

THE "PEACE PROCESS" TWENTY YEARS LATER
Failure Without Alternative? *

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1. The "Peace Process": Failed From The Beginning

Let me make the basic point clear from the very beginning: there is no "peace process" in the "Middle East" as the area is referred to in this country--in "West Asia" as it is referred to in, for instance, India--there has never been any peace process, and there was probably no intention of having any either.

In saying this I refer to the core conflict, in the core area, not to the subsidiary conflicts that may also be in or over the core area. I take the core area to be mandated Palestine as it emerged after World War I by the Treaty of Versailles for the administration of the former overseas possessions of Germany and parts of the Turkish Empire. According to Article 22 of the Covenant of the League of Nations (paragraph 4) certain communities that had belonged to the Turkish Empire had come far towards "existence as independent nations". Examples were Palestine, Iraq and Syria. The first two were to be administered by Great Britain and the third by France, with mandates for Iraq and Syria ending in 1932 and 1936 respectively, whereas the mandate for Palestine (roughly corresponding to pre-1967 Israel and Jordan today) was to serve for the establishment of a national home for the Jewish people in accordance with the Balfour Declaration of November 2, 1917. However, in accordance with Article 25 of the mandate only the territory west of Jordan was determined to serve as a national home for the Jewish people; Trans-Jordan was severed from the territory already in 1922.¹

However, I see the core area as being mandated Palestine, both Cis- and Trans-Jordania. The core conflict is between Jews and Arabs in this area, more particularly between Israelis and Palestinians over the exercise of the type of territorial rights associated with national sovereignty. And in this core conflict I see no peace process. There is no image of peace even in the sense of something conceivably acceptable to both parties, nor any peace process. There was a process associated with the name Camp David, but that was a "peace process" imposed by Egypt and Israel (and the United States) over the Palestinians, with no Palestinians present. By that process the Palestinians were fragmented and their unity denied. The accord mentions Palestinians living in the West Bank and Gaza, those displaced in 1967 and refugees are three separate groups to be dealt with in three different manners -- those deported since 1967, displaced in 1948 (and later) and the Palestinians inside Israel are not even mentioned.² Moreover, the procedural rules given in the accord are of such a kind as to give Israel a de facto veto on all essential points in any future process. The 1973 defeat of Egypt was transformed into collusion in defeating further those lower down.

In other words, neither an image of peace, nor any peace process if for no other reason simply because of the non-recognition of the Palestine Liberation Organization (PLO). Instead of a peace process there has been a war process, with the concomitants of war such as occupation of Palestine territory, with harassment/repression, censorship, control of all other kinds of political ex-

pression, ransacking, arrests, expulsion, Palestinians defending themselves through acts of destructiveness and terrorism, reprisals--in short the full panoply of the evils of occupation as known, for instance, to a Norwegian like the author from the German Occupation of Norway 1940-1945. That occupation was a relatively mild one if I do not take into account the specific Nazi content of the occupation of Norway, leading to the extermination of more than half of Norway's 1,800 Jews. On the other hand there was no German plan to expel the Norwegian population into a neighboring country such as Sweden, reserving Norwegian territory for themselves, alone, either.

But then there are the two subsidiary conflicts in the area between Israel and the Arab/Moslem states, and between the super-powers, and the United Nations. For the conflict between Israel and the Arab/Moslem states there has been at least a scenario for a "peace process". The image of peace is traditional, which in itself is no objection: inter-state relations regulated by international law in general, and specific (peace) treaties in particular. There was also the idea of a process, peace by pieces, dealing with one Arab/Moslem state at the time. Egypt was to serve as the model for all of them, turning defeat (1973) into reconciliation, with Sadat's travel to Jerusalem 1977 as paradigmatic, ending with a treaty (Camp David) as the model for all of them. Next in line were Jordan, and Lebanon, providing a setting for the more recalcitrant Syria and Iraq to follow suit, and ultimately the whole

Arab world regardless of how distant from the core area. The problem was, of course, that any Arab/Moslem leader engaging in this process would be doomed to live in perennial fear of his own people and by the time the "peace process" had reached Arab/Moslem country N the process would have already backfired if not in N-1 or N-2 at least in number N-3 and N-4. However this may be, ~~the entire~~ "peace process" died in Sabra-Chatila 1982 in the eyes of so much of the world seeing Israel as having sunk to the level of the oppressors, condoning a genocidal type of action.

Then there are the subsidiary conflicts involving the super-powers in the area. I think it is fair to say that there are two types of conflicts at stake here. One is traditional super-power interference and intervention in what they see as their "interests". They invoke an age-old theory to make a wrong look like a right: the sphere of interests. bolstering it with an even older theory that makes two wrongs look even more right, "if he has a sphere of interest in this area I am also entitled to one". There is an image of peace in this connection: the United States has Israel in her sphere of interest; the Soviet Union has Syria in hers with all this implies in terms of rights and duties on either side. As to the process any reading of the history of the last 40 years or so in the area would be sufficient. How stable may be argued; but an image there is.

But then there is that second conflict which has to do with conflict management. That there is a conflict in the area is certainly not to be doubted. But this is a peculiar conflict; a conflict not between right and wrong, nor between wrong and wrong, but between right and right--both Jews and Arabs in the core area having a right to settle--which makes it even more intractable. A conflict of that type calls for its manager. Whoever is able to manage the conflict successfully would be greeted with considerable gratitude not only from the inhabitants but also from a world desperately short of miracles. The key competitors as conflict managers are the United States (Camp David) and the United Nations (Security Council Resolutions Number 242 and 338). But if these two are front runners the Soviet Union cannot afford to be far behind, and one major factor holding up any process in the area is the refusal to give to the Soviet Union a meaningful role as participant in the conflict management process.

In this particular conflict there is also a possible peace image: a management directorate of the super-powers operating within a framework set by the United Nations. And for the process there is the machinery, slow but well-defined, of the United Nations. One point about that machinery, however, is that there is no guarantee that it will deliver an outcome totally satisfactory to either super-power and for that reason the stronger of them will certainly tend to try to do without.

Conclusion: in the periphery of the extremely complex and intractable conflict formation in the area there are both images of peace and processes; in the core neither one nor the other. Just to the contrary: what is enacted in the area is not a peace process, nor exactly a war process, except for certain periods at certain places, but the traditional way of clearing a territory for own use--disturbingly similar to what Americans have done to native Americans since the founding of the Plymouth Colony in Massachusetts Bay. There is a combination of extermination, expulsion to other countries as refugees, internal expulsion in reservations, and the conversion of human beings into second-class citizens politically, economically, culturally and/or militarily. Of course, there is also the fifth possibility of transformation into first-class citizens but in a Jewish state with clearly theocratic features this would demand a conversion in so many senses as to be unacceptable.

Of course, we are not quite in the seventeenth, eighteenth and nineteenth centuries: there is less focus on extermination, more on external and internal expulsion. Moreover, Palestinians in the core area render themselves more willingly to the plight of the second-class citizen than native Americans have done, maybe they prefer expulsion to the internal reservation to very marginal participation in the American social structure. But the general philosophy of the Chosen People with a Promised Land on the one hand and those who "just happen" to live there, in what was defined as a sparsely populated territory on the other, is disturbingly similar. A travesty of any idea of peace.

2. An Alternative Peace Process: An Image

For a peace process to take place there has to be one or several images of peace, in other words some kind of goal or goals, and some idea of a process--possibly even some mutually agreed indicators of whether the process is roughly, speaking, heading in the right direction or not. The crucial point here is probably the image of the goal; if that image gains some kind of acceptance a process can possibly be devised.

There are three rival images of some importance in this connection, there being a general consensus that the present state of affairs is intolerable to Israelis and Palestinians, to Jews and Arabs alike--although the intolerable has now lasted for quite some time. The three images are: a one-state solution with the absorption of the Palestinians as first class citizens within Israel, a two-state solution with the creation of an independent Palestinian state anchored in the West Bank and Gaza and a confederate solution based on some kind of Israeli/Palestinian partnership. The present author does not believe in the first, have grave doubts about the second, but some faith in the third alternative. Thus, I fail to see how the whole idea of a Jewish national home, Judaism being a religion, is compatible with first class citizenship for non-Jews, however much this may be enshrined in some bill of rights. If Jews, Christians and Moslems in the area could reconcile their differences by joint allegiance to an

overarching system of belief, such as The Baha'i faith, then something might perhaps be worked out. But the proposition is absurd given the nature of the myth underlying the creation of the state of Israel, not to mention the unspeakable realities of the holocaust perpetrated by a Christian nation on the Jews of Europe.

A Palestinian nation-state based on pre-1967 conditions might make more sense within the ancient code of nation-state building: one country per nation, all members of that nation inside that country, the construction of a state organization within that country controlled by members of that nation. But the three objections are equally obvious: Palestinians have a rightful claim to access to territories within the pre-1967 borders of Israel; the territorial polarization in the two-state solution is a way of stripping for violent action; and in addition to that, finally, the territories are so small that economic viability certainly can be doubted. To this some might object that Jordan is viable, the majority is already Palestinian so why not "put" the rest of the Palestinians there by driving them out of the West Bank/Gaza which can then be settled by Jews? Needless to say, any such social expansion as a follow-up of the 1967 territorial expansion only makes bad things even worse, driving the Palestinians even further away from their rightful homeland.

The confederate solution would have as its point of departure the core area, mandated Palestine, possibly accepting the River Jordan as the eastern border for Jewish settlement. The territory west of that river would then have Israeli and Palestinian cantons, possibly even exchanging some Israeli settlements on the West Bank for Palestinian settlements (Nazareth?) within pre-1967 Israel. Jerusalem would be the federal district in this configuration, open to all, ruled by them in conjunction, not by one or the other or others.

Needless to say, formulations such as these are satisfactory to no one who believes in the sanctity of pure nation-states. Put differently: it would only be satisfactory to those who, like the Swiss, believe in a certain linguistic and religious continuity and purity but at the same time also can think in overarching terms, composing an identity as Swiss. The latter would take a long time to develop in this particular area. The set of Jewish cantons would think of themselves as Israel for a very long time to come, and the set of Palestinian cantons would think of themselves as Palestine, correspondingly. But through a process of mutual conditioning, in as equitable a manner as possible with no one being secondary citizens to the other, or expelled by the other, an overarching identity might sooner or later emerge. Consequently, these are images that could be satisfactory to moderates in either camp, and there are many of them, perhaps percentage wise higher on the Palestinian than on the Israeli side as there is some ambiguity as to where the Peace

Now forces are located politically (when they say peace, does that mean continuation of status quo with no belligerent adventures such as Lebanon 1982?--Continuation of the suppression of the Palestinians with no basic change in either direction?--A two-state solution?--A one-state solution?).

For a fruitful discussion to emerge between the moderates of either side the two basic problems of geographical borders and institutional arrangements would have to be addressed, directly. For this to happen not only one but several maps should be produced; not only one but several institutional arrangements for a confederation should be elaborated. Time would be needed for this to be discussed and processed, years, years. A confederation presupposes some limitation on Palestinian and Israeli sovereignty; from, but not including, 0% (the two-state solution) to 100% limitation of one but not the other (the one-state solution, with the other side integrated as first or second class citizens, or expelled, including those haunting political cliches of the "Jews into the sea" and the "Arabs into the desert"). Although these extreme positions are to be avoided any realistic image should be dynamic, starting, for instance, with images of a two-state solution with the process of gradual integration/fusion so as to come closer to a viable confederation. The presence and possible inclusion of Jordan in the area (in the present paper in the "core area") has led to some thinking in the direction of Be-Ne-Lux, possibly with Jordan as Belgium, The Netherlands as Israel and Palestine as Luxembourg, not pressing the analogy too far. This way of thinking is different from the Swiss model indicated above,

but not incompatible if a more dynamic perspective on confederation formation is adopted.

So much for the image, what about the process?

In one sense the process has already started. All over the world, but perhaps particularly in the United States of America Jews and Arabs, Israelis and Palestinians of less purist persuasions³ are meeting in small groups with or without third parties, discussing the core conflict. I think only very few of these discussions are ever centered on the confederate solution, which does not mean that such correlated images cannot be brought into the picture in the future. There is a people's diplomacy going on in this field of considerable proportions, a natural concomitant of the near total breakdown or meaningful discussions at the top level, meaning between Israeli governmental parties and the PLO (it will be remembered that I am not talking here about the subsidiary conflicts, in those fields quite a lot of secret contact exists). Familiarity with the idea of an image of a peaceful future in geographical and institutional terms, even with some concrete details, would be a necessary but not a sufficient condition for further progress.

Further progress can only take place if both parties recognize the right of the other to exist, in the sense of the right to a homeland in the core area, including west of Jordan. But this is not the same as the recognition of the right of an

Israeli state or a Palestinian state to exist; as is well known these are exactly the rights that neither side might like to guarantee to the other. A confederate solution would obviate that problem by opting for a softer definition of "homeland". As a matter of fact, in general insistence on pre-conditions for talks is a signal that no talks are really wanted, since such pre-conditions tend to focus on the most, not the least sticky issues. Talks, presumably, are about the intractable, not about the immediately feasible--hence, no preconditions.

Either side will have to accept, however, that the other side decides who are their representatives in serious negotiations. The Jews, having had the privilege of building a nation-state with the usual executive organs will have the traditional machinery of such states to build on, such as the government in general and the ministry of foreign affairs in particular. The Arabs, not having a corresponding construction in the form of a Palestinian state (and for that reason possibly being hesitant and reluctant to engage in the peace process unless more symmetry is established by being closer to a West Bank/Gaza formation) will have to rely on their organization. This means the PLO, which seems to enjoy considerable support among Palestinians, whether Israel likes this or not.⁴ Any reference to Palestinian terrorist tactics by a state like Israel, certainly based on terrorism itself is deeply inappropriate, a point that should be understood by the Israeli side. And these are the two parties to the discussions, ideally in need of nobody else. The future of both of them depends on their ability to meet, alone.

But there are subsidiary conflicts that also will have to be dealt with, and any Israeli/Palestinian solution will have to be acceptable to other actors on the scene. Hence a two-tiered or three-tiered process could be envisaged: one for a core conflict involving only Israelis and Palestinians; one for the subsidiary conflicts involving all other Arab/Moslem states in the area; and one involving the super-powers, partly with, partly without the United Nations. An overarching conference for the whole area has been discussed for a long period and might be useful. In that case it should take place under the aegis of the United Nations, possibly with the two super-powers as co-presidents (But preferably with no such arrangement, the important point being that if one of them is present so should the other). The process is then open to other parties represented in the way they deem appropriate. In other words, a recognition of PLO and the Soviet Union as discussion/negotiation partners is an absolutely necessary condition, and the latter should be easier as the Soviet Union comes closer to the opening of diplomatic relations with Israel. The UN on the other hand might consider opening a new office or agency to serve as a setting in which this important process not only for peace in the area but also for peace in the world might take place.

The terms of reference for a process would be individual human rights and rights of peoples, rather than rights of states. It is the right of the Jewish people to settle in (some parts of)

their holy land. But also to be recognized is the right of Palestinian Arabs to settle in (some parts of) their homeland. All of these are rights of peoples, not rights of states. The appropriate institutional arrangement should flow from rights of individuals and peoples, rather than being built into the process from the beginning as all peoples' inalienable right to have a state. The question should always be asked: are we that convinced that the construction of the modern state, with its concomitants in terms of the right of the state to wage wars and to have unlimited internal jurisdiction is such an unmitigated success?

As mentioned above several maps, not only one, and several institutional arrangements, not only one, should be produced to have a variety of images and processes, leaving to the participants in the process to limit the range. This would certainly include mechanisms for review. There would be ideas about how to weaken a confederation towards separate state formation if that nevertheless should be a better solution. And about how to strengthen it, reducing the autonomy of more sovereign actors. Flexibility, not rigidity would be the basic formula.

It is important to note that historically Moslems have been considerably more hospitable to Christians and to Jews than Christians have been to Moslems and Jews and Jews have been to either--but then it may also be said that historically Jews have not been given much of a chance. Today enmity between Jews and Moslems is the rule, but that is not a lasting condition. It is strong enough, in my view, to make a one state secular solution with Jews and Moslems (and some Christians) living side-

by-side rather unlikely, but not strong enough to make it impossible for cantons to live side-by-side under some overarching administrative, jointly run, umbrella.

So, I conclude so far in favor of the confederate solution as a peace image. The one state solution is incompatible with the principle of symmetry between Jews and Arabs, Israeli and Palestinians, as born out of the principle of a conflict between two rights, the inalienable rights of two peoples. The two states solution is on the surface compatible, but denies Palestinians access to much of their land, gives them too little-- and is too dangerous. The confederate solution gives access, keeps them apart, yet weaves them together in an equitable manner as they must be--given how tightly they are woven together historically and geographically.

3. Conclusion: Some Trends to Consider.

Today, twenty years after the 1967 War, the prospects for peace in the area are certainly very far from good. More particularly, Israel and the United States look so strong and united; Palestinians and the Arab states so weak and disunited. On top of it all: the Iraq-Iran conflict. So let me indicate some processes, some strong, some weak, some hardly to be disputed, others highly controversial that in the course of time, and I am thinking here of periods not more than five to ten years, may change the picture considerably. in favor of a peaceful solution.

First of all, there is the moral degradation of Israel symbolized by Sabra-Chatila. This moral degradation is confirmed almost every day in the suppression of human rights in the occupied territories. This is extremely important to Israel as its political power in the past has been moral power, more particularly the shame power that Israel as exponent of the Jewish people has used, successfully and to a large extent rightly so, particularly in Europe. The USA is in a different situation, being the place in the world that has opened itself (and for that the US deserves the gratitude not only of the Jewish people but of the world as a whole) as a home where Jews can be Jews, and Christians and many others can be themselves. Europe was never that generous. As moral power declines the power of the carrot (economic power) and the power of the stick (military power) will have to increase and it is limited to how much sympathy Israel can

buy and how much terror she can instill in a numerically far superior nation. There are also limits to US support.

Second, Israel is an increasingly divided country. There is no need here to review internal divisions and the general move of Israel towards the right, towards the self-righteous/nationalist/orthodox. But that move will increasingly be accompanied by counter-moves, so brilliantly put forward and analyzed by the former head of Israeli intelligence, Harkabi in his various writings.⁵ There will increasingly be groups in Israel impatient with the current impasse, demanding more radical solutions such as the expulsion of Palestinians into Jordan and the transformation of the conflict into an inter-state conflict that can be treated in a more conventional manner, using the military as military and not as police troops. But there will also be the opposite demands, beyond Peace Now--created by the dialectic of the process.

Third, I do not think the US-Israel alliance can remain as unbreakable as it looks today. There are limits to the extent to which a tail can successfully wag a dog. The recent spy case⁶ is less important than what I sense as an increasing irritation in the US at the degree to which the US position in a vast area of the world is dictated by Israeli logic. This will put limits on Israeli behavior. Those limits are likely to be over-stepped by the more intransigent forces inside Israel, and ruptures may appear particularly if the US should get an administration less subservient to a numerically very small minority inside its own borders, regardless of how strong that minority is as intelligent-

sia and managers of US foreign policy debate in general, and in connection with Israel in particular.

Fourth, on the other hand: there seems to be a Palestinian awakening. To be occuppied without any prospect of near term acceptable solution is horrible to any people. Of course there is the temptation to accept the condition and make the best of it, particularly in economic terms, going shopping in Tel Aviv, tilling the soil for Israeli masters. But the reactions, violent and non-violent,⁷ seem to be more numerous for every day. Important in this connection would be the ability of the Palestinians in the diaspora to organize as well as the Jews in the diaspora have been able to do.

Fifth, there is, indeed, a new Islam coming. Fundamentalist, dialectically created among other reasons by the pressures from Christian nations and the Jewish nation in their midst, Israel. If the Christians are able to go out everywhere and make all peoples their disciples, if not necessarily in the religious sense at least economically, militarily, and politically and the Jews are able to fulfill their religious dream, Eretz Israel, why should not the Moslems also be fundamentalists capable of realizing some of their dreams? And why should this be limited to shia Islam? Why should a corresponding mode not also come to sunni Islam, not in the sense of the sunnis becoming shias as is the typical uni-centric model so frequently found in the US--always looking for a "Center of Evil" and never able to see themselves as a part of

the problem, indeed the cause--why should there not also be a genuine sunni fundamentalism? It might take other forms, might even be opposed to the shia version, but an awakening there could be and probably will be.

Sixth, there is probably a growing pan-Arabism. An institution like the Arab Thought Forum⁸ would hardly have been possible some years ago. Many people in many Arab countries are well off, dedicated to Arabism as a cause, in religious and/or secular terms. A proposition not very popular with Egyptians: maybe the fact that Egypt has been dethroned or has dethroned itself by participating in the infamous "peace process" has contributed to the pan-Arabic cause! Maybe Egypt loomed so high, was so dominating because of its geographical position, its age as a viable relatively autonomous nation-state, indeed as one of the first, rich, powerful, demobilized other Arab states that now, separately and increasingly combined, will have to take up the cause and carry it further? Egypt will sooner or later be reintegrated into the Arab fold, but will never quite be able to rid itself of the suspicion of being pharaonic first and Arab second, with all that implies in terms of separateness--in an unequal manner.

Seventh, and overarching all of this: there is some kind of US-Soviet appeasement going on. There is a glasnost in the Soviet Union, so far none in the United States. But it may come. The current administration and its atmosphere of extreme self-righteousness cannot last forever. But this is accompanied by one

dangerous sign on the horizon: the US always seems to need an evil and powerful enemy. But who can be the successor to the Soviet Union? Who would be more ideally suited than "Moslem Terrorism", religiously adequate, politically sufficiently menacing? And if that is the case there might be even less likelihood of the US agreeing to the rights of the Palestinian people in any form--unless, that is, that they, the Palestinians, are somehow seen as separate or separable from "Moslem Terrorism" in general. Or, unless a wave of rationality should sweep over the American mainland and wipe away some of the paranoia pestering the US.

It is up to anybody to make projections and predictions. But there is a dynamism that was absent for some years, and my general contention would be that it is not favoring the type of ironclad rule associated with an Israeli politician like Sharon. It may actually not play into the hands of Palestinian terrorist tactics either. Sharon and most terrorists need each other for mutual survival. Maybe this is increasingly seen by more moderate forces in either camp, and by moderate I would tend to mean "people in general". So, maybe nevertheless there is a hope that something might start moving in a more positive direction.

Undoubtedly, the reader of this paper will have come to the same conclusion as the present author: a confederate solution is extremely problematic. But the reader may also come to the second conclusion drawn by the present author; that any other solution is even more problematic, in the sense of being worse in human terms and for that reason less viable.⁹

N O T E S

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[1] In other words, this process has been going on for the better part of this century and can by no means be seen as a post-holocaust policy only. The Palestinian resistance has also been going on for the better part of the century.

[2] See Fayez A. Sayegh, Senior Consultant, Ministry of Foreign Affairs, Kuwait, **Camp David and Palestine, A Preliminary Analysis**, New York, October 1978, for a good analysis from a moderate Arab point of view.

[3] An example is actually the very conference in which this paper was presented, with all kinds of small dialogues going on in many different settings, formal and informal.

[4] For an example see Sammy Smooha and Don Peretz, "The Arabs in Israel", **Journal of Conflict Resolution**, September 1982 for a survey reporting 64.3% supporting a Palestinian state in West Bank/Gaza, 20% only under certain circumstances, and 15.7% opposed; 68% approved PLO as the representative of the Palestinian people, 22.9% accepted PLO with reservations and 9.1% rejected it entirely. According to the survey undertaken 28 July to 8 August 1986 93.5% sees PLO as the only legitimate representative of the Palestinian people, with 78.8% endorsing Arafat as the Palestinian leader (**Klassekampen**, Oslo, 19 March 1987, p. 12).

[5] A general/director of intelligence turned professor of international relations, but a hawk turned dove? Harkabi denies this: "My country has moved so far to the right that by standing still I come out at the left" (in a discussion, Hebrew University, Jerusalem, January 1986).

[6] Spring 1987, *The Pollard Case*.

[7] See, for instance, Deena Hurwitz, "Nonviolence in the Occupied Territories", **I&P**, July 1986, pp. 22f.

[8] ATF organized a very succesful conference on nonviolence in the Middle East in Amman, Jordan, November 1986.

[9] For my own exploration of the theme of confederation in the Middle East, see "The Middle East and the Theory of Conflict, **Essays in Peace Research**, Vol. V, Ejlers, Copenhagen, 1980, ch. 3