

The Palestinian-Israeli Conflict: Dictated Settlement or Just Peace

Rudolf Zarzar

The words just and justice will appear quite often in my presentation. Therefore, a few words about my understanding of justice are warranted. As all of you know, we often use the word justice in our daily lives as if it is a self-explicatory concept. But unfortunately it is not. It is an incredibly complex concept and there is no consensus on its meaning among academicians, politicians, journalists, or your average Joe.

The best I can do here is to offer an operative definition that enables me to proceed with my discussion.

Perhaps a good starting point is to look at its meaning in an unexpected source: Plato's Republic. Plato's opus magnum, as some of you may know, revolves around the question of "what is justice and hence what constitutes a just society". Plato gave several definitions but I shall limit myself here to two of the concepts that he discussed which are relevant to my discussion here.

One definition is that justice is "the interest of the stronger party". The strong are in a position to impose their concept of justice on others in society. What the strong want is just. Might makes or is right. The asymmetry of power that exists between the conflicting parties makes power the final arbiter of what is right and what is wrong. Applied to the Israeli-Palestinian conflict, its meaning and relevance becomes clear. Israel as the stronger party is in a position to define justice in terms of what serves the interests of the state, its security, and its ideology. Morality here is defined in terms of those actions that enhance the interests of the state which are often conceived and understood in terms of Zionist ideology (Shahak) ; immorality, anything that undermines those interests. Conventional ethics play little, if any, role in the conduct of foreign policy.

From the Israeli government's perspective, therefore, justice is defined in terms of its ability to impose its will on the "enemy" and force a dictated settlement favorable to itself. The strong, in the words of the great Greek historian Thucydides, makes demands on what it wants and the weak must give what it must. No consideration is given to the interests of "the other", i.e. to the Palestinians. Nor is any consideration given to the impact of its policies, devoid of any moral consciousness or moral imperatives, on the other weaker side.

Along with the doctrine of "might makes right", the Israeli government has often tried to justify its actions by blaming the victims for the current malaise. A la George Orwell, the victim now becomes the victimizer. As Hanan Ashrawi says, perhaps the most articulate spokesperson for the Palestinian cause, "Palestinians long subjected to the brutality of the horrendous Israeli military occupation, the first (and last) resort of the cowardly is in maligning the victim, in accusing them of having brought about the deserved cruelty of the crime [the occupation]." The Palestinians are described by the Israeli "spin machine" as irrational, unreasonable, violent, terrorist, and hell-bent on the destruction of Israel. Poor David (Israel) is fighting Goliath (the Palestinians) for sheer survival. Their (the Palestinian's) dehumanization, victimization, "immiseration", deprivation of basic elemental human rights, are of course prerequisites for the

success of Israeli propaganda and for justifying Israel's brutal, often barbaric, treatment of the Palestinians.

This conception of justice must be rejected on both practical and moral grounds. On practical grounds it is not likely to be accepted by the Palestinians and most countries in the world. (Only Israel and the United States seem to be interested in a forced or dictated settlement). Even if Israel succeeds in forcing the Palestinian Authority and Yasser Arafat to accept it, it is not likely to be a basis for a permanent settlement because it lacks legitimacy with the Palestinian people. On moral grounds, it must be resisted because it violates what John Rawls calls the principle of equity (all are entitled to certain rights such as freedom, equality, respect, and more broadly the right to self-determination).

The second of Plato's definition of justice is this: justice is what the law says it is. It is this conception that I will rely on to define my concept of just peace. According to Plato, law reflects the moral consciousness of a particular community, and hence its application must be considered "Right". While Plato was addressing the concept of justice within a particular community, I think we can apply the same concept to the larger international community. Following this reasoning, a just settlement must be based on international law and on UN resolutions. As far as I am, the United Nations, and the international community are concerned, this is the only fair way to go forward. The Israeli Government, sadly with the support of the United States Government, have so far shown little inclination to live up to its obligations under international law.

Israel claims that it has a right to the occupied territories based on historic claims of the Jewish people to all of Palestine. This assertion could only be justified if you accept the first conception discussed above, namely, might makes right. Also, it can be justified if you accept the Zionist cliché that Palestine was a land without a people waiting for a people without a land. The problem with the latter assertion is that is false. Palestine was inhabited by Palestinian Arabs for over a thousand years and which remained the majority of the population until 1947. The international community does not accept the legitimacy of the first assertion either. For example, on 7 October, 2000, The UN Security Council passed a resolution (14 to 0 with the US abstaining) that referred to Israel as "the occupying power". This reaffirms the principle that was outlined in resolution 242 called on Israel to withdraw from "lands occupied in the recent conflict [the 1967 War] which of course it did not. After 35 years, Israel is still entrenched in the lands conquered in 1967, namely, the West Bank, The Gaza Strip, and East Jerusalem. According to UN resolutions and international law (the Fourth Geneva Convention of 1948 and the Hague Declarations of 1907) Israel *is* an occupying power. Israel has no sovereignty over these occupied territories. It cannot claim the right to acquire territory by force. Such a right simply is not recognized in international law or by the UN Charter.

Paragraph 3 of the same resolution "Calls on Israel the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilians persons in a Time of War..." According to this Convention, the Palestinians should be considered protected persons and their rights should be respected by the occupying power. But Israel, of course, has been doing nothing of the sort. Israel's contempt and disregard for the principles and protections outlined in the Geneva Convention and the Hague Regulations is reflected, among other things, in its policies of targeted assassinations, in the

willful killing of civilians by the Israeli army, in the confiscation of Palestinian lands, in the practice of collective punishment, in limiting the freedom of movement of Palestinians on their own lands, in the constant humiliation of the Palestinians, in the destruction of property (buildings, homes, orchards, harvests, etc.), in the infliction of all sorts of hardships, in the building of Jewish settlements on confiscated Arab land, ad nauseam.

Shortly after the break out of the Aqsa intifadah, the UN Human Rights Commission sent a Special Envoy to the occupied territories to investigate the situation and report back to the Commission. Based on the report of that the commission received from its representatives in the occupied areas, it passed a resolution “condemning Israel for violating the Fourth Geneva Convention, its rights as a belligerent occupant, and stating that Israeli policies constitute ‘a crime and a crime against humanity.’” (Boyle) These crimes and atrocities continue unabated to this day, and are likely to become more virulent under the Sharon leadership. So far, none of the people responsible for these war crimes has been brought to justice, least of all Sharon whose track record of war crimes cannot be disputed. Israel continues to thumb its nose at the international community, at international norms and standards, and international morality.

If one is to be guided by international law and the UN, a just solution to the Palestinian-Israeli conflict becomes a real possibility. A two-state solution seems to be the fairest way to settle this long festering problem. This of course necessitates an Israeli withdrawal from the occupied lands and giving the Palestinians the universally recognized right of self-determination. It is clear that peace is impossible as long as the Israeli occupation goes on. It is equally clear that a permanent peace will never materialize if Israel continues pursue a policy of subjugation and imposed settlement (diktat) on the Palestinians.

Israel’s continuous claim that it has “offered” the Palestinians a “generous” peace plan (under Barak) and that Palestinians missed the opportunity to capitalize on this “magnanimous” offer must be taken with a grain of salt. A close look at what Israel offered and is offering the Palestinians is nothing more than an attempt by the Israelis to continue to control, albeit indirectly, of the West Bank and the Gaza Strip. This plan, which was initially conceived by current prime minister Sharon, would create four Palestinian autonomous regions (“rainbow of colors” or Bantustans) that will be interrupted by a system of bypasses which will be under the control of Israel. Furthermore, Israel would retain the right to station some of its troops on Palestinian territory (needed presumably for security, but in fact to protect the Jewish settlements in the occupied territories. Israeli settlements would not be dismantled and would remain under IDF protection. Contrary what the Israeli government claimed at that time, 50% (not 10%) of lands in the West Bank and Gaza would remain state property presumably to build more settlements in the future and to truncate a potential Palestinian State as to make it make virtually inoperative. The plan also calls for Israeli control of all of Jerusalem. Finally, the plan would deprive the Palestinians of the right to return to their homes or be compensated for loss of property resulting from their forcible displacement. Israel simply refuses to acknowledge any responsibility for the displacement of the refugees that resulted from its own creation.

Needless to say, such a plan is not acceptable to the Palestinians. It creates a Bantustan-like state under the control and mercy of Israel. It makes the viability of such a state problematic at best and without viability, a wretched miserable future for the Palestinians will be assured. It would

leave the Palestinians with a crumb of land to call a state. It would ensure the continued dependence of such an entity on Israel for years to come.

Let us hope that the international community, and above all the United States, would regain its moral consciousness and move to settle this tragic conflict on the basis of international norms, standards, and laws. This seems to me to be the only way to bring about a fair, equitable, and just settlement. Cynical and self-serving approaches will not do simply because they cannot effectuate a just settlement. Violence is not the answer either. Fifty plus years of violence has not brought us an inch closer to a settlement. Brute force is not the answer to what is essentially a humanitarian and political problem. A just settlement must take into consideration the legitimate rights of both parties. The alternatives to this are clear: more violence, more terrorism, and potentially genocide; in a word more suffering for all involved in the conflict.