A BRIEF HISTORICAL-LEGAL-POLITICAL PERSPECTIVE

OF THE ARAB-ISRAELI CONFLICT

THESIS

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TABLE OF CONTENTS

Page

LIST OF ILLUSTRATIONS

CHAPTER I

THE STATE OF THE INTERNATIONAL LEGAL
AND POLITICAL ORDER

The Arab-Israeli conflict is an issue that has taken center stage in the international community for more than half a century. Regardless of from what angle the debate may be viewed, one cannot dispute the fact that the conflict is anything less than a legitimate source of concern for all parties. Although the issue has long maintained a dominant presence throughout the Middle East, its implications for the greater international community are just as urgent. In fact, the stability and well-being of the international community has equal, if not more, investment at stake in the resolution of the debate. This reality is true in part because the conflict is widely considered to lie at the very base of many geopolitical problems that we experience around the world today. In light of these considerations, the aim of this work is to show that the underlying basis of the conflict at hand is not only rooted in the historical struggle of two communities, but also in the organization and nature of the contemporary international political and legal order.

The term the Middle East was first coined by former United States Navy admiral and later American naval historian Alfred Thayer Mahan (1840-1914) in 1902.[1] In its

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[1] Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: The Modern Library, 2003), 3.

most modern usage, the notion of the Middle East, which is often cited as the Near East, generally refers to the area encompassing the eastern portion of the Maghreb region of North Africa, the Arabian Peninsula in its entirety, and the territory that lies between the Holy Lands and Turkey to the north and Iran (formerly Persia until 1935) to the east.

As recent history has attested, the basis of many of the problems faced in the Middle East generally revolve around the dispute over control of the piece of land that has been claimed by two diverging communities: the Jews (Hebrews) and the Palestinian-Arabs. While both of these parties assert a claim to the land in question, each has set forth what it believes to be a legitimate argument. The Palestinians argue that they have lived on the land for many centuries and therefore possess every right to it. On the other hand, the Jewish perspective advocated the creation of a national homeland in the territory where they had previously lived but were involuntarily forced into exile and dispersed throughout the world. Furthermore, the foundation of each particular argument is based on a wide variety of historical, political and religious circumstances, as well as legal contentions. Given all of these considerations, an examination of the history, legal order and political environment relevant to the Arab-Israeli debate is critical in grasping a greater understanding of the conflict at hand.

Although the Middle East denotes more than fourteen centuries of history and a religious and cultural tradition of enormous diversity, Haass identifies five eras that have contributed to the situation that we currently find in the region.[2] The first era can be traced to the late-18th Century when Napoleon Bonaparte landed on the Mediterranean coast of Egypt. As Western influence infiltrated the region in the years thereafter, Arab

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[2] Richard N Haass, "The New Middle East." *Foreign Affairs* 85, no. 6 (2006): 2-18.

intellectuals began to ask themselves why their culture and civilization had fallen well behind that of Europe and the Western world, despite being dominant for so many years. Nevertheless, the first era ended with the defeat of the Ottoman Empire at the end of World War I and the imposition of the Sykes-Picot agreement that partitioned the former Arab Ottoman territories among the wartime victors. While Britain and France gained control over large parts of the territory through the League of Nation's mandate system, this era witnessed the rise of Western influence in the region. This period of European colonial domination formed the foundation of what became the second era in the Middle East. However, the second era came to an end with the spread of Arab nationalism and the colonial powers were morally and financially drained by World War II. The third era began with the 1956 Suez Crisis and was the product of the struggle between Washington and Moscow for regional power and influence. This period was marked primarily by a fragile balance of power between the two post-war superpowers and the use of oil as an economic and political tool for Arab leaders to further their repressive agendas. Two particular events embodied this era: the 1979 Islamic Revolution in Iran and the 1982 Israeli invasion of Lebanon. Each of these events further fueled anti-Western sentiment and gave rise to rogue forces like Hezbollah that allowed a variety of foreign elements to impose their influence well throughout the region. The third era fell into the history books after the collapse of the Soviet Empire and the conclusion of the Cold War.

Haass states that the fourth era in the history of the modern Middle East began with the First Gulf War and was marked by unprecedented American regional influence.[3] During this period its Arab inhabitants were increasingly oppressed by a series of brutal

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[3] Richard N. Haass, "The New Middle East," *Foreign Affairs* 85, no. 6 (2006): 2-18.

dictators, Israel was reaffirmed as the only regional power possessing a nuclear arsenal and the price of crude oil continued to fluctuate and dictate the state of the international economy. It may be important to note that a chain of events that transpired during this period served as the catalyst for the demise of the era. These events include the expulsion of Iraqi forces from Kuwait but the failure of the United States-led coalition to depose Saddam Hussein, the stationing of thousands of American troops in the Muslim heartland of Saudi Arabia, increasing globalization, several unsuccessful attempts to resolve the lingering Arab-Israeli conflict and the failure of Arab regimes to suppress the appeal of radical Islamism among Muslim youth. Although this period at times appeared to offer hope for regional peace and prosperity, like the eras previous, the fourth era eventually came to a dramatic end.

The fifth era in the history of the modern Middle East, which prevails today, was initiated by the terrorist attacks on the World Trade Centers in New York City on September 11, 2001 and the United States-led invasion of Iraq nearly two years later. As opposed to Operation Desert Storm and the First Gulf War, which has been labeled a campaign of shear political necessity by many, Haass states that the most recent campaign in Iraq was born out of political non-necessity and signaled the end of American primacy in the region.[4] This is true because the recent invasion and occupation of Iraq has resulted in the further resurgence of age-old Sunni-Shia tension, growing anti-American and anti-Western sentiment and the inability of the United States military complex to respond to other potential global threats. Perhaps most importantly, it has

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[4] Richard N Haass, "The New Middle East." *Foreign Affairs* 85, no. 6 (2006): 2-18.

offered international terrorist organizations, like al-Qaeda, amongst others, an entirely new rallying point, base of operations and means of recruitment.

As for the legal dimension of the debate, historically speaking, the basis of law has been deeply rooted is a variety of moral and ethical norms that include but are not limited to justice, temperance, prudence and courage. The emergence of law, in particular, international law, dates back at very least to ancient Greek civilization. With a society entrenched in customary law, the Greeks were innovators in reference to the modern concepts of collective security, international organizations, alliances, negotiation, treaties and judicial decisions. Although Roman society was heavily influenced by Greek culture, it offered many significant contributions to the development of international law as well. Further progress in respect to the modern notion of international law was achieved by the ancient Hebrews. The unique tribal and clan based structure of Hebrew society served as a catalyst for the development of a formal Jewish legal system, which greatly influenced subsequent Christian contributions and teachings.

While the developments of the Middle Ages established additional framework applicable to the tenants of the international legal order, the turn of events that transpired during the High Middle Ages had far greater implications for the basis of modern international law. The initial emergence of the state in Western Europe during this period challenged Christendom and fueled tension between political and clerical forces under the Protestant Reformation. These circumstances led to the rise of interstate warfare and eventually two peace agreements that significantly shaped the role of international relations in the years thereafter. Here, I speak specifically of the 1555 Treaty of Augsburg and the 1648 Peace at Westphalia. The Treaty of Augsburg established the principle of

Cuius Regio, Eius Regio where states agreed to practice the religion of the prevailing authority and the Peace at Westphalia ended the Thirty Years War (1618-1648), which reportedly claimed the lives of nearly one-sixth of the population of Europe.[5] Under the prevailing system, the participatory regimes sought to establish a new set of rules and norms to replace Christendom and restore the basic rule of law in the community of states. The agreement at Westphalia also expanded the notion of state sovereignty that was initially set forth in the text of the Treaty of Augsburg, thereby establishing the concept of sovereign states. Furthermore, the first customary laws of war began to emerge in the aftermath of the Thirty Years War. These laws of war were later codified at the 1899 and 1907 peace conferences in The Hague, Netherlands. The 1899 conference resulted in the signing of the Convention with Respect to the Laws and Customs of War on Land and the 1907 conference produced the Convention Respecting the Laws and Customs of War on Land.[6] Both of these conventions are relevant and applicable to the modern Arab-Israeli conflict, especially after the 1967 Six-Day War when the State of Israel gained control over five new territories from its Arab adversaries.

With the eventual rise of state sovereignty in the proceeding years, governments maintained the highest legal authority within its jurisdiction and were accorded the right to establish and dictate domestic and international policy. However, this did not equate to absolute state sovereignty because it encompassed an awareness of the responsibility of justice. As a part of this arrangement, intervention from outside states was permitted if

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[5] Yale Law School, "Treaty of Westphalia," Lillian Goldman Law Library, The Avalon Project: Documents in Law History and Diplomacy, http://avalon.law.yale.edu/17th_century/westphal.asp

[6] Gerhard von Glahn, *Law Among Nations an Introduction to Public International Law*, 7th ed. (New York: Longman, 1996), 591.

the acts met certain criteria. The participatory states viewed themselves as creating a new system where states were first required to gain formal recognition before participating in the legal structure. In the end, states gradually moved away from the position supported by proponents of Natural Law and embraced the position that protected the preexisting rights of power where regimes were free to make a voluntary act upon the collective will of the sovereign. This system has largely triumphed and maintained itself as the dominant school of modern international relations. The implications surrounding Westphalia provide scholars with a useful tool in studying the underlying causes of the pursuit of political power in the international arena and its byproduct, state conflict.

In reference to the notion of state sovereignty, there are several different varieties that may be accorded to states. These include but are not limited to domestic sovereignty, international legal sovereignty and Westphalian sovereignty.[7] Unrelated to international legal and Westphalian sovereignty, domestic sovereignty refers to the organization of political authority within a state and the ability of public authorities to exercise effective control within the borders of its own policy. More directly, domestic sovereignty includes the right to absolute political autonomy within ones national borders. On the other hand, Westphalian sovereignty refers to political organization that is based on the exclusion of external actors from authority structures within a given territory and includes the right to self-determination that is formally granted with recognition. In regards to obtaining international legal sovereignty. which is associated with recognition, states are accorded far greater rights and privileges in the international community. While these privileges include the right to existence and survival. independence, self-defense. legal equality,

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[7] Steven D. Krasner, *Sovereignty. Organized Hypocrisy* (Princeton: Princeton University Press, 1999), Chapter 1.

legation, diplomatic practice and sovereign state immunity, states also acquire additional responsibilities and accountability under this system. For example, sovereign states are obliged to refrain from acting subversively against outside states. The acquisition of international legal sovereignty, which itself is a necessary precondition for making claims to Westphalian sovereignty, offers leaders the ability to secure resources, oftentimes in the form of foreign capital, that may in turn be used to enhance their ability to retain power or promote the interests of its constituency.

Whether sovereignty is acknowledged depends primarily on the decisions of political leaders, who engage in rational and calculated behavior designed primarily to maximize preferences. Furthermore, actions in the international arena are a product of rules and norms that guide behavior and characterize nearly all political environments. Therefore, domestic concerns usually trump regional and international considerations in relation to decisions made by statesman. This is in part true because rules are oftentimes contradictory under the contemporary international system and there is no effective enforcement mechanism to deter or punish adverse state behavior. Here, stronger states are often able to choose whether to adhere to or violate the rules and norms, usually recognizing only those rules and norms that best fit its political interests and have the least potential domestic repercussions. The basis of international legal sovereignty and Westphalian sovereignty best illustrate the fact that state sovereignty is oftentimes not acknowledged and applied uniformly. As I mentioned above, compliance is most often dictated by political necessity and the self-interest of states. These realities have proved to be the state of affairs in the contemporary international system, especially in relation to the parties involved in the Arab-Israeli conflict.

More than three centuries after Westphalia, states continue to maneuver according to a set of established rules and norms which are dictated by the forces surrounding state interests and evolving circumstances in the international arena. In this context, state conflict is largely dependent upon the interrelation of international and domestic values and norms that govern state behavior and interaction. Just as the era since Westphalia has illustrated, interstate conflict, which has become so finely woven into the nature of international relations, is rooted in the clash of state interests and the pursuit of greater military, economic and political power. Given the way the modern political order is organized and the circumstances under which states operate, political leaders oftentimes refrain from basing foreign policy decisions on any form of legal, moral or ethical standard. Instead, they act upon the assumption that they have a civic responsibility to ensure the survival and well-being of the state and follow a strict code of policy to preserve their power and achieve their political ends at virtually any cost. Although political ideology and state policy may serve as a thinly disguised veil for the pursuit of power, some would suggest that statesmen should modify their behavior to adapt to changing political environments, ignore personal motives in the face of public duty and act in terms of interests defined as power.[8] More specifically, proponents of Realist theory argue that it is this pursuit of power that serves as the driving force and motivation behind all state action and states act according to their national interests in relation to the relative position of regional threats. While the primary goal of states is the maximization of power in relation to its national concerns and evolving regional and international circumstances, this situation oftentimes creates the foundation and framework of

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[8] Hans Morganthau. *Politics Among Nations* (Columbus: McGraw-Hill, 2005), Chapter 1.

interstate conflict. Under the precepts of the realist tradition, it is critical to realize that because states aren't created equal in opportunity and the resulting pursuit of power creates a delicate balance between states armed conflict is oftentimes applied as a method of maintaining the balance. This has often been the case with states throughout the Middle East, and elsewhere.

In addition to examining the implications of regimes, which encompass the rules, procedures and institutions that guide state behavior, when putting state conflict into perspective one must take note of the functional applicability of international law and the relationship between domestic and international legal systems. As opposed to the array of states, like Israel, that contend that international law and domestic law are separate and distinct and international law only offers legitimacy when it doesn't conflict with or contradict domestic law, others set forth a claim that domestic and international law are incorporated into one particular system and compliment one another. Regardless of what principle regimes may follow, states rely primarily upon domestic statutory codes to govern behavior in the international sphere because there are few documented statutory codes to help guide state behavior. Therefore, state behavior in the international realm is limited primarily by established state practices and customary norms. Equally important, while domestic legal bodies oftentimes possess a legislative function and enforcement capacity, international law is generally created through the participating states themselves where compliance is neither obligatory, nor enforceable. Perhaps the only exception here is action from the United Nations Security Council. In addition, although domestic courts often adjudicate domestic and international claims and possess jurisdictional boundaries, international legal bodies charged with resolving state disputes usually do not have

compulsory jurisdiction or an adequate enforcement mechanism. Given the nature and applicability of contemporary international law, one can see why it has been relatively ineffective in restraining the pursuit of power and the outbreak of state conflict. The Arab-Israeli conflict is generally the product of this order.

In analyzing the modern international legal system, one must examine the basic structure and complexities underlying the arrangement. The two primary sources of modern international law are customs or customary law and treaties. As an ancient source of international law, customs encompass received traditions from generations of practice which by nature train individuals to act in a particular way. While customary norms may not be codified, there are three distinct different types: universal, regional and bilateral. Obligatory compliance applies to universal customs, which generally describe how states and individuals interact with one another, and non-obligatory compliance strictly applies to usage and practice. If the material and defining criteria are effectively met, which take into account duration, generality, continuity and uniformity, as well as the psychological criteria, which requires a consensus among governments, then customary law is created. Here, customary norms emerge with proper acceptance, acquiescence and an absence of objection to the practice.

According to Article II of the 1969 Vienna Convention on Treaties, a treaty is defined as an international agreement concluded between states in written form that is governed by international law.[9] Treaties are negotiated either bilaterally or multilaterally and may codify customary norms and encompass various areas of international law that customary law fails to address. Today, treaties serve as the primary mechanism for the

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[9] The United Nations, *Vienna Convention on the Law of Treaties. 1969I*, (U.N. Treaty Series I.1155; 2005), page 331.

establishment of law in the international sphere. The four basic constituent elements of a treaty include the capacity of signatory parties, most specifically, governments and not individuals, to enter into the agreement; the presumption that signatory parties intend to act consistent with international law, therefore, the treaty must not violate or contradict established customary law or established norms: a meeting of the wills must be present, where if proper channels of consent are not adhered to then the validity of the treaty may be compromised and called into question; and finally, parties must have the intention of creating legal obligations, if not, then the treaty may be nullified and invalidated. Treaty interpretation is governed by customary law. Here, the actual meaning intended by the negotiating states is primary, where words are not to be distorted, shall be taken in their usual meaning and the text must be interpreted both logically and consistently. Treaty interpretation has long been a source of disagreement between Arab and Jewish critics.

Modern treaties have proven themselves to be a relatively effective tool in expanding international law at the bilateral and regional level, despite their shortcomings. The term treaty is used to describe a variety of potentially binding agreements. Although the formal title of the treaty may in fact hold some degree of significance, it is by no means the sole determinant of its legal status. Among the treaty titles that imply formality and binding legal obligation are covenant, constitution, charter, pact, protocol and statute, as well as the less formal executive agreement and arrangement. On the other hand, a declaration or resolution usually suggests uncertain legal force and value. However, resolutions issued by collective security organizations like the United Nations Security Council are critical in guiding state behavior in the international sphere, especially in reference to the Arab-Israeli conflict. If the treaty implies legally binding force then it is

only obligatory upon states that have formally signed the document and gained domestic ratification. With the exception of the United Nations Charter, treaties themselves cannot lawfully bind a non-signatory and non-ratifying third party. As for the enforcement of treaties and customary law, states usually abide by their legal obligations purely out of self-interest and fear of retaliatory measures. Treaty and customary norm non-compliance is most often enforced through the signatory party's domestic judicial, executive or legislative bodies, but may result in armed intervention or other forms of coercive action by states if the grievances continue to go unresolved.

From the 1648 Peace at Westphalia to the end of the Second World War and the birth of the United Nations and beyond, non-intervention has rapidly become the norm. While the last century has been scarred by the proliferation of human rights atrocities and gross state brutality and has proven to be the bloodiest period in recent memory, it is important to realize that although armed intervention is oftentimes lawfully justified and many states do in fact have the ability to use violence to settle disagreements a vast majority of disputes are resolved through the workings of peaceful measures governed by Chapter 6 of the United Nations Charter. Rather than resorting to armed intervention, most interstate grievances are resolved through bilateral or multilateral diplomatic channels, arbitration, mixed claims commissions, independent inquiry processes, fact-finding missions or adjudication by an international court, for example, the International Court of Justice (ICJ). Here it is important to note that ICJ rulings are merely advisory opinions and are not binding on the parties involved. Despite these modes of recourse, some international disputes remain unresolved and move closer to conflict and potentially

armed intervention. This is illustrated by the ongoing state of hostility that has existed between Israel and a variety of neighboring Arab regimes.

Armed conflict may be justified in a variety of circumstances under the modern customary laws of war and international humanitarian law. Among the circumstantially permissible situations included are for purposes of anticipatory (preemptive) intervention, humanitarian intervention, in self-defense, under the principle of necessity and consistent with the Theory of Abatement. This principle states that if a territory is actively being used as a hostile platform against a neighboring state and the regime refuses or is unable to act to curb the aggression then the affected neighboring states may temporarily intervene to eliminate the cross-border attacks but cannot annex or occupy the territory. The Theory of Abatement has been applied several times by the Israeli armed forces in relation to the situation in neighboring Lebanon. Armed intervention is also justified in the international community to protect a state's citizens from subjugation to a variety of threatening situations abroad, through a treaty specifically permitting intervention, through the invitation of a lawful sovereign state, if harm is caused directly by the violation of a treaty obligation or customary law and if the act shocks the conscience of the international community. These grievances usually result in collective action through security organization like the Security Council.

States may lawfully respond to aggression or a breach of peace through a variety of measures that are governed by Chapter 7 of the United Nations Charter.[10] The law of retaliation (lex talionis) includes provisions relating to both retorsions and reprisals. A retorsion is an unfriendly act taken in response to a previous unfriendly act and may

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[10] The United Nations, "Charter of the United Nations," http://www.un.org/aboutun/charter/index.html

include the imposition of tariffs, import quotas, travel restrictions, freezing of financial assets and the breaking of diplomatic relations between the states in protest. On the other hand, a reprisal is an act, demonstration or use of force undertaken in response to a previous hostile action with the goal of compelling another state to act in a particular way and may include shows of military force, blockades, bombardments, invasion and occupation. Reprisals are deemed illegal if the act is not taken in response to a clear violation of international law. States must also allow adequate time to lapse in an attempt to diffuse or divert the situation and the response must be proportional to the previous act of aggression, as noted under the principle of proportionality. Israeli leaders have been long been condemned by Arab sources and the international community for failing to adhere to the principle of proportionality.

Under the laws of war, which are accepted as lawfully binding on all belligerents, if hostilities take place then a state of war exists whether it is formally declared or unilaterally imposed. The locale of war is restricted to the locality where hostilities may legally take place, which includes the territory, sea and airspace of the belligerents. Here, any outside locality is granted neutrality and the territory and airspace of neutral states must remain open to both belligerents. The theatre of conflict is restricted to the locality where combat operations and fighting actually take place and must remain within the confines of the locale of war. One of the key components of the modern laws of war states that combatant forces must strive to minimize, if not refrain from all together, the killing of innocent, unarmed civilians. The 1977 Geneva Diplomatic Conference on the Reaffirmation of International Humanitarian Law Applicable in Armed Conflict loosened the requirements initially set forth under the 1949 Fourth Geneva Convention (Relative to

the Protection of Civilian Persons in Time of War). In accordance with Protocol I to the Fourth Geneva Conference, combatants must wear a uniform, openly display their weapons, fall within a clear chain of command, distinguish themselves from the civilian population and obey all customary laws of war.[11] While the right to wage war was traditionally restricted to lawful sovereign states, in modern usage, rebels are permitted to wage war if denied the right to self-determination but remain subject to all laws of war. Under the principle of levee en masse that is encompassed in Article 2 of the 1907 Hague Convention, indigenous civilians may lawfully take up arms to protect their territory and defend their interests without being subjected to treatment as war criminals.[12] This is a contention that has been raised by the Palestinian resistance movement on numerous occasions.

With the inability of the international community, which itself is a contradiction in terms, to limit armed conflict in last 100 years, one must assume that in the next century the historical record could potentially fare even worse. The problem is rooted not only in the political environment in which states operate but also in the inability and reluctance of international legal mechanisms to adequately deter and punish those that fail to adhere to international legal standards. For example, while the 1948 Genocide Convention was drafted in the aftermath of the Second World War with the intention of deterring acts committed with the intent to destroy a national, ethnic, racial or religious group, successful prosecution remains elusive due to the inherent difficulty associated

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[11] Paul R. Pillar, *Terrorism and U S. Foreign Policy* (Washington, D.C.: Brookings Institution Press, 2001), 78.

[12] Gerhard von Glahn, *Law Among Nations: an Introduction to Public International Law*, 7th ed. (New York: Longman. 1996), 671.

with sufficiently proving intent. Furthermore, although the United Nations was established after World War II as a collective security organization to promote peace and prosperity in the international community, modern challenges, most specifically, an absence of unity within the Security Council, have rendered the organization relatively ineffective in achieving its aims. Also, the veto mechanism given to the five permanent Security Council members undermines, if not cripples, the notion of collective security. Given its many shortcomings and inability to deter adverse state behavior, especially in relation to the Arab-Israeli conflict, the international community must collectively transform international law into an institution that offers the ability to curb armed conflict between states in the 21st Century.

Given the realities of the international political order in the wake of Westphalia and the decentralized and inconsistent nature of the modern international legal system, historical experience suggests that an effective international legal order simply may not exist. Nevertheless, international law retains a dominant position in the modern world due to its ability to react to developing circumstances and evolving security concerns of states in the international arena. This is in part true because contrary to domestic law, which is virtually impossible to rescind or refashion without significant legislative effort, international law has proven itself to be a malleable institution that can be altered or redefined to suit the needs and interests of states. As for the future, international law will continue to evolve in the face of a changing world alongside international legal bodies that attempt to offer recourse in those situations where domestic courts are unwilling or unable to bring perpetrators to justice and curb interstate conflict.

I now turn my attention to the historical roots of the Arab-Israeli conflict.

CHAPTER II

THE EVOLUTION OF THE JEWISH COMMUNITY

Ancient records and archeological evidence indicates that the origin of the Hebrew people and the Judaic faith can be traced to as early as the 13th Century BC.[13] According to common belief, Abraham, patriarch of the ancient Hebrew tribes, who have historically been referred to as the Israelites, were promised protection and an eternal homeland by God before being led out of the Nile Valley with the assistance of Moses. Thereafter, they settled on the strip of land encompassing the territory of Canaan that was generally situated between Mesopotamia and the Arabian Desert to the east and the Mediterranean Sea to the west. Perhaps more specifically, Canaan refers to the segment of territory that we know as Palestine in the most modern sense. It was here that the Hebrew tribes sought to establish a unified Jewish commonwealth. The Hebrews fought a prolonged military campaign with a series of local warring tribes in Canaan under the rule of Joshua whereby they gained control over much of the territory. By the 12th Century the Israelites established a homeland in the territory that they referred to as the Land of Israel (Eretz Yisrael).

The Hebrew community developed an organized identity in the years following its initial establishment. This growing sense of identity can be attributed largely to the

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[13] Tech Books, comp., *The Middle East*, Tenth Edition (Washington, D.C., CQ Press, 2005), 15-18.

creation of a variety of governing political institutions and the rising tide of a fervent national consciousness. Under the monarchial rule of Saul and David, who defeated the Philistines through the organization of the first standing Jewish army, the kingdom experienced the emergence of new social organizations and growth in terms of land and territory. Later, with the succession of David's son, Solomon, an elaborate network of commercial and political dealings were established with many of its adjacent neighbors. This interaction helped to secure trade and ensure general security for the community of Israelites. Apart from integrating the kingdom's several administrative districts, one of Solomon's greatest achievements was the construction of the Temple Complex that he erected largely through the use of forced labor in the city of Jerusalem. Jerusalem became a prospering city under Solomon after it was seized from the Jebusites in approximately 1000 BC.

The Hebrew kingdom was effectively split into two separate entities after the death of Solomon and the succession of his son Rehoboam. One was centered in Judea and the other in Samaria, both of which together constitute the modern-day territory of the West Bank. Although the two rival factions were bound by brotherhood and belief and eventually united after engaging in years of warfare. Samaria were overrun and conquered in 722 by the advancing Assyrian Army. While Samaria was besieged and its inhabitants were forced into exile, Judea, which served as a vast trade center, survived the initial pillaging. However, Judea met the same fate after the Assyrian Empire collapsed and the remnants of the kingdom were all but destroyed by the Babylonian conquest of Nebuchadnezzar in 586 that leveled the Temple Complex and the city of Jerusalem. While this amounted to the end of the Davidic Monarchy in Palestine, a common identity

continued to unify the Hebrew community in exile and the idea of Eretz Yisrael remained firmly intact. The Israelites were increasingly referred to as the Jews in the aftermath of the Babylonian era, which amounts to a reference to the people of the land of Judea.

In the mid-6th Century the famed Persian leader Cyrus II conquered Babylon and incorporated many of it's provinces into the empire that he ruled. The Persian leadership favored the establishment of a partially autonomous Jewish community within the greater ranks of the empire and thousands of exiled Jews were permitted to return from exile to Palestine. Under this arrangement, Ezra was accorded formal authority over the Jewish community living within the empire and the task of overseeing the rebuilding of the Temple Complex in Jerusalem. Ezra later codified Hebrew laws and compiled the Torah from a variety of historical, political and religious sources. After the demise of the Persian Empire at the hands of Alexander the Great of Macedon in 332 and the rise of the (Hellenistic) Seleucid Empire at the beginning of the 2nd Century, the Jewish people were briefly able to unify the community and establish the Hasmonean (Maccabean) Monarchy in Palestine.

The Second Commonwealth under the Seleucid Hasmonean Dynasty held nearly the same stature as the First Commonwealth under the dominion of David and Solomon. Nevertheless, the invasion of Jerusalem by the Roman Army under Gnaeus Pompeius Magnus (Pompey) and the subsequent annexation and designation of the province of Damascus as an individual Roman district, referred to as Syria-Palestina, ensured the enslavement of the Second Commonwealth. Despite this apparent subjugation, the Jewish community was initially granted partial religious autonomy and limited judicial rights. However, the community was stripped of many of these privileges after Emperor Titus's

Roman Legions were dispatched to extinguish a rebellion that was organized by the Sanhedrin leadership but executed by a fanatical Jewish sect known as the Zealots. Virtually all of Jerusalem was again destroyed in the aftermath of the uprising, (70 AD). The only portion of the Temple Complex that was spared from the carnage was its westernmost wall. This portion of the complex remains intact today and is generally referred to as the Wailing (Western) Wall by the Jewish community. While the Jewish people were again forced into exile and public life for many abruptly disintegrated, they remained unified and continued to think of themselves as a divine political community. This exile is historically viewed as the beginning of the Jewish Diaspora.

Christianity became the primary guiding tradition in Palestine for the next eight centuries due to Emperor Constantine's conversion to Christianity and the relocation of the Eastern Roman (Byzantine) Empire's capital from Rome to Constantinople. During this period, Jews dispersed in communities around the world strengthened and reaffirmed their commitment to Zionism, despite being subjected to the inequalities and persecution that surrounded anti-Semitism. Here I speak most specifically of traditional Zionism, as opposed to political Zionism in the modern sense. Most traditional Zionists supported the unwavering belief that in the future God would bring the Jewish exiles together and return them to the land of the Israelites where they would fully recover their ancestral homeland. Another critical theme of traditional Zionist belief is the basic understanding that establishment of a Jewish homeland and the restoration of national independence will culminate in the coming of the Messiah.

The exiled Jewish communities experienced a profound transformation as a result of several sweeping political developments in Europe throughout the early 19th Century.

This transformation is most specifically attributed to the French Revolution (1789-1799) that liberated much of Western Europe from monarchial rule. Apart from giving rise to modern Zionist beliefs, the French Revolution created the conditions that allowed Jewry across Western Europe to come out of the ghetto where they traditionally found comfort and acceptance and become active political participants and active members of the community. While anti-Semitism and resentment toward the Jewish community remained prevalent in part due to the threat posed by liberated Jewish businessmen, many achieved emancipation and gained national citizenship for the first time. During this period there was an increasing belief that Jews should be approached as individuals bound by historical, religious and cultural traditions, rather than merely a political community. This period of transformation has typically been referred to as the Jewish Enlightenment.

It was during the Jewish Enlightenment that some of the first literature calling for the creation of a Jewish national homeland began to appear. In addition to the work of Rabbi Zevi Hirsch Kalisher that drew distinct parallels between Jewish nationalism and the various nationalist movements that engulfed Europe following the French Revolution, Moses Hess published *Rome and Jerusalem. The Last National Question* from Leipzig in 1862. Heavily influenced by Marxist theory, Hess's work called for the establishment of a socialist Jewish society in Palestine under a Jewish proletariat.[14] The era of Jewish Enlightenment was not only accompanied by assimilation into mainstream communities and far greater political freedoms in Europe and elsewhere, but also by a heightened orientation toward the facets of modernization in the face of a hanging society. These

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[14] Jewish Virtual Library, "Moses Hess (1812-1875)," The American-Israeli Cooperative Enterprise. http://www.jewishvirtuallibrary.org/jsource/biography/hess.html

efforts would include an emphasis placed on education and the designation of Hebrew as their official language, rather than its exclusive use in reference to ancient religious texts.

Modern political Zionism rose from the resurgence of anti-Semitism in the years after the assassination of Tsar Alexander II in Moscow in 1881. His successor, Alexander III, generally opposed conditions allowing for a liberal climate toward Jewry and devoted substantial effort and resources to protecting the monarchy and preserving the existing order in an attempt to curb the infiltration of Western European progressive thinking and market economic activity into Russian society. Contrary to the freedom and privilege experienced by many Jews in Western Europe after the Jewish Enlightenment and French Revolution, a variety of new restrictions commonly referred to as pogroms were drafted and imposed under the reign of Tsar Alexander III. In addition, the Provisional Rules of 1882 imposed new discriminatory measures that included limiting Jewish rights to settlement in designated areas and curbing the rights of Jews in the educational system.[15] Given the environment surrounding the pogroms and the increasing use of violence against Jewish populations by the Tsar's military and law enforcement apparatus, riots and demonstrations seeking to destabilize and overthrow the oppressive regime swept across the country. It was within this climate that many Jews devoted themselves to a variety of revolutionary causes and began to view political Zionism and by extension the creation of a Jewish homeland as the only answers to the problems that long plagued the Jewish people. It may be important to mention that due to the pogroms, famine and economic relocation much of the persecuted Russian and Eastern European Jewry sought to migrate to larger cities within the region, most importantly Odessa, rather than taking

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[15] Michael R. Marrus, *The Unwanted European Refugees in the Twentieth Century* (New York: Oxford University Press, 1985), 29.

part in the creation of a homeland in Palestine. On the other hand, many of those Jews that chose to leave the Russian Empire and Eastern Europe immigrated to the relatively liberal political climates that existed in much of Western Europe and the United States.

One of the first Jewish organizations to openly advocate and arrange widespread immigration to Palestine was known as the Biluim (Bilu). The organization was founded amidst the growing anti-Semitism of Tsarist Russia in the 1880s as an intricate part of the wider Lovers of Zion (Hovevei) movement that encompassed hundreds of youth from the Kharkov region that surrounds Odessa. Reflecting the influence of Leo Pinsker and others who advocated the establishment of a national Jewish homeland as a means of escaping persecution, its 1882 manifesto was based largely upon the notion of rejection of assimilation as undesirable and impossible as well as the need for Jews to physically separate themselves from the ills surrounding anti-Semitism.[16] Given these concerns, much of the Bilu leadership sought to establish a European style Jewish nation-state in Palestine within the ranks of the Ottoman Empire. Although Jewish philanthropist Baron Edmond de Rothschild had purchased large tracts of land for agricultural settlements in Palestine through the workings of the British consulate in Jerusalem in as early as the 1850s, those Jews that immigrated to Palestine under Bilu sponsorship were considered to be perhaps the first settlers to Eretz Yisrael in the modern Zionist era. This movement set into motion the first of five successive waves of Jewish immigration to Palestine, or aliyas. At the beginning of the First Aliya, which lasted from 1882 until 1903, there were

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[16] Walter Laquer and Barry Rubin. eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York: Penguin Books, 2001), 3.

450,000 Palestinian-Arabs and 20,000 Jews living side-by-side in Palestine under Ottoman rule.[17]

In addition to the work of Bilu and other Jewish organizations, there were also a number of individuals in Europe and elsewhere working to support Zionist aims. Perhaps the most influential of which was a prominent Hungarian Jewish journalist working in Vienna named Theodor Herzl. Herzl was far from interested in the Zionist cause in his early years. However, after traveling to Paris in 1894 and witnessing the wrongful conviction and imprisonment of Captain Alfred Dreyfus on trumped up accusations of spying for Germany while enlisted in the French Army his attitude dramatically changed. The Dreyfus Affair led Herzl, among others, to support the belief that the creation of a Jewish state was the only viable solution to resolve the ongoing problems faced by Jews. In 1896, Herzl published *Der Judenstaat* (The Jewish State) through which he set forth his underlying rationale for the creation of a Jewish homeland. The work's support for the establishment of a Jewish state in any territory that its supporters would migrate attracted the attention of many prominent European Jews. Herzl proposed the creation of a Jewish national homeland in either the British east African colony of Uganda or Rhodesia with the help of Cecil Rhodes. Apart from working tirelessly to garner support from the major European powers and acquire funding for the establishment of an independent Jewish state from wealthy European merchants like the Rothschild financial family of London, Herzl organized the First Zionist Congress in Basel, Switzerland in 1897. Zionist policy was first formally debated and formalized in Basel, which propelled the movement clear into the scope of international attention.

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[17] John Quigley, *The Case for Palestine. An International Law Perspective* (Durham: Duke University Press, 2005), 68.

The World Zionist Organization (WZO) was funded and functioning efficiently with the outflow of support obtained in the months after Basel. The organization was charged primarily with the responsibility of overseeing Zionist political matters and the promotion of Jewish immigration and the acquisition of large tracts of land to bolster agricultural settlement activity in Palestine. This was to be achieved through its Jewish National Fund (Keren Kayemet) and Palestine Land Development Company apparatus. The Jewish National Fund was created to organize the purchase and management of Jewish owned land in Palestine. More specifically, its central aim was to redeem the land in Palestine as the inalienable possession of the Yishuv.[18] Yishuv is a term that has been used to describe the Jewish settlement of Eretz Yisrael in the modern Zionist era. Despite these institutional developments, the early years of the Zionist movement witnessed many significant challenges as well. The most apparent challenge amongst the movement's top leadership was the growing ideological division between differing Zionist factions. Outside of the Cultural Zionist beliefs of Asher Ginsberg (Ahad Ha'am) that supported a middle path forged between modernity and tradition, Chaim Weizmann's position of moderation posed the gravest challenge to the Zionist platform espoused by Herzl. Nevertheless, life on the ground in the Yishuv was often very difficult. This was true because the Jewish settlers in Palestine often faced severe hardship and were ill-prepared for farming on uncompromising and inhospitable land. Regardless of these concerns, after Herzl's death from pneumonia in 1904 leadership of the greater Zionist movement and the Jewish community in Palestine was transferred to Weizmann. Weizmann was a

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[18] United States Library of Congress, "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc.gov

youthful Jew of Russian heritage who long maintained with close ties to London through his work as a chemist with the British Ministry of War.

The Second Aliya lasted from 1904 to 1914 and brought many gifted leaders to Palestine that guided the movement closer toward eventual statehood. A large majority of these individuals, such as David Ben-Gurion (born David Grun in Poland in 1886), emigrated from Eastern Europe seeking to avoid persecution and were influenced by the revolutionary and utopian socialist principles that were found among the intellectual and political activist communities of Tsarist Russia. As a staunch Labor Zionist, Ben-Gurion believed that only through a self-sufficient socialist economy could a Jewish state truly be free from the evils of materialism and exploitation. The Yishuv advanced in terms of self-sustainable productivity and growth of industry during this particular period through the organization of collectively owned, working class agricultural communities known as kibbutz and witnessed a vast population explosion in industrializing cities like Tel Aviv and Haifa. The first kibbutz was organized by Aaron David Gordon, an influential Labor Zionist who established the Hapoel Hatzair (Young Worker Party) and helped organize the Hashomer self-defense organization. The Hashomer citizen's militia absorbed the Shomrim defense units that were organized in the early years of the Yishuv by Jews fleeing Tsarist Russia in the wake of the pogroms and emerged with a mandate to protect Jewish settlers living in Palestine. Standing directly opposed to the position of Labor Zionists was the Revisionist Zionist movement that was led by Vladimir Jabotinsky, a well-versed Jewish intellectual from Odessa who favored taking a militant approach to safeguard the Yishuv. Viewing nationalism as the highest priority, Jabotinsky and his followers supported unrestricted Jewish immigration to Palestine, the establishment of a

well-armed defense force and the immediate declaration of Jewish statehood. Despite this rift between the various Zionist factions. by the end of the Second Aliya the Yishuv was well-intact and prospering while much of Europe was engulfed in a rising tide of war that would inevitably transform the movement at nearly every level.

CHAPTER III

THE EVOLUTION OF THE PALESTINIAN-ARAB COMMUNITY

In contrast to the Jewish people, the Palestinian people are direct descendants of the Canaanites and Philistines. The Canaanites entered Palestine in approximately 3000 BC and the Philistines are believed to have entered the area in approximately 1200 where they organized themselves under a feudal-military aristocracy. Both the Canaanites and Philistines were historically considered to be polytheist but began to convert to Islam beginning in the mid-7th Century. More specifically, tribes from the Arabian Peninsula invaded Palestine after the death of Muhammad ibn Abdallah in 632 and introduced Islam to the region for the first time. Although the territory was integrated into the Arab Empire thereafter, Islam become the majority faith in Palestine only after Umar II of the Damascus-based Umayyad regime imposed a series of restrictions on the territory's Christian and Jewish subjects that led most to convert to Islam. Accompanying the rise of Islam was the assimilation of the Palestinian people with a variety of Arab customs. This transformation included the designation of Arabic as the majority tongue, indicating that Palestine had in fact become a partner in the Arab world. Given these considerations, the history of the Palestinian people and the roots of the Arab-Israeli conflict cannot be understood without according due consideration to the greater history of the Arab world.

According to Tessler, the history of the Arab people and Islamic world can be divided into four distinct periods.[19] The first of these periods is known as the jahiliyya, which translates into ignorance of religious truths and encompasses the history predating the death of the prophet and the expansion of Islam from its beginning on the Arabian Peninsula. This particular era was classified by general disorder and fragmentation within the population, which was tribal and nomadic in organization and character. However, with the rise of Islam in Mecca in the Hijaz region of the eastern portion of the Arabian Peninsula, by 610 these tribes began to organize themselves around their growing Arab identity. Meanwhile, Muhammad, a middle-aged trade merchant from the Banu Hashem (Hashemite) clan of the Mecca-based Quraish tribe, received the first among many revelations from the angel Gabriel, the messenger of Allah, while sleeping in a cave near Mount Hira. These revelations were collected and recorded as the basis of the Koran, which later consolidated under the rule of Uthman. One of the most defining moments for the creation of the Islamic community occurred in 622 when Muhammad and a small group of loyal followers migrated from Mecca to Medina (Yathrib). At the time, Medina was a small desert oasis located two-hundred miles north of Mecca that was settled by Hebrew tribes that fled Roman persecution. This move was an attempt by Muhammad to transcend the relative resistance to his faith by the dominant Pagan oligarchy in Mecca and find a viable outlet to put the realities of the revelations that he received from God into action. The relocation from Mecca to Median is known as the hijra and marks the beginning of the Islamic calendar.

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[19] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), Chapter 2.

Muhammad faced a variety of internal and external challenges in Medina. The most notable of these was from the Jewish community, which he virtually eliminated due to its repeated refusal to convert to Islam and submit to his authority. Nevertheless, his departure from Mecca allowed him to expand both the size and strength of the Arab community by imposing his faith upon thousands of conquered Bedouin tribesman that were integrated into the community of believers, or the umma. This is widely considered to be the beginning of the dhimmi community - non-Arab and non-Muslim peoples that were subjected to Islamic domination after their territories were effectively conquered by the advancing Arabs.[20] Under the dhimma and by extension the doctrine of jihad, the vanquished Jewish and Christian subjects were tolerated and offered limited rights but forced to pay taxes and accept Muslim supremacy or faced death. This system was designed to safeguard the dominion of the Islamic community. Having crushed nearly all opposition, Muhammad captured Mecca and became the undisputed religious inspiration and political leader of the umma. His life in Medina was marked by an era of rule and governance, as opposed to the era of general opposition and resistance that he faced in Mecca. Despite these accomplishments, Muhammad unexpectedly died in June 632 after developing a high fever. In his farewell address from his deathbed, he stated "I was ordered by God to fight all men until they say there is no God but Allah."[21] The Islamic Empire expanded well beyond its origin on the Arabian Peninsula and became an identity with no defining territorial or national boundaries in the years that followed. In fact, within merely one-hundred years of the Prophet's death the Sassanid Persian Empire,

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[20] Bat Ye'or. *The Dhimmi Jews and Christians under Islam* (Cranbury, NJ: Associated University Presses, 1985), 35.

[21] Efraim Karsh, *Islamic Imperialism A History* (New Haven: Yale University Press, 2006), 4.

Damascus and Jerusalem were overtaken by Arab invaders and the Islamic Empire extended east through the Byzantine Empire, reached into the southernmost parts of Asia and west toward the Iberian Peninsula and modern-day southern France.

The Islamic world experienced significant fracture and fragmentation in the aftermath of the Prophet death due to his failure to formally designate a successor or heir to the leadership of the umma. With this state of instability threatening the future of the movement Abu Bakr (Muhammad's father-in-law) was delegated authority over the Arab world and acquired the title of caliph. This accession to the headship of the Islamic community marked the beginning of the historical institution of the caliphate. After the eventual death of the aging Abu Bakr in 634 under the subsequent reign of Umar ibn al-Khattab the Islamic world expanded beyond its origin on the Arabian Peninsula through military conquest and the establishment of several Arab governing administrations in its conquered territories. It was during this period that the much of the Muslim community began to differentiate between the House of Islam where the caliph ruled and Islamic law (Sharia) prevailed and the House of War where non-Muslims loomed.[22] Umar I expelled the dhimma communities from the Hijaz region but was deposed in part due to his bureaucratic and administrative inexperience. He was succeeded by Uthman ibn Affan, who rose from the ranks of the Umayyad clan of the Quraish tribe of Mecca.

Sharply opposed to Uthman's designation as caliph of the Islamic Empire and his exploitation of its conquests for merely personal enrichment was a growing movement that supported establishing the late Prophet's cousin and son-in-law Ali ibn Abi Talib as the rightful caliph. Ali's coalition of followers was known as the Shiat Ali, which

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[22] Bernard Lewis, *The Shaping of the Modern Middle East* (New York: Oxford University Press, 1994), 125.

translates into the faction of Ali. This is the origin of what we know as Shia Muslims, whose beliefs stand in contrast to Sunni Muslims who accept the supreme authority of the Sunna. Historically, the Sunni community has been split among four regional orthodox schools of law: the Hanafi, the Maliki, the Shafi'i and the Hanbali. In the view of the Shiat Ali, the leadership of the caliphate should remain in the hands of Muhammad's descendents and the umma should be headed by an Imam who possesses supernatural religious knowledge and acts as the political leader of the community. Nevertheless, after Uthman was assassinated at his home in 656 by a band of Egyptian mutineers Ali was able to garner enough political power and support to divide the empire and temporarily move the center of the caliphate from the Arabian Peninsula of its origin to present-day Iraq. Ali is widely considered to be the first Imam by the Shia community. However, nearly five years after his forces slaughtered Muawiya ibn Abi Sufian's troops along the banks of the Euphrates River near the modern-day Syrian border at the Battle of Siffin in 657 Ali was murdered by a fanatic Kharijite and buried in Najaf. Ali's death at the hands of the Sunni dominated Umayyad forces precipitated the rise of Sunni-Shia tension. He was succeeded by Muawiya, a prominent Umayyad clansman.

The second historical period in reference to the Arab people and the Islamic world was characterized by an era of absolute expansion in terms of both size and strength. The House of Umayyad, which was established by Muawiya and centered in Damascus, established the framework for the continued expansion of the Islamic Empire. Although its Muslim leadership enjoyed considerable privilege and often lived in luxury through the profits of its conquests, it may be important to note that the dhimmi communities were absorbed and incorporated into the empire. Under this arrangement, Christians and

Jews enjoyed limited liberty but were initially accorded a somewhat protected status. Regardless of its apparent imperialist domination and acts of religious piety like the construction of the Dome of the Rock in Jerusalem on the site where Muhammad is said to have ascended to heaven, a variety of challenges to the rule of the Umayyad regime evolved. Chief among these challenges was opposition from Shiites, Hashemiyyas and Abbasids, or descendents of Muhammad's uncle Abbas.

By 680, Hussein ibn Ali, the son of Ali and the Prophet's daughter Fatima, began to challenge the Umayyad governorship and make a claim to leadership of the caliphate. When confronted by forces under Yazid I, successor to Muawiya, Hussein and his followers fled to the town of Karbala located in modern-day southern Iraq. It was here that they refused to surrender and engaged Umayyad troops in open combat but were defeated in the ensuing Battle of Karbala. Although Hussein and his followers were killed in the course of the fighting, the battle served to unite various opposition forces in their struggle against the perceived tyranny of Umayyad rule. Today, the yearly anniversary celebration of Hussein's death known as Ashura is commemorated on the tenth day of the month of Muharram. Furthermore, the Imam Hussein shrine was built upon the remnants of Hussein's gravesite in Karbala, which has become the holiest sites for the Shia faith behind only the cities of Mecca, Medina, Jerusalem and Najaf.

In the years following the episode at Karbala, Mukhtar Abi Ubaid of the Thaqifite family gained control of Kufa and used the city to launch a rebellion against the ruling Umayyad leadership calling for the restoration of the caliphate to the Prophet's family. Although Mukhtar was brutally killed in 687, his successor, Muhammad ibn Hanafiyya, continued to offer leadership and guidance to the revolt. In 747, the Abbasids, allied with

Shia followers although they considered themselves to be orthodox Sunni Muslims, joined the Heshemiyya revolution and launched an attack on various fortified Umayyad positions. Abdul Abbas was able to harness the Hashemiyya forces and become the first Abbasid caliph after the joint Abbasid. Shia and Hashemiyya attack crushed the Umayyad regime. While the Umayyad Empire ceased to exist except in the small enclave of Cordoba on the Iberian Peninsula, Abbas proclaimed the Abbasid Empire in Kufa in November 749. However, in 762 the Abbasid capital was moved to the city of Baghdad, which takes its name from the Persian village on the banks of the Tigris River over which it was built. The Abbasid regime encompassed Arabs and non-Arabs alike and came to power seeking to promote peace in the Arab world and restore the faith of Islam by reversing what it believed to be godless practices of its predecessors. More importantly, the rise of the Abbasids initiated the beginning of the era commonly referred to as the Golden Age of Islam. Although many of the greatest achievements of this period are regarded as its cultural and intellectual advancements, as well as the translation of ancient Greek and Roman works into Arabic for the first time under the rule of Haran ar-Rashid, the era also ushered in significant developments in terms of law, jurisprudence and an evolution in terms of governance and bureaucracy. In fact, its commercial and industrial developments transformed the empire into an economic force rivaling that of many prominent European powers. Some point out that although many of these developments were considered relatively progressive for the Islamic world, they were deeply influenced by Greek, Roman and Persian civilization.

While the Golden Age of Islam undoubtedly represents a high point in the history of the Islamic world, radical transformations that started in the 10th Century created the

foundation for the rise of another chapter in the history of the Arab World. In the Age of Decline, as Tessler identifies, Abbasid forces under Abbas's half-brother Mansur were focused upon the continued acquisition of loot and treasure through military conquest.[23] This widespread preoccupation with material extravagance, mismanagement of its natural resources and neglect of its commercial and industrial base led to fragmentation and disunity within the empire. In turn, the leadership of the caliphate and corresponding Abbasid legitimacy was increasingly called into question by Shia forces and the Fatimid movement. The Cairo-based Fatimid movement traces its lineage through the ranks of Muhammad's daughter Fatima and reached its pinnacle of power and influence in 1050 after it captured and controlled Baghdad for nearly a year. During this turbulent period, growing political division within the Abbasid leadership accompanied the emergence of Islamic mysticism known as Sufism, often viewed to be the inner mystical dimension of Islam. Despite its commercial and industrial advances and its early vow to restore peace throughout the Arab world, the Abbasid leadership gradually lost control of the bureaucracy and acted merely as the figurehead of the regime. In addition, it found itself increasingly relying upon the use of armed force and widespread violence in an attempt to maintain order. Here, the area encompassing Palestine was reduced to a battlefield due to the outbreak of infighting between Fatimid supporters and Qarmatians and Byzantines. The defining moment that ensured the demise of the Abbasid Empire was the destruction of Baghdad and the slaughter of its inhabitants by Mongol invaders under Hulaga Khan in 1258. After the leveling of its capital and the killing of its last caliph, Mutasim, the

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[23] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 90-91.

political, economic and cultural achievement that characterized much of the Abbasid reign abruptly ended.

Several former Abbasid districts became partially independent municipalities, or beyliks, in the aftermath of Hulaga's rampage. One particular regime, Ottoman, which was named after its founder Osman Bey (1291-1326) and was largely Turkish in identity, emerged as a preeminent force under a line of successors that expanded the size and strength of the municipality. Having successfully overrun virtually all of the territory encompassing Anatolia and the Adriatic, the former Byzantine capital of Constantinople was captured by Mehmed II and declared the new Ottoman seat of government in May 1453. However, it was not until years later that the Ottoman Turks under Sultan Selim I gained control of much of the traditional Arab world as we know it in the modern sense. Ottoman troops under Selim I toppled the Mamluk Egyptian slave solders turned military administrators and conquered a majority of the territory encompassing present-day Egypt, Palestine and Syria. Selim's forces also routed the sharif of Mecca, the designated keeper and custodian of the holy sites of the Hijaz Holy Lands. Although this would be the first time since the very early-Abbasid era that the Islamic world was effectively united under a supreme religious and political governing entity, Ottoman forces faced a variety of challenges beginning in the early-16th Century. More specifically, the empire began to fall into a state of decline after its ill-fated siege at Vienna in 1529 and decisive defeat at the Battle of Senta (modern-day Serbia) that ended with the loss of vast pieces of territory and the signing of the Treaty of Karlowitz in 1699. The peace established at Karlowitz established the Hapsburg Empire of Vienna as the preeminent political force in Central Europe and signaled the beginning of the end for the Ottoman regime.

Here it may be important to note that it wasn't until the late-19th Century that the territory of Palestine was fully incorporated into the Ottoman Empire. While its northern sector was governed primarily by agents in Beirut in previous years, after Palestine was captured by Turkish troops Constantinople offered its administrators a form of limited autonomy but maintained direct control over its foreign relations matters. Thereafter, the Ottoman Sultanate was recognized as the caliphate and undisputed ruler of the Islamic world. In its nearly four centuries of rule, Ottoman forces maintained the custodianship over the Arabian Peninsula, the birthplace of the Arab world and the Islamic Empire. In fact, it wasn't until the Turks entered World War I on the side of the Central Powers and its subsequent defeat and partition in the post-war era by the victorious European powers that the empire collapsed and the caliphate was abolished. Although the Ottoman caliphate was dissolved, several Islamic monarchs later attempted to revive the institution but were unsuccessful.

The fourth and last period in the history of the Arab World and Islamic Empire is identified as the Arab Awakening or the Arab Renaissance (al-nahda).[24] This particular period, which remains dominant today, has been marked primarily by Arab responses to a variety of Western political, economic and cultural challenges that have fostered a greater awareness of many of its own internal deficiencies. The beginning of this era can be traced to the 1798 invasion of Egypt's Mediterranean coast by Napoleon Bonaparte's expeditionary force of the French Army and its subsequent three year occupation of the territory. This amounted to some of the widest Arab-European military confrontation since the days of the Crusades, which amounted to a Western attempt to recover the

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[24] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 96

birthplace of Christ from its Muslim captors. The Crusades were fought in and around the city of Jerusalem and culminated in the Christian forces of the Kingdom of Jerusalem being dealt a relative defeat by the united Muslim army of Salah al-Din Yusuf ibn Ayyub (Saladin) at the Battle of Hattin in 1187. After a brief period of interest following the defeat of the Christian Crusaders, Jerusalem fell into a period of relative obscurity and foreign control of the city was only revived in the nineteenth century by European powers quarrelling over the custodianship of the Hijaz Holy Lands and later an influx of Jewish immigrants to Palestine.[25] Moreover, prior to the outbreak of World War I, Arabs and Europeans generally had very little contact with one another due to attempts by Ottoman administrators to insulate much of its territory from the infiltration of Western influence. An underlying theme of modernity and change has slowly began to emerge from this period of Arab history. These developments have contributed to the heightened sense of political and cultural awareness that we often see in much of the modern Islamic world.

The founder of the Arab modernist movement has been identified as Muhammad Ali, who was a native Macedonian sent to repel the French invasion of Egypt in 1798 as a mid-level foot soldier in the Ottoman army under Sultan Selim III. However, Ali was able to consolidate his troops after the withdrawal of French troops from Egypt in 1801 and establish a ruling dynasty that challenged Ottoman authority for control of Cairo for the next century and a half. In fact, Gemal Abdel Nasser became to first native Egyptian to rule the country in well over two-thousand years after his Free Officers Movement ousted King Farouk from power in 1952. Nevertheless, Ali formalized an agreement with London in late-1840 guaranteeing him the hereditary governorship of Egypt. While

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[25] Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: The Modern Library, 2003), 50

serving as governor from Cairo, Ali implemented a variety of progressive reforms dedicated to transforming Egyptian society to meet the needs of modernization. These measures were modeled after European institutions but contoured to fit into the Islamic tradition and designed primarily to overcome the bureaucratic mismanagement and economic stagnation that characterized much of the Ottoman economy. Chief among these reforms was sweeping change in the areas of military organization, government, industry, agriculture and education. As a part of his Arab mercantilist agenda, Ali abolished the system of land tenure and revenue collection. placed the ownership of the land in the hands of the state and built an array of factories and industry under direct state ownership. Cairo was able to gain control of its foreign policy and secure a degree of autonomy from Ottoman rule in part due to these developments. This was also made possible through the vast military and financial support obtained from European powers seeking to secure their interests in the region.

With the death of Muhammad Ali in 1848, successive rulers. especially his son and immediate successor Ibrahim Pasha, subscribed to a general program of action often referred to as defensive modernization. This policy was dedicated to borrowing only the Western military and economic principles that would eliminate the weaknesses that made Muslims vulnerable to foreign occupation and assist in restoring the Arab world to the perceived greatness of its past.[26] Defensive modernization gained critical importance in the years that followed. In addition to the invasion and occupation of Algeria by French forces in 1830 and its constitutional designation as an intricate part of France, one cannot mention the infiltration of European influence into the Arab world without making

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[26] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 101.

reference to the Suez Canal. As the centerpiece of French engineer Ferdinand de Lesseps, the canal dramatically reduced the travel time of trade voyages between London and Bombay by linking the Mediterranean with the Red Sea. Taking advantage of opportunity presented by the implementation of defensive modernization, London began to heavily involve itself in Egyptian matters after the canal was completed in 1869. By the early-1880s the British military occupied the territory and controlled virtually all Egyptian internal and foreign affairs. Furthermore, London designated the Suez Canal zone as neutral under the 1888 Convention of Constantinople and guaranteed free passage for all flagged vessels. As Tessler points out, the implementation of defensive modernization illustrates the basic point that although many policies drafted by Arab leaders relating to modernity were designed to repel the infiltration of European influence and assist in the restoration of prosperity and pride many actually had the complete opposite effect. In sum, in the years preceding the outbreak of World War I much of the Arab world was dominated by the political and economic interests of the colonial powers in Paris and London.

Given these realities, in the years that followed, the Arab world began to embody a stronger sense of unity to counter the growing European influence that dominated much of its livelihood. This is particularly true of those that took the lead of intellectuals like Jamal al-Din al-Afghani and his protégé Muhammad Abduh that supported pan-Islamic solidarity and shared the desire to modernize Islamic society in an attempt to shield it from Western criticism.[27] This period is widely viewed as having contributed to the initial birth of the Arab nationalist movement. The most influential development for the initial

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[27] Bernard Lewis, *The Shaping of the Modern Middle East* (New York: Oxford University Press, 1994), 108-109.

founding and the early years of the Arab nationalist movement was the 1908 Young Turk Revolution. This uprising was the culmination of years of Ottoman decline that was attributed primarily to the expansion of the Russian Empire, growing dependence upon European creditors and the loss of vast pieces of territory through as series of disastrous military defeats. The preeminent driving force behind the revolution was the Committee of Union and Progress (CUP), an organization formed among Ottoman military officers opposed to the policies of leaders like Sultan Abdul Hamid II who imposed draconian laws and painted them with legality due to their constant fear of domestic and foreign conspiracies. The CUP and the Young Turk Revolution were successful in bringing about sweeping constitutional reform and institutional changes within the largely traditional, conservative Ottoman bureaucracy. In the years thereafter, it became evident for much of the Arab nationalist leadership that the movement, which was growing exponentially in terms of size and strength, was in fact capable of making a degree of headway, despite increasing European regional influence.

CHAPTER IV

THE CONFLICT: PRE-1948

The Jewish and Arab communities lived side-by-side in Palestine in relative peace and cooperation for many centuries under Islamic domination prior to the outbreak of World War I. However, as Jewish immigration was flourishing under the Second Aliyah and Arab nationalism was making a viable stand for itself in the years leading up to the First World War relations between the two communities gradually deteriorated and moved closer toward a collision course. This feeling of mutual resentment and suspicion intensified after the Young Turk Revolution, especially among a greater part of the Arab leadership who held firm to the belief that continued Jewish immigration and vast land purchases in Palestine threatened its political aspirations.

One reason cited by the Arab inhabitants in Palestine for their overwhelming resentment was the growing separation of the Jewish community from that of themselves, as well as a lack of effort on the part of the Yishuv leadership to integrate the neighboring cultures. According to some reports, many Jewish immigrants justified this position by stating that the Arab community lacked a legitimate claim to Palestine.[28] Despite these suggestions, this particular belief wasn't the general consensus of the Jewish community.

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[28] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 136-137.

Many Jews placed emphasis on maintaining cordial relations with their Arab neighbors and made a good faith effort to familiarize themselves with Arab culture and attempted to relate with Arab sensitivities. Nevertheless, a large majority of Yishuv immigrants and its top leadership generally subscribed to the belief that the creation of a national Jewish homeland took priority over uniting the Jewish and Arab communities in Palestine.

With the eventual outbreak of the First World War, Arab relations with the Jewish community and the West in general plummeted to a new low by the end of the war. This is especially true in reference to the post-war colonial forces in London and Paris. The aftermath of the hostilities and the peace process that ensued laid the foundation for much of what we generally refer to today as the Arab-Israeli conflict. One of the three major issues of dispute was the British urging of the Arabs to revolt against Ottoman troops in exchange for a commitment to independence following the war. When the offer was first pitched in 1915 by Hussein bin Ali, the self-proclaimed King of the Hijaz and leading figure in the Hashemite Dynasty who believed that forces in Constantinople were plotting to depose him after the war, London rejected the idea stating that it preferred to keep the Ottoman Empire intact and well-preserved. However, Hussein and Sir Arthur Henry McMahon, London's high commissioner in Cairo, arranged for a new round of talks after the Turks entered the war on the side of imperial Germany and the Austro-Hungarian Empire as the Central Powers. After much debate the two men eventually reached an agreement. The framework of the agreement that transpired included a promise by McMahon to support the establishment and independence to an Arab state in the post-war period that would span the area between Persia to the East and the Mediterranean Sea and Red Sea to the west. The only areas that were specifically excluded from the arrangement

were Mersina, Alexandretta and portions of territory lying west of Damascus, Homs, Hama and Aleppo that weren't considered to be purely Arab. In addition, any territory that would jeopardize the position of its ally in France was excluded from potential Arab control. In return, Hussein vowed to organize an incursion against Ottoman garrisons throughout the Middle East and support British war aims. It is important to note here that some experts argue that although the Hashemite forces did in fact hold the custodianship of the Hijaz Holy Lands, they didn't possess effective control of the Arab lands in their entirety and its political views didn't represent the consensus of the areas inhabitants.[29] In light of these considerations, some legal scholars in the modern age have suggested that he lacked the legitimacy to enter into such an agreement.

Given the promises made as a part of the Hussein-McMahon correspondences, in June 1916 Hussein's two sons, Abdullah and Faisal, initiated an attack against Ottoman garrisons with the assistance of Thomas Edward (TE) Lawrence. Lawrence was a British liaison officer who was fluent in Arabic and familiar with the region due to his travels throughout the Negev Desert in previous years. Thereafter, legions of Bedouin fighters placed under the command of Emir Faisal and supported by the British forces under Field Marshall Edmund Allenby through Lawrence's Egyptian Camel Corps launched a widespread guerrilla campaign against several key Turkish positions. Faisal's forces laid siege to the supply and communication lines of the Hijaz Railway that linked Damascus with Medina and assisted Field Marshall Archibald Murray's British expeditionary force capture the port city of Umm al-Rashrash (Aqaba) in present-day Jordan. The relative success of the Hashemite revolt and invaluable intelligence provided by the Nili

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[29] Efraim Karsh, *Islamic Imperialism: A History* (New Haven: Yale University Press, 2006), 128-129.

underground Jewish spy network in Palestine both contributed to the victory of Allenby at the Battle of Megiddo and the surrender of Ottoman troops in Damascus under the Mudros Armistice in October 1918. Although the armistice signaled the conquest of Syria and Palestine and the formal expulsion of Turkish troops from the region, London rescinded many of the promises it made under the guise of the Hussein-McMahon arrangement. Nevertheless, Emir Faisal was crowned King of Syria in Damascus by the General Syrian Congress in March 1920, despite stiff opposition from London and Paris. Palestine was commonly believed to be included as a part of greater Syria due to governance of the territory from the vilayet of Beirut during the early-Ottoman years.

Another central issue of post-war dispute was the 1916 Sykes-Picot Agreement, oftentimes referred to as the Anglo-French-Russian understanding or the Asia Minor agreement. This agreement was negotiated in secrecy in the months after the conclusion of the Hussein-McMahon talks between Mark Sykes and Monsieur Francois Georges-Picot. While Sykes was a British parliamentarian and influential actor in the London's war ministry who viewed Zionism as a vehicle to extend Western influence in the Middle East, Georges-Picot was a former high-level French diplomat in Beirut. Sykes-Picot called for Britain and France to use their power and influence in the post-war Middle East to divide the Arab Ottoman territories into zones of control with the consent and consultation of Moscow, contrary to what was agreed upon as a part of the Hussein-McMahon arrangement. In the end, this amounted to territorial partition and colonization, similar to how the dominant European powers had sub-divided the African continent after the Congress of Berlin in the 1880s. Under terms of the agreement, Britain was to be accorded governing authority in Iraq, Transjordan and the enclaves of Haifa and Acre on

the Mediterranean coast of Palestine. France was to assume control of the region of Syria that encompassed the sub-region of Lebanon known for its sizable Christian community, and the territory of Palestine was to be formally administered by a joint British, French and Russian administration.[30] The exact terms of Sykes-Picot were only made public after it was revealed in the midst of the late-1917 Bolshevik Revolution in Russia.

Although London clearly misrepresented its pre-war intentions, at the 1921 Cairo Conference it established two Hashemite monarchies in former Arab Ottoman territories in an attempt to validate its wartime promises. The first monarchy, Iraq, was placed under the dominion of Emir Faisal after he was ousted from Damascus in the summer of 1920 by French forces under the command of General Henri Gouraud that forced Arab troops to accept the Syrian mandate after they were defeated at the Battle of Maysalun. The second Hashemite monarchy, Transjordan, was established in the territory lying east of the Jordan River under Faisal's elder brother Emir Abdullah. The arrangement formalized in Cairo placed Faisal and Abdullah in positions of power and influence in the region. While the Sykes-Picot arrangement amounted to a direct betrayal of the promises made under the Hussein-McMahon arrangement, it is often viewed as the critical turning point in reference to Arab relations with the West.

The third major issue of Arab-Jewish dispute was the 1917 Balfour Declaration. This notable document, which arguably lies at the very center of the Arab-Israeli debate, was authored by London's Foreign Secretary Lord Arthur James Balfour and was heavily supported by Lord Edmond Rothschild and Chaim Weizmann. As one of the most astute statesman and influential Zionist leaders in Britain, Weizmann realized that the fate of the

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[30] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York: Penguin Books, 2001), 13-15.

Middle East would be dictated not by the aspirations of its indigenous inhabitants but by domestic political concerns and power rivalries in Western Europe and elsewhere. This document formally set forth Britain's sympathy for the Jewish cause and its support for the establishment of a Jewish national homeland in Palestine. The basis of the declaration rested upon the understanding that the Jewish state that would be created in Palestine may under no circumstances "prejudice the civil and religious rights of existing non-Jewish communities in Palestine."[31] It has often been noted that one of London's two primary goals in issuing the Balfour Declaration was to secure the support of the Jewish element on the 'ground in Palestine which it believed could help safeguard its interests and assets in the region (such as the Suez Canal). Perhaps more importantly, the second motive cited for the issuance of the Balfour Declaration was to secure the backing of the international Jewish community in its war effort, particularly those living in the United States.

Contrary to popular belief, it is important to mention that many moderate Arab leaders initially offered conditional support for the Balfour Declaration.[32] Realizing that Arab-Jewish cooperation could potentially further their cause, leading Hashemite figure Hussein bin Ali offered validation for the idea in principle by stating that Jews were welcome in Palestine as long as they allowed the territory to formally remain under Arab control. Emphasizing the racial kinship and ancient bond that existed between the Jewish and Arab people, in January 1919, Faisal and Weizmann agreed to support the Balfour Declaration and by extension the creation of a Jewish homeland in Palestine that

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[31] Walter Laquer and Barry Rubin. eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York. Penguin Books, 2001), 16.

[32] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 150.

respected the rights of its indigenous Palestinian population in exchange for support in creating an Arab state in an unspecified Ottoman territory.[33] Arab support for the Faisal-Weizmann agreement was further presented in an exchange of letters between Emir Faisal and Felix Frankfurter, who as a justice of the United States Supreme Court was one of the most influential voices among the large American Jewish community that was led by Louis Brandeis and his affiliates at the Zionist Federation of America. Conversely, much of the moderate Zionist leadership remained interested in accommodating the Arab interest in Palestine. This was especially true in reference to Weizmann, who as president of the World Zionist Organization believed that a Jewish homeland in Palestine could serve as a connection point between the Arab world and the West.

Given these three issues of contention, each of which undoubtedly having its own disputable interpretation depending upon the interest of each party involved, the climate in Palestine further deteriorated in the years following the conclusion of the First World War as it became evident that London and Paris were uninterested in fulfilling its war-time promises. Nevertheless, the Allied Powers arranged the Paris Peace Conference in early-1919 in an attempt to sort out the aftermath of the conflict and arrange a viable solution consistent with the principle of self-determination that was to serve as the preeminent guiding doctrine in the post-war era. Weizmann represented the Zionist interest and Emir Faisal served as the voice of the Arabs in Paris and all subsequent post-war negotiations. While Germany was forced to surrender it colonies, pay reparations to France and accept moral and financial responsibility for the conflict under the Treaty of Versailles, little progress was achieved in settling or resolving issues relating to the

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[33] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York. Penguin Books, 2001), 17.

former Arab Ottoman territories in the Middle East. Regardless of the inability of the Paris Peace Conference to bring closure to the circumstances at hand, when Emir Faisal addressed the delegates at the Versailles Palace he recalled the Allied wartime promises and called for the creation of an independent Arab state in the former Ottoman territories. He also demanded that an investigatory commission be sent to Palestine to survey the sentiment and opinion of its native inhabitants.

The King-Crane Commission, jointly led by Henry King and Charles Crane, was proposed as an effort to determine if the region was ready for self-determination and to gauge what nations its indigenous inhabitants wished to act as the mandatory powers. The commission was endorsed by Brandeis and President Woodrow Wilson, both of whom fully supported the notion of self-determination in the post-war partition of the Austro-Hungarian and Ottoman empires. After soliciting extensive public opinion while touring Palestine, Syria and Anatolia the King-Crane investigation found that the aspirations of the Jewish and Arab communities were largely at odds with one another and therefore incompatible.[34] Furthermore, the commission recommended that a Syrian mandate be established under the authority of Washington and another in Iraq under London. Despite these findings, the commission's report wasn't immediately made public probably in fear of the expected reaction from Jewish and Arab communities in Palestine, as well as the international community.

As a result of the King-Crane findings and with no clear, defining solution to the matter in the Middle East agreed upon in Paris, the Allied powers sought to subdivide the

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[34] United States Department of State, "International Border Study: Jordan-Syria Boundary," Office of the Geographer, Office of Strategic and Functional Research, Bureau of Intelligence and Research, No. 94 (Washington, DC: 1969).

former Ottoman territories through the Treaty of Sevres. However, the arrangement failed to materialize due to opposition from nationalist leaders like General Mustafa Kemal (Atuturk) and was later reconstituted as the Treaty of Lausanne. Thereafter, the post-war leaders of Europe met in San Remo, Italy in April 1920 to draft and finalize their plans for the former Arab Ottoman territories. The delegates in San Remo reaffirmed the partition of territory stripped from Ottoman control under the general provisions of the 1916 Sykes-Picot agreement. Under this arrangement, France was accorded control over both Syria and Lebanon and Britain was granted authority over the mandates in Palestine, Transjordan and Iraq (Mesopotamia). The mandate in Iraq consisted of the three former Ottoman districts of Basra, Baghdad and Mosul. The term Palestine was resurrected with the designation of the Mandate of Palestine after falling into years of disuse since it first gained notoriety in the Byzantine era. Recognizing the historical connection of the Jewish people with the land of Palestine, the Mandate of Palestine included the formal text of the Balfour Declaration in its preamble. This potentially indicated the League's underlying support for the creation of a Jewish homeland in Palestine. Given these realities, leading members of the Arab community, particularly the Hashemite family, vehemently opposed the arrangement. Hussein and his sons believed that the notion of self-determination noted by President Wilson and his Fourteen Points as the preeminent guiding force in the post-war era and the Covenant of the League of Nations favored the aspirations of its indigenous Arab majority that far outnumbered the Jewish minority in Palestine.[35]

In addition to reaffirming the Sykes-Picot arrangement, the conference delegates in San Remo granted Hussein bin Ali, who crowned himself king of all Arabs, and his

[35] United States Library of Congress, "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc.gov

eldest son Ali governing authority over the Hijaz Holy Lands and Arabian Peninsula in its entirety. This was a half-hearted attempt to appease the Arab community and a last-minute attempt to fulfill its war-time promises, especially given the fact that the Arabian Peninsula consisted primarily of barren deserts and mountains. However, Abdul Aziz ibn Saud and his Wahhabite forces captured Mecca, Medina and Jeddah after London refused to come to the assistance of the Hashemite regime. By the end of 1925, Hussein was forced to flea to Cyprus but later settled in Amman where he died in 1931. The triumph of Saud put an end to nearly 700 years of Hashemite control of the Holy Lands. London signed the Treaty of Jeddah in May 1927 recognizing the sovereignty of the Kingdom of Hijaz and Nejd and the rule of the Riyadh-based House of Saud. The modern Kingdom of Saudi Arabia was proclaimed in 1932 and oil reserves were discovered in the territory the following year.

The former Arab Ottoman territories allocated to the presiding European powers in San Remo were governed under the League of Nations mandate system and supervised by its Permanent Mandate Commission. This mandate system was designed to act as a special hybrid arrangement that amounted to a compromise between colonial rule and political independence. According to Article 22 of the League's Covenant, the inhabitants of these territories were "not yet able to stand by themselves under the strenuous conditions of the modern world and therefore the mandate system was intended to ensure the general well-being and promote the interests of the indigenous population."[36] The League therefore classified all former Ottoman territories in the Middle East as Class A mandates, defined as those territories that have reached a stage of development where

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[36] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 158.

their existence as independent nations can be provisionally recognized. This in effect indicated a readiness for national independence, which stood in stark contrast to Class C mandates that were the furthest from reaching independence. The aim of the mandate system was to prepare the territory in question for self-determination and independence. This system allowed Christian and Jewish communities throughout the Middle East to achieve emancipation and free themselves from the subjugation that long existed under the dhimmi arrangement imposed by Islamic rule.[37]

Regardless of the intended purpose of the mandate system, it was clear from the beginning that the designated colonial powers were able to wield significant power and dictate virtually all internal affairs of the allocated territories. This was evident in Jerusalem, where the Mandate for Palestine-Transjordan offered London the opportunity to pursue its own desired regional interests. Although the Palestine-Transjordan Mandate was initially governed as a joint administration from Jerusalem, in early-1923 London allowed Transjordan to become a semi-autonomous territory under the authority of Emir Abdullah that was exempt from all Zionist clauses of the Mandate of Palestine.[38] This act excluded all Jewish immigration from the remote desert kingdom. Geographically, the two territories were separated by the Jordan River, which generally demarcates the Israeli-Jordanian border today. British mandate authorities ceded the Golan Heights region to the French mandate governorship in Damascus in March 1923 under the British-French mandate border demarcation agreement.

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[37] Bat Ye'or. *The Dhimmi Jews and Christians under Islam* (Cranbury, NJ: Associated University Presses, 1985), 98.

[38] United States Library of Congress, "A Country Study: Jordan." Federal Research Division, LOC Call Number DS153 .J677, 1991, www loc.gov

With London dictating all affairs on the ground in Palestine, Sir Herbert Samuel, a well known Zionist and close confidante of Weizmann, was chosen as Palestine's first high commissioner. He was charged with maintaining a fragile middle ground between the interests of the Jewish and Arab communities. Despite Arab opposition, from the beginning of the mandate period Jewish immigration soared and an increasing number of large-scale land purchases were arranged by Yishuv authorities and its counterpart in the Jewish National Fund. A large majority of these land purchases were made possible only after Arab landowners and real estate speculators offered to sell their lands in an attempt to overcome economic hardship and pay the hefty taxes on the property to the local government and their absentee landlords in Beirut and Damascus. Many of these absentee landowners had no historical connection to the land in question and were only able to obtain the property after administrators in Istanbul instituted a land registration system that allowed many to gain lawful title to the land by questionable means. Under this arrangement, once these lands were obtained Yishuv policy and local legal structures prohibited its return to Arab ownership, even by legitimate purchase.[39] The Yishuv grew tremendously in terms of size and strength due to this increased Jewish immigration and land acquisition in Palestine. This is especially true during the 1919-1923 period that encompassed the Third Aliya.

Yishuv authorities reconstituted the Hashomer defense corps as the Haganah in an attempt to safeguard the increasing number of Jewish immigrants from Arab attacks. The Haganah (defense) amounted to a paramilitary defense force that would later become the core of the modern Israeli Defense Force (IDF). The organization of the Haganah and the

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[39] John Quigley, *The Case for Palestine. An International Law Perspective* (Durham: Duke University Press, 2005), 122.

limitless Jewish immigration and land purchases enraged the Arab population and fueled further resentment of the colonial administration, which it viewed as facilitating and favoring Jewish aims. Arab tension eventually boiled over and led to widespread rioting across Palestine that resulted in the death of dozens in Jaffa in May 1921. Much of this anti-Zionist activity was led by Hajj Amin al-Husseini.

Commissioner Samuel declared a formal state of emergency in response to these hostilities and called on Chief Justice of the Supreme Court in Palestine Sir Thomas Haycraft to launch an investigation into the matter. Very similar to the Palin Report that was commissioned the previous year following a string of riots that engulfed Jerusalem, the commission's inquiry and report placed blame for the rioting on the Arabs but stated that the Jewish community and colonial governors in Palestine also held a sizable portion of responsibility in the matter. The report cited that the British mandate administration largely favored the Jewish community and failed to account for the interests of the Arabs. Although Samuel temporarily suspended Jewish immigration to Palestine and appointed al-Husseini as grand mufti of Jerusalem and president of the Supreme Muslim Council, the inquiry and subsequent report proved to have very little effect on the actions of the colonial government and the situation in Palestine. After the release of the commission's findings Colonial Secretary Winston Churchill reaffirmed the basis of the Balfour Declaration with his 1922 White Paper. The Churchill White Paper stated that a "Jewish national homeland in Palestine should be internationally guaranteed."[40] In other parts of the region, Egypt's protectorate status was dissolved the following year and Cairo was offered independence. However, in 1936, London, citing the protection of foreign

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[40] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York: Penguin Books, 2001), 25-29.

interests, perhaps most importantly, the safety and security of the Suez Canal, secured a 20 year agreement to maintain troops in the canal region.

The Jewish and Palestinian-Arab communities developed very differently under the structure of the mandate. While the Yishuv evolved into a politically autonomous, self-sustained entity under the arrangement, the Palestinian element on the ground was politically unorganized and economically underdeveloped in part due to its segmented patrimonial structure and warring factions.[41] The two prominent rival Arab clans in Palestine were the Husseinis and the Nashashibis. Despite the fragmented nature of the Palestinian community and its governing executive in the Arab Higher Committee, it experienced limited population growth through immigration from several neighboring Arab territories due in part to its favorable living conditions and relative modernization in the areas of healthcare and education, amongst others. Although the advancements of the Yishuv weren't equally met by the Arab inhabitants, it did sustain a growing nationalist movement that was inspired by the work of nationalist intellectuals in Damascus who dedicated themselves to undermining the French colonial administration and establishing an independent Arab homeland encompassing Palestine. In the end, the Arab element in Palestine generally regarded the Yishuv as a tool of Western imperialism that was alien to the traditional way of life in the territory.

On the contrary, the Yishuv was far more politically organized and economically sound than that of the Arab community in Palestine due to its access to European wealth and support from the governing mandate authority. The Jewish community was governed by the Palestine Zionist Executive, informally known as the Jewish Agency, which

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[41] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 212-213.

effectively replaced the World Zionist Organization as the Yishuv's foremost financial and economic authority under the mandate in 1929. Thereafter, the Jewish Agency served as the operative arm of the World Zionist Organization and dictated all political and administrative duties in the community while representing its interest in the British mandate authority as well as the international community. The operation of the Jewish Agency was separated into several specialized departments that were organized to deal with issues related to political affairs, immigration, labor, education and health related matters. The religious aspects of the Jewish community in Palestine were controlled by the chief rabbinate and the rabbinical council that was composed of rabbis representing the Ashkenazi and Sephardic traditions. Conversely, the Yishuv's elected representative body was referred to as the Assembly of Delegates (Asefat Hanivharim), which is viewed as being the forerunner to the modern-day Israeli Knesset. Regardless of the influential role played by the Jewish Agency and the Assembly of Delegates in the development of the Yishuv, the General Federation of Laborers (Histadrut) trade union was able to exert considerable influence on the political, social and cultural life in the Jewish community. As the center nucleus for Jewish state building in Palestine and the Yishuv's second largest employer behind that of only the communal government, the Histadrut dictated labor policies and offered social services, security and training centers to assist the new immigrants in Palestine.[42] The Histadrut was long headed by future prime minister of Israel Golda Meir.

With Arab-Jewish relations gradually spiraling out of control, the British mandate authorities established two additional commissions to inquire into the underlying reasons

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[42] United States Library of Congress, "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc gov

for the spike in violence in Palestine. The Shaw Commission was created in late-1929 under Sir Walter Shaw and was charged with determining the root causes of the ongoing Arab-Jewish hostilities. On the contrary, the Hope-Simpson Commission was placed under the direction of Sir John Hope-Simpson and charged with finding a viable solution to alleviate the problems identified by the Shaw Commission. The Shaw Commission's report of October 1930 stated that Arab hostility was the direct result of a long standing disagreement over the status of the Wailing (Western) Wall, the displacement of Arab populations that allowed for the expansion of the Yishuv, and widespread economic inequalities experienced between Jewish and Arab populations.[43] In response to these findings, the Hope-Simpson Commission's report recommended that the Yishuv curtail immigration and its vast land purchases and reform the Histadrut's hiring practice of granting preferential treatment to Jews, which would allow Arabs far greater economic opportunity in the workplace. More specifically, the report stated that Jewish labor practices deliberately violated Article 6 of the Mandate by failing to protect the rights and positions of all sectors of the population in Palestine. Although the findings of the Shaw Commission were generally supported by British High Commissioner John Chancellor, the subsequent report offered by the Hope-Simpson Commission was rejected by leading Zionists on the ground on the basis that the surge in violence was nothing less than the result of continued Arab provocation.

In addition to the realities surrounding the Hope-Simpson recommendations, the Jewish community in Palestine faced many new challenges from its Arab neighbors and British administrators. Aside from experiencing frequent attacks from an array of Arab

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[43] *Palestine: Report on Immigration, Land Settlement and Development*, Cmd. 3686 (1930).

factions set on destroying its hope of creating a homeland in Palestine, the chief concern of the Yishuv in the early-1930s was the plight of Jews in Europe. This is particularly important given the surge in anti-Semitism across Europe with the rise of Adolph Hitler and his policy of Jewish extermination associated with the implementation of the Final Solution. Regardless of its future implications, British authorities disregarded the need of Jews in Europe to flee the wrath of the Final Solution and imposed greater restrictions on Jewish immigration. The most important among these restrictions was the 1931 White Paper that was drafted by Colonial Secretary Lord Passfield (Sydney James Webb). This document called for the implementation of greater restrictions of Jewish immigration and the acknowledgment of the clause of the Balfour Declaration that demanded that the construction of a Jewish homeland must not infringe upon the rights of non-Jewish communities in Palestine.[44] This issuance of the Passfield White paper was initially viewed as a victory by the Arab leadership.

Despite any optimism that the White Paper may have created in Arab circles, Prime Minister James Ramsay MacDonald issued a reinterpretation of the document in the form of a letter addressed to Weizmann that discredited the claims of Passfield and the findings of the Shaw and Hope-Simpson commissions. MacDonald's rejection of the White Paper angered many Zionist leaders and further strained relations with the colonial government. Thereafter, British mandate authorities became the target of major Jewish attacks perhaps for the first time. Most of these terrorist attacks and acts of sabotage sought to undermine London's public image and were inflicted upon symbols of its

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[44] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 237.

colonial presence in Palestine by underground militant organizations like the Irgun Zvai Leumi (National Military Organization in the Land of Israel) armed wing of Jebotinsky's Beitar movement and later Lohamei Herut Yisrael (Freedom Fighters for Israel).[45] While Irgun Zvai Leumi was referred to as Irgun or by its acronym ETZEL, Lohamei Herut Yisrael was known as the Stern Group after its founder Avraham Stern or simply by its acronym LEHI. By the early-1930s, the Haganah and Irgun began to clandestinely manufacture and purchase arms from Eastern Europe with funds obtained primarily from sympathetic sources in the United States and elsewhere. These weapons stockpiles were hidden in caches located around Palestine for use at a later point in the future. It is believed this underground manufacture of weapons and munitions formed the nucleus of what later evolved into the modern Israeli arms industry.

Apart from the Jewish population, Arab relations with the colonial administration were reaching a breaking point as well. In March 1933 the Palestinian executive called upon all Arabs in Palestine to reject the authority of the mandate administration due to its dissatisfaction and frustration with the way British policy was subjecting the Palestinian population to noticeably unequal treatment as compared to its Jewish counterparts whom it believed was collaborating closely with the mandate's governorship. This proclamation laid the basic foundation and framework for the 1936-1939 Arab Revolt, an uprising that indiscriminately targeted both Jewish and British infrastructure and populations across Palestine. The revolt was organized and executed primarily under the direction of the Muslim Brotherhood and remnants of the Black Hand in conjunction with the Arab Higher Committee. While the Muslim Brotherhood (al-Ikhwan al-Muslimun) was

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[45] Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), 48.

founded in Cairo in 1920 by Sheikh Hassan al-Banna, the Black Hand terrorist organization was founded by Sheikh Izz Addin al-Qassam in 1930.[46] In response to these provocations, Irgun rejected the Haganah's policy of restraint under which retaliation against the Arab community was all but forbidden and launched a string of armed attacks against vital Arab targets. In addition, the British mandate authorities disarmed the Arab militias responsible for the uprising and financed the organization and training regiment of the Jewish Settlement Police Force (Notrim) to patrol and defend the Yishuv. The mandate authorities also enacted the first Defense Emergency Regulations that allowed for the imposition of martial law in an attempt to bring the situation in Palestine under control.

With the Arab Revolt disrupting the operation of the mandate and spawning a diverse variety of atrocities, London dispatched Lord Peel (William Robert Wellesley) to Palestine to collect information and survey the sentiment of Palestinian and Jews living in the territory. The Peel Commission disclosed its official report in the summer of 1937 after holding a series of inquiry investigations of the ground and various meetings with neighboring Arab leaders like King Abdullah of Transjordan and King Ghazi of Iraq. The report stated that the colonial administration was unable to reconcile the differences between the Arab and Jewish populations and therefore the mandate authority should be dissolved and each community should be allowed to govern itself freely.[47] This in effect rejected Arab and Jewish assimilation and called for the eventual partition of the territory

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[46]The Muslim Brotherhood (Ikhwan), "Establishment of the Muslim Brotherhood." IkhwanWeb History, http://www.ikhwanweb.com/Article.asp?ID=796&LevelID=1&SectionID=115

[47] Walter Laquer and Barry Rubin. eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York. Penguin Books, 2001), 41-43.

and the forced transfer of populations with the creation of two separate states. Here, the Jewish state would be created in the northern part of Palestine encompassing the Galilee, the Yezreel Valley and the Coastal Plain regions. Conversely, the Arab state under the partition plan would join the remainder of the territory with neighboring Transjordan and the strip of territory spanning the area between Jaffa on the Mediterranean coast and Jerusalem would remain under British mandate control. The Zionist leadership generally agreed with the idea of creating a Jewish state through partition in principle but the Arab Higher Committee rejected the idea and ordered the revolt to continue. The Arab position suggested that the Peel Commission proposal and the findings of the 1938 Woodhead Commission that examined the feasibility of several different partition plans violated its right to self-determination and the colonial governorship failed to possess the authority to partition Palestine. The British mandate authority also rejected the partition plan, labeling it as impracticable.

Given the rise of hostilities in Europe and twenty-thousand British troops deeply bogged down in Palestine, London was forced to reconsider its regional interests. In May 1939 Colonial Secretary Malcolm MacDonald issued another White Paper that would end London's commitment to the Balfour Declaration and guide colonial policy until the end of the war. Drawing upon the recommendations set forth by the Peel Commission, it sought to create a binational state in Palestine where the Jewish and Arab communities would share a hand in governing and live side-by-side in peace. In addition, limits were placed upon further Jewish immigration and land purchases. More specifically, Jewish immigration was limited to 15,000 persons a year for five years and thereafter it was to be approved by the Arab Higher Committee. Land purchases under this arrangement

were prohibited in areas that were designated as being essential to Arab farming efforts and the transfer of land would result in a landless population. Nevertheless, the Arab and Jewish leadership both rejected the plan but for far differing reasons. From the beginning, the Palestinian executive favored a unitary Arab state in Palestine and refused to take part in a binational state solution. On the other hand, the Jewish Agency stated that the MacDonald White Paper denied the Jewish people their right to construct a national homeland, was regarded as surrender to Arab terrorism and deprived the Jewish people of their last hope by closing the road back to their ancient homeland.[48] The Stern Group began to pursue a more aggressive position against the British mandate authorities in direct opposition to these policies and respond to what it believed to be emerging Arab threats. The MacDonald White Paper gained acceptance and validation in London, despite rejection from both parties involved. The implications of this policy later proved to be critical because the British desperately needed the Jewish community to support its war effort and at the same time the backing of the Arabs to retain access to the vast oil reserves located throughout the Middle East.

After the outbreak of the Second World War in Europe the Jewish Agency vowed not to promote any activity that would endanger the Allied war effort and helped recruit thousands of Jews to fight alongside British forces in Western Europe as a part of the Jewish Brigades. Irgun also declared a temporary truce and suspended all anti-British operations for the duration of the war. As for the Palestinian executive, in November 1941 Hajj Amin al-Husseini traveled to Berlin and met with Adolph Hitler and German foreign minister Joachim Von Ribbentrop to coordinate Arab-Nazi policy in Palestine.

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[48] Walter Laquer and Barry Rubin. eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York. Penguin Books, 2001), 50-51.

While the two parties openly declared a common enemy in the British and the Jewish community as a part of these talks, Hitler, Ribbentrop and German counsul-general in Jerusalem Hienrich Wolff promised al-Husseini that the German Army would destroy the Yishuv and help create an independent Palestinian state at the end of the war in exchange for his assistance in coordinating an armed offensive against British forces deployed throughout the Middle East.[49] Despite the promises exchanged in Berlin, the arrangement never materialized.

Given these evolving threats to the security of the Yishuv, the following year Zionist policy was debated and reformulated at the American Emergency Committee for Zionist Affairs Conference at the Biltmore Hotel in New York City. Here, a majority of the attending delegates sought to move policy in a direction away from the moderate voice long espoused by Weizmann to reflect a more aggressive approach that was set forth by Ben-Gurion and the leadership of the Jewish Agency. The Biltmore delegates proclaimed that the Yishuv's central aim was the creation a third Jewish commonwealth in Palestine. In addition, Zionist leaders began to direct much more attention and resources toward lobbying the Jewish leadership living in the United States that was set to emerge from the post-war carnage as the undisputed leader of the West and by extension the new power broker in the Middle East.

Tension on the ground in Palestine between Jewish elements and the British colonial administration mounted in the aftermath of the Biltmore Conference. The situation reached a near climax with Irgun's resumption of anti-British operations and a

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[49] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York. Penguin Books, 2001), 51-55.

corresponding string of bombings by the United Hebrew Resistance Movement targeted mandate installations. The United Hebrew Resistance Movement encompassed elements of the Heganah, Irgun and the Stern Group. It should be noted here that the aim of the organization was not to defeat Britain militarily but to utilize subversive terrorist tactics to undermine London's prestige and perhaps more importantly its control of Palestine.[50] Furthermore, after British Resident Minister Lord Moyne (Walter Guinness) was assassinated by elements of the Stern Group in Cairo and anti-colonial attacks swept across Palestine it became evident that the mandate was in fact unworkable, reaffirming the findings of the Peel Commission.

With British mandate authorities increasingly relying upon various provisions of the Defense Emergency Regulations to maintain order in Palestine, London formed the joint Anglo-American Committee of Inquiry in November 1945 as a last minute attempt to put an end to the violence rapidly engulfing the territory and bring its counterparts in Washington into the equation. The committee's report, which was likely influenced by the surfacing of stories surrounding the Holocaust and the loss of life of some six million Jews in Europe, recommended that the mandate continue while removing most of the immigration and land purchase restrictions that were imposed by the 1939 MacDonald White Paper.[51] Given the rejection of the report by both the Jewish and Arab leadership, the failure of the Grady-Morrison Plan that sought to partition the territory into two separate states under an international trusteeship and Irgun's July 1946 bombing of the headquarters of the colonial administrations in Palestine and Transjordan at Jerusalem's

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[50] Bruce Hoffman, *Inside Terrorism* (New York. Columbia University Press, 1998), 50.

[51] Yale Law School, "Anglo-American Committee of Inquiry," Lillian Goldman Law Library, The Avalon Project: Documents in Law History and Diplomacy, http://avalon.law yale.edu/subject_menus/angloc asp

King David Hotel, British Foreign Secretary Ernest Bevin announced London's intention to turn the mandate over to the newly formed United Nations (UN). It may be important to here note that the United Nations established a trusteeship system under Chapter XIII of its charter to oversee all remaining League of Nations mandate governed territories. The Trusteeship Councils were urged to pursue measures that would lead to an agreement of governance between the mandatory power and the General Assembly. However, this agreement was never reached in reference to the Mandate of Palestine due to London's determination to turn the matter over to the international community. Furthermore, in May 1946 the Mandate of Transjordan was formally abolished and Amman was offered independence.

Although the Palestinian executive and several leading Arab diplomats requested that the United Nations immediately terminate the mandate and declare its independence, the organization established the eleven-member Special Committee on Palestine (UNSCOP) to launch an investigation into the unraveling situation in Palestine and make a recommendation to the General Assembly under Article 10 of its charter. After taking thousands of pages of written and oral testimony from the Jewish Agency and other sources on the ground the committee released its summary report in August 1947, despite the Arab Higher Committee's outright refusal to cooperate. The UNSCOP majority report acknowledged that the right to self-determination of the Palestinian people was neglected by the inclusion of the Balfour Declaration in the text of the Mandate of Palestine but supported the idea of partition by stating that the Palestinian and Jewish claims are all but irreconcilable and partition offers the most realistic settlement.[52] In opposition, the

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[52] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York: Palgrave Macmillan, 2004), 35

Palestinian executive pointed out that Articles 10, 11 and 14 of the United Nations Charter only authorized the General Assembly to make a recommendation and not a binding decision in the matter. It was further suggested that only the Security Council has the authority to issue binding decisions on member states. Some legal experts at the United Nations Secretariat later suggested that Resolution 181, which supported the partition plan, was in fact a binding decision because the General Assembly acted on behalf of the international community and was in fact authorized to decide the status of territory whose sovereignty is unclear.[53] However, in 1950 and 1971 the International Court of Justice ruled that the competency to modify the international status of a League's mandate territory rests between the mandatory power and the United Nations.

The Arab state was to include three divided regions totaling some 47 percent of Palestine and the Jewish state was to become one contiguous entity encompassing the remaining 53 percent of the territory under the UNSCOP majority partition plan. More specifically, the Arab state was to include a southern territory located in the Gaza Strip, a northern territory in the Galilee and a central territory that would encompass the areas surrounding Nablus, Hebron and Beersheba. The remaining territory would form the base of a Jewish state that would incorporate the area that lies between the Negev Desert in the south and the Jezreel and Hule Valleys to the north, including the larger coastal cities of Tel Aviv and Haifa. In addition, there would be an internationally trusteeship administered enclave surrounding the city of Jerusalem that would become a separated body (corpus separatum) and a joint economic union would be established to coordinate all economic activity between the two entities. In contrast to the majority report, the

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[53] John Quigley, *The Case for Palestine. An International Law Perspective* (Durham: Duke University Press, 2005), 48.

UNSCOP minority report called for the creation of two separate communities that would be jointly governed by an administrative body in Jerusalem.

Although the United States, the Jewish Agency and King Abdullah all generally accepted the UN majority partition plan, the Palestinian executive rejected both plans on the grounds that the Jewish community had clearly exploited the Holocaust to its favor and the Western powers were attempting to compensate for it's debts with rightful Arab lands. Arab Higher Committee spokesman Jamal Husseini stated that the partition plan for Palestine amounted to nothing less than a "line of fire and blood."[54] Regardless of these open threats, the General Assembly held firm to the belief that Arab and Jewish claims in Palestine were irreconcilable and voted to approve the majority partition plan in November 1947 with the required two-thirds vote. It later drafted and issued Resolution 181 labeled the Resolution on the Future Government in Palestine, which solidified the partition plan. Thereafter, British mandate authorities, who also discounted the United Nations partition proposal, stated that it would terminate its authority over the mandate in six months time. In addition to the problems it faced in Palestine and those created by it's withdrawal of support for Greece and Turkey under the Truman Doctrine, London was financially strained from its vast expenditures and losses associated with the Second World War and facing a similar crisis in India, long regarded as its colonial jewel. The League of Arab States (Arab League) issued a statement from Egypt within days of the unveiling of London's disengagement plan declaring that it would militarily intervene and occupy all of Palestine when British mandate authorities evacuated. According to Article 2 of its pact, the Arab League was formed in Cairo in March 1945 with the aim of

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[54] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York: Palgrave Macmillan. 2004), 39.

safeguarding the sovereignty of its member states and coordinating all Arab political, economic and cultural activity.[55] As skirmishes between Jewish and Palestinian forces on the ground escalated, the final date for the British withdrawal from Palestine was set for May 15, 1948.

The United Nations Palestine Commission was formally established to secure the implementation of the partition plan in the face of the mandate expiration date but was denied entrance to Palestine by the remaining British mandate authorities. Given the inability of British troops to intervene in the ensuing hostilities, several irregular Arab factions operating under the umbrella of al-Husseini's Holy Jihad Army launched a string of attacks on various Jewish positions. Not surprisingly, the Palestinian militias proved to be ill-trained and under-equipped for the fight in part due to their inability to acquire weapons and munitions after being disarming by British mandate authorities in the wake of the Arab Revolt of the late-1930s. Hundreds of thousands of Arabs, most of whom were women, children and those that were physically unable to fight, fled Palestine and became displaced refugees in several surrounding Arab states as a result of the chaos that ensued. It has often been suggested that a majority of these refugees were urged by the Arab Higher Committee and neighboring Arab leaders to evacuate their homes after rumors of massacres perpetrated by Irgun and the Stern Group in towns like Deir Yassin were broadcasted through widespread radio transmissions.[56]

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[55] Yale Law School, "Pact of the League of Arab States, March 22, 1945," Lillian Goldman Law Library, The Avalon Project. Documents in Law History and Diplomacy http.//avalon.law.yale.edu/20th_century/arableag.asp

[56] United States Library of Congress, "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc gov

After the mandate period ended and the remaining British troops departed by sea from Haifa the partition plan was ignored and the Declaration of the Establishment of the State of Israel was proclaimed by Ben-Gurion in Tel Aviv. This proclamation was based on the historical presence of the Jewish community in Palestine and announced that immigration to the state was open to all Jews and promised to safeguard the rights of citizens.[57] Israel became a legitimate actor in the international arena after immediately gaining de facto recognition from the United States and de jure recognition two day later from the Soviet Union, the two premier post-war superpowers. President Harry Truman extended Israel de jure recognition in January 1949, despite opposition from his advisors at the State Department who feared that the move could potentially inflame Arab opinion. This decision was undoubtedly influenced by the diplomatic wrangling of Weizmann and Brandeis's successors at the Zionist Federation of America. Israel became a full member of the United Nations in May 1949, which some argue extended formal recognition from the greater international community.

Given the proclamation of Jewish statehood, the United Nations and the Arab League sought to mediate the crisis and secure a cease-fire pending future negotiations. Regardless of these attempts to avert a full-scale war and a declaration by the Jewish Agency stating that any Arab assault on the Jewish state rendered Resolution 181 legally null and invalid, an Arab League-led coalition of Egyptian, Jordanian, Syrian, Iraqi and Lebanese ground units mobilized and launched an assault on Jewish fortifications hoping to reclaim the territory through military conquest for its Palestinian brethren. Although the half-hearted Arab coalition achieved a number of early battlefield successes, it wasn't

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[57] Walter Laquer and Barry Rubin. eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York: Penguin Books, 2001). 81-82.

until the Haganah went on the offensive that Jewish forces were able to defend its territory and eventually crush the combined Arab assault. Haganah forces were armed with an array of weapons collected from secret caches around Palestine and assisted by Moshe Dayan's Palmach (Pelugot Mahatz) strike units that were well-trained from their battlefield experiences fighting alongside British troops in World War II as the Jewish Brigades. In addition, the Haganah was aided by hundreds of irregular units from Irgun and the Stern Group on the ground and airpower received from Czechoslovakia. The final Israeli operation occurred when Jewish units captured the strategic Red Sea port city of Umm al-Rashrash in March 1949. Umm al-Rashrash was later renamed Eilat, which serves as the Jewish state's only non-Mediterranean sea port and lifeline through the Straits of Tiran and the Gulf of Aqaba to markets in Asia and Africa. In perspective, Lynn suggests that from the beginning of the conflict the militaries of the Arab world were much more attuned with crushing internal dissent than engaging a well-trained and equipped foreign fighting force like Israel.[58] Perhaps the only exception here was the Jordanian Arab Legion that was commanded by renowned British General John Glubb. This reality undoubtedly contributed to the Arab coalition's acquiescence of a Security Council sponsored truce under the supervision of Sweden's Count Folke Bernadotte and ultimately its defeat.

In mid-1949 the Haganah absorbed thousands of units from the Palmach and Irgun to reorganize itself as the de-facto Israeli Defense Force (IDF). Ben-Gurion and his Mapai followers envisioned as the unifying symbol and spearhead of Jewish nationalism. Nevertheless, Israel signed the last of four General Armistice Agreements with its Arab

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[58] John A Lynn, *Battle: A History of Combat and Culture, From Ancient Greece to Modern America* (Boulder: Westview Press, 2003), 311.

neighbors on the island of Rhodes, which were intended to serve as the underlying basis for the establishment of a permanent peace at some point in the furure. An armistice by definition under Chapter 5 of the 1907 Hague Convention temporarily suspends military operations by mutual agreement between belligerent parties.[59] The armistice agreements reached with Egypt, Jordan, Lebanon and Syria were all negotiated separately under the auspices of Dr. Ralph Bunche and the United Nations Truce Supervision Organization (UNSTOP). Bunche replaced Count Bernadotte as the chief United Nations mediator on the ground after the latter was assassinated by elements of the Stern Group in Jerusalem in September 1948, allegedly due to his sympathy for the Palestinian cause. Regardless of the Stern Group's responsibility for the assassination of Moyne and Bernadotte, London offered members of the group amnesty and the organization was effectively dissolved. Many of the group's members were incorporated into the ranks of the IDF. The territorial boundaries encompassing the Green Line that were created by the armistice agreements were patrolled by troops attached to the UNSTOP mission and governed by Mutual Armistice Commissions. Although Israeli politicians demanded sovereignty over the several Demilitarized Zones that were scattered across the territory and argued that the armistice agreements offered legality and legitimacy to the newly created borders of the Jewish state, neighboring Arab regimes, amongst others, suggested that the Green Line failed to qualify as recognized international borders.[60]

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[59] International Committee of the Red Cross., "Second Peace Conference of The Hague," (18 October 1907) http://www.icrc.org/ihl.nsf/FULL/195?OpenDocument

[60] Shlomo Ben-Ami, "A War to Start All Wars: Will Israel Ever Seal the Victory of 1948?" *Foreign Affairs* 87, no 5 (2008): 154

Despite these assertions, by emerging from the battle victorious the State of Israel absorbed large pieces of territory that weren't formally allocated to it under the partition plan. With the exception of the West Bank, East Jerusalem and the Gaza Strip, the territory encompassing pre-war Palestine in its entirety became the new borders of the State of Israel. This amounted to approximately 77 percent of the territory of Palestine, as opposed to the 53 percent of the territory that was officially allocated to the Jewish state under the partition plan. This reality increased the shear territorial size of Israel by nearly one-third. As for the Arab situation, thousands of displaced Palestinians were forced to reside in a series of refugee camps set up in southern Lebanon and western Jordan. The First Arab-Israeli War has been coined the War of Israeli Independence by the Jewish community and al-Naqba (the catastrophe) by the Muslim community.

It has been noted that some IDF commanders were interested in gaining a greater piece of Palestine through armed force but restrained from taking the West Bank and the Jerusalem in its entirety due to their concern that British forces may have intervened militarily on behalf of Amman in the situation an offensive was mounted and its potential to jeopardize its good-standing at the United Nations.[61] In the aftermath of the fighting, the West Bank and East Jerusalem, which included the Haram al-Sharif district that held the Dome of the Rock and the al-Aqsa Mosque, were controlled by the Arab Legion and incorporated by Amman in April 1950 to form the united Hashemite Kingdom of Jordan. Although the annexation of the West Bank was rejected by nearly all in the international community with the exception of London, after Amman obtained control over East Jerusalem virtually all Jews were expelled from the territory, the Jewish quarter was

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[61] John Quigley, *The Case for Palestine   An International Law Perspective* (Durham: Duke University Press, 2005), 87.

destroyed and Jordanian citizenship was extended to all residents of the West Bank and East Jerusalem that held Palestinian citizenship prior to May 1948 under the Jordanian Nationality Law. This acquisition of Jordanian citizenship remained contingent upon Palestinians remaining loyal to Amman. Nevertheless, King Abdullah was assassinated in 1951 outside the al-Aqsa Mosque by a radical Palestinian with close ties to al-Husseini who was opposed to his absorption and annexation of the West Bank, discouragement of Arab nationalist expression and establishing any form of peace with Israel.[62] Abdullah's eldest son Talal inherited the kingship but was forced to abdicate in August 1952 amid allegations of crippling mental health issues and was succeeded by his son Hussein.

Apart from the circumstances in the West Bank, the Gaza Strip was placed under Egyptian military authority which together with the Arab League established a pseudo-governing administration under Ahmad Hilmi Pasha and Hajj Amin al-Husseini referred to as the All-Palestine Government. This particular arrangement collapsed in December 1949 and Cairo assumed control of the territory thereafter. Palestinian refugees living in the Gaza Strip were exposed to the thriving Arab nationalist movement of North Africa, as opposed to the suppression of nationalist aspirations by the Hashemite regime in the West Bank. However, they were denied Egyptian citizenship and entrance onto Egypt soil. Regardless of how each particular territory was managed, neither Cairo, nor Amman gained formal sovereign title to either territory under international law - only the right to temporary administration. It is also important to note that by maintaining control of the West Bank and the Gaza Strip, the Arab world, most specifically Egypt and Jordan, was willfully able to prevent the creation of a unified, independent Palestinian state. In the

[62] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 278.

end, Chaim Weizmann became the first ceremonial president of the State of Israel and David Ben-Gurion obtained the post as prime minister and defense minister in the nation's first general election in January 1949.

CHAPTER V

THE CONFLICT: 1948-1967

Although the negotiation of the four armistice agreements in Greece established a fragile peace and secured an end to the First Arab-Israeli War, a series of unresolved issues fueled the ongoing state of belligerency that existed between the Jewish state and many of its Arab neighbors. In addition to the debate surrounding the legitimacy of the establishment of the State of Israel. the most immediate post-war concerns included the mass Jewish immigration that allowed for the expansion of the Israeli population. clarifying the status of Jerusalem, addressing the Palestinian refugee crisis and resolving the disagreement surrounding the use of the Suez Canal and the Gulf of Aqaba by Jewish vessels. Many of these issues precipitated the escalation of Arab-Israeli tension in the years thereafter and remain dominant concerns in the modern debate.

The legality and legitimacy of the Jewish state was increasingly called into question in the aftermath of the Declaration of the Establishment of the State of Israel. At the base of the Arab position was the claim that the establishment of the Jewish state in Palestine was illegal due to the territory's historical indigenous majority Arab population. Many Arabs also pointed to the fact that the creation of Israel was facilitated by British mandate authorities who supported the idea of establishing a Jewish homeland in Palestine through the Balfour Declaration, sponsored large-scale Jewish immigration and

land purchases in the region and allowed the establishment of a Jewish state in an attempt to compensate for its own debts and ills surrounding the Holocaust at the expense of the Palestinian people. Others suggested that detachments from the Haganah and Irgun utilized a deliberate, calculated campaign of terror and intimidation designed to incite panic and to drive Palestinians from their homes to allow for the expansion of Jewish settlements under Plan (D)alet and the wartime plan for the defense of the Jewish people in Palestine. In addition, Arab critics across the Arab world claimed that it was illegal for Israel to maintain sovereignty over parts of Palestine that were allocated to the Arab population under the United Nations partition plan. Arab sources contended that Israel merely possessed the right to temporary administration and could not lawfully acquire sovereign rights in the territory. If this contention is in fact true, this may have deemed the post-war borders of Israel encompassing the Green Line invalid. In the end, it has been suggested by much of the Arab community that the British mandate authorities, Jewish administrators and the United Nations collectively failed to possess the legal right to act in the manner in which they did and therefore the establishment of the State of Israel lacks all legality and legitimacy.

On the other hand, a large majority of the Jewish community challenged the Arab assessment and maintained that the establishment of the State of Israel was in fact a lawful, legitimate act. Perhaps the only exception here is Orthodox Jewry, who denounce Zionism as being inconsistent with the views of Judaism and maintain that the return of the Messiah is the only act that may legitimize the creation of a Jewish homeland. Excluding Orthodox Jews, the majority Jewish population supported its position by stating that it possessed the right to establish a national homeland in Palestine due to its

historical connection to the area, which they asserted dates back four-thousand years when God promised Abraham and the Hebrew tribes an eternal homeland in Canaan. In reference to the contention that forces from the Haganah and Irgun intentionally expelled Palestinians from their homes in the early days of the war to allow for the expansion of Jewish settlements, Israeli officials supported a contrasting position that places much of the responsibility on the Arabs themselves. In addition to the claim that a majority of the Palestinians were uprooted as a direct result of the wartime situation that was in many ways no different that any other conflict that created an influx of refugees and internally displaced persons, many Jewish sources suggested that the Arab Higher Committee and the leadership of neighboring Arab countries urged the Palestinian people to temporarily abandon their homes under the assumption that they would return after Jewish forces were defeated.[63] Given these realities, most specifically, its age-old historical connection to the land of Palestine, the Jewish community believed that it was both lawfully and legitimately granted the right to self determination and by extension statehood.

Another issue of concern contributing to the heightened sense of tension in the immediate post-war era was the exponential increase of the Jewish population between independence and 1951. This was the byproduct of four laws adopted by the Knesset: the 1948 Law and Administrative Ordinance. the 1950 Law of Return, the 1950 Law of Citizenship and the 1952 Nationality Law. While the Law and Administrative Ordinance abolished all restrictions on Jewish immigration to Palestine imposed by the British mandate authority and the Law of Return granted the right of every Jew to settle in Israel, the Law of Citizenship extended Israeli citizenship to all Jewish immigrants and the

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[63] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 291-293.

Nationality Law conferred citizenship to all Jews who settled in the territory and supported its existence. The Nationality Law was extended in 1971 to include any Jew living abroad that expressed a sincere desire to live in Israel, despite the refusal of Israeli authorities to grant Palestinian refugees the right of return.[64] Although many of the post-war immigrants were displaced persons from liberated Nazi internment camps across Europe, other Jews immigrated to Israel as a part of a mass exodus of those fleeing their traditional Arab homelands where they had generally been tolerated under the Umayyad, Abbasid and Ottoman regimes. Many left behind all property and belongings to escape harassment and persecution in the wake of the First Arab-Israeli War.

While this mass immigration to Palestine had in fact been taking place for many years previous among those who sought to take an active role in the building of a Jewish homeland, emigration greatly intensified after the hostilities of 1947-1949. For example, in May 1949 more than 45,000 Jews were airlifted out of Aden, Yemen and two years later an additional 120,000 Jews fled central Iraq via Cyprus.[65] Each of these evacuation plans, as well as a handful of others apart from those that I have mentioned, were covertly organized, funded and executed under the direction of Israeli intelligence (Mossad) authorities. Given this sharp surge in immigration, by 1951, merely three years after the founding of the state, the population of Israel was approaching 2 million, as opposed to the pre-war census of less than 1.5 million.

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[64] John Quigley, *The Case for Palestine. An International Law Perspective* (Durham: Duke University Press, 2005), 126-127.

[65] Jewish Virtual Library, "Operations Ezra and Nechemia: The Aliyah of Iraqi Jews," The American-Israeli Cooperative Enterprise, http://www.jewishvirtuallibrary.org/jsource/Immigration/ezra.html

Although this influx of new immigrants generally lacked the wealth and skills needed by the state and placed a tremendous strain on the resources of the territory, especially its limited water resources that were managed by the Mekorot national water authority, Ben-Gurion was able to absorb and resettle a majority of these immigrants from the impoverished camps (maabarot) where many were initially housed. According to various estimates, by the mid-1950s approximately one-third of the Israeli population lived either on absentee Arab property or in urban areas like Jaffa and Acre that were all but deserted by fleeing Palestinian refugees as a result of the wartime confusion.[66] These resettlement projects were facilitated by the 1949 Emergency Land Requisition Law, the 1950 Absentee Property Law and the 1953 Land Acquisition Law - all of which allowed for the expropriation and confiscation of land and property owned by Arabs. In addition, much of the remaining Palestinian commercial-industrial infrastructure that was left intact after the war was seized by Israeli authorities and leased to an array of prominent Jewish businessmen. Some sources argue that these several pieces of legislation passed by the Knesset, amongst others, failed to give Israel lawful title to the land and property acquired.[67] These efforts were further made possible by securing large sums of monetary aid from sympathetic Jews living in the United States and hundreds of millions of dollars in aid received from Germany as a part of reparation payments, most of which took the form of much needed goods and equipment.

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[66] United States Library of Congress, "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc.gov

[67] John Quigley, *The Case for Palestine. An International Law Perspective* (Durham: Duke University Press, 2005), 108.

The debate surrounding the official status of the city of Jerusalem is another issue that remained at the center of debate in the immediate post-war years. Jerusalem was to be designated as a separate body and placed under an international administration under terms of the 1947 United Nations partition plan and General Assembly resolutions 181 and 303. However, the situation was exacerbated after 1949 because control of the city was effectively spilt. Although Amman held the eastern part and Israel controlled the western part of the city, Jerusalem in its entirety is hailed as having spiritual significance for Jews and Muslims alike, as well as Christian communities. For Jews, Jerusalem, also referred to as the City of David, is accorded a sacred status because it was the sight of both the First and Second commonwealths. For Muslims, Jerusalem, or al-Quds (the sanctuary), is the holiest sight in the Islamic world behind that of only Mecca and Medina because it is the location from where Muhammad was said to have stood and ascended to heaven from the Dome of the Rock, or the Mosque of Omar. On the other hand, Jerusalem is considered to be the holiest city to various Christian denominations around the world because Jesus was said to have been born in nearby Bethlehem and was crucified and buried at the Church of the Holy Sepulchre located within the city itself.

The refugee crisis that was created by the hostilities of the First Arab-Israeli War reached catastrophic proportion. as identified by international observers throughout the region. Although somewhere between 700,000 to 900.000 Palestinians remained within the post-war Green Line, another 750,000 or more were left stateless and forced to live in a series of Red Cross and Red Crescent camps in a handful of neighboring Arab states.[68] These makeshift refugee camps were largely ill-equipped and unprepared to deal with the

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[68] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 279.

situation and participatory states were unwilling to absorb or resettle the refugees. While much of the international community, especially the United States and the United Nations, voiced an interest in resolving the problem by devising a plan to allow many Palestinians to return home in exchange for formal recognition of the Jewish state, Israeli officials adamantly opposed the idea. Israeli leaders believed that the repatriation of thousands of Palestinians intent on destroying the Jewish state posed an unacceptable risk to national security due to the climate of insecurity and mistrust that characterized the post-war years,. Instead, they generally favored distributing a pre-designated sum of monetary compensation to the uprooted refugees for the property that was lost as a result of the wartime situation. Perhaps more importantly, Israel wanted Arab states to acknowledge the right of the Jewish people to exist in peace and security in Palestine before committing themselves to any further negotiations. This acknowledgment would in effect legitimize the state's existence. A limited number of Palestinians were permitted to return to Israel but were forced to relocate to areas pre-designated by IDF authorities. Despite these measures, an acceptable solution to the refugee issue was never met.

Given the severity of the refugee crisis and the acknowledgement of General Assembly Resolution 194 by the international community, Israeli delegates debated a variety of issues relating to the refugee crisis with a joint Egyptian, Syrian, Jordanian and Lebanese delegation team that collectively represented the Palestinian interest at the 1949 Lausanne Conference. Resolution 194(III) called for the full repatriation and return of those displaced Palestinian refugees who were willing to live at peace with their Jewish

neighbors.[69] Although the conference delegates were largely unsuccessful in finding a meaningful and defining solution to the problem at hand, the United Nations Palestine Conciliation Commission and the General Assembly were successful in regards to the creation of the Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and obtaining a meager amount of compensation for the property abandoned by the refugees. The UNRWA was established in Lausanne primarily as a means for the international community to address the needs and provide services to the displaced Palestinian refugees. Palestine refugees were specifically defined under the agency's operational definition as persons whose normal place of residence was Palestine between June 1946 and May 1948 and lost their homes and means of livelihood as a result of the hostilities.[70] It may be important to note that many have suggested that the mere creation of the agency was an indirect admission by the international community that the refugees would not be returning home at any point in the near future.[71] With over four million displaced, stateless refuges, the UNRWA is one of the largest and more prominent UN-affiliated agencies remaining in operation today. Throughout the history of the UNRWA the agency has received vast political and financial support from Washington and various European capitals.

In addition to the above mentioned issues of dispute, the limitations placed on the use of the Suez Canal and the Gulf of Aqaba by Israeli flagged merchant vessels greatly exacerbated the heightened tensions in the post-war years. To add further complexity to

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[69] United Nations, *Palestine-Progress Report of the United Nations Mediator*, General Assembly Resolution 194(III) (11 December 1948).

[70] UN Relief and Works Agency, "Who is a Palestine Refugee?" UNRWA, http://www.un.org/unrwa/refugees/whois.html

[71] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York: Palgrave Macmillan. 2004), 56

the situation, the Arab League organized the Office of the Arab Boycott in Damascus to manage the economic boycott of Israeli goods and multinational companies that were involved in direct dealings with the Jewish state. Cairo used its position of power and influence in the aftermath of the First Arab-Israeli War to limit Jewish merchant access to the Gulf of Aqaba and the Straits of Tiran that connect Eilat with the Red Sea and Indian Ocean. It also restricted Jewish vessels from entering the Suez Canal, which serves as a major shipping lane for both international trade and goods destined for Israel. Egyptian authorities supported these restrictions by presenting a variety of arguments. Pointing to the search and seizure practices that were routinely carried out by the Allied Powers during both world wars in the canal region, Cairo asserted that the 1888 Convention of Constantinople authorized taking any and all measures to preserve its national security. Egyptian authorities also suggested that the convention allowed for the limitations placed on Jewish merchants and the seizure of vessels that entered the waterway due to the ongoing state of belligerency that existed under the temporary truce that was arranged by the Egyptian-Israeli armistice agreement.

In the face of these assertions, Israeli legal authorities argued that Egyptian aggression threatened all nations involved in maritime traffic by disregarding provisions of the United Nations Charter and the 1949 armistice agreements. Throughout the 1950s it challenged Cairo's imposition of shipping regulations by presenting its case before the Security Council. After reviewing its initial claim, in September 1951 the Security Council affirmed that Cairo was not able to lawfully substantiate belligerent rights or self defense against Israel and called upon Egyptian authorities to refrain from interfering

with all maritime traffic moving through the canal.[72] However, Egyptian authorities were able to continue to limit Jewish shipping in the canal in part because, like many international endeavors, the resolution failed to include an enforcement mechanism. This reality allowed forces in Cairo to continue to threaten and restrict Jewish merchant vessels in the Suez Canal and the Gulf of Aqaba in the years thereafter. While Israel claimed that the Straits of Tiran were an international waterway, Egyptian legal experts insisted that the straits were an inclusive part of its territorial waters and therefore it was justified in all its actions. Other Egyptian legal experts argued that the Straits of Tiran in no way constitute a strait according to its most conventional definition. On the contrary, Tessler points out that the 1958 Geneva Conference on the Law of the Sea supported and gave validity to the position set forth by Israel and the Security Council. The Geneva Conference confirmed that a nation may under any circumstances lawfully restrict passage through straits that are used for international navigation between two non-territorial waterways or between an international waterway and the territorial sea of another state.[73] Despite the significance of the convention, President Nasser failed to sign the document due to his concern over the exact definition and application of a strait in relation to the Gulf of Aqaba and the Straits of Tiran.

Although the question of Palestine was critical in the immediate post-war years, focus was maintained on Israel's bilateral relations with its Arab neighbors. Furthermore, the region experienced several developments that weighed heavily upon direct Arab-

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[72] The United Nations, *Resolution of 1 September 1951*, Security Council Resolution 95 (1 September 1951).

[73] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 335

Israeli relations. Perhaps the most important of these developments was the rise of the Free Officers Movement and the ousting of King Farouk and the Wafd Party from Cairo. Beginning even before the post-war years, resentment among the Egyptian masses and the nation's military establishment was directed toward King Farouk and his non-Egyptian and non-Arab ruling dynasty that dated back to the reign of Muhammad Ali. In addition, many Egyptians blamed the Western facilitated elitism and rampant internal corruption of the Wafd Party of fueling the nation's economic stagnation and in turn its humiliating defeat at the hands of the Jewish state in the First Arab-Israeli War. Given these circumstances, in July 1952, the Free Officers Movement overthrew the Farouk regime in a bloodless coup and established the Revolutionary Command Council (RCC) under the command of General Muhammad Neguib and Colonel Gamal Abdul Nasser as its governing agent in Cairo. Neguib and Nasser were determined to revive the national economy and restore Egyptian dignity. While Neguib was propelled to the top leadership position of the RCC, by early-1954 Nasser emerged as the undisputed leader of Egypt and focused much of his time and effort toward addressing the political and economic needs of the country.

After the ousting of King Farouk, Nasser, who was born in Alexandria in 1918, became the first native Egyptian to rule the country in well over two-thousand years, dating as far back as the Pharoanic days. Contrary to popular belief, Nasser was initially uninterested in confrontation and in part open to the idea of establishing peaceful relations with his Jewish neighbor.[74] In fact, Nasser and Moshe Sharett, a known Mapai Party moderate who replaced Ben-Gurion as prime minister in 1953, were rumored to

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[74] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 339.

have kept close contact through their respective embassies in Paris. However, after the Knesset building was moved from Tel Aviv to West Jerusalem in 1950 Nasser's initial optimism toward establishing friendly relations with the Jewish state gradually began to deteriorate. In addition, Nasser secured a plan for the withdrawal of British troops from the Suez Canal zone in 1954 that prematurely put an end to the 1936 Anglo-Egyptian Treaty allowing London to maintain a military presence in the Suez region. Thereafter, Defense Minister Pinhas Lavon and his Chief of Staff Moshe Dayan sought to pursue a much more confrontational policy toward Cairo and in turn Egyptian-Israeli relations deteriorated. This was especially true after a plot to embarrass Nasser and undermine Egypt's relationship with Washington that was allegedly organized by Lavon himself was discovered in Cairo and Alexandria and dialogue between the two nations was effectively severed. While PM Sharett was forced to resign and the older Mapai Party guard lost tremendous credibility after Lavon's plan was uncovered, Nasser used the opportunity to focus more upon domestic issues such as the status of the Suez Canal and as a pretense to launch cross-border fedayeen (guerrilla) attacks against Israeli military installations located in the Gaza Strip. The widespread reprisal attacks mounted by the IDF in Gaza that followed and the formalization of the 1955 Central Treaty Organization (Baghdad Pact) further strained Egypt's relations with Israel and the West and convinced Nasser of the need to move in a far different direction. The Baghdad Pact was designed by Western powers as a measure to limit Soviet infiltration into the Middle East.[75]

The situation in the region reached a boiling point by the mid-1950s. This became increasingly evident after the United States Department of State refused to follow through

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[75] Department of State, "The Baghdad Pact (1955) and the Central Treaty Organization." Bureau of Public Affairs, Office of the Historian, http://www.state.gov/r/pa/ho/time/lw/98683.htm

with an arms agreement that would transfer a prearranged amount of military technology and hardware to Cairo. Instead, Nasser, who was determined to reequip the war-torn Egyptian military establishment, arranged to purchase the technology and hardware from Moscow indirectly through Czechoslovakia, a known Soviet client state. Given the climate of the Cold War, after the deal was discovered Secretary of State John Foster Dulles announced that Washington would withdrawal its funding proposal for the construction of a dam expansion project on the Nile River in Aswan. Nasser again turned to his new allies in the Soviet Union for financial assistance and was able to secure funding for the project. Moscow's growing interest in Middle Eastern affairs, support for Palestinian rights in the post-war era, increased Egyptian-Soviet military cooperation through the early 1950s and its offer of financial support for the Aswan High Dam all enhanced its position of regional leadership. Moscow's switch of allegiance in favor of the Arab interest in the Middle East should be viewed with particular importance because prior to Nasser's cultivation of closer relations with Soviet Premier Nikita Khrushchev, Moscow offered both recognition and support to Israel in the years since its founding. Nevertheless, Nasser announced the nationalization of the Suez Canal Company in Mansheya Square in July 1956 in an attempt to garner domestic approval, signal his growing displeasure with the West and further his trademark Arab nationalist agenda. It was in Alexandria that Nasser proclaimed the dissolution of the Suez Canal Company and reiterated the fact that thousands of Egyptians were exploited, having lost their lives, during the construction of the canal but Cairo collected only a very small proportion of the total revenue that the undertaking generated.

Nasser created the Egyptian Canal Authority to act as the managing authority of the venture in the aftermath of the dissolution of the Suez Canal Company. He stated that all Suez Canal Company assets would be frozen and stockholders would be compensated for their monetary losses consistent with prices on the Paris Stock Exchange. Although Britain had been the majority share holder of the venture since Prime Minister Benjamin Disraeli acquired control of the canal from Cairo in 1875, French investors also held a large stake in the enterprise. British diplomatic officials and oil executives were given notice and expelled from Egyptian soil in the face of protest in London, especially from the office of Prime Minister Anthony Eden,. London was convinced that the Suez was an international asset and Nasser should not be allowed to exploit the canal in defiance of international agreement for what appeared to be purely internal, domestic motives. British and French shareholders also made it very clear that they believed Nasser was incapable of managing the canal with a sense of international obligation due to the shear lack of Egyptian technical expertise needed to maintain its operation. While Paris viewed these circumstances as an opportunity to exact revenge against Nasser for his support and arming of nationalist National Liberation Front (FLN) rebels in neighboring Algeria, a long-time French colony, Israel used the opportunity as a means to deflate Nasser's prestige and prove the strength of its military establishment in the face of Cairo's recent arming of the Egyptian military through Soviet channels.

Fearing that Nasser was the second coming of Hitler who was intent on forming an Arab alliance to limit the much needed oil exports to Western Europe, Eden met privately with French and Israeli counterparts in the Paris suburb of Sevres to discuss potential future plans to destabilize or forcibly remove Nasser from power and reestablish

its sphere of influence in the Middle East. In Sevres, the three parties agreed that every attempt must be made to restore international control of the canal, including the use of military force if necessary.[76] Contrary to the set of demands set forth by Washington and others that sought a diplomatic solution to the crisis despite Nasser's recent recognition of Communist forces in Beijing, Britain, France and Israel formed a coalition in what became known as the Tripartite Collusion. When attempts to reach agreement on control of the canal failed, IDF troops were deployed across the Sinai on October 29, 1956 and attacked Egyptian units with the assistance of British and French air support. At this point it was clear that the Tripartite's campaign, Operation Musketeer, was well underway.

As continued diplomatic initiatives failed to progress, London and Paris issued several ultimatums demanding that Israel and Egypt immediately end hostilities and warned that continued aggression would result in a joint British-French intervention. However, after these demands were clearly ignored and fighting continued, British and French forces invaded the Suez region under the pretext of clearing the canal for the purpose of resuming trade as noted under the secret Sevres Protocol. Nasser responded by sinking some 40 merchant ships in the canal and he encouraged neighboring Arab states to assist in cutting off vital oil supplies that were needed by the collusion to continue the vast military undertaking. Although Britain and France vetoed all attempts to reach an agreement through various Security Council channels, the General Assembly called for an unconditional cease-fire and authorized the establishment of the United Nations Emergency Force (UNEF). This undertaking obtained the consent of Israeli and Egyptian leaders to move into the positions held by British and French troops and patrol the canal

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[76] The National Archives, "The Dean Memorandum," Release of the Suez Records, FCO 73/205, http://www.nationalarchives.gov.uk/releases/2006/december/dean.htm

region. The UNEF proposal was drafted by veteran Canadian diplomat Lester Pearson and supported by Secretary-General Dag Hammarskjöld. United Nations troops were allowed to remain in the Sinai only as long as Cairo offered the mission formal consent to operate under terms of the agreement arranged between Hammarskjöld and Nasser. Both states agreed to end hostilities, despite deep apprehension from Egyptian and Israeli commanders. Nevertheless, the IDF maintained its presence in the Sinai until March 1957 and only abandoned its positions after being subjected to extensive political pressure from Washington to adhere to all United Nations demands. President Dwight Eisenhower and Secretary Dulles were both concerned with the threat of Soviet involvement if the situation remained unresolved. The canal was reopened under Egyptian control following several months of closure due to the damages it incurred during the course of the crisis. Nasser later gained international recognition of his nationalization of the Suez Canal and agreed to pay some $81 million in compensation to British and French shareholders.

In perspective, the Suez Crisis of 1956 proved to be a truly defining moment for international politics and the Middle East. Despite apparent military defeat, President Nasser's triumphant political victory placed him in a position of unparalleled leadership of the Arab world. In fact, the region experienced a series of Nasser-inspired coups in the years thereafter that sought to play into the Arab nationalist-socialist brand that he propelled to the forefront of regional thinking. For example, throughout the mid-1950s the foreign policy of the Syrian Baath Party increasingly focused upon the prospects of Arab nationalism and aligned itself with the pan-Arab ideology espoused by Nasser. The Baath Party in Damascus was founded as a secular, socialist party by Michel Aflaq and Salah al-Bitar in 1947 to counter the influence of the French mandate governorship.

Nevertheless, in early-1958 Egypt and Syria united to form the United Arab Republic (UAR) that integrated the two states. Regardless of the role played by Damascus, the union was dominated by Nasser's officer corps and Soviet military advisors. In addition, in July of the same year officers from the Iraqi military under the command of Abdal Karim Qasim overthrew the pro-Western ruling Hashemite Monarchy and killed King Faisal II and his family at the royal palace and dragged their bodies through the streets of Baghdad.[77] This event facilitated the rise to dominance of the Iraqi branch of the Baath Party, which ruled the country until the United States-led invasion that deposed Saddam Hussein in early-2003. To the dismay of Cairo, the regime in Baghdad proved to be anything but friendly to Nasser's pan-Arab ambitions. A similar coup may have occurred in Lebanon had American Marines not arrived in Beirut in the summer of 1958 to save President Camille Chamoun from being toppled by Nasser-inspired forces intent on dislodging his pro-Western regime. In September 1962 another crisis was sparked in the Mutawakkilite Kingdom of Yemen when a group of Nasser supported officers launched a coup in Sana'a in an attempt to overthrow the royalist forces of the ruling monarchy of King Muhammad al-Badr. Despite the vast financial support offered to the royalist forces by Riyadh and Amman, King Badr was effectively deposed and forced into exile in Riyadh, Sana'a was seized and the pro-Nasser Yemen Arab Republic (1962-1990) was established under Abdullah as-Sallal.

As for Western interests in the Middle East in the years after the Suez Crisis, the collusion's attack on Egypt effectively sealed its fate in the region. Foremost, with the political failure of the Tripartite's campaign and the eventual dissolution of the Baghdad

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[77] United States Library of Congress, "A Country Study: Iraq," Federal Research Division, LOC Call Number: DS70.6 .I734, 1990, www.loc.gov

Pact, British and French prestige in the Middle East was all but destroyed. The vacuum created by the crisis allowed for the counterbalance of power and influence in the region favoring the Soviet position at the expense of London, Paris and Washington. As for Arab-Israeli relations, Israel's claim to legitimacy was further weakened in the eyes of the Arab world due to its reliance and dependence upon Western powers in times of turmoil. The collusion, especially Israel, was accused of taking retaliatory action that was far in excess of the initial provocation under the principle of proportionality in the use of armed force and its actions were condemned by the international community and cited as a violation of Egyptian sovereignty. Regardless of the negative publicity leveled against Israel as a result of these allegations, in the aftermath of the campaign the IDF secured a influx of arms purchases from Paris and Washington notified Israeli leaders that it would regard any future attempt by Cairo to close the Straits of Tiran to Jewish vessels as an act of war that would justify an armed response. Perhaps more importantly, the Suez Crisis created the underlying foundation for continued cross-border confrontation and the framework for a series of Arab-Israeli crises that developed in the proceeding years. On a side note. a flood of approximately 400,000 Sephardic Jews immigrated to Israel from the Maghreb states of Egypt. Algeria, Tunisia and Morocco as a result of the anti-Zionist hostility that swept clear across North Africa in the aftermath of the Suez crisis.

In addition to the difficulties posed by the need to absorb thousands of Sephardic immigrants, Israel faced a variety of new challenges throughout the early-1960s. Perhaps the greatest threat to regional peace and stability was posed by Moscow's increasing willingness to supply Arab states with an array of sophisticated military hardware. The most important recipients of Soviet aid were Egypt and Syria, despite the dissolution of

the UAR in 1961 after Damascus formally seceded from the union. This is particularly true after the March 1963 coup that ousted many of the initial founders of the Syrian Baath party and brought an entirely new group of leaders to Damascus. The two premier architects of the 1963 coup, General Salah Jadid and Doctor Nureddin al-Atassi, as well as a majority of the Syrian officer corps that included air force colonel and later president Hafez al-Assad, belonged to the Alawite religious minority whose religious affiliation encompasses a sect closely connected to Shia Islam. This band of Alawites was able to expel the older Baathist guard primarily because it maintained control over much of the national military complex dating back to the colonial era when French administrators placed many of its leaders in key military positions to counterbalance the dominance of the Sunni majority. Regardless of any hope offered by Nasser-inspired nationalism, the Palestinian people faced further disappointment throughout the 1960s as states across Asia and Africa were liberated from colonial rule and granted national independence. In this environment, the plight of the Palestinian people worked its way to the forefront of the international arena and began to shape the tone of Arab-Israeli relations.

Apart from the threat of another attack by Israel's most adjacent Arab neighbors, a variety of domestic challenges gained prominence beginning in the mid-1960s. Among the most important challenges faced was the rise of the Palestinian resistance movement. While this resistance movement included various operational splinter factions like Fatah and George Habash's Arab Nationalist Movement, it was controlled by the all-inclusive Palestinian Liberation Organization (PLO). The PLO was founded at the 1964 Arab League Summit in Cairo to represent the displaced Palestinian refugees and serve as a tool for Palestinians to respond to threats posed by Israel with the goal of liberating

Palestine from Zionist occupation.[78] From its earliest inception, the organization was led by Ahmad Shuqayri, Nasser's advisor to Palestinian affairs and former secretary-general of the Arab League. The PLO's guiding covenant, the Palestine National Charter, spelled out its commitment to the liberation of the Palestinian people, the destruction of the State of Israel and the establishment of an independent Palestinian national homeland. On the other hand, the organization's formal constitution, the General Principles of Fundamental Law, created its conventional military force in the Palestinian Liberation Army (PLA), its fifteen-members executive governing committee known as the Palestine National Council (PNC) and the Palestine National Fund (PNF) that was charged primarily with managing organizational financial and asset related matters. The PNC and PNF were headquartered in Amman but operated primarily from Damascus and the PLA was placed under the control of a coalition of Arab states and its three brigades were positioned in Syria, the Gaza Strip and Iraq (but later moved to Jordan).

Although the PLO was created as a means to empower the armed struggle against the State of Israel and give a greater voice to the aspirations of the Palestinian people, Nasser's delegation at the Arab League sought to use the organization as a tool to unify the Palestinian resistance movement in the hope that it would prevent the escalation of another full-scale war with Israel. The organization's leadership faced mounting criticism from various factions operating under its umbrella in the years after its initial founding. The most important of these factions was Fatah (Harakat al-Tahir al-Filistini - Palestinian National Liberation Movement), which was founded by Yasser Arafat and Khalil Wazir (Abu Jihad) in Cairo in 1959. With Chairman Shuqayri and the PLO leadership accused

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[78] J. Martin Bailey, "A Style Sheet on the Palestinian-Israeli Conflict," *The Link*, Americans for Middle East Understanding, Inc. 35, no. 2 (2002), http://www.ameu.org/uploads/vol35_issue2_2002.pdf

of mismanaging organizational strategy and acting merely as Nasser's personal puppet, Fatah commanders sought to distance themselves from the organizational leadership due to their closely held belief that cooperation with Shuqayri would produce little to no tangible benefits.

Fatah's al-Assifa (the storm) armed wing launched a guerrilla campaign across the ill-defended Israeli-Jordanian border after obtaining generous financial support from Damascus. The central aim of these raids was to destroy a network of Israeli National Water Carrier pumping stations that was designed to channel irrigation water from the Jordan River and its Banias and Hatzbani tributaries in the Galilee to the Negev Desert of southern Israel. These attacks marked some of the first PLO attacks on Israeli targets inside the armistice lines.[79] It is important to note that after the Knesset passed the 1959 Water Law declaring all water resources in its territory to be public property, the Arab League responded with its own proposal to divert water from the headwaters of the Jordan River to prevent Jewish agricultural cultivation in the disputed Demilitarized Zones. In turn, Israeli-Palestinian hostility escalated and the Arab League's diversion project was abandoned after it was nearly destroyed by an Israeli air strike.

While some suggest that Fatah commanders, amongst others, sought to provoke the IDF into a measure of retaliation that would lure Arab states into another armed incursion, the resistance movement attempted to justify its armed raids on Israeli military and civilian positions as a manifestation of the resistance of a people to armed occupation of its territory. This is a contention that may hold validity under the facets of international

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[79] Leila Farsakh, "A Chronology of Conflict: 1947-2007," *The MIT Electronic Journal of Middle East Studies* 8 (2008), http://web.mit.edu/cis/www/mitejmes/Chronology%20of%20a%20Conflict.pdf

law, especially if the Palestinian people were deemed to be under foreign dominion and denied their basic right to self-determination. More specifically, the United Nations has on several occasions recognized that peoples who are fighting against colonial dominion, alien occupation or in defense of their right to self-determination have the legitimate right to use force, not terrorist tactics, to accomplish their objectives under international law.[80] Furthermore, IDF leaders ordered dozens of reprisal attacks on Fatah guerrillas operating from bases located in Jordan throughout the mid-1960s and even debated an attack on Syria for its support and encouragement of these cross-border raids. Having signed a mutual defense pact with Cairo that restored military and diplomatic ties for the first time since the dissolution of the UAR, by the mid-1960s the Syrian Alawite leadership was growing increasingly concerned with Israel's desire for regime change in Damascus.

Given this state of heightened tensions and flammability across the Middle East, another armed confrontation was inevitable. The final act that served as the catalyst to the outbreak of hostilities occurred in early-1967 when a Syrian intelligence attaché was sent to Cairo to warn Nasser that 10-12 IDF brigades were mobilized and preparing to launch an attack on Damascus. This calculation was apparently reaffirmed a few days later by Soviet diplomats who passed an uncorroborated intelligence report stating that the IDF was in fact amassing itself along the Syrian border. Remaining committed to the mutual defense agreement arranged with Damascus, Nasser responded by declaring a state of emergency and ordering his Chief of Staff General Mohammed Fawzi to relay a telegram to United Nations Secretary-General U Thant notifying the international community of his demand of the withdrawal of UNEF troops from the Sinai Peninsula under the

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[80] Francis A. Boyle, *Palestine, Palestinians and International Law* (Atlanta: Clarity Press, Inc., 2003). 135.

agreement arranged with Secretary-General Hammarskjöld in the wake of the Sinai campaign. This allowed his armored divisions to occupy the Egyptian-Israeli border.

After UNEF troops departed from the Sinai and Egyptian divisions moved in and seized control of the Gaza Strip Nasser unilaterally closed the Straits of Tiran to all flagged Jewish merchant vessels. While he attempted to justify this action by suggesting that its purpose was to prevent Israel from transporting strategic goods that it may use in an assault against Syria, the closure of the straits effectively cut off all shipping lanes to the Eilat seaport on the Gulf of Aqaba. This move was widely interpreted by Jewish analysts as an act of war because it constituted an act of aggression against Israel under the agreement that was arranged with Secretary Dulles after the 1956 Sinai campaign and therefore justified a response in self-defense under Article 51 of the United Nations Charter. Nasser's closure of the Straits of Tiran also clearly violated the 1958 Geneva Convention on the Law of the Seas that declared the straits be an international waterway and open to all flagged vessels.[81] To make matters worse, with 8,000 PLA troops mobilized in the Gaza Strip and several Arab leaders voicing a firm commitment to the perceived hostilities, King Hussein traveled to Cairo where he arranged an Egyptian-Jordanian defense agreement. This was viewed within many Israeli circles with particular alarm because the two states had maintained relatively stable relations in previous years. Nevertheless, in late-May 1967 Israeli Prime Minister Levi Eshkol called an emergency cabinet session to discuss the challenges at hand and draft a plan to respond to the hostile actions of the neighboring Arab leadership.

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[81] United Nations, *Convention on the High Seas 1958*, U.N. Treaty Series 450 (2005).

Many moderate Israeli leaders initially pushed for a diplomatic solution due to their reluctance to rely upon Eshkol's leadership in a time of war.[82] However, those who favored going to war suggested that there were potential political and territorial gains associated with confronting the Arab hostility with blunt military force. After several days of internal maneuvering and public debate a national unity government was established under Eshkol and Menachem Begin. Moshe Dayan was appointed defense minister. Dayan commanded IDF troops in 1948 and 1956 and was an advocate of taking a hard-line position similar to that espoused by Ben-Gurion and Jabotinsky when confronting Arab provocation. In any event, the Israeli air corps initiated the conflict three days later by launching a preemptive air strike on several key Egyptian military installations assembled in the Sinai. In the face of Nasser's hostile actions in recent days, this strike was a lawful, legitimate act (anticipatory reprisal) in the name of self-defense that was sanctioned by international law. The IDF maintained near absolute dominance over Egyptian troops on the Sinai Peninsula and the Gaza Strip. Jordanian forces in East Jerusalem and the West Bank and Syrian armored units on the Golan Heights during the course of the six days of fighting. Given the IDF's impressive battlefield performance, the Arab coalition eventually agreed to a ceasefire that secured an end to the conflict and opened another chapter in the Arab-Israeli drama. Citing Kenneth Pollack's *Arabs at War* (2002), Lynn states that the general ineffectiveness of the Arab armies on the battlefield

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[82] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 395.

of June 1967 is attributed to their lack of tactical leadership, information management, technical skills and weapons handling.[83]

The IDF's victory over the ill-prepared and ineffective Arab armies propelled it to mythical stature and the nation itself significantly expanded its territorial size with the formal acquisition of five new (occupied) territories: the West Bank, East Jerusalem, the Gaza Strip, the Sinai Peninsula and the Golan Heights. Here, it may be important to note that under Article 42 of the 1907 Hague Convention a territory is considered occupied when it has been placed under the authority of a hostile force. One example cited by Von Glahn as a hostile occupation force is a military governorship, as was the case in the territories acquired after the Six-Day War.[84] Regardless of international condemnation stressing the inadmissibility of territorial acquisition via military conquest, even in cases of legitimate self-defense, Israel unified East and West Jerusalem and fully annexed the city in late-June 1967. Israeli law, jurisdiction and administration were then applied to the territory through Amendment 11 of the Law and Administration Ordinance Law. Von Glahn and others state that this was a clear violation of the Fourth Geneva Convention.[85] Nevertheless, after East Jerusalem was seized from Jordanian control the Arab municipal system was abolished, the city's Arab inhabitants were offered Israeli citizenship, the Jewish quarter was largely rebuilt and members of all religions were allowed access to the city's holy sites under the Knesset's Preservation of the Holy Places Law.

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[83] John A. Lynn, *Battle. A History of Combat and Culture, From Ancient Greece to Modern America* (Boulder: Westview Press, 2003), 284.

[84] Gerhard von Glahn, *Law Among Nations· an Introduction to Public International Law*, 7th ed. (New York· Longman. 1996), 670.

[85] Gerhard von Glahn, *Law Among Nations: an Introduction to Public International Law*, 7th ed. (New York. Longman. 1996), 307.

When putting the IDF's conquests of June 1967 in perspective it is important to realize that although Israel did in fact assume effective control of the five territories, it failed to acquire lawful sovereign title to any of the territories. According to a variety of international legal jurists, the IDF military governorship in the territories should be viewed as a belligerent occupation and subject to limitations encompassed in The Hague Conventions of 1899 and 1907, the 1949 Fourth Geneva Convention and all other customary laws relating to the rights and responsibilities of a belligerent occupant. In light of these considerations, Jewish sources maintain the inapplicability of Article 2 of the Fourth Geneva Convention. Article 2 states that "the convention shall apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance."[86] Interpreting the document as meaning that Article 2 rests upon the ousting and occupation of a legitimate sovereign, Israeli authorities assert that because no Arab government possessed the lawful title to any of the territories in question its claim to title in the five captured territories is equal to or better than that of the relevant Arab states. Jewish sources therefore reject the de jure character of the Fourth Geneva Convention and contend that its position in the occupied territories is validated under international law. Furthermore, Israeli leaders have stated on numerous occasions that it is not an occupying power in the formal legal sense.

Although the two world superpowers, the United States and the Soviet Union, sought to jointly intervene in the aftermath of the negotiated cease-fire by drafting a compromise proposal, it was rejected by both Israel and the Arab states involved. In the

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[86] International Committee of the Red Cross. "Diplomatic Conference of Geneva of 1949," (12 August 1949) http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument

aftermath of the Second Arab-Israeli War, many in the Arab leadership realized that the

its military establishments remained too weak to respond to any further provocation due

to their near total decimation by Israeli forces during the Six-Day War and favored a

diplomatic solution to the problem. This is especially true of Nasser and King Hussein.

However, a resolution was adopted at the September 1967 Arab League Summit in

Khartoum, Sudan that was based on three nos. These three nos guided the majority Arab

position and included no peace with Israel, no recognition of Israel and no negotiations

with Israel.[87] The Arab community undercut the conventional means by which conflicts

and disputes are resolved in the international community by refusing to negotiate or

engage in diplomatic relations with Israel. Nevertheless, Jewish leaders responded to this

gesture by stating that they were forced into the state of belligerency due to evolving

circumstances and therefore could not be expected to surrender any territory until Arab

states showed a sincere willingness to enter into peace negotiations. Given this climate of

mutual skepticism and suspicion, tangible results weren't met until the issue was brought

before the Security Council in late-1967.

After much debate and weeks of diplomatic negotiation, the Security Council, in

close cooperation with Secretary-General Thant and Lord Caradon in London, adopted

Resolution 242 in late-November 1967. The United Nations hoped that the resolution

would serve as general guideline for all future peace settlements in the Middle East.

Reemphasizing the inadmissibility of territorial acquisition by armed means and the need

for a just settlement of the Palestinian refugee problem, the agreement stated that Arab-

Israeli peace could only be achieved through the return of the occupied territories and

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[87] Egypt State Information Service, "4th Arab Summit Conference, Al Khartoum 1967." Ordinary Arab Summits, http.//www.sis.gov.eg/VR/arab2008/english/html/conf4.htm

Arab recognition of the State of Israel. More specifically, Resolution 242 called for the withdrawal of all IDF forces from the occupied territories, the immediate termination of all states of belligerency and respect for the sovereignty, territorial integrity and the right of all states in the region to live in peace and security.[88] Fundamentally, the resolution called for the withdrawal of Israeli troops from the five occupied territories in exchange for Arab acceptance of its right to exist in peace and security. As opposed to adopting the resolution under Chapter VII of the United Nations Charter which would have given the Security Council the authority to make a binding decision on member states to resolve the breach of peace, it was formally adopted under Chapter VI of the charter. Therefore, the Security Council was authorized only to make recommendations toward the dispute and thus the resolution held no binding authority on member states.[89]

Despite the vagueness of the document that allowed for a wide spectrum of interpretation, Resolution 242 was associated with the concept of land for peace. While Eshkol, Begin, President Nasser and King Hussein each had varying interpretations of the true meaning and implications of the resolution, they generally supported the document in principle. All Arab states with the exception of Egypt and Jordan rejected the resolution because it made no mention of the Palestinian people deserving of self-determination or a national homeland. While these concerns hindered efforts to find an acceptable solution to the conflict, United Nations special representative and Swedish diplomat Gunnar Jarring was dispatched to the Middle East to reach an agreement within

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[88] The United Nations, *Resolution 242 of 22 November 1967*, Security Council Resolution 242 (22 November 1967).

[89] John Quigley, *The Case for Palestine. An International Law Perspective* (Durham: Duke University Press, 2005), 171.

the basic framework of Resolution 242. The Jarring Mission initially achieved relative success by obtaining general approval throughout the international arena, but unable to implement any provisions of the resolution it ended in 1971. Resolution 242 served as the basis of virtually all subsequent Arab-Israeli peace initiatives.

CHAPTER VI

THE CONFLICT: 1967-1987

Although the State of Israel more than doubled the size of its prewar territory with its June 1967 victory over the combined Arab assault, the acquisition and occupation of the five formerly Arab territories brought many new challenges. Yet, after the Six-Day War relations between Washington and Jerusalem grew much closer. This upturn in dealings was probably in part attributed to the lobbying efforts of the American-Israeli Public Affairs Committee (AIPAC). AIPAC has long proven itself to be one the most powerful lobbying forces in Washington in part due to its large campaign contributions and ability to influence voting patterns. Despite having limited its sales of arms in the region in previous years to avoid identifying itself with either party in the conflict, after French Prime Minister Charles de Gaulle leveled an arms embargo against Israel in the summer of 1967 the United States Department of Defense arranged to increase the supply of sensitive military hardware and technology to the Israeli armed forces. Some suggest that this shift in policy was an attempt to counter growing Soviet penetration and influence throughout the Middle East.[90] This was particularly true because while the

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[90] Bernard Lewis, *The Shaping of the Modern Middle East* (New York: Oxford University Press, 1994), 156.

American military establishment was bogged down in Southeast Asia throughout the 1960s, many strategically important, larger Arab states like Egypt and Syria strengthened their ties with the Soviet Union and increasingly aligned themselves with Moscow in the international arena, especially at United Nations-based forums. While many Arab states signed treaties allowing Soviet troops the use of military installations across the Middle East and arranged vast arms purchases from Moscow, arms sales to Israel increased from $44 million to nearly $995 million under the Lyndon Baines Johnson Administration.[91]

Given the harsh reality surrounding an additional 350,000-400,000 displaced Palestinian refugees and the leadership of surrounding Arab regimes generally turning a blind eye to the aspirations of the Palestinian people in the years after their disastrous 1967 defeat, the strategy of Fatah, as well as a handful of other resistance organizations, was increasingly inclined to support the belief that only Palestinians themselves could truly guard their interests. In effect, after the summer of 1967 the militant Palestinian resistance movement emerged as an independent actor in the greater Arab-Israeli drama. Thereafter, these organizations attracted thousands of new recruits from among the vast refugee camps that were set up after the Six-Day War with the encouragement and flow of monetary support collected from a tax imposed on Palestinians working abroad by a host of Arab nations. The resistance movement began to mount a series of daring raids on IDF positions located throughout the occupied territories from these refugee camps. This was particularly true in Jordan, which absorbed a majority of the post-1967 displaced Palestinian refugees. King Hussein allowed PLO fedayeen fighters in the remote western

deserts of the kingdom to organize themselves into what amounted to a pseudo-state operating within Jordan's territorial boundaries that offered the PLO a sanctuary for its aggressive cross-border guerrilla campaign in the West Bank. A similar situation was created in the Bekaa Valley of southeastern Lebanon that was chosen as a staging ground to hit targets in northern Israel due primarily to its large sympathetic Shia community and mountainous terrain that was favorable to various aspects of guerrilla warfare. In fact, personnel in Beirut offered the PLO a blank check to operate in and around the Bekaa Valley under the 1970 Cairo Agreement.[92] As fedayeen operations from western Jordan and southern Lebanon escalated and the IDF retaliated with widespread reprisal attacks, a tremendous strain was placed on the domestic stability of the Hashemite Kingdom and other neighboring Arab regimes. Many in Israel justified these reprisal attacks as a just response to clear violations of its sovereignty and international law posed by the cross-border raids.

Despite these developments, in early-1968 Arafat and a small band of Palestinian fedayeen guerrillas dealt a significant blow to an entire IDF division near the village of Karameh that was constructed along the banks of the Shuna-Hindassa River. At the time of the IDF assault Karameh was thought to house 30,000 Palestinian refuges and was alleged to be the operational headquarters of the PLO-affiliated fedayeen. Although it is believed that Arafat fled the area before the end of the fight, he was able to claim responsibility for the defeat at the expense of the Jordanian security forces and pronounce a symbolic political victory that captured the attention of the international community and instantly propelled the PLO to a level of unprecedented popularity and prestige in the

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[92] United States Library of Congress, "A Country Study: Lebanon," Federal Research Division, LOC Call Number: DS80.L39, 1989, www.loc.gov

Arab world. The Battle of Karameh served as a critical turning point for the Palestinian resistance movement. By late-1968, with a power struggle consuming the PLO, Shuqayri resigned from his post as chairman of the PNC and Arafat gained undisputed control of the organization and its apparatus. Glorified as a national hero, Arafat was declared the new chairman of the PLO at the Fifth Palestine National Council Convention in Cairo in February 1969. The Palestine National Charter was amended to reflect Fatah's moderate, secular ideology and opposition to Zionism, but not necessarily toward Judaism itself, that was espoused by its executive committee.[93] More specifically, Arafat revised the charter to include clauses calling for the destruction of the State of Israel. Seemingly overnight, Arafat became the symbol of the Palestinian resistance movement and one of the most powerful forces in the Arab world, even rivaling the leadership of Nasser.[94]

With Arab-Israeli peace negotiations at a deadlock and Israeli and Egyptian forces exchanging fire across the Suez Canal in the War of Attrition, by late-1969 the State Department unveiled a plan sponsored by Secretary William Rogers to promote regional peace and offer relief to the escalating circumstances at hand. In accordance with United Nations Resolution 242, the Rogers Plan called upon Jordan and Egypt to withdrawal its support for the Palestinian claim to a national homeland in exchange for all lands occupied by Israel after June 1967 and an immediate ceasefire to the War of Attrition. The plan was first approved by Soviet diplomats and was accepted by Nasser and King Hussein as a means to reduce Arab-Israeli hostilities but was rejected by leaders in

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[93] Janet Wallach and John Wallach, *Arafat: In the Eyes of the Beholder* (New York: Carol Publishing Group, 1990), 283.

[94] John K Cooley, *Green March, Black September The Story of the Palestinian Arabs* (London: Frank Cass, 1973), 106.

Jerusalem on the basis that it was merely an attempt to appease the Arabs at the expense of the Jewish people. Prime Minister Golda Meir denounced the proposal by stating that it would be irresponsible for her government to support such an agreement because it was sharply opposed to its political interests and would inevitably result in a catastrophic disaster for the State of Israel. On the contrary, deeply angered by Meir's remarks, the Palestine National Council and the leadership of several other Arab states refused to recognize the underlying legitimacy of the proposal because it failed to address the rights of the Palestinian people. Arafat labeled the plan as an outright American conspiracy to undermine the efforts of the Palestinian resistance movement.

In addition to the failure of the Rogers Plan to reach an acceptable solution, the situation in the Middle East further deteriorated the following year with the outbreak of hostilities between PLO fedayeen units and King Hussein's security forces in Jordan. In late-1970 the newly constituted Marxist-oriented PFLP hijacked five civilian commercial airliners only months after Arafat vowed to respect Jordanian law in exchange for an agreement allowing the his forces free movement within the territory and Amman declaring open support for the PLO's right to exist and wage war on Israel. Given the belief that King Hussein was seeking a secret peace with Israel and the organization's equation of a struggle against Amman as a greater struggle against its Zionist enemy, several of the hijacked aircraft were landed in the western Jordanian desert at Dawson's Field and firebombed. This was an apparent attempt to undermine and forcefully depose the Hashemite monarchy and create widespread media publicity that would bring greater international attention to the plight of the Palestinian people in their pursuit of self-determination. It is believed that the showdown at Dawson's Field, which is often viewed

as one of the first acts of international terrorism, accomplished far more politically for the resistance movement than the previous twenty years of negotiations combined. While Arafat was publicly opposed to the hijacking but failed to condemn the operation, he proclaimed that the PLA and his fedayeen forces were prepared for a decisive showdown with Jordanian security forces.

Although the country was briefly engulfed by a bloody ten-day civil war, which has often been referred to as Black September, Arafat's forces were eventually crushed and evicted from Jordanian soil. The organization's eviction and the forced dismantling of PLO infrastructure dealt the Palestinian people a tremendous blow by suppressing its hope of establishing a national homeland, the United Arab Kingdom, which would join Palestine with land east of the Jordan River. A further setback was experienced when within a matter of days of the PLO's departure from Jordan, President Nasser, long-time leader of the Arab community and the self-proclaimed protector of the Palestinian people, died from an unexpected heart attack. He was formally succeeded by his acting vice president Anwar al-Sadat. Despite these apparent misfortunes, the PLO relocated to the Bekaa Valley where it recruited and indoctrinated thousands of new Palestinian refugees, reassembled its vast network of terrorist training camps and gained control of the weak political establishment in Beirut under the guise of resuming cross-border attacks on Israel. Arafat referred to this pseudo-independent enclave of southeastern Lebanon as the Fakhani Republic, whose name was derived from the impoverished Beirut neighborhood where it was initially organized and commanded.

Throughout the early-1970s both regional and international attention was shifted away from direct Arab-Israeli relations and focused upon the situation unraveling in the

occupied territories. This is especially true in reference to the West Bank and the Gaza Strip, both of which Israel contended it lawfully acquired in June 1967 as a result of Arab belligerency and surrounded with dozens of fortified Jewish settlements in the pursuit of national security concerns. Utilizing many of the same laws used after the 1948 Arab defeat, authorities from the Jewish National Fund began to expropriate and confiscate land previously held by Arab property owners to allow for the expansion of Jewish settlements. These actions were taken in defiance of the 1907 Hague Regulations, which strictly forbids an occupying power from confiscating an occupant's private property.[95] Nevertheless, some suggest that the construction of these settlements was part of a larger scheme designed to create a significant Jewish presence in the two territories that would allow for the lawful exercise of Israeli sovereignty in the territories. Many Israelis also increasingly referred to the West Bank by its historical reference as Judea and Samaria in an attempt to prove that its territorial claim to the area predates the Arab contention.[96]

Despite these considerations, much of the Israeli political leadership, including Prime Minister Meir and Defense Minister Dayan, whose military government exercised authority in the occupied territories in conjunction with civilian administrators. opposed the annexation of the West Bank and the Gaza Strip. This was in part due to the fact that with a joint population of well over a million Arabs in the two territories annexation would threaten the future of the state by offsetting the Jewish majority. Instead, both favored giving consideration to the idea of returning the occupied territories as a part of a

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[95] Gerhard von Glahn, *Law Among Nations. an Introduction to Public International Law*, 7th ed. (New York. Longman, 1996), 689.

[96] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 466

comprehensive peace agreement that would guarantee the peace and security to the Jewish state. While the IDF governorship limited movement and imposed strict curfews in the known fedayeen stronghold and base of operation in the Gaza Strip, in May 1972 Jerusalem allowed municipal elections to be held in the West Bank in the hope of marginalizing PLO influence in the territory by giving the local population a greater ability to control its own affairs. Meanwhile, by the end of 1972, President Sadat expelled all 15,000 Soviet advisors who had been invited into Egypt by President Nasser. Although Sadat signed a treaty of alliance with Moscow the previous year, this move was reportedly an attempt to establish closer relations with Washington in the face of deteriorating Arab-Israeli relations and an Egyptian economy in shambles. The removal of Soviet influence from Cairo offered Washington the opportunity to act as the chief architect of the developing peace process. Sadat hoped that reaching a détente with the political leadership in Washington and the strengthening of the Egyptian military establishment would help restore dignity to the Egyptian people and place Cairo in a far better position to negotiate the return of the Sinai Peninsula at some point in the future.[97]

Regardless of the organization of municipal elections in the West Bank and Sadat's attempts to establish warmer relations with Washington, on the Jewish holiday of Yom Kippur President Sadat and Syrian President Hafez al-Assad ordered an alliance of Egyptian and Syrian forces to simultaneously cross the fortified Sinai Peninsula and Golan Heights and launch a full-scale ground offensive to recapture the lands occupied by Israel since the end of the Six-Day War (October 6, 1973). Egyptian units armed with Soviet made SA-6 surface-to-air missiles and Sagger wire-guided antitank missiles in the

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[97] United States Library of Congress, "A Country Study: Egypt," Federal Research Division. LOC Call Number: DT46.E32, 1991, http://www.loc.gov

southernmost theatre of conflict managed to cross the Suez and deal a significant blow to the unsuspecting IDF presence posted along the a 160-kilometer chain of fortifications assembled along the eastern coast of the canal known as the Bar-Lev Line. To the north, Syrian forces were able to reach the very outer perimeter of the Golan Heights after a spearhead of more than 1,000 Syrian tanks destroyed a large majority of the Israeli armor assembled in the region. Relying heavily upon Soviet supplied anti-aircraft hardware and the element of surprise, Egyptian and Syrian forces were able to catch the IDF off-guard and destroy over one-hundred Israeli aircraft in the first three days of fighting. For a very short time it appeared that the Arab coalition would prevail on the battlefield and dispel the myth of Israeli invincibility instilled in the region after the crushing 1967 Arab defeat. However, within days, the momentum gained by the Arab forces shifted sharply in favor of the crippled IDF after it was placed under the leadership of legendary tank commander General Ariel Sharon. Sharon's armored battalions effectively repelled the advancing Egyptian units in the south and drove the Syrian units toward the road back to Damascus in the north. This ultimately turned the tide of the war in favor of Israel. Soon thereafter, Sadat's back-channel messages suggesting that he waged the campaign of aggression not out of hostility but for limited political and diplomatic purposes finally reached their Washington audience.

With the fate of the battle in close proximity, the Soviet Union arranged an airlift to re-supply Egyptian and Syrian units with desperately needed goods and rations at the request of the battle-exhausted Arab alliance. In response, Washington arranged to provide the IDF with much needed supplies and military hardware. Secretary of State Henry Kissinger then traveled to Moscow to meet with Soviet Premier Leonid Brezhnev

in an attempt to garner support for a United Nations sponsored ceasefire. After sixteen days of fighting and the loss of more than 10,000 troops from both sides, the Security Council unleashed Resolution 338 by the end of October. Resolution 338 demanded an immediate ceasefire and cessation of all hostilities, reaffirmed all stated provisions of Resolution 242 and called for the implementation of a "just and durable" peace in the Middle East.[98] Israel and the Egyptian-Syrian alliance acknowledged the request and ended all hostilities. Meanwhile, with a fragile peace in place, Secretary Kissinger traveled between the capital cities of Jerusalem, Cairo and Damascus engaging in what has become to be known as shuttle diplomacy in search of support for the scheme of land for peace enshrined in resolutions 242 and 338. Israel reached disengagement agreements with Egypt and Syria as a result of Kissinger's tireless efforts. The UNEF II mission was deployed to monitor the situation in the Sinai and create a buffer-zone between Israeli and Egyptian units stationed on the peninsula. This demilitarized zone was widened in September 1975 after the IDF withdrew beyond the Gidi and Milta passes with the formal signing of the Sinai Disengagement Agreement. Also, the United Nations Disengagement Observer Force (UNDOF) was dispatched to monitor the situation in the Golan Heights and create a buffer zone between Israeli and Syrian troops in the territory. The 1973 Arab-Israeli War has been referred as the Yom Kippur War in Israel and the West and the Ramadan War in the Arab world.

The Third Arab-Israeli War proved to be a dramatic turning point for Israel and its Arab neighbors, especially Egypt. For Israel, in the aftermath of the conflict there was widespread public outcry and criticism aimed at its political establishment and military

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[98] United Nations, *Resolution 338 of 22 October 1973*, Security Council Resolution 338 (22 October 1973).

complex for its intelligence failures and inability to react to the threats it faced in the early days of the fight. In fact, the Agranat Commission, a fact-finding mission headed by Chief Justice of the Israeli Supreme Court Shimon Agranat, placed the large bulk of the blame for the near disaster squarely on the IDF leadership structure and training regiment.[99] Regardless of where responsibility for the debacle was placed, Meir was shielded from much of the criticism of the Agranat Report but faced mounting public pressure to relinquish authority and was eventually forced to resign. She was succeeded by Yitzhak Rabin, who served as chief of staff in the Six-Day War. Moshe Dayan was replaced by Shimon Peres. As for Egypt, President Sadat was heralded as a national hero for his leadership in the crossing of the Suez Canal and the impressive battlefield performance of his troops that together with Assad's forces restored Arab respect and dignity.[100] Despite another military defeat and continued occupation, a strong sense of unity and reinforced identity swept through the Arab world in the aftermath of the war, especially among the Palestinian community.

In response to the situation created by the hostilities of October 1973, the United States in cooperation with the Soviet Union organized and chaired an international peace summit in Switzerland in December 1973 that became to be known as the Geneva Conference. The stated aim of the summit was to bring closure to the long-standing Arab-Israeli conflict and discuss the nomination of an official representative of the Palestinian people in their plight to establish an independent national homeland. Although Sadat's

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[99] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader: A Documentary History of the Middle East Conflict* (New York. Penguin Books, 2001), 163-166.

[100] John A. Lynn, *Battle A History of Combat and Culture, From Ancient Greece to Modern America* (Boulder. Westview Press, 2003), 311.

primary goal in Geneva was to reach an agreement that would lead to the full recovery of the Sinai Peninsula, he was also determined to foster greater Arab unity and grant the PLO formal responsibility over the Palestinian cause. In the end, the summit fell short of establishing anything remotely near a resolution to the conflict due to uncertainty on behalf of the Arab bloc to agree upon the status of the occupied territories and discuss the formal recognition of Israel. Adding further frustration was the fact that representatives from Damascus and the PLO refused to participate in the conference. With the failure of the conference to achieve its stated expectations, the international community assumed a greater role in the ensuing peace process and began placing greater pressure on all parties of the conflict to work toward a common agreement.

Although the PLO effectively reorganized itself in southern Lebanon and resumed its guerrilla campaign against targets in northern Israel after its eviction from Jordan, the 1970s witnessed a far greater focus on diplomacy and compromise within the ranks of the organization. This was increasingly evident after the 1974 Arab League Summit in Rabat that was attended by high-level diplomats from as many as twenty Arab states. The conference delegates in Morocco affirmed the right of the Palestinian people to establish an independent national authority under the leadership of the PLO, which was formally proclaimed the sole legitimate representative of the Palestinian-Arabs.[101] Arafat invited to formally address the General Assembly in the wake of his political victory in Rabat. Arafat, speaking in Arabic and flanked by his confidante Ali Hassan Salameh, alleged mastermind of the 1972 Munich Olympic massacre, defended his dream of creating an independent Palestinian state deserving of titular sovereignty, territorial integrity and

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[101] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York: Palgrave Macmillan, 2004). 109.

self-determination at the United Nations headquarters in New York City. The United Nations formally accorded the PLO observer status in the organization within days of Arafat's "Olive Branch and Freedom Fighter" proclamation and soon thereafter Palestine became a full member of the Arab League. Given the fact that the General Assembly viewed the Palestinian people as a principal party in the establishment of a just and durable peace in the Middle East, as noted in the text of Resolution 338, it established the Committee on the Exercise of the Inalienable Rights of the Palestinian People to help promote Palestinian self-determination and find a viable solution to the conflict at hand. Further working in Arafat's favor, with the United Nations Third World caucus drawing comparisons between the Israeli regime and the white-minority apartheid system of South Africa, the General Assembly adopted Resolution 3379 in December 1975 declaring Zionism to be racist and a form of racial discrimination.[102] The resolution was met with resistance among leaders in Israel and the West but wasn't rescinded from the record until 1992. Arafat's popularity reached a new high as a result of his diplomatic wrangling of the 1970s, especially among Palestinians living in the occupied territories.

Despite the widespread international recognition that was achieved by the PLO, the stability of the organization was further questioned with the outbreak of the Lebanese Civil War in 1975. The conflict split the country into two movements and witnessed infighting between nationalist forces associated with the Maronite Christian community and the Arab nationalist oriented Lebanese National Movement (LNM) that included various Muslim factions, including the PLO. The situation was made even more difficult by the oftentimes cloudy support that was accorded to each faction by a variety of

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[102] Robert F. Gorman. *Great Debates at the United Nations: An Encyclopedia of Fifty Key Issues, 1945-2000* (Westport: Greenwood Press, 2001), 262-266.

regional and international actors. For example, while the nationalist forces received encouragement and monetary support from Sunni Arab states like Egypt, Saudi Arabia and Kuwait, as well as Israel and the West in general, all of whom feared that a PLO victory in Lebanon would further destabilize the region, the LNM and its associated factions were supported by the regimes in Tehran and later Damascus. Syria initially acted against the PLO in Lebanon to prevent Arafat from capitalizing on the situation by diminishing its regional influence and by extension its ability to regain the Golan Heights but later switched allegiances in support of the LNM. This distinction in support between Sunni Arab regimes and others on one hand and Tehran and Damascus on the other represented the growing rivalry that existed among many states throughout the Islamic World. The infighting in Lebanon was initially focused upon the intercommunal conflict created by the 1970 Cairo Agreement that allowed Arafat's forces free reign to launch guerrilla attacks on Jewish settlements in northern Israel from a string of guerrilla camps located in the southernmost part of the country. However, by late-1976 the Arab League arranged a summit in Riyadh in an attempt to find a mutually acceptable solution that would bring closure to the widening crisis. With thousands of Syrian forces deployed in and around Beirut reconstituted as the Arab Deterrent Force, Damascus emerged from the summit with a clear mandate to maintain order and enforce all provisions of the Cairo Agreement. In addition, security responsibilities in the strip of territory encompassing the six mile buffer zone along the northern Israeli border were placed under the control of General Saad Haddad's pro-Israel Free Lebanon Army, which was later renamed the South Lebanon Army (SLA).

While the PLO made considerable gains due to the turmoil and crisis surrounding the Lebanese Civil War (1975-1976), the political climate in Israel was changing as well. Foremost, given the IDF's reputation as the dominant regional military power hanging in the balance after 1973, the besieged Labor alignment of Yitzhak Rabin and Shimon Peres was effectively ousted by the Likud (Consolidation) Party under Menachem Begin in the parliamentary elections of May 1977. The Likud-led alliance included Begin's right-wing Herut (Freedom) Party, the Liberal Party and several other smaller parties. The assembly of this coalition marked the first time since the founding of the State of Israel that the Knesset was not dominated by an alliance headed by the Labor Party. The decline of the Labor Party was attributed to the growth of internal power rivalries, rampant allegations of financial corruption, opposition to its settlement policies in the occupied territories and its inability to adequately address the grievances of Oriental Jews that ultimately brought about a change in their voting patterns.[103] At first sight, this electoral triumph witnessed the diminished influence of hard-line political figures and the rise of a leadership far more attuned with Arab accommodation. Given the public's disillusionment with its continued occupation, shortly before the departure of Rabin and Peres from Jerusalem the Labor leadership set forth a security based territorial modification plan drafted by Labor Party influential and later foreign minister, Yigal Allon, in 1965. Israel would maintain control over the Jordan Valley and the Judean Desert and the majority of the remaining West Bank would eventually be ceded to Amman as a part of a larger peace settlement under provisions of the proposal. The Allon Plan was accorded general support by regional leaders but reached its final demise after it was all but rejected by King Hussein.

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[103] United States Library of Congress, "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc.gov

On the other hand, perhaps more importantly, given the moderate political climate initially espoused by a large part of the Likud leadership, amongst other developments, the establishment of a durable and lasting peace with its largest and most powerful Arab neighbor in Egypt appeared within grasp. The likelihood of establishing formal relations with Cairo in the years after the 1973 Arab-Israeli War proved to be promising due to President Sadat's growing willingness to accommodate and negotiate with Israeli leaders, despite continued opposition to the idea from much of the Arab League. The deteriorating economic situation across Egypt led much of Cairo's leadership to support the view that peace with Israel would result in a sharp decrease in military expenditures and therefore allow greater attention and resources to be focused on the domestic instability. In line with Realist tradition, President Sadat hoped that by refocusing attention on the ailing economy his own political survival would be secured. Furthermore, rapprochement with the State of Israel would almost guarantee the attainment of large sums of foreign aid from the West and attract greater foreign investment that would allow Cairo to pursue its long-term economic agenda and implement a form of free market capitalism.[104] Given these considerations, in addition to Sadat's contact with Jewish mediators through King Hassan II of Morocco and proclamation that he was prepared to go anywhere to ensure peace for the Egyptian people in previous months, he accepted an invitation to travel to Jerusalem and address the Knesset in November 1977. This unprecedented maneuver proved to be the first indication that an Arab state was offering to negotiate directly with its sworn enemy in the State of Israel. In the end, the move marked the first visit to Israel by an Arab leader since its very founding.

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[104] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 555.

As a part of his Knesset address, Sadat called on leaders of the two states to break the psychological barrier that long existed between Jewish and Arab forces throughout the Middle East and take steps to work toward the establishment of a final settlement to Egyptian-Israeli hostilities that would put an end to the mutual state of belligerency. Sadat's visit to Jerusalem was generally welcomed in Israel but rejected by a majority of the Arab League on the grounds that it was an attempt to seek a separate peace with the Jewish state and would undermine Arab unity in its drive to establish an independent Palestinian homeland. However, Cairo supported the belief that the goodwill generated by the endeavor would outweigh any perceived cost to the interests of the Arab world. Sadat's journey to Jerusalem and Begin's corresponding overtures in Ismailia ultimately served as the spark for a new round of bilateral negotiations. Thereafter, Egyptian and Israeli diplomats assembled in Cairo to work out the preliminary details and establish the framework for future negotiations. While the meetings were met with initial success, the two delegations reached a deadlock by August 1978. Nevertheless, President James Carter invited Sadat and Begin to the presidential retreat at Camp David in an attempt to overcome the deadlock and capitalize on the opportunity to broker the first formal Arab-Israeli peace initiative. Taking their domestic interests into account, the statesmen agreed.

On September 5, 1978 President Sadat and Prime Minister Begin converged on the secluded presidential retreat at Camp David for what amounted to thirteen days of painstaking negotiations. In Maryland, the men were accompanied by their respective diplomatic teams and overwhelming domestic support for the initiative. While Sadat remained committed to the settlement of the Palestinian question, his primary concern as a part of the negotiations was to kindle the Egyptian economy and negotiate a bilateral

agreement that would ensure the full recovery of the Sinai Peninsula. As for the Begin Administration, it believed that the negotiations would be in the nation's best interest because they would undercut the regional influence of Amman and Damascus, allow Jerusalem to secure economic and military aid from Washington that would deter any further aggression from its Arab neighbors, and would create a buffer zone between the two states that would inhibit the ability of Egypt to resort to military action in the future through the demilitarization of the Sinai.[105] Regardless of the pre-negotiation formalities, four central issues of interest were at stake as a part of Camp David: the formalization of diplomatic relations between the states, the demilitarization of the Sinai and its return to Egyptian sovereignty, the designation of the official status of the West Bank and the Gaza Strip and the withdrawal of IDF forces from the post-1967 Arab territories. The talks at Camp David resulted in the signing of a formal Egyptian-Israeli peace agreement and the end of nearly three decades of hostility. The peace also ended the economic sanctions that were imposed on Israel by the Arab League under its 1955 Boycott Law. However, the Arab League moved its headquarters from Cairo to Tunis in the aftermath of Camp David in protest of Sadat's peace with Israel. Although the thirteen days of negotiations illustrates the notion that statesman maneuver primarily in accordance with the pursuit of power and domestic interests take clear priority over that of any regional international actors, Camp David offered Arab and Jewish leaders an insight into the potential of resolving disputes peacefully through diplomatic means.

When examining the implications of Camp David, it is important to point out that although one agreement was essentially negotiated, the diplomatic maneuvering actually

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[105] Shibley Telhami, *The Camp David Accords. A Case of International Bargaining* (New York. Columbia University Press, 2001), Chapter 2

produced two separate documents. The first agreement was entitled *A Framework for the Conclusion of a Peace Treaty between Israel and Egypt*. This document stipulated that the IDF and Jewish settlers retreat from the Sinai Peninsula and in exchange Cairo would reassume sovereignty over the territory, normalize relations with the Jewish state and sign a formal peace treaty. More specifically, the Sinai was to be demilitarized and a multinational peace-keeping observatory force was to be dispatched to the territory to ensure compliance with provisions of the agreement.[106] The agreement also provided for the free passage of Israeli flagged merchant vessels through the Suez Canal, the formal designation of the Straits of Tiran and the Gulf of Aqaba as open international waterways and guaranteed Jewish rights to the vast oil reserves located off the coast of the Sinai. The second agreement negotiated was entitled *A Framework for Peace in the Middle East* and offered a comprehensive strategy to determine the final status of the Palestinian claim in the West Bank and the Gaza Strip. The agreement called for plans to implement free and fair elections under the supervision of an international observatory force leading to the creation of a Palestinian self-governing authority in the two territories. This would be followed by a five-year period of transitional autonomy, under which the formal status of the territories would be determined. Ideally, this arrangement was to be based on the principles of Resolution 242 and would result in a final solution and the implementation of Palestinian self-determination and potentially statehood.

Although the agreements were signed and validated at Camp David, diplomatic personal were exchanged and the Sinai was eventually returned to Egyptian sovereignty, relations between the two states remained rocky in the years thereafter. This was in part

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[106] Robert O. Freedman, ed. *The Middle East Since Camp David* (Boulder: Westview Press. 1984), Chapter 6.

due to Begin's long-time Revisionist-minded opposition to territorial compromise, most specifically, his refusal authorize the IDF withdrawal and settlement dismantlement in the West Bank and the Gaza Strip. Begin pointed to the ambiguity underlying Resolution 242 and suggested that the document failed to specify the exact IDF withdrawal from any particular occupied territory. While his settlement expansion policies were opposed by many of his closest colleagues in the Knesset, all Jewish settlements in the West Bank and the Gaza Strip were eventually incorporated and subjected to Israeli law. In addition, the Begin Administration annexed East Jerusalem's water resources from the Jordan River and authorized measures to be taken to sidestep the Green Line that demarcated the pre-1967 territorial borders in an attempt to bring the economies and administrative structures of the settlements in the occupied territories closer to the greater part of Israel. While these policies undoubtedly increased the quality of life for Arabs residing in the territories, they were rejected by the Palestinian and neighboring Arab leadership on the grounds of illegality. Furthermore, Security Council Resolution 446 called for the dismantlement of Jewish settlements in the occupied territories lacking legal validity.[107] However, many in the Begin Administration justified its policy of settlement expansion by pointing out that the settlements were needed for security purposes, the West Bank represents a traditional part of the Jewish homeland and should be reclaimed by Jewish settlers, and Israel is not an occupying power in the legal sense and therefore is not subject to the relevant provisions of the Fourth Geneva Convention.[108]

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[107] United Nations, *Resolution 446 of 22 March 1979*, Security Council Resolution 446 (22 March 1979).

[108] Gerhard von Glahn, *Law Among Nations, an Introduction to Public International Law*, 7th ed. (New York: Longman. 1996), 676

In May 1980 Sadat suspended all talks with Jerusalem due to Begin's refusal to acknowledge the terms that were met at Camp David. If this contention were in fact true, it could have potentially undercut the legitimacy of the treaty or justified a response due to the Begin Administration's failure to negotiate in good faith and abide by all terms of the agreement. Despite these concerns, prospects for even greater international PLO recognition initially appeared promising. For example, nine European states extended informal recognition to the PLO and accorded support for a two-state solution via the 1980 Venice Declaration, adding to its diplomatic victories of the 1970s. Several leading Arab states also extended its endorsement to a two-state solution that was proposed to be implemented through a peace initiative submitted by Saudi Crown Prince Fahd ibn Abd al-Aziz. The Fahd Plan reaffirmed the PLO's position as the legitimate representative of the Palestinian people, called for the withdrawal of Israeli forces from all of the occupied territories, guaranteed the right of return or some form of compensation for Palestinian refugees and proposed the establishment of a Palestinian state with its capital in East Jerusalem.[109] Regardless of any optimism that the Fahd Plan or any other maneuvering may have offered, PLO-perpetrated attacks on various Israeli civilian centers increased. For some this reiterated the need for Jerusalem to maintain its control of the occupied territories, especially among the Orthodox National Religious Party and its followers associated with the extremist Gush Emunim settler movement that held firm to the belief that any IDF withdrawal from the occupied territories is prohibited by Jewish law. On the other hand, those who favored territorial compromise suggested that the swift escalation in PLO-led violence only confirmed that maintaining the occupation was not consistent

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[109] The Knesset (The Israeli Parliament), "Fahd Plan, August 7, 1981." Documents Related to Peace Process, http://www.knesset.gov il/process/docs/fahd_eng htm

with Israel's national security concerns. This proved to be an argument that frequently echoed in the Knesset and various political circles in the proceeding years.

Nevertheless, in July 1980 the Knesset reaffirmed its annexation of Jerusalem in the face of widespread international condemnation. Thereafter, the city was formally declared the complete and eternal spiritual and political capital of the State of Israel under the Jerusalem (Basic) Law. This action was reportedly justified by the Israel Ministry of Foreign Affairs on the grounds that there is no basis in international law that may deny its ability to establish its capital in Jerusalem, objections to the establishment of its capital in Jerusalem were merely political and not legal in nature, the inapplicability of the corpus separatum arrangement first set forth in the 1947 United Nations partition plan and the belief that it possessed the sovereign right to establish its capital in Jerusalem because the city serves as the most meaningful place for its people due to the nearly 3,000 year old connection that existed between the Judaic faith and the city itself.[110]

With the debate over retention of the West Bank and the Gaza Strip engulfing Israeli politics, the Knesset elections in the summer of 1981 proved decisive. Begin ordered an air strike on the nuclear reactor recently constructed in Osiraq, Iraq that was believed to be used to produce weapons-grade plutonium just weeks before the election in an attempt to show the world that Jewish national security concerns take first priority. Dubbed Operation Opera, the Israeli Air Force decimated the reactor in June 1981, which was built with the assistance of French nuclear engineers under the guise that it would be used for peaceful purposes. Despite denouncement from Baghdad and elsewhere in the Arab world, the undertaking boosted the Likud Party's standing in the public eye and

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[110] Israel Ministry of Foreign Affairs. "The Status of Jerusalem," Israel Ministry of Foreign Affairs Library, http://www.mfa.gov.il/MFA/MFAArchive/1990_1999/1999/3/The+Status+of+Jerusalem.htm

Begin maintained the ministership. Begin immediately appointed Ariel Sharon as defense minister and Menachem Milson as civilian administrator, positions which allowed both men to cast their influence on the affairs of the West Bank and the Gaza Strip. In fact, Sharon was able to dictate virtually all defense and foreign policy decisions as Begin's minister of defense. Early in the administration, new settlement projects were constructed in the areas surrounding major metropolitan areas like Jerusalem and Tel Aviv.

Although the settlement drive into the occupied territories was among the top priorities of the second Begin administration, it also devoted far greater resources to marginalizing PLO influence in the occupied territories. As civilian administrator, Milson was charged with suppressing Palestinian nationalist activity by creating an alternate leadership structure in the West Bank and the Gaza Strip. In pursuit of this policy, the IDF governorship in the West Bank created village leagues under the Jordanian Village Management Law that were accorded authority to delegate administrative powers as long as they remained consistent with Israeli security concerns. However, this arrangement failed to achieve its stated purpose and the scheme was scrapped because the league administrators were viewed as collaborators and lacked any real legitimacy. To add to the heightened sense of tension and uncertainty in the occupied territories, Anwar Sadat was assassinated in Cairo while attending a celebration of the eighth anniversary of the 1973 Egyptian crossing of the Suez Canal. The assassination was perpetrated by al-Takfir wal-Higra, an extremist faction operating within the greater organizational structure of the Muslim Brotherhood-affiliated al-Jihad movement.[111] The organization claimed that the act was retribution for his betrayal of the Egyptian people under the Israel-Egypt peace

[111] United States Library of Congress, "A Country Study: Egypt," Federal Research Division. LOC Call Number: DT46 E32, 1991, http://www.loc.gov

treaty, despite his ability to overcome alienation by the Arab community and revive the nation's ailing economy in the years after Camp David. Sadat was succeeded by his vice president and close confidant Hosni Mubarek, who still retains the post today.

In an effort to curb the influence of Arafat and his deputies, the IDF embarked on a campaign of openly targeting institutions that were believed to be aiding and abetting the PLO, which Israel blamed for the upsurge in violence in the occupied territories. By early-1981 Defense Minister Sharon increasingly relied upon provisions of the Defense Emergency Regulations and an ordinance allowing the minister of the interior to revoke the rights of any individual that has breached the security of the State of Israel to remove dozens of politicians believed to be sympathetic to the Arafat and the PLO and outlaw the operation of the National Guidance Committee. Although the Defense Emergency Regulations were abolished by the mandate authorities in late-1945, the legislation dated back to the mandate period when the British colonial administration used the law as a tool to suppress Arab and Jewish insurrections by imposing martial law, limiting the movement of individuals and expelling those living in pre-designated security zones. On the other hand, the National Guidance Committee encompassed various Arafat-affiliated factions and was charged with coordinating opposition activity in the occupied territories. The IDF thereafter reassumed legal authority and administrative control in the West Bank and the Gaza Strip. Despite these measures and the IDF incursion into southern Lebanon only four years previous as a part of Operation Litani, attacks continued to mount from PLO-affiliated outposts assembled throughout the Bekaa Valley. The undertaking surrounding Operation Litani pushed the retreating PLO guerrillas further north away from the Israeli border well beyond the Litani River. The Security Council adopted

Resolution 425 in response to the situation, which established a peacekeeping United Nations Interim Force in Lebanon (UNIFIL) presence to patrol the (Blue Line) border area after the IDF withdrew from Lebanon.[112] Regardless of those in Israel that supported the establishment of a small Druze state in the occupied Golan Heights under Syrian authority, the Knesset authorized the annexation of the Golan Heights in December 1981. Israeli law, jurisdiction and administration were applied to the territory under the Golan Heights Law. The occupied Shebaa Farms area was briefly mentioned as a part of this annexation but the arrangement never fully materialized. This particular area has been a source of widespread Lebanese-Syrian dispute dating back to the territorial boundaries that were created by the 1949 General Armistice Agreements. Although much of the international community condemned the annexation as a violation of the 1907 Hague Convention, all Golan Heights residents were offered Israeli citizenship but forced to carry Israeli identification cards.

In response to the threat posed by these cross-border attacks, the IDF began to amass itself along its northern perimeter in April 1982 in preparation for an invasion of southern Lebanon aimed at destroying the PLO terrorist training camps and infrastructure assembled in the territory. However, it wasn't until months later that Begin authorized Sharon to launch the invasion in the name of self-defense. Despite general opposition among the Israeli public and the cabinet reportedly kept uninformed of the situation at hand, this decision was spurred by continued border raids and katyusha rocket attacks on civilian personnel in several heavily populated areas located in Israel's northernmost sector, as well as a failed assassination attempt on Israeli ambassador to the United

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[112] Leila Farsakh, "A Chronology of Conflict, 1947-2007," *The MIT Electronic Journal of Middle East Studies* 8 (2008), http://web.mit.edu/cis/www/mitejmes/Chronology%20of%20a%20Conflict.pdf

Kingdom, Shlomo Argov, in London. While the act was widely believed to have been perpetrated by Abu Nidal-affiliated terrorists, Begin used the situation to his advantage and blamed the assassination attempt on Arafat and the PLO. As a part of the strategic undertaking that followed, which was dubbed Operation Peace of the Galilee, the IDF ground assault crushed virtually all PLO strongholds assembled in southern Lebanon under Khalil Wazir with the assistance of SLA and Phalange Party militias. Wazir was deputy chief of Fatah and commander of Palestinian forces in Lebanon at the time of the invasion. In addition to rooting hundreds of PLO fighters out of a series of refugee camps that were long believed to serve as a staging grounds for guerrilla operations into Israel, the IDF was successful in securing a 40-kilometer fortified security buffer stretching along its border from Mount Hermon to the Mediterranean coast. This buffer served primarily to guard Israel's northernmost cities and settlements from future PLO, Amal and Hezbollah-perpetrated rocket attacks. The first phase of the campaign in Lebanon illustrates the lawful application of the Theory of Abatement, where the IDF intervened to stop the PLO and its affiliates from mounting attacks on its northern border when Beirut was unable or unwilling to act to curb the aggression.

Despite having successfully achieved the initially stated objective of Operation Peace of the Galilee and mounting public opposition to the campaign, Sharon ordered the IDF to push further north into Beirut with the goal of liquidating all remaining PLO fighters taking refuge in the western part of the city known for its sizable sympathetic Muslim population. According to the two architects of the campaign, Defense Minister Sharon and his Chief of Staff Rafael Eitan, the expulsion of foreign troops from Beirut would allow for the installation of a (pro-Israeli) Maronite Christian dominated national

government.[113] However inaccurate this estimate may have been, the siege of Beirut proved to be some of the toughest fighting the IDF faced in all of Lebanon. Regardless of its ability to maintain air supremacy and destroy several Syrian MIG fighters in the latter course of the campaign, the fighting took a toll on all sectors of the Lebanese population.

In late-1982 Philip Habib negotiated an end to the hostilities in Lebanon and secured the withdrawal of all IDF troops from Beirut. At the time, Habib was a veteran American diplomat and special envoy to Lebanon acting under the direction of President Ronald Reagan. Here, it may be important to note that as the IDF abandoned its positions in western Beirut and moved back toward southern Lebanon Phalange and SLA forces entered the Sabra and Shantilla refugee camps in search of any remaining PLO guerrillas. Although the exact details of the episode remain cloudy, it is alleged that after the IDF encircled Sabra and Shantilla Phalange and SLA units were given permission by Israeli commanders on the ground to enter the two refugee camps where they killed hundreds, if not thousands, of unarmed Palestinian civilians. The massacres at Sabra and Shantilla have been cited as a violation of the Fourth Geneva Convention due to the IDF's failure to protect civilian populations in times of armed conflict. More specifically, Protocol I to the Fourth Geneva Convention strictly prohibits the use of force that fails to effectively and clearly discriminate between military and civilian targets.[114] Nevertheless, the Habib Plan allowed for the evacuation of the remaining 8,000 PLO forces from Lebanon and established a multinational peace-keeping force in Beirut that included American, French

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[113] United States Library of Congress. "A Country Study: Israel," Federal Research Division, LOC Call Number: DS126.5.I772, 1990, www.loc.gov

[114] Gerhard von Glahn, *Law Among Nations: an Introduction to Public International Law*, 7th ed. (New York: Longman, 1996), 672.

and Italian troops. Most of the Palestinian fighters were relocated to a compound located just north of Tunis, Tunisia after their departure form Tripoli. In the months after the PLO retreat, the political and military void left in central and southern Lebanon was filled by armed militias associated with Amal and Hezbollah (Party of God). While Amal is a Damascus-affiliated Shia terrorist organization, Hezbollah is an Iranian supported paramilitary organization that has vowed to destroy Israel and all of its allies.

The IDF was condemned by much of the international community in the aftermath of the Lebanon campaign and faced mounting criticism among public opinion for misconduct during the course of war, regardless of the relative military success of the invasion. This is especially true in reference to allegations leveled against it surrounding the massacres in the Sabra and Shantilla refugee camps. As a part of the report formally issued in February 1983 by the Kahan Commission that was charged with investigating the incidents at Sabra and Shantilla, a large portion of the responsibility for the massacres was placed on the top IDF leadership, most specifically, Defense Minister Sharon and his top commanders.[115] Despite massive protests at the Kings of Israel Square in Tel Aviv that were attended by hundreds of thousands of Jewish demonstrators, Sharon refused to relinquish his post amid repeated calls for his formal resignation. In addition to growing skepticism among the Israeli public directed toward the IDF for its apparent inability to balance its mission and moral obligations in times of armed conflict, in September 1982 President Reagan introduced a new peace initiative designed primarily to reestablish American prestige and bring peace to the war-torn Middle East.

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[115] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader. A Documentary History of the Middle East Conflict* (New York: Penguin Books, 2001), 269-274.

The Reagan initiative reaffirmed Washington's support for Israel and called for negotiations that would reconcile Arab-Israeli differences by forging a path between the rights of the Palestinian people and Israeli security concerns. Under this arrangement, the Reagan Administration sought to bolster provisions of Camp David by which the West Bank and the Gaza Strip would obtain autonomy after a five-year period of transition. While the plan gained the approval of a majority of the moderate Arab leadership, most importantly, King Hussein and the mainstream PLO, after the initiative was set forth the push for Jewish settlements in the occupied territories intensified. Given these realities, the Arab League assembled in Fez, Morocco in late-1982 where it drafted and endorsed its own eight point peace proposal. The agreement reached offered recognition of Israel in exchange for its withdrawal from the occupied territories, the removal of all Jewish settlements constructed after June 1967 from the occupied territories and the creation of a Palestinian state with East Jerusalem as its capital.[116] The Fez Plan was backed by Egypt, Saudi Arabia, Morocco and Fatah, but labeled as propaganda in Jerusalem.

With the Reagan initiative and the Fez Plan growing distant and King Hussein and the mainstream PLO leadership voicing concern over Washington's demand that a Jordanian delegation negotiate on behalf of the Palestinian people, support for the peace process was diverted to second priority within Israeli circles. Here, attention in Israeli circles was refocused on the situation in Lebanon and the negotiation of a formal peace treaty with forces in Beirut. Many Jewish leaders hoped that the conclusion of a second Arab-Israeli peace would serve as the trigger for a larger domino effect in the Arab world where additional treaties of peace could potentially be finalized. In early-1983 an

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[116] Leila Farsakh, "A Chronology of Conflict: 1947-2007," *The MIT Electronic Journal of Middle East Studies* 8 (2008), http://web.mit.edu/cis/www/mitejmes/Chronology%20of%20a%20Conflict.pdf

agreement was reached with Amin Gemayel, who served as president from Beirut after his brother Bashir was brutally assassinated the previous year. Although the arrangement wasn't a formal peace treaty by any means and failed to include provisions relating to the exchange of diplomatic personnel, it called for an end to the state of belligerency that existed between the two states and the creation of a joint claims committee to resolve any cross-border disputes that may arise. Furthermore, Israel maintained the right to retaliate against any hostile attack emanating from Lebanese soil and agreed to withdrawl its forces from Lebanon only after Syrian troops redeployed back toward Damascus in a separate formal memorandum exchanged with Washington. President Gamayel's failure to gain ratification of the agreement and Syrian opposition to the arrangement fueled resentment of the administration and resulted in an outbreak of violence throughout the country. This spiral of violence that claimed the life of Central Intelligence Agency (CIA) Beirut Station Chief Robert Ames in previous months culminated in the simultaneous bombings of American and French military installations in Beirut by Islamic Jihad.[117] This organization was a Lebanese Shia terrorist militia closely associated with Hezbollah and Tehran. President Reagan ordered the withdrawal and redeployment of all Marines from Beirut by the end of 1984 in the face of growing concern over the presence of thousands of American troops in Lebanon.

Begin announced his retirement from public service in the summer of 1983 and disappeared from the public eye after the death of his wife Aliza. He was succeeded by Yitzhak Shamir, his foreign minister and longtime leader in Israeli politics. Apart from inheriting the array of problems surrounding the PLO and its hostile Arab neighbors, one

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[117] Central Intelligence Agency, "Lebanon Crisis (1982-1982)," CIA Center for the Study of Intelligence, https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/docs/v37i2a05p_0005.htm

of Prime Minister Shamir's first tasks was to get a grip on the nation's deteriorating economic situation that was in part caused by the massive expenditures associated with the Lebanon campaign. Likud and Labor reached a deadlock in the Knesset elections of July 1984. Under the national unity arrangement that was subsequently worked out, Labor leader Shimon Peres and Likud leader Yitzhak Shamir formally agreed to split time in reference to the prime ministership. Labor's Yitzhak Rabin served as defense minister for the full duration of the administration.

With the structure of the PLO in shambles and its organizational leadership engulfed in a bitter struggle for power and primacy in the aftermath of the episode in Lebanon, Arafat traveled to Cairo in December 1983 to meet with President Mubarek in an attempt to revive Egyptian-Palestinian relations. These meetings were particularly important because Egypt was increasingly isolated by the Arab League in the years after Camp David. Arafat traveled to Aden and Algiers upon his departure from Cairo after several days of talks where an alliance of splinter organization operating within the PLO umbrella were able to place a number of informal limitations on Arafat's organizational authority. However, in November 1984 Arafat was able to secure support for a statement declaring unwavering support for his organizational leadership at the Seventeenth Convention of the Palestinian National Council. This maneuver was probably made possible only by the dismissal of the convention by PLO-rejectionist organizations like Abu Musa and the PFLP-General Command that had mounted harsh criticism of Arafat in previous months. Saed Musa al-Muragha (Abu Musa) commanded all Fatah guerrillas in northern Lebanon and accused Arafat of appeasing the Zionist enemy and abandoning the revolution.

In addition to improving Palestinian relations with Cairo, Arafat sought to draft a joint negotiation strategy with King Hussein that would be implemented at a proposed international peace conference attended by the five permanent members of the Security Council. Regardless of the limitations that were placed on his power under the Aden-Algiers arrangement, in February 1985 Arafat was able to conclude an agreement with Amman that called for an expression of Palestinian self-determination through the creation of an independent Palestinian state in the West Bank that would be linked to Jordan through a joint political federation based on the principles of resolutions 242 and 338. Leaders in Jerusalem, Washington and the international community reacted to the gesture offered by the Arafat-Hussein agreement with goodwill. However, any hope that the diplomacy may have created was crushed after the Israeli Air Force reacted to the slaying of three Israeli citizens off the coast of Larnaca, Cyprus with a strike on the PLO headquarters outside Tunis. Dubbed Operation Wooden Leg, the strike claimed the lives of 60 Palestinian fighters, including several members of the Fatah-affiliated Force 17 strike unit that was implicated for the incident in Larnaca. Several PLO-associated guerrillas hijacked the Achille Lauro Italian cruise liner in response to this raid and killed one American tourist that was aboard.

In the face of accusations that the PLO was actively supporting terrorism, Arafat announced that he was willing to accept and endorse the provisions of resolutions 242 and 338 if Washington allowed the organization to participate in a Middle East peace conference and agreed to grant formal recognition to the concept of Palestinian self-determination through the establishment of a Palestinian-Jordanian federation. Despite the proposal, the Reagan Administration refused to recognize these demands and the

agreement fell apart after King Hussein withdrew his participation and support for the arrangement. While many publicly placed blame for the failure of the proposal squarely on the PLO and Arafat, others would agree privately that much of the responsibility for its failure should have been accorded to Washington politics also. Growing tension with the Arab-Israeli peace process in the occupied territories became increasingly evident after the collapse of the proposal. This is especially true in reference to King Hussein, but also Arafat and his top leadership. Many Palestinians, particularly the younger generation that had grown up knowing nothing more than the Israeli occupation, were becoming disillusioned with the direction that the peace negotiations were moving. This is not to mention the approaching twentieth year anniversary of the occupation itself.

The succession of Prime Minister Shamir in October 1986 further contributed to the heightened sense of tension in the occupied territories. Likud's administrative policies in the occupied territories under the Shamir Administration included routine deportations, demolition of homes, imposition of curfews, limitations of movement and other forms of collective punishment in an attempt to suppress the growing Palestinian nationalist movement. Here it may be important to note that Article 33 of the Fourth Geneva Convention strictly forbids collective punishment, which is defined under the convention as a penalty or punishment imposed for an offense which an individual hasn't personally committed.[118] The sense of hopelessness and despair associated with these policies fueled the deepening frustrations of the Palestinian population. With over half of the Palestinian population born under the occupation, many impoverished Palestinians youth (shebab) responded by turning to the brand of radical Islamic militancy espoused by the Muslim

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[118] Gerhard von Glahn, *Law Among Nations, an Introduction to Public International Law*, 7th ed. (New York: Longman, 1996), 678.

Brotherhood and other Islamist organizations, like Hamas, to express their anger and desperation. Hamas is formally known as the Islamic Resistance Movement (Harakat al-Muqawama al-Islamiyya) and reportedly served as the Gaza Strip branch of the Muslim Brotherhood in its early years. Violent confrontations between IDF troops and radical Palestinian demonstrators soon became the norm and were often openly televised for the world audience. Similar to the situation surrounding the 1936-1939 Arab Revolt, by the end of 1987 a culmination of all these circumstances in the West Bank and the Gaza Strip boiled over and erupted into what would be referred to as the intifada, or uprising. This event was triggered by a seemingly minor incident where a handful of Palestinians were killed after their vehicle was struck by an Israeli bulldozer at a routine checkpoint in the Gaza Strip. Even more so than any other event in recent memory, the intifada represents a true watershed in Israeli-Palestinian relations because Islamist organizations like Hamas and the Palestinian Islamic Jihad were able to transform deprived and angry Palestinian youth into tools of Islamic authenticity. Given these implications, the uprising has grown to define much of the regional mentality that we continue to witness today.

CHAPTER VII

THE CONFLICT AND CONCLUSION: 1987-2006, AND BEYOND

The First Intifada was initially isolated in and around a limited number of refugee camps in the occupied territories. However, taking advantage of the momentum that the uprising created in the weeks after its initial outbreak, underground Palestinian resistance organizations like the Unified National Leadership of the Uprising (UNLU) encouraged widespread protests, demonstrations and strikes in larger towns and villages to voice its opposition to the continued Israeli occupation. The UNLU was led by Khalil Wazir from the PLO compound in Tunis and was covertly organized among elements representing Fatah and other Arafat-affiliated factions. The organization received financial support primarily from Egypt, Saudi Arabia and other prominent Sunni Gulf states. On the other hand, Islamist organizations, like Hamas and the Palestinian Islamic Jihad, received ideological and financial support from Tehran, Damascus and elsewhere. The distinction that was created between intifada forces loyal to the PLO on one hand and Islamic groups on the other represented the continued rivalry between Sunni Arab states and sympathetic Shia-affiliated regimes in the affairs of the Palestinian people. This situation eventually led to competition for control of the Arab masses and allegiance to the intifada between the PLO leadership abroad and Hamas. Hamas emerged as the undisputed and most influential leader of the Islamist movement of the intifada after the Palestinian Islamic

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Jihad was all but liquidated by the IDF in May 1988. Meanwhile, stories of Arab fighters deployed in and around the Pakistani border town of Peshawar battling well-armed Soviet forces in Afghanistan prompted leading Palestinian clerics like Abdallah Azzam and his disciples to equate the struggle of the Palestinian people against Israeli occupation to the struggle of the Mujahideen against Moscow's communist occupation of Afghanistan.[119] The intifada in the occupied territories was heralded as the new international symbol of Islamic militancy after the withdrawal of Soviet troops from Afghanistan in early-1988.

Regardless of where their loyalties were placed, many Palestinian youth resorted to throwing rocks and stones at Israeli troops dispatched to maintain order and crush the uprising in an attempt to exert greater assertiveness in their own affairs. In response to these provocations, IDF units, ill prepared to deal with the situation, resorted to using lethal force, physical punishment and other forms of collective punishment to suppress the mounting opposition. In addition, thousands of demonstrators were arrested and detained by various administrative and military courts under the Defense Emergency Regulations and other ordinances that oftentimes allowed these individuals to be held in detention centers in the Negev Desert for years without trial or legal recourse. As one could expect, the IDF's response to the uprising played directly into the strategy of Arafat and Islamist leaders like Sheikh Ahmed Yassin and Abdel al-Aziz al-Rantisi by attracting widespread media attention that tilted public opinion sharply in favor of the Palestinian cause. The situation further deteriorated after accusations were leveled against Israel's political and military leadership for disregarding human rights and the rule of law.

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[119] Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge: The Belknap Press of Harvard University Press, 2002), 151.

While the events surrounding the intifada were far from what was ever planned or expected by the UNLU and Islamist organizations, by far the greatest achievement of the uprising from the Palestinian perspective was the media coverage and publicity it attracted in the international community. This is especially true given the global attention that was focused on the Iran-Iraq War and the Soviet invasion of Afghanistan. Thereafter, spectators around the world began to view the Palestinian question as being at the very center of the Arab-Israeli conflict. The widespread media coverage associated with the intifada also led many leading Jewish politicians to support the belief that the subjugation of the occupied territories was a liability to national security and the preparedness of the IDF to respond to any potential outside threat.[120] For many onlookers it also reaffirmed the nature of Israel's occupation and further tarnished its image in the international arena.

With the relative success of the intifada in turning world public opinion clearly in its favor and attracting international attention to the Palestinian cause, the Arab League arranged an emergency summit in Algeria in the summer of 1988. The summit delegates in Algiers reaffirmed the PLO's status as the undisputed leading force of the intifada and the sole legitimate representative of the Palestinian people. In a dramatic twist of policy, King Hussein announced the following month that Amman would formally relinquish all administrative and legal authority in the West Bank. King Hussein's surrendered his role as the acting representative of the Palestinian people and the Hashemite Kingdom forfeited all claims to the West Bank and East Jerusalem after nearly a half-century of administration. This stood in stark contrast to Amman's previous position where Jordan and a Palestinian state were to be united as the United Arab Kingdom, contingent upon

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[120] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 711.

the Palestinians first acquiring state sovereignty and international recognition. According to Tessler, this action was prompted by three interrelated concerns: a rapidly deteriorating relationship between forces in Amman and the PLO leadership, the failure of Arafat's joint Jordanian-Palestinian negotiation initiative and various domestic stability concerns related to the spillage of the uprising across the Jordan River.[121] Jordanian citizenship was also stripped from nearly all Palestinians residing in the West Bank and thousands of others working as civil servants across Jordan were promptly dismissed.

With interference in the West Bank from Amman clearly out of the picture and international support offered to the Palestinian cause in the wake of the intifada working in his favor, Arafat unilaterally pronounced the creation of an independent Palestinian state in the West Bank and the Gaza Strip at the Nineteenth Palestine National Congress in Algiers in November 1988. This action was particularly important because although he had established diplomatic relations with more than 80 nations and several international organizations by the time of his proclamation of statehood, Arafat remained desperate to demonstrate his leadership of the Palestinian people in the face of the recent emergence of Hamas's influence throughout the occupied territories at the expense of the PLO. This declaration cited the 1947 United Nations partition plan, General Assembly Resolution 181 and the basic inalienable rights of the Palestinian people under international law and called for a two-state solution rather than the creation of a unitary Palestinian state with a

[121] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington. Indiana University Press, 1994), 715-716.

Jewish minority.[122] This proposal stood in stark contrast to the age-old habit of the Arab world to seek the subjugatation of minority non-Muslim populations, dating back to the dhimmi communities that existed under the Umayyad, Abbasid and Ottoman regimes. Regardless of any sense of achievement that Arafat's pronouncement may have created in Arab circles, it was rejected by a greater part of the international community amid calls for the initiation of formal dialogue between Washington and the PLO. This decision to diplomatically isolate the PLO was the byproduct of Arafat's repeated refusal to recognize resolutions 242 and 338 and the right of the Jewish state to exist in peace and security, despite a handful of declarations stating otherwise. Furthermore, King Hussein increasingly viewed Arafat's leadership as a legitimate threat to the Palestinian interests and withheld acceptance of the plan to create an independent Palestinian state. Instead, Amman offered support for a Palestinian national entity possessing autonomy and independence from the PLO in an attempt to maintain close ties with the Palestinian people but undermine the aspirations of Arafat.[123] Soon thereafter, the General Assembly upgraded its Palestinian presence by extending observer status from the PLO to an entity it formally referred to as Palestine.

As the IDF and the Palestinian resistance movement continued to openly confront one another into the early 1990s, many in Jerusalem, in addition to some in Washington, held the belief that negotiation with the PLO would be required to reach a viable solution to end the string of violence that was sparked with the intifada and restore order in the

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[122] Palestine-Israel Journal of Politics, Economies and Culture, "Declaration of Palestinian Independence: November 15, 1958)," Documents, http://www.pij.org/documents/Declaration%20of%20Palestinian%20Independence.PDF

[123] United States Library of Congress, "A Country Study· Jordan," Federal Research Division, LOC Call Number· DS153 .J677, 1991, www.loc.gov

occupied territories. Changing attitudes among segments of the American and Israeli leadership proved that it may in fact be possible to engage in meaningful negotiations with Arafat and the PLO. To further assist in overcoming the impasse, President Mubarak offered his own ten point plan to serve as a general basis for direct Israeli-Palestinian negotiations. The major points of this initiative included freezing all Jewish settlement expansion activity, holding free and fair elections and taking a series of steps to work toward a final status agreement that would recognize Palestinian sovereignty in the occupied territories. Although Mubarak's plan was denounced by Shamir and many of his Likud supporters in the Knesset, it was supported by Secretary of State James Baker.

Washington offered its own plan to stimulate further Israeli-PLO interaction due to the rejection of the Egyptian initiative in Jerusalem and Hamas's attempt to hijack the PLO at the 1990 Palestine National Council Convention. The Baker initiative was labeled the Five-Point Framework for an Israeli-Palestinian Dialogue and called for high-level debate between Israeli and Palestinian leaders in Cairo to be followed by formal talks in Washington under State Department supervision that would precede an international conference which would include PLO representatives. The proposal was accepted by Arafat and Mubarak but rejected by Shamir. The inability of Likud to reach an agreement in reference to the Baker plan ultimately precipitated the collapse of the Peres-Shamir national unity government in March 1990. The successive Likud-led government was headed by Yitzhak Shamir with Moshe Arens serving as foreign minister and David Levy acquiring the post of defense minister. This combination was heralded as perhaps the most right-wing arrangement since the founding of the State of Israel in 1948. The new administration announced that its top priorities would include crushing the intifada and

expanding Jewish settlements in the occupied territories in an attempt to absorb the influx

of an additional 370,000 Jewish refugees from the Soviet Union following the relaxation

of emigration policy in Moscow under President Mikhail Gorbachev's perestroika policy.

Some contemporary legal experts argue that the Shamir Administration's policy of

resettling Jewish immigrants from the Soviet Union in the occupied territories violated

Article 49 of the Fourth Geneva Convention and Article 85 (4a) of Protocol I to the

Fourth Geneva Convention. Both of these articles state that the "occupying power shall

not deport or transfer parts of its own civilian population into the territory it occupies."[124]

Although the policies of the new political leadership in Jerusalem and the pro-

Syrian regime in Beirut that was ushered in with the conclusion of the Taif Agreement

and the end of the Lebanese Civil War maintained center stage throughout early-1990,

the Iraqi invasion of Kuwait in the summer of 1990 and the subsequent United States-led

coalition invasion of Iraq presented another dimension to the already tumultuous Israeli-

Palestinian affair. To the dismay of the international community. several months after

Saddam Hussein's forces crossed the Kuwaiti border and entered Kuwait City Arafat

traveled to Baghdad to voice his support for Iraqi forces and even mobilized PLO units in

preparation for an inevitable United States-led assault. While many Palestinians opposed

Arafat's proclamation of support for Baghdad, others championed the cause and justified

their position by pointing out that Hussein led the largest and most powerful Arab army,

was a proven defender of the Palestinian interest and was willing to challenge the Israeli

military complex when most others would not. In addition to alienating any moderate

American, European and Israeli allies, Arafat's gesture of support for Baghdad angered

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[124] Gerhard von Glahn, *Law Among Nations. an Introduction to Public International Law*, 7th ed. (New York: Longman. 1996), 675.

many prominent leaders in the Arab world. This was particularly true in reference to the oil-rich Gulf States like Saudi Arabia and Kuwait that had long provided Arafat and the PLO with large sums of financial support and played an active role in the United States-led coalition. Virtually all sympathy and goodwill that the PLO obtained through its diplomatic wrangling in previous years immediately disintegrated after the eventual withdrawal of Iraqi troops from Kuwait and the coalition's victory over Hussein's forces as a part of Operation Desert Storm. In turn, the legitimacy of Arafat and the PLO was increasingly called into question and the Palestinian people faced severe hardship in the years thereafter. More specifically, financial assistance that was distributed to the PLO from the collection of taxes among the Palestinian diaspora working in Gulf States was cut off and an estimated four hundred thousand wealthy Palestinians were expelled from Kuwait and forced to relocate to Jordan. To the surprise of Arafat and his deputies, much of this aid was redirected to Hamas and other Islamist organizations that despite being intoxicated with the idea of jihad remained prudent during the course of the Gulf War.

President George Bush declared the existence of a New World Order in the immediate aftermath of the First Gulf War that called for the resolution of international disputes through strictly peaceful measures. When applied to the Middle East, regional governments were increasingly called upon to act in a way that was more conducive and responsive to the wishes and aspiration of its citizens.[125] These redefined policy goals led to the opening of an international peace summit in Madrid in October 1991 that was jointly sponsored by Washington and Moscow. The undertaking in Spain was attended by Israeli, Egyptian, Syrian and Lebanese delegates, as well as a joint Jordanian-Palestinian

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[125] Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 749.

negotiation team. This marked the first time that the attending states gathered with the goal of discussing issues related to regional cooperation and reconciliation. Although the conference failed to achieve any formal measures of peace, Shamir and Chief Palestinian Negotiator Haydar Abd al-Shafi verbally agreed to abandon the position of confrontation and take steps to work toward the common pursuit of peace. Israeli leaders also accepted the idea of having a Jordanian-Palestinian delegation formally represent the Palestinian interest in all future negotiations. This was contingent upon the notion that members of the delegation team would have no formal links to Arafat and the PLO. The timing of the Madrid Conference was of particular importance because with the collapse of the Soviet Union in late-1991 many states in the Middle East that had relied so heavily upon support from Moscow in previous years were deprived of military assistance and a power patron to represent its interests in the international arena.

With the subsequent dissolution of the Soviet Empire and the stability of the Palestinian question hanging in the balance, the prospect for a new era of regional peace hinged upon the success of Israeli-PLO diplomatic interaction that slowly transpired in the years after the Madrid Conference. In an apparent gesture of goodwill but a complete reversal of policy, Arafat and Yitzhak Rabin, who succeeded Shamir in the 1992 Knesset elections, exchanged a series of letters in late-1993. Through these correspondences, Arafat vowed to acknowledge resolutions 242 and 338, renounce the use of terrorism as a tool to achieve radical political aims, amend all clauses of the Palestine National Charter calling for the destruction of the Jewish state and recognize the right of Israel to exist in peace and security.[126] In exchange, Rabin formally agreed to recognize the PLO as the

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[126] Alan Hart, *Arafat A Political Biography* (Bloomington: Indiana University Press, 1989), 269-310

sole legitimate representatives of the Palestinian people and therefore its inherent right to govern in the West Bank and the Gaza Strip.

This interaction facilitated the organization of secret Israeli-PLO talks in Oslo under the supervision of Norwegian Foreign Minister Johann Jorgen Holst, away from the international attention that Washington politics would have created. The arrangement that was reached was labeled the Declaration of Principles on Interim Self-Government Arrangements in the West Bank and the Gaza Strip, but also known as the Declaration of Principles. The Declaration of Principles was signed by Israeli Foreign Minister Shimon Peres and PLO official Mahmoud Abbas and presented to the international community by Rabin, Arafat and President William Clinton on the White House lawn in September 1993. This symbolic gesture initiated the beginning of the Arab-Israeli peace process that has been collectively referred to as the Oslo Accords.

While the agreement's preamble called for reconciliation to allow each party to live in peaceful coexistence, the arrangement aimed at establishing permanent settlement based upon Security Council resolutions 242 and 338. Ideally, the agreement was to serve as a mechanism to bring about resolution to the conflict while recognizing mutual rights that would transform the two adversaries into equal subjects under international law.[127] In pursuit of these goals, the agreement called for the withdrawal of IDF troops to the borders exercised before the Six-Day War and the creation of a Palestinian Interim Self-Government Authority (Palestinian Authority) in the West Bank and the Gaza Strip pending the outcome of permanent status negotiation that were set to be initiated after a

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[127] Eyal Benvenisti, "The Israeli-Palestinian Declaration of Principles. A Framework for Future Settlement," *European Journal of International Law* 4 (1993): 542-554.

five-year period of transition.[128] More specifically, although Jerusalem maintained responsibility for external security, foreign affairs and settlers in the occupied territories, the IDF was called upon to transfer primary civil administrative duties to the Palestinian Authority in Jericho and Gaza City under this arrangement. This transfer of authority was to be followed by Palestinian Council elections in the West Bank and the Gaza Strip that would govern for the agreed upon five-year transitional period before a final settlement was reached. Through the negotiations in Oslo, Arafat expected the PLO to obtain the trust and support of Israel and the international community and reestablish influence among the Palestinian people that was lost to Hamas and other Islamist organizations in previous years.[129] Arafat was able to return to the West Bank in the summer of 1994 through the Egyptian-Israeli Rafah checkpoint and establish a compound in Ramallah after spending more than a decade in exile at the PLO compound in Tunisia.

Although the Declaration of Principles may have ushered in a new chapter in the Arab-Israeli drama, it failed to do much to stabilize the Palestinian question in the years thereafter. More directly, neither party could reach an agreement on the exact meaning of the IDF's withdrawal and transfer of authority in Jericho and Gaza City. Beyond this dimension, the real dilemma revolved around the question of whether Rabin and Arafat would be able to comply with the provisions set forth in Oslo in the face of internal challenges.[130] Rabin had to justify territorial compromise to his Labor followers and other right-wing advocates that strongly sided with Jewish settlers on the West Bank that had

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[128] Antonio Cassese, "Annex: Declarations of Principles on Interim Self-Government Arrangements," *European Journal of International Law* 7 (1996): 572-581.

[129] Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge: The Belknap Press of Harvard University Press, 2002), 329.

[130] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York. Palgrave Macmillan, 2004), 140.

the most to lose from the arrangement. Conversely, Arafat was forced to defend his concessions to Hamas and the Palestinian Islamic Jihad that opposed all provisions of the Oslo process. Tensions further flared up after Baruch Goldstein entered Hebron's Cave of the Patriarchs (known as the Mosque of Ibrahim to the Muslim community) and opened fire on those gathered for Friday services. Goldstein was an American-born orthodox Jewish settler living in Kiryat Arba who was a known associate of the fundamentalist Kahanist movement that preached a strong hatred of Arabs. While Goldstein killed twenty-nine Muslim worshipers before he was beaten to death, protests erupted around the Arab world and several deadly retaliatory attacks in Israel followed.

Given these challenges, Rabin and Arafat met in Cairo in May 1994 with the goal of resolving a series of outstanding issues related to the formal implementation of the Declaration of Principles. The pact that was subsequently reached was referred to as the Cairo Agreement on the Gaza Strip and the Jericho Area, or simply the Gaza-Jericho Agreement. It addressed the precise nature of the IDF withdrawal from Jericho and Gaza City and the civil administrative powers that would be transferred to the Palestinian Authority. These issues were revisited with the signing of the Agreement of Preparatory Transfer of Powers and Responsibilities in August 1994. Meanwhile, with Jordanian delegates excluded from the secret Israeli-PLO meetings in Norway and to some degree the ensuing peace process, King Hussein scrambled to ensure that the future of the Hashemite Kingdom wasn't marginalized through the conclusion of a peace agreement that collectively failed to take into account the aims of his regime. The foundation of an Israeli-Jordanian peace agreement was paved less than a year after Oslo.

Although Jewish and Hashemite leaders maintained relations prior to 1948, the Washington Declaration was signed in the White House rose garden in the summer of 1994 and proclaimed the intention of the sovereign states to normalize relations and work toward the implementation of a larger peace arrangement. The agreement that followed, known as the Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, was formalized in the border village of Arabah in October 1994. With the exception of terminating the state of belligerency that existed between the two states and exchanging diplomatic missions, the primary provisions of the agreement relate to addressing the Palestinian refugee situation, the allocation of water resources from the Jordan River, mutual security and defense concerns, and the exact location of territorial borders "without prejudice to the status of any territories that came under Israeli military control in 1967."[131] Amman was also accorded authority to maintain all Muslim holy sites located in Jerusalem under provisions of the treaty. While the mainstream PLO leadership generally welcomed the agreement, King Hussein's initial fear that billions of dollars in foreign aid would be redirected to the new Palestinian administration was alleviated by assurances of additional aid from Washington. Apart from the Israeli-Egyptian peace agreement met at Camp David, this arrangement marked the only full-scale, formal treaty of peace negotiated between the State of Israel and an Arab state.

Israeli and Palestinian leaders met in Taba under the direction on President Mubarak in the aftermath of the peace between Israel and Jordan where they signed the Interim Agreement on the West Bank and the Gaza Strip, also known as the Israeli-

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[131] Ian Lacey, ed., "International Law and the Arab-Israel Conflict," Australia/Israel and Jewish Affairs Council (October 13, 2003), http://www.aijac.org.au/?id=articles&_action=showArticleDetails&articleID=2149

Palestinian Interim Agreement or Oslo II. This agreement in Egypt solidified and expanded much of what was initially negotiated in Norway and called for the withdrawal of IDF troops from most West Bank towns and villages. The subsequent transfer of civil administrative authority to the elected Palestinian Council was set to be completed no later than March 1996. This arrangement served as the basis for most future negotiations because the agreement specifically defined the ensuing Israeli-Palestinian power-sharing arrangement in the occupied territories. Despite any optimism that may have been created by the Interim Agreement and the initial steps of the IDF withdrawal from Jenin, Tulkarm, Qalqilya, Bethelehem, Ramallah and Nablus in the West Bank, Yitzhak Rabin was assassinated in November 1995 in Tel Aviv while attending a rally at the Kings of Israel Square. This act was perpetrated by Yigal Amir, an Orthodox Jewish student who was opposed to the concessions made at Taba and was intent on derailing the peace process. Rabin was buried at the Mount Herzl Jewish national cemetery in Jerusalem and succeeded by Shimon Peres. The Kings of Israel Square in Tel Aviv was later renamed Rabin Square in his honor.

In the months thereafter, citing the letters exchanged between Arafat and Rabin and the agreements that transpired in recent years, representatives of the PLO and the succeeding Palestinian Authority increasingly expressed its right to unilaterally declare statehood. Regardless of the intentions that were set forth at the 1988 Palestine National Congress and as a part of the negotiations that took shape in the aftermath of Oslo, it is important here to remember that the formal acquisition of sovereign state recognition involves a rigid, multi-pronged set of legal guidelines. These guidelines encompass government, territory, state relations and people and must be satisfied before the entity in

question is lawfully permitted to obtain state membership in the international community. More specifically, under international law, the entity seeking recognition must exercise independent governmental control, must possess a defined, fixed territory, must possess a permanent population over which it exercises effective control and must have the formal capacity to engage in foreign relations.[132] While representatives from the Palestinian Authority maintained that it satisfied all criteria in the aftermath of Oslo, most would agree that the situation did not justify according the entity sovereign state membership.

In regards to the first component required to obtain sovereign state recognition, effective governmental authority, one must examine the fundamental association between sovereignty and independence. For an entity to make a legitimate claim to sovereign statehood independence from an outside governmental authority must be present. Under these circumstances, the lack of effective and independent control of a defined territory may serve as a basis for non-recognition of a potentially sovereign state. In regards to the Palestinian claim, the Palestinian Authority made reference to the various governmental institutions created under the Declaration of Principles and proceeding agreements to support its contention of the presence of effective governmental authority. However, Israel categorized the Palestinian Authority merely as a limited self-governing body under terms of the Declaration of Principles and the Interim Agreement and delegated limited powers to the Palestinian Authority in these two territories pending the outcome of future permanent negotiations.[133] In the absence of permanent status, Israel retained

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[132] Tal Becker, "International Recognition of a Unilaterally Declared Palestinian State: Legal and Policy Dilemmas," Jerusalem Center for Public Affairs, http:www.jcpa.org/art/becker2.htm

[133] Tal Becker, "International Recognition of a Unilaterally Declared Palestinian State: Legal and Policy Dilemmas," Jerusalem Center for Public Affairs, http:www.jcpa.org/art/becker2.htm

residuary jurisdiction over all areas of the West Bank and Gaza Strip that were not specifically delegated to the Palestinian Authority. Even in designated areas where the Palestinian Authority was authorized to exercise jurisdiction administrative decisions relating to economic policy and security concerns required prior consent and approval from Israeli authorities. In all reality, the Palestinian Authority exercised only limited governmental capacity under the Declaration of Principles and the Interim Agreement.

In relation to the second component required to obtain sovereign state recognition, the existence of a clearly defined, fixed territorial boundary, both the legal and political implication are complex. Under international law, while state sovereignty title over a defined territory is a prerequisite to international recognition, if a potential entity fails to establish title of territory then statehood shall not be granted. As for the Palestinian claim, delegates in Jerusalem asserted that the transfer of power in the West Bank and the Gaza Strip documented within the Declaration of Principles and the Interim Agreement refrain from granting sovereign title of the territory to the Palestinian Authority.[134] Furthermore, the inconsistency and fragmentation of the Palestinian Authority's control in the West Bank and the Gaza Strip suggested that claims to a defined territory remained elusive. The territorial border jurisdiction of the Palestinian Authority remained relatively unclear and undefined in the absence of a permanent status agreement.

As for the third component required to obtain lawful state sovereign recognition, the capacity to engage in foreign relations, the criteria distinguishes between the status of an independent sovereign state and an autonomous, non-sovereign state entity. According to the arrangement that was set forth under the Declaration of Principles and the Interim

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[134] Tal Becker. "International Recognition of a Unilaterally Declared Palestinian State: Legal and Policy Dilemmas." Jerusalem Center for Public Affairs, http:www.jcpa.org/art/becker2.htm

Agreement, the Palestinian Authority was authorized to conduct diplomatic negotiations and become a signatory party to international agreements under specified conditions but the Palestine National Council did not possess the ability or authority to engage in foreign relations. The Palestinian Authority's formal capacity to conduct foreign affairs remained contingent upon permanent status negotiations. The fourth component required to obtain sovereign state recognition, effective control over a permanent population, at surface appears to offer the Palestinian position legal stature. This is true because one cannot legitimately dispute the fact that the Palestinian people are identified as permanent residents of the West Bank and the Gaza Strip. However, while an identifiable permanent population accounts for only half of the stipulation, effective governmental control of the territory is required as well. In this case, the Palestinian Authority's jurisdiction could not be regarded as effective state control because it was not the exclusive governmental authority in the two territories. Here, Jerusalem maintained significant legal, political and economic control in both the West Bank and the Gaza Strip under the Declaration of Principles and the Interim Agreement.

In addition to the four above mentioned elements required to obtain sovereign state recognition, in modern usage, the entity in question must also demonstrate that it was established through legality and is willing and able to abide international law.[135] Given the fact that the Declaration of Principles and the Interim Agreement were founded upon the notion that lasting peace can only be achieved through diplomatic negotiation, these attempts to unilaterally declare statehood indicate that the entity would not be established through international legality. Perhaps more so, if the Palestinian Authority

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[135]Tal Becker, "International Recognition of a Unilaterally Declared Palestinian State: Legal and Policy Dilemmas." Jerusalem Center for Public Affairs, http:www.jcpa.org/art/becker2.htm

unilaterally declared statehood this would indicate that the entity was unwilling to abide by international law due to existing obligatory and binding agreements prohibiting the immediate declaration of statehood under the Declaration of Principles and the Interim Agreement. In addition, if the Palestinian Authority sought to gain formal sovereign state recognition it would be obliged to refrain from acting subversively against outside states, which it proved it was unwilling to do in the decades previous.

Although under the post-Oslo circumstances the Palestinian state did not fulfill all of the required components allowing for international recognition, some would argue that at surface this did not preclude or diminish the Palestinians right of self-determination. Consistent with established principles of customary international law, the right to self-determination may become an obligation of the international community when it can be determined that the entity constitutes a people with a distinctive ethnic origin or history, not necessarily a state. Upon close examination it is unclear whether the Palestinian Authority could have sustained this claim due to the age-old association that exists between the Palestinian people and that of the greater Arab world. However, while the acknowledgement of the rights of the Palestinian people through the negotiations that transpired in the years after Oslo was considered an indirect reference to the Palestinian right to self-determination, this right remained impaired primarily by provisions of the Declaration of Principles and Interim Agreement, as well as the failure to conclude a permanent status agreement. As upheld in the 1995 East Timor case, the International Court of Justice refused to consider the claim to self-determination as long as the

disputed territory remained in the hands of a sovereign authority.[136] In this environment, the Palestinian claim to self-determination took second priority to existing Israeli political and security concerns. Although the Palestinian resistance movement failed to achieve its goal of establishing an independent, sovereign national homeland in the wake of Oslo, it successfully transformed itself from a fledgling liberation following to a legitimate governing authority in the West Bank and the Gaza Strip under the Declaration of Principles and Interim Agreement.

Palestinian Council elections were held in the West Bank and the Gaza Strip in January 1996 after nearly three decades of occupation. While the electorate affirmed Arafat and the PLO as the representatives of the Palestinian people, probably in part due to the boycott of the elections by Islamist groups like Hamas and the Palestinian Islamic Jihad, the standing of the Peres Administration and its support for the ensuing peace process was undermined in the public eye by a string of suicide attacks throughout Israel. In response to these threats, Israeli leaders began to organize mass deportations to the rugged, mountainous regions of southern Lebanon where Beirut failed to exercise effective control in an attempt to rid the occupied territories of individuals that were believed to be responsible for the upsurge in violence. Many of these deportees were from the educated. middle class that formed the base of Hamas's armed wing in the al-Qassam Brigades. Although these deportation measures were justified as legitimate measures by the IDF under the Defense Emergency Regulations, Article 49 of the Fourth Geneva Convention states that "deportations of protected persons from occupied territory

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[136] International Court of Justice, "Case Concerning East Timor (Portugal v. Australia), Summary of the Judgment of 30 June 1995," International Court of Justice Cases, http://www.icj-cij.org/docket/index php?sum=430&code=pa&p1=3&p2=3&case=84&k=66&p3=5

to the territory of the occupying power or to that of any other country are prohibited."[137]
Likud opposition leaders like Benjamin Netanyahu that supported taking a much tougher
stance on PLO inspired terrorism and homeland security concerns gained prominence in
this atmosphere of uncertainty.

Given these security concerns, amongst others, Netanyahu narrowly defeated
incumbent Peres in the Knesset elections of December 1995. Months later, Netanyahu,
who long maintained close ties to Washington and the West, met Arafat for the first time
and the two leaders exchanged promises to continue to work toward the implementation
of the provisions surrounding the Declaration of Principles and the Interim Agreement.
Despite having authorized the assassination of a handful of high ranking Palestinian
militants, Netanyahu's pledge of support for Arafat was for the most part an attempt to
bolster and legitimize the Palestinian Authority's security forces that were engaged in a
struggle for power with Hamas in the Gaza Strip. The Netanyahu Administration's policy
of assassinating Palestinian militants was condemned as a violation of the International
Covenant on Civil and Political Rights and the Fourth Geneva Convention. Furthermore,
in March 1996 Washington pledged nearly $100 million in assistance to Israel to be used
in coordination with the Palestinian Authority to combat terrorism. This was generally
considered to be a reference primarily to elements of Hamas, but also renegade elements
of the Palestinian Authority.

In January 1997 Netanyahu and Arafat signed the Protocol Concerning the
Redeployment in Hebron under the supervision of Secretary of State Warren Christopher.
The Hebron Protocol called for the immediate redeployment of IDF troops in accordance

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[137] Gerhard von Glahn, *Law Among Nations: an Introduction to Public International Law*, 7th ed. (New York. Longman. 1996), 675.

with all provisions of the Interim Agreement. Despite any sense of optimism that the agreement may have created, Netanyahu thereafter announced the construction of 6,500 apartments in the East Jerusalem neighborhood of Jebel Abu Ghneim.[138] Netanyahu's Har Homa settlement project included a string of villages erected between East Jerusalem and the surrounding West Bank that cut off links between the two areas. Some contend that Har Homa was an overt attempt to weaken Palestinian ties between Jerusalem and the West Bank and in turn strengthen Israel's claim to sovereignty over East Jerusalem. It is important to note here that Article 49 of the Fourth Geneva Convention prohibits an occupying power from transferring populations that alter the character of the occupied territory.[139] Nevertheless, armed confrontation continued to jeopardize the peace process and by the end of 1997 the newly appointed Secretary of State Madeline Albright began to advocate the need for greater involvement from Washington in the affairs of the Middle East to facilitate meaningful negotiations between Jerusalem and the Palestinian Authority. However, it wasn't until the following year that substantial progress was achieved.

Arafat and Netanyahu met at the Wye River Conference Center in October 1998 under the mediation of President Clinton and the ailing King Hussein. The talks in Maryland produced the Wye River Memorandum, which sought to fast-track negotiations in the face of allegations that each party was seeking to disrupt the ensuing peace process. The arrangement reaffirmed much of what was already set forth as a part of the Interim Agreement and called for a three phase IDF withdrawal from several pre-designated areas

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[138] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York: Palgrave Macmillan, 2004), 149.

[139] International Committee of the Red Cross, "Diplomatic Conference of Geneva of 1949," (12 August 1949) http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument

and the transfer of administrative powers to the Palestinian Authority in accordance with Oslo II. Additional provisions of the agreement addressed mutual security and economic concerns and permanent status negotiations in reference to the West Bank and the Gaza Strip. The memorandum was trumped as a success in the international community but was vehemently opposed by Hamas and many hard-line Likud followers that maintained in interest in retaining control of the occupied territories, especially the West Bank due to its historical significance to the Judaic faith.

Given the erosion of Netanyahu's support base over controversy surrounding the peace process and national security concerns, he was defeated by Labor Party leader and legendary IDF operative Ehud Barak in the Knesset elections of May 1997. Prime Minister Barak offered a new dimension to the peace process but optimism for regional stability was shattered with the death of King Hussein and King Hassan II in the summer of 1999. Both men had been instrumental in facilitating meaningful Israeli-Palestinian interaction in recent years. Prior to his death, King Hussein designated his son Prince Abdullah II as his heir, rather than his brother King Hassan as was expected. Just as other Jewish statesman had done in previous years, Barak arranged to meet with Arafat upon his inauguration. In Gaza, the two men agreed to work toward the settlement of the Israeli-Palestinian conflict by overcoming the obstacles that had long come in the way of reaching a mutually acceptable solution to the conflict at hand. Meeting under the direct supervision of Secretary Albright in the Egyptian seaside city of Sharm el-Sheikh on the southernmost tip of the Sinai Peninsula in September 1999, the two leaders formalized the Sharm el-Sheikh Memorandum on the Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status

Negotiations. The Sharm el-Sheikh Memorandum reiterated that which was set forth under the Declaration of Principles, the Gaza-Jericho Agreement, the Agreement of Preparatory Transfer of Powers and Responsibilities, the Interim Agreement, the Hebron Protocol and the Wye River Memorandum. In addition, the agreement called for the IDF's withdrawal from an additional 11 percent of the West Bank, the two-stage release of 350 Palestinian political prisoners held in various Israeli detention centers and the opening of a 40 kilometer land route that linked the West Bank with the Gaza Strip.[140] The agreement also included provisions related to status talks over Jerusalem, the refugee situation and settlement activity in the occupied territories.

With the turn of the century prospects for the negotiation of a mutually acceptable final solution initially appeared promising. This was particularly true after Pope John Paul II began to voice an increasing interest in Jewish-Muslim reconciliation. Prompted by the succession of Bashar al-Assad after the death of his father and former president Hafez al-Assad, Israeli-Syrian peace talks were initiated in Washington in the summer of 2000. Within months, IDF troops withdrew from southern Lebanon after a nearly twenty-year occupation of the territory after increasingly coming under fire from Hezbollah and Amal and redeployed within its national borders. Nevertheless, with Israeli-Palestinian tensions mounting and the situation reaching a near stalemate Barak and Arafat accepted an invitation by President Clinton to attend a peace summit at Camp David. In Maryland, the two statesmen sought to formalize a final status agreement. As a part of the talks, Barak offered the Palestinian Authority a large majority of the West Bank to create a

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[140] The Knesset (The Israeli Parliament). "The Sharm el Sheikh Memorandum," Documents Related to the Peace Process. http://www.knesset.gov.il/process/docs/sharm_eng.htm

Palestinian state with its capital in part of East Jerusalem, shared sovereignty of Haram al-Sharif, $30 billion in compensation for the refugees of the First Arab-Israeli War and a limited right of return for subsequent Palestinian refugees to the newly created state.[141] Arafat rejected the proposal despite the willingness of the Israeli leadership to commit to territorial compromise and President Clinton's pledge of billions of dollars in foreign aid to the Palestinian state. Arafat's chief opposition to the proposal was associated with the provisions of the agreement related primarily to the right of return of Palestinian refugees as cited in relation to Resolution 194, the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights. Jerusalem has repeatedly denied the full right of return for the several million displaced Palestinian due to concerns that this action would off-set the Jewish majority of the state and threaten its existence. Arafat's rejection of Prime Minister Barak's offer was later labeled as a "crime against the Palestinians and against the whole region" by Saudi Prince Bandar bin Sultan, who served as an intermediary between the two parties at Camp David.[142] This rejection solidified the long held belief that Arafat was not interested in genuine peace and his rule was secured primarily by the existence of a constant state of turmoil in the Palestinian community. The failure of the Camp David 2000 summit has ultimately been viewed as one of the greatest blunders and missed opportunities of the Arab-Israeli peace process.

Israeli-Palestinian relations reached a decisive turning point in the aftermath of the collapse of the talks at Camp David. In September 2000, Likud leader Ariel Sharon, widely considered a public enemy of the Palestinian people due to his involvement and

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[141] Dore Gold, "Jerusalem in International Diplomacy," Jerusalem Center for Public Affairs, Jerusalem. Special Edition, http://www.jcpa.org/art/jid-campdavid.htm

[142] Alan Dershowitz, *The Case for Israel* (Hoboken, NJ: John Wiley & Sons, Inc., 2003), 9.

alleged responsibility in the Sabra and Shantilla refugee camp massacres, entered the Haram al-Sharif district accompanied by more than a thousand armed security personnel. Sharon's actions were viewed by the Palestinians and a large part of the Arab world as a direct provocation and the following day protests and riots swept across the West Bank. This event proved to be the spark that ignited yet another uprising in the occupied territories - dubbed the al-Aqsa Intifada. In contrast to the first intifada, the circumstances underlying the al-Aqsa Intifada proved to be quite different. Perhaps most importantly, as opposed to the rebellion that engulfed the territory a decade previous, by the time the second uprising erupted Palestinian fighters were well-armed and actively using the suicide bombing as their weapon of choice against Israeli civilian targets. The suicide bombing was a martyrdom tactic Hamas and Fatah's new guard of youthful militants associated with its Tanzim faction borrowed from Hezbollah militants in Lebanon and Tamil nationalist guerrillas (LTTE) in Sri Lanka. The IDF reoccupied dozens of towns and villages that it ceded to the Palestinian Authority following the Interim Agreement in response to these evolving threats and stepped-up its assassination of Palestinian militants that it believed were facilitating the uprising in the occupied territories. Despite any responsibility for the upsurge in violence that may have been attributed to Arafat and his top advisors, whom some suspect deliberately planned the uprising in the days after the collapse of Camp David, Security Council Resolution 1322 placed blame squarely on Sharon's actions in Jerusalem, which were allegedly authorized by Barak himself.[143]

President Clinton announced the organization of a fact-finding committee at the October 2000 Sharm al-Sheikh Conference to investigate the underlying causes and

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[143] United Nations, *Resolution 1322 (2000)*, Security Council Resolution 1322 (October 7, 2000).

ongoing tensions associated with the al-Aqsa intifada. The undertaking was attended be high-level diplomats from Israel, the Palestinian Authority, the United Nations, the European Union, the United States, Egypt and Jordan. The Mitchell Committee was headed by United States Senator George Mitchell (D-Maine) but encompassed foreign relations experts from a variety of nations. After launching its investigation, it found that at the base of Israeli-Palestinian tensions was a mutual disillusionment with the peace process set forth since Oslo and the failure of the 2000 Camp David summit. In Egypt, the Palestinian Authority noted that its major concerns were related to continued Jewish settlement activity, the deteriorating economic situation in the occupied territories and the failure of the international community to adequately address the refugee situation. Conversely, Israeli leaders cited national security concerns, most specifically, terrorist activity formally sanctioned by the Palestinian Authority, as their central concern. The Mitchell Committee's report amounted to an attempt to diffuse and deescalate the spiral of violence associated with the uprising by creating confidence building measures that would facilitate further negotiations. It called for the freezing of all Jewish settlement activity in the occupied territories and a commitment from the Palestinian Authority to combat terrorist activity, particularly, Hamas perpetrated violence.

Given these stark realities, President Clinton drafted a broad peace initiative in his final days at the White House in an attempt to bring the two adversaries together by addressing mutual concerns related to control of territory, security, Jerusalem and the refugee situation. The Clinton Plan was presented and debated at the January 2001 Taba Summit and included provisions associated with Palestinian statehood in the West Bank and the Gaza Strip. However, the proposal was rejected by Arafat and the Palestinian

Authority on the grounds that it would divide the Palestinian state and Jerusalem into unconnected parts and failed to guarantee the right of return to displaced refugees. While the talks in Taba ended abruptly in the face of changing political landscape in Israel and the United States, Israeli leaders and the Palestinian Authority issued a joint statement committing themselves to continue negotiations with the goal of reaching a mutually acceptable final solution in the future and establishing a lasting peace.

The triumph of George Walker Bush in the November 2000 United States presidential election and the Likud Party under Ariel Sharon in the February 2001 Knesset elections added yet another dimension to the Arab-Israeli conflict. In contrast to his predecessors, Prime Minister Sharon, who was heralded as an advocate of national security and settler's rights, refused to meet directly with Arafat. Instead, he ordered the IDF to step up its targeting of Palestinian militants, especially those associated with Hamas's al-Qassam brigades that were believed to be responsible for orchestrating the recent string of violence in the occupied territories. Thereafter, President Bush dispatched CIA Director George Tenet to the Middle East to broker a durable Israeli-Palestinian cease-fire. Tenet's plan reaffirmed the finding of the Mitchell Report and called for the implementation of a series of measures designed to reestablish security and cooperation in an attempt to end the spiral of violence that rocked the occupied territories since the outbreak of the second intifada in late-2000.[144]

By the summer of 2001 the situation continued to deteriorate due to the absence of any resolution to the matter through the Mitchell or Tenet peace plans and IDF-Hamas infighting reaching a near breaking point. Although the peace process had always been

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[144] Yale Law School, "The Tenet Plan," Lillian Goldman Law Library, The Avalon Project: Documents in Law History and Diplomacy. http://avalon.law.yale.edu/21st_century/mid023.asp

accorded widespread attention and priority in international circles but even more so since the outbreak of the al-Aqsa Intifada, after the attacks on the World Trade Centers and the Pentagon on September 11, 2001 the situation was initially shuffled to second priority. Here, the attention of the Bush Administration and the American military complex in Washington was focused primarily on crushing al-Qaeda in Afghanistan and capturing its top commanders, including Osama bin Laden and his deputy Ayman al-Zawahiri. Nevertheless, realizing the importance of the Arab-Israeli conflict in defeating al-Qaeda, which is largely Arab in identity and composition, as are the Palestinian people, President Bush sent his special envoy for Israeli-Palestinian affairs Anthony Zinni to the Middle East to broker a lasting cease-fire between the two longtime adversaries. This effort was particularly important given the cycle of violence that was sparked following the bombing of the Dolphinarium night club in Tel Aviv by elements of Hamas in June 2001 and the assassination of Israeli Minister of Tourism Rehavam Zeevi by the PFLP in Jerusalem later the same year. However, with no foreseeable end to the situation in near sight the Zinni Mission ended in disappointment.

Regardless of the implications of the Israeli navy's January 2002 interception and seizure of a merchant vessel in the Red Sea carrying a fifty-ton shipment of arms from Iran allegedly destined for Fatah's al-Aqsa Martyrs Brigades and Washington's extension of carte blanche to any Israeli policy deemed essential to combating terrorism, President Bush's refocus on affairs in the Middle East offered hope for further reconciliation. Furthermore, Saudi Prince Abdullah bin Abdul Aziz introduced a plan from Riyadh that was very similar to Resolution 242 in substance but offered formal Arab recognition of the State of Israel in exchange for the withdrawal of the IDF to its pre-1967 borders, the

establishment of a Palestinian state in the West Bank and the Gaza Strip and a solution to the refugee crisis. Nevertheless, the situation again flared up in the aftermath of a series of Hams-perpetrated provocations and IDF retaliatory counter-attacks that were centered on rooting suspected militants out of a series of refugee camps in Jenin and Nablus that were believed to be the home of the Palestinian bomb-making complex. With Arafat cornered in his Ramallah compound by Israeli armored units, the Security Council unleashed Resolution 1397 demanding an immediate end to all acts of violence and the two parties implement the Mitchell and Tenet peace plans (March 2002).[145] Resolution 1397 was important because it made explicit mention of a two-state solution where the Palestinian and Jewish communities would live together in peace within their respective borders.

As for the greater part of the international community, attention was focused on the potential peace prospects offered by the resumption of the Zinni Mission and the Arab League summit in Beirut. The conference delegates in Lebanon formulated the Arab Peace Initiative that was based primarily on Prince Fahd's formula that was introduced in the summer of 1980 but later reinterpreted by King Abdullah. As a part of the plan, the IDF was called upon to withdrawal to its pre-1967 borders as set forth in resolutions 242 and 338 in exchange for recognition and the normalization of relations with its Arab neighbors. In addition, initiative demanded the establishment of a viable Palestinian state in the West Bank and the Gaza Strip with its capital in East Jerusalem and a solution to the refugee situation in accordance with Section 11 of Resolution 194. Furthermore, the initiative made reference to the difference between acts of international terrorism and the

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[145] United Nations, *Resolution 1397 (2002)*, Security Council Resolution 1397 (March 12, 2002).

right of lawful resistance to occupation under international law. Although the summit was overshadowed by reports of dozens of suicide attacks in the occupied territories and the absence of all relevant parties at the undertaking, including Arafat, Sharon, Mubarak and Abdullah II, the Arab Peace Initiative was generally welcomed by the world community as well as many moderate Israeli circles.

Regardless of any progress that was achieved at the Beirut Summit, the following week Sharon ordered the IDF to prepare for a major offensive against Fatah and Hamas militants and their infrastructure that was dubbed Operation Defensive Shield. Sharon ordered his commanders on the ground to move ahead with the operation in the face of opposition from Washington and the unleashing of Security Council Resolution 1402. Resolution 1402 demanded that the two parties reach a cease-fire and the IDF withdrawal from all Palestinian cities, including Ramallah where Arafat remained cornered.[146] The Security Council, in cooperation with Secretary-General Kofi Annan, adopted Resolution 1405 in the aftermath of the fighting that ensued, which amounted to the largest IDF operation in the West Bank since the Six-Day War. Resolution 1405 and United Nations official on the ground, Norwegian diplomat Terje Roed-Larsen, demanded that the IDF lift its restrictions on the operation of humanitarian organizations and allow for the free movement of a fact-finding mission in Jenin to investigate a recent IDF raid that allegedly claimed the lives of dozens of unarmed Palestinian civilians. However, the Jenin Mission was later dissolved due to nonsupport from Israeli leaders and the IDF assault continued.

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[146] United Nations, *Resolution 1402 (2002)*, Security Council Resolution 1402 (March 30. 2002).

Although the Bush Administration was consumed by the imminent invasion of Iraq by the summer of 2002, politicians in Washington remained attuned to the situation unfolding in the occupied territories where Israeli construction crews began the erection of a West Bank separation barrier that Jerusalem pitched as a security fence to prevent further terrorist incursions. In addition, within months, Arafat and the Palestine National Council formally declared Jerusalem (al-Quds) to be the eternal capital of Palestine, despite the 1980 Jerusalem Law proclaiming the city to be the united capital of Israel. Regardless of these concerns, the State Department and the White House declared their support for a two-state solution based on United Nations resolutions 242 and 338 where the Jewish and Palestinian people would live together in Palestine in peace and security. The Bush Administration called upon Israeli leaders to withdrawal the IDF to positions it held previous to September 2000, end settlement activity in the occupied territories and support the emergence of a viable, legitimate Palestinian state. President Bush also urged the Palestinian people to elect a new leadership that wasn't compromised by elements of terror. This proclamation amounted to a direct challenge of Arafat's longtime leadership of the Palestinian Authority. In other parts of the international arena, the European Union, United Nations, Russia and officials from the State Department began to work toward the implementation of performance-based, goal-driven roadmap for peace in the Middle East. This particular entity has been referred to as the quartet.

By late-2002 much of the world's attention was focused on the invasion of Iraq and the intensification of suicide attacks in the occupied territories after the spiritual founder of Hamas Sheikh Ahmed Yassin and his successor, Abdel Aziz al-Rantissi, were killed by Israeli air strikes. Yassin and al-Rantissi were replaced by Khaled Mashaal, who

heads Hamas today from exile in Damascus. In the wake of these developments, the Likud-led coalition collapsed with the withdrawal of the Labor Party and was forced to arrange for a new round of Knesset elections. Labor Party leader Amram Mitzna faced the incumbent Sharon in the January 2003 Knesset elections. Sharon's political platform was based on national security, the election of a Palestinian leadership void of Arafat and the creation of a demilitarized Palestinian state encompassing nearly half of the West Bank and a large majority of the Gaza Strip. On the contrary, Mitzna supported limited Jewish settlement activity and the full recovery of the Jewish economy in the face of the outbreak of the second intifada. As Israelis went to the polls, Sharon's Likud Party, which aligned itself closely with the right-wing National Religious Party, the National Union Party and Shinui (Change), claimed a near landslide.

Within days of Prime Minister Sharon's electoral triumph, President Bush set forth the notion that the defeat of Saddam Hussein and his regime in Baghdad would usher in a new stage of the Arab-Israeli peace process by depriving terrorist organizations of a power patron which would subsequently encourage the Palestinian people to elect a new leadership that would strive for peace.[147] Ideally, the Israeli leadership would be far more likely to end its settlement activity and support the creation of a Palestinian state with the threat of terror removed from the equation. In April 2003 the Palestinian Authority nominated long-time leading figure in the Fatah organization and the chief negotiator in previous years Mahmoud Abbas (Abu Mazen) as prime minister. Abbas immediately appointed reform-minded Salem Fayyed as finance minister in pursuit of an agenda that aimed to fight the rampant financial corruption that long plagued the

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[147] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York. Palgrave Macmillan, 2004), 169.

organization under Arafat's older guard of the PLO and its successor in the Palestinian Authority. Fayyed sought to open a new chapter for the organization by bringing the Palestinian interest back to the negotiation table for a new round of talks and restoring credibility of the Palestinian Authority after suffering from years of internal decay. Thereafter, the Bush Administration unveiled the quartet's road map for peace via a press statement issued by the State Department from Washington. The initiative was formally labeled the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. Jerusalem accepted the basis of the quartet's initiative within days of its pronouncement.

The quartet's map for peace called for the implementation of three interrelated phases with the final goal of finding a final solution to the conflict by the end of 2005. Under Phase I of the plan, which was set to be completed by June 2003, the Palestinian Authority would issue a statement declaring its support for the right of the State of Israel to exist in peace and security, condemn all acts of terror and end its campaign against the Jewish people. In return, the Israeli leadership would issue a statement affirming its support for the creation of an independent, sovereign Palestinian state. Further, while Palestinian security personnel were called upon to launch a campaign aimed at disarming terrorist leadership and dismantling its infrastructure and the Palestinian Authority was delegated the task of drafting a formal constitution and appointing an interim prime minister, the IDF was obligated to freeze settlement activity in the occupied territories and dismantle all outposts (illegal settlements) erected since March 2001. Phase II of the plan was scheduled to be completed no later than December 2003. It was set to begin with free and fair elections in the West Bank and the Gaza Strip that were to be followed

by an international peace conference organized under quartet leadership that focused on Palestinian economic recovery and the beginning of the process that would end in the creation of an independent Palestinian state possessing provisional borders. The third and final phase of the road map to peace was set to open with a second international peace conference brokered by the quartet and culminate in permanent status negotiations related to issues such as borders, the status of Jerusalem and the refugee situation. In addition, progress toward a peace settlement between Israel and Lebanon and Israel and Syria was to be sought under the road map.

While the quartet's peace proposal was championed by much of the international community, overcoming internal challenges proved to be the actual test of the initiative, much like the situation surrounding the implementation of the Declaration of Principles. This is especially true among the Palestinian Authority leadership, which was faced with mounting resistance from Islamist organizations like Hamas and the Palestinian Islamic Jihad that opposed the road map and any form of peace with its Zionist enemy. However, in June 2003 President Bush invited Abbas and Sharon to a peace summit in Aqaba in an attempt to garner greater support for the initiative. Although the meeting in Jordan produced many tangible results, specifically, Abbas vowed to put an end to the intifada and Sharon pledged to dismantle all unauthorized Jewish outposts (settlements) in the occupied territories, it was largely overshadowed by the events unraveling in Iraq in the aftermath of the collapse of the regime in Baghdad and the ICJ ruling from the Peace Palace in The Hague declaring that the West Bank separation barrier violates Palestinian

basic rights and breaches international law.[148] The summer 2003 deadline for the implementation of Phase I of the quartet's road map for peace passed without substantial progress and yet another opportunity for peace in the Middle East was squandered, despite the declaration of a cease-fire by Fatah and Hamas militants.

Abbas was elected president of the Palestinian Authority in November 2004 in the aftermath of Arafat's death at the age of seventy-four and burial in Ramallah. To add complexity to the regional situation, Lebanese Prime Minister Rafik al-Hariri was assassinated in Beirut the following month. This led to the withdrawal of Syrian troops from the country after nearly thirty years of occupation in the face of international pressure. Upon his inauguration, President Abbas called for an end to the violence that had engulfed the occupied territories since the eruption of the al-Aqsa Intifada and the resumption of peaceful resistance to the occupation. Within days, Sharon formed a national unity government when his Likud followers united with Labor and the United Torah Judaic parties to form a new ruling coalition. In one of his first major moves Sharon ordered the demolition of several Jewish settlements constructed in the Gaza Strip and the West Bank and the forceful relocation of its settlers, despite his historical support for settler's rights and mounting opposition from many of his loyal Likud followers. Perhaps more importantly, Sharon called on IDF commanders to begin its withdrawal from the Gaza Strip void of any involvement from the Palestinian Authority. Some point out the fact that this disengagement plan was only viewed as acceptable to the Sharon Administration because, contrary to the West Bank, the Gaza Strip held no real historical

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[148] International Court of Justice, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," Summary of the Advisory Opinion of 9 July, 2004, International Court of Justice Cases, http.//www.icj-cij.org/docket/files/131/1677.pdf

or religious significance to the Jewish people. Nevertheless, Sharon continued to face criticism for his unilateral disengagement plan among settlers living in the Gaza Strip and many of his closest colleagues in the Knesset. Regardless of these concerns, the IDF completed its withdrawal from the Gaza Strip and four smaller settlements located in the northern sector of the West Bank by September 2005. Jerusalem was left primarily with the responsibility of controlling utilities such as water and electricity in the territory after all remaining IDF troops and Jewish settlers vacated the territory as a part of the disengagement plan. Under the general terms of the withdrawal agreement, Israel retained exclusive access to the airspace over the territory, control of its vast coastline, maritime access to its ports and the right to intervene militarily if deemed necessary to maintaining national security. Virtually all other internal administrative governing responsibilities were accorded to the Palestinian Authority.

Immediately thereafter, Hamas, the Palestinian Islamic Jihad and Fatah's Tanzim faction all credited its continued militant opposition to the occupation and not the peace process itself for the IDF withdrawal from the Gaza Strip.[149] Within months, the vacuum left by the vacated IDF governorship was filled by elements of Hamas and the Palestinian Islamic Jihad and the territory rapidly became a breeding ground for terrorism. Sharon resigned as leader of the Likud Party in the face of these challenges and increasing resistance from various elements sympathetic to settler's rights. He then dissolved the Knesset and formed the new centrist oriented Kadima (Forward) Party in an attempt to garner greater approval for his policies, particularly, the IDF's unilateral disengagement from the Gaza Strip. Benjamin Netanyahu was appointed the new head of Likud and still

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[149] Khalil Shikaki, "The Future of Palestine," *Foreign Affairs* 83, no. 6 (2004), 52.

heads the post today. After Ariel Sharon suffered a debilitating stroke in January 2006 leadership of the Kadima Party was passed to Ehud Olmert, who assembled a new governing coalition and assumed the prime ministership.

Despite those who believed that Sharon's unilateral disengagement plan and the organization of free and fair elections in the Gaza Strip would help to foster the emergence of a credible partner in the peace process and promote Palestinian democracy and accountability in the territory, Hamas narrowly gained a majority (72/132) of the parliamentary seats in the January 2006 Palestinian Legislative Council elections.[150] Longtime Hamas associate Ismail Haniyeh was nominated as prime minister in Gaza City. It is important to note here that if Hamas had been able to command the recognition of the international community this electoral triumph would have effectively ousted Fatah as the legitimate ruling agent of the Palestinian people. However, the organization's platform and charter call for the outright destruction of the State of Israel and is labeled as a terrorist organization. Therefore, Washington, Jerusalem and various European capitals denied Hamas recognition and eventually stripped funding to the Palestinian Authority leadership associated with the renegade organization. Much of this aid that took the form of taxes collected from thousands of Palestinians working in the occupied territories that was redistributed to the Palestinian Authority prior to Hamas's electoral takeover was redirected to Abbas and other Fatah affiliated leaders that remained committed to the Israeli-Palestinian peace process. Washington also blocked the financial assets of much of Hamas's leadership and placed economic sanctions on the organization itself through the International Emergency Economic Powers Act (IEEPA).

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[150] The Carter Center, "Palestinian Legislative Council Elections: Expert Q&A with David Carroll and Matthew Hodes," January 17, 2006, http://www.cartercenter.org/news/documents/doc2275.html

Given Hamas's electoral triumph and the subsequent defeat of Fatah security forces in the Gaza Strip in early-2007, the Palestinian Authority has failed to maintain effective control over the organization and preserve governmental authority in the territory. Hamas also refused to take a conventional role in the Palestinian Authority, as President Abbas and others have demanded. This decision is undoubtedly rooted in the organization's pursuit and maximization of power and desire for undisputed control over Palestinian affairs and to some degree Islamic affairs in the Middle East. By effectively remaining outside the umbrella of the Palestinian Authority, Hamas has side-stepped its would-be obligation of consenting to and abiding by all the agreements that were negotiated as a part of the Oslo peace process and continue to disregard the right of the State of Israelis to live in peace and security. Furthermore, Article 13 of its charter explicitly states that there is no solution for the Palestinian question except through jihad and the peace process itself stands opposed to the greater beliefs of the Islamist resistance movement.[151] Given these realities, mounting tension between Islamist forces of Hamas and the Palestinian Islamic Jihad and moderate, secular Fatah-affiliated elements of the Palestinian Authority that generally favor a diplomatic solution to the conflict has taken a tremendous toll on the livelihood of Palestinians living not only in the Gaza Strip but throughout the occupied territories and elsewhere. By combining radical Palestinian nationalism and Islamic fundamentalism, while embodying a long-standing hatred of the State of Israel and disregard for its obligations to act in accordance with international law, Hamas has dramatically changed the face of Palestinian politics. Although we have

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[151] Walter Laquer and Barry Rubin, eds., *The Israel-Arab Reader A Documentary History of the Middle East Conflict* (New York: Penguin Books, 2001), 341-348.

witnessed a few developments in recent years that offer some degree of promise, an international crisis has arisen that threatens to derail the peace process.

In the end, given the fact that the Arab-Israeli conflict lies at the heart of many of the problems we face in the Middle East there will be many far reaching implications for the region if the situation continues to go unresolved. Amongst the most immediate and far reaching concern, the Arab World will be characterized not by peace and prosperity but by a period of instability that will cause great harm to itself and the international community.[152] With Islamist forces committed to expelling any and all foreign influence, reestablishing the Islamic caliphate and derailing the peace process enjoying far greater support and by extension regional supremacy, the new order that will emerge will be a concern to both regional and international policymakers. This is because imposing any legitimate political influence in the region will be difficult, if not virtually impossible. Here, the foreign policy interests of moderate Arab states will be alienated and shuffled to the sidelines due to a lack of credibility and political leverage to maneuver under and rogue states like Iran will continue to gain critical influence in the region, which could potentially translate into attempts to mold the region to reflect its own revolutionary image. In turn, Islamist beliefs, which Hamas and other Islamist organizations suggest are opposed to the peace process, will ultimately serve as the foundation of regional politics and hope for reform will further diminish. In the light of these circumstances, Arab regimes, whose participation in the Israeli-Palestinian debate is nothing less than vital, could potentially become more authoritarian and prove unwilling to promote or engage in

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[152] Richard N. Haass. "The New Middle East," *Foreign Affairs* 85, no. 6 (2006): 2-18.

the peace process. This would undoubtedly further destabilize Arab-Israeli relations and ultimately the entire region.

Today, with secular nationalism on a decline and Islamic fundamentalism on the rise in the Palestinian territories and elsewhere, throughout the Middle East loyalty to the state is being side-stepped and undercut by a loyalty to Islam.[153] As Haass suggests, all policymakers alike must make it a priority to assist Arab regimes to reform their crippled educational systems, speak out against terrorism and devote greater resources to address the concerns of the younger generation. Learning from the experiences surrounding both intifadas, by offering the youthful generation a variety of legitimate educational and economic opportunities it would become statistically far less likely that they would fall victim to radical recruitment. In pursuit of these goals, states throughout the Middle East must take steps to set aside their differences and take steps to work together to achieve regional stability. Furthermore, despite resurging Sunni-Shia tension, Arab unity must become a reality rather than merely a makeshift slogan. In the end, if regional actors and the international community fail to address the overriding concerns that have facilitated the inability to the parties to resolve the conflict the region will inevitably remain a troubled part of the world for many years to come. The following quote from the 2000 Mitchell Report best summarized the situation we now face in reference to the Israeli-Palestinian dispute: "the parties are at a crossroads and if they do not return to the negotiation table they face the prospect of fighting it out for years to come."[154]

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[153] Shlomo Ben-Ami, "A War to Start All Wars: Will Israel Ever Seal the Victory of 1948?" *Foreign Affairs* 87, no. 5 (2008): 155.

[154] T.G. Fraser, *The Arab-Israeli Conflict*, Second Edition (New York: Palgrave Macmillan, 2004), 158.

As I noted in the first chapter and have alluded to throughout this work, the Arab-Israeli conflict is not only the product of the historical struggle of two communities, but also the international legal and political order that we witness today. Although all parties to the debate have repeatedly violated the rule of law, the historical record suggests that the State of Israel seems to take a large brunt of the responsibility in the matter. Perhaps even more so than any other state involved in the conflict, it has been demonized and condemned throughout the ordeal. As Dershowitz suggests, there has often been a double standard that has been applied to the Jewish state.[155] This is probably in part attributed to the fact that although Israel isn't geographically situated in the West, it is a sovereign, democratic state that has most often aligned itself with the West and has been judged according to the highest Western standards. Furthermore, it is important to note that Israel is a relatively small nation nestled among a variety of larger, hostile states intent on destroying it existence. This is especially true in the face of the fact that the mere loss of a single war would inevitably expose the Jewish population to genocidal acts and spell the liquidation of the state. Therefore, it must to act in a way to ensure the very survival of the state, even if it means side-stepping established international norms and popular expectations. This has ultimately proved to be the inescapable nature of the contemporary international political and legal regime. Regardless of its implications, this is a reality that has prevailed throughout recent history and probably will not change at any point in the near future. The final resolution of the Arab-Israeli conflict is the only solution that will bring this longtime debate to rest.

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[155] Alan Dershowitz, *The Case for Israel* (Hoboken, NJ: John Wiley & Sons, Inc., 2003), 222-44.

APPENDIX

HEBREW KINGDOM UNDER DAVID AND SOLOMON
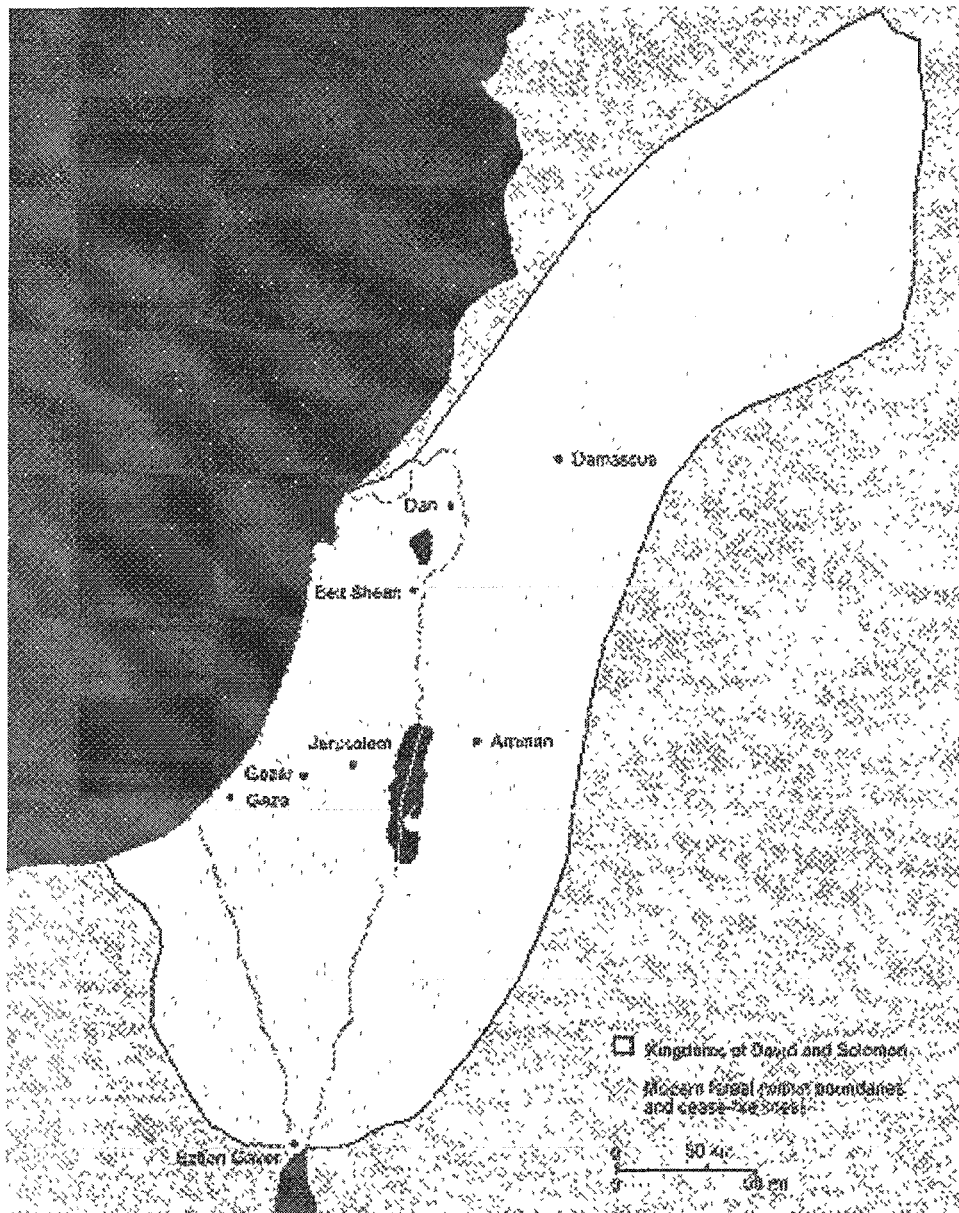
Source: website of the Israel Ministry of Foreign Affairs

LEAGUE OF NATIONS MANDATES IN THE MIDDLE EAST
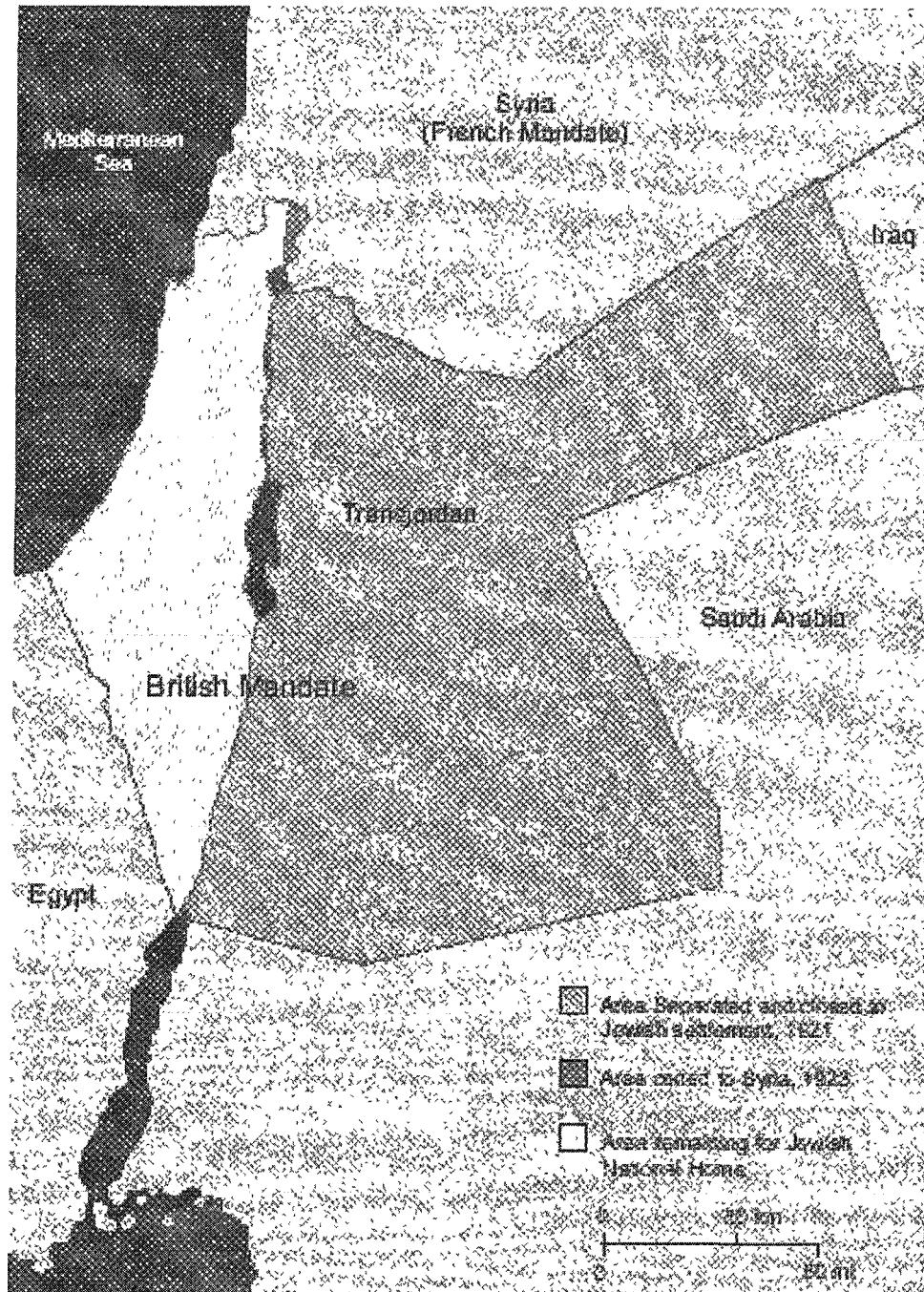
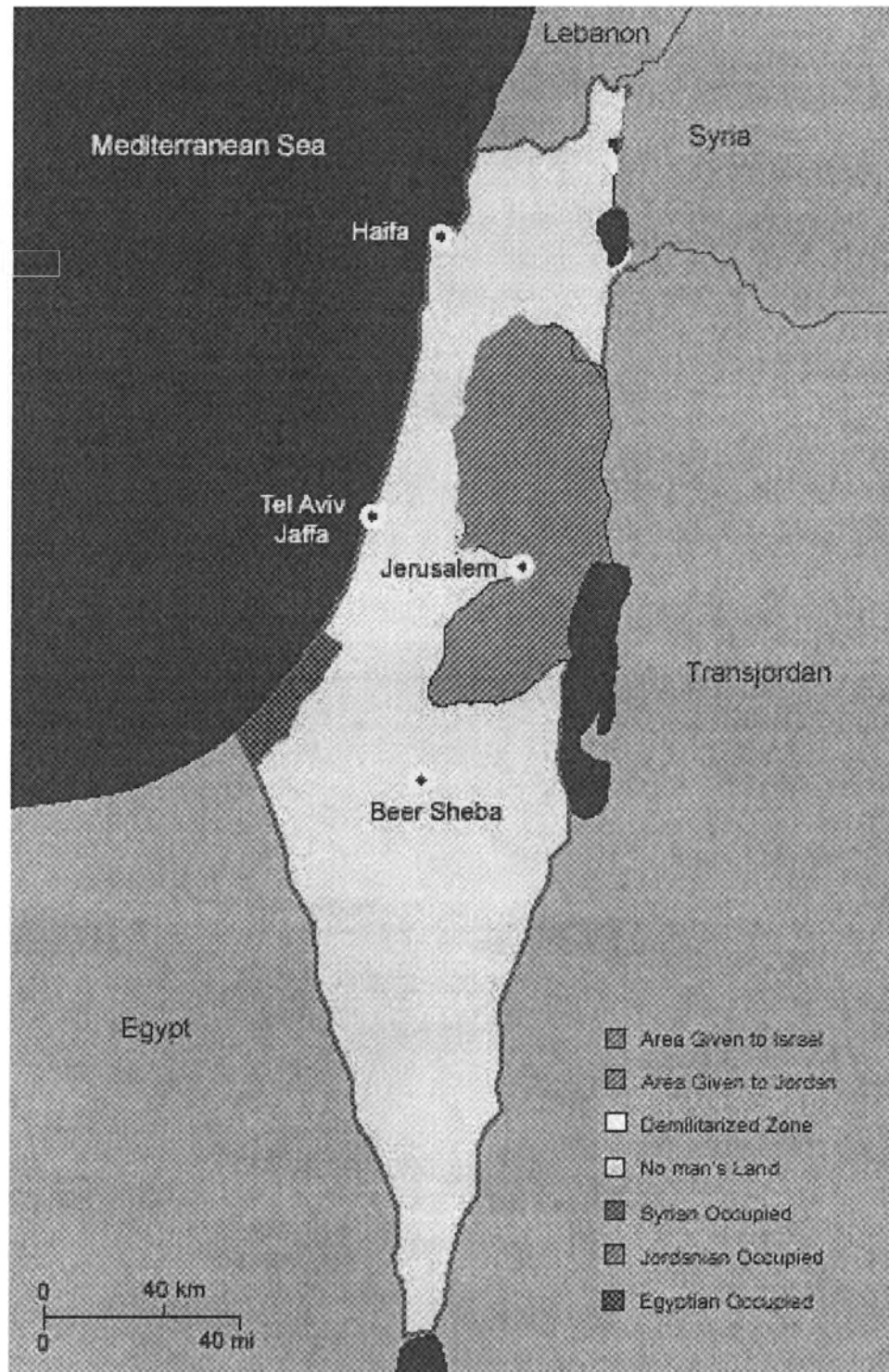Source: website of the Israel Ministry of Foreign Affairs

UNITED NATIONS PARTITION PLAN
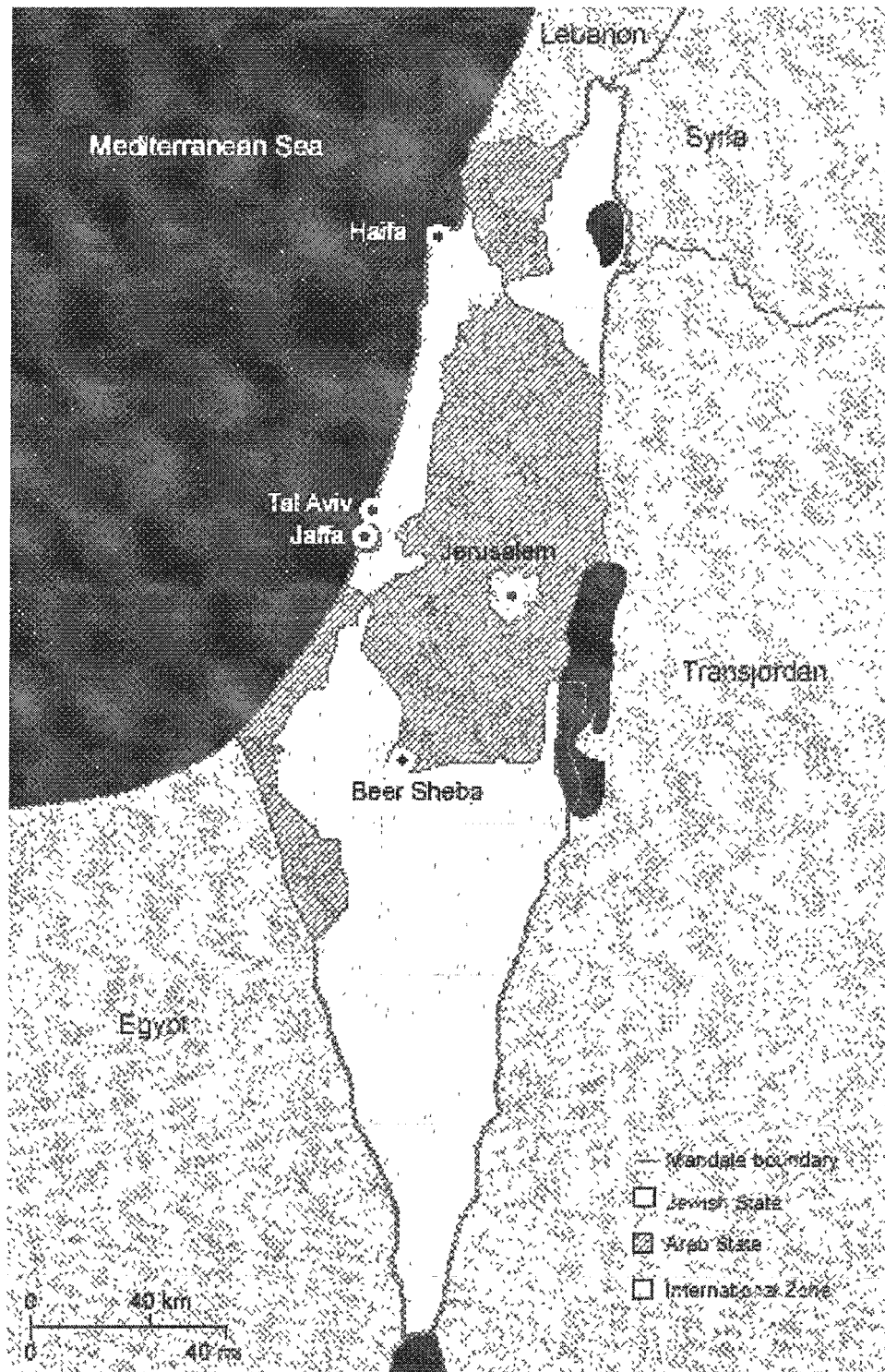
Source: website of the Israel Ministry of Foreign Affairs
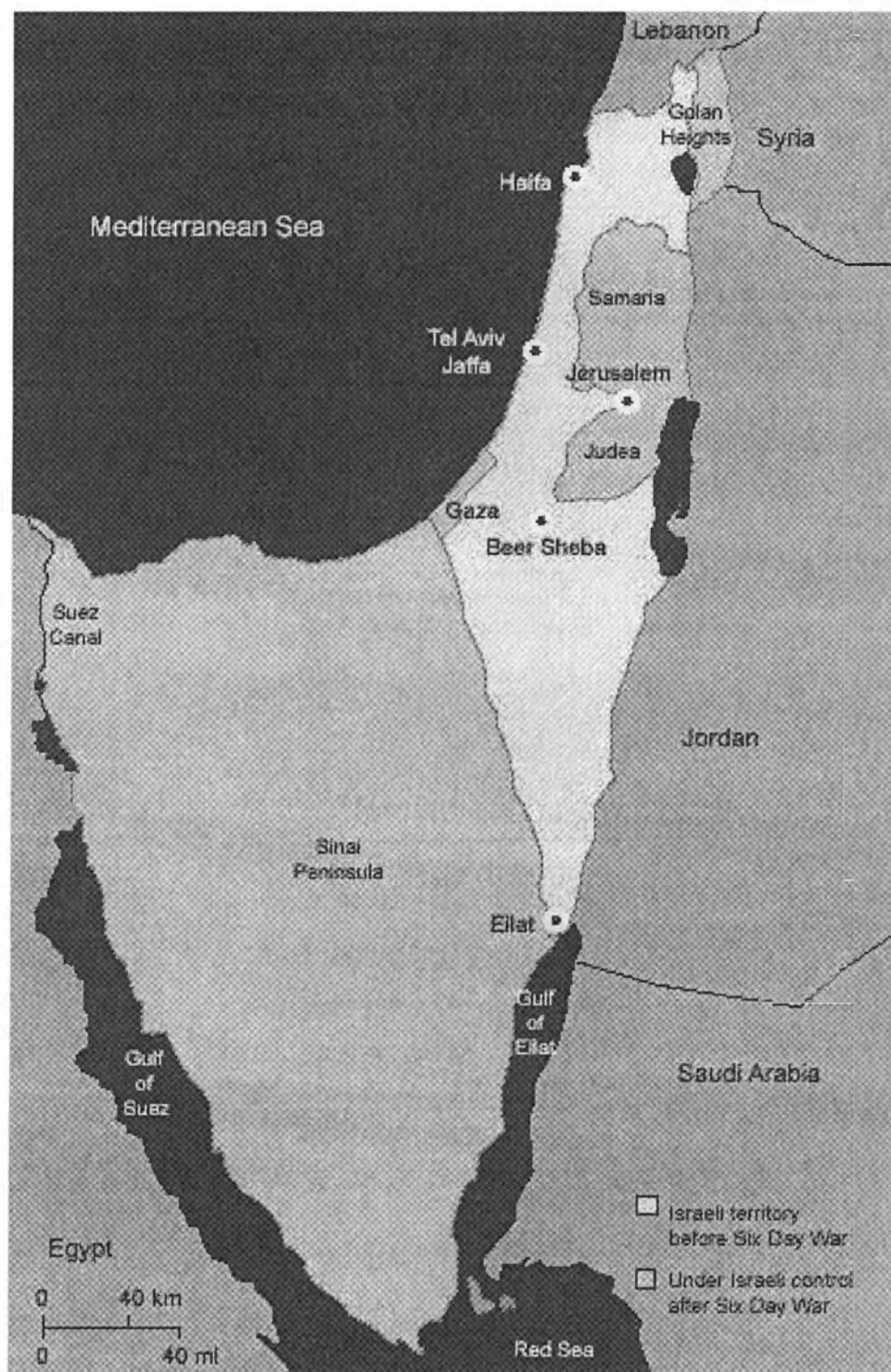
GENERAL ARMISTICE LINES, 1949-1967

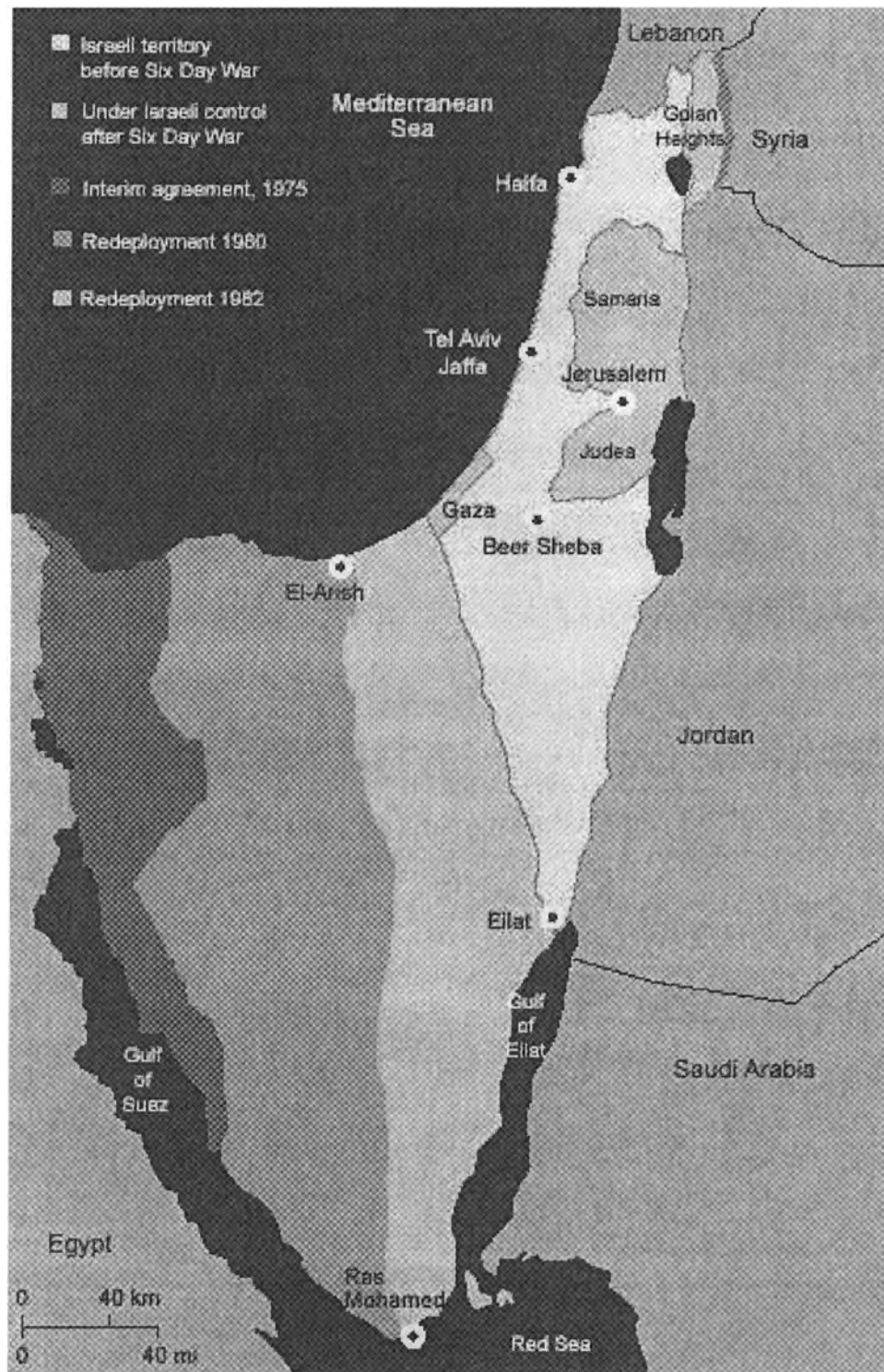

Source: website of the Israel Ministry of Foreign Affairs
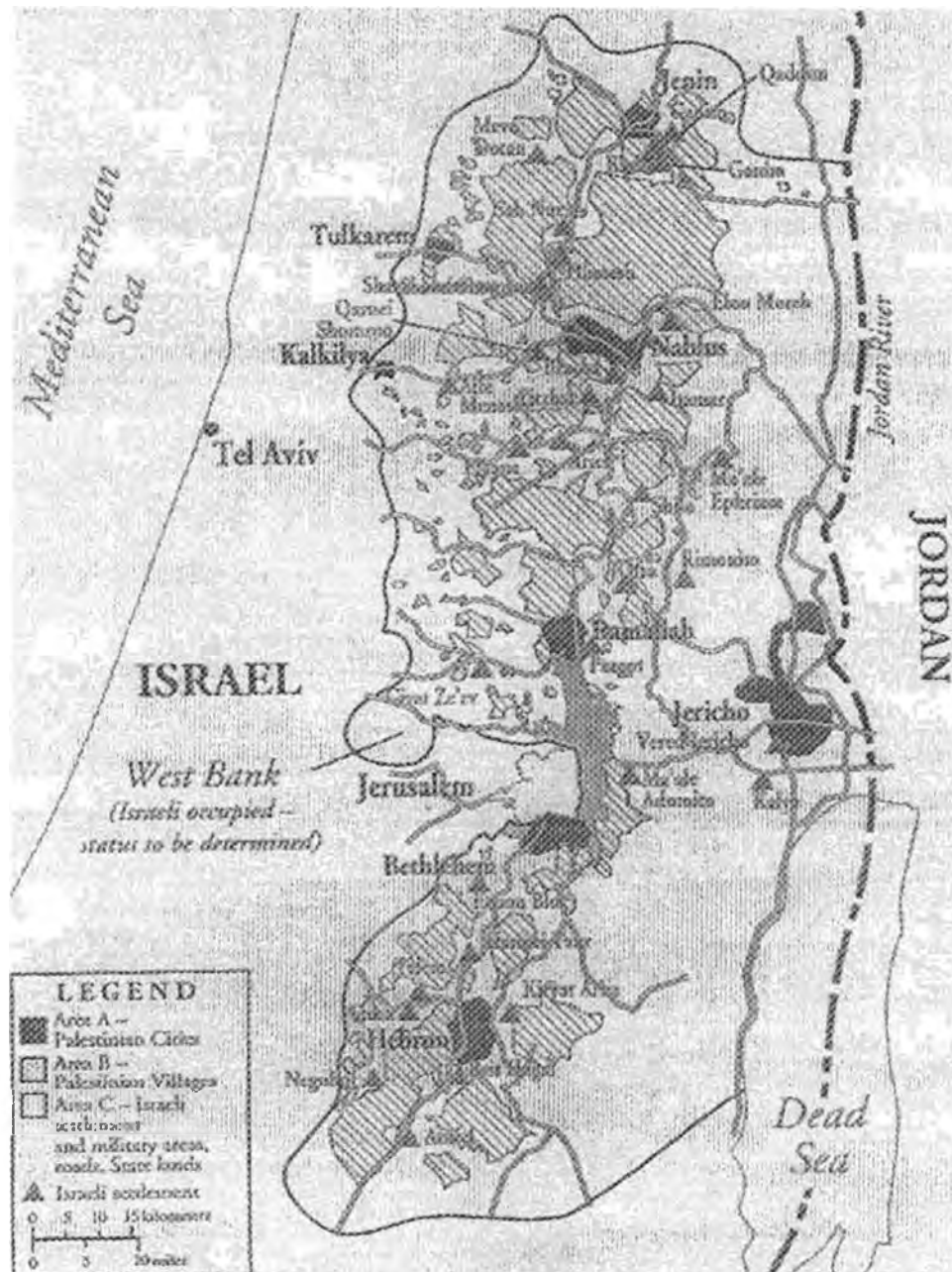
POST-JUNE 1967 CEASE-FIRE LINES

Source: website of the Israel Ministry of Foreign Affairs

BOUNDARIES AFTER THE ISRAEL-EGYPT PEACE TREATY

Source: website of the Israel Ministry of Foreign Affairs

THE WEST BANK UNDER THE INTERIM AGREEMENT

Source: website of Australia/Israel and Jewish Affairs Council (AIJAC)

DISENGAGEMENT PLAN IN THE GAZA STRIP
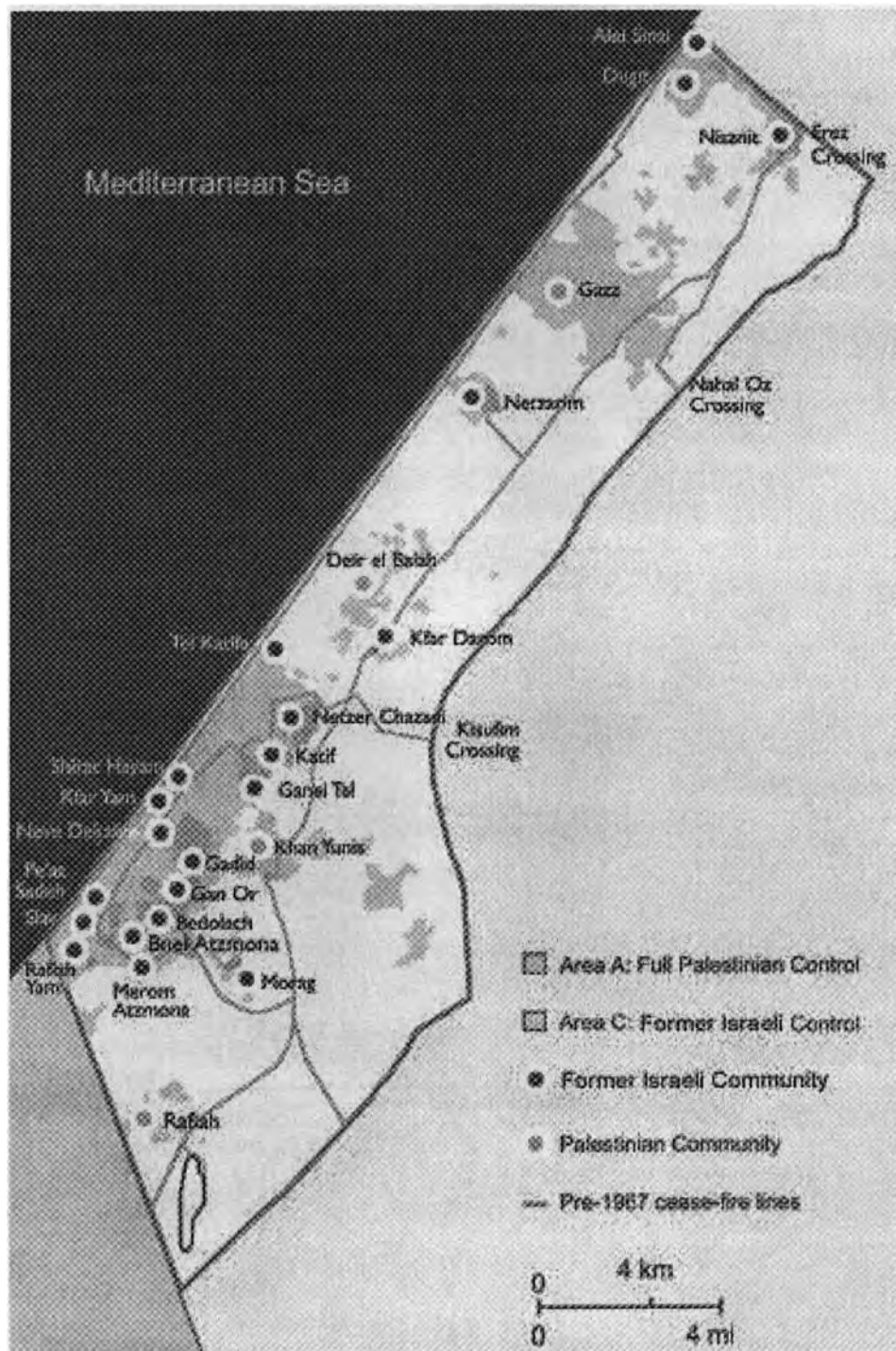
Source: website of the Israel Ministry of Foreign Affairs

THE WEST BANK SECURITY BARRIER

Source: website of the Israel Ministry of Foreign Affairs

THE STATE OF ISRAEL TODAY
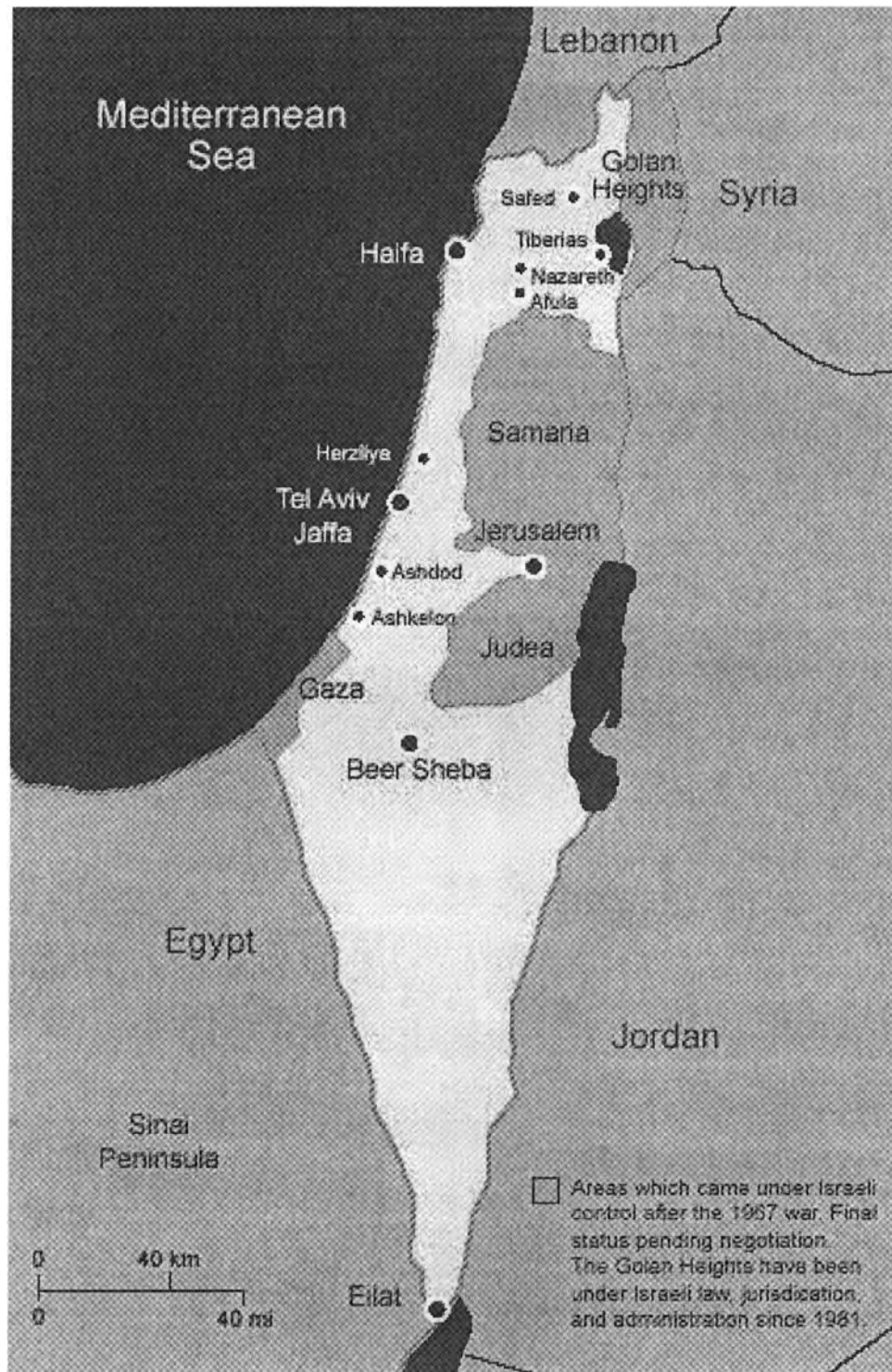
Source: website of the Israel Ministry of Foreign Affairs

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