

# Rethinking the Politics of Israel / Palestine

Partition and its Alternatives

This volume brings together the voices and views of leading Palestinian, Israeli Jewish and European intellectuals, politicians and activists, who propose alternative approaches and ›out of the box‹ thinking on the Israeli-Palestinian conflict. More specifically, this unique volume aims to contribute to the emerging efforts of re-examining the current strategies and paradigms, proposing and exploring new perspectives, visionary discourses and alternatives to partition in the case of the Israeli-Palestinian conflict. Put differently, it seeks to enrich European public discourse with original and refreshing views and alternative paradigms to settling this lingering conflict.

## Contributors

Gianni Pittella | Gertraud Auer Borea d' Olmo | Bashir Bashir | Azar Dakwar  
Hannes Swoboda | Raef Zreik | Dmitry Shumsky | Inbal Arnon  
Leila Farsakh | Avraham Burg | Yonathan Mendel | Sam Bahour | Tony Klug  
Noam Sheizaf | Salam Fayyad

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B. Bashir and A. Dakwar

Editors

**Bashir Bashir**  
and  
**Azar Dakwar**



Group of the Progressive Alliance of  
**Socialists & Democrats**  
in the European Parliament

Bruno Kreisky Forum for International Dialogue

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This volume was published by



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in the European Parliament | Javier Moreno Sanchez

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Linguistic lector: Yasmine Haj  
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## About the Contributors

**INBAL ARNON** is an associate professor in the Psychology Department at Hebrew University of Jerusalem, working on language acquisition and cognitive development. She has been active in various projects aimed at ending the occupation and achieving social justice.

**GERTRAUD AUER BOREA D'OLMO** is secretary general of the Bruno Kreisky Forum for International Dialogue. Prior to this role, assumed in 2005, she worked as projects manager at the Bruno Kreisky Forum; as staff member and international and cultural affairs' adviser at the Federal Minister for Education and the Arts in Austria; and a free-lance professional.

**SAM BAHOUR** is a Palestinian-American business consultant in Ramallah and serves as a policy advisor to Al-Shabaka, the Palestinian Policy Network.

**BASHIR BASHIR** is a research fellow at the Van Leer Jerusalem Institute and teaches political philosophy in the Department of Political Science at the Hebrew University of Jerusalem. His primary research interests are citizenship and nationalism studies, multiculturalism, and the politics of reconciliation.

**AVRAHAM BURG** is an Israeli author and peace activist, former speaker of the Parliament, and former chairman of the Jewish Agency and the World Zionist Organisation.

**AZAR DAKWAR** is an independent research assistant, project developer and teaching associate with various organisations and universities. He also serves as the co-director of "Shared Public Space" project at Sikkuy – the Association for the Advancement of Civic Equality.

**LEILA FARSAKH** is an associate professor of Political Science at University of Massachusetts in Boston and visiting fellow at Birzeit University. She has published widely on questions relating to the political economy of the Israeli-Palestinian conflict, the Oslo peace process, and the one-state idea. In 2001, she was the recipient of the Cambridge Peace Commission Peace and Justice Award.

**SALAM FAYYAD** is a former Palestinian Prime Minister and currently serves as Atlantic Council Distinguished Statesman.

**YASMINE HAJ** is a Toronto-based writer with a focus on the culture and politics of Palestine and the Middle East. She is a monthly contributor to Assafir Newspaper (the Palestine supplement) and the Canadian Arab Institute (a Canadian-Arab policy and community development think-tank).

**TONY KLUG** is a veteran Middle East analyst and a special advisor to the Oxford Research Group.

**YONATAN MENDEL** is a research associate at the Centre of Islamic Studies at the University of Cambridge, a post-doctoral researcher at the Hebrew University of Jerusalem, and the director of projects of the Mediterranean Unit at the Van Leer Jerusalem Institute.

**GIANNI PITTELLA** is the president of the S&D Group in the European Parliament (EP). He has been member of the EP since 1999. He was acting president of the EP in June 2014, first vice-president of the EP between 2009 and 2014 and has been head of the Italian delegation in the S&D Group since 2006. Besides his political work, he is the author of several books on the future and challenges of European integration.

**NOAM SHEIZAF** is a Tel Aviv-based journalist and the founder and manager of the web magazine +972 (972mag.com). Previously, he worked for leading Israeli media outlets, including Ha-ir, Ynet News, and Maariv. He covers the Israeli political system and the Israeli-Palestinian conflict; his work has been published in Foreign Affairs, Foreign Policy, The Nation, Haaretz and other publications.

**DIMITRI SHUMSKY** is a senior lecturer in Israel Studies and the history of modern Eastern Europe at the Department of the History of Jewish People and Contemporary Jewry at the Hebrew University of Jerusalem, and the director of its Cherrick Center for the study of Zionism, the Yishuv and the State of Israel.

**HANNES SWOBODA** was member of the European Parliament from 1996 to 2014, where he was vice-president (1997–2012) and then president of the S&D Group between 2012 and 2014. At present, he is board member of the Bruno Kreisky Forum for International Dialogue and senior fellow of different foundations including the European Council for Foreign Relations.

**RAEF ZREIK** is co-director of the Minerva Centre for the Humanities at Tel Aviv University and lecturer at the Carmel Academic Centre in Haifa. His primary research interests revolve around legal and political philosophy, citizenship theory, and multiculturalism and identity.





# Preface

GERTRAUD AUER BOREA D'OLMO

The Bruno Kreisky Forum for International Dialogue has a long-standing history, public and confidential, in actively engaging with attempts to settling the Palestinian-Israeli conflict and promoting peace in the region.

In 2010, I enthusiastically accepted the invitation of Dr. Bashir Bashir, a research fellow at the Van Leer Jerusalem Institute, to engage with and host the “Alternatives to Partition” Project and develop, together with academics, political activists, politicians, and other professionals from the region, a new approach for Israeli Jewish/Palestinian peace and reconciliation. In light of the continuous impasses in the Middle East Peace Process and the demise of the two-state solution, the project sought to expand the vocabularies of the debates on the Israeli-Palestinian conflict and to critically examine and explore feasible and just normative and institutional alternatives to partition that would secure national and individual rights, claims, and identities of Arabs and Jews alike.

For the duration of the three years, the members of the Alternatives to Partition group held extensive confidential debates and discussions at the BKF in Vienna as well as at local venues in Israel/Palestine. The group concluded the first phase of the project by jointly articulating “Guiding Principles for Israeli Jewish/Palestinian Partnership”. The year 2013 witnessed an important development in the life of the project. It became evident that what started mainly as an intellectual and academic exercise has an outstanding political relevance and appeal. Senior politicians, policymakers, and diplomats expressed great interest in learning more about the BKF project and its guiding principles. Consequently, several meetings were held to present and discuss the project in Europe, in the US and in the region.

The BKF project of Alternatives to Partition offers a set of guiding principles that aims to secure the individual and collective rights (including national self-determination), interests, and identities of Israeli-Jews and Palestinians alike in Palestine/Israel. This initiative goes beyond the binary predicament of “one state/two states” and instead adopts a binational rights-based approach. This approach identifies a set of fundamental principles that are indispensable in the

design and implementation of any viable solution. Of prime importance, these principles can be accommodated and realised in various constitutional and/or institutional arrangements (including a two nation-state arrangement). The BKF initiative departs from the current hegemonic paradigm in several ways: by addressing the fundamental issues of the conflict from the start (rather than at a later stage), by going from principles to implementation and not vice versa, and by rejecting the logic of strict separation and partition.

The newly introduced discourse, which is based on rights and values instead of power and interests, is surely gaining momentum in the discussions. Articles in leading newspapers, interviews and political discourse have started to call for and develop new political and moral grammar for Israel/Palestine. The discussions reflect the sense of urgency and the need to explore new paradigms given the dismal reality on the ground twenty years after the Oslo Accords, and the failure of previous and current rounds of negotiations to reach lasting peace.

This volume is a further expression of the BKF's commitment to think "out of the box" and in a creative and ethical fashion on the question of Israel/Palestine. The volume presents and explores alternative approaches and proposes a set of new paradigms for the European political discourse. It contains the contributions made at the Conference of the S&D Group in the European Parliament in Brussels in November 2013 and the Roundtable in Jerusalem in March 2014 as well as a number of original essays. These essays propose alternative thinking premised on rights as opposed to the language of segregation, violence and despair.

Throughout the last three years, the Bureau for Security Policies of the Austrian Federal Ministry of Defence and the European Parliament were supporting this program, intellectually and financially.

I would like to thank my partners and contributors, Dr. Bashir Bashir and Azar Dakwar the editors and Yasmine Haj the linguistic lector for their remarkable efforts to put together this volume.

I would also like to extend my gratitude to the President of the European Parliament Martin Schulz, to the President of the S&D Group Gianni Pittella, and to the former S&D Group President Hannes Swoboda, to Javier Moreno Sanchez, Secretary General of the Global Progressive Forum and to Zoltan Simon and his team for their interest in the project and their strong commitment to pursue peace and historical reconciliation in Israel/Palestine.

## **Foreword: The Commitment of the European Social Democrats for Peace**

GIANNI PITTELLA

As President of the Socialists and Democrats Group in the European Parliament, I am writing this text in September 2014, at a time of cease-fire interim, following a bloody summer, and during the same week in which the European Parliament approves a resolution reiterating “its strong support for the two-state solution on the basis of the 1967 borders, with Jerusalem as capital of both states, with the State of Israel and an independent, contiguous and viable state of Palestine living side by side in peace and security”. It is also the same day in which President Abbas travels to the UN General Assembly to repeat, and repeat again year after year, the urgency for Palestinian independence and statehood.

The two-state solution, upon which there is an international consensus, is a peace project, which has thus far proved to be a failed one. The idea of two states as way of peace can only be based on the mutual trust between two sovereign states with plausible borders, security guarantees and agreed upon territorial confines, acceptance of physical unity of Jerusalem as capital of the two states, and an agreement on the question of the right of Palestinian refugees to return. All of this should take place in a framework of democracy and respect of citizens' rights and freedoms in both states.

This very idea, then, cannot work if based on the nationalist aim to build ethnic or religious exclusive states, in which minorities are discriminated against (Palestinian Arabs in Israel constitute 20% of the population), fear is sown among the communities, democracy is degraded, and its people are becoming progressively radicalised. Additionally, and more importantly, and as has been highlighted by several contributors in this volume, the asymmetry between both entities, one a real state, the other an entity fighting for statehood, is incompatible with the aim of achieving peace in a dignified manner. This model, premised on territorial partition, asymmetry, and ethno-nationalism, has failed for decades in Israel/Palestine, as it has failed in other conflicts when similar criteria of conception of a state, as an exclusive religious/ethnic entity, were applied. Having overstepped the limits of destruction, suffering and death, the one or two

states discussion has been exhausted – just as exhausted as the Palestinian and Israeli peoples are.

We, the Socialists and Democrats at the European Parliament, advocate plural states based on equal citizenship rights and encourage the initiative of the Bruno Kreisky Forum for International Dialogue of facilitating the discussions of visionary Palestinian and Israeli intellectuals and activists who reject partition as an inevitable, binding departure point for Israel/Palestine. The novelty of the Bruno Kreisky Forum's project and initiative lies, among other things, in going beyond the institutionalist debate of one/two state solutions. It proposes a different and refreshing starting point, one based on binational values and politics of equal rights and freedoms.

This is indeed a timely debate. It calls for opening new horizons and venues during times of impasse and failure of hegemonic paradigms. Supporting evidence to this direction of thinking is developing. Recent polling conducted by the Palestinian Centre for Policy and Survey Research indicates that there remains substantial support amongst both Israelis and Palestinians to maintain a unitary state, albeit one with different national characteristics. Furthermore, Professor Rashid Khalidi argues the two-state solution was but a “way station” that would not mean end-of-conflict and would still necessitate agreement on Palestinian refugees and on Israel's “Palestinian minority” before a comprehensive settlement could be achieved. A “one-state solution already exists”, because “there is only one state between the Jordan River and the Mediterranean, in which there are two or three levels of citizenship or non-citizenship”.<sup>7</sup> Nonetheless, by encouraging “out of the box thinking” on the Israeli-Palestinian conflict, we, the Socialists and Democrats Group in the European Parliament, do not give up our support of the Palestinians' right to statehood and self-determination, as well as of Israel's legitimate right to security.

As a political group aiming to contribute to lasting peace, we have been supporting the Road Map for Middle East Peace, which practically means Israel's readiness to offer the Palestinians a guaranteed and enforceable road to a two-state solution, to be implemented in parallel with Gaza's demilitarisation. As Henry Siegman points out in his article “Gaza and the Palestinian struggle for statehood” in *Open Democracy*, “If [Israeli authorities] cannot, or will not agree to that, there is no basis whatever for their demand for Gaza's demilitarisation,

for Israel has no right to expect Palestinians to acquiesce to the status quo as their permanent destiny as an occupied people”.

It is time for peace. The threat of the Islamic State and Jihadist terrorism has helped form alliances among former irreconcilable enemies; and should also bring to an agreement between Israel and the Palestinian Authority. There is no other alternative but that of chaos, radicalisation, terror, and an increasing, disproportionate use of force and, consequently, the progressive isolation of Israel. In this sense, the leader of Israel Labour Party, Isaac Herzog said in the sides of UN General Assembly that in light of the new regional alliances “Netanyahu and Abbas must not miss a historical opportunity that is doubtful to return”.

And what about Europe? Europe’s role is very critical. Jihadists in Syria and Iraq, chaos in Libya, the conflict in Israel/Palestine becoming fierce, and the crisis of refugees and displaced people all pose outstanding challenges to Europe. To face that and really develop a role as global actor and power, Europe needs a fresh and active approach, one voice (or several voices with one message) and sufficient resources to promote and secure its interests, involvements, and ambitions. We need not only to finance the peace process, but also to play the game of peace with decisiveness. In this spirit, we call for a comprehensive European peace initiative and plan towards the Israeli-Palestinian conflict, as well as the Arab-Israeli conflict, which could be presented and discussed in an EU-sponsored international conference with the participation of both sides and all key global and regional actors. The Socialists and Democrats in the European Parliament will be there to help and support.

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1 Rashid Khalidi, “Collective punishment in Gaza”, *The New Yorker* – 29 July 2014. Available at: [www.newyorker.com/news/news-desk/collective-punishment-gaza](http://www.newyorker.com/news/news-desk/collective-punishment-gaza) (accessed 09.28.14).

# Where Now for Israel/Palestine?

## Introduction & Framing

BASHIR BASHIR

This volume brings together the voices and views of leading Palestinian, Israeli-Jewish, and European intellectuals, politicians, and activists who propose alternative approaches and “out of the box” thinking on the Israeli-Palestinian conflict. More specifically, this unique volume aims to contribute to the emerging efforts of re-examining the current strategies and paradigms through proposing and exploring new perspectives, visionary discourses, and alternatives to partition in the case of the Israeli-Palestinian conflict. Put differently, it seeks to enrich European public discourse with original and refreshing views and alternative paradigms to settling this lingering conflict.

More than a twenty-year long peace process has not achieved the awaited peace in Israel/Palestine. This fairly long process has led to important achievements, but also remarkable failures of reaching a lasting peace. The process has often witnessed critical crises and deadlocks, leading several advocates, observers, and critics to claim that the result has been predominately about managing the conflict rather than settling or solving it. Others have even suggested that the “peace process” has been more about the process than about peace! Providing an exhaustive history of the “peace process” in Israel/Palestine is beyond the scope of our focus and interest here. However, during times of crises and impasses, several key players (e.g. US; EU; UN; Quartet; Arab League) resorted to a wide range of initiatives and ideas to get out of the impasse and revive and foster the “peace process”. Some have claimed that a qualifying condition for peace is a Palestinian state-building project, wherein the Palestinians have to demonstrate “maturity” in order to gain/deserve an independent state and, thus, lay strong foundations for independent sovereign polity (regardless of the persisting military occupation and colonisation). To augment these efforts, a sophisticated “aid industry” network was set to advance economic development and growth as effective tools to evade the impasse and reach peace.

More critical and daring voices have called for exerting more political pressure, mainly on Israel, through applying further restrictions and sanctions on

settlement policies and effectively using American leverage with Israel. But lately, in light of the repeated American failure to reach a breakthrough in the “peace process”, policy makers and advisors have instead called for breaking the US hegemony and brokering over the “peace process”, in favour of a more neutral and pluralistic/multilateral international mediation. Nevertheless, none of these attempts have really sought to offer strategic and/or paradigmatic shifts that either rethink or challenge the underlying parameters and double-standard principles that govern the “peace process”. These parameters and principles, as it turns out, have been contributing to reproducing asymmetrical colonial realities of oppression and occupation, and managing the conflict rather than transforming and settling it. Through placing an excessive focus on state-building, good governance, constitutional reforms, restructuring security apparatuses, and economic development, most of these attempts have been largely “institutionalist” and “developmental” in their character and orientation. That is, they have concentrated on institutions and service policies (e.g. economic growth) rather than on core political rights (e.g. right of return, self-determination etc.). Eventually, this has led to deep de-politicisation of the “peace process” and obliterated its ability to meet the purposes that supposedly brought it to being. Furthermore, none of these attempts sought to reflect, revise, or challenge territorial partition as the only paradigm within which all of these prescriptions and devices are articulated and exercised.

Partition plans have been proposed, by the UN and other international players, as an effective, and even sometimes preferred, solution for settling intractable ethnic, religious, national, and inter-communal conflicts. To seemingly satisfy the demands and interests of the conflicting parties and their regional and international sponsors, then, partition – in the form of walls, fences, borders and separation – has been suggested. The underlying assumption of this partition logic is that an exclusive and independent nation-state is the ultimate means to securing and safely exercising the rights, claims, and national identities of the conflicting groups. This is exactly what has been at stake in the protracted Israeli-Palestinian conflict – ethno-nationalism, separation, and statehood all combined as the governing prerogative of the political attempts to achieve peace. And it is precisely this logic that has been dominating the diplomacy and politics of the Israeli-Palestinian conflict for several decades. Today, the hopes that emerged during the late 1980s and early 1990s of settling the



Israeli-Palestinian conflict are gradually being eroded. Even the most outspoken advocates of the two-state solution acknowledge the increasing difficulties facing its realisation. However, despite the impasse in the “peace process” and the profound and continuous factual developments and obstacles on the ground, the discourse of *statehood* and *partition* remains hegemonic.

The profound transformations in the functions and roles of the modern nation-state; and the multi-dimensional processes of globalisation and regional integration are examples of recent challenges that have considerably influenced the settlement of intractable ethnic and national conflicts. These challenges seriously undermine the effectiveness and centrality of territorial partition as the main tool of settling these types of conflicts. In Israel/Palestine, however, it was the Israeli colonial settlements in the West Bank that played an outstandingly decisive role. According to B’Tselem, as of the end of 2012, there are an estimated 515,000 settlers in the West Bank (including East Jerusalem and Hebron) living in more than 130 government-sanctioned settlements and approximately 100 “settlement outposts”. These settlements are connected through an extensive net of “bypass roads” (more than 800 kilometers) that criss-cross the entire West Bank. These striking realities, and several others, such as depending on the same water resources (without equally sharing them) have created wretched binational territorial, socioeconomic, and demographic conditions for Palestinians and Israelis, which undermine partition. Lack of territorial contiguity and demographic homogeneity seriously challenge the partition plan, the stubborn commitment to which, under these conditions of intertwinements, furthers settler-colonialism, military occupation, racism and segregation. It can yield and licence transfer, exchange of populations, unilateral drawing of borders, ethnic cleansing, and genocide. These options, and several others, such as Palestinian “autonomy” in a Jewish state or the “Jordanian option”, are politically and morally unacceptable (as they are premised on domination, oppression, and denial), and are therefore likely to escalate the conflict rather than mitigate or settle it. Rethinking the existing paradigms, then, and exploring new egalitarian and inclusive ones that help realise and respect basic individual and collective rights should therefore take priority over institutional arrangements and solutions.

Exploring and supporting new and inclusive horizons in Israel/Palestine should not only be a European interest, but first and foremost a European responsibility and obligation. Zionism is a European phenomenon that mainly

developed in response to European racism and anti-Semitism, the consequences of which the Palestinians have been enduring. Therefore, the Israeli-Palestinian conflict and its roots are both a European question and responsibility. The language of interests, terror, and security should not be the only motivation for European engagement with it; Europeans have historical responsibility and ethical commitment to promote what they supposedly stand for today – democratic principles, equality, integration, and historical justice – in Israel/Palestine.

It is our contention and hope that the refreshing and sharp critiques and creative ideas offered in this volume will help identify and explore new paths for peace in Israel/Palestine. In his essay, Hannes Swoboda reflects on the failed attempts to settle the Israeli-Palestinian conflict and proposes an alternative egalitarian approach to the conflict, which would emphasise the rights of people and citizens rather than offer institutional solutions and incommensurable national and religious ideologies. Raef Zreik argues that the “two states” talk has long become an apologetic discursive practice – a smoke screen, which avoids discussing the core and burning issues of the conflict. He calls for an alternative approach/discourse that contextualises the conflict within 1948. Bashir Bashir argues that Palestinian nationalism is undergoing a redefinition and entering a new phase. One of the central trends of this new phase is politically redefining who a Palestinian is. This nascent phase of Palestinian nationalism, he argues, requires a new political and moral grammar for Israel/Palestine. Dmitry Shumsky argues that Zionism has failed to fulfil one of its most constitutive aspirations, namely normalising the existence of the Jewish people in Israel/Palestine and turning the Jews into a nation like all other modern nations. In order to overcome this failure, he suggests to shift from the contemporary dominant interpretation of Zionism, which has been premised on ethnic separation, exclusive Jewish sovereignty and ownership, and the denial of Palestinian identity and rights to a pre-1948 Zionism, which favours “binationalism” (or, rather, the multinational democracy) as the constitutional pattern upon which the Jewish State is to be built, and promotes joint ownership, integration, and co-existence. Azar Dakwar invites us to reflect critically on the hegemonic discourse and wretched reality of sovereignty in Israel/Palestine. He argues that the present reality and historical moment beg for a path departure from the statist logic of sovereignty that has been dominating the peace-making discourse in Israel/Palestine. Thus, he suggests a rights-driven grounding of the notion of

sovereignty in Israel/Palestine – along norms of reciprocity, respect, binationalism and egalitarian democracy. After several years of political and civic activism in Israel/Palestine, Inbal Arnon concludes that a paradigm shift is very much needed and requires a political framework whose starting point is not a particular implementation, but a set of principles that guarantees the individual and collective rights, interests, and identities of the two people between the Jordan River and Mediterranean Sea. Leila Farsakh claims that thinking of alternatives to partition in Israel/Palestine has never been as urgent as it is today. It is necessary, she insists, because the two-state solution has been destroyed under the weight of an unequal and discriminatory one-state reality. Her essay critically explores the advantages of alternatives to partition, mostly from a Palestinian perspective.

Avraham Burg argues that one of the main reasons for the failed attempts to reach fair and final peace in Israel/Palestine lies at the core of the dominant Israeli strategy. This strategy is excessively self-centred, focused on solving the problems of the Jewish people, and its relation with the Palestinians is built on obliviousness, separation and false symmetry. He concludes with the urgent need to adopt a paradigm with a different internal logic, one based on inclusion and partnership. Through imagining and drawing the maps of “Israel without Palestine” and “Palestine without Israel”, Yonatan Mendel demonstrates the improbability of separation into two states and the current impossibility of genuine unification into one state. This, he concludes, renders reasonable and possible a set of “out of the box” solutions that has been entertained in the last decade or so. In a joint piece published in *Le Monde diplomatique* in April 2014, Sam Bahour and Tony Klug call to break free of the divisive and increasingly stifling one-state vs. two-states straightjacket and offer a proposal that prioritises the need to resolve two crucial ambiguities regarding Israel’s control of the West Bank and Gaza: its rule over the Palestinians and its colonisation of their land. Noam Sheizaf claims that Netanyahu’s strategy is the ever-lasting “conflict management”, which views the conflict with the Palestinians as unsolvable and considers the current status quo as the least-worst option for Israel. Sheizaf concludes that in order to challenge the status quo strategy, any productive efforts by EU or other parties should attach a price to the entire status quo, thus changing the Israeli cost/benefit calculation. Salam Fayyad argues that the “peace process” will continue to fail in the absence of fundamental adjustments

to the existing paradigm of peace-making. The adjustments he proposes mainly fall in two areas. The first relates to the question of whether Palestinian representation in the context of the requirements of both the “peace process”, as well as national governance, remains adequate, while the second relates to the question of continued validity of the Oslo framework, especially given that the end of the timeline on the basis of which it was designed has long passed.

The volume concludes with summaries of the discussions held at two major events that were co-organised by the S&D Group in the European Parliament and the Bruno Kreisky Forum for International Dialogue, which were held in Brussels in November 2013 and in Jerusalem in March 2014, respectively, and sought to discuss new horizons and paradigms for Israel/Palestine. The two-day conference in the European Parliament in Brussels was attended by more than 150 participants, including EU MEPs, diplomats, and several senior politicians representing a host of parties in the EU, Israel, and Palestine; and the one-day closed roundtable in Jerusalem, held under Chatham House Rules, was attended by over 60 senior Palestinian, Israeli, European, and American politicians, scholars, policy advisors, and civil society activists.

# After Weapons Spoke, Human Rights Must Prevail

HANNES SWOBODA

To reflect upon a conference on alternative venues to peace in Israel/Palestine in August 2014 is very difficult – nearly impossible. The conferences, co-organised by the S&D Group and the Bruno Kreisky Forum for International Dialogue in Brussels in November 2013 and in Jerusalem in March 2014, were held during times of relative peace and detente. But after the horrible killings in Israel/Palestine this summer, peace seems far away. Once more, those who made it clear that the one-sided, unilateral withdrawal from Gaza in 2005 was nothing more than a gimmick (set to free Israel from its legally-binding responsibilities there), are proven right.

During our discussions, many of us foresaw the Kerry initiative failing. Clearly, Prime Minister Netanyahu was unwilling to reach a compromise based on the long-held Oslo Accords parameters. It was equally obvious that the US government was not ready to further pressure him and his odd and eclectic coalition government. And, as neither the Israeli nor the American side made an acceptable offer, the Palestinians could not even be put to test. Thus, politicians and journalists spoke, once more, of “impossible” peace between Israel and the Palestinians, one that is extremely necessary, regardless of its impossibility.

Thus far, analysts and politicians have mainly focused on the institutional aspects of the two peoples’ future. While some see a two-state solution as the only option, the increasing number of settlements in the West Bank and East Jerusalem unfortunately renders it less feasible. And while others have promoted a one-state solution – how would one build, construct, and preserve a state whose two peoples lack trust for each other? On the other end, a popular, extremist political current in Israel wants a strong, expansionist Jewish state in control of Palestinian Bantustans, just as some Palestinian extremists dream about extinguishing Israel and its Jewish population.

Most moderate institutionalists and nationalistic and religious extremists fail to focus on the people, their safety, or rights, and advance their political agendas and ideological aims instead. Additionally, all the theoretical and conventional constructions of the future two-states/one-state will not give the Palestinians

the equal opportunities that they desperately seek. And, despite the walls and their professional army, Israel's (Jewish) citizens will not live in peace and security unless ordinary Palestinians have a future similar to that of their Jewish neighbours. It is precisely because of this brief and simple analysis that I suggest an alternative, egalitarian approach to the Israeli-Palestinian conflict, which prioritises human and civil rights over institutional solutions and incommensurable national and religious ideologies.

However, before I briefly present and explore this alternative approach, one ought to pay attention to an additional nascent difficulty in finding a solution. This difficulty relates to global, regional, geostrategic, and political changes and developments; namely, the decreasing interest of the global powers in the conflict on the one hand, and the increasing infighting among the national, sectarian, and tribal forces of the region on the other.

Much discussion inside and outside the US has been held about the new geopolitical orientation of the US government. The president of the US Council of Foreign Relations, Richard N. Haass has expressed a rising sentiment among US political circles in his following analysis of Obama's foreign policy: "The extraordinary commitment being made to resolving the Israeli-Palestinian conflict is ... difficult to justify ... The emergence of a separate Palestinian state would not affect the dynamics of what is taking place in Syria, Egypt, or Iraq. It would be important and desirable for both Israelis and Palestinians, but it has become more a local than a regional dispute". His advice to the US government, which resonates with many, is to "decrease its emphasis on the Middle East and instead focus more on Asia".

Such re-orientation towards Asia is supported by China's new leadership's growing political, economic, and military activity, as well as Russia's similar re-orientation towards this region, as part of its competition and/or cooperation with China. Moreover, Kerry's failure – which did not surprise European observers – has further diverted attention from the Israeli-Palestinian conflict. Similarly, Alain Frachon recently argued that "The Israeli-Palestinian conflict has lost much of its strategic importance"; neither today's Russia, nor China, nor regional powers (such as Egypt) have much interest in helping the Palestinians, especially the Hamas-controlled Gaza Strip. The same applies to Turkey and Iran – though they follow different strategies; both are not powerful enough and probably have other strategic priorities and pressing concerns.

Justified or not – and I would opt for the latter – the “world’s” prioritisation of other urgent problems with critical and pressing consequences will further divert attention from this seemingly unsolvable problem. Hence, it is probably Europe – though not completely united in its approach – that remains most interested in the Israeli-Palestinian conflict. Europe and its institutions cannot afford to overlook the Palestinian-Israeli conflict; failing to actively engage in settling it would be strategically and morally unwise.

As proposed earlier, in light of these tremendous challenges, a new alternative approach is required. Accordingly, respect for basic human rights should be introduced into all discussions of the Middle East to help raise public awareness of the Palestinian cause: it is about the citizens and the younger Palestinian generation with no opportunities. The fate of ordinary Palestinians is unfortunately at the mercy of the Israeli occupation and some Palestinian political forces, such as Hamas, which plays directly into the hands of extremists in Israel. Indeed, Hamas and Israel’s governments are happy to see Mahmoud Abbas weakened, as they were to see Yasser Arafat weakened. Furthermore, several observers and scholars have noted that, due to the severe weakening of the Palestinian Authority (PA) and its leadership, many Palestinians now view the PA as a subcontractor of Israeli occupation.

Additionally, Europeans should not tolerate the striking inequalities that persist in our neighbours’ daily lives. Rather than trying to find the right institutional constructions (two-state/one-state solution), we should loudly condemn the basic inequalities the people of Israel/Palestine experience. This is not only about the gap in income and wealth. It is about the ability to move freely and without humiliation. It is about the possibility to learn, study, and practise a profession one likes. It is about basic rights, which are taken for granted in Europe and Israel – but not so for the Palestinians. While insisting on the striking asymmetries between the occupied and the occupier, we, Europeans, should make Israeli and Palestinian politicians responsible for changing these wretched realities and conditions and hold them both accountable for improving the fate of the people of Palestine.

It is only within this egalitarian framework of basic social, civil, and political rights that we could and should proceed to consider institutional solutions. One such solution could be a two-state federation with some common institutions: from elements of security, water supply, and, especially, a joint Human Rights

Court that guarantees basic rights to all citizens. A joint court comprising judges from Israel/Palestine and, initially, external third party resources could slowly help to indiscriminately implement basic rights for all as well as strengthen the civil society on both sides.

Those common institutions could also undo and minimise the widening gap between Israelis and Palestinians, who have grown to know each other as enemies and threats. The wall, the increasing substitution of Palestinian workers in Israel, and ideological factors on both sides are responsible for incurring less, instead of more, contact. This separation complicates matters for both peoples – condemned to live together! Thus, any proposed solution should include joint projects and institutions that are premised on a new ethical basis for peace, namely basic rights and mutual recognition.

And, as both sides are responsible for the current mess, both should suggest new ideas and initiatives, irrespective of the weight of that responsibility. The Israelis cannot put the burden only upon the shoulders of the Palestinian government; the former are not helping the latter gain its own people's confidence and support. The humiliation the Palestinian leadership experienced from different Israeli governments made it impossible for them to ask for restraint and patience. Similarly, the Palestinians cannot put the burden only upon the shoulders of the Israeli governments. The internal quarrels, corruption, and lack of realism and frankness were often detrimental not only to the negotiations' success but also to receiving external support, including Europe's.

A new start is necessary and Europe should take the lead. Otherwise, the conflict in the Middle East will provoke rising conflicts inside our own countries, such as those seen during the last war in Gaza – where, alongside the peaceful and honest demonstrations protesting the Israeli government's actions, we saw very nasty and unacceptable reactions against Jews. Indeed, misusing the freedom of expression in European countries and confusing criticism of Israel with anti-Semitism is not only morally unacceptable but also a big disservice to the Palestinians.

Promoting peace, equality, integration, and partnership; transcending state and community borderlines and boundaries; and combating inequalities, segregation, racism and separation are at the core of the European Union and its driving morality. Europe should therefore enhance these same values and principles in the case of the Israeli-Palestinian conflict. As mentioned, an alternative



approach premised on such values offers refreshing and more hopeful venues to settle this intractable conflict of Israel/Palestine. At our conferences in Brussels and Jerusalem, people from both sides agreed on many points, especially ones pertaining to an indiscriminate application of human rights. Also, some of our participants met their vis-à-vis there for the first time (such as the ambassadors of Israel and Palestine to the EU). And so, Europe should continue to create and enhance such encounters and opportunities. We must not miss this chance and fail again. It would be very costly.

## “Two States” as Apology

RAEF ZREIK

The “two states” has become a discursive practice that allows moves and counter-moves, arguments and counter-arguments, evasive strategies, and patterned modes of dealing with the Palestinian Question. As such, rather than talking about the “two states” as an ontological reality or a solution, I suggest talking about the talk itself: what does the talk do? Who are the agents that use, or rather abuse, it? For what purposes is it being deployed, and what could or could not be achieved through this kind of vocabulary?

The “two states” conversation has been kidnapped a while ago by the Israeli centre-right after eviscerating the concept of statehood of any of its commonly associated connotations and implications. The “two states” talk has emerged as an effective way to bypass the discussion of more concrete, vexing, and burning issues like settlements, borders, territory, freedom of movement, water resources, and other issues that matter. That is, as if one could still talk about “two states” while constructing settlements, keeping Israeli presence along the Jordan River, retaining the Israeli control over the West Bank and Gaza entranches, all the while posing the “two states” as an adequate reason to avoid talking about the refugees question, or even as a good justification for ubiquitous discrimination against Palestinian citizens of Israel. If, after all, there “will” be a Palestinian state that can materialise the Palestinians’ right to national self-determination within a nation-state, the Palestinian citizens of Israel are expected to accept Israel’s self-perception as a Jewish state “here and now”, which would supposedly legitimise their inferiority and make them pay “now” the price of a presumed Palestinian state that might, or, more reasonably, might not, be established tomorrow. Hence, if you were to talk about the “two states”, all these would simply be minor issues. I, for one, however, would rather talk about those “minor” issues mentioned above and leave the “state” terminology out.

The “two states” talk became pervasive within Israel only when Israel made sure that this kind of solution is in fact awkward and impracticable (due to the expansion of the settlements and their extensions – roads, schools, universities, industries, land confiscation etc., and ultimately political power). The “two

states” has long become a mere apology, rather than a political program; a smoke screen that aims to achieve its opposite. The expansion of the settlements went hand in hand with the “two states” talk and has even become structural to Israel’s policies and politics, whereby the conversation itself imbues the Israeli politics with certain immunity, so to speak.

The “two states” belongs to the “family of solutions” – a kind of a future vision. However, the device it has transfigured onto avoids and evades talking about the past – namely, excruciating history and past injustices. As such, the “two states” talk has become a machine for silencing the Palestinian narrative and denying it the possibility to air its own version of the story, along with its understanding of the root of the conflict. Who needs the “past” if we are heading toward the “future”? Why talk about “problems” when we already have “solutions”? The “two states” conversation has turned the image of the Palestinian into a stubborn, compulsive negotiator who is stuck in the past. The problem is, however, that the “two states” is not a solution – it is rather an illusion; it promises no future – but rather the perpetuation of the current reality *ad infinitum*.

The average Israeli politician feels comfortable to build settlements, attack Gaza and its people, and confiscate lands for the simple reason that he/she was or is willing to mention the term “two states” – as if saying the term itself eliminates the occupation and dismantles the settlements. Following this logic, any Palestinian who is not ready to celebrate this Israeli readiness to utter the word “state”, deserves to be fought, arrested, have his house demolished, his cities sieged, his economy strangled, and not to mention massacred, as was the recent case in Gaza. And so the mere readiness to utter the “two states” phrase becomes an excuse for further aggression.

The elusive “two states” talk deceptively assumes the existence of two states. Under this fallacious parity discourse, Israel no longer appears as an occupying force and the Palestinians are perceived as having already a state of their own. Indeed, the existence of the Palestinian Authority (PA) with its president, ministers, embassies, and stamps only contributes to the reproduction of this phantasmic, “symmetrical” relationship. The statehood image that is being nourished by the “two states” conversation gives Israel a good justification to wage a war against the Palestinian population *as if* it were a state, though it is *not*. Since the emergence of the “two states” talk (i.e., since the Oslo Accords and the establishment of the PA), Israel has been allowing itself a far higher level of

violence deployment (like using air force or heavy bombardments against the civilian population), which would have been unthinkable during the 1970s and the 1980s. The "two states" conversation creates the image of full separateness between two entities while there is no more than one single, real, and sovereign entity on the ground – Israel; it controls the entire airspace, water, and land between the sea and the river. The Palestinians are not part of the Israeli polity – they are not full citizens and bear no freedom of movement or any of the rights granted to Israeli citizens; and so, they are neither living within their own independent state, nor fully conceived or viewed as subjects living under an occupation.

The "two states" conversation aims to give hope in a hopeless situation and to point at the horizon when the sky is falling down like heavy steel, or cast lead, on the heads of the Palestinians. It is a coin that aims to convince them that what is in fact permanent – the current reality – is only temporaneous. The Palestinians are asked to wait and hope as if *time* is "pregnant" while we all know that time cannot bear any "children". It is time the Palestinians adopted a child; a child not fit for a "two states" baptism, but a child that breaks with the conventional grammar of the "two states" fetish, a fetish that evades and bypasses problems rather than solves them.

We need an alternative approach and attitude that situates the recognition of the *Nakba* – the root of the conflict that should be addressed – at the heart of the matter on the one hand, and accommodates the need of the Jewish people in Palestine to live in peace on the other. This is not a solution, but an attitude that is based on values of individual and collective equality in all of historic Palestine. It also universalises alternative morality and politics for understanding and intervening in the binational reality of Israel/Palestine. This child shall break up with mere slogans and move to the values required to guide and justify the solution. Concretely, this adopted child shall shed the hegemonic chains of the "two states" conversation, speak a different language, use alternative vocabularies, and position the conflict within its most constitutive historical context, namely the Palestinian Nakba of 1948. Put together, these elements pave the way for a different approach on the question of Palestine. Through insisting on framing the question of Palestine within the historical context of 1948, rather than 1967, and by moving from an ossified solution to an approach based on values, principles, needs, and rights, this child will identify, articulate, and focus

on the most constitutive questions, roots, and themes of the Palestinian-Israeli conflict. It does not place the emphasis on the discourse of “solutions” (Palestinians may well achieve their basic national rights within the frame of either the two or one state solution), but rather on a discourse that reframes the questions and open-mindedly approaches the solutions, guided by principles and values that are based on bi-nationalism, equality, and freedom. Ultimately, this alternative conversation will bear solutions – it will be a conversation that opens itself up to the past without living in it.

# New Phase of Palestinian Nationalism

BASHIR BASHIR

Palestinian nationalism is undergoing a redefinition and entering a new phase. One of the central components of this new phase is politically redefining who a Palestinian is. The nascent phase of Palestinian nationalism therefore requires, among other things, a new political and moral grammar. Accordingly, many of the dominant political vocabularies and conceptions increasingly fail to capture the profound political and demographic developments and changes in Israel/Palestine, and thereby require new terms and perspectives.

Politicians and scholars have argued that Post-Nakba Palestinian nationalism transitioned through three main phases, namely pan-Arabism (dominant in the 1950s), Palestinianism (dominant in the 1970s and 1980s), and Palestinian political Islam (dominant in the 1990s and 2000s). Pan-Arabism viewed Arab unity as a guarantee and precondition to the liberation of Palestine. It sought to transcend the separate Arab nation-states, which were viewed as imperial inventions, and create a single Arab state. Palestinianism placed Palestinian identity, independence, interests, and rights at the centre of its politics and gave them precedence over other considerations. Palestinian political Islam largely adopted the nationalistic discourse of Palestinianism and heavily mixed it with religious Islamic content and tone.

However, and regardless of the possible critiques of this typology of Palestinian nationalism, it is the legacy of Palestinianism that has remarkably shaped and influenced Palestinian nationalism. More specifically, during the peak of this phase, we witnessed a critical strategic shift (e.g. the 1974 Ten Point Program), which marked the gradual development of Palestinian nationalism towards coming to terms with the territorial partition of Palestine and pursuing a “statist” enterprise. According to the statist enterprise, a Palestinian state within the 1967 borders is perceived as a feasible and “realistic” framework to actualise the Palestinians’ most fundamental rights and national aspirations. The Ten Point Program (particularly point 2), which accepted the establishment of a Palestinian combatant national authority on any liberated part of Palestine, indicated the beginning of coming to terms with partition, and the rise, and, later,

even the hegemony and tyranny, of the statist logic. Today, this logic remains dominant, though it is recently declining and failing.

The statist enterprise has become hegemonic and tyrannical as it has, among other things, dictated and privileged certain borders (1967's borders), terms, and vocabularies (partition and statehood) to refer to and articulate the Palestinian national cause, thus determining what is permissible, imaginable, and "pragmatic" as opposed to what is not. The statist enterprise of territorial partition assumes that the two peoples are separable and ignores the increasingly intertwined and wretched demographic and political realities of pre- and post-1967. Ironically, these are mostly Israel's colonial and expansionist settlement projects in the West Bank and its recent demand to be recognised as a Jewish State or a nation-state of the Jewish people that have immensely contributed to revisiting and redefining the political discourse, its terms and vocabularies, and paving the way for a new stage of Palestinian nationalism.

I will briefly explore some of the essential elements of the new nascent stage of Palestinian nationalism, along with its potential political and moral grammar. First, politically speaking, the "self" in the right to Palestinian national self-determination is being redefined. The "self" refers to those who deserve and are entitled to the benefits and rights of self-determination. Thus far, when self-determination is invoked, the focus/entitlement has been limited to Palestinians of the West Bank and Gaza. Israel's colonial policies and its new, aforementioned, demands provide an opportunity to reintroduce the Nakba of 1948 through, at least, two core issues that were either eliminated or deferred by the Oslo Accords – the Palestinian minority in Israel and Palestinian refugees. Under this new political and moral grammar, the "self" in the right to national self-determination politically encompasses not only the Palestinians in the WBCS (West Bank and Gaza Strip), but also the Palestinian refugees and those within the 1948 borders.

Second, within the frame of this nascent stage of Palestinian nationalism, there is a gradual shift from an exclusively state-oriented politics to a rights-based politics. It focuses on realising the inalienable and basic, individual and national rights as well as the aspirations of the Palestinian people, regardless of the exact institutional frame (i.e. one state, federation, confederation etc.) within which these rights and aspirations would be realised. Indeed, this allows reemphasising the right of return and re-envisioning Palestine politically,

culturally, and historically as the land from the Mediterranean Sea to the Jordan River, rather than the land of the WBGs. This gradual shift from state-based to rights-oriented politics recognises and capitalises on the great, accumulated achievements of the Palestinian national movement after the Nakba. Put differently, unlike those who view this shift as “suicidal” and/or escapist, the proposed new approach/strategy is gradual and places at its core the Palestinian national rights, most chiefly the right to national self-determination and the right of return. Thus, rewriting the Palestinians into history as a nation deserving self-determination, an important Palestinian national achievement, after decades of denial and negation, is at the core of this new political and moral grammar.

Third, this new vision comes with an inescapable reality. The presence of the Israeli Jews in Palestine, their social and cultural realities, identities and rights will become an internal Palestinian issue and challenge. According to the Palestine national charters of 1964 (article 7) and 1968 (article 6), the definition of the Palestinian identity included Palestinian Jews; however, following the statist and partition logic (e.g. the Ten Points Program), the Palestinian identity was redefined and thereby externalised the Jews – partition meant separation rather than integration. However, under the emerging new stage of Palestinian nationalism, which re-examines the de facto, wretched, and colonial binational realities in Israel/Palestine, goes beyond partition, and treats historic Palestine as one political unit, the Israeli Jews, their identities, and their rights (both individual and collective national rights) are likely to become an internal pressing challenge to Palestinian identity and nationalism.

Surely, one of the core challenges of undergoing a redefinition of Palestinian nationalism and its national project is maintaining a serious engagement with the Israeli Jews and their rights while struggling to dismantle Israeli Zionist and colonial privileges in all of Palestine. Following Edward Said, who insisted that we should capture not only the imagination of our people but also those of our oppressors, offering new Palestinian visions should be inclusive, egalitarian, and emancipatory for the Palestinians as well as for the Israeli Jews. Undoubtedly, these inclusive and egalitarian new visions do not equate the colonised Palestinians with the Israeli colonisers, but rather acknowledge the striking asymmetry between them; they condition the struggle to transform colonial realities and achieve more inclusive and egalitarian arrangements within a process of historical reconciliation. This process places at its core (besides



acknowledgement, assuming responsibility, and offering an apology to the Palestinians) coming to terms with the present and past injustices brought upon the Palestinians by the Zionist movement and the State of Israel since the Nakba; respecting and realising the rights of Palestinian refugees to return and their right to self-determination; structurally dismantling Israeli Jewish privileges; and redistributing resources based on restorative and reparative justice.

The current conditions and predicament of Palestinians introduce a new, highly challenging era, but also one that offers a remarkable opportunity to reconstitute the Palestinian *Demos*, and redefine the characteristics of its new politics. Indeed, redefining and rethinking Palestinian politics is not a matter of semantics, utopian intellectual gymnastics, or a purely discursive matter; it is a very practical, pressing, and pragmatic project, brought about by the sheer wretched and colonial binational material realities. It does not, however, replace the most pressing need of designing short and mid-term policies and strategies that materialistically and emotionally support the Palestinian people on the ground, as well as strengthen their resilience and struggle against Israel's oppressive, colonial, and eliminatory policies and practices.

## **The Aspiration to Normalisation: Rethinking Contemporary Zionist Politics**

DIMITRY SHUMSKY

When Theodor Herzl, the founder of political Zionism, cited the socio-economic and political failure of Europe's Jews to integrate into its non-Jewish national collectivities as the cause of modern anti-Semitism, there were Jews and non-Jews who believed that he was playing into the anti-Semites' hands, and that he probably accorded tacitly their assertions. They were, however, wrong – Herzl never identified with anti-Semitism. Instead, he saw it as the outcome of a weighty political problem (“the Jewish Question” in Europe), and said that the Jews had the clout to work toward solving it by way of establishing a Jewish state.

Alongside Israelis' populist, self-pitying cries at the waves of anti-Israel protests that have been sweeping an increasing number of spots in the world, one hopes that the rest of us Israelis will also try to examine the phenomenon of anti-Israel sentiment, as Herzl, in his own time, examined the complaints of modern anti-Semitism against the Jews. The Zionist movement, especially Herzlian Zionism, sought to turn the Jews into a nation like all other modern nations. However, not only did Zionism fail to do so, but its institutional vehicle, the State of Israel, which sees itself as “Zionist” and is seen as such by others, also makes the Israeli-Jewish nation seem even more anomalous among the world's nations. Before Zionism appeared, the anomalous nature of the Jewish people's existence took the form of discrimination relative to other nations. Today, Israel is not discriminated against in the family of nations; on the contrary, it is given preferential treatment and privileged benefits. Of all the nations on earth, only Israel is still considered a member of the democratic countries club even as it deprives millions of people of their fundamental rights. Only Israel is allowed to imprison another people in enclaves that resemble a ghetto and then claim the right to self-defence when that same people fights for its liberty and national dignity – if at times using terrorist means. Only the Israeli prime minister is allowed to make false comparisons between other states and nations and Nazi Germany, demeaning the memory of the Holocaust and its victims, even

as he protests against the identical kind of false comparison – between Nazi Germany and Israel – such as the one made by Turkish President Recep Tayyip Erdogan. Are we to be surprised, then, that a country enjoying such privilege in the international community has awakened hefty and ongoing waves of hatred against itself? Should a state that seems to stand above international law and provokes the world over its international conduct – particularly the public opinion of democratic countries – be permitted to be adjudicated outside international law?

Hatred of the State of Israel in our times – which frequently spills over into hatred of Jews, wherever they be – indirectly points at a fundamental failure in the fulfilment of Zionism. This failure, which contains within it an existential danger to the Jewish people's status throughout the world, is just as bad as the one Herzl saw in his own day as the basis of modern anti-Semitism. Its main component is the failure of Israel, which has never fully integrated into the family of nations due to the intolerable anomaly of its civil oppression and national subjugation of Palestinians, which are perpetrated under the banner of democracy and freedom. The more profoundly this anomaly becomes entrenched, the stronger the trend of banishing Israel and ostracising it from the international community will grow, coextensively with Zionism's failure to bring the Jews' anomalous political status in line with that of the rest of the nations. This anomaly – of a supposed right to be occupiers and yet be thought enlightened – endangers Israel's status and sabotages the Zionist normalisation project of the Jewish people. And, since it is growing even stronger under the Netanyahu, Bennett, and Lieberman government, which sees itself as impeccably Zionist, one could say that this government is the real betrayer of the Zionist idea.

In order to overcome this anomaly and fulfil the constitutive Zionist aspiration of normalising the existence of the Jewish people in Israel/Palestine, we need to shift from the contemporary dominant interpretation of Zionism, which has been premised on ethnic separation, exclusive Jewish sovereignty and ownership, and the denial of Palestinian identity and rights to a pre-1948 Zionism, which favours “binationalism” (or, rather, the multinational democracy) as the constitutional pattern upon which the Jewish State is to be built, and promotes joint ownership, integration, and coexistence. Indeed, and as I will explain below, the shift to this old-new logic does not, by definition, reject the two-state solution, but seeks to base it on different values and parameters.

It is only when this old-new logic is embraced and Zionism is reconsidered and rethought along its pre-1948 lines (as an in-depth analysis of the political writings of the founding fathers of modern Zionism shows), only then can we start normalising Jewish life in the region.

I will now briefly explain few important characteristics of this old-new Zionist logic and interpretation, which calls for a discussion of the linkage between the Zionist thrust and the so-called “two-state solution”. The “two-state solution” postulates the establishment of two classical ethno-national prototypes of nation-states, whereby their constitutive national groups monopolise the provision and regulation of communal and cultural rights. Still, it is also possible that the two people’s political elites will agree to divide Palestine/the Land of Israel into two countries that are not quintessential nation-states, but rather into states that recognise the communal rights of the other nation’s minority residing in their territory. Another possibility is that they would decide to divide the land into two nation-states, as most residents of the Land of Israel/Palestine currently wish, according to the latest surveys. However, either way, any division of sovereignty between the Israeli-Jewish nation and the Palestinian-Arab nation in the Land of Israel/Palestine, including the option of dividing the land, depends on recognising the fact that the land itself is *binational*: both Israeli-Jewish and Palestinian. Put generically, two people cannot divide up a property unless they are its joint owners – in the sense that they mutually recognise each other’s right to own the land as national groups. That is, dividing or portioning up a land necessitates, first, mutual recognition of their joint ownership of the land. The misfortune is that the vast majority of those who swear allegiance to the concept of “two states for two peoples” refuse to consider “binationalism” because it has been twisted into meaning a “binational state”, rather than the mere *opposite* of “division”, a misconception which should be reconsidered. Two nations that inhabit one land will never agree to its division into two nation-states unless they first acknowledge that it is a binational land.

The advantage of an arrangement naturally stemming from this logic – two states built as consociational democracies favouring shared sovereignties – on the two polar solutions “one-state” and “two states for two people” is evident. Each of these two solutions hides a speck of violence, be it institutional or demographic, vis-à-vis the (bi)national reality between the Jordan River and the Mediterranean. On the one hand, the “one-state” solution practically means

the coercion of institutional standardisation on two nations – a measure that radically alters the daily existence routine and increases the tensions and conflicts between them. On the other hand, the “two states for two peoples” model following the formula of two ethno-national states entails, in turn, the violent evacuation of some Jewish settlers in the West Bank, further expropriation of Palestinians’ land in order to bolster the settlement blocs, and a serious threat to the civic and civil status of the Palestinian citizens of Israel, whose demand to full and equal rights may be encountered with more resolute calls for transfer along the slogan of “Go to Palestine!”. In contrast, the arrangement of two consociational democracies would be based on the containment of the multi-dimensional reality on both sides of the Green Line: the foundational principle of divorce and separation, which has been detrimental to the last century, would be replaced with the common sense of moderation and adaptation to the complexity of the diverse human experience that characterises the present century.

It is therefore essential that Israeli-Palestinian diplomatic negotiations be conducted on the basis of a completely different logic than the one on which they have been conducted so far. A division of the land between the two nations must not be discussed until they agree that they have joint ownership over the land. This might require a different kind of politics, too; one that departs from the logic of political settlement between the parties’ respective political elites and opens up the gates of historical reconciliation between the two nations. There is, thus, hope that someday such an arrangement will be put on the negotiations’ table, and the sooner, the better.

# Engaging with Sovereignty in Israel/Palestine

AZAR DAKWAR

Israel's Prime Minister Benjamin Netanyahu has recently declared upfront: "there cannot be a situation, under any agreement, in which we relinquish security control of the territory west of the River Jordan".<sup>1</sup> In other words, Israel's military occupation and sovereignty over the West Bank are here to stay. Very few informed observers and scholars of the Israeli-Palestinian conflict would contest the claim that the current empirical constellation in Israel/Palestine is that of a "One State Reality" or "Single Sovereignty Condition" – Israeli-Jewish *par excellence*. The unsuccessful Palestinian attempt in 2011 to gain international political recognition at the UN Security Council has marked the brain death of the "peace process". The UN General Assembly vote in 2012 granted Palestine "non-member state" status and was an important Palestinian psychological and political win; but it has, alas, changed almost nothing in the material and socio-political certainty of colonisation and discrimination in Israel/Palestine. As dispossession and settler-colonisation in East Jerusalem and the West Bank are ever increasing, there is not much left of the physical territorial divide (let alone the necessary political mobilisation/will necessary for realising a viable two-state solution based on territorial partition). In effect, Palestinians and Israeli-Jews are living together in a reality of spatial and bi-national heterogeneity, which further jeopardises the "two exclusive nation-states for two people" recipe which begs national homogeneity and demographic separation.

In the past ten years, numerous dedicated Israeli and Palestinian scholars and commentators have argued that one of the paramount generators of the conflict's intractability is not concerned with the "state(s) formula/arrangement" as a solution. One can easily envisage a one-state solution with rampant Israeli colonisation and discrimination, or two states without a truly sovereign Palestinian state (subordinated to efficient and complex control arrangements), and with renewed internal colonisation inside Israel (as observed in the Naqab/Negev area). This analysis does not disqualify the sound empirics of states as powerful, and crucial, institutional frameworks shaping political options, the distribution of resources and people's individual and collective rights. However, it is

the content and context of these institutional arrangements that we must discuss as well as their ability to correspond with fair distribution of resources and equal individual and collective rights. With the waning of the “peace process”, the relevance of and desire for a Palestinian state sovereignty has been receding for many Palestinians as one worth being pursued as a core and organising political objective. They wish to get rid of Israeli occupation, but not necessarily to surgically divide the land if this division severely compromises their political and historical individual and collective rights. Ending the Israeli military occupation and colonisation and enjoying self-determination, besides realising justice for the refugees, remain central along with a strong attachment to the land.

The state is a most meaningful unit of analysis in the modern political reality, yet it lies in a conceptual field and epistemic discourse which are intimately related to sovereignty; for what makes a state a state? In this sense, our modern and conventional will to political knowledge is intertwined with the idea and perception of sovereignty from the start. The relationship between questions of sovereignty (practically understood as the exclusive and absolute practice of authority) and questions of knowledge are more interlinked than what common wisdom reveals or enables us to imagine. The very divide in international discourse on Israel/Palestine, between what is posed as a political question and what the discourse qualifies as apolitical is the result of a regimented politics of truth and knowledge generation orchestrated by powerful international agents and dishonest peace brokers. These actors are increasingly put under public scrutiny and are thus called upon to rethink and revise their “peace promotion” policies. Avoiding, temporarily, the direct question of the “process” required for ending the Israeli occupation, and instead asking about how it was spoken of or deployed throughout the last three decades might help in the rethinking task. The “process” has basically served as a cover for transforming, and has in itself facilitated twisting, the material reality beyond what was presumed by the original intention and discourse of the process: viable two-states based on territorial partition. Once this incongruity between the empirical reality and the predominant discourse on solutions is realised, the rethinking imperative becomes unavoidable, both morally and politically. Connecting the answer to this enquiry with the difficulty of speaking of and knowing what the hypothetical Palestinian sovereignty denotes nowadays when talking about the “two-state solution” might open up vistas of alternative, practical, and valid solutions. Increased

attention should also be devoted to the discourse on power in the Palestinian-Israeli conflict, which is usually bracketed and as such serves as a strategy for concealing real power relations and silencing daily grievances. Broadly speaking, the discourse on sovereignty is a discourse on power, but that does not imply that we ought to accept its reduction to an expression of factual power relations or to a practice of concealment.

Israel's Ministry of Housing and Construction has recently launched an official website for marketing housing units in the State of Israel, demarcated as the entire polity between the Jordan River and the Mediterranean Sea. The supplemented map and the zoned areas therein contain no mention of the Green Line or any reference to the Civil Administration in the occupied Palestinian Territories (oPT) (the responsible instance for land and housing matters). It turns out that marketing housing units for Jews in the illegally confiscated lands of the West Bank is delegated to the respective responsible body in "Israel proper" – Israel Land Authority.<sup>2</sup> Anthony Giddens has pointed out that "sovereignty simultaneously provides an ordering principle for what is "internal" to states and what is "external" to them". This double and constitutive character of sovereignty is a principle, if not the principle, of *legitimacy* peculiar to the modern international order/system. Israel's sovereignty in the oPT appears not to float free of its instances in the "domestic" and "international" spheres. Rather, it cuts across these levels of observation and analysis, and is probably the condition behind their simultaneous separation (e.g. "autonomous Palestinian Authority") and interdependence (e.g. sweeping Israeli control over Palestinian land and biopolitics). Put differently, Israeli sovereignty performs a crucial logical link between what Israel portrays as Palestinian ubiquitous disorder and violence and its immanent subjugation and imposed illegitimate order over Palestinians.

Despite serious recent attempts to rethink and differently reconceptualise sovereignty, the paradigmatic and customary understanding of sovereignty in international law on Israel/Palestine has hardly changed. It is largely treated as "the monopoly over territory". There is little doubt that such an imperial understanding is anachronistic and does not correspond with the fundamental revisions and requirements of the notions and practices of democracy and justice in the case of Israel/Palestine. The relationship between the ruler and the ruled in whatever power constellation of authority is normatively bound to be examined through the concept of legitimacy, be it input legitimacy and accountability



(responsiveness to the representation and plurality of represented interests of those affected) or output legitimacy (enhancing problem-solving capacities of the ruling power for the benefit of those ruled by it). While guardians of international law are supposed to act unambiguously upon Israel's ferocious occupation, however suspended by the everlasting "peace process", the adjudication of de-facto Israel's illegitimate sovereignty by these actors is quite a clumsy matter. International law and sovereignty seem to be disjointed, if not incommensurable at the operational juridical level. Therefore, for international actors interested in upholding international law and resolving the conflict, it is imperative to question the practices of Israeli sovereignty in the oPT and mobilise political pressures in solidarity and support of the immediate and basic needs and rights of the Palestinian subjects withstanding its appropriative and eliminatory thrust.

In accordance with comparative studies on materialisations of sovereignty, one could claim that without a proper mode of knowledge to render it intelligible, the absolute and exclusive Israeli authority over the entire land and people between the Jordan River and the Mediterranean Sea cannot exist, and loses its capacity to organise political reality through a demarcation of its spatial or ethnic referents: inside from outside; "same" from "other".

It is my contention, therefore, that it is time to depart from statist sovereignty containers as the organising principle for the imposed Israeli oppression, or the international conflict-resolution efforts. Unpacking Israel's exclusive state sovereignty, hence, is an epistemic task that could invigorate latent political forces against the current actuality of dire realities on the ground as well as against the despair and tragic futility on part of the oppressed. This task promises to un-bracket questions of burning immediacy to Palestinian well-being: property rights, access to water and natural resources, economic exploitation, freedom of movement and accountability. It is also important to acknowledge the constraining effect of this protracted conflict on Israel/Palestine's peoples' allegiances, perceptions, and socio-cultural autonomy.

The aforementioned conditions and observations bespeak an alternative notion of sovereignty – one that guarantees the national and individual rights as well as the cultural habitus of the peoples of Israel/Palestine. In short, it is time to problematize a modicum of sovereign rights of the Jews and Arabs in Israel/Palestine along non-statist logic; one grounded in norms of reciprocity, respect, bi-nationalism and egalitarian democracy, and in an ethos of

decolonisation and human dignity. The above endeavours must start from an analysis of the present and explain the formation of this present in terms of its past – not in terms of telling what actually happened in the past, but describing how the present became logically possible, and thus optimising interventions aimed at instilling justice and peace among the people of Israel/Palestine.

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- 1** Read more at: <<http://www.timesofisrael.com/netanyahu-gaza-conflict-proves-israel-cant-relinquish-control-of-west-bank/#ixzz3FC6j4Txd>> (last accessed on October 3, 2014).
  - 2** More details at: <<http://www.haaretz.co.il/captain/net/premium-1.2441158>> [Hebrew]; <http://www.land.gov.il/static/start.asp> [Hebrew] (last accessed on October 3, 2014).

# New Horizons

INBAL ARNON

I write this in the bloody aftermath of the summer 2014 war on Gaza. Over 2000 Palestinians have lost their lives, 64 Israeli soldiers, and 3 Israeli civilians. Weeks of indiscriminate bombings have left Gaza in devastation – countless of innocents killed and injured, the infrastructure completely ruined, no regular out-flow of electricity or water – a man-made catastrophe. Israel's already-neglected south has suffered numerous Hamas rocket attacks, leading it to a complete economic paralysis. And the recent racist and anti-democratic rhetoric in Israel is like nothing I have seen before. Compassion for the other is seen as an act of treason, Palestinians inside Israel are being fired for opposing the war, and left-wing demonstrators are beaten up and publicly ostracised. These are bad days for anyone who believes in a different future. And yet, it is precisely at this moment of deep crisis that alternative visions are most needed. Twenty years after the Oslo Accords, a just and viable two-state solution is far from materialising. The past twenty years have deepened the oppression and inequality, strengthened Israel's control over the Palestinians, and provided neither lasting security for the Israelis nor freedom, independence, or dignity for the Palestinians. Twenty years after the Oslo Accords, and we find ourselves in a political deadlock.

What caused this deadlock? And how can we move forward to a better future for the two peoples?

I was born and raised in Israel, and grew up in a political house that actively opposed the occupation, believing that the only way forward is a just two-state solution. However, over the past few years, and after discussions with like-minded Palestinians and Israeli-Jews, I have come to realise the need for a much broader paradigm shift. That is, a political framework whose starting point is not a particular implementation, but a set of principles that guarantees the individual and collective rights, interests, and identities of the two people. A set of principles acknowledging the religious and historical ties of both peoples to the entirety of historic Palestine; a set of principles acknowledging that both the Palestinian and Israeli-Jewish collectives should have a legitimate presence in

the Middle East; principles acknowledging that neither of the two peoples can have exclusive privileges or sovereignty over the entire land.

Why is the logic of separation – endorsed practically and rhetorically in the Oslo Accords, and championed by many Israeli Jews – so problematic? On a practical level, it ignores the fact that the lives of the two peoples are geographically intertwined and ignores the fate of the Palestinians inside Israel. It also ignores the history of the conflict, and, particularly, the Nakba and the 1948 refugees. Talking about two states, one Jewish and one Palestinian, ignores the bi-national reality on the ground – the fact that 20% of the population inside Israel is not Jewish. These omissions have serious consequences: the logic of separation, of construing the other as the enemy and peace as a divorce process, is reflected in the growing racism and discrimination against Palestinians inside Israel, and the increasing marginalisation of anyone dissenting from this position.

On a more conceptual level, separation in and of itself does not guarantee the individual and collective rights of the two peoples. The two-state solution – as assumed implicitly in the Oslo Accords and the years since – has failed, not only because its implementation was flawed, but also because it did not address several fundamental issues: (a) it did not resolve or rectify the inherent political and economic asymmetry between the two sides, (b) it did not address the bi-national reality inside Israel, (c) it did not resolve the refugee problem, and (d) it did not provide the sides with an acknowledgement of the legitimacy of both collectives to live in the region. All of these concerns can be addressed by moving to a principles-governed solution, whereby the main priority is to ensure the individual, collective, and national rights of all those living between the Jordan River and the Mediterranean Sea.

What could this alternative paradigm look like? And why would Israelis be interested in promoting it? For while the status quo is devastating for the Palestinians, Israel, at least on the surface, has not suffered from it. On the contrary, Israel has gained both relative security and additional land and resources. However, on a deeper level, only mutual recognition, and a fair and just solution, can offer Israel, and Israelis, a long-term and viable presence in the Middle East. I believe, and hope, that this understanding, which has seemed so alien to contemporary Israeli public opinion, is slowly gaining ground. For the only future the Israeli government offers its citizens is one of perpetual bloodshed, war, and

violence – a constant struggle against the entire Middle East. This vision, combined with the growing internal economic difficulties, poverty, and decreasing trust in the government, may slowly push people to look for a different horizon.

What could that horizon look like? It would have to start from the recognition that the land between the Mediterranean Sea and the Jordan River is home to two peoples, both of whom deserve to live in dignity and peace, and neither of whom is entitled to exclusive privileges. This horizon would have political, social, and individual components. The *political* arrangement will have to be reformulated and rethought, but seems to point in the direction of a confederation of two national entities – with a recognised bi-national reality. The *economic* relations between the entities will aim at reducing the disparity in living conditions between the two economies. On a *social* level, the horizon offered to the two peoples will emphasise social justice, close to social-democratic perspective, whereby the state ensures the wellbeing of its citizens, their education, health, housing, and other social rights. On an *individual* level, the basic understanding is that all human beings are born equal, and that all deserve equal rights, regardless of nationality, ethnicity, religion, gender, or sex. Unlike the Oslo Accords, and many other political arrangements, this horizon offers a holistic vision: one that addresses not only the relations between the two national movements, but also those between the citizens themselves as well as those between the citizens and their governing bodies. It is a far-reaching, “great vision”, but it may offer a more hopeful and lasting future for Israelis and Palestinians alike.

# New Paradigm for Israel/Palestine

LEILA FARSAKH

For the past twenty years, the two-state solution has been the internationally endorsed solution to the Israeli-Palestinian conflict, and has been the basis for Israeli-Palestinian mutual recognition. Yet, with every Israeli official acceptance of the rights of the Palestinians to their own state, Israel has constructed new settlements on the occupied Palestinian lands. Today, more than half a million Israeli settlers live in the West Bank, including the occupied East Jerusalem, which further fragments the Palestinian territorial integrity that the Oslo peace process promised but failed to protect. After twenty years of the Oslo peace process, the Palestinians find themselves far from independence. They are further enclosed in population enclaves surrounded by a 703 km separation barrier, which they cannot cross without a permit from the Israeli military commander. The promise of a two-state solution has metamorphosed into the nightmare of an apartheid reality.

Thinking of alternatives to partition in Israel/Palestine has never been as urgent as it is today. It is necessary because the two-state solution has been destroyed under the weight of an unequal and discriminatory one-state reality. Israel continues to control people's movements, as much as it does their land, regardless of whether they live inside the 1948 borders or beyond them, and whereby Palestinians cannot move freely as Israelis do. There is one sovereign and legal authority that rules over the space from the river to the sea, but one that is partly based on democratic rules applied on Israeli citizens, be they settlers or residents of Tel Aviv, and partly defined by military orders applied on Palestinians, and which continue to demarcate their space.

Moreover, there is only one economy that engulfs both Israel and the Palestinian territories: it is dominated by Israeli capital, benefits Israeli labour, and one from which Palestinians in the West Bank and Gaza cannot viably separate. 90% of Palestinian exports go towards Israel and 70% of their imports come from Israel. The siege on Gaza has forced it to develop an entire tunnel-economy connected to Egypt, barely allowing Gaza to survive. Gaza's air, land, and sea access remains under Israeli military control. Before the latest war, a third of

Gaza's population lived in poverty and 70% of its population still received aid. In 2013, unemployment was over 30%, compared to 18% in the West Bank, and, in 2014, per-capita income in Gaza is lower than it used to be in 1993, and is half of that of the West Bank. By 2025, the Gaza Strip will be ecologically untenable, given the weight of its population growth and strangulated economy. The West Bank has known growth (or, rather, unsustainable growth bubbles) only thanks to the generous donations of the international community, which has been providing it with over \$1.1 billion per year since 2000. Furthermore, and since 1993, the European community alone has given the occupied territories six billion Euros, indirectly subsidising an occupation that it, along with international law, had defined as illegal.

However, ever since the failure of the Camp David negotiations between the PLO and the State of Israel in 2000, which was followed by a debilitating violence, a growing number of scholars, activists, and politicians have called for a paradigmatic shift in resolving the ongoing conflict. They have been advocating alternatives to partition that promote rights, rather than statehood per se, in any discussion in that regard. Such a rights-based approach is necessary because the project of a viable Palestinian state has been destroyed. It is inevitable because the present one-state reality is dangerous to all its residents. It is ethical because it does not seek to remedy an injustice with another form of oppression. It can be realistic because it neither negates historical developments nor aspires to an unattainable ideal. It is founded on principles that acknowledge individual and collective rights of Palestinians and Israelis, without giving precedence to one group over another. It is not bound to a specific, territorial solution, for it prioritises political rights over questions of territorial sovereignty. It protects both the Palestinian and Israeli right to self-determination, based not on mere territorial terms but on a democratic, inclusive polity, be it bi-national, confederate, two-states, or one-state.

From a Palestinian perspective, this alternative to partition respects the unity of the Palestinian body politics without fragmenting it as the Oslo Peace Process has. It guarantees the right of the refugees to return without infringing on the rights of the land's present inhabitants. It protects the rights of Palestinian citizens of Israel, whose collective rights have long been denied and absent from any political equation. It allows the Palestinians of Gaza, as the West Bankers, to be reconnected with their brethren and to move freely in their land. Politically, it

provides a means to acknowledge Jewish attachment to the land, based on the principle of political equality, rather than on the superiority of Israeli security considerations over Palestinian basic human and political rights. In this respect, it pushes the Palestinian political leadership to rethink its idea of a democratic state, which it proposed in the 1970s, in ways that include, rather than abstract the “other”. The challenge lies, however, within the Palestinian leadership’s capability of such generosity when bombs continue to fall on Gaza, when Palestinian citizens of Israel are still discriminated against, and refugees relive their traumas times and again.

In this regard, the EU has an important role to play. Peace in Israel/Palestine is of vital importance to its interest in regional stability and security in the Mediterranean. The EU is best placed to uphold international law and hold Israel accountable to it. It is most capable of engaging the Palestinian and Israeli leadership in thinking of alternative models of statehood. Furthermore, it can help address the challenges that stand in the way of implementing a rights-based alternative to partition, namely creating a legal infrastructure that can support it. For, just as UN resolutions 181 and 242 form the international legal basis for a two-state solution, a new resolution could create the legal foundation for a state for all of its citizens, be it a binational or a confederate state. The EU knows too well the scares of partition and the remedy of economic and political union. It has both historical responsibility and the economic clout to defend the right of all to equal political rights.



# There is Hope beyond Despair and Partition

AVRAHAM BURG

The Middle East has undergone a series of dramatic, tectonic changes in recent years. The Israeli-Palestinian conflict, which in the past served as the focal point of regional tensions, is becoming just one of a number of regional and global challenges whose solution is very critical today as a vital part of new balances of power and alliances. Two questions arise from these major changes: why are not the Israeli and Palestinian societies experiencing such “game-changing” turbulence? And why is not a resolute political force emerging from the status quo demanding the acceptance of comprehensive solution that would open a new chapter in the relations between the peoples?

These two questions are clearly tied together and require profound and critical investigations of the politics, sociology and strategy of both societies. However, my analysis will focus on the Israeli side only. With an in-depth look at the roots of the Israeli strategy; trying to understand why all of the efforts to resolve the conflict have failed so far. At least from the Israeli perspective, the answer is clear: Israel’s current political and diplomatic outlook prevents it from reaching a fair and final agreement. If only because of the fact that most of the Jewish political system in Israel is driven by the Zionist idea. The prevailing interpretation of the idea contains built-in obstacles. It is focused on itself, on solving the existential problems of the Jewish people, without “conversation” tools, a commitment, or connection with the surroundings where the solutions must be found. In this sense, Israel is a type of psychological “ghetto” that makes it hard for its inhabitants to venture beyond its subliminal walls. The Israeli political leadership knows the truth, but has been loath to contend with these basic national strategic challenges. This leadership finds it hard to admit that during the first seven decades of the state’s life, insufficient efforts were made to avoid reaching the current reality. At the same time, the mechanisms of obliviousness, separation, and false symmetry that forged this reality have grown more powerful and dominant. I will briefly explain these mechanisms before I offer a strategic alternative.

### ***Obliviousness***

Almost since its inception, Zionism adopted obliviousness and disregard to other people's presence as its strategy. The statement "a land without a people for a people without a land" marks its onset. Rooted in the then-predominant, European arrogant approach towards the entire East, it was only natural that this attitude would flourish in the hearts and minds of many colonialists, Jewish and Western alike. However, while this attitude was dropped with the end of the colonialist era, it still exists in Israel; disregard for the existence of the Palestinian people and their desires continues to this very day. This attitude grew even stronger with the establishment of the state and was blatantly expressed in the legal and political attitude toward "present absentees" – the Palestinian citizens of Israel who were uprooted from their homes during the 1948 war and defined in the Absentee Property Law as absentees (and whose property was expropriated) despite their actual presence in Israel. Later, prime ministers of Israel Golda Meir, Ehud Barak, and Ariel Sharon would, respectively, grumble that "there is no such thing as a Palestinian people", determine that "there is no partner", and unilaterally withdraw from Gaza because "there is no one to leave the keys with".

Flourishing communities were established on the ruins of demolished villages, holy sites were left in a state of neglect or converted for use as unhallowed ground, and isolated fences of prickly pear cacti remain muted testaments to the memories of disregarded people. The mechanisms of forgetting did impressive work in erasing the Palestinian presence from the lives of Israeli Jews within Israel (Proper) – the Green Line borders. However, the Six-Day War and the occupied territories resuscitated all that the Israelis had managed to bury within their side of the border, and highlighted the problems of 1948 in Israeli life. And, ever since then, the question in its entirety is expressed in every possible way: in diplomacy and reality, at the Knesset and Ramallah, in the international arena and Gaza. Thus, we obsessively engage in simultaneously forgetting and reminding – without being able to approach the aching core, facing the facts and history, and without trying to repair the future without creating new injustices.

Furthermore, Israeli governments have tried to extend their policy of disregarding Arabs to the Occupied Territories. The Jewish-only "bypass roads", the separation wall, complementing thousands of additional kilometers of fences,

minefields, and warning and deterrent systems are all designed to achieve two objectives: to continue concealing the problem from Israeli eyes; and to perpetuate another mistaken, decades-old strategic guideline – partition between the peoples.

### ***Separation***

The State of Israel was founded by virtue of UN Resolution 181 in November 1947. This decision was preceded by decades of countless declarations, committees and plans most shared the concept of partition. The Arab rejection, the results of the 1948 war and the circumstances created on the ground during the course of the following seven decades did not leave a trace of the original plan – excepting a single word, that is, which was adopted as a sweeping strategy: partition. The principle of separation was planted very deeply and became the guiding Israeli principle in the space between the Jordan River and the Mediterranean Sea.

During the first two decades of Israel's existence, most Israeli Arabs lived under a military administration, unlike the majority of Israeli Jews. Even after the military administration was lifted, full integration was not achieved. The state budget allocations for the Arab public, for example, are disproportionately small and discriminating. And, while the generally hollow citizenship was granted to Palestinians living in Israel, the residents of the territories have neither citizenship nor rights. Exclusion from the public spaces, services, and political independence remains uncontested.

Furthermore, the overwhelming majority of the Jewish citizens of Israel does not distinguish between the Arabs of 1948 and those added to Israeli responsibility in 1967, perceived domestically as unequal citizens and externally as enemies. Israelis describing their state as “a villa in a jungle” explicitly displays such attitudes; many see their state's belligerence as essential, acting as a legitimate, electric fence separating the imagined “civilisation” of the villa's inhabitants from the “barbarity” of the jungle dwellers, separating master from serf. And, while many voters for leftist parties in Israel want peace, they seek it for its separatist, rather than its existential value.

## ***Asymmetry***

Disregard and separation enable the Israeli political soul to create a comfortable illusion for itself and to believe that this illusion is the exclusive truth. Many Israelis developed a strange sense of equivalence, whereby the dispute is perceived as one between equals. More precisely, although Palestinians in Israel comprise a mere fifth of the population, and despite the fact that millions in the territories have lived in a state of complete denial of rights for nearly fifty years, many Israeli Jews feel that there is symmetry between the peoples, as if it were a dispute between equals. However, there is no parity at all. Israelis have a state while the Palestinians are stateless. Israel has a strong and flourishing economy while the majority of Palestinians suffer from systemic poverty. The Jewish state has absolute power and the Palestinian people barely have the right and power to protest. Briefly, this is a glaring case of striking asymmetry. The fictitious sense of equality enables Israelis to offer themselves reassuring comparisons about “the most moral army in the world” and “the only democracy in the Middle East” and “look what is happening in Syria”.

## ***What's next?***

Zionist thinking could only go as far as the Oslo Accords. And, while Oslo's intentions were good, its outcome testifies to its failure. Based on “partition”, the Accords achieved their unconscious objective: a nearly ultimate separation between the peoples, diminishing shared spaces and points of contact. The Oslo Accords fully exploited the capacity for disregard, separation, and asymmetry between the powerful State of Israel and the Palestinian people. It failed to fully pursue the idea of the Palestinian state (which would balance the asymmetry between the collectives), and it failed to relinquish the monopolies on control, power, and separation. Moreover, distancing the Palestinian presence from Israeli life removed the issue from everyday political life and weakened the camp that championed dialogue. Thus, Oslo, the greatest political achievement of the peace camp, engendered its own demise.

What should the next stage be, then, for those still committed to a peaceful solution of the conflict? While reality looks depressing, it is precisely great despair and violence that render this moment as ripe for an alternative. To potentiate a

different and genuine political solution, we must adopt a paradigm with a different internal logic, based on inclusion and partnership. This paradigm will generate a different reality for the two peoples: neither side – between the Jordan River and the Mediterranean Sea – will have monopoly on power, liberties, resources, government, or territory. The absolute privileges for Jews will be dismantled; an indiscriminate constitutional system and realm of justice will be built; and equal rights and freedoms for all will comprise the ethical basis. Two independent state entities of the Jewish and Palestinian collectives will operate accordingly, and above them will preside a coordinating superstructure – a confederation with agreed-upon authorities and capacities.

While “fat chance” will be the automatic response of many, the outcome of the expected synergy will be larger than the sum of its parts. The proposed system would generate more peace, security, and stability than possibly imagined today: as soon as the walls of separation fall and the partition ends, new principles and practical horizons will open for the two peoples. Life without barriers will indeed create new frictions, but will also spawn new partnerships and acquaintanceships facilitating hope, cooperation, and building.

## Drawing Palestine, Drawing Israel: Going Beyond Separation

YONATAN MENDEL

It hit me on Edgware Road. I was about 25, a new student in the Master's programme of SOAS (School of Oriental and African Studies) who had heard so much about this area of London – “the closest place to the Middle East outside the Middle East”. As a young Jewish Israeli for whom “the Arab world” had always been a threatening, unreachable concept, the Edgware Road solution – with its Arabic bookshops, music, restaurants and shisha places – was a permissible path to follow. There, sitting in the first Lebanese restaurant I came across, I “got” it. The nice waitress who took the order wore a golden necklace with a pendant of a map I knew well. The map had no flag or colours on it, but its shape left no room for misunderstanding. I could feel my heart racing. I didn't want to tell the waitress where I came from. And even though I tried to hide it, I couldn't take my eyes off her necklace. I ate quickly, paid, and disappeared, hurrying back to the Edgware Road tube station, bringing my Arab experience in London to a close much earlier than planned.

That encounter on the Edgware Road has haunted me ever since. I remember trying to understand why a golden map on the neck of a young Palestinian woman made her, in my eyes, my “enemy”, and an “extremist”; and why I never thought that the same map, with the label “Israel” on it, could be considered just as “hostile” and “extremist”. That same year, upon reading about “Census, Map, Museum” in Benedict Anderson's *Imagined Communities*, it became clearer to me that maps had a constitutive role in the creation of their users' political imagination. Furthermore, as Anderson puts it, maps represented the spatial conflict and, as such, directly impacted the vocabulary of the two sides' politics. In the Israeli-Palestinian context, I realised, the map is not only a basis for analysis of a “political reality”, quite a fluid concept on its own, but also a source for the axioms, fears and desires, logic and phobias, and political reading and historical perceptions of the peoples using them. This could also explain how the “map of Palestine”/“map of Israel”, which Israelis and Palestinians draw in the exact same way, has become a symbol of both a shield and a sword: it expresses

the demand for one's own recognition on the one hand, and sabotages the other's demand for the very same on the other.

The Israeli authorities' repeated accusation that the Palestinians do not acknowledge the State of Israel on their maps (a recurrent element in what Israel considers the Palestinian attempt to "delegitimise" Israel and "an act of terror") usually culminates in what Israel considers as "incitement": Palestinian textbooks that include the map of historic Palestine without mention of Israel. However, these accusations, given by the vast majority of Israelis, lose their virtue when one looks at the Israeli textbooks or the majority of Israeli maps (such as the weather maps in the leading Israeli newspapers) in which the map of Israel is drawn with no indication of the existence of Palestine, no sign of the Green Line, and no mention of "The Occupied Territories", let alone the words "Palestine" or "The Palestinian Authority".

Each side's take on the map generated a unique way of negotiations over the land. Strikingly, in all negotiations, from the Oslo Accords to the Wye River Memorandum, from the Camp David Summit to the Road Map, from the Sharm al-Sheikh Memorandum to the Annapolis Conference, the division of the land was always marked on the same map – the one known to both Israelis and Palestinians – on which different lines were drawn. Never has a map of "post-agreement Israel" or "post-agreement Palestine" been presented. This means that the complicated sketches have been accepted only so long as they were drawn on the same familiar map of historic Palestine.

I once tried to imagine the future of Israel and Palestine if they were to be separated into two nation-states. I drew the map of the two post-agreement independent states: of "Israel without Palestine" and "Palestine without Israel". In drawing these maps I followed what the media has portrayed as the accepted principles for any future agreement (which included Israel maintaining its hold of the Jordan Valley and of "settlements blocs" in the West Bank in exchange for territories added to the Palestinian state in the Gaza Strip and a road connecting the Gaza Strip to the West Bank). The result was these two maps:

**The State of Palestine****The State of Israel**

*Sketches by Yonatan Mendel*

It was weird to look at these two maps of the two “nation-states” of Palestine and Israel for different reasons. Firstly, it made it crystal-clear that both peoples never imagine themselves without the context of the familiar map of historic Palestine. Secondly, these two maps highlighted, visually rather than verbally, the impossibility of separation. It poses the question: for how long would the independent and sovereign “State of Palestine”, as depicted on this map, continue to be “swallowed up” by the “State of Israel” that surrounds it on all sides without generating another round of violence? And it also makes us wonder whether the separation of territories between the future states of Israel and Palestine is at all possible considering their obvious intertwinement with one another. Thirdly, it is obvious that no Palestinian would ever draw “Palestine” as the weird map presented on the left and no Israeli would draw “Israel” as the hollowed out state shown on the right. It is obvious that the separation will not be sustainable and will also not come to grips with the deeper layers of the Israeli-Palestinian conflict, including crucial dilemmas such as the refugees,



the place of the Palestinian citizens of Israel following the “separation”, and, the elephant in the room – the question of 1948.

Most importantly, the two improbable maps of the “State of Palestine” and the “State of Israel” emphasise that building an agreement with the stones of separation might result in a house, but not an enduring one. The arguments against a “purist” two-state solution must therefore be reconsidered, along with the idea that perhaps no solution is better than an unjust one, one that does not deal with deeper layers of the conflict, and one which is not sustainable. On the other hand, leapfrogging straight into the “one-state solution” also encompasses a series of difficulties, including the cementing of apartheid relations between Jews and Arabs, the fear and hatred that may result in violence and internal separation, and also other, serious complications such as the Jewish-Israeli fear of being a minority in a state shared with the Palestinian people, the Palestinian desire to have an Arab-Palestinian state with an Arab-Palestinian identity, symbols, and language, as well as an Arab-Palestinian state that does not share a polity of Jewish and Hebrew symbols, a joint flag, and a joint anthem, etc.

The improbability of separation into two states and the current impossibility of genuine unification into one state therefore render reasonable and possible a set of solutions that have become dominant in the last decade or so. At the basis of all these “out of the box” solutions, however, lies one principle: the shared space from which any solution will emerge and be implemented. In this shared space, Palestinians and Israelis would apply a political settlement that may be based on autonomy, differentiation between citizenships and residencies, on a unification between two states, on a parallel-states solution, on a solution that allows the two states to complement each other, on a confederation-based solution, agreements that would facilitate the freedom of movement within this shared space, on dialectic relationships between the Jewish and Palestinian entities, and so on. More than anything, these agreements will stem from the recognition that both peoples use the same map of their homeland. This fact, presented today as a source of concern, could serve as the key to the solution. Hence, an agreement acknowledging this simple, symbiotic relationship, rather than the physical barrier between the states, is likely to be the one that produces a peaceful and enduring solution.

Buying a sandwich at “Tomer’s Bread” bakery in West Jerusalem in 2014, I recalled the Edgware Road experience from a decade ago. The Israeli-Jewish girl

who took my order was also wearing a golden necklace with a pendant of a map I knew well. The map had no flag or colours on it, but its shape left no room for misunderstanding. It was Israel for the Israeli-Jewish girl and Palestine for the Palestinian one. The contested land of historic Palestine, which is worn around the necks of both Jews and Palestinians, in both their homeland and the diaspora is indeed the current source of a bloody, intractable conflict. But juxtaposing the two maps, and deciding to share this land rather than partition it, could be one courageous step towards solving the Israeli-Palestinian conflict, allowing the two girls to wear the same necklace without viewing each other as enemies.

## **The Ultimate Act of Palestinian Resistance**

SAM BAHOUR

### ***A call for political leadership***

As the horrific carnage in Gaza slowly moves off the world's headlines and all the shock and outcry that reverberated around the globe turns its attention, for now at least, to the healing and reconstruction processes and to the next current affair, the Palestinian political leadership has a historic responsibility at its doorsteps. It must either act now or step down.

After Secretary Kerry's efforts folded into Israel's latest aggression on Gaza, and given the backdrop of the newly acquired UN status for the State of Palestine, there is nothing left stopping the Palestinian political leadership from taking the political initiative, one that will be a game changer that matches the seismic shift that has just emerged from Gaza.

With the systemic crisis of the Palestinian political system – a frozen Palestine Liberation Organisation, the absence of a Palestine National Council and Palestinian Legislative Council, and a bankrupt Palestinian Authority – I find it necessary to contribute to crafting a political way forward.

Along with a veteran British researcher and analyst with a long-term affinity with both Palestinians and Israelis, Tony Klug, the following carefully thought out proposal was offered for consideration. It was published in April in France's *Le Monde diplomatique*. Here is the English version.

## If Kerry Fails, What Then?

SAM BAHOUR AND TONY KLUG

Suppose the US Secretary of State, John Kerry, fails to cajole the Israeli and Palestinian leaders into finally ending their conflict. What would happen next?

A tsunami of pent-up animosities is likely to be unleashed, with each side holding the other responsible for the failure and calling for retribution. Attempts to indict and isolate each other would gather pace and violence might return with a vengeance. The toxins let loose will inevitably have global spillover.

For over twenty years process has trumped outcome, but it is now in danger of being out-trumped itself by the total collapse of the only internationally recognised paradigm for a solution to the conflict. A new international strategy urgently needs to be devised and made ready as an alternative to the prospect of failed bilateral negotiations. Any such strategy should be rooted in a vision of the endgame, based on the principles of a rapid end to the Israeli occupation and equality between Palestinians and Israelis.

Our proposal takes as its starting point the need to resolve two crucial ambiguities regarding Israel's control of the West Bank and Gaza: its rule over the Palestinians and the colonisation of their land. Resolving these matters are essential to achieving a final resolution of the conflict.

First, is it, or is it not, an occupation? The entire world, including the US, thinks it is, and therefore considers the Fourth Geneva Convention and other relevant provisions of international law to apply. The Israeli government contests this on *technical grounds*, arguing that the Geneva Convention relates only to the sovereign territory of a High Contracting Party, and that Jordan and Egypt did not have *legal sovereignty* over the West Bank and Gaza Strip (respectively) when they previously governed these territories.

On the basis of this reasoning, Israel has maintained that the Geneva Convention does not strictly apply, and therefore it is not legally forbidden from annexing, expropriating and permanently settling parts of the territory it captured during the 1967 Arab-Israel war.

But at other times, the Israeli authorities rely on the Geneva Convention to validate its policies, particularly with regard to treating Palestinians under

Israel's jurisdiction but outside its sovereign territory differently from Israeli citizens, citing the provisions that prohibit altering the legal status of an occupied territory's inhabitants.

This ambiguity has served the occupying power well, enabling it to cherry-pick the articles of the Geneva Convention and have the best of both worlds, while the occupied people has the worst of them.

Second, at what point does an occupation cease to be an occupation and become a permanent or quasi-permanent state of affairs? Nearly half a century on, during which time significant alterations have been made to the infrastructure of the territory, is it realistic for the Israeli occupation still to be deemed simply an "occupation", with its connotation of temporariness?

Our contention is that the occupying power should no longer be able to have it both ways. The laws of occupation either apply or do not apply. If it is an occupation, it is beyond time for Israel's custodianship – supposedly provisional – to be brought to an end. If it is not an occupation, there is no justification for denying equal rights to everyone who is subject to Israeli rule, whether Israeli or Palestinian. Successive Israeli governments have got away with a colossal bluff for nearly 47 years. It is time to call that bluff and compel a decision.

The Israeli government should be put on notice that, by the 50<sup>th</sup> anniversary of the occupation, it must make up its mind definitively one way or the other. A half a century is surely enough time to decide. This would give it until June 2017 to make its choice between relinquishing the occupied territory – either directly to the Palestinians or possibly to a temporary international trusteeship in the first instance – or alternatively granting full and equal citizenship rights to everyone living under its jurisdiction. Should Israel not choose the first option by the target date, it would be open to the international community to draw the conclusion that its government had plumped by default for the second option of civic equality. Other governments, individually or collectively, and international civil society, may then feel at liberty to hold the Israeli government accountable to that benchmark. The three-year window would be likely to witness vigorous debate within Israel and induce new political currents that may be more conducive to a swift and authentic deal with the Palestinians over two states, probably within the framework of the 2002 Arab Peace Initiative for which there is polling evidence of growing support among the Israeli population.

We need to break free of the divisive and increasingly stifling one-state-versus-two-states straightjacket that tends to polarise debate and in practice ends up perpetuating the status quo – which is a form of one state, albeit an inequitable one. The aim of our proposal is to bring matters to a head and to enable people to advocate equal rights for Palestinians and Israelis, in one form or another, free of the implication that this necessarily carries a threat to the existence of the state of Israel.

To be clear, this is not a call for a unitary state. How Israelis and Palestinians wish to live alongside each other is for them to decide and the indications still are that both peoples prefer to exercise their self-determination in their own independent states. Our proposal would not foreclose this option. It would remain open to the Palestinians to continue to agitate for sovereignty over the West Bank and Gaza, for a future Israeli government to relinquish these territories and, in extremis, for the Security Council to enforce the creation of two states through the UN Charter's Chapter VII mechanism. However, until this is finally determined, equal treatment should replace ethnic discrimination as the legitimate default position recognised by the international community.

A similar principle should extend throughout the region. The stateless Palestinians – not just the four million living under Israeli military occupation but also the five million who have been living as refugees in the surrounding states for the past 66 years – suffer discrimination all over the Middle East. In almost every Arab state, their rights are severely curtailed and they are mostly denied citizenship, even where they, their parents or their grandparents were born in the country. Whatever may have been the original explanation, their continuing limbo status is shameful so many years on.

The bottom line is that until the Palestinians, like the [Israeli-Jews], achieve their primary choice of self-determination in their own state (if ever they do), they should no longer, in the modern era, be denied equal rights in whatever lands they inhabit [without forfeiting any of their historic rights]. In the case of Israel and its indefinite occupation, this means putting an end to the ambiguities that have lasted for far too long.

# The Rising Costs of the Status Quo in Israel/Palestine

NOAM SHEIZAF

On November 2013, as the peace talks between Israeli and Palestinian negotiators were failing to show any sign of progress, U.S. Secretary of State John Kerry sat to a joint interview on Israeli and Palestinian television. More than five months before the process collapsed, Kerry was already showing frustration, sending warnings to the Israeli TV watchers: “The alternative to getting back to the talks is the potential of chaos”, said Kerry. “Does Israel want a third intifada?”. Yet, even Kerry and his team probably did not expect things to go so badly, and so quickly. A month and a half after Israel left the talks (on the pretext of its refusal to negotiate with the newly-formed Palestinian national unity government), three Israeli teens were kidnapped and later murdered by a rogue Palestinian cell from Hebron. Israel used this event to conduct a two-weeks long crackdown on Hamas’ political wing, charities, and civilian infrastructure in the West Bank (Operation “Brothers’ Keeper”), while gangs of right-wing Jews attacked Palestinians in so called “revenge” in one incident, a Palestinian boy from East Jerusalem was torched to death.

In the meantime, Israel was also stepping up its attack on militant targets in Gaza; so the local armed groups fired more and more rockets on Israeli towns and settlements around the Strip. On July 8, 2014, Israel launched its second military operation of the summer – “Protective Edge” – this time against Hamas in Gaza. During the month-long assault, 2203 Palestinians, most of them civilians, were killed, along with 70 Israelis (mostly soldiers and officers that died during the ground invasion to the strip). Thousands of rockets were fired on Israeli cities. Gaza descended to another humanitarian crisis, with half a million people abandoning their homes during the fighting, and entire neighbourhoods destroyed. As the parties finally agree to a fragile ceasefire, this seems like as good as a moment as can be to re-examine some of the ideas that guided the international community in its engagement with the Israeli-Palestinian conflict.

Surprisingly enough, throughout the recent crisis, from the kidnapping to the end of the Gaza war, Israeli Prime Minister Binyamin Netanyahu enjoyed wall-to-wall support. The “pro-peace” opposition parties Meretz and Labour

mostly backed the government, and even as the fighting subsided and more critique of the government was voiced publicly, Netanyahu's Likud party polled significantly better than it did in the 2013 general elections. Understanding Netanyahu's appeal is key to configuring the current moment.

Netanyahu is often blamed for not having a "Palestinian strategy"; however, this could not be any further from the truth. All of Netanyahu's policies are derived from the same position, which perceives the conflict with the Palestinians as unsolvable, and views the current status quo as the least-worst option for Israel. Netanyahu's strategy is the everlasting "conflict management". This strategy is designed to shield Israeli society from the effects of the occupation while maintaining control over Palestinian lives and Palestinian politics. Thus, changes are viewed as a threat. Netanyahu will reluctantly agree to modify his policies only when all other options are exhausted, including the military ones. As recently demonstrated, Netanyahu would rather risk a rift with the American administration than agree to major concessions in the peace talks; he would rather go to war than end the siege on Gaza (Protective Edge was the third operation of its kind in less than six years). In both cases, the cost of change is seen as greater than that of the current state of affairs on the ground, however imperfect the latter may be. Most Israeli-Jews tend to agree with their prime minister on this issue. For the status quo is the common denominator of the Israeli political system: while the settlers' leader Naftali Bennet and the Justice Minister Tzipi Livni might disagree on many issues, both accept the status quo. This understanding allows them to sit in the same government, as they do. But this goes beyond political arrangements. All known formulas for a final status agreement – the two-state solution, the single state solution, and a confederacy/binational model – require Israelis to give up considerable assets in the land they control, to confront their fierce, internal opposition, and to grant a formal status to a Palestinian political power that might continue to challenge them in the future. The status quo's costs, on the other hand, are predictable and tolerable – despite frequent condemnations over its actions – Israel has enjoyed prosperity and relative calm in recent years.

Regional changes contributed to the Israeli reluctance to reach a sustainable compromise with the Palestinian people. The disintegration of Arab countries and the Israeli propagandistic use and abuse of this disintegration make many Israelis believe that if Israel loosens up its control over the Palestinians, similar



chaos will ensue. At the same time, the turmoil allows Israel to form new alliances that help it confront the Palestinian challenge – such was the case, for example, with Israel’s coordination with Egypt during and after the Gaza war.

Just how status quo-oriented has Israel become? In a recent interview on Israel’s channel 10, a former member of the National Security Council confessed that, among the political leadership and the security establishment, there is a consensus regarding the need “to keep things as they are”, adding that “with regards to all strategy and security issues ... the leadership is fixed on this thinking”. “Keeping things as they are” means holding much of the Palestinian people under a military regime and without citizenship for almost half a century now; keeping millions more as refugees around Israel; and maintaining the Palestinian minority within the Green Line – which makes for one fifth of the population – as second class citizens who are always suspected in siding with the enemy (during the Gaza war, Israel’s Foreign Minister Avigdor Lieberman called upon all Jewish citizens to boycott Arab businesses). Furthermore, the status quo is not static at all; it means continued settlement activities in the West Bank and violent military escalation, which are becoming increasingly frequent. War seems now more like a form of control exercised over the Palestinians than the result of a political crisis which got out of hand. The diplomatic community is therefore wrong in assuming that there is an agreed-upon end-game in the form of the two-state solution, and that what we face is a leadership or implementation problem, which could be tackled through trust-building measures, positive incentives, and similar diplomatic formulas. This is the mistake that lies at the heart of the failed Kerry process, as well as any previous round of negotiations. As long as the status quo remains the common denominator of the Israeli political system, the diplomatic process has little chance of succeeding.

In the last two decades, international efforts centred around trying to force the two-state solution “from above”, to artificially preserve the existence of the Green Line, support the Palestinian Authority, and negotiate with Israel over its interpretation of the rights and duties of an occupying force – all the while noting that the legal term “occupation” was not meant to deal with a permanent situation anyway. Under the current circumstances, these measures seem counter-productive. Whether the objective is to solve the conflict or merely to “cool” it, any productive effort should attach a price to the entire status quo, thus changing the Israeli cost/benefit calculation. It should not try to conform Israelis

(and Palestinians) to a formula – the two-state solution – which might seem outdated to many, but rather create a new balance of interests and let local politics play its part. The European Union is uniquely positioned to play an active role in this process. Being Israel's largest trade partner and *the real* neighbouring superpower, the EU has already demonstrated its political leverage with a very minor step – it published the guidelines regarding the eligibility of projects beyond the 1967 borders to receive grants. It was these guidelines, made public in the summer of 2013, that induced Israel to participate in the Kerry process to begin with.

It is time to condition the current status of Israel as part of the West – a favourite partner for joint projects, trade agreements, and cultural cooperation – on upholding western standards of citizenship, equality, and human dignity to all who live under Israeli sovereignty. This is the only non-violent approach that could lead to a paradigm shift within the Israeli establishment, introduce new ideas, promote new leaders, and reopen – at long last – the national conversation regarding a fair and just solution to the Palestinian issue.

# Israel and Palestine: Old Ways Won't Get Us There<sup>1</sup>

SALAM FAYYAD

While much remains to be done to ensure that the tentative ceasefire recently agreed to (August 2014) by Israelis and Palestinians is not a mere lull in hostilities, many have already started looking beyond securing that basic requirement, arguing that it is high time to address the root causes of the conflict. I fundamentally agree. But, I do not believe this should mean a rush to hit the reset button on the stalled “peace process”. For that repeatedly, maybe even predictably, did not work before, and it is virtually certain to continue to fail, in the absence of fundamental adjustments to the existing paradigm, namely, the Oslo framework, which has lost validity of premise in some critical areas.

In determining the nature of the adjustments required, due consideration should be given to the need to not only address the fundamental asymmetry in the balance of power between the occupier and the occupied, but also to effectively deal with the consequences of failure of the previous rounds of diplomacy, as reflected in, inter alia, a progressive widening of the gap between the maximum on offer by Israel and the minimum acceptable to Palestinians.

The adjustments I propose fundamentally fall in two areas. The first relates to the question of whether Palestinian representation in the context of the requirements of both the “peace process”, as well as national governance, remains adequate, while the second relates to the question of continued validity of the Oslo framework, especially given that the end of the timeline on the basis of which it was designed has long passed.

It may be recalled that the question of where the power or privilege to represent the Palestinian people resides had featured very prominently in the political discourse both on the Palestinian and Arab scenes since the early days of the contemporary Palestinian revolution. It was not before the mid-1970s, however, that the drive to vest that power solely in the Palestine Liberation Organisation (PLO) started to gain momentum, and it ultimately culminated in Israel's recognition of the PLO as “the representative of the Palestinian people” in the context of the highly asymmetrical and skewed “Declaration of Mutual Recognition”. Conspicuously, but not coincidentally, missing from that formulation

was the characterisation of the “representative” as the “sole legitimate” representative. But, that is not why I regard that declaration as highly asymmetrical. Rather, the fact that it was a qualified recognition, in the sense of it having been conditioned on the PLO’s recognition of “the *right* of the state of Israel to exist *in peace and security*”, clearly made it so, with the PLO, by settling for much less than a reciprocal recognition of the right of Palestinians to a state of their own, having in essence signaled acceptance of the Israeli historical narrative at the expense of the Palestinian narrative. In addition, the recognition’s formulation arguably gave Israel a veto power over the possible emergence of a Palestinian state if it could represent that Palestinian statehood in anyway undermined its security. Nevertheless, notwithstanding the asymmetry of it, the “Declaration of Mutual Recognition” paved the way for the PLO to become universally accepted as the representative of the Palestinian people.

Given the context in which it obtained, however, a downside to this success was that as of the signing of the Oslo Accords, the PLO stood to be judged, not any more on the basis of past glory, but entirely by the success of the Oslo framework in delivering a fully sovereign Palestinian state on the territory Israel occupied in 1967 – a goal, which, incidentally, Oslo itself was silent on. Unfortunately, when judged by this criterion, the PLO’s record cannot be considered but as one of dismal failure. Apart from the obvious, which is Oslo’s failure to deliver Palestinian statehood by the end of the “interim period”, the prospects of that happening any time soon are decidedly a lot dimmer today than they were then. This has contributed to precipitating a progressively receding sense of possibility about Palestinian statehood, with the ensuing sense of gloom having no doubt been reinforced by a completely unbearable state of the “human condition” in the occupied Palestinian territory, both in Gaza and in the West Bank.

The above mentioned factors, combined with the fact that the Palestinian Authority did not always govern right or well, did a lot of damage to the PLO’s standing. However, what, probably more than anything else, all but completely compromised and ultimately damaged that standing was the doctrinal defeat which the PLO’s platform of nonviolence sustained, as the view that “violence pays off” started to gain favour with the public at large, thereby leading to enhancing the popularity of non-PLO resistance factions.

An adjustment to the Palestinian representation framework is, therefore, necessary. But, in addition, such adjustment could facilitate dealing with the

fundamental problem associated with the Oslo framework having turned into an open-ended interim arrangement. Failure to do so would entail perpetuating the absurd situation whereby Palestinians would continue to have to choose between accepting what Israel was prepared to offer in negotiations or continuing to live under its oppressive occupation.

In a nutshell, the adjustments I propose consist of the following key elements. First, twenty-one years after it gained full Palestinian recognition of its right to exist in peace and security, the State of Israel should reciprocate symmetrically by recognising the Palestinians' right to a sovereign state on the territory it occupied in 1967 in its entirety. Second, Israel should be prepared to accept an internationally mandated date certain for ending its occupation and a mutually agreed path for getting there. Third, in the interim, Palestinians should not continue to be hamstrung in their effort to achieve national unity by insistence, on the part of the international community, on a rigid application of international conditions that derive their validity from a framework, namely, the Oslo framework, whose integrity has been undermined by a loss of validity of premise in key areas. In addition, Palestinians need to see a cessation of all practices that undermine their right to live with dignity on their land, as they proceed to attain full national unity and persevere in their effort to build their state and deepen their readiness for statehood.

The key to working toward securing these adjustments quickly lies in a fully determined Palestinian effort aimed at achieving unity through a more inclusive representation framework. Toward that end, consideration could usefully be given to the following elements.

1. Until such time it may become possible to expand the membership of the PLO, whether through elections or some other objective mechanism that may be agreed, it is proposed that the PLO, together with its platform, be left alone, while permitting it to retain the title of "sole legitimate representative of the Palestinian people".

2. Operationalise the Unified Leadership Framework (ULF), which includes all PLO factions and those not affiliated with it, and task the ULF with collectively informing the decisions of the Executive Committee of the PLO on matters of high national interest.

3. Membership in the ULF by non-PLO factions does not require acceptance on their part of the PLO's platform. Consideration could, however, be given to

having the ULF adopt a time-bound commitment by all factions to nonviolence, keeping in mind that it would make sense to have the term of the commitment to nonviolence correspond to the time judged to be needed to enable the government to unify the state official institutions and laws after more than seven years of separation.

**4.** Ensure that the government is representative of the full political spectrum and empowered to the fullest extent afforded by the Basic Law.

**5.** Commit to holding fair, free, and inclusive elections no later than six months before the end of the interim period referred to in item 3 above. In the meantime, reconvene the current legislature and open up the political system to broaden the base of participation in it.

What is critically needed at this stage is a national consensus on these, and possibly other, issues. But, once achieved, this national consensus, especially the timeline embodied in it, can be used as a basis for approaching Israel and the international community with the chief aim of setting a date certain for ending the Israeli occupation and moving to resolve all outstanding issues. However, beyond trying to forge a Palestinian national consensus on issues of the kind outlined above, it would be important for that consensus to reflect an adequate appreciation of two other elements. First, good governance is always and everywhere important. In the Palestinian context, it is also hugely important as an enabler in the quest for greater international attention and support. Second, the “value content” of the Palestinian state acquires added importance against the backdrop of a region tragically caught up in unprecedented extremism and violence. Thus, it is incumbent on Palestinians, and as a matter of conscious decision making, to build a state that is founded on the basis of the universally shared progressive values of equality, tolerance, non-discrimination, openness, and full sensitivity to the unabridged rights and privileges of citizenship.

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**1** Adapted from a presentation made at the Atlantic Council, Washington D.C. on July 31, 2014.



***S&D Group Conference  
on the Middle East Peace Process***

**Debate about New Paradigms for Israel & Palestine**

Altiero Spinelli Building (ASP) 5G3 – European Parliament, Brussels  
November 6<sup>th</sup>–7<sup>th</sup>, 2013

**In partnership with the Bruno Kreisky Forum for International Dialogue, Vienna**



## Welcome

**Hannes Swoboda**

*President of the S&D Group*

Good afternoon,

Your Excellencies from the Middle East and H.E. the ambassador of Russia. I would also like to extend my welcome to all others in attendance, and especially our speakers who will be introduced later.

I am very glad that the hard work invested in the organisation of this conference resulted in this success. Special thanks go to Zoltan (Simon) and his team for their hard work. Further thanks go to the Bruno Kreisky Forum and its people; they have been an important steppingstone in bringing Israelis and Palestinians together and bringing their conflict to European consciousness.

I have been in this parliament for a long time, since 1996, and I know that the S&D Group has always been deeply engaged in dialogue with all participants in the Middle East. It has made it very clear that the existence of Israel is as important as the Palestinians' right to statehood, and that the Middle East conflict must be resolved in a peaceful rather than a violent approach.

One of the prominent advocates in Europe for a peaceful resolution in the Middle East is Martin Schulz. As part of our trip to the Middle East, I observed Martin deeply engage in the topic, driven by both his deep commitment to the issue and his personal background. That is why we are having a conference like this amidst difficult times. It is a conference of dialogue and open discussion that represents all views of all the participants. Our mediation does not take place at the negotiations table, which, fortunately, has been reopened, but rather here and in parallel to the real negotiations. For it is just as important for civil society in the Middle East region as well as in our country and in Europe to continue to promote dialogue and peace.

## Opening Speech

**Martin Schulz**

*President of the European Parliament*

When I first became chairman of the S&D Group in 2004, my experience, though extensive, was mainly domestic. I had been acting as both a Member of Parliament and a mayor in a city in Germany. As a Member of Parliament, I had focused on domestic affairs/civil liberties rather than international or security issues. I had no experience in that front. So, I have to say that I learned a lot in the course of my years as chairman of the S&D Group, much of which I learned from my friend Hannes Swoboda.

My dear friends, today's conference is most timely. As we all know, the peace negotiations under the aegis of the US recommenced in the summer. I think many of us here viewed the renewal of negotiations as a good thing, though with reserved optimism. But I think it's clear to all of us that there's no alternative to a political solution; there can be no alternative other than the peaceful process of a two-state solution.

However, we must be honest with ourselves. Twenty years after the Oslo Accords, the Israelis and the Palestinians are reacting with indifference at best and with scepticism at worst. The distrust between partners is palpable. So I believe that we must acknowledge that the chances of finding a solution within nine months are quite limited. However, the parameters for a peace agreement are well known to us. The two-state solution is supported by a majority of Palestinians and Israelis. It is also supported by a majority within Arab and Muslim countries as well as within the international community.

Today's conference is an opportunity to examine these facts and discuss some pragmatic solutions. That said, I would like to add that in the S&D Group, and certainly during my time as a member, we've always subscribed to this kind of pragmatism. Now, while we can certainly have ideological battles, they will not move us forward, as tempting as they may be; pragmatism, on the other hand, will.

This conference is an opportunity to take a long, cold, hard look at why we Europeans failed in the past on this front. It's an opportunity to look at realities as they are and examine them within their geopolitical context. We should also

examine them within a demographic and a sociological context, both of which have often been underestimated or overlooked. Both Israel and Palestine are undergoing significant demographic, social, and socio-cultural changes, changes that we, Europeans, have not been taking seriously enough.

I think this conference is also an opportunity to look at the negotiations and employed methodologies. Does it make sense to meet in a somewhat ceremonial fashion, to meet in these rather formal forums? And, perhaps we need to think about a different model, a different approach, a different kind of negotiations. Today's meeting is a meeting of Europeans, parliamentarians, experts, stakeholders, and representatives of both Israeli and Palestinian sides.

And finally, it is an opportunity to listen to what the European Union expects. My suggestion here would be to dare to look forward to the future rather than to the past. Obviously, we must be clear about history and our democratic principles. As Europeans, we are clear about our progressive and democratic values and our commitment to international law and understand our financial obligations in that regard.

We should discuss our role in the European Union and see that it matches the political vision of the 1980 Venice Declaration. While Europe has made its contribution to the debate on the two-state solution, it has yet to play a more effective role in contributing to the solution itself. We are aware that, should the negotiations fail, the radicals and extremists of both sides will take advantage of the situation. We should not simply watch on; we cannot allow a two-state solution of co-existing neighbours to fail, as that would only exacerbate the conflict. Thus, I hope that this conference starts a debate that would guide the negotiators into new relations, and so present a new kind of partnership with Europe.

If the talks were to be successful, I believe that they would change global politics. We must acknowledge that the unresolved Middle East conflict is one of the biggest stumbling blocks in international politics. If we, the EU, a community of states based on values, wish to play a role in the resolution of the conflict, we must avoid falling back on to the same old rhetoric. And while I do not have many concrete proposals to offer, I will still run two of them by you now:

1. I believe that the European Union should work with the United Nations, as well as with Israelis and Palestinians to address the social inequalities in their societies. We know that social inequalities have led to radicalisation within the

European Union, which is now the case in both Israel and Palestine, and it takes away from constructive dialogue.

In the budget debate, we had an extensive discussion of the European Union playing a more active, economic role. Regrettably, however, we have had little success in convincing our governments to further contribute to international relations. Nonetheless, we will continue with this struggle, as I believe that there is a very close link between peaceful development and social stability in the region, a matter that Europe could certainly help with.

**2.** I also believe that education and dialogue are crucial in this regard. I would like to say something that I experienced as an MEP and president. When I talked to young people in Palestine/Israel, I realised one thing: they no longer know each other.

The European Parliament, along with the S&D Group in particular, are committed to a program of encounters, whereby young Israelis, Palestinians, and Europeans meet and get to know each other, which, I believe, is an essential precondition for maintaining a dialogue of understanding. I hope that we will discuss this here too. As the former president of the European Parliament, Hans-Gert Pöttering had similar experiences to mine, he launched this program of encounters, which I would like us to expand. And while this is not necessarily a massive contribution, it is quite often small contributions and steps that lead to change.

## The Peace Process – from Past Failures to Current Hopes

Chair: Hannes Swoboda

### Andreas Reinicke

*European Union Special Representative for the Middle East Peace Process*

Good afternoon, Ladies and Gentlemen. I will try to address a few of the points that the president mentioned, while opening this discussion with three remarks.

The first is about the ongoing negotiations, which started at the end of July 2013, and which Europeans, the US Congress, and you, Social Democrats have been calling for all throughout the past year. And, we, Europeans, added that our approach with these negotiations is one that takes into consideration the Arab world. What's happening today, and this also addresses one of the questions the president has raised, is based on the position which we have adopted over the past year: our new initiative was to hold the negotiations together with the Arab world, based on the Arab Peace Initiative; we aim at ending the conflict altogether rather than holding another transitional discussion.

Indeed, we have seen all manner of difficulties, which Secretary of State John Kerry also faced when trying to convince the American politicians to go this way; he had six visits before he could start the negotiations – it was very difficult for him to convince both parties to enter the negotiations room. This is yet another reason for why I think it is important to base what is happening now on our own European initiative.

My second remark concerns our current standing with the negotiations. As a bottom line, I will say that we are still on track with the negotiations. Well, let me take this “still” away: we are on track with the negotiations. And I should probably explain this. Because if you read the newspapers in Israel, in Palestine, and here in Europe, you'll hear that many people are sceptical: “it won't work”, “it's so difficult”, “why would it work this time?” and etc.

What I can tell you at this moment, however, is that the negotiations are *still* on track, despite the obvious difficulties. The negotiators are trying their best in a difficult environment. They are working against many who try to spoil the negotiations, but still, I would say that we are on track. We do not know how all will end, but we know that the first stage is *still* okay.

The third issue that I would like to address is one concerning the role of the European Union, an issue rightfully raised by the president. I think the European Union had, still has, and will continue to have several roles in this context.

The first role is setting the agenda or providing a framework for the ongoing discussions. As the president rightfully said, the discussions started in 1980 with the Venice Declaration, whereby the Palestinians' right to self-determination was declared. The second point of the declaration, which Europeans have always supported, was Israel's right to existence and security. The question of settlement activities and the danger they pose on reaching a two-state solution was also raised by the European Union.

We are accompanying the negotiations process as an opinion leader. Catherine Ashton has very intensive contact with Secretary of State Kerry. I myself have been travelling a lot to Israel and Palestine, to the Arab world, and other states in order to get a sense of the people's perception of the situation and pass on the message to the negotiators. We aim to be constructive in this particular context.

The final remark concerns the conflict as such and our European approach to it. I feel that we are often caught in the discussion of whether we are pro-Palestinians or pro-Israelis. In answer, allow me to be somewhat provocative: I think that we have to be pro-European. As the president said, the resolution of this conflict is in our own European interest.

The conflict, only a hundred kilometres away from our southern borders at Cyprus, is increasingly affecting our own political decisions, particularly during the difficult state of the Arab world. Thus, resolving this conflict is in our own best interest. We are interested in a sustainable peace agreement that benefits both sides. It has to be an agreement that makes both sides feel that they have won. Sustainable peace is our interest; we need to ensure that this agreement serves both parties' best interests as well as ours, Europeans.

### **Hannes Swoboda**

Thank you very much, Mr. Reinicke! It is interesting how the word "still", a small word, can be used. You first said that "we're *still* on track" and then that "we can *still* say we are on track". Maybe we can still say that we are *still* on track. So, the question would be "how long can we still say that we are *still* on track?".

**Leila Shahid***Ambassador of Palestine to the European Union*

I would like to start by congratulating you, Hannes, as president of your group, and for gathering a very significant échantillon of the peace advocates in this area.

In the past two years, many have been saying that the Palestinian-Israeli conflict, or even the Arab-Israeli conflict, is no longer the centre of attention due to the major revolutions taking place in the Arab world, the Iranian question, and the stability of the Gulf states, among others. However, the turnout here shows the relevance and centrality of this conflict, which has been troubling, for a century at the least, one of the most strategic areas in the world – the Mediterranean.

This does not render the Palestinians as better people than any other, but I do think, as President Swoboda has mentioned, that the geography of this conflict has imposed itself as the vital interest for all those concerned. In this case, Europe is certainly the closest ally, and I would like to pay tribute to all the work that the European Union has done. And here I find Mr. Reinicke modest in saying that there are only three reasons for the Europeans' close involvement. The Europeans have been vital for the Palestinians' existence, not only politically, but also practically. In fact, they have been the ones who allowed us to start building the infrastructure of the state that will come. And it will come, but it needs more than just promises. The European Union, however, has made it a reality, and I'm sure that it will continue to be so.

I would also like to congratulate the Bruno Kreisky Forum. Thank you, Gertraud (Auer Borea). As I have told you in Vienna – the headquarters of your Forum – I think that we all owe Bruno Kreisky a lot. He refused indifference and he precisely answered your question, Andreas: "Is it only an Israeli-Palestinian conflict?". And here I would like to salute my colleague, the Israeli ambassador, whom I meet for the first time, thanks to this conference. I think that this conflict is much too important to be only dealt with only by Israelis and Palestinians. I think the stakes are too high in terms of world stability and co-existence; ultimately, whether we know how to live together or not has a tremendous impact. And so, I would like to pay tribute to the spirit of Bruno Kreisky, who tried to contribute during his lifetime, and whose work is continued by a foundation and a forum.

One of the questions that arises when speaking in different places is that of the Oslo Accords. Do we keep anything from them or do we throw them away altogether? Were these twenty years of our lives simply lost or did we achieve something? People forget that the Oslo Accords did not start in 1993. They started with the efforts of all the Social Democrats who opened the Socialist International up for Yasser Arafat and the leaders of the Labour party, Yitzhak Rabin and Shimon Peres in particular, as well as Meretz and Fatah movement, who are now observers in the Socialist International. And I think that we have the Minister of Norway with us to remind us with tremendous knowledge of how both Norway and Sweden, the Social Democrats in Sweden and in Norway, played a very important role in acting as a no-man's-land, where both Israelis and Palestinians could get to know each other.

President Schulz was saying that young people do not know each other. I am old enough to remember that Rabin, Arafat, Ahmad Qrei' (Abu Alaa), Uri Savir, Yossi Beilin, and Avraham Burg could finally meet and talk on an equal level for the first time was at the Socialist International meetings. They could not meet in Israel as equals and neither could they do so in Palestine as one of the laws forbade Israelis from entering Palestine. So I would like to remind people here, some of whom are young, of how much third territories are important for people who are entangled in such a long, historical conflict. Of course, third territories cannot replace the protagonists, but I think that they can play a very important role. I believe that the success of today's meeting is proof of how necessary it is to have a place to evaluate all paradigms, think of new ones, and possibly share more innovative ideas, rather than throw the baby into the water altogether. Because I think that, despite all the difficulties, the Oslo Accords have allowed one major thing, and that is putting Palestine back in Palestine. In other words, rather than finding solutions only outside the territory, they were looked for within the territory. The Oslo Accords showed us that we must learn to share, which we failed to do.

As an ambassador for Palestine, I would like to say that we are, indeed, still on track. In fact, this meeting takes place at the same time when Mr. Kerry is meeting with President Abbas in Bethlehem, having already met Prime Minister Netanyahu this morning, whom he will meet again tonight. So, at least on the Palestinian side, we are completely committed, as my president has said, in trying as best as we can. We are trying, despite all our frustration, anger, and even



our furry experienced every time we hear about the large number of new settlements, which would practically eliminate Jerusalem from the agenda. Still, we are committed to stay, as we are the ones who have most to gain – getting to end the occupation and granting the Palestinians a sovereign state.

However, I would also like to say that nobody is a fool and everybody remembers that we have been negotiating for twenty years. This official track of negotiations has gone through eight different Israeli governments, some members of which were the actual authors of the Oslo Agreement. I would like to pay tribute to Mr. Rabin in particular, who moved forward from where he started and until his assassination, which we believe was the result of this gracious act. On the other hand, we had several governments who were against Oslo. So, when evaluating Oslo, we must remember that we had to deal with Israeli governments that were not intending to implement the Accords.

Besides the total commitment to resolving at least one of the major issues and reaching some sort of agreement in nine months, what matters most is not what happens at the table, but what happens on the ground. While people have confidence in the negotiators, in Saeb Erekat, in Mohammad Shtayyeh, and in Mahmoud Abbas, they cannot accept the discrepancy between what is said, or what is thought to be said around the negotiations table and the facts imposed on the ground by the stronger element – the occupier. We will not speak of a symmetrical situation when Israel has the means to impose the facts or realities, which I am not sure, will bring us closer to peace.

I think that we owe it to ourselves, to you, and to our Israeli neighbours to try and think of what will happen if we do not reach an agreement. Are we going to suddenly discover that we have not thought of any other solutions? I fear that it would be too late then to evade the third explosion of violence, which would not come from the Palestinian side only, but also from the Israeli side, as settlers have probably become the most active element of Israeli society. And that, is very scary, including their provoking people at Haram al-Sharif and literally playing with the possibility of a religious outburst of war.

I really wish that in the upcoming two days, you are able to be as innovative as possible, while steering away from the official talk that ambassadors have to use – you do not have to be politically correct or use diplomatic language. Also, please try and think of what the contribution of third parties like you could be, in case the official actors can't reach an agreement. What can be

the contribution of Israeli civil society, which is very well represented here, and the Palestinian civil society? And we shall not forget to include the Arab civil society as I think that they are also very concerned, if not even more so, as they are undergoing very important economic and social changes. And on that note, I am very happy that the Arab League is represented in this conference at the highest level as well.

I would like to end by agreeing that this is certainly a vital interest of the European Union. What is the worth of the whole Euro-Med vision and its relation with the south, if there is no Palestinian-Israeli peace or Israeli-Arab peace and co-existence? How could one build or even think of a Mediterranean project without it?

**David Walzer**

*Ambassador of Israel to the European Union*

The political process, the dialogue between Israelis and Palestinians, and especially this one, is much more important than the hurdles in its way, some of which are very tough. As Mr. Reinicke has hinted, please, do not be impressed by the scepticism you read in the press. From the very little I know, I can assure you that those who speak do not know and those who know do not speak. So, leave the scepticism for those who are selling papers – they have to make a living, that's understandable – but please do not take their words as facts on the ground.

I think that one of the major differences between what we are doing now and what has been done for more than twenty years is that, as you said, Leila, with the help of the Americans, Europeans, and other good-wishing parties, we have been able to create a situation in which, at least by this stage, both sides understand that this is no zero-sum game. The winning of the Palestinians is not the destruction of Israel and vice-versa. We both have much to win if this process is successful. We have identified issues, which are crucial for both sides, and we are dealing with them in the negotiations room. I think that the outcome must still be a two-state solution. And while I know that tomorrow some of you will examine other possibilities in case this fails, I think that for the majority of Israelis and Palestinians, there is no alternative to this two-state solution. I am telling you, as an Israeli citizen, and as someone who has children in Israel, that I do not want another solution. So, I think we should dedicate our energy and invest it in making this a success story, and we can.

Indeed, what is expected from both of us is to answer a set of very difficult questions. We need to ensure that the leadership on both sides is bold and courageous enough to make those decisions. And yes, I know that in this house, and possibly not only in this house, the settlements policy is not very popular. But I must remind all of us that in exchange for a peace treaty, Israel has given up territory, including settlements. This is what happened in Sinai when we struck the agreement with the Egyptians. This is what happened when we evacuated Gaza, not to mention what we have received in return. And I am sure that all in this room, without going into details and revealing too many secrets, are also aware of the fact that part of what is being put on the table is land-swaps or a land-exchange, which will hopefully solve or address this issue to the satisfaction of all of us.

When we look at the broader neighbourhood and what is going on in our area, what was initially called the Arab Spring, there is a growing understanding of Israel's security demands as well as other security-related issues. I think that if you focus on the question of settlements only, you cannot address the other issues. However, if you combine the issues, some of which are the settlements, security, the right of return, Jerusalem, and all the known issues that have been repeatedly discussed for years, we can both prioritise and start to address each one of them. There is time.

I want to make one statement: while I join those who say that it might be very difficult to reach the final agreement in nine months, I am quite sure that Mr. Reinicke, on behalf of Lady Ashton, will not look at punitive measures if those discussions take nine and a half months instead of nine. Nobody will be angry if Mr. Kerry announces that we are on our way and that, instead of nine months, it will take us ten months.

Leila (Shahid) mentioned some issues related to the occupation, or the occupying power, on the ground. I do not want to get into those problematic issues now as the list is very long. On behalf of whom does Abu Mazen speak when we speak to him? On behalf of the West Bank? On behalf of Gaza? Whom does he represent? Can he deliver? Can he make a good promise on the issue of the right of return? We trust him. We trust his good will. We trust Abu Mazen to mean it when he says "I do not want" or "I do want", "I dream of it but I understand that I will not be able to go back to live in my house in Safad". However, he will have to convince his clientele, the Palestinian clientele, to apply this

promise. I reiterate, there is no alternative, or, there might be alternatives, but please, do not elaborate on them. Try and focus on supporting this two-state track, for not only is it the only viable one, but also the only one that can promise both Israelis and Palestinians, and indeed Europe and the rest of the world, a better place to live in.

## **Conclusion**

### **Hannes Swoboda**

I will make one brief comment. I think that rather than discussing different solutions, perhaps we should discuss what the principles of any peace solution should be – principles such as mutual respect, mutual interests, and mutual obligations should be the basis for any kind of resolution to be reached between Israel and Palestine.

## Mapping Realities

**Chair: Véronique De Keyser**

*Vice-President of the S&D Group*

Before starting this panel, I would like to briefly harp back to something that happened a few years ago. (Javier) Solana was the High Representative for the Common Foreign and Security Policy at the time and came to talk to the European Parliament about the progress of the peace process. There were a number of European Parliament members who asked him: “Mr. Solana, how can you be so optimistic when clearly nothing is moving?”. And Solana answered: “Because optimism is the courage of diplomats”. And so I would like to thank the ambassadors for such a brave and optimistic outlook. For it is true that when we move away from our dream, our dream being a peace process that succeeds, to the harsh reality on the ground, including the entire climate surrounding Israel and Palestine (Lebanon, Syria, and Jordan), we could encounter many reasons for concern and scant reasons for optimism.

Our next panel engages with the multiple realities on the ground, which I hope we will explore in depth.

## Introduction

**Espen Barth Eide**

*Former Chair of the Ad Hoc Liaison Committee*

*Former Minister of Foreign Affairs of Norway*

Your Excellencies, Ladies and Gentlemen, it is a pleasure to be here. This is a very timely moment to hold this conference. Since the title of the session is “Mapping Realities”, I will start by repeating what has been said in the previous panel and saying that this is a moment of truth for the Middle East: the Middle East as we knew it and its border setting.

As has been mentioned, almost twenty years have passed since Oslo. And, as Leila (Shahid) very correctly pointed out, Oslo was not the beginning of the process but an important moment in it, where the parties agreed in principle to a particular vision of a two-state solution, after which we set out a series of

initiatives in order to make that reality happen. Of course, the whole series of negotiations has been restarted following the many previous failures, and is chaired by Norway, and, until three weeks ago, by myself as the Minister of Foreign Affairs and later as chair of the AHLC – the Ad Hoc Liaison Committee. This year marks twenty years of our being *ad hoc*, which naturally makes one question the name – “Ad Hoc”. I hope that we can still call it “Ad Hoc” because this should not go on forever – we want to do this in order to achieve something different.

And the good news is that, at least for the last few years, Palestinian state building has been remarkably successful, at least in the West Bank – Gaza is, unfortunately, a rather different story for now. Three years ago, everyone in the AHLC agreed that we had arrived at a level of Palestinian state, not in a political sense but in the institutional sense – its statutory institutions are on par with, or above the level of, many of the states that we recognise as states.

After 2010, after this short period of optimism and bottom up state building, we were simply waiting for the negotiations to ensue. However, several frustrating processes entered the stage at that point, and while the Palestinians had the institutions ready, nothing was happening on the political level. Many donors were also asking the very hard question of how long they were going to continue donating. Their recurring question is whether they have actually been doing nothing more than financing Israel’s occupation. While the answer is known, the question is an important one to keep asking. At the beginning of 2013, I had to make it very clear to the donors that this was not going to continue forever; for this effort is meaningful only if it corresponds with a political horizon. I also stated that if the political horizon is not back on the table after the 2013 ultimatum, we will have to question our continuous support.

However, John Kerry also entered the stage and, with the help of the European Union and many others, convinced the Israeli and Palestinian governments to meet, despite all the obstacles. So now, once more, there seems to be a ray of hope. Nonetheless, and I have said it before and will repeat it more loudly now, this is the last chance. I am not saying that this is the last chance for peace between Israel and Palestine, but it is the last chance for peace under the Oslo paradigm. So, either it succeeds this time or we must do something else. So, I am happy to continue to talk about plan A, as David (Walzer) suggested, but only for a few more months. After that, some kind of plan B will have to be discussed. I hope that this is not the case but all will depend on how the negotiations move ahead.

As has been mentioned, there are several obstacles to these negotiations, one of which has been referred to several times already. There are also deep divisions inside Israel. And in that sense, Israel is a truly democratic society – any opinion held by any Israeli is also represented in government. So, while these opposing views may look a little confusing to the rest of us, they form a democratic representation of the various opinions. However, a difficult balancing act between these crowds is at play at the moment. For instance, the political prisoners have been released, which is a good thing and should be acknowledged. For, although these prisoners should have been let out a long time ago, I do understand that this is a difficult step for any Israeli government to take. At the same time, and to keep the internal balance, the government repeatedly announces the building of more settlements, which undermines the good news that preceded it (of releasing prisoners). This process of internal-balancing is being perpetuated time and again.

Similarly, there are deep disagreements on the Palestinian side as well: the continuous conflict between Gaza and the West Bank and between Hamas and Fatah, the latter of which has its own internal divisions as well. Not all members of Fatah will always agree with all the technocrats running the government – this is an important issue to address in an honest discussion and move forward from there. So, as there is a number of processes going on between many sides, we must understand what the reality is in order to be constructive.

My main message is, however, that we cannot continue this forever. To put on my diplomatic, optimistic hat, for us to move forward, all of us must make it clear to both sides that this cannot continue forever; we have to get the parties out of their comfort zone. If I may say so, for many Israelis, at least for those living in Tel Aviv and Jerusalem, life is quite peaceful. They have not seen any terrorist attacks for years, at least not from the West Bank, and they could go on living like this – the Europeans, Norwegians, and the Americans are happily paying for this. Why should they change? Perhaps they think that the status quo they have now is better than an unknown alternative. But we must get them out of their comfort zone. The same could be said about some people on the Palestinian side, although frankly, they would never admit it. In a sense, they lead reasonably okay lives on the inside of this conflict. Obviously, they would prefer another reality but can live with the de facto one; they will not admit it, but they can. This, however, will not continue – we really must move ahead on this one.

Currently, three things are happening at the same time: the renewed peace talks, the continued state building, and the economic peace initiative. While I am in favour of an economic initiative, I would like to stress that there is no economic alternative to politics. You know, you can't substitute a genuine political solution with money, regardless of how large the amounts are. It will neither work morally nor realistically; investors would not invest in the unknown – they would not invest without knowing who would run the place, what the rules would be, or whether these rules would be respected.

As regards the region – the region is in shutters. The change in Egypt had a tremendous effect on this game; the Gaza war was roughly a year ago (November 2012) and Hamas came out quite well in political terms despite Israel's military success – the political effect was the strengthening of Hamas. Hamas' relationship with Mohamed Morsi and the Muslim Brotherhood made certain Arab countries believe that the political weight perhaps lies in Gaza rather than in the West Bank. However, all that has changed now. Hamas is in deep trouble and the people of Gaza are in deep trouble. These two facts are unrelated, however, since the people of Gaza have been already in deep trouble anyway. But there is obviously a severe problem with Gaza – it is a ticking bomb and it looks bad.

However, one observation that I made during my last visit was quite interesting and slightly optimistic: when I asked the key players what they thought about their neighbourhood, they actually came up with rather similar analyses on Egypt, Syria, Iran, and Lebanon. So, what the two parties might not realise is that having talks about issues other than their own might get them to agree on something. And while the region is full of war, conflict, trouble, and failing states on the verge of a collapse, the small stretches of land of most of Palestine, most of Israel, and Jordan are actually quite peaceful. So, you could either keep it that way, which you will have to do together, or, if you fail to sustain the peace process, you too will be drawn into the bigger drama taking place all around. Once more, my point is that we have very little time to lose; the parties must stay committed and we must compel them to remain as such. Otherwise, we will have to discuss the one other alternative besides war that I know of, which is a one-state solution: one state for two peoples with democratic rights for everyone. And from my experience, I have realised that the best way to have the more conservative Israelis support a two-state solution is to remind them that the alternative is a one-state solution, which deters them because of its implications on the Jewish character of Israel.



## Panel debate

### **Abdullah Abdullah**

#### *Chair of the Political Committee of the Palestinian Legislative Council*

Our topic is the realities of Israel and Palestine. The negotiations have started, thanks to Mr. Kerry's efforts and time investment. These negotiations were started for the purpose of solving the conflict between the Israelis and Palestinians, rather than managing the occupation of Israel to the Palestinian territory. Nineteen rounds of negotiations have been completed, including last night's, which ended with an interruption. In these nineteen rounds, the borders, security, and Jerusalem were discussed. In his letter, Mr. Kerry describes the end-goal of these negotiations as ending the Israeli occupation and helping with the establishment of the Palestinian state.

Ending the occupation means, at the very least, ending all Israeli presence in the 1967 Palestinian territories and granting Palestinians complete sovereignty. However, instead of discussing how to end their occupation, Israelis are discussing a new wall in the Jordan Valley area and perpetuating their soldiers' presence for an unknown number of years to come. They are only creating obstacles rather than investing any political good will in these negotiations. It was only last week that five ministers spoke about annexing the West Bank and building more settlements in it, where the Palestinians would become mere residents. This does not reflect any interest or determination to truly reach an agreement.

Undoubtedly, the alternative to the two-state solution is very alarming to the Israelis. Last weekend, *Haaretz* newspaper, a prominent Israeli newspaper, warned in its editorial that if the peace negotiations fail, Israel will face further isolation. Two days ago, Netanyahu's former National Security Advisor, Yaakov Amidror, said that Israel will face serious international isolation if it fails these negotiations. These are the voices that need to be encouraged within Israel, because peace serves not only the Palestinians' interests but also the Israelis' and the international community's. Every American official would say that reaching peace between Israelis and Palestinians is in the national interest of the United States of America and serves the world's interests as well.

So how is this being translated into action? What we see in the territories in Palestinian land now is more settlements: in three days, the building of 3359 units has been announced and approved by the government – this is not the

way of peacemaking. Moreover, there are hundreds of orders to demolish Palestinian houses on Palestinian lands – far be this from the road to peace. There are also threats being made to stop delivering the tax revenues, that is, in addition to the restriction of movement and the segregation of Al-Aqsa Mosque. Moreover, the bills being read in the Knesset are alarming to many Israelis, let alone Palestinians. So, how are we to get along with these policies and measures? These actions speak much louder than the nice words saying, “we want a two-state solution”.

I think that the international community has a role to play. Our leadership agreed to resume the negotiations last July thanks to two factors. Firstly, Mr. Kerry’s enthusiasm, his relentless efforts and commitment to the process made us trust him. Secondly, we felt that Europe was starting to take practical measures against the illegality of the settlements. All these signs were encouraging. No peace can be worked out between conflicted parties without referring back to international law and agreements signed between the parties concerned. However, the way it is now between Israelis and Palestinians, the occupier and occupied, every outcome of such negotiations will be in favour of the stronger party, which, in this case, is Israel. So, we need more efforts to support the Americans and fortify their efforts, and convince the Israelis to abide by international law. It is not a matter of compromise: we are not in a bazaar striking bargains. The law determines what is right and what is wrong. That the occupied territories of 1967 cannot be annexed by Israel is an international consensus based on the international law of the inadmissibility of the acquisition of territory by force.

I believe that the letter the foreign minister of Germany sent to Mr. Netanyahu on the 25th of last month [October] is the only factor that forced Mr. Netanyahu to send the Israeli delegation to Geneva to the United Nations Council of Human Rights. In the letter he said, “If you do not go, you will harm Israel and the friends of Israel and will not be able to defend it at the international seat”. We must all respect international law and seek mutual security. Israel is not the only one that seeks security; Israel has nuclear and chemical weapons as well as the strongest army in the region; everybody seeks security. What Israel requests for itself should be given to its partner in peace as well.

**Oliver Wates***Moderator*

Now I would like to ask Hilik Bar to speak please. You say that Israel is making mockery of the peace process, are you serious?

**Hilik Bar***Member of Knesset, Chair of the Knesset Caucus for Ending the Israeli-Arab Conflict – Deputy Speaker of the Knesset*

Some friends here were more optimistic and some were pessimistic. I will be pessimistic at the beginning and optimistic afterwards. Since this discussion is about mapping the reality, I will be realistic rather than a dreamer – not that I am not a dreamer – we must be dreamers to be living in the Middle East.

It looks like the negotiations today are stuck. We must face many difficulties. Having spoken with Palestinian and Israeli negotiators, I understand that sadly, the current peace process has very low chances to bring about a final status agreement for a number of different reasons. However, the negotiations have started and both sides made very painful concessions. Releasing the political prisoners, for instance, was not easy for the Israeli society. However, it looks like the two parties were not ready enough, neither mentally nor publicly. All the while, Kerry keeps jumping from Jerusalem to Ramallah to Washington, possibly trying harder than the parties in question in order to bring them peace, which is embarrassing, to be honest.

Prime Minister Netanyahu is having problems reaching peace this time, which I link to three circles. The first is the immediate circle: his family, ideology, and school of thought. The second is his political home and the Likud party, which is becoming more extreme. And the third is Netanyahu's coalition, which includes Naftali Bennett (from the Jewish Home) and others. The current government coalition is divided between those who realise that the two-nation-state solution is the best one, but lack a sense of urgency to apply it, and those who categorically reject the partition of the land. The problem is that the influence of the second group is extremely high in this coalition. This stance is particularly tragic today because the current Knesset, unlike its predecessors, has a very strong majority that favours the two-state solution. More than seventy members of the 120 Knesset members are ready to sign or approve today a final

status agreement with the Palestinians based on the two-state solution. However, while the public and the parliament have a majority for the two-state solution, a majority of the government is against it, which is tragic.

However, Israel is not the only one with problems. The Palestinian side is also divided – the West Bank and Gaza are ruled by separate governments, which has introduced real doubts about the PLO's ability to deliver us, Israelis, a complete end of conflict and the end of all claims. And naturally, we owe it to ourselves to not settle for less than the end of all claims.

Moreover, and this is a big problem, while the PLO focuses on the tangibles in the negotiations, such as borders, settlements, natural resources, refugees, and Jerusalem, Netanyahu's and the Israeli team's focus is on the intangibles, such as national recognition and the growing incitement in the formal Palestinian education. Netanyahu does this for a reason; he knows that the Israeli society has changed rapidly since the nineties and the Oslo Accords. Today's Israelis are increasingly concerned with securing the state's Jewish identity. Israelis today care about a national identity and want the state of Israel to protect it and allow it to prosper, and Netanyahu knows that. He needs to show the Israelis that peace and concessions do not mean the loss of our Jewish identity. Netanyahu also knows that the security issue, both personal and general security, is a common demand of the Israeli society. In fact, the issue of security becomes a major challenge when we speak of Palestinians and Jews sharing a very small geographic space. It is not surprising, then, that the negotiators have faced very large gaps so far and consider the positions of the other party to be absolute nonstarters.

Extremists or academics from both sides will speak about a one-state solution or a three-state solution, the last suggesting Gaza as one of the three states. But both Palestinians and Israelis know that the two-state solution, based on the 1967 borders, with potential land swaps, is the only solution that both Israel and the Palestinians can allow themselves.

Still, they disagree on three hardcore issues: Jerusalem, the question of the return of refugees, about which I have my own remarks but will not say them, and the settlements. My contribution, however, will mainly be about the settlements and settlers, as it seems to be your main concern, and the major problem over which the agreement will fail or succeed. And, indeed, there are close to 400,000 settlers living in the settlements in the West Bank. So, how do we solve this?

Well, the settlers in the West Bank are divided into four groups. One: those who would remain in Israel, under Israeli sovereignty, due to land swaps. Two: those who would gladly return to the other side of the 1967 borders, as their presence in the West Bank is a result of economic considerations (the West Bank offers cheaper housing than Jerusalem). Three: the hardcore ideologists, who are also split into two groups – those who, despite their hardcore ideologies, will respect the government's decision and return to Israel, and those who will use violence to remain there. However, as our ambassador said, we know how to take care of the latter. Four: a minority of Jewish people who would choose to remain under the sovereignty of an independent Palestinian state, a group that deserves more attention. For just as we are happy to have and live with a 20% Palestinian minority, there is no reason why this should not be the case for the 5%, 6%, or 10% of the Jewish minority living in the (future) Palestinian state.

This could contribute to the economy of the newly created Palestine; it will solve a lot of political problems for Prime Minister Netanyahu, and it will pull the carpet from under the rightists' feet, who are claiming that a two-state solution will fail because some people (settlers) would really want to stay in the Palestinian state. The Palestinian state would be effectively based on the 1967 borders, preserving its space, contiguity, and natural resources, all the while offering Jews the right to remain either on an individual or a communal basis, based on a mutual agreement, of course. For we often talk about the right to return but never about the right to remain.

In that case, all settlement structures remaining within the borders of the new Palestinian state would be converted into civil communities under the Palestinian sovereignty. We should also speak about whether they (the Jewish settlers) should become full citizens or residents (of the future Palestinian state) at the primary stages. Another suggestion would be that all existing physical and economic settlement infrastructures be preserved, including industries, industrial zones, and cultural establishments. They should be part of the Palestinian economy rather than thrown to the garbage.

Lastly, by adopting this option, we will achieve equitable outcomes to meet the key national aspiration of both people, despite challenging geographical strains and while preserving the distinct national character of both states. Thus, we need to propose the establishment of two, independent sovereign nation states, principally along the 1967 borders, all the while granting and

safeguarding full citizenship rights to their respective minorities – Jews in Palestine and Palestinians in Israel. And perhaps if we go in this direction and think outside of the box, this round of negotiations will have a chance to succeed rather than fail, as we tend to expertly do.

### **Oliver Wates**

Then why are we here if 90% of the deal is already done, seventy or eighty members of the 120 members of the Knesset are prepared to sign for a two-state solution, what will it take for that to come to pass?

### **Merav Michaeli**

#### *Member of Knesset*

We are here because we need someone to bring us the deal – that is the only problem that we have. I think the Palestinians share the same problem in many ways. We need someone to bring the deal so that we can vote for it. So maybe you can take care of that problem and we can all go home. And while I do not know what eight more minutes of more words will be able to do about the subject, I'll still share a few thoughts that I have.

First, I have to dispute my colleague MK Hilik Bar, even though we are members of the same party. I do not wish to explain, justify, or understand my prime minister. I completely disagree with his policy and with all that he is doing now as prime minister, has done in the past as prime minister, and had done in the past before becoming prime minister. I might add that some of the latter have possibly contributed to the assassination of Prime Minister Yitzhak Rabin, who was the only prime minister in Israel brave enough and optimistic enough. And optimism should not only be the courage of the diplomats, but also be the courage of politicians and states people.

I agree with you, Mr. Abdullah – it is all about political will and it goes in a similar manner as the ancient saying: “Where there is a will, there is a way”. And there will be so many different ways: ones including the right to remain and ones without, the right of return and without, ones addressing the question of water, and ones those of land, etc. However, what it really takes is a political will, and a political will is not separate from other kinds of will.

Unfortunately, and this is where I differ with my colleague MK Bar, as a woman and a feminist, I know how “what you see is what you get” strongly applies

to where you currently stand. And I also know how difficult it is to give up a position of privilege – just as how I know that there is no man in the world who would willingly give away or give up his privileged position wherever it may be. Similarly, I know how difficult it can be to give up the position of the victim, which holds its privileges as well – Israel and Palestine have been competing over who the best and most justified victim is for too long now; they have been competing over who is to blame, which I am afraid, is another part of the current negotiations – politically termed as the blame game. Each is hoping to come out and say that they did their best but that the other side was the unwilling one.

Unfortunately, both sides are playing the same game. Yes, Israel is the occupier, and yes, Israel is the one that has to pay in hard coin. But the Palestinians are the ones who are still stronger in incitement, facilitating the way for those Israelis who do not want to reach an agreement and cling on what the Palestinians will not give up on. My optimism lies in the understanding that it takes two people to seal the deal. There are plenty of people on both sides who will vote for it – it is totally achievable. But find me those two people who are willing to do it.

**Husam Zomlot**

*Executive Deputy Commissioner for Foreign Relations, Fatah*

Well, negotiations are, indeed, on track. We, the Palestinians, wish it success. I believe the issue of whether this will succeed or not will be a major Palestinian interest. This has been part of our policy for the last 25 years – an unwavering policy. We initiated the two-state solution in 1988 and have been the party that invested in it day in and day out. Our policy has been a strategic, unwavering commitment to three issues: the two-state solution, the negotiations as the way to achieve that two-state solution, and using nonviolent means to attain our goals. As our ambassador said, we will be the biggest losers if this fails, and I believe that our leadership will give it all it has to ensure it succeeds.

Having said that, I have two points to make, and I will relieve you from the Israel-Palestine discussion. One is on America and one on Europe and the rest of the world. Given the venue, it is of vital importance to discuss the role and responsibilities of our partners and colleagues. But before I do that, allow me to say that I believe I represent the average Palestinian on the street when I say that

the current Israeli government is incapable of getting us to where we want to be in terms of the two-state solution, which, by the way, Ms. Livni has also stated in public.

The words we hear are no longer words; they have become actions. In the past few days, action has spoken very loudly in terms of announcing the building of settlements, not only in East-Jerusalem, which I think is a Palestinian red-line, but deep within the West Bank – a humiliating act. Do you know what the distance is between Beit-El and the Palestinian presidential compound? Less than one kilometer. To announce the building of 126 units in that compound, a mere walking distance from the president is humiliating. And I don't think that it simply intends to naturally expand the existing settlements. You have certainly heard about the announcement of the wall between the West Bank and Jordan.

We see two camps in the current coalition. One led by Tzipi Livni, who believes that Israel needs a solution (now). But, to be brutally honest, she has probably said it because she thinks that the Palestinians are currently divided and might believe, along with her party, that this is our weakest point. The Palestinians are fragmented and divided, the Arab world is going through turmoil, the United States is going through its own issues and priorities, and Europe is still discussing the issue. So perhaps she thinks that this is a timely moment to impose a solution that meets Israel's preferences.

The other camp is divided into three sub-camps, all of which reject the very idea of a solution. The first sub-camp advocates for an interim agreement – yet again, a transitional agreement, after twenty-five years of transiting – as if we were not already in a transitional state for all these years. And you know how it goes – once it is interim, interim becomes permanent. The second sub-camp wants to see the status quo perpetuated, waiting for another moment that serves Israel' interests in a better way. And the third and last sub-camp includes those who are starting to argue again for unilateralism; that is, for Israel to just pull out of any territory which and when it sees fit. As far as the Palestinian side of the story is concerned, I can tell you that all these camps will find no partner in us. I do not think that the current political landscape will produce the results that we all desire.

As far as the upcoming six months are concerned, the ball is squarely in Washington's court. I believe Washington has three possibilities: mild intervention, medium intervention, and maximum intervention. The first one, the mild,



will follow the method of keeping at it – trying their best, which is what we have now. Trying to ease the situation economically is yet another way of keeping at it and maintaining the status quo. We have been through this business for so many years.

The medium intervention entails presenting a bridging proposal, which is bound to upset both sides. The maximum intervention would be a regime change in Israel, which the US has done before. It has done it with Yitzhak Shamir in 1992 as well as in 1999, with the very same man heading the current government, Benjamin Netanyahu.

These are the three possibilities. Given the information we have been hearing, I doubt that the US will resort to the third option. And so, we will most likely be stuck with the first or the second options for now. I do not think that the first is going to produce anything but a lasting process designed to prevent the outcome, and we have been there several times.

The second option – presenting a bridging proposal without studying and understanding Palestinian politicians' policies along with the Israeli side of the story, repeating the scenario of Camp David, might be extremely dangerous.

The first issue with the second option is the idea of a Jewish state, which poses a problem for the rights of those Palestinians living within the 1948 borders, and who, as it stands, do not have full and equal rights as citizens of Israel. The second issue is the major settlement blocks, which surprisingly seem more of a Palestinian rather than an Israeli problem, as these blocks have to be accepted as a fact of life! The third issue is Jerusalem, spoken of in terms of Arab neighbourhoods rather than the entire East Jerusalem as capital of the (future) Palestinian state. The fourth issue is the question of refugees. My perception is that people have come to believe that the refugee question should be viewed as a grand compromise – the rights of the 1967 population in exchange of the rights of the Palestinians outside. And the last issue is the security doctrine that has been well irrigated in the international system: Israel has to control all the borders, creating a buffer zone between the West Bank and Israel.

To be honest, we wish this current process all the success, but I also think that we should focus on the second, and the last, point that I will make today. What if this process doesn't go to where we want it to go? The issue is not whether we are *still* on track – you can be on track but moving backwards or sitting still all the same. And while I believe that we are trying to push forward with all our

force, the sheer force of the opposite side is trying to pull us in a different direction. And here I refer to the title of this conference – *Alternative Paradigms*.

Regarding Europe and the international community, I really do believe that for the current process to succeed, the following must be done. One: reinstating an inclusive Palestinian political system, which is of vital importance and for which now is a timely historic opportunity. I believe that things are ready and we must revisit some of our international guidelines to do this. Two: the EU has to become our strategic partner, whose guidelines were a pull-factor for the Palestinians to resume the negotiations, granting us the security we needed and a push-factor for Israel, letting them know that not engaging in a political process would be costly. Three: involving the United Nations and international activism is of vital importance. I do not see why approaching the United Nations to seek status leverage, to seek statehood, to affirm a two-state solution, or to deposit the two-state solution excludes us from negotiating. If we are negotiating on the basis of the two-state solution, we should be allowed to go ahead with this. As for international activism, I believe it is high time the global civil society challenged the status quo, progressing from the advocacy side to the action side of the story.

And lastly, we should take a very good look at the region, the new partners forming in it, what is happening in Israel and in the worldwide Jewish community. There is a sea of change – Jewish communities in the United States want to raise their voices in a different institutional setting in a value-based way.

Any new paradigm will have to take into consideration two points. And here I can assure you that Fatah is very open to listening to the new paradigms because we are aware of the strategic crossroads at which we stand.

First, even while under occupation, we do have rights. Our rights should not wait until we get a politically-sufficient settlement. Jerusalem's residents continue to be treated as visitors and aliens in their own city; they are threatened every single day; and their identity cards are being withdrawn. Similarly, the West Bank cities have become the periphery of the West Bank, where the settlement blocks become the main infrastructure that receives all the main services.

As for the people of the diaspora: the refugees, who are made to be a demographic threat, could be of much help to Palestinians – we need our doctors and lawyers, like Sam Bahour who came back all the way from the United States. His presence is not a threat to anybody, on the contrary.

We also have economic rights even while under occupation. Israel has exploited much of our potassium from the Dead Sea, natural gas from the Gaza shores, and other resources. Access to water is one of our rights. Protecting our rights while under occupation is the first thing that I would like to see adopted in any new paradigm.

Second, any new paradigm will have to abandon three approaches. The first is that the two sides must not sort things out on their own; as the ambassador said: we simply cannot do that due to the sheer, embarrassing asymmetry of power between the two sides – a situation that calls for resorting to an international legitimate presence. Remember the last twenty years of business when we were left to sort it out on our own? There were no negotiations or talks; there were only dictates. The second is about interests. We have to focus on a set of values, rather than interests and power balances; one that could apply to the transitional period, the period before reaching a solution, and the period after reaching a solution. The third is to focus on our rights, not only our needs.

And so, lastly, as a national movement, we have to base our entire political agency on values and rights rather than interests and power relations.

**Noura Erekat**

*Human rights Attorney and Professor, Temple Law School,  
Georgetown University*

I am a little curious because the title of the conference is *Alternative Paradigms*, and since the beginning of the conference, I have been hearing a reaffirmation of the two-state solution, which is not new at all. And while the former representative of Norway did mention the one-state solution, he mentioned it almost as a threat in case the two-state solution fails.

I think that the only new paradigm presented here was Husam Zomlot's, who spoke of a rights-based approach. So, I am hoping that, rather than discuss the rights-based approach as a new paradigm only, we also discuss it as a framework to understanding the conflict. Because without understanding that there is one collective party that does not have rights while another party actually has rights, Israelis cannot complain of having grievances similar to Palestinians who do not have these human rights. In other words, what these negotiations actually do is create the illusion of parity, where none exists, creating a discourse

that presents both parties as making difficult compromises, when Palestinians are structurally compromised and are in need of protection.

So, for this forum of new paradigms, my question is: what is the possibility of using the rights-based approach as a way of discussion as opposed to using the two-state solution as our entry point?

## Conclusion

### Véronique De Keyser

I believe that in the course of our discussion we have covered Gaza, rights, reconciliation, and more – almost everything, but I would like to pick out three of these as the most salient points.

Firstly, regarding the finality of the peace negotiations, which do not seem to be the final negotiations, “final” being a word we should never say anyway – no negotiations are the last ones. However, this could be the last chance for negotiations under the present scheme of negotiations. This is a very important point. We do not know what other schemes may appear, but we get the impression that, given the difficult environment in which the region is bubbling these days, these are crucially important negotiations.

At the same time, however, there is a lack of political will involved. It has been repeatedly said that it is only with a political will that these negotiations will bear an outcome. I have much sympathy for these members of the Knesset who are opting for the two-state solution, whose position would be interesting to further discuss in this group. But the important thing is that political will is lacking, despite the ongoing efforts of President Obama, who is also facing problems with his Congress regarding this issue. While it is very difficult to have a political will today, it is also the last chance for it. Much has been mentioned here on that point and I think that we could find ways of working together, whereby the parliaments make the crucial and strategic importance of this current moment clear to the politicians.

The other important point raised meets with our concerns over the question of rights. We should not wait for a political solution for rights to be given. I think that the S&D Group members around this table are very aware of this issue, and

which, when raised, our Israeli friends very often fail to take nicely. They get the impression that by mentioning the issue of rights, we might be attacking Israel, which is not the case at all. While I do not have an awful lot of sympathy for the Netanyahu government, we are not mixing that government up with the Israelis. What we do believe, however, is that these rights, particularly in certain areas of the country, such as Gaza, for instance, are not respected, and that perhaps we could work together to ensure that they become more respected in the future.

I am not going to further discuss the question of the settlements. We consider them as illegal and a threat to peace. Much has been mentioned about alternatives, such as the idea that perhaps the settlements would not disappear, but rather, once peace is achieved, turn into a safe, Jewish entity that could still exist within a Palestinian state. We do not necessarily have to repeat what Sharon did in Gaza, which was highly traumatic, but these are questions that should be raised nonetheless.

And the last point regards the role of the European Union. Has the European Union correctly played its role, and what can it do in terms of reconciliation? I have heard it repeated often, not necessarily around this table, that there is nothing else left for Europe to do, that Europe is disappearing behind America, that we need to broaden the negotiations at a UN level, and that the current framework is not the right framework for negotiations. Europeans very often beat their chest and say: "Haven't we done enough?". Well, maybe it has not done enough. As regards the question of the due reconciliation of Fatah and Hamas, there is much to be said on that point but our Palestinian friends were too polite to attack us there. But please do not hesitate to engage with this problematic.

## **Alternative Approaches – The Bruno Kreisky Forum Initiative**

**Chair: Libor Roucek**

*Vice-President of the S&D Group*

Discussing alternative approaches or alternative ways of thinking is exactly what this panel will be about. As has been mentioned, everybody around this table wishes and hopes that plan A can be implemented. In other words, that we can have a two-state solution whereby the state of Israel can exist in secure borders alongside a Palestinian state that simultaneously exists in the same secure and viable way.

In case the current and most likely last window of opportunity fails to deliver in the next eleven months, what would happen afterwards? In our third panel, we will be talking about these alternative approaches in case the latter scenario takes place.

The name of Bruno Kreisky was mentioned several times here. I am not an Austrian, but I was lucky enough to not only meet him when I was a refugee from communist Czechoslovakia, but also to work with him in the Social Democratic Party of Austria in the press department. Bruno Kreisky was a very courageous man in general and in his approach towards the Palestinians and the solution of the Israeli-Palestinian conflict in particular.

## **Introduction**

**Sam Bahour**

*Independent Business Consultant*

To be honest, I had planned to introduce this panel with a story about my daughters. But, instead, I would like to start with a story that had just happened on my way here. I flew from Amman and landed in Vienna, and I went up to lane number three to the passport control. The passport control is a small box made of a bulletproof glass wall through which you look at the passport control officer; under it, there is a small slot at the bottom of the glass where you slide your passport in. So, being tired after travelling the whole day, I slid my passport in and set my hand on the desk, waiting for my passport to be returned. I believe

that two of my fingers slid about two extra centimeters under the glass, which made the officer look at me and say: "Sir, please keep your distance". I smiled and tapped on the glass. He did not smile back.

I associate this short story with our topic today. To revisit history, due to the atrocities committed on this European land in World War Two, the world order was reset; and for anyone who does not believe that the world order was reset, I would like him or her to invite me when the Vandals are expected to go back to Poland and would like the Congress of the United States to invite me when the American-Indians decide to go back to Manhattan.

The world order did reset and international law became the dividing bullet-proof glass preventing these atrocities. But not only did it become a divider for those atrocities, but also a divider between those atrocities and the human actions that can be taken to allow an environment, a state, or a society to be able to build up the momentum to actually create such atrocities. International law today is that glass wall. And, like every safeguard, whether it is an ugly wall or a long fence, there is always an opening, just like the one under which I slid my passport.

In my story, that officer had a serious issue with me intruding on his space by about two centimetres. Palestinians have had their space systematically trampled upon for 65 years. Every single day, and even as we speak, as we discuss peace and peace processes, what we know and do not know, our land, economy, and basic human rights are being violated. Not only in the West Bank, in East Jerusalem, or in Gaza, but also worldwide as those refugees yearning to go back home have their Right (of Return) violated on a daily basis.

So, we ask you to keep your distance as the European Union. Do not play for Israel or for Palestine. We ask you, as you stated at the beginning of this conference, to play European. And if you play European, you do not have a casual choice of whether to implement international law or not. You have a legal obligation to implement international law. And what we ask you is to just knock on the glass to hold Israel accountable. And I want to be frank, just as everyone preceding me has been frank as well. While the EU guidelines had brought in a breath of fresh air, this parliament relegated holding Israel accountable away from the politicians, who are supposed to hold states that violate international law accountable. It allowed it to come out of a technocrat institution, which implements EU law for EU purposes. And I would hope, in parallel to that, that

the politics of holding accountable those who violate international law would be brought back to where they belong – in the political realm.

With that, I will go on to tell you the story that I was going to start with. It's a story about my daughters. I have two daughters. One is a 19-year-old MIT (Massachusetts Institute of Technology) sophomore, who was born the same year as Oslo was born (1993). The other is a 13-year-old, Nadine, who was born the same year as the second Intifada was born (2000). Both of my daughters have known nothing but walls, fences, house demolitions, and restrictions of movement and access. That is their life. And I once called them and asked them to bring their classmates together as I wanted to hear what the new generation of Palestinians thinks about the state that we are in. And what I would like to say next is what they told me.

This is what my children's generation says:

"We know we are militarily occupied. We're not going to accept it, don't worry. We, as Palestinians, for better or for worse, are not going to make world history and be the first population on this planet to accept a military occupation. But, dad, we read our history and we know that what happened to you all in 1948 was like one hundred 9/11's struck on the same day. And you did what any state would do, even in today's terms. You tried to fight your way back. And you chose armed struggle to get back to Palestine. And by the way, it wasn't the Palestinians who said that they were going to throw the Jews into the sea. That statement never came out of a Palestinian mouth – it came out of an Egyptian leader's mouth.

But dad, we proved one thing beyond reasonable doubt – we proved that we don't know how to fight. Not only that, we are up against a regional, if not a global, military power that is a producer of weapons and which did not get there by itself. It got there because France gave it a nuclear technology. It got there because Germany gave it submarine technology. No, we can't fight our way back.

So, what did the Palestinian movement do then? It went to international law. At around 1974, the Palestinian movement decided to go to the plumbing of international law. We can rattle off more of the Fourth Geneva Convention than you will ever want to hear. A 13-year-old walking in the streets can rattle off all the UN resolutions that relate to Palestinian rights. But, dad, it doesn't matter, we're still occupied.



And then what happened, dad? What happened next is that the people under occupation said “That’s enough – no more”. They had an uprising. And the uprising got the world’s attention, especially in Europe. But it also brought us broken bones. And that didn’t work – we’re still occupied.

And after that, what happened, dad? You were part of this one, dad. You decided to have bilateral negotiations, because the US basically forced it upon you, with the Israeli side – your occupier.

And dad, when you came in 1993 to Palestine, in the year one of your daughters was born, the negotiations started with 100,000 settlers on the ground and, twenty years later, there were 500,000 settlers instead. So, you want to convince us, dad, that docking is okay while the world turns a blind eye to the actions on the ground? No, docking didn’t work – we’re still occupied.

And then, what else did you do, dad? You all went back to the United Nations. But this time, not to the plumbing part of the United Nations – you went back to the top. And you got 138 countries to accept Palestine. With your own hands, you brought the two-state solution to the international arena. And what happened there, dad? The majority of the world said “Yes”, but the United States, Israel, the Czech Republic, Canada, the superpower of Micronesia, the superpower of Palu, and a few others said “No”. So, that didn’t work either – we’re still occupied”.

And then, my daughters tell me something that I have a very hard time saying myself and that my own dad could never say.

They said: “Dad, maybe it’s time to look Israel in the face and say: ‘You win. You win – you get it all! You get Israel, you get the West Bank, you get all the water, you get all the frequency and air space, you get the entire Jordan valley, you get all of the settlements and, you know what else you get? Us! Now, we heard you have free healthcare in Israel. Where do we pick up our health cards? And we want some of that free education too.’”

While the debate is usually around a one-state and a two-state solution, as if those were the only options available to us, there are still plenty of other options: one-state, two-states, three-states, a confederation, a federation, a parallel sovereignty, a condominium agreement, and many more. (As a non-politician, I do not know why political science is not called political art.)

But we, including this newer generation, have created a litmus test by which to examine any of the political arrangements that might be offered. And the

litmus test is basically three words that the late Edward Said once said: “Equality, or nothing”. And I wonder what makes it so complicated for the European Union or the United States of America to understand those three words “equality, or nothing”, regardless of the political arrangement. And I hope that that opens up a discussion in the panel when discussing what those arrangements could be.

## Panel debate

### **Gertraud Auer Borea d’Olmo**

#### *Secretary General of the Bruno Kreisky Forum for International Dialogue*

Let me very briefly thank the two legs that allowed us to march on this alternative path. One leg is Dr. Bashir Bashir, who introduced this idea to me some years ago. The second leg is the only Austrian institution that sponsored this initiative, the Directorate for Security Policy of the Austrian Ministry for Defence. So, security can also be interpreted in a different and in a creative way.

I am very happy to have the opportunity to introduce “Alternatives to Partition”, which has been a process of the last three years, carried out by a group of Palestinian and Israeli friends who were brave and courageous in working and promoting paradigmatic shifts out of the impasse.

Our vocabulary is historical reconciliation and political engagement, and our grammar departs from the current paradigm of division or partition, towards common grounds – a paradigm based on what unites rather than what divides us. The deliberations that went on for several years in Vienna resulted in proposing several principles that would secure the individual and collective rights, interests and identities of Jews and Palestinians alike in historical Palestine/Israel.

“This novel type of intellectual and political engagement is not merely a utopian exercise, which is very often a critique that we get, but one that takes into consideration the solid, empirical reality manifested in the growing intertwining of lives, rights, and identities of Palestinians and Jews in Israel/Palestine, as well as the factual developments on the ground.

We grounded our intervention on premises and concerns of justice and on an inclusive and egalitarian notion of democracy. The Alternatives to Partition

project does not name or imply a specific governmental institutional formula or modality of ending the conflict. We are not promoting one state or two states. We are not “one-staters”, but we are promoting rights and values. It focuses on the fundamental principles that need to be taken into consideration in the design and implementation of any viable solution, and which can be accommodated and realised in various constitutional and/or institutional arrangements, be it two-states, a federation, confederation, a bi-national state, or you name it.

In other words, we have come up with a set of guiding principles that go beyond the predicament of the binary of one-state/two-states or any theoretical institutional arrangements for a political solution. We believe that living together respectfully alongside each other is both desired and possible. This document does not aim to suggest a concrete solution, but rather to lay out a new political grammar and vocabulary to differently understand and frame the discourse and actualities of a just and durable solution in Israel and Palestine.

Our departure point lies in the belief that the faith of two people is inextricably linked, that Israeli Jews and Palestinians are part of the Middle East, and that neither will be granted exclusive privileges or sovereignty over the entire land between the Jordan River and the Mediterranean Sea. For a close review of the set of principles that our group has come up with, please see page 131 of this volume.

**Leila Farsakh**

*Professor, University of Massachusetts*

Thank you very much for inviting us and inviting me to speak at this important gathering. It makes me feel that the work of academics can be of some value to politicians. And I remain at heart immersed in politics however much I pretend to want to be academically rigorous or objective.

I would like to discuss the relevance of the idea of alternatives to partition to what has been discussed in the previous panels. That is: how do we tie in the ongoing negotiations with Oslo? What have we learned from Oslo? Was Oslo a complete waste of time or is it the only game in town and we therefore have to stick to it? What is there to be learned from trying to emphasise values and rights in order to overcome privileges and create a sustainable peace?

So, the question is, why is this two-state proposal not at the table when both societies seem to adhere to a two-state solution? In this respect, I believe that it

is unavoidable to ask ourselves: what have we learned from Oslo? That is, what did Oslo bring which was foundational? And what did Oslo not bring to get us to this impasse that we are in?

Here, I think that it is important to recognise that Oslo has been revolutionary in three important ways.

The first (and one of the most important and positive) ways is that it provided an official recognition of the collective rights of both Palestinians and Israelis. As Leila Shahid explained, this Palestinian recognition of Israel's existence in 1988 became official after Israel and Palestine's mutual recognition of each other's collective rights and equal claim to the land.

However, what happened in the record of the past twenty years documents a trivialisation or an emptying of content of what Palestinian statehood or Palestinian independence could mean. And this emptying of the Palestinian content of a national collective right has happened as a result of three main practices.

Firstly, it resulted in the territorial fragmentation that Oslo institutionalised, as the latter did not provide a final status solution. This is manifested in the A, B, and C Areas (in the West Bank), the expansion of settlements, and the expansion of checkpoints, permits, and the wall. Secondly, Oslo brought economic fragmentation. It is manifested in an economic separation between the West Bank and Gaza and in poverty rates of 60% of the population in the Gaza strip. In the West Bank, poverty rates are lower, but they have institutionalised extreme income inequality. And thirdly, Oslo has brought political fragmentation.

These three processes of fragmentation did not necessarily result from Israel's concern for security, but from the way in which Oslo was structured – it avoided the root cause of the Israeli-Palestinian problem. At the time, the negotiator decided not to tackle the five core issues of the conflict because of the idea that we were not familiar with each other yet and first needed to create confidence measures. The Palestinian authority was assigned as the vehicle to create these measures between the two sides; only afterwards would they sit down and talk about the five core issues.

But I think that there is something much more fundamental to it. Oslo based the conflict on the 1967 war, making it the starting point of the conflict, rather than the 1948 war. I think that today we are paying the price of not having tackled that problem. By that I do not wish to fault Israel or Palestine with anything – this is not the issue. Rather, it is to solve the problem of two people having the

same claim on the same land, which has to be tackled based on values and rights, rather than the interests and powers at play.

And in that respect, the set of principles (BKF's Alternative to Partition principles) is particularly valuable precisely because it emphasises that any proposed solution, be it a one-state, a two-state, a confederation, or a condominium, must ensure this set of values. And these values are not Israel's alone. Just as we talk about Israel's security, we must also talk about Palestinian security. And just as talk talking about Israeli need for space, we should also talk about Palestinian need for space. So, we must resort to values.

From a Palestinian point of view, these principles emphasise four main issues at the core of the Palestinian national movement and the core of the Palestinian struggle.

First of all, they emphasise the rights of Palestinians in their totality. They protect the Palestinian refugees' Right of Return, which has been enshrined in international law. And they also talk about the Palestinian citizens of Israel who live inside the 1948 borders. Moreover, they protect Palestinian refugees as well as Palestinians living inside the West Bank and the Gaza Strip. Thus, it allows a reunification of the Palestinian body politics, which had also been fragmented.

Second of all, they address the Jews' rights in Palestine. In its discussion, Oslo has marginalised this issue because it made the discussion as one between Israeli and Palestinian national movements rather than between the rights of the Jews in Palestine and the rights of the Palestinians in Palestine. These sets of principles, however, bring back the latter discussion. That is, by discussing the equal rights of Jews in Palestine, we can challenge the argument of privileges. It ceases to be a question of who has the privilege of being more of a victim, and rather becomes a question of how we can rid ourselves of the concepts of victimhood and privilege.

Third of all, they protect the collective and individual rights, which is central to the discussion. Anyone talking about the one-state solution is often described as idealistic. And anyone talking about values is often considered un-pragmatic in disregarding the reality of the powers at play. These principles, however, emphasise both individual and collective rights for everybody. In other words, they allow for a desirable state of rights. The state of equality that Edward Said had talked about cannot exclude a discussion of collective rights or self-determination.

This set of principles allows us to conceptualise self-determination beyond and irrespective of territorial sovereignty, which I think the EU could teach us much about. The EU is a result of, and a process of, reconceptualisation, and has shown us that self-determination can exist in different territorial configurations by first recognising national and individual rights in a unified state of rights.

And last but not least, this set is also in harmony with the demographic reality on the ground. The Palestinians are nearly at a demographic equality with Jews. And addressing that issue by thinking of security before thinking of rights simply delays the process, to the detriment of everybody, failing to bring peace to the Palestinians, the Israelis, and, also, to Europeans, who are central to this conflict.

### **Avraham Burg**

*Author, political activist, former Speaker of the Knesset*

Is Oslo alive? Well, it was born. Twenty years ago we celebrated the birth of Oslo. However, it was born very sick and died soon afterwards. Eventually, it passed away in the middle of 1999 because, while Oslo was supposed to be a transitional agreement towards a declaration of a Palestinian state, the Israeli leadership of Yitzhak Rabin, Shimon Peres, followed by Benjamin Netanyahu lacked motivation and courage to fully exercise the Oslo mission. Since May 1999 and until today, Oslo has been a dead element, and actually became a code name for the Palestinian authority as a subcontractor to the Israeli occupation. There is no Palestinian state, no agreement, and no nothing.

I suspect, though this is not my side of the equation here, there are some Palestinian segments and elements who enjoy this state as well. For this is a world in which, if enough sides are happy about the way something is, it remains the way it is. Yes, I do pray and cross my fingers that something will come out of it by the upcoming May [2014], at the end of the nine months or, as the ambassador said, at the end of ten months, or perhaps at the end of ten years, ten decades, or whatever it may be. One day, something will come out of it. But still, I don't believe in it; you cannot build a healthy structure on a sick or weak foundation. Oslo at the time was itself an alternative to the previous reality. And the question now is, "what will the alternative to the alternative be?"

One of the outcomes of Oslo is the separation between the two collectives. Until Oslo, and as difficult as it was, we would mix with each other – in the streets, at the working place, on the roads. Under the pretence of a peace process,

which gave birth to processes upon processes upon processes of peace, separation was born. And since we are looking for an alternative to the alternative, we therefore are looking for an alternative to separation.

Looking for an alternative to separation addresses an important issue. When we agreed on a Palestinian state or a two-state solution twenty years ago, we understood that that was actually the final arrangement, that that was the new setting. Today, however, when you mention a two-state solution, most people think of it as an interim solution. So what next? Even if we have a two-state solution by the upcoming May, whereby Prime Minister Netanyahu gives his famous or infamous Bar-Ilan speech, the question remains: then what?

What comes after the hollow and empty formula? The conversation is a very difficult one because it feels like walking into a magical junkyard. If you look for a one-state solution, you have it. Two states, you have it. If you want the Arab League Initiative, you have it. We have anything you want in the junkyard. And everybody comes and picks up one of these solutions and enjoys it. You tell me two states, I tell you civil rights. You tell me civil rights, I tell you demography. You come up with demography, and I tell you the Arab League Initiative. You tell me the Arab League Initiative, and I tell you about Syria. So, it is impossible to talk; the conversation is a very confused and perplexing one. And the question is: by the end of the day, is it possible to take as many components as possible out of this junkyard and create an alternative?

And here I would like to offer one. Maybe it is not an absolute, complete working model, but the structure is there.

We speak about two states as a kind of a top-bottom collective solution. A Palestinian state is presented as a *deus-ex-machina*, descending from the top and, there we have it, whether the state of Israel is recognised or not. So we have two collective top-bottom solutions with a binary nature: it is either two states or nothing. The alternative to the two-state solution is “nothing”, which we have adapted to, by the way. We opted for the nothing as opposed to the two-state solution and have perfected the nothingness as a policy.

But a binary solution is insufficient; for below the two-state solution we face some issues, and above the two-state solution we face others. So who will organise it and how will it be organised? What are these issues? In our era, rights are a priority for individuals; they are more important than a collective definition, the Hallelujahs, and the fireworks. Individuals ask: What about my rights?

I would therefore like to offer a three-storey political structure. The basic ground floor stipulates that between the Jordan River and the Mediterranean Sea, every individual has a right to the same rights. Whatever I have, you have, men and women alike, Jews and Palestinians alike, Israelis and Palestinians alike, and Jews and Christians and Filipinos alike as well. Every individual has a right to have the same rights. Life should be Edward Said's philosophy; it is so natural and should be a given. And, while Israel is very proud of being the only democracy in the Middle East, I would like to be a bit modest and say that Israel is the only half-democracy in the Middle East. Perhaps all that is in between the Green Line and the Mediterranean is okay; but whatever lies beyond the Green Line bears no resemblance to democracy – to say the least. And so the ground floor demands that every individual between the Jordan River and the Mediterranean Sea has the right to have the same rights.

The mezzanine floor coordinates the relations within the collective, which comprises a Jewish element and a Palestinian element. Will it be a structure of two states? I have no problem with it. Two sovereignties? I have no problem with it either. Will it be two large communities? Whatever it may be, we will need a mezzanine floor in which the collectives can define and express themselves without the permanent friction and alienation between the two elements.

However, this will not be enough. We are next-door neighbours with few kilometres separating us. There is a total economic imbalance and a lack of common infrastructure. It is unbearable, constitutionally speaking, that on one side of the fence an individual is defined as a freedom fighter while on the other side of the fence, the same individual is a war criminal.

We therefore need a constitutional supra-structure that coordinates the value system of both societies. So, at the end of the day, this structure has a ground floor of rights, a mezzanine floor of political entities, and a coordinating federative or confederative supra-structure that takes on some of the responsibilities and functions on behalf of us all.

Does this different structure for the Middle East correspond with some of what you have here in Europe? Yes, it does. Is it possible in the Middle East region? Of course it is.

Allow me to make two final remarks:

The first is that I do believe that the contemporary Arab awakening offers fantastic opportunities for Israelis and the West to engage with these liberal,



rights-seeking, committed forces in Arab societies, forces whose existence we did not even want to recognise two, three, or four years ago.

The second point is the following: until I met Husam (Zomlot) – a kind of a traumatic organising moment in both of our lives – I walked around with the feeling that no matter how it goes, it will be all of us Jews vs. all of them Palestinians; regardless of what happens, it is all of us versus all of them. Then, thanks to the Bruno Kreisky Forum, I “unfortunately” met him, along with this group of very good people, and realised that our value systems were closer to each other than those of my cousins who are settlers and occupiers. So, suddenly, the potential for applying structure lies in a very simple acceptance: that it is some of us and some of the Palestinians; versus some of us and some of the Palestinians. It is all of those who are committed to the value system of rights, acceptance, and coordination; versus all of those who try to annihilate the other, one way or another.

Is this structure possible?

The proof is in this room.

### **Inbal Arnon**

*Associate Professor, Hebrew University of Jerusalem*

At the risk of repeating some of what has already been said, I will put on my scientific hat and say that repetition is really good, especially when introducing new ideas.

What we have been trying to do with these new principles is to reconsider the logic of partition or separation. Mainly, these principles question the idea that the goal of an agreement is the strict separation of the two peoples.

We question it for two kinds of reasons, both practical and conceptual. Practically, the lives of the two peoples have become increasingly intertwined. Moreover, what the partition fails to address is the fate of the Palestinian minority inside Israel, which is a big failure. It also fails to acknowledge the two peoples’ historical and religious ties to Historic Palestine, a question which has also come up in previous discussions.

On a conceptual level, and maybe a more important one, partition or separation in and of itself does not guarantee the individual and collective rights of the two peoples. So, thanks to the twenty years following Oslo, we now know that we can have both a very unjust two-state solution and a very unjust one-state solution.

Moreover, it is important to find a solution that does not maintain the asymmetry and inequality that it was meant to resolve between the two peoples. This should apply within both the Occupied Territories and Israel. And here I have to disagree with MP Hilik Bar about how happily Israel accepts the Palestinian minority inside Israel. We know for a fact that there is a lot of racism and discrimination that has gotten worse over the past twenty years, in part because of the logic of partition. If we separate the Palestinian minority inside Israel, we risk endangering their rights.

Therefore, the starting point for any agreement should be a set of principles that guarantees the individual and collective rights, interests, and identities of the two people, upon which the two sides have to agree. The agreement will include ending the occupation, discrimination, and inequality that come with it.

These principles should guide the institutional implementation through the vision rather than the framework. And, once more, I want to stress that we are not advocating a one-state solution. In fact, these principles can happily live inside a somewhat modified two-state solution. But the idea is to base ourselves on these principles and work for a solution henceforth, rather than the other way around, which has been devoid of any content or principles that could actually impact or end the conflict.

We also hope that by implementing those principles we can address several of the shortcomings of Oslo. I will echo what Ambassador Leila Shahid eloquently said: we can use the past failures to learn from for the future. One failure of Oslo, which Leila Farsakh mentioned, is that Oslo failed to touch upon or resolve the fundamental issues; it did not provide the two sides with an acknowledgment of the legitimacy for both collectives to exist in the region. It also failed to resolve the inherent asymmetry between the sides – in terms of economics, resources, and rights. Likewise, it failed to deal with what would happen inside Israel, to deal with 1948 rather than 1967, to address the Palestinian minority inside Israel instead of relegating it to a later discussion. They have to be a part of the solution to the end of the conflict.

But why would Israel or Israelis be interested in this shift of paradigms? So far, to be perfectly honest, the status quo has cost the Palestinians a very heavy price and the Israelis a very low price. Israel has actually been quite secure in recent years and, in the years following Oslo, increased its access to land and

resources. Thus, there appears to be no incentive or reason for the Israelis to reconsider a paradigm shift.

However, that is only what appears on the surface. There are two strong reasons for why Israelis should consider this shift. First, ending the conflict by recouring to these principles is the only way to offer Israelis a long-term, viable presence in the region, as is becoming increasingly clear, especially when examining the developments or underdevelopments in the region around us. This includes our presence as both individuals and a collective.

The second reason is that this shift in paradigm is the only way to maintain a democratic society inside Israel. And, as an Israeli who is deeply committed to that society, and who chose to return to live in it, I think that this is incredibly important. I think that the logic of partition has led to an increasingly racist and undemocratic society. We can see that in the legislation being passed in the recent years, in the way the minorities are treated, and in the way the centre is treated. To avoid that path, we need to resort to a discourse of inclusive rights. And the logic of partition does not work well with it.

Moreover, I think that these principles, which include an acknowledgement of the presence of a Jewish Israeli collective in the region, will somehow resonate with more Israelis, bringing more in line with the idea of a possible end of the conflict, leading more of the Israeli public to adopt it.

Another reason why this is crucial right now is that the Israeli society is at a crisis point. There is an ideological crisis and an increasing economic gap, leading to a shrinking trust in the state and its institutions. This is a dangerous process and the European Union, more than any other, knows where that could lead. At the same time, however, the breakdown of the traditional alliances and the mistrust in the state can lead to the formation of novel alliances around the discourse of rights.

To give one example, I will tell you about this group of public housing activists in Jerusalem, which mainly comprised single mothers and homeless people who had come together to try and demand public housing rights (as the general state of the public housing in Israel is going through a big crisis). Recently, this group paid a visit of solidarity to Palestinian families in Shu'fat and Beit-Hanina whose houses had been demolished by the state. While these were not the classic left-wing audience, they still managed to form an alliance without giving up their differences or identify as Jewish-Israelis and

Palestinians. They have managed to come together around this basic right of housing.

Finally, I will end with a remark about the many policy implications this has on the EU. First, having the EU committed to guaranteeing individual and collective rights rather than guaranteeing a two-state framework would be an important step forward. That means intervening in the actual rights on the ground rather than the promotion of more forums, which would allow us to discuss possible solutions. Second, I propose that the EU commits to supporting grass-roots action and alliances on the ground as a way of moving ahead with establishing further new alliances.

### **Bashir Bashir**

*Research Fellow, Van Leer Jerusalem Institute*

I will first try to summarise what these interventions imply in terms of the specific alternatives that they propose. Then, I want to touch on two very significant points that I think are the core of our engagement and discussion on the question of Israel/Palestine, both of which have to do with sovereignty and the state. I will also mention the question of Jerusalem and the question of the Jewish state as examples of how our logic or paradigm proposes alternative thinking, following in the spirit and the context of none other than Europe.

To summarise, these interventions have basically tried to propose a bi-national ethic that leads to a historical reconciliation in Israel/Palestine. What do I mean by this and how is it different? Oslo, or the entire peace process, has been premised on a logic that promotes an asymmetrical segregation, separation, or partition, as if guided by the Hegelian notion of master and slave. That is, the occupier and the occupied – a built-in, systematic, structural asymmetry of power that is very hard to break, and one which has been sufficiently elaborated upon here.

What is the alternative, then? The alternative is an approach that adopts bi-national ethics, leading to a historical reconciliation, precisely to meet the asymmetry of power through acknowledging principles that prove to be alternative in the following sense.

The first is based on egalitarian politics – the principle of equality. The second is based on reciprocity. The third is based on mutual legitimacy; that is the Palestinians must come to terms with the existence of Israeli Jewish nationalism in historic Palestine and, more importantly, with recognising the Israeli

Jews' acquired right to national self-determination. Equally, it is about time that Israeli Jewish nationalism comes to terms explicitly with the existence of Palestinian nationalism in historic Palestine, and, most importantly, their right to national self-determination. That is what we are trying to promote.

Now, one could say that this is very nice, romantic, escapist, and utopian, but I think that it provides more than just that. How so? I will explain it in two very brief issues, which are at the crux of the European experience.

The first pertains to sovereignty. Our frame and ethics propose alternatives in what we have called a new grammar of politics. Whether you are a scholar, a politician, or an activist, integration is one of the most used words in the context of Europe. Integration is used often because there is a neo-medieval system of sovereignty in Europe. That is exactly what the European Union is all about – producing a neo-medieval notion of sovereignty. Unlike the old European invention of the (absolute, indivisible, and unshared) Westphalian paradigmatic notion of sovereignty, the new European invention substantively breaks from that paradigm, introducing a post-Westphalian order. That is, it introduced a new notion of sovereignty, whereby sovereignty is not absolute, but shared and divisible.

I will take Jerusalem as an example. Most of today's participants propose Jerusalem as the capital of the two states, which is an example of shared sovereignty. But why are we proposing a shared sovereignty for Jerusalem? Because the two sides in Jerusalem are intertwined – Arabs and Jews in Jerusalem are inseparable. However, they are still separated by walls, Bantustans, ethnic cleansing, checkpoints, and many other systems. Nevertheless, and since all of this is ethically inconsistent and morally unacceptable, what we propose instead is shared sovereignty. Historic Palestine from the Jordan River to the Mediterranean Sea is a macrocosm of Jerusalem, where Palestinians and Israelis are intertwined in the entirety of the land.

This is one example for why I think this idea empirically relevant – I believe that the reality on the ground is already a few steps ahead of this idea's political conceptualisation. It also shows how the current negotiations enterprise, among many of its predecessors, remains a virtual one.

The second point pertains to self-determination. I believe that the overwhelming majority agrees that both Palestinians and Israeli Jews deserve support for self-determination. Another European development that has followed

the logic of integration and a new post-Westphalian order was the cashing out of self-determination in a non-statist manner. That is, cashing out self-determination does not necessitate exclusive sovereignty or statehood; it could also be cashed out in such models as a federation/confederation, a European Union, and many other systems.

The logic of the Jewish state, however, perpetuates the distorted logic of master and slave that is blind to the huge indigenous population that exists inside what is termed as Israel Proper. They are not Jews; they do not want to be Jews, and the Jews do not want them (the indigenous population) to become Jews. To connect this with political theory, one of the most important ideas of twentieth-century philosopher Jürgen Habermas is *deliberation and democratic legitimacy*, which set the theoretical blocks for the formation of the EU in specific and for post-nationalism in general. Habermas states that for a democratic decision to be made and become legitimate, those who are affected by it should be somehow part of its making. And so it follows that Israel's wish to be recognised as a Jewish state without referring to 20% of its constituency, is unacceptable. And I am confident that the overwhelming majority of Palestinian citizens of Israel is not going to accept this, let alone the larger Palestinian political framework.

And my last point regards the Israeli ambassador's comment (David Walzer). He more or less implied that while we could go ahead and do this (talking about alternatives), we should not do too much of it. While he does not defy alternatives, he does not wish us to explore them, asking us to divert our energy from discussing them. This, however, is considered policing. Our group calls this the *tyranny of statehood*, as it determines the boundaries of the imaginable. It determines what is permissible and what is impermissible, what is worth investigating and what is not worth investigating. It is almost telling us that if we are to think about self-determination and seek to be respected outside the framework of the Jewish, exclusive, homogenous, and ethnic nationalism, we will be accused of being anti-Semites, anti-Israel, and so on.

While this enterprise might sound a little ambitious, it is both overdue and timely. And living where I live, I can assure you that it is based on an intimate communication with and a careful reading of reality. Therefore, I think that the Europeans, in terms of institutions, could also start rethinking, or at least expanding their horizon, abandoning that permissible/impermissible policing

concept, and actually start extending their generosity and political and intellectual integrity to embrace and support initiatives of this sort.

And this should not only be a European interest, as it is first and foremost a European responsibility and obligation. Zionism is a European phenomenon, which was an answer to a European racism and anti-Semitism, the consequences of which the Palestinians have been enduring. Nevertheless, the Palestinians are willing to share the land, Palestine, with the Israeli Jews. But this remains a European mandatory, ethical responsibility. While not all Europe was implicated in it, anti-Semitism still came from major European players such as France, Germany, Austria, Poland, and many others.

Therefore, the Israeli-Palestinian question and its roots are both a European question and a European phenomenon. The language of interests, terror, and security should not be the exclusive drive of the European engagements. The ethical commitment to what the Europeans beautifully stand for today- democratic principles, equality, as well as justice, also matter. And this is exactly what this enterprise is about – distributive and restorative justice, premised on bi-national ethics for a historical reconciliation, where we transcend and break out of the master/slave, occupier/occupied dichotomy, not in the sense of escaping, but in the sense of addressing asymmetries of power and coming to terms with them.

### **Javier Moreno Sanchez**

#### *Secretary General of the Global Progressive Forum*

As has been said, these ongoing negotiations are perhaps the last opportunity for negotiations of this kind. Should we wait nine or ten months, or who knows how long, for that chance to die before we introduce the new approach presented to us this evening? Do we have to wait until there is no more solution to apply a new paradigm based on values and rights rather than on interests? Or, can we bring that to the negotiations table, and if so, how?

### **Leila Farsakh**

I do not think the question is about waiting or not waiting to see whether Oslo dies or not. We all know that the ongoing negotiations are based on a legal framework that has recognised the only resolution to the conflict in a two-state solution. Our legal structure, be it in Resolution 181, 242 and the roadmap, which admits that the only solution available now is a Palestinian state.

What the discussed principles try to do is state that the solution and outcome of the Kerry-sponsored negotiations must address these issues of rights and values. Now, how can we make them apply those principles of rights and values? As you know, it is only the EU and the United States that can impose these on the stronger party. This is your role to play rather than ours. The EU's stand on settlements is central here – you could emphasise the importance of seeing collective rights in different frameworks, and adopting Bashir's proposition to consider Jerusalem to function under a shared sovereignty.

The problem, however, is that the interlocutors, especially on the Israeli side, are not interested in such alternatives and can afford to waste time. The only entity that can make them stop doing that is the international community, of which the EU is a central player – Israel is to be held accountable to international law and should be denied access to EU money, research, and membership until it adheres to these basic values. I also think that it is important that this discussion exceeds this group and reaches the commission, which will hopefully implement a principles-based agenda.

### **Question from the audience**

The problem of the Palestinian refugees was not discussed here, which is a very important issue to solving the conflict between Israel and Palestine. My question is to the Israelis: if you have one country with a Palestinian minority, what will you do when the large number of Palestinian refugees will want to come to Israel?

Secondly, if you have two countries, one Palestinian and one Israeli, how will the Palestinian government with its already overpopulated territory solve the problem of the Palestinian refugees?

Thirdly, we gave the Palestinian people all the social possibilities for a very good life. But I'm not sure that they have stopped or will stop inciting against Israel. It's a mentality problem for me, and this mentality must be changed.

### **Inbal Arnon**

We do not have mentality problems. We actually live in the region with each other and I do not think that this is a mentality issue. And, very shortly, we do address the Right of Return. We do not have a fully detailed plan yet, but there are ideas about how that can be implemented in a way that respects us and does not replace a past injustice with a new injustice.



## Husam Zomlot

Even though I am not part of this panel, I am very tempted to comment on that question. This represents a rather mainstream attitude, and it is very important that we address it in two stages.

First, I would like to address the attitude itself, whereby the Palestinians are represented as having been *given* rights by Israel, *allowed* to drive on Israeli roads, *allowed* to be on Israeli busses, and *paid* like normal people, but that, alas, they (the Palestinians) still misbehave. This attitude is causing a lot of great problems and is being translated in the current political system. However, our original struggle *started* in Palestine – we have originated in Palestine.

Regarding the refugees, I was effectively born in a tent in a refugee camp in the south of Gaza – in Rafah. My father lost his home in Israel and I grew up hearing all the narratives about the *Nakba*, the Palestinian catastrophe in 1948. And so I can claim to represent the mainstream Palestinian refugee. And while some of them might want to come back to the Palestinian state, some of them might want to stay where they are, and settle in Lebanon or Syria, for example, where they have been for the past two generations. Others might want to resettle in a third country – they might find Canada or Australia to be offering them better economic opportunities – while the rest might want to go back their original homes.

However, all of them want one thing – a full recognition of the *Nakba*. “Do not deny it”; this is what every single serious Israeli scholar has said too; the *Nakba* has happened. Israel has forced my father and the entire population of refugees out of that land at gunpoint. If we start with the recognition, if we recognise what happened and take responsibility over it, I believe that we would resolve 70% of the problem already. In my opinion, this is the easiest of all issues. In fact, it is even easier than resolving the question of Jerusalem and the settlements. Nevertheless, my father has to be given the option to go back to his home after recognising the *Nakba*.

I will also tell you, and this is not to make you feel better, that most likely and most practically, most Palestinian refugees will not return. For instance, my father now lives in Notting Hill in London, holding hands with my mother all the time. Being a refugee for the third time, he would probably not want to resettle again. I am not sure that he wants to go back to a Hebrew-speaking country

anyway. However, the moment you give him that recognition and take responsibility over the past, he will most likely tell you “Okay, fine, this happened, and now I’m going to live in London and get on with my life”. So, please do not think about refugees as a threat, but rather as an entry point to a solution.

### **Sam Bahour**

I would like to comment by stating the following: as someone who has relocated from the US to Palestine at the onset of Oslo, and has been there for the past 20 years, that while Oslo is a failed paradigm, its failure is recurrent. It has had many chapters of failure that were each written in a different capital.

But what was Oslo’s paradigm trying to solve? It was running around, mostly to European capitals, into your five-star hotels – thank you – trying to find a single button. The single button was called, and I heard it said multiple times today, “a final status resolution to this conflict”. What does that single button represent? The end of occupation, the release of prisoners, applying the UN resolution of the Right of Return, the resolution of the Jerusalem question, and the resolution of the natural resources – and then we would all kiss and make up. But it didn’t work; it actually cannot work. And if there is any lesson that I learned from living the twenty years of the repeatedly-failing Oslo is that instead of one button, there were two, and that they have to be pushed in the right order.

The first button has a title to it. It’s called “end the occupation”. We have absolutely no tolerance to live one more day under the occupation. And if any of you would like to convince me otherwise, I invite him or her to come live with me in my house in Ramallah until the occupation is over. Then, and only then, can Palestinians negotiate, as the negotiations would thus be based on a future arrangement between two free and equal parties. Can any of you convince me that the Palestinian side, no matter how articulate they are, can actually negotiate in good faith, when they could get arrested on their way home, or when their water can be turned off at any time, or when they are not allowed to attend the next meeting?

We are not idealistic. When I say, “End the occupation”, seeing 80% of the current occupation end could satisfy me just as well. For example, a simple thing that can be done, and which was actually done only recently, was to allow pasta into the Gaza Strip. *Pasta* was not allowed into the Gaza Strip for a long period

of time. Now, I know that pasta can be a weapon of mass destruction if you eat too much of it, but it took a US congressman from Minnesota to fly to Gaza to learn this fact, to go back to Minnesota to effect the State Department to influence Israel to allow *pasta* into the Gaza Strip.

I am not telling you anything that you do not already know. European Union Heads of Mission reports articulate those kinds of actions in great detail. So, how do we take the EU' Heads of Missions' reports, which come out on a monthly and year-round basis, and translate them into action to hold the parties, both parties, accountable?

**Ana Maria Gomes**

*S&D Group Coordinator in the Committee on Foreign Affairs  
in the European Parliament*

I must say that I am fascinated. I came to this conference not really expecting much, and instead I am really fascinated. Throughout my career as a former diplomat I followed the Middle East peace process with great frustration.

And my question is based on that: apart from the main actors, the main protagonists, the Israelis and the Palestinians, Mr. Bashir rightfully mentioned that Europe too bears part of the responsibility. However, throughout these years, I have seen a lot of backstabbing, mainly done to the Palestinians, by people or countries that were supposed to be their allies, one of which is Egypt. I saw that at the beginning of the peace process and it continues until today.

So, first, how is this exchange being imparted to a major player like the US? A parallel was drawn here with South Africa. The position of the West was a determining factor in ending the apartheid. So, how is the US being exposed to this kind of out-of-the-box thinking that we have witnessed here today?

And second, how would other places in the region react to these unconventional paradigms? Do you think that there is a chance they would undermine them? Is the conflict now in the area actually an opportunity to neutralise possible backstabbing by other players in the region?

**Bashir Bashir**

Let me use your example to actually demonstrate that some of this proposed thinking is not only challenging for the Zionist mainstream, but also for Palestinian nationalism. For while some people think that this manner of thinking

is music to Palestinian ears and very troubling to the Zionist mainstream, that is not necessarily the case.

There are much more serious challenges to this thinking than meets the eye. First, once we start to conceptualise a form of an institutional arrangement that speaks to the ethics of bi-nationalism, an arrangement which would also become an identity issue at some point as well, the Palestinian national movement will have to engage and communicate with Arab nationalism in a serious manner. Their communication would not necessarily have to be clashing; but there might be some serious tensions that could emerge from it.

The second challenge relates to the definitions of Palestinian identity and the political thought that inform these definitions. Political Islam, for instance, does not share many of these fundamental issues that we mentioned in terms of binational ethics. Moreover, this paradigm might compromise and contrast some components of the mainstream narrative in which Palestinians conceptualise themselves in relation to Zionism as a colonial movement. The stakes are very high for the Palestinians because recognising Israeli Jewish nationalism and self-determination in Historic Palestine is not an easy business for Palestinians.

Nevertheless, speaking of the hope that the Arabs at large will engage differently – they should bear in mind that historically the Jews have never been a weird or alien component to the experience of this area. And certainly, when historically comparing their legacy and existence in the Mediterranean, Arab, and Muslim worlds to their existence and legacy in Europe, the Jews come out doing much better in the former (i.e. the Mediterranean, Arab, and Muslim worlds).

Another project that the Kreisky Forum has started is one called *Arab Engagements with the Jewish Question*, which brings Arab intellectuals together to discuss the Jewish question. And you will have to see the excitement of first class intellectuals from Lebanon, Egypt, Palestine, and Saudi Arabia when they come to discuss these issues.

So, yes, there are challenges and tensions to this approach, and not only at the state level. Conceptually, it poses very serious challenges to political Islam; it poses a very serious challenge to Arab nationalism of a particular type – which follows a form of organic, exclusionist and ethnic nationalism. I do not think that Palestinian nationalism totally subscribes to that side. In fact, Palestinian nationalism is quite promising in the sense that it is largely a territorial, inclusive

nationalism, such as the one democratic non-sectarian state adopted by Fatah in the early 1970s. Fatah, among others, in its own conceptions, as a mainstream Palestinian nationalism, had spoken about an inclusive one state for Muslims, Christians, and Jews back in the 1970s.

So, we *do* have the resources to engage with this question. While this thinking (Fatah's 1960s, 1970s approach) is not necessarily still valid in today's world, it at least provides the conceptual and intellectual resources needed to handle this in a more effective way, all the while keeping in mind the other serious challenges to be faced as well.

### **Libor Roucek**

I think that this was a fascinating panel. However, instead of calling it "Alternative Approaches", I believe we should call it mainstream approaches – regardless of the type of solution, any viable and peaceful solution has to be based on the concept of human rights and civil rights, irrespective of your background, ethnicity, religion, gender, and so on, all of which are mainstream ideas.

European history is not only one of human rights, civil rights, enlightenment and democracy, but also one of racism, colonialism, fascism, and the Holocaust. The Holocaust was not committed by the Palestinians or Arabs; but by Europeans. However, what happened in Europe in the last sixty-five to seventy years was a process of learning the lessons of the most terrible thing that had happened on this planet – World War Two. We learned that the order we want to create should be based on the concept of civil and human rights, which I think should be the main message of this panel.

Yes, the current situation is changing and developing. I was in Israel-Palestine for the first time in 1980 as a penniless student who wanted to see the world and learn about people. I hitchhiked everywhere. I went to Egypt, crossed Sinai, the border at el-Arish, and went all over Israel-Palestine without a problem. I could go everywhere. I went to Jerusalem, Ramallah, Bethlehem, Nazareth, and all those places without a problem. While hitchhiking, I was picked up by an Israeli and by a Palestinian, both told me their stories. Somehow I understood that people were ok living together. But now they increasingly face further separation.

I think that it is important to insist on the concept of human rights and civil rights. I fear that if we reach a solution after nine or ten months without

introducing a rights-based approach, we will not make any progress. Introducing these rights should not only be the main message from this panel, but a key message from the entire conference.

## Cleavages and Obstacles

### Panel debate

#### Noura Erekat

Aside from the easy task of preparing Palestinian and Jewish-Israeli society to live as one and to give up the idea of nationalism and adhere to the guiding principles of the Alternatives to Partition Initiative, I see three major obstacles:

1. Abandoning the rhetoric of the two-state solution as it will not remedy the facts, the reality on the ground.
2. Abandoning the framework of Oslo altogether; Oslo is constitutive of the problem.
3. Making the status quo much more expensive.

Regarding the first obstacle, the problem is that partition conjures the image of separation where none exists. The Muslim and Christian Palestinian population, the Jewish-Israeli population, living as settlers or within Israel Proper alike are inextricably located within Israel Proper as well as the West Bank. The only exception to this is Gaza – the largest ghetto in the world. But throughout this area, and despite geographic proximity, the vast gap that exists between the Palestinians and their Jewish-Israeli counterparts is one that's based in law, policy, and decrees that deem the Jewish Israelis as superior to their counterparts. There is no two-state solution that can remedy this structural imbalance.

And this imbalance is not exclusive to the West Bank and Gaza, but exists in Israel as well. Consider the 15,000 Palestinian Jerusalemites who are now at risk of displacement; the 17,000 citizens of the state of Israel who will be forcibly displaced from their homes in the Negev and replaced by Jewish settlements. Between 1967 and 1994, 140,000 residency permits of Palestinians in the West Bank were secretly and quietly revoked in silent deportation. If it were not for these revocations, the Palestinian population in the West Bank would be greater by 14%. But that's also the case within Israel, where in January 2012 the Israeli Supreme Court upheld the ban on family reunification, which makes it illegal for a Palestinian to marry another Palestinian from an enemy state and live within Israel to build their family there. As former Israeli member of Knesset Ya'akov Katz explained: "The state of Israel was saved from being flooded by 2-3 million Arab refugees".

This problem is not just one of occupation but also of Israeli settler-colonialism that seeks to diminish the Palestinian population, to concentrate them where possible within Israel, as well as surround them with a complex network of settler infrastructure. This is not easily partitioned. And the two-state solution does not address these issues – it's like prescribing Aspirin to cure cancer, killing our patient with ineffective methods. As a result of Oslo, the settler population has increased from 200,000 to 600,000 between 1994 and the present. Why? As Sam (Bahour) has mentioned several times: Oslo did not have the terms of reference for international law. To the contrary, when Oslo was signed, 50% of the settlements in Jerusalem were considered legal as neighbourhoods. How would this realm be held to account without a reference point?

Consider also that we would create a single state between the West Bank and Gaza. Besides the challenge of having to build a magic tunnel or a bridge or helicopter that unite these populations, the cultural, political, and social divide entrenched between the Palestinians themselves hardly prepares them to become part of a civic and national polity of a single state.

Consider that as a result of not adhering to these international legal norms as well, water now is a significant issue and will remain as such. Israel's major water resources, the Western aquifer, the Jordan River, the Litany, and the Yarmouk, are all located in the West Bank. Former Prime Ministers Ariel Sharon and Ehud Barak have said that regardless of the outcome, two states or otherwise, Israel will not renege on any of its control of these water resources. Today, 60% of the Western aquifer is located within the West Bank, from which Israel derives 80% of its yield and leaves the rest to Palestinians. This water appropriation, resulting precisely from the terms of Oslo, has diminished the Palestinian population of the Jordan valley from approximately 540,000 in 1994 to 50,000, as the Palestinian farmers were no longer able to access water. This appropriation also diminishes the Palestinian economy by 10% each year and costs the Palestinians 110,000 jobs annually. Once more, all this is happening while adhering to Oslo.

Another major problem of Oslo is that it has also neutralised the Palestinian leadership, which once was a national liberation leadership and has now become an empty vessel. As Israel's Foreign Minister has said: "Palestinians must understand that they cannot have it both ways. They can't enjoy cooperation with Israel and at the same time initiate political clashes in international



forums". And so, our Palestinian leadership has rescinded the Goldstone Report from the Human Rights Council and has not gone to the International Criminal Court to hold Israel accountable.

I will end by saying that the other major challenge that we face is to examine how profitable Israel's economy in the West Bank is for every Palestinian subject it controls? Right now, the Palestinian economy is bankrupt – it is a charity economy with 160,000 of its Palestinian employees dependent on external aid and donor money. Palestinians cannot move forward in the international forums because by doing so they would risk the 160,000 jobs of their own people. And so, moving forward, I encourage parliamentarians to begin thinking about this conflict in more courageous ways, that we abandon Oslo as a framework, as it is quite essential to the problem, and that we begin to make this status quo very expensive to Israel in diplomatic and economic terms.

## **Concluding Remarks of the Conference**

### **Hannes Swoboda**

I will mention three points in conclusion. First, as the US interest in the ME region will most likely diminish soon, Europe must seriously pressure the Americans to promote the peace process.

Second, as regards the European strategy, we need to explain the motives behind our engagement in Israel/Palestine, that is, beside those motives of fighting extremism and strengthening democracy.

Thirdly, the road to peace will be long not only for Israel and Palestine, but also for the whole region. Let's hope that the current Geneva talks with Iran are successful, as they would also be good for the peace process: Israel's main argument regarding the Iranian or Syrian threat would no longer be relevant then.

I think that this was one of the best conferences we've had on the peace process in the Middle East. And while we cannot change things dramatically, the willingness to stay engaged with this conflict is important.

On the question of the one-state vs. two-state solution, I will underline what has already been said: it's about the values, rights, and mutual respect. Only the structures that correspond with these standards should be adopted for a political solution. As in the European case, the basic principles must be implemented, regardless of the structure that would later unfold.









# Reflections on New Paradigms for Israel and Palestine

## A one-day Roundtable under the Chatham House Rule

March 26<sup>th</sup>, 2014 in Jerusalem at the American Colony Hotel

The Bruno Kreisky Forum for International Dialogue in partnership with the S&D Group in the European Parliament held a Roundtable on “Alternatives to Partition” in Jerusalem. Over 60 men and women, Europeans, Israelis and Palestinians, politicians, scholars, and civil society activists convened to discuss alternative approaches to a politics driven by separation, interest and power in the hopes of introducing a partnership based on values and rights.

Secretary General of the Bruno Kreisky Forum Gertraud Auer Borea welcomed all speakers, participants and moderators on behalf of BKF’s organising body. Special thanks were addressed to Hannes Swoboda, Javier Moreno Sanchez, and the MEPs who joined the conference as well as to the sponsorship of the Directorate for Security Policy of the Austrian Ministry for Defence.

The roundtable was composed of five panels.

### **First Panel – Alternative Political Thinking for Palestine/Israel**

Chaired by Dr. Bashir Bashir, this panel suggested reframing the Israeli-Palestinian conflict through critically exploring two alternative approaches: “The Alternatives to Partition Kreisky Initiative” and the “One Homeland Two States Proposal”.

The first Palestinian panelist spoke of the paradigm that has been followed throughout the past 25 years as a political settlement trap driven by interests and power balances. The Palestinian leadership underestimated and misinterpreted the Israeli interests and hijacked everything under the premises of the “Solution of State”, thereby sacrificing rights and rendering the leadership as no less guilty of the results. He mentioned the urgent need for a political agency that challenges and changes the current status quo and questioned if there was an Israeli partner for such a joint initiative.

The second Israeli speaker read the Alternatives to Partition Principles, followed by a Palestinian colleague, who said he was committed to creating business opportunities in Palestine but constantly found himself trapped in the reality of occupation instead. She argued for re-orienting the path towards reconciliation rather than a deceiving and impossible search for a “final solution and end of all claims”. Both speakers ended the presentation by reconsidering the logic of partition and the necessity of integration instead of separation.

### **Second Panel – Why New Paradigms Now?**

The chairman of the panel Avraham Burg indicated that the two approaches presented in the first panel should be introduced into the current political discussion, stressing that the paradigmatic reality of separation has not solved anything and asked the politicians to offer other solutions.

Hannes Swoboda underlined the importance of visions and pragmatism and the impossibility of a just solution with unequal partners. He insisted on the necessity of further EU engagement in the Israeli/Palestinian question, offering European experience in a gradual, shared institution building as a possible immediate contribution.

A senior Palestinian politician stated that “the Israeli-Palestinian conflict is not short of ideas, but of decisions”. He insisted that bilateral talks were not bearing any fruit and indicated Israel’s unwillingness to seriously engage with the Peace Process, constantly evading serious issues and replacing them with marginal issues that were never part of the negotiations.

He believes the negotiations failed because of the following:

- Lack of consistent and shared terms of reference in the negotiations.
- The lack of confidence-building measures (CBM) for this round of negotiations.
- The US was not an honest broker, and never has been.
- The asymmetrical situation was rendered even more imbalanced because of the non-honest broker’s involvement.
- The sudden introduction of Israel’s precondition to the negotiations: the recognition of Israel by the Palestinians as a “Jewish State” only. The pressure has always been placed on the weaker side.
- Lack of understanding of the reality.

He proposed a paradigm shift for ending the bilateral talks and for introducing multilateral talks. The only way to ending the occupation would be to render it as too costly for Israel. His last point touched on the impossibility of the PA to continue functioning as a subcontractor for Israel rather than as a bridge for the national liberation of Palestinians. UN Resolution 242 must be renewed and internationalised.

A Senior Israeli politician of the Labour Party began by saying that the two-state solution fails because Israelis and Palestinians do not talk to each other. He suggested returning to the Arab Peace Initiative of 2002, leaving the bilateral track and engaging in a multilateral conversation with the Arab neighbouring countries.

A member of Meretz Party pointed to the occupation and the settlements as the major stumbling blocks, as well as the failure of the two sides to engage with each other's narrative. As the right wing governments of the past 20 years have been creating realities on the ground, a political power change would also be necessary.

In his capacity as a Fatah official, the next speaker addressed the "tangibles", "intangibles", and their interconnection. He insisted that negotiations must be held with a partner rather than an enemy, which is why the current framework has to be reconsidered.

In his concluding remarks, Massimo d'Alema spoke about the consequences of the failure of negotiations, of a necessary strategy for the Palestinians, and the prospect of conflicting scenarios.

Avraham Burg underlined that the negotiations should have aimed to end the occupation rather than provide a political solution. A multilateral conversation was necessary and the paradigm has to shift from being based on interests to being based on values and rights; alternative institutions and agencies could facilitate such a transition.

### **Third Panel – Revisiting Political Arrangements: Merits and Challenges**

Lawyer and legal affairs adviser Diana Buttu chaired this panel and invited the speakers to focus on the challenges found on the ground.

The first speaker gave a historic overview of the different institutional arrangements in historic Palestine/Israel in the last 100 years.



He was followed by an Israeli scholar, who presented the foundations for reconciliation and suggested a reality of two bi-national states with a bi-national reality: open borders, common institutions and a re-balance to the asymmetrical imbalance of power.

He suggested a modification to UN Resolution 194, whereby it offers the Palestinian refugees a choice of compensation, followed by a common process of implementation.

His discussant challenged this two-state proposal by arguing the following:

- The two realities are intertwined.
- A two-state solution would thus be imposed on a one-state reality.
- Such a Palestinian state would be weak and unviable.
- The two-state solution would fail after its implementation.
- Such a solution would follow a logic of ethnic separation.

The next panelist introduced the concept of confederation as the only path forward. He referred to the European responsibility behind the Balfour Declaration and the Holocaust as the beginning of the Jewish-Palestinian tragedy. The reconciliation of Jews and Palestinians in Israel/Palestine could therefore bring an end to the Jewish question in Europe.

The following elements are the root cause of the problem:

- Colonialism and the Judaisation of Palestine.
- The economic and capitalist nature of the occupation, intended to last and to embrace the entire territory in a zero-sum game of colonial relations.

A confederation would thus bring two sovereign bodies together, whereby the land is shared with common currency, and freedom of movement is granted to both peoples and goods. He highlighted the importance of institution building and gave the EU as an example. His discussant saw the core of the problem in the Nakba (1948) and underlined the importance of focusing on rights.

The last presentation supported the plea for the one-state solution and stated that the fundamental problem started in 1948 rather than 1967: lack of dignity, equality, and self-determination, and the Jewish supremacy over the entire land. His discussant stated the importance of a principles-based approach as well.

The chairwoman raised three other issues:

- How would the two states overcome the power relations?
- The colonial model and the miserable reality of the two-state solution
- She questioned terms such as "Homeland"

#### **Fourth Panel – From Principles to Reality: Discussion and Debate**

Sam Bahour, a Palestinian businessman chaired this panel and underlined the urgency of the situation, inviting the speakers to address the following topics:

- A deadline for the occupation: 60 years of occupation are enough.
- Can Israel be rendered accountable for providing the rights of Palestinians?
- Where is the Palestinian National Movement on the ground?
- Israel and its far right: how does one approach the different layers of Israeli society?
- The unilateral discourse of security.
- Palestinian Nationalism.
- Jewish collective rights.
- Settlements.
- The Right of Return.

The first speaker introduced the existing paradigms within society where the one-state solution had not been introduced or adopted by any of the political parties. She underlined that there was no discussion about Palestinian security and thought the set of principles as foundation would be the solution.

A young Palestinian-Israeli scholar touched on the difficulty of discussing topics such as the Jewish collective rights in Palestine and the differences between the Palestinian and Israeli political theologies. He suggested a joint agency around the same principles.

He was followed by a young Israeli activist, who spoke about Hithabrut-Tarabut, a grassroots organisation against occupation in the search for non-Zionist political alternatives. She said that daily life was already bi-national; internal colonialism should be challenged and pressure placed against social injustices and inequality.

A young Palestinian filmmaker and activist underlined the urgency to ending the occupation as a precondition to any solution. She suggested Jerusalem as an open, shared city, and wondered how such ideas could be translated to the people. She highlighted the urgency of needing answers now and mentioned the Palestinian call for boycott, divestment, and sanctions.

An Israeli human rights activist thought that human rights and equality depended on political power and supported the initiative of a “One Homeland – Two States”.

### **Fifth Panel – Summary & Conclusions**

In conclusion, Avraham Burg asked: “What now?” and invited the Europeans to become powerful players: “Don’t walk away. This is your neighbourhood!”.

Dr. Bashir Bashir addressed the four following points:

**1.** A paradigm shift and creative thinking paving the way for a new political grammar would be a painful process. It requires agents of change to challenge the hegemony and tyranny of the existing vocabularies and concepts, which dictate some solutions as permissible and imaginable and alienate others as impermissible.

**2.** Despite the asymmetry of power and the oppressive and colonial Israeli control, Palestinians remain the party capable of licensing and granting legitimacy, integration, and normalisation to the Jewish presence in the Middle East. This requires historical reconciliation, which places at its centre coming to terms with the rights of Palestinians and their historical injustices.

**3.** Integrating and normalising the Jewish presence as part of the Middle East has historical local resources to build on. Europe carries a grave moral and political responsibility in the context of Palestine as both the Jewish Question and Zionism started in Europe.

**4.** A convincing vision would have to be inclusive, empowering, and hopeful to all people, and fight the current reality and transform it.

Javier Moreno Sanchez concluded the Roundtable calling for a greater involvement of Europe to ensure freedom of movement, equality, and access to resources in Israel/Palestine.

# **“Alternatives to Partition” – A Bruno Kreisky Forum Initiative: Principles of Israeli Jewish-Palestinian Partnership**

## **Preamble**

Twenty years after the Oslo Accords, forty-seven years of Israeli occupation of the West Bank and Gaza, and sixty-six years since the inception of the State of Israel and the Palestinian *Nakba*, we reached a political impasse that provides neither freedom and dignity for the Palestinian people, nor satisfies the security concerns of both the Israeli Jews and the Palestinians. We are not closer to a viable and just two-state solution, and are living in a *de facto* single regime of Israeli domination and discrimination. In an attempt to pave a new path for historical reconciliation and constructive normative and political engagement, we believe that there is an urgent need to depart from the current paradigm of solutions based primarily/exclusively on the logic of partition and wrenching separation as manifested in skewed power relations and interests rather than symmetrical rights and evident needs.

We, a group of Israeli Jews and Palestinians, represent various constituencies (inside Israel, Jerusalem, West Bank, Gaza Strip and the Diaspora) from different socio-political and professional backgrounds, convened in Vienna during the course of 2011 and 2012, under the auspices of the Bruno Kreisky Forum for International Dialogue to explore together “Alternatives to Partition”. Our deliberations resulted in proposing several principles that would secure the individual and collective rights (including national self-determination), interests, and identities of Jewish-Israelis and Palestinians alike.

This novel type of intellectual and political engagement is not merely a utopian exercise, but one that considers the unavoidable empirical reality manifested in the growing intertwining of lives, rights and identities of Palestinians and Jews in Israel/Palestine, as well as the factual developments on the ground (*inter alia* Israel’s ongoing colonial-expansionist project in East Jerusalem and the West Bank as well as in the southern Negev/Naqab). We grounded our intervention on the premises and imperatives of justice (e.g., the Palestinian refugees problem, refraining from inflicting injustices to the agents of a previous injustice) and on an inclusive and egalitarian notion of democracy.

The “Alternatives to Partition” project does not name, or imply, a specific governmental/institutional formula or modality for ending the conflict. Rather it focuses on fundamental principles that need to underlie/govern the design and implementation of any viable solution, and which can be accommodated and realised in various constitutional and/or institutional arrangements (be it two states, federation, confederation, bi-national state, parallel state structure, consociational democracy, etc.). In other words, we have devised a set of guiding principles that transcend the binary predicament of “one state/two states” or any hitherto theoretical institutional arrangement as the preordaining principle or parameter of a political solution; as it has been, times and again, factually and empirically rendered obsolete.

We believe that living together respectfully alongside each other is both desirable and possible. Briefly, rather than suggesting a detailed, concrete solution, this document lays the foundation of a new political grammar and vocabulary that will frame a different understanding of the possibilities and actualities for a just and durable solution in Israel/Palestine. Our departure point lies in the belief that fate of the two people is inextricably linked; that Israeli Jews and Palestinians are part of the Middle East, and that neither will be granted exclusive privileges or sovereignty over the entire land between the Jordan River and the Mediterranean Sea.

## Guiding Principles

**1.** Each person residing (or holding residency status) between the Jordan river and the Mediterranean sea will be granted equal individual, political, economic, and social rights, including the right to be protected and secured; to be treated equally regardless of gender, race, ethnicity, and religion; to move freely; to acquire and possess property; to sue in court; and to elect and to be elected.

**2.** The collective rights of Israeli Jews and Palestinians – linguistic, cultural, religious and political – will be guaranteed in any political framework. It is understood that neither will solely have any exclusive sovereignty over the entire land between the Jordan River and the Mediterranean (including land possession, access to natural resources, etc.).

**3.** The abolishment of all exclusive Jewish privileges, including in land possession and access to natural resources. All resources – material and political – will be distributed based on restorative and distributive justice principles.

**4.** The recognition of the Palestinian right of return as embodied in UN resolution 194. The implementation of this resolution will take into account the present reality on the ground, and that the moral and political injustice of Palestinian dispossession of the past should not be effected by means of new injustice.

**5.** Jews and Palestinians living in the Diaspora will be able to receive immunity if in danger (according to UN resolutions), and will have a privileged status in this process compared to any other ethnic and national group. Otherwise, the new political institution(s) will legislate democratic immigration laws to regulate citizenship.

We believe that a mutual recognition based on these principles can advance an alternative political project, in which the memories of exile and refuge will turn into an inclusive implementation of rights, citizenship and belonging.

*Signed unanimously by the "Alternatives to Partition" group  
Vienna, October 2012*





Group of the Progressive Alliance of  
**Socialists & Democrats**  
in the European Parliament

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A handwritten signature in black ink, appearing to read 'Kreisky'.



