

## **Reflections on Palestinian Strategy -2004**

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**Among those who support continued use of lethal weapons against Israelis, there are two schools of thought. There are those who favor violence alone, and those who favor violent struggle combined with diplomatic struggle.**

**In part, this difference of opinion may reflect a difference in objectives. For instance, pointing to the Israeli withdrawal from Lebanon in the face of attacks from Hezbollah, some conclude that Israel can be forced to withdraw from the West Bank and Gaza through military means alone. While I disagree, and will explain my disagreement below, this is, at least, a position that deserves careful analysis.**

**However, if someone puts forward the claim that through violent struggle alone, it was possible to get Israel to accept the Palestinian right of return, they are talking nonsense. Issues such as the right of return, or the division of the Old City in Jerusalem, clearly require detailed negotiations. Here the issue is not whether a diplomatic strategy is needed, but whether violent struggle helps or hinders.**

**In considering the wisdom of violent struggle and its relationship to diplomatic strategy, attention needs to be paid to the two most relevant experiences. First, to the unilateral withdrawal of Israel from Lebanon as a result of Hezbollah attacks. And second, to the fact that between Camp David and Taba the Israeli offer at the negotiating table improved. Let us consider these in turn.**

### **Lebanon**

**There is little doubt that the attacks on Israeli troops in Lebanon ultimately gave rise to the Israeli withdrawal to the international boundary. The tendency, then, is to reason by analogy and say that unremitting Palestinian attacks will result in an Israeli withdrawal to the 1967 lines. Yet reasoning by analogy is always a tricky business, since there may be important ways in which two situations are importantly different. For instance:**

**- The Israelis made no territorial claims on Lebanon, and they did not build settlements in Lebanon. On the other hand, for a substantial number of Israelis the occupied territories are part of an ancient Jewish heritage. Outside of East Jerusalem there are 200,000 settlers living in the West Bank, and in the Jewish neighborhoods of East Jerusalem, another 200,000.**

**- Overwhelmingly, the Israeli Jewish public places great value on the Jewish neighborhoods within Jerusalem, whether it be Gilo or the Old City. This is true across the political spectrum.**

**- There was overwhelming international support for Israel to withdraw to the international boundary, while today there is broad support for the Clinton proposals which would have given Israel 4-6% of the West Bank, plus all of the Jewish neighborhoods within Jerusalem and within the Old City.**

**- There was clear international law in favor of Israel's withdrawal from Lebanon, while Resolution 242 is notoriously vague as to whether it requires withdrawal from all of the West Bank or all of Jerusalem.**

**- The Israeli withdrawal from Lebanon held relatively limited security risks for Israel. The border areas it withdrew from did not constitute a major physical defense line, as does the Golan Heights or the Jordan Valley.**

**- The Israeli withdrawal from Lebanon ended Israel's conflict with the Lebanese State (Shaba Farms notwithstanding). Where as with the Palestinians the Palestinian perspective that all of Israel is rightfully Palestinian land, ensures that there is no easy end to the conflict.**

**- And most importantly, the Israeli withdrawal from Lebanon was potentially reversible. It did not give rise to any new state. It did not give rise to any new military realities that would make it highly costly for Israel to re-invade if it sought to. Indeed, it left Israel with major options for using its air forces to retaliate against Lebanon should the withdrawal not lead to a cessation of attacks against Israelis. And thus, it automatically put Israel in the position of a stronger state being able to deter actions coming from the weaker state.**

**For all of these reasons, there can be no simple analogy between what attacks on Israelis caused in Lebanon, and their impact in Palestine. It is quite unrealistic to believe that attacks on Israelis would ever produce an Israel withdrawal to the 1967 lines, including a withdrawal from all of East Jerusalem. Indeed, with some validity it can be argued that just because the precedent of Lebanon contributed to the current Intifada, Israelis have a major stake in not bending to attacks from Palestinians. They fear this would be interpreted as a general lesson, that they are not prepared to absorb casualties, and thus would undermine the credibility of Israel's deterrent capability.**

**What can be argued, however, is a weaker claim. Not that Israel can be driven back to the 1967 lines, but that by making the occupation costly for Israel, it can be pushed to take seriously negotiations with the Palestinians. And surely there is some aspect of this that is correct. Were it not for the first Intifada, the occupation would have gone on and on, becoming more and more comfortable. So the case for a confrontational strategy today rests on the claim that it helps the diplomatic**

strategy. This takes us to the second relevant experience – the change from Camp David to Taba.

### **Camp David to Taba**

The current Intifada broke out at the end of September 2000, some two months after Camp David, and some three months before the renewed negotiations at Taba. On the basis of this experience, continued military action against Israeli targets has been urged. Those making this argument, advance three claims:

- 1. From Camp David to Taba the Israeli position moved significantly towards the Palestinian position.**
- 2. This change was caused by the current Intifada.**
- 3. A continuation of the military confrontation will bring further positive changes in the Israeli position.**

Let me consider these in turn.

First, that from Camp David to Taba, Israel made new concessions. This is true. There can be no doubt that the Israeli's made important concessions at Taba, going beyond their positions at Camp David. While there has been no authoritative public account of either Camp David or Taba, from press reports and other contacts the following appears accurate:

- 1. At Camp David Israel was talking about withdrawing from roughly 90% of the West Bank and Gaza. At Taba it had agreed to roughly 94%.**
- 2. At Camp David, Israel was willing to exchange land for that part of the West Bank from which it did not withdraw, but it insisted on a very unbalanced ratio of nine to one. At Taba this ratio was closer to equal.**
- 3. At Camp David, Israel was demanding "residual sovereignty" over the Temple Mount/Haram al-Sharif, while the Palestinians would have "custodian sovereignty" – (both terms were newly invented). At Taba, Israel was prepared to talk about Palestinian sovereignty except for the remains of the ancient Jewish Temple thought to be buried within the plateau.**
- 4. At Camp David, Israel was willing to give the Palestinians sovereignty over only some of the Palestinian neighborhoods in East Jerusalem. At Taba it was willing to yield sovereignty over all Palestinian neighborhoods.**
- 5. At Camp David, Israel was prepared to accept some partial responsibility for the refugee problem, but refugees would only be admitted to Israel as a**

humanitarian act of family re-unification. At Taba Israel moved closer to making some kind of apology and possibly to accepting the return of some fixed quota of refugees

These changes were important and demonstrate that the previous government was willing to negotiate while violence was occurring. This takes us to the second question: Did the violence contribute to Israeli willingness to make concessions?

Elementary logic tells us that just because X follow Y, it is a mistake to say that X caused Y. So what ground is there for concluding that the violence actually contributed to Israeli willingness to make these additional concessions? Might it not be more accurate to say that Israel made concessions despite the violence, rather than because of it? Consider the following:

- The new concessions were not earth shattering. They represented steps beyond the Camp David positions, but not gigantic leaps.

- Despite Barak's "take it or leave it" style at Camp David, it is unlikely that at Camp David, Barak put forward his ultimate bottom line. Clinton faulted the Palestinians for not putting forward counter-proposals. If this is accurate, then it may well be that the Taba concessions would have occurred anyway in subsequent negotiations.

- Barak knew that he needed a peace agreement in order to have any chance of being re-elected. Thus, he already had sufficient motivation to make concessions that would lead to a deal. No further "cost" was necessary.

More importantly, even if one believes that the Intifada made the Israeli government more willing to compromise, it seems to have had a quite different effect on the Israeli public. The violence contributed to the creation of a wider and wider gap between Barak and most Israeli Jews. We will never know for sure, but it is quite possible that even if a deal had been struck at Taba, Barak would have been defeated.

The reason for this is not hard to find. It is true that violence increases the cost of not making concessions, but for violence to be successful the occupying power must always continue to believe that if he bends at the negotiating table -- then in the end he will have real peace.

This creates a great problem for those that advocate a military strategy. The very violence which increases the cost of maintaining the occupation, may also convince the other side that the conflict cannot be ended at all, and thus, that the only response to violence is more violence.

**Unfortunately, within the Israeli context, this appears to be what has happened. Israeli commentators regularly talk about “the mask having slipped from the Palestinian face.” This has two versions. On the first version, the mask has slipped from the face of the Palestinian leadership. It has revealed an Arafat who is not prepared or ready to make peace. On the second version, the mask has slipped from the face of the Palestinian people. Either way, it is believed that the Barak government made very substantial compromises, and that the Palestinians flatly rejected them. Even among the Israeli peace movement, there is widespread uncertainty as to why an agreement was not reached. And as one moves across the political spectrum, increasingly the view that the Palestinian do not want peace, but only the destruction of Israel, becomes the dominant view.**

**The coalition government, bringing Peres and Sharon together, was possible because they came to agree on one conclusion: that it is impossible to reach a final comprehensive peace with the Palestinians at this time. Those such as Yossi Beilin, who reject this view stayed out of the coalition. Thus, I would argue that not only did the violence not cause the greater concessions Israel made at Taba, it contributed to Sharon’s election, and thus to those very concessions being removed from the table.**

**This brings us to the third question: Will continued violence at this point contribute to Palestinian objectives? Despite all that I have said, honestly speaking, I must admit that this is a difficult question to answer. Had Barak won the election, the answer would be clear: a negotiated resolution of all of the issues is possible, and violence will make it more difficult to conclude an agreement. The situation today is quite different. With or without violence there is no possibility that Palestinians will achieve their fundamental objectives. Sharon will not withdraw to the 1967 lines. Sharon will not divide Jerusalem. Sharon will not accept the right of return. Sharon will not recognize Palestinian sovereignty over the Temple Mount.**

**Thus, it might be argued that the role of violence is now quite changed. Rather than it being hoped (falsely in my judgment) that violence will contribute to greater concessions, the issue now is how to end the Sharon government. And from that perspective it might be argued that if there is no violence, then the Sharon government will have a very long life-time. He will have succeeded in providing the Israelis with the security that they could not attain with Barak. Put differently, one might argue that having resorted to violence, and having achieved the Sharon government, the Palestinians are now stuck with violence – they dare not let it stop least Sharon remain indefinitely.**

**In response to this, two basic points need to be made. First, it should be seen that continued violence will not achieve Palestinian objectives. At best, it will contribute to a new government, where there will be a chance of a negotiated settlement. Second, it must be recognized that for such an approach to work, the damage of the last six months has to be reversed. Among Israelis, there is very little**

**credibility to the claim that the Palestinians are prepared to end the conflict for a just peace. And if Israelis do not believe this, then even if violence continues, they have no reason to replace Sharon.**

**That said, one can turn the issue around and ask: If the Israelis can be brought to again believe that real peace is possible, then what need is there for continued violence? Could a Sharon government remain in power in the face of a credible peace initiative?**

**This is a very important question, because as is known to all, the cost of continued violent struggle is very severe, on all, but especially on Palestinian lives. And there is great risk that continued conflict can only bring greater suffering. Thus, if one agrees that a Palestinian peace initiative is required, it would be a great mistake to continue with violence, if there was any likelihood that a peace initiative could succeed without violence.**

**In response to this critical question let me offer some thoughts:**

**1. The Labor-Likud unity is based on the assumption that it is impossible, at this time, to resolve the final status issues, no matter who is Prime Minister. If a Palestinian peace initiative can dispel this belief, the unity will collapse. Indeed, if Peres believed that there was an agreement that he and Arafat could sign, it is likely that he would seek to bring down the government.**

**2. A Palestinian peace initiative is critically needed. Even if it fails to bring peace, it will establish the context within which the escalation of violence will be perceived, both by the international community and by the Israeli public. If it is believed that there is a credible peace offer by the Palestinian on the table and the Sharon government is turning its back on it, then Sharon will be blamed for the violence that occurs. On the other hand, if there is no Palestinian peace initiative, then there will be widespread sympathy with the Israelis. The general perception will be that they have tried peace, and now have no alternative.**

**3. Given the current situation, if a peace initiative is put forward in the midst of violence, its credibility will be undermined. It will be a one-day story, swept aside by the next days news of explosions and killings. For a diplomatic strategy to be effective, it must have center stage.**

**4. While it is true that violence increases the cost to the Israelis of the occupation, it is not the case that violence needs to be continuous. The violence of the last six months has made its point – the Palestinians cannot be repressed indefinitely on the basis of the promise of an end to the occupation. Thus, it is quite possible to have an effective truce. During this time period, the Palestinians society could focus on economic recovery and on political development. It could have new elections, and a campaign for honest, effective government. And on the diplomatic front, this truce period would be the time to advance a peace initiative. For those**

who advocate it, there will always be an opportunity to return to violence. If peace is not attainable, such opportunities will be permanent.

### **The Peace Initiative**

There is no single diplomatic step that the Palestinians could take that would be more powerful than coming forward with a detailed, explicit, peace proposal that would force the average Israeli to ask himself: "This is what they will settle for. Am I willing to pay this price?" Today, for most Israelis there is no answer to the question: What do the Palestinians really want, in order to end the conflict? Some say, the answer is "Nothing! They only want our destruction." Others say, "I don't really know what they want."

The distrust is now so profound that proposals that express only the ideas of academics will have little benefit. Indeed, even a repeat of a Yossi Beilin-Abu Mazen type framework will not produce the desired affect unless Yasser Arafat was to unequivocally say that he would support such an agreement. For better or worse, the perception in Israel is that there is only one decision maker in Palestine and that is Yasser Arafat. As a result, a specific peace proposal would have to have his agreement before it would be taken seriously.

Let me conclude by offering a sample of what such a proposal would look like. I offer it as a starting point, but it expresses my sense of an agreement that, if it were a formal Palestinian proposal would be accepted by many Israelis, and would clearly establish to Israelis and to the international community, that the Palestinian side is prepared to end the conflict provided that a fair agreement is achieved.

#### **A General Framework for Peace Between Israel and the State of Palestine**

1. A contiguous Palestinian State will come into being within 90 days of this framework taking affect. With the implementation of this framework, Israel and the State of Palestine will be at peace, and will enter into a formal peace treaty establishing the end of the conflict.

2. Israel will, within that 90 day period, withdraw its forces from all areas of Palestinian sovereignty, except for specific agreed upon and temporary arrangements in the Jordan Valley that will not exceed two years.

3. Once the State of Palestine is established, it will take full responsibility for maintaining order within its territory and for insuring that there are no attacks on Israel or Israeli citizens.

4. The State of Palestine will be a non-militarized state, maintaining only a small armed forces and limited weaponry. It will not enter into military alliances with any states that have not similarly entered peace treaties with Israel.

**5. The State of Palestine will control its own immigration policy, and its own international borders, including a borders with Jordan and Egypt and on the Mediterranean. It will permit the stationing of international observers at those borders to verify compliance with agreed upon restrictions in the import of advanced weaponry.**

**6. Palestinian sovereignty will encompass 97% of the West Bank and all of Gaza. It shall also include all of the Palestinian residential and commercial areas in East Jerusalem. Undeveloped areas within East Jerusalem shall be Palestinian territory.**

**8. Palestine will agree to Israel annexing 3% of the West Bank to include Israeli settlements. In exchange, in equal amounts, and of equal quality, Israel will agree to Palestinian annexation of Israel territory, the exact location of which will be negotiated.**

**9. Israel will remove from territories of Palestinian sovereignty all Israeli citizens, unless exceptions are expressly agreed to by Palestine. Settlement areas to be vacated will be turned over to the Palestinian government intact and in good condition.**

**10. Within the Old City of Jerusalem, Palestine will have sovereignty over the Christian and Muslim quarters of the city and over those areas of the Armenian quarter within which Palestinians reside. Israeli will have sovereignty over the Jewish quarter of the Old City and those areas of the Armenian quarter in which Jews reside.**

**11. The Wailing Wall shall be under Israeli sovereignty, as shall the Jewish cemetery on the Mount of Olives.**

**12. With respect to the Temple Mount/Haram al Sharif, the two sides agree that ultimate sovereignty belongs to God. It is further agreed that the State of Palestine will exercise full control over the Temple Mount/Haram al-Sharif. It is further agreed that no excavations or archeological endeavors will be undertaken at or within the Temple Mount/Haram al-Sharif without the consent of both states. It is further agreed that while no person will be denied access peacefully and non-disruptively visit the Temple Mount/Haram al-Sharif on grounds of religious belief or national identity, the Muslim authorities will retain the right to limit access to the Dome of the Rock and the Al-Aqsa Mosque. The State of Palestine will ensure that no disturbances on the Haram will interfere with the ability of Jewish worshipers at the Wailing Wall.**

**13. With respect to Palestinian refugees, the two sides agree that the refugees shall be offered a wide range of options including resettlement within Israel as well as in other states. They will also be provided with resettlement assistance and with compensation for property not returned to them. Once it is ascertained how many**

**refugees have opted to resettle within Israel, the two sides will negotiate a mechanism for implementation, with it being agreed that the pace of resettlement within Israel will in no way undermine the existing demographic balance between Jews and non-Jews within Israel. To accommodate these concerns the Palestinian side is willing to agree that no more than 20,000 refugees would be resettled within Israel per year. This limitation will not apply to refugees settling in areas of Israel (3%) that will be transferred to Palestinian sovereignty – that being a Palestinian decision alone.**

**14. Both sides will recognize the other's capital. The Palestinian capital, Al-quds will be established in the area of East Jerusalem, and Israel's capital, Yerushalayim, in West Jerusalem.**

