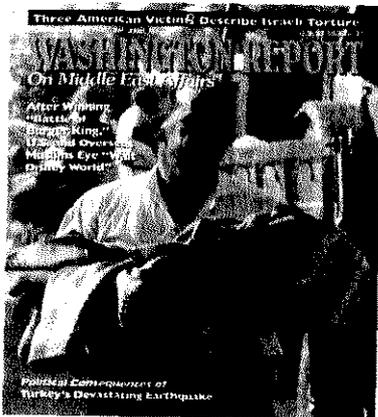


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THE HOLY LAND

OCCUPIED PALESTINE OR INDEPENDENT ISRAEL: "THE RIGHT TO EXISTENCE" AFTER MORE THAN FIFTY YEARS OF OCCUPATION

Osama Abu Irshaid

No issue in the world today has more intricately intertwined elements than Palestine/Israel. Even the most minute changes in the economy, political thinking, or social structures if experienced on one side, affect the other. If the Israeli economy takes a shift up or down, the Palestinian worker and his family feels it. If the Palestinian worker were to stage a boycott or a work stoppage, the Israeli economy would be affected to some degree. When political sentiments among Israeli citizens shift on issues of peace, policies are changed in Palestine to reflect these changes in political priorities. When Palestinian youth become restless, Israel usually manages a minor concession that lets some steam out of the always boiling Palestinian pot.

Palestine/Israel is a conglomeration of complexities not found in any other single area of conflict in the world and does not fit neatly into any single or simple definition of conflict. For this reason the Palestinian politician has been confounded and has responded with an instinctive reflex to these complexities that has caused the Palestinian leadership to address negotiations and similar issues of importance to Palestine from perspectives and positions disguised

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There is a difference between recognizing existence and recognizing the right to existence, especially in the Palestinian context. Recognition of the right to exist carries religious and historic connotations.



as "political pragmatism." In fact, this "pragmatism" is nothing but uninspired political confusion and a demonstrated inability either to understand the essence of its own Palestinian being or to project this essence into a world that neither understands nor believes that Arab/Muslim/Christian Palestine once existed as a culture and a people. If outsiders understood or believed this, it might be possible for them also to believe that the on-going elimination of these people is an act of genocide as deplorable as the Holocaust. Israel has managed to portray itself as part of the cultural and religious fabric and history of Palestine. Israel is viewed as the indigenous owner of the land in need of the world's protection to save its legacy, its people, its rights and its future from the Palestinian usurpers of rights and legitimacy. This view is false.

The so-called "pragmatism" of Palestinian politicians will be shown here to be a defeatist approach to a winnable situation. This defeatism is the result of a spiritual malady and will cease to exist only when the Palestinian leadership accommodates itself to Islam.

While Arabs and Palestinians were adopting the cynical slogan "the era of ideologies has died in favor of pragmatism," Israel was increasingly fortifying itself behind ideological, religious, and historic rhetoric. Israel knows that it possesses no legal and objective justification for its occupation of Palestine. All it has are its false claims. Stranger still is that the Palestinian side would stoop so low as to accept those claims as excuses for the continuing problems of occupied Palestine.

The Gaza-Jericho First agreement was preceded by Arab agreement to attend the Madrid conference and this was no more than an embodiment of the obvious fact that Arab strategic thought had collapsed. The peace process was designed to solve Israel's difficulties, particularly its difficulty in securing the occupation. All subsequent security agreements have been at the expense of the Palestinians.

THE PROBLEM: COMPOUNDED READING

Two views regarding the Palestinian issue have been around since the Balfour Declaration of 1917, which called for the establishment of a Jewish homeland in Palestine. The first rejects Balfour's promise to the Zionists with the argument that Britain had no right conferred upon it through international law to give a mandate to a group of people to govern another a country that belonged to an indigenous people, nor did Balfour have any right or ability give anyone the right to Palestinian land or natural resources. Balfour did not have the right to bring another population (Jewish) to replace the original residents (Palestinians) in preparation for the establishment of a Zionist state. This view was represented by the Arab and Islamic countries. The only exceptions were pre-revolution Iran which had deep ties with Israel, and Tunisia, whose president at the time, Habib Bourguiba, thought it was better to accept U.N. Resolution 181 of 1948, which gives the Palestinians 46 percent of the land and the Jews 54 percent.

The second view was put forward by Zionists who argued that

this was the beginning of the fulfillment of the divine promise to the Sons of Israel that they would return to the "Promised Land," the "Land of the Forefathers." They turned a blind eye to Jewish criticisms of the promise because it deleted some territories out of the supposed Promised Land, such as Jordan. Western countries supported the Balfour Declaration based on strategic interests that were not necessarily void of religious prejudice.

These two views provide the foundations for the arguments submitted by the two interests, Arabs and Zionists. Zionists used religion and a contrived "Lord's" pledge to the Sons of Israel to return to the Promised Land. The official Arab-Islamic position was secular and based on legality. Ironically Muslim and Christian Arabs completely ignored religion, while the Zionists, who are secular, used religion to make the convincing and successful argument that the land of Palestine was rightfully theirs by a promise from God. While the British promise was adopted by the U.N. General Assembly and Security Council, Arab nationalists who were guiding the Arab response to the challenge adopted international law in support of their protest against the Balfour Agreement.

From the outset of the crisis, the Arabs agreed that the issue should be referred to the United Nations. It was clear to all that the United Nations would not issue a decision that contradicted the desires of the United States, which had founded the United Nations as a vehicle through which it could govern the world. Understanding that they did not have the political backing to make a compelling case that could counter the Zionists' argument, which was backed by American money and might, Arabs went to the United Nations expecting to be defeated.

The Palestinian issue exposed a huge gap in the official Arab-Islamic rhetoric and its legal sources on the one hand, and the sentiments of the Muslim masses, on the other, who immediately resorted to their religious Islamic sources for understanding and comfort. According to these sources, most notably the Qur'an, Palestine belongs to the land of Islam. Palestine is an Islamic trust

to be preserved by the generations, and it is forbidden to concede it until the Day of Judgment.

The official Arab rhetoric was contradictory and did not represent the sentiments of the majority of Palestinian Christians or Muslims. The Arab response to the crisis was first to call for the return of all of Palestine. This demand was reduced to a call for a Palestinian state on some part of Palestine, and finally they demanded a solution to the "Palestinian Problem." By contrast Zionists became militant, holding fast to their false religious decree and using any means they could to grab as much land and as many "rights" as the United Nations would allow.

It is not honest to say that Zionists never changed their tune or argument in the course of events following the partitioning of Palestine. Yet any Zionist desire to compromise or any amount of flexibility on their part were never apparent. The Zionists showed flexibility only after the Arabs had been brow beaten and frustrated and worn down to the point where they were willing to accept almost any solution to the conflict. The result was that Israel accepted Palestinian self-rule over the Palestinian people, but rejected Palestinian rule over the land. The Israeli Zionists had no objection to a limited self-rule entity custom-tailored to Zionist conditions, standards, and interests, with no sovereignty or jurisdiction. This Palestinian enclave was never going to cover more than 16 to 18 percent of historic Palestine (27,000 sq. km). In return the Palestinians, Arabs, Christians, and Muslims, would recognize not only Israel's existence, but, sadly, its right to exist as the owner of the land.

Israel's acceptance of the Madrid negotiations, its signing of an agreement with the PLO, the establishment of a Palestinian Authority in parts of the Gaza Strip and West Bank, and the signing of a peace treaty with Jordan represent a mature response and deep Israeli understanding of the nature of the changes in the Arab region after Gulf War II, and the changes in the world's geopolitical outlook following the fall of the Soviet Union.

Zionists took advantage of an historic opportunity that proba-

bly would not occur again. Israel achieved the crucial recognition of its existence in the area as a natural, not artificial, entity. To accomplish this required only that it discard Gaza, an area with almost no strategic or economic value to Israel in comparison to what Israel gained. By giving Gaza to the Palestinians, Israel distanced itself from the poverty, high birth rates, and other social problems associated with the area, thereby protecting Israel from the consequences of the refugee camps and poverty it had created. What Israel had essentially done was to wrap all of its occupation problems and by-products in an Oslo agreement and throw it away.

Why is Israel's acceptance of the Madrid invitation considered a practical response, while Arab acceptance is considered impractical? For Arab leaders to attend the Madrid conference equaled official recognition of Israel as a nation/state in the Middle East. For Israel its long sought dream was to be legitimized by such acceptance.

The Madrid conference caused a major change in the nature and the scope of the conflict. Previously it was a pan-Arab conflict that included all Arab countries (the Islamic dimension had already been excluded by the Arab governments). After Madrid, it became a problem entrusted to the surrounding countries (Syria, Jordan, Egypt, Lebanon and the PLO by extension). Shortly thereafter it became a Palestinian issue that was subject to the Israeli demand that all negotiating tracks be separated. This series of events produced the Gaza-Jericho First catastrophe. The Arab acceptance of the Madrid conference miniaturized the Palestinian issue from the pan-Arab level to the regional level and finally to an exclusively Palestinian affair.

On another level this Arab acceptance exposed the depth of the crisis in Arab strategic thought and the extent of the impotence it had reached. The invitation came during a period where there existed divisions in the Arab ranks following Gulf War II. Israel knew this all too well. The Zionists stipulation to separate the negotiating tracks as a condition for negotiating with the Arabs

was based on Israel's view that the Arabs as a whole do not have one unified demand from Israel; rather, every country has its own concerns that it would like to talk to Israel about — and nothing else. This view was tacitly accepted by the Arab countries without any elaboration.

The Arab body had collapsed after Gulf War II and intra-Arab disputes flourished. The strategic balance of power was not in the Arab's favor after Iraq was defeated militarily, at least not on the regional level. On the international level, the Arabs were asserting that the collapse of the Soviet Union had eliminated a strong Arab position. All of these justifications were presented under the guise of "political pragmatism."

We need not engage in a debate on history or a round of objections and counter objections. But some quick notes are in order on what the "Arab embellishment mentality" presented as givens. First, the Arab armies had never fought a real war with Israel. In 1948, most of the Arab countries were occupied, under mandate, or protectorates of Western colonial powers that supported the Zionist position. Arab participation in that decisive battle was underwhelming.

The amount of Arab participation in that decisive battle was less than required. The seven Arab armies that participated had 25,000 soldiers. The Zionist forces had 65,000 soldiers, with some estimates higher and some lower. The Egyptian forces fought with malfunctioning weapons and there was no trust between Arab political and military leaders.

In the 1967 war, Egypt was surprised as were the other Arab countries that border Israel and all found themselves forced to enter the battle without any preparation. The result was that Israel occupied six times its area in six days. Despite the relative victories achieved by the Syrian and Egyptian armies in 1973, the strategic goal of the war for those two countries was not the liberation of Palestine. In the end, both armies were almost defeated. One entire Egyptian battalion was surrounded and would have been wiped out if it were not for international intervention to end the war.

The crisis of Arab governance after Iraq's occupation of Kuwait and the ensuing intra-Arab disputes and military triumph over Iraq — which changed the strategic balance — cannot be separated from the governance of the Arab regimes. And who is responsible for the intra-Arab conflicts? Is it not the Arab regimes themselves? How was Iraq destroyed? Was it not due to the intensity of intra-Arab disputes and the use of Arab air space to reach Iraq?

The same thing goes for the Soviet collapse. Arab rhetoric, ever searching for excuses, presented the Soviet Union as the loyal supporter of legitimate Arab rights. The Soviet collapse created a dangerous strategic imbalance in the world by taking us from a bipolar to a uni-polar world. The Soviet presence had created a type of international balance and gave Third World countries more options in decision making, because two powers with radically different ideologies and policies but military equality were competing in their courtship of the Arab countries. The Arab countries had assumed that the Soviet attitude toward Israel would be less biased in favor of Israel than the American attitude.

The Arab governments did not inform their people that the Soviet Union was the second country to recognize Israel, only hours after Israel declared its independence. It also did not tell us of the flight of millions of Jews from Soviet territory to Israel.

OCCUPIED PALESTINE OR INDEPENDENT ISRAEL?

A deep look into Arab and Palestinian political behavior indicates that the Arab objective has slowly moved from "occupied Palestine" to "independent Israel." Since the Madrid conference of October 30, 1991, when Israel entered into negotiations with the Arab countries, it had achieved official Arab and Palestinian recognition not only of its existence but of its right to exist.

This analysis is confirmed by the Gaza-Jericho First agreement. In the letters of mutual recognition between the PLO and Israel signed on September 9, 1999, PLO Chairman Yasser Arafat, in his letter to Israeli Prime Minister Yitzhak Rabin, wrote:

The [PLO] recognizes Israel's right to exist and renounces all forms of violence and terrorism.

In response, Rabin sent a letter to Arafat reading:

Based on your prior commitment, Israel recognizes the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people.

Here are clear proofs indicating that Arab objectives have changed and that the goal is no longer an independent and sovereign Palestine, but an independent Israel.

The first letter deals with the nature of the mutual recognition. The text refers to "Israel's right to exist," and there is a difference between recognizing existence and recognizing the right to existence, especially in the Palestinian context. Recognition of the right to exist carries religious and historic connotations. In Zionist thought, the foundation and justification for the state of Israel is religious — the Promised Land — and historically — Land of the Forefathers. Also it is the land where the Temple was built (religious and historic).

There are four levels of recognition in international law:

- 1) Recognition of a country's right to exist is the strongest. This level of recognition differs from the others because it cannot be withdrawn, canceled, or changed. Such recognition is rarely achieved because it is dangerous and sensitive and carries with it many obligations from the state that grants it.
- 2) Recognition of the status quo is the type of recognition that is most popular among independent and sovereign states, and is the one most exchanged. It can be withdrawn, changed, and canceled. There can be war between two countries while this type of recognition still applies.
- 3) Tacit recognition does not allow for an exchange of embassies, diplomatic missions, ambassadors, or charges d'affairs. Two countries deal with each other at the con-

sulate or representative office level, or less. Commercial trade is allowed and visas are granted for entry.

- 4) Recognition of a revolution or armed coup is the weakest type of recognition in law and diplomacy. It can be changed, canceled, and forgotten. It carries no weight in international bodies.

The PLO's recognition of Israel was at the highest level. It dealt with the recognition of Israel as a natural and legal right, saying in essence that Israel's existence is the way things should be. This recognition brought about a rise in religious Jewish rhetoric, because Israel was vindicated.

On the other hand, the Zionist recognition of the PLO was at the lowest level allowable by international law (recognition of a revolution or armed coup). Also, there was a condition placed upon that recognition: that the PLO remain committed to the vows it made (recognition of Israel and renunciation of "violence and terrorism"). There were other conditions for Zionist recognition of the PLO. Most important were the requirement to nullify articles from the Palestinian National Charter calling for the destruction of Israel, adopting armed struggle as a strategic option, and describing Palestine as the land occupied in 1948 and 1967. Israel did not recognize the PLO as the sole, legitimate representative of the Palestinian people, nor as the PLO of the National Charter. Rather, it recognized a PLO that had turned into the Palestine Oslo Organization.

In addition, the Palestinian letter of recognition included a phrase whereby the PLO promises to renounce all forms of violence and terrorism. If Israel's presence on Palestinian soil (at least that occupied in 1948, according to the official Palestinian vision) was a natural right — with all the historic and religious dimensions that this implies — then it is natural to apologize for all the "violence" committed against Israel "unjustly." This means that the violence must not be included in the framework of "legitimate struggle," but must be considered "terrorism" against the rightful, oppressed Israel. This is the incentive for the Palestinian

Authority's relentless pursuit, oppression, and vilification of the Palestinian resistance.

In the spiral of Palestinian concessions of identity, culture, and civilization, the Wye River Memorandum signed between the two sides on October 23, 1998, in Washington, reinforced the "Jewish right" to Palestine at the expense of historic Palestinian rights. Israel placed a condition on the Palestinian side in the agreement saying:

The Executive Committee of the Palestine Liberation Organization will confirm the letter sent by PLO Chairman Yasser Arafat on January 22, 1998, to President Clinton regarding the nullification of articles from the Palestinian National Charter that contradict the mutual letters of recognition between the PLO and Israeli government signed on September 9 and 10, 1993. The PLO chairman, Palestinian National Council chairman, and Central Council chairman will invite members of the PNC and PCC and officials of the Palestinian government to a meeting to be addressed by President Clinton to affirm his support for the peace process.

The Palestinian side committed itself in that agreement to issue a decree "banning all forms of incitement to violence and terrorism and forming mechanisms to move systematically against all statements or threats of violence."

This is similar to an Israeli decree that handles the same issue, saying: "The American-Israeli-Palestinian Committee will meet regularly to follow-up on cases of possible incitement to violence or terrorism and to make recommendations on how to prevent this incitement. The Israeli, American, and Palestinian sides will name experts in the media, law, and education, and an official, a formal official, or an elected official."

The members of the Council that Yasser Arafat invited to meet on December 14, 1998, affirmed the nullification of 10 articles of the Palestinian National Charter. U.S. President Bill Clinton was present. The articles dealt with the destruction of Israel, rejection of the U.N. Partition Plan of 1947 and armed struggle as the strategic path of liberating Palestine. Article 19 was also cut out. It rejected the Balfour Declaration of 1917. Article 19 said: "The claim of historic and spiritual connection between the Jews and Palestine is not in agreement with historic fact or the justifications for a state. Judaism is a heavenly religion and not an independent nationality. The Jews are not one nation with an independent identity, but citizens of the countries they belong to."

Article 7 of the Charter was also deleted. It said: "The Palestinian physical, spiritual, and historic affiliation to Palestine is a fact. The Palestinian individual is a revolutionary Arab. All means will be employed to educate the Palestinian spiritually and physically, and prepare him for armed struggle and for sacrificing his life and property until victory in regaining his homeland. This is a patriotic duty."

The historic Palestinian right to Palestine was denied in favor of the historic Jewish right to Palestine. This is clear from the above two articles that were deleted from the Palestinian National Charter.

A month before the nullification, on November 19, 1998, Palestinian President Arafat issued a presidential decree banning incitement. It had three articles:

- 1) The following activities are illegal in Palestinian governorates: incitement to racial discrimination, encouragement of illegal violence, insulting religions, use of violence or incitement to use violence that would damage relations with brotherly and foreign countries, formation of illegal associations that conduct or incite to crime, the spoilage of life, riling the masses to change through illegal use of force, incitement to mischief, or incitement to violation of

the agreements between the PLO and brotherly or foreign governments.

- 2) Anyone who violates the above mentioned laws will be punished according to the laws mentioned above.
- 3) This decree is to be published in the Palestinian Register and goes into effect immediately.

CONCLUSION

There are people who describe the Oslo, Wye River, Taba, and Cairo agreements as a catastrophe. They say that they are a catastrophe for the Palestinian issue and its future. They believe they are catastrophic for Jerusalem, which was kept hostage to Zionist charity, as were also the refugees, who were ignored in the agreements and will be managed through plans to naturalize them in their host countries and the newly legitimized settlements.

The most unfortunate aspect of these agreements is that they put an end to the zero-sum game of "occupied Palestine or independent Israel," in favor of the latter, an independent Israel.

The PLO effectively traded Palestinian historic and religious rights in its pursuit of a legacy for Yasser Arafat, the PLO Chairman. One motivation was its envy of the resistance, because the intifada earned greater admiration among the Palestinian people, who have consistently shown their support for the resistance by electing resistance candidates to various elected positions in lieu of PLO candidates. Perhaps Yasser Arafat and his cronies felt that the only way to stay in power and to defeat the resistance was to sell out the people and become a collaborator with the Zionists who promised them power, money, and peace. If these Israeli promises are like the many other Israeli promises that have been made to get what they want and then forgotten or simply ignored later, the PLO will come up empty handed in more ways than one and the Palestinian people will have paid a very high price for Israel's independence. □