



OBSTACLES TO PEACE

A REFRAMING OF THE ISRAELI-PALESTINIAN CONFLICT

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THE ISRAELI COMMITTEE AGAINST HOUSE DEMOLITIONS

The Israeli Committee Against House Demolitions (ICAHD) is a non-violent Israeli direct-action organization established in 1997 to end Israel's Occupation over the Palestinians. ICAHD takes as its main focus, as its vehicle for resistance, Israel's policy of demolishing Palestinian homes in the Occupied Territories – over 24,000 homes destroyed since 1967. The motivation for demolishing these homes is purely political: to either drive the Palestinians out of the country altogether, or to confine the four million residents of the West Bank, East Jerusalem and Gaza to small, crowded, impoverished and disconnected enclaves, thus effectively foreclosing any viable Palestinian entity and ensuring Israeli control. In more than 95% of the cases the homes demolished had nothing to do with security: their inhabitants did not commit any acts of terrorism and, indeed, were never charged with any crime. Taken against the background of Israel's systematic destruction of more than 500 Palestinian villages, towns and urban neighborhoods in the 1948 and after, and its ongoing policy of demolishing the homes of Israeli (Arab) citizens – some 20-40,000 homes in the so-called “unrecognized villages” are slated for demolition – the picture that emerges is one of ethnic cleansing. Such policies are intolerable according to Jewish values, they violate fundamental human rights and international law, and they constitute a major obstacle to achieving peace and reconciliation between our two peoples.

ICAHD operates on several levels:

Resistance “on the ground.” ICAHD members physically block bulldozers sent to demolish homes, resisting their demolition while also mobilizing diplomats and journalists in their campaign to end demolitions. Raising funds abroad, ICAHD also mobilizes Israelis and Palestinians to rebuild demolished homes as political acts of resistance; we have rebuilt more than 160 homes. The focus on house demolitions has proven an effective vehicle of grassroots peace-making and international mobilization, as well as a means of resistance. Over the years ICAHD's resistance “on the ground” has extended to other manifestations of the Occupation as well: land expropriation, settlement expansion, the construction of Israeli-only highways, the closure, the building of the Separation Barrier/Wall, the wholesale uprooting of fruit and olive trees, and more.

Advocacy within Israel. ICAHD attempts to reach the wider Israeli society with its message of a just peace – and the possibility of achieving a just peace, a belief Israeli Jews have mostly lost. We produce materials in Hebrew, hold informational gatherings around the country, network with other Israeli organizations, conduct Hebrew-language tours of the Occupied Territories and operate Daila, ICAHD's outreach center located in Jerusalem.

International Advocacy. ICAHD's familiarity with realities “on the ground,” combined with its political analysis rooted in Israeli politics and society, gives it a special authority and insight



into the sources of the conflict. Our views are frequently sought by diplomats, journalists, political delegations and fact-finding missions, church and Jewish groups, and the general public. ICAHD conducts extensive and systematic advocacy campaigns abroad – supported by ICAHD USA, ICAHD UK, ICAHD Norway and many other **partner organizations** around the world – as well as critical briefings and tours for international visitors to Israel/Palestine. ICAHD also initiates campaigns abroad and participates in international conferences.

Cooperation with Palestinian organizations and communities. ICAHD can only operate in the Occupied Territories in close collaboration with its Palestinian partners. Be it in strategizing, in launching joint campaigns and projects or in rebuilding activities, ICAHD has managed to retain trust and a close working relationship with Palestinians throughout the extremely difficult years of Intifada and repression. ICAHD has been the catalyst behind Beit Arabiya, a center for strategizing among Palestinian, Israeli and international activists located in a demolished home in the West Bank town of Anata. In certain cases we also provide strategic practical support to Palestinian families and communities, including legal assistance to families facing demolition.

For more information about our activities or to join us in our efforts, please contact us or our ICAHD chapters abroad:

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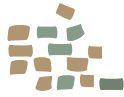
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Maps



DESCRIPTIONS OF MAPS

Map 1: 1947 UN Partition of Palestine

The UN Partition Plan tried to divide the country according to demographic concentrations and national geography, but the Palestinian and Jewish populations were so intertwined that that became impossible. Although the Jews comprised only a third of the country's population (548,000 out of 1,750,000) and owned only 6% of the land, they received 55% of the country (including both Tel Aviv/Jaffa and Haifa port cities, the Sea of Galilee and the resource-rich Negev). In the area allocated to the Jewish state, only about 57% of the population was actually Jewish (538,000 Jews, 397,000 Arabs). The Jewish community accepted the Partition Plan; the Palestinians (except those in the Communist Party) and the Arab countries rejected it.

Map 2: Israel and the Occupied Palestinian Territories

By the end of the 1948 war – called the War of Independence by Israel and the Naqba (“Disaster”) by the Palestinians – Israel controlled 78% of the country, including half the territory that had been allocated by the UN to the Palestinians. Some 750,000 Palestinians living in what became Israel were made refugees or “internally displaced” people; under 200,000 remained in their homes. More than 418 villages, two-thirds of the villages of Palestine, were systematically destroyed by Israel after their residents had left or been driven out. Of the Arab areas, now reduced to 22% of the country, the West Bank was taken by Jordan and Gaza by Egypt. The 1949 Armistice Line, today known as the “Green Line,” de facto demarcates the State of Israel until today. Since 1988, when the Palestinians recognized Israel within that boundary, it has constituted the basis of the two-state option, with the Palestinians claiming a state on all the lands conquered by Israel in 1967: the West Bank, East Jerusalem and Gaza.

Maps 3-7: Five Elements Defining the Palestinian Bantusan

Israel defines its policy of ensuring permanent control over the Occupied Territories as “creating facts on the ground.” In this conception, Israeli control must be made immune from any external or internal pressures to remove Israel from the Occupied Territories (which Israel vehemently denies is an occupation at all), as well as to foreclose forever the possibility of a viable and truly sovereign Palestinian state. Nevertheless, even Sharon recognizes that Israel needs a Palestinian state, since it can neither extend citizenship to the Territories’ three and a half million Palestinians nor deny it to them. It also needs a Palestinian state to relieve itself of the necessity of accepting the refugees. A Bantustan, a cantonized Palestinian mini-state controlled by Israel yet possessing a limited independence, thus solves Israel’s fundamental dilemma of how to keep control over the entire country yet “get rid of” its Palestinian population (short of actual “transfer”). The contours of that



Bantustan are defined by five elements comprising Israel's Matrix of Control as illustrated in the following maps: (1) Areas A and B; (2) the closure; (3) the settlement blocs; (4) the infrastructure; and (5) the Separation Barrier/Wall. A full (if complex) picture of the Matrix of Control is depicted in Map 10, and the truncated Palestinian mini-state Israel is creating in Map 11.

Map 3: Defining the Palestinian Bantustan. Element #1: West Bank Areas A, B and C

In the Oslo II agreement of 1995, the West Bank was divided into three Areas: A, under full Palestinian Authority control; B, under Palestinian civil control but joint Israeli-Palestinian security; and C, under full Israeli control. Although Area A was intended to expand until it included all of the West Bank except Israel's settlements, its military facilities and East Jerusalem – whose status would then be negotiated – in fact the division became a permanent feature. Area A comprises 18% of the West Bank, B another 22%, leaving a full 60%, Area C, including most of Palestinian farmland and water, under exclusive Israeli control. These areas, comprising 64 islands, shape the contours of the “cantons” Sharon has proposed as the basis of the future Palestinian state. Taken together with Gaza, which Israel will relinquish, the emerging Bantustan will consist of five truncated cantons – a northern one around Nablus and Jenin; a central one around Ramallah; a southern one around Bethlehem and Hebron; enclaves in East Jerusalem; and Gaza. In this scheme Israel will expand from its present 78% to 85-90%, with the Palestinian state confined to just 10-15% of the country.

Map 4: Defining the Palestinian Bantustan. Element #2: The Closure and House Demolitions

At the very beginning of the Oslo peace process Israel established an ever-constrictive system of permanent “closure” over the Occupied Territories, a regime both arbitrary and counter-productive. Arbitrary because there was no particular rise in terrorism or security threats during this time; the security situation was certainly better than it was during the first Intifada, when there was no closure whatsoever. And counter-productive because, rather than benefiting the Palestinians, it meant that the “peace process” had actually impoverished and imprisoned them, destroying their commerce and industry and de-developing their emerging country. The permanent checkpoints depicted on the map, together with hundreds of other “flying” checkpoints erected spontaneously throughout the Territories and earthen barriers to the entrances to virtually all the Palestinian cities, towns and villages, present 600+ obstacles to Palestinian movement on any given day. They serve to accustom the Palestinians to living in a collective space defined by Areas A and B. When these cantons finally become a truncated Palestinian state, the Palestinians will already be adapted to its narrow confines. So minimal will be the Palestinians' expectations that the addition of corridors linking the cantons will give them the feeling of “freedom,” thus leading them to acquiesce to the Bantustan. Israel's policy of house demolitions, by which over 24,000 Palestinian homes have been demolished since 1967, is designed to confine the Palestinian population to the islands of A and B as well as small enclaves in East Jerusalem. (It is also a



policy that impacts seriously on the Palestinian population within Israel.)

Map 5: Defining the Palestinian Bantustan. Element #3: Israel's Settlement Blocs

When Ehud Barak proposed to “jump” to final status negotiations in 1999, he consolidated the settlements Israel sought to retain into “blocs,” leaving the more isolated and less strategic ones vulnerable to dismantling. Thus, instead of dealing with 200 settlements, Barak had only to negotiate the annexation of seven settlement blocs: (1) the Jordan Valley Bloc; (2) the Ariel Bloc that divides the West Bank east and west and preserves Israeli control over the Territories largest water aquifer; (3) the Modi’in Bloc, connecting the Ariel settlements to Jerusalem; a “Greater Jerusalem” consisting of (4) the Givat Ze’ev Bloc to the northwest of the city, (5) the expansive Ma’aleh Adumim bloc extending to the northeast and east of Jerusalem and (6) the Etzion Bloc to the southwest; and (7) a corridor rising from the settlements in the south to incorporate the Jewish settlements in Hebron. While the extent of these settlements blocs is to some extent subject to negotiations, their function, however, is to further define and divide the Palestinian cantons. Representing some 25% of the West Bank, their annexation to Israel has been approved by the US in the bi-lateral Bush-Sharon Exchange of Letters in April 2004. (Within the settlement blocs are depicted both the settlements themselves and the master plans that surround and extend them.)

Map 6: Defining the Palestinian Bantustan. Element #4: The Infrastructure of Control

In order to incorporate the West Bank and East Jerusalem permanently into Israel proper, a \$3 billion system of highways and “bypass roads” has been constructed that integrates the settlement blocs into the metropolitan areas of Tel Aviv, Modi’in and Jerusalem, while creating additional barriers to Palestinian movement. This ambitious project articulates with the Trans-Israeli Highway, now being built along the entire length of the country, hugging the West Bank in its central portion. Shifting Israel’s population center eastward from the coast to the corridor separating Israel’s major cities from the settlement blocs it seeks to incorporate, the Trans-Israel Highway will become the new spine of the country, upon which the by-pass road network can be hung. The result is the reconfiguration of the country from two parallel north-south units – Israel and the West Bank, the basis of the two-state idea – into one country integrated east-west. Besides ensuring Israeli control, the reorientation of traffic, residential and commercial patterns further weakens a truncated Palestinian mini-state; each Palestinian canton is integrated separately into Israel, with only tenuous connections one to the other.

Map 7: Defining the Palestinian Bantustan. Element #5: The Separation Barrier/Wall

The final defining element of the bantustan is the Separation Barrier, known by its opponents as the Apartheid Wall both because it serves to make permanent an apartheid situation between Israelis and Palestinians, and because it rises to a massive concrete wall of eight meters (26 feet) when reaching Palestinian population centers – replete with prison-like watch towers, gates, security roads, electronic fences and deadly armaments. While sold



to the public as an innocent security device, the Barrier in fact defines the border between Israel (including the areas of the West Bank and East Jerusalem Israel seeks to annex) and the Palestinian mini-state. It follows not the Green Line but establishes a new demographic line that extends Israel eastward into the West Bank. Although the Barrier's overall route has been moved closer to the Green Line in light of the International Court of Justice's ruling, the addition of "supplementary security zones" and "special security zones" to the Barrier's complex still retains the convoluted route around the settlement blocs in order to ensure they are on the "right" side of the Barrier. When completed the Separation Barrier will be five times longer than the Berlin Wall (some 700 kms versus 155), in places twice as high and will unilaterally annex East Jerusalem and some 8% of the West Bank. As an installation costing over \$3 billion, it is not designed to be dismantled.

Map 8: The Palestinian Bantustan in the Gaza Strip

The Gaza Strip is a tiny area of land 45 km (30 miles) long and 5-12 km (3-9 miles) in length, surrounded by Israeli settlements and electronic fences and gates. As of this writing – almost four years after Sharon's plan of "disengagement" was completed – its 1.5 million Palestinian inhabitants live on just 139 square miles. Gazans, once farmers, are today impoverished, their lands cleared of fruit and olive trees and other crops as "security measures." Some 75% of Gazans live on less than \$2 a day, 80% are refugees living mainly in squalid camps. Gaza has one of the highest population densities in the world – 10,665 persons per square mile, almost four times the density of Bangladesh. Malnutrition among children is rampant; most of its water is taken by the settlers or is highly polluted; and more than 5,500 homes have been demolished and tens of thousands of more damaged in the course of the second Intifada and Operation Cast Lead. Gaza is divided into white, yellow, blue and green areas that divide Israelis and Palestinians. The settlements inside of Gaza have been removed, but post-"disengagement" Palestinians still live in a cage, blockaded by sea, fenced in by land, unable to travel by air, prevented from seeking employment in Israel.

Map 9: The Matrix of Control

When all the elements are put together, the full extent and complexity Israel's Matrix of Control becomes evident. This raises the major question before us: Is the Occupation reversible? If it is not, if the Occupation can never be dismantled to the extent that a viable Palestine emerges, then should we continue supporting a "two-state solution"? To do so places us in a position of advocating for a Bantustan. If the Occupation is reversible, then we must ensure that the minimal conditions for a viable Palestinian state are achieved. In either case Israel's "facts on the ground," its Matrix of Control, are essential parts of the political equation.

Map 10: The Emerging Palestinian Bantustan in the West Bank

When the elements of the Matrix of Control are combined with American agreement



for Israel's annexing its major settlement blocs, the outlines of a Palestinian Bantustan clearly emerge. It is a mini-state of four islands occupying 10-15% of the country with no international borders, no territorial contiguity, no freedom of movement internally or externally, little economic viability, limited access to Jerusalem, no control of its water or other major resources, no control of its airspace or even its communications sphere, a demilitarized entity lacking even the authority to enter into foreign alliances without Israeli approval. If Israel has succeeded in rendering the Occupation permanent, it is not because of the logistical difficulties in removing the settlements. A Peace Now poll found that fully 90% of the settlers (most of whom live in the Territories for economic and "quality of life" reasons) would leave if they were offered comparable housing inside Israel. It is only the will of the international community to force the Israel government to abandon its settlement enterprise that is lacking. If that is the case, the international community is confronted with two stark choices: either to accept and condone a new apartheid situation, or to work towards another just and sustainable solution – a single democratic state in the entire country, a regional confederation or some other option. It is to be hoped that apartheid, the only "solution" Israel is offering by rendering its Occupation irreversible, will not be acceptable.

Map 11: Three Alternative Bantustans

The problem is not obtaining a Palestinian state. Israel itself desperately needs a Palestinian state, since it can neither bestow citizenship on the Palestinians nor deny it to them permanently. In order to retain its Jewish character yet control the entire country, Israel must somehow "relieve itself" of the Palestinian population. The only way out (except for transfer, which is impossible in the present circumstances) is to establish a Bantustan. Sharon has suggested a Bantustan (he calls it a plan of "cantonization") on 40% of the West Bank, but has indicated that he is willing to unilaterally "give" the Palestinians 60%, perhaps even a bit more. Labor, wishing to make a Bantustan cosmetically acceptable, would offer up to 85% of the Occupied Territories, knowing that Israel needs just a strategic 15% to retain control.

Map 12: Moveable Borders: 1947, 1949, 1967 and On

These maps illustrate the changing borders at the expense of the Palestinians over the years. The picture that emerges is one of displacement, whether actually driving the Palestinians out of the country or confining them to a sort of reservations.

Map 13: Municipal Jerusalem, with the Separation Barrier

In 1967 Israel annexed an area of 70 sq. kms., which it called "East" Jerusalem, to the 38 sq. kms. that had comprised Israeli "West" Jerusalem since 1948, even though the Palestinian side of the city under Jordan was just 6 sq. kms. It gerrymandered the municipal border according to two principles: incorporating as much unbuilt-upon Palestinian land as possible for future Israeli settlements (the "inner ring" of settlements depicted in blue),



while excluding as much of the Palestinian population as possible so as to maintain a 72% Jewish majority in the city. As the concentrations of Palestinian population show (in brown), the municipal border cut in half a living urban fabric of communities, families, businesses, schools, housing and roads. Its placement of settlements prevents the urban development of Palestinian Jerusalem – the economic and cultural as well as religious center of Palestinian life – transforming its residential and commercial areas into disconnected enclaves. There are today more Israelis living in “East” Jerusalem (more than 200,000) than Palestinians. Since Palestinians cannot live in “West” Jerusalem, Israeli restrictions on building (combined with an aggressive campaign of house demolitions) have confined that population to a mere 6% of the urban land – although they are a third of the Jerusalem population. Discriminatory administrative and housing measures have led to the “Quiet Transfer” of thousands of Palestinian families out of the city, and to the loss of their Jerusalem residency.

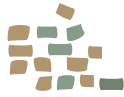
Map 14: The Three Jerusalems: Municipal, Greater and Metropolitan

The “inner ring” of settlements that defines municipal Jerusalem is today being linked with an “outer ring” of settlements to transform Jerusalem from a city into a region that controls the entire central portion of the West Bank. “Greater Jerusalem,” the master plan of which was formalized already in 1995, extends the city far into the West Bank. Yet an even more extensive “Jerusalem” exists: Metropolitan Jerusalem. Though not intended for annexation, it forms a planning unit designed to ensure that Ramallah and Bethlehem remain undeveloped satellite cities dependent upon Israeli Jerusalem even if they eventually fall across a political border separating Israel from Palestine. Indeed, by creating extensive buffer zones between the city of Jerusalem and the surrounding West Bank, Israel is eliminating the economic heart of any Palestinian state. In this way Israel keeps all the developmental potential of the city -- and the country as a whole – firmly in its hands, rendering the Palestinian state a non-viable entity existing on a Third World subsistence level.

The map also shows the “E-1” area, 4000 acres annexed to Ma’aleh Adumim in a combined move by the Netanyahu and Barak governments. With the addition of E-1, Ma’aleh Adumim’s master plan extends entirely across the West Bank from Jerusalem to Jericho, effectively severing the northern West Bank from the south. Palestinian traffic will likely be diverted into Israeli territory (along the “Eastern Ring Road” now being constructed in East Jerusalem), allowing Israel to control Palestinian movement even in the event that a Palestinian state emerges. E-1 reveals the subtle, sophisticated and effective use of planning for control employed by Israel.

Map 15: The Colonization of Jerusalem’s Old City

The settler movement has long had its eyes set on increasing Jewish control inside the Old City of Jerusalem. Few parts of the Old City are without settler encroachment. Even Damascus Gate, the famous entrance to the Muslim Quarter, is framed with settlements including a house owned by former Prime Minister Ariel Sharon (No. 6 on the map).



Map 16: Settlement activity in East Jerusalem

The Israeli government, the Municipality of Jerusalem, and settler organizations are working to strengthen the control settlements and Israeli infrastructure have in East Jerusalem. Individual properties are bought, stolen and confiscated by settlers and large swaths of land are expropriated by the government for new, large settlements. Just as the government wants to establish facts on the ground with settlements surrounding East Jerusalem, so too do the East Jerusalem settlements movements, led by the Elad and Ateret Cohanim groups, wish to surround the Old City of Jerusalem with a sufficiently dense Jewish population to prejudice the status of the land in future negotiations.



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FORWARD

This manual grew out of tours of the Occupied Territories given by ICAHD over the years for diplomats, journalists, study missions and activists. As might be expected of a work that began as a guidebook, it presents a “grounded analysis” of Israel’s Occupation of the West Bank, East Jerusalem and Gaza. It describes the basic “facts on the ground:” the settlements, the web of highways, many of them restricted to Israelis only, others for separate Palestinian traffic, the maze of checkpoints and other obstacles to movement, policies of house demolition and land expropriation, the creation of a “Greater” Israeli Jerusalem, Israeli control of Palestinian water and other natural resources (including the airspace and even the electro-magnetic sphere), the “Separation Barrier” and more. But it then goes on to examine what we call Israel’s “Matrix of Control,” a layered system of administration, planning, law and policies (such as economic “closure”) which, together with the facts on the ground, lay the infrastructure for permanent Israel control of the entire country from the Jordan River to the Mediterranean. Throughout we also identify the ideological underpinnings, military logic and ultimate goals of Israeli policies of expansion and control.

Moving from description to analysis, we ask: Where is Israel headed in its four decade-old (and counting) Occupation? Are we moving towards a genuine attempt to resolve our century-long conflict with the Palestinians or, more chillingly, towards a state of permanently “warehousing” them? We also examine the mechanisms by which Israel has managed to perpetuate its control over the Palestinians and their lands, what we call “framing” in particular: How officials of successive Israeli governments and their spokespeople succeed in “selling” their country’s heavy-handed control over millions of people deprived of their lands and rights as somehow justifiable? How they convince not only its own people but also otherwise liberal people abroad – political leaders, journalists, academics and much of the Diaspora Jewish community, not to mention the “man on the street,” – to support policies which are manifestly unjust, which plainly violate international law and fundamental human rights and which serve to destabilize relations between the West and the entire Muslim world? How do they succeed in casting Palestinian resistance as base “terrorism” while casting Israel, one of the world’s strongest military powers and one its longest standing Occupying Powers, as a mere victim? Finally, and most important, we pose here the question of whether it is still possible to end the Occupation and salvage the two-state solution, or do we have to begin considering other options? Will the new Obama Administration depart from American policy over the past half-century of offering absolute support to Israel no matter what the political costs? More pointedly, will the Obama Administration succeed in persuading Congress, Israel’s bi-partisan trump card, to support a more assertive policy of finally ending the Occupation in favor of a just and lasting peace? And what is our role as peace-makers and concerned members of the international civil



society in bringing about the end of this increasingly bloody and globally destabilizing conflict?

Besides imparting information and addressing these fundamental questions, this book is intended to help advocates of a just peace “reframe” the conflict in ways that offer just, workable and sustainable (if often creative) solutions to the conflict. Since this is a book published by a critical Israeli peace and human rights organization focused on ending the Occupation, it does not hesitate to place responsibility for resolving the conflict mainly at Israel’s doorstep. This is not to absolve the Palestinians of responsibility; it simply recognizes the tremendous imbalance of power between the two sides, and thus of their respective abilities to end the conflict. Thus our reframing stresses three key elements: that an Occupation indeed exists and is the center of the conflict (since 1967 Israel has officially denied that fact); that Israel is the strong party in the conflict, the only one that can actually end the Occupation, and which therefore can be held accountable for its policies and actions (rather than Israel’s disingenuous presentation of itself as the victim); and that the Occupation is pro-active, a vehicle for establishing Israel’s permanent control over the entire country, not defensive or reactive. Our reframing also critically questions the concept of “terrorism” and its role in the conflict. Only by reframing the conflict, we believe, will we be able to formulate an approach which will effectively lead to its just end. Towards that goal we also suggest alternative outlines of a just peace based on a regional win-win approach.

The picture presented here is bleak. While early signs that Obama is treating the conflict seriously are encouraging (the appointment of George Mitchell as his envoy, in particular), there is little evidence, given Netanyahu’s recent election and the formation of his extremely hard-line government, that anything less than major pressure applied by the US on Israel will end either the Occupation or the conflict – and that pressure remains a distant possibility at best. Still, this book is not defeatist. Every occupation, every instance of oppression, can be ended. The action-oriented campaigns sponsored by ICAHD and its partner organizations, Palestinian and Israeli, seek to mobilize your support in our common struggle to achieve a just peace. The Occupation challenges all of us – governments, faith-based communities, trade unions, human rights organizations, activist groups and concerned individuals alike. The Israeli-Palestinian conflict, we contend, is far more than a localized war between two peoples in a remote land. It is nothing less than conflict with fundamental significance for the global community. Being emblematic for the Muslim world as a whole – the “clash of civilizations” from a Muslim point of view, an American and Western-backed occupation and not merely an Israeli one – it is inconceivable that stability be restored to the broader Middle East and security to the West unless this conflict is resolved. No less important, Israel’s Occupation represents a profound challenge to a global system based on international law and universal human rights. What does it mean to peoples the world over if a regime of control, displacement, a denial of fundamental rights and repression actually prevails, in defiance of international law and more than 200 UN resolutions? If occupation and repression actually defeat a people’s aspirations for freedom and fundamental human



rights, then what are the implications for oppressed peoples in other parts of the world far from public attention?

Fail here, and we will have a much tougher time prevailing over oppressive regimes in the future. Indeed, as 9/11 dramatically illustrated, in a global reality it is impossible to insulate ourselves, the privileged of the world, from the effects of grievances, suffering and violence in even the furthest corners of the earth. This manual is intended to empower you to act together with us, Israelis and Palestinians seeking a just peace in the Middle East, to bestow upon all of us a truly new, inclusive, just and peaceful “world order.”



REFRAMING THE CONFLICT

“Kill as many Arabs as possible and talk as much as possible about peace.”

-The formula of political strategist Reuven Adler used to lead Sharon and Olmert to power and repeated in Livni’s successful election campaign of 2009.

When it comes to resolving conflicts such as that pitting Israeli Jews against Palestinian Arabs, framing is more important than the facts. Everyone agrees that around 2800 Palestinians and less than 35 Israelis were killed in the Israeli assault on Gaza in December, 2008/January, 2009, and in the two years leading up to it. Most Israeli Jews, however, saw themselves as innocent victims of terror while viewing the Palestinians as terrorists who merely got what they deserved. Palestinians, by contrast, see their dead and wounded as casualties of a struggle for independence and victims of Israeli State Terror. In their eyes, while the Israeli dead were the unfortunate victims of their own government’s repressive policy of Occupation, they, the Palestinians, had been left by both Israel and the international community with little choice but to strike out and resist. Both peoples profess a desire for peace, yet both blame the other for the continuing conflict. These are not minor differences, but the very ground on which political solutions can or cannot be formulated and successfully promoted.

Israel’s “Security” Framing

Israeli governments – all of them, Labor, Likud and Kadima together – have advanced among the Jewish public a framing based solely on Jewish rights and security. Briefly, it goes like this:

The Jews of ancient times (including the Hebrews, Israelites and Judeans, since the term “Jew” appears in the Bible only in the Book of Esther) constituted a nation with all the trappings of nationhood. They had a country that encompassed greater or lesser parts of the Land of Israel, a language, a religion, a national history, a literature and, above all, a tribal sense of identity based on ties of blood. After two abortive revolts against the Romans, the nation-tribe was exiled from its country. For two millennia it existed among the nations as a people apart – alien, persecuted, ghettoized, clinging to its national identity and longing for its return to Zion. In the late nineteenth century, spurred by nationalist movements throughout Europe, Zionism emerged as the national expression of Jews seeking a return to the Homeland from which they had been forcibly expelled so many centuries before. This right of return, of self-determination, conforms to that of all other nations who have sought political independence in the past two centuries.

After a period of nation-building, the State of Israel arose triumphantly in 1948, defeating five Arab armies. Since then the tiny state, a Western (albeit Jewish) democracy, has persevered despite constant Arab threats to its existence. Throughout, Israel has aspired to peace, only



to be frustrated by its intractable enemies. All its actions against the Palestinians and other Arabs are merely reactions of self-defense foisted upon the small Jewish state. David and Goliath. Israel desires peace, but it has no Palestinian “partner.” The Palestinians want only to throw the Jews into the sea.

What is wrong with this story? First off, if you notice, there is no mention of Occupation, all “Arab” resistance (the term “Palestinian” does not enter into the framing, since it admits to another people living in “our” country which we do not wish to acknowledge) cast as mere “terrorism.” But it also contains elements not stated explicitly, without which one cannot understand Israeli policy. According to mainstream Zionist ideology, the entire Land of Israel “belongs” exclusively to the Jewish people, an assertion that nullified any Palestinian rights or claims to the country, together with their very identity as a people and historic presence in a place called “Palestine.” Since the Palestinians understandably would have none of this, their very assertion of Jewish exclusivity made them, in fact, permanent enemies – at least enemies until such a time as Israel would acknowledge their own national presence. Unwilling to do this, Israel then found itself burdened by a permanent “security threat” which, paradoxically, required it to gain and maintain control of the entire country, thereby eliminating the possibility of a viable Palestinian state and perpetuating the conflict eternally. From right to left Israeli political and military leaders have inculcated among the Jewish public the conviction, almost a fixed assumption, that there is no political solution to the conflict, that one “side” or the other must “win” – and that side has to be, of course, Israel. Needless to say that a broader implication of this is that Israel belongs to the Western world and has little if any interest in integrating into a hostile Middle East.

This framing has great implications. Since the Arabs – all of them, including Arab citizens of Israel – are Israel’s permanent enemies, there can never be genuine or lasting peace. “I argue,” says Alan Dershowitz (2003:7), perhaps Israel’s most strident advocate, “that it is impossible to understand the conflict in the Middle East without accepting the reality that from the very beginning the strategy of the Arab leadership has been to eliminate the existence of any Jewish state, and indeed any substantial Jewish population, in what is now Israel....The goal has always been the same: eliminating the Jewish state and transferring most of the Jews out of the area.” The best Israelis can expect, then, are tenuous periods of quiet, a fragile security based solely upon their military superiority and control of the entire country “from the [Jordan] river to the [Mediterranean] sea.” Any possibility of peace with the Palestinians is ruled out in this framing; the Israeli public is sentenced to a war with them until they either submit to Israeli dictates or are driven out of the country altogether – the central demand of Avigdor Lieberman’s “Israel Is Our Home” party, whose rise to power in the February, 2009, elections was due in large part to its attraction for Jewish youth. Indeed, the implications of the security framing explain the ferocity by which Israel suppressed the second Intifada and attempted to pacify Gaza, the unrestrained use of military force against a civilian population and a degree of destruction so greatly disproportionate to the actual threat. The “Arabs” must be put in their place. They must be disabused of the notion that they are equal partners in a peace process. As far back as 1923, long before organized popular Palestinian resistance to Zionism emerged, Ze’ev Jabotinsky, the



founder of Revisionist Zionism and the ideological father of today's Likud Party, formulated the seminal "Iron Wall" doctrine evident today in Israel's political and military policies. "Every indigenous people," he wrote,

will resist alien settlers as long as they see any hope of ridding themselves of the danger of foreign settlement. This is how the Arabs will behave and go on behaving so long as they possess a gleam of hope that they can prevent 'Palestine' from becoming the Land of Israel." [The sole way to an agreement, then,] is through the iron wall, that is to say, the establishment in Palestine of a force that will in no way be influenced by Arab pressure.... A voluntary agreement is unattainable.... We must either suspend our settlement efforts or continue them without paying attention to the mood of the natives. Settlement can thus develop under the protection of a force that is not dependent on the local population, behind an iron wall which they will be powerless to break down.

In more recent times the Iron Wall doctrine has been reaffirmed, if in even more brutal terms. In 2002, during the second Intifada, Moshe ("Boogie") Ya'alon, the Israeli army Chief of Staff, declared: "The Palestinians must be made to understand in the deepest recesses of their consciousness that they are a defeated people." The exclusivist Zionist security framing explains the why Israel chooses to take "unilateral steps" in trying to impose its own "solution."

The exclusivist security framing also explains why Israeli governments adopt, in the words of then-Prime Minister Ehud Barak (also a former Chief of Staff), a 'take-it-or-leave-it' approach to negotiating with the Palestinians, why they have destroyed Palestinian infrastructure with impunity, including more than 25,000 homes in the Occupied Territories since 1967 and tens of thousands more of its own (Arab) citizens within Israel, and why they are able to imprison an entire people within a wall that, in the words of a prominent Israeli military historian, Martin van Crefeld, should be so high "even the birds cannot fly over it."

All this has given rise to what the Israeli sociologist Baruch Kimmerling (2001:109) calls "civilian militarism," a central component of Israeli culture. Conflict and war, he argues, have become "a self-evident and routine part of everyday life."

Civilian militarism is systematically internalized by most statesmen, politicians and the general public as a self-evident reality whose imperatives transcend partisan or social allegiances. The gist of civilian militarism is that military considerations, as well as matters that are defined as national security issues, almost always receive higher priority than political, economic or ideological problems. Thus, dialectically, making peace is also a military matter [the election slogans "Peace with Security being prime examples]....

This, then, helps explain why 85% of Israeli Jews support the construction of the Wall and more than 80% supported the assault on Gaza. It addresses a question frequently asked by visitors when they view the suffering and destruction caused by Israel in the Occupied



Territories: “Why, especially given what the Jews have suffered in the past, does the Israeli public allow this?” The answer is framing, a combination of an exclusive claim to the land, denial of the rights and very existence of another people there, and an entrenched notion that the “Arabs” are and will always be Israel’s enemy – and no reference at all to occupation or any form of oppression that might explain – or justify – Palestinian resistance. If, as Ehud Barak and most other Israeli leaders say, is true, that there simply is no political solution to the conflict because of “them” (not, of course, because of us), then there is nothing left but to accept the bitter fact that peace is impossible. Although not committed to the Greater Land of Israel ideology or to the Occupation (two-thirds of Israeli Jews supported the Oslo peace process), the Israeli Jewish public is reduced to demanding one thing of its leaders: personal security. If not peace, then peace and quiet. They support whatever brings them that: a Palestinian state in all of the Occupied Territories or loading the Arabs (citizens or not) on trucks and shipping them out of the country. Whatever works, the suffering and the fate of the Palestinians being of little concern. “We’ve offered them peace,” Israeli Jews say, “and they refused in violence. They deserve no sympathy. They deserve anything they get. The hell with them. They brought their suffering on themselves.”

Or, as David Ben-Gurion said after the outbreak of the Palestinian Revolt in 1936:

A comprehensive agreement is undoubtedly out of the question now. For only after total despair on the part of the Arabs, despair that will come not only from the failure of the disturbances and the attempt at rebellion, but also as a consequence of our growth in the country, may the Arabs possibly acquiesce to a Jewish Eretz Israel.

Finally, the security framing leaves out, or misrepresents, the issue of power. Israel has managed, in a wonder of framing, to successfully present itself as the victim, the hapless little kid in what Netanyahu calls “a tough neighborhood of bullies.” This is a crucial part of the security framing since it relieves Israel of all responsibility. A victim, after all, is a victim and cannot be held accountable, since his or her actions come merely out of self-defense. Being a victim, however, is a very powerful place to be. Israel can be a regional superpower and an occupying power, yet have responsibility. Indeed, it is the flight from responsibility that impels the security framing.

Casting itself as the victim only distorts the power balance between Israel and the Palestinians and the fundamental fact that only Israel can end the Occupation and thus, through good-faith negotiations with the Palestinians, the conflict as a whole. Israel, and the pre-state Zionist community that preceded it, has always enjoyed disproportionate power, control – and responsibility. Since the turn of the twentieth century the Zionist movement garnered international support denied to the Palestinians and other Arabs, as well as economic and military superiority. Israel is the regional super-power. It is a state recognized by the international community with an economy three times larger than Egypt, Palestine, Jordan, Syria and Lebanon put together, more than 40 times the size of the Palestinians’ (\$80+ billion compared to less than \$2 billion). It has a formal military alliance with the world’s largest



superpower, from which it receives more than \$3 billion in annual military assistance. It is the world's fourth largest nuclear power, possessing up to 300 nuclear warheads. And it is an occupying power. The Palestinians, by contrast, have no state, no functioning economy, no army, not even the ability to move freely from village to village within their own areas. This asymmetry of power, even within the Arab world as a whole – a world with which it has largely achieved peace, at least on the governmental level – thrusts upon Israel an asymmetry of responsibility.

A Rights-Based Reframing of the Conflict

Needless to say, as progressive Israelis who do not accept the notion of “permanent enemies” or other attempts to mystify the conflict for self-serving reasons, we find Israel's security framing neither acceptable nor true; neither is it helpful for achieving a just and lasting peace. Our reading of the history of the region, our understanding of how the security framing justifies and enables Israel's Occupation, our experiences with Palestinians who certainly do desire peace if it is accompanied by a just solution to the conflict which includes their own narrative and national claims, as well as our commitment to the prophetic Jewish values of social justice, all lead us to a very different framing, one based on universal human rights and a conviction that every political conflict has a solution. It is a reframing that offers hope of a better future for both peoples rather than ceaseless conflict and suffering that envisions one side “winning” over the other.

Our reframing, then, starts with the obvious proposition that two peoples live in Palestine/Israel, each aspiring to national self-determination yet each having to recognize the collective existence and rights of the other. While holding different visions of desirable and possible solutions to the conflict – some of us favor a two-state solution, some a bi-national or democratic state, others a regional confederation – we share the belief that the conflict can be ended in a way that respects and protects both sides (although we tend not to accept the notion of “sides;” one of the slogans of the Israeli peace camp is: “We refuse to be enemies”).

We reject, then, not only the premise that the “Arabs” are our permanent enemies but even the proposition that Jews and Arabs have been enemies “from time immemorial” or that we are embroiled in a “clash of civilizations.” We reject as well the notion that terrorism lies at the root of the conflict. Both the PLO and the Arab League, after all, have recognized Israel within the 1967 borders, Israelis and Palestinians have engaged in prolonged negotiations in the past and Israel has achieved peace with many Arab and Muslim countries and is steadily expanding its relations throughout the Arab and broader Muslim worlds. We also insist, in opposition to the security paradigm which asserts that Israel's policies and actions are only defensive in nature, which they are not. There is no reason why Israel should not be held accountable for an Occupation which is pro-active and intended to establish permanent Israel control over the entire country while denying the Palestinians a viable state of their own.



Framing is a powerful weapon. Our task, if we aspire to bring about peace and security for both peoples, is to debunk the security framing while replacing it with a more constructive and inclusive one based on universal human rights. Reframing is not easy. In any debate, the party which succeeds in framing the issue and determining the terms of the discussion (such as “terrorism”) wins, since by capturing the logic of the debate its arguments lead inexorably to its desired conclusions. Here Israel enjoys a great advantage. Its framing, lavishly funded by state agencies, painstakingly constructed by PR agencies and communicated by professional spokespeople, benefits from a grossly unbalanced access to the media. The other side to the discussion, that of the Israeli peace camp or the Palestinians themselves, lacks the resources, access and image to make their voices heard. We are thus thrust into the weak position of refuter, left only to respond to Israel’s charges yet without the space to present a coherent, credible and persuasive alternative framing of our own. Confined to countering the arguments of the “framer,” respondents (called the “negative side” in debates) invariably come across as defensive, inarticulate and unconvincing.

Given Israel’s success in presenting its case in a clear and concise manner, it is imperative that we step back from merely rebutting in order to present a coherent and compelling “reframing” of our own. In contrast to Zionist exclusivity and Israel’s security framing, our alternative rights-based framing (though it is by no means the definitive one) may be put as follows:

Two peoples defining themselves in national terms and claiming the right of self-determination are locked in a bloody contest over both fundamental claims to the country and ways in which they can share it. Both consider themselves the native inhabitants. Here the symmetry ends. We must break the narrative of “both peoples” so as to see the very different positions of each side and the asymmetry of power between them.

Israeli Jews represent the dominant party and have since well before 1948. They possess a state that has been recognized, by the Palestinian leadership, the Arab League and the international community alike, on 78% of the territory between the Mediterranean and the Jordan River. Since neither its national existence nor its right to live in security within the “Green Line” is challenged, the cause of Israel’s continued war against the Palestinians is over control of the entire country, coveted by Israel for religious and national reasons, as well as (it claims) security concerns. Israel seeks to be a Jewish state which nevertheless permanently controls all of Jerusalem, Judea and Samaria (the West Bank). Israel’s attempt to deny its occupation and to make its presence permanent flies in the face of international law which defines an occupation as a temporary situation of conquest that has to be resolved through negotiations, and is patently illegal. Israel has adopted a unilateral position, backed by its policy of creating “facts on the ground,” that prevents, or at best stunts, any Palestinian state, since Israel has never officially acknowledged the Palestinians’ right to self-determination. Similarly, the right of Palestinian refugees’ to return to their country and homes is guaranteed in international humanitarian law. Israeli insistence that they may return only to a Palestinian state (if there is one) violates those rights.



The Palestinians' position, though lacking today an authoritative voice due to deliberate attempts on the part of Israel to either fragmentize their leadership or eliminate it, does not present as clear and comprehensive a framing as the Israeli one. In principle, it sees the entire country as Palestine but recognizes the existence of Israel as a given and is willing to accept a two-state solution by which the Palestinian state encompass all the Occupied Territories, the 22% of the country conquered by Israel in 1967 (with some minor border adjustments). Israel must also recognize the refugees' Right of Return and acknowledge its role in creating the refugee problem, although the Palestinians are willing to negotiate the actual return. The two-state solution is far from just (leaving the Palestinians with less than a quarter of their historic homeland). Still, all Palestinian factions – including Hamas – have indicated it is one with which they could live. It represents a compromise that could be “sold” to both peoples, but if Israel continues to resist it, we must be prepared for a transition to a one-state struggle for equal civil rights. Only the Palestinians can signal that switch.

This reframing rests on a number of key re-conceptualizations:

Israel as the strong party in the conflict. Re-casting Israel as the strong party in the conflict rather than as a victim enables us to demand accountability under international law – demanding, in particular, that the Fourth Geneva Convention be applied – as well conformity to UN resolutions. It also facilitates effective campaigns of boycotts, divestment and sanctions on the part of citizens and governments aimed at bringing pressure to bear on Israel to change its policies.

The Occupation as a pro-active policy. A peace and human rights reframing must place the Occupation properly at the center of the political discussion over the conflict. It must then go on to make a telling point: rather than simply defensive responses to Palestinian terrorism, Israel's occupation policies represent a pro-active claim to the entire country. Below I will make the claim that no major element of Israel's “Matrix of Control” – settlements, infra-structure, the closure, land expropriation and house demolitions, the destruction of Palestinian agriculture and other policies of economic de-development or the construction of the Wall – can be explained in terms of security and defense. The contention that Israel would be willing to meet Palestinian demands for self-determination if only Palestinian “violence” ends is simply wrong. The issue is Israel's exclusive claim to the entire country, not security.

Only a win-win scenario will secure a just and lasting peace. Whatever the ideological claims or disparities of power between the sides, one thing is certain: neither the Israelis nor the Palestinians will defeat the other. The notion that Palestinians and Israelis are enemies, that they constitute two irreconcilable “sides,” leads nowhere. It ignores the political sources of the conflict, without which there is, indeed, no solution. It also contradicts the global realities in which we live: the inadmissibility of neo-colonialism, intertwined economies,



international law and much more. The fall of the Soviet Union, of apartheid South Africa, of the Shah, of Marcos, of the Latin American generals, of the Greek colonels, of Milosevic – all exemplify the ultimate inability to sustain unjust regimes over time. Only a win-win scenario based on universal human rights can address the fundamental elements underlying the conflict and offer ways out.

The Israeli people do not support the settlements or seek a “Greater Israel.” The pro-active, expansionist policy of Occupation, it must be stressed, does not represent the will of the majority of Israelis. Palestinian citizens of Israel aside, polls consistently show that two-thirds of Israeli Jews desire “separation” from the Palestinians – “us here, them there” as Barak’s election slogan had it – even if that means dismantling the settlements. True, the second Intifada and subsequent events strengthened Israeli distrust of the Palestinians, expressed in wide popular support for the construction of the Wall and attacks such as those on the cities of the West Bank and on Gaza, but it arises from a simple desire for personal security rather than from any ideological aspiration to control the “Greater Land of Israel.” Israel’s unique system of proportional elections also tends to disenfranchise the public by granting tremendous autonomy to the political parties that make up all government coalitions. It gives far greater power to tiny single-issue groups, such as settlers, than to large but less organized sectors of society. Thus the “disconnect,” so evident in the 2009 elections that imposed on the public an extreme right-wing government, between a populace desiring peace and territorial compromise (albeit with “separation”) and its governments’ policies of territorial expansion and military “victory” over the Palestinians.

Both the Palestinians and the wider Arab and Muslims worlds support a just peace. The contention that the Arabs do not want peace, a view that makes sense to people given Palestinian attacks on Israeli civilians, not to mention the post-9.11 stereotype of Arabs and Muslims as supporters of terrorism, finds no empirical support. Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigade and other Palestinian “rejectionist” groups that reject peace with Israel and have turned to violent means of resistance represent about the same proportion of Palestinian society in the Occupied Territories – say 15-20% – that extreme settler and other right-wing rejectionist groups represent in Israeli society. In the 1996 elections to the Palestinian Authority, on the other hand, Arafat and the supporters of the Oslo process, who conceded 78% of historic Palestine to Israel, won more than 90% of the vote. We must also be careful not to confuse resistance to Occupation and a struggle for liberation – even an armed struggle employing controversial tactics – with a rejection of peace itself. While Israel succeeds in framing Palestinian resistance as mere terrorism and uses it to argue that the “Arabs” are not “partners in peace,” Palestinians cannot allow themselves to be imprisoned forever in an apartheid-style Bantustan with no hope of any future for the coming generations. This is why the adjectives “just” and “viable” are integral parts of any sustainable “peace,” as evident in the acceptance by Hamas and Islamic Jihad of the Prisoners’ Document,” forged among all the Palestinian factions in 2006, in which peace with Israel is agreed to in exchange for all the Occupied Territories. That Israel has a long-standing peace treaty with Egypt and Jordan and functional ties with many other Arab and Muslim nations must also be factored in.



An emblematic conflict with global impact. The Israeli-Palestinian conflict is emblematic of Western (and especially American) neo-colonialism to the broader Arab and Muslim worlds, and has a direct impact on the instability of the entire Middle East and North Africa which, in turn, affects the global system as a whole. If it wishes to avoid a genuine Clash of Civilizations in which a localized Israel/Palestine conflict becomes a theological conflagration resistant to any political solution, the international community must treat it with the seriousness and urgency it deserves.

The essential elements of the two conflicting framings are presented briefly in the table on the following page.



Table 1: REFRAMING THE ISRAELI-PALESTINIAN CONFLICT

The Israeli Framing	The Peace and Human Rights Framing
<p>The Land of Israel belongs exclusively to the Jewish people.</p> <p>Since Israel is the victim fighting for its existence, it is exempt from accountability for its actions.</p> <p>“Both sides” must end the conflict.</p> <p>Israel’s policies are based on concerns for security.</p> <p>The Arabs don’t want peace.</p> <p>The problem is Arab terrorism, which must be ended before political talks can begin.</p> <p>The Palestinians are our permanent enemies.</p> <p>Israel is willing to give the Palestinians a state on pieces of the Occupied Territories.</p> <p>States (Israeli government / Palestinian Authority) have a monopoly over negotiations and the setting of terms of peace.</p> <p>Israel has a right to use all the means at its disposal, military as well as political, to achieve terms suitable to its interests.</p> <p>The answer to anti-Semitism and the conflict with the Arabs is a militarily strong Israel aligned with the United States.</p> <p>Israel’s treatment of Palestinians is an internal matter. Internationals should stay out.</p>	<p>Two peoples reside in Israel/Palestine and each has rights of self-determination.</p> <p>Israel is a major regional superpower that must be held accountable for its actions.</p> <p>There is no symmetry of power between the sides.</p> <p>Israel pursues a pro-active policy of expansion into the Occupied Territories based on settlement and control.</p> <p>The Palestinians recognize Israeli sovereignty over 78% of the country; the Arab world has offered Israel regional integration.</p> <p>The problem is Israel’s Occupation and Israeli state terrorism. Palestinian terrorism is a symptom of oppression; resistance will not end without a “political horizon.”</p> <p>Israeli and Palestinian civil societies work closely for a just peace. We refuse to be enemies.</p> <p>A Palestinian state has to be viable and truly sovereign, not merely a Bantustan.</p> <p>Only states negotiate, but civil society plays a key role in monitoring the process, making certain that they conform to human rights, international law, justice and a sustainable peace.</p> <p>Only a solution based on human rights and international law ensures a win-win solution.</p> <p>Only respect for human rights, regional integration and a universal struggle against racism will effectively address anti-Semitism and Israel’s security concerns.</p> <p>In a world of human rights, Israel’s treatment of the Palestinians should be the concern of everyone.</p>



THE MATRIX OF CONTROL: RULING PALESTINE WHILE GETTING RID OF THE PALESTINANS

[W]hen 2.5 million people live in a closed-off Gaza, it's going to be a human catastrophe. Those people will become even bigger animals than they are today, with the aid of an insane fundamentalist Islam. The pressure at the border will be awful. It's going to be a terrible war. So, if we want to remain alive, we will have to kill and kill and kill. All day, every day. If we don't kill, we will cease to exist. The only thing that concerns me is how to ensure that the boys and men who are going to have to do the killing will be able to return home to their families and be normal human beings.

– Arnon Sofer, professor of Geography at Haifa University, father of Sharon's "separation plan," quoted in *The Jerusalem Post weekend supplement Up Front*, May 21, 2004, p. 9)

If it is true that every Israeli government since 1967 has sought to maintain control over the Occupied Territories, Israel nevertheless faces two fundamental dilemmas. First, the international community, including the United States, Israel's patron and firmest supporter, expects a Palestinian state to eventually arise alongside Israel. So Israel cannot annex the Territories outright; it must reserve some space for the semblance of a Palestinian state. Second, if Israel wants to preserve its "Jewish character," it must find a way to relieve itself of the 3.7 million Palestinians resident in the Occupied Territories.

After more than four decades of occupation, it is clear that, left to its own devices, Israel will not allow a truly independent and viable Palestinian state to emerge in the Occupied Territories. Assuming that mass transfer is ruled out, the question arises: How can it maintain complete control over the Occupied Territories while seeming to address the demand for a two-state solution? A key to Israel's attempt to finesse a "solution" was suggested by Netanyahu in a formula he put forth in his first term as Prime Minister: "autonomy plus-state minus." The Palestinians will receive a mini-state in parts of the West Bank and Gaza that gets them "off our hands" yet leaves Israel firmly in control of the entire country. It would require a deft sleight of hand, since establishing a truncated, semi-sovereign Palestinian state in a land fully controlled by Israel resembles nothing more than the Bantustans apartheid South Africa established to rid itself of the black majority. How, indeed, to finesse apartheid in the guise of a two-state solution and do so in a way in which a Palestinian leader will sign off on it and the international community will buy it?



The Matrix of Control

Enter the “Matrix of Control,” a maze of laws, military orders, planning procedures, limitations on movement, kafkaesque bureaucracy, settlements and infrastructure (plus prolonged low-intensity warfare) that serves a critical function: it conceals the Occupation – necessary since, again, Israel denies having one – and Israeli control behind a bland façade of “proper administration.” The Matrix resembles the East Asian game of “Go.” Unlike chess, where two opponents try to defeat each other by eliminating one another’s pieces, the aim of Go is completely different. You win not by defeating but by immobilizing your opponent, by controlling key points on the matrix. This strategy was used effectively in Vietnam, where small forces of Viet Cong were able to pin down and virtually paralyze a half-million American troops possessing overwhelming superior fire-power. Israel’s Matrix of Control accomplishes the same with the Palestinians. Maintaining the image of a democratic country only trying to defend its citizens from Arab terror, Israel uses seemingly innocuous and even benevolent policies and procedures to create a matrix of control and repression intended to lower the Occupation’s military profile.

The Matrix operates on three interlocking levels:

1. *Military Controls and Military Strikes.* As much as Israel tries to present its Occupation as merely a benign “administration,” the only way it is able to rule over another people while expanding its own territory is through military force. In particular, Israel employs:

Outright military actions, including attacks on civilian population centers and the Palestinian infrastructure. Although especially evident during the two Intifadas (December 1987-1993; September 2000-2004), military actions are not Israel’s preferred means of control. They are too visual and by their outward brutality generate international as well as internal opposition; witness “Operation Defensive Shield” which resulted in scores of Palestinian dead, ravaged urban landscapes the virtual destruction of the Palestinian infrastructure in March/April 2002, “Operation Rainbow” which saw the demolition of some 300 houses of Palestinian refugees in the Rafah section of Gaza during one week of May, 2004, or “Operation Days of Penitence,” in October 2004, when over 160 Palestinian civilians were killed in northern Gaza (over 30 of them children) and over 500 injured and 90 homes were demolished (*Ha’aretz*, 1.11.04).

Still, though Israel might prefer a more discrete low-intensity warfare, military force is used massively and with impunity against civilian populations – in absolute contravention of international humanitarian law – to suppress outright resistance to the Occupation. As of this writing, the latest major eruption of such violence was the three-week assault on Gaza (late December, 2008, into mid-January, 2009), decried by UN, human rights and governmental spokespeople for the disproportionality of death and destruction rained upon its residents of in relation to the actual military threat. More than 430 children killed, another 1,870 wounded; hundreds of thousands of people without food, water or medical care; \$2



billion of infrastructure destroyed in an already poor and barren strip of land – including the destruction of 4000 homes with another 17,000 left damaged or uninhabitable (OCHA, Jan. 27-29, 2009; BBC, Jan. 19, 2009). The usefulness of periodic military action as a deterrent to uprising, for “teaching the Palestinians a lesson” or “conveying a message” of zero-tolerance to resistance, apparently outweighs the overall rationale of the Matrix of Control: normalizing Israeli rule through “quiet” bureaucratic and legal means.

Collaborators and undercover “mustarabi” army units. Besides outright military rule, control of the local population rests upon thousands of Palestinians – estimated at 40,000 to 120,000 individuals, or 1% to 4% of the population (Be’er and Abdel-Jawad 1994) – turned unwillingly (and occasionally willingly) into collaborators through threats, extortion and “incentives.” Simple things such as obtaining a driver’s or business license, a work permit, a permit to build a house, a travel document or permission to receive hospital care in Israel or abroad is often conditioned on supplying information to the security services. Collaborators come in many varieties: land dealers, intermediaries between the military administration and the Palestinian population, informants, infiltrators into political organizations, even interrogators (Abdel Jawad 2002). Needless to say, collaboration undermines Palestinian society by diffusing fear and distrust. Armed collaborators, for example,

are those spies whose cover has been blown and who have become intermediaries or land dealers. In a state of isolation, however, they become fugitives and prepared to use arms against their own people. These collaborators terrorize the population. They guide Israeli forces or Israeli Special Forces (mustaribin) to the homes of activists and wanted persons or drive the cars that carry them. (Abdel Jawad 2002).

Mass arrests and administrative detention are common features of Israeli control. According to Addameer, the Palestinian Prisoners’ Support and Human Rights Association, over 650,000 Palestinians have been detained by Israel in the Occupied Territories since 1967 – approximately 20% of the total Palestinian population there (and considering that the majority of those detained are male, the number of Palestinians detained makes up about 40% of the total male Palestinian population). In the reoccupation of West Bank cities, towns, villages and refugee camps during 2002, about 15,000 people were detained; some 11,000 are still being held, 760 without charge or trial (B’tselem; Addameer).

2. *Creating “Facts on the Ground.”* Here we enter into the steady but “quiet” process of routinizing Israel’s Occupation. Beginning in 1977, upon his appointment as head of the Begin government’s Ministerial Committee on Settlements, Ariel Sharon sought to create “facts on the ground” which would render Israel’s Occupation irreversible. No matter what changes occurred in the political situation – new geo-political constellations, new American administrations, even an Israeli government willing to relinquish land for peace – the settlement blocs had to be made so massive, the West Bank so completely incorporated into the urban fabric of Israel proper, that the Occupation would be immune to outside forces. This policy has meant:



Massive expropriation of Palestinian land, part of a systematic campaign designed to confine Palestinians to small and disconnected enclaves while expanding Israel's settlements. Since 1967 Israel has expropriated for settlements, highways, "by-pass roads," military installations, nature reserves and infrastructure. This represents some 24% of the West Bank, 89% of Arab East Jerusalem and 25% of Gaza. Because Israel does not recognize Ottoman or British-era deeds, 72% of the West Bank is considered Israeli "state lands."

Settlements. More than 200 settlements have been constructed in the Occupied Territories. According to the Israeli Central Bureau of Statistics, about 470,000 Israelis have moved across the 1967 boundaries (285,000 in the West Bank, 185,000 in East Jerusalem). The major goal of the settlement enterprise, together with laying an exclusive Jewish claim to the entire country, is to preclude the establishment of a viable Palestinian state. The settlements, the infrastructure serving them, the "Separation Barrier" necessary to protect all that plus large army bases and closed military areas have created Israeli-controlled territorial contiguity – today encapsulated in seven major settlement "blocs" – while fragmenting Palestinian areas into dozens of isolated enclaves.

Carving the Occupied Territories into small, disconnected and impoverished enclaves. With the signing of Oslo II in 1995, the Occupied Territories, which had been coherent geographical areas and whose integrity Israel was bound to respect, were atomized into more than 70 enclaves. The West Bank was divided into 64 islands: Areas A, B and C, plus a large "nature preserve" in the Judean Desert. Tiny Gaza, one of the most densely packed places on earth, was severed into four areas – Yellow, Green, Blue and White – with Israel keeping control of 40%, especially along the coastline, until Israel's "disengagement" in 2005. Many other devices further dismembered the Palestinian territories. Hebron was divided into "H-1" and "H-2," with 30,000 Palestinians living in the expanded Israeli-controlled section because of 400 settlers. In Jerusalem, most of the Palestinian lands in the eastern part of the city were declared "open green spaces" in which Palestinians were forbidden to build. Thus the Palestinians constitute a third of Jerusalem's population but only have access to 7% of the urban land for residential and community purposes. "Nature preserves," closed military areas and security zones further locked Palestinians into islands encircled by the Israeli Matrix. Even seemingly innocuous holy places such as the Cave of the Patriarchs in Hebron, Joseph's Tomb in Nablus, a synagogue in Jericho and various sites around Jerusalem serve as pretexts for maintaining an Israeli "security presence," and hence military control reinforced by settlements. On the pretext of "securing" Rachel's Tomb in Bethlehem, Israel's Separation Barrier has incorporated it into Jerusalem proper.

A massive system of 29 highways and by-pass roads has been constructed, mostly during the Oslo peace process. These highways, lined on both sides with "sanitary" margins that eliminate all Palestinian homes, fields and orchards in their path, are 300 miles in length and three to four football fields wide. Incorporating the West Bank into Israel's national highway system, they make it impossible to detach the Palestinian territories from Israel proper. The highways and "by-pass roads" create ribbons of fluid movement for settlers in and out of Israel while presenting formidable barriers to Palestinian movement.



The "Separation Barrier." One of the most dramatic developments in Israel's Matrix of Control has been the construction of a massive barrier along almost the entire length of the western West Bank (Gaza was already fenced in during the late 1980s), with a possible extension to the east as well (Map 7). Construction of the Barrier began in June 2002. Officially named a "separation barrier" since it is intended to separate Jewish from Palestinian populations, it extends more than 680 kms (450 miles), encircling in a complex series of secondary barriers about 17% of the West Bank. An electronic fence fortified by watchtowers, sniper posts, mine fields, a ditch four meters deep, barbed wire, security perimeters, surveillance cameras, electronic warning devices and patrols of killer dogs along most of its length, the Barrier, upon approaching Palestinian cities, towns and neighborhoods, becomes a wall of solid concrete 8 meters (26 feet) in height.

Built to include the major settlement blocs and Greater Jerusalem (80% of the settlers fall on the Israeli side of the Barrier), it adversely affects 875,000 Palestinians: 263,000 are permanently confined to small encircled enclaves; 210,000 Palestinian residents of East Jerusalem are isolated from wider West Bank society; 402,000 Palestinians are enclosed in West Bank cantons. The Barrier de facto annexes 25-45% of the West Bank, including some of its richest agricultural and olive-growing land. 100 villages are separated from their agricultural lands. Some 350,000 Palestinians, trapped between the border and the wall, face impoverishment, alienation from their land and water, and eventual transfer. Entire cities like Qalqiliya and Tul Karm have been completely encircled. And the Barrier, described by Israel as a "temporary facility," has cost about \$2 billion.

The wall emerges directly from threats by Labor that it will pursue "unilateral separation" if the Palestinians object to Israeli dictates. The Likud, fearful that "separation" might create a space in which a Palestinian state could emerge, reluctantly accepted the wall's construction on "security" grounds alone. Seeing, however, that it could serve the wider purpose of incorporating the major settlement blocs of the West Bank, as well as "greater" Jerusalem, into Israel proper, Sharon, followed by Ehud Olmert, conceived the route of the Barrier as constituting a new "demographic border" for Israel. Combined with the settlement blocs and Israel's insistence on the Jordan River as its eastern "security border," the Barrier's route defined how Israel would expand eastward onto 85% of historic Palestine while also delineating the three or four "cantons" that could make up a future Palestinian mini-state, or Bantustan, thus conforming to the ideas of a two-state solution while retaining Israeli control of the entire country. Said Ehud Olmert, then Acting Prime Minister after Sharon's stroke, at the Herzliya Conference in January 2006:

[T]here is no doubt that the most important and dramatic step we face is the determination of permanent borders of the State of Israel, to ensure the Jewish majority in the country.... In order to ensure the existence of a Jewish national homeland, we will not be able to continue ruling over the territories in which the majority of the Palestinian population lives. We must create a clear boundary as soon as possible, one which will reflect the demographic reality on the ground. Israel will maintain control over the security zones, the Jewish settlement blocs, and those places which have supreme national importance to the



Jewish people, first and foremost a united Jerusalem under Israeli sovereignty.

Imposing a total "closure." Since the start of the Oslo peace process, a permanent "closure" has been laid over the West Bank and Gaza, severely restricting the number of Palestinian workers allowed into Israel and impoverishing Palestinian society whose own infrastructure Israel has kept under-developed. The closure has many physical forms: permanent checkpoints and terminals, as well as hundreds of semi-permanent and "spontaneous" checkpoints – some 650 obstacles to movement both between Israel and the Occupied Territories and among and within the seventy enclaves. The closure may be more porous one day (a "breathing closure") and the next, without any warning or explanation, prevent any movement (a "strangling closure"). Whatever form it takes, closure prevents the development of a coherent Palestinian economy, wreaks havoc on family and community life, creates constant points of friction and harassment, and precludes the rational planning of one's individual life.

Economic Warfare. Just as the Oslo "peace process" in general preserved Israeli control over the Occupied Territories without constraining settlement or military activities in the slightest, so, too, did the Paris Economic Protocol, signed in 1995 as an annex to the Oslo II agreement, carefully preserve complete Israeli control over the Palestinian economy. Israel's insistence on the right to stop all shipment of goods for security reasons and to hold and check those goods for as long as it wanted all but destroyed Palestinian commerce, as did its sole right to impose closures. The economic closure, deriving its supposed legality from the Paris Protocol, is today virtually total. It prevents Palestinian goods from moving quickly, thus ruining agricultural exports, while undermining the reliability of Palestinian business people to guarantee supply to their customers. It also gives Israel control over the licensing of both industrial and commercial Palestinian enterprises, plus the authority to issue import/export permits, and stipulate which Israeli import agents, clearing/shipping agents and insurance agents must be used, thus creating high transportation, storage, insurance and clearance costs for Palestinian traders. As a result, manufacturing has been reduced to only 10% of the Palestinian economy. Nearly 90 percent of industrial enterprises in the Occupied Territories employ less than five workers each, and 70% of Palestinian firms have either closed or have severely reduced production (UNCTAD 2006).

The economic situation of the Occupied Territories has reached emergency proportions. Unemployment runs to 67% in Gaza, 48% in the West Bank. Seventy-five percent of Palestinians, including two-thirds of the children, live in poverty, on less than \$2 a day, defined by the UN as "deep poverty." More than 100,000 Palestinians out of the 125,000 who used to work in Israel, in Israeli settlements, or in joint industrial zones have lost their jobs (UNCTAD 2006). Half the Palestinian population requires external food assistance to meet their minimal daily food needs, with 30% of Palestinian children under five years of age suffering from malnutrition (Christian Aid 2003; UNCTAD 2006). In the meantime, welfare payments, dependent on tax monies illegally withheld by Israel under the Paris Protocol, have fallen by \$180 million.



Israel also maintains control over utilities (such as water, electricity and phone services) in the Occupied Territories, even though Israel charges exorbitant prices for these utilities, despite the low income of the Palestinians. In fact, they actually pay more for electricity than Israelis. And so, in 2004, Israel confiscated \$15.8 million from humanitarian aid sent to the Palestinians for utility bills owed by Palestinian municipalities (Hever 2005a:7).

The upshot of all this is profound structural imbalances in the Palestinian economy and a high degree of artificial dependence upon Israel. Projected back over the past 40 years, the picture that emerges is one of deliberate de-development. Thus, today, 90% of Palestinian imports are from Israel and 88% of its exports go to Israel. Not only is the Palestinian economy prevented from developing, but it is unprotected from an Israeli economy 60 times its size. By the end of the Oslo “peace process,” the per capita Palestinian GNP had fallen to about one-eighth of what it had been at the beginning, only seven years before. Today, compounded by the siege declared by Israel and the international community in the wake of the election of a Hamas-led government in 2006, the Occupied Territories occupies third place on a list of the thirteen most urgent targets of international aid, all the rest being in Africa.

Construction of seven (of a planned twelve) industrial parks on the “seam” between the Occupied Territories and Israel. At first glance this would seem a positive development. The industrial parks are intended, however, to blunt Palestinian aspirations for self-determination by giving the average worker employment and a living wage. By allowing some of its First World economy to trickle into the Palestinian areas, Israel can rob a Palestinian entity of its economic vitality, guaranteeing its continued dependence on Israel itself. The industrial parks allow Israel’s most polluting and least profitable industries (aluminum factories, metalworks, plastic and chemical concerns, slaughterhouses and the like) to exploit cheap Palestinian labor while denying it access to Israel. Because of lax environmental standards in the Occupied Territories, they also afford continued opportunities to dump industrial wastes into the West Bank and Gaza. As economic anchors, the industrial parks breathe new life into isolated settlements, whose residents manage their plants. A major goal of the industrial parks, now achieved, is the virtual elimination of Palestinian labor in Israel, where it has been replaced by a cheaper source of labor: foreign workers.

Maintaining control over the main aquifers and other vital natural resources of the Occupied Territories. Israel’s Matrix of Control – characterized as a “vertical occupation” by the Israeli architect Eyal Weizman (2007) – extends underground and into the air, as well as over the ground’s surface. In spite of international law that forbids an Occupying Power to utilize the resources of an occupied territory, Israel takes about 30% of its water from the West Bank and Gazan aquifers located under its main settlements. In fact, 80% of the water coming from the West Bank goes to Israel and its settlements; only 20% to its 2.5 million Palestinians. Massive rock quarries, whose materials are used in Israeli settlement and road construction, scar the historic and fragile landscape. And Israel controls the West Bank and Gazan airspace, including its electro-magnetic communications fields, enabling it to control and attack by means of an all-seeing and precise “aerial occupation.”



3. *Bureaucracy, Planning and Law as Tools of Occupation and Control.* In order to render its Occupation even more invisible, to cast it merely as a form of “proper administration,” Israel’s Matrix of Control relies on bureaucratic and legalistic mechanisms that entangle Palestinians in a tight web of restrictions, triggering sanctions whenever Palestinians try to expand their life space. These most subtle of control mechanisms include:

“Orders” issued by the Military Commanders of the West Bank and Gaza. Because an Occupying Power is forbidden by international law to replace the local laws with those of its own, Israel has imposed on the Occupied Territories almost 1400 military orders which, when supplemented by Civil Administration policies, effectively constitute a corpus of law hostile to the Palestinian population and designed to strengthen Israeli political control. Military Order 59 (1967), for example, grants the Israeli Custodian of Abandoned Properties the authority to declare uncultivated, unregistered land as Israeli “state land.” Since Israel refuses to recognize Ottoman- or British-era deeds and Order 291 (1968) stopped the process of land registration, Israel was able to classify a full 72% of the West Bank as “state lands,” making expropriation from their Palestinian owners an easy administrative matter. Order 270 (1968) designated a further million dunams (250,000 acres) of West Bank land as closed “combat zones,” which could then be handed over to settlements or used for Israeli infrastructure. Order 363 (1969) imposed severe restrictions on construction and land use in yet other areas zoned as “nature reserves.” Order 393 (1970) granted any military commander in Judea and Samaria the authority to prohibit Palestinian construction if he believes it necessary for the security of the Israeli army or to ensure “public order.” Order 977 (1982) authorized the Israeli army or its agencies (such as the Civil Administration) to proceed with excavation and construction without a permit, providing an avenue for settlement construction that by-passed legal and planning systems. Hundreds of other military orders prohibit Palestinian building around army bases and installations, around settlements and whole settlement areas, or within 200 meters on each side of main roads. They effectively curb the development of Arab communities and alienate tens of thousands of acres of land from their Palestinian owners.

Administrative measures which severely restrict Palestinian freedom of movement, and which induce emigration. The Civil Administration has divided the West Bank into eight “security zones” between which Palestinians need permits to travel. All the major roads of the West Bank are closed to private Palestinian vehicles. A system of magnetic cards issued to each Palestinian worker tremendously enhances Israel’s ability to monitor or control Palestinian movement. Palestinian residents of Jerusalem who seek affordable housing outside the municipal borders lose their Jerusalem IDs, thus locking them out of the city (and by extension, the entire country of Israel). Thousands of spouses live apart because they cannot get permits for “family reunification.”

“Transfer.” Because Palestinians will outnumber Jews in the area between the Jordan River and the Mediterranean by the end of the decade, Israel considers the “demographic bomb” the greatest threat to its hegemony. To counter this trend, Israel actively pursues policies of displacement: exile and deportation of Palestinians, the revoking of residency rights,



economic impoverishment, land expropriation, house demolitions and other means of making life so unbearable as to induce “voluntary” Palestinian emigration. Schemes of “transfer” have become an acceptable part of Israeli political discourse, being part of the official platforms of several major Israeli parties. Some policies of transfer are straightforward: thousands of Palestinians lose their right to return to the country if they go abroad to study, work or live.

The educated middle classes are targeted in particular, because their removal renders Palestinian society weak and leaderless. But often transfer is carried out in less visible ways. Take Jerusalem as an example, where Israel endeavors to maintain a 72% majority of Jews over Arabs. The municipality uses zoning and expropriation to severely restrict Palestinian construction, enforcing its policies with an aggressive policy of house demolitions. The result is an artificial housing shortage – 25,000 housing units lacking in the Palestinian sector – thereby raising the cost of scarce housing. Since 70% of Palestinians residing in Jerusalem live below the poverty line, they are forced to find affordable housing outside the city borders. Once they have shifted their “center of life” from Jerusalem, the Ministry of Interior revokes their Jerusalem residency, turning them into West Bank residents, thus bolstering the Jewish majority.

Discriminatory zoning and planning policies are ideal vehicles for subtly obstructing the natural development of Palestinian towns and villages – and ultimately inducing emigration – because they hide Israel’s political agenda behind a facade of technical maps, “neutral” professional jargon and seemingly innocuous administrative procedures. Thus Israel has taken two British Mandate planning documents – the Jerusalem Regional Planning Scheme RJ5 (1942) and Samaria Regional Planning Scheme RS15 (1945) – and uses them effectively to freeze Palestinian development in Jerusalem and the West Bank as it was in the 1940s. RS15, for example, zones the entire West Bank as “agricultural land.” Since it severely limits the construction of houses on such land, Israel can effectively deny Palestinians building permits, and demolish their houses if they build “illegally.” A little-noted provision of British planning law gave the District Commission (now the Civil Administration) the “power to grant a relaxation of any restriction imposed by this scheme.” This enables the Israeli authorities to construct hundreds of thousands of housing units for Jews on lands zoned for agriculture, while strictly enforcing the Regional Schemes in the case of the Palestinians. Thousands of Palestinian homes have been demolished by court order, with thousands of demolition orders outstanding (some 22,000 in East Jerusalem alone!).

Administrative restrictions that intrude into every corner of Palestinian life. Control and restrictions penetrate into even the most intimate areas of personal life. Israel fears any kind of Palestinian self-sufficiency that would help the population weather its policies of impoverishment, collective punishment and intimidation. The planting and marketing of Palestinian crops, for example, is severely restricted; Palestinians need permits even to grow vegetable gardens next to their houses! The opening of banks and businesses is severely curtailed, and even seemingly routine practices such as licensing and inspection



of Palestinian businesses are exploited as a way to harass businesspeople and stunt the local economy.

To all of this must be added the “collateral damage” generated by the Matrix of Control, the debilitating costs of life under occupation.

The Matrix of Control, then, conceals behind a façade of seemingly innocuous administrative devices and ostensibly justified military and physical constraints a repressive regime intended to permanently deny the Palestinians self-determination, citizenship and basic human and civil rights. It lowers the military profile of the army and its “Civil Administration,” thereby giving the impression that the Palestinians are merely resisting “proper administration.” By resorting to public displays of military control only when the Palestinians revolt against the Occupation, as in the two Intifadas, Israel is able to shift the blame for the “violence” onto the Palestinians. The Occupation disappears, the Palestinians are successfully portrayed as mere “terrorists,” Israel’s military repression comes off as merely “self-defense,” and Israel preserves its image as the only peace-loving state in the region. The Matrix allows Israel to appear forthcoming – as in Barak’s mythical “generous offer” of 95% – whereas in reality Israel retains control, ensuring that a Palestinian state will be neither economically viable nor truly sovereign. The Matrix of Control represents the most sophisticated expression of the “Iron Wall,” the Zionist doctrine that says the Arabs will submit to Jewish domination only when it has become so overwhelming, so permanent, that they will despair of ever having a viable state of their own. Laid out on a map (see Map 10), the Matrix clearly defines the outlines of a dependent mini-state, a Bantustan.



DEMOLISHING HOMES, DEMOLISHING FAMILIES, DEMOLISHING PEACE

Why the Focus on House Demolitions?

ICAHN has been working on the issue of house demolitions since 1997. Every time we think: “OK, we’ve exhausted the subject, let’s go on to other, perhaps more pressing issues,” the wholesale destruction of Palestinian homes returns to the center of the conflict with a vengeance. It happened in the Jenin refugee camp in March 2002. There, at the onset of Operation Defensive Shield, the indomitable drivers of the massive D-9 Caterpillar bulldozers, army reservists, labored for three days and nights without getting down from their cabs. More than 300 homes in the densely packed camp were razed. The once lowly bulldozer drivers became the heroes of the invasion, earning medals of valor from the army command. Said one driver, Moshe Nissim, who did not get down from the cab of his two-story D-9 Caterpillar bulldozer for 75 hours straight:

For three days I just erased and erased. The entire area. I took down any house from which there was shooting. To take it down, I would take down several more. The soldiers warned with a speaker, that the tenants must leave before I come in, but I did not give anyone a chance. I did not wait. I didn’t give one blow, and wait for them to come out. I would just ram the house with full power, to bring it down as fast as possible. I wanted to get to the other houses. To get as many as possible. Others may have restrained themselves, or so they say. Who are they kidding? Anyone who was there, and saw our soldiers in the houses, would understand they were in a death trap. I thought about saving them. I didn’t give a damn about the Palestinians, but I didn’t just ruin with no reason. It was all under orders.

Many people were inside houses we set to demolish. They would come out of the houses we were working on. I didn’t see, with my own eyes, people dying under the blade of the D-9, and I didn’t see houses falling down on live people. But if there were any, I wouldn’t care at all. I am sure people died inside these houses, but it was difficult to see, there was lots of dust everywhere, and we worked a lot at night. I found joy with every house that came down, because I knew they didn’t mind dying, but they cared for their homes. If you knocked down a house, you buried 40 or 50 people for generations. If I am sorry for anything, it is for not tearing the whole camp down.

I didn’t stop for a moment. Even when we had a two-hour break, I insisted on going on.... I had plenty of satisfaction. I really enjoyed it. I remember pulling down a wall of a four-story building. It came crashing down on my D-9. My partner screamed at me to reverse, but I let the wall come down on us. We would go for the sides of the buildings, and then ram them. If the job was too hard, we would ask for a tank shell. I couldn’t stop. I wanted to work and work. There was this officer who gave us orders by radio – I drove him mad. I



kept begging for more and more missions. On Sunday, after the fighting was over, we got orders to pull our D-9's out of the area, and stop working on our 'football stadium', because the army didn't want the cameras and press to see us working. I was really upset, because I had plans to knock down the big sign at the entrance of Jenin – three poles with a picture of Arafat. But on Sunday, they pulled us away before I had time to do it.

I had lots of satisfaction in Jenin, lots of satisfaction. I kept thinking of our soldiers. I didn't feel sorry for all those Palestinians who were left homeless. I just felt sorry for their children, who were not guilty....(quoted in "7 Days," Yedioth Ahronoth Supplement, May 31, 2002)

(Amnesty International (2004:4) comments on this: "The largest single wave of destruction carried out by the Israeli army was in the Jenin refugee camp in April 2002. The army completely destroyed the al-Hawashin quarter and partially destroyed two additional quarters of the refugee camp, leaving more than 800 families, totaling some 4000 people, homeless. Aerial photographs and other evidence show that much of the house destruction was carried out after clashes between Israeli soldiers and Palestinian gunmen had ended and Palestinian gunmen had been arrested or had surrendered.")

House demolitions achieved prominence again in the spring and summer of 2003 when the Civil Administration demolished more than 180 shops and houses in the border village of Nazlat Issa, one of the few places where Israelis and Palestinians shopped together. It happened on a more massive scale in Gaza. Some 2000 homes were demolished during the second Intifada, the vast majority in the Rafah, Jabalyah and Khan Yunis refugee camps. And it happened on December 1, 2004, when the house of the Sharaan family – a destitute family of nine, including an elderly grandmother, living in a concrete block shack on a lonely wind-swept hill in East Jerusalem – was demolished by the municipality. It was the 121st Palestinian home demolished in Jerusalem that year. In the space of three weeks, during the assault on Gaza (December, 2008-January, 2009), another 4000 Palestinian homes were completely demolished, and 17,000 more severely damaged or made uninhabitable.

All this, we have noted, takes place against the background of Israel's systematic destruction of tens of thousands of Palestinian homes in villages, towns and urban neighborhoods throughout what became after 1948, as well as its ongoing policy of demolishing thousands of more homes of Arab Israeli citizens in what are known as "unrecognized villages." Indeed, house demolitions seems something of a national obsession, the most concrete expression of Israel's declared policy of "judaizing" the country.

Although exact figures are impossible to arrive at, the stages in Israel's demolition campaign are as follows:

Stage 1: Inside Israel (1948-1960s)

Between 1948 and into the 1960s Israel systematically demolished between 531 Palestinian villages and eleven urban neighborhoods inside of what became the State of Israel, two-



thirds of the villages of Palestine (Pappe 2006). This was not done in the heat of battle, but well after the residents fled or were driven out, so that the refugees could not return and their lands could be turned over to the Jewish population.

Stage 2: In the Occupied Territories (since 1967)

At the very start of the Occupation in 1967 the policy of demolition was carried across the “Green Line” into the West Bank, East Jerusalem and Gaza. As of 2009, more than 24,000 Palestinian homes have been destroyed – homes, we must add, of people who had already lost their homes inside Israel in 1948 and after.

At least 6000 houses were demolished immediately following the 1967 war. Four entire villages were razed in the Latrun area (now known as “Canada Park”), while dozens of ancient homes were destroyed in the Mughrabi Quarter of Jerusalem’s Old City to create a plaza for the Wailing Wall.

In 1971, Ariel Sharon, then Commander of the Southern Command, cleared 2000 houses in the Gaza refugee camps – some say 6000 – to facilitate military control. (Since he was elected Prime Minister in early 2001 he has overseen the demolition of another 1500 homes in Gaza.)

At least 2000 houses in the Occupied Territories were destroyed in the course of quelling the first Intifada in the late 1980s and early ‘90s.

Almost 1,700 Palestinian homes in the Occupied Territories were demolished by the Civil Administration during the course of the Oslo peace process (1993-2000)

Since the start of the second Intifada in September 2000, between 4000-5000 Palestinian homes were destroyed in military operations, including hundreds in Jenin, Nablus, Ramallah, Bethlehem, Hebron and other cities of the West Bank, more than 2500 in Gaza alone. Tens of thousands of other homes were left uninhabitable. Altogether around 50,000 people were left homeless (Human Rights Watch, Razing Rafah, October 2004). Hundreds of shops, workshops, factories and public buildings, including all the Palestinian Authority ministry offices in all the West Bank cities, were also been destroyed or damaged beyond repair. According to Amnesty International more than 3000 hectares of cultivated land – 10% of the agricultural land of Gaza – was cleared during this time. Wells, water storage pools and water pumps which provided water for drinking, irrigation and other needs for thousands of people, were also destroyed, along with tens of kilometers of irrigation networks.

During the same period about 900 Palestinian homes were demolished by the Civil Administration for lack of proper permits.

More than 628 Palestinian homes were demolished during the second Intifada as



collective punishment and “deterrence” affecting families of people known or suspected of involvement in attacks on Israeli civilians. On average 12 innocent people lost their home for every person “punished” for a security offense – and in half of the cases the occupants had nothing whatsoever to do with the acts in question. Though the Israeli government insisted that it pursued this punitive to “deter” potential terrorists, 79% of the suspected offenders were either dead or in detention at the time of the demolition (B’tselem Summary 2004:1,3).

In sum, during the second Intifada (September 2000-2004), 60% of the Palestinian homes demolished in the Occupied Territories had been destroyed as part of military “clearing operations;” 25% were demolished as being “illegal,” not having permits; and 15% for collective punishment (B’tselem Summary 2004:2)

Since the end of the Second Intifada (2005-2009), another 900 homes have been demolished by the Civil Administration for lack of proper permits (see Appendix 1).

During the invasion of Gaza in December 2008-January 2009, according to the UN organization OCHA, 4,247 homes were demolished and almost 15,000 damaged, many of them rendered uninhabitable.

Stage 3: Back Inside Israel (1990s-present)

Throughout Israel proper, in the “unrecognized” Palestinian and Bedouin villages, as well as in the Palestinian neighborhoods of Ramle, Lod and other Palestinian towns, houses continue to be demolished at an ever accelerating rate. Some 100,000 “internal refugees” from 1948 and their families still live in more than 100 “unrecognized villages” located in the vicinity of their now-destroyed villages, where they suffer from inadequate living conditions and constant threats of demolition. Entire Bedouin villages in the Negev, numbering some 60,000-70,000 residents, are threatened with demolition. Indeed, whereas Arabs comprise almost 20% of the population of Israel, they are confined by law and zoning policies to a mere 3.5% of the land. In mid-2004 the Israeli government announced the formation of a “Demolition Administration” in the Ministry of Interior to oversee the demolition of these homes of Israeli Arab citizens – between 20,000-40,000 in number.

Palestinian homes are demolished for various and sundry reasons: the land they own has been declared by Israel “agricultural land” or “open green space;” they have no building permit (which the Israeli authorities refuse to grant Palestinians); the slope of their land is adjudged as “too steep;” their houses are too near settlements or Israeli-only highways (although the houses were there first); out of collective punishment for some action the punished people had nothing to do with; the “clearing” of vast tracts of land for military/security purposes; destruction for the sake of expanding roads, settlements and the “Separation Barrier;” houses “cleared” to make passage safe for settlers or for other security purposes; homes representing “collateral damage;” and more.



The policy of house demolitions uses administration, planning, zoning and the law for overt political purposes: to quietly transfer Palestinians out of the country or, alternatively, to confine them to small enclaves, thereby leaving the land (their land) free for Israeli settlement and annexation. Most people think, of course, that Palestinians houses are demolished because their inhabitants performed some terrorist acts. This is not the case. In fully 95% of the cases the residents had absolutely nothing to do with security offenses: they neither committed illegal acts nor were even accused of doing so. (It should be noted, however, that demolishing homes belonging to families of terrorists is a form of collective punishment against innocent people that itself constitutes a war crime.)

The actual demolition of homes is only part of the story, of course. We must also take into account the tens of thousands of Palestinian families who own land and possess the financial resources to build modest homes who do not do so because they cannot obtain permits and do not want to risk demolition. In the Palestinian sector of East Jerusalem alone there are 25,000 “missing” housing units – a completely artificial and induced housing shortage that condemns thousands of families to crowded and inadequate living conditions. Again, this is part of what Israel calls “the quiet transfer,” making life so difficult for the Palestinians that they will leave the country altogether.

The vacuum created by halting Palestinian construction is filled, of course, by Israel itself. Amidst the demolitions, some 150,000 housing units have been built for the 450,000 Israeli Jews living across the 1967 border.

The Message of the Bulldozers

Israel’s policy of house demolitions certainly plays a key role in maintaining the Occupation by confining the Palestinians to small islands, or driving them from the country altogether. But it goes beyond the Occupation, to the very heart of the conflict itself. This became clear to us when we began asking Why? Why does Israel pursue its house demolition policy so aggressively, even during times of negotiations when one would expect a more gracious approach towards its Palestinian interlocutors? Why does it remain at the center of the conflict?

To answer this question we must realize that the house demolition policy did not originate with the Occupation in 1967. The British Mandate authorities demolished Palestinian homes before 1948 as forms of “deterrence” against attacks, appreciative of the fact that this was the most painful punishment for Arabs (and, probably, for anyone). It was Israel, however, that applied the house demolition policy widely and systematically. House demolitions have stood at the center of Israel’s approach to “the Arab problem” since the state’s conception. The house demolition policy goes far beyond mere administrative and military means to contain or force out an entire population. In the aggregate, from 1948 till the present, it represents a policy of displacement, of one people dispossessing another, taking both their lands and their right to self-determination. Since people cannot survive



or function without a house, the Message of the Bulldozers is clear: "Get out. You do not belong here. We uprooted you from your homes in 1948 and prevented your return, and now we will uproot you from all of the Land of Israel."

ICAHD resists demolitions of all kinds. As Israelis we block bulldozers coming to demolish, we chain ourselves in the houses, we conduct campaigns to mobilize opposition to the policy in Israel and abroad, we turn to the courts and, when demolitions finally occur, we rebuild demolished homes with the Palestinians as political acts of solidarity and resistance. We have come to see house demolitions as the very essence of the conflict between our two peoples: Israel's exclusive claim to the entire country in the name of the Jewish people at the expense of another people living in the country, a people being dispossessed by our own country. This is what gives the policy of house demolitions its special significance. When, as Israelis, we resist home demolitions and rebuild demolished homes as acts of civil disobedience, we are acknowledging the rights of both people to share the country. We are affirming our recognition that Palestinian claims carry equal authority to our own. And we are proclaiming loudly: We refuse to be enemies!

What is the Process of Demolition?

The motivation for demolishing Palestinian homes is purely political, although it employs an elaborate system of planning, laws and administrative procedures to lend it a proper facade. The goal is to confine the 3.6 million Palestinians of the Occupied Territories, together with the million Palestinian citizens of Israel, to small enclaves on only about 8% of the country – rising to 15% if a truncated Palestinian mini-state is established. In this way, Israel can effectively control the entire country, Palestinian state or not.

When homes are demolished in military actions or as acts of deterrence and collective punishment, there is no process. No formal demolition orders, no warning, no time to remove furniture or personal belongings, often barely time to escape the home falling down around your ears. This can happen to your home, or to the home of a neighbor whom the Israeli authorities have targeted. Nuha Maqqdmeh Sweidan, a Gazan mother of 10 and nine months pregnant, was killed when the house next to hers was dynamited by Israeli troops. "We were in bed, the children were asleep," her husband related to Amnesty. "There was an explosion and walls collapsed on top of us. I pulled myself from under the rubble....I started to dig in the rubble with my hands. First I found my two little boys and my three-year-old girl....One by one we found the other children, but my wife remained trapped under the rubble with our youngest daughter, who is two. She was holding her when the wall fell on her...." (Beit Arabiya is dedicated to the memories of Nuha and Rachel Corrie.) Writes Amnesty in its report *Under the Rubble* (2004:3):

The Israeli authorities claim that these demolitions are not intended as punishment, but rather to "deter" Palestinians from getting involved in attacks. Israel has never destroyed the homes of Israeli Jews who committed serious attacks, such as the murder of Prime



Minister Rabin, or bomb attacks against Palestinians or Israeli Arabs. These punitive forced evictions and house demolitions are a flagrant form of collective punishment and violate a fundamental principle of international law, which stipulates that collective punishment is never permissible under any circumstances.

On August 6, 2002, the Israeli High Court of Justice gave its consent to demolishing houses of families of people accused of terrorism without warning or a chance to appeal to the court. From that time until the Ministry of Defense itself, in early 2005, ended its policy of punitive demolitions, 620 homes were demolished without recourse to the Israeli legal system.

Demolitions are executed for “administrative” reasons (lack of a permit) by the Civil Administration in the West Bank and Gaza, by either the Ministry of Interior or the Jerusalem municipality in East Jerusalem. Regardless, the overall process is similar. Master plans and zoning regulations have been carefully prepared so as to limit Palestinian building, all carefully based on legal requirements. The entire West Bank has been designated “agricultural land,” while most of the unbuilt-upon land owned by Palestinians in East Jerusalem has been zoned as “open green space.” In both cases it is therefore possible to deny building permits to Palestinians on supposedly professional planning grounds and, if they nevertheless build on their own land (everyone must live somewhere), to demolish their “illegal” homes without appearing to discriminate. (While Jews may in rare cases receive a demolition order for an illegal porch or shed, there has never been a Jewish house demolished in either Jerusalem or the Occupied Territories, the removal of a few temporary trailers set up by settlers on remote hillsides excepted.) And the policy is explicit: “Our policy is not to approve building in Area C,” an Israeli Army spokesperson said openly to Amnesty International delegates in 1999. “There are no more construction permits for Palestinians,” reiterated Colonel Shlomo Politus, legal advisor to the Civil Administration, to the Israeli Parliament on 13 July 2003 (Amnesty 2004:4).

Since Palestinians do not have home mail delivery (including in East Jerusalem), demolition orders are distributed in a very haphazard manner. Occasionally a building inspector may knock on the door and hand the order to anyone who answers, including small children. More frequently the order is stuck into the doorframe or even left under a stone near the house. On many occasions Palestinians have complained that they never received the order before the bulldozers arrived, and thus were denied recourse to the courts. In Jerusalem a favored practice is to “deliver” an order at night by placing it somewhere near the targeted home, then arriving early in the morning to demolish. ICAHD has a case pending against David Schneider, the chief building inspector of the Ministry of Interior, who makes it a practice to keep lawyers or families who have obtained a last-minute injunction from the court from approaching him until the demolition has been completed.

If they do manage to reach the court in time, Palestinians may occasionally delay the order’s execution (at considerable expense). We are not aware, however, of any order that has actually ever been overturned. Once it is affirmed, the bulldozers may arrive at any time



– the same day, weeks or years later, or never. Palestinians, barred from any possibility of obtaining decent, affordable and legal housing, do a simple, cold arithmetic: thousands of demolition orders are outstanding, the various Israeli authorities destroy “only” 200-500 homes a year (military attacks and punitive demolitions aside), so if I build the chances are that I might buy a year or two or three before the bulldozers arrive. As in a perverse reverse lottery, I might even “win” and escape demolition altogether.

This gamble comes at a high emotional cost as well as financial. Imagine the anxiety families endure during the weeks, month and years of waiting for bulldozers to arrive. “My morning routine,” says Neimah Dandis, whose home in Anata was finally demolished in November 2004 after a wait of eight years, “consisted of getting out of bed, going to the window to see if the bulldozers were approaching, then going to the bathroom.” Whether the home is demolished or not, the psychological tensions often lead to stress-related health problems, domestic violence and trauma, all aggravated by poor living conditions and financial strain. Men who fear for the safety of their homes and their families often quit their day jobs to be present if the bulldozers come. The Israeli authorities know all this and even incorporate it into the “planning” process. ICAHD members have been told explicitly by legal officials in the Civil Administration that fear and intimidation are effective in deterring Palestinians from building.

When the dreaded day finally arrives, it does so almost without warning. Though families know their homes are targeted, actual demolitions are carried out at random, without pattern, and can strike anywhere at any time. (Normally demolitions do not occur on Fridays or Saturdays due to the Jewish Sabbath, or on Jewish holidays. These are the only times Palestinians can truly relax – an ironic twist on the idea of the “Day of Rest.”) Randomization is part of the generalized fear that underlies the policy of “deterrence.” The wrecking crews, accompanied by tens of soldiers, police and Civil Administration officials, usually come in the early morning hours just after the men have left for work. The family is sometimes given a few minutes to remove their belongings before the bulldozers move in, but because family members and neighbors usually put up some kind of resistance – or at least protest – they are often removed forcibly from the house. Their possessions are then thrown out by the wrecking crews (often foreign guest workers). Amnesty’s report *Under the Rubble* (2004:4) relates the story of As’ad Mu’yin and his cousin Ziad:

On 21 August 2003, on the morning of his wedding, As’ad Mu’yin had his house demolished; the house of his cousin Ziad As’ad, who had married a week earlier, was demolished at the same time. The two adjacent houses were in the West Bank town of Nazla ‘Issa. As’ad Mu’yin had been living on the ground floor of the house with his parents and three brothers and had furnished and prepared the second floor to move in with his wife. The house was demolished before he could do so. The new furniture and the wedding gifts disappeared under the rubble, along with the content of the family home on the ground floor. He told Amnesty International: *“The army came early in the morning, at about 7am. I was getting ready for the wedding, for a very happy day. They had bulldozers ...they gave us 15 minutes to leave the house. We had no time to salvage anything. They said that we did not*



have building permits.... But everyone knows that Israel does not give building permits to Palestinians in Area C."

In addition to the emotional suffering of seeing their most personal possessions broken, ruined and thrown out in the rain, sun and dirt, demolitions constitute a serious financial blow, especially to the poor families who make up the vast majority of demolition victims. About 70% of Palestinians living in both Jerusalem and the West Bank/Gaza live below the poverty line. Families whose monthly income is around \$500 are burdened by the Israeli courts with hefty fines in the range of \$10-20,000, to be paid in monthly installments whether the house is demolished or not. In Jerusalem families must also pay for the demolition of their own homes; at the end of the demolition they are presented with the wrecking company's bill, around \$1500.

When the bulldozer finally begins its systematic work of demolition, the whole process takes between five minutes (for a small home of concrete blocks) to six hours (for a five story apartment building). At times demolition is resisted amidst violence; people are beaten, jailed, sometimes killed – and always humiliated. At other times the family and their neighbors watch sullenly as their home is reduced to rubble. One can only imagine their feelings and thoughts.

House Demolitions in Jerusalem

A key "front" in the struggle to contain or expel Palestinians is Jerusalem, and especially "East" Jerusalem where some 200,000 Palestinians reside. Although Israel insists that the city is now "united," deriving its legitimacy from its history as Israel's capital, "East" Jerusalem is in fact a fiction. During Jordanian rule (1948-1967), the Arab city of Jerusalem consisted of only six square kilometers – the Old City and its immediate surroundings. To this, Israel added another 64 square kilometers of West Bank land, gerrymandered to include as much unbuilt upon land as possible for future Israeli settlements while excluding large Palestinian populations, calling the whole "united Jerusalem." Since that time all urban policy has been directed towards maintaining an artificial 72%-28% majority of Jews over Arabs, the proportion that existed when the two sides of the city were unilaterally "united" in 1967. A complex system involving the partisan use of planning and zoning mechanisms, of land expropriation and house demolitions, of bureaucratic means of revoking Jerusalem residency has been developed to ensure the "Jewish character" of the city. In Jerusalem, explains Amir Cheshin, the long-serving Advisor on Arab Affairs for the Jerusalem Municipality under Kollek and, for a time, under Olmert,

Israel turned urban planning into a tool of the government, to be used to help prevent the expansion of the city's non-Jewish population. It was a ruthless policy, if only for the fact that the needs (to say nothing of the rights) of Palestinian residents were ignored. Israel saw the adoption of strict zoning plans as a way of limiting the number of new homes built in



Arab neighborhoods, and thereby ensuring that the Arab percentage of the city's population - 28.8% in 1967 - did not grow beyond this level. Allowing "too many" new homes in Arab neighborhoods would mean "too many" Arab residents in the city. The idea was to move as many Jews as possible into east Jerusalem, and move as many Arabs as possible out of the city entirely. Israeli housing policy in east Jerusalem was all about this numbers game (Cheshin et al. 1999:10, 31-32).

Despite this, the Jewish majority has dwindled to about 66%.

Palestinian residents of "East" Jerusalem are confined to highly circumscribed parts of "East" Jerusalem. Since 1967, 35% of the Arab-owned land of "East" Jerusalem has been expropriated for Israeli settlements, roads and other facilities, while another 54% of Palestinian-owned land, designated as "open green space" reserved for "public purposes," is forbidden for Palestinian construction). Cheshin writes:

Planners with the city engineer's office, when drawing the zoning boundaries for the Arab neighborhoods, limited them to already built-up areas. Adjoining open areas were either zoned "green," to signify they were off-limits to development, or left unzoned until they were needed for the construction of Jewish housing projects. The 1970 Kollek plan contains the principles upon which Israeli housing policy is based to this day - expropriation of Arab-owned land, development of large Jewish neighborhoods in east Jerusalem, and limitations on development in Arab neighborhoods (Cheshin 1999:37).

That leaves only 11% of East Jerusalem available for Palestinian housing and communal needs, only 7% of the city's total urban space.

This set the stage for what in Israel is known as the "Quiet Transfer." The goal is to confine Palestinians to small enclaves of "East" Jerusalem, to remove them from the city altogether, and ultimately to induce their emigration from the country. The system works like this:

Since Palestinian residents of Jerusalem cannot acquire permits to build on the 89% of "East" Jerusalem that they own, some 25,000 housing units are currently lacking in the Palestinian sector. Since the Palestinians own land and have the resources to build at least modest homes, the shortage is artificial and induced, a way to force Palestinians out of the city.

The scarce stock of housing in "East" Jerusalem thereby raises the price of buying or renting to unaffordable levels. 70% of the Palestinian residents of "East" Jerusalem live below the poverty line. In order to secure affordable housing, they must cross the city's boundaries to less expensive accommodations found in the West Bank – in Palestinian areas that were cut out of the municipal borders in 1967.

Unlike Jewish residents of the city, Palestinians wishing to retain their Jerusalem residency must continually prove to the Israeli Ministry of Interior that Jerusalem remains their "center



of life." Moving to affordable housing just beyond the municipal border invalidates that status, leading the Interior Ministry to revoke the Jerusalem residency of those "emigrants." It is estimated that since 1967 about 6000 Jerusalem ID cards have been confiscated, forcing some 25,000 Palestinian Jerusalemites into exile or illegal residency in their own homes. Thousands of other Palestinian Jerusalemites cannot obtain permission for their spouses coming from other places to reside in the city.

According to B'tselem (1998), Israel's policy in East Jerusalem works as follows:

The Jerusalem Municipality expropriates land, prevents preparation of a town planning scheme for Palestinian neighborhoods, and refuses to grant building permits, CAUSING a severe housing shortage, FORCING residents to build without a permit, AFTER WHICH the Ministry of Interior and the Municipality demolish the houses, SO the residents move into homes outside the city, AND THEN the Ministry of Interior revokes their residency and banishes them from the city forever.

Refusal to issue building permits confines Palestinians to small patches of "East" Jerusalem. In order to give "teeth" to its hostile zoning practices, the Jerusalem Municipality, together with the Ministry of Interior, demolishes "illegal" Palestinian houses. (Except for an occasional porch or other minor addition, Jewish-Israeli homes are never demolished, although 80% of the building violations take place on the western side of the city.) Thus, despite an induced shortage of 25,000 units, the Municipality grants only between 150-350 permits a year for Arab housing and demolishes 20-50 homes a year. 8000 Palestinian housing units have been declared "illegal;" some 2000 demolition orders are outstanding. According to the Jerusalem Municipality itself, 335 Palestinian houses have been demolished in "East" Jerusalem in the past decade; none in Israeli "West" Jerusalem.

Because of the protests the house demolition policy arouses in Israel and abroad, the authorities cannot demolish the thousands of houses they would like to. They have therefore adopted a policy of "randomization." In order to diffuse the fear of demolition and deter Palestinians from building altogether, houses are demolished throughout "East" Jerusalem in a completely unpredictable way. Thus someone receiving a demolition order might have his or her home destroyed immediately, while a neighbor might live for a year, or five, or forever, in a home that received a demolition order long before. Besides the financial ruin of the demolition itself, Palestinian families are required to pay fines of up to \$25,000 and even to pay for the cost of demolishing their own houses (some \$1500). This "deterrence" factor requires us not only to look at the number of houses actually demolished or the houses built "illegally," but also at the thousands of needed houses not built by Palestinians on their own land out of fear of demolition.

Permits, even when possible to acquire, are far too expensive for the average Palestinian resident. Because Jews do not own land privately in Israel, all construction is based on commercial considerations. Thus the government will release a certain amount of "state land" for a new neighborhood, and contractors bid on rights to build hundreds of



apartment units. Costs involved in acquiring permits, often reaching \$20,000-60,000 (fees, surveys, engineering plans, connection to infrastructure), are simply built into the price of the many units. In places where the government wishes to encourage construction (the large settlements in East Jerusalem), fees are often waived entirely and building costs are subsidized to make the housing units affordable. None of this exists in the Palestinian sector, where most building is done for private family needs. Palestinians must not only assume the astronomical costs of securing the permit and connecting to the infrastructure, but their costs are often higher, since their residences are far from the Israeli infrastructure, making connection to sewage, electricity, water and telephone lines prohibitive.

Even securing a building permit does not guarantee adequate housing, however. While Israeli contractors are allowed to build hundreds of percent the size of the property (that is, two to six or more stories), Palestinian building is confined to just 25% of their land. Jewish-Israelis, then, are able to acquire roomy apartments in medium- or high-rise buildings, or are able to purchase spacious “villas,” (some of them, ironically, marketed as “Arab-style” housing), while Palestinians with large families are forced to live in small single-story houses. Additional rooms added as the family grows – or because of the inability of married sons to obtain building permits for their own families – are often demolished. Palestinians thus suffer from overcrowded conditions: 2.2 persons per room on the average for Arabs; 0.8 person per room in the Jewish sector.

Although Palestinians are confined to 7% of the city’s urban area in inadequate housing, Jewish-Israelis have access to spacious accommodation on both the eastern and western sides of the city. Between 1967-2003, some 90,000 housing units were built in East Jerusalem for Jews, almost all with government subsidies. None were built for Palestinians with public financing. New settlements arise regularly, on confiscated Palestinian land: for the Har Homa project separating Jerusalem from Bethlehem; for expansion of existing settlements; for 17 new settlements to be established around the Old City (in Silwan, now named by the Israelis “the City of David;” in Sheikh Jarrah; in Ras el-Amud, in Kidmat Tzion (the “front-line of Zion) in Abu Dis, in “Nof Zahav” in Jabal Mukaber, among others); and in the Old City itself, where Ateret Cohanim, a religious-messianic-settler organization seeking to expel the Muslim population from the Old City altogether, has been given license and resources to carry out its program.

Discrimination against Palestinians exists also in the provision of municipal services. The Palestinian population comprises some 30% of the city’s population but receives only 8-11% of the municipality’s budget. Much of East Jerusalem is lacking such basic services as sewage systems, roads, parks, lighting, post offices, schools and community services.

The “neighborhoods” built on “East” Jerusalem serve to isolate Palestinian populations in small and disconnected enclaves, and to prevent the development and expansion of the Palestinian side of the city. Together with a new system of Israeli “ring roads” and the creation of a “Greater” Jerusalem enveloped by a wall, Jerusalem is being transformed from a city into a region dominating the entire central portion of the West Bank.



What Does It Mean to a Palestinian Family to Have Its Home Demolished?

The human suffering entailed in the process of destroying a family's home is incalculable. A home is not only a physical structure; it is the center of our lives, the site of our most intimate personal life, an expression of our identity, tastes and social status. It is a refuge, a physical representation of the family, an extension of our very selves. It is "home." For Palestinians, homes carry additional meanings. Upon marriage, sons construct their homes close to that of their parents, thus maintaining not only a physical closeness but continuity on one's ancestral land. The latter aspect is especially important in the world of farmers, and even more so as Palestinians have faced massive displacement in the past half century. Land expropriation is another facet of home demolition, an attack on one's very being and identity.

Demolition is an experience different for men, women and children. Men are probably the most humiliated, since demolition means you can neither protect your family nor provide for their basic shelter and needs. It also means losing a living connection to your family land, your personal patrimony and that of your people. Men often cry at demolitions (and long after), but they are also angered, swear revenge and intend to build again (although some men withdraw emasculated from active family life). Since men usually have jobs and access to the world outside the home, they also have a certain outlet for their frustrations.

Demolitions alter, even destroy, a woman's entire persona and role in the family. Palestinian women generally do not have careers outside the home. Their identity and status as wives, mothers and, indeed, persons is wrapped up in their domestic life. When their homes are demolished, women often become disoriented, unable to function without that organizing domestic sphere. Some sink into a kind of mourning, although in some cases, especially if the husband has withdrawn, they take on more assertive roles in the family. Demolition represents a double tragedy for women. Not only do they lose their own domestic space, but they are forced to move into the homes of other women, their mothers- or sisters-in-law. The overcrowding and tension this generates is exacerbated by the fact that the "guest" woman has little control over the domestic sphere, over the care of her own husband and children, further diminishing her role and status. In many cases this results in severe tensions within the families, including domestic violence spawned by the wife's demands (even unspoken) for a home of her own, and the husband's inability to provide it. Eventually families may move into their own rented quarters – another expense – or even rebuild their home, having no choice but to risk another demolition. Whatever the case, for many women a demolished home, like a loved one, can never be replaced, and the wound never heals.

For children, the act of demolition – and the months and years leading up to it – is a time of trauma. To witness the fear and powerlessness of your parents, to feel constantly afraid and insecure, to see loved ones (relatives and neighbors) being beaten and losing their homes, to experience the harassment of Civil Administration field supervisors speeding around your village in their white Toyota jeeps—and then to endure the noise, violence,



displacement and destruction of your home, your world, your toys—these mark children for life. Psychological services are largely absent in the Palestinian community and there are many signs of trauma and stress among children: bed-wetting, nightmares, fear to leave home lest one “abandon” parents and siblings to the army, dramatic drops in grades and school-leaving, as well the effects of exposure to domestic violence that occasionally follows impoverishment, displacement and humiliation. In the words of Salim Shawamreh, a resident of the village of Anata whose home has been demolished four times: “The demolition of a home is the demolition of a family.” According to the research of Eyad Serraj, a Palestinian psychologist who heads the Gaza Community Mental Health Program, a strong correlation exists between young people who become suicide bombers have had their homes demolished.

Why, then, do Palestinian families decide to build without a permit? First, many of those facing demolition began building during the initial phase of the Oslo process when thousands of Palestinians, encouraged by the prospects of peace, returned to their home towns and villages and built homes, or when local people, suffering severe housing shortages since 1967, felt that demolitions would cease. Indeed, Israeli leaders encouraged this kind of thinking (Prime Minister Peres announced a freeze on demolitions towards the end of his term). Palestinians report that the Civil Administration, too, led them to believe that since most of the land was going to be handed back anyway, they would face no demolition problems—even if the process had not formally changed. This attitude is reflected in the wording of Article 27(2) (“Planning and Zoning”) of the 1995 Interim Agreement (Oslo II): “In Area C, powers and responsibilities related to the sphere of Planning and Zoning will be transferred gradually to Palestinian jurisdiction that will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations.” After Netanyahu’s election in 1996 (and thereafter), the rules of the game suddenly changed, and many Palestinians found themselves victims of the “peace process” and of bad faith.

Despite repeated inquiries to the various authorities, it is impossible to obtain accurate figures as to how many permits are granted, what percentage of applicants are turned down, how many families even apply. The Civil Administration claims it has granted 3000 permits retroactively; a reliable source tells us that only two or three building permits a year are issued in the entire Hebron area, comprising a third of the West Bank. If the Civil Administration claims there are 5000 “illegal” structures on the West Bank and has issued 2000 demolition orders, and if the Jerusalem Municipality claims there are 10,000 “illegal” structures and has issued 2000 orders (affecting 4000 housing units), a major problem exists even if the planning and licensing procedures were non-political.

While every country has planning regulations, zoning and enforcement mechanisms, Israel is the only Western country that systematically denies permits and demolishes houses of a particular national group. Similarly, Jerusalem is the only city that systematically denies permits and demolishes houses of a particular national group. These actions, reminiscent of apartheid-era South Africa and the Serbs in Kosovo, other cases in which the homes of a particular ethnic group were destroyed for clearly racist or nationalistic reasons, violate the



fundamental human rights of the Palestinian people. The Universal Declaration of Human Rights states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing” (Article 25.1). The International Covenant on Economic, Social, and Cultural Rights “recognize[s] the right of everyone to an adequate standard of living...including adequate food, clothing, and housing” (Article 11.1). The International Convention on the Elimination of All Forms of Racial Discrimination obligates state parties “to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law..., in particular the right to housing” (Article 5). Moreover, the Fourth Geneva Convention requires occupying powers such as Israel to protect the well-being of civilian populations under their control. Under the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949, for example, Israel is enjoined as an occupying power to protect and ensure the needs of the Palestinian population. Human rights organizations agree that Israel’s policy of house demolition constitutes a war crime.

Given the massive scale and prolonged time period that the house demolition policy has characterized Israel’s relationship with the Palestinians on both sides of the “Green Line,” the bulldozer certainly deserves to take its rightful place alongside the tank. The Israeli public knows almost nothing about the cruel and kafkaesque system the Palestinians live under. Uri Savir, the Director-General of the Foreign Ministry under Rabin and Peres, “discovered” this reality only after the Oslo process was well underway. He writes:

The negotiations [with the Palestinians at Oslo, in 1995] over the powers Israel has exercised over a whole generation, opened an entire world before me. Over the years Israelis has cultivated a self-serving myth that ours was an ‘enlightened occupation.’ I knew this was a contradiction in terms, but I did not know -- and I think few other Israelis did -- how thoroughly we had invaded the lives of our Palestinian neighbors. We repressed this knowledge as we may have been the first conquerors in history who felt themselves conquered. Our self-image as a humane society and history’s eternal victim, as well as Arab antagonism, blinded us to what was going on in the territories. What I discovered [in Oslo] was that a Palestinian could not built, work, study, purchase land, grow produce, start a business, take a walk at night, enter Israel, go abroad, or visit his family in Gaza or Jordan without a permit from us. The apparatus for managing this octopus was huge.

Some of these restrictions stemmed from legitimate security concerns. But many were the products of inertia and a burgeoning bureaucratic monster with a bottomless budget to feed on.. During the twenty-eight years of occupation [until 1995], about a third of the Palestinian population in the territories had, at one time or another, been detained or imprisoned by Israel. And the whole of the population had, at some time, been grossly humiliated by us...

The personification of the occupation, according to many Palestinians, was an officer in the Civil Administration named Moskovitch. If Moskovitch approved, you could build. If Moskovitch didn’t approve, you could not, and until Moskovitch approved you could tear



your hair out. Moskovitch had become an institution in himself. When I finally met him – a thin, religiously-observant, amiable man – he in no way impressed me as tyrannical. ‘Moskovitch is a good man,’ one of his superior officers told me. And this was just the problem – a good man carrying out the orders of an unfeeling bureaucracy makes an impossible situation, for there is no way under such conditions for goodwill or common sense to function.” (Savir 1999:207-208).



BARAK'S "GENEROUS OFFER"

OK, this is all terrible. But what about Ehud Barak's "generous offer?" Didn't he offer to relinquish 95% of the Occupied Territories at the Taba Conference in January 2001? Wasn't it the Palestinians who rejected the Camp David and Taba negotiations, followed by a violent Intifada, orchestrated by none other than Yassir Arafat himself? Didn't the Israelis do their part? They were forthcoming, they tried to "give them" a state, they were generous. Doesn't the fact that the Palestinians rejected Barak's generous offer prove they really do not want peace? If that is the case, then let Israel off the hook. The Palestinians are to blame for everything. The Israelis, freed from responsibility, needn't feel any guilt over the destruction of thousands of Palestinian homes during the Intifada or in Israel's repeated invasions of Gaza, over the deaths of 5000 people and the killing of more than a 1000 children in the Occupied Territories since 2000, or over the suffering caused by the Wall. Far from deserving sympathy, the Palestinians are merely getting what they deserve.

This has become the single most influential argument used to cast Israel as the champion of peace and the Palestinians as rejectionists, simple "terrorists." By now, however, we should be in a position to critically evaluate the truth and accuracy of these claims, to judge whether there was, in fact, a "generous offer" or merely clever PR designed to deflect public attention from the fact that Palestinians live under an ever-expanding occupation which Israel shows no sign of relinquishing. Break through here, through the most persuasive argument for Israel's good faith, and we can see through all the subsequent ploys as well: "disengagement" from Gaza, Israel's plan for a two-state solution based on "convergence" into settlement blocs, blaming non-state Palestinians for terrorism while engaging in a "legitimate" war on a civilian population which constitutes nothing less than a form of State Terrorism, trying to create a "Jewish democracy" while disenfranchising the country's Palestinian majority.

What, then, of this "generous offer?" First of all, it never was. In an interview with the Israeli newspaper Ha'aretz (Shavit, 2002), Barak stated candidly: "It was plain to me that there was no chance of reaching a settlement at Taba. Therefore I said there would be no negotiations and there would be no delegation and there would be no official discussions and no documentation. Nor would Americans be present in the room. The only thing that took place at Taba were non-binding contacts between senior Israelis and senior Palestinians." The 95% figure comes from the "Clinton Parameters," a proposal made by the President and accepted by both sides on January 7, 2001, in which the vast majority of the Occupied Territories would become a Palestinian state. No specific figure for withdrawal was given (although it seemed the Palestinians would receive between 94-96% of the land, excluding East Jerusalem and the Dead Sea) and vague territorial "swaps" were suggested. No map, however, accompanied the proposal. Both sides felt the need to respond favorably, but realizing, as Clinton himself did, that he would be out of office in two weeks, did so



knowing that the Parameters were irrelevant. According to Barak, Israel's reservations filled 20-pages (Ha'aretz, January 8, 2001).

In fact, by the time the Taba "non-negotiations" (as the EU envoy Miguel Moratinos termed them) were convened, Barak had no government, no mandate to negotiate and was facing certain defeat by Sharon in the up-coming Israeli elections in March. His coalition partners had already quit and he controlled only 42 of the 120 seats in the Knesset. Even if a breakthrough had been achieved, everyone knew an agreement would never be approved by the parliament. So why, then, did Barak send his team to Taba? Well, he didn't. Having been elected on a platform of peace and concerned over losing his liberal and left-wing voters if he was seen abandoning the peace process, he sent instead three of the most "peace-oriented" members of the government: Shimon Peres, Yossi Sarid and Yossi Beilan. Yet they had no mandate to actually negotiate, which is why Barak characterized Taba as "non-binding contacts between senior Israelis and senior Palestinians." They had, however, a task: to produce a letter from the Palestinians telling the Israeli electorate that peace was in sight and could be achieved quickly if Barak was re-elected. Barak intended to go to the electorate with that letter hoping it would change the tide of the election and allow him to defeat Sharon.

That ploy did not work. Barak hinted at – but never actually tabled – a "generous offer" intended to elicit the letter from the Palestinians without any assurance that Palestinian acceptance would, in fact, lead to such concessions. When it became clear that the letter would not be forthcoming, it was Barak, we must recall, who broke off the Taba negotiations, the last breath of the Oslo peace process, not Arafat. In the end Barak was soundly defeated. The letter would not have helped and, as the Palestinians knew, Barak could never have won parliamentary backing for the concessions at which he had hinted. But from the rubble arose the notion that he had extended a "generous offer" to the Palestinians and they had declined.

What has been lost in the cloud of self-serving Israeli PR is the fact that the Taba talks did reveal a willingness – even an eagerness – to make peace if the Palestinians were assured a genuinely sovereign and viable state on even most of the Occupied Territories. In fact, the Taba negotiations eventually led to the Geneva Initiative in which Yossi Beilan and Yasser Abed-Rabo, two of the more far-sighted Oslo negotiators, sought to show the Israeli public and the world that despite what Barak and Sharon said, Israelis and Palestinians were partners for peace. Taba, however, came too late in the process, and it is doubtful that Barak himself would have supported the eventual outcome (he certainly is not among the supporters of the Geneva Initiative). Just before his decisive defeat by Sharon in March, 2001, Barak declared all the tentative agreements reached at Taba "null and void."

So, in the end, Taba became nothing more than a tool of Israeli PR to accuse the Palestinians of rejecting Barak's "generous offer," a mythical event that has played a supremely destructive role in the public debate by laying the blame for the failed peace process squarely, exclusively and unfairly on the Palestinians.



But let's go a step further. Say, for a moment, that the "generous offer" of 95% had been made. Should the Palestinians have accepted it? Let's step back for a moment and look at Palestinian needs. The attention paid to Barak's generous offer has eliminated from view Arafat's even more "generous offer" to Israel. On two occasions, that of the declaration of Palestinian independence in Algiers in 1988 and again at the start of the Oslo process in 1993, the PLO formally recognized Israel within the 1967 borders. That entailed a far-reaching concession that has never been recognized or appreciated. By so doing, the Palestinians relinquished political claim to 78% of their historic homeland – a concession virtually unheard of among colonized peoples. Not only would the Palestinians accept the loss of 56% of Mandatory Palestine allocated – unjustly and illegally, in their view – to the Jews by the UN in 1947, but they would also accept the loss of the additional 22% of Palestine, more than half the area granted to the Palestinians, conquered by Israel in the 1948 war. In the Oslo peace process, the Palestinians offered Israel full peace and recognition in return for only 22% of the country: the West Bank, East Jerusalem and Gaza. All discussions of "generous offers" must take this into account. To compromise on even that 22% (and the Clinton Parameters, we must remember, spoke of 96% – or even less in actuality – of 22% of historic Palestine) would eliminate any possibility of a Palestinian state which is truly sovereign and viable. The facts that a Palestinian majority must make do with less than a quarter of the land, that all Palestinian refugees (at Israel's insistence) must be repatriated solely in the Palestinian state and that more than 60% of Palestinian are under the age of 18 make the issue of viability a critical one.

Thus, upon examination, even the 94-96% figure for Israeli withdrawal proves inaccurate. Making corrections for East Jerusalem, the Latrun salient, No-Man's Land, the Palestinian area under the Dead Sea and various other "exceptions" not included in the Clinton Parameters, then add in the settlement blocs and certain "security zones" claimed by Israel, plus land to be "leased," the territory Barak was willing to concede adds up to only 80-85% of the Occupied Territories. On paper, of course, even this sounds "generous" – and it is repeatedly presented as such, most recently in Olmert's "offer" of 93% to PA President Mahmoud Abbas in late 2008. But we must be careful not to equate territory with sovereignty or sustainability. Although gaining control of 85% or so of the territory would have been an achievement, it would not have provided the prerequisites of national self-determination: coherent territory, economic viability and genuine sovereignty.

Here is where the Matrix of Control comes into play. Israel could relinquish 85%, perhaps even 90%, of the Occupied Territories and still retain its main settlement blocs, still control the entire country, still preclude the rise of a viable and truly sovereign Palestinian state. Looked at through the Matrix of Control, these are what the various and sundry "generous offers" would allow Israel to retain:

Strategic Settlement Blocs. In the mid-1990s Israel began a major strengthening and consolidation of its settlement presence (Map 5). In order to avoid international opposition to the establishment of new settlements, the government shifted to building new settlements within the expansive master plans around each settlement. In that way it was able to argue



that it was simply “thickening” existing settlements to meet natural population growth (an outright falsification), not establishing new ones. It also began to merge discrete settlements into large settlement blocs. Although the fate of some of these blocs remains uncertain (the Jordan Valley settlements, for example, as well as the Kiryat Arba bloc near Hebron and settlements in heavily populated Palestinian areas), Israel is unmoving in this insistence on retaining seven large blocs comprising today some 150,000 Israeli settlers – or 80% of the West Bank settlers. (Barak has often said that he strove for a peace “that even the settlers would be happy with.”)

– *The city of Ariel and its surrounding “Western Samaria” bloc* control a strategic area on the western side of the West Bank, seriously compromising territorial contiguity and the coherent flow of people and goods between the major Palestinian towns of Kalkilya, Nablus and Ramallah. It would also severely restrict the urban development of the Kalkilya area. No less important than its strategic location on the ground is Ariel’s location vis-a-vis Palestinian resources under the ground: the Ariel bloc sits atop the major aquifer of the West Bank and would control the flow and distribution of water.

– *The central Givat Ze’ev-Pisgat Ze’ev-Ma’aleh Adumim-Beit El bloc* stretches across much of the central West Bank from the Modi’in area to within 20 kilometers of the Jordan River. It effectively divides the West Bank in two, compelling north-south Palestinian traffic (especially from Ramallah to Bethlehem and Hebron areas) to pass through Israeli territory – the funnel-like Eastern Ring Road. It also keeps the Palestinians of the West Bank far from Jerusalem, isolating the 200,000 Palestinians of East Jerusalem from their wider state and society, and cutting the natural urban link between Jerusalem and Ramallah. In terms of viability, this bloc, a main component of Israeli “Greater Jerusalem,” constitutes the greatest threat to a coherent Palestinian state.

– *The Efrat-Gush Etzion-Beitar Illit bloc* to the southwest of Jerusalem, connected the Ma’aleh Adumim bloc through Har Homa, Gilo and the newly-planned city of Givat Yael, is the other key component of “Greater Jerusalem.” It also impacts seriously on the viability and sovereignty of any Palestinian state. The bloc severs any coherent connection between the major cities of Bethlehem and Hebron, as well as traffic using the “safe passage” from Gaza. It forces Palestinians moving between these areas to use Israeli-controlled “security” roads passing through dense areas of settlement, continually exposed to disruption and closure. It locks in Bethlehem to the extent of preventing its normal urban development. And, like the Ariel bloc, it sits astride and brings into Israeli control a major West Bank aquifer.

– *A “Greater [Israeli] Jerusalem.”* The Givat Ze’ev-Adumim and Gush Etzion settlement blocs, 250 square kilometers containing some 80,000 settlers, when annexed to Israeli-controlled “Greater Jerusalem,” will dominate the entire central region of the West Bank and obstruct the territorial contiguity necessary for a viable Palestinian state. They also function as a buffer, to separate Jerusalem from its wider West Bank surroundings, thus keeping the Palestinians at a considerable distance away. Because some 40% of the



Palestinian economy revolves around Jerusalem in the form of tourism, commercial life and industry, removing Jerusalem from the Palestinian realm carries such serious economic consequences as to call the very viability of the Palestinian state into question. And in general the “Greater Jerusalem” concept neutralizes Jerusalem as a major Palestinian urban, religious and cultural center (see Map 14).

Greater Jerusalem is tremendously important to Israel. So important that Barak claims it was the issue that “broke” the Camp David negotiations. “Arafat’s position on the issue of Jerusalem,” he said in a taped interview in Hebrew immediately after the talks’ collapse,

Is what prevented the reaching of an agreement....Ideas were raised more than once during the course of the negotiations [by the Israeli delegation] of the definition and growth of Jerusalem to dimensions that it never had at any stage of Jewish history, with extremely significant strengthening of its Jewish majority and a guarantee of a solid [Jewish] majority for generations through exchanging some of the cities surrounding Jerusalem – Ma’aleh Adumim, Givat Ze’ev, the Etzion Bloc – attaching them to Jerusalem and placing them under Israeli sovereignty, thus creating a situation in which the whole world recognizes this expanded and great Jerusalem as Israel’s capital, at a price of transferring a few villages and neighborhoods situated within the municipal boundaries to Palestinian sovereignty....
{Transcribed by the author}.

– *An Israeli Metropolitan Jerusalem*. The ring roads and major highways being built through and around Jerusalem are intended to create a regional infrastructure of control, turning Jerusalem from a city into a metropolitan region. “Metropolitan” Jerusalem covers a huge area. Its boundaries, incorporating a full 10% of the West Bank (440 square kilometers), stretch from Beit Shemesh in the west up through Kiryat Sefer until and including Ramallah, then southeast through Ma’aleh Adumim almost to the Jordan River, then turning southwest to encompass Beit Sahour, Bethlehem, Efrat and the Etzion Bloc, then west again through Beitar Illit and Tsur Hadassah to Beit Shemesh. It also provides a crucial link to Kiryat Arba and the settlements in and around Hebron. In many ways “Metropolitan” Jerusalem is the Occupation. Within its limits are found 75% of the West Bank settlers and the major centers of Israeli construction.

By employing a regional approach to the planning of highways, industrial parks and urban settlements, an Israeli-controlled metropolis can emerge whose very power as a center of urban activity, employment and transportation will render political boundaries, such as those between Jerusalem and Ramallah or Jerusalem and Bethlehem, absolutely irrelevant. A good example of how this is already happening is the new industrial park, Sha’arei Binyamin, now being built at the “Eastern Gate” to metropolitan Jerusalem, southeast of Ramallah. In terms of Israeli control this industrial park provides an economic anchor to settlements – Kokhav Ya’akov, Tel Zion, Ma’aleh Mikhmas, Almon, Psagot, Adam, all the way to Beit El and Ofra – that otherwise would be isolated from the Israeli and Jerusalem economy. More to the point, it robs Ramallah of its economic dynamism, providing jobs and perhaps even sites for Palestinian industry that would otherwise be located in or around



Ramallah. Again, looking at Israel's strategy from the point of view of control rather than territory, "Metropolitan Jerusalem" virtually empties a Palestinian state of its meaning in terms of viability and sovereignty (see Map 14).

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

Regardless of the size of the territorial compromises, Israel will not cede the entire area of East Jerusalem, where Israelis (about 225,000 in number) outnumber Palestinians. Since the settlements there were situated strategically for maximum control of territory and movement, and since they are today in the process of being connected, any Palestinian patches will become only tenuous connections to each other and to the Palestinian capital in Abu Dis. The Palestinian presence in Jerusalem will be fragmented and barely viable as an urban and economic center. Moreover, it would be entirely surrounded by the "outer ring" of Israeli "Greater Jerusalem," hemming it in and preventing East Jerusalem's normal urban and economic development. (Indeed, functionally ceding Palestinian areas of East Jerusalem to the Palestinians – relinquishing an "unwanted" population of some 200,000 people without relinquishing control – while incorporating the surrounding settlements into a Greater Jerusalem would increase the majority of Jews in the expanded city from the current 66% to 85%.) (See Map 14.)

Israeli Control over Highways and Movement. Over the past decades (and especially during the Oslo process), Israel has been constructing a system of major highways and "by-pass roads" designed to link its settlements, to create barriers between Palestinian areas and to incorporate the West Bank into Israel proper. Even if physical control over the highways is relinquished, strategic parts will remain under Israeli control – the Eastern Ring Road, Jerusalem-Etzion Bloc highway, Road 45 from Tel Aviv to Ma'aleh Adumim, a section of Highway 60 from Jerusalem to Beit El and Ofra, and the western portion of the Trans-Samaria highway leading to the Ariel bloc. In terms of the movement of people and goods, this will effectively divide the Palestinian entity into at least four cantons: the northern West Bank, the southern portion, East Jerusalem and Gaza. There are other restrictions as well. Israel refuses to grant extra-territorial status to the "safe passages" from Gaza to the West Bank, crucial to the viability of a Palestinian state. It will only allow Palestinian administration of the passages, meaning that Palestinians traveling from Gaza to the West Bank could be detained, or arrested, arrested at any time. Israel also insists on retaining



rights of “emergency deployment” to both the highway system and to the Jordan Valley, severely compromising Palestinian sovereignty. Indeed, the highways would retain the status of Israeli “security roads,” meaning that Palestinian development along them would remain limited.

To fully understand the role of the highway grid in completing the process of incorporation, one must link these West Bank developments to the ambitious Trans-Israel Highway project. Already in 1977, in his Master Plan for the settlement and incorporation of the West Bank, Sharon presented his “Seven Stars” plan calling for contiguous Israeli urban growth straddling both sides of the Green Line. The Trans-Israel Highway, which hugs the border of the West Bank, provides a new demographic spine to the country. Hundreds of thousands of Israelis will be resettled in the many towns and cities planned along the length of the highway, especially along the Green Line and in areas of the Galilee heavily populated by Arabs. (In August 2003 the government published a map of 30 new settlements to be built inside Israel along the route of the Trans-Israel Highway.) New and expanded Israeli cities, towns and settlements on both sides of the Green Line will form a new “metropolitan core-region” in which Metropolitan Tel Aviv (including the Modi’in area settlements, Rosh Ha’Ayin and the Ariel bloc) meets Metropolitan Jerusalem (stretching from Modi’in, Kiryat Sefer, Beit Shemesh and the Etzion Bloc across most of the central West Bank to the settlements east of Ma’aleh Adumim. The Trans-Israel Highway, articulating as it does with the highways and settlement blocs of the West Bank, moves the entire population center of the country eastward, reconfiguring the entire country. It reconfigures the entire country from a north-south orientation in which two parallel states were possible to an east-west one in which each Palestinian canton is integrated independently into Israel, thus further weakening the viability of any future Palestinian state.

A “Secure” Israel Versus a Palestinian State of Limited Sovereignty. “Security” is defined by Israel in such maximalist terms that it ensures Israeli political, military and economic control. Israel insists that a Palestinian state would be demilitarized and only semi-independent, unable to enter into pacts with other states without Israeli approval. Israel would continue to control Palestinian airspace and the electro-magnetic sphere crucial for communications. It would “supervise” the borders. It would reserve the right to unilaterally deploy forces in the Jordan Valley in the indeterminate event that it unilaterally perceives a threat of invasion. It would continue to control Palestinian labor and commercial movement through the imposition of “security borders,” part of Israel’s declared policy of separation that isolates the 20%-minus of Palestine that would be the state from the 80%-plus that is Israel.

All these sources of Israeli control can be contained within the 10-15% envisioned in any “generous offer.” In order to help people make the switch from the common sense view that 95% is indeed generous to the view that 5% is enough to frustrate Palestinian aspirations for self-determination, it is useful to use a prison analogy. If one looks at a blueprint of a planned prison, it appears as if the prisoners own the place. They have 95% of the territory: the living areas, the work areas, the exercise yard, the cafeteria, the visiting area. All the prison authorities have is 5%: the prison walls, the cell bars, the keys to the doors, some



glass partitions. The prison authorities do not have to control 20-30% of the territory in order to control the inmates. Similarly, Israel only needs a few control points taking a limited amount of territory to completely neutralize a Palestinian state.

This was well illustrated by a comment of Netanyahu's when he was Prime Minister. During the Wye negotiations of 1998, the Americans were pressing for an Israeli withdrawal from the West Bank of "double digits" (around 11%), while Israel refused to go beyond 9% (and in the end withdrew from only 2%). As the negotiations teetered on the brink of crisis, Netanyahu was asked why he was quibbling over just a percent or two. Each percent of the West Bank, he answered, is equal to an area the size of Tel Aviv. Looked at in this way, relinquishing 95% would leave the equivalent of five Tel Avivs in the tiny, truncated territory of Palestine – ten Tel Avivs if we include East Jerusalem and various other areas Israel does not include in its calculations. Together the prison analogy and Netanyahu's comments on the significance of each percentage of land help us grasp how ungenerous was Barak's – or Sharon's or Olmert's – "generous offers" if the goal is indeed a viable, sovereign Palestinian state.

Is There a Partner for Peace?

All this remains pertinent to today's political discussion. Netanyahu's formula – autonomy plus-state minus – captures the essence of all subsequent "two-state" solutions, be they Barak's "generous offer," Sharon's plan of "cantonization" or Olmert's "Convergence Plan," at the heart of the "Annapolis Process." Again, it is the Likud Platform <www.knesset.gov.il> which lays it out most clearly:

- The Jewish communities in Judea, Samaria and Gaza are the realization of Zionist values. Settlement of the land is a clear expression of the unassailable right of the Jewish people to the Land of Israel and constitutes an important asset in the defense of the vital interests of the State of Israel. The Likud will continue to strengthen and develop these communities and will prevent their uprooting.
- The overall objectives for the final status with the Palestinians are: to end the conflict between Israel and the Palestinians on the basis of a stable, sustainable agreement and replace confrontation with cooperation and good neighborliness, while safeguarding Israel's vital interests as a secure and prosperous Zionist and Jewish state.
- The Government of Israel flatly rejects the establishment of a Palestinian Arab state west of the Jordan river.
- The Palestinians can run their lives freely in the framework of self-rule, but not as an independent and sovereign state. Thus, for example, in matters of foreign affairs, security, immigration and ecology, their activity shall be limited in accordance with imperatives of Israel's existence, security and national needs.



Jerusalem is the eternal, united capital of the State of Israel and only of Israel. The government will flatly reject Palestinian proposals to divide Jerusalem, including the plan to divide the city presented to the Knesset by the Arab factions and supported by many members of Labor and Meretz. The government firmly rejects attempts of various sources in the world, some anti-Semitic in origin, to question Jerusalem's status as Israel's capital, and the 3000-year-old special connection between the Jewish people and its capital. To ensure this, the government will continue the firm policies it has adopted until now:

- The presence of the Israeli police in eastern Jerusalem will be increased.
- The Likud government will act with vigor to continue Jewish habitation and strengthen Israeli sovereignty in the eastern parts of the city, while emphasizing improvements in the welfare and security of the Arab residents. Despite protests from the left, the Likud government consistently approved the continuation of Jewish living within the Old City and in 'City of David'.
- The Jordan Valley and the territories that dominate it shall be under Israeli sovereignty. The Jordan river will be the permanent eastern border of the State of Israel. The Kingdom of Jordan is a desirable partner in the permanent status arrangement between Israel and the Palestinians in matters that will be agreed upon.
- The government succeeded in significantly reducing the extent of territory that the Palestinians expected to receive in the interim arrangement. The government will insist that security areas essential to Israel's defense, including the western security area and the Jewish settlements, shall remain under Israeli rule.

"The devil," however, "is in the details." Thus, while Barak, Sharon and Olmert pursued policies that differed little from those of Netanyahu, the details proved far too complex for public discussion. Even an examination of Labor's "generous offer," so central for molding public opinion against the Palestinians' desire for peace, required too detailed a knowledge of maps and the actual terrain of the Occupied Territories – not to mention a public disposition to analyze it, which is completely lacking. Informed opinion invariably loses to PR. And so it was, in February, 2009, that large numbers of Israeli voters identified with the "peace camp" cast their ballots for Kadima, believing that Livni was a "moderate" who, unlike Netanyahu, actually supported a genuine two-state solution. In fact, the only difference between Livni's position and Netanyahu's is the difference between apartheid – a "two-state solution" in which the Palestinians are locked into a truncated, non-viable Bantustan – and whatever fits the "autonomy plus-state minus" model. Beyond thinking themselves as more than "generous" for even considering a state for their permanent enemies, Israelis have no interest in whether that state is viable and independent or a mere prison.

Which brings us back to the underlying contention of the "generous offer:" that the Palestinians never intended to make peace with Israel at all but sought only its destruction – as evidenced by their walking away from Barak's generosity. "At Camp David," said Barak,



"I unmasked Arafat for the terrorist he really is." This view – indeed, much of the security framing itself that has played such a damaging role in creating a climate conducive to peace – can be traced back to seven key people with hard-line military perspectives. Their names should be remembered because they continue to exert enormous influence inside Israeli governments, constantly rotating in and out.

Amos Gilad, who headed the research division of Military Intelligence (MI) between 1996 and 2001, was Coordinator of Activities in the Territories from 2001-03 and again from 2008-09 and who served as Barak's main advisor in the Defense Ministry, serving from 2007-2009 as the head of the Defense Ministry's political-security branch, is the chief proponent of the security framing. "Arafat is aiming to have Oslo lead to the fulfillment of his strategy that Israel has no right to exist," said Gilad during the Camp David negotiations, marshalling all his authority as Israel's premier security specialist. Placing those words in Barak's mouth which have neutralized the possibility of peace in the minds of the vast majority of Israeli Jews, he went on to declare that "Arafat is a terrible danger. Nothing will shake him as long as he lives. If he isn't dealt with in the right way, he will also bequeath us a heritage that no one will dare to change" (Eldar 2004). "There is no chance we can reach an agreement with [Arafat]," Gilad told Barak before the Camp David negotiations. "We should not make compromises" (Peri 2006:91). "It was he," writes Akiva Eldar in Ha'aretz (June 10, 2004),

who provided Ehud Barak, the professional backing for the "no Palestinian partner" theory. The basis of this theory: Barak made a generous offer to Palestinian Authority Chairman Yasser Arafat, and when the latter refused to accept it, his real face was exposed: that of a terrorist who aims at the destruction of Israel.

This theory - which has earned the well-known epithet *konseptzia* ("conception" - harking back to mistaken assessments prior to the Yom Kippur War) in the intelligence community - is believed by most Israelis today and has also won many fans abroad. It was readily absorbed in ground soaked with the blood of intifada victims. Mofaz, first as chief of staff and then as defense minister, and Moshe Ya'alon, first as Mofaz's deputy on the General Staff and later as his successor, adopted the so-called *konseptzia* and spread it. Politicians from both right and left agree with it.

Shaul Mofaz, as IDF Chief of Staff under Netanyahu and, from 2002-2006, Minister of Defense in Sharon's government, planned and oversaw the ruthless suppression of the Second Intifada, including the notorious Operation Defensive Shield in which the Jenin refugee camp was destroyed and major damage done to the infrastructures of all Palestinian cities. Calling for the killing of 70 Palestinians a day, during the Intifada, Mofaz, together with his Chief of Staff Ya'alon, formulated the departure from IDF policy and ethics by legitimizing the targeting of civilians in military operations. "It turns out," reports journalist Reuven Pedatzur (Ha'aretz, June 29, 2004):

that during the first few days of the Al-Aqsa Intifada, soldiers in the territories fired



1,300,000 bullets. This astounding statistic embodies the entire story. In the conflict with the Palestinians, at the end of September 2000, senior IDF commanders adopted Gilad's assessment, which was based on his own perspective, and according to which Yasser Arafat's foray into negotiations was a scheme aimed at leading to Israel's destruction, and that he in no way plans to reach an agreement. This explains what took place once the intifada broke out, and the unrestrained shooting that ensued. Then-chief of staff Shaul Mofaz, with the support of his senior aides, did not plan to bring about the end of the conflict at its very onset. Having adopted Gilad's approach, he had an opportunity to finally 'beat' the Palestinians, to 'vanquish' them and lead them to negotiations in a weakened and exhausted state. This is the origin of the 'burned into their consciousness' thesis, which became a cornerstone of the Israel Defense Forces' policy in the territories. We'll hit the Palestinians until the recognition of their weakness vis-a-vis Israel's might is burned into their consciousness. This is the only way they will understand that they are best off coming to terms with their inferiority and accepting Israel's demands.

This gave rise to the objective defined by Mofaz, his successor Moshe Ya'alon, and their colleagues in the general staff: achieving military victory in what was at first described as a war with the Palestinians. This explains why the IDF began to use such massive firepower when the uprising broke out in the territories. This also explains why over a million bullets were fired in the first few days, even though there was no operational or professional justification. The intent was to score a winning blow against the Palestinians, and especially against their consciousness. This was not a war on terror, but on the Palestinian people. IDF commanders projected their viewpoint regarding Arafat's intentions onto the entire Palestinian society.

When the intifada began, Chief of Staff Mofaz bragged that the IDF, which had predicted the outbreak of violence in the territories, declared the year 2000 as 'the year of preparedness,' and when the violence did indeed break out, that the army was ready for it. But this was not a preparedness for alleviating the violence, but rather for escalating the conflict. Soldiers were given a free hand to shoot without limit. In the first three months of the intifada, the number of Israeli casualties was low, at which time the IDF proudly cited the large number of Palestinian casualties as evidence of the military victory and the correctness of the policy of massive use of force....

The failure of the senior command level has to do with adoption of Gilad's perception and the unwillingness, or inability, to examine the events from the perspective of the Palestinian public. Senior IDF commanders disregarded, or did not understand, that the unrestrained firing of so much ammunition has implications at the strategic level, and its outcome was liable to spin the violence out of control. The escalation was by this time unavoidable. It was obvious that as long as the IDF high command clung to the idea of 'military victory,' it would have to step up military activity and use tanks, helicopters and F-16 jets, which are not the most effective means of waging war on terrorists.

After nearly four years of warfare, one can state with certainty that the IDF indeed



succeeded in 'burning into the consciousness.' Not that of the Palestinians, however. Rather, of the Israeli public, which has adopted without dissent the worldview that has guided commanders of the IDF in their policy in the territories. Amos Gilad beat Amos Malka, and the State of Israel apparently lost as well.

The effect of the Mofaz/Ya'alon doctrine was immediately apparent in the high number of civilian casualties suffered in the Second Intifada – more than 3,300 Palestinians killed, at least 85% of them civilians. Some 650 were children and youth, half under the age of 15. In 88% of the incidents in which children were killed, there was no direct confrontation with Israeli soldiers. Another 50,000 Palestinians were injured, 20% of whom are children and youth. Some 2500 civilians were permanently disabled. Their doctrine was also evident in Gaza at the turn of 2008/09, when the entire world protested the disproportionality of the Israeli attack, including the killing of 410 children. Mofaz and Ya'alon also initiated campaigns of "targeted killings" against Palestinian political and military leaders, in direct violation of international law. During the Intifada 297 Palestinians were assassinated or killed in extra-judicial executions, some 180 intentionally targeted, the rest being "collateral damage." (The most famous killings were those of Hamas leaders Ahmed Yassin and 'Abd Al-'Aziz Rantissi.) Mofaz also publically threatened to "liquidate" Arafat (and suspicions are that he succeeded). "We will continue the targeted killings at this pace. No one will be immune." In 2008 Mofaz narrowly lost race to head Kadima to Tzipi Livni. So much for Kadima as a "moderate" party.

Moshe (Boogie) Ya'alon, IDF Chief of Staff under Mofaz, now a key figure in the Likud (as of this writing a candidate for Minister of Defense), best known for his unequivocal view that peace with the Palestinians is impossible. "In my estimation, in the present generation, and perhaps even in the present century, it is not possible to divide western Eretz Israel into two nation states – a Jewish one and a Palestinian one – that will live in peace with each other on the two sides of the June 4, 1967 border....There is no Palestinian leadership today that truly aims for a two-state solution, but rather establishment of an Arab entity in its place and on the ruins of the State of Israel. Therefore, it is entirely clear to me that there is no possibility of resolving the dispute in this decade or in the coming ones." So what's left? Permanent Israeli military control enforced through the pacification of the Palestinian people. "Showing the Palestinians that violence does not pay off is a strategic need. The goal of the war forced upon us in 2000 is to burn into the Palestinian consciousness the understanding that violence does not pay off." And, of course, "they" are to blame. Then there's Ehud Barak himself.

Nor should we forget Ariel Sharon, who waged a personal battle with Arafat, eventually destroying all the centers and symbols of government of the Palestinian Authority, including the Moqata in Ramallah, where Arafat spent the last part of his life imprisoned in a single room. Though he is no longer part of the political system of Israel, his "legacy" lives on.

A word should also be said for the role intellectuals play in legitimizing such policies. At the head of the list is Prof. Asa Kasher of Tel Aviv University, an Israel Prize laureate for



his work in providing an ethical base to the Mofaz/Ya'alon doctrine. "When senior Israel Defense Forces officers are asked about the killing of hundreds of Palestinian civilians during the fighting in the Gaza Strip," reports Ha'aretz (Feb.6,2009),

they almost all give the same answer: The use of massive force was designed to protect the lives of the soldiers, and when faced with a choice between protecting the lives of Israeli soldiers and those of enemy civilians under whose protection the Hamas terrorists are operating, the soldiers take precedence. The IDF's response to criticism does not sound improvised or argumentative.... And it operated there not only with the backing of the legal opinion of the office of the Military Advocate General, but also on the basis of ethical theory, developed several years ago, that justifies its actions.

Prof. Asa Kasher of Tel Aviv University, an Israel Prize laureate in philosophy, is the philosopher who told the IDF that it was possible. In a recent interview with Ha'aretz, Kasher said the army operated in accordance with a code of conduct developed about five years ago for fighting terrorism. "The norms followed by the commanders in Gaza were generally appropriate," Kasher said. In Kasher's opinion there is no justification for endangering the lives of soldiers to avoid the killing of civilians who live in the vicinity of terrorists. According to Kasher, IDF Chief of Staff Gabi Ashkenazi "has been very familiar with our principles from the time the first document was drafted in 2003 to the present."

Kasher's argument is that in an area such as the Gaza Strip in which the IDF does not have effective control the overriding principle guiding the commanders is achieving their military objectives. Next in priority is protecting soldiers' lives, followed by avoiding injury to enemy civilians.... Prof. Kasher has strong, long-standing ties with the army. He drafted the IDF ethical code of conduct in the mid-1990's. In 2003 he and Maj. Gen Amos Yadlin, now the head of Military Intelligence, published an article entitled "The Ethical Fight Against Terror." It justified the targeted assassination of terrorists, even at the price of hitting nearby Palestinian civilians. Lt. Gen. Moshe Ya'alon, who was the IDF Chief of Staff at the time, did not make the document binding, but Kasher says the ideas in the document were adopted in principle by Ya'alon and his successors. Kasher has presented them to IDF and Shin Bet security service personnel dozens of times.

These are the main figures behind the claim that there is "no Palestinian partner for peace," and in a wider sense behind Israel's security framing. It is they are primarily responsible for the failure of the Oslo peace process and the bloodshed that followed, and for the failure to forge a just peace with the Palestinians. And they are still in power.



THE PALESTINIANS REJECT AUTONOMY, ISRAEL MOVES TO APARTHEID

While territory may or may not have been offered during the seven years of the Oslo process (1993-2000), the Matrix of Control remained intact. It had become obvious that Israel would never accede to a viable and truly sovereign Palestinian state, even on the mere 22% of their homeland the Palestinians were ready to accept. When the Oslo process began, about 200,000 Israeli lived beyond the Green Line; by the end the number had doubled to 400,000 – and those were mainly years of Labor Party rule. Finally, tensions came to a head. Sharon’s provocative foray to the Haram/Temple Mount triggered the outbreak of the Second Intifada (often called “the al-Aqsa Intifada”).

For the Palestinian “street,” the uprising, which was initially either non-violent or limited to the throwing of stones at soldiers – even though the Palestinian police were armed – erupted out of fear that Israel and the US would succeed in pressuring Arafat to sign the Camp David “agreement” (in the three months following Camp David, the sides met 52 times). Rather than being directed by Arafat, an accusation discredited even by the Israeli Security Services (Peri 206:242), the uprising was directed against him as much as it was against the ever more repressive Occupation. The people’s message to Arafat was clear: “You do not sign Camp David, since it will lead to nothing but a sophisticated form of apartheid.” The Second Intifada, which turned into a full-scale war for independence, spelled the final rejection by the Palestinian people of the Oslo peace process.

Reoccupation: Towards a Palestinian Bantustan

For Israel, the outbreak of the Second Intifada meant something entirely different: the opportunity, thought Sharon, Mofaz and Ya’alon, to end Palestinian resistance once and for all. The Israeli army began its onslaught on the Palestinian areas in October 2001, aided by post-9/11 American complicity and carefully framed in Bush’s own words: to “destroy the infrastructure of terrorism.” The assault reached its climax in the March 2002 reoccupation of the entire West Bank, dubbed Operation Defensive Shield, as well as in massive attacks on Gaza. Sharon persuaded the Bush Administration that he could bring the Palestinian Authority to its knees within a matter of weeks, thereby achieving “industrial quiet” on the Israel/Palestine front that would enable the US to proceed with its plans against Iraq. Having received a green light from the US, Sharon’s National Unity government developed a multi-pronged strategy to finally and permanently defeat the Palestinians. In return, Israel played a key role in training American troops for the invasion by building mock Iraqi neighborhoods and villages in the Negev. Israeli’s security services also contributed to the disinformation campaign over Saddam Hussein’s supposed weapons of mass destruction that preceded the



invasion. And the US adopted from Israel its model of occupation, complete with a Civil Administration and a policy of demolishing Iraqi homes for “security reasons.”

All this gave rise to yet another policy, part of the Mofaz/Ya’alon doctrine, that Israeli military commanders call “constructive destruction.” As reported in *Ha’aretz* (Oct. 25, 2002), this doctrine entails “laying waste to the Palestinian Authority, reinstating full Israeli control of the kind that existed before the first Intifada, and reaching an imposed settlement with obedient canton administrators.” This, Sharon’s “Cantonization Plan,” would later become known as Olmert’s “Convergence Plan,” which he presented before a joint session of the American Congress in Israel in May, 2006 – during which he was applauded 42 times. It is still being pursued today in the Annapolis Process.

As the Matrix map shows (see Map 9), the plan was (and is) to divide the West Bank into three separate cantons, each set off from the other by the settlement blocs, the by-pass highways and the emerging Separation Barrier. Thus a northern canton would be created around the cities of Nablus and Jenin, framed by Israel’s Jordan Valley settlement bloc to the east, the Ariel settlement bloc to the south and the Wall being constructed to the north and west. South of the Ariel bloc, encircled by the Wall, an Israeli “greater” Jerusalem and the Jordan Valley settlements, appeared a central canton administered from Ramallah. A third West Bank canton to the south, centered on Bethlehem and Hebron, would emerge below Greater Jerusalem. The Gaza Strip would then become a fourth canton. Once having established a “Greater Jerusalem” controlling the entire central portion of the West Bank, Israel could then cede isolated islands of Palestinian neighborhoods in East Jerusalem without jeopardizing its overall control of the city.

What emerges from all this is a Palestinian Bantustan, one that has been taking shape steadily since the waning days of Oslo. As Map 11 illustrates, the Palestinian mini-state will consist of Gaza and Areas A and B of the West Bank, the borders of which are already defined by the Separation Barrier. The major settlement blocs and Greater Jerusalem are incorporated into Israel. Kadima and Labor share this conception, with the Likud under Netanyahu (and after Sharon) still resistant to any Palestinian state, even a Bantustan. All the scenarios, however, conform to the formula “autonomy plus-state minus” (see Map 12)

The Road Map

Ironically, Israel’s invasion of the cities of the West Bank and Gaza and its reoccupation of the Occupied Territories in April 2002 coincided with the Arab League’s Peace Initiative, popularly known as the Saudi Initiative because it was formulated by Crown Prince Abdullah. “All the neighborhood, if you will, will be at peace with Israel, will recognize their right to exist,” said Abdullah, “If this doesn’t provide security for Israel, I assure you the muzzle of a gun is not going to provide that security.” Although it meant that the entire Arab world was offering Israel peace and normalization, Israel at first ignored it, then tried to remove it as a term of reference in any future peace process.



In March, 2003, the “Quartet” – Europe, the UN, Russia and the US – presented its “Road Map” for ending the Occupation and establishing, in its words, “an independent, democratic, and viable Palestinian state” by the year 2005 (See Appendix 4). It was greeted enthusiastically by the international community, including the Bush Administration. Indeed, few (outside of Israel) have objections to the Road Map’s goals or structure. The document was obviously written by people who know the “lay of the land.” As a political process, its “end game” is far more concrete than was Oslo’s:

A negotiated agreement leading to a final and comprehensive settlement of the Israel-Palestinian conflict by 2005, including issues of borders, Jerusalem, refugees, settlements, and a comprehensive agreement among Israel, Lebanon and Syria;

An end to the Occupation;

The emergence of an independent, democratic Palestinian state living side by side in peace and security with Israel and its other neighbors; and
Addressing Israel’s strategic goals of security and regional integration.

The Road Map’s “performance-based” phases, with specified timetables, are also much more structured than was Oslo. It does place far more demands on the Palestinians in the early stages than upon Israel, and leaves the resolution of the “final status issues” far too ambiguous. But most who actually read it admit it could be a useful mechanism for advancing the two-state solution – if the international will to truly end the Occupation can be mustered. The Palestinians accepted the initiative, as did Israel – albeit the latter did so “provisionally” and subject to fourteen major reservations (see Appendix 5).

Over the years since, sporadic attempts have been made toward implementing the Road Map, but after the United States undermined it fatally by recognizing the settlement blocs as an integral part of Israel, it has become moribund. In the minds of many Bush’s letter to Sharon in April of 2004, in which the US, “In light of new realities on the ground, including already existing major Israeli populations centers [i.e. the settlement blocs], [finds] it unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949,” put an end to the notion of a genuine two-state solution.

Unilateral “Disengagement”: By-Passing the Road Map

With the “facts on the ground” in place, the Palestinians largely pacified and enjoying the unqualified support of the world’s only superpower, Sharon embarked on the next stage in creating the Palestinian Bantustan: transforming the Occupation into a formally accepted political fact. An Occupation – the very fact of which is, again, denied by Israel – is nevertheless defined in international law as a temporary military situation that has no political legitimacy and can be resolved only through negotiations. Sharon realized that should he leave office with his physical “facts” in place but with no recognized political



fact to counter-balance the transient nature of the Occupation itself, he would have left his life's work only half-done. He had to move to nail down what was essentially an apartheid solution.

Why apartheid? Whether or not it was conceived as such, the end result towards which Israel has been progressing deliberately and systematically since 1967 can only be called apartheid. Indeed, since Barak's time as Prime Minister that is the term officially used to describe Israel's policy toward the Palestinians: *hafrada*, which in Hebrew means "separation," just as it does in Afrikaans. Apartheid is neither a slogan nor a system unique to South Africa. The term, as it is used here, describes precisely a regime which might have originated in South Africa, but which can be imported and adapted to the local situation. At root, apartheid can be defined by two elements: first, one population separating itself from the others (the official name of the Wall is the Separation Barrier), then it creates a regime in which it permanently and institutionally dominates. Separation and domination: exactly the conception of Barak's, Sharon's and eventually Olmert's and Livni's plan of locking the Palestinians into dependent and impoverished cantons.

Thus, in late December 2003, Sharon unveiled his full-blown plan of "disengagement" from the Palestinians, carefully framing it as a "security initiative" and not a political plan so as not to breach the Road Map and embarrass the Americans. Thus, while expressing his commitment to the notion of a Palestinian state – a commitment that would soon lead to his leaving the Likud Party – Sharon blamed the demonized Arafat for the Road Map's failure and, taking a line so effectively pursued by Barak and Gilad, accused the Palestinians of eliminating themselves as "partners for peace." Having cleverly straddled the divide between accepting the Road Map and effectively nullifying it, he easily justified the unilateral steps he would take without accepting any responsibility by Israel as an Occupying Power. Indeed, he gleaned the fruits of Israel's having removed mention of the Occupation since 1967. His initiative was presented as purely security-based: Israel would merely respond to what the intractable Palestinians had forced upon it: to define unilaterally its own "security borders."

While the term "disengagement" gave a positive spin to Sharon's initiative, it was fundamentally misleading. True, Israel would remove all its 7000 settlers from Gaza, but it would hardly "disengage." Israel would continue to control the borders, including the access of Gazan workers to the Israeli job market, the only meaningful source of income now that Gazan agriculture, industry and even fishing had been virtually destroyed. It would also maintain tight control of the Gazan economy through its blockade of the sea, the air and land routes to Israel and the Arab countries. So as to create an illusion that withdrawal from Gaza signified a willingness to withdraw from the West Bank, Sharon announced the relocation of four small and non-strategic West Bank settlements situated deep in Palestinian territory to the large Israeli settlement blocs "that will remain in Israel under any foreseen agreement." Any doubt that Israel intended to retain large swaths of the West Bank and a "greater" Jerusalem were laid to rest with the announcement that "disengagement" from Gaza would be accompanied by accelerated construction of the



Separation Barrier, literally setting in concrete the country's new "security borders."

In the end, then, "disengagement" from Gaza meant merely neutralizing a chronic point of conflict over an area Israel had no interest in retaining while consolidating its hold over the 20-30% of the West Bank – its seven massive settlement blocs, as well as "greater" Jerusalem – it aims to keep. The result, negotiations or not, would be a situation with which Israel could live indefinitely without straying egregiously from the parameters of the Road Map.

Needless to say, none of this could occur without the knowing complicity of the United States. Sharon himself is absolutely clear on this point: "The unilateral steps that Israel will take in the framework of the disengagement plan will be fully coordinated with the United States. We must not harm our strategic coordination with the United States." And coordination there was. The disengagement plan set the scene for what must be considered the most important political achievement of Sharon's long career – indeed, the most important political event since the founding of the State of Israel: the formal recognition by the United States of Israel's hegemony over the entire Land of Israel between the Mediterranean and the Jordan River. In their famous exchange of letters in April, 2004, President Bush, in a masterpiece of mixed messages, yet giving Sharon the go-ahead he needed, wrote to Sharon:

Thank you for your letter setting out your disengagement plan.... I remain committed to my June 24, 2002 vision of two states living side by side in peace and security as the key to peace, and to the roadmap as the route to get there....

The United States appreciates the risks such an undertaking represents. I therefore want to reassure you on several points....As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers [i.e. Israel's major settlement blocs plus "greater" Jerusalem], it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.... As you know, the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future in accordance with my vision set forth in June 2002 and with the path set forth in the roadmap....

The United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel. [Italics added]



A little more than two months later, on June 23rd, the US House of Representatives, in an act that went almost unnoticed by the media and the public, passed Resolution 460 endorsing the Sharon-Bush exchange. Although Bush's letter gave only brief nods to Palestinian aspirations of independence, the Congressional resolution edited it in a way that expressed total support for Israel at the expense of the Palestinians, eliminating any reference to a negotiated settlement or to a "viable, contiguous, sovereign, and independent Palestinian state." The vote was almost unanimous, 407-9, revealing how deep the bi-partisan support for Israel was in Congress.

The next day the Senate passed a similar resolution (S Resolution 393) by a vote of 95-3. While demanding that the Palestinians stop "armed activity and all acts of violence against Israelis anywhere," it goes on to assert that "it is unrealistic" for any peace settlement between Israel and Palestinians to require Israel to return to the borders that existed before the 1967 Six Day War. The Senate Resolution nevertheless mentions the Road Map and Israel's obligation to "limit" settlement activity, omitted from the House version altogether.

Sharon, as might be expected, called the vote one of the biggest diplomatic achievements in Israel's history. "This is a great day in the history of Israel," he told a meeting at the ruling Likud Party headquarters in Tel Aviv. "The bi-partisan Congressional support for the President's letter and the State of Israel is without a doubt one of the most important diplomatic achievements for Israel since its creation."

In one bold diplomatic move, then, Sharon transformed the Occupation from a temporary military situation into a permanent political fact recognized by both the executive and legislative branches of its greatest benefactor, the United States. US policy towards the Israeli-Palestinian conflict now officially rejects a return to the 1949/1967 "Green Line" – contradicting the very principle of a mutually negotiated settlement. Since then Bush's letter has become a cornerstone of Israeli policy in the Occupied Territories. "Ehud Olmert," reported the Washington Post (April 24, 2008),

said this week that Bush's letter gave the Jewish state permission to expand the West Bank settlements that it hopes to retain in a final peace deal, even though Bush's peace plan officially calls for a freeze of Israeli settlements across Palestinian territories on the West Bank. In an interview this week, Sharon's chief of staff, Dov Weissglas, said Secretary of State Condoleezza Rice reaffirmed this understanding in a secret agreement reached between Israel and the United States in the spring of 2005, just before Israel withdrew from Gaza.

Israeli Prime Minister Ehud Olmert offered his perspective:

"It was clear from day one to Abbas, Rice and Bush that construction would continue in population concentrations -- the areas mentioned in Bush's 2004 letter," Olmert declared in an interview with the Israeli newspaper Yedioth Ahronoth, published Sunday. "I say this again today: Beitar Illit will be built, Gush Etzion will be built; there will be construction



in Pisgat Ze'ev and in the Jewish neighborhoods in Jerusalem," referring to new settlement expansion plans. "It's clear that these areas will remain under Israeli control in any future settlement."

The sharp turn in American foreign policy represented more than simply a strengthening of the traditional pro-Israel line or even a renunciation of the Road Map – supposedly Bush's own initiative. It constituted a renunciation of the very post-World War II international system based upon the premise of the illegitimacy of the expansion of a country's territory by military force (Zunes 2004). The Bush Administration, together with Congress, effectively eliminated UN Security Council resolutions 242 and 338 calling on Israel to withdraw from territories seized in the June 1967 war in return for security guarantees from its Arab neighbors. All previous U.S. administrations of both parties had considered these resolutions the only working basis for Arab-Israeli peace. So, too, did the wider international community. The radical departure from the diplomatic and legal architecture of the Road Map precipitated a joint condemnation by the other Quartet partners (Europe, Russia and the UN).

From Israel's point of view, the disengagement plan virtually concluded the process, pursued by all Israeli governments since 1967 and by Sharon himself since 1977, of creating a cantonized Palestinian entity that gets the Palestinians "off our hands" while leaving Israel firmly in control. So self-assured was the Sharon government that it "won" (especially with the backing of the Labor Party, that entered the government as a junior partner in late December, 2004) that it felt free to openly flaunt its strategy. In an extraordinarily candid interview with the Israeli newspaper Ha'aretz ("The Big Freeze," Ha'aretz Magazine Oct. 8, 2004), Dov Weisglass spelled out explicitly the meaning of "disengagement" and how it contributed to permanent Israeli hegemony. If only as a document affirming the analytical line of this book, it deserves to be quoted at length.

[Interviewer]: If you have American backing and you have the principle of the road map, why go to disengagement?

[Weisglass]: Because in the fall of 2003 we understood that everything is stuck. And even though according to the Americans' reading of the situation, the blame fell on the Palestinians and not on us, Arik [Sharon's nickname] grasped that this state of affairs would not last. That they wouldn't leave us alone, wouldn't get off our case. Time was not on our side. There was international erosion, internal erosion. Domestically, in the meantime, everything was collapsing. The economy was stagnant, and the Geneva Initiative garnered broad support. And then we were hit with letters of officers and letters of pilots and letters of commandos [letters of refusal to serve in the territories]. These were not weird kids with green ponytails and a ring in their nose who give off a strong odor of grass. These were people like Spector's group [Yiftah Spector, a renowned Air Force pilot who signed the pilot's refusenik letter]. Really our finest young people.

What was your main concern in those months, what was the main factor that pushed you to the disengagement idea?



The concern was the fact that President Bush's formula was stuck and this would lead to its ruin. That the international community would say: You wanted the president's formula and you got it; you wanted to try Abu Mazen and you tried. It didn't work. And when a formula doesn't work in reality, you don't change reality, you change the formula. Therefore, Arik's realistic viewpoint said that it was possible that the principle that was our historic policy achievement would be annulled - the principle that eradication of terrorism precedes a political process. And with the annulment of that principle, Israel would find itself negotiating with terrorism. And because once such negotiations start it's very difficult to stop them, the result would be a Palestinian state with terrorism. And all this within quite a short time. Not decades or even years, but a few months.

I still don't see how the disengagement plan helps here. What was the major importance of the plan from your point of view?

The disengagement plan is the preservative of the sequence principle. It is the bottle of formaldehyde within which you place the president's formula so that it will be preserved for a very lengthy period. The disengagement is actually formaldehyde. It supplies the amount of formaldehyde that's necessary so that there will not be a political process with the Palestinians.

Is what you are saying, then, is that you exchanged the strategy of a long-term interim agreement for a strategy of long-term interim situation?

The American term is to park conveniently. The disengagement plan makes it possible for Israel to park conveniently in an interim situation that distances us as far as possible from political pressure. It legitimizes our contention that there is no negotiating with the Palestinians. There is a decision here to do the minimum possible in order to maintain our political situation. The decision is proving itself. It is making it possible for the Americans to go to the seething and simmering international community and say to them, 'What do you want.' It also transfers the initiative to our hands. It compels the world to deal with our idea, with the scenario we wrote. It places the Palestinians under tremendous pressure. It forces them into a corner that they hate to be in. It thrusts them into a situation in which they have to prove their seriousness. There are no more excuses. There are no more Israeli soldiers spoiling their day. And for the first time they have a slice of land with total continuity on which they can race from one end to the other in their Ferrari. And the whole world is watching them - them, not us. The whole world is asking what they intend to do with this slice of land.

I want to remind you that there will also be a withdrawal in the West Bank.

The withdrawal in Samaria is a token one. We agreed to it only so it wouldn't be said that we concluded our obligation in Gaza.

You gave up the Gaza Strip in order to save the West Bank? Is the Gaza disengagement



meant to allow Israel to continue controlling the majority of the West Bank?

Arik doesn't see Gaza today as an area of national interest. He does see Judea and Samaria as an area of national interest. He thinks rightly that we are still very, very far from the time when we will be able to reach final-status settlements in Judea and Samaria.

Does the evacuation of the settlements in Gaza strengthen the settlements in the West Bank or weaken them?

It doesn't hurt the isolated, remote settlements; it's not relevant for them. Their future will be determined in many years. When we reach a final settlement. It's not certain that each and every one of them will be able to go on existing.

On the other hand, in regard to the large settlement blocs, thanks to the disengagement plan, we have in our hands a first-ever American statement that they will be part of Israel. In years to come, perhaps decades, when negotiations will be held between Israel and the Palestinians, the master of the world will pound on the table and say: We stated already ten years ago that the large blocs are part of Israel.

If so, Sharon can tell the leaders of the settlers that he is evacuating 10,000 settlers and in the future he will be compelled to evacuate another 10,000, but he is strengthening the other 200,000, strengthening their hold in the soil.

Arik can say honestly that this is a serious move because of which, out of 240,000 settlers, 190,000 will not be moved from their place. Will not be moved.

Is he sacrificing a few of his children in order to ensure that the others remain permanently where they are?

At the moment he is not sacrificing anyone in Judea and Samaria. Until the land is quiet and until negotiations begin, nothing is happening. And the intention is to fight for every single place. That struggle can be conducted from a far more convenient point of departure. Because in regard to the isolated settlements there is an American commitment stating that we are not dealing with them at the moment, while for the large blocs there is genuine political insurance. There is an American commitment such as never existed before, with regard to 190,000 settlers.

If what you are saying is correct, the settlers themselves should organize demonstrations of support for Sharon, because he did a tremendous service to the settlement enterprise.

"They should have danced around and around the Prime Minister's Office....Arik is the first person who succeeded in taking the ideas of the national camp and turning them into a political reality that is accepted by the whole world. After all, when he declared six or seven years ago that we would never negotiate under fire, he only generated gales of laughter.



Whereas today that same approach guides the president of the United States. It was passed in the House of Representatives by a vote of 405-7, and in the Senate by 95-5.

From your point of view, then, your major achievement is to have frozen the political process legitimately?

That is exactly what happened. You know, the term 'political process' is a bundle of concepts and commitments. The political process is the establishment of a Palestinian state with all the security risks that entails. The political process is the evacuation of settlements, it's the return of refugees, it's the partition of Jerusalem. And all that has now been frozen.

So you have carried out the maneuver of the century? And all of it with authority and permission?

When you say 'maneuver,' it doesn't sound nice. It sounds like you said one thing and something else came out. But that's the whole point. After all, what have I been shouting for the past year? That I found a device, in cooperation with the management of the world, to ensure that there will be no stopwatch here. That there will be no timetable to implement the settlers' nightmare. I have postponed that nightmare indefinitely. Because what I effectively agreed to with the Americans was that part of the settlements would not be dealt with at all, and the rest will not be dealt with until the Palestinians turn into Finns. That is the significance of what we did. The significance is the freezing of the political process. And when you freeze that process you prevent the establishment of a Palestinian state and you prevent a discussion about the refugees, the borders and Jerusalem. Effectively, this whole package that is called the Palestinian state, with all that it entails, has been removed from our agenda indefinitely. And all this with authority and permission. All with a presidential blessing and the ratification of both houses of Congress. What more could have been anticipated? What more could have been given to the settlers?

I return to my previous question: In return for ceding Gaza, you obtained status quo in Judea and Samaria?

You keep insisting on the wrong definition. The right definition is that we created a status quo vis-a-vis the Palestinians. There was a very difficult package of commitments that Israel was expected to accept. That package is called a political process. It included elements we will never agree to accept and elements we cannot accept at this time. But we succeeded in taking that package and sending it beyond the hills of time. With the proper management we succeeded in removing the issue of the political process from the agenda. And we educated the world to understand that there is no one to talk to. And we received a no-one-to-talk-to certificate. That certificate says: (1) There is no one to talk to. (2) As long as there is no one to talk to, the geographic status quo remains intact. (3) The certificate will be revoked only when this-and-this happens - when Palestine becomes Finland. (4) See you then, and shalom.



The Palestinians in Gaza Refuse to “Disengage”

Two coinciding events, Bush’s re-election and the death of Yasser Arafat, whose funeral was held in Ramallah on November 12, 2004, seemed to further open the way to the final phase of bantuzation, of apartheid: finding a Palestinian leader who, given the appropriately “sweetened” deal, would sign off on a political agreement with Israel. South Africa could not have established its Bantustans had it not found black African “leaders” willing to serve as their “countries” presidents. Israel can define the Palestinian Bantustan, but it needs a pliant Palestinian president to give it legitimacy.

No sooner was President Arafat in his grave before the post-Arafat era officially began. Meeting at the White House on the day of the funeral, President Bush and Prime Minister Tony Blair (who would later be appointed the Quartet’s Middle East Envoy, charged specifically with “sweetening the deal” for the Palestinians) announced that they would rededicate their efforts to achieving a viable Palestinian state through a revitalized Road Map process. Declaring 2005 “the year of great opportunity,” Sharon expressed hope that Arafat would be followed by a “moderate and pragmatic leader” with whom Israel could “do business.” Mahmoud Abbas (Abu Mazen) was to be that person, and for solid reasons. It was he who reached the secret agreement with Israel’s former Justice Minister Yossi Beilin in October 1995, which laid the foundations for Barak’s “generous offer,” the Clinton Parameters and the Geneva Initiative. These were all tipped in Israel’s favor. They all incorporated most of the settlement blocs (reduced in size if not in population), exiled the Palestinian capital to the Jerusalem suburb of Abu Dis and rejected the Right of Return.

Abu Mazen was elected President of the Palestinian Authority on January 9, 2005, by a comfortable majority since his main opposition, Hamas, did not compete. In January, 2006, however, in general elections urged on an unwilling Abu Mazen by the Bush Administration, Hamas did compete and won a majority of seats in the Palestinian Legislative Council (76 out of 132). Ismail Haniya, a political leader of Hamas was elected Prime Minister. Why Hamas won in undisputedly fair and free elections (although it obtained only 43% of the popular vote) is not hard to fathom. Although Palestinians, historically the most secular of Arab peoples and do not generally support its religious agenda, 2005 had not proved to be “the year of great opportunity.” Far from it. Not a single promise of the Road Map had materialized. On the contrary, Israel, in the wake of its so-called “disengagement” from Gaza had only strengthened its hold on the Occupied Territories, the closure had only tightened and the economic situation of the average Palestinian family had measurably worsened. For its part, Hamas had established much closer ties to the suffering Palestinian population through its grassroots social, health and educational services than the aloof, increasingly elitist and corrupt PA leadership. It also resisted Israel and its ever more entrenched Occupation; no fear that the Hamas leadership would become collaborationist.

Again, confrontation was chosen over engagement. Mofaz’s campaign of “targeted killings” was intensified. Dr. Abdel Aziz Duaik, the speaker of the Palestinian parliament and all duly elected Hamas parliamentarians were arrested; as of early 2009 they are still being



held in Israeli prisons. At the same time the international community, led by the US, the EU and Japan and egged on by Israel, imposed draconian sanctions on Gaza and its elected government in the wake of Hamas's electoral victory, and further tightened them after the Hamas-led government successfully pre-empted a coup d'état by Fatah forces, ousting Fatah completely from Gaza. The Israeli government declared Gaza "hostile entity" – a completely fictitious term in international law – and voted to restrict the passage of various goods, including vital medical supplies and building materials, and to reduce the supply of fuel and electricity. It illegally withheld millions of dollars of tax revenues collected by agreement in the name of the Palestinian Authority, amounting to half of the government's revenues. International aid was cut off or channeled through NGOs alone. Movement of goods and people within the Palestinian territories and into the wider world were further restricted. And the U.S. imposed severe banking restrictions. Within months the people of Gaza had fallen into severe impoverishment. Ninety-five percent of Gaza's factories had closed, leading to the loss of about 113,000 jobs; the Red Cross reported that an almost hermetic closure had left 5000 commercial farmers with a drop in sales of 100% as produce rotted at export crossings.. Unable to maintain even the basic infrastructure, the sewage system soon collapsed. In March, 2007, Um Al Nasser village in northern Gaza was completely flooded with sewage, killing five people and making hundreds homeless (Reports of UNRWA, Human Rights Watch, Amnesty International, the Palestinian Center for Human Rights, the International Red Cross, the World Bank and the Humanitarian Monitor).

Among the voices raised in protest was that of John Dugard, a prominent South African judge and Special UN Rapporteur on the Situation of Human Rights in the Palestinian Territories. In remarks delivered to the Human Rights Council (September 26, 2006), he said:

I have been Special Rapporteur on human rights in the Occupied Palestinian Territory (OPT) since 2001. From a human rights perspective, the situation has deteriorated each year until the present time, which is intolerable, appalling, tragic – call it what you will – for the ordinary Palestinian. To illustrate this, let me describe some of the Israeli actions, practices and laws which the ordinary Palestinian faces.

In Gaza, since the capture of Corporal Gilad Shalit on 25 June, the people have been subjected to continuous bombardment and military incursions in which over 100 civilians have been killed and many hundreds wounded. What Israel chooses to describe as "collateral damage" to the civilian population is in fact indiscriminate killing prohibited by international law. Then there are regular sonic bombs, which terrorize the population at night.

In June [2006], Israel bombed and destroyed the only domestic power plant in Gaza. Consequently more than half the electricity supply has been cut off and Gazans will remain without adequate power for at least another year. This impacts not only on heating and cooking in the home but also on the supply of water as water pumps are without power.



Hospitals are forced to use generators to power life-saving equipment because of power cuts. Many essential drugs are unavailable. Hospital staff cannot come to work as their salaries are unpaid and they cannot afford transport to their workplace. Patients cannot travel abroad for better treatment because of the closure of the Rafah crossing. Houses have been destroyed by tanks and bulldozers. Schools have likewise been damaged. Citrus trees and olive trees have been uprooted; agricultural land flattened by bulldozers.

Three quarters of the population is unable to feed itself and is dependent on food aid. Food prices have inflated; fish is no longer available because of Israel's naval blockade which forbids fishing; perishable food is lost because of the lack of electricity. Both the Rafah crossing for persons and the Karni crossing for goods are continuously closed. Not for security reasons but to bring pressure on the Palestinians to release Corporal Shalit. Gaza is a prison; and Israel seems to have thrown away the key....

In large measure the humanitarian crisis is the result of termination of the funding of the Palestinian Authority since Hamas was elected to office. Israel is unlawfully withholding VAT duties and customs revenue amounting to 50-60 million dollars per month and the United States, Canada and the European Union have discontinued funding of projects associated with the Palestinian Authority.... In effect the Palestinian people have been subjected to economic sanctions – the first time an occupied people has been so treated. Israel violates international law as expounded by both the Security Council and the International Court of Justice and goes unpunished. But the Palestinian people are punished for having democratically elected a regime unacceptable to Israel, the US and the EU.

The onslaught against Gaza with its attendant loss of life and injury, the construction of the Wall, the system of checkpoints, the destruction of houses and lands, and the resulting imposed humanitarian crisis cannot be justified in law. As security measures they are grossly disproportionate and indiscriminate. They constitute collective punishment, not of a government, but of a people – in clear violation of Article 33 of the Fourth Geneva Convention.

Israel is largely to blame for the situation I have described. Its actions, practices and laws deal harshly with Palestinians. But other states and institutions are not blameless. The United States, Canada and the EU have contributed substantially to the humanitarian crisis by withdrawing funding not only from the Palestinian Authority but also from the Palestinian people. Sadly, the United Nations as a member of the Quartet has condoned such action. In effect, it has made itself a party to the imposition of economic sanctions against the Palestinian people. All Member States of this Council are members of the United Nations and accordingly bear some responsibility for the present situation.

Let me conclude by saying, as I have said over the past five years, that the actions of Israel, and now other States, against the people of Palestine challenge the commitment of the international community to human rights. If the states and institutions comprising the international community cannot recognize what is happening in the OPT and take



some action they must not be surprised if the people of the planet disbelieve that they are seriously committed to the promotion of human rights and the protection of an endangered people.

The misery caused by the sanctions were still not enough for Mofaz, however. "It turns out that our policy of blocking the supply of goods, fuel, electricity, food and water is failing to yield desired and expected results," he said. "We must reassume personal targeted killings against Hamas leadership in Gaza" (Yediot newspaper, November 16, 2008).

Do Palestinians Have To Become Zionists Before There Is Peace?

The supposed reasons for not recognizing the elected Hamas government are well known: non-recognition of the State of Israel, an unwillingness to negotiate with it and its being, essentially, a "terrorist organization." Accordingly, Hamas would have to take three basic steps before it would be allowed into the political process: renounce violence, recognize Israel (as has the PLO, although in the Annapolis negotiations Israel has been demanding recognition as a Jewish state), and accept previous agreements between Israel and the Palestinian National Authority.

Now the question is: if Hamas is willing to constructively participate in a peace process, even if from a distance, should it also be required to change its fundamental ideology, program and character? Does it have to accept as a fact – indeed, as a legitimate fact – that more than 80% of the Palestinians' historic (Israel and the settlement blocs at minimum) homeland now "belongs" to another people, as does the Holy City of Jerusalem? Does Hamas have to become a Zionist organization before it obtains the right to participate in fateful decisions affecting its own people?

It will never be. To understand where Hamas is coming from, we must leave the Zionist "box" and enter into the world – still alive – of anti-colonialism. Like all colonized peoples – and Hamas, like all Palestinian organizations, considers Zionism a European colonial movement, even if Jews consider it a movement of "return" – it steadfastly refuses to acknowledge Israel's fundamental legitimacy. Khalid Mish'al, the leader of Hamas, has put his organization's principles clearly and forcefully:

Hamas has been elected mainly because of its immovable faith in the inevitability of victory; and Hamas is immune to bribery, intimidation and blackmail. While we are keen on having friendly relations with all nations we shall not seek friendships at the expense of our legitimate rights. We have seen how other nations, including the peoples of Vietnam and South Africa, persisted in their struggle until their quest for freedom and justice was accomplished. We are no different, our cause is no less worthy, our determination is no less profound and our patience is no less abundant.

We shall never recognise the right of any power to rob us of our land and deny us our national rights. We shall never recognise the legitimacy of a Zionist state created on our



soil in order to atone for somebody else's sins or solve somebody else's problem. But if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms. Hamas is extending a hand of peace to those who are truly interested in a peace based on justice (The Guardian, Jan. 31, 2006).

The Hamas leadership also rejects the notion that to be anti-Zionist is to be anti-Semitic. "Our message to the Israelis," writes Mish'al,

is this: we do not fight you because you belong to a certain faith or culture. Jews have lived in the Muslim world for 13 centuries in peace and harmony; they are in our religion "the people of the book" who have a covenant from God and His Messenger Muhammad (peace be upon him) to be respected and protected. Our conflict with you is not religious but political. We have no problem with Jews who have not attacked us - our problem is with those who came to our land, imposed themselves on us by force, destroyed our society and banished our people.

For all that, Hamas nevertheless is a pragmatic political organization which recognizes, if not legitimizes, realities on the ground. It is even willing to accept a two-state solution (although like all other Palestinian organizations, it considers Israel an unsustainable entity in the long-run and expects it to evolve into a single democratic state). Thus in January, 2006, senior Hamas official Abdel Aziz al-Rantissi (who was subsequently assassinated) offered Israel a ten-year hudna, or truce, in return for a complete withdrawal from the Occupied Territories and the establishment of a Palestinian state. After winning the 2006 elections Hamas repeated the offer, accepting the Arab Peace Initiative (the Saudi Initiative). Around the same time Hamas leader Sheikh Ahmed Yassin (also assassinated soon after) affirmed that his organization could accept a Palestinian state in the West Bank and Gaza. And Mish'al (who Israel tried to assassinate in 1997) publically stated that in return for a genuine two-state solution – including a recognition of the refugees' right of return (the actual implementation of which, according to both the PLO and the Saudi Initiative, can be negotiated) – Israel could live in peace with its neighbors.

Perhaps the most significant political document attesting to the pragmatism of Hamas, Islamic Jihad and, in fact, all the Palestinian factions is what is called the Prisoner's Document. Drafted in May, 2006, by prisoners (Israeli prisons is, after all, where the genuine Palestinian leadership is found, at least that which has not been assassinated) representing every party from the left to right. The Prisoners' Document, officially known as the National Reconciliation Document, is remarkably moderate, essentially supporting a two-state solution. The 18-point paper opens with implicit recognition of Israel within the 1949/1967 borders:

The Palestinian people in the homeland and in the Diaspora seek to liberate their land and to achieve their right to freedom, return and independence, and to exercise their right to self determination, including the right to establish their independent state with al-Quds al-Shareef [Jerusalem] as its capital on all territories occupied in 1967; to secure the right of



return for the refugees and to liberate all prisoners and detainees according to the historical right of our people on the land of the fathers and grandfathers as based on the UN Charter and the international law and international legitimacy.

Point 3 affirms the Palestinians' right to resist, although it, too, restricts that to the Occupied Territories:

The right of the Palestinian people to resist and adhere to the option of resistance by various means, focusing the resistance in the Occupied Territories of 1967, alongside political action, negotiations, diplomatic action and continuation of popular and mass resistance against the Occupation in its various forms and policies, making sure there is broad participation by all sectors and masses in the popular resistance.

In Point 7 of the Prisoners' Document, Hamas and Jihad reiterate their principled refusal to negotiate with Israel or recognize its legitimacy. Nevertheless, they do agree to negotiations if led by the PLO and the Palestinian Authority:

Administration of the negotiations is the jurisdiction of the PLO and the President of the PNA on the basis of clinging to the Palestinian national goals and to achieve these goals on condition that any final agreement must be presented to the new PNC for ratification or to hold a general referendum wherever it is possible.

Taken together with Point 1, the Prisoner's Document indicates that all the factions will abide by the outcome of negotiations with Israel if (1) they lead to an Israeli withdrawal from all the Occupied Territories and (2) the results of the negotiations are approved in a national referendum.

The Prisoners' Document concludes by calling on all political factions

to work on expanding the role and presence of the international solidarity committees and the peace loving groups that support our people in their just struggle against the occupation, settlements, the apartheid wall politically and locally and to work towards the implementation of the International Court of Justice decision at The Hague pertaining to the removal of the wall and settlements and their illegitimate presence.

The document walks a fine line between seeking a political settlement with Israel and refusing, understandably, to give up claim to Palestine as a whole. In this, however, it is far ahead of the Likud Party Charter adopted in 1999 when the Netanyahu government was still in power, which claims the entire Land of Israel exclusively for the Jews but leaves no opening whatsoever for any compromise with the Palestinians. It flatly states:

The Jewish communities in Judea, Samaria and Gaza are the realization of Zionist values. Settlement of the land is a clear expression of the unassailable right of the Jewish people to the Land of Israel and constitutes an important asset in the defense of the vital interests



of the State of Israel. The Likud will continue to strengthen and develop these communities and will prevent their uprooting....The Government of Israel flatly rejects the establishment of a Palestinian Arab state west of the Jordan river.

Though understandably nuanced, Hamas has signaled to Israel many times and in many forms its willingness to reach a just political solution that leaves it sovereign over 78% of historic Palestine. This is a very different picture from that painted by Sharon, Gilad, Barak and all the rest – and the Israeli leadership knows it. Thus, Olmert’s knee-jerk dismissal of the Prisoners’ Document as “meaningless” and unacceptable because it calls for full withdrawal from the Occupied Territories and the right of return (*The Independent*, June 10, 2006) represents nothing less than demagoguery – even a betrayal of both the Palestinian and Israeli peoples by not following through on every opening towards peace. Again, despite the “spin,” the problem seems to be with Israel, not with the Palestinians, or even with Hamas.



THE SAUDI INITIATIVE REVISITED: THE BANTUSTAN TAKES ON URGENCY

On September 23, 2001, Prime Minister Ariel Sharon, the architect of Israel's settlement project for the past two and a half decades, the one who urged the settlers to "run and grab as many hilltops as you can to enlarge the settlements, because everything we take now will stay ours, everything we don't grab will go to them," the man identified with the concept of the Greater Land of Israel, said something very strange: "The State of Israel wants to give [the Palestinians] what no one offered them in the past - the possibility to establish a state." It set off a firestorm in his own Likud Party, which until today does not accept the idea of a Palestinian state, and began the process that led, four years later, to his bolting Likud and establishing the Kadima Party, which (under Olmert who succeeded the now comatose Sharon) won the 2006 elections. On the way Sharon had alienated the right wing of his party, led by his arch-rival Netanyahu, by promoting the idea of "disengaging" from Gaza, and had to enter into a coalition with Labor in order to pull it off.

What had happened? Various explanations have been given for Sharon's "conversion." That he was always a "closet Labor person," that he understood the need for a Palestinian state because of the changing demography, that he believed, as the Bush Letter and Weisglass seem to affirm, that Bush's presidency offered a unique opportunity to nail down a peace-with-the-settlement-blocs which should not be missed. All these explanations contain parts of the answer, but I would suggest one other: Sharon's reevaluation of the Saudi Initiative in terms of Israel's regional aspirations.

When the Saudi Initiative, the Arab Peace Initiative, was approved at a meeting of the Arab League in Beirut in March, 2002, Israel was embroiled in Operation Defensive Shield, its reoccupation of the West Bank. For the first time, as was mentioned earlier, the Arab League unanimously offered Israel peace, recognition and full normalization, including integration into the region, in return for the establishment of a Palestinian state in all the Occupied Territories and acceptance of the refugees' right of return (though, significantly, a solution "to be agreed upon"). According to the Initiative, Israel should:

- (a) Complete withdrawal from the occupied Arab territories, including the Syrian Golan Heights, to the 4 June 1967 line and the territories still occupied in southern Lebanon;
- (b) Attain a just solution to the problem of Palestinian refugees to be agreed upon in accordance with the UN General Assembly Resolution No 194;
- (c) Accept the establishment of an independent and sovereign Palestinian state on the Palestinian territories occupied since 4 June 1967 in the West Bank and Gaza Strip with East Jerusalem as its capital.

"In return," says the Initiative,

the Arab states will do the following: (a) Consider the Arab-Israeli conflict over, sign a



peace agreement with Israel, and achieve peace for all states in the region; (b) Establish normal relations with Israel within the framework of this comprehensive peace.

Initially, Israel hardly responded. On the contrary, though the Initiative was taken seriously enough by the Quartet to be included as a term of reference in the Road Map, Israel, in its Fourteen Reservations, demanded that it be removed. But gradually, I believe, it began to dawn on Sharon that he had been presented by some extremely unique opportunities that would permit him to successfully conclude his life's work of rendering permanent Israel's control over the Land of Israel. The Saudi Initiative came about at the height of the Second Intifada, not long into both Sharon's and Bush's first terms in office, when both were just crystallizing their political agendas. As time went on, however, Sharon began to understand just how pliable and supportive Bush could be (especially given his Christian Zionism and his gratitude for key Israeli assistance in preparing for the war in Iraq) and to what degree he (Sharon) had succeeded in neutralizing – even pacifying – the Palestinian Authority. More to the point, he began to grasp the sub-text of the Saudi Initiative: We want you to take your place along us, the undemocratic regimes fearful for our own survival in the face of a resurgent Islamic fundamentalism and just as concerned about Iran as you are, as a regional power. We need (and admire) your military prowess, and appreciate your ability to bring to our part of the world greater American involvement (i.e., weaponry and political support). But – and this is the only hitch – even we cannot ignore public opinion in our countries. We simply cannot normalize relations with you until we get past the Occupation. So please, let's come to a quick resolution of the Palestinian problem (which is as much a problem for us as for you) so we can move onto more pressing regional agendas.

Once Sharon grasped this, that peace on Israel's terms would be based not on the good intentions of the Arab countries, which Israel never trusted, but on genuine common interests, he saw that he could have his cake and eat it too: as Weisglass candidly said, at the price of a few isolated settlements Israel could retain its major settlement blocs and Greater Jerusalem, make peace with the weak Palestinian leadership and get past the Occupation to a far more significant agenda for a military man like Sharon, installing Israel as the leading power in the Middle East. I don't think I'm reading too much into the historical record; Sharon said as much himself. Listen to a piece of his December 16, 2004, speech to the Herzliya Conference:

Disengagement recognizes the demographic reality on the ground specifically, bravely and honestly. Of course it is clear to everyone that we will not be in the Gaza Strip in the final agreement. This recognition, that we will not be in Gaza, and that, even now, we have no reason to be there, does not divide the people and is not tearing us apart, as the opposing minority claim. Rather, the opposite is true. Disengagement from Gaza is uniting the people. It is uniting us in distinguishing between goals which deserve to be fought for, since they are truly in our souls such as Jerusalem, the large settlement blocs, the security zones and maintaining Israel's character as a Jewish state rather than goals where it is clear to all of us that they will not be realized, and that most of the public is not ready, justifiably, to sacrifice so much for.



Hence his break the Likud, a party of small-thinking ideologues obsessed with retaining every square centimeter of the Land of Israel. Indeed, all was going according to plan when, on January 4, 2006, just three months before the up-coming elections and only a little more than a month after having formed the Kadima Party, he had his debilitating stroke.

The Annapolis Process

Enter the Annapolis Process.

As the clock began ticking on Bush's presidency, the Olmert government began to fret over losing their historic opportunity for "peace" on Israel's terms. Certainly no one expected that Bush's successor would be anywhere as supportive as he was. Thanks to Sharon, everything seemed in place to finally nail down an apartheid regime, to render the Occupation a permanent political fact in accordance with the Convergence Plan. The "facts on the ground" were massive, the contours of the emerging Palestinian Bantustan were readily apparent between the settlement blocs and within the Wall, and Israel had its collaborator – an unelected Palestinian Authority headed by President Abbas – who Israeli leaders believed could be cajoled into signing off on a truncated mini-state. True, Gaza had fallen into the hands of Hamas, but they had been effectively excluded from any peace process. And the Arab League was urging Israel in ever more desperate terms to get beyond the Occupation and get on with their common regional agenda. The time seemed ripe. Apartheid in the guise of a two-state solution seemed do-able before the American election in November, 2008. Or, enough could be accomplished so as to tie the hands of next president. But if, in the end, nothing came of a new peace process, well, Israel could always go back to the Status Quo that had served it so well the past 41 years and could be sustained, Israelis believe, indefinitely.

Thus, with the official peace process, the Road Map, being somewhat moribund, the Annapolis Process was inaugurated. On November 27, 2007 the festivities were hosted by Bush, Condoleezza Rice, Olmert, Livni and Abbas, to great fanfare. Attending were representatives of the G-8 group of industrialized countries, permanent members of the U.N. Security Council, fellow members of the international Quartet, representatives of the International Monetary Fund and the World Bank, members of the Arab League Follow-on Committee (Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, and Yemen), members of the Organization of the Islamic Conference, Saudi Foreign Minister Saud Al-Faisal, Arab League Secretary-General Amr Moussa, and representatives of 40 countries, including a great many Arab dignitaries. An ebullient Olmert declared: "Annapolis is a landmark on the path to negotiations and of the genuine effort to achieve the realization of the vision of two nations: the State of Israel – the nation of the Jewish people; and the Palestinian state – the nation of the Palestinian people."

Who knows if Sharon, a strong and popular leader, could have pulled it off. Olmert certainly had none of his predecessor's clout. Be that as it may, Israel had hoisted itself on own petard.



Not only did the right wing -- Netanyahu's Likud, Avigdor Lieberman's Israel Beiteinu [Israel Is Our Home], the Sephardi ultra-orthodox Shas party, the settlers' National Religious Party and other smaller factions -- find it bizarre to enter into some kind of partnership with the Arab League, they rejected outright the very notion of relinquishing land and settlements to the Palestinians.

From the beginning, then, the Olmert government had to finesse, to carefully balance the demands of the right not to make meaningful concessions (in order to keep his government coalition afloat, Olmert was forbidden to even mention the word "Jerusalem" or get into substantive final issue negotiations) while nevertheless trying to get the Palestinians to agree to a mini-state. Unable even to formulate an agreed-upon agenda with the Palestinians, all Olmert could do at the opening of the Annapolis Process was to come up with a vaguely worded joint statement with Abbas stating: "We agree to engage in vigorous, ongoing and continuous negotiations and shall make every effort to conclude an agreement before the end of 2008."

While pushing to "get past the Occupation," then, Olmert, to keep the support of his right flank, had to impose parameters on the negotiations that virtually paralyzed them.

Requiring recognition of Israel as a "Jewish state." As a precondition for opening the Oslo peace process, the Palestinians were required to formally recognize the state of Israel -- although they had already done so in 1988 when they formally accepted the two-state solution. Now came a fresh demand: before any negotiations could begin, the Palestinians had to recognize Israel as a Jewish state. Not only did this introduce an entirely new element that Israel knew the Palestinians could not accept, but it prejudiced as well the status of Palestinian citizens of Israel. It could also lead to transfer, to ethnic cleansing, after a Palestinian state is established. This is not merely an academic concern. "My solution for maintaining a Jewish and democratic state of Israel," said then-Foreign Minister Tzipi Livni, "is to have two distinct national entities. And among other things I will also be able to approach the Palestinian residents of Israel, those whom we call Israeli Arabs, and tell them: 'Your national aspirations lie elsewhere'" (Jerusalem Post, Dec. 11, 2008).

Acceptance of the route of the Separation Barrier as the new "demographic" and political border, not the Green Line. This demand, which excludes the settlement blocs from negotiations, precludes, as we have seen, any viable two-state solution. It is based explicitly on Bush's 2004 letter to Sharon which calls it "unrealistic" to expect Israel to withdraw to the 1949/1967 borders. Indeed, as in Oslo, nothing in the Annapolis parameters prevents Israel from continuing to expand its settlement, construct its Israel-only highway system, erect the Wall or establish any other "facts on the ground."

Creating insurmountable political obstacles. Two weeks before Annapolis was to convene, the Israeli Parliament, at the initiative of right-wing parties, passed a law that a majority of two-thirds would be required to approve any change in the status of Jerusalem, an impossible threshold. Shas, a crucial coalition partner, announced that if the subject of Jerusalem is



even raised in negotiations it will leave the government, precipitating its fall.

Delayed implementation. OK, the Israeli government says, we'll negotiate. But the implementation of any agreement will wait on the complete cessation of any resistance on the part of the Palestinians. "Security before peace" is the way the Israeli government frames it. Since, however, there has never been any indication that Israel would agree to a viable Palestinian state, and since Israel views any resistance, armed or non-violent, as a form of terrorism, "security before peace" actually means "stop all resistance and you may get a state." The catch here is that if Palestinians do stop their resistance, they are lost. Without Palestinian pressure, Israel and the international community would lack any motivation for making the concessions necessary for a genuine solution. And even if an agreement is reached, "security before peace" means that it will not be implemented until Israel unilaterally decides the conditions are ripe. This so-called "shelf agreement" erects yet another insurmountable obstacle before any peace process.

Declaring a "transitional" Palestinian state. If all else fails – actually negotiating with the Palestinians or relinquishing the Occupation not being an option – the US, at Israel's behest, can go back to the Road Map. If, as Tzipi Livni has suggested, Phase 2, calling for a "transitional" Palestinian state with no defined borders, territory or sovereignty, can be switched with Phase 1, in which Israel must freeze its settlement construction, then the Palestinians could be locked indefinitely in the limbo of a "transitional" state. For Israel this ideal, since it offers the possibility of imposing borders and expanding into the Palestinian areas unilaterally yet, since it is presented as only being temporary and "transitional," it can be made to conform to the Road Map. Needless to say, any transitional state is the Palestinians' nightmare, and they have pressed to have Phase 2 of the Road Map removed altogether.

Needless to say, the Annapolis Process went nowhere. For a period Condoleezza Rice came to Israel/Palestine on a monthly basis, but Israel refused, or was unable, to make any meaningful concessions and construction of settlements, separate Israeli and Palestinian highways and the Wall continued apace. Abbas, whose militia was now armed and trained by the US, lost whatever credibility he had, seen by his own people as a collaborator, especially since he did nothing to oppose – indeed, even supported – the Israeli and international siege of Gaza. Even the meeting that was to be held a year later to summarize the progress that had been made, scheduled a month and half before Bush and Rice were to leave office, never took place. The Annapolis Process simply petered out.

The Assault on Gaza

Why Israel assaulted Gaza in the ferocious, absolutely disproportionate way it did beginning on December 27, 2008, and continuing for 22 days has many explanations. But it is also difficult to explain. Even if it felt forced to respond to rockets coming from Gaza after the ceasefire ended and even if Hamas had misjudged Israel's readiness to retaliate in its brinkmanship leading up to the invasion, security alone cannot explain the scale and



savagery of the attacks. In fact, had it wished to, Israel could have prevented the rocket fire completely. This would have meant, of course, opening the borders of Gaza and ending the siege and extending the cease-fire with Hamas – all within some political context. If that was not done, if the cease-fire was allowed to lapse and deteriorate into the terrible conflict it did, Hamas cannot be wholly blamed. Israel, it should be noted, repeatedly violated the cease-fire, continuing its targeted killing campaign throughout and even launching aerial attacks.

No, something else was going on. The attack on Gaza was carried out not from security considerations – the people of both Sderot and Gaza have long been used as cannon fodder by their leaders – but for clearly political reasons. The Annapolis Process was dead; the US and Israel had failed to nail down the apartheid “solution,” primarily because of Hamas and the resistance it generated, which Abbas could not ignore. Normally that would not have overly concerned Israel, who could have simply reverted to the long-standing and effective policy of maintaining the status quo. A new element had entered the equation, however: the election of Obama. Fearful that that might lead to a significant shift in American policy, Olmert’s government, supported by all the Jewish parties (including Meretz), decided to initiate the attack while Bush was still in power, using the end of the cease-fire and the renewed rocket fire (renewed since Israel’s attack on Gaza on November 4th, killing six Hamas members and violating the cease-fire) as a convenient pretext. The idea was simple: to use the umbrella provided by the Bush Administration, which did effectively head-off international attempts at a quick cease-fire once the assault began, to create the “facts on the ground” which Annapolis had failed to do. Namely, to weaken Hamas sufficiently that Abbas’s forces could re-enter a pacified Gaza. That done, Israel could have presented the new Obama Administration with a *fait accompli*, thus ensuring the continuation of a *de facto* Annapolis Process, thus foiling any new sources of pressure. The window was closing: only 22 days from the initial Shock and Awe strikes until the Inauguration.

In the end, the ploy failed. Despite the havoc wrought by Israel on Gaza, Hamas survived, Abbas was left even less credible among his own people than before, and in one of his first official moves, President Obama had appointed George Mitchell his special envoy to Israel/Palestine. The early-warning alarms began to go off. “Sen. Mitchell is fair. He’s been meticulously even-handed,” said Abraham Foxman, national director of the Anti-Defamation League. “But the fact is, American policy in the Middle East hasn’t been ‘even handed’ — it has been supportive of Israel when it felt Israel needed critical U.S. support. So I’m concerned. I’m not sure the situation requires that kind of approach in the Middle East.”

An Extremely Dangerous Development: Civilians Now Legitimate Targets

During Israel’s invasion of Gaza (it was not a “war” since the other side had no army), the world sat affixed and horrified at the images of dead children (albeit sanitized), an all-out assault by a powerful military on a densely-packed urban population and scenes of wholesale destruction crossed their screens in real time. Despite protests by millions



throughout the world, Israel's PR machine worked smoothly. As Chris McGreal reported for the Observer (Jan. 4, 2009):

It is a war on two fronts. Months ago, as Israel prepared to unleash its latest wave of desolation against Gaza, it recognised that blasting Hamas and "the infrastructure of terror", which includes police stations, homes and mosques, was a straightforward task. Israel also understood that a parallel operation would be required to persuade the rest of the world of the justice of its cause, even as the bodies of Palestinian women and children filled the mortuaries, and to ensure that its war was seen not in terms of occupation but of the west's struggle against terror and confrontation with Iran.

A new information directorate was established to influence the media, with some success. And when the attack began just over a week ago, a tide of diplomats, lobby groups, bloggers and other supporters of Israel were unleashed to hammer home a handful of carefully crafted core messages intended to ensure that Israel was seen as the victim, even as its bombardment killed more than 430 Palestinians over the past week, at least a third of them civilians or policemen....

Dan Gillerman, Israel's ambassador to the UN until a few months ago, was brought in by the Foreign Ministry to help lead the diplomatic and PR campaign. He said that the diplomatic and political groundwork has been under way for months. "This was something that was planned long ahead," he said. "I was recruited by the foreign minister to coordinate Israel's efforts and I have never seen all parts of a very complex machinery - whether it is the Foreign Ministry, the Defence Ministry, the prime minister's office, the police or the army - work in such co-ordination, being effective in sending out the message."

In briefings in Jerusalem and London, Brussels and New York, the same core messages were repeated: that Israel had no choice but to attack in response to the barrage of Hamas rockets; that the coming attack would be on "the infrastructure of terror" in Gaza and the targets principally Hamas fighters; that civilians would die, but it was because Hamas hides its fighters and weapons factories among ordinary people. Hand in hand went a strategy to remove the issue of occupation from discussion. Gaza was freed in 2005 when the Jewish settlers and army were pulled out, the Israelis said. It could have flourished as the basis of a Palestinian state, but its inhabitants chose conflict.

Israel portrayed Hamas as part of an axis of Islamist fundamentalist evil with Iran and Hezbollah. Its actions, the Israelis said, are nothing to do with continued occupation of the West Bank, the blockade of Gaza or the Israeli military's continued killing of large numbers of Palestinians since the pullout. "Israel is part of the free world and fights extremism and terrorism. Hamas is not," the foreign minister and Kadima party leader, Tzipi Livni, said on arriving in France as part of the diplomatic offensive last week.

Lobby groups, such as the British Israel Communications and Research Centre (Bicom) in London and the Israel Project in America, were mobilised. They arranged briefings,



conference calls and interviews. The Israeli military posted video footage on YouTube. Israeli diplomats in New York arranged a two-hour “citizens’ press conference” on Twitter for thousands of people. At the same time, Israel in effect barred foreign journalists from witnessing the results of its strategy.

In fact, Gaza was a “war” on three fronts. Besides the military and PR campaigns, the assault was an attempt to justify attacks on civilians, to pacify an entire population, to “send it a message” of zero tolerance to any form of resistance to Occupation and siege. The harming of civilians is simply “a normal product of circumstance,” said Foreign Minister Tzipi Livni. “We seek out the terrorists, and it can happen that civilians are sometimes hurt in the fight against terror,” (Israeli Radio, Jan. 19, 2009). The attack on Gaza represented a direct challenge to one of the most fundamental principles of international law: the absolute necessity to differentiate between civilians and combatants, to keep civilians out of the line of fire and to observe proportionality between the actual security threat and the response. As Amnesty International notes: “A fundamental principle of international humanitarian law is that parties involved in a conflict must at all times distinguish between civilians and combatants, and between civilian objects and military objectives. It is not permitted to target civilians, that is, people who are not members of the armed forces of either side. This principle, known as the Principle of Distinction, is codified in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. The Principle of Distinction is a fundamental rule of customary international humanitarian law, binding on all parties to armed conflicts, whether international or non-international” (Amnesty, *Without Distinction* 2002).

This shift in Israeli policy – contradictory to the spirit and letter of international law, and extremely dangerous if accepted – can be traced back at least to Mofaz and Ya’alon’s decision to fire 1.3 million bullets into Palestinian civilian areas in the first days of the Second Intifada – although changes in Israeli policy cannot be divorced from wider shifts, primarily those deriving from the American War on Terror. While the policy shift did not have a name at that time, it became necessary, if it was to be articulated and promoted as legitimate warfare able to withstand the scrutiny of international law, to formulate it in military, legal and even ethical terms. “When senior Israel Defense Forces officers are asked about the killing of hundreds of Palestinian civilians during the fighting in the Gaza Strip,” writes the journalist Amos Harel in *Ha’aretz* (Feb. 6, 2009),

they almost all give the same answer: The use of massive force was designed to protect the lives of the soldiers, and when faced with a choice between protecting the lives of Israeli soldiers and those of enemy civilians under whose protection the Hamas terrorists are operating, the soldiers take precedence.

The IDF’s response to criticism does not sound improvised or argumentative. The army entered Gaza with the capacity to gauge with relatively high certainty the impact of fighting against terror in such a densely populated area. And it operated there not only with the backing of the legal opinion of the office of the Military Advocate General, but also on the



basis of ethical theory, developed several years ago, that justifies its actions.

According to Harel, it was Asa Kasher, a Tel Aviv University professor of philosophy and ethics who drafted the IDF ethical code of conduct in the mid-1990's, who "told the IDF that it was possible." "The norms followed by the commanders in Gaza were generally appropriate," he quotes Kasher as saying. IDF Chief of Staff Gabi Ashkenazi "has been very familiar with our principles from the time the first document was drafted in 2003 to the present." Kasher's argument, writes Harel,

is that in an area such as the Gaza Strip in which the IDF does not have effective control the overriding principle guiding the commanders is achieving their military objectives. Next in priority is protecting soldiers' lives, followed by avoiding injury to enemy civilians. In areas where Israel does have effective control, such as East Jerusalem, there is no justification for targeted killings in which civilians are also hit because Israel has the option of using routine policing procedures, such as arrests, that do not endanger innocent people...."Sending a soldier there to fight terrorists is justified, but why should I force him to endanger himself much more than that so that the terrorist's neighbor isn't killed?" asks Kasher. "From the standpoint of the state of Israel, the neighbor is much less important. I owe the soldier more. If it's between the soldier and the terrorist's neighbor, the priority is the soldier. Any country would do the same."

Indeed, it was in 2002-03, at the height of repressing the Second Intifada, that Mofaz and Ya'alon began articulating their doctrine, based in good measure upon a comprehensive document on military ethics in fighting terror drafted by Kasher and a team that included IDF legal experts. Lt. Gen. Moshe Ya'alon, who was the IDF Chief of Staff at the time, did not make the document binding but Kasher says the ideas in the document were adopted in principle by Ya'alon and his successors. Kasher, Harel notes, has presented these ideas to IDF and Shin Bet security service personnel dozens of times.

The first public mention of the emerging Mofaz/Ya'alon/Kasher doctrine came with the Georgian attack on the civilian populations of the break-away province of Southern Osetia and the Russian UN peace-keeping forces stationed there in August, 2008, which provoked a Russian counterattack. The Georgian army, it turns out, had been armed and trained by Israel. In fact, Georgia's Defense Minister, Davit Kezerashvili, is a former Israeli who is fluent in Hebrew. Thus Israel's defense industries have sold to UAV's (spy drones), automatic turrets for armored vehicles, antiaircraft systems, communication systems, shells and rockets. They have also upgraded Soviet-designed Su-25 ground attack jets. All told, Israel arms sales to Georgia over the last decade have been estimated at some \$300 million to \$500 million (<ynet.co.il>, Aug. 10, 2008).

The Georgian government also hired the services of Gal Hirsch, an IDF Brigadier-General who, since resigning under duress for operational failures during the Lebanon debacle of 2006, established a company called "Defensive Shield" which provides mercenaries to its clients. Hirsch apparently gave the Georgian army advice on rearmament and on the



establishment of elite units on the model of Israel's Sayeret Matkal, as well as training in the fields of combat intelligence and fighting in built-up areas. This resulted in hundreds of former IDF soldiers working as trainers in Georgia over the past few months" (<ynet.co.il> (August 16, 2008). (When Georgia's forces were crushed by Russia, Hezbollah's Secretary-General, Sheikh Hassan Nasrallah, crowed: "Gal Hirsch, who was defeated in Lebanon, went to Georgia and they too lost because of him.")

Out of nowhere, it seemed, the IDF in Gaza was being guided by a military doctrine known as "the Georgia Rules." As reported by Amos Harel and Avi Issacharoff in Ha'aretz (Jan. 6, 2009),

The IDF has inserted a crushing war machine into the Gaza Strip to confront thousands of terrorists and guerilla fighters who have been preparing for months for a possible invasion. The forces are advancing through built-up, fortified and booby-trapped territory, and in so doing are incurring great risk to themselves. [IDF Chief of Staff] Ashkenazi had said in earlier discussions that use of major fire power would be inevitable even in the most densely populated areas. The Israeli solution was thus to be very aggressive to protect the lives of the soldiers as much as possible.

These are 'Georgia rules,' which are not so far from the methods Russia used in its conflict last summer. [This is a mistake: the 'Georgia Rules' were adopted by Georgia, not Russia.] The result is the killing of dozens of non-combatant Palestinians. The Gaza medical teams might not have reached all of them yet. When an Israeli force gets into an entanglement, as in Sajaiyeh last night, massive fire into built-up areas is initiated to cover the extraction. In other cases, a chain of explosions is initiated from a distance to set off Hamas booby-traps. It is a method that leaves a swath of destruction taking in entire streets, and does not distinguish military targets from the homes of civilians.

The unnamed IDF doctrine that emerged during the Second Intifada had finally received a name: the Georgia Rules. This is important because of an Israeli strategy of infiltrating international law with all kinds of self-serving arguments, then making the arguments into doctrines and principles which are then subsequently used by legal experts to defend Israeli policies and actions, until they are taken up seriously by international courts. This strategy is deliberate and articulated. One Israeli expert in international law, who chose to remain anonymous, described it candidly to the Jerusalem Post Up Front magazine (April 15, 2005, p. 34):

International law is the language of the world and it's more or less the yardstick by which we measure ourselves today. It's the lingua franca of international organizations. So you have to play the game if you want to be a member of the world community. And the game works like this. As long as you claim you are working within international law and you come up with a reasonable argument as to why what you are doing is within the context of international law, you're fine. That's how it goes. This is a very cynical view of how the world works. So, even if you're being inventive, or even if you're being a bit radical, as long



as you can explain it in that context, most countries will not say you're a war criminal.

The best example of this is Israel's denial of even having an Occupation. Although court opinions define occupation as having effective control of a foreign territory, Israel has its own "inventive" definition: occupation occurs only when one sovereign state conquers the territory of another sovereign state. And since the West Bank or Gaza were never sovereign (and the indigenous Palestinians don't count), there is no occupation. This "Principle of the Missing Sovereign" has allowed Israel to present the Occupied Territories as mere "disputed" or "administered" territories and, having gotten the Clinton Administration to agree with this position, has successfully avoided the application of the Fourth Geneva Convention – precisely the piece of international law that protects civilians living under occupation and prohibits house demolitions, settlement construction or any other facts on the ground that make the Occupying Power's control permanent.

Now it is attempting, through seemingly accepted military doctrine, tendentious interpretations of international law and questionable ethics, to do the same in considering civilians legitimate targets of war. Explains Kasher:

The media don't understand the nature of international law. It's not like tough traffic laws. Much of it is customary law. The decisive question is how enlightened countries conduct themselves. We in Israel are in a key position in the development of law in this field because we are on the front lines in the fight against terrorism. This is gradually being recognized both in the Israeli legal system and abroad. After the debate before the High Court of Justice on the issue of targeted killings there was no need to revise the document [on the ethics of fighting terrorism] that Yadlin and I drafted even by one comma. What we are doing is becoming the law. These are concepts that are not purely legal, but also contain strong ethical elements.

The Geneva Conventions are based on hundreds of years of tradition of the fair rules of combat. They were appropriate for classic warfare, where one army fought another. But in our time the whole business of rules of fair combat has been pushed aside. There are international efforts underway to revise the rules to accommodate the war against terrorism. According to the new provisions, there is still a distinction between who can and cannot be hit, but not in the blatant approach which existed in the past. The concept of proportionality has also changed. There is no logic in comparing the number of civilians and armed fighters killed on the Palestinian side, or comparing the number of Israelis killed by Qassam rockets to the number of Palestinians killed in Gaza (quoted in Harel, Ha'aretz, Feb. 6, 2009; italics added).

Terrorism "From Below," Terrorism "From Above"

"The battle against Palestinian terrorism" is the lynchpin of Israel's framing of its policies. But the issue of terrorism is more nuanced than blanket (and usually self-serving) statements of condemnation imply. First we should ask: What is terrorism? Amnesty avoids the term,



finding it far too loaded to be useful. After all, one person's terrorist is another person's freedom fighter. People suffering from oppression have a recognized right to resist. They cannot be expected to abrogate their own human rights, indeed, their very lives, without resistance. We often call upon oppressed people to adopt non-violent tactics (which, of course, they should do); here, however, is where the double standard becomes part of the system of oppression. Since only states can go to war and "legitimately" use massive military force, people accept their actions, even if they are critical of them. We seldom demand that oppressive states cease their violent means of repression. We might call for "peace" and we might condemn the excessive use of force, but for some reason states are not expected to adopt non-violent policies.

Oppressed non-state peoples, by contrast, can only "resist," and since armed resistance on their part is illegitimate, it is easy for states to frame it as "terrorism." Regardless of how we feel about it, armed resistance to oppression is just as "legitimate" as the use of arms by countries. This is at the core of what is being called "asymmetrical warfare": the difficulty of states to "defeat the enemy," since they are the people, not a government with an army, or to distinguish between combatants and civilians – a distinction which doesn't exist in popular warfare. The danger is that in their frustration, states, guided by the likes of Mofaz, Ya'alon and Kasher, will simply ditch all laws and rules of engagement that protect non-combatants, thereby legitimizing massacres such as we saw in Gaza. We, the civil society, must resist this temptation. We should insist that military thinking go another way: if there is a likelihood that civilians will be killed, injured or traumatized by a particular attack, do not carry out that attack. Military people, of course, cannot place civilians' lives over their "mission." It is thereby incumbent upon us to create public opinion, to support international law and to resist "Georgia Rules" so that our political leaders will overrule their militaries.

Most useful would be to adopt Amnesty's blanket condemnation of "attacks against civilians," which are unacceptable in any context and by any party. "Attacks on civilians are not permitted under any internationally recognized standard of law, whether they are committed in the context of a struggle against military occupation or any other context," Amnesty argues. "Not only are they considered murder under general principles of law in every national legal system, they are contrary to fundamental principles of humanity which are reflected in international humanitarian law." What this does allow us to do is condemn all terror, whether "from above" by states or "from below" by non-state parties. It brings state terror into the picture and promotes efforts to hold countries accountable for their policies and actions. In fact, state terrorism is a much greater problem – though far less discussed – than non-state terror. In his book *Death By Government* (1994:13), R.J. Rummel writes: "In total, during the first eighty years of this century, almost one hundred and seventy million men, women and children – conceivably nearly three hundred and sixty million people – have been shot, beaten, tortured, knifed, burned, starved, frozen, crushed or worked to death; buried alive, drowned, hung, bombed or killed in any other of the myriad ways governments have inflicted death on unarmed helpless citizens and foreigners." And that doesn't include Bosnia, Somalia, Sudan and Rwanda.



In fact, “terrorism from below” pales in comparison to the “terrorism from above” of states. Except for the year 2001, terrorists have claimed less than a thousand victims per year worldwide, while the killing of civilians by states reaches into the hundreds of thousands. This is why Bush, Netanyahu (and his court philosopher Kasher), Putin, the Burmese generals, the Chinese Politburo, Third World generals and despots and other state actors frame their “war against terrorism” in moralistic terms (the “axis of evil”) or as self-defense, rather than in terms of human rights. Able to distance themselves from their victims and hide behind the statesmen-like paraphernalia of their mahogany offices, moralism from on high allows them to evade responsibility. A human rights accounting does not distinguish between perpetrators of terror, and is therefore to be avoided.

There is no doubt, of course, that Palestinian organizations have resorted to terrorism in their struggle against the Occupation. But so has Israel in its attempt to suppress the Palestinians’ struggle for freedom and perpetuate its control. Alongside more than 1000 Israelis that were killed (including more than 113 children and youths) and approximately 6000 injured during the second Intifada, some 3500 Palestinians died in Israeli attacks (85% of them non-combatant civilians; 650 children or youth), with more than 29,000 injured (Palestinian Red Crescent Society; The Palestine Monitor). All are victims of terrorism. If we accept Binyamin Netanyahu’s definition of terrorism as “the deliberate and systematic murder, maiming and menacing of the innocent to inspire fear for political purposes,” then the long list of attacks on Palestinian civilians – attacks that either cannot be justified on grounds of defense or security, or are so disproportionate as to constitute grave violations of human rights – places Israel squarely in the category of state terror. The demolition of thousands of homes of Palestinians for “administrative” and planning reasons, the wholesale destruction of homes in the Jenin and Rafah refugee camp, of businesses and infrastructure in Bethlehem and Ramallah, the disproportionate use of violence against non-combatant civilian populations, and the impoverishment and displacement of Palestinians through land expropriation and closure – all these clearly add up to a policy that conforms to Netanyahu’s definition. The demand that Palestinians cease their terror campaign must be linked to the demand that Israel do the same. If terrorism is unjustifiable, then it must be unjustifiable across the board.

In all this the international community bears prime responsibility. The Palestinians have no history of terrorism; they have never been known as an especially fierce or belligerent people. Indeed, the turn to terrorism on the part of some Palestinian groups obscures the fundamentally non-violent nature of their resistance over the years, including during the two Intifadas. Thousands of acts of non-violent Palestinian resistance to the Occupation go unnoticed. Rebuilding demolished homes, jumping over high “separation walls” to (“illegally”) seek employment in Israel, demonstrating with Israeli and international peace activists against the Barrier, appealing to both Israeli and international courts against human rights violations, or simply remaining *sumud* (“steadfast”) in one’s house or farm despite threats, administrative policies and harassment – not to mention years of futile negotiations and diplomacy. If the international community demands that oppressed peoples renounce terrorism as a weapon of resistance, it must provide them with alternative legitimate means



of achieving their freedom and rights. Equality before the law and the universality of human rights (including their obligations) must be enforced. The international community may condemn Palestinian terrorism only if the legitimate avenues for throwing off the Occupation and securing their rights to self-determination are made available to them.

Those “legitimate” avenues of redress are two. The Palestinians can either enter into a process of negotiations intended to resolve the conflict, or the Occupation can be made to collapse by the weight of its own illegality if the international community will only apply existing international law (such as the Fourth Geneva Convention). Both avenues have been closed to them, however. Israel and the United States refused to base the Oslo negotiations on international law because they knew that every element of the occupation was illegal and that Israel would lose. Instead, Oslo was based on power negotiations, in which case the Palestinians clearly lose. Not only was Israel allowed to strengthen its occupation during negotiations, prejudicing the very outcome of the talks, but its massive and blatant violation of human rights and international law were allowed to continue, including ever greater resort to violence, repression and state terror.

No one can justify terrorism, but moral outrage must be balanced by responsibility for the suffering of oppressed people. Instituting an international system of laws based on agreed-upon covenants of human rights will eliminate two of the worst forms of terrorism. Political terrorism, considered a legitimate form of resistance by groups like Hamas, will wither away as their adherents achieve the level of freedom, personal security and well-being guaranteed them by human rights conventions. State Terrorism, such as that waged by Israel against the Palestinian civilian population, will end as conflicts are resolved on the basis of each party’s rights and the principles of international law. State Terrorism employed as a weapon of conquest, domination or exploitation will, in a world based on universal standards of civil behavior, be exposed as the illegitimate action it is. What’s more, strengthening mechanisms of enforcement will end both forms of terrorism by holding offenders accountable for their actions. Only the third major form of terrorism, ideological terrorism of groups like al-Qaida, will remain intractable.

Accountability and justice based on universal human rights are not merely slogans, ideals or technicalities; they represent the most efficacious means of resolving conflicts in “win-win” ways that promote reconciliation and sustainable co-existence in a conflicted global reality.

In the meantime, if we are going to condemn terrorism, we would do well to employ the language of human rights that includes all forms of terror, state and non-state. It would raise issues concerning Israel’s use of terror as a instrument of policy. As Weisglass disclosed candidly in the interview presented earlier, Israel’s historic policy achievement was the principle that eradication of terrorism precedes any political process – what it calls the “sequence principle,” although it contracts another fundamental principle of the Road Map, which requires “mutuality.” Thus, Weisglass informs us, the Disengagement plan, which hinges on blaming the Palestinians exclusively for terror and thereby “forcing” Israel



into taking unilateral steps is, we learn, nothing less than “the preservative of the sequence principle [which] supplies the amount of formaldehyde that’s necessary so that there will not be a political process with the Palestinians.” Putting this chain together, we are confronted with a calculated Israeli attempt to use terrorism to construct a political approach whose fundamental aim to freeze the peace process – and thereby the establishment in the near future of a Palestinian state. “This whole package that is called the Palestinian state,” says Weisglass, “has been removed from our agenda indefinitely. And all this with...a presidential blessing and the ratification of both houses of Congress.” If terrorism is so morally and legally unacceptable that is simply cannot be tolerated as a political or military tactic, why is Israel “permitted” to use it both in its military operations and as an effective instrument of policy?



APARTHEID, WAREHOUSING OR....

The West won the world not by the superiority of its ideas or values or religion, but rather by its superiority in applying organized violence. Westerners often forget this fact, non-Westerners never do.

-- Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, p.51.

Had the "Annapolis Process" worked out according to Israel's plan, it would have given rise to an apartheid regime cleverly disguised as a "two-state solution" and approved by a Palestinian collaborationist-leader. What then? Israel knows that neither the Palestinians nor the international civil society will willingly accept apartheid. Certainly the ability of Israel to sign a peace agreement with a Palestinian leader like Abbas, witnessed by the US and its Quartet partners, would have given Israel greater legitimacy to maintain its Occupation-cum-political settlement. But whether it had succeeded or not, the fact that a "solution" would have been imposed against the will of the Palestinian people would have led Israel into a post-Occupation policy which it has, in fact, been constructing since the end of the Oslo peace process. The best term to describe how Israel envisions the Palestinians' future is "warehousing."

Warehousing, a concept applied to the millions of inmates in the world's prisons who have "disappeared" from mind and sight behind concrete walls, then expanded to include the poor (a billion people are locked permanently into the world's 29 largest urban slums), "illegal" immigrants and, indeed, entire continents, such as Africa, whose peoples are superfluous to the free-market system. Warehousing, when applied to a people such as the Palestinians, refers to a static situation of virtual imprisonment emptied of all political content and resolution. "What Israel has constructed," argues Naomi Klein in her seminal book *The Shock Doctrine*,

is a system,...a network of open holding pens for millions of people who have been categorized as surplus humanity....Palestinians are not the only people in the world who have been so categorized....This discarding of 25 to 60 percent of the population has been the hallmark of the Chicago School [of Economics] crusade....In South Africa, Russia and New Orleans the rich build walls around themselves. Israel has taken this disposal process a step further: it has built walls around the dangerous poor (p. 442).

A policy of warehousing relies on successfully de-politicizing and normalizing control. This Israel does by creating a physical reality of control by its "facts on the ground," while removing any reference to occupation or political conflict. By casting its actions simply as a "war on terrorism" in which the Palestinians (de-nationalized as "Arabs") are nothing more than one front in a morally just battle with the forces of evil, part of a "clash of civilizations,"



Israel justifies warehousing on the grounds of “containing terrorism,” of “security.” Needless to say, such an effort is supremely defensive, meaning that the warehoused are to blame for their warehousing. In this way the imprisonment of the Palestinians in enclaves surrounded by Israeli settlements is rendered permanent, immune to any solution and or process of negotiation. Like inmates, they become a problem to be dealt with rather than people whose grievances, needs and rights deserve to be addressed. Calling Gaza the “world’s largest prison,” then, becomes tragically but ultimately accurate, prisons being one of the most manifest representations of warehousing.

Though many of us considered apartheid one of the worst regimes, warehousing, it seems, is many times worse. The ten non-viable Bantustans, or “homelands,” established by apartheid South Africa for the black African majority on only 11% of the country were, to be sure, a type of warehousing. They were intended to supply South Africa with cheap labor while relieving it of its black population, thus making possible a white-dominated “democracy.” This is precisely what Israel is intending – its Palestinian Bantustan encompassing around 15% of historic Palestine – but with a crucial caveat: Palestinian workers will not be allowed into Israel. Having discovered a cheaper source of labor, some 300,000 foreign workers imported from China, the Philippines, Thailand, Rumania and West Africa, augmented by its own Arab, Mizrahi, Ethiopian, Russian and Eastern European citizens, Israel can afford to lock them out even while withholding from them a viable economy of their own with unfettered ties to the surrounding Arab countries. From every point of view, historically, culturally, politically and economically, the Palestinians have been defined as “surplus humanity;” nothing remains to do with them except warehousing, which the concerned international community appears willing to allow Israel to do.

Global Gaza

If Israel is trying to get past the Occupation to a wider political agenda as one of the region’s hegemons, one of its strategies, indeed, among the resources it brings, is its unique relationship to the world’s major powers, the US in particular. Support for Israel in the US and Europe rests on several pillars: sympathy and guilt over the Holocaust, a sense of shared “Judeo-Christian” values, the clout exercised by the organized Jewish community, the influence of Christian Zionism and a perception of a common enemy: Islamic terrorism within a clash of civilizations. But these are “soft” pillars, the one that help stabilize the edifice but not the rock-solid ones upon which the building will remain standing or fall. That solid pillar is Israel’s involvement in the global arms and security industry. Support for Israel as a genuine ally and member of the Old Boy’s Club of major powers rests on Israel’s ability to “deliver” in terms of weapons development, tactics and deployment. As Kissinger often comments, countries don’t have friends, they have interests. Israel’s vaunted military/security expertise spans the entire force-and-control continuum, from conventional warfare and the development of sophisticated hi-tech weaponry to more than four decades of counter-insurgency and urban warfare in the Occupied Territories, southern Lebanon and, covertly, in many other areas of the world.



What gives Israel an operative edge over other military powers, including second-tier ones like Turkey, Brazil and China, is its constant engagement with Palestinian resistance, supplemented by periodic “operations” abroad, including “terrorists” of all shades and forms. This throws an entirely new light on the Occupation. Why is Israel endeavoring to sustain it, to warehouse the Palestinians indefinitely, if, in fact, it constitutes a political and security threat to the country? Because, we suggest, Israel benefits from the Occupation far more than it suffers from it. Israelis have been well insulated from the effects of Occupation. Israelis (except settlers and soldiers) seldom encounter or see it; the Israeli public (excepting those in the immediate area of Gaza) enjoys a great sense of personal security; the Israeli economy (with arms and security representing important sectors) is flourishing; and Israel’s international standing (with occasionally set-backs due solely to poor PR, as with Gaza) steadily improves – in particular among the US and EU. Reinforced by the Gilad/Barak dictat that, at any rate, there is “no partner for peace,” Israeli leaders have succeeded in removing any popular pressure to end the Occupation – an issue not even mentioned in the 2009 elections. What’s left, then, is the pure political and economic benefit that the Occupation brings Israel in the realm of security politics. A key value in the invasion of Gaza, then, lies in two realms: field testing weaponry and tactics to be exported as Israel’s contribution to the global War on Terror, and further perfecting its model of sustained control, of warehousing – the Matrix of Control – in the Palestinian laboratory. This larger agenda, far beyond mere security concerns of occupation, are what impelled Israel to invade Gaza in such a fierce and disproportionate way.

Naomi Klein (2007: 441-442) makes the point in the following way:

[“The War on Terror”] is not a war that can be won by any country, but winning is not the point. The point is to create “security” inside fortress states bolstered by the endless low-level conflict outside their walls....It is in Israel, however, that this process is most advanced: an entire country has turned itself into a fortified gated community, surrounded by locked-out people living in permanently excluded red zones. This is what a society looks like when it has lost its economic incentive for peace and is heavily invested in fighting and profiting from an endless and unwinnable War on Terrorism. One part looks like Israel; the other part looks like Gaza.

Since warehousing is a global phenomenon that must, by its nature, arouse resistance, the model of force-and-control being developed by Israel through its Occupation helps explain why the “lessons” and weaponry deriving from this form of “counterinsurgency” find such an eager international market. It helps explain why Israel receives the support it does from the “warehouseers.” In this light let’s revisit Weisglass’s comments about “disengagement” from Gaza:

The disengagement plan is the preservative of the sequence principle. It is the bottle of formaldehyde within which you place the president’s formula [that Israel can retain its settlement “blocs,” including a Greater Jerusalem] so that it will be preserved for a very lengthy period. The disengagement is actually formaldehyde. It supplies the amount



of formaldehyde that's necessary so that there will not be a political process with the Palestinians.

Is what you are saying, then, is that you exchanged the strategy of a long-term interim agreement for a strategy of long-term interim situation?

The American term is to park conveniently. The disengagement plan makes it possible for Israel to park conveniently in an interim situation that distances us as far as possible from political pressure. It legitimizes our contention that there is no negotiating with the Palestinians. There is a decision here to do the minimum possible in order to maintain our political situation. The decision is proving itself. It is making it possible for the Americans to go to the seething and simmering international community and say to them, "What do you want." It also transfers the initiative to our hands. It compels the world to deal with our idea, with the scenario we wrote....

The repeated invasions of Gaza and the West Bank, in the context of maintain the Occupation, can therefore be seen as the "stuff" of Israel's contribution to what we call a Global Pacification System which includes models of force-and-control leading, in the end, to the pacification of peoples hostile to their domination by a free-market economic system and the warehousing of "surplus humanity." Israel's specific contributions to this system are three: (1) providing a field-based model for global pacification, a kind of Global Matrix of Control arising from Israel's experience in the Occupied Territories; (2) providing mechanisms of control: conventional and counterinsurgency weaponry, tactics of urban warfare and pacification, security systems and methods of policing; and, not least, (3) framing: How to "sell" pacification to the public as a good thing, just as Israel has "sold" its policies of Occupation to its own people and abroad, as a contribution to the War on Terror. The trick, it seems, is to persuade people to agree to their own pacification, then provide the authorities with the means to do so "for their own good."

Whither the Obama Administration?

Israel provides an instructive (and heartening) example. Despite the almost unlimited and unchecked power Israel has over every element of Palestinian life, including the active support of the US, Europe and much of the international community, including some Arab and Muslim regimes, it has failed to nail down either apartheid or warehousing. Palestinian resistance continues, supported by the Arab and wider Muslim peoples, significant sectors of the international civil society and the critical Israeli peace camp. The conflict's destabilizing effect on the international system grows steadily, so that it may eventually force the international community to intervene. Neither the Israelis nor the Americans (with European complicity) are able, despite their overwhelming power, to force on the Palestinians the outcome they seek.

Will this policy change under the new Obama Administration, or will it find itself hamstrung



by the web of understandings and “facts on the ground” woven by Sharon, Olmert, Barak and Bush? As of this writing (February 2009), it is still too early to tell. The weight of the past, however, is evident. In his first visit to Israel as Obama’s special envoy, George Mitchell explicitly reaffirmed the continued validity of the Bush letter. As reported in Ha’aretz (Jan. 30,2009):

Mitchell told Israeli officials that the new administration was committed to Israel’s security, to the road map, and to the 2004 letter by president George W. Bush stating Palestinian refugees would not return to Israel and the border between Israel and the Palestinian Authority would take into consideration facts on the ground, meaning large settlement blocs would remain in Israeli hands.

Not an auspicious start.



SO WHERE DO WE GO FROM HERE? EMERGING ALTERNATIVES TO A TWO-STATE SOLUTION

For years the Israeli peace movement, together with the Palestinian people and leadership, has advocated a two-state solution to the conflict. That appears to be slipping away as Israel continues to strengthen its grip over the Occupied Territories. Various schemes have been proposed to work around this dilemma – territorial swaps have been suggested, for example, to ensure the Palestinians receive the magical 22% of the country – but none of them adequately address the issues of viability, sovereignty, the territorial integrity of a Palestinian homeland and the refugee issue. The formula of a two-state solution in which the Palestinian “state” is merely a non-viable set of Palestinian cantons existing somewhere between autonomy and independence but completely under Israeli control – a formula advanced by all Israeli governments – is as untenable as it is unjust.

The Palestinians’ Fundamental Dilemma – No Way Out

Having moved in the late 1980s from a one-state approach to a two-state one, the Palestinian Authority – like the international community and the Israeli mainstream Zionist left – finds itself locked into a political program that has been overtaken by facts on the ground as well as political developments. The Palestinian leadership has shown great patience and flexibility in considering, and even accepting, different two-state options offered by Israel over the years (all, invariably, to Israel’s advantage). But it seems incapable of itself raising new political options that could break it out of the now-pass’*e* two-state solution.

Thus, although the Palestinians are cooperating with the international community as it pursues – in an albeit perfunctory manner – the two-state solution, the only likely outcome would be a kind of glorified apartheid, a Palestinian state that indeed “relieves” Israel of that population while leaving it in control of the entire country. Looked at from the ground and from Washington, this “solution” does not seem to offer another possible outcome.

Some Fundamental Elements of a Just Peace

The time has come to step back, survey the geographic and political landscape, start to think “out of the box” and come up with some other solutions that will both address the needs of the Palestinian and Israeli peoples and stand a chance of actually being implemented. Let’s begin by identifying those elements are essential for any just and sustainable peace. I would suggest five:

(1) *National expression for the two peoples.* The Israel-Palestine conflict concerns two peoples, two nations, each of which claims the collective right of self-determination. This is



what gives such compelling logic to the two-state solution, but it is an essential element in the formulation of any other approach, including a bi-national one-state solution. Within this both the collective and individual rights of all the inhabitants of Palestine/Israel must be defined and guaranteed.

(2) *Viability*. Whatever form a Palestinian state takes, it must be viable as well as sovereign. It must control its borders and its basic resources (such as water). It must possess territorial contiguity and, above all, the ability to develop a viable economy. We must take into account two fundamental elements that cannot be dismissed or minimized. First, besides normal processes of development, the small Palestinian state will have to accept and integrate its refugees, perhaps in the hundreds of thousands, mainly unskilled, impoverished and completely unfamiliar with democratic institutions. Second, more than 60% of the Palestinian population in the Occupied Territories and in the refugee camps is under the age of 25, a young generation that has been brutalized, traumatized, impoverished, left with little education and few skills. The Palestinians' demand for a viable state stems not from intractability but from a sober evaluation of the enormity of the national challenge facing them. The RAND Corporation once issued a 500-page study of how a viable Palestinian state might look, but it assumes a far greater withdrawal of Israel from the Occupied Territories than appears likely. More than the possibility of establishing a Palestinian state, then, it is the concern for viability that has rendered the two-state option irrelevant.

(3) *Refugees*. Eighty percent of the Palestinians are refugees. A sustainable peace cannot emerge from technical arrangements alone. Beyond self-determination and viability lies the issue of justice. Any sustainable peace is dependent upon the just resolution of the refugee issue. The refugee issue does not seem especially difficult to resolve, as even the refugees in the camps have indicated. It depends on a "package" of three elements: Israeli acknowledgement of the refugees' right of return; Israeli acknowledgement of its responsibility in creating the refugee issue; and only then, technical solutions involving a mutually agreed-upon combination of repatriation, resettlement elsewhere and compensation.

(4) *A regional dimension*. The almost exclusive focus on Israel/Palestine has obfuscated another crucial dimension of the conflict: its regional context. Refugees, security, water, economic development, democratization – none of these key issues can be effectively addressed within the narrow confines of Israel/Palestine. Adopting a regional approach, as we shall see, also opens new possibilities of resolving the conflict lacking in the more narrow two-state (or even one-state) approach.

(5) *Israel's security*. Israel, of course, has fundamental and legitimate security needs. Unlike Israeli governments, the Israeli peace camp believes that security cannot be addressed in isolation, that Israel will not find peace and security unless it enters into a viable peace with the Palestinians and achieves a measure of integration into the Middle East region. We certainly reject the notion that security can be achieved through military means. Israel's assertion that the security issue be resolved before any political progress can be made is as illogical as it is self-serving. We know -- and the Israeli authorities know, and the



Palestinians know -- that terrorism is a symptom that can only be addressed as part of a broader approach to the grievances underlying the conflict. Like the US, Israel uses security concerns to advance a political agenda; in our case, to justify repressive force intended to force the Palestinians to submit to an Israeli-controlled Bantustan.

Eliminating Options

So where does all this lead us? To a point where we can begin to critically evaluate the options before us and start thinking long-term and "out of the box." Given the parameters outlined above, it seems to me we are left with four "solutions," only one of which, that of a confederation, appears workable. The first three are:

The traditional two-state solution in which a Palestinian state emerges on all of the Occupied Territories (with minor adjustments). This, as we have seen, is the accepted position of the Palestinian National Authority and three out of the four members of the Road Map's "Quartet" (Europe, Russia and the UN, the US having officially joined the "Israel Plus-Palestinian Minus" option advocated by Israeli governments). It is also the option pursued by progressive Zionists within Israel, especially those associated with the Geneva Initiative, and their liberal supporters within the Diaspora Jewish communities. Yet for reasons discussed earlier, Israel's "facts on the ground," coupled with American recognition of its major settlement blocs, have rendered this solution irrelevant.

An "Israel Plus-Palestine Minus" two-state solution, pursued by both Labor and Likud governments, and now advocated by the US as well. This option envisions a semi-sovereign, semi-viable Palestinian state arising in-between Israel's major settlement blocs, with the Palestinians compensated by minor territorial swaps. Israeli leaders believe that faced with military defeat, impoverishment, transfer, political isolation and its "Iron Wall" of settlements and barriers, a carefully groomed post-Arafat Palestinian leadership can be coaxed to agree. This option constitutes apartheid and is unworkable and unjust.

A single state, either bi-national or democratic. On the surface this seems the most natural and just alternative. After all, Israel claims the entire country as one entity, the Land of Israel, and has de facto rendered it one entity through its settlement enterprise. By transforming a struggle for national independence into one for civil rights, akin to that of South Africa, the Palestinians could put Israel in a very difficult situation, highlighting the spectre of apartheid. Yet, compelling as it is, even just as it is, the one-state solution falls victim to the realpolitik of the day. The transformation of Israel from a Jewish state into a democratic one (with a Palestinian majority) would encounter total opposition from the Israeli Jewish population, Diaspora Jews, the US government and most, if not all the states of Europe. Moreover, although the one-state solution enjoys widespread popular support among Palestinians, the Palestinian leadership is loathe to shift to a new political program with such slight chance of success. Still, many Palestinians hope that a one democratic state in Israel-Palestine might eventually evolve.



Working Around the Occupation: The Two-Stage Approach

If a genuine two-state solution has been rendered impossible and a one-state solution is a non-starter, and if we eliminate the “Israel Plus-Palestine Minus” apartheid option as simply unacceptable, then only one other option remains: a regional confederation. A “Two-State Plus” solution, this approach envisions a two-stage process in which self-determination is disconnected from economic viability. Less elegant than the others, more complex, more difficult to present in a soundbyte, it is also far more workable. Like the European Union – or better, a looser confederation as in the early days of the EEC – it preserves a balance between national sovereignty and the freedom to live anywhere within the region. Rather than eliminating the Occupation, it neutralizes it by compensating the Palestinians’ readiness to compromise on territory with the economic, social and geographic depth afforded by a regional confederation. Not only is a confederational approach just and sustainable, it offers a win-win solution as well.

In contrast to the two-state solution which is limited in scope, technical in conception and unable to address many of the underlying issues of the conflict, the “two-stage” approach emphasizes processes -- of peace-making, trust-building, economic development, the establishment of strong civil societies, and reconciliation leading to a genuine resolution of the conflict. Its outlines are straightforward and transparent.

Stage 1: A Palestinian State Alongside Israel

Recognizing that Palestinian demands for self-determination represent a fundamental element of the conflict, the first stage of the confederational approach provides for the establishment of a Palestinian state. This meets the Palestinians’ requirements for national sovereignty, political identity and membership in the international community. Statehood, however, does not address the crucial issue of viability. If it were only a state the Palestinians needed, they could have one tomorrow – the mini-state “offered” by Barak and Sharon. But the issue is not simply a Palestinian state. Their greatest fear is being locked into that state, into a Bantustan, into a prison-state that cannot possibly address the needs of their people, now or in the future.

The “two-stage” approach offers a way out of this trap, even if the Israeli presence is reduced but not significantly eliminated. The Palestinians might be induced to accept a semi-viable state on something less than the entire Occupied Territories (with or without some territorial swaps) on condition that the international community guarantees the emergence of a regional confederation within a reasonable period of time (five to ten years). So while the first stage, the establishment of a Palestinian state on most of the Occupied Territories (including borders with Jordan, Syria and Egypt) addresses the issue of self-determination, the second stage, a regional confederation, would address that of viability. It would give the Palestinians a regional “depth” in which to meet their long-term social and economic needs.



Stage 2: A Regional Confederation Leading to a Wider Middle East Confederation

Following upon the emergence of a Palestinian state, the international community would broker a regional confederation among Israel, Palestine and Jordan; Syria and Lebanon would likely join within a fairly short time. Over time, with the entrance of Egypt and other countries of the region into the confederation, a Middle East Confederation might emerge.

The key element of this approach is the ability of all members of the confederation to live and work anywhere within the confederation's boundaries. That breaks the Palestinians out of their prison. Rather than burdening the small emergent state with responsibilities it cannot possibly fulfill, the confederal approach extends that burden across the entire region. It also addresses the core of the refugee issue, which is individual choice. Palestinians residing within the confederation would have the choice of becoming citizens of the Palestinian state, retaining citizenship in their current countries of residence or leaving the region entirely for a new life abroad. They could choose to return "home" to what is today Israel, but they would do so as Palestinian citizens or citizens of another member state. Israel would be under no obligation to grant them citizenship, just as Israelis living in Palestine (Jews who choose to remain in Ma'aleh Adumim or Hebron, for example, former "settlers") would retain Israeli citizenship. This addresses Israeli concerns about the integrity of their state. In such a confederation, even a major influx of Palestinian refugees into Israel would pose no problem. It is not the presence of the refugees themselves that is threatening to Israel. After all, 350,000 foreign workers and an equal number of Russian Christians reside in Israel today. The threat to Israeli sovereignty comes from the possibility of refugees claiming Israeli citizenship. By disconnecting the Right of Return from citizenship, the refugees would realize their political identity through citizenship in a Palestinian state while posing no challenge to Israeli sovereignty, thus enjoying substantive individual justice by living in any part of Palestine/Israel or the wider region they choose. And since a confederal solution does not require the dismantlement of settlements – although they will be integrated – it is not dependent upon "ending the Occupation," the main obstacle to the two-state solution. It will simply neutralize it, rendering all the walls, checkpoints, by-pass roads and segregated cities irrelevant.

The two-stage solution will encounter opposition. Israel, perceiving itself as a kind of Singapore, has no desire to integrate into the Middle East region, relinquish its control over the entire country or, to say the least, accommodate Palestinian refugees. But it does offer the Israeli people, willing, unlike its governments, to truly disengage from the Occupation, a way out of an untenable situation. The autocratic regimes of the region might resist such a project out of fear of the democratization it would entail, but the advantages of an end to the conflict in the region are obvious. International pressures and economic inducements, combined with a strong civil society initiative, should persuade the region's countries to participate. And for the Palestinians there are only advantages. The two-stage approach offers them much more than the two-state solution, and is far more achievable than a single state.



Although such a confederation sounds like a pipedream in the present context of intense conflict, the infrastructure already exists. Peace treaties already obtain (though limited to the governmental arena) among Israel, Egypt and Jordan, not to mention formal and semi-formal ties with most of the states in the Middle East, North Africa and the Muslim world. The Saudi Initiative extends that base even further. (It is interesting to note that a regional solution has long been seen by Israeli leaders as an integral part of any arrangement. Labor's "Jordanian Option" called for a "return" of Palestinian areas to Jordan, with Israel retaining half the West Bank as a "security zone." "Jordan is Palestine" has been Sharon's banner for years; it represented the essential component of his 1982 war against the PLO in Lebanon. In order to maintain control of the entire country yet keep Israel Jewish by relieving it of the Palestinian population – assuming that transfer is politically impossible and the establishment of a viable Palestinian state is politically undesirable – the right suggests making the Palestinians Jordanian citizens. Uzi Cohen, a prominent member of the Likud Central Committee, even proposed a Palestinian state in the Jordanian panhandle below Syria.)

The great leverage the Palestinians possess in the peace process is their role as gatekeepers. Once they signal to the wider Arab and Muslim worlds that they have resolved their differences with Israel and that the time has come for normalization, true reconciliation among people and Israeli integration into the region can begin. It is the first stage that constitutes real "hump;" the emergence of a Middle East Confederation is a much more easily accomplished element of a regional peace process.

Cultural Zionism

Whatever political framework evolves in the future, political Zionism seems to have run its course. The sustainability of Israel as an exclusive ethnic state living in permanent fear, alienation and conflict with the very people with whom it shares its country has become questionable. The time might be ripe for a return to what might be called a New Cultural Zionism. Between the 1920s and the establishment of Israel, some of the leading figures the Zionist movement questioned the viability, indeed, the very desirability, of a Jewish State. Their ranks included many of the leading thinkers and doers of the time: the essayist Ahad Ha-am; Eliezer Ben-Yehuda, the "father of modern Hebrew;" Arthur Ruppin, a member of the Zionist Executive responsible for land purchases in Palestine; philosophers Martin Buber, Gershom Scholem, Ernst Simon and Hugo Bergmann; Henrietta Szold, the founder of Hadassah; Judah Magnes, the founder and first President of the Hebrew University; and the famous author Moshe Smilansky; as well as prominent Jews from Middle Eastern background such as the educator David Yellin. Opposed to Political Zionists who argued that Jews required a state and alarmed by the rise of Jabotinsky and his neo-fascist Revisionism, Cultural Zionists argued that the Jewish people needed only a cultural space where it could develop and flourish. They understood the pluralistic nature of pre-state Palestinian society and the necessity of acknowledging the Palestinian presence. In their efforts to revive Jewish culture and place it on a par with other contemporary cultures, the Land of Israel assumed



a central importance, but as a national home, not yet a political state. Wrote Ahad Ha'am in 1921:

[The historical right of the Jewish people] does not invalidate the right of the land's inhabitants, who have a genuine right to the land due to generations of residence and work upon it. For them this too is a national home and they have the right to develop their national potentialities to the utmost. This, therefore, makes Palestine into a common possession of different peoples, each endeavoring to establish here a national home, and under such circumstances it is impossible that either of them should be complete and contain everything included in this conception (quoted in Flapan 1979:164).

Political Zionism, they worried, might engender a state of the Jews but not a truly Jewish state. As a result, Cultural Zionists looked to bi-nationalism as the most workable arrangement that would give the Jews freedom to develop their cultural nationalism, institutions and Hebrew life, while forging a *modus vivendi* with the Palestinian majority. Indeed, before 1948, bi-nationalism offered the most rational, hopeful and workable scenario. The very success of Political Zionism in establishing a Jewish state would have seemed to vindicate its approach. But post-independence realities – Israel's inability to find accommodation with the Palestinians, not to mention its increasingly repressive and militaristic “non-Jewish” character – suggest that Cultural Zionism actually offers the best hope for the future, certainly if the two-state solution is gone.

The practicality of a single state rests on yet another aspect of Israeli life that is rarely taken into account, but which accords with the Cultural Zionists' view: the existence of Israeli society, culture, economy and institutions, all of which are vital and strong. The notion that Israel's survival as a Jewish state is essential to the survival of its Israeliness, the essence of Political Zionism, must be questioned. Just as the European sector of South African society survived the transition to black majority rule and even retained its position of influence, so, too, will the Israeli sector endure and even flourish, especially if it takes pro-active steps to end the conflict and get on with developing the country as a joint project with the Palestinians. The understandable aspirations of the Jews to control their destiny, to never again be dependent upon others, must give way to democratic procedures if only because the vast majority of Jews chose to settle abroad and not in Israel (including a considerable portion of Israeli Jews themselves).

Cultural Zionism would argue that the only source of security for Israeli Jews is a thoroughly democratic and economically prosperous state belonging to all its citizens. In fact, so strong is Israeli society and economy that many Palestinians fear becoming an underclass in a single state even if the Palestinians constitute the majority. It may be difficult to imagine Palestinian-Israeli harmony given the conflicts of the past century. Those who think such a development is impossible, however, should recall the euphoria and enthusiasm that accompanied the investment and joint economic ventures of Oslo's early years. If the envisioned state is integrated into a wider Middle East that is also democratic and prosperous – a process in which Israelis could play a major role – a secure and vibrant Jewish life in Israel/Palestine



is further ensured. This line of thought may not reassure every Israeli, but the elimination of a viable two-state solution will leave it the only option available.

For the single state option to win Jewish supporters, two fundamental concerns must be addressed: the fear of coming under another people's rule (especially that of a current "enemy"), and the concern that a non-Jewish Israel/Palestine will no longer offer refuge to Jews in times of need. Here we might take a page out of the history of South Africa's resistance movement, the ANC. Even before the fall of apartheid it circulated a draft of a constitution for the future democratic state. That step alone lent a note of assurance to the European populations that feared a transition to majority black rule. It also gave an opportunity for people from all communities to contribute to the constitution-drafting process. That could be done in Israel-Palestine. Inserting an article guaranteeing the right of both Jews and Palestinians to return to the country, including the automatic acceptance of peoples of both communities in time of need, would go a long way towards assuring each people of the good intentions of the other. All this was suggested by Magnes back in the 1920s. "What is Zionism?" he asked. "What does Palestine mean to us?"

I can answer for myself in almost the same terms that I have been in the habit of using for many years: Immigration; Settlement on the land; Hebrew life and culture. If you can guarantee these to me, I should be willing to yield the Jewish state and the Jewish majority; and on the other hand, I would agree to a legislative assembly, together with a democratic political regime so carefully planned and worked out that the above three fundamentals could not be infringed. Indeed, I should be willing to pay almost any price for these three, especially since this price would in my opinion also secure tranquility and mutual understanding (quoted in Flapan 1979:177).

A Last Chance for a Palestinian State?

In terms of the Israeli-Palestinian conflict, we find ourselves in a period of transition, with no clear direction. The "ground" tells us that a viable two-state solution is finished, not because of Arab resistance but because Israel eliminated it through its massive "facts on the ground." Political realities tell us that a one-state solution is still a long way off, as is a regional confederation.

One last ditch play, hinted at by Arafat and Abu Ala in response to Sharon's threat of unilateral action, might have shocked the two-state solution back to life. If the Palestinian Authority had grabbed the initiative and unilaterally declared a Palestinian state on all the territories conquered in 1967, blaming Israel for leaving them no choice, they could have conceivably shifted the focus of the conflict from Israeli security to their own national requirements, made all the more urgent by Israel's continued construction of settlements and the Separation Barrier. Such a move would have created a *fait accompli* – yet a reasonable one – that would have galvanized world public opinion in favor of Palestinian statehood. It was not to be, and the Bush Administration was so committed to Israel that it would likely have had little effect.



Some years later, another opportunity to salvage the two-state solution – far-fetched as it may be—reappeared. Barak Obama became president of a United States that was politically weakened and internationally isolated. Bogged down in Iraq and Afghanistan, watching nuclear Pakistan implode, concerned over Iran’s nuclear plans and growing regional influence and worried about the fate of the “moderate” pro-Western Arab regimes in the face of a rising political Islam – made all the more anti-American by US support for Israel, especially in the wake of the attack on Gaza, the country Obama inherited needs desperately to accommodate to the Muslim world instead of trying to beat it up. Wars, including the War on Terror, clearly have to give way to efforts to stabilize relations with the regimes of the Middle East. Israel’s Occupation has become a liability. And because the Israeli-Palestinian conflict is emblematic to the Muslim world, symbolically probably more important than Iraq or Afghanistan, the Obama Administration will not get to first base in stabilizing the region and withdrawing its forces until it is addressed.

It is still too early, as of this writing, to predict if the new Administration will succeed in eking out a two-state solution. To do so, it will have to be assertive towards Israel – something the Democrats in Congress, always more pro-Israel than the Republicans, might balk at. But the formula is clear: First, tell Israel: We love you. The Israeli Jewish public must hear that at the outset. Second, tell Israelis to take concerns of security off the table. Israel can be a full member of NATO if that is what it takes to reassure Jewish Israelis, whose hesitation to make peace stems more from worries of security (given that they have been told the Arabs are their permanent enemies) than from issues of land. Then, finally: the Occupation is over. Every square inch and centimeter. You have two, three, five years to remove your settlers and army (we, the West, will pay for their resettlement in Israel), during which time a truly sovereign and viable Palestinian state emerges. If that was done, I believe you would hear a sigh of relief from Tel Aviv to Washington. It’s what most Israelis want but cannot get from their own leaders.

Only an assertive stance rooted in American interests will finally break through the obfuscation created by the Israeli framing and the support it generates in Congress, particularly among Democrats. One may venture to say that Harry Reid and Nancy Pelosi will be far more formidable foes of a change in American policy towards Israel than Netanyahu and Lieberman.

In the meantime, the Palestinians suffer from a fragmented leadership (the product, for the most part, of a decades-old Israeli campaign to either assassinate or imprison the most capable Palestinian leaders, as well as successful policies of divide-and-rule), unable to formulate a new policy towards peace which takes into account the unlikelihood of a genuine two-state solution. Until they are able to do so, it falls upon the international civil society to provide the Palestinians with the political space they need; that is, to prevent both attacks on them and a worsening of the Occupation until a strong and united leadership, armed with a relevant political program, once again emerges.



STRATEGIES OF ACTION

ICAHD has always seen itself, and its civil society partners at home and abroad, as actors in the political process to bring about a just peace in Palestine/Israel. We are not merely protest groups; we must assertively insist at “sitting at the table.” This is not easy. Governments, in principle, do not consider civil society as partners. After all, we are not elected and have no mandate to either negotiate or sign peace agreements. Unfortunately, in practice if not in principle, governments will not do the right thing without being pushed and prodded by the people. So we’re in a complicated situation. The Palestinians cannot end the Occupation themselves, Israeli Jewish public has been neutralized as a political player by the notion that there is no political solution, Israeli governments of all stripes will not allow a viable, sovereign Palestinian state to emerge, and the world’s governments refuse to act pro-actively or assertively. That leaves the task of pushing for a just peace to us, the peoples of the world, the grassroots. It requires us to formulate effective strategies of resistance, protest and advocacy, of engagement with policy-makers but also confrontation when necessary.

What, then, should our strategy of advocacy be? Any effective, pro-active, international campaign of advocacy involves at least three key elements: (1) a clear and compelling reframing of the conflict, (2) mobilization of civil society forces, including close monitoring of international peace efforts and an assertive targeting of power, and (3) a focused and coordinated campaign of advocacy.

(1) Reframing the Conflict

We began our discussion by noting that the one who frames an argument usually wins the debate. We cannot confine our efforts to merely refuting Israeli claims, nor is the problem raw information. A fundamental starting point in our struggle to reach public opinion is to take control of how the conflict is presented. We must offer a reframing of the conflict which highlights the overarching reality of the Occupation, advocates for a just and lasting solution based on Palestinian claims and needs (including those of the refugees) as well as Israeli security concerns, and ensures regional peace and development. If we succeed in framing the public discussion in these terms, then the logic of a “win-win” solution will be compelling and self-evident.

At the beginning of this book we presented a reframing based on human rights. But many other reframings are possible, depending of the audiences you wish to reach. We at ICAHD have developed, for example, a Jewish reframing that reminds Jewish communities abroad how much human and civil rights define modern Jewry and question whether the policies of an ethnocracy – a state which “belongs to” and privileges one community over all the others – and one saddled an occupation to boot, can truly form the center of their communal life. We have a Christian reframing – mainstream Protestant as well as Evangelical – that shows how human rights dovetails with Christian values and counters the claims of Christian Zionism. We’ve developed an American reframing showing how support for Israel’s



Occupation is undermining the American role in the world, and a European reframing that does the same while stressing the connection between human rights, the Holocaust and the acceptability – even the duty – of criticizing Israel. Our women’s reframing stresses the unique experience of women and girls under Occupation. Reframings empower because they impart alternative approaches leading to unconsidered solutions. Now that you’ve got the idea, develop reframings of your own and send them to us at <info@icahd.org>. We’re also happy to share our reframing with you.

(2) Mobilizing International Civil Society

Many civil society initiatives have been undertaken to end the Occupation. On the ground, ICAHD resists demolitions and build houses; B’tselem documents human rights violations through its program of “Shooting Back” – giving video cameras to Palestinians; al-Haq mounts legal challenge to Israeli policies in international courts; Rabbis for Human Rights defend Palestinians trying to harvest their crops; Badil advocates for refugee rights; the anarchists join the people of Bil’in every week to resist the building of the Wall; students at universities around the world organize Israel Apartheid Week; Palestinians Solidarity Committees worldwide, the European- and American wide network of Jews for a Just Peace and hundreds of other groups hold protest demonstrations. And much more. Politically there have been civil society initiatives such as the campaign of boycott, divestment and sanctions (BDS), the Geneva Initiative, the Gush Shalom Plan and Lobby Days where activists meet with their political representatives.

But Israel and Palestinian civil societies are limited in what they can do. Being “out of the loop” in terms of policy-making, negotiations or concluding political agreements, they must be super-strategic if they want to influence governments. A few lines of thought might be suggested:

Monitoring. As we have seen, the distinction between a viable Palestinian state and a Bantustan is a matter of a few percentage points of territory here, a few forms of authority there. It is, Israeli leaders believe, a matter far too subtle to interest most people – and so Israel “wins” by finessing what appears on the surface to be forthcoming solutions (apartheid in the guise of a two-state solution, for instance). Precisely because the key issues are so complex and vague to most people, we grassroots advocates have a critical role to play as watchdogs. We who pay attention to the details, who have learned how critical the “facts” are on the ground, are in a unique position to critique so-called “peace processes.” We can help ensure their transparency. We must clearly articulate the essential elements of any just peace and use them to evaluate the justice and work-ability of any proposed peace plan. We must ask the hard questions: Does this plan or approach address fairly and effectively the key issues underlying the conflict? Does it conform to human rights standards and international law? Does it lead to a true resolution of the conflict or is it a recipe for continued, if subtle, control and oppression? We have to be on top of developments, to anticipate what is coming and to have our reactions – negative, positive or qualified – ready. True, we run the risk of being dismissed as nay-sayers, but without our critical voice governments will



prefer seemingly “acceptable” solutions to truly just and sustainable ones.

Targeting Power. Lobbying is certainly an important form of engagement with the political establishment, but here we grassroots groups tend to be spotty. Occasional letters are written to MPs or members of Congress, occasional meetings are held, but we have nowhere the ongoing presence of the pro-Israel lobby: Israeli-sponsored lobbying organizations such as AIPAC, Christian fundamentalist groups, the organized Jewish community, “pro-Israel” think-tanks, military lobbyists and others. Needless to say, decision-makers are not only elected officials. Their staffs and advisors also carry political clout, as do their own constituents back home. How to break into the circle of decision-makers is a task that still eludes us.

“Targeting power” means (1) identifying and reaching those political figures and institutions which have the greatest ability to resolve the conflict and (2) identifying and reaching those in less central countries who nevertheless wield clout on this issue. At this juncture, when a new Administration in Washington appears to be grasping the unsustainability of the Occupation and the need to act quickly in its own interests, we need, in particular, to get to members of Congress and their staffs, in their home districts as well as in Washington, “armed” with materials, talking points and immediate concerns. (ICAHN can provide effective advocacy materials.) The same, however, is true for governments the world over. Intensive and direct lobbying and advocacy with political decision-makers seems, in our view, to be a more urgent priority than embarking on long-range campaigns.

(3) Developing Strategic Campaigns. Although advocacy must receive priority, there is still a need to mount effective campaigns; in particular strategic “meta-campaigns” highlight key issues of the conflict.

In terms of BDS, a campaign could be launched focusing on arms sales of your country to Israel, as well as Israeli involvement in your own local community (training your police force, engaging in research and development at your universities, producing arms and “security” equipment with local companies). This is effective because it counters the popular impression, encouraged by Israeli framers, that Israel is only a small, powerless victim. It also makes a connection between the “counterinsurgency” weaponry and tactics being perfected in Gaza and Nablus and threats to your own civil liberties.

Another important campaign would be one against the imposition of an Israeli apartheid regime over the Palestinians. In order to avoid howls against using the “A” word, it could be framed as a campaign against *hafrada*, “separation” or “apartheid” in Hebrew, precisely the term Israel uses to describe its policies.

A campaign to apply the Fourth Geneva Convention to the Occupied Territories. If just that Convention was applied, the Occupation would collapse of its own weight of illegality. It is not applied because Israel claims that there is no Occupation. A campaign such as this one would highlight the underlying human rights issues essential for achieving a just peace.

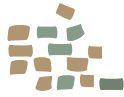


Another effective strategy is to mount legal challenges to Israeli policies in the Occupied Territories. Under the clause “universal jurisdiction,” every court system in the world should prosecute crimes against humanity because they are crimes against humanity and are not confined to particular parties or countries. Ironically Israel was one of the first countries to urge the use of universal jurisdiction because of its interest in prosecuting Nazi war criminals wherever they found refuge. It could hardly turn around and deny its relevance to its own actions and policies vis-à-vis the Palestinians. Appendix 2 lists concrete violations that can be prosecuted.

None of these meta-campaigns need replace, of course, important micro-campaigns and actions against particular manifestations of the Occupation such as house demolitions, settlement expansion or the building of the Wall. But they provide the focus around which international civil society can be mobilized.



Pictures



Picture 1:

Over 60% of all houses demolished by Israel are done during military or land clearing operations. An IDF lawyer investigated the demolitions during Operation Cast Lead's attacks on Gaza and found that "justifying such operations will be exceedingly difficult." These buildings in Qalqilya were destroyed in 2002, displacing over two dozen families.

Picture 2:

The house of Kabu'ah Jadauh was demolished 29 November 2004 in Anata. The construction on the large house was completed in 1994 at a total cost of nearly US \$150,000. A demolition order was levied against the Jadauh home in 1995 and they spent thousands of dollars in legal fees over the next nine years trying to defend it. The Israeli court system failed to protect their basic right to shelter and the three-generation family of 23 was left homeless.

Picture 3:

Two days before the demolition of the Jadauh house above, the Civil Administration (Military government) destroyed the homes of over 55 Jahalin Bedouins near Al Azariya. They had been forcibly relocated over the previous 15 years to a site near the Jerusalem municipal garbage dump.

Picture 4:

The Jahalin Bedouin from Picture 3 are refugees from the Negev where they were driven out from 1950 - 1959. The surviving Bedouin population in the Negev has faced constant demolitions, circumscribed living space, and forcible transforming of culture inside Israel's borders. The village of Jarwal Abu Twail (pictured here) has been demolished in its entirety 18 times.

Picture 5:

A man from Silwan in East Jerusalem holds a Jordanian land title. One of the mechanisms used to prevent Palestinian construction in East Jerusalem is the denial of building permits due to lack of "proof of ownership" of the lands. Jordan's land registration bureaucracy made few efforts in East Jerusalem and the West Bank and most Palestinians, despite often having Ottoman documents or documents from the British colonial period, lack a Jordanian document and thus cannot register their lands inside of Israel. This man is lucky enough to have the title to his land but is still facing demolition for the purpose of building a park where his house is.

Picture 6:

The Border Police, a paramilitary unit used in the "Seam Zone", arrive to secure a site in Jabal Mukabber for a house to be demolished by the Municipality of Jerusalem. Some smoke lingers from the initial sound- and smoke-bombs they threw upon their arrival.

Picture 7:

A woman from Issawiyya sits on the remains of her demolished house with her children and father-in-law. Her husband was injured during the 9 February 2009 demolition and was taken to the hospital. This was the second of three houses demolished in Issawiyya that day.



Picture 8:

The final Issawiyya demolition that day was of the partially-constructed house belonging to two brothers. In this picture a man watches the demolition seated adjacent to the rubble of his own house which had been demolished six months earlier.

Picture 9:

A Silwan woman sits on the lone standing part of her home.

Picture 10:

Signs were erected in 2005 along many roads in the West Bank to prohibit Palestinian traffic. They were removed shortly after due to international embarrassment about “Jews only” roads that even had road signs. The travel restrictions on these roads remain despite the removal of the signs. This one [with brackets by the author] says:

Welcome to Eliyahu Crossing

Only Israelis may pass through this crossing

It is forbidden to carry anyone who is not Israeli through this crossing

“Israeli” - A resident of Israel; A resident of the region who is also a citizen of Israel [Jewish settlers]; Anyone who has the right to become a citizen of Israel under the 1950 Law of Return [foreign Jews]; Anyone with a valid entry permit to Israel [tourists]

Picture 11:

The settlement of Ma’ale Adumim is the largest in terms of land size, the municipal area covering some 53 square kilometers and bisecting the West Bank. There is constant ongoing construction as can be seen in this picture. There has been over US \$50 million invested in infrastructure in the E-1 area between the built-up area of Ma’ale Adumim and East Jerusalem.

Picture 12:

The Ma’ale HaZeitim settlement on the Mount of Olives in Ras Al Amud. The land was obtained by settlers because it had Jewish ownership prior to 1948. The restitution of property is tainted in that Palestinians have no fair access to the bureaucracy so only Jews are able to reclaim property owned by other Jews prior to 1948.

Picture 13:

The settlement of Kidmat Zion adjacent to the Wall in Abu Dis. The surrounding area is currently in the process of being zoned for residential construction for the purposes of expanding the settlement. Palestinians in Abu Dis were forbidden to build there and the new housing will use their lands but not serve their community.

Picture 14:

Siblings take in the Wall between just north of the Qalandiya checkpoint. Here the Wall hugs the Palestinian urban area while encircling an expanse of open land.

Picture 15:

The Palestinian economy has been devastated by restrictions on movement, settlement infrastructure as well as physical destruction of economic capacity such as the demolition of a greenhouse here in the northern West Bank.



Picture 16:

The Jaber family near Hebron used to grow grapes to sell in Jerusalem and Bethlehem. Restrictions on movement, especially the closure of East Jerusalem to Palestinians with West Bank and Gaza IDs, have flooded the Bethlehem market with what used to go to Jerusalem and the Jabers cannot afford to cultivate grapes they will not be able to sell.

Picture 17:

Community organizer Salim Shawamreh, whose house has been demolished five times by the Civil Administration and rebuilt five times by the Israeli Committee Against House Demolitions, watches as one of his neighbor's houses is demolished in the distance.

Picture 18:

Jeff Halper and Jerusalem City Councillor Meir Margalit, both part of ICAHD, sit in the path of a machine on its way to demolish a house while surrounded by the Border Police. Direct action efforts are one part of campaigns of solidarity and policy change, with action against the demolition of houses being recognition of the Palestinians' roots in the land and their rights to be there.

Picture 19:

Palestinian, Israeli and international volunteers help to rebuild the Shawamreh house in Anata for the final time as the inaugural summer rebuilding camp run by ICAHD.

Picture 20:

The unrecognized village of Dehamesh constantly faces the threat of demolition. Community members have refused to submit to such policies and here organized the construction of a playground for their children.

Picture 21:

Another example of direct action against the policies of house demolition, this time at a house in Beit Hanina.

Picture 22:

The house of Musa Jaduah is rebuilt by volunteers.

Picture 23:

Four residents of Silwan sit in the community action tent organized to protect Palestinian rights in Silwan and defend the Bustan neighborhood from the plans to demolish it in order to build an archeological park. There they receive international and Israeli delegations, as well as media and diplomats. They've also built it into a community organizing center giving presentations to Palestinians, students and adults, from other villages and neighborhoods on the Occupation.

Picture 24:

The Shawamreh home as it appears today, with Salim, Arabiya and their children. Jerusalem Municipal and Civil Administration restrictions on residency prevent the family from living there, but it has been reimagined as a community organizing center for Palestinians, Israelis and internationals until such time as the family can return to its home.



APPENDIX

STATISTICS ON HOUSE DEMOLITIONS IN THE OCCUPIED TERRITORIES (1967-2009)

ICAHD estimates that some 24,130 Palestinian homes have been demolished in the Occupied Territories since 1967, based on information gleaned from the Israeli Ministry of Interior, the Jerusalem Municipality, the Civil Administration, OCHA and other UN sources, Palestinian & Israeli human rights groups, Amnesty International, Human Rights Watch, our field work and other sources. (Updated 13 February 2009.)

Types of demolitions

Punitive demolitions: Houses demolished as punishment for the actions of people associated with the houses. This policy was suspended by the Israeli army in February, 2005 after it reached the conclusion that rather than deterring attacks, punitive demolitions only enflame the people and lead to more attacks. The practice was resumed on 19 January 2009. Although this is thought of by most people as the main reason why houses are demolished, in fact punitive demolitions account for only 8.5% of all defined demolitions.

Administrative demolitions: Houses demolished for lack of a building permit. This happens in Area C and in East Jerusalem, under exclusive Israeli authority, though prior to the existence of Areas A, B & C it occurred in other areas as well. It is important to point out that in almost all cases, Palestinians have no choice but to build “illegally” as permits will not be granted. It is also the case that in Area B, if a house is in close proximity to a military base or a road used by the military or settlers, it may also face administrative demolition. This type of demolition accounts for approximately 27% of defined demolitions.

Land-clearing operations/Military demolitions: Houses demolished by the IDF in the course of military operations for the purposes of clearing off a piece of land (for whatever reason), achieve a military goal or to kill wanted persons as part of Israel’s policy of extrajudicial executions. Military demolition account for about 65.5% of defined demolitions.

Undefined demolitions: ICAHD is collecting information and investigating the status of many demolitions carried out between 1967-1982. Preliminary results indicate these will include demolitions from all categories but with the majority being land-clearing operations/military and punitive.



NUMBERS OF DEMOLITIONS

Year	Punitive	Administrative	Military	Undefined	Total
1967	-	-	2,187 ¹	5,367	7,554
1968	-	-	-		
1969	-	-	-		
1970	-	-	-	191 ²	191
1971	-	-	2000 ³	231	2,231
1972	-	-	-	35	35
1973	-	-	100 ⁴	34	134
1974	-	-	-	61	61
1975	-	-	-	77	77
1976	-	-	-	24	24
1977	-	-	-	1	1
1978	-	-	-	2	2
1979	-	-	-	18	18
1980	-	-	-	30	30
1981	-	-	-	24	24
1982	-	-	-	35	35
1983	12 ⁵	-	-	-	12
1984	2	-	-	-	2
1985	44	-	-	-	44
1986	49	-	-	-	49
1987	1 ⁶	103 ⁷	-	-	104
1988	164	423	-	-	587
1989	220	347	-	-	567
1990	204	102	-	-	306
1991	80	227	-	-	307
1992	33	160	-	-	193
1993	19	111	-	-	130
1994	4	149 ⁸	-	-	153
1995	1	68	-	-	69
1996	11	157	-	-	168
1997	8	249	-	-	257
1998	-	180	-	-	180
1999	-	142	-	-	142
2000	-	59	2,781 ⁹	-	4,747
2001	10	227		-	
2002	251	319		-	
2003	227	405		-	
2004	177	291		-	
2005	4	211	75	-	290
2006	-	146	256	-	402
2007	-	286	73	-	359
2008	-	291	79	-	377
2009	1 ¹⁰	29	4,247 ¹¹	-	3,930
Total	1,522	4,682	11,798	6,130	24,132



¹ The Israel League for Human and Civil Rights (1970), "The United Nations Commission on the Israeli practices in the occupied territories." Accessed 22 December 2008 via <http://domino.un.org/>. United Nations General Assembly (1967) "Report of the Secretary-General under General Assembly resolution 2252 (ES-V) and Security Council resolution 237 (1967)." Retrieved 25 September 2006 from <http://www.domino.un.org>. Abowd, Thomas Philip (2000) "The Moroccan Quarter: A History of the Present." Jerusalem: Jerusalem Quarterly. Retrieved 25 September 2006 from <http://www.jerusalemquarterly.org>. Palestine Remembered (n. d.) "Imwas", "Bayt Nuba", "Yalu". Retrieved 25 September 2006 from <http://www.palestineremembered.com>. The UN Report refers to 850 houses demolished in Qalqilya and 360 in Beit Awa. It also states that the Beit Mersim (Beit Marsam) was entirely demolished and had an original population of approximately 500. We averaged just over 8 people per house to arrive at the figure of 60 houses for this village. Also quoted in the report is the demolition of 18 houses in Surif. Abowd's articles states that 135 houses were demolished in the Moroccan Quarter of Jerusalem's Old City but a UN Report from 1980 raises that number to 160. We have used the lower number. The villages of Imwas, Yalu and Beit Nuba were entirely demolished in 1967. The website Palestine Remembered cites the 1931 British census listing 224 houses in Imwas, 245 in Yalu and 226 in Beit Nuba. According to the 1961 Jordanian census, the populations of the towns increased by 91, 70 and 43%. An extremely conservative estimate would be a 10% increase in the amount of housing by the 1961 census, adding a total of 69 more houses for a three-village-total of 764. This total does not include the numbers from the Jordan Valley villages of Nuseirat, Jiftlik, and Arajish, all of which were leveled, as those numbers are currently unavailable.

² United Nations General Assembly (1984) "Report of the Secretary-General, Living Conditions of the Palestinian People in the Occupied Palestinian Territories." Retrieved 25 September 2006 from <http://www.domino.un.org>. This is the source for all statistics on undefined demolitions between 1967 and 1982. In the actual report these are listed as punitive demolitions though a UN source states all demolitions were classified as "Collective Punishment."

³ Human Rights Watch (2004) Razing Rafah. New York: Human Rights Watch. Halper, Jeff (2005). Obstacles to Peace (2005) Jerusalem: PalMap. This number is from a mass demolition that took place in the Gaza Strip in August. It happens that Ariel Sharon was the leader of that mission.

⁴ UNISPAL (30 March 1979) Special Unit on Palestinian Rights bulletin no.3. Retrieved 9 November 2006 from <http://www.domino.un.org>. The 100 houses were from Beit Ikksa, and were demolished for the Ramot settlement. The majority of the populace of Beit Ikksa are refugees which helps to explain why there was a small distance between the village proper and the collection of houses now under Ramot. This is also mentioned in the 25 May 1984 document from the UN General Assembly, "Living conditions of the Palestinian people in the occupied Palestinian territories. Report of the Secretary-General."

⁵ Talmor, Ronny (1989) Demolition and Sealing of Houses as a Punitive Measure in the West Bank and Gaza Strip During the Intifada. Jerusalem: B'Tselem. This report is the source for the data on punitive demolitions from 1983-86.

⁶ B'Tselem (2005) "Statistics on demolition of houses as punishment 1987-2005." Retrieved 25



September 2006 from <http://www.btselem.org>. All the statistics on punitive house demolitions from 1987-2005 come from this.

7 B'Tselem (2006) "Statistics on demolition of houses built without permits." Retrieved 25 September 2006 from <http://www.btselem.org>. All the statistics on administrative demolitions between 1987-1993 come from this.

8 Margalit, Meir (2006) *Discrimination in the Heart of the Holy City*. Jerusalem: IPCC. Margalit, Meir (2006). Personal communication with Dr. Margalit, field researcher for ICAHD. B'Tselem (2006) "Statistics on demolition of houses built without permits." Retrieved 25 September 2006 from <http://www.btselem.org>. UN Office for the Coordination of Humanitarian Affairs (2005-2008). *Weekly Humanitarian Briefings #s 86-240*. All statistics about administrative house demolitions between 1994-2008 come from these sources.

9 B'Tselem (2006) "Statistics on houses demolished for alleged military purposes." Retrieved 25 September 2006 from <http://www.btselem.org>. UN Office for the Coordination of Humanitarian Affairs (2005-2008) *Weekly Humanitarian Briefings #s 86-240*.

10 Demolition witnessed by ICAHD staff on 19 January 2009.

11 Preliminary total for houses completely demolished in Gaza during Operation Cast Lead. Number provided by the UN OCHA through email communication on 10 February 2009. All demolitions occurring during Cast Lead are listed in 2009, despite several hundred occurring just before the new year.



ISRAELI VIOLATIONS OF THE FOURTH GENEVA CONVENTION

Virtually every element of Israel's Occupation violates human rights conventions – and especially the Fourth Geneva Convention that forbids an occupying power from making its presence a permanent one.

- **Articles 50 and 51** of the "Protocols Additional to the 1949 Geneva Convention" emphasize the protection of civilians in time of war. "The civilian population comprises all persons who are civilians. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations."
- **Article 3** prohibits "outrages upon personal dignity, in particular humiliating and degrading treatment," a routine element of Palestinian life under Israel's Occupation.
- **Article 32** forbids assassinations, and any brutalization of the civilian population, including their treatment at checkpoints and in "security searches."
- **Article 33** prohibiting pillage would obtain to Israel's extensive use of West Bank and Gazan water resources, especially as they are denied the local population. It also prohibits the use of collective punishment, as represented by the imposition of closure, curfew, house demolitions and many other routine actions of the Occupation authorities.
- **Article 39** stipulates: "Protected persons [residents of occupied lands] who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment." It thereby prohibits the imposition of a permanent "closure" on the Occupied Territories, such as Israel has done since 1993.
- **Article 49** forbids deportations and any "forcible transfers," which would include such common practices as revoking Jerusalem IDs or banning Palestinians from returning from work, study or travel abroad. It also stipulates that "The Occupying Power shall not transfer parts of its own civilian population into territories it occupies" – a clear ban on settlements.
- **Article 53** reads: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons is prohibited." Under this provision, the practice of demolishing Palestinian houses is banned, but so is the wholesale destruction of the Palestinian infrastructure (including its civil society institutions and records in Ramallah) destroyed in the reoccupation of March-April 2002.
- **Article 64** forbids changes in the local legal system that, among other things, alienate the local population from its land and property, as Israel has done through massive land expropriations.
- **Article 146** holds accountable individuals who have committed "grave breaches" of the Convention. According to Article 147, this includes many acts routinely practiced under



the Occupation, such as willful killing, torture or inhuman treatment, willfully causing great suffering or serious injury, unlawful deportation, taking of hostages and extensive destruction and appropriation of property. Israeli courts have thus far failed to charge or prosecute Israeli officials, military personnel or police who have committed such acts.

The PLO also bears a measure of responsibility for the violations of its own people's rights under the Fourth Geneva Convention. According to Article 8, it had no right in the Oslo Agreements to abrogate their rights and suspend the applicability of the Convention, since "Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention."



THE SAUDI INITIATIVE

The Council of the League of Arab States at the Summit Level, at its 14th Ordinary Session:

Reaffirming the resolution taken in June 1996 at the Cairo extraordinary Arab Summit that a just and comprehensive peace in the Middle East is the strategic option of the Arab countries, to be achieved in accordance with international legality, and which would require a comparable commitment on the part of the Israeli Government;

Having listened to the statement made by His Royal Highness Prince Abdullah Bin Abdulaziz, the Crown Prince of the Kingdom of Saudi Arabia, in which His Highness presented his initiative, calling for full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council Resolutions 242 and 338, reaffirmed by the Madrid Conference of 1991 and the land for peace principle; and for Israel's acceptance of an independent Palestinian State, with East Jerusalem as its capital, in return for the establishment of normal relations in the context of a comprehensive peace with Israel;

Emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties, the Council:

1. Requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.
2. Further calls upon Israel to affirm:
 - a. Full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights to the lines of June 4, 1967, as well as the remaining occupied Lebanese territories in the south of Lebanon.
 - b. Achievement of a just solution to the Palestinian Refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194.
 - c. The acceptance of 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.
3. Consequently, the Arab Countries affirm the following:
 - a. Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.
 - b. Establish normal relations with Israel in the context of this comprehensive peace.
4. Assures the rejection of all forms of Palestinian (re)patriation which conflict with



the special circumstances of the Arab host countries [a reference to the Palestinian refugees in Lebanon, inserted by the Lebanese government].

5. Calls upon the Government of Israel and all Israelis to accept this initiative in order to safeguard the prospects for peace and stop the further shedding of blood, enabling the Arab countries and Israel to live in peace and good neighborliness and provide future generations with security, stability, and prosperity.

6. Invites the international community and all countries and organizations to support this initiative.

7. Requests the Chairman of the Summit to form a special committee composed of some of its concerned member states and the Secretary General of the League of Arab States to pursue the necessary contacts to gain support for this initiative at all levels, particularly from the United Nations, the Security Council, the United States of America, the Russian Federation, the Muslim States and the European Union.



THE ROAD MAP

Reorganized for discussion by Jeff Halper

This abridged version of the Road Map sets out the initiative's goals and what is required of each of the parties.

Goals

Quartet

1. To resolve the Israel-Palestinian conflict through a negotiated settlement leading to a final and comprehensive settlement of the Israel-Palestinian conflict by 2005;
2. To end the occupation;
3. To see the emergence of an independent, democratic and viable Palestinian state side by side in peace and security with Israel and its other neighbors;
4. To address Israel's strategic goals of security and regional integration.

Mechanisms

Quartet

- Goals and process based on terms of reference of the Madrid Conference and the principle of land for peace, UNSCRs 242, 338 and 1397, agreements previously reached by the parties, and the Arab initiative proposed by Saudi Crown Prince Abdullah, as endorsed by the Arab Summit in Beirut
- A performance-based plan with clear phases and benchmarks to be agreed upon (including their interpretation) in advance of the process.
- Supervision by the Quartet -- although the United States is bidding for a leadership role. According to the American plan, the U.S. will head the supervising mechanism of the road map's implementation, helped by the other members of the Quartet. (The American government recently announced that a special unit would be set up in the CIA to monitor the implementation process.) The supervising mechanism will further include four committees: a Security Committee that will deal with reforms in the PA security apparatus, renewed security coordination and monitoring of Palestinian activity against terror, as well as the Israeli withdrawals from PA areas. A Special Operations Committee will deal with the settlement freeze, evacuation of the illegal outposts, a cessation of the incitement and the reopening of Palestinian institutions in East Jerusalem. A Humanitarian Committee will try to alleviate the suffering of the Palestinian residents of the Occupied Territories and address the policies behind it (such as the closure). A fourth committee will deal with reforms in the Palestinian Authority



Phases of Implementation

Phase I: October 2002-May 2003 (Transformation/Elections);

First Stage: October-December, 2002 (3 months)

Quartet Requirements

Quartet develops detailed roadmap, in consultation with the parties, to be adopted at December Quartet/AHLC meeting.

Ad Hoc Liaison Committee (AHLC) Ministerial launches major donor assistance effort.

In coordination with Quartet, implementation of U.S. rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board. (US-Egypt-Jordan).

Palestinian Requirements

Appointment of new Palestinian cabinet, establishment of empowered Prime Minister, including any necessary Palestinian legal reforms for this purpose.

PLC appoints Commission charged with drafting of Palestinian constitution for Palestinian statehood.

PA establishes independent Election Commission. PLC reviews and revises election law.

Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate end to the armed Intifada and all acts of violence against Israelis anywhere. All Palestinian institutions end incitement against Israel.

Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.

Israeli Requirements

Government of Israel (GOI) facilitates travel of Palestinian officials for PLC sessions, internationally supervised security retraining, and other PA business without restriction.

GOI implements recommendations of the Bertini report to improve humanitarian conditions, including lifting curfews and easing movement between Palestinian areas.

GOI ends actions undermining trust, including attacks in civilian areas, and confiscation/demolition of Palestinian homes/property, deportations, as a punitive measure or to facilitate Israeli construction.

GOI immediately resumes monthly revenue clearance process in accordance with agreed transparency monitoring mechanism. GOI transfers all arrears of withheld revenues to Palestinian Ministry of Finance by end of December 2002, according to specific timeline.

GOI dismantles settlement outposts erected since establishment of the present Israeli government and in contravention of current Israeli government guidelines.

Joint Palestinian-Israeli Requirements

Restructured/retrained Palestinian security forces and IDF counterparts begin phased resumption of security cooperation and other undertakings as agreed in the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.



Requirements of Arab States

Arab states move decisively to cut off public/private funding of extremist groups, channel financial support for Palestinians through Palestinian Ministry of Finance.

Phase I: Second Stage: January-May 2003 (5 months)

(Goals: For the next five months: An end to terror and violence, normalization of Palestinian life and establishment of Palestinian institutions. Israel withdraws from the PA areas, and the status quo from before the Intifada is restored, in accordance with progress in the security cooperation, according to the Tenet work plan. A settlement freeze is announced, according to the Mitchell plan.)

Quartet Requirements

Quartet monitoring mechanism established.

Palestinian Requirements

Continued Palestinian political reform to ensure powers of PLC, Prime Minister, and Cabinet.

Independent Commission circulates draft Palestinian constitution, based on strong parliamentary democracy, for public comment/debate.

Devolution of power to local authorities through revised Municipalities Law.

Palestinian performance on agreed judicial, administrative, and economic benchmarks, as determined by Task Force.

Constitution drafting Commission proposes draft document for submission after elections to new PLC for approval.

Palestinians hold free, open, and fair elections for PLC.

The Palestinians begin focused efforts to dismantle the terrorist infrastructure, implement security cooperation, collect illegal weapons and disarm militant groups in the first stage of the program.

Israeli Requirements

As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000. Withdrawal to be completed before holding of Palestinian elections. Palestinian security forces redeploy to areas vacated by IDF.

GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials.

GOI reopens East Jerusalem Chamber of Commerce and other closed Palestinian economic institutions in East Jerusalem.

GOI freezes all settlement activity consistent with the Mitchell report, including natural growth of settlements. Israel is required to make a top priority out of freezing projects that disrupt Palestinian territorial contiguity, including in the Jerusalem area.

Joint Palestinian-Israeli Requirements

Palestinians and Israelis conclude a new security agreement building upon Tenet work plan, including an effective security mechanism and an end to violence, terrorism, and



incitement implemented through a restructured and effective Palestinian security service.

Requirements of Arab States

Regional support: Upon completion of security steps and IDF withdrawal to September 28, 2000 positions, Egypt and Jordan return ambassadors to Israel.

Phase II: June 2003-December 2003 (Transition) (6 months)

(Goal: A transition phase, for the purpose of establishing a Palestinian state inside temporary borders according to a new constitution. The Quartet will convene an international conference, in consultation with the parties (in the early draft it required their consent), to be followed by the start of Israeli-Palestinian dialogue about the establishment of the interim state. Still under discussion is to what extent the Quartet will act to win the new Palestinian state acceptance in the UN.)

Progress into Phase II will be based upon the consensus judgment of the Quartet of whether conditions are appropriate to proceed, taking into account performance of both parties." That judgment is facilitated by establishment of a permanent monitoring mechanism on the ground.

Phase II starts after Palestinian elections and ends with possible creation of a Palestinian state with provisional borders by end of 2003.

Quartet Requirements

International Conference: Convened by the Quartet, in agreement with the parties, immediately after the successful conclusion of Palestinian elections to support Palestinian economic recovery and launch negotiations between Israelis and Palestinians on the possibility of a state with provisional borders. Such a meeting would be inclusive, based on the goal of a comprehensive Middle East peace (including between Israel and Syria, and Israel and Lebanon), and based on the principles described in the preamble to this document.

Conclusion of transitional understanding and creation of state with provisional borders by end of 2003. Enhanced international role in monitoring transition.

Palestinian Requirements

Newly elected PLC finalizes and approves new constitution for democratic, independent Palestinian state.

Continued implementation of security cooperation, complete collection of illegal weapons, disarm militant groups, according to Phase I security agreement.

Israeli Requirements

Further action on settlements simultaneous with establishment of Palestinian state with provisional borders.

Joint Palestinian-Israeli Requirements

Israeli-Palestinian negotiations aimed at creation of a state with provisional borders.



Implementation of prior agreements, to enhance maximum territorial contiguity.
Conclusion of transitional understanding and creation of state with provisional borders by end of 2003.

Requirements of Arab States

Other pre-Intifada Arab links to Israel restored (trade offices, etc.).

Revival of "multilateral talks" (regional water, environmental, economic development, refugee, arms control issues).

Phase III: 2004-2005 (Statehood)

(Goals: A permanent arrangement. The purpose of the agreement is an end to the Israeli-Palestinian conflict. In early 2004, a second international conference is convened, to welcome the new state with its temporary borders and to formally launch the negotiations for a final status agreement.)

Progress into Phase III is based on the judgment of Quartet, taking into account actions of all parties and Quartet monitoring.

Quartet Requirements

Second International Conference: Convened by the Quartet, with agreement of the parties, at beginning of 2004 to endorse agreement reached on state with provisional borders and to launch negotiations between Israel and Palestine toward a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees and settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Syria, to be achieved as soon as possible.

Palestinian Requirements

Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.

Israeli Requirements

None

Joint Palestinian-Israeli Requirements

Continued sustained, effective security cooperation based on security agreements reached by end of Phase I and other prior agreements.

The text also has a special section on Jerusalem. It says that a negotiated settlement of Jerusalem's status will take into account "the political and religious concerns of both sides and will protect the religious interests of Jews, Christians and Muslims throughout the world."

Requirements of Arab States

Arab state acceptance of normal relations with Israel and security for all the states of the region, consistent with Beirut Arab Summit initiative.



ISRAEL'S 14 "RESERVATIONS" TO THE ROAD MAP

1. The maintenance of "calm" is a condition for the commencement and continuation of the process. The Palestinians must disarm and dismantle the existing security organizations and "terrorist organizations" (Hamas, Islamic Jihad, the Popular Front, the Democratic Front, and the al-Aqsa Brigades), implement new security reforms and act to combat terror, violence and incitement. (Israel is not required to cease violence or end incitement against Palestinians.)
2. Progress between phases will be conditional on the full implementation of the previous phase. Performance benchmarks and not time-lines will be the only reference points.
3. The emergence of a new leadership in the Palestinian Authority.
4. Monitoring progress will be solely under American management.
5. The character of the provisional Palestinian state will be determined through negotiations between the Palestinian Authority and Israel. The provisional state will have provisional borders and "certain aspects of sovereignty." It will be fully demilitarized without the authority to undertake defense alliances or military cooperation. Israel will control the entry and exit of all persons and cargo, as well as its air space and electromagnetic space.
6. The Palestinians must declare Israel's right to exist as a Jewish state and waive the refugees' Right of Return.
7. The end of the process will end all claims and not only end the conflict.
8. A settlement will be reached through agreement between the two parties in accordance to Bush's June 24 address.
9. Neither the road map nor the Quartet will enter into final status issues. Among the issues not to be discussed are settlement, the status of the PA, and all other issues relating to the final settlement.
10. Removal of all terms of reference except UN resolutions 242 and 338, and those only as an "outline" of a settlement, which will be arrived at autonomously between the parties.
11. Continued reform in the Palestinian Authority, including a transitional Constitution. (Israel has no Constitution.)
12. Redeployment of Israel forces to the September 2000 lines will be subject to security considerations and calm.
13. Subject to security concerns, Israel will work towards the restoration of normalcy to Palestinian life - without reference to US Bertini Report.
14. Arab states will condemn terrorism. No link will be made between the Palestinian track and negotiating tracks with other Arab states.



SHARON-BUSH EXCHANGE OF LETTERS

Letter from Prime Minister Ariel Sharon to US President George W. Bush (April 14, 2004)

The Honorable George W. Bush
President of the United States of America
The White House
Washington, D.C.

Dear Mr. President,

The vision that you articulated in your 24 June 2002 address constitutes one of the most significant contributions toward ensuring a bright future for the Middle East. Accordingly, the State of Israel has accepted the Roadmap, as adopted by our government. For the first time, a practical and just formula was presented for the achievement of peace, opening a genuine window of opportunity for progress toward a settlement between Israel and the Palestinians, involving two states living side-by-side in peace and security.

This formula sets forth the correct sequence and principles for the attainment of peace. Its full implementation represents the sole means to make genuine progress. As you have stated, a Palestinian state will never be created by terror, and Palestinians must engage in a sustained fight against the terrorists and dismantle their infrastructure. Moreover, there must be serious efforts to institute true reform and real democracy and liberty, including new leaders not compromised by terror. We are committed to this formula as the only avenue through which an agreement can be reached. We believe that this formula is the only viable one.

The Palestinian Authority under its current leadership has taken no action to meet its responsibilities under the Roadmap. Terror has not ceased, reform of the Palestinian security services has not been undertaken, and real institutional reforms have not taken place. The State of Israel continues to pay the heavy cost of constant terror. Israel must preserve its capability to protect itself and deter its enemies, and we thus retain our right to defend ourselves against terrorism and to take actions against terrorist organizations.

Having reached the conclusion that, for the time being, there exists no Palestinian partner with whom to advance peacefully toward a settlement and since the current impasse is unhelpful to the achievement of our shared goals, I have decided to initiate a process of gradual disengagement with the hope of reducing friction between Israelis and Palestinians. The Disengagement Plan is designed to improve security for Israel and stabilize our political and economic situation. It will enable us to deploy our forces more effectively until such time that conditions in the Palestinian Authority allow for the full implementation of the Roadmap to resume.

I attach, for your review, the main principles of the Disengagement Plan. This initiative, which we are not undertaking under the roadmap, represents an independent Israeli plan, yet is not inconsistent with the roadmap. According to this plan, the State of Israel intends



to relocate military installations and all Israeli villages and towns in the Gaza Strip, as well as other military installations and a small number of villages in Samaria.

In this context, we also plan to accelerate construction of the Security Fence, whose completion is essential in order to ensure the security of the citizens of Israel. The fence is a security rather than political barrier, temporary rather than permanent, and therefore will not prejudice any final status issues including final borders. The route of the Fence, as approved by our Government's decisions, will take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

Upon my return from Washington, I expect to submit this Plan for the approval of the Cabinet and the Knesset, and I firmly believe that it will win such approval.

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

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

In this regard, we are fully aware of the responsibilities facing the State of Israel. These include limitations on the growth of settlements; removal of unauthorized outposts; and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism. Under separate cover we are sending to you a full description of the steps the State of Israel is taking to meet all its responsibilities.

The government of Israel supports the United States efforts to reform the Palestinian security services to meet their roadmap obligations to fight terror. Israel also supports the American's efforts, working with the International Community, to promote the reform process, build institutions and improve the economy of the Palestinian Authority and to enhance the welfare of its people, in the hope that a new Palestinian leadership will prove able to fulfill its obligations under the roadmap.

I want to again express my appreciation for your courageous leadership in the war against global terror, your important initiative to revitalize the Middle East as a more fitting home for its people and, primarily, your personal friendship and profound support for the State of Israel.

Sincerely,

Ariel Sharon



Response from President George W. Bush to Prime Minister Ariel Sharon
(April 14, 2004)

His Excellency
Ariel Sharon
Prime Minister of Israel

Dear Mr. Prime Minister,

Thank you for your letter setting out your disengagement plan.

The United States remains hopeful and determined to find a way forward toward a resolution of the Israeli-Palestinian dispute. I remain committed to my June 24, 2002 vision of two states living side by side in peace and security as the key to peace, and to the roadmap as the route to get there.

We welcome the disengagement plan you have prepared, under which Israel would withdraw certain military installations and all settlements from Gaza, and withdraw certain military installations and settlements in the West Bank. These steps described in the plan will mark real progress toward realizing my June 24, 2002 vision, and make a real contribution towards peace. We also understand that, in this context, Israel believes it is important to bring new opportunities to the Negev and the Galilee. We are hopeful that steps pursuant to this plan, consistent with my vision, will remind all states and parties of their own obligations under the roadmap.

The United States appreciates the risks such an undertaking represents. I therefore want to reassure you on several points.

First, the United States remains committed to my vision and to its implementation as described in the roadmap. The United States will do its utmost to prevent any attempt by anyone to impose any other plan. Under the roadmap, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, and all official Palestinian institutions must end incitement against Israel. The Palestinian leadership must act decisively against terror, including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure. Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister.

Second, there will be no security for Israelis or Palestinians until they and all states, in the region and beyond, join together to fight terrorism and dismantle terrorist organizations. The United States reiterates its steadfast commitment to Israel's security, including secure, defensible borders, and to preserve and strengthen Israel's capability to deter and defend itself, by itself, against any threat or possible combination of threats.

Third, Israel will retain its right to defend itself against terrorism, including to take actions against terrorist organizations. The United States will lead efforts, working together with Jordan, Egypt, and others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat that would have to be addressed by any other means. The United States understands that after Israel withdraws from Gaza and/or parts of the West Bank, and pending agreements on other arrangements,



existing arrangements regarding control of airspace, territorial waters, and land passages of the West Bank and Gaza will continue.

The United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.

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

I know that, as you state in your letter, you are aware that certain responsibilities face the State of Israel. Among these, your government has stated that the barrier being erected by Israel should be a security rather than political barrier, should be temporary rather than permanent, and therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

As you know, the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future in accordance with my vision set forth in June 2002 and with the path set forth in the roadmap. The United States will join with others in the international community to foster the development of democratic political institutions and new leadership committed to those institutions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations.

A peace settlement negotiated between Israelis and Palestinians would be a great boon not only to those peoples but to the peoples of the entire region. Accordingly, the United States believes that all states in the region have special responsibilities: to support the building of the institutions of a Palestinian state; to fight terrorism, and cut off all forms of assistance to individuals and groups engaged in terrorism; and to begin now to move toward more normal relations with the State of Israel. These actions would be true contributions to building peace in the region.

Mr. Prime Minister, you have described a bold and historic initiative that can make an important contribution to peace. I commend your efforts and your courageous decision which I support. As a close friend and ally, the United States intends to work closely with you to help make it a success.

Sincerely,
George W. Bush



BUSH-SHARON AGREEMENT: CONGRESSIONAL APPROVAL

108TH Congress, 2d Session, H. CON. RES. 460

Whereas the United States is hopeful that a peaceful resolution of the Israeli-Palestinian conflict can be achieved;

Whereas the United States is strongly committed to the security of Israel and its well-being as a Jewish state;

Whereas Israeli Prime Minister Ariel Sharon has proposed an initiative intended to enhance the security of Israel and further the cause of peace in the Middle East;

Whereas President George W. Bush and Prime Minister Sharon have subsequently engaged in a dialogue with respect to this initiative;

Whereas President Bush, as part of that dialogue, expressed the support of the United States for Prime Minister Sharon's initiative in a letter dated April 14, 2004;

Whereas in the April 14, 2004, letter the President stated that in light of new realities on the ground in Israel, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations between Israel and the Palestinians will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas the President acknowledged that any agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a permanent alternative and the settling of Palestinian refugees there rather than in Israel;

Whereas the principles expressed in President Bush's letter will enhance the security of Israel and advance the cause of peace in the Middle East;

Whereas there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to the security of Israel, including secure, recognized, and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including the right to take actions against terrorist organizations that threaten the citizens of Israel;



Whereas the President stated on June 24, 2002, his vision of two states, Israel and Palestine, living side-by-side in peace and security and that vision can only be fully realized when terrorism is defeated, so that a new state may be created based on rule of law and respect for human rights; and

Whereas President Bush announced on March 14, 2003, that in order to promote a lasting peace, all Arab states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress (1) strongly endorses the principles articulated by President Bush in his letter dated April 14, 2004, to Israeli Prime Minister Ariel Sharon which will strengthen the security and well-being of the State of Israel; and

(2) supports continuing efforts with others in the international community to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

Passed the House of Representatives June 23, 2004.



THE PRISONERS' DOCUMENT

The full text of the National Conciliation Document of the Prisoners. May 11, 2006

*In the name of God, the Compassionate and the Merciful,
"Abide by the decree of God and never disperse" (a verse from the Holy Quran)*

Based on the high sense of national and historical responsibility and due to the dangers facing our people and for the sake of reinforcing and consolidating the Palestinian internal front and protection of national unity and the unity of our people in the homeland and in the Diaspora, and in order to confront the Israeli scheme that aims to impose the Israeli solution which blows up the dream of our people and the right of our people in establishing their independent Palestinian state with full sovereignty; this scheme that the Israeli government intends to impale in the next phase as establishment of the erection and completion of the apartheid wall and the Judaization of the Jerusalem and the expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of vast areas of the West Bank and blocking the path in front of our people to exercise their right in return.

In order to maintain the accomplishments of our people achieved in long struggle path and in loyalty to the martyrs of our great people and the pains of their prisoners and the agony of their injured, and based on the fact that we are still passing through a liberation phase with nationalism and democracy as the basic features, and this imposes a political struggle strategy that meets with these features and in order to make the Palestinian comprehensive national dialogue succeed, and based on the Cairo Declaration and the urgent need for unity and solidarity, we present this document (the national conciliation document) to our great steadfast people and to President Mahmoud Abbas (Abu Mazen) and to the PLO Leadership and to the PM Ismail Hanieh and to the Council of Ministers and to the Speaker of the PNC and to the members of the PNC and to the Speaker and members of the PLC and to all Palestinian forces and factions and to all nongovernmental and popular organizations and institutions and to leadership of Palestinian public opinion in the homeland and in the Diaspora.

Hoping to consider this document as one whole package and with the hope to see this document get the support and approval of everybody and that it can contribute to reach a Palestinian national conciliation document.

1- The Palestinian people in the homeland and in the Diaspora seek to liberate their land and to achieve their right in freedom, return and independence and to exercise their right in self determination, including the right to establish their independent state with al-Quds al-Shareef as its capital on all territories occupied in 1967 and to secure the right of return for the refugees and to liberate all prisoners and detainees based on the historical right of our people on the land of the fathers and grandfathers and based on the UN Charter and the international law and international legitimacy.



2- To work quickly on achieving what has been agreed upon in Cairo in March 2005 pertaining to the development and activation of the PLO and the joining of Hamas and Islamic Jihad Movements to the PLO which is the legitimate and sole representative of the Palestinian people wherever they are located and in a manner that meets with changes on the Palestinian arena according to democratic principles and to consolidate the fact that the PLO is the legitimate and sole representative of the Palestinian people in a manner that reinforces the capacity of the PLO to assume its responsibilities in leading our people in the homeland and in the Diaspora and in mobilizing the people and in defending their national, political and humanitarian rights in the various fora and circles and in the international and regional arenas and based on the fact that the national interest stipulates the formation of a new Palestinian National Council before the end of 2006 in a manner that secures the representation of all Palestinian national and Islamic forces, factions and parties and all concentrations of our people everywhere and the various sectors and the figures on proportional basis in representation and presence and struggle and political, social and popular effectiveness and to maintain the PLO as a broad front and framework and a comprehensive national coalition and a gathering framework for all the Palestinians in the homeland and in the Diaspora and to be the higher political reference.

3- The right of the Palestinian people in resistance and clinging to the option of resistance with the various means and focusing the resistance in the occupied territories of 1967 alongside with the political action and negotiations and diplomatic action and continuation of popular and mass resistance against the occupation in its various forms and policies and making sure there is broad participation by all sectors and masses in the popular resistance.

4- To set up a Palestinian plan towards comprehensive political action and to unify the Palestinian political rhetoric on the basis of the Palestinian national consensus program and Arab legitimacy and the international legitimacy resolutions that grant justice to the Palestinian people who are represented by the PLO and the PNA as president and government, and the national and Islamic factions and the civil society organizations and the public figures in order to mobilize Arab, Islamic and international political and financial and economic and humanitarian support and solidarity to our people and to our PNA and to support the right of our people in self determination and freedom and return and independence and to confront the plan of Israel in imposing the Israeli solution on our people and to confront the oppressive siege on the Palestinian people.

5- To protect and reinforce the PNA since it is the nucleus of the future state; this PNA which was established by the struggle and sacrifices, blood and pain of the Palestinian people and to stress on the fact the higher national interests stipulates respecting the temporary constitution of the PNA and the effective laws and respecting the responsibilities and authorities of the president elected according to the will of the Palestinian people through free, honest and democratic elections and to respect the responsibilities and authorities of the government that was granted the confidence vote by the PLC.

And the importance and the need for creative cooperation between the presidency and the government and joint work and hold regular meetings between them to settle any disputes that might arise through brotherly dialogue based on the temporary constitution and for



the sake of the higher interests and the need to hold a comprehensive reform in the PNA institutions, especially the judicial apparatus and the respect of the judiciary authority at all levels and to implement its decisions and to reinforce the rule of the law.

6- To form a national unity government on a basis that secures the participation of all parliament blocs, especially Fatah and Hamas and the political forces that desire to participate on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels and to confront the challenges through having a strong national government that enjoys Palestinian popular and political support from all forces and to present the best possible care for the sectors that carried the burden of steadfastness and resistance and the Intifada and who were the victims of the Israeli criminal aggression, especially the families of the martyrs, prisoners and injured and the owners of the demolished homes and properties which were destroyed by the occupation, in addition to the care to the unemployed and the graduates.

7- Administration of the negotiations is the jurisdiction of the PLO and the President of the PNA on the basis of clinging to the Palestinian national goals and to achieve these goals on condition that any final agreement must be presented to the new PNC for ratification or to hold a general referendum wherever it is possible.

8- To liberate the prisoners and detainees is a sacred national duty that must be assumed by all Palestinian national and Islamic forces and factions and the PLO and the PNA as President and government and the PLC and all resistance forces.

9- The need to double efforts to support and care for the refugees and defend their rights and work on holding a popular conference representing the refugees which should come up with commissions to follow up its duties and to stress on the right of return and to cling to this right and to call on the international community to implement Resolution 194 which stipulates the right of the refugees to return and to be compensated.

10- To work on forming a unified resistance front under the name "Palestinian resistance front" to lead and engage in resistance against the occupation and to unify and coordinate action and resistance and to form a unified political reference for the front.

11- To cling to the democratic trend and to hold regular general free and honest and democratic elections according to the law for the president and the PLC and the local and municipal councils and to respect the principle of peaceful and smooth transfer of authority and to promise to protect the Palestinian democratic experience and respect the democratic choice and its results and respect the rule of the law and the public and basic freedoms and freedom of the press and equality among the citizens in rights and duties without any discrimination and to protect the achievements of women and develop and reinforce them.

(Footnotes)

12- To reject and denounce the oppressive siege against the Palestinian people which is being



led by the US and Israel and call on the Arabs at the popular and official levels to support the Palestinian people and the PLO and the PNA and to call on the Arab governments to implement the political, financial, economic, and media decisions of the Arab summits that support the Palestinian people and their steadfastness and their national cause and to stress that the PNA is committed to the Arab consensus and to joint Arab action.

13- To call on the Palestinian people for unity and solidarity and unifying the ranks and support the PLO and the PNA as president and government and to reinforce steadfastness and resistance in face of the aggression and siege and to reject intervention in the Palestinian internal affairs.

14- To denounce all forms of split that can lead to internal conflicts and to condemn the use of weapons regardless of the reasons in settling internal disputes and to ban the use of weapons among the members of the Palestinian people and to stress on the sanctity of the Palestinian blood and to abide by dialogue as the sole means to solve disagreements and freedom of expression through all media, including the opposition to the authority and its decisions on the basis of the law and the right of peaceful protest and to organize marches and demonstrations and sit ins on condition that they be peaceful and without any arms and not to attack the properties of citizens and public property.

15- The national interest stipulates the need to look for the best means towards the continuation of participation of the Palestinian people and their political forces in Gaza Strip in their new situation in the battle for freedom, return and independence and to liberate the West Bank and Jerusalem in a manner that makes the steadfast Gaza Strip a real support force to steadfastness and resistance of our people in the West Bank and Jerusalem as the national interest stipulates reassessing the struggle methods to seek the best methods to resist occupation.

16- The need to reform the develop the Palestinian security institution with all its branches on a modern basis and in a manner that makes them capable of assuming their tasks in defending the homeland and the citizens and in confronting the aggression and the occupation and to maintain security and public order and implement the laws and end the state of chaos and security chaos and end the forms of public armed presence and parades and confiscation of the chaotic weapons that harm the resistance and distort its image and that threaten the unity of the Palestinian society and the need to coordinate and organize the relation with the forces of resistance and organize and protect their weapons.

17- To call on the PLC to continue to issue laws that organize the work of the security institution and apparatuses with their various branches and work on issuing a law that bans exercise of political and partisan action by the members of the security services and to abide by the elected political reference as defined by the law.

18- To work on expanding the role and presence of the international solidarity committees and the peace loving groups that support our people in their just struggle against the occupation, settlements, the apartheid wall politically and locally and to work towards the implementation of the International Court of Justice decision at The Hague pertaining to the



removal of the wall and settlements and their illegitimate presence.

Signed by:

Fatah – PLC member Marwan Barghouthi, Fatah Secretary.

Hamas – Sheikh Abdul Khaleq al-Natsheh – Higher Leading Commission

Islamic Jihad Movement – Sheikh Bassam al-Sa'di

PFLP – Abdul Rahim Mallouh – member of PLO Executive Committee and Deputy
General Secretary of the PFLP

DFLP – Mustafa Badarneh

Note: Islamic Jihad expressed reservations on the item pertaining to the negotiations



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SOME USEFUL WEBSITES

Al-Haq: alhaq.org

Alternative Information Center: www.alternativenews.org

Arab Association for Human Rights: www.hra.com

Ariga: www.ariga.com

Badil: www.badil.org

Bat Shalom: www.batshalom.org

B'tselem: www.btselem.org

Christian Peacemaker Team: www.prairienet.org

Coalition of Women for Peace: www.coalitionofwomen4peace.org

The Electronic Intifada: electronicintifada.net

Foundation for Middle East Peace: www.fmep.org

Gush Shalom: www.gush-shalom.org

Ha'aretz newspaper: www.haaretzdaily.com

Indymedia: www.indymedia.org.il

The Israeli Committee Against House Demolitions (ICAHD): www.icahd.org

Jerusalem Center for Economic and Social Rights: www.jcser.org/english

Jerusalem Center for Women: www.j-c-w.org

Jerusalem Media and Communication Center: www.jmcc.org

Jerusalem Report: www.jrep.com

Jewish Voice For Peace: www.jewishvoiceforpeace.org

New Profile: www.newprofile.org

Palestine Monitor: www.palestinemonitor.org

Palestinian Center for Human Rights (PCHR): www.pchrgaza.org

Palestinian Hydrology Group (PHG): www.phg.org

The Palestinian Initiative for the Promotion of Global Dialogue and Democracy: ww.miftah.org

PalMap: Palestine Mapping Center www.palmap.org

PENGO: www.pengon.org, www.stophthewall.org

PASSIA: www.passia.org

Yesh Gvul yeshgvul.org



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