

“CAMPING OUT”

Zionism's Occupation and the Obstacles to Peace

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Abstract

The obstacles to peace between Israel and the Palestinian states are multi-dimensional. There is not a single, cure-all factor which is precluding a real advance in peace negotiations. The Israeli settlement project, however, is a boulder which effectively blocks any chance that negotiations can get moving again in earnest. This paper will elaborate on this thesis.

Introduction

It is hard to imagine more conflicts as intricate, problematic, and seemingly intractable as the Israeli-Palestinian conflict, and more broadly, the Arab-Israeli conflict. Israel has been in a state of war with one or more of its Arab neighbors since its inception as a sovereign state in 1948. More than 60 years later, after major wars, countless attacks and retaliations, broken promises, tragic stories, and regrettable mistakes, this small piece of land which sits at the crossroads of important civilizations is still playing host for some of our world's most potent “isms”: nationalism, extremism, terrorism. In the belly of the beast lies everyone's favorite political rallying cry; the Israeli-Palestinian conflict is and always has been complexly intertwined with the politics of the entire Middle East, whether justifiably or not. Solving it would be a huge step forward in securing a more stable Middle East in general and, more specifically, a more secure Israel and a newborn Palestine. But the heralded two-state solution that has been painstakingly crafted for almost two decades has been losing steam for quite some time; for some, it seems that the ship has sailed on this resolution. The breakdown of the Oslo Process, the disappointment following the 2000 Camp David talks, the weakness of the Bush Administration's approach toward the Road Map to Peace, the lack of resolve behind the Annapolis Conference, and the current impasse that is characterizing the Obama Administration's efforts have all led to nearly complete disillusionment on all sides.

Everyone is exhausted, no one trusts the other party/side, and there is a severe lack of political leadership to guide Israelis and Palestinians toward a brighter future. Yet there is still hope to be found. Around 70% of Israelis and Palestinians still believe in the two-state solution and the formula for such an agreement is rather well-known.¹ So what can account for the stalemate? From the Israeli point of view, the second Intifada and Hamas' takeover of the Gaza Strip stand out as proof that there is no Palestinian partner for peace, that hatred and hostility are unconditional. If you ask the Palestinians, they will respond with many woeful assailments against different aspects of the Israeli occupation. But the one major response is the Israeli settlement project and its power to preclude any chance for a comprehensive agreement while sowing the seeds of conflicts for generations to come.

This paper will focus on the Israeli settlements as an impediment to the two-state solution threatening Israel's future as a Jewish and democratic state. First, alternatives to the two-state solution will be explored in order to gauge the significance of the two-state solution and the consequences of the failure of its implementation. Second, a thorough exploration of the history of Zionism will provide the reader with an understanding of the institutional and attitudinal foundations which allowed the settlement project to become a reality. Third, the failure of past peace negotiations will be examined and linked to the ongoing presence of settlements. And finally, the prospects for future peace negotiations will be analyzed in light of the Israeli government's reluctance to stop the settlements from growing uninhibitedly.

Two States: Any Alternatives?

The premise of this paper is built upon the idea that any meaningful progression toward peaceful coexistence, or at the very least a tolerable coexistence, is couched in the creation of a territorially contiguous, economically viable, politically sovereign Palestinian state, neighboring Israel. But is there an alternative to this idea?

Unveiling the Playbook

In 1982, Mark Heller was the first Israeli academic to write a book proposing the creating of a Palestinian state in the West Bank and Gaza, titled *A Palestinian State: The Implications for Israel*. In the book, Heller lays out the possible courses of action Israel could consider taking regarding the territories. He categorizes these alternatives into the following model types: 1) non-settlement, 2) territorial compromise, 3) non-territorial settlement, 4) an Israeli-Palestinian settlement which bypasses the Palestinian Liberation Organization (PLO), and 5) an Israeli-Arab territorial settlement that bypasses any Palestinian interlocutor.²

Leaving the Palestinians out of the Equation

Heller's book was written before Israel recognized any official Palestinian representation, which did not occur until Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat exchanged letters of recognition on September 9, 1993. This exchange also represents Israel's formal recognition of the national rights of the Palestinian people. Therefore, any solution will recognize the Palestinians' right to self-determination. This agreement can only be made with the Palestinian Authority, the body which was entrusted with the task of governing the future state of Palestine by the PLO. No Arab state will bypass this body in trying to make a separate deal which ignores the right of Palestinian independence. Due to this agreement, the last two options put forth by Heller can be crossed off the list of possibilities.

Reshuffling Authority

There are two forms of the non-territorial settlement scheme. One was the official position of the Likud party for the better part of the last 30 years. Their stance took shape in the different proposals for Palestinian autonomy in all matters neither political, military, nor through federation designs which would still leave Israel as the central authority. But the theme of the exclusion of another sovereign political entity outside of Israeli control remained prevalent.³ Again, considering the development of an unyielding Palestinian national consciousness and the recognition of this fact by the international community, it is unlikely that the Palestinians will submit to these unsatisfactory solutions. Another version of the non-territorial option is the creation of a single, secular bi-national state which would replace both Israel as a Jewish country and Palestine as its own independent Arab-majority country. Some left-wing organizations in Israel, such as Zochrot, and a number of Palestinian groups, like Hamas, argue for the reversal of the 1947 partition plan and the transfer of populations which followed. Zochrot, for example, maintains that Israel was created on the foundation of a pre-existing community, that it expelled Palestinians from their homes, left no trace of their villages, and forbade the return of what became over 700,000 Palestinian refugees. Israel was thus born in sin, and the only way to reverse such an injustice is to allow for the return of all Palestinian refugees back to Israel, annulling the numerical and cultural dominance of the Jewish population and signing the death certificate of the Zionist dream. They do not support the creation of a separate Palestinian state, because according to their vision all the land west of the Jordan River would constitute one bi-national state made up of Arabs and Jews.⁴

Hamas is also very adamant when it comes to the right of return of Palestinian refugees. They assert the Palestinian right to return to their old homes and lands. The difference between Hamas and Zochrot is that Hamas wants to establish a Muslim state governed by strict Sharia law in the land west of the Jordan River. According to their charter, "[t]he Islamic Resistance Movement believes that the land of Palestine is an Islamic Waqf consecrated for future Muslim generations until Judgment Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up."⁵ This would not only mean the end of Israel, but it would also put the entire Jewish population in what would be a Greater Palestine at physical risk at worst, or it would destine them to live as second-class citizens at best. This time-warp option is inconceivable considering that the Israeli government is strongly Jewish and Zionist and would not willingly undue its own existence.

No Deal

Heller divided the non-settlement option into either a continuation of the status quo or a unilateral Israeli withdrawal from the territories. He did not consider a third option: an Israeli annexation of the territories in toto. Israeli unilateral withdrawal from the West Bank is out of the question, given Israel's security concerns. The biggest variable in this whole equation is whether Israel thinks it can get away with continuing the status quo. Heller argued

that this would unite the Arabs and pull them into a stronger-than-ever war coalition against Israel. This seems

A source of even greater concern is the emerging doubts about the fundamental direction of Israel's present course and the kind of society it implies. In its vision of collective emancipation and normalization in Eretz Yisrael of the Jewish national condition, Zionism aspired to self-rule, not to rule over others... The fact remains, however, that Israel finds itself frustrating the Palestinian desire for collective self-expression, and many Israelis are beset by doubts whether it is necessary as a temporary security measure is also justifiable as a long-term political relationship.⁶

highly unlikely at present considering that the pan-Arabism of the 1960s is no longer alive today. Heller mentions the demographic threat, but he also points out the moral significance of continuing the status quo:

Partition: Keeping Israeli and Palestinian Dreams Alive

Heller says that a territorial solution will most likely fall along the demarcation of the Green Line, with minor changes. "Marginal changes in the Green Line may be both desirable for Israel and achievable, especially if some reciprocity is admitted, but at some point in the putative negotiations, Israel will have to make an agonizing strategic choice between the geomilitary value of the West Bank and Gaza and the political-security value of a peace settlement."⁷ A territorial compromise is a way of avoiding the consequences of the non-settlement options. One choice would be to continue the occupation, which is a form of the one-state solution in and of itself. The other option would be to annex the West Bank and either leave the Gaza Strip to its own devices or come up with another way to enjoin the separated Palestinian territories. This scenario leaves Israel the decision of becoming another South Africa or a bi-national democracy, but it would not be able to preserve its Jewish and democratic character. If Israel feels more inclined to preserve its Jewish identity by means of the privileges enjoyed by Jewish Israelis – the dominant culture of the state, the Zionist institutions which play a huge role in daily life, the Law of Return, and the monopoly enjoyed by the Rabbinate on personal status matters – Israel would no longer be able to call itself a democracy, for within a few years Jews will be the minority in the land between the Mediterranean and the Jordan River. It is unrealistic to think that Israel would last very long in a situation whereby the minority rules over the majority. It is also just as unlikely that Israel would decide to pursue the democratic route at the expense of its Jewish character. It would not annex the West Bank and Gaza and then give the same rights to all of its citizens, because this would also constitute the end of the Zionist dream and the dissolution of the Jewish state.

No Israeli leader would erase the achievements of the last 60 years. The one-state solution is unfeasible in all of its forms if Israel wants to preserve the triumphant return of the Jewish people to a self-governing entity in their homeland. And unless Israel is prepared to ethnically cleanse millions of Palestinians in a sort of final solution of its own, the Jewish people will have to accept a two-state solution. What are the chances that this scenario will be enacted? Some would use 1948 as a means to argue that this scenario is entirely plausible, that indeed it has happened in the past in the context of an all-out war, and that it is happening today by more covert means. Would, for example, the beginning of a third intifada, theoretically supported and armed by a nuclear-armed Iran, be enough of an excuse for Israeli leaders to get rid of the Palestinians once and for all? It is not completely unimaginable. But this author would claim that it is still highly unlikely, perhaps due to a personal disposition, that the Jewish state of Israel would employ a strategy of complete and utter ethnic cleansing. It is a claim steeped in moral assumptions, most of which have been discredited by the very same Jewish state of Israel in the past. And yet, the idea seems hard to stomach. Disregarding the author's predilections, however, it would not be fair to conclude that this possibility is not legitimate. The point of outlining all of these alternatives has been to show the reader how Israel can maneuver within the current geopolitical environment in order to preserve itself according to its national interests. Furthermore, these alternatives will be useful when considering the impact that the settlements are having on the two-state possibility. Avshalom Vilan, a former member of Knesset, summarized the zero-sum perspective of any Israeli government when he said: "there is no way that the government of Israel, which represents the third Jewish independent authority in history, will undo its own existence."⁸ That means preserving its physical existence, keeping its ultimate purpose as a safe haven for the Jewish people intact, and safeguarding its democracy, all within the bounds of the Jewish moral code.

The Rebirth of a Jewish Home in (Part of) the Biblical Land of Israel

The settlements are often solely portrayed as product of religious fanaticism and of misguided state policy. The fact is that both of these factors are rooted in Israel's Zionist history. The settlements cannot be understood without comprehending the reasons why Jews left Europe en masse in the first place and without knowing the specific reasons which make the cessation of the settlement project a huge political obstacle.

As such, a detailed history of the Zionist project is necessary, not only in order to gain an appreciation for historical development, but also in order to grasp the current deliberations and future predictions. And so we must travel back to the middle of the 19th century. At this time, several notable Jewish authors and thinkers remarked that the geopolitical landscape was slowly becoming homogenized in the form of nation-states. The idea of a nation-state holds that different peoples, or nations, of ethnic, religious, cultural, and linguistic commonalities should be able to govern themselves under the banner of their own sovereign political states. Zionism is the brand name given to the development of the Jewish nationalist movement.

Political Zionism

The roots of the Zionist movement lie in the writings of two rabbis, which will be discussed below. But these ideas began to take a more political slant with the writings of Leon Pinsker, a Russian Jew who contributed to the development of Zionist thought with his 1882 publication, *Auto-Emancipation*. In it he argued that “[t]he proper, the only solution, is in the creation of a Jewish nationality, of a people living upon its own soil, the auto-emancipation of the Jews; their return to the ranks of the nations by the acquisition of a Jewish homeland.”⁹ Pinsker was among the first writers to acknowledge that “Judeophobia” would not be solved by any civil laws guaranteeing equal rights and that Jews could not successfully assimilate into European society. The only solution, he insisted, was to immigrate en masse to a new land and settle there. He did not explicitly advise that this land should be the biblical Land of Israel. Writers like Pinsker and their rather revolutionary ideas regarding the reintroduction of the Jews into the Family of Nations are what inspired Theodore Herzl, who is regarded as the father of modern Zionism, to invigorate the European Jewish community in favor of a Jewish state in the biblical Land of Israel. Herzl, a European Jewish journalist, was astounded to see how easily and flagrantly anti-Semitism consumed France during the Dreyfus Affair, a case in which a Jewish officer of the French Army was wrongly accused of spying for the enemy. Herzl came to believe that if the Jews could be so openly assailed with impunity in France, the source of liberal enlightenment and the great hope for Jewish emancipation, then Jews throughout Europe could not hope to ever be accepted as equals. To advance his newly adopted cause, he beseeched powerful political players and courted financiers. He was most successful in turning Zionism from a philosophical alternative to a real political force which produced both Zionist institutions – the future structured models for Israeli institutions – and hard facts on the ground.

Religious Motivations

Two influential rabbis, Rabbi Yehuda Alkalai and Rabbi Zvi Hirsch Kalischer, approached the question of Jewish nationalism in light of the nationalistic tremors building up in what were then the Austro-Hungarian Empire and Prussia. The two men advanced ideas of Jewish nationalism not as an end goal in and of itself, but as an important step in the redemption of the Jewish people and their ultimate salvation with the coming of the Messiah. It would be easy to assume that Zionism was entirely a political movement, because its implications were decided mostly in the realm of the political world. There was, for example, no change in the institutions of Judaism to accommodate the Zionist agenda. But religious motivations were no doubt part of the calculations when it came to the redemption of the Land of Israel and by extension, the Jewish people. Indeed, “Jewish politics in the Diaspora was predicated on the assurance that God would someday honor the covenantal treaty and restore his people to Zion.”¹⁰ The advent of Zionism was in the eyes of some, God's way of providing the Jewish people with the option of reclaiming their ancient lands. Perhaps the most fervent advocate of this aspect of Zionism (Messianic Zionism), was Rabbi Avraham Isaac Kook, who said:

Zionism was not merely a political movement by secular Jews. It was actually a tool of God to promote His divine scheme and to initiate the return of the Jews to their homeland - the land He promised to Abraham, Isaac and Jacob. God wants the children of Israel to return to their home in order to establish a Jewish sovereign state in which Jews could live according to the laws of Torah and Halakha and commit the Mitzvot of Eretz Israel (these are religious commandments which can be performed only in the land of Israel). Moreover, to cultivate the land of Israel was a Mitzvah by itself and it should be carried out. Therefore, settling Israel is an obligation of the religious Jews and helping Zionism is actually following God's will.¹¹

It is fair to say that religiously-guided Zionists were in the minority, but they were much more than a bandwagon on the Zionist train. Aside from the strict demand that the new Jewish state be in the ancient Land of Israel, most religious Zionists did not have any grand plans for a theocratic state like in the days of the olden kings. Thus, religious Zionists did not come into conflict with the mainstream Zionists agenda. In fact, many of the tenets which were held by religious Zionists were also held by the more aggressive promoters of the Zionist enterprise. The Revisionist Zionists, led by Ze'ev Jabotinsky, were called Revisionists because they wanted to revise the terms of the British Mandate and its plans to hand over only part of Palestine to the Jews. Their goals were similar, though perhaps the meaningfulness of the objective might have been different for each group. Essentially, the Revisionists' motto was "in fire and blood Judea will be reborn."¹² Jabotinsky and his followers were ready for a confrontation, and they did not hide their ambitions. They, unlike the more dovish-sounding members of the official Zionist leadership or the Zionist rabbis who spoke only of God's divine plan for the Jewish people, were upfront about the issue at hand. They realized they were dealing with two different emerging nationalisms, each with its own claim to the land. But they were not prepared to yield or surrender any piece of what they considered to be the Holy Land of Israel.

Facts on the Ground

Following a particularly widespread violence directed at Russian Jewry in the years 1881 and 1882, small contingents of Jews decided to leave Russia following unprovoked massacres in the form of riots and pogroms. They escaped Russia in search of a more idealistic future, thus was born the pioneering project for a new Jewish Homeland. Members of groups such as Hovevei Zion and Bilu, the earliest Zionist groups to actually start carrying out the basic tenets of Zionism – settlement in Israel – accounted for a large number of the immigrants of the First Aliyah, or wave of ascension (immigration) to Israel beginning in 1882. Their vision of resettling and reestablishing control over the ancient Land of Israel would not be possible without first acquiring the land in order to settle it. While not every piece of land settled by Jews was legally purchased, the purchase of large tracts of land from wealthy Arab landowners was the primary method of acquiring ownership. At first, these efforts were financially backed by donations from wealthy Jews or from the combined contributions of future settlers. Further down the road, Zionist institutions were created in order to give the movement an effective mode of operation; the Jewish National Fund (JNF) was the organization responsible for purchasing as much land as possible for Jews. In the words of Benny Morris, author of the meticulous historical account of the Zionist-Arab struggle *Righteous Victims*, "[l]and purchase was the underpinning of Zionism,"¹³ though by no means was it the only method of redeeming land for the Jewish people. Representatives of the JNF often bought land from wealthy absentee landowners, legally. But once the Ottoman powers began sensing the discomfort among their Arab subjects, they placed quotas on Jewish immigration and land purchasing.

Setbacks proved to be temporary. The Jews managed to organize themselves quite well considering the different backgrounds from which many prominent Zionists came from. They created the Yishuv, a proto-government in charge of the growing Jewish population in Palestine. A number of institutions sprang up which, by the time that Israel was declared a state, were effective enough to become the institutional foundation of the new state. The Arabs, for their part, started to notice a foreign element, growing in strength and numbers, but any opposition was sporadic and largely unsuccessful. If anything, Arab raids on Jewish communities only reinforced the need among Jewish pioneers to bolster self-defense arrangements. It would take some time before Palestinian-Arab notables began to put together a coalition of powerful tribal leaders and wealthy landowners in order to create some form of local leadership. Several kinds of these proto-governments existed, but none of them were truly nationalistic; it would take the war in 1948-49 and later, the Six Day War of 1967, to cement the existence of a separate Palestinian-Arab identity.

Indeed, the situation on the ground was beginning to look clearer as the demographics began to shift noticeably in Palestine. It can be said that the battle lines were falling along clear-cut definitions of Jews vs. Arabs or foreigners vs. natives, and that

the major cause of tension and violence was not accidents, misunderstandings, or the attitudes and behaviors of either side, but objective historical conditions and the conflicting interests and goals of the two populations. The Arabs sought instinctively to retain the Arab and Muslim character of the region and to maintain their positions as its rightful inhabitants; the Zionists sought radically to change the status quo, buy as much land as possible, settle on it, and eventually turn an Arab-populated country into a Jewish homeland.¹⁴

One must understand today's conflict in the context of the evolution of the State of Israel. Israel is the brainchild of Zionism – it is a Zionist state in its institutions, its politics, its attitude, and its policies. Its long-term objectives are designed according to parameters which are meant to ensure the survival of the Jewish character of the state and the uncompromised safety of the Jewish people.

The Development of the Settlement Enterprise

The settlements were originally thought to fall in line with one of the original Zionist objectives, without undermining other obligations: settling the ancient homeland of the Jews. The sprawling enterprise however, serves to undercut a more important tenet of Zionism – the maintenance of a Jewish-majority country in Israel. The problem today is that Israel has its priorities upside-down. Instead of crafting policies to ensure the survival of a small but majority-Jewish country in part of the Land of Israel, Israel is choosing de facto annexation of its biblical borders at the price of denying another people its own right of self-determination within the borders of its own homeland. Also, for the purposes of this essay, settlements in the Golan Heights will not be a point of major focus since they do not directly relate to the peace negotiations between Israel and the Palestinians. This essay will focus solely on the West Bank, since the evacuation of all settlers from the Gaza Strip took place in August 2005.

Setting a Precedent: Settling the Land in 1949

The common misconception is that the practice of settling conquered land began in 1967. In fact, it was happening in 1949 after the first Arab-Israeli war was fought and won convincingly by the Israelis. The difference lies not only in the legality but also in the extent of irreversible damage to the national claims of the Palestinians. Essentially, the settling of land conquered in the first Arab-Israeli war was “cleared” by UN Security Council Resolution 242, which mandated that Israel return territories conquered during the 1967 war but did not address land conquered in 1949. Besides, the Armistice agreements signed between Israel and the Arab states in 1949 delineated what the international community considered to be legitimate international borders. This made the land conquered by Israel “kosher” for the taking – meaning Israel was not required to return these territories nor restricted in its plans for the land – pending a mutually-agreed-upon peace treaty. This, of course, never happened. By the time 1967 rolled around, the land squabbles dating back to 1949 were all but forgotten by the major actors involved in delineating a solution to the new, more pressing issues created by the war.

Israel, which was allocated 56% of the whole Mandate of Palestine under the UN Partition Plan of 1947, increased its land mass to 78% of the original mandate in 1949. New settlements were built in geostrategically important areas, Arab villages were razed leaving no trace of their existence, and approximately 750,000 Arab refugees took shelter wherever they could find it. The town of Sderot, for example, which has been pelted with Hamas rockets from Gaza for the past nine years, was built in 1950 and housed with fresh, poor immigrants in part to provide a buffer zone between more central Israel population clusters and the Gaza Strip.

This by no means implies that all Israeli cities built upon the foundations of old Arab villages after 1949 are illegal. The point is that the trend had already been sown. 1967 was thought to be a replay of 1949. And so, the same protocol was followed.

1967

The reasons for the war of 1967 have gone through a round of historical revisionism in the past two decades. But the effects cannot be disputed. For those who believed in the messianic destiny behind the formation of the State of Israel, the glorious victory that was the six-day blitz by the Israeli army was nothing less than an act of God. Even for tough-minded realists who had little to do with religion, the spoils of war seemed like some sort of blessing. Israel more than tripled its territory. It no longer had a waistline of less than 10 miles at its densest population centers. It could no longer be cut in half by invading armies. Militarily speaking, Israel was now the uncontested power in the region.

Redemption or Occupation?

The people in power in Israel at the time – Levi Eshkol, Moshe Dayan, Shimon Peres, and Yigal Allon to name a few – were very much a part of the original Zionist leadership. Their vision for a Greater Israel which had dimmed after Israel returned the Gaza Strip and the Sinai Peninsula following the 1956 Suez invasion was suddenly ignited again. Immediately after the 1967 war, Defense Minister Dayan famously quipped that he was “waiting for a phone call from the Arabs.” But at the same time, he was on the fence between deciding to trade the newly conquered lands for a possible peace and expanding Israel’s borders to include parts of the Sinai Peninsula, the Gaza Strip, the West Bank, and the Golan Heights. A decorated general of epic proportions in Israel, Dayan was loath to surrender all the land that Israelis had only dream of up until that point, both for historic and security reasons. At the same time, he was keenly aware of the potential disaster that Israel’s annexation would bring about. Dayan’s ambivalence was reflected by the entire Israeli Cabinet. Careful to avoid being swept up in the euphoria, Prime Minister Eshkol, always an indecisive and prudent man, refused to commit to a specific course of action.

On June 19, 1967, a memorandum was sent to Prime Minister Eshkol from a team of experienced foreign intelligence officers who had been directed to provide a long-term vision for the newly conquered territories. Their unequivocal recommendation stated that a Palestinian state should arise “under the auspices of the [Israeli Defense Forces] (IDF)” and “in agreement with the Palestinian leadership, with minor adjustments in Jerusalem, the Latrun Salient northwest of Jerusalem, and the Gilboa area at the northern edge of the West Bank.”¹⁵ Such a solution would make Israel the proactive force in finally bringing about an end to the refugee problem.

At the same time, however, the Arab League announced its famous decision at Khartoum, “the three no’s:” no negotiations with Israel, no recognition of Israel, and no peace with Israel. This pessimistic turn of events must have contributed to Prime Minister Eshkol’s hesitancy in entertaining the possibility of an independent Palestinian state. Such a move, some argued, could be the first step in Israel’s undoing if Palestine turned out to be an aggressively militant state overlooking the majority of Israel’s population.

Eshkol’s indecisiveness was exploited by a significant amount of lobbying coming from forceful new advocates such as Hanan Porat. Porat used to reside in Kfar Etzion, a Jewish village which was evacuated by the Jordanians in 1948 and recaptured by the Israelis in 1967. He pleaded with Eshkol to be able to move back to his birthplace. Eshkol presented this idea to the Cabinet, but a final vote was never taken. After successive personal meetings with the Prime Minister, Porat was given personal permission to start construction; this is how the first Israeli settlement was approved: with no cabinet authorization and apparently no long-term thought given to the precedent this kind of action might set.

Though they were prepared to move in even without explicit governmental permission, the settlers did not have to use the back door, as they had allies within the government itself who essentially rolled out the red carpet for their undertaking. Yigal Allon and Israel Galili, members from the Ahdut Ha’avoda party, “not only became the advocates for the settlers inside the government but also helped them with advice, material aid, weapons, and most important, the seal of approval of the pioneering Labor movement.”¹⁶ It is no coincidence that the man responsible for devising the first concrete master plan for the West Bank after 1967 was Allon, who was not a strong believer in what he considered to be a “naïve” peace, saying “[a] peace treaty is the weakest guarantee of the future of peace and the future of defense.”¹⁷

Creeping Annexation

After the government gave its seal of approval to settle in a part of the West Bank that had little symbolic significance to the history of the Jewish people, it lost its authority to resist the same pleas to settle the ancient holy Jewish city of Hebron. On the eve of Passover in 1968, a group of would-be settlers deceived the government into letting them stay in a hotel in the middle of Hebron in order to celebrate the holiday. Once again, the lack of official government restriction was tantamount to authorization. After 48 hours, the settlers announced they were staying for good. Instead of evacuating them at once, several government officials showed their support. The Palestinians, who did not appreciate the nesting of a Jewish nucleus in the center of their city, did not restrain their hostility. The army, for its part, was ordered to clear the direct area surrounding the occupied hotel of Palestinians for fear that their anger could spill over to a violent riot against the settlers. They were not ordered to evacuate the settlers. And so the pattern of creeping annexation began.

The settler movement was thrust into mainstream Israeli society when its mission was embodied in the creation of Gush Emunim, “the bloc of the faithful.” Created in 1974, right around the time that serious negotiations seemed to be taking off between Israel and Egypt, the movement lobbied the government to allow more construction in the West Bank. A big achievement on their behalf was the first Jewish settlement in the heart of the West Bank. Located between Ramallah and the Jordan Valley, Ofra was first built under the guise of being a work camp for civilians working for the military. Soon enough, the “workers” were allowed to sleep there overnight. Once they obtained this privilege, it was not long before allies in the government supplied them with everything they needed in order to live a stable life. Roads were paved, bus routes were redirected, generators were supplied – all with the undeniable protection of the IDF.

The first settlements and the scheming behind their construction laid the foundation for what followed. They were built under the auspices of successive Labor-party governments. The Labor party coalition was formed from the original Zionist left: the socialist parties and the ruling Mapai party led by David Ben-Gurion. They embodied the spirit of the early Zionist pioneers, which is why it was so hard for men like Shimon Peres, a veteran Labor leader, to deny the settlers to follow in the lead of so many trail-blazing young Jews who conquered the country acre by acre before independence. So, under the pretense that they were essential to security (which some of them were), 22 settlements were erected during the first decade of occupation. Even in the face of American criticism, the settlement policy has consistently gone unchecked. Bernard Avishai, author of the book *The Hebrew Republic* described the settler mentality in using the state as a coercive instrument to promote their goals while denouncing the international community as the gentile who wanted to use subversive means via the Israeli state against Judaism itself. “Who will tell us what to do, with a nuclear weapon in one hand, and the story of the Holocaust in the other?”¹⁸

Soon after, a revolution in Israeli domestic politics led to a precipitous rise in the number of settlements. The election of the Likud party, the rightist coalition led by Menachem Begin who was the heir to Jabotinsky’s Revisionist movement, presented Gush Emunim and the likes with an especially receptive ally in government. Whereas Labor leaders were quick to claim that all settlements not deemed “security settlements” were only temporary installations to be removed should there be a real incentive to do so, the new Likud government unabashedly authorized the construction of “civilian Jewish settlements” in the heart of the West Bank and Gaza Strip. And indeed, once the Likuds came into power, the power duo of Begin as Prime Minister and Ariel Sharon as Minister of Agriculture prompted an accelerated effort to dot the West Bank’s dominating hilltops with Jewish settlements. From 1977 to 1983, 103 new settlements were approved.¹⁹

In 1978, after the historic visit made by President Anwar Sadat of Egypt, a new group, Peace Now, was created in Israel, identifying the settlements as the greatest obstacle to a future peace with the Palestinians. It was during this time that Israelis were beginning to recognize that the Palestinian question had to be dealt with in some way. Originally, this meant some sort of agreement to autonomy under which the Palestinians would control cultural, social, and educational policies. It was a traitorous idea to believe that a deal could be struck with a terrorist organization like the PLO, which at the time was similar, both in word and deed, to Hamas today. Without a partner to negotiate with, (whether or not one was wanted) the settlement project continued unabated.

The religious backdrop which compelled many restless and inspired yeshiva students to abandon their homes in Israel proper in favor of rather Spartan living conditions on the uncultivated hills of the West Bank was not enough to convince Israelis without a proper amount of religious zeal to move to a settlement. It was this consideration, in

context with several other circumstantial events, such as the 1975 UN condemnation of Zionism which equated it with South African apartheid and racism and the 1978 peace accords with Egypt, which prompted settlers to infuse their movement with a healthy dose of fervent nationalism. This dangerous shift in attitude made it easier for politicians to adopt the settlers' stances when new proposals for more Jewish settlements were submitted to the government. Land grabbing became a new way of propping up what many saw as a weak Israeli government that was starting to crumble in the face of international pressure forcing it to scale back the ambition envisioned by the original Zionist creed.

Spoils of War

In an interview in his Tel Aviv office, Israeli civil rights lawyer Michael Sfard said regarding Israel's will to leave the territories, "[w]e finally figured out that we can make a fortune from all of this. Political fortune, economical fortune. Whether through real estate, new resources, a foreign market, cheap labor. We slowly figured out what empires before us figured out once they conquered new lands."²⁰

But it is also important to remember how all of this was made possible. Apart from the religious motive

The settlements were created so effortlessly after 1967 because the Zionist institutions that built them, and the laws and culture that drove them, had been going full throttle within the Green Line since the 1948 war. Again, I mean the Jewish Agency, Zionist land banks and mortgage companies, the construction companies owned by the Labor federation Histadrut, the actions of the Law of Return, the regulations supporting the Orthodox rabbinate's determination of what a Jew is, the abiding conception of Jewish national rights – all of these mechanisms for appropriating and distributing land.²¹

behind the settlement enterprise, or even the genuine security concerns, the quasi-state Zionist institutions made it exceptionally easy for the settlers to create facts on the ground, using the same techniques that Jews had used even before the establishment of the state. Avishai described the institutions involved:

Legally Speaking

The national vacillation after the 1967 war regarding the fate of the territories was eased by the legal jargon that Israeli law experts applied to the new territories. Israel refused to define the new territories as "occupied territories," a designation which would regulate Israeli options vis-à-vis its obligations as an occupying power while eliminating such options as transferring its own civilian population into the territories. According to definitions of international law, once Israel entered the West Bank (which it did legally) and gained military control over its borders, the conquered territory fell under the category of belligerent occupation. Under such conditions, "the dominant characteristic... is that attention is shifted to a non-military resolution of differences."²² This means that a belligerent occupant must take onto itself a series of obligations toward the occupied civilian population, in accordance with obligations put forth by

Whether it will in fact regain control depends on how willing it is to grant concessions to the occupying power in return for all or part of the held territory. In the interim, until a settlement is achieved whereby territory between the antagonists based on the terms of a peace treaty, the occupying power may retain control over the conquered territories. It may not, however, take actions tending to promote vested interests in favor of indefinite retention. To ensure that this does not occur and that the peace-making process not be thereby thwarted, international law requires a 'freezing' of the status quo antebellum.²³

the 1907 Hague Conventions and the 1949 Geneva Conventions.

Additionally, according to international law, it is the previous administrator of the territory which retains sovereignty of the conquered territory until a settlement of some kind is negotiated, whereby it will get back all or part of the land that was conquered.

Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War states that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."²⁴ This clause, along with the three sentences quoted above, which are based on the regulations written in the

Hague Conventions of 1907, serve as the grounds for accusations against Israel that all of its civilian settlements and its de jure annexation of East Jerusalem are illegal under international law.

But Israel does not consider itself a belligerent power, nor does it consider the territories to be occupied. Thus, it has enabled itself to lay claim to the territory it desires while also being able to boast of its enlightened treatment of the Palestinians, to whom they owe no legal obligation. Israel officially considered the conquered territories to be “administered territories.” This legal rationale was predicated on the reasoning that Jordan had not been the legal administrator of the West Bank in 1967 and hence Israel could not be accused of occupying another sovereign political entity.²⁵

It was assumed throughout most of the international community, however – even implicitly by Israel, who recognized Jordanian law in the West Bank – that Jordan was the legitimate caretaker of the West Bank in lieu of a recognized Palestinian leadership – not a belligerent occupier at war with the citizens but a “trustee-occupant.”²⁶ This makes sense when one considers that the UN was responsible for implementing the Partition Plan, which denotes that the Arab lands would become a Palestinian state. In the words of Mr. Sfar, “the same international institutions which donned legitimacy upon the new Jewish state are the ones saying that Israel’s hold on these territories qualifies as an illegal occupation.”²⁷

Considering the context in which these accusations are playing out today, with the United States committed to guaranteeing Israeli security, one should understand that Israel’s military settlements – those installations which provide training ground and housing for its military personnel – were and still are perfectly legal. Such installations/settlements would be removed once a final peace agreement is signed, unless some military installations are deemed too crucial to Israel’s security. But this kind of decision would have to be mutually agreed upon with the Palestinians and in accordance with the concessions offered by the Palestinians involving their commitment to stop any security threat aimed at Israel.

The same legal cover does not extend to Israel’s civilian settlements. Even if they are placed in areas which can be claimed to be essential for security purposes, the fact that they are civilian in nature violates international law. But civilian Jewish settlements, considering that Israel does not believe itself to be an occupier, are not against Israeli law

[t]here is no need to be an expert on military and security matters to understand that terrorist elements are more easily active in a territory that is inhabited solely by a population that is indifferent or even sympathetic to the enemy than in a territory in which there are also people who are likely to keep them under surveillance and inform the authorities of any suspicious movement.²⁸

because they fall into the legal criterion of security settlements despite their civilian nature. This rationale was decided by a Supreme Court case in 1978 concerning the civilian settlement of Beit El, which was built on lands originally seized for military purposes. Upon making his final decision for the necessity of civilian settlements as part of the official defense system in the West Bank, Justice Alfred Witkon explained that

This decision was challenged by a similar case the following year involving a new settlement called Elon Moreh. It was built near Nablus, a densely populated Palestinian city in the northern West Bank. Again, “military need” was submitted as the official reason for the confiscation of Palestinian land. But two factors influenced the decision of the Supreme Court in this case. For one, Ezer Weizman, a general of high repute and the Defense Minister at the time, testified that Elon Moreh would not contribute to Israeli security: it would invite and make easier more terrorist attacks by situating a Jewish population in the heart of the West Bank. Even more importantly, one of the settlers, Menachem Felix, testified that that true purpose of the settlement at Elon Moreh was not for security reasons but for religiously-influenced ideological reasons. His pomposity could not be ignored. “Whether or not the Elon Moreh settlers are integrated into the defense system in the area according to the IDF’s planning, settlement in the Land of Israel, which is the destiny of the Jewish people and the State of Israel, is in any case the security, the peace and the well-being of the people and the state.”²⁹

“Based on the Elon Moreh legal precedent, after 1979 the State was forced to cease using ‘seizure for military purposes’ as a means of taking over privately-owned Palestinian land for the construction of settlements.”³⁰ But this was hardly enough to stop the settlements from popping up all over the West Bank. Using a mishmash of legal sources, (vestiges of Ottoman, British Mandatory, Jordanian, and Israeli military law), the settlements are still being allowed to expand.

Breaking the Silence is a group of former Israeli troops who served in the territories and who are now speaking out against what they claim to be obstacles to, rather than assurances of, Israeli security. Most of them served in checkpoints in the West Bank, notably in and around Hebron. They offer a tour of Hebron itself and the surrounding South Hebron Hills. Throughout the tour the guide explains how some settlements have been created and expanded despite being forbidden by Israeli law. This is because the government still accepts Ottoman Law when it comes to land regulations in the West Bank. If, for example, a piece of land is not explicitly registered to a private person, the land becomes state land and as such, it can be dispensed as the government sees fit. But if the land is privately owned, there are ways around this. If, for example, a settlement is constructed on state land, the land outside the immediate jurisdiction of the settlement can be seized by the military for security purposes – the purpose being protecting the settlement, of course. These are called security zones and they can extend 10 kilometers outside the border of a settlement.³¹

Palestinians are not allowed to live within the perimeters of a security zone, even if the land claimed by the military is privately owned. Another implication of this practice involves the bypass roads which extend between Israel proper and the settlements in the West Bank. Most of these roads are for Jews only, and the same policy of a security zone around these roads applies. Palestinians living in the way of these exclusive roadways will be moved. Another method of seizing Palestinian land, also based on Ottoman Law, is the use of the State land rationale. Again, land that cannot be shown to be privately owned is defined as State land. State land can, however, also be defined as agricultural land that has not been cultivated for at least the last three years. Thus, sometimes land which falls under the qualification of a legal no man's land, which is subsequently used by the military for security purposes, can be confiscated as State land after three years because the Palestinians who normally harvest their crops or tend to their olive trees on that land, cannot cultivate it since they are forbidden from entering the premises. The compounding effect of these policies has been the depopulation of Palestinian villages and the overcrowding of Palestinian cities. It is often the case that the military will erect too many physical barriers in the way of Palestinian farmers so that they cannot effectively move equipment and supplies. Given their evictions and lack of mobility, the trend has been that most Palestinians today live in either refugee camps or crowded cities, clearing the way for the settlers to live on the most fertile pieces of land they can find.

One begs the question: why does the military protect the settlers so well when they are in clear violation of both international and Israeli law? It's simple, Mr. Sfar explains. Military commanders are judged not by how many settlers they remove, nor by how many lawbreakers they can capture. They are judged by the number of Israeli lives they save with their preventive measures. Hence, they will not hesitate to protect settlers who push themselves into the middle of Arab populations, the best example being the ironclad security arrangements in Hebron which protect approximately 400 settlers who live surrounded by tens of thousands of Palestinians. Military commanders are judged by how many attacks emanate from the West Bank under their command. The entire foundation for their modus operandi is flawed.³²

Peace Negotiations

The beginning of the Palestinian Intifada in late 1987 finally forced Israelis to come face to face with the realities imposed on Palestinians by the "benevolent" Israeli occupation. Many were unaware of the hardships endured by Palestinians on a daily basis due to the presence of so many Israeli civilians in the heart of Palestinian population centers. While the military establishment was ordered to put down the rebellion with brute force, some began to wonder whether it was possible that the violence emanating from the Palestinian territories was not somehow aggravated by Israeli settlements. This moral recalibration, while it was certainly not the driving force behind a new attitude toward the Palestinians, did allow for a new approach to the Palestinian question. With the return to power of the left-leaning Labor-Meretz coalition headed by Prime Minister Yitzhak Rabin in 1992, secret negotiations began between Israeli officials and representatives of the PLO. The PLO had made changes to its official charter in 1988, declaring that it was open to the possibility of an independent Palestinian state alongside Israel. It renounced the use of violence as a legitimate means to achieve its goals.

Shattered Dreams: Oslo

These secret negotiations took place in Oslo. They resulted in the signing of the Declaration of Principles which entailed formal recognition by Israel that the PLO was the only legitimate representative of the Palestinian people while the PLO recognized Israel's right to exist in peace. Furthermore, the agreement reached in Oslo outlined the beginning of a tit-for-tat process which called for a gradual Israeli withdrawal from the West Bank in accordance with a gradual transfer of power to a self-governing Palestinian authority. From Israel's point of view, the most important standard that the Palestinian Authority had to maintain was to take steps to ensure Israeli security. The exchange, essentially, was one of "land for security."

The Oslo Process involved a series of Interim Agreements, and there were several benchmarks and corresponding dates by which progress could be evaluated. Final status negotiations would take place where the final decisions regarding the most heart-wrenching issues would be decided. Both the Interim Agreements and the final status negotiations, however, never came to utmost fruition. The Israelis, for their part, never managed to freeze settlement activity. Even under the leftist government of Rabin, which officially stopped any "new" settlement construction, the government allowed for what they called "natural expansion" of existing settlements. Under this arrangement, new neighborhoods could be built as long as they were in the municipal confines of existing settlements. Their construction, it was reasoned, was only natural considering normal population growth. Disallowing construction would spell a death knell to any community, they reasoned. The Palestinians, for their part, failed to halt spoiler groups from committing atrocious terrorist attacks inside Israel, giving Israeli leaders the political leverage they desired in order to slow down the process of military withdrawal.

Though Rabin had gone to great lengths to try and curb settlement activity, the settler population still grew by 40% during his administration, from 100,000 in 1993 to 141,000 in 1996.³³ In the face of continued Israeli land grabbing, at a time when mutual trust between a suspicious Israel and a shaky new Palestinian government was in its early stages, the unabated settlement activity did nothing to promote the peace process. In addition, a new phenomenon threatened to eliminate all faith in Israeli control over the settlers. Young men and women would essentially decide to go rogue and build random outposts in any nook and cranny they wanted. These illegal outposts were a tremendous burden for the fledgling Palestinian government, which had promised its people that no more land would be taken by the Israelis.

By the time Benjamin Netanyahu was elected to office in 1996, the entire process was beginning to slow down. Netanyahu and his right-center coalition did not shy away from voicing their support for the settlements. An indicative move by the Netanyahu Administration was the construction of Har Homa in 1997. Under the Oslo understandings, no changes in landscape could be made which would influence the permanent status outcome following negotiations. The Har Homa settlement was being built in a sensitive area directly between the Arab neighborhoods of East Jerusalem and Bethlehem. This decision, represented by Government Resolution 150 reversed Rabin's Resolution 360 to cut off public funding for the construction of settlements. Israel also continued to build in and around East Jerusalem.³⁴ "Essentially, the Netanyahu government was unable or unwilling to continue the Oslo process, which boiled down to trading further chunks of the West Bank for further steps toward peace. Netanyahu's ideology and that of the bulk of his coalition partners' partners militated against further withdrawals."³⁵

Hail Mary: Camp David, the Clinton Parameters and Taba

This series of final negotiations represented the last ditch effort to save the Oslo Process which had missed its mark throughout the outlined Interim Agreements. There are several different versions which account for the failure of the peace talks. President Bill Clinton and Dennis Ross, the chief American negotiator, put the blame squarely on Arafat for failing to recognize the historical significance of the Israeli concessions. Alan Dershowitz blames Jimmy Carter for persuading Arafat not to take the deal. In an article titled "Visions in Collision: What Happened at Camp David and Taba?" Jeremy Pressman challenges the common narrative given by Israeli and American sources regarding the template presented to the Palestinians as their final offer. He disputes the final figures presented by the Israelis who claimed to be willing to give up all of the Gaza Strip and up to 96% of the West Bank. Pressman argues that the figure was closer to 86% and that the resultant Palestinian state would be severed into three pieces, due to two security belts the Israelis wanted to retain, which stretched from the Green Line through the settlements of Ariel at one point, and

through Jerusalem and the settlement of Ma'ale Edumin at another point, both continuing to the Jordan Valley.³⁶

The failure to make peace when the two sides were closer than ever on so many crucial matters can be summarized by the Israeli inability to give up control of specific areas which it deems too important to relinquish to an unreliable partner such as the Palestinian Authority and by the Palestinian's incredulous tendency to take an all-or-nothing approach when negotiating.

It is hard to say where most of the blame lies. Israel, being the much stronger party in these negotiations, should have been able to recognize that its security guarantees were overblown and excessive. A settlement such as Ma'ale Edumim for example, considered by Israel to be a security embellishment to Greater Jerusalem is seen by Palestinians as a dagger in the middle of a Palestinian state. Assuming, however, that any peace agreement will include Palestinian sovereignty over the Arab parts of East Jerusalem, it is hard to understand how a civilian settlement of over 30,000 inhabitants can help secure West Jerusalem and its surroundings. Even taking into account whatever security advantages Ma'ale Edumim does provide, the implications of its continued existence are too obstructive to the contiguousness and sovereignty of a future Palestinian state unless this matter is negotiated and agreed upon with the Palestinians. The same can be said for most Israeli settlements. The Palestinians, for their part, should not have been judged as too irrational for refusing to accept something as drastic as a 10% decrease in the amount of land allotted to them considering they were toying with 22% of the land that was originally assigned to them under the 1947 Partition Plan. Israel must recognize that this moral argument is not a hollow one. A failure on Israel's part to realize the dire straits under which the Palestinians find themselves in will only make their own position worse in the future.

The Palestinians did make a historic move when they recognized Israel's right to exist in 1993. It should not

Let me say to you, the Palestinians: We are destined to live together on the same soil, in the same land... We say to you today in a loud and a clear voice: Enough of blood and tears. Enough. We have no desire for revenge. We harbour no hatred towards you. We, like you, are people who want to build a home, to plant a tree, to love, to live side by side with you in dignity, in empathy, as human beings, as free men. We are today giving peace a chance, and saying again to you: Enough. Let us pray that a day will come when we all will say: Farewell to the arms.³⁸

be underestimated that they recognized the legitimate national claims of the Jews to settle in part of the Land of Israel. But this should not be confused with allowing the settlement enterprise to continue to spread. "The basic difference between the two undertakings is that the settlement project that preceded Israel's establishment was intended to create the territorial basis for the future Jewish state. It wasn't intended to deprive the Arabs of everything that was left or, for that matter, their right to a state of their own alongside the Jewish state."³⁷

To be fair, Prime Minister Rabin did take a metaphorical leap when he famously declared:

But Israeli government policy has failed to fall in line with this vision. In order for there to be a meaningful shift in the possibility for a successful peace in the near future, Israel must honestly recalculate and use its power to crack down harder on itself rather than on its enemies.

The Current State of Affairs

Figures

According to numbers published by Peace Now in a July 2008 pamphlet detailing the settler population in the West Bank, there are a total of 454,000 settlers in the entire West Bank, 179,000 of them in East Jerusalem. All but 65,000 of the settlers live to the east of the security wall that is being erected between Israel and the territories. Juxtaposed against a total population of approximately 2.5 million Palestinians in the West Bank, the settlers represent about one-fifth of the total population.³⁹ Another map exposes the hundreds of new illegal outposts that have sprung up all over the West Bank.⁴⁰

Another study, titled "Breaking the Law in the West Bank – One Violation Leads to Another," conducted by Peace Now's Settlement Watch Project, shows the extent to which Israel has violated both international and Israeli law in the West Bank. It bases its calculations on government information and it concludes that approximately 40% of all settlements are built on privately-owned Palestinian land. The outposts are especially offensive as they are usually built in their entirety on private Palestinian land.⁴¹

This data is reliable because it is based on a report compiled by state attorney Talia Sasson. At the behest of the Prime Minister's office, Sasson used official data from the Civil Administration – “the body appointed by the State of Israel to administer all the civil aspects related to the construction of settlements in the West Bank.”[xlii] The findings of her report, had they been known before she was ordered on this case, might have convinced the Prime Minister to change his mind before allowing Sasson to go on this venture, since the report recommended that legal action be taken against Prime Minister Sharon and other members of government for breaking Israeli law. The report, titled “Summary of the Opinion Concerning Unauthorized Outposts” is highly damning of the government's involvement in subsidizing illegal outposts using millions of shekels-worth of taxpayer money. Sasson exposes how officials from the Ministries of Defense, Housing and Construction, Education, and Energy all played a role in subsidizing different parts of the more than 150 illegal outposts throughout the last decade.⁴³

This kind of blatant disregard for Israeli law by some of the highest officials in Israeli government would have sent shockwaves through the average democratic country. But in Israel, this report was accepted with a shrug. Even though the conclusion of the report could not have been clearer: “There is no way to validate the establishment of an outpost on private Palestinian property, not even post factum. Such outposts must be evacuated, the sooner the better.”⁴⁴ Little has been done to challenge the law-breakers and to dismantle the outposts.

Jerusalem

A hot-button issue that has been slowly gaining more attention in the past few years is the creeping “Judaization” of East Jerusalem in the face of house demolitions of Arab residencies and the slow pace of permit allocation to Arab construction in the city. According to Ir Amim, a non-profit organization dedicated to an “Equitable and Stable Jerusalem with an Agreed Political Future,” more than 30% of East Jerusalem has been expropriated for the purposes of Jewish residency since its annexation to Israel in 1967.⁴⁵ Today, there are 12 Jewish settlements in East Jerusalem comprising 192,000 people.⁴⁶

The process continues today on several fronts. For one, the government is actively promoting new construction in Greater Jerusalem, including in the Arab neighborhoods of East Jerusalem, which is not illegal in any way. Most house demolitions in East Jerusalem are also legal. House demolitions can be carried out by order of the municipal administration or by judicial order, meaning that new construction is in violation of municipal codes or building without a permit.

Both Jews and Arabs build illegally. According to B'Tselem, an Israeli human rights group, 5,653 building infractions were recorded in Jewish neighborhoods while comparatively, 1,529 infractions were recorded in Arab neighborhoods in 2005. But 76 house demolition orders were carried out in the Arab neighborhoods compared to only 26 in the Jewish neighborhoods.⁴⁷

The government and the institutions with the power to determine land allocation policy, such as the Israel Lands Administration, openly encourage and assist Jewish settlement in and around Jerusalem; no one helps the Arabs. This unofficial policy is based on discriminatory preferences for settlement purposes.

What are the consequences of such a policy? The “Judaization” of East Jerusalem severely undermines the possibility that East Jerusalem will serve as the future capital of the Palestinian state. Again, Israel is unbalanced in its considerations of securing its own interests and accommodating to the Palestinian interests. There can be no political deal without Jerusalem.

Another disabling effect of the construction in Greater Jerusalem will be the severing of the Palestinians' most industrious economic corridor. Currently, against international pressure and continued demands by U.S. Secretary of State Hillary Clinton, plans to construct in what is called the E-1 bloc are moving ahead. The E-1 bloc is a piece of land between the outer eastern periphery of Greater Jerusalem and the western periphery of the Ma'ale Edumin settlement. Connecting these two areas via construction in the E-1 bloc will disallow Palestinian movement along the economic and population centers of Ramallah, Jerusalem, and Bethlehem. Without economic and personal mobility among these cities, it is unlikely that a sovereign, contiguous Palestinian state can arise.

The Wall

It is important to remember that the security wall was brought forth as a plan of action by the Israeli left. It was announced after the beginning of the second Intifada as a means of unilateral separation from the Palestinians. It was indicative of the feeling in Israel that there was no Palestinian partner with whom to negotiate and that the best Israel could do was to meet conditions whereby they could limit security threats. This is within Israel's right to self-defense, and the International Court at The Hague has upheld this. But the wall becomes an issue when it snakes into Palestinian territory and concretizes land grabs made over the past few decades by Israeli settlement building. This is a violation of law which is predicated on previous violations of law – all in the name of Israeli security.

When the wall penetrates as deeply into the West Bank as it does around the settlement of Ariel and around Greater Jerusalem, Israel is violating the principle of shifting the permanent status landscape of the territory in its favor. The wall also encompasses large swaths of empty Palestinian land, land which will undoubtedly be used to expand existing settlements. But some Israeli officials, such as Natan Sharansky, a former Minister, are not so worried. Walls can be dismantled, he argues, but the democratic character of a Palestinian civil society must flourish before Israel can be assured that its security will not be at risk without the presence of a physical barrier between Israelis and Palestinians.⁴⁸ Only then can Israelis rest knowing that there is a legitimate Palestinian partner with whom Israel can cooperate on matters of security.

Side Effects: Palestinian Life in the Occupied Territories

It would be a mistake to create a national strategy based on human rights violations of Palestinians. It would also be mistaken to assume that peace can move forward without addressing the daily abuses of Palestinian rights. They are too numerous for this paper to elaborate on, but some should be mentioned in order to gain a perspective on the hardships facing Palestinian life in the territories. It should also be noted that these abuses are inseparable from the presence of Jewish settlements in the territories.

Water distribution is wholly unequal. Israel is responsible for supplying Palestinians with water, but studies have shown that Israel allocated vastly more resources to the settlements via Israel's national water supplier, Mekorot, than to the Palestinians.

Freedom of movement is devastatingly hampered by the presence of hundreds of checkpoints throughout the West Bank. These checkpoints often restrict movement for security reasons or for lack of proper documentation, and they definitely prolong travel time for all who must pass through them. The security wall also curtails movement as there are only very few gateways for a large span of the wall. Not only does it hamper movement, but the path of the wall has cut off 21 Palestinian villages and their 30,000 inhabitants from the West Bank, not to mention the 200,000 Palestinians living in East Jerusalem who are quartered off from the rest of the West Bank. This undoubtedly separates families and makes it hard for Palestinians living on the opposite side of the wall to see their relatives.⁴⁹

Negotiations

President Barack Obama struck a different chord when he insisted, in his speech in Cairo, that Israel unequivocally halt all settlement activity. The Israeli government, once again led by Benjamin Netanyahu, has found a way to wiggle out of any sense of responsible action. The worst part is that the U.S. Administration is backtracking on its original firm stance. Recently, Hillary Clinton praised Israeli efforts to curb settlement expansion. But this is hardly different from what previous U.S. Administrations have said, and it is hard to see how this time will be any different if President Obama does not demand a tangible change of direction from his Israeli counterpart. There are several things which both leaders need to realize when it comes to the settlements:

First, this conflict, while it is infused with deep historical feuds, blood spilt on both sides, and religious differences, comes down to land and people: two different nations fighting for the same piece of land. There is an opportunity to divide up the land, but the settlement project is making that impossible. The West Bank, where the bulk of the Palestinian state will be built, is currently fragmented and dotted with Israeli settlements, crisscrossing roads reserved for settlers only, and hundreds of checkpoints which make the reality of a continuous, solid state a complete illusion. There can be no viable Palestinian state while the settlements continue to infringe upon the territorial sovereignty of a future Palestine.

Secondly, while both sides have enthusiastically approached the peace process on and off over the past 15 years, moments of elation and expectation are always subdued due to the continuing grim reality of the settlement project. When Israel pledges to halt settlement activity, Palestinians still see the “natural expansion” of existing settlements and the construction of illegal outposts which the Israeli government is despairingly slow to dismantle if they do at all. This ongoing cycle of broken promises diminishes any hope for trust building and ergo, faith in the peace process itself.

Finally, the continuation and expansion of the settlements is eroding the power and influence of moderate forces on both sides. The voice of religiously motivated settlers in Israel is strong, strong enough to prevent the government of Israel from taking decisive action against them. Due to their growing numbers, their influence has far-reaching implications for the future. Likewise, Palestinians who have given up trying to compel the Israelis into making painful decisions have resorted to violence and extremist rhetoric that not only rejects the two-state solution but the existence of Israel itself. Hamas’ rise to power is largely a product of the lack of tangible results following negotiations between Israel and the Palestinians.

All of these factors point in one direction: Israel must first halt all settlement activity, including the often taken-for-granted excuse of “natural expansion” and especially cracking down on illegal outposts, then continue to negotiate a phased withdrawal of settlers out of the West Bank. Israel has often complained that it sees no reliable partner with which to negotiate on the Palestinian side, but with every new building Israel allows in the West Bank, it loses face as an honest seeker of peace. In order for there to be a sustainable, viable, and equitable solution to this bloody conflict, Israel must reassess how it plans to secure its future. This means withdrawing from the settlements, building trust with the Palestinians, making hard concessions, and building the institutions which will be essential to maintaining two sovereign, independent, respected states existing side by side.

Notwithstanding the particulars of the Israeli-Palestinian conflict, one must also be aware of the regional shift that would take place were there to be a peace agreement between Israel and the Palestinians. Such a monumental change in the ability to manipulate regional politics through anti-Israel rhetoric would most importantly diminish the influence of Iran and the non-state actors it subsidizes and supplies. Accomplished in tandem with a peace agreement with Syria, Israel would substantially alter the regional dynamics: it would be a major step forward in assuring Israeli security by means of diplomacy and not through military strength.

Peace in the Middle East: Is it an Oxymoron?

Israel is now at a pivotal point between having to choose between persistently following a losing course of action, and finally giving peace a real chance. But it must reassess its priorities: “Whenever security is at issue, there exists a natural inclination to prefer the status quo to any alternative. This choice is often perceived as a choice between the known and the unknown. Considered in these terms, the tendency to err on

The pursuit of a settlement with the PLO leading to an independent Palestinian state, with appropriate risk-minimization provisions, would best promote Israel’s fundamental strategic objectives of neutralizing the Palestine issue as a factor in Israeli-Arab relations and reducing the overall Arab threat to Israeli security, while preserving the Jewish, democratic character and vitality of Israeli society.⁵¹

the side of caution is readily comprehensible. The underlying perception, however, is false. An immediate reality may indeed be more knowable than any hypothetical alternative, but an evaluation of the potential future consequences for national security of that reality is subject to the same uncertainties as is an evaluation of the implications of the alternatives. A policy aimed at perpetuating the status quo is not automatically the most prudent strategy for any state to pursue; it can be so judged only after a comparative analysis of the probable overall value of the various alternatives has been attempted.”⁵⁰

The alternatives to the two-state solution have been discussed at length in this essay. The implementation of any of the alternatives is unlikely to fulfill either Israel’s future goals or Palestine’s aspirations. Heller concludes:

As this essay is being written, the Israeli government is preparing to reconsider its inflexible attitude toward freezing settlement construction as a precondition for the continuation of peace negotiations. Surely, Prime Minister Netanyahu, is aware of the country’s national interests and the different alternatives mentioned in this paper. The question, then, should be obvious. If the options are so starkly laid out, with one option proving to be so crucial

to securing Israel's stated goals, what is preventing Israel from seriously stepping on the gas pedal toward a real comprehensive agreement that the Palestinians can accept with dignity? Netanyahu is an intellectual, no doubt, but is he so blind that he can't foresee the implications of continuing the status quo? One cannot help but wonder if there is a hidden agenda. Israel has been accused of not genuinely wanting peace; perhaps Israeli leaders are continuously hiding behind well-known excuses in order to provide a cover for unknown state objectives. It seems unlikely, considering a leader's ability to act forcefully when a majority of the population supports a two-state solution, that Netanyahu is letting his political brokering to take precedence over the long term interests of the state. But again, perhaps it is an ugly truth. If this is the case, Israelis will have to contend with the consequences, which will prove to be much direr than a third Intifada. A failure to genuinely desire and work toward peace will cause an explosion in the Middle East sooner or later, resulting in either a collapse of the Israeli state as a Jewish, democratic entity or with the complete crushing of the Palestinian dream for statehood.

Conclusion

Peace. One can think of it as one of those terms like love or happiness that gives you a warm, fuzzy feeling inside. Well, it's not very likely that a spontaneous combustion of anything like this feeling is going to instantaneously occur between Israelis and Palestinians. One could also think of peace as the absence of war. Israel and the Palestinians are not at war (in the conventional sense at least), yet they certainly do not have peace.

In the context of the Israeli-Palestinian conflict, peace means allowing both Israel and Palestine to govern themselves according to their own self-interests without imposing upon one another: a "live and let live" arrangement. Yet this kind of relationship is not likely to evolve without a series of mutually-reassuring steps. Honesty and the courage to trust one another are required for success. Peace is a process and it must be treated as such. One must keep the goal in mind and be able to navigate through the obstacles designed to halt the process.

Making a deal involves each side stretching out one hand and meeting the other extended hand across the divide. However, letting that other hand act in a way which contradicts the intent of the deal is childish. It is dishonest. It is betraying the deal. The purpose of this essay has been to show that Israel's continued settlement building constitutes the biggest deal-breaker when it comes to the peace process.

1 The Associated Press. "Poll: Most Palestinians, Israelis want two-state solution." 22 April, 2009. Found online at <http://www.haaretz.com/hasen/spages/1080267.html>

2 Mark A. Heller. *A Palestinian State: The Implications for Israel*. (Cambridge: Harvard University Press, 1983), 21.

3 Ibid., 40-41.

4 Eitan Bronstein, interview by author, tape recording, Tel Aviv, Israel, January 2009.

5 Hamas Charter. (The Covenant of the Islamic Resistance Movement.) Publishes 18 August 1988.

6 Ibid., 29.

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