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Going for "All" Leaving with Nothing

Approaches in the struggle over Israel's borders

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Milestones

- 1915 – Hussein-McMahon Correspondence
- 1916 – Sykes-Picot Agreement between France and Britain for the division of the Ottoman Empire
- 1917 November 2nd – The Balfour Declaration
- 1919 – Peace Convention in Versailles and the establishment of the League of Nations
 - Presentation of the Territorial Memorandum to the Versailles Peace Convention by the Zionist Federation
- 1921 – Publication of the White Book in which it was determined that Transjordan is not part of the Jewish Homeland.
- 1922 – Confirmation of the British Mandate by the League of Nations.
- 1937 – Presentation of the report of the British Royal Commission headed by Lord Peel.
- 1938 – Proposal for a partition plan by the Jewish Agency Management to the British Partition Commission headed by Sir Woodhead.
 - Report of the British Partition Commission (the Woodhead Commission).
- 1946 – Jordan and Syria receive their independence.
- 1947 – November 29th: Confirmation of the Partition Plan by the United Nations (General Assembly Resolution no. 181).
 - November 30th: Beginning of Israel's War of Independence/the War of 1948.
- 1948 – May 14th: The text of Israel's Declaration of Independence was unanimously approved.
 - May 15th: The Arab states' invasion of Israel.
 - December 11th: US General Assembly Resolution no. 194 – the establishment of a Conciliation Commission.

- 1949 – February-April: Ceasefire Agreements are signed in Rhodes between Israel and Egypt, Jordan, Lebanon and Syria.
- 1964 – The establishment of the PLO (Palestine Liberation Organization) was approved by the Arab League. Upon its establishment by Ahmad Shuqeiri, it started to act as the representative of the Palestinian people.
 - The Palestinian Charter was approved.
- 1965 – Fatah, which was established in Kuwait in 1959, begins its armed struggle against Israel on January 1st, 1965.
- 1966 – The military rule in Israel's frontier regions was cancelled.
- 1967 – June 6th: Beginning of the Six Days War.
 - September 1st: The Arab League Summit in Khartoum.
 - November – UN Security Council Resolution no. 242 for the end of the Six Days War.
- 1968 – August: Arafat is elected as Chairman of the PLO.
- 1973 – October: Security Council Resolution 338 for the end of the Yom Kippur War.
- 1978 – September 17th: Israel and Egypt sign the Camp David Agreement.
 - December 28th: Prime Minister Menahem Begin presents an Autonomy Plan for the Palestinians.
- 1979 – March 26th: Peace Agreement between Israel and Egypt is signed.
- 1980 – June: the European Union's Venice Declaration.
- 1982 – June 6th: Beginning of the Lebanon War (the *Shlom HaGalil* Operation).
- 1987 – The "London Agreement" between Shimon Peres and King Hussein.
 - December 7th – Beginning of the First Intifada.

- 1988 – An opposition to the PLO is established in the form of the Hamas organization, adding to the religious-Muslim agenda a religious-nationalistic clause: freeing Palestine.
- November: Convention of the Palestinian National Council (PNC) in Algiers. In the framework of the Palestinian Declaration of Independence it was decided to recognize UN Resolutions 181, 242 and 338 that have been rejected in the Palestinian Charter, and thus to *de facto* recognize the existence of the State of Israel.
- 1991 – October 30th: the Madrid Convention is convened under the auspices of the US and Russia, with the participation of Israel's Prime Minister Yitzhak Shamir and a Palestinian-Jordanian representation from the Territories.
- 1992 – June: Yitzhak Rabin is elected as Israel's Prime Minister in general elections.
- 1993 – January 19th: Israel cancels the Correction (from 1986) to the Prevention of Terror Act, and thus enables encounters with the PLO.
- September 8th – Rabin and Arafat sign mutual recognition letters between Israel and the PLO.
- September 13th – Israel's Prime Minister Iyzhak Rabin and PLO Chairman Yasser Arafat sign the "Declaration of Principles" (the "Oslo Agreement") in Washington, USA.
- 1994 – May 4th: The Gaza-Jericho Agreement is signed in Cairo, marking the beginning of the Interim Period for the implementation of the "Oslo Agreement".
- July: PLO Chairman Yasser Arafat and the exiled leadership return to the West Bank and the Gaza Strip and establish the Palestinian Authority.
- October 26th: Peace Agreement between Israel and Jordan is signed.
- November 30th: The Casablanca Declaration: the first Middle-Eastern - North African Economic Convention.
- 1995 – September 28th: Israel and the PLO sign the Interim Agreement ("Oslo II" Agreement) regarding the West Bank and the Gaza Strip.

- November 4th: Prime Minister Yitzhak Rabin is assassinated.
- 1996 – January 20th: Yasser Arafat is elected by a large majority as the Chairman of the Palestinian Authority. In the elections for the Legislative Council, held under international monitoring, Fatah receives a clear majority.
- April-May: the Sharen A-Sheikh Anti Terror Convention is held.
- April: After Arafat's arrival to Gaza, the Palestinian Legislative Council convenes and approves with a two-thirds' majority the decision to change those clauses of the Palestinian Charter that refute the existence of the State of Israel, in accordance with Arafat's commitment in the framework of the Oslo Agreement.
- May 20th: Binyamin Netanyahu is elected as Prime Minister and establishes a center-right government.
- 1997 – January 17th: The Protocol for the Redeployment in Hebron is signed.
- 1998 – October 23rd: The Wye River Memorandum is signed in Maryland, USA.
- December 14th: the Palestinian National Council convenes for the first time in Gaza, in the presence of US President Clinton, in order to re-approve the annulment of the anti-Israel clauses in the Palestinian Charter.
- 1999 – May 4th: The term set in the Oslo Agreement for the termination of the Interim Period.
- May 17th: Ehud Barak is elected as Prime Minister in direct elections.
- September 4th: The Sharen A-Sheikh Memorandum is signed.
- December: Renewal of peace talks between Israel and Syria.
- 2000 – January: The Shepherdstown Convention between Israel and Syria (in the presence of Prime Minister Barak and Syrian Minister of Foreign Affairs A-Shara).
- May 24th: Israel unilaterally withdraws from Southern Lebanon.
- January-July: Ongoing formal talks between the Israeli and Palestinian negotiation teams regarding Permanent Status.

- July 12-15th: Camp David Summit with the participation of an Israeli mission headed by Prime Minister Barak and a Palestinian mission headed by PLO Chairman Arafat.
- September 28th: Opposition Head Ariel Sharon visits Temple Mount under heavy police presence, and the "Second Intifada" erupts.
- December 23rd: publication of the 'Clinton Parameters' that include parameters for an Israeli-Palestinian permanent status.
- 2001 – January: The Taba Talks between Israel and the Palestinians, based on the "Clinton Parameters".
- February 6th: Ariel Sharon is elected as Prime Minister.
- 2002 – March 28th: the Arab League summit accepts a peace plan based on the Saudi Initiative, according to which the Arab states declare their willingness to recognize Israel and establish peaceful relations with it, if Israel withdraws to the 1967 lines and a solution is found to the refugee problem.
- April 30th: The Quartet (US, Russia, the UN and the European Union) presents the "Road Map" by for a two-states permanent status.
- 2003 – January 29th: Ariel Sharon, the Head of Likud, wins again the Knesset elections and establishes a government.
- October 1st: The government approves the layout of the Separation Fence in the West Bank.
- December 1st: The inauguration ceremony of the Geneva Initiative.
- 2004 – April: correspondence of letters and documents between Israel and the USA, the peak of which is the presentation of Israel's unilateral "Disengagement Plan" from the Gaza Strip and from Northern Samaria.
- June 6th: The Israeli government approves the revised "Disengagement Plan".

- November 11th: Palestinian Authority and PLO Chairman Yasser Arafat dies in a hospital in France.
- 2005 – January: In Israel a new coalition is formed – the Labor Party joins the Likud government.
- January: Mahmoud Abbas (Abu Mazen) is elected as Palestinian Authority Chairman.
- February 20th – The government approves the evacuation of settlements in the Gaza Strip and Northern Samaria as well as the new layout of the Separation Fence.
- August-September – Israel evacuates all the Gush Katif settlements and four of the Northern Samaria settlements, and the IDF deploys its forces outside the Gaza Strip.
- November – Sharon leaves the Likud party and establishes "Kadima".
- 2006 – January – Ehud Olmert replaces Sharon as Acting Prime Minister and launches the idea of a "Convergence Plan".
- January – Hamas wins a majority in the Palestinian Legislative Council elections.
- March-April – Ehud Olmert, as the Head of Kadima Party, wins the Knesset elections and establishes a government in collaboration with the Labor Party.
- Ismail Haniya establishes a Hamas government.

Forward

The State of Israel is currently celebrating the 58th anniversary of its independence, but still does not enjoy agreed-upon borders that would define the territory under its sovereignty. In the second century to the existence of the Zionist Movement, the State of Israel is still in the process of seeking to ensure agreed-upon borders for itself within the territory of Mandatory Palestine, locked in an ongoing struggle against the Palestinians, who also wish to establish their state in Palestine. The century-old conflict between these two national movements takes

place within a wider framework that involves also the Arab world and the international community – each of which has its own numerous and varied interests. The recent events of the struggle between these two national movements – manifested both in peace negotiations towards permanent status and in a violent struggle – acutely sharpen the possibility that one of the following two options would result: a historical territorial compromise via the division of the country along the 1967 lines, or the continuation of the conflict – in its various manifestations – regarding the identity and nature of the national entity that would exist between the Mediterranean Sea and the Jordan River¹.

This book will enable the reader to travel along almost a century of conflict and, briefly and through a number of key periods, to study the positions, decisions and actions of the various elements involved in this conflict; elements that over the past few years have been standing on the verge of a political, territorial and social decision. With the implementation of the Disengagement Plan from the Gaza Strip and Northern Samaria, and towards the upcoming continuation of the political and military struggle between Israel and the Palestinians, this study and analysis will enable the public to become acquainted, in a focused and informed manner, with the sources of the various positions and alternatives that exist among the Israeli and the Arab publics regarding the borders of the State of Israel; to understand the significance and consequences of each of the alternative borderlines regarding the future and nature of Israel as a Jewish and democratic state; and, at the end of the book, to learn the conditions that I believe may lead to an agreement in which the final status borders between the State of Israel and the future State of Palestine would be declared.

I will first present the components of the model that I will use to present and analyze the positions and alternatives that have informed – and still inform today – the Jewish, the Arabs

¹ For the purpose of this book and for simplicity sake, the territory between the Jordan River and the Mediterranean Sea will be referred to as "**Mandatory Palestine**" as differentiated from "**the British Mandate**" (that included also Transjordan [i.e. the eastern side of the Jordan River]). These terms further differ from the term "**the Land of Israel**", which is the more amorphous territory in which the right of the Jewish people to establish their National Home was demanded - by the Zionists, and accepted – by the international community. Additional terms used here are the "**State of Israel**" (Israel within the Green Line); and the "**Palestinian Territories**" or the "**Future State of Palestine**" (the West Bank and the Gaza Strip).

and the international community regarding the borders of the Jewish state. The book will then be dedicated to three interrelated analyses: the first is an analysis of the relative weight given in each period in time to each of the three considerations that affect the position of the Zionist groups regarding the borders of the Jewish state – the territorial consideration, the demographic consideration and the consideration that relates to the democratic regime. The second analysis will be of the relative weight of each of the three players in the external arena that influence the borders of the Jewish state – the Palestinians, the Arabs world and the international community, in each of the periods discussed. And the third analysis will address the interrelations of each of these three Zionist considerations with the other components in the framework of the ongoing conflict regarding the borders of the Jewish state.

This analysis will be implemented within four time-frames:

- The period in which the borders of the Mandatory Palestine were defined (1915-1923)
- The partition period (1937-1949)
- The period from the Six Days War to the Oslo Process (1967-1993)
- The Oslo Agreements period (1993-2006)

At the end of the book I will include a discussion and in-depth analysis of the various existing alternatives for the conflict's management and resolution: the "redemptive-movement" approach of the Zionist-religious stream, the "aggressive-compromise" approach of the Israeli right that does not believe in a resolution and does not seek it, and the "two states for two peoples" approach of the Israeli center and left. For each of these alternatives I will present its consequences for the achievement of the Zionist ideal of a Jewish and democratic state in the Land of Israel.

I will make a number of key claims in this book. **First** – I will claim that Israel's current borders are the result of a decades-long clash between two systems: on the one hand there is an internal system of Jewish-Zionist groups that are conducting a piercing argument regarding the borders of the Jewish state. The decision-making process of this internal system is affected by three considerations: the demographic consideration, the geographical-territorial

consideration, and the consideration that relates to the democratic regime. On the other hand, the borders of the Jewish state are influenced by the external system, in the framework of which the Zionist Movement operates. This external system is composed of the positions, actions and reactions of the various players in this arena – the Palestinians/Israeli-Arabs, the Arab world and the international community. This book will examine the changing trends among the internal Jewish-Zionist considerations in the framework of the four time-frames listed above, regarding the preferred borders of the Jewish state. I will show that the decision taken in each of these periods expressed what these internal groups believed to be the required balance between the three considerations (demography, territory and democracy) ensuring a Jewish majority in the country and Jewish control over it. I will show how the pragmatic approach regarding the Jewish state's possible borders, promoted by the secular Zionist leadership, brought about a constant rise in the state's power vis-à-vis other players in the external system, as well as to the successful realization of the Zionist idea.

Second – I will claim that the recognition of the Jewish people's right for self determination in the Land of Israel was extraordinary when compared with the self determination processes that other states went through in the wake of the First World War. The borders of the Jewish National Home were determined as a result of decisions taken by the super powers, decisions that were informed mainly by political and economic considerations, in accordance with their interests at that time. The Jewish people's historical connection with its homeland was brought into consideration when it was allowed to realize its right for self determination in the Land of Israel, but not as a basis for the exact delineation of the borders. In international relations one should consider that the recognition of rights and the manner in which they are realized are subjective as far as the various players are concerned. I will therefore claim that whoever uses the Balfour Declaration as a basis for the international legitimacy of Zionist settlement, should also accept as legitimate the international decision (taken by Britain with the approval of the League of Nations) to exclude Transjordan from the territory in which Britain was supposed to realize the very same Balfour Declaration.² In addition, in light of the understanding that borders are not a natural and fixed phenomenon, I will claim that the

² In which it was generically stated that Britain "views with favour the establishment in Palestine of a national home for the Jewish people...".

inclusion of the Negev in the territory of the Jewish National Home, although it is outside Israel's historical map that stretched "from Dan to Beer Sheva" and despite the fact that it has been outside its borders for the past few centuries, does not turn it into a part of Israel's historical border or into a "natural border". The opposite case is also true – determining the eastern border of Mandatory Palestine on the Jordan River does not annul the Jewish people's linkage to Transjordan, since this linkage is based on the existence of Jewish settlement in that region throughout the history of the Jewish people. In short, I will claim that practical, pragmatic, political borders are one thing, while historical-cultural attachment to territory is another, and that the two should not be – although they often are – confused.

Third – I will point to the fact that the secular Zionist Movement, which was wise enough to cooperate with the international community and its institutions and to recognize its resolutions until 1967, succeeded in realizing the dream of founding a Jewish National Home in the Land of Israel. Meanwhile, the Palestinians, who have done the opposite until 1988 (even if this was out of their perception that a historic injustice was done to them), lost during the same period of time their international standing and their ability to establish an independent state. Following the inversion of the two attitudes towards the international community, with Israel objecting to- or ignoring international resolutions and the Palestinians recognizing them, Israel's political, legal and moral standing among the international community – with the exception of the USA – is declining, while the Palestinians are receiving full support for their right to an independent state in the areas of the West Bank and the Gaza Strip and for a resolution to their refugee problem.

Fourth – The Palestinians³ and the Arab world, which for decades refused to recognize the right of the Jewish people for self determination in Mandatory Palestine, refraining from adopting any sort of border and rejecting most of the international resolutions have, for the past generation, been exhibiting ongoing dedication to UN Resolutions addressing the definition of the borders of Israel. This change occurred mostly due to their military defeats in

³ Throughout this work I will alternately use the terms 'Palestinians' and 'the Arabs of Mandatory Palestine' to refer to all the Arabs who lived within the territories of Mandatory Palestine. Later on I will distinguish between the Israeli-Arabs who live within the borders of the Green Line and are Israeli citizens, and the Palestinians in the areas of the West Bank and Gaza Strip and in the Palestinian Diaspora.

the wars against Israel. The Palestinians and the Arabs have turned UN Resolutions 181,242 and 338 – resolutions that they initially objected to and the implementation of which they torpedoed – into the cornerstone of their demands. Thus, the Arab states started to demand that Israel fully withdraw to the 1967 lines as a precondition for recognizing Israel and signing peace agreement with it, and so far this principle was, in fact, implemented in the peace agreements with Egypt and with Jordan. As for the attitudes of the Palestinians and the Arabs in regards to the nature of the State of Israel, two different approaches can be found, both of which relate to demanding a resolution to the refugee problem based on Resolutions 194 and 242. Some of the Palestinians demand that in this framework the refugees be allowed to return to the State of Israel, thus in fact asking to undermine the Jewish majority in the state and reverse the international decision to establish of a Jewish state. Other Palestinians as well as most of the Arabs states refrain from making this demand and accept, albeit reluctantly, Israel's demand to maintain the Jewish majority within it. Therefore, they accept that the refugee problem should be resolved via compensations for the refugees, their absorption within the Palestinian state or their rehabilitation in the states where they currently reside.

Fifth – The Jewish leadership that initially accepted the Partition Plan's borders according to the UN Resolution of 1947, has been avoiding – since its Declaration of Independence in 1948 to this day – any clear definition of its borders⁴, so that they can be altered. According to one approach, that of the secular-leftists parties, corrections to the Green Line are needed, but they will be implemented within the framework of a territorial exchange agreement of a 1:1 ratio. According to the approach of the secular-rightist parties, the state's borders should be widened as much as possible via agreement or through unilateral moves mirroring the existing power relations between Israel and the Palestinians. According to a third approach, of the religious-rightist parties, the borders should be widened to the "whole" of the religious-redemptive approach. Notwithstanding this argument, Israel *de facto* recognized the borders of Mandatory Palestine as the maximal borders for the Jewish state, starting from its withdrawal from the Sinai Peninsula following the Arab invasion in 1948, through the Sinai

⁴ Then-Prime Minister Sharon in an interview to *Haaretz*, April 22, 2005 and in an interview to Israeli TV Channel 1, May 9, 2005. Then-Acting Prime Minister Ehud Olmert in the Hertzeliya Conference, January 24, 2006.

War of 1956 and the peace agreements with Egypt and Jordan, and ending with the implementation of UN Resolution no. 425 regarding Lebanon.⁵

Sixth – the policy of relative vagueness that the Zionist movement adopted regarding the definition of the borders for the Jewish National Home, initially served its interests by enlarging the territory of that Home from 17% of Mandatory Palestine (as was recommended by the Peel Commission), to 78% of Mandatory Palestine (at the end of the War of 1948).⁶ However, the ongoing implementation of this policy of vagueness regarding to the remaining 22% of Mandatory Palestine (the areas of the West Bank and the Gaza Strip), is threatening today the very base on which Israel is founded. This goes as far as to distort the vision that informed the state's founders, in the following sense: of the three considerations that have been influencing the position of the Zionist Movement regarding the State of Israel's borders (i.e. demography , geography and democracy), the democratic component was at first a constant and stable consideration. With the acceptance of the Partition Plan of 1937, the various decisions taken by the Zionist Movement aimed to reconcile the tension between the demographic and the geographic considerations, always at the expense of this last. However, since 1967, and especially over the last decade, the standing of the democratic consideration has begun to destabilize among parts of the religious-nationalist sector and within the extreme right wing in favor of the geographic consideration, to the extent that some of them are prepared to undermine Israel's definition as a Jewish and democratic state. These groups demand that the areas of the West Bank be annexed to the state without giving the status of citizens to their Palestinian inhabitants, with some of the more extreme elements calling for the Palestinians' forceful expulsion. In addition, there are currently religious-Zionist elements that refute the government and the Knesset's authority to alter the borders of the state via

⁵ Although Israeli law was applied to the Golan Heights, consecutive Israeli prime ministers agreed to negotiate with the Syrians the return of the Golan Heights to Syria in the framework of a peace agreement.

⁶ According to the recommendations of the Peel Commission, the area of the Jewish state would include 17% of Mandatory Palestine; according to the Partition Plan of 1947 – 55%; and upon the signing of the Rhodes Agreements – 78%. One can further say that UNSCR 242, which calls for Israel's withdrawal only from the territories conquered in 1967, implies the UN's recognition of the results of the War of 1948 and the ceasefire agreements of 1949. In addition, the "Advisory Opinion" of the International Court in The Hague from July 9th, 2004 regarding the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", also recognizes the 1967 borders.

democratic means – if such decisions would mean relinquishing territory. They claim that the Land of Israel is not the property of the government, but rather the property of "all of the Jewish people" and that "from the Torah we are commanded to hold on to the Land of Israel and not to give it away to the *Goiym*" [non Jews].⁷

Seventh – from the period following the signing of the Oslo Agreements to this day (the fourth period of time I will analyze), we are actually witnessing a dramatic change in the position of most of the secular elements in the Zionist movement. This change can be defined as moving from a policy of "from demography to geography" to a policy of "from geography to demography". The first policy, which characterized the Zionist Movement in the first and third periods of time I will analyze, entailed the initial inclusion of additional territories in the region that should be defined as the Jewish National Home, then their population until a Jewish majority is achieved, and only later on – the determination of the political standing of these territories. In contrast, the second policy, which characterized the Zionist Movement in the second period, entailed determining the borders and the territories' political standing around the existing Jewish population. In other words, the leaders of the Zionist Movement were wise enough to understand the change that occurred, following the end of the First World War, in the international community's attitude regarding the option of violent territorial expansion. The Zionist leaders wanted to take advantage of the "historical window of opportunity" which US President Wilson's concept of "self determination" and the Balfour Declaration opened for the Jewish people – in order to realize the dream of '*Shivat Zion*' [the Return to Zion]. Therefore, they worked to *a-priori* ensure a territory large enough for the future absorption of millions of Jews from all over the world, in the framework of establishing a Jewish national home in the Land of Israel. However, historical circumstances (which I will address in detail later on), have later led the Movement to take a decision that provided for a smaller territory, where a Jewish majority was ensured. A similar process occurred following 1967. The failure of the settlement project in the areas occupied by Israel in 1967, in terms of its inability to create a Jewish majority in these areas that would enable Israel to demand border alternations, as well as the Palestinian struggle and the absence of

⁷ Rabbi Avraham Shapira, formerly Israel's Chief Rabbi, Head of Yeshivat Mercaz Harav and a central figure among the Rabbis of the religious Zionist camp, Hatzofeh, September 6th, 1993. (translation mine)

international legitimacy for Israel's rule over the Territories, have all led most of Israel's secular leaders to give up the dream of *Erez Israel Hashlema* [Greater Israel], and to seek Israel's permanent status borders along the 1967 lines, with some border changes. Thus, the initial policy that viewed geographic expansion as a tool serving the interests of demographic expansion and Jewish sovereignty was replaced by the functional approach that views geographic compromise as a tool for the maintenance of the state's Jewish majority and democratic nature.

Finally - the weight that the secular-Zionist players give to the demographic consideration in determining the borders of the Jewish national home, and the weight that all of the Zionist elements give to the layout of the Jewish settlement in this regard, have continuously increased over the years. So much so that Israel currently demands borderlines that are contrary to most of the criteria of "a good border" (which will be listed below). From the day in 1937, in which the plan to partition Mandatory Palestine between the two national movements based on the population deployment of each of them was raised, the Zionist Movement did everything within its power to ensure maximal deployment of the Jewish settlement, in a way that would allow it to maintain a Jewish majority in the maximal area of Mandatory Palestine. At the same time, it should be underlined that the political guidelines were the element that finally determined the layout of Jewish settlements. At first, with the determination of the borders of the British Mandate, Jewish settlement was focused in Mandatory Palestine (i.e. between the Jordan River and the Mediterranean Sea). Later on, after the Partition Plan was approved and with the various alteration of the political guidelines following the War of 1948, the Six Days War, the Peace Agreement with Egypt, the Oslo Agreements and the Disengagement Plan - the lines of Jewish settlement also changed, whether towards expansion or towards evacuation.

The expansionist process in the West Bank, which to this day follows a maximalist approach aimed at preventing the establishment of a viable Palestinian state, has increasingly lengthened Israel's eastern border, whether through various suggestions for agreements of via unilateral moves. The result has been, and still is, an anomaly in the life texture of both populations living along this border. Israel's entire eastern border, which at the time of the British Mandate stretched for 501 kilometers, has increased to 624 kilometers following the ceasefire agreements of 1949, out of which the Green Line stretched for 313 kilometers. This

border had nothing to do with geographical elements, with any kind of historical border or with the delineation of the lands of the villages and the grazing grounds and wanderings of the Bedouin tribes. Most of these physical, geographical and social elements were not considered in its delineation. It separated 71 Palestinian villages on both its sides from their lands and turned Israel's capital, Jerusalem, into a frontier city. The layout of the Separation Fence, which many view as Israel's future border, creates an eastern border for Israel that is 1000 kilometers long, out of which 682 kilometers in the West Bank alone! In the Separation Fence's layout, the Jewish demographic component was the one most considered. The layout thus curves and twists so as to include the large settlement blocks in the West Bank that were built in a separate and non-complementary alignment to the Palestinian towns and villages, and, at the same time, so as to avoid including Palestinian villages on the Israeli side of the fence. It critically undermines Palestinian territorial continuity, the Palestinians' ability to manage and implement their daily routine, and also harms the daily routine of the Israelis living in the Territories. The harm the Fence inflicts on the Palestinians is greater than the one inflicted at the time by the Green Line, since until 1967 the West Bank was economically and politically connected to Jordan, while it is currently separated from it and cannot enjoy its assistance.

Chapter I

The Model for analyzing the elements influencing Israel's border and character

Borders are the physical expression of a state's sovereignty over its territory. Prof. Fawcett, considered to be one of the top experts regarding borders in the first half of the 20th century, determined four characteristics for the definition of "a good border":⁸

1. Its location and markings must be clear and noticeable so that no doubts are raised regarding its layout and so that no one might mistakenly trespass it unintentionally.
2. The border will coincide with, or at least will be as close as possible to the areas in which the people (or peoples) that constitute the population of each of the countries that it separates, reside. That is, the political border would also be the ethnic separation border, or at least as close to it as possible.
3. The border will not create a partition inside an area or territory, if among the residents of its various parts exist economic or other interdependencies, unless suitable alternatives for these interdependencies are ensured within each of the countries.
4. The border will not divide habitations or their immediate living territory.⁹

However, it is important to remember - as is explained by Prof. Moshe Braver from the Department of Geography in Tel-Aviv University, who is among the senior geographers in Israel - that borders are not a natural phenomenon, but made by the

⁸ As an ideal type of the functional approach.

⁹ In Braver, p. 205. (translation mine)

same people who created the states. Borders exist as the result of political processes and manmade decisions. A political border is thus an unnatural phenomenon.¹⁰ Therefore, borders are created by people, which Fawcett, for example, believes cannot "reach a consensus and rise above the tendency for bias"¹¹ - thus, the difficulty in finding a "good border". The actual border is the result of economic, security, demographic and other considerations. However, we often find countries that claim there is a need to ensure "natural borders" for the state – borders that according to the belief of these states represent the geographical outcome of their national history and ensure the realization of the people's characteristics.¹² A useful insight regarding the extent in which "natural borders" are "natural" can be found in the remark made by J.R.V. Prescott that "'natural borders' are always the lines a country wishes to **expand** to. No case is known in which a state declared its desire to **withdraw** to 'natural borders'".¹³

On the theoretical level there are two main prototype approaches regarding the role of territory in realizing collective goals: the axiomatic-emotional approach, and the instrumental-functional approach.¹⁴

The axiomatic-emotional approach leads people to view territory as an inseparable element of their personal identity and of the collective identity, and thus also an inseparable part of their nation's identity. Prof. Yitzhak Gal-Nur from the Department of Political Science in the Hebrew University of Jerusalem presents the characteristics of this approach:

¹⁰ Ibid. p. 18.

¹¹ Ibid. p. 205. (my translation)

¹² In researching nationality, it is common practice to equate the term "natural border" with the border of the collective identity as it is perceived in a given period of time.

¹³ In Gal-Nur, p. 44. (need original quote) (translation mine)

¹⁴ Gal Nur describes these two approaches according to Parson's differentiation between expressive and instrumental motives, and in its application for territorial orientations according to Kimmerling and Cohen.

Expressive justifications for the possession or occupation of a certain territory express value-based axioms that require no proof. These justifications could be related to blood-ties or to symbols of holiness. They are based on ideological beliefs and emotional affinities that reflect, but do not explain, why a certain territory "belongs" to the community, the people, the nation or the state. It can be said that the very willingness to discuss this belonging and its strength is perceived as heresy. When, however, the need arises to somewhat clarify these sentiments, especially in order to justify them vis-à-vis opposite claims, the arguments used – according to the type of discussion – derive from the law of nature, historical rights, common language, race, religion and culture. "Homeland" or terms pointing to a familial connection ('land of our forefathers') and to cultural and religious affinity (*mechora* –'homeland', Holy Land) are used in many languages to describe this expressive connection that exists between a certain collective and a certain piece of land ... In expressive justifications there is thus a strong element of determinism, which claims that the affinity to the land is determined by an unquestionable order, since it is anchored in (historical or natural) super-processes we have no control over. This type of approach can lead also to geographical determinism, to the search for natural borders and even to the perception of the state as a living organism that is subject to its own laws of growth and atrophy. When the departure point is an expressive one, territory and borders express - or should express - this kind of order and they cannot be subjected to "technical" tests of expected gains. Accordingly, political decisions that ignore this axiom are perceived as illegitimate; as decisions that are inherently doomed to be cancelled. Territorial expressivism has a strong internal orientation since it is anchored in the community's collective subconscious. A certain piece of land thus becomes a tangible element ("the homeland") of communal sentiments or identification, a kind of collective memory, which is also the common denominator for the internal ties within a group defining itself as a nation.¹⁵

The second approach is the instrumental-functional approach, which causes people to view territory as a tool for the realization of specific needs based on culture, society and politics. Gal Nur discusses also the characteristics of the functional approach:

¹⁵ Gal Nur, p. 51-52. (translation mine)

Instrumental justifications for the need for a certain territory express a conditional approach. The land is a resource, or it is a source of additional resources, and the expected gains from it should be examined on the economic, security, transport and political levels. There of course has to be a certain initial affinity, which determines why a certain collective is present in a certain piece of land and why it is interested in achieving ownership and sovereignty over it. However, when this exists, it is possible to discuss the extent of this territory and there is a need to justify the advantages inherent in it. According to this approach, the border should pass in a place that would ensure the optimal use of the territory in terms of the needs of the community, the people, the nation and the state. The approach is a functional one, and the size of the territory and its borders are discussed in comparison to other collective values, interests and gains. Instrumental justifications usually point to "needs" - such as defensible lines, settlement regions, economic necessity, water sources, social development and an opening to the sea - in order to prove that there is a necessity of a certain territory.¹⁶

There is a very specific kind of geographical determinism in the first approach – the wish to create full identification between three elements: the nation's borders (or those of people who speak the same language, or have the same religion), the state's sovereignty and the territorial delineation. According to the second approach, geography is a dependent variable: society can be based on national identity but also on other interests – economic, security, social – and thus territory is determined as a result of the society's special needs.

Gal Nur mentions that in reality the distinction between the two types of arguments is much harder. In reality the various rationalities are used in parallel, as the situation merits, and it is difficult to isolate the expressive components from the instrumental ones in the general orientation of a certain community or among its leaders. This difficulty calls for a more flexible approach. Gutman aims to combine the two arguments and refers to a border as "a geographical expression of both the social roles and an institution rooted in human psychology." Gutman further recommends that any

¹⁶ Ibid. p. 52. (translation mine)

political decision in regards to the territorial issue should require an in-depth analysis of considerations relating to population, resources, sovereignty, defense etc.¹⁷

Prof. Kimmerling has an important distinction and insight to add in this regard:

It can be assumed that there is no "pure" attitude towards territory, and thus the attitudes tend to be a mixture of expressive, instrumental and other orientations. The importance of the orientation is determined according to the extent this orientation is expressed in the system. There is an internal order to these orientations, which creates a continuum beginning at the instrumental-technical pole and ending at the most expressive pole – the moral-religious one.¹⁸

In this context, the distinction between "expressive" and "instrumental" according to Gal Nur seems to be clear: those concerned mostly with the ability of the territory to absorb people were clearly distinct from those attaching values of "*ge'ula*" [redemption] to the Land of Israel. However, Gal Nur claims that even in such a distinction it is possible to switch between the two arguments, and thus he proposes a distinction that we shall adopt in this book: *"when each of the elements in the Zionist Movement was faced with a concrete decision, was each of them willing to consider renouncing territory in return for other values?"*¹⁹

As we will see further on, most of the religious-Zionist stream demanded throughout the years of modern Zionism, even after the state has been established, to allow the Jewish people to first expand and settle in all of the "promised" territory and to apply Jewish sovereignty over it, without contemplating the utility or disadvantages of this approach. When the majority of this stream was faced with a concrete decision in 1937 – as it faces also today – it refused to renounce territory in exchange for other values such as the establishment of a sovereign state, democracy, the rule of law etc. In contrast, as we shall see later on, the secular-Zionist groups considered also regime-related, economic, security and social issues when they sought to define the

¹⁷ Ibid. pp. 20-23 (translation mine)

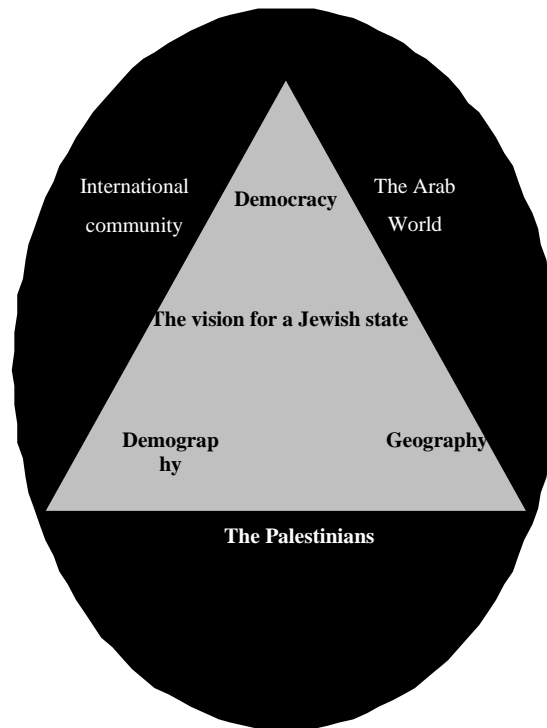
¹⁸ Kimmerling, p. 216. (translation mine) Gal Nur p. 53.

¹⁹ Gal Nur p. 53 (translation mine)

Jewish state's borders. When the Partition Plan arose for the first time in 1937, most of the secular groups within the Zionist Movement chose to settle each time for new – non-historical – borders, in return for other values such as Jewish sovereignty, a Jewish majority and a democratic regime.

Thus, in examining how the State of Israel's borders as well as its nature were determined, we will aim to study and analyze the social and expressive needs of the various elements within the Zionist Movement, as these were expressed in the framework of political decisions and of their *de facto* implementation. On the other hand, we will aim to study and analyze the policies and actions of the Palestinians, the Arab states and the global powers. Below I would like to present a simple model that organizes the various influential elements I mentioned and the relations between them. In this model there are three major components that are related to- and that influence - each other: the first is the vision regarding the nature and regime of the state; the second is the three considerations (demography, geography and democracy) that affected the internal decisions and the actions taken by the Zionist Movement regarding the state's borders; and the third is the major external players that affect the positions and actions of the Zionist Movement.

A model for analyzing the components influencing the State of Israel's borders and its nature; and for analyzing the inter-relations between these components:



A. The vision for a Jewish state

A vision is actually the overriding perception which motivates the various parties, dictates their positions and *modus operandi* and delineates the relations between them. The vision acts as the ultimate test against which the level of success of the sides involved is examined. The relevant vision for this book is that of defining Israel as a "Jewish state". This definition has two interpretations: the first is that of the UN and the secular Zionist groups, which means a state with a Jewish majority that determines its national character. The second interpretation, taken by most of the religious-

Zionist stream, views the State of Israel as "*Athalta De'geula*" [the first step towards redemption], that is - a state that should be managed according to the spirit of Jewish wrote. This vision served as the compass both for the Jewish-Zionist leadership (with its various leanings), and for the Palestinians and the Arab world that have, for many years, tried to prevent the establishment and existence of the State of Israel.

The sides' ability to fulfill their goals is determined to a large extent by the ability of their leaderships to identify the inherent contradictions in the vision of 'Israel as a Jewish state', and to arrive at an optimal choice that would reconcile these contradictions. In other words: the secular-Zionist leadership needs to find the optimal point where the borders of the State of Israel would serve its vision of a Jewish (and democratic) state in a way that withstands the pressure exerted by the internal and external players. Meanwhile, the religious-Zionist leadership needs to find the optimal point in which *its* aspiration for a Jewish state, in the way it defines this state, could become true. The practical implications would be that the secular-Zionist leadership would aim to withstand its opponents from within and from without by seeking a Jewish majority in whatever territory would be under Israel's sovereignty so that the democratic regime would be maintained. In contrast, the religious-nationalist leadership would address its own opponents from within and from without by pointing to the entire territory of Mandatory Palestine, while depriving the Arab majority its civil rights. Meanwhile, the Arab leadership that wishes to prevent the existence of the State of Israel or rejects its Jewish nature may point to a different optimal point in regards to the state's borders. For example, while most of the secular-Zionist leadership would view the 1967 borders as optimal lines in terms of its ability to ensure a democratic state with a Jewish majority, there are many Palestinian who would seek one democratic state in the entire territory of Mandatory Palestine, in which there would be a ruling Arab majority, or otherwise would favor a democratic Israel within 1967 lines in which there would be an Arab majority as a result of the return of the Palestinian refugees.

I will therefore claim that in terms of its vision, the secular-Zionist leadership failed, since after 1967 it consciously moved from a policy that aimed to ensure the vision of a state with a Jewish nature and a democratic regime (a policy that characterized this leadership during the Partition Plan period), to a policy of geographic expansionism

beyond its demographic capacity, in a way that undermines the rule of law and threatens the very basis of democracy. This latter policy linked together security-based perceptions, which still included some ideological components, with a nationalistic and territorial messianic approach. Thus, it undermined the rule of law and the strength of the democratic regime and enables some of the religious-Zionist groups to seek the "Jewish State" in its orthodox definition (which is different from its original definition), so as to justify continuous Israeli control over the West Bank and the Gaza Strip. Still, during the past decade we are witnessing the conscious return of the secular-Zionist parties to the vision of a Jewish and democratic state in narrower borders, while struggling against the resistance to this vision from the religious-nationalist and rightist-nationalist parties. Some of the secular-Zionist parties believe that the PLO, which recognized UN Resolution 242 in 1988 and recognized Israel in 1993, is the partner for a permanent status agreement on the division of the land. Other parties from this camp believe that despite these moves the PLO cannot be the right partner, and since Hamas – that has won the 2006 Palestinian elections – surely cannot be this partner, these parties seek to divide the land via aggressive, unilateral moves.

The vast majority of the Arab states have accepted a point of balance between Israel and the Palestinians in the form of a State of Israel within the 1967 lines, side by side with a Palestinian state in the Palestinian Territories, with an agreed-upon solution to the refugee problem. Among the Palestinians opinions are divided both in regards to the borders and in regards to the nature of the State of Israel. Some of the Palestinians, led by the PLO, have recognized the State of Israel in the 1967 borders in return for the establishment of a Palestinian state in the Territories. Others, led by Hamas, reject any long-term renouncement of Palestine between the Mediterranean Sea and the Jordan River. Similarly, while the PLO agreed, in the framework of past negotiations, to resolve the refugee problem in a way that would not undermine the Jewish majority within the State of Israel, Hamas demanded (e.g. in the framework of the conditions it posed for a long-term ceasefire with Israel), the return of the refugees to their homes inside the State of Israel.

B. The considerations within the Jewish-Zionist system: demography, geography and democracy

In a democratic regime the majority of the population has the ability, as well as the moral and legal right, to influence the state's nature and character. Thus, determining the state's borders is crucial for the definition of the identity of the population majority. Determining the nature of the state and its regime *not* by the majority is possible only in non-democratic states, and thus there is an inherent tension between democracy, demography and geography in regards to the borders of the State of Israel. In other words, in the case of Israel, the wish to add territory (geography) in the form of the territories of Judea and Samaria, necessarily also adds the Palestinian population (demography) to the Jewish state. However, under these conditions, the only way to maintain the Jewish cultural and sovereign hegemony over-time would entail depriving the Palestinians, who would become the majority of the population between the Mediterranean Sea and the Jordan River, of their human and civil rights, which would transform the regime in Israel from democratic to ethnocratic. The internal Zionist decision is thus dependent on these three considerations – geography, demography and democracy - and the inherent tension between them continuously creates new options regarding the location of the State of Israel's borders, according to the interpretations of the vision of 'a Jewish state'.

For the purpose of this book it suffices to base the definition of the *democratic* principles in the State of Israel on the Declaration of Independence, which stresses the freedom of religion and conscience and the full civil equality without distinctions of religion, race or gender. As far as the *demographic* component is concerned, I will refer to the Jewish population and to the Arab-Palestinian population within the borders of Mandatory Palestine, which I will detail later on. In regards to the *geographic* component, I will relate to the borders of the State of Israel and to the territory under its control, as part of the general territory of Mandatory Palestine.

I will thus point to three phenomena: **First** – following the actions taken by the sides in the War of 1948 and after the war, an almost perfect correlation between the geographic division and the demographic division among the various parts of Mandatory Palestine was created. This correlation gave a considerable advantage to the Jews in realizing their vision – a democratic state with a Jewish majority of 84%,

encompassing 78% of the territory of Mandatory Palestine. This correlation (between geography and demography) was greatly undermined following 1967, with the settlement project in the West Bank and the Gaza Strip, especially within regions inhabited by a dense Palestinian population.

Second – the high Jewish and Arab population density existing today in the central region of what was Mandatory Palestine has practically united the demographic and the geographic components. In other words, the territory in the center of the country is currently so heavily populated that it is practically impossible to annex to the State of Israel any substantial territory from the West Bank without annexing also a population living on that territory. Thus one should understand that any geographic change that one wishes to affect necessarily also entails changing the state's demography. The result of Israel's continuous control over the Territories can therefore be one of two: endowing civil rights to the Arab majority and losing the state's Jewish character, or depriving the Palestinians of their civil rights and losing the state's democratic character.

Third – we are witnessing initial signs of a return to the approach that seeks to delineate Israel's sovereignty in a territory that would ensure a Jewish majority. This is evident in the signing of the Oslo Accords, in the construction of the Separation Fence and in the Disengagement Plan. This approach thus contrasts with the approach that informed the Zionist Movement in its earliest period and immediately following the 1967 war, which sought to use settlement expansion throughout the territories that the Movement claimed for the National Jewish Home, so as to enable the future expansion of the State's sovereignty over these territories.

C. The circle of external players relating to the Zionist Movement – the Palestinians, the Arab world and the international community

In this circle we will find the external players that affect the Jewish-Zionist decision regarding the State of Israel's territory and the actual existence of these borders: the international community, the Arab world and the Palestinians. This book will describe how the relative weight of each of these players varied over time.

First – the book will follow the rising weight of the Jewish-Israeli component vis-à-vis that of all other external players.

Second – in regards to the international community I will show how the relative weight of the League of Nations and later on the UN is increasingly growing vis-à-vis the weight of the super-powers in regards to providing international legitimacy and basis for the resolution of the Arab-Israeli conflict. In addition, while in the earlier periods Britain was the most influential player and acted mostly in light of its own interests, I will show how the US became the current leader of the international position and how, even while the US acts according to its own interests, it places important value in the positions of the Israeli government. In fact, the US often supports Israel even when this contrasts with the position of the rest of the international community.

Third – I will examine the change that occurred in the positions of the Arab world and among the Palestinians regarding the recognition of the Jewish people's right for self determination and for its own state and borders.

Fourth – I will show the significant rise in the standing of the Palestinians within the Arab-Israeli conflict vis-à-vis the other Arab states involved in the conflict.

Finally – I will claim that the window of opportunity for a permanent status regarding the State of Israel's borders and for regional peace between Israel and the Arab states and the Palestinians, which opened in 1978 with the signing of the Camp David Agreement between Egypt and Israel, is still open. However, I will show that this opportunity can be realized only according to the interpretation of "*all* the territories in return for peace", as Jimmy Carter determined at the end of the 70s, and as Israel *de facto* implemented in its peace agreements with Egypt and with Jordan.

Chapter 2

Setting the borders of the Jewish National Home: 1915-1923 – Defining the "conflict arena"

A. The vision – A Jewish and Democratic State

In his book *The Jewish State*, Herzl refers to the desired character and regime of that Jewish state. He believed that an unlimited democracy in its classic model would be inappropriate, since

The peoples in our times are unfit [for democracy]... and I believe that in the future they will be increasingly unfit for it. This is since the pure democracy is conditional on very simple lifestyles, while our lifestyle following the development of culture and transport is becoming ever more complex.

Herzl believed that the driving force behind democracy is righteousness, but claimed that he "does not believe in our political righteousness since we are no different than other modern human beings and because, when liberty is achieved, we are sure to develop vanity." His vision was thus that of an "aristocratic republic" in which "a constitution would be set" and where "each person would be free and uninhibited in his faith or atheism, as well as in his nationalism. And if it so happens that among us will reside also those of another faith, another people, we will provide them with dignified protection and legal equality of rights."

Later on, after he mentions that "the community of our nation is singular and unique and that we identify ourselves as belonging together solely on the basis of our forefathers' faith", he goes on to warn against theocracy:

Will we have a theocracy? No! Faith does unite us, while science makes us free. Therefore we will altogether refrain from allowing the theocratic tendencies of our men of religion to raise their head. We will know how to keep them inside their synagogues, as we will keep our regular army in the army camps. The army and the rabbinate would be

greatly respected, as is needed and worthy of their respectable positions, but they should not intervene in matters of the state – with all due respect – lest they may bring upon it difficulties from within and from without.²⁰

Thus, Herzl's vision was of a Jewish state with a liberal constitution. The Prophet of the State gives *a-priori* warning against the mismanagement of two phenomena that we will encounter in the future: the dominant involvement and influence of the security system over the Israeli political system, and the process of politization of religion in Israel.²¹

B. In the tangle of the international community's interests

The weight of the international community at that period of time was crucial and almost singular. This was true both in terms of the three external actors mentioned above (the international community, the Arab world and the Palestinians), and in terms of the positions and actions taken by the Jewish and Zionist elements in the internal system. The dominance of the international community, led by Britain, forced it to take a balanced policy that was manifested in a number of key issues.

The first issue involved the right for self-determination of the Jewish people: the League of Nations, which was established in the Peace Convention that met in Versailles in 1919 at the end of the First World War and addressed the political future of the world and the political arrangements that would ensure this future, determined the approach that stressed the principle of self-determination for nations and rejected the old imperialistic notion of taking over territories through conquest. In addition, the

²⁰ Herzl, pp. 75-78 (need to look for an original translation) (translation mine)

²¹ This last phenomenon would be especially noticeable whenever an elected government in Israel would wish to return the territories conquered in the Six Days War, via a campaign to de-legitimize the elected democratic institutions under the logic that their actions contradict the interpretations of the State Rabbis. These elements thus wish to expand the borders of the State of Israel at the expense of negating its democratic regime as that was perceived by the Prophet of the State.

League of Nations saw it as its imperative to assist weaker nations in realizing this right to self-determination.

To those colonies and territories which as a consequence of the last war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization ... the tutelage of such peoples should be entrusted to advanced nations.²²

Such a dramatic turn in international relations provided many peoples – including the Jewish people – with the historical opportunity to reach sovereignty in an independent state. It was thus decided that the discussion over the future of the region should now also take into consideration the demands of the Zionist Movement and British recognition of these demands in the Balfour Declaration (see Annex A), in contrast with what has been included earlier in the Sykes-Picot Agreement between France and Britain (in which the parties agreed to establish an Arab state under British patronage, an Arab state under French patronage and a territory under international control in the Middle East).²³

The second issue relates to the process of self-determination of the Jewish people: the uniqueness of this process and its effect over the borders of the Jewish National Home are highly evident in this period of time. Unlike the familiar pattern of self-determination processes, international recognition for the right of the Jewish people for self-determination in the Land of Israel came before the existence of any substantial Jewish population in any parts of that Land in modern times. The majority report of the 'UN Special Commission On Palestine' (UNSCOP) from 1947, which

²² The Covenant of the League of Nations, Article 22. Source: <http://www.yale.edu/lawweb/avalon/leagcov.htm>

²³ International control was to be entrusted to Britain, France, Italy and Russia, in addition to representatives from the Arab-Muslim world. This territory was supposed to encompass only the center of the country – from Rosh Hanikra to the Sea of Galilee in the north, along the Jordan River to the Dead Sea (with the exclusion of the Sea) in the east, and then to the Mediterranean coast south of Gaza. The Haifa Bay and the Zvulun Valley were extracted from this territory, as they were entrusted to British control.

surveys the development of the Jewish-Arab conflict in the region, explains the international community's position in regards to the Jewish people at the end of the First World War:

Both the Balfour Declaration and the Mandate [which was approved in 1922 by the League of Nations' Council] involved international commitments to the Jewish people as a whole. It was obvious that these commitments were not limited only to the Jewish population of Palestine, since at the time there were only some 80,000 Jews there.²⁴

And in paragraph 176, the writers of the report even mention that, when the Mandate was created in 1922, the principle of self determination "was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there" and that "actually, it may well be said that the Jewish National Home and the *sui generis* Mandate for Palestine run counter to that principle [of self determination]."²⁵ This unique recognition, lacking any specific territorial point of reference for a Jewish population concentration in the Land of Israel, opened a long and still ongoing period of a stubborn settlement struggle by the Jews in the Land of Israel with the aim of ensuring an expansionist definition for the borders of the Jewish state. Meanwhile, based on this international admission that the principle of self-determination has been contradicted in this instance, an Arab effort began, which initially aimed to reverse this unique recognition and later tried to limit its territorial ramifications as much as possible. Prof. Edward Sa'id, who was a Member of the Palestinian National Council, criticized this unique international recognition and challenged the binding legality of the Balfour Declaration, under the claim that this declaration was given

...in total disregard for the presence of the native majority living in that territory and of its aspirations, and took the form of a promise regarding this territory, which was

²⁴ UNSCOP Report, Chapter 2, Paragraph 146, in Yaakobson and Rubinstein p. 57 (Text taken from: <http://domino.un.org/UNISPAL.NSF/eed216406b50bf6485256ce10072f637/07175de9fa2de563852568d3006e10f3!OpenDocument>)

²⁵ Ibid. p. 57

promised to another alien group so that this alien group could, simply put, turn this territory into a National Home for the Jewish people...²⁶

Sa'id does base his criticism on the international admission within the Committee's Report, but at the same time chooses to ignore some of the justifications for this decision. First – the lack of any parallel Arab demand for separate independence in Mandatory Palestine at that time. In fact, the representative of the High Arab Council of the Palestinian Arabs mentioned in his address on May 9th 1947 to the UN General Assembly Committee (that discussed UNSCOP's Partition Plan), that "Palestine was included in the Ottoman Empire as part of Syria" and that the promises made to the Arabs related to "that part of Syria which today is known as Palestine." The Special Committee's Report itself also states:

The desire of the Arab people of Palestine to safeguard their national existence is a very natural desire. However, Palestinian nationalism, as distinct from Arab nationalism, is itself a relatively new phenomenon, which appeared only after the division of the "Arab rectangle" by the settlement of the First World War. The National Home policy and the vigorous policy of immigration pursued by the Jewish leadership has sharpened the Arab fear of danger from the intruding Jewish population.²⁷

Second, Sa'id also ignores the historic connection between the Jewish people and the Land of Israel, and third, he ignores the fact that depriving the Jewish people from self-determination in Mandatory Palestine just because at the time of the Mandate it was not the majority native population there would have done Jews a double injustice, due to the tragic consequences of the Jewish people in Diaspora. This is explained by Prof. Alexander Yaakobson from the Department of History in the Hebrew University in Jerusalem and by Prof. Amnon Rubinstein, the Dean of the Interdisciplinary Center in Hertzeliya and Former Minister of Education and Culture:

²⁶ Said Edward W., *The Question of Palestine*, New York: Vintage Books, 1992. (need to find original quote) (translation mine)

²⁷ UNSCOP Report, Chapter 2, Paragraph 146, in Yaakobson and Rubinstein p. 55-6 (Text taken from: <http://domino.un.org/UNISPAL.NSF/eed216406b50bf6485256ce10072f637/07175de9fa2de563852568d3006e10f3!OpenDocument>)

We should realistically examine the full moral significance of this position. Its practical implication is that the Jewish people is being "punished" for the Jewish tragedy – for wishing to establish a state in a situation in which not only did it have no national independence, but was also lacking any homeland, home, any firm ground under its feet, and therefore large segments of it were deprived of any human rights including human dignity and life itself. While Jewish aspirations for national independence were not substantially different from the national aspirations of other peoples, the way in which the Jewish people realized its right to self determination was indeed unique – because Jewish tragedy was unique. Does this lessen the moral justification for the realization of this right in the case of the Jewish people? Whoever says so, actually empties the principle of self determination of nations from its central moral content.²⁸

Unlike the position elaborated by Yaakobson and Rubinstein that explains the uniqueness of the Jewish case, there are others who believe that the international recognition of- and obligation to the Jewish people were not unique and that the Jewish people's process of self determination in the Land of Israel was actually normal and natural. For example, Prof. Allan Darshowitz, from the Harvard University School of Law claims that "a Jewish National Home actually existed in the Land of Israel even back in 1917, which was composed of a few dozen Moshavim and Kibbutzim in the western Land of Israel and in its north-east, as well as of Jewish cities such as Jerusalem and Sefat."²⁹ However, this claim made by Darshowitz is unable to explain the Jewish demand for sovereignty over entire Mandatory Palestine, since the numerical ratio between Jews and Arabs at the time in Mandatory Palestine was 1:7. Darshowitz's claim is also refuted by Weitzman's third testimony to the Royal Commission of 1937. When Weitzman was asked (twice) by Sir Rombold "was the national home already established?" he answered that the aim of the Zionist project was not to establish a Jewish ghetto of 400,000 people around Tel-Aviv. Finally, Darshowitz's claim cannot explain the considerations for the definition of the borders of the British Mandate and especially the considerations to allocate a part of it

²⁸ Ibid. pp. 58-59 (translation mine)

²⁹ Darshowitz, p. 45

for a Jewish state within the Partition Plan. The borders that were defined were located a long distance away from the contours of the Jewish settlement at the time. In fact, the Partition Plan allocated 55% from the territory of Mandatory Palestine for the future Jewish state – most of this territory in the form of empty areas in the Negev – due to the international recognition of the need to absorb the majority of the Jewish people that was still in exile.³⁰

The third issue where the dominance of the international community was manifested - in addition to the Jewish people's right to self determination and to the uniqueness of this international recognition - related to Britain's central role in determining the borders of the Jewish National Home. Britain was extremely dominant in all the three events that served as the documentary basis for the discussions that took place after the First World War regarding the borders of the Jewish National Home. These three events were: the Hussein McMahon Correspondence in 1915 which served as the basis for British-Arab cooperation during the war;³¹ the Sykes-Picot Agreement from March 1916 between Britain and France for the division of the Ottoman Empire, and the Balfour Declaration published on November 2nd 1917, in a letter sent from British Minister of Foreign Affairs Lord Balfour to Lord Rothschild (see Annex A).³²

Setting the borders of the Jewish National Home: The principle decision to divide the Middle East between Britain and France was taken at the San Remo Convention

³⁰ On the eve of the establishment of the state, the population ratio in Mandatory Palestine between Arabs and Jews was 66% to 33% respectively. Despite this ratio, the Jews received 60% of the territory according to the proposal of the Partition Commission, which in the Partition Decision were narrowed to 55%.

³¹ This correspondence, between the Shariff Hussein of Mecca and the British Commissioner to Egypt, Henry McMahon, concerned the Arabs' demands to establish an Arab state which would include all the Arab territories of the Ottoman Empire. The letters were published later on.

³² The Sykes-Picot Agreement included a map in a small scale (1:2,000,000) that left room for different interpretations of the borderline, especially in the area of Mandatory Palestine (see Biger Chapter 2). The other two documents included general references to the borderlines, but no exact delineations were set.

of 1920.³³ In the framework of this Convention Britain institutionalized its claims vis-à-vis France for control over the region, as well as of its promise to assist in the establishment of a National Home for the Jews.³⁴ Following this decision, discussions began regarding each of the borders of Mandatory Palestine. **The southern border** with Egypt was unilaterally set by the British – who controlled both its sides – without the participations additional representatives of either of the sides. This border was set on the separation line determined in 1906, in the framework of the Ottoman Empire, between the Ottoman Province of Hijaz and the Jerusalem Region in the north, and the Sinai Peninsula in the south. This line *de facto* served as the international border between Egypt and Mandatory Palestine.³⁵

The setting of **the northern border** was extremely complex and was implemented with the involvement of Britain, France, the Zionist Movement, The Arabs of the Middle East (led by Faisal, son of Hussein the Shariff from Mecca), Lebanese nationalists and the Arabs of Mandatory Palestine. In the first phase, on December 23rd 1920, Britain and France signed an agreement that included a principle accord regarding the borderline, without marking it on the ground. Only in the second phase, signed on March 10th 1923, was the border delineated on the ground after some principle changes were made in respect to the first phase (these included the removal of the Golan Heights from the territory of Mandatory Palestine and on the other hand the inclusion of all of the Sea of Galilee within its territory). This border was defined from the beginning as an international border, and as such was unique among the three borderlines of the land at the time of the British Mandate.

³³ The decision taken at the San Remo Convention on April 24th 1920 left Lebanon and Syria to France while Britain was left with the decision regarding the division of the territory of the British Mandate between Palestine-Israel and between Mesopotamia-Iraq.

³⁴ This in contrast to the Sykes-Picot Agreement between Britain and France prior to Britain's conquest of the land, in which Britain based its demands on current and future military-strategic needs of the British Empire.

³⁵ It was only in 1979 that this line received a formal status as an international border, in the framework of the Peace Agreement between Israel and Egypt.

As for the **eastern borderline**, following the disappearance of Faisal's kingdom in 1920 very shortly after its establishment, and Britain's renewed involvement in the future of these territories, the Zionist Movement resumed its demands to include 18,000 square kilometers on the eastern side of the Jordan River in the territory of the Jewish state. This, according to the decision taken by the 12th Zionist Congress: "The eastern side of the Jordan River, which the people have always considered to be an integral part of the Land of Israel, has been included anew in the Mandate's territory over the Land of Israel."³⁶ The British were not of one opinion regarding the setting of the eastern border, until finally, the "White Book" that was published after the events of May 1921 included a clear ruling that the clauses of the British Mandate that referred to the National Jewish Home would not relate to Transjordan (without specifically mentioning the borderline between these two territories).³⁷

On July of 1922 the British Mandate was approved, and according to paragraph 25 within it, and with the approval of the League of Nations, the option was given that specific clauses referring to the Jewish National Home would not be applied to Transjordan. Later on, the Settlements Office agreed to publish in the official newspaper of Mandatory Palestine the proposal made by Herbert Samuel (then the High Commissioner for Palestine and Transjordan) for the eastern borderline. This publication gave legal authorization to the existence of two separate territories under the British Mandate – Mandatory Palestine, and Transjordan. The eastern border then became also a *de facto* ethnic border because, in reality, the establishment of Jewish habitations east of the line was not allowed.³⁸ In parallel, the Southern Negev that for hundreds of years was not recognized as part of the Land of Israel was annexed to it

³⁶ From the Decision of the 12th Zionist Congress that appeared in *HaOlam*, November 6th, 1921. (translation mine)

³⁷ Zeev Jabotinski, who was a member of the Zionist Board at the time that Churchill's White Book was published, supported the Zionist Movement's decision to agree to the Book. Later on he claimed that this decision was given by the Zionists "under threats" and without achieving its purpose – convincing the Arabs to support the Balfour Declaration. Arie Naor, p. 74 (Hebrew).

³⁸ The only exception was the establishment of the workers' neighborhood near the electrical factory in Naharaiym (created by Pinhas Rotenberg, the founder of Israel's electrical company) and the adjacent settlement Tel-Or, which was destroyed in 1948 when the factory fell into the hands of the Jordanian army.

and was later recognizes as part of Israel also by the Hashemite Kingdom of Jordan.³⁹ According to the perceptions of the British senior civil servants in Jerusalem, the Negev was seen as a transport rout, external to Jordan, which would enable the exporting of the treasures of the Dead Sea via the Eilat Bay.⁴⁰ In 1946, following Jordan's national independence, the border was delineated on the ground and became an international border.

This description of the developments that led to the marking of the eastern border of Mandatory Palestine contrasts with claims made by Darshowitz and others that

The Arabs won 80% of the territory of the Land of Israel, which was allocated solely for the establishment of an Arab state...this vast region in the east of the Land of Israel was renamed as *Ever Hayarden* [Transjordan]. The first state that was established in the Land of Israel was therefore an emirate with a clear Palestinian majority.⁴¹

First of all there is a serious question as to the validity of the number '80%' used by Darshowitz since the Zionist claim regarding Transjordan (which will be detailed below), referred only to the strip that lay east of the Jordan River and west of the Hijazi Railway track, which was smaller than the entire territory of the Jordanian Kingdom.⁴² Moreover, the Ma'an Region that encompasses all of Jordan's current southern part, which was calculated by Darshowitz, was at the time part of the Hijaz Kingdom. Recognition of Jordanian rule over this region (by Saudi Arabia) was given only in 1965.⁴³ Second, throughout the entire process of determining the various borders in the Ottoman Empire's former territories, the British viewed the territory lying east of the Jordan River as a region that would have a different future than that of Mandatory Palestine. Back in the Sykes-Picot Agreement, this territory was designated for an independent Arab state under British patronage, which explains why

³⁹ In the administrative division made at the time of the Turks, which was later adopted by the occupying British military rule, the entire Aravah region and some of the Negev were included in Transjordan.

⁴⁰ Braver, p. 85

⁴¹ Darshowitz, p. 49. (translation mine)

⁴² I.e. 18,000 square km out of 90,000 square km.

⁴³ Braver, p. 83.

Britain immediately withdrew its soldiers from that area and why the British Foreign Office determined that "Faisal's authority will be recognized in all the territories under his rule in Transjordan"⁴⁴ (this, despite the fact that Britain did not formally recognize Faisal). Later on Britain examined a few optional lines for the eastern border of Mandatory Palestine, all of which were west of the Hijazi Railway tracks, until Herbert Samuel, the First British Commissioner to Palestine, was forced to set the borderline on the Jordan River itself (according to an inter-ministerial British decision determining that the area of Transjordan would be part of an independent Arab state).

Officially, the Zionist Movement objected to the British position regarding Jordan. In an interview in November 1936 Moshe Shertok said that "a part of our body has been severed when Transjordan was separated from Palestine".⁴⁵ In a proposal presented by the Jewish Agency's Board to the British Woodhead Partition Commission in 1938, the Zionists claimed that the plans presented a year earlier by the Royal British Commission (the Peel Commission of 1937) refuted Britain's prior obligations - based on the principle of establishing a National Jewish Home on entire Mandatory Palestine - and therefore it discriminated the Jews. The Board further protested the fact that the decision actually divides the land for the third time: in 1919 the land was divided for the first time between Britain and France; in 1922 the eastern part of the land was severed away from the National Home (in the confirmation of the British Mandate), and now, in the framework of the third division "the Peel Commission suggests the Jews would receive only the 18th part of the territory that was promised in the Balfour Declaration".⁴⁶ Nonetheless, the Zionist Movement *de facto* acquiesced with the British policy towards Transjordan and, from the 1920s onwards, most of the efforts were directed towards the territory of Mandatory Palestine.

In sum, since the mid-20s, when references were made to Mandatory Palestine, this meant a territory of 20,000 square km west of the Jordan River, including the Dead

⁴⁴ Biger, p. 165. (translation mine)

⁴⁵ *New York American* Magazine, November 5th, 1936. (need original quote) (translation mine)

⁴⁶ Memorandum of the Jewish Agency Board to the Partition Commission, Katz, p. 22. (translation mine)

Sea and the Sea of Galilee (see map no. 2). Thus, the British Mandate's area over Mandatory Palestine was 60% of the territory demanded by the Zionist Movement in its formal memorandum from 1919.⁴⁷

C. The position of the Arab world towards the borders of Mandatory Palestine

During that period the Arabs were represented by Faisal, son of the Shariff Hussein from Mecca, who based his claims on the correspondence between his father and Lord McMahon, the British Commissioner to Egypt, in 1915. In one of those letters from July 14th 1915, Hussein defined the borders of the future independent Arab state as follows:

England will acknowledge the independence of the Arab countries, bounded on the north by Mersina and Adana up to the 37th degree of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn 'Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina...⁴⁸

According to Arab demands, this correspondence designated Mandatory Palestine to within the territory of the Arab state to be established in the Middle East since, in fact, at the time of British conquest, it indeed had more than a 90% Arab majority. Therefore, claimed the Arabs, it should rightfully be included in the Arab state, the establishment of which was promised on the Arab territories of the former Ottoman Empire. As part of his diplomatic and political maneuvers Faisal agreed, in the Faisal-Weitzman Agreement of 1919, to view Mandatory Palestine as a separate unit that would be given to the Zionists.⁴⁹ However on other occasions, such as during the

⁴⁷ As opposed to only 23% as was claimed in the protest that 77% of the territory of the 'National Home' was severed for the benefit of Jordan.

⁴⁸ Source the Knesset internet site. Translation source: <http://www.jewishvirtuallibrary.org>

⁴⁹ Clayton's memorandum of the Faisal-Weitzman encounter in June 1918.

declaration of the Arab Congress and during the crowning of Faisal to King of Syria,⁵⁰ he demanded that this territory be annexed to the Great Kingdom of Syria that he aspired to establish.⁵¹ In reality, during this period of time, the Arabs did not address the issue of the exact delineation of Mandatory Palestine. Prof. Gideon Biger from the Department of Geography at Tel-Aviv University believes that this was the result of the fact that the National Arab Movement only got organized at the time the first delineation took place, the fact that the Arabs have not delineated borders for decades and due to their fear that delineating borders would bring an end to their political demands on the ground.⁵² The Arabs of Mandatory Palestine likewise saw their territory as an inseparable part of the Arab kingdom that would soon be established. Their fear was that by separating this territory from the Arab kingdom, they would be left alone to address the implementation of the Balfour Declaration for the Jewish people.

D. The position of the Zionist Movement – the Land of Israel as an indivisible unit

Geography: The secular Zionist Movement, as opposed to the religious-nationalist stream that would be described below, was closer to what I have defined as the instrumentalist-functional approach regarding territory, than to the axiomatic-sentimental one.

In his book *The State of the Jews*, Herzl clarifies his position regarding the location of the Jewish state. In principle he claims to be satisfied if "we will be given sovereignty over whichever piece of land on this earth, which would suffice to fulfill our people's justified needs. We will take care of all the rest by ourselves." Later on he discusses the two alternatives for the location of the state: the rich, spacious and

⁵⁰ Documents of the Ministry of Foreign Affairs 13, 1963, p. 223; Biger, p. 67.

⁵¹ The Faisal-Weitzman Agreement was conditional upon the Zionists exerting their influence over the British in favor of the establishment of the Arab state headed by Faisal.

⁵² Biger, p. 231.

poorly populated Argentina or "Palestine...our historical and unforgettable homeland." Thus, according to Herzl's thinking, the establishment of a state aims first and foremost to resolve the "Jewish question". The issue of territory was of secondary importance.⁵³

No geographical borders were mentioned in the Balfour Declaration. The terms stressed in that declaration was "in the Land of Israel", and it was not specified that this would necessarily mean that *all* of the Land of Israel would be the Jewish National Home. At that period in time, the Zionist Movement did not demand to receive control over all the Land of Israel; rather, it aimed to create a large Jewish state under British rule. The first to have clearly demanded specific borderlines for the Jewish state were the representatives of the Zionist Federation. They were the only ones who, throughout all the discussions between the sides regarding the three borders (the northern, the southern and the eastern), saw in their minds' eye one, clear and well-define National Home. The suggestions presented by the Zionists changed from time to time, so as to accommodate this or that political situation, but the vision remained holistic and referred to the entire Land of Israel.

For example, in their book "*Erez Israel*" [the Land of Israel] written by Ben Gurion (later Israel's first Prime Minister) and Yizhak Ben-Zvi (later Israel's second President), published in New York in the beginning of 1918, the writers present an approach that characterized most of the leaders of the Zionist Movement in regards to the borders of the Jewish National Home. The Movement based most of its demands on economic and strategic justifications, thus aiming to ensure the establishment of a strong and modern state. Likewise, in a Memorandum presented by the Zionist Federation mission (headed by Chaiym Weitzman, later to become Israel's first President) in February 1919 in the Peace Convention in Versailles, it included a description (in words rather than in a map) of the borders appearing in map no. 3.⁵⁴ These borders defined an area of between 45,000-50,000 square km, and included

⁵³ Herzl, pp. 36, 39. (need to find an original translation)

⁵⁴ For additional proposals such as that of Shmuel Tolskivski from 1915, or the memorandum of Aron Aharonson, Arthur Rupin and others, see Biger pp. 61-66.

areas that today belong to southern Lebanon, the Golan Heights and the Gilad, as well as an area of 18,000 square km in Transjordan. The major considerations presented in that memorandum from 1919 relate to the necessity to control water resources and agricultural areas needed for the country's development.

The Zionist leadership refrained from mentioning the Biblical "promised borders" ("*Gvulot Ha'havtaha*") that according to the Bible stretched "from the River of Egypt to the Euphrates", because it believed this position had no chance of being accepted. The Movement also refrained from demanding the "historical borders", which were altered many times and which were formed as a result of chance occurrences. Most of all it refrained from demanding the historical formula of "from Dan to Beer Sheva" – although this formula was conceptually accepted by the international community – for fear that the future state will thus be severed from its outlet to the Red Sea. In principle, the formulators of the Zionists' demands understood that any claim they would make based on this or that historical line would be opposed by an Arab counter-demand, which would be based on a different historic-political situation (such as, for example, on Muslim rule over the region for the 1,300 years that preceded British occupation).⁵⁵ Thus, while the Zionists based their demand for a national home on the People of Israel's historic right over the Land of Israel, when arriving to the issue of the actual borders, they preferred to present a realistic position and to stress the economic-strategic need over an unrealistic position based on "historic past" and "divine promises".

In their book, Ben Gurion and Ben Zvi write as follows:

...however, if we wish to determine the borders of today's Land of Israel, and especially if we view it [the land] not only as the domain of Jewish past but also as the country of Jewish future, Jewish settlement and Jewish national home – we cannot consider the ideal borders, which were promised to us according to the tradition, since these are too wide in today's situation. At the same time, we cannot stick only to the historical borders that

⁵⁵ Except for the period of the Crusades.

were altered so many times according to chance and that are, for the most part, too narrow and do not coincide with the country's natural state.⁵⁶

As mentioned above, initially it was the formula of "from Dan to Beer Sheva" that informed the British Government's position regarding the borders of the Jewish National Home. Therefore, most of the Zionist positions aimed to widen the borders of the future Jewish state to the El-'Arish-Eilat line in the south, the Zidon-Hermon line in the north and to the line adjacent and western to the Hijazi Railway up to Aqaba in the east. In these efforts the Zionists based their demands mostly on economic justifications – such as the water of the Litani River and the agricultural region of the Jordan Valley, rather than on historical Biblical justifications.⁵⁷

The role that Jewish settlement played in determining these borders: in 1918 the link between the location of a Jewish settlement and the location of the Jewish state's borders was raised for the first time, in regards to the eastern border. In a memorandum prepared by the Department for Political Intelligence of the British Foreign Ministry towards the end of the war it was written that:

We cannot accept the Zionist claims to include the eastern bank of the Jordan River in the territory of the Jewish state since there are no Jewish colonies there and the [local] population has clearly expressed its wish to join an Arab Syrian state.⁵⁸

In terms of the northern border, only Metula – the sole settlement that both the British and French recognized a Jewish settlement in the entire area – had any significance in the borderline's determination. The events of Tel-Hai, in which eight Jews were killed, had no influence over the setting of the borderline. Similarly, the existence of the Moshava Bnei Yehuda east of the Sea of Galilee and the Baron Rothschild's ownership of vast areas in the Golan did not bring about the inclusion of these areas in

⁵⁶ Ben Gurion and Ben Zvi, p. 44 (my translation)

⁵⁷ Biger, pp. 77-79

⁵⁸ Biger p. 170 (my translation). This memorandum refutes the claim made by Darshowitz that "...many of the Jews that lived in what has become Jordan – and some of them have been living there for generations – were forced to leave...". Darshowitz, p. 145.

the territory designated for the National Jewish Home. In regards to this border the British succeeded, with some sort of coordination with the Zionist Federation, to reach an agreement with the French, with the earlier historical-biblical formula of "from Dan to Beer Sheva" being replaced by the geographic principle of "water for Israel and roads for Syria". Thus, it was the Zionist claim based on the need for an economic border and control over water in the north (rather than on the historical past) that influenced the border being pushed further north.⁵⁹

Demography: It can be assumed that the demographic issue did not much bother the leaders of the Zionist Movement at the time. The ratio that existed between Jews and Arabs – 90,000 to 500,000 respectively – seemed to them to be a temporary fact for the following reasons: first, the British commitment given in the Balfour Declaration, according to which "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, **and will use their best endeavours to facilitate the achievement of this object**" was understood by the leaders of the Movement as a promise to assist in the immigration ("Aliya") of many of the 13.5 million Jews who lived throughout the world at the time.⁶⁰ This attitude was also mentioned later in a memorandum by Adam Forbs of the British Colonies' Office: "...it seems that 3 million, instead of the 60 thousand that currently reside in the land, could settle in it, and mostly Jews from the east who have never been to the Land of Israel".⁶¹ Second, the perception of the Jewish-Arab ratio as temporary was also based on the Mandate on Palestine given to Britain by the League of Nation. This Mandate promised in its preamble to "[put] into effect" the Balfour Declaration "in favor of the establishment in Palestine of a national home for the Jewish people" while recognizing "the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country"⁶². Article 6 further declared that the Mandate "...shall facilitate Jewish immigration under

⁵⁹ Biger pp. 151-152.

⁶⁰ Della Pergola, Israel and the Diaspora (p.?) (translation mine)

⁶¹ Biger, p. 123. (translation mine, need to find exact quote)

⁶² The Palestine Mandate, preamble, source: <http://www.yale.edu/lawweb/avalon/mideast/palmanda.htm>

suitable conditions and shall encourage, in co-operation with the Jewish agency...close settlement by Jews on the land..."⁶³ Third, the demographic balance was rapidly and continuously changing during this period in favor of the Jews. The Jewish settlement in Mandatory Palestine quadrupled between the years 1880-1914, while the number of Arabs remained constant.⁶⁴ Fourth, at the time the issue of the Jewish state has not yet reached concrete phases that would require a concrete plan in regards to the issue of territory and the identity of the majority within it. And lastly, no Arab demand was raised at the time for the establishment of an independent state in Mandatory Palestine, so it was impossible to relate to a separate Arab public that would realize its self-determination there.

In summarizing this chapter we can make five general claims: **First** of all, the dramatic revolution in international relations initiated by US President Wilson at the end of the First World War in regards to nations' right for self determination, together with the Balfour Declaration that was the result of the diplomatic efforts of the Zionist Movement, opened for the Jewish people, for the first time after nearly 2000 years, the possibility of returning to the Land of Israel and renewing its sovereignty over it.

Second, the Jewish people enjoyed a unique historical recognition by the international community in regards to its right to establish a national home. This right was granted to the Jews regarding the Land of Israel even though, according to the 'pure' principle of self-determination, the territory of Mandatory Palestine should have become a part of an Arab state due to the native majority of Arabs living there.

Third, the dominant player in the delineation of the borders was Britain, who enjoyed control over the land and dictated – almost alone and according to its own interests before, during and after the First World War – the delineation of the southern and eastern borders. During this period in time, the issue of the establishment of a Jewish National Home entered Britain's considerations mostly when this went in line with its

⁶³ Ibid. Article 6. See also Rubinstein and Yaakobson, p. 28.

⁶⁴ Biger, p. 123.

own independent position. Despite the fact that the League of Nations authorized the Mandates of both Britain and France and left both to discuss the exact details, France had much less influence. The Zionist Movement acted at the time with all its might to ensure that the borders of the Jewish National Home would be widened as part of its general strategy, but it lacked any official position. The Movement's demands were not fully answered in any of the borders, and the feeling within the Movement was that these territories, and especially the territory it demanded but was denied in Transjordan, were robbed from it. The Arabs living in Mandatory Palestine at the time did not address the delineation of the country's borders at all. Faisal and Abdullah's involvement was negligent and lacked the detailed approach that characterized the Zionist Movement.

Fourth, the demands made by the Zionist Movement were based on strategic-economic arguments, rather than on historic ones. The chances for the unreasonable "promised borders" were nil, while on the other hand the Biblical formula of "from Dan to Beer Sheva" seemed too narrow, lacking an exit to the Red Sea, the agricultural bounty of Transjordan and the water of the Litani River. As mentioned, Jewish settlements had but a minor influence on the setting of the borders.

Finally, while the Zionist Movement's ongoing discussions with the international community had a relatively minor effect on the determination of the borders, they had a major effect in regards to international recognition of the Jewish people's right to self-determination in the Land of Israel. These discussions created the basis for the increased influence of the Zionist Movement in later years, when the country was partitioned, especially against the background of the Arabs' refusal to any sort of cooperation at that time.

Chapter 3

The "Partition" Period: 1937-1949

A. The international community leads the idea of partition

The international community viewed the idea of partition as a solution that would address the inherent tension between the two assumptions that informed its policy: a unique recognition of the right of the Jewish people dispersed throughout the world to establish its national home in Mandatory Palestine on the one hand, and recognition of the national inspirations of the Arab majority living there, on the other. Thus, in the report presented by the Royal Commission (the Peel Commission) in 1937 the British declared the idea of partition as "the only way we can offer to address the roots of the disease."⁶⁵ This was their way of settling the contradictions created by their double commitment to the Jews and to the Arabs – in the Balfour Declaration and the McMahon Correspondence respectively – while securing British interests and removing "the problem of Palestine" from Britain's agenda and from the international public opinion (since the "problem of Palestine" forced them to continuously invest economic and military resources and led to ongoing international pressure).

The British first found themselves in this tension between the two communities on the eve of the outbreak of the "Arab Revolt" in April 1936. In the Royal Commission's Report they listed various reasons for "the disturbances of 1936", the three significant ones being: the decrease in the percentage of Arabs within the general population of Mandatory Palestine from 90% in 1922 to about 70% in 1936; the desire of the Arabs living in Mandatory Palestine for national independence in the model of Iraq, the Hashemite Kingdom of Jordan, Syria and Lebanon (that all received various degrees of independence during that period);⁶⁶ and insecurity regarding Britain's intentions in

⁶⁵ Royal Commission Report Chapter XXII, part 1.

⁶⁶ It is important to note that the Report refuted the assumption that was prevalent for many years among the Jews, according to which economic wellbeing for the Arabs of Mandatory Palestine would enhance their willingness to mitigate their nationalistic demands. Biger, pp. 130-136, 363.

the Middle East and in Mandatory Palestine in view of developments in Europe and of Italy and Germany's policies in the region.⁶⁷

The British Partition Plan presented in the Royal Commission's report (the Commission, headed by Lord Peel, was nominated in August 1936 and presented its report in June 1937), included numerous justifications for dividing the land: geographic, physical, habitation-related, transportation-related, topographic, regime-related and justifications relating to future development possibilities. The main principle behind this plan was separating as much as possible the major Jewish population centers from the major Arab population centers, based on the current population layout. The British suggested that 4,840 square km from the territory of Mandatory Palestine would be allocated for a Jewish state and the rest, except for areas of British interest, would be annexed to the Arab State of Transjordan. The Negev, which was perceived by both the British and the Zionist leadership as lacking any settlement value, was nonetheless demanded by the Zionist leadership to be included within the territory of the Jewish state, due to Nobomeyski's salt factory and the access rout it provided for exporting products via the Red Sea. However, this part was finally allocated to the Arab state due to the British interest in maintaining continuous Arab territory under their control from Egypt to Transjordan. The Galilee, according to the choice of the Zionist leadership, was allocated to the Jewish state, despite the fact that it included a clear Arab majority (see map no. 4). The British believed that territorial and population exchanges between the two future states would be necessary steps, complementing the delineation of the borders, since "it is impossible to draw a line that would separate all the Arabs and all the lands owned by Arabs from all the Jews or from all the lands owned by the Jews."⁶⁸ The committee believed that without such exchanges peace would not be feasible and that "[t]he existence of ... minorities clearly constitutes the most serious hindrance to the smooth

⁶⁷ Royal Commission Report Chapter IX; Gal-Nur p. 63.

⁶⁸ Royal Commission Report, Chapter XXII, 10 – Exchange of Land and Population, in Katz p. 10 (translation taken from: <http://domino.un.org/unispal.nsf/0/08e38a718201458b052565700072b358?OpenDocument>).

and successful operation of Partition."⁶⁹ Thus, the Commission believed that such exchanges – although not total exchanges – are important enough to even be enforced.

In an opinion presented before Parliament upon the release of the Royal Commission's Report, the British government stated that it has decided to adopt the Partition Plan suggested by the Commission and to act to realize it. However, following criticism of the Report by the British public, by Parliament and by the institutions of the League of Nations, the British government decided, on March of 1938, to nominate a technical Partition Committee, to be headed by Sir John Woodhead, whose role it will be to suggest the actual borderlines for the Jewish state, the Arab state and the British enclave. The government further rejected the idea of the forced population exchange and instructed the Committee to examine the option of voluntary territorial and population exchanges.

However, towards the end of 1938 the idea of resolving the "problem of Palestine" through a Plan of Partition was shelved, at least temporarily. In fact, even at the end of 1937, following pressure from its Ministry of Foreign Affairs, the British government began to withdraw from the Partition Plan it had adopted only a few months earlier. The reason for this change in policy was the unambiguous position of the Arabs of Mandatory Palestine and around the Arab world against the Partition Plan, and Britain's fear that under these circumstances dividing the land might seriously undermine British interests since, if a war would begin in Europe, the Arab world would side with Britain's enemies. And, in fact, Sir Woodhead's Partition Committee concluded that it cannot recommend partition borders that would divide Mandatory Palestine to two states – one Jewish and one Arab.

In this context the Committee also rejected the proposal for partition presented by the Jewish Agency Board (see details below), to a large extent since this proposal included a large Arab population within the borders of the future Jewish state, which contradicted the Committee's own mandate.⁷⁰

⁶⁹ Ibid, Ibid. Katz p. 11.

⁷⁰ Katz, p. 137

The idea of partition became real and practical again when, following Britain's formal request from the UN General Assembly, the UN nominated in 1947 the UN Special Committee On Palestine (UNSCOP). The Committee addressed the issue of resolving the problem of Palestine under the following premises:

The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews, both possessing validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties... there are now in Palestine some 650,000 Jews and some 1,200,000 Arabs who are dissimilar in their ways of living and, for the time being, separated by political interests... Only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations.⁷¹

The members of the Committee viewed the Jewish people as a national entity, the existence of which preceded the establishment of a significant organized Jewish settlement in Mandatory Palestine, and saw the establishment of a Jewish state in Mandatory Palestine as a solution to the problem of the Jewish people, especially after the tragedy of the Holocaust. At the same time, they stated that it would be unfair to ignore the reality of 1947, in which there was also an Arab Palestinian people and national movement in Mandatory Palestine, in addition to the Jewish people and its national movement. Thus, they did not believe that Jewish rule over the entire land could be enforced and affected via the continuation of Jewish immigration to the entire territory of Mandatory Palestine, ultimately creating a Jewish majority in a single state that would be established in entire Mandatory Palestine. Since they were well aware that "Jewish immigration is the central issue in Palestine today and is the one factor, above all others, that rules out the necessary co-operation between the Arab and Jewish communities in a single State", they determine that the establishment of a Jewish state within a Plan of Partition is the only way "of removing this issue from the arena of conflict." The Committee further writes: "It is recognized that

⁷¹ Majority Report of the UN Special Committee On Palestine, Chapter XI, Part 1, paragraphs 1-4. English text source: <http://domino.un.org/UNISPAL.NSF/eed216406b50bf6485256ce10072f637/07175de9fa2de563852568d3006e10f3!OpenDocument> in Yaakobson and Rubinstein, p. 27.

partition has been strongly opposed by Arabs, but it is felt that that opposition would be lessened by a solution which definitively fixes the extent of territory to be allotted to the Jews with its implicit limitation on immigration."⁷²

The line the Committee suggested for dividing the land into two states showed an attempt for a compromise between the Jewish and the Arab demands. UNSCOP's report explicitly mentions (in chapter 6, part 2), that in determining the size of the territory allocated to the Jewish state, the Committee considered the need to ensure enough space for the absorption of future Jewish immigration to that state, while also ensuring enough space for Arab natural growth in the Arab state. Therefore the future Jewish state received a much larger territory than would have been justified if the sole consideration would have been the existing population ratio between Jews and Arabs in all of Mandatory Palestine (at the time that ratio was 1/3 : 2/3 respectively). While the line suggested by the Committee also increased the percentage of Arabs to be included within the future Jewish state to almost 45%, it was assumed that the Jewish majority in this territory would increase due to massive Jewish immigration.

In addition to ensuring enough land to absorb future Jewish immigration, the Committee suggested that dividing Mandatory Palestine would be based also on the following considerations: population deployment, lands under Jewish ownership, and allowing an exit towards the Red Sea for the Jewish state (see map no. 2). The final suggestion that was presented to- and approved by the UN General Assembly ultimately decreased the territory of the Jewish state and increased that of the Arab state.⁷³

The major differences between the proposal that was finally accepted by the UN and the Peel Commission's original proposal (from 1937) were:

1. Transferring the Negev to the Jewish state in return for transferring the Galilee for the Arab state. The Jewish state would stretch over about 55% of

⁷² Ibid. Paragraphs 8 and 9.

⁷³ Originally the Committee proposed a Jewish state on 60% of the territory, while the final decision decreased this state to 55%.

Mandatory Palestine and include 538 thousand Jewish residents and 397 Arab residents.

2. Establishing an independent Arab state (rather than annexing it to Transjordan). This state would stretch over 42% of Mandatory Palestine and include 700 thousand Arab residents and 10 thousand Jewish residents.
3. Maintaining the Jerusalem region with its 100 thousand Jews and 100 thousand Arabs under international control, rather than transferring it under British authority.

Thus, according to the approved Partition Plan, the two states would be established out of three adjacent territorial blocks, which created winding borderlines and proximity of settlements (see map no. 5). Through this delineation of the borders the Committee members aimed to "force" the sides to cooperate in the future. The Committee was content that quite a few Jews remained in the future Arab state and many Arabs remained within the future Jewish state, seeing this fact as a guarantee to future cooperation between the two new states. Most of the Committee members believed that their Plan will bring about coexistence between the two peoples that would achieve independence, and gave their proposal the title: "A Plan of (political) Partition with Economic Union". The economic cooperation for future interests of the two states was expected to be manifested in railways, inter-state roads, postal, telegraph and phone services and the seaports of Haifa and Jaffa.⁷⁴ However, the Arabs of Mandatory Palestine rejected all the proposals and aimed, with the assistance of the Arab states, to annul the Partition Plan through war.

In his book *Land of Many Boundaries*, Prof. Gideon Biger describes all the various partition plans for dividing Mandatory Palestine between the Jews, the Arabs, the British and the UN, against the background of growing political tensions. He summarizes that the common denominator of all those plans was the fact that none of them were actually implemented on the ground and most of them were purely "plans on paper." The only plan that was formally approved as a Partition Plan to divide Mandatory Palestine – the UN Plan approved on November 29th 1947 – was not

⁷⁴ Elhanan, p. 420.

ultimately implemented and the borders of the State of Israel that was established following this Resolution were different than those of the Partition Plan. An additional clear territorial common denominator of all the partition plans suggested was that they referred solely to the **western part** of the British Mandate, i.e. to Mandatory Palestine between the River and the Sea.⁷⁵

The conflict over Mandatory Palestine was related also to global struggles for power at that time. The war between Italy and Ethiopia created tension in the Middle East between Britain and France on the one hand and Italy, and then Germany, on the other hand. The war encouraged unrest in neighboring countries and Italy was directly involved in the Arab Revolt that erupted in 1936 in Mandatory Palestine. The Italians funded the Arab strike, the acquisition of arms for the Arab gangs and possibly also the gangs themselves. They encouraged the revolt via propaganda and, in 1935, were the pioneers in radio broadcasts to the Middle East when they established the *Be'eri* station that broadcasted in Arabic. From 1938 Germany also supported the Palestinians via arms, funds and propaganda.⁷⁶

In 1947, following the UN's approval of the Partition Plan and the establishment of a Jewish state - and following the rejection of this decision by the Arabs of Mandatory Palestine - Israel's War of Independence (also known as the War of 48') broke out. The British who, during the first phase of the war, were the sovereign and the strongest military power in the Middle East, did not assist the Arabs of Mandatory Palestine, nor encourage the invasion of the Arab states. Their major aim was to prepare the ground for King Abdullah's conquest of the Arab part of Mandatory Palestine.⁷⁷ They were therefore passive observers during the first phase of the War of

⁷⁵ We have been witnessing, of late, various suggestions made by Prof. Yehosha Ben Aryeh from the Hebrew University and by Israel Harel from the Yesha Council, seeking to bring Egypt and Jordan into a re-organization of the borders between the State of Israel and the future State of Palestine within the framework of a future permanent status agreement. For more details see Arieli Shaul, "*The illusion of territorial exchanges*", *Haaretz*, June 8th, 2006.

⁷⁶ Gelber p. 23.

⁷⁷ Abdullah, son of Hussein Ben Ali King of Hijaz, was offered by the British to rule the Transjordan Emirate they established under the British Mandate following the end of the First World War. When the Hashemite Kingdom of Jordan received its independence in 1946, Abdullah was crowned King (his brother Faisal was crowned King of Iraq). The British, who abstained during the vote on the UN Partition Plan, preferred to see a smaller Jewish state with a

48' (the civil war between the Jews and the Arabs before the Arab armies invaded in May 1948), did not halt the attacks of the *Hagana* organization, and provided the Palestinian refugees with transport and protection so as to facilitate their exit and even to hasten it (aiming to create, through this wave of refugees, further pressure on Jordan's King Abdullah to join the fighting). At the same time the British fulfilled the UN's decision on arms embargo over the warring sides, which actually created an advantage for the Jews since they were able to buy arms from the Eastern Block and in the black market, while the ammunition warehouses of the Arab armies – that relied on British arms - gradually emptied⁷⁸.

On March 6th, 1948 the UN Security Council confirmed the General Assembly's Resolution of partitioning Mandatory Palestine. The UN Mission for the implementation of the Partition Plan that reached the region that same month, mailed New York a letter with pessimistic estimated regarding the chances to stabilize the situation in the region and implement the Partition Plan. The head of the UN Mission Paulo Azkarta wrote to Ralf Benz in the UN Headquarters that the Jews are already implementing the Partition Plan on the ground and are fully functioning as a state, while the Arabs are refusing to do anything that would implicitly show recognition of the Partition Plan and are thus refusing to accept any governmental authority, and that the governing and services systems in the Arab sector are in total disarray and deterioration.⁷⁹

In the final days of March 1948, instead of working towards sending an international force to ensure the implementation of the approved Partition Plan, the US decided to withdraw its support from the Partition Plan, and to work instead towards the establishment of a trusteeship in Palestine. This announcement was perceived as an American responsiveness to British pressures for altering the Partition borders and expressed the US' doubt of the UN's ability to implement its Resolution, together with

neighboring Arab state – controlled by King Abdullah – which would include the Negev region as well, thus creating for them a continuous Arab territory from Egypt to Jordan, under British sponsorship (much like the original recommendations of the British Peel Commission).

⁷⁸ Gelber, p. 474.

⁷⁹ Ibid, p. 81

disappointment from the military might of the *Yeshuv* (organized Jewish settlement) at the time. President Truman made it clear that the American proposal aimed only to prevent the creation of a vacuum – which he feared was being created due to the UN's impotence and the relative victories of the Arabs during the first phases of the war – and that he still supports a partition of the land. The proposal for a trusteeship was unambiguously rejected by the Arab states and was taken off the international agenda, to the great relief of the Jewish Agency.⁸⁰

At the end of June 1948, the special envoy sent by the UN (under the title of "Mediator for Palestine"), the Swedish Count Folke Bernadotte, presents his proposal to the sides. He completely ignored the Partition Plan that was accepted by the UN only eight months earlier, and suggested that a single state be established, which would include Mandatory Palestine as well as Transjordan and be divided to two separate entities – a Jewish one and an Arabic one. According to his suggestion, the two entities would manage their internal affairs and their foreign policies separately, with each being in charge of its own immigration. The Negev and Jerusalem would be included in the Arab entity, while the Western Galilee will be included in the Jewish entity. Haifa and Lod would be free air- and sea- ports and the future of Jaffa will remain for further discussion. Both the Arab League and Israel rejected this offer.⁸¹

The first signs of the Cold War also accompanied the conflict. Britain, aiming to salvage its position towards the end of the War of 48', turned to the US so that the latter would support stricter measures against Israel. The response of the US State Department was that the US does not see importance in maintaining the territorial continuity of the Arab world through the Negev (that Britain wanted to pass over to Arab control, in contrast to the Partition Plan), and that Britain, in its explicit pro-Arab policy, is pushing Israel into the hands of the USSR.⁸² Thus Britain lost its key influence on the regional developments. In the final phases of the war and during the negotiations over the ceasefire agreements, the British had but a secondary role and the US replaced them as the key player. On December 11th, 1948, 5 months after the

⁸⁰ Ibid. p. 114.

⁸¹ Ibid. p. 222.

⁸² Ibid. p. 343.

State of Israel has declared its independence, the UN General Assembly approved a decision to establish a committee that would act to find a peaceful solution to the question of Palestine – the Conciliation Committee. The Committee was composed of representatives of three states: USA, France and Turkey.⁸³

B. The Zionist position towards partition – Yes for now, but.....

The internal controversy before the State was declared:

The original Partition Plan proposed in 1937 created among the various elements within the Zionist Movement a dramatic conflict between the option of immediately establishing a Jewish State over a part of the land on the one hand, and the continuation of building and enhancing the strength of the Movement towards the establishment of a future state over entire Mandatory Palestine, on the other. Those supporting the Partition Plan admitted to the fact that the borderlines it included were the result of the existing Jewish settlement that developed since the Balfour Declaration, which at the time was relatively small in comparison to the Arab settlement. Those believing that the partition plan should be rejected claimed that for this reason exactly Jewish settlement should continue under the Mandate, so that the entire land would gradually be bought and settled in. In a meeting of the *MAPAI* Central Committee⁸⁴ Mordechai Namir, who supported the Partition Plan said:

Smaller territory – this is the price we have to pay for the fatal delay of the Jewish people in settling its land and for the rapid growth of the Arab movement since the signing of the Weitzman-Faisal accord. The following generations – whether before the socialist revolution or after it – will find a way to right this wrong.⁸⁵

⁸³ Ibid. p. 435.

⁸⁴ MAPAI (initials of the Hebrew words "The Workers of Israel's Party"), was a Zionist-socialist party founded in 1930. It headed the Jewish organized settlement (*Yeshuv*) in Mandatory Palestine towards the establishment of the state and headed its formal and informal institutions (e.g. the Jewish Agency and the Workers' Union – *Histadrut*). After the establishment of the state it became the ruling party, leading Israel's governments for almost three decades. For over 30 years (out of the 45 years in which *MAPAI* headed the Zionist Movement and the State of Israel) it was led by David Ben Gurion. *MAPAI*'s contemporary follower in terms of organization and ideology is the Labor Party.

⁸⁵ Protocol of the MAPAI Central Committee meeting, June 23rd 1936, Sdeh Boker, in Gal Nur, p. 73. translation mine

The first Zionist leader to raise a suggestion for partition was Ben Gurion. On February of 1937 (at the time of the Peel Commission) he presented to MAPAI's Central Committee a modest demand that mirrored the reality of Jewish settlement at the time – demanding a territory of 10,000 square km out of the 28 thousand square km of Mandatory Palestine. The line he drew aimed to ensure a Jewish majority in the future state, albeit a miniscule one – 313 thousand Jews to 300 thousand Arabs. Here, for the first time, a senior Zionist leader acknowledged the right of the Arabs for sovereignty over a part of Mandatory Palestine. Still, Ben Gurion wished to hold both sides of the stick: he wanted to enjoy the establishment of a Jewish state that would enable quicker absorption of Jewish immigration, but without paying the price of adopting the territorial partition lines as a final and conclusive fact. As Yehezkel Lupben from MAPAI, who was a journalist and the editor of the Rimón newspaper and who favored the adoption of the Partition Plan, said: "borders are not determined for all eternity...and the history of the lives of nations knows many more destruction of borders than stability of borders."⁸⁶ At the end of the internal discussion within MAPAI in regards to the Partition Plan, MAPAI's Central Committee decided, on April of 1937, to adopt the British Partition Plan (thus rejecting the opinion raised by Central Committee members Yosef Bankober who claimed that any option of partition should be rejected). MAPAI, led by Ben Gurion, thus paved the way to the Zionist Movement's adoption of the Partition Plan.

In contrast, the Revisionist Movement headed by Ze'ev Jabotinski rejected the idea of partitioning the land. In 1926 Jabotinski defined the territorial basis of the Zionist Movement in the following way: "Zionism's first goal is the achievement of a Jewish majority on both sides of the Jordan River." In 1937, in his presentation before the British Royal Commission, he therefore claimed: "...we cannot agree to the partition of the land into cantons..." and said that only the whole of the Land of Israel, both west and east of the Jordan River, could absorb the millions of Jews who are craving the permission to enter. Since he based his claims on the hardships of the Jews in

⁸⁶ Protocol of the MAPAI Central Committee meeting, April 10th, 1937, Beit Berl, Ibid. p. 73. translation mine

Diaspora, Jabotinski refrained from raising in his testimony the argument of the "historical rights" of the Jews over the land.⁸⁷

For their part, the religious-Zionist movements – the "Hamizrahi" Federation and the "Hapo'el Mizrahi" Federation – rejected the idea of partition for religious reasons. In June 1937 the two movements published a manifest titled "Against Any Proposal of Partition", which was signed by the two Chief Rabbis and by representatives of the two parties, and stated:

We thus declare our firm and absolute stand against any proposal that would narrow the borders of the Land of Israel or divide it in any way. The Jewish People did not renounce, throughout the thousands of years of its exile, its right over the land of its forefathers and will not renounce nowadays even a single foot of the territory of the Land of Israel. We declare with all our might the eternal, full and complete right of the nation over its homeland in its historical borders, and we completely reject any attempt to reach an agreement regarding the division of the land or regarding other proposals that undermine this right of ours.⁸⁸

Rather than raising Biblical justifications, this declaration determined a political stand. The Chief Rabbis of the time, Yitzhak Herzog and Yaakov Meir refused to publish a religious ruling against the idea of partition, but this declaration nonetheless shows an attempt to endow holiness and the status of "historical borders" over borders that were actually determined as a result of various considerations (political and economic ones, as was detailed in Chapter 1). Other Rabbis, however, did use Biblical arguments, claiming that "from a pure religious stand...any conscious compromise [over the Land of Israel] is a willful desecration of the holiness of the Land and of the Abrahamic Covenant."⁸⁹ In 1937 the Hamizrahi Convention also determined that "the Jewish people will never agree to whichever attempt to narrow the historical borders of the Land of Israel as were promised to the Jewish people by God".⁹⁰ Here we can

⁸⁷ Ibid. pp. 88-89. (translation mine)

⁸⁸ Ibid. p. 137 (translation mine)

⁸⁹ Ibid. Ibid., Dotan p. 91 (translation mine)

⁹⁰ M. Ostrovski, p. 208, Gal Nur p. 137. (translation mine)

witness again how borders created by human politics are made holy by those viewing themselves as the representatives of God on earth.

Among the Orthodox non-Zionist movements there were a variety of reactions to the idea of partition. As a general rule the Orthodox groups did not support the Zionist desire to establish a state since, they believed, a state that would not be based of Jewish religious law could not be called a Jewish state. An expression to a relatively moderate position of *Agudat Israel* was provided during the testimony of Rabbi Doshinski to the Royal Commission:

The Holy Torah promises the Holy Land to the People of Israel, but in the Torah itself we are commanded not to rule the Land by force and not to rule over others. At the same time we are certain that when those coming back from exile to Zion...will make the national home into the birthplace of the Torah...we are allowed to hope that God will turn the hearts of the people of this land to welcome us with a blessing...⁹¹

The formal position of Agudat Israel, declared in *Mo'etzet Gdolei Hatorah* (the Convention of the Leading Rabbis) held in Mirabend, defined a clear position for ensuring the land remains undivided:

The borders of the Holy Land are delineated by He who sets people unto their lands in his Holy Torah, and are set for all generations to come. It is therefore impossible that the Jewish people for its part would compromise these borders in any way. Any such compromise has no value.⁹²

This position means that decisions taken by earthly institutions have no validity if they contradict the Divine Commandment, as that Commandment is determined by the theocrats. That is – there is no value that equals compromising a part of the territory that was promised according to the Biblical text.

The Jewish Agency Management, the majority within which accepted the principle of partition in return for the establishment of a state, adopted an active policy and, in

⁹¹ Testimony to the Royal Commission, December 21st, 1936, Gal Nur p. 193. (translation mine)

⁹² S. Eliash, The Controversy in the Jewish Yeshuv in Mandatory Palestine regarding the Partition Plan (the Peel Report, July 1937), Research for the degree of Master, Bar Ilan University, 1971, pp. 101-192, in Gal Nur p. 138. (translation mine)

1937-8, on the basis of the Partition Plan prepared by the Royal Commission, developed its own partition plan and presented this plan to the Partition Committee headed by Sir Woodhead. The basic understanding that led the Jewish Agency to support the principle of partition was the many advantages of establishing a sovereign Jewish state, which this principle enabled. These advantages were deemed as more important than preventing the division of the land while, in addition, the claim was raised that the partition does not necessarily set the Jewish state's final borders in Mandatory Palestine.⁹³

Prof. Yossi Katz from the Department of Geography in Bar Ilan University describes six principles that informed the Jewish Agency's Board when developing its proposal.⁹⁴ The first was that the Agency should present borderlines that have a good probability of being accepted by the British. Ben Gurion put it this way: "...we will not make fools of ourselves by claiming that the entire Land of Israel on both sides of the Jordan River would be included in the Jewish state."⁹⁵ For the same reason Ben Gurion claimed that the demand to include the Negev in the Jewish state should not be made, if the Galilee is already included in it.⁹⁶

A second principle determined that the borders must be defensible and should ensure the security needs, under the assumption that borders that would be difficult to defend would lead to acts of aggression and border disputes. Therefore the state also needs to encompass a large-enough territory that would allow it to absorb a maximal number of citizens, who would be able to defend its borders. For security reasons it was determined that the border would not separate Arab villages from their agricultural lands, thus avoiding the need to allow these frontier areas special rights, which could

⁹³ Katz, p. 16.

⁹⁴ Ibid. pp. 23-26.

⁹⁵ Central Zionist Archive, Protocol of the Zionist Executive Commission from June 20th, 1938, in Katz p. 23. (translation mine).

⁹⁶ The decision to prefer the Galilee of the Negev was justified as follows: "the Galilee would have been lost to us if it would have become a part of an Arab state since it is densely populated, while the Negev, would remain deserted as part of an Arab state, and sooner or later the dynamic force behind the Jewish settlement would overcome the obstructive force of the futile Arab patriotism" (translation mine).

prove detrimental for the Jewish state. The same security considerations also led to the desire to add maximal territory that is not inhabited by Arabs.

The third principle was to reach economic independence for the state that should become the focal point for absorbing the Jewish immigrants from around the world.

The fourth principle was ensuring maximal control over water resources. This control was deemed as crucial for the development of a densely populated country based on irrigation-dependent agriculture.

The fifth principle was control over the main transportation routes, while the sixth principle was adding maximal territory non-populated by Arabs. This last was the outcome of the assumption that for both political and security interests a clear Jewish majority in the future state must be ensured, with the option of forced population transfer already having been rejected by the British Government.

In addition, in the Jewish Agency's proposal, quite a significant territory was transferred from the area of the future Arab state to the control of the British Mandate. Enlarging the areas of the British Mandate in the Zionist proposal aimed to narrow the territory of the Arab state, under the assumption that if these areas would be under the British Mandate they would be able to absorb Jewish immigrants and settlers, and with the hope that one day in the future these territories will be annexed to the Jewish state.

The historical-symbolic importance of various locations in Mandatory Palestine did not cause the Jewish Agency to demand their inclusion in the future Jewish state, except for the area of Western Jerusalem. In a response to criticism voiced by Berl Katznelson regarding the fact that the Jewish state would not include such places as Hebron, Modi'in ("the birthplace of the *Hashmonaim*") and Massada ("the location of our tragedy with the *Hashmonaim*"), Shertok said that

It is inconceivable that only because of these dear places, which I use as a symbol – we will give up having a new concrete possibility [i.e. a state]...we have spilt blood all over the Land, we have created spiritual values, we have built memorials. However when we are faced with the possibility of becoming a great force upon the land without receiving

all of our memorials, we should find within ourselves the moral might to take that decision".⁹⁷

As mentioned above, due to the unambiguous resistance of the Arabs to the recommendations of the Peel Commission and due to Britain's global interests during World War II, the Woodhead Commission decided not to recommend the partition of the region into two states, thus, in fact objecting to the partition plan suggested by the Jewish Agency. Following the shelving of the Partition Plan in 1938, the Zionist Movement learned its lesson from the conclusions of the Peel Commission in regards to the importance of the Jewish settlement's layout. Following this lesson and in light of the "White Book" published in February 1940, the Jewish Agency and the settling authorities redefined their settlement strategy with renewed stress on settlement expansion. The immediate aim, defined in 1939, was to strengthen Jewish hold over the coasts, especially around Haifa, in order to "conquer the sea" and the shores and enhances the chances of successful Jewish *Ha'apala* (illegal immigration via boats). In time, more far-reaching trends developed: establishing a second settlement strip between the central coast (*Shfela*) and the Judea and Jerusalem mountains (following the example of the settlement strip established in the Jezriel Valley and the Beit Shean Valley) so as to prevent the dissection of the land, as well as an intensive effort to settle the Negev region, far south of the confines defined by the Peel Commission's plan.⁹⁸

A decade later, in 1947, the position of the Zionist majority regarding the idea of partition was based on Ben Gurion's belief, which resulted from pragmatic considerations and from democratic principles. His written legacy shows that he supported the idea of partition since he viewed it as a means to reach the end of the conflict. "Without finality", he wrote to the British Foreign Minister on February 1947, "the fear, the tension, the unrest and maybe even the struggle with continue in the Land of Israel and will be a source of trouble to the Middle East". He added that "the only possible immediate arrangement, which has an element of finality, is the establishment of two states – one Jewish and one Arab". Based on this perception Ben

⁹⁷ The 25th Zionist Congress, 1937, pp. 174-175, in Katz p. 26 (translation mine).

⁹⁸ Elhanan, p. 417.

Gurion reached his belief in the need to divide the land between the two competing national movement. He openly acknowledged that "the Arab settlement in the Land surely has the right to self determination and self rule. We will not think of depriving them of this right or undermining it."⁹⁹ This position received the Zionist consensus in the post-Holocaust reality, and led to the Zionists accepting the UN Partition Resolution.

At the end of this argument and towards the end of the first period discussed here, the Jewish demand for territory and borders went through a dramatic change and was based mostly on the existing Jewish settlements, while still demanding territories empty of Arab habitations in order to allow for development and absorption of immigrating masses. Instead of the earlier economic demands that were based only on future needs due to the expected Jewish immigration from the Diaspora to Mandatory Palestine, the demands were now also based on recognition of the violent reality between the two competing national movements – a reality that required demographic separation to ensure a Jewish majority in the future democratic state. This basic understanding would reemerge half a century later.

On May 14th 1948, the final version of Israel's Declaration of Independence was unanimously approved, which stated – on the eve of the invasion of the Arab states to the newly created Israel – that the Declaration is valid "by virtue of our natural and historic right and on the strength of the Resolution of the United Nations General Assembly", and that Israel "is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947". This, in fact, constituted Israeli recognition of the division of the land of Mandatory Palestine between the two peoples.¹⁰⁰ A few months later, on December 18th 1948, in a meeting with his consultants for foreign policy and Arab affairs, Ben Gurion further detailed Israel's position regarding the West Bank, favoring an independent state there over that territory being annexed to

⁹⁹ S. Sofer, p. 134. (translation mine).

¹⁰⁰ Declaration of Independence text taken from Israeli Ministry of Foreign Affairs' website (<http://www.mfa.gov.il/>). This last phrase that recognizes the division of the land was objected to by Herzl Vardi, a representative from the Revisionist Party, who asked that it would be removed. However, he ultimately voted in favor of the entire text.

Jordan: "We cannot easily agree to the annexation of parts of Mandatory Palestine to Transjordan because (1) Israel's security: an Arab state in the western part of Mandatory Palestine is less dangerous than a state connected to Transjordan, and possibly tomorrow to Iraq...(2) why should we upset the Russians for nothing, (3) why should we do this [i.e. why should we agree] in contrary to the rest of the Arab states..."¹⁰¹

Similarly, when the War of Independence ended, Moshe Sharet (Shertok), maintained the same Israeli position in regards to the future of the West Bank. In a speech before the Israeli Knesset he said:

...the most decisive question from those related to peace around us is the question of the future of the Western part of the Land of Israel, which now is the Arab part. Well, we have said this more than once and I will repeat it here again...within the existing conditions, the most desirable, what we would be most interested in, would be that this part would become an independent political section...we have suggested to the [UN] Reconciliation Commission to hold a referendum in that part of the land and we insist on that. A referendum will be held and the people inhabiting in that part would voice its will, what it chooses.¹⁰²

The War of 48'

The development of Ben Gurion's perception regarding the goals of Israel's War of Independence is a perfect example of how Israel's borders were formulated as a result of the contradicting trends within the internal Jewish system with its three polar considerations (demography, geography and democracy) on the one hand, and the influences of external players on the other hand. At the beginning of the war Ben Gurion favored the "dictated peace strategy", which aimed to bring the war quickly to the brink of military victory, thus highlighting the military aspect of the war at the expense of its political aspect. Thus, although Ben Gurion initially claimed, when supporting the Plan of Partition, that the partition of the land would bring about peace, the actual lines of the UN Resolution in this regard cannot be found in Israel's Declaration of Independence. The seeds of this intentional vagueness, which would

¹⁰¹ Yaakobson and Rubinsten, p. 88 (translation mine)

¹⁰² Political discussion from June 20th, 1949. Divrei Ha Knesset 1, pp. 758-759. (translation mine)

later lead to one of the greatest controversies in Israel following the 1967 war, were consciously sown in the 40s. As Ben Gurion himself openly admitted:

Regarding the issue of borders – there was a discussion about this in the People's Council. There was a proposal to determine the borders and there were objections to this proposal. We have decided to evade (and I am purposefully using this word) this question for a simple motive: if the UN would implement its own decisions and commitments, would ensure peace, would prevent bombings and would act to fulfill its own decision – then we for our part (and I speak in the name of the people) would respect all the decision. However, so far the UN has not done so and this remained up to us.¹⁰³ Thus, we are not committed to everything, and we have left this issue [of borders] open. We have not said "no to the borders of the UN" and we have not said the opposite either. We have left this issue open for future developments.¹⁰⁴

Later on during the war, Ben Gurion's perception changed to the "strategy of moderate peace" in which the emphasis was put on the political aspect, and which led to the beginning of the political talks and to the ceasefire.¹⁰⁵ In an internal discussion held in mid-December 1948 Ben Gurion explained the trends of the ceasefire negotiations taking place in Rhodes: "the main purpose at present is peace. There is too much "victory euphoria". Immigration calls for the cessation of the war. Our future demands peace and friendship with the Arabs."¹⁰⁶

Two main reasons brought about Ben Gurion's change of strategy: *the first* was the change in the international community's ability and willingness to implement sanctions against Israel. Initially, the UN demonstrated its inability to enforce its Partition Resolution from November 29th 1947 (this, despite the demands made by the

¹⁰³ Here Ben Gurion refers to the UN Resolution of 1947 and to what has also been mentioned in Israel's Declaration of Independence: "the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution."

¹⁰⁴ The People's Council/Temporary State Council (Mo'etzet Ha'am/Mo'etzet Hamedina Hazmanit), discussions protocol, volume 1, p. 19. (translation mine) The People's Council was the first parliament established by the *Yeshuv* towards the establishment of the state of Israel. Upon the establishment of the state it became the Temporary State Council until elections for the first Knesset were held.

¹⁰⁵ Cohen-Shani, p. 28.

¹⁰⁶ G. Rivlin and A. Oren (editors), p. 885-886..

Jewish Agency's representatives to the UN Security Council to give "teeth" to the commission established by the General Assembly for the implementation of that Resolution¹⁰⁷ and even to provide it with an international military force to be established by the Security Council). Therefore Ben Gurion allowed himself to reject UN Security Council's Resolution from November 4th 1948 for a ceasefire, since he believed that the UN would be unable to make true on its threat to implement sanctions against whichever party which would not respect the ceasefire.¹⁰⁸ However, later on, on December 31st 1948 Ben Gurion accepted the international demand to withdraw the IDF from the Sinai Peninsula, after the US Ambassador to Israel gave him an ultimatum from the US and from Britain that included a military threat to activate the British-Egyptian Defense Pact and a political threat that Israel would not be accepted into the UN and that its relations with the US would be undermined.¹⁰⁹

The second reason for the change in Ben Gurion's policy was demographic – that is, his desire to ensure a significant Jewish majority in the State of Israel. This was evident in his approach towards the delineation of Israel's eastern borderline in the area of Samaria. In the framework of the ceasefire negotiations with the Jordanians in March 1949, it became clear to Israel that Britain would not intervene in favor of the Arabs,¹¹⁰ that the Iraqis would have to evacuate the Samaria region and that the Jordanians lack the military capability to defend this region from an IDF attack. Therefore, Yigal Alon demanded of Ben Gurion to cause the disruption of the negotiations with Jordan for a ceasefire, and allow the IDF to conquer that region up to the Jordan River. However, despite the fact that only four months earlier it was agreed that another operation in that region would probably be necessary (as Ben Gurion claimed: "It would be hard for us to accept the narrowness of our [country's] midsection, and I do not believe this could be altered in a peaceful situation...after all

¹⁰⁷ The activity of the commission was actually frozen by the British, who refused to allow the Commission entry to the Land until the British Mandate ended.

¹⁰⁸ According to Section 7 of the UN Treaty.

¹⁰⁹ Cohen-Shani, p. 33.

¹¹⁰ Due to the international condemnation of Britain's previous attempts to intervene in favor of the Jordanians during the war (e.g. the hasty launch of British combat airplanes against *Hagana* forces in the Horev Operation and Britain's deployment of tanks in Aqaba).

the most natural border is the Jordan"¹¹¹), at this point in time Ben Gurion decided differently. His first and foremost priority was to conclude the ceasefire agreements that would receive international recognition and bring about a peace agreement. Second, he preferred to avoid conquering regions that were heavily populated by Arabs. Apparently he was affected by the fact that most of the Arabs living in the Galilee remained in their homes during the military operations in that area, and thus feared the demographic ramifications for the nature of the State of Israel, if the Samaria region would be included in it.¹¹²

The area that was ultimately captured in the Samaria region and was later delineated on the maps in green (henceforth called the "Green Line") aimed to provide Israel with a "security line", but also answered the principle of "being satisfied with little": due to the demographic constraint Israel sufficed itself with the Sharon region, answering the tactical security need of controlling higher territory by controlling a line that was only about 100 meters above sea-level, and even renouncing the two enclaves of Tul Kerm and Qalqiliya¹¹³ (see map no. 6).

C. The Character of the State of Israel and its relations with the Arab-Palestinian people

The UN Partition Resolution from November 29th 1947 spoke about the creation of a "Jewish state" beside an "Arab state" in Mandatory Palestine, demanding of the two states to establish a democratic regime. Israel's Declaration of Independence from May 14th 1948 (the 5th day of the Hebrew month of *Iyar*), spoke about the establishment of "a Jewish state in the Land of Israel, to be known as the State of Israel". The Declaration does not openly state that Israel would be a democratic state, but the important democratic principles – freedom of faith and conscience, and complete equality of social and political rights irrespective of religion, race or sex – are emphatically included in it (see annex C).

¹¹¹ Elhanan p. 431 (translation mine)

¹¹² Ibid. p. 434.

¹¹³ Ibid p. 438.

These two aspects of the character of the newly founded state – Jewish and democratic¹¹⁴ – were conceived by both the international community and the Zionist leadership as complementary rather than contradictory definitions.¹¹⁵ Both these players viewed the creation of "a Jewish state" as the realization of the universal principle of the right for self-determination by the Jewish people, in the same way that the decision to establish an "Arab state" would realize the Arab-Palestinian people's right for political independence. The signatories of the Declaration of Independence did not equate the term "Jewish state" with anti-democratic interpretations of imposing Jewish religious laws on the personal and public life of the country, or of negating the civil rights of its non-Jewish citizens. Of course a Jewish state would necessarily have a Jewish character, as is the case with any other nation-state the nature of which is determined according to its majority's culture. Weitzman, who was the central Jewish witness in front of the Peel Commission, discussed this issue at length at a meeting of the Jewish Agency Board:

It is right that there will be one place in the world where we could live our lives and express our essence according to our nature, and contribute our part to the human cultural in our own fashion and through our own channels. Maybe then we would be better understood and our relations with the rest of the world would be more normal.¹¹⁶

In following this approach, Yaakobson and Rubinstein also believe that the Jewish nature of the state should not be negated, but that the fact this is a 'Jewish state' does not mean the state must live up to some "standard" of Jewishness, which is irrespective of the will of the citizens of the state, but rather is determined by the Orthodox Rabbinate and supervised by the national Kosher-inspectors. The Jewish nature of Israel is a direct result of the nature of the Jewish people living in the state, which constitutes a large majority among its citizens. It is the right of this majority to shape the nature of its state – under the duty to ensure the rights of the minority. Only

¹¹⁴ This exact formula "a Jewish and democratic state" appeared only much later in the Basic Laws legislated in 1992.

¹¹⁵ Yaakobson and Rubinstein, pp. 195-220

¹¹⁶ Protocols from the Jewish Agency Board meetings from 1937, in Katz, p. 16 (translation mine)

in a non-democratic state is it possible to prevent the majority's culture from affecting the nature of the state.¹¹⁷

There were more than a few controversies among the major groups within the Zionist Movement, but all these groups agreed that no matter what kind of a Jewish entity would be established in Mandatory Palestine, it would allow its Arab citizens full equality of rights. Jabotinski for example, whose vision was of a Jewish majority on both sides of the Jordan River believed in full civil equality for the Arabs in the land which, in his vision, would be established on the Greater Land of Israel. Moreover, he suggested that the Arab public's rights be institutionalized in a constitution, in a manner that somewhat resembles the model of a bi-national state: for example, Jabotinski suggested that the constitution include a clause according to which if the prime minister is a Jew, his deputy must be an Arab and vice versa, as well as a clause allowing for "proportional participation of the Jews and the Arabs in the duties the state imposes and in the benefits it provides."¹¹⁸ He respected the Arabs' national inspirations and objected to them being pushed out of the Land. The basic value behind his approach was that of equal rights and he thus was willing "to swear in our name and in the name of our children" that "we will never breach this equality of rights, will never attempt to expel anyone". He believed that after the establishment of a Jewish power via the "Iron Wall", which he saw as the precondition for the Arabs coming to terms with the Jewish national movement, the two peoples "will be able to live together in peace as decent neighbors."¹¹⁹

Ben Gurion, for his part, dedicated much thought to the question of the Arab minority's position in the future Jewish state. Unlike Weitzman who, during the years of the Second World War, placed his hopes in the British plan developed by John Philby (a member of the British Intelligence in the Middle East), according to which the Arabs of Mandatory Palestine would be transferred to the Arab Peninsula and be settled there – Ben Gurion saw such an idea of transfer as a futile mirage.¹²⁰

¹¹⁷ Yaakobson and Rubinsten, p. 196.

¹¹⁸ Ibid. pp. 111, 140 (translation mine).

¹¹⁹ Ibid. p. 140. Y. Nedava (ed). P. 92 (translation mine)

¹²⁰ Gelber, p. 398.

Despite his disagreements with Jabotinski – since Ben Gurion supported the Partition Plan and believed that territorial compromise is the only feasible solution that would enable the two peoples to live side by side – Ben Gurion supported the same principle policy is Jabotinski regarding the minority receiving full equality of rights. In fact, this vision of a democratic Jewish state was the main motive behind Ben Gurion's acceptance of the division of the land between the two peoples. In this regard Ben Gurion chose not to ignore the fact that there were 750 thousand Arabs living in Mandatory Palestine at the time. He claimed that the solution cannot be the expulsion of these Arabs.

It is neither desirable nor possible to expel the current inhabitants of the land. Not that is the hallmark of Zionism. Zionism's real aim, as well as its realistic prospects, are not to conquer that which is [already] conquered, but rather to settle in the places that the current inhabitants of the land have not settled in.¹²¹

He further wrote:

We should remember that these rights are true also for the inhabitants already residing in the land – and that these rights should not be harmed. Both the vision of social justice and of the equality of nations, which the Jewish people carried with it for three thousand years, as well as the vital interests of the Jewish people in Diaspora and even more so in the Land of Israel – require absolutely and unconditionally that the rights and interests of the non-Jewish inhabitants of the land would be ensured and guarded with much strictness.¹²²

And towards the establishment of the state he stressed:

We must think in terms of a state. In our state there will not be only Jews – and all will be equal citizens – equal without exception – that is: the state will be their state as well.¹²³

And thus, starting from the elections to the first Israeli Knesset, Ben Gurion decided in favor of giving electoral rights to the Arabs living in Israel at the time the state was established.

¹²¹ D. Ben Gurion, **Meetings with Arab Leaders**, p. 112. (translation mine)

¹²² D. Ben Gurion, "Our Neighbors and us", *Davar*, Tel-Aviv, TRZ"H.

¹²³ D. Ben Gurion, **Bama'araha**, Vol. 4 part B, p. 300. (translation mine)

D. The Arab position towards partition – rejecting all the alternatives

The idea of geographic separation was not completely alien to moderate Arab circles in the 30s, and in fact some of them have suggested such plans to the British as a means of limiting Jewish expansion in Mandatory Palestine. The Arab side raised a number of proposals that had the characteristics of territorial partition or governing division. The authors of two such proposals – Ahmed Al Khaladi and Mussa Al'alami, two of the leaders of the Arabs of Mandatory Palestine, also based their partition plan on existing Jewish and Arab settlement deployment, but left no room for future Jewish immigration. It is interesting to note that the authors of this proposal - much like their Jewish counterpart authors - did not vision a political confrontation between the sides, but rather believed that economic cooperation between the two states would ensue.¹²⁴

The Arab-Palestinians' resistance to the Zionist Movement and to its aspirations was greatly enhanced by the increased stream of immigrants arriving to Mandatory Palestine, reaching its peak in the Arab Revolt of 1936. Jewish immigration was accompanied also by import of capital, economic development, enhanced rate of land acquisition and settlement expansion. The pervading feeling was that the Jewish National Home is being realized, and that the pace of its realization is only expected to increase due to the urgent need to relieve the hardships of Europe's Jews. Interestingly, at that time the rest of the Arab world had a mitigating effect on the Arabs of Mandatory Palestine, when, for example, the Arab rulers approached the Higher Arab Council (the representative body of the Arabs of Mandatory Palestine at the time), in October of 1936 to end the strike and suspend the revolt, a request that was ultimately accepted. Similarly, in January of 1937 the Higher Arab Council favorably responded to the request made by the King of Iraq and the King of Saudi Arabia, agreeing to appear before the Royal British Commission (the Peel Commission). In his testimony before the Commission Amin Al Hussein said – after stressing that he is testifying as the Chairman of the Higher Arab Council and not as

¹²⁴ Sheffer, G. pp. 377-399, p. 382 and in Gal Nur p 69. (translation mine need to find the original quote from Sheffer)

the President of the Higher Islamic Council (i.e. as a Palestinian nationalist and not a Muslim leader)¹²⁵ – that the Arabs of Palestine aspire to national independence according to the self determination principle defined by President Wilson following World War I; that this principle applies to all Arab regions that were formerly included in the Ottoman Empire, while the Balfour Declaration contradicts both this principle of self determination and Section 22 of the League of Nations' Charter; that Palestine is an Arab state since at the time of British occupation its residents were 93% Arabs; and that the fact that by 1937 this number has decreased to 70%¹²⁶, while land ownership percentage has decreased even further, points to problems in the British policy but does not substantially change reality. Husseini reiterated that the two major reasons for the eruption of the Arab Revolt were the negation of the natural and political rights of the Arabs in Palestine and the British policy aimed at establishing a Jewish national home on Arab territory. He rejected any option of partition.¹²⁷

The Arabs boycotted the UN Special Commission On Palestine (USCOP) that operated in Mandatory Palestine during 1947, with the Higher Arab Council forbidding all Arab organizations to appear before it. However, in an extraordinary speech given before the Commission, Husseini mentioned that he did not react to the Commission's summary report because according to the position of the Higher Arab Council this report cannot form a basis for discussion. This, he claimed, since the two proposals the Report included (the majority and the minority opinions) both contradict the United Nations' Charter and the League of Nation's Charter. Later on, Husseini did not hesitate to threaten that the Arabs of Palestine would determinately resist any plan that would result in the partition or in the severing of their land, or any plan that would provide the minority with special standing or rights. Later the same year, in a discussion in the UN General Assembly, the Arab representatives again rejected the

¹²⁵ The Supreme Muslim Council (SMC) was the highest body in charge of Muslim community affairs in Palestine under British control. It controlled the Waqf funds, the orphan funds, and the Shariah courts (responsible for appointing teachers and preachers). Created by the British in 1922 to balance the Zionist movement, it arranged for Amin al-Husayni to be elected as President of the Council, a position he held until 1937. Source: wikipedia.

¹²⁶ For example, the number of Jews in Mandatory Palestine doubled between 1936/1941 and reached 400,000.

¹²⁷ Biger, p. 91.

Commission majority's Partition Plan, claiming that the Arabs, as a majority in the population, deserve an Arab state over all of Palestine (despite the fact that the Jews were in fact a majority in the areas of Mandatory Palestine the UN destined for the Jewish state according to the Partition Plan). The Arabs similarly rejected the Commission's minority position that, recognizing the existence of two peoples and two national movements in Mandatory Palestine, recommended the establishment of a federative state composed of a Jewish state and an Arab state.

This double rejection stemmed from the fact that the Arabs totally rejected the international recognition of the Jewish people's right for self determination, claiming that "Judaism is only a religion and nothing more. People who believe in a certain religion are not allowed to develop national aspirations."¹²⁸ Thus, the counter-offer made by Hussein on September 29th 1947, as the Representative of the Higher Arab Council of the Palestinian Arabs, was that "an Arab state would be established in all of Palestine, on a democratic basis."¹²⁹ Hussein further elaborated his previous threats in a speech on October 24th 1947:

There is no way that the establishment of a Jewish state would not bring about a general revolt in the Arab world, and it should be remembered that in the Arab world there are no less Jews than in Palestine. Their situation might thus become delicate...the fighting will continue, as was the case with the Crusaders, until the injustice will be completely erased.¹³⁰

The Arab world backed Hussein and joined his threats regarding the Jews living in Arab countries, while unwittingly confirming the unity of Jewish fate and the Jewish claim that all Jews dispersed around the world are members of the same nation. An example of this can be found in the speech of the Egyptian Representative in front of the Ad Hoc Committee on November 24th 1947:

The division of Palestine would create a threat for the Jews living in Muslim countries...the regime cannot always maintain order when the people see how members

¹²⁸ Speech of the Syrian representative on September 22nd, 1947, in front of the UN General Assembly, in Yaakobson and Rubinstein, pp. 37-8. (translation mine).

¹²⁹ Ibid. p. 43 (translation mine).

¹³⁰ Ibid. p. 71. (translation mine).

of their very own religion are being slaughtered in a neighboring state... If the UN decides to divide Palestine, it might be responsible for severe riots and for the slaughter of a large number of Jews.¹³¹

The Syrian Representative stressed in his speech on September 22nd 1947 that "the Syrian people and the Arab people, peace supporters, ...hope with all their heart that they would not be left, following acts of injustice, with no other option but using their sacred right for self defense."¹³²

However, the UN General Assembly was not impressed with the Arab offer to establish an Arab-democratic state that would defend the rights and interests of the minorities within it. It was the Representative of Guatemala who mentioned in his speech to the Ad Hoc Committee on October 10th 1947 that "...as for the Mufti of Jerusalem [i.e. Husseini], he even objected to the possibility that [in the Holocaust] Jewish children will be spared. What would happen if the Jews would be his subjects..."¹³³ At the end of the discussion the General Assembly confirmed, with a majority of 33 states (with 13 against, 10 abstaining and one absent) the Commission majority's Partition Plan (see annex B).

However, this Plan was never realized. While the Zionist Movement accepted the Partition Plan, the Arabs of Mandatory Palestine rejected it and, with the assistance of the Arab states, opened war in an attempt to bring about the annulment of the Plan. According to the testimony of the Representative of the High Arab Council (Husseini) in the meeting of the Un Security Council on April 16th 1948:

The representative of the Jewish Agency told us yesterday that they are not the aggressors. That it was the Arabs who opened war and that as soon as the Arabs stop shooting, the Jews would do so as well. In fact, we do not deny this. ... We have said to the world ...that we do not agree that little Palestine would be divided...and that we plan to fight against [this decision]".¹³⁴

¹³¹ Ibid. p. 72 (translation mine).

¹³² Ibid. p. 38. (translation mine).

¹³³ Ibid. p. 49. (translation mine).

¹³⁴ Yaakobson and Rubinstein, p. 83 (translation mine).

The civil war, which was the first phase of the War of Independence and occurred from the UN Partition Resolution to the invasion of the Arab armies following Israel's Declaration of Independence (November 30th 1947-May 15th 1948), erupted following the refusal of the Arabs of Palestine to accept the Partition Plan, as well as due to the support they received for this position from the Arab League. The involvement of the Arab states in the conflict was a result of the weakness of the Arabs of Palestine and the vacuum of leadership among them, which were created following their being harshly beaten by the British army during the years 1936-1939. At first, each of the Arab states was independently involved, and later on their involvement continued together via the Arab League. The involvement of the Arab states was diplomatic at first and manifested itself via pressuring Britain. Later on their involvement had an economic angle – through the boycott the Arab League declared on the Jewish *Yeshuv*, and starting from the Arab League Summit in Belodon near Damascus in June 1946, the direct military involvement in support of the Arabs of Palestine evolved.¹³⁵

From the outset, the various Arab states – with the exception of Transjordan – had no intention of invading Mandatory Palestine or of sending their regular armies there. The regular armies in the Arab states were designed, first and foremost, to guard the regimes in their own states, and thus the Arab rulers feared that sending these armies to Mandatory Palestine would leave the local rulers exposed to subversion from home, while a defeat in the war might push the army officers to join the rivals of these rulers, increasing internal instability in their states – which, in fact, is what happened.¹³⁶

Internal difficulties of the different Arab regimes as well as inter-Arab rivalries made the establishment of an Arab coalition a difficult task. Therefore, and in order to avoid the need to become directly involved in the fighting, the Arab states decided to establish the Liberation Army, which they sent to invade Mandatory Palestine during the first months of 1948 during the 'civil war' phase, before the establishment of the State of Israel. The defeat of the Arabs of Palestine, the disintegration of the Arab League's Liberation Army, the collapse of the Arab society in Mandatory Palestine and the mass flight of Arab refugees, dragged the Arab states, almost against their

¹³⁵ Gelber, p. 24.

¹³⁶ Ibid. p. 187.

will, to a second war – an Israeli-Arab war. Prof. Yoav Gelber from the Department of Israel Studies at Haifa University believes that "the invasion's aims were more modest than 'throwing the Jews into the sea', focusing on taking control over the Arab parts of the land, on curbing the flight of Palestinian refugees to the Arab states, and on liberating some of the Arab cities that were conquered by the Jews during the civil war."¹³⁷ In contrast, Beni Morris, from the Department of Middle East Studies at Beer Sheva University believes that "the invasion did aim to hit the newly established Jewish state, and if possible...if the *Hagana* forces and the IDF forces would not have existed, they would have gone forward and reached Tel-Aviv...the same with the Jordanians. They had aims...[of] taking over Arab territories, disrupting others from taking over these territories, Farouq against Abdullah, Abdullah against the Syrians etc."¹³⁸

King Abdullah of Jordan was extraordinary in his position among the Arab states. He stood at the center of the Arab world in that he created the Arab coalition towards the invasion and also disintegrated it at the end of the War of Independence. His main goal was to annex the Arab part of Mandatory Palestine to his kingdom. In meetings he conducted with Eliyahu Sasson (who headed the Jewish Agency's Arab Department) in the summer of 1946, and with Golda Meirson (Meir), (later to become Israel's Minister of Foreign Affairs and then Prime Minister) in November 1947, Abdullah was willing to accept a solution of partition, as long as the Arab part of Mandatory Palestine would be annexed to his kingdom (as was initially suggested by the Royal Commission). However, Abdullah was confronted with the total rejection of the Partition Plan by the Arabs of Palestine and the Arab world more generally, and was later neutralized by the UN Resolution that recommended the establishment of an independent Arab state rather than the annexation of these territories to Transjordan. The defeat of the Arabs of Palestine during the first phase of the war brought about Abdullah's conquest of the West Bank, with the approval of the Arab League. Although Abdullah agreed that the political decision regarding the future of the Arab

¹³⁷ Ibid. p. 468 (translation mine). For further discussion see Ibid. pp. 466-488

¹³⁸ From Beni Morris' lecture at a seminar for the publishing of Yoav Gelber's new books, Haifa University, June 10th, 2004. (translation mine).

part of Mandatory Palestine would be delayed until after the war, he worked, while the war was still ongoing, to turn the West Bank into a part of his kingdom. Once he completed the West Bank's conquest, and in view of the IDF's successes in the Egyptian front that forced the Egyptians to open ceasefire talks with Israel, Abdullah was quick to open negotiations with Israel for a ceasefire and later for an armistice.¹³⁹

The Arab invasion during the second phase of the war worsened the situation of the Palestinians even further. The IDF's counter-attacks doubled the number of refugees and led to further losses of territories slated for the Arab state. The Arabs of Palestine's leadership, headed by the Mufti of Jerusalem, put its trust in the intervention of the Arab states, and consequently lost control over the fate of Palestine and its Arab inhabitants. The Higher Arab Council had no control over the political moves connected to the war, nor to the negotiations that followed it. The Arab states did not consider the Palestinians' fate during the negotiations and the armistice agreements, the UN and the super-powers ignored them and the Conciliation Committee sent by the UN even refused to acknowledge the Higher Arab Council as representing the Palestinians.¹⁴⁰

For many years to follow, Palestinian leaders put the blame for their tragedy in the Arab states, blaming them for the Palestinians' tragic fate. Abu Mazen (later to become the Chairman of the Palestinian Authority and of the PLO), wrote thus in the mid-70s:

The Arab armies entered Mandatory Palestine so as to protect the Palestinians from Zionist tyranny. Instead they abandoned them, forced them to emigrate and to leave their homeland, placed them in a political and ideological quarantine and threw them into ghettos... the Arab states managed to disperse the Palestinians and to destroy their unity...they did not recognize [the Palestinians] as a united people until the other countries of the world did so.¹⁴¹

¹³⁹ Ibid. p. 473.

¹⁴⁰ Ibid. p. 475.

¹⁴¹ Abu Mazen, "*what we have learned and what we must do*", Palestine Al Thora, March 1976, in Ibid. p. 471
(translation mine)

Gelber believes that, during the first phase of the civil war and until the first pause, the refugees' flight was an uncontrollable process. It was neither organized nor controlled by any Arab element, and in the eyes of those escaping the fighting, their being refugees was but a temporary matter that would end when the fighting does. Fleeing during times of inter-ethnic clashes was a common and well-known phenomenon in the Middle East, and this is how the Palestinians viewed their clash with the Jews. However, the Palestinians collapsed under the hardships of the war. They were unprepared for the war, were unorganized for- and surprised by the different – nationalistic – nature of the civil war, and those fleeing had no way of knowing the immense significance their flight would have on their future.

The leadership of the Jewish *Yeshuv* and of the *Hagana*, as well as of that of the dissenting Jewish organizations, did not initiate the expulsion and did not plan it. However, according to the *Hagana*'s own news service, the direct attacks on villages and towns were responsible for 70% of the desertions from these villages and towns.¹⁴² In addition, a number of decisions taken by the Israeli authorities during the two pauses in the fighting and following their end, *de facto* blocked any possibility for the return of those who have escaped – turning those who escaped temporarily into generations of refugees. So said Moshe Sharet - at the time Minister of Foreign Affairs - in a meeting of the Temporary Government that convened on June 16th 1948 to discuss the suggestion of the UN Mediator Count Bernadotte:

If one of us would have stood up and suggested that we should wake up one day and expel all of them – that would have been a crazy thought. However if this thing happened during the upheavals of the war, a war that the Arab people declared upon us, and via the flight of the Arabs themselves – then this is one of those revolutionary changes after which history does not go back to being the same.¹⁴³

Thus Sharet determines: "our policy is that they are not going back".¹⁴⁴ Beni Morris further adds that "from the beginning of April [1948] and onwards there was an atmosphere of transfer in the land. I am not saying that this was translated into a

¹⁴² This was especially notable in the events of Dir Yasin, and in the conquest of Lod and Ramleh.

¹⁴³ In Gelber, p. 285. (translation mine)

¹⁴⁴ Ibid. (translation mine)

policy of expulsion, this did not happen. Whoever all in all there was such an atmosphere in the *Yeshuv* – 'it's better that they get out, it's better that they would not be only outside our borders but outside our land... it is important for the state that there would be an Arab minority as small as possible, if at all in the state of Israel.' This change occurred in April, and not following the Arab invasion."¹⁴⁵

According to Gelber there is no basis for the Israeli claim blaming the Arab leadership with encouraging the fleeing of the refugees. On the contrary, the Higher Arab Council, the Liberation Army and the Arab governments tried without success to curb the flight.¹⁴⁶ Beni Morris agrees with this statement but adds that "in parallel to this, there were calls or advices or instructions by local leaders and local officers of the villages, to either evacuate entire villages or to send their children, women and elderly out of the fighting zone, so that they will not get hurt and will also not negatively affect the fighting spirit of the men left behind."¹⁴⁷

In summary of this chapter we can say that the idea of territorial unity in Mandatory Palestine vanished in light of the existence of two national movements with contradictory interests, replaced instead by the idea of dividing the land into two states with the required economic cooperation between them. Following the international community's demand for a democratic regime in both the Jewish and the Arab state, and since in a democracy the majority of the population can determinate the nature of the state, we can understand the importance of demography as far as the geographic division of Mandatory Palestine was concerned. The borders that mark the contours of the state have crucial importance for the determination of the legitimate majority that could affect its character in the present and in the future.

¹⁴⁵ From Beni Morris' lecture at a seminar for the publishing of Yoav Gelber's new books, Haifa University, June 10th, 2004. (translation mine)

¹⁴⁶ Gelber pp. 185, 281.

¹⁴⁷ From Beni Morris' lecture at a seminar for the publishing of Yoav Gelber's new books, Haifa University, June 10th, 2004. (translation mine)

1937 was a turning-point year as far as the Zionist Movement was concerned, since this was the first time in which the option of establishing a Jewish state was discussed not only among the Jews themselves, nor indirectly under the guise of the "national home" formula, but openly and by Britain— the super power controlling Palestine and the Middle East at the time – itself. The Zionist Movement was thus forced to make a concrete choice between the possibility to establish a Jewish state on limited territory, and the continuation of its territorial aspirations.¹⁴⁸ During the discussions held regarding the Plan of Partition we can witness the first change in Jewish policy. As we have seen, in the phase of determining the borders of Mandatory Palestine in the early 20s, the main Jewish perception aimed to define as great a territory as possible for the future national home, settle it with Jews under the British Mandate and transfer it to Jewish sovereignty when the needed Jewish majority was achieved, in order to ensure Jewish control over the state's democratic regime. In the second period analyzed here we can see that most of the secular-Zionist elements abandoned this earlier policy (with the objection of the religious-Zionist groups), in favor of a policy that sought to delimit the area of existing Jewish demography in geographical-political borders, ensuring a Jewish majority for the future democratic state, while also including space for the absorption of future immigration in empty regions.¹⁴⁹

If in 1937 we witnessed the internal controversy between establishing a state only on part of Mandatory Palestine on the one hand, and the Zionist territorial aspirations on the other, in 1947 the secular-Zionist leadership decided in favor of the first option – among other things following the tragedy of the Holocaust. The description detailed in this chapter thus proves to the nationalist camp and the religious right-wing in Israel – those aiming throughout Zionist modern history to inherit all the Land – that if the Zionist Movement would have refused to accept the Partition Plan, the realization of the dream of a sovereign Jewish state would have vanished for the foreseeable future.

¹⁴⁸ Gal Nur, p. 55.

¹⁴⁹ Until 1948 the Zionist Movement bought lands in Mandatory Palestine, and did not conquer them. The list of the sellers of these lands included the families of Palestinian elite living in the land, who led the Palestinian national movement.

The decision to favor the Jewish-democratic vision also accompanied the end of the Independence War in 1949. As Ben Gurion summarized it:

The IDF can conquer the entire territory between the Jordan [River] and the [Mediterranean] Sea. But what kind of a state will we have, assuming we have elections and Dir Yasin is not our policy¹⁵⁰. We could have a Knesset with an Arab majority. Between [maintaining] the wholeness of the land and a Jewish state, we have chosen a Jewish state.¹⁵¹

In the internal Zionist discussion we have seen that, among the secular-Zionist groups that at any rate gave little weight to historical considerations based on the bible and on its interpretation by the Orthodox Rabbis, these considerations disappeared altogether, replaced by security and economic considerations, and by considerations related to immigration absorption. At the same time we have seen significant religious elements that have defined the borders of Mandatory Palestine as sacred and refused to compromise on any territory. Ultimately, it was the demographic balance between Jews and Arabs that informed the Jewish demands for borderlines, out of the basic assumption that the Jewish state would be democratic and that therefore it must ensure a Jewish majority – even at the expense of territory. Additional empty regions were still demanded in order to allow for immigration absorption, but the Jewish claim for these territories was no longer based solely on the willingness of the international community to accept this claim, but also on an intensive effort to create facts on the ground, in the form of settlements built in regions that were empty of Arab population.

In contrast to the minimal weight that Jewish settlement deployment had in the earlier period on the delineation of the borders of Mandatory Palestine, this deployment

¹⁵⁰ The Dir Yassin event (also known as the Dir Yassin Massacre or the Dir Yassin Battle – depending on the person's view of the event), was a battle held during the War of 48', before the State of Israel was founded, in the village of Dir Yassin near Jerusalem. During the battle many of the village's residents were killed. The details of what happened in Dir Yassin are under fierce debate.

¹⁵¹ D. Ben Gurion, Divrei HaKnesset, Vol. 1, April 4th, 1949. (translation mine)

became the central element affecting the design of the partition borders – leading the Jews to implement a massive settlement effort in the last decade of British Mandate. Since the early 30s the correlation between the layout of Jewish settlements and the borders of the future Jewish state became a cornerstone in the process of settlement expansion in Israel, continuing to our very days. Upon the shelving of the Peel Commission's Partition Plan in 1938, an intensive process of Jewish settlement began, based on the belief that the future Jewish state would include areas in which there would be Jewish presence, to which other regions would be added. And in fact, from the Peel Commission onwards, the future borderlines were delineated while giving substantial attention to the location of Jewish and Arab settlements and populations. Other considerations such as topography, aspirations and developmental possibilities – became of secondary importance.¹⁵²

If we compare the influence of the international community to that of the Zionist Movement regarding the determination of the State of Israel's borders, we can say that the first still had greater weight – as this was expressed, for example in the Partition Plan. At the same time, the ongoing dialogue conducted by the Zionist leadership with the international community, especially when contrasted with the policy adopted by the Arabs of boycotting all international discussions on partition, had significant influence on the delineation of the partition borders. Ultimately, the strength and might of the Israeli *Yeshuv* during the Independence War against the relative weakness of the Palestinians and the Arab states brought about an increase in the territory of the Jewish state from 55% of Mandatory Palestine, to 78%.

The super powers and the UN were deeply involved in the war that raged in Mandatory Palestine, but their influence over it was limited. The international efforts to implement the UN Partition Plan failed, and the US' initiative to establish a trusteeship in Mandatory Palestine was a-priori rejected by the sides. The call made by the UN Security Council for a ceasefire throughout Mandatory Palestine was not answered.

¹⁵² Biger, p. 209.

Among the circle of international players we can see that during this period, in addition to the rise in power of the countries that won the two world wars, international organizations also gained greater importance, especially the League of Nations and later its inheritor the United Nations. As far as involvement in- and decisions regarding conflict areas around the world, the weight of the UN will increase throughout the 20th century and its Resolutions will become the most significant international source of legitimacy for the management and resolution of conflicts and for the activation of international forces around the globe (e.g. Korea, Bosnia, Iraq etc.).

The War of Independence was initiated by the Arabs of Palestine. Throughout most of the duration of the war they were the most active enemy of the Jews, and at the end of the war they were its primary victims.¹⁵³ Their political, social and economic infrastructure was devastated; the majority of them lost their homes and property and became refugees; for the following few decades the Palestinians were pushed to the margins of the struggle over the land between the River and the Sea.¹⁵⁴ In order to understand the basic Palestinian attitude regarding the conflict with Israel, we should against remember that the Palestinians saw the very establishment of a Jewish state as a historical injustice, supported by the western super-powers in contradiction to the principle of self-determination that these very counties defined.¹⁵⁵ And thus, in order to negate the Jews' right to self determination, the Palestinians went as far as defining Judaism as a religion only, lacking any national rights. In the future this logic would bring about the Palestinians' demand for historical justice rather than 'only' for a fair agreement. The fact that they rejected the Plan of Partition and opened war was perceived by the Palestinians as an act of self defense – defending their basic rights –

¹⁵³ 80% of the Palestinian Arabs became refugees; 350 out of 450 villages were completely or partially abandoned; Haifa and Acre were almost completely emptied of their Arab inhabitants; the scope of abandoned lands is estimated at 3.5 million dunams, some of which have been transferred to the Israeli government's ownership and some to the Guardian of Absentees' Properties who after a while allocated them for Jewish settlements. In Carta Atlas for the History of the State of Israel, p. 66

¹⁵⁴ Gelber p. 396.

¹⁵⁵ A. B. Yehoshua wrote in this regard: "the Arabs did not accept the Plan of Partition. One can understand them without justifying them: no native people would have accepted this plan. Neither the Danes nor the Norwegians would have been willing to give up half their country in order to solve the Jewish problem..." in Shavit, p. 127 (translation mine).

rather than as an aggressive step that contrasts a UN Resolution.¹⁵⁶ Therefore, even the war's destructive consequences did not at first convince the Palestinians to admit to their historic error of rejecting the Partition Plan, neither was their attitude regarding the conflict altered until, only 40 years later, they finally became convinced that they will not be able to achieve by force their "historical justice".

The Arab world, except for Transjordan, entered almost against its will into the Israeli-Arab conflict immediately after Israel's declaration of Independence, leaving the war hurt and battered and exiting again to the borders of Mandatory Palestine – except for Jordan that annexed the West Bank and Egypt that controlled the Gaza Strip. Three more decades of military defeats will be needed until the Arab world decides to abandon its military involvement in the Israeli-Palestinian conflict, still in possession only of the same territorial assets it had when it entered the conflict in 1948.¹⁵⁷

The results of the war were favorable for the Jews, who refrained in their Declaration of Independence from defining the state's exact borders. The Jews conquered half the territory allocated for the Arab state and maintained their control over West Jerusalem, including over the corridor leading there (which were both part of the "*corpus seperatum*" – the territory allocated in the Partition Plan for international control).¹⁵⁸ In addition, instead of a 55% Jewish majority, which was planned for the Jewish state in the Partition Plan, the Jews now enjoyed a majority of 81% within the new borders that were agreed-upon in the armistice agreements in Rhodes, as a result of the refugees' flight out of territories included in the Jewish state¹⁵⁹ and of additional territories conquered by the IDF during the war. Israel did not formally recognize Jordan's conquest and annexation of the West Bank, as its position immediately after the war ended, continued to favor the "establishment of a separate political entity" in

¹⁵⁶ The Palestinian Charter, paragraphs 18-20.

¹⁵⁷ As of the time of writing this book, Egypt and Jordan, as well as Lebanon, have returned to the Mandatory borders via peace agreements with Israel (for the first two) or Israel's unilateral withdrawal (for the third).

¹⁵⁸ And yet, 9 Jewish settlements were lost during the war – Beit Ha'arava, Atarot, Neve Yaakov, Kfar Darom, Kaliya, Revadim, Ein Zurim, Kfar Etzion and Mesu'ot Yitzhak. In addition, the Jewish Quarter of the Old City of Jerusalem was also lost to the Jews.

¹⁵⁹ The estimates are of between half a million and 800 thousand refugees.

that region, in line with recognizing the Palestinian-Arabs' right for self determination.¹⁶⁰

At the end of this period Israel controlled 78% of the territory of Mandatory Palestine, with the 635 thousand Jews and 165 thousand Arabs living in it. The expansion of the territory of the Jewish state to include all Jewish settlements and additional territories, due to the war that ended with an armistice agreement only, created additional spaces for population, and an incentive to rapidly populate them. And, in fact, in the following years, Israel made sure to rapidly populate the areas near the Jordanian border and near the border of the Gaza Strip, so as to ensure that these regions will remain within the State of Israel's territory also in permanent peace agreements.¹⁶¹

Israel ended the war without the international community's recognition of its borders, or the recognition of the Arab world; without resolution to the issue of Jerusalem or to the problem of the Palestinian refugees. However, its victory and achievements during the war allowed Ben Gurion to determine, back in December of 1948, the conditions for the state's future political independence:

Termination of the Diaspora, quick population of the various parts of the land, intensive development of the land, a regime of freedom and equality, pioneering hegemony and education to pioneering [values], the rule of science, a policy of peace, military security and regime stability.¹⁶²

¹⁶⁰ Although evidences for a contradictory Israeli policy can also be noted.

¹⁶¹ In contrast, Jordan was indifferent to the diluted population in its own border regions, and even encouraged this process.

¹⁶² Yaakobson and Rubinstein, p. 32. *(translation mine)*.

Chapter 4

1967-1993 – The Dream of Greater Israel Returns

A. "The day before" the Six-Day War – major trends

In the spring and summer of 1949, following the end of the War of 1948, a series of armistice agreements between Israel and all its neighbors entered into force, in the framework of which the armistice lines were set (see annexes E and F). These lines had the *de facto* characteristics of international borders, aiming to create complete separation between those residing on their opposite sides. Some of these lines overlapped Mandatory Palestine's borders under the British rule or were close to them, while others – in the Gaza Strip and in Judea and Samaria – were distinctly different from the borders set in the 1947 Partition Plan. In the Gaza Strip the border was delineated to a large extent as a result of military considerations based on the location of military posts at the time when fighting ceased. The most important consideration was local topography so as to enable regional control, with no consideration given to the residents' needs.¹⁶³ In Judea and Samaria the border delineation was also based on the situation of army posts, but Israel also demanded that a number of major transportation routs would be transferred to its territory. This led to some alternation in army posts held by each of the sides and to territorial exchanges,¹⁶⁴ including a notable Jordanian withdrawal from the eastern border of the Sharon region with the railway tracks and major roads transferred to Israel. Similarly, in the Wadi Arra region, the road connecting the coast (*Mishor Ha-Hof*) to the Jerzriel Valley was passed over to Israel (see map no. 6). This move significantly increased the number of Arabs under Israel's control, somewhat obscuring the ethnic separation

¹⁶³ Braver, p. 130. In 1950, when this border was delineated, Israel and Egypt exchanged territories: Israel received the territory south of the Shikma River up to the current Green Line, and in return transferred to Egypt a larger territory in the south of the Gaza Strip, which today includes the towns of Large Absan, Small Absan and H'irbet H'iz'a.

¹⁶⁴ Ibid. p. 133.

line that resulted from the war. Israel's adherence to the international lines was manifested during its negotiations with Syria, with the former even posing an ultimatum and threatening to resume the fighting, until Syria finally withdrew to the international border, still leaving a demilitarized zone between this line and the ceasefire line.

For the next 19 years Israel dedicated its efforts to growing stronger – along the lines of the goals defined by its first Prime Minister David Ben Gurion. Israel had to absorb over 1.25 million new Jewish immigrants from around the world¹⁶⁵, a process that led to the Jewish majority in the state arriving to 86% by the end of 1967¹⁶⁶. In parallel, Israel's gross national product grew five-fold and this fact, with the compensation payments for the Holocaust paid by Germany, allowed Israel to quickly end the austerity regime (*Tzena*) and to establish its military industries and various other national projects such as the National Water Carrier.

Mordehai Bar On, who was then-Chief of Staff Moshe Dayan's Head of Chamber, claims in his article "*Status Quo Before or After*" that during this period in time Israel, under Ben Gurion's leadership, preferred to maintain the territorial *status quo* created following the Independence War, which was formally manifested in the armistice agreements. At the same time, Israel conditioned its adherence to these agreements on its ability to continue its rapid demographic, agricultural and settlement development – the result of the mass immigration of those years. However, on both the Jordanian and Egyptian borders Israel's development and security were challenged by the phenomenon of infiltrations and terror attacks, and thus Israel experienced diplomatic and military clashes with its neighboring Arab states right from the start. Gradually, these clashes undermined the advantages the armistice agreements offered and raised, after six years, a desire among Israel's leadership to change these agreements and improve the borders they defined. The Sinai Operation at the end of October 1956 was a hasty attempt to alter the *status quo*, but this failed attempt by Israel to define a new situation along its borderline with Egypt led the Israeli leaders to readopt the

¹⁶⁵ 424,000 of which were Jews coming from Arab states. **Atlas Carta for the State of Israel's History, the first years**, p. 66.

¹⁶⁶ The Central Bureau of Statistics, Table 4.2 – 2,383,000 Jews and 393,000 non-Jews, out of which 289,000 Muslims.

status quo policy, which thus continued to characterize it until its 19th Independence Day. Only then, and as a result of the moves implemented by Egypt's President Gamal Abdel Nasser from May 15th 1967, Israel was pushed to dramatically change the situation.¹⁶⁷

Major processes among Israel's Arab population: After the end of the War of 1948, only a small Arab minority remained within Israel; a community that lost its leadership and was traumatized by the defeat. Israel's open borders at the time enabled numerous infiltrations of refugees who wanted to return to their homes, of farmers who wanted to cultivate their lands that remained on the Israeli side of the border and of those infiltrating for terrorist purposes. Consequently a military rule was placed over the border regions in order to seal the borders against infiltrators. This military regime was implemented only in regards to the Arab population¹⁶⁸ and was used also to massively expropriate lands of Arab villages for "public use" – this "public" being the Jewish public only, which needed these lands in order to build numerous towns in which to settle the new immigrants.

The military rule was ultimately cancelled in 1966, enabling the Arab public to enjoy the political freedom it was given since the first elections. Closing the borders from 1949 to the Six Days War (in accordance with the Rhoads Agreements), disconnected the Arabs within Israel from their compatriots living outside these borders and, in parallel, led to their partial integration in the state's political-economic-social system. The 19-year long closed-border policy created a new reality for the Arabs living inside Israel, effectively giving birth to a new sub-group within the Palestinian people, which the Jews in Israel – as well as many in the Western world – refer to as "Israel's Arabs" (until recently this title was acceptable also among the Arab population living in Israel, but now many of them prefer to be referred to as "Israeli-Palestinians" or as

¹⁶⁷ Bar Or, p. 10.

¹⁶⁸ This in spite of the fact that a special clause in the Israel-Jordan Armistice Agreement from April 3rd, 1949, referred to the Arab villages: "Wherever villages may be affected by the establishment of the Armistice Demarcation Line ... [i]n the event any of the inhabitants should decide to leave their villages, they shall be entitled to ... receive without delay full compensation for the land which they have left. It shall be prohibited for Israeli forces to enter or to be stationed in such villages, in which locally recruited Arab police shall be organised and stationed for internal security purposes." Article VI, paragraph 6. Source: http://www.usip.org/library/pa/israel_jordan/ij_armistice_1949.html

"Palestinian citizens of Israel"). In contrast, among the Palestinian Diaspora and the Arab world more generally, this community was referred to – with more than a little alienation and derogation for their being a part of the Jewish state – "the Arabs of '48".

On the eve of the Six Days War Israel could have been defined as a Jewish and democratic state with an (unofficially) discriminated Arab minority. However, Israel was still a state that did not enjoy international recognition of its *de-facto* borders (resulting from the War of 1948 and the Rhoads Agreements, see map no. 7), nor from any Arab recognition of its borders or of its very existence.

Major processes among the Palestinians and the Arab world: The Palestinian people continued to reject the Jewish people's right to a state, vetoing any possible compromise until the complete liberation of Palestine. In September 1948 the Egyptians established the "All Palestine Government" in the Gaza Strip, which did not even rule over Gaza until it was finally disassembled in 1952.¹⁶⁹ In 1964 the PLO was established by the Arab League, and started to act as the Palestinian people's representative. Fatah¹⁷⁰, which was established in Kuwait by a group of Palestinians including Yasser Arafat, started to carry-out terror attacks against Israel on January 1st, 1965. In 1969 the PLO was taken over by Yasser Arafat.

The Arab world refused to recognize Israel's right to exist, formally declaring itself to be in a state of war with Israel, and planning for a "second round" with the expressive goal of "liberating all of Palestine". When the UN Conciliation Commission convened the Lausanne Conference in Switzerland in April-September 1949, the Arabs refused to sit face to face with the Jews, and so Commission members met separately with the Arabs and with the Israelis. In this framework the Arabs also rejected Israel's offer to absorb 100,000 refugees on the basis of Article 11 of UN General Assembly Resolution no. 194 (see Annex D). Regarding this important Resolution it should be mentioned that at first the Palestinians rejected it, since it ignored the option of

¹⁶⁹ In addition to Jordan, Israel and others, the US also had reservations in the regards to the All Palestine Government. The State Department ordered the American Representative Offices in the Arab states to make it clear that the Mufti's past as a collaborator with the Nazis during the Second World War will not be forgotten or forgiven. Gelber, p. 270.

¹⁷⁰ The word *Fatah* comes from inverting the initials of the Arab Phrase "Conquest for the Expansion of Islam".

collective return and instead called on Israel to allow, as soon as possible, the return of those refugees wishing to live in peace within its territory. This was also the PLO's position regarding UN Security Council Resolution no. 242, in which the Palestinian problem was defined as a refugee issue rather than in terms of the right for collective self determination. Only later, once this collective right was internationally recognized¹⁷¹, did the PLO adopt Resolution 242 as well as Resolution 194.¹⁷²

Israel's victory in the Six Days War led, among other things, to the occupation of the West Bank and the Gaza Strip – two areas that originally, according to the Partition Plan from 1947, were to be allotted to the Arab state. The beaten Arab world, and the PLO within it, stood fast in its refusal and, in the Khartoum Conference that convened immediately following the war, on September 1st 1967, completely rejected any sort of recognition of-, peace agreement or negotiations with Israel (later to be known as the "Khartoum's Three NOs").

Major processes among the international community: The international community accepted Israel as a member in the UN, but did not formally recognize the territorial results of the 1948 War.¹⁷³ Although it called on Israel to enable the return of the Palestinian refugees to their homes in the framework of Resolution 194, the international community did not actually make efforts to realize this Resolution, establishing instead the United Nations Relief and Work Agency for Palestinian Refugees (UNRWA) in a manner that assisted in the perpetuation of the problem of the refugees. Britain, which during the 1948 War encouraged Jordanian King Abdullah to conquer the Negev (as part of British aspirations to create a continuous

¹⁷¹ In the Rabat Convention of 1974 the Arab League declared the PLO to be the sole legitimate representative of the Palestinian people and in 1975 Yasser Arafat was called to speak in front of the UN General Assembly. In 1974 the PLO accepted Resolution 194 and confirmed its "Point Program", while still stressing three principles: implementation of "the right of return" according to Article 11 of Resolution 194, the right for self determination for the Palestinian people and the establishment of an independent state in Palestine. Later on, in November 1988, the PLO also accepted UNSC Resolutions 242 and 338.

¹⁷² Klein, p. 38.

¹⁷³ At the end of the war Ben Gurion stated "The struggle has not ended yet. Even the countries that have recognized our state – and these are most of the countries of the world – have not yet recognized our new borders." Ben Gurion 1951, p. 207. (my translation)

Arab-controlled territory under its influence), changed its position after Egypt's President Nasser declared the nationalization of the Suez Canal. Britain consequently included Israel – together with France¹⁷⁴ – in the military move against Egypt in 1956 (known as the "Kadesh" or "Musketeer" Operation). The Soviet Union started to distance itself from the Jewish state during this period, while US-Israel relations grew warmer.

In November 1967, the UN Security Council adopted Resolution no. 242 (see Annex H), which spoke about the principle of "territory for peace" and created the basis for a peace process between Israel and the Arab world, which was *de facto* based on the results of the 1948 war (this principle would be reiterated in 1973 in Resolution 338 - see Annex I). Egypt was the first Arab country to realize this principle in 1979, following the Yom Kippur War of 1973, when it received back the entire Sinai Peninsula and signed a peace agreement with Israel. Jordan followed in 1994, while setting the precedent of 1:1 territorial exchanges with Israel.

B. After the war: Israel takes the initiative

The renewed encounter with the expanses of the historical Land of Israel awakened among Israel's leadership and public the territorial appetite and the settlement urge. The "victory euphoria" Ben Gurion warned against following Israel's Independence War, and against which he warned again in a televised interview immediately after the Six Days War, was clearly notable.¹⁷⁵ This euphoria can clearly be found in the famous statement given by then Minister of Defense Moshe Dayan: "We are waiting for a phone call from the Arabs. We will make no move; we are absolutely happy with what we have now. If the Arabs want a change they should come to us."¹⁷⁶

¹⁷⁴ This alliance with France led to a decade of close relations between it and Israel which, among other things, provided the IDF with capabilities that consequently brought about its impressive victory during the Six Days War.

¹⁷⁵ In this interview Ben Gurion supported immediate withdrawal from the territories conquered in the Six Days War, except for the Old City of Jerusalem, in return for peace.

¹⁷⁶ Quote from a BBC interview, published in *Maariv* daily, 13.6.1967 (translation mine).

Following the war, a gradual but essential change occurred in Israel's policy. This change stemmed from a combination of two elements: the explicitly temporary military rule over a right-less, foreign and hostile population, and the developing perception according to which the Jewish people's historical right over the areas of Judea and Samaria overrides any other consideration, granting Israel the right to rule these territories without imbuing their inhabitants with citizen rights. This change in policy would ultimately pose a threat to the state of Israel's democratic nature.

The Israeli government's policies in the 70s were founded on three basic assumptions: First - Israel should reach a decision regarding the political future of the territories; second - Israel must ensure the state's strategic integrity and its Jewish nature from a demographic point of view; and finally – resolving the problem of the refugees is both a political and human issue, and is an Israeli as well as an Arab interest.

On the eve of the Six Days War, the Palestinian population in the West Bank numbered approximately 840 thousand people, about 250 thousands of whom fled following the war. The flight of 50 thousand Palestinians from the Jordan Valley region was especially important for Israel since this area had security significance for the state – as a buffer with the Jordanian border. The flight of the Palestinians from this area thus created a zone virtually empty of Arab habitations between the Arab villages on the mountain range (in the West Bank) and the Kingdom of Jordan. After the war Israel decided to settle the Jordan Valley in order to protect its eastern border. Thus, formal state policy supported establishing a continuous string of settlements along the Jordan River, as a security border for Israel. Yigal Alon, then Deputy Prime Minister, suggested that the Jordan River and the line dissecting the Dead Sea would be defined as the border between Israel and the Kingdom of Jordan. To ensure that this border would be *de facto* and not solely *de jure*, Alon suggested that Israel annex a belt of 10-15 km in width along the entire Jordan Valley down to the Dead Sea. He further believed that the Jordan Valley's western border (i.e. facing the West Bank) should be composed of a series of topographically appropriate strongholds, while avoiding as much as possible the inclusion of a large Arab population within that territory.

Additional areas in which Israel created Jewish settlement during that period were the Judea Desert overlooking the Dead Sea and the Rafah Plane (*Pit'hat Rafiah*) that

separated the Arab population centers in the Gaza Strip from the Egyptian Sinai Desert. In the course of the following years Alon's plan led to the establishment of 20 settlements in the Jordan Valley (as in addition to being empty of Palestinians, this area was considered as an ideal region for settlement thanks to its fertile land and abundance of water). However, as of 2006, there are only 7,500 Israelis living in the Jordan Valley. Clearly, the ambitious plan that aimed to bring 1.2 million Jews to settle in the Jordan Valley failed, and today there is no critical population mass in that zone that should be considered when its possible future annexation is discussed.¹⁷⁷ Alon's plan that stressed that all diplomatic options still remain open, fitted the general policy of vagueness regarding Israel's future permanent borders that characterized Israel's Labor governments between 1967 and 1977. The political leadership, including that of the Labor Party, saw the act of settling these regions as a tool to strengthen Israel. In his book written in 1978 "**Now Tomorrow**", Shimon Peres – at the time in the opposition and later to become Israel's Prime Minister – suggested that a new settlement continuity be created, which would include, among other things: "the strengthening of Jerusalem and its [surrounding] mountains from the north, the east and the west, by establishing additional suburbs and habitations – Ma'ale Adumim, Ofra, Giloh, Beit El, Givon...", further claiming that "populating the western flanks of the Judea and Samaria mountains is what would liberate us from the curse of Israel's slim waste..."¹⁷⁸

The various governments led by the *Ma'arach* viewed Jordan as the major partner for a possible political resolution of the issue of the West Bank, and tried to implement this policy beginning with Yigal Alon's "Jericho Plan" of 1974¹⁷⁹ and ending with the

¹⁷⁷ Ephrat, pp. 33-34.

¹⁷⁸ Peres, p. 92.

¹⁷⁹ This plan was suggested by Yigal Alon following the Yom Kippur War as a basis for Israeli-Jordanian interim truce, despite the fact that Jordan did not take part in the war. According to this plan, Israel was to return Jericho and its surrounding region to Jordanian control, in return for an interim agreement between the two states, similar to the agreements Israel reached with Syria and Egypt during 1974. The plan received the support of then US Secretary of State Henry Kissinger, but then-Prime Minister Rabin objected to it. In October 1974, shortly before the Arab League Rabat Summit, the plan was personally presented to King Hussein by Alon and Rabin together. King Hussein, who preferred a vertical Israeli withdrawal along the Jordan River asked to postpone discussing this plan until after the

"London Agreement" between Shimon Peres and Jordan's King Hussein in 1987. Importantly, in the same decade (the 70s), it was then-Prime Minister Golda Meir who went as far as to negate the existence of a Palestinian people, despite the fact that already decades earlier the leaders of the Zionist Movement, led by Ben Gurion, recognized the existence of a Palestinian people and its right to self determination in a portion of Mandatory Palestine.

The victory euphoria on the one hand and the internal factionalism within the Israeli governments during the first decade after the 67' war on the other, enabled the development of *Gush Emunim* ("the Block of the Faithful") and its settlement activity that was infused, from its very beginning, with a feeling of a holy religious-nationalist mission. At the same time it is important to stress that it was not a struggle between *Gush Emunim* and the government: the development of the settlements would not have been possible without the massive assistance they received from various state apparatuses, nor without the legal legitimization they were provided with. The vast majority of settlements were constructed not only with the decades-long approval and authorization of the state institutions, but also with their encouragement and initiation¹⁸⁰ (see map no. 8).

In terms of the definitions and distinctions made in Chapter A, *Gush Emunim* is closer to the axiomatic-emotional approach regarding territory. It views the "homeland" – the Land of Israel – as the geographical manifestation history makes for the realization of the Jewish people's plans, and negates any territorial compromise in return for other values.

Idit Zartal – historian and cultural researcher and Akiva Eldar – journalist and political analyst in *Haaretz* daily, describe in great detail in their book **The Lords of the Land**¹⁸¹ the ideological background for the growth of *Gush Emunim* – the movement behind the religious-messianic settlement project in the Territories. *Gush*

Rabat Summit. The plan was shelved after the Rabat Declaration that declared the PLO as the only body authorized to negotiate the future of the West Bank and the Gaza Strip.

¹⁸⁰ Zartal and Eldar, p. 9.

¹⁸¹ The two relied heavily on the work of Aviezer Ravizki – an researcher of Jewish thought, as it was published in his book **Messianism, Zionism and Jewish Religious Radicalism**, Tel-Aviv, 1997.

Emunim's basic ideas consisted, in a nutshell, of the holy triangle of "the People of Israel, the Land of Israel and the Torah of Israel" and were in essence based on a "*Lo Ya'avur*" commandment (literally meaning "shall not be unfulfilled": a commandment that requires absolute fulfillment superseding all other considerations) of settling all over the territories of the Land of Israel. These ideas were drawn from the doctrines of Rabbi Avraham Yitzhak Kook and his son, Rabbi Zvi Yehuda Kook. Rabbi Kook the father believed that the holiness of the People of Israel and of the Land of Israel exists eternally and that the renewed Return to Zion Movement (*Shivat Zion*) foretells the coming of the Messiah. This approach made him feel deeply connected to every person in Israel, especially to those dedicating themselves to settling the Land. According to this approach the establishment of the state was an important stage in the process of salvation that began with the modern Return to Zion.¹⁸² This doctrine views the process of salvation as absolute and necessary; an imminent process from which there is no return and which does not depend on any external factors – neither on the Israeli government nor on the non-Jews (*Goiym*). The actions of the state ("*Ma'asei Hamamlacha*", literally: 'acts of the kingdom') are not simply concrete human projects that have a real and limited purpose within a social-political context, but rather part of a grand Divine Scheme, of a religious process of correction and redemption.¹⁸³ Rabbi Kook the father perceived the establishment of the Chief Rabbinate in Israel as the highest religious authority, as a first step in the revival of the Great Sanhedrin,¹⁸⁴ and the revival of the Land of Israel as the spiritual center for worldwide Jewry and ultimately as a means to bring about salvation. He also viewed the Rabbinate as a practical tool for correcting daily life and, during his term as the Head of the High Rabbinical Court, he contributed to the development of Hebrew Law in the state of Israel.

Rabbi Kook the father believed the secular Zionists to be saintly Jews and as heralding the Messiah, since they are helping the Divine Scheme and are acting as agents of the sacred process – even if they do not know themselves to be so. "There

¹⁸² Zartal and Eldar, p. 267.

¹⁸³ Ibid. p. 264.

¹⁸⁴ The Great Sanhedrin was an assembly of Jewish judges who constituted the supreme court and legislative body of ancient Israel.

are those who have not a clue of their value and of their essence in regards to their role [according to] the divine intervention", wrote Kook; "they are called by their name and do not know who is calling them..." According to his approach, the Zionist Movement's sole significance was actually in advancing the divine process. In the eulogy he gave to Herzl in Jaffa, Rabbi Kook presented the father of political Zionism as the Messiah Son of Josef – as the one responsible for the material-political side of redemption.¹⁸⁵ Menahem Begin and his first Likud government were also perceived as enthusiastic messengers of the redemptive process. Meir Har Noy, one of the leaders of *Gush Emunim*, wrote after the political change of 1977: "No more fears of evacuation...a day of change, so we hope, in the official worldview"; and Rabbi Moshe Levinger, one of the founders of *Gush Emunim*, said on the same occasion: "we have done ours. Now it is time to work with the government."¹⁸⁶ Secularity was therefore legitimate as far as Rabbi Kook was concerned – as long as it was in the service of divine intervention and the salvation process, as this process was manifested in settling the land.

Thus, in 1967, the occupation of additional territory from the Land of Israel and uniting Jerusalem were perceived as additional important steps in the messianic process. Rabbi Kook's doctrine no longer allowed its followers to continue serving mere secondary roles in the historic developments - as sole passengers or accompaniment to the Zionist caravan - as their fathers did before them. Being cognizant of the real significance of the national revival process, it demanded of them to take the reigns into their own hands and to lead the historical drama to its appropriate place.¹⁸⁷

According to this approach, for over 30 years Ariel Sharon fulfilled a role in "the divine process...without knowing who is calling him", and this despite the fact that

¹⁸⁵ Zartal and Eldar, p. 258. **My translation – need to find exact quote from the English version** According to Jewish tradition there are two Messiahs that will come one day to make the world better – Messiah Son of Josef – the first Messiah who will build the practical-material stages and will gather the people into their Land, and Messiah Son of David – the spiritual-ideological messiah who will bring spiritual completeness unto the people.

¹⁸⁶ Ibid. p. 83. **My translation**

¹⁸⁷ Ibid. p. 259.

Sharon's considerations were mostly political, strategic and security-related. Ze'ev Hever (Zambish), a former member of the Jewish Underground¹⁸⁸ and one of the heads of the YESHA Council (a political body of the Jewish local authorities in the West Bank and Gaza Strip) wrote thus about Sharon:

Ariel Sharon has been active in Israeli politics since 1973. Throughout these years, the issue that was central to all his activity was security combined with settlement [development], based on our basic right over the land. Sharon was never a *Gush Emunim* member. It is not clear whether or not he believed that the Western Land of Israel would remain under complete Israeli sovereignty. However, his basic assumption was that the Arabs cannot be trusted. That reaching a true peace with the Arabs is impossible in the foreseeable future. Therefore Sharon believed that the relevant solution in the current generation is autonomy, a long-term interim agreement or some sort of an arrangement that is not a full peace agreement. Sharon believed that towards such a [future] agreement, we have to fortify what we have in our hands. We have to create a settlement base as strong as possible. Therefore we have to build a lot and rapidly. We have to deploy settlements in Judea, Samaria and Gaza as long as this is possible.¹⁸⁹

In late September 1977, while serving as Minister of Agriculture, Sharon presented Begin's government with his settlement plan. In this plan Sharon aimed to advance the annexation of about 75% of Judea and Samaria to Israel, under the definition "areas necessary for Israel's security", with Palestinian autonomy on the remaining 25% of the West Bank.¹⁹⁰ Unlike Alon who, as mentioned above, stressed in his plan the need to settle the Jordan Valley in order to create a security barrier between Israel and the east, Sharon perceived those Jewish settlements built *on* the mountain ranges of the West Bank as the most necessary for Israel's security.¹⁹¹ Sharon continued to promote an extremely maximal interpretation of the term 'security', despite a specific ruling by the Israeli Supreme Court in 1979, in the case of Alon Moreh, which forbade the

¹⁸⁸ The Jewish Underground – the common name used for an organized group of Jewish-Israeli citizens that committed acts of terror against Palestinian civilians between 1980 and 1984. In April 1984 the actions of this group were exposed, its members were arrested and many of them were convicted and sentenced for prison terms.

¹⁸⁹ In Shavit, p. 121 ([translation mine](#))

¹⁹⁰ Later on, following the Oslo Agreement, his plan changed to include Palestinian autonomy over 50% of the West Bank.

¹⁹¹ Ephrat, pp. 36-37.

expropriation of private Palestinian lands for the establishment of a Jewish settlement under the claim that this settlement contributes to Israel's security. Thus, although the Supreme Court rejected the state's claims that the settlements promote Israel's security and its ruling aimed to sever the connection between the settlement project and claims of national security, this argument was used time and again by the settlers and their political patrons. This can be exemplified in the Founding Scroll of the Kadim settlement (a small settlement of a few houses that was established near Jenin in 1983 by the Likud's National Zionist Federation): "On this festive day, February 28th, 1983, our group (*gar'in*) is settling in the longed-for permanent spot, to the beautiful place called Kadim...we have to turn this spot into a flowering and successful community, which would add another layer to [the people of] Israel's security in its land..."¹⁹²

The unconcealed intent of Sharon's settlement project was to obstruct any future possibility that a viable Palestinian State, with any logical territorial continuity, would be created. However, in the relations between Sharon and the people of *Gush Emunim* it can also be claimed that *he* was using *them* as unwitting tools for the advancement of *his* own "grand plan": Sharon, the pragmatist and instrumentalist, understood the desire of this part of the religious-nationalist camp to move to the political and social center-stage within Jewish society. He further saw this desire as an effective tool for the realization of his strategic political plan regarding the management of the conflict with the Palestinians and regarding the borders of the state. Upon his return to the political center stage in the mid-90s, with the Interim Agreements signed in the meanwhile with the PLO, Sharon presented a new map in which the mountain-tops (*Gav Hahar*) were now defined as a Palestinian territory, with extremely widened Israeli security zones west and east of the mountains, while maintaining east-to-west connecting routs between them. His intent to prevent the establishment of a Palestinian state remained the same – only with a different "security" map.¹⁹³ And, in fact, throughout the years, the Jewish settlement movement created a dispersed array

¹⁹² Kadim was one of the four settlements in the Northern Samaria that were evacuated in the framework of the Disengagement Plan Sharon's government authorized. (translation mine)

¹⁹³ Shelah and Druker, p. 265.

of settlements in the territories, which wedged themselves between the Palestinian towns and villages.

Still, a dominant Jewish presence was not achieved – neither in terms of the Jewish population's size vis-à-vis the Palestinian one, nor in terms of the territories the settlements *de facto* inhabited. The current significance of the settlements is thus in the territorial problem they pose regarding a possible future delineation of the Palestinian state,¹⁹⁴ but they are insignificant in terms of legitimizing possible Israeli demands for significant border changes (see map no. 8).

Prof. Elisha Ephrat, a political geographer from Tel-Aviv University, claims that settling in a geographical region can be considered a success under a few conditions:¹⁹⁵

1. When the number of settlers in the region has become a critical mass in that territory.
2. When extreme population density is created that can establish ongoing contacts and consolidation among its parts.
3. When a hierarchy of settlements is created according to their size and location.
4. When the settlements are based on attachment to the land – relying on agriculture and local industry.
5. When the layout of the settlements and the population is based on exclusive transportation routes, or at least on routes that are safe for free movement.

Interestingly it turns out that, although many years have passed since the first settlements were established in the Territories, not one of these basic conditions has been fulfilled in a way that can justify their existence.¹⁹⁶ The settler population is 12% of the total population in the Territories – although Sharon at the time promised that by the end of the 20th century there will be 2 million Jews living there; Jewish density

¹⁹⁴ Ephrat, p. 56.

¹⁹⁵ Ibid. pp. 64-65. (translation mine)

¹⁹⁶ Point no. 5 that seemingly exists requires the allocation of large army forces to secure the roads.

stands at 33 persons per square km, while Arab density is 300 people per square km; except for the Jordan Valley and Gush Etzion, significant territorial control does not exist; there is no significant reliance on- or attachment to the land (except for Gush Katif which has in the meanwhile been evacuated) and the existing industries do not create regional dominance.¹⁹⁷ It thus seems that Ariel Sharon's plan to prevent the establishment of a Palestinian state failed, and moreover, it has not even achieved enough weight so as to significantly affect the delineation of Israel's permanent borders. Even Labor leader Ehud Barak who, in his short days as Prime Minister, refrained from taking any significant measures to stop the settlement project throughout all the West Bank¹⁹⁸ – ignoring a proposal submitted to him by the Negotiations Administration in his own office to develop only the large settlement blocks that have a population density justifying demands for border corrections – even he criticized Sharon:

Sharon's plan was to deploy such a great number of settlements, in so many spots in Judea and Samaria, that a Palestinian state could never be established. But this plan was an act of folly. Sharon's secluded settlements did not strengthen the larger settlement blocks but rather weakened them. Sharon's secluded settlements were a classical case of 'going for all and ending up with nothing'.¹⁹⁹

A new and significant political plan regarding the future of the Territories and of the Palestinians was developed a little more than a month after Egyptian President Sadat's historical visit to Israel. On December 28th, 1978, then-Prime Minister Menahem Begin presented an Autonomy Plan for the Palestinians (that he called "the Arabs of Eretz Israel") in the West Bank and the Gaza Strip. However, discussions of this Autonomy Plan, which opened on March 26th 1979 and intermittently continued with the participation of Israel and Egypt until 1982, bore no fruits.²⁰⁰ Still, there are four

¹⁹⁷ Ephrat, pp. 64-65.

¹⁹⁸ Morris and Barak in Rubinstein (ed), p. 111. There Barak admits that he allowed the expansion on existing settlements in order to, among other things, appease the Israeli right wing.

¹⁹⁹ Barak in an interview to Ari Shavit, *Haaretz*, May 20th, 2005.

²⁰⁰ Ibid. Barak criticized Begin, saying: "In Camp David Begin did not only renege all of Sinai. He also recognized the legitimate rights of the Palestinian people. The whole world understands that the legitimate rights of the Palestinian people include the right to self determination. And the right to self determination is a state. So Begin came and tried to

paragraphs in the Autonomy Plan that are worth mentioning, as they attest to Begin's perception regarding the democratic nature of Israel:

The first: "Residents of Judea, Samaria and the Gaza district, without distinction of citizenship, including stateless residents, will be granted free choice of either Israeli or Jordanian citizenship."

The next paragraph adds that "A resident of the areas of Judea, Samaria and the Gaza district who requests Israeli citizenship will be granted such citizenship in accordance with the citizenship law of the state."

And therefore the following clause states that "Residents of Judea, Samaria and the Gaza district who, in accordance with the right of free option, choose Israeli citizenship, will be entitled to vote for, and be elected to, the Knesset in accordance with the election law."

In the next paragraph Begin wishes to completely erase the Green Line as an ethnic border and announces that "Residents of Israel will be entitled to acquire land and settle in the areas of Judea, Samaria and the Gaza district. Arabs, residents of Judea, Samaria and the Gaza district, who, in accordance with the free option granted them, become Israeli citizens, will be entitled to acquire land and settle in Israel."²⁰¹

In summarizing the internal Israeli arena we can say that the conquests made during the Six Days War and Israel's military victories reignited the Jewish dream of widening the borders of the Jewish National Home. In this framework we witnessed three principle approaches that related differently to the demographic and the geographic aspects of the conquered territories. The first, led by the Labor Party, wished to reach a peace agreement with Jordan so as to avoid the need to annex the Palestinians, while working to settle Israelis in various frontier regions it deemed as necessary for Israel's protection. The second approach, led by the Likud Party (that came into power for the first time in 1977), saw most of the conquered territories as security assets, wanted to prevent the establishment of a Palestinian state and offered

prevent the result of a document he himself signed. This is why he sent Burg to sabotage the autonomy talks and sent Sharon to build many [settlements such as] Alon Moreh." (translation mine)

²⁰¹ Source: Knesset internet site, Israel's Self Rule Plan, December 28, 1977, points 14-16 and 20.

the Palestinians autonomy in various areas. The third approach, that of *Gush Emunim* and the MAFDAL (Nationalist-Religious) Party, based on Rabbi Kook's doctrine, wished to move to history's center stage and, utilizing religious-redemptive arguments, worked with and without the government to settle all the land while negating any Palestinian right for self determination in the Land of Israel.

C. The development of the "mutually hunting stalemate"²⁰² approach among the Palestinians

This period is characterized by dramatic changes among the Palestinians. In 1967, the nationalistic Arab movements – including the PLO – were enchanted with the revolutionary ideologies born in the Soviet Union. The common enemy of all the revolutionaries in the Arab world was the countries of the West led primarily by the US and its ally Israel, as well as, to some extent, Arab states with traditional regimes. However in the 80s, with the collapse of the Soviet empire and of the Marxist-leftist ideologies, as well as following the revolution in Iran and the decline of Pan-Arabism (that failed to bring about Arab unity), many Arab societies – including the Palestinians – went back to the traditional historical model centered on religion.²⁰³ The Fatah movement that controlled the PLO since 1968 was faced from the late 80s with a newly founded external opposition, the Hamas organization, which added to the Muslim-religious agenda a Muslim-nationalistic angle – the liberation of Palestine.

After the 1967 war, Palestinian society developed increasing economic dependency on Israel. Palestinian society started to move from the traditional agricultural model to being the suppliers of cheap labor for the Israeli market in the spheres of construction, agriculture, services and industry. The Palestinian society's involvement in the developing Israeli market as well as in the market of the oil-producing countries that benefited from the steep rise in oil prices during the 70s, led to economic prosperity

²⁰² "Mutually Hunting Stalemate" – when the sides to a conflict, while not renouncing their original, mutually exclusive ideologies and aspirations, understand that in light of reality on the ground, no other option exists except dialogue and political negotiations, see Arieli, *Ofakim Hadashim*, July 2003, pp. 8-9.

²⁰³ Rubinstein (ed.), p. 27.

and to an especially high growth rate. At the same time, the very same reasons also led to negative emigration of Palestinians from the West Bank and the Gaza Strip, especially to the Gulf Countries. The dramatic change that occurred during the 80s in the oil market prices, the poor and unstable condition of the Israeli market during that same period and Arafat's support of Saddam Hussein following the latter's invasion of Kuwait – all led to a severe drop in Palestinian income, to political isolation and to the return of many Palestinians to the Territories after they were expelled from the Gulf States.

These various developments, in addition to the ongoing hardships caused by the Israeli occupation, led in December 1987 to the eruption of the First Intifada, which turned Palestinian society from one perceived as submissive to a struggling society. The struggle, which for the most part was not accompanied by the use of firearms, aimed to unambiguously show that the Palestinian people was fed up with Israel's rule over the Territories, and that Israelis should give up the idea of Greater Israel.

The most significant change in this regard was the change in the positions expressed by the PLO. The organization's traditional position, formulated in the Palestinian Charter (published in 1964 and slightly altered in 1968), rejected Israel's right to exist, starting from a rejection of the Balfour Declaration, the Mandate formula and the Partition Plan of 1947 (see Annex G). According to this approach, the only means for the liberation of Palestine is via the "armed struggle". Thus said Arafat in an interview given in 1970:

We will never stop until we return to our homes and Israel is destructed...our violence has a purpose which is the elimination of Zionism in Palestine in all its aspects: political, economic and military...peace for us is the destruction of Israel and it has no other meaning.²⁰⁴

Instead of the Jewish state, the PLO wished to establish a secular democratic state in which Muslims, Christians and Jews would live together, with the latter being allowed to stay in Palestine only if they lived there prior to the Balfour Declaration. As for the rest of the Jews, Arafat said: "we will send the invaders back to Europe or to their

²⁰⁴ Interview with Oriana Fallaci, *L'Europea* magazine, April 1970. (translation mine)

other countries of origin". Later on Arafat rejected the various ideas raised for a Palestinian autonomy as an interim phase and rejected any solution that included connection to Israel or to Jordan.²⁰⁵

In a dramatic departure from this approach, in the meeting of the Palestinian National Council in Algiers in November 1988, the PLO agreed, in the framework of the symbolic declaration on the establishment of the State of Palestine, to recognize UN Resolutions 242 and 338, which meant the acceptance of the idea of partitioning Mandatory Palestine to two states and a *de facto* recognition of the existence of the State of Israel. The main promoter of this policy was Arafat's Deputy at the time, Abu Iyad²⁰⁶ who, in summarizing this change in the PLO's policies, published a dramatic article in the spring of 1990 in the prestigious magazine *Foreign Policy* in Washington, under the title: "*Lowering the Sword*". In this article Abu Iyad explained that with the fall of the Soviet Union and the end of the Cold War, new chances for peace have opened. He framed an Israeli-Arab cooperation in which the Palestinians would be the bridge between Israel and the Arabs. According to Abu Iyad, the Palestinian state would strive for an open border with Israel and cooperate with it on multiple issues such as division of water. In the framework of the answers he prepared in 1988 for 15 questions presented to him by the US Department of State, (that served as the basis for his article) Abu Iyad asserted that as for the right of return, the PLO must adopt a realistic approach. He believed that the "right of return" cannot be realized while undermining Israel's interests and that the situation created after 1948 must be taken into consideration. Thus, he stated, the "right of return" does not have to be realized specifically in practice and can be realized also via compensations. He said that Israel should recognize the principle of the "right of return" but claimed that "we understand that absolute return is no longer possible" and that "we are not totally unrealistic when we contemplate how this right should be implemented". The "right of return", he further added, "must not be an unbridgeable obstacle."²⁰⁷

²⁰⁵ Rubinstein, p. 52. (translation mine)

²⁰⁶ Abu Iyad was assassinated in January 1991 as a result of his moderate positions by Abu Nidal's extremist organization.

²⁰⁷ Inbari, p. 16 (translation mine)

This dramatic move by the PLO led, in the first place, to the renewal of PLO-US dialogue²⁰⁸, and later on, in January 1993, to Rabin's government canceling the Correction to the Anti Terror Act that prohibited unauthorized encounters with PLO representatives. Ultimately, it also brought about mutual recognition between Israel and the PLO. In a letter sent to then-Prime Minister Rabin and signed by Arafat on September 9th, 1993 it was written:

The PLO recognizes the right of the state of Israel to exist in peace and security. The PLO accepts United Nations Security Council Resolutions 242 and 338. ... The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues ...will be resolved through negotiations. The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly the PLO renounces the use of terrorism...²⁰⁹

In Rabin's reply letter from September 10th he wrote:

...I wish to confirm to you that ...the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people...²¹⁰

In April 1996, after Arafat came to Gaza, the Palestinian National Council (PNC) convened and confirmed by a two-thirds majority the decision to change the clauses in the Palestinian Charter that negated the right of Israel to exist – as Arafat promised to do in the framework of the Declaration of Principles signed on September 29th 1993 (the "Oslo Agreement"). Following additional pressure exerted by Netanyahu, who was elected Prime Minister in 1996, the PNC reconvened in Gaza in December of 1998 and, in the presence of then-US President Bill Clinton, reconfirmed the changes in the relevant clauses of the Palestinian Charter, in accordance with the Wye River Memorandum signed two months earlier.

²⁰⁸ After the declaration, the US conditioned the renewal of talks between the US and the PLO on Arafat promising to refrain in the future from any act of terror. Arafat did so in a press conference on 14.12.88.

²⁰⁹ Source: Mahmoud Abbas (Abu Mazen) **Through Secret Channels**, p. 238.

²¹⁰ Ibid. p. 239.

In sum we can say that the most significant revolution in the PLO's position was its declaration regarding the acceptance of Israel's right to exist in peace and security. Accepting UN Resolutions 242 and 338 signified the great territorial concession the Palestinians made, according to their worldview, when renouncing the dream of liberating "Great Palestine". They thus declared their willingness to suffice themselves with 22% of Mandatory Palestine (i.e. the West Bank and the Gaza Strip), as the territory slated for the future State of Palestine. Still, while the Algiers Declaration revolutionized their approach regarding geography, the question of demography still remains vague. The ongoing demand to realize the Palestinian refugees' "right of return", while understanding that this contradicts any solution of the conflict in a "two states for two people" model, led to internal disagreements and to difficulties in understanding the PLO's position on this issue – both among the Palestinians themselves and within the Israeli public and the international community.

The PLO found itself confronted with an opposition movement – Hamas – that was founded in 1987, led by Sheikh Ahmed Yassin and followed the Muslim Brothers' ideology, which carried the flag of Israel's distraction. Later, in the 90s, the Hamas movement objected to the Oslo process, doing everything within its power to torpedo it via terror attacks. It called for the creation of "one Palestine from the River to the Sea" and to the unconditional return of all Palestinian refugees to their homes and properties. In the 2006 elections to the Palestinian Authority's Legislative Council, Hamas won a majority of seats.

Thus it is possible to conclude that Israel's military superiority, the international legitimacy given to the results of the 1948 war (manifested in UNSC Resolutions 242 and 338), in addition to changes in the global and international balance of power – all led the PLO to declare that it would substitute the armed struggle with a political struggle based on recognizing Israel in the pre-1967 borders, in an attempt to realize its strategic goal of an independent Palestinian state.

D. The Arab world exits the arena of armed struggle

The Khartoum Declaration that was formulated immediately after the 1967 war, which negated any recognition of Israel or negotiations with it, became the Arab

states' formal policy. However this Declaration was replaced only a few months later by UN Resolution 242²¹¹, which, among other things spoke about "...respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force". The Resolution was almost immediately accepted by Egypt and Jordan, while Syria accepted it only after President Assad came into power in 1971.²¹² Still, it was only after the 1973 Yom Kippur War and UN Security Council Resolution 338 (see Annex I), that the diplomatic process began to ripen – leading to a peace agreement with Egypt in 1979 and with Jordan in 1994. These agreements saw Israel's *de facto* interpretation of the territorial significance of Resolution 242; although Israel never actually declared that it accepted the Arab *de jure* position regarding this resolution (i.e. returning *all* the territories occupied in exchange for peace). In reality, in the framework of these agreements Israel withdrew back to the borders set for Mandatory Palestine: in the south Israel returned to the border set in 1906, turning it into an internationally recognized border between itself and Egypt, while in the east it returned to the border defined in 1922 with Transjordan. Moreover, in the delineation of the border with Jordan an important precedent was set, when Israel agreed to give the Jordanians territorial compensation of 1:1 for areas in the Arava region Israel has taken control over during the years.²¹³

During this period we can also witness a dramatic change in the position of the Arab world regarding the Palestinians. The PLO was established in 1964 under Syrian and Egyptian inspiration, in an attempt of these countries to use the Palestinian problem in their struggle against Israel. A first change in the Arab position regarding the need to resolve the Palestinian problem was manifested in 1974, during the meeting of the Arab leaders held in Rabat. On that occasion all the Arab states recognized the PLO as the sole legitimate representative of the Palestinian people. Later on, in 1981, Saudi Crown Prince Fahed suggested a far-reaching plan for a political arrangement in the Middle East that included, among other things, Israel's full withdrawal from all the

²¹¹ Approved on November 22nd, 1967.

²¹² Israel accepted this Resolution in December 1967, although then Ministers Begin and Dayan denied this.

²¹³ Pundak and Arieli, p. 38.

territories it conquered in 1967, the establishment of a Palestinian state in the areas evacuated by Israel with Jerusalem as its capital, and the recognition of the right of all states in the region to exist in peace. A year later, in September 1982, during the Arab League Summit in Fez Morocco, the "Fez Plan" was adopted as a response to Fahed's Plan (as well as in response to the Reagan Plan that circulated during the same period and suggested the Territories would receive a status of an autonomy and be annexed to Jordan – see details below). The Fez Plan differed from that of the Saudi Crown Prince in a number of important clauses: while talking about the evacuation of Israeli settlements it did not clearly refer only to those constructed outside the 1967 borders; it specifically mentioned the PLO as the sole representative of the Palestinians; and it spoke about UN Security Council guarantees for the security and safety of all states in the region - and not only about their right to live in peace and security.

E. The United States – monopoly among the international community

The United States' position and involvement in the conflict in the period following 1967 were constantly on the rise, both in the cold-war bipolar world and as the sole super power after the collapse of the Soviet Union at the end of the 80s.

This dominance began with UN Resolution 242, which was the result of a joint initiative of the US and Britain following the Six Days War. Later on, between 1969 and 1971, an American peace plan was presented by then-US Secretary of State William Rogers. This plan called, among other things, on Israel to return to the international line between itself and Egypt, to the ceasefire line with Jordan (with some minor alternations) and to maintaining Jerusalem's unity under the management of the three monotheistic religions.

UN Resolution 338, which was approved on October 22nd 1973 towards the end of the Yom Kippur War, called for a ceasefire, for the implementation of Resolution 242 and "decided" that "...negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East."

On June 13th, 1980, following the signing of the Israeli-Egyptian Peace Agreement, the European Union published its most famous declaration regarding peace in the Middle East – the Venice Declaration (see Annex K). The Declaration raised Israel's wrath since it recognized the Palestinians' right for self determination and, for the first time, called for the inclusion of the PLO in the peace talks.

In September 1982, against the background of the PLO's expulsion from west Beirut, then-US President Ronald Reagan presented his plan. He made clear that, at the end of a negotiations process regarding the Territories, Israel will have to withdraw from the West Bank and the Gaza Strip, which would both be tied in autonomy relations to Jordan. Reagan declared that the US will support neither the establishment of an independent Palestinian state, nor an Israeli annexation of the Territories, and furthermore that the US will not recognize the PLO until it accepts UNSC Resolutions 242 and 338. Reagan also called for freezing Israeli settlement construction. Begin's government rejected Reagan's plan and the Arab states responded with the Fez Plan mentioned above. The peak of US involvement during this period was in the Madrid Peace Conference - a conference hosted by Spain and convened by then-US Secretary of State James Baker and then-Russian Foreign Minister Boris Pankin in 1991, when Yitzhak Shamir served as Israel's Prime Minister. At the very end of this period, on September 1993, then-US President Bill Clinton hosted in Washington the historical signing ceremony on the "Declaration of Principles" between Israel and the PLO (see annex L).

In summarizing this period we can say that it included significant changes in Israel's policy and in its realization on the ground. The understanding that a decision should be taken regarding the separate political future of the Territories existed among the political-diplomatic establishment but, at the same time, no clear policy existed in this regard (David Hago'el, who was the Military Governor of the West Bank at the time, remembers that when he once asked then-Minister of Defense Dayan what the national policy regarding the Territories is, Dayan answered: "forget it, the policy is

that there is no policy – the important thing is that there will be quiet."').²¹⁴ In the mean time, various justifications were used to narrow the territory left for the Palestinians – starting from "reviving the pre-1948 heritage" (i.e. Gush Etzion, Kfar Darom), via the need for strategic defense (the Jordan Valley and Gush Katif), through the need for tactical defense (the Jerusalem Corridor and Western Samaria), to the need for water (Western Samaria and the Gilboa region), to geography (straightening the Green Line in Western Samaria) and to economic justifications for the annexation of the Dead Sea and the Jordan Valley.²¹⁵

During the period in which the *Ma'arach* (later Labor) party led the government (from the end of the war until 1977), we saw the first signs of the settlement project in the Jordan Valley, with tentative entrances into the higher mountain ranges of the West Bank (Gush Etzion, Kiryat Arba and Ofra) and to the densely populated Gaza Strip. During this period Israel's demands for border alternations related mostly to the Jordan Valley that was empty of Palestinian inhabitants and to Jerusalem. Israel had no intent of ruling the Palestinians, preferring instead to reach a political arrangement, preferably with Jordan. The settlers in the West Bank and the Gaza Strip (not including Jerusalem) during this period numbered less than 5,000.

Israel's policy changed dramatically upon the rise to power of the Likud party in 1977. Initial plans developed by Ezer Weitzman (then Minister of Defense and later to become Israel's 7th President) and by Iygal Alon, which did not aim to prevent the idea of dividing the land, withered in the face of Sharon's plan that aimed first and foremost to obstruct the establishment of a Palestinian state. The Autonomy Plan for the Palestinians suggested by Likud leader Menahem Begin was shelved following the Lebanon War of 1982. By the end of 1992, the number of settlers living in the Territories, not including Jerusalem, reached 109,100, dispersed in 134 settlements.²¹⁶

The most significant change in the Israeli society's attitude regarding the future of the Territories occurred with the establishment of the *Gush Emunim* Movement, which added a new and different logic to the existing discourse. Today we can find counter-

²¹⁴ Rubinstein, *Ha'aretz*, July 29, 2005 (translation mine).

²¹⁵ Alpher, pp. 24-28.

²¹⁶ Israel's Annual Statistics, 1993.

arguments to each of the secular claims and justifications used until that period in time in order to gradually reduce the territory left for Palestinian control; or we can show why these claims and justifications are no longer relevant today. However no counter-argument can be found to the religious-messianic justifications used by the followers of Rabbi Kook (and others), which they could accept as valid. Thus, as a counter-argument to the security justifications used for settling in the Gaza Strip one can point to the peace agreement with Egypt, which provides Israel with a wide security barrier in the form of the Sinai Peninsula, and actually makes the Gush Katif settlements redundant (and, in fact, these settlements were evacuated – albeit for different reasons – in August 2005). Similarly, the peace agreement with Jordan, Syria's weakness and, more recently, Iraq's occupation by the US, make the preservation of the Jordan Valley as a critical security zone unnecessary.²¹⁷ In addition, the failure of the settlement project in terms of population size and of its deployment does not allow Israel to justifiably ask for meaningful border changes; the Jordan Valley's added-value to Israel's economy turned out to be negligent and the water shortage in the country in any event calls for desalination solutions.

However, unlike all these justifications and counter-arguments, the justification used by *Gush Emunim* is religious and faith-oriented, and thus negates any option of compromise. All the universal principles (e.g. every people's right to self determination) that appeared in the Balfour Declaration, in the Partition Plan and in Israel's Declaration of Independence, are meaningless as far as *Gush Emunim* is concerned – as is the international legitimacy given to all those principles. For the followers of *Gush Emunim*, the vision promoted by the first Zionist leaders, who were in favor of democracy and wanted the Jews to become a people in the family of nations, is no longer relevant. For them this vision and these leaders already served their historical purpose (even if unknowingly) in bringing the Jews one step closer to

²¹⁷ Reportedly, a member of the Knesset Committee recently established to formulate Israel's new security approach said: "it is obvious that in the current reality the Territories no longer have any security significance", since Israel has technological capabilities that allow it to attack and defend itself across much greater distances than the size of the Territories. To which the Head of the Committee, Dan Meridor added: "...I have been talking for many years now about the fact that the danger of a conventional war has decreased significantly". Amir Rapaport, *The Territories no longer have security significance*, *Maariv*, September 2nd, 2005.

redemption. Some of the members of this camp do not even feel the need to show gratitude.²¹⁸ The Palestinians, in the more extreme scenario promoted by Rabbi Kahane's²¹⁹ followers, would be expelled from the Land of Israel while, in the more moderate scenario of Rabbi Kook's followers, they would only be able to receive a status of permanent residents in the State of Israel, without any communal-national definition.

The struggle regarding the nature and character of the Jewish state – between supporters of territorial compromise and its opponents – renewed with vigor upon the signing of the Declaration of Principles in 1993, escalating in the following years to the point of threatening the very vision that guided Israel's 'founding fathers'.

²¹⁸ When then-Knesset Member Nissan Slomianski from the MAFDAL (the Nationalist-Religious Party) was asked why he is not participating in the special Knesset session commemorating Herzl, he responded: "Herzl would have gone to Uganda as well. That's not exactly Zionism." TV Channel 2 News, May 24th, 2005.

²¹⁹ Rabbi Meir David Kahane (1932-1990) was a radical right-wing political leader and Knesset member. He founded two controversial movements: the Jewish Defense League (JDL) in the USA and Kach, an Israeli political party. In 1984, Kach gained one seat in the Knesset and Rabbi Meir Kahane became a Knesset Member. In 1986, Kach was declared a racist party by the Israeli government and banned from the Knesset, and, in 1994, following the Cave of the Patriarchs massacre the movement was outlawed completely. Kahane was assassinated by a Muslim assassin in a visit to the US. Source: wikipedia

Chapter 5

1993-2006 – "And thy children shall return to their own border"²²⁰

A. The Israeli debate – the right choice or the easy choice?!

It is in the nature of difficult choices that each of the alternatives they present has both advantages and disadvantages in regards to the vision and aim of the relevant decision-makers. Occasionally decision-makers wish to refrain from making a decision for various reasons: the absence of a clear policy, external pressure, or internal political weakness. Instead of taking the decision they therefore prefer to wait until additional options are created, or until the ratio between pros and cons is altered. An example of this dynamic can be found in the policies pursued by the Israeli governments in the period between 1993 and today in regards to the realization of the Zionist vision and the resolution of the Israeli-Palestinian conflict. These policies varied between conscious choices such as regarding the advancement of the "Oslo Agreement"²²¹ or conscious decisions to annul it, to indecision in response to internal political pressures, e.g. the incremental continuation of the settlement project or attempts to curb it, that were much more the results of indecision than of purposeful decision-making.

Such, for example, wrote journalist Doron Rosenbloom:

The Israeli government became a mesmerized audience, following in the settlers' footsteps or encouraging them, even when every reasonable person could clearly see that the laws of melodrama – where primeval feelings and wishful thinking rule – exist on a

²²⁰ "Ve Shavu Banim Ligvulam" Jeremiah, 31:16.

²²¹ When referring to the "Oslo Agreement" I am referring most of all to the Declaration of Principles signed in September of 1993. When speaking of "agreements" I am also referring to the other agreements signed in the course of the Oslo Process, such as the Gaza and Jericho Agreement of 1994, and the Interim Agreement of 1995.

different level than reality, which is subject to the laws of nature, of statistics, of demography, of geography. However, with the settlers' "pseudo-pioneering", all of political Israel entered an era of magical thinking: a vague, fatalistic, faith-based, and somewhat infantile [thinking], with the expectation that somehow thing would work out, that "time would do what it does" and that "the Americans would fix things".

In a following section he further wrote:

It is enough to look at the map of the Gush Katif settlements....to understand that "madness" is not the trait of the Hilltop Youth²²² alone. And really, what did Israel Galili, Iygal Alon [and others like them] think to themselves when they inserted [the settlements] there? And what did Shimon Peres and Arik Sharon [and others like them] think when they advanced the creation of Sebastiya, Kdumim [and the like]? That they will be able to outsmart demography, geography and topography? That millions of Palestinians would simply evaporate due to the mere fact that they are "surrounded" by enclaves that are themselves besieged? That a new Syrian-African rift would create a ground fold to connect Nezarim to Ashqelon? The sin of these "*mapainics*" [followers of MAPAI's policies] is maybe ever graver because they expected a miracle without even believing in god."²²³

Entering the "Oslo Process" was a conscious choice, based on the processes described in the previous chapter, in an attempt to resolve the conflict. Although it was not a choice that sought reconciliation with the Palestinians, it was also not an internal political compromise, but rather a choice that accepted reality and consciously sought a different policy so as to manage and resolve the conflict with the Palestinians.²²⁴

²²² Hilltop Youth (*Noar HaGva'ot*) is the term commonly used for several dissident youth groups in Israel. These groups seek to protect and encourage Jewish settlement in the Territories and are influenced by religious Zionist ideals. Their philosophy is a mix of almost anarchist contempt for the Israeli government and a desire for a restored Jewish monarchy. The groups are not centrally organized, but they regularly receive assistance such as legal fees from the mainstream settler organizations. Their main activity is erecting outposts outside existing settlements. Source: wikipedia

²²³ Doron Rosenbloom, *Thirty Years of Emotional Extortion*, *Haaretz*, August 19, 2005 (translation mine)

²²⁴ Arieli, Ofakim Hadashim, *Aligning With The Disappointed Street*, p. 8

This choice was actually the result of fatigue from the pain of what seemed to be a never-ending cycle of struggle and violence. Israelis supporting this position continued to be suspicious of the Palestinians, but knew that only together with them they could realize both sides' vital interests in a way that would lead to economic development and to security.²²⁵ That is to say: they understood that the existence of a Jewish and democratic State of Israel is conditional on separating from the Palestinians and establishing an independent Palestinian state in the areas of the West Bank and the Gaza Strip. Likewise, the establishment of an independent Palestinian state is conditional on recognizing the State of Israel in its pre-1967 borders.

From the very launch of the political process between Israel and the PLO it was agreed that the goal of negotiations is:

... to establish a Palestinian Interim Self-Government Authority ... for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.²²⁶

For Israel this arrangement was supposed to provide a Jewish and democratic state within recognized and secure borders, living in peace with its neighbors. For the Palestinians it was supposed to ensure an independent state in the areas of the West Bank and the Gaza Strip with Jerusalem as its capital, as well as the resolution of the problem of the refugees.

In contrast to the group that promoted this vision within Israeli politics – which was led by Yitzhak Rabin, Shimon Peres and Yossi Beilin – two other groups positioned themselves. The first group was represented by the Likud party, led during the early years of this period by Binyamin Netanyahu, and later on by Ariel Sharon. This group believed that stability can be reached only via deterrence based on force, due to the permanent Palestinian and Arab hatred of the State of Israel. According to their approach, even in a permanent status agreement Israel must ensure its direct security control over defined areas within the West Bank, and furthermore that these areas

²²⁵ Savir, p. 347.

²²⁶ Declaration of Principles on Interim Self-Government Arrangements, signed in Washington on September 13, 1993.

should be populated with Israeli settlements. In the later years, Sharon left the Likud party and formed the Kadima party, which promoted a more moderate vision than that of the Likud, recognizing the need to separate Israel from the Palestinians and to establish a Palestinian state.²²⁷ The second group that objected to the Oslo Process was the followers of *Gush Emunim* and similar salvation-oriented groups. They objected to any arrangement that would result in the establishment of an independent Palestinian state in the areas of the West Bank and the Gaza Strip since, for them, this contradicted the divine-religious commandment of Jewish sovereignty and settlement in the entire Land of Israel. Thus, while those opposing the Oslo Process from the Likud agreed with the promoters of Oslo that Israel's nature as a Jewish and democratic state stems from the vision set by the state's "founding fathers" and by the Resolutions of the UN, most of the salvation-oriented group of *Gush Emunim* interpreted the term "Jewish state" as a state ruled according to the biblical wrote (*halacha*). The followers of this messianic approach believed (and still do) that Judaism has a content and essence that are not dependent on decisions made by Jews in any specific generation, and that this divine Jewish essence obliges the state regardless of democratic majority decision since it is not dependent on accepted democratic norms, civil rights or minority rights. Some believed that as an alternative to the democratic regime, the rule of the Sanhedrin should be revived.

These three approaches – of the promoters of the Oslo Process, of its opposition from Likud and Kadima and of its opposition from the salvation-oriented messianic groups – show the different balance each group favors in the tension between the three elements – democracy, demography and geography – and thus how each group defines its respective vision regarding the borders of the state of Israel. The clash between these three approaches reached dramatic peaks in the ongoing struggle that has been taking place within Israeli society since the signing of the Oslo Accord. Let us now look at how each of these three approaches views the tension between the extent of the territory it would like to add to the state of Israel, and the additional

²²⁷ Sharon announced for the first time that Israel is offering the Palestinians a state when he was already Prime Minister, on September 23, 2001, and repeated this statement a few times later on.

Palestinian population that comes with that territory. Then let us also look at how each group views the option of possible compromise over territory in return for other values – especially the value of a democratic regime.

The promoters of the Oslo process: The various borderlines promoted by the first group – supporters of the Oslo Process and final status – were all based on the inclusion within Israel of Jewish population centers in the West Bank, at times with various security justifications, but always with the aim of ensuring a Jewish majority within a democratic Israel. Rabin, for one, saw separating Israel from the Palestinians as the required solution. Following the terror attack in the Beit Lid Junction – an attack in which 19 Israeli soldiers were killed – Rabin said: "Israel will continue with the peace process, will wage an uncompromising war against terror and will aim to create a separation between Israel and the Palestinians."²²⁸ Rabin consequently continued to favor the solution of separation viewing the way towards this end via the political road of permanent status. In a speech on October 5th, 1995, in which he asked the Knesset to ratify the Interim Agreement signed on September 28th 1995, he said:

...We view the permanent solution in the framework of State of Israel which will include most of the area of the Land of Israel as it was under the rule of the British Mandate, and alongside it a Palestinian entity which will be a home to most of the Palestinian residents living in the Gaza Strip and the West Bank. We would like this to be an entity which is less than a state, and which will independently run the lives of the Palestinians under its authority. The borders of the State of Israel, during the permanent solution, will be beyond the lines which existed before the Six Day War. We will not return to the 4 June 1967 lines. And these are the main changes, not all of them, which we envision and want in the permanent solution: (a) First and foremost, united Jerusalem, which will include both Ma'ale Adumim and Givat Ze'ev ... (b) The security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term. (c) Changes which will include the addition of Gush Etzion, Efrat, Beitar and other communities, most of which are in the area east of what was the "Green Line," prior to the Six Day War. (d)

²²⁸ *Haaretz*, 23rd January 1995.

The establishment of blocs of settlements in Judea and Samaria, like the one in Gush Katif.²²⁹

However, Rabin was assassinated by a Jew with messianic beliefs, which left Barak, four years later, to negotiate the permanent status agreement. The debate regarding the manner in which Barak behaved in the face of this historic opportunity is still raging, but facts exposed in later publications increasingly erode the mythical claims that "Barak gave everything and Arafat responded with terror" and that "there is no partner and nothing to talk about".²³⁰ It is possible to briefly summarize the Israeli territorial position regarding a permanent status agreement between Israel and the Palestinians in a description given by Barak himself²³¹ (see maps 9 and 10):

...the establishment of a demilitarized Palestinian state on some 92 percent of the West Bank and 100 percent of the Gaza Strip, with some territorial compensation for the Palestinians from pre-1967 Israeli territory; the dismantling of most of the settlements and the concentration of the bulk of the settlers inside the 8 percent of the West Bank to be annexed by Israel; the establishment of the Palestinian capital in East Jerusalem, in which some Arab neighborhoods would become sovereign Palestinian territory and others would enjoy "functional autonomy"; Palestinian sovereignty over half the Old City of Jerusalem (the Muslim and Christian quarters) and "custodianship," though not sovereignty, over the Temple Mount; a return of refugees to the prospective Palestinian state though with no "right of return" to Israel proper; and the organization by the international community of a massive aid program to facilitate the refugees' rehabilitation.²³²

²²⁹ Source: Israeli Ministry of Foreign Affairs website

²³⁰ See for example: Druker, 2002; Rubinstein, 2003; Pundak and Arieli 2004; Miller, Shelah and Druker, 2005; Y. Rahamim, 2005; Reinhart, 2005 etc.

²³¹ Although this statement is also under debate as some claim that officially Barak offered less than this.

²³² Benny Morris, *Camp David and After: An Exchange (1). An Interview with Ehud Barak*, *New York Review of Books*, Volume 49, Number 10, June 13, 2002. English source: <http://www.nybooks.com/articles/15501>, in Rubinstein (ed.), pp. 100-101.

This offer was met with the Palestinian offer presented in Camp David, which included recognition of Israel, border corrections based on the 1967 borders, the division of East Jerusalem, security arrangements for Israel and the resolution of the refugee problem – a position that was not perceived by Barak as a creative solution that could respond to Israel's interests. In parallel, the other two groups mentioned above – the Likud and other more rightist parties and *Gush Emunim* and the salvation-oriented groups – rejected any compromise, based on Resolution 242 or otherwise, presenting Arafat and the Palestinians as unambiguously striving for the destruction of Israel.

The acute crisis among the majority of the Israeli public, which belongs to the first group (the "Oslo group"), emerged when Barak retroactively described Arafat's behavior at Camp David as a mere "show" that aimed to extract as many concessions as possible from Israel, without Arafat ever having seriously intended to reach a peace agreement or to sign on the "end of conflict" in return for what he was offered (see below).²³³ Barak continuously alternated between blaming Arafat for "lack of character and will" to sign a historic compromise (contrasting this with the way Egypt's former president Anwar Sadat did),²³⁴ and blaming him for secretly planning to destroy Israel while fooling a series of Israeli and western leaders:²³⁵

What Arafat and his people want is a Palestinian state over the entire Land of Israel. They reject the need for two states for two peoples. At present Israel is too strong, so they formally recognize it. But their plan is to establish a Palestinian state while leaving the

²³³ In a conference held at Tel-Aviv University on January 2005 under the title: *There is No One to Talk to, a Critical Look at Media-Politics Relations*, Prof. Daniel Bar Tal said: "from the polls we ran it is obvious that there was a major earthquake in Israeli public opinion. There are data on this issue by Mina Zemah and by others such as Ephy Ya'ar and Asher Arian. In our research we found that about 22% of the public say they have changed their position following the events. But when you look in-depth you discover that these people consist 43% from among Barak's voters! That's where the major change occurred. Rahamim, p. 35.

²³⁴ Meanwhile Barak was ignoring the fact that Sadat was promised the entire Sinai Peninsula prior to his visit to Jerusalem and that in the implementation of the agreement with Egypt, Israel returned to the international line, according to the Arab and international interpretation of UNSC Resolution 242.

²³⁵ Morris and Barak, in Rubinstein (ed.), p. 101

door open for additional "legitimate" demands... They will abuse Israel's tolerance to first of all turn it into a "state of all its citizens", as the nationalistic faction of the Israeli Arabs and the extreme Israeli left demand. Then they will demand a bi-national state, and then demography and fatigue will lead to the establishment of a state with Muslim majority and Jewish minority. Which means: the destruction of Israel as the Jewish state. This is their vision. Arafat views himself as the new Salah A-Din, and Israel as another Crusader state.²³⁶

In regards to the conflict's political and demographic aspect, Barak was also concerned about the problem of the Arab minority within Israel. He argued that, in the absence of a peace process with the Palestinians, the Arabs within Israel constitute a "time bomb" with their desire to join the national group to which they belong. "The Israeli Arabs will spearhead the struggle. This might require changes in the democratic rules-of-the-game in order to ensure the Jewish nature of the state of Israel." Barak therefore raised the option that in a future agreement a number of areas with a high concentration of Israeli-Arabs – e.g. the "Small Triangle" and Um El Fahem, which are adjacent to the West Bank – would be transferred with their inhabitants to the future Palestinian state.²³⁷

The inability of the sides to translate the Declaration of Principles from 1993 to a permanent status agreement deteriorated the relations between them into another round of violence – the Second Intifada – and to political stagnation following Israel's claim that there is "no partner" on the Palestinian side for permanent status talks.²³⁸ It was Barak from Labor, who claimed that "Arafat should not be considered as a partner" and that he does not believe an agreement with the Palestinians will be signed before 2028. He famously stated that "eighty years after 1948 most of the Palestinians who experienced the Naquba will not longer be alive; there will be very

²³⁶ Barnea, YNET, May 20th, 2002

²³⁷ Morris and Barak in Rubinstein (ed.), p. 121

²³⁸ There are voices on the Palestinian side that attribute the same "no partner" status to the Israeli government.

few 'salmons' around who still want to return to their birthplaces to die."²³⁹ In the elections of 2001 Barak sorely lost to Ariel Sharon.

Various efforts have been made on the unofficial level by supporters of the permanent status approach to extract the sides from the cycle of violence of the Second Intifada and bring them back to dialogue. Among those we can mention "The Peoples' Voice" – the initiative of Ami Ayalon (former Head of the Israeli GSS and currently a Knesset Member from Labor) and Prof. Sari Nusseibeh (who held the Jerusalem File in the Palestinian Authority). This initiative was launched in 2002 and included agreed-upon principles for the resolution of the conflict (see Annex R). In regards to the demographic and territorial aspects the initiative determines:

1. Two states for the two peoples.
2. The permanent borders will be determined on the basis of the June 4th, 1967 lines. Border corrections would be of equal ratio. No settlers would remain in the Palestinian state.
3. Jerusalem will be an open city, the capital of the two states. Arab neighborhoods under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty.
4. Palestinian refugees will return only to the Palestinian state and Jews will return only to the state of Israel

A more significant move as part of unofficial efforts was the Geneva Initiative that was launched in 2003. The Initiative was based on an agreement between a group of Israeli and Palestinian personalities: ministers, Knesset and PLC members, senior army and police ex-officers, academicians and intellectuals from both sides (see Annex S). The Geneva understandings were accompanied by a detailed agreement and maps, the essence of which was:

²³⁹ Morris and Barak, in Rubinstein (ed.), p. 119

1. Two states for the two peoples, end of conflict and end of all claims.
2. A permanent border based on the June 4th 1967 lines, with mutual changes in a 1:1 ratio (see map no. 10).
3. Settlement blocks and most of the settlers (75%) will be annexed to Israel.
4. Establishing two capitals in Jerusalem on the basis of a demographic separation (dividing east Jerusalem according to Clinton's parameters from 2000).
5. An overall solution to the problem of the refugees. The absorption of refugees inside Israel would depend on Israel's sovereign decision.

The Geneva Initiative received much attention and support among both Israelis and Palestinians, and its promoters held numerous activities to advance it. In a public poll held by Marker-Watch in December 2005, 90% of Israeli respondents reported that they have heard about the Geneva Initiative. In a poll conducted among Israelis by the Truman Institute in the same month, 64% expressed support for the contents of the Initiative. And in a parallel poll conducted by Alpha Institute from Ramallah in November 2005, 57% of the Palestinians responded that they support the Geneva model as a basis for a permanent status agreement.

The two-state solution was adopted also among some of the religious Zionists. Yonatan Basih, for example, who was the Head of the Disengagements Administration under Prime Minister Sharon, and who grew up in the religious Kibbutz Sdeh Eliyau, expressed a different position than that of the majority within the religious camp. Basih's position, which is based on the teachings of Prof. Yeshayahu Leibowitz, gives priority to realism and moderation over the uncompromising messianic approach. He thus viewed the Disengagement Plan as the realization of religious Zionism:

We pray three times a day "may our eyes behold Thy return to Zion in mercy"²⁴⁰. We want to go back to the Land of Israel. But the question whether this means the entire Land of Israel or half or a quarter of it, is not a religious question. Nowhere in our sources, nowhere, is there the approach of "not an inch" [i.e. the approach that forbids to compromise a single inch of the Land]. There is no commandment of "not an inch". On the contrary...the approach [is]...of weighing things realistically...you are responsible for here and now...for the reality in which you live. And if, after all the hardships of the twentieth century, 5 million Jews finally gathered here, we are all responsible for them...I am against total messianism, it might kill and cause us to lose this country."²⁴¹

Therefore the solution Basih promotes becomes similar to that of the first group mentioned here:

The larger context of the disengagement is two states for two peoples. Only the establishment of a Palestinian state would save the Jewish state.²⁴²

The Israeli secular right: The second group we will analyze, which favors a difference balance between the elements of demography, geography and democracy, is represented by the Likud party and the parties further to the political right. As far as the Likud governments of this period were concerned, the Oslo Accords were a problematic political heritage that contradicted their ideology regarding the Land of Israel. Moshe Shamir, one of the leaders of the Movement for Greater Israel and among the writers of its charter, wrote in 1993: "The unilateral recognition of the PLO by the Israeli Knesset is betrayal; it is collaboration with the enemy during wartime, and any hand to be raised in favor [of that recognition] will be disgraced forever after."²⁴³

²⁴⁰ Reference to the 17th prayer within the "*Shemone Esrei*" (the Eighteen Blessings also called "*Amida*" – "standing") the prayer recited by observant Jews three times a day.

²⁴¹ *Haaretz*, Saturday Edition, July 8th, 2005. (translation mine)

²⁴² Ibid. (translation mine)

²⁴³ Shamir, p. 30. (translation mine)

Former Prime Minister (from Likud) Yitzhak Shamir similarly claimed that Jews are not allowed to renounce any part of their historical homeland and viewed the Oslo Accord as the destruction of the entire Zionist project. He defined the possibility that Israeli soldiers would evacuate Jewish settlements as "...it is as if they would murder their mother or father, their history."²⁴⁴

In his book "**A Place under the Sun**", Likud Chairman Binyamin Netanyahu detailed his worldview regarding the Palestinian issue. The PLO's aim, according to him, is to destroy Israel rather than to reach an agreement with it. Thus, the decisions taken by the PLO in 1988 were only meant to appease the US, and the fact the PLO entered negotiations with Israel towards the establishment of a Palestinian state was only meant "to push it [Israel] back to the narrow borders that existed prior to the Six Days War, and then to renew, from these new borders, the attack for destroying the Jewish state." Netanyahu rejects the Oslo Agreement since "the PLO state, which would be planted 15 km from the Tel-Aviv coast, would pose a danger of immediate death for the Jewish state". He therefore goes back to the idea of autonomy as a permanent solution, claiming that "the plan for autonomy under Israeli rule is the only alternative preventing these dangers, which are embedded in the Oslo Agreement's 'peace' plan, and is the only guarantee for establishing a true peace with our neighbors."²⁴⁵ However, Netanyahu also had ideological arguments against the Oslo Agreements: "this is not the reason the Jewish people fought for this land over the last three thousand years; this is not why Zionism was founded – to establish a state for Yasser Arafat and his associates in the cradle of our homeland."²⁴⁶

The government Netanyahu headed, much like those led in the past by Likud leaders Begin and Shamir, was caught between these beliefs on the one hand and the pressures of reality exerted upon it from within and without on the other hand. In the 90s these pressures included terror by Hamas, Palestinian violence (after Netanyahu opened the "Western Wall Tunnel" in the Old City of Jerusalem in September 1996,

²⁴⁴ *Haaretz*, April 1st, 1994. (translation mine)

²⁴⁵ Netanyahu, *A Place Under the Sun*, p. 107 (need to try to find the original translation)

²⁴⁶ Netanyahu, "Only the people are allowed to decide", *Maariv*, September 3rd, 1993.

see below), the changing demographic balance between Jews and Arabs west of the Jordan River, the rule of law in the Territories and international public opinion. And thus, coming from the perception that stability can only be reached via deterrence based on power and control, his government vacillated between the implementation of the Oslo Agreement on the one hand, and its ideology that negated this agreement on the other.

Under these constraints, Netanyahu adopted the map that originally served the IDF in prioritizing the territories to be transferred to the Palestinian Authority in the framework of the Interim Agreement of 1995. He passed a decision in his government that defined this map as "the map of the vital security interests of the state of Israel". These "interests" (marked in the IDF map as "C areas") encompassed 60% of the territory of the West Bank, including almost all Jewish settlements as well as the Jordan Valley, the Judea Desert, metropolitan Jerusalem, a "seam" zone along the western edge of the West Bank and the major transportation routs. However, the political stagnation Netanyahu wished to impose on the implementation of the Interim Agreement from the moment he was elected by a small margin to the Premiership in May 1996 was interrupted at once by the events of September 1996 following his decision to approve opening the northern entrance to the Western Wall Tunnel.²⁴⁷ The violent events that erupted and the consequent international pressure initially led to Israeli redeployment in Hebron in January 1997, and later on, following European and American pressure exerted on Netanyahu as well as effective action by the Palestinian Authority against the terror organizations (Hamas and Islamic Jihad), also to the

²⁴⁷ On September 24th, 1996, Prime Minister Netanyahu decided to open the closed end of the Kotel Tunnel, a tunnel going along the Western Wall in Jerusalem. The tunnel, which was constructed as part of widening the Temple Mount during King Hordus' time, was thus cleaned of garbage that has accumulated in it since the 80s and was opened to the public. The new opening, which passed through a shop in Jerusalem's Muslim Quarter, allowed tourists to exit the tunnel from its other side instead of returning all the way in the confined space while other tourists were entering. As a result of the decision to open the tunnel, as well as of Arafat's interest to pressure Israel to restart negotiations that have been frozen by Netanyahu, thousands of Palestinians took to the streets, beginning a series of violent demonstrations throughout the West Bank. The violence continued to rage for three days, costing the lives of dozens and leaving hundreds wounded on both sides.

signing of the Wye River Memorandum in October 1998. The Memorandum included a new time-table for additional Israeli redeployments in the West Bank and for re-launching permanent status negotiations. At the end of the day, during its three years in office, Netanyahu's government transferred 9% of the territory of the West Bank to Palestinian control, leaving Barak's government (upon his election for Prime Minister in May 1999), 61% of the West Bank under the definition of C Areas, for permanent status negotiations.²⁴⁸

Moshe Arens, one of the leaders of Likud who served three times as Minister of Defense, presents a complex approach that does not insist on maintaining the wholeness of the land and hints to one of two options: either allowing a Jewish minority to remain in the future Palestinian state, or giving autonomy to the Palestinians:

Ideologically speaking, I see no difficulty in exiting the Gaza Strip. I do not consider the Gaza Strip as an inseparable part of the Land of Israel. Therefore when I served as Defense Minister in the early 90s I was in favor of extracting the IDF from the Strip. I thought that there is no justification for leaving military units within an area densely populated by Palestinians.

However, he also said:

The big problem that I perceive regarding the Disengagement Plan is the problem of uprooting settlements. The fact that this uprooting is done outside the framework of a

²⁴⁸ According to the Declaration of Principles signed between Israel and the PLO in September 1993 and the Interim Agreement signed in September 1995, the territory of the West Bank was divided into three different areas: A Areas were under the full control of the Palestinian Authority, which took responsibility over all civil, security and public order issues from Israel; B Areas – the same as A areas, only with Israel maintaining overriding security authority to fight terror in these areas. C Areas – areas in which Israel maintained control over civil infrastructures only, all security authorities and control of public order. All other functional and personal authorities over the Palestinians living in these areas were transferred to the Palestinian Authority. A and B areas were understood to already be destined to become the Palestinian state/entity, while the future of C areas remained for permanent status negotiations between Israel and the Palestinians.

peace agreement makes it ever more problematic. Not that I would have supported uprooting settlements if it was implemented within the framework of an agreement.²⁴⁹

The failure to reach a permanent status agreement, the fact that Barak placed all the blame for this failure on the Palestinian side and the eruption of the violent events in September 2000 – brought Ariel Sharon to be elected as Prime Minister in February 2001. Sharon did not believe in permanent status agreements, as the Head of his Chamber, Adv. Dov Weisglass described:

Because of his piercing realism Arik [Sharon] never believed in permanent arrangements. He did not believe in a "once and for all" approach. Sharon does not believe that after 104 years of conflict it would be possible to find a piece of paper that would end it [the conflict]. He believes that there is a need for a long-term and in-depth socio-political change on the other side. However, when we entered the office of Prime Minister, he still believed in the ability to reach a very long-term interim agreement. An agreement for five, ten, fifteen, twenty, twenty five years.²⁵⁰

Sharon himself declared that "the problem between us and the Arabs is the Arabs' unwillingness to recognize the right of the Jewish people to realize an independent Jewish state in the Land [of Israel]."²⁵¹ However, despite the fact that in 1993 Sharon called on the Likud party to announce that upon its return to power it would annul the agreement reached with the PLO and would not respect it,²⁵² he later on declared the need to establish a Palestinian state. Much like other right-wing prime ministers before him (e.g. Begin, Shamir and Netanyahu), Sharon went through a process of political moderation. Arie Naor, who was Governmental Secretary during the days of Begin, describes this process as follows:

Most of those favoring the wholeness of the Land, when they reached positions of significant influence and decision-making over the shaping of history, saw ideology as

²⁴⁹ In Shavit, **Dividing the Land**, pp. 35-36 (translation mine)

²⁵⁰ Interview with Ari Shavit, *Haaretz*, October 8th, 2004. (translation mine)

²⁵¹ *Haaretz*, April 22, 2005. (translation mine)

²⁵² Interview to Galey ZTAHAL Radio, September 4th, 1993.

one aspect – an important but not absolute – in the shaping of policies. In parallel they also took under consideration various realistic components, which were the result of the national and historical picture. They thus developed an operative ideology that necessarily included a certain element of compromise. Those not taking part in government maintained the fundamentalist ideology, according to which the very willingness to compromise is an unpardonable sin. Those who participated in government, who then went back to the opposition, tended to return to their fundamental ideology that mirrors the pure principles of their belief, while including political considerations that lead to a pragmatic approach, at least relatively.²⁵³

In his tenure as Prime Minister, Sharon continued to work so as to influence the state of Israel's permanent borders via a policy based on settlements – under claims of security – while wholeheartedly adopting the formula promoted by his predecessor Barak regarding the absence of a Palestinian "partner". He thus conditioned the establishment of a Palestinian state on an approach titled "security and then peace". General (res.) Giora Aylend, the former Head of the National Security Council, explains the difference between the Israeli and the Palestinian perceptions regarding the continuation of the peace process, resulting from this Israeli approach:

The main disagreement between us and the Palestinians is not about content but about process. According to our interpretation of the Road Map [see Annex T], we claim that it would not be right to begin any political dialogue before the Palestinian Authority has dismantled all terror infrastructure. In complete contrast to Israel's position, the Palestinians claim that it is impossible to move towards a state in which there is one law and one weapon [i.e. state control over all armed groups] as long as the Territories are under Israeli occupation and before the realization of an agreed-upon political solution. Therefore the Palestinian Authority demands a binding time table that would lead to an agreement and, above all else, international guarantees that Israel would fulfill its part in

²⁵³ Naor, p. 16. (translation mine)

the well-defined phases towards the end of conflict. Only after an agreement is signed, Hamas could possibly be confronted.²⁵⁴

This significant gap in the interpretation and intentions of both sides led to the Road Map remaining solely a piece of paper. Thus, despite the fact that the date set in the Plan's last phase for the establishment of a Palestinian state was 2005, such a state was never realized. Moreover – even the first phase of the Road Map has not been implemented yet (see Annex T). The way the Road Map was structured as well as the contradicting interpretations it received, allowed Sharon to survive in the inherent tension that existed between his ideological beliefs and the pressures of reality. Dov Weisglass put it this way:

Arik [Sharon] would have preferred that the first phase of the Road Map would last three years; that the second phase would last five years; that the third phase would last six years. However, since it was determined in the [Road] Map that it is based on implementation and not on sacred dates, he could live with it.²⁵⁵

Sharon's maneuvering in the inherent tension described above can be exemplified by the actions he was forced to implement following the wave of terror that washed over Israel from the beginning of 2001. The first component to exemplify this is the Security Barrier. In the past Sharon believed that the construction of a Security Barrier is a folly: that it would not prevent a single terror attack, instead leading to international pressures on Israel. For example, in April 2001 he said in an interview to *Haaretz*:

I don't see a possibility of separation. I don't believe in the "we are here and they are there" [quoting Barak's position for separating between Israel and the Palestinians]. I believe that this option does not realistically exist. I always said that it is possible to live with the Arabs. Those who did not want to live with the Arabs were, in fact, those from

²⁵⁴ Aylen Giora, *Managing the Conflict – the Next Phase*., **Strategic Update** no. 4, Vol. 8, January 4th, 2006, p. 3 (translation mine)

²⁵⁵ *Haaretz*, October 8th, 2004. (translation mine)

the left, who said that the important thing is 'not to have them here near us'; 'we want them out of our sight' [they said]. I never thought so.²⁵⁶

A year later, in April 2002 Sharon said:

We intend to place fences and obstacles in certain segments only. Unless someone would want to provide the Palestinians with fencing materials ... constructing a separation fence is neither an effective nor a realistic idea, and there are those who are spreading illusions as if - here, there will be a fence and the problem would be solved.²⁵⁷

Despite these positions Sharon gave into public pressure and the pressures exerted by the security system, and had to begin placing a circumference – in the form of the Separation Barrier – around the territory that would be discussed in future negotiations.

Two years later we witnessed a second example to Sharon's conduct within the abovementioned tension, in his advancement of the Disengagement Plan from the Gaza Strip and from Northern Samaria (see Annex W). The main territorial components of this plan were:

A. In the Gaza Strip:

- i. Israel would evacuate the Gaza Strip, including all the existing Israeli settlements there, and would redeploy its forces outside the Gaza Strip's territory. The exception to this is the deployment of military forces along the borderline between the Gaza Strip and Egypt (the "Philadelphi Axis").²⁵⁸
- ii. Once this move is completed, no permanent presence of Israeli security forces or citizens would remain on the Gaza Strip's land.

²⁵⁶ In Shelah and Druker, p. 257 (translation mine)

²⁵⁷ In a news article by Yaffa Glik, *Zomet HaSharon* newspaper, April 19th, 2002 (translation mine)

²⁵⁸ In reality Israel finally withdrew its forces also from the Philadelphi Axis on the Gaza Strip-Egypt border, since this was the only way that Israel could declare, according to international law, that its occupation of the Gaza Strip has ended.

- iii. Consequently, there would be no basis for the claim that the Gaza Strip is occupied territory.

B. In Judea and Samaria

- i. Israel will evacuate a region in Northern Samaria (the settlements of Ganim, Kadim, Homesh and Sa-Nur) and all permanent military facilities in that region, and will redeploy outside the evacuated area.
- ii. Once this move is completed, no permanent presence of Israeli security forces or citizens would remain in Northern Samaria

In his detailed interview with *Haaretz* journalist Ari Shavit, Dov Weisglass described the motive that pushed Sharon to exit the political stagnation:

Arik [Sharon] understands that this reality cannot last. That we will not be left alone. That they will continue to badger us. Time is working against us and there is international erosion. There is internal erosion. In the meantime everything in the state is falling apart: the economy has hit bottom, and when the Geneva Initiative arrives it receives wide public support. And here you get letters from officers, and here letters from pilots, and here a letter from soldiers from MATKAL [a special army unit].²⁵⁹

In regards to the motive for exiting political stagnation Sharon was much like Barak, who admitted that he supports the renewal of the political process mostly "so as to prevent the Europeans and the Saudis from presenting their own suggestions for a solution."²⁶⁰ Sharon likewise advised, in an interview to *Haaretz*: "I would not suggest that Israel accepts the Saudi Initiative or any other Arab initiative existing today. There is a well-known initiative – the Road Map."²⁶¹

On the public level Sharon wished to present the Disengagement Plan as a strictly security-oriented move. In his speech in the Hertzeliya Conference in December 2003 (in which he declared for the first time the existence of the Disengagement Plan),

²⁵⁹ Shavit, *Dividing the Land*, p. 113 (translation mine)

²⁶⁰ Barnea YNET, May 20th 2002 (translation mine)

²⁶¹ *Haaretz*, April 22, 2005. (translation mine)

Sharon declared that: "The purpose of the Disengagement Plan is to minimize terror as much as possible and to provide Israel's citizens with maximal security...the Disengagement Plan is a security, rather than a political, move. The steps to be taken will not alter the political reality between Israel and the Palestinians, and would not prevent the possibility of going back to the implementation of the Road Map and reaching an agreed-upon accord... it is a step Israel will implement in the absence of any other option, so as to enhance its security".²⁶²

However, when Weisglass was asked, in that same interview with Ari Shavit, why the Disengagement Plan is important for Sharon, he frankly said:

The Disengagement is the material conserving the President's formula [i.e. Bush's vision as expressed in his speech]. It is the bottle of formalin in which you place the President's formula so that it will stay there for a very long time. The Disengagement is really formalin. It provides the necessary quantity of formalin so that there would not be a political process with the Palestinians. The Disengagement allows Israel to remain in an interim status that pushes any political pressure as far away from us as possible.²⁶³

Evacuating the Israeli settlements from the Gaza Strip and Northern Samaria was an expression of Sharon's aggressive realism, of the approach of a person who defined himself to be "not a religious person, but a Jew". When criticized that the disengagement would mean the renouncing of territory, he reminded that "King Solomon as well gave away parts of the Land of Israel,"²⁶⁴ and continued to view the half-full reality of the settlements project: "we had a dream", he said, "we did not realize all of it, but there were many achievements."²⁶⁵ Later on, on the eve of the evacuation of Gush Katif, Sharon gave a formal statement in which he explained the change in his position on territory:

²⁶² *Haaretz*, February 18th, 2003.

²⁶³ Shavit, *Dividing the Land*, p. 114. (translation mine)

²⁶⁴ *King Solomon as well gave away parts of the Land of Israel*, *Haaretz*, April 22nd, 2005 (translation mine)

²⁶⁵ Shavit, *Dividing the Land*, p. 114 (translation mine)

It is no secret that, like many others, I believed and hoped that we could forever hold on to Netzarim and Kfar Darom. However, the changing reality in this country, in this region, and in the world, required another reassessment and changing of positions.²⁶⁶

Coming back to the example of the Security Barrier, if we examine the delineation of the Barrier approved by Sharon's government on June 2002 and October 2003, we can again see the changes that occurred in Israeli policies as a result of the tension between the three competing components - demography, geography and democracy (see map no. 11). We can see that these changes occurred also among those decision-maker believing in an aggressive – rather than in a resolution-oriented – approach. Sharon aimed to advance a unilateral move, through which he would be able to annex as large a territory as possible, with as many Israelis and as few Arabs as possible. The map that came out of these considerations was remarkably similar to the one delineated by Barak as the Israeli offer at the Camp David Summit in 2000. In both cases, Jewish demography (i.e. population) is delineated in the territory in which it forms a majority, while other settlements – created to a large extent by Sharon during the previous 35 years – are excluded from the "Seam Zone" the Barrier defines. In an interview from April 2005, Sharon explained:

The demographic consideration played an important role in determining the layout of the Separation Barrier, due to the fear of annexing hundreds of thousands of Palestinians, who would join the Israeli Arabs. It is impossible to control densely populated areas for long periods of time, without finally granting [the population] rights²⁶⁷

The involvement of various extra-parliamentary civil society organizations – most notably the Association for Civil Rights in Israel and the Council for Peace and Security; the rulings of the Israeli Supreme Court; the Consultative Opinion of the International Court in the Hague; and pressures from the international community and the US Administration – all these forced Sharon's government to shelve, in February

²⁶⁶ PM Sharon's Statement on the Day of the Implementation of the Disengagement Plan, source: the Prime Minister's Office website: <http://www.pmo.gov.il/PMOEng/Archive/Speeches/2005/08/speech150805.htm>

²⁶⁷ *King Solomon as well gave away parts of the Land of Israel*, *Haaretz*, April 22nd, 2005 (translation mine)

2005, its preliminary plan for annexing 20% of the West Bank via the Separation Barrier, decreasing the territory circumvented by the Barrier to less than half of the original one.

An examination of the revised route of the Barrier, approved by the Government of Israel in February 2005, (see map no. 12), shows again a remarkable similarity between this route and Barak's offer – this time in the Taba negotiations of January 2001. At the end of the day, these two prime ministers, Barak and Sharon, notwithstanding the two opposing ideological camps they represent, wished to ensure the state of Israel's Jewish nature and democratic character, even at the inevitable price of delineating a border that is inconsistent with the "ideal border".²⁶⁸ On the personal level both of them did not trust the Palestinians' will or ability.

Barak stated that a formal peace agreement will not necessarily "end the conflict...but there is a tremendous value to an [official] framework of peace that places pacific handcuffs on these societies." He believed that formal peace treaties supported by the international community will have "a dynamic of their own, reducing the possibility of an existential conflict. But without such movement toward formal peace, we are headed for the iceberg."²⁶⁹ Sharon, who did not believe in permanent status agreements, avoided them, preferring instead to maintain Israel in an ongoing interim status, during which he will be able to fill the seam zone with Israeli settlements while avoiding international pressure thanks to the Israeli-American interpretation of the Road Map (as discussed above). In fact, therefore, his conduct went back to the ideological pole, albeit with a new border – that of the Security Barrier. That is to say, that his policy aimed to allow the state to expand towards the new, presumably "natural" demographic border defined by the Barrier, which is nonetheless an

²⁶⁸Tener defined an "ideal border" so as to show the distance between this ideal type and reality: "the border follows clear physical geographical contours; circumscribes a homogenic population; does not leave out of it anyone belonging to the same race; does not traverse economic areas or religious units and does not negate well-entrenched historical affinities." In Gal Nur, p. 41 See also discussion in Chapter 1 on Fawcett's definition of a "Good Border".

²⁶⁹ Morris and Barak, in Rubinstein (ed.), p. 107

"ideological border", resulting from aspirations and myths of security and settlement rather than from an empirical analysis or from bilateral agreements.

The religious-messianic group: Among the third group – the religious, salvation-oriented group – the majority emphatically rejects any kind of territorial compromise. This group was mainly characterized by *Gush Emunim*, but included also additional groups as well as elements from the orthodox-nationalist (so-called "*HARDAL*") camp. Since the Oslo Accords were signed, the members of this group did everything within their power to undermine and annul them. For example, Rabbi Shlomo Goren, a former Israeli Chief Rabbi, claimed that any Israeli or international law, agreement or accord, which includes territorial compromise, is null and void:

No national or international law has the power to alter our status, rights and ties with the homeland of our forefathers in all the sacred areas of the Land of Israel. And even if the Israeli government had not formally annexed Judea and Samaria to the State of Israel and had not applied Israeli law over them, since no foreigners *de facto* govern those areas then, according to the law of the Torah, they are considered as the Land of Israel under Jewish rule for all practical purposes, which is all Jewish property under Jewish sovereignty and ownership – and no law can negate [our right for] the land of our forefathers.²⁷⁰

In July 1995, together with Rabbis Avraham Shapira, Shaul Israeli and Moshe Zvi Neria, Rabbi Goren published a religious ruling (*Psak Halacha*) that forbids IDF soldiers to participate in the evacuation of Jewish settlements under any conditions. In the Religious-National Party (*MAFDAL*), the ruling was perceived as binding, and consequently, Yitzhak Levi, a Knesset Member from *MAFDAL*, said: "The Rabbis' religious ruling turns the [military] order to evacuate the IDF's permanent camps [in the Territories] and to give them into the hands of a foreign element into a clearly illegal order."²⁷¹ *Gush Emunim* thus negated the government's authority to prefer other values over the wholeness of the land and meanwhile, with the support of the various

²⁷⁰ In Naor, p. 218 (translation mine)

²⁷¹ *Yediot Ahronot*, July 13th, 1995. (translation mine)

Israeli government, this movement managed to double the number of Israelis living outside the Green Line within a decade (1993-2003), from 110 thousand to 224 thousand. An essential change in the makeup of this settler community also occurred:

Most of those leaving the settlements were resident living there in rented homes, who own apartments within the Green Line territory...most of the [homeowners] leaving the settlements are economically secure families that can afford to rent an apartment within the territory of the Green Line without selling their apartments in the Territories. In most of the settlements, those joining are religious and most of those leaving are secular.²⁷²

The local authorities in *YESHA* (Hebrew initials of Judea, Samaria and Gaza), never ceased advancing the settlements project. When the government forbade it or limited its intervention, the *YESHA* local authorities turned to other means – the illegal outposts – supported by the World Zionist Organization and a number of governmental ministers. The settlers erected over 100 illegal outposts that, more than aiming to strengthen the existing settlement blocks, aimed to prevent the territorial contingency of a possible Palestinian state. Adv. Talia Sasson, then Head of the State Prosecution Criminal Department, wrote in a special report commissioned by then-Prime Minister Sharon on the unauthorized outposts:

The Settlement Division is a part of the World Zionist Organization, which is a settling body, according to a government resolution. The Division's role is to assist the government in establishing Israeli settlements in Judea, Samaria and Gaza. Its full budget comes from State treasury. The Settlement Division took major part in establishing Israeli settlements in Judea, Samaria and Gaza. According the findings in the report, it built mostly many unauthorized outposts, without the approval of the qualified political echelon. This reality shows that there is no more a political mechanism for establishing new settlements in the territories. The decision to establish settlements has “dropped one scale”, and became a decision made by officials who were not authorized to do so. It is no longer the decision of the elected echelon, who is accountable towards their voters. The “engine” behind a decision to establish outposts are probably regional councils in Judea,

²⁷² Efrat, p. 114. (translation mine)

Samaria and Gaza, settlers and activists, imbued with ideology and motivation to increase Israeli settlement in the Judea, Samaria and Gaza territories. Some of the officials working in the Settlement Division of the World Zionist Organization, and in the Ministry of Construction & Housing, cooperated with them to promote the unauthorized outposts phenomenon. After the mid nineties, these actions were apparently inspired by different Ministers of Housing, either by overlooking or by actual encouragement and support, with additional support from other Ministries, initiated either by officials or by the political echelon of each Ministry.²⁷³

The construction of unauthorized outposts as a significant phenomenon began in the mid-90s. For all practical purposes, the phenomenon of unauthorized outposts is a continuation of the settlements project in the Territories. However, if in former years the settlements project received, during several periods, formal recognition and encouragements from the various Israeli governments, this changed after the beginning of the 90s. After the government headed by Rabin announced a freeze on settlement construction in the West Bank and the Gaza Strip in 1993, new construction in the settlements was still authorized but the rate of construction permits decreased gradually, as negotiations with the representatives of the Palestinian people gained momentum. In light of the position of the government at the time and its lack of responsiveness for authorizing construction in the Territories, the phenomenon of unauthorized outposts gradually widened. The Israeli governments were no longer officially involved in the establishment of settlements, probably due to Israel's international standing and as a result of the negative position of most of the countries of the world regarding the settlements project. However, public entities and state-funded authorities continued to take a central role in the establishment of unauthorized outposts, "at times with the inspiration of the political echelon...but without a decision of the political echelon qualified by the state."²⁷⁴ The ongoing

²⁷³ Sasson Report summary, Ministry of Foreign Affairs website, <http://www.mfa.gov.il>. Between 2000-2004, the Ministry of Housing the Construction paid a sum of NIS 71,870,000 (approximately USD 17,967,500) for unauthorized outposts.

²⁷⁴ Ibid.

public and parliamentary pressure exerted by the heads of the *YESHA* Council played a part in gradually eroding the implementation of the Interim Agreement - especially in regards to the timing and extent of the redeployments Israel committed to in the framework of its agreements with the Palestinians. According to the same logic, the leaders of the *YESHA* Council objected later on to the construction of the Separation Barrier based on their understanding that this Barrier would signify concessions regarding parts of the Land of Israel, and would limit the settlement project in the Territories.²⁷⁵

In wishing to distil the difference between this third group and the other two groups discussed, it would be instructive to look at its attitude towards the Disengagement Plan, in which, for the first time since the Oslo Agreement was signed, Israel actually evacuated Jewish settlements from the northern West Bank and from the Gaza Strip. Here it is important to note that, within this group, we can find a clear majority opinion with small minority opinions regarding the nature and the character of the State of Israel and more specifically regarding the territorial component. As a general rule, the representatives of this salvation-oriented group viewed the Disengagement Plan as a move that aimed to overturn the course of history, thus annulling their own influence over it. In other words: they believed that the secular "emissaries" serving the divine process of salvation – e.g. Ariel Sharon – were acting against the divine commandment of settling the Land of Israel. Therefore, in their eyes, the Zionist Movement and its values have ceased to fulfill their divine, messianic purpose. The majority-vote decision to evacuate Jewish settlements from Northern Samaria and from the Gaza Strip was considered, by the vast majority of this group, as an illegitimate decision that de-legitimized the state's democratic-secular systems.

For the majority of the messianic camp, the Disengagement Plan related to the question of what is a Jewish state and what would be its ideal regime, a question that can be exemplified by analyzing their position vis-à-vis Israel's possible future

²⁷⁵ Shaul Goldstein, Head of the Gush Etzion Regional Council, in Zartal and Eldar chapter 3, as well as in an interview on TV Channel 2, June 14th, 2005.

constitution. Rabbi Sharlo, a member of the moderate orthodox organization "*Tzohar Rabbis*", explained the position of his camp in this regard as follows: first and foremost he called upon the religious camp to be more involved in the formulation of the developing draft for Israel's constitution, since it would "affect, more than any other political move, the character and identity [of the state] even more than the Disengagement Plan." He further detailed then scope of his uncertainties: "on its one end exists our total objection to a constitution, due to the fact that it transfers the decision making ability from the general Jewish public, through the Knesset, to the interpreters of the law – the Supreme Court judges." He viewed this as a problematic fact since "it can be said that we have lost almost all faith in the judgment and basic opinions of the legal system." He continued to describe his basic position that views "support for any constitution that is less than the full Torah Constitution as terrible heresy and as testament that the State no longer aims to implement a full Jewish constitution." At the end of his article, however, he showed some sort of moderation when he called for a discussion in order to decide "whether we should take part" in the constitution-making process "so as to shape it closer to our worldview, while deeply cognizant that we will be forced to compromise things that we would have wished the constitution included", or otherwise "to resist and try to prevent it [i.e. the constitution's legislation]".²⁷⁶

Unique among this group in his moderate opinion is Supreme Court Judge Edmond Levi, who is a Kipa-wearing observant Jew. Despite the fact that he declared, in a minority ruling regarding the Disengagement, that the decision regarding the Disengagement and the supportive law should be pronounced null and void, unlike most of the members of the messianic group Judge Levi wished to stress the supremacy of Israeli democracy and legal system, as managed by the State of Israel. Before basing his opinion on the legal system he stressed:

We are asked this time to rule on fateful questions, questions that will have far-reaching ramifications...on the State of Israel, Israeli society and the future of Israeli settlement in

²⁷⁶ Y. Sharlo, The Constitution and Us, *Maariv* website (nrg.co.il), April 2005. (translation mine)

the Land of Israel. Our verdict will be a landmark on the question of the right of Jews to settle in parts of the Land. This is not only about regions that are under dispute between right and left, but also regarding those regions that the vast majority of the public believes should be forever under the sovereignty of the State of Israel.

The Judge then stated that, in addition to the state's historical right over the Territories, "regarding which no words need to be wasted, and [one should] only look at the Bible", the Jewish people has the "natural right" to settle in all parts of the Land of Israel. However, unlike most of the members of this messianic group, Judge Levi also stressed the authority of the Supreme Court to examine the legality of all state institutions and laws, and based his position on democratic and legal values. In sum he stated: "We are now all required, especially after the Supreme Court of Justice has decided, and in a clear majority, that no fault exists that would justify its annulment, to obey the [Disengagement] Law, even if there are those who will have to do so under protest."²⁷⁷

A representative member of the more radical line within this third group, uncompromising and undoubting, is Prof. Hillel Weis,²⁷⁸ who stressed that

The source of authority of the State of the Jews... is not the Knesset, and not the rule of law, and not the Government of Israel, but the Eternity of the People of Israel (*Nezah Israel*). As long as the Knesset and its institutions represent the entity "*Netzh Israel*", or at least claim to represent it, they are legitimate. If they do not represent – they are not legitimate. The source of authority is in the deep recognition and agreement of the Jewish people that the Land of Israel is its historical homeland, which was given to it by the Almighty to inherit it and live in it.

²⁷⁷ Disengagement Ruling – Summary, Supreme Court 1661/05, June 9th, 2005 (translation mine).

²⁷⁸ Prof. Weis teaches at Bar Ilan University and is the Head of the Literature Department at Orot Israel College. He is a radical right-wing activist, a member of the Jewish Leadership Movements and of the Association of Professors for National Might. He is the Chairman of *Shoharei Mikdash* (Temple Supporters) and the spokesperson of the "Sanhedrin". Weis negates democracy as it is perceived by the Israeli public, calling for the crowning of a king that would rule according to Jewish wrote. Source: wikipedia. (translation mine)

Thus, in response to the Disengagement Plan he recommended to his supports to implement

...a defensive disengagement – giving back identity cards, depositing the Israeli passports, and in fact alienation or suspension of any symbol or document on which the current Israeli government is signed....this is a defensive disengagement – disengagement that wishes to place signs of mourning on the State of Israel that has expired. To mention that one can emigrate from the State of Israel to the Land of Israel.²⁷⁹

Lastly, at the radical end of the spectrum we can find the various followers of *Kakh* Movement (the movement originally established by Rabbi Kahana), who have no doubts regarding the supremacy of Torah law over secular law and democracy. As far as they are concerned, the current rule in Israel is acting pretty much like a foreign rule - or even a hostile one - would act. They therefore acted, within the framework of their resistance to the Disengagement Plan, according to Biblical-Halachic parameters (i.e. parameters based on Jewish religious law), in the spirit of rulings made by Rabbi Kahana.²⁸⁰

As the worldview of most of the messianic-salvation oriented groups perceives never-ending conflict, the future and existence of the Palestinians do not enter their considerations. As far as they are concerned, the only way left for the Palestinians is to accept Israeli rule over the entire Land of Israel, to renounce their right for self determination, to continue living without basic rights and to accept the settlement project that forever pushes them into narrower living and development areas. Those Palestinians that would agree would be able to receive Israeli residence – but not citizenship. Those who will resist are destined to be expelled from the Land.

To summarize the internal Jewish-Israeli debate, we can say that while Rabin consciously decided in favor of territorial compromise, Sharon and Netanyahu oscillated between an ideology that objects to any permanent status agreement and rejects territorial compromise on the one hand, and the various internal and

²⁷⁹ Weis, *Makor Rishon*, (translation mine)

²⁸⁰ Shragai, *Haaretz*

international pressures and constraints for reaching such a resolution of the conflict. However, above all else the internal debate revolves around the principle choice between the future of the State of Israel as a Jewish and democratic state, and its future as a Jewish-Halachic state. While the leaders of both Labor and Kadima ultimately returned to the initial pragmatic Zionist approach, which aims to delineate the state's borders in a way that would ensure its Jewish majority and democratic rule, the leaders of the messianic right sacrifice democracy while holding the borders to be sacred.

During this period we also witness a dramatic change in the public opinion of Israeli secular society – a change that evolved following the First Intifada that erupted in December 1987. In the earlier years this public supported the inclusion of the Occupied Territories within the State of Israel's territory and considered various ways in which to partially integrate the Palestinians into the Israeli political and social system, by providing them with a residency status only. However, following the Palestinian Intifada the Israeli secular public moved toward supporting a separation and severing of contacts between Israel on the one hand and the Territories and their Palestinian residents on the other. According to the "Peace Index" Project, managed by Prof. Ephraim Ya'ar and Prof. Tamar Herman from the Tami Steinmetz Center for Peace Research at Tel-Aviv University, ten years after Rabin was murdered, and against the background of renewed violence between Israel and the Palestinians, 50% of the respondents estimated that the decision to enter the Oslo Process was the right decision, while 39% estimated it as the wrong decision. However, it is more interesting to see that, in answering this question, 62% of those defining themselves as secular justified the decision, and 26% criticized it, while among those defining themselves religious or orthodox, more than 70% criticized the decision and only a small minority supported it. In the same pole, 49% of the Jewish public claimed that the basic idea behind the Oslo Process – of renouncing territories in return for peace – is today part of the Israeli consensus, while 42% did not accept this estimate. In addition, 67% supported the establishment of a Palestinian state, a number that decreased in January 2006 to 55%, following Hamas' victory in the elections for the Palestinian Authority's Legislative Council.

B. A similar picture on the Palestinian side

The revolution undergone by the Palestinians prior to reaching the Oslo Accord was described in the previous chapter. It should be mentioned that Mahmoud Abbas (Abu Mazen) inherited Abu Iyad's position as well as his political doctrine, after the latter was assassinated in 1992 by Abu Nidal's organization, due to his pro-western positions. However,

For all the talk about peace and reconciliation, most Palestinians were more resigned to the two-state solution than they were willing to embrace it [and than they were enthusiastic regarding the establishment of an independent state]; they were prepared to accept Israel's existence, but not its moral legitimacy. The war for the whole of Palestine was over because it had been lost. Oslo, as they saw it, was not about negotiating peace terms but terms of surrender.²⁸¹

From the reality on the eve of the British Mandate in which the Arabs constituted 93% of the population and controlled most of the habitable lands, the Arabs have become a minority of 45% of the population between the Jordan River and the Mediterranean Sea, most of them living in territories under Israel's control, with Israel celebrating 60 years to its independence and enjoying military, political and economic might unchallenged by the entire Arab world. The Palestinians, led by the PLO, view the Oslo Accord as the historical compromise – an agreement in which they are renouncing 78% of Mandatory Palestine for Israel. Thus, according to their perception, the territories Israel passed over as part of the agreements were not *given* to them, but given *back* to them.

Represented by the PLO, the Palestinians believed they have raised creative ideas in Camp David – and more generally – so as to satisfy Israel's interests.

²⁸¹ Hussein Ahga and Robert Malley, *Camp David, The Tragedy of Errors*, *New York Review of Books*, Vol. 48, no. 13, August 9th, 2001. English source: <http://www.nybooks.com/articles/14380>, in Rubinstein (ed.), p. 85.

While denouncing Israeli settlements as illegal [viewing them as illegal colonies], they accepted the principle that Israel would annex some of the West Bank settlements in exchange for an equivalent amount of Israeli land being transferred to the Palestinians.²⁸² While insisting on the Palestinian refugees' right to return to homes lost in 1948,²⁸³ they were prepared to tie this right to a mechanism of implementation²⁸⁴ providing alternative choices for the refugees while limiting the numbers returning to Israel proper.²⁸⁵

In regards to the refugees issue, Malley and Agha further write that "indeed, in one of his last pre-Camp David meetings with Clinton, Arafat asked him to "give [him] a reasonable deal [on the refugee question] and then see how to present it as not betraying the right of return.""²⁸⁶ Moreover, despite their unequivocal demand that Israel withdraws from all the territories conquered in 1967, the Palestinians were willing to accept the division of East Jerusalem, with Israel sovereignty over its Jewish neighborhoods, which for them was a clear breach of that principle²⁸⁷ (see map no. 13). In an interview given to the Israeli daily *Maariv* about a year after the Camp David Summit, former Palestinian Prime Minister Abu Ala described the Palestinians' point of view and disappointment:

We agreed to accept the 67' borders. For us this means that only 22% of historic Palestine remain for us, and all the rest is yours. We recognized Israel in secure borders, in security arrangements with security coordination and cooperation. You did not consider this as a

²⁸² As they presented in maps during the Camp David and Taba Summits, and in the Geneva Initiative.

²⁸³ For example, in June 1999, this demand was raised by Dr. Asad Abed Rahman, a Member of the PLO's Executive Committee and responsible for the Refugees and Displaced File in the organization, who said: "...numbers show that over 78% of the Jewish population lives in an area that is no greater than 15% of Israel's total size...the remaining area is in principle the land of the Palestinian refugees. Except for a number of population centers...these areas are deserted. Only about 154,000 Jews live there....therefore the return of the refugees will not cause the displacement of a great number of Jewish immigrants from their current habitations." He also stated that Israel owes each of the refugees a monetary compensation of about USD 114 thousand. (translation mine)

²⁸⁴ As was thought about first in the "Stockholm Channel" managed in parallel to formal negotiations, by Gilad Sher and Shlomo Ben Ami and Abu Ala, and later in the Geneva Initiative. In Sher, 2001

²⁸⁵ Hussein Agha and Robert Malley, *Camp David, The Tragedy of Errors*, in Rubinstein (ed.), p. 86.

²⁸⁶ Hussein Agha and Robert Malley, *A Reply to Ehud Barak*, New York Review of Books, Volume 49, NUMBER 10, June 13, 2002, in Rubinstein (ed.), p. 127.

²⁸⁷ Hussein Agha and Robert Malley, *Camp David, The Tragedy of Errors*, in Ibid. p. 85

Palestinian compromise. As far as you are concerned it is all yours. As if we never existed. You put this historical compromise in your pocket and continued to demand more. You wanted huge settlement blocks, to turn us into a state of cantons, with access to nowhere. This is a situation no one would agree to live in. We agreed for border corrections on the basis of territorial exchanges. You were not willing to come half way.²⁸⁸

There were those among the Palestinians who disagreed with the Oslo Process and with its basic aim, and who believed in a one-state, rather than a "two states for two peoples", solution to the conflict. Edward Said, a Member of the Palestinian National Council, wrote a short article in 1999, in which he claimed that both Israel's separation policy and the Palestinians' aspiration for an independent state are unrealistic:

The problem is that Palestinian self-determination is not realizable, exactly like the principle of separating an Arab population lacking sovereignty from a sovereign Jewish population, which are demographically mixed and inextricably intertwined. The question is not, in my opinion, how we can find ways to assist in the attempts to separate them, but rather to see whether they could live together in a decent and peaceful way as much as possible.²⁸⁹

In a different interview to the Israeli *Haaretz*, Said disclosed the future he yearns for:

In a bi-national state, you will become a minority in any case. In ten years there will be a demographic balance between Israeli-Jews and Palestinians, and the process will not stop [there]. Jews are in any event a minority everywhere...the question of what will be the fate of Jews (as a minority) is difficult for me. I don't know.²⁹⁰

Another supporter of the one-state solution is former-Israeli Knesset Member Azmi Bashara. Bashara is a Palestinian-Israeli citizen who is a very outspoken supporter of the position that Israel's Jewish-Zionist nature as the homeland of the Jewish people

²⁸⁸ Abu Ala, *Maariv*, October 2001.

²⁸⁹ (translation mine)

²⁹⁰ Interview with Ari Shavit, *Haaretz* Weekend Supplement, August 18th, 2000. (translation mine)

should be annulled, by creating an Arab majority via the return of the Palestinian refugees. The state should then become a state of all its citizens. He gave a long interview in 1998, in which he said:

I do not exclude the temporary solution of two states for two peoples, but this is only a temporary solution and nothing more...at the end of the day the framework must be bi-national...a distinction should be made between a historical compromise and an agreement. An agreement can be reached without a historical compromise, but such an agreement would be limited in time and would lack the moral and historical dimensions...[The Zionist left] talks about the problem of 67' as if the problem of 48' does not exist...If you ask me if a Zionist peace can be reached, I would say that it is possible to reach an agreement – maybe even a relatively just agreement – but not a total and final peace; the end of conflict. In this case the struggle against Zionism will continue in other ways. It may turn from a national conflict to a civil conflict...if we are dealing with a national conflict - the solution is the decolonization of the Occupied Territories in the West Bank and Gaza. If we are dealing with a civil problem - the solution is the de-Zionisation of Israel.²⁹¹

At the radical end of the Palestinian spectrum, Hamas and Islamic Jihad – two Palestinian organizations that do not belong to the PLO – rejected the idea of establishing a Palestinian state only in the areas of the West Bank and Gaza Strip, objecting to the existence of Israel and to signing any agreements with it. The basic ideology of Hamas and of other radical Islamic movements such as the Muslim Brothers, Hezbollah, Islamic Jihad and Al Qaeda, is that there is no room for a Jewish or Christian state in the "Bosom of Islam" ("*Dar Al Islam*") and that only Muslim believers should be given political rights in that region. They therefore believe that *jihad* – a holy war against heretics to the faith of Islam – should be used against Israel. They used terror attacks and, in the Hamas' Charter from August 1988, wished that

²⁹¹ Rabinowitz, pp. 167-168 (translation mine)

"Israel would live and exist until Islam would terminate it as it terminated its predecessors."²⁹²

Despite the numerous reasons the Palestinians list in an attempt to minimize their responsibility for the failure of the Oslo Process, their conduct in trying to establish their state-to-be was faulty and undermined the trust of the Israeli public. The Palestinian Authority's fight against the terror of Hamas and Islamic Jihad was feeble most of the time, governmental corruption penetrated each sphere of the Palestinians' daily life, the passive struggle to stop incitement against Israel did not turn into an active education for coexistence, and international aid was not channeled towards the development of the Palestinian Authority or for the benefit of its residents.

The Palestinian public's disappointment from the peace process – both on the national level and on the level of daily life – brought about the renewed eruption of violence in October 2000, with the Palestinian terror organizations enjoying ever increasing support by the Palestinian public. In an interview given four and a half years after the Second Intifada erupted, then-Chief of Staff Moshe Ye'elon viewed this period extremely negatively in terms of the chances to reach a permanent status agreement:

Even after four and a half years of fighting against Palestinian terror we have not succeeded to convince even Fatah to recognize a Jewish state that will exist here forever. We have not succeeded in convincing them to give up their dreams of return. All we have managed to convince them is that at this time terror does not pay.

Ye'elon further claimed that "the Palestinian public has no concept of 'this is enough'. Even in the 67' borders it has no feeling of 'this is enough'. It speaks about Zfat and Haifa and Tel-Aviv." Thus, according to Ye'elon, the two states solution is irrelevant for the Palestinian side, and he called on the Jewish public to educate its children to

²⁹² (translation mine) Hamas was established in the Gaza Strip in 1988 by members of the Muslim Brothers headed by Sheikh Ahmed Yassin and Mohammed Taha. The first manifestations of this movement initially gained power in the early 80s with the encouragement of the Israeli military rule, which viewed Hamas as a possible counterweight to the PLO. Hamas recruited its members via the network of charity organizations it established during those years, and took center-stage with the eruption of the First Intifada.

live as a struggling society, since peace and tranquility are far in the future.²⁹³ In an interview given to *Haaretz* a year later (when he was no longer the Chief of Staff) he claimed:

The majority of the Israeli public supported the disengagement both since it was made blind, made to be unseeing and drugged, and since it has a real desire to free itself of the burden of the conflict and to divide the land. But we have to understand that even when we try to take the Palestinians off our back, they do not get off our back, but rather stab us [in the back]. We must not cheat ourselves. We are living in the Middle East. We cannot stay behind fortified fences and walls. Thus, unilateralism does not really exist. Even when there is no dialogue with our neighbors, there is interaction with them. Every move we make affects them. And when these moves are withdrawal, withdrawal and withdrawal, we transmit weakness. And whoever transmits weakness in the Middle East is like a weak animal in nature: it gets jumped upon. He does not get left alone, but gets jumped upon.²⁹⁴

In contrast, Minister of Internal Security Avi Dichter (who formerly was the Head of the GSS), has a different evaluation of the situation, in which he criticized Ye'elon: "I don't know any intelligence that supports Ye'elon's evaluation, and I don't know any logic that supports it."²⁹⁵

The fatigue among both societies from violence and its extremely high cost over the first five years of the Second Intifada; Israel's assassination of Hamas leaders Sheikh Ahmed Yassin and Mohammed Rantisi; Arafat's death and the election of Mahmoud Abbas (Abu Mazen) as Palestinian Authority President – all these contributed to a relative calm in the struggle between the Palestinians and Israel, with both sides preparing for the "day after" the implementation of the Disengagement Plan. Abu Mazen, who believes terror to be a counterproductive, rather than an assisting, factor in the Palestinian struggle for independence, will be faced with difficult internal

²⁹³ *Haaretz*, June 3rd 2005. (translation mine)

²⁹⁴ *Haaretz*, July 6th, 2006. (translation mine)

²⁹⁵ *Haaretz*, June 10th, 2005. (translation mine)

conflicts, for example vis-à-vis Hamas, in order to fulfill the Palestinian commitments under the Road Map and thus force Israel to implement its own commitments and enter permanent status negotiations. Abu Mazen's unofficial support for the Geneva Initiative can help sketch for the Israeli public and decision makers the layout of consensus among the moderate streams within Palestinian society.

Within the Hamas organization, which won the Palestinian parliamentary elections of January 2006, different trends and declarations can be found that attest to a different long-term strategy and pragmatism than those of the PLO.

Contrary to its prior declarations that negated the legitimacy of Palestinian Authority and its institutions for being the product of agreements reached with Israel, Hamas chose to participate in the Palestinian local elections of 2005 and parliamentary elections of 2006 since it believed this participation to be a stepping stone on the road towards the realization of its strategic goal – taking over the entire Palestinian national movement. Reaching this goal thus demanded the removal of Fatah from its seniority within the PLO – the Palestinian people's internationally recognized representative organization, and from the Palestinian Authority – the body governing Palestinian affairs within the Territories. Mohamed Abu Tir, one of Hamas' senior leaders said: "our entry to the town councils and to parliament is a strategic move, not a tactical maneuver. The movement's decision to participate in the elections, as well as the movements platform, is not only a tactical maneuver but a strategic change of direction..."²⁹⁶ Ismail Haniya, who headed the Hamas' list for the 2006 elections under the name "Movement for Change and Reform" and today serves as the Palestinian Prime Minister, further explained:

Hamas is at a point in which it is moving from satisfying the needs of the organization and its supporters, to satisfying the needs to all the people. Hamas is not interested in taking control over this or that local outpost; it is interested in creating a wide historical

²⁹⁶ *Haaretz*, January 15th, 2006 (translation mine)

change... Hamas is directing its efforts towards entering the Palestinian Authority government and towards the creation of a new PLO."²⁹⁷

Hamas is refusing to recognize the Oslo Accords and rejects their validity. Mahmoud A-Zahar, a senior Hamas leader from the Gaza Strip defined it this way: "Oslo's legally ended, since its validity was for four years. We will enter the Legislative Council and if we find any remains of the Oslo Accords we will get rid of them."²⁹⁸ A few days earlier A-Zahar stressed that "if Hamas wins the January 25th elections, it will not recognize the agreements between Israel and the Palestinian Authority."²⁹⁹

For Hamas, the alternative to the Oslo Accords is the armed resistance. According to Ismail Haniya, "The organization will enter the Palestinian parliament with a platform of resistance, and not of the Oslo Accords..."³⁰⁰ Hamas spokesman Mushir Al Massri further added: "The resistance plan is Hamas' strategic plan until all our land is liberated... Hamas wishes to strengthen the option of *Jihad* and resistance in order to ensure prisoners' release, the return of the refugees and the restitution of the rest of the rights that have been robbed [from us]".³⁰¹ In a rally to commemorate the founding of Hamas held in Damascus, the head of Hamas' Political Bureau Khaled Mash'al, presented the logic of resistance and its strategic goal: "was Gaza freed via negotiations?!? Hamas will maintain its arms and its right to resist. Resistance is a strategic option until the last foot of the Land of Palestine is liberated and the last refugee returns."³⁰²

At the same time, different, more pragmatic voices can also be found among Hamas and its spokespersons. Alistair Crook, who served as a Special Security Consultant to the European Union, claimed that in return for a proportional representation of its

²⁹⁷ *Haaretz*, January 15th, 2006 (translation mine)

²⁹⁸ *YNET, Kul Al-Arab*, January 22nd, 2006. (translation mine)

²⁹⁹ *New York Times*, January 12th, 2006. (translation mine)

³⁰⁰ *WALLA*, January 20th, 2006. (translation mine)

³⁰¹ *A-Rasallah*, January 13th, 2006, in MEMRI (The Middle East Media Research Institute), January 16th, 2006 (translation mine)

³⁰² MEMRI, January 23rd 2006 (translation mine)

power in leadership, Hamas would be willing to lay down its arms. He further said: "Even Sheikh Yassin told me at the time that in return for Israeli withdrawal to the 1967 lines he is willing to stop terror." Crook believes that the inclusion of Hamas is vital for reaching a stable accord, and that therefore a proportional representation of the organization's weight within the Palestinian Authority leadership is necessary.³⁰³

After Hamas' victory in the parliamentary elections, this moderate trend was strengthened. In regards to the Hamas' Charter A-Zahar stated: "the Hamas Charted is an issue that could possibly be reinterpreted. It expresses a political and social position, which is indirectly based on the Koran. There is no argument regard the Koran itself, but the Charter is a political position and vision...no one contemplates at present to change the Hamas Charter, but on the level of principle it is not impossible."³⁰⁴

Prof. Mohammed Ghazal, a leader of Hamas from the Nablus region, is even more flexible regarding this issue: "Hamas may change its Founding Charter that calls for the destruction of Israel, or even negotiate with it...the Charter is not the Book of Koran. Historically we believe that all of Palestine belongs to the Palestinians, but today we are talking about a new reality and about the need for political solutions in a changed reality."³⁰⁵

Mussa Abu Marzouq, the Deputy Head of Hamas' Political Bureau, said in a conference of Hamas' leaders held in Cairo after Hamas' electoral victory: "Hamas will recognize all the agreements to which the Palestinian Authority has committed before the elections, but any issue that does not serve the Palestinian people and its rights will be legally altered or annulled." He further added that: "the relations with the Jewish State are irrefutable because it is a fact in reality; however, recognition of Israel's legality in one thing, while its existence in reality is another. In reality Israel exists and no one can deny this, and at times we even cannot act or move from one

³⁰³ Ofer Shelah, *The Terrorist Won*, *Yediot Ahronot*, July 24th, 2005 (translation mine)

³⁰⁴ *Haaretz*, January 26th, 2005 (translation mine)

³⁰⁵ *Haaretz*, September 22nd, 2006 (translation mine)

place to the other without its permission." Abu Marzouq also said that under certain conditions Hamas may recognize Israel's legality, if a Palestinian state would be established along the 1967 lines in the West Bank and the Gaza Strip with Jerusalem as its capital, and if millions of refugees would be allowed to return to their homes within Israel.³⁰⁶

Israel, the US and the European Union hold a position that rejects any dialogue with Hamas until it recognizes Israel, recognized the agreements signed between Israel and the PLO and would be willing to negotiate a peace agreement with it. However, with time various cracks can be found in this unambiguous position in the form of unofficial contacts and discussions different bodies are conducting with Hamas' representatives.

C. The Arab World Led by Egypt – pushing, pulling and at times obstructing the political process

The Arab world has been deeply involved in the political process between Israel and the Palestinians. Above all others – the involvement of President Mubarak's Egypt has been especially noteworthy: The first agreement regarding the withdrawal of the IDF from specific areas in Gaza and Jericho was signed in Cairo on May 4th 1994, with the facilitation and under the pressure of President Mubarak; some of the rounds of negotiations regarding the Interim Agreement (signed in September 1995) were held in Taba in the Sinai Peninsula; On September 4th 1999, the Sharm A-Sheikh Memorandum was signed as a result of the summit held there between Barak and Arafat; prior to Arafat's meeting with then-US President Clinton in preparation for the Camp David Summit, it was Mubarak who pressured Arafat to present before Clinton his positions regarding a possible 'framework agreement', which Arafat indeed prepared;³⁰⁷ and finally – the two sides met for the last round of negotiations in Taba in January 2001 (see annex O) in an attempt to formulate a peace agreement based on

³⁰⁶ *Haaretz*, February 7th, 2006. (translation mine)

³⁰⁷ Beilin, p. 94.

the Clinton Parameters from December 2000 (see Annex N). In the time since, numerous additional meetings took place in Sharm A-Sheikh, including the meeting between Sharon and Abu Mazen in early 2005. Egypt also accompanied, via the Head of Egyptian Intelligence Omar Suliman, Israel's Disengagement Plan from the Gaza Strip and was an active partner in Israel's withdrawal from the Philadelphi Route that divides the Gaza Strip from the Egyptian Sinai Desert. Egypt was also active in the internal Palestinian arena, when the Palestinian opposition and terrorist groups convened in Cairo to discuss a ceasefire agreement between them and Fatah, a ceasefire that was ultimately signed in the city in March 2005. President Mubarak's residence was also often frequented by Israel's various prime ministers, who viewed Egypt's involvement and its position regarding the conflict a key factor in reaching an agreement with the Palestinians.

At the same time, in parallel to Egypt's support for the peace process, there were other Arab and Muslim leaders who intervened in a less conducive manner. This was the case, for example, when such leaders made it clear to Arafat – during the permanent status negotiations over Jerusalem and the holy sites – that the Al-Aqsa Mosque is not his, Arafat's, private property, nor the private property of the Palestinian people, and that therefore Arafat has no mandate to agree to any compromise over the Kharam A-Sharif.³⁰⁸

The political process significantly affected the entire Arab world. It brought Israel the benefit of institutionalizing its diplomatic and economic relations with some of the Arab states such as Morocco and Qatar, with the peak being the signing of a peace agreement with Jordan in the presence of King Hussein, Prime Minister Rabin and US President Clinton on October 26th, 1994. The negotiations between Israel and Syria that were initiated by Peres in 1995 and secretly continued by Netanyahu, were supposed to reach their peak in the Shepherdstown Summit in January 2000, based on promises then-Prime Minister Barak gave to President Clinton at Blair-House. The

³⁰⁸ Rubinstein, *The Road Leading to Camp David*, in Rubinstein (ed.), p. 58

fact that Barak went back on these promises³⁰⁹ – which included full Israeli withdrawal from the Golan Heights to the June 4th 1967 lines – torpedoed the summit. Ultimately this caused Israel to unilaterally withdraw from Lebanon (according to UN Resolution 425 from 1978) without reaching any agreement with either Lebanon or Syria, in clear contrast of Israel's veteran policy of "territories for peace".

Resistance to the political process between Israel and the Palestinians was led by Syria, due to its fear that a peace agreement between Israel and the Palestinians would leave it alone vis-à-vis Israel and farther than ever from realizing its strategic goal – reclaiming the entire Golan Heights. In the summer of 2000, following the failure of their own negotiations with Israel, the Syrians were quick to place obstacles on Arafat's road towards an agreement with Israel. In the inter-Arab and Islamic meetings held during that period, the Syrians suggested adopting resolutions that would tie the Palestinians' hands in regards to some of the key issues that were under discussion at the time between them and Israel – including the question of sovereignty over the Temple Mount and Jerusalem, and the question of the right of return.³¹⁰ These Syrian policies go hand in hand with Syria's more general policy, which aims to subordinate the Palestinians' will to Syria's own, and thus to dictate for the Palestinians a policy that would eventually serve Syria's interests.³¹¹ This is also the reason that Syria continues to assist the Palestinian opposition organizations, some of which have found cover in Damascus, despite the fact that their presence has often caused Syria embarrassment in its relations with the US, following terror attacks by these organizations against Israel. In addition, following the lack of any Israeli responsiveness to Syria's recent messages regarding its willingness to renew negotiations, as a result of the approach that 'Syria is too weak to reach an agreement with it', Syria strengthened its participation and involvement in the ideological-

³⁰⁹ Beilin, p. 91.

³¹⁰ These suggested resolutions that stressed, for example, the necessity of Israeli withdrawal to the 1967 lines and ensuring the refugees' right of return, were decisively rejected by the Palestinians, since the latter perceived them as undermining the Palestinian independence decision making. See Zisser, p. 214.

³¹¹ Ibid. pp. 176-177.

Islamic axis Teheran-Hezbollah, assisting the latter in Lebanon and, in 2006, even signing a military alliance with Iran so as to compensate for its economic and military weakness and for its inability to return the Golan Heights to its sovereignty.

The renewed violence between the sides in September 2000 and the stalling of the peace process after the Taba Talks negatively influenced the positions of the Arab states, and their relations with Israel were minimized. Nonetheless, in an encounter held between the rulers of Saudi Arabia, Egypt and Syria in Sharm A-Sheikh in May 2002, the Saudis and Egyptians forces Syria's President Bashar Assad to join them in a declaration that condemned violence in the region, as part on an all-Arab attempt to bring about calm in the Israeli-Palestinian conflict and to force the Palestinians to cease implementing suicide attacks inside Israel.³¹²

During this period Saudi Arabia took an extremely important initiative: Prince Abdullah, the *de facto* ruler, presented the "Saudi Initiative" for ending the Arab-Israeli conflict, suggesting "full peace" and "normalization" in return for Israel's withdrawal to the June 4th, 1967 lines. This plan was adopted by the Arab League in a summit held in Beirut on March 28th 2002 (see Annex P). It should be mentioned that, due to the extensive resistance in the Arab world to the very idea of normalization with Israel, this move should be perceived as another step towards Israel, stemming from the understanding that the latter views Arab willingness to offer normalization as an important criterion by which to measure the value, stability and durability of any peace agreement.³¹³

Upon Hamas' victory in the Palestinian parliamentary elections of January 2006, Egypt coordinated its position with Israel, making three principle demands from Hamas: recognition of Israel, commitment to the Oslo Agreements and a willingness to enter into a political process of negotiations.³¹⁴

³¹² *Al Watan*, May 12th, 2002; *A-Nahar*, May 14th, 2002; Zisser p. 173.

³¹³ Rabinovitch, p. 268.

³¹⁴ *Haaretz*, April 7th, 2006.

D. The international Community – the US deepens its involvement

The US continued to be the leader of international activities, with its efforts and the pressure it put on the PLO to recognize Israel bearing fruit in 1988 – in the PLO's "Algiers Declaration" – later on bringing the sides to sign the Declaration of Principles (DOP) in 1993 in Washington. Once it has taken back the political reins from the hands of Norway (that hosted the secret talks before the DOP was signed), the US never let go of them.³¹⁵ President Clinton's policy in regards to the Middle East was characterized by consistency and clarity: "a double containment" of Iraq and Iran in the east, and an effort to achieve Israeli-Arab peace in the west, as two mutually-enforcing sides of the same vice. In promoting Israeli-Arab peace, Washington hoped to facilitate support for its policies by its conservative Arab partners, and in parallel, in advancing Israeli-Syrian and Israeli-Palestinian reconciliation, it hoped to minimize the ability of Iran and of other fundamentalist Islamic countries to obstruct the process and sabotage it.³¹⁶ In regards to the Oslo Process President Clinton's policy was simple – allowing the sides to reach an agreement on their own, with the US taking the role of the impartial mediator. All the agreements and meetings implemented during this period were affected by dominant American involvement, with representatives of other countries given room only at the last moments – in the signing ceremonies.

Two persons who were central to the US negotiation team and who accompanied President Clinton during this period, summarize the US' involvement. Robert Malley believes that

...the United States' ability to play the part [of an impartial mediator] was hamstrung by two of its other roles. First, America's political and cultural affinity with Israel translated into an acute sensitivity to Israeli domestic concerns and an exaggerated appreciation of Israel's substantive moves. American officials initially were taken aback when Barak

³¹⁵ The secret talks in Norway that led to the Oslo Accord took place in parallel to the talks held by the official missions in Washington following the Madrid Conference (throughout 1992-1993). The Norwegians sagely passed the reins back to the Americans, rightfully viewing the latter as the only power that would be able to realize – or sabotage – the agreement reached.

³¹⁶ Rabinovitch, p. 53.

indicated he could accept a division of the Old City or Palestinian sovereignty over many of Jerusalem's Arab neighborhoods—a reaction that reflected less an assessment of what a "fair solution" ought to be than a sense of what the Israeli public could stomach. The US team often pondered whether Barak could sell a given proposal to his people, including some he himself had made. The question rarely, if ever, was asked about Arafat. A second constraint on the US derived from its strategic relationship with Israel. One consequence of this was the "no-surprise rule," an American commitment, if not to clear, at least to share in advance, each of its ideas with Israel. Because Barak's strategy precluded early exposure of his bottom lines to anyone (the President included), he would invoke the "no-surprise rule" to argue against US substantive proposals he felt went too far. The US ended up (often unwittingly) presenting Israeli negotiating positions and couching them as rock-bottom red lines beyond which Israel could not go. Faced with Arafat's rejection, Clinton would obtain Barak's acquiescence in a somewhat improved proposal, and present it to the Palestinians as, once again, the best any Israeli could be expected to do. With the US playing an endgame strategy ("this is it!") in what was in fact the middle of the game ("well, perhaps not"), the result was to depreciate the assets Barak most counted on for the *real* finale: the Palestinians' confidence in Clinton, US credibility, and America's ability to exercise effective pressure.³¹⁷

In an article he published, Aaron Miller (who worked at that time in the State Department as an Adviser on Arab-Israeli Affairs) also discussed the US' success in acting as "a lawyer for both sides":

With the best of motives and intentions, we listened to and followed Israel's lead without critically examining what that would mean for our own interests, for those on the Arab side and for the overall success of the negotiations. ...the emphasis should have been on assessing, coldly and objectively, what it would take to reach an agreement acceptable to both sides. If we knew the gaps were too large (and we suspected they were), we should have resisted Barak's pressure to go for a make-or-break summit and then blame the Palestinians when it failed.

However, in contrast to Malley, Miller claims that

There should be no inherent contradiction between our special relationship with Israel and our capacity to be an effective broker in Arab-Israeli negotiations. We can still be Israel's

³¹⁷ Malley and Agha, *A Tragedy of Errors*, in Rubinstein (ed.), pp. 91-92.

close friend and work with Israelis and Palestinians to ensure that the needs of both sides are met.³¹⁸

Thus we can see that this problematic attitude by the US was one of the reasons that led Arafat to prefer listing so many reservation to Clinton's proposal, that it would be fair to say he basically rejected it. In the words of Malley and Agha, "Arafat preferred to continue negotiating under the comforting umbrella of international resolutions rather than within the confines of America's uncertain proposals," fearing he would be "left with principles that were detailed enough to supersede international resolutions yet too fuzzy to constitute an agreement."³¹⁹

Barak sees things differently and claims that President Clinton declared his own opinion in this regard following similar criticism voiced by Debora Sontag. According to Barak Clinton said:

What the hell is this? Why is she turning the mistakes we [i.e., the US and Israel] made into the essence? The true story of Camp David was that for the first time in the history of the conflict the American President put on the table a proposal, based on UN Security Council resolutions 242 and 338, very close to the Palestinian demands, and Arafat refused even to accept it as a basis for negotiations...³²⁰

³¹⁸ Further on in the article, Miller criticized the policy taken by Bush's then new administration: "In this regard, the Bush administration is not off to a particularly good start. It has been exceedingly deferential to Israel's political and security needs without any equivalent sensitivity to the new Palestinian leader, Mahmoud Abbas." Miller, *Israel's Lawyer*, **Washington Post**, May 23rd 2005. Source: <http://www.washingtonpost.com/wp-dyn/content/article/2005/05/22/AR2005052200883.html> Published in Hebrew in *Haaretz*, June 6th, 2005.

³¹⁹ Malley and Agha, *A Tragedy of Errors*, in Rubinstein (ed.), p. 96.

³²⁰ Benny Morris, *Camp David and After: An Exchange (I). An Interview with Ehud Barak*, **New York Review of Books**, Volume 49, Number 10, June 13, 2002. English source: <http://www.nybooks.com/articles/15501> in Ibid. pp. 99-100.

Clinton's final effort to promote an Israeli-Palestinian permanent status agreement was when he suggested his "parameters" for such an agreement on December 23rd 2000 (see Annex N). This offer served as a basis for the talks held between the sides in Taba early in 2001, as well as, later, for the informal Geneva Understandings.

During the recent round of violence between the sides the US maintained its diplomatic seniority, while making some room for enhanced European involvement in the framework of the "Quartet" (that includes the US, Russia, the European Union and the UN), which stands behind the "Road Map". The so-called "Road Map" was first suggested by US President Bush in June 2002 as a framework for the renewal of Israeli-Palestinian negotiations, almost two years after negotiations have ceased due to the Second Intifada. This plan sets as its final goal the establishment of a Palestinian state next to Israel, a goal that would be realized once terror and Palestinian violence against Israel cease, with Israel cooperating in the creation of the Palestinian state. A formal document of the Road Map was first issued on December 20th 2002, and published on April 30th of 2003. The document includes clear implementation phases, both in terms of implementation dates and in terms of the goals to be reached in each and every phase. The entire process should be implemented under the sponsorship of the Quartet.

In parallel, the US continued its dialogue with Israel. In April 2004 there was an exchange of letters and documents between the US and Israel, which culminated in the presentation of the Disengagement Plan in which Israel declared its intentions to unilaterally withdraw from the Gaza Strip and from four settlements in Northern Samaria. In an accompanying letter, then-Prime Minister Sharon committed to implement the necessary steps according to the Road Map (see Annex U):

The Disengagement Plan will create a new and better reality for the State of Israel, enhance its security and economy, and strengthen the fortitude of its people. In this context, I believe it is important to bring new opportunities to the Negev and the Galilee. Additionally, the Plan will entail a series of measures with the inherent potential to improve the lot of the Palestinian Authority, providing that it demonstrates the wisdom to take advantage of this opportunity. The execution of the Disengagement Plan holds the

prospect of stimulating positive changes within the Palestinian Authority that might create the necessary conditions for the resumption of direct negotiations.

We view the achievement of a settlement between Israel and the Palestinians as our central focus and are committed to realizing this objective. Progress toward this goal must be anchored exclusively in the Roadmap and we will oppose any other plan.

In this regard, we are fully aware of the responsibilities facing the State of Israel. These include limitations on the growth of settlements; removal of unauthorized outposts; and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism.³²¹

In return Bush stressed in his reply letter (see Annex V):

It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.

As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.³²²

³²¹ Source: Israeli Ministry of Foreign Affairs website:

<http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Exchange+of+letters+Sharon-Bush+14-Apr-2004.htm>

³²² Ibid.

Chapter 6

"With his desire but half fulfilled"³²³

This chapter further analyzes the three Zionist approaches presented in the previous chapter regarding the management of the conflict and the future character of the State of Israel – the permanent status approach, the aggressive compromise approach and the messianic approach. Here I will analyze the ramifications of each approach in relations to realizing the vision of a Jewish and democratic Israel in light of existing demographic forecasts and territorial needs. I will also contrast these approaches with the Palestinian, Arab and international positions.

A. Central trends among the Zionist elements – pragmatism and messianism

A number of different trends can be discerned in the attitudes of the various Zionist elements involved in the Israeli-Palestinian conflict towards the relative weight of the three components (demography, democracy and geography) that affect the Zionist leadership's policies regarding the State's borders. Israel today is a powerful state. Contrasted with the obvious weakness of the moderate Sunni-Arab world and the Palestinians' relative weakness, Israel is a dominant player, any action of which critically influences the entire regional system. In the hundred years covered by this book, the Zionist movement moved from a position of weakness in which it begged for the attention of the super-powers, to a position of a powerful state that should be taken into consideration – albeit with an important support by the US, which is critical for curbing joint European and Arab positions. Increasingly over this period, Israel's decisions in regards to the State's preferable borders within the ongoing tension between the three limiting components (demography, geography and democracy), as well as Israel's policies in this regard based on settlement and security, have become a factor influencing the positions and reactions of Arab and international players – and less a factor that is influenced by them.

³²³ "Ve Hazi Ta'avato Beyado" – HAZAL

A vital difference gradually emerged between the secular Zionist movements on the one hand, and the religious Zionist movements with a messianic orthodox approach on the other. For the former, the vision of a Jewish state remained in its original secular interpretation – i.e. self determination for the Jewish people as a majority in its own state – a vision that has been serving these groups as a compass pointing towards the need for compromise. Meanwhile, for the religious-messianic groups whose influence gradually increased in the Israeli political field after 1967, the terms "Jewish" was perceived according to its religious Halachic interpretation.

This essential difference explains the two sides' different approaches regarding the democratic component. For the secular left and right, as well as for parts of the nationalist-religious camp, the democratic component is a constant. They therefore aim to find the best solution by balancing the demographic and geographic components in various ways, according to varying internal and external constraints. However, there are groups within the more radical religious-nationalist camp who are willing to sacrifice the democratic element in favor of the geographic one: i.e. they wish to annex the territories of the West Bank and the Gaza Strip without giving the Palestinians living there the status of citizens.³²⁴

In the earlier years of the period covered by this book, the Zionist Movement sought to widen the borders of the future Land of Israel as much as possible, while relying mostly on economic justifications. Until it was forced to make a decision, the Zionist Movement favored the continuation of the British Mandate, aiming to reach a Jewish majority throughout the Mandate's entire territory as quickly as possible and only then to establish the Jewish state. Later on, as a result of the pressures of the Palestinian national movement and its objection to the establishment of a Jewish national home, the Zionist Movement was forced to favor – for practical reasons – the division of the land, based on a Jewish majority in a much smaller territory. Thus, in 1937 Ben Gurion suggested to agree to a Jewish state over a territory of 10,500 square km (half of Israel's future territory within the Green Line), saying: "the solution is the establishment of two states in the Land of Israel: an Arab state and a Jewish state. This is not an unconditional solution. However, if the Jewish state would be allotted

³²⁴ As already mentioned above, these groups see no problem with an ethnic-democracy only.

the minimal territory required for our expansion in the near future – then this is the solution." He left future generations with the responsibility for their own fate: "What would happen after 3 million Jews enter into the Jewish state – we will see later on. The future generations will take care of themselves; we must take care of the current generation." Ben Gurion further warned, even back then, against dogmatism and against the lack of pragmatism in the fulfillment of the Zionist dream, saying: "there is nothing more dangerous for Zionism than the fatalistic belief in *Nezah Israel* (the eternity of the Divine Promise to the People of Israel)."³²⁵

In contrast, the objections of the secular right to dividing the land were based on ideological and economic considerations, as detailed above in Jabotinski's testimony, while the objection of the religious-nationalists was based on messianic-religious arguments, as we have seen.

According to the perception of many elements within Israel, the territories previously held by Jordan and Egypt reentered the conflict arena due to the results of the Six Days War. This then led to the realization of the settlement project that enjoyed the overlap between the security considerations of the secular parties on the one hand and the messianic motivations of the religious-nationalists on the other. However, as the years went by, the political, economic, social and security costs paid by Israeli society as a result of Israel's control of the Territories and the Palestinians, led the secular parties – each according to its own ideology – to support minimizing the territory controlled by Israel, in order to ensure the State's democratic character and Jewish majority within it. The left-wing parties aimed to achieve this goal via a political process, while the right tried to reach this goal via unilateral moves. Still, both right and left understood that in any case of annexing territories from the West Bank and the Gaza Strip, Israel would enter an equation with two major parameters: the territory, and the Arab population residing in it. The greater the territory to be annexed, the greater would be the Arab population annexed to Israel, with all the social, political and economic consequences such annexation would entail.³²⁶

³²⁵ Protocol of the MAPAI Center meeting, Beit Berl, February 5th, 1937. (translation mine)

³²⁶ Ephrat, p. 136.

This shift among the secular parties severed the historical alliance between the secular rightist parties and the religious-nationalists, as the latter continuously tried to take the lead and advance the conclusion of the Zionist revolution – according to their own religious belief. The leaders of this nationalist-religious group believe that any resistance to the messianic determinism led by them is illegitimate, and is due to fail:

The Almighty has His own politics, which determines how politics here below unfolds. Part of this redemption is conquering the Land and settling in it. This is determined by the divine politics, which no politics here below could undo".³²⁷

B. A Jewish state and its legitimacy – two visions

In Israel's Declaration of Independence we can witness the position of its writers, which constitutes a combination of instrumental constraints and needs, with expressive declarations regarding the identity of the State and the connection between this identity and territory. This position can be best exemplified in the phrase: "...by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly..." The "historic right" is thus located between the "natural right" of the Jewish people to self determination (which, as stressed in the declaration itself, is a universal right), and the decision of the international community to support the establishment of the Jewish state on the basis of this right. It is thus obvious that, notwithstanding their awareness to the importance of the historic affinity of the Jewish people to its ancient homeland, the formulators of the Declaration refrained from making this argument the sole or even the primary base of legitimacy of the Jewish state.

The State of Israel is the "state of the Jewish people"³²⁸ in the sense that a majority of its citizens are Jewish, rather than in the non-democratic sense that views each and

³²⁷ Rabbi Zvi Yehuda Kook, *In the Public Campaign, (Bama'araha Haziburit)*, p. 112.

³²⁸ This term first appeared in the correction to the "Basic Law: The Knesset" from 1985. It was later substituted for the term "Jewish and democratic state" in the Human Dignity and freedom Basic Law, and finally returned to the law books within the framework of the correction to the law regarding "The Knesset Members' Immunity, Rights and Obligations" of July 2002.

every Jew, even those who are not the State's citizens, as sharing in the ownership over the State, while viewing the State's non-Jewish citizens as lacking this right. In speaking about the relations between Israel and the Diaspora Jews, Ben Gurion said: "The Jews in the Diaspora, who are citizens of their countries and wish to stay there – have no legal or civil affinity to the State of Israel and the State of Israel does not represent them from any legal aspect." At the same time he stressed: "this is not a Jewish state only inasmuch the majority of its residents are Jews. It is a state for Jews wherever they may be and for every Jew who wishes...its gates are open to every Jew wherever he is."³²⁹

This definition thus aimed to express the fact that Israel was established in order to realize the Jewish people's right for self determination,³³⁰ a state in which the cultural character of the Jewish people would be maintained.

There is a principle difference between this approach and the approaches that are closer to the expressive pole, approaches that have reappeared within the Zionist Movement and Israeli public with the establishment of *Gush Emunim* and after the Six Days War. According to these expressive perceptions Israel – as a sovereign state rather than a previously homeless people – is allowed to hold on to territories without granting their inhabitants civil rights, while ignoring the will of these inhabitants as well as international norms, all in the name of the Jewish people's historical right over these territories.³³¹

Thus, according to Rabbi Yehuda Zvi Kook, the State of Israel is "the realization of the vision of redemption", as stressed by Haim Drukman in the eulogy he gave to Kook:

[Rabbi Yehuda Kook, single in his generation]...who perceived to its ultimate depth the messianic expression within the State of Israel...who saw how the light of the Messiah is rising up from the State of Israel...who completely identified with the truth that the State of Israel is a Divine State."³³²

³²⁹ Ben Gurion in the Knesset, July 1950, **Divrei Haknesset**, 6, pp. 20-35. (translation mine)

³³⁰ Yaakobsom and Rubinstein, p. 199.

³³¹ Yaakobson and Rubinstein, p. 64.

³³² In Zartal and Eldar, p. 263. (translation mine)

In this way, according to the ideology of the religious-nationalistic movement, the holiness of the Land was applied to the State – a modern, secular and rational organization.³³³ As for the regime within the State of Israel, Rabbi Kook viewed the State as a vital and necessary step towards the messianic goal of reinstating the rule of the Sanhedrin. A similar approach was expressed by the Rabbi of the Kdumim settlement Daniel Shiloh (who signed with other Rabbis the call for soldiers to refuse evacuating IDF army bases in the framework of the Oslo redeployments):

Zionism is in fact a practical common denominator, although the motivations are different. Sovereignty in Israel is not the hammer with which the Sukkah would be built, nor the oven to make the Matzoth. It is the Sukkah itself and it is the Matzoth. Our attitude towards the State will not change due to the behavior of its ministers and advisors. For us, the State of Israel is a divine thing, and the Israeli governments are manmade. And manmade things cannot undo a divine act.³³⁴

C. Demography

1. Jewish positions in Israel: how do the two different visions – the secular and the religious understandings of the concept of a "Jewish state"– relate to current demographic trends? Ephrat summarizes the failure of the settlement project in the Territories from the demographic aspect:

It is impossible to settle 200 thousand Jews in the Territories while there are 3 million Palestinians there today, and expect to reach a critical mass. The settlement's deployment does not lead to Israeli control over Palestinian habitations, while at the same time creating friction that is not overcome by bypass or separate roads. The outposts do not contribute to settling [the land] or to security. The Palestinians will not consent to the dictations of the Israeli occupation and will not abandon their homes voluntarily.³³⁵

And what does the grand picture look like? According to the Israeli Bureau of Statistics, on the eve of Israel's 57th Anniversary the state included 5,260,000 Jews,

³³³ Ibid.

³³⁴ Ariela Ringel Hoffman, *How to we pick up the pieces*, *Yediot Ahronot*, May 14, 2005. (translation mine)

³³⁵ Ephrat, pp. 222-223. (translation mine)

290,000 non-Jewish immigrants and 1,350,000 Arabs. In the Territories there are today between 3 and 3.5 million Palestinians. According to Prof. Della Pergola from the Hebrew University in Jerusalem, the percentage of Jews (including non-Jewish immigrants) between the Jordan River and the Sea is likely to decrease in 2010 to 51%, in 2020 to 47% and in 2050 to 37%. If we include the non-Jewish immigrants and the foreign workers in the group of the non-Jews, then by 2050 the weight of all these non-Jewish groups between the Jordan River and the Sea would reach 71%.³³⁶ In other words, in a scenario in which entire Mandatory Palestine is a single unit, on the eve of Israel's 100th Anniversary the population distribution would be similar to that which existed prior to Israel's establishment: one third Jews and two thirds Arabs and other non-Jews. In a second scenario in which the State of Israel (with East Jerusalem included) is separated from the Palestinian population in the Territories, Jews would form 74% of the population in 2050, and without East Jerusalem with its current quarter of a million Palestinians, this percent is expected to be even higher.

These numbers rest on a few basic assumptions: the first assumes stability in the birth rates among the Jewish population, which currently stand at 2.6 children in average, with a parallel gradual decrease in birth rates among Muslim women from the current 5 children in average to the Jewish birthrate by 2050. The second assumption is of a total immigration rate that equal zero: that is to say that the vast potential of immigration to Israel from among the 8 million Jews living outside it has exhausted itself, since more than 90% of these Diaspora Jews are living in First World countries, are enjoying a similar or even higher standard of living than that of the Jews living in Israel and do not seek to immigrate to Israel in the foreseeable future. However, in the first scenario in which Israel is not separated from the Palestinian population, even if all 13 million Jews (Israeli Jews and Diaspora Jews alike) could theoretically be brought to live in Israel, no clear solution to the problem would ensue. Two million *additional* Jews would still be needed so as to maintain, throughout the territory of entire Mandatory Palestine, the ratio between Jews and non-Jews that currently exists inside Israel.³³⁷ In fact, such a theoretical exercise becomes even more theoretical if

³³⁶ Della Pergola, 2003, pp. 7-11

³³⁷ Israel Steve, 2002.

we consider that, according to a report of the "Jewish People Policy Planning Institute", the rate of mixed marriages among Diaspora Jews reaches 50%.³³⁸

Historically speaking, in the struggle between Jewish immigration on the one hand and the natural growth among the Palestinians on the other, the first element had the upper hand until 1967. However, the struggle recommenced when Israel conquered the Palestinian territories, and its conclusion might be decided differently this time in light of the great discrepancy between the birthrates of both peoples. The so-called 'demographic race' has also other ramifications. For example, Ephrat relates to its ecological ramifications:

The rapid population growth is leading to severe ecological deterioration throughout all the territory of Israel. This deterioration continues rapidly due to the unique combination of two opposing trends: on the one hand there are population growth rates in [the State of] Israel that characterize a third, developing world, while on the other hand there is a level of consumption that characterizes the Western world, with an ever-rising standard of living. The result is that Israel is quickly nearing the very edge of its capacities in the coastal plane [*Mishor HaHof*], where most of its population is concentrated.³³⁹

A recent research that was prepared towards the Hertzeliya Conference of 2005 includes problematic data regarding significant segments of the Israeli population and is relevant also in regards to the possibility of uniting the Jewish and Palestinian populations in a single state. This research was led by Eli Horowitz - the Chairman of "Teva", and Elhanan Helpman - a recipient of Israel's Prize on Economics. The research determines that the weakest populations in Israel are the Orthodox Jews, the Israeli-Arabs, the Bedouins and the Ethiopian Jews, all of whom suffer from extreme poverty, from an extremely low rate of participation in the workforce and from an extremely low level of human capital, "which places increasing burden on the Israeli economy's growth potential". The research further shows that "there is no economic model in Israel today that would guarantee a high scientific level over time" and that "governmental participation has been cut without alternative funding sources being found". The researchers therefore warn that the scientific level in Israel is gradually

³³⁸ The report was submitted to the Israeli government in July 2005. See institute website: <http://www.jpppi.org.il/>

³³⁹ Ephrat p. 146. (translation mine)

eroding and that this is an especially severe problem in light of competition to Israel's economy from other, developing, countries.³⁴⁰ Therefore, Israel's continuous control over the Palestinian population in the Territories, which is an even weaker population than those described in the report or, even worse, moving to a bi-national state, might bring Israel down to a level of a developing - rather a developed - country, a state where social polarization between rich and poor would undermine its very ability to exist.

Among the Jewish public there is a wide consensus regarding the need to ensure Jewish majority in Israel. As journalist Daniel Ben Simon put it: "The key word in the Israeli existence is a Jewish majority. Israelis will do anything – war or peace – to ensure the Jewish majority and maintain the Jewish tribal fire. After all, we came here in order to establish a Jewish state, and we will not allow its Jewish nature to be undermined. In the race towards this supreme goal there is no difference between secular and religious [Jews]." ³⁴¹ Those favoring the permanent status model, each according to his or her personal interpretation of the 'two states for two peoples' model and of UN Resolution 242, believe that the solution they are suggesting is the only way to ensure the realization of the vision of Israel's 'founding fathers'. Prof. Ruth Gabizon from the Faculty of Law at the Hebrew University in Jerusalem sees Jewish majority as necessary to provide legitimacy, ensuring what she terms "Jewish sovereignty":

The Jewish collective needs sovereignty. In the foreseeable future the Jewish people cannot ensure its own normal existence – physically, identity-wise and culturally – without a Jewish state. However, to maintain a Jewish and democratic state there must be a large Jewish majority within it. Without a large Jewish majority it would be impossible to reconcile the tension between a non-neutral sovereignty – a Jewish sovereignty – and a real democratic regime that provides all its citizens with full human rights. Therefore, the borders of the State of Israel should be delineated in a way that would ensure the existence of that large Jewish majority. The only way to do this is to adopt the two states

³⁴⁰ *The Marker*, June 26th 2005. (translation mine)

³⁴¹ Ben Simon, *The gloomy statistical future of the Jewish majority in Israel*, *Haaretz*, August 30th, 2004. (translation mine)

solution. Dividing the land to a Jewish state and a Palestinian state is the only way to ensure legitimate Jewish sovereignty over a part of the Land of Israel.³⁴²

Ephrat offers a similar solution, from his point of view that combines an expressive need and a universal need:

If Israel were to return to reasonable borders and to free itself from the burden of the large Palestinian population, then Israeli society would be able to renew the Zionist dream of absorbing Jews in conditions of an advanced western society. If the separation between Jews and Arab will not take place quickly, it is obvious that an overwhelming Arab majority will crush the Jewish ambient in the country.³⁴³

Alexander Yaakobson goes even farther and supports division of the land even if it will bring less security, as long as the Jewish majority would be ensured, since losing the Jewish majority for him means the end of the State:

It should clearly be said that if the pessimists are right then we still must divide the land between the two peoples, since if the Israeli Jews would become a national minority in the undivided Land of Israel, this would mean the end of the State. If it is allowed, as most of the right wing agrees today, to evacuate territories in return for peace, then it is even more just to evacuate territories for something more important than peace: the existence of Israel.

He further explains:

The first territories that were passed over to the Palestinians, in the framework of the Oslo Accords, did in fact become a base for terror. This happened during the best and most optimistic period of Oslo – in the days of Rabin's government that was completely committed to the peace process and that blocked, to a large extent, building in the settlements. Terror from Hamas was expected. What was not expected, as far as Oslo's supporters were concerned, is the Palestinian Authority's refusal to fulfill its commitments and act against terror born within its territory. Israel started to evacuate territories and in return received less peace and less security...nonetheless, the decision in favor of Oslo

³⁴² In Shavit, **Dividing the Land**, p. 78. (translation mine)

³⁴³ Ephrat, pp. 146-147. (translation mine)

was a historically just decision, since with it begun the division of the land without which Israel has no future.³⁴⁴

The groups within Israel supporting the "aggressive compromise" conceived by Sharon, are also well aware of these demographic ramifications. They therefore attempt to delineate the State of Israel's borders via unilateral moves such as the disengagement from the Gaza Strip (see Annex V), which supposedly removes from Israel's responsibility about a million and a half Palestinians, as well as by building the Security Barrier in the West Bank. In an interview in April 2005 Sharon said the following:

The demographic consideration played an important part in determining the layout of the separation fence out of the fear of annexing hundreds of thousands of Palestinians who will join Israel's Arabs.³⁴⁵

Later on, on the eve of the evacuation of the Gush Katif settlements he stated:

Gaza cannot be held onto forever. Over one million Palestinians live there, and they double their numbers with every generation. They live in incredibly cramped refugee camps, in poverty and squalor, in hotbeds of ever-increasing hatred, with no hope whatsoever on the horizon.³⁴⁶

Among the third group, the followers of the messianic ideology of the Great Land of Israel, there is a wide range of solutions, all of which do not include demographic separation and all of which negate giving the Palestinian population in the Territories full citizen rights. The moderates within this group are willing to give Israeli residency – but not Israeli citizenship – to those Palestinians who will wish to receive it. Others object even to this solution, preferring to leave the Palestinians in the current right-less situation until, according to their approach, the Zionist project is completed. The extremists, followers of Rabbi Kahaneh, preach for the expulsion of the Palestinians, even via a violent struggle, which they believe it anyway forthcoming.

³⁴⁴ Yaakobson, *Territories for Israel*, *Haaretz*, August 18th, 2005. (translation mine)

³⁴⁵ *King Solomon also gave away territories of the Land of Israel*, *Haaretz*, April 22nd, 2005. (translation mine)

³⁴⁶ Speech by Sharon on August 15th, 2005, source: Prime Minister's Office website

<http://www.pmo.gov.il/PMOEng/Archive/Speeches/2005/08/speech150805.htm>

In light of the developments of the past few years, the discourse regarding the demographic balance between Jews and Arabs in the state of Israel has gradually taken center-stage, especially among left and center Zionist groups. These groups are now utilizing the demographic argument as a new strategy to strengthen their public campaign to reach permanent status and end the occupation.

Related trends concern the Arab living inside Israel. Among the Jewish public there is a growing feeling that the sympathies of the Israeli-Arabs for the Palestinian struggle against Israel are increasing. This, together with the growing involvement of Israeli-Arabs in terror activities and the ever-increasing separatist trend led by the charismatic leader of the Islamic Movement (the Northern Branch) Sheikh Ra'ed Salah from the city of Um El-Fahm, result in growing voices within the Jewish public in Israel that support exchanging territories populated by Israeli-Arabs with the Palestinian state once it is established, in return for Israeli settlement blocks. Support for this idea can be seen in the Tami Steinmetz' Peace Index (December 2005), which is managed by Prof. Ephraim Yaar and Prof. Tamar Herman:

The idea of territorial exchanges as part of a final status agreement, where in return for leaving large settlement blocks in Israeli hands the Palestinian Authority would receive control over the Triangle, including such large Arab habitations as Um El Fahem, receives today the support of 48% of the Jewish public, while 37% oppose it (in a former pole conducted in March 2002 the numbers were identical).³⁴⁷

Similar data was also found by the Israeli Democracy Index of the Israel Democracy Institute, managed by Prof. Asher Arian and others. This poll examined the positions of the entire public, and specifically of Israeli youth, in regards to the suggestion to encourage Arab "emigration":

Only about a third of the Jewish youth object to a policy of encouraging Arab emigration from Israel, as opposed to about 40% of the adults...³⁴⁸

So far not a single player or institution has published a detailed "population swap" plan, nor described the possible legal, social and operative procedures that could lead

³⁴⁷ Peace Index, December 2005, Tami Steinmetz Center for Peace Research, Tel-Aviv University.

³⁴⁸ Israeli Democracy Index 2004, June 2004, p. 43.

to the implementation of such proposals. It is also unclear if such a move is to be implemented only as part of an agreement or even as a unilateral move; only with the consent of the Arab citizens or even without it.

Importantly, voices supporting such proposals can be found not only on the right side of the Israeli political map, as, for example MK Avigdor Lieberman the Chairman of the *Israel Beitenu* party, but also among elements and persons identified with the political left, such as former Prime Minister Ehud Barak.

As this proposal has become increasingly popular within Israeli society, and as it relates specifically to the issue of demography, seeming to offer an elegant solution for redrawing ethnic lines between the two future states in a more homogenic manner, it is worthwhile to discuss it more in depth.³⁴⁹

Those supporting such a 'population exchange' list a number of reasons as justifications:

- a. In the long-term the Jewish majority in Israel will shrink to a point of endangering the Jewish nature of the State of Israel. Thus, there is merit in solutions that will minimize the Arab minority within Israel proper in return for annexing Jewish settlements.
- b. The Arab-Israeli citizens are a "fifth Reich" and an "irridentalist time bomb" (i.e. with inherent separatist trends) that threaten the existence of the State of Israel as a Jewish-Zionist state, and refute the right of the Jewish people for self determination.
- c. Maintaining Israeli control over the large settlement blocks in the West Bank will only be possible in exchange for territory, and thus every effort should be made to minimize the "Jewish cost" of such an exchange.

As a result of this way of thinking, the supporters of this plan aim to "kill two birds with one stone": leaving the settlement blocks of Ariel, Ma'ale Adomim and Gush

³⁴⁹ A detailed critical review of these proposals was published under the title "*Injustice and Folly*" by Arieli and Shwartz, 2006. Critique presented here is taken from this publication of the Floersheimer Institute. See: http://www.fips.org.il/fips/site/p_publications/item_en.asp?doc=stu&iss=gov&iid=751&sid=400

Etzion under Israeli sovereignty, while in exchange "paying" the Palestinian state with areas populated by Israeli-Arabs, with this Arab population thus joining their compatriots in the newly founded Palestinian nation state.

With all the theoretical and populist attractiveness of this proposal, the *de facto* meaning of such a plan, which hides behind the seemingly reciprocal term "exchange of populated territories", is revoking the Israeli citizenship of tens of thousands of Israeli citizens on the sole basis that they belong to the Arab-Palestinian people, turning them into citizens of another country and forcibly detaching them from the pattern of life which they have built for themselves in the State of Israel, transferring them to a different pattern of life.³⁵⁰ In contrast, it is obvious that if in the framework of transferring sovereignty over these Arab habitations Jewish habitations will also have to be evacuated, then the Jewish residents will be given the option of transferring into another home within the State of Israel while, of course, maintaining their Israeli citizenship.

The notable proponents of the idea of "populated territorial exchanges", e.g. Prof. Arnon Sofer from Haifa University and Prof. Uzi Arad from the Interdisciplinary College in Herzeliya, often stress that the territory in question is the area of Wadi Ara and the Northern Triangle, from Umm el Fahm to Marja in the Zemer Regional Council, with a currently resident population of 131,000, as well as the area of the southern Triangle – from Taiyba to Kafr Qasim – containing a population of 97,000 people. In total, we are dealing with a population of 228,000 people constituting approximately 17% of the Arab citizens of the State of Israel.³⁵¹

On the face of it these numbers constitute a significant drop in the relative number of Arab citizens in the State of Israel. However, meticulous examination of each locality in these areas significantly lowers the number of people in the areas under discussion that could actually be transferred to the future Palestinian state (see map no. 14). We shall examine these numbers based on four basic assumptions, and for the purposes of

³⁵⁰ Ibid. p. 82

³⁵¹ Israeli Central Bureau of Statistics, *Population in Habitations by the end of 2005*, Press release, November 9th, 2005.

the current discussion, we shall employ as liberal an approach as possible (i.e. one that allows the inclusion of a *maximal* number of Israeli-Arab citizens):

- Highway no. 6 (“Trans-Israel”): The assumption is that the State of Israel will not wish to cede those Arab localities lying *west* of the road to the Palestinian side, but it is possible that localities adjacent to the road to its *east* might be turned over to the Palestinian state. This is due to the existing precedent in which Palestinian Tul Karm and Qalqilya are adjacent to the road on its eastern ("Palestinian") side.
- Israeli-Jewish Localities: The State of Israel will refrain, as much as possible, from evacuating Israeli-Jewish localities west of the “green line”.
- The Separation Barrier Route: “The Seam-line Zone” reflects, *inter alia*, Israel’s intentions in terms of border alterations vis-à-vis the Palestinian state. The location of Jewish settlements east of the “green line” but still inside the boundaries of the Separation Barrier will prevent the cession of adjacent Arab localities lying west of the Separation Barrier to the Palestinian state.
- The Municipal Territory of the Arab Localities: these territories have been greatly reduced due to expropriations over time. Consent of the Arab localities to be ceded solely with the territory presently annexed to them assumes that they are forfeiting all the lands which were expropriated from them by the State of Israel. For the sake of this discussion, and despite its negligible probability, we shall assume that the territory of the Arab local authorities east of Highway no. 6 is the minimum to which they will consent to transfer to Palestinian sovereignty.

Meticulous examination of the territory under discussion in light of these four parameters indicates that:

- The location of the localities of Jaljulya, Tira, and Qalansuwa, west of Highway no. 6, removes them, with their 44,700 residents, from the potential cession list.
- The proximity of the [Arab] locality of Meiser, with its 1,500 residents, to Kibbutz Metzger, on its west, removes it from the list as well.

- Reasonable territorial cession of the northern Wadi Ara settlements (Umm el Fahm, Ma'aleh Iron Local Council, Ara-Arara) is impossible without forfeiting Road no. 65 (the Wadi Ara Road) and without evacuating the three Israeli localities of Katzir, Mei-Ami, and Harish. Cession of that territory also reduces the possibility of maintaining Israeli sovereignty in the bloc of settlements Shaked, Reichan, and Hinanit, east of the "green line", and eliminates them from the negotiation table, upon which they were placed at Camp David and Taba. Despite this, we shall assume here that Israel will wish to cede this territory even at the price of evacuating the three Israeli localities inside the "green line" and waiving the demand for a border adjustment in the northern settlement bloc.
- Another possibility is that Israel would wish to keep the three Israeli localities west of the "green line" and to annex the three localities east of it, but to do so it must retain under its sovereignty the following Arab localities: Ein es Sahla, Ar'ara, Ara, and Kafr Qari, with their total of 32,000 residents.
- The location of Kafr Bara and Kafr Qasim is west of the western Samaria settlement bloc of Oranit, Elqana, Etz Efraim, and Shaarei Tiqva. This bloc was demanded by Israel in each of the negotiation stages, and was agreed upon in the informal Geneva Initiative. Thus we can assume that these Arab settlements as well must be removed from the list along with their 19,600 residents.³⁵²

Thus, the entire Arab population constituting potential for cession, for the minimal evacuation price of three Israeli localities west of the "green line" (Katzir, Mei-Ami and Harish), while losing Road no. 65 (the Wadi Ara road), is, according to this maximal scenario, 162,200 people, who are 11.8% of the Arab population in Israel and 2.3% of the total population of Israel. This number is a world apart from that mentioned by Avigdor Lieberman – 90% of all Israeli Arabs – as a precondition for his willingness to evacuate his own home in the settlement of Nokdim in the West

³⁵² Arieli and Shwartz, pp. 85-86.

Bank³⁵³. The territory outlined by these parameters is 122 square kilometers. The size of this territory (2% of the West Bank and 0.005% of the state of Israel) may be relevant to the size of territorial exchanges mentioned, for example, in the Geneva Initiative, but is far from being able to “balance” the territorial demand made by Lieberman and others that range from annexing 15% to 30% of the territory of the West Bank.

According to a more minimal alternative, in which Israel would wish to refrain from evacuating any Jewish localities west of the “green line” and to hold on to the Hinanit-Shaked bloc, the number of potential Arab Israeli citizens who would come under Palestinian sovereignty drops to 130,200, constituting 9.5% of the Arabs of Israel, on territory smaller than 100 square kilometers. In sum: not even the maximal alternative can make any significant change in the numeric ratio between Jews and Arabs in the coming years.³⁵⁴

In contrast, any division of Jerusalem into two capitals – a prerequisite for any permanent status agreement – would cede about 231,000 Palestinians who are not Israeli citizens from Israel's total population. This number constitutes 17% of the Arab population currently inside Israel on a territory of almost **one percent** of the West Bank. This move has been demanded by the PLO, is agreed-upon by the Arab residents of East Jerusalem and is supported by nations worldwide.³⁵⁵ .

Given that the Arab population vehemently opposes the proposal to cede Arab localities from within Israel, and in light of the negligible demographic weight of these Arab localities, coercive moves on the part of the State of Israel to realize this minimal and insignificant potential (with or without the consent of the PLO/the Palestinian state), would be pure folly in comparison with the internal and international price which Israel would be forced to pay for their implementation:³⁵⁶

³⁵³ In an interview to the *Tel-Aviv newspaper* Lieberman stated "90% of all Israeli Arabs should be evacuated, including those of Jaffa, Acre and Sahnin". May 28th, 2004.

³⁵⁴ Arieli and Shwartz, p. 86.

³⁵⁵ See, for example, the Venice Declaration of 1980 and the Clinton Parameters from December 23 2000.

³⁵⁶ Arieli and Shwartz, pp. 92-95.

A. Introducing the subject of the Arabs in Israel into the Permanent Status Agreement equation and opening the "'48 files"

Discussion of this proposal, needless to mention acceptance of it, would bring the subject of the Arab citizens of Israel into the permanent status agreement equation. This contrasts with ongoing efforts made by both sides throughout the long years of negotiations to leave the subject of Israel's Arab citizens outside the agenda. From Israel's standpoint, it can be assumed that the following issues would therefore also be placed on the agenda:

- (i) Additional pending issues on the subject of the Arab population of Israel, such as the internal refugees, the land and property which were expropriated, the status of the Arabs in Israel after the permanent status agreement, et cetera.
- (ii) A substantial deviation from the "green line" on a demographic basis, as proposed, might create a precedent regarding Israel's willingness to put the issue of territory inside the borders of the state on the table, especially in regards to territory in areas with large Arab populations (such as the Galilee or the Negev). Drawing the map according to demographic characteristics would bring back onto the agenda the issue of the 1947 partition borders, according to which Israel was to control only 55% of Mandatory Palestine, rather than its current 78% defined by the "green line".

B. Internationalization of the relations between the State of Israel and the Arab minority

A side effect that can be expected following the inclusion of the issue of Israel's Arab citizens into the peace negotiations agenda is the inclusion of this issue also in the international arena. This is since the international community is deeply involved in the negotiations, which so far did not include this issue of state-minority relations, considered to be an internal Israeli affair.

C. Creation of a new agenda in the relations between the State of Israel and the Arab minority

The very discussion of such a proposal will surely open a new, and negative, page in the relations between the State of Israel and its Arab minority. The very discussion of

such a plan – needless to say its implementation if things would go that far – would strengthen the current trends that de-legitimize Israel's Arab citizens in the eyes of the Jewish majority, portraying them as second class citizens and as constituting chiefly a demographic threat.

Until now, the Arab population's political and public struggle has been driven by a two-pronged strategy, with each track mostly remaining separate: the struggle for peace, which has been led mainly by the parties in the Knesset, and the struggle for equality, which has been led primarily by the municipal government heads and civil society organizations working for social change. It is likely that the proposal for exchange of populated territory and revocation of the citizenship of tens of thousands of Arabs would bring about the collapse of this strategy, which has recognized the Israeli system, and has been working inside it and aspiring to change it from within. It is to be expected that the responses in the Arab population would be a total loss of faith in Israeli democracy and an abrupt and irreparable abandonment of cooperation. Arab citizens are likely to abandon the current trend of lawfulness and good citizenship that has characterized their overwhelming majority, while strengthening irredentist trends and even possibly leading them to implement actions against the state. It is furthermore likely that such negative trends will lead to a principle discussion regarding the existence of the State of Israel as a Jewish and democratic state, and regarding the nature of the connection between these two terms on the daily level for those who are not part of the Jewish people.

Obviously, if such a proposal would be realized, it will severely undermine all daily life systems of those to be transferred to the Palestinian state, as well as of a large segment from among Israel's Arab citizens who are tied by family, social and economic links to the citizens who will be transferred.

2. The Palestinian position on demography: The Palestinians' position on the issue of demography relates to both the areas of the State of Israel – inasmuch as it discusses the issues of refugees and the exchange of populated territories – and in regards to the possible existence of a Jewish minority in their future state. The second issue, of a possible Jewish minority remaining in the future Palestinian state, was discussed in

the informal "Beilin-Abu Mazen accord" (see Annex M). At the time, Abu Mazen (currently the President of the Palestinian Authority), agreed to the possibility of Israelis remaining as a minority in a Palestinian state. However later on, in light of the escalation of the conflict between the sides over the past few years, this option was also taken off the table. In the more recent informal initiatives, "the People's Voice" and the "Geneva Understandings", it was determined that no settlers would be left in the Palestinian state, although the representatives of the PLO were willing to accept individual Jews settling within the Palestinian state, if this is not done within a communal framework.³⁵⁷ Hamas rejects any such possibility and, as one of its preconditions for an interim agreement with Israel, is demanding the removal of all settlements and the evacuation of all settlers.³⁵⁸

This Palestinian position will have to deal, in any future negotiations, with Israeli public opinion as has been manifested, for example, in a survey conducted on May 2005 by the Center for National Security Research at Haifa University. According to this survey, about 42% of the Jews asked said that no territories should be transferred to the Palestinians, even in the framework of a peace agreement, or that not settlement should be dismantled even in a peace agreement.³⁵⁹ This means that even within the peace-supporting public there are those who believe that peace can be achieved without settlement evacuation, and furthermore, that there are those who would like to see a Jewish minority in the future Palestinian state, similar to the Arab minority living within the Jewish state.

As has been described above, the UN initially perceived the option that 10,000 Jews would remain within the Arab state proposed in 1947 as an element that would promote a stable relationship between the sides. Prof. Ruth Gabizon thinks so as well:

The strategic goal of the State of Israel should be two states for two peoples. However, the vision should be that within the Palestinian state there could be a Jewish minority. A

³⁵⁷ It should be mentioned that after almost 30 years of peace with Egypt, more than 10 years of peace with Jordan and a call made by the King of Morocco inviting Moroccan Jews to return there, no voluntary movement of Jews to these Arab states has been registered.

³⁵⁸ Dr. Mahmoud Al-Romhi, *Al-Hayat Al-Jadida*, January 19th 2006.

³⁵⁹ *Maariv*, June 26th, 2005.

Palestinian state empty of Jews is a wrong idea. It is an idea that does not go hand in hand with peace.³⁶⁰

Yontan Basi who also supports the division of the land to two states believes as well

...that we cannot continue on the road leading to the situation in which within the Jewish state there is an Arab minority and within the Palestinian state there is no Jewish minority. This is an equation... that has an element of *judenrein*. Therefore...we should categorically add to the demand to establish two states the demand that in each of the states there will remain a minority of the other people.³⁶¹

Others within the Israeli public object to this option for fear that most of the Jews that would wish to remain in their homes within the Palestinian state would be extremists who prefer the Land of Israel over the State of Israel, who might intentionally work to sabotage the agreement's success and stability.

The issue of allowing Jews to remain in the future Palestinian state should be discussed in the framework of a permanent status agreement. I believe that the Palestinians will not agree, and rightfully so in my view, that those Israelis remaining in the Palestinian state would enjoy a special status according to which they will continue to be citizens of Israel. In addition, while discussing their definition as residents of the Palestinian state there will be a need to agree on their communal organization on the ground – in terms of settlements or on private properties - which will also have ramifications regarding the issue of territory calculation.

As for the second demographic issue of the Palestinian refugees, some view this issue as "the main demographic-political tool for subverting the Jewish state."³⁶² Hamas has repeatedly demanded the return of all the refugees in return for any interim agreement with Israel. The representatives of the PLO, according to Malley and Agha's analysis, tried to reconcile between Israel's demographic constraints and the need to recognize

³⁶⁰ In Ari Shavit, *Dividing the Land*, p. 82. (translation mine)

³⁶¹ *Haaretz* weekend edition, July 8th, 2005. (translation mine)

³⁶² Morris, *An Interview with Ehud Barak*, in Rubinstein (ed.), p. 102.

some form of the "right of return" in a way that would prevent the total delegitimization of the agreement in the eyes of the Palestinian refugee community.³⁶³

In contrast to the relatively moderate positions it presented in the negotiations with Israel, the leadership of the PLO speaks a different language vis-à-vis Arab audiences. For example, Nabil Sha'ath, who at the time served as the Palestinian Minister of Foreign Affairs, wrote in an article published in July 2000 in *Al-Ayam* newspaper:

We are in the stage of reclaiming all rights usurped from us in 1967, and any right usurped from us in 1948 – at least as far as the refugees' rights are concerned. These rights made us return in Camp David to the "Naqba" – to our right that stems from the "Naqba" and not from the occupation of 1967.³⁶⁴

A little later on, in November 2000, Abu Mazen also published an article in the daily *Al Hayat* published in London:

The issue of the refugees was no less important than the issue of Jerusalem...we have encountered, and we will still encounter, harsh objections on the part of the Israeli government, since this means, in the bottom line, changing the demographic nature the Israelis wish to maintain...it should be stated in this regard, and we have made this clear to the Israelis, that the right of return means return to Israel and not to the Palestinian state, since the lands of the Palestinian Authority, which in the future will be the State of Palestine, were not the element that expelled the refugees but rather the one that absorbed them ...and therefore when we are talking of the right of return we are talking about the refugees' return to Israel, since it was the one that expelled them and since their property has remained there...³⁶⁵

Andre Dreznin continues to bring similar statements made by Palestinians who were also party to the People's Voice and to the Geneva Initiative, so as to prove his claim that the Palestinians have never and will never renounce their demand for an actual return. However, he ignores a number of central facts, including the formal positions the PLO presented during the negotiations; the weight of signed agreements in the

³⁶³ Malley and Agha, *A Reply to Morris and Barak*, in Rubinstein (ed.), p. 127

³⁶⁴ In Andre Dreznin, "The Right of Return – the Illusion of the Israeli Peace Camp", *Hagada Hasmalit*, July 5th 2004. (translation mine)

³⁶⁵ Ibid. (translation mine)

current international system; and the wave of criticism and threats voiced by the extremists from the Arab world and the Palestinian public – e.g. Hamas, Islamic Jihad, Hezbollah and Al Qaeda – against any Palestinian that would dare to present a position of compromise in this regard. In fact, this harsh criticism attests to the fact that in all the formal and informal proposals made, the pragmatic and moderate Palestinian leadership admitted that a significant return of Palestinian refugees into the State of Israel itself will not be feasible.

According to the formulas that began to emerge on the eve of the Camp David Summit (which later were agreed upon within the informal Geneva Initiative), the practical manifestation of the right of return would be only a few tens of thousands of Palestinian refugees who would be able to live inside Israel. It is important to note that this number is insignificant for the demographic balance within Israel for a number of reasons: first of all, according to the calculations made by De La Pergola, even an addition of 100,000 refugees will not alter the ratio between Jews and Arabs in more than a single percent³⁶⁶; second, a permanent status agreement will put an end to the existing process of numerous Palestinians entering Israel throughout the years – both legally and illegally. Arnon Sofer and Gil Shalev have researched and found that about 92,000 Palestinian refugees received Israel's consent to enter Israel as part of family unifications since 1948, about a third of them since the Oslo Process. In addition, they estimate, about 300,000 refugees entered Israel illegally: "according to minimal estimates, about 60,000 refugees entered into the Northern Negev region, about 50,000 "returned" to the Galilee, about 10,000 "returned" to the villages of the "Triangle" and about 120,000 entered into East Jerusalem in two "waves" – the more recent of which has been after the building of the Separation Barrier around the city began. If we add to these the population that "returned" to Israel up until the "Oslo Agreement", we are talking about a population of over 300,000."³⁶⁷ And the third reason for the insignificance of the number of the refugees that would be allowed to enter Israel is that in the framework of the same permanent status agreement a quarter of a million Palestinian residents of East Jerusalem would move to Palestinian

³⁶⁶ Della Pergola, 2003, pp.7-11

³⁶⁷ Sofer and Shalev, p. 7 (translation mine)

sovereignty, losing their Israeli citizenship and returning the ratio between Arabs and Jews within the State of Israel to 16% vs. 84% respectively, as it was on the eve of the Six Days War.

In regards to the exchange of populated territories, the Palestinians' formal position is clearly and unambiguously negative. Hamas demands a complete withdrawal of Israel to the pre-67' borders, including in Jerusalem, and the dismantling of all the settlements in return for an interim arrangement that would be based on the establishment of an independent Palestinian state in the Territories. Therefore, exchanging territories is not part of its agenda, while in addition being meaningless due to Hamas' perception that all of Palestine is part of the Muslim Waqf lands. Hamas therefore views such proposals as justifications for continuing terror. As Mahmoud A-Zahar said: "...but the Israeli enemy is threatening to return to the Gaza Strip, is present in the West Bank and Jerusalem and is threatening to expel the Arabs of 48'''.³⁶⁸ For its part, the PLO will not agree to such proposals as long as the Arabs residing in the areas that are to be ceded object to it themselves. Moreover, even if the Arab residents agree, the PLO may still continue to object to the exchange of populated territories. Six main reasons can be listed for such objections:

- a. The principle position of the PLO, (an organization in which Israel's Arab citizens are not represented), was throughout all the years that the issue of Israel's Arab citizens should be resolved within the State of Israel, through democratic means. The PLO thus refused to discuss this issue in the framework of its negotiations with Israel.³⁶⁹

³⁶⁸ MEMRI, November 15th, 2005, taken from www.elaph.com of October 2nd, 2005.

³⁶⁹ For example, in the summary of a major conference held in Ramallah in March 2005 to mark ten years to the establishment of the Palestinian Authority, it was stated: "In terms of strategy [for the Palestinian Minority in Israel], most agreed that engagement with rather than self exclusion from the Israeli political system and society was the only feasible way forward. This was viewed as necessary both to prevent the implementation of solutions defying the minority's rights (such as the annexation of the 'little triangle' to the future state of Palestine) and to promote more effectively the Palestinian cause", *The First Ramallah Conference: 10 Years of the Palestinian Authority*, March 2005, pp. 20-21

- b. According to the PLO's perception, the proposals discussed in the past for territorial exchange between the sides aimed to allow the future Palestinian state to have additional vacant territories to absorb the refugees that would wish to return to it, as well as to compensate land owners whose lands were confiscated for the construction of Israeli settlements. Receiving instead densely populated territories, absent most of the related agricultural lands that have been expropriated by Israel, will fail to serve these Palestinian needs. If the populated territories would be transferred as an "extra" - in addition to territorial exchange of unpopulated lands - then the PLO may accept such a proposal on the territorial basis, providing that the Arab residents themselves agree with this move.
- c. The Palestinian side does not accept Israel's demand to leave under its sovereignty distant settlement blocks in the heart of the Palestinian state, regardless if the intent is to exchange them for populated or unpopulated territories.
- d. The Palestinian side has no real advantage in absorbing the area of Wadi Ara into its territory. The fact that the residents of Um El Fahem and the other villages of Wadi Ara have been part of Israeli society – and are therefore used to democratic life, a relatively high standard of living and a Western economic and administrative culture, will make it difficult for them to integrate into the Palestinian state, as it is reasonable to assume that the Palestinian state will surely not be able to offer them similar terms during its first years. It is thus safe to assume that these residents will be a source of ongoing unrest and fermentation within the Palestinian state. Moreover, due to their contacts with other citizens of Israel and their location on the frontier between the two states, they might cause severe damage to the relations between the states of Palestine and Israel. On the other hand, this public can be seen as an asset with numerous economic capabilities, which would positively affect the economic level and democratic nature of the Palestinian state.
- e. The transfer of the leadership of the Northern Faction of the Islamic Movement in Israel into the Palestinian state, in light of the tension between

Hamas and Fatah,³⁷⁰ may add a significant ideological and organizational hardship to the Palestinian Authority.

- f. It also seems that there is a Palestinian interest in a large and well-organized Arab minority remaining within Israel, so that this group would be able to democratically influence Israel's policies on issues that relate to Palestinian interests. There is thus no reasonable cause to believe that the Palestinian state would have an interest to agree to a move that would minimize the number of Arab citizens within Israel, in a way that would weaken their internal influence over the Israeli system.

3. Positions in the international arena: Contrast to its traditional position, the Arab world currently *de facto* conditions the resolution of the refugees' issue on Israel's consent, as part the framework of the Arab League's Peace Initiative from 2002 (see Annex P). The international community headed by the US also recognizes Israel's demographic constraint, viewing it as an important element. In his letter of April 2004 to then-Prime Minister Ariel Sharon, US President Bush wrote: "It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel."³⁷¹

D. Geography

³⁷⁰ There are those who may claim that, in a situation in which Hamas would overtake control over the Palestinian Authority becoming itself the ruling party, this may actually serve its interest. To those we may answer that in such an eventuality it is highly unlikely that a Palestinian state would be established in the framework of an agreement with Israel, at least as long as Hamas has not changed or annulled its charter calling for the destruction of Israel.

³⁷¹ Bush's letter to Sharon, Ministry of Foreign Affairs website, published in Hebrew in *Haaretz* on April 15th 2004.

Most of the international conflicts in the 20th century occurred due to opposing territorial claims of peoples and states. In a significant portion of these conflicts, the claim to create an overlap between the nation and the borders of sovereignty served to justify territorial expansionism. In this context territorial claims aiming to protect the "nation's birthplace" or the "historical homeland" are extremely prevalent.³⁷² In the Israeli context, while the expressive claims voiced by the religious-nationalist stream have a backwards-looking justification, the secular parties' claims in the instrumental-territorial pole look more towards the present and the future, especially inasmuch as political decisions are concerned.

1. Positions inside Israel: based on this difference between the two basic approaches, we can now analyze the various positions that exist within Israel in regards to the territorial aspect. The fact that Israel has no permanent borders splits the Israeli public to three basic approaches: the messianic-redemptive approach, supporters of permanent status, and supporters of the aggressive compromise. In other words, on the one hand there is a small camp that wishes to use force so as to forcefully settle among the Palestinians and disinherit them, on the other hand there is a small camp that is willing to use force to protect Israel proper while recognizing its neighbor, and in between the two there is a camp that wishes to fortify the area in which Jews reside, but without dialoguing with their neighbors.

In regards to the group favoring permanent status, their geographical solution is based on UN Resolution 242 and on the 1967 borders. This solution also basically adopts the precedent of a 1:1 territorial exchange that was set in the Israel-Jordan Peace Agreement in 1994. The solution further assumes that under permanent status new geopolitical conditions would be created, so that there would no longer exist a vital strategic security need to control the West Bank. This last assumption, that territory is less important than a peace agreement, is based both on the fact that in each of the past negotiation efforts the Palestinians accepted Israel's demand that their future state be demilitarized (also in regards to foreign armies) and without heavy

³⁷² Gal Nur p. 26

weaponry, as well as on a wider regional outlook. Eitan Ben Eliyahu, former-Air Force Commander, explains this outlook as follows:

The likelihood that in the foreseeable future Israel would be exposed to a large-scale land attack from a wide Arab coalition has decreased significantly. This is due to the change in Iraq's nature, Syria's weakness, the growing American influence over the region and the peace agreements with Egypt and Jordan. The information revolution and the advanced weaponry in the battlefield have significantly increased Israel's ability to protect itself in wartime, even from a limited territory.³⁷³

In regards to the economic importance of maintaining control over the Territories, Braver determines that "the Gaza Strip has no element that Israel needs; it is dependent to a large extent on Israel's favors." And as for the West Bank he states:

The agricultural land resources in Judea and Samaria are, as mentioned, poor in quantity and quality, and the development potential in this sphere, which is the most important local resource of sustenance, is limited. The value of other resources is low and they are able to provide sustenance only to a small portion of the population. The only resource that partially originates from these areas, in which the Israeli sovereignty span has a significant interest, is water.³⁷⁴

As can be remembered in the early years the Zionist Movement made territorial claims that were based on the need to control the "agricultural granary" on both sides of the Jordan River. However, here we can see a drastic change in the standing of agriculture within the State of Israel: "when you check a little more in-depth you discover that agriculture is actually dead. It provides less than 2% of the state's GNP, exports for less than a billion dollars per year, employs less than 2% of the manpower in the market, and out of those almost 30% are foreign workers."³⁷⁵

The right wing views the issue of territory differently. Netanyahu, for example, believes in the "all or nothing" approach, claiming that:

³⁷³ In Shavit, *Dividing the Land*, pp. 45-46. (translation mine)

³⁷⁴ Braver, p. 213. (translation mine)

³⁷⁵ Tzuriel-Harari "The End of the Farmers' Era", *Globes*, August 3rd, 2001. (translation mine)

The conflict is not about specific territories of the Land, but over the Land as a whole. The conflict is not territorial, but existential. The issue at stake is not whether the border would pass in this path or in that path, but the national Israeli existence. They do not want a Palestinian state side by side with Israel, but a state instead of Israel.

Thus, according to his approach, agreements are irrelevant, and instead:

We should create a standing deterrence vis-à-vis the Palestinians until...their desire to destroy the state of Israel would be neutered and until their self determination, which is built upon the negation of Zionism, would become a positive self determination.³⁷⁶

Sharon, and others supporting the view that a permanent status agreement is unrealistic, favoring instead long-term interim arrangements, also view the issue of geographic developments in a different way than the supporters of permanent status. In regards to the Gaza Strip, Sharon's Advisor Weisglass stated that "Arik does not view Gaza today as an area of national interest."³⁷⁷ However, in regards to the Jordan Valley, Sharon himself stated in 2005:

It is true that today we are in a sort of an ambient of change, but we do not know what the coming days may bring, and when one refers to a state like Israel – a small thing lacking [territorial] depth – this issue cannot be taken lightly just because today there are democratic elections in Iraq and that problem has decreased or because today there is the Hashemite dynasty with which we have very close relations. The Jordan Valley is a very important thing, and this is not only the Valley, but also [the area] up to the Alon Route and one step above the Alon Route. I believe that this area is of the outmost importance, surely until we have seen that the situation in the Middle East has changed.³⁷⁸

So, according to this view, when can we know that the situation has, in fact, changed? In 2004 Weisglass stated: "Arik rightfully believes that we are still very very far away from the time in which final agreements would be able to be signed regarding Judea and Samaria" or "until the Palestinians become Finlandians."³⁷⁹

³⁷⁶ In Ari Shavit, **Dividing the Land**, p. 150. (translation mine)

³⁷⁷ Ibid. p. 117 (translation mine)

³⁷⁸ *Haaretz*, April 22nd, 2005. (translation mine)

³⁷⁹ In Ari Shavit, **Dividing the Land**, p. 117. (translation mine)

Olmert, Sharon's successor, gave a speech in January 2006 in the Hertzeliya Conference, titled, "*Israel Prefers an Agreement*", in which he stated:

The existence of a Jewish majority in the State of Israel is not reconcilable with ongoing control over the Palestinian population in Judea, Samaria and Gaza...the choice between the wish to allow every Jew to live anywhere in the Land of Israel and the existence of Israel as a Jewish State, obliges relinquishing parts of the Land of Israel. This does not mean renouncing the Zionist dream, but rather the essential realization of the goal of Zionism – ensuring the existence of a Jewish and democratic state in the Land of Israel."

However, in the very same speech, Olmert still remained consistent with his predecessor's territorial suggestions to the Palestinians in return for a peace agreement, saying that "Israel will maintain under its control the security areas, the Jewish settlement blocks and those locations that have a superior national significance for the Jewish people, most importantly a united Jerusalem under Israeli sovereignty."³⁸⁰ In reality, these areas include dozens of percents of the West Bank's territory.

Both these camps, of Netanyahu and of Sharon-Olmert, declare their wish to prevent the establishment of a viable Palestinian political entity. In fact even if, according to the right wing in Israel, the Palestinians were to receive a political standing (a state or autonomy) in the areas currently under their control – about 45% of the Territories, which is the territory some view as the maximal compromise the right wing would support – this would not constitute a viable state. According to Efrat:

The extreme division of the areas under the Palestinians' control as A and B areas, which include many dozens of settlements in C areas, do not allow effective control, unless they would be unified to create a regional continuance with geographical depth. The strange spatial mosaic that was created during the years of the Interim Agreements cannot ensure a Palestinian state in the West Bank that would have any level of reasonable functioning, just as the C areas in the West Bank do not allow effective security control.³⁸¹

³⁸⁰ Stand-In Prime Minister Ehud Olmert, **The Hertzeliya Conference**, January 24th, 2006. (translation mine)

³⁸¹ Efrat, p. 47. (translation mine)

The supporters of the third approach, those from the messianic-nationalistic camp, go even further and "do not believe in substantial agreements with the Palestinians",³⁸² viewing the conflict as an ongoing natural state that serves their territorial aspirations. According to their belief the State of Israel is capable of ensuring its existence and widening its borders – with the help of God. They claim that since the days of the Bible war has been described as the natural state of relations between political groups, and view war as a legitimate means to achieve goals that were set by God as well as by people. God has various uses for the tool of war: to punish, to revenge and to educate in response for breach of moral norms.³⁸³ The members of this group view any compromise over the territories of the Land of Israel as forbidden, as this would attest to the weakening of their faith in God's power, unless they absolutely have to. As Zeev Hever put it:

You reach a conclusion that under extremely difficult conditions you must withdraw. But withdrawing is done with a clear internal understanding that there is not other choice, and without any questioning of [our] right. You say "the right it absolute and justice is on my side, but in the current generation I do not have the power to implement it".³⁸⁴

It is important to note that, historically speaking, the settlement project throughout the entire Land of Israel has been accompanied not only by the creation of settlements but, more than a few times, by the total or temporary evacuation of settlements for security, military, economic, social or even political motivations. Thus, from the 1880s until 1918, about 60 Jewish habitations were established, but about half of them were abandoned for various periods. During the period of the British Mandate, more than 40 habitations were temporarily abandoned, out of the 250 habitations established during that period. Similarly, since the State of Israel was established, about 850 new habitations were established in it, but about 40 habitations were also temporarily or definitely abandoned.³⁸⁵

³⁸² Benzi Liberman, YESHA Council Head, *Galei Zahal Radio*, July 6th, 2005. (translation mine)

³⁸³ Dani Gimshi, "An Alternative Sociology of War and Peace", *Kaveret*, February 10th 2005, p. 10.

³⁸⁴ In Shavit, *Dividing the Land*, p. 126. (translation mine)

³⁸⁵ Efrat, p 178.

Some of the supporters of the redemptive approach believe that in order to prevent Israeli authorities from evacuating settlements all means are justified. Back in the 80s, journalist Hagai Segal, then a member of the Jewish Underground, stated that the underground's plans to blow up the Dome of the Rock in Jerusalem aimed "to stop the evacuation of the habitations of the Yamit Region [in Sinai], and in fact to ensure that no precedent of the evacuation of Jewish habitations and their voluntary abandonment by us would be created."³⁸⁶ The Jewish Underground also used violence against Arabs, and its members claimed in court as their defence: "we scornfully reject the attempt to put us to trial as criminal offenders. We are no worse than Yizhak Shamir, Menahem Begin and their friends who strove to protect their people and their homeland during the 30s and 40s."³⁸⁷ Pinhas Valerstein, one of the heads of the *YESHA* Council, went as far as to state the punishment of those who would evacuate settlements by the orders of the democratic institutions: "whoever takes part in the hideous crime of uprooting habitations will not be forgiven...and whoever uproots habitations and destroys them should be sentenced for life – not as mere revenge, but as fully punishing those who have committed a crime against the Land."³⁸⁸

In following this approach, during the implementation of the Disengagement Plan and the evacuation of settlements from the Gaza Strip and Northern Samaria, we witnessed an ongoing uncompromising struggle – including the use of force by a small portion of the settlers – in an attempt to prevent the implementation of the evacuation plan that was decided upon by the government and the Knesset, and that received the legal approval of the Supreme Court of Justice. Similarly, when attempts were made to evacuate even a small number of the illegal outposts, we saw force and violence used against the IDF and the Israeli Police. For example, in the evacuation of the houses built illegally in the illegal outpost Amona near Ofra on February 1st, 2006, 216 demonstrators and security forces' members were wounded as a result of such violent resistance and the Knesset consequently decided to establish a Parliamentary Commission of Inquiry to investigate the events.

³⁸⁶ In Zartal and Eldar, p. 107. (translation mine)

³⁸⁷ Nadav Shragai, *Menahem Livni and the Pragmatic Terrorism*, *Haaretz*, May 8th, 1985. (translation mine)

³⁸⁸ Zartal and Eldar, p. 105. (translation mine)

It is important to stress that the struggle pursued by the heads of the settlers from *Gush Emunim* regarding the layout of the settlements in the Territories, takes place today against the legal and elected Israeli institutions, rather than against a hostile foreign rule (although some of the extremists from this group are comparing the current rule to the British rule before the State was established). The crucial difference is that at the time of the British Mandate the goal was of widening territory in the framework of the struggle on the state-to-be, while at present the Israeli interest is much wider – as the most important strategic goal of Israel today is to reach a permanent status and regional peace. Such regional peace will ensure Israel's security within the surrounding Arab arena significantly more than a few additional hundreds of square kilometers in the West Bank.

This truth was well understood by Ben Gurion back at the end of the 1948 war. Immediately after the Israeli-Jordanian agreement was signed in Rhodes in April of 1949, Ben Gurion told reporters that he is well aware of the extent to which Israel's borders are not ideal from the security aspect: "our country is small, and it makes no difference whether it lies on both sides of the Jordan River or only on its Western side. Even if we would have had the ideal borders – it would have remained a small state when compared with the vast expanses held by the Arab nations."³⁸⁹ Therefore Ben Gurion preferred to make the most of the ceasefire agreements, out of his belief that these will lead later on to peace accords with the Arab world.

2. Palestinian positions: The Palestinians from the mainstream of the PLO and Fatah are consistent in their demand to establish a Palestinian State in the 1967 borders with East Jerusalem as its capital. During the course of negotiations the Palestinians furthermore acknowledged the precedent that was set in the peace agreement with Jordan of 1:1 territorial exchanges. The argument remains regarding the extent of these territories and their exact location. While the Palestinians have offered to exchange between 2-3% of the West Bank, Israel's last and most advanced position in the Taba Talks of December 2000 has been an exchange of between 6-8% (see maps

³⁸⁹ In Elhanan, p. 439.

no. 10-11).³⁹⁰ In the framework of the informal Geneva Initiative, detailed territorial exchanges were agreed upon, encompassing 124 square kilometers, which are 2.4% of the West Bank (see map no. 10).

Among the religious Palestinian factions of Islamic Jihad and of Hamas, different positions can be identified, as exemplified in the following sermon:

The land of Muslim Palestine is one, indivisible unit. No different exists between Haifa and Nablus, between Lod and Ramallah and between Jerusalem and Nazareth...the land of Palestine is holy Waqf land for the benefit of all Muslims, from east and west. No one has the right to divide it or give away any part of it. The liberation of Palestine is a duty that rests upon all the nations of Islam, and not only upon the Palestinian nation.³⁹¹

3. Positions among the international community: most of the Arab states are supportive of the formal Palestinian position, adhering to the Arab interpretation of UNSCR 242 as it was implemented also in the peace agreements with Egypt and Jordan (i.e. Israel returning *all* the territories it occupied in 1967 in return for peace). Importantly, the international community is currently led by the United States, and while in December 2000 then-President Clinton suggested the establishment of a Palestinian state on 97% of the Territories, his successor Bush returned to Resolution 242 with agreed-upon changes:

As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same

³⁹⁰ For a detailed discussion of the Israeli and Palestinian negotiation positions regarding territory see Pundak and Arieli, 2004.

³⁹¹ Excerpt from a sermon that was broadcasted by the Palestinian radio station on April 30th 1999, which was published in the *Boston Globe* by the Israeli Prime Minister's Office. (translation mine)

conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.³⁹²

As for the expected international positions, it may be insightful to quote Robert Kagan, a Senior Associate in the Carnegie Endowment for International Peace and a Co-Editor in the *Weekly Standard* and the *New Republic* in regards to the United States' and Europe's basic positions. Even back in 2002 Kagan wrote that in President Bush's second tenure the US is expected to continue promoting its basic attitude vis-à-vis both sides on the basis of its fundamental perceptions, as follows:

Americans generally see the world divided between good and evil, between friends and enemies...When confronting real or potential adversaries, Americans generally favor policies of coercion rather than persuasion, emphasizing punitive sanctions over inducements to better behavior, the stick over the carrot. Americans tend to seek finality in international affairs: They want problems solved, threats eliminated. And, of course, Americans increasingly tend toward unilateralism in international affairs. ...i.e. as long as Israel will enjoy its current standing in the American Administration and the Palestinians will be conspicuous in their weakness confronting terrorism, the US will help the government of Israel to push away other pressures, but will try to prevent Israel from determining new facts on the ground in the Territories. At the same time, the fact that this is Bush's second tenure, the instability in Iraq and the American effort to bridge the gaps with Europe, might bring about American pressure on Israel immediately after the 2006 elections, due to efforts to strengthen moderate elements within Palestinian society and to prevent regional deterioration.

Kagan continued to explain the principle European position, which supports the resolution of the conflict on the basis of Resolution 242, as it was again manifested in UNSCR 1397 of March 2002 (see Annex Q):

Europe's weakness relative to the United States has produced ... a powerful European interest in inhabiting a world where strength doesn't matter, where international law and international institutions predominate, where unilateral action by powerful nations is

³⁹² Bush's letter to Sharon, April 14th 2004. source: Israeli Ministry of Foreign Affairs Website.

forbidden, where all nations regardless of their strength have equal rights and are equally protected by commonly agreed-upon international rules of behavior.³⁹³

What this means is that Europe will tend to adhere to the resolutions of the UN, will support an Israeli withdrawal to the 1967 lines, but will also agree to any solution that would be acceptable to both sides. On the other hand, a political stand-still and determination of new facts on the ground by Israel's governments will be reciprocated with a hostile front and even with increasing sanctions by the European Community.

³⁹³ Robert Kagan, *Power and Weakness*, *Policy Review*, No. 113 (June and July 2002). Published in Hebrew (with additions regarding the ramifications of US and European policies regarding Israel) in *Tehelet*, Fall 2002, pp. 39-70.

Epilogue

We have seen that the connection between geography and demography has important and significant ramifications for the State of Israel's character and regime. This issue obliges the state to reach a decision regarding the future of the Territories, a decision that at its core must be a political one.

Ehud Barak once stated that the "regional window of opportunity [to reach regional peace agreements]...would close when and if Iran and/or Iraq obtained nuclear weapons and when and if Islamic fundamentalist movements took over states bordering Israel."³⁹⁴ If this analysis is correct, then we might be close to the closing of this window of opportunity in light of Iran's persistent attempts to reach nuclear capabilities, Hezbollah's growing influence in Lebanon and Hamas' victory in the Palestinian parliamentary elections. However it seems that positions adopted by the UN and US regarding the Iranian nuclear issue, the regime change in Iraq, and Syria's position, still allow for a political process that would be based on the relevant UN resolutions – of course, if Israel honestly wishes to pursue it.

The nature of Israel: The approach presented by Sharon, Ye'elon and others in regards to the conflict with the Palestinians promises us nothing but a future similar to Israel's war-laden past. Prof. Zeev Maoz describes this combative past as follows:

An examination of the wars between states and between citizens since 1816 shows that the State of Israel takes first place as the most combative state: six international wars, three wars with civilians (Palestinians) and more than one hundred limited international military conflicts. These "achievements" place Israel at the head of the list of the most combative states relative to their political history.

This past mirrors, in his opinion

³⁹⁴ Morris and Barak in Rubinstein (ed.), p. 106.

A basic worldview that is common to an entire stratum of people who are leading Israel since its establishment. His [Ye'elon's] words mirror a fatalistic conscience, which assumes an eternal conflict with the Arab world regardless of Israel's actions or errors. Even worse, they show an unambiguous preference of military force over alternative approaches. These two contradicting elements in the worldview represented by Ye'elon, form an obstacle to any real effort to resolve the conflict and establish a normal civilian society. Both the paranoia and the belief in the power of power subjugate Israel's political, social, economic and educational goals to the policy of security. They transform the army and its commanders into the delineators of policy and the shapers of values. They bequeath a Spartan political and social system to the younger generation and prevent any real and substantial change in the makeup of the regime or of national priorities. The vision Ye'elon draws for the State of Israel is bleak not for the reasons he lists, but due to the fact that people like him have central roles in the shaping of its future.³⁹⁵

Kagan has an interesting metaphor through which he describes what he calls the "psychology of weakness" which, I believe, should guide Israel in its future relations with the Arabs:

The psychology of weakness is easy enough to understand. A man armed only with a knife may decide that a bear prowling the forest is a tolerable danger, inasmuch as the alternative — hunting the bear armed only with a knife — is actually riskier than lying low and hoping the bear never attacks. The same man armed with a rifle, however, will likely make a different calculation of what constitutes a tolerable risk. Why should he risk being mauled to death if he doesn't need to?³⁹⁶

Israel, which initially accepted the Partition Plan borders, succeeded throughout the years to thwart attempts made by the Arab world to destroy it, even though at the time Israel was only armed with a "knife". Today Israel is armed with a very big "rifle", with most of the Arab world and the Palestinian people accepting — albeit reluctantly — its existence and its right to live in peace and security, as has been declared and signed in numerous agreements. Therefore, while Israel should not throw away its "rifle", it should use the political window of opportunity so as *not* to fire it. The unilateral withdrawals Israel implemented from Southern Lebanon and from the Gaza

³⁹⁵ Maoz, *Who stands at the top of the ladder*, **Haaretz**, June 8th, 2005.

³⁹⁶ Lagan, (Heb.) p.43

Strip and the security calm in the Golan Heights should be used as a basis for the renewal of negotiations with the Palestinians and with the Syrians. In the long run, Israel will not be able to enjoy continuous calm in the north and in the south if the inherent interests of the Syrians and Palestinians – the return of the Golan Heights and an independent state in the West Bank and the Gaza Strip, respectively – are not fulfilled. Moreover, utilizing only force without placing on the table any sincere and reasonable political offers for these two parties will ultimately lead to a renewed and ever harsher eruption of violence.

Back when Israel was just born, Moshe Sharet, then Minister of foreign Affairs, verbalized this approach, which advocates the importance of pursuing peace even while utilizing force. When speaking with the young generation of MAPAI at the end of Israel's War of Independence, he said: "...without undervaluing the importance of ongoing security considerations, we should always include the issue of peace in the framework of our considerations."³⁹⁷ A similar sentiment was mirrored in the words of David Ben Gurion who gave a speech during the same period to a group of graduating young officers, on the need to maintain military superiority. He said: "let us assume that our efforts bear fruit and that most of the Arab states, or even all of them, sign peace and friendship treaties with us. Even then we should be wary of dangerous illusions [as if] peace would maintain our security."³⁹⁸

It is important to remember that, with all of Israel's might, Jews are a tiny little minority among the surrounding Arab world. Thus we should utilize the second historical opportunity the Jewish people is presented with in this one-hundred-years period and – just as the first opportunity was utilized to establish a National Jewish Home – ensure the existence of this home in secure and recognized borders, under international agreements, within the surrounding region.

Another important element to consider is the role of religion. Prof. Gabi Shefer, from the Political Science Department in the Hebrew University of Jerusalem, presents an interesting thesis according to which the root of many of Israel's internal problems –

³⁹⁷ M. Sharet, 1996 pp. 8-10 (translation mine)

³⁹⁸ Ben Gurion, 1971, pp. 55-56. (translation mine)

deep internal divisions, disregard for the laws of the state, rebellious behavior towards government and Knesset decisions – as well as the root of the deepening conflict between Israel and the Palestinians, is the fact that on both sides religious personalities and religious organizations have increasing authority and political influence over the wider public. Shefer further claims that, although the roots of the conflict between Israel and the Palestinians are national in nature, there is no doubt that the religious component of the conflict is gaining increased weight. Moreover, this process is not unique to our situation, as in many other conflicts around the world religions are used to excite and inflame nationalist sentiments.³⁹⁹

Thus, we should work to encourage the voices that exist also among the Zionist-religious stream who, while upholding the belief in the commandment of "settling the Land" as "the first step on the road to our redemption", have also other values they promote. Such an attitude appears, for example, in the words of Rabbi Yaakov Ariel, the Rabbi of Ramat Gan and one of the most important religious figures of our time who, immediately following the evacuation of the Gush Katif settlements, said in regards to the importance of territory in the spiritual Jewish world:

"The truth can be said that we have never treated settlement as a sole value, although it is an important one since we view it as fulfilling the commandment to redeem the Land of Israel from which we have been exiled.... Since the heart of the redemption process is the cultural-educational revolution."⁴⁰⁰

Rabbi Amos Bardea, one of the leaders of Meimad – the Movement for Realistic Religious Zionism - similarly wrote:

"there are movements from within the religious-Zionist camp, such as 'Realistic Religious Zionism' and 'Meimad', which for years now have been calling to return to the original religious-Zionism, from before the period of *Gush Emunim*; to maintain a spiritual world based on the duties of a person to his God; to cancel theologies based on the duties of God towards man, and to know that our claim for our right over the Land is not baseless, but rather stems from establishing a worthy society. We are not disconnected from the unstable political reality of the Middle East, and we do not perceive the duty of God as

³⁹⁹ Shefer, *The Root of the Problems*, *Haaretz*, July 14th 2005.

⁴⁰⁰ Ariel, *Ma'ayaney Ha'Yeshua Magazine*, August 19th, 2005. (translation mine)

putting [the Middle East's] broken pieces together, but rather we partake in planning the correct order so as to ensure the existence of the state in the Arab arena.⁴⁰¹

In the same spirit, during a seminar that took place immediately after the evacuation of Gush Katif, Rabbi Haim Drukman, the Head of the Bnei Akiva Yeshiva, quoted the compliments given by the RAMBAM to the Hashmonite Kingdom, and this "despite the fact that this Kingdom included Alexander Yanai who killed the Wise Men of Israel", thus concluding that "the worse Israeli government is still immeasurably better than the best exile." Drukman went on to stress that "unlike Orthodox [Jews], since the state was established we have rejoices with it despite its faults. So what has changed now? Just because now the [fault is] undermining the Land of Israel and not the desecration of Shabbat we should change our principles?" In the same event, Rabbi Yuval Sharlo from 'Tzohar Rabbis' organization, proposed that instead of only speaking about redemption, the very narrative of redemption should be reexamined: "we cannot afford to view reality as another 'complication' on the road to redemption; as something we did not succeed in doing but next time we will surely succeed. We should reexamine our basic assumptions." He therefore suggested the goal should be "expansion" in the sense that additional areas should be tackled, on top of the territorial issue, and that these issues should be viewed more widely, rather than via the approach of "closing-in like a fist".⁴⁰²

In this context I believe Israeli society should readopt the recommendation and warning issued by Herzl who, as I have already quoted, said: "The army and the rabbinate would be greatly respected, as is needed and worthy of their respectable positions, but they should not intervene in matters of the state – with all due respect – lest they may bring upon it difficulties from within and from without".⁴⁰³ I also believe Herzl's additional warning should be applied to those who wish to instate a tyrant-Jewish rule over the Palestinians, when he spoke of "the old religious

⁴⁰¹ Barda, *And Does God Owe Us*, **Maariv**, August 25th 2005. (translation mine)

⁴⁰² Sheleg Yair, *Despite the Disengagement, the Rabbis are not Ready yet to Disengage from the State*, **Haaretz**, August 28th, 2005.

⁴⁰³ Herzl, pp. 75-78 (translation mine)

intolerance. Among the cultured nations this is usually a movement through which they are trying to defend themselves against the ghosts of their own past."⁴⁰⁴

Similarly, I believe that we should understand the ramifications of the active resistance of some of the public to the Disengagement Plan from the Gaza Strip in a wider historical context, in light of the overview detailed in this book. I tend to agree with retired Supreme Court Judge Eliyahu Maza who analyzed the severity of that phenomenon:

The phenomena of defying the law are not some sort of sporadic weeds. Today we can understand that this involves quite significant sectors. We have already seen such cases in which parties acted democratically only in order to destroy democracy.⁴⁰⁵

I therefore believe that the current historical struggle should be resolved based on democratic values, i.e. based on democratic openness rather than on religious closeness. I view it as the second phase of the Zionist revolution that can be described as "the effort to take the Ghetto out of the Jewish ethos decades after the Ghetto disappeared from Jewish history."⁴⁰⁶ The liberal-democratic values of the Zionist Movement should continue to serve as the practical and principle common denominator for all the groups that partake in that Movement.

As for the borders of the state, I would like to quote Prof. Moshe Braver:

Many believe that placing a political border, which would delineate sovereignty, regime and administration, is a simple matter of drawing lines upon a map...the understanding of planting such a barrier, especially within a populated territory, with all its ramifications and history, largely escapes them. [People] with this assumption and perception had an important role in the creation of the State of Israel's borders from its inception until this day. On the other hand, there are those who, in their nationalistic and religious beliefs, have developed reverence and an attitude [that gives] a supreme value to the borders that they view as the "apple of the eye" of the State. According to them, the State's borders can be widened, while detracting from them would be inconceivable. For them the borders are the most important thing as they symbolize the State's might and its prestige,

⁴⁰⁴ Ibid. p. 78 (translation mine)

⁴⁰⁵ Maza, *Verdict: Deteriorating*, *Haaretz*, May 11th, 2005. (translation mine)

⁴⁰⁶ Shimon Peres in Savir, p. 349. (translation mine)

while what would exist within the region delineated by them and what the future holds for the State, is less important. Certain nationalistic movements and regimes have often used the value of "sanctity of the borders" so as to inflame the emotions of the masses and in order to advance their political goals. Often they brought a calamity on the head of their people which, they claimed, they wanted to serve. Such phenomena are not absent also in the Israeli political arena.

It should be stressed again that the main conclusion that stems from all the researches and thoughts regarding the study of borders, with its various scientific aspects, is that the border and the frontier regions, both of which are manmade, have a marginal role in the lives of states when normal neighborly relations exist between them. They [the border and the frontier] continue to serve their original purpose as long as neighboring countries continue to honestly fulfill the conditions of the agreement between them, which created [the border and the frontier]. The real main importance of borders is in what exists in the region they delineate. A country can do a lot to contribute to its own achievements and prosperity by surrounding itself with good borders.⁴⁰⁷

In the Israeli context, in regards to the issue of "good borders" and "natural borders" we should mention that from 1967 onwards Israel and Jordan benefited from the fact that the Jordan River served on an ongoing basis as a "natural" security border between them, while remaining open and safe for the Israeli Arabs. In contrast, "in 1973 the peaceful and complacent Israel was not protected even by such a closed and sealed border as the Suez Canal."⁴⁰⁸

In sum, the conclusion of this book is that the attempt to swallow the so-called "fifth finger" of the Land of Israel (called that way since the ratio between the territory of the State of Israel to that of the West Bank and the Gaza Strip is approximately 4:1 respectively), might very well choke us. The drastic deterioration in the security situation since the end of 2000, together with the economic crisis in Israel that lasted until 2003, created a situation in which Israel is currently perceived as one of the most unsafe states in the Western world; one in which there is an unstable, inefficient and

⁴⁰⁷ Braver, pp. 224-225. (translation mine)

⁴⁰⁸ Elhanan, p. 438. Here Elhanan refers to the "open borders" policy that was implemented between Israel and Jordan, and that continued to hold true even during the Yom Kippur War. (translation mine)

largely unaccountable regime, where there is a relatively high ratio of regime corruption and relatively low rating of law enforcement.⁴⁰⁹

We can also learn from the tragic experience of Lebanon: the main original purpose for which the French created Lebanon – upon the request of the Christian ethnic group that wished to have its own independent state – was not in fact taken into consideration when the borders of Lebanon were delineated. The French included in these borders areas populated by non-Christians, which were not necessary for the existence of the Christian group in a limited independent entity. They disregarded the facts, which were known even back then, related to the demographic trends among the various ethnic groups in Lebanon. As a result, Lebanon started its history as an independent state with but a small Christian majority that rapidly declined as a result of the greater Muslim natural growth and population migration, until this majority was lost in the early 50s. What was supposed to become a Christian state established to benefit the Christian ethnic group collapsed, and decades-long of civil war ensued.⁴¹⁰

Despite the appealing parallel between the problems created by the establishment of Lebanon as a Christian state and the establishment of Israel as a Jewish state, there are notable differences between the two cases. I do not believe that there is a need to pursue separation between state and religion within Israel in a way that would lead to the complete neutralization of the character of the state – as some of the Palestinians demand. Most Israelis would like to live in a state that has a Jewish cultural character; a state that mirrors the historic, linguistic and symbolic continuance of the Jewish people, while also respecting the civil rights of all its citizens. Importantly, this is the true character that most western democracies strive to reach since, although some of them pride themselves on the separation between state and religion, none has renounced its cultural-nationalistic character.⁴¹¹

Therefore, in the painful, but in my view necessary, process of bringing some of the settlers back into the borders of Israel proper, Israeli society must do its outmost to

⁴⁰⁹ This is the conclusion of an analysis by the BDI Group International, according to indexes examined by the World Bank, in MSN, August 4th, 2005.

⁴¹⁰ Braver, p. 211.

⁴¹¹ Hedva Ben Israel, *What We Must Not Disengage From*, **Haarev**, May 26th, 2005.

show that all its sons have a common fait. In this regard, in the context of the Gaza Disengagement, journalist Ari Shavit wrote:

The people of Gush Katif were not fanatics; they were not the fascist enemy. They were believing, hard-working, good-hearted people, who completely dedicated themselves to a wrong ideal. They were the sons of developing towns and of Moshavim who dedicated their souls to a belated and futile Zionist project...Gush Katif was a world unto itself...that was established in the wrong place and in the wrong time...if all the public will not feel the pain of its death, then its death will poison our lives.⁴¹²

In addition and in parallel, the members of the religious-Zionist groups must also take responsibility for this corrective process aimed at ensuring the cohesion of Israeli society. Towards the event of the Disengagement, Yossi Kolin Halevi wrote it this context:

In order to maintain the cohesion of Israeli society in light of the trauma that approaches, the two sides should do all they can so as to calm down emotions...the main responsibility...is of religious-Zionism itself. The religious-Zionists must withstand the temptation of loftily disassociating themselves from Israeli society's mainstream. The example the separatist Orthodox community provides is not to be copied: in the last one hundred years most members of this community have exempt themselves from any important political struggle the Jewish people has been involved in...The sons of religious-Zionism would do well to remember the historical insight of their spiritual father Rabbi Yitzhak Avraham Kook, that the wellbeing of the Jewish people is a value of crucial religious significance and that secular Zionism does not rebel against Judaism but rather is a partner, even if partially so, in fulfilling its values and hopes...even though [the religious-Zionist community] failed in its attempt to convince the people to adopt the idea of the Wholeness of the Land as one of the State's core values, it has succeeded in creating a wide and dedicated community from which Israeli society has much to learn.⁴¹³

Resolution of the Israeli-Palestinian conflict: I believe that, as far as the Israeli-Palestinian conflict is concerned, only through a permanent status agreement would we be able to declare a finality of mutual claims between the sides. I would therefore

⁴¹² Ari Shavit, *Heartless Disengagement*, *Haaretz*, August 18th, 2005. (translation mine)

⁴¹³ Yossi Klein Halevi, *Resisting the Disassociation Temptation*, *Haaretz*, August 17th 2005. (translation mine)

like to list the components that an effective solution must ensure for all sides involved:

For Israel and the Jewish people, the solution must ensure maintaining the Jewish and democratic nature of the State of Israel; security and optimal regional stability; international legitimacy and regional acceptance. In parallel, Israeli society needs to begin constructing a new Jewish-democratic ethos within it, an ethos that would aim to represent a compromise between the diverse aspirations of the various sectors within Israeli society. Only via dialogue and through willingness for mutual compromises would it be possible to maintain a stable, prosperous and democratic Israel.

For the Arab minority within Israel: the solution must give the right to choose the state with which it wishes to identity – Palestine or Israel, and to be a citizen with equal rights and obligations in that chosen state.

For the Palestinian people, the solution must provide the following: an end to the occupation in the West Bank and the Gaza Strip and the establishment of an independent state; recognition of Al Quds as the capital of Palestine; an agreed-upon procedure for ending the refugee problem; regional, Arab and Muslim acceptance; and acceptance by the US, the European Union and the UN.

For the Arab world and the international community, the solution must ensure strengthening the international legitimacy mechanism in regards to the resolution of political conflicts and contributing to regional stability and to the global war against terror.

For the American Administration, the solution must guarantee international legitimacy that will enable the US to build and lead an international coalition supportive of the US' policy. The solution should also contribute to an ongoing process of building regional stability in the Middle East as part of the global war against terror.

In order to make these theoretical principles concrete and open for criticism, following are the major components of a territorial proposal that would seek, and be able to, answer the abovementioned terms (see maps no. 16, 17):

Basic assumptions for the proposal:

1. The border in its political aspect would be the result of negotiations and a political agreement leading to the recognition of two states.
2. UN Resolutions 242 and 338 would serve as the basis for any solution. At the same time, the Clinton Parameters and Bush's declaration would enable opening the 1967 lines for negotiations and territorial exchanges.
3. The results of former negotiations in Camp David and Taba would serve as the baseline for determining the border between the sides, including territorial exchanges of a 1:1 ratio.
4. The layout of Israeli settlements adjacent to the Green Line would be the foremost component in Israel's demands for border corrections, followed by the issues of security, water, infrastructures and transportation routes.
5. Exchanging Israeli territories populated by Arab citizens would be implemented only conditional of the consent of these citizens.
6. Israel will receive territories only from the West Bank and would give territories both to the West Bank and the Gaza Strip.

Principles for territorial exchanges:

1. The territories to be annexed to Israel would be as small as possible, containing a maximal number of Israelis and no Palestinian population.
2. Border corrections would be implemented while taking care not to significantly undermine the Palestinians' current life texture.
3. Territorial exchanges would include only areas adjacent to the Green Line.
4. No "enclaves" will be left on either side.
5. Palestine will have full land connections to both Egypt and Jordan.
6. The corridor between the West Bank and the Gaza Strip will not undermine Israeli sovereignty.

7. No populated areas from within Israel will be exchanged without the agreement of their residents.
8. East Jerusalem will be divided according to its demographic layout (the Clinton Parameters).
9. A special regime will be established in the Holly Basin of Jerusalem, in addition to the division of sovereignty between the sides (see map no. 17).⁴¹⁴
10. Transport and aviation agreements will accompany the division of sovereignty without undermining it.
11. Israel will enjoy the existence of 2-3 early warning sites within the area of Palestine.

A solution along these parameters will obviously not fulfill the aspirations of those – both Israelis and Palestinians – who support the total, uncompromising approach, but would satisfy those who are willing to live with their desire but half fulfilled, maintaining it also for future generations.

In addition I claim that even those Israelis, who believe the Israeli-Palestinian conflict to be irresolvable, should begin to strive for a permanent status agreement with the Palestinians. Only an agreement will enable Israel not to return to the exact pre-67' lines including inside Jerusalem; will provide Israel with recognition of its eastern border and recognition of Jerusalem as Israel's capital; will reopen the Arab world to Israeli economy; will create conditions that will enable Israel to be attractive to immigration of Jews from the well-off Diaspora communities; and will enable Israel to be accepted into the bosom of the Western world. Israel will be able to transfer the resolution of the Palestinian refugee problem to the hands of the international community. The international community will also contribute its share by sending peacekeeping forces to ensure the sustainability of the agreement and by funding its implementation in terms of Israeli evacuation and redeployments and building Palestinian economy. If the agreement is not maintained by the Palestinians, Israel

⁴¹⁴ For more details on this issue see Arieli Shaul, *Jerusalem – on the path towards a permanent status agreement*, *Strategic Update*, May 2005, pp. 17-24.

will be able to manage the conflict in a way that would better serve Israel's interest, due to the international legitimacy and support it will receive.

Thus, Israel should maintain its military superiority over the Arab world. However, it must also remember the lesson the peace agreements with Egypt and Jordan taught us – that such agreements are better than unilateral moves that might be perceived as a sign of weakness, especially if they are not utilized to create a conducive environment for renewed negotiation and are used instead to shift attention from unresolved issues between Israel and the Arab world – the Syrian Golan Heights and the Palestinian Territories.

Annexes

Annex A

The "Balfur Declaration", November 2, 1917⁴¹⁵

The letter sent by Lord Balfour, Britain's Foreign Minister, to lord Rothschild

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,
Arthur James Balfour

⁴¹⁵ Source: Israeli Ministry of Foreign Affairs website.

Annex B

From the UN Resolution 181, November 29, 1947⁴¹⁶

From Part I - Future Constitution and Government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.
2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.
The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the mandate and to evacuate each area. The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.
3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in Part III of this Plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in Parts II and III below.
4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.
2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission, which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The

⁴¹⁶ Source: Israeli Ministry of Foreign Affairs website.

mandatory Power shall to the fullest possible extent coordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated. In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in Part II of this Plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.
4. The Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission. If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.
5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control including authority over matters of immigration and land regulation.
6. The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.
7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.
8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.
This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.
9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent

Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are (a) Palestinian citizens residing in that State; and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The Constitutions of the States shall embody Chapters 1 and 2 of the Declaration provided for in section C below and include, inter alia, provisions for:
 - a. Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;
 - b. Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;
 - c. Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations;
 - d. Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;
 - e. Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.
11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.
12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not

withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.
14. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider necessary to issue. The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council. The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.
15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the Provisional Government of each proposed State before independence. It shall contain, inter alia, the following clauses:

General Provision

The stipulations contained in the Declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

[...]

From Part III. - City of Jerusalem

1. Special regime: The City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations. The Trusteeship

Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

2. Boundaries of the city: The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, 'Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

[...]

7. Economic Union and Economic Regime.
The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory City. The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.
8. Freedom of Transit and Visit: Control of residents.
Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

[...]

Holy Places

13. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.
 - a. Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.
 - b. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the

expense of the community or communities concerned if no action is taken within a reasonable time.

- c. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

Annex C

Israel's Declaration of Independence, May 14, 1948⁴¹⁷

ERETZ-ISRAEL [(Hebrew) - the Land of Israel, Palestine] was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, ma'pilim [(Hebrew) - immigrants coming to Eretz-Israel in defiance of restrictive legislation] and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.

The catastrophe which recently befell the Jewish people - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations.

⁴¹⁷ Source: Israeli Ministry of Foreign Affairs website.

Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland.

In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.

This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.

ACCORDINGLY WE, MEMBERS OF THE PEOPLE'S COUNCIL, REPRESENTATIVES OF THE JEWISH COMMUNITY OF ERETZ-ISRAEL AND OF THE ZIONIST MOVEMENT, ARE HERE ASSEMBLED ON THE DAY OF THE TERMINATION OF THE BRITISH MANDATE OVER ERETZ-ISRAEL AND, BY VIRTUE OF OUR NATURAL AND HISTORIC RIGHT AND ON THE STRENGTH OF THE RESOLUTION OF THE UNITED NATIONS GENERAL ASSEMBLY, HEREBY DECLARE THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL.

WE DECLARE that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called "Israel".

THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee

freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

THE STATE OF ISRAEL is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

WE APPEAL to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the comity of nations.

WE APPEAL - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

WE EXTEND our hand to all neighbouring states and their peoples in an offer of peace and good neighbourliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.

WE APPEAL to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream - the redemption of Israel.

PLACING OUR TRUST IN THE "ROCK OF ISRAEL", WE AFFIX OUR SIGNATURES TO THIS PROCLAMATION AT THIS SESSION OF THE PROVISIONAL COUNCIL OF STATE, ON THE SOIL OF THE HOMELAND, IN THE CITY OF TEL-AVIV, ON THIS SABBATH EVE, THE 5TH DAY OF IYAR, 5708 (14TH MAY, 1948).

Annex D

From the UN General Assembly Resolution 194, December 11, 1948⁴¹⁸

[...]

6. Instructs the Conciliation Commission to take steps to assist the Government and authorities concerned to achieve a final settlement of all questions outstanding between them;
7. Resolves that the Holy Places – including Nazareth – religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposal for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;
8. Resolves that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most Eastern of which shall be Abu Dis; the most Southern, Bethlehem; the most Western, Ein Karim (including also the built-up area of Motsa); and the most Northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control; Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date; Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area; The Conciliation Commission is authorized to appoint a United

⁴¹⁸ Source: Israeli Ministry of Foreign Affairs website.

Nations representative who shall cooperate with the local authorities with respect to the interim administration of the Jerusalem area;

[...]

11. Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible; Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

Annex E

From the Egyptian-Israeli Armistice Agreement, February 24, 1949⁴¹⁹

[...]

Article V

1. The line described in Article VI of this Agreement shall be designated as the Armistice Demarcation Line and is delineated in pursuance of the purpose and intent of the resolutions of the Security Council of 4 and 16 November 1948.
2. The Armistice Demarcation Line is not to be construed in any sense as a political or territorial boundary, and is delineated without prejudice to rights, claims and positions of either Party to the Armistice as regards ultimate settlement of the Palestine question.
3. The basic purpose of the Armistice Demarcation Line is to delineate the line beyond which the armed forces of the respective Parties shall not move except as provided in Article III of this Agreement.
4. Rules and regulations of the armed forces of the Parties, which prohibit civilians from crossing the fighting lines or entering the area between the lines, shall remain in effect after the signing of this Agreement with application to the Armistice Demarcation Line defined in Article VI.

Article VI

1. In the Gaza-Rafa area the Armistice Demarcation Line shall be as delineated in paragraph 2.B(i) of the Memorandum of 13 November 1948 on the implementation of the Security Council resolution of 4 November 1948, namely by a line from the coast at the mouth of Wadi Hasi in an easterly direction through Deir Suneid and across the Gaza-Al Majdal Highway to a point 3 kilometres east of the Highway, then in a southerly direction parallel to the Gaza-Al Majdal Highway, and continuing thus to the Egyptian frontier.
2. Within this line Egyptian forces shall nowhere advance beyond their present positions, and this shall include Beit Hanun and its surrounding area from which Israeli forces shall be withdrawn to north of the Armistice Demarcation Line, and any other positions within the line delineated in paragraph I which shall be evacuated by Israeli forces as set forth in paragraph 3.
3. Israeli outposts, each limited to platoon strength, may be maintained in this area at the following points: Deir Suneid, on the north side of the Wadi (MR 10751090); 700 SW of Sa'ad (MR 10500982); Sulphur Quarries (MR 09870924); Tall-Jamma (MR 09720887); and KHAL Ma'in (MR 09320821). The Israeli outpost maintained at the Cemetery (MR 08160723) shall be evacuated on the day after that which follows the signing of this Agreement. The Israeli outpost at Hill 79 (MR 10451017) shall be evacuated not later than four weeks following the day on which this Agreement is signed. Following the evacuation of the above outposts, new Israeli outposts may be established at MR 08360700, and at a point due east of Hill 79 east of the Armistice Demarcation Line.

[...]

⁴¹⁹ Source: Israeli Ministry of Foreign Affairs website.

Annex F

From the Israel-Jordan Armistice Agreement, April 3, 1949⁴²⁰

[...]

Article IV

1. The lines described in articles V and VI of this Agreement shall be designated as the Armistice Demarcation Lines and are delineated in pursuance of the purpose and intent of the resolution of the Security Council of 16 November 1948.
2. The basic purpose of the Armistice Demarcation Lines is to delineate the lines beyond which the armed forces of the respective Parties shall not move.
3. Rules and regulations of the armed forces of the Parties, which prohibit civilians from crossing the fighting lines or entering the area between the lines, shall remain in effect after the signing of this Agreement with application to the Armistice Demarcation Lines defined in articles V and VI.

Article V

The Armistice Demarcation Lines for all sectors other than the sector now held by Iraqi forces shall be as delineated on the maps in annex I to this Agreement, and shall be defined as follows:

- (a) In the sector Kh Deir Arab (MR 1510-1574) to the northern terminus of the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area, the Armistice Demarcation Lines shall follow the truce lines as certified by the United Nations Truce Supervision Organisation;
- (b) In the Jerusalem sector, the Armistice Demarcation Lines shall correspond to the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area;
- (c) In the Hebron-Dead Sea sector, the Armistice Demarcation Line shall be as delineated on map 1 and marked B in annex I to this Agreement;

⁴²⁰ Source: Israeli Ministry of Foreign Affairs website.

- (d) In the sector from a point on the Dead Sea (MR 1925-0958) to the southernmost tip of Palestine, the Armistice Demarcation Line shall be determined by existing military positions as surveyed in March 1949 by United Nations observers, and shall run from north to south as delineated on map 1 in annex I to this Agreement.

Annex G

Main clauses in the Palestinian Charter, 1964, 1968⁴²¹

Article 1: Palestine is the homeland of the Arab Palestinian people; it is an indivisible part of the Arab homeland, and the Palestinian people are an integral part of the Arab nation.

Article 2: Palestine, with the boundaries it had during the British Mandate, is an indivisible territorial unit.

[...]

Article 5: The Palestinians are those Arab nationals who, until 1947, normally resided in Palestine regardless of whether they were evicted from it or have stayed there. Anyone born, after that date, of a Palestinian father - whether inside Palestine or outside it - is also a Palestinian.

Article 6: The Jews who had normally resided in Palestine until the beginning of the Zionist invasion will be considered Palestinians.

[...]

Article 8: *The phase in their history, through which the Palestinian people are now living, is that of national (watani) struggle for the liberation of Palestine. Thus the conflicts among the Palestinian national forces are secondary, and should be ended for the sake of the basic conflict that exists between the forces of Zionism and of imperialism on the one hand, and the Palestinian Arab people on the other. On this basis the Palestinian masses, regardless of whether they are residing in the national homeland or in diaspora (mahajir) constitute - both their organizations and the individuals - one national front working for the retrieval of Palestine and its liberation through armed struggle.*

Article 9: Armed struggle is the only way to liberate Palestine. This is the overall strategy, not merely a tactical phase. The Palestinian Arab people assert their absolute determination and firm resolution to continue their armed struggle and to work for an armed popular revolution for the liberation of their country and their return to it. They also assert their right to normal life in Palestine and to exercise their right to self-determination and sovereignty over it.

Article 10: Commando action constitutes the nucleus of the Palestinian popular liberation war. This requires its escalation, comprehensiveness, and the mobilization of all the Palestinian popular and educational efforts and their organization and involvement in the armed Palestinian revolution. It also requires the achieving of unity for the national (watani) struggle among the different groupings of the Palestinian people, and between the Palestinian people and the Arab masses, so as to secure the continuation of the revolution, its escalation, and victory.

[...]

Article 13: Arab unity and the liberation of Palestine are two complementary objectives, the attainment of either of which facilitates the attainment of the other. Thus, Arab unity leads to the liberation of Palestine, the liberation of Palestine leads to Arab unity; and work toward the realization of one objective proceeds side by side with work toward the realization of the other.

⁴²¹ Source: Israeli Ministry of Foreign Affairs website.

Article 14: The destiny of the Arab nation, and indeed Arab existence itself, depend upon the destiny of the Palestine cause. From this interdependence springs the Arab nation's pursuit of, and striving for, the liberation of Palestine. The people of Palestine play the role of the vanguard in the realization of this sacred (qawmi) goal.

Article 15: The liberation of Palestine, from an Arab viewpoint, is a national (qawmi) duty and it attempts to repel the Zionist and imperialist aggression against the Arab homeland, and aims at the elimination of Zionism in Palestine. Absolute responsibility for this falls upon the Arab nation - peoples and governments - with the Arab people of Palestine in the vanguard. Accordingly, the Arab nation must mobilize all its military, human, moral, and spiritual capabilities to participate actively with the Palestinian people in the liberation of Palestine. It must, particularly in the phase of the armed Palestinian revolution, offer and furnish the Palestinian people with all possible help, and material and human support, and make available to them the means and opportunities that will enable them to continue to carry out their leading role in the armed revolution, until they liberate their homeland.

Article 16: The liberation of Palestine, from a spiritual point of view, will provide the Holy Land with an atmosphere of safety and tranquility, which in turn will safeguard the country's religious sanctuaries and guarantee freedom of worship and of visit to all, without discrimination of race, color, language, or religion. Accordingly, the people of Palestine look to all spiritual forces in the world for support.

Article 17: The liberation of Palestine, from a human point of view, will restore to the Palestinian individual his dignity, pride, and freedom. Accordingly the Palestinian Arab people look forward to the support of all those who believe in the dignity of man and his freedom in the world.

Article 18: The liberation of Palestine, from an international point of view, is a defensive action necessitated by the demands of self-defense. Accordingly the Palestinian people, desirous as they are of the friendship of all people, look to freedom-loving, and peace-loving states for support in order to restore their legitimate rights in Palestine, to re-establish peace and security in the country, and to enable its people to exercise national sovereignty and freedom.

Article 19: The partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal, regardless of the passage of time, because they were contrary to the will of the Palestinian people and to their natural right in their homeland, and inconsistent with the principles embodied in the Charter of the United Nations, particularly the right to self-determination.

Article 20: 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 statehood. 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.

Article 21: The Arab Palestinian people, expressing themselves by the armed Palestinian revolution, reject all solutions which are substitutes for the total liberation of Palestine and reject all proposals aiming at the liquidation of the Palestinian problem, or its internationalization.

Article 22: Zionism is a political movement organically associated with international imperialism and antagonistic to all action for liberation and to progressive movements in the world. It is racist and fanatic in its nature, aggressive, expansionist, and colonial in its aims, and fascist in its methods. Israel is the instrument of the Zionist movement, and geographical base for world imperialism placed strategically in the midst of the Arab homeland to combat the hopes of the Arab nation for liberation, unity, and progress. Israel is a constant source of threat vis-a-vis peace in the Middle East and the whole world. Since the liberation of Palestine will destroy the Zionist and imperialist presence and will contribute to the establishment of peace in the Middle East, the Palestinian people look for the support of all the progressive and peaceful forces and urge them all, irrespective of their affiliations and beliefs, to offer the Palestinian people all aid and support in their just struggle for the liberation of their homeland.

Article 23: The demand of security and peace, as well as the demand of right and justice, require all states to consider Zionism an illegitimate movement, to outlaw its existence, and to ban its operations, in order that friendly relations among peoples may be preserved, and the loyalty of citizens to their respective homelands safeguarded.

Article 24: The Palestinian people believe in the principles of justice, freedom, sovereignty, self-determination, human dignity, and in the right of all peoples to exercise them.

Article 25: For the realization of the goals of this Charter and its principles, the Palestine Liberation Organization will perform its role in the liberation of Palestine in accordance with the Constitution of this Organization.

[...]

Article 29: The Palestinian people possess the fundamental and genuine legal right to liberate and retrieve their homeland. The Palestinian people determine their attitude toward all states and forces on the basis of the stands they adopt vis-a-vis to the Palestinian revolution to fulfill the aims of the Palestinian people.

[...]

Article 32: Regulations, which shall be known as the Constitution of the Palestinian Liberation Organization, shall be annexed to this Charter. It will lay down the manner in which the Organization, and its organs and institutions, shall be constituted; the respective competence of each; and the requirements of its obligation under the Charter.

Article 33: This Charter shall not be amended save by [vote of] a majority of two-thirds of the total membership of the National Congress of the Palestine Liberation Organization [taken] at a special session convened for that purpose.

Annex H

UN Security Council Resolution 242 to end the Six Days War, November 1967⁴²²

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. **Affirms** that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:
 - a Withdrawal of Israeli armed forces from territories occupied in the recent conflict;
 - b Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;
2. **Affirms further the necessity**
 - a For guaranteeing freedom of navigation through international waterways in the area;
 - b For achieving a just settlement of the refugee problem;
 - c For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;
3. **Requests** the Secretary General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

⁴²² Source: Israeli Ministry of Foreign Affairs website

4. **Requests** the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Annex I

UN Security Council Resolution 338, October 1973⁴²³

The Security Council,

1. **Calls upon** all parties to present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions after the moment of the adoption of this decision, in the positions they now occupy;
2. **Calls upon** all parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts;
3. **Decides that**, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

⁴²³ Source: Israeli Ministry of Foreign Affairs website

Annex J

From the Framework for Peace in the Middle East agreed upon at Camp David, September 1978⁴²⁴

THE CAMP DAVID ACCORDS

The Framework for Peace in the Middle East

Muhammad Anwar al-Sadat, President of the Arab Republic of Egypt, and Menachem Begin, Prime Minister of Israel, met with Jimmy Carter, President of the United States of America, at Camp David from September 5 to September 17, 1978, and have agreed on the following framework for peace in the Middle East. They invite other parties to the Arab-Israel conflict to adhere to it.

Preamble

The search for peace in the Middle East must be guided by the following:

- The agreed basis for a peaceful settlement of the conflict between Israel and its neighbors is United Nations Security Council Resolution 242, in all its parts.
- After four wars during 30 years, despite intensive human efforts, the Middle East, which is the cradle of civilization and the birthplace of three great religions, does not enjoy the blessings of peace. The people of the Middle East yearn for peace so that the vast human and natural resources of the region can be turned to the pursuits of peace and so that this area can become a model for coexistence and cooperation among nations.
- The historic initiative of President Sadat in visiting Jerusalem and the reception accorded to him by the parliament, government and people of Israel, and the reciprocal visit of Prime Minister Begin to Ismailia, the peace proposals made by both leaders, as well as the warm reception of these missions by the peoples of both countries, have created an unprecedented opportunity for peace which must not be lost if this generation and future generations are to be spared the tragedies of war.
- The provisions of the Charter of the United Nations and the other accepted norms of international law and legitimacy now provide accepted standards for the conduct of relations among all states.

⁴²⁴ Source: Israeli Ministry of Foreign Affairs website

- To achieve a relationship of peace, in the spirit of Article 2 of the United Nations Charter, future negotiations between Israel and any neighbor prepared to negotiate peace and security with it are necessary for the purpose of carrying out all the provisions and principles of Resolutions 242 and 338.
- Peace requires respect for the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force. Progress toward that goal can accelerate movement toward a new era of reconciliation in the Middle East marked by cooperation in promoting economic development, in maintaining stability and in assuring security.
- Security is enhanced by a relationship of peace and by cooperation between nations which enjoy normal relations. In addition, under the terms of peace treaties, the parties can, on the basis of reciprocity, agree to special security arrangements such as demilitarized zones, limited armaments areas, early warning stations, the presence of international forces, liaison, agreed measures for monitoring and other arrangements that they agree are useful.

Framework

Taking these factors into account, the parties are determined to reach a just, comprehensive, and durable settlement of the Middle East conflict through the conclusion of peace treaties based on Security Council resolutions 242 and 338 in all their parts. Their purpose is to achieve peace and good neighborly relations. They recognize that for peace to endure, it must involve all those who have been most deeply affected by the conflict. They therefore agree that this framework, as appropriate, is intended by them to constitute a basis for peace not only between Egypt and Israel, but also between Israel and each of its other neighbors which is prepared to negotiate peace with Israel on this basis. With that objective in mind, they have agreed to proceed as follows:

A. West Bank and Gaza

1. Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three stages:
 - a. Egypt and Israel agree that, in order to ensure a peaceful and orderly transfer of authority, and taking into account the security concerns of all the parties, there should be transitional arrangements for the West Bank and Gaza for a period not exceeding five years. In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government. To negotiate the details of a transitional arrangement, Jordan will be

invited to join the negotiations on the basis of this framework. These new arrangements should give due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved.

- b. Egypt, Israel, and Jordan will agree on the modalities for establishing elected self-governing authority in the West Bank and Gaza. The delegations of Egypt and Jordan may include Palestinians from the West Bank and Gaza or other Palestinians as mutually agreed. The parties will negotiate an agreement which will define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations. The agreement will also include arrangements for assuring internal and external security and public order. A strong local police force will be established, which may include Jordanian citizens. In addition, Israeli and Jordanian forces will participate in joint patrols and in the manning of control posts to assure the security of the borders.
- c. When the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, the transitional period of five years will begin. As soon as possible, but not later than the third year after the beginning of the transitional period, negotiations will take place to determine the final status of the West Bank and Gaza and its relationship with its neighbors and to conclude a peace treaty between Israel and Jordan by the end of the transitional period. These negotiations will be conducted among Egypt, Israel, Jordan and the elected representatives of the inhabitants of the West Bank and Gaza. Two separate but related committees will be convened, one committee, consisting of representatives of the four parties which will negotiate and agree on the final status of the West Bank and Gaza, and its relationship with its neighbors, and the second committee, consisting of representatives of Israel and representatives of Jordan to be joined by the elected representatives of the inhabitants of the West Bank and Gaza, to negotiate the peace treaty between Israel and Jordan, taking into account the agreement reached in the final status of the West Bank and Gaza. The negotiations shall be based on all the provisions and principles of UN Security Council Resolution 242. The negotiations will resolve, among other matters, the location of the boundaries and the nature of the security arrangements. The solution from the negotiations must also recognize the legitimate right of the Palestinian peoples and their just requirements. In this way, the Palestinians will participate in the determination of their own future through:
 - i. The negotiations among Egypt, Israel, Jordan and the representatives of the inhabitants of the West Bank and Gaza to agree on the final status of the West Bank and Gaza and other outstanding issues by the end of the transitional period.
 - ii. Submitting their agreements to a vote by the elected representatives of the inhabitants of the West Bank and Gaza.

- iii. Providing for the elected representatives of the inhabitants of the West Bank and Gaza to decide how they shall govern themselves consistent with the provisions of their agreement.
- iv. Participating as stated above in the work of the committee negotiating the peace treaty between Israel and Jordan.
- d. All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond. To assist in providing such security, a strong local police force will be constituted by the self-governing authority. It will be composed of inhabitants of the West Bank and Gaza. The police will maintain liaison on internal security matters with the designated Israeli, Jordanian, and Egyptian officers.
- e. During the transitional period, representatives of Egypt, Israel, Jordan, and the self-governing authority will constitute a continuing committee to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern may also be dealt with by this committee.
- f. Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem.

B. Egypt-Israel

- 1. Egypt-Israel undertake not to resort to the threat or the use of force to settle disputes. Any disputes shall be settled by peaceful means in accordance with the provisions of Article 33 of the U.N. Charter.
- 2. In order to achieve peace between them, the parties agree to negotiate in good faith with a goal of concluding within three months from the signing of the Framework a peace treaty between them while inviting the other parties to the conflict to proceed simultaneously to negotiate and conclude similar peace treaties with a view to achieving a comprehensive peace in the area. The Framework for the Conclusion of a Peace Treaty between Egypt and Israel will govern the peace negotiations between them. The parties will agree on the modalities and the timetable for the implementation of their obligations under the treaty.

C. Associated Principles

- 1. Egypt and Israel state that the principles and provisions described below should apply to peace treaties between Israel and each of its neighbors - Egypt, Jordan, Syria and Lebanon.

2. Signatories shall establish among themselves relationships normal to states at peace with one another. To this end, they should undertake to abide by all the provisions of the U.N. Charter. Steps to be taken in this respect include:
 - a. full recognition;
 - b. abolishing economic boycotts;
 - c. guaranteeing that under their jurisdiction the citizens of the other parties shall enjoy the protection of the due process of law.
3. Signatories should explore possibilities for economic development in the context of final peace treaties, with the objective of contributing to the atmosphere of peace, cooperation and friendship which is their common goal.
4. Claims commissions may be established for the mutual settlement of all financial claims.
5. The United States shall be invited to participate in the talks on matters related to the modalities of the implementation of the agreements and working out the timetable for the carrying out of the obligations of the parties.
6. The United Nations Security Council shall be requested to endorse the peace treaties and ensure that their provisions shall not be violated. The permanent members of the Security Council shall be requested to underwrite the peace treaties and ensure respect of the provisions. They shall be requested to conform their policies and actions with the undertaking contained in this Framework.

For the Government of Israel: Menachem Begin

For the Government of the Arab Republic of Egypt: Muhammed Anwar al-Sadat

Witnessed by Jimmy Carter, President of the United States of America

Annex K

From the Venice Declaration, June 1980⁴²⁵

[...]

2. The nine member states of the European Community consider that the traditional ties and common interests which link Europe to the Middle East oblige them to play a special role and now require them to work in a more concrete way towards peace.
3. In this regard, the nine countries of the community base themselves on (UN) Security Council resolutions 242 and 338 and the positions which they have expressed on several occasions, notably in their declarations of 29 June 1977, 10 September 1970, 26 March and 18 June 1979, as well as in the speech made on their behalf on 25 September 1979 by the Irish minister of foreign affairs at the 34th UN General Assembly.

[...]

8. The nine recognize the special importance of the role played by the question of Jerusalem for all the parties concerned. The nine stress that they will not accept any unilateral initiative designed to change the status of Jerusalem and that any agreement on the city's status should guarantee freedom of access for everyone to the holy places.
9. The nine stress the need for Israel to put an end to the territorial occupation which it has maintained since the conflict of 1967, as it has done for part of Sinai. They are deeply convinced that the Israeli settlements constitute a serious obstacle to the peace process in the Middle East. The nine consider that these settlements, as well as modifications in population and property in the occupied Arab territories, are illegal under international law.

⁴²⁵ Source: Israeli Knesset website

Annex L

From the Declaration of Principles with the PLO on Interim Self Government Arrangements, September 13, 1993⁴²⁶

The Government of the State of Israel and the P.L.O. team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the "Palestinian Delegation"), representing the Palestinian people, 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. Accordingly, the, two sides agree to the following principles:

ARTICLE I AIM OF THE NEGOTIATIONS

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council"), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

ARTICLE II FRAMEWORK FOR THE INTERIM PERIOD

The agreed framework for the interim period is set forth in this Declaration of Principles.

⁴²⁶ Source: Israeli Ministry of Foreign Affairs website

ARTICLE III ELECTIONS

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will ensure public order.
2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.
3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

ARTICLE IV JURISDICTION

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

ARTICLE V TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

ARTICLE VI

PREPARATORY TRANSFER OF POWERS AND RESPONSIBILITIES

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorised Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of a preparatory nature until the inauguration of the Council.
2. Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism.
3. The Palestinian side will commence in building the Palestinian police force, as agreed upon.
4. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

ARTICLE VII

INTERIM AGREEMENT

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement")
2. The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below, and the independent Palestinian judicial organs.
3. The Interim Agreement shall include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all of the powers and responsibilities transferred previously in accordance with Article VI above.
4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Bank, a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration

Authority, and any other Authorities agreed upon, in accordance with the Interim Agreement that will specify their powers and responsibilities.

5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

ARTICLE VIII PUBLIC ORDER AND SECURITY

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

[...]

ARTICLE XIII REDEPLOYMENT OF ISRAELI FORCES

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with Article XIV.
2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.
3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

ARTICLE XIV ISRAELI WITHDRAWAL FROM THE GAZA STRIP AND JERICHO AREA

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

ARTICLE XV
RESOLUTION OF DISPUTES

1. Disputes arising out of the application or interpretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.
2. Disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.
3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

[...]

Done at Washington, D.C., this thirteenth day of September, 1993.

Annex M

From the Beilin-Abu Mazen Document, November 1995⁴²⁷

THE ATTAINMENT OF PEACE BETWEEN THE ISRAELI AND THE PALESTINIAN PEOPLES, RESOLVES THE CORE PROBLEM AT THE HEART OF THE ISRAELI-ARAB CONFLICT AND COMMENCES AN ERA OF COMPREHENSIVE PEACE CONTRIBUTING THEREBY TO THE STABILITY, SECURITY, AND PROSPERITY OF THE ENTIRE MIDDLE EAST.

The Government of the State of Israel and the Palestine Liberation Organization (hereafter "the P.L.O."), the representative of the Palestinian people;

WITHIN the framework of the Middle East peace process initiated at Madrid in October 1991;

AIMING at the achievement of a just, lasting and comprehensive peace in the Middle East based on the implementation of UN Security Council Resolutions 242 and 338 in all their aspects;

REAFFIRMING their adherence to the commitments expressed in the Declaration of Principles (hereinafter "the DOP") signed in Washington D.C. on September 13th 1993, the Cairo Agreement of May 4th 1994, and the Interim-Agreement of September 28th, 1995;

REAFFIRMING their determination to live in peaceful coexistence, mutual dignity and security;

DECLARING as null and void any agreement, declaration, document or statement which contradicts this Framework Agreement;

DESIROUS of reaching a full agreement on all outstanding final status issues as soon as possible, not later than May 5th 1999, as stipulated in the DOP;

HEREBY AGREE on the following Framework for a Final Status Agreement;

[...]

⁴²⁷ Source: Jewish Virtual Library website.

ARTICLE II: THE DELINEATION OF SECURE AND RECOGNIZED BORDERS

1. The secure and recognized borders between the State of Israel and the future State of Palestine are described in the attached Maps⁴²⁸ and in Annex One of the Final Status Agreement. The Parties recognize that these borders, including their respective subsoil, airspace and territorial waters shall be inviolable.
2. The parties shall define the route and mode of implementation of, as well as the extent of, territory to be yielded by Israel for the agreed extra-territorial passage between the Gaza Strip and the West Bank (as described in Annex One of the Final Status Agreement).
3. The border in the Jerusalem area is to be delineated in accordance with the provisions of Article VI of this Framework Agreement.
4. The Parties shall recognize the final borders between the two states as permanent and irrevocable.

[...]

ARTICLE V: ISRAELI SETTLEMENTS

1. Subsequent to the establishment of the Independent State of Palestine and its recognition by the State of Israel as described in Articles I and III of this agreement:
 - a. There will be no exclusive civilian residential areas for Israelis in the State of Palestine.
 - b. Individual Israelis remaining within the borders of the Palestinian State shall be subject to Palestinian sovereignty and Palestinian rule of law.
 - c. Individual Israelis who have their permanent domicile within the Palestinian State as of May 5th 1999, shall be offered Palestinian citizenship or choose to remain as alien residents, all without prejudice to their Israeli citizenship.

⁴²⁸ The attached map included Israeli annexation of settlements in the West Bank of approximately 4%, with territorial compensation to the Palestinians of approximately the same size in the Holot Haluza area, including connecting this area to the Gaza Strip.

d. Within the agreed schedule for the withdrawal of Israeli forces from Palestinian territories as described in Article IV and Annex Two to the Final Status Agreement, the Israeli Government and its security forces shall maintain responsibility for the safety and security of Israeli settlements outside the areas of Palestinian security jurisdiction, pending the transfer of said areas to full Palestinian rule.

e. The CSC shall establish the mechanism for dealing with security issues relating to Israeli citizens in Palestine and Palestinian citizens in Israel.

Annex N

From the Clinton Parameters to End of Conflict, December 2000⁴²⁹

Territory

Based on what I heard, I believe that the solution should be in the mid-90%'s, between 94-96% of the West Bank territory of the Palestinian State.

- The land annexed by Israel should be compensated by a land swap of 1-3% in addition to territorial arrangement such as a permanent safe passage.
- The parties should also consider the swap of leased land to meet their respective needs. There are creative ways for doing this that should address Palestinian and Israeli needs and concerns.
- The Parties should develop a map consistent with the following criteria:
 - 80% of the settlers in blocks
 - Contiguity
 - Minimize annexed areas
 - Minimize the number of Palestinians affected

[...]

Jerusalem

The general principle is that Arab areas are Palestinian and Jewish ones are Israeli. This would apply to the Old City as well. I urge the two sides to work on maps to create maximum contiguity for both sides.

- Regarding the Haram/Temple Mount, I believe that the gaps are not related to practical administration but to the symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides.
- I know you have been discussing a number of formulations, and you can agree on any of these. I add to these two additional formulations guaranteeing Palestinian effective control over Haram while respecting the conviction of the Jewish people. Regarding either one of these two formulations will be international monitoring to provide mutual confidence.

1. Palestinian sovereignty over the Haram and Israeli sovereignty over:

⁴²⁹ From Ross Dennis, *The Missing Peace*, Appendix, pp. 801-805

- a "The Western Wall and the space sacred to Judaism of which it is a part"
- b "The Western Wall and the Holy of Holies of which it is a part"

There will be a firm commitment by both not to excavate beneath the Haram or behind the Wall.

- 2. Palestinian shared sovereignty over the Haram and Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Haram and behind the Wall as mutual consent would be requested before any excavation can take place.

[...]

End of conflict

I propose that the agreement clearly mark the end of the conflict and its implementation put an end to all claims. This could be implemented through a UN Security Council Resolution that notes that Resolutions 242 and 338 have been implemented and through the final release of Palestinian prisoners.

Borders⁴³⁰

The border between Israel and the Palestinian state will be based on the June 4th 1967 line, which is the "Green Line", or the armistice line from the War of Independence.

- a. The State of Palestine will be established over 96% of the West Bank and all of the Gaza Strip. According to Clinton's suggestion, Palestinian sovereignty will include between 96% - 97% of the West Bank, in addition to 1% received from sovereign Israeli territory, or alternatively 94% of the West Bank in addition to 3% transferred from sovereign Israeli territory. It was also determined that all of the Gaza Strip will be under Palestinian sovereignty, with a "safe passage" linking the Gaza Strip to the West Bank. It was also determined that 80% of the settlers will come under Israeli sovereignty.
- b. Settlement blocks, territorial exchanges and the safe passage: Israel will annex settlement blocks from the West Bank (Gush Etzion, gush Ariel and Gush Otef Jerusalem), and in return will give the Palestinians territory in the Negev so as to enlarge the Gaza Strip, in a 1:3 ratio

⁴³⁰ The following sections – borders and Jerusalem - were included in Hebrew in Beilin's book and translated by me. NEED TO SEE IF YONATAN TUVAL OR SOMEONE ELSE HAS SEEN A FORMAL ENGLISH VERSION OF THIS PART

(or, according to a different version: 3% in return for annexing 5%), as well as a corridor for a permanent open passage between the West Bank and the Gaza Strip.

- c. The future of the settlements that will not be annexed: Clinton's proposal does not detail what will be the fate of the settlements that will not be annexed. However, according to Israeli sources, these settlements will be evacuated. A political source in Jerusalem said that "the settlers will not be allowed to live under Palestinian sovereignty".

Jerusalem

- a. An ethnic division of Jerusalem: "what is Arab to the Palestinians, what is Jewish to Israel" – Arab neighborhoods will be part of Palestine and Jewish neighborhoods outside the Green Line (e.g. Ramot, Giloh, Armon Hanaziv and Reches Shoafat) will be part of Israel.
- b. A "vertical division" of Temple Mount: the top part – the Alaqsa Mosque, the Dome of the Rock and the plaza between them will be under Palestinian sovereignty. The bottom part – the subterranean space under the Muslim mosques, which may contain the remains of the Jewish Temple, will receive a special standing that will respect the Jewish affinity.

Two alternatives were given regarding Temple Mount: in the first, Israel would receive sovereignty over the subterranean space that is connected to the Western Wall, over which it would anyway have sovereignty. In the second alternative there is a mention of the affinity to the "Jewish holy of holies" under Temple Mount, and it is suggested that an international monitoring mechanism would be established in order to limit Palestinian sovereignty in the subterranean space and prevent excavations there.

- c. A special regime in the Old City: this regime will allow free passage without fences or border controls.

The Christian and the Muslim Quarters will be part of Palestine. The Jewish Quarter, as well as the Western Wall will be in Israel. The Armenian Quarter will be divided so as to enable passage in a corridor under Israeli sovereignty from Jaffa Gate to the Western Wall. The rest of the Quarter will be under Palestinian sovereignty.

Annex O

From the tentative agreement reached in Taba, January 2001⁴³¹

⁴³¹ From a summary "non-paper" prepared by Ambassador Miguel Moratinos, Envoy of the European Union, see <http://www.mideastweb.org/moratinos.htm>

1. Territory

The two sides agreed that in accordance with the UN Security Council Resolution 242, the June 4, 1967 lines would be the basis for the borders between Israel and the State of Palestine. Any modifications will be calculated from this baseline.

1.1. The West Bank

For the first time both sides presented their own maps of the West Bank. The maps served as a basis for the discussion on territory and settlements...The Clinton parameters served as a loose base for the discussion, but differences of interpretations regarding the scope and meaning of the parameters emerged. The Palestinian side stated that it had accepted the Clinton proposal, but with reservations.

The Israeli side stated that the Clinton proposals provided for annexation of settlement blocs. The Palestinian side did not agree that the parameters included blocs, and did not accept proposals to annex blocs. The Palestinian side stated that blocs would cause significant harm to Palestinian needs and rights, particularly for the Palestinians residing in areas Israel seeks to annex...The Palestinian side maintained that since Israel has needs in Palestinian territory, it is responsible for proposing the necessary border modifications. The Palestinian side reiterated that such proposals must not adversely affect the Palestinians' needs and rights.

The Israeli side stated that it did not need to maintain settlements in the Jordan Valley for security purposes, and its proposed maps reflected this position.

The Israeli maps were principally based on a demographic concept of settlement blocs incorporating 80% of the settlers. The Israeli side sketched a map presenting a 6% annexation of the West Bank, the outer limit of the Clinton proposal. The Palestinian illustrative map presented 3.1% of the West Bank in the context of a land swap.

Both sides accepted the principle of land swap but the proportionality of the swap remained under discussion... The Israeli side requested an additional 2% of land under a lease agreement to which the Palestinians responded that the subject of lease could only be discussed after the establishment of a Palestinian state and the transfer of land to Palestinian sovereignty.

1.2. Gaza Strip

...It was implied that the Gaza Strip would be under total Palestinian sovereignty...all settlements will be evacuated. The Palestinians claimed it could be arranged in 6 months, a timetable not agreed by the Israeli side...

[...]

Annex P

From the Arab Peace Initiative, March 2002⁴³²

...Having listened to the statement made by his royal highness Prince Abdullah bin Abdul Aziz, crown prince of the Kingdom 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...

...Emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties, the council:

2. Further calls upon Israel to affirm:

- I. 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. [...]
- III. 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.

[...]

3. Consequently, the Arab countries affirm the following:

- I. Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.
 - II. Establish normal relations with Israel in the context of this comprehensive peace.
4. Assures the rejection of all forms of Palestinian partition which conflict with the special circumstances of the Arab host countries.

⁴³²Source: <http://www.mideastweb.org/saudipeace.htm>

Annex Q

From UN Security Council Resolution 1397, March 2002⁴³³

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 242 (1967) and 338 (1973),

Affirming a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000, especially the recent attacks and the increased number of casualties,

Stressing the need for all concerned to ensure the safety of civilians,

Stressing also the need to respect the universally accepted norms of international humanitarian law,

Welcoming and encouraging the diplomatic efforts of special envoys from the United States of America, the Russian Federation, the European Union and the United Nations Special Coordinator and others to bring about a comprehensive, just and lasting peace in the Middle East,

Welcoming the contribution of Saudi Crown Prince Abdullah,

1. Demands immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;
2. Calls upon the Israeli and Palestinian sides and their leaders to cooperate in the implementation of the *Tenet work plan* and *Mitchell Report recommendations* with the aim of resuming negotiations on a political settlement;
3. Expresses support for the efforts of the Secretary-General and others to assist the parties to halt the violence and to resume the peace process;
4. Decides to remain seized of the matter.

⁴³³ Source: www.usinfo.state.gov

Annex R

From "The People's Voice" Declaration of Principles, the Ayalon-Nusseibeh initiative, 2003⁴³⁴

1. **Two states for two peoples:** Both sides will declare that Palestine is the only state of the Palestinian people and Israel is the only state of the Jewish people.
2. **Borders:** Permanent borders between the two states will be agreed upon on the basis of the June 4, 1967 lines, UN resolutions, and the Arab peace initiative (known as the Saudi initiative).
 - Border modifications will be based on an equitable and agreed-upon territorial exchange (1:1) in accordance with the vital needs of both sides, including security, territorial contiguity, and demographic considerations.
 - The Palestinian State will have a connection between its two geographic areas, the West Bank and the Gaza Strip.
 - After establishment of the agreed borders, no settlers will remain in the Palestinian State.
3. **Jerusalem:** Jerusalem will be an open city, the capital of two states. Freedom of religion and full access to holy sites will be guaranteed to all.
 - Arab neighborhoods in Jerusalem will come under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty.
 - Neither side will exercise sovereignty over the holy places. The State of Palestine will be designated Guardian of al-Haram al-Sharif for the benefit of Muslims. Israel will be the Guardian of the Western Wall for the benefit of the Jewish people. The status quo on Christian holy site will be maintained. No excavation will take place in or underneath the holy sites without mutual consent.

[...]

⁴³⁴ Based on the publications of "The Peoples' Voice".

Annex S

From the Geneva Initiative, December 2003⁴³⁵

Article 4 – Territory

1. The International Borders between the States of Palestine and Israel

- i. In accordance with UNSC Resolution 242 and 338, the border between the states of Palestine and Israel shall be based on the June 4th 1967 lines with reciprocal modifications on a 1:1 basis as set forth in attached Map 1.
- ii. The Parties recognize the border, as set out in attached Map 1, as the permanent, secure and recognized international boundary between them.

2. Sovereignty and Inviolability

- i. The Parties recognize and respect each other's sovereignty, territorial integrity, and political independence, as well as the inviolability of each others territory, including territorial waters, and airspace. They shall respect this inviolability in accordance with this Agreement, the UN Charter, and other rules of international law.
- ii. The Parties recognize each other's rights in their exclusive economic zones in accordance with international law.

[...]

Article 6 – Corridor

i. The states of Palestine and Israel shall establish a corridor linking the West Bank and Gaza Strip. This corridor shall:

- a. Be under Israeli sovereignty.
- b. Be permanently open.
- c. Be under Palestinian administration in accordance with Annex X of this Agreement. Palestinian law shall apply to persons using and procedures appertaining to the corridor.
- d. Not disrupt Israeli transportation and other infrastructural networks, or endanger the environment, public safety or public health. Where necessary, engineering solutions will be sought to avoid such disruptions.
- e. Allow for the establishment of the necessary infrastructural facilities linking the West Bank and the Gaza Strip. Infrastructural facilities shall be understood to include, inter alia, pipelines, electrical and communications cables, and associated equipment as detailed in Annex X.
- f. Not be used in contravention of this Agreement.

ii. Defensive barriers shall be established along the corridor and Palestinians shall not enter Israel from this corridor, nor shall Israelis enter Palestine from the corridor.

⁴³⁵ Source: the Initiative website: www.heskem.org.il

iii. The Parties shall seek the assistance of the international community in securing the financing for the corridor.

iv. The IVG shall guarantee the implementation of this Article in accordance with Annex X.

v. Any disputes arising between the Parties from the operation of the corridor shall be resolved in accordance with Article 16.

vi. The arrangements set forth in this clause may only be terminated or revised by agreement of both Parties.

[...]

Annex T

From a Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, April 30th, 2003⁴³⁶

[...]

Phase I: Ending Terror And Violence, Normalizing Palestinian Life, and Building Palestinian Institutions -- Present to May 2003

In Phase I, the Palestinians immediately undertake an unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. Palestinians and Israelis resume security cooperation based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services. Palestinians undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from September 28, 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell report.

At the outset of Phase I:

- Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.
- Israeli leadership issues unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.

Security

⁴³⁶ Source: Israeli Ministry of Foreign Affairs website.

- Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere.
- Rebuilt and refocused Palestinian Authority security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.
- GOI takes no actions undermining trust, including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan.
- Relying on existing mechanisms and on-the-ground resources, Quartet representatives begin informal monitoring and consult with the parties on establishment of a formal monitoring mechanism and its implementation.
- Implementation, as previously agreed, of U.S. rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board (U.S.-Egypt-Jordan). Quartet support for efforts to achieve a lasting, comprehensive cease-fire.
- All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
- Restructured/retrained Palestinian security forces and IDF counterparts progressively resume security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.
- Arab states cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
- All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
- As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000 and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.

[...]

Civil Society

- Continued donor support, including increased funding through PVOs/NGOs, for people to people programs, private sector development and civil society initiatives.

Settlements

- GOI immediately dismantles settlement outposts erected since March 2001.
- Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements).

Phase II: Transition -- June 2003-December 2003

In the second phase, efforts are focused on the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution, as a way station to a permanent status settlement. As has been noted, this goal can be achieved when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty. With such a leadership, reformed civil institutions and security structures, the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable, state.

Progress into Phase II will be based upon the consensus judgment of the Quartet of whether conditions are appropriate to proceed, taking into account performance of both parties. Furthering and sustaining efforts to normalize Palestinian lives and build Palestinian institutions, Phase II starts after Palestinian elections and ends with possible creation of an independent Palestinian state with provisional borders in 2003. Its primary goals are continued comprehensive security performance and effective security cooperation, continued normalization of Palestinian life and institution-building, further building on and sustaining of the goals outlined in Phase I, ratification of a democratic Palestinian constitution, formal establishment of office of prime minister, consolidation of political reform, and the creation of a Palestinian state with provisional borders.

- International Conference: Convened by the Quartet, in consultation with the parties, immediately after the successful conclusion of Palestinian elections, to support Palestinian economic recovery and launch a process, leading to establishment of an independent Palestinian state with provisional borders.
- Such a meeting would be inclusive, based on the goal of a comprehensive Middle East peace (including between Israel and Syria, and Israel and Lebanon), and based on the principles described in the preamble to this document.
- Arab states restore pre-intifada links to Israel (trade offices, etc.).
- Revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues.
- New constitution for democratic, independent Palestinian state is finalized and approved by appropriate Palestinian institutions. Further elections, if required, should follow approval of the new constitution.

- Empowered reform cabinet with office of prime minister formally established, consistent with draft constitution.
- Continued comprehensive security performance, including effective security cooperation on the bases laid out in Phase I.
- Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement, launched by the international conference. As part of this process, implementation of prior agreements, to enhance maximum territorial contiguity, including further action on settlements in conjunction with establishment of a Palestinian state with provisional borders.
- Enhanced international role in monitoring transition, with the active, sustained, and operational support of the Quartet.
- Quartet members promote international recognition of Palestinian state, including possible UN membership.

Phase III: Permanent Status Agreement and End of the Israeli-Palestinian Conflict -- 2004 - 2005

Progress into Phase III, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III objectives are consolidation of reform and stabilization of Palestinian institutions, sustained, effective Palestinian security performance, and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

- Second International Conference: Convened by Quartet, in consultation with the parties, at beginning of 2004 to endorse agreement reached on an independent Palestinian state with provisional borders and formally to launch a process with the active, sustained, and operational support of the Quartet, leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Israel and Syria, to be achieved as soon as possible.
- Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.
- Continued sustained and effective security performance, and sustained, effective security cooperation on the bases laid out in Phase I.
- International efforts to facilitate reform and stabilize Palestinian institutions and the Palestinian economy, in preparation for final status agreement.
- Parties reach final and comprehensive permanent status agreement that ends the Israel-Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 242, 338, and 1397, that ends the occupation that began in 1967, and includes an

agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution on the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims worldwide, and fulfills the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side-by-side in peace and security.

- Arab state acceptance of full normal relations with Israel and security for all the states of the region in the context of a comprehensive Arab-Israeli peace.

Annex U

Sharon's letter to Bush, April 2004⁴³⁷

The Honorable George W. Bush
President of the United States of America
The White House
Washington, D.C.

Dear Mr. President,

The vision that you articulated in your 24 June 2002 address constitutes one of the most significant contributions toward ensuring a bright future for the Middle East. Accordingly, the State of Israel has accepted the Roadmap, as adopted by our government. For the first time, a practical and just formula was presented for the achievement of peace, opening a genuine window of opportunity for progress toward a settlement between Israel and the Palestinians, involving two states living side-by-side in peace and security.

This formula sets forth the correct sequence and principles for the attainment of peace. Its full implementation represents the sole means to make genuine progress. As you have stated, a Palestinian state will never be created by terror, and Palestinians must engage in a sustained fight against the terrorists and dismantle their infrastructure. Moreover, there must be serious efforts to institute true reform and real democracy and liberty, including new leaders not compromised by terror. We are

⁴³⁷ Source: Israeli Ministry of Foreign Affairs website.

committed to this formula as the only avenue through which an agreement can be reached. We believe that this formula is the only viable one.

The Palestinian Authority under its current leadership has taken no action to meet its responsibilities under the Roadmap. Terror has not ceased, reform of the Palestinian security services has not been undertaken, and real institutional reforms have not taken place. The State of Israel continues to pay the heavy cost of constant terror. Israel must preserve its capability to protect itself and deter its enemies, and we thus retain our right to defend ourselves against terrorism and to take actions against terrorist organizations.

Having reached the conclusion that, for the time being, there exists no Palestinian partner with whom to advance peacefully toward a settlement and since the current impasse is unhelpful to the achievement of our shared goals, I have decided to initiate a process of gradual disengagement with the hope of reducing friction between Israelis and Palestinians. The Disengagement Plan is designed to improve security for Israel and stabilize our political and economic situation. It will enable us to deploy our forces more effectively until such time that conditions in the Palestinian Authority allow for the full implementation of the Roadmap to resume.

I attach, for your review, the main principles of the Disengagement Plan. This initiative, which we are not undertaking under the roadmap, represents an independent Israeli plan, yet is not inconsistent with the roadmap. According to this plan, the State of Israel intends to relocate military installations and all Israeli villages and towns in the Gaza Strip, as well as other military installations and a small number of villages in Samaria.

In this context, we also plan to accelerate construction of the Security Fence, whose completion is essential in order to ensure the security of the citizens of Israel. The fence is a security rather than political barrier, temporary rather than permanent, and therefore will not prejudice any final status issues including final borders. The route of the Fence, as approved by our Government's decisions, will take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

Upon my return from Washington, I expect to submit this Plan for the approval of the Cabinet and the Knesset, and I firmly believe that it will win such approval.

The Disengagement Plan will create a new and better reality for the State of Israel, enhance its security and economy, and strengthen the fortitude of its people. In this context, I believe it is important to bring new opportunities to the Negev and the Galilee. Additionally, the Plan will entail a series of measures with the inherent potential to improve the lot of the Palestinian Authority, providing that it

demonstrates the wisdom to take advantage of this opportunity. The execution of the Disengagement Plan holds the prospect of stimulating positive changes within the Palestinian Authority that might create the necessary conditions for the resumption of direct negotiations.

We view the achievement of a settlement between Israel and the Palestinians as our central focus and are committed to realizing this objective. Progress toward this goal must be anchored exclusively in the Roadmap and we will oppose any other plan.

In this regard, we are fully aware of the responsibilities facing the State of Israel. These include limitations on the growth of settlements; removal of unauthorized outposts; and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism. Under separate cover we are sending to you a full description of the steps the State of Israel is taking to meet all its responsibilities.

The government of Israel supports the United States efforts to reform the Palestinian security services to meet their roadmap obligations to fight terror. Israel also supports the American's efforts, working with the International Community, to promote the reform process, build institutions and improve the economy of the Palestinian Authority and to enhance the welfare of its people, in the hope that a new Palestinian leadership will prove able to fulfill its obligations under the roadmap.

I want to again express my appreciation for your courageous leadership in the war against global terror, your important initiative to revitalize the Middle East as a more fitting home for its people and, primarily, your personal friendship and profound support for the State of Israel.

Sincerely,

Ariel Sharon

Annex V

Bush's letter to Sharon, April 2004⁴³⁸

Dear Mr. Prime Minister,

Thank you for your letter setting out your disengagement plan.

The United States remains hopeful and determined to find a way forward toward a resolution of the Israeli-Palestinian dispute. I remain committed to my June 24, 2002 vision of two states living side by side in peace and security as the key to peace, and to the roadmap as the route to get there.

We welcome the disengagement plan you have prepared, under which Israel would withdraw certain military installations and all settlements from Gaza, and withdraw certain military installations and settlements in the West Bank. These steps described in the plan will mark real progress toward realizing my June 24, 2002 vision, and make a real contribution towards peace. We also understand that, in this context, Israel believes it is important to bring new opportunities to the Negev and the Galilee. We are hopeful that steps pursuant to this plan, consistent with my vision, will remind all states and parties of their own obligations under the roadmap.

The United States appreciates the risks such an undertaking represents. I therefore want to reassure you on several points.

First, the United States remains committed to my vision and to its implementation as described in the roadmap. The United States will do its utmost to prevent any attempt by anyone to impose any other plan. Under the roadmap, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, and all official Palestinian institutions must end incitement against Israel. The Palestinian leadership must act decisively against terror, including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure. Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister.

⁴³⁸ Source: Israeli Ministry of Foreign Affairs website

Second, there will be no security for Israelis or Palestinians until they and all states, in the region and beyond, join together to fight terrorism and dismantle terrorist organizations. The United States reiterates its steadfast commitment to Israel's security, including secure, defensible borders, and to preserve and strengthen Israel's capability to deter and defend itself, by itself, against any threat or possible combination of threats.

Third, Israel will retain its right to defend itself against terrorism, including to take actions against terrorist organizations. The United States will lead efforts, working together with Jordan, Egypt, and others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat that would have to be addressed by any other means. The United States understands that after Israel withdraws from Gaza and/or parts of the West Bank, and pending agreements on other arrangements, existing arrangements regarding control of airspace, territorial waters, and land passages of the West Bank and Gaza will continue.

The United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.

As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.

I know that, as you state in your letter, you are aware that certain responsibilities face the State of Israel. Among these, your government has stated that the barrier being erected by Israel should be a security rather than political barrier, should be temporary rather than permanent, and therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

As you know, the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future in accordance with my vision set forth in June 2002 and with the path set forth in the roadmap. The United States will join with others in the international community to foster the development of democratic political institutions and new leadership committed to those institutions, the reconstruction

of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations.

A peace settlement negotiated between Israelis and Palestinians would be a great boon not only to those peoples but to the peoples of the entire region. Accordingly, the United States believes that all states in the region have special responsibilities: to support the building of the institutions of a Palestinian state; to fight terrorism, and cut off all forms of assistance to individuals and groups engaged in terrorism; and to begin now to move toward more normal relations with the State of Israel. These actions would be true contributions to building peace in the region.

Mr. Prime Minister, you have described a bold and historic initiative that can make an important contribution to peace. I commend your efforts and your courageous decision which I support. As a close friend and ally, the United States intends to work closely with you to help make it a success.

Sincerely,

George W. Bush

Annex W

Sharon's Disengagement Document, April 2004⁴³⁹

1. General

Israel is committed to the peace process and aspires to reach an agreed resolution of the conflict on the basis of the principle of two states for two peoples, the State of Israel as the state of the Jewish people and a Palestinian state for the Palestinian people, as part of the implementation of President Bush's vision.

Israel is concerned to advance and improve the current situation. Israel has come to the conclusion that there is currently no reliable Palestinian partner with which it can make progress in a bilateral peace process. Accordingly, it has developed a plan of unilateral disengagement, based on the following considerations:

- i. The stalemate dictated by the current situation is harmful. In order to break out of this stalemate, Israel is required to initiate moves not dependent on Palestinian cooperation.
- ii. The plan will lead to a better security situation, at least in the long term.
- iii. The assumption that, in any future permanent status arrangement, there will be no Israeli towns and villages in the Gaza Strip. On the other hand, it is clear that in the West Bank, there are areas which will be part of the State of Israel, including cities, towns and villages, security areas and installations, and other places of special interest to Israel.
- iv. The relocation from the Gaza Strip and from Northern Samaria (as delineated on Map) will reduce friction with the Palestinian population, and carries with it the potential for improvement in the Palestinian economy and living conditions.
- v. The hope is that the Palestinians will take advantage of the opportunity created by the disengagement in order to break out of the cycle of violence and to reengage in a process of dialogue.
- vi. The process of disengagement will serve to dispel claims regarding Israel's responsibility for the Palestinians in the Gaza Strip.
- vii. The process of disengagement is without prejudice to the Israeli-Palestinian agreements. [...]

⁴³⁹ Source: Israeli Ministry of Foreign Affairs website

When there is evidence from the Palestinian side of its willingness, capability and implementation in practice of the fight against terrorism and the institution of reform as required by the Road Map, it will be possible to return to the track of negotiation and dialogue.

2. Main elements

i. Gaza Strip:

1. Israel will evacuate the Gaza Strip, including all existing Israeli towns and villages, and will redeploy outside the Strip. This will not include military deployment in the area of the border between the Gaza Strip and Egypt ("the Philadelphi Route") as detailed below.
2. Upon completion of this process, there shall no longer be any permanent presence of Israeli security forces or Israeli civilians in the areas of Gaza Strip territory which have been evacuated.
3. As a result, there will be no basis for claiming that the Gaza Strip is occupied territory.

ii. West Bank:

1. Israel will evacuate an Area in the Northern Samaria Area (see Map), including 4 villages and all military installations, and will redeploy outside the vacated area.
2. Upon completion of this process, there shall no longer be any permanent presence of Israeli security forces or Israeli civilians in the Northern Samaria Area.
3. The move will enable territorial contiguity for Palestinians in the Northern Samaria Area.
4. Israel will improve the transportation infrastructure in the West Bank in order to facilitate the contiguity of Palestinian transportation.
5. The process will facilitate Palestinian economic and commercial activity in the West Bank.

iii. The Security fence:

Israel will continue to build the security fence, in accordance with the relevant decisions of the government. The route will take into account humanitarian considerations.

3. Security situation following the disengagement

i. The Gaza Strip:

1. Israel will guard and monitor the external land perimeter of the Gaza Strip, will continue to maintain exclusive authority in Gaza air space, and will continue to exercise security activity in the sea off the coast of the Gaza Strip.
2. The Gaza Strip shall be demilitarized and shall be devoid of weaponry, the presence of which does not accord with the Israeli-Palestinian agreements.
3. Israel reserves its inherent right of self defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip.

ii. The West Bank:

1. [...]
2. Israel reserves its inherent right of self defense, both preventive and reactive, including where necessary the use of force [...].
3. In other areas of the West Bank, current security activity will continue. However, as circumstances permit, Israel will consider reducing such activity in Palestinian cities.
4. Israel will work to reduce the number of internal checkpoints throughout the West Bank.

4. Military Installations and Infrastructure in the Gaza Strip and Northern Samaria

In general, these will be dismantled and removed, with the exception of those which Israel decides to leave and transfer to another party.

5. Security assistance to the Palestinians

Israel agrees that by coordination with it, advice, assistance and training will be provided to the Palestinian security forces for the implementation of their obligations to combat terrorism and maintain public order, by American, British, Egyptian, Jordanian or other experts [...]. No foreign security presence may enter the Gaza Strip or the West Bank without being coordinated with and approved by Israel.

6. The border area between the Gaza Strip and Egypt (Philadelphi Route)

Initially, Israel will continue to maintain a military presence along the border between the Gaza Strip and Egypt (Philadelphi route). [...]

Subsequently, the evacuation of this area will be considered. Evacuation of the area will be dependent, inter alia, on the security situation and the extent of cooperation with Egypt in establishing a reliable alternative arrangement.

[...]

7. Israeli towns and villages

Israel will strive to leave the immovable property relating to Israeli towns and villages intact. [...]. Israel proposes that an international body be established (along the lines of the AHLC), with the agreement of the United States and Israel, which shall take possession from Israel of property which remains, [...].

8. Civil Infrastructure and Arrangements

Infrastructure relating to water, electricity, sewage and telecommunications serving the Palestinians will remain in place. [...]

9. Activity of International Organizations

Israel recognizes the great importance of the continued activity of international humanitarian organizations [...].

10. Economic arrangements

In general, the economic arrangements currently in operation between Israel and the Palestinians shall, in the meantime, remain in force. [...]

In the longer term, and in line with Israel's interest in encouraging greater Palestinian economic independence, Israel expects to reduce the number of Palestinian workers entering Israel. [...]

11. Erez Industrial Zone

[...] The continued operation of the zone is primarily a clear Palestinian interest. Israel will consider the continued operation of the zone on the current basis, on two conditions:

- i. The existence of appropriate security arrangements.
- ii. The express recognition of the international community that the continued operation of the zone on the current basis shall not be considered continued Israel control of the area.

Alternatively, the industrial zone shall be transferred to the responsibility of an agreed Palestinian or international entity [...]

[...]

13. Erez Crossing Point

The Israeli part of Erez crossing point will be moved to a location within Israel in a time frame to be determined separately.

14. Timetable

The process of evacuation is planned to be completed by the end of 2005. The stages of evacuation and the detailed timetable will be notified to the United States.

15. Conclusion

Israel looks to the international community for widespread support for the disengagement plan. This support is essential in order to bring the Palestinians to implement in practice their obligations to combat terrorism and effect reforms, thus enabling the parties to return to the path of negotiation.

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MAPS

Map no. 1 – The Sykes-Picot Agreement of 1916⁴⁴⁰

Map no. 2 – Borders of the British mandate in Palestine⁴⁴¹

Map no. 3 – the proposal of the Zionist federation in 1919 at the Versailles Peace Convention⁴⁴²

Map no. 4 – The Peel Commission proposal from 1937⁴⁴³

Map no. 5 – the UN Partition resolution from November 29, 1947⁴⁴⁴

Map no. 6 – Issues affecting the delineation of the ceasefire line in Samaria, April 1949

Map no. 7 – the State of Israel on the eve of the Six Days War⁴⁴⁵

Map no. 8 – Settlement construction by the different Israeli governments⁴⁴⁶

Map no. 9 – the Israeli offer at Camp David 2000⁴⁴⁷

Map no. 10 – the Geneva Initiative, October 2003⁴⁴⁸

⁴⁴⁰ Map prepared by author according to Bigger p. 49

⁴⁴¹ Map prepared by author.

⁴⁴² Map prepared by author according to Bigger pp. 77-79

⁴⁴³ Map prepared by the author according to Yehuda Volach, Atlas Carta, Not on Silver Plate, Jerusalem, 2000, p. 38

⁴⁴⁴ Map prepared by the author according to Atlas Carta, p. 48

⁴⁴⁵ Map prepared by the author according to Atlas Carta for the History of the State of Israel, the First years, 1978, p. 76

⁴⁴⁶ Map prepared by the author according to data of the Israeli Central bureau of Statistics, November 2004.

⁴⁴⁷ Map prepared by the Special Technical Unit in the Palestinian Ministry of Planning.

⁴⁴⁸ Map prepared by the author.

Map no. 11 – outline of the Security Barrier approved by the government in October 2003⁴⁴⁹

Map no. 12 - outline of the Security Barrier approved by the government in February 2005⁴⁵⁰

Map no. 13 – The Palestinian offer in Taba, January 2001⁴⁵¹

Map no. 14 – The proposal to transfer Arab townships from Israel to Palestine⁴⁵²

Map no. 15 – Author's proposal for a political border between Israel and Palestine.

Map no. 16 – Author's proposal for a political border – major settlements under Israeli sovereignty.

Map no. 17 – Author's proposal for a political border – special regime in the "historical Basin" in Jerusalem.

⁴⁴⁹ Map prepared by the author according to data supplied by the Seam Zone Administration in the Israeli Ministry of Defense.

⁴⁵⁰ Map prepared by the author according to data supplied by the Seam Zone Administration in the Israeli Ministry of Defense.

⁴⁵¹ Map prepared by the Special Technical Unit in the Palestinian Ministry of Planning.

⁴⁵² Map prepared by the author.