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FINDING COMMON GROUND: The Missing Pieces of Middle East Peace

Ami Ayalon & Sari Nusseibeh

INTRODUCTION

*by Kyle C. Olive**

Following the atrocities of the Nazi Holocaust of the Second World War, Great Britain's earlier attempts to create a homeland for the Jewish people on the Eastern edge of the Mediterranean Sea intensified.¹ The region then known as Palestine was of historical significance to Jews, and the British were attempting to assuage the plight of the Jewish people in the aftermath of one of the most grievous acts of genocide in human history. In doing so, however, the British attempted simultaneously to appease the Arabs who were living in the region. Britain had assumed the Palestine Mandate in 1922 from the League of Nations, the United Nation's predecessor.² By 1947, the British recognized that they "lacked the power to impose a settlement in Palestine"³ and decided to return the Mandate of the territory to the UN.

In November of 1947, the UN adopted General Assembly Resolution 181, which called for a partition of Palestine into three entities: an Arab state, a Jewish state, and an internationally administered city of Jerusalem.⁵ Many Palestinian Arabs, however, were unwilling to accept this partition plan and argued that the UN had "no right to allocate a majority of their territory to the Zionists."⁶ The surrounding Arab states then entered Palestine to prevent implementation of the partition plan.⁷ The Zionists responded by announcing the establishment of the State of Israel, and were successful in defending against the invading Arab nations.⁸ By the end of the war, the newly-formed State of Israel had captured all of the land that

had been designated as part of the Jewish state under UN Resolution 181, as well as the land that had been designated to be part of the Arab state (minus the West Bank of the Jordan River and the Gaza strip, known collectively as the occupied territory).⁹

During and immediately subsequent to the 1948 war, an estimated 860,000 Palestinians fled their homes and became refugees.¹⁰ After the war, the Palestinian refugees sought to return to their homes and international sentiment favored such repatriation.¹¹ The UN established refugee camps and suggested that Palestinians resettle in neighboring Arab countries and seek compensation from Israel for the loss of their land.¹² The United States offered to assist Israel with compensation for the Palestinian refugees, while the UN spent almost \$300 million providing them with food, housing, and medical care.¹³ The Palestinian refugees, however, rejected resettlement as an option and have continued to this day to press for the right to return to the homes from which they were expelled or fled.¹⁴ As of June 2003, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) estimates the total number of Palestinian refugees to be approximately 4.1 million.¹⁵

Following the 1948 war, Israel became an island in a sea of hostile Arab nations. The large refugee populations in the Gaza Strip and the West Bank became the source of many guerilla raids into the territory of the State of Israel.¹⁶ The situation became even more critical in 1956 when France and Britain, in conjunction with Israel, invaded Egypt in response to the Egyptian government's decision to nationalize the Suez Canal.¹⁷ Though the United States was eventually successful in convincing the British, French, and Israeli forces to withdraw from the Suez, conflict erupted again in 1967 when Israel invaded Syria, Jordan, and Egypt in a preemptive maneuver designed to forestall invasions by those states.¹⁸ During the invasion, known as the Six Day War, Israel took control of the entire Sinai Peninsula, the Gaza Strip from Egypt, the so-called West Bank from Jordan, and the Golan Heights from Syria.¹⁹

Violence erupted again in 1973 when Egypt and Syria invaded Israel on the Jewish holy day, Yom Kippur. Despite the initial success of the invading armies, Israel was ultimately unsuccessful in recapturing the Golan Heights and the Sinai Peninsula.²⁰ The United States later brokered a peace agreement normalizing the relations between Egypt and Israel in exchange for a return of a demilitarized Sinai to Egypt.²¹

Throughout the post-1948 period, while Israel was engaged in periodic military clashes with its Arab neighbors, an increasingly organized guerilla campaign was simultaneously gaining strength.²² In 1964, the Palestine Liberation Organization (PLO) was created in Jerusalem to serve as an umbrella organization for the various guerilla groups. After the Six Day War, Yassir Arafat, who had been involved in resistance against Israel since the mid-1950s, became the official chairman of the PLO and urged residents living in Gaza and the West Bank to resist Israel's occupation.²³ The PLO launched artillery and rocket attacks from Lebanon on the population centers in northern Israel, until Israel finally invaded Lebanon in 1982 and forced PLO loyalists out of the country. After being driven from Lebanon, the PLO reassembled in the northern African country of Tunisia.²⁴

By the late 1980s, large segments of the populations in Gaza and the West Bank began to rise up against the occupying Israeli forces. Rather than being at the behest of the PLO or other groups, this *Intifada*, or uprising, was a spontaneous reaction to the Israeli occupation.²⁵ The *Intifada*, which often involved nothing more than adolescent rock-throwers, brought normal life in the occupied territories to a virtual standstill. Israel's violent military response to the uprising turned international support in favor of the plight of the Palestinians and forced the Israelis to the negotiating table in the Spanish capital of Madrid in late 1991. When Yitzhak Rabin became Prime Minister of Israel 1992, negotiations were underway between the Israelis, Palestinians, Jordanians, and Syrians.²⁶

These negotiations led to the creation of the Oslo Accords. Under the Oslo Accords, the Israelis agreed to turn over much of the occupied

territories, as well as many of the Palestinians it was holding in its prisons, in exchange for a ceasing of hostility. The Oslo Accords consisted of two sets of agreements. The first of these land-for-peace agreements (Oslo I) was designed to lay out the broad principles for achieving peace, and provided for joint recognition of, and limited Palestinian self-rule in, the Gaza Strip and Jericho. The second round of agreements (Oslo II) spoke with much more specificity about a gradual withdrawal by Israel from the occupied territories and a transition to Palestinian self-rule in most of the West Bank.²⁷ With some understandable skepticism, the Oslo Accords were greeted with great hope both in the region and in the international community.²⁸ For their efforts in negotiating these agreements, both Rabin and Arafat were awarded a Nobel Peace Prize.²⁹

Even in the light of prospects for peace, acts of violence continued to darken the relationship between Israel and the Palestinians. In 1994, Israel and Jordan entered into an agreement to end the state of war between them that had existed for forty-six years.³⁰ In late 1995, however, an Israeli extremist who opposed the peace process assassinated Prime Minister Rabin. Then, in early 1996, a series of suicide bombers hit several Israeli targets. Hezbollah, an anti-Israel organization operating out of Lebanon, launched rocket attacks from Lebanon into northern Israel. Israel retaliated by launching attacks into southern Lebanon and blockading the port of Beirut.³¹

In this hostile climate, the Israeli electorate chose the conservative Likud party candidate, Benjamin Netanyahu, as its new prime minister in 1996. Netanyahu opposed the land-for-peace agreements negotiated by his predecessors but vowed to continue the process.³² In 1997, the Palestinians were given control over most of the West Bank city of Hebron, and Israel agreed in 1998 to withdraw from the additional areas of the West Bank. The Palestinians also pledged to make stronger efforts to fight terror.³³

In the 1999 Israeli elections, Netanyahu was unseated by Ehud Barak, who promised to move the stalled peace process forward. In the fall of that

year, Barak and Arafat pledged to finalize an agreement about borders and the status of Jerusalem within one year and continue implementation of the hand-over of the West Bank.³⁴

In May 2000, Israeli forces withdrew from southern Lebanon. Negotiations between Israel and the Palestinians brokered by President Clinton ended without success. The peace process was further compromised by a visit by the Likud party's Ariel Sharon to the Haram esh-Sherif (also known as the Temple Mount) in Jerusalem, the site of two of Islam's holiest mosques. The visit precipitated violence in the occupied territories.³⁵

In February 2001, Sharon was overwhelmingly elected Prime Minister and initiated preemptive military incursions into Palestinian territory to strike suspected terrorist organizations.³⁶ The level of Palestinian violence also increased and Sharon ordered the reoccupation of West Bank towns.³⁷ Facing pressure from the international community, the Sharon government accepted the so-called road map for peace pressed by the United States, Russia, the European Union, and the United Nations in May 2003.³⁸ Talks with Palestinian authorities resumed, with the Palestinians negotiating a cease-fire with Palestinian militants, while the Israelis made some conciliatory moves in Gaza and the West Bank. However, suicide bombings and Israeli retaliation resumed in August.³⁹ In October, Israel attacked Syria, bombing what it claimed were terrorist camps in retaliation for the suicide bombings.⁴⁰

In 2003, Israel began construction of a 400 mile-long fence and security wall in the West Bank, which enclosed about 15 percent of the territory that was to be brought under Palestinian control. The wall was extended to surround many of the Israeli settlements in the West Bank and the annexed territory originally slated to be included as part of a settlement with the Palestinians.⁴¹

Throughout the nearly sixty-year period of the modern conflict in the region, high expectations and raised hopes for peace have been repeatedly

dashed. The situation on the ground has become increasingly intractable. It is within this context that two men, Ami Ayalon,⁴² a long-time member of the Israeli security community, and Dr. Sari Nusseibeh,⁴³ a Palestinian intellectual from the West Bank, came together in 2003 finally to confront two of the issues that have stalled previous peace initiatives. These two men recognized that what has been conspicuously absent from previous peace proposals has been any attempt to deal with the hardest, most controversial issues first, and to ask the people most affected by the conflict for their input.

Both men admit that the substance of their proposal is unoriginal. It has five main points, which are spelled out on a single page document. First, there should be two states: Israel for the Jewish people and Palestine for the Palestinian people. Second, the borders of these states should be based on the borders as they existed prior to the Six Day War in 1967, with any modifications to be determined on an equitable one-to-one exchange of territory on the basis of security, territorial contiguity, and demographic considerations. Third, the city of Jerusalem should be an open city and the capital of each of the two states, with Arab neighborhoods under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty, and the religious sites in the Old City under international supervision. Fourth, the right of the Palestinians to return should be recognized only as to the State of Palestine. Finally, the State of Palestine should be demilitarized, with its security guaranteed by the international community. Upon realization of these principles, both sides would agree to release all claims against the other and end hostilities.

This peace initiative, however, has not been without its detractors, especially on the Palestinian side. For many people, including a vocal contingent of Palestinian refugees living outside the epicenter of this conflict, there can be no resolution of the Israeli-Palestinian conflict that includes the relinquishment of a Palestinian right of return to the homes in which they lived before 1948. Such a concession is viewed by many as a

necessary prerequisite to the ceasing of hostilities, but many refugees still carry the keys to the homes that they or their relatives once occupied and believe that international human rights law demands no less than that all Palestinian refugees be allowed to return to their former homes. From the Israeli perspective, this outcome is untenable for a variety of reasons. Chief among these reasons is that allowing the mass influx of Palestinians into the State of Israel could fundamentally disturb the character of Israel as a homeland of the Jewish people. In a state whose Jewish population makes up about 4.8 of the 6.1 million person population,⁴⁴ the infusion of any significant portion of the 4.1 million Palestinian refugees into a democratic State of Israel could upset the balance of power between Jewish and non-Jewish policy makers. Furthermore, if nothing else, a significant flood of refugees into Israel, most of whom would be extremely poor, would exact a substantial burden on an Israeli economy that would be forced to integrate these refugees into the national workforce.

From the Israeli side, the most contentious provisions of the Ayalon-Nusseibeh plan are those that involve the Israeli settlements in the occupied territories and the related issue of what the borders under a two-state model would look like. For many Israelis, the settlers are pioneers who have shaped the boundaries of the state and have served as a first line of defense against the hostile neighbors that surround the state. From an Israeli perspective, giving up settlements in the occupied territories forces Israel to contract in both literal and metaphorical senses. A final agreement on borders and settlements would mean the end of Israel's ability to expand its external boundaries, which implicates its concomitant ability to provide security to its core, if only psychologically.

What follows is excerpted from presentations that Ayalon and Nusseibeh gave in the fall of 2003 in Seattle to explain their proposal, describe their motivations for bringing this initiative now, and to answer some of the concerns about the initiative's form and substance.

PRINCIPLES OF AGREEMENT

Signed by Ami Ayalon & Sari Nusseibeh

1. Two states for two peoples: Both sides will declare that Palestine is the only state of the Palestinian people and Israel is the only state of the Jewish people.

2. Borders: Permanent borders between the two states will be agreed upon on the basis of the June 4, 1967 lines, UN resolutions, and the Arab peace initiative (known as the Saudi initiative).

Border modifications will be based on an equitable and agreed-upon territorial exchange (1:1) in accordance with the vital needs of both sides, including security, territorial contiguity, and demographic considerations.

The Palestinian State will have a connection between its two geographic areas, the West Bank and the Gaza Strip.

After establishment of the agreed borders, no settlers will remain in the Palestinian State.

3. Jerusalem: Jerusalem will be an open city, the capital of two states. Freedom of religion and full access to holy sites will be guaranteed to all.

Arab neighborhoods in Jerusalem will come under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty.

Neither side will exercise sovereignty over the holy places. The State of Palestine will be designated Guardian of al-Haram al-Sharif for the benefit of Muslims. Israel will be the Guardian of the Western Wall for the benefit of the Jewish people. The status quo on Christian holy site will be maintained. No excavation will take place in or underneath the holy sites without mutual consent.

4. Right of return: Recognizing the suffering and the plight of the Palestinian refugees, the international community, Israel, and the Palestinian State will initiate and contribute to an international fund to compensate them.

Palestinian refugees will return only to the State of Palestine; Jews will return only to the State of Israel.

The international community will offer to compensate toward bettering the lot of those refugees willing to remain in their present country of residence, or who wish to immigrate to third-party countries.

The Palestinian State will be demilitarized and the international community will guarantee its security and independence.

5. End of conflict: Upon the full implementation of these principles, all claims on both sides and the Israeli-Palestinian conflict will end.

AMI AYALON (AA): Let me start by explaining not what we are doing, but why, at least in my case, I am doing it. Personally, I think that this is just as important. It is very easy to describe the realities in the Middle East today—news that you read and that you see on television—but it is more than one can handle. It is strange for me because I did not initially choose to deal with peace issues or to participate in trying to create a new Middle East.

Two years ago, a good friend of mine approached me. It was a year after the *Intifada* had started and he said to me, “Ami, I just came back from London. I visited the Museum of War in London. It is a five-floor museum. The upper two floors are dedicated to the Holocaust. When you leave these two floors, there is small plaque with a quote from Edmund Burke reading: ‘For evil to prevail, it is only necessary for good people to do nothing.’”⁴⁵ Then he said, “I’m a good person. I’m an ordinary person. What should I do?”

One or two months later, I met Professor Sari Nusseibeh in London in a meeting where Israelis and Palestinians were discussing where we were and what we should be doing now. It seemed as though there were hundreds of meetings like this—a whole industry of peace. Although I did not see myself as part of this industry, I decided to go at least once.

So, I went and it was very important. I am very glad I did it, but during one of the breaks, while preparing coffee, a Palestinian friend approached me and said, “Ami, finally we have won. We, the Palestinians, have won.” I asked him, “How did you win? You have lost so many people. You are losing pieces of your territory. You are losing your dream for a state. What is the meaning of victory?” He said to me, “You don’t understand. Victory for us means seeing you suffer. Finally, after more than fifty years, we are not the only ones who suffer in the Middle East. As long as we suffer, you

will suffer.” He ended by saying, “Finally we have achieved a balance of power.”

For me it was very, very difficult. I remember that I became very emotional. When we came back to the table, I asked Professor Mary Kaldor,⁴⁶ the moderator, if we could change the focus of our discussion to identifying the meaning of victory in the Middle East at the beginning of 2002.

We did not achieve any operational results from the discussion, but it was the beginning of our initiative. When I returned to Israel, I was interviewed by Israeli national television, and the subject was: “How can we win this war?” This was a war we had to win and I was an expert. I had been a part of the Israeli security community for thirty-eight years. I had taken part in all of our wars during that period. The journalist asked me, “How can we win? What should we do in order to win this war?” I told her that I did not want to win *this* particular war. She asked me why, and I told her that the price of winning was too high. The price was not only in bodies on both sides, but a price that we would pay every day by sacrificing our identity and our moral values. Moreover, I told her that victory had no meaning in the Middle East today.

No matter how many battles we win we cannot achieve victory, because victory for us means creating a situation in which Israel is a democracy *and* a safe home for the Jewish people. This is what we want. We are not going to get it by winning these battles. Continuing to operate in this way will only deepen the status quo. We are running out of time because in a few years—whether it be twenty years, ten years or five (and some will tell you that it is too late already)—a two-state solution will not be a viable option. If a two-state solution is not an option anymore, Israel will not be a democracy and a safe home for the Jewish people. A one-state solution will leave neither a Jewish, nor a Palestinian democratic state.

So, what should we do? We should do what Dr. Nusseibeh and I are trying to do. First, we must create a clear vision—a proposal that will be short enough for people to read. People do not read more than one page.

This is the vision. It has five points. First, there will be two states: a state for the Jewish people and state for the Palestinian people. Second, the borders will be based on the borders that existed prior to the 1967 war, with an exchange of territory. Third, Jerusalem will be organized as President Clinton put it on the table, with Jewish neighborhoods under Israeli sovereignty, Arab neighborhoods under Palestinian sovereignty, and the Holy places under the sovereignty of God. In Jerusalem's common area, the Old City, Palestine would be the guardian of the mosques, and Israel would be the guardian of the Western Wall. Fourth, as for the right of return, it will be solved within the context of the Palestinian state, meaning Palestinians who want to return will return only to the state of Palestine, and Jews will return only to the state of Israel. The Palestinian refugees will be compensated by the international community and will be able to choose to stay in their host countries or to go to third countries. Fifth, as for security, Palestine will be demilitarized, and the international community will guarantee its security and independence.

This is the whole vision. There is nothing new about it. Everything has been discussed before. Most of it was agreed upon. However, the people did not believe that it was possible because they were never asked for their opinion about it. Leaders tried to achieve it alone.

To achieve this vision, we must first go "back from the future." That is, we must start from the future and work backwards. Second, we must go "back to the people," which means we have to ask the people for their consent because they have the power finally to create peace. Our leaders have tried to do it during the last ten years and have failed. They have failed not because of a lack of charisma but because we did not give them the power to do it. Unless Palestinians say to Arafat, or to any other Palestinian leader, that this is the price that they are ready to pay, he will

never have the power to do it. Unless the Jewish people say to our leaders that this is a price that we want to pay, our leaders will not have the power to do it. This is what we have seen in the past. It is up to us to show our leaders what we want by signing on.

Today, we have today more than 150,000 signatures on both sides.⁴⁷ We believe that the international community will adopt it. Therefore, we, Palestinians and Israelis, can show the way to our leaders.

DR. SARI NUSSEIBEH (SN): To say something additional, perhaps I should mention one or two points from my own perspective about how I see things developing. First, I'd like to say that when one looks at the conflict between the Israelis and us, one very often cannot see beyond the cloud raised by the actual shooting and the violent engagement. From the Palestinian point of view, you cannot really see very much hope. All you see is the decreasing space, increasing pressure, and increasing frustration.

I am not sure, but it seems like people somehow get used to being frustrated and get used to the state of conflict in which they find themselves. Not that they become fatalistic, but that they begin to somehow surrender their will, even their hopes and desires to this frustrating, restrictive situation almost as if to say that there is no way out, no exit, and that this is our lot. Nobody has been able to do anything about it so far; why should anybody be able to do anything about it now? Perhaps at most, some of them will say what Ami's friend told him in London; namely, that we have become at least strong enough to cause you pain just as a way of revenging ourselves against you. There is now a way of responding or hitting you back to cause you pain commensurate with the pain you have caused us. This does not say something very intelligent, in my opinion, but reflects the current situation—a tragic situation.

If people look upon reality this way, both on the Israeli and the Palestinian side, then clearly nothing can or will be done, and the situation will just continue getting worse. Imagine how, if people in the region see it

this way, people abroad must see it. When you look at the main players—the United States, the European Union, the United Nations—you wonder what they think. In the final analysis, they have also come to surrender themselves to this dim reality, a reality in which they cannot really do very much.

Yes, maybe they come up with statements here and there to denounce or to oppose. Two days ago, for example, we heard in the United Nations General Assembly that there was a resolution passed by a majority of the members calling upon Israel to stop building this wall across the territory in the West Bank.⁴⁸ But that is the most they do: a resolution here, a declaration there. In real terms, you also sense that the major players also feel some kind of impotence and surrender themselves to this reality that seems to be intractable and insoluble.

From the Palestinian point of view—certainly from my point of view as an individual—it seems crazy to just let things go this way. It seems to constitute a major challenge to try and think of ways to overcome this problem and prove that one is able to control—to be on top of—a problem that otherwise controls one's life.

The Israelis and the Palestinians, as we all know, started negotiations about ten years ago in Madrid and Oslo. I personally believe that this was truly a major breakthrough after about forty years of conflict, a major breakthrough in the sense that there was a genuine attempt to try and change the course of history. A lot of effort was spent in trying to do this, but it failed. It failed for so many different reasons. It failed in large part because we, the Palestinians, Israelis, and especially our leaderships, did not take that opportunity seriously enough and put all our effort towards ensuring successful negotiations.

Things collapsed. Three years ago the whole thing just broke down. I personally find it tragic that if we try to analyze why it broke down, we have different narratives. It is tragic that this has befallen us—the collapse

of the only opportunity we had—its occurrence is not explicable by us in any one single way. That is a tragedy in addition to a tragedy.

As the violence has unfolded in the past three years, and as things have seemed to be getting worse and worse, some of us on the Palestinian side decided that something must be done. We decided that we must assert a new position, put an end to what seems to be the absence of reason, and try to track a course back to negotiations.

However, it seemed very obvious to us that even if we succeeded in bringing the leaders back to negotiations, there would be no guarantee that we would actually be able to make those negotiations succeed. There have been negotiations before. The only way we thought it was possible for our leaders to agree was to make them start by deciding on what they wanted to reach at the end of their negotiations. This was something that the two sides had not dared to deal with in the negotiations before—the hot issues, the sensitive issues, the final status issues: Jerusalem, borders, settlements, and refugees. These are the real issues that were not addressed before, and they were not addressed because the two sides were not sufficiently daring to address and resolve them. In the past, they have decided to put them on the shelf and to wait until our communities were more mature. Only then would we come to deal with these issues and be ready to make the necessary concessions.

But, as the two leaderships shelved those final status issues, the situation just got worse on the ground. Finally, with the various attempts at bringing the two leaderships back to negotiations with the road map, we looked and saw that the same mistake had been repeated in the road map; the final status issues were missing. They were not, however, missing in the speech that President Bush made on June 4, 2003.⁴⁹ The road map contained the other components of the Bush speech, but it did not contain the end vision of the negotiations. We looked at this and said to ourselves, “This is going to fail, too.”

Therefore, we decided to try to develop a one-page statement, a statement that would contain the principles of the final status. We decided that if the United Nations, the United States, the European Union, and our respective leaderships were not going to do it, then we, the people would do it ourselves. This is how we started: we wrote up one page stating what we thought was possible and necessary to make peace. Instead of going directly to the leaders, we decided that we would go to the people in order to get their input into this. Surprisingly, we discovered there are a lot of people out there among the Israelis and the Palestinians who are far more daring than their leaders and who are prepared to say and put their names down on a statement that contains the proposed concessions on both sides. Thus, we started collecting the signatures. I am not saying that we did not come up against opposition and resistance, especially on the Palestinian side. On the other hand, there has been a lot of recognition and response—positive response—so that, in about three to four months, we have been able to gather about 60,000 signatures. This public support is unprecedented.

Actually, the whole approach is unprecedented. Since the conflict began over fifty years ago, all the proposed solutions have been conceived somewhere else, as if from the clouds and have been parachuted down on the Israelis and the Palestinians. This way of thinking began with the United Nations Partition Plan, going through Resolutions 242⁵⁰ and 338,⁵¹ right up to Camp David, Madrid, Oslo, Tenet, Mitchell, and the road map. But, for the first time we have a simple statement that we are trying to send back up to the clouds. We are sowing its seeds on the ground and hoping that it will take root, grow, and make the voice of the people heard. The people's voice is saying that we are not crazy, that we would like to live in peace, and that we are prepared to pay the necessary price for it.

This is the first time that a peace proposal is actually circulating among the people as a first step; the first time that so many people on both sides, Israelis and Palestinians, have actually signed their names to a common document; the first time the people are coming together on both sides with a

single voice loud enough and clear enough to be heard. For the first time, the people calling for peace and saying, “Yes, we are bold enough to look at the matter straight in the face, to take the bull by its horns, and to settle the differences and pay the necessary price.” We realize that the peace we call for does not reflect absolute justice; indeed, our focus is less on justice or on rights as it is on the interests of the two parties.

We believe the Israelis and the Palestinians have a common interest. This interest lies in the fact that they have a future together and that it is incumbent upon us, therefore, to design such a future boldly in which both Israelis and Palestinians can live peacefully side by side and finish with the state of conflict that has afflicted us for the last fifty years.

I realize this is a tall order. I realize a lot of people feel that it is impossible, that it is perhaps not even worth thinking about peace. However, I, as a Palestinian, as a father, as a husband, as the head of an institution, as someone who lives and works and has lived and worked in that country, still nurture the hope that such a peace is possible. I believe the people can make it happen if they all to stand up and say, “Yes, we are prepared to work for it.” This is our initiative.

AA: This is not naive. It seems naive, but it is not. Most Israelis and Palestinians want something very similar to what we are describing. We see it in the polls. We have come to understand that we can sacrifice and pay this price. We want a peaceful and democratic state, and we understand that we have to pay a very painful concession to achieve it. Palestinians have come to understand that in order to get a free Palestinian state with no occupation, they will have to pay a very painful concession when it comes to the right of return.

The only way to go forward is to create a vision. When I was in the Navy, we used to say that for a captain who does not know where he wants to sail, there is no wind that will bring him there. We have to decide where

we want to sail. Without having made such a decision, and in this stormy weather, we will arrive nowhere.

During the last fifteen years, we have been dealing with a process that made lots of demands but was afraid to describe the future. It was too sensitive. Unless we describe a very clear future that serves as the vision, we will sail nowhere. It is very, very difficult for all of us, mainly because we have to separate ourselves from our dreams. We, Israelis, have to separate ourselves from the dream of a greater Israel that includes all the settlement lands, and the Palestinians have to separate themselves from a greater Palestine that includes everything from the Jordan River to the Mediterranean Sea. This awakening process is very difficult and it is why the present is so painful. But, we will prevail, and when I say “we,” I mean we, the simple and ordinary people.

Q: Why is the right of return and the status of Palestinian refugees such a contentious issue in the Palestinian community?

SN: From the Palestinian perspective, the creation of Israel goes side by side with the creation of the refugee problem. The solution to the refugee problem was *the* major underlying issue that had to be resolved, and resolving the conflict without resolving that problem, therefore, is not really addressing the root problem. While this is true in general terms, in actual terms the living conditions of the refugees in the various areas where they live, whether in the West Bank, Gaza, or in the Arab world, continues to be unresolved and unaddressed. In real terms, this issue has remained the most contentious and sensitive issue facing the Palestinians.

In the mean time, however, another problem arose over the years. That problem has to do with the possibility that the Palestinian people, as a people, could build a future for themselves. Within the Palestinian context, the idea of statehood and independence developed. As this evolved, there was clearly a contradiction and a lack of symmetry because, on the one hand, independence meant recognizing Israel, but, on the other hand, it also

meant that the question of refugees was pushed further down on the list of priorities.

What Palestinians constantly raise and talk about is exactly this problem. I believe that we have to put high on our list of priorities the notion of finding salvation for our people, regardless of whether they come from refugee or any other backgrounds. Not everyone agrees with me, of course.

Q: Why is the issue of settlements such a sensitive and difficult issue for the Israelis?

AA: This is the most sensitive issue in Israel today. I have to remind myself that it only became the most sensitive issue recently. Up until about three years ago, most Israelis would have told you that the status of Jerusalem was the most sensitive issue, but this taboo was broken by Prime Minister Ehud Barak in the summer of 2000.

When we say “settlers,” I understand that there are various feelings about that term in various communities. I, for example, see myself as someone who came from a settlement. I was born in the Jordan Valley. My parents, who came to Israel during the 1930s, did not believe that an Israeli state would be the result of diplomatic meetings. They believed that to build a country, we had to settle and work the land. They went as far as possible from Tel Aviv, which was the center, in order to shape the borders of our state.

Thus, for me, to be in Judea and Samaria⁵² is a natural process. Only later did we find out that the result of what we were doing caused suffering on the Palestinian side. We understand that we must bring the settlers back. The problem is how to do it. Israelis are divided between people like Prime Minister Rabin, who saw settlers as obstacles, as enemies, as a cancer, and those who see the settlers as the real pioneers and the fighters who helped create the State of Israel.

The problem is that in order to bring back settlers, we have to change the whole Israeli lexicon. We must create a culture and language in which we

understand the price that we have pay in order to come to an agreement and to bring the settlers into the process. By describing them as our pioneers, telling them that we understand that they will be the people who will have to pay the price, and by giving them the opportunity of getting new homes, et cetera, I think that we will be able to do it. On the other hand, I do not see how we can exclude scenarios in which there will be violence. Our leadership will have to deal with violence when the time comes.

Q: Is there a genuine partner for peace in the current Palestinian political climate?

SN: I personally believe that the majority of the Palestinians are ready. They are prepared to live at peace with Israel on the basis of two states, ending occupation, and resolving all the issues that face them. I also believe that, in general, the Palestinian leadership is interested in reaching a peace with Israel on that basis.

The positions, however, are not fixed, nor are they at the same level of intensity. One normally thinks in terms of black and white; you are for peace or you are against peace. But, you can be for peace to different degrees. Among our leadership, there is variety that changes from day to day, and from person to person. It changes in reflection of what the situation on the ground looks like.

I know people always point a finger to Arafat, but I think it is too simplistic to do that. In general, the Palestinian people are prepared to make peace, but to make peace, there has to be clarity about what kind of peace it is. In a sense, our statement makes that clear, and therefore, would distinguish between people who want peace and people who are against peace.

Q: *With so many divisions within Israeli society, is it possible that the conflict with the Palestinians is what holds Israeli society together against a common enemy?*

AA: Yes, in a way, the conflict with the Palestinians keeps us together. However, it is not that we want to fight just to stay together. In the 1990s, most Israelis believed that we would have peace soon. If now we are able to create this vision of a life after conflict, most Israelis will accept it. The problem is how to do it. It is clear to me that the process will be very painful. We have to understand that the price of bringing back settlers will involve not only the human price of moving people from one place to another, but also waking people from a dream, a dream that people have when they see the State of Israel, the land of Israel, and the people of Israel as one entity. What we would be saying to them is, “Listen, the State of Israel is more than the land of Israel.” This is something very difficult for people in Israel to understand or to live with.

Thus, we have to create a new dream. The dilemma is how to create this dream—a state that is a democracy and a safe home for the Jewish people. It is not something that we can learn in the United States or Europe. We have to create it. This should be our next dream—the dream that unifies us.

We started this discussion during the 1990s, but we stopped. In a way we are running away from the major problem: What is Israel?

Q: *How is Palestinian society educating Palestinian children in terms of building future generations who would make peace as opposed to cultivating a hatred for Israelis and Jews throughout the world?*

SN: With regard to the incitement of children, I’m not going to defend any incitement done by Palestinian institutions or establishments. However, I want to say two things. First, racism is not something that only Palestinians have vis-à-vis Jews. You will find that there is a lot of racism in Israel against Arabs. One has to keep that in mind in order to have a full picture.

The second thing is that racism or incitement sometimes comes about through reading a book or listening to a mosque, to the radio, or to the television. I often cringe at listening to what is sometimes said. But, you have to take into account something else. Imagine yourself as a child, walking with your parents at an age in which your parents represent for you everything in the world to respect and look up to. Imagine then a situation—and it happens all the time—where the parent, with a child standing next to him, confronts a soldier. It does not need to be anything dramatic. There need not be any shooting. There need not even be any violence. Just imagine the imbalance of master and slave. Imagine a child standing next to his father, seeing his idol totally impotent in front of the soldier. How will the child feel? He does not need to listen to radios, televisions, or to read books.

I think the situation creates hatred, anger, and frustration. One can only really solve it by going beyond it and creating parity. I think it can be done and I think that it is our duty to try to do it.

Q: What can you do about the extremists who are determined to undermine this process?

AA: The whole idea is to create a different reality by creating a vision. Most Israelis tend to forget that in the first nine months of the year 2000, only one Israeli was killed as a result of terror.⁵³ The level of Jewish violence was also much lower then. We know that when Prime Minister Barak offered to give up some of the settlements, there was no violent opposition within the settlements. The reason is that both societies looked inward. Now, Hamas is not fighting the Palestinian street, nor are Jewish extremists fighting the Israeli street.

We, the Israelis, have lost over 900 people during the last three years.⁵⁴ There were two factors that made this so. First, we saw a correlation between the level of support for the peace process and the level of violence that Hamas used against us. The higher the support, the lower the attempts

to use terror as a legitimate weapon against us. The second factor was, since there was a high level of popular support, the Palestinian security organizations could fight Hamas without being labeled Israeli collaborators.

Thus, the whole idea is to create this vision, this hope, this trust that there is a process that will bring forth a Palestinian state. We have had it in the past. When there is hope, violence decreases. We just have to create again this dream or this hope, and I believe that it is possible.

Q: How can you build a lasting peace that is based only on interests and not on justice and rights?

SN: By saying that one should focus one's discourse on interests rather than rights, what I really mean is that there are always different narratives in talking about rights. Clearly, one can have a major polemic, and the polemic can go on forever. It creates its own dynamic of conflict. I am not personally interested in entering into polemics, and I do not believe a normal, average, sane Israeli is interested in polemics. I think polemics are for those who can afford it in terms of time and existence. What we are interested in is finding a safe and normal life to live.

The Palestinians, and humans in general, have different rights. In our case, we have the right of return, but we also have other rights. The Palestinians also have the right to live in freedom, the right to have an independent state, and the right not to live under occupation. These are also important rights. Very often in life, at the level of individuals and also of nations, it is important to prioritize—to decide which right takes precedence over which other rights—because very often, in the pursuit of the fulfillment of one right, one foregoes the ability to fulfill another right.

I realize that this is a very painful question for the Palestinians, but my point is this: we, the Palestinians, in order to be able to fulfill our right to live in freedom, will have to forego the fulfillment of the right of return. Even as we do this, I believe that we provide the refugees with a future, because otherwise they will have no future. The past fifty years will simply

be replicated again in the next fifty years, and the misery that the refugees have gone through over the past fifty years will simply be augmented in the next fifty years.

I realize that people often refer to UN resolutions, like UN Resolution 194⁵⁵ and other international instruments, and to absolute justice when discussing the right of return. The problem is that these are resolutions that live only in the files of the United Nations and have no influence at all on the lives of people that are actually suffering, whether in the camps or under occupation.

A child who is born this hour in a refugee camp, to a parent who is fifty years old who was born with the creation of the refugees, has two futures before him. One future is to live like his parents in a refugee camp reading about United Nations resolutions regarding his rights, but suffering the way that his parents suffer. On the other hand, there is the option of being given a chance not to return to that specific home that belonged to his grandfather or grandmother in pre-1948 Israel, but to return, nonetheless, to his homeland. He would not be returning fifty years back in time, but at least returning to a location in the homeland, perhaps fifty or forty or ten kilometers away from his original home.

I believe not only that it is possible to provide that child with such a future, but that it is the duty of the political leadership to provide that child with such a future. It makes no sense to me to leave that child clinging to the poetry of UN resolutions.

Q: Do you believe there is any benefit in Israel to building the wall that divides the lands between the two sides? Will this help or hinder the peace process?

AA: I think that we have to maintain our right to defend ourselves and to build whatever is necessary. Yet I think that we have to start from the end and go backwards. We must first agree on where the borders will be and then build a wall or a fence. It is quite different to build something that

annexes hundred of thousands of Palestinians, engenders hatred, does not solve our security problems, and creates future problems within Israel because in reality we are annexing the land *and* the people.

I am opposed to the way this wall or fence is being built now. I am not against the concept of building fences in order to be more secure, but I do not think that this fence will do that.

SN: The wall that is being built at the moment envisages taking most of the territory of the Palestinians, and forcing the Palestinians to be confined to their population centers on about 42 percent of the land.⁵⁶ Basically, the wall fences Palestinians *in* rather than fencing Arabs *out* of Israel. It is not along the 1967 borders.

It is said that good fences make good neighbors, which is true but only if you do not build those fences on your neighbor's property. The problem with the fence system that is being created is actually far more serious. If it continues the way it is going, it will be a major obstacle to a two-state solution down the line. It will be the introduction of a one-state system in which the Palestinians are living in cages under the authority or supervision of the Israelis. It will be a very ugly system, and it will deny both the Israeli and Palestinian dreams of creating something enduring and good. This wall needs to be stopped.

Q: Why demilitarize Palestine? Why not demilitarize both Israel and Palestine, and the international community can guarantee security for both?

SN: It is true that the demilitarization provision was actually put in place or requested by the Israeli side. However, it is one I would have placed there as a condition from the Palestinian perspective. If people look at my own writings and references in the past ten or fifteen years, they will see that I have been calling constantly for a demilitarized Palestinian state. I do not see the Palestinians ever investing enough in militarization to create an

army that would either be capable of conquering Israel or one that could be capable of defending itself against its next-door neighbor, nuclear Israel. The calculation is like this: you are putting money towards a machine that is not going to have any purpose. It is far better, therefore, to put this money into something that will actually make the Palestinians powerful: education, knowledge, science, and advancement. This is where real power lies, and this is the kind of power I would like my Palestinian society to be proud of—not the power of guns.

AA: It is very complicated. We are not living in an ideal world. Each of us has not only a personal, but also a national history. I do not think you can ask Israelis to sign a petition demanding that Israel demilitarize. It is not realistic.

I want to create a vision that people will believe in and feel safe about. This is not an issue when Palestinians are asked to sign. This question is an American and Israeli question. Israelis ask me, “How can they give up their military power?” Americans ask the same questions. But for Palestinians, security issues were never the problem. They became a problem only when the Palestinians thought that we were trying to manipulate security in order to gain political or economic leverage. From the beginning, I have not thought that it would be a problem on the Palestinian side, but that it would be a problem on the Israeli side. We have to be pragmatic.

Q: What does it mean to divide into two states in terms of implication for things like rights to water for Palestinians and Israelis, and the demographic makeup of the Palestinian and Israeli states under the two-state paradigm?

SN: A lot of work has been done in the past on the multilateral issues, including water. I know that there have been many studies done on water so as to prevent it from becoming a cause for war. The problem of water

can be solved. It is not as big a problem as people make it. It is soluble. Let us make peace.

AA: In reference to water and demography, I had a friend who was a commander of the Central Command in the West Bank. When he had to create the new reality that came after Oslo, he could not understand how to create a reality in which there are two sovereign entities. He used to tell me, "I have a Polish mother, and she has told me all my life that if I want a good neighbor, I should build a wall. The higher the wall, the better the friendship between us." I told him, "I am not sure that the Polish model describes the right way to handle the relations between us and the Palestinians." I think that conjoined twins are a better metaphor. One is smaller, one is bigger but they share organs. When they decide that they have to separate, they cannot do it by building a wall or cutting everything. This is a very, very sensitive and long operation that should be carried out by people who want both of them to survive.

We understand that there are water problems, and there will be a Palestinian minority in Israel. There are many organs that we shall have to share. While doing it, we have to make sure that both of us will survive.

Q: How do you feel about the Geneva Peace Accords⁵⁷ and how are they similar to or different from the ideas that you are putting forward?

SN: This agreement was put forward, on the Palestinian side, by a group of Palestinians closely associated with the Palestinian leadership, including some ex-cabinet ministers, and some cabinet ministers-to-be, but led by Yassir Abed Rabbo, who is a member of the Executive Committee of the PLO.⁵⁸ On the Israeli side, it was led primarily by people from the Labor Party.

There are about fifty pages of details concerning the possible agreement between the two sides. The idea was that when they finished it, they were

going to announce it, publicize it, and try to and get the two sides to agree on it.⁵⁹

There are two main differences between that approach and our approach. The first is that the Geneva agreement is very detailed. It has maps. It has specific solutions for different aspects, and does not leave very much room for any possible negotiations in the future. Our plan, however, only outlines the parameters and leaves the matter open for translating those parameters into details for the leaderships.

The second main difference is that whereas the Geneva Accords were worked out by a group of elites on both sides, ours is something that we are trying to get *people* to sign onto. Thus, it is a bottom-up rather than a top-down approach.

While there are certainly differences in the details, the Geneva agreement is a good thing in the sense that it is another step in the direction of creating the political environment necessary to bring people back to the table.

AA: From the Israeli point of view, the difference between the Geneva agreement and our document is that while the authors of the Geneva Accords have suggested that God is in the details, I would remind them that the devil is in the details as well. In other words, sometimes many words do not make better ideas. In this case, for example, the right of return is very ambiguous and is translated differently by each side. One of the reasons things collapsed in the past is that previous agreements were constructively ambiguous, rather than being a clear and simple vision of the end result. I do not think that we should make any plan based on an ambiguous final solution.

Second, the process itself is different. From the Israeli point of view, this issue is too serious to make a political or party issue. I do not think that we should press for the Left to come back to power in Israel. This is not what we want. We do not necessarily want to change the administration. We need to approach people from various parties in order to create public

support. We want to influence the way government works, not just change the players. .

Q: What are you trying to achieve by taking your message abroad rather than just trying to persuade Israelis and Palestinians to accept your plan? Are you trying to generate foreign pressure on Israel?

AA: I do not want anybody to impose solutions, and I do not want anybody to save us from ourselves. It is up to us, and this is an initiative that was started by, and will go forward with, Israelis and Palestinians.

Yet, the international community should be part of the whole process. When we say “international community,” you have to understand that we are referring to the United States, whether you want it or not. The United States should understand its role by adopting and giving legitimacy to such a process. However, it is for the Palestinians to decide who will be their prime minister or president and what will be their system. It is in our interests that the Palestinians have a democracy, but democracy will not be the result of an order from the White House or from our prime minister. It is in our interest on the Israeli side to enhance this process, and it should be the interest of the United States and the rest of the international community to help make it happen.

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¹ Marc Zell & Sonia Shnyder, *Palestinian Right of Return or Strategic Weapon?: A Historical, Legal and Moral-Political Analysis*, 8 NEXUS 77, 80–81 (2003).

² *Id.*

³ Omar M. Dajani, *Stalled Between Seasons: The International Legal Status of Palestine During the Interim Period*, 26 DENV. J. INT’L L. & POL’Y 27, 38 (1997).

⁵ G.A. Res. 181, U.N. GAOR, 2d Sess., at 142-50, U.N. Doc. A/519 (1947).

⁶ Dajani, *supra* note 3, at 39. The Zionist movement had been pushing for an independent Jewish state since the late nineteenth century.

⁷ Tanya Kramer, *The Controversy of a Palestinian “Right of Return” to Israel*, 18 ARIZ. J. INT’L & COMP. L. 979, 983–84 (2001).

⁸ Dajani, *supra* note 3, at 39.

⁹ *Id.*

¹⁰ *UNRWA: Overview*, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), at <http://www.un.org/unrwa/overview/qa.html> (last visited Mar. 19, 2004).

¹¹ See G.A. Res. 194, U.N. GAOR, 3d Sess., para. 11, U.N. Doc. A/810 (1948) (stating that “refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of, or damage to, property which, under principles of international law or in equity . . .”).

¹² Kramer, *supra* note 7, at 985.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See UNRWA, *supra* note 10.

¹⁶ HOWARD M. SACHAR, *A HISTORY OF ISRAEL: FROM THE RISE OF ZIONISM TO OUR TIME* 443–53 (1987).

¹⁷ See *id.* at 485–87.

¹⁸ See *id.* at 615–66.

¹⁹ See *id.*

²⁰ See *id.* at 741–87.

²¹ HOWARD M. SACHAR, *A HISTORY OF ISRAEL, VOLUME II: FROM THE AFTERMATH OF THE YOM KIPPUR WAR* 71–78 (1987).

²² Christopher C. Burris, *Re-Examining the Prisoner of War Status of PLO Fedayeen*, 22 N.C. J. INT’L L. & COM. REG. 943, 954 (1997).

²³ *Id.* at 955–56.

²⁴ *Id.* at 957.

²⁵ *Id.* at 960–61.

²⁶ *Id.* at 961.

²⁷ *Id.*

²⁸ Hillel Schenker, *Staying on the Road to Peace: Oslo to Jericho—and Beyond*, NATION, July 11, 1994, at 53.

²⁹ John Darton, *P.L.O. Leader and Two Israelis Share Award*, N.Y. TIMES, Dec. 11, 1994, at A1.

³⁰ Elaine Sciolino, *Israel and Jordan Agree to Call Off a State of War that has Endured 46 Years*, N.Y. TIMES, July 25, 1994, at A1.

³¹ Serge Schmemmann, *Israelis Blockade Ports in Lebanon and Shell South*, N.Y. TIMES, Apr. 14, 1996, at 1.

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³³ Steve Erlanger, *Clinton Struggles to Achieve Gains in Mideast Talks*, N.Y. TIMES, Oct. 20, 1998, at A1.

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³⁶ Deborah Sontag, *The Sharon Victory: Overview; Sharon Easily Ousts Barak to Become Israel’s Premier; Calls for a Reconciliation*, N.Y. TIMES, Feb. 7, 2001, at A1.

³⁷ Joel Greenberg, *Sharon Blocks a Palestinian Center in the West Bank*, N.Y. TIMES, Mar. 13, 2001, at A3.

³⁸ James Bennet, *Sharon Gives Plan for Mideast Peace Qualified Support*, N.Y. TIMES, May 24, 2003, at A1.

³⁹ John Ward Anderson, *Israel Kills Two Hamas Members in Gaza; Death Toll Now Twelve in Targeted Attacks*, WASH. POST, Aug. 31, 2003, at A17.

⁴⁰ John Ward Anderson, *Israeli Airstrike Hits Site in Syria; Bombing of Alleged Training Camp Called Retaliation for Suicide Attack*, WASH. POST, Oct. 6, 2003, at A1.

⁴¹ Greg Myre, *Palestinians Vow to Resist 'Security Line' As a Border*, N.Y. TIMES, Dec. 20, 2003, at A6.

⁴² Ami Ayalon is a retired Admiral of the Israeli Navy. He was the Director of the Israeli General Security Service (Shin Bet) from 1996-2000 under Prime Ministers Benjamin Netanyahu and Ehud Barak. He is the recipient of the Medal of Supreme Bravery, Israel's highest award for bravery in the field of battle. A man for whom Israeli security has always been of paramount importance, he has recently argued that a new way must be found for Israeli security. He is the founder of Mifkad, a grass roots organization for new peace initiatives. He currently serves as CEO of the Netafim Group, an agricultural conglomerate based in Israel.

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⁴⁴ *CIA: The World Factbook—Israel*, CENTRAL INTELLIGENCE AGENCY, at <http://www.cia.gov/cia/publications/factbook/geos/is.html> (last visited Mar. 29, 2004).

⁴⁵ Attributed to Edmund Burke, in BARTLETT'S FAMILIAR QUOTATIONS 332 (Justin Kaplan ed., 16th ed. Little Brown 1992).

⁴⁶ Dr. Mary Kaldor is the director of the Programme on Global Society at the London School of Economics' Centre for the Study of Global Governance. She is an expert on the political economy of security, in particular, global civil society.

⁴⁷ As of March 14, 2004, 171,250 Israelis and 135,000 Palestinians have signed the petition. The People's Voice, at <http://www.mifkad.org.il/eng/HotNews.asp#33> (last visited Mar. 19, 2004).

⁴⁸ *U.N. Resolution Condemns Israeli Barrier*, N.Y. TIMES, Oct. 22, 2003, at A3.

⁴⁹ On June 4, 2003, President George W. Bush met with King Abdullah of Jordan, Prime Minister Ariel Sharon, and Prime Minister Mahmoud Abbas of the Palestinian Authority in Aqaba, Jordan. During his remarks to the press, Bush noted that "all sides will benefit from [the creation of two states]" and that both sides must take "tangible immediate steps towards this two-state vision," including addressing the "issue of settlements" as a prerequisite to peace. Press Release, The White House, President George W. Bush, His Majesty King Abdullah of Jordan, Prime Minister Ariel Sharon of Israel, and Prime Minister Mahmoud Abbas of the Palestinian Authority, President Meets with Leaders of Jordan, Israel, and Palestinian Authority (June 4, 2003), available at <http://www.whitehouse.gov/news/releases/2003/06/20030604-1.html>

⁵⁰ G.A. Res. 242, U.N. SCOR, 1382d mtg., U.N. Doc. S/Res/242 (1967) (calling for the establishment of a just and lasting peace in the Middle East that would include: the

withdrawal of Israeli armed forces from occupied territories; the acknowledgement of sovereignty of every State; the guarantee of freedom of navigation in international waterways; a just settlement of the refugee problem; and political independence of every State, through measures including the establishment of demilitarized zones).

⁵¹ G.A. Res. 338, U.N. SCOR, 1747th mtg., U.N. Doc. S/Res/338 (1973) (calling for an immediate cease-fire and termination of all military activity upon implementation of Security Council Resolution 242 and the commencement of negotiations between the parties).

⁵² Judea and Samaria are located on the West Bank of the Jordan River.

⁵³ *Statistics on Persons Killed, B'tselem*, at

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⁵⁴ *Casualties Since 29.09.2000 Updated 18.03.2004*, Israeli Defense Forces, at

http://www.idf.il/daily_statistics/english/1.doc (last visited Mar. 19, 2004).

⁵⁵ G.A. Res. 194, *supra* note 11 (resolving that refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date. Also resolving that Palestinians should have free access to Holy Places and to roads leading to Jerusalem, and establishing a Conciliation Commission to oversee the Resolution).

⁵⁶ Ray Hanania, *Sharon's Wall is Meant to Drive Palestinians Out*, CHI. DAILY HERALD, Feb. 2, 2004, at 8.

⁵⁷ *Geneva Peace Accord*, The Middle East Information Network, at

http://www.mideastinfo.com/documents/geneva_eng.htm (last visited Mar. 15, 2004).

⁵⁸ *The Geneva Initiative: A Path to Peace in the Middle East?*, THE CARTER CENTER, available at <http://www.cartercenter.org/viewdoc.asp?docID=1553&submenu=news> (last visited Mar. 15, 2004). The Geneva Accord is a detailed accord negotiated by influential Israelis and Palestinians acting in a private capacity and is backed by former U.S. President Jimmy Carter. The Accord calls for, among other things, creation of a Palestinian state.

⁵⁹ Michael Young, *The Mistaken Arab Experience*, N.Y. TIMES, Dec. 5, 2003, at A39 (the Geneva Accord was signed by Israeli and Palestinian negotiators on Dec. 1, 2003); David Horowitz, *A Glimmer of Peace*, N.Y. TIMES, Mar. 10, 2004, at A27 (Israeli and Palestinian leaders have not adopted or signed the Geneva Accord).