

Israel, the Conflict and Peace: Answers to frequently asked questions

30 Dec 2009

The peace process with the Palestinians - December 2009

FAQ: Israel, the Conflict and Peace

*The peace process
with the Palestinians*

[Peace](#) | [Recognition](#) | [Economics](#) | [Settlements](#) | [Jerusalem](#) | [Refugees](#) | [One-state solution](#)

Peace

- [How can peace be achieved?](#)
- [What are the five principles for peace?](#)
- [How have the Palestinians responded to Israeli offers of peace?](#)
- [How has the Hamas takeover of Gaza affected the chances for peace?](#)
- [Could a Hamas-Fatah unity government be a partner for peace?](#)
- [How does Palestinian incitement harm peace?](#)

Recognition

- [Why should Israel be recognized as the Jewish nation-state?](#)
- [What is Israel's position regarding the creation of a Palestinian state?](#)

Economics

- [What has Israel done to improve the West Bank economy?](#)

Settlements

- [Is the West Bank "occupied" or "disputed" territory?](#)
- [Is Israel required to withdraw to the 1967 boundaries?](#)
- [Do Israeli settlements constitute an "obstacle to peace"?](#)
- [Do the settlements violate Israeli-Palestinian agreements or international law?](#)
- [Does the Palestinian demand for a total and permanent freeze on all settlement activity justify their refusal to negotiate?](#)

Jerusalem

- [What is the status of Jerusalem?](#)

Refugees

- [Do Palestinian refugees have a justifiable "right of return"?](#)

One-state solution

- [Would a one-state solution be an equitable settlement?](#)



Peace

◆ How can peace be achieved?

The dream of a future in which Israeli and Arab children can grow up free from the threat of war and the fear of terrorism unites all Israelis. However, the long history of failed negotiations with the Palestinians has proven that simply yearning for peace is not enough. Time after time, Israel has presented far-reaching peace proposals, made major concessions, relinquished extensive tracts of land, uprooted settlements, withdrawn forces, dismantled military bases and [taken steps to enable the Palestinians to establish the foundations of self-government](#). In return, Israel has received a [Palestinian campaign of terror, suicide bombings, rocket attacks](#), and virulent incitement against Israelis and Jews; and has been subjected to an ongoing campaign in the international arena to delegitimize Israel's very existence and undermine its economy.

Israel has always been willing to compromise and every Israeli government - including the present one - has been prepared to make major sacrifices for the sake of peace. However, peacemaking requires concessions on both sides. Just as Israel has acknowledged the rights and interests of the Palestinians, Israel has legitimate rights and interests that also need to be acknowledged and addressed. Peace can only be achieved through earnest negotiations which bridge gaps and resolve all outstanding issues.

◆ What are the five principles for peace?

The foundations for a lasting peace can be found in the fulfillment of five principles: the first three of which concern the recognition of the legitimacy of Israel; while the last two relate to security concerns. While these principles are not preconditions for peace talks, a true and enduring peace will only be possible if they are satisfied. The five principles are as follows:

1) Just as Israel is being asked to recognize a nation-state for the Palestinians, so too the Palestinians have to recognize Israel as the nation-state of the Jewish people. The refusal to recognize Israel as a Jewish state lies at the core of the conflict.

2) The Palestinian refugee issue should be resolved within the context of the Palestinian nation-state. While Palestinian refugees should be free to settle in the Palestinian homeland, Israel cannot allow itself to be demographically engulfed by a flood of refugees, undermining the basic identity of Israel as the world's only Jewish state.

3) Any peace accord must conclude the conflict completely. Peace must be permanent, not an interim stage during which the Palestinians would be able to use their state from which to pursue further conflict with Israel. No further claims should be advanced following the signing of a peace agreement.

4) Given the attacks launched on Israel after it left the Gaza Strip and southern Lebanon, it is important that a future Palestinian state should be one that doesn't threaten the State of Israel. Any territory that is vacated within the framework of an arrangement cannot be exploited by terrorists or by Iran's proxies for attacks on Israel. The only way to achieve this goal and prevent further conflict is by effective demilitarization of any future Palestinian state.

5) Any peace treaty should be guaranteed by the international community - led by the United States - especially with regards to demilitarization and security arrangements. Support would be expressed through political, and not military, means. Such a guarantee will add a layer of deterrence against those who seek to invalidate or violate the demilitarization arrangements.

◆ How have the Palestinians responded to Israeli offers of peace?

The people of Israel have always been willing to make momentous concessions, both during negotiations and unilaterally, for the sake of peace. Each time peace seemed possible and a negotiating partner came forward seeking an agreement, Israel responded positively, clearly demonstrating its ability and aspiration to make peace.

Israel's readiness to reach an agreement with its neighbors predated the very founding of the state. The Jewish leadership of pre-state Israel accepted numerous international plans for the partition of the land - including [UN Resolution 181](#) of 1947 which called to divide the Palestinian Mandate territory into a Jewish state and an Arab state. Unfortunately, this plan was violently rejected by the Arab side, as was the [1937 Peel Commission's plan](#) and the [1939 British White Paper](#), both of which presented the Palestinians with prospects for establishing a state of their own.

Following the establishment of Israel in 1948, the Palestinians and their Arab patrons appeared more interested in destroying Israel than in establishing a Palestinian state. Indeed, from 1948 to 1967 although the West Bank and Gaza were under Jordanian and Egyptian control respectively, no efforts were made to establish a Palestinian state and attacks against Israel continued unabated.

Following Israel's victory in the pre-emptive [Six Day War of 1967](#), the [Arab League meeting in Khartoum](#) dashed Israeli post-war plans for peace when they declared: "no peace with Israel, no recognition of Israel and no negotiations with it."

Israel's first peace agreement with a neighboring state was achieved in negotiations following [Egyptian President Anwar Sadat's 1977 visit to Jerusalem](#). As part of its [peace treaty with Egypt](#), Israel gave back the Sinai Peninsula buffer-zone, which constituted 91% of all the territory which came under Israeli control as a result of the Six Day War. In so doing, Israel voluntarily relinquished vital electronic early-warning stations, 170 military installations, factories, businesses, agricultural villages and an Israeli-discovered oil-field. Most painfully, Israel uprooted 7,000 of its citizens from their homes in Sinai. All this Israel did in return for a promise of peace. Israel's peace treaty with Egypt clearly demonstrated its readiness to sacrifice for peace.

The Palestinians, who could have established autonomous rule under the [Camp David Accords](#) between Israel and Egypt, refused to cooperate, again missing an opportunity to achieve their national aspirations.

Following changes in the international arena, the Palestinians and the neighboring Arab states Syria, Lebanon, and Jordan finally agreed to bilateral and multilateral negotiations with Israel and direct peace talks were inaugurated at the [1991 Madrid Peace Conference](#). These talks led to the signing of a [Treaty of Peace between Israel and Jordan](#) in October 1994.

Negotiations between Israelis and the Palestinians eventually led to the [September 1993 Declaration of Principles](#). In exchange for Palestinians promises to recognize Israel and renounce violence and terrorism, Israel agreed to far-reaching and tangible concessions, including the establishment of the Palestinian Authority (PA) in the West Bank and Gaza, headed by Yasser Arafat. Israel transferred substantial powers and responsibilities to the Palestinians in vast geographical areas.

Negotiations for a final settlement continued, although marred by Palestinian terrorist attacks, as well as a campaign of incitement against Israel in the PA-supported media, schools and mosques. These talks led to the historically critical 2000 [Camp David](#) and [Taba](#) summits in which Israeli leaders offered exceptional compromises for peace. Unfortunately, Yasser Arafat chose to reject the unprecedented proposals, which would have led to a Palestinian state in the West Bank and Gaza. A short time later, he decided to turn his back on negotiations altogether, and launch a new wave of terrorism - the [Second Intifada](#) - which led to the deaths of thousands of Israelis and Palestinians alike.

In the absence of a genuine Palestinian negotiating partner, yet keen on restarting the peace process, [Israel unilaterally disengaged from Gaza in 2005](#), again uprooting thousands of Israeli families from their homes. As the last settler and soldier left Gaza, Israel hoped that its far-reaching concession - which provided the Palestinians a tangible opportunity to peacefully lay the foundations for a state - would lead to a better future for both peoples.

However, yet again, Israel's painful sacrifice was not reciprocated. Instead, the fundamentalist [Hamas terrorist organization took power in Gaza](#), and [rocket and mortar attacks on southern Israeli communities escalated dramatically](#), forcing Israel to launch a [large-scale operation in Gaza in December 2008](#), successfully curtailing the Hamas attacks.



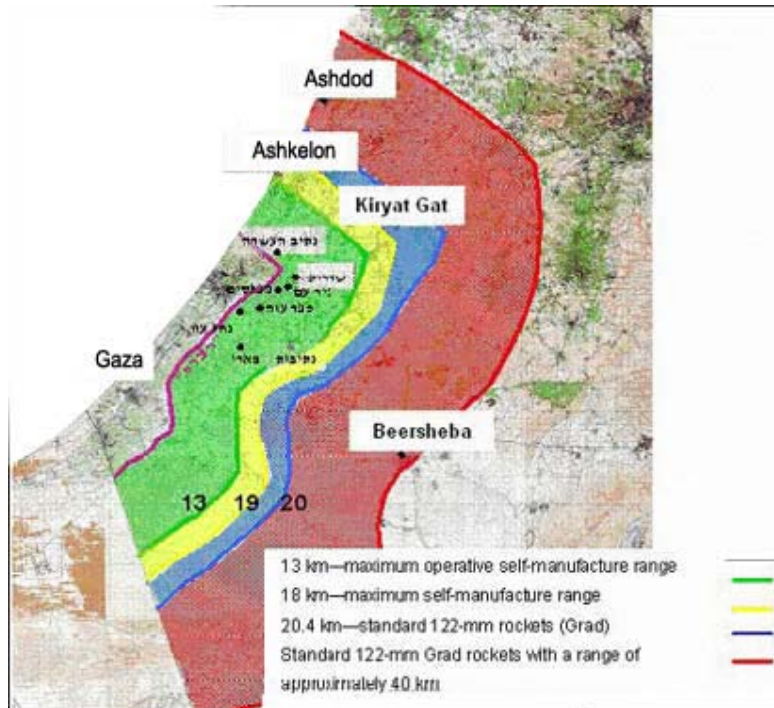
[Video: Rocket fire from Gaza](#)

Despite Palestinian rejections, Israel has still not given up the search for peace. However, the Israeli people are finding it more difficult to keep their hopes alive, particularly after PA President Abbas refused even to reply to Prime Minister Olmert's 2008 offer of a Palestinian state, reportedly the most generous offer ever made.

Since the earliest days of the State of Israel, and even before its establishment, one pattern has emerged clearly: any demonstrated Israeli willingness to compromise and to make difficult sacrifices for peace have been matched by Palestinian rejections and a refusal to reciprocate with concessions of their own.

◆ **How has the Hamas takeover of Gaza affected the chances for peace?**

In 2005, [Israel totally disengaged from Gaza and four settlements in Northern Samaria](#) in the hopes of creating an opportunity for peace. It redeployed its armed forces, removed 8,000 settlers and dismantled 25 civilian communities, which cost billions of dollars and caused deep national trauma. But, instead of movement towards peace, Israel received a hostile territory on its border. [Hamas](#), an Iranian-sponsored terrorist organization, [violently seized control of the Gaza Strip](#) in 2007. Attacks on Israeli civilians, which had been ongoing since 2000, escalated dramatically. Israeli towns adjacent to Gaza became targets of almost daily Kassam rocket and mortar barrages, cross-border terror attacks were frequently attempted, and the terrorist infrastructure grew at an alarming pace.



Israel had hoped that the Gaza disengagement would lead to a reduction in terrorist attacks, an increase in mutual trust, and ultimately to a comprehensive peace agreement with the Palestinians. The rise of Hamas and the ensuing violence caused the Israeli public to doubt whether its sacrifices for peace would ever be reciprocated. As any peace agreement will involve Israel making considerable and tangible sacrifices for peace as well as taking considerable security risks for peace, the confidence of the Israeli people is a major component of peace. The continued presence of a terrorist government in Gaza, and its constant attempts to gain power in the West Bank, severely undermine that confidence.

Hamas has brought nothing but violence to the citizens of Israel and nothing but tragedy to the Palestinians. As events in Gaza have shown, while the terrorists may claim to be advancing Palestinian rights, they have succeeded only in undermining them. Mayhem has reigned in Gaza since Israel left and Hamas staged its coup. Hamas established an Iranian-backed mini terror-state on Israel's southern border. It imposed its fundamentalist agenda on the population of Gaza, applying the principles of Sharia law, repressing women, abusing individual freedoms, and violently persecuting its opponents.

It is self-evident that the future Palestinian state cannot be a terrorist entity. For this reason, the international community has insisted that the path to Palestinian statehood must follow acceptance of the conditions outlined by the international 'Quartet' (the UN, EU, US and Russia), including the renunciation of terrorism, acceptance of previous Israeli-Palestinian agreements and the recognition of Israel's right to exist. As a terrorist organization which, by its own definition, is dedicated to Israel's destruction, Hamas is absolutely incapable of accepting any of these principles.

No one who wants true peace or a better future for the Palestinians could even consider duplicating Gaza's reality - a violent, fanatical theocracy - in the West Bank. All those who suggest further Israeli withdrawal in the West Bank must take the lessons of Gaza into account.

◆ **Could a Hamas-Fatah unity government be a partner for peace?**

When the Hamas government first seized power in Gaza, Hamas' statements advocating violence, opposing a two-state solution, and denying Israel's right to exist, as well as its direct involvement in

terrorism, served to prompt the 'Quartet' (the US, EU, Russia and the UN) to set three conditions for any Palestinian government to attain international legitimacy and cooperation. These basic conditions are: recognizing Israel's right to exist, renouncing terrorism and violence, and accepting previous agreements and obligations.

The international community has demanded that any Palestinian government must be committed to these three conditions and that "it should contain no member" who has not committed to them. Therefore, a unity government, which would include the extremists of Hamas, could not be a partner for peace.

The conditions set out by the Quartet, which Hamas continues to reject, are not obstacles to peace, but rather the basic conditions by which the international community can determine whether a Palestinian government is capable of being a party to peace negotiations.

Hamas' extremist ideology does not allow it to make any compromises with Israel. Its [charter](#) declares that Israel will be obliterated by Islam, and Hamas declares in its official slogan that "Jihad is its path and death for the sake of Allah is the loftiest of its wishes." Hamas uses violent methods, including terrorism, as well as political means to pursuit of its primary goal: the establishment of an extremist Islamic Palestinian state in place of Israel.

Given its dubious goals and dogmatic approach, Hamas is not capable of compromising its stance on Israel. Any negotiations with the Palestinian Authority will not lead to an improvement in Hamas' ambitions or behaviors; rather, it can only lead to a more intransigent Palestinian Authority.

Granting international legitimacy to any Palestinian government which refuses to meet the [Quartet's basic principles for peace](#) would be a grave setback for the prospects of peace, and a betrayal of those on both sides of the conflict who support a two-state solution and seek to make it a reality.

◆ How does Palestinian incitement harm peace?

Peace can never reign between Israel and the Palestinians as long as generation-after-generation of Palestinians are being fed a never-ending diet of anti-Israel incitement. There is a direct connection between anti-Israel incitement and terrorism. True acceptance of Israel's right to exist in peace cannot be achieved solely through signatures on a piece of paper; it must also exist in the hearts and minds of the Palestinian people. Just as Israel has educated for peace throughout its history, so too must the Palestinians begin this process.

The Palestinian education system, media, literature, songs, theater and cinema have been mobilized for extreme anti-Israel indoctrination, which at times degenerates into [blatant anti-Semitism](#). This incitement to hatred and violence is pervasive in Palestinian society, particularly in the Hamas-controlled Gaza Strip. It exists in nursery schools and kindergartens, youth movements, schools, universities, mosque sermons, and street demonstrations.

Incitement against Israel has many faces. It begins with the complete denial of the very existence of the State of Israel. Maps in schools and universities do not even bear the name of Israel, nor a large number of its cities and towns.

Palestinian officials and religious leaders frequently deny the thousands of years of Jewish connection to the Land of Israel. By repudiating Jewish history (and the New Testament as well), the Palestinian leadership is promoting a narrative that disavows any Jewish rights to the Jewish historical homeland. Peace cannot be achieved as long as the right of the Jewish people to their own nation-state in their native land is denied.

Incitement is also characterized by the hero worship of terrorists. Inciters extol the deeds of suicide bombers, name schools and football teams after them, and hold them up as models to be emulated.

Inflammatory materials make no distinction between the State of Israel and Jews as such, often

including anti-Semitic cartoons that use the same kind of motifs and imagery that were used against the Jews during the Nazi era.

This phenomenon bodes ill for the next generation, educated to disregard the peacemakers and worship the symbols of death and destruction. Children, such as those in Hamas-controlled Gaza, who have been taught from the earliest age to hate, kill and destroy, are a tragedy for their own people and a potential danger for others.

The question that must be asked is what kind of future does the industry of incitement offer the next generation, which is growing up learning to hate. Will that young generation be capable of thinking in terms of peace, of good neighborliness, of tolerance and compromise? Can Palestinian society create the new state of mind that is needed for peace, rather than just signing a peace treaty?

One cannot ignore the intensity of the emotions that exist on both sides of the conflict in the Middle East. Suffering and feelings of deep frustration exist on Israel's side as well. But there is a huge difference between feeling anger or frustration on a personal level, on the one hand, and promoting a culture of hatred, on the other.

Unlike a large part of Palestinian society, Israeli society sees peace as the noblest of goals; it's highest of aspirations on both the individual and national level. The desire for peace and for the normalization of day-to-day life is at the very center of Israel's being and culture. The many thousands of songs, books, artistic works, and articles that have been written about peace in Israel, since the very establishment of the state, are too numerous to mention. Peace is an important core value, the greatest dream of every mother and father, the embodiment of the Zionist idea which envisages Israel living in peace and cooperation with all its neighbors.

There is no legitimate reason why Israeli children learn about peace and coexistence in their schools, while at the same time Palestinian children are taught to honor suicide bombers and to seek 'martyrdom' through Jihad. Those who desire peace should educate for peace, and not promote hatred and murder.



Recognition

◆ Why should Israel be recognized as the Jewish nation-state?

While Israel is being asked to recognize a state for the Palestinian people, the Palestinians should also be expected to recognize Israel fully as the nation-state of the Jewish people.

The justification for that recognition is self-evident. The State of Israel is a Jewish state, first and foremost, by reason of a 3,500 year-old historic bond between the Jewish people and the Land of Israel (i.e. Eretz Israel / Palestine / The Holy Land). Furthermore, Jews, like any other people have a right to self-determination. Significantly, there is no other land in which the Jewish people can

exercise this right, as there is no other land to which the Jewish people can lay sovereign claim; or in which they can fully carry out their lives in accordance with their own customs and beliefs, language and culture, goals and plans for their future. This, while Israel maintains its identity as both a Jewish and a democratic state, with freedom for all its citizens and complete equality under the law, regardless of religion, gender or ethnic background.

The right of the Jewish people to exercise self-determination in the Land of Israel was first officially endorsed by the international community through the League of Nations (the precursor of the United Nations) in 1922. In 1947, shortly after the establishment of the United Nations, General Assembly Resolution 181 was adopted, calling for the creation of both a Jewish state and an Arab state in the Palestinian Mandate Territory. The goal of the UN resolution was to establish two nation-states for two peoples, a concept accepted by the Jewish population but rejected by the Arab countries, who immediately initiated a war to destroy the Jewish state-to-be.

The long history of the dispute, as well as the present difficulties, have served to demonstrate that the conflict is actually rooted in an ongoing refusal by the Palestinians and the Arab world to recognize the right of the Jewish people to a state in their historic homeland. This explains the Arab rejection of proposal after proposal to divide the land, from the 1947 rejection of the UN Partition Plan to the Palestinian refutation of repeated Israeli peace proposals - particularly those made at Camp David and Taba in 2000 - that would have led to the establishment of a Palestinian state alongside a Jewish one. Sadly the Palestinians have always exerted more efforts to destroy the Jewish state than to establish a state of their own.

Recognition of Israel as the nation-state of the Jewish people is not simply a matter of principle, or even historical accuracy - it lies at the heart of resolving the conflict, for only this way can Israel's continued existence be guaranteed.

Israel has never conditioned negotiations on the recognition of Israel as the Jewish state. However, a genuine acceptance of Israel as the nation-state of the Jewish people is the key to true peace.

◆ What is Israel's position regarding the creation of a Palestinian state?

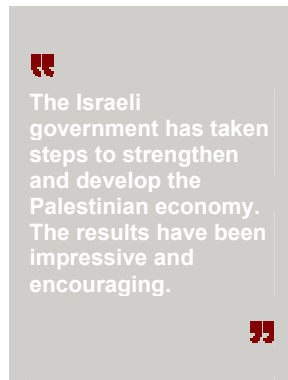
Just as previous Israeli governments have conducted negotiations regarding the establishment of a Palestinian state, the present government has also stated it is ready to negotiate a solution based on its vision of a Palestinian state existing alongside the Jewish state in peace and security.

Israel has no desire to rule over the Palestinians. Israel would like to see its neighbors rule themselves, with their own flag, national anthem and a government capable of managing their affairs. If Israel's vital security needs are met and there is recognition of Israel's legitimacy to exist as the nation-state of the Jewish people, then an arrangement can be reached according to which Palestinians and Israelis live side-by-side in dignity, security and peace.

However, a critical issue remains regarding what kind of Palestinian state is to be established. Will it be a democratic state characterized by law and order, which eschews terrorism, violence and incitement; a state with which Israel can live in peace? Or will it be an anarchic, despotic or extremist state that continues on the path of violence and terrorism, which will not only endanger Israel, but the stability of the region as a whole?

The last thing the Middle East needs now is another failed state, and Israel cannot abide the establishment of a terrorist state along its borders. In light of Palestinian aggression that began long before the very establishment of Israel, demilitarization is the only way to ensure that the envisioned Palestinian state doesn't threaten the State of Israel or its other neighbors. Israel cannot allow its densely-populated central region to be exposed to the threat of thousands of rockets in a repeat performance of its disengagement from Gaza and withdrawal from Lebanon, nor to the horrific waves of terrorist attacks and suicide bombers that followed the 2000 Camp David and Taba offers of a Palestinian state.

Without ironclad international security guarantees that ensure demilitarization, the Palestinian territories could become another Iran - a danger to Israel, to the region, and to the world as a whole.



Economics

◆ What has Israel done to improve the West Bank economy?

Recognizing that calls for a Palestinian state are necessary, but not sufficient, for the realization of the two-state vision, various measures have been implemented by the Israeli government in order to [strengthen and develop the Palestinian economy](#). These steps have been both bilateral and multilateral, involving the PA, Israel and the international community (both governmental and non-governmental).

The results have been impressive and encouraging, with World Bank and PA statistics showing an 8% growth in the West Bank economy in 2009, and with double digit annual rates of growth projected by Quartet Representative Tony Blair in an interview with the New York Times. The measures that have led to these enviable statistics include:

1. Measures to facilitate Palestinian employment and business activity

A number of measures have been adopted by Israel in order to help facilitate increased Palestinian employment and business activity. For example, Israel has increased the number of Palestinian workers authorized to work in Israel, increased the number of Palestinian workers entitled to stay in Israel overnight (this translates to reduced costs for workers, as well as the ability to work additional hours and thereby earn increased wages), and increased the number of special documents issued to facilitate the easy entry of Palestinian businessmen into Israel. (Businessmen Cards afford holders preferential treatment and simplified security checks at crossings and checkpoints, making it easier for Palestinian businessmen to conduct ongoing business.)

2. Economic infrastructure measures

Through close cooperation with international parties, both governmental and non-governmental, Israel has facilitated various infrastructural projects in the West Bank, which serve to support the establishment of a stable Palestinian economy.

Examples of the various investments include an infrastructural investment by USAID, in its project to [upgrade the Gilboa/Jalama Crossing](#) in the North to allow for vehicles, and not just pedestrians to enter; the construction of four electrical substations in the West Bank by the Israel Electric Corporation, with the assistance of a generous loan provided by the European Investment Bank; and

the laying of a foundation stone for the new neighborhood, Al Janin, which is planned in Jenin and which will eventually consist of 1,000 residences.

3. *Bilateral economic cooperation*

In addition to these foreign investments, Israel has sustained extensive bilateral cooperation with the Palestinians. This cooperation includes fiscal cooperation which ensures the smooth flow of tax revenues to the PA, and the resumption of discussions and [meetings of the Joint Economic Committee](#) (JEC), established under the Paris Protocol on Economic Relations, including discussion regarding the operation of crossings, Palestinian workers in Israel and the transfer of monies to Gaza; and cooperation between customs authorities, allowing for the smoother import and export of goods and services.

4. *Concrete steps to enhance freedom of movement*

In an attempt to promote economic activity, Israel has taken measures to [enhance freedom of movement within the West Bank](#) - removing hundreds of security check-points and unmanned road-blocks throughout the West Bank. The number of key checkpoints has decreased significantly from 41 to fourteen since July 2007. Currently, 12 of the 14 which remain in operation are manned 24 hours a day, seven days a week, to facilitate movement. Further, as of August 2009, 147 unmanned road blocks have also been removed.

In addition to the above, Israel has adopted measures which permit the entry of Arab-Israelis into West Bank cities, in particular Jenin, Tulkarm, Jericho and Bethlehem. The increase in the number of Arab Israelis entering these towns has led to a significant increase in retail trade, which in Jenin, Tulkarm and Nablus alone accounts for an increase in revenue to the value of eight million shekels every weekend.

Moreover, Israel has extended the hours of operation and [streamlined procedures at the Allenby Bridge Border Crossing with Jordan](#). This move has materially improved the position of those people crossing the border, by for example substantially decreasing the amount of time that it takes to cross the border. Indeed, according to official Palestinian sources, the extension of operation hours at the Allenby Bridge has saved the Palestinian economy tens of millions of shekels.



Settlements

◆ Is the West Bank "occupied" or "disputed" territory?

Control over the West Bank passed to Israel in [1967](#) in a war of self-defense. For nearly a quarter of a century afterwards, the Palestinians rejected every Israeli overture, missing opportunity after opportunity to resolve peacefully the dispute through negotiation.

It is important to remember that Israel's control of the territories was the result of a war of self-defense, fought after Israel's very existence was threatened. It has continued due to the intransigence of Israel's Arab neighbors, who steadfastly rejected Israel's many offers of peace, including its post-Six Day War message that it would exchange territory in return for peace. In 1979 Egypt, and in 1994 Jordan, signed peace treaties with Israel. But the Palestinians have yet to do so. As long as the future status of the West Bank is subject to negotiation, Israel's claim to this disputed territory is no less valid than that of the Palestinians.

This territory held the cradle of Jewish civilization during biblical times and Jewish communities existed there over thousands of years. Modern-day Israel has deep ties to the many historical sites located in the West Bank. Yet Israel's claim to this territory is based not only on its ancient ties, religious beliefs and security needs; it is also firmly grounded in international law and custom.

Israel's presence in the territory is often incorrectly referred to as an "occupation." However, under international law, true occupation occurs only in territories that have been taken from a recognized sovereign. The last recognized sovereign of the West Bank and Gaza was the Ottoman Empire, which ceased to exist following the First World War. The Jordanian and Egyptian control over the West Bank and Gaza respectively following 1948 resulted from a war of aggression aimed at destroying the newly established Jewish state. Their attacks plainly violated UN General Assembly Resolution 181 from 1947 (also known as the Partition Plan). Accordingly, the Egyptian and Jordanian control over the territories was never recognized by the international community. Furthermore, no sovereign Palestinian state has ever existed, neither in the West Bank nor anywhere else.

As the West Bank had no prior legitimate sovereign, under international law these areas cannot be considered as "occupied" Arab or Palestinian lands, and their most accurate description would be that of disputed territories.

However, Palestinian spokespersons not only claim that the territory is indeed occupied, they also allege that occupation is - by definition - illegal. However, international law does not prohibit situations of occupation. Rather, it attempts to regulate such situations with international agreements and conventions. Therefore, claims that the so-called Israeli "occupation" is illegal - without regard either to its cause or the factors that have led to its continuation - are baseless allegations without foundation in international law.

Palestinian efforts to present Israel's presence in the territory as the primary cause of the conflict ignore history. Palestinian terrorism predates Israel's control of the territories (and even the existence of the State of Israel itself). The Palestinian Liberation Organization (PLO) was founded in 1964, three years before Israel's presence in the territories began. Moreover, Palestinian terrorism has often peaked during those periods when a negotiated settlement was closest at hand, whether at the height of the Oslo process in the mid-1990s, or after Israel's unprecedented peace proposals at Camp David and Taba in 2000, which saw the start of the Second Intifada.

Consequently, the West Bank can best be regarded as disputed territory over which there are competing claims that should be resolved in peace talks. The final status of this disputed territory should be determined through negotiations between the parties. Attempts to force a solution through terrorism are ethically indefensible and only serve to encourage further violence and terrorism. Israel hopes that peace negotiations with its Palestinian neighbors will be restarted, and a permanent agreement reached which addresses the aspirations of both parties in an equitable and peaceful manner.

◆ Is Israel required to withdraw to the 1967 boundaries?

While Israel has indicated its willingness to compromise during peace negotiations, there are still those who insist on the absolute end to all Jewish presence in the West Bank (after Israel voluntarily disengaged from the Gaza Strip) and an unqualified return to the erratic 1948 cease-fire lines that existed prior to the 1967 Six Day War.

There are no provisions in any of the agreements signed between Israel and the Palestinians that require a withdrawal to the 1967 boundaries. There are no geographic imperatives that sanctify the 1967 lines. There certainly is no logic to enshrining an inadvertent boundary that existed for less than 19 years.

The 4 June 1967 lines of the West Bank were not based on historical fact, natural geographic formations, demographic considerations or international agreement. The pre-1967 boundaries were based instead on the armistice lines demarcated on the basis of the position of armies in the field after the 1948 War of Independence. Accordingly, the 1949 Armistice Agreement explicitly refrained from defining them as final political borders. These lines merely reflected the relative positions of the Jordanian/Iraqi and Israeli military forces at the end of the War.

Several months after the 1967 Six Day War, the international community adopted [UN Security Council Resolution 242](#), the seminal UN decision on the Israeli-Palestinian conflict. The resolution acknowledged the problematic nature of the 1967 lines - which had left Israel with a "narrow waist" of 9 miles - and recognized Israel's need for "secure and recognized boundaries". The Security Council specifically dismissed the Arab demand for a text that required Israel to completely return all the territory it acquired during the 1967 conflict, calling only for Israel's "withdrawal from territories occupied in the recent conflict," not from "all the territories" or even from "the territories".

Subsequent peace negotiations have addressed solutions that include compromises on the borders between Israel and a potential Palestinian state. Even the late Prime Minister Yitzhak Rabin, winner of the Nobel Peace Prize, stated in his [last address to the Knesset](#) before his assassination in 1995, that Israel "will not return to the 4 June 1967 lines."

This position reflects both the changes that have occurred on the ground over the past four decades, as well as the problematic nature of the original lines. Major Israeli population centers now existing in the West Bank, mostly concentrated in settlement blocs, are located close to the 1967 lines. The forced deportation of their residents, rather than the rationalization of the border, would not be countenanced by the Israeli population, and would create an insurmountable challenge to any Israeli government.

Israelis have ancient ties to this part of the Land of Israel and Jews have lived there throughout the ages - until they were ethnically-cleansed from the West Bank in 1948. Many sites of major religious and historical importance to the Jewish people are concentrated in the West Bank. They include the [Tomb of the Patriarchs in Hebron](#), where, according to tradition, Abraham, Sarah, Isaac, Rebecca, Jacob and Leah are buried.

A rational assessment of a realistic and durable peace process must take into account the Jewish presence in the West Bank. To date, all negotiations for a two-state solution have been based on that premise. A final settlement will have to reflect the new reality of the West Bank and will require compromise by both sides.

◆ Do Israeli settlements constitute an "obstacle to peace"?

For far too many years the claim has been put forth - and repeated *ad nauseam* - that the primary obstacle to peace is the Jewish presence in the West Bank and Gaza (even after Israel disengaged from Gaza). This misguided approach not only disregards any Palestinian responsibility for achieving a peaceful resolution, it ignores the history of the conflict. It overlooks the [attacks on civilians and wars that began decades before a single Israeli soldier ever set foot in the West Bank or Gaza](#). It discounts the surges of terrorism and missiles that followed each Israeli disengagement from territory. And it ignores thousands of years of Jewish presence in the Land of Israel, the historical homeland of the Jewish people.

The right of Jews to resettle all parts of the Land of Israel was first recognized by the international community in the [1922 League of Nations Mandate for Palestine](#). The purpose of the Mandate was to facilitate the establishment of a Jewish national home in the Jewish people's ancient homeland.

Indeed, Article 6 of the Mandate provided for "close settlement by Jews on the land, including State lands not required for public use."

For more than a thousand years, the only time that Jewish settlement was prohibited in the West Bank was under the Jordanian occupation (1948-1967) that resulted from an armed invasion. During this period, the Jewish presence in the West Bank and Gaza was eliminated, and the sale of land to Jews was declared a capital offense. It is untenable that this outrage could invalidate the right of Jews to establish homes in these areas, and accordingly, the legal titles to land that had already been acquired remain valid to this day.

◆ Do the settlements violate Israeli-Palestinian agreements or international law?

The Palestinians often claim that settlement activity is illegal and call on Israel to dismantle every settlement. In effect, they are demanding that every Jew leave the West Bank, a form of ethnic cleansing. By contrast, within Israel, Arabs and Jews live side-by-side; indeed, Israeli Arabs, who account for approximately 20% of Israel's population, are citizens of Israel with equal rights.

The Palestinian call to remove all Jewish presence from the disputed territory of the West Bank is not only discriminatory and morally reprehensible; it has no basis in the agreements between Israel and the Palestinians. Indeed, Israeli settlements in the West Bank do not violate existing Israeli-Palestinian agreements. Claims to the contrary should be viewed as attempts to distort the record for political purposes. The various agreements reached between Israel and the Palestinians since 1993 specifically provide that the issue of settlements is reserved for permanent status negotiations, which are to take place in the concluding stage of peace talks. The parties expressly agreed that the Palestinian Authority has no jurisdiction or control over settlements pending the conclusion of a permanent status agreement.

It has been charged that the provision contained in the Israel-Palestinian Interim Agreement, which prohibits unilateral steps that alter the status of the West Bank, implies a ban on settlement activity. This position is disingenuous. The prohibition on unilateral measures was designed to ensure that neither side take steps that would change the legal status of this territory (such as by annexation or a unilateral declaration of statehood), pending the outcome of permanent status talks. The building of homes has no effect on the final permanent status of the area as a whole. Were this prohibition to be applied to building, it would lead to the unreasonable interpretation that neither side is permitted to build houses, schools or places of worship to accommodate the needs of their respective communities.

It has also been charged that the settlements displace Arab inhabitants. In fact, the settlements are not intended to displace Arab inhabitants, nor do they do so in practice. The Palestinian population in the West Bank continues to grow at a higher rate than the Israeli population. In addition, according to independent surveys, the built-up areas of the settlements (not including roads or unpopulated adjacent tracts) take up about 3% of the total territory of the West Bank.

Attempts have been made to claim that the settlements violate international law for two reasons - first because the West Bank is claimed to be considered 'occupied territory', and second, because a state is prohibited from deporting or transferring parts of its own civilian population into a territory it occupies. However, these allegations have no validity in law because firstly, it is an historical fact that the disputed West Bank is not the sovereign territory of any other state and thus cannot be considered 'occupied', and second, Israeli citizens were neither deported nor transferred to the territories, but rather chose their place of residence voluntarily.

As the Israeli claim to these territories is legally valid, it is just as legitimate for Israelis to build their communities as it is for the Palestinians to build theirs. Yet in the spirit of compromise, successive Israeli governments have indicated their willingness to negotiate the issue and have adopted a voluntary freeze on the establishment of new settlements as a confidence-building measure.

In November 2009, in a dramatic move designed to encourage the Palestinians to reconsider their

refusal to return to the negotiating table, the Israeli government announced a [10-month moratorium on new residential housing starts](#) and new residential building permits in all Jewish settlements in the West Bank. Unfortunately, this move was rejected by the Palestinians before it was even officially announced.

◆ Does the Palestinian demand for a total and permanent freeze on all settlement activity justify their refusal to negotiate?

Since April 2009, no negotiations have been conducted between Israel and the Palestinians due to the Palestinian refusal to return to the negotiating table following the Israeli elections. Despite the fact that since the beginning of the peace process in the 1990s, neither side had ever posed preconditions for beginning talks, Palestinian Authority (PA) President Mahmoud Abbas has unilaterally dictated that no negotiations can take place until Israel agrees to a total cessation of settlement activity in the West Bank and Jewish building in eastern Jerusalem.

The sudden imposition of this precondition is unfounded given that in all the agreements that the PA signed with Israel, it was agreed that the settlement issue would be a matter for the final status negotiations, not a precondition for talks.

Clearly Israel cannot agree to the imposition of one-sided preconditions for even agreeing to negotiate, particularly with regard to its capital, Jerusalem. Israel, too, could demand Palestinian acquiescence to issues it deems important as conditions for resuming negotiations. However if there is to be progress, both sides must resume talks without placing new obstacles in the path to peace.

Notwithstanding the Palestinians' new demands, the Government of Israel, on November 25 2009, decided, as a confidence building measure, to impose a [10-month moratorium on new residential housing starts](#) and building permits in Jewish settlements in the West Bank. This dramatic and unprecedented Israeli demonstration of good-will was rejected by the Palestinians outright, even before it was officially announced.

Israeli willingness to demonstrate its restraint when it comes to settlements is not new. Even prior to the moratorium decision, Israel's long-standing policy had been not to build new settlements nor expropriate additional land for those already built. The significance of this policy is that there was no change to the disposition of the land. Building inside existing communities - including construction of schools, synagogues and medical clinics that allow their residents to lead a normal life - does nothing to change the facts on the ground nor does it prejudice whatever might be agreed upon in a final peace agreement.

Added to these considerations is the fact that Israel has already dismantled settlements. Yet, as a result, instead of seeing progress in the peace process, it witnessed a deterioration of conditions. For example, in 2005 Israel unilaterally made a major concession to the Palestinians, [completely disengaging from Gaza](#). All 21 settlements in the Gaza Strip - and an additional four in the West Bank - were dismantled in the hope of encouraging peace. Yet, instead of promoting peace, just the opposite has occurred. In exchange for its sacrifice, Israel was faced with a barrage of thousands of Palestinian rockets directed against its southern towns and cities.

In light of realities on the ground, including already existing major Israeli population centers in the West Bank, it is unrealistic to expect that Israel fully accept Palestinian demands about settlements as a prerequisite for merely beginning negotiations. Israel urges the Palestinians to return to the table in order to negotiate sincerely and together with Israel to achieve a mutually acceptable peace agreement.



Jerusalem

◆ What is the status of Jerusalem?

Jerusalem is a holy city for the three monotheistic faiths: Judaism, Christianity and Islam. It is this unique religious status which endows such great significance to this city and to all that happens within it. Israel recognizes and guarantees the rights of all worshippers to pray in the city, and protects their many holy shrines located in the city - as indeed it does in the country as a whole.

While Jerusalem has a special status due to its religious significance; Jerusalem is also the eternal capital of the State of Israel.

Throughout the centuries, no nation, other than the Jewish people, made Jerusalem its capital. While important to other faiths, Judaism is the only religion which places Jerusalem at the center of its belief.

Jerusalem is the "heart and soul" of the Jewish people's spiritual identity and national yearnings. When the ancient Jews were an independent people in the Land of Israel, Jerusalem was their capital. Jerusalem served as the Jewish people's historic capital since King David made it so in 1004 B.C.E. Jerusalem remained the capital until its destruction at the hands of the Romans in 70 CE and the subsequent loss of Jewish independence.

Jewish independence was restored in 1948, with the establishment of the State of Israel. Shortly thereafter, the Knesset (Israel's parliament) determined that Jerusalem would be the capital of the State of Israel - this despite the fact that some eastern neighborhoods had been separated from the city by the Jordanians during the 1948 War. Following this decision, government institutions were located in Jerusalem, including the President's Residence, the Prime Minister's Office, the Government ministries, the Knesset and the Supreme Court. Following the 1967 Six-Day War, the eighteen year division of the city was brought to an end, and, in 1980, the Knesset legislated the "Basic Law: Jerusalem, Capital of Israel," which enshrined the united city as the nation's capital.

Israel's capital is a united city, and the Government of Israel makes no distinction between Jerusalem's different neighborhoods. All residents of Jerusalem are free to reside in all parts of the city, regardless of race, religion or ethnicity. Just as Arab residents are free to reside in predominantly Jewish neighborhoods, so too Jews can freely choose where in the city they would like to live. The demand voiced in some circles that Jews be prohibited from living anywhere in the city is just as unfounded - and illegal - as a demand that Jews cannot live in specific areas of London, Paris, Moscow or New York.



Refugees

◆ Do Palestinian refugees have a justifiable "right of return"?

At the same time that the Palestinians are calling for a state of their own, they also demand a "right of return" for those Palestinians claiming to be the descendents of refugees to land inside Israel's pre-1967 lines. It is disingenuous to simultaneously call both to create a Palestinian nation-state and to demand a national right to freely immigrate into yet another state, Israel. No such right exists under international law, not has one been created by the relevant UN resolutions or the agreements between Israel and its Arab neighbors.

Under present conditions, the influx of a large number of descendents of refugees into Israel is not a viable option. Given that the present population of Israel is approximately 7 million (of whom about one-fifth are Arab-Israelis), the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state, obliterating its basic identity as the homeland of the Jewish people and a refuge for persecuted Jews worldwide. Consequently, the demand to "return" to Israel is nothing more than a euphemism for the demographic destruction of the Jewish state.

The result of any peace process should be two nation-states for two peoples, as first envisaged by the [United Nations partition plan of 1947](#). By continuing to demand a "right" that would, in effect, negate the basic identity of Israel, the Palestinian leadership is undermining prospects for peace.

The Palestinian refugee problem has remained unresolved for over 60 years, causing suffering and instability throughout the Middle East. However, alongside the current social and humanitarian aspects of this issue, it is important to examine the causes of the problem and the reasons why it has been perpetuated for six decades.

Israel does not bear any culpability for the creation or the perpetuation of the Palestinian refugee problem. Thus it cannot declare, even as a gesture, responsibility for the problem.

The immediate source of the refugee problem was in fact the Arabs' rejection in 1947 of UN General Assembly Resolution 181 - which would have partitioned the British Mandate area into an Arab state and a Jewish state - and the ensuing war initiated by the Arabs in the hope of destroying Israel. Many Palestinian Arabs who lived in areas where the fighting took place abandoned their homes, either at the request of Arab leaders, or due to fear of the fighting and the uncertainty of living under Jewish rule. A refugee problem would never have been created had this war not been forced upon Israel by the Arab countries and the local Palestinian leadership.

Sadly, during this period there were innumerable refugees fleeing wars and conflict in many parts of the world. Almost all of these were resettled and their lives rehabilitated. The sole exception remains the Palestinians, deliberately kept as refugees for political aims.

The Arab countries, with the sole exception of Jordan, have perpetuated the refugee problem in order

to use it as a weapon in their struggle against Israel. The refugees continue to live in crowded camps, in poverty and despair. Few attempts have been made to integrate them into the numerous Arab countries in the region. These refugees, their children, grandchildren and great-grandchildren remain today in a number of Arab countries with no political, economic or social rights. This policy was pursued in order to garner international sympathy for the Palestinian cause, at the Palestinians own expense.

Due to Arab diplomatic pressure, the international community has been forced to play a role in perpetuating the Palestinian refugee problem. It has averted efforts to resettle Palestinian refugees, as is the international norm regarding other refugee situations. The UN High Commissioner for Refugees, responsible for finding permanent homes for all refugee groups around the world, does not do so for the Palestinians. Instead, a special agency was established to handle Palestinian refugees. This organization, the United Nations Relief and Works Agency (UNWRA), operates solely to maintain and support the Palestinians in refugee camps and not to rehabilitate them.

The international community has yielded to political demands from Arab regimes and in effect granted the Palestinians an exception from the internationally accepted definition of a refugee (as defined by the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereto), which makes no mention of descendants of refugees. According to this exception - which has never been granted to any other population - all the generations of descendants of the original Palestinian refugees are also considered refugees. This means that the vast majority of Palestinian refugees who demand to immigrate to Israel have never actually lived within the borders of Israel. Moreover, the exceptional definition of refugees in the Palestinian case includes any Arab who lived in the area that became Israel for just two years before leaving - thus including tens of thousands of transient laborers who were attracted to pre-state Palestine due to the economic growth of Jewish areas. These exemptions have inflated drastically the number of Palestinian refugees and allowed it to expand over the years from hundreds of thousands to millions.

The fate of the Palestinian refugees stands in sharp contrast to that of an even greater number of Jews who were forced to flee Arab countries in the wake of the establishment of Israel, leaving behind a great deal of property. Despite the difficulties, hundreds of thousands of Jewish refugees were absorbed as citizens of the newly-born impoverished State of Israel.



One-state solution

◆ Would a one-state solution be an equitable settlement?

The most logical resolution of the conflict between the Israelis and the Palestinians is the establishment of two nation states. A Jewish state and a Palestinian state, which together would fulfill the national aspirations of both Israelis and Palestinians. A single bi-national state would not resolve the conflict - rather it would lead to further confrontation and strife.

Calling for a one-state solution is tantamount to calling for the destruction of the State of Israel. The world's only homeland for the Jewish people would cease to exist. Through their long and tragic history, the Jewish people have learned that having their own nation-state is imperative. The disaster of the last century, in which one third of the Jewish people were exterminated, made clear the necessity for a Jewish state. The disappearance of the only Jewish state would mean the end of the aspirations of the Jewish people to live as other peoples, free in their own country, controlling their own destiny and living according to their beliefs, customs and values. The one-state solution is primarily supported by those who want to see the end of the Jewish state, those whose hatred of Israel is stronger than their support for the Palestinian cause.

In addition to the termination of Israel, the one-state solution will also spell the end of Palestinian hopes for their own state. After the establishment of a bi-national state, Palestinian national aspirations could only be fulfilled by achieving full control over the newly-formed entity.

A bi-national state is therefore a recipe for disaster.

In addition, to these significant concerns, Jews and Arabs do not share a common history, language, religion, culture or the values that would allow a bi-national state to function.

The Arab world has had little success in making multi-ethnic states work - one need only look at the conflict-fraught history of Lebanon, and note that in Lebanon the warring parties had much more in common than do Jews and Arabs.

The world has seen enough bloodshed in the Balkans to know that this type of artificially imposed coexistence can only lead to violence and civil war.