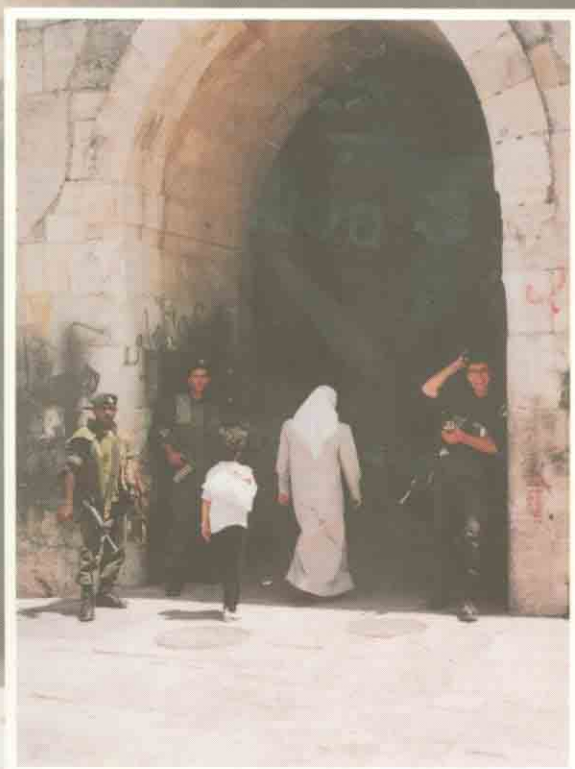


Ludwig Watzal

# PEACE ENEMIES

The Past and Present Conflict  
between Israel and Palestine



PASSIA

Palestinian Academic Society for the study of International Affairs

**Ludwig Watzal**

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**Palestinian Academic Society for the Study of International Affairs**

PASSIA, the Palestinian Academic Society for the Study of International Affairs, is an Arab, non-profit Palestinian institution with a financially and legally independent status. It is not affiliated with any government, political party or organization. PASSIA seeks to present the Question of Palestine in its national, Arab and international contexts through academic research, dialogue and publication.

PASSIA endeavors that research undertaken under its auspices be specialized, scientific and objective and that its symposia and workshops, whether international or intra-Palestinian, be open, self-critical and conducted in a spirit of harmony and cooperation.

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This book is a detailed examination of the Israeli-Palestinian relations in the past and at present. It analyzes the agreements concluded or signed since 1993, discusses the development of democracy, the status of human rights in the autonomous areas and in Israel, as well as the foreign relations of Israel and its most important domestic controversies. The book represents the free expression of its author and does not necessarily represent the judgement or opinions of PASSIA. PASSIA signed an agreement with the author and publisher to translate the book into English and publish it in Palestine.

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## FOREWORD

One hundred and one years after the Zionists first announced their claim to Palestine, and 50 years after the establishment of the State of Israel, the Palestinians are further away than ever before from having their own state within the borders of 1967. What was inscribed deep in the memory of this people as a catastrophe represented for the Jews the fulfillment of their desires. Moreover, the peace process that was initiated with the signing of the Declaration of Principles (DoP) in September 1993 has time and time again proven itself, as far as the Palestinians are concerned, to be a continuation of the occupation disguised in a legalistic cloak. At the beginning of 1994, such a notion would have been considered unfounded; since then, the realities on the ground have confirmed its validity.

Israel, as it celebrates the 50<sup>th</sup> anniversary of its establishment, is a country divided and torn apart by contradictions and self-doubts. It has failed to define in a clear manner its external borders, and it still has no constitution. In addition, it faces the worst legitimacy and identity crisis of its entire history. The 'spiritualization' of politics is destroying the secular state *raison*, and the current Israeli government has virtually declared war on Zionism in its original form, while many Israelis fear for their very existence and suffer from doubts concerning Zionism, disappointment and resignation. Moreover, the country has lost its external enemy, responsible in the past for guaranteeing internal unity, and the partial 'de-demonization' of the Palestinians by the peace process has brought the social tensions that have always existed to the surface with gaps between the Ashkenazi and Sephardi Jews, the religious and secular, and the 'Right' and 'Left', as well as between Zionists and post-Zionists, now clearly visible.

Most Germans experience problems in looking at Israeli policies objectively for historical reasons connected to the Holocaust, but the fact remains: the Israeli Government bears responsibility for the violations under International Law that Palestinians continue to face. Both Israeli Jews and Palestinians would benefit were German to establish normal diplomatic relations with both. A precondition for this, however, is a thorough analysis of the Israeli-Palestinian conflict, in which the peace process, democracy and the status of human rights in both societies, in addition to their respective foreign policy goals, are all demystified.

## FOREWORD

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Fifty years after its foundation, Israel faces two alternatives: Western democracy or a *Halachic* God-state. History shows Israel not only as a 'victim' of 'Arab aggression', but also as a state intent on following its own hegemonic goals. Palestine, meanwhile, must decide between continuous Israeli occupation, its own dictatorship, and Western-oriented civil society. Now at the lowest point in their history, the Palestinians have obtained neither domestic nor foreign policy sovereignty, and the world remains silent while Palestinians in both Israel and the autonomous areas are tortured for the sake of 'peace'. In short, both the Israelis and Palestinians are still far away from recognizing the legitimate and political rights of the other party and from achieving the goal - "to live in peaceful coexistence and mutual dignity and security" - mentioned in the Oslo Accords.

The author thanks all those who granted him interviews. Special thanks go to the Aufbau Verlag [the Aufbau Verlag publishing house], which has supported the project in many respects.

# **ON THE HISTORY OF PALESTINE AND ISRAEL**

## **1. From Zionist Settlement to the Establishment of the State of Israel**

The bilateral conflict between Israelis and Palestinians began with the Zionists' claim to power and the first instances of Zionist 'land grabbing' (Dan Diner) in Palestine more than one hundred years ago. Today, the conflict can only be appreciated fully within the context of the imperialism and colonialism that existed at the end of the 19<sup>th</sup> Century. The Zionist settlement project began with the construction of Rishon LeZion in 1882. Five years later, at the First Zionist Congress, held in Basle in 1897, the nationalistic-political program for a '*Judenstaat*' was presented to the public. This led, amongst other things, to Theodore Herzl becoming known as the 'Father of Zionism'.

The historical-ideological basis for the expropriation of Palestinian land and the general discrimination against the Palestinians had existed long before the first instances of Zionist land grabbing. Jews lived in the land of the Philistines, which the Romans called 'Palaestina', some 2,000 years ago. Around the year 1,100 BC, the Hebrews and Israelites settled in the mountains of Palestine, but as far back as the 8th Century BC, the first Jews were deported by the Assyrians, and from 585 to 538 BC Jews were forced to live in exile in Babylon. Under the rule of the Persians, Greeks and Romans, the Jews resettled in Palestine until the Romans destroyed Jerusalem in the year 135 BC and either killed or deported its Jewish inhabitants. However, the more precarious their situation became, and the longer their exile continued, the stronger was their longing to return to Zion. This longing is expressed in the '18 Petitions Prayer' of pious Jews and in the fact that at the end of each Pessach feast, Jews taking leave of one another will say, "Next year in Jerusalem" - in Zionism, this religious wish was combined with a political program.

Western Christianity regarded the Arabs as 'strangers' in the 'Holy Land', and their 'symbolic expropriation' corresponded with the prevailing colonial attitude, namely, that one should take possession of all land that 'no one' claimed. For a man like the American President Woodrow Wilson,

the return of the Jews to Palestine was like the fulfillment of the Biblical prophecies, and he zealously supported the Zionist project.

Moses Hess is considered one of the leading thinkers behind modern Zionism. Because of the latent anti-Semitism and the prevailing nationalism, he was one of the first to demand in 1862 the creation of a state for Jews in their ancestral homeland, Palestine. Hess, a contemporary of Karl Marx and a devout Jew combined socialist ideas with the ethics of Judaism, the result being liberal-minded nationalism. His idea to establish a Jewish community consisting of farmers and laborers has left its stamp on Israel's development for decades.<sup>1</sup>

The call for the emancipation of the Jews was a Western European phenomenon, which, paradoxically, was to produce the evil of modern anti-Semitism. Although the roots of anti-Semitism go further back in history, one can say that modern anti-Semitism was born in approximately 1880. It expresses antipathy and hostility against Jews as Jews and fights against their political, social and legal equalization. Even a Christian convert to Judaism is still considered a Jew according to modern anti-Semitism, whose followers despise assimilated as well as non-assimilated human beings of Jewish origin and view 'the Jew' as the embodiment of all things negative.

In the East, the religious Jewish circles initially rejected emancipation. However, when it came to an emancipation movement as a result of the pogroms, it was dominated by the Jewish national element. One of the leaders of this movement, which called itself 'The Enlightenment', was Peres Smolenskin, who rejected an interweaving with Western culture due to his fear of assimilation. He founded in Vienna the newspaper *Die Morgenröte*, which would soon become a leading organ of the new Zionist movement. In the publication *Eternal Peace* Smolenskin turned against Reform Judaism, which degraded Judaism to a confession, as well as against religious orthodoxy, which was frozen in rituals dictated by Jewish Law. For him, religion was the national link that connected the Jewish people, the people of the mind. Thus, the spiritual rebirth was for him the crucial factor.

The pogroms in Russia that followed the assassination of Czar Alexander II led to emigration to 'Zion' and to Eastern European Jews flocking to Western Europe. This immigration, however, endangered the assimilation of the West European Jewry, and it soon became clear that the Jewish bourgeoisie wanted nothing to do with their 'brethren'. The Englishman Sir Edwin Montague, for example, remarked that the only thing that

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<sup>1</sup> See Moses Hess, *Ausgewählte Schriften*. Köln, 1962.

linked him to other Jews of other countries was the religion, saying: “I notice that there is no Jewish nation.”

Leo Pinsker displayed more understanding than Moses Hess in his paper ‘Auto-Emancipation’, which appeared in 1882. In the paper, the physician from Odessa rejected assimilation and called for Jews to be allowed to enjoy equality of rights in their own national state, claiming that only through auto-emancipation could this goal be reached. The required land was to be purchased by a national congress as a national good. Pinsker, although insistent that a Jewish state should be established somewhere, did not originally advocate that it should be established in Israel<sup>2</sup> and it was the ‘lovers of Zion’ who forced him to decide on Palestine, where, at the time of the first *aliya*, over 30,000 Jews lived among half a million Arabs.

The conservative Jews adamantly rejected the integration concept because they saw it as a ‘surrendering’ of their Jewishness and as being based on the premise that assimilation and equal rights were impossible to achieve. It was the publication of Theodore Herzl’s *Der Judenstaat*<sup>3</sup> - considered the *Magna Carta* of Zionism - which led to a turning point in political Zionism. With the publishing of the book, the Jewish elite also reacted to the dissolution of Jewish values and began ‘unburying’ the character of Judaism. According to Herzl, who was commissioned by the First Zionist Congress in Basle in 1897 to negotiate with the European governments on the provision of a territory for the Jewish state, only a Jewish political formation “in Palestine or anywhere else on this planet” would solve the Jewish question. The Jewish question was for Herzl a national question, which could only be satisfactorily solved by the creation of an independent state. Indeed, at the Basle assembly, the ‘creation of a public-legal homestead’ for the Jewish people in Palestine was decided upon, and prophetic Herzl was to subsequently write in his diary: “In Basle I founded the Jewish state.” With this, the alternative of the ‘assimilation’ of Jews into their respective societies, which Walther Rathenau recommended in his brochure ‘Listen Israel, was no longer relevant.

Herzl’s strategy was now followed methodically and systematically, and Zionism no longer presented the messianic redeemer ideas using religious terminology, but used political terms instead. It was Herzl’s intention to not only facilitate the continuation of the traditional Jewish culture, but also to radically renew it, which resulted in the Ultra Orthodox resisting the Zionists and accusing them of wanting to advance with their program the messianic future. Herzl paid them no attention, and anti-Semitism became

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<sup>2</sup> See Leo Pinsker, *Autoemanzipation*. Berlin, 1917.

<sup>3</sup> See Theodor Herzl, *Der Judenstaat*. Leipzig, 1896.

an important constitutional element in his vision and that of other Zionists. Alfred Lilienthal voiced the opinion that it was the task of the Rabbinate, Jewish nationalists and local representatives to keep this prejudice alive.<sup>4</sup> From the beginning, the Jewish identity was negatively determined.

The concept of Zionism was a vital component of the birth of the State of Israel, but it has to be seen within the context of Western imperialism and colonialism. Moreover, Zionism can only be appreciated fully if its victims, the Palestinians, are considered, since their tragedy began with the implementation of the Zionist plan. The national Zionist movement advanced right at the moment when Western colonialism began to divide the world into spheres of influence, and both were clearly interconnected. British imperialism in particular supported the Zionists in their desire to establish a 'homestead' in Palestine in order to consolidate its rule in the Arab area *vis-à-vis* the other colonial powers.

Another common concern of this alliance was the splitting of the Arab World. Although the Zionist movement and European colonialism were similar in many regards, they had one fundamental difference: it was the 'mission' of the colonialists to bring seemingly culturally underdeveloped people the blessings of Western culture, whereas the Zionists were motivated by a desire to establish a state at the expense of another people, and it was their efforts to do so that characterized the Zionist colonial project. How though was the project realized? Land was purchased through the Jewish National Fund and leased only to Jews: the concepts of 'Jewish labor' and the necessity of buying 'Jewish goods' were widely disseminated, which led to a boycott of Arab products.

Zionism resulted not only in discrimination against the Arab population, but also in a schism within the Jewish civilization, i.e., between secular nationalists and religious Jews, by introducing an ethnocentric value system to a culture that was based on monotheistic belief. This split within the Jewry led to the emergence of a Zionist movement that eventually created an ethnocentric state for the Jews. The consequence of this development, which completely renounces Jewish culture, was formulated by Asher Ginzburg under his pseudonym Ahad Ha'am. Ha'am, whose ideas are known in Israel but are not widely disseminated elsewhere, pointed to the fact that a Zionist state that is not based on the Jewish culture would become a state just like Germany or France, only it would be inhabited by Jews. Such a state existed at the time of King Herod, when the Jewish culture was rejected and those seeking to encourage it persecuted in the 'State of the Jews'. Likewise, Herzl's *Judenstaat* could not produce a Jew-

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<sup>4</sup> See Alfred Lilienthal, *The Other Side of the Coin*. New York, 1970, p. 184.



ish culture because the Jews wanted to be 'like all other people'. Thus, their ideas lacked the cultural characteristics of historical Jewry. The objection of Ha'am is today reflected in the ethnocentric type of Zionism, which stresses that the Jewish people are not like other peoples. As far back as in 1913, Ha'am criticized in a letter to a settler the behavior of the Zionists *vis-à-vis* the Arabs: "If this is supposed to be the 'Messiah', then I hope that he will never come."

Until today, the question remains of whether Herzl and the other Zionist representatives knew about the existence of Arabs or whether they simply considered them irrelevant. Did Herzl and his supporters act in a political vacuum? Today, nobody can claim that Herzl and the others were not aware of the problem, and it now appears that cultural arrogance, ignorance and *Zeitgeist* were the major components of the unhappy alliance. When Max Nordau learned that Arabs live in Palestine, he reportedly said to Herzl, "There are Arabs in Palestine! I didn't know that! We are going to commit an injustice."

The political slogan of Israel Zangwill, "A land without people for people without a land," matched perfectly the expansionistic *Zeitgeist* of that epoch and would become one of the Zionists' historical myths that still survive today. The slogan forms the anti-thesis to the colonial approach through settlement. Ha'am wrote in 1891, after his return from Palestine, in the article 'Truth from Palestine', that the country was not empty and that one hardly saw any uncultivated land. "We were used to believing that all Arabs are wild people from the desert, ignorant like animals, who can neither see nor understand what is happening around them," said Ha'am. "To believe this is a big mistake. The Arabs – like all Semites – have a sharp brain and are very cunning." Ha'am then described how the Arabs traded and tried to take advantage of others, just like the Europeans. "Should the time ever come," continued Ha'am, "when the life of our people has developed to such a degree that we are driving out the indigenous population to a larger or bigger extent, I do not believe that they will just leave." Ha'am also realized that there was no way to avoid the conflict between Zionist colonization and the indigenous Palestinians, during which two secular kinds of nationalism were to collide in Palestine: the Jewish and Arab. This nationalism is today increasingly displaced and instrumentalized by Jewish and Islamic fundamentalism.

According to leading representatives of the Zionist movement, there were no doubts about what should happen to the indigenous population. Israel Zangwill envisaged that it would be necessary "either to chase away the indigenous tribes with the sword, as our ancestors have done, or to live

with the problem posed by a large, strange population.”<sup>5</sup> The idea of transfer was also suggested by Herzl, who wrote in his diary, “We will send the poor population unnoticed over the border and provide them with work in the transfer countries while we deny them any work in our own country. The wealthy population will join us. The expropriations as well as the transfer of the poor have to be pursued with delicacy and care. The owners of real estate shall believe that they cheat us and sell over value while we will not sell them back anything.”<sup>6</sup>

That the Zionist movement did not have pure motives in settling in Palestine was apparent in the exclamation of David Ben Gurion, Israel’s first prime minister, back in the year 1937: “The land is in our eyes not the land of its current inhabitants...if one says that Eretz Israel is the land of two nations, he doubly falsifies the Zionist truth...Palestine should and must not solve the questions of both people, but only the question of one people, the Jewish people of the world.”<sup>7</sup> Herzl, it should be noted, never elaborated upon the historical claims of the Palestinians.

From the beginning, Zionism did not aim at the sharing of the country with the indigenous population, but questioned the Arab presence in general, which resulted in an exclusive ideology, according to which the non-Jewish population is considered superfluous. Such an ideology is very prone to integrating the idea of population transfer or deportation. In this school of thought, which is very influential until this day, the Arab-Israeli conflict has no place because the Arabs are only perceived as a minority.

There were different ideas concerning the size of the land claimed by the Zionist movement. Depending on the political opinion and the political circumstances, different borders were and still are mentioned. Max Nordau for example wanted to expand “the borders of Europe until the Euphrates.” At the Versailles Peace Conference, the Zionist organization suggested obtaining the south of Lebanon, parts of Syria along the Hijra railway line to Jordan and parts of the Sinai until Al-Arish as a ‘homestead’. There were even voices that called for a Palestine that resembled the one that existed during the time of David or Solomon. Herzl reportedly said to Reich Chancellor Chlodwig Duke of Hohenlohe-Schillingsfürst that “We demand what we need according to our population.” This seems to have remained the leading motive of the Israeli settlement drive, and until now, Israel has managed to avoid clearly defining its borders or indicating its future shape.

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<sup>5</sup> Israel Zangwill, *The Voice of Jerusalem*. London, 1920, p. 88.

<sup>6</sup> Theodore Herzl, *Tagebücher*. Volume 1, Berlin, 1922, p. 98.

<sup>7</sup> David Ben Gurion, *Zionistische Außenpolitik*. Berlin, 1937, p. 28.

What is Zionism? Zionism is based on three fundamental assumptions:

1. The Jews are a people and not just a religious community. Therefore, the Jewish question is a national question.
2. Anti-Semitism and the resulting persecution of Jews represent a latent danger for the Jewish people.
3. Palestine (Eretz Israel) was and remains the home of the Jewish people.

From the beginning of the Jewish colonization, the goal was to achieve a Jewish majority in Palestine. For Vladimir Jabotinsky, head of the revisionist stream of Zionism, the achievement of a Jewish majority was the main goal of Zionism because the term 'Jewish state' implied a Jewish majority; Palestine would become a Jewish land at the exact moment when a Jewish majority was achieved. Jabotinsky remarked, ironically, that the Palestinians might not have had the right idea about the Zionist enterprise, yet the reactions of Palestinians on the spot revealed that they fully understood the true intentions of Zionism.

From the beginning, there was protest and resistance against the land grabbing, which continues until today. In this resistance, the reasoning of Palestinian nationalism, the origins of which Rashid Khalidi dated back to the year 1908, was evident. The peasants resisted the Zionist settlement project, which led to a mobilization of the urban middle classes. The first Palestinian newspapers, such as *Al-Quds*, warned of Zionism as posing a threat to the "Palestinian nation" and the "Palestinian land." The Zionist settlement would inevitably force the indigenous population out of their land.<sup>8</sup>

To explain the land grabbing and the return of the Jews, the Zionist movement stuck to a uniform interpretation of history. According to this interpretation, today's Jews are the descendants of the Hebrews, although this has yet to be proved by Jewish anthropologists; the same applies to the fact that the Jews and not the Arabs are the original inhabitants of Palestine. That the Jews were illegally driven out is only partly correct, because many Jews left Palestine for economic reasons prior to the expulsion of the others by the Romans. Religious auxiliary arguments have repeatedly been used to back Zionism and give it legitimacy: arguments that for many were not ideology but reality.

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<sup>8</sup> See Rashid Khalidi, *Palestinian Identity. The Construction of a Modern National Consciousness*. New York, 1977.

Exactly how far this legend building has gone is clear in the book of Joan Peters, with the author denying the Arabs any right to exist in Palestine. The land was empty, and the Arabs falsified their genealogy - or so Peters indefensibly claims.<sup>9</sup> Norman G. Finkelstein writes about this book, which has been celebrated as 'pioneering' in the United States in a similar manner to the book of Daniel J. Goldhagen, that "it represents one of the most spectacular deceptions that have ever been published on the Arab-Israeli conflict."<sup>10</sup> Together with Ruth Bettina Birn, Finkelstein has only recently de-mystified Goldhagen's book, calling it a "non-book" and Goldhagen's mono-causal interpretation and analysis a complete bankruptcy.<sup>11</sup>

Zionists described the Palestinians as Arabs who had only recently immigrated to Palestine due to the opportunities created by the settlers. Arabs were considered 'backward' and 'law-breakers', whose actual home was in the 22 Arab states. What the settlers actually introduced, however, were simply more profitable methods of production, compared to which the feudal Arab system was inferior. Zionist settlement brought the indigenous population the loss of its home, the destruction of its society, its culture and tradition, as well as the mass flight to refugee camps. This colonization has had disastrous consequences for the Palestinians, which last until today, bringing for the Palestinians living in Palestine chaos and destruction. Most of the Arab inhabitants lost their houses, their land, their businesses, and their capital, which resulted in the ruination of the Palestinian society. Did Zionism not lose its ethical legitimacy with the expulsion of the Palestinians in the year 1948?

Despite enormous diplomatic progress, most Jews were indifferent *vis-à-vis* Zionism. This attitude only changed when the national socialists used anti-Semitism as an instrument of power and killed the Jews systematically. Zionists then used this anti-Semitism for their own goals, reducing it to racism and persecution, on the basis of which they argued that the situation of the Jews was hopeless. The Jew-phobia thus became an inte-

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<sup>9</sup> See Joan Peters, *From Time Immemorial*. New York, 1984.

<sup>10</sup> Norman G. Finkelstein, *Image and Reality of the Israeli-Palestine Conflict*. London, New York, 1995, p. 22.

<sup>11</sup> See Norman G. Finkelstein, "Ein fadenscheiniger Schwindel", in: *Frankfurter Rundschau*, 22 August 1997; Norman G. Finkelstein, "Daniel Jonah Goldhagen's Crazy Thesis: A Critique of Hitler's Willing Executioners", in: *new left review* (1997), 224, pp. 39-87; Norman G. Finkelstein/Ruth Bettina Birn, *Eine Nation auf dem Prüfstand. Die Goldhagen-These und die Historische Wahrheit*. Hildesheim, 1998. Both authors are subject to harsh attacks by the Jewish lobby in the US. Due to his criticism of Israeli politics *vis-à-vis* the Palestinians and of the Zionist ideology Finkelstein, for example, does not get a job at university but has to keep his head above water with occasional teaching posts at colleges. Mrs. Birn, a Ph.D. student of Eberhard Jäckel, faces a battue-beating of the Canadian-Jewish lobby, which accuses her to have infringed 'community sensitivity'. Should such an argument triumph, the freedom of opinion in Canada would need to be questioned.

gral component of Zionism; it alone made Jews Jews and, according to Herzl, it was the “life elixir” for the Zionist movement. Without the Jew-phobia, it is unlikely that Zionism would have remained an esoteric-national movement. According to Leo Pinsker, the Jew-phobia was a “characteristic inherent in the human nature.”

Besides this viewpoint, there is also an economic interpretation. According to this, the causes of the Jew-phobia are to be found not so much in the ‘race’, culture or the position of Jews as a minority but in economic conditions. The rise of capitalism deepened the differences between the different classes, which led to new resentment *vis-à-vis* the Jews and frustrations being vented through attacks on the Jewish minority rather than those who caused the misery. The power elites now used anti-Semitism as an instrument of power in order to strengthen the *petty bourgeoisie* in its latent racism. Those who suffered from this were the Jews of Europe. Thus, anti-Semitism was not only essential for Zionism, which also made use of it by claiming that there could not be any emancipation outside a Jewish state; this “eternal victim image” then also became a key feature in Israel with regard to the identity of the state.<sup>12</sup> Hence, Zionism has not solved any of the problems it originally wanted to eliminate.

Without the help of a great power, the Zionist movement would never have succeeded. A crucial document was the declaration of Lord Arthur James Balfour that was sent to Lord Walter Lionel Rothschild in the year 1917. A unilateral declaration of sympathy by the British Government, the declaration, which was the *carte blanche* for the creation of a Jewish state, had no meaning from the point of view of International Law. The declaration reads as follows:

“Dear Lord Rothschild, I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations, which has been submitted to and approved by the Cabinet. ‘His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors 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 in any other country’. I should be grateful if you would bring the declaration to the knowledge of the Zionist Federation.”

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<sup>12</sup> See Aiva Orr, *Israel: Politics, Myths and Identity Crisis*. London, Boulder, Col., 1994, p. 67.

According to the opinion of the Oxford historian Elisabeth Monroe, the Balfour Declaration was “one of the biggest mistakes in our imperial history.” The declaration suggested that there was a predominantly Jewish population in Palestine and some insignificant minorities; it failed to mention that the ‘unimportant’ Palestinian ‘minority’ (90 percent) had existed continuously for 1,300 years in Palestine and owned 97 percent of the land! The British Government had no right whatsoever to assume responsibility for deciding the fate of the indigenous population. Moreover, the right to self-determination that was deemed valid for other ‘liberated areas’ was deliberately disregarded in the case of Palestine: “In Palestine we do not even propose to take the wishes of the current inhabitants into consideration... The four great powers are obliged to Zionism. Right or wrong, good or bad, Zionism is rooted in a long tradition, in the present necessities, in future hopes, which are of greater importance than the wishes and the disadvantages of 700,000 Arabs, who currently live in this historic land” – these were the words of Lord Balfour in a memorandum to his cabinet colleagues dated 11 August 1919. This open and partly racist declaration was the peak of the overall deception. For the American President Woodrow Wilson, the support of this project was a “holy obligation.”

According to the Balfour Declaration, the establishment of a Jewish homeland should not result in any disadvantages for the non-Jewish, i.e., the Arab-Palestinian community. There was no legal reasoning to deny the Palestinians, after the collapse of the Ottoman Empire, a state next to the Jews in the British Mandate area that had existed since 1922. As the inhabitants of Palestine, who shared a common history, language and culture that was characterized by close family ties, they were the legitimate inheritors of the Ottoman Empire. Their claims were and remain the same as those of Croats, Slovenians, Lithuanians, Latvians, Estonians, Ukrainians and other national minorities. In their particular case, however, the Zionist movement countered their legitimate claims.

In order to make the claims of the Palestinians appear illegitimate, the Palestinians were described by the Zionist movement as Arabs who had only recently immigrated to Palestine due to the opportunities created by the settlers. This myth has also been repeated by the present Israeli Prime Minister, Benjamin Netanyahu, who said, “Many Arabs immigrated to Palestine in response to the increase in work opportunities that were created by the Jews.” Netanyahu even repeated the Zangwillian myth concerning the country without people during his state visit to Austria in September 1997. Today, the “hard, uninhabited no-man’s-land” in the Middle East is a “modern, dynamic state.”<sup>13</sup> The truth is that Palestinians were re-

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<sup>13</sup> “Die Zeit ist reif für normale Beziehungen”, in: *Süddeutsche Zeitung*, 23 September 1997.

garded as 'law breakers' whose actual home was in one of the 22 Arab states. Consequently, they were not recognized as negotiation partners.

The behavior of the first settlers *vis-à-vis* the Palestinians was described by Ahad Ha'am after his return from Palestine in 1891 as follows: "They think the only language the Arabs understand is that of violence. Their behavior towards them is – to put it mildly - aggressive. They attack them without reason in their villages and are proud to humiliate them by kicking and beating them. This is the way in which they express their anger about the fact that another people lives in 'their' land and refuses to leave." Ha'am warned the Zionist movement about despising the Arabs, treating them like barbarians and ignoring their interests.

The Palestinian identity is not based on religious claims but on the rights of a clearly identifiable Palestinian entity that has obvious claims to the area in question. The negation of this national identity was to result in the rejection of the Palestinians' right to self-determination.

Martin Buber and Ernst Simon predicted that Zionism would rise and fall with its treatment of the Arabs. Such voices were vehemently rejected by the Zionists and had no influence on the development process. At the Zionist Congress held in Karlsbad in 1921, Buber - who was among the first warning voices of Zionism and Israel - called for a just bond with the Arabs, saying, "We frivolously throw away genuine and valuable sympathy if we now recognize a method, which we have thus far stigmatized as inhuman, by practicing it ourselves... Not from outside, but from within yourselves is the real, unsolvable problem spreading."

The majority of those present at the Zionist Congress expressed the desire of the Jewish people to coexist in an environment of friendship and mutual respect with the Arab population and, along with the Arabs, to turn the common homeland into a prosperous country. The Zionist leader Arthur Ruppin demanded that Jews and Arabs should live on an equal footing side by side, negating any claim to authority. How insincere he was became clear when he repeatedly voiced his support for a closed Jewish economy, voting against the employment of Arab laborers in Jewish enterprises and pleading for a boycott of Arab products and for the systematic purchase of Arab land, which deprived the Arabs of their livelihood.<sup>14</sup>

Initially, the Zionist movement was eager to embellish its colonial goals with rhetoric. Chaim Weizman declared in 1918 in Jaffa that Jews wanted to work shoulder to shoulder with the Arabs for the sake of prosperity in

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<sup>14</sup> See Arthur Ruppin, *Dreißig Jahre Aufbau in Palästina*. Berlin, 1937.

Palestine, and he assured Palestinian and Syrian leaders in Cairo that Zionism was not seeking power in the country. Moreover, before the Peel Commission began its work in Palestine in November 1936, as ordered by His Majesty the King of England, Weizman demonstrated a readiness to cooperate and referred to the Balfour Declaration, saying that he and his associates were aware that the non-Jewish population in Palestine should not be suppressed and that the declaration was a kind of guarantee for them. However, he demanded at the same time a state that should be as Jewish as England was English: a goal that was persistently pursued. Weizman put it this way before the Peel Commission: "We are a stubborn people and a people with a long memory. We never forget... We have never forgotten Palestine. And the steadfastness that has maintained the Jews throughout the centuries and through a long chain of inhuman sufferings is mainly thanks to this psychological attachment to Palestine."

Neither the Jewish settlers nor the British occupying power made a serious attempt to reach an agreeable solution with the Arabs or to acknowledge their rights *vis-à-vis* a state of their own. That their interests should have been considered is noted in the following letter, sent by the author Hans Kohn to Martin Buber in 1929: "We have been in Palestine for 12 years now and have not once seriously tried to secure the acceptance of the people or to negotiate with the people that live in the country. We have relied exclusively on the military power of Great Britain. We have set goals that inevitably and in themselves had to lead to conflicts with the Arabs and about which we should say that they are reason - and justified reason - for a national uprising against us."

Indeed, a national uprising soon took place. During the first pogrom of 1929 in Hebron, almost all of the Jews living there were killed. Several years later, in the summer of 1936, widespread fear on the part of the Arabs concerning the impressive and equally frightening development of the Jewish *Yishuv* (pre-state settlement of Palestine) and the realization that the colonization of the country would take place solely at their expense resulted in the Arab revolt against both the Mandate power and the Zionist settlers, prior to which numerous, small incidents resulting in casualties occurred. Thus, Arab anti-Zionism manifested itself violently for the first time in 1936. A significant contributor to this later was the Mufti of Jerusalem Amin Al-Husseini, who had been appointed by an English Zionist: the first High Commissioner of Palestine, Sir Herbert Samuel.

The attitude of the Arab population of Palestine was not anti-Zionist from the very beginning. In 1908, all religious communities in Palestine had welcomed the decree of the Moslem Government, which allowed for greater political and religious development possibilities, and on 9 August



of that year, all religious communities opened their holy sites to members of other faiths.

Eventually, the violent confrontations between Jewish combat units and the indigenous Palestinian population and the struggle against the British Mandate authority both got out of control, resulting in the willingness of the British to terminate their mandate, assigned by the League of Nations. The Jewish units fighting in Palestine - Haganah, Etzel (Irgun Zvai Leumi) and Lehi (Stern Gang) - were uniquely famous for the acts of terror they committed against the Palestinians and the British. Two Prime Ministers of Israel were once wanted by the mandate power, which had issued arrest warrants for the two Jewish 'terrorists'. Examples of their handiwork included the blowing up of a part of the King David Hotel, seat of the Palestine Government, and the massacre committed in the village of Deir Yassin on 9 April 1948, in which 250 Arab men, women and children were murdered; the Arabs took their revenge only a few days later when they killed 77 doctors, nurses and scientists on their way to Hadassah Hospital. Menachem Begin, head of operations during the Deir Yassin massacre and Prime Minister of Israel from 1977 to 1983, voiced the opinion that the massacre was not only "justified" but that without the "victory" of Deir Yassin "a state of Israel would never have come into existence."

In February 1947, when Palestine was on the edge of a civil war, the British turned to the United Nations. With this move, the stage was set for the establishment of a Jewish state in Palestine. On 29 November 1947, the UN General Assembly passed Resolution 181, which provided for the division of Palestine between Arabs, who possessed 90 percent of the land, and Jews. At the time, 1,365,000 Arabs and 710,000 Jews lived in Palestine, and the numbers suggest that even without the Holocaust, which undoubtedly resulted in a lot of sympathy for the Zionist struggle, a Jewish state would have emerged, although the extent of the Nazi crimes and the refugee movement from Europe undoubtedly accelerated the rate at which it was born. However, as Michael Wolffsohn stresses, the establishment of Israel was mainly due to the "political, economic, social and military achievements of its founders."<sup>15</sup> The massive British and American support should of course not be ignored.

The fight of the Jewish underground organizations was both an anti-colonial war against the British and a renewed colonial attempt to establish a state on the territory of another people against its will. The entire Arab World rejected the Partition Plan for understandable reasons, such as the

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<sup>15</sup> Michael Wolffsohn, *Ewige Schuld? 40 Jahre Deutsch-Jüdisch-Israelische Beziehungen*. München 1988.

fact that it questioned the right of the Palestinians to the land in its entirety and promised to result in inestimable losses with regard to rights, property and political and social institutions. The Arabs regarded the Jewish claims to Palestine as illegal usurpation, a form of colonialism which denied the native population its right to a national state. As reported by Nahum Goldmann, even David Ben Gurion seemed to understand this: "Why should the Arabs make peace? If I were an Arab leader, I would never sign such an agreement with Israel. That is absolutely normal: we have taken their land. Sure, God has promised it to us but why should they be bothered by this? Our God is not theirs... They only see one thing: we came and stole their land. Why should they accept this?" The Palestinians, it should be noted, also feared that the Partition Plan would transform the 'Jewish problem' and bring Western European anti-Semitism to the Near East.

In view of the military operations, the UN General Assembly withdrew the Partition Plan less than six months after passing it and suggested an alternative proposal, which included the call for a temporary trusteeship for the undivided Palestine. The Arabs accepted the proposal while the Zionists rejected it vigorously and - while the assembly called for a special session in order to reconsider the Partition Plan - decided to take care of the matter themselves. As the British ended their mandate, the Zionists occupied Palestine, city by city, occupying, whilst pursuing their goal, many more parts than had been earmarked for the Jewish state. The terrified Arab population either fled in panic or was expelled by force, and by mid-May 1948, some 300,000 Arabs had left the country without even one single Arab soldier from the neighboring countries having entered Palestine.

The result of the Zionist occupation was the creation of three separate areas: Israel, the West Bank and the Gaza Strip. Historical Jerusalem came under Arab rule while the western part of the city became part of the Jewish state and thus, Palestine was not divided according to the UN plan. When David Ben Gurion proclaimed the State of Israel on 14 May 1948, only six percent of Palestine was actually Jewish property; yet, following the war-like confrontations, Israel possessed 77 percent of the total area of Palestine; 21 percent more than the UN Partition Plan, which the Zionists had accepted, had allocated to the Jewish state. Then and afterwards, the Zionists argued that the Palestinian Arabs had forfeited their right to any part of Palestine because they had refused to be content with half of the country. Meanwhile, diplomatic recognition and massive economic support contributed to the legitimization of the new state.

In the summer of 1949, a peace conference took place in Lausanne, initiated by the Palestine Conciliation Commission. The Arab states and the Palestinian representatives wished to discuss the UN resolution as a basis for peace negotiations, but the idea was rejected by Israeli Prime Minister Ben Gurion. Israel's then Foreign Minister Moshe Sharett saw in this conference an opportunity for peace, but Ben Gurion completely rejected this notion. In contrast to Ben Gurion, Sharett was willing to return the territories occupied by Israel during the War of 1948 that belonged to the Palestinians in accordance with the UN Partition Plan, and he was prepared to consider the issues of the return of the refugees and the internationalization of the Holy Places. However, peace was not Ben Gurion's prime goal. In 1954, when Sharett became Prime Minister for a short time, he held secret talks on solving the Question of Palestine with the Egyptian Government, although the Arab side was not ready to conduct the talks publicly and in Israel the *de facto* power was still in the hands of Ben Gurion, "who did not seek peace with the Arabs."<sup>16</sup>

In recent times, the establishment of the State of Israel has been the subject of a great deal of controversy. Since the opening of the official archives in the 1980's, younger historians have increasingly questioned the official historical doctrine concerning the nascent state that was instituted between 1948-1952. Besides Benny Morris, Simcha Flapan in particular has questioned the official Israeli interpretation of history, maintaining that 'Plan D' was not a political plan for the expulsion of the Arabs and expressing the view that they were expelled for security reasons only. Morris eventually had to admit that since April 1948 there had been "clear signs pointing to a policy of expulsion on national and local levels." With the help of documents from the archives, Simcha Flapan, Ilan Pappé and Norman G. Finkelstein were able to prove that a deliberately planned expulsion of the Palestinians had indeed taken place.

Although it appears that Ben Gurion never issued an explicit expulsion order, many of his documented statements leave no doubt about his real intentions. For example, asked by Yigal Allon and Yitzhak Rabin about what should happen to the inhabitants of Lydda and Ramle (50,000-70,000), Ben Gurion reportedly answered: "Expel them!" Lieutenant-Colonel Rabin immediately signed an order that read as follows: "The inhabitants of Lydda must be expelled quickly irrespective of their age. The order is to be executed instantly"... which is exactly what happened. This excerpt concerning the expulsion order was removed from the memoirs of Ben Gurion, as reported by the *New York Times* on 23 October 1979.

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<sup>16</sup> Ilan Pappé, "Von Lausanne nach Oslo. Zur Geschichte des israelisch-palästinensischen Konflikts", in: *Aus Politik und Zeitgeschichte*, B 14/98.

Prior to the final attack on the Galilee, Ben Gurion declared: "When the fighting in the north resumes, the Galilee will be cleansed and empty of Arabs." That Ben Gurion had actually given this particular 'expulsion order' was confirmed by Israel Eldad, one of the most articulate Israeli rightwing ideologists, in the daily Yediot Aharonot on 10 February 1995: the reference to 'cleansing' appeared several times with regard to both the Galilee, Lydda and Ramle. Moreover, Ben Gurion did not concede a single square meter that was in the hands of the Israelis, regardless of whether it had been allocated by the United Nations or the United States. Ben Gurion is further said to have told Musa Alami in 1937: "Of course we want peace, but we came here not because of peace but because of Zionism."

In exactly the same spirit, the following arguments have been presented repeatedly by the official Israeli side:

- The Zionist movement's acceptance of the UN Partition Plan of November 1947 was a fundamental compromise, according to which the Zionist Jews relinquished their dream of a Jewish state in all of Palestine and recognized the Palestinians' claim to an independent state. Israel was ready to make such a sacrifice because it was the precondition for the peaceful implementation, involving Palestinian cooperation, of the UN resolution.

Flapan maintains, however, that the Zionists' agreement to the Partition Plan was only a tactical concession within the framework of an unchanged overall strategy. On the one hand, it aimed at the creation of an independent state for the Palestinians; therefore, Ben Gurion concluded a secret agreement with King Abdallah of Transjordan, who thought the annexation of the area earmarked for the Palestinians would be a first step towards realizing his reign over the Greater Syria region. On the other hand, the strategy aimed at extending the territory earmarked by the UN for the Jewish state.

- The Arab Palestinians adamantly rejected the partition of Palestine and followed the call of the Mufti of Jerusalem to declare total war on the Jewish state; this forced the Jews to look for a military solution.

Flapan insists that it is only partly true that the Arab Palestinians rejected the partition of Palestine. The Mufti did indeed fight the Partition Plan but initially, the Palestinians did not follow his call for a 'holy jihad' against Israel. On the contrary, many Palestinian notables and groups were keen to reach a *modus vivendi* with the new state. It was only the absolute resistance of Ben Gurion to the creation of a Palestinian state that drove the Palestinians to the side of the Mufti.

The number of fighters was not very high and they were clearly inferior to the Haganah troops in terms of numbers, equipment and training. At the beginning of 1948, the Mufti had asked all Arab states for weapons and money but in vain.

- Before and after the foundation of the State of Israel the Palestinians followed the call of the Arab leadership to leave the country temporarily and to return at a later stage with the victorious armies. The Jewish leadership tried its best to make them stay but was unsuccessful.

Flapan argues that the Israeli politicians expelled the Palestinians from their villages and towns. While Morris mentions security reasons, Flapan and Finkelstein explain that the transfer was the result of Zionist ideology, saying the aim of the Zionist movement was to create a 'Jewish state', which necessitated the expulsion of the original inhabitants. As far back as in 1938, Ben Gurion had said at a meeting of his party, "I am for the forced evacuation. I cannot see anything immoral in this."

- All Arab states united on 15 May 1948 in order to enter Palestine, to destroy the newly established State of Israel and expel its Jewish inhabitants.

First and foremost, the Arab states wanted to prevent the reaching of the accord between the provisional Jewish government and King Abdallah, and they only entered Palestine to help their Arab friends after the proclamation of the State of Israel and the termination of the British Mandate. It was never their intention to destroy Israel. For example, the Jordanian Government ordered the general who led the Jordanian troops not to enter Jewish territory.

- The entry of the Arabs – in violation of the UN Partition Resolution – made the War of 1948 inevitable.

According to Flapan, the war between Israel and the Arabs was inevitable *per se*. The Arabs had agreed to a last minute American proposal calling for a three-month cease-fire on condition that Israel would meanwhile postpone its declaration of independence. The provisional Israeli government voted with six to four against the American proposal.

- The tiny Israel faced the attack of the Arab forces like David had once faced the giant Goliath: a people that was far inferior in num-

bers and badly armed was at the risk of being crushed by an overwhelming military machine.

According to Flapan, the comparison with David and Goliath is invalid. Ben Gurion admitted that the actual war of 'self-defense' lasted only four weeks, until the cease-fire of 11 June. Afterwards, large deliveries of weapons arrived in Israel, and the already better trained and experienced Israeli troops thus enjoyed technological superiority by land, air and sea.

- Israel has always stretched out its hands for peace, but no Arab leader has ever recognized its right to exist; thus, there was nobody with whom peace talks could have been conducted.

This is also not correct. In the years between the end of World War II and 1952, Israel rejected numerous proposals submitted by Arab states and neutral mediators that could have led to a peaceful solution.<sup>17</sup>

This official interpretation of history forms the essence of the Israelis' understanding of their state. Until today, the notion of an Israel that faces an awesome enemy is still spread, in particular by the Netanyahu government, which never fails to use this foregone conclusion to full advantage. All activities of Israel are portrayed as measures of self-defense of a people struggling for its very survival. With this, Israel automatically has right on its side, regardless of the extent to which its actions violate International Law.

By the time of the 1949 cease-fire, 750,000 Palestinians had fled. The UN passed various resolutions pertaining to the return of the refugees, but Israel refused to allow them to return, and until today, they are living in refugee camps throughout Jordan, Gaza, Syria, Lebanon, the West Bank, and elsewhere in the Diaspora. Of the 550 abandoned Palestinian villages, including their cemeteries, only 121 were not totally destroyed, the goal of the Israelis being at the time to wipe out any evidence of a Palestinian history. Jewish immigrants were settled in the remaining villages, where 200,000 of their number found apartments waiting for them. In the collective memory of the Palestinians, these events are manifested as the 'Catastrophe' (*An-Naqba*).

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<sup>17</sup> See Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949*. Cambridge, 1987; Simcha Flapan, *Die Geburt Israels – Mythos und Wirklichkeit*. München, 1988; Ilan Pappé, *The Making of the Arab-Israeli Conflict, 1947-1951*. London, 1992; Finkelstein, op.cit. (see footnote 10), p. 51ff. Another good overview is provided by Kenneth Lewan, "Der israelische Historikerstreit", in: *Das Argument* (1997), 221, p. 545.

The tension in the country remained after Israel's victory in the War of 'Independence', due, in part, to the proclamation of martial law on 21 October 1948, which permitted the military administration to control and restrict the freedom of movement of the Palestinians in central Israel. No Palestinian was able to leave his place of residence or district without the prior permission of the military governor, and Galilee alone was divided into more than 50 military districts. The military regime proved to be a very efficient control instrument because it split the Palestinian community. Moreover, Israel enforced the emergency regulations of the British Mandate period, which revoked the rights of the Palestinians. The Israeli Palestinians soon realized that they were second-class citizens.

The 'Absentee Property Law' of 1950 had even more devastating effects than the military regime, as it declared the Palestinians 'absentees' whose property would be administered by the Custodian of Absentee Property before being made private Jewish property or State property. This law permitted the State of Israel to confiscate land from Palestinians who had left Israel, as well as from those who had stayed. "He was present, because he was there, and absent, because he was not there."<sup>18</sup> It has been estimated that according to this law, which reads like something out of a science-fiction paperback, half of the Palestinian population in Israel fell under the category of 'absentee'.

By 1953, some 370 Jewish settlements had been built, 350 on land declared as abandoned, and by 1965, the Absentee Property Law and various other laws had facilitated the confiscation by the Israeli Government of almost three million acres of Palestinian land, 60 percent of which belonged to 'absentees'. Some Palestinians were offered compensation according to the 1953 law regulating land purchases, but the payments were so low that most refused them.

The passing of the Law of Return of 1950 and the Law of Nationality of 1952 likewise contributed to the discriminatory manner in which the Palestinians were treated. The disintegration of the Palestinian entity further advanced with the Jordanian annexation of the West Bank and East Jerusalem in 1949; meanwhile, the Gaza Strip came under Egyptian administration.

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<sup>18</sup> Yoram Kaniuk, "Vergleichende Studie über den Umgang mit dem Schmerz", in: Kaniuk, Y./Emil Habibi, *Das zweifach verheißene Land*. München, 1997, p. 100.

## 2. The Middle East Wars

In Western written history and journalism, including the daily news reports, the Middle East wars are always presented as pure wars of defense in which Israel was obliged to protect itself against Arab aggression. The United States and Germany, in particular, are countries where such a one-sided perspective dominates. Israel, until today, has always pursued imperial interests; even the Israeli scientist Israel Shahak supports the thesis that his country pursues hegemonic goals all over the Middle East.<sup>19</sup>

The reports concerning the Suez Crisis and the Sinai campaign of 1956 require certain corrections. The Egyptian President, Gamal Abdul Nasser was clearly a nationalist and a Pan-Arabist, but he was neither a war-monger nor an anti-Zionist. After coming to power, his primary aim was to modernize Egypt and to counter the foreign influence. The most visible sign of this was the nationalization of the Suez Canal after the withdrawal of the British troops from the canal zone.

In February 1955, Israeli forces attacked locations in the Gaza Strip, killing some 40 Egyptians. Until late 1956, the Egyptians themselves had repeatedly attacked Israel from the Gaza Strip, killing over 430 Israelis. Nasser considered the Palestine problem an international conflict and was of the opinion that the British Government wanted to force him, through the Israeli attacks, to join the Baghdad Pact. He opted for a policy that advocated a peaceful solution for the Question of Palestine through the United Nations and attempted at the same time to reach through mediators a *modus vivendi* with Israel. Later, Nasser declared repeatedly that he had no military ambition *vis-à-vis* Israel but merely wanted to loosen the imperialistic grip of the Western powers on the Arab World. However, instead of seeking a compromise with Egypt, Ben Gurion decided together with the former colonial powers France and Britain to put an end to the anti-colonial policy of Nasser. The goal of this joint armed conflict was on the one hand to overthrow the progressive Egyptian regime and, on the other hand, to procure recognition of Israel from the Arab states. This pact between Israel and the imperialistic powers France and Great Britain completely discredited the country in the Arab World and contributed considerably to the radicalization of the Arab states.

The Sinai Campaign began on 29 October 1956, the external reason being at the time the blockade of the Strait of Tiran at the exit of the Gulf of Aqaba and the closing of the Suez Canal to Israeli ships and ships destined for Israel. Together with France and Great Britain, Israel attacked the Egyp-

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<sup>19</sup> See Israel Shahak, *Open Secrets. Israeli Nuclear and Foreign Policies*. London, Chicago, 1997.



tian positions in the Sinai. Five days later the war was over, the Sinai and Gaza Strip having been occupied by Israel and the approach to the harbor of Eilat freed. Due to pressure from the Soviet Union and the United States the defeat was diplomatically disguised: Sharm Esh-Sheikh was put under UN control despite Egyptian resistance, while the United States guaranteed Israel that although Israeli troops had been forced to withdraw from the conquered territories, the Gulf of Aqaba would be considered international waters through which all ships could pass "freely and undisturbed." For Israel, this was a diplomatic victory; for the Arabs, a military defeat. The Arab neighbors interpreted the Israeli attack as evidence of the Israeli desire to expand and as posing a substantial threat to themselves, especially since there were ever-increasing voices in Israel calling for an Eretz Israel from the Nile to the Euphrates.

There are also different opinions regarding the assessment of the Six-Day War of June 1967. The majority of German historians support the thesis that Israel was fighting a preventive war; however, documents that have recently been made accessible by the Israeli Government point more to a deliberate Israeli war of aggression. That the state was "encircled by Arab armies ready to attack" is one of the legends pertaining to the wars led by Israel.

According to statements of Israeli politicians and military personnel, there was no acute danger of Israel being dragged into a war. Then Israeli Chief of Staff Yitzhak Rabin "did not believe that Nasser wanted war... The two divisions that he had sent to Sinai, were not enough for an offensive. He knew this and we knew it too." Abba Eban added: "Nasser did not want war, he wanted a victory without war." In his memoirs, Eban admits that Israel was not in great danger and that the situation had improved on a daily basis. In addition, General Matti Peled admitted in 1972 that the alleged 'deadly' danger purportedly faced by Israel was a "bluff," and that Israel, since 1949, had never been in a "deadly situation."<sup>20</sup> In *Le Monde* of 3 June 1972 he explained: "All those stories about the huge danger we faced due to the smallness of our territory only emerged once the war was over. They did not play any role at all in our deliberations prior to the eruption of hostilities. To pretend that the Egyptian army, which stood at our borders, would have been able to endanger the existence of Israel insults not only everyone who analyses the situation, but also, primarily, the Israeli army." And Ezer Weizman, today's President of Israel, said in the *Ha'aretz* of 29 March 1972, "that there was never a danger of destruction. This possibility was never considered in the meetings." General Haim Barlev, quoted in *Ma'ariv* on 4 April 1972, put it this way: "On the eve of

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<sup>20</sup> To these expressions see Finkelstein, op.cit. (footnote 10), p. 123-149.

the Six-Day War there was never the possibility of genocide and we never considered such a possibility.” The former Housing Minister Mordechai Bentov said on this issue in *Al-Hamishar* of 14 April 1971: “All the details of the whole story of a danger of destruction were made up and exaggerated in order to justify the annexation of Arab land.” Yigal Allon admitted that he and Begin “wanted Jerusalem.” Begin wrote in the *New York Times* of 21 August 1982 the following: “In June 1967 we had another opportunity. The concentration of Egyptian troops in the Sinai was not evidence of Nasser’s readiness to attack us. We have to be honest with ourselves. We decided to attack him.” In addition, Air Force General Mordechai Hod said: “Sixteen years of planning entered in those crucial 80 minutes. We lived with the plan, we slept over the plan, and we consumed the plan. We continuously perfected it.”

Why did the Israelis decide on a ‘preventive war’, although there was no ‘deadly danger’? At the time, there was massive public support for a war, considered an opportunity to ‘liberate Jerusalem and the West Bank’. The CIA, at the end of May 1967, was convinced that Israel could end a war within a few days. For then US Defense Minister Robert McNamara the only question was whether the war would last five or ten days; therefore the US gave the Israeli Government the green light for an attack at the beginning of June. The White House dispelled the Israeli fear that the country would not harvest the fruits of victory like in 1956. In order to defeat the purpose of the Egyptian Vice-President reaching a diplomatic solution in Washington, the Israeli army executed its preventive attack against Egypt, thus making pointless the planned visit scheduled to take place two days later.<sup>21</sup> With their espionage ship *US Liberty*, which they anchored 15 miles from the coast, the Americans wanted to discover whether the Syrians had deployed troops on the Golan. On 8 June, Israeli combat aircraft attacked the ship with the intention of sinking it; the ship did not sink, but the communication center was destroyed.

In the Six-Day War Israel was driven by motives similar to the ones that drove it during the Suez Crisis. Its primary target was to hit the center of radical Arab nationalism while also destroying the main arms depot of the Egyptian regime. A third intention was to crush Syria and Jordan as states. Its main aim, however, was to destroy any manifestation of Arab radicalism, or more concretely, to prevent independence and modernism as long as possible. This was exactly the role the United States had assigned Israel in its global strategy, i.e., to fight any form of Arab nationalism, as Noam Chomsky once put it in an interview with the author.<sup>22</sup>

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<sup>21</sup> *Ibid.*

<sup>22</sup> See interview with Noam Chomsky in: *Freitag*, 1 August 1997. See also the long version in the English original, in: *Challenge*, VIII (1997) 4, p. 6-7.

The security argument is also used to explain the attack on Syria and the conquering of the Golan Heights, and frequent references are made to the fact that the Syrians occasionally shot at the *kibbutzim* located at the foot of the Golan, forcing their inhabitants to spend many of their nights in shelters. This interpretation dominates until this day.

However, an interview published on 27 April 1997 in *Yediot Aharonot*, conducted by former *Ha'aretz* journalist Rami Tal with Defense Minister Moshe Dayan on 22 November 1976 and 1 January 1977, reveals the same motivation. Dayan reported that on 8 June 1967 a delegation of kibbutz members had come to Jerusalem in order to persuade the government to attack the Golan. Dayan's answer then was that "the Syrians on the fourth day of the war were not a threat to us." Eighty percent of the incidents began as follows: "We would send a tractor to plow some place where it was impossible to do anything, in the demilitarized area, and we would know ahead that the Syrians would start shooting. If they did not start shooting, we would inform the tractor to progress farther, until the Syrians, in the end, would get nervous and would shoot. And then we would use guns, and later even the airforce, and that is how it went." This game was played by all commanders, including Zvi Tzur and Yitzhak Rabin.

After the War of 1948 and the cease-fire agreement, Israel never considered the lines as being permanent. Said Dayan: "We thought then, and it continued for quite some time, that we could change the lines of the cease-fire accords by military actions that were less than a war. That is, to seize some territory and hold it until the enemy despairs and gives it to us. It definitely may be said that there was a certain amount of naivete on our part, but you must recall that we did not have the experience of a state."

Contrary to Dayan's claim that only Syrian troops were deployed on the Golan, some 120,000 Syrians lived there at the time in 272 towns and villages. "The *kibbutzim* there saw the good land for agriculture, on the banks of the Jordan Valley and the Dan, and the Hula, and the Kinneret, and dreamed of it. And you must remember that this was a time when agriculture had a holy value and agricultural land was considered the most important and most valued thing." Asked whether the *kibbutzniks* wanted the land, Dayan replied: "I am not saying that. Sure, they wanted the Syrians to disappear from sight. They suffered greatly because of the Syrians ... The Syrians opposite them were soldiers who shot at them, and they certainly did not like this. But I can tell you with absolute certainty: The delegation that came to convince Eshkol to go up to the Golan Heights did not think about these things. They thought about the land in the Golan... I saw them and I spoke with them. They did not even try to hide their lust for that ground. That is what guided them."

Dayan added that he knew from the beginning of the war that Israel would conquer a large area of land but would have to return most of it for the sake of peace. "Because I looked with a *kibbutznik's* eyes, and I knew that the moment we would be on the Golan, they would start taking the land. And when there are settlements, you don't come down. This was our strength in the War of Independence, and it is always a strength, but it disturbs making peace."<sup>23</sup> For Dayan, the decision to have Jewish settlers affiliated with Moshe Levinger settle in the heart of Hebron was a 'disaster' for it put insurmountable obstacles in the way of reaching a just peace with the Palestinians. He once said he had not resigned because he thought the settlers would withdraw one day; that they are there until today is due to Yigal Allon, who was in principle against everything that came from Dayan.

For the Arab World, this defeat was a catastrophe. In the course of the Six-Day War, hundreds of thousands more Palestinians had to flee and the war resulted in renewed expropriation and more injustice. For the Palestinians the defeat was the continuation of the Catastrophe of 1948. Despite the enormous territorial gains, Israel had won a 'Pyrrhus Victory' as Dan Diner put it. Only after these events did the long-forgotten refugee problem reach a global dimension. Israel's victory also provided a basis for the resurgence of the religious forces in Israel. The Middle East conflict - as being presented until today - was born.

The Israeli victory in the Six-Day War resulted in not only new political questions and problems but also a religious dimension, which increasingly imposes an existence question for Israel. The Israeli Right saw the victory as a divine reward for the Jewish people. The spiritual leader of the religious-nationalist ideologists was Rabbi Zvi Yehuda Hakoeh Kook. Brought to the Wailing Wall upon the request of soldiers, he declared: "We herewith announce to the people of Israel and the whole world that our heavenly mission has just returned us home to our holy mountain and our holy city. We will never leave it again." From the basis of this victorious euphoria, the ideology of the so-called *Eretz Israel Hashlema* (Greater Israel ideology) was developed, which declared the country holy. From this point onwards, the nationalists and the religious called the West Bank Judea and Samaria, and with the coming to power of the government of Menachem Begin in 1977 their influence increased enormously. It was this ideological environment that produced the murderer of Prime Minister Yitzhak Rabin.

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<sup>23</sup> Both interviews with Moshe Dayan are in: *Journal of Palestine Studies* (JPS), XXVII (Autumn 1997) 1, p. 144-149; extracts can be found in *Challenge*, VIII (1997) 4, p. 14ff.

After the war, the Israeli Government did not attempt to use the territories as security for potential peace negotiations. Egypt and Jordan tried to reach a peaceful reconciliation. However, all negotiations were blocked after the Arab countries decided on the three 'No's' during their meeting in Khartoum, where the PLO made its first big appearance, in August 1967: no to peace with Israel, no to negotiations with Israel, and no to recognition of Israel. The PLO rhetoric regarding the destruction of the 'Zionist structure' harmed the Palestinian and Arab cause, and although the Palestinians were still far away from carrying out their threats, Israel cleverly used this rhetoric again and again to explain its hard-line attitude. The Supreme Commander of the UN, Odd Bull, assumed that the reason for the rhetorical excesses of Khartoum was the Israeli intention to annex the territories:<sup>24</sup> a thesis that appeared very daring at the time.

On 22 November 1967 the UN Security Council passed Resolution 242 calling on Israel to withdraw from all occupied territories. The Israeli Government tried to balance the meaning and consequences of the resolution by interpreting it very cleverly. A contradiction was created between the English and the French text: the English text: "withdrawal from occupied territories," the French, "withdrawal from the occupied territories." All other official translations speak unambiguously about "the occupied territories," from which Israel had to withdraw in accordance with International Law.

The Israeli Government used the following three arguments for maintaining the *status quo*: that Israel needed strategic depth for security reasons, that it wanted to take economic advantage of the occupied territories, and that the West Bank, from an ideological point of view, was historic Jewish soil on which the Jews had to settle. Israel wants to possess these territories forever but minus the original indigenous population. With the help of the Oslo Accords, it might succeed. It maintains control over the land, contains the Palestinians in reserves and orders PLO Chairman Yasser Arafat with his police and security services to watch over them, control them and, if necessary, suppress them.

The humiliation the Arabs suffered because of the Six-Day War, Israel's refusal to withdraw to the borders of 1967, as well as the terror attacks and airplane hijackings of the PLO, prepared the ground for a new armed conflict between the hostile parties. On 6 October 1973, the day of Yom Kippur (the Day of Atonement) - the highest holiday in Judaism - Egypt and Syria attacked Israel in a concerted action. Despite the initial success of the Arab forces, the Israeli troops managed to proceed into Egyptian

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<sup>24</sup> See Odd Bull, quoted in: Finkelstein, op.cit. (footnote 10), p. 152.

territory beyond the Suez Canal as well as reach a point only 32 kilometers away from Damascus. After the Soviet Union threatened to use nuclear weapons, American Foreign Minister Henry Kissinger forced the Israelis to agree to a cease-fire on 24 October 1973, and the negotiations began on 11 November 1973 at milestone 101 in Egypt. The war was a turning point for the relations of the Arab states with Israel and resulted in questions concerning the myth of the invincibility of the Israeli army. In Resolution 338, the UN Security Council called on the parties to the conflict to work towards a just and lasting peace within the framework of UN Resolution 242. This and other measures were accompanied by the proclamation of the oil embargo against Israel-friendly states on 16 October 1973.

Despite the victory, nothing could hide the fact that the Israeli Government had actually failed. When an inquiry commission blamed the government for being badly prepared for the attack, both Prime Minister Golda Meir and Defense Minister Moshe Dayan resigned. They were replaced by Yitzhak Rabin and Shimon Peres, but the younger guards of the Labor Party could not stop the demise of the party; several scandals and internal party crises led to the victory of the national-conservative Likud bloc in the parliamentary elections of May 1977.

### **3. The Domestic Turning Point in Israel**

The election of the national-conservative Menachem Begin as Prime Minister was to have more of an effect on Israel than 30 years of Labor Party administration. Begin, the former commander of the underground organization Etzel and founder of the Herut Party, appointed - to everyone's surprise - Moshe Dayan as Foreign Minister and stressed his desire for peace. In his government declaration, Begin clarified that for him there was no Palestine but only Eretz Israel, reaching from the Mediterranean to the Jordan River. He wanted to obstruct the way for any future independence and statehood for the inhabitants of 'Judea', 'Samaria' and Gaza through an intensive settlement policy in all parts of Eretz Israel; for Begin, as a revisionist, the right of survival of the Israelis was more valid than the Palestinians' right to their homeland.

The settlement policy became the main preoccupation of his government, which cooperated, if not competed, with Gush Emunim (Bloc of the Faithful), a nationalist-religious settler movement that was founded in 1974. The hard core of the Gush Emunim settlement movement was inspired by intense hostility *vis-à-vis* the Arabs, and even today its members, all of whom are enthusiastic supporters of the Greater Israel ideology, reject any

form of compromise with the Palestinians. The Gush Emunim settlements soon became centers of the extreme Right, which is characterized by two ideological pillars: a xenophobic nationalism directed against the *Goyim* (non-Jews) in general and the Arabs in particular, and religious mysticism. Among the figureheads of the Gush from the very beginning were Rabbi Moshe Levinger and the recently deceased Minister of Environment, Zevulun Hammer. Their spiritual leader was Zvi Yehuda Kook himself, who justified the settlement policy with his Greater Israel ideology.

Equipped with 'religious legal titles', they also settled in the central parts of the Palestinian land in accordance with the Sharon Plan, which foresaw the division of the West Bank into seven Palestinian enclaves and the Gaza Strip into four, all under Israel's sovereignty. The intention was to move a wedge into the residential areas of the Palestinians. None of the Arab built-up areas were to be inhabited by more than 100,000 people, and in all, no more than 15 percent of the occupied territory was earmarked for Palestinian residential developments. Through its settlement policy, which resulted in the construction of paramilitary, nationalist-religious suburban settlements, Israel created facts that make a return of the occupied territories in the Gaza Strip and the West Bank impossible.

Moshe Dayan only accepted the position of Foreign Minister in Begin's Cabinet because he was assured that he could execute a peace initiative. In October 1977, Dayan met with King Hussein of Jordan in London. Another meeting took place in 1977, this time between Egyptian Vice-President Hassan At-Tuhami and Dayan, in Morocco. On 19 November that year, Egypt's President Anwar As-Sadat visited Jerusalem and gave a speech in the Knesset, stressing the following three points:

- There cannot be a separate peace between Israel and Egypt.
- Israel must leave all territories occupied in the War of 1967.
- The core problem is the Palestinians. In the absence of a just solution, there will never be peace in the Middle East.

In September 1978, Israel and Egypt concluded a skeleton agreement in Camp David in the United States, the signing ceremony of which took place in Washington on 26 May 1979. The agreement states among other things the following: "Peace requires respect of sovereignty, of territorial integrity, and of political independence of all states in the region and their right to live in peace within secured and recognized borders without any threat or violence." With regard to the Palestinians, the following diplomatic remark is made: "The result of the negotiations must also recognize

the legitimate rights of the Palestinian people and its justified needs.” Israel withdrew in two stages from the Sinai, leaving the city of Yamit and 20 other settlements. The Palestinians as well as Syria, Libya and Algeria rejected the agreement.

The journalist Adel S. Elias sees the 1979 negotiation success of Israel in the following way: “It is the huge tragedy of the Palestinians and a perfidious irony of destiny that it was Arab Egypt in particular that helped the Zionist ideology and its arrogance of power reach such a overwhelming triumph.”<sup>25</sup>

Even in the Camp David Accords, Israel was only prepared to grant the population in the West Bank and Gaza Strip limited autonomy. Then, like today, it did not want to discuss sovereignty or a state for the Palestinians. As Begin put it: “We have a right to and demand sovereignty over these areas of Eretz Israel. This is our land; it rightfully belongs to the Jewish nation.”

When Ronald Reagan succeeded unlucky Jimmy Carter as President of the United States in 1980, the Middle East conflict was pressed into the East-West scheme. Reagan and his Foreign Minister Alexander Haig were fiery anti-Communists, and they consequently allowed Begin and Ariel Sharon to involve them in a pro-Israeli policy. Israel sold the planned invasion of Lebanon in the year 1982 to the United States as a war against the ‘Communist’ PLO and the ‘Communist’ leftist forces of the country. The Israeli Government wanted the PLO and the Lebanese Government to get angry with one another, allowing it to force a ‘new order’ on a new, convenient Lebanese government. Moreover, under the slogan “Peace for Galilee”, Sharon wanted to destroy the PLO.

This deliberately planned war led to a disaster and to the biggest anti-war demonstrations Israel had ever seen. Approximately 400,000 people protested against their own government, condemning it for permitting the Maronite militia to massacre over 700 Palestinians living in the refugee camps of Sabra and Shatila. Altogether, some 17,824 people died during the war, mainly civilians. The United States participated in the invasion by sending so-called ‘peace troops’ who fired at Druze villages in the Shuf mountains from their position in the Mediterranean. The Americans paid a high price for their involvement: the Druze and Shiites treated the Americans as collaborators with Israel and thus, as enemies of the Leba-

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<sup>25</sup> Adel S. Elias, *Wer wirft den letzten Stein. Der lange Frieden im Nahen Osten*. Düsseldorf et al., 1993, p. 389.



nese, and in October 1982, Lebanese suicide commandos blew up 241 American and 58 French soldiers.

The Israelis also suffered high casualties. After the war, an Israeli investigation commission determined that Defense Minister Sharon was largely responsible for the Israeli losses, which forced him to resign, although Begin kept Sharon in his cabinet but as Minister without Portfolio. The General Chief of Staff at the time was Raphael Eitan; both men now hold the position of minister in the current government of Benjamin Netanyahu. On 30 August 1983, Begin resigned from his position as Prime Minister; he had not been himself since the death of his wife in 1982 and, now increasingly dependent on strong medication, he was often unable to govern. Begin was succeeded by Yitzhak Shamir. When, in September 1984, Likud and Labor built a national unity government coalition, Shimon Peres became the new Prime Minister.

In 1985, Israel withdrew from Lebanon but erected in the south of the country a 14-kilometer so-called 'security zone', which was controlled by the South Lebanese Army (SLA). The SLA is becoming an increasingly unreliable partner, and Israeli failures are most likely due, at least in part, to the double role the SLA militias are playing. The 'security zone' did not bring Israel security. On the contrary: since the Israeli invasion of Lebanon, some 1,232 Israeli soldiers have been killed there, including 589 who were killed following the creation of the zone, and the firing at Israeli positions in Northern Israel has never stopped. The Shiite 'Warriors of God' are supported in their actions by the Christian Lebanese.

The joint struggle of the United States and Israel against the alleged 'Communism' caused the groups previously fighting each other in Lebanon move closer together and the Druze, Shiites and Palestinians to lean more upon Syria. The 'new order' of Sharon turned out to be a disaster for Israel, whose only real 'success' was the withdrawal of the PLO from Lebanon. The PLO was not, however, totally defeated, and it turned the withdrawal from Lebanon into something of a media spectacle, with Arafat appearing to leave the battlefield in Lebanon - the mission having been accomplished - as a victorious commander-in-chief.

On 1 September 1982, President Reagan announced his Middle East Peace Plan, calling for the withdrawal of all foreign troops from Lebanon and Palestinian self-administration in the occupied territories in cooperation with Jordan. Begin totally rejected the plan.

The occupation of Lebanon has not paid off for Israel. The war-like acts of retaliation, such as the invasion in July 1993 when the Israeli army

expelled more than 500,000 Lebanese towards Beirut, or the act of retaliation of April 1996 that ended with the murder of 120 women and children at a UN position in Qana'a, contributed to the defeat of Shimon Peres in the Israeli elections of that year whilst revealing that the liberation struggle of the Hizbollah was more than just 'terrorism'.

After the latest debacles and the high losses of the Israeli army in Lebanon, the voices in Israel pleading for a unilateral withdrawal increased. The 'Four Mothers Movement' staged several protests, during which its followers addressed the question of Israeli Government responsibility. The 'security zone' is gradually turning into Israel's new Gaza, and Israel appears ready to unilaterally withdraw from the area, having realized that such a move would deprive Syria's President Hafez Al-Assad of his most important card, since Damascus puts considerable pressure on Israel through the Hizbollah.

#### **4. The Palestinian Struggle for an Independent State**

As mentioned before, the 'Zionist land grabbing' and the military confrontations between Jews and Palestinian Arabs led to the mass expulsion of the latter. The United Nations took care of the refugees through the UNRWA, but many of their original aspirations soon faded from their minds. Only with the establishment of the Palestine Liberation Organization (PLO) on 16 June 1964 in Cairo – and later, the Six-Day War of June 1967 and the subsequent resistance of the Palestinians - did the plight of the Palestinians infiltrate the consciousness of the world public. The struggle of the PLO against Israel was from the beginning characterized by a certain unwillingness to compromise; it was a kind of 'zero-sum game', in which the success of one side would be at the expense of the other.

The basis of this strategy of confrontation was the Palestinian National Charter of 1968 in which the PLO denied the State of Israel the right to exist. Until its expulsion from Lebanon in 1982, the PLO carried out many terror attacks against Israel, Jewish establishments abroad, and Jews in the Middle East and in other countries, including Germany (e.g., during the Olympic Games in Munich in 1972, or the hijacking of the Lufthansa plane *Landshut* to Mogadishu), all of which were intended to help force the 'Zionist structure' to disappear. This strategy of violence has done great damage not only to the interests of the Palestinians, but also to the perception in the West of the Arabs in general. Moreover, it is partly responsible for the 'concept of the enemy Islam'.

Besides this line of terror, the PLO also followed a diplomatic track. On 13 November 1974, Arafat addressed the UN General Assembly, but only after the UN was forced to move from New York to Geneva when Arafat was unable to obtain a permit to enter the United States. The speech was a diplomatic success, taking into consideration that the US and Israel reject until today the Palestinians' right to self-determination and to an independent state, and that both states voted against the PLO simply because it was – and indeed, remains – the symbol of Palestinian nationalism. The strategy of terror and diplomacy seemed to bear fruits; on 7 August 1981, the Arab League adopted with an overwhelming majority the plan of King Fahd of Saudi Arabia to exchange 'land for peace'.

Following the expulsion of the Palestinians from Lebanon in 1982, it became clear to even the last Palestinian that the conflict could only be solved using a two-state approach, since a bi-national state – though a reasonable, low-cost option – was as far as Israel was concerned, totally out of the question. Still, after its expulsion from Beirut, the declared goal of the PLO was the liberation of Palestine. Israel and the United States denounced this as pure terrorism. Such a propagandistic interpretation had nothing to do with the political reality, yet the world public did not repudiate it. After the invasion of Lebanon the Begin government succeeded in portraying all subsequent acts of resistance as terrorism, and this was generally accepted. No one even thought about condemning the horrendous violence of the State of Israel against civilians in Lebanon or the occupied territories, and certainly not about calling it 'terrorism'.

In fact, for decades, many observers, mainly in the West, saw the PLO only as a terrorist organization. For the Palestinian, however, it remained a liberation movement that aimed at – and succeeded in – bringing together the Palestinians scattered in many countries. The PLO became the institutional incorporation of Palestinian nationalism and consciousness, both of which were boosted significantly by the battle at Karameh, a Jordanian village, in March 1968, during which the Palestinian *fedayeen* (those prepared to sacrifice themselves in the name of their country) succeeded in killing 32 Israeli soldiers, even though 124 of their number were also killed. This 'psychological victory' had internal and organizational consequences. For example, Ahmed Shuqairi, President of the PLO, was forced to resign on 24 December 1968 and was temporarily replaced by Yahya Hamuda, who took over the presidency of the Executive Committee until he was succeeded by Yasser Arafat in February 1969.

Under the umbrella of the PLO, numerous groups were organized, fighting together in a people's liberation war against the Israeli army. This strategy could not be maintained for long, and the *fedayeen* eventually

retreated to neighboring countries. It soon became obvious, however, that the PLO, under the leadership of Fatah, did not have control over all member groups, and in mid-1969 the Democratic Front for the Liberation of Palestine (DFLP), led by Nayef Hawatmeh, split from the Popular Front for the Liberation of Palestine (PFLP) of George Habash.

When the *fedayeen* established themselves in Jordan as a power that publicly challenged King Hussein, the situation became so tense that King Hussein set his soldiers upon them without any mercy in what came to be known as the 'Black September Massacre'; an 'orgy of retaliation' that left 3,000 PLO fighters dead. Even after the massacre the actions of the DFLP and PFLP did not stop. Consequently, in July 1971 the PLO militias were completely crushed and expelled from Jordan. With this major setback, they lost their most important base in their struggle against Israel.

Until the mid-1970's, Israel was able to maintain a public image of a 'liberal occupying power'. The policy of Defense Minister Moshe Dayan aimed at allowing the people to continue with their former lives as far as possible, meaning tensions and conflicts were to be avoided, and every form of resistance was suppressed. Dayan's policy, the goal of which was to make the people 'feel' the occupation but not see it, appeared to bear fruits: until the mid-1970's there was no remarkable resistance in the Palestinian population centers, the economic situation was satisfactory and the few Jewish settlements that existed were rather remote. However, with the change of government and the coming to power of the Likud bloc, not only the style of occupation changed but also the mood amongst the population.

The land expropriations and the systematic construction of new roads in violation of International Law were adequate proof that Israel intended to keep the territories permanently. This was apparent in the frank confession of a representative of the military government, made in 1980, in which he said that he was not interested in improving the situation of the people but in their emigration. The policy of non-involvement was exchanged with a carrot and stick policy, i.e., nationalists were punished, while those who were willing to cooperate were rewarded. The Palestinian self-administration structures were systematically dissolved, and all the mayors elected in 1976 were dismissed. The general population was also exposed to the arbitrary measures of the military authorities, which turned any request into a run with the gauntlet. It is Israel's humiliation, degradation and repression of the Palestinians that should be considered the cause of the *Intifada*, the Palestinian uprising against the Israeli occupation, which broke out on 9 December 1987.

The *Intifada* was no remote-controlled initiative from Tunis or Damascus, and it took the PLO by surprise as much as it did the international experts. Neither the shooting death of two Palestinian students at Birzeit University in December 1986 nor the kamikaze action of an activist from the PFLP General Command in the Galilee on 25 November 1987, in which six Israeli soldiers were killed, should be regarded as the events that triggered off the uprising since both actions had no visible aftereffects in the occupied territories. The *Intifada* began as a spontaneous reaction of a suppressed people. It was the misery, the fear of deportation and land expropriation, the aggressive settler behavior, the desperation felt as a result of the camp war among Palestinians in Lebanon, and the hatred of the occupying power that made the life of the Palestinians increasingly unbearable and left them feeling that they had nothing left to lose but their oppression and humiliation. On 8 December 1987, an Israeli military vehicle crashed into several Arab cars near the border between Israel and the Gaza Strip, killing four Palestinian workers and seriously injuring several others. Three of the killed men were from Jabalia, the largest refugee camp in the Gaza Strip. It was suggested that the 'accident' was an act of retaliation for the murder of an Israeli businessman, Shlomo Tahal, by the Palestinian unit 'Force 17' on 6 December 1987 in Gaza, and the funeral of the three Palestinians, held the day after the incident, turned into a huge demonstration against the occupation. When, one day later, on 10 December, 15-year-old Hatem As-Sissi was shot in the heart and killed in Jabalia, the uprising was given its first 'martyr'.

In the days that followed, the protests spread rapidly, first to the other refugee camps and then to the larger towns and cities of the West Bank. Basically, they were nothing but demonstrations. According to scientist Alexander Flores: "Had the army not interfered, nothing would have happened."<sup>26</sup> The Israeli army was intent however on breaking up every demonstration, and it did so in an extremely brutal manner. The Israeli Government was unable to come up with a political answer and chose, instead, to order the use of teargas, rubber bullets, nightsticks, and live ammunition - one order of then Defense Minister Yitzhak Rabin was "Break their bones" - and within only a few days, the uprising had several new martyrs. The Israeli measures, intended to deter the Palestinians, led to an escalation in the violence, and it was only a matter of days before the entire Gaza Strip and some West Bank refugee camps had joined the uprising. Two weeks into the uprising, the Fatah-PLO with its youth organization *Shabiba* took over the leadership, and when four PLO groups formed the 'Unified Leadership of the Uprising' (UNLU), they called, in January 1988, for a 'war of the people' involving not firearms but a 'hail

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<sup>26</sup> Alexander Flores, *Intifada. Aufstand der Palästinenser*. Berlin, 1989.

of stones, Molotov cocktails and iron sticks' against the Israeli authorities. Liberation was to be achieved through civil disobedience; parallel to this, a political, social and economic infrastructure was to be created and the Israeli economy boycotted.

The *Intifada* was the biggest political and military challenge to have ever confronted the State of Israel and its army. The identity crisis of the army, which first became apparent with the disaster in Lebanon, worsened with the *Intifada*, and acts committed by the army against unarmed civilians contributed not only to the alienation between the army and the general population but also to the erosion of the troops' morale. Until today, the consequences of this disintegration are evident: suicides, drug abuse, legal offenses and the instances of soldiers refusing to serve in the army are increasing, with the number of suicides exceeding in recent years the casualties in battle.

At the time it broke out, the *Intifada* was a people's movement, which tried to separate the occupied territories as much as possible from Israel and to promote the idea of self-sufficiency in order to prepare the population for a period of long-term resistance. The Palestinians wanted to liberate themselves from their dependence on Israel and in the early stages, the *Intifada* was very successful in this particular respect. With the boycott of Israeli goods, the mass resignation of Palestinian policemen and tax collectors and the destruction of the network of collaborators and spies a gradual dissociation from Israel was achieved.

At the same time, however, the *Intifada* also resulted in great losses for both the parties involved in the conflict: more so in the case of the Palestinians, but certainly, also in the case of the Israelis, who suffered considerable economic losses. The *Intifada* had a tremendous effect on the lives of all Palestinians. On the one hand, their standard of living deteriorated; on the other, their national consciousness was strengthened, but although the people were originally full of hope because they truly believed that the uprising would bring them liberation and an independent state, the only real success the *Intifada* brought about in the long term was the increase in global consciousness concerning the tragedy of the Palestinian people. The myth of a beleaguered and threatened Israel, supposedly always the victim of the aggression of its neighbors, was finally destroyed. The roles had changed, and the small David of 1967 was now regarded as what he had become in 1988: a well-armed Goliath, who was being confronted by a stone-throwing David. Thus, the public perception of Israel's role had changed from that of a 'victim' to that of a guilty party. The *Intifada* also had disastrous effects on the self-image of the Israelis, who tried desperately to rationalize the uprising as a war in order to 'justify' the killing

and beating of so many innocent civilians before their own eyes and those of the world. The Israeli war machinery was completely helpless in facing non-violent resistance. Israel realized where the 'ethnic borders' of the use of violence stood. Despite the much-improved Palestinian image, the *Intifada* failed, because it did not manage to transform the Palestinian institutions. Nevertheless, even the brutal behavior of the Israeli army did not succeed in suppressing it.

It was in August 1988 that Israel came with a new initiative outlawing membership in the committees that supported the organizational structures, which had a negative impact on the mainspring of the *Intifada*. On 31 July 1988, King Hussein of Jordan had disengaged from the West Bank, and under the pressure of the *Intifada*, the PLO now publicly accepted the two-state model. On 15 November 1988, the 'Palestinian National Council' (PNC) proclaimed the independent state of 'Palestine' in Algiers, but this final diplomatic breakthrough was doomed to failure, since the United States and its Western European allies refused to recognize the 'phantom state'. At the same time, the PLO also recognized UN Resolutions 242 and 338 and called for the solution of the Palestinian refugee problem on the basis of International Law. It furthermore renounced terrorism as a political means, thus indirectly recognizing the right of Israel to exist within the borders of 1948.

Although the Palestinians were ready to coexist peacefully with Israel - a decision that was welcomed by the international community - the Israeli Government made it clear that it did not want to be recognized by the 'terror organization', the PLO, as it was aware that the recognition would deprive it of its most useful and effective propaganda instrument. Israel had no interest whatsoever in entering into negotiations with the PLO on the return of the occupied territories, and the PLO's declaration was denounced as a tactical move which was intended to conceal the old goal - the destruction of Israel. The Israeli Likud-Labor coalition government, led by Yitzhak Shamir, offered the Palestinians a peace initiative with free elections and limited autonomy, but his offer was rejected.

Against the background of the *Intifada*, two new antagonists - more dangerous than the PLO had ever been - emerged to play a leading role: Hamas (Islamic Resistance Movement) and the Islamic Jihad. Israel had not only tolerated Hamas in the Gaza Strip, considering it a counterweight to the PLO, but had also fostered its emergence ideally and financially. Only later was Israel to realize that this was a perfect example of jumping out of the frying pan into the fire. But what, exactly, is Hamas, whose successes, like those of the other Islamists, are the price that was paid for the political, economic and moral failures of the old elites?

In its charter of August 1988 Hamas describes itself as a “wing of the Moslem Brotherhood in Palestine.” The Moslem Brotherhood rejected the armed struggle and initially played a positive role in building a social and religious infrastructure. Only in the course of the *Intifada* did main parts of the movement become more radical and establish, under the leadership of Sheikh Ahmad Yassin, Hamas. In its charter, the organization advocates a “Holy War” against the “Zionist invasion” (Article 7) and a uniform Islamic Palestine (Article 11), to which Israel also belongs, thereby implicitly questioning Israel’s right to exist. The Islamic Jihad, which developed out of a splinter group of Hamas, is a more radical variant of the organization, acting from small, independently acting cells.

Hamas and Islamic Jihad are responsible for many terror attacks against Israeli targets in which innocent Israelis were killed. Both organizations reject a Western-style social system and call for a system based on Islamic Law, the Sha’ria. According to their ideas, democracy has no foundation in the Qur’an; on the contrary, from their perspective, democracy contradicts the only legitimate sovereignty, the one of Allah. They are supported by donations from Palestinians in the US and Europe as well as Saudi Arabia. It cannot be said for certain that Iran supports these organizations financially.

The Middle East did not lie outside the scope of the revolutionary changes that occurred in the year 1990 and afterwards. The Palestinians under the leadership of Arafat failed at first to realize this and backed - misjudging the political balance of power - the dictator Saddam Hussein during the second Gulf War. When the Palestinians cheered on the scud missiles as they traveled from Baghdad to Israel, the mistrust and suspicion directed against them increased. However, is it not true that the entire Israeli society cheered on the American attack on Iraq? Was it not the Israeli Government spokesman who demanded from the US that it “show Saddam Hussein no mercy”<sup>27</sup> The world public opinion did not condemn these comments, and once again, the Palestinians became the victims of the double standards of the West, which also saw nothing wrong in the fact that the bombs the Americans dropped over Iraq equaled seven Hiroshima bombs and killed some 150,000 Iraqis.

While Amos Oz painted the ghost of a “second Auschwitz” on the wall, Yossi Sarid wrote the following in *Ha’aretz* in 1991: “Compared to the crimes of Saddam Hussein the sins of the Israeli Government appear white like snow. However, I still support their [the Palestinians’] right to

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<sup>27</sup> See Norman G. Finkelstein, *The Rise and Fall of Palestine. A Personal Account of the Intifada Years*. Minneapolis, London, 1996, p. 82.



self-determination and an independent state because it is my own right to be rid of the occupation and its negative effects. Perhaps they deserve the occupation; we, however, do not deserve it.” Was Sarid suggesting that perhaps the occupation was a stroke of luck for the Palestinians and did not damage their society in any way? Since when is the occupying power the one who suffers? The defenselessness of Israel, imposed by the Americans, had deeply shaken the State of Israel’s understanding of itself. For the first time, Israel was confronted with a situation that contradicted its State doctrine of self-defense. Abroad, the attack on Israel caused a flood of solidarity rallies, many of which were characterized by the collection of large amounts of financial aid. Who could forget the trips to Israel of German politicians with checks in their luggage? For Israel, the Gulf War was definitely a ‘moral upgrading’.<sup>28</sup>

For the PLO and the Palestinians in the Arab states the defeat of Saddam Hussein was a severe setback. Some 350,000 Palestinians were thrown out of Kuwait, Saudi Arabia and the Gulf states, which - with payments to Arafat now halted - also brought about the financial ruin of the PLO. With this, Arafat’s organization was politically, economically and morally at the end of its tether.

In Western diplomatic circles the defeat of Saddam Hussein had nurtured the hope that the Middle East could be ‘arranged’ more satisfactorily; US President Bush in particular talked about a ‘new world order,’ meaning sole American dominance and hegemony. The United States believed that it could solve the Israeli-Arab-Palestinian problem without the participation of the international community of states; certainly, the American Foreign Minister James Baker brought new meaning to the term ‘shuttle diplomacy’ with his frequent visits to the various countries in the region. The Soviet Foreign Minister Alexander Bessmertnych also took part in this but his role was limited to that of an assistant to the US because the days of the Soviet Union were already numbered. Despite considerable resistance on the part of the Israeli Government, American diplomats succeeded in issuing invitations to a peace conference at the end of October/beginning of November 1991 in Madrid.

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<sup>28</sup> Norbert Mattes, “Einleitung”, in: Mattes, Norman (ed.), *Wir sind die Herren und ihr unsere Schuhputzer - Der Nahe Osten vor und nach dem Golfkrieg*. Frankfurt a.M., 1991, p. 15.

## 5. From Madrid to Oslo

The Madrid 'Peace Conference', which was held under the chairmanship of the US and the Soviet Union, gathered on 31 October and 1 November 1991 for the first ever time delegations from Israel, Syria, Lebanon, and Jordan, including Palestinians from the West Bank and Gaza. All were striving to achieve an end to the conflict. The actual goal of the United States was not to facilitate the normalization of their relations, whereby Israel would only be one state among others, but rather to have Israel play a hegemonic role within the region due to its stronger economic basis. Nevertheless, Bush succeeded in winning the support of the Arab states because they were now far more dependent on the United States than they had ever been before. On 6 March 1991 the American President voted in the Congress for a "comprehensive peace based on UN Resolutions 242 and 338" and the principle of "land for peace." His speech as well as his letter to the Palestinians of October 1991 in which the United States administration came out against the "expansion of settlements" enabled Arafat to win PLO Executive Committee support for the Madrid formula. Edward Said saw in this a "betrayal of our history and our people."<sup>29</sup>

Behind the scenes there was a major struggle taking place concerning the composition of the Jordanian-Palestinian delegation, with Israel refusing to accept Palestinian delegates from East Jerusalem in order to demonstrate its claim of sovereignty over the eastern part of the city. In Madrid, where Israelis sat for the first time at one table with the Syrians, Jordanians, Lebanese and Palestinians, no progress was achieved.

The head of the Palestinian delegation, physician Haidar Abdul Shafi, did, however, make a very important speech, part of which reads as follows: "We, the people of Palestine, stand before you in the fullness of our pain, our pride, and our anticipation, for we have long harbored a yearning for peace and a dream of justice and freedom. For too long, the Palestinian people have gone unheeded, silenced and denied, our identity negated by political expediency, our right to struggle against injustice maligned, and our present existence subdued by the past tragedy of another people." In his speech, Abdul Shafi tackled all the problems that were of major concern to the Palestinians: the status of Jerusalem, the political prisoners, the Israeli settlement policy, Israel's lack of respect for the Fourth Geneva Convention, and the right to self-determination and an independent state.

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<sup>29</sup> Edward W. Said. *The Politics of Dispossession. The Struggle for Palestinian Self-Determination 1969-1994*. London, 1995, p. xxxii.

Meanwhile, Israeli Prime Minister Yitzhak Shamir repeated well-known formulas concerning the catastrophe of the Holocaust, the 4,000-year-old Jewish presence in Palestine, the Arab hostility, the terror of the Palestinians, and the refusal of the Arab states to recognize Israel's right to exist. Shamir denied that the conflict was primarily about land, saying that allowing the talks to concentrate exclusively on the land issue would be the fastest way to reach an impasse. He demanded confidence-building measures first and warned of the dangers of looking for quick solutions.

Abdul Shafi responded to Shamir's speech as follows: "To be honest, our Palestinian delegation came here to confront you with a challenge: to introduce ourselves as human beings and to recognize you as human beings in order to overcome the fetters of the past and to lay the foundation stone for peace, the framework of which is formed by reciprocity, openness and recognition." For those Israelis who still viewed the Palestinians as 'terrorists', these words were certainly a provocation. The subsequent ten rounds of negotiations between the delegations in Washington did not bring any progress, with the participants finding themselves stuck in questions pertaining to procedures. In the occupied territories the misery spread further, the disillusion of the Palestinians grew, and their negotiators quarreled with each other. Yasser Arafat played an unclear role.<sup>30</sup>

Yitzhak Shamir said later that he had been prepared to spend another ten years negotiating in Washington until the continuation of Israel's various policies had ensured that there was nothing left to negotiate on. The Shamir government's refusal to impose a halt on settlement activities made the United States suspend an already promised US\$10 million loan for the integration of Soviet Jews and support the Labor Party Candidate, Yitzhak Rabin, who promised the Israelis peace, during the elections in June 1992.

Those who thought that the negotiations in Washington would progress faster after the change of government in Israel were disappointed. The repression of the Palestinians even increased after Palestinians murdered several innocent Israeli civilians. In December 1992, the Rabin government ordered the deportation of 415 alleged Hamas 'terrorists', who were expelled to the Hermon Mountains in South Lebanon in the middle of the night. The draconian measure had a long-term negative effect on the image and policy of Israel.

The author, referring to the deportation of the Hamas members, commented as follows in the *Frankfurter Allgemeine Zeitung* of 24 February

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<sup>30</sup> See Adel S. Elias, *Dieser Frieden heißt Krieg. Israel und Palästina- Die feindlichen Brüder*. München, 1997.

1993: "The real scandal is the justification by the Supreme Court of Israel." The Fourth Geneva Convention primarily prohibits mass deportations, which resulted in the High Court judges playing a sophisticated trick and turning a mass deportation into a massive 'deportation of individuals', which it then declared legal. Half of the deportees were allowed to return after a few weeks, the others a year later. With this, the principle of deportation was sanctioned, as Yitzhak Rabin remarked quite proudly after his negotiations with President Bill Clinton in the United States. The deportees – some of whom were supposedly 'trained' by the Hizbollah to carry out suicide attacks - made the most of their situation, presenting themselves every evening to the media. The UN Security Council demanded in its Resolution 799 the immediate return of the deportees and that Israel respect the Fourth Geneva Convention and put a stop to this and similar measures of collective punishment. Although Israel once more ignored the decision of the United Nations, the United States failed to take any steps.

With the total closure it imposed on 30 March 1993, which is still in effect, the Israeli Government wanted to stop would-be assassins entering Israel once and for all. The closure was to have disastrous effects on the social life of the Palestinians: the occupied areas were divided into four cantons - a northern and a southern West Bank, East Jerusalem and the Gaza Strip - which resulted in the restriction of the Palestinian economy, the health care and education systems, and the freedom of movement and worship. Since the closure was imposed, only a few Palestinians have succeeded in obtaining entry permits to reach Jerusalem, their political and cultural center, and even doctors are prevented from entering the city.

With the rise to power of Yitzhak Rabin, the relation with the United States relaxed. Yitzhak Shamir had refused to agree to a halt to settlement, thereby forfeiting US\$10 million for the integration of Jewish immigrants from the Soviet Union. Rabin, on the other hand, instantly ordered that no new settlements - excluding settlements that were necessary for Israel's security - would be constructed, although the completion of settlements then under construction and the expansion of existing ones was still allowed. Nevertheless, the Labor Party succeeded during its four-year term in office to increase the number of settlers in the occupied territories by 50 percent, and since the Rabin government was considered a 'left' one, to do so without it resulting in any protests by the world public. Why then should Netanyahu not pursue such a successful expansion strategy? The protests against his settlement policy are hypocritical and reveal double standards regarding moral values. The expansion of settlements has always been argued for using security pretexts in an attempt to give the colonization of another people's country some plausibility. All Israeli governments

knew that these settlements would be a main obstacle in the search for any future peaceful solution.

When the Hizbollah fired Katyusha rockets at the north of Israel in July 1993, Israel responded by launching massive attacks on the whole of Lebanon. Rabin cynically announced and executed 'Operation Accountability' of July 1993, having decided that the best way to put pressure on the Lebanese Government was to disperse the civil population, and the attacks by Israeli aircraft made 500,000 Lebanese flee to the north of the country. Wolfgang Guenther Lerch commented on this episode in the *Frankfurter Allgemeine Zeitung (FAZ)*, calling it "state terrorism." Uri Avnery, then a member of the Knesset, called it the "most cruel... and maybe most pointless" war Israel had ever led. "The Israeli Government has never led a war whose official aim was to entirely expel the civilian population," said Avnery in *Der Spiegel*. He was not alone in his condemnation: for the first time ever, Israeli columnists depicted such a goal as war crimes.

At the time of the attack, Arafat's delegates had already entered negotiations in Oslo on the modalities and security arrangements pertaining to possible Palestinian autonomy, and by mid-August 1993, rumors had spread that the secret negotiations had resulted in Israel agreeing with the PLO upon partial autonomy for the Gaza Strip and the West Bank city of Jericho. The agreement came as a complete surprise to both the public and the other Arab delegations in Washington, which the PLO had deliberately not put in the picture. Only when the PLO delegation set out for the 11<sup>th</sup> round of talks were PLO officials in Tunis informed. In her autobiography, Hanan Ashrawi, who was a member of the Palestinian delegation, provides some interesting details about the euphoric, unrealistic viewpoint of the Palestinians around Arafat.<sup>31</sup>

Since January 1993, Israeli and Palestinian delegates had been attempting to negotiate an agreement during 14 meetings held in Norway, the first contacts having been established between Yair Hirshfeld and Ahmad Qrei'a (Abu Ala') in London, with Ashrawi playing an indirect role in realizing this first encounter.<sup>32</sup> Ron Pundik and Mahmoud Abbas (Abu Mazen) discussed economic issues. Only in March 1993, after Shimon Peres sent his deputy Uri Savir and the Legal Advisor of the Israeli Foreign Ministry, Joel Singer to join the talks, was any real progress made.

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<sup>31</sup> See Hanan Ashrawi, *Ich bin in Palästina geboren*. Berlin 1995.

<sup>32</sup> See Marek Halter/Eric Laurent. *Unterhändler ohne Auftrag. Die geheime Vorgeschichte des Friedensabkommens zwischen Israel und der PLO*. Frankfurt a.M., 1994, p. 34-50.

The Declaration of Principles (DoP) includes many positions that had already been formulated in the Egyptian-Israeli Camp David Accords; for example, the 'limited authority' of the Palestinians in the West Bank and the Gaza Strip, which had been repeatedly rejected by the Palestinian delegation in Washington upon Arafat's order. The head of the PLO was horrified by the suggestion that the Palestinians should live in a 'bantustan' or face the same fate as the Indians in North America, but it is exactly this status to which the Palestinians were reduced in the agreements. It is almost frightening to realize the extent of the naivete and incompetence displayed by the Palestinian negotiators in their meetings with the Israeli professionals.<sup>33</sup> Not only were the negotiations conducted in English - a language of which neither Arafat nor his delegates had a sufficient command - but also, the Palestinian delegation had no legal advisor at their side.

The agreement, known as the 'Declaration of Principles for Interim Self-Rule', was signed on 13 September 1993 on the White House lawn in Washington. In an impressive ceremony, Yitzhak Rabin spoke of the end of bloodshed after one hundred years, while Shimon Peres drafted the vision of a 'New Middle East' - which turned out to be just like the old one. Arafat, meanwhile, thanked everyone for practically surrendering almost all the rights of the Palestinian people, and all the while, Bill Clinton posed like a Roman emperor leading two hostile vassals through a ritual of obedience and homage.

The optimistic tone of certain parts of the proceedings was not justifiable. The speech of Shimon Peres is a good example. Said Peres, "What we are executing here today is more than the signing of an agreement. It is a revolution... We want a change from gun bullets to election ballots, from weapons to spades. We will pray with you. We will offer our help in order to create wealth in Gaza and make Jericho prosper again." Peres then introduced prophecy into his vision by saying, "This ought to be a new creation. We must create a new community on our old soil; a New Middle East for the people, a Middle East for the children... Let us reject hostilities, and may there be no more victims on either side." Much more realistic was Yitzhak Rabin who spoke about the victims of violence, the suffering of families and about Jerusalem as the "eternal capital of the Jewish people." His speech was not visionary at all, but sober and primarily directed towards the Israeli population: "We have come from a people, a home, a family that has not known a single year, not a single month, in which mothers have not wept for their sons.... We say to you today in a loud and a clear voice, enough of blood and tears. Enough!" It was a speech that should have been given by Arafat, since it was the Palestini-

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<sup>33</sup> For the history of these bilateral negotiations see Elias, op.cit. (footnote 30), p. 15- 52.

ans who had been reduced to the status of instigators of 'terrorism' and 'violence' through the agreements. In contrast to the two speakers that preceded him, Arafat - who did not even mention the Palestinian victims - not only appealed to the United States and the international community for help, but also to "God, the Most Merciful." Perhaps he instinctively suspected that the new road on which the Palestinians and Israelis had set out would not be an easy one as he spoke the words, "We are relying on your role, Mr. President, and on the role of all the countries that believe that without peace in the Middle East, peace in the world will not be complete." Arafat clearly still had faith in the United States and in its role as the 'honest brokers' in the conflict.

The DoP was in fact nothing more than a document of capitulation, a "Palestinian Versailles," as it has been referred to by Edward Said, in spite of the fact that the Palestinians around Arafat and those dependent on him talked about a "victory." The agreement has not put Palestine back on the map of the Middle East as euphorically stressed by Arafat in Washington, only a hideous caricature. The same illusion was evident in an interview with Nabil Sha'ath, in which he expressed expectations that were pure fantasy, and which, of course, could not be met by the document. The negotiation delegation in Washington knew nothing about the Oslo track or the text, and the accord says nothing about the return of the 1948 refugees.<sup>34</sup>

The head of the Palestinian delegation Haidar Abdul Shafi presents a completely different opinion with regard to the level of knowledge concerning the Oslo negotiations: "We are not responsible for the mistakes in this agreement. There is nothing that we have discussed that could have led to such concessions. On the contrary: we have pointed to the central issues in question on which we had to remain firm."<sup>35</sup> Arafat clearly did not listen. In the *tageszeitung* of 8 December 1993 Abdul Shafi speculates that he might have been afraid of the minimum requirements. The peace process was not the beginning of the Palestinian emancipation process but the beginning of its end, because the suppressed legitimized the suppressers before the occupation as such ended. Comparisons with the independence of Algeria, Vietnam or South Africa are therefore not tenable; these countries won real independence, while the West Bank and Gaza Strip remained - even after the signing of the various agreements - under Israeli occupation, and military orders, until today, are still in effect. Even the autonomous areas remain in a quasi state of siege, since Israel reserves the right to cut them off at any time or to enter them whenever it perceives a threat to its own security. Moreover, the documents signed offer

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<sup>34</sup> See "The Oslo Agreement. An Interview with Nabil Shaath", in: *JPS*, XXIII (Autumn 1993) 1, p. 5-13.

<sup>35</sup> "The Oslo Agreement. An Interview with Haidar Abdul Shafi", *ibid.*, p. 11.

the Palestinians no protection from Israeli violence or any compensation for all the losses of property and land they have suffered.

The loss of a sense of reality under Arafat's advisors could have been eliminated by looking into the DoP carefully. American Foreign Minister James Baker was much more realistic when he said the following about the essence of the agreement in a television interview: Israel, he said, did not give up anything but its refusal to accept the "PLO as the sole representative of the Palestinian people." Amos Oz also realized what the central point of the agreement was, as he stressed in an interview with the BBC on 14 September 1993, when he said, "This is the second largest victory in the history of Zionism." Already back in May 1994, the author wrote the following: "This agreement is after the foundation of the State of Israel the biggest success of Israeli diplomacy. It is a superb achievement of Rabin and Peres. Israel did not even have to acknowledge that it is an occupying power."<sup>36</sup>

What these agreements were likely to mean for the future of the autonomous Palestinian enclaves was clear to anyone who had analyzed the accords, which are pure security agreements that sanction the subjugation of the Palestinian leadership. "Thus, Arafat is forced to quell - jointly with the Israeli army and security service - the resistance against the accords. The consequence of such cooperation could be the restriction of freedom, the suppression of the opposition, that is the *Intifada*, and the opposition against the agreement, and eventually a dictatorship."<sup>37</sup>

Sober judgments about the peace process have drowned in the general euphoria. On 8 December 1993, Haidar Abdul Shafi said to the *tageszeitung*: "I do not believe that the Palestinian state will ever come into existence." On the Israeli side, there were also some realists. Roni Ben Efrat, Editor-in-Chief of the Israeli magazine *Challenge* passed the following far-sighted judgment in an interview with the weekly newspaper *The Parliament* on 12 November 1993: "The PLO undermined with this agreement its right to an independent state. Arafat has given everything away but has not received anything in return." The Palestinians said 'yes' to something that was 'beyond their minimum demands', especially since there was not even a clear link between the interim and the final stage. "If Israel had any good intentions it would have illustrated some connections between these two phases. The fact that this is not the case and everything is kept open including the time schedule, gives the Palestinians no guar-

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<sup>36</sup> Ludwig Watzal, "Das 'Gaza-Jericho-Abkommen' - Ein Weg zum Frieden in Israel und Palästina?" in: *Schweizer Monatshefte*, 74 (1994) 5, p. 11.

<sup>37</sup> Ludwig Watzal, *Frieden ohne Gerechtigkeit? Israel und die Menschenrechte der Palästinenser*. Köln, Weimar, Wien, 1994, p. 9.



antees whatsoever for the future. The only change that has occurred is the inclusion of the PLO.

When the contents of the agreement became known, there was immediate opposition: ten opposition groups - among them Hamas, Islamic Jihad, the DFLP, the PFLP, and Ahmad Jibril's General Command - met on 9 October 1993 in Damascus, rejected the plan and declared war on Arafat. Their credo was that the agreement was a "stab in the back of our national struggle" and that they would continue the "armed struggle against the Zionist enemy." Their resistance went as far as Jibril threatening to kill Arafat. In an interview with *Der Spiegel* on 13 September 1993, George Habash, leader of the PFLP, made it unambiguously clear that he would not be satisfied with this "shameful agreement" and put his trust in the *Intifada* as a tool for achieving "freedom, independence and self-determination" for Palestine. Despite this opposition and massive criticism, Israelis and Palestinians continued their negotiations and signed on 4 May 1994 the 'Gaza-Jericho Agreement', which deals with details pertaining to the transfer of authority in parts of the Gaza Strip and the Jericho enclave. The rhetoric of those opposed to the agreement must not be taken too seriously since they are partly based in Damascus where they depend on the goodwill and political calculation of Hafez Al-Assad. Moreover, the opposition front will not go so far as to instigate a civil war among the Palestinians.

The negotiations proceeded very slowly. The delegations were unable to agree on the size of the Jericho enclave, while the opposition on both sides was not inactive. Palestinian terror attacks followed the massacre committed by the physician Baruch Goldstein from the extremist settlement of Kiryat Arba, near Hebron, on 25 February 1994 at Al-Ibrahimi Mosque, where he opened fire on praying Moslems, killing 29. During the subsequent demonstrations Israeli soldiers shot and killed another 29 Palestinians. Instead of prosecuting the perpetrators and evacuating the extremist Jews from Hebron, Israel punished the Palestinian victims in Hebron by imposing a 30-day curfew, which completely paralyzed all life in the city. The Israeli lawyer Felicia Langer commented as follows: "At this point it is important to mention that there were attempts to separate Goldstein's crime from the issue of settlements in the occupied territories, which is within the scope of responsibility of the government, and thus, to clear the government of its responsibility."<sup>38</sup> According to Langer, Israel was keen to "disguise the symbiotic relationship between the army and the settlers in the occupied territories... where a system of apartheid prevailed, the last of its kind under the sun."<sup>39</sup>

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<sup>38</sup> Felicia Langer. *Wo Haß keine Grenzen kennt*. Göttingen, 1995, p. 60f.

<sup>39</sup> *Ibid.*, p. 41.

The fact that the peace process was moving forward slowly did not prevent the signing of the peace treaty between Israel and Jordan at the Red Sea on 26 October 1994. Israel's second peace treaty after the Camp David Accords with Egypt regulated, among other things, the following topics: the distribution of water resources, the final borderlines, the common struggle against drug trafficking and crime, environmental questions, and agreements about border crossings between the two countries. Again, the US played a significant role. In particular, it was the waiving of debts in the amount of US\$700 million and the pledge of military assistance that allowed King Hussein to make peace with Israel after a 46-year-long state of war. Yitzhak Rabin, Shimon Peres and Yasser Arafat were awarded the Nobel Peace Prize on 14 October 1994 for their achievements. As was widely known, peace had not been achieved in the region, but then neither had the signing of the Israeli-Egyptian peace treaty for which, back then, Menachem Begin and Anwar As-Sadat had received the prestigious prize.

Despite numerous terror attacks and considerable resistance in Israel, Rabin followed his course of negotiations with the Palestinians unflustered. On 28 September 1995, after tenacious negotiations, the 'Interim Agreement on the West Bank' was eventually signed at the Egyptian holiday resort of Taba. The consequences of the agreements became increasingly clear: the development was not towards a Palestinian independent state but a 'bantustanization', which allowed the *status quo* of the occupation to appear in a legitimate light since the Palestinians had accepted the agreements. The cantonization process is causing the Palestinians to become more and more disillusioned, as the human rights activist Iyad As-Sarraj told the author in an interview.<sup>40</sup>

How controversial an issue the peace process was - and still is - within Israel was demonstrated by the assassination of Yitzhak Rabin by a Jewish fundamentalist on 4 November 1995 at a peace rally in Tel Aviv. The assassination was preceded by month-long smear campaigns led by extremist settlers, radical rabbis and leading politicians from the Likud bloc and the National Religious Party (Mafdal). Israeli Prime Minister Benjamin Netanyahu was one of the leading participants in this campaign. He attacked Rabin in the Knesset with the following words: "You, Mr. Prime Minister, will go down in history as the prime minister who founded an army of Palestinian terrorists... I charge you, Yitzhak Rabin, with stirring up Arab terror. You bear direct responsibility for the terrible massacre in Tel Aviv. You are guilty. May this blood come over your head."

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<sup>40</sup> See "Eine gewisse Furcht, die Meinung zu äußern". Interview with Iyad As-Sarraj, in: *ai-Journal*, (1997) 9, p 16f.

Netanyahu spoke at many demonstrations where placards declaring Rabin as quasi 'fair game' could be seen, without distancing himself from these. These placards portrayed Rabin as a 'betrayed' and 'murderer', with a Palestinian *keffiyeh*, wearing a SS uniform with a swastika armband or dangling from a gallows, or as 'the Jewish Council of Rabin', while the extremists yelled, "With blood and fire we will expel Rabin."<sup>41</sup> This was clearly an extreme example of slander, considering the fact that some form of collaboration between Rabin and the Palestinians that aimed at the destruction of Israel was implied.

The Israeli right wing tried to put the blame for Rabin's assassination on the Shin Bet, Israel's secret service. One abstruse conspiracy theory, according to which Peres was supposed to have ordered the Shin Bet to use live ammunition instead of blank cartridges, allowing him to become Prime Minister, is way off track. That Avishai Raviv, a contact of the Shin Bet in Israel's right extremist scene and a friend of Yigal Amir, should have informed it about the assassination, does not point to Shin Bet involvement; Raviv identified himself more with Amir's right extremist and racist viewpoints than with those of his commissioners. It is the forces of law in Israel that bear the sole responsibility for the assassination, as it is their agitation and ideological delusion that formed the fertile soil from which Amir's deed emerged.

In Israel, the people did not come to terms with the massacre committed by Baruch Goldstein nor with the assassination of Prime Minister Rabin. Both acts can be explained in the Jewish religion, as Israel Shahak had argued convincingly in the Israeli newspaper *Davar* on 8 April 1994. Shahak had predicted the assassination of Rabin. In an interview with the weekly *The Parliament* on 22 August 1997, the historian Moshe Zimmermann said: "Two months before the death of Rabin I wrote an essay in *Ha'aretz* entitled 'The Weimar Script on Jerusalem's Wall'. I reacted to an occurrence that was considered insignificant. A young man tried to shove Minister Yossi Sarid aside on the street. This was not seen as an assassination attempt. The intention, however, was very clear. He tried to kill him this way. I did not regard this as a joke and reminded people of the assassination of Walther Rathenau. In an atmosphere in which such words are spoken, turning them into actions is not difficult. Two months later Rabin was dead. If I felt it, there must be others who could have known, too."<sup>42</sup> Zimmermann added that the Israeli public has not coped well with the assassination.

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<sup>41</sup> See Ludwig Watzal, "Mit peitschenden Feuerhieben – Israels Rechte gewinnt an Boden", in: *Lutherische Monatshefte*, (1997) 9, p. 24.

<sup>42</sup> "Der lange Weg zum dauerhaften Frieden im Nahen Osten führt über Katastrophen. Interview with Moshe Zimmermann", in: *Das Parlament*, 22 August 1997.

Instead of immediately ordering new elections, Shimon Peres tried to develop an image as a determined statesman. The elections took place in May 1996, which left enough time for the extremists to attempt to further discredit the peace process, which they succeeded in doing. Two disastrous suicide attacks by Hamas on 25 February and 6 March 1996 in Jerusalem induced Peres, temporarily, not to make any further concessions to Arafat, and the planned withdrawal from Hebron was postponed to the post-election period. The attacks led to the convention of an anti-terror summit involving heads of state on 13 March 1996 in Sharm Esh-Sheikh, Egypt. The meeting served Peres' image-building attempts in the election campaign more than the fight against terror, since there was no consequent questioning of its roots.

In April 1996, the Hizbollah again fired Katyusha rockets at the north of Israel. There was no real damage, but – with the Israeli elections approaching – Peres had to show his muscles. He ordered the implementation of the military action 'Operation Grapes of Wrath', which ended in disaster for Israel. As usual, the Israeli military bombarded by land and air alleged Hizbollah posts, this time for 16 consecutive days. However, only civilians were affected. A UN base was bombarded by 'mistake', leaving over 120 women and children dead. The UN proved in an investigative report that the Israeli offensive could not be considered a mistake.<sup>43</sup> The Israelis dispersed hundreds of thousands of civilians and caused damage in the amount of US\$500 million, strengthening the Hizbollah, which it had sought to destroy, in the process. With the mediation of French Foreign Minister Herve de Charette, the French – much to the anger of the United States - succeeded in reaching an agreement between Israel and the Hizbollah, in which both sides pledged to spare the civil population. The fighting between soldiers and freedom fighters was explicitly accepted.

## **6. The Election of Netanyahu and the Escalation of the Conflict**

The putative trial of strength of the Israeli Prime Minister contributed to his defeat in the elections, and Benyamin Netanyahu won with a small margin of only 29,000 votes. After the massacre of Qana'a in Lebanon, the Israeli Arabs refused to vote for Peres. The Knesset elections revealed a severe swing to the right, and rightwing, religious and nationalistic parties gained considerably. Netanyahu formed a coalition government consisting of mem-

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<sup>43</sup> See UN Security Council, *Report of the Secretary-General on the United Nations Interim Force in Lebanon* (for the period from 22 January 1996 to 20 July 1996), S/1996/575, 20 July 1996; amnesty international, *Unlawful Killings During Operation 'Grapes of Wrath'*, London, July 1996; Human Rights Watch/Middle East, "Israel/Lebanon, 'Operation Grapes of Wrath'", in: *The Civilian Victims*, 9 (September 1997) 8.

bers of these parties. Ariel Sharon, Raphael Eitan and Zevulun Hammer became ministers, to name only the most radical ones. Netanyahu is not, as the media tried to picture him, a 'pragmatist', but an 'ideologist' who belongs to the revisionist wing of Zionism. Arafat and the Palestinians should not expect to gain anything from him. One could still see, days after the elections, the shock that Arafat felt as a result of Netanyahu's victory. Consequently, it took months before the two men met for the first time following the exerting of substantial pressure by the United States. During the election campaign, Netanyahu had loudly announced that he would never shake hands with this 'terrorist'. That he eventually did it cannot be interpreted as 'pragmatism'. The peace process, which had already reached a dead end, now came to a total standstill.

Netanyahu's state visits to Egypt, Jordan and the United States showed that he combined conciliation with toughness. Not even the American President could persuade him to make concessions, and eventually he went so far as to expose him publicly at a press conference. In spite of this, the United States still refrained from adopting a truly tough stand, and only succeeded in making Netanyahu re-deploy from Hebron, a move that had already been agreed upon in the Interim Agreement. Even then, Netanyahu insisted on new negotiations concerning the city. The resulting protocol for the redistribution of the Israeli troops was signed on 15 January 1997. In essence, it contained the arrangements already agreed upon in the Interim Agreement. However, Netanyahu needed his own agreement in order to show his constituency a contract that was better than the one negotiated by his predecessors. That the other half of Israel had also now said 'yes' to the peace process - as was euphorically claimed - is only partially true. As the developments since 1993 have shown, the Oslo Accords are one thing and the Oslo process, i.e., the reality, is something else.

Immediately after the elections, Netanyahu made it clear that he was the Prime Minister of Israel and had to represent the interests of his country. He had no desire to fall short of the achievements of the Labor Party, and quickly set about continuing settlement in the occupied territories, with his decision to abolish the freeze on settlement activities causing international protests. Netanyahu showed only very little sensitivity concerning the Palestinians. The permanent humiliation of Arafat and the dirty tricks played on the Palestinian population created great frustration amongst the Palestinians, which exploded with the opening of an underground tunnel along the Wailing Wall in September 1996. In the subsequent war-like confrontations, many Palestinians and several Israeli soldiers were killed. When, in February 1997, the Netanyahu government decided to build a new settlement - Har Homa - on Mount Abu Ghneim, another wave of Palestinian protest followed.

In reaction to the humiliation of the Palestinians, Hamas committed a considerable number of terror attacks - in a café in Tel Aviv, at the central vegetable market and the pedestrian mall in Jerusalem - in which numerous Israelis were killed and hundreds injured, many seriously. The Israeli Government now demanded that Arafat take strong and swift action against the "infrastructure of terror" and crack down on Hamas and the Islamic Jihad. The United States Government, meanwhile, adopted the style of language used by that of Netanyahu. The visit of American Foreign Minister Madeleine Albright on 9 September 1997 left no one in any doubt with regard to the question of whose side the United States had taken, and claims that the Israeli Government had contributed a great deal to the desolate situation were paid little attention. Only in a very restrained manner did the American Foreign Minister criticize the settlement policy of the Netanyahu government. The further talks agreed upon by the parties to the conflict have not brought about tangible results. Following massive pressure on the part of the US on the Netanyahu government, the Wye River Memorandum was concluded on 23 October 1998; however, its stipulations were not implemented by Israel. Only some two percent of the occupied land was returned, in spite of the fact that the Palestinians fulfilled their part of the agreement. For the Palestinians, it does not matter who is the Prime Minister of Israel. A 'state' granted by the Labor Party would comprise 50 percent of the land in question at the most, and 'autonomy' granted by the Likud not more than 45 percent. In both cases, the Palestinians would remain under indirect Israeli occupation. Should it ever come, as planned, to another agreement - for example, on the final status - then the Palestinians will only sign because they have been obliged to give in once more or else been blinded by symbolic gestures.

## **THE PEACE PROCESS IN ISRAEL AND PALESTINE**

Since the signing of the 'Declaration of Principles on Interim Self-Government Authority' on 13 September 1993, the Western public has spoken a great deal about the 'peace process' in the Middle East. As mentioned before, the realities on the ground and the image of the peace process have little in common. After the initial joy over the public display of the Palestinian flag had vanished, it soon became clear that the changes on the ground were of only a cosmetic nature, and that the new developments had less to do with peace than with subjugation and the reorganization of power. It is the continuation of a process of suppression on the part of Israel that paradoxically moves along with Palestinian self-subjugation. The political, economic and social subjugation of the Palestinians is clearly visible in the signed agreements, which regulated and 'legalized' the occupation, contrary to International Law. Especially in the United States and in Europe, the politicians and the media tend to cling to everything that promises to lead to an end of the conflict, no matter how unrealistic it is. Thus, the fact that *de facto* nothing has changed with regard to the oppression of the Palestinians is being deliberately ignored. Furthermore, no one is ready to admit that Arafat now plays the same role *vis-à-vis* his people that was played by the Israeli occupying troops before the peace process and, to some extent, even today. It is extremely difficult to find anything positive in these agreements.

### **1. The 'Declaration of Principles on Interim Self-Government Authority' of 13 September 1993**

Leading Israeli politicians made no secret of their assessment of the PLO. Shimon Peres, for example, declared on 1 September 1993 in the TV show *Moked*: "They underwent changes, not us. We are not negotiating with the PLO but only with a shadow of it." On the same day, General Uri Or said on the Israeli military radio: "For the first ever time a situation has been created in which someone else shares the security interests of Israel." And on 3 September 1993 Yitzhak Rabin added in the daily newspaper *Yediot Aharonot*: "I hope that we will find a partner who will take charge of the internal problems in Gaza, without creating problems with the High Court,

B'Tselem and all the 'bleeding hearts'." This attitude was confirmed by former Israeli Chief of Staff, Ehud Barak with the following remark, made during a television interview on the occasion of the Jewish New Year in 1993: "Besides the impending troop redeployment in the Gaza Strip and Jericho, nothing will change nor has to be changed. While the negotiations will continue, we will expropriate land and arrest people."

Before the DoP could come into force, both sides had to exchange letters of mutual recognition. As far as the Palestinians are concerned, these contain numerous ambiguities, whilst the statements pertaining to Israel are completely clear. The central sentence in Arafat's letter to Yitzhak Rabin reads: "The PLO recognizes the right of the State of Israel to exist in peace and security."<sup>1</sup> With this formulation the PLO recognized the State of Israel and gave it legitimacy, while Rabin only recognized "the PLO as the representative of the Palestinian people" and declared Israel's willingness to commence negotiations with it. The sentences quoted here illustrate the asymmetry between the two contracting parties. The PLO recognizes Israel as a state and thus its sovereignty, while Israel only recognizes an organization but no Palestinian sovereignty, which can be compared to the fictitious example of Arafat only recognizing the Labor Party! Uri Avnery therefore was wrong when he claimed that "both peoples, Israelis and Palestinians, have recognized each other"<sup>2</sup> with the exchange of the said letters. Israel's right to peace and security officially took precedence over the right of the Palestinians to fight for their rights. The PLO recognized an Israel whose borders are unclear. Was it not aware that by doing this it accepted the sovereignty of the country beyond the 1967 borders? Based on clever legislation Israel can also claim sovereignty over the West Bank and Gaza Strip.

In his letter, Arafat furthermore renounces terrorism and violence as a political means, saying that those responsible for violations will be punished with "disciplinary measures." The guarantee to cancel all those articles of the Palestinian Covenant that question Israel's right to exist requires the giving up of the general resistance of the Palestinians against the Israeli occupation. By adopting the Israeli language regarding 'terrorism', Arafat implies that Palestinian resistance is nothing but 'terrorism', including the *Intifada*, which, for the relatives of the Palestinian martyrs, is a slap in the face. Arafat uses the same kind of language again in his

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<sup>1</sup> "Brief des PLO-Vorsitzenden Arafat an Ministerpräsident Rabin", in: *Frieden. Die Vereinbarungen zwischen Israel und der PLO vom 13. September 1993*. Ed. by the Press and Information Department of the Embassy of the State of Israel, Bonn, n.d. [1993], p. 4. All following quotations are taken from this documentation.

<sup>2</sup> "Vom Terroristen zum Friedensaktivisten. Interview mit Uri Avnery", in: *die tageszeitung (taz)*, 1 September 1997.



letter to the Norwegian Foreign Minister Johan Joergen Holst, in which the PLO leader repeats his call to Palestinians in the West Bank and Gaza Strip to “reject violence and terrorism” and to actively take part in shaping economic development. He expresses the “thorough conviction” that with the signing of the DoP a “new era in the history of the Middle East” begins. Yitzhak Rabin relied on the written ‘PLO-commitments’, but the only concession his government made was to recognize the PLO, as stated by former US Foreign Minister James Baker in a television interview at the beginning of September 1993. There was not one word about the right of the Palestinian people to self-determination; the only concern was Israel’s security. Baker emphasized this point in an address to The National Association of Arab-Americans (NACC) at the beginning of November 1993, adding: “If the autonomy will not increase Israel’s security, there will be no Palestinian autonomy.”

From the outset, the agreement was even disputed within Arafat’s Fatah movement. Among the critics were Farouq Qaddumi, Hani Al-Hassan and Abbas Zaki. Nevertheless, Arafat succeeded at a meeting of the PLO Central Committee in October 1993 to obtain a majority of 68 to eight votes in favor of the DoP. However, some 25 members, mainly from the DFLP and PFLP, boycotted the meeting, referring to the agreement as an “agreement of shame.” Palestinian national poet Mahmoud Darwish, meanwhile, protested by resigning from the PLO Central Committee. Among the first-hour critics was Edward Said who saw in the agreement a “Palestinian capitulation, a Palestinian Versailles.”<sup>3</sup> On 9 September 1993 he wrote in *The Guardian* that “the PLO [had] turned itself from a liberation movement into some kind of provincial government,” adding that it could have reached a better agreement with Israel than this modified Allon Plan over a decade ago. In 1977, Arafat had rejected the Gaza-Jericho option offered by Anwar As-Sadat. “The upshot was the PLO’s worst political schism in its 30-year history.”<sup>4</sup> For Avi Shlaim the DoP was “essentially an agenda for negotiations, governed by a tight timetable, rather than a full-blown agreement.”<sup>5</sup> This assessment is only partially correct. Besides the detailed timetable, the DoP contains certain elementary concessions on the part of the Palestinians that are subject to International Law, and which the Palestinians cannot go back on. The illegal settlements, for example, were given a legitimacy that they had never before enjoyed.

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<sup>3</sup> Edward W. Said, *The Politics of Dispossession. The Struggle for Palestinian Self-Determination 1969-1994*. London, 1995, p. xxxiv.

<sup>4</sup> Graham Usher, *Palestine in Crisis. The Struggle for Peace and Political Independence after Oslo*. London, East Heaven, 1995, p. 15.

<sup>5</sup> Avi Shlaim, “The Oslo Accord”, in: *JPS*, XXIII (Spring 1993) 3, p. 33.

From a legal point of view, the exchange of letters between Rabin and Arafat is more significant than the DoP, because it cleared the way for the signing of the document. Burhan Dajani supports the thesis that the DoP talks more directly about the rights of the Palestinians and about the fact that a link to the land exists.<sup>6</sup> While Rabin makes no connection between the letters and the DoP, Arafat continuously tries to link the two.

The DoP consists of 17 articles, four annexes outlining the arrangements concerning the manner and conditions of elections, the withdrawal of the Israeli army from the Gaza Strip and the city of Jericho, and issues related to cooperation in the economic field and regional development programs, as well as minutes concerning the DoP that the contracting parties had also signed in Washington. The Israeli Government considers itself the 'only legitimate' authority, which means that it executes sovereignty *vis-à-vis* an organization that does not represent a state. This inequality not only characterizes the DoP but also all subsequent documents.

The preamble of the DoP affirms the mutual recognition of each party's "legitimate and political rights," and Article 3 reiterates the "realization of the legitimate rights of the Palestinian people and their just requirements." However, these 'legitimate rights' are not clearly defined. Are they identical with the political rights of Israel? How could claims related to International Law be derived from an occupying regime? Or does the article refer to 'religious claims', which the Labor Party never publicly depicted but which it permanently underpinned by political facts, such as the pushing forward of its settlement policy?

According to Article 1, the aim of the agreement is to establish a Palestinian Interim Self-Government Authority (Council) for the Palestinian people, for a period of five years, and to achieve a permanent settlement based on UN Security Council Resolutions 242 and 338. Furthermore, the withdrawal of the Israeli army from the Gaza Strip and Jericho was agreed upon (Article XIV). Article XIII, Paragraph 2, however, speaks of a redeployment of Israeli military forces outside populated areas. The Israeli troops remain in Gaza; they withdrew from the cities but were then re-deployed on their outskirts or near Israeli settlements.

The interim authority (Council) was elected by Palestinians from the West Bank and Gaza Strip but requires endorsement from Israel; the participation of the residents of East Jerusalem in the elections was arranged in a separate agreement. The Council has authority in the following areas (Article VI, Paragraph 2): education and culture, health, social welfare, direct taxation and tourism. The transfer of additional powers was subject to negotiation.

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<sup>6</sup> See Burhan Dajani, "The September 1993 Israeli-PLO Documents: A Textual Analysis", in: *JPS*, XXII (Spring 1994) 3, p. 8.

In order to guarantee security and order the Council had to establish a 'strong police force' (Article VIII), while Israel would continue to be responsible for external as well as 'overall' security. The structure of the Council, the number of its members, and the transfer of executive and legislative powers and responsibilities were to be agreed upon in a separate agreement (Article VII, Paragraph 1). Thus, the statute of the Council was again subject to negotiations and not a free decision of the Palestinians. Moreover, Israeli military orders would remain in force, while decisions of the Palestinian Council would require the endorsement of Israel and possible disputes would be resolved through a joint Israeli-Palestinian liaison committee. If the committee could not settle disputes, an arbitration committee would commence a conciliation procedure (Article XV, Paragraphs 2 and 3). In order to promote economic growth, the following institutions were to be established: a Palestinian electricity authority, a Gaza seaport authority, a development bank, an export promotion authority, an environmental authority, a land authority and a water administration authority (Article VII, Paragraph 4).

In fact, the Council is a purely 'ceremonial body'<sup>7</sup> because the real power is in the hands of four committees, composed of an equal number of members from each party: the Joint Israeli-Palestinian Liaison Committee; the Israeli-Palestinian Economic Cooperation Committee; a Standing Committee, which invites Jordan and Egypt to participate; and an Israeli-Palestinian Committee for Coordination and Cooperation in Mutual Security Matters. The DoP established two phases: an interim phase and a permanent status phase. The interim phase was supposed to last five years with the final status negotiations commencing at the end of the second year of this five-year period.

The Palestinians have essentially not achieved much more than the administration of their personal affairs and the establishment of a new apparatus of repression in the form of a strong police force, 12 security services, and a bureaucratic class that shamelessly enriches itself at the cost of the general population. After the signing of the DoP, nothing changed in Gaza. Israel still considers the settlements, which remained in place, as being extraterritorial and subject to Israeli jurisdiction, and although the Israeli soldiers re-deployed within two months as agreed upon, all military orders are still in force, in addition to new ones, and Arafat's authority is forced to implement them. The Palestinians have no authority in more than 40 percent of the Gaza Strip, an area that is reserved for settlements and the Israeli army. Approximately one million Palestinians live on the remaining land. Bearing in mind that Israel reserves the sole right

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<sup>7</sup> Ibid., p. 13.

to decide on foreign policy, matters pertaining to the economy and all matters of national security,<sup>8</sup> it could be said that the Palestinians helped the Israelis to rid themselves of the label of 'occupier' without being paid an adequate price. With the troop redeployment in Gaza and Jericho Israel gave up - for the first time in over 27 years - ideological and practical bases that had always been considered non-negotiable. However, the Palestinians were only granted 'partial sovereignty' under the supervision of Israel. Apart from the five spheres that were transferred to them according to Article VI of the DoP, everything else is subject to further negotiations. In spite of the fact that only approximately half of the 5,000 Palestinian political prisoners were released, Israel was able to immediately reap the fruits of the peace process, which leads to the question: What other concessions can the Palestinians be expected to make?

Without ignoring the core disputes, the DoP would never have been realized. The status of Jerusalem, the settlements, the right to self-determination, the right of return for the 1967 refugees, matters relating to water, compensation, external relations and "other issues of common concern" were postponed to the final status talks. The following quotations reflect the assessment of the DoP on the part of Israeli commentators: Aharon Barnea wrote in *Yediot Aharonot* of 10 September 1993, "With the signing of the 'Declaration of Principles' the Palestinians accepted the defeat of their principles, which had changed them into a struggling people: the right to return, the right to self-determination, and the right to independence. By recognizing Israel they have agreed upon their expropriation." Gideon Eshet wrote in the same paper on 14 September 1993: "Not only will they have no state, they won't even be a banana republic." That such assessments were correct and that it was nothing but an 'Israeli peace' was confirmed by Rabin in an interview with the newspaper *Davar* on 29 September 1993: "I am against the emergence of an independent state between us and Jordan. I am against the 'right of return' of refugees and displaced persons. Therefore, there is not one syllabus concerning these issues in the Declaration of Principles. That was not out of the blue; we planned it this way. As far as Jerusalem is concerned, we have ensured that the city will be for the entire negotiation period undivided under our sovereignty and control. During the interim phase the Palestinian side has not the smallest influence in Jerusalem. The responsibility for the security of the Israeli settlers in the territories also remains solely in our hands. The settlements will never be touched." At a later point in the interview Rabin said: "The final solution to the conflict between Palestinians and Israelis is not a Palestinian state but a Palestinian entity without a national

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<sup>8</sup> See Ludwig Watzal, "Das 'Gaza-Jericho-Abkommen' - Ein Weg zum Frieden in Israel und Palästina?", in: *Schweizer Monatshefte*, 74 (1994) 5, p. 11.

status... As for the capital of their entity, the Palestinians can chose Jericho or Nablus, if they want. That is their problem, not mine." Tanya Reinhardt wrote in the *Yediot Aharonot* of 7 April 1997 that this process had turned a "national leader into a heart-rending ruler of a protectorate." For the Israeli Government, the main goal of this and all subsequent agreements was the suppression of terrorism. On 2 September 1993 the headline of *Yediot Aharonot* announced: "The Shabak [the Israeli domestic secret service] and the PLO want to cooperate in security matters in Gaza."

The two signatories to the contract were supposed to unite in fighting the opposition against the peace process. However, while the Palestinians talked about a complete withdrawal, the Israelis only prepared for a troop redeployment. Thus, the anticipated date for the signing - 13 December 1993 - came and went because there were too many security aspects to be dealt with, and it was not until 4 May 1994 that the agreement was signed in Cairo. Other Israeli behavioral patterns that are in total contradiction to a peace process are the permanent use of violence, the land expropriations, and the demolition of houses. The latter takes place on a large scale, either because the houses in question were built 'illegally' or as a form of collective punishment for attacks and other unlawful acts committed by extremists.

Only a few Israelis escaped being caught up in the general euphoria and pointed to the disadvantages of the agreement, which exceeded by far its advantages. The journalist Haim Baram, for example, wrote in the 3 September 1993 edition of *Kol Ha'ir*: "This week, Shimon Peres calmed down the Likud with intelligent and rational arguments. He stressed that his autonomy plan, including the first step in Gaza and Jericho, was far more moderate than Menachem Begin's offer in the Camp David Accords. This autonomy is personal and not territorial, the occupying power will be everywhere, and the settlements and the access roads will remain in Israeli hands. In fact, Peres hinted that we were successful and that we had taken advantage of Arafat's enormous weakness by stopping his downfall as Chairman of the PLO and getting, in turn, this capitulation agreement very cheaply. The domesticated PLO will suppress Hamas on our behalf. We have not promised them a Palestinian state, and united Jerusalem is not even under discussion." Meron Benvenisti wrote in *Ha'arets* on 9 September 1993 that the agreement was a brave step, but that its symbolic meaning was even more significant because it "legitimized the Zionist project, which was a disaster for the Palestinians." Yacov Ben Efrat wrote: "For the second time the Zionist colonialism has managed to exploit a moment of weakness. It has imposed an agreement, which makes a deal with the leadership not peace with the people. A genuine solution is pushed further away than ever. There is a turning point indeed, where the

PLO itself assumes the role of imposing an unacceptable solution on its own people. It is a turning point which can only lead to chaos and oblivion.”<sup>9</sup> The PLO not only opened the door to the Arab World for Israel but also led the state out of its regional isolation, which has resulted in a wave of diplomatic recognition. Nevertheless, Prime Minister Benjamin Netanyahu is well on the way to isolating the country again. This isolation must be overcome by the new Prime Minister Ehud Barak.

In a commentary for the *Ha'aretz* of 29 September 1993, Benvenisti shows how the rhetoric of the occupiers has changed: “Until now, the Israeli exploitation, discrimination and control of the occupied territories was justified through the use of security pretexts or nationalistic-political or altruistic reasons. Now a new dictionary is being compiled, in order to justify the same policy but with reverse arguments. Now we do it for the sake of the Palestinians, for the success of the peace process; the Palestinians have finally understood what their ancestors refused to understand, namely that the Zionist enterprise is here to liberate them from their misery and backwardness and for this they should be eternally grateful to us.”

The discrepancy between the real development and public perception could not appear clearer than in the headlines of the *taz* of 21 October 1993: “Autonomy Between Barbed Wire” and in the *FAZ*: “Enemies Call Themselves Friends.” In the former article Amos Wollin talks about the planned erection of a 61-kilometer-long fence around the 352-square-kilometer- large Gaza Strip and the fact that the PA will have no rights with regard to the control of the external border. The military connecting roads were to be secured by watchtowers and observation posts, which is what has actually happened. *FAZ* journalist Jörg Bremer writes on the other hand that old terms are no longer valid and that former enemies have become friends. “Israel recognizes the right of family reunification and generously allows Arabs to return to the occupied territories. Refugees from the War of Independence of 1948 can count on reparations... instead of closed gates we now see wide perspectives.” Unfortunately, both assertions were wrong. Israel has never recognized such a right to return or the right of 1948 refugees to receive financial compensation in any of the agreements. In fact, these issues were not even mentioned in the agreements, and according to Nabil Sha'ath, they were none of the business of “the Palestinian Authority but solely of UNRWA.” Israel has also never “publicly presented itself as an occupier on the soil of others” as Bremer claims. There is not a single word that acknowledges the fact that the area in question is occupied territory or land belonging to another country. The vision of ‘Jewish soil’ and the ‘Holy Land Israel’ is not

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<sup>9</sup> Ya'acov Ben Efrat, “A Deal, Not Peace”, in: *Challenge*, IV (1993) 5, p. 10.

hollow, as Bremer maintains; already at this time, the opposition was speaking about a “betrayal of Eretz Israel.”

The timetable laid down in the DoP could not be adhered to. The Gaza-Jericho Agreement was already due to be signed on 13 December 1993 (instead of 4 May 1994) and although, according to the agreement, the elections for the Palestinian Legislative Council (PLC) were due to be held on 13 July 1994, they only took place on 20 January 1996. The more one analyzes the Gaza-Jericho Agreement, which regulates the modalities for the transfer of authority to the Palestinians, the more it becomes clear that the DoP is a security agreement. Rabin justified the delays with the remark that “there are no sacred dates.”

Prime Minister Rabin managed to pass the DoP in the Israeli Parliament by a vote of 61 in favor, 50 against and eight abstentions, with one member being absent. The clear loser at the time was the Likud bloc. Initially, its attitude of refusal was met by no response on the part of the Israeli public, which supported the peace process as long as progress was apparent. While the Right was estranged, the Left was wholeheartedly for this process. How far this support went was clear in a report in the 8 October 1993 issue of *Ha'aretz*, in which a group of intellectuals – including the writers Amos Oz and Abraham B. Yehoshua – came out in favor of the “security and welfare of the Israelis” that lived in “Judea, Samaria, and Gaza.” They considered the presence of the settlers “important for peace.” According to an article that appeared on 4 October 1993 in *Hadashot*, Yehoshua assured the settlers in a “passionate telephone call” that “if even one hair of your head is harmed I will support your bombardment [of the Palestinians].” Although he was strongly criticized, Yehoshua did not take his words back. He believed that the settlers would induce Israel to “supervise Palestinian democracy.” Was it not the Israeli occupation policy that trampled on the human rights of the Palestinians for over 30 years? The settlers penetrated the living space of the Palestinians and their presence was supported by the terrorization and expropriation of the indigenous population. Yehoshua was the ‘leftist’ in Israel who had permanently demanded that the “Palestinians should disappear from his field of vision.” In a famous debate between Anton Shamas and Yehoshua in 1990, the latter suggested Shamas should “go to the Palestinian State” if he does not feel comfortable in Israel. Neither Oz nor Yehoshua condemned the oppression of the Palestinians by the Israeli Government.

The closer the anticipated signing date – 13 December 1993 – drew, the greater the number of incursions on the part of extremist settlers *vis-à-vis* the Palestinian population and the greater the violence of the Israeli army in the occupied territories. In the last two weeks of November, the settlers

and the army literally hunted 'wanted persons', mainly radical members of Hamas and the PFLP. One of the most wanted 'terrorists', Imad Aqel from the Izz Eddin Al-Qassem brigades, was shot dead by Israeli security forces in Gaza City, which resulted in severe confrontations between Palestinians and Israeli forces. When Ahmed Abu Rish was shot dead after members of the Fatah Hawks had voluntarily turned themselves in to the Israelis, the Gaza Strip was in turmoil. Leaflets appeared, in which Fatah activists called for an escalation of the *Intifada*. However, members of the future bureaucracy of Arafat exercised influence on these groups and succeeded in preventing a possible escalation. On 30 November 1993, Fatah General Secretary Mohammed Ad-Desouki met with the Israeli commander in the Gaza Strip, General Matan Vilnai, in Khan Yunis and promised to ensure quiet and order. At around the same time, settlement construction and land expropriations continued and first reports about the construction of a US\$700 million separate road system for the settlers were made public.

On 20 January 1994, US President Bill Clinton and Syrian President Hafez Al-Assad consulted in Geneva over the modalities of an Israeli withdrawal from the Golan and possible Syrian concessions. The Syrian leader made it clear that he would not be satisfied with anything less than Anwar As-Sadat, which was what Rabin had feared. Instantly the holding of a referendum was named as a precondition for the making of any decision on the return of the Golan. Such a referendum would not help much since there is no consensus about it in Israel, and neither the Right nor the Left wants it. Apart from the expected political opposition such a referendum would also be contradictory to International Law. In Resolution 497 of 17 December 1981 the UN Security Council declared the annexation of the Golan "null and void and with no effect on the provisions of International Law." Thus, the territory still belongs to Syria, and even with a referendum Israel could not obtain ownership, because it is the original population – expelled by Israel - that would have to be asked. The settlers on the Golan are not eligible to vote. For political reasons, a purely internal vote is completely irrelevant before International Law. Should such a referendum conclude with a negative result, no Israeli government could afford to return the Golan as part of a peace treaty. Thus, Ulrich Fastenrath wrote in the *FAZ* of 22 January 1994, such a referendum would have illegal consequences, that is the upholding of the occupation of alien territory, which, with the vanishing of the danger, would lose its base.

The Israeli settlers decided to take the law into their own hands. As could be seen in some television reports, they insulted Palestinians, beat them and threw stones at them, destroyed their property and devastated the vegetable market in Hebron. Photographers were even allowed to take



pictures of them engaged in firing practice in the central vegetable market. All this happened with the approval of the army upon which the settlers force their conditions. The soldiers must accompany them on their visits to Jewish historic sites on Fridays, supervise the prayers at the Machpela Cave [Ibrahimi Mosque] and disperse Palestinians from their houses and shops. During the period September to December 1993, ten Palestinians were killed. On 26 January 1994, the new radical settler group *Zu Arzeno* (This is Our Land) founded a new settlement in Hebron, which derived its named 'Givat Lapid' from Mordechai and Shalom Lapid who had been killed by Palestinians.

On 16 October 1993, the director of the Islamic Waqf and the Higher Islamic Council in Jerusalem wrote the following letter to Prime Minister Rabin: "On Friday 8 October 1993, a number of Jewish settlers attacked six Palestinians guards and one worshipper [in the Ibrahimi Mosque]. When the call for the evening prayers was heard, Baruch Goldstein attacked the muezzin who then suddenly interrupted his call. On the evening of Tuesday 14 October 1993, Goldstein spilled a flammable fluid on the carpet in the mosque. Only thanks to the attention of the guards and worshippers did nothing terrible take place. These daily sacrilegious acts at the Ibrahimi Mosque cannot be ignored, but unfortunately, the Israeli authorities have never taken action against the settlers' hostile behavior... We hope that the authorities will now do something about these provocative and hostile actions that are directed against the freedom of religion of the Moslems and their right to comprehensively use their mosque."<sup>10</sup> No one, therefore, could have been surprised when on 25 February 1994 Baruch Goldstein shot and killed 29 praying Moslems in the Ibrahimi Mosque in Hebron. Some Palestinian sources claim that soldiers and settlers who rushed to the scene fired randomly into the mosque.

Goldstein came from the United States and lived and worked as a physician in the extremist settlement of Kiryat Arba outside the gates of Hebron. In the early morning, he put on his reservist uniform, threw his Galil gun over his shoulder and went to the Machpela Cave, a central holy place for Jews and Moslems alike, where the graves of the common forefathers Abraham, Isaac and Jacob as well as of the foremothers Sarah, Rebecca and Lea are located. It is usual for settlers to carry their guns, even during prayers. Goldstein fired off several magazines before he was killed, probably by Palestinians. Goldstein was known for his hatred of Arabs; whilst serving in the army, he had refused to treat Druze soldiers, and a few months before the massacre he had talked to an American TV crew about a time for killing and a time for healing. For him, the Arabs

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<sup>10</sup> "A Warning Ignored", in: *Challenge*, V (1994) 2, p. 5.

were 'Nazis' and the 'enemies of the Jews', with whom any coexistence was impossible. Said Goldstein, "They have made us sick, the Arabs are like an epidemic. They are bacilli that infect us."

The Israeli Government was quick in trying to limit the damage. The massacre was uniformly condemned as the act of a "crack-brained psychopath," to use Rabin's words. Even representatives of some settler organizations distanced themselves from the assassin. In her comprehensive study on the Goldstein massacre, Felicia Langer characterized the behavior of the Israeli Government as follows: "To maintain Israel's positive image abroad was only one component of the government's reaction. The other one was directed towards disguising the symbiotic relationship between the army and the settlers in the occupied territories."<sup>11</sup> According to Langer, the government began immediately after the massacre to ensure that evidence was kept hidden and to disseminate false information. Furthermore, the crime was separated from the question of settlements, for which the government is responsible. After the massacre, the Israeli Government outlawed the extremist settler groups Kach and Kahane-Chai, to which Goldstein belonged.

Paradoxically, the Israeli army completely closed off the entire West Bank and the Gaza Strip after the massacre, which caused considerable damage to the Palestinian economy. In addition, a six-week-long curfew was imposed on Hebron in order to protect the 450 settlers living there. The victims of the massacre and their relatives were thus punished even further. The events in Hebron demonstrated to the Palestinians that the agreements questioned neither the existence of the settlements nor the presence of the Israeli occupation forces, which remained in place to protect the settlements.

On 8 April 1994, Israel Shahak explained in the newspaper *Davar* the religious motivation behind the massacre. The orthodox stream of Judaism that relates to the Rambam (Maimonides - Jewish philosopher from Cordoba), forbids a Jewish doctor to heal non-Jews unless a Jew is in danger or a danger can be diverted. All Orthodox Jews and most of those from the national-religious camp share such an attitude. According to Shahak, these laws influence all religious Jews as well as secular ones who have not liberated themselves completely from religion, especially when it comes to their relations with non-Jews. On 1 March 1994, *Yediot Aharonot* cited the following passage from a discussion between Goldstein and the military Rabbi Gad Navon: "As a physician I am not ready to treat someone who is not a Jew. I only recognize the Rambam and Kahane." General Navon said: "I was told that you are not ready to treat the

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<sup>11</sup> Felicia Langer, *Wo Haß keine Grenzen kennt. Eine Anklageschrift*. Göttingen, 1995, p. 41.

Druze soldiers in our army.” “That’s right,” Goldstein replied, and Navon went on: “You are obliged to treat every human being – whether he is an Arab, a prisoner of war or even a terrorist. This is my *halachic* judgement, to which you are obliged to adhere. By the way – you have sworn a medical oath, which is binding.” Since Goldstein continued to refuse, he was transferred to a tank corps unit.

The funeral of the mass murderer turned into an impressive demonstration of Jewish extremism. The crowd shouted over again: “What a hero!” “What a righteous man!” and “He has done it for all of us!” The inscription on his tombstone in Kiryat Arab reads as follows: “Here lies the holy, the physician Baruch Goldstein. May the Righteous be blessed. May God take revenge for his blood. Without blemish and with a pure heart he sacrificed himself for his people, the Torah, and the land of Israel. May his soul rest in peace.” In the Israeli Knesset a law has recently been introduced that shall render possible the destruction of the tomb and the relocation of Goldstein’s remains. The peace bloc and the Hebron Solidarity Committee demanded from the Rabin Government on 25 February 1994 that it disarm and evacuate the settlers, establish a commission to investigate the conduct of the army, and allow for international troops to protect the occupied territories. The government accepted the last two points but did not deliver satisfactory results.

The report of the Shamgar Commission - named after the former president of the High Court Meir Shamgar - did not find any misconduct among the military authorities or the government. There was talk of a ‘crazy fanatic’ and individual perpetrator who had adhered to ‘distorted religious and ideological ideas’. At this stage, it had long been known in Israel that parts of the rabbinical clergy had given Jewish terrorists their blessings. The occupation power as well as the settlers had allegedly acted correctly. Palestinian hopes that justice would prevail were once more dashed, which is kind of logical taking into consideration that the occupation regime had to investigate its own actions and failures. In the course of the investigation, it was suggested that the military should not shoot at settlers, even if their own lives are endangered. The military commander for Judea and Samaria explained to the Shamgar Commission: “You must understand the basic situation. A Jew has a weapon in order to defend himself. An Arab who carries a weapon is a terrorist. A Jew with a weapon defends himself and has permission to shoot. We forbade the soldiers of the army to open fire at them.” Offences committed by Palestinians are dealt with by Israeli military courts, whilst those committed by settlers are dealt with by civil courts within Israel proper. The report makes no mention of this inequality. “The ‘system’ has decided long time ago to spare the settlers any trouble and, therefore, the Commission accepts this situation of apart-

heid *de facto* and *de jure*, without wasting a word on it.”<sup>12</sup> The PLO assigned its own investigation commission but did not publish its report in order to avoid disturbing the peace process.

The Orthodox Jew Yeshayahu Leibowitz was among the sharpest critics of Israeli politics *vis-à-vis* the Palestinians. In *Yediot Aharonot* of 2 March 1994, he left no doubt about whom in his opinion bore the responsibility for Baruch Goldstein’s act. “It should be clear to everyone: everyone who does not refuse to serve in the occupied territories is a friend of Goldstein and a partner in this murder. With this act he represents the people. He is a representative of the people and the government, and the culprit is Yitzhak Rabin.” In a discourse with Shimon Peres that appeared on 25 March 1994 in *Ma’ariv*, the philosopher said: “The modern Israel is authentically represented from a political, religious and national angle by Baruch Goldstein. He is the authentic incarnation of the present culture and regime. This, of course, does not mean that all of the over four million Jews have the same mentality. On the contrary, there are many that reject this regime, this culture and this mentality. Their number has recently increased a lot. However, if we talk about a ‘collective’ then our ‘collective’ is represented by this creature, Baruch Goldstein.” Juan Goytisolo wrote in the *Frankfurter Rundschau* of 27 February 1995 that the massacre was of course not the doing of a “muddle-head” but the “result of an ideological stream of radical Zionism as it comes across from North America, penetrated, at the same time, by the Messianism of the successors of the Pilgrim Fathers and by the climate of violence prevailing in the ‘ghettoized’ society of the big North American cities of today”.

Although a large majority of Israelis supported the evacuation of the settlers Rabin rejected the idea on the grounds that it was “contradictory to the Declaration of Principles,” as he was quoted as saying in the *Ha’aretz* of 18 March 1994. Back then, he was probably guided by security doubts since the settlers had threatened to stage a civil war. Half of the inhabitants of the Tapuah settlement belong to the Kahane-Chai group, carry arms, and believe they have the right to shoot and kill Palestinians. A 21-year old Yeshiva student explained: “This is a war between Arabs and Jews over the land.” The following citations are taken from an article by Armin Wertz that appeared in the *Frankfurter Rundschau* of 5 March 1993 and that demonstrates the way of thinking of the inhabitants of this settlement: the bloodbath of Goldstein was referred to as a “just act” and Rabin as a “betrayal” who “works against the Jews and for the PLO.” Most of the settlement’s inhabitants came from the United States and had therefore “not been exposed to the brainwashing of the government.”...

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<sup>12</sup> *Ibid.*, p. 155.

"The Arabs must be kicked out. Only if they are ready to live under Jewish rule and without political rights may they stay here." The spokesman of Kahane-Chai, David Axelrod, is of the opinion that the settlement movement has been exposed to a "real witch-hunt." "We find a lot of support among the army and even more among the border police," he says. For him, those who died in the Ibrahimi Mosque were "the most radical members of the Islamic fundamental Hamas." Not one single Arab is innocent, and "we are at war with them." He added that there are many Baruch Goldsteins in the settlements. The assassination of Rabin was a natural consequence of these kinds of beliefs. The second to last chapter of this book will cover the right-extremist, fundamentalist camp in Israel in detail. The Hamas movement retaliated against the Hebron massacre with terror attacks on 6 April 1994 in Afula, which left nine Israelis dead and 45 injured, and on 13 April in Hadera, in which six Israelis were killed and 25 injured.

The PLO suspended the negotiations with Israel. With his move to outlaw the two extremist groups Kach and Kahane-Chai, Rabin wanted to give the United States and Egypt a sign that they should pressure the Palestinians to return to the negotiation table in Taba. His attempt to have the Tsomet Party of Rafael Eitan join his government was frustrated by the veto of the leftist-liberal Meretz Party. What were the conclusions the Palestinians drew from the massacre? Arafat, who had nurtured the illusion that the national liberation struggle had shifted to a political-diplomatic level, now realized that he could not change a single article of the agreement and that the only concern was Israel's security. He was unable to push for a separation of Palestinian and settler interests and was forced to suppress his own opposition against the occupation. The question of whether the struggle and the *Intifada* should be continued split the Palestinians in the occupied and 'autonomous' areas and those in the Diaspora. Eventually, Arafat had to return to the negotiation table in Taba without a single Palestinian demand having been met.

Back in November 1993, Arafat and Nabil Sha'ath had still considered the Israeli ideas that unfolded in Taba a continuation of the occupation and, thus, rejected them. Nevertheless, in May 1994, the PLO Chairman signed the Gaza-Jericho Agreement. Thus, Rabin could implement his idea of a continuing occupation with Arafat's acceptance. Tanya Reinhardt commented on this in the *Yediot Aharonot* of 6 April 1994 as follows: "This should be considered an accomplishment by anyone who is interested in the continuation of the occupation." Even Ariel Sharon could not have done things better. Why, then, did he attack Rabin so vehemently afterwards? The journalist Yoel Marcus believes that the Prime Minister had encouraged Sharon to instigate protests against the vacating of the settlements. At first, this may appear strange, but such a strategy is

indeed promising. To some, Sharon's agitation showed that the best possible result had been achieved and that there was no alternative to Rabin's strategy, especially since many Israelis accepted Rabin's goals in order to avoid a countermove that would bring Sharon to power. Others might have assumed that there would be some positive developments because Sharon was so indignant. In fact, the hysteria among the rightist forces in Israel was superfluous since Rabin implemented their agenda anyway.

## **2. The 'Gaza-Jericho Agreement' of 4 May 1994 and the Protocol on Economic Relations of 29 April 1994**

The signing of the Gaza-Jericho Agreement took place in Cairo, witnessed by more than a thousand invited guests. Until the very end the negotiations proved very difficult. The pressure on the Palestinians was so immense that some Israeli politicians warned against undermining Arafat's position from the start, because a completely defeated PLO would be as dangerous as a victorious one. The ceremony itself was somewhat grotesque. A visibly enervated PLO chief initially refused to sign the documents upon which the Israeli Prime Minister also refused to put his signature. Only after intensive secret discussions did the signing eventually take place. Arafat explained later that he had been obliged to cause a scene because he did not trust Rabin's promises with regard to the status of Jerusalem. "I did not only want this promise from Rabin. No, I also wanted it from the co-sponsors, Christopher and Kozyrev, and President Mubarak as a witness." The Israeli negotiators knew that they had forced a 'capitulation agreement' upon Arafat.

The agreement consists of a preamble and 23 articles in addition to four annexes: the Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements; Protocol Concerning Civil Affairs; Protocol Concerning Legal Matters; and Protocol on Economic Relations Between Israel and the PLO, which was signed on 29 April 1994 in Paris and attached as an annex to the Gaza-Jericho Agreement. It contains numerous cross and back-references that nullify or re-qualify certain concessions that had already been made. The modalities regarding the troop withdrawal and the duties of the PA in security matters are described in detail. It is a pure security agreement. In concrete terms this means:

1. The Israelis maintain control over the external borders and determine the size and the status of Jericho.
2. The settlements in the Gaza Strip remain Israeli enclaves. Their concentration in blocs doubles the land already expropriated by Israel.

During the protracted negotiations, it was an established fact for General Chief of Staff Ehud Barak that “we are preparing ourselves for the redeployment of the troops from Jericho and the Gaza Strip. With regard to the remaining areas our tasks have not changed; there, let bygones be bygones.” Arafat had repeatedly tried to make new demands after the delegations had already reached agreements. In Taba it became obvious how far-reaching and fatal the concessions, which were laid down in the DoP, actually were. At a cabinet meeting at the turn of the year 1993/94 Rabin declared: “If the Palestinians keep changing the agreements then we can do the same. One can obviously not trust their verbal commitments. We are not in a hurry. Let them sweat a little.” Even then, the Palestinians should have understood that they would never get their own sovereign state. As Joel Singer put it in February 1994: “The nature of the new Palestinian formation will be neither independent nor sovereign – it will be vastly subordinated to the authority of the military government.” Israel can go back on its concessions or pledges at any time without the PA being able to do anything about it.

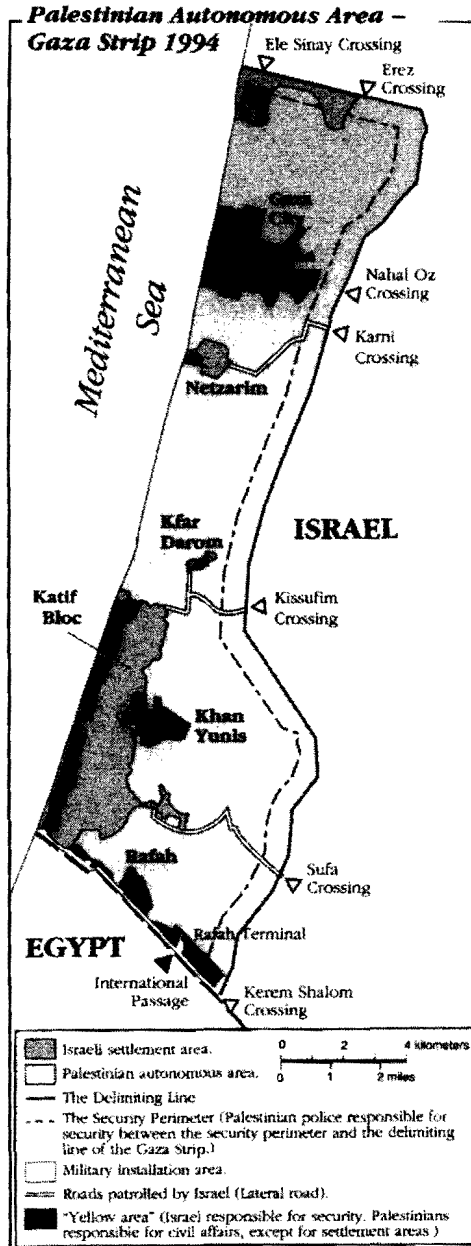
The Gaza Strip is covered by a network of Israeli and Palestinian control posts, but with the latter serving as mere decoration. The powers and responsibilities of the Israeli military government (Article III, Paragraph 4) remain inviolable. It continues to maintain jurisdiction over the settlements, the military installations, external relations, internal security (Article V, Paragraphs 1a and 1b), as well as Israel’s air-traffic control (Article V, Paragraph 3b). The PA has no rights in the sphere of foreign relations. It is not allowed to establish embassies, consulates, or other kinds of foreign representations abroad or permit their establishment in Gaza or Jericho (Article VI, Paragraph 2a).

The PA has only very limited legislative power. All [Israeli] military orders remain in force, and all ordinances and laws require the prior approval of Israel, with a handling period of 30 days. Another important item of the agreement is the establishment of a strong police force. The PA is committed to cooperate in all security matters and to try to prevent any hostile act directed against Israel or the settlements (Article XVIII), meaning that for the first time in history, an oppressed people is held responsible for the security of its occupiers. The security fence erected around the Gaza Strip remains in place,<sup>13</sup> making Gaza look more like a giant prison, to which only Israel holds the keys, than a ‘state in the making’. The Palestinians only possess overpopulated areas where there is no potential for development, while the land suitable for agriculture remains under Israeli control. The more concessions the PLO made, the more Israel demanded.

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<sup>13</sup> See Agreement on the Gaza Strip and the Jericho Area. N.p. [Bonn], n.d. [1994]. All following cross-references refer to this edition.

Map 1



Source: Agreement on the Gaza Strip and the Jericho Area.



How clever the Israelis were during the negotiations is reflected in the fact that their state cannot be held responsible or liable for the damage caused during the years of its rule as an occupying power. Article 22 - which also appears as Article 20 in the Interim Agreement – reads as follows: “The transfer of all powers and responsibilities from the Israeli Government and its civil administration to the Palestinian Authority - as detailed in Annex III - includes all related rights, liabilities and obligations arising with regard to acts or omissions which occurred prior to the transfer. Israel will cease to bear any financial responsibility regarding such acts or omissions and the Palestinian Authority will bear all financial responsibility for these and for its own functioning.” In these matters the PA may decide and act at its own discretion.

The protocol to regulate economic relations was signed by the Israeli Minister of Finance, Avraham Shohat, and Ahmad Qrei'a (Abu Ala') on 29 April 1994 in Paris. It is as asymmetric as the other signed agreements and contains 21 articles that are based on recommendations that resulted from a workshop organized by the American Economist Stanley Fisher at Harvard University, which involved Israeli, Palestinian, Jordanian, and American economists. Most of the Israeli and Palestinian participants were also members of the team of negotiators that went to Paris. The agreement regulates the economy in the autonomous areas and the economic relations between Israelis and Palestinians as well as those involving third parties. A Palestinian-Israeli Economic Committee is in charge of the implementation and can assign sub-committees, where needed. All committees must make their decisions jointly. With this, the Israeli Government has secured its say and right to veto in all economic matters and indirectly maintains absolute control over the economy in the autonomous areas and over decisions that concern the autonomous enclaves, without having to seek the prior agreement of the Palestinians.

Following the signing of the Economic Protocol Israeli journalists wondered how Arafat could have accepted such an agreement, which grants Israel everything and the Palestinians nothing. Every import must pass the Israeli customs and every export must be handled through Israeli contract partners. In the *Yediot Aharonot* of 7 April 1997 Tanya Reinhardt points to an article published in *Ha'aretz*, according to which Arafat had been bought with money. The paper reports that Mohammed Rashid, a Kurdish millionaire and Arafat's economic advisor, had come to an agreement with then security chief Yossi Ginossar, which provided that part of the withheld petrol tax would not be transferred to the bank account of the PA but be deposited in an account at the Bank Leumi in Tel Aviv instead, with only Arafat and Rashid being authorized to make transactions. The intention was to use the money in the event that revolts broke out in the

territories and Arafat and his close leadership circle were forced to flee. Taking into consideration the enormous wealth that the PLO accumulates abroad until this day, such a precautionary measure seems superfluous. The marketing of the petrol monopoly was given to the Dor Company, and the respective agreement was signed by Mohammed Rashid and Joseph Antwerg, a manager for the Israeli Land Authority (ILA), which is responsible for the expropriation of Palestinian land. Tanya Reinhardt comments: "The rich of the occupation help those of the Autonomy Authority, who then become rich through the very same occupation."

Political and economic independence condition each other. However, the protocol does not provide for the establishment of an independent Palestinian economy. The autonomous areas and the new 'partnership' only serve Israel as a reserve labor market and as a springboard to the Arab markets. The new Palestinian political-economic class has become Israel's junior partner and benefits from the services it provides to its Israeli 'partners'. Israeli products labeled 'Made in Israel' are difficult to market in the Arab states, whereas those labeled 'Made in Palestine' sell well. Besides this, the Palestinian subcontractors manufacture the goods that were pre-produced with Israeli know-how at considerably cheaper rates than Israeli firms do. This new class has secured itself a monopoly position with regard to the import of certain goods, mainly construction materials - especially gravel and cement - petrol and liquid gas, and electronics, and is not interested in complete independence. The enormous bureaucracy that has meanwhile emerged hinders rather than promotes the development of the economy. A large part of the foreign donor funds seeps into corrupt channels or is used for salaries and wages. "The protocol reflects the historical reality, the continuing occupation during the interim period, and Israel's insistence on protecting its own producers and to maintaining insofar possible its dominant share in the Palestinian market."<sup>14</sup>

As mentioned earlier, the power of this new class is concentrated in three spheres: politics and diplomacy, economy, and security, especially fighting terrorism. On top of this power pyramid is Yasser Arafat. His subordinates are only accountable to him, not to the public or the parliament. As influential and dominant as these spheres are for the daily lives of the Palestinians, as limited is their influence on countries that grant development aid to the Palestinian people. The United States in particular is continuously pressing for more public transparency and responsibility. Did it ever ask for 'transparency' when it supported over decades corrupt and dictatorship regimes all over the world?

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<sup>14</sup> Sharif S. Elmusa and Mahmoud El-Jaafari, "Power and Trade: The Israeli-Palestinian Economic Protocol", in: *JPS*, XXIV (Winter 1995), 2, p. 29.

According to the American economist Sara Roy,<sup>15</sup> the economic problems of the Gaza Strip lie not so much in the economic backwardness of the local economy but rather result from the ideological and national prerequisites that guide Israeli politics. The Gaza-Jericho Agreement and the Paris Economic Protocol will not help promote the development of the Gaza Strip, because the autonomy can only develop within the scope of narrow political and ideological borders fixed by Israel. Thus far, investment has occurred almost exclusively in the construction sector, while hardly any funds have been invested in the weary infrastructure. As a result, numerous skyscrapers and hotels were built in Gaza City, the rents and prices of which no average citizen can afford to pay, while the famous 'wastewater lake' in the Jabalya Refugee Camp has even in the fifth year of autonomy not yet vanished. The only measure pertaining to infrastructure taken in the camp was the leveling of a 250-meter strip of a 'street', but even then, the project was stopped before the road received its asphalt cover. The alleged economic upswing in Gaza about which some economists talk is nothing more than the erection of castles in the air and a giant lie. Which private investor would direct his capital to areas that are closed off for weeks? Economic growth is indeed primarily impeded by political obstacles.

Israel can still flood the autonomous areas with its products, while the export of Palestinian goods is subject to considerable restrictions. The 'open borders' are often closed, which means that goods being transported from the West Bank and Gaza cannot be processed. Due to the low value added tax (VAT) Palestinian products are also not competitive in Arab markets. Israel levies a VAT of 17 percent, while the Palestinians had to fix theirs at 15 or 16 percent. The English journalist Graham Usher has stated solemnly: "Israel's strategic aim has been to achieve a higher degree of economic integration with the Arab World, to gain greater access to Arab markets, and to breach the 46-year-old Arab economic boycott of Israel."<sup>16</sup>

The principle 'land before people' still determines Israeli politics. Israel's control of the Palestinian economy has little to do with the promotion of self-sufficient growth but serves first and foremost the protection of its own economic influence and the normalization of its economic relations with certain Arab states. For example, Israel is responsible for all the international economic agreements of the Palestinians, who must negotiate the access to international markets with Israel. As long as Israel has a say in important sectors of the Palestinian economy there will not be any pro-

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<sup>15</sup> See Sara Roy, *The Gaza Strip. The Political Economy of De-Development*. Washington, D.C., 1995, p. 328.

<sup>16</sup> Graham Usher, *Palestine in Crisis. The Struggle for Peace and Political Independence after Oslo*. London, East Haven, 1995, p. 42.

gress. The effects of this continuous stagnation are at the very best being moderated. The Palestinians need not only more freedom of action, but also for the ideologically conditioned constraints to be abandoned. "The Gaza-Jericho Agreement does not remove those constraints; it merely reshapes them."<sup>17</sup>

Some scientists are of the opinion that with the said agreements the status of the occupied territories did not change;<sup>18</sup> this is not true. The signed documents have for the first time legitimized the occupation, the settlements and the expropriations. A policy contradictory to International Law has been sanctioned by the occupied. What else could an occupying power hope for? The content of the documents and the direction in which the negotiations as well as Israel's politics have moved ever since they were signed support the supposition that Israel will succeed in bypassing UN Resolutions 242 and 338. It is not Israel's goal to achieve an agreement based on these resolutions but rather one based on a bilateral track where power counts more than right and law.

According to Article VII, Paragraph 9, the laws and military orders in effect prior to the signing of the Gaza-Jericho Agreements remain valid. It is doubtful whether the Palestinian leadership has comprehended the importance and consequences of this article, due to which the law of the occupier will continue to exist until such time as it is rescinded by another agreement. The Israelis have in fact issued several military orders, some of which were published while others were destined to be kept secret. They might provide for many surprises among the Palestinians.

Before the signing of the agreement the local Palestinian civil courts in the occupied territories were in charge of legal matters and tried civil matters that concerned both settlers and non-settlers. However, all incidents that fell under the competence of the Israeli military government were tried in Israeli military courts. Nevertheless, the legal jurisdiction remained unchanged and until 4 May 1994 all decisions taken by the local courts could be implemented in Israel without restrictions. This changed only with Article IV of the DoP and the detailed stipulations laid down in the Gaza-Jericho Agreement.

The separation of the Israeli settlements from Palestinian jurisdiction is stipulated in the Gaza-Jericho Agreement in Articles 1 and 2 of the annex concerning legal matters. "Israel has sole jurisdiction over...offenses com-

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<sup>17</sup> Roy, *op.cit.* (footnote 15), p. 30.

<sup>18</sup> See Alexander Flores, "Oslo: Modell für den Frieden in Nahost? Israel und die Palästinenser", in: *Der Islam und der Westen. Anstiftung zum Dialog*, ed. by Kai Hafez, Frankfurt a.M., 1997, p. 170.

mitted in the Territories by Israelis.” Concerning civil affairs, Article III, Paragraph 2 reads: “Israelis conducting commercial activity in the Territory are subject to the prevailing civil law in the Territory relating to that activity. Nevertheless, any enforcement of judicial and administrative judgments and orders issued against Israelis and their property shall be effected by Israel.” Paragraph 3, meanwhile, determines that “The Palestinian courts and juridical authorities have no jurisdiction over civil actions, in which an Israeli is a party.” According to lawyer Raja Shehadeh, it is therefore clear that the Gaza-Jericho Agreement has put the Israeli settlements as well as the Palestinians from East Jerusalem out of the reach of the jurisdiction prevailing in the Palestinian territories.<sup>19</sup> Paradoxically, this happened with the agreement of the Palestinians as a contracting party.

The Gaza-Jericho Agreement formally transfers the authority over land registration (Annex II, Article II B, Paragraph 22) and over water (Annex II, Article II B, Paragraph 31a) to the PA. The latter is in fact invalidated with Paragraph 31b, which stipulates that the existing water systems and resources shall continue to be operated and managed by the Israeli Mekorot Water Co. The Israeli National Water Authority should have become the partner of the Palestinians, and not Mekorot, which is a profit-seeking sub-company. Consequently, the price per cubic meter increased from 0.7 to 1.8 NIS. In the negotiations, neither the wells Israel has tapped all over the Gaza Strip or the wells in the settlements were taken into consideration. Thus, the settlements were implicitly granted their own water rights and were once more legitimized. This example shows again how the Israelis took advantage in the negotiations by consulting specialists.

With regard to the land question, the *status quo* is maintained. In order for the settlements not to be disturbed by the PA, vast areas of land were allocated to them. As a reinsurance, Annex II, Article II, Paragraph B 32b attests that the practice that was in effect prior to the signing of this agreement remains in force. No matter what the Palestinians might decide, Israel has a right to veto their decision. The neglect of the legal aspect on the part of the Palestinians is for Shehadeh even more amazing because Israel is “one of the most legalistic countries in the world, with a long and developed tradition of using law as an effective tool for control and exploitation.”<sup>20</sup>

With the decree of 20 May 1994, Arafat wanted to return to the legal *status quo* prevailing prior to the Six-Day War. However, Article VII,

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<sup>19</sup> Raja Shehadeh, “Questions of Jurisdiction: A Legal Analysis of the Gaza-Jericho Agreement”, in: *JPS*, XXIII (Summer 1994) 4, p. 20.

<sup>20</sup> *Ibid.*, p. 23.

Paragraph 9 of the Gaza-Jericho Agreement stipulates that “laws and military orders in effect... prior to the signing of this Agreement shall remain in force.” In his speech at Johannesburg on 10 May 1994, Arafat compared the agreements between Israel and the PLO with the agreement between Prophet Mohammed and the Quraish tribe in the year 627, which the Prophet violated two years later. It is difficult to comprehend why Arafat deals so loosely with the law since the Palestinians are the weaker party in this power struggle and have nothing but the power of law to support them. They have already given up so many legal claims that even an appeal on the remaining ones could not turn the tables in their favor.

In 1995, the author wrote that the DoP and the Gaza-Jericho Agreement had “changed nothing concerning the continuation of the occupation. Which entity has an authority that cannot even decide who is allowed to enter and exit? This sort of autonomy is only a new variant of occupation. The South-African ‘homelands’ also had symbols of authority - such as a flag, stamps, passports and a strong police force - but they were only puppet regimes. The Interim Agreement so desperately striven for will not change anything in terms of occupation or the situation of the Palestinians. The PA has become an inner-Israeli pressure group – just like the national-religious Shas Party – that must bargain with the government for concessions.”<sup>21</sup> The agreement was very much in accordance with the wishes of the rightist forces in Israel, but they nevertheless were very vocal in expressing their indignation with regard to the uniforms of the Palestinian police, the flag, the stamps, and the word ‘passport’ on their travel documents. All these attributes of ‘sovereignty’ also applied to the Bantustans in South Africa.

Large parts of the agricultural and cultivable land of the Gaza Strip - all in all some 40 percent of the entire territory - remain under the sole control of Israel. The security provisions of the agreements stipulate that Palestinians are not allowed to build here. The Gush Katif settlement bloc was literally separated from the Gaza Strip and surrounded by electric fences. By adhering to the classical colonial formula ‘divide and rule’, the Gaza-Jericho Agreement has further divided the Gaza Strip and the West Bank. The only connection provided for is that between Gaza and Jericho, which has yet to be constructed. Right after the signing of the agreement, the Israeli Government annulled the permits of 1,300 students from Gaza who studied in West Bank universities, all of whom are still prevented from resuming their studies. An appeal to the Israeli Supreme Court was

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<sup>21</sup> Ludwig Watzal, “Menschenrechte und Friede im Nahen Osten”, in: *Vorgänge*, 34 (1995) 3, p. 5 f; see also Watzal, “Der Israelisch-Palästinensische Friedensprozeß – Palästinas Weg in die Bantustanisierung?”, in: *Versöhnung im Verzug – Probleme des Friedensprozesses im Nahen Osten*. Ed. by Sabine Hoffman and Ferhad Ibrahim, Bonn, 1996, p. 139 ff.

turned down on the grounds that the Palestinian regime was now responsible for dealing with this kind of problem.

The following comment made by Yossi Sarid in the *Ha'aretz* of 24 May 1994 reflects what the Israeli Government thought about the agreement: "We wanted to give away Gaza. This is not a big loss. If we had not reached an agreement about the withdrawal from Gaza, the government would have decided so on its own authority. This matter was discussed several times in the past. In terms of land once does not need to talk about Jericho at all; it is less than one percent of the entire territory of Judea and Samaria."

On 29 August 1994, the Early Empowerment Agreement on the Transfer of Powers and Responsibilities to the Palestinians was signed in order to adjust the competence over the various spheres that were transferred to the PA in Gaza and the Jericho enclave and to expand it to include the rest of the West Bank. The agreement, consisting of 12 articles and six annexes, is very much in line with the previously signed agreements. It stipulates that a Joint Civil Affairs Coordination and Cooperation Committee will regulate education and culture, health, social welfare, and tourism, and collect direct taxes as well as value added tax on local products. The PA can issue regulations and laws, which, however, must be confirmed by the Israeli Government within a period of 30 days. If it opposes any such legislation it must explain the reasons. The Early Empowerment Agreement reconfirms the applicability of the exceptions recorded in the Gaza-Jericho Agreement for the West Bank.<sup>22</sup>

Arafat arrived in Gaza two months after the signing of the Gaza-Jericho Agreement. His hesitation gave the impression that he only grudgingly accepted the role intended for him. However, it could also be partly explained by the fact that the prisoners had not been released as agreed upon. Since only the arrival of Arafat could finally 'consecrate' the agreement, the Israelis put pressure on the PLO chief. The reactions of the Israeli population revealed that it had not changed its attitude towards the Palestinians and Arabs in general. Both the Right and the Left treated the now 'neighboring people' with arrogance, and while the nationalists launched a campaign of intimidation, the public stood by without saying anything. The building of the autonomous areas was not only hampered by the obstacles Israel had included in the agreements but also by Arafat's nepotism. He did not surround himself with experts from the occupied territories but with 'salon-activists' and the 'Tunis Mafia', as the Palestinians called Arafat's newcomers.

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<sup>22</sup> See Agreement on Preparatory Transfer of Powers and Responsibilities of 29 August 1994.

The PA formally took over the spheres of health, social welfare, education and culture, and tourism. Israel made it clear from the beginning that the fight against terrorism was a priority, and that 'concessions', i.e., arrangements laid down in the agreements, would only be granted if the security of the Israelis was improved and guaranteed. This forced Arafat to suppress the opposition using all available means. From the outset of the autonomy, the most dangerous opponent was Hamas. In an interview with *Der Spiegel* on 5 September 1994, Ibrahim Yasouri explained that Israel was established "with blood and terror" and that the autonomy was nothing but self-deception: "God's desired goal is the liberation of all of Palestine."

The central point of contention for Israelis and Palestinians was and remains Jerusalem. The city – holy for Jews, Christians and Moslems alike – was divided in 1949, when West Jerusalem became part of the nascent State of Israel, while East Jerusalem with the holy places came under Jordanian administration. In the Six-Day War Israel then conquered the eastern part of the city and linked it to West Jerusalem. In violation of International Law, Israel annexed East Jerusalem in July 1980.

It was Peres who had convinced Prime Minister Rabin to offer Arafat Jericho besides parts of Gaza. Arafat accepted the deal only because of pressure put on him by both the Israeli Government and his 'advisors' from the Israeli Left, concentrated in the peace camp and the Meretz Party. These advisors play a fateful role for the Palestinians as they in fact represent Israeli interests, and in reality, the peace movement is blackmailing Arafat for the sake of the peace process. It is not easy for the Israeli Left to admit that Arafat has capitulated before Israel since as far as they are concerned, he was for years the symbol of the Palestinian liberation struggle.

When there was no further movement with regard to the Jerusalem question and the city's mayor, Ehud Olmert from the Likud bloc, wanted to repress Palestinian institutions in East Jerusalem, Arafat quoted in his Johannesburg speech – to the surprise of everyone – from a letter sent by Peres to the late Norwegian Foreign Minister Johan Jørgen Holst, dated 11 October 1993: "I wish to confirm that the Palestinian institutions of East Jerusalem and the interests and wellbeing of the Palestinians of East Jerusalem are of great importance and will be preserved. Therefore all the Palestinian institutions of East Jerusalem, including the economic, social, educational and cultural institutions, and the holy Christian and Moslem places, are performing an essential task for the Palestinian population. Needless to say, we will not hamper their activity; on the contrary, the fulfillment of this important mission is to be encouraged."



This public announcement caused a unanimous outcry in Israel. The liberal-leftist press in particular attacked Arafat, but was forced to take back its words when it was disclosed that it was not Arafat but Rabin and Peres who were liars. An article by Yoel Marcus in the *Ha'aretz* of 10 June 1994 was particularly revealing: "The day I decided to believe the government I found myself in the unpleasant situation of having to apologize to the chronic liar Yasser Arafat who was caught speaking the truth... It is a fact that the 'non-existing' letter recognizes the Palestinians' possession of East Jerusalem." The Israeli right wing was appalled. On 8 June 1994 Benjamin Begin wrote in *Yediot Aharonot*: "May God have mercy upon the Prime Minister of Israel if it is true that he was not so punctilious with the details, while the terrorist Yasser Arafat was accurate. May God have mercy upon the Israeli Government if it transpires that it has placed in the hands of the terror organization what it calls East Jerusalem. And may God help Israel if this is its government." Shimon Peres later said the following before the Foreign and Defense Committee of the Knesset: "Arafat's declaration concerning Jerusalem is for me worth as much as the peel of a clove of garlic... the PLO wants an additional capital. We totally refuse this. Not only will Jerusalem never be divided, but there will also never be two capitals."

The government immediately introduced a law prohibiting the political activities of the PLO and of Palestinian institutions in East Jerusalem. It was passed by the Knesset with a vast majority at the end of December 1994. The PA in Jerusalem, headed by Faisal Husseini, was forbidden to involve itself in any political activity in the city. It is not allowed to organize conferences or petitions, or to hold assemblies or protest marches under its leadership within the city limits. In cases of contravention, there is the threat of a one-year prison sentence or a US\$33,000 fine.

The agreements with the PLO also laid the foundation for the conclusion of a peace treaty between Israel and the Kingdom of Jordan, which was signed on 26 October 1994 in Ein Avrona.<sup>23</sup> The treaty had always been on top of the agenda of the Labor Party. Since there are no fundamental differences between the two states, the Israeli Government managed to play off Jordan against the PLO with regard to Jerusalem. Article 9, Paragraph 2 of the treaty deals with the historical and religious sites and reads accordingly: "In this regard, in accordance with the Washington Declaration, Israel respects the existing special role of the Hashemite Kingdom of Jordan with regard to Moslem holy shrines in Jerusalem. When negotia-

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<sup>23</sup> See Friedensvertrag zwischen dem Staat Israel und dem Haschemitischen Königreich Jordanien, Ein Avrona, 26 October 1994. Ed. by the Press and Information Department of the Embassy of the State of Israel, n.p. [Bonn], n.d. [1994].

tions on the permanent status take place, Israel will give high priority to the Jordanian historic role at these shrines.” In the words of Shimon Peres this means that Jerusalem remains “politically closed but religiously open.” For Israel it does not matter who rules the heavenly Jerusalem as long as no one disputes its claim to be the sole representative of the earthly one. Ariel Sharon even rejected this kind of ‘sovereignty’, although the treaty offers Israel alone advantages. In the *Yediot Aharonot* of 29 July 1994, the general stressed that only the Jewish people can exercise sovereignty over the Temple Mount.

Arafat, Mubarak and Assad criticized the peace treaty. After a meeting with the Egyptian President in Cairo in October 1994, Assad referred to the fact that Jordan had leased two small, agriculturally used territories for 25 years to Israel as the “manner of unbelievers.” Never before had an Alawite general and politician of peasant origin criticized the descendant of Mohammed so sharply. He added that no one could expect Syria to lease soil to Israel. That was the Syrian answer to the 13,000 Israeli settlers on the Golan. Hosni Mubarak chose to use less offensive words, while Arafat raised objections against the treaty because of the Jordanian say regarding the religious sites. King Hussein, often wriggling and even mediating between the fronts, displayed little regard for either Syria’s President Assad or the PLO, mainly, perhaps, due to the fact that the United States had offered Jordan a remission of debts in the amount of US\$700 million. Israel and the United States pointed to an economic peace dividend, but this never materialized. King Hussein’s promise to the Israelis of a ‘warm peace’ was not reciprocated. Therefore, it is not only since Netanyahu that displeasure concerning Israel has increased in all respects.

In the euphoria of 1994, the idea of a confederation between Israel, Jordan and Palestine was repeatedly discussed. Confederation, however, is only possible among sovereign states. Rabin envisioned a confederation between Israel and Jordan in which the Palestinians would only be involved, if at all, on the basis of a non-sovereign state. Despite Rabin’s clear statements Arafat’s officials spread on their travels abroad the illusion that an independent state was close at hand. The PLO chairman himself created the program of a partnership with Israel and painted a picture of ‘blooming landscapes’ in an independent Palestinian entity.

In a lecture given at the German Association for Foreign Policy in October 1993, the director of the PLO representation in Bonn, Abdallah Franji, suggested that the Gaza-Jericho Agreement represented a straight but difficult way towards a Palestinian state, which would be established within five years. He prophesized that the opposition, including Iran, would

grow silent. That such notions were rather illusionary was proven by the fact that Israel and the Palestinians were unable to agree on the size of Jericho until the very last moment. Franji commented: "For the Israelis the size of Jericho is 25 square kilometers; for us, however, it is 375, like during the times of the Ottomans and the English." Eventually, the Israelis transferred 54 square kilometers to the Palestinians. There were many Palestinians around Arafat who argued like Franji. Their pseudo optimism revealed itself as cynicism but it made an essential contribution to the unrealistic attitude of the West.

Among the unanswered questions was also that of the character of the new Palestinian structure. Would it be a dictatorship or a democracy? William B. Quandt explained that the Israeli leadership had shown little interest in this central question because it was preoccupied with its own security interests and because it always saw a certain advantage in negotiating with Arab dictatorships, which felt no need to account for their actions to the public.<sup>24</sup> Neither the PLO and Arafat nor Israel and the Western states are interested in a democratic Palestine. On the one hand, the United States was supposed to push Arafat more towards democratic development, because a democratic Palestine would imply more security for Israel and Jordan than a Palestine ruled by a dictatorship. On the other hand, the PLO chief can only play the role assigned to him within this power constellation and Israel would lose its exclusive role as the 'only democracy in the Middle East'.

What kind of democracy Israel had in mind was demonstrated by General Dani Rothshild in an interview with *Ha'aretz* on 5 October 1994: "The Palestinian public has learned the value of democracy during the past 27 years of our coexistence. Therefore it is very important to create a system of 'checks and balances', a system that is less corrupt than a totalitarian regime with appointments.... Indeed, we have explained to them in the past 27 years what democracy is, not only now in the agreements. They lived with us and saw what democracy is, what the Supreme Court in Israel is." Shimon Peres also considered the occupation as the best democracy school for the Palestinians, as he told *Ha'aretz* on 26 October 1995: "Today, there is a young generation, 125,000 Arabs who have passed through the prisons of Israel. They have learned Hebrew and know what democracy is, and as such, the prisons served as a huge university." Felicia Langer rightfully questioned this perspective: "Those who applauded the Palestinian Authority for the establishment of a special [state security] court, which is far worse than our sufficiently terrible military

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<sup>24</sup> See William B. Quandt, "The Urge for Democracy", in: *Foreign Affairs*, 73 (July/August 1994) 4, p. 2.

courts, will they facilitate democracy? Those who forced the Palestinian administration to suppress the opposition with no mercy as a precondition for progress in the negotiations, will they facilitate democracy?"<sup>25</sup>

Repeatedly, radicals from Hamas and the Islamic Jihad tried to torpedo the peace process. On 19 October 1994, a suicide bomber blew himself up in Tel Aviv, killing 22 Israelis and wounding 48 others. A few days earlier, Israeli soldier Nachshon Wachsman had been abducted by radical Hamas supporters. In an assault intended to liberate him, not only the terrorists but also Wachsman were killed. On 2 November, the journalist Hani Al-Abed, a functionary of the Islamic Jihad, was killed by a car bomb in Gaza. Even Arafat attributed this aggression to the Israelis. In a revenge act on 11 November, an Islamic Jihad member blew himself up on the bicycle he was riding near the Jewish settlement of Netzarim, killing three Israeli soldiers. Ephraim Sneh, Israeli Minister of Health and a close aid to Rabin, commented in *Newsweek* of 14 November 1994 as follows: "No one should expect us to remain inactive. The war against terror knows no limitations, no borders, and no rules."

All such incidents only increased the pressure on Arafat. On 18 November 1994 clashes erupted between his security services and demonstrators outside the big Falastin Mosque in Gaza, in which 14 Palestinians were killed and over 200 injured. For no apparent reason the soldiers fired at the crowd that had gathered for the Friday prayers. Arafat won this power struggle but the Islamists described him in a leaflet as an 'agent of Zionism'. When Rabin learned about the incident, he said, "It is now impossible to claim that Arafat is not keeping to the agreements."

After the suppression of the revolt in Gaza, the opposition reproached Arafat, accusing him of being a betrayer and doing the 'dirty work' for Israel. Hamas spokesperson Ibrahim Ghosheh demanded that Arafat "leave the Gaza Strip" because his regime, implanted by Israel, supported Israel. Palestinian Minister of Justice Freih Abu Meddein explained Arafat's decision to take strong action by saying that his government could not accept a second power center in Gaza. Arafat's position was not primarily a result of the agreements but of the political and economic weakness of his government. Since the Israelis exercised control over Gaza, they had Arafat in their hands. In addition, the permanent closure contributes to the growing frustration among the Palestinians. Their sense of hopelessness – along with the difficult economic situation – has repeatedly resulted in terror attacks.

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<sup>25</sup> Felicia Langer, *Laßt uns wie Menschen leben. Schein und Wirklichkeit in Palästina*. Göttingen, 1996, p. 72.

Israel participated as an equal state in the first Middle East Economic Conference that took place from 30 October to 1 November 1994 in Casablanca, Morocco. The representatives of the PNA still sat at the children's table. Those taking part in the conference did not only discuss the possible reflux of petrol dollars for investment in the autonomous areas; the Americans also used their influence on their autocratic friends in the Arab states to allocate more financial means for the creation of jobs. The liberalization models offered by the International Monetary Fund enjoy little sympathy among the Arab states because they could easily lead to a collapse of their power systems, which are based on subsidies. Radical changes in the system are usually rejected with reference being made to the detrimental effects these would have on the poorer population. The terror in many Islamic countries was only explained with referrals to the economic misery, other reasons being considered too sensitive to voice in front of the host country.

In the past years, Israel has developed from an agrarian and military state into a hi-tech state whose total trade with Europe, the United States and Far Eastern states is 90 percent of its trade volume. Joint projects between Israel, Jordan and Egypt fell through. Only Israel has benefited from the peace dividend as many international concerns now invest there. While a flood of donor pledges poured into Arafat's autonomous enclaves, hardly any investment was directed toward creating employment.

During the Casablanca Economic Conference Peres explored the question of how far Israel could extend its hegemony over the Arab states. He offered the Gulf states Israel's 'atomic umbrella' against the Iranian threat, causing the Egyptians to protest. If the World Bank or the International Monetary Fund want to promote economic development in the Arab states, why then, asked Israel Shakak, do they need Israel's mediation?<sup>26</sup>

The peace process rapidly came to a standstill due to the absence of real changes in Israel's policies: large amounts of land continued to be expropriated for the construction of roads, settlements in the occupied territories and East Jerusalem were expanded, Palestinians were humiliated and discriminated against on a daily basis, tortured and arrested, and the territories were closed off. Radical Hamas and Islamic Jihad activists continued to perpetrate terror acts, such as the one on 21 January in Beit Lid, in which 22 Israelis were killed. Attacks by the Israeli secret service Shin Bet and of undercover units resulted in the death of 'unpleasant' Palestinians, and the Israeli airforce claimed the right to carry out revenge attacks against Hizbollah positions in Lebanon.

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<sup>26</sup> See Israel Shahak, "The Real Aims of Oslo", in: *From the Hebrew Press*, IX (1997) 5, p. 2.

Nevertheless, the negotiations on an interim agreement continued in Taba. Arafat's proposal to establish joint Israeli-Palestinian patrols for all zones in the West Bank was rejected by the Israelis. Foreign Minister Peres admitted on 2 July 1995 on Israeli television that the enormous problems could not be whitewashed using rhetorical acrobatics and stressed that the troops would only be re-deployed from the cities so that the Palestinians could hold their elections. He then added, "Peace is only one component of our security concept." So much honesty was something new for the public. "For the first time in ten years, Israel admits that the whole quest for peace has nothing to do with any lofty ideals and everything to do with the old notion of total security for some, and negligible security for the others."<sup>27</sup>

The suicide attack of two Palestinians on 9 April 1995 in Gaza, in which seven soldiers and one American citizen were killed, induced an intensive discussion in Israel about a separation of the Palestinians. While the Labor Party, which had always supported the idea of separation, wanted to build an electronically-controlled fence around the Palestinian locations, the opposition feared that such a measure would encourage the emergence of the Palestinian State. The question of how to deal with the settlers remained open. The author Abraham B. Yehoshua pleaded with emphatic words for the fence solution. "Passable is the crossroads alone," he said in *Der Spiegel* of 13 February 1995.

Despite the enormous internal difficulties, Peres, Arafat and King Hussein met with President Mubarak at the beginning of February in Cairo. They succeeded in putting the negotiations back on track and, eventually, an agreement was concluded, which brought the Palestinians more police and reiterated the guarantee that they could show their flag and sing their national anthem.

During the negotiations, American scientist Amos Perlmutter supported the thesis that the peace process was dead. The terror attacks showed that the DoP "neither reflected the reality nor the probability." This assumption might be correct but the idea that Israel was after the handshake in the White House ready to return most of the area conquered in the June War of 1967 only existed in the fantasy of the Palestinians. Perlmutter accused Rabin of having negotiated with the weakest party, i.e., the doomed PLO, instead of the new generation that had conducted the negotiations in Washington, had experienced the *Intifada* and represented a radical post-nationalism. Among this generation were also Hamas members who rejected terror. According to Perlmutter, the Oslo Accords will

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<sup>27</sup> Haim Baram, "Peace and Security", in: *Middle East International* (MEI), 7 July 1995, p. 7.

never bear fruits. The author predicted that the Likud - after winning the elections - would lead Israel back to the status of a pariah state.<sup>28</sup> Netanyahu is clearly eager for this to happen soon.

### **3. The Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip of 28 September 1995 (Taba or Oslo II Agreement)**

The agreement signed in Washington under the supervision of Clinton has shattered once and for all the hopes of the Palestinians regarding an independent state. It does not embody the end of the 'Greater-Israel ideology' but a new variant of it, i.e., that of the Labor Party. "West Bank and Trizonia" was the pertinent headline in the *tageszeitung* of 23 September 1995. The Israeli negotiators got everything they wanted, including the change in the methods of control and dominance; in other words, Israel still has the last word in decision making although it does not always appear so from the outside. Arafat had to commit himself in the contract to taking over the dirty work: fighting the terror and the resistance. Due to the miserable situation of the people this is a hopeless undertaking.

When Rabin presented the agreement to the Knesset on 5 October he was content in documenting "that Israel will still have 73 percent of the soil in the (occupied) territories, over 97 percent of the security forces and 80 percent of the water resources at its command." The Prime Minister drafted his 'vision of peace' for a future Palestinian entity. "We want an Israel that is 80 percent Jewish. We want it to be an authority but less than a state, which can determine independently the life of its citizens under its jurisdiction... We will not return to the borders of 4 June." He added that in the framework of a final agreement the settlements of Ma'aleh Adu-mim and Giv'at Ze'ev would become part of Jerusalem. "The security borders will stretch throughout the Jordan Valley. The settlement blocs of Gush Etzion, Efrat, Beitar and others will lie within the borders of Israel." Rabin dictated to journalists "Don't write 'withdrawal'. It is nothing but a redeployment of our troops in the West Bank." Very wisely, the Israelis put their maps on the table only shortly before the signing. When Arafat caught sight of them he was visibly furious, but his anger had no effect on the final result. The 'map crisis' lasted 42 minutes and was part of the drama of the negotiations, which, during the final phase in Taba, had dragged on for nine days. Arafat was appeased by assurances that this was

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<sup>28</sup> See Amos Perlmutter, "The Israel-PLO Accord is Dead", in: *Foreign Affairs*, 74 (May/June 1995) 3, p. 59-68.

only an intermediate solution. The daily newspaper *Yediot Aharonot* of 8 October 1995 publicized that “during the negotiations Arafat said repeatedly to me ‘Please Mr. Peres, give me only a fig leaf’, meaning, give me a phrase that would be acceptable to my people.” Asked whether the Israelis had achieved their goals, the Foreign Minister replied: “Everything went according to the strategy the Prime Minister and I had developed. Of course, we could not exercise our full political power and break the Palestinians. That would not have been in Israel’s interest. In such negotiations one should not achieve too much. One must not be too patronizing or vain.” After the withdrawal of their troops from the cities, the Israelis had *de facto* more military bases in the West Bank than before. Despite Peres’ tactical reserve the Israelis had succeeded in forcing almost all their ideas upon the Palestinians, who, once again, agreed upon a limited troop redeployment in addition to accepting an autonomy plan that did not grant them geographic continuity but some kind of patchwork or collection of islands.

The concessions the Palestinians had to make support the thesis of subjugation. The sociologist Baruch Kimmerling wrote on 3 January 1996 in the daily newspaper *Ha’aretz* that the conditions in this agreement would make the notorious Versailles Treaty appear almost ideal. “The repetition of a huge Palestinian revolt, which will make the *Intifada* look like a children’s game and which - like the Arab Revolt of 1937-39 - will be aimed against the Palestinian leadership and the real rulers, is just a matter of time.” The tragic thing in this prophecy is that Arafat would then be forced to suppress the revolt of his own people. Should he instead, along with his police forces, opt for joining the revolutionaries and turn against Israel, would this mean the end of the Palestinians in Palestine? Only in the course of a new war could Israel pursue the idea of ‘transfer’, which is supported by a considerably large section of Israel’s political elite.

A commentary of the former vice-mayor of Jerusalem, Meron Benvenisti, in *Ha’aretz* of 6 July 1995 elucidates how irrelevant an interim agreement is: “Calling the situation in the territories ‘occupation’ is based on several conditions, namely the taking over of half of the land in the West Bank, the settlements being joined together in blocs, the use of most of the water by Israel, the economic exploitation, the preventing of Palestinian economic development, the bureaucratic terrorism, the brutal violence, and the total suppression of any Palestinian political activity. Not a single one of these conditions will change through the expected signing of the Interim Agreement, excluding the last one. In all other spheres Israeli control will be less direct. Instead of having them regulate their affairs themselves, ‘Israeli liaison officers’ will make the decisions for the Palestinian employees, just as is happening in the Gaza Strip already.” Does the Interim Agreement justify such a skeptical assessment?



The 314-page agreement reads like the dictated treaty of a victor over a defeated people. The arrangements with their numerous cross and back references are very difficult to implement in practice, and whenever this is attempted, it results in administrative chaos. The agreement consists of 31 articles, divided into five chapters: the tasks of the council, the redeployment of the troops and security arrangements, legal matters, cooperation, and miscellaneous arrangements. In addition, there are seven annexes. Annex 1 - security matters and redeployment of the army, the core of the agreement - has six appendices. To Annex 2 three appendices are attached, outlining the modalities for the elections. Annex 3 with one appendix regulates civil affairs as well as responsibilities. Annex 4 details legal matters, while Annex 5 contains the Paris Economic Protocol that had already been attached to the Gaza-Jericho Agreement. In Annex 6 the modalities of the Israeli-Palestinian cooperation are formulated, while Annex 7 deals with the release of Palestinian prisoners. Nine maps document what the agreement will actually mean on the ground.<sup>29</sup>

According to the agreement, the Israeli troops had to be withdrawn from the cities of Jenin, Nablus, Tulkarem, Qalqilya, Ramallah and Bethlehem 22 days prior to the Palestinian elections at the latest. These cities form Zone A and make up some 3.5 percent of the entire area. During incidents, Palestinian police are not allowed under any circumstances to arrest or detain Israelis, and are only permitted to check passports and car papers. In the event that an Israeli is involved, the Israeli security forces must be informed. The agreement stipulates that in Zone A, responsibility for the civil administration and security should be transferred to the Palestinians.

In Zone B, which consists of some 420 smaller towns and villages, only the civil administration was transferred to the Palestinians, resulting in the establishment of 25 police stations. The overall responsibility, including for security, remains in Israel's hands. Affairs that concern only the Palestinians can be decided upon by the Palestinian police force, which is allowed to move on the Palestinian transit roads but needs to obtain a permit from the Israeli military authorities in order to use all other streets.

In Zone C - 73 percent of the West Bank - everything remains as it was. There are settlements located here and most of the area is considered State Land by Israel, 62 percent of which has already been confiscated. The Israeli Government can annul the Interim Agreement at any time as it has the right and power to cut off any enclave, which it does following every

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<sup>29</sup> See Ministry of Foreign Affairs Jerusalem, *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*, Washington, DC of 28 September 1995. All following cross-references refer to this agreement.

terror attack. In the event of such a closure, the inhabitants of Bethlehem, for example, cannot leave their 'island', which means that the situation has actually deteriorated; prior to the agreement, the people could at least move freely within the closed off West Bank. In Zone C only those responsibilities were transferred to the Palestinians that are not due to be discussed during the final status negotiations.

The city of Hebron is a special case. Here, Israel is solely responsible for the security of the 400 settlers who live among over 100,000 Palestinians. The city was divided into an H1 and an H2 zone. In H1, the Palestinians have de facto limited authority, while they need to obtain the agreement of the Joint Committee in all other areas. Responsibility for overall security remains with the Israelis. Even once the separate road system has been completed, the Israeli military will not withdraw from Hebron. Moreover, the government of Benjamin Netanyahu – who refused to implement the Hebron Agreement negotiated by the Rabin government – intends to increase the number of settlers to 4,000.

After the Palestinian elections and the establishment of the Autonomy Council Israel was to begin a second comprehensive troop redeployment, to be executed in three stages – one every six months – over a total period of 18 months. Only those areas whose status was not to be negotiated in the final negotiations were transferred to Palestinian jurisdiction.

In order to prevent 'terrorism and violence', a total of 30,000 security forces were to be engaged in the Palestinian territories, including 12,000 in the West Bank. However, Arafat has long surpassed this number. Israelis and Palestinians have formed a joint security committee to coordinate the measures between the police on both sides. A separate road system stretching over a total of 400 kilometers throughout the West Bank is to connect the settlements together. The roads bypass Palestinian villages and cities, and some are for use by Jewish Israelis only. Thus, there are for the first time ethnically cleansed roads! The transfer of additional land to the Palestinians would have no consequences for the Israelis. The concrete implications of Oslo II are illustrated in the following map:



The dashed 'Green Line' comprises the area conquered by Israel in the course of the Six-Day War of June 1967. Zones A and B stand in stark contrast to Zone C (white area). The 'islands' make up only some 30 percent of the Palestinian West Bank, although over 90 percent of the population live there. Seven percent of the Palestinians remain under direct Israeli occupation, i.e., those living in Hebron and East Jerusalem. In Zone C, the Palestinian localities form only small islands within a completely Israeli-controlled area. *Ha'aretz* reported on 22 November 1995 that Peres had always stressed that "the Palestinian state will only be established in the Gaza Strip and Jericho, while the rest of the West Bank will remain autonomous areas for an overlookable period - I mean for a very long time." In an interview with *Die Welt* of 14 July 1995, he was similarly frank, saying that Gaza would be a success and that Israel could withdraw with little expenditure to the borders of 1967. The Oslo II Agreement has nullified the originally dominating approach to solving the bilateral conflict as stipulated in UN Resolution 242. The Palestinians are now forced to negotiate with the Israelis on territory in which they are not even recognized as citizens. Perhaps they had hoped that the Jewish settlers would live in a Palestinian sea once the Israeli army had withdrawn step by step from Zone C; in reality, it is they who are living in an Israeli sea. As mentioned before, the Palestinians can only exercise full sovereignty in the territories exclusively allocated to them. Due to the separate road system, any further transfer of territory would be a pure formality with no practical consequences for the settlers.<sup>30</sup> Furthermore, the PA must respect the rights of Israel pertaining to State land and absentee property under its territorial jurisdiction.

The crucial point in this agreement concerns the geopolitical consequences for an independent Palestinian economy that result from the cantonization, that is the control over water and the territorial parceling out. The Jewish settlements in the eastern West Bank obstruct the Palestinians' access to the Jordan River, from whose influxes water is being divided between Israel and Jordan. The fact that Palestinians do not have the ground and surface water at their disposal is one of the main obstacles in the way of independent agricultural development. The Israeli control of the Jordan Valley cuts the Palestinians off from their Arab hinterland, which has had a negative impact on Palestinian agriculture. The division of the West Bank into four disconnected areas makes the creation of a common Palestinian living space impossible.

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<sup>30</sup> See Jan de Jong, "Palestine after Oslo II. Preparing the Final Map", in: *News from Within*, XII (1996) 1, p. 7.

Palestinian commentators praised the Interim Agreement as a 'milestone' on the road to statehood, although the situation has not changed following the withdrawal of the Israeli forces from the cities and surrounding villages. The following synopsis of a workshop that was organized by the Israeli human rights organization HaMoked on 7 November 1995 at the Ambassador Hotel in East Jerusalem describes the reality in a sensible manner: "The agreements have left Israel in effective control of most aspects of Palestinians daily life. By retaining direct authority over freedom of movement. Through exit and entry permits, residency and family reunification permits, Israel also controls basic issues of the economy, health, freedom of education, family life and culture in general. Extensive powers of the Israeli security services and perpetual closures only underscore and exacerbate this situation. The fundamentals of the human rights situation in this area, together with the bulk of human rights violations remain the same, unaffected by the agreements."<sup>31</sup>

In Gaza, Arafat demonstrated that he could take action against his people equally as recklessly as the Israeli military could. The Israelis hoped that the synthesis of 'suppression and corruption' could also be transferred to the West Bank. Uzi Dayan threatened the Palestinians during the negotiations on the Interim Agreement with the following words: "Dear Sirs, if you don't change your behavior as in Gaza and Jericho, there won't be a second agreement." Israeli Chief of Staff Amnon Lipkin-Shahak said on 24 September 1995 in *Yediot Aharonot* the following: "The fate of the agreement depends on how effectively the Palestinians will fight terrorism." Rabin followed this tone with the following remarks in *Ma'ariv* of 24 September 1995: "I don't address the Palestinians in the name of human rights and democracy. I talk to them in the name of peace and security. It is not our business how they conduct their trials as long as the sentences are adequate and the prison terms real." The Palestinian opposition reproached Arafat, accusing him of being "Israel's new military wing and an instrument of the State of Israel," and Hamas sympathizers distributed leaflets labeling Arafat a 'betrayal'. This illustrates the tricky situation in which the PLO chief found himself. However, thus far his opponents have failed to come up with a real alternative.

The Oslo II Agreement reflected a policy that pushed the colonization further, came out against the right of return of the refugees, and made Israel's own economic interests a priority. The difficulties the two contracting parties face today are first and foremost a result of the unequal agreements; whether Labor or Likud is in power is of little consequence, since both pursue the same goal and only differ in the type of methods they employ.

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<sup>31</sup> HaMoked, *Newsletter*, No. 7, December 1995, p. 3.

On 26 October 1995, Meron Benvenisti wrote in *Ha'aretz* that the difference between the two political camps has much to do with the question of whether Israel should force an unconditional capitulation upon the Palestinians or allow them a somewhat more generous form of capitulation.

The key terms of the agreement are 'redeployment' and 'autonomy'. The Knesset voted with 61 votes for and 59 against in favor of the agreement, i.e. without a "Jewish majority," as the right-wing opposition remarked. Although Israel fell short of honoring the commitments it made in the Gaza-Jericho Agreement, the Palestinians accepted any additional Israeli demands. The author commented: "Thus, the agreements only present the old occupation in a new dress, i.e., an occupation deluxe."<sup>32</sup>

One could also argue that the Oslo II Agreement was the reward for Arafat's obedience vis-à-vis the Israeli demands. The Israeli Government ordered Arafat on 18 August 1995 to search for Wa'el Nassar, who allegedly was planning an attack in Tel Aviv. Arafat was told that if he were not caught within four days, the Gaza Strip would be hermetically sealed; the deadline passed without Nassar being found, and Israel imposed a two-week tightened closure on the Gaza Strip. When Arafat's security services surrounded a house in the Sheikh Radwan quarter and called on the inhabitants to surrender, demonstrators shouted at the Palestinian forces, calling them "betrayers," "collaborators," and "Jews" and heavy clashes erupted. Finally, the inhabitants surrendered after they were assured that Nassar would not be put on trial before the 'state security court' but only interrogated for a few weeks. Arafat had passed his test. The journalist Dan Margalit wrote on 21 August in *Ha'aretz*: "A single swallow does not a spring make but Arafat has proven to be stronger than expected." On the same day, a bomb exploded in a bus in Jerusalem killing four Israelis and an American citizen and injuring over 100 Israelis. Almost a month earlier, on 24 July, another bus had exploded in Tel Aviv, killing six Israelis and wounding 28. While Arafat and Rabin shook hands in Washington, the West Bank and the Gaza Strip were completely closed off for the entire Jewish holiday period, lasting from 24 September to 17 October.

The fact that Israel was still ready to take action against those it held responsible for terror attacks was emphasized at the end of October when the Secretary General of the Islamic Jihad, Sheikh Fathi Shiqaqi, was shot in the head and killed in Malta, presumably by Mossad agents. Shiqaqi was believed to be the mastermind behind the terror attacks of the Jihad in

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<sup>32</sup> Ludwig Watzal, "Ende des Friedensprozesses in Israel und 'Palästina'?", in: *Die Neue Ordnung*, 49 (1995) 4, p. 314.

Beit Lid and Kfar Darom. On 25 July 1995, Shiqaqi had announced in an interview with the *taz* that there would be further attacks for the "liberation of Palestine." Rabin commented: "He who deals with murder, must reckon on being murdered," arguing that no civilized society could tolerate the existence of murderers. The revenge attacks were not a long time in coming. On 1 November two car bombs exploded in the Gaza Strip, killing only the two perpetrators. Shiqaqi was succeeded by Abdallah Shalah, an economist who was educated in England.

At the second MENA conference on economic cooperation, which took place from 29-31 October 1995 in Amman, the goal was to agree on concrete projects. As suggested by Israel, a regional development bank with a common stock capital in the amount of US\$5 billion was established. Some countries, among them Germany, considered such a bank superfluous and did not contribute to its financing. The United States wanted to control with this project the European investments in the region, while Israel hoped to secure - besides its considerable transfer payments from the States - its share in Western European investment. Some states feared that American-Israeli hegemony in the bank would harm the peace process.

Between the participating states there was no agreement at all. The Egyptian Foreign Minister Amr Musa, for example, recommended reviving the Arab cooperation, which alone could guarantee the realization of a comprehensive and just peace in the region, instead of rushing to normalize the relationship with Israel. In addition, Israel should give up its monopoly in nuclear weapons in the region. King Hussein, contradicting Musa, replied that if the problem lay in the overhasty peace, then Egypt had been ahead of Jordan by 17 years. Arafat, meanwhile, reminded participants that only the approach between the PLO and Israel had facilitated the 'peace', though he was not thanked for this and is still waiting for much hoped for investments to materialize. Shimon Peres declared before the assembly that his country was oriented towards Europe and was not dependent on trade with the Arab states. He rejected the Palestinians' claim concerning East Jerusalem as well as their criticism of the American Congress' decision to move the American Embassy by the year 1999 from Tel Aviv to Jerusalem. Syria and Lebanon did not participate in this spectacle, and Syrian radio criticized the event as a "variation of colonialism with an economic face."

The peace process faced more and more pressure in Israel and the autonomous areas. The Right in Israel organized large demonstrations in which it condemned the government in general and Prime Minister Rabin in particular. Some government politicians and organizations close to the government decided to organize a peace demonstration in Tel Aviv on 4

November 1995, which more than 100,000 people were expected to attend. Initially Rabin was skeptical about the idea, but was eventually convinced of its worth by his colleagues. The demonstration turned into an impressive event and showed that a large part of the Israeli society was still ready to seek a way of reconciliation with the Palestinians. However, when the event came to an end and Rabin was about to enter his car, he was shot by an assassin from behind. All of a sudden, it was clear: in Israel, there is a right-nationalist camp that will stop at nothing. Even the sacred rule that a Jew must never kill a Jew was ignored because of hatred toward the government. The assassination was an attack on the legitimacy of the government itself, and the social consensus in Israel was deeply shaken.

From the official side, attempts were made to categorize the murder as the action of a 'lunatic'. Nevertheless, it soon became obvious that the assassin, Yigal Amir, was not a confused, lone gunman, but someone who represented an ideological mass movement. Amir belonged to the Jewish combat organization Eyal, a splinter group originating from the outlawed Kach and Kahane-Chai groups. These groups often hide behind civic parties. That many rabbis and politicians also share their radical thoughts became clear during the interrogation of Amir.<sup>33</sup> Amir studied law at the renowned religious university Bar Ilan in Tel Aviv, a center of religious fundamentalism and extremist views, having previously attended a paramilitary Talmud school. He explained that he had committed his act for "Torah Israel, the people of Israel and Eretz Israel." Before the court, Amir explained that a Jew who "leaves his people and his country to the enemy as Rabin had done," was, according to the *Halacha* (Jewish religious law), to be killed. Rabin personally was responsible for the killing of Jews by Palestinian terrorists. Said Amir, "When I aimed it was as if I aimed at a terrorist." Without the religious dispensation of two rabbis, he would not have committed the murder. According to Aron Ronald Bodenheimer, Amir's religious argumentation is logical and compelling. God was the only one responsible.<sup>34</sup> The religious nationalist rabbis have always supported the thesis that the 'holiness of the country' is above the law and decisions of the government.

Immediately after the mourning period, the mutual accusations began. The Left accused the Right of having sown the seeds of violence with its defamatory attacks, while the Right put the murder down to the policy of selling Jewish land to the PLO terrorists. The fact that the Labor Party has also contributed to the radicalization cannot be denied. With the Oslo

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<sup>33</sup> See Amnon Kapeliuk, *Rabin. Ein politischer Mord. Nationalismus und Rechte Gewalt in Israel*. Heidelberg, 1997.

<sup>34</sup> See Aron Ronald Bodenheimer, *Rabins Tod. Ein Essay*. Zurich, 1996.



Agreements, the settlements were specifically legitimized. The Labor Party has praised the settlers over and over again as “Zionist pioneers,” as well as their “Zionist motives” and their “patriotism,” without wanting to admit that they have fostered in some settlements a mentality that is insufficiently described as right-nationalist.

Those who had thought that the new government under Peres would take strong action against the rightist circles from which Amir had come were disappointed. Because of the imminent election campaign, no one wanted to have to deal with militant Jewish fundamentalism and its secular right-radical allies, as the journalist Amos Wollin wrote in the *taz* of 6 December 1995. The marsh was not drained and thus still constitutes a danger for Israeli democracy. The reason for this lies in the splitting of the Israeli society into a right and a left camp. The rhetoric of the Right contributed to the fact that the Rabin government could only make minimal compromises. Moreover, the peace process was characterized by the fact that Israel had signed a ‘peace’ agreement with parts of the PLO that did not recognize the national rights of the Palestinians. Many Israelis still considered the Palestinian people a ‘gang of terrorists’.

As stipulated in Oslo, the first ‘free’ elections in Palestine took place on 20 January 1996. The Israeli army had withdrawn from the cities according to the accords, but 2,000 additional soldiers were deployed for the elections. In East Jerusalem in particular the tactic of intimidation succeeded, resulting in the lowest percentage of voter turnout, 40 percent; the highest percentage, 90 percent, was registered in the Gaza Strip. The people voted for both a Palestinian ‘parliament’ and a ‘president’, with Arafat receiving 88.6 percent of the over one million valid votes for the presidency and rival candidate Samiha Khalil receiving 11.5 percent. In the parliamentary vote, Arafat’s Fatah movement won 51 out of the 88 seats; 34 seats went to independent candidates, 14 of whom, however, are affiliated with Fatah. Fida and the NDC won one seat each. The accusations concerning election manipulation could not be confirmed, and the election observers of the EU called the elections “by and large fair.”<sup>35</sup> While former US President Jimmy Carter condemned the vehement intimidation attempts of the Israeli security forces *vis-à-vis* the voters in East Jerusalem, Moshe Shahal interpreted the low voter turnout as a sign of Israel’s ‘legitimate’ rule over Jerusalem. “It shows that the Palestinians in Jerusalem want the city to be united and remain under Israeli sovereignty.” Arafat’s rival candidate expressed the true facts as follows: “The Palestinians do not like to vote under occupation.” That a majority finally legitimized Arafat and the peace process, which is bound to his person, had a huge symbolic meaning for the United States and Israel.

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<sup>35</sup> On the election results see: Special Election Issue of the *Palestine Report*, 24 January 1996.

The Israeli elections, advanced to May 1996, directly cast their shadows over the continuation of the peace process, whose support among the Jewish population had constantly declined. Peres was at the beginning of the year some 20 percent points ahead of his challenger Netanyahu, and the latter tried to secure a coalition agreement between the Right and the religious parties. Since the Prime Minister was for the first ever time being elected directly by the people, Netanyahu wanted to prevent any competition from within the Right camp, and he succeeded in persuading Raphael Eitan from Tzomet not to run. This strategy seemed to fail when Rechawan Zeevi's ultra-right Moledet Party, which advocates a mass transfer of the Palestinians, publicly offered to join Netanyahu. However, since the Moledet Party did not fit in with David Levy's plans to attract moderate nationalists, Zeevi's offer was turned down. Zeevi's transfer ideas are in line with traditional Zionism in its original form, and their rationalizing has a captivating logic: "We have come to occupy and settle. If a transfer is not ethical, then everything that we have done here over the past 100 years is false." The revival of the national consensus between the Zionist parties had negative effects on the Palestinians.

Even more dangerous than these coalition games in the run-up to the elections were, as far as Peres was concerned, the terror attacks of the Islamic groups. On 5 January 1996, Yahya Ayyash, known as 'the engineer', was killed when his booby-trapped mobile phone exploded. Ayyash had received the mobile phone from a Palestinian collaborator, Kamal Hammad. Israel accused Ayyash of being responsible for the death of at least 55 Israelis. His funeral turned into a mass demonstration, in which some 120,000 people participated and called loudly for revenge. Hamas spokesman Mahmoud Zahhar told reporters: "The only way to get Israel to stop these attacks is to increase the price they have to pay for them." The Palestinians presumed that Peres had ordered the murder of Ayyash in order to restore the trust in the Israeli secret service, which had been severely damaged by the assassination of Rabin. The Israelis knew that more terror attacks would follow, so the government ordered the immediate closure of the territories. On 16 January, four days after the closure was lifted, a Palestinian commando killed two Israeli soldiers on the road to Hebron. Arafat's security services did not remain inactive but shot dead two Islamic Jihad members on 3 February, after which a leaflet of the 'Free Mujahedeen' was distributed, calling for the killing of Arafat. From 11 February until the end of Eid Al-Fitr (the feast that follows Ramadan, the month of fasting), the territories were again closed off without any reason being given.

The closure had just been lifted when on 25 February 1996 a bomb exploded on a bus in the center of Jerusalem, killing 24 Israelis and injuring 55, 19 of whom sustained serious injuries. Soon after, a second bomb went

off at a junction near Ashqelon, killing one Israeli soldier and wounding 35 others. Both attacks were revenge acts for the massacre perpetrated by Baruch Goldstein exactly two years before and for the killing of Yahya Ayyash in January. Islamic suicide commandos blew themselves up on 3 and 4 March in Jerusalem and Tel Aviv, killing 32 people and injuring over 100. Peres had no choice but to seal off the territories and within them the autonomous enclaves as well. Arafat strongly condemned in the name of the PA the attacks and offered his condolences to the bereaved. In addition, he banned the following organizations: Fatah Hawks, Black Panther (Fatah), Qassem Brigades ( Hamas), Red Star (close to DFLP), Red Hawks (close to PFLP), and Qassem (Islamic Jihad). For Israel, however, these measures were not sufficient, and Arafat was forced to crack down on the sympathizers of these groups and conduct mass arrests. Peres justified the massive collective punishment measures vis-à-vis the Palestinians with the remark that "Israel faces a collective terror threat." Israeli President Ezer Weizman was even clearer: "If one searches for a needle in a haystack and cannot find the needle, then he must burn the whole haystack." In this case, the haystack was the Palestinian people and Hamas was the needle.

Besides these measures, the discussion about the separation plan, introduced by Rabin, was revived. On 3 March 1996 Peres order the erection of a two-kilometer-wide security margin along the 350-kilometer-long 'Green Line', whereby only 18 crossing places were provided for the Palestinians to leave their territory, making the free flow of goods and people, promised in the Paris Economic Protocol, impossible to achieve. Arafat's PA did not react to these nor other provocations such as the continuous land expropriations and the increased construction of bypass roads.

The Palestinian leader understood the massive demonstration of power of the Israeli Government, and he knew that if he were unable to guarantee law and order in the 'autonomy islands' areas, then Israel would enter them. The PA called for an emergency session with Hamas and gave it the following ultimatum: either Hamas would control its radical wing or the organization would be outlawed. At the same time, the Islamic University in Gaza was searched and 200 Hamas sympathizers were arrested. Everywhere in the Gaza Strip and the West Bank large-scale arrest waves were conducted in cooperation with the Israeli forces, and on 10 March Prime Minister Peres declared that the Israeli Government had "100 percent support" from Arafat. By the end of March, over 1,500 Hamas sympathizers had been imprisoned in Arafat's jails. During times of total closure, Arafat's role was to suppress any protest, and indeed, with the exception of a few Fatah-steered 'protests' under the slogan "Yes to Peace, No to occupation" it remained quiet in the autonomous enclaves.

Peres ultimately demanded that Arafat finally amend the PLO Charter. Since Arafat could not amend the charter by himself, he was forced to call for the Palestinian National Council to convene for the first ever time since 1964 on Palestinian soil. Originally, the parliament-in-exile consisted of 483 members and an additional 186 from the 'liberated areas'. At the opening session on 22 April 1996, some 448 members were present, with the number increasing to 536 the next day. George Habash and Nayef Hawatmeh did not appear although they had both been issued with an Israeli entry permit. The assembly voted with 504 votes in favor and 54 against for the amendment of the Charter, which contains some articles that deny Israel's right to exist.<sup>36</sup> Peres welcomed the decision as "the most important ideological change this century." This assessment by the Prime Minister was entirely correct, since the move meant that the Palestinians have bowed to the Zionist draft of history and given up their claim to all of Palestine. One could say that the Palestinians – in accordance with the myth of the empty country – see their own history only as a supplement to the Jewish colonization of their land. Arafat could also not allow the assembly to replace the Charter with the Declaration of Independence of 1998. The objection of Haidar Abdul Shafi and Hanan Ashrawi, namely that the Palestinians must put together their own program rather than let the Israelis dictate to them remained unheard.

It required a great deal of persuasion on the part of Arafat to have a large majority back him. He argued that the alternative to keeping the charter in its old form was the collective suicide of the Palestinians on all fronts, or, concretely, the end of the peace talks as well as the continuation of the closure. The PNA would then no longer receive funds and the Israelis would have a pretext for not withdrawing from Hebron. Even the most rigorous Israeli measures in the territories were put in a positive light, with it being argued that the bypass roads and the expropriated land would eventually be under the control of the Palestinians in their own state. If the PLO were to stick to the American line, it would eventually achieve its goals. Such an attitude can only be described as infantile or irresponsible.

Peres, on the other hand, was only able to ward off the attacks of the Likud by showing that Arafat was a reliable partner. The terror attacks, which are an integral component of the violence that Israel has caused, in part, through its occupation over the past 30 years, did not fail to have an effect on the Israeli public. While the closure helps the Shin Bet and the police to prevent some attacks on the one hand, it increases the overall desperation of the Palestinians on the other. The Labor/Meretz government was not interested in an opposition that would represent Palestinian interests.

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<sup>36</sup> See the Palestinian National Charter; Resolution of the 4<sup>th</sup> Congress of the Palestinian National Council of 10-17 July 1968 in Cairo, especially Articles 3, 9-11, 20-23.

The Ayyash units, which claimed responsibility for the latest terror attacks, published a flyer in which they proclaimed the end of their revenge attacks and asked Israel to arrange for a cease-fire with Hamas through the PA. At the same time, they warned that if the Shin Bet were to attack the “wanted heroes” of the Qassem units, “no security measure will prevent us from striking everywhere.” Addressing the Israeli people, they declared that neither the Labor Party nor the Likud could guarantee security as long as the Israeli Government continued to pursue a policy of terror against the Palestinian people.<sup>37</sup> Israel ignored this ‘offer’ like all previous ones from Hamas on the grounds that it would not negotiate with a “gang of murderers and terrorists.”

The grandiose ‘summit of peacemakers’ on 13 March in Sharm Esh-Sheikh, Egypt, attended by over 30 heads of state from Arab countries and Western Europe, as well as Bill Clinton, resembled more than anything else an election campaign event for Shimon Peres. The only thing that Clinton could come up with was a communiqué that referred to three previously agreed upon principles: to promote the peace process, to increase the security and to fight the terror. The real causes of the terror were not discussed. On 14 March, Clinton traveled to Israel where he assured the citizens that he would struggle arm in arm with them against terror and that he would guarantee their security. In the Center for Performing Art in Tel Aviv Peres welcomed Clinton as “the greatest president the United States has ever had.” From an Israeli point of view, the praise was justified. Serge Schemann wrote in the *New York Times* of 15 March “the President had made no move whatsoever to balance his support for Israel through a gesture *vis-à-vis* Arafat, as is usual in state visits. He even supported publicly Israel’s hard measures in the West Bank and Gaza Strip, including the besieging of Palestinian localities.” Nahum Barnea wrote at the same time under the headline “The Last Zionist” in *Yediot Aharonot*: “There are other countries in the world that suffer similarly from terror and pay a similar price. But none of these enjoys the comprehensive, fervent and unlimited support from the American President that Israel receives.”

The collective punishment was draconian. First, Peres declared “total war” on Hamas, then the borders were closed until after the elections on 29 May. For two weeks, any travel within the territories was absolutely prohibited, a complete curfew was imposed on the refugee camps, all male relatives of suspects were arrested, and six colleges in the West Bank and East Jerusalem were closed as well as the University of Hebron. Peres allowed a few food transports in order to avoid a famine breaking

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<sup>37</sup> See *Palestine Report*, 8 March 1996, p. 6.

out in Gaza. The redeployment from Hebron, planned for 28 March, was also postponed until after the elections because of the 'security situation'. The closure of the territories caused the PA daily losses in the amount of US\$6 million, which was, at the time, twice the amount contributed by the donor countries to maintain Arafat's rule.

Following Hizbollah actions in the 'security zone', in which several Israeli soldiers, civilians and some Hizbollah fighters were killed, and the firing of Katyusha rockets at Northern Israel, which left only little damage, Peres mobilized his entire military machinery and ordered the bombardment of Hizbollah positions as well as other sites in South Lebanon. The operation 'Grapes of Wrath' that began on 11 April soon backfired on its initiator. Some 400,000 people were forced to flee. On 18 April, the Israeli air force 'accidentally' attacked a UN position, in which the inhabitants of the village of Qana'a had sought refuge, killing 120 civilians, and the public protest induced Peres to end the war quickly. After US Foreign Minister Warren Christopher assumed the role of a mediator, both sides stopped their actions on 23 April. The balance of this short war was as follows: 500 Katyusha rocket attacks by the Hizbollah; 1,500 heavy artillery attacks and 1,500 air attacks by the Israelis; the deaths of two Israeli soldiers, seven Hizbollah fighters, four Syrian and two Lebanese soldiers; the injuring of 40 Israeli civilians; the deaths of over 160 Lebanese civilians and the injuring of over 300.

An interview published by Gil Raba on 10 May 1996 in *Kol Ha'ir* shows what two of the participating soldiers thought of the massacre in Qana'a: "Our commander called us together and said that this was a war and that we should continue fighting like good soldiers. If the Hizbollah had gone into a village in which Arabs lived, that was their problem. One Arab more or less, you understand. Our commander said: 'For anything on earth, the bastards shoot at you – what can one do?' He told us that we were excellent in shooting and should continue with this, and the Arabs, you know, there are millions of them." The other soldier added: "We did what we were ordered to do, and we had no reason to feel guilty. Even S. [the commander] told us that we are the best and they are only '*Arabushim*' [disparaging name for the Arabs]." Riba wondered if anyone had objected to the use of this term and was told, "No, don't say that you are one of these leftists or something", while another soldier added: "How many Arabs and how many Jews are there? Some *Arabushim* died; this is not an important issue."

Against all odds, the Hizbollah remained intact, the Lebanese Government did not shrink back, and the local population moved closer together against the external aggressor. For Israel and Peres this war was a disas-

ter. Peres wanted to outshine Sharon and Rabin, both of whom were responsible for actions against the civil population in Lebanon: Sharon had approved the 'Operation Peace for Galilee' and the 1982 massacre in the refugee camps of Sabra and Shatila, and Rabin the operation 'Responsibility' in July 1993, which had led to the expulsion of over 500,000 Lebanese. The Israeli left-liberal public refrained from expressing any criticism. Netanyahu would have been accused of 'war crimes' had he been responsible for the massacre at Qana'a. Without a withdrawal of the Israeli troops from South Lebanon, Israel's northern border will not enjoy peace.

The actions of Hizbollah against the Israeli occupation of South Lebanon depend to a large extent on the agreement of Syria. In April 1996, the Syrian Foreign Minister Farouq Shara declared that with the withdrawal of Israel the right of 'resistance' would cease to exist. The Hizbollah still proclaims it will 'raze Israel to the ground' and 'liberate Jerusalem', but this is mostly rhetoric since the organization does not have the means necessary to pose a serious threat to Israel. Hassan Nasrallah is realistic enough to differentiate between the Hizbollah's rhetorical wishful thinking and a possible understanding between Lebanon, Syria and Israel.

Bill Clinton was very active in campaigning for Peres' re-election. As the first ever American president to speak whilst in office, he gave a speech before the American Israel Public Affairs Committee (AIPAC) - the most powerful Jewish lobby organization - in Washington. Clinton acquitted Israel of responsibility for the bombardment of Lebanon, saying that this "tragic failure of Israel occurred while it was exercising its legitimate right to self-defense" as Hizbollah had deployed their rocket positions near villages and towns. The "greatest leader of the free world and loyal friend of Israel" - as Peres put it at a reception in Washington - demonstrated during Arafat's visit on 1 May that the United States continued to support the one-sided dynamic of this process, in which the Israeli side determined the conditions. Clinton praised Arafat for having taken radical action against the Islamists, but the gratitude for the final liquidation of the PLO Charter was rather poor. Clinton only promised that he would remind the other donor countries to keep their pledges. The American administration did not change its attitude *vis-à-vis* the Palestinians' right to self-determination; however, the previously announced American-Palestinian Committee to regulate bilateral relations was never established.

Peres was in danger of losing votes among the Arab population as well as among parts of the Israeli Left. In order to balance such possible losses, he had Yossi Beilin, one of his ministers without portfolio, negotiate with the settlers. Beilin succeeded in concluding an agreement with Rabbi Yoel Ben-Nun, who was known as one of the most embittered opponents

of the Oslo process. The agreement included the government's promise to defend the interests of the settlers, not to dissolve any of the settlements, to guarantee a 'natural growth', and to annex larger settlement blocs. With this contract Peres only confirmed that the stand he had adopted was basically not that much different to that of his predecessor, who had frequently insulted the settlers but who had also constantly refused to dissolve even one settlement. These concessions meant practically nothing else but the adoption of Ariel Sharon's enclave projects – also known as 'Sharon's Star War'<sup>38</sup> – that had entered the debate many years before. Such political tricks and concessions to a non-representative member of the settler movement could not prevent Peres' defeat. Why should the settlers vote for a copy when they could have the original? Moreover, it was proven once again that Peres was a 'loser type', who did not enjoy the trust of the Israelis. In all the elections in which he had ever taken part, he had only emerged as the second winner.

#### **4. The Hebron Redeployment Protocol of 15 January/1997 and Netanyahu's 'Peace Vision'**

The international public was shocked when it learned about Netanyahu's victory in the elections. There was reason for this as the team around him did not show any promise of doing anything positive for the Palestinians. Arafat and Clinton were very disappointed because they had both counted on the purported 'visionary' and not on the 'hard-liner'. "The composition of the Netanyahu government shows that the extremists have the say... The West and the Palestinians should not nurture any hope for progress as long as Netanyahu surrounds himself with people such as Zevulun Hammer, Ariel Sharon and Raphael Eitan as well as with militant settler representatives and extremist rabbis, who have chosen Baruch Goldstein as their idol. The peace process has come to an end because from its outset it has never been a process involving equals. It only proceeded because it was based on the subjugation of the Palestinians, who, ironically, accepted this. There will be some kind of continuous development, but it will not have much to do with peace."<sup>39</sup>

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<sup>38</sup> See Assaf Adiv/Michal Schwartz. *Sharon's Star Wars: Israel's Seven Star Settlement Plan*. Jerusalem, 1992.

<sup>39</sup> Ludwig Watzal, "'Frieden' zwischen Israel und Palästina", in: *Schweizer Monatshefte*, 76 (1996) 9, p. 6.



Netanyahu did not win the elections because of his program but because of the fears he stirred up *vis-à-vis* the Peres government. Nobody knew what he stood for; however, the books he wrote on terrorism and Israel's role in the world<sup>40</sup> give some insight into his view of life. That he was characterized as a 'pragmatist' in the West shows how little he was known there.

Very much in the tradition of his election campaign rhetoric, Netanyahu published on 18 June 1996 the guidelines of his policy *vis-à-vis* the Palestinians. They had a traumatic effect on the Arab World and the Palestinians, although the stated goals were not different from those of the Labor Party: Netanyahu rejected a sovereign Palestinian state west of the Jordan River as well as the return of the 1948 and 1967 refugees, as these allegedly posed a danger to the "demographic security" of Israel. Jerusalem was to remain under Israel's "exclusive sovereignty" while the "social and economic status of Greater Jerusalem" was to be promoted. The UN resolutions and the permanent status negotiations that are based on them were not even mentioned. Netanyahu stressed in his 'maiden speech' that the settlement building would be pushed forward all over "Israel, Judea, Samaria and Gaza." Such statements startled the United States and it was after Warren Christopher's visit that Netanyahu began to rhetorically 'polish' his positions. On 28 June, for example, he announced in some interviews that he would open certain "channels of communications" with the Palestinian Authority. He subsequently sent his advisor Dore Gold on a secret mission to Arafat in order to reassure him that the Likud government wanted to continue with the final status negotiations.

Netanyahu – just like the Peres government – was primarily interested in the cooperation in security matters. Such cooperation included answering the question of how Arafat could be protected and how his rule could be strengthened. How important this aspect was for Israel following the secret talks in Oslo became evident with the January 1994 London meeting between the former head of the Shin Bet, Ya'acov Peri, then Deputy General Chief of Staff Amnon Lipkin-Shahak, and the chief of the Preventive Security Services (PSS) in Gaza, Mohammed Dahlan, and his counterpart in the West Bank, Jibril Rajoub. Ever since this meeting, the PSS has had a free hand *vis-à-vis* the various opposition groups, including Hamas. As the numerous human rights violations show, its members took their tasks very seriously. On 18 September 1994, Rabin officially confirmed that the "security services of the self-government authority" guaranteed "with

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<sup>40</sup> See Benjamin Netanyahu. *A Place among Nations. Israel and the World*, New York, 1993; and *Der neue Terror. Wie die demokratischen Staaten den Terrorismus bekämpfen können*. Gütersloh, 1996. (Engl.: *Fighting Against Terrorism*. New York, 1995).

the knowledge of and in cooperation with Israel's security services Israeli security interests." Netanyahu knew from the Shin Bet chief Ami Ayalon that the successes involving Hamas and Islamic Jihad would not have been possible without the help of the PSS. He continued the security cooperation because Arafat did not release the 1,500 detained Islamists after the defeat of Peres.

With regard to other issues, Netanyahu refused to continue where the previous government had stopped. His inaugural visit to President Clinton on 9-10 July was a triumph for Israel's aggressive politics. Netanyahu had to settle an open bill with Clinton, who had supported his rival Peres during the election campaign. Clinton treated Netanyahu in an extremely courteous manner; the Israeli Prime Minister was, for example, allowed to speak before both houses of the Congress, a privilege that very few foreign guests enjoy. The thunderous applause that followed Netanyahu's speeches was like a slap in Clinton's face. At a joint press conference, Netanyahu demonstrated great self-confidence: he warned the United States that people should not expect too much too soon and wrote in the album of the visibly irritated American President that the Rabin-Peres government had increased the number of settlers from 96,000 to 145,000 over the past few years without the United States saying a word, adding "I assume that none of you expects less from us."

Such openness and straightforwardness left the Arab regents rather perplexed, as they had gotten used to the diplomatic phrases of the Peres government. From 21-23 June 1996 an Arab summit took place in Cairo, the first of its kind since the Gulf War, which had resulted in a split in the Arab World. Mubarak, Assad and the Saudi Crown Prince Abdallah had arranged the meeting at the beginning of June in Damascus. The only tangible result was a warning to Israel that the Arab states would think twice about the reconciliation with Israel if progress were not made in the peace process. Arafat was satisfied, though his visit to Assad in Damascus in July accomplished even less. A trip to Washington by Mubarak, on the other hand, was more fruitful, with Netanyahu announcing that the Israeli-Palestinian negotiations would be resumed.

Arafat described his first official encounter with the Israeli Foreign Minister David Levy on 23 July in Gaza as "good, useful, open and positive," although Levy had nothing to offer but the remark that terror had to be fought. On the resumption of the permanent status talks and the redeployment of forces from Hebron, he could not give exact information. On 4 September, and only upon pressure from the United States, the EU and some Arab states did the long awaited meeting between Arafat and Netanyahu finally take place in Gaza. Since his election at the end of May,

Netanyahu had tried to get out of the way of the 'terrorist' Arafat. Neither this encounter nor the few that followed led to any concrete results.

From the beginning of his period in office, Netanyahu did not allow any doubt to arise that he as the Israeli Prime Minister had to represent Israeli interests. He underpinned this announcement with concrete actions, and although his government stumbled from one scandal to the next, the prognosis of a big coalition proved wrong. However, although Netanyahu was directly elected by the people, his ministers keep blackmailing him with new demands, but even the resignation of Foreign Minister David Levy could not bring him down. On 23 September 1996, Netanyahu ordered - against the advice of his security advisors - the opening of a tunnel underneath Al-Aqsa Mosque, a plan that the previous government had considered too risky to implement. His action resulted in fierce clashes between the Israeli army and the Palestinians, including members of their police force, in which 86 Palestinians and 15 Israelis were killed and some 1,000 Palestinians were injured. These confrontations pushed the peace process once more to the edge of 'failure'. Immediately rumors spread that Arafat had allowed the conflict to escalate in order to force Netanyahu to return to the negotiation table. These rumors were not necessarily untrue - a summit between Clinton, Netanyahu, Arafat and King Hussein hurriedly called for by Washington led to the resumption of the negotiations concerning the troop redeployment from Hebron on 5 October. However, the talks were repeatedly interrupted by incidents in the Occupied Territories.

The troop redeployment from parts of Hebron was originally planned for 28 March 1996, but was suspended following the two terror attacks that took place in February and March. Benjamin Netanyahu had fought against the agreements of his predecessors and criticized them, describing them as unsatisfactory, which meant that he had to renegotiate, against the will of the United States, the Interim Agreement. The Hebron Protocol differs in its substance only very little from the 'guidelines' on Hebron stipulated in the Interim Agreement of 28 September 1995, which had been negotiated by the Rabin government. Arafat had to alter his goals drastically, and he did not succeed in improving the Oslo arrangements.

In a few important items, Arafat made concessions to which he could not commit himself. These, of course, led to a further deterioration of the situation of the Palestinians. Netanyahu, meanwhile, refused to include the Ibrahimi Mosque in the negotiations and to create a connection to other already agreed upon projects, such as the opening of the airport in Gaza or the construction of a seaport.

Eventually it was Netanyahu who brought the United States back to the negotiation table, and thus re-created the American-Israeli partnership. Netanyahu accepted the agreed upon accords, but interpreted them according to his own legalistic narrow viewpoint in order to avoid the issue of Palestinian sovereignty and to ensure Israel's control over the West Bank. Consequently, the negotiations centered on security, but only that of Israel. Dennis Ross clearly supported Israel during the Hebron Protocol negotiations, forcing the Israeli security agenda upon the Palestinians.

The Hebron Protocol is the paradigm for an administrative and territorial division of the West Bank and Gaza Strip. Its 20 articles deal with security questions on the one hand, and on the other regulate civil affairs following the redeployment of Israeli troops. Integral components of the Protocol are a remark of Dennis Ross, listing the Israeli and Palestinian responsibilities, a short note regarding the normalization of life in the Old City of Hebron, which only materialized due to pressure from the United States, and a letter from the American Foreign Minister Warren Christopher to Netanyahu.<sup>41</sup>

Even after the signing and implementation of the Hebron Protocol, there is no reason to be optimistic. There are 450 Jewish settlers blocking some 20 percent of the city, especially the commercial area, protected by over 1,000 Israeli soldiers, while the more than 100,000 Palestinians live there in a kind of Israeli enclave. The Israeli settlements in the center of the town have been legitimized by the agreement. Although Israel withdrew from 80 percent of the city (H1 Zone), it still has the sole say regarding the settlement and the buffer zone in which more than 20,000 Palestinians reside (H2 Zone). A 'Rapid Response Team' (RRT) for the fighting of terrorism consisting of eight Israelis and eight Palestinians is stationed at four central locations in the H1 Zone. Hebron is far from being 'liberated', as Arafat tried to portray it in his triumphant speeches. Just like the other agreements, the Hebron Protocol will eventually heighten the conflict and further alienate the conflicting parties. This becomes clearer on a daily basis.

Originally, Netanyahu had wanted to give a part of Hebron to the Palestinians, postpone the redeployment from the West Bank - which Israel had agreed would take place by September 1997 - to May 1999, and enter into immediate negotiations on the central issues under dispute such as Jerusalem, settlements, refugees and borders. Forced to make concessions, he ultimately agreed to complete the withdrawal in three stages by August 1998. Moreover, he agreed that the final status negotiations would be re-

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<sup>41</sup> See Protocol Concerning the Redeployment in Hebron of 15 January 1997, including the respective annexes.

sumed two months after the redeployment of the troops in Hebron had been completed.

Why then is the Hebron Protocol nevertheless a big success of Israeli-American negotiation skills? Netanyahu, speaking in the Knesset on 16 January 1997, said the following: "We are not leaving Hebron. We are not re-deploying our troops from Hebron, but only within Hebron... We do not want to remove the Jewish community from Hebron. We want to maintain it and consolidate it. We ourselves do not want to depart from Hebron; we want to remain there." According to the Mayor of Hebron, Rafiq Natsheh, the consequences of that for the Palestinians are clear: "Hebron was and remains the mistake of the Interim Agreement, which has brought us a divided city." Mayor Natsheh had tried, but in vain, to stop Arafat from signing the agreement.

With regard to mutual obligations, Benjamin Netanyahu achieved further concessions. The Palestinians had once more to affirm in writing that they would amend their charter, intensify the cooperation on security matters, stop the hostile and inciting propaganda, systematically fight the terror organizations and their infrastructure, persecute the terrorists, accuse them and punish them, hand suspects to Israel, and seize weapons. Netanyahu was able to delay the redeployment for one year and push through his principle of 'reciprocity' on which, in the future, the maintaining and implementation of all other agreements would be based. Who can guarantee a one hundred percent implementation of this principle, which is based solely on the security of the Israelis and ignores, for example, the protection of the Palestinians from the violence of the settlers and the military? That many settlers were not satisfied with this result stems from fanaticism that outsiders are unable to comprehend.

The largest success of the Israeli Government is the letter of the former American Foreign Minister Warren Christopher, which says, amongst other things, the following: "Mr. Prime Minister, you can be assured that the United States' commitment to Israel's security is ironclad and constitutes a fundamental cornerstone of our special relationship. The key element of our approach to peace, including the negotiations and implementation of agreements between Israel and its Arab partners, has always been a recognition of Israel's security requirements. Moreover, a hallmark of US policy remains our commitment to work cooperatively to seek to meet the security needs Israel identifies. Finally, I would like to reiterate our position that Israel is entitled to secure and defensible borders, which should be directly negotiated and agreed with its neighbors." The letter of Christopher to Netanyahu makes Arafat appear like an American vassal, containing, as it does, sentences that read like a dictate: "I have impressed

on President Arafat..." "I have instructed President Arafat..." and "I have emphatically made clear..." This diction shows clearly that the further redeployment of Israeli troops was not the result of bilateral negotiations but instead, an Israeli affair only. It was not only the fulfillment of the Interim Agreement that depended on Arafat's readiness to comply with the demands made of him, but also the peace process in general. The PLO head never published this letter.

Netanyahu could indeed introduce improvements *vis-à-vis* the original modalities, especially as far as the alleged 'verbal promises' of the previous government are concerned; a fact he referred to in the speech he made in the Knesset. The agreement was not Netanyahu's dearest aspiration, and he only concluded it because he had no other option, the interest of the United States in sticking to the pledges of the previous government being too strong. Through the American 'annexes', the Israeli-American negotiation delegation managed to eliminate the 'loopholes' that still existed in the Interim Agreement. For the United States, it was no longer a matter of UN resolutions, but of Israel's security only, and it was the security thinking that became the determining parameter of the peace process. Israel's actions in violation of International Law, such as the demolition of houses and confiscation of land, are no longer mentioned. Ross, with his 'remark', allows the PA to violate the human rights of its own people in order to guarantee the security of Israel. "Thus, Netanyahu's concept of 'reciprocity' not only will give Israel ultimate control over the process, but will result in further deterioration of human rights conditions in the Palestinian autonomous enclaves."<sup>42</sup> The 'Israeli responsibilities' are facultative and depend on Israeli security considerations, while the 'Palestinian responsibilities' are obligations the Palestinians must honor. Thus, the results of the vote in the Knesset were no surprise: 87 in favor and only 17 against. This result shows that there is a widespread consensus regarding the areas inhabited by settlers. Even in the final status negotiations, there will be no compromise concerning this territorial question. In concrete terms, this means the division of the occupied territories between Israel and the Palestinians according to the following formula: the maximum of land for Israel and the maximum of people for the Palestinian autonomous areas.

For the Palestinians, the Hebron Protocol represents a further setback on the way to independence because the Israeli settlements for the first time are regarded as a *de facto* component of Israel and not as part of the occupied territories. Thus, the position of the Palestinians according to International Law is further weakened. The implementation of the various stipulations of the agreement is also to the disadvantage of the Palestinians.

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<sup>42</sup> Lamis Andoni, "Redefining Oslo: Negotiating the Hebron Protocol", in: *JPS*, XXVI (Spring 1997) 3, p. 27.

The United States, represented by Dennis Ross, regards the settlements as 'an obstacle to peace', but no longer deems them 'illegal', merely 'controversial'. Parts of the American Government see the division model laid down in the Hebron Protocol as something positive for Gaza and the West Bank. The Palestinians, meanwhile, claim they would resist such a plan, but they overestimate their real power. Even if Israel were to withdraw from Zone B, it would still be primarily responsible for security there, and neither the agreements nor the Hebron Protocol define the degree of Palestinian authority that would exist once the separate phases of the redeployment are concluded. Netanyahu will limit all discussion to UN Resolution 242 and the principle of land for peace; i.e., the occupation will not end because Resolution 242 does not say anything about the Palestinians or about withdrawal from all occupied territories. The Palestinian hope that a piece of Palestine could become the core of a Palestinian state has been shattered. The prognosis of the advisors of Netanyahu for the future of the Palestinian territories is not sovereignty but a status comparable to that of Puerto Rico. The question that remains is whether the Palestinians will be content to accept only a symbolic form of independence.<sup>43</sup>

Following the conclusion of the Hebron Protocol, Netanyahu set out, on 13 February 1997, for his fourth official visit to the United States, where Clinton welcomed him cordially. After the two men had conferred for more than three hours, Clinton made it clear at a press conference that the possible sale of F16 bombers to Saudi Arabia was dependent on possible security doubts of Israel, thereby publicly snubbing the Saudis, who also consider themselves a 'friend of the US'. Clinton said he would support any plan formulated by Israel to secure its northern border. With this, he indirectly accepted the occupation of South Lebanon by Israel, in spite of the fact that officially, the United States rejects the occupation on the basis of the UN Charter. The next day, the Israeli Prime Minister warned the Palestinians, in a speech given at The Institute for Near-East Policy, that any proclamation of a Palestinian state would result in the complete collapse of the peace process.

Politically strengthened, Netanyahu then made a decision that snubbed the Palestinians further, permitting, on 26 February, the construction of a new Israeli settlement on Mount Abu Ghneim (Hebrew: Har Homa) in East Jerusalem. The cultural takeover was followed by a territorial one; thousands of Palestinian locations had been integrated into the Jewish tradition and defended tooth and nail by being renamed, and both the Palestinians and the world public should always keep this in mind. Although

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<sup>43</sup> See Ludwig Watzal, "Das Hebron-Protokoll und die Folgen", in: *Schweizer Monatshefte*, 77 (1997) 7-8, p. 7 f.

Rabin had agreed that the settlement should be built and the planning stage had already been concluded under Minister of Housing, Benyamin Ben Eliezer, the actual construction had been delayed due to the absence of opportune circumstances.

With Netanyahu's decision, the settlement chain around Jerusalem was completed. For the Palestinians, this was new evidence of the incredibility of Netanyahu's politics. The meeting planned for 18 March between Arafat and Netanyahu did not take place as the PA had decided to suspend talks with Israel in protest. Four hundred Palestinians were injured in the subsequent clashes. Against this volatile background and with the Palestinians becoming increasingly frustrated, a terror attack took place in a Tel Aviv café on 21 March in which three Israelis died and 61 were injured. However, Arafat was not interested in a larger conflict, such as the one that had resulted from the tunnel opening the previous September, and his strategy now aimed at the diplomatic isolation of Israel and international support for his position. With these particular goals in mind, he traveled on 3 March to the United States, where Clinton expressed his regret concerning the Israeli decision, which, he said, did not contribute to confidence building but to mistrust - a remarkable comment in the light of his otherwise pro-Israeli statements. The journalist William Safire had urged Clinton in *The New York Times* a day before Arafat's arrival not to give Arafat 'false hope'. Were the Palestinians to insist on claiming East Jerusalem as their capital, he said, it would "create a strange island within Jerusalem, which would be as provocative as the Israeli annexation of the entire West Bank." This comparison was a deliberate attempt to mislead the American public. A few days later, on 6 March, it became clear whose side the United States had taken when it vetoed a UN Security Council resolution condemning the settlement construction on Jabel Abu Ghneim.

In attempting to clarify the 'difference' between the strategies of the Labor Party and the Likud government, whose final goals are identical, Har Homa can be used as a good example. Yossi Beilin once said in a televised discussion on 17 March 1997: "I support the construction all over Jerusalem including Har Homa because it is our right. We [the Rabin government] increased the number of settlers by 50 percent. We built in Judea and Samaria but we did it quietly and farsightedly. They [the Netanyahu government] announce every morning their intentions, frighten the Palestinians, and make Jerusalem as the united capital of Israel - on which there is unity amongst all Israelis - subject to a worldwide dispute. The main aspiration should be to convince the Palestinians that Jerusalem is the capital of Israel. Without their acceptance of this fact, there will not be any further agreement. What I suggest is a deal with the Palestinians, according to which we recognize a Palestinian state, and they recognize Jerusalem as the united capital of Israel."



That some Arab rulers had also come to terms with the line of the Labor Party was evident in the statement of Egyptian President Hosni Mubarak: "They have built all the time in Jerusalem but they have not talked about it." Indeed, a secret deal had been concluded on 23 February 1996 between Beilin and Mahmoud Abbas although the latter denied this. 'Compromises' were reached with regard to the following:

- The settlements will remain. Israel will annex three hundred square kilometers of land, where most of the Israeli settlements are located.
- The Palestinian refugees must seek naturalization in their host countries, which in concrete terms means no right of return.
- With regard to Jerusalem, Arafat will gain control of an area to be called Al-Quds (The Holy), comprised of all the villages located around Jerusalem that are inhabited by Palestinians.

On 28 March 1997, Beilin again outlined the central basis for a final status agreement in *Ha'aretz*: "...a demilitarized Palestinian state with limited sovereignty and in turn recognition of the united Jerusalem." On this basis, Beilin and Michael Eitan from the Likud bloc met and reached a consensus on further policies. The representatives of both camps believe until today that they could maintain this position permanently, which is against International Law, without arousing the anger of the international community. Clinton's leniency nurtures this illusion.

At the same time, the United States tried through its mediation attempts to keep the peace process alive, with Dennis Ross travelling to the region several times in May and June 1997. After meeting with Mubarak, Arafat, Netanyahu and King Hussein, he announced that "the peace process is still alive because there is no alternative to it." The Palestinians were less tautological. Sa'eb Erekat blamed the United States for not having a strategy, and after the meeting between Ross and Arafat on 8 May, he publicly admitted that the Palestinians were angry with Ross and his delegation. Meanwhile, the American mediator warned the Palestinians about hoping for the fall of the Netanyahu government while neglecting their duties with regard to security matters.

Apart from the unprofessional leadership of his government and the numerous scandals that nearly resulted in his ending up in court, Netanyahu's foreign policy ideas are hardly inspiring. For example, his suggestion to enter the final status negotiations immediately was rejected, while his revival of the 'Allon Plus' plan on 4 June received little support. The media saw in this new evidence of Netanyahu's legendary slyness. In

particular, he suggested that Israel keep 'Greater Jerusalem', including the extended 1967 city boundaries that stretch to Bet El in the north, to Ma'aleh Adumim in the east, and to the Etzion bloc in the south; that the corridor between Jerusalem and Tel Aviv be extended beyond the borders of 1967; that the Jordan Valley be annexed including all existing and new settlements; and that a 15-kilometer-long 'security belt' parallel to the Green Line be extended eastwards in order to include all settlements located beyond the line. According to this plan, the Palestinians would regain only a maximum of 40 percent of the land. According to remarks made by the Security Minister, Avigdor Kahalani the Palestinians could have their own flag and national anthem, "but we are against a Palestinian army. Apart from this, they can have all their rights." The Palestinian side considered the plan an insult. Netanyahu was also strongly criticized by the right-nationalistic side. The most fanatic Likud member of the Knesset, Michael Kleiner accused the Prime Minister of 'betraying' the revisionist dream of Eretz Israel, and Foreign Minister David Levy publicly rebuked the plan on 6 June. His relationship with Netanyahu is known to be problematic because he was ignored with regard to the presidency of the Likud bloc.

Apart from this plan, the killing of Palestinian land brokers, most probably by Arafat's security services, contributed to the renewal of tensions between the Israelis and Palestinians. The Israeli Government accused Arafat of being responsible for the death of these people, who had helped Jews to buy Palestinian properties. Allegedly, a list of 16 names existed. The PA denied any involvement in the killings. Minister of Justice Freih Abu Meddein had indirectly triggered the hunt for the land brokers when he announced publicly that whoever sold land to Jews should count on receiving the death sentence. In addition, the former Attorney General, Khaled Al-Qidrah had insisted on the right "to punish every convicted betrayer." However, no one had the right to take the law into his own hands. The tensions between Israel and the Palestinians also continued throughout July and August, and hundreds of Palestinians were injured in heavy clashes in Hebron and Jerusalem. The tensions increased further when Israeli security forces arrested three Palestinian policemen in Nablus and accused them of having planned an attack on a settlement. The government claimed the policemen - who had been searching for drug dealers - had confessed. The PA demanded the immediate transfer, in line with the Oslo Agreements, of the three men. The Security Committee's Palestinian representative, Khaled Tantash, rejected the accusations of Israel and claimed the Israelis were merely seeking to damage the image of the PA. When the Israeli Government accused the Palestinians of having violated the Oslo Agreements 22 times since the signing of the Hebron Protocol, Arafat in turn submitted a list of 30 promises that had not been kept by Israel.

Two suicide bombers blew themselves up on 31 July 1997 in the Mahane Yehuda market in Jerusalem, killing 16 people and wounding over 170. Two days prior to the attack, Netanyahu had boasted in a television interview that his concept of 'peace through security', which he had promised in the election campaign, had proven viable. This terror attack, for which the military wing of Hamas claimed responsibility, led to a drastic closure of the autonomous areas. While many Palestinian politicians condemned the attack, Arafat classified the military siege as "a declaration of war." Israel and the United States demanded from the PA the complete destruction of the "the infrastructure of terror" i.e., of Hamas and Islamic Jihad. All talks were suspended and the Israeli Government decided on 12 draconian measures, which included various sanctions. Nobody was allowed to leave the territories, and the Palestinians and their authority were left sitting in a cage. The economic, education and health systems, as well as all aspects of Palestinian life were paralyzed. Since the Israeli measures were devoid of any logic, they represent yet more water on the mills of the radical opposition to the peace process. Arafat was also in a bad position, his freedom of movement, as well as that of his security services having been restricted, which meant that he could not answer the call to fight the terror effectively. Apart from this, he was rather reluctant to arrest Hamas activists this time around because it was not clear whether the terrorists had come from the autonomous areas and he realized that his following an Israeli order would strengthen the radical forces.

Once again, the international media adopted the Israeli position, asking Arafat why he was not doing enough to curb the terror and whether he himself had perhaps given it the green light, whilst totally ignoring the Israeli omissions. Have not the repressive measures on the part of Israel increased since the Oslo process? Do the reasons of the terror not lie in the dehumanization, repression and daily humiliation of the Palestinian people? Is it possible that the expansion of settlements, the confiscation of land and the transformation of the Palestinian territories into isolated enclaves are features of a humanitarian policy? Has not the education in racism to which Israelis have been exposed contributed to the disparaging of Islam, providing fertile soil for extremism and terrorism? Netanyahu and the United States, from that point on, were prepared to talk to Arafat only about fighting terror and the security of Israel and it was never even suggested that Israel should share the responsibility for curbing the terror in its various forms.

Among the few who came to their senses was Nurit Elhanan-Peled, the mother of 14-year-old Smadar Elhanan-Peled who had been killed in one of the terrorist attacks. Smadar was the granddaughter of General Matti Peled, the president and founder of the Israeli Council for Israeli-Pales-

tinian Peace. Elhanan-Peled said on 7 September 1997 in *Ma'ariv*: "I still believe that my father was right. The latest bomb attacks are a direct result of the suppression, subjugation, and humiliation and the siege that Israel exercises *vis-à-vis* the Palestinians. Our government is guilty because it does its utmost to destroy the peace process, bringing us death and destruction. I do not blame the terrorists, for they are our creation. We have hurt almost every single Palestinian family, and they live in dirt and desperation. Those who commit suicide are our mirror." The columnist Haim Baram commented on her remarks as follows: "Many realize now, perhaps for the first time, that aggression is a double-edged sword, that terror and fear can affect all of us, Arabs and Israelis alike."<sup>44</sup> Ironically, it is indoctrinated in every Israeli from a very early age onwards that Arabs only understand the language of violence, as Baram outlined. This is also confirmed by a study conducted by Daniel Bartal of Tel Aviv University, according to which Arabs are portrayed in Israeli school textbooks as 'thieves' and 'murderers', of Jews in particular. The Israeli suppression can never justify the killing of innocent people but it a reason for such attacks. If peoples are pushed to the edge of desperation, they react unpredictably.

Netanyahu used the threat of security as a pretext in order to divert attention from his disastrous policy. He repeatedly announced that the main goal of the Oslo Agreement was to break the Palestine resistance. Later he admitted that he had given the Shin Bet a free hand to close down all religious and front organizations of Hamas in Zone B. When Arafat wanted to pay his condolences Netanyahu replied: "Fulfill your obligations. Don't tell me anything about feeling sorry." Arafat said: "I will increase the cooperation in security matters." Netanyahu replied: "First, you have to put your own house in order." Israel named 30 persons that were to be handed over by Arafat, adding to the list the names of an additional 150 Palestinians who it demanded be arrested. The American Secretary of State Madeleine Albright also received a list with persons that were to be arrested by Arafat. For the first time since the occupation began, even the Allenby Bridge to Jordan and the border crossing to Egypt were closed for one week. The pressure on Arafat was enormous, and he had no choice but to order the mass arrests.

The Near-East mission of Dennis Ross that began on 9 August drew attention to the security problem only in accordance with Israeli interests, which was exactly what Netanyahu wanted. Until 14 August, Ross made efforts, but in vain, to revive the negotiations. However, security after the Oslo Agreements is a bilateral matter, and the fact is, that the security of the Palestinians is not being guaranteed. The death of a ten-year-old Pal-

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<sup>44</sup> Haim Baram, "A New Middle East", in: *MEI*, 12 September 1997, p. 5.

estinian for example, who was beaten to death by a settler, or the death of a petrol attendant on 12 August did not cause an outcry, neither locally nor abroad.

Arafat was pushed into a corner by Ross and Netanyahu to such an extent that he was internally weakened. In order to cover up this weakness, he is forced to conduct a dialogue with the opposition and to give martial speeches rather than deal with economic issues. The Americans ignore the fact that the peace process has to offer the Palestinians, not only the Israelis, some incentives. Instead of humiliating Arafat continuously, they should offer positive perspectives with which he can face the challenge of the opposition. The cooperation in security matters with Israel should also pay for the Palestinians.

The Near-East trip of Albright in September planned as a '*Deus ex machina*' trip was a complete failure, and she was forced to admit that one needs staying power in order to change things for the better. When she adopted the Israeli position, the Palestinians naturally regarded her as a 'dishonest agent'. She was supposed to have played a mediation role, clarifying to all the parties involved that security matters can only be dealt with bilaterally and that the deterioration of the security situation is a result of the demise in the political field. Albright also failed to tackle directly the unilateral measures such as settlement construction and land confiscation. Although she sometimes criticized both sides, her criticism of the Palestinians was connected with pressure in that she tried to push through her viewpoint. Completely incomprehensible was her speech at the Friends School in Ramallah where she told the Palestinians that her biggest enemies were Hamas and Islamic Jihad. Consequently, she left behind a large number of people who were very disappointed and very few supporters. One day after her departure, Jewish settlers occupied houses in the East Jerusalem neighborhood of Ras Al-Amud; Netanyahu had asked them to wait until after Albright's visit. The settlers were financially supported by the American Irving Moskowitz who set himself the goal of erecting Jewish housing units in the Arab part of Jerusalem. The Prime Minister negotiated with Moskowitz and reached the following compromise: ten settlers were allowed to stay in order to 'guard' the complex and to safeguard 'the right of possession'.

Arafat is useful for the interests of the United States in three ways: first, by leading the struggle against Hamas and similar organizations that could eventually threaten the stability of other states, particularly Saudi Arabia; secondly, by allowing the American and pro-American Arab regimes to do something for the struggle of the Palestinians while at the same time disregarding all other aspects that advance the *status quo*; and

thirdly, by maintaining the *status quo* amongst the Palestinians. Should Arafat fail in one of these goals, particularly the first one, the Americans will turn against him. The Americans would even accept a limited military conflict between Israel and the Palestinians if this would benefit their interests. Currently however, the PLO chief is interested in ensuring the stability of his regime in order not to lose the goodwill of the Americans.

One of the biggest political mistakes of Netanyahu was the order to have Hamas member Khaled Masha'al killed in Amman by Mossad agents on 25 September 1997. Although the assassination of undesirable Palestinians had always been part of the repertoire of the Israeli foreign secret service, this time, things were a little different; for the first time ever, Israeli agents were caught holding forged Canadian passports, which was adequate proof that the Israeli Government sends killers to other countries to liquidate undesirable persons. Masha'al was a regular member of Hamas who did not pose a threat to Israel. When the Israeli agents attempted to kill him by injecting him with poison, they were put to flight by a bodyguard and subsequently arrested by the police. King Hussein immediately intervened and demanded that Netanyahu provide the antidote. The Prime Minister reacted on the spot, being well aware of the damage that he had caused. He also fulfilled another demand of King Hussein, namely, to release the paralyzed Sheikh Ahmad Yassin who had been sitting in an Israeli prison for years and allow him to depart to Jordan, from where he returned to Gaza. In addition, it was agreed that Netanyahu would order the release of another 22 prisoners. Through this action of the Mossad, Netanyahu effectively slapped in the face Israel's only friend in the region. The King was so angry that he refused to meet Netanyahu, and eventually Yitzhak Mordechai and Ariel Sharon were obliged to visit him in order to offer apologies and limit the damage. However, in the long run, the relations between Israel and Jordan will not suffer from this incident; Jordan itself had provided the Mossad with a building in the center of Amman from where it could carry out its operations and it is clearly interested in the continuation of the Mossad's work, having a natural desire to protect its own interests. As for the Canadian Government, it felt diplomatically insulted by the act. Arafat received with Sheikh Yassin a political counterpart who will strengthen the position of Hamas, and for him, the release of Yassin, following the intervention of the King, was a bitter pill; at the same time as he was being obliged to follow Israel's orders and arrest Hamas members, the King succeeded in having the spiritual leader of the organization released.

How did the Israeli press deal with the unsuccessful assassination attempt? Did they condemn it as an act of state terrorism, or did they justify it? Israel Shahak writes that such questions were not even raised: "The

fact that Israel is a terrorist state is not new; ever since its foundation, it has used its secret service to kill people in other countries through violence and terror."<sup>45</sup> The Israeli secret service had acted in a similar manner with regard to Yahya Ayyash and Fathi Shikaki. The press did not discuss whether this act was an act of state terrorism but raised the questions of whether it had been an appropriate move, given the timing, and who was responsible for the failure. On 25 February 1998, a planned telephone tapping operation of Israeli Mossad agents in Switzerland was busted. Although the Israeli Prime Minister makes the final decision on any assignment of the Secret Service, Netanyahu was acquitted in the Masha'al case by the inquiry commission, and by mid-February he was announcing publicly that Israel continued to reserve the right to chase 'terrorists' in other states. It is extremely hard to understand why sovereign governments do not condemn this arrogant attitude and make it abundantly clear that Israel is not an exception to the rule and must stick to International Law and internationally accepted norms like any other country. On the question of why Netanyahu makes so many domestic political mistakes, such as the opening of the tunnel under Al-Aqsa Mosque, the occupation of the houses in Ras Al-Amud, the approval of the construction of 300 apartments in the Efrat settlement, the meeting between Sharon and Mahmoud Abbas, and the Masha'al affair, the answer of Ze'ev Shiff, military political commentator, in *Ha'aretz* of 21 November 1997 is that Netanyahu has an uneasy relationship with the security establishment.

Netanyahu had to struggle with domestic problems. At the same time, pressure on the part of the EU and to a lesser degree the United States made it clear to him that no one really agreed with his suggestion to enter the final status negotiations immediately. Consequently, after several days of internal cabinet deliberations he offered the Palestinians a redeployment plan that neither determined an exact schedule nor the scope of the territory in question. The suggestion was based on the 'Allon Plus Plan' as a final solution, which, according to Defense Minister Mordechai was in accordance with Israeli national and security interests. According to this plan, some 70 percent of the West Bank would remain under Israel's total control, while only a small area – concentrated around Nablus, Hebron and Jenin – would go to the Palestinians. At the end of 1997, Netanyahu along with Mordechai and Sharon undertook an inspection trip to the West Bank in order to decide which territory is non-negotiable for Israel, and in January 1998, it was decided that the border area along the Jordan River, a zone along the old border of 1967, the area of 'Greater Jerusalem' and the Jewish settlements are all a part of the 'national interest'.

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<sup>45</sup> Israel Shahak, "The Real Significance of the Attempted Israeli Assassination of Masha'al in Jordan", in: *From the Hebrew Press*, IX (1997) 11, p.1.

States. Moreover, the PA is obliged to issue decrees that prohibit all forms of incitement to violence and terror in a similar manner as was common in the territories controlled by Israel. A Tripartite Committee shall control possible cases of incitement, and a similar committee is there to coordinate the fight against militant elements.

Besides the notes on security, the Memorandum deals with the further redeployment of Israeli troops, which is to be executed in three stages and be concluded within 12 weeks at the latest. If this redeployment is ever completed, the Palestinians will be in sole control of 18.2 percent (Zone A), while there will be shared control in 21.8 percent (Zone B). Arafat eventually agreed to the Israeli demand that three percent of the territory to be transferred would be declared a 'green zone', i.e., an area where Palestinians are not allowed to build and where Israel has the say in all matters pertaining to security. Thus, another territorial mushroom cloud was created, which could be activated at any time during the final phase of the negotiations. If it ever comes to an agreement in the final status negotiations, the Palestinians will end up with 21.8 percent of Zone B under their sole control, in addition to a maximum of five percent from the Israeli-controlled Zone C. A 'sovereign' Palestinian state will then consist of between 40 and 45 percent of the occupied territory. According to *Ha'aretz*, this is a 'compromise' that Arafat and the United States will agree upon.

The Memorandum further stipulates that the PLO Charter must be amended yet another time. This happened on 14 December 1998 in the presence of the American President, during his first ever visit to the autonomous areas. The visit was not a sign of American recognition nor does it have any meaning in terms of International Law, so the Palestinians should not expect too much from this rather symbolic gesture. Clinton is not in a position to pressure Netanyahu or even Ehud Barak. Shortly after the victory of Barak, Dennis Ross made it clear that the American focus would shift from 'support' of the Palestinian side back to the Israelis now that Netanyahu had lost the elections.

Another chapter of the Memorandum deals with economic questions such as the opening of an industrial zone and the airport in Gaza and the construction of a seaport as well as the establishment of safe passages between the Gaza Strip and the West Bank. The numerous committees that were established as part of the Interim Agreement were to be revived. Both sides agreed to resume the final status talks immediately and that neither side should undertake unilateral measures that would change the *status quo* of the territories.<sup>62</sup> However, this has been repeatedly agreed upon

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<sup>62</sup> See The Wye River Memorandum of 23 October 1998 at: <http://www.israel-mfa.gov.il>.



and laid down in previous agreements, but Israel has never kept to its commitments and has continued to expand settlements and even build new ones. Attached to the Memorandum is a timetable, which, however - just like all the previous ones - was not adhered to. As Yitzhak Rabin put it: there are no sacred dates.

The Wye River Memorandum is anything but a success for the Palestinians. The winners were clearly Netanyahu and Ariel Sharon, who succeeded in pushing through Israel's security obsession and the principle of 'mutuality/reciprocity' in the agreement. Both terms can be used arbitrarily, cannot be fulfilled, and only apply to the Palestinians. Why does the principle of 'mutuality/reciprocity' not apply to the extremist settlers? Why do they not need to be disarmed? Do they not terrorize the Palestinian population with their weapons? Arafat's dilemma is that he has already exceeded the point of no return; he is completely dependent on the 'goodwill' of Netanyahu and his extremist supporters. The Memorandum stops just short of representing a total capitulation of Arafat. The PLO Chairman repeatedly called Netanyahu 'his partner', thereby mocking not only the goals that the PLO has always striven for, but also himself. The former freedom fighter calls the suppressor of the Palestinian people a 'partner'! The presence of Jordan's King Hussein at Wye and at the signing ceremony demonstrated that Jordan has become part of the Israeli-Turkish alliance that is directed against Arab states and Iran. Arafat, too, has become an 'ally'.

The Wye Memorandum does not say a word about the Har Homa settlement, or the illegality of the settlements, nor about East Jerusalem as the capital of a future Palestinian state or about the refugees, who make up some 60 percent of the Palestinian population. Also left unmentioned is the issue of the control of water and the right to self-determination. All rights are valid only for the Israelis, but not the Palestinians. Netanyahu succeeded in obtaining over US\$500 million as compensation for the 'withdrawal'. Until now, the Israelis have failed to return more than two percent of the land, and they are busy connecting every settlement with bypass roads in order to make it impossible to return additional territory. These bypass roads are partly financed by the American taxpayer, i.e., the American people contribute to the perpetuation of the occupation and the violation of International Law! The return of some five percent of the area around Ramallah is not realizable due to the Israeli 'parceling out'. The Palestinians do not even possess proper maps and do not know exactly from which spots the troops are to re-deploy. Israel unilaterally decides which areas are relevant for security reasons and which are not. In addition, the release of 3,000 prisoners did not take place, and those prisoners who were released were common criminals rather than political prisoners. Israel constantly refuses to release prisoners with 'blood on

their hands.' What, then, about the hands of Ariel Sharon and Raphael Eitan, who bear the responsibility for the massacre of Sabra and Shatila and the invasion of Lebanon?

Behind formulations such as 'incitement' and the dissolution of the 'terror support structure', the true goal of the Wye Memorandum is hidden; namely, to destroy any civil or religious opposition. Israel and the United States interpret any criticism of the Oslo process and themselves as incitement that must be stopped by the PA. This demand targets not only the militants, but also critical journalists and intellectuals; the internal opposition shall be silenced and made to comply. The ink on the document was not yet dry when Arafat's secret services arrested ten Palestinians - including journalists and members of Arafat's Fatah movement - one of whom was killed. This could be seen as a deliberate attempt on the part of Israel to demonstrate before the eyes of the world that the Palestinians are unable to establish a democracy. In turn, Israel, as a democratic state will shine even brighter.

During the Clinton visit, the Palestinians had to undergo a humiliating ritual and amend their national charter according to Netanyahu's ideas. With this act, part of the Palestinian identity was buried and the historical claim of Zionism acknowledged. Thus, history, in large parts, has been given a new meaning - to the disadvantage of the Palestinians.

Clinton led a second festive opening ceremony for the airport, which, however, does not open the gate to the world for the Palestinians, since it is still Israel that controls departure and entry. The Israeli security forces do not appear publicly, but control 'invisibly' all the flights and all human movement. The Palestinians still need Israeli approval in order to depart or enter the Palestinian territories, and it is still the Israelis who check them at the Rafah border. This is a part of their newly gained 'sovereignty'.

The domestic haggling between Netanyahu and his extremist coalition partners shows that the implementation of the Wye Memorandum in the signed form will not be possible. The great show over the Cabinet and Knesset approval was suitable for cabaret. The Israelis deliberately refrained from calling the Memorandum an agreement, because the latter requires acceptance whilst the former does not. It is not an agreement according to International Law, but merely underlines once again the already signed agreements. As soon as Netanyahu returned from the United States, his extremist partners cornered him and he was forced to give in to their radical demands, because his existence as Prime Minister depends on them. They called him a 'betrayeur', displayed pictures of him wearing a *keffiyah* and threatened to kill him. Even Sharon's statement that "This was the best agreement attainable" could not calm the anger of the ex-

tremists. A few weeks before, Sharon had still warned that to return more than nine percent of the land would be endangering Israel's security.

What kind of future for the Palestinians does the Labor Party envision? Until today, Arafat and his 'Tunisians' tend to spread the notion that with the Labor Party, everything was different, better and more just. This is self-deception at the best. The representatives of the Labor Party are no better than the right wing in Israel as far as the return of territory is concerned. From Barak, the Palestinians would still not receive more than a maximal 45 to 50 percent of the occupied territories. The Wye Memorandum is thus a big victory of the Zionist 'doves' that advocate a 'security-based nationalism'. Part of the Likud joined the ranks of this nationalism in Wye and turned its back on the 'Eretz Israel ideology'. When Netanyahu accused the Labor Party during a debate in the Knesset of planning to return 90 percent of the territory to the Palestinians, Labor's Haim Ramon jumped from his seat and replied angrily: "Everyone knows that our plan consists of returning 50 percent only." The Chairman of the Labor Party, Ehud Barak, boasted in a television interview as follows: "Labor could have achieved a much better agreement." When asked whether he would have given back less territory he answered: "Not less territory, but we would have done it more wisely, i.e., we would have 'fixed' them more cleverly." Here, the deceptive nature of the Labor politicians is being revealed. For the Western media they appear as the 'liberals', but as a matter of fact, they pursue the very same policy as the extreme right, the difference being that they manage to hide their nationalistic claims behind a liberal facade. For Arafat it was much easier under the Labor government to sell the total capitulation to his people. Shimon Peres, unlike Netanyahu, extended an aura of cooperation and he was not regarded as trying to dictate every outcome. Nevertheless, even Peres has always been against the establishment of a Palestinian state.

Is there any way out for the Palestinians? Arafat must proclaim as soon as possible the State of Palestine within the borders of 1967 and try to gain the recognition of the West. Any further delay would give Israel the opportunity to illegally confiscate more land for settlements and bypass roads. The remaining territory would be further divided and there would be no possibility of Arafat ending up with anything but disconnected enclaves. On the basis of International Law, the PA is entitled to an independent state; all the necessary criteria exist. However, to ensure the success of the proclamation the Palestinians will have to make intensive diplomatic preparations. Only new elections in Israel could prevent the proclamation of an independent state, bearing in mind that the lipservice of the West will not guarantee the establishment of an independent Palestinian state.

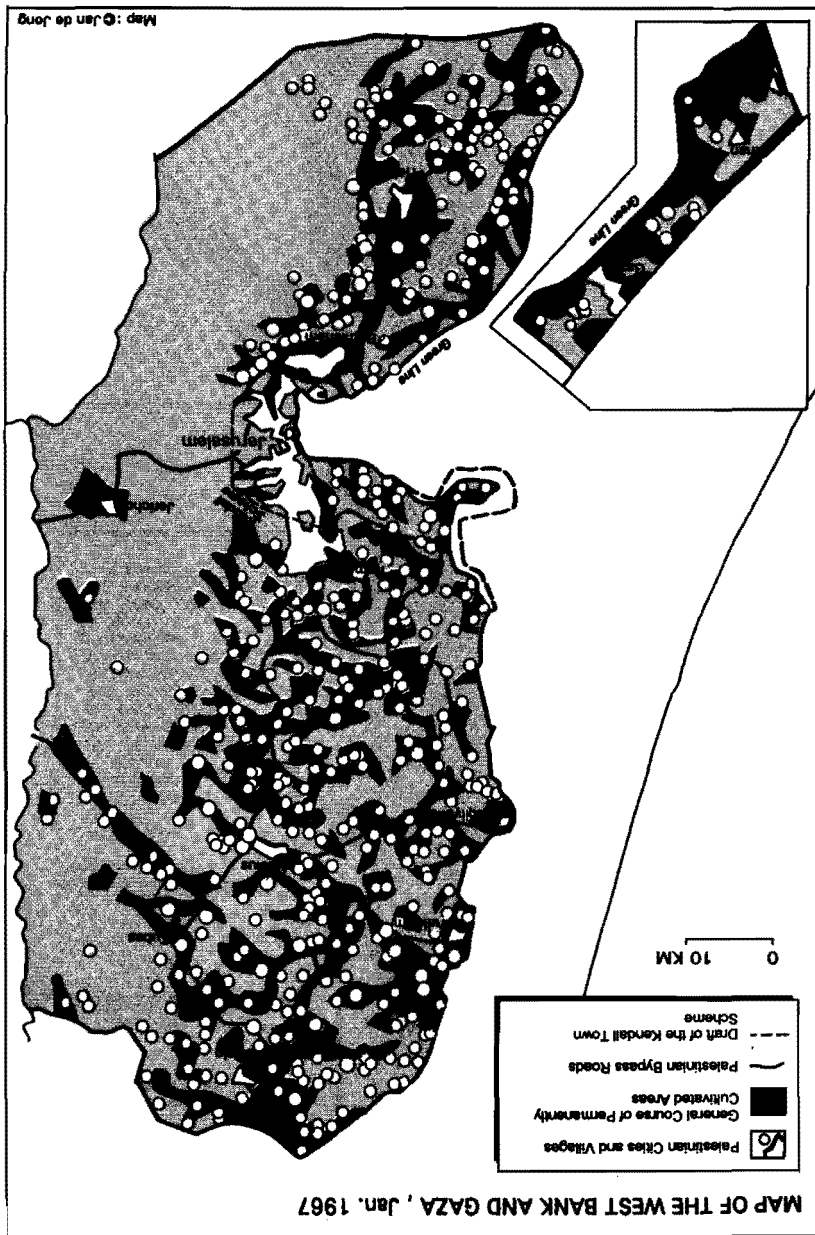
## 6. The Territorial Reality of the Peace Process

The implementation of the Oslo Agreements shows the entire scope of the catastrophe of the peace process for the Palestinians. The maps described below demonstrate what is almost never talked about or discussed in Germany. The question of what remains from the occupied territory has pre-occupied the Palestinians for over 31 years. At the moment, it has taken a dramatic turn because the people have begun to realize that the land is vanishing like a *Fata Morgana*, although Palestinians are still living there. The starting point of the following analysis shall be a map from the time before the Six-Day War, when the West Bank was still under Jordanian sovereignty and the Gaza Strip under Egyptian administration.

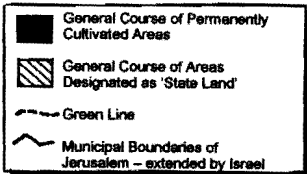
Map 3 documents the official Palestinian position as reflected in Resolution 242. It shows two lines: first, the Green Line, which separates the West Bank including East Jerusalem from Israel; and second, the so-called Kendall-Line, marking the border of Arab East Jerusalem and serving as a useful tool in planning for the urgently needed urban center for the West Bank. Both lines are important components of the West Bank and Gaza's ability to exist as an independent Palestinian state entity. They are also a precondition for the unhampered development of Palestinian agriculture, which, of course, depends on sufficient water resources. Without access to the water from the Jordan River and the ground water reserves, to achieve agricultural independence will remain impossible. Taking into consideration the doubling of the population within the next 15 years, such a development is a must. The map further shows the most densely populated regions, the area of which equals, approximately, the area of land that is usable for agriculture. Finally, one can recognize the roads system, which connects the populated areas and which concentrates in East Jerusalem, the economic and cultural center of the Palestinians.

Map 4 shows the development of approximately 30 years. The Green Line is not seen any longer as a border between two sovereign units, but as what Israel refers to as the 'administered territories'. A clear change is the annexation of East Jerusalem to Israeli sovereign territory. In the course of the occupation, Israel, using military or civil legislation, has taken the striped areas that make up 50 to 60 percent of the West Bank as State Land. Because of the absence of an Arab administration, and the resulting Palestinian inability to act in questions of economic development, it was relatively easy for Israel to sell this kind of expropriation to the public. The Palestinian residential and settlement areas became increasingly isolated and disconnected. Map 4 shows clearly the "tangible conflict between the Israeli drive to establish its sovereign hold over all the country and the

Map 3



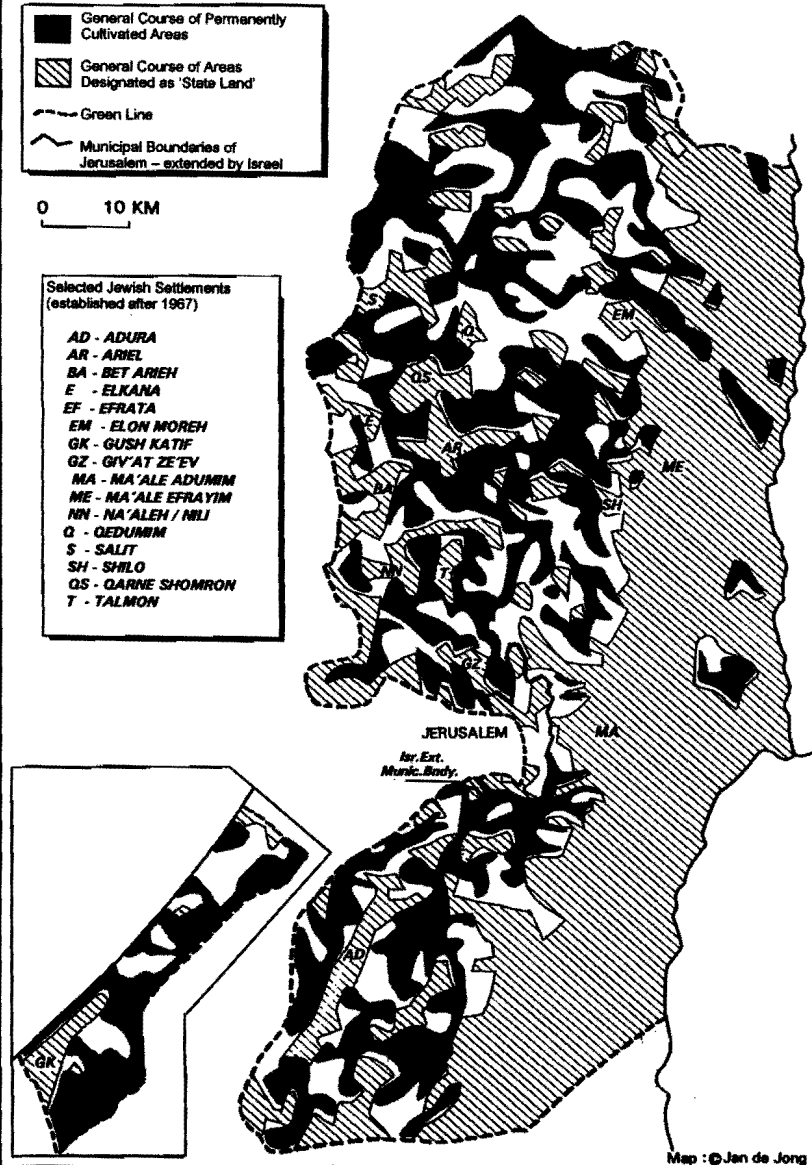
**PALESTINIAN AND ISRAELI LAND TENURE  
IN THE WEST BANK AND GAZA , 1967 - 1995**



0 10 KM

Selected Jewish Settlements  
(established after 1967)

- AD - ADURA
- AR - ARIEL
- BA - BET ARIEH
- E - ELKANA
- EF - EFRATA
- EM - ELON MOREH
- GK - GUSH KATIF
- GZ - GIV'AT ZE'EV
- MA - MA'ALE ADUMIM
- ME - MA'ALE EFRAYIM
- NN - NA'ALEH / NILI
- Q - QEDUMIM
- S - SALIT
- SH - SHILO
- QS - QARNE SHOMRON
- T - TALMON



Map : © Jan de Jong

**Map 4**

Palestinian need to restore Arab sovereignty in order to develop the natural resources potential of the West Bank and Gaza.”<sup>63</sup> The development that is reflected in Maps 1-4 forms the basis for the four autonomy concepts for Palestine being discussed by Israel and which will now be presented.

Plan A shows the well-known Allon Plan named after the former Minister of Labor, Yigal Allon. The plan foresees the return of the largest part of the territories under Jordanian sovereignty with the exception of the Jordan Valley, ‘Greater Jerusalem’, and the southern half of the Gaza Strip. This plan is along the lines of the settlement policy of the various Labor Party governments, although it has never been officially accepted. With this plan, Israel wanted to secure the central area of the territory, but essentially not to have anything to do with the population.

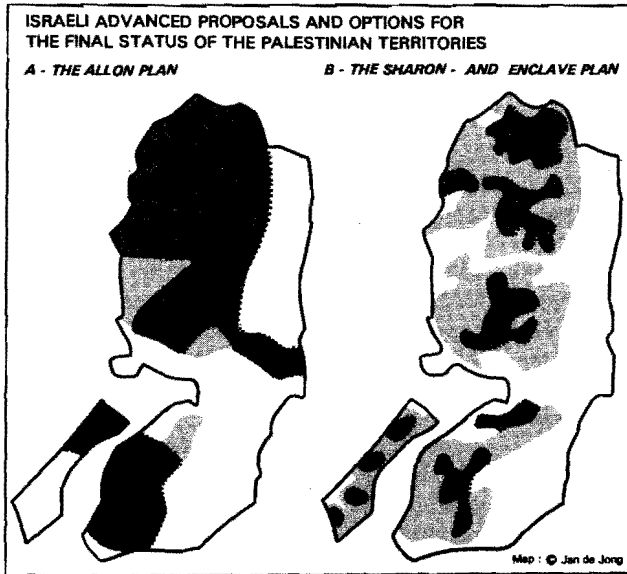
Plan B seems to have the least support among the Israeli elite. It was proposed by the former general and Minister of Defense, Ariel Sharon, who bears the responsibility for the Lebanon invasion of 1982, and who today is the Minister of Infrastructure. He drafted a settlement plan for the colonization of the occupied territories<sup>64</sup>; the Palestinians would keep four larger enclaves concentrated around the cities of Nablus, Ramallah, Hebron and Gaza, while 90 percent of the Jewish settlers would be integrated within the territory of the State of Israel. Sharon’s plan foresees a further separation between Israelis and the densely populated Palestinian centers. One should not exclude the possibility of Sharon succeeding with his ideas, as was confirmed by the redeployment plan decided upon by the Israeli Cabinet in mid-January 1998.

Plan C was drafted by the Jaffee Center for Strategic Studies under its former director, Joseph Alpher. This plan, however, has no chance of being realized, because the political development has already proceeded further than that stipulated in the plan. According to the plan, some 89 percent of the territories would fall under Palestinian sovereignty and document Israel’s readiness to compromise. However, East Jerusalem in its entirety, as well as the settlement blocs of Ma’ale Adumim, Giv’on, Etzion and Shomron - territories of central meaning for the Palestinians - would not be included.

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<sup>63</sup> Jan De Jong, “Palestine after Oslo: Borderlines between Sovereignty and Dependency”, in: *Beyond Rhetoric: Perspectives on a Negotiated Settlement in Palestine, Part Two*, ed. by The Center for Policy Analysis on Palestine, Washington, DC, 1996, p. 8.

<sup>64</sup> For Sharon’s settlement plans see Assaf Adiv/Michal Schwartz, *Sharon’s Star Wars: Israel’s Seven Star Settlement Plan*. Jerusalem 1992.

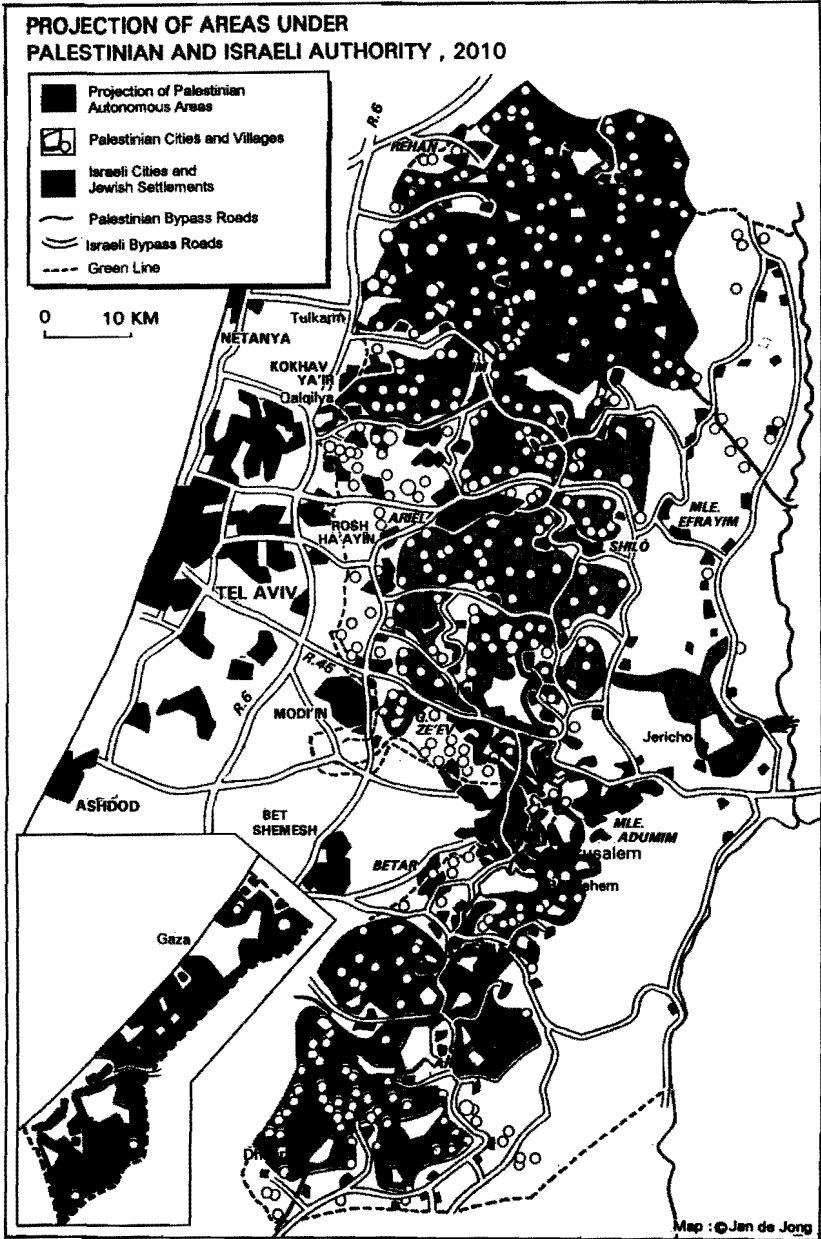


Map 5

Map 6







Map 7

Plan D claims to offer a real compromise between Israeli security and development interests and the ideas of the Palestinians. The ideas of the Third Way Party, a Labor Party splinter group, which has spoken out in favor of a return of the Golan, might represent the greatest possible area of agreement in Israel. One of the advantages of this plan is that it guarantees 'relative continuity' between the area inhabited by the Palestinians and the 'Jewish neighbors'. Inspired by the Allon and the enclave plans, this plan wanted to further limit the Arab residential areas, but at the same time remove them from direct Israeli administrative control. With the exception of the Old City of Jerusalem, East Jerusalem was to be put under the autonomous administration of the Palestinians. Besides this, a rural road was foreseen to connect the north with the south of the West Bank as well as Jericho and the autonomous areas with Jordan. It is useful to put Plan D in a larger context in order to gain a better understanding of what the Palestinian territories will look like in the future. It is worth noting in this respect that the ideas of the Labor Party are only slightly different to those of the Likud bloc.

Map 7 gives an outlook until the year 2010. As can be seen from this map, the Palestinian territories are disintegrating into different cantons. The first one, in the north, centers around the city of Nablus, followed by three smaller ones in the center around the cities of Ramallah, Bethlehem and Jericho, and a southern canton around the city of Hebron. These cantons could be connected to Gaza and Rafah through a narrow corridor; however, other areas with important resources would be cut off from them. Such areas include agricultural land, land for construction purposes, and water resources. This fragmentation would be to the particular disadvantage of East Jerusalem and the Gaza Strip because both regions have the potential to become a metropolis from which commerce could be conducted and industrial produce be exported. The example of the Jerusalem district illustrates this well: originally, the district made up one third of the West Bank. According to existing plans it would be divided into three fragments and comprise not more than 30 percent of the original area. Through the expansion of Jewish settlements and the construction of bypass roads the Palestinian cantons would be further fragmented and cut into pieces. Due to the Israeli expansion, the land for the Palestinians between the Mediterranean Sea and the Jordan River undergoes a further shrinkage.

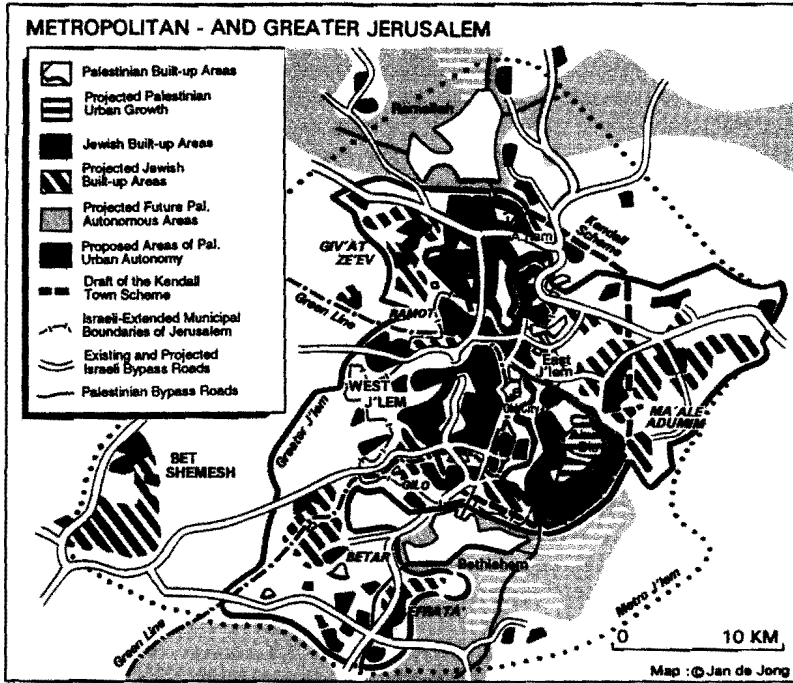
Clearly visible on the map is the metropolitan core of the region, which stretches from Ashdod in the south to Netanya in the north and from there eastwards to Nablus and down until Efrat in the south of the West Bank. Tel Aviv and Jerusalem form the economic backbone and the gate to the hinterland. This 60-square-kilometer area is of central significance for

both Israelis and Palestinians. It is currently under huge pressure to expand, in order to absorb the population growth projected by Israel for the year 2010 of an additional two million people. So far, metropolitan life has been concentrated in Tel Aviv and on the coast, but the settlements of Bet Shemesh, Modi'in and Rosh Ha'ayin could expand into the West Bank, the hinterland. In addition, a new road, Road No. 6, is being constructed from the south to the north. The roads system that connects the settlements and the military bases would secure the control over the Palestinians, even after a further redeployment.

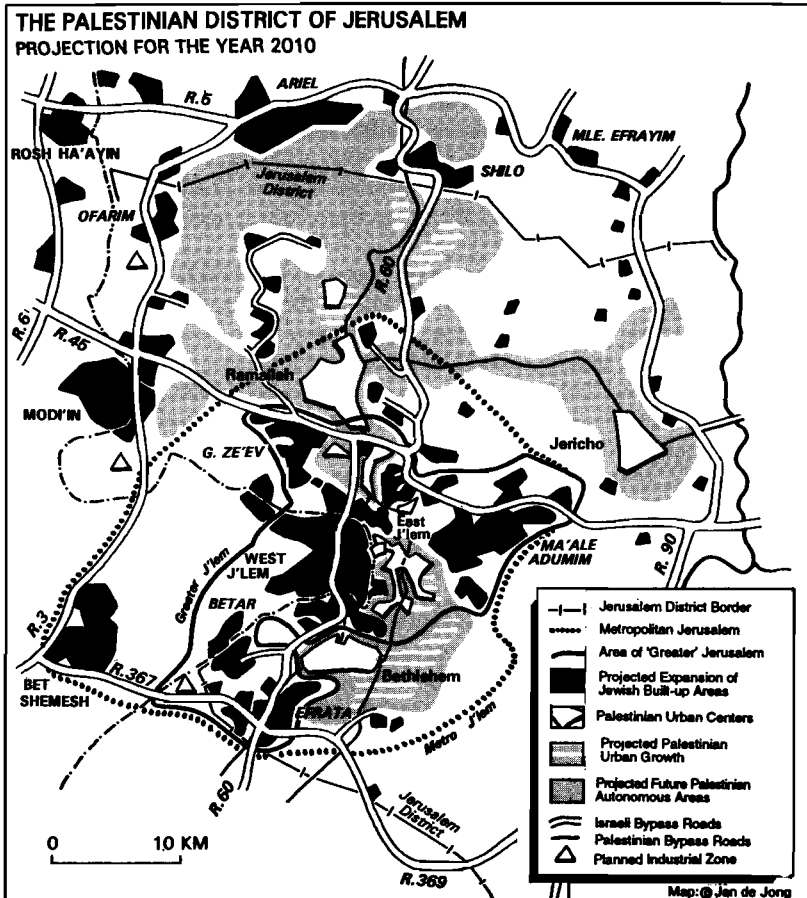
Based on the assumption that Israel will try to keep as many settlements under its direct control as possible, only some ten percent of the settlements in isolated locations will remain, with no more than 7,000 settlers living there. These would live under Palestinian autonomy authority. What is surprising about Netanyahu's 'Allon-Plus' Plan is that the extremist settlements of Kiryat Arba and those in Hebron are excluded from the annexation. Some 95 percent of the Palestinian population are concentrated in approximately 35 percent of the West Bank, and the most the Palestinians can expect is a maximum of 40-50 percent of the West Bank territory as autonomous areas. What effect would such planning have on East Jerusalem, which Israel considers sovereign territory?

The Palestinian district of Jerusalem consists of Ramallah, Bethlehem and the Jericho area. It is this large district that those responsible for drafting the Israeli plan for a 'Greater Jerusalem', drafted by an inter-ministerial committee following the signing of the Oslo Accord in 1994, sought to secure. The document has not yet been published but is already being implemented, i.e., to realize the plan to keep 'Greater Jerusalem' under permanent Israeli control.

As can be seen in the lower left-hand section of Map 9, Road No. 367 from Bet Shemesh meets Road No. 369 near Efrat. Both roads demarcate the 'Trans-Judea' corridor of settlements that has emerged around the Etzion bloc. Road No. 3 (in the west) and Road No. 90 (in the east) together with Road No. 5 in the north form an external ring around the 'Trans-Samaria' corridor of settlements. An inner road system, dominated by Road No. 60, which leads around Ramallah and Bethlehem and links Kiryat Arba (not on the map) in the south and Efrat with Shilo and Ariel in the north, further divides the Palestinian areas. The second inner settlement belt is marked by Road No. 45, which is considered as a future lifeline. What will be the consequences of these plans?



Map 8



**Map 9**

First, 'Greater Jerusalem' will be connected with the rest of the Israeli settlements. Thus, it will be removed from its isolation and turned into the center of the country, thereby contributing further to the demographic and economic marginalization of the Palestinians. The development plan shows two trends with diametric effects for Jewish and Palestinian growth in the city. It takes some of the pressure off Tel Aviv and directs its to Jerusalem at the expense of the Palestinians, for whom only one 'easing possibility' remains, that is, along Road No. 60, away from East Jerusalem.

This development will also have consequences for the Palestinians in demographic terms. The Palestinian population in the Jerusalem district will double by the year 2010. At the same time, there are plans to increase the number of Jewish settlers in East Jerusalem to 800,000. This population development can be looked at from two angles: from the perspective of the West Bank, the Palestinian share in the district would be reduced to 60 percent of the total population, which in turn would concentrate in 30 percent of the area. Looking at the population development of the entire territory, which is to remain Israeli (including the settlements of Bet Shemesh, Modi'in, Rosh Ha'ayin and West Jerusalem), the Jewish population in the Jerusalem district would increase to 1.6 million, equivalent to a Jewish population majority of 60 percent. There is no need to emphasize that such a development would not allow an independent Palestinian economy to evolve. The fact that the planned industrial parks will be located at the furthest edge of the area near the settlements of Ofarim, Modi'in and Betar will only add to the inefficiency of the Palestinian economy.

Finally, one should have a look at the development of East Jerusalem. Map 8 shows the actual and the projected growth of the city, including the roads system. It also shows how the future prospects of the Palestinians are being destroyed and how an attempt is being made to isolate East Jerusalem from the other Arab cities. The Old City of Jerusalem with its immediate environs serves as a starting point. The area marked by the dotted line represents metropolitan Jerusalem, as opposed to 'Greater Jerusalem', which is primarily Jewish territory. Independent Palestinian urban development was impeded by considerable expansion of the city boundaries after 1967 and the *de facto* annexation of East Jerusalem, which was only 'legalized' by a law in 1980. The next step was the expropriation of one third of the newly added territory for 'public purposes', i.e., the construction of the settlements of Ramot and Neve Ya'acov. Furthermore, an adjacent area was declared 'reserved open territory', which meant that it, also, could not be used by the Palestinians. Concretely, only less than 15 percent of East Jerusalem remained, with dramatic consequences for the current housing shortage. This could result in a reduction of the natural population growth in the region.

Although the Judaization of East Jerusalem is being pursued at full speed, the Israeli side can never be completely sure of whether East Jerusalem will continue to belong to Israel in the future. Therefore, the settlement blocs around the city are of crucial significance. Currently the belt is being closed with the new settlement of Har Homa, and efforts are being made to bring an additional 120,000 settlers to East Jerusalem, which would increase their total number to 300,000. Parallel to this there are attempts to re-direct the growing Palestinian population from East Jerusalem to the suburbs.<sup>65</sup> In addition, there is a silent form of 'ethnic cleansing' under way, whereby the ID cards and thus the residency rights of Palestinian East Jerusalemites are being revoked.

The prospects for Palestinian sovereignty over the eastern part of the city are likely to diminish even further. If there should be any possibility for Palestinians to influence development, then it will only come in the form of a very limited autonomy, just as the one that has evolved in the West Bank and Gaza Strip.

The following chapter will demonstrate the way in which the Israeli policy tries to deny the Palestinians their right to an independent state. Presumably, such a policy is colliding with the human rights of a people that have been forced for the past 31 years to live under occupation. Although there is a development in the region called the 'peace process', it has nothing to do with 'peace' in the true sense of the word. This process has led only to the emergence of a Palestinian administration that cares little about the rights of its own people. The PA is obliged to implement the security agenda that has been forced upon it by Israel, regardless of rights and the law. Although a limited Palestinian self-administration exists in some parts of the occupied territories, Israel still influences the life of the majority of the Palestinians. Even in the 'autonomous areas' it is eventually Israel who decides and repeatedly, human rights are violated.

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<sup>65</sup> See especially for Jerusalem: Jan de Jong, "Reading between the Lines of Palestinian Strategy on Jerusalem. 'To Save What Can Be Saved'", in: *News from Within*, XII (1996) 5, p. 9-14.

## **THE HUMAN RIGHTS OF THE PALESTINIANS UNDER ISRAELI OCCUPATION AND PALESTINIAN AUTONOMY**

The question of human rights plays only a marginal role in the agreements. A section of Article 19 of the Interim Agreement reads that both parties will execute their power and responsibilities within the frame of internationally recognized norms and principles of law and human rights. Neither side does justice to this resolution.

The violations of the human rights of the Palestinians by the Israeli occupying power have not decreased despite the peace process and there is no difference between the Labor Party and the Likud bloc. The list of the offenses is long: torture, arbitrary killings and arrests, the demolition of houses, the restrictions imposed on the freedom of movement, violence against Palestinians, land confiscation and the construction of settlements, the 'quiet deportation' of the Palestinians from East Jerusalem, collective punishments, such as the total closure of the territories and curfews, and the limitation of the right to education and employment.

The list of human rights violations involving Palestinian victims for which the Palestinian Authority is responsible is similarly long: torture and maltreatment, the denial of fair trials before military courts and the State Security Court, which has the power to issue the death sentence, the intimidation of undesirable persons, the restrictions on the freedom of speech and the press, and the hampering of the work of human rights organizations. These offenses can only be judged appropriately if one considers the fact that with the Oslo Agreement, Arafat committed himself to guaranteeing the security of Israelis in the autonomous territories. How he faces the critics of the peace process and deals with the terror is left up to him. These constraints cannot be regarded as an excuse for the violations of the human rights of the Palestinian people for which Arafat's security services are responsible. Human rights organizations in Israel and Palestine pointed very early on to the fact that with the establishment of a Palestinian authority, the situation of the Palestinians in the autonomous areas would deteriorate further.

Since the beginning of the peace process, there has been an absurd discussion going on amongst the Israeli public that could be summarized in four



points: one does not have to bother with the human rights in Israel and the autonomous areas, since there is now a peace process; human rights violations should not be discussed publicly; the question of human rights would now be connected to political questions; and human rights must take a back seat in order for the peace process to succeed, i.e., the continuing land confiscation, killings and torture should not be discussed. In addition, the political class tries to divert attention from the violations of its own government by pointing to the human rights violations under the Palestinian Authority.

## **1. International Law and Occupation**

The Israeli-Palestinian regional conflict still carries the potential to become an even larger conflict. The Arab-Palestinian population of Jordan and Israel has been denied the right to self-determination ever since 1967, a right whose historical roots in International Law evolved from several instances of alien rule and colonialism. The UN Charter and the human rights pacts of 1966 are based on the principle of equality and the right to self-determination of all peoples, and all UN contracting parties are obliged to honor and promote both principles. However, there is a certain area of conflict *vis-à-vis* the unscathed territorial and political independence of the individual member states. In this instance, the possessor of this right does not appear as a state but as a people, i.e. the Palestinians, while on the other hand, the exertion of the self-determination right is in their case limited because it involves territory under the sovereignty of another state. According to valid International Law, Israel as an occupying power has no legal sovereignty claim and also no legitimate sovereignty over the West Bank and Gaza Strip.

The treatment of the Palestinians in the occupied and autonomous areas repeatedly raises questions pertaining to the basics of International Law regarding occupation. International Law provides states with an instrument for the peaceful regulation of their relations. The main source of the humanitarian International Law consists of international contracts or agreements, as well as international common law. It may sound paradoxical, but the entire international martial law is actually humanitarian international law. In The Hague Land Warfare Ordinance (LWO) of 18 October 1907, important points concerning the rights of prisoners of war and the civil population as well as the laws and customs pertaining to land warfare were laid down for the first time. Moreover, the four Geneva conventions of 12 August 1949 regulate among other things the treatment of the civil population and prisoners of war. These Geneva conventions and the LWO form the basis of International Law in regard to the territories occupied by Israel.

The international protection of human rights serves the protection of the individual. The system of human rights protection of the local population in times of peace is based on the will of the states, as they are only subject to International Law, i.e., executors of rights and duties. In the International Pact for civil and political rights of 19 December 1966, it is stipulated that the individual on the level of International Law can only be protected by his homeland state because he is not recognized as subject of International Law. A 'martial occupation' - and this is here the case - is only allowed in case of defense; thus, it is limited in terms of time. An occupier does not obtain sovereignty over the territory in question, nor does he have the right to control its resources or to execute new legislative authority, and the local population maintains its right to self-determination. Before International Law, the annexation of territory is forbidden and in the event that it nevertheless takes place, it is null and void. The occupier is obliged to reestablish public order - which includes guaranteeing a normal life for the civil population - as far as possible, and has the right to protect his army.

According to the English legal system - and Israel has taken over this tradition - international common law is always applied domestically if the parliament does not decide something to the contrary; and international treaty law is only binding after it becomes an integral component of domestic law. In Israel, only the LWO is thus valid. The 'humanitarian stipulations' of the Geneva Conventions apply but are not justifiable before Israeli courts, which has far-reaching consequences. The court represented the opinion that the acts of the military have to be judged by international common but not treaty law. Although it has recognized international common law as binding for the Occupied Territories, it has limited it by saying that it may not contradict domestic law. The fact that Israeli Law is not being applied at all to the Occupied Territories was ignored.

Although Israel signed the Geneva Convention in 1951 without reservations, the government denies its applicability to the Occupied Territories. It explained its position with Article 2 of the Convention. According to the article, the rules are to be applied "in all cases of a declared war, or any other armed conflict, that develops between two or more of the supreme contracting parties, even if the state of war is not recognized by one of these parties...should one of the powers participating in the conflict not be a contracting party to the present agreement, then the contracting parties continue to be bound in their mutual relations by the agreement, even *vis-à-vis* this power, if it accepts and applies its stipulations." No state can withdraw itself from the obligation that results from the Convention, whereby it does not matter whether there was a declaration of war or whether one of the parties denies the state of war. In addition, the Israeli Government considers neither Jordan nor Egypt 'high

contracting parties': they had no legitimate sovereignty because Jordan annexed the West Bank illegally in 1950, while Egypt only administered the Gaza Strip and therefore one cannot talk about occupation, but only about 'administered territories'. International Law does not recognize such a term. The International Committee of the Red Cross (ICRC), the majority of the legal experts of Israel, the UN, and all international lawyers of standing have rejected this position, saying that the question of legitimate sovereignty was not relevant in regard to the Geneva Convention. Rather, the Convention was applicable to all territories that were occupied in the course of an armed conflict regardless of their status.

## 2. Israeli Human Rights Violations *Vis-à-vis* the Palestinians

An occupying power has the duty to care for the security of the civil population. It is allowed to establish military courts and to issue military ordinances, and it is with such military ordinances in particular that Israel is governing the Occupied Territories. They are even still valid in the so-called autonomous areas. The former director of the Israeli Human Rights Organization, B'Tselem, Yizhar Be'er, explained at a human rights workshop that took place in Jerusalem on 17 and 18 September 1994 the following: "All the world is speaking about change. Only the Israeli and Palestinian human rights organizations do not see any fundamental change."<sup>1</sup> The summary of another workshop, held by the Israeli human rights organization HaMoked in Jerusalem on 7 November 1995, confirms that nothing has changed with regard to the absolute control of Israel in the political, economic and cultural spheres or with regard to the human rights situation.<sup>2</sup>

The Western powers until today do not take note of the systematic violation of the human rights of the Palestinians, even though there is now a peace process.<sup>3</sup> Since 1994, the annual report of the US State Department has claimed that the peace process has had a positive influence on the situation of human rights, and in the latest report, the Israeli 'sovereignty' over the occupied territory is no longer questioned. Some of the offenses

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<sup>1</sup> Yizhar Be'er, as quoted in Ludwig Watzal, "International Human Rights Enforcement: the Case of the Occupied Palestinian Territories under Political Transition," 17-18 September 1994, Jerusalem in *Orient*, 36 (1995) 1, p. 28. See also the conference proceedings: *International Human Rights Enforcement*. Ed. by The Center for International Human Rights Enforcement, Jerusalem, March 1996.

<sup>2</sup> See HaMoked, Newsletter, No. 17, December 1995, p.3.

<sup>3</sup> See Ludwig Watzal, *Frieden ohne Gerechtigkeit? Israel und die Menschenrechte der Palästinenser*. Köln, Weimar, Wien, 1994; L. Watzal, "Die Menschenrechtspraxis im israelisch-palästinensischen Verhältnis" in *Orient*, (1993) 4, pp. 625-35; L. Watzal, "Die Menschenrechte in Israel/Palästina im Friedenspozeß" in *Humanitäres Völkerrecht*, 8 (1995) 2, pp. 94-101; L. Watzal, "Menschenrechte und Friede im Nahen Osten" in *Vorgänge*, 34 (1995) 3, pp. 1-9.

of the Palestinian as well as the Israeli authorities are being concealed or only partially documented.

Even before Arafat arrived in Gaza, the Israeli army had completely closed off the territories and imposed a curfew. These measures had already in the past proven inefficient, though they disturbed the daily life of the Palestinians to the utmost. Although the intensive actions on the part of the military in densely populated residential areas left numerous Palestinians dead, the lives of the Israeli soldiers were very rarely threatened by attacks. Their victims, meanwhile, were usually hit in the upper part of the body.<sup>4</sup>

On 28 March 1994 in the refugee camp of Jabalia in the Gaza Strip, members of an undercover unit - or what some refer to as a death squad - shot and killed six masked Palestinians who were distributing leaflets. According to eyewitness reports, the Israeli soldiers disguised as Arabs did not shoot in self-defense, but with the intention to kill. One moderately injured Palestinian who wanted to flee was arrested and literally executed with a shot in the head. The other five were also shot from very close range.<sup>5</sup>

One soldier who did his reserve duty in one of these units in Ramallah reported that they literally exercise "the procedures followed in order to ensure death... What does it mean to ensure death? We shoot them in the head." He was surprised that he had during his regular military time not been confronted with a need to follow the 'ensuring death' procedures. That these undercover units are continuously in action is clear in the following:

- According to Amnesty International (ai), London, on 6 January 1995 soldiers in civil clothes shot and killed four Palestinians aged 16 to 32 who were travelling in a Volkswagen bus near Beit Liqya without giving them even the slightest chance to surrender. Minutes later, the regular Israeli army moved the corpses away.
- On the night of 6 June 1996, undercover soldiers killed 20-year-old Daoud Shweiki who was in front of his house in Ras Al-Amud in East Jerusalem. When he approached his white Ford transit, he was shot from within another vehicle. In addition, his brother was injured by a bullet wound to the chest. The investigations were called off at the beginning of August according to Eran Shendar, the head of the Police Investigation Department at the Ministry of Justice. It was said that the incident was the result of an unhappy chain of events; Shweiki had

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<sup>4</sup> See B'Tselem, *Lethal Gunfire and Collective Punishment in the Wake of the Massacre at the Tomb of the Patriarchs*. Jerusalem, March 1994; Felicia Langer, *Wo Haß keine Grenzen kennt. Eine Anklageschrift*. Göttingen, 1995.

<sup>5</sup> See B'Tselem and Palestinian Lawyers for Human Rights, *Summary Execution: Jabalya Refugee Camp*, 28 March 1994, p. 6.

thought the car was being stolen and the undercover unit 'mistook' the Palestinians as terrorists. B'Tselem comments that in 12 out of 13 cases, the argumentation is similar.

- On 13 November 1996, Israeli soldiers belonging to an undercover unit shot and killed 18-year-old Iyad Dadran at a roadblock between Ramallah and Nablus. According to the report of the driver, they had opened fire on the car even after it came to a stop.
- On 25 February 1997, soldiers in civil clothes 'exercised' in the village of Hizma (Ramallah district). They began to shoot and injured several inhabitants, among them 57-year-old Mohammed Al-Hilu, who was hit in the leg. When the pain caused Al-Hilu to sit down, a soldier hit him on the head with a radio for some 20 minutes, which brought about his death. The security forces, who had been informed about what was going on by the village inhabitants, refused to enter the village. An army spokesperson later claimed that the soldiers had only fired after being attacked, adding that one inhabitant had been killed and a few others injured.<sup>6</sup>

Seven out of ten commanders were charged in relation to such incidents. Nevertheless, Israel is proud of its 'death squads'. General Yair Naweh explained: "Duwdewan (cherry) is an extraordinary unit with wonderful fighters." Sometimes their actions also result in the death of an Israeli, such as the car driver from the south of Israel who, after refusing to be checked near Hebron, was shot and killed by soldiers. Since the beginning of the *Intifada*, 162 Palestinians have been killed by undercover units, 30 of them since the signing of the Oslo Agreement.

Since the beginning of the peace process, a large number of innocent Israelis have been killed through terror attacks conducted by radical Palestinians. The Israeli Government justified its numerous actions against the Palestinians and the measures in violation of International Law with its security concerns. These measures include land confiscation, the demolition and sealing of houses, the restrictions on the freedom of movement, the granting of further freedoms to the security service agents in regard to the use of violence in interrogations, as well as the extending of the of the administrative detention period from six months to one year. Legitimate security interests and the overzealous authorities were also the standard justifications for Israeli offenses and human rights violations. If one weighs up Israeli politics *vis-à-vis* the Palestinians, he will arrive at the conclusion that the security argument is only being used as a pretext in order to sup-

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<sup>6</sup> See B'Tselem, *Lethal Training. The Killing of Mohammed Al-Hilu by Undercover Soldiers in HizmeH Village. Jerusalem, March 1997.*

press the Palestinians, exploit them economically and take the land in a manner that violates International Law.

Before the Israeli army withdrew from the population centers in the autonomous areas, it arrested numerous Palestinians who were known to be opponents of the peace process and put some of them under administrative detention. Prior to the signing of the Oslo Agreement, some 800 prisoners were in Israeli prisons; in September 1993, 277 were in administrative detention. Since then, their number has fluctuated and currently there are more than 500 administrative detainees. The Israeli authorities choose this form of detention if a certain person is believed to pose a potential security threat. In the case of administrative detention, it is not necessary to charge the person and the detention period can be extended several times for a period that was increased from six months to one year in February 1996. Some prisoners spend years in administrative detention without ever being charged. Thus, this kind of custody forms an instrument of prevention and of punishment. The prisoners, 13 or more of whom have remained in prison for more than three years - Ahmad Qatamesh, who sat in prison for five and a half years, was finally released on 15 April 1998 - are rarely told why they are being detained. The authorities apply this kind of detention more and more as an alternative form of punishment, especially if they lack sufficient evidence. Justifications are usually very general, and since all 'pieces of evidence' are kept under lock and key, being considered 'secret', the accused has no opportunity to disprove them.

The 'legal basis' for this kind of detention is Military Order No. 1229 of 1988. International Law permits administrative detention only under certain conditions and stipulates criteria other than those included in the military orders.<sup>7</sup> The Israeli Government claims it chooses administrative detention only due to security-political considerations. According to information from B'Tselem, this kind of detention is "often used as an easy alternative to proper trial and punishment; and 'security' is defined in terms broad enough to include non-violent political activism and the expression of a political opinion."<sup>8</sup> If Israel is convinced that these prisoners are 'dangerous', then it should charge them and not keep them in this form of arbitrary security custody for years.

Imad Sabi, for example, was arrested in December 1995 and released after 20 months. The army agreed that he could leave the country in order to study in Holland on condition that he would not return to the West Bank

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<sup>7</sup> See Watzal, 1994, op.cit. (footnote 3), p. 215ff.; B'Tselem, *Prisoners of Peace. Administrative Detention During the Oslo Process*. Jerusalem, July 1997, p.9-18.

<sup>8</sup> B'Tselem, *ibid.*, p. 39, see also Amnesty International, *Israel/Occupied Territories. Administrative Detention: Despair, Uncertainty and Lack of Due Process*. London, April 1997.

for four years. This agreement was negotiated between the State Attorney and the lawyer Tamar Pelleg-Sryck just before the Supreme Court was due to deal with the case. A year before, Sabi had filed an identical release application which, however, was rejected on 'security' grounds. On 26 August 1997, he was finally released because his seven-year-old son suffered from kidney problems. Had he really been a security risk from the beginning, the army would hardly have released him on humanitarian grounds.

A particularly delicate topic is the torture of Palestinians by the Israeli domestic security service, Shin Bet. In June 1994, the Washington-based Human Rights Watch released a comprehensive document, while on 17 November the same year, B'Tselem issued another report; both reports illustrated that since the beginning of the peace process, the use of torture during interrogations had continued. Although fewer imprisoned Palestinians die than before, the torture has presumably increased. The interrogation establishments of the security services are located in a separate part of the prisons or military installations over which neither the military commander or the prison director has any jurisdiction. The International Commission of Lawyers in Geneva and ai both pointed to the continuing torture by the Shin Bet, which acts in a legal vacuum, at the beginning of February 1995.<sup>9</sup> This was confirmed to me at the beginning of June 1997 by the general secretary of the Public Committee Against Torture in Israel (PCATI), Hannah Friedman. When the Palestinian Abdul Samed Harizat died on 26 April due to violent shaking four days after his arrest, his death unleashed a controversial discussion in Israel concerning the interrogation methods of the Shin Bet. These methods, which are based on the secret part of the Landau Report, have always been strongly controversial as they allow for the application of 'moderate physical force' i.e., torture.<sup>10</sup> According to The Mandela Institute, Harizat - who was charged with membership of Hamas and having participated in several attacks - was admitted as a completely healthy person to the prison, and the autopsy revealed that he had died due to internal head injuries. For the first time, the Israeli Government admitted that a Palestinian had died through the interrogation methods of the Shin Bet. The B'Tselem report concludes with the following appeal: "The Israeli Government must immediately introduce steps that put an end to torture during interrogation once and for all." What is strange is that Harizat, according to the Israeli army radio, had been tortured by Palestinian collaborators on the order of Shin Bet agents.

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<sup>9</sup> See B'Tselem, *Torture During Interrogations: Testimony of Palestinian Detainees, Testimony of Interrogators*. Jerusalem, November 1994.

<sup>10</sup> On the history of the Landau Report and the practice of torture see Watzal, 1994, op.cit. (footnote 3), p.84-115.

The youngest Palestinian prisoner to die was 18-year-old Nidal Abu Srour, who allegedly hung himself on 29 January 1998. On 6 January, he had been arrested and brought to the interrogation department of the Shin Bet at the Russian Compound in Jerusalem. On 17 January, he was admitted to Hadassah Hospital, where he died 12 days later. The autopsy showed that Abu Srour had already been brain-dead for ten days. According to the Mandela Institute, the body had not shown any signs of external violence, and human rights organizations assume that the Shin Bet had applied new methods of interrogation to this prisoner, whose death led to violent clashes in Bethlehem. Suicide can be excluded because Srour was put in the same cell with common Israeli criminals.

Prime Minister Yitzhak Rabin confirmed in 1995 that the violent shaking method had been applied to approximately 8,000 Palestinians. While he generally defended this method, then Minister of Justice David Libai and the General State Attorney Michael Ben Yair demanded a stricter interpretation of the regulations. In an interview with the legal magazine *HaLishka*, excerpts of which were quoted by *Ha'aretz* on 19 October 1995, Ben Yair criticized the Shin Bet for putting itself above the law. The shaking can lead to death and cause brain damage. "I am not ready to accept that any young Palestinian with a beard who is arrested suffers brain damage...in this country, the law applies to all governmental bodies, including the Shin Bet, and those who are responsible for it, i.e., the Prime Minister." Rabin and the Shin Bet accused the General State Attorney in return that he would bind the secret service's hands in its fight against terrorism. The interrogation methods of the Shin Bet did not change. Following a terror attack in January 1995, the government even allowed the Shin Bet to apply undefined 'extraordinary methods' over a limited period. Among the normal interrogation methods of the Shin Bet were the following: sleep deprivation, which could last for weeks; beatings involving all parts of the body; verbal abuse; prolonged standing or sitting in uncomfortable positions; imprisonment in very confined spaces; and exposure to extreme temperatures.

Most of the tortured prisoners were released without ever being charged. B'Tselem comments as follows: "This suggests that physical force is a standard rather than an exceptional part of GSS interrogations."<sup>11</sup> On 1 December 1995, 15-year-old Abdul Rahman Assad Shamlah had to be admitted to hospital after two months of intensive interrogation in the prison of Ashqelon because he could no longer control his motor abilities. At around the same time, 18-year-old Islam Sharif Abu Al-Izzah lost an eye in Jalma Prison after being viciously beaten by his interrogators. Palestinian human right organizations, The Mandela Institute and Al-Haq

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<sup>11</sup> B'Tselem, "Israel Proposes to Legalize Torture" in *The B'Tselem Human Rights Report*, 4 (Spring 1996) 1, p.14. (GSS = General Security Service/Shin Bet).



drew attention to the killing of three Palestinians in Israeli prisons by other Palestinians. For the torture, Israelis also use Palestinian interrogators from time to time. However, this does not release them from their responsibility concerning the ill treatment of prisoners.

Of a similar shattering nature is the declaration of 20-year-old Abdul Rahman Al-Ahmar from the Dheishe Refugee Camp in Bethlehem. On 19 November 1995, he was put under administrative detention and on 14 February 1996, brought to the interrogation department of the Shin Bet at the prison in West Jerusalem. The head of the military court Shlomo Isaacson extended the interrogation period although Al-Ahmar had claimed that he had been tortured.<sup>12</sup> The Shin Bet used a particularly perfidious sort of interrogation in the case of the married couple Salem and Hannan Ali from the village of Bani Na'im near Hebron, who were played off against each other and humiliated; some of the verbal abuses were of a sexual nature. The husband in particular was badly maltreated.<sup>13</sup>

On 11 January 1996, the Supreme Court allowed - for the first time ever - the Shin Bet to resort to the use of 'moderate physical force', thereby setting a precedent in Israeli legal history. The human rights organizations saw in this decision a setback in their fight against torture and the maltreatment of Palestinians. In a joint press statement of 28 January 1996, B'Tselem, HaMoked, PCATI, and Physicians for Human Rights (PHR) condemned these interrogation methods as torture. One of those concerned was the Palestinian Abdul Halim Balbisi who was arrested on 6 December 1995. Balbisi was interrogated for 18 days by the Shin Bet, which accused him of participating in terrorism, in spite of the fact that his lawyer had assured in writing that his client had not been involved in terror attacks. After a few days, during which Balbisi was not exposed to the use of force, he confessed that he had produced in his house the bombs that had been detonated by two suicide bombers in Beit Lid and killed 21 Israelis. A third bomb could not be used because the potential suicide bomber had not appeared. Balbisi divulged his hiding place.

Balbisi's confession and the fear of possible further terror attacks induced the court to suspend the temporary injunction against the Shin Bet. This, however, did not justify illegal measures as such interrogation methods were only permitted in order to prevent further attacks. This argumentation is based on Article 34 of the Criminal Code, which guarantees the State

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<sup>12</sup> See Allegra Pacheco, *Torture by the Israeli Security Services: The Case of Abdul Rahman Abdul Ahmar*. Ed. by PCATI, Jerusalem, June 1996; see also *April 17 Bulletin*. Information and Support of Palestinian Political Prisoners, 22 October 1995 - 15 March 1996, ed. by the Alternative Information Center, 15 March 1996, p.3f.

<sup>13</sup> See B'Tselem, *Detention and Interrogation of Salem and Hanan Ali, Husband and Wife, Residents of Bani Na'im Village*. Jerusalem, June 1995.

representatives immunity from punishment if their measures are taken in order to save human lives or the property of others from damage. The Supreme Court offered a similar argumentation in the cases of Mohammed Abdul Aziz Hamdan of 14 November and Khader Mubarak of 17 November 1996.<sup>14</sup>

During the negotiations in the Hamdan case, lawyer Rosenthal got into a difficult situation. The court constructed the following scenario: a possible bomb attack involving a skyscraper was announced and the interrogator had a premonition that the prisoner knew the hiding place. There is still a chance to defuse the bomb and thus to save human lives. What should the officer do? When the lawyer replied that even in such a case no physical force may be applied, the judge remarked as follows: "But this is immoral: such a position I have never heard before! There is the possibility that thousands of people could die and you suggest that nothing be done!"

The Supreme Court decided on 7 and 11 January 1998 that the Shin Bet could also practice its methods in the case of Abdul Ghneimat and Fuad Qu'ran. The fears of the human rights organizations that such decisions could become the general rule are valid. The Supreme Court gave in to the pressure of the secret service although the UN Committee Against Torture found in May 1997 that the interrogation methods of the Shin Bet contradict the UN Convention Against Torture, which was signed by Israel in 1991. The Supreme Court also failed to intervene in the decision of the military court to prolong the interrogation of Ghneimat. The weighing up of the Supreme Court is problematic. A state of emergency cannot be considered a justification for a citizen to commit a crime. Consequently, a state cannot use a state of emergency to dictate to their officers that they act illegally in foreseeable situations. According to International Law it is even forbidden to torture prisoners of war for the purpose of obtaining secret information. Torture is also forbidden according to Israeli Law. The court adopted the viewpoint of the police, namely that the prisoners are 'ticking time bombs'. It is on this assumption that the justification theory is based, which according to the opinion of Israeli legal experts opens the door to systematic torture. The 'ticking time bombs theory' does not prevent attacks. Secondly, one does not know for sure at the beginning of the torture that the prisoner possesses life-saving information. Thus, the assumption of innocence unless proven guilty is being turned upside down and the 'State under the rule of law' is turned into its opposite. If 'moderate force' does not lead to the goal, then measures are increased and this

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<sup>14</sup> See for the three justifications of the ruling: B'Tselem, *Legitimizing Torture: The Israeli High Court of Justice Rulings in the Bilbisi, Hamdan and Mubarak Cases. An Annotated Sourcebook*. Jerusalem, January 1997.

is why people continue to die as a result of being tortured. Even a due criminal proceeding turns into a farce if the confession is obtained by force.

In the Knesset, the following laws are currently being discussed, all of which would legalize the application of force in interrogations:

- The Penal Law (supplement – prohibiting torture) of 1995;
- The supplementary law of 1995 that regulates all rules referring to the confession of the accused and the circumstances under which a trial can be resumed;
- The General Security Service (GSS) Law (intended to regulate any activity of the GSS).<sup>15</sup>

When these laws were introduced in the Knesset, they were met with strong protest on the part of some parliamentarians as well as Israeli and international human rights organizations. According to one paragraph of the GSS Law, titled 'Special Interrogation Powers to Prevent Terrorism', the GSS interrogator has the authority to use 'force' if it is suspected that this could prevent an act of force against the State or its citizens. The methods of the use of force are determined by rules that shall remain secret. With this, all measures that the Shin Bet already uses and which are laid down in the Landau Report would be implicitly legalized. The GSS interrogator may 'use force' on the precondition that the method does not cause 'strong pain' and does not damage the health of the prisoner; the question of what is regarded as 'strong pain' remains open. In an amendment to this law, torture is defined as "strong pain or suffering, whether physical or mental, with the exception of pain and suffering that is being caused by interrogation methods or legal punishment." The secret service agents are guaranteed immunity from punishment for 'justified acts' that were committed 'in good faith and in fulfillment of their duties'. This draft law contradicts the Israeli-signed UN Convention Against Torture; if it is adopted in the Knesset, torture will be explicitly legalized for the first time in Israel.

PCATI criticized the fact that the law against torture and the law concerning the secret services are implemented rather haphazardly although according to the UN Convention Against Torture, a state of emergency may not be misused in order to justify torture. With this, the Israeli Government manages to use a sophisticated trick: it would never violate its own laws because the application of torture by the Shin Bet is not torture

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<sup>15</sup> See the State of Israel Ministry of Justice, Proposed Law of the General Security Service, 1996, version 10 of 18 January 1996. See also the objections of PCATI: *Comments and Objections by the PCATI to the Final Report of the Committee on Legislation Against Torture* (of the Ministry of Justice and the Office of the Attorney General, issued 7 July 1995, Jerusalem) of 23 October 1995.

in legal terms and the supplement to the Penal Law, which clearly forbids torture, additionally safeguards the government. On 4 February 1996, Mordechai Kremnitzer, a well-known legal expert from the Hebrew University in Jerusalem wrote in *Yediot Aharonot*: "Only in form would this be a law. Its contents would obviously be illegal." Israel would be the only country that legalizes through law the causing of pain during interrogation, although it would certainly be imitated in other countries. B'Tselem was able, through its intensive campaign, which it carried out with other organizations, to convince the committee that was responsible for this legal package of the problematic nature of the formulations. The committee decided to strike out the definition of torture as well as the Shin Bet's 'special interrogation methods' in the drafts. The passing of a law against torture alone implies that there is torture in Israel.

The Israeli Cabinet has now passed the law on the Shin Bet, thereby putting its work for the very first time on a legal basis. Since it does not mention the interrogation methods, the Shin Bet will continue to secretly implement them during interrogations. Amongst those the Shin Bet reports to is a secret service committee and a committee presided over by the Prime Minister, to which the ministers of Defense, Justice and Public Security belong and to which the Shin Bet reports every three months. Shin Bet employees may continue to use pseudonyms in court.

On 30 July 1997, the Knesset dealt with a law that the human rights organizations also rejected in a first reading.<sup>16</sup> This law, which was introduced by the Labor Party when it was still in power, denies all Palestinians or the families of Palestinians who were killed or injured by Israeli security forces the right to claim any compensation. According to currently valid civil law in Israel, a soldier enjoys immunity if he was participating in a 'clash'. The Supreme Court in Israel limits the immunity to 'clashes' that would under normal circumstances be considered unlawful acts. In the draft submitted by the government, all measures against terror and for the security of the State are included in the 'clashes' and the narrow exception rules are turned into general rules. The circumscription of the 'guarantee of security' includes the risk of injury and death; thus, the activities of the security forces would be completely excluded from the law.

According to this draft, a 'victim' has only one year in which to file a complaint and the burden of proof is left to him. If this law should be passed, the State of Israel would be acquitted of its violations of International Law during the occupation. This would be a welcomed opportunity for the security forces to take reckless action against the Palestinians. If,

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<sup>16</sup> See Human Rights Watch/Middle East, Israel. *Legislating Impunity. The Draft Law to Halt Palestinian Court Claims*, 9 (July 1997) 6.

with this law, the State of Israel rids itself of any responsibility *vis-à-vis* the Palestinians who have suffered any damage through the occupation, it would have disastrous consequences: even more frustration, even more violent confrontations, and new acts of desperation.

In the context of torture, the role of the doctors or physicians in the system has often been discussed. At a June 1993 conference in Tel Aviv,<sup>17</sup> harsh accusations were made against doctors who work in the prisons, amongst whom are many immigrants. A report by ai<sup>18</sup> reveals that many doctors working for the military identify with its goals and see the security of the Israelis threatened. In addition, the Israeli Medical Association has failed to come with a clear position. According to the ai report, "In continuing on the one hand to care for the victims of torture so that they can be tortured again and on the other hand in not doing anything in order to bring these torture practices to end, the Israeli doctors and others members of the medical profession who are responsible for the Palestinian prisoners during the interrogations violate their professional code of ethics and let others make them an essential component of the system of torture."

The occupation of the West Bank and the Gaza Strip has repeatedly and continuously led to heavy clashes between the occupying power and the occupied. Even after the partial separation the violent measures did not stop. The brutality of the Shin Bet is duplicated in large parts of the military, the border police and the regular police. Palestinians who try to enter Israel illegally are often brutally ill treated at the checkpoints or inside Israel and sent back to the autonomous areas. This, in spite of the fact that it is only desperation that drives them to seek work in Israel, knowing as they do that they will not be granted permits. On 20 November 1996, the Israeli Television broadcast for the first time a video that documents such violent excesses: two border policemen maltreated six Palestinians with slaps around the ears and brutal kicks to the head and lower body, humiliated them by shouting obscenities at them in Arabic, forced them to do pushups and rode on their shoulders.

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<sup>17</sup> See Neve Gordon/Ruchama Marton, *Torture - Human Rights, Medical Ethics and the Case of Israel*. London 1995; for the proceedings of the conference see Ludwig Watzal, "Die Bürokratisierung der Folter" in  *taz*, 17 June 1993; Ludwig Watzal, "The International Struggle Against Torture and the Case of Israel" in *Orient*, 34 (1993) 2, pp. 190-94; Ludwig Watzal, "Zur Lage der Menschenrechte. Die 'Folterkonferenz' in Tel Aviv" in *Die Neue Gesellschaft/Frankfurter Hefte*, 40 (1993) 10, pp. 919-925.

<sup>18</sup> See Amnesty International, *Under Constant Medical Supervision: Torture, Ill-Treatment and Health Professionals in Israel and the Occupied Territories*. London, August 1996. – For the situation of the physicians see also: The Public Committee Against Torture in Israel/IMUT- Mental Health Workers for the Advancement of Peace, *Dilemmas of Professional Ethics as a Result of the Involvement of Doctors and Psychologists in Interrogations and Torture. A Symposium*. Jerusalem, April 1993.

After the broadcast, Israeli politicians expressed a certain degree of shock, spoke of shame and disgrace, of moral norms, the 'purity of weapons', and the high discipline among soldiers under the occupation. Despite the moral indignation, nothing has changed, as confirmed by B'Tselem whose investigations show that violence is the daily routine.<sup>19</sup> As is often the case, the messenger of the bad news was punished: Azzam Marakah, who had recorded the video and his two brothers have constantly been bothered by the border police, the police and the Jerusalem Municipality, without ever having been guilty of any crime. On 28 November, inspectors and border police attacked Azzam's brother Husam, arrested him and accused him of having hindered the police in carrying out their duty. On 19 December, Azzam's brother Ghassan was arrested, allegedly because he had pushed a municipal employee. When Azzam attempted to help his brother, he was arrested once again. On 21 December, Azzam had to strip completely at the police station, where he was called obscene names and made fun of by four policemen, as he told Najib Abu Rokaya, a B'Tselem worker. Consequently, B'Tselem filed a complaint with the general inspector of the police, and although B'Tselem never received an answer, the harassment stopped.

The brutality of the army and the border police affects rich and poor Palestinians alike. On 11 November 1996, an Israeli sniper killed seven-year-old Ali Jawariesh as he stood amongst a group of young stone throwers near Rachel's Tomb. Eleven days later, 36-year-old Jimmy Kanawati was killed at the Bethlehem checkpoint by Israeli border police as he was returning from a dinner in Jerusalem. Kanawati came from one of the richer families in Bethlehem, while Jawariesh belonged to a poor Jerusalemite family. The soldiers had opened fire after Kanawati had passed the checkpoint in Bethlehem. As eyewitnesses reported, more than three hours passed before an ambulance arrived. Kanawati's passenger was arrested, brought to Jerusalem and released after being interrogated. A day later, Western news agencies reported that Israeli police had chased Kanawati's car and that the border police had opened fire when the driver failed to stop. Both passengers had been drunk. The most recent act of violence occurred on 17 March 1998 at a military checkpoint south of Hebron where soldiers 'accidentally' shot and killed three Palestinian construction workers. For the first time, an Israeli prime minister publicly apologized for the incident and mentioned the names of the soldiers involved.

The violence of the soldiers and the security forces sometimes involves sexual harassment. During house searches in Hebron, in which some bul-

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<sup>19</sup> See B'Tselem, *Beatings, Maltreatment, and Degradations of Palestinians by Police During June-July 1996*, Jerusalem, September 1996; B'Tselem, *Sheer Brutality: The Beatings Continue. Beatings and Maltreatment of Palestinians by Border Police and Police Officers During May- August 1997*.

lets, weapons and drugs were found, officers of the security forces forced women aged 17-69 to undress in front of them as well as the women's relatives and strangers. In addition, one man and 18 children less than 14 years of age were also forced to undress. Police officers forced two women to stand completely naked in front of them. Such orders are often accompanied by the calling of names and beatings. During house searches, security forces often cause considerable damage: they destroy furniture, throw food on the floor, slash mattresses, and destroy clothing and photographs. With such illegal actions, the police officers destroy more than the little property of the people concerned. Particularly humiliated was 32-year-old Itaf Abu Miyale who was forced to strip naked and sit on a chair in handcuffs. Although the young woman said that she was pregnant in the third month, she was mistreated and beaten by a female police officer. The troop's commander remained in the room for ten to 15 minutes but did not interfere.<sup>20</sup>

Very rarely is a charge made against the security forces. Either the victims' files are not accepted or, as is more common, they 'vanish in the sand'. If it comes to sentencing, it is often more a ridiculing of the victims than a punishing of the perpetrator. For example, on 19 November 1996, four soldiers were found guilty before an Israeli military court of having displayed negligence in shooting and killing an 18-year-old Palestinian. The punishment handed down was an hour in prison suspended sentence and a fine of one agora, which is less than one cent. At best, this created astonishment because the agora coin is not even given as change.

That the Shin Bet often acts violently is known everywhere. The statements of a former high-ranking officer of the secret services confirmed claims by human rights organizations that it does not even stop at deliberate murder. In the *Yediot Aharonot* of 26 July 1996, Ehud Yatom admitted that he had smashed with a stone the heads of the brothers Subhi and Majdi Abu Jamea on the order of then secret service chief Abraham Shalom. In 1984, the two brothers, along with two other Palestinians, had hijacked a number 300 bus. Their accomplices had been killed when the bus was stormed. According to Yatom, current Minister of Defense Yitzhak Mordechai had also beaten the Abu Jamea brothers with this pistol. Despite these statements, the general was not publicly asked to resign. The anger was directed once again against those who broke the 'law of silence'.

Yatom justified the fact that the secret service sometimes kills Palestinians: "In the fight against terrorists, and in order to prevent the death of innocent people, one has to do things that do not always conform with perfect values. There is only one way to stop terror organizations that do

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<sup>20</sup> See B'Tselem, *Sexual Harassment in the Name of the Law. Violence and Degradation During Searches of Palestinian Homes in Hebron*. Jerusalem, December 1996, p.5.

not differentiate between young and old, and that is this one.” He admitted, however, that a ‘mistake’ had been made: the media had obtained access to too much information concerning the ‘operation’. He added that he had fought terrorism under four prime ministers and that he was still convinced that “this method *per se* was correct.”

An investigation commission assigned by the government determined that Mordechai bore responsibility for the storming of the bus and the mistreatment of the prisoners, but ten years later, a military court acquitted him of all charges. The then Shin Bet chief Shalom and other agents involved in the affair were despite public protests not called to account for their acts. Then President of the State of Israel Chaim Herzog gave amnesty to the agents and the government refused to fire Shalom. Yatom’s statements have revealed the lies of the secret service but the fact that Shin Bet agents who publicly boast of the murders they have committed are not accused invites further torture. The Palestinian Human Rights Center in Gaza has pointed to unsolved murders committed in the years 93/94: Omar Khamis Al-Ghoula, Ayman Nassar, Jamaa and Yousef Abu Mohaisen, Salim Mowafi as well as the shooting to death of six members of the Fatah hawks by undercover units in Jabalia.<sup>21</sup>

After Oslo, the demolition of houses, the expansion of settlements, the confiscation of land, and the associated construction of bypass roads as well as the closure of the occupied and autonomous areas made up the main part of the human rights violations committed by Israelis. According to statements made by the Israeli Ministry of Defense, 140 houses were destroyed in 1996 and 145 in 1997. In the West Bank alone, some 900 additional house demolitions are pending. Between 1987 and 1997, a total of some 1,800 houses was destroyed, and in the period between Oslo (September 1993) and March 1998, 469. All the buildings were categorized as illegal constructions. Since the Palestinians almost never receive construction permits, they have no choice but to take such ‘illegal’ measures. Even the deterrent effect of the draconian house demolition measure is repeatedly named as an argument: not only the perpetrator is punished, but also his entire family and community.<sup>22</sup> It is worth noting that in the

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<sup>21</sup> For this and for the hijacking of the bus no. 300 see: Palestinian Center for Human Rights, Special Report. *Senior Israeli Intelligence Officer, Ehud Yatom, Reveals Extra-Judicial Killings of Palestinians by Israeli Security Forces*, 3 August 1996. For the interview with Ehud Yatom see: Amos Wollin, “Israelischer Geheimdienstler gesteht Doppelmord” in *taz*, 26 July 1996; Inge Günther, “Ein Befehl läßt den Mann vom Geheimdienst nicht zweifeln” in *Frankfurter Rundschau*, 27 July 1996; “Befehl zum Mord” in *ibid.*; “Verteidigungsminister mißhandelte Gefangene” in *Süddeutsche Zeitung*, 27/28 July 1996.

<sup>22</sup> For details on the house demolitions see B’Tselem, *Demolishing Peace. Israel’s Policy of Mass Demolition of Palestinian Houses in the West Bank*. Jerusalem, September 1997, p.18; see also the chapter on “house demolitions” in B’Tselem, *Without Limits: Human Rights Violations under Closure*. Jerusalem, April 1996, p.5-11; LAW - The Palestinian Society for the



West Bank, the majority of houses that were destroyed were located near settlements or bypass roads.

In justifying these actions, which are in violation of International Law, Israel always refers to Article 119 of the Emergency Defense Regulations from the British Mandate period. According to Article 53 of the Geneva Convention, however, an occupying power may only out of 'absolute military necessity' destroy houses. Palestinians can appeal in writing against the demolition orders to the responsible military commander, and if the appeal is rejected, they have the right to appeal to the Supreme Court. So far, however, in almost all cases of a demolition order being issued, the army was given the right to go ahead. Since the occupation of East Jerusalem, all Israeli governments have pursued the goal of changing the demographic development in favor of the Jewish inhabitants. Thanks to a targeted settlement policy, their efforts paid off in the year 1993: after a settlement belt had been created around East Jerusalem, 155,000 Israelis and 150,000 Palestinians were estimated to be living in this part of the city. By 1996, the Israeli authorities had confiscated 34 percent of the Jerusalem area for 'public purposes' and declared 40 percent 'green areas' in order to prevent Palestinians from building there. When a settlement was planned, the status was cancelled like in the case of the case of the hilly territory west of Shu'fat and on Jabal Abu Ghneim (Har Homa).

Since the beginning of the occupation, Palestinians living in East Jerusalem have constantly been the victims of racial discrimination. Following the election of Mayor Ehud Olmert, who is continuing the intensive policy of Judaization, there was a considerable increase in the number of house demolition orders in East Jerusalem compared to during the time in office of 'liberal' Teddy Koller (1965-1994). In the currently ongoing politically motivated campaign, Olmert is supported by his deputy Shmuel Meir, who has the backing of religious-nationalistic settlement groups.<sup>23</sup> If the authorities order that construction come to an end, the individuals concerned can file an objection and try to obtain a permit, although this method is almost exclusively applied in West Jerusalem only. A demolition order that is issued due to criminal acts on the part of Palestinians is followed by a long trial and is usually accompanied by the issuing of an administration order. In these cases, the deadline to file an objection expires at the end of a 24-hour period, after which the demolition takes place immediately.

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Protection of Human Rights and the Environment, *Annual Report of LAW. Human Rights Violations in Palestine - 1996*. Jerusalem 1996, p.29-35; Watzal, 1994, op.cit. (footnote 3), p.148-162.

<sup>23</sup> See LAW, *House Demolition and the Control of Jerusalem. Case Study of Al-Issawiya Village*, Jerusalem, June 1995.

Since the rise to power of Benjamin Netanyahu, a policy has been pursued in East Jerusalem that is characterized by human rights organizations as the 'quiet deportation'<sup>24</sup> of Palestinians. The main instruments of this policy are besides the restricted issuing of construction permits, a rigid attitude *vis-à-vis* family reunification, land confiscation, and a minimum of investment in infrastructure. In 1996/97, more than 500 houses were slated to be destroyed in Jerusalem - a new record. The Palestinian lawyers are convinced that the High Planning Council will not take a single decision in favor of the house owners, according to Khader Shqairat, the Director of LAW, in a conversation with the author in June 1997. Palestinians are denied construction permits in principle and not because they violate construction regulations. Since the occupation of East Jerusalem, some 38,500 housing units have been built for Israelis but not one for the Palestinians. "Jerusalem only grows for Jews," Jörg Bremer concluded in the *FAZ* of 1 April 1997.

The former mayor Kollek pointed in a letter to the editor to several services for the East Jerusalem inhabitants that were rendered only out of selfishness on the part of the Israelis and due to concern regarding unhygienic conditions. Kollek did not pursue a policy that was different to Olmert's but he knew how to cover it more cleverly; this became clear in the following interview, which appeared on 10 October 1990 in *Ma'ariv*. After the massacre at Al-Aqsa Mosque, he openly spoke about Israel's political goals. "We said things without meaning them and we never acted on them. We repeatedly declared that we would adjust the rights of the Arabs and the rights of the Jews, but it was all empty talk. Levi Eshkol and Menachem Begin promised them the same rights - both broke their promises... Never have we given them the feeling they are equal before the law. They were and remain second or third-class citizens... For the Jewish Jerusalem, I did something in the past 25 years... For the eastern part, nothing! Pedestrian walkways? Nothing! Cultural establishments? Not a single one! Yes, we constructed a wastewater system for them and improved the quality of the water. Do you know why? You believe that it was for their benefit or advantage? You can forget that. We had some cholera cases there and the Jews were worried that they would get infected. Because of the cholera, we installed the sewage system and improved the water." In a session of the City Council on 27 December 1994, Kollek said: "Everyone who thinks that the Arabs have it good here is simply wrong... take Beit Safafa as an example. Part of their land was used for Katamon, a part for 'Itri', some for Gilo and some for a transit road in the neighborhood and for pott... I could tell you the same story in regard to any other village."

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<sup>24</sup> HaMoked/B'Tselem, *The Quiet Deportation. Revocation of Residency of East Jerusalem Palestinians*. Jerusalem, April 1997.

The policy of 'quiet deportation' has dramatic consequences for the inhabitants of East Jerusalem. According to Israeli Law, Palestinians who live in the city have the right to permanent residency. In contrast to the inhabitants of the Occupied Territories, they are allowed to exit and re-enter and they can work in Israel without special permits. The Entry Law stipulates that the Palestinians lose their permanent residency right if they have or obtain a similar status in another country, take on its citizenship or live abroad continuously for more than seven years. Until mid-1996, this regulation was only applied very sporadically. In addition, the Gaza Strip and the West Bank have in the past not been regarded as 'abroad'. From the end of the 1980s until 1994, some 50 inhabitants lost their Jerusalem ID card. In 1995, it was already 96, in the following year, 689, and in 1997, the number of expatriates reached approximately 1,000, its highest level to date. The alleged liberalism of the past years has revealed itself as a trap. In the past years, Palestinians have increasingly moved to the West Bank because a family member - despite marriage - was denied residency in East Jerusalem. The Israeli Ministry of the Interior has rejected applications of Palestinian women from East Jerusalem for family reunification on the grounds that it is usual for women to move into the house of their husband. Applications filed by men were usually approved.

The current strict handling of the Entry Law could have grave consequences for the some 70,000 Palestinians who do not permanently live in Jerusalem. "Using laws, regulations, court judgements, and administrative tactics, Israeli authorities are expelling thousands of persons from the city. Not only are these Palestinians compelled to leave their homes, but they also lose their social benefits and the connections with their families. They must start life anew in another location... This quiet deportation is a direct continuation of Israel's overall policy in East Jerusalem since 1967, whose goal it is to preserve a permanent majority of Jews in the city so that the Israel's sovereignty in East Jerusalem cannot be challenged."<sup>25</sup> Every Palestinian must prove that he lives in the city or that his center of life is there otherwise he has to leave the city within 15 days and may henceforth not use its cultural establishments or visit its religious sites. For example, water and electricity bills, school certificates and other documents must be submitted; thus, responsibility for proving each case rests on the individual. The authorities do not have to explain the revocation of identity cards.

This policy is an elegant variant of 'legal ethnic cleansing' that for various reasons violates International Law principles: East Jerusalem is still occupied territory, and all unilateral measures are null and void. Israel's differ-

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<sup>25</sup> Ibid., p. 33.

entiation between Jewish settlers and Palestinians equals blatant discrimination and contradicts the principle of equality. In the past 28 years, Israel also recognized *de facto* the right of people from the West Bank to live in Jerusalem, but today, people who built their lives on this are now abused by the change in policy, which is applied retrospectively. Palestinians are required to provide so many documents in order to satisfy the Israeli demands pertaining to the 'center of life' requirements that even permanent residents of East Jerusalem have problems in providing them in full.

Besides the previously mentioned administrative restrictions, Israeli settlement expansion continues in the city. It should here be mentioned once more that the construction of settlements and the transfer of an occupying power's own population for the purpose of colonizing alien land is forbidden according to Article 49 of the Fourth Geneva Convention. The Israeli Supreme Court, however, sanctioned in the 1970s the confiscation of private land for military purposes, *de facto* in order to build settlements there at a later date. The confiscation of State Land was also approved.

The Oslo Accords further restrict the living space of the Palestinians. While 1,000 settlers have on average 27.5 square kilometers at their disposal, the same number of Palestinians has only 1.7. The Rabin-Peres government confiscated five percent of additional land in the West Bank for the extension of settlements and the construction of bypass roads.<sup>26</sup> Arafat has only three percent of the area under his rule. Since the occupation of the West Bank, Israel has confiscated approximately 65 percent of the total area.

After the signing of the Interim Agreement, the construction of a 400-kilometer-long separate road network began for 'security reasons', being designed to connect the settlements with each other as well as Israeli population centers. It is based on plans that were drafted in the 1980s by the Gush Emunim bloc. Some of these roads are for 'Jewish traffic' only, for example, the tunnel road that connects the Etzion bloc with Jerusalem. With the bypass roads the West Bank is being further fragmented and the Israeli military control over Palestinians permanently secured. Although Rabin said in *Al-Hamishmar* of 27 January 1995 that the settlements were not significant for Israel's security and even referred to them as a burden, his government invested US\$46 million for the 160,000 settlers in 144 settlements - essentially more than the previous government under Shamir. This investment has paid off: by 1996, the number of settlers in the West Bank had increased by 48 percent and in the Gaza Strip by 62 percent. The settlement freeze officially announced by the Rabin-Peres government was thus a farce. While Rabin and Peres were in office, 93 houses were demol-

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<sup>26</sup> See LAW, *By-Pass Road Construction in the West Bank. The End of the Dream of Palestinian Sovereignty*. Jerusalem, February 1996.

ished and 32,495 olive trees uprooted; when it came to the right wing and nationalistic settlers, Peres was more than prepared to make far-reaching concessions in order to secure their support in the elections.

The aforementioned facts clarify the discrepancy between public perception and reality during the government period of Rabin and Peres (1992-1996). These 'peace politicians' legitimized land confiscation, expansive settlement policy, and the construction of bypass roads through negotiations and the conclusion of the aforementioned agreements, which will not help the Palestinians to achieve sovereignty over an independent state.

Netanyahu invalidated the settlement freeze. The plans of the Israeli Ministry of Housing, published in *Ha'aretz* on 9 January 1998, reveal that by the year 2000, 30,000 additional housing units are supposed to be built in the settlements, half of these by the end of 1998. Moreover, the number of settlers shall be increased to 500,000 by the year 2000. The decision to build the Har Homa settlement in East Jerusalem is a normal consequence of the Israeli policy sanctioned by Arafat and the international community.

After each terror attack, the Israeli Government ordered a complete closure of the territories, i.e., no Palestinians were allowed to leave the 465 autonomous 'islands' without permission. This collective punishment along with bureaucratic harassment has proven a particularly effective instrument for the strangulation of the Palestinians. Israel is keen to wear the Palestinians down so that they will be more ready to accept the Israeli security ideas in the peace process. The policy of partial or permanent closure that was introduced by Rabin is being justified with the need to ensure the security of the Israeli population. For the act of an individual, entire villages or the entire population of the territories are being punished. For example, when a complete curfew was imposed on Hebron after the massacre in the Ibrahimi Mosque, over 100,000 Palestinian inhabitants were obliged to suffer its consequences for approximately six weeks, whereas it would have been far more appropriate if instead, the 450 radical settlers in Hebron or the 6,000 inhabitants of the Kiryat Arba settlement had been put under a curfew because it was from among their ranks that the mass murderer originated.

During the closure, Palestinians cannot move from the Gaza Strip to the West Bank *and vice versa* although the agreements provided for a special transit road. Prior to the conclusion of the agreements, this had been linked with numerous bureaucratic conditions but was not excluded. The Ben Gurion Airport in Tel Aviv is also out of bounds for the Palestinians during periods of closure, and they can only leave the country via the Gaza Strip – in this case, only to Egypt – or via Jordan.

A guest worker costs the Israeli employer approximately 2,100 NIS per month, a Palestinian worker 3,110 NIS. Based on a gross income of 2,085 NIS, a guest worker will receive net wages of 1,363 NIS, a Palestinian 1,812 NIS. Since the guest workers are without their families and usually live at their places of work, they are always available. The employer, on whose guarantee their visas are issued, pays for their travel expenses in advance and takes their passports in order to bind them to him. After two years and three months, the guest workers must leave Israel. As for the illegal guest workers, they enter the country on a tourist visa. For them, the laws of the free market apply: supply and demand. Both groups have no social rights, and in the event of a work-related accident, they receive medical treatment but must then leave Israel. For most foreign governments, it does not really matter how their citizens are treated in Israel, as Hannah Zohar from the worker's organization Kav LaOved stressed in a conversation with the author in June 1997. Since the beginning of the autonomy, Gaza has been a closed military zone and Israeli workers' organizations are no longer allowed to represent the interests of Gazan workers.

Today, nobody speaks about the 3,000 Palestinian political prisoners in Israeli prisons. Israel has only released one fifth of them since the signing of the Oslo Accords, although Article 16 of the Interim Agreement stipulates that all of them should be released. Moreover, further Palestinians were arrested all the time, imprisoned, and charged before military courts. Before signing the agreement ending apartheid, Nelson Mandela had insisted that all prisoners who had fought against the apartheid regime in South Africa should be released. Arafat on the other hand accepted a Bantustan with numerous privileges for himself and his followers, and many of those who struggled for the freedom of Palestine and for his return are still in prison. Arafat calls for their release, but Israel does not stick to the arrangements laid down in the agreements, and to date, only the 20 female prisoners have been released.

In this context, it is important to remember the Lebanese prisoners in Israel and in the internment camp in Khiam in the Israeli-controlled security zone in South Lebanon. The government spreads contradictory if not totally wrong information about them or else keeps silent. In reality, these prisoners are hostages, the idea being that they will one day be exchanged for Israeli soldiers who were captured in Lebanon.

Among the most prominent prisoners are Sheikh Abdul Karim Obeid and Mustafa Ad-Dirani. Neither of the two men has contacts with the outside world and their whereabouts are kept secret. The deputy Israeli Minister of Defense, Uri Or declared the following to ai on 9 February 1996: "We will release them once we have more information concerning Ron Arad."

(Arad was shot down over Lebanon and has been considered missing ever since.) Rabin and Peres confirmed this connection.

Currently, there are besides the 21 Lebanese some 120 prisoners from other Arab countries and Iran in Israeli prisons. For these 'forgotten' prisoners, the usual visiting regulations do not apply, and their lawyers have only very restricted authority and must undergo strict security procedures. The trials are closed to the public. Eleven have already served their sentence but nevertheless remain in prison.

In 1985, Shimon Peres ordered that journalists should no longer be granted access to the so-called security zone in South Lebanon. In the fight of the Israeli and the South Lebanese Army (SLA) against the Hizbollah, curfews, closures, road blocks, and the destruction and sealing of houses are part of the daily routine. Here an absolutely legal vacuum prevails and the inhabitants are subject to far more repression than those of the Palestinian occupied territories are. Human Rights Watch and ai concur with each other in their reports concerning the large-scale human rights violations including intensive torture. One Israeli lawyer put it this way: "Just like in the Wild West, the sheriff does whatever he likes."

Monique Weil, the Chairwoman of the French Human Rights Committee called Khiam a "sort of Nazi concentration camp." The approximately 150 internees, some of whom have been held there without charge for over 12 years, live under extreme conditions. Only very few lawyers have access to the camp, and although the road to the Israeli Supreme Court is officially open to these prisoners, so far, all applications for release have been rejected. Khiam is administered by the SLA, "but it is obvious to everyone that the SLA is only a sub entrepreneur, an unskilled worker who is not taking any step without his big master, the State of Israel" as Aviv Lavie writes in a shocking report that appeared on 17 January 1997 in *Kol Ha'ir*. "In Khiam, there are no judges, criminal trials, lawyers, evidences, or counter evidence. There is neither right nor law. An Israeli military jeep or a Mercedes of the SLA stops in front of a house and its passengers order someone to accompany them for a conversation. He might return after five or ten years, or he might never return," Lavie goes on. According to statements of a high-ranking Israeli officer, the prisons in the Occupied Territories are compared to Khiam five-star hotels. Amin Issa, a former prisoner, testified as follows: "Life there is hell. Every day, we lived at the edge of death." From the point of view of International Law, Israel as an occupying power is responsible for the conditions and the mistreatment of prisoners.<sup>31</sup>

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<sup>31</sup> See Human Rights Watch/Middle East, *Israel. Without Status or Protection. Lebanese Detainees in Israel*, 9 (1997) 11; Amnesty International, *Israel/South Lebanon. Israel's Forgotten Hostages: Lebanese Detainees in Israel and Khiam Detention Center*. London, July 1997.

The Israeli soldier A. said the following about the internees and their treatment: "In the interrogations, they take two telephone wires, attach them to the body and increase the electricity flow. From time to time, secret service employees come in. In reality, however, these are the death squads, which our people have trained. These people had free access to Khiam and could sort out their affairs. If someone had a dispute with a prisoner from his village, he would come and eliminate him. We didn't know who the men in the prisons were. Some were terrorists, others collaborators, and some were there without reason; everybody who went to the street without having a good reason for doing so was considered a potential terrorist."

In 1997, the Red Cross succeeded for the first time in entering the internee camp, but it is not allowed to discuss its visit publicly. Until 1988, relatives of the prisoners could talk to them for five minutes per month. Since 1995, the visiting prohibition has been suspended but only with regard to certain selected prisoners, one of whom was able to see his nine-year-old daughter for the very first time. Prisoners who have been detained in Khiam as well as prisons inside Israel testified that in some cases they were interrogated by the same security forces. Often Israelis asked the questions while SLA members administered the maltreatment.

Should not the European Union take up the case of Khiam? The American Government and media keep silent about the torture. In turn, Pat Robertson, a Christian fundamentalist, is allowed, not far from the prison, to spread with his TV and radio station salvation messages and pro-American propaganda to the countries of the Near and Middle East.

Officially, Israel has remained a democracy in which law and order and the freedom of opinion are secured. However, the gap between the huge amount of information and public reaction is huge; no Israeli could claim that he would not have known about these human rights violations.

### **3. Palestinian Human Rights Violations *Vis-à-vis* Palestinians**

Arafat has been forced by the Israelis and the United States as well as by extremist groups such as Hamas and Islamic Jihad in Gaza to take on the role of a despotic peace angel. The security guarantees, however, cannot justify the fact that the PA has pursued from the very beginning a repressive policy against any sort of opposition and violated the most basic rights of the Palestinians – the right to life, freedom of assembly and speech, peaceful opposition, and personal security.

Since his arrival in Gaza, Arafat has had critics of the peace process intimidated, threatened, arbitrarily arrested and mistreated, and he has suc-



ceeded in corrupting some of the secular critics.<sup>32</sup> The work of journalists, human rights organizations and lawyers is also being impeded. Arafat takes particularly firm action against Hamas and Islamic Jihad, which undermine his authority and provoke with their terror attacks the counter reactions of the Israelis. For example, following the terror attacks of February and March 1996 and September 1997, he ordered the mass arrests of members or supporters of these organizations. Those arrested were denied contact with their lawyers for a month or else contact was made difficult. Meanwhile, numerous social and charitable organizations that are run by Hamas were outlawed in spite of the fact that they fulfilled an important function in the Gaza Strip.

The PLO chief immediately established a comprehensive security apparatus. Besides the regular police, the following eight security services are active: the General Intelligence Service (GI), the Preventive Security Service (PSS), the Presidential Security, Force 17, the Criminal Investigations Bureau, the Military Intelligence (MI), the Naval Police, and the Disciplinary Police. All of these have their own prisons and work without legal regulations. On 7 February and due to pressure from the United States and Israel, Arafat formed a State Security Court, which supposedly serves the 'legal' fight against terrorism. The Palestinian secret services have learned from their mentors, the Shin Bet, and work with both the Shin Bet and the American secret service very closely.

Torture and arbitrary arrests are among the common methods,<sup>33</sup> but there have also been killings that could not be solved. On 4 July 1994, i.e. immediately after Arafat's arrival, the first torture victim was to be mourned. His father stated to the press, "I didn't worry because I knew that he was in the hands of our own people and not in those of the Israelis. I would have never thought that they would be worse than the Jews."

With so many secret and security services, all of which compete with each other, it is difficult for relatives to find out who has dragged off or tortured their loved ones. Even the district governor to whom these services are subordinated is not informed about their actions and cannot interfere when it comes to the violation of people's rights. Arafat's services also disturb the work of the human rights organizations. Director of the Gaza Center for Rights and Law, Raji Sourani, and Jan Abu Shakrah of the Palestinian Human Rights Information Center (PHRIC) had to resign due to their criticism of Arafat's dealings and the State Security Court.

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<sup>32</sup> The author pointed this out in the *taz* of 24 September 1994, at a time when most of the world was still enthusiastic.

<sup>33</sup> See Amnesty International, *Palestinian Authority. Prolonged Political Detention, Torture and Unfair Trials*. London, December 1996.

The board of trustees of the Gaza Center for Rights and Law explained Sourani's departure by referring to his 'leadership style'. Both organizations, which made a major contribution to revealing Israel's human rights violations have lost credibility under their new directors. Raji Sourani has built up a new organization, the Palestine Center for Human Rights; Abu Shakrah has returned to the United States because she believes that under the given circumstances there is no future for her in Palestine.

The human rights activist Bassam Eid belongs to the group of people who openly criticize the shortcomings of the PA. The report of his organization<sup>34</sup> reads as follows: "The PNA has chosen to subvert the rule of law... it ignores court rulings, including those handed down by the High Court." The role and function of the military courts are not clearly defined and they accept confessions made under extreme pressure. Haidar Abdul Shafi confirmed this criticism in *The Jerusalem Times* of 30 January 1998: "I can't overemphasize the negative aspects of the judicial system. The Attorney General is deprived of any effective authority and court rulings are not respected." He added: "The PNA are not embarrassed by anything they do."

The PSS and the other security services stick neither to right nor law. Among their activities are kidnappings, torture, and the arbitrary arrests of Palestinians from the West Bank and Gaza Strip. The arrested, who are either interrogated in police stations on the spot or brought forcibly to Jericho, are accused of 'moral violations' such as prostitution or extramarital sexual relations, the use or peddling of drugs, theft or collaboration with the Israeli authorities. Only in a few cases was an arrest warrant issued, a charge formally made, or a defense lawyer accepted. "Torture is a routine and everyday reality in the autonomous areas."<sup>35</sup> The methods used equal those of the Shin Bet, down to the last detail. According to information provided by the Mandela Institute for Political Prisoners in Ramallah, however, torture does not occur as systematically as under the Shin Bet, i.e., not all Palestinian prisoners are mistreated. So far, 18 Palestinian have died whilst in PA custody. The Palestinian authorities like the Israelis put some of these death cases down to suicide, heart failure, or even to a 'mistake'. These explanations are sometimes true, but the use of extreme violence during interrogation cannot be ruled out. Neither the reports on the investigation of 16 death cases nor that on the work of the Authority has yet been made accessible; it is not the prime aim of the PA to reveal injustice and avoid in the future injustice, rather to prevent negative headlines. In the majority of cases, families learn about the death or arrest of their relatives via neighbors or the press.

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<sup>34</sup> See The Palestinian Human Rights Monitor, *The State of Human Rights in Palestine in 1997*. Jerusalem, 1998.

<sup>35</sup> *The Jerusalem Times*, 26 December 1997, p.2.

Some death cases should be mentioned here. For example, 26-year-old Mahmoud Jumayyel was admitted to Nablus Hospital under a different name because members of the 'Dahariyye' (Naval Police) had seriously injured him in the city's prison. From Nablus Hospital he was transferred to Ramallah, where he died on 31 July 1996. Following this, violent demonstrations against the more dubious activities of Arafat's security services erupted. The State Security Court in Jericho sentenced two of the officers involved to 15 years of hard labour and a third one to ten years.

Under unclear circumstances, 24-year-old Nahed Mojahed Dahlan died on 7 August 1996 in the Nasr Hospital in Khan Younis, where he had been brought from Al-Qarara Prison. According to official PA statements, he had committed suicide. After Mahmoud Yousef Dahman, the director of the human rights organization Addameer (Conscience) demanded that the death be investigated, he was arrested on 12 August and accused of the dissemination of incorrect information. He was released on 27 August following international protests. On 11 August 1996 66-year-old Khaled Issa Al-Habal died in police custody in Ramallah. Allegedly, he had also committed suicide. The result of an autopsy conducted in Tel Aviv was not made public.

Over 1,000 prisoners sit in Palestinian prisons for years without being charged. On 22 August 1996, lawyer Husni Kalboni of the Palestinian Society for the Protection of Human Rights and the Environment (LAW) visited prisoners in Jneid Prison in Nablus. When he left the prison, the naval police confiscated his papers on the grounds that he had received the permit for the visit only as a human rights activist and not as a lawyer; prisoners were not allowed to receive legal assistance.

According to *The Jerusalem Times* of 2 February 1996, 15 Palestinians in the district of Bethlehem were badly mistreated by Palestinian security forces. Several members of the PLC demanded an immediate halt to torture. Nevertheless, Nasser Radwan was to become the latest Palestinian for whom there is evidence pointing to death as a result of such treatment. Radwan was arrested on 23 June 1997 by Force 17, beaten and admitted with serious head injuries to hospital where he died on 30 June. An officer testified that he had wanted to teach Radwan a lesson because he had advised the wife of a security officer to dress more moderately in public. The sentencing of the security officers involved took place on 3 July before a military court, which applied Articles 384 and 165 of the 'Law of the Palestinian Revolution'.

On 3 February 1998, 25-year-old Nasser Hiroub died in Dura Prison near Hebron. The evening before, he had been arrested by the police force's

Criminal Investigation Unit. According to the testimony of the police chief of Hebron, he was found the next morning with a shoelace tied around his neck. The Palestinian human rights organizations LAW and PHRMG doubt this suicide thesis, not least of all because the doctor who pronounced Hiroub dead noted that there was blood coming out of the ears and mouth: "This points to internal injuries caused by beatings, presumably involving the head." Jabril Rajoub, Chief of the PSS in Jericho - who spent 17 years in Israeli prisons before being deported to Lebanon in 1988 - has frequently been mentioned in the context of torture against Palestinians. At a press conference in October 1995, he attacked the "politically motivated" human rights activists, especially Bassam Eid, a longtime employee of B'Tselem, and accused him of having worked for the Israeli police as an agent - which equals a death sentence. Bassam Eid and staff of other human rights organizations complained to Yasser Arafat who had his spokesman declare that Eid's life was not in danger but without taking back the accusations. On 2 January 1996, Eid was taken from his apartment in the refugee camp of Shu'fat in East Jerusalem to the police station in Ramallah and kept at the Force 17 headquarters for 24 hours. The background to this incident was that Eid, in a public letter to Arafat, had condemned the closing down of the *An-Nahar* newspaper, referring to it as a harsh attack on human rights "which leaves bad fears concerning democracy in a future Palestinian state."

The attempts of the Palestinian authorities to intimidate their opponents were successful. The Israeli human rights organization B'Tselem is a praiseworthy exception. In its report of August 1995, it listed the torture methods used by the PSS: extremely violent beatings, sleep deprivation, threats, humiliations, and hours-long binding. Some prisoners or persons that were to become such were shot in the legs without reason. PSS Chief Rajoub rejected these accusations, but failed to prove they were wrong. His threat *vis-à-vis* a journalist whose torture he had supervised is also quoted: "I can call the President personally and tell him that I want to kill you and the President will give me his blessing."<sup>36</sup> The B'Tselem report ridicules the following statement of Rajoub, quoted in *Al-Quds* of 10 July 1994: "Most importantly we have to follow law and justice including the principles and the respect of human rights..."

Officially, the PSS may only operate in the Gaza Strip but *de facto* it is effective through Arafat's Fatah movement in every location throughout the West Bank. According to Article 43 of the LWO, Israel is still respon-

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<sup>36</sup> See B'Tselem, *Neither Law nor Justice. Extra-Judicial Punishment, Abduction, Unlawful Arrest, and Torture of Palestinian Residents of the West Bank by the Palestinian Preventive Security Service*. Jerusalem, August 1995; see also LAW's Report on *Security Services' Violations against Citizens*, Jerusalem 1997.

sible for the security and welfare of the population under its occupation. However, since it tolerates these activities of the PSS, Israel bears joint responsibility for the numerous violations of the human rights of the Palestinians. The close cooperation between Israeli and Palestinian security services has already led to a secret agreement between the GSS and the PSS. The PSS chief in the West Bank, Rajoub, and his counterpart in Gaza, Mohammed Dahlan, met in January 1994 with then Israeli GSS Chief Ya'acov Peri and then deputy General Chief-of-Staff, Amnon Lipkin Shahak, in Rome. The recently deceased Knesset Member and Minister of Environment, Zevulun Hammer complained on 24 July 1995 that the agreement with Rajoub had never been discussed in the Knesset or submitted for approval and that the government was obliged to submit this document as well as the Rome agreement to the Knesset. Meanwhile, both security services cooperate quietly and effectively on the basis of the Rome agreement. So far, 15 wanted Palestinians have been arrested by the Israeli secret service due to information it received from the PSS.

The State Security Court in particular is scandalous. It operates beyond the regular justice system and is presided over by three incompetent military judges whose decisions must be approved by Arafat. The foundation decree points to the fact that this court is based on the Egyptian procedure regulations of 1962. The court is to deal with crimes that concern "the security in the country and outside" and "other crimes that undermine the security and the welfare of the security authorities," which include offences committed by members of the Palestinian security forces. Everyone who "deliberately commits an act that harms the independence of the State will be sentenced to death."

The court violates even the minimal standards required for a fair trial. The prisoners and their relatives are informed about the charges only immediately before the beginning of the trial, press representatives are not allowed, and the only lawyers accepted are those assigned by the court who belong, in part, to the security services. In addition, no minutes of the trials are made available. The court convenes almost exclusively by night according to former Palestinian General State Attorney Khaled Al-Qidrah, the trials end the same night they begin, usually within minutes, and it is impossible for outsiders to talk to the judges or the sentenced. The court issues draconian punishments against which one cannot raise objections and the sentenced can only appeal to the mercy of Arafat who has the power to increase or reduce a punishment.<sup>37</sup>

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<sup>37</sup> See Amnesty International, *Trial at Midnight. Secret, Summary, Unfair Trials in Gaza*. London, June 1995.

This secrecy protects the court from criticism by the public, the press and the human rights organizations. Nevertheless, it has been praised by certain sides, which seem to be more interested in the maintenance of a dictatorship than in law and order. Before the court convened for the first time, US Vice President Al Gore voiced his admiration of it according to *The Los Angeles Times* of 26 March 1995, referring to it as "an important step in the direction of confidence building measures in this peace process and the effort of the Authority to control violence and stop terrorism as well as to defeat the enemies of the peace process." In a speech before the Institute for Near-East policy in Washington on 5 April Al Gore spoke about the controversy over the State Security Court. "I personally believe that the accusations are wrong and that the Palestinians do the right thing and go forward with the court judicial procedures." The former Israeli Minister of the Environment also expressed satisfaction after the first sentences as one could read in *The Jerusalem Post* of 12 April 1995: "We had special demands, one of which was to bring the terrorist to court, which happened yesterday, and this is how it should be. If we become convinced that this is not a one-time action, but part of a determined and permanent policy, then I believe that the chances for the finalization of the negotiations by 1 July and their implementation in the autumn will increased." Neither the deputy spokesperson of the State Department Christine Shelly nor Foreign Secretary spokesman Nicholas Burns saw reason in April 1995 to find fault with the performance of the court. Upon being asked a question in this regard, Burns only said that he hoped that certain human rights standards and law and order principles would be respected by the court. Palestinian human rights organizations and the Palestinian Bar Association, however, had immediate reservations. Subordinate to the State Security Court are special military courts that work according to the orders of Arafat, who also decides upon the judges prior to each new trial. The Supreme Courts in Ramallah and Gaza are reproductions of the Supreme Court in Israel. Arafat and his secret services ignore their decisions if they are not to their liking. For example, on 18 August 1997, the Supreme Court ordered the release of ten Birzeit University students who had been imprisoned in Ramallah without charge since March of that year. However, they were only released months later.

How the courts function in the autonomous areas is not widely known. The following report allows an insight into the work of the military courts. Arafat had ordered Jibril Rajoub to sentence three Palestinians within a few hours in August 1997 following the killing of an Israeli taxi driver. Two hours before the 15-minute trial began, the court was put together upon Arafat's instructions: it consisted of three policemen, two of whom had just passed their legal exams, while the third had no legal knowledge whatsoever. The trial took place in the police station since all

of the three accused men had made a comprehensive confession; one of the policemen even said that he did not understand why they should waste time with a trial. The prosecutor informed the accused of the charge and shortly after the sentences were announced: two of the men received life sentences and the other 15 years of hard labor.

General State Attorney Fa'ez Abu Rahmeh was shocked as he told *Yerushalayim* of 27 August 1997: "As a Palestinian lawyer, I am ashamed about what happened this weekend in Jericho. I cannot understand how such a trial could take place without my being informed about it beforehand. Nobody bothered to inform me, neither before nor after the trial." Before Abu Rahmeh had taken on his new post, he had been the chairman of the Palestinian Bar Association. How powerless the general State Attorney is was also illustrated when he ordered the release of Rajab Hassan Al-Baba and the man was re-arrested by the security services the very same day. When asked about this incident, Abu Rahmeh replied, "that some responsibilities are reserved for other departments." This is a legally unacceptable situation, and any future reform of the legal system must start with the secret services.

Two weeks after the trial mentioned above, the military court convened in Nablus with a completely different composition to sentence five Palestinians from Tulkarem who were accused of disrupting public security to long-term sentences. They had been arrested during a demonstration against the PA.

According to the Oslo Accords, Arafat is obliged to hand over criminals to Israel. Since he could be accused of failing to do this, he tolerates trials that are more than questionable from a legal point of view. Only few Palestinians dare to come out with such clear criticism as a well-known lawyer from Ramallah: "We make ridiculous our whole profession and the judicial system in appearing before this court [the State Security Court]." The so-called peace camp in Israel around Peace Now or the Meretz Party has never moaned about the humiliating trials.

The Palestinian psychiatrist Iyad Sarraj said in an interview with *The New York Times* of 6 May 1996 that in the autonomous areas, chaos, arbitrariness, suppression, and complete legal insecurity prevail: "The people feel intimidated. There is an overwhelming feeling of fear. The regime is corrupt, dictatorial and suppressive. I am saying that with a feeling of sadness, but during the Israeli occupation I was 100 times freer. I wrote in the Israeli and Arab press, whereas today I am being boycotted by our press and television. There are many arbitrary arrests without charge and without reason. The authorities maintain nine security services, each of which

has its own prisons. People are systematically tortured.” With regard to the Israeli occupation, Sarraj said the following: “Under the occupation, we felt the brutal violence but we did not feel the daily humiliation that we experience today now that we are being suppressed by our own government... This process has turned Gaza and the West Bank into a new prison. President Arafat is being humiliated; his people are humiliated. We are not proud of our government.” He added that the pressure would increase through the catastrophic economic situation: “The people are thrown back to their natural instincts and they react apathetically if they hear anything about democracy and human rights. What they are concerned with is bread. The atmosphere in Gaza is not positive. The people feel alienated, depressed, and desperate.”

Sarraj heads the Palestinian Independent Commission for Citizen’s Right (PICCR), which was established according to a decree issued by Arafat on 30 September 1993 (published in the Official Gazette no. 59/1995). He has stood up for many years for ‘peace in dignity’ with Israel. As he told *The New York Times*, “The kind of peace we have equals a total psychological surrender. It is much more harmful to the individual than the leading of a war.”

Sarraj stressed that the Oslo Agreement has brought neither human rights nor peace and that “the situation is worse than before.” He said that Arafat described to him his mission with the following words: “I don’t care anything about human rights. I have to care about security. No one will stop me founding this state.” For two years, the General State Attorney has not answered the letters of Sarraj: “Without human rights and democracy we have no future.” Before the Palestinians can find a way out of their dilemma, they according to Sarraj have to “cope with their own internal diseases.”<sup>38</sup>

Sarraj has intervened following the arrest of lawyers and human rights activists as well as in regard to torture and other violent encroachments of the PA. In its annual report of 1995/1996, the PICCR recommends to Arafat’s PA measures that could make an essential contribution to the legal security and the guaranteeing of civil rights: a reduction of the security apparatus, the cancellation of the death sentence, a presidential decree to guarantee the rights of the citizens, and many other things.<sup>39</sup>

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<sup>38</sup> See Ludwig Watzal, “Iyad As-Sarraj” in *Orient*, 37 (1996) 4, p.573-577; Ludwig Watzal, “Ein korruptes und diktatorisches Regime – Es gibt unter Arafats Herrschaft schwere Verletzungen der Menschenrechte” in *FAZ*, 14 November 1996.

<sup>39</sup> See the Palestinian Independent Commission for Citizen’s Rights. Second Annual Report, 1 July 1995 to 31 December 1996, n.p., n.y. [1997].



On 18 May 1996 Sarraj was arrested by the PSS in Gaza and only released after intensive international protests on 26 May. According to General State Attorney Khaled Qidrah, the investigation continued. Sarraj had to sign a 'binding promise' that he would make no further comments to the local or international press that contradict the law. The security forces threatened to kill him if he made one more critical public statement.

On 10 June Sarraj was arrested again because the security service had allegedly found hashish in his office. Because he had been accused of attacking a security officer, he was brought before the State Security Court three days later. The officer had a plastered hand and Sarraj identified him as the man who had beaten him. At the time, his whereabouts remained secret and neither his family nor his lawyers were allowed to visit him. In September 1996 he told me about his physical condition after being mistreated by his own people.

The repressive actions taken against Sarraj had the desired effects. After his release, the Authority did not make a public statement, and Sarraj himself exercised restraint in an interview with the author that appeared on 16 July 1997 in the *taz*.

The many unknown Palestinians that are behind Arafat's prison bars because they criticized the autonomy agreements should induce the international public to protest against the arbitrariness of the PA.

The killing of Palestinian land brokers in mid-1997 provoked a controversial discussion in Israel and the autonomous areas. Every Palestinian who sells or otherwise gives land to Jews is considered a collaborator. According to Islamic Law, land sales to 'the people of the book', [including Jews] is not principally prohibited but when it, as in the case of Palestine, disturbs the interests of the community, if it considered illegal or unlawful. The PA ordered the death sentence in the case of 'land sales to enemies'; after a few Israeli Palestinians had sold property to Israeli Jews, three land brokers were found murdered, presumably by Arafat's secret service. A fourth committed suicide in Jericho Prison and others were arrested. There are dozens currently in prison, including in the B and C zones, where Arafat has no governing power.

The killing of the land brokers Farid Al-Bashiti and Harbi Abu Sara came to the attention of the international public. The corpses were found on a street in Ramallah. Al-Bashiti's hands were bound together, his limbs broken and his mouth closed with tape. Abu Sara had been killed by four shots to the head. All indications pointed to members of the PSS being behind these murders, especially since the 'death sentence' had been talked

about by their own minister of justice. The Israeli police held PSS chief Rajoub responsible for the murders but did not mention his name.

The land sales follow the law of supply and demand. Why does the Palestinian leadership react so harshly in these cases, taking into consideration the fact that previous generations have sold Palestine? Perhaps the claim of the Israeli Government that three quarters of Har Homa is Jewish property is true.

Although according to Article 2 of the Palestinian Press Law there is freedom of press, newspapers are repeatedly closed down and journalists intimidated. That they are completely exposed to Arafat's secret services, which threaten them with torture and arrest, is to a certain extent due to the total closure imposed by Israel.

*Al-Umma* newspaper had to close down in May 1995 four months after being founded because its newsrooms were set alight and the editor received threatening phone calls after it published several critical articles and caricatures ridiculing Arafat. When the press organs of Hamas and the Islamic Jihad were closed after the bomb attacks in February and March 1996, Arafat donated US\$31,000 to Hamas so that it could immediately found a new newspaper, *Al-Risalah*. A local newspaper in the city of Jenin had to stop appearing after the editor was temporarily arrested. *An-Nahar* was forbidden from being published from August to September 1994. The same August, even the biggest newspaper *Al-Quds*, which had published an ad of the Hamas movement and a statement made by PLO 'foreign minister' Farouk Qaddoumi calling Oslo a 'selling out' was temporarily closed.<sup>40</sup>

In the first two years of the autonomy, 25 journalists were arrested. On 24 December 1995, Maher Alameh, an editor with *Al-Quds*, received by telephone an order to run a front-page story on the meeting between Arafat and the Greek Orthodox Patriarch on the front page. His refusal earned him five days in prison, yet not a single Palestinian newspaper covered the story. The editor of *Al-Bilad*, Assad Al-Assad, was summoned by Rajoub because he had published an article that dealt with corruption. Because of an article about the acceptance of bribes, the Gaza correspondent of the newspaper had his ID revoked and was arrested for two days. At the beginning of 1997, the PA summoned several journalists for 'consultations'

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<sup>40</sup> See Human Rights Watch/ Middle East, *Palestinian Self-Rule Areas. Human Rights under the Palestinian Authority*, 9 (1997) 10. A more differentiated version from a Palestinian perspective can be found in Samih Muhsen, *Freedom of Press and Opinion under the Palestinian Authority*. Jerusalem: LAW, June 1996.

during which they were ordered to adhere to certain rules pertaining to their behavior.

The arrest of Palestinian Daoud Kuttab who holds an American passport in July 1997 caused a stir. Kuttab was summoned to the police late at night - for a cup of coffee - after broadcasting sessions of the PLC on television. After four days in police custody, and three days in Ramallah Prison, Kuttab was released following protests by local human rights groups and the American Government. In order not to endanger any colleagues, Al-Quds Television no longer broadcasts via the educational channel parliamentary debates, in which PLC members sometimes criticize Arafat and his authority.

The PA succeeded in intimidating journalists and editors to such an extent that many of them now consider self-censorship a patriotic duty. They report primarily on the political activities of Fatah and barely touch the issue of human rights violations. PSS chief Rajoub decides daily with the editor-in-chief of *Al-Quds* newspaper, which articles are to appear on the front page. Arafat's office intervenes in other newspapers in the same manner, and of course, it also issues instructions concerning the publication of success stories. The abandoning of critical thinking prevents the media from revealing the deplorable state of affairs and giving the society new impetus, and the Palestinian media has become nothing but a propaganda instrument and the mouthpiece of the PA. The status of the media in Palestine resembles that of the semi-official press in Egypt. The Palestinian Human Rights Center in Gaza has accurately characterized the Press Law as follows: it "controls the information that the Palestinians receive through the written word."

Just like in a dictatorship, publications that originate from abroad are also subject to censorship. For example, two books of Edward Said were confiscated in the autonomous areas. The renowned Palestinian Professor of Literature who teaches in the United States has belonged for years to the sharpest critics of Arafat and the peace process. He sees in Arafat the "governor of the Israeli occupation with different means."

In the autonomous areas, arbitrary arrest waves do not only follow Palestinian terror attacks. Often the PA simply wants to demonstrate that it has the power to take action against 'extremists' and 'terrorists'. In spring 1996, approximately 900 Palestinians - including 85 in the Ramallah district alone - were arrested throughout the autonomous areas after the terror attacks took place and told that they would have to remain in prison for 100 days. A secret service officer divided them into three categories: "Group A are those Israel wants to see in prison. Group B includes those

the Palestinian Authority wants to see in prison. Group C consists of a certain quota in order to satisfy Israel." The political officer for the district of Ramallah, Said Abu Walid, declared to the prisoners' committee "We are one people and we must cooperate. The PA does not have a lot of money, therefore, they [the prisoners] have to bear the cost of their own catering. They are our guests here but at their own expense." One man who wanted to bring some food to some of the prisoners was also imprisoned for four weeks; the guard explained to him that he looks like a member of Hamas (he had a beard). The conditions in the prison of Ramallah were catastrophic, and it came to a hunger strike, which was not reported about in the press.

Ahmad Saadat, a PFLP member, was interned for years in Israeli prisons. After the PFLP killed a settler and her son near Ramallah in the summer of 1996, he was again arrested, although it was completely clear that he had nothing to do with the murder. After six months, he decided to go on hunger strike in order to secure his release. He was only released when on the verge of death and he subsequently collapsed, but after days-long treatment in an intensive care unit, he eventually recovered. His case however had stirred a wave of solidarity.

Many Palestinians give the impression that they had more freedom under the Israeli occupation than they have under the rule of Arafat. Certainly, human rights organizations could work more freely during the occupation. Iyad Sarraj put it this way in an interview with the author that appeared in the *taz* of July 1997: "In the field of freedom of opinion and the press, there was a larger spectrum of possibilities... in everyday life, there is a certain fear of expressing one's opinion freely. One is afraid of being denounced to the security forces. This does not mean that it happens in every case but the feeling is there."

Parallel to the creation of an internal repressive apparatus was the emergence of Mafia-like structures in the Gaza Strip. The control over the most important economic spheres makes ministers and other high-ranking government representatives millionaires while the large part of the population becomes poorer. As long as the PA does not establish democratic institutions and nobody bears the responsibility for violations of the law, the fertile soil for corruption and human rights violations will continue to bear fruits. In order to break the spiral of violence and terror, the security forces must respect human rights.

In an impressive article about the 'Arafat system' and the international donors that appeared in *The Guardian Weekly* on 27 April 1997, David Hirst wrote the following: "Rarely can a revolution have degenerated like

Arafat's and yet survive. It only survives because in robbing his people to bribes his bureaucrats, he has proved so great a commitment to the peace process that the parties on which he now completely depends – the Israelis, the Americans, the international community at large – are willing to ignore, even encourage, his manifest corruptions.”

One could ask if the EU is not embarrassed when it discovers that Arafat and his Tunisiens put more aside privately through corruption and monopolization than the Union could pledge in aid funds. For how much longer do they want to finance the horrendous salaries of foreign ‘consultants’ that hang around the Orient House in East Jerusalem?

How self-satisfied this new class behaves is illustrated in the immense rental debts of some high-ranking officials. One of the highest representatives of the PA owed the rent for a villa for more than one year. He advised the owner to bring his case before the court or to turn toward the Palestinian Ministry of Finance, which subsequently wrote that due to the difficult financial situation, it could not bear the cost of the rent. The house owners are helpless because their PA tenants threaten them with the Palestinian security services while the courts refuse to take on their cases.

The result is depressing. The Israelis continue unabated their arbitrary actions *vis-à-vis* the Palestinians and continue to violate their human rights. In Arafat's sphere of power, the democracy deficit is even larger: the PLC is destined to play only a symbolic role; the large scope of corruption and nepotism is constant; the PA tolerates the excesses of its security services; the judicial system mocks the law; and the media is being censored like in all other Arab states. Ultimately, the PA is only a façade for Arafat's one-man dictatorship. Arafat is president, the head of government, supreme judge, state attorney and defender rolled into one. He stands above the law, holds all power in his hands, and controls all the money, including the huge amounts of international donations.

The PA considers every deviating opinion as treason, and renowned critics such as Edward Said or Iyad Sarraj are being slandered and tortured. Arafat has lost the trust of the Palestinian Diaspora and his reputation in the autonomous areas is also deteriorating. Under the prevailing circumstances, there is little hope for democracy and the respect of human rights.

## **ISRAEL'S ROLE IN THE INTERNATIONAL SYSTEM AND IN THE MIDDLE EAST**

The peace process, which was primarily initiated by the United States, was supposed in the long run to result, amongst other things, in the normalization of Israel's position in the Middle East. This expected outcome was viewed as being even more important in light of the fact that the peace treaty signed with Egypt in 1979 had not put an end to Israel's 'pariah' status in the region.

With the end of the Cold War, Israel found itself in a strategically favorable position. The country has its own nuclear weapons,<sup>1</sup> an excellent system of medium-range missiles, and has concluded as America's junior partner a military alliance with Turkey. Since the signing of the Declaration of Principles (DoP), numerous states have established diplomatic relations with Israel. However, the current government under Benjamin Netanyahu is well on its way to destroying the newly formed relations with Israel's Arab neighbors because it does not stick to the stipulations laid down in the agreements and denies the Palestinians even the smallest concessions. Prime Minister Ehud Barak will have to repair the damages done by his predecessor.

Israel - although a regional power - has taken on a 'superpower status' and wants to assert its influence until Morocco and Pakistan.<sup>2</sup> Any hegemonic claim of another power in the Middle East, e.g., Iran, is being rejected in alliance with the United States under the motto 'Fight the Islamic fundamentalism'.

### **1. US-Israeli Relations**

Following the end of World War II, the foreign policy of the United States pursued three main goals: first, to contain communism; second, to secure raw material sources in the Third World for American concerns; and third, to universally enforce the American style of democracy and – connected with this – the free trade principle. Any liberation or independ-

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<sup>1</sup> The nuclear weapon program was developed from the 1950s onwards with the help of France.

<sup>2</sup> See Israel Shahak, *Open Secrets. Israeli Nuclear and Foreign Policies*. London, Chicago, 1997.

ence movement was automatically categorized as a threat to American interests, suspected of 'acts of communism' and fought accordingly.

When the French and British could not hold on to their colonial outposts any longer the United States took over their role, including in the Middle East. Until the second Gulf War of 1991 the United States had no troops deployed in the region. According to the British power model of 'indirect rule', the American policy was meant to be built on an 'Arab façade', which, according to John Foster Dulles, had to be weak and dependent and something over which the United States should never lose control. Back then, only the non-Arab states Iran, Pakistan, Israel and Turkey were eligible to take on the role of 'policemen', who were to support the American position on the spot and put an end to any form of internal unrest that had the potential to turn into a national uprising.

Since the recognition of Israel by American President Harry Truman in 1948, Israel and the United States have maintained close bilateral relations. Already in 1958, the US National Security Council assigned Israel the role of an ally against Arab nationalism.<sup>3</sup> In the Six-Day War of June 1967, the Arab states suffered a crushing defeat at the hands of Israel, which thus fulfilled its mission as a bulwark of Western civilization. Since that time, the US-Israeli relations have strengthened even further.

In 1967, the UN passed Resolution 242 in which territorial gains through war were condemned and Israel was urged to withdraw from the occupied territories as a prerequisite for peace. At the same time, the sovereignty and territorial integrity of all states in the region – including the Jewish State – was emphasized. The Rogers Plan also foresaw a complete withdrawal of Israel to the border of 1967 as a prerequisite for peace. The Egyptian President Anwar As-Sadat accepted this proposal made by UN mediator Gunnar Jarrings but Israel rejected it.

In 1971, Henry Kissinger – security advisor to President Nixon since 1969 – thwarted the Rogers Plan and directed the American Middle East policy with a focus on Israel.<sup>4</sup> Kissinger stressed that the region was like Latin America, a domain of the United States, and Europe and Japan should therefore 'stay away', including diplomatically. The US-Israeli security partnership led to a common rejectionist attitude: until today both states have prevented an international conference on the Middle East under the umbrella of the United Nations (UN) and with European Union

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<sup>3</sup> See interview by the author with Noam Chomsky in *Challenge*, VIII (1997) 4, p. 6-7.

<sup>4</sup> See Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict*. London, New York, 1995, p.164.

(EU) participation from being held and have only accepted bilateral negotiations. The United States has vetoed numerous UN resolutions in favor of Israel.

With the Yom Kippur War, the frozen fronts reshaped anew. Kissinger, since 1973 US Secretary of State, secured with his shuttle diplomacy a cease-fire and an agreement between Egypt and Israel. In the second Sinai Agreement, which was signed in September 1975, both parties guaranteed not to use armed forces in any future conflicts.

As the 'patron saint' of Israel the United States felt responsible for the economic welfare and the security of the country. After the Yom Kippur War, it increased its financial support to the civil sector in Israel – since 1976 Israel has remained the largest individual recipient of American foreign aid. Moreover, after the signing of the Camp David Accords the military assistance was increased by a considerable amount (and remains at such a high level). In 1983, both countries signed an agreement on 'strategic cooperation', which was followed by the subsequent formation of three joint working groups: the 'Joint Political Military Group' (JPMG), the 'Joint Security Assistance Group' (JSAG), and the 'Joint Economic Development Group' (JEDG). Through these working groups, Israel has a say in essential decisions regarding American foreign aid.

After Egypt had broken away from the Arab front, the "administrations in Jerusalem... [could] further pursue their highest priority - to give no more land back - because their room to act was adequate."<sup>5</sup> Immediately after the signing of the Camp David Accords, the Begin government intensified its settlement policy.

The United States pursued a double-track policy: on the one hand it tried to achieve a solution to the Middle East conflict on the basis of 'land for peace', and on the other hand, it blocked any initiative that was based on an authentic interpretation of UN Resolution 242 and that indirectly supported the construction of settlements under Begin and Shamir. Even the large-scale Israeli technology espionage in the United States and the re-selling of rockets to countries, such as China, which were the enemies of America, did not induce the administration in Washington to take action. The US Congress has not pushed through the Arms Control Export Law, initiated by President Jimmy Carter. According to statements by John Davitt, a former director of the Internal Security Department at the US

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<sup>5</sup> Stefan Braun, "Die amerikanisch-israelischen Beziehungen und die Friedenssuche im Nahen Osten" in Sabine Hoffmann/Ferhad Ibrahim (ed.), *Versöhnung im Verzug. Probleme des Friedensprozesses*. Bonn, 1996, p.85.



Ministry of Justice, Israel maintains the “second most active espionage service in the United States.” Nevertheless, it is still being supplied with high technology.<sup>6</sup> In addition, the United States has yet to insist that Israel sign the nuclear weapons non-proliferation treaty and open its plants for inspectors.

The outbreak of the *Intifada* in 1987 brought about a slow reevaluation in Israel and the United States. The uprising extended to all social strata in Palestinian society and showed that the Palestinians were no longer prepared to bear the occupation with all its humiliations. The American administration under Reagan and Bush made many efforts to get the contradicting parties to the negotiation table but in vain. The occupation of Kuwait by Saddam Hussein’s troops opened a new chapter in the Middle East. In the first Gulf War, the United States and France had armed Iraq to the hilt because it had served as a useful instrument against the Mullah regime in Iran. Even in the early months of 1990, the Bush administration still guaranteed Saddam Hussein not only normal relations, but also the sale of sensitive technology and loans from the Import-Export Bank. However, from the beginning the United States left no doubt that it was willing to disperse Iraqi troops from Kuwait by force especially since the dictator had turned against the ‘Arab façade’ and thus threatened the security of Israel.

The connection of the invasion with the occupation of the occupied territories by Israel hit the fundamental interests of the United States. In 1990, Saddam had told the United States that Iraq would destroy its chemical and biological weapons if Israel would also destroy its non-conventional arms. The US State Department rejected this deal; to admit that Israel had nuclear weapons would have raised the question of the legitimacy of financial support for Israel, because American legislation from the 1970s prohibited financial aid to countries that possess nuclear weapons. In short, nothing was going to stop the United States from entering an armed conflict against Iraq, and the Bush administration succeeded in forming a coalition of Western European and Arab states and in rejecting all diplomatic initiatives.

The Palestinians found themselves between the different parties to this conflict. In Saddam they saw the strong man who wanted to take care of the Palestine problem, and they did not want to recognize the fact that he only used them for his own goals. Because of its support for Saddam, the PLO was even less acceptable as far as Israel was concerned than before.

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<sup>6</sup> See Donald Neff, “Spies at Large” in *MEI*, 16 February 1996, p.9-10; and Duncan L. Clarke, “The Arrow Missile: the United States, Israel and Strategic Cooperation” in *Middle East Journal* (Summer 1995).

After the end of the second Gulf War and the proclamation of a 'new world order' by President Bush, the United States made increased efforts to settle the Palestinian-Israeli conflict. It had to exert both diplomatic and political pressure in order to have the Shamir government give up its blockade attitude and be able to open the Middle East Peace Conference on 31 October 1991 in Madrid. The subsequent negotiation rounds were doomed to failure from the very beginning because the Israeli Government – according to statements made by Shamir – was not interested in results. When Bill Clinton took over office from George Bush in January 1993, the American policy pertaining to Israel became even more one-sided.

All former American governments had rejected the annexation of East Jerusalem and the Golan Heights as well as the construction of settlements, considering them as being against International Law. For the Clinton administration, however, the territories were no longer 'occupied' but only 'disputed'. It also blindly supported the operation 'Grapes of Wrath' in Lebanon, ordered by Shimon Peres in the spring of 1996. Every condemnation on the part of the UN was blocked by the United States, which even blamed the victims for the death of over 100 civilians in a camp of the UNIFIL troops. During his subsequent visit to the United States, Peres received absolution from Clinton for the invasion. The sociologist Baruch Kimmerling wrote on 26 April 1996 in *Ha'aretz* that Israel had led a war against the civil population. "Only people who lack moral standards can think up such a policy and execute it. It is the kind of policy to which only the worse regimes in this world resort." US Secretary of State Warren Christopher tried to convince Assad to take action against the Hizbollah.

Since the end of the bi-polarity the American Government has pursued an unconcealed 'hands-off' policy *vis-à-vis* all potential actors with regard to the Middle East, especially as far as Europe and the UN are concerned. It keeps declaring that all disputes between Israelis and Palestinians should be settled without external influence but, in the background, it still holds the reins. Parallel to this, it tries to rewrite the history of the Middle East conflict in the UN according to its own interpretation. The former US ambassador to the UN and now Secretary of State Madeleine Albright in particular energetically pursues this re-interpretation process. In a *communiqué* she demanded from the UN General Assembly the taking back of "obsolete, disputed, and irrelevant resolutions that emphasize political differences without offering solutions." Among the resolutions in question is Partition Resolution 181, which divided the country and declares Jerusalem an international city, and Resolution 194, which deals with the return of the Palestinian refugees or their compensation. Were the United States to have its way, this would mean that the bilateral conflict could only be solved on the basis of political power without possible legal provisions being taken into consideration.

The hope of the Arab countries that the pro-Israel attitude of Bill Clinton would change after his re-election has disappeared completely. American and Israeli economic circles express increasing criticism about the hard-line attitude of Netanyahu, which has had disadvantageous effects on the Israeli economy. The Prime Minister rejected all arguments and blamed the international press, which published “incredibly wrong reports” and portrayed him as “Saddam of the West.” He even accused the media of anti-Semitism because their criticism was directed against the ‘Jewish people’ and not only against the ‘Israeli Government’.

Before his visit to the United States, Netanyahu stated in the *Yediot Aharonot* of 9 January 1998 that he had never shared the American ideas concerning an end to settlement in Judea and Samaria and that he rejected the idea of a so-called ‘timeout’ in the settlement construction, even against the wish of the United States. With this rejection Netanyahu was able to portray himself as a hard-liner who had not given in to American or Arab demands. Due to pure powerlessness and helplessness Arafat still seemed to count on Washington exerting pressure on Israel. Neither Clinton nor the Congress, however, will intervene in favor of the Palestinians before the impending Congress elections. The United States has proposed that Israel should re-deploy in the planned second phase from 12 percent of the West Bank, but even this is being rejected by the Israeli Government, which is only ready to return nine percent of the territory, even if the Palestinians renew their readiness to fight terrorism. Arafat – due to the absence of another protector or other peace concepts – must accept that Clinton has willingly become a supporter of Netanyahu’s unilateral redeployment plan and that the US Congress continues its conservative pro-Israel policy.

Netanyahu met with representatives of the ‘Christians for Israel’, a fundamentalist organization that blindly supports the hard-liners in the US Congress as well as the expansionist and settlement policies of Israel. Most of the organization’s dollar donations go to the construction of settlements. Pastor Jerry Falwell, a leading representative of the Christian fundamentalists in the United States, organized an enthusiastic reception for the Israeli Prime Minister. There are indications that this organization is responsible for a report prepared by Netanyahu’s office in which Arafat was accused of allowing the Palestinian Authority (PA) to recklessly persecute Christians. The American group also cooperates with the organization of ‘Christian Zionists’ in Jerusalem, whose members reject any territorial compromise with the Palestinians and consider the Jewish settlements part of the preparations for the ‘Second Coming of Christ’.

The loyalty of the United States *vis-à-vis* Israel contradicts its traditional democratic practices and makes its foreign policy dubious. Instead of returning to the principles of justice and freedom and standing up for the underprivileged, the Americans supply Israel with a continuous supply of arms and grant it diplomatic support, even though it intends to annex large parts of the occupied territories, tramples on the human rights of a suppressed people, and has been repeatedly condemned by the international community for its permanent breach of International Law. The United States consistently uses its veto in the UN Security Council in order to prevent condemnation of Israel, most recently when the Israeli settlement policy in Jerusalem was on the agenda. The Americans have also tried everything in order to prevent the publicizing of the UN report on the Qana'a massacre of the Israeli army. The Arab states did not let the Clinton government use them again for its own ends and refused to join a renewed alliance against Saddam Hussein at the beginning of 1998. Many of them had previously turned down the invitation to the MENA Economic Conference in Doha on 17 November 1996, but it is still not clear if the Americans have understood the message.

With regard to the Middle East conflict, the United States can only regain its credibility when it acts according to International Law and exerts pressure on Israel to force it to keep to the agreed upon accords. This would have to include an end to settlements and new negotiations on the status of Jerusalem. Jerusalem should become the capital of both peoples and be put under UN supervision in order to secure free access for followers of the three monotheistic religions to their holy places. With such a policy the United States could improve its image in the UN, but corresponding positive initiatives cannot be expected from the Clinton government. The question remains whether the involvement of the EU could not help in light of such a complicated situation.

## **2. The Middle East Policy of the European Union**

One cannot speak about a coherent and convincing Middle East policy of the EU as the national interests of the 15 EU member states are too diverse. Apart from the pledge to allocate some US\$600 million during the period 1994-1998 and the French mediation between the Hizbollah and Israel during the military confrontations in South Lebanon, the EU has done little to influence events since the beginning of the peace process.

The author is of the opinion that the European powers cannot accept a 'Monroe Doctrine' for the Middle East.<sup>7</sup> That the EU has failed to transform its economic power into political influence is partly to be blamed on Germany. For example, the federal government did not support the mission of the French Foreign Minister Hervé de Charette in April 1997. Despite American-Israeli resistance, France had succeeded in mediating an agreement between Israel and the Hizbollah in which both sides agreed only to attack soldiers and freedom fighters directly and to spare the civil population. Bonn also remained silent about Jacques Chirac's Middle East trip in 1997, which did not go so well. The French President stayed for almost three days in Syria but hardly a day in Israel before he proceeded to Ramallah to address the Palestinian Parliament. Chirac should have criticized the Israeli occupation policies and practices before the Knesset – there the attention of the international public would have been guaranteed. After the visit no more French initiatives on an EU level followed, apart from the appointment of EU representative Miguel Angel Moratinos. "Europe's absence from the Middle East, which can only be called abnormal, is usually explained in terms of the profound disparity between the power of the United States and that of the European states."<sup>8</sup>

The European Middle East policy, which since May 1971 has been coordinated in the framework of the European Political Cooperation (EPC, and since the Maastricht Treaty CFSP), oscillates between the pro-Arab policy of France and the pro-Israeli policy of Germany and Great Britain. In a joint declaration made on 13 May 1971, Israel was asked to withdraw from the territories it had conquered in the course of the Six-Day War. The declaration further called for the return and compensating of the refugees as well as for secure borders for Israel and the internationalization of Jerusalem. In 1973, the EU member states explicitly recognized the 'legitimate rights' of the Palestinians and demanded a solution within the frame of the UN Security Council Resolutions 242 and 338 as well as the withdrawal of Israel from all occupied Palestinian territories.

Between 1973 and 1980, the Palestine Question was often on the agenda of the European governments. The 11-point Venice Declaration of 13 June 1980, which had been pushed for by France, led to diplomatic turbulence. The declaration called for the creation of a regional security structure and an unlimited guarantee with regard to the existence of the

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<sup>7</sup> See Ludwig Watzal, "Hilfreiche Konkurrenz? Die Nahost-Politik der USA und der EU im Vergleich" in *Internationale Politik* (1995), 7, p.38; reprinted in: *Frieden im Nahen Osten? Chancen, Gefahren, Perspektiven*. Ed. by Angelika Volle and Werner Weidenfeld. Bonn, 1997, p.94.

<sup>8</sup> Paul-Marie de la Gorce, "Europe and the Arab-Israeli Conflict: A Survey" in *JPS*, XXVI (Spring 1997) 3, p.6.

State of Israel, in addition to an end to the Israeli settlement policy in the occupied territories, the recognition of the right of the Palestinian people to self-determination “with all its consequences” and the participation of the PLO in a Middle East peace process.<sup>9</sup> Menachem Begin compared the declaration with the ‘Munich Pact’ of 1938. The press person of the Israeli Embassy in Bonn, Amnon Noy, judged things differently in 1997: “In retrospect, one can claim today that the Europeans chose the right way with their position.”<sup>10</sup>

The United States was not interested in this initiative, which it regarded as a disturbing factor that could jeopardize the developments that had taken place since the concluding of the Camp David Accords. The pro-Palestinian position of the Europeans gave Israel reason to get closer to the United States. When the EU foreign ministers met in autumn of 1980 with representatives of Arab states, the then Israeli Foreign Minister accused the EU of supporting anti-Semitism. While Israel no longer accepted the EU as a mediator, the EU could also not realize the demands of the Arab party, which also increased its pressure. During the *Intifada* the EU pursued its own political goals as outlined in the Madrid Declaration of 27 June 1989, in which it called, among other things, for the protection of the Palestinian civil population under Israeli occupation and for the respect of human rights and the Fourth Geneva Convention. In 1990, the EU Commission proposed to the Israeli Government the assignment of a representative to the occupied territories.

During the Gulf War, the EU displayed its solidarity with Israel when British, French and Italian troops fought side by side with the United States army against Iraq. In the course of the year 1991, the EU fell far behind the United States with its Middle East policy. Israel had vehemently rejected the Europeans’ call for a conference under the patronage of the UN and with PLO participation, using the argument that both the UN and the EU were biased. At the opening ceremony of the Madrid Conference, the EU and the UN played – accordingly - only minor roles, with the EU barely succeeding in getting a foot into the multilateral talks that were established in Madrid. After the conclusion of the peace negotiations the EU pledged large amounts of financial assistance for the establishment of the Palestinian Self-Government Authority.

The economic relations between Israel and the EU are based on a free trade agreement from 1975 in which Israel was granted reduced custom taxes

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<sup>9</sup> See in this context also the EPC declaration on the Middle East and the European-Arab Dialogue in Venice of 13 June 1980 in *Europa-Archiv* (1980), 14, p.D 382.

<sup>10</sup> Amnon Noy, “Die Rolle Europas im nahöstlichen Friedensprozeß” in *Politische Studien*, 18 (1997), 356, p.62.

for agricultural exports. In 1978, a supplementary agreement on industrial, scientific and agricultural cooperation was signed. Beyond these agreements, Israel received huge amounts of financial aid, but with the Europeans always trying to make economic cooperation dependent on political progress. The bases for the cooperation with the Palestinians in the occupied territories and in Israel are the EU Council guidelines of 1986 as well as the EU resolutions on human rights, democracy and development of 28 November 1991. With these, the EU wants to ensure the following:

1. The aid shall be of use to the Palestinians in the West Bank, East Jerusalem, and the Gaza Strip.
2. It will be granted without the prior agreement of Israel.
3. It does not release the Israeli Government of its responsibility for the maintenance and development of the infrastructure in the occupied territories.
4. It aims at strengthening the economic, social and productive sectors.

In its Strasbourg Declaration of 1989, the European Council reiterated its previous positions and its commitment to carry on supporting the Palestinians in the occupied territories, with a special focus on the promotion of the education and health sectors. The ambitious development program for the occupied territories that was decided upon by the EU in autumn 1989 exceeded that of the United States by US\$100 million. The agreement on further loans concluded in 1987 only came into force in 1989 because the European Parliament demanded that it must also be applied to the occupied territories. With the abrogation of the last customs taxes *vis-à-vis* Israel, a free trade zone in the sphere of industrial goods was realized as of 1 January 1989. Since then, the EU has remained the most important trade partner of Israel. In 1992, Israel concluded another free trade agreement with the EFTA states.

The Rabin government's deportation of 415 Palestinians to South Lebanon in December 1992 caused considerable tension between the EU and Israel, but the dialogue between the two sides was resumed after the signing of the DoP the following year. Under the German EU presidency the negotiations with Israel on an extension of the free trade concept beyond industrial produce was, with the exception of a few details, successfully concluded, now embracing a law pertaining to the registration of companies, transnational services, capital flows, and scientific-technological cooperation. Thanks to the efforts of Helmut Kohl at the EU Council summit on 10-11 December 1994 in Essen and in June 1995 in Cannes, Israel was granted a privileged position in the joint declaration

and came very close to the status of a member of the European Economic Area (EEA). During his last state visit to Israel in 1995 the Federal Chancellor received an extraordinarily warm welcome and the Hebrew University in Jerusalem even named its Institute of European Studies after him.<sup>11</sup>

During the visit of an EU delegation to Israel under the leadership of then French Foreign Minister Alain Juppé on 8 February 1995, the EU and Israel both blamed one another. The Europeans criticized the closure policy, which they regard as collective punishment and the continuation of settlement construction and demanded a stronger role in the peace process. Otherwise, they said, Israel should not expect to be granted the same advantages that the Eastern European states would be granted after joining the EU. The Israeli Government on the other hand accused the Europeans of not holding Israel's readiness for peace in high enough esteem.

In November 1995 in Barcelona, the EU initiated a cooperation program with the Mediterranean states that envisions the creation of an Euro-Mediterranean free trade zone by the year 2010. In doing this, the EU aims at strengthening its presence in the Middle East, although the program is not directly connected to the peace process. In February 1997, the EU signed a cooperation agreement with Arafat's PA that grants farmers in the West Bank and Gaza Strip easier access to the European market. It liberalizes the trade between the two partners and allows the Palestinians quicker access to the European Development Fund. Until the year 2001, all customs and other trade restrictions are supposed to be cancelled.

The EU's room to act politically and influence the situation in the Middle East is very limited. France has sought in vain a say in the peace process, which is dominated by the American influence. "The EU is only the Middle Eastern paymaster without playing a role in the region," as Jean Michel Dumont, the General Secretary of the Parliamentarian Association for Euro-Arab Cooperation in Brussels stated. The EU should make its economic relations and money transfers *vis-à-vis* both Israel and the PA more dependent on strict adherence to the protection of human rights. This context is regulated in Article 2 of the free trade agreement between Israel, Palestine and the EU. In its Luxembourg Declaration of October 1996, the European Council threatened Israel with sanctions if it blocks EU projects for the Palestinians. However, the Council has failed to take any suitable measures.

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<sup>11</sup> See Ludwig Watzal, "Geld und Teilautonomie im Nahen Osten" in *Die Neue Ordnung*, 49 (1995), 6, p.468.



The Europeans should push more for adherence to International Law, which seems to have been replaced by the American principle of 'power is right'. They have enough economic forms of pressure at their disposal to prevent the worst violations of International Law by the United States and Israel from happening. Israel's trade volume with the EU is by far larger than that with the United States. The EU could call, for example, for a boycott of goods from the Israeli settlements – which are a violation of International Law – like it did in the case of South Africa.

A possible war or serious tension in the region would have direct repercussions on Europe. In their Amsterdam Declaration of mid-June 1997, the European leaders stated that the "nations of Europe and the Middle East" are linked "with a common destiny." They added that peace was a necessity, but would only be achievable if the right of the Palestinians to decide themselves about their future and the UN Security Council Resolutions 242 and 425 (Lebanon) were recognized. Then British Foreign Secretary Malcolm Rifkind declared that Israel's rule over East Jerusalem was illegal and that it had only "*de facto* authority over West Jerusalem." Similarly clear was his successor Robin Cook during his most recent Middle East visit as Chairman of the EU Council on 16 March 1998. Cook did not bend to the pressure of the Israeli Government but visited the site of the controversial settlement Har Homa as planned, after which he met with PLC member Salah Ta'mari from the Bethlehem constituency. Because Cook was clear in his demand for an immediate end to settlement, the Israelis turned the episode into a scandal and accused the EU again of acting in a one-sided manner. The affront against Cook was also an affront against the EU, which was threatened for the second time with losing face because it did not take any counter-measures. In the long term, a stronger political engagement of the Europeans is necessary in order to achieve a permanent peace between Israel and the Palestinians.

### 3. The Israeli-Turkish Alliance

After the transformations of 1990 and especially after the Gulf War, many opportunities arose for Turkey to once again become a power factor in the Middle East. There was a significant "*revirement des alliances*"<sup>12</sup> away from Europe and towards Central Asia and the Near and Middle East.

Turkey has maintained diplomatic relations with Israel since 1949. Under Prime Minister Turgut Özal the country was more oriented towards central

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<sup>12</sup> Udo Steinbach, "Außenpolitik am Wendepunkt? Ankara sucht seinen Standort im internationalen System" in *Aus Politik und Zeitgeschichte*, B 11-12/97, p.25.

Asia but from an internal social point of view, it maintained its Western orientation as well. After the Six-Day War of 1967, Turkey identified with the Palestinian position but maintained its neutral attitude in the Arab-Israeli conflict.<sup>13</sup> During the second Gulf War, Ankara joined the ranks of the US-led alliance against Saddam Hussein, and the government placed its infrastructure including the airports at the disposal of the anti-Saddam alliance.

The commemoration of the 500<sup>th</sup> anniversary of the dispersal of the Jews from Spain and their reception in the Ottoman Empire led to an atmospheric rapprochement between Turkey and Israel that continued over a series of mutual visits and peaked with the visit of the Turkish Prime Minister Tansu Ciller in 1994. Both sides signed various agreements concerning the fight against terrorism, drugs and crime. Instead of renewing the relations in its old area of influence, Turkey decided to further the antagonism in the region, an attitude that resulted in the Israeli-Turkish Military and Education Agreement of 24 February 1996, which was signed on the occasion of the visit of the Turkish General Chief of Staff Ismail Hakki Karadayi, which took place from 24-28 February 1996. His deputy General Cevik Bir signed the agreements on behalf of Turkey. Israel and Turkey had already reached an understanding – laid down in the secret Security Agreement of 31 March 1994 – that all information obtained by either country was to be kept secret. Without the encouragement of the United States, such agreements would have never materialized. Historically, Turkey had always been keen to keep a distance in the Middle East conflict and had avoided any involvement in both inter-Arab disputes and the Arab-Israeli conflict. Even during the Iraq-Iran War Turkey remained neutral, and it was only in the Second Gulf War that Turkey took a side and joined the allies. Turkey tried to maintain good relations with all Arab countries – with the exception of Syria – as well as with Israel and Iran. Turkish-Syrian relations are poisoned until today due to a dispute over Turkish sovereignty of the formerly Syrian Alexandretta province.

The influx of Iraqi Kurds into Turkey became a heavy burden on the domestic policy as well as with regard to Turkey's relations with Syria and Iraq. Syria was suspected of providing the Kurdish Communist Worker's Party (PKK) with strategic posts within its borders. While Syria rejected the Turkish accusations, it also criticized Turkey for its exploitation of the water from the Euphrates River. The deterioration of Turkey's relations with Syria was an important reason for the conclusion of a military training and education program with Israel. The agreement shall facilitate formal

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<sup>13</sup> For the history of the relations see Sabri Sayari, "Turkey and the Middle East in the 1990s" in *JPS*, XXVI (Spring 1997) 3, p.44-55.

cooperation in military educational matters between the two countries. To achieve this, a series of measures is foreseen, including joint training of the airforce, mutual visits by the navy, the exchange of military personnel and their joint training in the military academies of the two countries. The Israeli and Turkish airforces are to meet four times a year for joint maneuvers. The neighboring states are of course aware that the bilateral agreement is directed against Syria and Iraq, and – secondarily, according to the American ‘double containment strategy’ – also against Iran. Worthy of mention is the fact that the United States joined a Turkish-Israeli military maneuver on 5 January 1998. Udo Steinbach is right to point to the fact that the “increasing military closeness of the two strongest powers in the region is of far-reaching significance.”<sup>14</sup> Should Syria get into a military conflict with either Turkey or Israel, the agreement could be easily turned into a mutual assistance pact. Although Turkey is a member of NATO, the country could in this case count on the assistance of the United States.

That the Turkish-Israeli-American axis is designed to last a long time became clear with the visit to the United States of the Turkish Prime Minister Masut Yilmaz from 17 to 21 December 1997. Yilmaz visited the Jewish-American Lobby, which treated him like an Israeli Prime Minister. The President of the Anti-Defamation League (ADL), Abraham Foxman, ensured Yilmaz of his organization’s support and asked that Turkish schools should teach students about the Holocaust. He did not tackle the policy of the ‘ethnic cleansing’ of the Turkish Government *vis-à-vis* the Kurds, nor did he mention the Turkish genocide of the Armenians. In turn, Turkey wants Israel to support its position *vis-à-vis* the American administration, i.e., no American criticism regarding the suppression of the Kurds. Furthermore, Turkey hopes to receive increased American weapon deliveries with the help of Israel and the Jewish-American Lobby. Both Israel and Turkey pursue a policy of discrimination against their respective minorities, and to be successful both need the tacit support of the United States.

On 26 August 1996 a special agreement was signed that regulates the modernization of the Turkish F-4 Phantom Fighter Planes. The Israeli Government and private Israeli banks covered the costs of US\$650 million. The Turkish side downplays the agreement with the argument that it was not a formal alliance because the country had such agreements with many other states. The former Islamist Turkish Prime Minister Necmettin Erbakan signed the agreement shortly after his return from Iran, where he had signed agreements regarding security, trade and the utilization of gas resources. This agreement aimed at counter-balancing the Syrian-Greek

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<sup>14</sup> Udo Steinbach, “Die Türkei, der Nahe Osten und das Wasser” in *Internationale Politik*, 53 (1998) 1, p.14.

military agreement of 1995. Another motive for Turkey was to find new weapon deliverers because it was finding it increasingly difficult to buy arms from the United States because of its human rights violations *vis-à-vis* the Kurds. Thus, Turkey become another country - after Jordan and Egypt - that depends in terms of military technology on Israel and the United States. The goal is also to keep the Syrians away from a potentially hostile policy *vis-à-vis* Turkey. The Islamic World expressed concern over the Israeli-Turkish alliance; at a meeting in June 1996, Egypt, Saudi Arabia and Syria urged Turkey to reconsider the conclusion of such an agreement. However, due to Jordanian resistance the Arab summit that took place at the end of June in Cairo failed to condemn Turkey.

The Israeli-Turkish cooperation also foresees intensive economic cooperation. At the beginning of December 1996, the Joint Economic Council convened in Istanbul in order to implement the trade agreement signed in March that year. Forty representatives from Israel and 97 companies from Turkey participated in the meeting. On 26 December 1996, the council signed in Jerusalem a trade agreement in which the customs for textiles were lowered. This cooperation is important for Israel because Turkey is the biggest expanding economic power in the region. Furthermore, Israel obtained access to the Eastern Mediterranean region and the entire Near and Middle East, which should help to facilitate its integration.

The controversial nature of the visit of the General Chief of Staff of Turkey on 24 February 1997 lay in the fact that he had not consulted his own government. This shows the real power balance in Turkey between the democratically elected government and the military. Besides questions of how to elaborate the relations between Israel and Turkey, the alleged Iranian transports of Scud rockets to Syria - from where Israeli targets can be reached - were discussed. The cooperation between Turkey and Israel shows that both countries have reached an understanding concerning pragmatic goals. It seems as if Israel will support Turkey's struggle against the PKK and Kurdish nationalism. In return, Turkey can help Israel with the water problem. Turkey is still ready to join Israel in putting pressure on Damascus in order to make Assad bend to the will of Israel and America and their conditions pertaining to the peace process. Through this, the relationship between Syria and Iran would be disturbed, which, in turn, would have an effect on Tehran's support for the Hizbollah. Another interesting question pertains to the geopolitical consequences of the Turkish-Israeli alliance.

Although Turkey keeps stressing that the Israeli-Turkish relations are not directed against any third party and are limited in their scope, they are *de facto* directed against Iran and Iraq, and more clandestinely also against

Syria, especially since the right wing took power in Israel. Their offensive component, however, can only be realized with the approval of the Americans since both countries are dependent on the United States. The agreement also strengthens Israel's dominant role in the Eastern Mediterranean; moreover, Israel has a keen interest in the new oil resources in Azerbaijan, an ally of Turkey. Furthermore, the agreement allows for the containment of Iran, especially in relation to the Gulf region and the limiting of Iranian connections to Syria and Lebanon. Any previous regional power claim on the part of Iraq or Iran has diminished due to Israeli-Turkish alliance. Turkey has the second largest army in NATO and Israel is the only nuclear power in the region. Syria in particular must feel encircled with Turkey at its northern border and Israel to its south. This creates a climate of polarization and confrontation in the region.

In order to decrease the pressure a little Damascus invited a delegation of Israeli Palestinians – among them three Knesset members – to Syria. The trip was organized by a Syrian with American and Syrian citizenship whom Israel allowed to enter the country. Amir Oren wrote in the *Ha'aretz* of 25 July 1997 that Israel – and especially Ariel Sharon – had tried to counter the approach of Syria towards Iraq by offering to reopen the pipeline from Iraq to Haifa that had remained unused for many years. It was also the former general Sharon who offered to pay back to Iran some of Israel's debts dating back to the time of the Shah and to use the pipeline from Eilat to the Mediterranean Sea, which would make the transportation via the Suez Canal superfluous. Sharon seems to be the only Israeli politician who could make such an offer, the Labor Party being too preoccupied with demonizing the two countries. However, despite such offers, Iran believes that it is being targeted by the *de facto* Israeli-Turkish-American alliance.

Similarly, Greece interpreted the Turkish-Israeli pact as a hostile act against itself and has warned Israel that it could disturb its bilateral relations with Israel, which have gradually improved since 1987. In 1990, Greece established diplomatic relations with Israel, and in December 1994 the two countries signed a defense agreement. In 1995, Greece also signed an identical defense agreement with Syria.

Assad is worried that Syria could get involved in a war-like conflict with both Turkey and Israel, especially in light of the fact that the Turkish Prime Minister Mazut Yilmaz stated even before he took office that "Syria must be given a lesson." Syria could only lead a war on two fronts with the help of Iran and Iraq. Another issue the Syrians are concerned with is the law being debated in the Knesset that would make the annexation of the Golan Heights irreversible. Syria believes that the United States has given up its role as the sponsor of the Middle East Peace Proc-

ess and thus no longer functions as a 'buffer' between Syria and Israel. Notwithstanding, Syria does not have to fear an Israeli attack as long as it has the say with regard to the Hizbollah. Should, however, an Israeli be killed in a Hizbollah attack on the north of Israel the situation would change. Were Israel to decide to unilaterally withdraw from South Lebanon, Syria would lose the Hizbollah as an instrument with which it is able to provoke Israel.

The following chapter will examine the Israeli relationship with Syria since whether or not Israel will be able to live in lasting peace in the region depends on this country. Lebanon will not be dealt with because a peaceful solution with Syria would automatically be followed by one with Lebanon. A unilateral withdrawal of the Israeli occupation troops from South Lebanon, however, would not immediately lead to full Lebanese sovereignty because there are still some 30,000 Syrian troops in the country. The relations between Israel and Jordan can be neglected here because they have always been good and the two countries signed a peace treaty back in October 1994. In addition, Egypt, which has for almost 20 years enjoyed a 'cold peace' with Israel, no longer poses an immediate threat to Israel. President Mubarak plays the role of a mediator in the ongoing conflict with the Palestinians, whose task it is to keep Arafat on the 'peace track', thereby underlining Egypt's regional significance that crystallized with the question of nuclear non-proliferation.<sup>15</sup>

The Egyptian President plays in the peace process a similar role *vis-à-vis* the Palestinians as the United States does *vis-à-vis* Israel. Since the Netanyahu government took over, however, Egypt has lost this position because in Israel's opinion it did not put enough pressure on Arafat.

#### **4. Israeli-Syrian Relations**

The further postponement of reconciliation between Israel and Syria carries the potential for another Middle East war with disastrous consequences. Peace is not only for Syria but also for Israel of strategic and political significance. The discord between the two countries is the geopolitical core of the conflict. Israel would rather force a final agreement upon the Palestinians than reach a peace treaty with Hafez Al-Assad, for it is very unlikely that the Syrian leader would accept less than Egypt did, i.e., he will insist on the evacuation of the entire Golan. The Syrian President knows Israel's legalistic negotiation position and tries himself to count on Inter-

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<sup>15</sup> See Ferhad Ibrahim, "Ägyptens regionalpolitische und wirtschaftliche Orientierung seit dem Beginn des Friedensprozesses" in *Aus Politik und Zeitgeschichte*, B 39/97, p.21.

national Law. Since Peres suspended the bilateral negotiations in February 1996, there has been only silence between the two countries. It is not at all likely that the relations will develop positively under the Netanyahu government as long as the Israeli Government insists on its standpoint, which is that it is not bound to the agreements signed by the government that preceded it. The question was what kind of deal was needed to make Israel withdraw from the Golan? Allegedly, Rabin and Peres had agreed upon a withdrawal to the cease-fire line of 4 June 1967 and Warren Christopher, on the order of US President Bill Clinton, passed on the message to Assad. If this is true, then Israel is making a huge mistake in saying that it does not feel bound to this pledge anymore - as made clear by Netanyahu - on the grounds that nothing about it exists in writing. Furthermore, the United States will make a tactical mistake if it does not make the Netanyahu Government honor the previous pledges. It seems to be generally characteristic of the Netanyahu government that it does not feel bound to anything, including the Oslo Accords. When Madeleine Albright during her the first Middle East tour tried to persuade Assad to accept Netanyahu's proposal to resume talks 'without prior conditions', the Syrian leader replied with the remark that he was not interested in talks for the sake of talks. The Syrians certainly still remember Shamir's delay tactics during the negotiations in Washington.

Assad's pragmatism was reflected in an interview with the news channel CNN on 28 September 1996 when he replied to the moderator's question as follows: "If peace does not return the land to its rightful owner, why should we make peace? Can any sensible human being in the world expect Syria to make peace with Israel while Syrian territory remains occupied by Israel? If Netanyahu sticks to his current position I do not think that there will be a way to achieve a just and comprehensive peace in the region." However, Assad also clarified that the logical consequence of the failure of the peace process does not necessarily need to be war.

Syria's standpoint is that Rabin's and Peres' promises were preconditions for the Syrians to accept on their part the Israeli conditions for security and normalization. Therefore it was a formal matter to which Netanyahu was also bound. The talks therefore should resume at the point at which they were interrupted. Netanyahu, on the other hand, argues that the promises of his predecessors were only 'hypothetical statements' that were never put down in writing. In the *Ha'aretz* of 24 October 1996 former US Secretary of State Warren Christopher is quoted as supporting the Israeli position as follows: "I believe that from the standpoint of International Law Israel's position is valid: on nothing had an understanding been achieved, as no agreement has been signed. Neither side can force upon the other side a temporary position... Everything that has been pro-

posed by Israel was relative.” However, was it not Christopher who was commissioned by Rabin on 18 July 1994 to pass to Assad the verbal pledge concerning Israel’s readiness to withdraw from the Golan? Due to domestic considerations Rabin insisted that the pledge should remain secret, a request Assad honored. Syria has always been ready to negotiate about everything except Syrian land. The Syrian President asked Christopher more than once whether Israel would claim any parts of the Golan and Christopher replied “No.” The question “Does Rabin understand that the entire territory that was under Syrian control and sovereignty on 4 June 1967 must be returned to Syria?” was answered by Christopher with a ‘yes’. Only because of the formal pledge on the part of Rabin did serious talks between Israel and Syria commence.

However, the bilateral talks brought only little progress because the Syrians were very careful in dealing with the Israelis and the Israelis made excessive demands. Had the Syrians accepted Rabin’s demands, they would have had to retreat to the Turkish border, as some observers stated. Nevertheless a common agreement was reached in May 1995 between the United States, Israel and Syria, in which ‘goals and principles concerning security arrangements’ were laid down. After the assassination of Rabin, acting Prime Minister Peres commissioned the head of the Israeli negotiation delegation, Itamar Rabinowitz, to put Rabin’s pledges to Assad in writing. Peres insisted, although Rabinowitz warned him of the possibility that such a document could reach the public. During his visit to the United States, when Peres told Clinton that he stood by Rabin’s pledges, Clinton called Assad on the telephone and announced the visit of his Secretary of State carrying good news. In mid-December Warren Christopher met Assad in Damascus and informed him that Peres stood by the word of Rabin and was ready to fulfill the pledges made to the Syrians. With that, Assad had not only the word of the Israeli Prime Minister but also that of Bill Clinton. Shimon Peres was ready to reach an agreement with Syria, but he made some tactical mistakes that eventually contributed to his defeat in the election. Instead of calling immediately after Rabin’s assassination for new elections in order to get the mandate that would legitimize his further negotiations, Peres only decided in January 1996 to call for early elections to take place in May of that year. Similarly fatal was the decision to have the Shin Bet assassinate the ‘engineer’ of Hamas, Yahya Ayyash, in Gaza, a killing that led to the disastrous revenge terror attacks in February and March 1996 in Jerusalem. The operation ‘Grapes of Wrath’ against the Hizbollah also ended in a disaster and made a fatal contribution to the election defeat of Peres.

When Netanyahu learned about the pledges of his predecessors he immediately denied that they had been made. In order not to be regarded as a



'liar' Assad was obliged to publicize these pledges and point to the fact that they should serve as a basis for any future talks.

For the Syrians, the return of the Golan is not only a matter of prestige and significant for the sake of the land, but also important because of the water resources located there. The question of water seems to have developed besides the land question into the central dispute. One can support the thesis that it is no longer status questions alone that make up the Israeli-Palestinian-Arab conflict but also the matter of who controls the water resources. Since Israel controls the largest part of the available water in the Middle East and has entered into an alliance against the Arab states with Turkey, which also controls a considerable part of the potential water reserves for the neighboring Arab countries, it can put political pressure on its neighbors. Should Turkey realize its project South Anatolia (GAP) by the year 2010, the redirecting of the Euphrates will reduce the amount of water that passes annually through Syria from 30 billion cubic meters to half that amount. Because of their high population growth, the Arab states will face enormous water crises within only a few years. In a study conducted by The Strategic Institute in Tel Aviv the Israeli Government was warned that withdrawing from the Golan Height would imply the loss of the control of over 40 million cubic meters of water. Any withdrawal should therefore only be considered if the question of water is first settled to Israel's satisfaction. Furthermore, if water rights in the occupied territories were to be transferred to the Palestinians, there would be a danger that half the Israeli agricultural areas would become dry. With regard to the so-called security zone in South Lebanon, the ultimate issue is control over the water of the Litani and the Hasbani rivers.

The water issue is increasingly turning into a political conflict that might one day need to be solved militarily. However, the scientist Manuel Schiffler considers such a military conflict unlikely because the costs would be too high compared to other structural measures or the savings potential.<sup>16</sup> What speaks against this point of view is the fact that the increasing water needs in Turkey, Syria and Iraq could, along with other problems, develop into a political explosion "which leaves an armed conflict within the range of possibilities."<sup>17</sup> The Israeli-Turkish military agreements could make a decisive contribute to a possible conflict since they further destabilize the already labile geopolitical situation.

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<sup>16</sup> See Manuel Schiffler, "Wasser im Nahen Osten: Kriegsursache oder Friedensbringer?" in Hofman/ Ibrahim, op.cit. (footnote 5), p.238.

<sup>17</sup> Steinbach, op.cit. (footnote 12), p.31.

In 1978, Israeli soldiers entered Lebanon for the very first time. Back then, the United States voted for UN Resolution 425, which calls for a withdrawal and the deployment of UN peace troops – the United Nations Interim Force in Lebanon (UNIFIL). The Netanyahu government finally recognized this resolution in April 1998. As an important contribution to peace, Israel was to unilaterally end the occupation of South Lebanon unconditionally, which could have contributed immensely to the improvement of the reputation of the Netanyahu government. A unilateral withdrawal would have several advantages for Israel. Both the Lebanese Government and Syria would be forced to keep the northern border of Israel calm and as an occupier, Syria would be held responsible for any further provocations on the part of the Hizbollah, whose leaders have repeatedly declared that their resistance against Israel is due only to the occupation of their land. Syria would thus lose the instrument with which it is able to blackmail Israel. Should the shelling of the north of Israel not end even after a withdrawal of Israeli occupation troops, there would remain a possibility of the country attacking Hizbollah posts at any time.

## **5. German-Israeli-Jewish Relations**

German-Israeli-Jewish relations were never as good as under the government of Helmut Kohl. For Israel, the significance of its relationship with Germany is second only to that of its relationship with the United States. The German Government has become Israel's most important supporter within the European Union. How did this happen? The dramatic changes of the years 1989 and 1990 changed the roles of Germany and Israel as actors in the international system, and both states are now in the process of adjusting their foreign policies to the new realities and normalizing their relations. At the end of the normalization process, both Germany and Israel will be able to participate as equal actors in the concerted action of other states. However, there is still some way to go before this happens.

Even at this point, 53 years after the end of the terror rule of the National Socialists (Nazis), one is still unable to speak of 'normality' with regard to the German-Israeli-Jewish relations. Until today the historical legacy still imposes a special responsibility and a heavy burden upon Germany, which it is likely to continue carrying for some time. Israeli politicians keep reminding the Germans of this fact and German politicians are also very aware of the issue. One consequence of this perspective is a narrowed perception of the Israeli injustices *vis-à-vis* the Palestinians and a reluctance to criticize Israel. Whenever the German Government dared in the past to appear a little more critical of Israel within the frame of the EU

– which does not happen anymore - it always led to considerable turbulence with regard to the Israeli-German bilateral relations.

Relations between sovereign states are usually businesslike, i.e., orientated toward the respective interests of the countries involved. In the case of Israel this is not the case. The majority of German politicians refuse until today to treat Israel as a normal state. While this is understandable due to historical reasons on the one hand, it - on the other hand - limits the foreign policy options *vis-à-vis* not only Israel but also the region and in general. The paradox is that Israel sees itself as a normal state and wants to be seen and treated as such. The goal of Zionism, the state rationale of Israel, was and remains the normalization of the situation of the Jewish people. Israel is to be an equally valued and treated nation among others, a political unit that becomes an integral part of the international system. Henryk M. Broder wrote on this issue in *Der Spiegel* of 12 June 1995 the following: “In the meantime, Israel has become not a normal but an utterly deadly normal country.” The Israeli Ambassador in Germany, Avi Primor, compares the German-Israeli relations with a wound that healed a long time ago but that has left a scar that is still very sensitive.<sup>18</sup> For the ambassador, Israel will in the coming years be “normally linked with Germany and, at the same time, anchored in Europe.”<sup>19</sup> However, according to him, the future relationship between the two countries will depend to a large extent on the honesty and strength of the common responsibility for the past. The question is, of course, on which occasion will the scar of the injured begin to hurt and how many generations will still feel this pain? In an interview with the *Der Spiegel* of 3 April 1995, the journalist Tom Segev points to some kind of a historical paradox: “Meanwhile, we have totally normal relations – and the opposite has happened: the Holocaust is more present than ever.” This observation applies to both Israel and Germany.

A normalization of the bilateral relations would not change the historic guilt. The historian Moshe Zuckermann still considers the relations abnormal. “What happened in the Holocaust is, measured by standard scales, no normal matter.”<sup>20</sup> What took place was normalization on the state level, but not necessarily on the popular level. According to Zuckermann, even the Germans have not become ‘normal’, as the discourse of

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<sup>18</sup> See Avi Primor, “...mit Ausnahme Deutschlands.” As Israel’s Ambassador in Bonn, Berlin 1997, p.265; see also the interview of the Ambassador in *Der Spiegel* of 5 May 1997, p. 60, and the conversation of the author with Primor: “An Anniversary without Euphoria” in *Neue Gesellschaft/Frankfurter Hefte*, 45 (1998) 4, p.301-308.

<sup>19</sup> *Ibid.*, p.269.

<sup>20</sup> “Mit Schuldgefühlen ist nichts getan – Ludwig Watzal Talks With Moshe Zuckermann” in *Universitas*, 52 (1997) 616, p.961; a slightly shorter version appeared in the *Frankfurter Rundschau* of 17 October 1997.

historians, the exhibition of the armed forces and the Goldhagen debate illustrate. For the historian Moshe Zimmermann, on the other hand, a normal state was founded in 1948; the people wanted to build a model society in Israel, based on justice. Only because these ideas were abandoned in recent times for a “romantic-nationalistic ideology,” is there “yet a lot of work to do for this normal, Jewish national state.”<sup>21</sup>

Germany could only pursue a *Realpolitik vis-à-vis* Israel, just like France does, if the German politicians were prepared to differentiate between the Holocaust on the one hand, for which Germany bears the responsibility, and the Israeli policies on the other hand, for which the respective Israeli governments bear the responsibility. In *Public Forum* of 4 June 1993, Yvonne Deutsch from ‘Women in Black’ suggested the following to the Germans: “They must learn how to handle the blame of anti-Semitism. Criticism of Israel’s policy has nothing to do with anti-Semitism. It is time to separate the Holocaust from Israel. The killing of the Jews is one thing and the persecution of the Palestinians another. He who condemns the former cannot afford to be silent about the latter.” The religious philosopher Yeshayahu Leibowitz expressed a similar viewpoint in a television interview: despite the Holocaust and the manifold crimes committed against the Jewish people throughout their history, Israel cannot be released from the responsibility for the acts it has committed against the Palestinians during the 30 years of occupation. The past cannot be weighed against the present. Such a differentiation is necessary because from the point of view of responsibility, neither can be equaled, diminished or added up. Despite the Holocaust, the Israeli Government cannot be released from the responsibility for the measures it took at the expense of the Palestinians, nor can the Holocaust be dismissed.

Felicia Langer, an Israeli lawyer living in Germany and holder of the ‘Alternative Nobel Prize’ has asked the Germans to stop remaining silent about the events in Israel and - despite the possibility of their being accused of anti-Semitism - not to let Israel blackmail them morally. “In fact, the Germans are obliged - particularly because of their past - to interfere everywhere where human rights are being violated... We, the Israelis, the Jews, cannot claim any right as victims of yesterday to be perpetrators today. The testament of our dead, the dead of the Holocaust, is a clear message. We have also no right to make use of the guilty conscience of the Germans - as Israel does - and condemn them to remaining silent concerning our actions, in order for us to be able to suppress the Palestinians undisturbed and beyond any interference and criticism. Those who

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<sup>21</sup> Interview of the author with Moshe Zimmermann, “Der lange Weg zum dauerhaften Frieden im Nahen Osten führt über Katastrophen” in *Das Parlament*, 22 August 1997.

claim that Israeli violations of human rights and International Law may not be denounced... because this is anti-Semitism, lie deliberately, boldly, and extortionately in order to silence the voice of criticism... The Germans must decisively take on their obligation – which, due to their past, weighs twofold and threefold compared to other nations - and fight against the slightest sign of racism, human rights violations, anti-Semitism, or xenophobia, in whichever form... We Israelis and Jews also have no right to declare the Germans - throughout generations - unqualified to express their viewpoints on moral questions because of their past, nor to accuse them collectively of a quasi-inherent form of anti-Semitism. This is racism and one that remains ugly - like any other form of racism - even if its representatives are the victims of yesterday.”<sup>22</sup>

For more than two decades, Germany saw in the Palestinians only a refugee problem. After the Six-Day War of June 1967, the federal government opted for strict neutrality, although its sympathy lay more with Israel. Before International Law, neutrality does not necessitate indifference. The Palestine Question only penetrated the conscience of the Germans very slowly. Because of the German division, the emphasis on the right to self-determination of all people was in their own interest, and it was only natural that Germany gradually began to point to the Palestinian right to self-determination. However, the suppression, deprivation of rights, discrimination and economic strangulation of the Palestinians were discussed only very rarely. The political scientist Kenneth Lewan is of the opinion that Germany could do much more with regard to the Palestinians. “The hair-shirt was never appropriate in relation to Israel, especially as the harm caused to the Palestinians was predictable and accepted. That the Federal Republic of Germany likens its role to that of an impartial arbiter should not divert our attention from the fact that it still favors one side. It is similarly wrong for Germany to insist that it was too powerless to have any effect on the matter. It can do a lot.”<sup>23</sup> If the Arab side counts here on the younger generation, it should not expect too much. Although awareness concerning injustice is widespread there, it is always a different matter when it comes to the case of Israel; also the younger generation is fully aware of Germany’s special moral obligations *vis-à-vis* Israel.

A first shift in the German-Israeli relations occurred under the social-liberal government of Federal Chancellor Willy Brandt, whose goal was to open up a larger political and economic area of action for Germany in the Middle East. Then Foreign Minister Walter Scheel explained to the Israeli

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<sup>22</sup> Felicia Langer, *Brücke der Träume. Eine Israelin geht nach Deutschland*. Göttingen, 1994; see also her autobiography *Zorn und Hoffnung*. Göttingen, 1991 and 1996.

<sup>23</sup> Kenneth M. Lewan, *Sühne oder neue Schuld? Deutsche Nahostpolitik im Kielwasser der USA*. Jerusalem, Ottawa, 1984, p.7.

newspaper *Yediot Aharonot* in 1969 the following: "Our relationship with Israel is like that with other countries... There is nothing special in it." This self-confident conclusion would soon turn out to be a fallacy. In the first declaration of the European Political Cooperation (EPC) of 13 March 1971, Germany wanted to present its first 'normalization exercises' in the Middle East by joining the five other EEC-member states in calling upon Israel to withdraw from the conquered territories and to compensate the Arab refugees as well as to internationalize Jerusalem. Although the declaration also emphasized Israel's right to secure borders the country reacted angrily, accusing Germany of having given in to the pro-Arab policy of France. The episode with the EPC declaration made Germany realize how sensible its stand actually was.

Willy Brandt initiated a renunciation of the 'special relations' with Israel on his state visit on 7 June 1973. Brandt underlined in Israel that it was in Germany's interest to maintain good relations with all states in the Middle East. The bilateral relations with Israel were thus degraded to relations with a 'special character'. On the occasion of the 30<sup>th</sup> anniversary of the foundation of the State of Israel, Brandt said that the birth of the state had demanded the price of new victims and sufferings. "The misery of others, especially the Palestinian Arabs, does not weigh light."<sup>24</sup> The fact that Israeli maintained its occupation and continued with its settlement policies led to a greater understanding of the aspirations of the Palestinians. Especially during the term of office of Chancellor Helmut Schmidt the relations became more objective and to the point, which resulted in the worst crisis to rock the German-Israeli relations. The Israeli side interpreted Schmidt's politics as a shift to the right in Germany. Henceforth, the German Government advocated the right of the Palestinians to self-determination and a 'homeland'.

The bilateral relations moved towards their lowest point after Menachem Begin took office on 16 March 1977 and began his expansionist settlement policy. Schmidt took the offensive and stood up for the Palestinians' right to self-determination and to a state. Begin reacted in an undiplomatic manner, saying that a country that had killed six million Jews, among them 1.5 million children, should not make recommendations to Israel. Begin added that it was "absolutely disgusting" to buy Arab oil with Jewish blood.

With the arrival on the scene of Helmut Kohl, the German-Israeli relations again took a calmer turn, which was mainly due to the uncritical Israel-policy of the CDU. The German Government joined the ranks of the Americans blindly, which inevitably led to widening of the gap *vis-à-*

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<sup>24</sup> Willy Brandt, quoted *ibid.*, p.77.

vis the Palestinians, reflected in the fact that the principle of the right to self-determination for people was no longer mentioned in the Palestinian context and vanished from the vocabulary of German diplomacy.

There is no change under the new Red-Green Government in the relationship between Israel and Germany. There will be continuity as was stressed by chancellor candidate Gerhard Schröder during his visit to Israel. Moreover, the times when leftist forces demonstrated against Israel and called loudly for the rights of the Palestinians and other suppressed people are gone. Today, the German left wing follows by and large the American line and vehemently defends American policies like, most recently, *vis-à-vis* the Kosovo. A division within the left wing only occurred during the second Gulf War when parts of it demonstrated against the United States and thus implicitly against Israel. A former member of parliament belonging to the Green Party Christian Ströbele made a grave mistake during his visit to Israel by saying that it was Israel's own fault that it was now being attacked by Scud missiles, which led to an outcry of indignation in Israel and the premature departure of the German delegation.

Moshe Zuckermann supports the thesis that an Israeli could afford to say such a thing but not Ströbele, because there is no symmetry between perpetrators and victims. "Here we have a clear case of *quod licet jovi, non licet bovi*"<sup>25</sup> (one man's meat is another man's poison). Whether SPD or Alliance 90/The Greens, voices critical of Israel do not represent a majority.

Since the signing of the Oslo Accords between Israel and the Palestinians, Germany's criticism has concentrated on Israel's settlement policies. Not publicly criticized by Germany are the massive human rights violations of the Israeli Government *vis-à-vis* the Palestinians nor the human rights violations perpetrated by the Arafat regime against their own people. This silence is pitiful because the principles of International Law are widely disregarded. During the inaugural visit of Israel's Foreign Minister David Levy, German Foreign Minister Klaus Kinkel still reassured the Netanyahu government of the full support of Bonn. During Arafat's last visit to Bonn in autumn 1997, however, he strongly criticized the Israeli settlement policy.

The carefulness of the German foreign policy is clearly demonstrated in an article by Klaus Kinkel that appeared in the *Tagesspiegel* (Berlin) of 13 September 1997. He writes that the Germans can only take on a role that "takes into consideration the legitimate interests of both sides, does not take either side, and does not create taciturnity through loud condemnations nor destroy a readiness to talk." The German policy should rather

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<sup>25</sup> Zuckermann, *op.cit.* (footnote 20), p.963.

show consideration for Israel's special security interests on the one hand, while, on the other, not forget the right of the Palestinians to self-determination "free of Israeli occupation." "Our past forbids us in a particular manner from taking on the role of an unwelcome advisor." Does not our history demand a more active role, as, for example, Felicia Langer requests from the Germans? Tom Segev represents a similar standpoint; in the aforementioned interview with *Der Spiegel* he rejects the opinion that the Germans have no right to criticize Israel. "Every human being is obliged to criticize the politics of another country if it violates human rights. This is one of the lessons of the Holocaust. However, a German should never ask Israel for something that the Germans do not ask themselves for."

Maybe Foreign Minister Kinkel saw a need for clarification after the German Government was the only European country to abstain from casting its vote in the UN General Assembly in March 1997 with regard to the condemnation of the Israeli settlement policy in East Jerusalem (Har Homa) and the Arab ambassadors lodged complaints with the Foreign Ministry. The Foreign Minister had instructed his civil servants against the original advice, to abstain due to "our history" – a more than anachronistic reasoning. Anyway, Kinkel traveled immediately to Egypt, where he reassured President Mubarak that the German abstention was not directed against the Arab countries and tried to gain sympathy for the German attitude. In mid November, during the UN General Assembly session during which the Israeli settlement policy was condemned, Germany voted in favor of the resolution.

Could Germany play a role in the Middle East? During his visit to Germany in August 1994, then Israeli Foreign Minister Shimon Peres not only expressed the wish that Germany would become a full member with all rights and duties of the UN Security Council but he also provoked discussion of the topic 'German blue helmet soldiers in the Middle East'. With the words "Why not?" he drew attention to a topic that the German hosts did not want to deal with in the first place. Peres returned to the subject on the occasion of a ceremony honoring Chancellor Kohl in Munich by the Jewish welfare organization Bnai Brith. Would the Israeli request for Germany to possibly send blue helmet soldiers to the Golan not be like a moral entry ticket into world politics? Who, if not Israel, could legitimately issue such a ticket?<sup>26</sup> Avi Primor also confirmed in an interview with the *Der Spiegel* of 5 May 1997 that Israel would hardly object to a German troop contingent being deployed on the Golan as part of a UN

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<sup>26</sup> See Ludwig Watzal, "Deutschland und Israel in der Weltpolitik" in *Neue Gesellschaft/Frankfurter Hefte*, 43 (1996) 8, p.713; and "Germania e Israele: le 'normalizzazione' parallele" in *liMes*, 4/95, p.269-276.



troop within the framework of a peace treaty with Syria. So far, no German politician has commented on the statements of the Israeli politicians and diplomats.

With its own troop contingent on the Golan Heights, Germany could play a mediating role. Its superb relations with the Arab states could also be useful for Israel. The German politicians should not categorically reject such an engagement in advance because it would be in Germany's own long-term interest. The Arab side could also benefit from such an assignment because Germany is seen as more of an honest broker than the United States. With the allocation of financial means alone, one cannot push through one's interests in the Middle East in the long run. Since Germany is not ready to do anything without the EU, it should at least lobby within the EU for a more comprehensive type of participation in the peace process.

Besides the engagement, the German policy has a moral obligation to stand up more for the Palestinian right to self-determination, because on the one hand the Palestinians are suffering from the Israeli occupation and suppression and on the other hand, the current development is not moving toward a Palestinian state but toward a Bantustan like in South Africa. The South African solution would not be in the interest of Germany or the EU because it would not bring peace to the region and would harm the long-term goals of the EU's Mediterranean policy. Furthermore, the evolution of another Arab dictatorship should no longer be backed financially. "To speak out is difficult for the Germans in general, which is especially obvious with the German politicians, particularly when it comes to Israel."<sup>27</sup> It is difficult to imagine how Germany could effectively set the course for a political change in the Middle East since not even the United States seems to be in the position to do so.

A further intensification of the bilateral relations, which must also be reflected on the European level, is in the long-term interests of both Germany and Israel. Only then can the relations be normalized. History should not be ignored, but the Holocaust must not remain an exclusive topic for Germany and Israel. Rather, the lessons from the catastrophe should be learned by both countries and implemented politically. This would mean that Israel and Germany would have to act globally against racism, nationalism, chauvinism, and any form of discrimination and stand up for human rights.

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<sup>27</sup> Adel S. Elias, *Dieser Frieden heißt Krieg. Israel und Palästina – die feindlichen Brüder*. München, 1997, p.317.

## ISRAEL BETWEEN WESTERN DEMOCRACY AND RELIGIOUS FUNDAMENTALISM

From the beginning, Israel defined itself as a 'Jewish state'. After the conquest of East Jerusalem, the West Bank and the Gaza Strip in the course of the Six-Day War of 1967, the controversy between secular and religious Zionists as well as Orthodox Jews over the character of the State of Israel deepened. The victory of the Likud bloc in the 1977 elections brought about a turning point in the Israeli policy and showed how far the original Zionist ideology had already penetrated. The assassination of Rabin and the strategy adopted by Netanyahu following the renewed victory of the Likud in the 1996 elections were the consequences of an 'unholy alliance' between messianism and nationalism. The writer Yoram Kaniuk put it this way in the *Frankfurter Rundschau* of 31 May 1996: "Netanyahu is a prisoner of the worst element of Israeli policy, that is the old fanatic Right." These forces influence the discourse through defining everything by referring to religion and their attempts to gain political power. The more Israel orients itself according to Judaism and its fundamental variant, the more irrational is its policy, i.e., the more dangerous a threat it poses to its neighbors.

The alliance between extreme nationalism and religious fundamentalism becomes most obvious in the claim over 'Eretz Israel' that certain religious circles and political groups express rather aggressively: for the nationalistic settler movement Gush Emunim, the right-extremist groups Kahane and Kahane Chai as well as the National Religious Party (Mafdal), it is even a 'divine commandment' to conquer land that belongs to the 'Land of Israel'. The 'historical borders' are partly shifted far into the territories of the neighboring states. The secular politician Ariel Sharon proposed at a Likud Party convention in 1993 that the party should officially acquire the 'biblical borders'. Back then, such a concept was not adopted. In the meantime, however, the religious and nationalistic representatives of the Netanyahu government have supported this kind of expansionism in Eretz Israel. The scientist Israel Shahak sees in the influence of such religious fanaticism a danger that is similar in size to the one

posed by anti-Semitism and believes that both “anti-Semitism and Jewish chauvinism can only be fought simultaneously.”<sup>1</sup>

## **1. The Alliance Between the National Right and Religious Fundamentalism**

The assassination of Prime Minister Yitzhak Rabin revealed to the entire world a paradox of the Israeli society: the radical Right. In Israel there is no formally institutionalized ‘right-wing party’ as known in certain European countries. However, a number of parties exist, all of which are represented in the Knesset, whose schools of thought would be characterized as ‘right extremist’ and ‘nationalistic’ by Western democratic standards. Nationalistic thinking is widespread and is even found in the Labor Party. Ideas that in Western democracies would be categorized as ‘right’ to ‘right extremist’ are a mass phenomenon in Israel and not discredited by the public. Among the forerunners of today’s right wing was Vladimir Jabotinsky, a leading representative of the Zionist revisionist movement and the military combat or terror organizations Etzel (also known as Ir-gun) and the Stern Gang or Lehi (named after its founder Avraham Stern). Prior to 1948, both organizations had a considerable influence on the Israeli state-building process through their ideology and terror acts. Despite their dissolution after the foundation of the State of Israel, their social influence is still considerable; today, the extreme right finds its support base mainly among the fanatic settlers.

The Six-Day War was the most significant turning point in the history of Israel and has initiated a ‘re-religiousization’ of large parts of the population. What was considered a political pledge became an “object of ideologically based desire.”<sup>2</sup> From that point on, these religious circles no longer wanted to hear about Abba Eban’s ‘generous victor’ who wanted to behave as a liberal and democratic ruling power. Moreover, the occupied Palestinian land was no longer the ‘West Bank’ but now called ‘Judea and Samaria’ by the nationalists. The victory was in their eyes the divine reward for the Jewish people.

On 14 October 1967, Meir Vilner, the General Secretary of the Israeli Communist Party - the only group that had condemned the war - was seriously injured in an assassination attempt. The would-be assassin worked in the printing press of the daily newspaper *Hajom*, the organ of the Gachal

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<sup>1</sup> Israel Shahak, *Jewish History, Jewish Religion. The Weight of Three Hundred Years*. London, Boulder, 1994, p.12.

<sup>2</sup> Moshe Zuckermann, “Die eigentliche Bewährungsprobe steht noch aus” in *Vereinigte Nationen*, 45 (1997) 6, p.201.

bloc, which was the Likud's predecessor. For years Jewish terrorist groups - particularly the groups DOV (Suppression of the Betrayers) and TNT (Terror against Terror) - threatened the supporters of the Left who had criticized the actions of the Israeli military *vis-à-vis* the Palestinians. Despite the criminal activities of these two underground organizations, the police did not take them very seriously.

Abraham Yitzhak Hakohen Kook has contributed a great deal to the basis on which the synthesis between Judaism and Zionism took place. In 1904, Kook took over the post of the chief rabbi of Jaffa. He referred to the writings of the Jewish philosopher Maimonides (also called Rambam), a rabbi of the 12<sup>th</sup> Century from Cordoba, Spain, and reinterpreted the last book of the Jewish Law (*Halacha*), the Mishne Torah, which states that there were two messiahs. According to Kook's interpretation, the Zionists collectively were the first messiah, the forerunner of the second holy phase of redemption. In 1922, Kook founded the Yeshiva Merkasit Olamit in Jerusalem; it was intended to provide a new elite that would unite the teachings of Judaism and Zionism. Zionism was thus no longer an obstacle for the redemption, as the Haredim used to believe, but - according to Kook - an instrument that would accelerate the coming of the messiah. According to Kook, the spirit of God and the spirit of Israel were one.

Later, Kook's son Zvi Yehuda Hakohen accentuated the abstract ideas of his father and worked towards their dissemination. In contrast to his father, he believed that the impending redemption would have to be preceded by repentance. He referred to the tax collectors and soldiers of the State as agents of the 'Kingdom of Israel' and called upon the Jews to re-conquer all the lands that God had promised them. For him "the State, the government and the army [were] holy." Kook quickly developed into the spiritual mentor of the religious-Zionist youth group B'nai Akiva, and his students were among the first soldiers to arrive at the Wailing Wall when the Old City of Jerusalem was conquered in June 1967. Motta Gur, their commander, induced Kook, upon the request of the soldiers, to come to the Wailing Wall, where he declared: "We herewith announce to the Israeli people and the whole world that we have just returned home from our heavenly mission to the holy mount and our holy city. We will never leave it again." Almost 30 years later, Netanyahu told the *Jerusalem Post* (2 June 1996) on the occasion of his election in a similarly pathetic manner the following: "We will maintain Israeli sovereignty over the united Jerusalem. I am announcing tonight in Jerusalem, the eternal capital of the Jewish people, that this city will never be divided again." The liberation of the original biblical land was in the eyes of Kook's students evidence of the impending redemption. They alone seemed prepared to make way

for the coming messiah; in order to accelerate his arrival, they considered settlement in the Occupied Territories.

With the euphoria over the victory, the ideology of the so-called Eretz Israel Hashlema (Greater Israel ideology) also gained acceptance, not only amongst the religious and political right wing but also amongst parts of the then ruling Labor Party. The settlement of conquered territory was supported by the Labor Party with its respective coalition partners, thus Jewish settlements emerged in the Sinai, the Jordan Valley, around Hebron, in East Jerusalem and on the Golan. The settlement concept was based on a security doctrine - which restricts the entire Israeli society until this day - serving as an instrument of power *vis-à-vis* the Palestinians and legitimizing the dominance of the ruling Ashkenazi over the Oriental Sephardim.

The policy changed dramatically after the Likud bloc took power in 1977, with an intensification of the 'Judaization' of the West Bank and the settlement policy aiming at the prevention by all means of any possibility of a future Palestinian state. The settler movement Gush Emunim, founded in 1974, increasingly gained influence. Among its first figureheads were Rabbi Moshe Levinger and Minister of Education and Environment, Zevulun Hammer, who died in mid-1998. Their spiritual mentor was no one less than Rabbi Zvi Yehuda Kook. Among his students were Rabbi Chaim Druckman and Eliezer Waldman, who, in their Talmud schools (Hesder Yeshiva), indoctrinated thousands of pupils and soon-to-be soldiers with their militant ideology. Both have openly called for soldiers to refuse to obey orders should they ever involve overseeing the evacuation of settlements. In his writings, Waldman supported the opinion that God Himself had ordained the Holocaust as a test for the Jews; it had been a desperate attempt on the part of God to push the Jews toward 'Zion'. The Haredim, on the other hand, interpreted the Holocaust as God's punishment for the assimilation of the Jews and their dealings with worldly Zionism. According to Waldman, the victory in the War of 1948 was an 'act of God', and with the Yom Kippur War of 1973 God intended to 'shock' the Jews once more so that they would finally understand that He wants them to settle in Israel.

The Gush replaced the legal term 'State of Israel' with the biblical term 'Land of Israel' (Eretz Israel), which justified the settlement of the territories in the name of a special alliance between God and the 'Chosen People'. According to the Gush the advent of the messiah would be delayed if the land were returned to non-Jews. Since the supporters of the Gush see themselves as the representatives of the messiah on earth they believe that they have the right to oppose an 'irreligious state'. They lead a Jewish-fundamentalist 'jihad' against the Netanyahu government, as they did

against the previous Rabin administration. Many supporters of this ideology stem from the ranks of the National Religious Party Mafdal, which has lost much of its tolerance and open-mindedness since it began to support the Gush in the mid-1970s. The party, which had previously called itself Mizrahi, has always accepted Zionism and tried to give it a religious aspect. It represents an uncompromising nationalistic line and advocates the establishment of a 'Greater Israel', necessitating the annexation of the Occupied Territories. In the elections of May 1999 the party suffered a considerable setback.

The Gush Emunim movement was only one among the many re-Judaization movements that emerged in Israel and the Diaspora whose political spearhead is the National Religious Party. Together they form Jewish fundamentalism. All of the groups demand racial discrimination and an 'iron-fist' policy *vis-à-vis* the Palestinians. In their numerous Torah and Talmud schools they spread not only their religious but also their ideological-racist opinions, and students undergo a form of brainwashing that totally contradicts Western values and the norms of Israeli society. Joseph Algazy found a similar phenomenon in the schools for the Ultra Orthodox as he describes in *Le Monde diplomatique* of 18 February 1998: "In the schools of the Ultra Orthodox the youth – and through them also their parents – literally undergo a brainwashing, but they also receive help with regard to the overcoming of their problems." The journalist Stefanie Christmann writes in the weekly newspaper *Freitag* of 6 June 1997 the following: "After 30 years of occupation, racist thinking in Israel is being displayed frankly, proudly, and boldly." The State of Israel partly finances these establishments and has shown great indulgence *vis-à-vis* such extremist groupings. In an interview with the author, Israel Shahak paid great attention to the danger of Mafdal. "It is a messianic party that believes that we live in a time of redemption. The world has changed and God will appear at any moment. Therefore we must accomplish acts that allow us to hope that God will intervene in our favor... Only Mafdal demands the foundation of a religious state in which the Talmudic Law would apply instead of the secular law. Furthermore there is a strong desire within the party to erect the Third Temple, which implies the destruction of Al-Aqsa Mosque and the Dome of the Rock. This would lead to a conflict with the Islamic World and would be more dangerous than anything the Zionists have ever done before."<sup>3</sup> The ideology of Mafdal is a mixture of political-nationalistic and religious-messianic elements. In order to prevent the isolation of the national-religious camp, the writer Abraham B. Yehoshua pleaded in an interview with the *Frankfurter Rundschau* of 30 August 1997 for a dialogue with Mafdal. He argued that such a dia-

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<sup>3</sup> "Arafat ist ein Diktator" – Interview with Israel Shahak in *International* (1997) 3-4, p.17.

logue was important from a cultural point of view, because otherwise the “American CNN identity” would wipe “us” out.

Further fundamentalist streams are the Haredim (the God-fearing) who are split into two subgroups – the Ashkenazim and Sephardim - as well as into Zionists and anti-Zionists. The most anti-Zionist group is the Neturei Karta, whose members completely reject the State of Israel because for them, redemption is God’s work alone. Non-Zionist groupings include Agudat Israel and Degel Hatorah, which are united in the Jahdut Hatorah bloc. In the past, they were considered politically moderate, but recently, for opportunistic reasons, they have become closer to the rigid position of the pro-annexation Right. In contrast to the Ashkenazi Haredim, the Sephardi Jews from the Shas Party are for a compromise with the Palestinians, which is why they supported the Labor Party in the Knesset when the Oslo Accords were to be ratified. Shas is a ‘clientele’ party that originally developed out of the Ashkenazi Agudat Israel group and functions according to the principle of ‘give and take’. It only supports religious Jews and has established a religious, social network with kindergartens and religious schools. According to Joseph Algazy, “All in all, the religious parties use the same recruitment techniques for new members as the Islamic movement in Israel or Hamas in the West Bank and Gaza Strip.” Politically Shas is getting closer to the Likud and the other rightist-religious parties as they all share an aversion *vis-à-vis* non-Jews as well as a belief in the ideological claim of the ‘exclusivity’ of the Jewish religion. Their fundamentalism is fueled by the discrimination they experienced at the hands of the Ashkenazi side, an example being, or so they believe, the conviction of corruption directed at their party chief, Aryeh Deri. Their spiritual leader is the former Sephardi Chief Rabbi Ovadia Yosef, who contradicted Deri with regard to the question of the return of the Palestinians, which Deri intended to vote against. For Yosef, to deny people who have been uprooted the right to return to their place of birth is not compatible with his moral and humanitarian ideals and a human life is worth more than the ‘holiness of a country’. In order to achieve peace, the return of territory is unavoidable and Shas vehemently rejects terror because it claims Jewish lives. The judgement of Adel Elias that Shas belonged to the “most extremist religious parties” can only be accepted with limitations.<sup>4</sup>

The political class of Israel was surprised when in April 1984, the police arrested members of a Jewish terror group who were suspected of killing several students from the University of Hebron and of carrying out attacks against Palestinian mayors. The organization was making the final prepa-

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<sup>4</sup> Adel S. Elias, *Dieser Frieden heißt Krieg. Israel und Palästina – die feindlichen Brüder*. München, 1997, p.177.

rations to blow up the Dome of the Rock on Al-Haram Ash-Sharif. During the interrogations conducted by the domestic secret service Shin Bet (Shabak), one of the arrested revealed the satanic logic of these terrorists: "The destruction of the mosques would have enraged millions of Moslems all over the world. Most likely, their fury would have caused a war, which would have escalated and resulted in a world war. Such a war, with its enormously high death rate would have pushed the redemption process of the Jews and the Land of Israel forward for at that moment all Moslems would have vanished and thus everything would have been ready for the arrival of the messiah." With this, the Palestine problem in the 'Promised Land' would finally be settled.

Some of these terrorists were followers of the Gush. Gush activist Yehuda Etzion, for example, stressed that "the Lord" had commissioned him. Then police inspector Assaf Hefets revealed on 31 December 1997 that members of the Gush intended to destroy the holy Islamic sites in order to "re-erect Solomon's Temple in their place" because this would accelerate the "process of redemption for the Jewish people." The Israeli authorities should take the intentions of the extremist elements in Jewish society seriously. As Felicia Langer fittingly comments: "One does not have to be a prophet or a member of a secret service in order to comprehend what a potential for danger derives from the followers of such a doctrine once their belief is combined with the many and lethal weapons they possess, and when their belief is practiced by the army in an atmosphere of indulgence, benevolent understanding, and sometimes even with their direct support."<sup>5</sup>

The American rabbi Meir Kahane who had come to Israel in 1971 essentially promoted the Right's radicalization and readiness to engage in violence. He was the leader of the US-based 'Jewish Defense League', a racist and terrorist grouping. In 1984 he was elected a member of the Knesset, and his 'philosophy of the Jewish violence' gained increasing acceptance among religious circles. Kahane was seemingly so traumatized by the murders of Jews that he could think of nothing but revenge. He interpreted Jewish counter-violence as 'the glorification of God' and founded the racist-fascist Kach (So it Is) movement, provoked the Palestinians and introduced as a Knesset Member a draft law that was similar in spirit to the Nuremberg Race Laws. For the Kach movement, treachery, violence and terror were typical 'Arab characteristics'. Accordingly, Kahane suggested the following regarding the dispersion of all Arabs from 'Greater Israel': the forced deportation of all non-Jews who refuse to take on the second-class status of a 'foreign inhabitant'; the passing of legislation to prohibit non-Jews from living in the Jerusalem region; prison sentences of

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<sup>5</sup> Felicia Langer. *Wo Haß keine Grenzen kennt. Eine Anklageschrift*. Göttingen, 1995, p.87.



up to 50 years for every non-Jew who had sexual relations with a female Jew; and the dividing of Jews and non-Jews into 'separate strata'.

The Supreme Court prohibited Kahane from running for the Knesset a second time on the grounds that his party was fascist. After his assassination in 1990 in New York, his son Benyamin Kahane founded the group Kahane Chai (Kahane Lives). Both Kach and Kahane Chai agitate against the peace process, provoke violence, and organize deadly attacks on Palestinians. After the mass murder of Goldstein, both groups were outlawed but have continued their activities practically undisturbed. Other parties that spread extremist and racist thinking are Tsomet (Crossroads) of the former General Chief of Staff and former Minister for Agriculture and Environment, Rafael Eitan, and Moledet (Fatherland) of General Rekhan Zeevi who pursues a program that calls for the transfer of the Palestinians. For Zeevi, Arafat is "not a neo-Nazi. He is obviously and clearly a Nazi," as he put it in a Knesset debate on 22 January 1998.

Another group that developed out of the Kach and Kahane Chai environment is Eyal, the organization from which the assassin of Rabin, Yigal Amir originated. All these organizations are hiding behind the rightist politicians from the Likud and Mafdal. Some right-oriented politicians tried to prevent the television report of Michael Carpin from being shown because he revealed some of the shady connections, but the Supreme Court turned the petition down. These parties cover up at least indirectly the activities of groups such as the Gush or Zu Arzeno (This is Our Land), whose call for civil resistance comes close to an open rebellion. For them, both the Camp David Accords and the Oslo Agreement were a catastrophe because they implied that the Israeli Government was willing to return land and thus directly endanger the Jews. Such a return of land is in their opinion a 'religious rebellion against God', while the agreement between Rabin and Arafat was a signal that God's indulgence has come to an end and the apocalyptic sufferings are about to start. That such viewpoints are not only common amongst religious 'outsiders' was demonstrated in the joint appearance of former Knesset Member Eliyakim Ha'etzni and Ariel Sharon before Israeli soldiers. According to Ha'etzni, even in Hitler's Germany there had been soldiers who understood that the government was about to lead their people to a disaster, and now the Israeli Government was about to do the same. "They want to steal the land from under our feet, the land of the Bible, the Holy Land, without which the State of Israel is completely meaningless." Sharon agreed and promised to take remedial action. According to him, it was not the Palestinians but the Rabin government that was the actual enemy of peace and "the first action of another, Jewish-national government that, with God's help, will succeed the current one, will be to push the development of the set-

tlements ahead.” This wish of Sharon has somewhat been fulfilled until the elections in May 1999 in which the Likud was heavily defeated.

Ha’etzni accused Peres of “the betrayal of the Jews” and swore at him, calling him a *‘rehabeam’* – one of the worst insults for a Jew. A *‘rehabeam’* instigates a civil war so that Jews will fight Jews. Therefore it was the task and even the ‘divine duty’ of every Jew to work against this government’s policy and to use any form of resistance if it made territorial compromises *vis-à-vis* the Arabs as any territorial violation was like a sacrilege. Ha’etzni rejected the decision of the democratic majority, which he compared to the majority that had once danced around the ‘golden calf’. For the fundamentalist settler newspaper *Nekuda* there is no room left for dialogue with the government because it encourages the creation of a Palestinian state; the Labor Party has become a party of ‘cowards’ and ‘nervous people’ that defend the rights of the Palestinians in Eretz Israel. This way of perceiving things is not only unrealistic but also pure demagoguery. Ha’etzni, Moshe Levinger, Gush Emunim, the Yesha Settler’s Council, and other extremist groups belonged to the sharpest critics of the policies of Rabin.

The logic of the Right is conclusive: Ha’etzni asks why the Israelis would claim Tel Aviv but sacrifice Hebron. If Israel did not claim Eretz Israel in its entirety, it would lose the justification for its existence within the 1948 borders, and if the Israelis do not raise claims over the entire country they are nothing but ordinary land thieves, quasi intruders that have become guilty of the dispersion of the indigenous population. Within the religious system this argumentation is stringent. On an international level, however, it should be irrelevant because religious-mythical ‘legal creations’ have no validity there. The extremists established themselves as the guardians of the true legitimacy of Israel and of the Bible. As Dan Diner put it in the *FAZ* of 19 October 1996: “Whilst completely ignoring the majorities, they take the Israeli policy hostage.”

The extremist settlers began to clash with the Israeli authorities, and they called Rabin a ‘betrayed’ and sent him death threats. Especially after the murder of Chaim Mizrahi from the Bet El settlement, who had been stabbed to death and then set on fire by three Palestinians, the anger of the settlers was directed against the Prime Minister who had pushed the extremist settlers toward Hamas. In the town Or Akiva a sticker appeared, which read as follows: “Rabin must be assassinated!” Fundamentalists from Hamas and from among the settlers cooperated and strove to bring about the downfall of the agreement, as described by Armin Wertz on 3 November 1993 in the *Frankfurter Rundschau*.

Gershon Salomon, head of the Temple Mount Faithful and Hamas officials reportedly assured each other of mutual sympathy with regard to their common struggle. Another initiative of some 105 prominent right-wing personalities was the signing of an “ethnic behavioral codex against a government of collaborators,” which had entered “an alliance with the enemy.” The signatories rejected the Oslo Agreements and denied the “terrorist Rabin government” any legitimacy because it also leaned on the votes of the Arabs. Redeployment from the settlements was labeled as a ‘crime’ that ought to be resisted, and an evacuation of the settlements as something that should be met with armed resistance. This ‘codex’ demanded the monitoring and registering of the ‘peace crimes’ of the Rabin government for a later trial.<sup>6</sup> All this shows that there was indeed spiritually fertile soil for the assassination.

The assassin of Rabin, Yigal Amir was a law student at the renowned Bar Ilan University in Tel Aviv, a center for religious fundamentalists and those with extreme attitudes. Before the court Amir explained that in accordance with the *Halacha* any Jew who “leaves his people and his land to the enemy, as Rabin did, must be killed. I have studied the *Halacha* all my life and I know what I am talking about.” According to Amir, Rabin personally bore the responsibility for the murder of Jews at the hands of Palestinian terrorists because he was an ally of the Palestinians (Rabin-Jewish Council). “When I aimed at him it was as if I aimed at a terrorist,” said Amir, adding that what he had done had been done in the name of his people, the land and Torah Israel. Amir had a deep hatred of Arabs and of all those who have anything to do with them, which was why, in his eyes, the Rabin government had lost all its legitimacy. When he saw the crowd gathering at the ‘Place of the Kings’ he remarked the following: “Look at the audience, half of them are Arabs.” During the interrogation the officials tried in vain to elicit from Amir information concerning the men behind him or the rabbis who had given him the religious excuse for the murder, without which, he admitted, he would not have committed it. It should be noted here that had the assassin been an Arab, ‘moderate physical force’ - i.e., torture - would have been on the agenda. “The colleagues from the Shin Bet do not refrain from using this permitted means when it comes to Palestinians.”<sup>7</sup>

During the questioning Amir revealed that two rabbis had called Rabin a *rodef* and a *mosser*. A *rodef* is a persecutor who puts Jews in moral danger. If there is no other possibility such a persecutor must be killed in order to

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<sup>6</sup> See Peretz Kidron, “Right-wing Hysteria” in *MEI*, 7 July 1995, p.6.

<sup>7</sup> Amnon Kapeliuk, *Rabin. Ein Politischer Mord – Nationalismus und Rechte Gewalt in Israel*. Heidelberg 1997, p.44.

save other human lives; this is not seen as a punishment but as redemption. A *mosser*, meanwhile, is a spy or someone who extradites someone else, especially Jews and/or gives their possessions to non-Jews. Like a *rodef* a *mosser* can be killed without a court ruling. Thus, the assassination was like an order from above, which no one could have prevented, as Yigal Amir's brother Haggai explained. According to Jewish Law, Amir's act was not a murder but rather an urgent necessity, something that needed to be done in order to divert danger from the Jewish people. Aron Ronald Bodenheimer, for many years the medical superintendent of the psychiatric department of the university hospital Tel Hashomer in Tel Aviv, sees God as the only guilty one. "He who judges Amir, judges God... The perpetrator lives in heaven. If it is the same God that carried the biblical books of the two testaments into the world, then it is He who is guilty."<sup>8</sup>

Amir, who had attended a paramilitary Talmud school, originates from Herzliya in the Israeli heartland. The campus rabbi of the Bar Ilan University where he studied is Israel Hess, who at the beginning of the 1980s had published a tractate entitled "The Commandment to Commit Genocide in the Torah." According to Hess, all those who declared war on 'God's people' are 'Amalecites' (archenemies of Israel), and God declared the counter-jihad in which the 'Amalecites', right down to the last woman and child, must be exterminated. Hess is still teaching at Bar Ilan, where the followers of Meir Kahane were allowed to put up racist placards that showed Rabin washing blood from his hands.

Rabbis had a leading role in the inflammatory actions against the legitimately elected government that finances them. With their speeches and 'religious-legalistic' decisions they have contributed to the denial of the government's legitimacy. They argued, for example, that the government had 'no mandate' and was not based on a Jewish majority; even worse, they said, was the fact that in the Knesset, the government was dependent on the votes of the Arab delegates, i.e., the "non-Jewish Knesset Members," who received their orders directly from Arafat. Such statements ignore the fact that the Arab Knesset Members are Israeli citizens.

Former Prime Minister Netanyahu also contributed to the poisoning of the atmosphere that led to the assassination of Rabin. He, Sharon and Ehud Olmert spoke at rallies during which placards that declared Rabin 'fair game' were displayed without distancing themselves from such propagandist material. David Levy and other Likud politicians warned Netanyahu that he should not allow the Likud to become 'the tail of the extremist parties'.

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<sup>8</sup> Aron Ronald Bodenheimer, *Rabins Tod. Ein Essay*. Zürich, 1996, p.35.

On the placards Rabin was displayed as a 'betrayed', 'murderer', or the 'Rabin-Jewish Council', which is one of the worst accusations as it suggests collaboration between Rabin and the Palestinians that could lead to the destruction of Israel. There were demonstrations during which a Rabin puppet was displayed wearing a Palestinian *keffiyeh*, an SS uniform with a swastika, dangling from a gallows or lying in a coffin with the words 'Rabin – Murderer of Zionism' on it. During one rally, right-extremists shouted: "With blood and fire will we disperse Rabin." The speakers hammered their hostile message into the audience. They compared Rabin with Marshall Pétain and presented an indictment for a future high treason trial. In another incident, a group of 'mystics' – mainly rabbis – organized a spooky ceremony in front of Rabin's apartment, which is considered one of the worst possible forms of stigmatization. They exorcised 'avenging angels', which were to kill Rabin with 'whipping fire lashes' (*pulsa denura*): "and against him, Yitzhak, son of Rosa, who is known as Rabin, we are permitted to ask the Angel of Destruction to raise the sword and kill this bad human being; for he hands the Land of Israel to our enemies, to the sons of Ismail." One participant stated the following in front of a television camera: "The betrayer Rabin will be condemned. This judgement is the strongest and whenever applied, it brings results." Three days after this religious mummery Rabin was dead. Such actions certainly belong to the political and moral low points in the history of Israel. Leah Rabin is convinced that the Likud bloc had launched this campaign against her husband for political and ideological reasons.<sup>9</sup> It speaks for itself that since the election of Netanyahu and the beginning of the stalemate in the peace process, the debates concerning the seeking of adequate answers concerning the 'betrayal on the Jewish people' have become completely silent.

The scientist Haim Gordon was harsh in his criticism of the behavior and statements of rabbis. At a conference that was held in Beersheva in June 1997 he put it this way: "The uniqueness of this idolatry is that it is determined by nationalistic, political opinions and comes from Jews who call themselves religious." This idolatry spread like a 'cancerous ulcer' and became the norm. None of the leading rabbis or politicians spoke out against this idolatry. "The rabbis are not 'spiritual leaders'. They are swindlers... hundreds of rabbis in Israel are idolaters because they do not ask their followers to live a life of justice in accordance with the Commandments – instead these rabbis encourage their followers to disregard the Commandments and to worship the Land of Israel." This kind of Judaism has become a "fanatic and insane religion, that is completely de-

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<sup>9</sup> Leah Rabin, "Vorwort" in Richard Haim Schneider, *Israel am Wendepunkt. Von der Demokratie zum Fundamentalismus?* München, 1998.

void of the spirituality of the Bible.” Many Israelis had ‘sinned’ against their neighbors, which would have to lead to reparation measures.<sup>10</sup> Stefan Christmann wrote in the *Freitag* of 6 June 1997 that the religious forces not only block the return of the territory “but also fight and undermine the secular constitutional state in order to establish in its stead a fundamentalist Jewish state.”

Parts of the Left and of the Labor Party called the act that of a “crazy settler” (Ehud Barak) or a “foreign implant” (Amos Oz). “These killings might be madness, but the ideology on which they are based is not an alien implant, nothing that is external of Israel political culture. Rather, their spiritual roots trace back deep into the history of Zionism.”<sup>11</sup> Amir and Goldstein are terrorists but they were not insane. It is therefore difficult to follow the assessment of Amos Elon who characterized Amir as the good boy from next door who had grown up in the country and Goldstein as an American cowboy searching for the Wild West.<sup>12</sup> This argument completely bypasses the theological tradition both identified with. The acts were not perpetrated by political scatterbrains or lunatics, “but by rationally acting intellectuals.”<sup>13</sup>

For the Labor Party, Meretz and other liberal and leftist groupings it was clearly the Right that bore the responsibility for the assassination. The Left made Yitzhak Rabin a ‘saint’ and ‘peace politician’, while Leah Rabin referred to him as a ‘memorial.’<sup>14</sup>

After the assassination of Rabin, the Left took to making the most curious statements such as: “Yitzhak, you look down on us from above” or “Rabin, tell God, to whom you are so close now, to get rid of Netanyahu.” However, Rabin does not really live up to his ‘memorial’ image, taking into consideration the fact that for the greater part of his life, he was a man of war. Along with others he participated in the dispersion of the Palestinians in 1948 and then again in 1967. Only in 1993 and due to strategic necessities was he ready to come to terms with the Palestinians. If one looks at the agreements he negotiated it is difficult to comprehend

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<sup>10</sup> Ludwig Watzal, “Thirty Years Since the Six-Day War: Economic and Social Perspectives, 8-9 June 1997, Beersheva”, in *Orient*, 38 (1997) 3, p. 450.

<sup>11</sup> Roger Friedland/Richard Hecht, “Zuviel Liebe zum Land”, in *Lettre International* (Spring 1996), p.20.

<sup>12</sup> See Amos Elon, “Israel’s Demons”, in *The New York Review of Books*, 21 December 1995.

<sup>13</sup> Ludwig Watzal, “Die Rechte in Israel und ihr extremistisches Umfeld”, in *Vorgänge*, 35 (1996) 4, p.16; and L. Watzal, “Mit peitschenden Feuerhieben - Israels Rechte gewinnt an Boden”, in *Lutherische Monatshefte*, (1997) 9, p.22-25.

<sup>14</sup> See Leah Rabin, *Ich gehe weiter auf seinem Weg. Erinnerungen an Yitzhak Rabin*. München, 1997. Much more diverse is the stand of the writers of the *Jerusalem Report: Yitzhak Rabin - Feldherr und Friedensmacher: Die Biographie*. Berlin, 1996.

why the Western public has called him a 'peace politician'. The author wrote about Leah Rabin's book in the *FAZ* of 26 August 1997: "To remember Rabin means, among other things, to recall that he was against a sovereign Palestinian state, against the dissolution of the settlements, against the Palestinians' right of return, and against East Jerusalem as a capital for the Palestinians." One should not forget that it was Rabin who initiated the closure policy at the end of March 1993, which is in force until today, and who led in July 1993, while the secret talks were underway in Oslo, a short war in Lebanon that involved the dispersion of some 500,000 people.

After the assassination of Rabin, the Right in Israel appeared to be paralyzed. All of a sudden no one was admitting that they had ever been involved in giving inflammatory speeches or in participating in anti-government demonstrations. The Left made the mistake of defending the secret services, which resulted in the Right using that – after the taking over of the government by Netanyahu – and accusing the Left as well as the Shin Bet. The Right spread two accounts of the assassination of Rabin: an extreme one and a moderate one.

According to the extreme scenario – published on 31 October 1997 by *Hazofe*, the newspaper of the National Religious Party, and reprinted by *Ha'aretz* on 2 November – the secret service knew about the assassination plan of Amir and had informed the Prime Minister, who had approved the attack but instructed the secret service to exchange the bullets with blank cartridges. Furthermore, a leading Shin Bet agent supposedly informed Peres, and both decided that the bullets should not be exchanged. Almost all Israeli personalities, including Netanyahu and Peres, have rejected these speculations. However, on 9 November 1997, *Ha'aretz* reported that a considerable number of moderate synagogue-goers believed in this theory. Yitzhak Ben Nun, for example, stated the following: "Is it not a shame that the Left accuses half the Israeli population of the murder? Am I a murderer? If you want to know who the murderer is you should ask Shimon Peres... I believe that the Shabak killed Rabin in order to replace him with Peres." And Ya'acov Malka said: "If it wasn't the Shabak that killed Rabin, why would it then have hired Avishai Raviv to instigate against him? ...I am against Bibi but for how long am I supposed to mourn about Rabin on the order of the Left? I am no longer ready to be treated like a dog!" Israel Shahak assumes that approximately 20 percent of Israelis believe the thesis concerning Peres and the secret service.<sup>15</sup>

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<sup>15</sup> See Israel Shahak, "The Renewed Debate about Rabin's Assassination" in *From the Hebrew Press*, IX (1997) 12, p.18.

The moderate version also claims that Peres was involved and accuses the secret service of either having helped in the murder or having arranged it. These claims are based on the following two arguments: the activities of Raviv and his connection to Amir on the one hand and the neglectful protection of Rabin on the other. The Shin Bet is further accused of not having taken any precautions that could have prevented the assassination.

With the new findings the secret service appeared in an increasingly bad light, having seemingly neglected its elementary duties so badly. This failure of the Shin Bet has caused immense damage to the otherwise excellent reputation of the secret services. The Shin Bet is a prized Israeli export; in Africa alone some 20,000 Israelis are said to pursue security-related activities. The investigation report, which was compiled under the guidance of the former president of the Supreme Court, Meir Shamgar, came to the conclusion that the Shin Bet had not functioned properly. It did not, however, mention a single word about the environment, religious and otherwise, in which people like Amir were able to thrive.

Raviv has worked for the Shin Bet ever since 1987. He was known to have an obsessive hate of Arabs and 'leftist betrayers' and at the young age of 14 he had become a member of the fascist Kach. He stems from a non-religious family; thus, in order to convince the settlers of his 'religiosity' he beat up and mishandled Palestinians in a terrible manner, particularly children and elderly people. He also destroyed their possessions, for which he was arrested but immediately released following the intervention of the secret service. Because of his hedonistic lifestyle and his casual clothes he never gained the trust of the religious extremists and had only very little influence within the rightist-religious circles, especially in Hebron. Amir had intended to accept Raviv in the inner circle of Eyal, but his brother Haggai fought against it.

Raviv got the attention of the press because of his 'eccentric' actions; for example, it was Raviv who had produced the poster of Rabin wearing a SS uniform and who had initiated a bizarre scene when he made youth swear 'loyalty to Eretz Israel' while they drank the blood of newly slaughtered cocks. The latter action was to characterize the rightist scene; something the Right considered a major insult. In this context, the following comment of journalist Elie Elitzur, made in the 9 November 1997 edition of *Yediot Aharonot*, deserves attention. After a local newspaper in Jerusalem revealed that Raviv had traveled on the order of the secret service to Gaza and met there with Hamas leaders to arrange for joint terror attacks, Elitzur wrote: "No one can tell me that a Shin Bet agent goes to Gaza to meet Hamas leaders without having been sent by the Shin



Bet.” Is it possible that the Shin Bet was also behind the terrible actions against Palestinians in Hebron?

There are indeed numerous questions that remain unanswered in relation to the death of Rabin. For example, it is hard to believe that the Shin Bet did not know anything about the planned attack as Amir had publicly spoken about the necessity of killing Rabin and had been repeatedly encouraged to do it by Raviv. It is similarly difficult to comprehend why there had been no picture of Amir or at least a description of him in police circles. Why, furthermore, was Rabin on the evening of his assassination only accompanied by one bodyguard, even though there had been rumors concerning an ‘Islamic terror attack’? Even this bodyguard was not present when Amir pulled the trigger as Rabin had allegedly sent him to his wife. It is also unclear who shouted “blank cartridges, blank cartridges,” as heard by Lean Rabin and other standers-by. Raviv, who was not at the scene of the crime, released the news that this time the attempt had failed but that next time it would work. The only explanation for this is that an informant had told Raviv that blank cartridges were being used. This contradiction remains unsolved because Raviv could not be interrogated by an independent state attorney. It is worth noting that Raviv is until today on the payroll, apparently without doing anything.

Does all this not sound like a ‘conspiracy theory’? The Israeli Knesset should pass a law that sets limits for the activities of the Shin Bet, which is directly involved in almost every event in Israeli politics and influences – if not makes – decisions. The public should not justify its unlawful actions with the security argument and should no longer accept its determining role within the society.

What are the spiritual foundations the nationalistic-right and the religious camp in Israel refer to? Baruch Goldstein, Amir Yigal, and thousands of others who support or belong to groups such as Gush Enumim, Kach, Kahane Chai, or Zu Arzeno have had a religious education without which neither the killings perpetrated by these two men nor the latent ethnocentrism evident throughout Israeli society can be understood. Although the extreme nationalistic right wing in Israel had continuously drummed into their followers’ heads that it was not allowed to kill a member of their own ‘tribe’, this taboo was broken as a result of the radicalization of the society. Since the Israelis have always been preoccupied with dealing with their external enemies, their internal enemies remained hidden. Shocking is the fact that for decades the killing of Palestinians had apparently been accepted as a ‘gentlemen’s crime’ and was only in the rarest cases formally punished. Settlers who committed crimes were in the majority of cases punished only very lightly, and both the leftist and rightist government

camps have given in to their illegal activities far too often. The government has also for far too long ignored the fact that the religious and the nationalists have repeatedly referred to 'divine' law which is in clear contradiction to secular, constitutional law.

The idolization of extremists has manifested itself in strange ways within Israeli society. For example, an elaborate grave was erected for the mass murderer Baruch Goldstein in the Meir Kahane Park of the extremist settlement of Kiryat Arba and has since turned into the site of a place of pilgrimage for all religious extremists and nationalists in Israel. The assassin of Rabin has also become an idol, and on 9 August 1997 Israeli television reported on three girls of roughly 17 years of age who had founded a Yigal Amir fan club. The girls said that their parents and teachers tolerated, justified and even actively promoted the initiative. In front of the camera they passed around photos of their 'hero' and praised his courage and the smile he had kept on his face throughout the entire trial. The girls attend religious schools and belong to the Orthodox wing of Israeli society. Their headmistresses spoke of 'confused' ideas of misled juveniles, but on the walls of the schools one could read graffiti expressing a wish that Shimon Peres would die.

The journalists Ariel Weiss and Avi Segal reported on 6 December 1996 in *Yerushalayim* that one quarter of the Jewish national-religious public supported the act of Yigal Amir. The director of the religious school 'Dugma Uziel' refused to officially commemorate the assassination of Rabin in his school because doing so could have resulted in unrest in light of the fact that a considerable number of his students belong to families that welcomed the murder. A commission of inquiry assigned by the Ministry of Education with the goal of cleansing the religious schools came to the conclusion that there was an alarming minority "which has either an indifferent position *vis-à-vis* the assassination, or which, in several cases, even identifies with it." At a related press conference the Minister of Education, Zevulun Hammer, made the following statement: "Should there be teachers who consistently support such a position, then they have no place in our education system."

As a 'Jewish' state Israel discriminates *qua definitionem* against all non-Jews. Orthodox Jews consider non-Jews 'unequal'. A discourse on this fact will eventually provide the key to understanding the events that unfold in the country. Religious fundamentalists and extremist nationalists always refer to the Jewish-Orthodox law that proclaims the soil of the Land of Israel to be holier than a human life and that states that this soil must be liberated from the *goyim* (non-Jews).

Professor Israel Shahak wrote the following about this subject on 8 April 1994 in the newspaper *Davar*: "After the revelation of the murderous attacks of the Jewish underground no attempt was made to understand the *Halachic* roots of these acts. In my opinion these are the main reason why the murderer Goldstein was able to execute his plan and gain the sympathy and the understanding of such wide circles. I hope that for the public, which does not want us to reach a situation similar to that in Khomeini's Iran, the one-time experience in ignoring fundamental problems will be enough and that it will use the dreadful assassination to clarify its ideological roots.

"Let us begin with the fact that the *Halacha* generally forbids a Jew - even if he is a doctor - to save the life of a *goyim*. Accordingly, the Rambam states: 'But non-Jews that are not at war with us, and herdsman and similar people, those we do not save from death and it is forbidden to rescue them if they are in deadly peril. For example, if one sees one of them falling into the sea then we will not pull him up because it is said: 'One does not stand inactive by the blood of one's neighbor, i.e., this is not one's neighbor'" (*Halacha* on the murder and the protection of the soul, 4.11) ... At one place Rambam adds to this law: 'From this you learn that it is forbidden to heal non-Jews even for payment; if one is afraid of a [non-Jew] or is suspected of hostility, then he heals for payment - to heal free of charge, however, is forbidden' (*Halacha* on idolatry, 10.2).

"If a religious Jew had prevented Goldstein from killing non-Jews he had been driven only - according to the *Halacha* - by concerns regarding whether this killing was 'for the good of the Jews' or 'for the good of the Jewish settlements', as we indeed hear from certain religious spokesmen. The basic rule that the life of a non-Jew from the point of view of the *Halacha* is without any value is even clearer in a topic dealt with in great detail in the *Halacha*, namely the problem of the desecration of the Sabbath in the case of treating a sick *goyim*. If a Jew is concerned then the law concerning the 'salvation from mortal danger' applies, which invalidates the Sabbath Law. According to the *Halacha* (and *Kabbala*) non-Jews have no soul and therefore the *Halacha* determines that a Jew, including a Jewish doctor, would not want to desecrate the Sabbath in order to rescue or treat a *goyim*, unless it is a matter of the above-mentioned 'salvation from mortal danger' or perceived 'hostility', i.e., of the fear of a potential danger to Jews....

"Without doubt these are the religious laws, which most of the national-religious follow in practice and all Orthodox in theory, and it is upon these that they base their standpoint regarding the killing of Arabs by Jews, as was the case with the 'Jewish underground'. There is also no

doubt that these laws not only influence the entire religious public but also all those secular circles that have not completely liberated themselves from religion, especially as their behavior *vis-à-vis* non-Jews is concerned.”

Since the latent racism of Jewish Israelis is nurtured by the fact that they are ‘the Chosen People’, as laid down in the religion, Israel Shahak stresses the following: “Although the struggle against anti-Semitism (and of all other forms of racism) should never cease, the struggle against Jewish chauvinism and exclusivism, which must include a critique of classical Judaism, is now of equal or even greater importance.”<sup>16</sup>

Rabbi David Hartman pointed indirectly to this problem when he wrote in the *Jewish Week* the following: “I think that if we look at all this as something strange to us, as some sort of an accident, then we cannot really be very aware of ourselves. This was not an accident. It is unambiguously something that grows in this country (Israel), something that arises from our tradition... There is no doubt whatsoever that there are things in the Jewish religion that can generate such a racist understanding... What Goldstein did reminds me how dangerous it is to fail to contradict the speeches pertaining to Amalec. Goldstein has challenged me to recognize the sort of crime one can commit against humanity and morality under the pretext that there is only one value, which excludes everything else, namely the land (Israel), and that sovereignty over the whole land is the ultimate goal... This is by no means only crazy decoration. This is a sick component that is able to infiltrate the Jewish self-perception.”

It was due to such religious reasons that Goldstein always refused to treat non-Jews. According to the *Yediot Aharonot* of 1 March 1994 he told the High Military Rabbi Gad Navon the following: “As a doctor I am not ready to treat anyone who is not a Jew. I only recognize the Rambam and Kahane.” Shahak explains: “In fact, the *Halacha* instructs Jews to behave exactly like this. If there is a risk that the authorities will be notified about the refusal of a pious Jewish doctor to treat non-Jews then he is allowed to treat them but only in order to spare himself or other Jews any trouble. There is good reason to assume that whenever pious doctors – and Goldstein was such a pious doctor – are forced, due to certain circumstances, to ‘treat’ Arabs, they will in fact not try to heal them. Even if they are not explicitly wishing for the death of a patient, they will do nothing effective to improve their condition.”

It is only logical that Rabbi Dov Lior from Kiryat Arab calls a mass murderer a ‘righteous man’: “Since Goldstein did what he did in the name of

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<sup>16</sup> Israel Shahak, *op.cit.* (footnote 1), p.103.

God, he must be viewed as a 'righteous man'." Goldstein was afforded a pompous funeral with a funeral procession in Jerusalem and the burial in Kiryat Arab. Miriam Goldstein, who is a Kach activist, became a heroine overnight and will never have to worry about how she or her four children will live. She has not expressed any word of regret but rather demanded the punishment of her husband's murderers. The religious world of delusion in which the inhabitants of Kiryat Arba live is clearly reflected in the following notes in the diary of June Leavitt: "Baruch Goldstein has changed the consciousness of all of us... (He) confronts each one of us anew with the principle of 'martyrdom'.... (He) has acted like the Jews in the Bible... If it is our basis then Baruch's behavior was in conformity."<sup>17</sup> In Hebron several zealots warned other Jews not to abandon the city of the Patriarchs because this would be a 'perversion of Zionist ideals'.

The nationalistic and religious-fundamentalist Jews questioned the secularism of the state. After the Six-Day War, even the military establishment increasingly identified with the religious variant of Zionism. The higher-ranking officers still feel obligated to secular Zionism *à la* Labor Party but Colonel Mikha Regev – a deputy battalion commander – pointed in an interview with the *Davar* newspaper of 23 November 1995 to the growing number of soldiers who came from Hesder Yeshiva, who were educated by their rabbis in the messianic tradition and who "held the secular regime in Israel in deep disdain." He added: "Within this national-religious trend there is a not unremarkable number of very dangerous [people]. They consider Zionism a process of cosmic redemption. They define secular Zionism as a collective messiah." The elite units of the Israeli army in particular are infiltrated by such extremists on the instruction of the rabbis. According to Moshe Zimmermann, "These yeshivot personify *par excellence* a combination of Torah studies and military service."<sup>18</sup> Their motivation to fight has religious roots. They increasingly substitute the worldly oriented soldiers and silently undermine the Israeli army.

Shahak believes that the interconnection between the military and religion will in the long run threaten the security of Israel. "The number of religiously oriented officers and soldiers is increasing because the messianic Jews are the strongest militarists in Israel. They encourage their children to willingly extend their military service after completing the compulsory three years, and they run schools with a military curriculum in which the students are brought up with the goal of becoming officers in elite units. Some 30 percent of those in officer classes are messianic Jews. They are

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<sup>17</sup> June Leavitt, *Hebron, Westjordanland: Im Labyrinth des Terrors. Tagebuch einer jüdischen Siedlerin*. Hildesheim, 1996, p.24.

<sup>18</sup> Moshe Zimmermann, *Wende in Israel. Zwischen Nation und Religion*. Berlin, 1996, p.110.

excellent soldiers, and the army favors them. They could be tempted to organize a *coup d'état*, which, from their point of view, is becoming more and more of a possibility.”<sup>19</sup>

The attack on Rabin helped reveal the extent to which the social consensus in Israel has been shaken. The State-religion conflict has reached critical proportions because of the increased power of the nationalists and the religious fundamentalists. This conflict is based on the question of whether Israel wants to continue to perceive itself as a secular state or develops into a ‘God state’. Not only the *Ma’ariv* newspaper, which publishes on a daily basis one to two pages of mutual accusations between the religious and secular camps, bears witness to this.

Against the State-religion conflict the Israeli-Palestinian conflict retreats to the background. The religious fundamentalists have not yet achieved the spiritual hegemony over the society they are striving for but they act in an increasingly offensive manner, and secular Israelis are determinedly pushed out of religious residential quarters. In the Israeli settlement of Ramot in East Jerusalem extremists wrote on walls that they intended to turn a swimming pool into a religious bath (*mikve*). More and more often the swearing-in of army recruits takes place in front of the Wailing Wall in Jerusalem and less often at the former fortress of Masada. The fundamentalists also demand their own Holocaust memorial because the exhibition rooms of Yad Vashem display photos of naked people being pushed into the gas chambers, in contradiction of Jewish Law, which prohibits any form of nakedness.

That the anger of the fundamentalists can even turn against Netanyahu was clear from the reaction that followed the signing of the Hebron Protocol. The nationalist camp around the outlawed Kach movement labeled him a ‘betrayeur’, while the Habad movement threatened to bring Netanyahu before a Torah court on charges of broken promises; during the election campaign, the Habad Hasedim had played the drum for Netanyahu with the slogan “Netanyahu is good for the Jews.” Israel Shahak even prophesized in a conversation with the author an attack on the Prime Minister. Nationalists and religious fundamentalists have extended the scope of their power to such a degree that it could become very difficult for the secular and Western-oriented to maintain their role in the long run.

The next power struggle the government will face has to do with the Conversion Law that shall regulate who is a Jew or how one can convert to Judaism. This law is a first-class policy issue that has the potential to

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<sup>19</sup> “Arafat ist ein Diktator”, op.cit., (footnote 3), p.18f.

cause a serious crisis within the government. For the Orthodox the problem of conversion is far more important than the peace process or the economic policy. They insist that only conversions that have been executed by rabbis who are recognized by the Supreme Rabbinat can be accepted. These conversions automatically guarantee the right of citizenship. What this means in concrete terms is that those Jews who believe in Liberal and Conservative Judaism would fall through the Orthodox sieve and consequently be excluded from institutionalized religious life in Israel. So far only Orthodox Jews sit on the religious councils of the cities; they control the Higher Rabbinat in Jerusalem and demand that Netanyahu fixes the current *status quo*. In doing so they refer to a coalition agreement of June 1996. This claim of sole representation, which invalidates the different streams of Judaism that emerged over the past 200 years, has resulted in heavy resistance from the American Jewry. Approximately 90 percent of the six million Jewish Americans belong to the liberal and conservative streams of Judaism, and as a consequence of the Conversion Law, the vast majority of these American Jews would no longer be recognized as Jews. This religious dispute is also connected to money and power: on the one hand the distribution of US\$70 million for the construction of synagogues and the maintenance of the kosher laws etc. and on the other, the attempts by liberal Jews to strive for a clear separation between religion and State. This, of course, is not in the interest of the Orthodox because it would mean the end of their power base.

It was not so much the loss of the Jewish donations that Netanyahu feared but the loss of the political lobbying in the United States, which, however, is rather unlikely. At the end of 1997 the government had asked for some time for reflection as it is keen to find a compromise. The conflict is not only about conversion but also about the legal aspects of marriage, rites, the role of women, and the right to pray at the Wailing Wall.

All groups wanted to avoid the division of the nation. On 23 January 1998, Finance Minister Ya'acov Neeman suggested the establishment of a central institute for religious conversions for all three streams of Judaism. His plan further suggested that those willing to convert could study with a rabbi of their choice but would have to convert under the supervision of an Orthodox rabbi. The final recognition would be reserved for the Orthodox Rabbinat. However, it should be possible for wedding ceremonies to be conducted by non-Orthodox Rabbis although in the presence of two witnesses from the Supreme Rabbinat. This does not conform to the ideas of the Liberal and Conservative Jews but it would open the door to institutionalized religious life in Israel for them.

The Reform rabbis have not signed the plan and the Orthodox also rejected this compromise and refused to attend a meeting with their Reform colleagues, whom they do not recognize. In *The Guardian Weekly* of 2 November 1997 Rabbi David Yossef described the attitude of Orthodox rabbis *vis-à-vis* their non-Orthodox colleagues as follows: "The Reform and the Conservative movements have created a new religion that has nothing in common with Judaism. If they return to Judaism they must give up the bizarre religion they have created." Other Orthodox go as far as to call the Reform rabbis 'terrorists' and their Reform Judaism a 'despicable farce.'

In January 1998, a commission convened under the General Secretary of the Jewish Agency, Avraham Burg to discuss the question of how the religion of converts should be indicated on their Israeli identity cards. Burg suggested the adding of the letter 'J' and the year of birth or of the conversion to the document. Details of the kind of conversion – Orthodox, Conservative or Reform – should only be made accessible to recognized religious circles. This ominous letter stands for 'Jewish' or 'Israeli' but awakens bad memories; in addition, the procedure would contradict the principle of equality.

In mid-September 1997 it came to confrontations between Orthodox and Conservative Jews at the Wailing Wall on the occasion of the prayer of Tisha Be'au. On the order of the Ministry of Religion and with the use of force, Conservative Jews were dispersed from the plaza in front of the Wailing Wall and from the Old City of Jerusalem. This was the first time ever that the government had forbidden Conservative Jews to pray at the Wailing Wall. The prayer, in which men and women were not separated, took place in front of the area that is usually reserved for prayers, i.e., at a place where indecently dressed tourists hang around, which obviously, was of little concern to the Orthodox in their designated prayer area. The ministry is directed by an Orthodox Jew.

Due to the increase in the number of religious Jews, the Arab population and the foreign workers the Israeli secular elite reacts more and more neurotically. Their fears are not groundless because the average birth rate in Israel is 2.9 while that amongst the Orthodox stands at 5.9. However, if one takes into consideration all the other aspects of daily life, it becomes clear that the Israeli society was never as secular as it is today. Thus it seems as if there is primarily an identity crisis among the secular Israelis that revealed itself as a result of the assassination of Yitzhak Rabin.

Although the Israeli society is still secular, it is undergoing a creeping re-orientation process. According to a poll conducted by the *Yediot Aharonot*



newspaper on 15 October 1997, some 17 percent of the Israelis have built a close relation with religion over the past six years. For example, 13,000 non-religious Jews had become Haredim, 24,000 practicing believers, and 130,000 traditionalists. At the same time, 175,000 traditionalists had turned into practicing believers and 24,000 practicing believers into Haredim. In the same poll, 44 percent of those questioned said that they were closer to religion than their parents, 33 percent said that they were as religious/non-religious as their parents, and only 22 percent that they were less religious than their parents.

According to Israel Shahak, the conflict between religious and secular Israelis primarily concerns their respective attitude *vis-à-vis* non-Jews. "The real issue is whether Israeli Jews should continue the attitude of hatred, contempt and the wish to separate themselves from non-Jews that has characterized (with relative few exceptions) the Jewish attitude to non-Jews about 400 AD until the 19<sup>th</sup> Century and still are being continued by Orthodox Jews."<sup>20</sup> This thesis of Shahak was confirmed by Rabbi Zvi Elimelech Halberstam, who is close to the Labor Party, in the *Ha'aretz* of 15 August 1997: "The danger for Israel that derives from the Reform Jews is bigger than any other because it is not only a material but also a spiritual danger. The non-Jews who converted from the Reform movement to Judaism and who are considered Jews by Israel maintain after all a non-Jewish mentality. As such they continue to hate Jews because non-Jews always hate Jews. Therefore these Jews form a fifth column and this is why the Reform Jews in Tel Aviv and Netanya must be feared more than the Arabs in Ramallah."

The accusation of too little hating sounds unbelievable to Western ears. Moshe Zuckermann also confirmed the component of hatred in the Israeli society in an interview with the author. He spoke of pupils who travel to Auschwitz and who no longer connect the Holocaust with Germany or the Germans, but who, feeling a need to hate someone, hate the Polish instead. A young Israeli journalist said bluntly that she hated Germans because of their being German. This hatred is also directed against the Palestinians. Instead of differentiating, certain groups of Jews are creating a universal Amalec. From here it is only a small step to calling Saddam Hussein a 'new Hitler' or a 'new Pharaoh'. More important is the turning away from hatred. If emotions are involved, then they should be used in an emancipating manner; for instance, with regard to the Holocaust, by making a collective decision to never again be victims.<sup>21</sup>

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<sup>20</sup> Israel Shahak, "The Basic Reasons for the Secular-Religious Struggle in Israel", in *From the Hebrew Press*, IX (1997) 9, p.24.

<sup>21</sup> See "Mit Schuldgefühlen ist gar nichts getan - Ludwig Watzal im Gespräch mit Moshe Zuckermann" in *Universitas*, 52 (1997) 616, p.964.

## 2. Ashkenazim versus Sephardim/Mizrahim

The conflict between the Ashkenazi and Sephardi Jews as well as the conflict over the definition monopoly of the Orthodox Jews suggests the thesis that there is in principle a contrast between Judaism (religion) and nation (Israel). The life spheres of these two streams of Judaism, which are based on utterly different cultural fundamentals, are completely distinct; Jews from various countries of origin can only become one nation if they are assimilated into the 'Israelism'. The question is whether 'ethnocentric Zionism' still has anything to do with 'Israelism', the latter being a product of secular Zionism.

The contrasts in Zionism that prevailed from the beginning are maintained until this day. The Ashkenazi hegemony in the political, military, economic and cultural spheres is still valid despite demographic shifts in favor of the Sephardim. In this respect, the impetus of the Western claim of progress *vis-à-vis* the 'backward' Orientals might have played a role.

The original Zionism has always understood itself as an emancipation movement for all Jews. The movement has spared no effort in using the terms 'Jewish' and 'Zionist' as synonyms. Initially Zionism was actually some kind of a 'liberation movement' involving a small European minority of Jews, but when it became obvious that the European Jews did not represent an unlimited source of cheap labor, Sephardim from the Arab states were brought 'home'. As Tom Segev has made evident, there was strong resistance against such a policy among Israel's Zionist elite. A 'First World' elite created a nation within the nation by bringing in a Third World people – the Sephardim. Behind a façade of rhetorical egalitarianism the Sephardim were in fact discriminated against and only because they were, after all, Jews, were they treated slightly better than the Palestinians. This latent discrimination is the underlying reason for the widespread antipathy within Israel's Sephardi population *vis-à-vis* the Ashkenazim.

The vast majority of the Sephardim support right wing and religious parties. In general, they are considered in Israel as being traditional, emotional, nationalistic, intolerant, extremist, and Arab-haters, and thus, uncompromising in any question related to the Israeli-Palestinian conflict. Since the media always covers attacks involving the Sephardim, they appear extreme, while the Ashkenazim are portrayed as rational and pragmatic, ready for compromises, supporters of the Left and friends of peace.

Among the common Ashkenazi interpretations of such stereotypes are the following:

- The Sephardim have a much stronger anti-Arab attitude because they were persecuted in their countries of origin. In Israel, however, there is a possibility for them to take their revenge. Their lower level of education and their religious traditionalism contribute to their overall irrationality and intolerance. In order to liberate themselves from their Arab origins they need to have and display an extreme anti-Arab attitude.
- The Sephardim benefit more from the occupation than the Ashkenazim do because the Palestinian workers substitute them in doing the worst jobs. The suppression of the Palestinians is thus in their interest.
- The hatred of the Sephardim vis-à-vis the Palestinians is a result of the frictions that evolved due to the competition in a restricted labor market. The contradicting declarations of some Sephardi intellectuals can be summarized under the following slogan: “The Ashkenazim as an obstacle to peace.”
- The Ashkenazim caused the conflict with the Arabs when they founded a Zionist movement that understood itself as separatist and ethnocentric. They behaved in the country like European colonialists and created their own state – separate from the Arabs. Until today they scorn the Arabs and their culture and reject any kind of integration. There will be no peace as long as the Ashkenazim do not change their attitude vis-à-vis the Arabs, respect their culture, understand themselves as part of the region, and give up their Euro-Centrism.
- The Ashkenazim see the Sephardim as Arabs and therefore reject them. The Sephardim are hurt by this and accuse the Ashkenazim of not having a genuine desire to achieve peace, of dishonesty, and of not being interested in leveling the class differences. Thus they cannot consider the Sephardim as allies in the struggle for peace.

The mutual stigmatization contains a certain core truth and illustrates the complexity of the mutual relations. A society in which the Ashkenazim dominate all the spheres will confirm the viewpoints of the Sephardim only to a certain extent. Although there are no clear polls it is generally believed that the majority of the 20 percent ‘Greater Israel ideologists’ in the society are Sephardim, who follow the tradition of Jabotinsky, Kook, and Yitzhak Tabenkin and who form the social base of the political Right in Israel. While the Sephardim used to vote left in the 1950s and 1960s, they - disappointed by the establishment of the Labor Party - turned right in the 1970s. They hoped that the Likud would work toward an improvement of their standard of living and toward recognition of their culture and tradition. Sami Smooha interprets their decision to vote for the Right

as an expression of aspirations concerning social mobility rather than an endorsement of the supporters of the Greater Israel ideology.<sup>22</sup>

In the extremist-racist groupings such as Gush Emunim, Kach, Kahane Chai, Zu Arzeno, the secular right-wing parties Tzomet and Moledet, or the religious-nationalistic Mafdal and the right wing of Likud it is the Ashkenazim who set the tone and who make up the majority of the members. They were also predominantly involved in the wicked anti-Rabin demonstrations and in the Jewish-terrorist underground, which launched terror acts against the Arabs. Therefore they see the Sephardim as a threat to Israel's European culture.

Accordingly, the various integration attempts failed. The integration or first liberation began with David Ben Gurion's idea of introducing 'a Yemenite general chief-of-staff' as an expression of equality between the two population groups. The efforts to pretend that this equality existed were helped by certain measures, but these, including the allocation of a Sephardi seat in the Supreme Court, had only a symbolic value.

Between the so-called first and second liberation of the Sephardim they developed an independent protest movement. In the early 1970s, the North African Jews in particular spoke out against discrimination in the communities and demanded a fairer distribution of the economic resources. They oriented themselves according to the protests of the Afro-Americans in the United States and created some kind of a 'Black Panther movement' which, however, was unable to influence the Israeli Left, its potential clientele. The Right, on the other hand, succeeded through skillful maneuvering to use this protest potential, which eventually helped to bring Menachem Begin to power. Since the Sephardi protest movement was only an internal issue it was not observed abroad.

Ever since their immigration the Sephardim failed to establish a relationship with the Western-oriented Jewish nationalism. They increasingly questioned the European definition of Zionism and used religious patterns of interpretations. With the election victory and coming to power of Menachem Begin this alternative interpretation of Judaism eventually pervaded. The Sephardim turned away from the Zionism of the Labor Party and towards the revisionist form. Both the Sephardim and Begin's revisionist camp considered themselves victims of the Labor Party. With the election defeat of Labor the second liberation in the history of the Sephardim began and they became the new power basis of the Likud Party. Although the party under Begin's leadership had hardly anything in common with

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<sup>22</sup> See Sami Smooha, "Mizrahim's Parting of Ways" in *News From Within*, X (1994) 1, p.20.

the Sephardim – whether culturally or socially – it offered itself as their natural domicile. With slogans such as “30 years” they hinted at the legislative period of the Labor Party, which had been a time of humiliation and suppression for the Sephardim, and suggested that the Sephardim 2,000 years after their return were having a second round of good luck.

An incident in the city of Bet Shemesh in which Shimon Peres was welcomed with rotten tomatoes during an election campaign event illustrates how proficiently the Likud under Begin played the Sephardi card. Later it was revealed that the Likud had paid the perpetrators. At another election campaign event in Tel Aviv Begin, up on the stage, himself took on the role of a Sephardi Jew, which left a deep impression. The alliance between these *de facto* antagonistic classes could only endure because it formed a unique combination of religion and nationalism. During this period a new generation of Sephardi politicians emerged, among them Meir Shetreet, Moshe Katzav, David Magan, and David Levy. The latter had been rejected by the Labor Party in his hometown of Bet Shean (Arabic: Bisan) before he turned toward Likud. According to Tom Segev, Begin universalized the Holocaust and made everyone a victim, and even the Sephardim were allowed to become a part of it.<sup>23</sup> The Likud created the impression that the gap between the two population groups had been closed.

In the mid-1980s the Sephardim experienced yet another turn in their history: the foundation of the Shas Party by a group of Sephardim who had studied in the Ultra-Orthodox rabbinical seminaries of the Ashkenazim. They founded Shas on the grounds that all Sephardim had been religious in their home countries but had turned away from religion since arriving in Israel. Moreover, they portrayed their own experience in Israel as a ‘spiritual eradication’ (*shmad*), whereby they directed their accusations not against the Israeli society in general but against certain institutions such as the kibbutzim. Shas focused on the urban poor. The party explained the bad economic, social and cultural situation of the Sephardim with Israel’s turning away from its religious tradition and created a well-functioning system of social and financial support for poor families. Shas succeeded in giving new impetus to the religious way of living.

For the ruling class of the Ashkenazim, the Sephardim were only political objects; accordingly, they only appear in historiography as footnotes or in a marginalized manner. For example, the mass immigration of the years 1948-1951 and the mass dispersion of the Palestinians in the course and as a result of the War of 1948 are portrayed as mass migration. “The emigration of Arabs, who left the country, and the immigration of Jews, who

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<sup>23</sup> See Tom Segev, *Die Siebte Million. Der Holocaust und Israels Politik der Erinnerung*. Hamburg, 1995.

made *aliya* to Israel from Arab states, was comparable to an exchange of populations. Approximately 650,000 Arabs left the country and some 750,000 Jews from Arab states immigrated into the country.”<sup>24</sup>

Here, the darkest chapter in the Zionist-Ashkenazi history mutates into a moving back and forth of population groups. It has been claimed that almost all of the immigration waves of the 1950s were rescue actions. With this a linkage to the fate of the survivors of the Holocaust and that of the Jews in the Arab countries is being made, implying that the Ashkenazim had rescued the Jews of Arab origin. The Sephardim felt they were being discriminated against on racial grounds in Israel; more recently, they have kept pointing to the ongoing corruption trial against their party leader Aryeh Deri, grumbling that all Ashkenazi had been acquitted and only Deri was indicted. Furthermore, Yemenite immigrants, whose children were taken from them 50 years ago on the pretext that they were ill and then given to Ashkenazi Holocaust survivors for adoption, refer to racist motives. These examples show that serious efforts to come to terms with the past are still necessary. This also applies to the ‘new historians’, who have not yet taken up the Sephardi case as they are primarily concerned with revealing the truth about the historical myths of Zionism.

### 3. From Zionism to ‘Post-Zionism’ or Ethnocentric Zionism

In Israel an intensive debate over the original, i.e., secular, Zionism has flared up. Moshe Zimmermann supports the thesis that with the assassination of Yitzhak Rabin, the original Zionism was also buried. For him, the assassination was the result of the taking over of the Zionist ideology by the ethnocentric, orthodox-religious variant of Judaism, with which the original Zionism was de-legitimized.<sup>25</sup> Ever since the beginning of the colonization of Palestine secular Zionism has been fought by the representatives of religious Zionism, for whom there was only one option, that is the ‘rebirth of the Jewish people’ against the background of the Torah. They appeared to have almost reached this goal with the election victory of Netanyahu, which turned the original intentions of secular Zionism into their opposite. Ehud Barak’s victory in the recent elections does not imply that this trend is about to change.

Since the 1980s, the historical interpretations of the original form of Zionism, which were oriented at the ‘national interest’ and the ‘ruling class’,

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<sup>24</sup> *From Diaspora to State - Chapters in the History of the People of Israel and the State of Israel, 1881-1951*. Ed. by the Ministry of Education, Curriculum. Jerusalem, 1992.

<sup>25</sup> See Zimmermann, op.cit. (footnote 18), p.13; and Zimmermann, “Die Geschichte des Zionismus steht nach 100 Jahren an ihrem Ende” in *Frankfurter Rundschau*, 6 September 1996.

have been questioned by the 'new historians'. The publicizing of new documents and the application of new research approaches caused this debate. The 'new historians' are also called 'post-Zionists', a term found inadequate by Zimmermann to characterize the scientists on the left of the academic spectrum. In his opinion, the term would rather suit the supporters of the new religious form of Zionism, while the 'new historians' should call themselves 'radical' or 'original Zionists'. The scientist Uri Ram, who created the term 'post-Zionist' in order to separate the 'new historians' from the 'new sociologists' partly agrees with Zimmermann's point of view. He identifies post-Zionism with the end of an epoch of colonization, settlement and building up of Israel as he explained in *Ha'aretz* of 24 June 1994. Ram and Zimmermann both assume an end to a monolithic consciousness. The opinions of the 'new historians' have led to a counter-offensive in the field of established historical science, whose representatives accuse them of being 'anti-national' and anti-Zionist, whereby the latter is equal with being an enemy of the State. The aim of the post-Zionists is to shed light on the darker sides of Zionism. Ilan Pappé proposes that they be called revisionists, having in mind the revisionist school in American historical science during the Cold War period<sup>26</sup> - which would bring the confusion about the name of this new perspective of Israeli history to an end. For Pappé, post-Zionism is fed with anti-Zionist reasoning and a postmodern perception of the reality.

The question that arises here is why the post-Zionists challenge the history of the last hundred years, during which Zionism experienced considerable success. According to the opinion of Israel Shahak - an anti-Zionist - Zionism would also have to be criticized "if a Jewish state were established on a lonely island without hurting anyone. The reason for this is that a state that is based on the idea of the purity of the religion, the race and the nationality, should be criticized... The reason for my criticism is very simple. I believe that Zionism is a form of racism. I have said for years that it is the mirror image of anti-Semitism. As one perceives anti-Semitism as an expression of the hatred of Jews, Zionism is an expression of the hatred of all non-Jews (*goyim*); not only *vis-à-vis* Arabs but all other *goyim*."<sup>27</sup>

Are the 'new historians' or the so-called post-Zionists primarily concerned with the criticism of the racist aspects of Zionism or does their criticism go beyond this? The 'new historians' claim that the past - due to reasons of national mobilization - was deliberately interpreted in a one-sided manner. According to them, Zionism fulfilled its task with the foundation of the State of Israel; it was useful during the state-building process but

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<sup>26</sup> See Ilan Pappé, "Post Zionist Critique on Israel and the Palestinian. Part I: The Academic Debate" in *JPS*, XXVI (Winter 1997) 2, p.33.

<sup>27</sup> Shahak, *op.cit.* (footnote 3), p.16.

later became superfluous and therefore, Israel should have become a normal state, relaxed its connections with the Diaspora Jews, and stopped the admittance of immigrants. They consider the settlements and the concept of the 'redemption of the land' an anachronism and argue that these theses question the truthfulness of the official historiography. In this context, the following aspects are of particular concern:

- the unavoidability of the wars that Israel had led or was forced to lead;
- the justice of the wars and the question of the Palestinian refugee problem;
- the so-called 'Ashkenazi lie', the cultural hegemony and rule of the Ashkenazim over the Sephardim;
- the relation between Zionism and imperialism without which the history of Israel cannot be adequately understood;
- the Zionist claim of being the only answer to the Jewish question;
- the State of Israel as the answer to the Holocaust.

All these areas are of central meaning because they touch on the self-understanding of the Israelis. In their rigorousness the post-Zionists question the old concept of values, which, of course, has consequences for the legitimacy of the State of Israel. They also accuse their established colleagues of using the Holocaust as a 'secret weapon' against any potential criticism of Zionism and reject their scientific approach because it combined elements of positivism with ideology. Thus, their research was 'elitist' and a mixture of ideology, ethnocentrism, and empirical book-keeping, which has left a significant imprint on the national myths and the Israeli self-perception.<sup>28</sup>

Permanent topics in the center of the debates are the legend concerning the 'flight' of the Palestinians in 1948, the war goals then, the behavior of the Israeli soldiers in the various wars, and the thesis of the Arab's readiness to make peace.

The 'new historians' doubt the testimonies of the official historiography, which maintains that the Jewish community faced eradication on the eve of the War of 1948. The transfiguration of the War of 1948 is countered by Ilan Pappé with the following three arguments: due to the existing military balance of power the yishuv had never been in danger of destruction, the agreement between the Jewish Agency and the Hashemite Kingdom of Jordan had defused the threat from the Arab armies, and the su-

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<sup>28</sup> See Pappé, *op.cit.* (footnote 26), p.31.



perpowers had supported the foundation of Israel. "Generally speaking the Zionists succeeded in persuading large segments of the world public opinion to link the Zionist cause with the Holocaust."<sup>29</sup> On 27 August 1993 Ilan Pappé wrote in *Yediot Aharonot* that had he anticipated that the price for Zionism would be the uprooting of another people he would not have wanted the state. According to this viewpoint it is the Israelis rather than the Palestinians who are responsible for the current situation of the latter. Israel is no longer seen as a victim but as a perpetrator. Since the existence of Israel cannot be discussed anymore, the State of Israel should at least become a 'state for all its citizens' and stop the discrimination against the Palestinians.

Natan Sznaider raised grave objections concerning this perspective of the 'new historians' in the *taz* of 22 August 1997. He considers post-Zionism an intellectual ghost and accuses the representatives of this stream of not wanting to be Jews any longer but only Israelis, "citizens without ethnicity." They wanted to be universal and stand on the side of the 'alleged victim'. Israel was anticipated as a Western liberal state with 'good Israelis' but no Jews; the Israeli national identity was based on the territorial principle. "This means equality before the law for all citizens within the State of Israel regardless of ethnic, religious or other identity criteria: constitutional patriotism of the Israeli kind." This critique in regard to the intention of the 'new historians' provokes the question of whether Sznaider justifies and accepts the discriminative acts that are constantly committed against the Palestinian Israelis, which are based on the ethnocentrism of Zionism and its definitions as laid down in the Law of Return. All later legislation refers either directly or indirectly to the Law of Return, which forms the basis for the legal inequality in the treatment of the non-Jewish Israeli.<sup>30</sup>

In contrast to Sznaider the French journalist Dominique Vidal, in *Le Monde diplomatique* of 12 December 1997, judges the achievements of the 'new historians' as positive and stresses their courage "because their efforts to reveal the truth do not relate to any old episode in history but to the Israeli original sin *per se*. Should the right of the survivors of Hitler's genocide to live in a secure state exclude the right of the daughters and sons of Palestine to live in their state, too? Fifty years afterwards it is about time to finally break with this martial logic and allow the peoples to coexist without continuing to maintain silence concerning what the origins of the tragedy were like."

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<sup>29</sup> Ibid., p.33.

<sup>30</sup> On the discrimination of all non-Jews by the Israeli legislation see Israel Shahak, "Israeli Discrimination Against Non-Jews" in *From the Hebrew Press*, IX (1997) 11, p.14f.

“The originality of the post-Zionists does not so much lie in the novelty of these ideas, which are all derived from Western political thoughts, rather, that they here think through in great detail for the first time ever what consequences the application of the much disputed term ‘normality’ to Israel would bring with it.”<sup>31</sup> The status of Israel was always justified with references to the fact that its people were ‘chosen by God’ and with the latent anti-Semitism, the Holocaust, and the ‘state of siege.’ Since the anti-Semitism was transferred from Europe to the Middle East the life of the Jewish population in the entire world has not become more secure through the existence of Israel but is now in more peril as Moshe Zimmermann sees it. In order to elude a critical self-reflection the representatives of the *status quo* declare the Zionist ‘values and visions’ still valid instead of analyzing the Israeli peculiarity and exclusivity in a changed environment, and to explain it convincingly. Such an explanation attempt would not turn out to be an easy task since some factors do not exist anymore or have become blurred in the collective memory throughout history.

Besides the ‘new historians’, the ‘new sociologists’ play a central role in the critique of the Zionist worldview. Their criticism began with the Yom Kippur War of 1973 when the first cracks in the façade of Israeli self-contentment and moral narrow-mindedness appeared. Protests by the African Jews pointed back then to the contradictions in the multi-cultural composition of Israeli society and the melting-pot-ideology. The viewpoints of the ‘new sociologists’ were much more homogeneous than those of the historians were. Their most important contribution to the perception of Israeli society was the re-interpretation of Zionism as a colonial movement.

With the post-Zionists two other myths lost their magic: that the Israeli army could never provoke hostilities and that security was more important than everything else was. The scientists rejected the explanation of the government that security considerations were responsible for the marginalization of the Sephardim or for the bad treatment of the Israeli Palestinians. They called the government’s policy ‘racist’ and ‘nationalistic’, and referred to the dispersion of the Palestinians by the Israeli army.

The attempt to question the essence of Zionism, however, was denounced in Israel as an undertaking of ‘Jews who hate themselves in the service of the enemy’. These attacks came not from the Right but from the Zionist Left, which accepts a critique of the Israeli policy after 1967 but forbids any questioning of the policy in the period from 1882 to 1967. The Zionist Left deals primarily with the effects of the occupation policies on its own morality and is not interested in the effects they have had on the Pal-

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<sup>31</sup> Julia Brauch, “Ein Staat aller seiner Bürger? Die Postzionismus-Debatte in Israel” in *Internationale Politik und Gesellschaft* (1997), 1, p.43.

estinians. Their desire to make peace with the Palestinians is derived from a desire for final separation rather than a wish to admit historical injustice and end immoral behavior. The post-Zionists or anti-Zionists identify more with the Palestinians as the victims of the occupation policy than with the moral problems of the Israeli soldiers. They are for a secular 'state for all its citizens' whereas the Zionist Left (Peace Now, Meretz Party) pleads for a 'Jewish state'. In the Israeli press, which is still oriented toward Zionism, the positions of the post-Zionists are rarely mentioned.<sup>32</sup>

Ultimately, the post-Zionists have succeeded in getting Israelis to discuss the question of the State of Israel's self-understanding anew and whether the future focus should be the 'Diaspora Jewry' or the 'Jewish Israel'. Many intellectuals dissolve the tension by equalizing Judaism with Israelism. From the time of its foundation, Israel maintained a special relation with the Diaspora Jewry. After the security situation relaxed, the economy prospered, and a certain cultural alienation between the Israelis and the Diaspora Jews emerged, an increasing number of Israeli Jews began to ask themselves what still links them with the Jews in other countries. The debate that ensued included the issue of the right of return and revealed the creeping alienation between Israeli Jews and the Diaspora Jewry. A cancellation of the right of return seems very unlikely because there is no doubt in all camps that the gates of the country should be open to any persecuted Jew. The automatic issuance of citizenship however, causes a certain uneasiness, as many believe it should be earned. The chief editor of the *Ha'aretz*, Chanoch Marmari, for example, wrote on 8 February 1996 in the *Jerusalem Report* that although the Israelis would follow any rescue action of threatened Jews with great interest, the Jews in the Diaspora did not matter to them.

The Israeli intellectuals waver between sticking to Zionism as the ideology that guarantees the cohesion of the country and the orientation towards a 'Mediterranean identity', which would dissolve the tensions between East and West as introduced into the debate by Abraham B. Yehoshua in *Ha'aretz* on 29 December 1995. The identity crises will continue as long as Israel is a normal state and behaves as such *vis-à-vis* its neighbors. There is doubt that a Netanyahu government would be able to ensure this. The contents of the originally secular Zionism have been surrendered by the representatives of the ethnocentric variant of Zionism. The post-Zionist understanding of history however, is being displayed as the true Zionism. This ideologically reinterpreted Zionism traces the story back not to 1897 but to ancient times. The forces on which the State of Israel was built have striven since 1977 for a completely new interpretation of Zion-

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<sup>32</sup> See Ilan Pappé, "Post-Zionist Critique on Israel and the Palestinians. Part II: The Media" in *JPS*, XXVI (Spring 1997) 3, p.41.

ism and are, according to Moshe Zimmermann, the 'real post-Zionists'. In the *Neue Zürcher Zeitung* of 27 August 1997, which was published on the occasion the 100<sup>th</sup> anniversary of the First Zionist Congress in Basle, he names the following five principles that the 'real post-Zionists' pursue:

- *'Palestinocentrism'*: Eretz Israel is being equated with Zionism, and it forms the fundament and the framework of Jewish life. This 'Palestinocentrism' questions the rights of the Israeli Palestinians and the legitimacy of the Diaspora Jewry.
- *Romantic-territorial nationalism*: While classical Zionism was still content with part of Palestine, the West Bank was declared 'holy land' after the Six-Day War. Nablus, Hebron, the Old City of Jerusalem and the other religious places became the most important content and the 'essence of Zionism.' The secular Zionist ideology, which is symbolized in the kibbutzim, was replaced by a religious-romantic relationship with the 'Land of Israel'.
- *Surrender of the social experiment*: The settlements in Judea and Samaria were built as a contrasting program to the kibbutzim. The idea of the 'new human being' and the 'Zionist society' that accompanied the kibbutz movement was dropped. The striven for 'model society' was replaced with a return to 'traditional values', which were henceforth considered 'Zionist values'.
- *De-Europeanization*: Originally a better Europe on a small scale was supposed to evolve in the Middle East. The Holocaust and the mass immigration of non-European Jews ruined these ideas and put Israel's historical European connection in another light. This is of great significance for the country's present.
- *'Religiosization' of public life*: The central characteristic of ethnocentric Zionism is the identification of Zionism with Jewish-religious orthodoxy. Zionism is no longer understood as a national movement but as the eternal longing of the Jewish people for 'Eretz Israel'. The Jewish State is being interpreted in a religious-orthodox manner. In the case of a conflict of values between democracy and Judaism the latter is given priority. There is only one legitimate kind of Judaism left: the orthodox version, which smoothes the way for a theocracy to emerge.

While the post-Zionists are still preoccupied with the critique of the historical legends of the original form of Zionism the 'real post-Zionists' are establishing a new ideology for Israel, which will be less tolerant than that of secular Zionism. If democracy cannot guarantee a 'Jewish majority' anymore, then democracy must be 'sick' – this is the argumentation of the religious.

The character of the State of Israel will undoubtedly change. Zimmermann describes how the re-interpretation of history takes place in concrete terms, taking the example of the controversy between the former Minister of Education, Amon Rubinstein, and the Rabbi Yoel Ben Nun, who attacks the curriculum and especially the understanding of its history in its fundamentals.<sup>33</sup> According to Ben Nun, Zionism is 2,000 not 100 years old as the 'longing for Zion' was Zionism. Herzl's Zionism was thus an intermezzo. Common opponents of the defendants of the original form of Zionism and of the ethnocentric variant of Zionism are the post-Zionists. The secular Zionists like Rubinstein should not enter into this 'unholy alliance' with the opponents of secularism. Their natural allies are the 'new historians' who were right in questioning certain historical myths pertaining to the original Zionism.

A prime minister who meets with rabbis such as Eliahu Khaduri and uses the occasion to accuse the Left in Israel of not knowing what 'being Jewish' means points to the direction in which the country is heading. The first signs of the forced retreat of Liberal Judaism also appeared in Tel Aviv, when in one of the suburbs, Ramat Aviv, a new shopping center was opened. The Orthodox owner, diamond dealer Lev Leviev, demanded that shop-owners should close on Saturdays although the contracts stipulated that they could open. Despite the protests of the residents the court ruled in favor of Leviev.

The following could be filed under 'curious things', were it not for the fact that it is so symptomatic of a development that seems unstoppable in Israel: on educational excursions to Jerusalem religious Israeli soldiers are forbidden to visit mosques and churches. When the Knesset Members Moshe Gafni from the Yahadut Hatorah Party and Aryeh Deri from the Shas Party complained about such visits, the General Chief of Staff Amnon Lipkin-Shahak issued a corresponding order. The reason Lipkin-Shahak gave was that otherwise the comradeship among the Jewish soldiers would be at risk. Instantly, he ruled it was a sin for any religious soldier to visit a non-Jewish holy site. (In order to be precise, the visit to a Christian site is a deadly sin and the visit to a Moslem site a venial one, according to Israel Shahak). Akiva Eldar concludes his article in *Ha'arets* of 13 March 1997 with the slightly ironic comment: "It is probably uncomfortable for them [the religious soldiers] to think, while they are waiting, how their comrades could be harmed by the Christian and Moslem influence."

The increase in power of the Orthodox also became visible when Bar Ilan Street in Jerusalem, which connects the northern and southern parts of the

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<sup>33</sup> See Moshe Zimmermann, "Geschichte umschreiben: Was ist Zionismus?" in *Aus Politik und Zeitgeschichte*, B 14/98, p.11-18.

city, was partially closed on the Sabbath after weeks-long street battles with the police and secular Jews. When the conflict was brought before the Supreme Court it was unable to make a decision, and recommended instead the establishment of a committee to solve the disputes in Jerusalem within an all-Israeli context. The subsequently formed Zamaret Committee consisted of eight members: four non-religious traditional Jews, two Orthodox, and two national-religious representatives. Israeli-Palestinians were not part of it. The result was a document that stipulated that Bar Ilan Street would be closed for traffic on the Sabbath and holidays but only on condition that the municipality would find traffic alternatives for the non-religious population. The Orthodox members refused on religious grounds to sign the document; the street was closed and the recommendations of the Committee ignored.

Another bastion the religious fundamentalists want to influence is the transfer of the football games on Saturdays; for religious reasons, the character of the State-ordered day of rest is to be changed. Moshe Zimmermann believes that if this, “an inviolable considered bastion falls” the debate on the history curriculum would become superfluous.<sup>34</sup> *Ha’aretz* reported that the Football Union had been urged by the three Orthodox parties not to permit league games on Saturdays. A study commissioned by the Football Union shall now prove that a transfer would cause the clubs no financial losses. Besides this agreement it is said that the clubs received financial pledges from the Shas Party and Agudat Israel.

The crucial conflict in Israel is not about who wants to give the Palestinians a few more square meters of land but about the fundamental understanding of the state. Which law will determine life in Israel in the future: the secular or the religious-*Halachic* one? This is by no means a rhetorical question – after all, the racist viewpoints of Meir Kahane are finding favor amongst a continuously increasing part of the political class in Israel. Kahane’s main aspiration was to turn Israel into a theocratic state in which the *Halacha* was the valid law, and the forced dispersion of the Palestinians was only a side effect of his project. The religious groups in Israel have not rejected Kahane’s messages in principle, but for tactical reasons. For instance, the Orthodox have basically accepted the principles but want to leave their implementation to heaven. The majority of the right-nationalists has not denied the righteousness of the ideas but has referred to the psychological climate and the unsuitable timing. The Gush Enumim itself believes that it is possible to turn Israel into a *Halachic* God-state but wants to employ other strategies and another kind of rhetoric.

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<sup>34</sup> Ibid, p.17.

The confrontation concerning nation and religion will determine the future of Israel. Whether the ethnocentric or the secular form of Zionism will emerge as the victor of this struggle has not yet been decided. For the time being, the representatives of an Israel that is oriented by Western standards hold the central power positions but whether they will be able to face the attacks of the Right and of the religious-nationalists in the long run remains to be seen. Which one of the fanatic religious parties will maintain the upper hand and how the defeated ones will cope with this is something else for which there is currently no answer. The secular sector of the society will despite the increase in religious power not vanish completely; after all, between 60 to 70 percent of the Israelis consider themselves non-religious. However, the liberals should be warned about interpreting the relative restraint of the Right and of the religious fundamentalists after Rabin's assassination as weakness. The threat on the life of Supreme Judge Aaron Barak by some Orthodox rabbis after his decision regarding Bar Ilan Street is another sign of the decay of the political etiquette in Israel.

The question is whether a liberalization of the Israeli society could offer a way out of the advance of fundamentalism. A poll conducted by the Hebrew University in Jerusalem give little reason for optimism. According to the survey, 30 percent of Israeli high school students categorize themselves as 'racists'; of these, 33 percent are religious and 28 percent secular. Only 50 percent agreed that Arabs are citizens with equal rights, and 72 of those questioned were against Arabs running for the Knesset, because they pose a security risk. This increase in racism was confirmed in another survey conducted by Deborah Karmil from Haifa University. According to her findings, 61.7 percent of Israeli youth are against equal rights for the Israeli Palestinians, and 73.5 percent consider Arab representation in the Knesset a danger for Israel. One wonders why five years of a 'peace process' does not show other results than these.

Although the achievements of Israeli democracy with regard to the building up and integration of the country are certainly something to be proud of, the indicators for the future of this democracy according to the Western-liberal understanding are rather bad. The danger posed to the continuation of a secular Israel stems – paradoxically – not from the Palestinians in general or the Israeli Palestinians in particular but from the extreme nationalists and the religious fundamentalists in the country, who undermine the State order from within and turn the secular ideology around. These forces had formed part of the government until May 1999, which was the most frightening aspect. Prime Minister Ehud Barak has also accepted these parties as coalition partners.

## OUTLOOK

Peace in Israel and Palestine is principally possible but under the current circumstances not very likely to materialize. A lasting peace can only emerge if the principle of justice is honored. Currently, belief in the opposite seems to prevail - injustice shall create peace - and we are witnessing a 'peace process' that is not intended to lead to Palestinian self-determination and sovereignty but to the surrender of the Palestinians and their permanent subjugation.

The most important condition for a just and lasting peace was formulated by the journalist Arnold Hottinger in the preface to my book *Frieden ohne Gerechtigkeit?* (Peace Without Justice?): "The Palestinians cannot be treated 'justly' as long as one denies before oneself, before them and before the entire world how they have suffered and continue to suffer until the present day. This is not only a moral but also a basic political question. Real peace will not and cannot exist as long as the Israelis keep telling themselves and the rest of the world that they have always acted morally and in a politically sound, just and clean manner. Only if they recognize that they have inflicted a huge injustice on the Palestinians is there a possibility that a lasting peace with their current subordinates and future neighbors (?) can emerge." These sentences, written down in April 1994, have not lost any of their validity and justifiability.

Peace in the region can only be established on the fundamentals of International Law, never, however, on the basis of the hegemony and dominance of the United States or Israel. The preamble of UN Security Council Resolution 242 states "the inadmissibility of the acquisition of territory by war." This implies that when the Israeli occupation of Palestinian land comes to an end, the Palestinian right to self-determination will be recognized, a sovereign Palestinian state with East Jerusalem as its capital will be created, the refugees will return in accordance with the relevant UN resolutions, and the dismantling of the settlements in the occupied territories will have been decided upon. Both Palestinians and Israelis would benefit from such a solution. Although more than three decades of occupation have harmed the Palestinians far more than they have harmed the Israelis, the mental effects on the Israeli society should not be underestimated.



The Palestinians must comprehend that the agreements threaten their aspirations regarding an independent state. It was pure self-deception when they tried to make the world believe that they would regain 90 percent of the Occupied Territories. The Israeli side has never made such pledges and the agreements offer no basis for such a claim. Arafat and his advisors bear the sole responsibility for the disappointment of the Palestinians, which is now bigger than ever. There is hardly any difference between the Likud version of 'autonomy' and the Labor concept of a 'Palestinian state'.

South Africa is an example of the fact that a people cannot be suppressed permanently and be exiled in Bantustans. Israel should spare itself from making such an error because it will only lead to more suffering on both sides. However, currently the Netanyahu Government was miles away from magnanimity and farsightedness. Whether Barak will treat the Palestinians more generously is doubtful. A sovereign Palestinian state would be in the interest of Israel as it would be the only thing capable of leading to justice and real peace.

To accept the above requires courage. However, since the Israeli society, due to its historic experience, is still obsessed with existential fears, it seems neither ready nor prepared to dare take a step towards real peace. As long as the Israelis believe that the entire world is against them and that they are the eternal victims, there is no place for trust and confidence building. The Holocaust is still a collective trauma for the Israelis. However, if the Israeli society still derives its political behavior from the past, determines its current situation and wants to form the future by relying on this behavior, it will endanger its own democracy and create the mental atmosphere for violence. Perhaps the violence *vis-à-vis* the Palestinians and the failure of the peace process, among other factors, could be put down to this mentality.

A major obstacle on the path to a real and lasting peace is the belief of the United States and the European Union (EU) that the Oslo Accords are just and therefore do not need to be improved upon. In the United States and Western Europe, the impression is that the Palestinians have already obtained their freedom. Only if the people there realize that this 'peace process' will not lead to peace will the daily violence in the autonomous areas and in Israel decrease.

The American bias regarding Israeli security interests in particular will in the long term contribute to destabilization and continued injustice in the region. The United States and Israel impede any progress being made on the path to Palestinian self-determination. The fateful strength of the American influence in the region results largely from the political weakness of

the EU, which resembles a 'screaming mouse' in the conflict. The much discussed possibility of a Camp David-style conference is not a way out of the current stalemate, and certainly not under the present Clinton government. Given the current balance of power, such a strategy would most likely result in just another agreement being forced upon the Palestinians.

The former and the present Israeli government does not strive for a just solution in regard to the conflict with the Palestinians. Those who had the say were the nationalist and religious-fundamentalist forces that attribute a 'holy' status to the Occupied Territories. Some of the former government coalition parties reject a secular Israeli state due to their religious beliefs, and it is obvious that these forces will not develop a positive approach to reaching a solution *vis-à-vis* the Middle East conflict. What is aggravating is that in the past 50 years of a state of siege, a militaristic culture has evolved in Israel. It is nightmarish to imagine that Israeli nuclear weapons would one day come under the control of fanatical rabbis who want to turn Israel into a *Halachic* God-state. The control of weapons of mass destruction should therefore be considered very much in the interest of the West.

Only a new beginning can give the completely muddled peace process new life. Such a new beginning could only materialize within the framework of an international peace conference under the participation of the UN, the EU, Russia, and the United States, as well as all conflicting parties - Israel, Syria, Lebanon, and the Palestinians - if it is to succeed in securing a stable peace in the region. However, the United States and Israel vehemently object to this suggestion because holding such a conference would have a negative effect on their power.

The Palestinians have no reason to be optimistic following the election of Ehud Barak. The signals he sent to them are discouraging. Barak is not a promoter of peace *per se*, and he was critical of the peace process and Rabin's handling of it. Did he not once say: "High fences make good neighbors"? Primarily, he wants to strike a deal with Syria in order to get the Israeli army out of Lebanon. Having reached this goal Barak will undoubtedly attempt to push Arafat to the wall. The final status agreement will be the last Israeli dictate, which will 'finish' the Israeli-Palestinian conflict. Therefore the future does not look bright for the Palestinians. Of course, things could also turn out in a completely different way, as history is always unpredictable.







