**How the Development of the Palestinian State Can Be Effectively Initiated:
Implementing a Plan for a Two-State Solution While Fostering Palestinian Growth
and Maintaining a Viable Peace**

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## I. Introduction

The history of the Palestinian territory is incredibly complex and very rich. This history involves over a century of fighting between two nationalities that lay claim to a common territory. The roots of the conflict go as far back as to the late 19th century, which saw a rise in national movements, including Zionism and Arab nationalism. Zionism, the Jewish national movement established by Hungarian journalist Theodore Herzl, was established as a political movement in 1897, largely as a response to Russian and European anti-Semitism.[1] It sought the establishment of a Jewish Nation-State in Palestine (a region known to the Jews by the name of the historical Jewish homeland, Eretz Israel) so that they might find sanctuary and self- determination there.[2] Herzl briefly considered other regions, however, quickly came to the realization that Jews would not feel as if they were truly in their homeland unless they were in close proximity to Jerusalem, the holiest Jewish city, and its surroundings. To this end, the World Zionist Organization and the Jewish National Fund encouraged immigration and funded purchase of land, both under Ottoman rule and under British rule, in the region of Palestine.[3]

After World War I and the dissolution of the Ottoman Empire, Palestine came under the control of the United Kingdom through the Sykes-Picot Agreement and a League of Nations mandate. During this period, the British made contradictory promises to both the Arab and Jewish populations, and tensions between the two groups erupted

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[1] *Return to Zion*, Jewish Virtual Library, URL:
http://www.jewishvirtuallibrary.org/jsource/Zionism/Return_to_Zion.html
[2] *Id.*
[3] Mark Tessler, A History of the Arab-Israeli Conflict 53 (1994).

into physical violence during the 1920 Palestine riots, the 1921 Palestine riots, the 1929 Hebron massacre and the 1936-1939 Arab revolt in Palestine.

The British responded to these outbreaks of violence with the Haycraft Commission of Inquiry, the Shaw Report, the Peel Commission of 1936-1937, and the White Paper of 1939. The Peel Commission proposed a failed partition plan[4], while the White Paper established a quota for Jewish immigration set by the British in the short-term and by the Arab population in the long-term.[5] Both Arab and Jewish groups orchestrated violent attacks against the British, such as the 1936–1939 Arab revolt in Palestine, the King David Hotel bombing, and the assassinations of Lord Moyne and Count Bernadotte, in order to pressure the British mandatory government into leaving the territory.

This became too much for the British to handle, especially after World War II, which led them to turn the Issue of Palestine over the U.N. In 1947, the U.N. approved the partition of the British Mandate of Palestine, which called for the creation of one Arab state and one Jewish state. The Jewish leadership quickly accepted the plan, which was generally supported by the global Jewish population.  On the other hand, Palestinian Arab leaders, influenced by the Arab League, rejected the plan, causing a civil war to ensue. Due to the Civil War, Israel gained momentum and support, and on May 14, 1948 declared its independence. The Egyptian, Lebanese, Syrian, Transjordanian and Iraqi armies all invaded Palestine in response to Israel's declaration of independence, starting

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[4] Jewish Virtual Library, The Peel Commission, URL:
http://www.jewishvirtuallibrary.org/jsource/History/peel.html
[5] Jewish Virtual Library, The British White Paper of 1939, URL:
http://www.jewishvirtuallibrary.org/jsource/History/paper39.html

the 1948 Arab-Israeli War. The war left Israel victorious, allowing Israel to acquire

territory beyond the partition borders, but leaving Jerusalem divided.  Whatever territory

Israel failed to capture was taken over by Egypt, Lebanon, Syria, and Jordan. The war

also resulted in the Al-Naqba, meaning the catastrophe, which is how Arabic nations

refer to 1948 Palestinian exodus.

Decades later, Arab governments still refused to recognize Israel as a sovereign

nation and in 1964 the Palestine Liberation Organization (PLO) was founded based on

the idea that Palestine, with its original Mandate borders, is the indivisible homeland of

the Arab Palestinian people. In response, Israel refused to recognize the PLO as a

negotiating partner.  Between then and the First Intifada in 1987, multiple wars were

fought between Israel and surrounding Arabic nations, such as the 1967 Six Day War and

the 1970 Yom Kippur War.  The more significant of the conflicts was the 1967 Six Day

War, which allowed the Israelis to capture the West Bank away from Jordan and the Gaza

Strip from Egypt due to the strength of the Israeli military.  The West Bank is now one of

the most controversial territories occupied by Israel due to a heated debate between

Israelis along with the rest of the international community as to whether Israel has a right

to occupy this territory.

In 1987, the First Intifada, i.e. the Palestinian uprising against Israeli rule in the

occupied territories, officially erupted. The uprising was prevalent in Gaza, the West

Bank and East Jerusalem. The Intifada was notorious for its stone-throwing

demonstrations by Palestinian youth against the heavily-armed Israeli Defense Forces.[6] The First Intifada resulted in a total of 1,551 Palestinians deaths and 422 Israeli deaths.[7]

The Oslo Peace Process, started in 1993 and brokered by President Bill Clinton of the US, was a significant turning point in the conflict, where Israel and the Palestine Liberation Organization (PLO) sat down and attempted to come to an agreement, albeit unsuccessfully. As a result of the Oslo process, the PLO was permitted to establish the autonomous Palestinian Authority and associated governing institutions so that it could run Palestinian affairs in the Gaza Strip and West Bank, under the condition that it would maintain recognition of and mutual co-existence with Israel. However, many remained skeptical that Oslo led to greater acceptance of Israel's existence by Palestinian leaders or an actual commitment by Israel to stop settlement activity in the West Bank and Gaza Strip.

In 2000, following the failure of the peace process, the Second Intifada, which is commonly known as the *al-Aqsa Intifada*, ensued. Militant groups involved in violence include Hamas, Palestinian Islamic Jihad, Popular Front for the Liberation of Palestine (PFLP) and the al-Aqsa Martyrs' Brigades. They have waged a high-intensity campaign of guerrilla warfare and suicide bombings against Israel. Military equipment consists of mostly imported light arms and homemade weapons, such as hand grenades, explosive belts, assault rifles, and Qassam rockets.[8] These organizations also tend to use remote-

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[6] *A History of Conflict*, Palestinian Intifada, BBC News, URL:
http://news.bbc.co.uk/1/shared/spl/hi/middle_east/03/v3_ip_timeline/html/1987.stm
[7] *Deaths, 1987-2007*, ProCon.org, URL:
http://israelipalestinian.procon.org/viewresource.asp?resourceID=639
[8] Jewish Virtual Library, Qassam Rockets, URL:
http://www.jewishvirtuallibrary.org/jsource/Terrorism/Qassam.html.

controlled landmines, a tactic which is generally employed among the groups that are not as sufficiently armed. Car bombs were popular when targeting Israeli armored jeeps and various checkpoints.

Palestinians also adopted the tactic of suicide bombing. These were generally conducted against civilians or small militarized zones such as checkpoints as an attempt to try to raise the cost of the war to Israelis and demoralize the Israeli society. Most suicide bombing attacks are targeted against civilians, and take place in crowded areas within Israeli cities, such as public transportation (buses), restaurant, and markets.

On the Israeli side, the IDF uses tactics appropriate to the enclosed, urban environment in which the IDF is quite used to fighting. The Israeli Defense Forces stress the safety of their troops, using heavily armored tanks and various military aircraft including F-16s, drone aircraft, and helicopter gunships that often lead to civilian casualties when used in urban areas. Sniper towers were used extensively in the Gaza Strip before the Israeli disengagement and are being increasingly employed in the West Bank. Heavily armored IDF Caterpillar D9 bulldozers were routinely employed to detonate booby traps and IEDs, and clear houses along the border with Egypt used to fire at Israeli troops, in "buffer zones", and during military operations in the West Bank.[9] Until February 2005, Israel employed a policy of bulldozing family homes, and even hospitals, if suicide bombers were taking shelter there.[10] Due to the considerable number of Palestinians living in single homes, the large quantity of homes destroyed, and

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[9] Yagil Henkin, Urban Warfare and the Lessons in Jenin 1, 5, AzureOnline, URL:
http://www.azure.org.il/article.php?id=240
[10] *Id.*

collateral damage from house demolitions, it become an increasingly controversial tactic.[11]

Israel regularly conducts mass detentions due to its air and ground superiority. Security Checkpoints divide most Palestinian cities. The Israeli position is that these checkpoints are necessary to stop militants and limit the ability to move weapons around, while Palestinians and Israeli and International observers and organizations view these checkpoints as unnecessary, humiliating, and a significant factor that led to the severe humanitarian crisis in the so-called Occupied Territories.[12]  Furthermore, Palestinian facilities suspected by Israel of manufacturing weapons are regularly destroyed by airstrikes. The tactic of military "curfew" is routinely used to lock-down areas where terrorists are expected to be gathering.[13]  For example, Nablus was under curfew for 96.5 percent of time from June 18 to September.[14]  Although these tactics also have been condemned internationally, Israel insists they are vital for maintaining security and in preventing terrorist attacks.  Israel also pursues a controversial policy of "targeted killings," the killing of militants and especially prominent leaders who are involved in perpetrating attacks against Israelis.  This is done as a form of deterrence as well as a means of eliminating imminent threats.

As of 2008, this Intifada has not yet officially ended, and meanwhile, a humanitarian crisis has taken shape on the Gaza Strip due to an Israeli blockade resulting

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[11] *Id.*
[12] GS Don Morrison, Ph.D., Understanding Israeli Checkpoints, 2005, URL:
http://primerct.org/index.php?content=opeds/20050123-morris&title=Understanding+Israeli+Checkpoints
[13] Country Reports on Human Rights Practices-2002, The Occupied Territories, Jewish Virtual Library,
URL: http://www.jewishvirtuallibrary.org/jsource/anti-semitism/ot_report02.html.
[14] *Id.*

from the election of Hamas as a polity and their subsequent seizure of the Strip from the control of President Mahmoud Abbas. The conditions in the Palestinian territories are as poor as they have ever been.

## II. Is A Foreign Fostered Peace Agreement Necessary?

It is widely believed that n order for the state of Palestine to come into existence and for development on the territories to ensue, there must be some sort of resolution that promotes peace and development agreed upon by both the PLO and Israel. Two major peace initiatives have been proposed since the Oslo Accords.

One peace proposal, created by the Quartet of the European Union, Russia, the United Nations and the United States on September 17, 2002, was the Road map for peace.[15] This plan did not attempt to resolve difficult questions such as the fate of Jerusalem or Israeli settlements, but left that to be negotiated in later phases of the process.[16] Israel did not accept the proposal as written, but called out 14 "reservations" or changes before they would accept it, which were unacceptable to the current Palestinian government.[17] The proposal never made it past the first phase, which called for a halt to Israeli settlement construction and an end to Israeli and Palestinian violence,[18] none of which was achieved.

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[15] Roadmap For Peace in the Middle East: Israeli/Palestinian Reciprocal Action, Quartet Support, U.S.Department of State, Bureau of Public Affairs, (July 16, 2003).
[16]. Israel's Road Map Reservations ¶ 9, Haaretz, May 27, 2003, URL: *http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=297230*
[17] *Id.*
[18] Roadmap, *supra* note 1.

The second major initiative was the Arab Peace Initiative, first proposed by Abdullah of Saudi Arabia, then crown prince, in the Beirut Summit.[19] The peace initiative is a proposed solution to the Arab-Israeli conflict as a whole, and the Israeli-Palestinian conflict in particular.[20] The initiative was initially published on 28 March 2002 in Beirut Summit, and agreed on again in 2007 in the Riyadh Summit.[21] The peace initiative achieved the unanimous consent of all members of the Arab League, including both the Hamas and Fatah Palestinian factions.

Considered a progressive proposal that would end the Arab-Israeli conflict, unlike the Road map for peace it spelled out "final-solution" borders based explicitly on the UN borders established before the 1967 Six-Day War.[22] It offered full normalization of relations with Israel, in exchange for the withdrawal of its forces from all the "Occupied Territories," including the Golan Heights, to recognize "an independent Palestinian state with East Jerusalem as its capital" in the West Bank and Gaza Strip, as well as a "just solution" for the Palestinian refugees.[23]

Although the proposal was rejected outright by Israel when it was first proposed in 2002, the Arab League continues to raise it as a possible solution, most recently in 2007, and recent meetings between the Arab League and Israel have been held, with the leaders of the ruling Kadima party supporting the initiative.[24] According to Haaretz,

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[19] The Arab Peace Initiative (2002), URL: http://www.al-bab.com/arab/docs/league/peace02.htm
[20] *Id.*
[21] Arab leaders relaunch peace plan, http://news.bbc.co.uk/2/hi/middle_east/6501573.stm (last visited Dec. 3, 2008)
[22] *Id.*
[23] *Id.*
[24]Response of FM Shimon Peres to decisions of the Arab Summit in Beirut, URL: http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2002/Response+of+FM+Peres+to+the+decisions+of+the+Arab.htm

Arab leaders, have threatened on February 2008 to withdraw their proposal unless Israel explicitly expresses an acceptance of the initiative.[25] The initiative is even more stalled now than it was before due to Prime Minister Olmert stepping down, causing the need for new elections. If another party is elected into power, the initiative may be in complete jeopardy, as Benjamin Netanyahu, head of the labor party, is a staunch conservative and strongly against any Israeli land-concessions, especially the Golan Heights, which Israel acquired in 1967 after the six-day war. The Golan Heights are seen as an important historical site in Israeli history as well as a significant strategic military zone, as it lies on the border of Israel and Syria. As a result, much depends on the upcoming Israeli elections.

However, the odds are that neither of the above proposals will be accepted by both parties as they are. In fact, based on history and the past century of conflict between Arabs and Jews, there will most likely never be a proposal that both sides will fully accept. While it is agreed that concessions will have to be made on both sides, it will most likely need to be done informally through struggle. The idea of an Israeli Prime Minister and a Palestinian President sitting down and completely agreeing on a peace agreement developed by a US President, or any other foreign diplomat for that matter, is beyond reality at this point.

As a result, perhaps the requirement of a peace proposal as a means to initiate the process of peace, a two-state solution, and development in general, should be dropped completely. While it is agreed that concessions will have to be made on both sides, it

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[25] Associated Press, *Arab states threaten to rescind 2002 Saudi peace initiative*, Haaretz, Feb. 23, 2008, http://www.haaretz.com/hasen/spages/957101.html

will most likely need to be done informally through struggle, as opposed through a plan that is signed by both parties, which would inevitably be interrupted or dismantled as a result of some sort of predictable roadblock, whether it be terrorist-related or simply political. The idea of an Israeli Prime Minister and a Palestinian President sitting down and completely agreeing on a written proposal for peace developed by a US President, or any other foreign diplomat for that matter, is not a reality at this point. Israel is a state that has experience and knowledge in the field of nation-building. It has begun and must continue to initiate the development of the Palestinian state through a means of almost a complete severing of ties between Israel and Palestine.

Palestinian terrorist groups will continue and try to decrease the morale of the Israeli citizens by planning and even carrying out terrorist attacks; however, in the long run, it will be nearly impossible for the Palestinian people to force Israeli citizens out of Israeli territory, if that is their ultimate goal. They simply cannot even attempt to try and combat the IDF in a formal war. However, terrorist attacks will indeed occur, and Israel has already grown tired of sitting and waiting for these attacks to play themselves out and for ceasefires to banish into thin air. Israel has grown disgusted by the impending attacks and has chosen not to sit around and wait for its breaking point. Instead, it has begun to quietly and permanently close its doors on the Palestinian people, which will inevitably cause civilians within the Palestinian territories to struggle. Yet in the long run, as this paper will explain, this may be in the best interests of both sides. It might cause nothing but chaos in the Palestinian territories in the short-run, as can be seen by the current situation in Gaza, but in the long run, it may be the only way the Palestinians will acquire the resources and means of developing their future nation.

### III. The Elimination of Palestinian Dependence Will Advance Development

The Palestinian National Authority is not helping itself if its goal is to have continued access to Israeli resources. One of the reasons that the Palestinian territories are in the process of being completely cut off is the concern that key Palestinian leaders have promoted incitement against and overall rejection of coexistence with Israel or even the concept of Israel permanently existing, specifically, the promotion of violence against Israel.[26] Israelis have pointed to significant statements by Palestinians in media, and community organizations which appear to promote violence towards and non-acceptance of Israel.[27] The main problem likely lies with the elites within the Palestinian Authority. The elites are strategic players. They hold different views and try through strategic behavior to implement their preferred policy.

In a paper published by Orit Kedar and Kenneth Shepsle of Harvard University entitled The Heresthetic of Big Choices, they discusses the theory of "heresthetics," which was developed by William H. Riker, an American political scientist. Riker basically defined heresthetics as the art politicians use when they change political outcomes without changing peoples' underlying preferences, for example by manipulating the order in which decisions are made.[28] For instance, Yasser Arafat, the former President of the Palestinian Authority, gave many speeches condemning terrorist attacks immediately after they occurred, but never demanding that terrorists cease carrying out such attacks. In a speech on terrorism in September 2002, Arafat stated,

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[26] Behind the Headlines: Hamas Mickey Mouse teaches children to hate and kill, Israeli Ministry of Foreign Affairs, May 10, 2007.

[27] *Id.*

[28] Orit Kedar and Kenneth Shepsle, The Heresthetic of Big Choices 1, Harvard University, June 2001.

"Such operations, which we clearly condemn, have given the Israeli government and its occupation army the excuse and cover to destroy, kill, assassinate, impose collective punishment, violate international law and to disregard all the agreements between us."[29] Yet, he failed to condemn suicide attacks. Instead, he took the opportunity to speak against terrorism in general, but did so while condemning Israel in a backhanded manner. Thus, on the one hand he is condemning terrorist attacks, but on the other, he is using these attacks to incite hate against Israelis by pointing out their tactics against Palestinians and in turn, boost the morale of the Palestinian people and possibly influence others to carry out further attacks. Furthermore, Arafat likely realized the comments about Israel were what most Palestinians would pay more attention to. Even after condemning terrorist attacks, by throwing in several subliminal insults toward Israel and not explicitly condemning suicide bombings, he allowed himself to remain in power and remain popular among Palestinians till he passed. The political elites within the Palestinian leadership understand the significance of this art, and often times use it to create and manipulate the agenda, all while convincing the public to favor said agenda.

Public opinion studies, media research, and behavioral economics have analyzed how elites affect public thinking via framing, priming, and manipulation of attitudes toward risk.[30] The art of setting up situations in which opponents are compelled to support the heresthetician's agenda has an institutional aspect within the Palestinian Authority. While Palestinian politicians who opposed Arafat knew that his failure to condemn suicide bombings was paving the way for further bombings and allowing Israel to retaliate and wreak havoc in Palestinian territories, they were essentially forced to

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[29] Washington Post Foreign Service, Arafat Condemns Terror Attacks on Israeli Civilians, Washington Post, Sep. 9, 2002, URL: http://www.washingtonpost.com/ac2/wpdyn/A559492002Sep9?language=printer
[30] *supra,* note 28 at 2.

accept his position due to his popularity resulting from the US and Israel's desire to remove him and the subliminal insults he often was quoted making in his speeches toward both countries (which maintained their desire to remove him). The institutional challenge to the competing sides involves identifying what in the structure of the current situation might be exploited to further a particular cause and what might inhibit the desired outcome from being realized, and then crafting an approach that takes these institutional prospects on board.[31] The Israeli leadership has always been aware of these types of techniques and have never, and probably should not, based on past history, take the Palestinian elite at their word. Yet, while the Palestinian leadership might be working against its own goals by sponsoring and promoting terrorism, and thus causing its territories to become isolated, what it may not realize is that it actually may be fostering development in the long-run.

It is not realistic for Israel to sit around and wait for the Palestinian leadership to begin to take steps to eradicate terror. As a result, Israel has always and continues to implement its own measures to ensure its citizens' security. One of the major issues that must be addressed before Israel and a Palestinian state can co-exist side by side is how to ensure borders will be final and recognized by all. As a result, Israel has therefore decided to build a security land obstacle between itself and the Palestinians.[32] Although it is generally agreed that it will decrease terror attacks and will improve economic conditions in Israel in the short-run, there is concern about its effect on Palestinian workers and the Palestinian economy.[33]

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[31] *Id.* at 15.
[32] Gilad Aharonovitz, Fences, Walls, and the Development of Cities 1, Journal of Peace Research 43(1) (2006).
[33] *Id.* at 2.

## A. Legal Aspects of the West Bank Barrier

The idea of creating a physical barrier between the Israeli and Palestinian populations was first proposed by Yitzhak Rabin in 1992, following the murder of an Israeli teenage girl in Jerusalem.[34] Following an outbreak of violent incidents in Gaza in October 1994, Rabin announced his stance that "we have to decide on separation as a philosophy. There has to be a clear border." [35]  To this end, the government of Yitzhak Rabin built the Israeli Gaza Strip barrier in 1994.[36]  Following an attack on HaSharon Junction, near the city of Netanya, Rabin made his goals more specific:  "This path must lead to a separation, though not according to the borders prior to 1967. We want to reach a separation between us and them. We do not want a majority of the Jewish residents of the state of Israel, 98% of whom live within the borders of sovereign Israel, including a united Jerusalem, to be subject to terrorism."[37]  Israeli Prime Minister Ehud Barak, prior to the Camp David 2000 Summit with Yasser Arafat, vowed to build a separation barrier, stating that it is "essential to the Palestinian nation in order to foster its national identity and independence without being dependent on the State of Israel."[38]

Within the past decade, the legal aspects of the West Bank barrier, specifically, have been hotly debated both in Israeli courts and the international arena. In October 2003, the United States vetoed a United Nations Security Council resolution, which stated:  "The construction by Israel, the occupying power, of a wall in the Occupied Territories departing from the armistice line of 1949 is illegal under relevant provisions

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[34] Cavalry Church, Believers' Life Midweek, *Land of Promise: The Past, Present, and Future of Israel—Lesson 9* (2008), at 10
[35] *Id.*
[36] *Id.*
[37] *Id.*
[38] *Id.*

of international law and must be ceased and reversed."[39]  It was certain that the U.S.

would veto the resolution, specifically since the resolution did not condemn terrorist

attacks made by Palestinian groups.  One week later, on October 21, a similar, but non-

binding, resolution was passed by the UN General Assembly 144-4 with 12 abstentions.[40]

The resolution said the barrier was "in contradiction to international law," and demanded

that Israel "stop and reverse" its construction.[41]

Following the veto by the U.S. of the Security Council's resolution, in December

2003, the United Nations General Assembly passed a resolution requesting the

International Court of Justice (ICJ) to make a non-binding advisory opinion on the "legal

consequences arising" from the construction of the West Bank barrier.[42]  The hearings

began in February 2004.[43] The Palestinian Authority is not a member of the court but was

allowed to make a submission by virtue of being a UN observer and a co-sponsor of the

General Assembly resolution.[44]  On January 30, 2004, Israel officially announced that it

did not recognize ICJ authority to rule over the barrier issue, since it was a strictly

political issue to be decided by the Israeli government and judicial system.[45] Israel also

delivered a rather lengthy document, elaborating on the security needs to build the "terror

prevention fence" and explaining the various atrocities committed by Palestinian

terrorists.[46] On July 9, 2004, the International Court of Justice issued its opinion against

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[39] S.C. Res. 980, ¶ 1, U.N. Doc. S/2003/903 (October 14, 2003).
[40] G.A. Res. ES-10/13, ¶ 1, U.N. Doc. A/RES/ES-10/13 (Oct. 27, 2003).
[41] *Id.*
[42] G.A. Res. L.16, U.N. Doc. A/ES-10/L.16 (Dec. 3, 2003).
[43] Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ¶ 5, 2004 I.C.J. 131 (July 9).
[44] *Id.* at ¶ 4.
[45] Written Statement of the Government of Israel on Jurisdiction and Propriety, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ¶ 1.2, URL: http://www.jewishvirtuallibrary.org/jsource/Peace/israelbrief.pdf
[46] *Id.*

the barrier, calling for it to be removed and the Arab residents to be compensated for any damage done.[47] The Court voted for the United Nations General Assembly and the Security Council to take action regarding the issue.[48]

Failing to recognize the ICJ, as an authority on the issue (as did the United States whom is a permanent member on the Security Council), the Israeli judicial system began to take the legal issue into its own hands.  The Israeli government has been instructed by the Supreme Court of Israel to alter the route of the West Bank barrier on two different occasions. One case was a petition brought in February 2004 by Beit Sourik Village Council, and responded to by the Government of Israel and the Commander of the IDF Forces in the West Bank, concerning a 40 km stretch of existing and planned barrier north of Jerusalem.[49]  The first claim made by the petitioners was that construction of the barrier was itself illegal.[50] The court ruled that construction of the barrier for security reasons would be legal even though it would be illegal for political, economic, or social purposes.[51] Since the court accepted the respondent's argument that the part of the barrier under discussion was designed for security purposes, this claim of the petitioners was lost.[52]  The Court stated that, "The commander of the area detailed his considerations for the choice of the route. He noted the necessity that the Fence pass through territory that topographically controls its surroundings, that, in order to allow surveillance of it, its route be as flat as possible, and that a 'security zone' be established which will delay infiltration into Israel. These are security considerations par excellence...We have no

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[47] *supra*, note 43 at ¶ 153.
[48] *Id.* at 58.
[49]  Beit Sourik Village Council v. The Government of Israel and the Commander of the IDF Forces in the West Bank, [2004] (Isr.)
[50] *Id.* at ¶ 10.
[51] *Id.* at ¶ 31.
[52] *Id.* at ¶ 32.

reason not to give this testimony less than full weight, and we have no reason not to believe the sincerity of the military commander."[53]

The second claim made by the petitioners was that the route of the barrier in the region covered by the petition "illegally infringed on the rights of the Palestinian inhabitants."[54] In this case the court ruled that the existing and planned route failed the principle of "proportionality" in both Israeli and international law and that harm caused to an "occupied population must be in proportion to the security benefits."[55] However, the court listed ways in which the barrier route "injures the local inhabitants in a severe and acute way, while violating their rights under humanitarian international law."[56] Thus, the court ordered that a 30 km portion of the existing and planned barrier must be rerouted.[57]

A second petition reached the Supreme Court of Israel in 2005.[58] The petition was submitted on behalf of five villages that are currently trapped in an enclave created by the existing route of the barrier.[59] The court also ruled that the Advisory Opinion issued by the International Court of Justice is not legally binding in Israel.[60] In terms of the route of the barrier, the court conducted a review of accounts by the IDF, Israeli architects, Palestinian petitioners, military experts, and the International Court of Justice, and ruled that the Government of Israel must find an alternative route to lessen the impact

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[53] *Id.* at ¶ 29.
[54] *Id.*
[55] *Id.* at ¶ 70.
[56] *Id.* at ¶ 61.
[57] *Id.*
[58] International Legality of the Security Fence and Sections near Alfei Manashe, [2005] (Isr.), URL: http://www.zionism-israel.com/hdoc/High_Court_Fence.htm
[59] *Id.* at ¶ 75.
[60] *Id.* at ¶ 80.

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on the rights of the resident Palestinian civilians.[61]  The Court stated that the difference between its judgment and the ICJ judgment "stems primarily from the difference in the factual basis upon which each court made its decision. Once again, the simple truth is proven: Facts lie at the foundation of the law, and the law arises from the facts (ex facto jus oritur). The ICJ drew the factual basis for its opinion from the Secretary-General's report, his written statement, the Dugard report, and the Zeigler report. The Supreme Court drew the facts from the data brought before it by the Palestinian petitioners on the one hand, and the State on the other."[62]

While the construction of the barrier on the West Bank remains legal within Israel (although not according to International Law), the 2005 ruling by the court will influence the outcome of many petitions that are currently pending before the court asking for changes of the barrier route in various sections.  Although the Court refuses to recognize the ICJ ruling, which is a significant step in the right direction in allowing the barrier to be built, the completion of the barrier remains in jeopardy. If the Court continues to grow skeptical of the implied purpose of the barrier being for security purposes, then they may potentially rule that the Israeli government must completely halt the construction of the barrier.  By doing so, they may prevent the progression of Palestinian development by allowing for continued Palestinian dependence on Israel for resources and employment, all while increasing the opportunities for Palestinian terrorist attacks along the West Bank border.

### B.  Physical Aspects of the West Bank Barrier

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[61] *Id.* at ¶ 116.
[62] *Id.* at ¶ 61.

As it currently stands, the West Bank barrier generally runs along or near the 1949 Jordanian-Israeli armistice/Green Line, but diverges in many places to include on the Israeli side several of the highly populated areas of Jewish settlements in the West Bank such as East Jerusalem, Ariel, Gush Etzion, Emmanuel, Karnei Shomron, Givat Ze'ev, Oranit, and Maale Adumim.[63] Because of the complex path it follows, most of the barrier is actually set in the West Bank.[64] It diverges from the "Green Line" by anywhere from 200 meters to as much as 20 kilometers, with the result that many Israeli settlements in the West Bank remain on the Israeli side of the barrier, and some Palestinian towns are nearly encircled by it.[65] The proponents of the barrier claim that its route is not set in stone, as it was challenged in court and changed several times.[66] They note that the cease-fire line of 1949 was negotiated "without prejudice to future territorial settlements or boundary lines."[67] Security experts argue that the topography does not permit putting the barrier along the Green Line in some places, because hills or tall buildings on the Palestinian side would make the barrier ineffective against terrorism.[68] As of April 2006, the length of the barrier as approved by the Israeli government is 703 kilometers (436 miles) long. Approximately 58.4% has been constructed, 8.96% is under construction, and construction has not yet begun on 33% of the barrier.[69]

Most of the barrier (over 95% of total length) consists of a "multi-layered fence system" ideally 50 m in width.[70] The IDF's preferred design has three fences, with pyramid-shaped stacks of barbed wire for the two outer fences and a lighter-weight fence

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[63] *supra*, note 34 at 9, 10.
[64] *Id.* at 10
[65] *Id.*
[66] *Id.*
[67] *Id.*
[68] *Id.*
[69] *Id.*
[70] *Id.*

with intrusion detection equipment in the middle.[71] Patrol roads are provided on both sides of the middle fence, an anti-vehicle ditch is located on the West Bank side of the fence, and a smooth dirt strip on the Israeli side for "intrusion tracking."[72] Some sections (less than 5% of total length) are constructed as a wall made up of concrete slabs up to 8 m in height and 3 m in width.[73] Occasionally, due to topographic conditions other sections of the barrier will reach up to 100 m in width.[74] Wall construction (5%) is more common in urban settings, such as areas near Qalqilyah and Jerusalem, because it is narrower, requires less land, and provides more protection against snipers.[75] In all cases there are regular observation posts, automated sensing devices and other apparatus.[76] Gates at various points are controlled by Israeli soldiers.[77]

Members of al-Aqsa Martyrs' Brigades, Hamas, and Palestinian Islamic Jihad have been less able to conduct terrorist attacks, the numbers of which have decreased in areas where the barrier has been completed.[78] In his interview to Al-Manar TV, Palestinian Islamic Jihad leader Ramadan Salah admitted that the barrier is an important obstacle, and that "if it weren't there, the situation would be entirely different."[79] Pro-settler opponents claim that the barrier is a sly attempt to artificially create a border that excludes the settlers, creating "facts on the ground" that justify the mass dismantlement of hundreds of settlements and displacement of over 100,000 Jews from the land they

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[71] *Id.*
[72] *Id.*
[73] *Id.*
[74] *Id.*
[75] *Id.*
[76] *Id.*
[77] *Id.*
[78] *Id.*
[79] *Id.* at 11

claim as their biblical homeland.[80]  Either way, in spite of pending Supreme Court

decisions that may potentially shift the route of the West Bank barrier, Israel is clearly

taking significant steps in severing its ties with the Palestinian territories, specifically by

building an incredibly effective separation barrier bordering both the Gaza Strip and the

West Bank, which they hope will eliminate not only Palestinian terrorism, but also

Palestinian dependence, in turn fostering development in the Palestinian territories.

While the idea may seem a bit primitive, it may be the best way to avoid any

potential roadblocks or distractions for the Palestinian people, e.g. suicide bombings and

fanaticism.  The security that these barriers provide has been the deciding factor in the

Supreme Court of Israel's previous rulings in favor of the West Bank barrier.

Furthermore, not only will a physical border/barrier reduce terrorist attacks and potential

conflicts in contentious zones, but it can perhaps place some closure on an aspect of the

conflict that has been heavily contested by both Israel and the Palestinian Authority:  the

official borders.  Once the barrier is built, it becomes much more difficult to dispute

where the borders lie.  Thus, the increased security and the implementation of physical

borders will prevent the fanaticism and/or terrorist attacks from detracting from the goal

of creating infrastructure and fostering development, and actually allow for development

on the Palestinian side to gain momentum

### C.  Economic Aspects of Permanent Barriers Bordering the West Bank and Gaza

The Palestinian and the Israeli economies are strongly interconnected. [81] The West

Bank and Gaza Strip were occupied by Israel in 1967, and since that time the economy of

both places grew rapidly, mainly because of the integration of the Palestinian labor

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[80] *Id.*
[81] Aharonovitz, *supra* note 32, at 2.

market (as well as the products market) with Israel.[82]  During 1981-1990, around 40% of Palestinian the Palestinian workforce was occupied in Israel.[83]  Most of them worked in the construction, industry, and agricultural sectors due to language and cultural barriers as well as governmental policy preventing them from working in managerial, professional or administrative jobs Regardless, until around the mid-1980's, these workers enjoyed a positive return to education.[84]  Beginning in 1972, several local institutions for higher education were opened in the West Bank, and the number of Palestinians with higher education grew rapidly.[85] Once the mid-1980's hit, the return to effective schooling dropped quite significantly, both in Israel and in the West Bank and Gaza resulting from excess supply, due to a decline in local demand since Jordan stopped financing the education system in the West Bank (many educated Palestinians were employed as teachers).[86]

Economic output in the Gaza Strip declined by about one-third between 1992 and 1996.[87] This downturn has in most cases been credited to the corruption and mismanagement by Yasser Arafat, in addition to Israeli closure policies, i.e. defensive border closures which disrupted previously established labor and commodity market relationships between Israel and Gaza.[88] This lack of output led to the emergence of a tremendously high unemployment rate.[89]

Israel's use of comprehensive closures decreased during the next few years and, in 1998, Israel implemented new policies to reduce the impact of closures and other

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[82] *Id.*
[83] *Id.*
[84] *Id.*
[85] *Id.*
[86] *Id.*
[87] http://www.cbsnews.com/htdocs/mideast/html/middle_east/cr_palestinian_economy.html
[88] http://www.cityofgaza.com/about_gaza_strip.html
[89] *Id.*

security procedures on the movement of Palestinian goods and labor into Israel.[90] These

changes fueled an almost three-year-long economic recovery in the Gaza Strip.[91]

Recovery ended with the outbreak of the al-Aqsa Intifada in the last quarter of 2000.[92]

The al-Aqsa Intifada triggered tight IDF closures of the border with Israel, as well as

frequent curbs on traffic in Palestinian self-rule areas, severely disrupting trade and labor

movements.[93] In 2001, and even more severely in early 2002, internal turmoil and Israeli

military measures in Palestinian Authority areas resulted in the destruction of capital

plant and administrative structure, widespread business closures, and a sharp drop in

GDP.[94] Another major factor has been the decline of income earned due to reduction in

the number of Gazans permitted entry to work in Israel.[95] After the Israeli withdrawal

from Gaza, the flow of a limited number of workers into Israel again resumed, although

Israel has since halted providing such permits due to the victory of Hamas in the 2006

parliamentary elections.[96]

Before they were removed, the Israeli settlers of Gush Katif built greenhouses and

experimented with new forms of agriculture within the Strip.[97] These greenhouses also

provided employment for many hundred Gazan Palestinians.[98]  When Israel withdrew

from the Gaza Strip in the Summer of 2005, the greenhouses were purchased with money

raised by former World Bank president James Wolfensohn, and given to the Palestinian

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[90] *Id.*
[91] *Id.*
[92] *Id.*
[93] *Id.*
[94] *Id.*
[95] *Id.*
[96] *Id.*
[97] http://www.jewishvirtuallibrary.org/jsource/Peace/hothouses.html
[98] *Id.*

people to jump-start their economy.[99]  However, the greenhouses were subsequently looted or destroyed by Palestinians who were celebrating the final Israeli withdrawal from the Gaza Strip.[100]

The CIA World Factbook states that GDP in 2001 declined 35% to a per capita income of $625 a year, and 60% of the population is now below the poverty line.[101] Gaza Strip industries are generally small family businesses that produce textiles, soap, olive-wood carvings, and mother-of-pearl souvenirs; the Israelis have established some small-scale modern industries in an industrial center.[102] Israel supplies the Gaza Strip with electricity.[103] The main agricultural products are olives, citrus, vegetables, Halal beef, and dairy products.[104] Primary exports are citrus and cut flowers, while primary imports are food, consumer goods, and construction materials.[105] The main trade partners of the Gaza Strip are Israel, Egypt, and the West Bank.[106]  As can be seen, Gaza is lacking in natural resources and relies tremendously on Israel as a trade partner, employer, and for resources in general.  It is no wonder that when Israel refuses to support the Strip, a humanitarian crisis ensues.

The first and second uprisings, which were accompanied by three massive entrances of foreign workers to Israel during the 1990's, basically forced Israel to gradually decrease the number of Palestinians working in Israel.[107]  Despite the aforementioned change, a significant number of Palestinians still continued to travel to

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[99] *Id.*
[100] I*d.*
[101] https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html
[102] *Id.*
[103] *Id.*
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] Ahoronovitz, *supra* note 19, at 2.

work in Israel and return to their homes in the evening.[108] These 'commuters' were one of the main, and perhaps critical, sources of income for the Palestinian population.[109]

After Hamas seized control of the Gaza strip from Mahmoud Abbas and the recognized government, Israel felt that it had to completely close the border due to fear of another Intifada. This is because a large amount of Palestinian terror groups are based in the Gaza strip. Some of Israel's greatest detractors besides Hamas, such as the al-Aqsa Martyr Brigades and Islamic Jihad, are also based in Gaza. These terrorist organizations are often times able to smuggle in rockets and other weapons through the Egyptian border and with the help of countries such as Iran and Syria. Rockets are fired from the Gaza strip multiple times a year, almost monthly. As a result, Israel seems justified most of the time within the international community in completely closing its border with Gaza and blockading the Strip completely.

The Gaza Strip barrier has always been less controversial than the West Bank barrier that is currently being constructed due to the fact that Gaza has always been slightly more volatile in addition to the fact that the Strip has less of a historic importance than that of the West Bank (the West Bank contains several holy Jewish cities). However, Gaza relies on Israeli resources and financial support just as much as the West Bank does, as can be seen by its severe drop in GDP after the Second Intifada. As a result of the current humanitarian crisis in Gaza stemming from Hamas's seizure of the Strip, the closure of the border and the barrier need to be examined in a different light than that of the West Bank.

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[108] *Id.* at 3
[109] *Id.*

Before the second Palestinian uprising broke out in September 2000, around 25,000 workers from the Gaza Strip used to work in Israel every day.[110] However, now that Hamas is in control of Gaza, that number is down to around zero. In addition, a closed barrier on the border of Gaza and Israel will make it more difficult for Palestinian workers to enter Israel in the future (regardless of the exact political situation at that time) and will therefore lower Palestinian income and quality of life.[111] The immediate consequences of having a barrier are fairly apparent, and mostly negative. However, the long-term effects are equally significant and must be examined as well. So the question becomes: How can a functioning nation be developed and prosper with no real resources, while remaining blockaded from its number one trade partner and resource supplier?

Common sense would in most cases imply that Israel should consider opening up its borders to workers suffering from the humanitarian crisis in Gaza so that they will be able to acquire some resources and allow themselves to raise their quality of life even the slightest bit. However, this method has already been attempted and has led to Palestinian terrorist organizations using the finances they acquire any which way they can to harm Israel (e.g. al-Aqsa Intifada). As a result, opening up borders and continuing to supply Gaza with resources and financial assistance is exactly what Israel should not do.

First of all, the possibility of commuting can cause a less developed city or region, such as Gaza, to become totally non-technological.[112] In the case of two cities in the same country, this situation appears to be common, meaning people from small towns (or the

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[110] *Israel Labour Laws Apply to Palestinian Workers*, AFP, Oct. 10, 2007, URL:
http://afp.google.com/article/ALeqM5g7NNG7m5AEfoCjIspXI7lya2LTFg
[111] Aharonovitz, supra note 19, at 3.
[112] *Id.* at 15.

suburbs) work in the technologically developed central city.[113] It is apparent in every major city in the United States, such as in New York, Chicago, etc.

The problem actually arises when the workers live in one country and work in another, as has been the case with the Palestinian territories in Israel for so long.[114] In this case, the technological level and GNP of one country will be much higher than that of the other.[115] Although those "foreign" commuting workers take most of their wage to their origin country, the product of the firms themselves (and taxes paid by them), the economic effect of the firms and their surroundings areas, the money spent by workers at businesses near their workplace, and the cultural and other differences that will lower their wages relative to similar local workers, will create a significant difference between the GNPs of both locations, and thus large differences in standard of living will be created between the two countries.[116]

Another issue, which is more important in the case of commuting between countries, is the influence of the hometown technological level on the productivity of a worker who commutes.[117] One can reasonably assume that in the case of commuting between countries, the workers who commute will less productive due to the effects of the education systems in the underdeveloped country, and thus, the inefficiency arising from the decrease in the productivity of technological workers living in the non-technological city will also be greater.[118] Moreover, when this is combined with the cost of commuting, this creates a situation where only the most talented individuals from the

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[113] *Id.*
[114] *Id.*
[115] *Id.*
[116] *Id.*
[117] *Id.*
[118] *Id.*

non-technological city will commute and the rest, some of whom would have worked in the technological sector of their city if it existed, will work in the non-technological sector.[119]

There is a significant technological difference (and therefore wage difference) between the two economies, while the geographical distance is appropriate for commuting.[120] Although in the short run the violence between the two sides reduces both Palestinian development and regular Palestinian work in Israel, one has to make certain assumptions based on the likelihood of occurrences in the long run that will affect future development.[121] As large groups in the populations of both sides agree to live side by side, as they realize that they really have no choice, a long period of peace, ceasefire, or very low-intensity conflict is likely.[122] The barrier, however, is not expected to be disassembled[123], nor should the borders be reopened in such a situation. This will allow the economic forces that are described above to begin taking effect. Political, social, and other forces will affect the situation as well, but an effective barrier and closure of the borders is highly significant for the long-term development of both economies.[124] This is relevant because as stated earlier, the situation is likely to lower in intensity and reach a ceasefire at some point, which will give Israel an opportunity to make a difficult decision and possibly reopen the borders (albeit minimally, with a barrier in place). Regardless, when this occurs, if the borders are reopened, many Palestinians will once again attempt to acquire employment in Israel. This idea applies even when cultural or other

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[119] *Id.*
[120] *Id.* at 16.
[121] *Id.*
[122] *Id.* at 16-17.
[123] *Id.* at 17.
[124] *Id.*

differences decrease the presence of Palestinians in advanced positions in Israel,[125] since as long as some talented Palestinians work in Israel, an effective barrier will reduce this number even more and thus affect Palestinian development.

In the absence of a barrier and with open borders, the more talented Palestinians work in Israel (though their ability is affected by the overall Palestinian technological level, and therefore they are not expected to work in the most advanced positions).[126] In this situation, the Palestinian economy benefits from the inflow of their salaries but has virtually no chance of industrializing and developing technologically.[127] Furthermore, even if borders are opened minimally, the presence of an effective barrier, such as the one built bordering Gaza and the one already partially built on the West Bank border, raises the cost of commuting.[128] If it is still worthwhile to work in Israel, then all the talented Palestinians will continue to do so and the Palestinian economy will remain technologically stagnant.[129] Moreover, higher commuting costs will decrease Palestinian quality of life.[130] Even if Israel chooses to minimally open up its borders, with effective barriers in place that will consist of high commuting costs, it may lead to a scenario where talented Palestinians are choosing not to work in Israel due to the high cost of commuting, which is unprecedented, as the most talented Palestinians are the ones who have commuted to Israel in the past.[131] This will indirectly force Palestinians to focus their intellectual and fiscal resources on the situation inside Gaza as well as the West Bank, thus, fostering losses in the short-run but development in the long run.

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[125] *Id.*
[126] *Id.*
[127] *Id.*
[128] *Id.*
[129] *Id.*
[130] *Id.*
[131] *Id.*

In the short run, the talented Palestinians will have to work in the Palestinian cities. Since the technological level of these cities is low, they will receive a lower income than previously.[132] On the other hand, this situation will induce technological development in the Palestinian economy.[133] It will require external aid and (Palestinian) governmental intervention in order to develop the technological sector and evolve from a non-technological state. This process can not happen as long as talented Palestinians can work in Israel.[134] In the long run, talented Palestinians will benefit (since they will not have to incur the cost of commuting and will benefit from the increasing technological level).[135] Also, in the long run the government can collect higher taxes, and the rest of the population can share the gain through a better education system, better public goods, or governmental redistribution of income.[136]

For Israel, however, the effects are the opposite.[137] The Israeli economy may gain from reduced terror in the short run, but in the long run it will suffer by not being able to employ cheap Palestinian workers and additionally may face a new source of competition.[138] Moreover, since the reasons for hostility between Israel and the Palestinians might continue to exist for a long period of time, a renewal of a violent conflict in the far future can not be ruled out, even if peace prevails for many years.[139] In case of a conflict in the far future, Israel might find itself facing a more developed enemy because of the barrier and closed off border.[140]

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[132] *Id.* at 18.
[133] *Id.*
[134] *Id.*
[135] *Id.*
[136] *Id.*
[137] *Id.*
[138] *Id.*
[139] *Id.* at 18-19.
[140] *Id.* at 19.

However, Israel is a developed country, and the time period when the future Palestinian state is able to compete with Israel technologically and militarily is almost unfathomable at this point.  Furthermore, Israel is currently able to coexist with its surrounding Arab neighbors who have not been able to surpass Israel in development nor military capability.  Thus, there is little reason to assume that it is more likely that Palestine will match Israel's economic, technological, and military capability when other surrounding nations have been unable to do so.

It should be noted, however, that while the Israeli government should definitely finish building a strong barricade on the West Bank and maintain one on the Gaza Strip, they should still ideally simply save Palestinians the trouble of stagnating their economy, which they would do by opening the borders even minimally.  According to the logic above, the opening of the borders would only increase the cost of commuting and decrease Palestinian quality of life.  While there is potential that even the increased cost of commuting that would result from effective barriers would lead talented Palestinian workers to choose not to commute to Israel for the first time ever, Israel can ensure this by not opening up its borders.  Maintaining these strong barriers will help ensure the separation and closure of the borders separating the Palestinian territories and Israel.  By closing its borders and building and maintaining these effective barriers, Israel is in effect forcing the Palestinian territories to harness its own talent and use it as effectively as possible on fostering development within its territories.

### IV.  The Issue of Jerusalem

Although Israel has essentially begun to sever ties with the Palestinian territories, there are other issues Israel must handle in the meanwhile that will allow it to begin

implementing its removal of Palestinian dependence, specifically, the elimination of Israeli settlements in the West Bank as well as the topic of borders within Jerusalem.

First, the borders of Jerusalem have been a point of contention since the inception of the State of Israel. The three largest Abrahamic religions—Judaism, Christianity, and Islam—include Jerusalem as an important setting for their religious and historical narratives.[141] Israel asserts that the city should not be divided, and should remain unified within Israel's political control.[142] Palestinians claim at least the parts of the city which were not part of Israel prior to June 1967.[143] As of 2005, there are more than 719,000 people living in Jerusalem; 465,000 are Jews (mostly living in West Jerusalem) and 232,000 are Muslim (mostly living in East Jerusalem).[144]

Israeli government, including the Knesset and Supreme Court, is centered in the "new city" of West Jerusalem and has been since Israel's founding in 1948. After Israel captured Jordanian-controlled East Jerusalem in the Six-Day War, it assumed complete administrative control of East Jerusalem. On July 30, 1980, the Knesset issued a new Basic Law stating, "Jerusalem, complete and united, is the capital of Israel."[145]

At the Camp David and Taba Summits in 2000-2001, the United States proposed a plan in which the Arab parts of Jerusalem would be given to the proposed Palestinian state while the Jewish parts of Jerusalem were retained by Israel.[146] All archaeological

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[141] Fiona Symon, *Jerusalem: Crucible of Conflict*, BBC News World Edition (2001), http://news.bbc.co.uk/2/hi/in_depth/middle_east/2001/israel_and_the_palestinians/issues/1682594.stm
[142] *Id.*
[143] *Id.*
[144] Suzanna Zaritzky, "Press Release." *Central Bureau of Statistics* (2006), URL: http://www.cbs.gov.il/hodaot2006n/11_06_106e.pdf
[145] *Basic Law:  Jerusalem , Capital of Israel* (1980), Jewish Virtual Library, http://www.jewishvirtuallibrary.org/jsource/Peace/Basic_Law_Jerusalem.html
[146] Avraham Sela, *Jerusalem: The Continuum Political Encyclopedia of the Middle East* 491-498 (2002).

work under the Temple Mount would be jointly controlled by the Israeli and Palestinian governments.[147] Both sides accepted the proposal in principle, but the summits ultimately failed.[148]

Israel has very serious concerns regarding the welfare of Jewish holy sites under possible Palestinian control. When Jerusalem was under Jordanian control, no Jews were permitted to visit the Wailing Wall or other Jewish holy places and the Jewish cemetery on the Mount of Olives was desecrated.[149]  In 2000, a Palestinian mob took control of Joseph's Tomb, a shrine considered holy by both Jews and Muslims, burned the building, and turned it into a mosque.[150]  There are unauthorized Palestinian excavations for construction on the Temple Mount in Jerusalem, which could potentially damage the Wailing Wall, while Israel, on the other hand, has rarely blocked access to holy places sacred to other religions, and never permanently.[151] Israeli security agencies routinely monitor and arrest Jewish extremists that plan attacks, resulting in almost no serious incidents for the last twenty years.[152] Moreover, Israel has given almost complete autonomy to the Muslim trust over the Temple Mount.[153]

In addition, Israel expresses concern over the security of its residents if neighborhoods of Jerusalem are placed under Palestinian control.[154] Jerusalem has been a

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[147] *Id.*
[148] *Id.*
[149] *Id.*
[150] Dore Gold, *The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City* 5-6 (2007).
[151] Sela, *supra* note 14.
[152] *Id.*
[153] *Id.*
[154] Nadav Shragai, Jerusalem Center for Public Affairs, *Jerusalem: The Dangers of Division An Alternative to Separation from the Arab Neighborhoods* (2008), URL:

prime target for terrorism since 1967 and many Jewish neighborhoods have been fired upon from Arab areas. The proximity of the Arab areas, if these regions were to fall in the boundaries of a Palestinian state, would be close enough where they would threaten the safety of Jewish residents.[155] Nadav Shragai states in his study for the Jerusalem Center for Public Affairs, "An Israeli security body that was tasked in March 2000 with examining the possibility of transferring three Arab villages just outside of Jerusalem – Abu Dis, Al Azaria, and a-Ram – to Palestinian security control, assessed at the time that: 'Terrorists will be able to exploit the short distances, sometimes involving no more than crossing a street, to cause damage to people or property. A terrorist will be able to stand on the other side of the road, shoot at an Israeli or throw a bomb, and it may be impossible to do anything about it. The road will constitute the border.' If that is the case for neighborhoods outside of Jerusalem's municipal boundaries, how much more so for Arab neighborhoods within those boundaries." [156]

On the other hand, Palestinians have grave concerns regarding the welfare of Christian and Muslim holy places under Israeli control.[157] They point to the several attacks on the Al-Aqsa Mosque (*Masjid al Aqsa*) since 1967, including a serious fire in 1969, which destroyed the south wing, and the discovery, in 1981, of ancient tunnels under the structure of the mosque which some archaeologists believe have weakened the building structures on the Al Aqsa Mosque.[158]

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http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DRIT=2&DBID=1&LNGID=1&TMID=111&FID=5
82&PID=0&IID=2646&TTL=Jerusalem:_The_Dangers_of_Division]
[155] *Id.*
[156] *Id.*
[157] Alisa Rubin Peled, Debating Islam in the Jewish State: The Development of Policy Toward Islamic Institutions in Israel 96 (2001).
[158] *Id.*

However, in reality, history his shown that Israel has a far greater reason to be concerned about the welfare of its holy sites than Palestine. While there have been several rare occasions where Israeli citizens have attacked Muslim holy sites, it seems that Palestinians have jumped at every opportunity to mess with a Jewish holy site, and if they are able to close in and have access to holy sites or surrounding Israeli citizenry, that of which they have never previously had access to, this could lead to violent conflicts, those of which the peace process cannot afford to be distracted by. In August 2003, a Palestinian suicide bomber came aboard a bus and carried out an attack against a bus full of people coming from the Western Wall, which is the holiest site in the Jewish religion, because it was as close as he could get to the wall.[159] This attack, at the time, led Israel to immediately impose a curfew in the West Bank, suspend all relations with Palestinian officials, and halt the handover of four West Bank towns to Palestinian control.[160] As a result, in order to prevent events like these from occurring and disrupting peace, Jerusalem should simply remain divided the way it is now. The status-quo has been fairly effective in minimizing dangerous and hazardous situations that may lead to conflict, and handing over any territory to the Palestinian side, based on past history, is likely to incite multiple violent incidents. In addition, it should be noted that Israel should not acquire any portion of East Jerusalem either, nor would the Palestinian Authority agree to this type of scenario. However, even a suggestion of this sort would likely lead to outrage throughout the entire Arab Middle-East.

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[159] Associated Press, CBC News, URL:
http://www.cbc.ca/world/story/2003/08/20/isreal_rxn_bombing030820.html
[160] *Id.*

In terms of connecting the Gaza Strip to the city of Jerusalem, this creates a complex situation, especially when Israel has closed its borders to the Palestinian territories. A possible solution would be to build some sort of patrolled and fenced up highway connecting East Jerusalem to the Gaza Strip. The cost of this highway would likely be great; however, the U.N. along with the U.S. should consider funding this type of project for the sake of accomplishing the long sought-after two-state solution.

The southern portion of Israel, the Negev Dessert, is virtually empty. The highway can be built, below ground level, with massive walls to ensure the inability to scale them. It most likely should be patrolled by an international armed force, such as the U.N., as if it were patrolled by the I.D.F., this may lead to various instances or random occasions of violence, stemming from the tense history of conflict between the two nations), while Palestinians are commuting to East Jerusalem. If an effective road were to be built, and thus connect the Gaza Strip to the West Bank via East Jerusalem, it could potentially eliminate one major obstacle to the long sought-after two-state solution.

## V. The Dismantling of Jewish Settlements Is Required for a Viable Peace

Palestinian development will most likely remain on the backburner until the issue of Israeli settlements in the West Bank reaches some sort of resolution. This clearly also involves the construction of the barrier as well. The barrier can no longer be built with Israeli settlements in mind, and this is where the United Nations may have to come into play in order to make sure Israel is playing by the rules, for the sake of its own best interests as well as the future Palestinian state.

In 2005, Israel's unilateral disengagement plan, a proposal put forward by Israeli Prime Minister Ariel Sharon was put into effect and all Jewish residents in the Gaza strip were evacuated and all residential buildings were demolished. This was done in accordance with UN Security Council Resolution 446, passed in 1979, which called for Israel to halt all settlement in the "occupied" Arab territories and remove all its citizens that were currently residing in the territories.[161] However, Israel has yet to unilaterally disengage its settlements within the West Bank, even though it is internationally required to do so under the same resolution.

Once the Six-Day War was over, Israel gradually began to re-establish communities that had been destroyed in 1928 and 1948 as well as build multiple new settlements in the West Bank. The construction of the settlements picked up even further after the Oslo peace process began in 1993. These settlements are now house about 350,000 people. Most of the settlements are in the western parts of the West Bank, while others are deep into Palestinian territory, overlooking Palestinian cities. These settlements have been the site of much turmoil and inter-communal conflict.

Palestinians in the West Bank continue to insist that all Jewish communities within the territories to be part of a Palestinian state be removed. This includes ancient communities, such as Hebron, which is one of the four Jewish holy cities, as well as communities destroyed in 1948 and since re-established, such as Gush Etzion.

The issue of Israeli settlements in the West Bank and, until 2005, the Gaza Strip continue to be described as an obstacle to a peaceful resolution of the conflict by the

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[161] S.C. Res. 446, ¶ 3,  U.N. Doc. S/RES/446 (Mar. 22, 1979).

international media.[162] These actors have also called the settlements illegal under

international law,[163] furthermore, international and Israeli human rights organizations

consider the settlements illegal as well.[164] However Israel disputes this;[165] several

scholars and commentators disagree, citing recent historical trends to back up their

argument, [166] but it has not changed the view of the international community and human

rights organizations.  As of 2006, 267,163 Israelis lived within the West Bank and East

Jerusalem.[167]  Palestinians major objection is that the settlements are impractical in that

they divert resources needed by Palestinian towns, such as usable farm land, water, which

is low in supply, and other resources.  Furthermore, Palestinians argue that settlements

reduce their ability to travel freely via local roads, owing to security considerations.

Various mediators and several proposed agreements have shown some degree of

openness to Israel retaining some fraction of the settlements which currently exist in the

West Bank; this openness is based on a variety of considerations, such as: the desire to

find real compromise between Israeli and Palestinian territorial claims,[168] Israel's

position that it needs to retain some West Bank land and settlements as a buffer in case of

future aggression[169], and Israel's position that some settlements are legitimate, as they

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[162] 700 housing units to be built in W. Bank, Jerusalem Post, Sep. 4, 2006, *available at* http://www.jpost.com/servlet/Satellite?cid=1154525999272&pagename=JPost%2FJPArticle%2FShowFull

[163] U.N. SCOR, 34th Sess., 2134th mtg. at 21, U.N. Doc. S/PV.2134 (Mar. 22, 1979).

[164] Susan Rockwell & Charles Shamas, A Human Rights Review on the EU and Israel – Relating Commitments to Action 55-56, Euro-Mediterranean Human Rights Network (Dec. 2004).

[165] Israel Confirms Settlement Growth, BBC News, Mar. 21, 2005, at ¶ 10, URL: http://news.bbc.co.uk/2/hi/middle_east/4367787.stm

[166] Alan Dershowitz, The Case for Israel 176-177 (2003).

[167] Tovah Lazaroff, Report: 12,400 New Settlers in 2006, The Jerusalem Post, Jan. 10, 2007, at ¶ 2, URL: http://www.jpost.com/servlet/Satellite?c=JPArticle&cid=1167467697743&pagename=JPost%2FJPArticle %2FShowFull

[168] Bill Clinton, Remarks to the Israeli Policy Forum on Israeli-Palestinian violence and his proposals for a peace accord, (Jan. 7, 2001).

[169] Dore Gold, What Happened to Secure Borders for Israel?, Jewish Council for Public Affairs, (Jun. 23, 2000), URL: http://www.jcpa.org/jl/jordanvalley-dg.htm

took shape when there was no operative diplomatic arrangement, and thus they did not violate any agreement.[170]

President George W. Bush has stated that he does not expect Israel to return entirely to the 1949 armistice lines, due to "new realities on the ground."[171] One of the main compromise plans put forth by the Clinton Administration would have allowed Israel to keep some settlements in the West Bank, especially those which were in large blocs near the pre-1967 borders of Israel.[172] In return, Palestinians would have received some concessions of land in other parts of the country.[173]

The ICJ continues to request that Israel comply with previous UN resolutions that call for it to dismantle all settlements. It has stated "that provision [article 49(6)] prohibits not only deportations or forced transfers of population such as those carried out during the Second World War, but also any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory" and "concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law."[174]

Save for its opinion on East Jerusalem, Israel should take the ICJ's recommendation on this issue, whether it be legally sound or not, to heart. For the sake of long-term peace, Israel should completely remove itself from the territories in the West

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[170] Jeffrey Helmreich, Diplomatic and Legal Aspects of the Settlements Issue, Jerusalem Center for Public Affairs, (Jan. 19, 2003), URL: http://www.jcpa.org/brief/brief2-16.htm
[171] Israel to Keep 'Some Settlements', BBC News, Apr. 12, 2005, URL: http://news.bbc.co.uk/2/hi/middle_east/4436739.stm.
[172] Ray Hanania, *Camp David Revisited*, The Daily Herald (2004) (reviewing Dennis Ross, The Missing Peace (2004)).
[173] *Id.*
[174] *supra*, note 43 at ¶ 120.

Bank in order to move forward from all conflict and finalize the borders with Palestine. The international community, along with the U.N., should encourage Israel to do so and actually promote and attempt to enforce the resolutions it has passed. Without the UN garnering international support for the resolutions and committing to a strategy for enforcement of its resolutions, Israel will be less inclined to act on them. A possible compromise, although incredibly unlikely to be accepted by the Palestinian side, would be to remove all settlers except for those currently found in Hebron, due to its historical significance and the presence of a Jewish population in the city since ancient times. Israel would have to prevent any new migration to the city of Hebron. This would maintain the historical presence that already exists in a city that Israel considers extremely important to maintain, while removing all other settlements and thus still essentially eliminating any actual blurry border and taking a major step in creating a more defined one along the West Bank, with the help of the barrier.

However, if Israel were to suggest this method, and in the unlikely scenario where it would be accepted by the Palestinian side (or the international community), then Israel would have to maintain a less strict border along the West Bank, leading to potential breaches of the border by terrorists, which essentially contradicts the purpose of the barrier and jeopardizes the enforcement of Palestinian independence. As stated earlier, strict borders will allow for the Palestinian state to be free from dependence upon Israel and develop in the long-run. Any link or connection giving access to Israeli resources, whether it be through Jewish settlements on Palestinian territories or other access points, is dangerous and creates a somewhat slippery slope that should be avoided if possible.

## VI. The Psychological Complexity of the Conflict

The Israeli-Palestinian relationship has shifted tremendously from the time of the state's founding to the signing of the Oslo accords and beyond.[175] The past five decades have seen such events as the wave of anti-Israel and anti-Jewish terrorism in the 1970's, the 1986 Israeli law banning contact between Israeli citizens and the PLO (except under the auspices of academic conferences), and PLO leader Yasser Arafat's 1988 speech of the United Nations in Geneva where he declared his acceptance of a "two-state solution" (a Palestinian state alongside Israel, rather than the rejection of Israel's existence outright) in the Middle East.[176] Each state wants some sort of peace and the ability to co-exist with the other, but neither is sure of the actual and psychological cost of this peace, or whether this peace is *actually* possible.

The Israeli-Palestinian conflict is incredibly unique in the psychological sense. Instances where the stronger adversary agrees to seek peace are rare and can sometimes be difficult to analyze. While most weak parties to conflict do not have to be pushed to the table, in most cases the stronger actor is more willing to prolong the status quo.[177] This is particularly the case in anti-occupation uprisings, where any feasible settlement will in all likelihood result in withdrawal.[178] In traditional warfare, the stronger state may be motivated to stop fighting because of prospective war spoils.[179] On the other hand, for an occupier, withdrawal usually leads to a net material loss.[180]

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[175] Mira M. Sucharov, The International Self 14 (2005).
[176] *Id.*
[177] *Id.* at 2.
[178] *Id.*
[179] *Id.*
[180] *Id.*

Israel consists of Israel proper and the "occupied territories."  Israel proper consists of the land between the Gaza Strip and the West Bank, northeast of Egypt, west of Jordan, south of Lebanon, and southwest of Syria.  The "occupied territories" consist of the Gaza Strip, the West Bank, and the Golan Heights, which Israel acquired in the 1970 Yom Kippur War and are on the border of Israel and Lebanon. In the case of the Israeli-Palestinian conflict, this is a strange case because Palestinians ideally desire for the Israeli people to get up and leave Israel proper, which they consider to be wrongfully occupied by Jews (albeit not officially), so that they can lay claim to the entire region formerly known as Palestine.

On the other hand, there are many in Israel that believe it does not really have the option to even leave the "occupied territories," as doing so would eliminate a buffer zone between surrounding Arab nations and would likely allow these nations to come in and set up rockets aimed directly at Israel proper.  Furthermore, there is not a soul in Israel who sees complete withdrawal from Israel proper as an option.  Not only would complete withdrawal present a material loss, but it would eliminate the existence of the state of Israel, leaving the Jewish people without a nation once again.  There is no doubt that the Palestinian people would ideally jump at the opportunity to lay official claim to Jerusalem and what is now Israel, if they were given this chance; however, this is simply not a plausible reality for the Israeli people.  The post-reality of the Holocaust completely shifted the mindset of the entire Jewish population worldwide.  The idea of continuing on without a homeland basically leaves open the opportunity for persecution in unwelcoming nations.  Israeli leadership, guided by Israeli popular support, will do everything in their power to prevent this type of threat from becoming a reality.

However, the conflict remains as one between two nations who claim the other is occupying parts of its rightful land.

In most other situations where one group of people occupy the land of another, such as what occurred in South Africa, the occupiers can only lay claim to the land as far back as imperialism will date. The world cannot blame native Africans living in South Africa for trying to regain their leadership stake in their native homeland. A similar situation might have occurred in the United States had the US Government not chosen to almost completely wipe out the Native American population. Whereas, Israel and much of the region surrounding it, have been home to Jews dating back to biblical times. However, the same can be said for the Palestinian people, albeit in a far different sense (Palestinian migration to the British Mandate of Palestine mostly began in the 20th century, although the ancestors of Palestinian Arabs lived in surrounding Arabic nations). And this is where the conflict becomes totally unique. There are two nations claiming the same territory which they each have called their homeland dating back to biblical times. However, the psychological aspects and the way each state views the conflict are quite different.

States, being collections of individuals, share some elements of human psychology.[181] One of these is self-image, meaning the way a nation or entity perceives its specific place in the world.[182] This self-image, also known as role-identity, usually leads to corresponding foreign policy actions, or something called role behavior.[183] If a state happens to deviate from its self-prescribed role by adopting a sustained policy course that clashes or contradicts with its role-identity, then elites and masses will

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[181] Sucharov, *supra* note 175, at 2.
[182] *Id.*
[183] *Id.*

experience cognitive dissonance arising from the contradiction between the state's actions and its identity.[184] The dissonance is made apparent to decision-makers by international and/or domestic actors holding up a "mirror" that serves to dredge up unconscious counter-narratives that represent what the state fears becoming.[185] Once this dissonance has taken hold, we can expect elites to take radical action to realign their country's policies with its role-identity.[186] Thus, a self-perceived "defensive" state that acts "aggressively" over time can be expected to extend an olive branch to its most intimate adversary, in order to restore its more pacific self-image.[187]

A state's role-identity is transferred and engrained within society through popular artifacts such as folk songs, liturgy, plays, films, novels, school curricula, and advertisements, as well as institutional channels including conscription policies, war memorials, national logos, the national anthem, and the flag.[188] This identity in turn, stems from the early regional and global experiences of the state, as well as whatever pre-state historical events the nation experienced and documented.[189]

Israel's early state experience emanated from three sources: the experiencing of rejection by the surrounding Arab states; ambivalence by the British Mandate in Palestine; and an international community that seemed to be against the fledgling country.[190] Israel's pre-state historical memories range from events such as the heroic David and Goliath myth to the tragedy of the Holocaust, and also include the important incidents that symbolize the courageous fight of the few against the many that occurred

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[184] *Id.* at 2-3.
[185] *Id.* at 3.
[186] *Id.*
[187] *Id.*
[188] *Id.*
[189] *Id.*
[190] *Id.*

on what is now Israel, including the fall of Masada, the Bar Kokhba revolt, and the Battle of Tel Hai.[191] These ancient and modern events, coupled with the early experiences of the state in its regional surroundings, led the State of Israel to develop a "defensive-warrior" role-identity, alongside which the IDF has nurtured a "security ethic" that sanctions only wars of "no alternative" that employ "purity of arms."[192] However, Israel's unconscious counter-narrative approximates the idea that 'we are not only defensive, but sometimes we can be aggressive,' and it is this concealed aggressiveness that Israel, while perceiving itself as a defensive state, fears in itself in a post-Holocaust reality.[193]

However, when examining the psychological role-identity of the Palestinian people in relation to Israel, one has to examine the history of Palestinian nationhood as well. Palestine was administered by the Ottoman Empire until World War I, and then by the British Mandatory authorities. Israel was established in parts of Palestine in 1948, and after the 1948 Arab-Israeli war, the West Bank and East Jerusalem were occupied by Jordan, while the Gaza Strip was occupied by Egypt, with both countries continuing to administer these areas until Israel occupied them during the 1967 war.

Avi Shlaim, a historian and professor at Oxford University, explains that the idea of a Palestinian nationalism emerged in the aftermath of the First World War and it was forged in the crucible of the conflict with the Zionists.[194] The Zionist movement in Palestine posed a challenge and led to the emergence of the Palestinian sense of

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[191] *Id.*
[192] *Id.* at 3-4.
[193] *Id.* at 4.
[194] Inteview with Avi Shlaim, Professor of International Relations, Oxford University, (Jun. 16, 2004), URL: http://www.thenation.com/doc/20040628/attapatu.

nationhood.[195]  This challenge was answered by displaced Arabs who moved to the

British Mandate of Palestine to reap the economic benefits of Jewish immigration to the

region.[196]  As a result, many believe that the very idea of a Palestinian nation was birthed

as simply a response to the new reality of a future Jewish nation that was bound to come

into existence in the mid 20th century.

Thus, the Palestinian identity is arguably entirely based upon a reflex to the

emergence of a Jewish nation.  The land was officially given to the Jews, and the

Palestinians became the "occupied" and the "oppressed," specifically, "occupied" and

"oppressed" by the Jews, using this cause to unite themselves as a nation and build a

national identity over the next half-century.  This role-identity of being the

"oppressed/occupied" has been fixed and engrained into nearly every Palestinian who has

lived over the past 50 years.  It has essentially become nearly a permanent part of the

Palestinian identity and it has led to immediate celebration in the Palestinian territories

upon any Israeli harm or failure, as well as the desire by many Palestinians to harm Israel

and seek its failure.  Therefore, one must ask the question as to whether this identity of

being the nation who has been "occupied" and "oppressed" by the Jews since its

inception, the same nation whose majority of citizenry rejoice when Israel is threatened

or harmed, can actually evolve and allow for a new identity to form, i.e. one that will

allow for the Palestinian people to "forgive" its "occupiers" and move forward so that

development can ensue?

The answer is that while a two state-solution is possible, and will eventually be

forced upon the Palestinian people whether they seek to attain it or not, which they claim

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[195] *Id.*
[196] *Id.*

they do, permanent peace is unlikely regardless. Either way, it seems unrealistic that the Palestinian people, with their collective role-identities in mind, will simply be able to forgive its occupier and move on once their nation is born. If their leadership encourages this type of progression away from this strongly engrained role-identity, it is likely that the citizens will experience some sort of cognitive dissonance, since to forgive its occupiers, or simply not be occupied at all, contradicts the nation's role-identity.

Furthermore, one can simply look to history when seeking an answer to this question. In 1947, the United Nations voted in favor of a two-state plan partition plan and wished to hand over the British Mandate of Palestine to both the Jews living in the region and Palestinian Arabs. Ironically, this plan would have given the Palestinians far more territory than they currently occupy today. Yet, while the Jews accepted the UN plan, the Palestinians rejected it, leading to Israel being invaded by six Arab armies the same day it declared its independence. Judging from this history, one gets the impression that Palestinians will always consider most of Israel as land that is unrightfully occupied by the Jews regardless of the amount of territory the Palestinians are given. As a result, while there will be periods of peace and ceasefire, there will also be instances of arguments and clashes. However, this is a viable peace, and one that both nations will probably and hopefully be able to co-exist in.

## Conclusion

Today, the right of the Palestinian people to self-determination is generally recognized, having been affirmed by the Security Council, the General Assembly, the International Court of Justice and even by Israel itself.[197] About 100 nations recognize

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[197] U.N. GAOR, 62nd Sess. at 4, U.N. Doc. A/62/275 (Aug. 17, 2007).

Palestine as a state, with Costa Rica being the most recent country to do so, in February 2008.[198] Unfortunately, Palestinian sovereignty over its territories remain limited, even more so now that there is a potential civil war on hand between the Hamas and Fatah factions.

However, Israel should allow for the events in the Palestinian state to play themselves out with minimal interference so long as the events do not effect Israel directly. Israel should comprehensively close if borders if possible, and will be able to do so more effectively by building and maintaining strong barriers along the borders of the West Bank and Gaza Strip. Furthermore, the barriers effect will be much greater once Israel agrees to enforce its obligation to remove all Israeli settlements within the West Bank territory. Once it does so, it can completely sever Palestinian dependence on Israeli resources, thus, forcing Palestine to harness its resource and develop itself technologically, fostering economic growth and development in the long run. The Supreme Court of Israel should consider the negative effects of continued Palestinian dependence on Israeli employment and resources before deciding on the legality of barriers in the near future.

However, once the two states are permanently separated and Palestinians will essentially be forced to live side by side and coexist with the state of Israel, it is unlikely that they will be able to remove their current role-identity and accept the state of Israel the way it currently lies. The Palestinian people along with the Palestinian leadership will most likely always consider Israel as an occupier of land that does not rightfully

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[198] How Many Countries, Recognize Palestine as a State?, Institute for Middle East Understanding, URL: http://imeu.net/news/article0065.shtml

belong to it, thus, regardless of any ceasefire or lasting peace that may exist in the future, there will always be strong tension between the neighboring nations without any true acceptance.