

Securing Occupation: The Real Meaning of the Wye River Memorandum

As a formal document, the Wye River Memorandum breaks no new ground. Its stated purpose is merely to reaffirm and ‘facilitate implementation’ of ‘prior agreements’. Nonetheless, the Memorandum illuminates the process set in motion at Oslo and dispels lingering illusions. In these remarks, I will first sketch the crucial historical background, then analyze the document and, finally, consider the prospects for a just settlement.

Background

The aim of the mainstream Zionist movement, from its inception a century ago, has been to create a Jewish state in Palestine. Ideally, this meant a state with a homogeneously Jewish population; for practical purposes, a state with an overwhelming Jewish population, tolerating a small Arab minority of perhaps 20 per cent.¹

The main obstacle to the realization of this goal was the indigenous Arab population. In his recently published quasi-official history of Israel, British historian Martin Gilbert argues that ‘there was a strong desire among the Labor Zionists to live together with the Arabs, and not, as many of the extremists hoped, to make them subordinate to Jewish nationalist needs, or even to drive them out of Palestine altogether’. Scholarship does not sustain this claim. Labor Zionism was committed to the ‘building of a Jewish society by Jews alone, from foundation stone to rafter’ in ‘all of Palestine’ (Anita Shapira). Accordingly, as Zeev Sternhell shows in an important study, ‘nobody fought against the Arab worker more vigorously than [Labor Zionists]; nobody preached national, economic and social segregation with more determination than the Labor movement’.²

¹ For the percentage Arab minority in a Jewish state, see Nur Masalha, *Expulsion of the Palestinians*, Washington, DC 1992, p. 199. The Zionist leader Chaim Weizmann maintained that every state reached a ‘saturation level’, beyond which it could not accommodate an alien population; see *Trial and Error*, New York 1949, pp. 90, 161–2, 274, 384.

² Martin Gilbert, *Israel: A History*, New York 1998, pp. 122–3. Anita Shapira, *Land and Power*, Oxford 1992, pp. 64, 138. Zeev Sternhell, *The Founding Myths of Israel*, Princeton 1998, p. 252.

Faced with indigenous resistance, European conquest movements in the post-Columbus era typically resorted to the most brute force: extermination. Yet, by the early twentieth century this extreme option was no longer available. The Zionist movement thus set its sights on 'population transfer'—the euphemism for expulsion—of the indigenous population. Indeed, until after World War II, international opinion acquiesced in expulsion as a means of resolving ethnic conflicts.³ Historian Benny Morris observes that, for the Zionist leadership, 'transferring the Arabs out' was seen as the 'chief means' of 'assuring the stability and "Jewishness" of the proposed Jewish state'. During the 1948 war, the Arab population was effectively expelled from the conquered areas of Palestine, completing the first phase of Zionist conquest.⁴

In the course of the June 1967 war, Israel conquered the long-coveted West Bank and Gaza—as well as the Sinai and Golan Heights. In this second phase of conquest, the Zionist leadership confronted the same dilemma as earlier in the century: it wanted the land but not the people. The options available for resolving this dilemma, however, had narrowed considerably. Not only extermination, but expulsion too, was no longer politically tenable. The Zionist movement accordingly opted for encirclement: appropriating as much of the resources—especially water—and land as was feasible while confining the Arab population to native reservations. This was the essence of the Allon Plan, first formulated in July 1967 and the operative framework of the Oslo process, allowing Israel to retain roughly half the West Bank.

Israel's partial withdrawal option fell foul, however, of the international consensus that formed after the June 1967 war for resolving the Arab-Israeli conflict. Embodied in UN Resolution 242, this consensus called for a *full* Israeli withdrawal from occupied Arab land in exchange for an Arab commitment to full peace with Israel. It bears recalling that the root of Israel's enduring quarrel with the international community has been the demand, not for a Palestinian state, but for full, as against partial, withdrawal. Indeed, 242 made no mention at all of a Palestinian state, referring merely to a 'just settle-

³ See, for example, John Quigley, 'Displaced Palestinians and a Right of Return', in *Harvard Law Journal*, Winter 1998, p. 224. In the 1930s, France's Socialist government and even much of European Jewish public opinion supported the 'population transfer' of Jews to French-controlled Madagascar to solve Poland's 'Jewish problem' (see Saul Friedlander, *Nazi Germany and the Jews*, New York 1997, p. 219); Philippe Burrin reports that 'even Roosevelt had come out in favour of a Jewish settlement in Angola' (*Hitler and the Jews*, New York 1994, pp. 60–1). The precedent cited most frequently by the Zionist movement was the Greek-Turkish 'population exchange'. Eventually the 'population transfer' of Arabs from Palestine won the support of the British Labour Party and even Bertrand Russell (see Masalha, *Expulsion of the Palestinians*, and Bertrand Russell, 'The Role of the Jewish State in Helping Create a Better World' [1943], reprinted in *Zionism* [1981], p. 128).

⁴ Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947–49*, Cambridge 1987, p. 25. For the effective expulsion of the Arab population in 1948, see Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict*, Verso, London 1995, ch. 3.

ment of the refugee problem'. The Allon Plan is not incompatible with a Palestinian state: what to call the arid patches of land ceded to the Arab natives is a matter of semantics. For Israel, the crux has always been its claim to 'territorial revision' (Abba Eban).⁵

Territory Over Peace

After the June war, Israel called for partial withdrawal on all the Arab fronts. Egypt offered in February 1971 to sign a bilateral peace treaty if Israel fully withdrew from the Sinai. Israel refused. In the name of 'security', it demanded retention of part of Sinai, Moshe Dayan famously declaring that 'we prefer Sharm-el-Shaykh without peace to peace without Sharm-el-Shaykh'. Once Egypt proved itself a military force to be reckoned with in the October 1973 war, Israel came around, agreeing at Camp David in 1978 to the peace terms it rejected in 1971. A core Zionist tenet, Zeev Sternhell observes, is 'never giving up a position or a territory unless one is compelled by superior force'. Israel did continue to bargain hard at Camp David, demanding—unsuccessfully—to retain control of the oil refineries, settlements and airfields it had built in Sinai. Yet Sharm-el-Shaykh figured not at all in these intense, often bitter, negotiations. Israel abandoned Sharm-el-Shaykh—its crucial 'security' asset—without even a whimper. It is an instructive lesson in the substance, or lack thereof, of Israel's 'security' concerns.⁶

Confronting, in the first years of the intifada, the compound force of Palestinian civil resistance and widespread international outrage, Israel considered the prospect of full withdrawal. But the challenge to Israeli power soon receded. As the intifada lost momentum, a concatenation of events—Iraq's destruction in the Gulf War, the demise of the Soviet bloc, the open alignment of the Arab regimes with the US, the PLO's precipitously declining fortunes—convinced Arafat to cut a deal with Israel, accepting partial withdrawal in exchange for the trappings of statehood. The PLO's capitulation at Oslo did not result from political ineptitude. Uri Savir's account of the negotiations shows that the Palestinian negotiators *did*, at every crucial juncture in the Oslo process, raise the right objections. The problem was, they had no power.⁷

Once Arafat conceded, as he effectively did at Oslo, that the West Bank and Gaza were 'disputed territories', both sides having equal title, it was inevitable that, in the ensuing battle over per-

⁵ For the post-June 1967 international consensus—including the United States—calling on Israel to fully withdraw, see Finkelstein, *Image and Reality*, pp. 144–8 (Eban quote on p. 145).

⁶ For Egyptian-Israeli negotiations after the June war culminating in the Camp David Accord, see Finkelstein, *Image and Reality*, ch. 6. Sternhell, *Founding Myths*, p. 331.

⁷ Uri Savir, *The Process*, New York 1998. For example, Palestinian negotiators kept wanting Israel to specify what percentage of Area C—the overwhelming bulk of the West Bank under Oslo—it intended to withdraw from; Israel refused (see pp. 200–1; Savir was Israel's chief negotiator).

centages, a fifty-fifty split would be held up as the legitimate 'compromise'. Yet Netanyahu deserves the lion's share of credit for recasting public discourse. By tenaciously claiming that Israel had title to all, and Palestinians to none, of the West Bank, Netanyahu turned *any* withdrawal into an Israeli concession. Who could then expect Israel to 'give away' more than 50 per cent of 'its' land for peace? Before Netanyahu, full withdrawal in exchange for full peace was the legitimate compromise, Labor's partial withdrawal the illegitimate one; after Netanyahu, partial withdrawal in exchange for full peace became the legitimate compromise, zero withdrawal the illegitimate one. Redefining the poles of debate with his pugnacious theatrics, Netanyahu has effectively legitimized the Labor Party's rejectionist stance, in the process also managing to 'lower', as he put it, 'the level of Palestinian expectations'. Apart from 'extremists', no one any longer speaks about full withdrawal. Indeed, the call for full withdrawal is now equated with the call for zero withdrawal, as pundits condemn the 'extremists on both sides'.

Wye Memorandum

The Wye Memorandum is basically divided into two parts, 'Further Redeployments' and 'Security'. (A third section takes up miscellaneous 'Other Issues'.) Bits and pieces comprising some 40 per cent of the West Bank are to come under 'full' (Area A) or 'partial' (Area B) Palestinian jurisdiction before final-status negotiations begin. According to Savir, Rabin was prepared to relinquish 'roughly 50 per cent' on the eve of final-status negotiations.⁸ The putative ideological rift between Labor and Likud amounts to perhaps 10 per cent of the West Bank. Indeed, the various final-status maps of the Likud all fall within the parameters of Labor's Allon Plan, retaining for Israel roughly half the West Bank.⁹ For those who care to hear the truth, the Israeli press has been reporting for years that 'there's almost no difference between Netanyahu's and Peres's concepts of the permanent agreement', indeed, 'Sharon and Peres are not far from each other in their perception of the permanent settlement'.¹⁰ This pragmatic convergence between Labor and Likud points up, incidentally, that partial withdrawal was the maximum Israel could have hoped for at Oslo. Israel did not effect a 'historical compromise' with the Palestinians; only with reality.

⁸ Savir, *Process*, p. 194.

⁹ For details, see Geoffrey Aronson, 'Israel's Final-Status Maps Reflect a National Consensus', in *The Demise of the 'New Middle East'*, Foundation for Middle East Peace, Autumn 1998; Nick Guyatt, *The Absence of Peace*, New York 1998, pp. 54–5. In defence of the Wye agreement, Netanyahu accused Labor of having conceded 90 per cent of the West Bank, to which MK Haim Ramon (Labor) justly replied: 'Everyone knows that our plan consists of returning 50 per cent only' (*News From Within*, November 1998).

¹⁰ Shalom Yerushalami, 'The Broad Policy Consensus Between Netanyahu and Peres May Lead to a National Unity Government', *Maariv*, 11 October 1996; Hanna Kim, 'The Alliance Between Peres and Sharon', *Haaretz*, 2 August 1996. For current Labor leader Ehud Barak's concurrence with Netanyahu, see Orit Shohat, 'Why Likud is Better for Peace than Labor', *Haaretz*, 22 November 1996.

Technically, Wye marks a regression from 'prior agreements'. At bare minimum, the 1995 Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip (hereafter: Interim Agreement) stipulated a 'complete redeployment of Israeli military forces from Area B' before final-status negotiations (Article XIII), placing 30 per cent of the West Bank in Area A. The memorandum, however, puts only 18 per cent of the West Bank in Area A. Yet, this quibbling over percentages is ultimately beside the point. The 'Palestinian Authority' exercises no substantive authority anywhere in the West Bank—except as Israel's surrogate. The 'security' provisions of the Wye Memorandum make this abundantly clear.

The security section of Wye initially observes that 'both sides recognize that it is in their vital interests to combat terrorism and fight violence'. Yet, to implement this protocol, Wye specifies an action plan only for the Palestinian side: 'The Palestinian side will make known its policy for zero tolerance for terror and violence... A work plan developed by the Palestinian side will be shared with the US... to ensure the systematic and effective combat of terrorist organizations... In addition to the bilateral Israeli-Palestinian security cooperation, a US-Palestinian committee will... review the steps being taken to eliminate terrorist cells... In addition to the bilateral Israeli-Palestinian security cooperation, a high-ranking US-Palestinian-Israeli committee will... address the steps being taken to combat terror and terrorist organizations', and on and on. One would never suspect from this document that, according to the Israeli human rights organization, B'Tselem, *many more Palestinians have been killed by Israelis than Israelis by Palestinians since the onset of the Oslo process* (356 Palestinians as against 251 Israelis up to October 1998). The 'vast majority' of killings by Israel, according to Amnesty International, were 'unlawful'.¹¹

Wye also repeatedly emphasizes Palestinian responsibility for the vigorous 'investigation, prosecution and punishment' of 'terrorist suspects'. Yet, according to Amnesty, 'there continues to be almost total impunity for unlawful killings of Palestinians' by Israel: '[I]nvestigations are inadequate. The officers responsible rarely appear before an inquiry; if they do so they are rarely punished; if they are punished the sanction is trivial in relation to the loss of life'. To illustrate this last point, Amnesty cites the case of four soldiers convicted of killing a Palestinian motorist: 'The court fined each soldier one agora, equivalent to about US\$0.03'.¹²

¹¹ B'Tselem *Casualty Statistics* (www.btselem.org/STAT/table.htm). Amnesty International, *Five Years after the Oslo Agreement: Human Rights Sacrificed for 'Security'*, September 1998.

¹² Amnesty, *Five Years*. Settlers found guilty of murdering Palestinians likewise incurred derisory penalties; see LAW (The Palestinian Society for the Protection of Human Rights and the Environment), *Five Years Of Oslo: A Summary of Human Rights Violations Since the Declaration of Principles*, September 1998, citing 'a settler who had killed a Palestinian was fined one agora'.

The Terrorism Mantra

The Wye Memorandum reeks of the rancid Israeli—and American—discourse on terrorism. Terrorism is a self-generating force. It originates in the ‘terror support structure’, ‘terrorists and their structure’, ‘terrorist organizations and their infrastructure’, ‘terrorist cells and the support structure that plans, finances, and supplies and abets terror’, ‘organizations (or wings of organizations...) of a military, terrorist, or violent character’, and—lest we forget—the ‘external support for terror’.

Detached from its Israeli environment, Palestinian terrorism is always the cause but never the effect of evil: assaulting Israeli innocents, it is by definition unrelated to Israel’s brutal rule. Thus, to understand terrorism, it is irrelevant that, since the Oslo accord, more than 600 Palestinian homes have been demolished and 140,000 dunums of Palestinian land confiscated. It is also irrelevant that, owing primarily to Israel’s illegal imposition of closure on the eve of Oslo, the Palestinian standard of living has fallen by nearly 40 per cent, with 30 per cent of the workforce unemployed and 40 per cent of the population living at or below the poverty line.¹³

Given that terrorism is an implacably negative force, the only means to combat it is an implacably positive force: repression. And in this Manichaeian struggle between good and evil, the more repression the better: any restraints will impede the struggle. Accordingly the Wye Memorandum gives short shrift to human rights concerns, despatching them in one sentence: ‘without derogating from the above, the Palestinian Police will...implement this Memorandum with due regard to internationally accepted norms of human rights and the rule of law...’ Presumably on account of its exemplary human rights record, Israel is not called upon to do even this much. Indeed, the record does impress. According to Amnesty, even after Oslo, Israel continued to engage in ‘mass arrests of Palestinians’, place ‘thousands of Palestinians’ under administrative detention without charges or trial, sometimes for ‘years on end’ (‘many may have been prisoners of conscience’); ‘use torture systematically on Palestinian political suspects...its use was effectively legal, an internationally unprecedented state of affairs’ (‘this legalization of torture has, over the past five years, if anything, become a more entrenched part of the system in which Palestinian detainees find themselves’); resort to ‘brutality, amounting to torture or ill-treatment...at checkpoints’; and conduct ‘unfair trials...convictions are almost invariably based exclusively on the accused’s confession, usually extracted by the use of torture and ill-treatment.’¹⁴

¹³ For house demolitions and land confiscation, see LAW, *Five Years of Oslo*. For the Palestinian economy, see Sara Roy, *The Palestinian Economy and the Oslo Process: Decline and Fragmentation*, Emirates Occasional Paper no. 24, Abu Dhabi 1998, Roy underscores that, ‘The reasons for Palestinian economic regression are many and interrelated but turn on one primary axis: closure’.

¹⁴ Amnesty International, *Five Years*. LAW reports that ‘there are still 3,700 Palestinians held in prisons inside Israel’ (*Third Quarterly Report on Human Rights Violations in Palestine*,

The Palestinian Authority's (PA) 'deplorable' human rights record has been extensively documented.¹⁵ Without extenuating PA culpability, it bears recalling that Israel recruited Arafat precisely in order to facilitate repression. Thus Rabin boasted that the PA would quell Palestinian resistance 'without problems caused by appeals to the High Court of Justice, without problems made by [the human rights organization] B'Tselem, and without problems from all sorts of bleeding hearts and mothers and fathers'. Truth be told, 'Palestinian Authority' is a misnomer. Apart from what Israel and the US authorize it to do, the PA exercises no authority whatsoever: in all respects it is in thrall to them. The Oslo process marked, in Meron Benvenisti's phrase, the continuation of 'occupation...albeit by remote control'. In exchange for the perquisites of collaboration, the PA must ruthlessly crush all opposition to continued Israeli occupation.¹⁶

Human Rights Watch observes that,

The role of Israel, the US and the international community in influencing the conduct of the PA should not be underestimated... [E]xternal demands that the PA halt anti-Israel violence have been made in terms that condone a disregard for the human rights of Palestinians. Such pressure is highly potent, due in part to the situation of extreme political and economic dependency in which the self-rule entity exists.

1 July 1998–30 September 1998). Human Rights Watch reports that 'in 1997 at least 1,900 administrative detention orders were served', and that 'prolonged administrative detentions without charge or trial, often in harsh conditions, constitute arbitrary detention' and as such are illegal under international law; see *Israel's Record of Occupation: Violations of Civil and Political Rights*, August 1998. Amnesty reports that 800 Palestinians suffer torture by Israel every year and that a ministerial committee approved the use, beginning in 1994, of 'increased physical pressure', adding that 'Torture continues to be used in Israel because the majority of Israeli society seems to accept that the methods used are a legitimate means of combating terrorism'. An Amnesty news release underlined that 'Israel is the only country on earth where torture and ill-treatment are legally sanctioned' (9 May 1997). With its extensive use of torture, Israel ranks, according to the special UN rapporteur on torture, in the same category as Iran, Saudi Arabia and the Sudan (*The Independent*, 27 March 1997). Indeed, according to Human Rights Watch, pending Israeli legislation and court rulings 'could greatly expand the extent and severity of Israeli use of torture and cruel, inhuman or degrading treatment' (*Memorandum to UN Committee Against Torture*: May 1998; see Amnesty International, *Five Years*). Apart from effectively legalizing torture, Israel has also legalized hostage-taking, with the Supreme Court sanctioning the use of Lebanese nationals as 'bargaining chips'; see Human Rights Watch, *Israel's Record, and Without Status or Protection: Lebanese Detainees in Israel*, October 1997, and Amnesty International, *Israel's Forgotten Hostages—Lebanese Nationals Held Unlawfully for Years in Detention*, July 1997. Denouncing the Supreme Court decision as 'contemptible' and 'intolerable', Amnesty stated: 'Those held as hostages include people who were only 16 when they were taken from their villages and have now spent up to 11 years in detention, often secret and incommunicado. These are real people, not objects to be used as political pawns'; also that 'When an armed group holds hostages it is universally condemned. The Israeli Government has acknowledged that the detainees mentioned in the Supreme Court ruling pose no threat to state security', *News Releases*, 6 March 1998, 18 March 1998.

¹⁵ See, especially, Human Rights Watch, *Palestinian Self-Rule Areas: Human Rights under the Palestinian Authority*, 1998.

¹⁶ Noam Chomsky, *World Orders Old and New*, New York 1996, p. 257. Meron Benvenisti, *Intimate Enemies*, Berkeley 1995, p. 218.

It goes on to recall that ‘the Netanyahu government...conditioned the easing of the closure of the West Bank and Gaza on a halt in prisoner releases by the PA’; that ‘the Clinton administration demanded that Arafat act more decisively to prevent anti-Israel violence, but made no reference to the need for due process, even as...massive, arbitrary round-ups were taking place’; that ‘as President Arafat cracked down on the opposition, particularly Islamist groups, by carrying out arbitrary arrests, detaining people without charge, and practising torture, Israel and the US praised the crackdown while remaining largely silent on the facts’; and that ‘despite clear evidence of the systematically unfair practices of the state security courts, neither Vice-President Al Gore nor any other US official has publicly retracted the praise for their creation that Gore offered’.¹⁷

A Police State

The single most egregious Palestinian violation of Oslo is the size of its police force, which ‘well exceeds’ (Human Rights Watch) the already extraordinary 30,000 figure allowed for in the Interim Agreement (Annex 1, Article IV). Revealingly, Israel has not exerted any real pressure on Arafat to correct this. Indeed, already thinking ahead in the 1978 Camp David Accords, Israeli negotiators stipulated that the ‘self-governing authority’ in the West Bank and Gaza should constitute a ‘strong police force’ to assure Israel’s ‘security’ (Framework, paragraph A2). The same ominous phrase stipulating a ‘strong police force’ reappears in the September 1993 Declaration of Principles (Article VIII), the May 1994 Agreement on the Gaza Strip and the Jericho Area (Article VIII), and twice in the Interim Agreement (Articles XII, XIV). The Wye Memorandum only calls on the ‘Palestinian side’ to ‘provide a list of its policemen to Israeli side’. So long as Israel can monitor in which direction the rifles are pointed, the more police, the better—especially as Palestinian illusions are dispelled and resistance mounts. The Wye ‘land-for-security’ formula means, incidentally, that in return for *any* land, the Palestinians forfeit the right to *all* resistance, including the basically non-violent civil disobedience characterizing the first years of the intifada, condemned by Israel and the US as ‘terrorist acts’.¹⁸ Nelson Mandela renounced the right to armed resistance only after the South African

¹⁷ Human Rights Watch, *Palestinian Self-Rule Areas*. According to HRW, Gore twice publicly praised the state security courts, stating in March 1995, for example, that ‘I know there has been some controversy over the Palestinian security courts, but I personally believe that the accusations are misplaced and that they are doing the right thing in progressing with prosecutions’; see Guyatt, *Absence*, pp. 101–2. Amnesty International similarly reports that the illegal detention of Islamists is ‘closely linked to pressure from Israel and the United States’; that a ‘significant factor’ in the creation of the notorious state security courts was ‘the pressure being placed on the PA by Israel and the US’, and that ‘there is no doubt whatsoever that trials with heavy sentences were demanded and encouraged by Israel and the US’ (*Five Years*).

¹⁸ Chomsky, *World Orders*, p. 250. Indeed, even denunciation of settlement-building constitutes, according to Israel, ‘incitement to violence’ (LAW, ‘Free Expression Restricted by PNA Anti-Incitement Decree’, 24 November 1998).

government acknowledged the right of the indigenous population not to a Bantustan but full human rights. The indigenous population of Palestine was forced by Israel to forfeit its right to any resistance in exchange for a Bantustan.

Prospects

Like the South African Bantustans, the fragmented Palestinian entity resulting from the Oslo process will no doubt eventually be granted statehood.¹⁹ And like the Bantustans, it will be a state in name only. Recall that the viability of a Palestinian state resulting from full Israeli withdrawal was never at all certain; much intellectual energy was expended to conquer these doubts. What then is one to make of a Palestinian state resulting from a partial Israeli withdrawal? Israel is now 'resigned' to the prospect of an independent Palestinian state because it will not be one. Recall further that, for Bantustan critics, the issue was not only viability but equity: whites engineered a grossly inequitable division of South Africa's resources, keeping for themselves everything worth keeping. All the Bantustans won was the right—in the words of one dissenter—to 'police themselves and administer their own poverty'.²⁰ This is also the only right Palestinians can expect to win under Oslo.

The purpose of the protracted 'transitional' period in the Oslo process is not to build 'confidence' between Israel and Palestine but rather to structurally consolidate Israel's domination over Palestine. In addition to settlement- and road-building, this entails coopting Palestinian élites, refining 'security collaboration', and so on. The main alleged threat to Israeli security in June 1967 was not the West Bank but the Egyptian Sinai. In October 1973, Egypt launched a surprise attack, seeming to threaten Israel's existence and costing 2–3,000 Israeli lives—many times, incidentally, the total victims of Palestinian 'terrorism'. Nonetheless, once Israel decided on full withdrawal, confidence somehow proved not at all an obstacle: a mere three years elapsed between Camp David and Israel's total pull-out from the Sinai. Yet the Oslo process is already in its fifth year, with no end to the purported 'confidence-building' process in sight. The Camp David Accord and subsequent Egyptian-Israeli Peace Treaty combined came to less than a dozen pages. The Israeli-Palestinian Interim Agreement alone runs to hundreds of pages. Israel is not ending the occupation; it is dotting all the i's and crossing all the t's to secure it.

Arafat must eventually choose between two equally bad alternatives. He may unilaterally declare an independent Palestinian state over 40 per cent of the West Bank, blustering, as the Bantustan leaders did,

¹⁹For detailed comparison with the Bantustan model, see Norman G. Finkelstein, 'Whither the "Peace Process"?' in *NLR* 218, July–August 1996.

²⁰Newell M. Stultz, *Transkei's Half-Loaf*, New Haven 1979, p. 134.

that this is 'only the first stage'. In fact, the main lesson of the South African experience was that emancipation was achieved despite and around not through the Bantustans: indeed the Bantustans impeded the struggle for justice. Declaring Oslo dead, Israel will then unilaterally annex the rest of the West Bank. The more Netanyahu postures indignation at the prospect of a unilateral Palestinian declaration, the better his pretext, if and when Arafat does issue a declaration, to annex half the West Bank. Totally dependent, Palestinian élites will continue to do Israel's bidding, repressing dissent while enjoying the perquisites of collaboration. Pundits will no doubt wax eloquent over the 'irony of history': although the 'peace process' died, each side got what it wanted—the Palestinians a 'state' and Israel 'secure borders'.

Property and Power

Enticed by a slightly larger Israeli withdrawal and an enlarged American 'aid' package, Arafat may alternatively enter into a final settlement with Israel. Israel will then get an official deed to nearly all of Palestine: it would be the jewel in the crown of Zionist diplomacy. 'At its heart', historian Martin Gilbert writes, 'Zionism had striven for a hundred years for the recognition of its legitimacy by the Palestinians'.²¹ Indeed, for all its flouting of international law and contempt for 'Goyim' opinion, Israel has always sought official imprimaturs of its proprietary right to Palestine. The Balfour Declaration and especially the 1947 UN Partition Resolution (181) loom large in Zionist histories.²² Property may be, as Proudhon memorably put it, theft, but it is also theft *invested with the power of legitimacy*. Hence Netanyahu's insistence at and since Wye that the Palestine National Council officially, democratically and without any ambiguity annul the Charter. For a long time, Israel exploited the Charter to discredit the Palestinian leadership: it 'served as a gold mine of raw material' for 'Israel's propaganda'.²³ Now that the same Palestinian leadership stands poised to collaborate, Israel wants all the official documents to be fully in order. Not a scratch of doubt must remain that Palestine belongs 'by right' not at all to the indigenous population but only to the Jews.

The Oslo process cannot produce a permanent settlement of the Israel-Palestine conflict. The population between the Mediterranean and the Jordan will soon be half Israeli-Jewish, half Palestinian-Arab. Lincoln long ago understood that a state of affairs in which the population is half free, half enslaved cannot forever endure, Israel no doubt also knows this. Edward Said rightly observes that Zionism's suc-

²¹ Gilbert, *Israel*, p. 560.

²² The Israeli declaration of independence pointed up the legitimacy 181 conferred on the newly-born state, as did Chaim Weizmann, who deemed it a 'grant of independence', and Abba Eban, who proclaimed Israel 'the first state to be given birth by the United Nations', see Norman G. Finkelstein, *The Rise and Fall of Palestine*, Minneapolis 1996, p. 132, fn. 40.

²³ Khami Shalev, 'The Changing of the Palestinian Covenant', *Maariv*, 26 April 1996.

cesses owe much to its pragmatic discipline of detail ('another dunum, another goat').²⁴ Yet, ultimately, Zionism has always depended on the 'miracle' to break free from an impasse. Indeed, it harnessed the discipline of detail to make the 'miracle' possible. The intractable Arab 'demographic problem' was resolved in 1948 by the 'miraculous clearing of the land' (Chaim Weizmann). The loss of Zionist élan in the early 1960s was restored by the 'miracle' of the June War. The resurgent Arab 'demographic problem' in the 1970s was overcome by the 'miracle' of Russian Jewry. Israel no doubt hopes for yet another 'miracle' to resolve the conflicts inherent in the Oslo process. An Oslo settlement between Israel and Arafat would command international legitimacy. If Palestinians continue to resist, Israel may engineer—alas, with impunity—another 'miraculous clearing of the land'. Public opinion within Israel would pose no obstacle. Rather the contrary, polls indicate that, if there are no international repercussions, fully 65 per cent of Israelis would support expulsion of all the Arabs.²⁵

Barring a 'miracle', the inevitable, if very distant, future is one in which Palestinian Arabs and Israeli Jews, enjoying reciprocal individual and communal rights, coexist within a unitary entity. Yet, just as the centre of gravity of the Palestinian struggle shifted from southern Lebanon to the occupied territories after the defeat suffered in June 1982, so the centre of gravity of the Palestinian struggle may shift again from the West Bank and Gaza to Israel following the defeat suffered at Oslo. Only the Israeli Palestinians now have a clear goal—full individual and communal rights—and a leadership able to articulate it.²⁶ Paradoxically, the fruit of Oslo will perhaps be that the Palestinian struggle for justice will—in Amílcar Cabral's phrase—'return to the source'.

²⁴ Edward W. Said, *Peace and its Discontents*, New York 1996, p. 27.

²⁵ *Maariv*, 20 September 1998.

²⁶ I owe this insight to Mouin Rabbani.

