

INTERNATIONAL COURT OF JUSTICE

**LEGAL CONSEQUENCES ARISING FROM THE POLICIES
AND PRACTICES OF ISRAEL IN THE
OCCUPIED PALESTINIAN TERRITORY,
INCLUDING EAST JERUSALEM
(REQUEST FOR ADVISORY OPINION)**

WRITTEN STATEMENT OF THE STATE OF QATAR

VOLUME II
ANNEXES

25 JULY 2023

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Annex 1

Settler Colonialism in Palestine (1917-1967), Expert Report of
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SETTLER COLONIALISM IN PALESTINE (1917-1967)

EXPERT REPORT OF PROFESSOR RASHID KHALIDI

20 JULY 2023

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This overview of the history of Palestine until 1967 offers context for the legal questions posed to the International Court of Justice by the request of the UN General Assembly for an Advisory Opinion relating to legal consequences arising from discriminatory policies and practices of Israel in the occupied Palestinian territories. It covers relevant background from the early part of the 20th century through 1967, showing the origins of some of these policies and practices during that period and their continuity thereafter, notably the enduring nature of the colonization drive – at the expense of the Palestinian people – that the Zionist movement undertook since its inception. Launched before and during the British Mandate over Palestine, this project was continued by the state of Israel within the territories bounded by the 1949 armistice lines, and was the basis of the colonial settlement project that began immediately after the 1967 war in the West Bank and East Jerusalem. This overview also touches on the international legal instruments that facilitated this project, and the ensuing dispossession of the Palestinians and the denial of their national rights, from the Balfour Declaration of 1917 and the 1922 League of Nations Mandate for Palestine, through the UN resolution to partition Palestine in 1947, and Security Council resolution 242 adopted in the wake of the 1967 war.

I. PALESTINE IN THE EARLY 20TH CENTURY

Palestine in the early 20th century was not barren, empty, and backward. Nonetheless, there is a vast body of literature filled with historical misrepresentations, claiming that at that time the country was sparsely inhabited by a small population of rootless nomads who had no fixed identity and no attachment to the land they were passing through, essentially as transients.

The corollary to this fiction is that the arrival of Zionist immigrants “made the desert bloom,” turning the country into a lush garden, and that only they had an identification with and love for the land, as well as a (God-given) right to it. This attitude is summed up in the slogan “a land without a people for a people without a land,” used by Christian supporters of a Jewish “return” to Palestine and by early Zionists. To the European Zionists who came to settle it, Palestine was *terra nullius*, with the population living there nameless and amorphous. These falsehoods persist to this day, and obscure the real history of the country in the modern era.

In fact, by the early twentieth century, there existed in Palestine a vibrant Arab society made up of Muslims, Christians and Jews, together with Armenian, Circassian, European Jewish and other communities, undergoing a series of rapid and accelerating transitions, much like other Middle Eastern societies around it. Modern education and literacy were expanding, and the integration of the country’s economy into the global economy was proceeding apace. The telegraph, the steamship, the railway, gaslight, electricity, and modern ports and roads were gradually transforming cities, towns, and even some rural villages. Sanitation, health, and rates of live births were all slowly improving, death rates were in decline, and the population was increasing quickly. In less than forty years, from

1878 to 1914, the population of Palestine grew from around 450,000 to over 720,000, of which the Jewish population constituted only 5-7% of the total.¹

Palestine in these years was far from barren: it was a major exporter of oranges to Europe in 1914, with an annual value of over £300,000 (£44 million in 2023 currency), and about 3,500 hectares of orange groves under cultivation, with over 65% of these oranges produced by modern Arab-owned orchards.² Nevertheless, the myth of Palestine as a desert before Zionism lives on.³

Before World War I, roughly half of the Jewish population of Palestine were Orthodox and non-Zionist, either *Mizrahi* (eastern) or Sephardic (descendants of Jews expelled from Spain in 1492). Mainly urbanites of Middle Eastern or Mediterranean origin who often spoke Arabic or Turkish, they were culturally quite similar to, and lived reasonably comfortably alongside, city-dwelling Muslims and Christians. They were Ottoman citizens and not foreigners, nor were they Europeans or settlers: they were, saw themselves, and were seen by others, as Ottoman Jews who were an integral part of the indigenous Muslim-majority society.⁴

¹ Justin McCarthy, *The Population of Palestine: Population Statistics of the Late Ottoman Period and the Mandate* (New York: Columbia University Press, 1990), Table 1.4D, pp. 10, 24.

² Mustafa Kabha and Nahum Karlinsky, *The Lost Orchard: The Palestinian-Arab Citrus Industry 1850-1950* (Syracuse: Syracuse University Press, 2021), Table 1.1, p. 17 and Table 1.2, p. 21.

³ *Twitter* page of EU in Israel (@EUinIsrael), “A special message from President of the European Commission Ursula von der Leyen” (April 26, 2023) (“Today, we celebrate 75 years of vibrant democracy in the heart of the Middle East, 75 years of dynamism, ingenuity and groundbreaking innovations. You have literally made the desert bloom, as I could see during my visit to the Negev last year.”).

⁴ There is abundant scholarship on the integration of the Mizrahi and Sephardic communities into Palestinian society. See Menachem Klein, *Lives in Common: Arabs and Jews in Jerusalem, Jaffa and Hebron* (London: Hurst, 2015).

II. THE ORIGINS OF ZIONISM AS A COLONIAL SETTLER AND NATIONAL PROJECT

The resurgence of virulent anti-Semitism in late nineteenth century Europe, with recurrent pogroms in the Russian empire, produced several responses among Jewish intellectuals in Eastern Europe, among which was the rise of political Zionism. The Zionist movement called for establishment of a new Jewish national polity in Palestine, where Judaism had begun millennia before, and to which it had always retained a powerful religious attachment. Zionism thus emerged from both nationalist and religious impulses, and as a reaction to many centuries of European Christian persecution.

The founder and first leader of modern political Zionism was the Viennese journalist Theodor Herzl. He was the author of the seminal work *Der Judenstaat* (“The Jewish State”) published in 1896, and the organizer of the first two Zionist congresses in Basel, Switzerland, in 1897 and 1898. Herzl explicitly called for a Jewish-majority state in Palestine (in a land that then had an Arab majority of well over 90%), with the “sovereign right” to control immigration. Understanding that achieving this end involved replacing this Arab majority with an entirely new Jewish population, to be drawn mainly from the persecuted populations of the ghettos of Eastern Europe, Herzl wrote in his diary:

We must expropriate gently the private property on the estates assigned to us. We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it employment in our own country. The property owners will come over to our side. Both the process of expropriation and the removal of the poor must be carried out discreetly and circumspectly.⁵

⁵ Theodor Herzl, *The Complete Diaries of Theodor Herzl*, ed. Raphael Patai (New York: Herzl Press, 1960), pp. 88-89.

The 1901 charter that Herzl drafted for the Jewish-Ottoman Land Company he founded, which was intended as a land purchasing agency for the Jewish colonies he planned to establish, similarly called for the removal of inhabitants of Palestine to “other provinces and territories of the Ottoman Empire.”⁶ Herzl’s desire to “spirit” Palestine’s Arab population “discreetly” across the borders and replace them with Jewish settlers reveals the essentially colonial nature of Zionism. So too did his statement that the Jewish state would “form a part of a wall of defense for Europe in Asia, an outpost of civilization against barbarism.”⁷

Even early on, many Palestinians had a strong sense of foreboding about the progress of the Zionist project. A 1914 editorial in a leading Palestinian newspaper, *Filastin*, spoke of “a nation threatened with disappearance by the Zionist tide in this Palestinian land... a nation which is threatened in its very being with expulsion from its homeland.”⁸ Indeed, between 1909 and 1914, some forty thousand Jewish immigrants had arrived (although many left soon afterwards, due to the harsh and unfamiliar conditions of life in Palestine) and eighteen new colonies (expanding the total number to 50 in 1914) had been created by the Zionist movement. These were established on land purchased mainly from absentee landlords with generous funding from philanthropists like Baron Edmond de Rothschild and Baron Maurice de Hirsch.

The relatively recent concentration of private land ownership after the passage of the 1858 Ottoman Land Code (which required registration of ownership

⁶ The text of the charter can be found in Walid Khalidi, “The Jewish-Ottoman Land Company: Herzl’s Blueprint for the Colonization of Palestine,” *Journal of Palestine Studies*, 22, 2, (Winter 1993), pp. 30-47.

⁷ *Der Judenstaat*, translated and excerpted in Arthur Hertzberg, ed., *The Zionist Idea: A Historical Analysis and Reader* (New York: Atheneum, 1970), p. 222.

⁸ Editorial in special issue of *Filastin* (May 19, 1914), p. 1, cited in Rashid Khalidi, *The Hundred Years’ War on Palestine: A History of Settler Colonialism and Resistance, 1917-2017* (New York: Metropolitan, 2020), pp. 25-27.

of land in private hands) greatly facilitated the takeover of fertile lands by large urban absentee landlords, some of whom sold land to Zionist organizations. The impact of this process was especially pronounced in Palestinian agricultural communities in areas with increasing Zionist presence in the coastal plain and the fertile valleys of the north. Many peasants in villages neighboring the new colonies had been deprived of their land because of these land purchases, and they often resisted the expropriation of land to which they had ancestral rights of usufruct, previously inalienable, but that were ignored under the new land laws. Land issues rooted in this dynamic persist in the occupied West Bank and East Jerusalem to this day.

Starting immediately after World War I, large-scale immigration of European Jewish settlers was supported by the newly established British Mandate authorities, who helped build the autonomous structure of a Zionist para-state. A separate Jewish-controlled sector of the economy was created through the exclusion of Arab labor from Jewish-owned firms under the slogan of “*Avoda ivrit*” (“Hebrew labor”), and the injection of massive amounts of capital from abroad. By the middle of the 1930s, although Jews were still a minority of the population, this highly autonomous sector was larger than the Arab-owned part of the economy. This was essentially a function of the extraordinary capacity of the Zionist movement to mobilize and invest capital in Palestine: financial inflows to an increasingly self-segregated Jewish economy during the 1920s were 41.5 percent larger than its net domestic product.⁹ While the Jewish population of Palestine constituted only 5-7% of the total in 1914, and less during World War I, it had grown to 17-18% by the mid-1920’s and then stagnated at that level until 1932.

⁹ Zeev Sternhell, *The Founding Myths of Israel* (David Maisel translation, Princeton: Princeton University Press, 1999), p. 217. According to Sternhell, the ratio of capital inflow to NDP “did not fall below 33 percent in any of the pre-World War II years.” *Ibid.*

Many early Zionists embraced the settler colonial nature of their project. Vladimir (later Ze'ev) Jabotinsky, originator of Revisionist Zionism, the political trend that has dominated Israeli politics since 1977 under the banner of the Likud party, was especially clear on this score, writing in 1923:

Every native population in the world resists colonists as long as it has the slightest hope of being able to rid itself of the danger of being colonised. That is what the Arabs in Palestine are doing, and what they will persist in doing as long as there remains a solitary spark of hope that they will be able to prevent the transformation of 'Palestine' into the 'Land of Israel'.¹⁰

Those last eight words are an apt summary of the ultimate aim of Zionism. Jabotinsky affirmed that the constant use of massive force against the Arab majority would be necessary to implement this program for “transforming” Palestine into Israel: what he called an “iron wall” of bayonets was an imperative for its success. As Jabotinsky put it: “Zionist colonisation ... can proceed and develop only under the protection of a power that is independent of the native population—behind an iron wall, which the native population cannot breach.” He was clear on why force was necessary: “If you wish to colonize a land in which people are already living, you must find a garrison for the land, or find a benefactor who will provide a garrison on your behalf ... Zionism is a colonizing venture and, therefore, it stands or falls on the question of armed forces.”¹¹

The King-Crane Commission, a commission of inquiry sent out in 1919 by President Woodrow Wilson to ascertain the wishes of the peoples of the region after the fall of the Ottoman Empire, came to similar conclusions. Told by

¹⁰ Vladimir Jabotinsky, “The Iron Wall: We and the Arabs,” *Jewish Herald* (November 26, 1937) (first published in Russian under the title “O Zheleznoi Stene” in *Rassvyet* (November 4, 1923)).

¹¹ *Ibid.*

representatives of the Zionist movement that it “looked forward to a practically complete dispossession of the present non-Jewish inhabitants of Palestine,” it reported that none of the military experts it consulted “believed that the Zionist program could be carried out except by force of arms.”¹² They considered that a force of “not less than fifty thousand soldiers would be required” to execute it.¹³ In the end, it took the British more than double that number of troops to prevail against a massive Palestinian revolt in 1936-39.

This dependence on force, combined with radical social engineering at the expense of the indigenous population is the way of all colonial settler movements. Since Zionism was a Jewish national movement and a European colonial settler project at the same time, the modern history of Palestine can best be understood in these terms: as a colonial war waged against the indigenous population to force them to relinquish their homeland to another people against their will. Over time, this conflict between colonizer and colonized has also become a national confrontation between two national entities, two peoples. Thus, what has been going on in Palestine for over a century has been *both* a colonial and a national struggle.

Zionism arose during the high age of colonialism, when the use of violence against native societies by Westerners was normalized and described as “progress.” Zionist leaders nonetheless took pains to obscure their goals. Chaim Weizmann, Herzl’s successor as leader of the Zionist movement, told an Arab audience in Jerusalem in March 1918 “to beware treacherous insinuations that Zionists were

¹² “Report of the American Section of the International Commission on Mandates in Turkey, Paris (August 28, 1919)”, *Papers Relating to the Foreign Relations of the United States, The Paris Peace Conference, 1919*, Vol. XII, available at <https://history.state.gov/historicaldocuments/frus1919Parisv12/d380>.

¹³ *Ibid.*

seeking political power.”¹⁴ Such assertions were intended to cloak Zionist leaders’ real objectives: to take over the entire country if possible. They understood that “under no circumstances should they talk as though the Zionist program required the expulsion of the Arabs, because that would cause the Jews to lose the world’s sympathy.”¹⁵

Unremarkably, once colonialism took on a bad odor in the post-World War II era of decolonization, the colonial origins and practice of Zionism and Israel were conveniently forgotten. In fact, after benefitting for decades from the extensive support of the British colonial authorities, as discussed below, Zionism rebranded itself as an anti-colonial movement after Britain began to limit its support for Zionism.

III. THE BALFOUR DECLARATION AND THE LEAGUE OF NATIONS MANDATE

During World War I, large parts of Palestine became battle zones, and the country suffered massive human and material losses, as most men were conscripted, draft animals were seized, and famine, locusts and disease struck. These profound material shocks heightened the impact of postwar political changes. By the end of the war, people in Palestine and in much of the Arab world found themselves under occupation by European armies. It was against this backdrop that Palestinians learned, in a fragmentary fashion, of the Balfour Declaration.

The momentous statement made on behalf of Britain’s cabinet on November 2, 1917, by the secretary of state for foreign affairs, Arthur James

¹⁴ Ronald Storrs, *Orientalisms* (London: Ivor Nicholson & Watson, 1937), p. 341. Storrs reported the speech, given at a dinner he hosted in honor of Weizmann attended by the mayor, the mufti of Jerusalem, and other leading Palestinian political and religious figures.

¹⁵ Tom Segev, *One Palestine, Complete* (New York: Metropolitan Books, 2000), p. 404.

Balfour—what has come to be known as the Balfour Declaration—comprised a single sentence:

His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

If before World War I many prescient Palestinians had begun to regard the Zionist movement as a threat, the Balfour Declaration introduced a fearsome new element. With its ambiguous phrase approving “the establishment in Palestine of a national home for the Jewish people,” Britain effectively pledged the support of the greatest empire of its day for Herzl's aims of Jewish statehood, sovereignty, and control of immigration in the whole of Palestine. Maximal Zionist goals suddenly became realizable.

While Balfour described the tiny Jewish minority in Palestine as a “people” who were promised a “national home,” the Arab majority (well over 90% of the total at that time) went unmentioned, except in a backhanded way as the “existing non-Jewish communities in Palestine.” The terms “Palestinian” and “Arab” do not appear in the sixty-seven words of the declaration, which promised the overwhelming majority of the population only “civil and religious rights,” not political or national rights.

Some leading British politicians extended backing to Zionism that went well beyond the carefully phrased text of the Balfour Declaration. At a dinner at Balfour's home in 1922, three of the most prominent British statesmen of the era—former Prime Minister Lloyd George, Balfour, and Secretary of State for the

Colonies Winston Churchill—explained to Weizmann that by the term “Jewish national home” they “always meant an eventual Jewish state.” Lloyd George assured the Zionist leader that for this reason Britain would never allow representative government in Palestine.¹⁶

After British troops occupied Jerusalem in December 1917, the British authorities banned publication of news of the declaration, and did not allow newspapers to reappear in Palestine for nearly two years.¹⁷ When reports of the Balfour Declaration finally reached Palestine, this news struck a society prostrate and exhausted, as survivors of the chaos and displacement of the First World War were slowly returning to their homes. In December 1918, thirty-three leading Palestinians sent a letter of protest to the peace conference in Versailles and to the British Foreign Office. They stressed that “this country is our country” and expressed their horror at the Zionist claim that “Palestine would be turned into a national home for them.”¹⁸

World War I and its aftermath accelerated the change in Palestinian national sentiment from love of country and loyalties to family and locale to a modern form of nationalism. Palestinian identity is often seen as no more than an expression of an unreasoning opposition to Jewish national self-determination. But Palestinian identity emerged in response to many stimuli, much like Zionism, and at almost the same time. The threat of Zionism was only one of these stimuli, just as anti-Semitism was only one factor fueling Zionism. This national identity included love

¹⁶ Reported in Yehuda Reinharz, *Chaim Weizmann: The Making of a Statesman* (Oxford: Oxford University Press, 1993), pp. 356-357.

¹⁷ Ronald Storrs, *Orientalisms* (London: Ivor Nicholson & Watson, 1937), p. 327. Storrs, the first British Military Governor of Jerusalem, mentions that Britain exercised strict control over the press and all forms of Arab political activity in Palestine.

¹⁸ ‘Abd al-Wahhab al-Kayyali, *Watha’iq al-muqawama al-filistiniyya al-‘arabiyya did al-ihtilal al-britani wal-sihyuniyya 1918-1939* [Documents of the Palestinian Arab resistance to the British occupation and to Zionism, 1918-1939] (Beirut: Institute for Palestine Studies, 1968), pp. 1-3.

of country, a desire to improve society, religious attachment to Palestine, and opposition to European control.

Indeed, all the neighboring Arab peoples developed modern national identities analogous to that of the Palestinians at about the same time, and did so without the impact of the emergence of Zionism in their midst. While they drew on pre-existing elements of identity, Palestinian and other Arab national identities, just like Zionism, were modern and contingent, a product of late nineteenth- and twentieth-century circumstances, and not eternal and immutable phenomena.¹⁹

In the wake of World War I, Palestinians began to organize in opposition both to British rule, and to its imposition of the Zionist movement on them. Palestinian efforts included petitions to the British government, to the Paris Peace Conference, and to the newly formed League of Nations. Their most notable effort was a series of seven Palestine Arab congresses planned by a countrywide network of Muslim-Christian societies held from 1919 until 1928. These congresses put forward demands grounded in Article 22 of the Covenant of the League of Nations, which stated of Arab territories about to be subjected to a Mandate that their “existence as independent nations can be provisionally recognized.”²⁰ They thus focused on independence for Palestine, rejection of the Balfour Declaration, support for majority rule, and ending unlimited Jewish immigration and land purchases. The congresses established an Arab executive that met repeatedly with British officials, to no avail. The British refused to recognize the representative authority of the congresses or their leaders, and insisted on Arab acceptance of the

¹⁹ See Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997), Chapter 2, pp. 9-34.

²⁰ The Covenant of the League of Nations (1924), Art. 22, available at https://avalon.law.yale.edu/20th_century/leagcov.asp#:~:text=ARTICLE%2022.&text=Certain%20communities%20formerly%20belonging%20to,are%20able%20to%20stand%20alone.

Balfour Declaration, which negated the very existence of the Palestinians, as a precondition for discussion.

In 1922, a League of Nations Mandate for Palestine formalized Britain's governance of the country. At Britain's insistence, the Mandate incorporated the text of the Balfour Declaration verbatim as part of its preamble, and substantially amplified the declaration's commitments to Zionism. Although the document began with a reference to Article 22 of the Covenant of the League of Nations, it continued by giving an international pledge to uphold the provisions of the Balfour Declaration. This was in contradistinction to every other Middle Eastern mandated territory, where Article 22 of the Covenant applied to the entire population and was ultimately meant to allow for the independence of these countries. Thus, the Mandate for Syria and Lebanon, published in August 1922, stated that "The Mandatory shall further enact measures to facilitate the progressive development of Syria and Lebanon as independent states."²¹

The second paragraph of the preamble states that: "the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a national home for the Jewish people." The third paragraph then states: "recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country". Only the Jewish people are described as having a historic connection to Palestine.

²¹ "French Mandate for Syria and the Lebanon," *The American Journal of International Law*, 17, 3, Supplement: Official Documents (July 1923), pp. 177-182.

Nowhere in the subsequent twenty-eight articles of the Mandate is there any reference to the Palestinians as a people with national or political rights. As in the Balfour Declaration, the words “Arab” and “Palestinian” do not appear in the text of the Mandate. The only protections envisaged for the great majority of Palestine’s population involved personal and religious rights and preservation of the status quo at sacred sites. On the other hand, the Mandate laid out the key means for establishing and expanding the national home for the Jewish people, which, according to its drafters, the Zionist movement was not creating, but “reconstituting.”

Seven of the Mandate’s twenty-eight articles are devoted to the privileges and facilities to be extended to a “Jewish Agency” as representative of the Zionist movement to implement the national home policy (the others deal with administrative and diplomatic matters, and the longest article treats the question of antiquities). This was so although before the mass immigration of mainly European Zionists in the 1920’s, Palestine’s Jewish community comprised largely either religious or *mizrahi* Jews who in the main were not Zionist or who even opposed Zionism. No such official representative was designated for the unnamed Arab majority.

Article 2 of the Mandate provided for self-governing institutions; however, the context makes clear that this applied only to the *yishuv*, as the Jewish population of Palestine was called, while the Palestinian majority was consistently denied access to such institutions. (Later concessions offered on matters of representation were conditional on equal representation for the Jewish minority and the large Arab majority, and on Palestinian acceptance of the terms of the Mandate, which explicitly nullified their existence.) Representative institutions for the entire country on a democratic basis and with real power were never on offer (in keeping with Lloyd George’s private assurance to Weizmann), for the Palestinian majority

would naturally have voted to end the privileged position of the Zionist movement in their country.

Article 4 called for the creation of a Jewish Agency with quasi-governmental status as a “public body” enjoying wide-ranging powers in economic and social spheres and the ability “to assist and take part in the development of the country” as a whole. Beyond making the Jewish Agency a partner to the mandatory government, this provision allowed it to acquire a form of international diplomatic status and thereby formally and officially to represent Zionist interests before the League of Nations and in world capitals. Such representation was normally an attribute of sovereignty, and the Zionist movement took great advantage of it to bolster its international standing and act as a para-state. Again, no such powers were allowed to the Palestinian majority over the thirty years of the Mandate, in spite of their repeated demands.

Equally important was Article 6, which enjoined the mandatory power to facilitate Jewish immigration and encouraged “close settlement by Jews on the land”—a most crucial provision, given the importance of demography and control of land throughout the subsequent century and more. This provision was the foundation for significant growth in the Jewish population and the acquisition of strategically located lands that allowed for control of the country’s territorial backbone along the coast, in eastern Galilee, and in the great fertile valley connecting them.

Article 7 provided for a nationality law to facilitate the acquisition of Palestinian citizenship by Jews. This same law was used to deny nationality to Palestinians who had emigrated to the Americas during the Ottoman era and now

desired to return to their homeland.²² Thus Jewish immigrants, irrespective of their origins, could acquire Palestinian nationality, while native Palestinian Arabs who happened to be abroad when the British took over were denied it.

Finally, other articles allowed the Jewish Agency to take over or establish public works, allowed each community to have schools in its own language—which in practice meant Jewish Agency control over much of the *yishuv*'s school system, while the British kept control of Arab state schools—and made Hebrew an official language of the country.

In sum, the Mandate essentially furthered the creation of a Zionist administration parallel to that of the British mandatory government, which was tasked with fostering and supporting it. This parallel body was meant to exercise for one part of the population many of the functions of a sovereign state, including democratic representation and control of education, health, public works, and international diplomacy. To enjoy all the attributes of sovereignty, this entity lacked only military force. That too would come, in time.

To appreciate the destructive force of the Mandate for Palestinians, it is worth looking at a confidential 1919 memo by Lord Balfour. As stated, for areas formerly part of the Ottoman Empire, Article 22 of the Covenant of the League of Nations “provisionally” recognized their “existence as independent nations.” As had been promised by the British during World War I, all the peoples of the other mandated territories in the Middle East ultimately won independence. Only the Palestinians did not. In his memo, Balfour frankly recognized the contradiction between the Covenant and the Mandate:

²² Lauren Banko, “Claiming Identities in Palestine: Migration and Nationality under the Mandate,” *Journal of Palestine Studies*, 46, 2 (Winter 2017) pp. 26-43; Nadim Bawalsa, “Legislating Exclusion: Palestinian Migrants and Interwar Citizenship,” *Journal of Palestine Studies*, 46, 2 (Winter 2017), pp. 44-59.

The contradiction between the letter of the Covenant and the policy of the Allies is even more flagrant in the case of the “independent nation” of Palestine For in Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country. . . . The four Great Powers are committed to Zionism. And Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land. In my opinion that is right. What I have never been able to understand is how it can be harmonised with the declaration, the Covenant, or the instructions to the Commission of Enquiry.

I do not think that Zionism will hurt the Arabs; but they will never say they want it. Whatever be the future of Palestine it is not now an “independent nation,” nor is it yet on the way to become one. Whatever deference should be paid to the views of those who live there, the Powers in their selection of a mandatory do not propose, as I understand the matter, to consult them. In short, so far as Palestine is concerned, the Powers have made no statement of fact which is not admittedly wrong, and no declaration of policy which, at least in the letter, they have not always intended to violate.²³

²³ Ernest Llewellyn Woodward and Rohan Butler, eds, *Documents on British Foreign Policy, 1919-1939*, First Series, 1919-1929, vol. IV (London: Her Majesty's Stationery Office, 1952), p. 345.

IV. THE PALESTINIAN REVOLT OF 1936-39

Between 1926 and 1932, the Jewish population of Palestine had ceased to grow as a proportion of the total, stagnating at between 17 and 18.5%.²⁴ These years coincided with the global depression, when Jews leaving Palestine outpaced those arriving, and capital inflows decreased markedly. Thus, in the early 1930's the Zionist project looked as if it might never attain the critical demographic mass that would make Palestine "as Jewish as England is English," in Weizmann's words.²⁵ This changed dramatically in 1933 with the rise to power of the Nazis in Germany and the launch of their systematic persecution of Jews. Discriminatory immigration laws in place in the United States, the United Kingdom, and elsewhere left many German Jews fleeing the Nazis with nowhere to go but Palestine. This led to a massive wave of immigration that raised the Jewish proportion of the total population of Palestine to over 31% by 1939.

In 1935 alone, more than sixty thousand Jewish immigrants, most of them fleeing Nazi maltreatment, came to Palestine, a number greater than the entire Jewish population of the country in 1917. Most of these refugees were skilled and educated, and were allowed to bring with them assets worth a total of \$100 million, pursuant to the Transfer Agreement reached between the Nazi government and the Zionist movement, concluded in exchange for lifting a Jewish boycott of Germany. Thus, the launching of Hitler's genocide provided the demographic critical mass that enabled the Zionist movement to dominate most of Palestine in the wake of

²⁴ Population figures can be found in Walid Khalidi, ed., *From Haven to Conquest: Readings in Zionism and the Palestine Problem until 1948* (Beirut: Institute for Palestine Studies, 2005), Appendix 1, pp. 842-43.

²⁵ Speech to the English Zionist Federation (September 19, 1919), cited in Nur Masalha, *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought, 1882-1948* (Washington, DC: Institute for Palestine Studies, 1992), p. 41.

World War II, and proved to be one of the most important events in the modern histories of both Palestine and Zionism.

During the 1930s, the Jewish economy in Palestine overtook the Arab sector. In light of the growth of the Jewish sector of the economy and the accompanying population shift, combined with considerable expansion of the Zionist movement's military capacities with British aid (discussed below), it became clear to its leaders that the demographic, economic, territorial, and military nucleus necessary for achieving domination over Palestine would soon be in place. As Ben-Gurion put it at the time, "immigration at the rate of 60,000 a year means a Jewish state in all Palestine."²⁶

Many Palestinians came to similar conclusions, and now saw themselves inexorably turning into strangers in their own land. The frustration of the Palestinian population at their leadership's ineffective response to British support for Zionism finally led to a massive grassroots uprising. This started with a six-month general strike, perhaps the longest in colonial history, launched spontaneously by groups of young, urban middle-class militants all over the country. The strike eventually developed into the great 1936-39 revolt, which was the crucial event of the interwar period in Palestine.

In July 1937, a Royal Commission under Lord Peel charged with investigating the unrest proposed to partition Palestine, creating a small Jewish state in 17% of the territory, from which over two hundred thousand Arabs would be "transferred," a euphemism for expulsion. Under this scheme, the rest of the country was to remain under British control or be handed over to Amir 'Abdullah

²⁶ This passage in his diaries is cited in Shabtai Teveth, *Ben Gurion and the Palestine Arabs: From Peace to War* (New York: Oxford University Press, 1985), pp. 166-68.

of Transjordan, which from a Palestinian perspective amounted to much the same thing.

The Peel Commission's satisfaction of the Zionist aims of statehood and expulsion of the Arabs in part of Palestine, combined with its denial of the Palestinians' goal of self-determination, sparked a far more militant stage of their uprising. An armed revolt broke out in October 1937 and quickly swept the country. In response, the British authorities deported virtually the entire Palestinian nationalist leadership.

Extinguishing the Palestinian uprising took the full might of the British Empire, which could only be unleashed when additional forces became available after the September 1938 Munich Agreement. The British Empire brought in two additional divisions of soldiers and squadrons of Royal Air Force bombers. In all, Britain employed a hundred thousand troops, police, and Zionist auxiliaries to overcome Palestinian resistance.

Although the revolt achieved temporary successes against the British, in spite of the enormous sacrifices made, it ultimately produced debilitating results for the Palestinians, with 14-17% of the adult male population killed, wounded, imprisoned, or exiled, and the confiscation of large numbers of arms. By the time the revolt was put down in the summer of 1939, the death and exile of so many leaders and militants, and conflict within their ranks left the Palestinians divided, without direction, and with their economy debilitated. This put them in a weak position to confront the newly invigorated Zionist movement, which had grown much stronger during the revolt, having obtained significant amounts of weapons and extensive training for thousands of men from the British to help them suppress the uprising.

As war clouds loomed in Europe in 1939, and the Middle East appeared to be a likely arena of conflict, London shifted away from ardent support of Zionism. Strategic interests now dictated that it was imperative to improve Britain's image and defuse the fury in the Arab countries and the Islamic world at the brutal British repression of the revolt in Palestine. A January 1939 report to the cabinet recommending a change of course in Palestine stressed the importance of "winning the confidence of Egypt and the neighbouring Arab states."²⁷

After the failure of a conference held in London in the spring of 1939 involving representatives of the Palestinians, the Zionists, and the Arab states, Neville Chamberlain's government issued a White Paper in an attempt to appease outraged Palestinians, Arabs, and opinion in other British colonies. This document called for a curtailment of Britain's commitments to the Zionist movement, proposed limits on Jewish immigration and on land sales, and promised representative institutions in five years, and self-determination within ten. Although immigration was in fact restricted, none of the other provisions was ever fully implemented. Moreover, the granting of representative institutions and self-determination were made contingent on approval of the Jewish Agency, which it would never give.

There is a consensus among objective historians that the Jewish Agency's collaboration with the British mandatory authorities, supported by the League of Nations, severely undermined any possibility of success for the Palestinians' struggle for the representative institutions, self-determination, and independence they believed were their right.²⁸ When the British left Palestine in 1948, with a

²⁷ British National Archives, Cabinet Papers, CAB 24/283, "Committee on Palestine: Report" (January 30, 1939), p. 24.

²⁸ The myth that the British were pro-Arab throughout the Mandate period, one cherished by Zionist historiography, is debunked in Tom Segev, *One Palestine, Complete* (New York: Metropolitan Books, 2000).

Zionist para-state already in place and the Palestinians having been crushed by British might, there was no need to create the apparatus of a Jewish state *ab novo*. That apparatus had in fact been functioning under the British aegis for decades.

V. THE 1947 PARTITION AND ITS PRELUDE

After World War II, Palestine was affected by a seismic upheaval, as Britain abandoned control, the country was partitioned, and war broke out. In its wake, the state of Israel was established in 78% of the territory of former Mandatory Palestine, from which 750,000 Palestinians were driven or fled, losing their lands and property and denied the right to return, in what Palestinians have since then called “the Nakba” or catastrophe. These events were among the consequences of the decline of the British Empire and the rise of the American and Soviet superpowers during World War II.

Zionist leaders, alienated by Britain’s 1939 White Paper, presciently foresaw this shift in the global balance of power. At a conference in New York in 1942, the Zionist movement issued the Biltmore Program, which for the first time openly called for turning all of Palestine into a Jewish state, demanding that “Palestine be established as a Jewish Commonwealth.”²⁹ In light of widespread horror at the revelation of the destruction of most of European Jewry by the Nazis in the Holocaust, the Zionist movement succeeded in mobilizing much of Western public opinion around this objective.³⁰

²⁹ For the text of the Biltmore Program, see “Zionist Congresses: The Biltmore Conference (May 6 – 11, 1942),” Jewish Virtual Library, *available at* <http://www.jewishvirtuallibrary.org/the-biltmore-conference-1942>.

³⁰ Amy Kaplan, *Our American Israel: The Story of an Entangled Alliance* (Cambridge: Harvard University Press, 2018) and Peter Novick, *The Holocaust in American Life* (New York: Houghton Mifflin, 1999).

One indication of the growing post-World War II global dominance of the United States was the outcome of the deliberations of the Anglo-American Committee of Inquiry. The British and U.S. governments established this body in 1946 to consider the urgent, tragic situation of a hundred thousand Jewish Holocaust survivors, who were confined to displaced-persons' camps in Europe. The American and Zionist preference was for them to be granted immediate entry to Palestine, while Britain preferred to continue to limit Jewish immigration to avoid antagonizing the country's Arab majority and the newly independent Arab states.

Albert Hourani, in later life an eminent historian at Oxford and Harvard, presented the Palestinian case to the committee. He described the devastation that the creation of a Jewish state would wreak on Palestinian society. Hourani warned that "responsible Zionists have talked seriously about the evacuation of the Arab population, or part of it, to other parts of the Arab world."³¹ The implementation of the Zionist program, he said, "would involve a terrible injustice and could only be carried out at the expense of dreadful repressions and disorders, with the risk of bringing down in ruins the whole political structure of the Middle East."³²

Reflecting the new balance of power between Britain and the United States, the Committee ignored the case made by the Arabs and the preference of the British government. Its conclusions mirrored the desires of the Zionists and the Truman administration, including the recommendation to admit a hundred thousand Jewish refugees to Palestine.

³¹ "The Case against a Jewish State in Palestine: Albert Hourani's Statement to the Anglo-American Committee of Enquiry of 1946," *Journal of Palestine Studies*, 35, 1 (Autumn 2005), p. 86. *See also ibid.*, pp. 80-90.

³² *Ibid*, p. 81.

While the Zionist movement was relatively unified and benefited from broad external support, especially in the capitals of the two new super-powers, the US and the USSR, the Palestinian national movement was weak and fragmented, and relied unsteadily on the newly independent Arab states—Iraq, Transjordan, Egypt, Syria, and Lebanon—which were frail and fraught with rancorous disunity and dueling ambitions.

Although it had been dependent on Britain since 1917, the Zionist movement became alienated from it after the passage of the 1939 White Paper. There followed a sustained campaign of violence against British installations and personnel in Palestine, culminating in the 1946 blowing up of the British HQ in Jerusalem, the King David Hotel, with the loss of 91 lives. The British soon found themselves unable to master the opposition of the Zionist movement, whose military capabilities and intelligence networks they had themselves reinforced during the 1936-39 Arab Revolt and World War II. Reeling from deep postwar economic and financial problems, and with its empire shrinking, Great Britain finally capitulated in Palestine.

In consequence, in 1947 the British government passed the Palestine problem off to the new United Nations, which formed a UN Special Commission on Palestine (UNSCOP) to make recommendations for the future of the country.³³ UNSCOP was divided as to what to do, but a majority produced a report calling for partitioning Palestine in a manner that was exceedingly favorable to the Jewish minority of 650,000, at the time only 33% of the total population of 2 million, which included 1,350,000 Arabs. The UNSCOP majority report gave this minority over 56% of the country, as against the much smaller Jewish state envisioned by

³³ Official Records of the Second Session of the General Assembly, Supplement No. 11, United Nations Special Committee on Palestine – Report to the General Assembly, Volume 1 (1947), available at <https://www.un.org/unispal/document/auto-insert-179435/>.

the 1937 Peel partition plan.³⁴ (The minority report proposed the formation of a single binational state made up of autonomous Jewish and Palestinian areas.³⁵)

The UNSCOP majority report was the basis for General Assembly Resolution 181 of November 29, 1947, which called for dividing Palestine into a larger Jewish state and a smaller Arab one, with an international *corpus separatum* encompassing Jerusalem.³⁶ Resolution 181 passed with 33 votes in favor, 13 against, and 10 abstentions, and provided the international birth certificate for a Jewish state in most of what was still an Arab-majority land. Ignored by this resolution were both the desire of the Palestinian majority to control the fate of their country, and the warning of the authors of the UNSCOP minority report: “Partition both in principle and in substance can only be regarded as an anti-Arab solution.”³⁷ Together with other factors, partition precipitated the Nakba, the devastation of most of Palestinian Arab society.

³⁴ Official Records of the Second Session of the General Assembly, Supplement No. 11, United Nations Special Committee on Palestine – Report to the General Assembly, Volume 1 (1947), available at <https://www.un.org/unispal/document/auto-insert-179435/>.

³⁵ *Ibid.*, Chapter VII (Recommendations (III)).

³⁶ UN General Assembly, Resolution Adopted on the Report of the Ad Hoc Committee on the Palestinian Question, No. 181 (November 29, 1947), available at <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/PDF/NR003888.pdf?OpenElement>.

³⁷ Official Records of the Second Session of the General Assembly, Supplement No. 11, United Nations Special Committee on Palestine – Report to the General Assembly, Volume 1 (1947), available at <https://www.un.org/unispal/document/auto-insert-179435/>, Chapter VII Recommendations (III), “Plan for a Federal State”, para. 12.

VI. THE NAKBA, 1948

The Nakba unfolded over two phases. Its first stage, from November 30, 1947 until the withdrawal of British forces and the establishment of the state of Israel on May 15, 1948, saw intense fighting in many parts of Palestine resulting in the expulsion and flight of 350,000 Palestinian civilians. This phase witnessed successive defeats of the poorly-armed and -organized Palestinians and the small number of Arab volunteers who had come to help them by well-organized, Zionist paramilitary formations including the Haganah, the Palmach and the Irgun,³⁸ some of which had previously been armed and trained by the British.

This first stage of the Nakba culminated in a countrywide offensive by these Zionist paramilitary groups dubbed Plan Dalet, that was designed to take over and de-Arabize as much of the country as possible before the British withdrew. Launched in early April of 1948, and concluded by May 14 with the fall of Jaffa, Plan Dalet involved the conquest and depopulation of the two largest Arab urban centers, Haifa and Jaffa, of the Arab neighborhoods of West Jerusalem, and of other cities, as well as of scores of Arab towns and villages.³⁹

As this offensive unfolded, there was a panicked mass flight of Palestinians all across the country. People fled as news spread of massacres like that on April

³⁸ The Haganah and the Palmach, the main fighting forces created by the Zionist movement, had benefited from extensive support from Britain to enable them to help to suppress the 1936-39 Arab revolt. In 1948, they became the backbone of the Israeli army, under commanders like Moshe Dayan, and Yigal Allon, later senior Israeli ministers, and Yitzhak Rabin, later Prime Minister. The Irgun, headed by Menachem Begin, later Israeli prime minister, was the paramilitary arm of the Zionist Revisionist movement.

³⁹ The basic reference is the work of Walid Khalidi, notably "Plan Dalet: Master Plan for the Conquest of Palestine," *Journal of Palestine Studies*, 18, 1 (Autumn 1988), pp. 4-33. Others have since confirmed his findings: Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (2nd ed., Cambridge: Cambridge University Press, 2004); Tom Segev, *1949: The First Israelis* (2nd ed. N.Y.: Henry Holt, 1998); Ilan Pappé, *The Ethnic Cleansing of Palestine*, (2nd ed., London: Oneworld, 2007).

9, 1948 in the village of Dayr Yasin near Jerusalem. One hundred residents, sixty-seven of them women, children, and old people, were slaughtered when the village was stormed by Irgun and Haganah assailants. The survivors were paraded in trucks through the Jewish neighborhoods of Jerusalem before being taken back to the village to be killed.⁴⁰ This was only one of numerous massacres. One Israeli historian has recorded “twenty-odd cases.”⁴¹ A Palestinian historian refers to over 23, most of them in the Galilee,⁴² and not including the at least 250 killed in July in Lydda, among them the murder of as many as 100 civilians confined to the city’s main mosque.⁴³ There were other massacres large and small, details of some of which are still being uncovered today.

A day before the Dayr Yasin massacre, the strategic nearby village of al-Qastal had fallen to Zionist forces during a battle in which the Palestinian commander of the Jerusalem area, ‘Abd al-Qadir al-Husayni, died.⁴⁴ ‘Abd al-Qadir was the most respected Palestinian military leader (many had been killed, executed or exiled by the British during the Great Revolt). His death was a crushing blow to the Palestinian effort to retain control of the approaches to Jerusalem, areas that were supposed to become part of the Arab state under the UN partition plan.

Subjected to ceaseless mortar bombardments, sniping and attacks by well-armed Zionist fighters on poorly defended civilian neighborhoods, one Arab city

⁴⁰ Walid Khalidi, *Dayr Yasin: al-Jum’a, 9/4/1948* [Dayr Yasin: Friday 9/4/1948] (Beirut: Institute for Palestine Studies, 1999), table, p. 127.

⁴¹ Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004), p. 592.

⁴² Adel Manna, *Nakba and Survival: The Story of the Palestinians who Remained in Haifa and the Galilee, 1948-1956* (Washington DC: Institute for Palestine Studies, 2022).

⁴³ Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004), p. 429.

⁴⁴ Nir Hasson, “A Fight to the Death and Betrayal by the Arab World,” *Haaretz* (January 5, 2018), available at <https://www.haaretz.com/middle-east-news/palestinians/.premium.MAGAZINE-the-most-disastrous-24-hours-in-palestinian-history-1.5729436>.

after another was overrun and emptied of its inhabitants, including 70,000 Palestinian inhabitants of Haifa, 25,000 in West Jerusalem, 10,000 in Safad, and about 6,000 each in Tiberias and Beisan. Dozens of villages, especially in the coastal plain and central Galilee, suffered the same fate.

Jaffa was the last Arab city to go, besieged and bombarded with mortars and harassed by snipers over the first two weeks of May. After being overrun by Zionist forces on May 14, it was systematically emptied of nearly all of its 70,000 Arab residents. Although Jaffa was meant to be part of the stillborn Arab state designated by the 1947 Partition Plan, there was no international effort to stop this and other similar violations of the UN resolution. In this first phase of the Nakba, a premeditated pattern of systematic ethnic cleansing, often at gunpoint, resulted in the expulsion and panicked departure of 350,000 Palestinians and the occupation of many of the Arab majority's key urban economic, political, civic, and cultural centers. Given the crumbling of Palestinian resistance, only the entry of four Arab armies into Palestine on May 15, 1948 prevented the conquest of Jerusalem and many other areas of the country in this offensive.⁴⁵

The second phase of the Nakba followed, when the newly-formed Israeli army, which absorbed the pre-existing Zionist militias, defeated the four Arab armies (Egypt, Transjordan, Iraq and Syria) that had joined the ongoing war in Palestine. In belatedly deciding to intervene militarily, the Arab governments were acting under intense pressure from their domestic public opinion, which was deeply

⁴⁵ John Bagot Glubb, *Soldier with the Arabs* (London: Hodder & Stoughton, 1957). Glubb was commander of Jordan's Arab Legion, whose entry into Jerusalem in mid-May 1948 prevented the fall of the city to Israeli forces.

distressed by the fall of Palestine's cities and villages one after another and the arrival of waves of tens of thousands of destitute refugees in neighboring capitals.⁴⁶

After intense fighting, interrupted by UN imposed truces, Israel's superior military succeeded in decisively overcoming the Arab armies, which suffered from the absence of unity of command, and political differences between the Arab leaders. Thereafter, in the wake of intense international pressure to halt Israel's advances, four separate UN mediated armistices were negotiated in 1949.⁴⁷ They established the so-called Green Line, that marked the limits of Israel's expansion from the 56% of Palestine allotted to the Jewish State under the partition plan to 78% of the total area of Mandatory Palestine.

In the course of their victorious offensives, Israeli forces carried out further massacres of civilians, driving another 400,000 Palestinians from their homes, bringing the total number of those expelled to over 750,000. From 1947 to 1949, most of Palestine's Arab urban population (which totaled just over 400,000 in

⁴⁶ On the Arab states' decision to enter Palestine, see Walid Khalidi, "The Arab Perspective," in W.R. Louis and Robert Stookey, eds., *The End of the Palestine Mandate* (Austin: University of Texas Press, 1986), pp. 104-136.

⁴⁷ Hashemite Kingdom of Jordan-Israel: General Armistice Agreement (1949), available at https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20JO_490403_Hashemite%20Jordan%20Kingdom-Israel%20General%20Armistice%20Agreement.pdf; Egyptian-Israeli General Armistice Agreement (1949), available at https://peacemaker.un.org/sites/peacemaker.un.org/files/EG%20IL_490224_Egyptian-Israeli%20General%20Armistice%20Agreement.pdf; Lebanese-Israeli General Armistice Agreement (1949), available at https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20LB_490323_IsraeliLebaneseGeneralArmisticeAgreement.pdf; Israeli-Syrian General Armistice Agreement (1949), available at https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20SY_490720_Israeli-Syrian%20General%20Armistice%20Agreement.pdf.

1944⁴⁸) became refugees and lost their homes and livelihoods, forever altering the demographic and cultural landscape of several of Palestine's historic cities.⁴⁹

The survivors of this ethnic cleansing escaped to neighboring Jordan, Syria, Lebanon, or to the West Bank and Gaza. These two areas, which at the end of the war in 1949 were controlled by the Jordanian and Egyptian armies respectively, constituted the remaining 22% of mandatory Palestine that was not conquered by Israel in 1948. None of these refugees were allowed to return, and most of their homes and villages were destroyed to prevent them from doing so.⁵⁰ Still more were expelled from the new state of Israel after the armistice agreements of 1949 were signed, over 250,000 were expelled after the 1967 war, and many others have been forced out by tortuous administrative and legal procedures designed to decrease the Palestinian population under Israel's control. In this sense, the Nakba is understood by Palestinians as an ongoing process.

The Nakba represented a watershed in the history of Palestine, transforming most of it from a majority Arab country into a new state that had a substantial Jewish majority. This transformation was the result of three processes: the systematic ethnic cleansing of the areas seized during the war; Israel's refusal to allow those whom it had forced to flee to return; and the expropriation under the 1950 Absentee Property Law (discussed below) of these refugees' land and property, as well as much of that owned by Palestinians who remained in Israel.

⁴⁸ Figure extrapolated from Justin McCarthy, *The Population of Palestine* (Columbia University Press, 1990), Tables A8-10, p. 163.

⁴⁹ A meticulous study of the depopulation of Palestine concluded that over a quarter million of Palestine's Arab city dwellers were driven from their homes during the entire course of the Nakba, a figure that "is probably an undercount." Walid Khalidi, ed., *All that Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington DC: Institute for Palestine Studies, 1992), Appendix III, p. 581. For those expelled from these cities, see *ibid.*, Map 13, p. 581.

⁵⁰ The fate of these villages is described in detail in Walid Khalidi, ed., *All that Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington DC: Institute for Palestine Studies, 1992).

Without these three processes, it would have been impossible to create a state with a Jewish majority in Palestine, the explicit aim of political Zionism from its inception. Nor would it have been possible for the new state to take over most of Palestine's land: Jewish land ownership in 1948 amounted to no more than 7% of the total land area of Mandatory Palestine.

VII. THE PALESTINIANS IN THE AFTERMATH OF THE NAKBA

In the bleak new reality after the Nakba, Palestinians faced a world turned upside down. Whether inside Palestine or outside it, they experienced profound social disruption. For the majority, this meant destitution—the loss of homes, jobs, and deeply rooted communities. Villagers lost their homes, land and livelihoods and urbanites their homes, properties and capital, while the Nakba shattered the power of the country's notables together with their economic base. The entire elite pre-war Palestinian leadership was discredited and never regained its power and authority. In their place, younger leaders drawn from more diverse social strata emerged.

Even those who were able to avoid impoverishment had been severed from their place in the world. For all Palestinians, no matter their different circumstances, the Nakba formed an enduring touchstone of identity, one that has lasted through several generations. It marked an abrupt collective disruption, a trauma that every Palestinian shares in one way or another, personally or through their parents or grandparents.

At the same time as the Nakba provided a new focus for their collective identity, it broke up families and communities, dividing and dispersing Palestinian refugees among multiple countries and distinct sovereignties, notably Jordan, Lebanon, and Syria. Even those still inside Palestine, whether refugees or not, were subject to three different political regimes: Israel, Egypt (for those in the Gaza

Strip), and Jordan (for those on the West Bank and in East Jerusalem). This condition of dispersal, *shitat* in Arabic, has afflicted the Palestinian people ever since. Members of each of these separate Palestinians collectives still face a range of restrictions on movement, hold a variety of identity documents or none at all, and are obliged to operate under different conditions, laws, and languages.

The about 160,000 Palestinians who had managed to avoid expulsion and remained in the part of Palestine that had become Israel were now citizens of that state. Israel's government, dedicated primarily to serving the country's new Jewish majority, discriminated harshly against this population, viewing it with deep suspicion as a potential fifth column. Until 1966, most Palestinian citizens of Israel lived under martial law, which gave the military and intelligence services unlimited authority to control the minutiae of their lives.

Meanwhile, much of their land was confiscated under a variety of pretexts (closed military zones, forest preserves, and simple expropriation for the benefit of nearby segregated Jewish communities), as was that of those who had been forced from the country and were now refugees. Anyone not present in the country at the time of the first Israeli census in November 1948, was deemed an "absentee." If they were not in their village or city of origin at the time of the census, they were "present absentees." The state confiscated the property of all absentees, even if they were only a few kilometers away. This land, expropriated under a procedure deemed legal by the Israeli state under the 1950 Absentee Property Law, included the bulk of the country's arable areas. These lands were given to the Israel Lands Authority, or placed under the control of the Jewish National Fund, whose

discriminatory charter prescribed that such property could only be used for the benefit of the Jewish people.⁵¹

This provision meant that dispossessed Arab owners could neither buy back nor lease what had once been their property. Such moves were crucial to the transformation of Palestine from an Arab country to a Jewish state, since only about 7% of the land in Mandatory Palestine had been Jewish-owned prior to 1948. The Arab population inside Israel, isolated by military travel restrictions, was also cut off from other Palestinians and from the rest of the Arab world. Accustomed to being a substantial majority in their own country, they suddenly became an unwelcome minority in a hostile environment as subjects of a Jewish polity. In the words of one scholar, “by virtue of Israel’s definition of itself as a Jewish state and the state’s exclusionary policies and laws, what was conferred on Palestinians was in effect second-class citizenship.”⁵²

Displaced Palestinians who lived outside the borders of the state of Israel—the vast majority of the Palestinian people—were refugees (as were some who remained inside Israel). Those who had fled to Syria, Lebanon, and Jordan sorely taxed those countries’ limited relief capacities. Initially, most of them found themselves in refugee camps managed by the United Nations Relief and Works Agency (UNRWA). Refugees with means, employable skills, or relatives in Arab countries did not register with UNRWA or found other housing, and many camp-dwellers were eventually able to move out of the camps and integrate in cities like Damascus, Beirut, and Amman. Nevertheless, 5.5 million Palestinian refugees and their descendants are still registered with UNRWA, and receive educational, health

⁵¹ In the words of the JNF website, “land which had been purchased for Jewish settlement belonged to the Jewish people as a whole.” See “Our History - 1901: It All Started With A Dream,” *JNF*, available at <https://www.jnf.org/menu-3/our-history#>.

⁵² Leena Dallasheh, “Persevering through Colonial Transition: Nazareth’s Palestinian Residents after 1948,” *Journal of Palestine Studies*, 178, 45, 2 (Winter 2016), p. 10.

and other benefits, of whom over 1.5 million still live in refugee camps today. Uniquely among Arab host countries, in Jordan, home to almost half of those registered with UNRWA, Palestinian refugees were granted citizenship and formed a majority of the country's population.

In the aftermath of the 1948 war, the Palestinians were virtually invisible internationally, hardly covered in the Western media and rarely allowed to represent themselves. They and their cause were invoked by Arab governments, but they themselves played almost no independent role. The Arab states presumed to speak for the Palestinians in inter-Arab forums, but they did not do so with a unified voice. At the United Nations and elsewhere, the Palestine question was generally subsumed under the rubric of the "Arab-Israeli conflict". The question of Palestine seemed fated to gradually disappear.

Immediately after the Nakba, several leading Palestinian figures attempted to establish a government-in-exile for the Arab state that was specified in the 1947 UN partition resolution. They set up a Government of All Palestine in Gaza, which was under Egyptian military occupation at the time, but it failed to win the support of key Arab states, notably Jordan, and it garnered no international recognition. Meanwhile, in 1950, King 'Abdullah enlarged his kingdom, now called Jordan rather than Transjordan, by annexing the West Bank, an annexation recognized only by his closest allies, the UK and Pakistan.

Spurred by the unwillingness or inability of the Arab states and the international community to reverse the disastrous consequences for their people of the Nakba, Palestinian activism revived in the bleak post-Nakba environment. This effort was hindered by the dispersal of the Palestinians throughout the region as a fragmented collectivity under the sovereignty of Israel, Jordan, Egypt, Syria and Lebanon. Nevertheless, nationalist groups coalesced and some engaged in militant activity aimed at mobilizing Palestinians to recover primary responsibility for their

own cause by taking up arms against Israel. This activity started spontaneously and consisted mainly of uncoordinated raids on Israeli border communities. It took several years before this clandestine armed action coalesced into a visible trend and emerged from obscurity with the formation of organizations like Fatah in 1959, and their public emergence in the mid-1960's.

Beyond dealing with Israel's opposition to any Palestinian attempt to redress the status quo, Palestinians had to confront the Arab host governments, notably those of Jordan, Lebanon, and Egypt. These states were strongly opposed to attacks on their neighbor, given their military weakness vis-à-vis Israel. Even when the new Palestinian movements did manage to establish themselves, they had to fend off attempts by some Arab states to bend them to their purposes. The formation of the Palestine Liberation Organization (PLO) by the Arab League in 1964 at the behest of Egypt was a response to this burgeoning independent Palestinian activism and constituted the most significant attempt by Arab states to control it.

After the revolution of 1952 in Egypt, Egyptian President Gamal Abdel Nasser sought in particular to avoid provoking Israel. This effort was undermined by the hawkish policies of Israeli leaders, especially Prime Minister David Ben-Gurion,⁵³ and by growing Palestinian militancy within the Gaza Strip. The large, concentrated refugee population there provided an ideal environment for the growth of this militancy, as confirmed in accounts by founders of the Fatah movement who were based in Gaza, among them Yasser 'Arafat (Abu 'Ammar), Salah Khalaf (Abu Iyad) and Khalil al-Wazir (Abu Jihad). Years afterward, they talked about the obstacles—including arrest, torture, and harassment—that post-

⁵³ This was first shown by Avi Shlaim in a pioneering article, "Conflicting Approaches to Israel's Relations with the Arabs: Ben-Gurion and Sharett, 1953-1956," *Middle East Journal*, 37, 2 (Spring 1983), pp. 180-201.

coup Egyptian intelligence placed in the way of their efforts to organize against Israel.

Thus a Palestinian campaign of sporadic attacks on Israel was launched despite heavy-handed repression by the Egyptian military and its intelligence services, which tightly controlled the Gaza Strip. Israel's retaliation for the casualties inflicted by Palestinian cross-border infiltrators, known as *feda'iyin* (meaning "those who sacrifice themselves"), was massive and disproportionate, and the Gaza Strip bore the brunt of these attacks. No neighboring country was immune to them, however. In October 1953, Israeli forces carried out a massacre in the West Bank village of Qibya following an attack by *feda'iyin* that killed three Israeli civilians, a woman and her two children, in the town of Yehud. Israeli special forces Unit 101, under the command of Ariel Sharon, blew up forty-five homes with their inhabitants inside, killing sixty-nine Palestinian civilians.⁵⁴ The raid, which was condemned by the UN Security Council,⁵⁵ was launched despite the unceasing efforts of Jordan (then in control of the West Bank) to prevent armed Palestinian activity, which included imprisoning and even killing would-be infiltrators. Jordanian troops were often deployed in ambushes against Palestinian militants, and were under orders to fire on anyone attempting to enter Israel.

⁵⁴ On the investigation of the attack by the head of the United Nations Mixed Armistice Commission, see Commander E.H. Hutchinson, *Violent Truce: A Military Observer Looks at the Arab-Israeli Conflict, 1951-55* (New York: Devin-Adair, 1956).

⁵⁵ UN Security Council Resolution 101 (November 24, 1953), available at [https://digitallibrary.un.org/record/112073?ln=en#:~:text=TitleResolution%20101%20\(1953\)%20%2F,%5D%2C%20of%2024%20November%201953.&text=%5B2%5D%20p.,of%20the%20Security%20Council%2C%201953.](https://digitallibrary.un.org/record/112073?ln=en#:~:text=TitleResolution%20101%20(1953)%20%2F,%5D%2C%20of%2024%20November%201953.&text=%5B2%5D%20p.,of%20the%20Security%20Council%2C%201953.)

VIII. THE SUEZ WAR OF 1956

Committed to a policy of using overwhelming force against the Palestinians and the neighboring Arab states, the Israeli leadership was nevertheless divided in 1954 and 1955, with then-Defense Minister Ben-Gurion taking a bellicose position against the more pragmatic stance of Prime Minister Moshe Sharett. Ben-Gurion believed that only the unremitting application of force would oblige the Arab states to make peace on Israel's terms. In Sharett's view, this aggressive approach needlessly provoked the Arabs and foreclosed opportunities for compromise.⁵⁶ (Like Ben-Gurion, though, Sharett was reluctant to give up any of the territory Israel had gained in 1948 or to allow any significant return of Palestinian refugees to their homes.) In March 1955, Ben-Gurion proposed a major attack on Egypt and occupation of the Gaza Strip.⁵⁷ The Israeli cabinet rejected the proposal, only to acquiesce in October 1956 after Ben-Gurion replaced Sharett as prime minister and his militant ethos won out. The Suez War of that year was the result.

In the build-up to this 1956 attack, Israel carried out a series of large-scale military operations against Egyptian army and police posts and Palestinian refugees in the Gaza Strip, which inflicted heavy civilian and military casualties.⁵⁸ The manifest weakness of its army as compared to Israel's forced Egypt to abandon its policy of non-alignment and try to purchase arms first from the UK and the US. When that effort failed, Egypt in September 1955 concluded a massive arms deal with Czechoslovakia. Unable to respond to Israeli attacks, and embarrassed before Egyptian and Arab public opinion, the government meanwhile ordered its military

⁵⁶ This is clear from the extracts from Sharett's diaries in Livia Rokach, *Israel's Sacred Terrorism: A Study based on Moshe Sharett's Personal Diary and other Documents* (Belmont, MA: Arab American University Graduates, 1985).

⁵⁷ This is attested by Mordechai Bar On, a member of the Israeli General Staff at the time: *The Gates of Gaza: Israel's Road to Suez and Back, 1955-57* (New York: St. Martin's 1994), pp. 72-75.

⁵⁸ Avi Shlaim, "Conflicting Approaches," *Middle East Journal*, 37, 2 (Spring, 1983), pp. 180-201.

intelligence services to help the Palestinian militants they had previously suppressed to launch operations against Israel.

The Israeli response to this new development was to launch the Suez War of October 1956. It did not do so alone, however. It was joined by both Britain and France. The two former colonial powers were angered by Egypt's nationalization of the Franco-British Suez Canal Company, as well as its support for nationalist movements in other parts of the Arab world. They therefore joined Israel in its full-scale invasion of Egypt in October 1956.

This second major Arab-Israeli war had a number of peculiarities. Unlike Israel's other conventional wars, in 1948, 1967, 1973, and 1982, which had multiple Arab protagonists, the Suez war was fought against only Egypt. It was preceded by the Protocol of Sèvres, a secret agreement drawn up a few days before the war began between Israel and France and Britain. Sèvres marked the end of the estrangement between Britain and the Zionist movement that went back to the White Paper of 1939. The war involved a further reversal of alliances: Israel's supporters in 1947-48, the United States and Soviet Union, ultimately sided with Egypt.

The tripartite offensive was launched under the pretext that Anglo-French forces were intervening only to separate the combatants. The Egyptian army was decisively and rapidly defeated, and Israeli forces occupied the Gaza Strip and the Sinai Peninsula up to the banks of the Suez Canal. Even so, the political results were not favorable to the winners. Operating in tandem notwithstanding their intense Cold War rivalry and for different reasons, the United States and the Soviet Union took a harsh stand against this tripartite act of aggression. The Soviets threatened to use nuclear weapons, the United States warned that it would cut off economic aid to its allies, and both swiftly pushed through a UN General Assembly resolution demanding immediate withdrawal. (A resolution in the Security Council

was impossible because of the certainty of an Anglo-French veto). This intense pressure forced Israel, France, and Britain to end the occupation of Egyptian territory and of the Gaza Strip. Nasser became a pan-Arab hero but the Palestinian residents of the Gaza Strip, most of them refugees, had suffered greatly.

As the occupying Israeli troops swept through the towns and refugee camps of the Gaza Strip in November 1956, more than 450 civilians were killed, most of them summarily executed. According to a Special Report by the Director-General of UNRWA, in the first massacre, which took place in Khan Yunis and the neighboring refugee camp on November 3, Israeli soldiers shot 275 men.⁵⁹ One week later on November 12 in the Rafah camp, Israeli troops killed 111, and another 66 between November 1 and 21.⁶⁰ Israel's claim, that these deaths were the result of clashes with troops searching for *feda'iyin*, was decisively debunked by the aforementioned UNRWA Special Report, which showed that these civilians were killed after all resistance had ceased in the Gaza Strip, apparently as revenge for raids into Israel before the Suez War.

The events of 1956 were only part of the heavy price that the people of Gaza paid (and still pay) in Israel's continuing war on the Palestinians. One historian has chronicled a total of twelve major Israeli military campaigns against Gaza, between 1948 and 2014, some being full-fledged occupations and some constituting all-out warfare.⁶¹ There have been several more such attacks since then. It is not surprising that the Gaza Strip should have been the target in this way, whether under Egyptian control from 1948 until 1967, or thereafter: it was the crucible of the resistance of

⁵⁹ Special Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East A/3212/Add.1 (December 15, 1956), *available at* <https://digitallibrary.un.org/record/710955?ln=fr>.

⁶⁰ These massacres were the subject of a debate in the Knesset in November 1956 in which the phrase "mass murder" was used. For an account by an Israeli soldier who was a witness, *see* Marek Gefen, "The Strip is Taken," *Al-Hamishmar* (April 27, 1982).

⁶¹ Jean-Pierre Filiu, *Gaza: A History* (Oxford: Oxford University Press, 2014).

Palestinians to their dispossession after 1948. Most of the founding leaders of Fatah and the PLO emerged from there; the militant Popular Front for the Liberation of Palestine drew its most fervent support there; and it was the birthplace and stronghold of Islamic Jihad and Hamas, the most strenuous advocates of armed struggle against Israel.

IX. THE 1967 WAR AND SECURITY COUNCIL RESOLUTION 242

In the run-up to the June 1967 war, there was general consensus in the U.S. and Israeli military and intelligence communities that Israel's military was vastly superior to those of all the Arab states combined.⁶² On 5 June 1967, its air force launched a long planned lightning first strike that destroyed most Egyptian, Syrian, and Jordanian warplanes on the ground. This gave Israel complete air superiority, which, in a desert region, in summer, provided an even greater advantage to its ground forces than it already had. Israeli armored columns were then able to conquer the Sinai Peninsula and the Gaza Strip, the West Bank, including East Jerusalem, and the Golan Heights in just six days.

If the reasons for Israel's decisive victory are clear, the factors that led to the war are less so. One cause was the rise of armed Palestinian militancy. The Israeli government had recently begun to divert the waters of the Jordan River to the center of the country. In the face of the impotence of the Arab regimes, on January 1, 1965 Fatah launched a sabotage attack on a water-pumping station in central Israel. This was a symbolic strike, designed to show that the Palestinians could act effectively when the Arab governments could not, and to embarrass those governments and force them to act. Egyptian officials regarded Fatah with suspicion, seeing it as recklessly provoking Israel at a time when Egypt was heavily

⁶² See Rashid Khalidi, *The Hundred Years' War on Palestine: A History of Settler Colonialism and Resistance, 1917-2017* (New York: Metropolitan, 2020), p. 97.

engaged in military intervention in a civil war in Yemen and in building up its economy.

Given Israel's overwhelming military ascendancy, and the fact that over sixty thousand Egyptian troops and much of its air force were tied down in the Yemeni civil war, Egyptian actions in May 1967—moving troops into the Sinai Peninsula and requesting the removal of UN peacekeeping forces—appear illogical. But Egypt was responding to an upsurge of Palestinian guerrilla raids on Israel from bases provided by a radical Syrian regime that came to power in 1966, to which Israel reacted by attacking and threatening Syria. Egypt's leadership felt obliged to answer this challenge to maintain its prestige in the Arab world. Nevertheless, Egypt's moves in Sinai provided a pretextual *casus belli* that allowed the Israeli military to launch a well-prepared first strike that changed the face of the Middle East. Conscious of the tremendous superiority of their forces, Israeli planners set in motion their long-standing and meticulous plans for overwhelming the Jordanian, Syrian and Egyptian armies and occupying the West Bank and East Jerusalem, the Syrian Golan Heights, the Sinai Peninsula and the Gaza Strip.⁶³

Events in the UN Security Council were one indication of a geopolitical environment that had thoroughly changed since 1956. During the six days of the 1967 war, the UN Security Council held eleven sessions, many running into the early hours of the morning. Throughout, the US acted to protect Israeli interests. The shift in the stance of the US as compared to 1956 was mainly due to global factors, notably the impact of the Cold War and the Vietnam War on the region and on US policy. Evolving in parallel were Israel's external alliances, whereby it moved away from its supporters of the 1950s and early 1960s, France and Britain

⁶³ Michael Oren, *Six Days of War: June 1967 and the Making of the Modern Middle East* (Oxford: Oxford University Press, 2002), pp. 202, 153-155.

(with whose weapons it fought the 1956 and 1967 wars), to full alignment with the United States.

A consequent transformation since 1956 of the US stance on Israeli control of conquered Arab territory was disastrous for the Palestinians and the Arabs. The result was Security Council Resolution 242, approved on November 22, 1967. Drafted by the British permanent representative, Lord Caradon, its text distilled the views of the US and Israel. Although UNSC 242 stressed the “inadmissibility of the acquisition of territory by war,” it linked any Israeli withdrawal to peace treaties with the Arab states and the establishment of secure frontiers. The resolution called for “Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.”⁶⁴ In practice, this meant that any withdrawals would be both conditional and delayed, given the Arab states’ reluctance to engage in direct negotiations with Israel. In the case of the West Bank, East Jerusalem, and the Golan Heights, withdrawals have not taken place for over 56 years, in spite of decades of negotiations.

Moreover, by linking Israel’s withdrawal from the territories it had just occupied to the creation of secure and recognized boundaries, UNSC 242 effectively allowed for the possibility of enlarged Israeli borders to meet the criterion of security, as determined by Israel itself. Israel has since deployed an extraordinarily expansive and flexible interpretation of the term “security.” Finally, the ambiguous language of UNSC 242 left open another loophole for Israel to retain the territories it had occupied: the resolution’s English text specifies “Withdrawal of Israel armed forces from territories occupied in the recent conflict,” rather than

⁶⁴ UN Security Council Resolution 242 (November 22, 1967), *available at* <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242%281967%29.pdf>, para. 1(ii).

“from *the* territories occupied.” Then Foreign Minister Abba Eban pointedly stressed to the Security Council that his government would regard the original English-language text as binding, rather than the equally official French version, whose wording (“*des territoires occupés*”) does not permit this ambiguity.⁶⁵ In the 56 years since, Israel has exploited this linguistic gap, which has permitted it to colonize the occupied Palestinian and Syrian territories, some of which—East Jerusalem and the Golan Heights—it has formally annexed, and to maintain unending military control over them. Repeated UN condemnations of these moves have not altered Israel’s behavior.

In the eyes of the Palestinians, UNSC 242 gave a renewed international imprimatur to a further stage in their dispossession. As in 1947, an international legal formula harmful to them came via the medium of a UN resolution, and as with the Balfour Declaration of 1917, this key document contains not a single mention of the Palestinians. UNSC 242 instead treated the entire issue as a state-to-state matter between the Arab countries and Israel, eliminating the presence of Palestinians. The text does not refer to most elements of the original Palestine question, or to previous seminal UN resolutions on Palestine like UNGA 181 and UNGA 194 of November 1947 and December 1948 respectively. Instead, it contains a bland reference to “achieving a just solution of the refugee problem.” If the Palestinians were not mentioned and were not a recognized party to the conflict, they could be treated as at best a humanitarian issue.

By its omissions, Resolution 242 lent support to a crucial element of Israel’s narrative: since there were no Palestinians, the only genuine issue was the Arab states’ refusal to recognize Israel and their wielding of a phantom “Palestine

⁶⁵ United Nations Security Council Official Records, 1382nd Meeting (November 22, 1967), S/PV.1382, *available* *at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL6/700/05/pdf/NL670005.pdf?OpenElement>, paras. 93-94, 202.

problem” as a pretext for this refusal. In the discursive battle over Palestine, UNSC 242 delivered a powerful blow to the displaced and occupied Palestinians. Only two years later, in 1969, Israeli Prime Minister Golda Meir proclaimed that “there were no such thing as Palestinians... they did not exist,” and that they never had existed.⁶⁶ She thereby took the negation characteristic of a settler-colonial project to the highest possible level: the indigenous people were nothing but a lie.

Equally important from the Palestinian perspective, UNSC 242 effectively legitimated the 1949 armistice lines (since known as the 1967 borders or the Green Line) as Israel’s de facto boundaries, giving retroactive endorsement to its conquest of most of Palestine in the 1948 war. The failure to refer to core issues dating back to 1948 extended to ignoring the right of the Palestinian refugees to return to their homes and obtain compensation laid down in UNGA 194. Once again, the Palestinians were being dealt with in a cavalier fashion, their rights ignored, deemed not worthy of mention by name in the crucial international decision meant to resolve the entire conflict and determine their fate. This slight further motivated the Palestinians’ reviving national movement to put its case before the international community.

Thanks largely to UNSC 242, a whole new layer of forgetting was added to the induced amnesia that obscured the colonial origins of the struggle between Palestinians and the Zionist settlers. The resolution’s exclusive focus on the results of the 1967 war ignored the fact that none of the underlying issues resulting from the 1948 war had been resolved in the intervening nineteen years. Along with the expulsion of the Palestinian refugees, the refusal to allow them to return, the theft of their property, and the denial of Palestinian self-determination, these included the legal status of Jerusalem, and Israel’s expansion beyond the 1947 partition

⁶⁶ Frank Giles, “Golda Meir: ‘Who can blame Israel’,” *Sunday Times* (June 15, 1969).

frontiers. UNSC 242 nevertheless became the benchmark for resolving the entire conflict, nominally accepted by all parties, even as it passed in silence over many of its most basic aspects. Not surprisingly in view of its flawed genesis, more than half a century after its adoption, UNSC 242 remains largely unimplemented, and the essence of the struggle over Palestine remains unaddressed.

X. THE LEGACY OF THE 1967 WAR

While the 1967 war, the occupation of the rest of Palestine, and UNSC 242 did great harm to the Palestinians, they also served as a spark to their national movement. The events of 1967 marked an extraordinary resurgence of Palestinian national consciousness and resistance to Israel's negation of Palestinian identity. In the words of one observer: "A central paradox of 1967 is that by defeating the Arabs, Israel resurrected the Palestinians."⁶⁷

At the same time, these events marked the beginning of Israel's occupation of, and total control over, the remainder of Palestine. They gave Israel the opportunity to realize the original vision of its Zionist forefathers like Herzl and Jabotinsky: a Jewish state achieved via the transformation of all of Palestine into "the Land of Israel." The expulsion of 250,000-300,000 Palestinians immediately after the 1967 war, the large-scale expropriation of land in Jerusalem and the West Bank, and the settlement of Israelis in these territories in fulfilment of this vision involved the methods and practices that are necessary for the implementation of any settler colonial project. These included arbitrary military rule, brutal legal regimes derived from British colonial practice like the Defence Emergency Regulations of 1945 allowing for torture and detention without trial, and the deprivation of the basic rights of the conquered population.

⁶⁷ Ahmad Khalidi, "Ripples of the 1967 War," *Cairo Review of Global Affairs*, 25 (Spring 2017), p. 28.

In the immediate aftermath of the 1967 war, Israel employed all of these tools in what was ostensibly a temporary military occupation. The clue to what was to become its permanent nature was the annexation of East Jerusalem and surrounding areas, and the establishment of settlements in Jerusalem and the West Bank by the government of Prime Minister (1963-69) Eshkol in the form of the “Allon Plan,” which openly called for annexing large portions of the occupied West Bank. These actions revealed this government’s annexationist and expansionist intentions from the outset of the occupation.⁶⁸

Israeli governments and their specific policies have changed repeatedly since 1967. However, the unceasing expansion of illegal settlements in the occupied West Bank and East Jerusalem, involving unending expropriation of Palestinian land, the unimpeded growth of the illegal settler population from zero in 1967 to nearly 750,000, and what has become a permanent military occupation today attest to the unchanging nature of the basic settler colonial dynamic of Zionism. This dynamic has been constant since the beginning of the colonization of Palestine, expanding dramatically under the aegis of Great Britain during the Mandate period. A constant corollary of this colonial dynamic was the deprivation of the basic rights of the Palestinian people, whether by the British Mandatory power, by Israel, or by an international community that has consistently failed to uphold these rights. As Professor Avi Shlaim’s report demonstrates, events since 1967 have only evinced the ongoing nature of these injustices, and demonstrates that a fatally flawed and cruelly misnamed “peace process” has not only failed to remedy these injustices, but has exacerbated them.

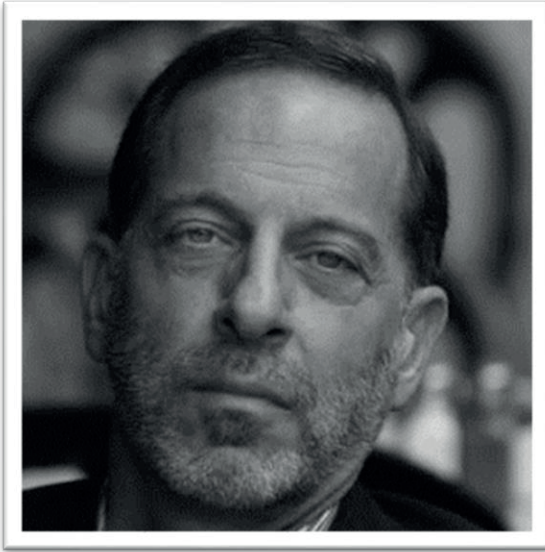
⁶⁸ See Avi Raz, *The Bride and the Dowry: Israel, Jordan and the Palestinians in the Aftermath of the 1967 War* (New Haven: Yale University Press, 2012); Gershom Gorenberg, *The Accidental Empire: Israel and the Birth of the Settlements, 1967-1977* (New York: Holt, 2006).

A handwritten signature in black ink, consisting of stylized cursive letters that appear to read 'R. Khalidi'. The signature is positioned above a horizontal line.

Professor Rashid Khalidi

July 20, 2023

BIOGRAPHY OF PROFESSOR RASHID KHALIDI



Rashid Khalidi is the Edward Said Professor of Modern Arab Studies in the Department of History of Columbia University in New York. Born in New York in 1948, Khalidi received his B.A. from Yale University in 1970, and his D.Phil. from Oxford University in 1974. He has taught at the Lebanese University, the American University of Beirut, Georgetown University, and at the University of Chicago. He is past President of the Middle East Studies Association, and the co-editor of the *Journal of Palestine Studies*.

Khalidi is the author and co-editor of eleven books and over 120 scholarly articles and chapters in edited volumes on the history of the Middle East and related topics. His monographs include *The Hundred Years' War on Palestine: A History of Settler Colonialism and Resistance, 1917-2017*, 2020, winner of the 2020 MEMO Book Award; *Brokers of Deceit: How the U.S. has Undermined Peace in the Middle East*, 2013, winner of the Lionel Trilling Book Award and the MEMO Book Award; *Sowing Crisis: American Dominance and the Cold War in the Middle East*, 2009; *The Iron Cage: The Story of the Palestinian Struggle for Statehood*, 2006, winner of the 2007 Arab American National Museum Book Award; *Resurrecting Empire: Western Footprints and America's Perilous Path in the Middle East*, 2004; *Palestinian Identity: The Construction of Modern National Consciousness*, 1997, winner of the Middle East Studies Association's Albert Hourani Prize, new edition, 2010; *Under Siege: PLO Decision-making during the 1982 War*, 1986, new edition, 2014; and *British Policy towards Syria and Palestine, 1906-1914*, 1980. He is the co-editor of *Palestine and the Gulf*, 1982, *The Origins of Arab Nationalism*, 1991, and *The Other Jerusalem: Rethinking the History of the Sacred City*, 2020.

Annex 2

The Diplomacy of the Israeli-Palestinian Conflict (1967-2023),
Expert Report of Professor Avi Shlaim (20 July 2023)

INTERNATIONAL COURT OF JUSTICE

**LEGAL CONSEQUENCES ARISING FROM THE POLICIES AND
PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN
TERRITORY, INCLUDING EAST JERUSALEM**

THE DIPLOMACY OF THE ISRAELI-PALESTINIAN CONFLICT (1967-2023)

EXPERT REPORT OF PROFESSOR AVI SHLAIM

20 JULY 2023

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This report offers context for the legal questions posed to the International Court of Justice by the request of the UN General Assembly for an Advisory Opinion relating to legal consequences arising from discriminatory policies and practices of Israel in the occupied Palestinian territories. It reviews some of the international attempts to resolve the Israeli-Palestinian conflict from the June 1967 War to the present and analyses the reasons for their failure. Three major themes emerge from the survey of the diplomatic history of this 56-year period. First is the gradual moderation of the Palestine Liberation Organisation's programme, culminating in the 1993 Oslo Accord in which it gave up its claim to 78% of Mandate Palestine. The second is Israel's illegal activities, increasing diplomatic intransigence, and creeping annexation of the occupied Palestinian territories. The third is the failure of the international community to propose and pursue a resolution of the conflict that would address Palestinian rights and needs, above all the right to national self-determination.

In origins and in essence the Arab-Israeli conflict is a clash between two national movements, Jewish nationalism (or Zionism) and Palestinian nationalism. There were two peoples and one land, hence the conflict. There are two main dimensions to Arab-Israeli relations, the inter-communal and the inter-state: the inter-communal is the conflict between Jews and Arabs in Palestine; the inter-state conflict is between the State of Israel and the neighbouring Arab states. The latter intervened in the inter-communal conflict on the side of the Palestinians during the Arab Revolt in the late 1930s. President Anwar Sadat of Egypt led the trend towards Arab disengagement from the conflict by signing a peace treaty with Israel in 1979. Jordan signed a peace treaty with Israel in 1994. Four Arab states signed the Abraham Accords with Israel in 2020. All Arab states remain involved in this conflict, in varying degrees, to this day. But the clash between Israeli and Palestinian nationalism remains the heart and the core of this conflict. It is this aspect that makes it one of the most prolonged, bitter, and intractable conflicts of modern times.

I. THE AFTERMATH OF THE SIX-DAY WAR

The June 1967 War, popularly known as the Six-Day War, was a major turning-point in the history of the Middle East. Israel claimed that it was a defensive war, a war of 'no choice'. Before the war, Egypt's President Gamal Abdul Nasser removed the UN Emergency Force in Sinai and closed the Straits of Tiran to Israeli shipping. These were certainly provocative acts. But the fact remains that Israel fired the first shot and that a diplomatic route out of the crisis was available, but Israel chose not to take it. In the course of the war Israel conquered the Golan Heights from Syria, the West Bank (including East Jerusalem) from Jordan, and the Sinai Peninsula and Gaza Strip from Egypt, thereby trebling its territory. After the June 1967 war, Israel was in control of 100% of mandatory Palestine.

As a result of the war, the situation in the Middle East changed fundamentally: the Arab states now had a direct stake in the conflict with Israel while Israel, for the first time in its history, had something concrete to offer the Arab states in return for peace, and it could do so without compromising its security. A majority in the cabinet were willing to trade land for peace with Egypt and Syria subject to provisions to safeguard Israeli security. No such flexibility, however, was evident in relation to the West Bank. A wave of secular nationalism converged with an upsurge of religious messianism to preclude any compromise on the eastern front. The great majority in the country and the cabinet wanted to hold on to the West Bank either for security reasons or for ideological reasons, viewing it as an integral part of '*Eretz Israel*' or the Land of Israel.

With regard to the West Bank, Israel had two diplomatic options on the morrow of victory: a Jordanian option and a Palestinian option. Israel and Jordan had always been 'the best of enemies'. King Hussein continued the policy of moderation and accommodation with Israel which his grandfather, Abdullah I, had

put in place. And like his grandfather, King Hussein had a common interest with Israel in suppressing Palestinian nationalism.

In 1964 the Palestine Liberation Organisation (PLO) had been formed by a resolution of the Arab League. Its mission, as its name indicated, was to liberate Palestine. While directed against Israel, the radical factions within the PLO aspired to replace the Hashemite Kingdom of Jordan with the Republic of Palestine. It was a complex triangle involving Israel, Jordan, and the PLO. The situation was akin to a room with three men but only two chairs. Israel firmly occupied one chair and the PLO had no realistic chance of dislodging it. Replacing the Hashemite monarchy in Amman was a distant but more realistic prospect. Hence the mistrust between the Hashemite rulers of Jordan and the PLO.

Back in 1963, King Hussein had initiated secret talks with Israeli officials. This remarkable dialogue across the battle-lines broke down on the eve of the Six-Day War. Mistrust of Israel led Hussein to sign a defence pact with President Nasser and to commit his army to the war with Israel. After only three days of fighting, he lost half his kingdom, including the Old City of Jerusalem, the jewel in the Hashemite crown.

Immediately after the end of the war, on 2 July 1967, Hussein renewed his secret contacts with the Israelis. He offered them total peace for total withdrawal. But the mood in Israel had hardened against compromise in the aftermath of victory. The Israeli cabinet offered Hussein the Allon Plan, named after deputy prime minister Igal Allon. Under the Allon Plan, Jordan stood to recover roughly 70% of West Bank but Israel would have kept the Jordan Valley, most of the Judean desert along the Dead Sea, and a substantial area around Greater Jerusalem.

Hussein rejected the offer out of hand. The secret talks resumed but the political deadlock persisted.¹

In addition to the Jordanian option, Israel had a Palestinian option. For a brief period after the war, when it became clear that a deal with King Hussein on Israel's terms was not in the cards, Israel's policymakers considered a Palestinian alternative. A group of West Bank notables, led by the lawyer Aziz Shehadeh, approached Israeli officials to say that they did not want to return to Hashemite rule and that their preference was to reach an agreement with Israel on an autonomous Palestinian state on the West Bank and the Gaza Strip. At the request of the Israelis, Shehadeh produced a written plan for a Palestinian state that would sign a peace agreement with Israel. He received no response.²

The debate between the proponents of the Jordanian option and the Palestinian option turned out to be largely academic because Israel was not prepared to withdraw from all the West Bank. There were significant divisions of opinion within the National Unity Government that had been formed on the eve of the war. Menachem Begin, the leader of the right-wing Gahal (later Likud) party, advocated the immediate annexation of the whole of the West Bank. Defence Minister Moshe Dayan led the hawkish wing of the Labour Party. On 7 June 1967, standing by the Wailing Wall, Dayan declared, 'The IDF liberated Jerusalem this morning. We reunited divided Jerusalem, the bisected capital of Israel. We have returned to our holiest places, we have returned in order not to part from them ever again.'³ The dovish wing of the Labour Party was represented by Foreign Minister

¹ Avi Shlaim, *Lion of Jordan: King Hussein's Life in War and Peace* (London: Penguin Books, 2007).

² Raja Shehadeh, *We Could Have Been Friends, My Father and I: A Palestinian Memoir* (London: Profile, 2022).

³ Quoted in Avi Shlaim, *The Iron Wall: Israel and the Arab World* (London: Penguin Books, 2014), p. 261.

Abba Eban who was willing to restore most of the West Bank, but not the Old City of Jerusalem, to Jordan in return for peace. No one had a clear idea on what to do with the million Arabs who lived on the West Bank. As then prime minister Levi Eshkol never tired of reminding his colleagues: ‘You like the dowry, but you don’t like the bride!’

To perpetuate the territorial status quo, Eshkol and his cabinet started to create facts on the ground in the form of Jewish settlements in the occupied territories. To conceal this reality, they adopted a diplomacy of deception.⁴ While publicly proclaiming that Israel wanted peace, they took concrete measures to render the occupation permanent. To reduce the number of Arabs in their extended domain, they decided to prevent the quarter of a million Palestinian refugees, some of them second time refugees, from returning to their homes on the West Bank. Israel had blocked the return of 750,000 Palestinian refugees after the 1948 war. After the June 1967 war, it repeated the pattern of not allowing civilians to return to their homes. Moshe Dayan was dubbed ‘the emperor of the occupied territories’. He orchestrated the policy of demographic engineering, and entrenching the occupation. This policy was in line with the original Zionist project of building a Jewish state over as much of the land of Palestine as possible with as few Arabs as possible within its borders.

An Arab summit conference was held in Khartoum, the Sudanese capital, between 29 August and 1 September 1967. It was the first meeting of the Arab leaders since their defeat in the June War. The conference ended with the adoption of the famous three noes of Khartoum: ‘no recognition, no negotiation, and no peace’ with Israel. On the face of it these declarations showed no sign of readiness for compromise. In fact, the conference was a victory for the Arab moderates who

⁴ Avi Raz, *The Bride and the Dowry: Israel, Jordan, and the Palestinians in the Aftermath of the June 1967 War* (New Haven: Yale University Press, 2012).

argued for trying to obtain the withdrawal of Israel's forces by political rather than military means. Arab spokesmen interpreted the Khartoum declarations to mean no formal peace *treaty*, but not a rejection of a state of peace; no *direct* negotiations, but not a refusal to talk through third parties; and no *de jure* recognition of Israel, but *de facto* acceptance of its existence as a state. President Nasser and King Hussein set the tone at the summit and made it clear subsequently that they were prepared to go much further than ever before toward a settlement with Israel.⁵

The Khartoum summit marked a real change in the Arab approach to Israel, a change from confrontation to negotiation. At Khartoum, Nasser advised King Hussein to explore the possibility of a peaceful settlement with Israel. Israel's intelligence services obtained the verbatim text of the Khartoum deliberations and apprised the cabinet of the sea change they heralded in the Arab attitude. Major General Aharon Yariv, the director of military intelligence, informed the Knesset Foreign Affairs and Security Committee that the summit decided to go for a political, not military solution. But Israel's leaders feared the new manifestation of Arab moderation: it posed a threat to their expansionist plans. They therefore chose to portray the conclusions of the summit as the climax of Arab intransigence in order to justify the toughening of their own posture. Foreign Minister Abba Eban advised that since the world press was inclined to characterize the Khartoum resolutions as moderate, the government of Israel had to expose them as extreme. The new line Israel adopted was that the Khartoum summit closed every door and every window that might lead to a peace settlement. Abba Eban famously quipped: 'The Arabs never miss an opportunity to miss an opportunity for peace'.

The most significant international pronouncement on the Arab-Israeli dispute after the Six-Day War was UN Security Council Resolution 242 of 22

⁵ Avi Shlaim's interview with King Hussein: 'His Royal Shyness: King Hussein and Israel', *The New York Review of Books*, 15 July 1999.

November 1967. The preamble to the resolution emphasized the inadmissibility of the acquisition of territory by force and the need to work for a just and lasting peace. Basically, the resolution proposed a package deal, the trading of land for peace between Israel and its neighbours.

As Professor Rashid Khalidi explains in his report, Resolution 242 caused deep anger among Palestinians because it ignored their political rights and merely referred to them as a ‘refugee problem’. By ignoring the right to national self-determination of the Palestinian people, Resolution 242 reinforced the view, widely held in the Global South, that the UN was not a genuinely international body, but the instrument of the Global North, and especially of the five permanent members of the Security Council.

Resolution 242 was accepted by Egypt and Jordan but not by Syria. Israel’s position was ambiguous but widely regarded as amounting to a rejection. Israel declared that before it would withdraw from any part of the territories, there must be direct negotiations leading to a contractual peace agreement that incorporated secure and recognized boundaries. The problem was that Israel refused to spell out what it meant by ‘secure and recognised boundaries’ then and it still refuses to do so today. Israel insisted that the peace agreements must be in place before beginning any withdrawal from the territories. But by pursuing its expansionist policy, it undermined the prospect of a negotiated agreement.

Resolution 242 has been the basis of most international plans for peace in the region since 1967. History shows that at the inter-state level this formula is sound. In 1979, Israel agreed to return to the international border, to give back to Egypt every inch of the Sinai Peninsula, and it received in return a peace treaty which is still standing today. In 1994, Israel signed a peace treaty with the Hashemite Kingdom of Jordan and returned some land it had occupied along their common border in the south. This was a bilateral treaty between the two states

which left Israel in occupation of the rest of the West Bank of the Jordan River. This treaty, too, survived all the turmoil in the region and is still effective today. Had Israel wanted a peace agreement with Syria, it would most probably have been within its reach through negotiations. But there was a price tag: complete Israeli withdrawal from the Golan Heights and a return to the international border. The problem was that on the northern front, as on the eastern front, Israel preferred land to peace. This was due to the strategic importance of the Golan Heights as well as the fertile agricultural land and water resources it contained.

II. SETTLEMENTS IN THE OCCUPIED TERRITORIES

As mentioned, soon after the ending of hostilities, Israel started building civilian settlements in the newly occupied Arab territories. The new spaces were not called occupied territories but officially named as the Administered Territories. This clearly implied that the administration of these territories would be temporary, pending a final political settlement. However, pressure on the government to authorise the establishment of civilian settlements on these territories began to build up from below, from both secular nationalists and religious extremists.

The government asked the Legal Counsel of the Foreign Ministry for an opinion on whether civilian settlements in the administered territories were permitted under international law. The Counsel was Theodor Meron, a 37 years-old Holocaust survivor who went to win many honours for services to criminal justice and international humanitarian law. On 18 September 1967, Meron submitted a memorandum to prime minister Levi Eshkol. 'My conclusion', he wrote, 'is that civilian settlement in the administered territories contravenes the explicit provisions of the Fourth Geneva Convention'. The memo was top secret

but it was later discovered and published by the American-Israeli author Gershon Gorenberg.⁶

Meron accepted that there were conflicting claims regarding the status of the West Bank, but he warned that the international community would not accept settlement in any of the territories. He noted that during the Six-Day War a military order had instructed that Israel's military courts should apply the Geneva Conventions in the West Bank. The Fourth Geneva Convention says that 'An Occupying Power should not deport or transfer parts of its own civilian population into territory it occupies'. The memo went on to stress that 'The prohibition therefore is categorical and not conditional upon the motives for the transfer or its objectives. Its purpose is to prevent settlement in occupied territory of citizens of the occupying state'. If it was decided to go ahead with Jewish settlement in the administered territories, it seemed to Meron vital that settlement be carried out by military and not civilian entities. It was also important in his opinion that such settlement was 'in the framework of camps and is, on the face of it, of a temporary rather than permanent nature'.

The legal opinion was clear-cut: establishing civilian settlements on occupied territory would violate the Fourth Geneva Convention. The government nevertheless chose to ignore the advice of its Legal Counsel and to go ahead with the building of settlements in all the occupied territories.

What began as private enterprise quickly turned into a government-sponsored project. The government used the map of the Allon Plan as a guide to authorising settlements. In other words, it only authorised the building of civilian settlements in areas it intended to keep permanently. Some religious-Zionist zealots

⁶ Gershon Gorenberg, *The Accidental Empire: Israel and the Birth of the Settlements, 1967-1977* (New York: Times Books, 2006), pp. 99-101.

from the settler movement Gush Emunim defied the government and proceeded without authority to establish small settlements in locations of religious significance. Rather than face them down, the government usually reached a compromise that enabled them to stay.

III. THE DIPLOMACY OF ATTRITION

The UN Secretary-General appointed Dr Gunnar Jarring, a Swedish diplomat, as a mediator with the task of promoting an Arab-Israeli settlement on the basis of Resolution 242. Having rejected 242, Syria declined to participate in his mission. The other Arab states had high expectations of his mission, whereas Israel had none at all. Israel had no trust in the impartiality of the UN or in its capacity to mediate. The deeper reason, however, was that Jarring's task was to implement Resolution 242 and this meant trading land for peace at a time when Israel was becoming increasingly wedded to the territorial status quo. The Israeli tactic was to give Jarring proposals and documents to which he was to obtain Arab reactions. The aim was to keep his mission alive and prevent the matter from going back to the UN, where Israel thought it would be blamed for the failure.

On 8 February 1971, to try to jump-start the process, Jarring addressed Egypt and Israel with identical memoranda outlining his own proposals for resolving the dispute between them. Of Egypt he requested an undertaking to enter into a peace agreement with Israel; of Israel, to withdraw to the former Egypt-Palestine international border. Egypt gave Jarring all the undertakings he asked for. The reply marked a breakthrough: it was the first time that an Egyptian government declared publicly its readiness to sign a peace treaty with Israel. But by this time the Israeli position had hardened against territorial compromise. Moshe Dayan's mantra had taken hold: 'Better Sharm el-Sheikh without peace than peace without Sharm el-Sheikh'. The Israeli reply to Jarring, reflecting this attitude, was a categorical refusal to restore the previous boundary. It ended with a short but highly

significant sentence: 'Israel will not withdraw to the pre-5 June 1967 lines'. The reply sealed the fate of Jarring's mission. All other international efforts to promote a settlement of the conflict similarly came to naught in the face of Israel's inflexibility.

When Golda Meir succeeded Levi Eshkol as prime minister in 1969, Israel's diplomatic posture hardened further. As she writes in her autobiography, 'Intransigent' was her middle name.⁷ Mrs Meir did not want to go down in Israel's history as a leader who retreated from territory. But she also reflected the political consensus which held that the post-1967 status quo was greatly to Israel's advantage and that Israel's military supremacy ensured that it could be perpetuated indefinitely. More than all other Israeli leaders, however, she had a propensity for self-righteousness. 'All the wars against us', she once said, 'have nothing to do with us'. Mrs Meir's overriding foreign policy aim was to preserve the post-war territorial status quo and to refuse to make any concessions for the sake of peace. In March 1969, a month after she succeeded Eshkol as prime minister, President Nasser launched the War of Attrition against Israel. Failure to bring about Israeli withdrawal from the occupied territories by diplomatic means led the Egyptian leader to resort to military means.

War in Egypt was justified by the slogan 'That which was taken by force can only be recovered by force'. Nasser's immediate goal was to prevent the conversion of the Suez Canal into a de facto border while his ultimate aim was to force Israel to withdraw to the pre-war border. The strategy consisted of artillery bombardment of Israel's positions on the canal front, occasional air attacks, and hit-and-run commando raids. The War of Attrition was ended by a ceasefire in August 1970. Unlike the June 1967 war, it ended in a draw rather than a clear-cut Israeli

⁷ Golda Meir, *My Life* (London: Weidenfeld and Nicholson, 1975), p. 312.

victory. Like all the Arab-Israeli wars since 1967, the War of Attrition was fought by Israel not to safeguard its security but in order to protect its territorial conquests.

Anwar Sadat, who succeeded Nasser as president in September 1970, reverted to the diplomatic track. In February 1971, Sadat presented his proposal for an interim settlement based on a partial Israeli withdrawal to the Sinai Passes and the reopening of the Suez Canal to international shipping. Mrs Meir's reply was a polite rejection.

In March 1972, Jordan's King Hussein unveiled his federal plan for a United Arab Kingdom. The federation was to consist of two regions: the region of Jordan, comprising the East Bank, and the region of Palestine, comprising the West Bank and the Gaza Strip. Each region was to have its own government and its separate judicial system. Mrs Meir's rejection of this plan was swift and categorical.

As stated, Mrs Meir firmly held the opinion that the territorial status quo was stable and it could be sustained easily and at low cost. After the War of Attrition, she conducted what can be best described as the diplomacy of attrition. Her policy, in a nutshell, was to let Sadat sweat it out, with his range of options constantly narrowing, until he had no choice but to sue for peace on Israel's term. Mrs Meir succeeded in persuading Dr Henry Kissinger, the American Secretary of State, of the realism of her chosen course of action.

IV. THE OCTOBER 1973 WAR

In the end, the diplomacy of attrition backfired with disastrous consequences. Its aim was to compel the Arabs to accept the post-1967 territorial status quo. But to President Sadat of Egypt and President Hafiz al-Asad of Syria the status quo was humiliating and intolerable. On 6 October 1973, the Day of Atonement, the holiest day in the Jewish Calendar, Egypt and Syria launched a

surprise attack on Israel. The aim of the offensive was to capture some of the territory they had lost in 1967, to force the US and Soviet Union to intervene, and to initiate a diplomatic process that would force Israel to withdraw from further parts of occupied Arab lands.

Israel and the United States were taken by complete surprise. The entire rationale for their previous policy was shattered overnight. In the initial phase of the war Israel suffered significant setbacks on both the Egyptian and the Syrian fronts but, with the help of a massive American airlift of arms, it launched a successful counter-offensive. In the aftermath of the war, Kissinger had to move fast to construct a new foreign policy that had an Arab as well as an Israeli dimension. He embarked on his step-by-step diplomacy which resulted in Israeli-Egyptian and Israeli-Syrian military disengagement agreements. Kissinger did not broker a military disengagement agreement on the eastern front because Jordan had not participated in the October War. But there was a deeper reason: any negotiations were bound to bring forth Jordanian as well as Palestinian claims to sovereignty over the West Bank. Kissinger knew that any concessions on the West Bank would trigger the collapse of Golda Meir's coalition government. He therefore chose to keep the Palestinian issue on the back burner.

Although the Palestine Liberation Organisation had not participated in the October War, its political standing improved as a result of the war. It also took a major step to moderate its political programme. The Palestinian National Charter called for an armed struggle to liberate the whole of mandatory Palestine. The Palestinian National Council (PNC), the parliament of the worldwide Palestinian community, which convened in Cairo in June 1974, shifted the emphasis from the armed struggle to a political solution by means of a phased programme. As a first stage, it approved the establishment of 'a patriotic, independent fighting peoples

regime in any part of the Palestinian territory which will be liberated'.⁸ This was an ambiguous formula, but it conveyed a willingness to consider the possibility of a Palestinian state alongside Israel rather than in place of it.

On the Israeli side, however, the PNC resolution was interpreted as the result of a change of tactics rather than a genuine change of aims. Frequent references were made to the PLO's 'theory of stages' to make the point that a Palestinian state in part of Palestine would only serve as a base for continuing the armed struggle to liberate the whole of Palestine. Itzhak Rabin, who replaced Golda Meir as prime minister after the October War, adhered to the orthodox line of refusing to recognize or to negotiate with the PLO. His aim was to keep the Palestinian question 'in the refrigerator'. He took the view that Israel must refuse to talk to what he considered a terrorist organization that was committed to its destruction. Nor was he prepared to consider a Palestinian state alongside Israel; this, he said, 'would be the beginning of the end of the State of Israel'. For all practical purposes, his position was essentially the same as that of Golda Meir. He remained firm and inflexible: Israel would never recognize the PLO, enter into any negotiations with the PLO, or agree to the establishment of a Palestinian state.

The Arab position towards the PLO did change in the aftermath of the war. Previously, the position had been that Jordan should represent itself and the Palestinians in diplomatic negotiations with Israel. At the end of October 1974, an Arab League summit meeting was held in Rabat, Morocco. King Hussein suffered a major diplomatic defeat because the summit endorsed the claim of the PLO to be 'the sole legitimate representative of the Palestinian people'. The summit also reaffirmed the right of the Palestinian people to set up an independent national

⁸ Walter Laqueur and Barry Rubin, eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict*, seventh edition (London: Penguin Books, 2008), pp. 162-63.

authority, led by the PLO, on any part of Palestine that was liberated. The implication of these resolutions was that the territories captured in 1967 should not revert to Jordan but go to the Palestinians to establish an independent state. A month later Yasser Arafat, the chairman of the PLO, was invited to address the UN General Assembly, which proceeded to pass Resolution 3236 (XXIX) affirming the right of the Palestinian people to, among other things, national self-determination and national independence and sovereignty.

Rabin's principal departure from the foreign policy of his predecessor was the Interim Agreement with Egypt, signed on 1 September 1975. The agreement was also known as 'Sinai II' because it followed on from the 1974 separation-of-forces agreement that Kissinger had brokered. The agreement provided for Israeli withdrawal in Sinai to the eastern ends of the Mitla and Gidi Passes, creation of a UN-monitored buffer zone in the evacuated area, and Israeli withdrawal from the oil fields at Abu Rudeis and Ras Sudar. It also stipulated the opening of the Suez Canal to Israeli non-military cargo ships, and the establishment of American early-warning stations in the area of the passes. The basic terms of the agreement were not dissimilar to those offered by President Sadat in his interim settlement proposal of February 1971.

Sinai II contained one novel feature: direct American involvement and underwriting. Israel always preferred to negotiate with the pre-eminent western power of the day rather than with the Arabs. On this occasion, Rabin made it clear to Henry Kissinger that the cabinet would not ratify the Sinai II agreement unless it was accompanied by an American-Israeli agreement. This 'memorandum of agreement' detailed U.S. commitments to Israel following from the interim agreement. The memorandum pledged American support 'on an on-going and long-term basis to Israel's military equipment and other defense requirements, to its energy requirements and to its economic needs'. More specifically, it promised

a positive response to Israel's request for F-16 fighter planes and Pershing missiles with conventional warheads. In a separate 'memorandum of agreement', which was kept secret, the United States confirmed that it would not negotiate with or recognize the PLO or initiate any moves in the Middle East without prior consultation with Israel.

V. THE CAMP DAVID ACCORDS

Whereas Henry Kissinger's focus was on bringing about Egypt's disengagement from the Arab-Israeli conflict, President Jimmy Carter's aim was a comprehensive resolution of the conflict. Carter did not shy away from addressing the core of the conflict—the Palestinian problem. He was the first American president to speak about the need for establishing 'a Palestinian homeland'. His initial idea was to convene an international conference with the Soviet Union and all the parties to the conflict. An Israeli veto of the Soviet Union led him to switch to a trilateral summit between himself, President Sadat, and Prime Minister Menachem Begin at the presidential retreat in Camp David, Maryland.

Menachem Begin was the leader of the Likud, a right-wing nationalistic party that came to power in 1977, ending three decades of Labour Party hegemony. The Labour Party was a pragmatic centre-left party which advocated territorial compromise with Jordan over the West Bank. The Likud was an ideological party dedicated to what it called 'the Whole Land of Israel'. It believed that the borders of the State of Israel should correspond to the borders of the Land of Israel. For the Likud the West Bank and the Gaza Strip were an integral part of the Land of Israel. By claiming that the Jewish people have an exclusive right to sovereignty over their ancestral homeland, Likud rejected any rival claims from either Jordan or the Palestinians. To underline their rejection of rival claims over the West Bank, Likud leaders usually referred to it by its Biblical names—Judea and Samaria.

The initial positions of the principals at Camp David were poles apart. Sadat's position was that a Palestinian state should be established in the West Bank and the Gaza Strip. Begin's position was that 'the Palestinian Arabs residing in Judea, Samaria and the Gaza District should enjoy self-rule'. Under American pressure, Begin did produce a Palestinian autonomy plan but Begin's autonomy applied only to people and not to the land they inhabited. In other words, he was prepared to keep Israel's claim to sovereignty over the West Bank and the Gaza Strip in abeyance while negotiations were in progress but not to give it up. He ruled out in advance any notion of an independent, sovereign Palestinian state. The PLO dismissed Begin's plan as autonomy to collect their own garbage and to swat their own mosquitos.

Thirteen days of assiduous negotiations led to the conclusion, on 17 September 1978, of the Camp David Accords. The eventual outcome of these talks, the 'Framework for Peace in the Middle East', had two parts: (1) a process for achieving Palestinian self-government in the West Bank and Gaza, and (2) a framework for the conclusion of a peace treaty between Israel and Egypt. The subsequent negotiations on Palestinian autonomy were protracted but unsuccessful. The main obstacle to an agreement was Israel's refusal to give up its claim to sovereignty over the West Bank and the Gaza Strip and its rigidly narrow parameters for Palestinian autonomy.

The talks between Israel and Egypt led to the signature of a peace treaty, on 26 March 1979, at the White House. It was the first peace agreement between Israel and an Arab state. Israel agreed to withdraw from the whole of the Sinai Peninsula, and Egypt promised to establish normal diplomatic relations between the two countries and open the Suez Canal to Israeli ships. UN forces were to be stationed in the area to supervise the demilitarisation of Sinai and to ensure the freedom of navigation. All these provisions were duly carried out over three years, in

accordance with a detailed timetable. In most Arab countries, however, the peace with Israel was seen as an act of betrayal and Egypt was expelled from the Arab League. The PLO also denounced the accords.

Carter's hope for a national home for the Palestinian people did not materialise. Begin got what he wanted: a peace agreement with Egypt that stood on its own. Moreover, he believed that giving back Sinai would enable his country to consolidate its control over the West Bank, over Judea and Samaria, as he preferred to call it. Begin strongly objected to the term 'occupied territories'. For him Judea and Samaria were 'liberated territories'. This sense of entitlement goes a long way to explain Begin's refusal to revert to the pre-war status quo on the West Bank. For him the peace treaty with Egypt was not a step on the road to an overall settlement but the final destination.

The Camp David summit was not simply a missed opportunity to begin the groundwork for a two-state solution to the Israeli-Palestinian conflict. It seriously diminished the possibility of progress towards Palestinian statehood in the long run. As Seth Anziska argues in *Preventing Palestine*, the breakthrough peace agreement between Egypt and Israel created a roadblock to peace between Israel and the Palestinians.⁹ In Israel the Camp David Accords are universally acclaimed while the Oslo Accords (discussed below) are controversial. Anziska shows the strong connections between the two sets of accords and the extent to which Oslo drew on the Camp David autonomy plan. Palestinian autonomy became the template for future would-be peacemakers. But there was never any realistic possibility that mere autonomy would satisfy the national aspirations of the Palestinians.

⁹ Seth Anziska, *Preventing Palestine: A Political history from Camp David to Oslo* (Princeton: Princeton University Press, 2018).

VI. THE LONDON AGREEMENT

The next major attempt to resolve the Arab-Israeli conflict was undertaken by King Hussein of Jordan in 1987. His Israeli interlocutor was Shimon Peres who served as Foreign Minister in a national unity government headed by Itzhak Shamir, Menachem Begin's successor as leader of the Likud and Prime Minister. Following the inconclusive result of the 1984 elections, Labour and Likud formed a coalition government with Peres and Shamir rotating as Prime Minister and Foreign Minister after the first two years. The two principal parties of the coalition cancelled each other's foreign policy. Labour believed in territorial compromise over the West Bank and its preferred partner was Jordanian monarchy not the PLO. Shamir believed that the whole of the West Bank belonged to Israel and this ruled out partnership for partition with either Hashemites or Palestinians. He was a proponent of the doctrine of permanent conflict and the unilateralist par excellence. To the extent that he engaged in diplomatic activity at all, it was only to gain time, to increase the number of Jewish settlers, and to entrench Israel's occupation the West Bank.

King Hussein's basic idea was to convene an international conference in order to provide cover for subsequent bilateral negotiations between Jordan and Israel. Shamir, however, was adamantly opposed to the whole idea of an international conference, even a purely ceremonial one. The Americans, too, remained cool to the idea of convening an international conference because they did not want the Soviet Union to be involved in Middle Eastern diplomacy. Hussein met Peres in London, on 17 April 1987, at the home of the King's Jewish friend, Lord Mischon. At the end of a long day of negotiations and drafting, they initialled a document that came to be known as the London Agreement. It contained three parts.

The first part proposed that the UN Secretary-General should invite the five permanent members of the Security Council and the parties to the Arab-Israeli conflict to negotiate a peaceful settlement based on Security Council Resolutions 242 and 338. (Resolution 338, passed during the 1973 October War, called on the parties to cease fire and proceed immediately to implement Resolution 242). The second part of the London Agreement proposed that the conference should invite the parties to form bilateral committees to negotiate on issues of mutual interests. The third part noted the agreement that the Palestinian issue would be discussed by a joint Jordanian-Palestinian delegation, which would not include members of the PLO.

Shamir was irreconcilably opposed to the London Agreement and used his authority as Prime Minister to thwart it. Although the London Agreement dealt only with procedure and did not commit Israel to anything of substance, he feared that it would open the door to a territorial compromise on the West Bank which was favoured by the Labour Party. King Hussein suspected that Shamir would oppose the London Agreement and he said so to Shimon Peres. Peres replied that in that case he would break up the national unity government and make the London Agreement the centrepiece of Labour's manifesto at the subsequent election. But when it came to a head, Peres lacked the courage of his convictions. He fixed his colours firmly to the fence.

Shamir himself, by his own account, grew weary of the incessant manoeuvres to find a peaceful solution to the Arab-Israeli dispute. 'The presenting and rejecting of peace plans', he wrote in his autobiography, 'went on throughout the duration of my Prime Ministership; not a year passed without some official proposal being made by the United States, or Israel, or even Mubarak, each one bringing in its wake new internal crises, expectations and disappointments—

though I had become more or less immune to the latter'.¹⁰ These plans rarely contained new elements, Shamir complained; what they amounted to was 'peace in exchange for territory; recognition in exchange for territory; never "just" peace'.

VII. THE FIRST INTIFADA

Shamir was committed to maintaining the status quo in the occupied territories, and it was maintained, at least on the surface. Settlement activity was strongly encouraged by Likud-led governments to reinforce their claim to sovereignty over the whole of the West Bank. Below the surface, Palestinian frustration and despondency were increasing all the time. A feeling of hopelessness took hold as the Palestinians watched more and more of their land being swallowed up by Israeli settlements. Economic conditions remained miserable, while Israel's military government was becoming more intrusive and heavy-handed. The spark that ignited the Palestinian uprising, or intifada, was a traffic accident on 9 December 1987, in which an Israeli truck driver killed four residents of Jabaliya, the largest of the eight refugee camps in the Gaza Strip. The Palestinian response took the form of protests, civil disobedience, the throwing of stones and Molotov cocktails. From Gaza the disturbances spread to the West Bank. Within days the occupied territories were engulfed in a wave of popular street demonstrations and commercial strikes on an unprecedented scale.

The outbreak of the intifada was completely spontaneous. There was no preparation or planning by the local Palestinian elite or the PLO, but the PLO was quick to jump on the bandwagon of popular discontent against Israeli rule and to play a leadership role alongside a newly formed body, the Unified National Command. In origin the intifada was not a nationalist revolt. It had its roots in

¹⁰ Yitzhak Shamir, *Summing Up: An Autobiography* (London: Weidenfeld and Nicolson, 1994), pp. 174-75.

poverty, in the miserable living conditions of the refugee camps, in hatred of the occupation, and, above all, in the humiliation that the Palestinians had to endure over the preceding twenty years. But it developed into a statement of major political import. The aims of the intifada were not stated at the outset; they emerged in the course of the struggle. The ultimate aim was self-determination and the establishment of an independent Palestinian state. In this respect the intifada may be seen as the Palestinian war of independence.

The IDF resorted to draconian measures to suppress the intifada but to no avail. Events in the occupied territories received intense media coverage. The world saw pictures of Israeli troops firing on stone-throwing demonstrators, or beating those they caught, among them women and children. Israel's image suffered serious damage as a result of this media coverage. During the 1988 session of the General Assembly, several resolutions were passed condemning Israel and calling on it to abide by the Geneva Convention for the protection of civilians in times of war.

King Hussein viewed with mounting concern the events unfolding on the West Bank of the Jordan River. He was worried that the intifada would spread from the West Bank to the east bank of the river and destabilise his regime. To forestall this possibility, he made a decision of historic significance. On 31 July 1988, he announced that Jordan was cutting its legal and administrative ties with the West Bank. (Jordan had continued to pay the salary of about a third of the civil servants on the West Bank during the preceding two decades of Israeli occupation.) Many East Bankers felt they got nothing but ingratitude for their efforts to help the Palestinians and that the time had come to cut their losses. The King himself felt that Jordan was fighting a losing battle in defending positions that had already fallen to the PLO. After two decades of trying to blur the distinction between the East Bank and the West Bank, he concluded that the time had come to assert that

the East Bank was not Palestine and that it was up to the Palestinians to decide what they wanted to do with the West Bank and to deal with the Israelis directly over its future. Israel now found itself alone in the arena with the PLO.

VIII. THE PNC RESOLUTIONS AND THE MADRID PEACE CONFERENCE

The PLO rose up to the challenge. Yasser Arafat, the chairman of the PLO, took the lead in moderating its political programme. At the meeting of the PNC, in Algiers in mid-November 1988, Arafat won a majority for the historic decision to recognise Israel's right to exist, to accept all the relevant UN resolutions going back to 29 November 1947, and to adopt the principle of a two-state solution. The claim to the whole of Palestine, enshrined in the Palestinian National Charter, was finally laid to rest and a declaration of independence was issued for a mini state in the West Bank and Gaza with East Jerusalem as its capital. This revolution in Palestinian political thinking coincided with the rise to power in Israel of a hard-line Likud government headed by Itzhak Shamir. Just as the Palestinians were moving towards territorial compromise, Israel was moving away from it. Its rejection of the PNC declaration was absolute and unconditional. In Israeli eyes the PLO was a terrorist organisation and talking to it was therefore out of the question.

Yasser Arafat supported Iraq's invasion of Kuwait in August 1990; this did not help the Palestinian cause, to use an understatement. In one of his smarter moves, Saddam Hussein said Iraq would withdraw from Kuwait if Israel withdrew from all occupied Arab territories. Having threatened 'the mother of all battles' if the US intervened, he now proposed what amounted to the mother of all linkages. The US insisted on sequential rather than simultaneous withdrawal: first Iraq would have to withdraw its forces from Kuwait, only then would the US address the Israeli occupation. The Gulf war ejected Iraq out of Kuwait. In the aftermath of the war, towards the end of October 1991, the Americans and the Soviets convened an international peace conference in Madrid to which they invited a large number of

delegations, including a non-PLO Palestinian delegation.¹¹ Although the PLO itself was not invited, the official Palestinian delegation coordinated its moves with the PLO office in Tunis.

This was the first time the Palestinians represented themselves at a major international conference. A joint Jordanian-Palestinian delegation with non-PLO Palestinian members provided an umbrella for Palestinian participation. The Palestinians from the West Bank and Gaza were there on a footing of equality with the Israelis: the heads of the Jordanian and Palestinian delegations were allowed as much time as the head of the Israeli delegation for their opening speech to the plenary. In his opening speech, Itzhak Shamir came close to rejecting the whole basis of the conference—UN resolutions 242 and 338 and the principle of land for peace.

The Palestinians adopted the olive branch strategy. Dr Haidar Abdel-Shafi, an elderly physician from Gaza who headed the Palestinian delegation, was the epitome of moderation, of Palestinian nationalism with a human face. The contrast between his speech and Mr Shamir's speech could have hardly been more striking in tone, spirit or substance. It was, by any standards, a remarkable speech and its impact was only heightened by the quiet, dignified quality of the delivery.¹² Dr Abdel-Shafi reminded the audience that it was time for the Palestinians to narrate their own story. While touching on the past, his speech was not backward-looking but forward-looking. He sought neither an admission of guilt nor vengeance for past iniquities but rather a just peace.

¹¹ During the Cold War, American policymakers did their best to exclude the Soviet Union from the diplomacy surrounding the Arab-Israeli conflict. But Mikhail Gorbachev's rise to power in Moscow opened the door to cooperation in many fields, including the Middle East.

¹² For the text of the speech see Laqueur and Rubin, *The Arab-Israeli Reader*, pp. 394-400.

Dr Abdel-Shafi's basic message was that the Palestinians were genuinely committed to peaceful co-existence, that the Israeli occupation had to end, that the Palestinians had a right to self-determination, and that they were determined to pursue this right relentlessly until they achieved statehood. The intifada, he suggested, had already begun to embody the Palestinian state and to build its institutions and infrastructure. But while staking a claim to Palestinian statehood, Dr Abdel-Shafi qualified it in two significant ways. First, he accepted the need for a transitional stage, provided interim arrangements were not transformed into permanent status. Secondly, he envisaged a confederation between an ultimately independent Palestine and Jordan.

Dr Abdel-Shafi's speech in Madrid was both the most eloquent and the most moderate presentation of the Palestinian case ever made by an official Palestinian spokesman since the beginning of the conflict at the end of the nineteenth century. The PLO, for all its growing moderation, had never been able to articulate such a clear-cut peace overture to Israel because of its internal divisions and the constraints of inter-Arab politics. No PLO official had ever been able to declare so unambiguously that a Palestinian state would be ready for a confederation with Jordan. The whole tenor of the speech was more conciliatory and constructive than even the most moderate statements of the PLO. In the words of Afif Safieh, a senior PLO official, the the entire stance of the Palestinian delegation at Madrid was 'unreasonably reasonable'.¹³

Two tracks for further negotiations were established at the end of the Madrid conference: an Israeli-Arab track and an Israeli-Palestinian track. The official negotiations between the two sets of delegations took place under American auspices in Washington DC. So long as the Likud remained in power,

¹³ Afif Safieh, *The Peace Process: From Breakthrough to Breakdown* (London: Saqi, 2010), p. 158.

however, no progress could be achieved on either track. The centrepiece of Likud's ideology was 'the Whole Land of Israel' or Greater Israel, and on this there could be no compromise. The aim was to achieve a Jewish majority on the West Bank and to prevent the birth of a Palestinian state. In an interview with the *Ma'ariv* daily newspaper, after losing the election of 23 June 1992, Shamir admitted that his tactic in the peace talks was stonewalling. 'I would have carried on autonomy talks for ten years', he said, 'and meanwhile we would have reached half a million people in Judea and Samaria'. 'Moderation', Shamir explained, 'should relate to the tactics but not to the goal...the integrity of the Land of Israel'.¹⁴

In the final sentence of his book, *Summing Up: An Autobiography*, Shamir wrote: 'If history remembers me at all, in any way, I hope it will be as a man who loved the Land of Israel and watched over it in every way he could, all his life'.¹⁵

IX. THE OSLO ACCORD

The Labour Party's victory in the 1992 election did not bring about an abrupt change of policy. Itzhak Rabin, the leader of the party, was not a dove. The traditional foreign policies of the rival parties led by the two Itzhaks displayed some striking similarities. Both Labour and the Likud preferred to treat the Arab-Israeli conflict as an interstate conflict. Both parties denied that the Palestinians had a right to national self-determination. Both always refused to negotiate with the PLO, and this refusal was absolute rather than conditional. Both were also unconditionally opposed to the establishment of an independent Palestinian state. Although Labour was open to territorial compromise in the West Bank, it envisioned returning that territory to Jordan. Suspicion of the Arabs and a deep sense of personal responsibility for Israel's security were the twin hallmarks of Rabin's worldview.

¹⁴ Interview with Yosef Harif, *Ma'ariv*, 26 June 1992.

¹⁵ Shamir, *Summing Up*, p. 257.

For Rabin the Arabs represented first and foremost a military threat, and he consequently tended to view all developments in the region from the narrow perspective of Israel's security needs. What changed was not the priorities of the Labour government, but a dramatic drop in the price for peace offered by the PLO, with which Israel had been negotiating indirectly since the Madrid conference. Yasser Arafat, who was still out in the cold because of his support for Iraq's invasion of Kuwait, was threatened by the growing prestige of the Palestinian leaders from the West Bank and Gaza. He therefore urged them to be uncompromising in the official talks in Washington DC while opening a secret channel to the Israeli government in Oslo. The PLO delegation in Oslo had no map experts and no lawyers. In the secret talks in the Norwegian capital, it made one concession after another to the Israelis. The result was the Oslo Accord, signed in the White House, on 13 September 1993, with President Bill Clinton acting as Master of Ceremonies.

The official name of the accord was 'The Declaration of Principles on Interim Self-Government Arrangements'. It applied only to Gaza and to the West Bank city of Jericho. The signing of the accord was preceded by an exchange of letters of recognition. Mutual rejection was replaced by mutual recognition. However, while the PLO recognised Israel's right to live in peace and security, Israel only recognised the PLO as the representative of the Palestinian people and as a partner in bilateral negotiations. There was no recognition of any Palestinian national rights. It was only agreed that a Palestinian Authority (PA) would be established and assume governing responsibilities in Gaza Strip and part of the West Bank over a five-year period.

The accord was silent on all the key issues in the conflict: Jerusalem, the right of return of the 1948 Palestinian refugees, the status of the Israeli settlements on occupied Palestinian territory, and the borders of the Palestinian entity. All these

issues were left to negotiations in the fourth year of the transition period. There was no mention, let alone a promise, of an independent Palestinian state at the end of the road. All the so-called ‘final status’ issues were left for future negotiations and these were bound to reflect the power relations between the parties. The most fatal flaw in the accord was that it did not require Israel to have a freeze on settlement expansion during the transition period. The PLO leadership thought that in return for giving up their claim to 78% of mandatory Palestine they would eventually get an independent state over the remaining 22% with a capital city in East Jerusalem. But it was not to be.

The Interim Agreement on the West Bank and Gaza Strip (‘Oslo II’), signed in Washington on 28 September 1995, represented some progress in extending Palestinian self-government. It provided for elections to a Palestinian council, the transfer of legislative authority to this council, the withdrawal of Israeli forces from the Palestinian centers of population, and the division of the West Bank into three areas—A, B, and C. Area A consisted of Palestinian towns and urban areas; Area B consisted of Palestinian villages and less densely populated parts; and Area C consisted of the lands confiscated by Israel for the Jewish settlements. Area A was placed under exclusive Palestinian control and in Area B the Palestinians exercised civilian authority. Area C, which encompasses 60% of the West Bank, was placed under exclusive Israeli control.

Benjamin Netanyahu, the leader of the opposition at the time, denounced Oslo II as a surrender to terrorists and a national humiliation, and he vowed to bring down the government. He gave an inflammatory speech from the grandstand of a mass rally in Jerusalem in which demonstrators displayed an effigy of Rabin in SS uniform. And he continued to play an active part in a campaign of incitement against the democratically elected Labour government. The campaign hit its lethal climax when Itzhak Rabin was assassinated by a Jewish fanatic on 4 November

1995. Unlike most political assassinations, this one achieved its primary aim—derailing the peace process.

X. THE BREAKDOWN OF THE OSLO PEACE PROCESS

Shimon Peres succeeded Itzhak Rabin as party leader and Prime Minister. During his short-lived premiership he made some serious mistakes, most notably the green light he gave to the Shin Bet, Israel's internal security agency, to assassinate Yahya Ayash, a Hamas bomb maker.¹⁶ This ended a tacit ceasefire with Hamas and resulted in a series of horrific suicide bombs that seriously damaged the credibility of the government.

Peres's second major mistake was the invasion of Lebanon in April 1996. 'Operation Grapes of Wrath' was meant to bring security to Galilee by bombing the Hizbullah guerrilla bases in southern Lebanon. But Israel's massive use of air and ground forces was ill-conceived and ill-fated. An Israeli shell that killed 102 refugees sheltering in the UN base in Qana provoked an international outcry and forced Peres to retreat. The operation ended in a military, political, and moral failure. From a seemingly unassailable 20-point lead, Peres kept losing ground to Netanyahu: Jewish terror helped Labour; Palestinian terror helped the Likud.

Netanyahu defeated Peres by a margin of less than 1% in the election of May 1996 and immediately set about destroying the foundations for the peace that his Labour predecessors had begun to build. Netanyahu spent his three years in power in a successful attempt to freeze, subvert, and undermine the Oslo accords. He kept talking about reciprocity while acting unilaterally in demolishing Arab

¹⁶ Hamas is the Arabic acronym for the Islamic Resistance Movement. It is a Palestinian Sunni fundamentalist and nationalist organization. It was founded in Gaza in 1988 during the First Intifada. It has a social service wing, Dawah, a political bureau and a military wing, the Izz ad-Din al-Qassam Brigades.

houses, opening a tunnel in the old city of Jerusalem, imposing curfews, confiscating more and more Arab land. Under intense American pressure, Netanyahu signed the Wye River Memorandum in October 1998, promising to turn over another 11 per cent of the West Bank to the Palestinian Authority. But he reneged on this agreement. Ironically, it was not the Labour opposition that brought down his government but his own nationalist and religious coalition partners who considered that he had gone soft on the Palestinians and that he had compromised the integrity of the historic homeland.

Netanyahu's rise to power marked a break with the pragmatism that characterised Labour's approach to the Arab world and the reassertion of a nationalistic ideological hard line. In 1993, three years before Netanyahu became Prime Minister and just before he was elected leader of the Likud, he published a book under the title *A Place Among the Nations: Israel and the World*. The central theme of the book is the right of the Jewish people to the whole Land of Israel. History was rewritten in order to demonstrate that it was not the Jews who usurped the land from the Arabs, but the Arabs who usurped it from the Jews. Netanyahu's image of the Arabs was comprehensively negative and it did not permit the possibility of diversity or change. Much of his venom was reserved for the Palestinians. For him the Palestinian problem was not a genuine problem but an artificially manufactured one. Compromise with the PLO was completely out of the question because its goal was the destruction of the State of Israel, and this goal allegedly defined its very essence.¹⁷

Once in power, Netanyahu continued to deny that the Palestinians had any right to national self-determination. He treated the Palestinian Authority not as an equal partner on the road to peace but as a defective instrument of Israeli security.

¹⁷ Benjamin Netanyahu, *A Place Among the Nations: Israel and the World* (London: Bantam, 1993).

The expansion of Jewish settlements on the West Bank proceeded apace, in flagrant violation of the spirit, if not the letter, of Oslo. The so-called peace process became a charade: all process and no peace. In fact, it was worse than a charade for it gave the Likud just the cover it needed to pursue the aggressive Zionist colonial project on the West Bank.

On Netanyahu's watch the Oslo peace process broke down. Why did it break down? There are two radically different answers to this question. Netanyahu maintains that the Oslo accords were doomed to failure from the start because they were incompatible with Israeli security and with the historic right of the Jewish people to the Whole Land of Israel. The other view is that, following the return of the Likud to power, Israel reneged on its side of the bargain. More specifically, the Oslo accords were killed by the relentless expansion of Jewish settlements in the occupied territories. Settlement expansion involved seizing more and more Palestinian land. Land-grabbing happened also under previous Labour governments but was significantly increased under the Likud.

XI. CAMP DAVID II

The Labour Party, under the leadership of Ehud Barak, won the elections of 17 May 1999 with a clear mandate to return to the Oslo path. Like Rabin, Barak was a soldier who later in life turned to peace-making. While donning civilian clothes, Barak remained essentially a soldier. Barak is what in Hebrew is known as a *bitkhonist*—a security-ist. As Prime Minister, no less than when he was army chief of staff, he had three priorities: security, security, and security. All developments in the region, including the peace process, were viewed by Barak from the narrow perspective of Israel's security needs and these needs were significantly inflated.

Barak saw relations with the Palestinians as a zero-sum game. It is only a slight exaggeration to say that Barak approached diplomacy as if it were the extension of war by other means. His modus operandi was not peace by compromise but peace by ultimatum. Barak famously described Israel as ‘a villa in the jungle’. Leaving aside the racist undercurrent, this clearly indicated the importance he attached to maintaining the separation between Israel and its neighbours.

From his first day in office, Barak pursued a policy of ‘Syria first’, of working for a breakthrough on the Syrian track. Syria was a major military power whereas the Palestinians were not. As a military threat to Israel they were, as Barak pointed out, completely negligible. By removing Syria from the conflict, Barak hoped to change the whole strategic landscape in the region and to leave the Palestinians even more weak and isolated and therefore more likely to accept whatever terms Israel eventually chose to offer them for the final settlement. The main reason for the failure of the Israeli-Syrian negotiations was Barak’s refusal to accept total Israeli withdrawal to the lines of 4 June 1967 on the Golan Heights. It was only after the talks with Syria failed that Barak turned, belatedly and reluctantly, to the Palestinian track. He did not do well on this track either.

On Barak’s watch Israel accelerated the pace of settlement on the West Bank. True, some settlement activity had gone on under all three previous Prime Ministers. But under Barak the building of settlements proceeded at a frenetic pace and in blatant disregard for the spirit of Oslo. More houses were constructed, more Arab land was confiscated, more access roads were built to isolated Jewish settlements. For the Palestinian population these settlements were not just a symbol of the hated occupation but a source of daily friction and a constant reminder of the danger to the territorial contiguity of their future state. Barak seemed intent on

repackaging rather than ending the occupation and on tightening Israel's control over the Palestinian territories.

Barak asked Bill Clinton to convene a summit with himself and Yasser Arafat. He thought that at a trilateral summit, he and the American president would be able to force Arafat to accept a settlement on Israel's terms. Bill Clinton, obliged by convening a summit at Camp David in Maryland in July 2000. Arafat warned Clinton that the positions of the two sides were too far apart and that if the summit failed, it would make things not better but worse. Clinton persuaded Arafat to go anyway by promising that if the summit failed, there would be no finger pointing.

At the summit Barak refused to meet face-to-face with Arafat to negotiate. Through his aides he sent successive offers, the last of which was for a demilitarised Palestinian state on the Gaza Strip and 90% of the West Bank. This offer did not meet two of Arafat's key demands: Palestinian sovereignty over the Muslim holy places in the Old City of Jerusalem and the right of return of the Palestinian refugees. There was a chance that Arafat would have given up one demand if the other was satisfied; there was no chance he would give up on both. The summit failed basically because the Israeli offer was not good enough. Yet, no sooner had the conference failed, when both Barak and Clinton pointed the finger of blame at Arafat.

On his return home, Barak propagated the myth of the 'generous offer' and the notion that there was no Palestinian partner for peace. The historical record showed that there was a serious Palestinian partner for peace but not on Barak's terms. This was most clearly demonstrated by the PLO's endorsement of the Oslo Accord. Nevertheless, virtually the whole Israeli nation, left, right, and centre, accepted Barak's explanation for the failure of the Camp David summit. The claim that there was no Palestinian partner for peace had far-reaching electoral consequences. It seriously damaged the peace camp in general and the Labour Party

in particular. For if there was no Palestinian partner for peace, why vote for a party that advocated negotiations and compromise? It made more sense to vote for a tough, uncompromising leader.

XII. THE CHAMPION OF VIOLENT SOLUTIONS

Ariel Sharon, the new leader of the Likud, fitted the bill. He was the champion of violent solutions. On 28 September 2000, he stage a much-publicised visit to al-Haram al-Sharif, the Noble Sanctuary, in the Old City of Jerusalem which the Jews call Temple Mount. Flanked by a thousand security men and in deliberate disregard for the sensitivity of the Muslim worshippers, Sharon walked into the sanctuary with what he claimed was a message of peace. The day after his visit, following Friday prayers, large-scale riots broke out around the Old City. Palestinians on Temple Mount threw rocks over the Western Wall at Jewish worshippers and Israeli policemen fired rubber-coated steel bullets, killing four Palestinian youths. In the days that followed, demonstrations erupted all over the West Bank and Gaza. This was the beginning of the second intifada which lasted until 2005 and claimed the lives of 1,100 Israelis and 4,907 Palestinians.

The return to violence helped the Likud to win the elections of 6 February 2001. During the 2001 election campaign, Sharon declared that the Oslo accords were null and void. Rejecting the notion that Oslo had been ‘the peace of the brave’, he dubbed it ‘the peace of the grave’. He drew up a list of ‘red lines’ that he vowed not to cross: no dismantling of settlements, no withdrawal from the Jordan Valley, no concessions on Jerusalem. The dominant narrative during Sharon’s premiership was the ‘war on terror’. Here he was in his element, making the fight against militant Palestinian groups such as Hamas and Islamic Jihad the top priority of his government.

After 9/11, the al-Qaeda attack on the twin towers, Sharon was the first world leader to jump on the bandwagon of the 'Global War on Terror'. His message to the neoconservatives in George W. Bush's administration was that they were on the same side: the Americans were fighting terror worldwide while he was fighting terror in his back yard. The Palestinian Authority, the embryonic government of the state-in-the-making, was according to him a terrorist entity. He therefore proposed to deal with it as one should deal with terrorists – with an iron fist. No peace negotiations took place between 2001 and 2006 and it was highly revealing that Sharon regarded this as something to be proud of. Because he disliked compromise, he also rejected all international peace plans aimed at a two-state solution.

The most important plan came from the Arab side. At its summit meeting in Beirut, on 28 March 2002, the Arab League unanimously adopted a Saudi plan that became known as the Arab Peace Initiative (API). This API offered Israel peace and normalization with all 22 members of the Arab League in return for agreeing to an independent Palestinian state on the West Bank and Gaza with a capital city in East Jerusalem. Sharon ignored the initiative and the following day he declared war on the Palestinians.

The defining moment of Sharon's premiership occurred on 29 March 2002. It was the first day of 'Operation Defensive Shield', launched in retaliation against a Hamas suicide attack in Natanya which killed 29 Israelis and wounded close to 150. The IDF was ordered to reoccupy the big Palestinian cities on the West Bank which the Oslo II agreement had placed under the control of the Palestinian Authority. In many ways the operation was a replay of Sharon's 1982 war in Lebanon: it was directed against the Palestinian people; it stemmed from the same unjustified equation of all Palestinians with terrorists; it was based on the same denial of Palestinian national rights; it employed the same strategy of brutal and

overwhelming military force; and it displayed the same disregard for public opinion, international law and UN resolutions. Sharon's real agenda was to put the clock back; to sweep away the remnants of Oslo; to cripple the Palestinian Authority; to inflict pain and misery on the Palestinians; to replace Yasser Arafat with a pliant, collaborationist leadership; and to extinguish all hope for a free Palestine. Sharon continued his 'war on terror' until the end of his life.

XIII. THE BARRIER IN THE WEST BANK AND DISENGAGEMENT FROM GAZA

Sharon was an ardent nationalist and a territorial expansionist who hoped to realise in his own lifetime the dream of Greater Israel. His ultimate aim was to redraw unilaterally Israel's borders, incorporating large swaths of occupied territory. Stage I was to build on the West Bank the so-called security barrier which the Palestinians call the apartheid wall. The wall is three times as long as the pre-1967 border and its primary purpose is actually land-grabbing. At some points the barrier deviates from the Green line to penetrate as much as 14 miles into the West Bank, a huge distance considering that the width of the West Bank ranges from 12.5 to 35 miles. Occasionally, the Israeli Supreme Court would rule in favour of Palestinian plaintiffs and order the re-routing of a section of the wall for which there was no obvious security reason but in most cases the IDF ignored the rulings.

Stage II in Sharon's grand strategy consisted of the unilateral disengagement from Gaza in August 2005. This involved the uprooting of 8,000 Jews and the dismantling of 22 settlements. Withdrawal from Gaza was presented to the world as a contribution to the Quartet's Road Map (discussed below), but it was not. It was not a prelude to a peace deal with the Palestinian Authority but a prelude to further expansion on the West Bank. It was a unilateral Israeli move undertaken in what was seen as an Israeli national interest. The withdrawal from Gaza was part of the determined right-wing Zionist effort to prevent any progress towards an independent Palestinian state and to consolidate Israel's grip over the

West Bank. In the year after the withdrawal, another 12,000 Israelis settled on the West Bank, further reducing the scope for an independent and territorially contiguous Palestinian state.

‘The Roadmap for Peace’ had been launched by the Quartet – America, Russia, the UN, and European Union – on 30 April 2003, just over a month after the invasion of Iraq. Before the invasion, Tony Blair and George W. Bush had promised that after disarming Iraq, they would address the situation in Israel-Palestine. The roadmap was the long-awaited plan for resolving the Israeli-Palestinian conflict. It envisaged three phases leading to an independent Palestinian state alongside Israel by the end of 2005. The Palestinian leaders embraced the Road map with great alacrity. The Israeli attitude towards the roadmap was very different. Likud’s ideology of a Greater Israel was simply incompatible with a genuine two-state solution. The expansion of settlements on the West Bank, the construction of the wall, and the destruction of the infrastructure of the Palestinian Authority were the three key elements in Likud’s strategy for undermining the two-state solution. Sharon had fourteen reservations and he had the temerity to tell the Americans that he would present the road map to his government for consideration only if all fourteen amendments were included in the text. The Americans yielded. What the government eventually approved was not the Quartet’s excellent road map but Sharon’s emasculated version of it.¹⁸ Another major international initiative to resolve the conflict was dead on arrival.

¹⁸ ‘Israel’s Response to the Roadmap’, Appendix 7 in Jimmy Carter, *Palestine: Peace Not Apartheid* (New York: Simon and Schuster, 2006), pp. 243-47.

XIV. EHUD OLMERT'S PEACE PLAN

Disagreements on foreign policy within his own party drove Sharon to quit the Likud in November 2005 and form a new centrist party, Kadima, which means Forward in Hebrew. In January 2006, Sharon went into a coma from which he never recovered. He was succeeded as party leader and Prime Minister by his deputy, Ehud Olmert. Like Sharon, Olmert was a life-long supporter of Greater Israel. Another element of continuity was the privileging of military force over diplomacy to achieve political objectives. Olmert only departed from Sharon's position by declaring publicly that the wall being built on the West Bank was not just a security measure but the marker of Israel's final border.

A police investigation of a series of corruption scandals led Olmert to announce, on 28 September 2008, his intention to resign—though he stayed on as a caretaker Prime Minister until May 2009. Olmert's main claim to be a peacemaker rested on an offer he made to Mahmoud Abbas, who was elected President of the State of Palestine and the Palestinian National Authority following Yasser Arafat's death in 2004. The meeting took place at Olmert's residence on 16 September 2008 – twelve days before he announced his resignation. After leaving office, Olmert made the offer public, claiming he had been willing to place the entire Old City under an international regime, divide Jerusalem, give the Palestinians 93.5 per cent of the West Bank with one-to-one swaps for the areas to be retained by Israel, and absorb 5,000 refugees inside the Green Line over a period of five years.

This was certainly a far-reaching proposal which addressed all the key permanent status issues. On Jerusalem and borders Olmert went well beyond what Ehud Barak had been prepared to offer. Yet Olmert's version of events in the last moments of 2008 is not entirely accurate. By his own account, Olmert demanded that Abbas meet him the very next day, together with map experts, in order to arrive

at a final formula for the border between Palestine and Israel. Abbas asked to take the map with him to show to his experts. Olmert declined, fearing the map would be used not for closure but as the starting point in future negotiations. Abbas was not prepared to be rushed by the 'caretaker' Prime Minister on a matter of such supreme importance and no meeting took place the following day. Olmert claimed that he never heard from Abbas again and that the most generous offer in Israel's history remained without a Palestinian answer. But Olmert and Abbas did negotiate subsequently, on more than one occasion. Far from ignoring the offer, the Palestinians requested clarifications which they did not receive. Palestinian doubts about Olmert's credibility were compounded by his deep unpopularity at home and his imminent political demise. He was a 'lame-duck' Prime Minister and his constitutional authority to sign the agreement he proposed was wide open to challenge.

Even without the added complications of internal Israeli rivalries, Olmert's peace initiative faced an uncertain future. On a number of critical issues the two sides remained far apart. The Palestinians were not told whether Olmert's percentages for the West Bank included or excluded the Jewish neighbourhoods of Jerusalem. Nor was there agreement on the West Bank settlements to be removed: Olmert, for example, insisted on keeping Ariel which extended nearly halfway across the West Bank and this was not acceptable to the Palestinians. Olmert stipulated that IDF forces remain in the future Palestinian state and this too was not acceptable to the Palestinians. Olmert offered to allow 5,000 refugees to return to Israel; Abbas wanted 150,000 to return over a period of ten years. So even if his hold on power had been much firmer, it is far from certain that Olmert could have reached an overall settlement.

XV. PALESTINIAN ELECTIONS AND HAMAS VICTORY

Mahmoud Abbas had serious domestic problems of his own following the decision by Hamas, the Islamic Resistance Movement, to enter the political process. In January 2006, free and fair elections were held in the West Bank and the Gaza Strip and Hamas unexpectedly won a decisive victory over Fatah. Fatah was the largest faction in the PLO and it became the dominant party in the post-Oslo Palestinian Authority with a majority in the Palestinian Legislative Council or parliament. Numerous international observers confirmed that the elections had been both peaceful and orderly. Hamas won a clear majority (74 out of 132 seats) in the Palestinian Legislative Council and it proceeded to form a government. Israel refused to recognise the new government; the United States and European Union followed its example. Israel resorted to economic warfare by withholding tax revenues while its western allies suspended direct aid to the Hamas-led Palestinian Authority.

With Saudi help the warring Palestinian factions managed to reconcile their differences. On 8 February 2007, Fatah and Hamas signed an agreement in Mecca to stop the clashes between their forces in Gaza and to form a government of national unity. They agreed to a system of power-sharing, with independents taking the key posts of foreign affairs, finance, and the interior. And they declared their readiness to negotiate a long-term ceasefire with Israel.

With external encouragement, Fatah began planning to stage a coup in order to recapture power. Hamas found out and pre-empted the Fatah coup with a violent seizure of power in Gaza in June 2007. At this point the Palestinian national movement became fractured, with Fatah ruling the West Bank and Hamas ruling the Gaza Strip. Israel responded to the Hamas move by declaring the Gaza Strip a 'hostile territory'. It also enacted a series of social, economic, and military measures designed to isolate and undermine Hamas. Most significant of these

measures was the imposition of a blockade. The purpose of the blockade was purportedly to stop the transfer of weapons and military equipment to Gaza, but it also restricted the flow of food, fuel, and medical supplies to the civilian population.

The Palestinians bear the ultimate responsibility for the fragmentation of their national movement. The differences between the pragmatic Fatah and the theocratic Hamas are not superficial. But Israel actively worked to deepen the cleavage by a policy of divide and rule. Had Israel's aim been genuine peace with the Palestinians, a strong and unified Palestinian leadership would have helped to achieve it. Israel's real aim, however, was to maintain its dominant position in the occupied territories and to this end it pursued a policy of playing off the Palestinian parties against one another. Additionally, Israel played a part in undermining Palestinian democracy which at that time was the only democracy in the Arab world with the possible exception of Lebanon. One consequence of Israel's actions was to delegitimize President Abbas, to weaken his authority, and to make him appear like a collaborator.

Three months after announcing his resignation, on 27 December 2008, Ehud Olmert presided over the launch of a war on the Gaza Strip. The name given to the war was 'Operation Cast Lead'. Its undeclared political objectives were to drive Hamas out of power, cow the people of Gaza into submission, and crush the Islamic resistance to the Israeli occupation. The idea was to make life for the inhabitants of Gaza so unbearable that they would revolt against their Hamas rulers. Israel was determined to destroy Hamas because it knew that its leadership, unlike that of Fatah, would stand firm in defence of the national rights of the Palestinian people and refuse to settle for an emasculated Palestinian entity on Israel's terms.

Israeli propaganda presented the Gaza war as an act of self-defence to protect its civilians against Hamas rocket attacks but in fact the rocket attacks had

effectively ended in June 2008 as a result of an Egyptian-brokered truce between Hamas and Israel. The IDF wrecked the truce by launching, on 4 November, a raid into Gaza and killing six Hamas fighters. Israel also failed to honour its obligation under the terms of the ceasefire to lift the blockade of Gaza. In December, Hamas offered to renew the truce on the basis of the original terms but Israel ignored the offer and launched an invasion.

Operation Cast Lead was not a war in the usual sense of the word but a one-sided massacre. For twenty-two days, the IDF shot, shelled, and bombed Hamas targets and at the same time rained death and destruction on the defenceless population of Gaza. In its main aim of driving Hamas out of power Operation Cast Lead was a complete failure. While the military capability of Hamas was weakened, its political standing was enhanced. Internationally, the main consequence of the Gaza War was to generate a powerful wave of popular sympathy and support for the long-suffering Palestinians. As always, Israel claimed to be the victim of Palestinian violence, but the sheer asymmetry of power between the two sides left little room for doubt as to who was the real victim. This was indeed a conflict between David and Goliath but the Biblical image was inverted – a small and defenceless Palestinian David faced a heavily armed, overbearing Israeli Goliath. While leaving the basic political problem unresolved, the war thus contributed to Israel's political isolation on the world stage. At home, however, Operation Cast Lead enjoyed the support of 90 per cent of the population who saw it as a necessary act of self-defence. This high level of popular support translated into a further shift to the right in the parliamentary election held the following month.

XVI. BLOCKING THE PATH TO A PALESTINIAN STATE

The Likud won the elections of 10 February 2009 and proceeded to form a right-wing government. Its election manifesto retained an explicit rejection of a Palestinian state. The new government was led by Benjamin Netanyahu, who had already demonstrated his nationalist credentials in his first term in office. Netanyahu and the majority of his ministers remained firmly wedded to the agenda of Greater Israel. In the worldview of Netanyahu, and that of his even more extreme religious-nationalist coalition partners, only Jews have historic rights over 'Judea and Samaria'. The main thrust of their policy was the expansion of Jewish settlements on the West Bank and the accelerated Judaization of East Jerusalem. They were determined that no progress should be made on any of the key issues in the Israeli-Palestinian conflict. Jerusalem, as always, lay at the heart of the dispute. By putting Jerusalem at the forefront of their expansionist agenda, ministers knowingly and deliberately blocked progress on any of the other 'permanent status' issues.

Only at the rhetorical level was there any discernible change and this was made only grudgingly in response to strong pressure from the Obama Administration in the United States, which came to power in January 2009. In a speech at Bar-Ilan University, on 14 June 2009, Netanyahu endorsed for the first time a 'demilitarized Palestinian state', provided that Jerusalem remained the undivided capital of Israel and provided the Palestinians recognized Israel as the nation state of the Jewish people and gave up the right of return of the 1948 refugees. He also claimed the right to 'natural growth' in the existing Jewish settlements on the West Bank while their permanent status was being negotiated.

Most observers, however, inside as well as outside the Likud, doubted that Netanyahu meant what he said. Senior Palestinian official, Saeb Erekat, said that the Bar-Ilan speech had 'closed the door to permanent status negotiations' due to

its declarations on Jerusalem, refugees and settlements. Most foreign leaders thought that Netanyahu's speech did not live up to what was agreed on by the international community as a starting point for achieving a just and lasting peace in the region.

By blocking the path to a Palestinian state, Netanyahu's government strained relations with the Obama administration and made a mockery of the American-sponsored peace process. In the early months of his first administration, Obama correctly identified settlement expansion as the main obstacle to a two-state solution. In his Cairo speech, on 4 June 2009, he made it clear that 'The United States does not accept the legitimacy of continued Israeli settlements'.¹⁹ During his first term in office, Obama had three confrontations with Netanyahu over the demand for a complete settlement freeze, but nothing came of it.

In response to pressure from the US, the Israeli government did announce, on 25 November 2009, a partial ten-month freeze on settlement construction. But by insisting on excluding East Jerusalem altogether and going forward with the 3,000 housing units already approved for the rest of the West Bank, the government turned the settlement freeze into little more than a cosmetic gesture. The announcement had no significant effect on actual housing and infrastructure construction in and around the settlements. In September 2010 Netanyahu agreed to enter direct talks, mediated by the Obama administration. But toward the end of the month the ten-month partial freeze expired, and the government approved new construction in the West Bank and East Jerusalem.

In an effort to persuade Netanyahu to extend the ten-month partial settlement freeze by sixty days, Obama offered a long-term security agreement, a

¹⁹ Remarks by President Barack Obama at Cairo University, 6 June 2009, *available at* <https://obamawhitehouse.archives.gov/the-press-office/remarks-president-cairo-university-6-04-09>.

squadron of F-35 fighter jets worth \$3 billion, and the use of the American veto on the UN Security Council to defeat any resolution that was not to Israel's liking. Secure in the knowledge that aid to Israel is determined not by the President but by Congressional appropriations and that Congress is overwhelmingly pro-Israeli, Netanyahu rejected Obama's offer.

XVII. THE KERRY ROUND OF PEACE TALKS

The Palestinians responded to Netanyahu's moves by suspending their participation in the peace talks and insisting on two conditions for returning to the conference table: a complete freeze on construction activity in the occupied territories, and the 4 June 1967 lines as the basis for negotiations.

The diplomatic deadlock persisted until July 2013, when John Kerry, who served as the US Secretary of State during Obama's second term, persuaded the two sides to restart talks with the goal of achieving a 'final status agreement' within nine months. Netanyahu categorically rejected the two basic Palestinian conditions, but he agreed to resume peace talks without any pre-conditions. In general, he considered peace talks to be an American interest, not an Israeli one. On the other hand, he did not wish to incur the opprobrium of being a peace refusnik. The Palestinians knew that the Israeli government was not serious about negotiations because it was unwilling to end the occupation or to acknowledge Palestinian national rights. They also feared that, as in the two decades after Oslo, Israel would exploit peace talks that go nowhere slowly in order to appease the international community, dig itself deeper into their land, and break it into isolated enclaves over which the Palestinian Authority would have no real power. Palestinian negotiators only agreed to join in the talks to avoid being cast as the unwilling party. In the first three months of the talks that Netanyahu instructed his negotiators to adopt hard-line positions while refusing to state his ultimate objective. His ultimate endgame remained Greater Israel.

John Kerry was an energetic and assiduous peacemaker. He was also a true friend of Israel. He tried to bring about an end to occupation not to punish Israel but as a way of enabling Israel to preserve both its Jewish and democratic character. In his first year as Secretary of State, Kerry made no less than ten trips to the region in a relentless effort to nudge the two parties closer to an agreement. Yet the peace talks he led with such conviction produced no positive results.

Kerry's sincere effort to save Israel from itself earned him nothing but ingratitude and abuse. Moshe Ya'alon, Israel's former Minister of Defence, told the mass-circulation *Yediot Aharonot* in January 2014: 'Secretary of State John Kerry – who comes here determined, who operates from an incomprehensible obsession and a sense of messianism – can't teach me anything about the conflict with the Palestinians'.²⁰ Ya'alon also dismissed Kerry's security plan for the Jordan Valley as 'not worth the paper it is printed on'. 'All that can "save us" is for John Kerry to win a Nobel Prize and leave us in peace', said Ya'alon.

Kerry for his part, in a major speech he gave in his last month in office, spoke with unprecedented clarity and harshness about the Israeli government and the Prime Minister whom he accused of thwarting peace in the Middle East by his settlement policy. The speech also gave public voice to the Obama administration's long-held concern that Israel was heading towards international isolation and was condemning itself to a future of low-level, perpetual warfare with the Palestinians.

²⁰ Avi Shlaim, 'Israel Needs to Learn Some Manners', *New York Times*, 30 January 2014.

XVIII. PALESTINIAN UNITY AND ISRAEL'S MILITARY ESCALATIONS IN GAZA

Diplomatic standstill was accompanied by the escalation of IDF military assaults on Gaza. In November 2012, the Israeli government ordered the extra-judicial assassination of Ahmed Jabari, the chief of Hamas's military wing in Gaza, while he was reviewing the terms of a proposal for a permanent truce from Israeli peace activist Gershon Baskin. The timing of the assassination suggests a deliberate attempt to pre-empt the threat of a diplomatic solution. At any rate, Israel broke the informal ceasefire to launch Operation Pillar of Defence in November 2012, its second major military operation against Gaza following disengagement. In eight days of intense aerial bombardment, 132 Palestinians were killed. The operation ended with a ceasefire brokered by Egypt. This specified that Israel and the Palestinian factions would stop all hostilities and that Israel would open the border crossings to allow the movement of people and the transfer of goods. During the three months that followed the ceasefire, only two mortar shells were fired from Gaza. The IDF, on the other hand, failed to end the closure, made regular incursions into Gaza, strafed Palestinian farmers working in their fields near the border, and fired at fishing boats inside Gaza's territorial waters.

Hamas for its part continued to abide by the ceasefire for another eighteen months. But in April 2014 it committed what Israel considered an unforgivable transgression: it reached a reconciliation agreement with Fatah and proceeded, on 2 June, to form a unity government with responsibility to govern the Gaza Strip as well as the West Bank. The unity government produced by the accord was in fact remarkably moderate both in its composition and in its policies. It was a government of Fatah officials, technocrats, and independents. To escape isolation and bankruptcy, Hamas handed over power to the Fatah-dominated, pro-Western Palestinian Authority in Ramallah. The unity government explicitly accepted the

three conditions of the Quartet for receiving Western aid: recognition of Israel; respect for past agreements; and renunciation of violence.

Nevertheless, Netanyahu immediately denounced the new government as a vote not for peace but for terror and threatened Palestinian President Mahmoud Abbas with a boycott. For Netanyahu any sign of Palestinian unity or moderation posed a threat to the existing order. Israel therefor responded with economic warfare. It prevented the 43,000 civil servants in Gaza from moving from the Hamas payroll to that of the Ramallah government and it tightened the siege around Gaza's borders thereby nullifying the two main benefits of the merger.

Israel followed up with a military assault on Gaza on 8 July 2014 that it portrayed as an act of self-defence in response to Hamas rockets launched against its civilian population. But these rocket attacks were themselves a response to a violent crackdown against Hamas supporters on the West Bank following the abduction and murder of three Israeli teenagers on 12 June 2014. Netanyahu stated that Hamas was responsible for the abduction and that Hamas would pay the price. He could produce no evidence, however, to support the charge because there was no evidence. The murder was committed by a lone cell without the knowledge of the Hamas leadership.

Operation Protective Edge was the third Israeli attack on Gaza in six years, the fiercest in the firepower it deployed, and the most devastating in its impact. The aerial and naval bombardment of the enclave was followed by a large-scale land invasion. The toll on the Palestinian side after 50 days of intermittent fighting was over 2,200 dead, mostly civilians, including 577 children. On the Israeli side the death toll was 67 soldiers and five civilians.

Behind Israel's ever-changing stated military objectives for the war lurked undeclared geopolitical aims. First and foremost was the desire to reverse the trend

towards Palestinian reconciliation and to undermine the unity government. This was in keeping with the policy of ‘divide and rule’ and of keeping the two branches of the Palestinian family geographically separate. Then there was the urge to punish the people of Gaza for electing Hamas and for continuing to support it in defiance of Israel’s repeated warnings. The overriding aim, however, was to defeat the struggle for Palestinian independence and to maintain the colonial status quo.

The late Israeli sociologist Baruch Kimmerling coined a word to describe this policy: ‘politicide’. Politicide is defined in a book with that title as ‘a process that has, as its ultimate goal, the dissolution of the Palestinians’ existence as a legitimate social, political, and economic entity’.²¹ Applied to this context, politicide means denying the Palestinians any independent political existence in Palestine. The idea is to make the Palestinians so vulnerable, divided, and exhausted by the struggle for physical survival that they would cease to constitute a coherent political community capable of asserting its right to sovereignty on even a fraction of historic Palestine.

It was not only rocket attacks that Israel does not tolerate but also peaceful protest. On 30 March 2018, a campaign of protest was launched by Palestinian activists in the Gaza Strip along the perimeter fence with Israel. It was called ‘The Great March of Return’. The protesters demanded the UN-sanctioned right of return of the 1948 Palestinian refugees and their descendants to their homes in present-day Israel and the lifting of the Israeli blockade of Gaza. Underlying the protest was a Palestinian shift away from violence towards non-violent forms of resistance. Israel’s response to the demonstrations, however, was swift and savage

²¹ Baruch Kimmerling, *Politicide: Ariel Sharon’s War against the Palestinians* (London: Verso Books, 2006), pp. 3-4.

and included the use of live ammunition against unarmed civilians, killing hundreds.

XIX. THE 'UNITY INTIFADA'

In May 2021 there was another major escalation of hostilities between Israel and Palestinian armed groups in Gaza. Israeli police provoked the crisis by raiding the Al Aqsa mosque in the Muslim Quarter of the Old City of Jerusalem on 6 May, manhandling worshippers, and firing rubber-tipped bullets and stun grenades at protesters. The attack came during the holy month of Ramadan when tensions often run high. Another cause for the unrest was a march by far-right-wing Israelis through the Muslim Quarter of the Old City on Jerusalem Day, an annual event to mark the capture of the city in June 1967. Hamas demanded that Israel remove its security forces from the Al Aqsa mosque compound by 10 May. Minutes after the deadline passed, it fired more than 150 rockets into Israel from Gaza. Israel retaliated by launching airstrikes into the Gaza Strip on the same day. The Israeli government continued to restrict access to the mosque and a popular plaza where young people like to congregate; it did nothing to deescalate the crisis. Eleven days of clashes left 227 Palestinians dead, including 64 children, and 1,000 injured, while 12 Israelis, including two children, were killed by rocket fire.

The catalyst for the flare-up of violence was recent efforts by Israel to evict Palestinian families from the Sheikh Jarrah neighbourhood in East Jerusalem. This became a rallying cry for the Palestinian protesters who saw it as ethnic cleansing. Evictions were accompanied by house demolitions. According to the UN Office for the Coordination of Humanitarian Affairs, 6,825 Palestinian owned structures were demolished because of a lack of permits over the course of the previous decade. As a result, 9,662 people, including thousands of children, were forcibly displaced. The threatened displacements in Sheikh Jarrah and other Jerusalem

neighbourhoods was not an anomaly, but part of a larger pattern of Palestinian dispossession.

One noteworthy feature of this crisis was the unusually high number of Palestinian citizens of Israel who protested in solidarity with Gaza following the airstrikes. The Palestinians of the West Bank, East Jerusalem, the Gaza Strip, and Israel itself appeared united in confronting the oppressor. It was this remarkable unity that lent to this round of violence the name of ‘the unity intifada’. Once again, the inter-communal, as opposed to the inter-state, aspect of the conflict came to the fore.

Taken together the five outbursts of violence, or mini-wars, in Gaza reflect a profoundly militaristic Israeli outlook and a colonial mindset. Israeli generals talk about their recurrent military incursions into Gaza as ‘mowing the lawn’. By this they mean weakening Hamas, degrading its military capability, and impairing its capacity to govern. This operative metaphor implies a task that has to be performed regularly and mechanically and with no end in sight. It also alludes to indiscriminate slaughter of civilians and inflicting the kind of damage on the civilian infrastructure that takes several years to repair. Under this rubric, there is no lasting political solution: the next war is always just a matter of time.

XX. THE ABRAHAM ACCORDS

At the inter-state level of the Arab-Israeli conflict Israel scored notable achievements. In the second half of 2020 four Arab states (the United Arab Emirates, Bahrain, Sudan, and Morocco) signed the so-called Abraham Accords, normalising relations with Israel. None of these states have a border with Israel and none of them is officially at war with Israel. Nevertheless, the accords were hailed as a historic turning point in the Arab-Israeli conflict. There is no question that the accords represented a major diplomatic victory for Netanyahu. For decades

Netanyahu has been arguing, against the conventional wisdom, that it would be possible to normalise relations with the Gulf states without the need to resolve the conflict with the Palestinians first. This is what he calls the outside-in approach: developing open diplomatic, economic, and strategic relations with the Gulf states in order to isolate and weaken the Palestinians and compel them to settle the conflict on Israel's terms.

Arguably, however, the Abraham Accords do not merit the grand epithet of 'historic' because they do not touch the root cause of the Arab-Israeli conflict. The Palestinian problem is the core and it has been the central issue in Arab politics since 1945. Until very recently, there was a broad consensus in the Arab world in favour of an independent Palestinian state alongside Israel as the price of peace with the Jewish state. This consensus found its most authoritative expression in the Arab Peace Initiative, adopted unanimously by the Arab League summit conference in Beirut in March 2002. As noted earlier, the API offered Israel peace and normalisation with all 22 members of the Arab League in return for agreeing to an independent Palestinian state on the West Bank and the Gaza Strip with a capital city in East Jerusalem. Israel rejected the offer at the time and has continued to ignore it ever since.

What all four Abraham Accords have in common is that they represent peace on Israel's terms; in other words, peace for peace rather than land for peace. Israel has not had to pay any price for normalisation with the four signatories of the Abraham Accords. Palestinians in the West Bank and the Gaza Strip remain under military occupation. The Palestinian response has been uniformly hostile, denouncing the deal as a betrayal of the Palestinian struggle for liberation and even as a stab in the back.

XXI. CONCLUSION

The beginning of wisdom for the international community is to acknowledge that it has failed to discharge its moral and legal obligations towards the Palestinian people and to learn from its mistakes. The first major mistake was the incorporation of the Balfour Declaration in the League of Nations Mandate for Palestine. This enabled the Zionist movement to embark on the gradual takeover of the country at the expense of the Palestinians. The second major mistake was the 1947 UN partition resolution which made war between Arabs and Jews inevitable. The circumstances surrounding the establishment of the the state of Israel and the 1948 Arab-Israeli war is the subject of an ongoing controversy between traditional Zionist historians and revisionist or ‘new historians’ of whom the present author is one. But there is no denying the fact that the establishment of Israel involved a monumental injustice to the Palestinian people.

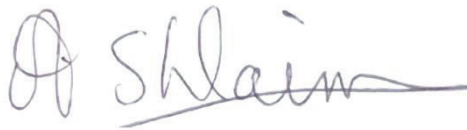
Zionism was not simply about creating an independent Jewish state in Palestine but about extending its borders as far as possible and reducing the number of Arabs within its borders. In 1917 the Jews owned two percent of the land; in 1947 they owned seven percent of the land; the UN allocated to the Jews 55 percent of mandatory Palestine; by the end of the 1948 war the Israelis had conquered 78 percent of the territory, and by the end of the June 1967 war they had effective control of 100 percent of mandatory Palestine. Initially, Israel claimed that the occupation was temporary, pending a political settlement of the conflict. But its own diplomatic intransigence frustrated the international quest for a settlement. In the meantime, Israel kept expanding its illegal colonies on occupied Palestinian territory. It withdrew unilaterally from Gaza in 2005 but it continued to consolidate and to deepen its colonial project on the West Bank. Today there are around 670,000 Jewish settlers on the West Bank. From today’s perspective it is therefore fair to say that Israel is addicted to occupation.

There is the broadest international consensus behind the idea of a two-state solution to the Israeli-Palestinian conflict. Once upon a time this was a viable option but Israel has killed it by blockading Gaza, denying access between Gaza and the West Bank, and planting civilian settlements and military bases across the length and breadth of the West Bank. It has become fashionable to say that the two-state solution is dead because of the settlements. The present author would argue that the two-state solution was never born because no Israeli government has ever offered a settlement based on the 1967 lines. Yet in some corners of the international community, the two-state solution continues to serve as a convenient slogan long after it has ceased to be a serious policy option.

The international community therefore urgently needs to develop a new understanding of the situation in Israel-Palestine. It needs a new narrative for addressing the relations between Israel and the Palestinians, one based on the real facts of this tragic situation, international law, the norms of civilized international behaviour, and common human decency. It also needs to hold Israel to account for its illegal practices, excessive use of military force, ethnic cleansing, and war crimes. The UN has passed countless resolutions critical of Israel's actions but these resolutions have had no discernible effect. The conclusion to be drawn from this record is clear: as long as there is no price to pay, Israel will continue to act with impunity.

The basic problem here is Zionist settler colonialism so the solution must involve an end to the occupation and restoring to the Palestinian people their natural right to national self-determination. To say that Israel is guilty of the international crime of Apartheid, as many major human rights organisations have done in their reports in recent years, may be accurate but not enough. The current Israeli

Apartheid regime can only be properly understood in the historical context of Zionist settler-colonialism.²²

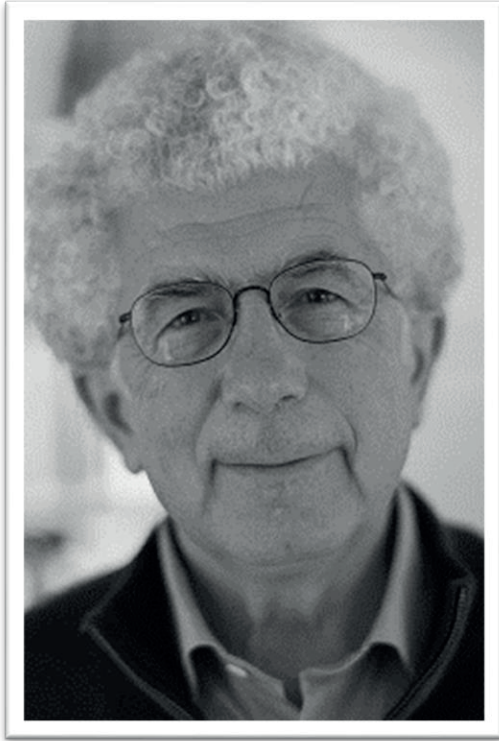
A handwritten signature in black ink that reads "A Shlaim". The signature is written in a cursive style with a long horizontal stroke at the end.

Professor Avi Shlaim

20 July, 2023

²² If the UN wishes to educate itself on the subject and explore genuine pathways to peace, there is no better place to start than by reading the reports of Francesca Albanese, the current ‘UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied Since 1967’.

BIOGRAPHY OF PROFESSOR AVI SHLAIM



Professor Avi Shlaim is Emeritus Fellow of St Antony's College and an Emeritus Professor in International Relations at the University of Oxford. Born in Baghdad in 1945 to a Jewish family, he went to school in Israel and served in the Israel Defence Forces, 1964-66. He received three degrees from British universities, and has been a university teacher in the UK since 1970. He was elected Fellow of the British Academy in 2006 and was awarded a British Academy Medal for Lifetime Achievement in 2017. He has dual nationality, British and Israeli.

His academic expertise is on the international relations of the Middle East and his main research interest is the Arab-Israeli conflict. His books on the Middle East include *Collusion across the Jordan: King Abdullah, the Zionist Movement, and the Partition of Palestine* (1988); *War and Peace in the Middle East: A Concise History* (1995); *Lion of Jordan: The Life of King Hussein in War and Peace* (2007), and *Israel and Palestine: Reappraisals, Revisions, Refutations* (2009). The updated edition of *The Iron Wall: Israel and the Arab World* was published by Penguin Books in 2014 and is 900 pages long. He has published numerous scholarly articles and countless newspaper articles.