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**The creation of a Palestinian state composing the West Bank and Gaza
as an option for peace in Israel and the occupied territories**

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‘All government – indeed, every human benefit and enjoyment, every virtue and every prudent act – is founded on compromise.’

- Edmund Burke (1729-1797)
British statesman, parliamentary orator
and political thinker.

TABLE OF CONTENTS

INTRODUCTION.....	4
1. STEPS TOWARD A PALESTINIAN STATE.....	4
1.1 Jerusalem.....	5
1.2 Land and borders.....	5
1.3 Israeli presence and settlements.....	6
1.4 Right of return.....	7
2. VIABILITY OF THE PROCESS.....	8
2.1 An active role for Israel.....	8
2.2 Occupation and Israeli settlements.....	10
2.3 Right of return: a threat.....	11
2.4 Capital of two states.....	12
CONCLUSION.....	13
BIBLIOGRAPHY.....	16

INTRODUCTION

The conflict between Israelis and Palestinians is a very complex one. In fact, almost everybody, including authors, scholars and politicians, has his own personal opinion. That complexity rises from the fact that it is a multidimensional conflict, involving ideological, ethnical, religious, geographical, historical, political, and economic dimensions. Basically, the conflict opposes Zionist Israelis occupying territories and Palestinians demanding a state for themselves. But the Israelis cannot simply eliminate the



Palestinians and the Palestinians cannot get rid of the Israelis. From that assumption emerges the conclusion that compromise would have to be made in order to have peace in the region.

Now, would that compromise consist of the creation of a Palestinian state composing the West Bank and Gaza? This paper will humbly attempt to examine if the creation of such a state would be a viable option to bring peace in Israel and the occupied territories. To do so, we will look at what the creation of a Palestinian state would imply or require and if it could be acceptable for the belligerents and therefore constitute a viable option to establish peace.

1. STEPS TOWARD A PALESTINIAN STATE

This first section is intended to present various ideas, options or steps aimed at creating a Palestinian state composing the West Bank and Gaza. An agreement which would meet Israel's minimum security needs and Palestinians' minimum political ones would

undoubtedly have to address a number of issues and principally the questions of the city of Jerusalem, the land and borders, the Israeli presence and settlements, and the right of return.

1.1 Jerusalem

The eastern part of Jerusalem is today under Israeli occupation. Its historical, religious and strategic importance would call for 'either joint sovereignty over the whole city, or redivision of the city along the old lines, possibly with special international status for the Old City'.¹ Jerusalem would then become 'an open and undivided city, and the capital of both the Israeli and the Palestinian state, with freedom of access and worship to all.'² Such option is supported by, among others, the World Council of Churches, which believes that Jerusalem is home to two people, Israelis and Palestinians and is central to three faiths, Christian, Jewish and Muslim and that, consequently, 'Jerusalem must remain an open and inclusive city [and] be a shared city in terms of sovereignty and citizenship.'³ Or it could also, as suggested by Soviet leader Leonid Brezhnev, 'be returned to the Arabs and become an inseparable part of the Palestinian state.'⁴

1.2 Land and borders

The borders of what would constitute Palestine would be the existing borders of the West Bank and of the Gaza Strip. However, some flexibility would be needed, since it appears

¹ David McDowall, *Palestine and Israel: The Uprising and Beyond*, London, I.B. Tauris & Co., 1990, p. 252.

² Suzanne Goldenberg, 'Clinton' s plan to get peace train rolling' *The Guardian*, [Online], <http://www.guardian.co.uk/israel/Story/0,2763,419655,00.html> (Page visited on 28 November 2001). See also Naomi Chazan, 'The Israeli-Palestinian Crisis: Is Peace Possible', *Foundation for Middle East Peace*, [Online], http://www.fmep.org/analysis/chazan_briefing7-13-01.html (Page visited on 28 November 2001).

³ Christian Aid, 'Christian Aid welcomes PM's Palestinian statement', *Christian Aid*, [Online], <http://www.christian-aid.org.uk/news/media/pressrel/011016p2.htm> (Page visited on 28 November 2001).

⁴ The Brezhnev Peace Plan, 15 September, 1982, cited in Yehuda Lukacs (ed.), *The Israeli-Palestinian Conflict: A Documentary Record*, Cambridge, Cambridge University Press, 1992, p. 20.

obvious that, in the context of the creation of a Palestinian state, the Gaza Strip would rapidly become overpopulated and would therefore require more territory, perhaps south of the Gaza Strip to allow for essential population expansion. 'This is land which has relatively low population density and could be ceded with less cost than any other part of Israel once designated for the Arab state.'⁵ Also, land occupied by Israeli settlements and which it would be unrealistic to hand over to the Palestinians would have to be compensated by some Israel's territory adjacent to the West Bank or the Gaza area.

1.3 Israeli presence and settlements

Ideally, Israeli settlers would be removed from East Jerusalem as well as elsewhere since 'all are deemed illegal by the world community and would be a cause of recurrent friction.'⁶ Presenting his plan for peace in the Middle East, US President William Clinton stated that 'Palestine to be viable must be a geographically contiguous state [implying that Israel would] withdraw entirely from the Gaza Strip, dismantling the Jewish settlements that occupy 40 per cent of the coastline. [It would also have] to hand over 'the vast majority' of the West Bank – perhaps as much as 95 per cent – but the bigger settlement blocks [would] be incorporated into Israel.'⁷ As previously stated, these settlement blocks on Palestinian soil which could not be realistically handed over by Israel would be compensated by Israeli parts of its territory.

Needless to say, the issue of Israeli presence would not only concern the settlement of civilians on Palestinian soil but also the strong Israeli military presence. Therefore, a process of demilitarization should take place and could be replaced, for a time, by an international

⁵ David McDowall, *supra* note 1, p. 252.

⁶ *Id.*, p. 252.

⁷ Suzanne Goldenberg, *supra* note 2. See also Naomi Chazan, *supra* note 2.

surveillance force.⁸ In fact, such demilitarization has been on the list of preconditions for the creation of a Palestinian state since the beginning, the Security Council having stated, in 1967, that ‘the establishment of a just and lasting peace in the Middle East [required the withdrawal] of Israel armed forces from territories occupied in the recent conflict.’⁹ It has also been seen as a prerequisite by numerous members of the international community such as the Soviet Union.¹⁰

1.4 Right of return

The right of return consists of allowing Palestinian refugees and other Palestinians presently living outside Israel to ‘come back home’. It is indeed often argued that the Palestinian refugees ‘must be granted the possibility envisaged by the UN decisions to return to their homes or get appropriate compensation for the property left by them.’¹¹ Others claim that although refugees could return to Palestine, ‘they [would] not have the right to return to the homes they were driven from in Israel.’¹² Finally, some are in favour of the recognition of the Palestinian refugees’ right of return but suggest that the implementation of such right be suspended for a while.¹³

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⁸ David McDowall, *supra* note 1, p. 252.

⁹ UN Security Council Resolution 242 Concerning Principles for a Just and Lasting Peace in the Middle East, 22 November, 1967, cited in Yehuda Lukacs, *supra* note 4, p. 1.

¹⁰ ‘A just settlement and the establishment of durable peace in the Middle East requires that Israel should end its occupation of all the Arab lands it seized in 1967 [...]’; Statement on the Problem in the Middle East, Soviet Minister Gromyko at the UN General Assembly, 25 September, 1979, cited in Yehuda Lukacs, *supra* note 4, p. 17.

¹¹ The Brezhnev Peace Plan, 15 September, 1982, cited in Yehuda Lukacs, *supra* note 4, p. 20.

¹² Suzanne Goldenberg, *supra* note 2.

¹³ Naomi Chazan, *supra* note 2.

2. VIABILITY OF THE PROCESS

This second section is aimed at discussing whether the ideas, options and steps presented in the first section could viably lead to the creation of a Palestinian state. Because of the complexity of the Israeli-Palestinian conflict and the humility of the objective of this essay, the discussion in the second section will rather present more general and contextual factors which can influence the viability of a Palestinian state, instead of addressing separately each issue presented in the first section.

2.1 An active role for Israel

In the process of creation of a Palestinian state, Israel would have to play an active role. In fact, its co-operation would be essential to the success of such creation. In fact, a 'truly just and really lasting settlement can be drawn up and implemented only through collective efforts with the participation of all sides concerned, including, certainly, PLO [the Palestine Liberation Organization] – the sole legitimate representative of the Arab people in Palestine.'¹⁴ In the first place, Israel would have to settle peace with other Arab states in order to make the creation of Palestine possible because Israel's security is a prime issue in the process. Therefore, if Israel is threatened by enemy states in the region, it will unlikely be ready to undergo major internal reorganization such as the creation of a new state. Given such assumption, it is ironic that 'so many Palestinians seeking their own state continue to impair that prospect by calling upon Arab countries (most recently, of course, Iraq) to fire missiles at Israel. To move expeditiously toward creation of Palestine, these Arab populations in West

¹⁴ The Brezhnev Peace Plan, 15 September, 1982, cited in Yehuda Lukacs, *supra* note 4, p. 20.

Bank and Gaza would instead be well advised to do everything possible to enhance Israel's security from existing enemy states.'¹⁵

But the most important participation from the Israelis would be their collaboration in the withdrawal of Israeli forces. Indeed, Israelis have to participate since '[t]here can't be an end of occupation without the substantial engagement in that anti-occupation movement of Israelis.'¹⁶ It would mean that the people of Israel and its leaders would accept and participate in the process of leaving Palestine to leave it for the Palestinians. Would that be possible?

A poll dated 23 November 2001 shows that '[t]he majority of Israelis support the creation of a Palestinian state [...]. The poll in the Maariv newspaper showed that 59 per cent of Israelis support creation [*sic*] of a Palestinian state, with just 36 per cent opposed. 73 per cent of the 544 Israeli adults questioned said they believed that a Palestinian state would emerge, regardless of their views.'¹⁷ Such results lead us to think that collaboration in putting an end to military and civilian 'occupation' of Palestine would be possible. In fact, 'the mass majority of Israelis, including Likud voters really believe that they want peace.'¹⁸ However, that willingness still has to reach the leadership of the country.

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¹⁵ Louis René Beres, 'The Question of Palestine and Israel's Nuclear Strategy', *Political Quarterly*, vol. 64, no. 4, October-December 1991, p. 460.

¹⁶ Mouin Rabbani and Bertus Hendriks, 'The Need for New Thinking in the *Intifada*', *Middle East International*, 29 June 2001, p. 26. See also New York Times journalist Thomas Friedman in Michael Palumbo, *Imperial Israel: The History of the Occupation of the West Bank and Gaza*, London, Bloomsbury, 1990, p. 286: 'the state would be completely demilitarized and Israel itself would control all the mechanism of demilitarization.'

¹⁷ The Guardian, 'Poll shows most Israelis support Palestinian state', *The Guardian*, [Online], <http://www.guardian.co.uk/israel/Story/0,2763,604632,00.html> (Page visited on 28 November 2001).

¹⁸ Naomi Chazan, *supra* note 2.

2.2 Occupation and Israeli settlements

Even if we try to stay impartial, it appears clearly that, in Gaza, 'the Israelis had no religious motivation for occupation. The territory had never been the Biblical land of the Jews. Unlike the West Bank, Gaza represented neither a national aspiration nor a political objective. Jews did settle there, but in small numbers and, initially at least, for defence purposes.'¹⁹ Therefore, the legitimacy of Israeli occupation in Gaza is harder to plead but it also means that the end of the occupation in that region should be awarded the appropriate weight in the balance of the peace negotiations.

The presence of Israeli settlements in the West Bank and the Gaza Strip is indeed a controversial issue which involves several factors and dimensions and also influence other aspects of the Israeli-Palestinian conflict. It is also worthy to note that according to international resolutions, Israelis settlements are illegal and Israeli settlers have no right to live in the occupied areas. Despite that fact, 'the number of settlers increased by 80 per cent between 1993 and 2000. [...] Over 750,000 Palestinians were expelled from their land, with the creation of the state of Israel in 1948. Today [December 2000] these refugees number over 3.8 million persons living in Lebanon, Syria, Jordan, and other countries [...]. The Oslo process did not talk about their fundamental right to return, restitution and compensation. Yet these are rights guaranteed by the UN resolution 194. Without a just and fair solution to the Palestinian refugees there can be not sustainable or viable peace in the area.'²⁰ We can there see how factors of the conflict are closely linked.

¹⁹ David Smith, *Prisoners of God: The Modern-day Conflict of Arab and Jew*, London, Quartet, 1987, p. 133.

²⁰ Leila Farsakh, 'Chomsky Lecture on Middle East Crises', *MIT Media Laboratory*, [Online], http://www.media.mit.edu/~nitin/mideast/leila_chomsky.html (Page visited on 28 November 2001).

Although a majority of Israelis is said to want peace, the question of the Jewish settlements is unlikely to be resolved easily. Obviously, the Israeli settlers could be accommodated in a Palestinian state but 'the extreme militancy of the settlers and their determination to increase their numbers clearly indicated that no reconciliation seemed possible between the settlers and the indigenous population of the occupied territories.'²¹

That 'militancy' and that 'determination' of the Israeli settlers can easily be understood. Indeed, not only would they be moved out of their homes but such move would send the message that the West Bank and Gaza are 'emptied' to allow the return of Palestinians established in Israel or in the neighbour states of Syria, Jordan and Lebanon. And since 3.8 million Arabs could then return home, the survival of the Israeli people itself would be threaten. Indeed, since only 4.78 million Jews live in Israel and since more than three million Palestinians already live in the West Bank and Gaza, Israelis would rapidly become a minority in the region.²²

2.3 Right of return: a threat

There again, the question of the right of return is linked to another one: the economic viability of a Palestinian state. The reason is that with a maximum of approximately 3.8 million of Palestinians coming back home to get together with the three million Palestinians already living on the Palestinian soil, the supply or manpower will clearly exceed the demand. Even by considering conservative figures, the Palestinian state is very likely to suffer from an

²¹ Michael Palumbo, *supra* note 16, p. 290.

²² Alain Gresh, *et al.*, 'L' enjeu démographique', *Le Monde diplomatique*, [Online], <http://www.monde-diplomatique.fr/cahier/proche-orient/israel-demogra> (Page visited on 28 November 2001). It is also interesting to compare the population growth rate which is three to four times greater than the rate in the Jewish population. Every Palestinian woman in the West Bank has an average of six children (4.2 for those living outside the West Bank) while every Jewish woman had an average of 2.6 children.

economic crisis at its very beginning with a high rate of unemployment and an expensive social net for the state to provide – if any. Although we could adopt the optimistic view of Professor Walid Khalidi and assume that the state could count on the high-level Palestinian manpower to greatly develop light industries and tourism,²³ the reality is more likely to be more difficult for the Palestinians, at least in the early years of the creation of the state. In fact, the Gaza Strip is already overpopulated and lack the resource to ensure its autonomy or, moreover, its role in today's global economy.²⁴

2.4 Capital of two states

Also, the issue of the city of Jerusalem remains ‘a considerable stumbling block to a two-state solution.’²⁵ But the idea of ‘an open and undivided city [being] the capital of both the Israeli and the Palestinian state, with freedom of access and worship to all’²⁶ is probably a viable option, a good compromise. In that case, the success of such compromise would rest solely on its practical implementation. That issue could in itself be the subject of an entire essay but for our discussion, the option of a ‘joint’ capital is considered as a possible and acceptable one.

In other words, a major shift in Israelis’ mentality and a great deal of compromises between Israel and the Palestinian Authority are necessary to make all these changes possible and viable. As reported by the Center for Security Policy:

President Bush is entirely correct to say that ‘The idea of a Palestinian state has always been part of a vision, so long as the right [for] Israel to exist is respected.’ That vision was itself, part of a larger vision of what Shimon Peres has dubbed a ‘new Middle East.’ According to this conception, Israel would be fully integrated into economic and political relations with its former enemies,

²³ Walid Khalidi, ‘Thinking the Unthinkable: A Sovereign Palestinian State’, *Foreign Affairs*, vol. 56, no 5, July 1978, p. 710.

²⁴ ‘Gaza, bande de’, *Encyclopédie Microsoft Encarta 98*, [CD-ROM], Redmond, Microsoft Corporation, 1997.

²⁵ Michael Palumbo, *supra* note 16, p. 285.

²⁶ Suzanne Goldenberg, *supra* note 2. See also Naomi Chazan, *supra* note 2.

an engine for not only her own prosperity but theirs. [...] While it is true that this vision has been unalterably embraced by people like Shimon Peres, it has not been explicitly and formally adopted by the U.S. government - at least not under George W. Bush. And that is, presumably, because the current Bush Administration has heretofore appreciated that there is one major problem with such a vision: It has no relationship to reality, either today' s or any that is in prospect.²⁷

CONCLUSION

Putting a conclusion to such a discussion is not an easy task, especially with the ongoing events in Israel at this very moment. Israel's security is on the frontline and tensions are increasing. But, as far as the security of Israel is concerned, Israelis are right in pointing out that it is actually 'an obligation that [Palestinian Authority's leader Yasser] Arafat has accepted. What they do not add is that [Israel's prime minister Ariel] Sharon policy of assassinating Palestinian militants, invading Palestinian towns and blowing up police stations has made the obligation unfulfillable.'²⁸ Sharon's objective of undermining Arafat's power will not work the way it did when Israel isolated Egypt in order to weaken the Arab world. His goals 'are ironically quite similar to those of Hamas and the Islamic Jihad. By keeping the conflict hot, both Israeli and Palestinian hard-liners are removing any possibility of a negotiated settlement, which Arafat has advocated for a decade. Both sides think they can eventually control all of Israel, but they first need to remove the Palestinian Authority.'²⁹ Such contradiction between the willingness of reaching an agreement and the ambition for control over territory is more likely to make the Isareli-Palestinian conflict persist – if not worsen.

²⁷ Center for Security Policy, 'Why a Palestinian State?', *NewsMax.com*, [Online], <http://www.newsmax.com/archives/articles/2001/10/2/211237.shtml> (Page visited on 28 November 2001).

²⁸ 'Adieu, Arafat?', *The Economist*, vol. 362, no 8251, 8-14 December 2001, p. 11.

²⁹ Stratfor, 'Israelis, Islamists Both Gunning for Arafat', *Stratfor Free Intelligence Briefing*, [Online], <http://www.stratfor.com/home/giu/archive/120601.htm> (Page visited on 8 December 2001).

But in conclusion, the reconciliation of Israelis with the Palestinians would require the creation of a 'viable Palestinian state [...] equitably resolving the problems of Jerusalem, Palestinian refugees, and Jewish settlements.'³⁰ These issues are the most difficult and deep divergences still keep the parties away from an agreement. Progress was made, especially during the Taba conference in January 2001 but the election of Sharon is unlikely to let us hope for a rapid solution of the conflict.³¹

It is somehow contradictory because the majority of the Israelis want peace and 73 per cent of the Israelis believe that a Palestinian state would emerge anyway.³² Moreover, '[t]he sooner Israel secures a political settlement from the Palestinians, the more advantageous it is likely to be. With the progressive growth in Palestinian awareness of their political power both sides of the Armistice Line, the less advantageous will be the terms Israel can hope for. Speed of peace, like speed of war in the past, is emphatically in Israel's interest.'³³ In other words, the creation of a Palestinian state would, in theory, be advantageous for Israel: 'the creation of a democratic, viable and peaceful sovereign Palestinian state [...] would be the best guarantee of Israel' s security and Israel' s acceptance as an equal partner in the region'³⁴ In fact, '[t]he creation of the Palestinian State would improve relations [between Israel and] its Arab neighbours. Relations would also be improved if dependence on US aid could be reduced, allowing Israel to be seen less as a US puppet and more as a country in its own right.'³⁵

³⁰ Moshe Ma'oz, 'From Conflict to Peace: Israel's Relations With Syria and the Palestinians', *Middle East Journal*, vol. 53, no. 8, p. 416.

³¹ Alain Gresh, *et al.*, 'Un cahier spécial sur le Proche-Orient', *Le Monde diplomatique*, [Online], <http://www.monde-diplomatique.fr/cahier/proche-orient/> (Page visited on 28 November 2001).

³² The Guardian, *supra* note 17.

³³ David McDowall, *supra* note 1, p. 254.

³⁴ Excerpt from the declaration of the European leaders in the Berlin Declaration of March 1999; Christian Aid, *supra* note 3.

³⁵ New Internationalist, 'States of Peace', *New Internationalist*, [Online], <http://www.oneworld.org/ni/issue199/states.htm> (Page visited on 28 November 2001).

But given all the factors discussed above and given the current situation in Israel and in the occupied territory, the only conclusion possible is that the creation of a Palestinian state is not a viable option for peace in the Middle East. To 'make it work', Palestinians would have to agree not to grant all the Palestinians living abroad the right of return – or at least not completely – and Israelis would have to be ready to give up land and autonomy to a somehow hostile neighbour. This will not happen, at least not in a near future.

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³⁶ Naomi Chazan is Deputy Speaker of the Knesset – the Israeli Parliament – and serves on the Foreign Affairs and Defence Committee (concentrating on issues related to the peace process and Israel' s foreign relations), on the Economics Committee and the Committee on the Status of Women.

³⁷ Massachusetts Institute of Technology (MIT) Professor Noam Chomsky is a world-renowned linguist, scholar and political analyst.

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³⁸ Stratfor is a private intelligence company that provides consulting for businesses needing strategic analyses and forecasting of international events.