



---

“Peace with Spoilers”:  
On the Inclusion of  
Opposing Groups in  
the Israel-Palestinian  
Peace Process

Doron Gilad

---

## **THE KING'S PROGRAMME FOR MIDDLE EAST DIALOGUE**

Every academic year ICSR is offering six young leaders from Israel and Palestine the opportunity to come to London for a period of two months in order to develop their ideas on how to further mutual understanding in their region through addressing both themselves and “the other”, as well as engaging in research, debate and constructive dialogue in a neutral academic environment.

The end result is a short paper that will provide a deeper understanding and a new perspective on a specific topic or event that is personal to each Fellow.

The views expressed here are solely those of the author and do not reflect those of the International Centre for the Study of Radicalisation.

Editor: Katie Rothman, ICSR

**Doron Gilad** was born in Israel in 1986 and lives in Jerusalem. He holds a Masters in Political Science from the Hebrew University. From 2012-2013 he worked for Geneva Initiative as the head of the Palestinian desk. From 2014-2016 he worked in the German parliament as a parliamentary assistant. Since 2016 Doron has been working as a project manager for regional cooperation in the Konrad Adenauer Foundation in Israel and is in charge of Israeli-Palestinian and Israeli-Jordanian projects.

## Table of Contents

<b>Introduction</b>	<b>1</b>
<b>Shifting Paradigms</b>	<b>2</b>
<b>Principles and Parameters</b>	<b>5</b>
<b>Spoilers as a Challenge for Peace</b>	<b>7</b>
<b>Turning Potential Losers into Winners</b>	<b>9</b>
<b>Conclusion</b>	<b>21</b>
<b>References</b>	<b>23</b>



## Introduction

All attempts to reach a peace agreement between Israel and the Palestinians have failed so far. Some argue that the leaders of both sides have not been brave enough to sign a peace agreement; some believe that the gap between the Israeli and the Palestinian negotiators has simply been too wide to bridge and others accuse the internal opposition from both sides of spoiling the peace process.

Although negotiations have been held for the last 25 years by the more moderate parties of each people and despite the intentions of both sides to resolve the conflict, they have not resulted in a final and lasting peace agreement. One can blame the leaders for their incapability to make historical compromises and to end the conflict but if the moderate representatives of Israel and the Palestinian are unable to make peace then the settings of any future negotiations must be revised.

It might be true that the demands and interests of the two sides are incompatible and irreconcilable. The maximum that Israel has offered or is ready to offer was not, and still is not, the minimum that the Palestinians were and will be able to accept. If this is the reality, the peace supporters of both peoples must rethink the foundations and frameworks on which the previous peace proposals were based.

There is a common belief among the peace camp in Israel and Palestine that the envisaged solution to the conflict is known to all and simply needs to be signed and implemented. Some are convinced that if only they had the political power and had governed their state, they could reach a peace agreement easily.

I personally believe that the two sides are still far away in terms of agreement but even if they would have come to an agreement, it will be only the first step in the peace process and will not be sufficient without the greater support of both peoples. The notion that a slight majority on both sides would suffice to sign a comprehensive peace

accord is not sustainable. Such an accord must attain a popular legitimacy and not just the leaders' signature.

Indeed, both peoples have faced a strong opposition to the peace process, which spoiled the attempts to reach an agreement. However, I argue that the way the peace process has been conducted, has created more antagonism within both sides and increased the fear of potential losers from a peace agreement. Eventually, this has led them to become hardliners and to torpedo the entire process.

Among both peoples, there is a strong internal opposition that constitutes a major obstacle for peace. The opposition draws its legitimacy from the many groups and sectors in both societies who will not benefit from the traditional peace proposals. These people may constitute not only future losers but also current hardliners and spoilers and cannot be neglected in the quest for peace. My question in this paper is therefore **How can opposing groups be included to increase their support for the peace process?**

## Shifting Paradigms

In her article "The Israeli-Palestinian Conflict: Lessons for a Breakthrough", Golan addresses the reasons for the failures of the peace process and the ways to overpass them. She writes: "The ultimate failure to reach a breakthrough with the Palestinians lay at least in part to a more practical factor, the role of domestic spoilers" (Golan 2015: 104).

She offers general measures to deal with spoilers, "In the negotiation process and, more critically, in the period of implementation there should be a clear view of the endgame so that there is an understanding of the gains for which sacrifices may have to be made" (ibid: 106). She contends that the negotiations should be secret in order to avoid spoilers' interference, and once the agreement is

reached, one should move swiftly through implementation to minimize the time of spoilers to maneuver. Finally, an agreement should be a one package deal rather than a long process.

Golan expresses a common sentiment among many in the peace camp according to which there are peace supporters and peace spoilers. One should not ask why some people decline the peace process but rather exclude the objectors and marginalize their power in order to reach the desired solution. The problem lies not with the conduct of the peace process but with the opposition to it.

The peace camp is convinced that it has the answers to all the crucial issues of the conflict and only if it had a majority to rule, it would sign a peace treaty. Whoever rejects their proposals should be alienated and excluded from the game. If only they would have had a temporary slight majority they could quickly snatch a peace agreement in secrecy and implement it swiftly to avoid any opposition, as Golan outlines.

However, a historical reconciliation is not merely an agreement that can be snatched overnight behind the scenes and without the approval of the people. Previous agreements have failed because they “had been secretly negotiated in elite forums and therefore came to be seen as democratically illegitimate and exclusionary. They were presented as a *fait accompli* to the both peoples and triggered strong reactions among Israeli and Palestinians groups with vested interests in the status quo of the conflict” (Aggestam, Cristiano and Strömbom 2015: 1742-1743).

It is true that the peace process was characterized by exceptionalism and elite-based decision making, which stood in contrast to politics of dialogue and transparency. As a result, antagonism grew in combination with uncertainties about the outcomes of the peace process, creating a strong sense of insecurity and existential fear among both Israelis and Palestinians (ibid: 1744).

The way the peace process was conducted, in my opinion, is not only an inefficient method to reach peace but also unsustainable for

its maintenance. Many of the opponents of the peace process might lose tangible and intangible assets in the event of its “success” and must be included in the process in order to address their needs and concerns. Their exclusion from the process only creates more antagonism towards the whole process within growing sectors in both societies.

An agreement might be achieved without the hardliners, but no agreement can be maintained without them. Seeking wide, popular support requires engaging them in the process while creating incentives for them to participate. Therefore, it is an imperative of the “peace camp” to challenge its presumptions and revise its premises. The role of the peace camp is to facilitate a wide participation, to include the spoilers in any future negotiations and to assure that they will profit from the agreement that will be ultimately attained.

Another hindering factor of the peace process has been the envisioned clear solution for the conflict that antagonized many groups in both societies without giving them a voice to propose different solutions. “From its beginning the Middle East Peace Process did not involve public opinion or dissemination with regard to peace and there was no room to voice dissenting views... and scarce space for alternative interpretations of peace” (ibid: 1743).

As Israelis and Palestinians often have different perceptions of how a peace agreement will look, it is important to leave more space to maneuver on the formation of the final status. Israelis usually imagine two sovereign states living separately and independently from each other. Palestinians usually express their will to live together and share the land. This gap of understandings must be bridged in order not to frustrate one side’s expectations. Being initially set on a one formation of a final status will undermine it.

It is thus paramount for the success of the peace process not to be fixed on a clear solution. The question should not be how to solve the whole conflict altogether because as long there is a disagreement between the two sides, they end up with nothing. The emphasis should not be on achieving a final status agreement



but getting into a long-term process of understanding and agreeing on the current issues that can be resolved. The focus must be on the process rather on the solution, on the game rules rather than on the endgame, accompanied by a step by step approach instead of all-or-nothing approach.

The main difficulty remains to create sufficient incentives for the interests of both sides to come to the negotiating table and to start a reconciliation process. Without a sense of urgency and pressure, Israel would not take the risk to change the status quo and its relatively comfortable situation. Even if Israel goes into negotiations, the Palestinians have no leverage and if Israel concedes it is not clear that it will satisfy the Palestinians' demands.

It is not the purpose of this paper to address these issues. However, several plausible scenarios might change the current asymmetrical trajectory; a collapse of the Palestinian Authority, popular Palestinian struggle for political rights and suffrage within Israel or a take-over of Hamas in the West Bank. In these cases Israel will find itself in a situation of urgency and pressure to negotiate a political settlement of the conflict and the Palestinian negotiators will come from a position of power. Israel will then be forced to negotiate a political settlement for the conflict. It is essential not to repeat the mistakes of the past and to try and reach the widest popular support for such an agreement in order to implement and sustain it.

## Principles and Parameters

In order to shift the paradigms from an all-or-nothing approach to step-by-step approach, one should focus on the rules of the game instead of the endgame. Emphasis on the process and the methods rather than on the final agreement may assist in keeping the different players on board and facilitate the future conditions and support for a peace treaty.

**Modesty.** The negotiators must operate within the existing constraints of their constituencies and societies and try to reach the possible rather than the ideal. It is crucial to pay attention to public sentiments and to acknowledge the difference between politically achievable and socially permissible. It is wiser to reach a modest agreement that will be approved than having a comprehensive accord that will lead to defiance and violence.

**Gradualness.** The goal of the peace process is to gradually accelerate the cooperation and consent on both sides. It does not strive for a final and comprehensive treaty that finishes the conflict and end all demands, but rather entails a long set of agreements on the issues that can be first resolved. The final destination of such a process is unknown but it paves the way for mutual trust and consent. As the level of mutual trust is likely to be higher as the process proceeds, it is wiser to leave the hardest issues for the end.

**Popular Support.** A solution cannot be imposed on the people against their will. The leaders do not have the mandate to sign a peace agreement without the wide popular support of both peoples. Hence, every agreement must be ratified by the people with a wide support of two thirds of each nation. Only wide support in a referendum will constitute a vaccination from a future defiance of opponents on both sides and will be regarded as a clear national political will. Referendums can be held after every agreement reached between the two sides and not merely at the end of the process.

**Modularity.** In referendums, when people are compelled to choose only between two options, the voices of the extremes are louder, but when people are presented with a variety of options, it prompts deliberation. The conflict contains several core issues that can be addressed in different ways. Thus, there is no one solution on the table but a handful of them. The solutions must be thought through varied committees that will produce different proposals to be selected by the people. Therefore, the people must choose from a variety of potential solutions that do they prefer.

**Inclusion.** Agreement will not be reached solely by the most moderate parties on each side but by including the hardliners and hawkish politicians. The duty of the peace camp is not to achieve an agreement but to push and encourage the opponents into the negotiation table. Learning from the Northern-Irish Peace-Process, one concludes that “only after the extremes were brought into the peace process it was possible to secure an end to the violence and advance towards an agreement” (O’Kane 2010: 241). The concept of inclusion however does not refer to any party whatsoever, but only to those who agree to respect and adhere to the rules of the political game. For those who linger whether to join and participate in the process, a set of incentives and inducements can be introduced.

## Spoilers as a Challenge for Peace

**B**efore I describe the various groups, which must be included in the peace process I will note that the concept of inclusion differs from the notion of representation. While the first relates to the need to engage spoilers and opposing groups for the sake of success, the latter applies to the general participation of all echelons of society in the name of political morality.

To become more representative, the negotiators must be as diverse as possible in terms of gender, age, class and geography. Women and young adults, as well as people from the social and geographical peripheries were absent so far from the peace process. They should be involved for the sake of political participation and social representation, regardless of whether they constitute a spoiling group or not. Yet in this part I would like to focus on the main groups that can facilitate or destroy the entire process.

In his seminal article “Spoilers Problems in Peace Processes”, Stedman define Spoilers as “leaders and parties who believe the emerging peace threatens their power, world view, and interests and who use violence to undermine attempts to achieve it” (1997: 5).

He continues by a typology of spoilers; limited spoilers have limited goals, such as recognition and redress of grievance, a share of power and can conceivably be included in peace processes, if their limited demands can be accommodated. Total spoilers pursue total power and exclusive recognition of authority and exclusive recognition of authority and hold immutable preferences and are irreconcilably opposed to any compromise peace. The greedy spoiler lies between the two types and holds goals that expand or contract based on calculations of cost and risk.

Three strategies are identified, in order of conciliation to coercion: inducement, socialisation and coercion. Inducement entails “giving the spoiler what it wants”, socialisation is “changing the behaviour of the spoiler to adhere to a set of established norms” and coercion is “punishing spoiler behaviour or reducing the capacity of the spoiler to destroy the peace process” (ibid: 12).

If a spoiler is limited in nature then inducement may be a suitable strategy and the spoiler can be accommodated by meeting its ‘non-negotiable demands’. Finally, Stedman argues that a useful tactic to coerce a total spoiler may be the ‘departing train’ strategy that “implies that a peace process is like a train leaving the station at a preordained time and that, once set in motion, anyone not on board will be left behind” (ibid: 14).

In the following pages I would like to describe each of the main current and potential spoilers in the Israeli and Palestinian societies, the reason for their rejection of the peace process and the ways to induce them to participate in the negotiations. These groups remain the main obstacle to peace and must be addressed in order to achieve it. As long as they perceive a peace agreement as a potential loss they will have no interest in participating in the process itself. It is the mission of the peace camp on both sides, as well as the international community, to include them in the process and to create incentives for them to participate and to gain benefits from its success.

## Turning Potential Losers into Winners

**R**eligious Leaders – Religious beliefs and identities play a major role in the Israeli-Palestinian conflict and therefore cannot be neglected. The entire land is considered by all three religions as sacred and especially Jerusalem and the holy sites are at the heart of the dispute. The fact that previous negotiations were held predominantly by secular representatives of both sides who negotiated the future of holy sites and the division of the holy land without incorporating the religious discourse and religious figures in it, has created an image that the peace process is a secular project in its essence.

Despite the general religious permission of Orthodox religious figures such as Sephardi Chief Rabbi of Israel Ovadia Yosef and Grand Mufti of Saudi Arabia Abd al-Aziz Ibn Baz, to negotiate with the other side, it was still conducted within a “secular framework imposed by secular leaders on a holy land, where large and influential constituencies are motivated by deeply held religious convictions” (Landau 2003: 4).

People with religious and traditional backgrounds were thus antagonized by the whole process and tended to reject it. Rabbi Michael Melchior (who served as Deputy Minister under Barak between 1998 and 2000) expressed this notion: “Since the peace effort has been led by secularists, peace itself become identified in Israel with the secular left, religiously committed people that feel threatened by it. They may not be against peace or compromise, but they see this effort linked to increased secularism” (Abu-Nimer 2004: 493).

Rabbi Yehezkel Landau thus argued “The official negotiations need to include credible religious authorities to lend them legitimacy, especially on religiously sensitive issues. The future of Jerusalem, access to holy sites in Israel and Palestine, and the status of the Temple Mount/Haram Al Sharif are obvious issues that require attention of religious leaders on all sides” (Landau 2003: 5).

Any peace process must therefore include religious leaders from both sides who will be able to express their religious beliefs around the table. Despite their great differences, religious figures can find a common language and shared theological ground that a secular-rationalist falls short of, especially when it deals with metaphysical intangible assets. Religious leaders can also bring creative ideas and solutions to the table such as leaving the sovereignty to god or to future generations, or even to end of days and arrival of the messiah.

**Hamas** – Hamas is usually blamed as the ultimate spoiler of any peace process in the past and in the present. Israel and the international community regard Hamas as an illegitimate actor due to its use of violence and refusal to recognize Israel and previous peace agreements. According to Hamas, Palestine is entirely an Islamic Waqf and therefore cannot be given to non-Muslims. Thus “The Palestinian cause is not about land and soil, but it is about faith and belief” (Litvak 1998: 148).

One of the most prominent researchers of Hamas, Jeroen Gunning, regarded Hamas already in 2004 as a “limited spoiler with a diminishing commitment to its core goals. It no longer seeks total control. It appears to have accepted the principle of power-sharing...The inclusion, rather than the eradication, of Hamas appears to be vital to the future success of any peace process” (Gunning 2004: 252-254).

One can argue that if Hamas was a limited spoiler back in 2004, it is obviously much more pragmatic nowadays after it revised its charter in 2017. If Gunning’s argument was valid back then, it is much sounder today, after Hamas “completely removed the ideological connection between it and the Muslim Brotherhood, and stated that Palestine’s borders correspond to the 1967 lines – while still stressing the continuation of the armed struggle against Israel” (Bar’el 2018).

At the moment, one of the main obstacles for Hamas participation is the inner-Palestinian split. Israel and the international community criticize the Palestinians on the one hand for disunity and disparity but on the other hand are reluctant from negotiating with Hamas

or giving it any legitimacy. This strategy has been futile so far and must be reconsidered. The notion that only the PLO can deliver peace without the inclusion of Hamas is outdated. Israel and the international community should insist that Hamas' representatives will be a party at the negotiating table.

“For inclusion to be feasible, it must be accompanied by a process of socialization of the general population through a far-reaching overhaul of the peace process itself” (Gunning 2004: 254). There are many means to induce Hamas to participate in the talks. Israel can ease its siege on Gaza and halt its persecution of Hamas. The Palestinian Authority can stop arresting Hamas members and potentially release some prisoners. The international community can recognize it as a legitimate political actor as long as it is part of the process and does not resort to violence.

**Israeli Right Wing** – The Palestinians and the international community often blame Netanyahu and his right-wing government for the stalemate in the peace process. It is however unclear whether the successor of Netanyahu and his cabinet will manage to achieve any progress in the negotiations, as previous cabinets were incapable of reaching a solution as well.

Right-wing governments have already participated in the negotiations when they were pressured to do so. There are not so many incentives to give to the right-wing as it has already consented to participate in the past. As in the past, international pressure was the most useful means to engage it in the process. However, settlers and their political institutions are a natural ally of the Israeli right and must be addressed.

The settlers' movement has been the main Israeli opponent to the peace process. “Supported by major factions and leaders of right-wing and religious political parties, these settlers conducted massive public-relations and popular campaigns against the signing of any agreement that would entail evacuation of land” (Golan: 104-105). As they were the potential losers from any agreement, they had no incentive to support it and were obviously excluded from the process.

Including the settlers in the process must be accompanied by their appeasement and reducing their concerns about a forced massive evacuation of Israelis living in the West Bank. The government of Israel have sent them to settle the Occupied Territories and therefore must be creative in finding solutions to maintain their dignity. The international community that regards any settler activity as illegal can also offer them incentives to participate in the process such as the removal of economic sanctions on settlements' products and future legalization and recognition after a peace treaty.

**Israeli Settlers** – I shall move now to discuss the Israeli settlers not as a monolithic political group but as individuals. According to Haaretz newspaper, in 2015 there were 383,000 Israeli settlers living in the West Bank (Berger 2017). For most of these Israelis, a peace agreement led to a forced evacuation from their homes, which naturally resulted in their hostility and rejection to it.

When coming to solve the settlements and borders issue, one cannot envisage the evacuation of more than third of a million Israeli citizens. In order to gain the support of the settlers and their supporters in Israel, it should be a maxim of the negotiations that the least of them will be forced to leave. The negotiators must construct creative ideas and ways of drawing the borders anew, in a way that they will stay under Israeli sovereignty, or to induce them to leave their homes willingly.

Today, about 170,000 settlers live outside the settlement blocs and they are the first concern of a future Palestinian state. According to the Peace and Security Association, while 30% of settlers are ideological, about 70% of them live in settlements due to the cheaper cost of living and higher quality of life (June 2012: 7). One should bear in mind that many settlers live in the West Bank for economic and not ideological reasons and if they could establish their lives in dignity within Israel they would likely be ready to move out.



In order to induce the non-ideological settlers, Israel should introduce an incentives-package that compensates settlers for their properties and loss of land. For instance, Israel could offer each family a compensation of 200% of their property value to enable them to reestablish their lives inside Israel. If the settlers do not become potential losers but rather winners from a peace process, by assuring their dignity and life-standards, they might even support a peace agreement.

It remains obscure what is the percentage of ideological settlers beyond the blocs but they are the hardest nut to crack on the path to reach a solution. It is problematic to calculate how many will agree to leave their homes in return for a worthy compensation and how many will insist to live under Palestinian rule. Nonetheless, it is difficult to imagine the public opinion and political atmosphere of a lengthy process of reconciliation before it has started. It is not inconceivable that the process will change people's attitudes and will either encourage settlers to leave their houses or to live under Palestinian sovereignty voluntarily.

**Palestinian Refugees** – The Palestinian refugee issue is the most paramount and urgent but is also the hardest to solve. It lies at the core of Palestinian identity and nationhood as well as in the heart of the Israeli-Palestinian conflict. It constitutes the greatest injustice of the conflict, as most Palestinian refugees and their descendants are still living in refugee camps ever since they lost their homes in the wars of 1948 and 1967 and their aftermath.

The fate of approximately 5 million registered Palestinian refugees, which 1.4 million are stateless persons who continue to have their basic material and political rights denied, cannot be forgotten in any attempt to reach peace and reconciliation. Current attempts to solve the Israeli-Palestinian conflict have not dealt thoroughly with this human dilemma, mostly due to Israel's dismissal to negotiate the topic. It is not surprising that refugees in Palestine and the diaspora remain in opposition to negotiations, as only 3.8% of them prefer the continuation of negotiations (BADIL 2015: 140).

The few political attempts to achieve a compromise on this matter, such as in Taba (2001) and in the Geneva Accord (2003), offered several options to settle the refugee issue. I will not go into details about the suggested solutions but they are all based on the notion that unqualified right of return is impractical and unachievable as Israel will not accede to a demographic shift. Therefore only a symbolic and limited number of Palestinians will be allowed to return to Israel proper (Brynen 2008).

It is highly questionable if the refugees will agree to these solutions after they were taught for generations that they will eventually return to their original homes. It also remains doubtful whether such an agreement could be implemented and sustained without their support. It is a moral and necessary imperative of the negotiators to find ways to increase the refugees' support of the process and talks despite the complexity of the issue.

Regardless of the envisaged settlement to the refugee issue, all the Palestinian refugees must be compensated for their loss of land and properties, as well as for the years they have been displaced. The compensation will not substitute any form of settlement but rather will be in addition to their future repatriation or rehabilitation. The compensation must be valuable for their loss and sorrow and redressed in installments throughout the negotiations and not only in the end of the process.

For instance, the compensation can be divided into several installments according to the core issues that must be resolved. The first installment can, cynically speaking, serve as an appetizer before the beginning of the entire process. The second installment can be reimbursed at the start of the process. Each signed agreement on a core-issue will then accomplish another installment after ratification by both peoples. The final installment, which will be the lion's share of the sum, will be allocated after the whole of the core-issues have been signed and ratified by both peoples.

Other ways of facilitating the refugees' support is by alleviating freedom of movement for Palestinians within the West Bank and

Gaza into Israel, especially for refugees and their descendants. This will ease and enable the entry of Palestinians from the neighboring countries, even from Lebanon and Syria, to visit their lands and to see the reality on the ground. It is also worthwhile to consider a formula that allows refugees to live in Israel proper without changing its demographic balance by granting them residence status without citizenship.

**Jerusalemites** – When Israeli protagonists of a peace agreement usually describe the reality of peace they use the word “divorce” to define the separation of the two peoples on the day after the peace treaty. One place where 50 years of “marriage” created many children is Jerusalem, where 211,600 Jewish-Israelis are living in East-Jerusalem among a population of 320,300 Palestinian-Arabs (Choshen & Korach 2017: 14).

The binational character of Jerusalem is most noticeable in the economic interdependence in the city. In 2014, the labor force of Jerusalem’s Arab residents stood at 77,700 accounting for 27.7% of Jerusalem’s total labor force (Shtern 2017: 19), nearly half of them are employed by the Jewish economic sector in West Jerusalem, Israel, or in West Bank settlements (ibid: 27).

These findings are indicative of East Jerusalem Palestinians’ strong dependence on Israeli employers, especially in the past decade after the construction of the separation fence. It also equally implies that Israeli employers rely on Palestinian labor from East Jerusalem, which creates interdependence between the two parts of the city and leads to increasing interaction between the two population groups.

Another two spheres of Jewish-Arab encounter and interaction in Jerusalem are the shopping malls and the higher education institutions. Palestinian Jerusalemites constitute on average 25% of the visitors to the Mamilla and Malha malls (Shtern 2016: 133). 8% of the approximately 20,000 of students enrolled in Jerusalem during 2015/16 were Arab students. Although it is unknown what percentage of them are originated from East Jerusalem, one can presume it is a substantial portion (Choshen & Korach 2017: 99).

Previous rounds of negotiations including Camp David (2000) and Olmert-Abbas discussions (2007-08) were broadly based on the formula 'what is Arab is Arab and what is Jewish is Jewish'. It is common knowledge that within the Israeli discourse the notion of dividing Jerusalem is a big taboo and regarded as unthinkable. It is apparent that any attempt to create two capitals in Jerusalem while physically dividing the city will face a major objection within the Israeli public.

Even among the Palestinian leadership, one does not talk about a city with hard borders but rather about an open city. The assumption is that borders will be 'soft' and that there will need to be extensive cooperation across a broad range of municipal and security affairs. As more the integration of both parts of the city takes place, suggested solutions to divide the city may endanger the livelihood of its residents.

According to a recent poll among East Jerusalem Palestinians, 97% were opposed to the statements "Annexing East Jerusalem to Israel" and "Returning to the 1967 lines without free passage between different parts of the city". "When asked about returning to the 1967 lines while maintaining free access to both sides of the city, opposition dropped to 34.5%. Nevertheless, only 22% actually supported this solution" (Hasson 2018).

Hence, before the leaders decide about the future of Jerusalem, it is the Jerusalemites themselves who must choose how they would like to see Jerusalem in the framework of a peace agreement. Any future negotiations must take into considerations the needs and concerns of Jerusalemites, above all freedom of movement and occupation, in order to preserve and improve their life conditions. After all, without their support the whole endeavor is futile.

**Arab citizens of Israel** – As some identify themselves as Arab-Palestinians and some as Israeli-Arabs I will refer to them as Arab Citizens of Israel. This group constitutes about fifth of Israel's citizenry and are usually taken for granted as guaranteed peace supporters as they always express high favorability of

conducting negotiations (Yaar & Hermann 2018). The Arab citizens of Israel indeed show the highest levels of support of solving the Israeli-Palestinian conflict. 82% among them are in favor of the two-state solution, while 56% tend to a one-state solution. 74% adhere to a confederation (Palestinian-Israeli Pulse 2016).

Despite their expected support of the peace process, the Arab citizens of Israel should not be taken for granted by both parties. The whole peace camp in Israel relies on their future support and cannot prevail without their votes as they constitute a fifth of the population. Therefore, any peace agreement must take into consideration their interests and concerns as a national minority in Israel.

In the previous negotiations, no side aspired to represent this minority. The Palestinian leadership regarded them as an inner-Israeli issue and the Israeli leadership was concerned only for the Jewish voter. As these citizens have sanctioned Israeli leaders who disregarded them (i.e. Peres in 1996 elections and Barak in 2001 elections) they should be either represented at the negotiating table or their interests must be present there.

The Israeli demand from the Palestinians to recognize Israel as a Jewish state has a direct impact on the status of the Arab citizens in Israel and their public opinion must not be ignored if their vote is required for the approval of the agreement. Some plans to draw the borders anew so that Arab citizens will find themselves on the Palestinian side is another futile idea.

Although they have an obvious interest in seeing an end of conflict between their nation and their nationality, or between their people and their state where they live, not all peace agreements would be in their favor, as they could be the biggest losers from a bad agreement. If there will be a Palestinian state and if the relations turn out to be dire, it is the Arab minority in Israel who might pay the price for living on the wrong side of the border.

The Arab citizens of Israel have an enormous potential to serve as the bridge between the two peoples as they know and understand

both languages and nations very well. However, according to a recent report of “Mitvim”, the Israeli Institute for Regional Foreign Policies, “despite the significant interest Palestinian citizens of Israel have in resolving the conflict, their involvement in the peace camp is perceived to be limited” (Ben-Ezer 2018).

In order to increase their involvement and fulfill their potential in the peace endeavors, they must be given guarantees that their rights and status will not be negatively affected. As part of a future settlement of the conflict, the rights and status of the Arab minority must be recognized and anchored by legal and constitutional means such as a new basic law. Another incentive for them could be additional compensation for the lands and properties they have lost since 1948 due to several confiscations (Forman & Kedar 2004).

Also, the issue of internally displaced persons (present absentees) of about 384,200 Arab citizens of Israel (BADIL 2015: 8) is an open wound. Although Israel recognizes the right of individuals to cede claims to their lands and accept compensation, it refuses to allow internally displaced persons to return to their villages despite Israeli High Court decisions ruling in their favor (Bokae’e 2003: 3). If Israel will accept their return as a symbolic gesture after the implementation of the peace treaty, it could also provide a motivation for Arab citizens to support it.

**Jewish Refugees from Arab Countries** – This term refers to Jews who fled and were displaced from Arab and Muslim countries from 1948 to the 1970s. Most of the 850,000 Jews were from Sephardi/Mizrahi background and they immigrated to Israel. Today, these Jews and their descendants compose roughly half of the population of Israel (Aharoni 2003: 53; Basri 2002: 657).

The case of the Jewish refugees was introduced relatively late to the Israeli-Palestinian negotiations. For decades, Israel has refrained from raising the issue of the Jewish refugees and only in the 2000’s it began to explore their legal status. Israel started to use this case as a counterbalance to the Palestinian demands regarding their refugees, as “the national security council (NSC) recommended

that negotiations with the Palestinians will include compensation for Jews who fled Arab countries" (Ravid 2012).

Some will argue that a comparison between the two types of refugees is cynical and inappropriate; Israel holds responsibility for the displacement of the Palestinians, while Palestinians were not responsible for the dispossession of Jews in the Arab world. While Jewish refugees lost their homes, they were welcomed in Israel as their new homeland and as full Israeli citizens. Palestinian refugees on the contrary, have lost their homes and sometimes their homeland, often without receiving civil, political or economic rights in their host countries, where they continue to live as refugees.

Whether there is place for comparison or not, I believe that from a moral and practical point of view, it is important to raise the claims of the Jewish refugees. From a moral perspective, they were direct victims of the Arab-Israeli conflict, and therefore should be compensated for their loss. From a practical regard, advocating their claims will consequently increase the support of about a half of the Israeli society, namely the Sephardi/Mizrahi Jews, which is generally more reserved towards the peace process.

For historical reasons the Labour Party is blamed for its ties with the privileged Ashkenazi Jews and its role in marginalizing the Sephardi/Mizrahi Jews in the early decades of Israel. Ever since the victory of Likud in 1977, Sephardi/Mizrahi voters tend to vote for religious and nationalist parties and are associated with firm ideological positions opposing the secularism and liberalism of left/center parties that tend to be supported by Ashkenazi voters (Averbukh 2017: 3; Cooperman, Sahgal & Schiller 2016: 153).

As the peace process is mainly a product of left-center governments, the average Sephardi/Mizrahi tends to be unfavorable of the negotiations. Their story was seen as a 'forgotten narrative' in the whole Arab-Israeli conflict. It is thus beneficial that Israel raise their claims without linking them to the Palestinian claims for their refugees. The compensations can be then bestowed in installments, the same way as I described in the case of the Palestinian refugees.

**Palestinian Prisoners** – If refugeehood constitutes the core of the Palestinian nationhood, the experience of imprisonment is central for Palestinians living under Israeli occupation. Since 1967, more than 800,000 Palestinians have been detained. This constitutes approximately 20% of the total Palestinian population in the occupied territories. This number also includes 10,000 female detainees since 1967 and 8,000 children from 2000 (ADDAMEER 2014: 4).

At the end of February 2018, 5,890 Palestinian prisoners and detainees, from which 356 are minors, were held in Israeli prisons (B'tselem, 20.03.2018). Regardless of the questions whether the Palestinian prisoners are terrorists or political prisoners, they have a strong voice in society and much influence on the Palestinian leadership and therefore they can be a pushing factor for reaching an agreement. Notwithstanding the severity of their deeds, their families are waiting for them to be free back home. This large number of prisoners' family members can create a strong pressure for the Palestinian leadership to reach an agreement as Israel is unlikely to release them before they have served their sentences.

According to a Palestinian-Israeli poll, 56% of Palestinians who initially opposed a peace proposal said they would change their minds and support an agreement if all prisoners were released. Combined with those who support the original agreement already, close to three-quarters of Palestinians in total (73%) could support the agreement if it includes this incentive (Palestinian-Israeli Pulse 2017).

The Israeli public resists any prisoners' release and Israel will insist on their final pardon only after the signing on the agreement but it is actually the interest of both sides to involve prisoners' releases in installments as the process proceeds well. This way the process and its success will gain support from the Palestinian street. Israel could then gradually release Palestinian prisoners according to the severity of their conviction, or their age, at the closure of every agreement on a core issue. The remaining prisoners could be then pardoned at the final signature of the peace agreement.



## Conclusion

**F**or more than a generation Israel and the Palestinians have negotiated and tried to reach a peace agreement. There are many reasons why these attempts have failed but the most salient of them is that they were based on concepts and principles that threatened many groups in both societies with becoming potential losers of a proposed agreement. Instead of trying to include them in the process, they were transformed into hardliners and spoilers who were excluded in order to reach peace. This approach must be challenged.

In this paper I have stressed the need for a new set of parameters to constitute the foundations for any future talks. I am cognizant that by changing the rules of the game and adding new and very hard players it complicates the whole course, operation and results of the process. More players mean more competing demands and concerns to be addressed. Harder players also mean harder negotiations and ways to resolve the conflict. However, if the old framework of “a comprehensive final agreement that will solve the conflict and will put an end to all demands” has utterly failed and left the two sides without any agreement, it might be high time to change the framework, in order to reach more modest aspirations.

The basic approach of this work is that the peace process must focus on human-beings and the human aspects and elements of the ongoing Israeli-Palestinian conflict before it tries to solve the big issues. It must take into consideration the interests of the living people before the interest of the states. It must pay attention to the worries of many groups in society that might lose out from a peace agreement and try to find solutions for them.

Implicitly I recommend talking about Jerusalemites before Jerusalem, about settlers before settlements, about religious people before religion, about Palestinian and Jewish refugees, about Hamas protagonists and right-wing voters, about Arab citizens of Israel and Palestinian prisoners. Sometimes we forget that all the efforts to reach peace are made for people, and that without these people, peace is unreachable and to some extent undesirable.

## References

- Abu-Nimer, M. (2004) Religion, dialogue, and non-violent actions in Palestinian-Israeli conflict. *International Journal of Politics, Culture, and Society*, 17(3), 491-511.
- ADDAMEER. (2014). Palestinian Political Prisoners in Israeli Prisons.
- Aggestam, K, Cristiano F & Strömbom L. (2015). Towards agonistic peacebuilding? Exploring the antagonism–agonism nexus in the Middle East Peace process, *Third World Quarterly*, 36:9, 1736-1753.
- Aharoni, A. (2003). The forced migration of Jews from Arab countries. *Peace Review*, 15(1), 53-60.
- Averbukh, L. (2017). Israel on the Road to the Orient?. *SWP Comments*. 9, 1-7.
- BADIL (2015). Survey of Palestinian Refugees and Internally Displaced Persons 2013-2015.
- Bar'el, Z. (2018, March 18). Palestinian PM's Life May Accelerate Reconciliation with Hamas. *Haaretz*. Retrieved from <https://www.haaretz.com/middle-east-news/palestinians/.premium-why-attempt-on-hamdallah-s-life-may-hasten-reconciliation-with-hamas-1.5911162>
- Basri, C. (2002). The Jewish refugees from Arab countries: An examination of legal rights-A case study of the human rights violations of Iraqi Jews. *Fordham Int'l LJ*, 26, 656.
- Ben-Ezer, I. (2018, March). The Involvement of Palestinian Citizens of Israel in the Israeli Peace Camp (In Hebrew). Retrieved from [http://www.mitvim.org.il/images/Hebrew\\_-\\_Inbal\\_Ben-Ezer\\_-\\_Palestinian\\_Citizens\\_of\\_Israel\\_and\\_Peace\\_NGOs\\_-\\_March\\_2018.pdf](http://www.mitvim.org.il/images/Hebrew_-_Inbal_Ben-Ezer_-_Palestinian_Citizens_of_Israel_and_Peace_NGOs_-_March_2018.pdf)

Berger, Y. (2017, June 15). How Many Settlers Really Live in the West Bank? Haaretz Investigation Reveals. *Haaretz*. Retrieved from <https://www.haaretz.com/israel-news/.premium.MAGAZINE-revealed-how-many-settlers-really-live-in-the-west-bank-1.5482213>

Bokae'e, N. (2003). Palestinian Internally Displaced Persons inside Israel: Challenging the Solid Structures. *Bethlehem: Badil Resource Center for Palestinian Residency and Refugee Rights*.

Brynen, R. (2008). *The past as prelude? Negotiating the Palestinian refugee issue*. Royal Institute of International Affairs.

B'tselem. (2018 March) [https://www.btselem.org/statistics/detainees\\_and\\_prisoners](https://www.btselem.org/statistics/detainees_and_prisoners)

B'tselem. (2018 March) [https://www.btselem.org/statistics/minors\\_in\\_custody](https://www.btselem.org/statistics/minors_in_custody)

Choshen, M., & Korach, M. (2017). *Jerusalem: Facts and trends 2017*. Jerusalem Institute Israel.

Cooperman, A., Sahgal, N., & Schiller, A. (2016). Israel's Religiously Divided Society. *Pew Research Center*.

Forman, G., & Kedar, A. (2004). From Arab land to 'Israel Lands': the legal dispossession of the Palestinians displaced by Israel in the wake of 1948. *Environment and Planning D: Society and Space*, 22(6), 809-830.

Golan, G. (2015). The Israeli-Palestinian Conflict: Lessons for a Breakthrough, *Middle East Policy*, XXII:3, 100-108.

Gunning, J. (2004). Peace with Hamas? The transforming potential of political participation. *International Affairs*, 80(2), 233-255.

Hasson, N. (2018, February 15). Despite Official Boycott, Over Half of East Jerusalem's Palestinians Want to Vote in City Elections. *Haaretz*. Retrieved from <https://www.haaretz.com/middle-east-news/palestinians/.premium-over-half-of-east-jerusalem-palestinians-want-vote-in-city-elections-1.5823058>

Landau, Y. (2003). *Healing the Holy Land: Religious Peacebuilding in Israel Palestine*. Washington, DC: Peace Works Series of the United States Institute of Peace.

Litvak, M. (1998). The Islamization of the Palestinian-Israeli Conflict: The Case of Hamas. *Middle Eastern Studies*, 34(1), 148-163.

O'Kane, E (2010). Learning from Northern Ireland? The Uses and Abuses of the Irish 'Model', *The British Journal of Politics and International Relations*, Vol 12, 239-256.

Palestinian-Israeli Pulse: A Joint Poll. December 2016. Retrieved from: <http://www.pcpsr.org/en/node/678>

Palestinian-Israeli Pulse: A Joint Poll. August 2017. Retrieved from: <http://www.pcpsr.org/en/node/696>

Peace and Security Association. (2012). Settlements does not equal security (In Hebrew). Retrieved from <http://www.peace-security.org.il/uploads/file/%D7%9E%D7%A1%D7%9E%D7%9A%20%D7%94%D7%94%D7%AA%D7%A0%D7%97%D7%9C%D7%95%D7%99%D7%95%D7%AA-%20%D7%A1%D7%95%D7%A4%D7%99.pdf>

Ravid, B. (2012, September 14). Israel's National Security Council Urges to Include Jewish Refugees in Deal With Palestinians. *Haaretz*, Retrieved from <https://www.haaretz.com/link-jewish-palestinian-refugees-1.5161951>

Shtern, M. (2016). Urban neoliberalism vs. ethno-national division: The case of West Jerusalem's shopping malls. *Cities*, 52, 132-139.

Shtern, M. (2017). Polarized Labor Integration: East Jerusalem Palestinians in the City's Employment Market.

Stedman, S. J. (1997) Spoiler Problems in peace processes, *International Security*, Vol. 22, No. 2, pp.5-53.

Yaar, E., & Hermann, T. (2018). Peace Index, March 2018. *Israel Democracy Institute, Tel Aviv University*.



## CONTACT DETAILS

For questions, queries and additional copies of this report, please contact:

ICSR  
King's College London  
Strand  
London WC2R 2LS  
United Kingdom

**T.** +44 20 7848 2098  
**E.** [mail@icsr.info](mailto:mail@icsr.info)

**Twitter:** [@icsr\\_centre](https://twitter.com/icsr_centre)

Like all other ICSR publications, this report can be downloaded free of charge from the ICSR website at [www.icsr.info](http://www.icsr.info).