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Issue Brief

Border is the core of the Israeli-Palestinian conflict

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March 05, 2019

Summary

Making Israel move away from its historical legacy of vagueness with respect to its borders will not be easy. But demanding a formal border is far easier than an agreement on settlements, refugees or Jerusalem. Rather than frittering away its limited leverage on a host of issues, big and small, the international community should focus on borders as a means of resolving the conflict and pose a simple question to Israel: where do you begin, and where do you end?

Despite good intentions and innumerable efforts, the Israeli-Palestinian track has been dead for quite some time. If the principal parties are uncompromising, international interlocutors are clueless as to how to resurrect the process. Reordering the priorities or de-constructing the problem could provide a way-out of this impasse. What is the core of the Israeli-Palestinian conflict?

The Declaration of Principles (DoP), the basis of the Oslo agreement, identified seven issues that would be discussed during the permanent status negotiations, namely, "Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours and other issues of common interests." Given the historical baggage, Israel and the Palestine Liberation Organisation (PLO) did not explicitly refer to occupation and Palestinian statelessness, but the hope was that the resolution of the core issues would mitigate and resolve these more significant problems.

In concrete terms, the core of the Israeli-Palestinian conflict is Jerusalem, refugees, settlements, and borders. Each one of them is vital and if resolving them is herculean, their non-resolution will be disastrous. The underlying logic of the DoP was that these are core issues and the Israeli-Palestinian conflict cannot be resolved without addressing them. At the same time, given the historical nature of the problem, both sides sought to settle for the CBM model and deferred the core issues for better times when both had developed mutual trust and confidence to handle the delicate issues. That opportune time never came, and the interim period saw mutual acrimony and distrust culminating in the al-Aqsa intifada.

However, revisiting the permanent status issues, as they were called at that time, might give us clues for a possible way out.

Jerusalem

Though all the issues are critical, Jerusalem is the heart of the Arab-Israeli conflict and the toughest to resolve. It also symbolises the differing timeframes of the contestants. There are multiple Jerusalems, with different historical claims, timeframes, logics, and layers. Until Donald Trump's surprising decision of moving the US embassy to Jerusalem, the international community—including the US—did not recognise even West Jerusalem, which has been under Israeli control since July 1948, as the capital.

The UN partition plan declared Jerusalem to be a *corpus separatum*, an international city not to be a part of either the Arab or Jewish state in the mandate Palestine. This was never realised as the armies of Jordan and Israel captured East and West Jerusalem, respectively, a division that was formalised through the Armistice Agreement of 3 April 1949. Later that year, Israel formally declared Jerusalem to be its capital and began shifting or establishing all its sovereign institutions such as the presidency, Knesset, Supreme Court, and government offices. While the Defence Ministry continues to stay in the more spacious Tel Aviv, the foreign office was moved to Jerusalem in 1953.

If one were to speak of 'occupation', one would get into a complex and longer trajectory of history. The city came under the British in December 1917; under the

Muslim armies of Saladin in 1197; under the Crusaders in 1099; and under the Arab-Muslims when the armies of the Second Caliph Omer laid siege and captured it in 637 AD. According to Islamic historiography, Omer offered prayers near the place where al-Aqsa was built in 705. The Qibla, the Islamic direction of prayers, was shifted from Jerusalem to the Ka'aba in Mecca in 624 and Prophet Mohammed's nocturnal journey took place in 620 AD. The Haram al-Sharif, the Noble Sanctuary, where the al-Aqsa mosque stands is the third holiest place in Islam after Mecca and Medina.

At the same time, it is essential to recognise that the Haram al-Sharif and the al-Aqsa stand on top of pre-Islamic, non-Islamic and un-Islamic religious structures, namely, the ruins of the Second Jewish Temple. The 'occupation' of Jerusalem did not begin in 1967, 1948 or even in 1882 but can be traced to the immediate aftermath of the birth of Islam itself.

The contestation over Jerusalem is not only political but is also historical, territorial, theological, archaeological and emotional. These transform Jerusalem into a truly global problem whereby the believers of the Abrahamic faiths—Jews, Christians, and Muslims—can stake a claim in its resolution. In other words, when dealing with Jerusalem, the interlocutors are not just Israelis and Palestinians but also the Jewish diaspora, non-Palestinian Arabs, and Arab and non-Arab Muslims. The Persian Iranians have as much say over the Jerusalem question as the Indonesian Muslims as well as French and American Jews.

All in all, Jerusalem will be a deal breaker for an indefinite period or until all other issues are resolved.

Refugees

The refugee question is an emotional issue for the Palestinians and symbolises their statelessness. The United Nations General Assembly (UNGA) Resolution 194 offers them a general but conditional 'right-to-return'. However, the reference in the Resolution to refugees wishing 'to live in peace with the neighbours' implies that the right-to-return is not unconditional or absolute as is commonly understood. From the beginning Israel has been confronting this problem in three distinct manners:

- Minimizing the number of Palestinians who had become refugees in 1948, lest it is forced to accept more;
- Flagging the rights of about 500,000 Jews who had left the Arab and Islamic countries after 1948 and became Israeli citizens. In its view, a de facto population exchange had taken place in the aftermath of the partition of Palestine; and
- Any compensation to the Palestinian refugees would also have to consider the properties lost or left behind by the Mizrahi Jews when they made aliya to Israel.

Hence, whenever pressured, Israel has not been prepared to go beyond symbolic 'family reunions' of a few thousand refugees.

Over the years, the Palestinian refugee population has expanded from about 600,000 in 1948 to over five million in 2017. With the sole exception of Jordan, Arab countries have refused to grant citizenship rights to them lest Israel is absolved of the

responsibilities for the refugee problem and its aftermath. Even in Jordan, the United Nations Relief and Works Agency (UNRWA) identifies over two million Palestinians as refugees.

The refugee dimension is mainly responsible for the dilution of the Abdullah plan and the failure of the Arab Peace Initiative of 2002. Its reiteration of all the UN resolutions meant the acceptance of the Palestinian interpretation of an unfettered right-to-return in accordance with UNGA Resolution 194.

Israel's consistent opposition to a large-scale return of the refugees has a demographic dimension as such a course would dilute and negate Israel being a Jewish-majority state. In early 2019, for example, its population stands at 8.9 million, including 1.8 million non-Jews who are predominantly Arab. If Israel were to concede the right to return for all Palestinians including five million refugees and two million citizens in Jordan, it would result in numerical parity between its Jewish and Arab populations. This demographic nightmare has prevented even the hardcore supporters of Eretz Israel from advocating the formal annexation of the West Bank. For Jewish Israelis, refugee return challenges the very foundation of the state and any resolution of this problem will have to be one of comprise, accommodation and above all remain symbolic. At present, neither side can concede the claims of the other.

Settlements

Theoretically, this post-1967 phenomenon is less complicated than the others. Partly due to internal pressures and partly as a state policy, Israel has been building Jewish residential blocs in the Occupied Territories in the aftermath of the June War. The Labour Party sought to establish them in areas that it considered vital for security and hence would not be returned even under a peace agreement. The Likud, for its part, established settlements closer to Arab population centres with the intention of preventing the emergence of a Palestinian state. Despite these differing political motives, the settlement drive since the late 1960s has resulted in the fragmentation of the West Bank and undermined the territorial viability of a Palestinian state.

A significant portion of the settlement expansion has been due to natural growth; as nuclear families grow, so are their demands. The development of elementary schools into higher-secondary ones, to colleges and finally as a university can illustrate this phenomenon. The expanding need for education and health care services is the outcome of the requirements of a growing population. Indeed, a significant portion of the settlement expansion is independent of the political decision to establish newer settlements or expand existing ones.

Hence, besides housing units, the settlement drive also includes access and bypass roads, security perimeters and fences, social service facilities such as schools, hospitals, offices, playgrounds, synagogues, factories and banking systems, and infrastructure networks such as transportation, communication, electricity and water etc. These in turn, resulted in the expropriation of more Palestinian lands and resources. At the end of 2015, about 800,000 Israelis lived beyond the Green Line while Israel controls about 60 percent of the land area of the West Bank.

As a result, Palestinians have been focusing their attention on the settlement activities and their negative impact upon the peace process. This strategy has not been successful. The settlement freeze under Labour and Likud governments has been temporary and symbolic. Due to coalition pressures, Benjamin Netanyahu has not clamped down on illegal outposts and squatting. Indeed, a quarter of a century after the DoP, there is more settler population in the West Bank than before and more land under the settlements than before.

Though important, focusing on settlements is unlikely to yield any results as it has not since Oslo. A strategically important and perhaps more effective way to bring about a change is to focus on the other core issue: border.

Borders

Israel is the only modern state that has avoided defining its territorial limits. During the Yishuv period, it was a strategic choice for Zionism to keep the boundaries of a future national home vague and undefined. This left Israel with a legacy of multiple boundaries. The revisionist Zionists questioned the formation of Transjordan in 1921 by the British and its exclusion from the purview of the Balfour Declaration. The boundaries suggested by the majority United Nations Special Committee on Palestine (UNSCOP) plan and the one approved by the UN in November 1947 were not the same, as the latter was revised in favour of the Jews.

The Declaration of Independence (DoI), which was otherwise precise and eloquent, was silent on the Israel's borders (and also the capital). The conclusion of the Armistice Agreements in 1949 paved the way for the de facto borders of Israel and the international community has widely accepted this. This line, commonly known as the Green Line, survived until the June War. The Israeli capture of the Sinai Peninsula, Golan Heights, Gaza Strip and the West Bank including Jerusalem altered the strategic landscape. If the return of Sinai formalised the Israel-Egypt borders along the 1923 lines carved out by the British, Lebanon had to wait for the same until Israel's unilateral withdrawal in 2000. The disengagement from Gaza (2005) restored the pre-June position vis-à-vis southern Palestine. The fate of the other two fronts was complicated by the Golan Law (1981) and Jerusalem Law (1980), which formalised Israeli control and annexation of these areas.

If these were insufficient, UNSC Resolution 242 introduced the concept of 'secured and recognised' borders. In broader terms, this means that the borders Israel considers 'secured' must be recognised by the Arabs and vice versa. The peace treaty of 1994 formalised the Israel-Jordan border through the provision of 25-year leasing of Jordanian enclaves cultivated by Israeli farmers since 1950. Of late, this has become a thorny issue after the Jordanian government refused to renew the lease.

The onset of the al-Aqsa intifada and the spate of suicide attacks resulted in Israel erecting the 700-kilometre long security barrier in the West Bank. The near-permanent arrangement with security paraphernalia is the closest thing Israel has ever come up to indicate its position regarding borders. Though legitimate, the wall's route does not follow the June 1967 line but often runs East of it. For domestic legitimacy and support, the security fence encompasses many settlements.

Critics of Israel have used this situation to depict its aggrandizing ambitions to include all the territories between the two rivers, namely, between the Nile in Egypt and the Euphrates in Iraq. For long, a section of the Israeli right even laid claim to areas East of the River Jordan. Others settled for Eretz Israel, which encompassed the Judean Desert and Samarian Hills, the biblical names for the present-day West Bank.

As a result, discussions concerning Israel's borders invariably come with a host of prefixes and qualifiers: natural borders, historical borders, biblical borders, international borders, UN borders, partition borders, armistice line, Green line, seam line, secured borders, defensible borders, recognised borders, security fence, etc.

This anomaly is due to the inability and refusal of Zionism to define its territorial limits. Vagueness was unavoidable when it was a nascent movement with an uncertain future. Even the silence of the Declaration of Independence can be rationalised as flowing from fears and uncertainty over the course of the impending hostilities. Having survived seven decades and emerged as a major military power in the Middle East, a technological hub and economic power, the continuing vagueness about the state's borders is more than a relic of the past. Instead, it appears to be a strategic choice to maximise territorial gains.

This is the real problem and hence a way-out for the Israeli-Palestinian conflict. Time has come for Israel to define the extent and territorial limits of Zionism. The question is not international, Arab or Palestinian recognition and acceptance of the stated borders, but Israel's willingness to define what it entails and what does not.

Compelling Israel to define its borders will unravel the future of the Israeli-Palestinian conflict and its resolution. Israeli citizens living outside the BORDERS in the West Bank will have a simple, straightforward choice: to live as citizens of the Palestinian state or return to Israel proper. A defined border will result in the evacuation and dismantling of the settlements as happened in Sinai (1982) and Gaza Strip (2005). While the removal of settlements will not determine Israel's borders, the determination of the borders will decide the fate of the settlements.

Making Israel move away from its historical legacy of vagueness with respect to its borders will not be easy. But demanding a formal border is far easier than an agreement on settlements, refugees or Jerusalem. Rather than frittering away its limited leverage on a host of issues, big and small, the international community should focus on borders as a means of resolving the conflict and pose a simple question to Israel: *where do you begin, and where do you end?*

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