

The Jewish Dimension of Final Status Peace Agreements with the Arab World – A Platform for Discussion

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Reaching permanent peace agreements with the Arab world raises a set of issues of great significance for the Jewish people. In the same way that we can examine the security, economic and social implications of future peace agreements, we can — and should - also examine their implications from the viewpoint of the interests of the Jewish people as a whole. A preliminary inquiry into these issues may influence Israel's overall perception of the negotiations, their architecture and Israel's positions, and as a result - the contents of any final agreement.

Arab recognition of the Jewish people's right to its capital and state

In his speech at Bar Ilan University on June 14, 2009, Israeli Prime Minister, Benjamin Netanyahu, described the root cause of the Israeli-Arab conflict as stemming from Arab refusal "to recognize the Jewish people's right to its own country in its historical homeland." Against this background he clarified Israel's demand: "an elementary condition for ending the conflict is public, binding and sincere Palestinian recognition of Israel as the nation-state of the Jewish people."

The Palestinian leadership responded negatively to this demand. Official Palestinian spokesmen clarified that they do not intend to recognize Israel as "the state of the Jewish people," or to recognize the Jewish people's right to its state. They are willing to sign a peace agreement and recognize the State of Israel, which

can define itself in any way it wishes. They went on to explain that capitulating to this Israeli demand would be received with great hostility by the Palestinian public, "which would be required to now officially agree that their expulsion from their land was justified and was based on the rights of the Jews." In addition, the Palestinians explained that their brothers – Arab Israelis – object to Palestinian recognition of Israel as a Jewish state, as it would in their view, "exacerbate the discrimination they suffer as a minority, and might even lead to their eventual expulsion from Israel."

In Israel, opinion is divided regarding the necessity of insisting upon Palestinian recognition of Israel as a Jewish state. Some attribute critical importance to Arab recognition of the fact that the roots of the Jewish people are in Israel and it therefore has a right to it, as such recognition would have historical, national and religious significance. Indeed, it is in this spirit that the Prime Minister presented the issue as a "fundamental condition" for any agreement. At the same time, others believe that it is not an essential position, since Israel's identity will be determined by itself and not by its neighbor's statements.

Current Palestinian resistance to recognizing Israel as the Jewish state represents a tougher stance compared to that voiced in the past. For instance, in an interview in Haaretz (June 18, 2004), Arafat stated that he "definitely" accepts that Israel was and will remain a Jewish state. According to him, "the Palestinians accepted this publicly and officially at the Palestinian National Council (PNC) session in 1988 and have remained committed to it." ¹ It was in that PNC session (November 15, 1988) that the Palestinian Declaration of Independence was adopted, which states that the partition resolution of 1947, which divided the country into two states, one Arab and one Jewish, is what grants "the international legitimacy that guarantees the right of sovereignty to Palestinian Arabs." ²

The Ayalon-Nusseibeh Initiative and the Geneva Accord, both extra-governmental, Israeli-Palestinian attempts to formulate a model for a peace agreement, include references to Israel's Jewish character. The Ayalon- Nusseibeh agreement (July 27, 2002) states:

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

And, the Geneva Accord (October 12, 2003) states:

Affirming that this agreement marks the recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the Parties' respective citizens.

These statements show that Israeli insistence on this recognition as part of any agreement may ultimately be accepted, especially if the Israeli negotiators offer something in exchange. **Of course, the question remains: How vital is it – to the interests of the Jewish people – to insist on this matter in the negotiations for a permanent agreement? Another important question is: If the decision is made to insist on this in negotiations, is it enough that the Palestinians recognize Israel as a Jewish state, or should this demand be made of the entire Arab world?**

Can a peace agreement constitute a historic shift in Jewish-Muslim relations?

The roots of Islamic hostility towards the Jewish people can be traced back to the very beginnings of Islam. Islamic-Jewish relations, which have ebbed and flowed throughout history, were not typically characterized by the same level of hostility and anti-Semitism the Christian world expressed towards the Jewish people. However, the Zionist-Arab conflict, the establishment of the State of Israel in 1948 and the penetration of anti-Semitic conceptions formulated in the West into the Arab-Muslim discourse, combined to cause a shift and generate a new Muslim anti-Semitism. The Six Day War was another significant turning point: the humiliating defeat and the loss of Muslim holy places in East Jerusalem accelerated the decline of the Pan-Arab and national-secular movements in the Arab world and significantly increased the influence of political Islam. Attitudes towards Judaism and Zionism were conflated, and thus reframed the conflict as an inter-religious struggle. Indeed, the Hamas charter, which vehemently rejects the existence of Israel, clearly reflects the logic of "religious war." The charter's arguments, which also rely on the "Protocols of the Elders of Zion," emphasize that: "The Palestinian problem is a religious problem, and should be dealt with on this basis."

Among radical Islamic movements, whose overall influence on the Arab world's general discourse is significant, Judaism is seen as inherently negative in nature, and as such the cause of the conflict. This stands in contradistinction to what had been commonly believed before, that the political conflict justifies hostility toward the Jews.

Considering the history of the relations between Islam and Judaism, can a political peace agreement signal a shift in the Muslim world attitude toward Judaism? Will it help weaken the radical factions of Islam and strengthen the moderates?

The Arab Peace Initiative (Beirut, 2002), advanced by the Saudi plan, expresses Arab willingness, in principle, to engage in a comprehensive peace process with Israel aimed at ending the conflict and normalizing good, neighborly relations in the region. The Initiative's language reflects a significant shift, especially when compared to the rejectionist language of the Khartoum Resolution (1967) – NO peace, NO recognition and NO negotiations with Israel. Since 2002, the Arab Peace Initiative has garnered the support of the Organization of the Islamic Conference (OIC), which has 57 member states, and was recently reaffirmed by the Islamic Conference of Foreign Ministers (ICFM) (Dushanbe, Tajikistan, May 18-20, 2010). The ICFM statement of support, which uses harsh language to describe Israeli policies, even expresses support for the "Road Map" plan.

In Israel, opinion is divided with respect to the value of the Arab Peace Initiative and the wisdom of relying on it for the purpose of promoting an Arab-Israeli permanent agreement. Supporters argue that its declared willingness to recognize Israel represents an essential change in the Arab world's position. Israeli opponents of the Initiative point to its "take it or leave it" formulation and to the price it demands: return to the 1967 borders, partition of Jerusalem and an agreed upon solution to the refugee problem according to UN Resolution 194 (the opponents interpret this to mean a demand that Israel agree to recognize the 1948-9 refugees' "right of return" to Israeli territories within the 1967 borders).

The Muslim world's support for the Arab Peace Initiative (excluding Iran, which adamantly opposes it), sharpens the question of whether a political peace agreement can significantly soften the historical hostility of Islam towards the Jewish people. An affirmative answer to this question may solidify a preference for a regional negotiation architecture over a serial progression of sequential bilateral negotiations. According to this reasoning, negotiating a comprehensive agreement and settling all bilateral conflicts concurrently may net Israel

and the Jewish people vital gains that cannot be achieved in bilateral negotiations lacking a regional perspective. These achievements would not be restricted to a significant thawing of Islam-Judaism relations, but would also include normalization and peace with all Arab countries, the implementation of regional security arrangements and more.

A framework for comprehensive negotiations might also provide a context enabling extending the agenda to include a human drama that heretofore has not received adequate international attention: the plight of the 850,000 Jews who lived in Arab countries prior to 1948, and were uprooted following the establishment of the State of Israel. The injustice suffered by these Jewish refugees has not received Arab or international recognition, and they have not been compensated for their suffering or for the theft of their property.

The Jewish settlements in the West Bank (Judea and Samaria)

An Israeli-Palestinian peace agreement based on the principle of *two states for two peoples*, a principle accepted by Israel, will transfer to Palestinian sovereignty the majority of the land in the West Bank with the exception of large settlement blocs, security zones and other areas adjacent to the 1967 border, which will fall under Israeli sovereignty within the framework of an agreed land swap. Thus, for instance, a peace agreement including land swaps equivalent to 5% of the territories will necessitate the evacuation of 100,000 of the 300,000 settlers currently living in the West Bank (not including the 200,000 Israelis living in the Jewish neighborhoods of East Jerusalem who are expected to remain there).

The Hillary Clinton formula, which representatives of the Obama administration keep reiterating, illustrates the U.S. approach in leading the political process:

We believe that through good-faith negotiations the parties can agree to an outcome which ends the conflict and reconciles the Palestinian goal of an independent and viable state based on the '67 lines, with agreed swaps, and Israel's goal of a Jewish state with secure and recognized borders that reflect subsequent developments and meet Israel's security requirements.

Beyond the security implications of an Israeli withdrawal, this move has highly meaningful Jewish implications: disengagement from the lands in which the biblical

heroes walked and from which the roots of the Jewish people spring — the Cave of the Patriarchs, Rachel's Tomb, Joseph's Tomb and many other sites — as well as the need to evacuate tens of thousands of Jewish settlers (some of whom are expected to resist evacuation with force).

The argument concerning the future of the territories and the settlement project has already sparked political, security, social and religious controversies, which are laden with sensitivities and likely to intensify. Some predict that the evacuation itself will be accompanied by severe violence, civil disobedience and the refusal, among some of the forces that will be tasked with its execution, to carry out orders. In any case, the evacuation is expected to be traumatic and may deepen chasms within the Jewish people in Israel and in the Diaspora.

How can Israel and the Jewish people withstand the expected trauma? Can the intensity of the blow be reduced?

Trauma amelioration will need to take a variety of forms, among them: appropriate financial compensation, adequate absorption of settlers into Israeli territory, "ideological compensation," and abundant empathy and human compassion. Furthermore, Israel may insist that any agreement include a provision allowing Jews who wish to remain in the West Bank under Palestinian rule to do so without harm.

Jerusalem

Jerusalem, as none other, has been the focal point of Jewish desire and identity throughout the ages. Following the Six Day War, Israel legally extended its sovereignty to the eastern part of the city. Currently, there is no Palestinian or Arab party willing to sign a peace agreement with Israel that allows it to retain sovereignty over the Arab neighborhoods in East Jerusalem and the holy places of Islam. The various models of possible compromise on the issue of Jerusalem usually agree about the fate of neighborhoods beyond the walls of the Old City: Jewish neighborhoods, including those established after the Six Day War, will remain under Israeli sovereignty, while Arab neighborhoods will be under Palestinian sovereignty. Usually this envisions that the city will remain united allowing free access between all its parts, although some favor the delineation of actual national borders separating the different parts of the city. Disagreement between the various schools of compromise centers mainly on the status of the "Holy Basin," which includes the Old City and several adjacent holy

sites outside its walls. One model advocates the division of sovereignty over the Holy Basin, while others call for shared sovereignty or the absence of sovereignty. Both models enable the establishment of a "special regime" in the Holy Basin that may take on a number of forms and might even include international parties.

The different models emphasize granting open access to all the holy sites, patterns of municipal government that enable cooperation between the parties and, of course, arrangements to guarantee security.

The very fact of arriving at an agreement that is based on some sort of compromise on Jerusalem means ceding Israeli sovereignty over parts of the city, including in the Holy Basin. According to this scenario, Israel will make a historic decision concerning the locus of identity and sanctity of the entire Jewish people. The internal controversy may be overwhelmingly bitter; first and foremost, around the very notion of concessions vis-à-vis Jerusalem, and further along, with respect to the details of any compromise.

What are the implications of a compromise in Jerusalem for the Jewish people? Will it be a trauma that divides the Jewish people and creates irreparable fractures? And if a decision about a compromise is reached, what type of agreement might best address the interests of the Jewish people? Does a compromise in Jerusalem need to be made through negotiations with the Palestinians alone, or should the entire Muslim world be involved? An argument for the latter is that it aims at gaining Islamic legitimacy for the agreement, and would constitute a turning point in Jewish-Muslim relations.

The issue of an agreement on the final status of Jerusalem raises the question of world Jewry's involvement in decisions relating to peace agreements between Israel and its neighbors. A case in point: On January 8, 2008, in anticipation of the possibility of the status of Jerusalem being raised in negotiations conducted by Ehud Olmert, the president of the World Jewish Congress, Ron Lauder, wrote to the then-prime minister:

Jerusalem has been both the capital of Israel and the capital of the entire Jewish people for 3,000 years. While recognizing Israel's inherent prerogatives as a sovereign state, it is inconceivable that any changes in the status of our Holy City will be implemented without giving the Jewish people, as a whole, a voice in the decision.

Involvement of the Diaspora in the decision-making process concerning the “Jewish issues” pertinent to any permanent agreement.

Negotiating a permanent agreement with the Arab world puts sensitive issues on the agenda that are dear to the heart of the Jewish people in Israel and the Diaspora: ensuring the secure existence of the State of Israel, the status of Jerusalem, future access to and protection of the holy and historical sites of Judea and Samaria, the evacuation and dismantling of the settlements, the preservation of a Jewish majority in Israel and the Jewish-democratic nature of the country. All these issues weigh heavily upon and potentially threaten internal solidarity in Israel and in the Diaspora.

Should the Jewish Diaspora take an active part in the public discourse in Israel concerning these decisions, and is it entitled to do so? Should effective channels and mechanisms be established so that the views of the Jewish Diaspora can be brought into account in the decision-making processes unfolding in Israel on issues with potential impacts for the Jewish people as a whole?

This dilemma constitutes a practical test of the currently developing discourse regarding the necessity of a new paradigm for Israel-Diaspora relations. This new approach strives to create a pattern of relations based on a greater degree of equality, and to replace an outmoded Israel-Diaspora relationship, which has been characterized by a hierarchy of "senior" and "junior" partners.

Will the theoretical commitment to greater equality in these relations be translated into concrete steps in advance of the historic decisions involved in reaching permanent peace agreements, and which affect Jews wherever they are?

Disagreements in Jewish public opinion in the Diaspora about how the Israeli-Arab conflict should be resolved have existed for many years, and to a certain extent mirror disagreements in Israel around this issue.

It is not a coincidence that the closer the negotiations get to the sensitive core issues, the greater the intensity of intra-Jewish debate becomes – not only as to the opportunities

and risks inherent in the process, but also with respect to the debate about the place of Diaspora Jews in decision-making processes that may affect the future of Jerusalem, Israel and the entire Jewish world. The very appearance of the J-Street lobby, which defines itself as an organization attempting to deliver an alternative message to the one presented by AIPAC, and the establishment of the parallel J-Call organization in Europe, bear witness to the rising intensity of the internal Jewish argument taking place in the Diaspora concerning issues raised by the political process including: the precise positions Israel should take, the legitimacy of Jewish organizations promoting positions contrary to those of the Israeli government, and the nature of actions aimed at the American administration and other governments (for instance: how legitimate is it for a Jewish organization to demand that the American administration put pressure on Israel in order to promote permanent peace agreements?).

In this context it is worth mentioning that the Palestinian side has learned to recognize the importance the American administration attributes to the positions of the Jewish community in the United States. Thus, in June 2010, the Palestinian president visited Washington and took the opportunity to meet with leaders of the Jewish community in the United States in an attempt to convince them that his intention of reaching a permanent peace agreement with Israel is serious. Mahmoud Abbas clarified in this meeting that he does not deny the roots of the Jewish people in the Land of Israel, and he even stressed that he had instructed his ambassadors in Russia and Poland to attend the Holocaust Remembrance Day ceremonies in their respective countries of service.

The Israeli-Arab conflict also involves wider issues of Jewish identity and identification: the tension between orthodoxy and liberalism among American Jews and the question of the depth of the bonds of American Jewish youth to Israel. The controversies and dilemmas were expressed in the debate following Peter Beinart's New York Review of Books essay, "The Failure of the American Jewish Establishment" (June 10, 2010), in which, among other things, he claims that "fewer and fewer American Jewish liberals are Zionists; fewer and fewer American Jewish Zionists are liberal."

Although there are those who disagree with Beinart's analysis, it is worth raising the question whether the resolution of the Israeli-Arab conflict will heighten the appeal of Israel in the eyes of the young generation of Jewish "liberals" and decrease the phenomenon of estrangement. Of course, we would also be justified in asking to what extent the price of a permanent peace agreement will erode the appeal of Israel in the eyes of young Orthodox Jews.

In light of reopening direct talks between Israel and the Palestinians (September 2, 2010), and if the talks progress during the coming year, it is likely that the United States will pressure Israel to make several last concessions –in addition to the existing pressure to freeze building in the West Bank and East Jerusalem - that would allow the parties to sign a permanent agreement. As a result, tensions may increase in the Washington-Jerusalem relationship. Tensions may also be exacerbated if Israel is seen as the party hindering the progress of the peace process. This reality may place the Jewish community in the United States in an uncomfortable position and expose more prominently its own internal controversies around this issue, especially in light of claims that American foreign policy in the Middle East is unduly influenced by Israel and the Jewish lobby in a manner at odds with the best interests of the United States.

Involvement of the Diaspora in Israeli-Arab (and Jewish-Muslim) reconciliation efforts:

The involvement of the Jewish world in the reconciliation process and the achievement of peace agreements with the Arab world is also manifest in the area of process-supporting activities including: inter-faith dialogue aimed at reconciliation and the thawing of relations, initiatives for economic development based on Jewish-Arab cooperation, peace-oriented activities between Muslims and Jews in the Diaspora — at the general as well as the local level — and so on.

For example, a prominent model in the economic area, in which the involvement of the Jewish world in the peace process is expressed, was the Builders for Peace organization, established in 1993, which brought together 150 Jewish and Arab American businessmen (jointly chaired by Congressman Mel Levine and Dr. James Zogby), with the purpose of granting the Oslo Accords and the Palestinian entity economic momentum. The lack of political progress and the deterioration into the violence of the Second Intifada eroded motivation and diminished the possibilities of promoting such economic activities. Even so, such initiatives have not completely vanished from the scene.

A successful renewal of the peace process may again raise the issue of the Jewish people's involvement in promoting the "economic peace" enterprise vis-à-vis the Palestinians and, later, with the entire Arab world.

In the area of inter-faith reconciliation efforts, the classic argument reigns, according

to which, if religion is a large part of the problem it must also be a large part of the solution. Many efforts have been made to promote Israeli-Arab reconciliation, as well as to improve relations between Muslims and Jews in the Diaspora. Although one must not ignore these efforts and their various achievements, it must be admitted that they have had no groundbreaking effect on the conflict. Here too, real progress in the political peace process may open up new possibilities in this area, in advancing the political process, as well as in improving relations between Jewish and Muslim communities in the Diaspora.

Generally speaking, resolving the conflict and achieving stable peace agreements with the Arab countries holds great potential for the Jewish people. If the agreements bring security, maintain Israel as a Jewish and democratic state, raise the status of Israel and the Jewish people among the nations of the world, promote the economy, contribute to making Israel more attractive to Jewish youth in the Diaspora, effect a positive turning point in Jewish-Muslim relations, contribute to a decline in anti-Semitism and de-legitimization – all of these, if they indeed come to pass – will be a blessing to the Jewish people. However, it is impossible to ignore the price that such an agreement will involve – beyond the inherent uncertainty of the advantages it will bring.

For the purpose of formulating positions and priorities that would increase the odds of achieving an optimal agreement, the Jewish dimension of the agreement mustn't be ignored.

Endnotes

- 1 "Definitely," says Yasser Arafat, waving his arm for emphasis. He definitely understands and accepts that Israel must be, and must stay, a Jewish state. The Palestinians "accepted that openly and officially in 1988 at our Palestine National Council," and they remain completely committed to it. Thus, the refugee problem needs to be solved in a way that will not change the Jewish character of the state. That is "clear and obvious."

- 2 "Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination, following upon U.N. General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty." (Text of the Palestinian Declaration of Independence — Algiers Declaration (1988), Algiers, November 15, 1988)

Expressions of the various possibilities for solutions regarding Jerusalem can be found in the following attempts:

The Clinton Parameters (December 23, 2000)

The general principle is that Arab areas are Palestinian and Jewish ones are Israeli. This would apply to the Old City as well. I urge the two sides to work on maps to create maximum contiguity for both sides. Regarding the Haram/Temple Mount, I believe that the gaps are not related to practical administration but to the symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides. I know you have been discussing a number of formulations, and you can agree on one of them. I add to these two additional formulations guaranteeing Palestinian effective control over the Haram while respecting the conviction of the Jewish people. Regarding either one of these two formulations will be international monitoring to provide mutual confidence.

1. Palestinian sovereignty over the Haram, and Israeli sovereignty over a) the Western Wall and the space sacred to Judaism of which it is a part; b) the Western Wall and the Holy of Holies of which it is a part. There will be a fine commitment by both not to excavate beneath the Haram or behind the Wall.
2. Palestinian sovereignty over the Haram and Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Haram and behind the Wall such that mutual consent would be requested before any excavation can take place.

Ayalon-Nusseibeh Initiative (July 27, 2002)

- Jerusalem will be an open city, the capital of two states. Freedom of religion and full access to holy sites will be guaranteed to all.
- Arab neighborhoods in Jerusalem will come under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty.
- Neither side will exercise sovereignty over the holy places. The State of Palestine will be designated Guardian of al-Haram al-Sharif for the benefit of Muslims. Israel will be the Guardian of the Western Wall for the benefit of the Jewish people. The

status quo on Christian holy site will be maintained. No excavation will take place in or underneath the holy sites without mutual consent.

The Geneva Accord (October 12, 2003)

- The parties shall have their mutually recognized capitals in the areas of Jerusalem under their respective sovereignty.
- The Jewish neighborhoods of Jerusalem will be under Israeli sovereignty, and the Arab neighborhoods of Jerusalem will be under Palestinian sovereignty.
- The parties will commit to safeguarding the character, holiness, and freedom of worship in the city.
- The parties view the Old City as one whole enjoying a unique character. Movement within the Old City shall be free and unimpeded subject to the provisions of this article and rules and regulations pertaining to the various holy sites.
- There shall be no digging, excavation, or construction on al-Haram al-Sharif / the Temple Mount, unless approved by the two parties.
- A visible color-coding scheme shall be used in the Old City to denote the sovereign areas of the respective Parties.
- Palestinian Jerusalemites who currently are permanent residents of Israel shall lose this status upon the transfer of authority to Palestine of those areas in which they reside.