Sixty years of writing history

The Israeli-Palestinian conflict, the evolution of its core issues and prospects for peace

Author: H.J.W.B. Lathouwers
Student number: 3298302
Supervisor: Dr. C. Klep

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Was alle angeht, können nur alle lösen.

Jeder Versuch eines Einzelnen, für sich zu lösen, was alle angeht, muß scheitern.

F. Dürrenmatt – Punkte 17 und 18 zu den Physikern (1962)

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Introduction

A troubled region

The area that is now Israel and the Palestinian Territories has been a bone of contention for many centuries. It has seen an abundance of occupying powers from both the Islamic and the Christian world over the last few centuries. It was not until the end of the 19th and the early 20th century that the peoples we currently know as Israelis and Palestinians developed a national identity that distinguished them from other peoples.[1] This did, however, not mean that they were able to fend off occupying powers, and create nation-states of their own. On the contrary, although the Ottoman Empire had grown weaker, it centralised its rule of Palestine in the course of the 19th century and put it directly under its control.[2] Another development affected the future of the region even more; the increasing influx of Jewish immigrants. From about 1882 there was a steady rise of Jewish people settling in Palestine. Even though the numbers were not staggering, it was a significant development. This immigration was brought on by two major events. Firstly, the anti-Jewish pogroms, especially those in Russia, triggered immigration. Secondly, the Dreyfuss Affair, in which a Jewish army officer was wrongfully accused of spying for Germany and found guilty by a French judge, spawned the realisation amongst Jews that a Jewish homeland was needed for the well-being and survival of Jewry.[3]

Then in 1914 the First World War broke out and proved to be a hallmark event for the modern Middle East. Foreign powers would again dominate the region, but this time they were not Islamic powers. Even before the outbreak of the Great War, Britain[4] and France had developed ideas on how to reshape the Arab Middle East once the war – that was considered inevitable - would be won.[5] In 1916 Britain and France secretly concluded an agreement on 'direct and indirect British and French control in Arab lands and southeast Turkey'.[6] This agreement came to be known as the Sykes-Picot Agreement, after its principal negotiators. Russia also acceded to the Agreement. With regard to Palestine it was concluded that 'most of the area would be placed under an international regime, the precise form of which would be determined after consultation with other interested Allies – such as Italy – and with Hussein of Mecca'.[7] However, when the Russian Revolution erupted in 1917 and Russia withdrew from the war, this effectively freed Britain from the Sykes-Picot commitments.[8] But it did not alter overall British and French intentions with regard to the Middle East.

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[1] J.L. Gelvin, *The Israel-Palestine conflict. One hundred years of war*, (new edition; New York 2007) 14-15; C.D. Smith, *Palestine and the Arab-Israeli conflict. A history with documents*, (6th edition; Boston 2007) 31-45; and M.Y. Muslih, *The origins of Palestinian nationalism*, (New York 1988) 191-210.

[2] I. Pappe, *A history of modern Palestine*, (2nd edition; Cambridge 2006) 25-29.

[3] Gelvin, *The Israel-Palestine conflict*, 46-74.

[4] Officially Britain is called the United Kingdom of Great Britain and Northern Ireland, although it was called the United Kingdom of Great Britain and Ireland until 1921. In this thesis when referring to Britain the United Kingdom is meant.

[5] Pappe, *A history of modern Palestine*, 65.

[6] Smith, *Palestine and the Arab-Israeli conflict*, 69.

[7] D. Fromkin, *A peace to end all peace. The fall of the Ottoman Empire and the creation of the modern Middle East*, (New York 2001) 196.

[8] D.K. Fieldhouse, *Western imperialism in the Middle East 1914-1958*, (New York 2008) 58.

At the end of the First World War with the Ottomans defeated, a definitive peace settlement had to be reached. Such a settlement was, however, subject to American president Woodrow Wilson's Fourteen Points. In a famous speech on 8 January 1918 Wilson had put forward his vision on the future world. He had started by saying that 'the processes of peace (...) [should] be absolutely open and that they [should] involve and permit henceforth no secret understandings of any kind'. Furthermore, in his twelfth point he had considered the future of the peoples of the Ottoman Empire. Wilson had stated that the nationalities which were under Turkish rule should be assured 'an undoubted security of life and an absolutely unmolested opportunity of autonomous development'.[9] This of course ran contrary to British and French interests. The Covenant of the League of Nations allowed for advanced nations to govern 'peoples [that were] not yet able to stand by themselves under the strenuous conditions of the modern world'. It did even mention that '[c]ertain communities formerly belonging to the Turkish Empire [had] reached a stage of development where their existence as independent nations [could] be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they [were] able to stand alone'.[10] This meant that Britain and France were permitted – be it as a mandatory power – to govern vast pieces of the former Ottoman Empire.

Britain was granted the Mandate of Palestine by the League of Nations. However, the Mandate entailed several prerequisites. Firstly, the British were summoned to put into effect 'the establishment of a national home for the Jewish people'.[11] This was a consequence of the Balfour Declaration of November 1917 in which the British Foreign Secretary had declared the British Government's sympathy with Jewish Zionist aspirations, adding that it 'view[ed] with favour the establishment in Palestine of a national home for the Jewish people, and [that it would] use [its] best endeavours to facilitate the achievement of this object'.[12] The wording of the Declaration is of particular interest. It uses vague terms as 'sympathy', 'view with favour' and 'national home'. Furthermore, it is important to note that the Declaration points to a national home *in* Palestine, thereby avoiding referring to Palestine as a whole. In 1922 Britain's Colonial Secretary Winston Churchill even explicitly stated that the terms of the Declaration did 'not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded *in Palestine* [*sic*]'.[13] The wording of the Declaration had thus been well thought out, and had been the result of a lengthy process of deliberation and accommodation of the various interests at stake – both within the British government and the Zionist movement.[14] The aim of this vagueness was not only to accommodate the various interests, but also to ensure the British government ample leeway to take whatever action it saw fit.

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[9] President Woodrow Wilson's Fourteen Points (8 January 1918), http://avalon.law.yale.edu/20th_century/wilson14.asp, consulted on 7 June 2009.

[10] Article 22 of the Covenant of the League of Nations. The full text of the Covenant can be found at http://avalon.law.yale.edu/20th_century/leagcov.asp, consulted on 7 June 2009.

[11] See for the complete text W. Laqueur and B. Rubin (eds.), *The Israel-Arab reader. A documentary history of the Middle East conflict*, (New York 2008) 30-36; and the Jewish Virtual Library, *The Palestine Mandate (July 24, 1922)*, http://www.jewishvirtuallibrary.org/jsource/History/Palestine_Mandate.html, consulted on 3 June 2009.

[12] See for the complete text Laqueur and Rubin, *The Israel-Arab reader*, 16.

[13] The Churchill White Paper (1 July 1922) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 159-161.

[14] Smith, *Palestine and the Arab-Israeli conflict*, 76-78; and Fromkin, *A peace to end all peace*, 276-283. For an overview of different drafts of the Balfour Declaration see Smith, *Palestine and the Arab-Israeli conflict*, 102-103.

The second important condition of the Mandate was that the constitution of a national home for the Jewish people should not 'prejudice the civil and religious rights of existing non-Jewish communities in Palestine'.[15] Again this was a consequence of an earlier promise made by the British Government. This had been an even less concrete promise than the Balfour Declaration. It concerned the correspondence between Sharif Husayn of Mecca and Sir Henry McMahon, the British High Commissioner situated in Cairo. In his letters McMahon had explained '[Britain's] desire for the independence of the Arab countries and their inhabitants, and [its] readiness to approve an Arab caliphate upon its proclamation'.[16] In a number of letters following this statement, Sharif Husayn asked for clarification, which he received to a limited extent. The British nevertheless steered clear of making any conclusive promises. The wording they used was vague (again), and two important exceptions were made. The first one entailed the stipulation that no agreement could prejudice 'the treaties concluded between [Britain] and certain Arab Chiefs'.[17] The second exception regarded the prohibition to cause detriment to the interests of France.[18] This meant in fact that 'Britain did not bind herself to support Hussein's claims anywhere at all'.[19]

During the peace conference that resulted in the British Mandate, Sharif Husayn's son, Faysal, and a representative of the Zionist Movement, Chaim Weizmann, 'realising that the surest means of working out the consummation of their national aspirations [would be] through the closest possible collaboration in the development of the Arab state and Palestine'[20] agreed on the following:
1. 'The Arab State and Palestine in all their relations and undertakings [should] be controlled by the most cordial goodwill and understanding;[21]
2. (...) all such measures [should] be adopted as [would] afford the fullest guarantees for carrying into effect the British Government's Declaration of the 2nd of November, 1917 [The Balfour Declaration]';[22]
3. 'All necessary measures [should] be taken to encourage and stimulate immigration of Jews into Palestine on a large scale (...). In taking such measures the Arab peasant and tenant farmers [should] be protected in their rights and [should] be assisted in forwarding their economic development';[23]
4. 'The Mohammedan Holy Places [should] be under Mohammedan control';[24]
5. 'The Zionist Organization [proposed] to send to Palestine a Commission of experts to make a survey of the economic possibilities of the country, and to report upon the best means for its development. The Zionist Organization [would] place the aforementioned Commission at the disposal of the Arab State for the

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[15] See Laqueur and Rubin, *The Israel-Arab reader*, 16.

[16] Sir Henry McMahon's First note to the Sharif Husayn (30 August 1915) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 97-98.

[17] Sir Henry McMahon's Second note to the Sharif Husayn (24 October 1915) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 98-99.

[18] This exception is implicitly included in Sir Henry McMahon's Second note to the Sharif Husayn (24 October 1915), Sir Henry McMahon's Third note to the Sharif Husayn (13 December 1915), and Sir Henry McMahon's Fourth note to the Sharif Husayn (30 January 1916), all of which are recorded in Smith, *Palestine and the Arab-Israeli conflict*, 98-101.

[19] Fromkin, *A peace to end all peace*, 183.

[20] Emir Feisal and Chaim Weizmann: Agreement (3 January, 1919) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 17-18.

[21] Article I of the Agreement.

[22] Article III of the Agreement.

[23] Article IV of the Agreement.

[24] Article VI of the Agreement.

purpose of a survey of the economic possibilities of the Arab State and to report upon the best means for its development. The Zionist Organization [would] use its best efforts to assist the Arab State in providing the means for developing the natural resources and economic possibilities thereof'.[25]

Weizmann wanted to include the Jewish state and Jewish government, but Faysal rejected these terms and changed the wording into Palestine and Palestinian government.[26] Furthermore, Faysal made a reservation to the agreement. He stipulated that he would only be bound by the agreement, if the British would allow the Arabs independence of Syria.

The Faysal-Weizmann agreement offers a number of remarkable elements to prevent Arab-Jewish tensions, and it can be seen as a preliminary attempt to make and sustain peace in the region. On the other hand, more worldly incentives seem to have played a significant role as well. Faysal was looking for 'Zionist money and financial advice', in return for which Weizmann wanted 'the Zionists [to get] the right to enter Palestine'.[27] However, any direct dealings between Arabs and Zionists proved to be of little value, because of the dominant position of the two European powers in the region. France and Britain 'never seriously considered the desires of the peoples of the Middle East'.[28]

During the *interbellum* the British struggled with the Mandate. The influx of Jews, and Arab discontent about the Mandate and the Jewish immigration proved to be real conundrums for the British. These tensions resulted in frequent outbreaks of violence and riots. In order to remove 'misunderstanding and the resultant uncertainty and apprehension' the British government set out to clarify its policy. In the Passfield White Paper it underlined that policy could only succeed, if it was 'supported not merely by the acceptance, but by the willing co-operation of the communities [it concerned]'. The British thus sought to limit Jewish immigration, so that it would not 'be a burden upon the people of Palestine as a whole'. It also restricted the availability of land purchases for Jewish immigrants.[29] The Zionist movement was enraged. Chaim Weizmann persuaded British Prime Minister Ramsay MacDonald to publish a letter in which he addressed the Zionist grievances.[30] In this letter MacDonald assured Weizmann that the government 'did not prescribe and [did] not contemplate any stoppage or prohibition of Jewish immigration'.[31] This in turn enraged the Arab population of Palestine. And when in 1935 large arms shipments destined for the Jewish population were discovered, and the British killed the prominent preacher for the Arab cause Izz al-Din al-Qassam[32], the Great Revolt (1936-1939) against the British and the Zionists broke out.[33] These events warranted a new approach to Palestine.

The Peel Commission was instructed to shed light on the issue. After having concluded that 'an irrepressible conflict [had] arisen between [the] two national communities' and that it

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[25] Article VII of the Agreement.

[26] R. Ovendale, *The origins of the Arab-Israeli wars*, (4th edition; Harlow 2004) 48.

[27] Ovendale, *The origins of the Arab-Israeli wars*, 48.

[28] Gelvin, *The Israel-Palestine conflict*, 87.

[29] Jewish Virtual Library, *The Passfield White Paper (1 October 1930)*, http://www.jewishvirtuallibrary.org/jsource/History/passfield.html, consulted on 10 June 2009.

[30] Fieldhouse, *Western imperialism*, 163.

[31] British Prime Minister Ramsay MacDonald: The MacDonald Letter (13 February 1931) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 36-41.

[32] Many Palestinians consider Izz al-Din al-Qassam to be one of the first martyrs to die for the Palestinian cause. Hamas has even adopted his name for its military wing, the Izz al-Din al-Qassam Brigades.

[33] Gelvin, *The Israel-Palestine conflict*, 102-103.

would grow worse, the Commission recommended partitioning Palestine.[34] However, after the failure of the partition scheme,[35] the British government put forward yet another White Paper. In it the government 'declare[d] unequivocally that it [would] not [be] part of [its] policy that Palestine should become a Jewish State'. The government would nevertheless concern itself with 'the further development of the existing Jewish community'. The White Paper furthermore limited Jewish immigration for the following five years, and laid down that, after this period, immigration would only be permitted if the 'Arabs of Palestine [were to be] prepared to acquiesce in it'.[36]

Again world events influenced the situation, when the Second World War broke out in 1939. After the Second World War the consequences of the Holocaust became clear. Many survivors tried to immigrate to Palestine. Britain tried to prevent this, partly in reaction to increasing Jewish violence against British interests and persons, and partly because it feared the Arab reaction to immigration.[37] The newly formed United Nations took on the task to decide on what to do with (the Mandate of) Palestine. A special committee was formed, the United Nations Special Committee on Palestine. The committee presented its majority report[38] on 31 August 1947, and recommended the partitioning of Palestine into an 'independent Arab State, an independent Jewish State, and the City of Jerusalem'.[39] It also addressed the perceived 'economic imbalance favoring the proposed Jewish state'.[40] An economic union between the two states should counter the imbalance, along with financial assistance from international institutions.[41] On 29 November 1947 the United Nations General Assembly approved the partition after the United States had threatened and lobbied a significant number of member states into supporting it.[42] The Soviet Union also voted in favour of the plan. From the end of 1947 until May 1948 a civil war ensued between the Palestinian and Jewish communities of Palestine. This struggle ended in a victory for the Jewish community.[43] Then, after the Israeli Declaration of Independence by David Ben-Gurion on 14 May 1948, war broke out between the newly proclaimed State of Israel and its neighbours. And at the end of the war, Israel's borders were established.[44]

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[34] Palestine Royal (Peel) Commission Report (July 1937) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 161-165.

[35] Laqueur and Rubin, *The Israel-Arab reader*, 44.

[36] The 1939 White Paper (17 march 1939) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 165-169.

[37] Pappe, *A history of modern Palestine*, 123; Gelvin, *The Israel-Palestine conflict*, 121-123; and Fieldhouse, *Western imperialism*, 187.

[38] A minority of the committee's members was allowed to put forward an alternative plan encompassing a united, federal state. See UN Special Committee on Palestine: Summary Report (31 August 1947) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 68-69

[39] UNSCOP's Plan of Partition with Economic Union (31 August 1947) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 217-219.

[40] Smith, *Palestine and the Arab-Israeli conflict*, 217.

[41] UNSCOP's Plan of Partition with Economic Union (31 August 1947) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 219.

[42] Smith, *Palestine and the Arab-Israeli conflict*, 198; and Ovendale, *The origins of the Arab-Israeli wars*, 118-119. The Zionist movement put pressure on several states to vote in favour of the partitioning resolution. It also intervened to convince US President Truman to twist some arms to ensure that the resolution would be passed. See Morris, *1948*, 51-63.

[43] Ovendale, *The origins of the Arab-Israeli wars*,135-137; Gelvin, *The Israel-Palestine conflict*, 126; and B. Morris, 1948. The first Arab-Israeli war, (London 2008) 93-112.

[44] Gelvin, *The Israel-Palestine conflict*, 126.

Research question and thesis outline

By concisely discussing the troublesome history of the Jewish and Palestinian peoples some of the issues that trouble Israelis and Palestinians to this day have come to the fore.[45] The conflict unmistakably originates from the past. From the moment both peoples discovered their national identity, they have struggled for the opportunity to realise self-governance and self-determination. Through history their struggles have coincided, and often collided.[46] And after the creation of Israel in 1948 a whole new dimension was added to their struggles. From then on the parties had to deal with the fact that only one of them had managed to fulfil the aspiration of a nation-state, while the other had seen its aspirations thwarted. Consequently, the antagonism between the Israelis on the one hand, and the Palestinians and Israel's Arab neighbours on the other grew to biblical proportions.

The Israeli-Palestinian conflict has always drawn significant attention from peoples and states from all over the world. That is partly due to the fact that the Middle East is of paramount interest to the world for its vast energy resources, and because its geographical location makes it a prime transportation nexus. On top of that, the plights of both the Israelis and Palestinians have evoked broad sentiments of sympathy and compassion, not in the last place due to the vast Jewish and Palestinian diasporas. Furthermore, during the Cold War the Middle East was an important 'battleground' between the Soviet Union and the US.

Due to the destabilising effect of the conflict, all parties involved, as well as regional and global superpowers have had an interest in solving the conflict. Though it must be added that some – mostly regional – states have had an interest in preserving the status quo of the conflict. In spite of the latter category, many parties have sought means to break the stalemate. As the first step in conflict resolution is agreeing to the need to negotiate, many efforts have been aimed at getting parties to the negotiating table;[47] although the ideas on who exactly should be invited have evolved over time. The second phase, in which (pre-) negotiations take place, produces various difficulties in maintaining momentum and reaching an agreement.[48] Adding to the difficulties is the fact that agreements reached are usually just steps in the negotiating progress that must lead to a final, comprehensive and lasting agreement.

Since 1948 there have been many attempts to solve the Israeli-Palestinian conflict. Time and time again interlocutors and the parties themselves have tried to come up with definitive and lasting solutions. And, notwithstanding the progress that was made on some issues, a lot of the core issues remain unresolved to this day. This thesis discusses how the core issues have evolved over time. This will be done by analysing the proposals that have been put forward to solve these issues and the agreements concluded. This includes proposals that did not seek to achieve peace in the 'traditional way', but that were aimed at denying, subjugating or even destroying the (existence of the) other party to the conflict. This thesis will thus not look at the actual negotiations, although sometimes some comments will be made regarding the negotiating process. The main research question is:

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[45] By Israelis the non-Arab inhabitants of Israel are meant, despite the fact that the Arab inhabitants of Israel (sometimes called Arab Israelis, but here referred to as Palestinians) are citizens of Israel and thereby Israelis as well. For the difficulties concerning the term Israelis also see J. Schwedler and D.J. Gerner (eds.), *Understanding the contemporary Middle East*, (3rd edition; London 2008) 182.

[46] Schwedler and Gerner, *Understanding the contemporary Middle East*, 186.

[47] G.R. Berridge, *Diplomacy. Theory and practice*, (2nd edition; New York 2002) 29-30.

[48] See for these difficulties amongst others Berridge, *Diplomacy*, 56-58.

In what way have the core issues of the Israeli-Palestinian conflict, as dealt with in proposals and agreements, evolved since 1948?

In order to answer the research question the following subsidiary questions have to be addressed:
- What are the core issues of the conflict?
- How are the core issues addressed in the proposals and agreements?
- What kind of development, evolution or lack thereof can be derived from the (contents of the) proposals and agreements?

The aim of this study is to draw conclusions for future negotiations on the basis of the evolution of the core issues.

The core issues will be dealt with thematically. The following themes have been selected on the basis of the proposals that will be discussed:[49]
1) People: the issues related to this theme are representation and refugees;
2) Sovereignty, statehood and self-determination: this concerns borders, Jerusalem, and settlements;
3) Security: this theme considers physical security, including border security, freedom of navigation and movement and the need for access to water and energy sources;
4) Economy: the issues related to economy are development, boycotts, poverty, free movement of goods and unemployment.

The proposals and agreements that have been selected exemplify the development that the core issues have undergone. They entail both steps forward and steps back in the peace process. They provide a deeper understanding of the core issues, and the difficulties of dealing with them.

The chapters on the four themes are built up chronologically. Within the chapters four time periods are distinguished. These periods are demarcated by hallmarking events that have had significant effect on the peace process and on the way the core issues have been addressed. The proposals within each time period are described and compared. And at the end of each chapter the evolution per theme is illustrated by describing the main trends and distinctive events and (changes in) positions. The time periods distinguished are:
- From hostility to land for peace (1948-1978)
- From land for peace to a comprehensive solution (1978-1991)
- Peace in a changed world (1991-2001)
- A new chapter in peace negotiations (2001-2009).

The outline of this thesis reflects the themes mentioned above. The first chapter will look at the peoples involved, and the issues deriving from it. In the second chapter the issues surrounding sovereignty, statehood and self-determination will be looked at. The third chapter describes the theme of security. In the fourth chapter the economic issues will be dealt with. Each chapter will end with some concluding remarks. In the final chapter the outcomes of all the chapters will be compared, and an overall appreciation of the research

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[49] A general survey of the proposals and their contents was executed before writing this thesis in order to ascertain which proposals necessitated inclusion in the research.

question will be given. Furthermore, possible (recurring) trends will be described, and a number of lessons for the future will be discerned.

1 Peoples: Talking to whom?

1.1 Introduction

It seems to be a matter of fact that the two peoples involved in the Israeli-Palestinian conflict are the Israelis and the Palestinians. However, the existence of two peoples with roots in the same stretch of land has not been recognised and has sometimes even been denied by many actors around the world, and particularly those in the region. For one, the Jewish State of Israel has not been (formally) recognised by most of its neighbouring states. On the other hand, the existence of a separate, autonomous Palestinian people was not recognised by the Israelis, nor by some of the Arab states for decades.[50] In fact, Palestinians encountered 'unofficial suspicion that led to their isolation in most of the countries where they settled'.[51] From 1948 onwards, the Israel – having been formally at war with its neighbours for decades -, and the Palestinian people - deprived of a state of its own and dispersed over the region – were involved in efforts to solve the conflict sometimes violently, sometimes peacefully.

This chapter deals with the Israeli and Palestinian peoples. The most important issue in this respect is recognition. Are the Israelis and Palestinians recognised as autonomous peoples? Another important issue is representation. Who talks to whom? Are the Israelis and Palestinians directly represented, or is there a form of indirect representation by a third party or state? And in case of direct representation, who represents the community? A final related issue is the question of what to do with displaced persons, refugees and community members living abroad.

1.2 From hostility to land for peace

The United Nations General Assembly (UNGA) passed a resolution[52] on 11 December 1948 in which it stayed clear of mentioning the Israelis and Palestinians by name. It did include references to all inhabitants of Palestine with regard to access to Jerusalem, but it did not clarify whom exactly it concerned. It mostly talked of Governments and authorities concerned, again without explicitly naming who they were. No mention was made in the resolution of (the State of) Israel; every reference to the territory concerned was to Palestine.[53] The resolution did address the question of refugees. It stated 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* [italics added], and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which (...) should be made good by the Governments or authorities responsible'.[54]

Although the resolution was quite clear on the right to return for refugees, the use of the phrase that it should happen at the earliest practicable date gave plenty of room for

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[50] Pappe, *A history of modern Palestine*, 125; and Fieldhouse, *Western imperialism*, 192.

[51] Smith, *Palestine and the Arab-Israeli conflict*, 230.

[52] It should be noted that UNGA resolutions are not legally binding, whereas UN Security Council resolutions are. See T.G. Weiss, D.P. Forsythe and R.A. Coate, *The United Nations and changing world politics*, (Oxford 1994) 25-28; P. Sands and P. Klein, *Bowett's law of international institutions* (5th edition; London 2001) 27-43; M.N. Shaw, *International law*, (4th edition; Cambridge 1997) 825-832.

[53] UN General Assembly: Resolution 194 (11 December 1948) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 83-86.

[54] *Ibidem*, 85.

postponement. Furthermore, it was not elucidated who the Governments and authorities responsible were. The UNGA did stress that the newly established Conciliation Commission would be tasked with the facilitation of 'the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation'.[55] On 17 November 1949 the chairman of the Conciliation Commission sent a letter to the Secretary General of the United Nations (UNSG) regarding the Arab refugees. He did mention the Arabs and Israelis by name. He also considered the fate of the 'families [that] lived in that section of Palestine on the Israeli side of the (...) armistice lines', although he did not use the term Palestinians. The letter singled out the Jewish refugees who had 'fled from their homes in and around Jerusalem and territories on the Arab side of the armistice lines' too. The Commission nevertheless emphasised the fact that the Arab refugees had 'not been able to return to their homes because Israel [would] not admit them'. Furthermore, the letter raised the issue of compensation, which also had to be addressed.[56] Despite these statements, the issue was not pursued any further.

In 1950 Israel came up with a law regulating the right for every Jew to immigrate to Israel. This Law of Return stipulated that any Jew expressing a desire to settle in Israel had a right to do so, with the exception of Jews that had committed acts against the Jewish nation or threatened public health or State security.[57] Of the Jews immigrating to Israel, a substantial part was of Arab origin, and came from the surrounding Arab states.[58]

To many Western states 'the Middle East was a source of tension whose causes should be resolved as quickly as possible'.[59] Thus the United States - also hoping to thwart Soviet intrusion in the region - came up with an ambitious Arab-Israeli peace plan dubbed Project Alpha. Amongst other things it entailed the 'settlement of the Palestinian refugee problem to be financed by the United States, with some [Palestinians] returning to Israel but most resettled in Arab countries'.[60] The plan, however, never materialised.

During the 1960s Palestinians became convinced that the Arab states were not willing or able to defeat Israel, and realise a Palestinian state or Palestinian autonomy within a pan-Arab state. So they took matters into their own hands.[61] On 6 January 1965 a Palestinian faction called al-Asifa (currently known as Fatah)[62] sent out a communiqué. In this communiqué the faction spelled out its desire to fight until Palestine was liberated, and it declared to the whole world that it was 'bound indissolubly to the soil of [its] homeland'. It did mention the Jewish inhabitants of Israel, but merely as 'enemies' and 'Zionists'.[63]

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[55] Resolution 194, recorded in Laqueur and Rubin, *The Israel-Arab reader*, 85.

[56] Letter on the Position of the Palestinian Refugees (17 November 1949) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 260-261. On the issue of compensation also see UN Conference on Palestine Refugees Working Paper (26-27 April 2000), *The United Nations Conciliation Commission for Palestine and a durable solution for Palestine Refugees*, www.badil.org/Publications/Monographs/UNCCP.**Refugees**.pdf, consulted on 17 June 2009.

[57] State of Israel: Law of Return of 5 July 1950 recorded in Laqueur and Rubin, *The Israel-Arab reader*, 87.

[58] Smith, *Palestine and the Arab-Israeli conflict*, 229.

[59] *Ibidem*, 232.

[60] *Ibidem*, 246.

[61] See J. Schanzer, *Hamas vs. Fatah. The struggle for Palestine*, (New York 2008) 8-9, 16-17.

[62] Fatah was constituted around 1958, but gained prominence during the 1960s. It called itself Asifa to 'avoid Arab government wrath in case of [Israeli] retaliation'. See Smith, *Palestine and the Arab-Israeli conflict*, 301. It might also have chosen this name to prevent alienating those Arab states that claimed parts of Palestine.

[63] Communiqué No. 1 from Headquarters of Asifa Forces (Fatah) (6 January 1965) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 301. The term Zionism and references to it are frequently used by Israel's

In a vision of peace put forward by the Israeli Minister of Foreign Affairs, Abba Eban, the Palestinians as a distinctive people were ignored. Eban talked only of peace with its neighbours, the Arab states, and did not refer to Arab inhabitants of Israel or to (the) Palestinians.[64]

The 1967 war between Israel and its neighbours put the Arab-Israeli conflict and the Palestinian refugee problem to the forefront again. In response, the United Nations Security Council (UNSC) passed Resolution 242 after considerable negotiations between the Security Council's members, Israel and the Arab states.[65] The resolution expressed the 'need to work for a just and lasting peace in which every *state* [italics added] in the area [could] live in security'.[66] The UNSC did thus not consider the Palestinians – the stateless people. It requested the UNSG to establish and maintain contacts with the states concerned. It did nevertheless affirm the necessity to achieve 'a just settlement of the refugee problem', but without determining how it was to be achieved and what a just settlement exactly entailed.[67]

The Palestinians grew increasingly disenchanted with the lack of recognition from the international community and Israel, but also from the Arab states. The Palestinian National Council, the representative assembly of the Palestine Liberation Organisation (PLO), thus passed the Palestinian National Charter. The Charter started out by claiming that Palestine was the homeland of the Arab Palestinian people. It put forward that there was 'a Palestinian community and that it [had] material, spiritual, and historical connection with Palestine', and that it should 'safeguard [the] Palestinian identity'. However, it also stated that 'the Palestinian people [were] an integral part of the Arab nation', adding that '[t]he Palestinian Arab people [possessed] the legal right to their homeland and [that they had] the right to determine their destiny after achieving liberation of their country'. According to the Charter the 'Palestinian identity [was] a genuine, essential, and inherent characteristic, (...) [and] [t]he Jews who had normally resided in Palestine until the beginning of the Zionist invasion [were] considered [to be] Palestinians'. Judaism was not considered to be 'an independent nationality' nor 'a single nation with an identity of its own'.[68] Although the Charter underlined the Palestinians' commitment to the pan-Arab cause, it clearly claimed a role for the Palestinian people itself to whom the Jews living in Palestine belonged. Fatah, the dominant party within the PLO, added in 1969 that the 'Palestine National Liberation Movement [rejected] any solution that [did] not take account of the existence of the Palestinian people and its right to dispose of itself [*sic*]'. It also categorically rejected UNSC Resolution 242 in that it '[ignored] the national rights of the Palestinian people – failing to [even] mention its existence'. Any solution that ignored this basic factor, would thereby 'be doomed to failure'.[69]

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opponents. By referring to Zionism in a negative way and by refraining from using the term Israel, they express their antipathy to Israel and their resolve to deny Israel's right to exist.

[64] Israeli Foreign Minister Abba Eban: Speech at the Special Assembly of the United Nations (19 June 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 105-110.

[65] Ovendale, *The origins of the Arab-Israeli wars*, 213-215; and Smith, *Palestine and the Arab-Israeli conflict*, 310-312.

[66] UN Security Council: Resolution 242 (22 November 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 116.

[67] *Ibidem*.

[68] Palestine National Council: The Palestinian National Charter (July 1968) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 117-121.

[69] Fatah: The Seven Points (January 1969) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 130-131.

In the same year the new US Administration sought to take the Middle East conflict head on after the talks led by UN representative Jarring reached an impasse.[70] The Rogers Plan[71] referred extensively to Resolution 242. First and foremost, it dealt with achieving peace between Israel and the Arab states. However, it did stress that 'no lasting peace [could be achieved] without a just settlement of the problem of those Palestinians whom the wars of 1948 and 1967 [had] made homeless'. The plan also mentioned that a just settlement had to take into account 'the desires and aspirations of the refugees'.[72] By mentioning the Palestinians Rogers did go a step further than the UNSC Resolution. He nevertheless steered clear of making them a definitive party to the negotiations.

In 1970 the PLO was forced to leave Jordan, because it had accumulated tremendous power in the kingdom. It was accused of aiming to topple the Jordanian king and government.[73] After the 1973 war between Israel and its neighbours, things changed in the region. After a successful surprise attack on Israel and initial territorial gains, the Arab forces were pushed back by Israeli forces. Nevertheless, the operation was heralded throughout the Arab world as a victory and as redemption for earlier wars. In a victory speech Anwar Sadat, Egypt's president, brought to mind that Egypt had also fought 'to find ways and means to restore and obtain respect for the legitimate rights of the people of Palestine'. Furthermore, he expressed his willingness to accept a ceasefire and attend a peace conference, thus hinting at a possible recognition of Israel. Sadat stressed that he would try to convince the Palestine people's representatives to engage in negotiations so that they might participate.[74] Although Sadat stopped short of supporting a separate Palestinian state, it was a huge step forward in the support for the representation of Palestinians in negotiations.

The UNSC responded to the 1973 war by reaffirming Resolution 242, although this time the Council used the term *parties* concerned instead of solely referring to states.[75] The UNSC thus possibly intended to shift towards a broader approach to the conflict, including the careful but not wholehearted acceptance of some form of Palestinian representation.

In a speech to the Knesset Golda Meir, Israel's Prime Minister, did not mention the Palestinians. She hinted at them, but only as part of the condition that a ceasefire should also be binding upon 'irregular forces acting against Israel from the area of the States accepting the cease-fire'.[76] Meir's remark did, however, in no way indicate the acceptance of Palestinian representation in any form. The PLO responded in kind by passing several resolutions, in which it repeated its objection to Resolution 242. Furthermore, the

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[70] W.B. Quandt, *Peace process. American diplomacy and the Arab-Israeli conflict since 1967*, (3rd edition; Washington, DC 2005) 47, 63-64 and 87-88.

[71] It should be noted that the Rogers Plan did not seem to have had the full support of President Nixon. See Quandt, *Peace process*, 69 and P. Tyler, *A world of trouble. The White House and the Middle East – from the Cold War to the War on Terror*, (New York 2009) 124.

[72] Jewish Virtual Library, *The Rogers Plan (9 December 1969)*, http://www.jewishvirtuallibrary.org/jsource/History/rogers.html, consulted on 17 June 2009.

[73] Tyler, *A world of trouble*, 109; Smith, *Palestine and the Arab-Israeli conflict*, 320-322; and Gelvin, *The Israel-Palestine conflict*, 208-209.

[74] Egyptian President Anwar Sadat: Speech (16 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 148-152.

[75] UN Security Council: Resolution 338 (22 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 152.

[76] Israeli Prime Minister Golda Meir: Statement in the Knesset (23 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 152-157.

organisation declared that it categorically refused to negotiate on the basis of that resolution. The PLO's aim remained the liberation of the Palestinian lands and the setting up of 'a patriotic, independent, fighting peoples regime in every part of the Palestine territory which [would] be liberated'. The PLO also repeated its commitment to the right to return and to self-determination of the Palestinian people. In the PLO's view there was no place for 'Zionist (...) designs'.[77]

Then during a hallmark summit in Rabat in 1974, the Arab League declared its support for the 'right of the Palestinian people to self-determination and to return to their homeland'. It also recognised the PLO as sole legitimate representative of the Palestinian people.[78] That same year Yasir Arafat, leader of Fatah and the PLO, was invited to address the UNGA. He stated that the Palestinians were a people 'deprived of [their] homeland, dispersed and uprooted, and living mostly in exile and in refugee camps', but claimed that they were prepared to include all Jews living in Palestine who would choose to live with the Palestinians in peace.[79] The UNGA in turn confirmed the existence and inalienable rights of the Palestinian people in a subsequent resolution, and added that the Palestinians had 'the inalienable right (...) to return to their homes and property from which they [had] been displaced and uprooted'.[80] And in 1977 the PLO explicitly called for the opportunity to take part in negotiations and represent the Palestinian people.[81]

With the election of President Carter, the US involvement in organising peace talks grew. The Carter Administration found that 'an international peace conference of all parties seeking a full peace agreement' was the way to go forward.[82] With regard to the issue of representation by the PLO, Egypt urged the US to include the organisation or to allow for it to be represented in another way. At the same time Israel seemed prepared to accept the PLO as negotiating partner, be it under the condition that it would recognise Israel's right to exist.[83] But in the elections later that year, Labour was defeated by the Likud party, and the chances of Israel accepting representation by the PLO faded.

Likud had been elected on a nationalist programme. Its programme stated that '[t]he right of the Jewish people to the land of Israel [was] eternal and indisputable'. It continued that any plan that would relinquish 'parts of western Eretz Israel (...) [would] unavoidably [lead] to the establishment of a "Palestinian State", [and would jeopardise] the security of the Jewish population'. Likud was nevertheless willing to act as a genuine partner at peace treaty negotiations with Israel's neighbours. It considered the PLO 'an organization of assassins', and it would seek to 'eliminate these murderous organizations [*sic*]'.[84] In Likud's view, there was no role for the Palestinians in negotiations, let alone for the PLO.

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[77] Palestine National Council: Resolutions (June 1974) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 162-163.

[78] *Le Monde Diplomatique*, 'Seventh Arab League Summit Conference, Resolution on Palestine', 28 October 1974, http://mondediplo.com/focus/mideast/rabat74-en, consulted on 17 June 2009.

[79] PLO Chairman Yasir Arafat: Address to the UN General Assembly (13 November 1974) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 171-182.

[80] United Nations General Assembly Resolution 3236 (XXIX) (22 November 1974), *Question of Palestine*, http://unispal.un.org/UNISPAL.NSF/0/025974039ACFB171852560DE00548BBE, consulted on 2 August 2009.

[81] Smith, *Palestine and the Arab-Israeli conflict*, 337.

[82] *Ibidem*, 354.

[83] Quandt, *Peace process*, 181.

[84] The Likud Party: Platform (March 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 206-207.

When Egyptian President Sadat visited Israel in 1977, the Arab League put forward its concern that 'American-Zionist plans [were] aimed at imposing capitulatory settlements (...) [and prejudiced] the established national rights of the Palestinian people'. It saluted 'the Palestinian Arab people, who [were] standing fast in the occupied homeland' and warned 'against any attempt to prejudice the legitimacy of the PLO representation of the Palestinian people'.[85] The League again clearly recognised the Palestinian people and its representation by the PLO, although Jordan had remained hesitant to accept separate representation by the PLO for quite some time.[86]

In a speech to the Knesset at the end of 1977, Israeli Prime Minister Menachem Begin[87] proposed an autonomy plan for the West Bank and the Gaza Strip. He suggested the establishment of an 'administrative autonomy of, by and for the Arab residents of Judea, Samaria[88] and the Gaza Strip'. According to the plan the Arab residents could choose Israeli or Jordanian citizenship. The Israeli government would, however, never allow the PLO to control the areas.[89] The plan provided for a conditional recognition of the Palestinians as Arab citizens of Israel. It was nevertheless still a long way from recognising the Palestinians as an autonomous people.

1.3   From land for peace to a comprehensive solution

American president Jimmy Carter had already advocated a homeland for the Palestinians in 1977,[90] and in early 1978 he expanded on the issue stating that a comprehensive peace could only be achieved if the 'Palestinian problem in all its aspects' was to be resolved. Therefore, the 'legitimate rights of the Palestinian people' had to be recognised and Palestinians should be enabled 'to participate in the determination of their own future'.[91] This was a hallmark step. It was an enormous boost for the Palestinians, and their desire to be recognised as an autonomous people. Furthermore, president Carter, in contrast to his predecessor, was of the opinion that the PLO could be a factor in the peace process.[92]

At Camp David Egypt and Israel reached an agreement. Egypt was the first Arab state to recognise Israel. Both states agreed that 'representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects'. The delegations of Egypt and Jordan would be allowed to include 'Palestinians from the West Bank and Gaza or other Palestinians as [would be] mutually agreed'. After a fixed period of time negotiations were to take place to determine the final status of the West Bank and Gaza. The negotiations were to be conducted among 'Egypt, Israel, Jordan, and the elected representatives of the inhabitants of the West Bank and Gaza', and the solution had to

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[85] Arab League: Summit Declaration (5 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 216-218.

[86] Quandt, *Peace process*, 137-138; and Smith, *Palestine and the Arab-Israeli conflict*, 333-334.

[87] Remarkably enough Begin had 'left the coalition government in 1969 in protest against Israeli agreement to enter negotiations'. Pappe, *A history of modern Palestine*, 206.

[88] Judea and Samaria are the biblical names for the West Bank. Israelis frequently use these names, when referring to the West Bank. They generally do so to stipulate that they believe that the area is, and should remain, part of Israel. See for instance Pappe, *A history of modern Palestine*, 185.

[89] Israeli Prime Minister Menachem Begin: Autonomy Plan for the West Bank and Gaza Strip (28 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 218-220.

[90] Ovendale, *The origins of the Arab-Israeli wars*, 233-234.

[91] U.S. President Jimmy Carter: Statement on Palestinian Rights (4 January 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 220-221.

[92] Smith, *Palestine and the Arab-Israeli conflict*, 360-361.

recognise 'the legitimate rights of the Palestinian people and their just requirements'.[93] The official acceptance of this parlance by Egypt and Israel again bolstered Palestinian aspirations, even though Begin did not concur with the other signatories on what the reference to the Palestinian people exactly entailed. Begin considered it to solely point to the inhabitants of the West Bank and Gaza, thereby excluding the Palestinians living outside of the territories.[94]

In 1980 the European Community issued a declaration in which it stated that the principle of justice for all the peoples implied 'the recognition of the legitimate rights of the Palestinian people'. It also declared that the Palestinian problem was not simply one of refugees. Furthermore, the PLO would have to be 'associated with the negotiations'.[95] The member states thus acknowledged the existence of the Palestinian people, and subscribed to a role for the PLO in negotiations.

A year later Saudi Crown Prince Fahd unexpectedly presented a proposal to solve the conflict. He did so in a time that the Middle East was shaken by a number of significant events, including the fall of the Shah in Iran, the Soviet invasion of Afghanistan, the start of the Iran-Iraq war and the siege of the Grand Mosque in Mecca. In somewhat poetic terms Fahd's proposal claimed that 'the Palestinian figure [was] the basic figure in the Middle Eastern equation'. The proposal affirmed 'the right of the Palestinian people to return to their homes and to compensate those who [would] not wish to return'. Apart from affirming the rights of the Palestinian people, it also entailed an opening to Israel. Fahd only demanded that Israel withdraw from all Arab territory occupied in 1967, while concurrently stipulating that 'all states in the region should be able to live in peace'.[96] He thus implied that Israel should be allowed to live in peace too. This was a revolution in Saudi thinking and influenced the way Arabs thought about Israel. The proposal was later adopted by the Arab League after a limited revision of the text.[97]

In 1982 Israel ousted the PLO from Lebanon,[98] and occupied part of it. Newly elected President Ronald Reagan heralded this feat. He wanted to prevent a role for the PLO in any negotiations on the Palestinian issue.[99] He did nevertheless support the Camp David framework laid down by Carter. Within this framework he acknowledged the need for 'permitting the Palestinian people to exercise their legitimate rights', and for participation of the Palestinians in the peace process. In turn, he called on the Palestinian people to 'recognise that their own political aspirations [were] inextricably bound to the recognition of Israel's right to a secure future'. He also appealed to the Arab states to accept the reality of

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[93] Camp David Summit Meeting: Frameworks for Peace (17 September 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 222-227.

[94] Smith, *Palestine and the Arab-Israeli conflict*, 364.

[95] European Council: Venice Declaration (13 July 1980) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 232-233.

[96] Saudi Crown Prince Fahd ibn Abd al-Aziz: The Fahd Plan (7 August 1981) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 234-235.

[97] M.E. Yapp, *The Near East since the First World War. A history to 1995*, (2nd edition; Harlow 1996) 434.

[98] The PLO had been in control of most of Lebanon's predominantly Muslim regions. Arafat sought to make clear that the PLO would only dismantle 'the temporary mini-state on Lebanese territory', in return for an 'independent state in Palestine'. See F. Traboulsi, *A history of modern Lebanon*, (London 2007) 213. On the ousting of the PLO also see International Crisis Group, *Nurturing instability: Lebanon's Palestinian refugee camps*, Middle East Report no. 84 (19 February 2009) 5.

[99] Smith, *Palestine and the Arab-Israeli conflict*, 381.

Israel, and enter into direct negotiations with it.[100] In a reaction the Arab League stated its support for the drawing up of 'guarantees for peace for all the states of the region'.[101] This was a very careful gesture towards the US and Israel.

Jordan put forward its vision on the peace process in 1982 too. It stated that Jordan could not 'speak in place of the Palestinians', and that the 'Palestinians alone [had] the right to determine their future'. It added that there was no substitute for the Palestine Liberation Organisation. Jordan put forward that 'the Palestinian problem [had to be] dealt with *in the context* [original italics] of the existence of Israel'. Thus Jordan on the one hand affirmed that the Palestinians had to be involved in negotiations on their own merit, and on the other hand took on a – be it hesitantly - favourable stance on the issue of recognition of Israel.

In 1983 Lebanon and Israel concluded a peace treaty. They agreed to respect the sovereignty, political independence and territorial integrity of each other. There was no direct mentioning of the Palestinians, although the treaty did refer to irregular forces and armed bands; both clear references to the PLO forces in Lebanon.[102] However, the treaty was stillborn, and was renounced by the Lebanese government the following year.[103]

The Palestinians reiterated their 'continued adherence to independent Palestinian decisionmaking, its protection, and the resisting of all pressures from whatever source to detract from this independence'. They also repeated the entitlement of the Palestinian people to return. They denounced the Camp David Accords and the Reagan Plan, and all 'schemes aimed at harming the right of the PLO to be the sole representative of the Palestinian people'.[104] In 1985 the PLO joint forces with Jordan on the resolution of the Palestinian question in all its aspects, including the refugee issue. Negotiations were to include participation of the 'Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, within a joint [Jordanian-Palestinian] delegation'.[105] The joint communiqué could be seen as an attempt 'to respond belatedly to the 1982 Reagan initiative'.[106] However, in the course of 1985 and 1986 the Jordanian-PLO relationship broke down.[107]

When the first *intifadah* broke out in the West Bank and the Gaza Strip in 1987 the PLO was caught somewhat by surprise.[108] The *intifadah* was in part a reaction to the PLO's eviction from Lebanon in 1982, that made Palestinians in the territories realise that 'liberation would only come through armed struggle *within* [italics added] the territories'.[109] The Palestinian

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[100] U.S. President Ronald Reagan: The Reagan Plan (1 September 1982) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 257-263.

[101] Twelfth Arab Summit Conference: Final Statement (9 September 1982) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 263-265.

[102] Lebanon and Israel: Truce Agreement (17 May 1983) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 287-289.

[103] Traboulsi, *A history of modern Lebanon*, 223.

[104] Palestine National Council: Political Statement (22 February 1983) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 277-280.

[105] Jordan-PLO: Joint Communiqué (11 February 1985) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 298-299.

[106] Quandt, *Peace process*, 261.

[107] *Ibidem*, 264-265.

[108] *Ibidem*, 274.

[109] J. Gunning, *Hamas in politics. Democracy, religion, violence*, (London 2007), 36.

leaders in the territories nevertheless went out of their way to stipulate that the uprising was a sign of their 'unbreakable commitment to [the Palestinian people's] national aspirations', and that the aim was to achieve an 'independent state (…) under the leadership of the PLO, as [the Palestinian people's] sole legitimate representative'. It added that the PLO should be involved in negotiations as an equal partner.[110] The PLO thus remained the umbrella under which the Palestinian aspirations should be realised, be it that from then on the Palestinians in the territories were a force to be reckoned with by the PLO. In the weeks following the *intifadah* a rival movement of Fatah was founded.[111] This movement, called Hamas (an acronym for Islamic Resistance Movement),[112] would become an important Palestinian actor in the decades to follow.

Hamas published a charter declaring that it was a distinguished Palestinian movement. Its aim was 'to raise the banner of Allah over every inch of Palestine (...) [where] followers of all religions [could] coexist in security and safety'. For Hamas nationalism was part of the religious creed. The liberation of Palestine was bound to three circles: the Palestinian circle, the Arab circle and the Islamic circle. That meant that the liberation of Palestine was 'an individual duty for every Moslem wherever he [might] be'. Hamas clearly put the liberation of Palestine in a broad perspective. It saw the Palestinians as part of larger communities, whilst stressing the existence of a Palestinian people within these communities. It did express its respect and appreciation of Palestinian nationalist movements as long as they did not 'give allegiance to the East nor the West'. With regard to the PLO it added that the PLO was 'closest to the heart of the Islamic Resistance Movement', but that Hamas could not accept the secular idea as '[s]ecularism completely [contradicted] religious ideology'. In the struggle against the 'Jews' usurpation of Palestine' Hamas thus claimed a role of its own. It fervently opposed the concept of a Jewish state, and refused to deal with Israel.[113]

In 1988 the US reappeared on the scene. Foreign Minister George Shultz put forward a plan to revive the peace process. He proposed to include the Palestinians in the Jordanian-Palestinian delegation. Furthermore, '[t]he Palestinian issue [would] be addressed in the negotiations between the Jordanian-Palestinian and Israeli delegations'.[114] The PLO responded by stating that an 'international conference on the issue of the Middle East and its core, the question of Palestine' should be attended by 'all parties to the conflict in the region including the Palestine Liberation Organization, the sole, legitimate representative of the Palestinian people, on an equal footing'. It did nevertheless stay clear from completely abandoning the 'distinctive relationship between the Jordanian and Palestinian peoples' by affirming that 'the future relationship between the two states of Palestine and Jordan should be on a confederal basis'. It called on the US to 'put an end to the American policy that

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[110] West Bank-Gaza Palestinian Leaders: Fourteen Points (14 January 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 317-319. The Unified National Leadership of the Uprising (which did not include Hamas) was created in 1988 and sought to coordinate actions. It supported the PLO as sole, legitimate representative. See Unified National Command of the Intifada: Call No. 6 (4 February 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 320-321; and Gelvin, *The Israel-Palestine conflict*, 218.

[111] For the establishment of Hamas see Gunning, *Hamas in politics*, 28-39; Z. Chehab, *Inside Hamas. The untold story of the militant Islamic movement*, (New York 2007) 15-30; and A. Tamimi, *Hamas. Unwritten chapters*, (London 2007) 10-21.

[112] Hamas is also Arabic for zeal.

[113] Hamas Covenant 1988 (18 August 1988), http://avalon.law.yale.edu/20th_century/hamas.asp, consulted on 3 July 2009.

[114] U.S. Secretary of State George Shultz: Plan (6 March 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 321-322.

denies the Palestinian people's national rights'.[115] In a simultaneously published Declaration of Independence the PLO proclaimed the inseparable bond of the Palestinians with Palestine, their national identity, and the historical interventions depriving the Palestinians of their political independence. The Declaration emphasised their right of return and the right to independence. It did not mention the Israelis, but it confirmed its resolve to 'join with all states and peoples in order to assure a permanent peace based upon justice and the respect of rights'.[116] Yasir Arafat expanded on this issue. He explained that the Palestinians were looking for 'peace to both Palestinians and Israelis'. Palestinian self-determination would not mean the destruction of the Israelis. Arafat affirmed his renunciation of terrorism, and reiterated 'the right of all parties concerned in the Middle East conflict to exist in peace and security (…) including the state of Palestine and Israel'.[117] The PLO thus recognised Israel's right to exist and live in peace. In the meantime informal and private contacts were established through Swedish mediation between PLO leaders and prominent American Jews.[118]

The Israeli government responded with a rejection of any dealings that involved the PLO, stating that it would not conduct negotiations with the PLO. Shamir proposed that 'the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district' hold elections for a representation that would participate in the negotiations.[119] Egyptian president Hosni Mubarak seemed to accept this Israeli proposal conditionally, and stayed clear of calling for PLO involvement in the negotiations.[120] The US tried to advance the Shamir plan by arranging for an Israeli delegation to conduct a dialogue with a Palestinian delegation in Cairo. It confusingly added that 'Egypt [could] not substitute itself for the Palestinians and (...) [would] consult with Palestinians on all aspects of [the] dialogue'. Israel was only required to attend the dialogue after a 'satisfactory list of Palestinians [had] been worked out'.[121] This plan infuriated Palestinians, especially those living outside the territories because they would not be represented.

1.4   The quest for peace in a changed world

The Iraqi invasion of Kuwait in 1990 upset the region, and influenced the future of the Israeli-Palestinian conflict. For one, the PLO supported Saddam Hussayn's invasion after the latter linked his withdrawal from Kuwait to the Israeli withdrawal from the Occupied Territories.[122] In consequence, the PLO lost significant financial support of the Gulf States, and substantial political goodwill within the Arab world.[123] On top of that, the PLO's superpower sponsor, the Soviet Union, fell apart, so that the PLO could no longer turn to it for support and

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[115] Palestine National Council: Political Resolution (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 349-353.

[116] Palestine National Council: Declaration of Independence (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 354-357.

[117] Statement by Yasir Arafat, Geneva (14 December 1988) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 448-449.

[118] Quandt, *Peace process*, 278.

[119] Israeli Prime Minister Yitzhak Shamir: Peace Plan (14 May 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 359-362.

[120] Egyptian President Hosni Mubarak: Ten-Point Plan (4 September 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 362-262.

[121] U.S. Secretary of State James Baker: Five-Point Plan (10 October 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 367-368.

[122] Quandt, *Peace process*, 302.

[123] Smith, *Palestine and the Arab-Israeli conflict*, 432.

assistance.[124] The PLO, anxious of having lost its prominence as representative of the Palestinian people, put out a communiqué, in which it repeated that it was the legitimate and sole representative of the Palestinian people. It also stressed that it had 'the right to form the Palestinian delegation from within and outside the homeland, including Jerusalem, and to define the formula of [its] participation in the peace process on an equitable basis and in a way that [stressed] its authority'. Furthermore, it proclaimed that the 'problem of the Palestinian refugees driven out of their homeland by force and against their will [should] be resolved'.[125]

The US realised that the outcome of the Second Gulf war[126] could create conditions in which 'Arab-Israeli peace negotiations would prove possible'.[127] It also saw the need to solve the conflict for it caused instability and turmoil in the Middle East.[128] The US - together with the Soviet Union – thus organised an international peace conference in Madrid. It consisted of two tracks: Arab-Israeli negotiations and Israeli-Palestinian negotiations. The Palestinians were invited as part of a joint Jordanian-Palestinian delegation.[129] The US added that '[o]nly Palestinians can choose their delegation members, which are not subject to veto from anyone', but clarified that 'members of the delegation [should] be Palestinians from the territories' and that '[n]o party [could] be forced to sit with anyone it [did] not want to sit with'. This of course meant that representatives from the PLO, which leadership was situated in Tunis and was not recognised by Israel, and the Palestinian refugees would be excluded. The US nevertheless hailed the Palestinian decision to attend a peace conference to launch direct negotiations with Israel as an important step in the search for a comprehensive, just and lasting peace in the region. It stressed that it believed that the process would create 'a new relationship of mutuality where Palestinians and Israelis [could] respect one another's (...) identity, and political rights'. With regard to Israel the US put forward that the outcome of the negotiations should 'provide for security and recognition for all states in the region, including Israel, [as well as] for the legitimate political rights of the Palestinian people'.[130]

The Madrid process did not produce a significant outcome. But with the election of Labour leader Yitzhak Rabin as the new Israeli Prime Minister in 1992 the tide turned. Before the elections the Labour party had already advocated its willingness to hold immediate talks with the Palestinians.[131] Rabin was consequently chosen on a programme of peacemaking. In his inaugural speech he expressed his intention to invite the Palestinian-Jordanian delegation for an informal meeting in Jerusalem. In his speech he addressed the Palestinians in the territories, but he refrained from mentioning the Palestinians living outside of the territories.[132]

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[124] Pappe, *A history of modern Palestine*, 240-241.

[125] Palestine National Council: Political Communiqué (28 September 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 380-384.

[126] The First Gulf War is the war between Iran and Iraq (1980-1988).

[127] Quandt, *Peace process*, 303.

[128] W.L. Cleveland, *A history of the modern Middle East*, (3rd edition; Oxford 2004) 481-482; and M. Kamrava, *The modern Middle East. A political history since the First World War*, (London 2005) 189.

[129] *Le Monde Diplomatique*, 'US-Soviet letter of invitation to the peace talks in Madrid', 18 October 1991, http://mondediplo.com/focus/mideast/madrid-invit-en, consulted on 20 June 2009.

[130] U.S. Letter of Assurances to the Palestinians (18 October 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 385-388.

[131] Israeli Labor Party Platform Document, Appendix IX in D. Makovsky, *Making peace with the PLO. The Rabin government's road to the Oslo Accord*, (Oxford 1996) 193-194.

[132] Israeli Prime Minister Yitzhak Rabin: Inaugural Speech (13 July 1992) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 403-407.

But it was not through the official, public channels of negotiation that a peace accord was reached, but through the secret channel of Oslo.[133] The Oslo negotiations involved the PLO, be it as part of a Jordanian-Palestinian delegation. The agreed Declaration of Principles recognised the PLO team as representing the Palestinian people. Rabin expressly recognised the 'PLO as representative of the Palestinian people'. The Declaration called for 'direct, free and general political elections' for the Palestinian Interim Self-Government Authority.[134] At the same time, PLO chairman Arafat recognised 'the right of the State of Israel to exist in peace and security'.[135] In their subsequent speeches at the signing ceremony in Washington Rabin and Arafat acknowledged not only the existence of the other, but the other's right to exist.[136] The Declaration did refer to the Palestinian refugees living outside the territories. It was concluded that the refugee issue would be settled in the permanent status negotiations. The Declaration also mentioned the displaced Palestinians.[137] It is important to note that the term displaced Palestinians points to Palestinians involuntarily uprooted from their homes, but still living in Israel or the territories. The term refugees concerns Palestinians living outside of Israel and the territories, and are unable to return.[138] Remarkably enough the Agreed Minutes to the Declaration did not mention the refugee issue as part of the permanent status negotiations.[139] Because the language of the Declaration 'permitted two radically opposed visions of what the accord really meant with respect to the future of both Israel and the Palestinians',[140] the implementation of the provisions thereof would prove to be a hard nut to crack.

In a follow-up agreement to the Oslo Accords both Israel and the PLO reaffirmed recognition of each other's legitimate and political rights. The agreement also contained a provision on the entry into the Gaza Strip and the Jericho Area of 'Palestinians from abroad'. They would be allowed to travel to the aforementioned areas, if approved by Israel.[141] This was, however, by no means a recognition of the right to return for Palestinians.

Following the Israeli-Palestinian agreement Israel and Jordan concluded a peace treaty. In it the issue of displaced persons and refugees was mentioned. Both states agreed that the

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[133] The peace agreement is commonly known as the Oslo Accords, and consists of a declaration of principles, agreed minutes, and two letters of recognition along with several annexes.

[134] Israel and PLO: Declaration of Principles on Interim Self-Government Arrangements ["Oslo Agreement"] (13 September 1993 recorded in Laqueur and Rubin, *The Israel-Arab reader*, 413-422.

[135] Annex II to the Agreed Minutes to the Declaration of Principles on Interim Self-Government Arrangements (13 September 1993) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 424-425.

[136] U.S. President Bill Clinton, Israeli Prime Minister Yitzhak Rabin, and PLO Chairman Yasir Arafat: Speeches at the Signing of the Israel-PLO Declaration of Principles (13 September 1993) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 425-428.

[137] Israel and PLO: Declaration of Principles on Interim Self-Government Arrangements ["Oslo Agreement"] (13 September 1993) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 413-422. Annex II to the Accords mentioned the recruitment of Palestinian police officers 'from abroad (holding Jordanian passports and Palestinian documents issued by Egypt'. See Annex II to the Oslo Agreement in Laqueur and Rubin, *The Israel-Arab reader*, 419.

[138] For the distinction between refugees and (internally) displaced persons see: C.W. Kegley, Jr. and E.R. Wittkopf, *World politics. Trend and transformation*, (8th edition; London 2001) 343.

[139] Israel and PLO: Agreed Minutes to the Declaration of Principles on Interim Self-Government Arrangements (13 September 1993) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 422-425.

[140] Smith, *Palestine and the Arab-Israeli conflict*, 453.

[141] Israel and PLO: Cairo Agreement (4 March 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 442-455.

issue could not be fully resolved on the bilateral level, and they therefore stated that they would 'seek to resolve [the issue] in appropriate forums'. With regard to displaced persons Egypt and the Palestinians were to be involved, and in the case of the refugees a framework would have to be agreed.[142]

In another agreement following the Oslo Accords – called Oslo 2 - the elections for the Interim Self-Government Authority were called 'a significant step toward the realization of the legitimate rights of the Palestinian people'.[143] Palestinians living in the West Bank and the Gaza Strip would be allowed to cast their vote.[144] Palestinians from abroad that were allowed to enter the West Bank and the Gaza Strip would in some cases be allowed to vote. This provision made it possible for (some) PLO members that had been living abroad to return, participate in the elections, and run for office. Oslo 2 stated that the refugee issue was to be negotiated in the permanent status negotiations.[145]

The Oslo Accords provoked a lot of resentment amongst parts of the Israeli and Palestinian peoples. This displeasure culminated in violence against the other side, as well as amongst themselves. In 1994 a radical Israeli killed 29 Arabs in Hebron. Hamas responded by initiating a wave of suicide bombings.[146] In November 1995, Prime Minister Rabin was assassinated by a radical Israeli settler. Shimon Peres succeeded Rabin, and sought to implement the terms of Oslo 2 swiftly. Elections were held and Likud leader Benjamin Netanyahu was voted into office. Netanyahu was well known for his objections to the Oslo Accords.[147] Netanyahu nevertheless concluded an agreement with Arafat in 1997. They decided that the Oslo peace process had to move forward to succeed. The agreement also entailed the commitment to implement Oslo 2 on the basis of reciprocity. It included a list of Israeli and Palestinian responsibilities, and issues for implementation. Negotiations were to be conducted people-to-people.[148]

A year later yet another implementation agreement saw the light of day. This agreement was intended to allow the Israeli and Palestinian sides to more effectively carry out 'their reciprocal responsibilities'. The permanent status negotiations would be resumed on an accelerated basis and a determined effort would be made to reach an agreement.[149] The Wye River Memorandum, as it was called, proved to be too much for the Netanyahu government. The cabinet fell and Labour leader Ehud Barak became Prime Minister. Barak stated that his government would act to accelerate the negotiations with the Palestinians,

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[142] Israel and Jordan: Peace Treaty (26 October 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 477-486.

[143] Israeli and Palestinian Authority: Interim Agreement on the West Bank and Gaza Strip (28 September 1995) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 502-521.

[144] Article II of Annex II to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (25 September 1995), http://www.mideastweb.org/intanx2.htm, consulted on 26 June 2009.

[145] Interim Agreement on the West Bank and Gaza Strip in Laqueur and Rubin, *The Israel-Arab reader*, 502-521.

[146] See amongst others Smith, *Palestine and the Arab-Israeli conflict*, 459-461; Pappe, *A history of modern Palestine*, 246; and Tamimi, *Hamas*, 159-161.

[147] Smith, *Palestine and the Arab-Israeli conflict*, 468-470.

[148] Israel and Palestinian Authority: Hebron Accords (15 January 1997) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 522-523.

[149] Israel and Palestinian Authority: The Wye River Memorandum (23 October 1998) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 529-534.

based on the existing process. He also put forward that the Palestinian Authority was viewed 'as [an] important [partner] in the effort to establish peace in [the] region'.[150]

At the same time Hamas stated that 'the failure of the peace process [was recognised by] a majority of the Palestinian people [and that they were] therefore discontented with the path taken by the PLO'. The movement on the other hand stressed that it would not be drawn into inter-Palestinian factional strife, and that it was 'willing to consider a cease-fire agreement [with Israel]'. Hamas claimed to be prepared to enter into negotiations about a settlement, if Israel would withdraw from all the territories occupied in 1967.[151] Hamas thus sought to be recognised as a negotiating partner in the conflict.

US president Bill Clinton – nearing the end of his term - sought to kick-start negotiations again. He invited Arafat and Barak to Camp David. Barak had set the stage by formulating a take-it-or-leave-it proposal beforehand. He pointed out that one of the issues was the solution to the problem of refugees 'outside Israeli sovereign territory'. He did, however, not go into the specifics of how to solve this issue. And he made any agreement subject to approval by the Israeli people, including those living in 'Judea, Samaria and the Gaza Strip', through a referendum. To the Palestinians he said that the Israel did not wish to control them or their future'.[152] This was a very significant gesture towards the Palestinians. However, Arafat declined the offer, because it was subject to approval by the Israeli people through a referendum. Furthermore, the Palestinians were asked to 'set aside what they had already negotiated, and accept Israeli assurances of good faith', though 'Israel had not lived up to [some of its] previous commitments'.[153] Arafat also feared loss of support amongst Palestinians if he accepted the proposal,[154] and a subsequent strengthening of Fatah's increasingly potent rival, Hamas. Then the second *intifadah* broke out and any hopes for a speedy solution faded.

In a final effort, president Clinton put forward a proposal containing a set of parameters. Clinton talked about the 'logic of two separate homelands', and the need to find a solution for the Palestinian refugees. This solution would have to 'allow [the Palestinians] to return to a Palestinian state that [would] provide all Palestinians with a place they [could] safely and proudly call home'. Clinton even stated that if Palestinians were to choose to live in Israel, they should be allowed to do so if Israel would agree to it. But Israel could not be expected to acknowledge 'an unlimited right of return to present day Israel'. Clinton added that all refugees should receive compensation from the international community for their losses, and assistance in building new lives.[155] But with the second *intifadah* in full swing, and Clinton and Barak at the end of their term, time was not ripe for an agreement.[156]

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[150] Israeli Government: Basic Guidelines (July 1999) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 543-545.

[151] Memo prepared by Hamas Political Bureau (late 1990s), *This is what we struggle for*, Appendix I in Tamimi, *Hamas*, 247-252.

[152] Israeli Prime Minister Ehud Barak: Leaving for the Camp David Talks (10 July 2000) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 549-551.

[153] Gelvin, *The Israel-Palestine conflict*, 241.

[154] *Ibidem*.

[155] Jewish Virtual Library, *The Clinton Parameters (7 January 2001)*, http://www.jewishvirtuallibrary.org/jsource/Peace/clintplan.html, consulted on 26 June 2009. An earlier version of these parameters was made public in December 2000. See U.S. President Bill Clinton: The Clinton Plan (23 December 2000) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 562-564.

[156] See Quandt, *Peace process*, 375-377; and Smith, *Palestine and the Arab-Israeli conflict*, 509-512.

A few months later the Sharm el-Sheikh Fact-Finding Committee or Mitchell Committee submitted its report on the peace process. It started out by describing the concerns of both the Israelis and Palestinians that needed to be appreciated, if an agreement was to be reached. The Committee had noticed that some Israelis appeared not to comprehend 'the humiliation and frustration that Palestinians [had to] endure every day as a result of living with the continuing effects of occupation, sustained by the presence of Israeli military forces and settlements in their midst'. On the other hand it had found that some Palestinians seemed not to comprehend 'the extent to which terrorism [created] fear among the Israeli people and [undermined] their belief in the possibility of co-existence'. They were '[t]wo proud people [*sic*] [that shared] a land and a destiny'. The report described two divergent perspectives on the peace process and its breakdown. It also suggested confidence-building measures to give the peace process an incentive and create momentum, and called upon the parties to resume negotiations.[157] Notwithstanding the effort, the report was tabled and no effort was made to implement it.[158]

1.5   A new chapter in peace negotiations

Then the attacks of 11 September 2001 took place. They affected everything, not in the last place the Middle East, the Israeli-Palestinian conflict and the peace process. The conflict had already been affected by the outbreak of the second *intifadah*, and the ensuing suicide bombing campaign by Hamas, the Palestinian Islamic Jihad and Palestinians related to movements belonging to the PLO (including Fatah).[159] After a suicide bombing caused a large number of victims, Ariel Sharon - the Israeli Prime Minister - decided to reoccupy Palestinian towns and cities in all three zones previously disengaged as part of the Oslo 2 agreement.[160] This meant that the clock was turned back in the peace process.

These events stimulated the Arab states to put forward a proposal.[161] They expressed their willingness to 'enter into a peace agreement with Israel', and to establish 'normal relations with Israel in the context of [a] comprehensive peace'. This meant that the Arab states were willing to recognise Israel, and the Israeli people's right to live in peace and security. Although the proposal advocated a just solution to the Palestinian refugee problem, it assured 'the rejection of all forms of Palestinian repatriation which [would] conflict with the special circumstances of the Arab host countries'.[162] The refugees would thus be required to return to Israel or the territories. This proposal was an important step for the Arab states, but remained unanswered.

President George W. Bush had been preoccupied with the consequences of the terrorist attacks of 11 September 2001. But in June of the following year he endeavoured to restart negotiations on Middle East peace. In a speech at the White House Rose Garden he stated that it was 'untenable for Israeli citizens to live in terror'. He added that for the Palestinians it

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[157] Jewish Virtual Library, *The Mitchell Report (4 May 2001)*,
http://www.jewishvirtuallibrary.org/jsource/Peace/Mitchellrep.html, consulted on 26 June 2009.
[158] Smith, *Palestine and the Arab-Israeli conflict*, 521.
[159] Gelvin, *The Israel-Palestine conflict*, 244.
[160] *Ibidem*, 246.
[161] This proposal was to a large extent based on the 1981 Fahd Plan, and followed a plan put forward by Saudi Crown Prince Abdullah.
[162] Arab League Summit: "Beirut Declaration" (28 March 2002) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 583-584.

was equally untenable 'to live in squalor and occupation'.[163] But Bush had become sceptical of Arafat's abilities and intentions to make peace.[164] Thus he put forward that peace required a new and different Palestinian leadership of leaders 'not compromised by terror'. This new leadership had to be elected by the Palestinians. The creation of the office of Prime Minister followed, making it possible to bypass Arafat.[165] In his speech, Bush claimed that the Palestinian parliament should have the full authority of a legislative body, so that it could hold the leadership accountable for its deeds. In short, a 'working democracy for the Palestinian people' had to be created. Bush also pointed to the fact that the question concerning 'the plight and future of Palestinian refugees' had to be resolved.[166] A year later Bush – working together with the European Union, the Russian Federation and the United Nations in what was to become known as the Quartet – came up with the Road Map to Peace in the Middle East. It repeated the need for the Palestinian people to have a leadership 'acting decisively against terror and willing and able to build a practicing democracy', and for Israel to 'do what [was] necessary for a democratic Palestinian state to be established'. It called on the Palestinians to re-affirm Israel's right to exist in peace and security, and for Israel to unequivocally affirm its 'commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel'. Furthermore, an international conference should lead to a 'just, fair, and realistic solution to the refugee issue'.[167] Later that year Bush repeated his agenda for peace at the Aqaba Summit.[168]

In 2004 Israeli Prime Minister Ariel Sharon concluded that there was 'no Palestinian partner with whom it [was] possible to make progress on a bilateral agreement'. Therefore Sharon proposed a unilateral disengagement plan.[169] He had discussed and negotiated his initiative with President Bush, who had given it his blessing.[170] In a letter supporting the plan Bush had indicated that the settling of Palestinian refugees was to take place in the future Palestinian state, and not in Israel.[171] The Sharon plan specifically mentioned that Israeli moves would not be dependent on Palestinian cooperation.[172] This was a huge step back from the previous attempts to negotiate a solution that had almost always contained elements of reciprocity. It meant that Israel would move forward on its own, disregarding the Palestinians. The disengagement plan led to Israel's unilateral withdrawal from the Gaza Strip in 2005.

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[163] President Bush discussed Middle East in Rose Garden Address (24 June 2002), http://www.freerepublic.com/focus/news/705274/posts, consulted on 27 June 2009.
[164] Quandt, *Peace process*, 389.
[165] Smith, *Palestine and the Arab-Israeli conflict*, 522.
[166] Bush Rose Garden Address, http://www.freerepublic.com/focus/news/705274/posts, consulted on 27 June 2009.
[167] *BBC News*, 'The roadmap: Full text', 30 April 2003, http://news.bbc.co.uk/2/hi/middle_east/2989783.stm, consulted on 27 June 2009.
[168] George W. Bush, Speech at the Aqaba (Jordan) Summit (4 June 2003) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 550-551.
[169] Ariel Sharon's Disengagement Plan: Key Principles (April 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 555-557.
[170] See Ariel Sharon's Letter to George W. Bush Outlining the Disengagement Plan (14 April 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 551-553 and President Bush's Reply to Ariel Sharon's Letter (14 April 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 553-555.
[171] President Bush's Reply to Ariel Sharon's Letter (14 April 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 554.
[172] Israel's Revised Disengagement Plan, Addendum A, Main Principles Posted (6 June 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 558-560.

In 2006 Hamas decided to take part in the parliamentary elections of the Palestinian Authority.[173] In its election manifesto Hamas stated that its participation was part of the effort to realise liberation of Palestine and the return of the Palestinian people to their lands and homes. 'All the Palestinian refugees and deportees [had] the right to return to their lands and properties'. Hamas sought to 'direct the Palestinian political system (...) [to] accomplish the national rights of the Palestinian people'. It put forward that the 'Palestinian people [were] united in a single unit wherever they [might] be living'.[174] By participating in the elections Hamas sought to be recognised as legitimate representative of the Palestinian people. Hamas had refrained from using any direct reference to the destruction of Israel.[175] This could mean that the movement was cautiously edging towards recognition of Israel. Later that year, imprisoned Hamas and Fatah leaders, as well as leaders of the Palestinian Islamic Jihad (PIJ), the Democratic Front for the Liberation of Palestine and the Popular Front for the Liberation of Palestine, drew up a national conciliation document.[176] It stated that '[t]he Palestinian people in the homeland and in the Diaspora [sought] and [struggled] to liberate their land', and that the Palestinians had a 'historical right on the land of [their] forefathers'. The document called upon the Arab governments to 'implement the political (...) decisions of the Arab summits that [supported] the Palestinian people and their national cause'.[177] Because the Arab states had suggested recognising Israel in exchange for Israel's withdrawal from the territories, this could be interpreted as a gesture towards recognising Israel's right to exist.[178] The document stipulated that the PLO remained 'the sole legitimate representative of the Palestinian people wherever they are', but added that the organisation should be reformed to include 'the representation of all Palestinian national and Islamic forces, factions and parties'. Hamas (and the PIJ) would therefore have to be admitted to join the PLO. The document also claimed the right to return for the Palestinian refugees.[179] This document seemed to be a promising move towards intra-Palestinian cooperation. But in June 2007 fighting between Hamas and PA forces (allied to Fatah) broke out, and Hamas took over the Gaza Strip.[180]

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[173] Earlier on, in 2004, Hamas had already decided to take part in the municipal elections. See for an account of Hamas's strategy and performance in the elections between 2004 and 2006; Gunning, *Hamas in politics*, 146-157.

[174] Hamas election manifesto for the legislative elections held on 25 January 2006, Appendix VI in Tamimi, *Hamas*, 274-294.

[175] Gunning, *Hamas in politics*, 152. Also see *The Guardian*, 'Hamas drops call for destruction of Israel from manifesto', 12 January 2006, http://www.guardian.co.uk/world/2006/jan/12/israel, consulted on 12 July 2009.

[176] There are differing views regarding the question whether the prisoners' document was supported by the movements and their leaderships, or just by the members that had drawn it up. See Tamimi, *Hamas*, 237-238; Chehab, *Inside Hamas*, 200-201; and the introductory remarks regarding the document on http://www.mideastweb.org/prisoners_letter.htm, consulted on 23 July 2009.

[177] The Revised National Conciliation Document of the Prisoners (28 June 2006), http://www.mideastweb.org/prisoners_letter.htm, consulted on 23 July 2009.

[178] Also see Tamimi, *Hamas*, 237.

[179] The Revised National Conciliation Document.

[180] See for the consequences of the take-over: International Crisis Group, *Ruling Palestine I: Gaza under Hamas*, Middle East Report no. 73 (19 March 2008); International Crisis Group, *Round two in Gaza*, Middle East Briefing no. 24 (11 September 2008); International Crisis Group, *Palestine divided*, Middle East Briefing no. 25 (17 December 2008); and International Crisis Group, *Gaza's unfinished business*, Middle East Report no. 85 (23 April 2009). And see for the West Bank International Crisis Group, *Ruling Palestine II: The West Bank model?*, Middle East Report no. 79 (17 July 2008).

In a bid to revive the peace process the Arab League reaffirmed its commitment to the Arab Peace Initiative of 2002 with its land-for-peace formula, but to no avail.[181]

In 2007 President Bush attempted to boost the peace process. He convened an international conference and talked of '[bringing] and end to the violence that [had] been the true enemy of the aspirations of both the Israelis and Palestinians'. The representatives of the government of Israel and the PLO reached a joint understanding. They agreed to start immediate bilateral negotiations.[182] Remarkably President Mahmud Abbas was referred to as President of the Palestinian Authority, as well as chairman of the PLO Executive Committee. The reference to the PLO seemed to be an explicit attempt to prevent any implication of involvement of Hamas in the process, because Hamas was involved in the Palestinian Authority (it had representatives in the Palestinian Legislative Council and had been part of two governments)[183] but was not part of the PLO. The Annapolis conference signalled the re-involvement of the Palestinians in the peace process, be it that Israel and the US went out of their way to prevent any involvement of Hamas.

On 19 June 2008 Israel and Hamas concluded a six months ceasefire through Egyptian mediation.[184] It was designed to 'halt Israeli incursions into the Gaza Strip, and to stop missiles from Gaza into southern Israel'.[185] The fact that negotiations had been taken place – be it indirectly – between Hamas and Israel could be seen as a first step towards Israel accepting to deal with Hamas, and Hamas acknowledging Israel's right to exist.

Then Barack Obama was elected President of the US. On 4 June 2009 he delivered a hallmark speech at a Cairo university. He called the situation between Israelis, Palestinians and the Arab world the second major source of tension in the world. He recalled that 'the aspiration for a Jewish homeland [was] rooted in a tragic history that [could] not be denied', and that 'the Jewish people [had been] persecuted for centuries'. He also put forward that it was equally 'undeniable that the Palestinian people (…) [had] suffered in pursuit of a homeland'. They had 'endured the pain of dislocation', and many lived in 'refugee camps in the West Bank, Gaza, and neighbouring lands [waiting] for a life of peace and security'. He was adamant that 'America [would] not turn [its back] on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own'. In short, there were 'two peoples with

[181] The Arab League re-approved the Arab Peace Initiative at the Khartoum summit in 2006 and the Riyadh summit in 2007. G. Bahgat, 'The Arab Peace Initiative: An assessment', *Middle East Policy* 16:1 (1 March 2009) 33-39; *Haaretz*, 'Arab leaders unanimously approve Saudi peace initiative at Riyadh summit', 29 March 2007, http://www.haaretz.com/hasen/spages/843364.html, consulted on 27 June 2009. In May 2009 Jordan King Abdullah II made public plans to expand the Arab Peace Initiative to include all 57 member states of the Organisation of the Islamic Conference. This plan is supposed to originate from the Obama administration. See *BBC News*, 'King Abdullah in Mid-East warning', 11 May 2009, http://news.bbc.co.uk/2/hi/middle_east/8043144.stm, consulted on 5 August 2009; and *Gulfnews.com*, 'Obama's 57-state solution', 18 May 2009, http://archive.gulfnews.com/articles/09/05/19/10314794.html, consulted on 5 August 2009.
[182] U.S. President George W. Bush: Annapolis Conference (27 November 2007) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 625-626.
[183] Though at that time, after Hamas's take-over of the Gaza Strip in June 2007, there were two governments; a Hamas government ruling the Gaza Strip, and another government led by Salam Fayyad (a technocrat belonging to the Third Way Party) ruling the West Bank.
[184] Hamas had declared ceasefires before, but those had been unilateral in character rather than mutually agreed ceasefires. See Gunning, *Hamas in politics*, 220-232.
[185] *BBC News*, 'Israel and Hamas ceasefire begins', 19 June 2008, http://news.bbc.co.uk/2/hi/middle_east/7462554.stm, consulted on 6 July 2009.

legitimate aspirations, each with a painful history'. Obama mentioned Hamas too. He stated that if Hamas was '[t]o play a role in fulfilling Palestinian aspirations (…) [it should] put an end to violence, recognize past agreements, and recognize Israel's right to exist'.[186] By mentioning the possibility of Hamas playing a role in the process, Obama might have taken a first step to Hamas's involvement in the peace process.

Israeli Prime Minister Netanyahu reacted to Obama's speech two weeks later. He repeated the right of the Jewish people to a state of their own. He called on the Palestinian leadership to recognise this right, for that would open a path 'to resolving all the problems between [the Israeli and Palestinian] peoples'. He added that it should be clear that the Palestinian refugee problem was to be resolved outside Israel's borders, because 'resettling Palestinian refugees within Israel [would undermine] Israel's continued existence as the state of the Jewish people'. With regard to Hamas Netanyahu stated that he would 'not sit at the negotiating table with terrorists who [sought Israel's] destruction'.[187] He remained fervently opposed to any role for Hamas whatsoever.

Hamas leader Khalid Mishal also responded to Obama's speech. He stated that 'the problem of Palestine [was] about homeland, identity [and] freedom'. He also talked of the Palestinians regaining their rights. He acknowledged that Obama's speech contained 'a first step in the right direction leading to a direct dialogue without preconditions', and welcomed this step. Furthermore, he implied the future recognition of Israel, in case an agreement would be reached. However, Mishal refused to recognise Israel's right to exist beforehand, as Obama had demanded.[188] He also rejected the notion of Israel as a Jewish state.[189] Mishal remained adamant that the Palestinian refugees should be allowed to return to 'their homes from which they [had been] expelled in 1948' for it was 'a general national right and an individual right (...) [that] no leader or negotiator [could] forfeit or concede'.[190]

1.6   Concluding remarks

When Israel was established in 1948, there was no consensus on the right to exist of the Israeli and Palestinian peoples. The proposals that dealt with the Israeli-Palestinian conflict circumvented the issue at first. The refugee issue was nevertheless addressed from the very beginning. For the first two decades the Palestinians were ignored as a separate and autonomous party to the conflict by Israel and the West. And even the Arab states denied that the Palestinians should be allowed such a role. The Palestinians were consequently left out of the negotiations. The Arab states also refused to acknowledge the Israeli people's right to exist, let alone that they were willing to enter into (direct) negotiations with Israel. From the mid-1960s the Palestinians realised that they needed to claim a role for

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[186] *The New York Times*, 'Text: Obama's speech in Cairo', 4 June 2009, http://www.nytimes.com/2009/06/04/us/politics/04obama.text.html, consulted on 27 June 2009.
[187] Israel Ministry of Foreign Affairs, *Address by PM Netanyahu at Bar-Ilan University (14 June 2009)*, http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.htm, consulted on 5 July 2009.
[188] In his speech Mishal referred to the Quartet conditions without actually naming them. These conditions are abandoning violence, recognising past agreements and recognising Israel.
[189] Institute for National Security Studies, *Khaled Mashal's Response Speech*, INSS Insight no. 117 (1 July 2009), http://www.inss.org.il/publications.php?cat=21&incat=&read=3065, consulted on 14 July 2009.
[190] Conflicts Forum, *Meshaal delivers speech on Obama's position on peace process (25 June 2009)*, http://conflictsforum.org/2009/meshaal-delivers-speech-on-obamas-position-on-peace-process/, consulted on 14 July 2009.

themselves, if they wanted to fulfil their aspirations as an autonomous people. They nevertheless rejected any dealings with Israel in this context.

In 1973 Egypt was the first party to take the peace process a step further. It called for Palestinian involvement in negotiations, while at the same time hinting at the possibility of recognising Israel. Both the Israelis and the Palestinians were, however, not yet ready to take such a step. Then in 1974 the PLO was recognised by the Arab states as the sole, legitimate representative of the Palestinian people. This meant recognition of the PLO as a negotiating partner. And in 1977 the PLO expressed its willingness to enter into negotiations, for the first time acknowledging that a solution could be reached through peaceful means. The same year newly elected US President Carter added to the peace process dynamic by calling for PLO involvement in peace talks. Then the first Likud government was elected, rejecting any dealings with the PLO. Likud was nevertheless willing to grant the Palestinians living in the territories partial autonomy, as long as the PLO would not be involved. Carter remained adamant to also involve the Palestinians in the peace process. He even supported a role for the PLO in negotiations.

In 1978 Egypt was the first Arab state to recognise Israel. Egypt and Israel agreed that the Palestinians should be involved in the peace process, but Israel was still not prepared to allow the inclusion of the PLO in the talks. And in the early 1980s the Arab states hinted at recognising Israel. At the same time they called for acknowledgment of the Palestinian refugees' right to return. The US welcomed this initiative, but stressed that the Arab states should start by recognising Israel. Contrary to his predecessor, President Reagan did not want to get the PLO involved in negotiations, although he was prepared to allow for Palestinian representation. In 1985 the PLO and Jordan joint hands proposing to include the Palestinians in a Jordanian-Palestinian delegation.

In 1987 the *intifadah* broke out during which Hamas was established. Hamas rejected any negotiations with Israel. The establishment of Hamas did not only mean that the PLO was no longer the sole representative of the Palestinian people, it also meant a step back in the (Palestinian support for the) realisation of a peaceful solution to the conflict. The next year this rupture in Palestinian unity came to the fore even more clearly, when the PLO stated that Israel indeed had the right to exist in peace. Israel on the other hand continued to reject any negotiations that involved the PLO.

After the Second Gulf War the US saw an opportunity to make peace in the Middle East. It proposed negotiations including the Palestinians as part of a Jordanian-Palestinian delegation. The PLO could, however, not be involved. In 1992 the Labour party won the elections in Israel on a programme of peacemaking. And the next year a peace agreement was concluded between Israel and the PLO, in which they recognised each other. A year later Jordan recognised Israel as well. All these agreements mentioned the refugee issue, but none expanded on the details of how the issue should be resolved leaving it to further negotiation. Then violence erupted again between the Palestinians and Israelis. Remarkably enough, Hamas showed some willingness to negotiate with Israel. Israel, however, was not prepared to deal with Hamas. The US and Israel meanwhile rejected the right to return for the Palestinians, stating that the refugee issue should be settled outside of Israel.

In 2002 US President Bush stated that he had become disenchanted with the Palestinian leadership, and he called upon the Palestinians to elect a new leadership. Israel even went

so far as to claim that it lacked a serious Palestinian partner. It subsequently went its own way – building a separation wall and unilaterally withdrawing form the Gaza Strip in 2005.

Over the years Hamas had become an actor to be reckoned with, successfully challenging the PLO. Having been excluded from negotiations since its establishment, it sought to be recognised as a negotiating partner through taking part in the Palestinian elections. It even seemed to be edging towards recognising Israel. Although it succeeded in winning the elections, it remained sidelined by the West. Following Hamas's success in the elections, several Palestinian leaders called on the PLO to take in Hamas and re-establish a united Palestinian front. Fatah prevented this from happening. In 2007 the PLO saw its re-involvement in the peace process. In 2009 the newly elected Likud Prime Minister Netanyahu made it crystal clear that his government would under no circumstances deal with Hamas. US President Obama had meanwhile opened the door to engagement of the movement. Hamas responded in kind by stipulating its willingness to recognise Israel as part of a peace deal. The developments of the last year, may well have been the start of breaking the stalemate. Hamas seems to follow in the PLO's footsteps, and may be invited to the negotiating table as part of the Palestinian representation. The refugee issue nevertheless does not seem to have moved towards being solved. Negotiating parties should address this issue, if they want to progress the talks.

2   Sovereignty, statehood and self-determination: Sacred soil

2.1   Introduction

The question of who to talk to, as dealt with in the previous chapter, is closely related to the question of what to do when peoples are recognised and represented at the negotiating table. The next step is speaking about sovereignty, which is closely related to the principle of self-determination and achieving statehood.[191] Sovereignty, statehood and self-determination are the issues that will be dealt with in this chapter. There are several solutions for effectuating sovereignty. It can be achieved within the context of an already existing (state) entity, for instance through a mandate, bi-nationalism[192] or a form of self-governance or self-autonomy within another state. The latter does not entail absolute sovereignty, but is a form of partial sovereignty. On the other hand sovereignty and self-determination can lead to the creation (and/or recognition) of separate and independent nation-states. In the case of the Israeli-Palestinian conflict that could entail two states, Israel and Palestine. There are a number of issues connected to the issue of sovereignty in the Israeli-Palestinian context. These issues are delimitation and borders, settlements, and the status of Jerusalem.

2.2   From hostility to land for peace

At the end of 1947 the UNGA passed a resolution proposing to divide mandatory Palestine into a Jewish and an Arab state with Jerusalem under international supervision. The two states were to hold elections to a Constituent Assembly which should be conducted on democratic lines. Within the boundaries set by the UN, the Jews and the Arabs could choose their own government. There was also a provision prohibiting any form of discrimination based on race, religion, language or sex.[193] The Arab and Jewish minorities living in the two states should thus be protected.

Then on 14 May 1948 David Ben-Gurion declared the independence of the Jewish state of Israel, and war broke out between Israel and its Arab neighbours.[194] After this war the Jewish state survived – having gained more territory than under the UN Partition Plan -, and the remainder of Palestine was divided between Egypt (the Gaza Strip) and Jordan (the West Bank and East Jerusalem).[195] In a subsequent resolution the UNGA steered clear of recognising Israel or the sovereignty of Egypt and Jordan over the areas gained in the 1948 war. It just referred to governments and authorities concerned. It proposed a permanent international regime for Jerusalem, that was to be accorded 'special and separate treatment from the rest of Palestine and should be placed under effective United Nations control'. As to the Holy Places in Jerusalem and the rest of Palestine, the 'political authorities of the areas concerned' were called upon to give appropriate formal guarantees as to the protection of the

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[191] See for sovereignty and self-determination amongst others Shaw, *International law*, 353; J. Baylis and S. Smith, *The globalization of world politics. An introduction to international relations*, (3rd edition; Oxford 2006) 29; and S. van den Driest, *Pro-democratic regime change and the right to political self-determination. A case study of Iraq*, (Tilburg 2009) 7-27.

[192] Bi-nationalism entails the idea of one state in which two communities or peoples share power. Political power in this context is (to a significant extent) connected to membership of one of the two communities or peoples. See M.A. Hadi (ed.), *Palestinian-Israeli impasse. Exploring alternative solutions to the Palestine-Israel conflict*, (Jerusalem 2005) 2-3.

[193] UN General Assembly: Resolution on the Future Government of Palestine (Partition Resolution) (29 November 1947) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 69-77.

[194] Palestinians refer to this period as al-Nakba (the catastrophe).

[195] Schwedler and Gerner, *Understanding the contemporary Middle East*, 189.

Holy Places and access to them.[196] A year later the UNGA put forward another resolution on Jerusalem restating the UNGA's 'intention that Jerusalem should be placed under a permanent international regime [administered by the United Nations and with] appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem'. A map was added describing the exact delimitation of Jerusalem.[197]

After the UNGA's resolutions nothing happened, and in the 1950s the US came up with a formula to reach Arab-Israeli peace. This proposal entailed the recognition of Israel by its Arab neighbours, and the creation of 'a land link between Egypt and Jordan through the Negev, while (…) leaving the Negev in Israel's hands'.[198] The plan did not foresee in the creation of a separate Palestinian state, nor did it point to any form of Palestinian self-determination. The plan failed due to disagreement on how the talks were to be held, secretly (as the Arab states proposed), or publicly (in accordance with Israel's wishes).[199]

In the 1960s Palestinians took matters into their own hands. In a communiqué they pledged to fight until Palestine would be liberated. They declared that they were 'bound indissolubly to the soil of [their] homeland', and feared that the 'Zionists [were planning] to stay long'. They did, however, not claim a state of their own. They talked of the 'single Arab nation' and 'Arab Palestine'.[200] These were references to the ideology of pan-Arabism, and possibly to a pan-Arab state.[201]

After the 1967 war - in which Israel took control of the West Bank, the Gaza Strip and East Jerusalem - Israel's Foreign Minister stated that Israel had the right to sovereignty. He attributed the existence of danger and peril in the Middle East to the violent attacks on Israel's existence, sovereignty and vital interests. He called for negotiations and called upon the Arab states to 'no longer […] recognize Israel's existence only for the purpose of plotting its elimination'. In his speech he refrained from any reference to the Palestinians or Palestinian sovereignty.[202]

The UN responded to the 1967 war by calling on Israel to withdraw 'from territories occupied in the recent conflict'.[203] The omission of the article 'the' has been the subject of a lot of discussion. It was the consequence of ample negotiations in the UNSC, and has been termed a 'deliberate ambiguity'. Israel was satisfied that it was not obliged to withdraw from *all the* territories occupied, and the Arab states were convinced that it was a mere insignificant omission that did not prejudice Israel's obligation to withdraw from all the

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[196] UN General Assembly: Resolution 194 (11 December 1948) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 83-86.

[197] UN General Assembly: Resolution 303, On the Internationalization of Jerusalem (9 December 1949) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 86-87.

[198] Smith, *Palestine and the Arab-Israeli conflict*, 246.

[199] *Ibidem*.

[200] Communiqué No. 1 from Headquarters of Asifa Forces (Fatah) (6 January 1965) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 301.

[201] Mehran Kamrava even states that 'from 1948 until about 1967 Palestinian nationalism lost its geographic focus and gave way to a more encompassing, seemingly more powerful, Arab nationalism [which] came to be known as Pan-Arabism'. See Kamrava, *The modern Middle East*, 87.

[202] Israeli Foreign Minister Abba Eban: Speech at the Special Assembly of the United Nations (19 June 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 105-110.

[203] UN Security Council: Resolution 242 (22 November 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 116.

territories occupied.[204] The resolution also called for 'respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area'. This was a clear call for recognition of Israel by its Arab neighbours. Again the UN did not refer to the Palestinians or a possible Palestinian right to self-determination.[205]

In 1968 the PLO came to the fore again stating that Palestine was 'an indivisible part of the Arab homeland, and the Palestinian people (…) an integral part of the Arab nation'. It went on to claim that 'Palestine, with the boundaries it had during the British Mandate, [was] an indivisible territorial unit'. The organisation also put forward that 'the Palestinian Arab people (…) [had] the right to determine their destiny after achieving the liberation of their country in accordance with their wishes and entirely of their own accord and will'.[206] This was a definite call for self-determination. Although it still had some elements of pan-Arabism in it, the call was aimed distinctively at preserving the integrity of Palestine – within or outside an Arab nation. The borders of Palestine were to be the same as the borders of British Mandatory Palestine. And there would be no place for a Jewish state, for '[t]he partition of Palestine and the establishment of the state of Israel [had been] entirely illegal (…) because they were contrary to the will of the Palestinian people and (…) inconsistent with (…) the right to self-determination'. The 'Palestinian people [possessed] the fundamental and genuine legal right to liberate and retrieve their homeland'.[207] Fatah put out a seven-point communiqué in 1969 adding that it rejected 'any solution that [would] not take account of the (…) [Palestinian people's] right to dispose [sic] of itself'. Furthermore, it unequivocally stated that its final objective was 'the restoration of the independent, democratic State of Palestine'.[208] This was a direct and unequivocal call for an independent Palestinian state.

By the end of 1969 the US Foreign Minister Rogers, in light of an impasse in negotiations, saw time fit to put forward a proposal. Rogers's plan was aimed at getting the Arabs to accept a permanent peace based on a binding agreement. Rogers put forward that the sovereignty of the parties should be respected. The Arab states would thus be required to recognise Israel. On the other hand, Rogers urged 'the Israelis to withdraw from occupied territory when their territorial integrity [would be] assured'. In addition, he stated his support for 'the principle of non-acquisition of territory by war'. However, he also claimed that the boundaries of the 1949 Armistice Agreements were 'armistice lines, [and] not final political borders'. Having said this, he added that 'while recognized political boundaries [should] be established, and agreed upon by the parties, any change in the pre-existing lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security'. Rogers thus seemed to point to maintaining the 1949 borders while only allowing for some minor adjustments. He also addressed the future status of Jerusalem. He unequivocally stated that there would be no acceptance of 'unilateral actions by any party to decide the final status of the city'. Agreement should be reached by the 'parties concerned, which in practical terms [meant] primarily the Governments of Israel and Jordan, taking into account the interests of other countries in the area and the international community'. Furthermore, 'Jerusalem should be a unified city (...) [without] restrictions on the movement of persons and goods', and with open access 'for persons of all faiths and nationalities. Both

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[204] Smith, *Palestine and the Arab-Israeli conflict*, 310-312.

[205] Resolution 242 recorded in Laqueur and Rubin, *The Israel-Arab reader*, 116.

[206] Palestine National Council: The Palestinian National Charter (July 1968) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 117-121.

[207] *Ibidem*.

[208] Fatah: The Seven Points (January 1969) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 130-131.

Israel and Jordan were to have a role in the 'civic, economic and religious life of the City'.[209] This plan proved too ambitious for the parties involved.[210]

Several years later the Arab states launched a surprise attack on Israel. Directly after this 1973 war Egyptian President Sadat gave a speech, in which he put a peace plan forward. He stated that Egypt had fought and would continue to fight to liberate the Egyptian territories which the Israeli occupation seized in 1967. However, he expressed his willingness to accept a ceasefire and attend an international peace conference, if Israel immediately were to withdraw from 'all the occupied territories (...) to the pre-5th June 1967 lines'.[211] This speech was a precursor to Egypt's recognition of Israel. In reaction to the hostilities the UNSC had called upon the parties concerned to start negotiations, and implement Resolution 242 'in all of its parts'.[212]

Meanwhile Golda Meir also called for '*direct* [italics added] negotiations between Israel and her neighbours on the subject of a just and enduring peace'. Egypt and the other Arab states had thus far rejected such negotiations, although they had shown some willingness to deal with Israel secretly. Meir put forward that Israel was not prepared to return to the frontiers of 4 June 1967. And, in the absence of peace, Israel would continue to maintain the situation as determined at the ceasefire. The ceasefire lines could only be replaced by 'secure, recognized and agreed boundaries demarcated in a peace treaty'.[213] This formulation allowed for some territorial concessions by Israel in return for recognition and a peace treaty.

The PLO responded by categorically rejecting Resolution 242, and negotiations based on this resolution. It stated that it would 'struggle against any proposal to set up a Palestine entity at the price of recognition, peace and secure boundaries, giving up the historic right and depriving [the Palestinian] people of its right to (...) self-determination on its national soil'. It would only consider steps aimed at 'the establishment of a democratic Palestinian state'. The organisation vowed to continue to strive for 'the liberation of the whole of the soil of Palestine' be it as 'a step on the way to comprehensive Arab unity'.[214] In a speech to the UNGA Yasir Arafat stressed the Palestinians' right to self-determination and their aim to establish 'an independent national State on all liberated Palestinian territory'. In the PLO's vision there was no place for Israel, although Jews would be allowed to stay to live in a Palestinian state if they would 'choose to live with [the Palestinians] in peace and without discrimination'. Arafat added that under such circumstances Jerusalem could resume its historic role as a peaceful shrine for all religions.[215] The UNGA responded by recognising the

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[209] Jewish Virtual Library, *The Rogers Plan (9 December 1969)*,
http://www.jewishvirtuallibrary.org/jsource/History/rogers.html, consulted on 17 June 2009.

[210] Quandt, *Peace process*, 68.

[211] Egyptian President Anwar Sadat: Speech (16 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 148-152.

[212] UN Security Council: Resolution 338 (22 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 152.

[213] Israeli Prime Minister Golda Meir: Statement in the Knesset (23 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 152-157.

[214] Palestine National Council: Resolutions (June 1974) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 162-163.

[215] PLO Chairman Yasir Arafat: Address to the UN General Assembly (13 November 1974) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 171-182.

Palestinian people's entitlement to 'self-determination without external interference', and its 'right to national independence and sovereignty'.[216]

The election of Menachem Begin in 1977 as Prime Minister of Israel had a significant impact on Israeli policy. His Likud party had put forward that no part of Israel should be relinquished – and it specifically referred to 'parts of western Eretz Israel' - for that would endanger the existence of Israel. 'Judea and Samaria [would] not be handed over to any foreign administration; between the [Mediterranean] Sea and the [River] Jordan there [would] only be Israeli sovereignty'. This excluded both the handing over of sovereignty of (parts of) the West Bank to Jordan, and the creation of a Palestinian state. Furthermore, Likud had made it a focal point to create 'settlement[s], both urban and rural, in all parts of the Land of Israel'.[217] With Begin as Prime Minister 'the expansion of settlements began in earnest'.[218]

When Egyptian President Sadat visited Israel in 1977, the PLO saw it fit to reaffirm its views. It stated that it strove for 'the realization of the Palestinian people's [right to] (...) self-determination within the context of an independent Palestinian national state on any part of Palestinian land (...) as an interim aim of the Palestinian Revolution'.[219] The formulation seemed to indicate some willingness to accept sovereignty over a limited area of Palestine as an interim solution. The PLO nevertheless still refused to deal with Israel in any way. The Arab League supported the PLO's stance by stating that Sadat's visit to Israel undermined 'the establishment of a just and honorable peace which would safeguard the national rights of the Arab nation and guarantee for it the liberation of its occupied territories, the foremost of which (...) Jerusalem, and for the Palestinian people their established national rights'.[220] The distinction made between the Arab nation and the Palestinian people seemed to mean that at least some of the occupied territories were to be returned to the Arab states that had been governing them prior to 1967.

At the end of 1977 Begin proposed to end military rule in Judea, Samaria and the Gaza Strip and establish 'an administrative autonomy of, by and for the Arab residents', if peace was established. Although this proposal entailed a form of autonomy, it was still far from self-determination for the Palestinian people. Israel insisted 'on its rights and demand for its sovereignty over Judea, Samaria and the Gaza Strip', although it was prepared 'to leave the question of sovereignty open [in light of other demands]'. Furthermore, Israeli residents would remain 'entitled to purchase land and settle in the areas of Judea, Samaria and Gaza', and 'Arab residents of Judea, Samaria and the Gaza district who (...) [had chosen to become Israeli citizens would] be entitled to purchase land and settle in Israel'. Regarding Jerusalem Israel would prepare a special proposal that would ensure 'free admission for all believers to the places sacred to them'.[221]

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[216] United Nations General Assembly Resolution 3236 (XXIX) (22 November 1974), *Question of Palestine*, http://unispal.un.org/UNISPAL.NSF/0/025974039ACFB171852560DE00548BBE, consulted on 2 August 2009.

[217] The Likud Party: Platform (March 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 206-207.

[218] Gelvin, *The Israel-Palestine conflict*, 189.

[219] PLO: Six-Point Program (4 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 215.

[220] Arab League: Summit Declaration (5 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 216-218.

[221] Israeli Prime Minister Menachem Begin: Autonomy Plan for the West Bank and Gaza Strip (28 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 218-220.

2.3   From land for peace to a comprehensive solution

US President Carter responded to Begin's proposal by putting forward a number of principles to be observed before peace could be achieved. Peace should be based 'on normal relations among the parties to [it]'. This meant that Israel had to be recognised by the Arab states. Israel should in turn withdraw from 'territories occupied in 1967'. Furthermore, there should be 'agreement on secure recognized borders for all parties', and Palestinians should be enabled to 'participate in the determination of their own future'. Although this was not an explicit recognition of the Palestinians' right to self-determination, it was a step in that direction.[222]

During the Camp David talks of 1978 Egypt and Israel reached an agreement. In this framework for peace they declared that peace required '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'. 'Security [would be] enhanced by a relationship of peace and by cooperation between nations which [would] enjoy normal relations'. It was a formal acceptance by Egypt of Israel's sovereignty and *vice versa*. The two states agreed on a transitional period for the West Bank and Gaza, in which arrangements would be made for the withdrawal of the Israeli military government and its civilian administration following the election of 'a self-governing authority (...) by the inhabitants of [the West Bank and Gaza]'. Nevertheless, this framework stopped short of subscribing to Palestinian self-determination, and the creation of a Palestinian state. After a three-year period negotiations were to take place to determine the final status of the West Bank and Gaza. These negotiations would also resolve the location of the boundaries.[223] The framework did not explicitly address the issue of Jerusalem.

Several months later the UNSC adopted a resolution determining that 'the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 [had] no legal validity and [constituted] a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East'.[224] The UNSC, including the US, thus increased the pressure on Israel.

In 1980 the European Community called on all parties to recognise and respect 'the right to existence (...) of all the states in the region, including Israel', and to allow the Palestinian people 'to exercise fully its right to self-determination'. It added that everyone should be guaranteed freedom of access to the holy places, and that it would not accept any 'unilateral initiative designed to change the status of Jerusalem'. This was a veiled condemnation of Israeli settlement activity in East Jerusalem. Israel was required to 'put an end to the territorial occupation which it (...) maintained since the conflict of 1967'. Furthermore, the 'Israeli settlements [were considered to] constitute a serious obstacle to the peace process in the Middle East', and they were considered 'illegal under international law'.[225] By putting

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[222] U.S. President Jimmy Carter: Statement on Palestinian Rights (4 January 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 220-221.

[223] Camp David Summit Meeting: Frameworks for Peace (17 September 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 222-227.

[224] United Nations Security Council Resolution 446 (22 March 1979), http://unispal.un.org/UNISPAL.NSF/0/BA123CDED3EA84A5852560E50077C2DC, consulted on 2 August 2009.

[225] European Council: Venice Declaration (13 July 1980) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 232-233.

forward such a bold statement, the European Community claimed a role in the peace process.

But Israel was not impressed. It repeated its commitment to the Camp David agreements, and declared its willingness to 'work for the renewal of negotiations on the implementation of the agreement on full autonomy for the Arab residents of Judea, Samaria and the Gaza Strip'. It clarified that the autonomy agreed upon meant 'neither sovereignty nor self-determination', and the agreements entailed guarantees that a Palestinian state would 'under no conditions (...) emerge in the territory of western "Eretz Yisrael"'. Israel remained adamant 'to realize its right of sovereignty over Judea, Samaria and the Gaza Strip'. The Israeli government added that '[s]ettlement in the land of Israel [was] a right and an integral part of [Israel's] security'. It vowed to 'strengthen, expand and develop settlement'. It would also not remove any settlement established on the Golan Heights.[226]

The same year, the Saudi Crown Prince Fahd put forward his revolutionary peace proposal. Its most eye-catching element was the statement that 'all states in the region should be able to live in peace', implying preparedness to recognise Israel. But at the same time Fahd called for Israel's withdrawal 'from all Arab territory occupied in 1967, including Arab Jerusalem', and the dismantlement of 'Israeli settlements built on Arab land after 1967'. Furthermore, 'an independent Palestinian state should be set up with Jerusalem as its capital', and freedom of worship for all religions in the holy places should be guaranteed.[227]

All these calls went unanswered, and in 1982 US President Reagan came up with an American peace proposal. He called upon the Arab states 'to accept the reality of Israel'. In his view Israel deserved 'unchallenged legitimacy within the community of nations'. There would have to be a self-governing Palestinian authority elected by the Palestinian inhabitants of the West Bank and the Gaza Strip as outlined in the Camp David Accords. But he added that the US would not support 'the establishment of an independent Palestinian state in the West Bank and Gaza', nor would it support 'the annexation or permanent control by Israel'. According to the US 'self-government by the Palestinians of the West Bank and Gaza in association with Jordan [offered] the best chance for a durable, just and lasting peace'. Israel should withdraw 'on all fronts' in accordance with Resolution 242, but the 'extent to which Israel [would be] asked to give up territory [would] be heavily affected by the extent of true peace and normalization and the security arrangements offered in return'. Jerusalem should remain undivided and its final status should be decided through negotiations. Furthermore, the US would 'not support the use of any additional land for the purpose of settlements during the transition period'. Reagan believed that 'the immediate adoption of a settlement freeze by Israel (...) could create the confidence needed for wider participation in [the] talks'.[228] Although many issues were left to future negotiations, Reagan had set the stage. His plan had 'clearly shifted the spotlight from Egypt to Jordan and the Palestinians'.[229]

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[226] Israeli Government: Fundamental Policy Guidelines (5 August 1981) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 233-234.

[227] Saudi Crown Prince Fahd ibn Abd al-Aziz: The Fahd Plan (7 August 1981) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 234-235.

[228] U.S. President Ronald Reagan: The Reagan Plan (1 September 1982) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 257-263.

[229] Quandt, *Peace process*, 255.

The Arab reaction to the Reagan Plan followed suit. It was largely based on the Fahd Plan, and called for Israel's withdrawal from 'all Arab territory occupied in 1967, including Arab Jerusalem'. UN supervision over the West Bank and the Gaza Strip could be allowed for a period of several months. The plan demanded the 'removal of settlements set up by Israel in the Arab territories after 1967', and freedom of worship and the performance of religious rites for all religions at the holy places. Besides this, the Arab states confirmed 'the right of the Palestinian people to self-determination and to exercise their firm and inalienable national rights', and supported the 'creation of an independent Palestinian state with Jerusalem as its capital'.[230] Jordan subscribed to these points separately.[231] The Arab states did, however, not mention what they would give Israel in return.

In 1983 the PLO stated that it supported the establishment of 'a confederation between two independent states [Palestine and Jordan]'.[232] And in 1985 Jordan and the PLO put forward a joint plan.[233] It repeated the right of self-determination for the Palestinian people, adding that it would be exercised by the 'formation of the proposed confederated Arab States of Jordan and Palestine'. One of the conditions to be fulfilled was the total withdrawal by Israel from 'the territories occupied in 1967'.[234] The proposal was withdrawn the next year, because negotiations had again been deadlocked.[235]

Brewing tensions in the territories escalated in 1987. During the ensuing *intifadah* the Palestinian leaders in the West Bank and the Gaza Strip put forward that the uprising was meant to affirm the Palestinian people's 'unbreakable commitment to (...) [their] rights of self-determination and (...) the establishment of an independent state on [their] national soil'. They also called for the 'cessation of all settlement activity and land confiscation and the release of lands already confiscated'. With regard to Jerusalem, they demanded Israel to refrain from 'any act which [could] impinge on the Muslim and Christian holy sites or [could] introduce change to the status quo in the city of Jerusalem'.[236] At the same time, the newly established Hamas declared that 'the land of Palestine (...) [nor] any part of it should (...) be squandered (...) [or] given up'. It called for the liberation and retrieval of the Palestinian homeland, and 'the establishment of the state of Islam'.[237] Clearly Hamas did not want to give up any territory, and was fervently opposed to recognising Israel.

Exercising the 'rights to self-determination, political independence, and sovereignty over [Palestinian] territory', the PLO in turn proclaimed the 'establishment of the State of Palestine

[230] Twelfth Arab Summit Conference: Final Statement (9 September 1982) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 263-265.

[231] Jordanian Crown Prince Al-Hassan Bin Talal: Jordan's Quest for Peace (Autumn 1982) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 265-269.

[232] Palestine National Council: Political Statement (22 February 1983) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 277-280.

[233] This is remarkable in light of the events 15 years before, when Jordan ousted the PLO during Black September in fear of a possible Palestinian take-over of Jordan. See Y.M. Choueiri (ed.), *A companion to the history of the Middle East*, (Oxford 2008) 478-479.

[234] Jordan-PLO: Joint Communiqué (11 February 1985) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 298-299.

[235] King Hussein of Jordan: Ending the Jordan-PLO Initiative (19 February 1986) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 299-313.

[236] West Bank-Gaza Palestinian Leaders: Fourteen Points (14 January 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 317-319.

[237] Hamas Covenant 1988 (18 August 1988), http://avalon.law.yale.edu/20th_century/hamas.asp, consulted on 3 July 2009.

on (...) Palestinian territory with its capital Holy Jerusalem'.[238] In this Declaration of Independence the PLO - contrary to Hamas - made no reference to the whole of Palestine. The PLO seemed to imply a possible (future) recognition of Israel, and hinted to accept the establishment of a Palestinian state solely or predominantly in the West Bank and the Gaza Strip. In a simultaneous statement it opened the door for 'the occupied Palestinian land' to be temporarily placed under 'international supervision [by the UN] for the protection of [the Palestinian] people and the termination of the Israeli occupation'. And although the organisation unequivocally called for the establishment of an independent Palestinian state, it affirmed that such a state should be related to Jordan on a confederal basis.[239]

Then in 1989 Israeli Prime Minister Shamir conceived a peace plan. It was based on the principles of the Camp David Accords. Shamir opposed 'the establishment of an additional Palestinian state in the Gaza district and in the area between Israel and Jordan'. This formulation implied that the area between Israel and Jordan, the West Bank, was not considered Israeli heartland. Shamir added that there would be no change in the status of Judea, Samaria and Gaza, confirming Israeli sovereignty over the areas. He proposed a two-stage plan: a transition period for an interim agreement, followed by a permanent solution. During the transition period the 'Palestinian Arab inhabitants of Judea, Samaria and the Gaza district [would] be accorded self-rule'. A lot of issues were left out of the proposal, but it suggested that in 'the negotiations for a permanent solution every party [would] be entitled to present for discussion all the subjects it (...) [would] wish to raise'.[240] Egyptian President Mubarak responded favourably to the proposal, while at the same time calling for a halt to settlement. He emphasised that a final settlement should be based on the principle of territory for peace.[241] The Americans supported the Shamir Plan too, but nothing came of it.[242]

2.4   The quest for peace in a changed world

During the Second Gulf War the PLO had lost face and support. Trying to shift the focus back to the peace process, it put out a political communiqué. The communiqué started by reiterating that Palestine was 'the national cause of a people entitled to liberation, self-determination, and independence'. The PLO stated that Israel should fully withdraw 'from all Palestinian and Arab lands occupied in 1967, including Holy Jerusalem', for 'Jerusalem [constituted] an indivisible part of occupied Palestinian territory'. Furthermore, it considered '[h]alting settlement in the occupied territories, including holy Jerusalem, (...) an indispensable necessity to start the peace process'. And '[f]ull guarantees [should] be provided for an effort to remove the existing settlements by declaring them illegal'. Its aim remained 'setting up a Palestinian state with Holy Jerusalem as its capital'.[243] The PLO did not expand on the issue of the borders of this Palestinian state.

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[238] Palestine National Council: Declaration of Independence (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 354-357.

[239] Palestine National Council: Political Resolution (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 349-353.

[240] Israeli Prime Minister Yitzhak Shamir: Peace Plan (14 May 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 359-362.

[241] Egyptian President Hosni Mubarak: Ten-Point Plan (4 September 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 362-262.

[242] U.S. Secretary of State James Baker: Five-Point Plan (10 October 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 367-368.

[243] Palestine National Council: Political Communiqué (28 September 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 380-384.

In 1991 the US and the Soviet Union organised an international peace conference in Madrid. The US hoped 'that patterns of cooperation forged during the [Second] Gulf war [would] carry over into postwar diplomacy', which would mean that 'Egypt, Syria, and Saudi Arabia [could] be expected to work in tandem to support the peace process'.[244] Negotiations between Israel and the Palestinians would begin with talks on interim self-government arrangements, and after a period of five years permanent status negotiations would commence.[245] The US added that any peace should be grounded in the principle of territory for peace, and a 'confederation [was] not excluded as a possible outcome of negotiations'. Furthermore, it claimed not to 'recognize Israel's annexation of East Jerusalem or the extension of its municipal boundaries', and opposed 'settlement activity in the territories occupied in 1967, which [remained] an obstacle to peace'.[246]

The election of Prime Minister Rabin brought new hope for the peace process. Rabin set out his government's policy guidelines in a speech to the Knesset. As a first step on the way to the permanent solution, the implementation of autonomy in Judea, Samaria, and the Gaza district would be discussed. He added that the Palestinians and Israelis were 'destined to live together on the same piece of land in the same country'. Rabin thus precluded the establishment of an independent Palestinian state; autonomy and self-rule would be the highest attainable goals. Rabin stressed that his government would 'continue to strengthen and build up Jewish settlement along the confrontation lines (...) and in metropolitan Jerusalem', and that 'Jerusalem, whole and united, (...) [would] remain the capital of the Israeli people under Israeli sovereignty'. His government would nevertheless meticulously maintain free access to the holy sites of all faiths and sects.[247]

A year later the secret Oslo negotiations reached a climax. The ensuing Oslo Accords contained the principles concerning the period of interim self-government for the Palestinians. Israel would withdraw from the Gaza Strip and the Jericho area, and the issues of Jerusalem, settlements, borders and relations and cooperation with other neighbours would be part of permanent status negotiations.[248] Although this was a huge step forward, there were still a lot of very important issues to be resolved.

Meanwhile Israel concluded a peace treaty with Jordan. The parties expressed that they would 'recognize and (...) respect each other's sovereignty, territorial integrity, and political independence', and 'each other's right to live in peace within secure and recognized boundaries'.[249] The boundaries between Israel and Jordan would be constituted by the Jordan and Yarmouk Rivers, the Dead Sea, the Emek Ha'arva/Wadi Araba and the Gulf of

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[244] Quandt, *Peace process*, 303.

[245] *Le Monde Diplomatique*, 'US-Soviet letter of invitation to the peace talks in Madrid', 18 October 1991, http://mondediplo.com/focus/mideast/madrid-invit-en, consulted on 20 June 2009.

[246] U.S. Letter of Assurances to the Palestinians (18 October 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 385-388.

[247] Israeli Prime Minister Yitzhak Rabin: Inaugural Speech (13 July 1992) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 403-407.

[248] Israel and PLO: Declaration of Principles on Interim Self-Government Arrangements ["Oslo Agreement"] (13 September 1993 recorded in Laqueur and Rubin, *The Israel-Arab reader*, 413-422.

[249] Israel and Jordan: Peace Treaty (26 October 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 477-486.

Aqaba.[250] They stipulated that these boundaries would not 'prejudice (...) the status of any territories that came under Israeli military government control in 1967'. They also stressed that each party would provide freedom of access to places of religious and historical significance, and Israel stated that it would respect the 'special role of the Hashemite Kingdom of Jordan in Moslem holy shrines in Jerusalem'.[251]

The Palestinians and Israelis built on the Oslo Accords and reached an interim agreement on the West Bank and the Gaza Strip in 1995. It dealt with the transfer of powers and responsibilities from the Israeli military government and its civil administration to the Palestinian Authority. Israel and the Palestinians agreed that 'the West Bank and the Gaza Strip (...) [constituted] a single territorial unit'. The agreement divided the territories into three types of areas (A, B, C) with a varying degree of Israeli and Palestinian control.[252] The issues of (jurisdiction over) Jerusalem, settlements, specified military locations and borders were again left to permanent status negotiations.[253]

In 1997 the Hebron Accords followed and a year later the Wye River Memorandum. Both were aimed at implementing the agreement of 1995. The Wye River Memorandum contained steps on transferring territory to the Palestinian Authority, and announced that the permanent status negotiations would be 'continuous and without interruption'.[254]

With a new Israeli government elected in 1999, came new policy guidelines. The government put forward that it would submit a permanent settlement agreement with the Palestinians for approval in a referendum. It also stressed that '[g]reater Jerusalem, the eternal capital of Israel, [would] remain united and complete under the sovereignty of Israel', but 'members of all religions [would] be guaranteed free access to the holy places, and freedom of worship'. It added that it would 'work toward the development and prosperity of Jerusalem, and for continued construction therein for the welfare of all its residents'. This was an ambiguous statement, because it made the building of settlements in all of Jerusalem possible while at the same time hinting at restraint as the government would take the welfare of *all* of Jerusalem's residents into account. The government stressed that it viewed 'all forms of settlement as a valued social and national enterprise'. However, '[u]ntil the status of the Jewish communities in Judea, Samaria and Gaza [would be] determined (…) no new communities [would] be built and no existing communities [would] be detrimentally affected'.[255] This allowed for so-called natural growth of the existing communities.[256]

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250 Israel Ministry of Foreign Affairs, *Annex I (a) to the Israel-Jordan Peace Treaty*, http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Israel-Jordan%20Peace%20Treaty%20Annex%20I, consulted on 4 July 2009.

251 Israel-Jordan Peace Treaty in Laqueur and Rubin, *The Israel-Arab reader*, 477-486.

252 Also see Gelvin, *The Israel-Palestine conflict*, 236-237; Smith, *Palestine and the Arab-Israeli conflict*, 464-465; and D.J. Stewart, *The Middle East today. Political, geographical and cultural perspectives*, (New York 2009) 171.

253 Israeli and Palestinian Authority: Interim Agreement on the West Bank and Gaza Strip (28 September 1995) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 502-521.

254 Israel and Palestinian Authority: The Wye River Memorandum (23 October 1998) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 529-534.

255 Israeli Government: Basic Guidelines (July 1999) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 543-545.

256 Natural growth is the expansion of existing settlements to accommodate expanding families to build houses, schools and other buildings (for their children).

Hamas reacted to these developments by stating that 'the West Bank and Gaza [had] been carved, mutilated and turned into isolated densely populated islands or cantons, administered on behalf of the Israelis by the PA'. It added that '[e]xisting Jewish settlements [had] continued to expand and new ones [had] been erected'. Furthermore, 'Jerusalem [was] being expanded and de-Arabised'. The movement nevertheless expressed its willingness to consider a ceasefire agreement with the Israelis, if they would withdraw their troops from the West Bank and Gaza Strip, evacuated 'all Jewish settlements illegally erected and populated by Jewish immigrants on Palestinian lands seized by force in both the West Bank and Gaza', and recognised the right of the Palestinian people to self-determination.[257] This was not a definite peace offer on the part of Hamas, but merely the terms by which it would be willing to enter into negotiations with Israel. Hamas still worked towards the 'total liberation of Palestine from the [Mediterranean] Sea to the [Jordan] River'.[258]

Then in 2000 US President Clinton attempted to forge an agreement. He stated that there would be no solution 'without a sovereign, viable, Palestinian state that [would accommodate] Israeli's security requirements and the demographic realities'. That suggested 'Palestinian sovereignty over Gaza, the vast majority of the West Bank, [and] the incorporation into Israel of settlement blocks, with the goal of maximizing the number of settlers in Israel while minimizing the land annex for Palestine [should] be a geographically contiguous state'. He added that 'to make the agreement durable, (…) there [would] have to be some territorial swaps'. 'Jerusalem should be an open and undivided city, with assured freedom of access and worship for all', and it should 'encompass the internationally recognized capitals of two states, Israel and Palestine'. '[W]hat [was] Arab should be Palestinian', and 'what [was] Jewish should be Israeli'.[259]

The next year the Mitchell Report was submitted, recommending that Israel 'freeze all settlement activity, including the "natural growth" of existing settlements'. Israel should also make clear that 'a future peace would pose no threat to the territorial contiguity of a Palestinian State to be established in the West Bank and the Gaza Strip'. Israel and the Palestinians should resume full and meaningful negotiations as partners.[260] This plan quietly died out.

2.5   A new chapter in peace negotiations

Then the attacks of 11 September 2001 shook the world. A few months after the attacks the Arab states, trying to draw attention back to the peace process, called for the establishment of a 'sovereign independent Palestinian State on the Palestinian territories occupied since the 4th of June 1967 in the West Bank and Gaza Strip, with East Jerusalem as its capital'. This would of course require the Israeli withdrawal from *all the* territories occupied since the 4th of June 1967. In return the Arab states would be willing to '[e]stablish normal relations with Israel'.[261] The Arab plan did not provoke a significant reaction.

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[257] Memo prepared by Hamas Political Bureau (late 1990s), *This is what we struggle for*, Appendix I in Tamimi, *Hamas*, 247-252.

[258] Memo prepared by Hamas Political Bureau (June 2000), Appendix II in Tamimi, *Hamas*, 253-265.

[259] Jewish Virtual Library, *The Clinton Parameters (7 January 2001)*, http://www.jewishvirtuallibrary.org/jsource/Peace/clintplan.html, consulted on 26 June 2009.

[260] Jewish Virtual Library, *The Mitchell Report (4 May 2001)*, http://www.jewishvirtuallibrary.org/jsource/Peace/Mitchellrep.html, consulted on 26 June 2009.

[261] Arab League Summit: "Beirut Declaration" (28 March 2002) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 583-584.

Later that year, President Bush affirmed America's support for 'the creation of a Palestinian state whose borders and certain aspects of its sovereignty [would] be provisional until resolved as part of a final settlement in the Middle East'. The issue of Jerusalem as the capital of a Palestinian state was to be negotiated as part of such a final settlement. The support for a Palestinian state was conditional on the Palestinian leaders' willingness to 'engage in a sustained fight against the terrorists (...), embrace democracy, [and] confront corruption'. Israel on its part should withdraw its forces 'fully to positions they held prior to September 28, 2000'.[262] That meant that the Israeli reoccupation of previously handed over territory, that had taken place in March 2002, was to be reversed. Furthermore, 'Israeli settlement activity in the occupied territories [had to] stop'.[263] The two-state solution was put forward again in the Roadmap for Peace that followed a year later. The Roadmap reiterated the demand for an Israeli withdrawal from Palestinians areas occupied from September 28, 2000, and the freezing of all settlement activity. It also called for the immediate dismantlement of 'settlement outposts erected since March 2001'. After the first phase, a second phase would focus on the creation of 'an independent Palestinian state with provisional borders and attributes of sovereignty'. In the third phase a 'final, permanent status resolution (...) [was to be agreed], including on borders, Jerusalem [and] settlements'.[264] At the Aqaba Summit of June 2003 President Bush reaffirmed that the 'Holy Land [should] be shared between the state of Palestine and the state of Israel, living at peace with each other and with every nation of the Middle East'.[265] That same year an Israeli and a Palestinian politician jointly initiated a plan to end the conflict. This Geneva Accord proposed to establish a Palestinian state, and called for the Palestinians to recognise Israel as the homeland of the Jewish people. The privately initiated plan, however, lacked the support of the Israeli and Palestinian authorities, and consequently failed.[266]

Ariel Sharon refused to enter into negotiations with the Palestinians, and responded with a unilateral disengagement plan. He declared that Israel aspired 'to reach a mutual agreement on the basis of two states for two peoples, the State of Israel as the state for the Jewish people and a Palestinian state for the Palestinian people'. He was willing to 'evacuate the Gaza Strip, including all the Israeli settlements (…) existing there', and 'the area of northern Samaria'. However, in any future final-status agreement 'some areas [in the West Bank would] remain part of the state of Israel, among them civilian settlements, military zones and places where Israel [had] additional interests'.[267] A revised version of this plan contained largely the same elements, although any reference to a Palestinian state was deleted.[268] And in 2005 Sharon withdrew all Israeli forces from the Gaza Strip and evacuated the settlements there.

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[262] 28 September 2000 was the date on which Ariel Sharon – then leader of the opposition Likud party – visited the Temple Mount/Haram al-Sharif. This turned out to be the trigger for the second *intifadah*.
[263] President Bush discussed Middle East in Rose Garden Address (24 June 2002), http://www.freerepublic.com/focus/news/705274/posts, consulted on 27 June 2009.
[264] *BBC News*, 'The roadmap: Full text', 30 April 2003, http://news.bbc.co.uk/2/hi/middle_east/2989783.stm, consulted on 27 June 2009.
[265] George W. Bush, Speech at the Aqaba (Jordan) Summit (4 June 2003) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 550-551.
[266] Stewart, *The Middle East today*, 173-174.
[267] Ariel Sharon's Disengagement Plan: Key Principles (April 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 555-557.
[268] Smith, *Palestine and the Arab-Israeli conflict*, 558.

Hamas had in the meantime decided to take part in the Palestinian legislative elections. It put forward that '[h]istoric Palestine [was] part of the Arab and Islamic land [and that it was] the right of the Palestinian people'. It would 'use all necessary means [to defeat] the occupation and [establish] the independent Palestinian state with Jerusalem as its capital'. This Palestinian state should be fully sovereign.[269] Hamas thus left all options open. The phrasing of its election manifesto could be interpreted as claiming the whole of Palestine, as well as an indication that it would agree to establishing an independent Palestinian state on the (whole of the) West Bank and the Gaza Strip.[270] A few months later Hamas and several other Palestinian parties repeated the right to establish an 'independent state with full sovereignty' with 'al-Quds al-Shareef [Jerusalem] as its capital on all territories occupied in 1967'. To realise this all settlements should be removed.[271]

Nearing the end of his (second and final) term in office, President Bush set out to organise a peace conference. At the end of the conference, all parties present – including Syria - agreed on mutual recognition, and the 'goal of two states, Israel and Palestine'. They also reiterated their commitment to the Roadmap.[272] The statement remained silent on the other issues. The most important feat of the conference was the presence of all Arab states, including Syria.

With the election of President Obama an era of hope dawned. Obama discussed the peace process in a speech in Cairo. He set out his view on the process by stating that the US would 'not turn [their] backs on the legitimate Palestinian aspiration for (…) a state of their own', 'just as Israel's right to exist [could] not be denied'. Obama added that the US did 'not accept the legitimacy of continued Israeli settlements', and vowed that it was 'time for these settlements to stop'. He also called on the Arab states to recognise Israel's legitimacy. Furthermore, Jerusalem should be 'a secure and lasting home for Jews and Christians and Muslims'.[273] Obama's speech set the stage for future negotiations.

Israeli Prime Minister Benjamin Netanyahu responded to Obama's speech. He stated that 'the root of the conflict was, and [remained], the refusal to recognize the right of the Jewish people to a state of their own, in their historic homeland'. The Palestinians were required to recognise Israel, because 'Israel [was] the nation-state of the Jewish people, and it [would] stay that way'. He did express his support for a 'demilitarized Palestinian state (…) without an army, [and] without control of its airspace'. He added that Israel needed 'defensible borders, and Jerusalem [should] remain the united capital of Israel with continued religious freedom for all faiths'. These issues were to be dealt with in a final peace agreement. He stated that his government had 'no intention of building new settlements or of expropriating

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[269] Hamas election manifesto for the legislative elections held on 25 January 2006, Appendix VI in Tamimi, *Hamas*, 274-294.

[270] Gunning, *Hamas in politics*, 152. Several prominent Hamas members have stated that Hamas would be prepared to accept a Palestinian state within the 1967 borders. See *Ynetnews.com*, 'Hamas: Ceasefire for return to 1967 border', 30 January 2006, http://www.ynetnews.com/articles/0,7340,L-3207845,00.html, consulted on 12 July 2009; and International Crisis Group, *Enter Hamas: The challenges of political integration*, Middle East Report no. 49 (18 January 2006) 21-22.

[271] The Revised National Conciliation Document of the Prisoners (28 June 2006), http://www.mideastweb.org/prisoners_letter.htm, consulted on 23 July 2009.

[272] U.S. President George W. Bush: Annapolis Conference (27 November 2007) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 625-626.

[273] *The New York Times*, 'Text: Obama's speech in Cairo', 4 June 2009, http://www.nytimes.com/2009/06/04/us/politics/04obama.text.html, consulted on 27 June 2009.

additional land for existing settlements'. But there was a 'need to enable the residents [of the settlements] to live normal lives'.[274]

Hamas also responded to Obama's speech. It claimed the Palestinians' right to self-determination. The 'bare minimum' that the movement was prepared to accept, constituted 'the establishment of a sovereign Palestinian state within the borders of 4 June 1967 with Jerusalem as its capital', and 'the removal of all the settlements from this territory'.[275] This was the first time Hamas explicitly accepted the 1967 borders, as the possible future borders of a Palestinian state.

2.6   Concluding remarks

The issues of sovereignty, statehood and self-determination have been on the forefront of Israeli and Palestinian thinking for decades. With the establishment of Israel in 1948 these issues, and the related issues of borders, settlements and Jerusalem, became even more pressing, as Israel's Arab neighbours refused to recognise Israel and the Palestinians did not even have a state of their own.

When the Palestinians took matters into their own hands in the 1960s, they did not seem to strive for an independent Palestinian state. They did claim the whole of the former British Mandate of Palestine, but wanted to include in a(n) (pan-) Arab nation. There was no place for a Jewish state in this view. Israel, in turn, did not recognise the Palestinians as an autonomous people, let alone agree to a Palestinian state in whatever form. And when Israel took control of the West Bank, the Gaza Strip and East Jerusalem in 1967, the situation exacerbated. The UN called upon Israel to withdraw from territories occupied, thereby leaving ample room for differing interpretations. It also pressed for respect for the sovereignty and independence of all states in the region, including Israel, to no avail.

In 1969 the Palestinians called for the establishment of an independent Palestinian state for the first time. That same year the US put forward its first comprehensive plan entailing recognition of Israel by its neighbours, withdrawal of Israeli forces from the territories occupied in 1967, and open access to Jerusalem leaving Jerusalem's final status to be decided in future negotiations. The plan did not provoke a response.

After the 1973 war Egypt made a bold move hinting at recognising Israel. Israel responded favourably to the Egyptian initiative. It nevertheless stressed that it would (only) accept some territorial concessions. Notwithstanding the Egyptian opening towards Israel, the PLO stated it would only agree to a Palestinian state on the whole of (the former Mandate of) Palestine.

When Likud came to power in 1977, it made clear that – contrary to the former Labour governments – it would not give up any territory. More importantly it began expanding (the number and size of) the settlements in the territories in earnest. Remarkably enough, the PLO started to soften its stance, stating that it was prepared to accept an independent Palestinian state on any part of Palestinian land. Subsequently, Israel proposed to allow the

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[274] Israel Ministry of Foreign Affairs, *Address by PM Netanyahu at Bar-Ilan University (14 June 2009)*, http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.htm, consulted on 5 July 2009.
[275] Conflicts Forum, *Meshaal delivers speech on Obama's position on peace process (25 June 2009)*, http://conflictsforum.org/2009/meshaal-delivers-speech-on-obamas-position-on-peace-process/, consulted on 14 July 2009.

Palestinians some autonomy over the territories in return for a comprehensive peace. It was, however, not prepared to cease settlement activity.

With the election of President Carter the peace process got a new incentive. Carter stressed that Israel should withdraw from the territories, and should in return be recognised by its neighbours. Furthermore, he was the first American President pleading for Palestinian involvement in determining their future. Carter subsequently brokered an Egyptian-Israeli peace deal. It also entailed arrangements for an Israeli withdrawal from the territories following the election of a Palestinian self-governing authority. Israel nevertheless stressed that this did not mean that the Palestinians would be awarded sovereignty. In the meantime Israel continued to expand the settlements. The UNSC declared these illegal and called them an obstruction for peace.

In the early 1980s the Arab states seemed to follow the Egyptian example. They hinted at recognising Israel, if it would withdraw from the territories, dismantle the settlements and accept the establishment of a Palestinian state with Jerusalem as its capital. Carter's successor Reagan sought to capitalise on these developments. His peace plan added a new element in that it called for the establishment of self-government by the Palestinians of the West Bank and Gaza in association with Jordan. Israel was called upon to freeze all settlement activity during a transitional period, and the Arab states were required to recognise Israel. The Palestinians and Jordan responded in kind by agreeing to a Jordanian-Palestinian confederation in exchange for a total Israeli withdrawal from the occupied territories.

But in 1987 the *intifadah* erupted, and Hamas was established. Hamas laid claim on the whole of Palestine, thereby negating Israel's right to exist. This was a complicating factor, as the PLO had just been edging towards recognition of Israel. It prompted the PLO to issue a declaration of independence confirming the establishment of a (non-existent) Palestinian state with Jerusalem as its capital. Israel dismissed all claims to an independent Palestinian state, while concurrently offering the Palestinians self-rule with limited sovereignty over the territories. Notwithstanding these initiatives there was no progress in the peace process.

After the Second Gulf War the US and the Soviet Union proposed talks on Palestinian self-government, adding that they considered the Israeli settlements an obstacle for peace. Israel responded favourably, but stressed that it would continue to build settlements and that Jerusalem would remain under Israeli sovereignty. Finally in 1993 the Israelis and Palestinians agreed to Palestinian interim self-government. The remaining issues were again left to future negotiations. Several attempts were made to conclude an agreement on these final status issues, but they all failed.

Then in 1999 a new Labour government entered office promising to halt (almost all) settlement activity, thus creating new momentum. Hamas meanwhile signalled its preparedness to engage Israel, but Israel did not respond.

In a desperate attempt to achieve peace, US President Clinton recognised the need to establish a sovereign Palestinian state for the first time. Certain settlement blocks in the territories would be added to Israel, in return for which the Palestinians would receive territorial swaps. Jerusalem would be the capital of both states, Israel and Palestine. However, it was too late, and his plan fell apart. The Arab states supported the creation of a

Palestinian state with Jerusalem as its capital, and claimed to be prepared to establish normal relations with Israel. But, despite all efforts, the peace process did not move forward.

When President Bush came to power, the US – influenced by the events of 9/11 – added a condition to the negotiations. Bush stated to support the creation of a provisional Palestinian state, if the Palestinians would increase their efforts to combat terrorist activities against Israel. In 2004 Sharon subscribed to a two-state solution. However, because he had grown dissatisfied with the Palestinian attitude towards violence, he was determined to impose his solution on the Palestinians without involving them in the process. This stance enraged the Palestinians.

In 2009, the newly elected US President Obama addressed Hamas directly. This was a first step on the way to a possible future recognition of the movement. Obama stressed that Israel would have to halt all settlement activity. Prime Minister Netanyahu, feeling American pressure, meanwhile reluctantly accepted a two-state solution. However, he was not prepared to halt all settlement activity or give up Jerusalem. Hamas also edged towards Israel by accepting the creation of a Palestinian state on the area occupied in 1967.

Though the parties have been edging towards each other at an extremely slow pace, there has been constant progress. There are nevertheless still major challenges to overcome. One of these challenges is the increasing role of Hamas. This has set back negotiations, because Israel is reluctant to deal with the movement and due to the fact that there are now two major Palestinian players with diverging ideas on how to accommodate peace. The peace process is further complicated by the lack of progress on the final status issues. These need to be addressed, if the process is to move forward.

3 Security: Freedom from fear[276]

3.1 Introduction

One of the most pressing issues that has captivated both Israelis and Palestinians for decades is security.[277] This does not only entail freedom from (internal and external) violence and attacks, it also regards border security, freedom of navigation, freedom of movement, and free access to water and energy sources. The last few decades both Israelis and Palestinians have suffered from lack of security. Whole generations have grown up living under the constant threat of attacks, and in uncertainty over their prospects to live in freedom. This has 'hardened each party's perception of its own security needs',[278] as well as affected the way they perceive each other. This chapter will look at security in all its aspects. It will deal with the various threats and lack of security as perceived by the parties and mediators.

3.2 From hostility to land for peace

In November of 1947 the UN passed a resolution proposing the partitioning of the former British mandate of Palestine into two states. The resolution stated that there should be '[a]ccess for both States and for the City of Jerusalem [that would be under an international regime] on a non-discriminatory basis to water and power facilities'.[279] However, by the end of 1947 civil war had broken out between the Palestinian and Jewish communities of Palestine. The Jewish community finally emerged as victor. Then in May 1948 David Ben-Gurion declared the independence of Israel. 'In the midst of wanton aggression', he called upon 'the Arab inhabitants of the State of Israel to preserve the ways of peace'. He also extended Israel's hand 'in peace and neighbourliness to all the neighbouring states and their peoples'. He asked of the Jewish people all over the world to support Israel 'in the great struggle for the fulfillment [*sic*] of the dream of generations for the redemption of Israel'.[280] Ben-Gurion's call proved to be futile, and war broke out between Israel and its neighbours immediately after Israel declared its independence. At the end of the war Israel had gained more land than it had been awarded in the 1947 UN partition plan.[281]

The Arab states could not accept their defeat, and engaged in various activities to harm Israel and the Israeli people. In 1951 the UNSC called upon Egypt to 'desist from the (…) practice of interfering with the passage through the Suez Canal of goods destined for Israel'.[282] Then in 1956 Egyptian President Nasser nationalised the Suez Canal. After ample preparation and coordination, Israel attacked Egypt in conjunction with Britain and France. It

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[276] Freedom from fear was one of the four freedoms mentioned by former US President Franklin Delano Roosevelt in his annual address to the US Congress on 6 January 1941. See Franklin Roosevelt's Annual Address to Congress – "The Four Freedoms", http://www.fdrlibrary.marist.edu/od4frees.html, consulted on 6 July 2009.

[277] See for a discussion on what security entails T. Tariff, S. Croft, L. James and P.M. Morgan, *Security studies today*, (Oxford 1999) 18-20; and Baylis and Smith, *The globalization of world politics*, 300-304.

[278] International Crisis Group, *Middle East Endgame II: How a comprehensive Israeli-Palestinian peace settlement would look*, Middle East Report no. 3 (16 July 2002) 4.

[279] United Nations General Assembly Resolution 181 (29 November 1947), http://www.yale.edu/lawweb/avalon/un/res181.htm, consulted on 8 July 2009.

[280] State of Israel: Proclamation of Independence (14 May 1948) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 81-83.

[281] Ovendale, *The origins of the Arab-Israeli wars*, 139.

[282] UN Security Council: Resolution 619, Concerning Restrictions on the Passage of Ships Through the Suez Canal (1 September 1951) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 88-89.

occupied nearly all of the Sinai desert trying to secure the Straits of Tiran, and retreated after having succeeded.[283] Having defeated its Arab neighbours in war, Israel was confronted with a new security menace. In 1965 the Palestinians declared that 'armed revolution [was the] only path to Palestine and freedom', adding that it would 'resort to armed conflict (…) until Palestine [would be] liberated'.[284] In the years following this declaration, Fatah engaged in numerous attacks from Jordanian and Syrian soil on Israel.[285]

In 1967 Israel perceived a looming and increasing threat, and felt compelled to strike the Arab states before Israel would be attacked.[286] Just after the war, Israel stated that the 'Palestine Liberation Organization, the Palestine Liberation Army, the Unified Arab Command, [and] the intensified expansion of military forces and equipment in Egypt, Syria, Lebanon, Jordan and more remote parts of the Arab continent (…) [had been] the signals of a growing danger'. Furthermore, Egyptian President Nasser had closed the Straits of Tiran, which Israel considered 'an act of war', and Egypt had been moving troops 'against Israel's western coast and southern territory'. Israel's right to peace and security had thus been 'forcibly denied and aggressively attacked'. To Israel it seemed that the Arab governments were striving for 'Israel's immediate and total destruction'.[287] In a reaction to the war, the UNSC emphasised that a just and lasting peace was needed 'in which every state in the area (…) [could] live in peace within secure and recognized boundaries free from threats or acts of force'. The UN also called for guaranteeing freedom of navigation through international waterways in the area, and for the establishment of demilitarised zones to secure the territorial inviolability of all the states in the region.[288]

The PLO put forward its view on the conflict in 1968. It stated that every Palestinian should be 'prepared for the armed struggle and ready to sacrifice his wealth and his life in order to win back his homeland and bring about its liberation'. Armed struggle was the only way to liberate Palestine from the 'Zionist occupation (…), and to repel the Zionist and imperialist aggression'. Commando action was to constitute the nucleus of the Palestinian popular liberation war. The liberation of Palestine was 'a defensive action necessitated by the demands of self-defense'. The PLO stipulated that it would not interfere in the internal affairs of any Arab state.[289] Fatah subscribed to this vision by adding that it would 'pursue mercilessly its struggle against foreign occupation and Zionist colonisation'.[290] The Palestinians uncompromising stand did not go unnoticed.

[283] Ovendale, *The origins of the Arab-Israeli wars*, 177-183. Also see B. Turner, *Suez 1956. The inside story of the first oil war*, (London 2007).

[284] Communiqué No. 1 from Headquarters of Asifa Forces (Fatah) (6 January 1965) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 301.

[285] T. Segev, 1967. *Israel, the war and the year that transformed the Middle East*, (London 2007) 171-178.

[286] Israel considered it anticipatory self-defence, which is sometimes referred to as pre-emptive action. There has been much debate on the question whether Israel had such a right or not. See for instance Advisory Council on International Affairs, *Pre-emptive action*, Advice no. 36 (July 2004), 17.

[287] Israeli Foreign Minister Abba Eban: Speech at the Special Assembly of the United Nations (19 June 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 105-110.

[288] UN Security Council: Resolution 242 (22 November 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 116.

[289] Palestine National Council: The Palestinian National Charter (July 1968) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 117-121.

[290] Fatah: The Seven Points (January 1969) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 130-131.

In a reaction to a slump in peace negotiations, the US tried to create momentum. It recognised that 'a protracted period of war, no peace, recurrent violence and spreading chaos would serve the interests of no nation, in or out of the Middle East'. A lasting peace should be sustained by a sense of security on both sides. There should be 'demilitarized zones and related security arrangements [that should be] more reliable than those which [had] existed in the area in the past'. 'The parties themselves (…) [should] work out the nature and the details of such security arrangements'. The US added that it supported Israel's security and the security of the Arab states as well, and that 'there should be a binding commitment by Israel and the United Arab Republic[291] (…) to prevent hostile acts originating from their respective territories'. Finally, navigation rights in the Suez Canal and in the Straits of Tiran should be spelled out.[292] The proposal was nevertheless left unanswered by the parties concerned.[293]

Then the fourth Arab-Israeli war broke out in 1973. During this war Egyptian President Sadat boosted that Egypt would continue to 'fight to liberate [its] territories (…) seized in 1967', and to 'secure respect for the legitimate rights of the Palestinian people'. But at the same time he showed preparedness to agree to a ceasefire under certain conditions.[294] Israeli Prime Minister Meir responded by affirming Israel's willingness to conclude a ceasefire. Such a ceasefire should be 'binding upon all the regular forces stationed in the territory of a State accepting the cease-fire including the forces of foreign states', as well as 'upon irregular forces acting against Israel from the area of the States accepting the cease-fire'. This of course meant that these states would have to restrain and control the irregular forces. Meir added that the ceasefire should assure the prevention of a blockade or interference with free navigation too. She remained adamant that 'by virtue of [Israel's] right to secure borders, defensible borders, [it] would not return to the frontiers of 4 June 1967'. This position would only change, if 'secure, recognized and agreed boundaries [would be] demarcated in a peace treaty'. Furthermore, Meir called into memory the attacks perpetrated by 'terrorists (…) from Lebanese territory'.[295] Meir saw Israel's actions as legitimate self-defence in an environment in which Israel was surrounded by aggression and subject to attacks. A ceasefire was put into effect, but without any of the aforementioned conditions having been fulfilled.[296]

A year later, the PLO reiterated its resolve to 'struggle by all possible means and foremost by means of armed struggle for the liberation of the Palestinian lands'. It claimed that it would 'struggle together with patriotic Jordanian forces', and that it would establish 'a fighting union between the Palestinian and the Arab peoples'.[297] The Arab League supported the PLO, and stated that it believed in the necessity to frustrate the 'Zionist schemes (…) to eliminate the

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[291] From 1958 until 1961 Egypt and Syria were united in the United Arab Republic. After Syria seceded in 1961, Egypt continued to call itself the United Arab Republic until the early 1970s.
[292] Jewish Virtual Library, *The Rogers Plan (9 December 1969)*, http://www.jewishvirtuallibrary.org/jsource/History/rogers.html, consulted on 17 June 2009.
[293] Israel rejected it out of hand, and Egypt – though 'noting some positive elements' – pushed for an '"integrated formula" for a comprehensive settlement'. See Quandt, *Peace process*, 67-68.
[294] Egyptian President Anwar Sadat: Speech (16 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 148-152.
[295] Israeli Prime Minister Golda Meir: Statement in the Knesset (23 October 1973) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 152-157.
[296] Ovendale, *The origins of the Arab-Israeli wars*, 224-225.
[297] Palestine National Council: Resolutions (June 1974) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 162-163.

Palestinian existence and to obliterate the Palestinian national entity'. It vowed that it would provide 'all requirements to develop and increase [the Palestinians'] ability (…) to recover their rights'.[298] Arafat expanded on the issue in a speech to the UNGA. He stated that in light of 'Zionist aggression' and the '[Zionist enemy's] policy of occupation, expansion and its reliance on the concept of military might' Palestinians had to resort to armed struggle. He added that the 'difference between the revolutionary and the terrorist [lied] in the reason for which each [fought]'. 'For whoever [stood] by a just cause and [fought] for the freedom and liberation of his land by the invaders, the settlers and the colonialists, [could not] possibly be called terrorist'. He stipulated that 'those who [fought] against the just causes, those who [waged] war to occupy, colonize and oppress other peoples (…) [were] the terrorists'.[299] With this Arafat struck upon the eternal contradiction that "one man's terrorist is another man's freedom fighter".[300] Arafat added that the Palestinian Arabs were treated by Israel as second-class citizens, and had been 'victims to bloody massacres'. Furthermore, 'thousands of martyrs and twice as many wounded, maimed and imprisoned [had been] offered in sacrifice' in the struggle against Israel.[301] Arafat clearly put the blame for the violence with Israel.

In 1977 the newly elected Likud party put forward its view on the conflict. It stated that the Jewish people had a right to security and peace, and that it considered the PLO to be 'no national liberation organization but an organization of assassins' with the aim 'to liquidate the State of Israel'. Likud vowed that it would 'eliminate these murderous organizations in order to prevent them from carrying out their bloody deeds'.[302] Likud's language was much more provocative than the words previously used by Labour.

That same year, the Arab League responded to Egyptian President Sadat's visit to Jerusalem. The League strongly condemned the visit, and called upon 'the Arab nation on the official and the popular levels to provide economic, financial, political and military aid and support to the Syrian region, [because] it [had] become the principal confrontation state and the base of steadfastness for dealing with the Zionist enemy and also to the Palestinian people represented by the PLO'. At the same time, 'Syria (…) and the PLO [announced] the formation of a unified front to face the Zionist enemy and combat the imperialist plot', and they were joined by Algeria, Libya and South Yemen.[303] They added that they would consider 'any aggression against any one member as an aggression against all members'.[304] With this

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[298] *Le Monde Diplomatique*, 'Seventh Arab League Summit Conference, Resolution on Palestine', 28 October 1974, http://mondediplo.com/focus/mideast/rabat74-en, consulted on 17 June 2009.

[299] PLO Chairman Yasir Arafat: Address to the UN General Assembly (13 November 1974) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 171-182.

[300] See for instance B. Hoffman, *Inside terrorism*, (London 1998) 26, 33 and 36; G. Chaliand and A. Blin (eds.), *The history of terrorism. From antiquity to Al Qaeda*, (London 2007) 27; and T. Bjørgo (ed.), *Root causes of terrorism. Myths, reality and ways forward*, (New York 2005) 1.

[301] Arafat Address to the UNGA recorded in Laqueur and Rubin, *The Israel-Arab reader*, 171-182.

[302] The Likud Party: Platform (March 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 206-207.

[303] South Yemen or the People's Democratic Republic of Yemen had been a leftist Arab republic that had pledged to support the 'overthrow of all the traditional monarchies in the Arabian Peninsula' until its formal unification with North Yemen in 1990 (that had already been agreed upon in 1979). Cleveland, *A history of the modern Middle East*, 455. Also see Choueiri, *A companion to the history of the Middle East*, 434 and Kamrava, *The modern Middle East*, 113-115.

[304] Arab League: Summit Declaration (5 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 216-218.

last element the Arab League member states pledged to abide by the principle of collective defence.[305]

At the same time the Likud government in Israel proposed an autonomy plan for the West Bank and the Gaza Strip. This proposal stipulated that Israel would remain to be entrusted with 'security and public order in [these] areas'. 'Israeli residents and residents of Judea, Samaria and the Gaza district [would] be assured free movement (…) in Israel, in Judea, in Samaria and in the Gaza district'. The proposal added that no control would be given to 'the murderous organization that [was] called the PLO', and that Israel would uphold the deployment of Israeli forces in the areas mentioned. Other security arrangements would be implemented, so that 'all residents, Jews and Arabs alike' could lead a secure life.[306]

3.3   From land for peace to a comprehensive solution

In 1978 US President Carter forced a breakthrough in negotiations. After having put forward that there should be 'secure and recognized borders for all parties',[307] Egypt and Israel reached an agreement. This framework for peace repeated Carter's principle. It added that 'every state in the area […] [should also be] free from threats or acts of force'. 'Security [would be] enhanced by a relationship of peace and cooperation between nations which [enjoyed] normal relations'. Parties could, 'on the basis of reciprocity, agree to special security arrangements such as demilitarized zones, limited armament areas, early warning stations, the presence of international forces, liaison, agreed measures for monitoring, and other arrangements'. Thus, without actually agreeing to any such matters, the parties were given options for enhancing security. Part of Camp David was the anticipated transfer of authority in the West Bank and Gaza, while taking into account 'the security concerns of all the parties'. 'A withdrawal of Israeli armed forces [would] take place and there [would] be a redeployment of the remaining Israeli forces into specified security locations'. Arrangements were to be made on 'assuring internal and external security and public order'. And the Palestinians would be allowed to set up a strong local police force composed of inhabitants of the West Bank and Gaza. Israeli and Jordanian forces would participate in joint patrols and in the manning of control posts to assure the security of the borders. Israel also agreed to withdraw its armed forces from the Sinai. Egypt would allow Israeli ships the right of free passage through the Gulf of Suez and the Suez Canal, and the Straits of Tiran and the Gulf of Aqaba would be open to all nations for 'unimpeded and nonsuspendable freedom of navigation and overflight'. Furthermore, Egypt accepted limitations on the amount of forces it could station in the Sinai, and the UN would station troops in the area.[308] In the peace treaty that followed Egypt and Israel agreed on inviolable boundaries. They also declared to 'ensure that acts or threats of belligerency, hostility, or violence [would] not originate from (…) within [their] territory'. This included acts committed by 'any forces subject to [their] control or by any other forces stationed on [their] territory'.[309]

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[305] This principle constitutes the obligation to defend any party to the alliance against 'one or more identifiable external threats'. D.S. Yost, *Nato transformed. The Alliance's new roles in international security*, (Washington 1998), 7. This principle should be distinguished from collective security. See Yost, *Nato transformed*, 5-9.

[306] Israeli Prime Minister Menachem Begin: Autonomy Plan for the West Bank and Gaza Strip (28 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 218-220.

[307] U.S. President Jimmy Carter: Statement on Palestinian Rights (4 January 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 220-221.

[308] Camp David Summit Meeting: Frameworks for Peace (17 September 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 222-227.

[309] Egypt and Israel: Peace Treaty (26 March 1979) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 227-228.

Stimulated by these positive developments, the European Community decided to put forward its vision of peace. It issued a statement that '[a]ll of the countries in the area [were] entitled to live in peace and security within secured, recognized and guaranteed borders'. It proved itself willing to participate 'in a system of concrete and binding international guarantees, including guarantees on the ground'. Furthermore, it considered that 'only the reunification of force or the threatened use of force by all the parties [could] create a climate of confidence in the area'.[310]

Then in 1982 the PLO was ousted from its bases in Lebanon. US President Reagan hailed this event as something that 'should make [Americans] proud'. He added that although 'Israel's military successes in Lebanon [had] demonstrated that its armed forces [were] second to none in the region, they alone [could not] bring just and lasting peace to Israel and her neighbours'. He stipulated that 'Israel's legitimate security concerns' could only be reconciled 'with the legitimate rights of the Palestinians' through negotiations. Therefore, Israel should work towards peace, and the Palestinian people should recognise Israel's right to a secure future. The Arab states should also acknowledge that Israel had a right to exist in peace behind 'secure and defensible borders'. Reagan supported the transfer of authority to the Palestinians of the West Bank and Gaza, but added that it should not 'interfere with Israel's security requirements'. Finally, Reagan stressed that 'America's commitment to the security of Israel [was] ironclad'.[311]

The Arab League strongly condemned the 'Israeli aggression against the Palestinian people', and called for the withdrawal of Israeli forces from Lebanon. The PLO reacted to the events that had taken place in Lebanon by stating that it caused 'the need to develop and escalate the armed struggle against the Zionist enemy'. It repeated its determination to 'carry out military action against the Zionist enemy from all Arab fronts'.[312]

In the 1983 peace treaty between Israel and Lebanon, the Lebanese had agreed to 'prevent the existence or organization of irregular forces, armed bands, organizations, bases, offices or infrastructure (…) aimed at threatening or endangering the security of the other party and safety of its people'. For this purpose, Lebanon would enforce special security measures.[313] The treaty was clearly intended to prevent any (future) activity from Palestinian forces – be they from the PLO or other Palestinian organisations. However, the treaty was renounced by Lebanon the next year.

Then in 1987 the *intifadah* broke out. It was aimed at forcing the establishment of an independent Palestinian state. Soon after the uprising started, 'a leadership and set of institutions (…) emerged that acted to guide the rebellion, coordinate the activities of the population, and, when necessary, imposed discipline'.[314] The leaders of the *intifadah* published a list of demands, including:

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[310] European Council: Venice Declaration (13 July 1980) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 232-233.

[311] U.S. President Ronald Reagan: The Reagan Plan (1 September 1982) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 257-263.

[312] Palestine National Council: Political Statement (22 February 1983) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 277-280.

[313] Lebanon and Israel: Truce Agreement (17 May 1983) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 287-289.

[314] Gelvin, *The Israel-Palestine conflict*, 216.

- the 'protection of civilians, their properties and rights under a state of military occupation', and the cessation of Israel's 'iron fist policy'.[315]
- the 'release of all prisoners (…) arrested during the (…) uprising'[316]
- the 'cancellation of the policy of expulsion'
- the 'immediate lifting of the siege of all Palestinian refugee camps'
- a 'formal inquiry into the behaviour of the soldiers and settlers in the West Bank and Gaza'
- an 'end to the harassments and provocations of the Arab population by settlers, the 'cancellation of all restrictions on political freedoms'
- the 'removal of the restrictions on political contacts between inhabitants of the Occupied Territories and the PLO'
- and the 'rescinding of all measures taken to deprive the Occupied Territories of their water resources'.[317]

Israel cracked down hard on the *intifadah*, arresting many Palestinians and using violent methods to subdue the uprising.[318]

Following the disturbing developments of the *intifadah*, US Foreign Minister Shultz announced negotiations. He started by demanding that all participants to the negotiations should renounce violence and terrorism.[319] This was a significant statement in that the US for the first time addressed both the Palestinians, and the Israelis to stop the violence. The PLO was not affected by this call, having repeatedly vowed to continue armed struggle. Despite the PLO's refusal to renounce violence and after lengthy consideration, the US lifted the ban on contact with the PLO later that year.[320]

In the meantime Hamas had been established. The movement declared that it would strive for the liberation of Palestine through *jihad*.[321] According to Hamas there was 'no solution for the Palestinian question except through Jihad'. It even considered *jihad* 'an individual duty for every Moslem'. Hamas declared that '[i]nitiatives, and so-called peaceful solutions and international conferences, [were] in contradiction to [its] principles', because they were not

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[315] The iron fist policy was introduced by Yitzhak Rabin, and entailed the use of non-lethal physical violence by Israeli soldiers to counter Palestinian civil order disturbances. See Gelvin, *The Israel-Palestine conflict*, 216 and 221; and *The New York Times*, 'U.S. Jews torn over Arab beatings', 26 January 1988, http://www.nytimes.com/1988/01/26/world/us-jews-torn-over-arab-beatings.html?sec=&spon=&pagewanted=all, consulted on 7 July 2009; and *The New York Times*, 'Israel declines to study Rabin tie to beatings', 12 July 1990, http://www.nytimes.com/1990/07/12/world/israel-declines-to-study-rabin-tie-to-beatings.html?pagewanted=print, consulted on 7 July 2009.

[316] The release of Palestinian prisoners by Israel has often been part of Palestinian demands. Lately, the issue seems to have gained prominence, and is used to create momentum or move negotiations forward. See for instance International Crisis Group, *The Israeli-Palestinian conflict: Annapolis and after*, Middle East Briefing no. 22 (20 November 2007), 12.

[317] West Bank-Gaza Palestinian Leaders: Fourteen Points (14 January 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 317-319.

[318] See for instance Gelvin, *The Israel-Palestine conflict*, 220.

[319] U.S. Secretary of State George Shultz: Plan (6 March 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 321-322.

[320] Quandt, *Peace process*, 277-285

[321] *Jihad* is a very complex conception. Hamas seemed to interpret *jihad* as the violent struggle against the enemy of Islam – in this context meaning Israel. See for an elaborate description of jihad M. Bonner, *Jihad in Islamic history. Doctrines and practice*, (Princeton, New Jersey 2006); and R. Bonney, *Jihād. From Qur'ān to bin Laden*, (London 2007). See for *jihad* in the context of Hamas F. Janssen, *Hamas and its positions towards Israel. Understanding the Islamic Resistance Organization through the concept of framing*, Clingendael Security Paper no. 8 (January 2009) 10-11.

considered 'capable of realising the demands, restoring the rights or doing justice to the oppressed'.[322] Hamas thus, while expressing similar intentions as the PLO (namely liberating Palestine by force), refused – in contrast to the PLO – to enter into negotiations of any kind by stressing that force was the only means to liberate Palestine. Furthermore, Hamas framed its ideology in a religious context by quoting Quranic verses and invoking religious conceptions. The PLO used more secular phrasing. It plainly stated its 'rejection of the occupation and [its] determination to struggle until the occupation [would be] defeated and terminated'. It was equally dismissive of Israel as Hamas, emphasising the 'crimes [Israel had committed] against the Palestinian people'. It also called for escalation of the *intifadah*, while at the same time asking the UNSC to 'formulate and guarantee arrangements for security and peace between all states in the region, including the Palestinian state'. Furthermore, it put forward that it rejected terrorism in all its forms, although it claimed the right to 'resist foreign occupation' and the 'right to struggle for (…) independence'.[323] In the Declaration of Independence the PLO added that the Palestinian state [was] a 'peace-loving State [that adhered] to the principles of peaceful coexistence'. The organisation also called upon 'all peace- and freedom-loving peoples and states (…) to provide [the Palestinian state] with security'. It put forward that it believed in 'the settlement of regional and international disputes by peaceful means', but without 'prejudice to its natural right to defend its territorial integrity and independence'. It rejected 'the threat or use of force, violence and terrorism against its territorial integrity or political independence, as it also [rejected] their use against the territorial integrity of other states'. It vowed that its 'struggle [would] be continued until the occupation [would end]'.[324]

Then in 1989 Israeli Prime Minister Shamir came up with a peace plan. He called for 'an atmosphere devoid of violence, threats and terror' in which elections 'among the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district' were to be held. 'Israel [would nevertheless] continue to be responsible for security, foreign affairs and all matters concerning Israeli citizens in Judea, Samaria and the Gaza district'.[325] This proposal was subsequently backed by Egypt and the US, but went nowhere.

3.4   The quest for peace in a changed world

After the Second Gulf War the PLO put out a communiqué stating that any provisional arrangements regarding the Israeli-Palestinian conflict should 'include the right (...) to sovereignty of land, water, natural resources, and all political and economic affairs'. It added that the Palestinian people should get 'international protection'. The PLO still considered 'promoting the intifada (...) to be the real guarantee for securing the political and national objectives (...) of [the Palestinians'] national struggle'. This seemed to be a somewhat softer approach to peace, than the bold and brazen language of its earlier declarations. The PLO thanked the Arab nation for its 'supporting and backing the *jihad* [italics added] of [the] Palestinian people'.[326] The use of the term *jihad* possibly pointed to the fact that the PLO was

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[322] Hamas Covenant 1988 (18 August 1988), http://avalon.law.yale.edu/20th_century/hamas.asp, consulted on 3 July 2009.

[323] Palestine National Council: Political Resolution (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 349-353.

[324] Palestine National Council: Declaration of Independence (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 354-357.

[325] Israeli Prime Minister Yitzhak Shamir: Peace Plan (14 May 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 359-362.

[326] Palestine National Council: Political Communiqué (28 September 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 380-384.

adapting its language in view of the establishment of Hamas, thus trying to take the wind out of Hamas's sails.

The US, aiming to boost negotiations, declared that Israelis and Palestinians should respect one another's security. The US encouraged 'all parties to adopt steps that [could] create an environment of confidence and mutual trust' without explaining what such steps should entail.[327] The Americans thus again chose to address the Palestinians as well as the Israelis directly.

Then Labour leader Yitzhak Rabin was elected Prime Minister of Israel. He declared that he would do 'every possible and impossible thing for the sake of national and personal security, for the sake of peace and of preventing war'. He addressed the 'Palestinians in the territories (...) who [had] never in [their] lives known even one day of freedom and happiness', and called upon them to 'stop all violent and terrorist activities during the (...) negotiations'. He added that Israel would continue to enforce all the measures to prevent terror and violence, and would not 'make even the slightest concession on issues of security'. Security would even come before peace.[328]

Just a year later, Rabin concluded the Oslo Accords. Israel and the PLO agreed that security arrangements were to be decided upon in the permanent status negotiations. But in the meantime, Palestinians would be allowed to build a Palestinian police force, while Israel would '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'. Israel would redeploy its military forces outside populated areas. There would be a temporary international or foreign presence after Israel's withdrawal from the Gaza Strip and the Jericho area, and arrangements were to be made for 'the safe passage of persons and transportation between the Gaza Strip and Jericho area'.[329] In a letter considered part of the Accords, Arafat announced that the PLO would 'renounce the use of terrorism and other acts of violence' and would 'discipline violators'.[330] This went a step further than earlier PLO statements, for it precluded all acts of violence including acts that were aimed at liberating Palestine, resisting occupation, or establishing an independent Palestinian state.

Then in early 1994 an Israeli settler, Baruch Goldstein, killed 29 Palestinians 'worshipping in the Mosque of Abraham situated in a cave in Hebron, also sacred to the Jews as the Tomb of the Patriarchs'. The Palestinians took to the streets, and in protest riots a number of Palestinians were killed by Israeli troops. Subsequently, Palestinian freedom of movement was sharply curtailed. Hamas responded by initiating a wave of suicide bombings and kidnapping an Israeli soldier.[331] This method of suicide bombing had become a major *modus operandi* against Israel after Israel had deported hundreds of Hamas members to Lebanon in

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[327] U.S. Letter of Assurances to the Palestinians (18 October 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 385-388.

[328] Israeli Prime Minister Yitzhak Rabin: Inaugural Speech (13 July 1992) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 403-407.

[329] Israel and PLO: Declaration of Principles on Interim Self-Government Arrangements ["Oslo Agreement"] (13 September 1993 recorded in Laqueur and Rubin, *The Israel-Arab reader*, 413-422.

[330] Israel and PLO: Agreed Minutes to the Declaration of Principles on Interim Self-Government Arrangements (13 September 1993) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 422-425.

[331] Smith, *Palestine and the Arab-Israeli conflict*, 459-460.

1992.[332] The violence had been stepped up further by Hamas after the signing of the Oslo Accords in an attempt to 'destabilize the proposed new PLO regime'.[333] Hamas remained adamant to continue its violent activities, for it saw those activities as a major source of legitimacy and as a 'shield against any attempt by the [Palestinian Authority, dominated by Fatah and the PLO,] to restrict the movement's activities or eliminate them altogether'.[334]

The PLO and Israel reaffirmed their 'determination to live in peaceful coexistence, [and] mutual dignity and security' in Cairo a month later. 'Israelis, including Israeli military forces [would be allowed to] continue to use roads freely within the Gaza Strip and the Jericho Area'. Israel reiterated its continued responsibility for 'defense against external threats, including responsibility for protecting the Egyptian border and the Jordanian line, and for defense against external threats from the sea and from the air, as well as the responsibility for overall security of Israelis and Settlements'. Both sides also agreed that they would 'take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property'. Furthermore, the Palestinians were to 'take all measures necessary to prevent (...) hostile acts directed against the Settlements, the infrastructure serving them and the Military Installation Area', and the Israelis would 'take all measures necessary to prevent (...) hostile acts emanating from the Settlements and directed against Palestinians'. The parties agreed to the establishment of a temporary international or foreign presence in the Gaza Strip and the Jericho area, which again was not followed up.[335]

Later that year, Jordan and Israel concluded an agreement in Washington. They stated that they would 'ensure lasting security and [would] avoid threats and the use of force between them'. They would both 'refrain from actions or activities (...) that [could] adversely affect the security of the other', and would not 'threaten the other by use of force, weapons, or any other means (...) and both sides [would] thwart threats to security resulting from all kinds of terrorism'. They also took note of progress made with regard to water, energy, and the environment.[336] In the subsequent peace treaty they added that they would settle their disputes by peaceful means. They also reached agreement on a 'permanent, secure, and recognized international boundary'. The two states reaffirmed that they would cooperate on security-related matters, and that they would 'refrain from the threat or the use of force or weapons (...) against each other or of other actions or activities that [would] adversely affect the security of the other party'. Furthermore, they vowed to 'take necessary and effective measures, and (...) cooperate in combating terrorism of all kinds', as well as to cooperate on matters concerning (access to) water and development of energy resources.[337]

In 1995 the PLO and Israel reached a follow-up agreement to Oslo, named Oslo 2. They repeated that 'Israel [would] continue to [be responsible] for external security, (...) [and] for

[332] Bonney, *Jihād*, 310. Also see S. Mishal and A. Sela, *The Palestinian Hamas. Vision, violence, and coexistence*, (New York 2006) 65-66.

[333] P. McGeough, *Kill Khalid. The failed Mossad assassination of Khalid Mishal and the rise of Hamas*, (New York 2009) 106.

[334] Mishal and Sela, *The Palestinian Hamas*, 67.

[335] Israel and PLO: Cairo Agreement (4 March 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 442-455.

[336] Israel and Jordan: The Washington Agreement (26 July 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 467-470.

[337] Israel and Jordan: Peace Treaty (26 October 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 477-486.

overall security of Israelis for the purpose of safeguarding their internal security and public order'. The Palestinian side would bear the responsibility for maintaining internal security and public order for the Palestinians in the West Bank and the Gaza Strip. In areas designated A, the Palestinians would be wholly responsible. And in areas designated B, Israel would have the 'overriding responsibility for security', whereas the Palestinians would be responsible for 'public order for Palestinians'. Palestinian police would have some freedom of movement in these areas, but would be required to coordinate movement with Israel in certain instances. In areas C, Israel would be wholly responsible. Both sides reiterated that they would 'take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other'.[338] Oslo 2, however, had a side effect. It 'allowed for the expansion of "bypass roads" (which Palestinians were prohibited to use) to link the settlements with each other and with Israel'. These roads had the effect of acting 'as dividers preventing free movement of Palestinians'.[339] Then on 4 November 1995 Rabin was assassinated by a radical Israeli settler.

In an atmosphere of violence, the Palestinian Authority reaffirmed its commitment to fight terror and prevent violence, and to strengthen security cooperation. It added that it would prevent 'incitement and hostile propaganda', and that it would combat 'systematically and effectively terrorist organizations and infrastructure'.[340] This agreement was clearly aimed at increasing the Palestinian involvement in cracking down on Hamas. A year later Israel and the Palestinian Authority agreed to 'full bilateral security cooperation', and the Palestinians would 'make known [their] policy of zero tolerance for terror and violence against both sides'. The agreement should also 'ensure the systematic and effective combat of terrorist organizations and their infrastructure', and it contained provisions to prohibit 'all forms of incitement to violence and terror'.[341]

In 1999 the newly installed Israeli Labour government, put forward new policy guidelines. It stated that it would strive to ensure 'the security and other vital interests of the State and [to offer] personal security for all [of Israel's] citizens'. It was adamant that it could 'bring an end to the cycle of blood-shed in [the] region'. The government vowed to 'conduct an all-out war against terrorist organizations and the initiators and perpetrators of terrorism'. It also promised to bring the Israeli forces out of Lebanon,[342] while guaranteeing the welfare and security of the Israeli residents of the north.[343]

At the end of the 1990s Hamas put out a memorandum explaining its tactics and ideas. It claimed that its martyrdom operations (suicide bombings) had been provoked by the 'massacre of Muslim worshippers' in Hebron in February 1994. It stated that it had offered Israel a truce, but that this offer had been rejected. The movement added that there was no

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[338] Israeli and Palestinian Authority: Interim Agreement on the West Bank and Gaza Strip (28 September 1995) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 502-521.

[339] Gelvin, *The Israel-Palestine conflict*, 236.

[340] Israel and Palestinian Authority: Hebron Accords (15 January 1997) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 522-523.

[341] Israel and Palestinian Authority: The Wye River Memorandum (23 October 1998) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 529-534.

[342] Israel withdrew its forces from Lebanon in May 2000.

[343] Israeli Government: Basic Guidelines (July 1999) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 543-545.

option but to 'struggle until the occupation [would be] brought to an end'.[344] In 2000 Hamas repeated that its military action was 'aimed at the occupation and [would] not stop until it was defeated and ended'.[345]

Then in September 2000, after Ariel Sharon's visit to the Temple Mount/Haram al-Sharif, the second (al-Aqsa) *intifadah* broke out. The violence was this time not only aimed at Israel, but also to some extent at the Palestinian Authority and Fatah that were accused of collaboration with Israel.[346] After the election of Sharon as Israel's Prime Minister in 2001, a campaign of suicide bombings started. Hamas was joined by other Islamic movements and secular Palestinian groups - including offshoots of Fatah – in committing these bombings.[347]

Given the 'tragic deterioration on the ground', President Clinton put forward a 'guide toward a comprehensive agreement'. Israel needed 'lasting security guarantees', but not 'at the expense of Palestinian sovereignty'. Thus an 'international presence in Palestine [was needed] to provide border security'.[348] Surprisingly enough, Clinton did not address the violence itself. Several months later the Sharm el-Sheikh Fact Finding Committee, that was set up to look into the causes of the violence, published its findings. First and foremost it urged an end to all violence, for '[d]eath and destruction [would] not bring peace, but [would] deepen the hatred and harden the resolve on both sides'. It found the 'immediate resumption of security cooperation [to be] mandatory'. And it called upon the Palestinian Authority to make clear that 'terrorism [was] reprehensible and unacceptable', and to 'take all measures to prevent terrorist operations and to punish perpetrators'. Both sides were urged to 'exhibit a greater respect for human life when demonstrators [confronted] security personnel'. Furthermore, the Committee condemned 'positioning gunmen within or near civilian dwellings', but urged Israel to 'exercise maximum restraint in its responses'. One of the consequences of the confrontations between Palestinian demonstrators and Israeli security forces had been the restriction of movement of people and goods in the West Bank and Gaza Strip by Israel. The Committee stated that it believed that Israel 'should lift closures', because they 'disrupted the lives of hundreds of thousands of Palestinians'.[349] The Committee's report was followed by a plan initiated by George Tenet, Director of the Central Intelligence Agency. He proposed a 'mutual, comprehensive cease-fire, applying to all violent activities'. He suggested that Israel and the Palestinian Authority 'immediately resume security cooperation'. Both sides were to take 'immediate measures to enforce strict adherence to the declared cease-fire, and [should seek] to stabilize the security environment'. They would also have to 'move aggressively to prevent individuals and groups from using areas under their respective control to carry out acts of violence'. Furthermore, a

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[344] Memo prepared by Hamas Political Bureau (late 1990s), *This is what we struggle for*, Appendix I in Tamimi, *Hamas*, 247-252.

[345] Memo prepared by Hamas Political Bureau (June 2000), Appendix II in Tamimi, *Hamas*, 253-265.

[346] Smith, *Palestine and the Arab-Israeli conflict*, 512-513.

[347] *Ibidem*, 515-516; and Gelvin, *The Israel-Palestine conflict*, 244. One of Fatah's off-shoots involved in suicide bombings and attacks against Israelis during the second *intifadah*, the al-Aqsa Martyrs Brigades, was supposedly even recognised as Fatah's armed wing at the movement's Sixth Congress taking place in Betlehem in early August 2009. See *Jerusalem Post*, 'Fatah: Return J'lem before talks go on', 8 August 2009, http://www.jpost.com/servlet/Satellite?cid=1249418552346&pagename=JPost%2FJPArticle%2FShowFull, consulted on 9 August 2009.

[348] Jewish Virtual Library, *The Clinton Parameters (7 January 2001)*, http://www.jewishvirtuallibrary.org/jsource/Peace/clintplan.html, consulted on 26 June 2009.

[349] Jewish Virtual Library, *The Mitchell Report (4 May 2001)*, http://www.jewishvirtuallibrary.org/jsource/Peace/Mitchellrep.html, consulted on 26 June 2009.

specific timeline was to be developed 'for the lifting of internal closures as well as for the reopening of internal roads'.[350] The violence nevertheless continued.

3.5   A new chapter in peace negotiations

After 9/11 the US had been preoccupied with terrorism. The attacks had influenced its view on the world. In 2002 US President Bush gave a speech at the White House. He stated that it was 'untenable for Israeli citizens to live in terror', but he found it equally 'untenable for Palestinians to live in squalor and occupation'. Bush called upon the Palestinians to 'elect new leaders (…) not compromised by terror'. By this he meant that the US would not deal with Arafat anymore, for it was unacceptable that 'Palestinian authorities [were] encouraging, not opposing, terrorism'. He acknowledged the Israelis' right to security, and to achieve that 'a reformed, responsible Palestinian partner' had to emerge. He called upon the Palestinian leaders to 'engage in a sustained fight against the terrorists and dismantle their infrastructure'. And, if violence subsided, freedom of movement should be restored.[351] In the meantime Israel had started the construction of a separation fence that in places cut 'deeply into the occupied areas and [incorporated] the largest of the West Bank settlement blocs as well as Jerusalem'.[352]

The Quartet – made up of the US, the European Union, the UN and Russia - proposed a phased approach to a permanent solution to the Israeli-Palestinian conflict. The first phase required the Palestinians to undertake an unconditional cessation of violence, accompanied by 'supportive measures undertaken by Israel'. Both Israel and the Palestinians should 'resume security cooperation based on the Tenet work plan', and Israel should take 'all necessary steps to help normalise Palestinian life'. The Palestinians should 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'. Furthermore, Arab states were called upon to 'cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror'.[353]

After the US's clear statements that it would no longer deal with Arafat, the new function of Palestinian Prime Minister was created. Mahmud Abbas (also called Abu Mazen) was the first to take office. President Bush lauded Abbas for having 'recognized that terrorist crimes [were] a dangerous obstacle to the independent state [the Palestinians sought]', and for promising 'full efforts and resources to end the armed intifada'. He also applauded Sharon's pledge to 'improve the humanitarian situation of in the Palestinian areas'.[354]

But in 2004 Sharon had become determined to proceed unilaterally. His unilateral disengagement plan stated that Israel 'would continue to construct the security fence', although 'humanitarian considerations [would] be taken into account' as to the route of the fence. After the unilateral withdrawal from the Gaza Strip and northern Samaria, Israel reserved the 'basic right of self-defense, which [included] taking preventive measures as well

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[350] The Tenet Plan (13 June 2001), http://www.al-bab.com/arab/docs/pal/tenet.htm, consulted on 8 July 2009.
[351] President Bush discussed Middle East in Rose Garden Address (24 June 2002), http://www.freerepublic.com/focus/news/705274/posts, consulted on 27 June 2009.
[352] Gelvin, *The Israel-Palestine conflict*, 247-248.
[353] *BBC News*, 'The roadmap: Full text', 30 April 2003, http://news.bbc.co.uk/2/hi/middle_east/2989783.stm, consulted on 27 June 2009.
[354] George W. Bush, Speech at the Aqaba (Jordan) Summit (4 June 2003) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 550-551.

as the use of force against threats originating in the [areas]'. Furthermore, the Gaza Strip should be 'completely demilitarized of arms'. Israel would 'work to reduce the number of checkpoints throughout the West Bank', and would provide 'consulting, assistance and training (…) to Palestinian security forces for the purpose of fighting terror and maintaining the public order'.[355] This was a clear attempt to further involve the Palestinian Authority, dominated by Fatah, in the struggle against Hamas. And in 2006 the US's Middle East Security Coordinator, Lieutenant-General Keith Dayton, followed up Sharon's plan by proposing to expand the Palestinian Authority's presidential guard and reorganise Palestinian security, so that the Palestinians could 'take responsibility for security and increase Israel's confidence and trust'.[356]

Hamas reacted to Sharon's disengagement plan by claiming the right for the Palestinian people to 'end the occupation using all available means including armed resistance', but added that 'dialogue [was] the only acceptable method for resolving internal Palestinian disputes'. This was a clear attempt to curb intra-Palestinian violence. It called '[s]ecurity collaboration, or the so-called security coordination, with the occupation (…) a crime against the homeland and against religion'. The movement called for '[v]italising resistance against the construction of the Apartheid wall of separation until it [would be] brought down'.[357] This was an obvious response to Sharon's policies. Hamas considered (its record of) violence - both against Israel, and as a means to guarantee security for the Palestinians – a 'valued (electoral) commodity' during the election campaign.[358] Furthermore, it saw the withdrawal of Israel from Lebanon in 2000 and from the Gaza Strip in 2005 as signs that violence was effective in realising Israeli withdrawal. Many Palestinians seemed to agree with Hamas on this issue.[359] And in 2006 imprisoned Hamas leaders and incarcerated leaders of other Palestinian organisations, including Fatah, stated that the Palestinian people had the 'right to resist and to uphold the option of resistance [against] occupation by various means'. They also called for removal of the separation wall.[360] It remained unclear if the leaderships of Hamas and Fatah fully endorsed this statement.

Then in June 2007 Hamas took over the Gaza Strip. For the first few months all remained quiet, but after this period of relative calm the movement started to shell Israel and fire rockets. It claimed that the attacks were a reaction to an Israeli incursion into Gaza in January 2008, in which several Hamas members had been killed. Hamas was, however, not the only movement involved in executing attacks on Israel.[361]

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[355] Israeli Prime Minister Ariel Sharon: Disengagement Plan (28 May 2004) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 591-593.

[356] *The New York Times*, 'U.S. Plan Would Expand Palestinian Leader's Security Force', 5 October 2006, http://www.nytimes.com/2006/10/05/world/middleeast/05crossing.html, consulted on 22 August 2009. Also see *Jerusalem Post*, 'Dayton Plan: Benchmarks won't work in the Middle East', 9 May 2007, http://www.jpost.com/servlet/Satellite?cid=1178431601973&pagename=JPost%2FJPArticle%2FShowFull, consulted on 22 August 2009.

[357] Hamas election manifesto for the legislative elections held on 25 January 2006, Appendix VI in Tamimi, *Hamas*, 274-294.

[358] Gunning, *Hamas in politics*, 175.

[359] *Ibidem*, 177.

[360] The Revised National Conciliation Document of the Prisoners (28 June 2006), http://www.mideastweb.org/prisoners_letter.htm, consulted on 23 July 2009.

[361] International Crisis Group, *Ruling Palestine I: Gaza under Hamas*, Middle East Report no. 73 (19 March 2008) 6-7.

At the 2007 the Annapolis conference the participants (including Israel, the PLO and Syria) made clear that they were determined to 'bring an end to bloodshed, suffering and decades of conflict'. They propagated 'a culture of peace and nonviolence', and sought to 'confront terrorism and incitement, whether committed by Palestinians or Israelis'.[362] Although the statement lacked any concrete proposals, it was important because the Israelis were directly addressed by the international community with regard to halting Israeli violence against Palestinians.

For some time after Annapolis the Israeli-Palestinian conflict seemed to have lost both momentum and attention. This changed when President Obama addressed the conflict in a speech in Cairo. He stated that Palestinians should abandon violence for he considered '[r]esistance through violence and killing wrong and (…) a dead end'. He specifically called upon Hamas to put an end to violence. Furthermore, he was adamant that '[p]rogress in the daily lives of the Palestinian people [should] be a part of a road to peace, and Israel [should] take concrete steps to enable such progress'.[363]

Prime Minister Netanyahu responded to Obama's speech by stating that 'every withdrawal [had been] met with massive waves of terror, by suicide bombers and thousands of missiles'. Because of this, he called for an agreement in which 'territory under Palestinian control [would] be demilitarized with ironclad security provisions for Israel'. It should be ensured that 'Palestinians [would] not be able to import missiles into their territory, to field an army, to close their airspace to [Israel], or to make pacts with the likes of Hizbullah and Iran'. If the Palestinians would be willing to 'turn toward peace [and fight] terror', Israel would join them. He refused any dealings with Hamas. Netanyahu stressed his willingness to work together with the Palestinians to 'overcome the scarcities of [the] region, like water desalination or to maximize its advantages, like developing solar energy, or laying gas and petroleum lines, and transportation links between Asia, Africa and Europe'.[364]

In response, Hamas repeated that it considered clinging 'to resistance (…) a strategic option to free the homeland', and it claimed the undeniable right to 'resist the occupier'. The movement put forward that the security cooperation between Israel and the Palestinian Authority was clearly aimed at '[targeting] the resistance and its weapons'. Although Hamas reaffirmed its right to fight Israel, it 'only' referred to the resistance as *a* strategic option. This meant that the movement might accept other (non-violent) options too. Whereas it had previously propagated violence as the core of its resistance, it now slowly moved away from that tenet. Because it had already engaged in indirect talks with Israel concerning the cessation of attacks from the Gaza Strip, this statement added to the impression that the movement was willing to enter into substantive negotiations with Israel. But then Fatah held its long awaited sixth General Congress.[365] It went back on the PLO's renunciation of violence by stating that - although it favoured a peaceful solution - it kept open the option of

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[362] U.S. President George W. Bush: Annapolis Conference (27 November 2007) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 625-626.

[363] *The New York Times*, 'Text: Obama's speech in Cairo', 4 June 2009, http://www.nytimes.com/2009/06/04/us/politics/04obama.text.html, consulted on 27 June 2009.

[364] Israel Ministry of Foreign Affairs, *Address by PM Netanyahu at Bar-Ilan University (14 June 2009)*, http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.htm, consulted on 5 July 2009.

[365] The General Congress is Fatah's main representative body. It was much anticipated for its convention was long overdue (the last time the Congress was held was 1989), and Fatah was in need of reforms to enable it become the dominant Palestinian movement in Palestinian politics again.

'legitimate armed resistance' against Israel.[366] Thus while Hamas moved closer to compromise, Fatah seemed to steer towards possible future confrontation. Fatah's statement nevertheless might well have been a mere symbolic gesture, aiming to put pressure on Israel and challenging Hamas's prominent role in the (armed) struggle against Israel.

3.6   Concluding remarks

Security has been at the heart of the Israeli-Palestinian conflict from the very beginning. War defined the relations between Israel and its neighbours from the moment Israel claimed independence. In reaction to the 1967 war, the UNSC stated that every state had the right to be free from threats and acts of force. Meanwhile the Palestinians decided that they needed to engage in armed struggle as the only way to liberate Palestine. And in 1974 the PLO received the support of the Arab states for its armed struggle against Israel. Israel responded that it would eliminate the PLO.

In 1977 Sadat visited Israel, provoking outrage on the part of the other Arab states. The latter vowed to form a united front to combat Israel. That same year Israel's Likud government put forward a plan for Palestinian partial autonomy in the territories. The plan nevertheless left Israel in charge of security in the area. Israel's autonomy plan was included in the Camp David Accords between Egypt and Israel brokered by US President Carter. Egypt and Israel also agreed to abstain from using or permitting violence against the other originating from their territories.

In the early 1980s, newly elected US President Reagan made it clear from the start of his presidency that the US was strongly committed to Israel's security. He thus moved away from Carter's more confronting attitude towards the Jewish state. In the meantime the PLO – ousted from Lebanon – stipulated it would increase its military activity against Israel.

Then in 1987 the Palestinians living in the territories rose against the Israelis. They called on Israel to protect them against violence perpetrated by settlers and Israeli forces. Israel cracked down hard on the Palestinians. Responding to the increasing violence between the Israelis and the Palestinians, the US called upon both to stop it. After having been reluctant to deal with the PLO, the US lifted the ban on contact with the organisation shortly afterwards. Meanwhile Hamas had appeared on the scene calling for *jihad* as the only option to free Palestine. At the same time the PLO had taken quite a different path. It renounced violence and propagated a peaceful solution, although it still claimed the right to resist occupation and struggle for independence. Israel responded that it was willing to allow Palestinian elections (for a self-governing authority), if the violence would end.

In 1992 with the election of Rabin in Israel peace was put on the top of Israel's agenda, although Rabin stressed that he would not make any concessions at the expense of Israeli security. And a year later the Oslo Accords were concluded, in which the PLO officially renounced all violence. However, when an Israeli radical killed a great number of Palestinians in 1994, violence erupted again. Hamas initiated a wave of suicide bombings

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[366] *Xinhua*, 'Fatah party holds first overdue congress in 20 years', 4 August 2009, http://news.xinhuanet.com/english/2009-08/04/content_11825944.htm, consulted on 11 August 2009; *Ynetnews.com*, 'Abbas at Fatah congress: Jerusalem promised to us', 4 August 2009, http://www.ynetnews.com/articles/0,7340,L-3756792,00.html, consulted on 11 August 2009; and *Ma'an News Agency*, 'Fatah: Resistance will be within bounds of international law', 4 August 2009, http://www.maannews.net/eng/ViewDetails.aspx?ID=216911, consulted on 11 August 2009 .

against Israel. In this atmosphere of violence Israel and the PLO agreed tot take all measures to prevent hostilities against each other, and started security cooperation.

With the outbreak of the second *intifadah* in 2000 the whole security environment changed again. Widespread Palestinian displeasure with Israel's actions and the lack of progress in the peace process meant that not only Hamas, but also groups affiliated with the PLO took up arms. The international community again demanded the cessation of violence, but to no effect.

With the 9/11 attacks the US's stance on violence and terrorism hardened. President Bush stipulated that the Palestinians had to crack down hard on terrorists, before the restrictions on movement could be lifted. Meanwhile Israel had begun constructing a separation wall fencing off the settlements and Israel from the Palestinian living areas. In response to the lack of progress in reaching a solution, the international community called on the Palestinians to halt all violence and on Israel to take measures to normalise Palestinians' lives. Furthermore, the Arab states were urged to stop aiding violent groups. Hamas nevertheless reaffirmed its right to end occupation by armed resistance.

In 2009 newly elected President Obama addressed the Israeli-Palestinian conflict in a speech in Cairo. In it he addressed Hamas directly, seemingly implying a willingness to deal with the movement. Obama also called on Israel to work to progress the daily lives of the Palestinians. Hamas responded favourably to Obama's speech, although it stipulated that armed resistance remained an option. The fact that Hamas did not regard violence the only means to achieve its objectives was nevertheless a major step forward. Israel's newly elected Likud Prime Minister Netanyahu, however, stipulated that Israel was unwilling to deal with Hamas.

The peace process seems to have gained momentum. Parties have been moving towards each other, recognising that the only real way forward is through negotiations. The threat of violence, and its consequent reappearance after periods of calm can undo any progress made. All parties involved should thus endeavour to prevent escalation of any kind, and come together to secure their future.

4   Economy: Freedom from want[367]

4.1   Introduction

As with the rest, the political economy of the Middle East is complex. There is great diversity in the 'nature of the environment, the availability of natural resources, and the presence of human capital'.[368] But economy and economic issues have not been on the forefront in the Israeli-Palestinian conflict, although they are very important for the survival and development of states, and the people living in them. The main reason is that security without prosperity can lead to discord, unrest, disorder, and might end in violence. 'Economic instability often directly [causes] political and social instability'.[369] This is especially the case if there are two distinguishable groups, and if these groups can blame each other for their economic misfortune, poverty, unemployment or lack of development.

It seems fair to conclude that the Israeli-Palestinian conflict has had 'a devastating effect on the Palestinian [economy]'. The closures barring Palestinian workers to go to work in Israel have 'caused a massive disruption of the Palestinian economy, [adding] to high unemployment and poverty rates'.[370] Israel's economy in turn has been affected by lack of admission to the markets of neighbouring states, and the constant threat of violence impeding free movement of persons and goods.

This chapter discusses the economic issues that are connected to the Israeli-Palestinian conflict. It will look at the way these issues have been dealt with in proposals and agreements. Connected with this subject are the issues of unemployment, poverty, free movement of goods, economic boycotts and economic development.

4.2   From hostility to land for peace

The UN addressed the issue of economy in its resolution on the future of Palestine in 1947. This resolution provided for an economic union between the proposed Arab and Jewish states. There would be a joint currency and joint economic development. Furthermore, there would be 'provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations'.[371] The resolution was, however, never implemented, because war broke out between the newly constituted state of Israel and its Arab neighbours. After the war ended, the UN passed a resolution requesting a UN commission to 'seek arrangements among the Governments and authorities concerned [that should] facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities'.[372] These arrangements, however, never materialised.

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[367] Freedom from want is another one of the four freedoms mentioned by former US President Franklin Delano Roosevelt in his annual address to the US Congress on 6 January 1941. See Franklin Roosevelt's Annual Address to Congress – "The Four Freedoms", http://www.fdrlibrary.marist.edu/od4frees.html, consulted on 6 July 2009.

[368] Choueiri, *A companion to the history of the Middle East*, 373.

[369] *Ibidem*, 385.

[370] Schwedler and Gerner, *Understanding the contemporary Middle East*, 247.

[371] United Nations General Assembly Resolution 181 (29 November 1947), http://www.yale.edu/lawweb/avalon/un/res181.htm, consulted on 8 July 2009.

[372] UN General Assembly: Resolution 194 (11 December 1948) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 83-86.

In the 1950s the US came up with a plan to end the conflict. It entailed 'peace agreements between Israel, Syria and Jordan [that] would be encouraged by an economic development plan for the Jordan River valley'.[373] It did not go into any details, and was not pursued further.

When Fatah put out its first communiqué in 1965, it did not elaborate on economic aspects. However, Israel did address these aspects. In a speech to the UN, its Foreign Minister expressed the view that Israel had a right to economic development, but that it had been 'forced to devote an increasing part of its resources to self-defence'. Israel had created a network of relationships with states in Asia and Africa 'on which its economic future [depended]'.[374] Israel could thus hold its own. The PLO turned to the Arab states to ask for assistance with 'all possible help, and material […] support', and to provide it with 'the means and opportunities (…) to carry out [its] leading role in the armed revolution'.[375]

For a decade, while much was said, no attention was paid to the economic side of the conflict. But then in 1977, after Egyptian President Sadat's visit to Israel, the Arab League decided to boycott 'Egyptian individuals, companies and firms [that dealt] with the Zionist enemy'. It also appealed to the Arab states to 'provide economic [and] financial (…) aid and support to the Syrian region' - because it had become the 'principal confrontation state (…) for dealing with the Zionist enemy' -, and to 'the Palestinian people represented by the PLO'.[376] The Arab states for the first time explicitly adhered to supporting the PLO not only politically, but also economically.

Israel had meanwhile decided on an autonomy plan for the West Bank and the Gaza Strip. The administrative council elected by the Palestinians was to entail a department of transportation and a department of industry, commerce and tourism. Palestinians would thus get a say in the economic affairs of the West Bank and the Gaza Strip. Furthermore, 'Israeli residents and the residents of Judea, Samaria and the Gaza district [would] be assured free movement and free economic activity in Israel, in Judea, in Samaria, and in the Gaza district'.[377] This was an early equivalent of an economic peace offer.

4.3   From land for peace to a comprehensive solution

In the framework for peace concluded between Egypt and Israel at Camp David the next year, specific reference was made to economic issues. The Accords stated that with an agreement 'the vast human and natural resources of the region [could] be turned to the pursuits of peace', and that peace could 'accelerate movement toward a new era of reconciliation in the Middle East marked by cooperation [amongst others] in promoting economic development'. Both parties agreed to abolish economic boycotts, and explore possibilities for economic development.[378] In the ensuing peace treaty both states agreed to

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[373] Smith, *Palestine and the Arab-Israeli conflict*, 246.

[374] Israeli Foreign Minister Abba Eban: Speech at the Special Assembly of the United Nations (19 June 1967) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 105-110.

[375] Palestine National Council: The Palestinian National Charter (July 1968) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 117-121.

[376] Arab League: Summit Declaration (5 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 216-218.

[377] Israeli Prime Minister Menachem Begin: Autonomy Plan for the West Bank and Gaza Strip (28 December 1977) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 218-220.

[378] Camp David Summit Meeting: Frameworks for Peace (17 September 1978) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 222-227.

establish full economic relations, and to terminate 'discriminatory barriers to free movement of people and goods'.[379]

Then another period of silence on the issue came. In the various proposals put forward between 1980 and the outbreak of the *intifadah* there was no mentioning of economic issues. But during the *intifadah*, and because of the involvement of Palestinians living in the territories, economy was put on the agenda again. The leaders in the territories called upon Israel to cancel 'VAT [Value Added Tax] and all other Israeli taxes (…) imposed on Palestinian residents in Jerusalem, the rest of the West Bank, and the Gaza Strip'. It added that 'the harassments caused to Palestinian business and tradesmen' should stop, and that 'all restrictions on building permits and license for industrial projects (…) as well as agricultural development programs' should be removed. Furthermore, Israel should put an end to 'the policy of discrimination being practised against industrial and agricultural produce from the Occupied Territories'.[380] The residents of the territories wanted to be allowed to develop their economy, and engage in free trade.

The same year Hamas issued its founding charter. And though it did not expand on economic issues, it did mention that the 'Moslem society [was] a mutually responsible society'. This meant that 'assistance, financial or moral, [should be extended] to all those who [were] in need'.[381] By addressing this issue, Hamas wanted to show that it was a social movement that took care of and provided for the weak in society.

In a resolution put forward by the PLO at the end of 1988, the organisation called on 'all free and honorable people' to support the Palestinians in their struggle 'against the Israeli occupation, the repression, and the organized fascist official terrorism to which the occupation forces and the armed fanatic settlers [were] subjecting (…) [their] economy'.[382] The PLO needed the support of the Palestinian diaspora and the Arab states to continue its struggle.

In a peace plan put forward by Israel a year later, Israel called for an international endeavour to improve the living conditions of the 'residents of the Arab refugee camps in Judea, Samaria and the Gaza district'. Israel stressed its willingness to be a partner in this endeavour. To this effect, the Palestinians would be awarded limited self-rule. The conditions mentioned by Israel, implied that the Palestinians would have control of economic issues as far as these did not concern security, foreign affairs or Israeli citizens living in the areas mentioned.[383] The Israelis seemed to realise that economic development for the Palestinians might create security for all.

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[379] Egypt and Israel: Peace Treaty (26 March 1979) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 227-228.

[380] West Bank-Gaza Palestinian Leaders: Fourteen Points (14 January 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 317-319.

[381] Hamas Covenant 1988 (18 August 1988), http://avalon.law.yale.edu/20th_century/hamas.asp, consulted on 3 July 2009.

[382] Palestine National Council: Political Resolution (15 November 1988) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 349-353.

[383] Israeli Prime Minister Yitzhak Shamir: Peace Plan (14 May 1989) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 359-362.

4.4   The quest for peace in a changed world

In the early 1990s, the PLO put forward a proposal stressing that any 'provisional arrangements [should] include the right of [the Palestinian] people to (...) all political and economic affairs'.[384] The US supported this to the extent that 'Palestinians should gain control over political, economic and other decisions that affect their lives and fate'.[385] The letter of invitation to the Madrid talks similarly addressed the issue, adding that the 'negotiations should focus on region-wide issues (...) [such as] economic development'.[386]

In his inaugural speech in 1992, Yitzhak Rabin addressed Israel's economic affairs. He said to be determined to 'do every possible and impossible thing (...) for the sake of eliminating unemployment (...) [and] for the sake of economic growth'.[387] Rabin, however, refrained from mentioning the economic affairs of the Palestinians.

The 1993 Declaration of Principles did include (Palestinian) economic issues. The Declaration stated that authority would be transferred to the Palestinians 'in view to promoting economic development in the West Bank and Gaza Strip'. The Palestinians would gain responsibility for social welfare, direct taxation, and tourism. An Israeli-Palestinian committee was to be established in order to develop and implement programmes on water, electricity, energy, finance, transport and communications, trade, industry, labour relations and social welfare. The Israelis and Palestinians would also promote the development of 'a "Marshall Plan," (...) regional programs and other programs, including special programs for the West Bank and Gaza Strip'.[388] This was the first mutually agreed comprehensive economic initiative.

The Cairo Agreement of 1994 also stressed the importance of economic relations. The PLO would be allowed to conduct negotiations and sign agreements with states or international organisations for the benefit of the Palestinian Authority on economic issues and donor assistance.[389] Israel and the Palestinians further agreed that they viewed 'the economic domain as one of the cornerstone [*sic*] in their mutual relations with a view to enhance their interest in the achievement of a just, lasting and comprehensive peace'. They vowed to cooperate in this field 'in order to establish a sound economic base for these relations' based on 'mutual respect for each other's economic interests, reciprocity, equity and fairness'. Their cooperation was intended to lay 'the groundwork for strengthening the economic base of the Palestinian side and for exercising its right of economic decision making in accordance with its own development plan and priorities'.[390]

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[384] Palestine National Council: Political Communiqué (28 September 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 380-384.

[385] U.S. Letter of Assurances to the Palestinians (18 October 1991) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 385-388.

[386] *Le Monde Diplomatique*, 'US-Soviet letter of invitation to the peace talks in Madrid', 18 October 1991, http://mondediplo.com/focus/mideast/madrid-invit-en, consulted on 20 June 2009.

[387] Israeli Prime Minister Yitzhak Rabin: Inaugural Speech (13 July 1992) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 403-407.

[388] Israel and PLO: Declaration of Principles on Interim Self-Government Arrangements ["Oslo Agreement"] (13 September 1993 recorded in Laqueur and Rubin, *The Israel-Arab reader*, 413-422.

[389] Israel and PLO: Cairo Agreement (4 March 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 442-455.

[390] Protocol on Economic Relations referred to in the Cairo Agreement, http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Gaza-Jericho+Agreement+Annex+IV+-+Economic+Protoco.htm, consulted on 15 July 2009.

The same year, Jordan and Israel agreed to start negotiations on economic matters 'in order to prepare for future bilateral cooperation, including the abolition of all economic boycotts'.[391] In the ensuing peace treaty, they added that they saw 'economic development and prosperity as pillars of peace, security, and harmonious relations between states, peoples, and individual human beings'. They reaffirmed their 'mutual desire to promote economic cooperation between them, as well as within the framework of wider regional economic cooperation'. Both states agreed to 'remove all discriminatory barriers to normal economic relations, to terminate economic boycotts directed at each other', and recognised that 'the principle of free and unimpeded flow of goods and services should guide their relations'.[392]

The Oslo 2 Agreement concluded in 1995 did not add any significantly new economic issues, and the Hebron Accords of 1997 just stated that negotiations would be resumed on economic and financial issues.[393]

But in 1998 the Israeli and Palestinian sides reaffirmed their commitment to enhancing their relationship and agreed on the need 'actively to promote economic development in the West Bank and Gaza'. They also acknowledged 'the great importance of the Port of Gaza for the development of the Palestinian economy, and the expansion of Palestinian trade'. They added that they would 'launch a strategic economic dialogue to enhance their economic relationship', and stressed the importance of 'continued international donor assistance to facilitate implementation by both sides of agreements reached'. More donor support was needed for the economic development in the West Bank and Gaza.[394] The Israelis and Palestinians thus put part of the 'burden of peace' on the international donor community.

In 1999 Israel stated that '[m]aking peace [was] grounded (...) on the desire for stability in the Middle East that [would] allow resources to be directed toward economic and social development'. Israel would work to develop mechanisms for economic cooperation between the peoples of the region. It would do so by advancing the 'development of the economy, commerce and tourism between the Israeli people and the Egyptian, Jordanian and Palestinian peoples'. Israel would also include American economic assistance in the dialogue with the US on a permanent settlement of the conflict.[395]

At the same time Hamas put forward that the 'economic situation [was] much worse than ever before'. It added that the 'peace process [had] not improved the conditions of the Palestinians under occupation and [did] not seem to promise any better future'. It stressed that it could not be solely defined as a military organisation, but that it was a 'political, social

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[391] Israel and Jordan: The Washington Agreement (26 July 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 467-470.

[392] Israel and Jordan: Peace Treaty (26 October 1994) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 477-486.

[393] Israel and Palestinian Authority: Hebron Accords (15 January 1997) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 522-523.

[394] Israel and Palestinian Authority: The Wye River Memorandum (23 October 1998) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 529-534.

[395] Israeli Government: Basic Guidelines (July 1999) recorded in Laqueur and Rubin, *The Israel-Arab reader*, 543-545.

and cultural grass roots organisation' as well.[396] Although the movement did not deal with economic issues directly, it reaffirmed its long-time involvement in social support.

The Mitchell Report of 2001 addressed the economic and social impact of violence. It stated that the 'restrictions on the movement of people and goods [that had] been imposed by Israel on the West Bank and the Gaza Strip (...) [had] disrupted the lives of hundreds of thousands of Palestinians'. The committee called for a lifting of these closures. Furthermore, it ascertained that it was of 'particular concern to the Palestinian Authority' that 'Israeli security forces and settlers [had destroyed] (...) tens of thousands of olive and fruit trees and other agricultural property'. The Palestinians were encouraged to resume cooperation with Israel to 'ensure that Palestinian workers employed within Israel [could be] fully vetted and free of connections to terrorist organizations', so Israel could lift the closures. Israel was called upon to permit Palestinian workers employed in Israel to return to their jobs, and to prevent the destruction of trees and other agricultural property in Palestinian areas.[397] The Report was never fully implemented.

4.5   A new chapter in peace negotiations

The newly elected President Bush attended to the conflict in a speech in June of 2002. He put forward that a Palestinian state would only be built through reform. The Palestinians needed to create new economic institutions based on market economics. He stated that the state of economic stagnation was made worse by official corruption, adding that the Palestinians had to confront corruption. A Palestinian state needed a 'vibrant economy, where honest enterprise [would be] encouraged by honest government'. Bush added that the US and others were 'ready to work with Palestinians on a major project of economic reform and development'. There was a definite willingness to 'oversee reforms in Palestinian finances, encouraging transparency and independent auditing'. The Palestinian economy should be allowed to develop, 'freedom of movement should be restored, permitting innocent Palestinians to resume work and normal life'. Israel should also release frozen Palestinian revenues.[398] The stress Bush put on economic reforms and accountability was new. Although it had been an issue in Palestinian politics for a while, this was the first time the issue was given such prominence as part of a solution to the Israeli-Palestinian conflict.

The Roadmap, that followed Bush's Rose Garden Address, reflected the comments made by Bush earlier. It called for political and economic reform. In the first phase, restrictions on movement of persons and goods were to be eased, and curfews lifted. The Ad Hoc Liaison Committee[399] would review the prospects for economic development, and would launch 'a major donor assistance effort, including to the reform effort'. Furthermore, there should be increased funding for 'people to people programs, private sector development and civil

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[396] Memo prepared by Hamas Political Bureau (late 1990s), *This is what we struggle for*, Appendix I in Tamimi, *Hamas*, 247-252. It should be noted that there are differences of opinion whether Hamas is an integrated movement, with all the various branches being part of a centralised, hierarchical organisational structure (see for instance M. Levitt, *Hamas. Politics, charity, and terrorism in the service of jihad*, (London 2006) 2-3, 9-11), or that it is a decentralised organisation with fairly autonomous branches (K. Hroub, *Hamas. A beginner's guide*, (London 2006) 121-123; and Gunning, *Hamas in politics*, 40-41). Also see Chehab, *Inside Hamas*, 30-34.
[397] Jewish Virtual Library, *The Mitchell Report (4 May 2001)*, http://www.jewishvirtuallibrary.org/jsource/Peace/Mitchellrep.html, consulted on 26 June 2009.
[398] President Bush discussed Middle East in Rose Garden Address (24 June 2002), http://www.freerepublic.com/focus/news/705274/posts, consulted on 27 June 2009.
[399] This committee was established in the course of the Oslo peace process. It is charged with the coordination of donor assistance to the Palestinian Authority.

society initiatives'. The second phase would include sustained 'efforts to normalise Palestinian lives and build Palestinian institutions'. And in the last phase there would be '[i]nternational efforts to facilitate reform and stabilise Palestinian institutions and the Palestinian economy, in preparation for final status agreement'.[400] The idea was to strengthen the Palestinian economy, and so create an environment that would increase support for a definite and all-encompassing solution to the conflict.

Then Ariel Sharon put forward a unilateral disengagement plan. Israel would leave the Gaza Strip, and would try to 'improve the transportation in Judea and Samaria with the aim of enabling Palestinian transportation contiguity in Judea and Samaria'. This move was intended to 'make Palestinian economic and commercial activity easier in Judea and Samaria'. Israel would also 'work toward reducing the number of checkpoints in Judea and Samaria as a whole'. The security fence would nevertheless be extended.[401] The plan made no reference to trade or economic cooperation between Israel and the Palestinians. This ambiguous plan was not well received by the Palestinians.

With the 2006 Palestinian legislative elections looming, corruption had become a very important topic in the election campaign of Hamas - more specifically corruption by members in government positions that usually belonged to Fatah. Hamas took part in the elections under the Change and Reform List. It promised to 'protect [the Palestinian people] from the ills of corruption', and added that public funds were 'the property of the Palestinian people and should be used in financing comprehensive Palestinian development in a geographically fair manner that would serve social justice away from abuse, extravagance, looting, corruption and embezzlement'. The movement was adamant that it would '[e]liminate all forms of corruption', and that it would enhance 'transparency, monitoring, auditing and accountability'. Furthermore, it would fight 'nepotism, partisan favoritism and red tape in appointments and promotions in all government departments and public agencies'. Besides these comments on good governance,[402] the manifesto contained paragraphs on social, economic, fiscal and monetary policy. Hamas wanted to achieve 'economic and monetary independence and disengage with the Zionist entity and its economy and currency'. It wished to formulate economic policies 'to accomplish balanced economic development, (...) preserve social solidarity, (...) combat poverty, reduce unemployment, (...) achieve economic growth and improve individual standard of living'. Hamas thus provided Palestinians with a comprehensive framework of its policy goals, and prospects for improving their situation; something that Fatah failed to do.[403] Hamas also amplified its 'reputation of incorruptibility, accountability and efficiency',[404] and stipulated 'Fatah's long record of corruption and nepotism'.[405] Hamas won the elections for a large part due to its elaborate election programme, and its comprehensive vision on how to counter the dismal state of the Palestinian economy.[406] A few months later, the imprisoned leaders of Hamas and Fatah,

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[400] *BBC News*, 'The roadmap: Full text', 30 April 2003, http://news.bbc.co.uk/2/hi/middle_east/2989783.stm, consulted on 27 June 2009.

[401] Ariel Sharon's Disengagement Plan: Key Principles (April 2004) recorded in Smith, *Palestine and the Arab-Israeli conflict*, 555-557.

[402] See for a concise oversight of conditions for good governance P. Burnell and V. Randall, *Politics in the developing world*, (2nd edition; Oxford 2008) 302-308.

[403] Also see: Gunning, *Hamas in politics*, 151.

[404] *Ibidem*, 153.

[405] *Ibidem*, 157.

[406] See on the dismal state of the Palestinian economy and its causes: International Crisis Group, *The Arab-Israeli conflict: to reach a lasting peace*, Middle East Report no. 58 (5 October 2006), 2.

joined by leaders of other Palestinian organisations, put out a joint communiqué. It called for the formation of a unity government that was to 'implement [a] reform program and develop the national economy and encourage investment and fight poverty and unemployment'.[407] The Palestinians thus seemed to be edging toward cooperation. Fatah and Hamas indeed initiated cooperation in February 2007, agreeing to form a unity government in Mecca under Saudi sponsorship. But when Hamas took power over the Gaza Strip in June of that year the cooperation was terminated.

The newly elected President Obama saw himself confronted with an Israeli cordon blocking the flow of goods to Gaza, the effects of the Gaza crisis,[408] and a deadlocked peace process. He tried to get the peace process back on track by calling upon Israel to 'ensure that Palestinians [would be able to] live, and work, and develop their society'. 'Progress in the daily lives of the Palestinian people [should] be part of a road to peace, and Israel [should] take concrete steps to enable such progress'.[409] Thus without going into details, Obama acknowledged that the development of Palestinian society was instrumental to achieving peace.

Israel's Prime Minister Netanyahu responded in kind. He explained that he wanted an economic peace, and stressed that such a peace would be an important element for achieving political peace. He called on the Arab states to invest in Israel and the territories, and spur the Palestinian and Israeli economy. He added that, if the Palestinians and Israelis would join hands and work together for peace, there would be 'no limit to the development and prosperity (...) in the economy, agriculture [and] trade'. If the Palestinians would 'turn toward peace', the Israelis would make 'every effort to facilitate freedom of movement and access, and [would enable the Palestinians] to develop their economy'.[410] However, Netanyahu's stress on economics made Palestinians fear that he would not be inclined to give in on political and security issues.

4.6   Concluding remarks

The economic repercussions of the Israeli-Palestinian conflict, and the issues related to the Israeli and Palestinian economies have not received the overwhelming attention the other issues have. They are nevertheless very important, and closely interrelated with the political issues of the conflict.

The first two decades of the conflict economic issues did not get a great deal of attention. The PLO, realising it needed funds to pay for its armed struggle, called upon the Arab states in 1968 to provide financial assistance. Economics did, however, not receive any serious attention until the Arab states initiated an economic boycott against Egypt, following its President's visit to Israel in 1977. That same year Israel proposed to allow the Palestinians a say in economic affairs. This proposal resembled an economic peace offer. In 1978 Egypt

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[407] The Revised National Conciliation Document of the Prisoners (28 June 2006),
http://www.mideastweb.org/prisoners_letter.htm, consulted on 23 July 2009.
[408] At the end of 2008 and the beginning of 2009 violence between Israel and the Palestinians living in the Gaza Strip escalated, following the end of six month ceasefire between Israel and Hamas. See amongst others International Crisis Group, *Gaza's unfinished business*, Middle East Report no. 85 (23 April 2009).
[409] *The New York Times*, 'Text: Obama's speech in Cairo', 4 June 2009,
http://www.nytimes.com/2009/06/04/us/politics/04obama.text.html, consulted on 27 June 2009.
[410] Israel Ministry of Foreign Affairs, *Address by PM Netanyahu at Bar-Ilan University (14 June 2009)*,
http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.htm, consulted on 5 July 2009.

and Israel agreed to cooperate to promote economic development, and established full economic relations were established.

Again almost a decade passed without any new developments until the *intifadah* broke out. The Palestinians, displeased with the Israelis, demanded that Israel stop the harassment of Palestinian business and trade. The PLO called upon the Palestinian diaspora and the Arab states to counter the negative effects of Israeli policy on the Palestinian economy in response. Meanwhile Hamas had emerged and had taken it upon itself to care for Palestinians in need, thus creating a grassroots support base.

In 1991 the PLO demanded a say economic affairs. The US supported this view. And in the 1993 Oslo Accords, the Palestinians were given control over a great number of economic issues. Negotiations between Israel and the Palestinians stagnated the following years. And by the end of the 1990s Hamas concluded that the economic situation in the territories had become worse than ever, because of the (lack of progress in the) peace process. In 2001, the international community acknowledged the fact that the restrictions on movement disrupted Palestinian lives, and should be lifted.

In 2002 US President Bush changed the focus of the peace process by stressing that the Palestinians needed to reform their economic institutions. Palestinian government should be made accountable, and rampant corruption should be confronted. A strengthened and more robust Palestinian economy was thought to increase support for a political solution.

In 2006 Hamas was the first Palestinian movement to come up with an elaborate economic programme. One of the major elements was the fight against corruption. Furthermore, Hamas wanted to make the territories economically independent from Israel, and vowed to combat poverty and unemployment. These ambitious policy plans proved to be one of the reasons for Hamas's success in the elections.

When Obama entered the stage in 2009 he called on Israel to take concrete steps to achieve progress in the daily lives of the Palestinians as part of the road to peace, thus making economic progress an integral part of the peace process. Prime Minister Netanyahu responded by offering the Palestinians economic peace. The Palestinians nevertheless feared that Netanyahu's offer would allow him to refuse concessions on political issues.

The last few decades it has become commonplace to include economic issues in peace negotiations. The general idea is that economic development not only increases support for a peace agreement, but is an instrumental part of a solution to the Israeli-Palestinian conflict.

Conclusion

Roots of the conflict

The seeds of the Israeli-Palestinian conflict were planted at the end of the 19th and the beginning of the 20th century. Two peoples that lacked recognition as distinct national groups sought to realise their aspirations on the same stretch of land. At first, they had been confronted by external forces that stood in the way of achieving their goals. The Ottoman Empire had not been inclined to allow any people under its rule to develop a national identity and achieve autonomy. After the demise of the Ottoman Empire, the British and the French also crossed various attempts by Palestinians, and Jewish settlers to realise their aspirations. However, just after the Second World War the Jewish people managed to establish a nation-state of their own in Palestine. The Palestinians had tried to prevent this, but had failed. Their Arab brethren, seeking territorial expansion, were subsequently defeated by the new Jewish state as well. A new era of Israeli-Palestinian conflict was born.

Since then, sixty years have passed; sixty years of botched and sometimes partly successful attempts at achieving peace and stability. Many solutions have been presented, but they all failed at solving the conflict and bringing definite and lasting peace. Four themes have dominated the conflict, and constitute its core issues: peoples, sovereignty, statehood and self-determination, security, and economy. The evolution of these issues over the years will provide insight into the difficulties of the conflict, and will shed light on the prospects for peace.

Peoples

At first the Palestinians were ignored by all parties, including the Arab states. The Palestinians thus decided to forcibly claim a role of their own. And in 1974 the PLO was recognised as sole, legitimate representative of the Palestinian people by the Arab states. Israel recognised the need to involve Palestinians at the end of the 1970s, but was fervently opposed to including the PLO in negotiations. And it was not until the 1993 Oslo Accords that it was prepared to accept the PLO as negotiating partner. In the meantime a rival movement of the PLO had risen to prominence, Hamas. Only recently has there been an opening in involving Hamas in negotiations by the newly elected President Obama. Israel nevertheless still fervently opposes any dealings with Hamas.

The Israelis have also been struggling for recognition since 1948. Egypt was the first Arab state to recognise Israel at the end of the 1970s. And during the early 1980s the other Arab states cautiously hinted at recognising Israel, but they nevertheless refrained from doing so. It was not until 1988 that the PLO took a major step towards recognising Israel, which it did in 1993. Jordan followed the PLO's example the following year. The Arab states reaffirmed their offer to recognise Israel in 2002 and 2007, but again without following suit. Hamas has been adamant to negate Israel's right to exist, instead calling for its destruction. Recently Hamas nevertheless seems to be moving towards recognising Israel.

An important related issue concerning the Palestinian refugees has been on the forefront from the very beginning of the conflict. There have been many proposals and agreements mentioning the issue, but almost all lack the necessary amount of detail to solve the issue. The Palestinians and Arab states have called for the unconditional right to return for the refugees without expanding on its practical application. Israel and the US in response seem

to stress that the issue should be solved outside of Israel. The issue thus remains yet to be solved.

Sovereignty, statehood and self-determination

Sovereignty, statehood and self-determination have been key issues in the Israeli-Palestinian conflict. Initially, the Palestinians did not strive for a fully independent state. They indicated that they were willing to accept Palestinian autonomy within a (pan-) Arab nation. This changed in the late 1960s, when they started to call for an independent Palestinian state to be established in the whole of Palestine. During the 1970s the Arab states and the UNGA acknowledged the Palestinian right to an independent state. Meanwhile the PLO softened its stance, claiming to be prepared to accept an independent state on any part of Palestinian land. Israel in turn showed its willingness to grant the Palestinians in the territories limited autonomy. In the early 1980s the US proposed to allow the Palestinians self-government in association with Jordan. The Palestinians and Jordan agreed to this, but Israel stressed that it would not relinquish sovereignty over the territories. When Hamas appeared on the scene in 1988, it claimed the whole of Palestine and called for the destruction of Israel. Meanwhile the PLO got involved in negotiations with Israel, leading to an agreement on Palestinian self-government in 1993. In 2000 President Clinton was the first US President to recognise the need to establish an independent Palestinian state. His successor Bush, however, somewhat turned back the clock by adding several conditions. Israel agreed to a two-state solution in 2004. Lately, Hamas has shown some preparedness to accept a two-state solution.

Israel was not recognised by any Arab state until Egypt did so in 1978. And Israel had to wait another 16 years – except for a brief period of recognition by Lebanon – to be recognised by another Arab state, Jordan. Despite repeated calls by the US and others on the Arab states to formally recognise Israel, just two have done so. The Arab states seem only to be willing to recognise Israel, after Israel agrees to concessions on territory and other issues. Thus far the stalemate has not been broken.

The status of Jerusalem is another one of the major stumbling blocks in the peace process. Ever since Israel took control of East Jerusalem in 1967, it has stressed that it will not give up sovereignty over any part of the city. The Palestinians on the other hand have continuously demanded sovereignty over the whole of Jerusalem ever since. The issue has been pushed forward to future negotiations since the Oslo Accords. In 2000 Clinton proposed to make Jerusalem the capital of both states, which was supported by the Arab states in 2002. However, the issue still awaits agreement in final status negotiations.

Another important issue in this regard concerns the Israeli settlements in the territories. Israel has been constructing settlements since 1967. However, it did only start construction in earnest after the election of the first Likud government in 1977. Since then, the Arab states and the Palestinians have been calling for cessation of settlement activity and the evacuation of the existing settlements. Israel has nevertheless repeatedly refused to oblige, claiming the right to build and expand the settlements. It did on occasion halt settlement activity, but not to the effect that settlement construction was completely halted. With the election of Netanyahu the complete freezing of settlement activity seems to be out of the question, despite Obama's recent call to halt all settlement construction. President Bush had already made similar calls in vain during his years in office.

Security

Security remains at the heart of the conflict. Since Israel's inception in 1948, four wars and many battles have been fought between Israel and its neighbours. Israel has sought peace, but has demanded security arrangements in return. In 1978 Egypt was the first Arab state to reach a peace deal with Israel, to be followed by Jordan in 1994. The other Arab states have so far not made this step.

The Palestinians decided to take matters into their own hands in the mid-1960s. And in 1974 the PLO gained the support of the Arab states for its armed struggle. For over two decades the PLO stressed that it considered armed struggle the only way to free Palestine. Israel in turn refused to have any dealings with the organisation. And in 1987 the Palestinians living in the territories rose against Israel, but Israel cracked down hard on them. The PLO reacted by admitting that negotiations might be the way to end the Israeli-Palestinian conflict. At the same time newly established Hamas stressed that it considered violence against Israel the only option to liberate Palestine. In 1993 the PLO finally renounced all violence. Meanwhile Hamas reaffirmed its resolve to continue its armed resistance. Violence increased during the 1990s. Fatah, having become fearful of Hamas's growing power, started to cooperate with Israel against Hamas. With the outbreak of the second *intifadah* in 2000 the security situation deteriorated rapidly. But two decades after its erection, Hamas seems to be edging towards accepting negotiations as a principal means to solving the conflict. Israel nevertheless remains fervently opposed to deal with Hamas.

The international community has been involved in Middle Eastern security from the beginning. The US succeeded in bringing Egypt and Israel together in 1978. Time and time again the international community has called for an end to violence. There have indeed been periods of calm, but they have always been interrupted by periods of violence. The election of President Obama seems to have created hope that an end to violence can be achieved. But much has to be done, to bring about such a change.

Economy

The economics of the Israeli-Palestinian conflict did not receive much attention during the first few decades of the conflict. This changed when Sadat's visit to Israel prompted the Arab states to impose an economic boycott on Egypt. Furthermore, that same year Israel offered the Palestinians autonomy on (some) economic issues. and it established full economic relations with Egypt.

After nearly another decade of silence on the subject, economics came to the fore again during the 1987 *intifadah*. Palestinian leaders in the territories demanded that Israel stop harassing Palestinian businesses, and put an end to discriminatory practices. Meanwhile the PLO called upon the Arab states to support the Palestinians in order to counter the negative effect Israel's policies had on the Palestinian economy. During the early 1990s the US recognised the importance to involve the Palestinians in economic affairs.

In 1993 in the course of the Oslo Accords the Palestinians and Israelis agreed to promote economic development in the territories, and the Palestinians were given a say in economic affairs. Jordan and Israel reached agreement on economic cooperation a year later. In the years that followed negotiations stagnated, and the Palestinian economy suffered. Hamas blamed the worsening of the economy on the peace process. An international commission

acknowledged that the restrictions on movement impeded Palestinian lives, and affected the economy negatively.

Then in 2002 President Bush changed the dynamics of the conflict by urging the Palestinians to press for economic reforms. Corruption should be confronted, and government should increase transparency and accountability. A sound Palestinian economy was considered to boost Palestinian support for a political solution that would demand sacrifices. The situation deteriorated, and in 2006 Hamas published its election manifesto strongly condemning corruption, and vowing to make lives better for the Palestinians through economic development. Its overarching aim was to make the Palestinian economy independent from Israel's. Hamas won the elections in large part due to its comprehensive economic plans.

President Obama called on Israel to take concrete steps to improve Palestinians' lives as part of the road to peace in 2009. Prime Minister Netanyahu responded favourably. However, Palestinians remained sceptical of Netanyahu's intentions, fearing his offer of economic peace would allow him to prevent making substantial political concessions.

The evolution of the core issues and prospects for peace

The core issues as identified in this thesis have been subject to significant change over the years. This change does not concern the issues themselves – that have remained at the core of the conflict -, but regard the way that both the parties to the conflict and third parties viewed them and took them on. The advancement of peace proposals and the conclusion of agreements have been fraught with difficulty. But there are prospects for peace, although a definite and lasting solution to the conflict is still far away.

After several years of ignoring each other the Israelis and Palestinians now seem to have accepted the need to negotiate with each other. However, Israel is still not recognised by most Arab states nor by Hamas, and Hamas is disregarded by Israel as negotiating party. The conflict thus seems to be stuck in a similar situation, as it was decades ago when a violent PLO refused to deal with Israel and Israel refused to deal with the PLO. Now the role of the PLO has been taken by Hamas. However, intra-Palestinian and territorial division between Fatah and its main rival Hamas has added a complicating factor. The way forward appears to be to get all parties to recognise each other, so that negotiations can begin. For without negotiations, a solution will not be reached.

Once all parties start negotiations, there are several issues that need to be addressed. For one, the solution of the refugee issue is long overdue. It warrants the undivided attention of Israel and the Palestinians, as well as the Arab states and the international community that all have a role in the peace process. Another important issue is Palestinian sovereignty, and the possibility of an independent Palestinian state. Talks on this subject have been progressing slowly, even though there seems to be consensus that a Palestinian state should be established. An unequivocal agreement to this effect will also open the way to deal with the related issues of Jerusalem, borders and settlements. Much has been said about them, but no substantive discussions have taken place. A piecemeal approach does not suffice. All the issues need to be addressed forthwith as part of final agreement negotiations. If the issues are left unattended for too long, they will block any progress and will stand in the way of a definite and lasting solution.

There is another aspect that demands concurrent attention: security. For both the Israelis and the Palestinians this issue is of paramount importance. Lack of security has tainted the

peace process for decades. Every time agreement lures, spoiler parties have sought to create discord and dissension amongst the parties and fear amongst the populations to prevent an accord to be reached or implemented. Time and time again the peace process has suffered. Thus, without security there can be no peace. That is not to say that with agreement all hostilities will stop. But the parties need to renounce violence once and for all, and need to create a coping mechanism based on cooperation and trust in order to withstand the inevitable pressure and stress violence (by spoilers) brings.

Finally, the economic aspects of the conflict did not receive much attention for long. The last two decades this has changed. All parties have recognised that sound economics not only follow peace, but create peace. Realising welfare and prosperity stimulates support for a peaceful solution, and can act as a catalyst for agreement. There is thus more to be gained from economic cooperation, than better living conditions.

Final concluding remarks

The Israeli-Palestinian conflict has been confronted with stalemates on many occasions. In reaction to these circumstances, third parties have usually tried to create or regain momentum and restart or boost negotiations. The US have played a significant role in this respect, for it has both the leverage as well as the esteem as a peace broker. American willingness to do so has nevertheless strongly depended on the administration in office. Some have initiated bold moves to stimulate progress, whereas others have limited their role as peace broker. The particular nature of the administration – Democrat or Republican – does not seem to have a distinguishing effect on the way the conflict is dealt with. Similarly the nature of Israeli governments has not proven to be all-defining in moving the peace process forward, although Likud governments have been noticed to be more reluctant to deal with the Palestinians than Labour governments have. It has mostly been personal involvement and resolve that have led to peace, not political preference.

Much of the momentum in the peace process has been brought about by hallmarking events such as the Arab-Israeli wars, the intifadah, the Second Gulf War and the 9/11 attacks. These events have made all parties recognise that a solution to the conflict is needed, although the nature of the solution has not always been agreed upon.

The current state of the peace process – one of stalemate – has to be broken. Momentum has been created, and parties need to move forward. In this, history can show the way for the future.

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