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## PALESTINIAN – ISRAELI CONFLICT: THE PRICE OF THE STATU QUO

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For some time now negotiations between Palestinians and Israelis have generated little expectation. A climate of scepticism has pervaded political, diplomatic and journalistic circles, and became even more patent during 2010, despite the brief renewal of direct talks between the parties, with a meeting between Benjamin Netanyahu and Mahmoud Abbas in the White House after twenty months without formal dialogue. Like a self-fulfilling prophecy, talks floundered weeks later, after the Israeli Government's decision to resume the building of Jewish settlements in the West Bank, amid protests by Palestinians and the international community. The persistent blockade of dialogue in recent years has cast doubts upon the would-be intentions — and the political capacity — of Barack Obama's administration to give the Middle East peace process a definitive push. Nevertheless, from a historical standpoint it is merely the latest stage in an ebb and flow of negotiations which in the last two decades has yielded no results when the conflict's key topics are addressed: the definition of borders, the future of the settlements, Jerusalem as capital and the return of the Palestinian refugees. In the last decade, the situation has given rise to recurring episodes of violence of varying intensity which, since the outbreak of the second Intifada from 2000 until September 2010, have run up a death toll of almost 7,500 victims, 85% of them Palestinians.<sup>1</sup> In parallel, this gave rise to a series of Israeli policies being imposed on the ground. The advance of the settlements, the building of the separation barrier and the growing control of East Jerusalem have gained ground in the framework of an apparent status quo which is not immobile, since in practice, certain policies of accomplished events consolidate Israel's positions as it becomes increasingly more difficult to imagine the feasibility of a future Palestine state.

Without needing to witness incidents of direct violence, any interested observer who travels to the zone can grasp the consequences of this scenario in a few snapshots of the occupation. A visit to Hebron, to the barrier or a trip through East Jerusalem give us an idea of the specific realities of this conflict that do not appear in the headlines of high-level international policy.

Located 30 kilometres from Jerusalem, Hebron has religious significance for Jews, Christians and Muslims since, according to tradition, Abraham, his wife Sarah, their son Isaac and their grandson Jacob are buried there. Throughout history, a Jewish minority has coexisted with a Muslim majority in Hebron, although the town has also been the setting for violent events that have made it sadly infamous, particularly for two massacres — one involving Jewish victims and another with Muslims — that occurred in the 20th century.<sup>2</sup> Last year, the city was back in the headlines for the murder of four settlers by Hamas in the surrounding area, one day before the meeting between Netanyahu and Abbas in Washington. At the moment, Hebron is acknowledged as one of the most complicated areas of the occupied territories and is the only Palestinian city in the West Bank with a Jewish settlement right in its centre. Some 166,000 Palestinians coexist with 800 settlers in the city, which was split into two parts in the framework of the Oslo Peace Process. The Hebron agreement, signed in 1997, established the creation of an area called H1 under the full jurisdiction of the Palestinian Authority and another area, H2, which was left under Israeli military control, and which corresponds to 18% of the city. This area houses the settlers' districts, but there are also 35 thousand Palestinians. As of the second Intifada, the Israeli military also advanced positions in the H1 area and at the same intensified the separation policies between Israelis and Palestinians in the H2

area. Purporting to provide safety to the settlers, the Army has created "protection areas" in which strict movement restrictions have been imposed on Palestinians, causing more than 40% of the Palestinians in this area to abandon their homes in recent years, to say nothing of the closure of more than 70% of Palestinian businesses in the centre of this Palestinian city, the second largest one in the West Bank.

It takes some 40 minutes to get from Jerusalem to Hebron, during which you can see on the ground what human rights NGOs denounce in documents and maps. The coloured lines in the city's streets correspond to actual routes or places where Palestinians cannot drive, open businesses or even walk through. Control and tension are evident. Young Palestinians who try to sell drinks or handicraft products to visitors are roughly pulled away by the Israeli soldiers when they try to cross the no-go area, which may simply be an avenue such as Shuhada Street. The former commercial heart of Hebron is now a ghost street. Photographs from 1999 bear witness to the bustling activity of the area's fruit market, where all that remains today are closed metal doors, barbed wire, graffiti insulting Arabs and murals that claim the historic Jewish presence in the city and denounce the appropriation of land and housing after the massacre of 1929. The few houses inhabited by Palestinians in this street have their entrances closed up and the balconies are totally fenced up as well, obliging them to open up accesses on the other side of their homes. Only the settlers are allowed here. So too are foreigners, although the visits organised by NGOs like Breaking the Silence — comprised of former Israeli soldiers who have denounced the abuses of occupation — require a police escort, due to the distrust they generate in the settlements' inhabitants. Palestinian NGOs, but Israeli ones as well, have criticised the segregation policies implemented in Hebron, arguing that they exceed real security needs and in practice facilitate the expansion of settlers and Israel's control of the territory. This claim is also reinforced by the Army's control policies on the population — permanent patrols, intimidations, night-time searches — and by the official *laissez-faire* attitude with regard to the violence perpetrated by the settlers, who in Hebron

are among the most radical and regularly act with impunity against the Palestinians without the Government, as the occupying power, fulfilling its obligation to maintain order and law and protect the whole population. In the words of one of the many Israeli soldiers who served in Hebron and could only look on as he witnessed many attacks perpetrated by settlers during his tour of duty: "You are here to protect the settlers. You are a soldier, not a policeman".

The situation in Hebron is not the most extreme one, but it is one of the most visible, a model of what occurs in the rest of the occupied territories, where there are more than 130 settlements, with a population of more than half a million people.<sup>3</sup> The United Nations has repeatedly called upon Israel to stop building these settlements, which are illegal according to international law, since the occupying power is not allowed to send people to the occupied territory and create elements on the ground to consolidate its control. The settlements have not only turned the map of the West Bank into a leopard skin devoid of territorial continuity, but also — as NGOs such as B'Tselem point out — have led Israel to apply different legal regimes to people in the same territory, where rights depend on nationality.

In this context, the separation barrier has also allowed Israel to consolidate its territorial control. Built since 2002, after a series of suicide attacks in Israel in the framework of the Second Intifada, the separation barrier was condemned by the International Court of Justice — the United Nations' primary judicial organ — which in an advisory opinion in 2004 considered that it could not be justified for reasons of national security or legitimate defence and that it should be dismantled. At this moment in time, 58% of the planned perimeter of the barrier has already been built, while 85% of it surpasses the Green Line, limiting large settlements such as Ma'ale Adumim and Ariel, which the Israeli Government would seek to annex, or going deep enough into the West Bank to cater to the future growth expectations of some colonies. Besides its grim appearance — metres of reinforced concrete and/or barbed wire — the barrier has had a serious impact on the lives of many Palestinians to the west of the barrier in terms of access to health services, educa-

tion, religious sites and contact with their relatives. In some cases, farmers have been cut off from their lands or water wells, and are obliged to apply for permits from Israel to be able to grow crops or work the land. Incredible cases arise, such as small towns or villages completely surrounded by the wall, the granting of a single permit to an 80-year-old grandfather who is incapable of harvesting olives alone, or problems moving ill people through checkpoints that do not allow vehicles through. In areas such as Bethlehem, the barrier has been used as canvas for graffiti, murals and political messages. By way of anecdote, and much to the surprise of visitors, the barrier was even used in one case by a restaurant owner to write the menu, whereas during the waiting times to get through the checkpoints — which turn trips that should take 20 minutes into ordeals lasting hours — it is not unusual to see Muslim bus drivers get off the bus with their mat under their arm to fulfil their praying ritual as they wait for the passengers to trail through the military checkpoint.

One of the places where the presence of settlements and the wall have had the greatest impact is in East Jerusalem, where the Palestinians wish their future state capital to be. The area, under Jordanian control until the 1967 war, was annexed by Israel in 1980, in a decision not recognised by the international community. The Palestinians born or living in the city were regarded as "permanent residents", a status that does not allow them to vote in Israeli elections. One third of the annexed 70 kilometres — 6 in an urban area and 64 of agricultural lands of 28 Palestinian villages — has been expropriated from Palestinians to build 12 settlements in which there are more than 194,000 settlers. East Jerusalem was not included in the moratorium on the building of settlements declared a few months ago by the Netanyahu administration, because the Government considers the whole city as the capital of Israel, hence the announcements of the building of new houses in the area continued through 2010.<sup>4</sup> Numerous NGOs have denounced that besides promoting colonisation, Israeli policies have limited new buildings in Palestinian areas, through, for example, declaring extensive areas as "green areas" where building is forbidden or limiting the authorisation of

new buildings, despite the increase in the Palestinian population. This situation has led to high population density in the Palestinian neighbourhoods<sup>5</sup> and in frequent demolitions of buildings that have been built without authorisation.<sup>6</sup> A recent and emblematic case concerns the people of Silwan, a motley Palestinian neighbourhood located in the south of the old city, where 22 houses<sup>7</sup> have received demolition orders because the municipality wants to build an archaeological park there. The families do not know when the measure will be executed and are waiting in anguish. "We are not criminals", asserts one of the leaders of the affected group, confessing that they have extended their houses without permits after years of unsuccessfully applying for them to the local council. He has no problems with the Israelis, he says, but he does with the settlers who have set up in the heart of the neighbourhood. Silwan has become a powder keg, the scene of clashes between Palestinians and settlers and the private security that protects them, in events involving minors.<sup>8</sup>

The building of the barrier around the city limits of Jerusalem defined by Israel has also affected thousands of Palestinians who live in the adjacent neighbourhoods. If they have permission to enter the city, they can only do so through three of the 16 checkpoints along the barrier, accesses that may be closed down at any time on the decision of the Israeli authorities, and which often generate major tailbacks. "My daughters arrive at school late almost every day," complained one Palestinian. A walk along the barrier area in East Jerusalem shows that it has been used to exclude Palestine majority neighbourhoods from the city and to preclude population growth. From the roof of a building located to the west of the barrier you can see how the barrier zigzags so as to exclude the area of Abu Dis — and the skeleton of the building which is supposed to house the Palestinian Parliament — leaving some of the lands belonging to the Jewish-American entrepreneur and settlement fundraiser, Irving Moskowitz, inside it.

In the current scenario, few people would bet on a rapid and successful way out of the impasse in negotiations. Netanyahu's government has

accepted the possibility of a Palestinian State, albeit demilitarised, and provided that Israel maintains control over the border with Jordan. Moreover, it has tabled the demand that the Palestinians recognise the Jewish State of Israel and that a referendum be held before any decision is made on East Jerusalem. The room for manoeuvre of Mahmoud Abbas' government has been eroded, among other reasons by accusations of corruption, of complicity with Israel in certain policies and by the political division between Fatah and Hamas, although there are signs that the Islamist party might accept an agreement with Israel if it were approved in a referendum by the Palestinians. In view of the stalemate in the dialogue, the Palestinians are working on a "Plan B" which in coming months would seek international recognition of the Palestinian State according to the 1967 borders. In this context, some observers have backed the continuation of the status quo — although a possible resumption of the negotiations does not necessarily mean major transformations on the ground — or by future modifications in the scenario due to international pressure or changes in the regional scenario. Few people would completely rule out a further outbreak of direct violence. The previous Intifadas weren't predicted either", they state.

On any given day in the old walled city of Jerusalem, on the route from the Damascus Gate to the Wailing Wall and Temple Mount, the shops in the Muslim neighbourhood close early because there is a march by Jewish settlers. The police clear the area and patrol the route, while the hotels advise their guests not to venture out. Through the chinks of a window in the Via Dolorosa you can see families of settlers stroll by, singing and banging the doors of the Arab houses. The next day a Palestinian neighbour says. *"I would rather leave. I have four children. I spent several years in prison after the second Intifada and I do not want to spend any more time in a prison. But if something breaks out here, in Jerusalem, I don't know if I could keep out of it"*.

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- 1 These data were offered by B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories in a report titled *"Ten years to the Second Intifada: Summary of Data"* on 27 September 2010.
  - 2 The first one of them took place during the British Mandate of Palestine in the midst of growing tension between Zionists and Arab nationalists, leading to the murder of 67 Jews in 1929 and the evacuation of the rest of the city's Jewish population. The second one took place in 1994, when a Jewish extremist shot 29 Muslims dead during Ramadan, in an event that prompted a call by the United Nations to establish an international presence in the city.
  - 3 According to the Israel Central Bureau of Statistics, in 2009 the settlers accounted for 6.5% of the Israeli population.
  - 4 During the first quarter of 2010, the announcement of the building of 1,600 new houses in East Jerusalem, coinciding with a visit to Israel by the Vice-President of the USA, Joseph Biden, sparked the worst diplomatic crisis in decades between Israel and Washington and led Abbas to go back on his decision to resume indirect talks with Israel. The building of a further 625 houses in the area was announced at the end of the year.
  - 5 According to data furnished by B'Tselem, the population density in the Palestinian neighbourhoods was 11 square metres per person, while it was 24 square metres per person in the Jewish areas.
  - 6 According to the data from the Palestinian Ma'an Development Center, some 2,000 Palestinians homes have been demolished in East Jerusalem since 1967, while a further 25,000 have been destroyed on the West Bank.
  - 7 The plan originally affected 88 houses, but following the appeals, 66 buildings built without the authorisation of the Israeli authorities would be legal.
  - 8 The image of a Palestinian child knocked down by a settler was beamed all over the world last October. According to an investigation by B'Tselem reported in December 2010, at least 81 Palestinian minors have been arrested on suspicion of participating in stone-throwing. According to the organisation, the Israeli police have systematically broken the law that guarantees special rights to minors in the framework of criminal procedures, since many were arrested at night or were interrogated without their parents' presence.