

A COOPERATIVE STRUCTURE FOR ISRAEL-PALESTINE RELATIONS

THE CONTOURS OF A POST-CONFLICT PEACE ORDER

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1 PREFACE

In the present paper, a sketch shall be offered of a possible resolution of the Israel-Palestine conflict with a special view to how the European Union might help bring this about and with some consideration given to the larger framework of a lasting peace between Israel and its Arab neighbours.

2 BRIEF HISTORICAL BACKGROUND

The conflict between Jews and Palestinians is one of those “intractable conflicts” which have long troubled students of conflict resolution.¹ It goes back centuries, or even millennia, ever since biblical times.²

2.1 The Conflict

After the end of Ottoman rule in the aftermath of WWI the UK assumed control of Palestine on a mandate from the League of Nations. With the Balfour Declaration the Brits committed themselves to create in Palestine “a national home for the Jewish people” by allowing for an immigration from the Jewish diaspora. While this was, arguably, in conformity with the mandate, its article six which obliged the UK to “facilitate Jewish immigration” also stipulated that this should not be allowed to prejudice “the rights and position of other sections of the population”. The immigration did, however, produce an intense struggle between the Jewish immigrants and the indigenous Palestinian population.³

After the end of WWII, and in recognition of the unspeakable horrors of the Holocaust, the victors were, likewise, committed to providing the Jews with a homeland in Palestine, leading to the decision by the United Nations General Assembly (29 November 1947) to establish the State of Israel. The original partition plan stipulated the establishment of two states on the territory of Palestine, with Jerusalem (Arab: *Al-Quds*) constituting a *corpus separatum*, belonging to neither side.⁴ The implementation of this plan was, however, pre-empted by the unilateral proclamation of the State of Israel by the Jewish Agency on the very same day the UK relinquished its mandate (14 May 1948). This was followed by an attack on Israel the following day by the neighbouring Arab states.

Having been defeated in the ensuing war Jordan and Egypt, respectively, incorporated parts of what should have been a Palestinian state, leaving the Palestinians stateless and creating a large Palestinian diaspora. Most of the refugees were scattered

among various Arab states (see Table 1) and their total number was estimated at 3.8 million in 2001.⁵

Not only has the Palestinian diaspora since then grown through child births (making today's refugee population quite young, see Table 1). Additional refugees have also been created after the June War of 1967, when Israel occupied both the West Bank and East Jerusalem (conquered from Jordan) and the Gaza Strip, conquered from Egypt. To this mass of refugees has subsequently been added a large number of refugees and internally displaced persons as a consequence of the Israeli settlement drive on the occupied territories.⁶ Even though the refugees' right of return has been underlined by the UN ever since December 1948,⁷ the actual prospects thereof seem increasingly dim.

Table 1: Palestinian Refugees⁸							
UNRWA List	Total In camps		Age Distribution (2000)		Geographical Distribution (2000)		
						Total	In Camps
1953	870,158	300,785	< 6	481,873	Jordan	1,570,192	280,191
1955	912,425	351,532	6-15	881,945	West Bank	583,009	157,676
1960	1,136,487	409,223	16-25	708,856	Gaza	824,622	451,186
1965	1,300,117	508,042	26-35	572,536	Lebanon	376,472	210,715
1970	1,445,022	500,985	36-45	377,224	Syria	383,199	111,712
1975	1,652,436	551,643	46-55	263,620	Total (UNRWA)	3,737,494	1,211,480
1980	1,863,162	613,149	> 55	451,440	UNHCR List (2001)⁹		
1985	2,119,862	805,482	Total	3,737,494	Iraq	90,000	
1990	2,466,516	697,709	Grand Total		Libya	8,584	
1995	3,246,044	1,007,375	(2001)		Saudi Arabia	240,000	
2000	3,737,494	1,211,480	3.8 million				

The Palestinian question has remained “on the agenda”, both in the United Nations and in the rhetoric of the Arab states,¹⁰ yet without any clear recognition of the nationhood of the Palestinians (*vide infra*) or their right to a national state. In desperation, the PLO in 1988 proclaimed a “State of Palestine”, but it was only accorded diplomatic recognition by rather insignificant states—even though Jordan had by then renounced all territorial claims on the West Bank and East Jerusalem.

The Palestinians have employed a wide panoply of means in their struggle for redemption, ranging from political and diplomatic activities to terrorism, the latter mainly directed against Israeli targets, both at home and abroad, and initially mainly featuring air hijackings and the like.¹¹ They have further resorted to more regular guerrilla warfare and “almost regular” warfare waged by the

Hizbullah from the Palestinian-controlled parts of Lebanon.¹² In 1987, the Palestinian struggle erupted in the first *Intifada*, which featured mainly unarmed resistance,¹³ whereas the second Intifada has been much more violent, including suicide attacks against Israeli civilians (*vide infra*).

2.2 The Peace Process

A peace process was finally launched in 1992 by PLO leader Yasir Arafat and Israeli Labour leaders Yitzhak Rabin and Shimon Peres, initially operating via the “Oslo channel”.¹⁴ It produced some fairly significant results in the first couple of years.¹⁵

The initial stages of the Israel-Palestine peace process were accompanied by an unmistakable thawing of relations between Israel and the Arab states. A peace treaty was thus signed by Israel with Jordan in 1994 to supplement that signed with Egypt in 1979, and negotiations were started with the rest of the Arab community of states on a number of issues in a complex set of interlocking bilateral and multilateral talks.¹⁶

As far as relations between Israel and the Palestinians were concerned,¹⁷ the Declaration of Principles (DOP), signed the 13th of September 1993, clearly stipulated the following objectives:

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the “Council”), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973).¹⁸

The UN Security Council resolution 242 referred to was, in its turn, somewhat more equivocal than usually acknowledged by either side, allowing both to see it as at least a partial vindication of their respective points of view. On the one hand, it called for “Withdrawal of Israel armed forces from territories occupied in the recent conflict”, yet without specifying whether this referred to all or merely some of the occupied territories (*viz.* the missing preposition). On the other hand, it also called for “respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area” and for “a just settlement of the refugee problem”, without offering any explicit formula for “justice” in this respect.

One of the most significant implications of the DOP was that the two sides mutually recognised each other as legitimate interlocutors, as manifested by the symbolic handshake on the White House lawn. The DOP was, furthermore, followed by a gradual, but slow and frequently interrupted, transfer of powers from Israel to the new Palestine National Authority (PNA, also known as Palestinian Authority, PA). As an appetiser for a more grandiose “Land for Peace” bargain, a gradual and partial Israeli relinquishment of the (illegally) occupied territory was initiated with the Cairo Agreement (4 May 1994) which subdivided the territories into zones: “A zones” where the PA was in control, and B and C zones where control was shared.¹⁹

As a corollary of the process, a debate began in Israel about the wisdom and ethics of the continuing—and equally illegal²⁰—settlement drive on the West Bank and East Jerusalem. While a continuation of settlements remained government policy,²¹ a growing number of Israelis at least began questioning it.²² Moreover, many Israelis gradually began to come to terms with the notion of Palestinian statehood at some point in the future.²³

The final achievement of the DOP was a time-table for further steps, leading up to the so-called “permanent status negotiations”, on which the DOP clearly stipulated that

Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people’s representatives. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours, and other issues of common interest.

With the election of Benjamin Netanyahu in 1996, however, the process was stalled and subsequently obstructed by Israel, to some extent even rolled back. The 1998 Wye Agreement, brought about with the help of the United States, was thus merely a compromise to ensure the implementation, in a truncated form, of what had already been agreed. The agreed-upon transfer of thirteen percent of the West Bank to the PA was thus a far cry from what had been envisioned in Oslo, Washington and Cairo.²⁴

However, even the implementation of the Wye accords was subsequently suspended until after the Israeli elections in July 1999 which brought the Labour Party to power with Ehud Barak as Prime Minister. Despite some apparently sincere efforts by Barak at getting

the peace process back on track, e.g. with some major concessions to the goal of Palestinian statehood, it was probably “too little, too late” to satisfy Palestinian demands. In the last rounds of negotiations at Sharm-el-Shaik (September 1999), in Washington and Ramallah (March-May 2000), at Camp David (July 2000), again in Washington (December 2000), and finally at Taba (January 2001) Israel reportedly offered the PA 66 percent (perhaps even up to ninety percent) of the West Bank territory, but this offer was turned down by the Palestinians—apparently mainly because of insufficient Israeli concessions with regard Jerusalem.²⁵

2.3 The Al Aqsa Intifada

A second *intifada* erupted when on the 28th of September 2000 Netanyahu's successor at leader of the *Likud* party, Ariel Sharon, went for “a stroll” on the Temple Mount (*Haram al-Sharif*). He thereby (probably intentionally) provoked Palestinian riots,²⁶ which effectively buried the last hopes for the peace process, in turn paving the way for his own election as prime minister of Israel in February 2001. As a consequence what began as sporadic riots developed into the *al-Aqsa Intifada*,²⁷ exhibiting the following features:

- Widespread and almost systematic Palestinian terrorism, now mostly in the form of suicide bombs detonated in the midst of the civilian Israeli population, and assassinations of Israeli politicians such as the Minister of Information.
- A paradoxical combination of an increased legitimacy to the PA leadership, especially President Arafat (mainly in a role as “martyrs”), with an erosion of its actual authority and control, much of which has devolved to groups such as *Hamas* and Islamic Jihad.²⁸

As was to be expected, the Israelis responded with the utmost severity, e.g. by the following measures:

- Reprisals, not only in the form of raids against presumed terrorist strongholds, but also of direct attacks against the PA institutions and facilities under the headings of “Operation Defensive Shield” followed by “Operation Determined Path”.
- Air attacks against presumed terrorist homes, most dramatically with the F-16 attack against Salah Shehadeh, the leader of the

Hamas military wing *Izz a-Din el-Kassam* on 22 July 2002, which also killed 16 civilians, including 11 children.²⁹

- A policy of a closure of Israel's borders with Palestinian territories as well as of a blocking of communications between Gaza and the West Bank and within the two territories.
- First steps towards a unilateral partition in the shape of a fence along (parts of) the "green line".³⁰
- A policy of reoccupation of towns and lands, not only in zones categorised B and C in the Cairo and subsequent agreements, but also in A zones, defined as falling under exclusive Palestinian control—in some cases accompanied by the use of severe military force, e.g. in the Jenin camp.³¹
- Plans for deportation to the Gaza Strip of family members of suspected terrorists and demolition of their houses.³²

Most of these measures have been met with more or less open protest from other states, in some cases even including the United States, yet without any significant effect.

3 THE IMPASSE OF INCREMENTALISM

Even though an incrementalist approach to the conflict might appear most "realistic", simply because it is most moderate, several factors speak against it at the present juncture.³³

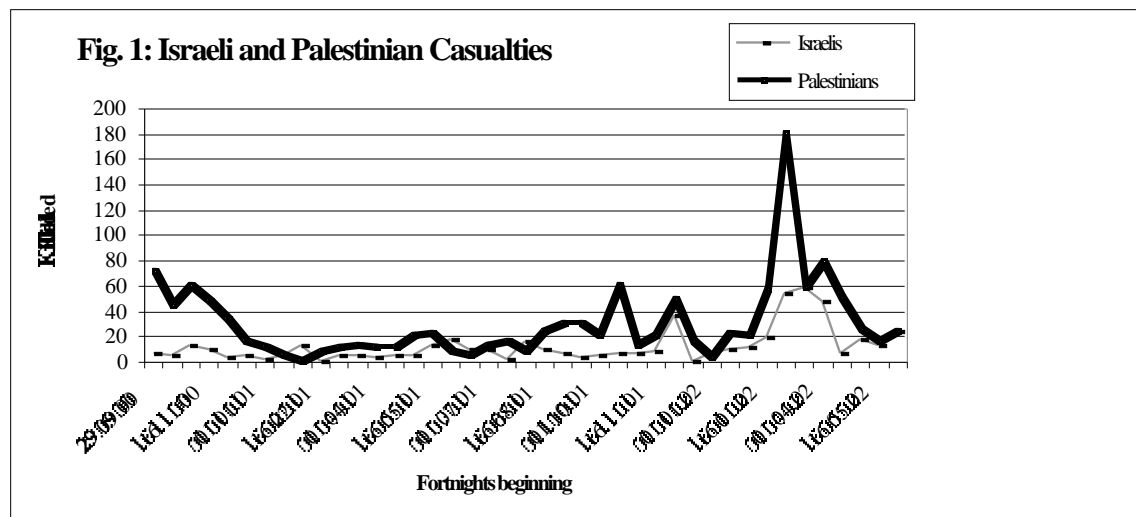
3.1 The Logic of War

At the time of writing (July 2002) the parties seemed trapped in the "logic of war" with an in-built escalatory momentum. Underlying this chain of events there are, of course, more structural factors—including the "structural violence" to which the Palestinians are subjected on a daily basis.³⁴ Once set in motion, however, the violent cycle takes on a life of its own.³⁵

- Some Palestinians respond to Israeli occupation and oppression with terrorist attacks (or what is referred to as such), including suicide bombings—by Israel labelled "homicide bombings".
- This triggers a semi-automatic Israeli response in form of a closure of (part of) the territories and/or a re-occupation followed by a hunt for the (alleged or real) terrorists, which inevitably causes "collateral damage" in the form of civilian casualties, destroyed property and, perhaps even more importantly, a weakening of the Palestinian authorities.

- The Palestinians feel victimised and excluded and some of them respond with further violence—with or without the knowledge and consent of the PA, but apparently with a significant backing in the population.
- This, in turn, reinforces the Israeli enemy image of the Palestinians as inherently violent and of the PA (not least President Arafat) as impotent or malevolent (or both)—thereby “justifying” an escalation of oppression and a deliberate bypassing of the PA.
- This in turn, reinforces Palestinian enemy images of Israel in general, and the Sharon government in particular, as malevolent, thereby creating new would-be suicide terrorists, etc.

It is extremely difficult to break such a vicious circle, as any concession to the respective other could be interpreted as a sign of weakness. It may be even more difficult when neither side is a unitary actor, but both leaderships have oppositions to contend with. The several (both unilateral and negotiated cease-fires) that have all been broken clearly testify to this difficulty. Not even the United States has been able to persuade Israel to show moderation³⁶—even though it, for the first time ever, allowed the UN Security Council to pass a resolution charging Israel with the “excessive use of force against Palestinians”.³⁷



By the time of writing (4 July 2002) the number of Israeli fatalities since the 20th of September 2000 amounted to 563, according to Israeli government sources,³⁸ while the death toll among Palestinians was around three times that number, i.e. 1,639 deaths,

according to the Palestinian Red Crescent Society.³⁹

Table 2: Israeli and Palestinian Casualties (by fortnight beginning)⁴⁰							
	Israelis			Palestina			Total
	Israelis	Palestinians	Total	Israelis	ns	Total	
29.09.00	7	73	80	01.09.01	7	31	38
16.10.00	4	45	49	16.09.01	3	31	34
01.11.00	13	61	74	01.10.01	5	22	27
16.11.00	9	49	58	16.10..01	7	61	68
01.12.00	3	34	37	01.11.01	6	14	20
16.12.00	5	17	22	16.11.01	8	22	30
01.01.01	1	12	13	01.12.01	36	51	87
16.01.01	5	6	11	16.12.01	0	18	18
01.02.01	12	1	13	01.01.02	7	5	12
16.02.01	0	9	9	16.01.02	9	24	33
01.03.01	4	12	16	01.02.02	11	22	33
16.03.01	4	14	18	16.01.02	19	59	78
01.04.01	3	12	15	01.03.02	53	181	234
16.04.01	4	12	16	16.03.02	58	60	118
01.05.01	5	22	27	01.04.02	47	81	128
16.05.01	12	23	35	16.04.02	6	52	58
01.06.01	18	9	27	01.05.02	18	26	44
16.06.01	9	7	16	16.05.02	12	18	30
01.07.01	9	14	23	01.06.02	24	25	49
16.07.01	2	18	20				
01.08.01	16	10	26	Total	491	1,288	1,779
16.08.01	10	25	35	Average/month	12.0	31.4	43.4

Still, there was no end to the killings in sight. The (non-linear, but still clearly discernable) escalatory momentum is obvious from Fig. 1 and Table 2, showing the fortnightly casualty figures for the two sides.

3.2 Rationality or Madness?

“Rational choice theory” seems able to provide an entirely satisfactory explanation of this mutual killing spree.⁴¹

For the sake of simplicity one might narrow down the options of each side to three, i.e. giving in (e.g. by de-escalating or yielding), continue fighting (e.g. in a “tit-for-tat” mode) and escalating, as depicted in Table 3 below. If we further assume that the side prevails who enjoys “escalation dominance”, we get the following picture of the options facing each side.

Table 3: Israeli and Palestinian Strategic Moves			
Israel	Give In	Continue Fighting	Escalate

Palestinians			
Give In	+1/+1 Compromise	-2/+2 Israeli Victory (Slow)	-2/+2 Israeli Victory (Swift)
Continue Fighting	+1,-1 Pal. Victory (Slow)	-1,-1 Stalemate	-2/+2 Israeli Victory (Swift)
Escalate	+2/-2 Pal. Victory (Slow)	+2/-2 Pal. Victory (Slow)	-2/-2 Escalation

- If the Palestinians give in, but the Israelis do not, they stand to lose—either slowly, if Israel just continues its war of attrition, or swiftly, if Israel escalates to a decisive strike against them. Only if they can be sure that the Israelis will reciprocate by, likewise, yielding will it thus make sense for the Palestinians to do so.
- Conversely, if the Israelis give in, but the Palestinians do not, they stand to lose—albeit in any case slowly as the Palestinians have no chance of launching a decisive strike against them. In any case the choice is all too easy. Only in the case of certainty that the Palestinians will also yield will it be strategically rational for the Israelis to do so.

The problem lies with the structure of the conflict (i.e. the “game”) itself rather than with the actors. Even though the likely outcome is the worst one for both sides, they are likely to arrive at it, not because of irrationality, but precisely because they are assumed to act rationally—i.e. cautiously and selfishly—which is surely not an unreasonable assumption. The pay-off structure is simply a recipe for continuing and escalating violent conflict.

In principle various outcomes of the conflict are possible as set out in Table 4. It is conceivable that either side could win a decisive victory over the other which would produce a situation significantly better than when the conflict (or the present round of it) began, in which case the “payoffs” would be +2 for the victor and –2 for the vanquished. However, this is unlikely, albeit perhaps to different degrees.

- It is conceivable that Israel might prevail in the present round by bringing the *al-Aqsa Intifada* to a halt, but it seems almost certain that it would then eventually flare up again. Hence a decisive (and, by implication, lasting) victory is unlikely.

- It is very unlikely that the Palestinians could defeat Israel decisively, say by achieving their previous goal of destroying the Jewish state, if only because of Israel’s military preponderance. Just like guerilla wars in the past, the hit-and-run tactics of the guerillas (or suicide bombers) may be able to stave off defeat, but it cannot bring about victory, which requires an offensive by conventional means.⁴²

Table 4: Possible Outcomes of the Israel-Palestine Conflict			
Israel	Victory	Stalemate	Defeat
Palestinians			
Victory	+1/+1 Perhaps conceivable	n.a.	-2/+2 Very unlikely
Stalemate	n.a.	0/0 or -1/-1 Very likely	n.a.
Defeat	+2/-2 Unlikely	n.a.	-2/-2 Likely

It is, alas, entirely conceivable that both sides may reap defeat (payoff -2) from the struggle, say if the aforementioned logic of violence or war takes over completely, thus making the lives of ordinary Israelis just as “solitary, poor, nasty, brutish, and short” as that of the Palestinian population is presently.⁴³

Even though the prospects of victory might make it tempting to try, neither side thus has any realistic chance of winning a decisive victory. The Palestinians stand no chance of becoming preponderant in the foreseeable future, for several reasons:

- They are presently dispersed in their diaspora (*vide supra*), hence weakened, and Israel is in a position to regulate their return to fill the ranks of the Palestinian resistance—and it is almost certain to become less and less forthcoming the more intense the struggle becomes.⁴⁴
- They lack access to most of those implements of power that statehood provides; and their statelike structures are likely to become increasingly dismantled and/or emasculated the more they join forces with the resistance rather than help containing it.
- Their prospects of international support are very limited, except for rhetoric, and likely to shrink further the more they resort to violent (and especially terrorist) means of struggle.

None of the above is likely to change in the short or medium term, and any major change presupposes Israeli acquiescence.

The Israelis might, at first glance, appear to stand a better chance. However, they are numerically inferior to the total Arab population in and around Israel and bound to become increasingly so because of higher Arab (including Palestinian) birth rates (*vide infra*). The danger of becoming a minority even in their own homeland looms large in the Israeli minds.⁴⁵

Another reason why Israeli unilateralism is not really an option is that it will inevitably find itself enraptured in an asymmetrical struggle. While the Palestinian struggle consisted mainly of non-violent resistance during the first *Intifada*, the predominant mode of fighting in the second one has been terrorism.⁴⁶ Against both forms of struggle, however, Israel's military superiority is ineffective, and the use of the IDF (Israeli Defence Force) to combat insurgents is likely to have a damaging effect on morale. While the impact on morale may be somewhat lesser in the second than in the first *Intifada* because of the use of violent means by the Palestinians, the casualty toll in IDF ranks is, on the other hand, higher, which will tend to be equally detrimental to morale.⁴⁷

Another means of waging the struggle against another *Intifada* has been a closure of the "territories", as happened several times during the first Palestinian uprising and has happened repeatedly during the *al-Aqsa Intifada*. However, not only does this also negatively affect the Israeli economy, there are also absolutely no signs that the Palestinians can be "starved into submission"—even though malnutrition and related health problems are spreading rapidly among the Palestinians as a result of the closures and other Israeli security measures.⁴⁸ On the contrary, attempts at this simply tend to strengthen the extremists, including *Hamas*, thereby exacerbating rather than solving the problem.

3.3 From Stalemate to a "Moment of Ripeness"?

A stalemate thus seems the most likely outcome, where both sides can stave off defeat without actually winning. Stalemates, however, come in different versions, of which some are certainly tolerable, at least for one side, but perhaps even for both (payoffs ranging from 0 to -1 in all combinations). According to conflict theory for a stalemate to produce a sufficiently strong desire for peace and conflict resolution to make a difference, it has to be intolerable, i.e. a "hurting stalemate" representing "a flat, unpleasant terrain stretching

into the future”, as described by William Zartmann.⁴⁹

Unless broken, such a hurting stalemate will become almost indistinguishable from a looming mutual defeat. By implication, it may present a “moment of ripeness” for a resolution of the conflict, as it gives each side a strong incentive to look for alternatives. In some cases, some dramatic event may make a conflict that formerly seemed tolerable appear utterly intolerable, thereby almost instantaneously creating a ripe moment—as seems to have happened in Northern Ireland in 1998.⁵⁰ However, even though one might conceive of, say, one particularly destructive suicide bomb in Israel somehow generating an “enough is enough” sentiment, violence is usually a poor underpinning of peace efforts.

Should the ripe moment arrive and be exploited, it is at least conceivable that a solution could be found which would allow both sides to feel that they had won (values +1/+1), at least in the sense of being better off with a resolution of the conflict than with its continuance—which is indeed a precondition of a lasting peace. Even less than ideal solutions may appear in a favourable light because of the unattractive present and the horrendous prospects for the future.

4 PLANS FOR THE “FINAL STATUS”

There is thus an urgent need for “light at the end of the tunnel” in the form of at least a vision of the the final peace, preferably a genuine plan.

Rather than seeking to bring about peace through incremental steps, truce agreements, etc. which are anyhow unlikely to be abided by, and which would in any cases be seen as “too little too late”, it is now important to go straight to “the end-game, as has convincingly been argued by the International Crisis Group in a recent set of reports.⁵¹ Should agreement on the final status be reached, incremental steps may then be seen in a more favourable light, i.e. as “steps towards to goal”.

What may warrant some optimism, even in violent and troubled times such as these, about the prospects for agreement on the final status is the fact that the principled positions of both the two parties and other relevant players are actually much less far apart than they were until quite recently.

4.1 Israel's Position(s)

Whereas the Labour governments of Rabin and Barak became openly supportive of a two-state solution, neither the Likud-led governments of Netanyahu nor of Ariel Sharon have been favourably inclined to Palestinian statehood as a matter of principle. Nevertheless, even the Sharon coalition government seems to be ruling out fewer possibilities than the *Likud* would have done in the past. In his address to the Knesset on the 14th of May 2002 the Prime Minister declared as follows:

(...) Israel wants to enter into peace negotiations and will do so as soon as two basic terms for the establishment of a genuine peace process are met:

- The complete cessation of terror, violence and incitement.
- The Palestinian Authority must undergo basic structural reforms in all areas (...)

When these two basic terms are met, we will be able to enter into a settlement in stages, including a lengthy intermediate stage in which relations between us and the Palestinians will be determined. Afterwards, after we see how the Palestinians build their society and self-governing administration, after we are convinced that they desire a true peace—then we will be able to advance towards discussions on determining the character of the permanent settlement between us and them.⁵²

This “plan” was announced on the eve of a decision by the *Likud* central committee (13 May 2002) to the effect that “no Palestinian state will be established west of the Jordan River”—a decision which Sharon *expressis verbis* refused to accept as binding.⁵³

The Labour Party remains committed to a two-state solution of sorts, even though its hands are presently tied by their membership of the Sharon government. Prominent members of the Labour Party such as Foreign Minister (and Deputy Prime Minister) Peres have, moreover, embedded this commitment in more grandiose visions of an interdependent and collaborative regional system.⁵⁴ Other members of the Labour Party, such as Defence Minister Benjamin Ben-Eliezer, have come forward with almost fully-fledged peace plans, which foresee the establishment of a Palestinian state on “almost all” of the West Bank and Gaza, an equitable “land swap” and a de facto division of Jerusalem with the exception of the Old City, envisioned to fall under international sovereignty.⁵⁵

4.2 The Palestinian Position(s)

On the 3rd of February 2002, PA leader Yasir Arafat published in the *New York Times* a “Palestinian Vision of Peace”, in which he upheld

the claim for “an independent and viable Palestinian state on the territories occupied by Israel in 1967”, the “sharing of all Jerusalem as one open city and as the capital of two states”, as well as “a fair and just solution to the plight of Palestinian refugees ” that would “respect Israel’s demographic concerns”.⁵⁶

The **PLO’s** Negotiations Affairs Department provides the following summary of Palestinian Positions with regard to the final settlement.

Borders: (...) the international borders between the States of Palestine and Israel shall be the armistice cease-fire lines in effect on June 4, 1967. Both states shall be entitled to live in peace and security within these recognized borders. (...)

Statehood: By virtue of their right to self-determination, the Palestinian people possess sovereignty over the West Bank (including East Jerusalem) and the Gaza Strip and, accordingly, have the right to establish an independent State on that territory.

Jerusalem: (...) East Jerusalem is (...) part of the territory over which the Palestinian state shall exercise sovereignty upon its establishment. The State of Palestine shall declare Jerusalem as its capital.

Jerusalem should be an open city. Within Jerusalem, irrespective of the resolution of the question of sovereignty, there should be no physical partition that would prevent the free circulation of persons within it. As to sites of religious significance, most of which are located within the Old City in East Jerusalem, Palestine shall be committed to guaranteeing freedom of worship and access there. Palestine will take all possible measures to protect such sites and preserve their dignity.

Settlements: Settlements are illegal and must be dismantled. (...)

Refugees: Every Palestinian refugee has the right to return to his or her home. Every Palestinian refugee also has the right to compensation for their losses arising from their dispossession and displacement. (...)

Relations with Neighbors: The State of Palestine as a sovereign state has the right independently to define and conduct its foreign relations. The PLO will nevertheless seek to promote cooperation among Israel, Palestine, and neighboring States in fields of common interest. (...)⁵⁷

On the 12th of June 2002, a “non-paper” was delivered by the PA to U.S. Secretary of State Powell which included a number of new concessions, such as a Palestinian willingness to undertake “minor, reciprocal and equal boundary rectifications” and grant Israel sovereignty over those parts of East Jerusalem which have special religious significance as well as a further accommodation of Israeli demographic concerns entailed by the stipulation that a solution to the refugee problem should be agreed to. The PA, finally, underlined its preparedness to end the conflict on this basis, thereby

renouncing its right to come up with further demands at a later stage.⁵⁸

Both sides are thus significantly closer to each other than they were in the not so distant past.

4.3 The International Setting

The possible exploitation of a ripe moment may be facilitated or hampered by the international setting of the conflict.

As the world of today is different from what it was during the Cold War, this setting actually seems quite propitious. The Cold War logic of “our enemy’s friends are our enemies, his enemy’s enemies are our friends” no longer applies, but has been replaced by an unprecedented international consensus on most issues, including the Israel-Palestine conflict. One manifestation thereof is the “**Quartet**”, comprising the United States, the EU, Russia and the United Nations who are (at least ostensibly) collaborating with regard to the Israel-Palestine conflict on the basis of rather similar principled positions. All of them support an end to violence and a resumption of the peace process, the end goal of which should be a two-state solution of sorts. In their joint statement of 10 April 2002, the Quartet thus stated:

(...) We reaffirm our support for the objective (...) of two States, Israel and Palestine, living side-by-side within secure and recognized borders. (...) We affirm that the Tenet and Mitchell plans must be fully implemented, including an end to all settlement activity. We affirm that there must be immediate, parallel and accelerated movement towards near-term and tangible political progress, and that there must be a defined series of steps leading to permanent peace—involving recognition, normalization and security between the sides, an end to Israeli occupation, and an end to the conflict.⁵⁹

At their meeting on the 16th of July 2002, the Quartet paid some tribute to the “Bush Plan” (*vide infra*) while sticking to the same basic principles:

(...) [T]he UN, EU and Russia express their strong support for the goal of achieving a final Israeli-Palestinian settlement which, with intensive effort on security and reform by all, could be reached within three years from now. The UN, EU and Russia welcome President Bush’s commitment to active U.S. leadership toward that goal. The Quartet remains committed to implementing the vision of two states, Israel and an independent, viable and democratic Palestine, living side by side in peace and security (...)

In line with the “visions” of President Bush, the Quartet further underlined the need for security sector reform in the Palestine yet to be:⁶⁰

Implementation of an action plan, with appropriate benchmarks for progress on reform measures, should lead to the establishment of a democratic Palestinian state characterized by the rule of law, separation of powers, and a vibrant free market economy that can best serve the interests of its people. (...) The Quartet agreed on the critical need to build new and efficient Palestinian security capabilities on sound bases of unified command, and transparency and accountability with regard to resources and conduct.⁶¹

Having been the organisation to decide on the establishment of the State of Israel (i.e. on the partition of the former British mandate territory of Palestine) the **United Nations** has all along had a special role to play in the conflict. However, its central formal role has not been underpinned by the requisite support from its members—not least the permanent members of the Security Council, vested with a special responsibility—for it to play an actual role commensurate with its formal importance.

In the light of the *al-Aqsa Intifada*, the United Nations has expressed support for the two-state solution, e.g. in Security Council resolution 1397 (12 March 2002) referring to “a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders”⁶²

Based on the “**Crownprince Abdullah Plan**”, the Council of the League of Arab States at the Summit Level, at its 14th Ordinary Session in Beirut (28 March 2002) passed a resolution stipulating the following.

... [The Council] calls upon Israel to affirm: ...

- 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.
- Achievement of a just solution to the Palestinian Refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194.
- 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.

Consequently, the Arab Countries affirm the following:

- Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.
- Establish normal relations with Israel in the context of this comprehensive

peace.⁶³

From the Arab League has emerged an informal “trio” comprising Egypt, Saudi Arabia and Jordan, each having a special role to play with regard to the peace process.

While the **United States** was fairly committed to the peace process during the Clinton administration (yet without achieving any results or committing itself to supporting any particular final status formula)⁶⁴, the coincidence of the *al-Aqsa Intifada* with the 11th of September events, the change of administration and its commitment to a war against Iraq left Washington in a difficult situation, which was almost tantamount to paralysis.

- Having declared a global “war on terrorism”⁶⁵ it has been controversial for the US administration to even talk to persons such as Arafat, accused by Israel and the American right wing of being a terrorist leader—and equally controversial to criticise the Sharon government for its campaign against Palestinian terrorism, cleverly framed by the former as a contribution to the US war.
- The determination to “go for Saddam” as part of the alleged “Axis of Evil”⁶⁶—even in the absence of any obvious *casus belli*—will make it very hard to forge the alliance with Arab states that would be a precondition for a successful war against terrorism.⁶⁷ The almost inevitable impression of being anti-Arab or even anti-Muslim will make it even harder for the US to play any role as “honest broker” in the Israeli-Arab or Israel-Palestine conflicts.

The *Mitchell Report* was published on the 30th of April 2001,⁶⁸ and still remains an important point of reference with its recommendations for a halt to further Israeli settlements and a “cooling off periode” (i.e. a truce) followed by a resumption of negotiations. However, it had next to nothing to say about what might be the outcome of such talks.

On the 24th of June 2002, the **Bush administration**, finally, announced its position on the Israel-Palestine conflict.

(...) My vision is two states, living side by side in peace and security. (...) Peace requires a new and different Palestinian leadership, so that a Palestinian state can be born.
http://www.whitehouse.gov/news/releases/2002/06/images/20020624-4_d062402-515h.html I call on the Palestinian people to elect new leaders, leaders not

compromised by terror. (...) And when the Palestinian people have new leaders, new institutions and new security arrangements with their neighbors, the United States of America will support the creation of a Palestinian state whose borders and certain aspects of its sovereignty will be provisional until resolved as part of a final settlement in the Middle East. (...) The final borders, the capital and other aspects of this state's sovereignty will be negotiated between the parties, as part of a final settlement. (...) I challenge Israel to take concrete steps to support the emergence of a viable, credible Palestinian state. As we make progress towards security, Israel forces need to withdraw fully to positions they held prior to September 28, 2000. And consistent with the recommendations of the Mitchell Committee, Israeli settlement activity in the occupied territories must stop. (...) Ultimately, Israelis and Palestinians must address the core issues that divide them if there is to be a real peace, resolving all claims and ending the conflict between them. This means that the Israeli occupation that began in 1967 will be ended through a settlement negotiated between the parties, based on U.N. Resolutions 242 and 338, with Israeli withdrawal to secure and recognize borders. We must also resolve questions concerning Jerusalem, the plight and future of Palestinian refugees, and a final peace between Israel and Lebanon, and Israel and a Syria that supports peace and fights terror. (...)⁶⁹

This was a rather bizarre plan, in several respects. The very notion of a “provisional state” with equally provisional borders was an innovation, to put it mildly. And whereas most would share the hopes of President Bush for the outcome of forthcoming Palestinian elections, the more free and fair these will be, the greater their unpredictability. Finally, the “plan” left almost all issues concerning the final settlement open.

In its *Declaration on the Middle East*, passed by the meeting in Seville of the European Council on the 21st and 22nd of June 2002, the **European Union** made some, rather vague, statements:

The European Council supports the early convening of an international conference. That conference should address political and economic aspects as well as matters relating to security. It should confirm the parameters of the political solution and establish a realistic and well-defined timescale. (...)

A settlement can be achieved through negotiation, and only through negotiation. The objective is an end to the occupation and the early establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 borders, if necessary with minor adjustments agreed by the parties. The end result should be two States living side by side within secure and recognised borders enjoying normal relations with their neighbours. In this context, a fair solution should be found to the complex issue of Jerusalem, and a just, viable and agreed

solution to the problem of the Palestinian refugees.

The reform of the Palestinian Authority is essential. The European Council expects the PA to make good its commitment to security reform, early elections and political and administrative reform. The European Union reaffirms its willingness to continue to assist in these reforms.

Military operations in the Occupied Territories must cease. Restrictions on freedom of movement must be lifted. Walls will not bring peace.⁷⁰

Even though these positions may seem quite far apart indeed, most of them have some elements in common. With the partial exception of Israel (or, more precisely, parts of the *Likud* Party) all agree that a Palestinian state should be established at some point in the future; and that an arrangement will have to be devised that allows the two states to co-exist with each other.

There thus seems to be some foundations on which to build. One might, for instance, think of an informal “2+4+3” setting (i.e. Israel, Palestine, the Quartet and the Trio) for both negotiations and subsequent monitoring of any agreement, as suggested by the ICG—and in partial analogy with the “2+4” setting of the German settlement in 1990.⁷¹

5 TOWARDS CO-OPERATIVE SECURITY

How a final status settlement might come to look is the topic of the remainder of this paper. As a premise for this, however, an identification of the main dilemmas is indispensable.

5.1 The Security Dilemma

One might describe the foundations of the Israel-Palestine conflict as an instance of the well-known security dilemma which, according to neo-realist analysis, affects relations in any anarchic setting. When two actors have come to regard each other as potential enemies, both of them tend to take steps for their own protection which (however inadvertently) make them appear threatening to the other side, who responds in a similar fashion. A vicious circle often results which may manifest itself in arms racing, pre-emptive strikes, preventive wars—or in a growing oppression that provokes rebellious action which may well become violent and nasty (e.g. by including suicide bombings), “requiring” even more severe oppression, etc. Whereas “traditional” realist theory focused exclusively on states,⁷² several modern neorealists have attempted to apply security dilemma theory also to non-state actors and mixed settings where states confront other actors.⁷³

Ever since the birth of Israel in 1948 (or even before that) we have seen this security dilemma at work between the states in the region, manifesting itself the wars of 1948-49, 1956, 1967 and 1973, as well as in the state of “virtual war” which has prevailed for most of the interludes.⁷⁴ Even though peace agreements have been signed between Israel and Egypt (1979) and Jordan (1994), at least the former remains a distinctly “cold peace” which has, at best, mitigated but far from eliminated the security dilemma. Still, the main security dilemma facing Israel as of today is undoubtedly that of its relations with the Palestinians.

For most of the period, the Palestinians have been little more than “pawns” in this Arab-Israeli conflict, to the interests of whom the Arab states have paid lip-service, but little more. Occasionally, the Arab states have even turned against the Palestinians, as when Egypt took over the Gaza Strip and Jordan occupied the West Bank in 1948, or when the latter launched the military campaign against the PLO *fedayeen* in (what the PLO refer to as) the “Black September” of 1970.⁷⁵

Because of the animosity (to put it mildly) between Jews and Palestinians, one side is bound to feel insecure when the other dominates. The Palestinians are thus insecure under Israeli occupation as the Jews would be in a state dominated by Palestinians or other Arabs. The situation of an Israeli settlement on occupied territory is a microcosmic version of the security dilemma. It represents an Israel enclave in an environment which is perceived as distinctly hostile—uncomfortably similar to the situation of the Jewish ghettos in Europe and elsewhere in the past. Hence the need for an armed protection which is, in its turn, viewed as threatening by the Palestinians. When the latter resort to hostile acts against settlers or their armed guardians, this is usually viewed as an *ex post facto* validation of the need for the armed presence, or even used as an argument for strengthening it—whence may easily develop a vicious circle of escalating violence, as we have seen since September 2000.

The security dilemma may also manifest itself in terms of such intangibles as “national identity”, i.e. as a “societal security dilemma”.⁷⁶ One might even argue that the very *identities* of Israelis and Palestinians are mutually incompatible, hence may provide sufficient grounds for conflict, even in the absence of conflicting *interests*. First of all, some would argue that “identity” presupposes “otherness” and that this Other is (automatically, or at least usually)

seen as a hostile, rather than merely different, Other.⁷⁷ Secondly, to the extent that nationhood is based on attachment to a particular piece of land,⁷⁸ Palestinian and Israeli/Jewish identities all too easily become mutually exclusive. The more politically (as opposed to religiously or culturally) Jewish the Israelis become, the less capable will they be of acknowledging another nation's right to that land which is a constitutive element of (this form of) national identity. And the more the Palestinians see themselves as a nation in their own right (as opposed to one segment of the larger Arab nation), the more their identity will come to presuppose possession of Palestine, including the present Israel.⁷⁹

5.2 Stable Peace and Common Security

The security dilemma is not easily resolvable, hence the predominant assumption is that it is perennial, leaving the parties with no viable alternative to unilateral power politics which may even go so far as territorial partition followed by an "ethnic cleansing".⁸⁰ Much preferable is surely an accommodation by each side of the respective other's basic security and other needs, i.e. a policy of "common security" which may allow for a transcendence of the security dilemma.

A stable peace presupposes that all sides regard the resolution of the previous conflict as satisfactory.⁸¹ A necessary, albeit not sufficient, precondition thereof is that both Israeli and Palestinian security concerns are met, for which the notion of "common security" seems to be the appropriate guideline.⁸² This is not tantamount to unselfish behaviour, but is entirely compatible with a pursuit of national interests, if only these are not "defined in terms of power", but rather of security, and if a medium or long-term perspective is adopted.⁸³

Even if we reject as illusory goals such as "absolute security", we are still faced with a wide spectrum of goals and ambitions. According to constructivists a certain matter *is* not one of security, but the discourse may *make it so*, i.e. a topic may be "securitised" or "desecuritised", as aptly put by Ole Wæver. If a problem is securitised it is generally held to warrant "extraordinary measures" by virtue of its urgency and "existential" nature. However, as nobody holds an uncontested monopoly on (de)securitisation, this will also be a matter of political controversy, where numerous vested interests can play a role.⁸⁴

It is further contested to whom (or what) "security" can refer, i.e.

what the term's appropriate "referent object" is. Traditionalists want to reserve the term for the State's security which is often misleadingly labelled "national security", and sometimes used as a cover for what is really "regime security", i.e. a particular group's political domination. Others are prepared to extend it to (some) human collectives such as ethnies, nations or religious groups, even stateless ones. Still others insist that the ultimate referent object is the individual, regardless of political, ethnic or national affiliations.⁸⁵ Finally, there is a controversy over what it means to be "secure", i.e. the connotation, as the term obviously cannot mean the same when applied to a State, a stateless community and an individual. Only states can be sovereign and they alone have a territorial integrity to preserve, while only collectives have a collective identity that could conceivably be threatened, etc. Individual human beings, on the other hand, value both their survival and quality of life (See Table 5)

Table 5: Concepts of Security			
Label	Focus	Value at risk	Source(s) of threat
National Security	The State	Sovereignty Territorial integrity	Other states (Substate actors)
Societal security	Nations Societal groups	National unity Identity	(States), Nations, Migrants, Alien culture
Human security	Individuals Mankind	Survival Quality of life	The State, Globalization Nature

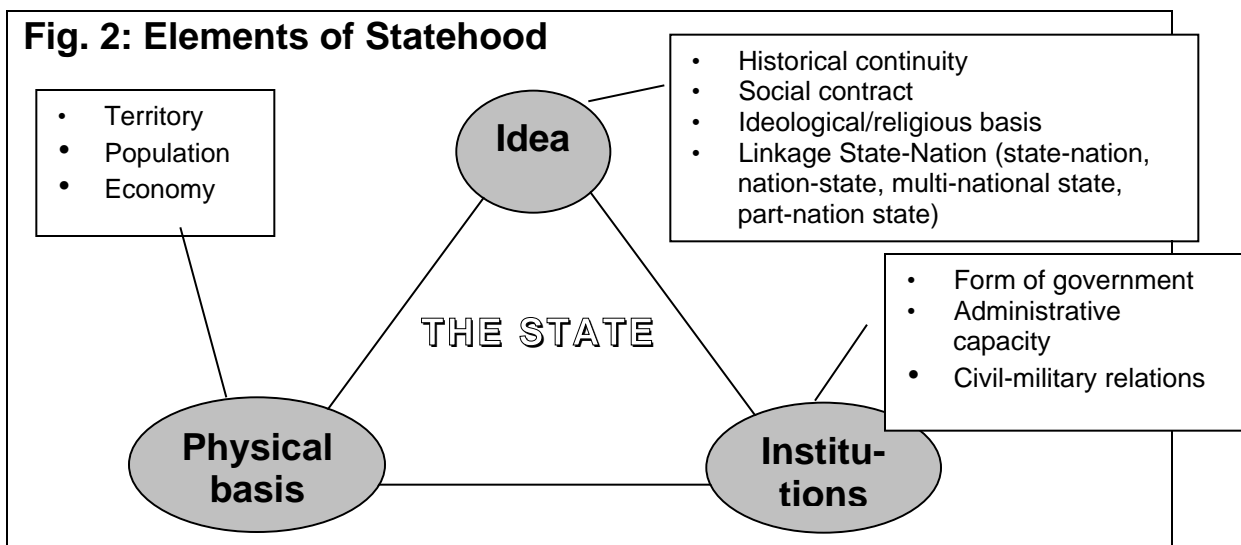
5.3 The Problem of Statehood

A lot of the Israeli-Palestinian conflict seems to revolve around the question of statehood, both about the existing Israeli state and the future one of Palestine. We therefore also need an analytical framework able to grasp the various problems related to statehood.

A useful conceptualisation of the "dimensions" of the State is that developed by Barry Buzan and slightly amended by Kalevi Holsti (see Fig. 2).⁸⁶ Both distinguish between the "idea", the physical basis of the state and its institutions. Each of these can be further subdivided, thereby allowing for identifying elements of state strength and weakness and the various challenges facing the State—which may well be interlinked. For instance, if a state's idea is that of being a nation-state, this idea is vulnerable to demographic developments; and if it is based on some kind of social contract (e.g.

conceived as a welfare state, this idea may be jeopardised by a deterioration of the standard of human rights or by a crisis in the national economy that makes it impossible for the state to “deliver”.

In almost all respects, both Israel and “Palestine” appear to be much more complicated than the “typical” European state—which may be partly due to their recent vintage. While the European states has centuries to arrive at fairly harmonious states (and an accompanying state system), state-building in the Middle East in general, and the former mandate of Palestine has merely had around half a century.⁸⁷



In the following, I shall apply the above conceptualisations of security and statehood to a very tentative and sketchy analysis of Israeli and Palestinian security requirements in order to identify a meaningful set of minimum requirements. If these minima are compatible common security will, in principle, be achievable.⁸⁸

6 THE SECURITY REQUIREMENTS OF ISRAEL

Israeli security would have to encompass the absence of serious threat to both the State of Israel, the Jewish nation as such and the Israeli citizens.

6.1 State Security

As far as state security is concerned, both the idea, the physical basis and the institutions of Israel would need to be secure. Unfortunately, the three are not automatically compatible.

As far as the **territorial basis** is concerned, the sovereignty and territorial integrity of Israel within its internationally recognized

borders has largely ceased to be a real problem, even though Israel has yet to acknowledge the fact. Thanks to Iraq's defeat in 1991, the collapse of the USSR (as the main supporter of Syria and Iraq) and the peace treaties with Egypt and Jordan, and the budding alliance with Turkey,⁸⁹ the military Arab-Israeli balance of power has tilted tremendously in Israel's favour. Even when measured against a hypothetical (and highly unlikely) "worst case alliance" comprising Syria, Jordan and an Iraq which had miraculously escaped UN sanctions Israel would be in a dramatically better situation than a decade ago—to say nothing about its nuclear weapons potential or the de facto alliance with the United States.⁹⁰ Even a Palestinian state on the West Bank and Gaza in possession of armed forces would be unable to upset this favourable balance of power. The former problem has simply been solved which has provided scope for "land for peace" deals as well as removed the need for the offensive military doctrines and strategies.⁹¹

The **idea** of the Israeli state is much more complicated, if only because there are competing notions of this idea. The original Zionist idea was to merely create a national homeland for the persecuted Jews (i.e. a kind of "safe haven"), as was the predominant view of most of the founding fathers of Israel and remains prevalent within the Labour Party. While this idea of Israel is easily reconcilable with that of a Palestinian nation-state, it has all along been contested (mainly by the *Likud*) by another idea which is not, i.e. the notion of *Eretz Israel*. Even though it is couched in spatial terms, this is not so much a territorial concept, as an integral part of a particular understanding of what it is to be an Israeli, namely to be a Jew and as such endowed with a God-given right to a Jewish state within borders defined by none other than God himself—and in actual fact including all of the occupied territories, Jordan and parts of Syria and Iraq.⁹²

For those in favour of the God-given Jewish State, non-Jews are automatically seen as "aliens" whose presence is only tolerated as a temporary solution. The fact that quite a large part of the settler population belongs to this creed, seeing their very presence in the occupied territories as the fulfillment of a divine duty, rules out not only a peaceful coexistence with the surrounding (Palestinian) society, but also renders inconceivable what would otherwise have been an obvious solution—a separation of the two nations with the Jews within Israeli borders and the Palestinians repatriated in a Palestinian state.

Even the very idea of a “Jewish state” may be problematic as it raises definitional questions about Jewishness as well as concrete demographic problems. The demographic problems stem from the fact that Arab/Palestinian birth rates are simply higher than those of the Jews, as the latter beget, on average, 2.6 children per woman, but the former no less than 4.6,⁹³ hence that the Jewish share of births is steadily declining (see Table 6).

Table 6: Israeli Demographics⁹⁴

Live-Births by Religion of Mother				Immigration	De jure population (000)		
Year	Jewish	Moslem	Ratio	All	Jews	Non-Jews	Ratio
1955	42,339	6,034	7.0	37,528	1,591	199	8.0
1960	44,981	8,130	5.5	24,692	1,911	239	8.0
1965	51,311	11,515	4.5	31,115	2,299	299	7.7
1970	61,209	16,130	3.8	36,750	2,582	440	5.9
1975	73,248	18,652	3.9	20,028	2,959	534	5.5
1980	71,372	19,031	3.8	20,428	3,283	639	5.1
1985	75,267	19,766	3.8	10,642	3,517	749	4.7
1990	73,851	24,515	3.0	199,516	3,947	875	4.5
1995	80,401	30,226	2.7	77,361	4,550	1,070	4.3
2000	91,936	35,740	2.6	60,192	5,181	1,189	4.4

As a consequence the Jewish segment of the population will, at some stage, find itself outnumbered by Arabs—unless, of course, it is able to win the demographic “race” against the Palestinians via Jewish immigration and/or ethnic cleansing in the form of an expulsion non-Jews from Israel. A hypothetical return of Palestinian refugees to Israel proper would almost immediately reduce the Jews to a minority in Israel (see Table 7).

Table 7 : Jews and Israelis

	Jews	Non-Jews
Israelis	Israeli Jews <i>Askenazi Sephardim</i>	Arab Israelis (Palestinian Repratriates to Israel)
Non-Israelis	Jewish Disapora <i>Askernazi Sephardim</i>	(Palestinian Repratriates to Palestine) Everybody else

An expansion of Jewish immigration, however, may require a relaxation of the criteria of Jewishness, which are already quite permissive. The “Law of Return” from 1950 thus granted all Jews the right to come to Israel as “*olehs*” (Jewish immigrants). In 1970, it was amended to allow for the immigration with *oleh* status to

children and grandchildren as well as their spouses, “Jew” being defined as anyone either born by a Jewish mother or converted to Judaism. These criteria have subsequently been further relaxed in order to accommodate immigrants from the former Soviet Union, only some of whom are “real Jews” and who are generally poorly integrated with the rest of the Jewish nation.⁹⁵ Apart from those, the most likely new immigrants will be oriental Jews (*sephardim*), which will exacerbate the combined social and ethnic cleavages in Israeli society and/or tip the balance against the *ashkenazim*.

6.2 Societal Security

This brings us directly to the question of **societal security**, i.e. the absence of threats to the identity and cohesion of the Jewish nation. This may already be a problem for Israel, as a large part of its immigrants are not Jewish; hence the risk of diluting the Jewishness of Israel as well as threatening the identity of the Jewish nation.⁹⁶

Moreover, “Jewishness” may be defined in, at least, three different ways—in terms of religion, ethnicity or ancestry. Just as not all Israeli citizens are Jewish, not all Jews are religious Jews—and some of the very most orthodox religious Jews in Israel even refuse to acknowledge their citizenship on the grounds that the real Israel can only be created by the Messiah.

While the “founding fathers” of Israel in their quest for ensuring the secular nature of the Israeli state underlined Jewishness as an ethnic category, it is also controversial on what to base this ethnic identity as it is certainly not a reflection of any shared language (as is the case of most other self-proclaimed ethnic groups).⁹⁷ In fact Jiddish was closer to being “the Jewish language” than Hebrew, even though the latter is the historical language of the Jews as well as the official language of Israel. It is also debatable to which extent Jews really share a common culture to provide a basis for ethnic identity, as the differences between the *askhenazi* (from Europe) and *sephardim* (from the Middle East) are considerable.

The fact that Jewish identity is thus contested and fragile militates strongly, in at least some Israeli minds, against too close contact with the Palestinians as this might “dilute” their Jewishness. Combined with the aforementioned demographic trends it also makes the prospects of a binational state even less attractive than they might perhaps otherwise have been.

6.3 Human Security

To national and societal security considerations should be added those of individual security. From this category one threat looms particularly large in the Israeli minds (and in government policy), namely personal security against terrorist attacks. Israel is indeed one of the world's most terrorist-ridden countries in the world. Even though the actual number of victims may not be particularly alarming compared to other causes of death—not even after the onset of the *Al-Aqsa intifada*—the psychological impact of suicide bombs detonated in the midst of the civilian population is immense, hence individual security is a problem no Israeli politician can disregard with impunity.

7 THE SECURITY REQUIREMENTS OF PALESTINE

The Palestinians are a nation to the same extent as the Israelis. As such they must be acknowledged as endowed with the same rights to state, societal and individual security.⁹⁸

7.1 State Security

A Palestinian state is problematic, both with regard to its idea, physical basis and institutions. At first glance, the **idea** of the Palestinian state as a nation-state for the Palestinian nation may seem simple. However, Palestinian nationhood is no more self-evident than that of the Jews, as several factors militate against it.⁹⁹ First of all, Palestine has never been a state as such, which might have given the Palestinian an “identity through continuity” as the rightful citizens (and rulers) of a state “under temporary Jewish occupation”. Secondly, for a long time the pan-arabist notion of one Arab nation prevented the recognition by the Arab states of the Palestinians as a separate nation. What eventually paved the way for this recognition was the gradual decline of the pan-Arabic ideology (which does, however, continue to play a certain role as a “rhetorical frame” for Arab leaders) in favour of nation and state-building.¹⁰⁰ It surely also helped that the Hashemite rulers of Jordan came to realize that they were better off with a small Jordan which they could control than with a larger one (including the West Bank) with a large Palestinian population who would most likely take over if granted Jordanian citizenship.¹⁰¹

Statehood presupposes (*de jure*) sovereignty in the formal sense of recognition as the supreme authority within a demarcated territory. Such sovereignty may be relinquished, either completely or

in a piecemeal fashion (as EU member states do to the EU), but it cannot be achieved incrementally by a simple cumulation of powers and prerogatives as with the gradual transfer of authority to the PA under the peace process.¹⁰² Either one is sovereign or not, and Palestine presently is not. While it is easy to envision the Palestinians making such a heroic leap it strains the imagination to envisage Israel recognizing it. In the absence of such recognition, most Western countries, above all the United States, would probably withhold their diplomatic recognition.

Certain constraints on the subsequent exercise of sovereign powers may, however, help make Palestinian sovereignty more palatable to Israel, hence more likely to be achieved. Relevant constraints might include a Palestinian commitment to neutrality along with certain qualitative as well as quantitative limitations of the new state's permitted armaments. For Palestine to commit herself to *armed* neutrality and to help prevent the use of the West Bank for an attack against Israel from Syria and its possible allies would make perfect sense. Not only would it help shield Israel, thereby "compensating" it for the loss of strategic depth entailed by a withdrawal from the West Bank. It would also provide the Palestinian state with a modicum of traditional state sovereignty. At the very least, it would surely be preferable to such an Israeli re-occupation of the West Bank in case of an impending war as has been planned for.¹⁰³

As far as the **physical basis** of the state is concerned, the question of "actual (i.e. *de facto*) sovereignty" becomes important, i.e. the question how to maintain real control over the sovereign domain. Even though it is preferable to possess a contiguous territory, it is not an absolute *sine qua non*, as the world knows several examples of states which are or include enclaves (West Berlin in East Germany during the Cold War, or Lesotho in South Africa today) and exclaves (Alaska, for instance). However, in view of the legacy of the recent intense hostility, it seems unlikely that a "patchwork state" would be satisfactory to the Palestinians, implying that means of linking the West Bank and Gaza have to be found. The claim for Jerusalem (i.e. *Al-Quds*) is of an altogether different nature. Even though it is formally a territorial claim, it has less to do with the physical basis of the State than with its idea because of its religious significance.¹⁰⁴

7.2 Societal Security

Palestinian **societal security** would seem to presuppose at least two minimum requirements: A right for the refugees to return from their diaspora; and equal religious, cultural, economic and social rights with the Israeli/Jewish population, unless the two nations are separated (*vide infra*).

The Palestinian nation is not much more uniform or internally cohesive than that of the Jews. First of all, a large part of it constitutes a diaspora, spread across the globe, albeit with the majority residing in Arab countries. For a long time, the entire leadership of the PLO was part of this diaspora. The remaining population was divided between citizens of Israel¹⁰⁵ and stateless inhabitants of the occupied territories—as the representative of whom *Hamas* rose to prominence, especially during the first *Intifada*. Both groups were further divided along both political and religious lines, i.e. between the a-religious and the Muslims, in their turn subdivided into Sunni and Shi'a as well as “secularized” and fundamentalist believers.¹⁰⁶

The modicum of “quasi-statehood” provided by the establishment of the PA may, in due course, provide the Palestinian nation with a new rallying point and identity as citizens of a state (as opposed to an ethnically or religiously defined identity), but the authority and actual performance of the PA (i.e. the **institutional basis** of this quasi-state) makes this, at best, a long-term perspective.¹⁰⁷

Even though it is legally indisputable,¹⁰⁸ the right of return of the Palestinian refugees poses genuine problems that cannot be ignored. First of all, a return of all diaspora Palestinians might well overtax the absorption capacity of Palestinian society. The Gaza strip is already one of the world's most densely populated areas, and the West Bank can only accommodate a limited number of immigrants—even if Jewish settlers are evicted. Secondly, a large influx of immigrants would put great strains on the natural resources of the land, not least its scarce water supplies.¹⁰⁹ Thirdly, one might question (and a large portion of the Israelis undoubtedly would) the ethics, if not the legality, of evicting young Jewish settlers to make room for returning Palestinians. In some cases, the former may have been born in the settlement, while the latter may never have set foot there. To thus create a “moral *fait accompli*” is, of course, part of the Israeli rationale for the settlements, hence a very strong argument for putting a stop to the settlement drive. Once the settlers have

been there for more than a generation, however, they do have a moral case to make.

What might help would be a degree of reciprocity. It is adding insult to injury when the Israeli government denies the right of return for Palestinians while upholding the “right” of all Jews to immigrate to Israel, regardless of whether they have any real personal links to the country and even reside in countries where they are just as safe as everybody else. For Israel to abrogate this law would not merely relieve the demographic pressure, but might also have a significant psychological impact, by signalling that the two nations regard each other as equals. A link between Jewish and Palestinian immigration (including return) quotas would turn the present zero-sum into a collaborative “game”. The more Jews the Israeli authorities would want to attract, the more Palestinians would they have to allow, and vice versa. In view of the different living conditions of diaspora Jews and Palestinians, however, the proportions would have to be skewed in favour of Palestinians, say with a 1:3 ratio.

Mutual recognition such as implied by the above is also an indispensable element of societal security for the Palestinian nation and for its development of a sense of national identity that is not a “victim identity” (like that of the Jews after the Holocaust). However, it probably has to be accompanied by economic and social measures that will allow the Palestinians to be the actual equals of the Jews, which takes us to the realm of **human security**.

7.3 Human Security

The Palestinians are clearly victims of “structural violence” (*vide supra*), which arguably constitutes a threat to their human security. An abolition of the “apartheid system” that has developed for the occupied territories¹¹⁰ is thus indispensable, but there may also be a need for foreign assistance to accelerate the indispensable “levelling of the playing field”, entailing an evening out of living standards, levels of education, etc. between the two nations. By benefitting the Palestinians, this would tend to facilitate Palestinian state-building and further democratization—including the growth of civil society—thereby also help allay Israeli security concerns.¹¹¹

An amelioration of the structural violence to which the Palestinians are subjected could make them less prone to direct violence, which could in turn limit the “retaliatory” Israeli direct violence. The general reduction of violence could allow both sides to interact more freely, thereby dismantling enemy images and

mitigating the “societal security dilemma”. Both a binational solution to the state problem and the establishment of a Palestinian state would come to be seen as less threatening to the Israeli population. If Israel would no longer fear “the enemy within” they could find that they have a wider margin for “concessions” such as a withdrawal from occupied territories, thereby paving the way for a comprehensive peace with the Arab world as a whole.

Just as Palestinian terrorism is a threat to the individual security of the Jews, the presence of armed settlers and security forces in the midst of Palestinian society is a threat to the individual security of the Palestinians—to say nothing of the threat posed by terrorist extremists such as Baruch Goldstein, or the reprisals by Israeli security forces against Palestinian civilians. A minimum security requirement is a disarming of all non-state forces: Jewish settlers as well as Palestinian civilians and paramilitary militias. As all other “modern” and civilized societies, Palestinian society is better off with its state enjoying a “monopoly on the legitimate use of physical force” within its territory.¹¹²

The key to a solution to these human security problems may be in economic improvement which in turn presupposes a comprehensive Israeli-Arab peace, of which a settlement with the Palestinians would be an indispensable part. External actors can help, e.g. by providing economic assistance to the Palestinian authorities and population as a means of peace-building.¹¹³ According to an optimistic analysis this could set in motion a benign cycle as an alternative to the vicious one in which both sides are presently entrapped.

8 TOWARDS A SETTLEMENT

Even though Israeli and Palestinian security concerns remain far apart, the above analysis has, hopefully, shown that there is some scope for compromise. For both sides to the conflict, meaningful minimum security requirements which are mutually compatible can be identified.

8.1 Contours of an Israel-Palestine Peace

Translated into “permanent status negotiations” terminology, the issues and their possible resolution might be summarised as in Table 8.¹¹⁴

Table 8: Permanent Status for Israel and Palestine: Main Elements

State-hood	<ol style="list-style-type: none"> 1. A sovereign Palestinian state is established on the West Bank and Gaza Strip with its capital in Jerusalem (<i>Al Quds</i>). It is recognised by Israel and the rest of the world. 2. The Palestinians and the Arab states recognise Israel.
Borders and territory	<ol style="list-style-type: none"> 3. The territory of Palestine comprises the West Bank, the Gaza Strip and East Jerusalem within the borders prior to the 1967 war. 4. Negotiations are undertaken about adjustments of these borders through equitable “land swaps”.¹¹⁵ 5. An internationalised corridor is established between the Gaza Strip and the West Bank.
Settle-ments	<ol style="list-style-type: none"> 6. Israeli settlements on territory returned to Palestine are vacated intact with all infrastructure and fixtures to become the property of Palestine. 7. Individual settlers who have resided on occupied territory for more than ten years have the right to stay and are provided with accomodation by the Palestinian state.
Jeru-salem	<ol style="list-style-type: none"> 8. Sovereignty over Jerusalem resides neither with Israel nor Palestine, but with the UN. 9. Municipal authorites in charge of all practicalities such as infrastructure, taxation, etc., are elected democratically by all inhabitants of the city. 10. Both Israel and Palestine are allowed to proclaim Jerusalem their capital and establish government offices there.
Refugees	<ol style="list-style-type: none"> 11. The right of return for all Palestinian refugees is acknowledged as is the right of Jews to immigrate to Israel. 12. Palestinian refugees are given a choice between repatriation and compensation combined with citizenship in other countries. 13. Israel is granted a veto over the repatriation of Palestinian refugees in Israel, therein included territories acquired through land swaps.
Security arrange-ments	<ol style="list-style-type: none"> 14. Palestine is constitutionally committed to armed neutrality. 15. It is allowed to field only such military forces as are required for the defence of its sovereignty and territorial integrity. 16. It is committed to disarm all non-state forces on its territory and to prevent its territory from being used by terrorist groups.

However attractive such an arrangement may appear, it needs some underpinning for it to stand even a remote change of ever being realised.

- First of all, it has to contain assurances that this settlement will indeed be final, in the sense that both sides solemnly and credibly renounce their right to ever come up with additional demands.
- Secondly, it must contain safeguards and mechanisms to ensure compliance with all its stipulations—including clauses about what to do in case of suspected or actual non-compliance. Otherwise the risk is significant that one side will simply shout “foul play” and abrogate the agreement, taking everybody “back to square one”.

- Thirdly, it presupposes a favourable environment, where the other Arab states are willing to diplomatically recognize and peacefully coexist with Israel.

As rightly pointed out by the International Crisis Group, the arrangement thus needs some international underpinning, both formally and materially. Formally, there must be an authority over and above the two sovereign states to arbitrate between them. Materially, that authority must have the means to enforce its will over those of the contestants.

8.2 The Regional Setting: Arab-Israeli Peace

Unless its regional environment remains peaceful, Israel does indeed have a security problem which might warrant such extraordinary measures as could upset the deal with the Palestinians. It is, of course, conceivable that “the international community” (including the United States as the unchallenged military superpower) could throw its weight into the conflict to preserve the Israel-Palestine arrangement against regional “spoilsports”, but unlikely that it would continue to be ready for this indefinitely. Hence the need to embed the Israel-Palestine arrangement in a more comprehensive regional setting, which would have to include the following elements.

Syria remains an indispensable party to any lasting peace, if only because of its support for the radical Palestinians and its central role in Lebanon. A precondition for an Israeli-Syrian peace is, of course, an Israeli withdrawal from the (illegally) occupied Golan Heights,¹¹⁶ but this raises at least two problems.

First of all, any party in a position to deploy missiles, long-range artillery or other offensive-capable armed forces on the heights will constitute a threat to the respective other. Hence the need for a demilitarisation (or, at least, a prohibition of the stationing of certain types of weaponry such as long-range artillery) combined with an international military presence, which could be combined with early warning facilities, the data from from should be accessible to both sides.¹¹⁷ Secondly, a mutually acceptable solution to the water problem would have to be found, e.g. by an Israeli leasing from Syria of the contested shoreline of Lake Tiberias or, even better, an agreement on joint management of the water problem—as a means to facilitate which Israel might even “play the Turkish card” by helping ensure Syria sufficient water supplies from the Euphrates-

Tigris.¹¹⁸

It will surely help if Syria proceeds with the liberalisation or even democratisation process which has apparently been set in motion after the death of Asad senior¹¹⁹—but it would be unwise to make this a precondition for a peace agreement.

Lebanon is, likewise, a potential problem, not so much because of strength as of weakness. A Lebanese state which disintegrates as it did in the past¹²⁰ will either make Syria feel that it needs to maintain its military presence in Lebanon, or it will leave the country wide open for use by Palestinian forces refusing to respect the Israel-Palestine peace agreement—or it will provoke an Israeli re-occupation of (southern or all of) Lebanon. A precondition for internal peace in Lebanon would seem to be a demobilisation of all militias, including the *Hizbullah*, which again makes Syria a central player, along with its quasi-ally Iran, both of whom are supporting it.¹²¹

The Israeli peace with **Jordan** should be strengthened further, e.g. in order to protect it against any unfavourable internal developments, such as a toppling of the Hashemite regime, e.g. by islamists Palestinians.¹²² This would inevitably have reverberations in Palestine and might well upset an Israeli-Palestinian peace. A precondition for strengthening the State in Jordan might be a repatriation of a large part of the refugees to Palestine combined with the granting of full citizenship to those who prefer to remain in Jordan—which might, in its turn, call for some international economic support.

As the leading Arab state **Egypt** is also a central piece of the puzzle. Unfortunately its peace with Israel remains distinctly cold, and it strains the imagination to conceive of a “warm” peace between the two countries in the absence of a satisfactory solution to the Palestinian problem. The regime in Egypt has continuously been challenged by Islamist forces, which would undoubtedly be strengthened if Egypt were to abandon its (mainly rhetorical) support for the Palestinian cause.¹²³

8.3 A “Fertile Crescent Community”

All of the above regional factors are interlinked, and problems in one bilateral relationship could all too easily spill over into others. Hence the need for a multilateral settlement. One might, for instance, want to think about the prospects of a “Chinese boxes” arrangement, where the future Palestine and Jordan establish a confederation

(perhaps even federation),¹²⁴ which then merges with Israel into a looser confederation.¹²⁵

This entails a certain division of powers between confederate, federate, state, local and perhaps regional political authorities. At which level the supreme authority should reside would differ from one issue-area to the next, preferably according to the principles of “subsidiarity”. Some authority, e.g. over religious matters, might even be divided functionally (between the different religious groups within the total territory) as opposed to territorially, as in a consociational democracy.¹²⁶

In such a confederate structure, borders would be less important. They would be internal, administrative borders, rather than dividing lines between sovereign political entities. Hence, they would be less likely to provide a possible *casus belli*. They could, furthermore, gradually become “softer” and more permeable, thus allowing for a freer flow of labour, goods and capital, thereby allowing for synergies and economies of scale that would promise medium to long-term benefits for all involved.

The suggested scheme also offers a possible solution to the thorny, but inescapable, question of Jerusalem/*Al-Quds*. Within the larger political framework, and with both the Israeli and Palestinian political authorities “demoted” from sovereign to more administrative units, it would be less of a problem to envision the city serving as a dual, or even triple, capital. It could be the capital, and host the government of, both Israel and Palestine, just as it might be the home of the confederal authorities—just like Brussels is both the capital of Belgium and the centre of the European Union. Religious matters, such as the maintenance of, and regulation of access to, the holy sites, could be handled by an ecumenical authority, while each half of the city could have its own (half-)city councils in charge of local administrative matters.¹²⁷

The resultant confederation might, in due course, become a constituent part of an even larger (but inevitably also even looser) political entity, including Lebanon and/or Syria, i.e. some kind of “Fertile Crescent Community”.¹²⁸ In the fullness of time other states adjacent to this community might become associated with it—just as regional organisations in other parts of the world (e.g. ASEAN in Southeast Asia) have widened, in some cases even to embrace former enemies.¹²⁹

It would, for instance, be important to tie countries such as Turkey, Egypt, Iran, Iraq and Saudi Arabia to it, all of which have

important stakes in the Levant. Turkey by virtue of its sharing of water resources with Iraq and Syria and its quasi-alliance with Israel as well as, perhaps even more importantly, its potential role between the Levant and Europe;¹³⁰ Egypt because of its former control of the Gaza strip its shared border with Israel and its leadership role in the Arab world; Iran by virtue of its alliance with Syria and its status as a major military power;¹³¹ Iraq because of its shared borders with Jordan and Syria and its future status as a major Arab military power, once the sanctions are lifted; and Saudi Arabia because of its central religious role and formidable economic power.

It would, however, be important that this piecemeal association does not occur so fast as to sacrifice deepening for the sake of widening. One might, for instance, envision a process with the following steps, alternating between deepening and widening and lasting, at least, a decade, probably longer.

1. Palestinian statehood (under international supervision or trusteeship)
2. A Palestinian-Jordanian loose confederation, including foreign policy (deepening)
3. An association agreement between the confederation and Israel (widening)
4. Full confederation between Israel and Palestine/Jordan (deepening)
5. Association agreements with Lebanon and Syria (widening)
6. Full confederation with Lebanon and Syria (deepening)
7. Association agreements with Turkey, Egypt, (post-Saddam Hussein) Iraq, Iran, and Saudi Arabia (widening)
8. Formation of a “Fertile Crescent Community” (deepening)

The resultant community would hold a lot of promise for all involved, not “merely” in terms of conflict prevention and peace, but also economically.¹³² The starting point for such a process, however, has to be the granting of sovereignty to Palestine, as this is a precondition for entering into such binding agreements. On the other hand, non-binding declarations of intent on the part of the present PA might make the prospects of Palestinian statehood more palatable for Israel—and some kind of international supervision might make such declarations more credible. As shall be elaborated upon below, the international community, and especially the EU, may also facilitate the process.

8.4 The International Setting

As rightly emphasised by the ICG and others, the international setting matters, both for better and worse.

- External actors may hamper the achievement of an Israel-Palestine or a more comprehensive regional peace, e.g. by upsetting an already fragile semi-stability by launching a war such as the planned one against Iraq; or they may give the parties unrealistic expectations of the prospects of victory; or they may provide unconditional support to one side, thereby removing its need for such a compromise as would be the only realistic solution to the conflict, as argued above.
- External actors may facilitate an agreement, e.g. by putting pressure (by means of sanctions or otherwise) on the parties to reach a settlement; or by promising rewards for such a solution (e.g. in the form of economic support);¹³³ or by serve as mediators between the conflicting sides, i.e. as “honest brokers”,¹³⁴ or by providing safeguards for each side against the respective other’s non-compliance with the agreement.

The most relevant external actors in this respect are surely the United Nations, the USA and “Europe”, particularly the European Union, as in the aforementioned Quartet, to which Russia may seem to be a party more for its own sake than for that of the Middle East.

For some reason, a consensus seems to have emerged, even within the Quartet, that the United States should play the leading role—a position also adopted by the ICG. The wisdom in thus continuing to acquiesce in a US “leadership” which has yet to produce results seems questionable, as it is neither self-evident that the United States can, nor that it is even willing to help, bring about a solution to the conflict. It may be the only power with a sufficient weight to make an impact on the stalled Israel-Palestine peace process, but experience seems to show that not even the US is able to persuade Israel to change its policies, e.g. with regard to settlements.

The United States has all along been far from impartial, but a staunch supporter of Israel, not least because of ideological affinity.¹³⁵ As the region’s main military power, Israel will also continue to play an important strategic role for the United States—even in a future war against Iraq for which Israel has promised its support.¹³⁶ Conversely, the United States is bound to

remain Israel's main ally, if only because of its role as the main supplier of arms (on very favourable terms), providing between 1996 and 2000 2,076 of 2,890 million constant 1990 US dollars, i.e. 72 percent.¹³⁷ In both cases, the strength of the relationship is directly proportional to the region's conflict-proneness.

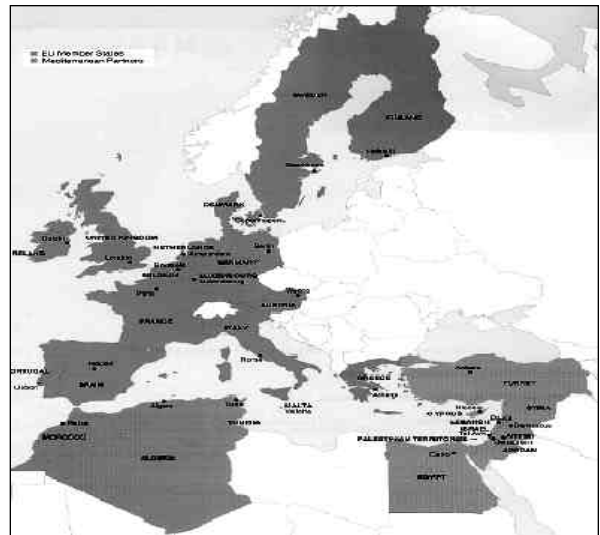
Hence Washington may neither be able nor even have the will to enforce a compromise settlement—and it is even less likely than before to do so under the present Bush administration.¹³⁸ On the other hand, it is clear that nobody else can enforce an agreement which the United States does not support, much less one that it directly opposes. Hence the role of Washington may be more appropriately described as that of a potential "spoiler"—but the conclusion remains the same, i.e. that the USA must be part of any solution, albeit mainly because it is anyhow part of the problem.

9 A POSSIBLE ROLE FOR EUROPE

There is an urgent need for someone to play the leading role for which the United States does not qualify. It is the contention of this paper that "Europe", and particularly the EU, might play such a role, if only it decides to give it a try. For this to happen, four things are required: leverage, instruments, will and sound policies.

9.1 The Leverage of the EU

One of the vehicles for an EU policy in the Middle East in general, and the Israel-Palestine conflict in particular is the so-called "Barcelona process", encompassing the EU and countries of the Maghreb and the Levant, including both Israel and Palestine (see map). It was initiated with the Barcelona Declaration (27-28 November 1995)¹³⁹ which formulated the common objective of "a just, comprehensive and lasting peace settlement in the Middle East based on the relevant United Nations Security Council resolutions" and the even loftier goal of "turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity". On the other hand, the EU also pledged to "refrain, in



accordance with the rules of international law, from any direct or indirect intervention in the internal affairs of another partner”, thereby to some extent tying its own hands with regard to impacting on such “internal affairs” as might jeopardise regional stability.

Alternatively, this pledge might be seen as reflecting the indirect approach to security which has arguably characterised the “European project” since its very inception. Ever since the founding of the European Steel Community, via the Rome Treaty and the EEC (European Economic Community) to the present European Union, this organisation has focused on “soft security”—i.e. security based on a removal of motives for aggression, mostly by non-military means. The underlying philosophy was made explicit in the 1952 Schuman Declaration:¹⁴⁰

The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany. (...) The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe (...). The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible.

The Barcelona process is, likewise, based on the presumed link between interdependence and peace,¹⁴¹ which would presumably be furthered by the “zone of shared prosperity” envisaged in the Barcelona declaration to be based on a Euromediterranean Free Trade Area.

The notion of “dialogue among civilisations” falls in the same category of soft measures, and might in fact be seen as a continuation of the the general policy of detente during the Cold War and, in particular, the Ostpolitik of Germany under the heading “*Wandel durch Annäherung*” (i.e. “change through rapprochement”).¹⁴² It might also be seen as a counter to the thesis of a future “clash of civilisations” promulgated by Samuel Huntington.¹⁴³ To the end of civilisational dialogue the declaration foresaw, inter alia, meetings between representatives of the different religions and other concrete initiatives such as periodic meetings between parliamentarians.

An integral part of the Barcelona process is the MEDA programme, under the auspices of which the EU disburses grant and loans to the partner countries, both bilaterally (86 percent in the period 1995-1999) and to regional collaboration (12 percent).¹⁴⁴

MEDA and the entire Barcelona process are now in their second phase, yet seemingly without any major changes in orientation..¹⁴⁵ The main component remains development aid, for which the PA is eligible, but Israel not, because of its high level of economic development.

There is no doubt that the substantial support granted to the PA, both by the EU as such and by individual member countries provides Europe with considerable leverage over the Palestinian authorities.¹⁴⁶ The EU is the main provider of aid, committing from 1994 to 1999 a total of _731.1 million.¹⁴⁷ The EU has further provided special assistance to the PA institutions, including training for the security forces. In response to the Israeli attacks on the PA institutions (including facilities financed by the EU), the EU further pledged further assistance for their reconstruction.¹⁴⁸ While it has come under pressure from Israel and the United States to withdraw this support—because of allegations that some of it has been diverted to terrorist activities—the EU has (so far) remained steadfast in wanting to maintain the assistance,¹⁴⁹ and it has even provided emergency humanitarian assistance to the beleaguered Palestinians.¹⁵⁰ To this assistance should be added the bilateral aid granted by individual EU member states and the multilateral aid which most of them are providing via the UN's various affiliates such as UNRWA.

Even though most of the Palestinian trade with the EU still goes via Israel, a free-trade agreement (signed in 1997) has been in force since 2001.¹⁵¹ Once Israel removes the present trade impediments and the Palestinian economy is reconstructed, the free trade agreement holds considerable promise for the Palestinian.

The EU's leverage over Israel has little to do with aid (for which Israel does not qualify) and more with trade relations. To the extent that it is able and willing to collaborate with other MEDA countries, however, Israel is also eligible for its share of funds set aside for regional collaboration.¹⁵² More importantly, however, Israel has an association agreement with the EU, signed in 1995 (replacing a precursor from 1975) and in force since 2000.¹⁵³ Partly as a result of this, the EU is Israel's main trading partner, standing for about 27 percent percent of Israel's exports and 35 percent percent of its imports (see Table 8).

Imports				Exports			
from:	1980	1990	2000	to:	1980	1990	2000
World	6,956	12,044	39,917	World	3,984	9,427	34,612
EU	1,813	5,456	13,978	EU	1,777	3,626	9,351
EU Share	26.1%	45.3%	35.0%	EU Share	44.6%	38.5%	27.0%

Table 9: Israel's Foreign Trade¹⁵⁵ (US\$ mil.)

Exports to											
Year	USA	Rest Am.	EU	Rest Eur.	Africa	Asia	Oceania	World	USA	EU	Others
1991	3,602	386	4,405	527	186	1,753	121	10,980	33%	40%	27%
1992	4,008	405	4,681	575	229	2,049	143	12,089	33%	39%	28%
1993	4,622	500	4,538	974	264	2,512	159	13,569	34%	33%	32%
1994	5,277	638	4,966	1,047	284	3,185	215	15,611	34%	32%	34%
1995	5,736	676	6,153	1,306	354	3,825	248	18,297	31%	34%	35%
1996	6,303	753	6,594	1,391	389	4,131	239	19,799	32%	33%	35%
1997	7,257	947	6,788	1,632	477	4,196	279	21,576	34%	31%	35%
1998	7,936	1,074	7,091	1,549	479	3,242	272	21,642	37%	33%	31%
1999	8,750	1,026	7,561	1,484	470	4,109	331	23,731	37%	32%	31%
2000	11,734	1,200	8,563	1,866	546	5,817	245	29,970	39%	29%	32%
2001	11,112	1,373	7,636	1,643	458	5,245	264	27,730	40%	28%	32%

Imports from											
Year	USA	Rest Am.	EU	Rest Eur.	Africa	Asia	Oceania	World	USA	EU	Others
1991	3,261	366	8,411	1,712	300	1,360	48	15,459	21%	54%	24%
1992	3,234	332	9,832	1,642	332	1,612	56	17,041	19%	58%	23%
1993	3,643	334	10,548	1,965	298	2,043	56	18,887	19%	56%	25%
1994	4,272	425	12,719	2,182	325	2,293	63	22,279	19%	57%	24%
1995	5,259	451	14,808	2,640	414	2,835	78	26,485	20%	56%	24%
1996	5,982	465	15,483	2,535	390	3,049	91	27,994	21%	55%	23%
1997	5,445	617	14,859	2,545	388	3,134	92	27,080	20%	55%	25%
1998	5,386	696	13,335	2,634	355	3,418	114	25,937	21%	51%	28%
1999	6,317	685	14,386	3,087	363	4,088	102	29,029	22%	50%	29%
2000	6,646	678	15,466	3,469	373	5,202	149	31,983	21%	48%	31%
2001	6,705	648	13,920	3,518	429	4,697	151	30,068	22%	46%	31%

In comparison, the US figures are forty percent for exports to Israel and twenty percent for imports from Israel (see Table 9). This trade dependency might be instrumentalised by being made conditional on satisfactory Israeli performance vis-à-vis the Palestinians. Suggestions have also been made for a modification of the Association Agreement enjoyed by Israel to ensure that they do not apply to commodities produced on occupied ground, thereby barring access for the produce of Israeli settlements from the West Bank, Gaza and Golan.

The EU also has other, less concrete, instruments at its disposal for exerting influence on Israel. The Jewish state has an obvious interest in portraying itself (and not without some

justification) as a semi-European “island of modernity” in a sea of premodern orientalism. Even though this interest may be somewhat stronger among the *askenazi* than the *sephardim* all share the desire to be acknowledged as the bastion of western values. This might be instrumentalised by the EU, e.g. by making the acknowledgement of Israel’s “European credentials” conditional on civilised behaviour towards the Palestinians. Holding up the prospects of an EU membership at some point in the future might be an even stronger instrument which might induce “anticipatory adaptation” to European standards¹⁵⁶—as seems to have been the case of Turkey’s recent reform package.¹⁵⁷

The EU thus has the potential for exerting considerable influence on both parties to the conflict, mainly by “soft” means. Unfortunately, however, the impact thereof is likely to be less significant, the more both sides are in “a security mode”, i.e. the more all other considerations are set aside for the sake of national security. To the extent that they see their very survival as states and/or nations to be endangered, both Israel and the Palestinians are quite prepared to endure hardships.

Potentials such as the above may thus, at best, be instrumentalised as contributions to the aforementioned “moment of ripeness”, e.g. by making the stalemate look intolerable, as well as to make the possible (post-conflict) future look bright enough for both sides to be willing to take some risks.

9.2 EU Ambitions and Instruments for Conflict Management

There is also a need for more direct intervention into the conflict. Most of these are surely non-military, even though military means may conceivably also come to play a role.

The EU impacts strongly on the economic, and thereby also social and political conditions, of other countries, including their propensity for violent conflict. In recognition of these linkages, conflict prevention and resolution considerations are increasingly being integrated with the general concepts of development. The EU has produced a number of documents on conflict management and resolution in recent years which may be add up to an actual strategy:

1997	The “EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms” ¹⁵⁸
1998	“The Role of Development Cooperation in Strengthening Peace-building, Conflict Prevention and Resolution” ¹⁵⁹
1998	The “EU Code of Conduct on Arms Export” ¹⁶⁰
1998	“The European Union's Contribution to Combating the Destabilising Accumulation and Spread of Small arms and Light Weapons” ¹⁶¹
1999	Council Resolution on Small Arms ¹⁶²
1999	“Co-operation with ACP Countries Involved in Armed Conflicts” ¹⁶³
2001	“Linking Relief, Rehabilitation and Development—An Assessment” ¹⁶⁴
2001	<i>Conflict Prevention</i> (Commission communication) ¹⁶⁵
2001	EU Programme for the Prevention of Violent Conflicts ¹⁶⁶
2002	Check-list for Root Causes of Conflict ¹⁶⁷

In the communication from the Commission on *Conflict Prevention* of 2001 a long list of recommendations for conflict prevention was contained. Under the heading of “long-term prevention” it expressed the intention to

(...) give higher priority to its support for regional integration and in particular regional organisations with a clear conflict prevention mandate; (...) ensure that its development policy and other co-operation programmes are more clearly focused on addressing root causes of conflict in an integrated way (...) implement, for countries showing conflict potential, more targeted actions, where appropriate, to open the way to a more favourable democratic environment. (...) play an increasingly active role in the security sector area. This will take the form of activities aiming at improving police services, promoting conversion, disarmament and non-proliferation both as regards weapons of mass destruction and conventional weapons. (...) in post-conflict situations, concentrate EC assistance on the consolidation of peace and the prevention of future conflicts, in particular through rehabilitation programmes, child-related rehabilitation measures and DDR programmes as well as programmes supporting reconciliation processes. (...) give higher priority to its support aimed at controlling the spread of small arms.

Under the heading of “short term prevention” it mentioned regular reviews of potential conflict zones, including the establishment of early warning mechanisms, the use of preventive sanctions, systematic use of the political dialogue where a crisis appears imminent, the use of special representatives for mediation and training initiatives in the fields of rule of law and civil administration for personnel to be deployed in international missions.¹⁶⁸

All this sounds very promising even though it remains to be seen whether the actual implementation will be satisfactory. If so, it

could do quite a lot to help in both conflict prevention and post-conflict peace-building. So far, however, the EU has not had the audacity to attempt playing the leading role as mediator or honest broker in the Israel-Palestine conflict.

Until recently, however, the EU deliberately avoided military matters, leaving the military aspects of security to NATO and/or the Western European Union (WEU). In connection with the Maastricht treaty of February 1992, however, the WEU was proclaimed to constitute an integral part of the EU, and in June the same year the WEU formulated its future tasks, henceforth known as “Petersberg tasks”, comprising peacekeeping, humanitarian operations and crisis management. Since then, all operational WEU activities have been taken over by the EU.¹⁶⁹

Spearheaded by Germany, France and the UK, the EU have thus created a genuine European security and defence capacity, the interim goal being the capacity of fielding 60,000 troops on short notice for “Petersberg operations”. However, they all emphasize the need to preserve the transatlantic link and go out of their way to assure the US that the European ventures are entirely compatible with NATO.¹⁷⁰ Should the Israel-Palestine conflict at some stage call for an international military presence, as seems quite likely (*vide supra*), the EU will thus have the requisite means at its disposal—just as it would have for dispatching an interpositioning force after a future Israeli withdrawal from the Golan.

9.3 A European Middle East Policy

It takes more than just leverage and instruments to make a difference in a conflict as complicated as that between Israel and the Palestinians. Most important of all is to have a policy that may work.

The European states have, at least collectively, a more impartial attitude to the conflict than does the United States, albeit one resulting from different (and to some extent even opposing) attitudes to the conflict.¹⁷¹ France tends to lean towards the Arab side of the conflict, both because of its past as a “mandate power” and as a reflection of its rivalry with the USA, whereas Germany is almost certain to be on the side of Israel, at least as far as “existential” issues are concerned, lest it be accused of a resurgent anti-semitism.¹⁷² The UK has tended to be more pro-Israeli than the French, if only because of its “special relationship” with Washington; whereas the Nordic countries (Sweden, Finland and Denmark) have a long history of equidistance, having all supported Israel in

existential matters while at the same time taking the legitimate demands of the Palestinians seriously.¹⁷³

That the sum of European policies is thus more impartial and even-handed because of the divergence of policies, however, does not easily translate into a unified impartiality, and the European Union has, indeed, found it difficult to agree on a concrete Middle Eastern policy—apart from the general support for the two-state solution and proposals for a peace conference (*vide supra*). On the other hand, the European countries are, in a certain sense, neighbours to the Middle East, separated (or united) by the Mediterranean, which may even have the potential of becoming a fully-fledged region.¹⁷⁴ Hence, they have strong interests in the region and its stability--

However, the EU is not “the only game in town”, but most of its member states are also members of NATO (which also has a “Mediterranean dialogue” process)¹⁷⁵, hence may have conflicting loyalties.¹⁷⁶ On the other hand, this may also provide the EU with some indirect leverage as the main allies of the United States. If anybody can persuade Washington to change course, it is undoubtedly its European friends and allies.

9.4 Recommendations

What the EU might do includes the measures listed in Table 11, subdivided according to the “setting” upon which they are supposed to impact and their time perspective.

All of the above calls for the EU to take the lead. Needless to say, the EU should seek to involve the United States as much as possible, but it would be unwise to make US active participation a precondition for moving ahead.

10 CONCLUSION

We have thus seen that the seemingly intractable Israel-Palestine conflict is indeed susceptible to rational analysis, assuming that both sides behave rationally in accordance with their interests as they see them. Some common ground can, indeed, be identified, i.e. it is possible to satisfy the basic security needs of both sides simultaneously if only both recognise the need for a compromise. The international setting is, likewise, quite favourable to a compromise solution to the conflict, the main point of which would be the establishment of a sovereign Palestinian state, embedded in a set of broader security arrangements. While the rest of the world

seems to have acquiesced in a self-proclaimed U.S. leadership, it is the contention of this paper that the European Union would be well-advised to take the lead as it is in a much better position than the United States to play the role as an honest broker and facilitator of a negotiated settlement of the conflict.

Table 11: What the EU Might Do

Israel-Palestine Conflict	The Regional Setting
Immediate Measures	
<ul style="list-style-type: none"> • Put pressure (e.g. by means of trade conditionalities) on Israel to end the occupation and reprisals against presumed terrorists and their families • Put pressure (e.g. by means of aid conditionalities) on the PA to prevent terrorist attacks on Israel • Support Israeli NGOs promoting a peaceful solution to the conflict • Support Palestinian NGOs opposing terrorism • Monitor elections in Palestine and recognise whoever is elected • Support Palestinian security sector reform, both financially and in the form of training 	<ul style="list-style-type: none"> • Convene a conference on peace in the Levant, bringing together Israel, Palestine, Lebanon, Jordan, Syria, Turkey, Egypt, Saudi Arabia and Iran—with a “parallel track for” NGOs • Sponsor a series of seminars on matters of common concern both concerning “soft security” (e.g. tourism, water management, etc.) and hard issues such as arms control and military doctrines and strategies (mainly between Israel and Syria). • Put diplomatic pressure on Syria and Iran to terminate support for Hizbullah, by making this a precondition for preferential trade agreements
Short Term Measures	
<ul style="list-style-type: none"> • Provide peacekeeping forces for the West Bank and Gaza • Provide international police forces for the West Bank and Gaza • Provide an international presence for Jerusalem, mainly in the form of police forces in an around the Old City • Recognise diplomatically the “Republic of Palestine” upon its proclamation 	<ul style="list-style-type: none"> • Provide peacekeeping forces for the Golan in case of an Israeli-Syrian agreement • Establish and maintain an early warning station on the Golan, preferably as a joint venture with the USA, providing satellite and air surveillance. • Provide troops for an international military presence in southern Lebanon, mandated, inter alia, to oversee the disarmament of the <i>Hizbullah</i>
Medium-to-Long Term Measures	
<ul style="list-style-type: none"> • Accept temporary custodianship over Palestinian territories upon an Israeli withdrawal • Provide economic assistance for the resettlement of Palestinian refugees in Palestine • Grant asylum and citizenship to a stipulated number of Palestinian refugees • Provide economic assistance for the resettlement of Palestinian refugees in neighbouring countries • Provide additional, and preferably long-term, aid for Palestine • Offer future membership of the EU to Israel and Palestine, made conditional upon meeting of EU standards of democracy and human rights. 	<ul style="list-style-type: none"> • Convene a conference with a view to signing a “Stability Pact for the Middle East”, in analogy with that signed for the Balkans in 1999,¹⁷⁷ offering major support for reconstruction and institution-building, mainly for the Palestinian state • Support regional collaboration and integration projects • Provide leadership of a contact group to oversee the entire peace process and comprising, besides the parties themselves, the United States, the United Nations, Saudi Arabia, Jordan and Egypt

11 ENDNOTES

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⁴ United Nations General Assembly Resolution 181(II) "Future Government of Palestine" (29 November 1947) at <http://domino.un.org/unispal.nsf>.

⁵ Estimate by UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) from www.un.org/unrwa/refugees/p1.htm.

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⁸ Figures from UNRWA www.un.org/unrwa/pr/pdf/figures.pdf.

⁹ Figures from UNHCR at www.unhcr.ch/statistics/hcr2001prov.zip.

¹⁰ For a list of UN resolutions see http://www.un.org/Depts/dpa/qpalnew/resolutions_new_qpal.htm. On the attitude of the Arab states see Sela, Avraham: *The Decline of the Arab-Israeli Conflict: Middle East Politics and the Quest for Regional Order* (Albany, NY: State University of New York Press, 1997) and Barnett, Michael N.: *Dialogues in Arab Politics: Negotiations in Regional Order* (New York: Columbia University Press, 1998), both of which describe Arab politics as increasingly dominated by states

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¹²³ Mustafa, Hala: "The Islamist Movement under Mubarak", in Guazzone (ed.): *op. cit.* (note 106), pp. 161-186; Juergensmeyer, Mark: *Religious Nationalism Confronts the Secular State* (New Delhi: Oxford University Press, 1994), pp. 57-62.. See also Barnett: *op. cit.* (note 10), *passim*.

¹²⁴ On federations and confederations see Lapidoth, Ruth: *Autonomy. Flexible Solutions to Intrastate Conflicts* (Washington, D.C.: United States Institute of Peace Press, 1996),

pp. 49-58; Lister, Frederick K.: *The European Union, the United Nations and the Revival of Confederal Governance* (Westport, CT: Greenwood Press, 1996), pp. 17-54; idem: *The Early Security Confederations. From the Early Greeks to the United Colonies of New England* (Westport, CT: Greenwood Press, 1999), pp. 1-16; Elazar, Daniel J. (ed.): *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*, 2nd ed. (London: Longman, 1994). An elaborate argumentation against confederation is provided by Braizat, Musa S.: *The Jordanian-Palestinian Relationship. The Bankruptcy of the Confederal Idea* (London: British Academic Press, 1998).

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¹²⁶ On subsidiarity see Wilke, Marc & Helen Wallace: “Subsidiarity: Approaches to Power-sharing in the European Community”, *RIIA Discussion Papers*, no. 27 (London: Royal Institute of International Affairs, 1990). On consociationalism see Lijphart, Arend: *Democracy in Plural Societies* (New Haven: Yale University Press, 1977).

¹²⁷ For elements of the proposed arrangement see Odeh, Adnan Abu: “Two Capitals in an Undivided Jerusalem”, *Foreign Affairs*, vol. 71, no. 2 (Spring 1992), pp. 183-188; Prawitz, Jan: “A Vatican Solution for Jerusalem”, *Security Dialogue*, vol. 25, no. 3 (1994), pp. 355-356. See also Hassassian, Manuel: “Models of Sovereignty and the Question of Jerusalem: Towards a Comprehensive Perspective”, available as a special report on the PNA's official website at www.pna.net/reports/Jerusalem_sovereignty_hassassian.html.

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¹⁴⁷ Figures from *ibid.*

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¹⁵⁵ Calculated from figures from Israel’s Central Bureau of Statistics at <http://www.cbs.gov.il>.

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