in which the sides succeeded in bridging the gaps. Moreover, it restricted the (unofficial) sides to the official interests, principles and positions that guided the sides in the Oslo Process. While this sometimes blocked the emergence of new, out-of-the-box ideas, it ensured the continuity and consistency of the official diplomatic process, and even helped alleviate the “marketing” of the Initiative to public opinion.

The sides repeated their agreement to view territorial exchange as the solution for dissipating the tension surrounding the territorial issue. This tension is the result of the two very disparate, conflicting frames of reference of the two sides. On the Palestinian side is Security Council Resolution 242 and the way it was implemented in peace agreements between Israel and Egypt and Jordan, when Israel adhered to the June 1967 lines. On the Israeli side is its security and infrastructure considerations and the current facts on the ground: Currently, almost half a million Israelis live beyond the Green Line (if you include East Jerusalem), in about 140 settlements and neighborhoods scattered throughout the West Bank. The negotiators had to determine principles and measurements to hammer out basic land swap solutions to resolve this tension.

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The “package deal” approach was adopted for negotiations and agreements on the territorial issue; this approach helped bridge the gaps in all the issues. In other words, the principle adopted by Barak in Camp David that “nothing is agreed until everything is agreed” remained in force. Due to the basic credibility that existed between the sides and the welcome absence of mediators and the media, a “give-and-take” approach was made possible; this offered greater flexibility than traditional negotiations in which concessions are made separately on each issue. In many cases, the approach fostered a “win-win” situation. For example: when the issue of Israeli sovereignty arose regarding the passageway between Gaza and the West Bank, the Israeli side acceded to the Palestinian position of not calculating this territory in the territorial-exchange count. In exchange, Israel was given the right to use roads under Palestinian sovereignty in order to traverse the West Bank (Highways 443, 60, and 90). In addition, when dealing with the land swap issue it was easier and more correct for Israel to offer regions on its side on which Arab villages had stood before 1948. This way they could give the Palestinian side “assets” to help them market the agreement to Arab public opinion.

Principles

We must keep in mind that any process involving partners with divergent interests will not be able to advance linearly and continuously as compared to the work process that characterizes initiatives with high stability and certainty. Thus, the Geneva Initiative negotiations and progress were circular in nature. Sometimes the chicken preceded the egg, sometimes the reverse was true. In other words, sometimes principles were set and the border was determined according to the principles, and sometimes drafts of maps of different regions generated the principles. Thus, the following principles were gradually consolidated and summarized in the course of the rounds of talks between the sides:

1. The agreement determines a permanent, final, secure and recognized border between the two states – Palestine and Israel, with the goal of effecting a final, accepted partitioning of Western-Mandatory Eretz Israel, between the sides. The intention was to reach a permanent agreement at the end of the negotiations, an agreement that would be immediately implemented. All the ideas for interim agreements, provisional borders and “triangular” land swaps with Jordan and Egypt, were rejected at one point or another during the talks.
2. The border between Israel and Palestine will be based on the 1967 lines, in accordance with UN Resolution 242 and the Clinton Parameters. The sides agreed that the “land for peace” formula would be implemented, similar to earlier peace agreements signed by Israel with Egypt and Jordan. Nevertheless, it was decided that the 1967 lines would serve as a basis for mutually agreed territorial swaps on a one-to-one basis (1:1), as had appeared in President Clinton’s proposal, mainly with regard to East Jerusalem.
3. Reciprocal territorial modifications in the form of land swaps on a 1:1 basis will be effected to serve the interests of both sides. This agreement maintained the size of the Palestinian territory according to the 1967 lines but not the border line itself. It should be emphasized that this agreement significantly deviated from Clinton’s Parameters, since Israel conceded 3% of the territory that it was supposed to annex without an equivalent substitute. Arafat’s response to the Clinton’s Parameters was to negate this idea in the reservations he submitted, but not to the extent of rejecting the entire proposal. He even sent the Palestinian delegation to Taba, on the basis of the Parameters. In exchange for this, the Israeli side succeeded in removing the “right of return” of the refugees from the wording of the agreement. While Clinton did elucidate that “there is no right of return specifically to Israel,” he also determined that “the two sides recognize the right of

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the refugees to return to historic Palestine” or “return to their homeland.” At the Geneva Initiative, the Israeli side succeeded in spearheading a compromise that focused on a practical solution for the refugees without using the term “right of return.” This led to the adoption of Clinton’s idea of requiring Israel to absorb a certain number of refugees in Israel, but subject to its sovereign laws and absorption policy.

Another important point is that the Palestinians demanded that territorial exchanges (land swaps) be equal not only in size but also in quality; the quality-test would be the agricultural quality of the land. At a certain point in the negotiations, the Palestinians even went so far as to ask the Israelis to “smooth” the measured territory to be swapped with suitable software (Geographic Information System, GIS). This request is based on the fact that Israel annexed hilly areas and wanted to compensate the Palestinians with flat regions. While these two demands were rejected by the Israeli side, the Israeli alternatives of transferring desert territories were also removed from the negotiation table.

4. The tracts of no man’s land that exist along the length of the 1967 lines would be divided equally between the sides. This territory extends over almost one percent of the West Bank land, and no other way for dividing it was found except by dividing them equally. Nevertheless, since this territory is very close to the Jerusalem corridor and the access-road to the city, it was decided that most of the territory would remain under Israeli sovereignty and the Palestinians would be compensated for their share by territorial exchange. This concept was adopted later on by the sides in the official negotiations in Annapolis.
5. Neither side would annex settlements or residents of the other side. This principle ensured three key goals of the Palestinians: to prevent Israel from demanding “straightening” of the borderline to accommodate the “fingers” created by large

settlements (for example: Giv'at Ze'ev, Ma'ale Adumim and others) by annexing Palestinian villages adjacent to it; to scrap the option of exchanging populated territories; the Palestinians strongly opposed the idea of Arab-Israeli villages being transferred to their sovereignty; finally, to prevent extraterritorial Israeli enclaves within the territories of the Palestinian state.

The key points of the agreements are as following:

Territory and borders

The basic deal that crystallized at the beginning of the negotiations between Dr. Samih al-Abed (Deputy Planning Minister who has been in charge of territorial negotiations from the Palestinian side, from 1993 to today) and me was with regard to the key settlement blocs. In Taba, the Palestinians presented their border proposal which left Ariel under Israeli sovereignty, but not Ma'ale Adumim and Giv'at Ze'ev. The Israelis nicknamed the Palestinian proposal the "balloon on a string method." In other words, they connected Ariel's built-up area to the Karnei Shomron settlement bloc along the length of Road Number 5, and from there to Alfei Menashe via a narrow road, then to Israel proper. It was then-Tourism Minister Amnon Lipkin Shahak (Lieutenant-General (ret.) and member of the Israeli delegation to Taba) who suggested that Israel should re-evaluate its stance regarding annexing settlements like Ariel, which are more than 20 kilometers [12.4 miles] from the Green Line. Following this refreshing approach, it was decided at the very beginning of the negotiations that Israel would forfeit the annexation of Ariel, and in exchange the Palestinians would agree to Israel's annexation of Ma'ale Adumim and Giv'at Ze'ev. Later on this deal was sharply criticized by some of the members of the Palestinian delegation, and there were even (failed) attempts to replace them with other territories. The importance of this deal became clear later on when the Palestinians tried again to remove these settlements from the map, as part of the Palestinian proposal to Olmert in the course of the Annapolis talks. Nevertheless, the

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assessment then, like today, is that Ma'ale Adumim and Giv'at Ze'ev would remain under Israeli sovereignty, under a comprehensive permanent agreement.

This deal led Israel to focus on the “Jerusalem envelope” region, the region where most of the Israeli population beyond the Green Line lives. The annexation of the major settlements in the area allows Israel to attain its objective of expanding the narrow Jerusalem corridor, to ensure that the capital city will not revert to its pre-1967 status as a “dead-end city.” Thus Jerusalem benefits from the annexation of Ma'ale Adumim in the East, Giv'at Ze'ev in the north, and Betar Illit, with the Etzion Bloc, in the south.

The sides agreed to a territorial transfer of 124 square kilometers [48 square miles], in which each side would receive an additional 24 square kilometers [9.2 square miles] of the no man's land territory. In actual fact, Israel received 38 square kilometers [15 square miles], while the Palestinians received only 11 square kilometers [4.2 square miles], but they received other regions in compensation. Israel annexed 21 settlements and 11 neighborhoods that house 75% of the Israeli population beyond the Green Line, allowing 375,000 Israelis to remain in their homes. In exchange, Israel will transfer non-populated territories of 86 square kilometers [33 square miles] in the Gaza Envelope area to the Palestinians, thus increasing the area of the Strip by about 25%. The rest of the land will come from the Lakhish Region in Western Judea.

Security

The Palestinian state will be demilitarized, supervised by multinational forces, and will include only a security force in charge of maintaining law and order and preventing terror.

People & Borders

The Palestinians commit themselves to refrain from joining, assisting, promoting or co-operating with any coalition, organization or alliance of a military or security character, the objectives or activities of which include launching aggression or other acts of hostility against the other.

The Palestinians commit themselves to comprehensive and continuous efforts against all aspects of violence and terrorism. Moreover, they will refrain from organizing, encouraging, or allowing irregular forces or armed bands to operate in their territory. This effort shall continue at all times, and shall be insulated from any possible crises between the sides. The sides will also promulgate laws and take action to bring an end to incitement.

Jerusalem

The Clinton Parameters were adopted for resolving the Jerusalem issue: the Palestinians would recognize Jerusalem as the capital of Israel.

The Jewish neighborhoods will be annexed to Israel and the Arab ones to Palestine. The one exception to this is the Har Homa neighborhood because its construction in 1996 contradicted the Declaration of Principles, according to which the sides committed themselves to refrain from creating “facts on the ground” in the course of the interim period.

The Old City was divided in such a way that the Jewish Quarter and half of the Armenian Quarter (where Jews live) remained under Israeli sovereignty. Furthermore, the following sites to be under Palestinian sovereignty would, nevertheless, remain under Israel's control, security, and administration: Metzudath David, the Hashmonai tunnel, and the Jewish cemetery on the Mount of Olives. The administrative-religious status quo on the Temple Mount and the Western Wall turned into diplomatic-sovereign.

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The Palestinians recognize the historical connection and unique significance of the Temple Mount to the Jewish people. Free access of Israelis to the Temple Mount is guaranteed. An international supervisory body will enforce the prohibition on excavations and construction on the Temple Mount.

The “Open City” model that was raised in the Taba conference was adopted with regards to the Old City, in order to avoid having to erect physical obstacles within the walls of the Old City. Ultimately, special arrangements were determined for the involvement of multinational forces in securing the Palestinian section of the Old City, with an emphasis on the Temple Mount.

The Palestinian residents of East Jerusalem will become citizens of the Palestinian state and lose their current status as permanent residents of Israel.

Refugees

The ‘right of return’ is not mentioned at all; instead, the refugee question was resolved by practical components. The document states that the agreed upon solution to the refugee issue will bring an end to the Palestinian refugee status and include monetary compensation and permanent place of residence. All the refugees have a number of options regarding their choice of a permanent place of residence. The only one that will be automatically available to all refugees is to live in the Palestinian state, their national home. The other options are: to remain in their present host countries or relocate to third countries that will absorb them, subject to the sovereign and exclusive discretion of the third countries.

Israel will be one of the third-party countries participating in the effort to rehabilitate the refugees. Regarding the number of refugees that will return to Israel, it was determined that Israel

shall submit a number derived from the average number of refugees to be absorbed by different third countries (referring to countries that are not Palestine or hosting Arab countries). According to data submitted by third countries such as the United States, Canada and others, the number is about 15,000 refugees. This agreement provides for the permanent and complete resolution of the Palestinian refugee problem, and no additional claims on this issue may be raised.

Annapolis Process – 2008

In November 2005, Ariel Sharon formed the Kadima party from Likud and Labor Party defectors. In January 2006 Sharon collapsed and was hospitalized; Ehud Olmert from Kadima replaced Sharon as prime minister. After elections for the Knesset, in which Kadima received 29 mandates, Olmert established a government under his premiership in April 2006.

The international atmosphere at the time wanted to end the diplomatic deadlock. At the end of 2006, on the 59th anniversary of the UN General Assembly Partition Plan resolution, the UN General Assembly passed six resolutions calling for Israeli withdrawal from the occupied territories. The first resolution, with a majority of 157 countries out of 192 UN members, recognizes the rights of the Palestinian people for self-determination and the founding of an independent state.

The construction momentum in Judea-Samaria in Sharon's era had been considerable. According to the data supplied by the Central Bureau of Statistics (CBS), 275,156 souls lived in settlements throughout Judea-Samaria in June 2007 (out of which 47.3% were ultra-Orthodox Jews). This constitutes an increase of 5.45% in comparison to June 2006. Thus a total of 15,000 residents were added to the settlements in the course of the year. About two-thirds of this increase, about 9,300 people, were the result of high natural growth (3.5% yearly), and only one third from migration to the

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settlements. This atmosphere, and the Second Lebanon War that transpired in the summer of 2006, drove Olmert to renew negotiations with the PLO under American brokerage.

The Annapolis Conference took place on November 27-28, 2007, at the United States Naval Academy in Annapolis, Maryland, United States. The conference was attended by representatives from Israel, the PLO and the Quartet (the European Union, the United States, the UN, and Russia). In addition, there were also representatives from most of the Arab League countries including Egypt, Jordan, and countries that do not have diplomatic relations with Israel such as Saudi Arabia, Malaysia, Sudan, Lebanon and even Syria.

Contrary to the Oslo Accord and the Wye Memorandum, but similar to the Madrid Conference, the Annapolis Conference was not a summation of negotiations but an attempt to restart them. The goal of the conference was to try to rejuvenate the peace process and pave the way for intensive negotiations toward an Israeli-Palestinian final status agreement.

The Israeli delegation was headed by Israeli Prime Minister Ehud Olmert and Foreign Minister Tzipi Livni; the Palestinian delegation was headed by Palestinian Authority Chairman Mahmoud Abbas in his role as PLO chairman together with Palestinian Authority Prime Minister Salam Fayyad. At the beginning of 2008 it was decided to establish 12 committees to deal with all the issues on the table, and these worked throughout the year. The negotiations extended over eight months and included about 300 meetings on various levels.

Territory and borders

Territorial negotiations commenced with a discussion of the considerations involved in demarcating the map. Israel presented the following two considerations:

People & Borders

- Security – recognized and secure borders, facilitating the protection of Israel and Israeli citizens.
- Settlement issues – the need to take into account the situation created on the ground in the course of 40 years, with an emphasis on Israeli settlement blocs.

Israel viewed the territorial and security issues to be interdependent and interconnected. For example, it felt that the more territories would be transferred to the Palestinian side, the more Israel would need intrusive and deeper security arrangements to ensure that Israel's security would not be significantly harmed as result of the diplomatic arrangement. For example, Israel finds it imperative that the Jordan Valley remain under its control. If, however, Israel would concede this territory for diplomatic considerations, it would demand long-term security arrangements, including IDF deployment on the ground, in the first stage. For a long period of time, Israel would need control of the airspace for early detection and identification of air threats from the east.

The considerations above led to the following guiding principles involved in creating the map:

- Political principles determined that most of the Israeli settlers would remain in their homes in settlement blocs that would be annexed to the State of Israel. Israeli citizens living in territories that will be turned over to the Palestinians, will get assistance and compensation from the State of Israel and will be moved to the settlement blocs or to Israel proper. On the other hand, a minimum of Palestinians will remain in territories that will be annexed to Israel.
- Security principles emphasized the following: (1) the prerequisite for defensible borders allowing Israel to protect its territories, its population centers and its strategic assets; (2) the necessity to take topography into consideration, such as

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elevated tracts of land that command settlements, strategic and military routes and facilities in Israel's domain; (3) separation of populations and avoiding friction and strife between populations; (4) building a border that includes effective barriers and controlled passageways.

- Additional principles relate to Palestinian independence while limiting its dependence on Israel; maximum territorial contiguity for both sides while addressing the "fabric of life" of civilians on both sides of the border; taking into account national interests such as water, holy places, archeology and quality of the environment.

The negotiations were identical to negotiations that had taken place previously, in its format as well as its characteristics. Like the negotiations in the Barak and Olmert eras, the Annapolis talks faced the same sticking-point: the discrepancy between the size of the territory that Israel wanted to annex, and the total built-up territory of the settlements including the Jewish neighborhoods in East Jerusalem, which is less than 2% of the West Bank area.

Israel's desire to increase its percentage of annexed territory was due to the following rationales: to minimize the number of Israelis that would be evacuated (no more than 20%); to allow territorial expansion room for the annexed settlements; to control/command certain tactical regions for security needs; and to have as few Palestinians as possible in the territories that would be annexed to Israel. Therefore, all the negotiations that dealt with the border issue began with a discussion on the Israeli demands. Only after these were resolved, or at least understood, did the discussion turn to the location of the territories that would be transferred from Israel to Palestine in exchange.

Two official, parallel discussion channels were held in Annapolis: One was conducted between Foreign Minister Tzipi Livni and Ahmed Qurei (Abu Ala). Livni proposed that Israel annex 7.3% of the West Bank, and postpone the discussion on territorial exchange

to a later date. The second channel was held between Olmert and Abbas. At the end of the discussions, on September 16, Olmert proposed that Israel annex 6.5% of the West Bank (about 380 square kilometers [147 square miles]). As compensation, Olmert offered 5.8% of Israeli territory, and calculated the land of the corridor (or territorial link) between Gaza and the West Bank as an additional 0.7%. This was despite the fact that it is really a tenth of the size, and despite the fact that Israel demanded that it remain within its sovereignty. Olmert's justification was the fact that such a corridor had not existed before the war in June 1967. Olmert presumed that this proposal would allow Abbas to show his people that he agreed to a land swap on a 1:1 basis.

There was a dispute between the sides regarding the Green Line: the Palestinians wanted that it be considered a starting point, and the Israelis wanted it as a line of reference. The issue was resolved according to Secretary of State Rice's proposal: a total of 6,205 square kilometers [3,855 square miles] for calculating the area (the West Bank, the Gaza Strip and East Jerusalem).

There was a refreshing change in Annapolis in the Israeli position. For the first time, Israel proposed specific Israeli tracts of land for land swaps with the Palestinians. In Olmert's proposal, these territories were: the Gaza envelope, the Southern Hebron Hills, the Lakhish Region and the southern Beit Shean Valley. Israel insisted on a demarcation similar to that of the planned fence as a permanent border, with the exception of the Arab East Jerusalem area.

Olmert, like his predecessor Barak at Taba, drew a borderline of more than 800 kilometers [497 miles], almost three times the length of the Green Line. This was to satisfy one single internal political constraint: the number of Israelis who would be evacuated as part of the arrangement. With 6.5% of the territory, Israel could retain 85-87% of the half a million Israelis living today beyond the Green Line.

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There is another territorial dispute between the sides, regarding the status of the no man's land in the Latrun enclave. This territory, 46 square kilometers [18 square miles] in size (0.8% of the West Bank territory), was created at the conclusion of the War of Independence when the Armistice Agreement was signed between Israel and Jordan on April 3, 1949. While in the other West Bank areas the armistice line was drawn as a line running down the middle between the positions of the two armies, the area in Latrun was not divided down the middle. That is because this area has strategic importance as it topographically commands the roads rising to Jerusalem (Ma'ale Beit Horon and the old Israeli road that went from Mishmar Ayalon to the Nachshon intersection, and from there to the Shimshon intersection).

Israel applied the country's laws on territories beyond the partition borders that it conquered in war, but not on the no man's land zone. Jordan did the same when it annexed the West Bank in April 1950. And by the way, Israel has always avoided declaring its borders.

Subsequent to the Six Day War, Israel never imposed its state laws on no man's land, though it treated East Jerusalem differently. Nevertheless, Israel considered the no man's land as Israeli territory with all its implications, and established the following settlements there: Kfar Ruth, Shilat, Maccabim, Nof Ayalon, Lapid and Neve Shalom.

There are several contradictory Israeli legal judgments regarding the status of no man's land areas based on two fundamental, and contradictory, claims. Those who view it as part of Israel argue that since Israel was the first to demonstrate effective rule in the region, sovereignty applies to it even without legislation. The objectors maintain that this reality is a "negative arrangement" and that due to Palestinian claims in previous rounds of negotiations for potential Palestinian sovereignty, this territory is not part of Israel.

The international community and the Palestinians argue that this territory was conquered by Israel in 1967, therefore it is included in the occupied territories. Moreover, it was supposed to be included in the Arab state according to the Partition resolution of 1947. In 2012, the EU even published a list of zip codes of the settlements whose exports to the EU countries are not tax exempt. In addition to the settlements and to East Jerusalem, the list also included Israeli settlements in the no man's land. The sides came to an agreement in Annapolis to divide the no man's land equally between them, though in actual fact most of the territory will remain under Israeli sovereignty. Israel will then compensate the Palestinians with territories in its domain, as part of a territorial exchange.

Security

One of the security principles that guided the Israeli negotiators was to avoid a permanent agreement with the potential of creating a greater threat for Israel should the arrangement be violated. Therefore, Israel attempted to safeguard the following two interests in the negotiations:

- That the Palestinian state would not serve as a convenient platform for attacking Israel should such a coalition be formed on the east, in the intermediate or long-term time periods.
- To prevent terror threats against Israel from developing either within or by way of the Palestinian state.

Actions to be taken to avert these threats are based on the following three points:

1. Demilitarization of the Palestinian state from major military capacities, and from terror infrastructure.
2. Creating security arrangements that give Israel moderate strategic depth.
3. Bilateral and multilateral cooperation for implementing the

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arrangements and neutralizing the forces and agents that oppose the agreement.

In the course of the negotiations, Israel internalized the following basic argument of the Palestinians: That it is impossible to sign a permanent agreement crafted to inherently create a better security reality, while simultaneously maintaining a military deployment to deal with possible conflict and violence when the deployment itself constitutes an extension of the occupation. Therefore it was demanded of Israel to concede most of its territorial claims in the Jordan Valley which, psychologically and consciously, served as Israel's defensive space against threats from the east. Furthermore, it was demanded of Israel to concede control over the territories east of the Green Line that control the coastal plain. This region (the coastal plain) includes 73% of Israel's population, Israel's civilian and military airports, and 80% of its industry.

Thus, the border line proposed by Israel in Annapolis is not based on the security rationale of control over the land, but mainly on demographic-political considerations. (This represents a different rationale than what was proposed in Camp David, but similar to what was proposed in Taba.) The main Annapolis concern was to annex to Israel the maximum number of Israelis and no Palestinians.

Thus a final arrangement template began to be formed, one that would answer Israeli needs while minimizing negative effects on Palestinian sovereignty. The following are the key elements:

- First, the demilitarization of the Palestinian state from an army and ban on entry of any foreign army in Palestinian territory. Palestine would be demilitarized of heavy weapons, tanks, cannons and rockets and missiles. It would be permitted to maintain an agreed-upon list of weapons. The airspace would serve the Israeli air force in addition to Palestinian civilian

aviation use.

- Second, the Palestinians will establish a strong police force with the capacity to enforce law and order and fight terror.
- Third, Israel will administer two or three early warning stations.
- Fourth, international forces will be deployed in what the sides view as sensitive areas: on the border between Israel and Palestine; on the border between Palestine and Jordan-Egypt; the international passageways; Jerusalem; early warning stations; and along accepted traffic arteries. There will be coordination and liaison between all the sides. It should be noted that Defense Minister Barak opposed the deployment of international forces.
- A unified airspace under prevailing Israeli security command.
- A unified electromagnetic space, under joint coordination and administration, without adversely affecting Israeli needs due to Israel's topographical disadvantage.

Furthermore, Israel continued to demand the deployment of a combined military force (Israeli-Palestinian-Jordanian and foreign) in the Jordan Valley. The purpose of this: to prevent the smuggling of weapons that are banned from the Palestinian state according to the agreements; and prevent the infiltration of terror cells and other hostile forces into the West Bank territory.

While the Annapolis negotiations also did not effect a permanent agreement, both sides felt afterwards that the security issues could be resolved in an agreement. In an interview given by Mahmoud Abbas in November 2012, he repeated and emphasized that he had come to an agreement with Prime Minister Olmert on the security issue.

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Jerusalem

The Israeli prime minister presented a position in which all the Jewish neighborhoods would be under Israeli sovereignty.

The prime minister proposed that the Historic (Holy) Basin receive a special status (arrangement): both sides would transfer jurisdiction of the site to an accepted third party, while neither side would forfeit its claim to sovereignty on the territory. Furthermore, Olmert proposed the establishment of a steering committee with representatives from five countries: Israel, Palestine, the United States, Jordan and Saudi Arabia (as well as Morocco and Egypt). Later on, Ehud Olmert described it as such: “I proposed the following solution in Jerusalem: that the Jewish parts remain under Israeli sovereignty, and the Arab parts under Palestinian state sovereignty. I verbalized these things expressly as part of an official proposal. I thought that it was possible to resolve the Holy Basin issue, and demonstrated it on a precise map, according to which it would be administered by five countries⁸² including Israel. It would be open to all religions and believers.”

Refugees

Negotiations between Israel and the Palestinians were renewed at the end of 2007, in the Annapolis Conference. Israel felt that the solution to the refugee problem lay in the establishment of a Palestinian state, which is the national Palestinian homeland. Israel does not recognize its responsibility for the problem of the Palestinian refugees, certainly not its exclusive responsibility. Israel also links the Palestinian refugee issue to the Jewish refugee issue, with regards to the Jews who were expelled from Arab

⁸² Israel, Palestine, the US, Jordan and Saudi Arabia.

countries. Israel made it clear that it does not accept responsibility for the refugee problem, but did express willingness to recognize the suffering caused to both sides as a result of the war.

Israel does not recognize the right of return. However, Olmert agreed that Israeli acceptance of the Road Map, which includes the Arab League Initiative including Security Council Resolution 194, constitutes recognition of the Palestinian demand. In addition, negotiations between Mahmoud Abbas and Ehud Olmert concluded with the following positions regarding the number of refugees that Israel would absorb: Olmert agreed to absorb a thousand refugees every year for a period of five years. Israel proposed that, in addition to the Palestinian state, the refugees be resettled in hosting and third party countries, if they (the countries) so agree.

One of the important agreements that were reached, due to the intervention of American Secretary of State Condoleezza Rice, is the establishment of an international apparatus to solve the refugee problem. This apparatus would deal with putting an end to the refugee status and would deal exclusively for: refugee claims, refugee resettlement and rehabilitation and compensation. Moreover, both sides agreed that the international apparatus would constitute the instrument for implementing the bilateral agreement. In addition, the two sides agreed to the dismantling of the UNRWA.

The Israelis insisted that the sides would not be committed to anything beyond what was written in the agreement, in other words: the “end of demands” in addition to the “end of conflict.”

Issue	Olmert	Comments
Borders	Israeli annexation: 6.5%	Livni refused to display a territorial exchange map before coming to an agreement about the territories that will be annexed to Israel
	Palestinian annexation: 5.8% and the Gaza-West Bank corridor	
Security	Demilitarized state	Additional security arrangements
Jerusalem	Partition of the neighborhoods and internationalizing of the Historic Basin	
Refugees	Return of a thousand refugees every year for five years	Livni rejected any return of refugees

Kerry's shuttle diplomacy – 2013-2014

After his re-election to the premiership, Benjamin Netanyahu delivered a speech on June 14, 2009 in which he discussed Israel's position regarding the security issues of a permanent agreement. His main points were: the Palestinian state shall be a demilitarized state; a return to the 1967 lines will be rejected outright; and Israel will command the Palestinian border crossings and airspace. Later on, Netanyahu expanded his border-related demands to include Israeli control of the Jordan Valley. Over time, this demand was reduced to a long-term military presence of decades and, in one of his statements, was further diminished into a reduced Israeli presence only along the Jordan River. Netanyahu demanded that the duration of the Israeli presence be subject to its performance, and not to a specific time period. He said that there would be no return of refugees to Israel, and that Jerusalem will remain unified under Israeli sovereignty.

Kerry's shuttle diplomacy terminated in April 2014 without results and without a proposal for a framework agreement. One way to summarize this diplomatic endeavor is to address the gaps between the sides that arose in the meetings, and to examine the key lessons.

Netanyahu raised the demand of Palestinian recognition of Israel as a Jewish national state; he pushed this issue to center stage in the last negotiations. The forerunner of this request was Tzipi Livni's demand in Annapolis 2008 to conclude the negotiations and the agreement, with a Palestinian recognition of Israel as the Jewish state. This demand was new and had not arisen in previous negotiations, which limited themselves to mutual recognition between the PLO and Israel. This can be found in the "letters of mutual recognition" that were exchanged by Yitzhak Rabin and Yasser Arafat before signing on the Document of Principles. Netanyahu took this demand one step forward and wanted to turn it into a basic premise of the agreement. This was rejected by the Palestinians for many reasons.

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Territorial issue: At first Israel rejected the “1967 lines as the basis for territorial talks with reciprocal land swaps on a 1:1 basis.” Later on, American envoy Martin Indyk reported that Netanyahu agreed to the 1967 basis concept and to territorial exchange. From statements made by the Prime Minister Netanyahu, Foreign Minister Liberman and others it is understood that the prime minister wanted to add two new “blocs” to the 6.5% settlement blocs proposed by Ehud Olmert in Annapolis. These were Kiryat Arba (Hebron) and Ofra-Bet El; in this way, Netanyahu would retain 90% of the Israelis living beyond the Green Line under Israeli sovereignty. Two proposals were made to compensate the Palestinians: One, transferring part of the Wadi Ara section (Nahal Iron) in the Small Triangle, not on a 1:1 basis (my assessment is a 1:6 ratio). The other is financial compensation for the lands.

Jerusalem: Israel tried to position the Palestinian capital in one of the outlying Arab neighborhoods like Beit Hanina.

Security: In addition to the demand for demilitarization of the Palestinian state, Israel also opposed the presence of American forces in the Palestinian state. The talks focused on the time-period in which an Israeli military presence would temporarily remain in a strip of the Jordan Valley. The Israelis demanded tens of years.

Furthermore, Netanyahu demanded Israel’s freedom of action in fighting terror in all the territories of the Palestinian state.

The main barrier to progress and to closing the gap between the sides results from the lack of any binding framework of 31 accepted principles for the four big issues. The American model of conducting negotiations on all the issues without guidelines allowed Israel to re-open all its positions that it had presented in Annapolis.

Summary

The Israeli viewpoint developed and underwent significant changes over time. These were the results of the following considerations:

- From the beginning of the Oslo Process marked by Rabin's speech in October 1995 until the pre-Camp David period, the Israeli standpoint assumed that a "Palestinian entity" (in Rabin's words) would arise that would not satisfy the traditional criteria for statehood. Therefore, a plan was drafted by the IDF Central Command called Additional Step, which mainly dealt with security issues. According to this plan, the Palestinian entity would extend over 60% of the territories, and Israel would continue to control its external borders.
- Israel changed its standpoint during the Stockholm Process prior to the Camp David Summit, and accepted the Palestinian position regarding the size of the Palestinian state: "100% minus." In other words, 100% of the territories minus Israel's unique needs, which would be met in 1:1 territorial exchanges.
- Prior to Camp David (in July 2000), the Israeli position was based on three factors:
 1. Security factors – Maintaining the eastern border with Jordan under Israeli
 2. Settlement related factors – Retaining most of the Israelis living over the Green Line under Israeli sovereignty.
 3. Historic/holy – retaining Jerusalem under Israeli sovereignty.

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Therefore, at this point in time, Israel still rejected the Palestinian demand for 1967 lines with land swaps on a 1:1 basis.

- The option of partitioning Jerusalem was first raised by Israel in the course of the Camp David Summit.
- A dramatic change took place in the Taba talks (2001) when Israel omitted the Jordan Valley from its demands and based all its territorial claims only on the settlement factor.
- The last change took place in the Annapolis Conference when Israel presented a map with the territories it proposed to transfer to Palestine, in exchange for the territories it wanted to annex.

We see how, over time, the settlement issue remained the sole decisive factor in the Israeli negotiating mindset. Meanwhile, all the other considerations disappeared; both during the diplomatic process, and during Israel's unilateral attempts to shape its borders.

30> Europe, don't repeat Kerry's UN resolution failure [Haaretz, 21/12/14]

France's plan to formulate a UN Security Council resolution to replace the Palestinian proposal is a necessary step in advancing the negotiations between the parties, but any such document must address in detail all of the issues in the Israeli-Palestinian conflict. That is, it must be a package deal that provides a balanced response to the demands of both sides.

France's future proposal has the potential to succeed UN Security Council Resolution 242. In light of the great responsibility this entails, its framers must avoid submitting an incomplete resolution which refers in detail only to the end of the occupation and to the territorial aspects of the final arrangement. The other issues of the conflict are no less weighty, and without a clear map for resolving them the next diplomatic paralysis will not be long in coming. In addition, anything other than a clear and balanced proposal would be biased, and as a result would be interpreted as interfering in Israel's general election in March.

The package deal must include six key issues. The first four of these contain an element of "give and take." Israel must accept the territorial parameter, that is borders based on the 1967 lines with exchanges of territory, while the Palestinians must agree to the demand for a demilitarized state, without an army or heavy weapons, as well as to additional security arrangements such as the use by the Israel Air Force of their airspace. In exchange for Israel agreeing to the establishment of two capitals in Jerusalem, with special arrangements for the "holy basin," the Palestinians must be prepared to view compensation and the return of refugees to the Palestinian state as the fulfillment of the "right of return."

The fifth issue involves Arab support for the establishment of the Palestinian state and the full normalization of relations with Israel, in keeping with the Arab League peace initiative. The Palestinians need the support of the Arab states in resolving all of the issues,

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because these states' involvement is needed in order to solve them. The security issues involve Egypt and Jordan, the issues of the holy sites involve Jordan, Saudi Arabia and Morocco and the refugee issue involves Jordan and Lebanon. Israel, for its part, has the right to enjoy the fruits of peace and the strengthening of ties with the Arab world, which will contribute to the stability of the agreement.

The sixth issue is that of the parties' mutual recognition. The State of Israel will be recognized as the national home of the Jewish people and the state of Palestine will be recognized as the national home of the Palestinian people, in conjunction with the guarantee of equal rights for all inhabitants of both states.

Spelling out such parameters will make clear to the Israelis and the Palestinians the choices they must make. Their leaders will no longer be able to whitewash their positions with tired slogans such as "painful concessions" or "the peace of the brave." A clear price tag, a profit-and-loss statement, will attach to each issue, all of them in a single deal. That way, leaders on both sides will no longer be able to make populist hay by declaring their commitment to a permanent arrangement while demanding the removal from the agreement of one of its components. For example, the Israeli demand for a united Jerusalem under Israeli sovereignty or the Palestinian demand for a large number of refugees to return to the State of Israel.

Europe must not repeat the main error of US Secretary of State John Kerry in the last round of talks. His failure to draft a proposal that was acceptable to both sides and to present a complete framework agreement rendered his efforts worthless. The Europeans must now show great courage and make decisions no less painful than those of the parties to the conflict. Such a demonstration can manifest itself in a full and balanced proposal that could spur the two sides to demonstrate similar courage.

**31> Islamic state before Palestinian state
[Friedrich Ebert Stiftung, 11/11/14]**

Operation Protective Edge, which ended on August 26, was, at 50 days, unusually long. With 12 ceasefires rejected by Hamas and humanitarian ceasefires every few days it was also unusually fought. Furthermore the operation was costly without precedent: 4,594 rockets and mortar shells were fired towards Israel, while the IDF attacked 6,231 targets in the Gaza Strip, damaging 10,590 buildings and totally demolishing 4,024. In Israel, 67 soldiers and five civilians were killed, and 1,620 soldiers and 837 civilians injured.

For the Palestinians, it was the deadliest event in the Gaza Strip since its inception. 2,203 Palestinians were killed during the operation, between 1,068 and 1,408 of them armed militants, and more than 11,000 Palestinians were injured. In addition, dozens of Palestinians in the Gaza Strip were executed by Hamas on suspicion of collaborating with Israel, and 132 Fatah militants were shot in the legs by Hamas. Between 300,000 and half a million residents of the Strip were displaced. In Israel, buildings and vehicles were damaged and many residents of the Gaza border communities were forced to leave their homes. The operation cost Israel an estimated NIS 11 billion and the final damage to the economy has yet to be calculated, but estimates put it at NIS 15 billion. The growth forecast for the coming year is zero, and the shekel is expected to devalue.

Despite these harsh numbers, Operation Protective Edge ended with nothing more than an agreement by the sides to reach an “arrangement.” The purpose of this term is to avoid granting either side political gains. It aims in essence and by definition, at most, to maintain the ceasefire in return for the reconstruction of the Gaza Strip by the Palestinian Authority. This result is unsurprising and indicates both sides’ entrenched policies and positions.

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In order to estimate whether there is a new diplomatic horizon for Israel in its conflict with the Palestinians, given the policy fixation, we must take another look at the sides' basic conceptions towards the resolution of the conflict, the positions of the Israeli and Palestinian political systems and the struggles within them, and how they play out in the context of the current array of regional geostrategic factors, which also involve the conflict's main mediators, the United States and Egypt.

Basic Conceptions

The Palestinian and Israeli choice to change the pattern of conflict between them in order to attain their goals, as expressed by the Oslo Accords in 1993, emphasized the "no choice" attitude, which led the sides to abandon the armed struggle and replace it with a search for a diplomatic compromise. The "no choice" attitude was created by a combination of old and new insights on both sides. For the Israeli side these included the threat to Israel's Jewish identity in the absence of a Jewish majority between the Jordan and the Mediterranean, and the First Intifada, which broke out in 1987; for the Palestinian side, these were the collapse of the patron Soviet Union in 1988 and a recognition of the limits of the Palestinian struggle in a world that does not accept the way of terror.

The failure of the negotiations to lead the sides to sign a permanent agreement for over two decades is the result of many factors which we will not discuss in this paper. But we are witnessing a weakening of the "no choice" attitude, mainly on the Israel side, and a rise in the power of those on both sides laying claim to the entire country. There are several reasons for this development:

The security situation in Israel and the West Bank in recent years allows the Israeli public to feel there is no urgency, despite the inherent instability of the situation.

Hamas, maintaining its rule in Gaza, sees the lack of an agreement and the rise of Islamic movements in the Arab world as a historic opportunity to inherit the leadership of the Palestinian people from the PLO, and therefore actively maintains the rift on the Palestinian side.

The erosion of Israel's image and credibility in international public opinion are interpreted by some of the Israeli public as "the same old anti-Semitism in a different guise." The opposition to Israel's continued control of the occupied territories and the process of delegitimization of the settlement project are described in terms of "reckless incitement" and "a failure of public diplomacy."

In view of the regime changes in some of the Arab countries, various political elements in Israel wish to see Jordan turn into the Palestinian homeland. There are even those who see the next confrontation as an opportunity to deliberately push the population of the West Bank to the other side of the Jordan River, ignoring the repercussions this would have on the peace treaty with Jordan, which is beneficial for Israel's security.

For many Israelis, domination of another people, a people without civil rights, is no longer seen as contradicting the democratic regime and threatening Israeli society's moral fortitude.

Many in the Israeli public believe that Israel's disengagement from Gaza means it has been removed from the demographic playing field. There are also those who claim that the true number of Palestinians in the West Bank is one million less than claimed, and therefore there is no "demographic threat" to Israel's Jewish identity.

Therefore, one might say that only under conditions different from the present reality, can the "no choice" attitude gain renewed currency and move the majority towards further compromises than

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they are ready to make today. These conditions would be the following: both sides' gaining understanding as to the way to maintain and attain their vital interests – a democratic state with a Jewish majority for Israel, and an independent state for the Palestinians – and/or clear and vigorous international involvement with patterns of rewards and punishment for both sides.

Political feasibility

Israel

To advance the two-state idea, Prime Minister Netanyahu needs to be the first to make a decision to endorse it. But in principle his position negates the creation of an independent Palestinian state alongside Israel, and he has to maneuver between that position and his commitment to agreements Israel has signed and international pressure to resolve the conflict, spearheaded by the United States and Europe.

During his second and third terms, Netanyahu declared his willingness to pursue a two-state solution, while actually rejecting the parameters on the basis of which negotiations were held between Ehud Olmert and Mahmoud Abbas in 2008. Negotiations between Israel and the PLO in August 2013 were renewed for nine months primarily due to heavy American and European pressure on Netanyahu, and the Israeli interest in rallying the international community against the threat of a nuclear Iran.

Israel's current government never made any official decision regarding the two-state solution as an outline for resolving the Israeli-Palestinian conflict. Forming the government involved signing three coalition agreements in which there was no explicit reference to the government's position on the two-state solution, due to the Jewish Home party's fierce opposition to the idea, as well as the opposition of most Likud ministers and legislators.

Analysis of the Israeli government ministers' positions finds there is a majority of twelve ministers opposed to a permanent agreement versus nine who support it in principle. It should also be noted that the primary opposition to an agreement is led by the seven deputy ministers, who do not have a vote in government decisions but do have the ability to greatly affect the atmosphere in discussions and the ministers' votes.

In terms of the principled positions of the 19th Knesset's factions, it appears there is a majority in favor of the two-state solution, comprising 56 seats, but most of these are in the opposition. The opposition to this solution comprises 46 seats, all of them in the coalition.

Despite the support for the two-state solution as an outline for resolving the Israeli-Palestinian conflict, among the Israeli public and to a lesser degree among the Palestinian public, polls indicate that the sense of threat on both sides and the degree of mistrust towards the other side are very high. These are expected to pose a barrier for translating support for the two-state solution into actions, on both sides.

In conclusion I would say that, barring new elections, the political feasibility of promoting a permanent resolution in Israel might change only under three cumulative conditions, all of which are highly unlikely at present: a "leap of faith" by Prime Minister Netanyahu to earnest support of an agreement, a split in Likud, and Labor replacing the Jewish Home party in the coalition.

Any attempt to sketch the Hamas positions regarding the details of the two-state solution has to range across the spectrum from the organization's principled-ideological positions as written in its founding document – the Hamas Charter – and its present political positions – the speech of the head of the Hamas political bureau Khaled Mashal at a conference of the Palestinian research center Al-Zeitune in Beirut.

Hamas is willing to accept a reality which it considers temporary but to which it will never reconcile itself in principle, except as a stage on the way towards achieving the long-term goals of liberating Palestine from the river to the sea. Therefore, even if Hamas consents to a Palestinian state within the 1967 borders, this would not mean signing an agreement ending the conflict and the claims or relinquishing the return of Palestinian refugees to Israel.

On the face of it, the positions of Fatah and its leaders on the central issues identified with the two-state idea, mainly the June 1967 borders as the basis for an agreement, the issue of armed struggle, the end of the conflict, the matter of the Palestinian refugees, the future of Jerusalem and the Arab Peace Initiative (API), are identical to those expressed in the agreements signed by the PLO as well as the declarations and mediation proposals accompanying peace talks since 1993, but in practice they are not. There are often differences between internal position papers and regulations which reflect historical Fatah positions and contradict the PLO positions. The senior Fatah members who lead the PLO sometimes say things in Fatah forums which are profoundly different from the positions they express in forums in which they represent the PLO position.

The ability of Mahmoud Abbas to move towards an agreement is inhibited by personal opposition within Fatah (Mohammed Dahlan and Marwan Barghouti) and from the religious national opposition of Hamas. His ability to reach an agreement depends on the agreement being within the framework of the international decisions, and receiving the support of the international community and of the Arab states involved in the issues of security, Jerusalem, and refugees, first and foremost Jordan and Egypt.

In summary, the first point of decision is with the Prime Minister of Israel, and Netanyahu has ostensibly decided in favor of peace talks, but in practice his government's policy and its actions on the ground entirely contradict what he says.

On the Palestinian side, we are now witnessing a window of opportunity in which Mahmoud Abbas still holds the reins, while at the same time Hamas is weakened due to the regime change in Egypt. Abbas can be said to have made the historic decision to realize the two-state idea, but he will undoubtedly meet many difficulties, internally and externally, in its approval and implementation according to the known parameters, especially regarding the issue of refugees.

Regional developments

Islamic State

The Sunni terror organization Islamic State is now considered by the United States, the Arab world, and Europe, to be the most significant and urgent threat to be dealt with, taking priority over all other matters. All parties are arranging themselves in a political and military alliance to eradicate this extreme organization, except for Israel which will merely provide intelligence cooperation.

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Fear of this organization growing in power, especially in Iraq and Syria at this stage, is paramount to the Arab states and affects their readiness to be more actively involved in the Israeli-Palestinian conflict. Abbas, as well as Mashal and Haniyeh, hear and understand the Arab world's priorities and try to act accordingly. Hamas talks about the need for a partnership with the Palestinian Authority in managing matters of state as a precondition to consenting to a state within the '67 borders, and Abbas adds that resolution of the conflict opens the way for stability in the entire region and will obstruct radical groups as well. But Hamas and Fatah both understand at this stage that the most they can attain is donations to rebuild the Gaza Strip, and that too only if they succeed in overcoming internal divides.

Israel does not see the Islamic State organization as an immediate threat, but seeks to prepare for the possibility that this organization might not be impeded by the international coalition that was created, and might occupy threatening positions on the Syrian border on the Golan Heights and even in Jordan. Meanwhile, the organization serves Israel to justify its claims about the need for many years of Israeli security control in the Jordan Valley, until the unstable situation in the east stabilizes and becomes clearer.

President Obama's administration is focusing its efforts on organizing and managing the coalition against the Islamic State, so that US Secretary of State John Kerry is unable to simultaneously do a lot more on the Israeli-Palestinian channel, beyond "arrangements."

Israel-Hamas

Prime Minister Benjamin Netanyahu's conduct in Operation Protective Edge and the moves that led to it testified that his political purpose, even if not officially defined as such, was simple: returning to the "status quo" as soon as possible.

The “status quo” is what keeps Netanyahu at the head of a government in which most ministers consistently act on the following policy: expanding the settlement project, especially outside the blocs, increasing Jewish presence in East Jerusalem, especially in the “historical basin,” opposition to true negotiations with Abbas, fostering the rift between Hamas and the Palestinian Authority and continuing the siege on Gaza in collaboration with the al-Sisi regime.

But the status quo on which Netanyahu’s policy has been based in recent years does not reflect a true state of balance, nor political or security stability, but rather the very opposite. It is an expression of the prime minister’s deep-seated fear of making diplomatic progress. The status quo was in fact an expression of the rigid thinking on the Israeli side which maintained the conditions allowing Hamas to repeatedly set in motion the next conflagration.

Hamas entered Operation Protective Edge from a position of weakness. In recognizing the new unity government, without its representatives in it, it relinquished its symbolic assets and looked forward to a change in the status quo, starting with paying back wages to its security apparatus, opening the Rafah crossing to Egypt, and partially lifting the Israeli siege. In the next stage, this shift would have included full partnership in the PLO, paving the way for Hamas to take over the representation of the Palestinian people in the accepted ways. When none of this happened, the escalation was underway, whereby Hamas was concerned first of all with its military and organizational survival, even at the price paid by the residents of the Gaza Strip under the organization’s responsibility.

This is the approach that gave birth to the concept of “arrangements.” This is a hollow linguistic construct without the validity of an agreement, but requiring negotiations whose results are as binding as an agreement, but probably without the legal penalties for breaking an agreement. This flexible expression is

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probably designed to replace “understandings,” which frightens those who refuse to reach “understandings” with a terror organization, not to mention an “agreement,” which would entail fully recognizing the other side as not only equal in standing but also trustworthy to uphold the agreement.

The sense of mistrust between Israel and Hamas is mutual, but only Hamas requires Arab and international guarantees for the implementation of every “arrangement.” Israel, already mistrustful of Arab guarantees and not interested in Western countries vouching for Hamas’s conduct, which would lend Hamas international recognition, will make do with guarantees to be given by Egypt. This trust in Egypt is a necessity as Israel assumes that Egypt’s position, vis-à-vis Hamas in particular and Gaza in general, is separate from what goes on in the occupied territories or in the Middle East, and that Egypt would not seek to leverage its involvement in Gaza to further the comprehensive peace process, from which Israel has escaped.

Israel-PLO

Israel continues to strive to maintain what it perceives as the “status quo,” while Abbas seeks to change it by turning to the UN to set an end date for the Israeli occupation. He presented a three-year plan and even used threatening language about turning to UN institutions and even dismantling the Palestinian Authority.

Abbas, given a cold shoulder by the Americans, emphasizes the importance of diplomatic measures and the importance of coordination with the Arab states, including Saudi Arabia and Egypt. In September the Arab League decided to support Palestinian President Mahmoud Abbas’s diplomatic initiative, based on ending the occupation and founding a Palestinian state within the 1967 borders on the basis of the API. The Arab foreign ministers who convened in Cairo also called on the international community and the UN to work towards implementing those

parameters. As expected, Abbas also garnered the public support of Egyptian President Abdel Fattah al-Sisi. But despite Abbas gaining the Arab umbrella he had worked to attain over the past two weeks, Abbas and his diplomatic initiative will be forced to wait for now, because as far as the Arab states are concerned, the war on the Islamic State comes before founding Palestine.

Within its efforts to maintain “the status quo,” Israel will want to maintain the rift between Hamas and the PLO, Hamas’s control of the Islamist organizations in Gaza, and the continuation of Egyptian policy towards it. Therefore, it is likely that Israel will attend the upcoming negotiations in Cairo, to prevent an Egyptian-Palestinian agreement with the blessing of the international community and perhaps even UN recognition.

In summary, Operation Protective Edge cannot be seen as a turning point in the many-faceted Israeli-Palestinian relationship. After delivering an initial response to the threat of the Islamic State, the mediators will be able to attend to the Israeli issue, but the parties’ basic attitudes and political systems will make practical progress difficult, unless the international community takes a determined position.

A Security Council resolution including and stipulating the following conditions – an unlimited ceasefire, the reconstruction of Gaza, lifting the siege, containing Hamas, and renewing the negotiations based on the international parameters – might set in motion internal processes in Israel and among the Palestinians that could create an opportunity for a diplomatic horizon.

32> The messianic brothers are doing Israel in [Haaretz, 07/10/14]

“Time is on our side” is the hollow mantra of Naftali Bennett and Uri Ariel of Habayit Hayehudi, along with their brothers in Likud, Yisrael Beiteinu and Yesh Atid. The leftists are tired Zionists, they claim, while appropriating the Zionist project for their messianic ideology. We’ll get the world used to our caprices, they tell anyone who wonders where they’re heading.

But the Jewish year 5775 is beginning and refusing to get used to anything. Some 1.5 million Israelis ushered in the new year at meals funded by donations from good people. The number of Israelis in the cycle of poverty grows each year; most of the poor work.

The gaps are increasing, but the messianic brothers have a solution: Join us in the welfare state in the West Bank. “We doubled the budgets for Judea and Samaria,” boasts the previous finance minister, the embodiment of the vision of socialist Zionism.

The frequent rounds of violence take their toll in blood and damage to the economy. They’re responsible for budget cuts in both primary and higher education, and undermine the welfare and health services. This mainly affects poorer people, of course. While the Jewish brothers are once again proposing that we occupy Gaza, the education minister is explaining that “there was a war” and it wouldn’t be right “to curtail the vision of Greater Israel.”

Nor is the international community getting used to anything. Israel’s standing continues to suffer, especially among those closest to us, the United States and Western Europe. The disgust at our continued domination of another nation is eroding cultural, economic and scientific ties with the rest of the world.

The United States is undergoing demographic changes, as well as a change in priorities. Prime Minister Benjamin Netanyahu the Americanologist doesn't realize how US support is slipping through his fingers. Others, drunk on imaginary power, promise us that the world won't move without that Israeli app Waze. Particles won't accelerate without Jewish genius.

The Jewish brothers who continue to put "Jewish" before "democratic" refuse to notice North American Jews' reservations about Israel. They eschew the two-state idea, repudiate liberalism, sanctify power and practice discrimination.

Even "united" Jerusalem is not cooperating with the security hawks. In our eternal capital the nationalist and religious tensions are deepening, and violence is increasing. The city's poverty on both sides of the Green Line puts most of its children, both Jewish and Arab, below the poverty line. Most of its residents are anti-Zionists.

Meanwhile, many young Israelis have stopped believing that time is on the side of messianic Zionism. The cost of living, reserve duty and mainly the absence of faith in government policy are pushing them to a future on the other side of the ocean. No, they aren't tired. The residents of the western Negev near Gaza, a stronghold of genuine Zionism, aren't spoiled, as some people accuse them of being.

They simply understand that an honest attempt at achieving peace doesn't mean rejecting the two-state idea, ostracizing Palestinian President Mahmoud Abbas, torpedoing any attempt to include Hamas in the diplomatic process and continuing unbridled construction in the West Bank. They understand the real price, both economic and moral, in the refusal to separate ourselves from the Palestinians.

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Time remains indifferent and does not sanctify the artificial status quo. Waiting around the corner isn't a bi-national state, but one state – whose characteristics are far from any divine or other promise. It's a state that even a messiah wouldn't be able to cleanse.

33> The Israeli-Palestinian show that always ends the same way [Haaretz, 02/07/14]

Why should the directors change the script if we, the audience, keep coming time and time again, not demanding the slightest review?

The curtain rises. The actors take their usual places. No one needs written notes in order to play their part. They are all veteran actors in a show that has been going on for two decades. The audience doesn't change either, coming to every show unwillingly. The TV cameras spread out and the broadcasters take their seats, which are still warm from the last event. The text is known and no directors are needed. The content of the drama is known and only the name (of the Gaza military operation) changes: "Summer Rains," "Cast Lead," "Pillar of Defense."

The opening scene is chosen from several alternatives: "unacceptable" rocket fire, the assassination of a senior member of a terrorist organization, the murder of innocent youths, an abduction of a soldier for the purpose of a prisoner exchange. The show starts with the selected opening scene. Supposedly, there is no background, no past, no incitement, no whipped-up frenzy and preparation of public opinion or a frozen diplomatic process. Only the "here and now" exist, and public opinion is geared to focus on that alone.

The second act can also be selected, although the choices are more limited: The air force attacks dozens of targets in the Gaza Strip; rocket barrages in retaliation for the assassination of the senior figure. The second act is accompanied by a painful "repeat" option. One can press this button again and again. This act can last up to two weeks, with the only difference being the number of casualties among the audience. Their role is not only to serve as spectators but to play a leading part, as the victims, the protesters and the

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supporters of the main actors. The extent of damage incurred by the audience is the determining factor in deciding whether to proceed to the third act.

This too can take two forms. If one of the sides was hurt in a manner that “crosses a red line,” the campaign will begin with a concentration of forces and declarations by both sides of how much pain will be inflicted on the other side if the third act actually unfolds. Occasionally, this act is only partially played out – “to the outskirts of Gaza” or to “the edge of the built-up areas.” Analysts love this part; it enables them to expatiate on the imminent “collapse of the organization” or on “the morning after.”

If it's the other side that gets mauled, the actors have to dispense with the final scene. Other actors who had been lurking behind the scenes move to the forefront: American, Egyptian, European and other delegates. The redeeming formula for ending the show is produced. It's never to the liking of all the actors but they agree to get off the stage. Each side goes to his own corner, not forgetting to mark his part in the drama with a victory sign.

Everything is folded up and the curtain comes down. Graves are dug and the bereaved families are left with their grief. The analysts sum up. Billions have gone up in bomb smoke. The buildings that were re-built after the last round return to rubble.

Not one of the directors or the actors, veteran or newcomers, bothers to look at the screenplay, perhaps adding a section that will provide some background to the drama, or maybe trying to write a different ending. Why should they? The audience always come in droves, partly unwillingly. But it's always there, a full accomplice.

34> Abbas is walking a tightrope [Haaretz, 20/05/14]

The resuscitation by Palestinian President Mahmoud Abbas of the “reconciliation” between Hamas and the Palestine Liberation Organization was seemingly the obvious way to pressure Israel into serious negotiations. But in the absence of Israeli will to do so, Abbas could find himself in a chute, like cattle heading to the slaughterhouse, being led to an agreement and a round of violence against his will – unless the Americans cancel their self-imposed time-out.

For months Abbas has witnessed the weakness of Hamas, which is decrying its historic decision in 2006 to go up for election and even to win. It no longer has the support of Iran, Turkey, Qatar and Morsi’s Egypt, as a result of the changes they, and especially Egypt, have undergone. This, together with the frustrating realization that it cannot continue to rule while also continuing its military resistance to Israel. For Hamas the unity government with Abbas’ Fatah is an escape by which it can relinquish responsibility for managing the Gaza Strip’s “troubles,” chief among them paying salaries and ending the electricity and water crises.

Abbas – who seeks to use the reconciliation with Hamas to bring Israel back to the negotiations over borders, while also obtaining the release of Palestinian prisoners, the suspension of construction in the settlements and greater US involvement in the talks – does not intend to obey the dictates of Hamas in order to achieve this.

Over the past week Abbas has set conditions aimed at thwarting the move, or in the event that is impossible to at least exact a steep price from Hamas. While Hamas insists that the unity government will not recognize Israel, that the entry of Hamas into the PLO will enable the establishment of new international ties and that Hamas can retain its military might, Abbas has declared that the “unity government will be a government of independent technocrats that will not be appointed by the organizations, will recognize Israel, will renounce terror and will honor international agreements.”

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Abbas has yet to issue the presidential order to begin consultations toward forming the government. In addition, the head of the Fatah delegation to the talks in Gaza, Azzam al-Ahmad, did not convene a media conference after his meetings this week.

In taking all these steps, Abbas is walking on a tightrope. He could find himself wishing for the renewal of the negotiations, while Israel and the United States are busy with their own affairs. It will be difficult to explain to the Palestinian public – which has been demanding a Fatah-Hamas reconciliation for a long time, and Abbas has been the main obstacle to its achievement – why he is not completing the process.

Even if the reconciliation is completed, allowing Abbas to return to the United Nations as the representative of all the Palestinians living within “Palestine’s 1967 borders,” recognized as a state; so as to confirm its membership in the UN – the likelihood of obtaining this approval in the absence of a dramatic change in the position of Hamas, which is recognized as a terrorist organization, is slim.

In the absence of other options, Abbas could very well be dragged into acting against his own statements and positions, which reject violence, and expanding the crack that appeared this week in the form of his statement that “Palestinian security forces did not make any mistake in regard to their security commitments. Every military operation against the Israeli settlers or the Israel Defense Forces occurred outside of the areas under our control.” In other words, Abbas is artificially limiting his responsibility and playing dumb as to Area A and possibly also Area B, areas that under the Oslo Accords were under full Palestinian control and Israeli security control, respectively – even though terror attacks in Area C were perpetrated by Palestinians from these areas.

This scenario would not serve the parties, with the exception of those who see in violence justification for their policies and an opportunity to achieve their goals with force. The rounds of violence of the past two decades have shown that this did not

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happen, and the sides were forced to agree to the American proposal and return to the negotiating table. We can hope that the Americans will be wise enough to present their offer before the violence breaks out.

35> A security plan for the Jordan Valley [Jerusalem Report, 01/14]

One of the thorniest problems in the way of a permanent Israeli-Palestinian peace deal is the question of an Israeli military presence in the West Bank portion of the Jordan Valley. At the heart of what is a highly complex affair, there are two key issues: The nature of the military threats Israel faces to the east, and whether adequate security arrangements can be found to meet them without impinging on Palestinian sovereignty.

The threat Israel faced up to the early 1990s, which justified IDF deployment on the eastern slopes of the Samarian hills was the specter of several divisions of infantry and armor with air support sweeping towards Israel's eastern border in a major ground offensive launched by a coalition of Arab states. This was seen as an existential threat because of the huge disparity in the size of the armies coupled with Israel's relative lack of strategic depth.

The military thinking then was that an IDF force deployed on the Samarian hills could block the Arab advance and afford greater strategic depth. Since then the strategic balance in the Middle East has changed beyond recognition. The threat of a massive land offensive is virtually non-existent. The disintegration of the Soviet Union removed the Arab "Eastern Front's" main military backer; the collapse of pan-Arab ideology reduced the chances of an Arab coalition; Israel signed peace treaties with two key Arab states, Egypt and Jordan, taking them out of the military equation; Iraq, a major component of the old "Eastern Front," was heavily defeated in two Gulf Wars, severely reducing its military capacity; and Syria, another key player on the "Eastern Front," is torn by civil war. As a result, even Prime Minister Benjamin Netanyahu is not demanding a significant Israeli presence in the West Bank to meet a threat that no longer exists.

For the foreseeable future, Israel will have to contend with two predominant military threats: “low-intensity” guerrilla warfare or terror, and the threat posed by strategic weapons, especially ballistic missiles and weapons of mass destruction. The two have a number of key factors in common. The main target in both cases is the civilian population; the mode of attack is primarily through the launching of rockets and guided missiles; and the aim is not victory on the battlefield but rather morale-sapping attrition and the reaping of perception-changing media dividends and political rewards.

Clearly, the Jordan Valley is not relevant as a defensive buffer in either case.

The range of the missiles and rockets covers all of Israeli territory without having to deploy even a single launcher west of the Jordan River. As for terrorists or guerrillas traversing Palestinian territory to strike at Israel, there are several existing and potential layers of defense: the stability of the Hashemite regime in Jordan and its success in preventing infiltration across its border into the Jordan Valley; the building of an obstacle similar to the border fence with Egypt, manned by well-trained forces; effective controls at border crossing points; the new Palestinian state’s capacity to suppress terror; and the deployment of Israeli forces to the west of the new border with Palestine.

However, given the lack of any proven Palestinian capacity to prevent terror over time, I propose a phased agreement for the Jordan Valley, in which each stage lasts five years, and the transition from each stage to the next is subject to the Palestinian side meeting performance-based benchmarks.

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Phase 1: Israel retains a military presence along the Jordan River for the period that would anyway be needed for the evacuation of Jewish settlements, moving the existing security barrier in the West Bank to the new agreed border, and for the bulk of IDF forces to withdraw and redeploy outside the Palestinian state. During this period benchmarks for the forces replacing the IDF will be defined.

Phase 2: Routine security activity is transferred from the IDF to an international force, which includes a select Palestinian force under its command. The IDF retains forces in small military installations in the Jordan Rift Valley for possible intervention in emergencies.

Phase 3: Full responsibility for security is transferred to the Palestinian force. The international and IDF forces remain in small military installations for possible intervention in emergencies.

Phase 4: The Israeli and international forces depart from the Palestinian state.

This plan would be part of a larger framework of regional and bilateral security arrangements, an umbrella under which its chances of success would be greater. The wider framework would also provide Israel with agreed mechanisms for operating its forces, if and where necessary, vis-à-vis developments in the West Bank.

The plan has advantages for the Palestinians too. Its terms guarantee the temporary nature of the Israeli presence. Moreover, the initial deployment of Israeli forces in the Jordan Valley would enable the Palestinian government to focus on law and order, suppressing terror in populated areas and building up its own forces for later deployment in the Jordan Valley.

36> In case of land swap, who will foot the settlers' bill? [25/12/13]

Since the Oslo Accords, most discussions regarding a permanent agreement have paired the security issue with the border issue, while the Jerusalem issue has been coupled with the refugee dilemma. Dealing with the core issues as two pairs has allowed the two sides, as well as mediators, to build a kind of “balance chart,” regarding the demands over both pairs. Israel’s demands regarding security and refugees have been given special consideration, while the Palestinians have received more acquiescence toward their demands regarding the borders and Jerusalem.

The security plan drafted by General John Allen has been recognized for its efforts to both meet Israeli demands on issues that Prime Minister Benjamin Netanyahu has deemed essential at all costs, as well as win over Israeli and American public opinion. This US initiative is meant to remove any opposition Netanyahu might have regarding the other core issues, in the hope that a permanent agreement can be reached.

It’s safe to assume that in return for agreeing to forego a significant portion of their sovereignty (demilitarized Palestinian state, installation of Israeli warning systems, allowing Israel to use their airspace and a temporary Israeli army presence in the Jordan River Valley), the Palestinians will demand compensation when it comes to the border issue. This, theoretically, would be easier for Israel to handle, as it would not undermine Israeli sovereignty. Nonetheless, this can be expected to cause political shock waves.

If the Americans want to foster progress in the negotiations, they will refrain from asking the Palestinians to give up their political victory of November 2012 – recognition of a Palestinian state with 1967 borders by 138 nations – and agree that those borders will not serve as a basis for territory swaps. The Americans will also be asked to determine the scope and quality of land swaps. Such decisions are meant to do away with negotiations on the land swap

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ratios, by instead adopting the ratio agreed upon by then-Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas in Annapolis in 2008: a ratio of 1:1. This ratio will cause Netanyahu considerable trouble with his own party and with his coalition partner, Habayit Hayehudi. Both regard annexing land without compensating the Palestinians as the farthest they are willing to go, given their basic opposition to the creations of a Palestinian state.

In addition to the political repercussions, there will be practical ones as well, although the only ones the public seems to be aware of are the number of settlements that Israel will annex. That is no accident. Settler representatives in the Knesset and the government have been actively trying to enlarge the settlement blocs by rapid construction, and have been frightening the public about the social and economic cost of evacuation.

In contrast, the regional councils within Israel, which are expected to give up their land to a Palestinian state, have kept silent for years. Regional council leaders are burying their heads in the sand, ignoring the current building trends in the settlements, even during this round of negotiations. They know that construction within the settlement blocs will add to the amount of land Israel will be forced to hand over to Palestine. This will be a severe blow to the agricultural nature of the kibbutzim and moshavim within the jurisdiction of the regional councils.

The fact that Netanyahu has never agreed to land swaps is no guarantee that this will not happen. It is sad that the Israeli agricultural communities closest to the Green Line are keeping quiet, despite the fact that they bear a heavier burden than others, and that they will pay the highest price if the negotiations fail and the situation deteriorates. While they maintain their silence the price they will have to pay in return for an agreement is getting steeper and steeper all the time.

37> 1967: A starting point to peace [Haaretz, 06/12/2013]

Without a common conception of time, it's impossible to maintain a common life as a society, French sociologist and psychologist Émile Durkheim maintained. A common conception of time is also important in understanding the Israeli-Palestinian conflict. Three key years in the conflict, 1917, 1947 and 1967, mark three sets of events, each year with its own significance, on which in principle an agreement between Israelis and Palestinians can be based.

The conception of 1967 includes the Six Day War and UN Security Council Resolution 242, which suggests parameters for a settlement based on the pre-1967 borders. The conception of 1947 includes both the UN partition resolution-providing for a Jewish state and an Arab state in Palestine – and the 1948 war that resulted. It is a conception that seeks primarily to resolve the refugee problem through a significant return of refugees. And there is the conception of 1917, which goes back to the Balfour Declaration – supporting the establishment of only a Jewish homeland in the Land of Israel – and to the British Mandate over Palestine.

It would be appropriate to resolve the public controversy over the timing of the beginning of the conflict and designate the Balfour Declaration as its opening shot. It is unique in how it created the national narrative of the two sides. The Jewish-Zionist side views it as international recognition of the right of the Jewish people to establish an independent state in the Land of Israel. The Arab-Palestinian side sees it as a historic injustice because it did not apply the principle of self-determination to the Arabs of Palestine, who constituted a decisive majority in the country at the time.

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1947 is the “product” of 1917, because it was 1917 on one hand that made possible the political and physical fulfillment of the Zionist vision. On the other hand, it spurred the appearance of the Arabs of Israel, the Palestinians, as a party with specific national demands, the most important of which was a claim over that same territory. 1917 was therefore the “big bang” that set the conflict in motion. 1947, despite its being the culmination of the process, is one of the consequences of 1917.

That is all the more so regarding 1967. That year’s events stemmed mainly from the Arabs’ refusal to accept 1947 as an established fact. Even if 1967 created new possibilities for a settlement of the conflict through Resolution 242, which was adopted in the aftermath of the war, it is clear that it should not be viewed as the point of departure of the conflict, because the negotiations also concern mutual recognition with its origins in 1917, and the refugee issue from 1947.

Anyone who seeks to establish the Palestinian narrative, or the Israeli one, as a basis for negotiations places an impassable roadblock in the path to an agreement. The different narratives cannot currently be bridged, due to the residue of the past and its consequences for the outcome of the negotiations.

From my standpoint, it is not possible to come to a final peace agreement without complete adoption of Resolution 242, which represents the 1967 conception. The 1967 war was a watershed in the conflict. It brought about fundamental changes that not only brought problems to the surface that required a solution, such as the “legacies” of the 1948 war of Independence – borders, security, Jerusalem and refugees. It also created possibilities with the potential to resolve these problems.

Through the 1967 conception, the parties can agree on a solution to all of the issues in a way that of course will not do away with their conflicting and colliding narratives, but that would avoid a rift between pragmatic leaders and those segments of their populations that oppose a compromise. The inherent advantage in the 1967 conception lies in its ability to present a solution without having to address the conflicting narratives head-on. Bypassing the narratives can make it possible for the Palestinians to maintain the dream of the homeland, meaning all of Palestine of the British Mandate, from the Mediterranean to the Jordan River. And Israelis would be able to continue to dream about all of the Land of Israel – within those same borders, on the clear condition that in practice the two parties respect one another's sovereignty, based on the agreement that their two states sign.

**38> Jewish and democratic is indeed the way
[Haaretz, 01/11/13]**

The Balfour Declaration, which Foreign Secretary Arthur James Balfour called a “declaration of sympathy with Jewish Zionist aspirations,” was sent to Lord Rothschild 96 years ago. The letter, dated November 2, 1917, was made public the following week. It granted legal and political validity to the Jewish people’s right to self-determination in Palestine.

The Mandate for Palestine, issued by the Council of the League of Nations, the forerunner of the United Nations, was dated July 24, 1922. It added the following: “recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country.”

In the minds of many in the camp that negates the idea of two states for two peoples, the mandate’s calling for a single national home – a Jewish national home – affirms their demand for full Jewish sovereignty over all British Mandatory Palestine west of the Jordan River. The original mandate, it should be noted, included what is today the Kingdom of Jordan.

Some even regard the Mandate for Palestine as a quasi-sacred document, arguing that, in light of the Palestinian Arabs’ rejection of the UN General Assembly’s decision on November 29, 1947 to partition Palestine into a Jewish state and an Arab state, the mandate is still in force. Even if one chooses not to refute that position with historical, moral, ethical and legal arguments, it’s clear that those who hold it ignore a significant element in both the Balfour Declaration and the Palestine mandate, an element that is a precondition of and validates these two documents.

In the Balfour Declaration, the stipulation for the British government's recognition of Zionism's claim to Palestine, namely, the Jewish people's right to a national home in Palestine, is that "it ... [is] clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine." In the mandate, the League of Nations repeats this stipulation word for word, with only a minor difference: The words "might prejudice" are substituted for "may prejudice." The significance of this "package deal" is obvious: The Jewish people have a right to a national home in Palestine, but only if this national home is democratic and all its inhabitants enjoy full and equal rights.

After the issuing of the Balfour Declaration, the Zionist leaders were aware of the great tension this precondition generated regarding the implementation of the mandate, as the Palestinian Arabs were the majority in Palestine. The Zionist movement's inability, for various reasons, to create a Jewish majority in Palestine forced it to agree to the proposals partitioning Palestine from 1937 on. The Zionist leaders chose to concede part of British Mandatory Palestine to remain loyal to the Zionist vision of a democratic Jewish state.

In view of this position, the Jewish Agency proposed a partition scheme to the Palestine Partition Commission, which was appointed by the British government in 1938. In the Jewish Agency's version, a Jewish state would be established on one-third of the territory of the original British Mandate (that is, one-third of the territory on both sides of the Jordan), and that state would have a small Jewish majority.

Similarly, the Zionist leaders accepted the UN General Assembly's partition of Palestine in November 1947; in that decision, the Jewish state would have 55 percent of Palestine and a small Jewish majority, with 55 percent of the population. When the War of Independence ended in 1949, Prime Minister David Ben-Gurion

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summed up the strategic Zionist decision: “Forced to choose between all of Palestine and a Jewish state, we opted for the latter.”

Unlike the position of the Zionist leaders, many ministers and MKs today conveniently seek to break up the “package deal” in the Balfour Declaration and the League of Nations Mandate and annex the West Bank, without granting full civil rights to the West Bank’s Arab inhabitants. Proponents of this view ignore the fact that the Gaza Strip is also part of Palestine.

Ironically, despite their ostensible demand for all of Palestine, they are willing to see two states established in Palestine: a Jewish state on 98.8 percent of the territory of Palestine and an Arab state, which would be called Palestine, on the remaining 1.2 percent. In contrast, other members of the Greater Israel camp are willing to have an Israel that is a “state of all its citizens” – for them, the important thing is not to partition Palestine.

It can be concluded that both groups in the Greater Israel camp – which, for some reason, proudly refers to itself as the national Zionist camp – have unfortunately chosen to abandon the Zionist vision and turn Israel into one of two entities: either a state that is not democratic or a state that is not Jewish.

39> Two states still feasible on all four key issues [Jewish Online News, 12/09/13]

Change is the result of spiral progress combining three components: formative and supportive processes, leadership and plans for implementation.

Over a period of 20 years, the Oslo Accords failed to secure a permanent agreement between Israel and the PLO, mainly because of the failure of the leadership on both sides to take the “leap of faith” that is needed in order to implement support processes and execute feasible plans relating to the two-state solution.

The two-state idea, essentially, has two tests: political feasibility and physical feasibility. However, a better way to examine the issue is by reference to the vision of each side and the alternative options. The two-state solution remains feasible in terms of all four key issues, enabling the establishment of two nation states.

1. The settlements only create Jewish dominance in blocs accounting for up to six percent of the West Bank. The remainder of the area is dominated by the Palestinians in all fields – population, roads, agriculture and so forth. In other words, a new border can be drawn on the basis of the 1967 boundaries, with minor land swaps.
2. In Jerusalem it is still possible to separate the Jewish and Arab neighbourhoods in East Jerusalem. In the Holy Basin, a special arrangement is needed that will preserve the religious status quo that has been maintained for centuries.
3. Israel’s security will be assured, among other steps, by ensuring that Palestine is a demilitarised state, together with additional security arrangements.
4. The refugee issue will be solved through the five options outlined by Bill Clinton in December 2000.

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The one-state option, on the other hand, does not refer to a bi-national state that could legally secure the Jewish nation, but rather a single state that will presumably have an Arab majority and character. This option is not feasible, since the Israeli economy cannot absorb a Palestinian economy that is 15 times weaker than itself. The one-state solution does not solve the refugee issue either. The Jews will be unable to prevent Palestinians returning to the one state. This option creates the risk of violent disagreement regarding the nature of the army, and completely ignores the existence of the Gaza Strip with its two million Palestinians – most of whom are refugees. The two-state option is, therefore, the only option that protects the Zionist and Palestinian vision of political independence and a distinct identity. Accordingly, both peoples should support their political leaders to adopt this solution to ensure it becomes feasible as part of current efforts.

40> It must be asked: What if the peace talks fail? [Haaretz, 25/08/13]

Both the Israelis and Palestinians have low expectations and high suspicions regarding the resumption of peace talks between them. But anyone who thinks an arrangement is better than the continuation of the existing situation must see the meetings between the sides as an achievement of US Secretary of State John Kerry and encourage the participants and brokers to turn them into effective negotiations over the core issues.

Precisely for this purpose – to enable success to forge its own way – we must take into account the worst case scenario. Kerry, Martin Indyk (the US envoy for Israeli-Palestinian talks) and their people must remember that, beside the chance for glory and strengthening the United States' status, there's also a risk of failure. To minimize it, they must understand the significance of laying the blame for the talks' breakdown on either one or both parties, and/or on the mediators.

If the talks fail, Kerry will be accountable to President Barack Obama and the American public. He will be required to explain why he invested his time and energy in the Israeli-Palestinian conflict rather than in other acute problems like North Korea, Iran or the economic crisis in Europe. But mainly, he'll have to explain the failure of his Middle East policy in view of the fluctuations in the Arab world.

If the talks fail, Kerry will also have to explain to the Europeans why, in the past year, he demanded that the European Union refrain from initiatives to settle the conflict or from intervening in the negotiations, although the European states have been financing the Palestinian Authority for two decades and investing their money in economic enterprises in the West Bank and the Gaza Strip.

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Above all, Kerry will owe the parties themselves an explanation. If he thinks the Palestinians are to blame, the result will be another American veto on Palestine's bid to become a UN member.

Laying blame for the failure on the Palestinians will make it clear to the Palestinian public why some people in Israel's leadership and public don't distinguish between the Palestine Liberation Organization and Hamas, seeing them all as an identical group that doesn't want peace.

If the failure is accompanied by the Palestinians' resorting to violence, the Palestinian public will have to bear the brunt of an Israeli military retaliation, while watching the contributions and grants from Europe and the United States dwindle.

On the other hand, if Kerry thinks the Israelis are to blame, it will be the Israeli public that will have to understand why the European Union implements decisions that harm the Israeli economy, and why the United States doesn't stop Palestine from becoming a UN member and doesn't block legal suits against Israelis at the International Court of Justice in The Hague. The Israeli public will no longer be able to blame the instability in the Arab world when Egyptian and Jordanian people demand to revoke their peace agreements with Israel. It will have to see how Palestinian Authority President Mahmoud Abbas reconciles with Hamas, which will declare again that "there's no partner" and that "Israel understands only force."

Perhaps Kerry will lay the blame on both sides. In this case, as difficult and painful as the notion is, Kerry must not abandon the region, telling the sides to give the White House a call when they're tired of counting their dead. He will have to tell them clearly what the conditions for a future arrangement are, and the possible solutions to all the contested issues. If they refuse to accept them, he will have to present them to the UN Security Council instead.

Such a move will mean replacing all the UN resolutions regarding the Israeli-Palestinian conflict with an international American-European position, which will be imposed on both sides.

It seems that only an orderly thinking process like that, which clearly foresees the failure, could lead all those involved in these meetings to the success so many yearn for.

Accepting the possibility of failure is the first step toward making progress in the peace talks between Israel and the Palestinians.

**41> Israel cannot live by the sword forever
[Haaretz, 03/07/2013]**

Next month, the disciples of Ze'ev Jabotinsky, who include Prime Minister Benjamin Netanyahu, will mark the anniversary of the Revisionist thinker's death. This sober leader, who recognized that the principle of self-determination wasn't applied to the Arabs of Palestine when the British Mandate of 1922 was written – something the international community also later acknowledged – sought to ensure the establishment of a “national home for the Jewish people in the Land of Israel” by means of the “iron wall” policy.

From the start, Jabotinsky was aware of the legal and moral validity of the claims of both nations, Jewish and Arab, to the Land of Israel, and as a Zionist, he fought to implement this exceptional and unprecedented decision by the international community – by force if necessary. But Jabotinsky didn't believe that we could live by the sword forever, as those who presume to be his disciples endlessly maintain.

It was actually Jabotinsky, in his great political wisdom, who wrote, “only when there is no hope left whatsoever, when there are no more cracks in the iron wall. Only then will the extreme groups, with their extreme slogans of ‘never ever’ lose their charm and the influence will shift to moderate groups. Only then will these moderate groups come to us with suggestions of mutual compromises.”

Next month, we will find out whether US Secretary of State John Kerry succeeded in persuading the sides to resume bilateral negotiations and offer “suggestions of mutual compromises.” Netanyahu will have to propose such concessions and be satisfied with similar proposals from Palestinian President Mahmoud Abbas. Netanyahu will have to leave his demand to recognize Israel as a Jewish state outside the negotiating room, just as he is asking

Abbas to do with regard to the Palestinians' demand to exercise a "right of return."

Netanyahu must recognize that in 1988 the PLO accepted UN resolutions 181 and 242 not because it had become convinced of the justice of the Israeli narrative, nor because it had shed the Palestinians' feeling that an injury was done to them when they were denied the right to a state in a land where they were an absolute majority. The Palestinians, like the Arab states, embarked on the diplomatic process because Israel's military superiority prevented them from achieving their version of "absolute justice," and because of the international legitimacy Israel had achieved within the 1967 borders.

In the same way, Israel was dragged into the 1991 Madrid Conference, the 1993 Oslo Accords and the 2007 Annapolis conference not because it had ceased to believe in the historical connection between the Jewish people and the Land of Israel, but because its leaders understood that another people also dwelt in this land, that it also had a right to self-determination recognized by the international community and that in order to ensure Israel's continued existence in the spirit of Herzl's Zionism, as well as that of Jabotinsky, it must enable the establishment of a Palestinian state alongside it.

Netanyahu is still roaming the halls of his Likud party headquarters in Tel Aviv's Metzudat Ze'ev, swathed in clouds of fanaticism that blind his political vision. He has long since been left all alone, without the other Likud princes. But now, he has been given a chance to demonstrate modesty, pragmatism and a sober political vision that takes into account the current Middle Eastern upheavals, the fact that Europe is threatening Israel with international isolation and the United States' principled stance on the agreement it is possible to sign with the Palestinians and the Arab world.

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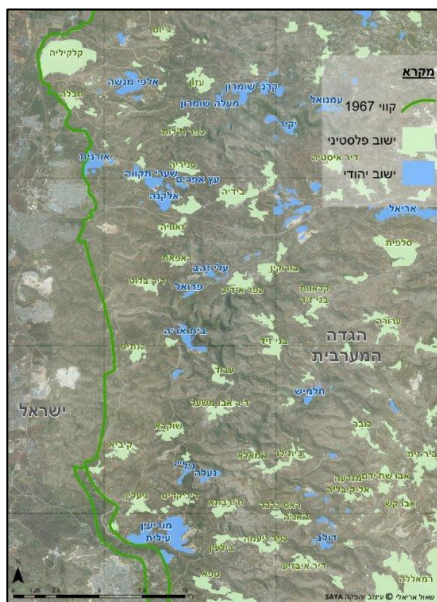
At this juncture, he must choose whether to continue to bury the doctrines of Jabotinsky, who as far back as 1903 – years before he adopted the principle of self-determination – wrote, “Nationalism is the individualism of nations, each has its character,” and thus no nation may suppress the national character of another nation. Moreover, Jabotinsky wrote, nothing is more absurd than the assumption that the Jews need a state of their own in order to enable them to strangle and suppress other nations.

At this juncture, Benjamin Netanyahu must make a difficult decision. We can only hope he will return to the high road paved by the historic leaders of his movement.

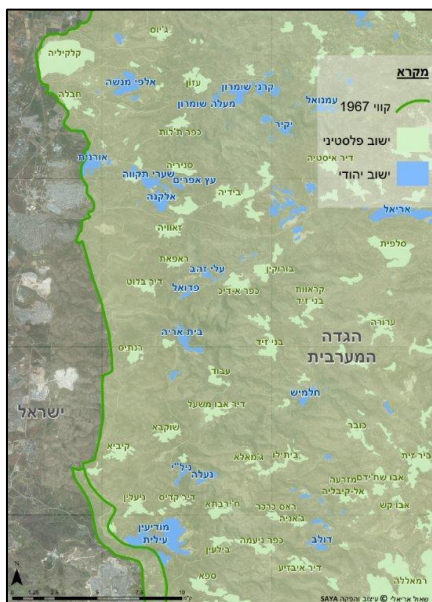
42> Comparing vistas [Molad, 16/06/2013]

In the hundreds of tours of the West Bank that I've undertaken in the last few years for thousands of Israelis hailing from every corner of the political spectrum, one thing stood out as shared across the board. As opposed to the deep differences in opinion when it came to the conflict and how to solve it, when Israelis looked out at the view in front them, all of them, with few exceptions, paid attention only to the built-up areas of Israeli and Palestinian settlement; they were entirely blind to the orchards, vineyards, chicken coops, barns, cultivated fields, and greenhouses that filled the land right in front of them. These territories adjacent to Palestinian settlements, are outside of the Israeli gaze on Palestinian territory. Map 1 displays this territory as it is perceived by the Israeli eye: the bright green territory shows the built-up areas of Palestinian settlements, and those colored in blue are the areas of built-up Israeli settlements.

One of most interesting insights I gleaned from the days when the interim agreement between Israel and the PLO was signed (when I served as head of the negotiating team) was how differently the two parties perceived the implications stemming from the character of the territory; from the question of who the legal owners were to what the function of the territory was in the fabric of the owners' lives. Just as Palestinians, as farmers, see the village and the land as a single, indivisible unit, Israelis, as citizens of an urban society, distinguish between residential and agricultural types of land in almost every case, even more so if the distinction serves political motivations.



Map 1



Map 2

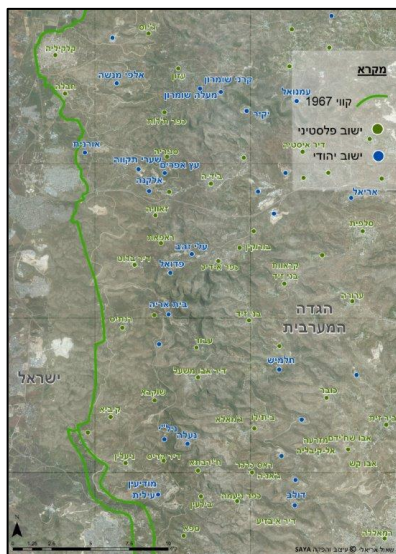
The distinction comes from, among other things, the different modes of employment prevalent in Israel and in the territories. In Israel, only two percent of the entire population makes a living in industrial agriculture; in the West Bank itself, only one percent of Israeli settlers depend on agriculture. Among Palestinians, in contrast, the number of those whose livelihood is based on traditional, family-based agriculture, according to the Palestinian Central Bureau of Statistics, is six times that size – 12 percent. Israeli settlers in the West Bank work 50,000 dunams only, whereas Palestinians work more than a million—that is to say, 20 times more. additionally, the Israelis who live in the settlements raise only a few thousand head of cattle and sheep; Palestinians raise more than a million.

The different ways each side perceives what happens on the ground brings each to cultivate a fundamentally different approach to a number of core issues at the heart of the conflict. For example, the Israeli public has formed an incorrect perception (to say the least) of the reality on the ground. To illustrate this, I will present a number of maps of the region, chosen for demonstrative purposes only, showing the region extending from Qalqiliya in the north to Modi'in Illit in the south.

Map 2 displays the Israeli and Palestinian settlements as dots of equal size. Often these dots are presented on the maps of those who want to show an area where a similar number of Israeli and Palestinian communities can be found. In other words, a map like this would be used in talking about a living space where each side has a significant presence that lends legitimacy to its political claims.

However, if we go back to Map 1, the physical reality of the region becomes a bit clearer. A consideration of the extent of the physical presence and ethnic dominance of the two sides through a comparison of the settlements by size and number of residents-not as a symbolic, identical dot on the map but rather representing their built-up areas-reveals that the Palestinian built-up area is fifteen times larger than the Israeli one, and that for every Israeli residing in the West Bank, there are nine Palestinians. The conclusion: clear Palestinian dominance.

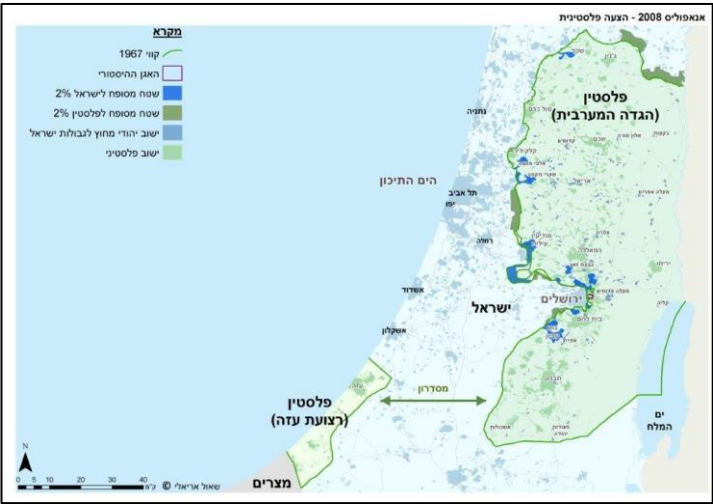
Map 3



The truth is fully exposed when we consider Map 3. It depicts an area perceived by Palestinians and their leadership as a Palestinian “ocean,” comprised of adjacent built-up settlement and agricultural areas, which contains Israeli “islands.” This perception is supported by facts noted above. It is worth adding one more statistic: Palestinian land ownership outweighs Jewish-Israeli land ownership

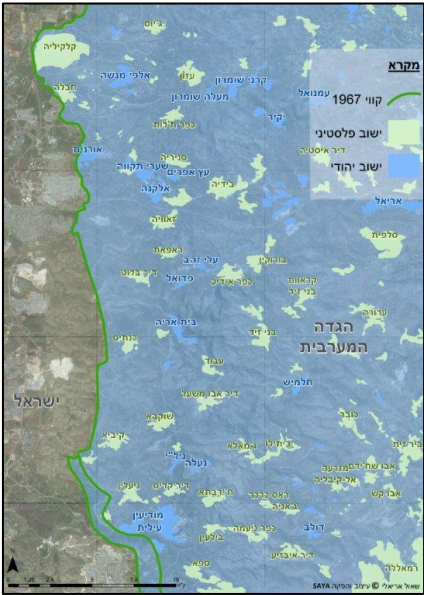
by twenty to 1. This is why the maps Palestinians placed on the table during the negotiations with the Barak and Olmert governments, both of which contained proposals for permanent borders and land swaps, clearly include what they consider Israeli territory-the areas of built-up Israeli settlement and their narrow access roads. This model merited the nickname “balloons and strings” from the Israeli side (Map 4).

Map 4



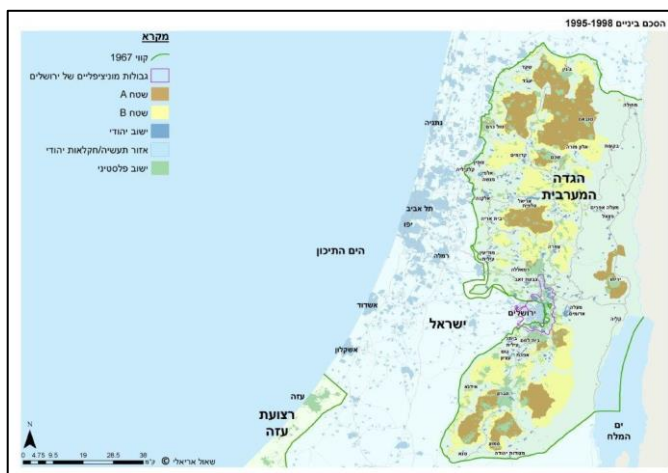
Map 5

In contrast, the Israelis and their leadership see the area as it appears in Map 5: Palestinian “islands” in “empty” areas – potential space for expanding existing Israeli settlements and building new, supplementary ones.



This perception explains Map 6 quite well, which shows the division of territory in the interim agreement. Responsibility and authority over many Palestinian villages was only transferred to the Palestinian Authority when it came to their built-up areas, while the rest of the land remained in Israeli control. This means that in order to build an extension to his house, a Palestinian goes to the Palestinian Authority, but if he wants to build a new barn or greenhouse on land adjacent to his house, he has to go to the Civil Administration (where he will most likely face rejection). There is no doubt that this situation was shaped as a result of the fact that at the time of the signing of the Oslo Accords, it was clear to both sides that the agreements were meant only for the interim. But after close to 20 years in a temporary state, it is clear that the Israeli side is also taking advantage of that state for expanding its control, de facto annexation, and taking over private Palestinian land.

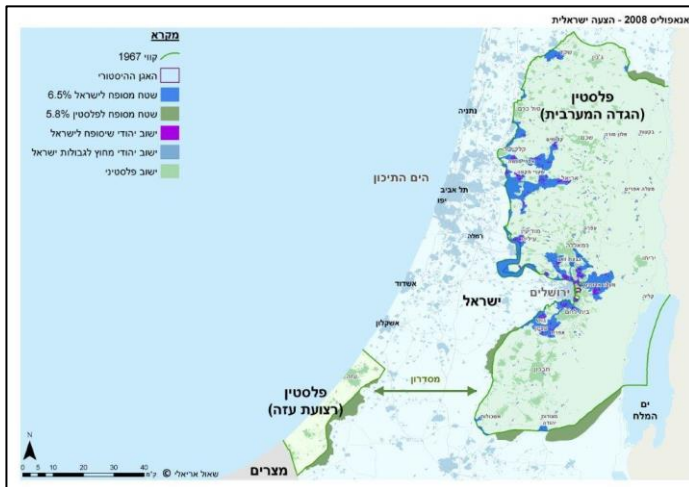
Map 6



People & Borders

This perception is also the basis of the Israeli proposal in a negotiated final settlement. The territories Israel has requested to annex are the Israeli settlements, according to their location, size, and potential expansion. Simultaneously, there is no attention whatsoever paid to the fact that the requested borderline cuts through countless plots of Palestinian village and farmland and impinges on Palestinian contiguity and the potential for the development of a future state (Map 7).

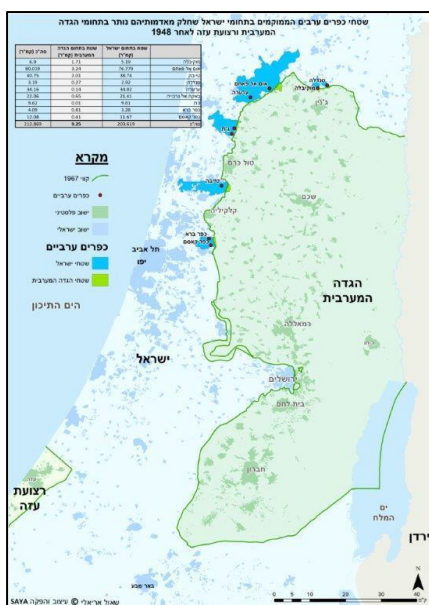
Map 7



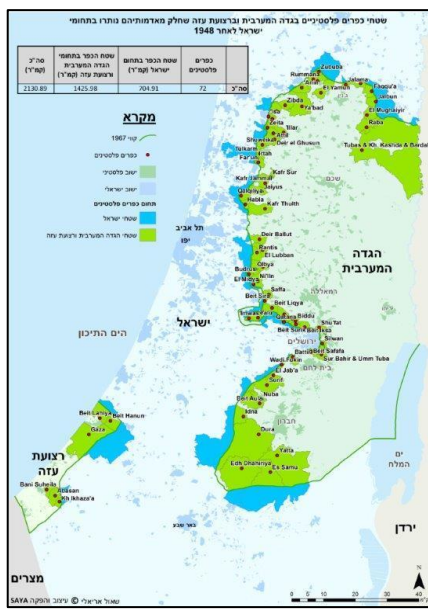
It is interesting to point out that drawing the armistice lines between Israel, Jordan and Egypt in 1949 was done in similar fashion. Only then, the decisive considerations were Israel's tactical military needs and not the future development plans of Israeli settlements. The result was similar, too – 70 Palestinian villages in the West Bank left a third of their agricultural land in Israel (200,000 dunams), and seven villages in Israel left two percent of

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their land in the West Bank under Jordanian rule. It is important to remember that then, as in the process of signing the interim Oslo Accords in 1995, they believed that the armistice lines would soon be replaced with permanent borders that would address both of these distortions (Maps 8-9).



Map 8



Map 9

Many politicians, among them Naftali Bennett of the Jewish Home Party, Dani Danon and Tzipi Hotovely from the Likud, and others, seek to make cynical use of the urban consciousness among Israelis. They present them with the territory of the West Bank through urban eyes and provide them with a partial and misleading view that fails to take the full picture into account. These politicians who demand the annexation of Area C, extending through 60% of the West Bank do so because, according to them, Area C is “empty” – with only 42,000 Palestinians living there (the actual number is double). Likewise, they claim that maintaining Palestinian contiguity and living space is possible by connecting Palestinian “islands” through a system of bridges and tunnels. Their plan in no way relates to the future development of Palestinian settlements and to the critical fact that their agricultural lands and infrastructures are in Area C.

A partial look at reality, any reality, and particularly one as complicated as the Palestinian-Israeli conflict, is not only unjust, unserious, and unfair, but will also never be capable of providing a real solution. Therefore, we must first first and foremost cut Naftali Bennett’s outlandish suggestions from the agenda. Then, we must insist that one day, when the parties agree on final borders, experts from different disciplines be appointed to be responsible for the exacting exercise in draftsmanship the solution requires. This will ensure that infringement on individual property is kept to an absolute minimum. And we’ve still said nothing of what might come of a victors’ generosity, the wisdom of the strong, and the insight of neighbors.

43> The people in Israel who never make threats [Haaretz, 10/02/2013]

Rabbi Ovadia Yosef wrote to President Shimon Peres, raising the fear of a civil war if everyone in society must share the burden.

Until two weeks ago, whenever threats of a “civil war” were made, they were made by Gush Emunim. This group made threats whenever the Israeli government tried to prevent the building of settlements or evacuate them. Gush Emunim threatened over Sebastia, Sinai, the Gaza disengagement and the evacuation of the settlements in northern Samaria. But two weeks ago, Rabbi Ovadia Yosef wrote to President Shimon Peres, raising the fear of a civil war if everyone in society must share the burden.

Those bandying this threat about pretend to express the will of the Jewish people. They declare that “all the people of Israel are responsible for one another,” but in the same breath threaten a civil war if their demands are not met. In the name of their religious beliefs they reject the authority of Israel’s elected institutions to decide based on values such as peace, the rule of law and democracy – in return for giving up parts of the Land of Israel. Now they have made the “unequal burden” holy.

It turns out that the Israeli people in general are against them; the people who never threatened war if their views were not accepted in a democratic process. These people don’t make threats while the government takes steps that lose Israel’s Jewish identity and democratic rule. They even keep silent while the country is being turned into an international leper, just behind Iran and North Korea; even when it comes in 112th in the rankings on press freedom.

The people in general love Jews, even if their prime minister whispers in the ear of Kabbalist Rabbi Kadoori that “the leftists have forgotten what it means to be Jewish.” Even when the prime minister apologized for this 12 years late and explained that he was “everyone’s prime minister,” he rushed to appoint Maj. Gen. (res.) Yaakov Amidror his national security adviser, the man who said the nonreligious were Hebrew-speaking goyim.

This is the explanation for the willingness of this community to carry the main burden of military service in both the regular army and the reserves while that same prime minister grants the parties of “the armies of God” budgets and laws they can use to protect their voters – far from any danger on the battlefield or on the job. It is even harder to explain this never-ending willingness to work to be able to pay the rent or a mortgage while the prime minister offers to move illegal outposts at the cost of millions of shekels, while the treasury is declaring: “We have doubled the budgets for Judea and Samaria. We have done it while keeping a low profile since we did not want people in Israel and overseas to block the maneuver.”

This community is even slow to threaten when the rule of law, so dear to its heart, is trampled endlessly by those who easily make threats. It has kept its mouth shut while the Supreme Court is threatened and its rulings that don’t match the nationalist spirit are slandered, with the court described as a radical body that doesn’t listen to the people. This silence is kept even when anti-democratic bills are proposed and advanced, when university departments are persecuted by nationalist nonprofit groups, when professors are worried about their promotion, when journalists are threatened with dismissals, and when the education system promotes nationalist values over democratic and liberal values.

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Pluralism, democracy, the rule of law, equality and humanism are the center of these people's beliefs – so they don't think in terms of civil war, they ask for democratic decision making. But when the people standing against them reject everything that differs from their worldview, attribute patriotism and Zionism only to themselves, and don't hesitate to threaten civil war, they are completely removed from "love thy neighbor." The people who support pluralism and the rest – and their children – will look for somewhere else to realize their values.

44> It's not a barrier, it's a neighborhood: The battle of the village of Bil'in [01/13]

Toward the bulldozer

One day in early 2004, at nine o'clock in the morning, farmers in the village of Bil'in noticed a bulldozer. It was accompanied by a force of Border Police troops and came to demarcate the route of the separation barrier. The village's residents were ready for it. They did not know precisely when the work would begin, but they had prepared in advance for the day when the heavy machinery would clamber onto their land. The farmers who saw the approaching bulldozer and military force immediately informed the members of the village's popular committee that was formed to wage the struggle, together with the village council, against the construction of the barrier. Within minutes, dozens of village residents left their homes, workplaces and agricultural plots, and advanced toward the point where the bulldozer was located.

About six months earlier, the government had made an initial decision defining the exact route of the separation barrier. The maps accompanying the decision were made public, printed and duplicated, and copies of the maps spread throughout the West Bank like wildfire. In each village, the heads of the families sat over a photocopy of a photocopy of the map and tried to understand what the route meant for them and for their lands.

The wealthy and well-connected villages in the West Bank began to mobilize Palestinian politicians and raise money for the fight against the barrier and the loss of their lands. They organized lobbying efforts by the Palestinian diaspora (particularly in the US) and arranged for legal representation in Israel. Emissaries were urgently dispatched to Ramallah so that the central government of the Palestinian Authority would lend a hand in the struggle. The PA also allocated its limited financial and political resources for the benefit of these villages.

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Bil'in is not among the wealthy, well-connected or well-known villages of the West Bank. It is a small village of about 1,700 people, who primarily make their living from farming. It is located between two larger and more well-known villages – Safa (with a population of about 4,000) and Kharbata (with a population of about 2,900). The three villages are in the Ramallah district. During the two intifadas, there were no special incidents in Bil'in – and definitely not the scope of activity that occurred in other villages. The village did not produce any prominent Palestinian politicians and the violent Palestinian struggle nearly passed over it. Until the winter of 2005, not only Israelis had never heard of Bil'in; many Palestinians also never knew of the existence of this enchanting village.

When the map reached Bil'in, the leaders of the village gathered in the council building, examined it and were horrified. Only about half of the village's 4,000 dunams of land were to remain in its hands. (And this was after the village had already lost substantial portions of its land in the 1948 war.) In fact, according to the Government of Israel's initial decision regarding the barrier, about 2,300 dunams, comprising about 60% of the village's land, were slated to remain west of the barrier. After the ruling on the petition by the Beit Suriq village council, the route was revised and about 300 dunams of Bil'in's land were "returned" to the eastern side of the barrier (see Map 24).

How a 'popular committee' is born

The separation barrier was planned to traverse Bil'in's land from the village's southern border with Safa's land to its northern border with Kharbata's land. The route was slated to run deep into cultivated areas and in the midst of ancient olive trees. Most of the land to the west of this barrier route – that is, on the side that Bil'in farmers could only access if they received a special permit – is agricultural land belonging to the village, while the rest of the land (on the eastern side of the barrier) comprises the village's built-up area.

All of the approximately 300 families living in the village stood to lose one or more of the agricultural plots on which their livelihood depended. More than 600 dunams of cultivated land, with thousands of olive trees, grapevines and almond trees, were about to be robbed. Hundreds of additional dunams that served as pasture were about to be closed to the village's goats and sheep. The planners of the route decided for some reason to move the barrier about two kilometers from the nearest homes of the neighboring settlement, Modi'in Illit, despite the state's declarations in the High Court of Justice that the distance required to protect the homes of settlements – based on the maximum range of gunfire from small arms – was about 200-400 meters. The harm that Bil'in was about to suffer was enormous, and the leaders of the village, who had never waged battles, stood helpless in the face of this threat.

At the same meeting, the village council decided to form a body that would act alongside the council and coordinate the struggle against the construction of the separation barrier, as was done in the larger neighboring villages in the Ramallah district and in other districts. In elections conducted among the village's residents, six members were chosen for this body, whose name was also copied from the neighboring villages: "The Popular Committee against the Wall."

The elected members were supposed to represent as best as possible all levels of the village's population: Iyad Bournat, an officer in the Palestinian Authority, represented Fatah; Shahwan Yassin, a grocer, represented supporters of the Islamic Movement in the village; Mohammed Abu Rahma (Abu Nizar) was chosen to serve as the representative of the village council on the popular committee; and the director of the youth club in the village, Samir Bournat, represented his fellow club members. In addition, two residents were elected to the committee who declared that they would devote most of their time to managing the struggle, and they indeed quickly became its driving force: Abdallah Abu Rahma, an

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Arabic teacher, and Mohammed al-Khatib, the secretary of the village council.

Perhaps the committee was formed at first only to show that someone was doing something in regard to the barrier in Bil'in and not because the residents of the village truly believed that it was possible to change the "evil decree" other than through international politics, which was far beyond the capability of a village like Bil'in. Nonetheless, the Popular Committee against the Wall was about to make history and turn Bil'in within two years to the best known village in the West Bank and a symbol of the Palestinian struggle against the separation barrier.

In the spring of 2004, under the shock of the Israeli decree, Bil'in's popular committee had still not taken matters into its own hands – as it would do a year later. During the first stages of the struggle, the six members of the committee still acted as if they were obedient cogs in the mechanism of the overall Palestinian struggle in the West Bank. At this point of time, none of them thought of waging a separate campaign – unique, different and colorful – and all of their steps were done in consultation and coordination with the popular committees of the neighboring villages and with the Palestinian government in Ramallah.

'You should get a lawyer'

We now return to that spring morning, with the bulldozer and the villagers surrounding it. About sixty villagers gathered around the fearsome machine that morning and tried to persuade its operator and the forces protecting him not to uproot the village's trees and not to damage their crops. The Border Police officer consulted via his communications device and informed those congregating around him that he would grant them a grace period of several days to enable them to organize and challenge the land expropriation orders. It turned out that these orders were signed by the military commander of the West Bank. "You should get a lawyer," the

officer advised the villagers.

Until that morning, Bil'in did not need a lawyer. The two larger villages, Kharbata to its north and Safa to its south, already employed a Palestinian-Israeli attorney, Naila Atiya, who was appointed for them by the Palestinian governor of Ramallah. Members of Bil'in's popular committee thus turned to the governor of Ramallah and also asked him for legal assistance. After a number of consultations, it was decided that attorney Atiya would also represent Bil'in.

Several weeks later, following a meeting with representatives of her new client, attorney Atiya added arguments against the expropriation orders issued for Bil'in's lands to an appeal she submitted to the Civil Administration's legal advisors on behalf of the Safa village council against the expropriation of their lands. For months, she tried to reach a compromise with the army. In November 2004, the army issued a final rejection of the appeal.

The rejection letter included statements that would later turn out to be misleading. And no less egregious – these statements concealed significant facts pertaining to the motives of the route planners. The deputy legal advisor of the Judea and Samaria region in the Civil Administration, attorney Major Gil Limon, noted in the rejection letter:

The barrier route in this section [of Bil'in] was determined based on security and topographic considerations in a way that enables control of the territory overlooking the Israeli communities located in this sector.

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At this stage, no one asked how it was possible that security and topographic considerations were the basis for the route if it mainly ran through the bottom of the slope that Bil'in overlooks and was located nearly two kilometers from the homes of the settlers it was supposed to protect. The fact that a giant residential area of 3,000 housing units was slated to be built on this territory – some 800 dunams of the village's land – was concealed from the residents of Bil'in. No one told them, of course, that this was the only reason for the route that was selected. Major Limon did not bother to note in his letter that the matter did not focus on living people, but rather on buildings that had yet to be built and tenants who had yet to acquire them. In other words, it was not the security of the Modi'in Illit settlement that dictated the route, but rather the desire to expand it on the lands of the village of Bil'in.

It's a long road to the High Court

The legal events now came one after another at a dizzying pace. Residents of Bil'in, who as noted were appended to the legal struggle of Safa and Kharbata, found it hard to keep track of what was happening on the legal front. In December, about a half a year after the start of the fight, attorney Atiya submitted a petition to the High Court of Justice against the expropriation of lands and asked to reject the selected barrier route. The petition referred to the lands of both Safa and Bil'in.

Two weeks later, in January 2005, attorney Atiya signed an agreement on behalf of her clients for work to be executed on a section of Safa's lands and on the southern half of the route on Bil'in's lands. She informed the High Court that within a week she would also address the proposal for an alternative route in the northern section, a proposal the army had submitted in order to save several tens of cultivated dunams.

About eight months later, the head of the Bil'in village council, Ahmed Isa Abdallah Yassin, signed a deposition stating that attorney Atiya had signed this agreement without informing him and without consulting with him. At this stage, the state had not yet revealed to attorney Atiya the full information about the reasons that led to the demarcation of the route. On the day of the hearing in the High Court, a representative of attorney Atiya asked to withdraw the petition, apparently because she wanted to submit a separate petition in regard to Bil'in. In a deposition signed later, the head of the Bil'in council argued that he also did not know about the decision to withdraw the petition and that he had only heard about this later.

Four days later, attorney Atiya submitted another petition on behalf of five residents of the village of Bil'in. This petition was summarily rejected because it did not cite the previous petition that was canceled at her request; this was regarded as a forbidden attempt to hide facts from the court: The justices ruled that the petition was tainted with lack of integrity – a cause for summarily rejecting a petition to the High Court. In addition to the new petition on behalf of the Bil'in residents, attorney Atiya also submitted a petition on behalf of residents from Safa. Both of the new petitions were discussed and rejected in the same ruling.

Safa's residents at this stage accepted the route that was built in accordance with the understandings their attorney had reached. The residents of Bil'in refused to accept these understandings. By the way, in light of the High Court's ruling in the Bil'in case in September 2007, as recounted below, it turns out that the route attorney Atiya agreed to was illegal, because it was determined according to a master plan that had yet to be approved. In light of the High Court rulings on the Bil'in case, the Safa village council is currently renewing its fight to change the barrier route.

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The Al-Khatib – Pollack axis

After the petitions were rejected, it was clear that nothing would stop the bulldozers. From the experience of other villages, it was clear that the heavy machinery would arrive at the village accompanied by a large military force, and that the residents would be unable to do anything other than look on hopelessly as their ancient olive trees were uprooted one after another from the ground in which they were planted for hundreds of years.

Then, a member of the popular committee, Mohammed al-Khatib, decided to call Jonathan Pollack.

Mohammed al-Khatib, an employee of the Palestinian Authority's Ministry of Youth, directed a community center in Ramallah. He was about 30 years old and lived with his wife and two children in a house on pillars at the eastern end of Bil'in. Al-Khatib is of average height and slender, with a child's face, a mischievous grin and a sharp mind that never ceases to generate brilliant ideas. He had the somewhat vague title of secretary of the Bil'in village council. But from the moment he was elected to the popular committee, he did not rest for a moment. In his youthful style and original thinking, he became the "producer" of the Bil'in protest. In his fluent language, in Arabic and in Hebrew, he explained to anyone who was prepared to listen that the protest here would be non-violent and, in this way, would succeed. This was not a slogan; this was an ideological-principled decision.

Al-Khatib's creative mind came up with ideas for non-violent methods of protest that would attract public attention to the injustice done to his village. Together with his colleagues on the popular committee, he led the village youth and demanded that they refrain from throwing rocks and using violence – a demand that was sometimes fulfilled and sometimes not. Al-Khatib feared that the popular protest in Bil'in would quickly disappear under the boots of the border policemen, as it had in other villages. This fear

led him to search for new methods for the struggle. A rumor that was making waves at the time also reached him and gave him the idea he needed: In the villages of Bidu and Budrus, he heard, Israeli left-wing activists were also demonstrating alongside the Palestinian villagers.

Al-Khatib fully understood the implications of demonstrating alongside Israelis. On one hand, this type of collaboration might be viewed as problematic in the eyes of the Palestinian public and perhaps also in the eyes of the village's residents. Any message of normalization and collaboration with Israelis – even radical Israelis – was not popular in the Palestinian street. On the other hand, al-Khatib understood that the army and Border Police act differently when there are Israelis around. First, this is because injuries to Israelis endanger the policemen and soldiers, while injuries to Palestinians do not incur any sanction. And secondly, this is because Israelis attract more attention from the Israeli media, even if only a small amount of attention.

Al-Khatib made a telephone call to Budrus and received the number of one of the main Israeli activists in the demonstrations against the barrier: Jonathan Pollack. Then 22 years old, Pollack, from Tel Aviv, is a person with the soul of a world reformer who fights against any injustice occurring on the face of the earth, from the ills of globalization to the injustices of the occupation to the trampling of the rights of animals. During that period, Pollack belonged to a group of Israelis who called themselves “Anarchists against the Wall.” The group demonstrated every week, and sometimes even every day, against construction work on the separation barrier in various villages that were hurt by it. The Israeli activists did not suffice with demonstrations; they also opposed the work in a physical, yet non-violent, way: They would sit at the work site, tie themselves to olive trees and so on. Sometimes they would remain overnight at the sites slated for the barrier, sometimes for days and even weeks, until the bulldozers arrived.

The collaborative struggle begins

At the end of 2004, al-Khatib, Pollack and Abdallah Abu Rahma met in Bil'in. Al-Khatib, on behalf of the popular committee, invited the Israeli activists to join Bil'in's struggle. Pollack promised to come with his friends. Members of the popular committee, on their part, organized the residents of the village. During the first demonstrations, Bil'in residents marched with Pollack and a handful of his friends toward the work site, but were quickly blocked. They discovered that the Border Police's response to demonstrations was tough, severe and painful. Demonstrations of this type took place in many villages along the barrier route. In Bil'in, as in other villages, the security forces met the demonstrators with teargas, rubber-coated bullets and arrests. The strong arm of the army and the Border Police did not suffice with shoving demonstrators during the demonstrations. Bil'in officially became a "hostile" village.

The small village suddenly attracted the attention of the Shin Bet and the brigade commander of the region. Army and Border Police forces would enter the village during the night, burst into homes and conduct searches. Some of the members of the popular committee were arrested, as if they were leading an organization that was about to carry out an armed revolution. With these methods, the security forces had succeeded in quashing, within two or three weeks, more difficult outbursts of demonstrations than those that took place in Bil'in. The strong arm also easily crushed the resistance of the residents of this small village. It was clear that if the protest was conducted in this way, the struggle would end within weeks, at most, as in the other villages.

The popular committee decided to organize a large demonstration. It understood that a few dozen people marching toward the work site of the barrier and easily repulsed would not succeed in changing anything. The date for the big demonstration was scheduled for a Friday in February 2005. As part of the

preparations for the demonstration, many Israelis were invited from various organizations, mainly via email networks. The demonstration, in which thousands of people participated, was a great success and became a model for many demonstrations that were subsequently held. Hundreds of Israelis came to the village and together with many hundreds of Palestinians and international activists created the largest joint demonstration against the separation barrier.

The dramatic change the villagers hoped for was beginning to occur. The Israelis who came in February also returned in March and in April and in May. The Palestinian hosts and the Israeli guests (most of whom were young people of ages 18-25 from the Tel Aviv area) demonstrated side by side every week. The Israelis would warn the soldiers and policemen not to conduct illegal actions against them and their Palestinian friends, and would even call upon them to refuse the orders they received.

When a Palestinian was detained or arrested, the Israelis would immediately arrange for legal representation; this was usually provided by attorney Gaby Lasky, who regularly represents the anarchists, or by attorney Tamar Peleg from HaMoked: Center for the Defense of the Individual – both attorneys have extensive experience in appearing before the military courts.

When the border policemen acted violently, the Israelis would videotape them and submit complaints to the Justice Ministry's department for investigating police officers. When the army used dangerous ammunition, the Israelis made sure that the media in Israel reported about this. (In Bil'in, the army experimented with weaponry it developed to disperse demonstrations, such as the "the screamer" – a device that was designed to immobilize demonstrators by generating an enormous noise; the experimental firing of balls of spicy pepper against the demonstrators was also conducted.) When the army tried to issue orders declaring a closed military area in order to prevent Israeli demonstrators from

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arriving, some of them circumvented the army checkpoints the previous evening and spent the night in Bil'in. A new routine began to develop: Prior to every demonstration, the village would fill with Israeli and Palestinian activists who prepared signs and painted slogans in three languages; after the demonstration, the demonstrators returned to the village and the Israelis were often invited to drink coffee or tea at the homes of the residents of the village.

Waji's goats

A main social center of this type developed in the home of one of the villagers, Abd al-Fatah Bournat, known by everyone as Waji. Waji is a goat herder, about 50 years old. His oldest son, Rani, was shot in the back by an IDF sniper during a demonstration in which he participated in Ramallah, on the first day of the Al-Aqsa Intifada, and he remained disabled. Waji opened his home and his heart to the Israeli demonstrators. His house is located at the edge of the village, on the path leading to the barrier, and many of the demonstrators would stop there on the way back from the demonstrations and partake of sandwiches and drinks.

Due to the circumstances of his son's injury, Waji's permit to enter Israel was revoked and he was blacklisted by the Shin Bet. (This is a customary practice of the Shin Bet: to revoke the entry permits of relatives of those injured, arguing that the injury to their loved ones stirs motivation for revenge.) His goats remained the only way for him to provide for his family, along with the agricultural plot where he grew vegetables, whose tastiness became famous among the Israeli demonstrators.

Waji would insist on crossing the barrier route with his goats, and he was more than once detained there by soldiers for hours on various and sundry complaints. But he refused to give in. Like the other villagers, he understood that in the war of attrition being waged, the one with the greater patience would win. On days when

he was not allowed to pass, Waji would sit with his goats next to the gate, and wait and wait, and return to his home at sunset – only to return to the same place the next day, until they permitted him to pass to the other side, where his pasture land is located.

Waji's friendly personality and the warmth he radiated made him a human magnet. Some of the Israelis became his friends, and the connection went beyond just political solidarity. The members of the popular committee also received the Israelis with open arms. The proximity of the village of Bil'in to the center of the State of Israel (half an hour from Tel Aviv and half an hour from Jerusalem), the openness of its residents to the Israeli demonstrators and the warm welcome the residents extended to them – all this combined to make Bil'in a pilgrimage center for Israeli activists. Bil'in also quickly became a center of attraction for activists who streamed to the village from all parts of the world. What began as a political struggle for the rights of an occupied village created true friendships between people in the village and Israeli activists.

Bil'in makes the headlines

The demonstrations became a fixed routine: They marched each week on Fridays – sometimes dozens, usually hundreds, and in some cases even thousands – from the village's mosque, along the narrow asphalt path winding among the olive trees, toward the checkpoint marking the route of the separation barrier that was under construction. When the demonstrators reached a certain point, the soldiers or border policemen (the units alternated every few months) began to fire stun grenades, tear gas canisters and rubber-coated bullets, and they also usually charged at the demonstrators in order to distance them from the barrier that was being built.

Dozens of demonstrators, mainly Palestinians but also Israelis and foreign activists, were injured during these demonstrations. But the

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demonstrations did not stop. The protest against the barrier whose construction was advancing on Bil'in's land became a ritual that was covered in the Israeli, Palestinian and foreign media, and within a few months the struggle in Bil'in became a symbol of the popular Palestinian fight against the separation barrier.

Not everyone in Bil'in was satisfied. There were those who believed that the assistance from the Israelis did not serve the Palestinian interest. Others were pleased by the joint demonstrations but not by the social connections that developed between some of the villagers and the Israeli demonstrators. The fact that a sort of Israeli "outpost" of peace activists was created within a Palestinian village rankled them. Some spoke in this spirit at meetings of the village council and also complained to members of the popular committee. But the leaders of the committee – al-Khatib, Abu Rahma, Abu Nizar and their colleagues – refused to listen and vehemently rejected this criticism. The opponents also found it difficult to argue with the relative success of the collaboration, with the extensive media coverage and the public discourse generated in Israel and in the world.

During a period of almost complete disconnection between the Israeli left and the moderate Palestinian camp, Bil'in was an island of cooperation and solidarity and, in fact, also a victory over the "spirit of separation."

In parallel to the demonstrations, a third attempt was made in April 2005 – hopeless like its predecessors – to subject the legality of the barrier route on Bil'in's lands to a review by the High Court. The attempt was made this time by revising the petition from the village of Kharbata – a petition that was then about to come before the High Court – to also include the Bil'in route, south of Kharbata. The panel of High Court justices that ruled on all of the barrier cases during that period (President Aharon Barak, Deputy President Michael Cheshin and the future president Dorit Beinisch) rejected the petition without a hearing. The justices ruled that it

was tainted by delay and lack of integrity, and that it did not meet the required procedural conditions.

Thus, in the spring of 2005, about a year after they initiated their activity, the members of Bil'in's popular committee found themselves in a difficult legal situation: The route of the barrier being built on their lands had been challenged three times in the High Court but had never, even once, been discussed in its own right. While this was happening, agreements were reached in their name but were rejected by them; due to no fault of their own, the High Court ruled that the village had acted with a lack of integrity and with delay; and, meanwhile, the bulldozers changed the face of the land beyond recognition.

No to the Wall

When it seemed that the legal channel was blocked, the members of the popular committee began to invest all of their energy in the public campaign. Each week, the members of the popular committee would come up with a new idea for unconventional protest. One time, they tied themselves to trees; another time they incarcerated themselves inside welded cages. One week, the demonstrators marched with pieces of a mirror marked with words in mirror writing, and when they aimed the mirrors at the soldiers, it created a caption on the soldiers' uniforms: "No to the Wall." The soldiers had to move from side to side in order to avoid creating a photograph that would document them as opponents of the barrier.

The demonstrations turned more and more into exhibits: models of the barrier, protest slogans via stones, a demonstration by people disabled in the intifada. The soldiers and border policemen did not remain indifferent. From week to week, their response became tougher. As the confrontation intensified, so did the media exposure of the struggle; during the summer of 2005, there was almost never a week without the media reporting about the weekly demonstration in Bil'in. Palestinian politicians, together with

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representatives of the foreign press, also regularly came to the village and reported to the world about what was happening there.

At the end of the summer of 2005, the popular committee understood that the media successes must be translated into action. The demonstrations did indeed raise awareness and empathy, but they did not stop the construction of the barrier, which was about to close the village's lands. But what exactly could be done? The residents of Bil'in had no access to the Israeli political arena, and the Israeli activists had no real clout. The meetings the villagers held with diplomats serving in the region did not produce any result. It was clear that a new line of action was needed that would channel the energies generated in the demonstrations in order to attain a real achievement – a revision of the barrier route.

And then, when all of the other directions seemed to be stymied, one of the Israeli activists, Nir Shalev, decided to check the possibility of renewing the legal battle.

Nir Shalev and his battle against the real estate sharks

Nir Shalev came to Bil'in as an ordinary demonstrator, after participating in demonstrations against the barrier in other places in the West Bank. The Bil'in activists at the time were planning a large demonstration on April 28, 2005 and the Ta'ayush organization, of which he was a member, circulated an invitation to this demonstration among its members. It was the first time that Shalev was in Bil'in.

Shalev, in his late thirties, tall and thin, almost fragile, very quickly became one of the most important forces in the legal battle against the barrier in Bil'in. He arrived in the village soon after the joint demonstrations by Palestinians and Israelis began and he was enchanted by the place, by the vitality of its residents and by the extraordinary collaboration created there.

His radiant personality and enormous heart quickly won the esteem and friendship of members of the popular committee, who learned to trust him and share their dilemmas with him. Shalev, a linguistic editor by profession and an autodidact in other areas, did not suffice with marching into the clouds of tear gas the soldiers deployed against the demonstrators. He noted the distance between the barrier that was being built and the homes of the Modi'in Illit settlement, saw the massive construction underway between the barrier and the homes at the edge of the settlement, and thus caught on to the settlement's development and expansion plans. Shalev realized that the legal failure was a terrible missed opportunity.

During that period, Palestinian demonstrators were routinely arrested. The Israeli demonstrators who witnessed the arrests would give their version of the events to attorney Tamar Peleg, who handled the arrests. During the demonstration on July 15, a member of the popular committee, Abdallah Abu Rahma, was arrested, as was Akram al-Khatib, the brother of Mohammed. Shalev, who was the only Israeli witness to Akram's arrest, contacted Peleg and sent her his written testimony for the case.

In August 2005, Shalev conversed with Shai Pollack, the brother of Jonathan Pollack, a director and photographer, who was then making a film about the village's struggle against the separation barrier. Pollack told Shalev about a conversation he had with attorney Tamar Peleg. In Peleg's opinion, he said, it was possible to reopen the legal case regarding Bil'in.

Shalev became excited. Perhaps the legal arena had been abandoned too quickly, he thought. And perhaps there was still something that could be done. Pollack asked Shalev, who meanwhile had become the top expert on the barrier issues and the neighborhood under construction, to speak with Peleg. Following a

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conversation with Peleg, Shalev asked the members of the popular committee whether they were interested in returning to the legal track and, several days later, they answered in the affirmative.

Shalev grew up and lived in a single-family home in an older neighborhood in Ramat Gan. While all of their neighbors sold their homes to large contractors, who fully (and even excessively) exploited the building ratio on the land, he and his parents refused to sell their home. Even when the contractors obstructed all sides of the house with ugly high-rises, they gritted their teeth and continued to refuse. When the contractors violated their building permits, Shalev waged a lengthy legal battle against them on his parents' behalf at the various planning and construction committees. As in every confrontation, Shalev came prepared for his confrontation with the contractors. He studied every word and letter relevant to the issues under discussion. He soon was more familiar with the Planning and Construction Law and the regulations and court rulings pertaining to this law than attorneys who work in this field. He now was about to fully exploit his planning and legal experience, which he had accrued in struggles against those who destroyed his childhood neighborhood, in Bil'in's fight against the separation barrier.

The legal battle is renewed

Shalev collected every document about the status of the land on the other side of the barrier and about the petitions submitted to the High Court. Luckily, he had a natural partner in Bil'in: Abu Nizar, the deputy head of the village council, meticulously preserved the documents pertaining to the village and its lands, including old documents from the late 19th century. The mini-archive that Abu Nizar maintained, together with his extensive knowledge about the village's lands and the distribution of their ownership, was a mine of information. Without this, it would have been impossible to build the factual basis for the legal battle.

Whatever Abu Nizar could not provide, Shalev tried to find in other sources. Additional documents could be downloaded from the Supreme Court's Web site and he made photocopies from the court file. As he delved into the legal history of the barrier struggle, he understood the scope of the missed opportunity, on one hand, and the chance to reopen the issue, on the other hand. Tamar Peleg's recommendation to reopen the legal battle began to take shape and the village started looking for an attorney. Through Ofra Katz, an Israeli activist who knew me from my activity in the Yesh Din human rights organization, the people in Bil'in contacted me and invited me to their village.

In August 2005, I arrived in the village and met with al-Khatib on the patio under the pillars of his home. Present at the meeting were the head of the village council, Ahmed Isa Abdallah Yassin, head of the Palestinian National Committee against the Wall, Mohammed Abu Ilyas, Nir Shalev and Ofra Katz. At the end of the meeting, it was agreed that I would represent the village in a fourth attempt to petition the High Court against the legality of the separation barrier that passes through its land.

The fourth petition was submitted at the beginning of September 2005 and it sought to tackle the situation on two levels. The first and immediate level was the need to persuade the High Court justices that there was cause to allow a hearing on a matter that they had already rejected three times. The petition argued that in the earlier proceedings the residents of Bil'in lacked the full information they now had – and this was because the state had failed to provide them with information that was critical for understanding the legal situation. It was also argued that the agreements signed in the name of the village's residents were made without their approval. The most important argument in the renewed petition was that:

In practice, the arguments of the residents of the village of Bil'in on the crux of the matter were

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never heard in court, and because the failure of the earlier proceedings prevented a substantive examination of the route, the struggle of the village residents – who felt they did not have their day in court – shifted to a struggle on the ground.

On the second and substantive level, the petition raised a severe charge regarding the motives for demarcating the barrier route in Bil'in. Before submitting the petition, I consulted with the architect Alon Cohen-Lifshitz from the Bimkom organization of architects and urban planners, which works to protect human rights in planning. I asked him to check whether he had information that could help us to understand what led the barrier route in the Bil'in area to expand and include an enclave of 2,000 dunams to the east of the neighboring settlement of Modi'in Illit. From the experience of previous cases, it was clear to both of us that the answer to this was apparently the settlement's expansion plan, but in order to determine this with certainty and rely on this in the High Court petition, we needed clear proof.

At the time, Bimkom was conducting, together with the Association for Civil Rights in Israel, a proceeding under the Freedom of Information Law against the Civil Administration in the Jerusalem District Court. The organizations asked to receive all of the master plans of the settlements – both those which had been approved and those which had only been submitted or were in the approval process. At the court's directive, the information was indeed provided, though in practice it arrived in dribs and drabs.

What won't they do to expand a settlement?

Cohen-Lifshitz's review of the documents obtained via the Freedom of Information proceeding confirmed the suspicion: Between Modi'in Illit and Bil'in, on the land included on the western side of the barrier, a plan had been approved for constructing a

neighborhood of 1,500 residents, and its developers had even submitted a revised plan for increasing the number of housing units to 3,000. He also discovered that despite the fact that the revised plan had yet to be approved, buildings were already being constructed in accordance with the revised plan – and therefore this construction was illegal.

In itself, the discovery that the buildings were being constructed illegally was not earth-shattering. We were familiar with the construction taking place in settlements and knew that illegal construction was very widespread in the West Bank. However, we were still unaware of the scope of the illegal construction – if we had known, we would certainly have been much more impressed by the discovery. The name of the neighborhood under construction, which spread over about 908 dunams of Bilin's lands, was "Matityahu East." The plan for the new neighborhood was designed for two stages: Stage A, the western part, included about 2,000 housing units, while Stage B, the eastern part, included about 1,000 additional units. The route of the separation barrier almost exactly encircled the eastern border of the entire neighborhood (including both parts); meanwhile, construction had only begun on the western part of the neighborhood (closest to the existing settlement).

There is no doubt, the petition argued, that the barrier route was not dictated by security considerations and the need to protect the existing parts of the settlement, as the High Court determined in previous rulings on the legality of the barrier. The reason for the route's demarcation was not a legitimate one: It was to enable the eastern expansion of the settlement and to gain control of enormous tracts of land. This was a political motive, the petition contended, and certainly not a security motive.

The person assigned to handle the Bil'in petition on behalf of the State Prosecutor's Office was the same attorney who dealt with the three previous proceedings involving the village and represented

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the state in many other barrier cases, attorney Anar Helman. Helman represents the state in many security issues and is considered one of the most talented and decent attorneys in the State Prosecutor's Office. His response to the petition was predictable in one part and very surprisingly in another part.

As expected, Helman argued that the petition should be rejected due to a range of peremptory arguments, including delay and lack of integrity, and due to the fact that there was an agreement between the village and the army (the agreement signed by attorney Atiya). But he kept the surprise for two paragraphs that exposed something which the people of Bil'in and I only knew about in part. The seeds of the drama that was about to unfold were planted in these two paragraphs, in which Helman confirmed – with fairness and great honesty – details pertaining to the construction in the Matityahu East neighborhood. And thus he wrote (the bold emphasis is in the original):

According to the developers' reports, **which the Civil Administration is unable to verify**, in the western section of Plan 210/8 [the plan for the Matityahu East neighborhood, M .S.], which has already been developed, about 750 housing units are under construction, about 520 of which have already been marketed.

Regarding this matter, we will note that the work being executed today in the western section of Plan 210/8 is not being executed according to this plan, but rather according to a new plan the developers are promoting, 210/8/1, **which has yet to be authorized**, whose borders are similar but which permits more saturated building. This is construction that is illegal in part.

The truth behind the route of the barrier under construction on Bil'in's lands was beginning to be exposed. The State Prosecutor's Office confirmed that the route was determined according to the master plan for the **future** neighborhood. The State Prosecutor's

Office also confirmed that most, if not all, of the construction in the neighborhood was done **in contravention of law** because it was executed not according to the approved plan but, instead, according to the plan that was still in the approval process.

And that is not all. It turned out that three weeks after the petition was submitted, the Higher Council for Planning – the Civil Administration’s planning body – decided to approve authorization for the plan. That is, all that remained was to publish it and thus turn it into a *fait accompli*. However, in the response to the petition, Helman announced that as instructed by the State Prosecutor’s Office, which found that flaws had occurred in the approval process, it was decided not to publish the plan until these flaws were examined.

The contractors come

Alon Cohen-Lifshitz and Nir Shalev immediately mobilized to study the thick hints included in Helman’s response. These efforts led them to several amazing findings. Two large construction firms – the Israeli company Hefstiba (owned by the Yona family of Jerusalem) and Green Park (a Canadian company owned by the ultra-Orthodox real estate tycoon Shaya Boymelgreen) – had acquired rights to implement the original master plan for the neighborhood, a plan that authorized construction of 1,500 housing units. Both the companies and the leaders of Modi’in Illit were interested in increasing the number of units – the former to boost their revenues and the latter to expand their settlement.

Modi’in Illit was already then the West Bank settlement with the largest number of residents. (It currently has a population of about 36,000.) The settlement was founded in the early 1990s, some say with the blessing of Rabbi Shach (the ultimate ultra-Orthodox authority at the time), as a housing solution for the ultra-Orthodox public, which suffers from a severe housing shortage in Jerusalem and Bnei Brak. Many families in these cities are of meager means;

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as they streamed to Modi'in Illit, the settlement grew at a very swift pace. Therefore, the local council and the construction companies initiated a revision to the master plan that would enable much taller and denser construction, doubling the number of housing units slated to be built.

In February 2004, the Higher Council for Planning approved the “deposit” of the revised plan. As part of this process, the Civil Administration is required to publish the developers’ proposal so that the public can submit objections to the plan. This is sometimes a long process that can even take years. Ultimately, if the plan is approved, building permits can be issued and the plan can be implemented.

But the Modi'in Illit local council and the construction companies that built Matityahu East were in a hurry. They did not want to wait until the process was completed as required by the law, and they began to build in accordance with the revised plan, despite the fact that it had yet to be approved.

But that is not all: The people of Bil'in had no idea that a revised plan had been submitted that would create a city of tall buildings and tens of thousands of new settlers in their backyard. They did not know about the plan, so they did not submit any objections to it. This lack of knowledge raised suspicions that the new plan had not been published as required by law in two daily newspapers. Upon examination, it was discovered that the Civil Administration had made a smart-alecky move by publishing the plan in the ultra-Orthodox newspapers *HaModia* and *HaTzofe* (!). And because these newspapers are not exactly what people read in Bil'in and Ramallah, no Palestinian knew about the “deposit” of the revised plan.

The Modi'in Illit's local council, in any case, began to issue building permits to the construction companies based on a plan that had yet to be approved, and the construction companies began to build – in

some places on the basis of these illegal permits, and in other places without any permit at all. In this way, 43 residential buildings, some of them five or six stories high, began to arise – illegally and without any hindrance. All together, 22 residential buildings were constructed during that period on the basis of illegal permits issued by the local council and another 21 were built without any permits at all.

'Building violations in colossal dimensions'

And that is still not all. Nir Shalev even exposed documents proving that the leaders of Modi'in Illit were well aware of the wide-scale building violations taking place in Matityahu East. Already in March 2005, the legal advisor of Modi'in Illit, attorney Gilad Rogel, wrote to the council's architect Aryeh Pe'er:

Yesterday I was astonished to learn [...] that, in these very days, building violations are being carried out in broad daylight in colossal dimensions, as a Canadian company called Green Park has begun to build a complete construction site without a building permit, and all this with your full knowledge.

Rogel also wrote that "in light of the severity of these matters," he contacted the director of the planning bureau of the Civil Administration, architect Shlomo Moshkowitz. This letter was very significant: Not only the local council knew, but also the Civil Administration – which is responsible for enforcing the planning and construction laws in the West Bank – knew!

Another document that Shalev succeeded in "fishing" in the research he conducted was an auditing report by the internal comptroller of the Modi'in Illit council, Shmuel Heizler, which also states that the construction is illegal.

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An investigation by Akiva Eldar of *Haaretz* led to a document that completed the picture for us: a letter from the director of the planning bureau, Shlomo Moshkowitz, straightforwardly stating that “the permits granted at Matityahu East were undoubtedly granted in violation of the planning directives in effect.” (The plan in effect was completely different and only authorized 1,500 housing units.) As noted, the change in the plan was expressed not only in the doubling of the number of housing units and in making the buildings higher in order to include more housing units; the entire array of roads, public buildings and open spaces in the neighborhood completely changed. Construction according to the deposited plan effectively eliminated the physical possibility of implementing the approved plan, which was designed for only 1,500 units. And now everyone was building according to the plan that was not yet in effect, and all of the authorities that were supposed to oversee the planning and construction laws knew and remained mum, or even collaborated.

And this is also not all. Moshkowitz, who was the head of the government hierarchy responsible for planning and construction in the West Bank on behalf of the army, even explained in his letter why the illegal construction was continuing: “The reason for issuing the permits (as explained to me orally) was **to establish facts on the ground, to prevent the Hefstiba company from leaving the site**” [my emphasis, M. S.]

The master plan for Modi'in Illit

And even that is still not all. Alon Cohen-Lifshitz managed to lay his hands on a plan prepared for the Modi'in Illit council. The plan, which lacked any statutory standing, was called: “A Master Plan for Modi'in Illit.” The master plan was a “conceptual” plan for the local council, which was growing at a dizzying rate and slated to become a city in the not-too-distant future. The master plan, which set a

goal of turning Modi'in Illit into a city of 150,000 people by 2020, tried to organize and logically allocate the public spaces and service areas between the various neighborhoods. Since the state lands in this area were insufficient for implementing this ambitious plan, the master plan – to our astonishment – not only spread over the municipal territory of Modi'in Illit, but also over the areas north of Matityahu East that are privately owned by residents of Bil'in.

For the master plan, the separation barrier – and the Palestinian lands that the barrier left to its west – created the “solution” for the shortage of state territory: the land of all of the villages around the settlement, land that was about to be separated from its owners. According to the master plan, a public park and cemetery, for example, were among the projects slated to be built on the lands of Bil'in.

The master plan fit like a puzzle piece into the plan for the Matityahu East neighborhood. Streets that led to nowhere in the neighborhood plan were connected to roads in the master plan that were slated to pass through plots of land cultivated by residents of Bil'in. This was additional evidence of the fact that the land grab was planned, that there was a master plan for it.

The picture uncovered before our eyes was monstrous. The largest illegal outpost in the West Bank was being built on Bil'in's lands with the knowledge of local council leaders and Civil Administration planning officials, who did nothing to stop it. And this was what dictated the destructive barrier route, which lacked any security logic. It was now clear beyond any doubt that the barrier was only a cover for a much larger enterprise – to build a new neighborhood of enormous dimensions and to take over additional land. Since this neighborhood was being built illegally – this was also already clear – the people of Bil'in had a legal cause to demand a halt to this construction.

Now, when the cards were exposed, all of the sides knew that a race

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for the barrier was underway. Who would be first? Would it be the people of Bil'in who would change the barrier route via the court? Or would it be the contractors and Modi'in Illit council who would complete the construction first, populate the neighborhood, and thus "establish facts on the ground" that that would not allow a change in the route?

The hearing on the Bil'in petition was scheduled for early February 2006, and the Hefstiba company, which wanted to "establish facts on the ground," began to populate its buildings despite the fact that some of them were not suitable for dwelling. In these circumstances, if the people of Bil'in waited for a High Court ruling, which did not appear imminent, they were liable to suffer a defeat. Time was not on their side. It was clear to everyone that something had to be done to stop the construction work and freeze the situation until the court ruled on the barrier issue.

At the beginning of December 2005, I sent a long and detailed letter to the State Prosecutor's Office on behalf of the residents of the village and attached copies of the letters from Modi'in Illit's legal advisor, its internal comptroller, and the director of the Civil Administration's planning bureau. In the letter, I demanded that the State Prosecutor's Office order an immediate halt to illegal construction work in the neighborhood. At this stage, it was clear to the members of Bil'in's popular committee that if the construction and inhabitation of the neighborhood did not stop immediately, there would be no alternative other than to submit an additional petition to the High Court demanding the cancellation of all of the planning proceedings for the neighborhood and the demolition of the buildings that had been constructed illegally.

Meanwhile, the deceitfulness made the newspaper headlines. On December 14, 2005, Akiva Eldar published an article in *Haaretz* entitled, "Hundreds of Housing Units Built Illegally near Bil'in." It is interesting to note that at this stage the name Bil'in was already so familiar that the newspaper's editors preferred to cite the

village's name rather than note that the building site was adjacent to Modi'in Illit, for example. In light of the revelations, the demonstrations on the ground were stormier than before, with larger crowds participating.

An outpost, Bil'in style

One day in late 2005, Mohammed al-Khatib called me on the telephone. "I have a theoretical question for you," he began, and I groaned. A theoretical question was a code name for a problematic idea.

"Let's say," al-Khatib continued, "that the Palestinians decide to build a structure on their private land, but without the approval of the planning committee. Would that be legal?"

I still did not understand what he was cooking up.

"Without a building permit, it is not legal," I said.

"But they built hundreds of housing units and even on land that was not theirs!" al-Khatib complained bitterly, and I began to understand.

"Yes, if they come to demolish the illegal Palestinian structure, it would prove that there is selective enforcement here," I said.

"That's all I wanted to know," al-Khatib said.

"But on private land, right?" I said, trying to make the issue clear.

"Yes, yes, only on private land," he confirmed.

"Then, theoretically, it would also be best to have the approval of the village council," I said.

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“Okay,” al-Khatib said, and the conversation concluded.

Two days later, I was walking on Dizengoff Street in Tel Aviv when my mobile phone started to buzz with calls and messages from journalists. It turned out that opposite the Matityahu East construction site, on private land belonging to a resident of Bil'in, Othman Mansour, several dozen people from Bil'in set up a mobile caravan, stuck a Palestinian flag in its roof and moved inside.

I wondered how on earth the popular committee had managed to transport a caravan through the West Bank – it was clear to me that they had not received the required permit from the Civil Administration. And, primarily how did they get it past the barrier route, which was full of security personnel? The answer turned out to be very simple: Their Israeli friends brought the caravan via the Modi'in Illit settlement. A caravan passing through a settlement is a very routine and obvious sight. Therefore, nobody stopped the caravan to check whether it had a transportation permit, as required by military law.

And thus, opposite hundreds of illegal housing units (the glorious buildings of Matityahu East), the first Palestinian outpost was proudly deployed: a miserable caravan, whose inhabitants crowned it “The Bil'in Center for Joint Struggle for Peace.” The owner of the land gave his approval and the Bil'in village council passed an official decision earmarking the area for the establishment of a center to promote peace.

The establishment of the outpost was a brilliant idea. It attracted dozens of journalists and photographers, who reported extensively on the original struggle against the illegal construction of Modi'in Illit. It was decided that shifts of Palestinians and Israelis would man the caravan during all hours of the day. But those who thought the army might leave it alone were mistaken. Despite the fact that the largest illegal construction in the West Bank was taking place – still openly and without hindrance – just 200 meters away, the IDF chose to enforce the law on the small Palestinian outpost, which

held on less than 24 hours. The day after it was deployed, a force of about 150 soldiers arrived in the morning and, with the help of a crane that was specially leased, the caravan was lifted from its place. The explanation was: "The residents of Bil'in do not have a permit to transport it." In Matityahu East, over 500 illegal housing units were under construction, but the residents of Bil'in did not have a permit to transport a caravan.

After another attempt to deploy a caravan and another rapid response by the authorities, al-Khatib took an additional step forward: If it were a permanent structure instead of a temporary one, he thought, the demolition proceeding would take much longer because the law requires advance warning and a hearing with the Civil Administration. And thus, on the night between the 24th and 25th of December 2005, under a steady rainfall, the residents of Bil'in, together with Israeli activists, built a small structure of cinder blocks, encompassing seven square feet, on a plot of land overlooking the homes of Matityahu East. They discovered that according to the definition of the law, a permanent structure is a structure that has a window or door with a doorpost. So they dismantled a doorpost from a home in Bil'in and placed it in the structure. Three hours after it was built, a Civil Administration inspector arrived, issued an order to halt construction work and summoned the owner to the offices of the Civil Administration in Beit El for a hearing on the issuance of a demolition order. The outpost of Bil'in became an existing fact.

By the way, the Civil Administration later issued the Bil'in outpost a final demolition order for the structure, but this matter is still pending in the court. As part of a petition I submitted against the decision to demolish the structure, a temporary order was issued that prevents, in the meantime, the demolition from being carried out.

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And now – with Peace Now

In any event, on the Palestinian side the authorities acted quickly and efficiently, with zero tolerance for violations of planning and construction laws. On the other hand, all of the calls to the authorities pertaining to the massive illegal construction in Matityahu East did not produce a thing: The authorities stood aside with folded arms. The situation became truly dangerous. Every apartment that became inhabited in Matityahu lessened the chance of changing the barrier route, and the construction itself created enormous changes on the ground: Trees were uprooted, agricultural land was covered with gravel and fences were built around the buildings. Bil'in's popular committee decided to submit a second petition to the High Court, challenging the construction of the neighborhood and requesting an interim order that would prohibit continued construction and any further inhabitation. The idea was to freeze the situation until there were rulings on the fate of the neighborhood and the barrier.

At this stage, another important player decided to mobilize for Bil'in's struggle – the Peace Now movement. The coordinator of the organization's Settlements Watch team, Dror Etkes – the only person in the Israeli left who knows the West Bank better than the settlers, a person with a rare combination of an exceptional ability to get things done, together with acute political and media instincts – knew the Bil'in people from his travels throughout the West Bank. For a long time, he pondered how to assist them and now, when the battle transformed from a struggle against the separation barrier to a struggle against settlement expansion and halting illegal construction, their agenda overlapped with that of his organization, and he succeeded in persuading the leaders of Peace Now to mobilize on this issue.

The importance of this collaboration was enormous: The village of Bil'in, which until then received assistance only from Palestinians and from a fringe group of Israel anarchists and foreigners, joined

hands with the central stream of the Israeli left. And thus, in early January 2006, Peace Now and the Bil'in village council submitted a petition against the construction in the Matityahu East neighborhood.

The justice on duty who received the petition was Ayala Procaccia. Justice Procaccia, who began her legal path at the Court for Local Affairs in Jerusalem, thus gaining considerable experience in planning and construction cases, was appointed to the Supreme Court in March 2000. The justice already decided on the day the petition was submitted that the responses to the petition should be sent to her within two days, a rare timetable for the High Court. The response of the State Prosecutor's Office, which arrived two days later, confirmed the central argument raised in the petition: Yes, there was indeed widespread illegal construction in Matityahu East. Procaccia immediately decided to partially accede to the petition's request and issued an order to prohibit the inhabitation of the neighborhood and the continued construction of buildings for which there were no building permits. She summoned the sides for a hearing, scheduled for the following week, in order to decide whether to also prohibit the construction that was carried out in accordance with permits.

The hearing lasted two hours. During the hearing, attorney Anar Helman, who represented the state, announced that the Civil Administration had no idea what was being built at the settlement. The Civil Administration, the attorney said, does not oversee construction within the confines of settlements. Procaccia listened, and that same evening issued a new order that completely prohibited inhabitation and construction in the Matityahu East neighborhood.

Al-Khatib was the one who informed me about the issuance of the order, which he had read about on the Supreme Court's Web site immediately after its publication. In a shaky voice, he read the order to me: It was a victory, albeit temporary, but it was a sweet

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and important one. For the first time since Bil'in's struggle began, and after about a year of demonstrations, it was possible to see some change on the ground. It was the first time that the High Court had frozen any settlement construction. The bulldozers and trucks of Heftsiba and Green Part stood still. Bil'in's demonstrators rejoiced.

'We noted the state's announcement'

The initial discussion on Bil'in's first petition – the barrier petition – took place in February 2006. Presiding over this case was a panel headed by the president of the Supreme Court, Justice Aharon Barak, together with Justice Dorit Beinisch and Justice Eliezer Rivlin. Attorneys hired by the Green Park company also came to the hearing. They were led by the experienced attorney Renato Jarach, who was formerly head of the High Court of Justice Litigation Department in the State Prosecutor's Office and was now a senior partner in a large commercial law firm.

Together with Green Park, another company asked to participate as a respondent – the Society of the Foundation of the Land of Israel Midrasha, Ltd. (also known as the Foundation for Land Redemption). I was familiar with the "foundation." It is a company that usually operates behind the scenes and tries to maintain complete silence, but this time it was compelled to come to the front of the stage. It was established in 1980 by leaders of the settlers to serve as a platform for transacting land purchases from Palestinians in the West Bank. One of the methods of acquisition it was fond of using was "straw men." It joined the Bil'in case because it claimed to have purchased the lands on which Matityahu East was built, before transferring the rights to the land to Green Park.

The foundation's officials acted in the Bil'in case as they do in nearly every case: They refused to present purchase documents and even refrained from exposing the identity of the sellers of the land they claimed to have purchased or the dates of the transaction. The

reason for this refusal, which is also the same reason the foundation has cited in dozens of cases, was that exposing the identity of the sellers would endanger their lives because Palestinians murder those who sell land to Jews. Again it became clear that only in the West Bank, and only in the governmental system run by the Civil Administration, is it possible to claim that you purchased land without presenting purchase documents or revealing who sold the land and when.

At the center of the dispute in the initial hearing in the barrier case stood the question of whether it was possible to open the Bil'in case after the petitions on this matter had already been rejected a number of times. But Barak focused the discussion on the substantive question. He wanted to know what the problem was with the barrier route in the area, or in his language: "Why are they demonstrating there so much?" The answer was so clear that the question by the president of the Supreme Court stirred embarrassment. But the fact that the question was asked was important because it invited a discussion on the issue itself – the injustice caused to the residents of the village, the non-security barrier and, in particular, the illegal neighborhood that the barrier was designed to protect.

The day after the hearing, the High Court justices issued a conditional order demanding that the state respond to the substantive issue in the petition. They made it clear that the handling of the petition was now moving forward from the preliminary stage. The High Court decided not to issue an interim order prohibiting the continued construction of the barrier, but noted in its decision that "we have noted the state's announcement that a gate will not be built [...] and this area [earmarked for setting a gate in the barrier, M. S.] will remain open for free passage pending the ruling itself." This was a very brief paragraph, but it served as the basis for traversing the barrier in Bil'in for the next year and a half.

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Until the ruling was delivered, an exhausting daily struggle took place between residents of Bil'in and those guarding the barriers: The former wanted to cross to their fields and the latter found every excuse to prevent this. The farmers of Bil'in were now in possession of a High Court ruling granting them the right of passage. Nonetheless, the soldiers and private guards violated time after time the state prosecutor's commitment "to allow free passage" and the people of Bil'in were forced time after time to demand – in letters, in urgent calls to the State Prosecutor's Office and even in petitions to the court – the fulfillment of the promise made before the High Court.

What are "as if" state lands?

The next hearing, which was supposed to be the last session in the barrier case, was scheduled for May 2006. Meanwhile, the respondents were asked to submit their final responses to the petition. The state's position remained unchanged: The neighborhood had indeed been built illegally, it stated, but this illegality only stemmed from the fact that the construction companies built according to a plan that was not authorized. Since another plan exists, which was authorized, it is clear that a neighborhood was planned at this site and it must be protected by a barrier.

And what about the security argument? After all, the thesis presented and confirmed by the High Court says that the barrier is security-oriented. Therefore, it should protect people rather than master plans. In particular, it should not protect master plans that have yet to be approved. In any event, this was the state's position and it was not surprising. The response of Green Park and the Foundation for Land Redemption was much more interesting.

As noted, Green Park and the foundation submitted a written request to the High Court in October 2005 to be added as respondents in the barrier case. They argued: We purchased the

land; it is ours. This argument stood in complete contradiction to the position presented by the state, which claimed that the land on which the neighborhood was being built was “declared state land” – that is, land that (according to the land legislation applying to the West Bank) was declared as state land because it was abandoned or not cultivated. People in Bil’in knew that such a declaration was made in the early 1990s and tens of families from the village submitted objections – and some of them won because they proved that they were making use of the land. We now tried to decipher the reason for the contradiction between what was said in the state’s position and what was said in the response by Green Park and the foundation. We raised various conjectures, but did not succeed in discovering the source of the differences in the versions.

In late 2005, *Haaretz* published an article on the illegal construction in Matityahu East. The article included a response from Green Park’s project manager, who made reference in his remarks to the land on which the neighborhood was built. He said: “The project is built on private lands purchased from Palestinians [...] which the state has declared as “state lands.” We received another hint from a report broadcast on Israel Television’s Channel One: Attorney Jarach, who was interviewed in the report, said that the land – as he defined it – was “as if” state land. We all try to understand what was “as if” in the declarations. How can the state declare land as its own if it is privately owned and was even purchased by Jews or for them?

In discussions we conducted, the assumption was raised that the state helped to conceal the foundation’s purchase argument by declaring that the lands are state lands. But this thesis was contrary to logic: First, we knew that these lands did not belong to only one person who might have sold them in complete secrecy; tens of families in Bil’in were owners of the lands when they were nationalized, and there is no chance that all of them sold their land. Second, this type of collusion between the state and the foundation would be tantamount to deceiving the public, because a proceeding

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for declaring state lands is completely different from a sales proceeding, and it is incomparably harder for landowners to contend with an unjustified declaration than with a false purchase claim. The notion that the State of Israel secretly colluded in an act of deceit seemed exaggerated to us. We were naïve.

Green Park fought for its project. It was an important battle from its perspective: Many millions were on the line and Peace Now, together with the people of Bil'in, had already succeeded in delaying the construction and inhabitation for months. Consequently, Green Park officials decided that in their response to the conditional order in the barrier case they would release for publication many documents that we did not know about. In retrospect, it turned out that the state also did know these documents existed. This was intended to demonstrate that Green Park owned the land rights and that any change in the barrier route would be apt to cause them heavy losses. These documents were a fascinating chapter in the history of land theft in the West Bank, and this chapter we call: The Circular Deal.

Give and take: the circular deal

Everything began in August 1990. The foundation's attorney, Moshe Glick, then wrote a letter to the late attorney Plia Albek, the legendary director of the civil department in the State Prosecutor's Office, who received – not by chance – the moniker “mother of all the settlements.” Glick informed her that his client, the foundation, had purchased a number of plots of lands in the village of Bil'in. In his letter, Glick made it clear that no registration procedures had yet been initiated (in the Land Registry Office) regarding these lands “in light of the sellers' request that this transaction not be exposed for fear of their lives.” And then came the important sentences in Glick's letter:

Our request is to work in collaboration with the
supervisor of government property in Judea and

Samaria so that the rights in land plots will be transferred to the foundation either as private land administered by the supervisor or as state land that is allocated to the foundation as is customary in similar cases – all in a way to avoid the need to expose the fact of the sale as required of us in standard registration proceedings [...] As owners of the rights to the plots, we hereby request that the plots be transferred to the administration of the supervisor of government property in Judea and Samaria and that for this purpose the supervisor issue an appropriate declaration order that will enable the foundation to exercise its rights in these plots in the future without requiring the fact of the sale to be exposed.

The request that the land be declared state land and later transferred to the foundation's use – that is, for building settlements – fell upon attentive ears. The documents that were uncovered indicated that on November 16, 1990, attorney Albek sent a letter, marked "top secret," to the government's coordinator of activity in the territories:

You asked me to check the possibility of declaring as government property an area west of the village of Bil'in [...] In light of the request by the Society of the Foundation of the Land of Israel Midrasha, Ltd. that the supervisor of government property administer the land that it purchased under contract and which it does not dare to submit for registration at the Land Registry since in recent days the *mukhtar* of Ni'ilin was murdered for handling the sale of land plots adjacent to it [...] it is possible to declare as government property all of the area

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outlined in black, except for the black enclaves, to inform the *mukhtar* of the Bil'in village about this declaration and to show him the borders of the declared areas as is customary, and to inform him that these sareas were declared government property and that anyone claiming rights in these areas must submit an appeal without 45 days of the declaration. If 45 days from the date of the declaration come to an end and there are no appeals or requests – the areas can be allocated to the Society of the Foundation of the Land of Israel Midrasha, Ltd. or in coordination with it.

And indeed, about 780 dunams were declared state land during the course of 1991. People from Bil'in tried to challenge the declaration and were forced to bring evidence that they used the land in recent years. They did not know that a claim of purchase actually stood behind the declaration. If they had known, they might have been able to prove that such a purchase never took place. In this way, the foundation circumvented the purchaser's obligation to prove that he indeed acquired the land for money and from its lawful owners.

Attorney Albek, who was an enthusiastic supporter of the Greater Land of Israel, did not note whether she had checked the veracity of Glick's claim that the land plots had indeed been purchased by the foundation from their Palestinian owners. After making the declaration, she instructed the army to allocate the land to the foundation:

This is an area that was declared – not because it is state land, but because its owners asked the supervisor of government property to administer it, and for this reason it is

government property as defined in the Government Property Order. The reason why the owners asked the supervisor of government property to administer the area was not provided for publication. On the contrary [...], it was kept top secret. [...] The area should be allocated in coordination with the entity that purchased it, while meticulously maintaining secrecy due to the fact that a purchase transpired there. The area, as stated, was purchased by the Foundation for Land Redemption and it constitutes a large part of the area outlined in black in the map above. Therefore, the area on the above map should be allocated in coordination with the Foundation for Land Redemption.

This was the circular deal: An anonymous Palestinian or land dealer sells land to the foundation; he might be the owner of one or two plots, but he might not necessarily be the owner of all of the dunams he sells. And he might not be a resident of Bil'in at all or might have even forged the documents of ownership he holds. The foundation turns to the head of the civil department in the State Prosecutor's Office and asks to refrain from registering the purchase in the Land Registry, which would require an examination of whether such a purchase had indeed been transacted and the borders of the transaction. The head of the civil department agrees to conceal the purchase and declares the lands as state lands and then transfers them to the foundation. There is no registration in the Land Registry, no examination of the authenticity of the claim of purchase, and the land is handed over to the foundation. And now the neighborhood of Matityahu East was being built on the land transferred from Bil'in to the foundation in this type of a circular deal.

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These revelations demanded a response. We met in the “Palestinian outpost,” which was manned around the clock, with attorney Hussein Abu Hussein – a resident of Umm al-Fahm, about 50 years old and one of the most prominent attorneys among the Palestinian minority in Israel. Abu Hussein has accumulated extensive legal experience in all of the implications of the Israeli occupation in the West Bank, and his familiarity with the land legislation there was essential for us. It was decided to file a third High Court petition and to demand the cancellation of the declaration published 15 years earlier. The little village of Bil’in now already had weekly demonstrations that were reported in the media, as well as three weighty and serious petitions at the High Court.

And again: the rifle and the rocks

The High Court petitions advanced at a sluggish pace. Nothing was urgent as long as the High Court order prohibited construction and inhabitation, and required the army to allow Bil’in residents passage to their land. While all of the protests against the barrier in other villages fell silent, the weekly demonstrations in Bil’in continued as usual. Moreover, the demonstrations became increasingly stormy, with the army and Border Police deploying larger forces and acting against the demonstrators with gross brutality.

In one of the demonstrations, Limor Goldstein, then 28, a law intern, was shot in the head. A rubber-covered bullet punctured his eye socket, causing brain damage from which he has tried to rehabilitate for a long time. The incident was documented in video and the film clearly shows that Limor did not pose a danger to anyone at the time he was shot, did not throw stones and did not do any action to justify the use of a weapon against him. The film also shows the shooter, a border policeman, aiming his rifle at him. The department for investigating police officers opened an investigation, and Goldstein also sued for compensation for the

harm caused to him. (At the time of writing these lines, the lawsuit is still pending.)

Many activists were also injured in other incidents. In one of the demonstrations, Nir Shalev was severely beaten by border policemen while trying to defend Abdallah Abu Rahma, a member of the popular committee, who was being vigorously clubbed by the policemen. Shalev cradled Abdallah in his arms and then one of the border policemen approached and struck him with his club on his leg and arm. The strength of the blow broke Shalev's arm. An investigation into this incident by the department for investigating police officers was closed because it was impossible to identify in the photographs which policeman delivered the blows. Shalev's arm was in a cast for three months. Jonathan Pollack also was injured a number of times, once from a gas canister fired at his head – an injury that forced him to be hospitalized for two days.

Rateb Abu Rahma, the brother of Abdallah Abu Rahma, was wounded in his leg by a sponge-coated bullet – another of the experimental weapons the security forces deployed during that period. In an effort to justify the shooting, the security forces arrested Rateb and accused him of assault. The military judge who ordered his release stated, incidentally, that Rateb was accused only in order to cover up the failures of the police and the army, which fired without any justification. In another incident, a Palestinian demonstrator who came to Bil'in from Beit Laqiya was beaten by a border policeman while still sitting down. He was accused of assault and released from the police station the same day after video footage proved his innocence. A medical examination revealed that his ribs were broken.

And yes, there were also stones. On more than one occasion Palestinian youth who were among the demonstrators hurled stones at the security forces opposite them. The IDF spokesman even reported about a soldier who lost his eye from a stone thrown at one of the demonstrations at Bil'in. Sometimes the stone

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throwers were youths from neighboring villages who did not heed the instructions from Bil'in's popular committee members, who made efforts to stop any expression of violence. And sometimes the stone throwers were youths from the village itself.

But one time, it also turned out that the stone throwers among the demonstrators were not civilians at all. This happened at the large demonstration in late April 2005. A group of young people started hurling rocks at the security forces. The youth were not familiar to the members of the popular committee, who unsuccessfully tried to prevent them from continuing to throw stones. After awhile, a suspicion arose among the committee members and they asked the stone throwers to identify themselves. At first, they refused. But when surrounded by demonstrators who demanded that they identify themselves – they suddenly drew pistols, put on blue police hats, pounced on two Bil'in residents who tried to stop the stone throwing and arrested them.

It turned out that the anonymous stone throwers, who seemed to be Palestinians trying to incite the demonstration toward violence, were actually undercover policemen who created an intentional provocation in order to justify the firing of rubber-coated bullets at the demonstrators. The two Bil'in residents who were arrested were accused – no less – of hindering a police officer from fulfilling his duty... The two spent about two weeks in jail and it took extensive efforts by attorney Tamar Peleg to win their release. This incident was also recorded – in the camera of Shai Pollack, who was then filming a documentary film about Bil'in's struggle. (The film, "Bil'in My Love," was screened at the Jerusalem Film Festival and won first prize in the documentary film category.)

One demonstration followed another and violence led to more violence. The head of the barrier administration, Danny Tirza, said in a television interview that the security forces are satisfied that the Palestinian anger and demonstrations against the barrier are concentrating in Bil'in. In this way, we have quiet in other places,

he explained. He also made Bil'in into a symbol.

During the demonstrations Israeli activists were rarely arrested and, if arrested, they were usually released after a short delay. The Palestinians who were arrested, on the other hand, quite often spent days and even weeks in jail. Abdallah Abu Rahma, a member of the popular committee, spent a total of about a month in detention at the Ofer military base. Three indictments were filed against him for assaulting policemen or soldiers. He denied all of these charges and his trials are still being conducted. A number of other trials conducted in the military court at the Ofer base against Bil'in demonstrators charged with assaulting soldiers or policemen ended in acquittals – a rare occurrence in this judicial system. The acquittals were made possible after films of the demonstration proved beyond any doubt that the security forces were the ones who resorted to violence, and not the demonstrators.

'It's not Matityahu East, it's Bil'in West'

In the meantime, the State Prosecutor's Office canceled all of the planning proceedings for the Matityahu East neighborhood. The reasons for the cancellation: the failure to publish the "depositing" of the plan in Arab newspapers and flaws such as the failure to mark several enclaves of private Palestinian land in the plan. The developers decided to resubmit the plan for the neighborhood to the Higher Planning Council, and in this way try to retroactively authorize the illegal construction. This time, an announcement about the "deposit" of the plan was published as required in the Palestinian media and 41 objections to the plan were filed, including objections by the village council and by many residents in the village. The Higher Planning Council conducted a very accelerated proceeding and it was clear that it was interested in approving the construction of the neighborhood as quickly as possible.

In March, the High Court held the initial hearing on the

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neighborhood case. The panel selected to handle this petition included two of the justices from the panel that ruled on the barrier – President Aharon Barak and Justice Eliezer Rivlin. They were joined by Justice Ayala Procaccia, who had issued the order that prohibited the continued construction and inhabitation of the neighborhood. Since the State Prosecutor's Office had already ordered the cancellation of the planning proceedings, it only remained for the justices to decide whether to accede to our demand to demolish what had been built illegally. During the discussions, it became clear that the justices believed that it was necessarily to wait for the decision of the West Bank planning and construction authorities, who had been asked to “whitewash” the illegal construction with a retroactive approval.

The message was clear: If the plan was not approved, it would apparently be necessary to demolish what had been built; but if it was approved – why demolish it? The hearings on both cases – the barrier case and the neighborhood case – were therefore postponed again and again.

From hearing to hearing, more and more homebuyers in the Heftsiba and Green Park projects, who were prevented from entering their apartments by court order, came to the court sessions. They were young ultra-Orthodox Jews, who had purchased apartments, generally small ones, with the help of large mortgages. Some of them had already been scheduled to enter their new apartments a year earlier and the High Court order “stuck” them in an impossible situation. From hearing to hearing, the attitude of the people of Bil'in towards me and towards the court became more hostile. If during the initial sessions I was still able to joke with some of them during recesses, as time went on they stopped greeting me. Others cursed. The fact that we chose a line of argumentation that portrayed them too as victims of the authorities' failures and of the criminal activity of the construction companies, and demanded that they should be compensated – did not console them.

One day, Mohammed al-Khatib called me and proposed that we submit a counter-plan to the Matityahu East plan. “We’ll propose building a neighborhood of Bil’in on the land,” he said.

Al-Khatib always knew how to think “outside of the box” and he did not cease to come up with brilliant ideas. Indeed, in theory, even in the case of state land, there is no reason for it to be allocated specifically to Modi’in Illit. The idea was to compete with the settlement and propose that the area be earmarked for the expansion of Bil’in.

“But the design of this plan would be expensive and require a lot of time and resources,” I said to him.

“There is no need to plan from scratch,” he said with a smile. “We’ll take their plan and submit it as is. The residents of Bil’in can also live in apartment buildings.” I burst out laughing. “And what about the synagogues and ritual baths planned there?” I continued to be entertained by the notion.

“We’ll work things out,” al-Khatib laughed. “After all, it isn’t Matityahu East, it’s Bili’in West.” Not much remains from al-Khatib’s charming idea – only a large sign placed by Bil’in residents at the entrance to the Matityahu East site, with a drawing of a large hotel called “Palestine” that was ostensibly slated to be built there. We did not submit the “Bil’in West” plan (or “Nofei Bil’in” [Scenic Bil’in] as the Israeli demonstrators joked) to the Higher Planning Council. But al-Khatib’s slogan – “It’s not Matityahu East, it’s Bil’in West” was adopted by everyone. I also used it at the end of one of the Supreme Court hearings and it brought a broad smile to the faces of the justices.

The barrier case, the neighborhood case

In September 2006, as he reached the age of 70, Aharon Barak stepped down as president of the Supreme Court and Justice Dorit Beinisch took on this role. According to the law, Barak was authorized to sign rulings for three months after retiring, through December 15. We were convinced that one of the cases he would rule on during this period would be the barrier case of Bil'in. Rumors that came from journalists reinforced this assumption: They reported that this case was included in the list of cases that Barak had decided to adjudicate.

The possibility that the barrier case would be decided before the neighborhood case did not bode well. The Bil'in petitions rested on each other like dominos. After all, the barrier was being built to protect the neighborhood. So, we hoped for a ruling first of all in the neighborhood case. If the fate of the neighborhood was determined in a way that cancels at least its eastern section, our contention that there was a need to revise the barrier route would be strengthened and reinforced. Therefore, we did not want the barrier route to be determined before the future of the neighborhood was finally clarified.

During the final days of the three-month period following his retirement, Barak signed a large number of important rulings pertaining to the occupied territories, including a ruling that overturned the law preventing compensation for Palestinians injured by the security forces during the course of the intifada. Another ruling authorized (under certain circumstances) Israeli's policy of "targeted killings." The Bil'in case was not adjudicated. The life of the case was extended by a number of months because Barak had to be replaced with another justice and another hearing had to be held in the presence of the new justice. The new panel of the barrier case was very familiar with the neighborhood case: Beinisch replaced Barak, and was joined by her deputy, Justice Rivlin, and Justice Procaccia. The additional hearing was

scheduled for February 2007.

At the beginning of December 2006, the High Court rejected the petition in which the residents of Bil'in sought to retroactively cancel the declarations of the land on which the Matityahu East neighborhood was built as state land. The court ruled that whether or not a secret circular deal had been made, as we claimed – now, 15 years after the declarations, it was impossible to cancel them because additional parties such as construction companies and homebuyers had relied on these declarations in good faith, and the cancellation of the declarations would severely harm them.

The court also accepted the state's position that whether or not the declarations were made for the Foundation of the Land of Israel, the land had not been cultivated and thus met the conditions the law stipulates for such declarations and there was no reason to cancel them. This argument ignored, of course, the improper motive that stood behind the declarations – which were not made to serve the public, but rather to serve the foundation.

It is important to note that the court did not reject the possibility that we were correct in regard to the improper motive as we had claimed:

It should be noted that the material placed before us is not unequivocal in this matter. There are various facets to it. For example, in the letter of Respondent 4 [the Foundation for Land Redemption, M. S.] to the head of the civil department in the State Prosecutor's Office at the time [Plia Albek, M. S.], in the latter's opinions and in the decisions of the Appeals Committee pertaining to the declaration [...] one

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can find expressions that support both the request by the landowners and the condition of the land (terraced lands that had been uncultivated for a long time).

In February 2007, ten days before the concluding session on the barrier case, the Higher Planning Council approved the plan for the Matityahu East neighborhood. This approval constituted the whitewashing of the largest illegal construction ever uncovered in the West Bank. The approval meant that the construction companies would not pay for the violations they committed. The Higher Planning Council continued to collaborate with the aspiration of expanding the settlement at any cost.

The approval of the plan was likely to trigger a domino effect on the petitions in the opposite direction of the one we desired: The plan was approved and, therefore, the neighborhood petition would be rejected and, consequently, it would be determined in the barrier petition that in light of the fact that the neighborhood had already been approved and was in the advanced stages of construction – the barrier route should not be revised.

In order to prevent this legal collapse, we submitted an additional petition to the High Court on the day of the hearing on the barrier petition. This time, the petition was against the Higher Planning Council's decision to "whitewash" the neighborhood. Peace Now was horrified by the ease with which Civil Administration officials granted a prize to construction lawbreakers in the Modi'in Illit settlement, and the organization again agreed to submit the petition in conjunction with the people of Bil'in.

The petition presented arguments against the decision of the Higher Planning Council, which, in its zeal to approve the plan, completely ignored the basic principles of planning and construction, as well as the explicit requirements of the Jordanian planning law that applies in the West Bank: The plan was approved

despite the fact that Modi'in Illit has no master plan, and the law stipulates that a plan for a single neighborhood should only be approved after there is an comprehensive master plan for the city; the plan was approved without conducting a planning survey as required by the law; the plan was approved despite serious claims by Bil'in residents of private ownership over parts of it; and finally, and most egregious – the plan was approved despite the enormous extent of illegal construction and the clear directives of the attorney general and the Interior Ministry that when a planning committee seeks to approve a plan designed to retroactively authorize illegal construction, and particularly wide-scale illegal construction, it is obligated to give extensive consideration to the public interest in deterring lawlessness in construction. And these are just some of the arguments raised in the petition.

The new petition was attached to the neighborhood petition and a joint hearing was scheduled for them. Thanks to this new petition, which prevented the neighborhood approval from turning into a *fait accompli*, the hearing on the barrier petition did not start with the assumption that the neighborhood exists, but instead focused on the question of revising the route in the event that the neighborhood would not be built.

The Heftsiba scandal

The months passed. Due to the multiplicity of hearings and the dependence of each petition on the result of its predecessor, many of the questions placed before the court were not decided. Those who purchased homes from Heftsiba and Green Park began to lose their patience: A year and a half had passed already since the High Court issued the order preventing them from entering the

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apartments they had purchased.

At the end of 2006, the construction companies violated the order. Despite the absolute prohibition against construction, they paved a road for the few people who already lived in the neighborhood, and only afterwards approached the court with a request to revise the construction prohibition order in a way that would allow them to pave the road. Essentially, they acted as the construction companies operating in the service of the West Bank settlements have become accustomed: First build, and then request permits. But this time it was necessary to ask for approval from the High Court rather than from the Higher Planning Council, and when the violation of the order was brought to the attention of the High Court justices, they imposed fines on Heftsiba and Green Park totaling NIS 100,000.

In June 2006, the army again violated, for the countless time, its commitment to enable “free” passage to Bil’in residents. The difficulties the soldiers created for Bil’in residents seeking to reach their fields west of the barrier route became intolerable, and the requests to the IDF Military Advocate General’s Corps and the State Prosecutor’s Office to instruct army commanders about their obligation to allow passage were only of partial help. The gate in the barrier (which was not supposed to exist at all, since the state had promised to leave an “open area” in the route) was routinely closed at night and the unit that manned it announced that only the landowners would be permitted passage, and not their friends or family members.

When I complained to the State Prosecutor’s Office that this was a violation of a commitment given to the High Court, the army submitted a request to the court to enable it to renege on its commitment to allow “free passage.” In response, I submitted to the court dozens of letters that I had written to various officials during the months of handling the case, in which I complained about the many violations of the commitment given to the High

Court, and argued that the construction of the gate itself also constituted a violation.

The court, which learned for the first time about the enormous difficulties and the daily battles waged to enable passage through the barrier route, became furious. In a stern ruling, the justices declared that the army had violated the commitment it had made to the court. Instead of allowing a revision of the commitment as the army requested, the High Court issued an interim order stating that the army must enable “free passage” for all Bil’in residents to the lands west of the route between the hours of 6 AM to 8 PM. We now had a High Court order, and that is much more than a commitment by the army.

The Bil’in cases might have continued to languish on the shelves of the court and await a decision for many months, but one day in August 2007 an incident occurred that reshuffled the cards. Heftsiba went bankrupt. It turned out that the company was deep in debt – about NIS 1.5 billion.

The rumor about Heftsiba’s collapse initially traveled by word of mouth, and later spread quickly in various forums on the Internet. Within two days from the moment the rumors began, people who had purchased apartments from Heftsiba began to stream to their completed or semi-completed apartments. This was the case within Israel (in Netanya, for example) and also the case in the West Bank – in Har Homa in East Jerusalem, in the Betar Illit settlement and in Matityahu East. The CEO of the Heftsiba Group, Boaz Yona, fled the country but was caught within about a month in a small town in Italy. Israel requested his extradition on suspicion that he committed economic crimes of a large scale. His father, Mordechai Yona, who founded the company, hinted that some of the difficulties the company encountered were a result of the construction freeze at Matityahu East. Considering the scope of commerce conducted by the conglomerate he owned, with a volume of millions of shekels a year, he was undoubtedly

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exaggerating.

In any event, the invasion by homebuyers into the apartments of the neighborhood was, of course, a violation of the High Court order prohibiting inhabitation. When the matter was brought before the High Court, the justices announced that a ruling would be promptly issued and, for that reason, the occupants should not be evacuated in the meantime. This was a thick hint that the result of the proceedings would not be the demolition of the homes.

At the beginning of September 2007, an official from the High Court of Justice Litigation Department of the Supreme Court contacted me. She informed me that a ruling on the barrier case would be handed down the next day and published on the Internet at 9 AM. At first, I was sure it was a mistake because it was clear to all that the fate of the neighborhood would be decided first and then – in accordance with this ruling – a decision would be made on the future of the barrier route. I asked the official to double check. She checked and told me that she had not made a mistake. The ruling was slated to address the question of the legality of the route of the separation barrier in Bil'in.

I notified the members of Bil'in's popular committee and Israeli activists about the imminent ruling. Everyone was certain that a ruling on the barrier case before a decision in the neighborhood case would mean approval of the route. That is, the existing legal situation was that the neighborhood had been approved by the planning officials, so if the justices did wait to first rule on the petition against this approval – then the situation was not good. Only al-Khatib was optimistic. He telephoned from Germany, where he concocted another fantastic idea: to sue Boaz Yona in the country where he fled for the theft of the village's lands. Perhaps, he added, the opposite would actually occur; perhaps the justices would decide the fate of the neighborhood by changing the barrier route? Perhaps, I said to him. Perhaps.

The barrier route in Bil'in – the High Court has its say

Al-Khatib was right. I sat in my office the next morning and waited for the ruling to be published on the Internet. At 9:10 AM there was still no publication and my patience was running out. I called the court's administrative office and asked for them to read the final paragraph to me over the phone: "Therefore," wrote justices Beinisch, Rivlin and Procaccia at the end of their ruling,

we decided to make the conditional order absolute in the following way: Respondents 1 and 2 [the Government of Israel and the IDF, M. S.] must reconsider, within a reasonable time frame, an alternative route for the barrier route in Bil'in that is less harmful to the residents of Bil'in and moves, as much as possible, the cultivated land to the eastern side of the barrier; in this context, the alternative should be examined such that west of the security barrier will include the area of Stage A of the 'Matityahu East' neighborhood, while the agricultural areas in the Nahal Dolev valley and the areas earmarked for the future construction of Stage B of the 'Matityahu East' neighborhood will remain on the eastern side of the barrier. Until the completion of the examination of the alternative route, the interim order of June 12, 2007 will remain in effect, so that the Bil'in gate will remain open to Bil'in residents from 6 AM to 8 PM.

The High Court rejected the barrier route and made it clear that it should pass close to the homes of Stage A of Matityahu A (the stage which had already begun to be built). This decision cut off the eastern part of Matityahu East, where more than 1,000 housing units were slated to be built. In the ruling itself, the court criticized, with unprecedented severity, the way in which the current route

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had been determined and accepted the arguments of the village's residents that the route had been determined by settlement considerations and not by security:

In the case before us, it is clearly evident that the determining of the barrier route was significantly influenced by the plans to construct new neighborhoods east of Modi'in Illit [...] The barrier route, therefore, took into account a plan that had been abandoned, before the approval of the new plan. In this situation, it was not possible to add to or build upon the original plan, which was abandoned by the developers and the local authority in order to justify the barrier route [...] There is no place in the planning of the route for considerations related to invalid building plans or future plans that have yet to be realized and are not even expected to be realized soon.

The climax of the ruling, from my perspective, was the court's scathing criticism of the sacrifice of security considerations for the sake of the route:

It appears that in light of the desire to ensure the construction of the eastern neighborhood in the future, the barrier route was determined in a place that lacks a security advantage. The existing route of the barrier also makes one wonder about the security advantage it provides. No one disputes the fact that the route mostly traverses territory that is inferior from a topographic perspective in regard to both Modi'in Illit and Bil'in. It leaves a number of hills on the Palestinian side and two hills on the Israeli side. It endangers the forces patrolling the length of the route. Against the background of the security outlook presented to us in many other cases, according to which there is security importance in building the barrier in dominant

topographical areas, the existing route seems strange. In many cases of planning the barrier route, the military commander usually describes the control of dominant hills as a significant security advantage, while in the case before us a route was defined that is located at least partly in inferior territory vis-à-vis the hills.

This was not merely a defeat for the army commanders; it was a humiliation. The High Court of Justice, which always refrained from examining the wisdom of security decision by IDF commanders, went into the field, looked at the hills and asked a simple question: How is it possible that the route you chose is located at the bottom of the slope? Aren't you endangering the lives of soldiers in this way!? And then comes the most egregious part – the court clearly determined that the barrier planners **sacrificed** security on the altar of the aspiration to expand the settlement:

This route can only be explained by the desire to include the eastern part of 'Matityahu East' on the western side of the barrier, because otherwise it is doubtful there is any military-security reason for defining the barrier route in the location it currently traverses.

– And here you have everything the Bil'inians had argued for three years, in a single sentence.

In light of these conclusions, the High Court instructed the army to return to the drawing board and plan a new route. The new route, the High Court emphasized, must not take into consideration Stage B of the Matityahu East neighborhood. Therefore, the ruling stated, the new route must include to its west only Stage A of the neighborhood, and to its east Stage B and the valley north of the neighborhood, where there are many groves belonging to Bil'in residents. A quick calculation I made indicated that if the ruling

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were to be fully implemented, about 1,000 dunams that were then located on the other side of the barrier would be returned to Bil'in.

The next day, the justices rejected the petitions to demolish the homes in the neighborhood and cancel its planning approval. However, the High Court justices stated that the submission of the petition regarding the neighborhood had been justified (since its submission led to a cessation of illegal construction and the cancellation of planning proceedings and restarting them from scratch), and compelled the state, the Modi'in Illit council and the construction company to play Bil'in and Peace Now court fees of NIS 160,000, a very extraordinary sum in terms of the High Court.

'You think the IDF will carry out the High Court ruling?..'

On the day the High Court ruled that the barrier route must be moved, the residents of Bil'in left their places of work and marched toward the barrier with drums and flags. When I arrived at the village in the afternoon, it seemed that Bil'in was the center of the universe. At every street corner in the village, broadcast units were set up with satellite dishes. Reporters from Israeli, Western and Arab stations stood on the roofs that afforded a view of the barrier route and transmitted live broadcasts.

At the end of the narrow asphalt path leading to the barrier, a group of village residents gathered and, to the sound of drums, shouted cries of joy. Three jeeps stood at the other side of the barrier and the soldiers inside and outside of the jeeps observed the gathering, but this time did not deploy any measures of crowd dispersal. They also knew: Today was Bil'in's day. The leaders of the popular committee were excited and happy. Senior Palestinian politicians sought to be near them and their official vehicles made their way up the bumpy road leading to the village. How far the village had come since being added by order of Ramallah's governor as an appendage to the petition of the neighboring village of Safa!

In Bil'in, they celebrated all day. During the afternoon, they celebrated near the barrier and the council building. In the evening, the joyfulness spread and became a "hafla" (party) to which Israeli activists also arrived. Everyone regarded the High Court ruling as a victory. Few stopped to ponder the final result: Of the village's 4,000 dunams, the barrier took 2,000. The High Court ruling returned about 1,000 dunams. That is, even after the High Court ruling, the village had lost about 1,000 dunams of its land. Nonetheless, there was great happiness. Bil'in had become a symbol. Therefore, the significance of any achievement by the village exceeded its true size. The methods of alternative protest the village presented, the non-violent popular struggle, led to a practical result and did not remain just an empty slogan. In this sense too, the ruling was perceived as a great victory.

The frustration that accumulated during the two years of demonstrations, arrests, violence by policemen and soldiers, and the fear of loss of lands – generated a desire to celebrate, no matter what. The Israeli court's ruling that the route was determined by foreign considerations, as the village residents had argued, and that it must be moved, constituted a very good reason for the exhausted residents of Bil'in to celebrate. Like the story of the Jew who complained to the rabbi about the crowdedness in his home and was instructed to bring a goat into his home and, after it had become intolerable, felt relieved a week later when the rabbi instructed him to remove the goat – this was how the residents of Bil'in felt: After already feeling certain that they had lost 2,000 dunams, they were filled with happiness to discover that they had lost only 1,000. The goat had been removed from their home.

Throughout the entire day, I was interviewed by the Israel and foreign media, and I explained the significance of the ruling. I answered many questions, most of them predictable, but there was one question that greatly troubled me by the very fact that it was asked. It was not the first time the question was raised. Reporters from Arab networks raised it, and sometimes I also heard it from

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Western journalists. But that day, for the first time, it was also asked by Israeli journalists:

“Tell me,” they asked, “do you think the IDF will carry out the High Court ruling?”

“Of course,” I responded to everyone. “I can’t imagine that they wouldn’t.”

As of the writing of these lines, not a single one of three High Court rulings that order the dismantling and revision of an existing barrier route have been implemented.

45> Why settlements have not killed the two-state solution [BICOM, 01/2013]

Key Points

- Regardless of where one stands on the wisdom or otherwise of past or future settlement construction in various parts of the West Bank, creating a border between Israel and the West Bank remains entirely possible.
- To create a border which connects the major Israeli settlement blocs in the West Bank and the East Jerusalem neighbourhoods to Israel requires annexing around 6% of the West Bank, which can be compensated with 1:1 land swaps.
- The continuing viability of partition from an Israeli perspective is enhanced by the fact that:
 - Most Israeli settlers are concentrated in blocs (see map);
 - The Israeli settlement presence beyond the blocs is limited;
 - Most working settlers are employed inside Israel;
 - Israeli settlements use largely distinct infrastructure from West Bank Palestinians;
 - Many settlers would be motivated to seek their future within the Green Line if government subsidies were removed from the settlements;
 - The number of new homes currently planned for construction within Israel is 20 times the number of households that might need to be relocated.
- The picture outlined here of the demographic and settlement reality in the West Bank shows that the real difficulty in implementing the idea of partition is not physical but political.

Introduction

Ever since the 1937 Peel Commission, the only viable solution to the Israeli-Palestinian conflict has been based on the idea of separating the territory into distinct Jewish and Arab states. As the Peel report stated, it is 'a struggle between two national movements with valid claims, that cannot be settled together ... other than by partition.'

Over time, this idea developed into the form of 'two states for two peoples,' with negotiations between Israel and the PLO over the past two decades establishing the pre-1967 lines as the basis for a territorial agreement with land swaps on a ratio of 1:1. Turning this idea into a reality requires first and foremost political support from both sides, but physical feasibility is also necessary. This means that the cost of implementing what is agreed should be practically manageable, particularly in social and economic terms.

An increasing number of people, from various political perspectives, are asserting that it is becoming geographically unviable to create a separation between Israel and the West Bank, if it has not become so already. The reason given is that Israeli settlement construction has reached a point that it is no longer possible to create a border between Jewish and Palestinian population centres.

Among the proponents of this case are opponents of the two-state solution, whether from the Israeli right, or from the international anti-Zionist left, who want to force the idea of creating a separate Palestinian state alongside Israel off the agenda. Those on the Israeli right who are opposed to a two-state solution want to claim that the Israeli settlement enterprise in the West Bank has made the idea of two countries meaningless, to support their case that Israeli sovereignty should be imposed on some or all of the West Bank. The anti-Zionist left argues with increasing confidence that the two-state solution is dead and only the so-called 'one state

solution' remains feasible.

At times, a comparable claim is made by those who believe and hope for a two-state solution to the conflict, and who express concerns that there is a window of opportunity for implementing this which will soon close. British Foreign Secretary William Hague said recently, 'If progress on negotiations is not made next year, then the two-state solution could become impossible to achieve.'

It is true that the construction of settlements over the years has complicated the issue of drawing a border and undermines confidence in Israel's intentions. At the same time, it is important for all those who believe that advancing a two-state solution is in the interests of both Israelis and Palestinians, to challenge the claim that the possibility for creating a border has almost closed.

Regardless of where one stands on the wisdom or otherwise of past or future settlement construction in various parts of the West Bank, this paper argues that drawing a border remains entirely possible.

Settlers Concentrated in Blocs

Civilian Israeli presence over the Green Line is mainly concentrated in neighbourhoods of East Jerusalem and a small number of settlement blocs in the West Bank. In East Jerusalem there are 12 Jewish neighbourhoods with some 200,000 Israelis, representing 40% of the 530,000 Israelis living over the Green Line. It is beyond the scope of the paper to address Jerusalem in detail, or the sensitive issue of the proposed E-1 development between Jerusalem and Ma'ale Adumim. Suffice to say that as it stands, it remains entirely feasible to divide Jerusalem along the lines of the Clinton Parameters, under which Jewish neighbourhoods would stay part of Israel and Arab neighbourhoods would come under Palestinian sovereignty.

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In the West Bank, the settlement enterprise has created a scattered network of 124 settlements and dozens of unauthorised outposts. However, the Israeli West Bank settlements, with 330,000 residents, have not achieved Jewish dominance across the territory. The Jewish population of the West Bank is just 12%, and the built-up area of the settlements covers just 1% of the West Bank (1.9% including East Jerusalem neighbourhoods).

Some 80 per cent of the settlers (excluding East Jerusalem) live in settlement blocs, where they represent 95 per cent of the total population. The blocs include the three largest Jewish towns --- Modi'in Illit, Betar Illit and Ma'ale Adumim --- each of which has 40,000 residents or more. Also within the blocs there are another 15 smaller communities with up to 10,000 residents each, such as Efrat and Alfei Menashe, and two that are larger than this --- Ariel (18,000) and Giv'at Ze'ev (13,000). The majority of the population in the blocs are either ultra-Orthodox or secular Israelis. The main reason for living in the West Bank among both these populations is economic, since housing in West Bank settlements is cheaper. To create a border which connects these major settlement blocs and the East Jerusalem neighbourhoods to Israel requires annexing around 6% of the West Bank, which can be compensated with 1:1 land swaps.

Limited Settler Presence Beyond the Blocs

For the 20 percent of the settlers who live outside the blocs the picture is completely reversed.

Most of the settlements outside the settlement blocs have fewer than 2000 residents each. In many of them, the number is no more than a few dozen families. The large majority belong to the national religious sector of Israeli society who built their settlements as part of the 'Gush Emunim' ('Block of the Faithful') ideological movement. These communities established themselves beyond the areas Israeli governments mainly wanted to settle (the Jordan

Valley, the 'Jerusalem envelope', and along the Green Line), with the conscious intention of breaking up Palestinian contiguity and preventing the establishment of a viable Palestinian state. Many of these settlements are located along the central mountain ridge ('Gav HaHar') on Route 60, which is the main traffic axis from north to south for Palestinians.

But despite the efforts of these groups, in the area of the West Bank beyond the separation barrier and the main settlement blocs there is clear Palestinian dominance in terms of population. Israeli settlers represent just 2.6% of the total population of the West Bank outside the blocs. The built-up area of the settlements outside the blocs is less than 0.4% of the area of the West Bank and is 17 times smaller than the built-up area of the Palestinian villages and towns. For example, in the northern part of the West Bank, in the area between Nablus and Jenin, which is four times greater than the Gaza Strip, there is no Israeli presence at all aside from seven tiny settlements.

Settlers Largely Employed in Israel

Israeli settlements are largely urban and residential, rather than agricultural. Some 93% of Israeli construction in the West Bank is for residential purposes, and 105 of the 124 settlements are urban, without industrial or agricultural areas. One third of the settler population is ultra-Orthodox, living in the two largest Jewish towns in the West Bank --- Modi'in Illit (54,000) and Betar Illit (40,000). Both towns are located close to the Green Line, and many of their residents do not participate in the Israeli labour market.

In the 14 Israeli industrial areas in the West Bank, most of them are small in scale and the majority of employees are Palestinians. The flourishing agriculture in the Jordan Valley, which generates NIS 0.5 billion a year (£80m), covers only 40 square kilometres, or just 0.6% of the West Bank. The land is worked by around 700 households, and almost 95% of its employees are Palestinians.

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This means that most of the working Israeli settlers living in the West Bank are actually employed in Israel, and therefore would not have to change their place of employment if they were required to evacuate when a permanent agreement is signed.

Distinct Infrastructure

The Israeli settlement enterprise is not integrated with Arab population centres in the West Bank. Like the IDF's military posts, the settlements are located on hilltops, and not on the slopes like the Arab villages. They are supported by a separate network of roads originally established for the emergency movement of IDF forces from West to East, which over time have become fast roads for the benefit of Israelis. The settlements have separate water and electricity infrastructures, and are protected in part by the separation barrier, which creates a situation whereby the settlements to the west of it are already connected to Israel.

Israelis who do not live in the West Bank use only 293 km (10%) of the West Bank's roads outside the blocs (for example, Route 90 which runs up the Jordan Valley and Route 443 which connects Jerusalem to Tel Aviv). Israelis who live in the West Bank travel on an additional 19% of the roads, most of them access roads to their homes. The remaining 71% of West Bank roads are used only by Palestinians. On the other hand, within the settlement blocs, 83% of the roads are in use by Israelis.

Maintaining the security of the settlements in the West Bank also requires several layers of protection:

- The first – for the settlement: A peripheral fence, patrol route, watchtowers, observation devices, security squad, call center, distress buttons, electric gate, emergency road etc.
- The second – for Israelis on the roads: reinforced buses and escort vehicles for suppliers and service providers.

- The third – for separating traffic: A network of obstacles, barriers, gates and checkpoints.
- And the fourth, and most costly, the separation barrier: Though not completed, the final planned route, designed to include the maximum number of settlements, is 815 km, at a cost of NIS 15 million per kilometre.

This is therefore an existing situation in which Israelis in the West Bank use distinct infrastructure, meaning there is a de facto separation of the fabric of Israeli and Palestinian life in the West Bank.

Economic Motivation

In order to encourage settlers to move east of the Green Line, the Israeli Government guarantees their well-being. The per-capita budget transferred to local authorities in the West Bank is more than double that of the general Israeli population. Settlements in the West Bank are also among those areas considered by the Israeli government to be ‘priority areas’, meaning that their residents are entitled to mortgage subsidies when buying an apartment. The government also subsidises the development of construction projects and land purchase and provides additional benefits in spheres such as education and health.

This array of subsidies is one of the central reasons for 70% of Israelis who live over the Green Line. A change in this costly government policy, even without an agreement, would motivate many to seek their future within the Green Line.

In the framework of an agreement, based on the Palestinian and Israeli proposals presented in the negotiations at Taba in January 2001 and during the Annapolis process in 2008, the number of households that would have to be absorbed back into Israel would be between 20,000 (Israeli proposal) and 30,000 (Palestinian

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proposal). With the right preparation, there will be no difficulty absorbing them within Israel's borders. Israel has in any case a fast growing population and the planned inventory of new housing units in Israel today is more than 20 times the anticipated number who would have to relocate from the West Bank.

Conclusion

The picture outlined here of the demographic and settlement reality in the West Bank shows that the real difficulty in implementing the idea of partition is not physical but political. Given that fact, public opinion and decision-makers in Israel and around the world should refocus public debate around dividing the territory between Israelis and Palestinians based on the pre-1967 lines, which remain the only viable solution. What was written in the 1947 UN Partition Commission report remains true today: 'Only through partition can these two conflicting national aspirations attain tangible expression and enable the two peoples to take their places as independent nations in the international community and the United Nations.'

Israeli proposal at Annapolis, 2008 - Israel-Palestine Border:
6.5% of the Palestinian territories will be Annexed to Israel
including 85% of the Israeli population in the West Bank*

Separation of West Bank population centres according to borders between Israel and Palestine proposed by Israel in 2008**			
	Israel	Palestine	Total
Israeli built area	33.83 sq. km	21.6 sq. km	55.43 sq. km
	0.6%	0.0%	1%
Palestinian built area	6.62 sq. km	375.21 sq. km	381.83 sq. km
	0.1%	6.4%	6.5%
Israeli locality up to 2,000 inhabitants	31	67	98
	32%	68%	100%
Israeli locality up to 10,000 inhabitants	15	8	23
	65%	35%	100%
Israeli locality over 20,000 inhabitants	3	0	3
	100%	0%	100%

Cultivated land by Israelis		38.4 sq. km	
		0.6%	

Mediterranean sea

Tel Aviv
Jaffa

**Palestine
West Bank**

Israel

Legend

- 1967 Lines
- Barrier
- The Municipal boundaries of Jerusalem
- Palestinian Locality
- Jewish Locality
 - Up to 2,000 inhabitants
 - Up to 10,000 inhabitants
 - Over 20,000 inhabitants
 - Cultivated land by Israelis

Designed by SAYA © Shaul Arieli

*This map does not show the areas offered by Israel to the Palestinians in exchange
** Data does not include Jerusalem

46> The Israeli occupation is clearer from Hollywood [Haaretz, 23/01/2013]

The moment it became a candidate for an Oscar, we were quick to embrace the film “Five Broken Cameras” as a cause for Israeli pride. In this, we once again demonstrated the choice we have made for the past several years: to live apart from the harsh reality and imagine our lives as a glittering reality show. For us, what matters is to imagine that we’re marching down the red carpet together with Emad Burnat and Guy Davidi, and to ignore the fact that the film in essence tells our own sorry story. Its plot has been taking place for 10 years now at a distance of five minutes from Modi’in, yet we’ve never bothered to understand why it’s told anew every Friday.

The film’s fame overseas is liable to put a mark of Cain on Israel’s brow for many years to come. A hundred ambassadors, a thousand public diplomacy experts and tens of thousands of overseas emissaries won’t be able to halt the expected erosion in Israel’s moral image. Most viewers will have trouble understanding the film within the complex context of the Israeli-Palestinian conflict. The truth is – and this is the source of the film’s power – that it doesn’t speak in the name of the Palestinian people (as evidenced by the criticism it levels at the Palestinian Authority), but only in the name of the village of Bil’in.

Thus, for example, the tragic death of one of the film’s “stars,” Phil, with whom it is so easy to identify, will cause viewers to ignore the flickers of positive behavior on our part: the High Court of Justice’s decision that the separation fence must be dismantled, the devoted care that Emad received in an Israeli hospital, the soldiers who evacuate wounded Palestinians, the Israelis who help village residents in all kinds of ways, and more.

But we, if we so desired, could see anew in this film the impossible situations that Israel Defense Forces soldiers are put in as a result of political decisions motivated by considerations that have nothing to do with security. It starts with the absurdity of declaring Emad’s

house a closed military zone to prevent him from filming, and ends with what the High Court ruled in its verdict on the Bil'in case: "The route of the [separation] fence in this locale lacks any security advantages. It endangers the forces that patrol along this route." The court clearly stated that the route's planners sacrificed security on the altar of a desire to expand the settlements: "There's no way to explain this route except by the desire to include Matityahu East on the western side of the fence."

We'd be able to see how the "soldiers in God's army" – yeshiva students who enjoy an exemption from actual military service – smashed Emad's camera and beat up Palestinians who sought to protest construction on their land. One fact the viewer isn't exposed to is that this construction took place with no approved planning process, and that on the strength of an illegally issued tender, 43 multi-story buildings were put up – 22 on the basis of illegal permits and 21 with no permits at all.

Even the sole sentence noting that although the High Court ordered this section of the fence dismantled, in practice nothing happened, doesn't offer the full picture of the defense establishment's repeated attempts to avoid carrying out verdicts to the letter. This happened even though the High Court repeatedly ruled, with regard to these attempts, that "the chosen alternative doesn't carry out the [original] verdict's instructions."

The Oscar nomination belongs solely and entirely to the creators of this film, giving us a "periscope" with which to peek over the physical and mental wall we have built between us and those who live under our control only spitting distance away. The film provides a naked look at the painful results of this ongoing occupation. Some of these results have been inscribed in acts of overt violence, and others on the troubled faces of some of the soldiers forced to "star" in this film.

**47> Viewing Israel with one eye closed
[Haaretz, 31/12/2012]**

Many people, it seems, have recently chosen to look at reality with one eye closed. They are getting a one-dimensional picture that only appears to help them see things lucidly. They avoid opening their other eye, an act that would grant them the ability to cope with the depth and complexity of reality.

Those who peer with one eye at the long list of elected officials, including MKs like Miri Regev (Likud) and Michael Ben-Ari (National Union), see their conduct and their positions as part of the norm accepted by the public. If they would just open their other eye, though, they would discover that that conduct and those positions draw their strength from chronic diseases in the education system.

These diseases afflict several different aspects of the system, including the large number of students in religious state-run schools and ultra-Orthodox ones, who aren't receiving a proper education in the values of democracy and liberalism; the state-run schools' deliberate avoidance of in-depth study of the Israeli-Palestinian conflict; the overemphasis on the connection between the Holocaust and the establishment of a state for the Jewish people; the state's reliance on military might to continue to exist; and the lack of instruction on the social phenomena that brought us to this point.

Those who use only one eye see Habayit Hayehudi leader Naftali Bennett as the new link between Zionism and Judaism. "It is necessary to base our national life on a Jewish foundation, and it is necessary to give the state a Jewish character," Bennett told Haaretz's Ari Shavit.

This is the nationalist, religio-messianic echo of the doctrine of Rabbi Abraham Isaac Kook, Israel's first chief rabbi (though the state had not yet been established), which Bennett wants to impose on the state. Kook believed that even if Zionism is a product of the profane, it will eventually return to the realm of the sacred. He also held that a religious utopia will prevail in the Land of Israel, whose climax will be the rebuilding of the Temple, resumption of a Jewish monarchy and reestablishment of the Sanhedrin religious council. This is a rather different Zionism than that of Theodor Herzl, Ze'ev Jabotinsky and David Ben-Gurion.

Habayit Hayehudi and Moshe Feiglin's Jewish Leadership faction of Likud, which bring together the settlement supporters of Gush Emunim, are seeking to annex Area C as a means of advancing this messianic reality, which has not moved forward since the annexation of the Golan Heights in 1981. Only if we open both eyes will we fully see the truth of Yitzhak Rabin's 1979 statement that Gush Emunim was "a cancer in the body of Israeli democracy." He added: "It was necessary to fight an ideological battle – one that exposes the true significance of the positions of Gush Emunim and its methods of action battle – against their basic approach, which runs contrary to Israel's democratic foundation."

Those who peer with one eye at Palestinian society and see only one-dimensional Arabs who support the statements of Hamas are unable to see the struggle that is taking place within that society, not just with regard to resolving the Israeli-Palestinian conflict, but also in relation to the nature and character of a Palestinian state. Should it be theocratic, as per Hamas' vision, or democratic, as per that of Palestinian President Mahmoud Abbas and his supporters? More important, those who use both eyes would discover that a decision on the matter depends to a great extent on Israel and its policy toward these various positions within Palestinian society.

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Israelis who look at the international community with only one eye and see it as a font of anti-Semitism or pro-Palestinianism would find, if they opened the other eye, that while the world does indeed condemn the occupation, of which the settlement enterprise is the apex, it also recognizes the Israel that lies within the 1967 lines. These Israelis would also understand that such a distinction lies at the core of the way in which the family of nations views a country that wants to belong to it.

Anyone who examines the Israeli reality with both eyes open cannot escape its complexity. On the other hand, those who shut their eyes will be forced to imagine that reality and, operating within that imagined space, will seek to impose fanciful solutions. By its nature, the secular Zionist enterprise integrates the courage to dream with the wisdom to adopt this complexity as a way of life.

48> Ben-Gurion already agreed to a Palestinian state [Haaretz, 06/12/2012]

In the first years of the Oslo Accords the Israeli government didn't question the Palestinian people's right to self-determination in the land of Israel. Israel also expressed this in its mutual recognition with the PLO.

Years later, Prime Minister Ehud Barak toyed with the idea that the Palestinians will settle for a "political entity" with a lower status than a state and make do with part of the West Bank and Gaza territories. But the "ripening" process he underwent made it clear to him the principle "the 1967 lines as a basis and territory swaps in a 1:1 proportion" was the only option.

Until the Palestinian statehood request from the United Nations, it seemed the Netanyahu government's withdrawal from the parameters to conduct negotiations to establish a Palestinian state alongside Israel was designed to ensure that "only" this parameter isn't implemented. But going to the UN, a move intended to pull the rug from under the Israeli position – that the West Bank areas are contested rather than occupied – made it clear that Israel objected to more than that.

The Netanyahu government's reaction to the international recognition of Palestine was reflected in advancing widespread construction approvals in the places that would prevent establishing a Palestinian capital in East Jerusalem, or a contiguous, viable Palestinian state. This indicates that many cabinet members deny the Palestinians' right to self-determination in the Land of Israel. They claim "there is no Palestinian people" and that the Arabs' rejection of the Partition Plan left the Mandatory writ promising only the establishment of a Jewish homeland unchanged.

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These people ignore the fact that the Partition Plan of November 29, 1947 was the international community's – including the Zionist movement's – full recognition of the Arabs' right to self-determination in the Land of Israel. The Partition Committee's report included the dramatic international admission that “the principle of self-determination was not applied to Palestine when the Mandate was created in 1922 due to the aspiration to enable the establishment of the Jewish national home.”

This admission corroborated the Palestinians' argument about denying their political rights according to the international community's principles. Hence, the UN's partition resolution, which sought to establish an “Arab state” as well, was a valid rectification to the Mandatory writ.

Also, on the eve of the state's establishment, the Zionist movement decided to initiate the partition itself, following its evaluation of the new reality that consisted of the British government's withdrawal from its commitments, the existence of the Arab National Movement and the Holocaust's repercussions.

In February 1947 David Ben-Gurion wrote to the British foreign minister that the only possible immediate arrangement that has an element of finality is establishing two states, one Jewish and one Arab. The Arab community in Israel certainly has a right to self-determination and self-rule, and Israel wouldn't think of denying or reducing that right, he wrote.

As chairman of the Jewish Agency, Ben-Gurion expressed the Zionist movement's recognition of the right of the Arab people in the Land of Israel to self-determination and the right to divide the land. The Jewish Agency adopted Ben-Gurion's proposal in its session on June 18, 1947, saying it was and is prepared to discuss a compromise, i.e. a viable Jewish state in part of the land.

The declaration of the State of Israel “on the basis” of the partition resolution put an end to all the arguments and renders Israel’s recognition of the Palestinians’ rights to a state in the Land of Israel irrevocable.

This is history. But above it stands the current, threatening question: Will Israel’s government realize that the partition idea, which enables Israel’s existence as a Jewish democratic state, is possible only if a “Palestine” rises beside it in the West Bank and Gaza?

49> Abu Mazen wants a state, not the right of return [Haaretz, 18/11/2012]

On November 29, the Palestinian Authority will ask the United Nations General Assembly to recognize Palestine as a non-member state. That is on the assumption that pressure on the PA to delay until after the election in Israel does not bear fruit. Many of those close to PA Chairman Mahmoud Abbas consider this step to be the last bullet in his revolver and the final chance of renewing the negotiations with Israel. Apparently that explains the moderate text it is expected to contain.

The PA leadership has learned a lesson from last year's petition to the UN Security Council. It is hoping to reveal how absurd the American and European opposition is and to provide Israel with the most convenient parameters for renewing the negotiations for a final-status agreement.

The results of the presidential election in the United States do not augur well for the Palestinians, as Nabil Shaath so succinctly phrased it last week: "Obama is better than Romney, compared with Richard the Lionheart, but he is not Salah ad-Din." The Palestinians are aiming first and foremost for the support of the Europeans.

The legal basis for the Palestinians' bid to implement their right to self-determination can be found in 15 UN resolutions that have been passed on the issue – from Resolution 181 on the partition plan for Palestine in 1947, to Resolution 146/66 in December 2011. The wording of the current petition is intentionally similar to that of Catherine Ashton, the European Union's foreign policy chief, in order to obtain the united support of EU member states. The Palestinians will emphasize the status of the territories as occupied areas, the lack of international recognition of Israel's annexation of East Jerusalem, the Palestinians' readiness to bear the burden of an independent state, and the broad support of 132 countries for Palestinian statehood.

Above all, the Palestinians will stress that the 1967 borders (with exchanges of territory) should be the borders of their state alongside Israel, which they recognized in the exchange of letters between Israel and the Palestine Liberation Organization in 1993. They will refrain from mentioning the right of return for Arab refugees, and the proposed solution to this issue is to base it on the Arab League proposal for “a just and agreed-on solution.”

Senior officials of the PA and the PLO are not upset about the Israeli threats of punishment, such as a refusal to transfer tax funds, reducing commerce and decreasing the number of permits to work in Israel, which would lead to the collapse of the PA. In addition, there are Palestinians who share the opinion of Abbas Zaki of the Fatah central committee – who has been mentioned as a possible successor to Abu Mazen – that if the bid to the UN fails, this will be “a sign of the end of the stage of the Oslo Accords, in anticipation of the next stage which is expected to be a violent conflict.”

If that is the case, the PLO will fall into line with Hamas, which believes there is no point to the bid because “a state will not be achieved at the UN but by force.” The current escalation in the Gaza Strip is also meant to demonstrate, among other things, the concept that armed opposition is preferable to a pointless diplomatic move.

Abbas, however, is determined to go ahead with his bid to the UN. The way he sees it, this is the last best chance to negotiate with Israel, backed by a sweeping international decision on the borders of the Palestinian state with East Jerusalem as its capital. It is clear to him that, when they have their own state, the Palestinians will not be able to demand the return of refugees to Israel. This order of priorities has accompanied the Palestinian position since 1988. The territorial issue is the most substantive, while the refugee issue is the main bargaining chip.

**50> Becoming a people that shall dwell alone
[01/11/2012]**

When the election is over, the next Israeli government might have to begin talks with the Palestinians. The talks might begin with one scenario or another, but their conclusion, at least as far as Israel is concerned, will depend on the prime minister's worldview, especially on his perception of the Israeli-Palestinian conflict.

Even if most political parties have long since buried their heads in the sand and ignored the conflict, especially now that the election nears, a pessimistic scenario could suddenly get them moving – whether before or after the vote. Many reasons are possible for this: growing tension on the Temple Mount amid the messianic right's attempts to change the status quo of hundreds of years, a social protest by West Bank Palestinians that begins against the Palestinian Authority and ends up against Israel, an extremist “price tag” event and even construction in the settlements if the government goes ahead with its plan to approve parts of former Justice Edmond Levy's report on the territories.

An unlikely nonviolent scenario could become realistic with the reelection of US President Barack Obama if he proposes a new initiative. Also, the approval of the Palestinians' request to win nonmember status at the United Nations could make PA President Mahmoud Abbas negotiate without the conditions he has been posing.

Two decades of negotiations have taught us that any attempt to build solutions by adopting the sides' narratives leads to failure because of the wide gap between them. The opposing legal interpretations beginning with the British Mandate and ending with the UN resolutions, particularly 194 and 242, point to gaps

that are too hard to bridge. We learned from the Annapolis talks that a sober reading of the situation and interests forces the sides to make do with half of what they dreamed of.

No one on the Israeli side dared demand an Israeli presence in Gaza after the disengagement, and no one on the Palestinian side made the return of hundreds of thousands of refugees to Israel a condition. On the other hand, an Israeli presence in the settlement blocs and East Jerusalem's Jewish neighborhoods led the sides to agree to a land swap that would let the settlers remain under Israeli sovereignty.

Hamas' control of the Gaza Strip and the complexity of any solution would demand a great deal of time from the sides, which would have to apply the solution faithfully, while the agreement's opponents would probably try to undermine it, as happened after the Oslo Accords. If he is reelected, Prime Minister Benjamin Netanyahu would have to go to the negotiating table, though it has become clear during his current term that he isn't pragmatic. Unlike almost all his predecessors, Netanyahu has an ideology that divides the world into black and white. Justice and wisdom are with one side – his.

In his latest speech at the United Nations, he divided the world into the enlightened and the people of the light, and the primitive and the people of the dark – and that's where he puts the Palestinians. Netanyahu defines critics of Israel as anti-Semitic, while supporters are the Righteous Among the Nations. Israel's future, according to him, constantly veers between Holocaust and redemption. In his view, "a PLO state to be planted 15 kilometers from Tel Aviv is an existential threat."

His joint ticket with Avigdor Lieberman, who considers Abbas an obstacle to peace, will augment his beliefs and eventually make Israel "a people that dwells alone." Netanyahu blatantly took action against an incumbent US president, while in the eyes of European

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leaders he's someone who does not tell the truth. And he didn't prevent harm to our ties with Egypt and Jordan. Neither he nor his alleged heir Lieberman, whom the international community despises, is the right person to handle what awaits Israel.

51> Defensible borders and strategic depth [09/11]

Summary

1. As a central issue in any forming agreement between Israel and the Palestinians, the question of defensible borders and Israel's strategic depth has recently come once more into the center of attention in public discourse. **This paper states that the formula of an agreement based on the 1967 lines with agreed upon land swaps is defensible in face of the relevant threats facing Israel today and in the future and that control of the Jordan Valley and the West Bank is irrelevant in responding to these threats.**
2. **The current threat environment** is substantially different than that faced by Israel in the past and upon which the need for Israeli control of the Jordan Valley was determined. The central threat Israel faced in the past was that of a massive ground attack with air power support from a coalition of Arab states. Clearly, the current reality of the military balance in the Middle East renders this threat nearly irrelevant due to the collapse of the pan-Arab movement, the peace agreements in effect with Egypt and Jordan, and the eradication of Iraqi military forces. Therefore, the main threats Israel must now prepare for are:
 - Asymmetrical warfare vis-à-vis non state actors using terrorist and guerilla tactics.
 - Strategic threats – mainly the use of ballistic missiles and means of mass destruction.
3. The Jordan Valley and the West Bank are irrelevant in the context of the current threats because:
 - Current missile and ranges allow for targeting of the entire

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territory of the state of Israel without the deployment of any launchers west of the Jordan River.

- The main factors in countering terrorist and guerilla threats are the reliability of the barrier between Israel and the future Palestinian State and the latter's ability to prevent the construction of terrorist infrastructures.
- Even in the unlikely scenario of the re-occurrence of classic conventional war, several point must be noted:
 - The Jordan Valley does not provide strategic depth. Since Israel's width including the valley is only about 40 kilometers (about 25 miles), non-territorial responses for current threats are necessary.
 - If the Jordan Valley is to serve in countering a ground attack then the crucial area for force deployment is the slopes leading up to the Judean and Samarian mountains. Force deployment on the slopes turn the entire Jordan Valley into a "killing zone" of the attacking ground forces.
 - Any force permanently positioned in the Jordan Valley itself would be vulnerable to encirclement.
 - The only significance the Jordan River line holds is in terms of border-control and ongoing security tasks.

4. Relevant Military and Diplomatic Responses to Threats

In the military realm, responses must rest on five elements:

1. Deterrence. **2.** Early warning. **3.** Passive defense (home front preparedness). **4.** Active defense, i.e. the interception of various ballistic projectiles. **5.** Offensive capabilities that will reduce the quantity and frequency of ballistic launches.

Israel is currently prepared to defend against a massive ground attack (despite the low likelihood of such a scenario materializing). The IDF has developed and absorbed extraordinary capabilities to destroy masses of mobile and stationary targets with great

precision. This means the IDF could destroy expeditionary forces within Jordanian territory long before they reach the Jordan River line. Moreover, in a state of emergency, the IDF would be able to utilize the main roads leading to the Jordan Valley from the north and the south, as well as its airborne capabilities to introduce forces into the Jordan Valley and deploy in the slopes leading to the mountaintops.

In the diplomatic realm, peace agreements are meant to serve as an adequate alternative to control of the territory by the former adversary, both by reducing the motivation to use violence in pursuit of goals and by creating security arrangements, such as those put in place as a result of the peace treaty between Israel and Egypt, in case the state of peace is undermined. Similar mechanisms would be created in a permanent status agreement with the Palestinians:

1. The Palestinian state would be demilitarized, with provision only for domestic security forces. **2.** Oversight mechanisms would be implemented and would include monitoring of the border with Jordan and other border crossings, to ensure that demilitarization is maintained. **3.** The Palestinian state would be prohibited from forging alliances and cooperation with states and movements that are hostile to Israel. **4.** The Palestinian state would be obligated to prevent terrorist activity and the establishment of terrorist infrastructure and to implement oversight mechanisms to insure that such obligations are met. **5.** An international force would be deployed in the area of the Palestinian state.

In addition, the informal strategic alliance that already exists between Israel and Jordan will be strengthened by the establishment of a Palestinian state, as the common interests of both states will grow deeper. As long as the strategic alliance with Jordan is maintained and grows stronger, in the context of a massive ground attack Israel's security border will not lie in the

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Jordan River line, but rather in Jordan's border with Iraq.

In conclusion:

- The main threats to Israel's security today are ballistic projectiles and weapons of mass destruction. These threats are intended to erode Israel's national moral and international standing, and in countering them, the West Bank and Jordan Valley have no significance.
- Israel holds adequate military responses even to counter worst-case scenarios that are highly unlikely to materialize such as a massive ground attack by a coalition of Arab states.
- A final status agreement with the Palestinians along with its security arrangements and mechanisms will provide a more-than-adequate alternative to control of the West Bank and the Jordan Valley and will create a strategic reality in which Israel's de-facto border rests in eastern Jordan.

The Question of Defensible Borders

In Israeli-American-Palestinian dialogue, the issue of Israel's strategic depth and assurance of defensible borders has come up as a key issue in discussions about the basis for territorial outlines of an agreement. In this framework, the Israeli government demands Israeli control over the Jordan Valley and the annexation of large portions of the West Bank to ensure the defensible borders and strategic depth that will allow Israel to deal with potential military threats.

In examining this issue, four main questions must be answered:

- What are the main threats that Israel might have to face?
- How important are the Jordan Valley and the West Bank in affording a better response to these threats, in terms of strategic depth and defensible borders?
- What weight do diplomatic solutions and agreements carry in

the response to these threats?

- What are the current and future military responses to these threats and to what extent do they hinge on territorial control of the Jordan Valley and the West Bank?

The Threats

When the concept of the need for defensible borders was developed, including the need for Israeli control over the Jordan Valley (as expressed, for example, in the 1967 Alon Plan), the main danger to Israel was a massive ground attack with air support by a coalition of Arab countries, as occurred in 1948–9, in 1967 and again in 1973. Those threatened Israel's survival due to the lack of symmetry between Israel and the Arab world, one element of which was a lack of strategic depth. Since that time, the strategic balance in the Middle East has been transformed, and the threat of a massive ground attack has all but vanished for the following reasons:

- Following changes in the world order, the Arabs have lacked the backing of a superpower that would provide them with material support for such a campaign.
- The pan-Arab vision has collapsed and the chance that such an Arab coalition will emerge is negligible.
- Israel has signed peace treaties with two Arab countries, Egypt and Jordan, removing them from the circle of war. At the same time, all Arab governments without exception, as expressed in the Arab peace initiative, have recognized the fruitlessness of attaining their goals vis-à-vis Israel by other than diplomatic means. The vision of the struggle against Israel is now perpetuated by non-state players and a non-Arab country – Iran.
- Iraq, the key component of any eastern front against Israel, was defeated in the two Gulf wars, and its military power has been eradicated. It will be years before it can build significant

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military might, assuming it will be able to maintain sufficient internal stability and cohesion.

- The Arab countries have lost hope in their ability to face Israel on a classic battlefield. Therefore, other than the oil states, most of these countries have reduced their investment in conventional maneuver warfare and have moved on to investments in military realms they consider more worthwhile.

For these reasons, the principal threats that Israel will need to face now and in the foreseeable future rest in two other main areas:

- Sub-military conflict, i.e., guerilla warfare and terrorism. This realm is sometimes called “asymmetrical warfare,” a term that reflects its two main characteristics. First, it is not a war between states, but rather a war between a state and a non-state player. Second, it is conducted by other than conventional military means in order to counter the state’s technological and quantitative edge.
- Warfare against Israel with strategic tools, particularly ballistic missiles and means of mass destruction, i.e., chemical, biological or nuclear weapons. These are intended to counteract Israel’s advantages in conventional warfare as well as in the strategic realm, in which Israel is perceived to possess military nuclear capabilities.

These two realms share a number of commonalities. First, the main target of both is Israel’s civilian population. Second, in both cases, the main weapons are ballistic projectiles, guided missiles and rockets of various ranges that can reach any target in the State of Israel. Third, neither realm seeks a decisive military victory, but rather attrition, damage to national morale and media, image-related and political benefits.

The Jordan Valley and the West Bank as responses to threats

The Jordan Valley and the West Bank are irrelevant to the two main new threats, because the ranges of missiles and rockets place the entire territory of the State of Israel under massive rocket and missile threat without deploying a single launcher west of the Jordan River.

Moving Israel's borders to the east does not provide an adequate response even when dealing with specific concerns, such as the protection of Ben-Gurion International Airport. The airport is vulnerable to two types of threats. One is ballistic missiles and rockets, to which borders are irrelevant, as they are to any other target in Israel. The second is guided missiles, which could strike planes landing or taking off. Here, too, moving the border is irrelevant because of the continually increasing range of these missiles.

In terms of the threat of terrorism and guerilla action, such as infiltration of suicide bombers or a guerilla force into Israel, territory is of very little relevance. The main factors influencing this type of threat are the reliability of the obstacle between Israel and the Palestinian state, and, most importantly, the ability to thwart the development of terrorism infrastructures within the Palestinian state. In the reality of an independent Palestinian state, the second point will be influenced mainly by other factors: the extent to which the Palestinian state is functioning and the security arrangements established in the agreement between the two states, including cooperation on fighting terrorism and the mechanisms by which these arrangements are monitored.

Although the likelihood and severity of classic military threat, the likelihood and severity of which have greatly declined over past decades, territory cannot be said unconditionally to have no significance. However, some remarks are in order:

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- “Strategic depth” with regard to the Jordan Valley and the West Bank makes a mockery of the term. With or without the Jordan Valley, Israel does not have strategic depth; it is only about 40 km across, including that valley. Thus, regardless of control of the valley, this threat must also be countered with other responses.
- If control of the Jordan Valley is intended as a military response to a ground attack, simple military analysis shows that the pivotal issue is not military presence along the Jordan River and in the Jordan Valley itself. Any military force deployed in these areas will suffer from topographical inferiority and will be vulnerable to fire from both west and east. The critical areas are the passes leading from the Jordan Valley to the mountaintops. Deployment of Israeli defences there would make the valley the killing zone for an attacking force.
- Any military force permanently stationed in the valley would in any case be limited in size and would find itself in constant danger of encirclement.
- The line of the Jordan River itself is significant only in the context of border control and ongoing security.

The significance of diplomatic solutions and agreements

Peace agreements signed after wars are to a great extent forged in order to create diplomatic solutions as an appropriate alternative to control of the territory by the former adversary. Part of the solution is the state of peace itself, which reduces the motivation of either party to use violence toward the other. However, the basic assumption is that a state of peace could be undermined, and agreements therefore include security arrangements precisely for such circumstances. For example, the peace treaty with Egypt returned the Sinai to it, but only after security arrangements were put in place that included demilitarized and limited-force zones, an oversight mechanism and an international force. These arrangements create a situation by which the Sinai, though under

Egyptian sovereignty, continues to provide a degree of an artificial strategic depth for Israel.

Similar mechanisms would be created in a permanent status agreement with the Palestinians:

- The Palestinian state would be demilitarized, with provision only for domestic security forces.
- Oversight mechanisms would be implemented and would include monitoring of the border with Jordan and other border crossings, to ensure that demilitarization is maintained.
- The Palestinian state would be prohibited from forging alliances and cooperation with states and movements that are hostile to Israel.
- The Palestinian state would be obligated to prevent terrorist activity and the establishment of terrorist infrastructure and an oversight mechanism would be created to insure that these obligations are met.
- An international force would be deployed in the area of the Palestinian state.

From a broader strategic perspective, there is another diplomatic mechanism that does not rely directly on the agreement with the Palestinians, but is connected to it: the relationship with Jordan. An informal strategic alliance already exists between Israel and Jordan. The establishment of the Palestinian state will strengthen that alliance because it will prevent the undermining of ties between the two countries due to friction with the Palestinians and will create a strong common interest in preventing the Palestinian state from becoming a subversive security threat to both countries. As long as the strategic alliance with Jordan is maintained and grows stronger, Israel's security border does not lie in the Jordan River line, but rather in Jordan's border with Iraq.

Military solutions

A broad security perspective must also include the worst-case scenario. As mentioned above, the peace agreement itself will provide Israel with numerous security advantages, but it bears consideration as to what would happen in the event of the collapse of the peace agreement and the diplomatic assumptions on which it rests. Would the peace agreement's security arrangements and Israel's military capabilities provide a suitable response to the threats in such a situation?

The answer is twofold. In terms of the most likely threats – terrorist and guerilla actions on the one hand and the use of strategic weapons on the other – our situation will be the same with or without control of the Jordan Valley and the West Bank. At any rate we will have to find technological and operational solutions to attacks by terrorist squads and suicide bombers, as well as ballistic attacks. The responses to the second and most significant threat, of strategic weapons, must be built on five elements:

- Deterrence.
- Early warning.
- Passive defense, i.e., shelters; protective rear against chemical and biological attack; firefighting capabilities; search and rescue; medical capabilities and the ability to quickly treat affected population; and rapid-recovery capability.
- Active defense, i.e., projectile and missile interception capabilities.
- Offensive capability intended to reduce the number and frequency of launches. In the context of an agreement with the Palestinians, the demilitarization mechanisms greatly facilitate the offensive element.

With regard to the threat of massive ground attack, let us take the

worst-case scenario: An Arab military coalition is able to form following regime changes in Jordan and Iraq. Iraq manages to reconstruct its capability to dispatch a substantial expeditionary force. Jordan decides to permit Iraqi, Saudi and perhaps Iranian expeditionary forces to enter its territory. This scenario seems highly implausible in the current Middle Eastern strategic reality, and yet, what could Israel do if it materialized?

Even under such circumstances, Israel's position is reasonably solid and the main danger would still come from the masses of ballistic projectiles targeting it rather than from the ground campaign. In the past decades, modern warfare has been dramatically transformed. Fire capability has improved significantly at the expense of maneuverability. The IDF has evolved from an army based mainly on maneuvering heavy armored formations by developing and absorbing extraordinary capabilities for long-range destruction of masses of mobile and stationary targets using precise fire. This means that the IDF has the ability, which will continue to improve, to decimate expeditionary forces that enter Jordanian territory long before they reach the Jordan River line.

Moreover, in an emergency, the IDF would be able to utilize the main roads leading to the Jordan Valley from the north and the south, and its airborne capabilities to introduce forces into the Jordan Valley and deploy in the passes through its airborne capabilities. The demilitarization agreements with the Palestinian state would allow for this with relative ease.

The transformation of the modern battlefield has also limited the ability of the IDF to conduct mobile warfare. Accordingly, the gravest danger stems from the possibility of the war becoming one of attrition in which ballistic threats play a central role. However, as noted, the areas under discussion are irrelevant as a response on this issue.

A permanent-status agreement with the Palestinians will improve Israel's standing in the international community, while the stabilization of Israel's relations with the United States will ensure a sympathetic international atmosphere that will help Israel continue to develop the key military capabilities it needs for dealing with worst-case scenarios

The international legitimacy accorded to Israel as a result of an agreement would allow it greater capacity to use force against threats that emerge after the signing of the permanent-status agreement and withdrawal to the new borders.

Conclusion

An analysis of the key issues involving defensible borders reveals that in the framework of permanent-status negotiations with the Palestinians on permanent borders, it is possible to devise defensible borders based on the 1967 lines with limited exchanges of territory. The comprehensive security package including all the diplomatic components of the agreement, its security arrangements, strategic relations with surrounding countries that would result from the agreement and concomitant international legitimacy, will improve Israel's security situation over its current state and will allow it to achieve security at a reasonable cost.

52> Israel, the Palestinians and the diplomatic process – Overview of the situation, expected developments and their evaluation [Friedrich Ebert Stiftung, 08/02/2011]

Introduction

Since Benjamin Netanyahu became Prime Minister of Israel for the second time, the diplomatic process between Israel and the Palestinians has been characterized by trends which run counter to those which we had witnessed in the two previous decades:

- Whereas the Chairman of the Palestine Liberation Organization and President of the Palestinian Authority, Mahmoud Abbas, is taking initiative and action in a variety of channels, in domestic and international circles of reference, Netanyahu and his government are refraining from taking any diplomatic initiative whatsoever, and are remaining focused on attempts to prevent and to block the Palestinian moves.
- Whereas Abbas is giving preponderant weight, in his considerations, to international and Arab entities, Netanyahu is principally gazing inward, at his own coalition, in an attempt to maneuver within the wedge created between Obama's administration and the House of Representatives, in order to alleviate the American pressure and to ensure that the United States will continue to stand by Israel against the Arab initiatives and the moves by Iran, and lately by Turkey as well.
- Whereas the Palestinians are benefiting from growing international legitimation for their moves, all of which are taking place within the political arena, Israel is increasingly suffering from its image as a peace-refuser and is being increasingly delegitimized.

It will accordingly be appropriated to evaluate and analyze the

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overview of the present and developing situation, subject to these assumptions and evaluations – in other words, to describe and analyze the Palestinian initiatives and trends, to contrast them with the Israeli patterns of blocking and avoidance, and to evaluate each side's chances of succeeding in its mission. On one hand is Netanyahu, who seeks to preserve the diplomatic status quo through the United States, while at the same time ensuring his own survival in the political camp from which he arose by strengthening the Israeli foothold in East Jerusalem and the West Bank through extensive construction. On the other is Abbas, who seeks to undermine Netanyahu's position by means of international pressure, which is likely to give him points in the domestic arena as well, while continuing to build the "state-to-be."

The analysis and evaluation are based on two principal working assumptions. Firstly, it is estimated that no significant change in the composition of Israel's government is to be expected, meaning that there will be no significant change in its policy as well. The chances of seeing the "Labor" Party outside the government have admittedly increased somewhat, but not enough to pass the threshold required for this to happen at once. This can be explained by the fact that the Knesset elections still appear too far away for the opposition to wait for them, and that withdrawing from the government is likely to give the signal for the dissolution of the Party and to mark the end of the political road within its ranks for Ehud Barak. But even if the withdrawal comes to pass as an outcome of the internal struggle within the Party, in my opinion, it will not lead to change; rather, it will actually reinforce Israel's present policy. This is because Netanyahu is afraid that he is likely to come to the elections with a government which is all farther right than his Likud Party, and accordingly, he must ensure that no votes trickle away from the Likud to the ultra-rightist parties, and especially not to Yisrael Beiteinu. I believe that Yisrael Beiteinu, headed by Avigdor Lieberman, and Shas, headed by Eli Yishai, will go to great lengths to find the magic formulas which are required to ensure that they remain in government, as this will serve the

particular interests of each party. This means that the chances of seeing Kadima, headed by Tzipi Livni, join the present government or replace Yisrael Beiteinu, in order to enable a coalition basis for a different policy, are extremely slight. Since his election, Netanyahu has shown that, at the decisive moment, he prefers to remain in his natural home – the right, which is opposed to the solution of “two states for two peoples.”

The second assumption is the determination that the evaluation and analysis refer to existing trends, but that it is necessary to recognize the possibility that extraordinary events will give rise to a substantially different starting line from that which appears today to characterize the continuation of the process between Israel and the Palestinians. These processes may be the result of a collision between the mutually exclusive trends exhibited by the parties involved, or an attempt to convert it to additional players in the arena. The latter may include, for example, a military strike against Iran, an uncontrollable deterioration of the relations between Israel and Turkey, a descent into military operations against Hezbollah in Lebanon and Hamas in Gaza, a return by Fatah to patterns of terror from the West Bank against Israelis on both sides of the “green line,” and more.

Overview of the situation

I would like to begin with a description of the present situation, which is basically characterized by diplomatic stagnation. The unwillingness of the Palestinians to resume direct negotiations results from two constraints:

The less important constraint is Israel’s unwillingness to freeze the construction in the settlements – a precondition which, in view of its nature as basically American, does not enable Abbas to waive it and thereby to portray himself as less Palestinian than the Americans.

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The more significant constraint is Israel's unwillingness to agree on the Palestinian basic conditions:

- A framework of reference (ToR) for the negotiations, basically consisting of recognition of the 1967 territories as the territories of the Palestinian State, which was already granted by Ehud Barak and Ehud Olmert in the negotiations toward a permanent arrangement in the course of the last decade.
- Eliminating the Israeli precondition for Palestinian recognition of Israel as a Jewish State, which is perceived by the Palestinian leadership as an Israeli demand to remove the refugee question from the negotiating table and as justification for discrimination against Israel's Arab minority.
- Accepting the Palestinian demand for the permanent arrangement to lead to the end of the occupation and complete, albeit gradual, withdrawal of Israeli forces from the West Bank.

The present pattern and intensiveness exhibited by the conduct of the United States lack the ability to bring Netanyahu to change his position, and it appears that, during the last visit by Dennis Ross and Mitchell to the area, the proposals made by the United States to the Palestinians showed a certain departure from its positions in recent years with regard to borders, security arrangements and the schedule for reaching an agreement. In this way, the United States is again becoming perceived by the Palestinians, and the Arabs in general, as an intermediary which is biased in Israel's favor. This week, Abbas conveyed grave disappointment with the American intermediation, and even expressed unprecedented criticism of what he deined as "an especially embarrassing situation, in which American officials who, according to their own statements, do not recognize the legality of the Israeli settlements or of the annexation of Jerusalem by Israel, but, in practice, take no action whatsoever in order to prevent this activity." This evaluation is leading to a series of parallel Palestinian moves which transcend the fixed

triangle of Israel – the United States – Palestine, in the intention and the hope of reaching a significant breakthrough for one of them.

Palestinian initiatives and Israeli reactions

Abbas and his Prime Minister, Salam Fayyad, are acting intelligently on the basis of a broad strategic view, which is itself based on two complementary channels of operation – building the state-to-be and achieving international recognition thereof – and which lays at Israel's door a reality more difficult to handle than that of Arafat's day.

In the domestic sphere, they are taking measures, with American and international support, toward reestablishing the central power of the Palestinian Authority, by means of a number of efforts based on security reform and economic institutional reform: banning Hamas from the public domain in the West Bank, restraining the al-Aqsa Martyrs' Brigades, maintaining law and order, and economic development with emphasis on strengthening the middle class. Israel and the Palestinians are both benefiting from this success – Israel is benefiting from close security coordination, reduction of its forces posted in the West Bank, and a stable security situation which is managing to keep the conflict off the agenda of Israel's public. In exchange, it is enabling the redeployment of the Palestinian Police in Areas A and B (34 stations) and is removing checkpoints and barriers, and thereby strengthening the Palestinian Authority's control of the area as well as its economy. Due to the common interest of the struggle against Hamas, both parties are bound to the status quo and do not wish to undermine it; at the same time, the Palestinians are also benefiting from the ability to claim that they have met the conditions required for ending the first stage of the Road Map, and to demand the continuation and progression of the program which Israel has also recognized.

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An additional Palestinian move in the domestic sphere is Abbas' attempt to bring about a reconciliation with Hamas, with a view to presenting "one address" which represents the Palestinian people. In the short term, this move does not appear to have a chance of implementation within the Egyptian document which has already been signed by Fatah. If it happens in the future, however, it is likely to undermine the basis for security coordination with Israel, which is already severely criticized on the Palestinian home front; to terminate what remains of the blockade of Gaza; and to eliminate one of the Israeli arguments, with regard to the fact that Abbas does not represent all of the Palestinians today.

In the diplomatic sphere, Abbas' tactics include parallel operation in two directions: unilateral activity at the international level, and at the same time, maintaining the possibility of resuming the negotiations in their previous format, should a formula for compromise which enables this be achieved. To this end, he is choosing to adopt several courses of action at once, but, at the same time, to determine priorities among them, based on his estimation of the chances for each course of action to bring about a change in the status quo and to promote the establishment of a Palestinian State.

Firstly, under the assumptions that the "freeze" on construction in the settlements will not be renewed and that Netanyahu will not retreat from his conditions, Abbas will seek to pressure the Americans into making a proposal of their own for the ToR, which he will be able to "live with." Under this patronage, and as part of the diplomatic umbrella which has been provided to him by the Arab Peace Initiative Monitoring Committee, Abbas will be able to resume the direct negotiations without absorbing overly severe criticism on the home front and to stand up to Hamas in the struggle for Palestinian public opinion. Palestinian success in this move, which can also result from the isolation of the United States in its support of Israel, will force Netanyahu to reply to the proposal. As Netanyahu sees it, this is still not the worst possibility

of all, as long as he chooses to consider the American proposal, rather than the Palestinian position, as the starting point for the negotiations. It appears, however, that the time being, Israel is successfully managing to prevent this move, through the efforts of the Jewish lobby at Netanyahu's Republican friends in the House of Representatives. This explains the "insulting proposal," as the Palestinians put it, which the special envoy Mitchell made to Abbas two weeks ago.

Secondly, cautious enlistment of the United Nations. The Palestinians are likely to initially seek to focus on the subject of the settlements, as opposition to their construction and expansion is considered a matter of international consensus. This measure is likely to be taken because of the position adopted by the Americans, who clearly oppose continued construction in the settlements – a fact which will make it almost impossible for the United States to veto such a draft resolution. Generally speaking, the Palestinians are seeking to obtain the censure in the form of a Security Council resolution, and not as an announcement by the Secretariat of the Council, which would defuse the importance of the move. They are planning to propose a resolution in the very near future, as soon as possible after January 1, the date on which Bosnia-Herzegovina became the chair of the Security Council.

Israel is preparing for this possibility, and is making attempts to convince the permanent members of the Security Council; at the same time, it is investing most of its efforts in ensuring an American veto. Admittedly, to date, the United States has condemned the intention of approaching the Security Council as a unilateral move that runs counter to the original principle of discussing the permanent issues only at the negotiating table. It has even warned the Palestinian Authority that introducing the proposal is likely to have implications for the United States' relations with the Palestinian Authority. In actual fact, however,

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the United States is not really trying to prevent discussion of the proposal and has not adopted a clear stand on the question of how it will act if the proposal is brought for discussion.

According to the developments, the PLO will consider whether to also submit a proposal for a resolution to the Security Council with regard to recognition of the Palestinian State within the 1967 borders, with East Jerusalem as its capital. If they encounter an American veto, but no other threats by the administration, the Palestinians may well gather the courage and the support to launch the move, under the “Uniting for Peace” Resolution 377 (V), which basically specifies that, if the Security Council does not pass a resolution with regard to international peace and security, and does not succeed in counteracting aggression, due to a veto imposed by one of its members, it will be possible to convene the General Assembly within 24 hours and to discuss the matter and recommend effective collective measures in order to maintain or restore peace. If most of the states support this move and the state which vetoed the resolution is in the minority, the recommendation may be executed, including through the establishment of an international military force. Accordingly, the significance of Resolution 377 (V) is that the General Assembly will be able to adopt a resolution with regard to effective collective measures, and not merely to recommend them.

In such a case, Israel’s ability will be extremely limited, because it may be assumed that the Palestinians will launch such a move only after having secured a promise by dozens of states worldwide to recognize the Palestinian State. Israel, in such a case, will have a very small potential body of supporting states, and even that will be subject to pressure, in light of the overall trend toward recognition of the Palestinian State.

Even if these moves do not have the desired outcome, I do not believe that, in the short term, the Palestinians will choose to withdraw from the existing agreements with Israel and go as far

as dissolving the Palestinian Authority, as was recently emphasized by Palestinian Prime Minister Salam Fayyad in an interview to the London daily al-Hayat: “I do not consider the dissolution of the Palestinian Authority as an option. The Palestinian Authority is an enterprise of state-building – that is, obtaining independence – and it is the most important measures; accordingly, it is a national need, even more than a day-to-day need of the Palestinian people, and that is what was mentioned in the two-year plan which the Palestinian Authority began to implement in August 2009 under the title ‘Palestine: ending the occupation and establishing a State’.” At the same time, in the longer term, in the absence of an agreement and in the absence of international support, the PLO is likely to withdraw from the agreements with Israel under pressure by the Palestinian public, led by Hamas. In such a case, Israel will have to make preparations to resume the management of the Palestinian population in the format of the Civil Administration, or to ask a third-party entity to take on the responsibility for the Palestinian population. The chances of finding an entity which will be willing to grant such a request are estimated as extremely slight.

Assuming that direct negotiations will nonetheless be resumed, it appears that Netanyahu, in the present constellation of Israel’s government, will not dare to propose more than an interim agreement, with parameters which the Palestinians will not be able to accept, in light of the internal factors described above. At the same time, should extraordinary events take place, they may be exploited for the purpose of achieving a long-term interim agreement, based on consensus with regard to borders and security and letters of guarantee for the Palestinians with regard to the future of Jerusalem and the refugees.

The surrounding area – reciprocal relations

The expecting chain of events, as portrayed here, does not operate in a space occupied by Israel and the Palestinians alone. Rather,

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that space is replete with near and distant players, all of which affect the developments, and are affected by the shock waves, which extend beyond the borders of the Israeli-Palestinian conflict – Egypt, Jordan and the Arab League, as well as Iran and Turkey.

In the absence of a diplomatic process, Israel will continue to benefit from good security coordination with Egypt with regard to the border between Gaza and the Sinai Peninsula, because they share a common interest in retaining a mass, both in its relations with the “Muslim Brothers” in Egypt and as an “emissary” of the Iranian interests. Israel will also benefit from Jordanian security activity on the border between Jordan and the West Bank, which successfully prevents attempts at infiltration by volunteers from extremist Islamic organizations and smuggling of materiel – again, thanks to the common interest shared by Israel and Jordan. Moreover, Israel will receive tacit support for any move against Iran which threatens the pro-Western bloc of Arab states. On the other hand, Israel cannot expect the Arab and Muslim world to restore the presence of the eight representatives which it had in Israel during the days of the Oslo Process. Quite the opposite is true: it could very quickly find itself without even the Egyptian ambassador – the last one left. I do not believe that the Arab world will hasten to pull the peace initiative proposed by the Arab League away from Israel. On the contrary: preserving the peace initiative will help the Arabs to represent Israel as refusing peace and rejecting the most generous proposal ever made by the Arab world. At the same time, eliminating the Iranian threat by means of a military move or through sanctions will attract the interest shared by the Arab leaders – Egypt, Saudi Arabia and Jordan – and Israel in upholding the initiative.

An additional development which may take place, and which requires Israel to prepare for it in the short and medium term, refers to the rise of Iran and Turkey as regional powers with great influence over the Muslim and even the Arab world. Iran, which supports Hamas, is directing concerted efforts toward

strengthening it against the PLO, not only in Gaza, but recently in the refugee camps in Lebanon as well. It supports the reinforcement of Hamas and Salafi jihadist organizations which operate in the camps, against the background of the weakened PLO mechanisms within them. Over time, this activity is likely to erode what little remains of the PLO's legitimacy as the representative of the Palestinian people, and may even harm Abbas' chances of approving the agreement with Israel by referendum, should such an agreement be reached. In the medium term, Iran, with its military nuclear capacity, will benefit from the increasing influence of the Arab states, to the point of motivating them to recognize Hamas as the legitimate representative of the Palestinian people, replacing the PLO.

A development of this type is likely to complete the transformation of the conflict from national to religious in nature, and to slam shut the diplomatic window of opportunity which would have enabled an arrangement with the Palestinians in particular and the Arab world in general.

In closing, I would like to recommend three preferable, parallel directions of action for the international community with regard to the conflict:

- Firstly, to continue to invest efforts toward the resumption of direct and effective negotiations between Israel and the Palestinians.
- Secondly, to be sufficiently alert to prevent deterioration in the relations between them, which could lead to an additional round of violence, whether small- or large-scale.
- Finally, to continue to support the civil societies on both sides which are seeking to hasten the end of the conflict.

53> Geneva Initiative – Non-institutional proposals to define Israel's borders [07/07/10]

The Geneva Initiative was released on December 2003 following informal negotiations between Israel and the Palestinians that were held for the previous couple of years. It informally ended the Oslo Process, which started a decade before, by offering an outline of a permanent status agreement between Israel and the Palestinians. The purpose of this article is to present and analyze the issue of the borders that was discussed and agreed upon both parties in the framework of the Geneva Initiative, and its connection to the other core issues such as security, Jerusalem and the refugees. That will be done through the understanding that the insights and the lessons learned from this attempt could assist future formal negotiators.

Background, starting points, and fundamental agreement points

A new negotiation approach was practiced with the start of the meetings between the two parties on January 2002. The old approach was characterized by the attempt of each party to extort from the other and make every concession into a gain. However, the new approach regards attaining an agreement that will lead to a stable, positive, and better tomorrow as a common, essential interest. The source of this approach is a report named “2020 – The Day After,” written by the National Security Council (NSC) headed by Maj. Gen. (Res.) Gideon Shefer (a senior partner at Geneva Initiative). Originally, the report was written for the negotiations at Camp David but, ultimately, it was not used. The parties made an effort to avoid points of potential friction in the future, prominent attacks on sovereignty, etc.

The parties agreed that the negotiations will continue from the point where the official negotiations between the delegations at Taba on January 2001 stopped. This was made possible thanks to the participation of prominent former officials from both parties who took part in official negotiations: Minister Dr. Yossi Beilin, Chief of Staff Amnon Lipkin-Shahak, the Palestinian ministers Yasser Abd Rabbo, Dr. Samih Al-Abed, Dr. Nabil Kasis, and more. This decision prevented the parties from returning to their old starting point and allowed them to enjoy the substantial progress achieved in the Taba Summit where the parties managed to bridge many of the gaps. However, it forced the parties, which were unofficial, to follow the interests, principles, and standpoints that led the parties in the Oslo Process. Even though it blocked some new “out-of-the-box” ideas, it guaranteed continuity and consistency of the official political process and facilitated the marketing of the initiative to the public.

The parties agreed to approach the land swap as the required solution for the tension revolving around the territorial issue. This tension has two poles. The first relies on UNSC Resolution 242 and its implementation at the peace agreement between Israel and Egypt/Jordan where Israel followed the Green Line (1967); the second pole relies on Israel’s security and infrastructure needs, and on the fact that over half a million Israelis live beyond the Green Line (including East Jerusalem) in approximately 140 communities and neighborhoods scattered in the West Bank. The parties needed to establish ground rules for the basic solution to this tension, namely, territorial exchange.

The selected approach to negotiations and agreements on the territorial issue was a “package deal” that bridged between the gaps in all issues. That is to say, the principle Barak demanded in Camp David that “nothing is agreed until everything is agreed” remained in force. With lack of external pressure (by mediators and the media) and with the trust between the negotiators, a “give and take” approach between the issues became possible; this approach

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provided more flexibility than in the negotiations where concessions were made in each subject separately. This approach often created “win-win” situations. For instance, when Israel’s sovereignty over the passage between Gaza and the West Bank was discussed, the Israelis accepted the Palestinian position to not calculate this area in the land swap; in return, Israel was given the right to use roads under Palestinian sovereignty in order to cross the West Bank (Highways 443, 60, 90). In addition, it would have been easier and better if in the land swap, areas from the Israeli side where Arab villages were located before 1948 were offered in order to give the Palestinians “assets” in the marketing of the agreement to the Arab public.

According to President Clinton’s proposal from December 2000 (that was approved by the parties and used as a basis to the dialogue), Israel’s position in Taba was to annex 6-8% of the West Bank. Israel did not plan to “swap” lands from Israel, but to convert 3% of area that it was committed to compensate the Palestinians with, in the corridor between Gaza and the West bank and other assets. This annexation could allow Israel to maintain sovereignty of 81% of Israelis who live beyond the Green Line; on the other hand, the Palestinians offered to exchange 2.4% of land that ultimately allows Israel to maintain 70% of the Israelis.

Essential discussion was held about the fundamental position of Jerusalem in the negotiations. Generally, Israel sought to apply on herself different parameters than those of the rest of the West Bank. In Taba, for example, Israel demanded that the Israelis in East Jerusalem will not be counted as part of the 80% of the settlers that will remain under its sovereignty as written in Clinton’s proposal. On the other hand, the Palestinians, supported by the international position, viewed East Jerusalem as occupied territory, except for the holy places that were treated differently. However, the two parties agreed to accept President Clinton’s proposal regarding the division of neighborhoods in East Jerusalem based on the demographic principle – Jewish

neighborhoods to Israel and Arab neighborhoods to Palestine. The views in respect to the “Historical Basin” and the Old City were divided. Israel offered a special regime in Taba, while the Palestinians clung to its distribution as proposed in Clinton’s proposal (“this principle also applies to the Old City”) that leaves most of the land in their sovereignty.

Another disagreement that remained unsolved was the parties’ attitude towards the “No Man’s Land” in Latrun and Jerusalem that extended over 48 square kilometers. Both parties claimed ownership on the area and were careful to include it on their side on their maps.

Converting the formula Land = Security

Signing the Declaration of Principles (Oslo Accords) did not generate a change in Israeli perception of the connection between the permanent status agreement, land, and security. In Camp David Summit in 2000, Israel sought to keep its sovereignty over “security zones” which were defined after the Six Day War when the “Three No’s” of the Khartoum Resolution reflected the attitude of the Arab world to Israel. Israel disagreed with the Palestinian claim that a permanent status agreement and an announcement on ending the conflict create a different reality that requires a different approach to security. The security zones, according to the Alon Plan from the end of the 60’s and to the Sharon Plan from a decade after, constituted 40-60% of the West Bank area including wide strips of the Jordan Valley, Judean Desert, Jerusalem corridor and areas along the Green Line. Even on fewer lands than that there would not have been a Palestinian “partner” for a permanent status agreement.

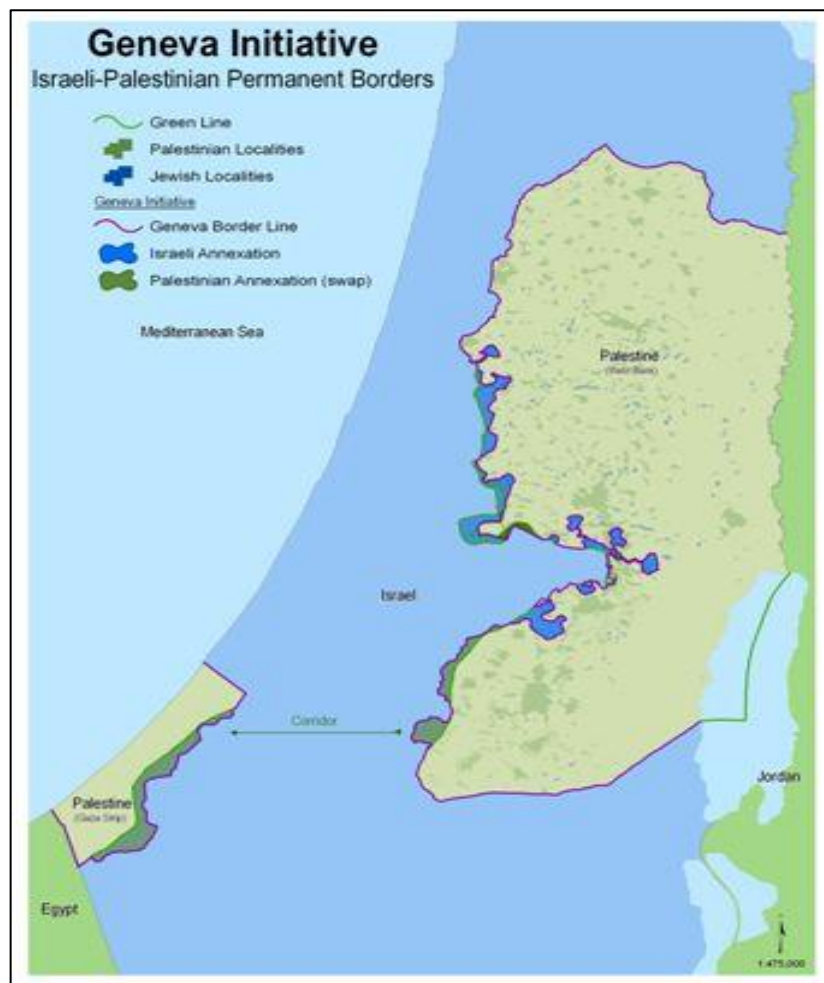
Therefore, Israel had to convert the formula from area=security to security=demilitarization. In return for giving up the strategic depth that the West Bank gives to Israel from a threat from the east, the Palestinians were asked to demilitarize the state and

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disarm it (including fighter jets, tanks, cannons, ships, missiles and more). In the detailed security annex of the Geneva Initiative published in 2008, the demilitarization was translated into a list of security elements. It was agreed that an armed international force composed of four battalions will be build and deployed in the Jordan Valley along the border between Palestine and Jordan, and in the Gaza Strip along the Egyptian border. Israel will subject to the international force a IDF mechanize battalion that will be positioned in the middle of the Jordan. Also, Israel will benefit from two early warning stations, in Baal Hazor and Mount Eival, and from training the air force in the airspace of Palestine.

The dynamics were similar when dealing with the water issue. 23% of the West Bank area has high potential for pumping from the mountain aquifer. These areas' heights are lower than 400m above sea level; therefore, because it's not likely that Israel will have direct control of this area in the permanent status agreements, the parties turned to other solutions for the distribution of water disregarding the border that was set.

Map 1 – The border line between Israel and Palestine



Principles

It's important to remember that a process where parties with different interests are involved does not run smoothly as a process involving projects with a high level of certainty and stability. The negotiation and the progress were redundant. In other words, sometimes the border demarcation was determined by the principles that were established, and other times the principles were established by the maps' drafts. In this manner, the following principles gradually formed and were agreed upon:

The agreement sets a permanent, final border that is known and agreed upon between the two states, Palestine and Israel, in order to develop a final partition of the western, mandatory land of Israel. The intention of the negotiations was to obtain a permanent status agreement that would have been applied immediately. All ideas regarding interim agreements, temporary exchanges of territory, and "triangular" land swaps with Jordan and Egypt were rejected.

The border between Israel and Palestine will be based on the 1967 line, in accordance with Resolution 242 of the Security Council and the outline of President Clinton. The parties agreed that the formula "land for peace" will be implemented as it was in the previous peace agreements Israel signed with Egypt and Jordan. However, it was agreed that the 1967 line will be used as a reference to the new border in accordance with the ideas of land swaps that were proposed in President Clinton's proposal, especially in relation to East Jerusalem.

Land swap will be made on a 1:1 ratio in a manner that serves the interests of the parties; this agreement preserved the perimeters of the Green Line area but not the line itself. It should be emphasized

that this agreement significantly exceeded from Clinton's outline since Israel gave up 3% of the land that was supposed to be annexed at no cost. Arafat, in response to Clinton's outline, rejected the idea but not to the extent of disqualifying the entire proposal; he even sent the Palestinian delegation to Taba. In return, the Israelis managed to remove the "right of return" of refugees from the agreement. Clinton made it clear that "there is not a specific right of return to Israel," however, he stated that "both parties acknowledge the right of the refugees to return to the historic Palestine" or "return to the homeland." The Israeli side at the Geneva Initiative led to a compromise that focused on the practical solution for the refugees, without the use of the term "right of return," resulting in the adaptation of Clinton's idea that requires some absorption of refugees in Israel but under Israel's laws and absorption policies.

Another important point was that the Palestinians demanded that the land swaps will be equal in size and quality (agriculturally speaking). At a certain stage of the negotiations, in relation to measuring the area, the Palestinians asked that the land would be "flattened" with the appropriate software because Israel annexed mountainous regions and asked to compensate the Palestinians with planar regions. These two requests were denied by the Israelis but the Israeli alternative of transferring desert areas was dropped as well.

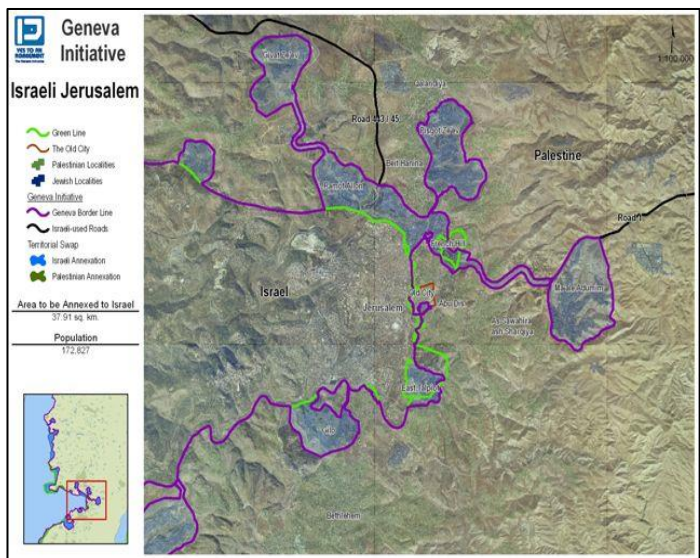
The no man's lands that existed along the 1967 borders will be divided equally between the parties; both their arguments relating to the area that totaled in almost 1% of the West Bank area were valid and the only way to distribute the land was to do so evenly. However, it was agreed that the land would stay under Israeli sovereignty because of its proximity to Jerusalem's corridor and to the access road to the city, and the Palestinians will be compensated in the land swap. This idea was later adopted by the

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parties in the official negotiations in Annapolis.

Both parties will not annex settlements or residents of the other party. This principle promises the Palestinians three major achievements: To prevent Israel from the possibility of demanding “aligning” of the borderline according to the “fingers” big settlements form (such as Giv’at Ze’ev, Ma’ale Adumim, and more) by annexing nearby Palestinian villages; to rule out the possibility the Palestinians strongly oppose – to exchange populated land, meaning Israeli Arabs’ communities would be transferred to Palestinian sovereignty; and finally, to prevent the possibility of leaving extraterritorial Israeli enclaves in the Palestinian state.

Map 2 – Division of East Jerusalem



The essence of the agreements

The basis agreement regarding the main “settlement blocs” formed with the start of the negotiations between Dr. Samih al-Abed, deputy minister at the Palestinian Ministry of Planning and responsible for the territorial negotiations from 1993 until today, and myself. In Taba, the Palestinians presented their proposal for a border that leaves Ariel in the Israeli side but not Ma’ale Adumim and Giv’at Ze’ev. The Israelis named the Palestinian offer “a balloon on a string”; that is to say the built area of Ariel connects to Karni Shomron settlement bloc along road 5 and from there through a narrow road to Alfei Menashe and to Israel. Lt. Gen. Amnon Lipkin Shahak (Res.), the Minister of Tourism back then and a member of the Israeli delegation in Taba, offered that Israel will reassess its view on the annexation of settlements that are over 20km away from the Green Line, such as Ariel. Continuing this refreshing approach, at the beginning of the negotiations it was already agreed that Israel will relinquish the annexation of Ariel and in return the Palestinians will allow Israel to annex Ma’ale Adumim and Giv’at Ze’ev. This agreement was harshly criticized by some of the members of the Palestinian delegation, and there were some failed attempts to change it to different areas. The importance of this agreement became clear when the Palestinians tried to remove these settlements from the maps in the framework of their offer to Olmert in Annapolis. Nonetheless, the assessment back then and today is that in a comprehensive agreement Ma’ale Adumim and Giv’at Ze’ev will remain under Israeli sovereignty.

This agreement refocused Israel on the issue of the Jerusalem “Envelope.” Most of the Israeli population beyond the Green Line lives in that area. Annexation of the main settlements in the area would fulfill the Israeli need to broaden the Jerusalem “Corridor” and prevent the capital from turning into an “Edge City” as it was before 1967. The city benefited from the annexation of Ma’ale Adumim in the East, Giv’at Ze’ev in the North, and Betar Eilit and Gush Azion in the South.

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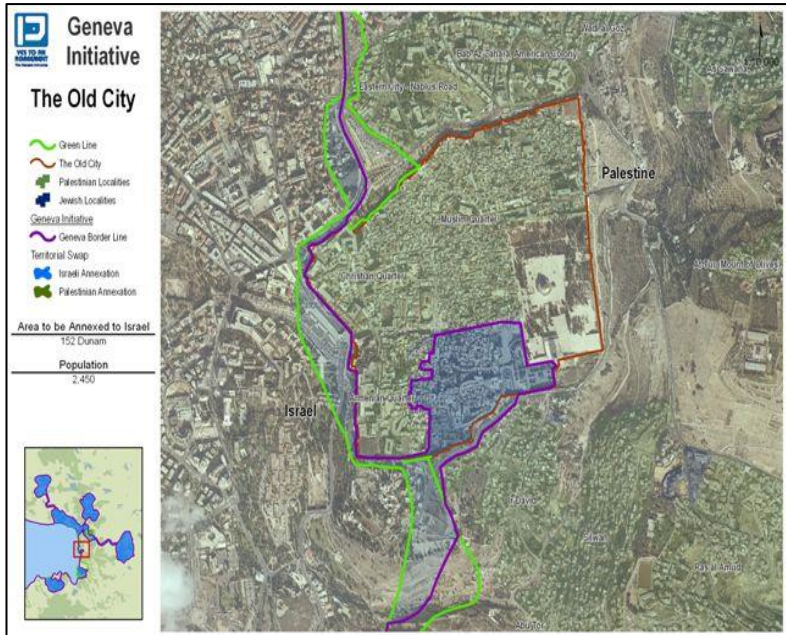
The parties agreed on a land swap of 124 sq km in which each party receives an additional 24 sq km from the no man's land. In practice, Israel received 38 sq km and the Palestinians received 11 sq km, although they were compensated in other areas. Israel annexed 21 settlements and 10 neighborhoods where 75% of the Israeli population beyond the Green Line lives. That is to say, 375,000 Israelis stay in their homes. In return, Israel will transfer 86 sq km of unpopulated area from the Gaza "Envelope" to the Palestinians, which will constitute an addition of 25% to the Strip's land, and from the Lachish region in western Judea (see Map #1).

Clinton's outline was used to solve the issue of Jerusalem – the Jewish neighborhoods will be annexed to Israel and the Arab neighborhoods to Palestine. This rule did not include Har Choma neighborhood because building it in 1996 contradicted the Declaration of Principles in which both parties were committed to avoid establishing facts on the ground during the interim period. The Old City was separated in a way that keeps the Jewish Quarter and half of the Armenian Quarter, where Jews live, under Israeli sovereignty. David Citadel, the Hasmonean Tunnel, and the Jewish cemetery in the Mount of Olives will stay under Israeli control, security, and management, however, under Palestinian sovereignty. In the Temple Mount and the Western Wall the religious managerial status quo became sovereign political (see Map #3).

The "open city" model that was raised in the Taba Summit was used to prevent the establishment of a physical barrier inside the Old City Walls. Finally, special arrangements were established to include international forces in securing the Palestinian part of the Old City, with an emphasis on the Temple Mount.

Map 3 –

The Historical Basin, Old City, and Temple Mount



Summary and Evaluation

The negotiations and the agreements made in the framework of the Geneva Initiative ensured the essential interests of both parties regarding territory. The Palestinians ensured Resolution 242 in the form of “all territories in exchange for peace”; this achievement assists the Palestinian leadership to explain the historic concession of 100% of the homeland in return for 22% of the state in 1988. The Israelis ensured their position of not returning to the 1967 borders and not evacuating the settlements; therefore, the land swap allowed Israel to keep most of the settlers at their homes.

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Enforcing that the land swap will be on a 1:1 ratio promised the Palestinians that in addition to ensuring their interpretation to Resolution 242, the Israeli lands annexed will be of minimal size and little influence on the continuity of the Palestinian state and on the lives of the residents that live near the border with Israel. Sticking to the quantitative criteria and avoiding the quality criteria in the land swap, avoided opening a Pandora's Box that might have harmed the chances to reach agreements, specifically regarding the borders.

On the Israeli side, the annexation of territories to the Gaza Strip relied on two resolutions: First, enlarging the Gaza Strip as much as possible because, nowadays, it only constitutes 7% of the Palestinian territories while 40% of the Palestinians reside there. Secondly, an Israeli internal resolution asked to share with the agricultural sector of the labor movement the burden of the "painful price" required to achieve a permanent status agreement.

The land swap does not necessarily consist of 124 sq km (2.2%). This rate might increase up to 4% but not more than that. That is for two reasons: First, premising the parties are not interested in swapping populated lands, the Palestinians refuse to receive desert lands, and Israel will avoid the evacuation of settlements and necessary infrastructure within the Green Line, the potential land in Israel available for exchange is limited and does not exceed this rate. Secondly, the essence of the land swap does not relate to matters of security, water, or main routes, it relies on the Israeli interior constraint to evacuate as little Israelis as possible in the frame of the permanent status agreement. Land swaps exceeding the 4% rate will result in an Israeli demand to annex settlements that are far within the Green Line; hence, the continuity of the Palestinian state will be damaged as well as the lives of its residents. These demands are not only unacceptable by the Palestinians, but also might lead to future disaster between the parties.

In the beginning of the negotiations, the assessment of both parties was that the issue can be resolved. What was needed was to find the maximum each party can give and minimum it can receive. The “package deal” approach was preferable in this case because it allowed exchanging concessions of different issues and not only regarding one issue. For instance, resolving the territorial issue was made possible also because of the flexibility the Palestinians displayed regarding the security issue.

Some criticize the Geneva Initiative by saying it was enough to set principles and parameters but drawing the maps should be done by official negotiators. That was not the purpose of the Geneva Initiative. The purpose was to consciously show the feasibility of a permanent status agreement relies on the details, not only the principles and declarations. The nuances and interpretations that form the new reality also show if it is reasonable and possible, which might lead to an agreement upon it.

I'll summarize by saying that the Geneva Initiative, in the agreement and later in the comprehensive annexes, showed that there is a border line between Israel and Palestine that answers both parties' interests and constraints. Solely, it may not be a promise to the stability required from the borderline over time, but it does draw, for the first time, a line of possible cooperation between the two states – Israel and Palestine.

54> Historical, political and economic impact of Jewish settlements in the Occupied Territories [IEPN, 06/09]

Introduction

The Israeli settlement movement in the territory of the West Bank is the result of political, social and religious conceptions of Israeli governments and political and social movements. The Six Day War, in which Israel captured the West Bank and the Gaza Strip, opened the way for the construction of settlements in these areas.

As seen in Figure 1, the Begin government was the most active government in terms of construction in the settlements. However, building activity took place in various intensities throughout the years and under all Prime Ministers since 1973.

Historical and political background, 1967-2009

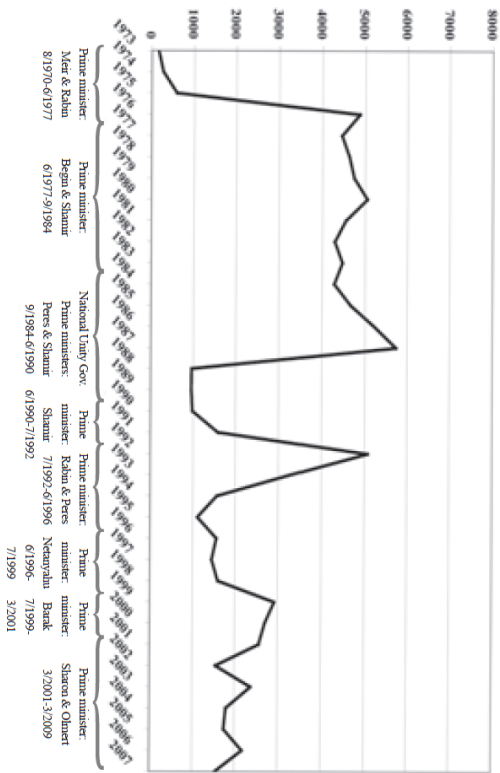
1967-1977 – the Labor Movement's Alon Plan

Following the war, two camps emerged regarding adequate policy toward the newly acquired territories: those favoring the annexation of the territories and their inhabitants, and those who supported maintaining the political and geographic separation. This argument took place, at first, within the Labor movement, which was then the leading party in Israel. At the head of the bloc supporting political and economic integration stood Defense Minister Moshe Dayan and Shimon Peres, both of the Rafi faction.⁸³ Against them, opposing integration, were the heads of

⁸³ Dayan's policy was known as "functional division," while Peres' opinion was known as "functional compromise." As Dayan wrote in a letter to Eshkol,

Figure 1:

Construction Completed – No. of Residential Dwellings 1973-2007



September 1968: “as everyone knows, I do not believe that the border between Israel and its Eastern neighbor, be it Jordan or a Palestinian State, should be East of the Jordan River” (Yecheiel Admoni, *A Decade of Opinion* (Tel Aviv: HaKibbutz Hameuchad, 1992)). And Peres in his book, *And Now Tomorrow*: “the relationship to be decided for Samaria Judea and the Gaza Strip – in a peace settlement or in a interim settlement – must ensure these elements: open borders, a joint economic infrastructure...” (Shimon Peres, *And Now Tomorrow* (Jerusalem: Mabat Books, 1978)).

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Mapai and “Achdut HaAvoda,”⁸⁴ Prime Minister Levi Eshkol, Finance Minister Pinchas Sapir, Public Relations Minister and Chairman of the Settlement Committee, Israel Galilee, and Yigal Alon. The supporters of integration believed that economic integration and freedom of movement for Arabs in all of the Land of Israel serves the interests of Israel and Zionism. The culture and the personal and communal liberties of the Palestinians should be respected, but they should not be afforded the right of self-determination towards an independent Arab state.

Mapai’s supporters wanted to transfer the territories, densely inhabited by Palestinians, to Jordan. They envisioned most of the territory of the West Bank as a political trust, to be maintained by Israel until a peace settlement with Jordan – in which Israel will withdraw from territories densely inhabited by Palestinians.

Yigal Alon’s plan proved to be the most successful. The plan was presented to the government already in July 1967, and its objective was to sustain Israel’s security and Jewish majority, without comprising the rights of the Palestinian population.⁸⁵ Alon planned to realize these objectives by keeping Jerusalem and Gaza under Israeli control,⁸⁶ and by establishing Jewish settlements in the

⁸⁴ Achdut HaAvoda diverged here from its historical standpoint. In 1944, Achdut HaAvoda split from Mapai owing to its opposition to the Biltmore Plan, which suggested establishing a Jewish state on part of the territory of the British Mandate west of the Jordan.

⁸⁵ Alon believed that the territorial compromise should be found in the tension between security and demography. In his books, *Connected Vessels* (Tel Aviv: HaKibbutz Hameuchad, 1980) and *Driving for Peace* (Tel Aviv: HaKibbutz Hameuchad, 1989) he writes that “we should not return to the 1967 borders, because unsecured borders ensure certain war in the near future.” However, he insists that he always opposed a bi-national state.

⁸⁶ Alon, like the rest of the leadership, was interested in a “unified” Jerusalem as per the June 26, 1967 government decision, which added

Jordan Valley and the eastern parts of the Judean Desert and Samaria. Alon also proposed that the Jordan River and the Dead Sea should be the border between Israel and the Kingdom of Jordan. In order that this border will function in practice and not only on paper, he recommended the annexation of a ten- to fifteen-kilometer strip along the Jordan Valley. The Western border of the Jordan Valley had to be based on a line of suitable topographical outposts, while refraining from including a large Arab population in these territories. Although the Israeli government did not adopt the Alon plan, it did begin the transformation of the Jordan Valley into a settlement zone, in order to protect the east border from a possible Jordanian-Syrian-Iraqi coalition (“the Eastern Front”).

In the west border of the West Bank, which was densely populated with Palestinians, Alon wished to alter the Green Line slightly, while in the center of the West Bank, which was densely populated by Palestinians, he demanded that the government refrain from establishing Jewish settlements, and believed that the territory be maintained for an autonomous Arab area as part of a future permanent agreement.⁸⁷ Alon, together with his Prime Minister, Golda Meir, hoped to include all of these policies in a peace agreement with Jordan (see Map #1).

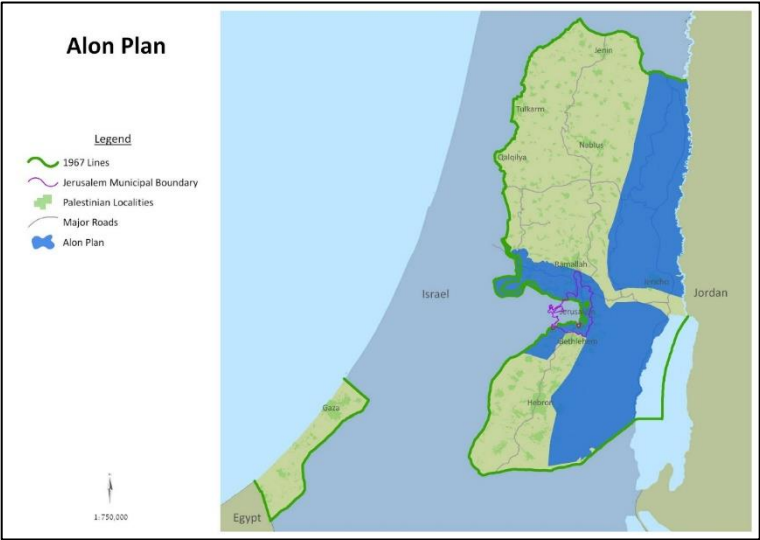
After a decade of Labour Alignment (“Maarach”) government, and on the eve of the political upheaval of the 1977 election, there were

70,000 dunam of West Bank territory to western Jerusalem, including East Jerusalem, which was only 6000 dunam. The government decided not to decide – it did not approve or reject the plan, but it acted upon it.

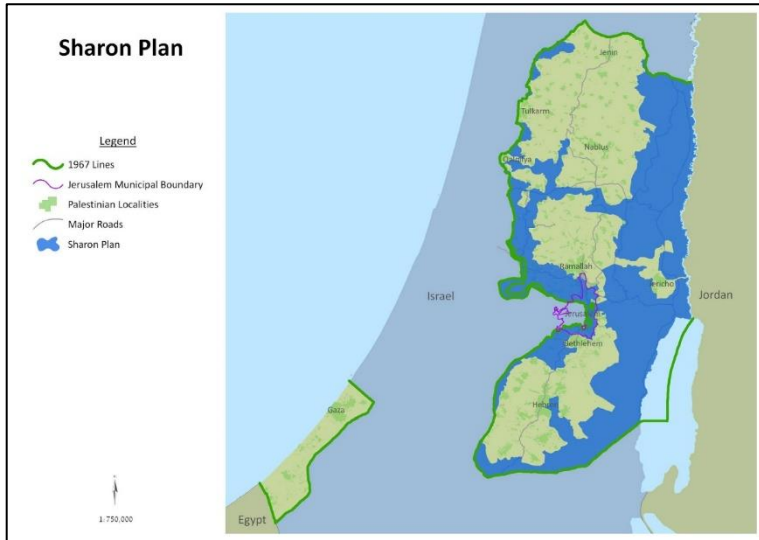
⁸⁷ In spite of this standpoint, Alon decided to establish a Jewish neighborhood near Hebron in January 1968. Kiryat Arba was subsequently established and was populated in 1971. In addition, in 1974, Alon proposed the “Jericho Plan,” stipulating that Israel return Jericho and its environs to Jordan in exchange for an interim agreement similar to those achieved with Syria and Egypt in the same year.

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6,000 settlers living in the West Bank and the Gaza Strip (not including East Jerusalem), in 28 agricultural settlements. They resided in only three areas: most of them in the Jordan Valley – the eastern security zone, and the rest in the Etzion Bloc and the Gaza Strip.



Map 1



Map 2

1977-1993: Sharon's plan and its implementation

Ariel Sharon was nominated as Minister of Agriculture of the first Begin government in June 1977. He then had another political-executive role: Chairman of the Ministers' Committee for Settlement.⁸⁸ Sharon wanted to dedicate his term to the Jewish settlement of the territories captured in the Six Day War. He believed that the military occupation is temporary, and that the country's borders will eventually be determined according to the settlement and demography. He saw this approach as a natural continuation of Mapai's settlement ideology, and opposed the political and legal differentiation between the period before the

⁸⁸ Government decision 803 of July 27, 1977 reads: "the government authorizes the Settlement Committee, run jointly with the Zionist administration, to decide on the establishment of new settlements."

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State of Israel was established and the period in which the Jewish people already had its own independent state.

Already in September 1977, Sharon submitted his plan to the security cabinet, which convened for a special discussion on the future of Judea and Samaria. He believed that this plan will help solve fundamental problems confronting Israel on its eastern border. The first problem was the expansion of the Palestinian population, which was growing faster than the Israeli population, to areas west of the Green Line, which already had less presence on the ground. He also ascribed much importance to the topographic control of the highlands of the West Bank and the western slopes of Samaria over the densely populated coastal plane, and Israel's lack of strategic depth against the Eastern Front.⁸⁹

The plan included a number of elements, some of which were already included in Yigal Alon's plan and implemented, and others included in Moshe Dayan's "urban blocs plan," which was not approved at the time. One of these elements was the establishment of urban settlements on the highlands and the western slopes of Samaria. These settlements were supposed to prevent a trickling of Palestinian population into Israel, to set up a Jewish partition between the Palestinians and the Israeli Arabs residing in Wadi Ara and the "small triangle," and to control key hills overlooking the coastal plane and the airport at Lod.

Sharon chose urban settlements because they were relatively easy to set up, market and populate, as opposed to the agricultural character of Israeli settlement in the Jordan Valley, the Etzion Bloc

⁸⁹ On September 23, 1977, three days before Sharon's plan was presented, journalist Aharon Bachar revealed in *Yediot Ahronot* that the plan is based mostly on a work paper, called the "double array," submitted by architect Avraham Vachman in January 1976 to Prime Minister Rabin, who rejected it. In Nir Hefetz and Gadi Bloom, *The Shepherd* [Hebrew] (Tel Aviv: Lamiskal, 2005), p. 314.

and the Gaza Strip. The settlements in these areas were established according to Alon's plan, which continued the tradition of the Labour Movement. Also Shimon Peres, who supported the integrating approach, like Sharon and as opposed to Alon, saw a certain importance in the western security zone. He believed that "the settlement in the western slopes of the Judean and Samarian mountains liberates us of the curse of Israel's narrow middle..."⁹⁰

Another element of the plan was the completion of the chain of Jewish settlement established by the Alon plan along the Jordan, from Beit She'an to the Dead Sea, including the "terrace" west of the Jordan Valley, in order to create a separating security zone versus the eastern front and a demographic separation in the territories which were emptied of Palestinians, between the residents of the West Bank and the East Bank. This element was also called "the Eastern Security Zone" by Sharon.

The element of widening the Jerusalem corridor was present in Alon's plan, but it was not implemented. The intention was to strengthen Jerusalem and to separate the northern and southern parts of the West Bank, using a belt of Jewish Settlement and neighborhoods surrounding Arab East Jerusalem, from the Etzion Bloc and Efrat in the south, Ma'ale Edumim in the east and Beit El and Ofra in the north.

The paving of East-West roads to connect the Eastern and Western Security Zones was another part of the plan, mostly for the transfer of forces to the east in times of emergency, and establishing Jewish settlements along the roads in order to secure them.⁹¹

⁹⁰ Shimon Peres, *And Now Tomorrow* (Jerusalem: Mabat Books, 1978).

⁹¹ Government decision 262 of January 3, 1978 states: "to approve the building of roads in Judea and Samaria according to the proposal of the Agriculture Minister and according to the map presented to the

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The government approved the plan in October 1977 and it was presented to the Knesset in November (see Map #2). The government's approval of Sharon's plan included the required funds for ensuring Israel's security and for delineating its permanent borders according to Sharon's world-vision. As opposed to Alon and Rabin, who believed that the areas of dense Palestinian population in the central West Bank and near the Green Line should not be controlled by Israel and should be maintained as is for a permanent agreement, Sharon believed that they should be weakened and split up, to facilitate Israeli political and military control over the West Bank and the Gaza Strip.

Gush Emunim was an active partner of Sharon and the Likud government headed by Begin. The worldview of the movement, set up in 1974, was based on the beliefs of Rabbi Avraham Yizhak HaCohen Kook, the founder of Israel's Chief Rabbinate, and his son, Rabbi Zvi Yehuda Kook, founder of the Merkaz Harav Yeshiva. The former believed that the holiness of the Land and people of Israel is eternal, and that the Zionist movement heralds the coming of the Messiah. Therefore, the establishment of the State of Israel is an important step on the way to redemption, which had begun with the modern return to Zion, and the conquests of the Six Day War and the unification of Jerusalem are an important phase of the Messianic process. Consequently, the members of this movement perceived the settlement of the Gaza Strip, the Golan Heights, the West Bank and Sinai to be their religious duty.⁹²

In seven years and with the aid of Gush Emunim and its heirs, Sharon established sixty-seven Jewish settlements in the West Bank. At first, most of them were no more than a handful of tents and shacks, but these created the physical and legal basis for the

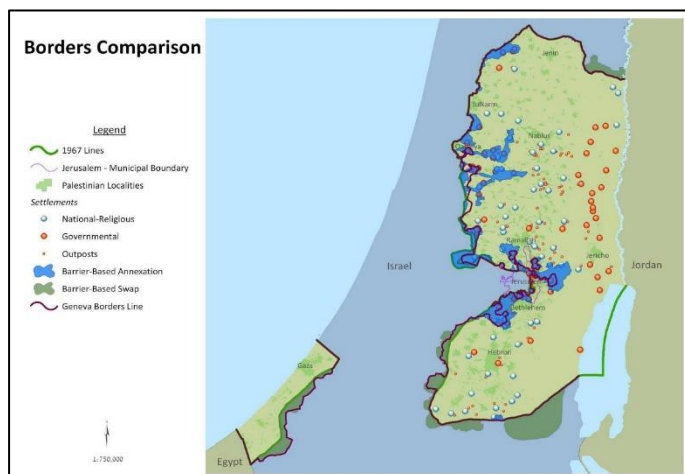
government.”

⁹² For further details see Idit Zartal and Akiva Eldar, *Lords of the Land* (Or Yehuda: Kineret Zmora Bitan Dvir, 2004), pp. 258-267.

settlement of a quarter million Israelis in the West Bank, not including East Jerusalem, by the end of 2005. The Jewish settlement movement created a dispersed settlement pattern, breaking up blocs of Palestinian settlement. However, this did not create dominant Jewish control – in terms of the size of the Jewish population compared to the Palestinian, or of the territory which the Jewish settlements occupied in practice. The Israeli settlements paralleled those of the Palestinians and were not continuous with them. They were based on urban settlement, not agricultural, spread out on the mountaintops, not on their slopes, and were supported by roads connecting them to Israel, and not to the Palestinian towns.

On the eve of the 1992 elections, which brought about the political upheaval of the fall of Likud and the nomination of Rabin as Prime Minister, the number of settlers in the territories – not including East Jerusalem – came to 109,100, living in 122 settlements.⁹³ Sharon's security-oriented settlement policy and the messianic settlements set up in the heart of Judea and Samaria, densely inhabited by Palestinians, created a new reality, with which Rabin had to contend in the Oslo Accords. Sharon himself confronted it when he attempted to delineate the borders of Jewish settlement with the security fence.

⁹³ Central Bureau of Statistics (CBS), *Israel Annual Statistical Review*, 1993.



Map 3

1993-2009: Expansion and growth in a time of political negotiations

The Oslo Accords signed between Israel and the PLO in September 1993 were supposed bring a halt to the growth of the settlements, so as to refrain from changes which may influence the inal agreements. On the one hand, Israel's governments headed by Rabin, Peres, Netanyahu and Barak did in fact abstain from establishing new settlements, but on the other hand they approved or allowed the doubling of the number of Israelis living in the settlements in those years and turned a blind eye to the outposts set up with the sponsorship of the Settlement Department of the Zionist Federation, which receives its budget from the government.⁹⁴

⁹⁴ See Attn. Talia Sasson's outposts report.

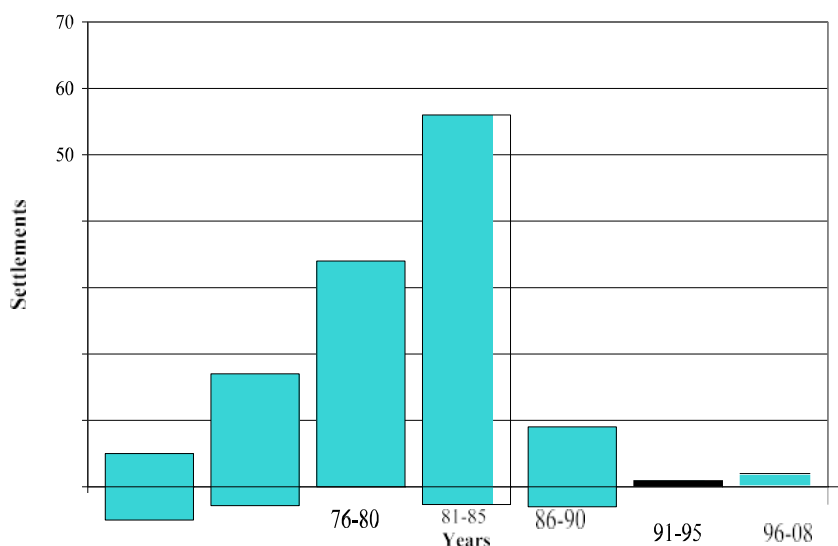
Sharon's rise to power in 2001 did not change the policy towards the settlements; however, President's Bush letter of April 2004, recognizing the new reality created in the territories by the settlements, was understood by him as a green light for the strengthening of existing settlements. Accordingly, during his term as Prime Minister and the term of his successor Olmert, the settlements' population grew by some 100,000 people. In exchange, Sharon evacuated all of the Jewish settlements in Gaza and another 4 settlements in northern Samaria in the Disengagement Plan.

From the negotiations Israeli governments have held with PLO, it is clear that the location of the settlements and their size shape Israel's stance concerning the future border. The Israelis currently demand the annexation of 8% of the West Bank, which include some 82% of the Israelis living outside of the Green Line, including East Jerusalem. The Palestinians acquiesce to only 2.5% of the area, including some 75% of the settlers. In any scenario most of the settlers remaining under Israeli sovereignty will be secular or ultra-Orthodox, living in settlements close to the Green Line, while settlements of the National Religious sector located in the central West Bank will be natural candidates for evacuation, in order to allow geographic continuity for the Palestinian state (see Map #3).

Construction in the West Bank, 1967-2007

More than half (56%) of the settlements were built between 1977 and 1983 by Menachem Begin's right-wing government. Other Israeli governments promoted the building of new settlements, but the greatest number of settlements were founded in 1983, a total of 15 during one year. Moreover, according to Figure #2 settlement activity declined dramatically after 1985.

Figure 2: Number of new settlements established [1967-2008]⁹⁵



With respect to changes in number of construction projects completed annually, in Figure #3 we can observe a continuous rise between the years 1967 and 1987. This trend was maintained irrespective of the party in power, whether Labour (then known as the Labour Alignment) to the left or the Likud to the right of the political map.

Between 1987 and 1989, we can observe an acute decline in the size of construction areas: from 945,000 sq m in 1987, to 649,000 sq m in 1988 and 188,000 sq m in 1989. We assume that this drop resulted from a sharp decline in demand for purchase of residential dwellings in the West Bank, following the outbreak of the first Intifada in late 1987. This trend cannot be attributed to any political strategy given that a National Unity Government, headed

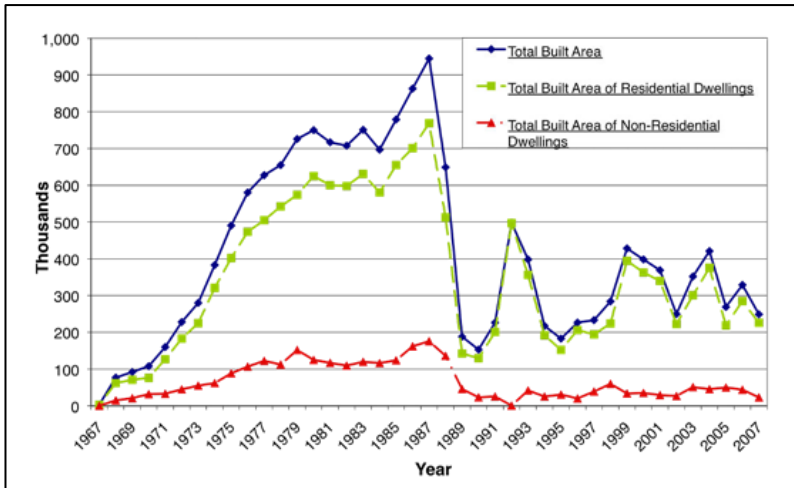
⁹⁵ Source: CBS, *Localities in Israel 2007* (Jerusalem, 2008), http://www1.cbs.gov.il/ishuvim/ishuvim_main.htm

by Likud's Yitzhak Shamir, was in power until December 1988.

Following this decline in completed built area, construction in the West Bank did not recover or even return to the level reached during the 1980s (at the time, average construction completed was 705,000 sq m annually; between 1990 and 2002, it averaged 297,000 sq m annually). Short-term changes in construction completed can nonetheless be observed between the early 1990s and 2002: 1990 exhibited the greatest plunge, with 153,000 sq m of construction completed; a peak was reached in 1992, with 498,000 sq m completed. In July 1992, the late Yitzhak Rabin took the reins of government, accompanied by an immediate drop in construction completed until it reached its low in 1995, with 183,000 sq.m of completed construction. In the following years, the rate of construction recovered until it reached its second peak in 1999 (the year when the Netanyahu government was replaced by Barak and Labour), with 428,000 sq m completed. The rate of construction completed subsequently declined once more, also during the first Sharon government. We may assume that the Al-Aqsa Intifada significantly contributed to that reversal.

Figure 3:

Construction completed, 1967-2007 (000s sq m)



With respect to the number of dwellings constructed in the West Bank, as early as 1976, 5,000 units had been completed, at an annual rate left unchanged until 1987 (the number of units completed annually ranged from 4,300 at its low in 1984 to 5,700 at its peak in 1987). The decline in dwellings completed began in 1988, when the rate slumped to 960 dwellings, and continued at that rate for 3 consecutive years, until a mild revival was experienced in 1991, culminating in an increase to 5,000 residential units in 1992. This trend was relected in the amount of built area, with the space devoted to residential dwellings much lower in the 1990s than in the 1980s or the 1970s: an average of 2,100 residential units were constructed annually during 1992-2002 in comparison to 4,750 units constructed annually during 1987-2002.

Table 1:

The total value of the buildings and infrastructure constructed in the West Bank in terms of cost

Building Use	Units	Area (Sq. m)	Current cost value (US\$)
Municipal Institutions			
Public Institutions	656	757,058	578,050,417
Synagogues	322	187,620	143,256,740
Ritual Baths	119	18,383	14,036,377
Sports Facilities	232	525,025	400,881,936
Parks	189	843,643	
Shelters	54	13,649	10,421,799
Education			
Kindergartens	255	636,081	485,678,498
Schools	237	661,980	505,453,460
Colleges	11	204,903	156,453,562
Libraries	24	15,336	11,709,717
Residential			
Dwellings	39,483	3,995,100	5,538,140,571
Houses	18,462	3,942,050	6,048,578,741
Caravans	5,539	56,750	116,612,861
Industry and Commercial			
Gas Stations	29	15,970	8,488,108
Shopping Centers	140	251,715	191,318,964
Industry	427	1,247,771	759,612,143
Hotels & Hostels	138	362,818	270,571,807
Agriculture			
Dairy Barns	133	762,088	388,419,246
Farms	243	12,617,860	
Water Towers	54	30,826	3,092,369
Roads and Infrastructures			
Internal roads (meters)		774,521	1,160,365,311
Intercity roads (meters)		307,900	889,448,104
Water, Sewage and Canalization Pipes (m.)		615,700	267,182,864
Power Lines (meters)		615,700	26,639,934
Total		13,685,124	17,974,413,528

Buildings and infrastructure constructed in the West Bank

The bulk of construction within the West Bank is residential:

residential built area totalled 14.3 million sq m; built area for other purposes totalled 2.6 million sq m. By 2007, a total of 97,530 dwellings had been constructed, 65% of which contained three or four rooms. On non-residential plots, a total of 795,000 sq m of built area was dedicated to industry, 764,100 sq m to education and culture as well as 1,321,000 sq m to public buildings.

As seen in Table #1, the total cost of construction in the settlements is almost 18 billion US dollars, of which more than 11 billion were spent on constructing residential areas. For the valuation of the construction in the settlements, a set of 185 aerial photographs was used to make a detailed evaluation of the infrastructures and the built up areas.

Population

By the end of 2007, the total Jewish population had reached 276,045 in the West Bank, representing 5 percent of the Israel's Jewish population and 3.8 percent of Israel's total population.⁹⁶ The median age among the settlement population – 20.6 – is the youngest of any segment of Israel's population.⁹⁷ Annual average population growth rate among the settlers, 5.6 percent, is three times that for Israel as a whole, 1.8 percent.⁹⁸ The rate of natural population growth was even greater: While total natural increase (Arabs included) in Israel was 1.57%, among the settlers it was

⁹⁶ CBS, Statistical Abstract of Israel, No. 59 (Jerusalem, 2008), Table 2.7.

⁹⁷ Ibid., Table 2.10.

⁹⁸ Ibid., Table 2.4.

3.5%, more than double.⁹⁹

Settlement budgets and sources of financing

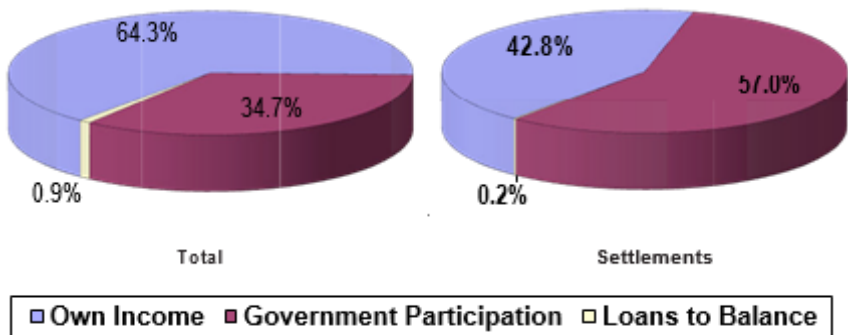
The 2006 budgets of the local settlements authorities were approximately US\$ 456 million, of which about US\$ 373 million relected the ordinary budget and 83 million the extraordinary budget.¹⁰⁰ This amount is 4.1% of the total budget of all local authorities and a bit higher than the number of settlers in the total population (3.8%).

Despite the slight difference between the proportion of settlers and the settlement's budgets as a percentage of the total budget of all local authorities in Israel, Figure #4 reveals signiicant differences in the internal composition of the ordinary budget. As clearly shown, own income as a percentage of the ordinary budget in the settlements is almost two thirds the percentage of own income in the ordinary budgets of all the local authorities (42.8% and 64.3% respectively). This trend is reversed with respect to government participation in the ordinary budgets: In the settlements this source of income reaches 57% whereas in all local authorities it reaches only 34.7%, about 22.3% less than in the settlements.

Figure 4:

Structure of the income:

Local authorities' ordinary budget, 2002¹⁰¹



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It can readily be concluded that the Ministry of Housing and Construction as well as the Ministry of National Infrastructure (formerly the Ministry of Energy and Infrastructure) have been very generous to the settlements, especially when we take into account that 95% of the Ministers of Housing since 1979 belonged to right-wing parties¹⁰² and that the Ministry of National Infrastructure was headed by left-wing minister during only 7 years since 1977.¹⁰³ It should also be noted that many of the funds belonging to the “Contributions” item were donated by ideological supporters residing in Jewish communities abroad, although no exact figure can be quoted.

The figures cited previously do not accurately represent total government allocations enjoyed by the settlements. In effect, the settlements have benefited from other incomes, transmitted through numerous “hidden” channels that have been kept in the shadows and were not made public for political reasons.

One of these channels is the Rural Building and New Settlements Districts Administration, located in the Ministry of Construction and Housing. For example, between 2000 and 2002, through several of the Administration’s regional councils, the settlements received almost US\$ 68.2 million or about 47 percent of the Administration’s budget.¹⁰⁴

¹⁰² www.knesset.gov.il/govt/heb/minlist.asp.

¹⁰³ www.knesset.gov.il/govt/memshalot.asp.

¹⁰⁴ A. Lupowitz, *Budgets of the Rural Building and New Settlements Districts Administration* (Jerusalem: Research and Information Center of the Knesset, April 2003).

Conclusion

The Six Day War created a situation on the ground allowing Israel to build settlements and populate them. In the first decade after the war the building activity was relatively restricted, and was limited to areas of sparse Palestinian population. In terms of geographical spread, the settlements built were mostly intended to counter security concerns with the “Eastern Front.”

With the rise of the Likud governments, settlements were established over a much wider area, including areas of dense Palestinian settlement and with limited security value. This settlement activity continued, even by governments which conducted intense negotiations over peace accords with the Palestinians; the main difference was that these governments refrained from establishing new settlements, while allowing the expansion of existing ones. In addition, the budgeting towards the infrastructure of settlements was always generous. As Claire Spencer wrote recently: “pursuing settlement activity has been a constant of Israeli governments, whatever their political persuasion.”¹⁰⁵

In the past twenty years, despite ongoing peace negotiations, the population of settlers in the West Bank has more than doubled, at a growth rate much higher than that of the general Israeli population. This increase could not have been achieved without the active support of all of the Israeli governments in this period.

¹⁰⁵ Claire Spencer, *New Challenges for EU-Israel Relations after the Gaza War*, Israeli European Policy Network (IEPN), 2009.

55> Towards a final settlement in Jerusalem: Redefinition rather than Partition [Strategic Assessment, 06/05]

The ninety-nine papers and proposals formulated during the twentieth century regarding the future of Jerusalem¹⁰⁶ testify to the importance of the city for Judaism, Christianity, and Islam – and to the ongoing battle of interests being waged between the diplomatic and political representatives of these three religions. Each of the proposals considers the local and global balance of power in the boundaries of the city and attempts to ensure freedom of worship and internal management of the holy places.

The major issue of contention regarding political control of Jerusalem was and is the Temple Mount. It seems that for the extremists of all three religions any arrangement is regarded as a temporary one, until the conditions ripen for a realization of the spiritual ideal. Over the last decades the religious tensions already evident in the city were intensified by the nationalist tensions of the Israeli-Palestinian conflict, which were aggravated by the sides themselves and even by additional groups in the Muslim and Christian world.¹⁰⁷

In addition to claims to the holy sites, a large part of the Israeli public regards a unified Jerusalem in its present borders as a single entity and opposes its partition.¹⁰⁸ This position was formalized in

¹⁰⁶ As listed by Ruth Lapidot, Moshe Hirsch, and Devorah Hausen in their book *Jerusalem – Where To?* (Jerusalem: Jerusalem Institute for Israel Studies, 1999).

¹⁰⁷ See *A Review of Positions in Peace Settlements for Jerusalem* (Jerusalem: Teddy Kollek Center for Jerusalem Research, Jerusalem Institute for Israel Studies, 2000).

¹⁰⁸ Although since May 2000 more Israelis have agreed to partition, and the dispute is about the extent of the division.

the mythical status awarded to these boundaries as a result of the legislation, “Jerusalem: The Capital of Israel, 1980.” Against this Israeli attachment to the idea of a unified Jerusalem lie Palestinian religious and nationalist claims to the city. Are the State of Israel and the Jewish nation thus inevitably called on to partition Jerusalem and yield its holy places in order to overcome one of the substantive obstacles to an end to the conflict with the Palestinians, or might perhaps a solution to the question of Jerusalem’s boundaries lie in their redefinition.

Indeed, the regional conditions created as a result of the diplomatic process between Israel and the Arab world may permit the establishment of a diplomatic solution in Jerusalem between the Palestinians and the State of Israel, based on the status quo in the holy places. In envisioning a practical solution for both sides, this essay will define the boundaries of Jerusalem through two stages. The first stage offers a model for temporary management of a unified Jerusalem, which considers Israel’s security needs, the fabric of Palestinian life in East Jerusalem and the West Bank, and the need for the sides to resume negotiations. This represents an interim solution until a permanent agreement on Jerusalem is achieved. In a final settlement, because of the overlap between the religious significance and the administrative control in most of the sites, a territorial solution must be based as far as possible on adapting the diplomatic status to the religious status of the holy places. To this end, the essay proposes a different kind of organization of the sites. Finally, the remaining area of the city should be defined in accordance with the criteria formulated during previous negotiations and summarized in the Clinton proposal of December 2000.

A Unified City?

Jerusalem, crowned the capital of the kingdom of Israel after its conquest by King David circa 1000 BCE, remained under Jewish political sovereignty for nearly 500 years and religious control for

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slightly more than 1,000 years. Its initial area was approximately eight and a half to ten acres. By the end of the Second Temple period, in the year 70 CE, Jerusalem reached new heights in development, expanding to about 550 acres; municipal boundaries of this magnitude resumed only in the mid-nineteenth century.

Since the era of King David and throughout the millennia, Jerusalem has served as a symbol of Jewish identity and Jewish heritage. Once Christianity was declared the official religion of the Roman empire, the city as a whole and specific churches in particular acquired religious significance for the Christians. The Muslims sanctified Jerusalem shortly after their conquest of the city in the seventh century. Although they never declared it a capital city of any kind, they enjoyed religious and political control over it for almost 1,400 years. The areas of religious and historical significance for Judaism, Christianity, and Islam are spread out over less than 500 acres, and comprise only 1.5 percent of unified Jerusalem's 32,000 acres.

The 1948 war of Independence left Jerusalem's Old City without Jewish residents and under Jordanian rule for nineteen years,¹⁰⁹ until Israel conquered East Jerusalem and the entire West Bank and redrew the boundaries of the city. Regarding the holy sites in Jerusalem, the Israeli military government decided to maintain the status quo.¹¹⁰ The Christians were given de facto sovereignty over the Church of the Holy Sepulchre and parts of the Christian Quarter of the Old City. Most of the Temple Mount was left in

¹⁰⁹ The Jordanians violated their commitment regarding freedom of access to the holy sites and desecrated the Jewish cemetery on the Mount of Olives.

¹¹⁰ The founders of political Zionism were aware of the sensitivity of the holy places in Jerusalem. Herzl supported internationalization of the holy places, and Weizmann opposed including the Old City of Jerusalem in the Jewish state.

Muslim hands, and Jews were granted free access to the Western Wall and to the walls of the Temple Mount. Jews were permitted to visit the Temple Mount but not to pray there. In addition, no flags bearing symbols of sovereignty were raised in the precincts of the Temple Mount. As to the legal status of united Jerusalem,¹¹¹ the majority of the international community has accepted Israeli control of the western part of the city but not the eastern part.¹¹² Although Israeli authorities regard the eastern portion of Jerusalem as part of the State of Israel,¹¹³ the international community has rejected this approach.¹¹⁴

The extension of Jerusalem's jurisdiction in 1967 was not undertaken according to protocol, with the minister of the interior setting up a commission of inquiry and holding an ordered discussion on the matter, but by an amendment to the "order for arrangements of rule and law" of September 1948, whose wording (clause 11b), permitted completion of the "unification" seventeen days after the end of the war. The order, published the following day by the government secretariat, specified a municipal line that did not appear on a map but referred to imaginary lines between points of reference. In no place in the judicial proceedings does the name of Jerusalem appear, and the government's desire to hide and blur the annexation, out of fear of a grave international response, is evident.

¹¹¹ *Jerusalem: Legal Aspects* (Jerusalem: Jerusalem Institute for Israel Studies, 1999).

¹¹² UN Security Council Resolution 242, November 1967, demands Israeli withdrawal to the 1967 borders, which include the western part of the city only.

¹¹³ According to Basic Law: Jerusalem, the Capital of Israel, 1980, which repeated the Law on Amending the Law and Administration Ordinance (No. 11), 1967.

¹¹⁴ Just as it did not recognize the Jordanian annexation in 1950.

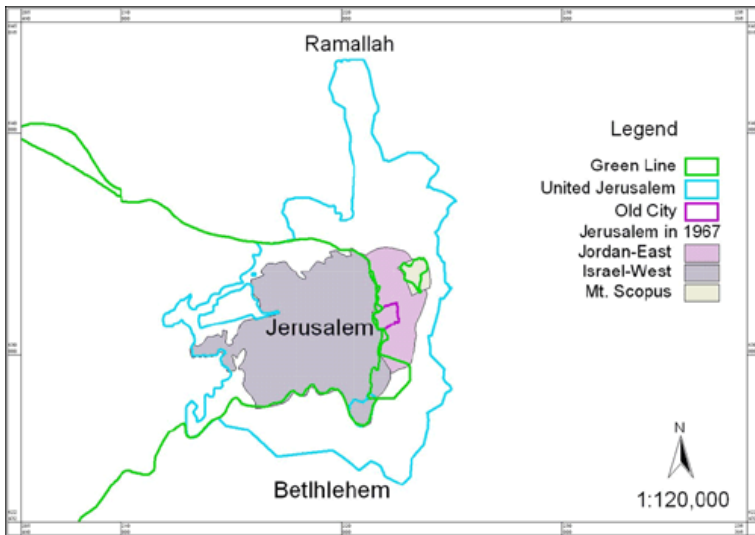
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In essence, there were five major principles that determined the new boundaries of the city.¹¹⁵ The first and most important principle was demographic-territorial: annexing extensive areas to Jerusalem in order to ensure its expansion and development, while avoiding inclusion of densely populated refugee camps and Arab villages within the precincts of the city. In practice, the total area annexed to Jerusalem came to 17,500 acres, of which only about 1,500 acres were Jordanian Jerusalem. The rest of the area belonged to twenty-eight villages, a small number of which were annexed in full and the rest in part (Map #1). The number of Palestinians who overnight became residents of Jerusalem and the holders of Israeli identity cards was 69,000, representing 23 percent of the population of the unified city. The annexation, intended to allow for the construction of Jewish neighborhoods that would thwart any attempt to repartition the city,¹¹⁶ resulted in the expropriation of 5,250 acres of the area annexed, but the remaining area was rapidly filled with a Palestinian population. The number of Palestinian residents is currently 231,000, representing 33 percent of the unified city population. The number of Jews living in the ten Jewish neighborhoods of the post-1967 addition is 179,000, representing 40 percent of the Jewish population in the entire city.

¹¹⁵ Anna Hazzan, *The Boundaries of Jurisdiction of Jerusalem 1948-1993* (Jerusalem: Jerusalem Institute for Israel Studies, 1995).

¹¹⁶ Ibid.

Map 1: Jerusalem's Borders after 1967



The second principle was to separate Jerusalem economically from its West Bank environs. In practice, however, East Jerusalem has remained the urban and economic heart of the West Bank. The largest population in the West Bank, about 800,000 Palestinians, is concentrated in East Jerusalem and its suburbs, and significant economic activity is also present in the area.

The third principle was strategic/security oriented. Since those dealing with the subject were convinced that the boundaries they drew would be the borders of the state in the near future, they included a significant portion of the hilltops surrounding Jerusalem. In practice, over the years Israel built new neighborhoods on these hilltops – Ramot Alon and Ramat Shlomo in the north and Gilo in the south – so that today Mount Gilo in the south, Nebi Samuel in the north, and the outer heights of Ma’ale

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Adumim in the east, outside the boundaries of the annexation, are those commanding the city that has expanded.¹¹⁷ In the Camp David negotiations, the Palestinians accepted the demilitarization of their future state and its independence of a foreign army and heavy weaponry. As such, Israel's security needs are reduced to defense against terrorism, which does not obligate the annexation of the Palestinian areas to the city, and certainly not the areas outside the city protected by the security barrier. In fact, the very removal of densely populated Palestinian regions from the boundaries of the city will only alleviate the security solution required for daily life in Jerusalem.

The fourth principle was to include within the city boundaries important facilities such as the Atarot Airport, the slaughterhouse in Shuafat, and the cemetery in the Mount of Olives. In practice, the airport is currently not being used nor is it needed, the slaughterhouse has ceased operation, and few burials take place on the Mount of Olives, although the site retains religious and historical significance.

The fifth principle was to consider ownership of land and previous land arrangements. In practice, areas that lay within the boundaries of the municipalities of Bethlehem, Beit Jalah, and Al-Bireh were annexed as part of the 5,250 acres of Palestinian land and expropriated for the construction of Jewish neighborhoods. Although according to the 1950 Israeli law on abandoned assets the government could have expropriated the land and private property of the Palestinians, it avoided this measure. However, to advance construction of the separation fence, on April 8, 2004, the Israeli government authorized the expropriation from their legal owners of private property valued at millions of dollars, without right of

¹¹⁷ They are all currently included or planned within the region of the security fence.

appeal.¹¹⁸ In negotiations between Israel and the Palestinians in the Taba talks of January 2001, which were based on the Clinton proposal of December 2000, understandings were reached that the Jewish neighborhoods would remain under Israeli sovereignty in a final settlement.

Herein lay the five principles that governed the idea of the expansion of the city. Despite thirty-eight years of “unification,” however, Arab East Jerusalem is de facto separate from the western part of the city and from the Jewish neighborhoods in the east.¹¹⁹ Infrastructure standards are entirely different: 50 percent of East Jerusalem is without water mains and drainage systems, and 50 percent of East Jerusalem lands have no detailed and approved zoning plans, which makes the planning of roads and infrastructures and the provision of construction permits in accordance with zoning plans difficult at best. Despite the virtually unrestricted access by Arab labor to the Jewish employment market in Jerusalem, the reality is two sectoral employment markets in the two parts of the city.¹²⁰ The same applies to the transportation and education systems.

Only 6,000 people, a small percentage of Jerusalem’s Arab population, exercised the option of acquiring Israeli citizenship in addition to their status as Israeli residents. The Palestinians pay taxes and enjoy the services and benefits given to all Israeli residents, but in actuality they only apply to the state authorities

¹¹⁸ Meron Rappoport, *Ha’aretz*, January 22, 2005. Execution of this decision has been suspended by the Attorney General.

¹¹⁹ As described by a study group on Jerusalem, *Peace Settlements for Jerusalem* (Jerusalem: Teddy Kollek Center for Jerusalem Research, Jerusalem Institute for Israel Studies, 2000).

¹²⁰ Virtually no Arabs from East Jerusalem are accepted for work in hi-tech, and employment is limited primarily to textile, metal, footwear, and stone industries.

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when they have no alternative. They boycott the municipal elections, and those who have another address outside Jerusalem voted in the elections for the chairman of the Palestinian Authority and the Palestinian Legislative Council held in January 1996, and in the elections for the chairman in January 2005.

This reality and the progress in the negotiations at the Camp David Summit in July 2000 dictated Clinton's proposal for a final settlement. Clinton's approach departed from the traditional American position that regarded new municipal administrations and new Jewish Jerusalem neighborhoods as temporary measures that would not affect the current or future status of the city in negotiations for a permanent settlement.¹²¹ Clinton proposed partitioning the city according to the principle that Arab areas are Palestinian and the Jewish ones are Israeli. This principle would similarly apply to the Old City. The Israeli and Palestinian delegations accepted this proposal and advanced towards a solution in the Taba talks,¹²² and the unofficial Geneva accord, concluded in October 2003, draws a border that incorporates the specific proposal of the president (Map #2).¹²³

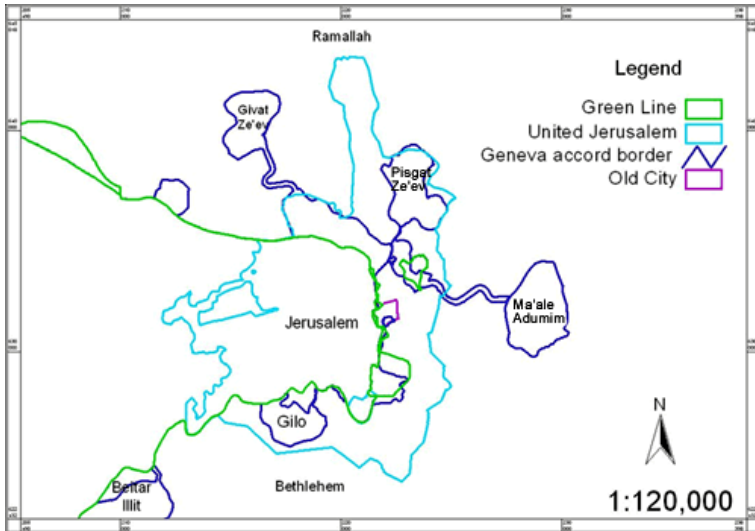
¹²¹ As voiced, for example, in speeches by Ambassador Arthur Goldberg at the UN General Assembly (1967), and by Ambassador Charles Yost at the Security Council (1969).

¹²² See Gilad Sher, *Just Beyond Reach: The Israeli-Palestinian Peace Negotiations 1999-2002*, ed. Rami Tal (Tel Aviv: Yedioth Ahronot, 2001), and Shlomo Ben-Ami, *A Front without a Rearguard: A Voyage to the Boundaries of the Peace Process*, ed. Rami Tal (Tel Aviv: Yedioth Ahronot, 2004).

¹²³ As Clinton acknowledged in December 2003 in a meeting with those who initiated the Geneva understandings.

Map 2:

Two Capital Cities of Jerusalem (Geneva Accord)



The collapse of the political process following the Camp David Summit led to a norm of violence in which both sides felt betrayed and without a “partner” for negotiating an acceptable solution. Moreover, public pressure reacting to the violence and terrorism of the intifada propelled the Israeli government to set up a “seam” zone and security fence, including around Jerusalem. The route approved by the government in June 2002 and in October 2003 intended to expand Jerusalem’s boundaries with an additional security region. All the hilltops commanding Jerusalem and located outside its boundaries have been included in the seam region: Mount Gilo in the south, which also overlooks Bethlehem and Beit Jalah, and Nebi Samuel and the Sheikh Zeitun range in the north, which also dominate Betunia and Ramallah.

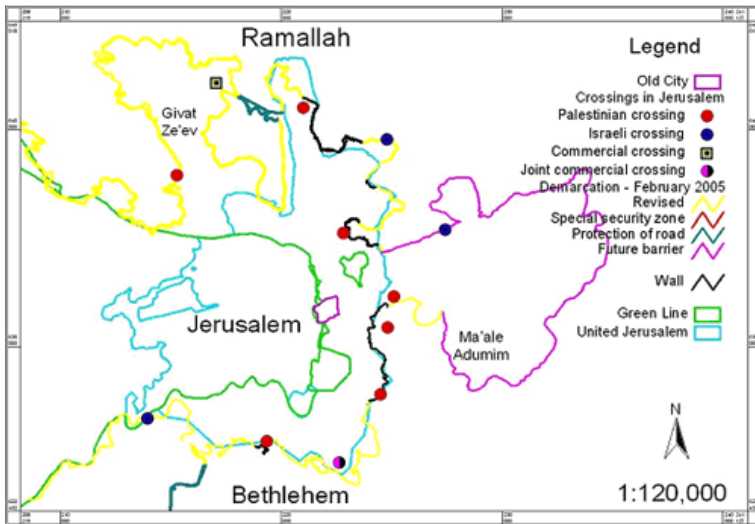
The Israeli government decided to include the geographical area annexed in 1967 and additional territories in the seam zone, but

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did not fully integrate the populated areas or provide infrastructures and services comparable to Israeli areas.¹²⁴ The fence under construction effects a substantive change in the ways of life of the Palestinian population in the eastern part of the city and the Jerusalem metropolitan area. The 200,000 Palestinians who will live between the fence and the Green Line will be obliged to develop new routines, as will those who will live on the eastern side of the fence, but this will not obviate the Palestinian demand that East Jerusalem be the capital of the future state. The ruling of the Supreme Court in June 2004 in the petition submitted by residents of the Palestinian village of Beit Surich, joined by residents of Mevasseret Zion and the Council for Peace and Security, forced the Israeli government in February 2005 to approve an alternative route for the fence that balances Israeli security with Palestinian lifestyle needs. This new route will reduce slightly the amount of Palestinian land separated from its owners and the number of Palestinians on the western side of the fence, but it does not substantively mitigate the separation of East Jerusalem from the Palestinian population of the West Bank (map 3).

¹²⁴ Ya'akov Garv, *The Separation Fence and the Jewish Neighborhoods in Jerusalem* (Jerusalem: Floersheimer Institute for Policy Research, November 2004).

Map 3: The “Seam” Zone of the Jerusalem Region



Despite its ostensible unification, therefore, the city functions essentially as two separate capitals, of Israel and of the Palestinians in the West Bank.¹²⁵ All five principles that led to delineating the boundaries of the city in 1967 are no longer relevant, either because of the failure of their aims, such as the detachment of East Jerusalem from the West Bank, or because of the political developments that obviate the need for defense against a regular army.¹²⁶ Even with any changes to the demarcation of the security fence, the fabric of life of the Palestinian residents of East

¹²⁵ A noteworthy statistic, published by the Jerusalem Institute for Israel Studies in *Alternatives for the Route of the Security Fence in Jerusalem* (December 2004) indicates that the number of daily crossings of the municipal boundary was thirteen times as great as the number of crossings of the demographic boundary.

¹²⁶ For an additional analysis see Moshe Amirav, "If we don't partition Jerusalem, we shall lose it," *Ofakim Hadashim*, No. 17 (January 2005).

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Jerusalem and the West Bank will be seriously harmed after the completion of the fence. Additional measures by the Jerusalem municipality, such as the intention to construct Jewish neighborhoods in the heart of the Palestinian population, are liable to complicate the feasibility of separation on a demographic basis that currently still exists in Jerusalem.¹²⁷

If so, and on the understanding that the annexation and the construction of the new Jewish neighborhoods did not succeed in dissuading the Palestinians from striving to establish their capital in the eastern part of the city, there must be a different approach to the challenge of Jerusalem. First, an interim period is necessary to effect the transition from a “unified” city into the two capitals of two states. In the second stage, the holy sites must be organized anew in order to fuse the religious and political interests in a permanent solution for Jerusalem. The validity of the solution in the second stage will rest on its acceptance by both sides as part of a permanent settlement, and it will be realized only as part a comprehensive permanent solution, in order to prevent the stronger side from imposing any dominance it enjoyed in the interim agreement.

The Period of Transition

At the core of interim period proposal is a narrower seam zone. Map 4 and table 1 depict this proposal, which ensures the security needs of the Jewish neighborhoods in the eastern and western parts of the city and preserves the fabric of life of the Palestinian population in Jerusalem and the greater metropolitan area. Significantly, the proposal does not call for changing the legal

¹²⁷ The Kidmat Zion neighborhood in Abu Dis, the Nof Zion neighborhood in Jabel Mukaber, the neighborhood in Wadi Joz, and others.

status of the city and its residents and does not affect the social services they are entitled to. The following principles underlie the proposal for a more limited seam zone:

1. Ongoing IDF, General Security Services (GSS), and Israeli police operations on both sides of the security barrier, until an agreement is reached between the sides.
2. Security of the Israeli neighborhoods in Jerusalem in a protected region separate from the Palestinian neighborhoods.¹²⁸ The form of separation will be based on a different profile than the existing one. It will be possible to incorporate a decorative electronic fence or maintain a separation based on the existing topographical route.
3. Contiguity between Jerusalem and the large Israeli residential areas in the metropolitan area (Ma'ale Adumim and Giv'at Ze'ev) and their inclusion in the protected region.
4. Creation of a system of crossings that will permit entrance by Israeli residents – Israelis and Palestinians – into the Israeli protected region (exit from it will not be controlled).
5. Retention of most of the existing barrier with seven crossings that will be “routinely open” for Palestinian needs and Israeli traffic bypassing Jerusalem, while maintaining security through random checks or absolute control, subject to the current security assessment. This barrier will create a region for preliminary monitoring of terrorist activities before they reach the protected region.
6. Maintaining access by both populations to the sites holy to the three religions.

¹²⁸ Based on the proposal of the Council for Peace and Security.

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Table 1: Jerusalem during the Transition Period*

	East Jerusalem	Approved Jerusalem region**	Proposed Jerusalem region** *	Monitoring region	Protected region
Area (acres)	17,500	41,340	31,344	7,508	23,834
Palestinians	231,000	199,485	158,161	132,906	25,255
Israelis	179,000	215,458	212,362	3,174	209,188

* All data refers to the area and the population outside the 1967 borders.

** The proposed region is a combination of the monitoring region and the protected region.

*** The proposed area combines the monitoring and protected areas.

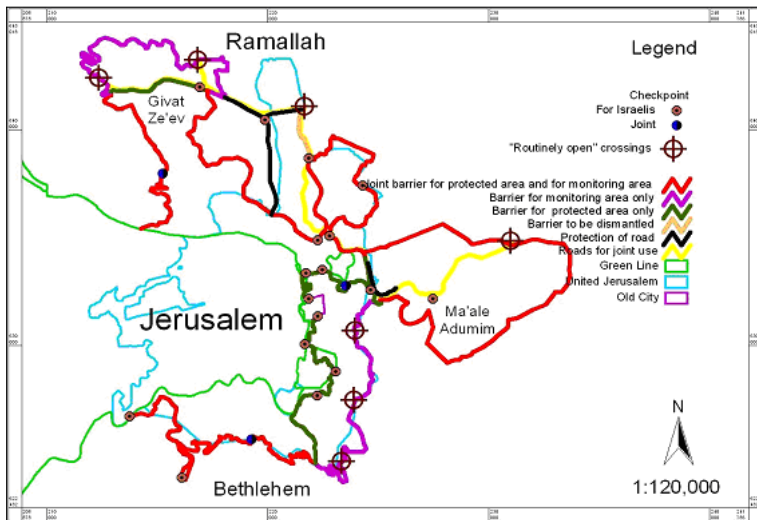
For example, a Palestinian bearing a Palestinian Authority identity card may leave the bloc of villages to the south of Highway 443 (on the Modi'in – Giv'at Ze'ev road), drive on the road, enter the monitoring region near Beit Horon at a point that is "routinely open," cross, and leave for Betunia in the region of the Ofer refugee camp at a similar point. Alternatively, he may reach the Palestinian neighborhoods in northern Jerusalem, Shuafat and Beit Hanina, and cross to the east and the south under a bridge in the region of the Shuafat refugee camp without being delayed. The entry to the monitoring region will be controlled and modified by Israeli security forces based on security evaluations. If he is also authorized to enter Jerusalem he may use one of the three following crossings: Bidu in the north, "Checkpoint 300" near Rachel's Tomb in Bethlehem in the south, and Mount Scopus in the

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east. An Israeli who does not wish to enter Jerusalem may use the same route and continue to the Jordan Valley or the Dead Sea without delay. Entry to the city itself will be through the checkpoints for Israelis (map 4).

Map 4:

Jerusalem “Seam” Zone during the Transition Period



On the assumption that the Israeli government and the PLO can end the conflict only through resuming negotiations on a permanent settlement, this proposal enjoys the following advantages:

- The security for Jerusalem's Jewish neighborhoods is

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improved, because they are included in a protected region without a Palestinian population that participates in the Palestinian struggle.

- The legal status of the city and of its residents is not harmed and the Palestinian residents will continue to enjoy municipal services, social security payments, and other institutional services. However, if the Israeli government coordinates with the Palestinian Authority, it will be possible to transfer the neighborhoods in whole or part to Palestinian responsibility with the status of Area B.
- The Israeli and Palestinian routines in the Jerusalem region and in the city itself will be preserved in their present alignment – the western part of the city and the Jewish neighborhoods with the State of Israel, and the Palestinian neighborhoods with the West Bank. This will halt the increasing tendency of the emigration of Palestinian holders of Israeli identity cards into Israel,¹²⁹ as well as the decrease in the standard of living in East Jerusalem, an economic reality that provides fertile ground for terrorist organizations to recruit new operatives.
- In physical terms, the proposal can be feasibly implemented and does not delay the completion of the fence approved by the government.
- The proposal permits postponing the specific political argument regarding the boundaries of Jerusalem because it preserves the municipal status quo, although some people will claim the exact opposite, since the boundaries of the protected region are determined on a demographic basis.
- The proposal provides a political channel for the solution of the conflict without obstructing implementation of an agreement based on the Clinton proposal.

¹²⁹ For example, from al-Ram only, which has a population of 63,000, 5,000 have already moved to Israel in the last two years.

- The proposal includes a saving of hundreds of millions of shekels in the construction of crossings in the security fence required for preserving the Palestinian fabric of life.

There are those who oppose the very foundation on which this proposal is based – partition of Jerusalem in accordance with Clinton’s proposal. In addition, the proposal includes certain shortcomings:

- Opposition from the Israeli Right for the demarcation of a political route based on a demographic line that excludes the City of David and the Mount of Olives from the Israeli area.
- Opposition from the Palestinian residents of the city for the control of their passage between the eastern and western parts of the city.¹³⁰
- Palestinian criticism on Israel’s capacity to close the monitoring region to the Palestinian population in Judea and Samaria.
- Increase in construction and operating costs of the barrier, which will essentially depend on two systems (notwithstanding the savings specified above).
- Reduction of the time and space for terrorist penetration from Judea and Samaria into the western part of the city, because of the “routinely open” concept of the entrances to the monitoring region partially bordering on the protected region.

Overall, however, it appears that this proposal is not only viable, but will lay the groundwork on both sides in terms of routine and public opinion for a redefinition of “unified” Jerusalem as two capitals for two independent states.

¹³⁰ Although in practice, partial control is already taking place today by means of portable roadblocks set up by the police and the IDF.

The Permanent Solution: Proposal for the Historical Area

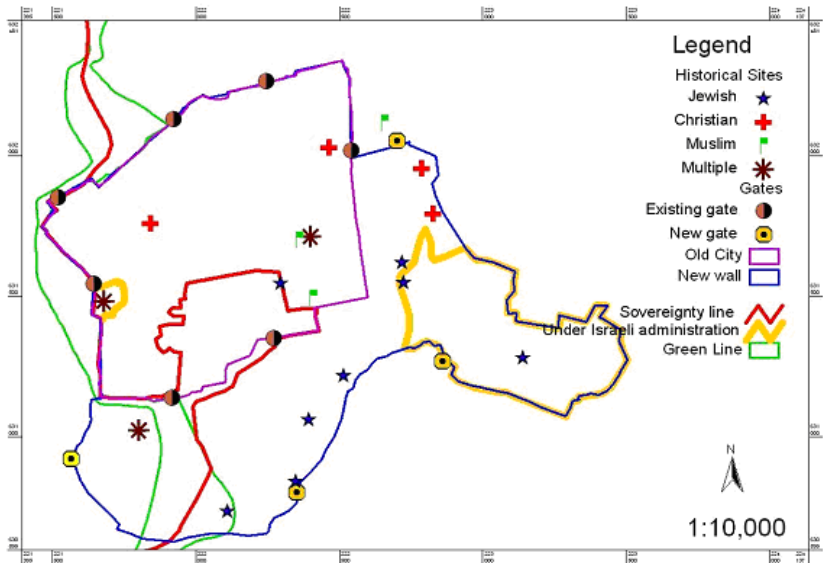
A permanent solution on Jerusalem will necessarily include a settlement for the area of historical significance, which includes and extends beyond the Old City boundaries. Map 5 depicts the region containing the holy sites, consisting primarily of religious institutions and cemeteries. Some of this region is physically bounded by the Ottoman walls built at the beginning of the sixteenth century, which in themselves do not have any kind of sanctity that requires factoring them in as an exclusive criterion.

Construction of new walls around the designated region, without harming the existing walls,¹³¹ will lead to a physical distinction between the holy places and the rest of the city (map 5 and table 2). The walls will be constructed as a joint project among Israelis and Palestinians. Their underlying concept will be to designate a region for joint use rather than announcing a divisive boundary, although with a capacity for separation from the greater urban area based on existing architectural solutions.¹³² It is possible that within the walls will be included sites for transportation, culture, commerce, entertainment, museums, exhibits, and so on, important for members of the three religions living in the city. This physical separation will permit implementation of the model of an “open city,” proposed in the Geneva accord for the Old City only, for the entire region. Although sovereignty over the region will be formally divided between the parties in accordance with the Clinton proposal, there will be no physical obstacles, and in practice the status quo will be preserved in all sites sacred to the three religions.

¹³¹ These belong, as part of the Old City, to the list of the world cultural assets compiled by UNESCO.

¹³² Yehuda Greenfeld, Keren Li-Bracha, Aya Shapira, *Terminal on Border*, Final project in the faculty for architecture and town planning, Technion, Haifa, 2004.

Map 5: The Historical Region of Jerusalem



Application of the model of the open city to the proposed area in addition to the Old City is fair to both sides. Israel will implement the special regime on Mount Zion and the Palestinians on the City of David and the sites in the Kidron Valley. No change will occur to the special status of the Jewish cemetery on the Mount of Olives and David's Citadel, which will remain under Israeli administration. All the special arrangements required in order to ensure freedom of religious worship in sites outside the Ottoman walls will be preserved.

A Jewish Israeli wishing to visit an area under Palestinian sovereignty will enter through one of the four gates under Israeli sovereignty, and can visit the City of David, for example, without a passport or any organized ferrying shuttle, and will return in the same way. The same applies to a Palestinian Christian who wishes to visit a church on Mount Zion or a Muslim Palestinian wishing to

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visit a Muslim cemetery there. A resident of Silwan in the City of David will not be required to go around the Old City in order to enter the market in the Muslim Quarter via the Lion's Gate, but may do so easily via the new southern gate leading to the Dung Gate. All the details related to traffic, residency, municipal services, and security will be a function of joint jurisdiction.¹³³ The private purchasing procedures will be identical in the matter for the entire territory of the Palestinian state and the State of Israel. It is possible, subject to the agreement of both sides, that the coordination between the two municipalities regarding joint management of the region will include the option of the continuation of residence by Jews in areas under Palestinian sovereignty, such as the City of David, or the opposite (map 5). The remaining municipal area of unified Jerusalem will be divided on the basis of the Clinton proposal, while establishing the border arrangements at the crossings to be constructed, based on the existing and planned system of roads.

Table 2: The Historical Region

Perimeter (meters)	6,700
Area (acres; 1 acre = 4046.85 square meters)	448
Construction of a new wall (meters)	4,600
Existing : new gates	4:5
Palestinians	36,400
Israelis	3,000

¹³³ As outlined in article 6 of the Geneva Accord.

Conclusion

The proposal provides practical and fair resolutions to the religious and nationalist tensions between Israel and the Palestinians that harbor particular intensity regarding Jerusalem. The details of the proposal are based on a win-win concept and not on a zero-sum game. The solution does not blur the division of sovereignty and thus prevents incentives for violation of the agreement by attempts to impose any fait accompli.

Adoption of this proposal will permit overcoming one of the major obstacles to a permanent settlement between the sides. Once peace will be reached between the sides, it will be possible to extend the model to additional areas in Jerusalem or to other places, without constructing a physical barrier.

Milestones

May 1840	Decree by Ottoman Sultan Abdulmajid I According Jews limited prayer rights at the Western (Wailing) Wall
20 Feb 1841	Firman (decree) recognizing Muhammad Ali as ruler of Egypt Establishing the Egyptian-Ottoman border at the Rafah-Suez line
1852-1853	Firmans regarding holy sites in Jerusalem Establishing the status quo in four Christian holy sites
30 Mar 1856	Treaty of Paris between Russia, Britain, France and the Ottoman Empire Endorsing the Ottoman status quo regarding holy sites in Jerusalem
13 Jul 1878	Treaty of Berlin between the Ottoman Empire and the European powers Endorsing the Ottoman status quo regarding holy sites in Jerusalem
1 Oct 1906	Border agreement between the Ottoman Empire and Egypt Establishing the Egyptian-Ottoman border at the Rafah-Taba line
1911	Resolution of the Provincial Council on holy sites in Jerusalem Limited rights for Jews at the Western (Wailing) Wall
1914-1918	World War I Dissolution of the Ottoman Empire and British occupation of Palestine

- 1915** **McMahon-Hussein Letters**
Exchange of letters suggesting Arab support of the British against the Ottomans in exchange for British recognition of Arab independence
- 16 May 1916** **Sykes-Picot Agreement**
Agreement dividing Ottoman territories into British, French and Russian spheres of influence following the war
- 2 Nov 1917** **Balfour Declaration**
Expressing British support for the establishment of a Jewish “national home” in Palestine
- 27 Oct 1918** **Establishment of Occupied Enemy Territory Administration-South (OETA-S)**
Institutionalization of British military rule in Palestine, replaced with civil administration in 1920
- 1919** **Paris Peace Conference**
Determining the political results of World War I, including the division of mandates in the Middle East
- 27 Jan 1919** **First Palestinian-Arab Congress in Jerusalem**
Rejection of Zionism, the Balfour Declaration and foreign involvement in Palestine
- 28 Aug 1919** **King-Crane Commission**
American commission calling for Syria, including Palestine and Transjordan, to be placed under a mandate aimed at establishing an independent Arab kingdom

- 19 Apr 1920 San Remo Conference**
Agreement between several WWI allies to establish mandates in Syria, Iraq, Transjordan and Palestine and implement the Balfour Declaration
- 10 Aug 1920 Treaty of Sèvres between Turkey and WWI Allied Powers**
Giving force to the decisions made at the Paris and San Remo Conferences with regard to the former Ottoman territories
- 23 Dec 1920 Anglo-French agreement on mandatory borders**
Establishing the borders of Mandatory Palestine, Lebanon, Syria and Iraq following the San Remo Conference
- 1 May 1921 Outbreak of the 1921 Palestine Riots**
Riots against Jews in and around Jaffa, causing the death of 47 Jews and 48 Arabs
- Oct 1921 Haycraft Report on the 1921 riots**
Attributed the outbreak of violence to Arab discontent with Jewish immigration and British policy
- 3 Jun 1922 Publication of the Churchill White Paper**
British policy document suggesting limits on Jewish immigration in accordance with the economic situation in Palestine and the separation of Palestine and Transjordan
- 24 Jul 1922 League of Nations approval of the Mandate for Palestine**
Establishing Britain as the Mandatory in Palestine, with the goal of implementing the Balfour Declaration, and allowing for the separate administration of Transjordan

- 10 Aug 1922** **Palestine Order in Council, 1922**
Formalizing British civil administration of Palestine
- 16 Sep 1922** **Transjordan Memorandum**
British announcement on separate administration of Transjordan in accordance with Article 25 of the Mandate for Palestine
- 7 Mar 1923** **Newcombe-Paulet Agreement**
Anglo-French agreement establishing the borders of Palestine, Syria and Lebanon
- 24 Jul 1923** **Treaty of Lausanne (superseding the Treaty of Sèvres)**
Constituting an international recognition of Turkey's new borders in exchange for official Turkish renunciation of former Ottoman territories
- 25 Jul 1924** **Palestine (Holy Places) Order in Council, 1924**
Stating that claims regarding the holy sites shall be heard before the High Commissioner or a special commission and not civil courts
- 2 Feb 1926** **"Good neighborly relations" agreement between Syria, Palestine and Lebanon**
Establishing functional arrangements as to the relations and borders between the three Mandatory territories
- 23 Aug 1929** **Outbreak of the 1929 Palestine riots**
Riots following tensions over the Western (Wailing) Wall, causing the death of over 200 Jews and over 100 Arabs, and ending the existence of Jewish communities in Hebron and Gaza

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- Sep 1929** **Cust Report**
Comprehensive overview of the holy sites status quo in and around Jerusalem
- Mar 1930** **Shaw Report on the 1929 riots**
Charging the Arabs with direct responsibility, while noting discontent with continued Jewish immigration and land acquisition, and recommending changes to British policy
- 1 Oct 1930** **Hope Simpson Report**
Pursuant to the Shaw Report, containing policy recommendations later embedded in the Passfield White Paper
- 20 Oct 1930** **Passfield White Paper**
British policy document calling for limits on Jewish immigration and land acquisition and emphasizing Britain's equal commitment to Jews and Arabs
- 19 May 1931** **Palestine (Western or Wailing Wall) Order in Council, 1931**
Establishing Muslim control of the Western (Wailing) Wall along with prayer rights for Jews
- 1936-1939** **Arab Revolt in Palestine**
Uprising by Palestinian Arabs against Mandatory authorities and the Jewish population, put down by force, causing the deaths of hundreds of Jews and British and thousands of Arabs
- 30 Nov 1937** **Peel Commission Report**
In light of the Arab Revolt and the irreconcilable aspirations of the two communities, recommending the partition of Palestine into a Jewish state, a British-controlled area and territory to be annexed to Transjordan

- 9 Nov 1938** **Woodhead Commission Report**
Containing three detailed partition proposals according to the principles of the Peel Report and recommending an economic union
- 7 Feb 1939** **St. James Conference in London**
Failed reconciliation conference including British, Jewish and Arab delegates
- 23 May 1939** **MacDonald White Paper**
British policy document rejecting partition and calling for limits on Jewish immigration with the goal of Jewish population reaching one-third of the total
- 1939-1945** **World War II and the Holocaust**
- 28 Feb 1940** **Land Transfer Regulations, 1940**
Prohibition or limitation of land acquisition by Jews in 95% of Palestine
- 11 May 1942** **Biltmore Program adopted by a Zionist conference in New York**
Rejecting the MacDonald White Paper and demanding the establishment of a "Jewish commonwealth" in Palestine
- 27 Sep 1945** **Palestine Defence (Emergency) Regulations, 1945**
According Mandatory security forces widespread powers in the fight against Jewish and Arab militant organizations
- 30 Apr 1946** **Anglo-American Commission Report**
Recommending the continuation of the Mandate, disarmament of militants, abolition of restrictions on land acquisition and acceptance of 100,000 Jewish immigrants

- 31 Jul 1946** **Morrison-Grady Scheme**
Recommending the establishment of a federation under a British commissioner including four cantons: two British, one Jewish and one Arab
- 7 Feb 1947** **Bevin Plan**
Calling for Palestine to be put under a trusteeship regime for five years towards the implementation of the Morrison-Grady Scheme
- 9 Sep 1947** **United Nations Special Committee on Palestine (UNSCOP) Report**
Containing the majority proposal for partition with economic union and the minority proposal for a federal state
- 29 Nov 1947** **UN General Assembly Resolution 181**
Approving the Partition Plan for Palestine, based on the UNSCOP majority proposal
- 30 Nov 1947** **Outbreak of the 1948 war**
Large-scale fighting between Jews and Arabs following the latters' rejection of the Partition Plan
- 25 Mar 1948** **US President Truman's proposal for temporary UN trusteeship of Palestine**
Made in light of the infeasibility of partition during wartime and the imminent termination of the Mandate for Palestine
- 14 May 1948** **Termination of the Mandate and Israeli declaration of independence**
Seven Arab countries invade the newly-declared country
- 28 Jun 1948** **First Bernadotte Plan**
Reintroducing the idea of partition with negotiated borders

- 11 Dec 1948** **UN General Assembly Resolution 194**
Including the choice of repatriation or compensation for Palestinian refugees
- Feb 1949** **Government of Israel declares Jerusalem to be a part of Israel**
- 24 Feb 1949** **Israel-Egypt Armistice Agreement**
Armistice line based on the 1906 border, with the Gaza Strip under Egyptian control
- 23 Mar 1949** **Israel-Lebanon Armistice Agreement**
Armistice line based on the 1923 border
- Apr-Sep 1949** **Lausanne Conciliation Conference**
Failed UN-sponsored conference including Israeli and Arab delegates
- 3 Apr 1949** **Israel-Jordan Armistice Agreement**
Creation of the Green Line, with several territories designated as No Man's Lands
- 11 May 1949** **Admission of Israel to membership in the United Nations**
- 20 Jul 1949** **Israel-Syria Armistice Agreement**
Armistice line based on the 1923 border, including demilitarized zones; official conclusion of the 1948 war
- 12 Aug 1949** **Fourth Geneva Convention**
International convention regarding the protection of noncombatants in times of war
- 5 Dec 1949** **Government of Israel proclaims Jerusalem the capital of Israel**
Including a commitment to preserving the holy sites
- 13 Dec 1949** **Knesset resolves to relocate to Jerusalem**

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22 Feb 1950 *Modus vivendi* to the Israel-Egypt Armistice

Understandings limiting military presence along the border and effecting territorial exchange

24 Apr 1950 Jordanian Parliament resolution on annexation of the West Bank

In accordance with King Abdullah's announcement; only recognized by Britain and Pakistan

1953-1955 Operation Alpha

Secret diplomatic initiative led by the US and Britain with the goal of attaining Arab-Israeli peace in exchange for partial Israeli withdrawal from the Negev and repatriation of 75,000 Palestinian refugees

Oct 1953 Johnston Plan

Put forward by an American envoy and calling for joint administration of the Jordan Valley water resources by Israel, Jordan, Syria and Lebanon

18 Apr 1955 Bandung Conference

Conference of Asian and African countries considered a milestone in the establishment of the Non-Aligned Movement and supporting the Arabs against Israel

29 Oct – Suez Crisis

7 Nov 1956

Israeli occupation of the Sinai Peninsula in a joint operation with Britain and France, followed by Israeli withdrawal under intense American and Soviet pressure

31 Aug 1962 Johnson Plan

UN Special Envoy's plan for repatriation and compensation of Palestinian refugees

- 13 Jan 1964 1st Arab Summit in Cairo**
Establishment of a joint Arab military command and call for the establishment of a Palestinian National Council
- 28 May 1964 Establishment of PLO and ratification of the Palestinian Charter**
Resolved by a Palestinian conference in East Jerusalem in accordance with the conclusions of the 1st Arab Summit
- 2 Jun 1964 2nd Arab Summit in Alexandria**
Endorsement of PLO establishment and commitment to the destruction of Israel
- 8 Nov 1966 Abolition of military governance in Arab-populated regions of Israel**
Proclaimed by PM Eshkol in accordance with Defence (Emergency) Regulations, 1945
- 5-11 Jun 1967 Six Day War**
Israeli forces take over the Sinai Peninsula, Gaza Strip, West Bank (including East Jerusalem) and Golan Heights
- 19 Jun 1967 Government of Israel offers withdrawal from Golan and Sinai for peace**
Offer rejected by Syria and Egypt
- 27 Jun 1967 Enactment of the Israeli Protection of Holy Places Law**
Ensuring access to holy sites and criminalizing insults to religious sentiments
- 28 Jun 1967 Extension of Israeli law and jurisdiction to East Jerusalem**

- 26 Jul 1967 Allon Plan**
Proposal by Israeli Labor Minister Yigal Allon to partition the West Bank between Jordan and Israel, with the latter in control of the Jordan Valley and the access to Jerusalem
- 1 Sep 1967 4th Arab Summit in Khartoum**
Adopting the “Three No’s” resolution: no peace with Israel, no negotiation with Israel, no recognition of Israel
- 26 Oct 1967 Israeli Labor Minister Allon orders Green Line removed from Israeli maps**
- 30 Oct 1967 Government of Israel retracts offer of withdrawal for peace**
Following Arab adoption of the “Three No’s”
- 22 Nov 1967 UN Security Council Resolution 242**
Stressing “the inadmissibility of the acquisition of territory by war” and calling on Israel to withdraw from territories occupied during the Six Day War as part of a comprehensive peace settlement
- 1968 Israeli Defense Minister Dayan’s “Fist Plan”**
Suggestion the creation of five military and civilian outposts deep in the West Bank
- 10 Jul 1968 Amendment of the Palestinian Charter**
Stressing Palestinian identity at the expense of the pan-Arab idea
- 8 Mar 1969 Outbreak of the War of Attrition**
Low-intensity conflict between Egypt and Israel along the Suez Canal

- 9 Dec 1969 First Rogers Plan**
Seeking ceasefire in the War of Attrition and a comprehensive Arab-Israeli peace settlement based on Resolution 242
- 19 Jun 1970 Second Rogers Plan**
Another ceasefire initiative, bearing fruit two months later
- 7 Aug 1970 Israeli-Egyptian ceasefire and the end of the War of Attrition**
- Sep 1970 "Black September"**
Annihilation of PLO power in Jordan by the Jordanian Army
- 4 Feb 1971 Egyptian President Sadat's peace initiative**
Suggesting Israeli redeployment away from the Suez Canal and resumption of transit to promote the implementation of Resolution 242
- 8 Feb 1971 Jarring Plan**
UN mediator's plan calling for an Israeli withdrawal to the international border with Egypt in exchange for demilitarization of the Sinai Peninsula, freedom of navigation in Suez Canal and Tiran Straits and Israeli-Egyptian nonbelligerency
- 4 Oct 1971 Third Rogers Plan**
Suggesting the reopening of the Suez Canal and promoting Israeli-Egyptian peace
- 15 Mar 1972 King Hussein of Jordan's United Arab Kingdom Plan**
Suggesting a Jordanian-Palestinian federation under the Hashemite kings
- 6-25 Oct. 1973 1973 War**
Surprise Egyptian-Syrian attack on Israel, ending with no significant territorial gains for either side

- 22 Oct 1973** **UN Security Council Resolution 338**
Calling for ceasefire in the 1973 War and a viable and just peace settlement based on Resolution 242
- 12 Nov 1973** **Israeli-Egyptian Ceasefire Stabilization Agreement**
Allowing for prisoner exchange and establishing framework for disengagement talks
- 21 Dec 1973** **Geneva Peace Conference**
Arab-Israeli peace conference sponsored by the UN, US and USSR
- 10 Jan 1974** **Jericho Plan**
Israeli Foreign Minister Allon's plan to cede the Jericho area to Jordan as part of a disengagement agreement
- 18 Jan 1974** **Israeli-Egyptian Disengagement Agreement**
Mutual redeployment away from the Suez Canal, supervised by the UN
- 1 Apr 1974** **Agranat Interim Report**
Made by the Israeli commission of inquiry investigating the 1973 War; mostly criticizing the military leadership, protests following its publication caused the resignation of Israeli PM Meir
- 31 May 1974** **Israeli-Syrian Disengagement Agreement**
Redeployment with a UN-supervised demilitarized zone and prisoner exchange
- 8 Jun 1974** **PLO adopts its Ten-Point Plan**
Recognizing the possibility for gradual liberation of Palestine and combining diplomacy with armed struggle
- 14 Oct 1974** **PLO invited to participate in UN debate**

- 26 Oct 1974** **7th Arab Summit in Rabat**
Recognizing PLO as the legitimate representative of the Palestinian people
- 22 Nov 1974** **PLO granted observer status at the UN**
- 4 Sep 1975** **Israeli-Egyptian Interim Agreement**
Expressing both sides' commitment to preserve the ceasefire and launch peace talks
- 10 Nov 1975** **UN General Assembly Resolution 3379**
Stating that "Zionism is a form of racism and racial discrimination" and comparing it to the South African Apartheid regime
- 2 Oct 1977** **Sharon Plan**
Presented by Israeli Agriculture Minister Ariel Sharon and calling for a massive expansion of Jewish settlement in the West Bank
- 9 Nov 1977** **Egyptian President Sadat expresses willingness to speak before Knesset**
Followed by an official invitation by PM Begin to visit Israel
- 20 Nov 1977** **Sadat's visit to Israel and speech before the Knesset**
Calling for negotiations on a comprehensive Arab-Israeli settlement based on Resolutions 242 and 338
- 14 Dec 1977** **Cairo Conference**
Launching Israeli-Egyptian peace talks
- 28 Dec 1977** **Government of Israel's plan for Palestinian autonomy**
Suggesting the abolition of military governance in the West Bank and Gaza Strip and the establishment of an elected Palestinian authority as part of Israeli-Egyptian talks

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14-21 Mar 1978 Operation Litani

IDF operation to remove PLO presence south of the Litani River in South Lebanon

19 Mar 1978 UN Security Council Resolution 425

Calling for a ceasefire between PLO and Israel and an Israeli withdrawal from South Lebanon and establishing UNIFIL to guarantee its implementation

17 Sep 1978 Camp David Accords between Israel and Egypt

Framework agreement for Israeli-Egyptian peace and the establishment of an interim Palestinian self-government, pending negotiations on a permanent settlement

2 Nov 1978 9th Arab Summit in Baghdad

Denouncing the Camp David Accords

10 Dec 1978 Israeli PM Begin and Egyptian President Sadat awarded Nobel Peace Prize

For their part in achieving the Camp David Accords

26 Mar 1979 Israel-Egypt Peace Treaty

Including Israeli withdrawal from the Sinai Peninsula, completed in 1982, in exchange for its demilitarization

13 Jun 1980 Venice Declaration

A call by leaders of the European Community for Arab-Israeli peace based on Resolutions 242 and 338, recognizing Palestinian right for self-determination

30 Jul 1980 Israeli Basic Law: Jerusalem, Capital of Israel Declaring “united and complete” Jerusalem to be Israel’s capital and seat of government

- 7 Jun 1981 Operation Opera**
Destruction of the Iraqi nuclear reactor Tammuz by the Israeli Air Force
- 7 Aug 1981 Saudi Crown Prince Fahd's Eight-Point Plan**
Including Israeli withdrawal from territories occupied in 1967, establishment of a Palestinian state and choice of repatriation or compensation for Palestinian refugees
- 14 Dec 1981 Israeli annexation of the Golan Heights**
- 6 Jun 1982 Israeli invasion of Lebanon and start of the 1982 War**
Invasion targeted PLO presence in Lebanon, but involved IDF in Lebanese Civil War and fighting against Syria
- 1 Sep 1982 Reagan Plan**
US President's suggestion to establish an interim Palestinian self-government for five years, followed by the establishment of a Palestinian entity linked with Jordan
- 8 Sep 1982 12th Arab summit in Fes**
Calling for a Palestinian state to be established in the West Bank and Gaza Strip
- 16-18 Sep 1982 Sabra and Shatila Massacre**
Perpetrated by Lebanese Christian militias against Palestinian refugees in Beirut
- 7 Feb 1983 Kahan Commission Report**
Following Israeli inquiry into the Sabra and Shatila Massacre, recommended the dismissal of Israeli Defense Minister Sharon

- 17 May 1983 Israel-Lebanon Agreement**
US-sponsored agreement for Israeli-Lebanese nonbelligerency and phased Israeli withdrawal from Lebanon; failed to win wide support and annulled in Mar 1984
- 21 May 1985 Jibril Agreement**
Prisoner exchange between Israel, releasing 1,150 Palestinian prisoners, and militant organization PFLP-GC, releasing 3 captive IDF soldiers
- Jun 1985 Israeli withdrawal to the South Lebanon Security Zone**
The zone, extending several miles deep from the border, was controlled by the IDF and allied militia South Lebanon Army (SLA)
- 11 Apr 1987 London (Peres-Hussein) Agreement**
Understandings between Israeli Foreign Minister Peres and King Hussein of Jordan, rejected by Israeli PM Shamir, regarding a peace conference including direct talks between Israeli and Jordanian-Palestinian delegations
- 9 Dec 1987 Outbreak of the First Intifada**
Palestinian popular uprising costing the lives of around 160 Israelis and over 2,000 Palestinians, ending around the Madrid Conference and launch of the Oslo Process
- 4 Mar 1988 Shultz Plan**
US Secretary of State's proposal for negotiations between Israeli and Jordanian-Palestinian delegations for a permanent settlement based on Resolutions 242 and 338
- 31 Jul 1988 King Hussein's Proclamation on Jordan's Renouncement of the West Bank**

- 29 Sep 1988 International Arbitration Award on Israeli-Egyptian Border in Taba**
Award given in favor of Egypt in arbitration made under the peace treaty
- 15 Nov 1988 Palestinian Declaration of Independence and PLO Acceptance of Res. 242, 338**
PLO's UN designation changed to "State of Palestine" the same day; declaration recognized by 82 countries by the end of 1988
- 14 May 1989 Israeli Unity Government's Peace Initiative**
Suggesting elections in the West Bank and Gaza Strip for an interim self-government, pending permanent status negotiations with Jordan, Egypt and the Palestinians, while ruling out full Palestinian independence
- 19 Sep 1989 Egyptian President Mubarak's Ten-Point Plan**
Framework for elections for Palestinian self-government in the West Bank and Gaza Strip
- 10 Oct 1989 US Secretary of State Baker's Five-Point Plan**
Recognizing Israeli initiative as a basis for Israeli-Palestinian negotiations in Cairo
- 17 Jan –
28 Feb 1991 First Gulf War**
Conducted by a US-led international coalition against the Iraqi occupation of Kuwait
- 13 Mar 1991 US President Bush announces Middle East peace initiative**
During speech summarizing the Gulf War, calling for Arab-Israeli negotiations based on Resolutions 242 and 338 and the "land for peace" principle

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- 30 Oct –
1 Nov 1991** **Madrid Conference**
Peace conference sponsored by the US and USSR and featuring a Jordanian-Palestinian delegation, launching Arab-Israeli and Palestinian-Israeli talks
- 23 Jun 1992** **Yitzhak Rabin elected Prime Minister of Israel**
- 19 Jan 1993** **Knesset repeals law against liaising with PLO personnel**
Allowing for open contact with PLO as part of the Oslo Process
- 25-31 Jul 1993** **Operation Accountability**
IDF operation against Hezbollah in South Lebanon, ending with ceasefire understandings
- 10 Sep 1993** **Israel and PLO exchange letters of recognition**
Including Palestinian commitment to amend Palestinian Charter clauses calling for the destruction of Israel
- 13 Sep 1993** **Declaration of Principles (Oslo I Accord)**
Framework agreement on the establishment of an interim Palestinian self-government for five years of negotiations, culminating in a permanent settlement based on Resolutions 242 and 338
- 4 May 1994** **Gaza and Jericho (Cairo) Agreement**
Constituting Israeli withdrawal from the Jericho area and most of the Gaza Strip and the establishment of the Palestinian Authority to administer these areas
- 25 Jul 1994** **Washington Declaration on Israeli-Jordanian Nonbelligerency**

- 26 Oct 1994 Israel-Jordan Peace Treaty**
Based on the 1922 border, including functional arrangements in the Naharayim area
- 30 Oct 1994 First MENA Economic Summit in Casablanca**
- 10 Dec 1994 Rabin, Peres and Arafat awarded the Nobel Peace Prize**
- 28 Sep 1995 Israeli-Palestinian Interim Agreement (Oslo II Accord)**
Establishing interim arrangements for the negotiations period, including division of the Palestinian Territories into three types of areas
- 25 Oct 1995 Israel-Jordan Trade Agreement**
Concluded pursuant to the peace treaty
- 1 Nov 1995 Beilin-Abu Mazen Document**
Informal understandings regarding a permanent status agreement concluded between Israeli Minister Yossi Beilin and senior PLO official Mahmoud Abbas
- 4 Nov 1995 Assassination of Israeli Prime Minister Yitzhak Rabin**
Perpetrated by an Israeli extremist with the goal of derailing the Oslo Process
- 29 Nov 1995 Second MENA Economic Summit in Amman**
- 13 Mar 1996 Peacemakers' Summit in Sharm el-Sheikh**
International conference in support of the Oslo Process and counter-terrorism efforts
- 11-27 Apr 1996 Operation Grapes of Wrath**
IDF operation against Hezbollah in South Lebanon, terminating after the accidental bombing of a UN encampment

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- 29 May 1996** **Benjamin Netanyahu elected Prime Minister of Israel**
- 14 Nov 1996** **Third MENA Economic Summit in Cairo**
- 15 Jan 1997** **Hebron Protocol**
Protocol to the Interim Agreement involving Israeli withdrawal from most of Hebron
- 22 Jan 1997** **Beilin-Eitan Document**
Understanding between representatives from Israel's major political parties regarding consensus positions for permanent status negotiations
- 16 Nov 1997** **US-Israel-Jordan Trade Agreement**
Establishing Qualifying Industrial Zones (QIZ) exempt of American tariffs
- 19 Nov 1997** **Fourth MENA Economic Summit in Doha**
- 23 Oct 1998** **Wye River Memorandum**
Promoting implementation of Israeli and Palestinian commitments under the Interim Agreement, including two further redeployments by Israel
- 17 May 1999** **Ehud Barak elected Prime Minister of Israel**
- 4 Sep 1999** **Sharm el-Sheikh Memorandum**
Promoting implementation of Israeli and Palestinian commitments under the Interim Agreement alongside permanent status negotiations
- 5 Oct 1999** **Safe Passage Protocol**
Protocol to the Interim Agreement implementing a transportation corridor between the West Bank and the Gaza Strip

- Dec 1999** **Washington Talks**
Relaunching Israeli-Syrian negotiations, on hold since 1996
- 3-11 Jan 2000** **Shepherdstown Conference**
Israeli-Syrian talks revolving mainly around the issue of borders
- 24 May 2000** **Israeli withdrawal from the South Lebanon Security Zone**
Unilateral withdrawal coinciding with the collapse of SLA
- 11-25 Jul 2000** **Camp David Summit**
Aimed at promoting Israeli-Palestinian permanent status negotiations
- 28 Sep 2000** **Outbreak of the Second Intifada**
Costing the lives of around 1,000 Israelis and over 3,000 Palestinians
- 23 Dec 2000** **Clinton Parameters**
US President's outline for a permanent Israeli-Palestinian settlement
- 21-27 Jan 2001** **Taba Summit**
Israeli-Palestinian summit to contain the violence and promote permanent status negotiations
- 6 Feb 2001** **Ariel Sharon elected Prime Minister of Israel**
- 30 Apr 2001** **Mitchell Report**
Concluding that neither side planned for the outbreak of the Intifada
- 26 Mar 2002** **Zinni Plan**
Attempting to contain violence through an Israeli withdrawal and Palestinian assumption of security responsibility

28 Mar 2002 Introduction of the Arab Peace Initiative at the Arab Summit in Beirut

Saudi initiative, adopted by the Arab League, calling for full peace between Israel and the Arab countries in exchange for an Israeli withdrawal to the 1967 lines and resolution of the Palestinian refugee issue

29 Mar – Operation Defensive Shield

10 May 2002 IDF reoccupies West Bank cities following the deaths of dozens of Israelis

23 Jun 2002 Government of Israel approves initial route for West Bank Separation Barrier

24 Jun 2002 US President Bush presents his vision for peace

Including a two-state solution based on Resolutions 242 and 338, as well as Palestinian efforts at democratization and economic development

27 Jul 2002 Ayalon-Nusseibeh Document

Unofficial principles for a permanent status agreement put forward by Sari Nusseibeh, PLO representative in Jerusalem, and ex-Shabak head Ami Ayalon

Aug 2002 Sher-Sagi Plan

Unofficial plan for a unilateral Israeli withdrawal from the Gaza Strip and most of the West Bank in order to promote permanent status negotiations

6 Mar 2003 Sharm el-Sheikh Summit

Arab-Israeli summit in support of the Road Map

20 Mar 2003 US Invasion of Iraq

Resulted in the collapse of the Saddam Hussein regime

- 30 Apr 2003 Road Map for Peace**
Published by the Middle East Quartet and calling for “performance-based” progress in the Israeli-Palestinian peace process with the goal of reaching a permanent status agreement by 2005
- 4 Jun 2003 Aqaba Summit**
Israeli-Palestinian summit to promote the Road Map
- 19 Nov 2003 UN Security Council Resolution 1515**
Endorsing the Road Map
- 1 Dec 2003 Geneva Initiative**
Informal Israeli-Palestinian initiative drafting a detailed proposal for a permanent status agreement
- 18 Dec 2003 Israeli PM Sharon’s Herzliya Speech**
First mention of the Disengagement Plan
- 14 Apr 2004 Exchange of letters between Sharon and US President Bush**
American recognition of Israel’s retention of settlement blocs under any future deal
- 16 Apr 2004 Sharon presents the Disengagement Plan**
Constituting a unilateral Israeli withdrawal from the Gaza Strip and part of the northern West Bank
- 6 Jun 2004 Government of Israel approves Disengagement Plan in principle**
- 30 Jun 2004 Israeli High Court’s Beit Suriq ruling**
Ordering that the Separation Barrier route be revised to minimize effect on Palestinian civilian population
- 11 Nov 2004 Death of PLO Chairman and PNA President Yasser Arafat**

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- 14 Dec 2004** **US-Israel-Egypt Trade Agreement**
Establishing Qualifying Industrial Zones (QIZ)
exempt of American tariffs
- 9 Jan 2005** **Mahmoud Abbas elected PNA President**
Appointed PLO Chairman the previous month
- 7 Feb 2005** **Sharm el-Sheikh Summit**
Israeli-Palestinian summit declaring the end of
the Second Intifada and the launch of
negotiations based on the Road Map
- 18 Feb 2005** **Knesset approves Disengagement Plan
Implementation Law**
- 20 Feb 2005** **Government of Israel approves settlement
evacuation as part of Disengagement**
- 8 Mar 2005** **Sasson Report**
Israeli government report critical of illegal West
Bank outposts
- 17 Mar 2005** **Cairo Declaration**
Joint declaration by 13 Palestinian factions in
favor of national unity and against Israeli policy
- 15-23 Aug
2005** **Implementation of the Disengagement
Plan**
Unilateral Israeli withdrawal from the Gaza Strip
and part of the northern West Bank and
relocation of around 9,000 settlers
- 15 Nov 2005** **Agreement on Movement and Access
(AMA)**
Israeli-Palestinian agreement on movement to
and from the Gaza Strip following
Disengagement
- 4 Jan 2006** **Israeli PM Sharon falls into a coma and
replaced by Ehud Olmert**
Olmert elected PM in his own right in Mar

- 25 Jan 2006** **Hamas victory in Palestinian Legislative Council elections**
Followed by formation of a Hamas government led by Ismail Haniyeh
- Mar-May 2006** **Convergence Plan put forward by Israeli PM Olmert**
Calling for completion of the West Bank Separation Barrier and Israeli withdrawal from most of the West Bank
- 10 May 2006** **National Accord (Prisoners' Document)**
Platform for Palestinian national unity drafted by prisoners from five factions
- 25 Jun 2006** **IDF soldier Gilad Shalit abducted by Hamas**
- 12 Jul - 14 Aug 2006** **2006 Lebanon War**
Began following the abduction of three IDF soldiers by Hezbollah, causing the deaths of 165 Israelis and around 1,000 Lebanese
- 8 Feb 2007** **Fatah-Hamas Mecca Agreement**
Reconciliation agreement to form a national unity government led by Haniyeh
- 27 Mar 2007** **25th Arab Summit in Riyadh**
Leaders reaffirm commitment to Arab Peace Initiative
- 10-15 Jun 2007** **Hamas takeover of the Gaza Strip**
Followed by the formation of two rival Palestinian governments in the Hamas-led Gaza Strip and Fatah-led West Bank
- 27 Nov 2007** **Annapolis Conference**
Summit launching new Israeli-Palestinian negotiations, cut short by Israeli PM Olmert's resignation in September 2008

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- 27 Dec 2008 - Operation Cast Lead**
18 Jan 2009 IDF operation against Hamas in the Gaza Strip, causing the deaths of 13 Israelis and over 1,000 Palestinians
- 10 Feb 2009 Benjamin Netanyahu elected Prime Minister of Israel**
Subsequently re-elected in 2013 and 2015
- 14 Jun 2009 Netanyahu's Bar-Ilan Speech**
Expressing willingness to recognize a Palestinian state under the following conditions: recognition of Israel as the Jewish state; Jerusalem united under Israeli sovereignty; no return of Palestinian refugees to Israel
- Aug 2009 Fayyad Plan**
Platform of the 13th Palestinian Government focused on reforms with the goal of Palestinian independence and permanent settlement with Israel in two years
- 25 Sep 2009 Goldstone Report on Operation Cast Lead**
Appointed by the UN Human Rights Council, commission charged both Israel and Hamas with war crimes
- 31 May 2010 Israeli commando raid on Turkish flotilla headed for Gaza**
Nine Turkish citizens killed during raid
- 2 Sep 2010 Washington Summit**
Relaunching direct Israeli-Palestinian negotiations
- 4 May 2011 Fatah-Hamas Cairo Agreement**
- 18 Oct 2011 Shalit Deal**
Israeli soldier released from Hamas captivity in exchange for 1,027 Palestinian prisoners

7 Feb 2012	Fatah-Hamas Doha Agreement Aimed at reconciliation and the establishment of a unity government
23 Feb 2012	Bennett's Lull Plan Right-wing leader calls for unilateral Israeli annexation of most of the West Bank
20 May 2012	Fatah-Hamas Cairo Agreement Failed attempt to establish a unity government and launch an electoral process
21 Jun 2012	Levy Report Israeli government report stressing the legality of West Bank settlements under international law and calling for legalization of West Bank outposts
14-21 Nov 2012	Operation Pillar of Defense Israeli airstrikes against the Gaza Strip killing over 200 Palestinians
29 Nov 2012	State of Palestine accorded the status of non-member observer state at the UN
23 Apr 2014	Fatah-Hamas reconciliation agreement Palestinian unity government established for the first time since 2007
8 Jul – 26 Aug 2014	Operation Protective Edge Fighting between IDF and Hamas in and around the Gaza Strip causing the deaths of 72 Israelis and over 2,000 Palestinians
17 Dec 2014	European Parliament resolution on recognizing Palestine Symbolic resolution adopted alongside similar declarations by national parliaments in Europe
8 Nov 2016	Donald Trump elected President of the United States

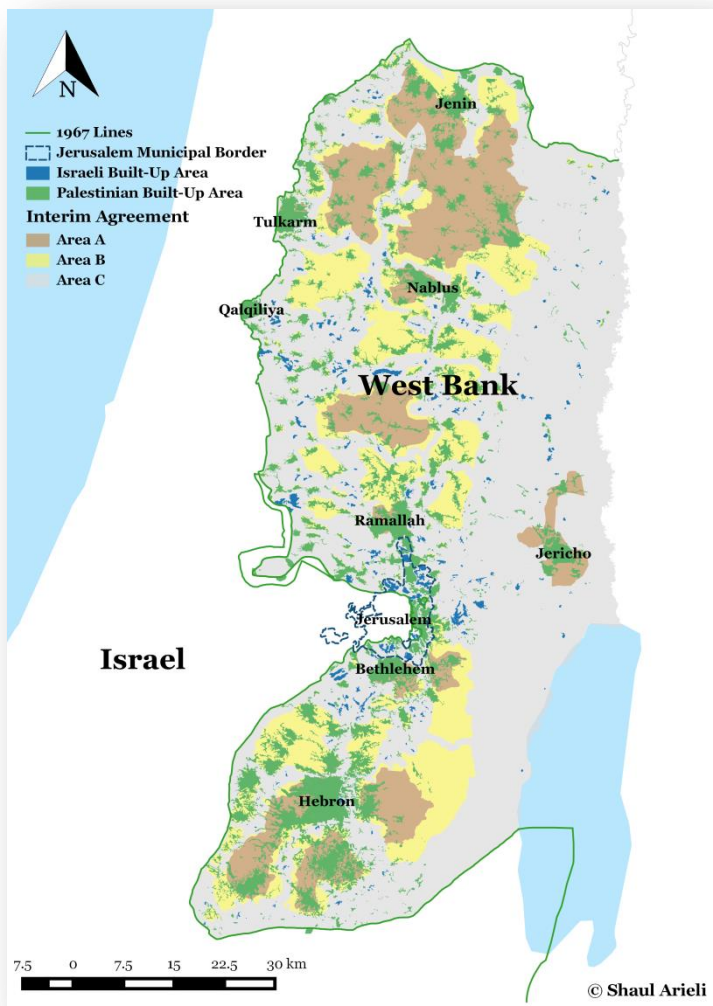
Map 1: 1947 Partition Plan (UNGA Res. 181)



Map 2: Israel within the 1949 Armistice Lines



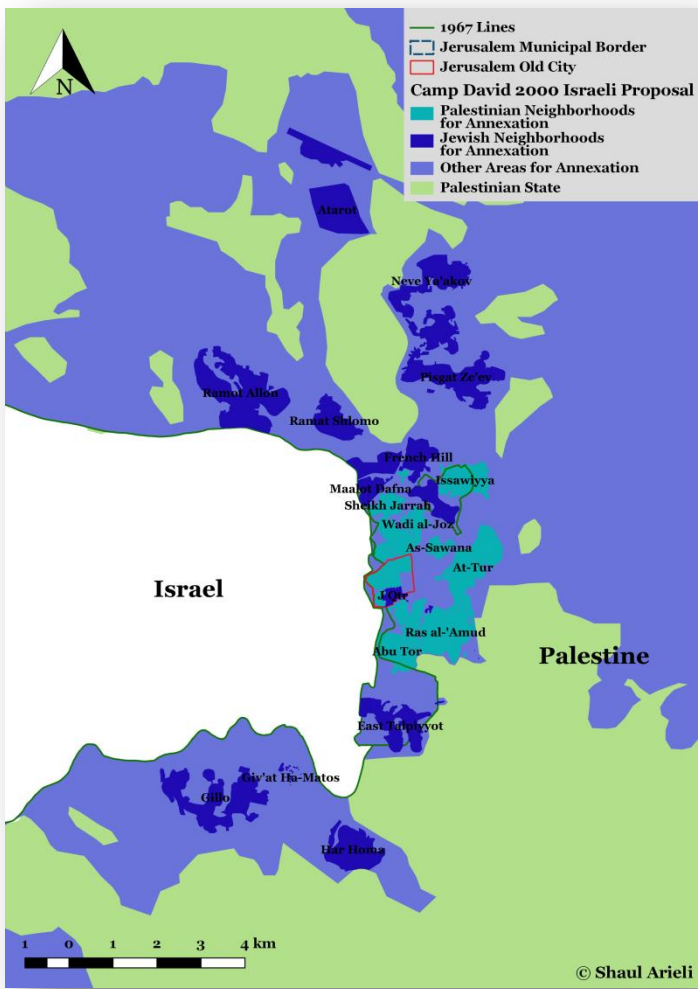
Map 3: 1995 Israeli-Palestinian Interim Agreement



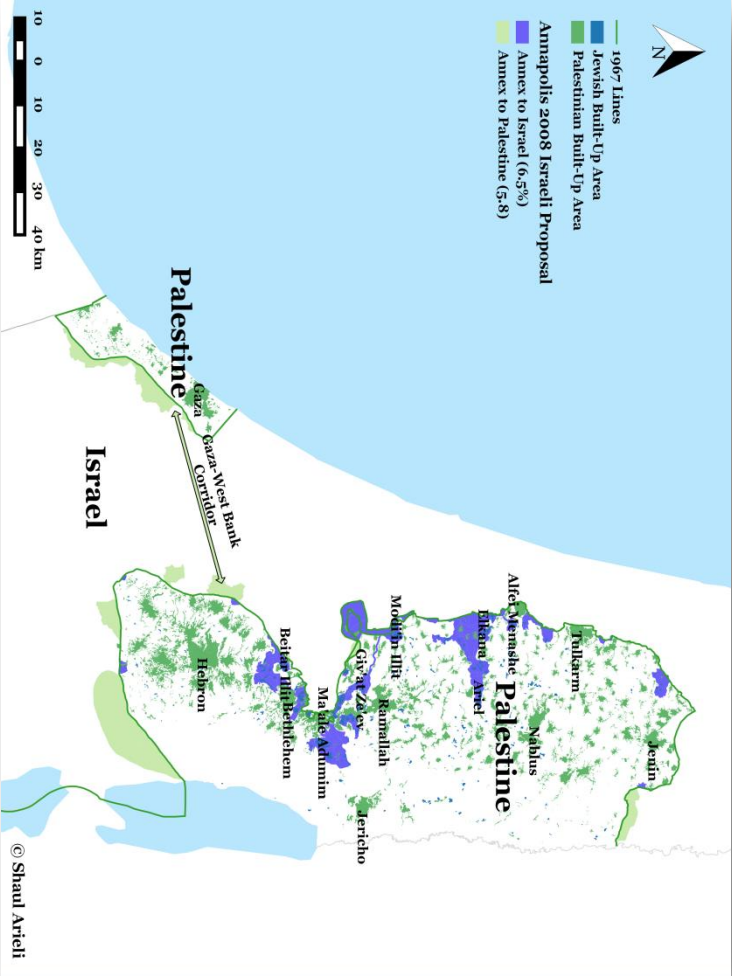
Map 4: Camp David 2000 Israeli Proposal – General



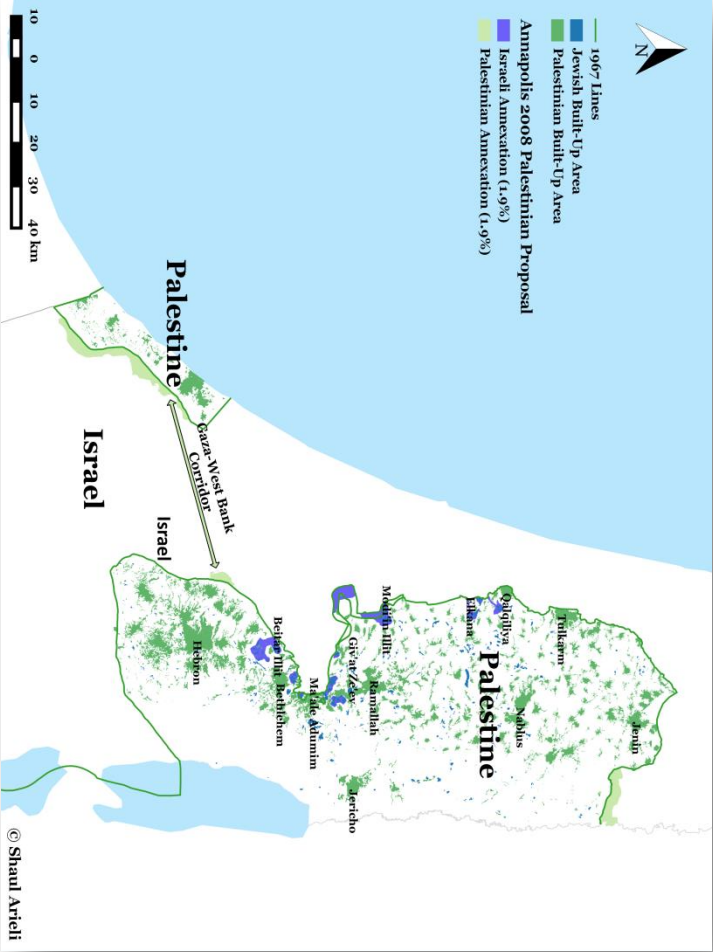
Map 5: Camp David 2000 Israeli Proposal – Jerusalem



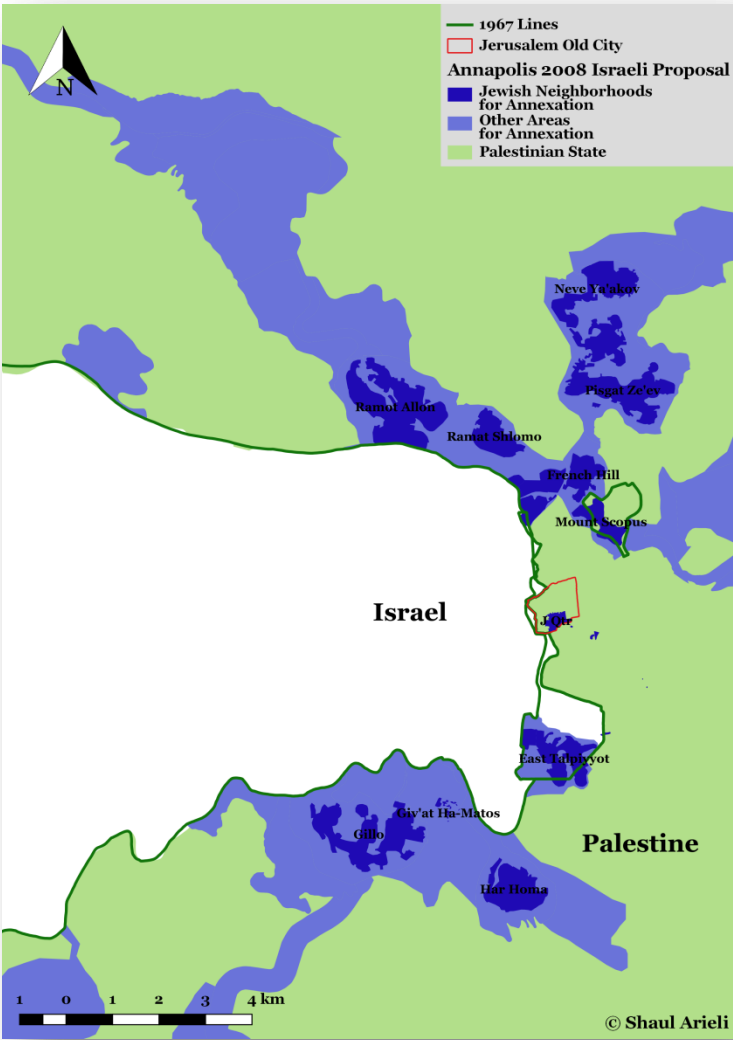
Map 8: Annapolis 2008 Israeli Proposal – General



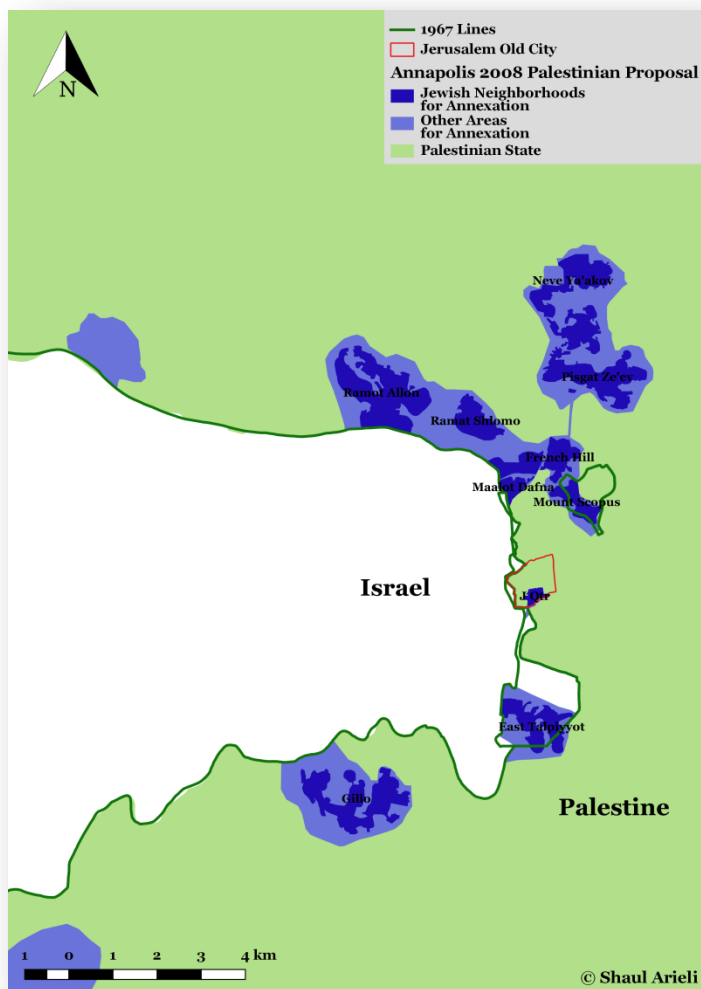
Map 9: Annapolis 2008 Palestinian Proposal – General



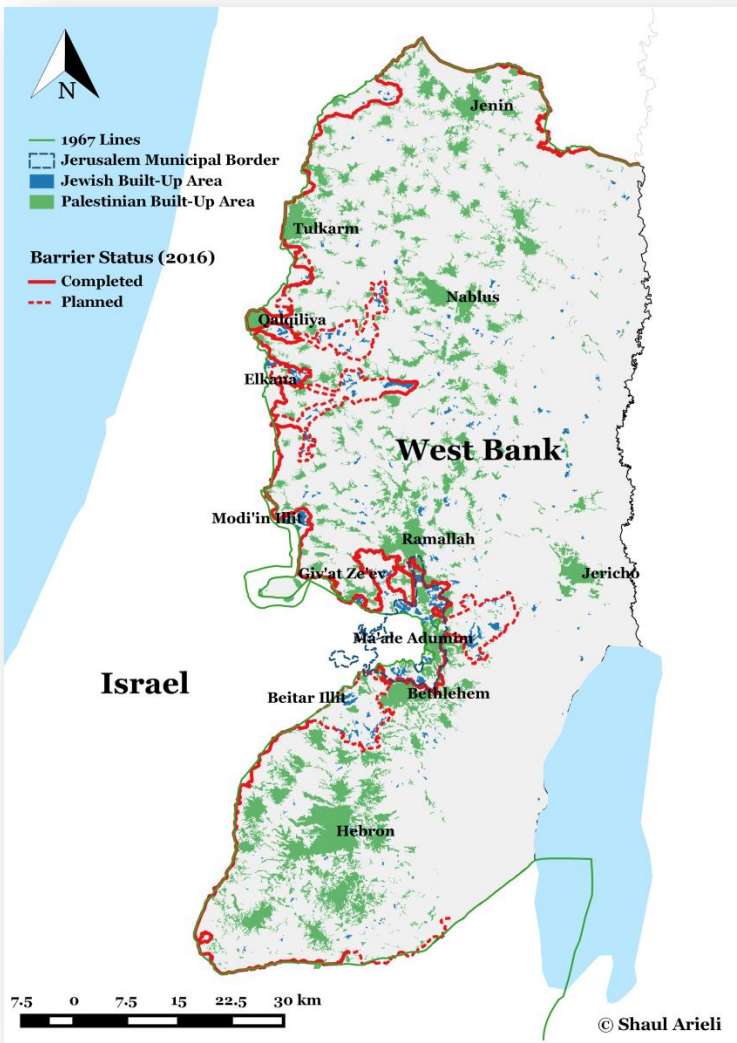
Map 10: Annapolis 2008 Israeli Proposal – Jerusalem



**Map 11: Annapolis 2008 Palestinian Proposal –
Jerusalem**



Map 12: Security Barrier Status, 2016





Dr. Shaul Arieli served as a senior officer in the IDF and served in key positions in the Israeli-Palestinian political process. He was Commander of the Northern Brigade in Gaza, Head of the Interim Agreement Administration under the Rabin, Peres and Netanyahu governments, Deputy Military Secretary to the Minister of Defense, and Head of the Peace Administration in PM Barak's Government.

Arieli teaches at the Interdisciplinary Center (IDC) in Herzliya, the Tel Aviv-Yaffo Academic College and the Hebrew University of Jerusalem, and is a Senior Researcher at the Economic Cooperation Foundation (ECF). He is considered one of Israel's leading experts on the Israeli-Palestinian conflict, the borders of Israel and the separation barrier. Arieli has published many academic articles and newspaper opinion pieces. He also gives many lectures and field tours in which he explains the central issues of the conflict.

Among his publications in recent years: **"The Territorial Aspect of the Israeli-Palestinian Final Status Negotiation"**, with Ron Pundak (Peres Center); **"Going For All, Leaving With Nothing: Approaches to the Problem of Israeli Borders"** (Carmel Books); **"Injustice and Folly: On the Proposals to Cede Arab Localities from Israel to Palestine"**, with Doubi Schwartz and Hadas Tagari (Floersheimer Institute); **"The Wall Of Folly"**, with Michael Sfar. His last book is **"Border between Us and You"** (Books in the Attic, Yediot Ahronoth), winner of the Chechik Prize for Studies in Israeli Security. **Arieli** also published a work of prose entitled **"The Journey of Solo"** (Saar Publications).

People & Borders enables the reader to follow the history and development of the Israeli-Palestinian conflict, as well as explore possible ways to resolve it, through a combination of articles, maps and milestones. Its goal is to demonstrate a practical approach to ensuring the future of Israel as the democratic nation-state of the Jewish people.

