



## Without external pressure on Israel, a Palestinian state is unattainable

“The continuing Israeli military occupation of the Palestinian territories is at the heart of the unresolved Arab-Israeli conflict. The issues which have been critical for Israel for most of its history – the existence of the state of Israel and its right to live in peace and security – have for many years been accepted in principle by most Arab and Palestinian opinion. It is the continuing occupation, and the creation and growth of illegal settlements on the occupied lands, which are now the major obstacles to peace.”

“I consider it an urgent priority objective, both for Ireland and the EU, to help achieve the end of the occupation and the establishment of a sovereign Palestinian state, living in peace alongside Israel. This has been the consistent view of Irish Governments since 1980. It is long overdue, and it remains my view that there should be a state of Palestine, and very soon.” [\[1\]](#)

Those were the words of the Minister of Foreign Affairs & Trade, Eamon Gilmore, in Dáil Éireann on 13 July 2011. As an analysis of the problem that besets Israel/Palestine, and as a prescription for an ultimate settlement, that cannot be faulted.

The 64,000 dollar question is: how can these obstacles to peace identified by the Minister – the continuing Israeli occupation, and the creation and growth of illegal settlements on the occupied lands – be removed, so that a sovereign Palestinian state can come into being?

### An historic compromise of extraordinary generosity

It is now nearly a quarter of a century since in November 1988 the Palestine Liberation Organisation (PLO) declared the establishment of a Palestinian state in the 1967 borders, that is, in the West Bank, including East Jerusalem, and Gaza – the Palestinian territories that have been under Israeli military occupation since 1967 [\[2\]](#).

Prior to this declaration, the Palestinian objective had been to create a single, secular, democratic state in the whole of mandate Palestine. With this declaration, Palestinians accepted the objective of a state on just 22% of their historic homeland, with Israel continuing to exist in the other 78%.

This was an historic compromise of extraordinary generosity on the part of Palestinians, which opened the way for a “two-state solution”. But, it has not been achieved because Israel has refused to withdraw to the 1967 borders so that a Palestinian state can come into being. The extraordinary Palestinian generosity has not been reciprocated by Israel.

Instead, since 1988, Israel has worked ceaselessly to consolidate its control over the West Bank, including East Jerusalem, and in the process has made life for many Palestinians living there unbearable.

In particular, Israeli colonisation has accelerated dramatically. In 1988, around 190,000 Jewish settlers lived there. Today, there are more than 500,000.

This colonisation is all contrary to international law, specifically, Article 49(6) of the 4<sup>th</sup> Geneva Convention, which states that an occupying power “shall not deport or transfer parts of its own civilian population into the territory it occupies” [\[3\]](#).

The Israeli Human Rights organization B’Tselem reported in July 2010:

“Some half a million Israelis are now living over the Green Line [the 1967 border]: more than 300,000 in 121 settlements and about one hundred outposts, which control 42 percent of the land area of the West Bank, and the rest in twelve neighborhoods that Israel established on land it annexed to the Jerusalem Municipality.” (*By Hook and by Crook: Israeli Settlement Policy in the West Bank* [\[4\]](#))

The construction of settlement-related infrastructure, such as the network of settler bypass roads and tunnels, and the Wall that snakes in and out of the West Bank, serve both to strengthen links between Israel and its settlements in the occupied territories and to disrupt or destroy the ability of Palestinians to travel between their communities or to reach their schools, hospitals and arable land.

These are not the actions of a state that intends to withdraw from the occupied territories in the near future and allow a Palestinian state to come into existence.

### **Palestinians cannot overcome these obstacles on their own**

It is entirely within Israel’s power to halt settlement building and end the occupation, the obstacles to a peace identified by the Minister. But it is difficult to believe that it is going to do so voluntarily. No Israeli government has even been prepared to halt settlement building temporarily while negotiations with Palestinians proceed.

It is impossible for Palestinians to overcome these obstacles on their own through direct negotiations with Israel. They are an occupied people living under Israeli military rule. They are powerless to prevent Israel expanding settlements indefinitely, let alone to bring an end to Israeli military rule.

Unless the international community weighs in on the side of Palestinians, far from the obstacles to peace being removed, they will continue to grow – and the possibility of a peaceful settlement will remain a distant dream.

### **Israel regards the West Bank as “disputed” territory**

It is important to understand that, alone in this world, Israel does not accept that the West Bank is occupied territory from which it is obliged under international law to withdraw completely. It regards the West Bank as “disputed” territory to which it has at least as much right as the Palestinians who live there (and it regards East Jerusalem as Israeli territory, from which withdrawal is inconceivable). This mindset is the driving force behind Israeli actions in the West Bank.

(Significant numbers of Israelis, including members of the present Israeli government, go further and believe that the West Bank – aka Judea and Samaria – was granted to the Jewish people in perpetuity by God, and not an inch of it should ever be given up.)

Since the 4th Geneva Convention only applies to occupied territory, as far as Israel is concerned, settlement building in the West Bank is not in breach of the Convention and not illegal under international law – and therefore Israel has a perfect right to build as many settlements as it likes anywhere it likes in the West Bank, including East Jerusalem.

Also, as far as Israel is concerned, while negotiations with Palestinians about the “disputed” territory may be considered if it is in Israel’s interest to do so, the starting point for negotiations cannot be the 1967 border – since this would imply that the whole of the West Bank, including East Jerusalem, is Palestinian territory, all of which must be “given up” by Israel, unless Palestinians agree to small portions of it being exchanged for land to the west of the 1967 border.

Israeli leaders rarely spell out explicitly the message that the West Bank is “disputed” territory. However, in August 2011, Deputy Foreign Minister, Danny Ayalon, did so in a YouTube video, entitled *The Truth about the West Bank* [5]. There, a minister in the present government asserts without equivocation that the West Bank is not occupied territory on which settlement building is illegal, but “disputed” territory on which settlement building is perfectly legal.

This view is not peculiar to the present Israeli government, led by Benjamin Netanyahu of Likud. From the leaked Palestine Papers, it is clear that this was the negotiating position of the previous government, led by Ehud Olmert of Kadima, during the post-Annapolis negotiations. Here, for example, is an extract from the minutes of the 8<sup>th</sup> meeting on territory on 29 May 2008, when Uri Dekel set out the Israeli position:

“We believe we have rights in these territories. The way we see it we need to make mutual concessions. We don’t see that we have something to give back to you. We are not of the position that we took something from you that we have to give back. We want to create a Palestinian state because it is in our interest; we cannot take a ‘giving back’ approach.” [6]

This presents a vivid picture of the difficulties with which Palestinians had to cope with in their negotiations with Israel about territory.

With this mindset, it is implausible that Israel will ever be prepared to withdraw to a sufficient extent from the West Bank to enable a viable Palestinian state to come into being – unless severe pressure is applied from outside to make it do so.

### **The status quo is stable**

The belief that a two-state solution can be achieved simply by direct negotiations between Israel and the Palestinians assumes that Israel has an interest in moving away from the status quo to a two-state solution of some kind. It isn’t obvious that this is so today.

The status quo is stable. Palestinian armed resistance to Israeli occupation is almost non-existent. There is some non-violent resistance on the West Bank against aspects of the occupation, but up to now Israel has contained it without much difficulty. Up to now, Israel has been under very little pressure from the outside world to cease settlement building and end the occupation.

A two-state solution would involve Israeli withdrawal from most of the West Bank and unpalatable compromises with regard to East Jerusalem. To achieve Palestinian consent for any solution, a substantial number of settlers would have to be repatriated. Steps such as these would provoke serious divisions in Israeli politics, making it difficult for any Israeli government to implement them, in the unlikely event of arrangements acceptable to Palestinians having been agreed. And there is no guarantee that the final two-state outcome, if realised, would serve Israel's interests better than the status quo.

So why would any Israeli government bother to enter into serious negotiations with Palestinians about moving away from the status quo? It's not obvious.

### **Status quo unsustainable?**

It is sometimes said that the status quo is unsustainable, because Jews will soon be in a minority in the area directly controlled by the Israeli state today, that is, Israel itself plus the West Bank, including East Jerusalem. For a Jewish state with a Jewish majority to be maintained, Israel must relinquish its control over the West Bank and the Palestinians who live there, it is said.

But, West Bank Palestinians haven't got a vote in elections to the Knesset – only West Bank Jewish settlers have that privilege, which calls to mind apartheid South Africa (and undermines Israel's pretensions to be a democratic state). As long as West Bank Palestinians are denied that privilege, the Knesset electorate will continue to have a Jewish majority no matter how many Palestinians live on the West Bank – and the status quo can continue.

This may not be a democratic arrangement, but it is an arrangement that has existed for 45 years since the occupation began in 1967, with very little outside pressure on Israel to bring it to an end.

### **Israel is under very little pressure**

Unless Israel comes under severe international pressure to cease settlement building and end the occupation, it is likely that it will choose to retain the status quo rather than seek to negotiate and implement a two-state solution.

Israel is under very little pressure from the outside world to cease settlement building and end the occupation (and that has been the case since the occupation began in 1967). On the contrary, it is a close ally of the US and the EU, which shower it with largesse. It receives over \$3bn a year in aid from the US, more than any other state in the world, even though its GDP per capita is on a par with that of the EU. And, since 2000, it has enjoyed privileged access to the EU market for its exports

(Contrast that with the international community's response when Iraq took over Kuwait by force in August 1990. Then, economic sanctions were imposed on Iraq immediately and, when that didn't work, within months a large military force was assembled to expel Iraq from Kuwait.)

## Largesse towards Israel unconditional

This largesse towards Israel by the US and the EU has continued no matter how it has behaved towards Palestinians in the occupied territories.

Take, for example, its relentless pressure on Palestinians living in East Jerusalem to make them leave and make way for Jews. To quote from a report by the EU heads of mission to Palestine in December 2011:

“Israel is actively perpetuating its annexation by systematically undermining the Palestinian presence in the city through continued expansion of settlements, restrictive zoning and planning, ongoing demolitions and evictions, an inequitable education policy, difficult access to health care, the inadequate provision of resources and investment and the precarious residency issue. The interlinked Israeli policies and measures continue to negatively affect East Jerusalem’s crucial role in Palestinian political, economic, social and cultural life. In 2011 a surge in settlement planning has taken place especially at the southern flank of Jerusalem. This is increasingly undermining the feasibility of Jerusalem as the future capital of two states.”

[\[7\]](#)

Likewise the Palestinian presence in Area C is being systematically reduced by Israel. Area C is the part of the West Bank (62% of its land area), which is wholly under Israeli control and where the Jewish settlements are located. To quote from another report by the EU heads of mission to Palestine, this time in July 2011:

“The Palestinian presence in Area C has continuously been undermined through different administrative measures, planning regulations and other means adopted by Israel as occupying power. Prior to 1967 there were between 200,000 and 320,000 Palestinians in the Jordan Valley. Today the number is 56,000 (of which 70% live in Area A in Jericho). The increasing integration of Area C into Israel proper has left Palestinian communities in the same area ever more isolated. During the past year there has been a further deterioration of the overall situation in Area C.” [\[8\]](#)

## Israel’s violations of international law

Nor has the largesse towards Israel by the US and the EU been diminished because of Israel’s unceasing violation of international law in the occupied territories, in particular, of the 4<sup>th</sup> Geneva Convention [\[3\]](#) by, for example:

- settlement building (contrary to Article 49),
- demolition of Palestinian homes and other property (contrary to Article 33),
- deportation of Palestinians (contrary to Article 49) and
- collective punishment of Gazans (contrary to Article 53).

Not to mention its world record for violating Security Council resolutions. It is in breach of over 30 Security Council resolutions that require action by it and it alone, dating back to 1967 [\[9\]](#). If it had implemented those resolutions, it would have

- removed all Jewish settlements from the West Bank, including East Jerusalem,
- reversed its annexations of East Jerusalem and the Golan Heights, and
- allowed the International Atomic Energy Agency (IAEA) to inspect its secret nuclear facilities.

At the moment, Israel has good reason to believe that it can continue these activities, and the occupation, indefinitely without fear of the current largesse from the US and the EU being diminished.

### **Northern Ireland an example to follow?**

In his speech at the UN General Assembly on 21 September 2011 [\[10\]](#), President Obama cited the Northern Ireland peace process as an example of how direct negotiations led to an agreement, an example he implied that should be followed in the Middle East peace process.

However, the background to the two peace processes is very different, which goes some way to explain why one achieved considerable success, while the other is no further forward than it was two decades ago.

The Northern Ireland peace process took place because the military conflict had reached a stalemate – there was little prospect that further IRA action could force Northern Ireland's detachment from the UK, but neither was there any prospect that the IRA could be defeated militarily. In addition, during the process itself, the Northern Ireland parties were put under considerable pressure from London, Dublin and Washington to reach agreement on a mandatory power-sharing arrangement in Northern Ireland. Absent the military stalemate and the outside pressure, the Belfast Agreement wouldn't have seen the light of day.

By contrast, in the Middle East peace process today, there is a massive imbalance between the parties. Israel is completely dominant over the Palestinians – militarily, politically and economically. Today, Israel is under little or no military pressure to end its occupation of Palestinian territories.

Although for two decades there has been an international consensus in favour of a two-state solution – and Palestinians had agreed to accept a state in a mere 22% of their historic homeland – Israel refused to implement a two-state solution and there has been no outside pressure on it worthy of the name to compel it to do so.

Ironically, one lesson which might have been learnt from the Northern Ireland peace process – that all significant parties should be included in the process – has been ignored with the exclusion of Hamas.

### **Conclusion**

We began by asking: how can the obstacles to peace identified by the Minister – the continuing occupation, and the creation and growth of illegal settlements on the occupied lands – be eliminated, so that a sovereign Palestinian state can come into being?

In our view, they will not be eliminated simply by direct negotiations between Israel and Palestinians. They will only be eliminated by external pressure on Israel to cease settlement building and end the occupation. Absent that pressure from the US and/or EU, the two political entities that have leverage over Israel, in our view a sovereign Palestinian state is unattainable.

The central message from EU Foreign Affairs Council on 14 May 2012 [11] was that Israel's actions on the ground in the West Bank "threaten to make a two-state solution impossible" and that it must cease these actions and take steps to remedy the situation. Most likely, Israel will ignore the Council demands and carry on as before. It remains to be seen if, in that event, the EU will be prepared to take effective action to pressure Israel into changing course.

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*Sadaka supports a peaceful settlement in Israel/Palestine based on the principles of democracy and justice, be that in two states or in one state. We maintain an independent position on internal politics within Palestine, favouring neither Fatah, Hamas nor any other Palestinian political organisation.*