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**“Jenin Estates” and a Paradigm Shift in Israeli-Palestinian Discourse:
From the Discourse on National Rights to the Discourse on Human Rights**

Kobi Michael

As part of his “ripeness theory” and its relation to international conflicts, William Zartman introduces the concept of a “mutually hurting stalemate.” His main contention is that the status of a conflict can evolve in the direction of dialogue and agreement only when the two sides reach the conclusion that continued violence will not lead to fulfillment of their political objectives. This argument can presumably also be applied to a case in which the two parties have yet to realize that continued use of longstanding strategies and ideological tools is not likely to benefit them.

Insofar as the political process with the Palestinians has proven insufficiently ripe for reaching a peace agreement, it is fundamentally futile, and as long as it attempts to achieve an end to the conflict, it has no chance. In other words, any effort to shape the process is futile in terms of the desired political benefit. Any time the US mediation effort attempts to tackle substantive issues, it hits a wall of resistance. Therefore, efforts are currently focused on an attempt to reach agreements concerning the continuation of the negotiations. In this sense, the effort is devoted to the process and not the substance.

The demands of the parties in the negotiations represent a national discussion, a discourse on national rights. The Palestinians seek to focus on the issue of borders and Jerusalem, while Israel’s focus is on security arrangements and the demand to recognize Israel as the nation-state of the Jewish people (a condition for an agreement, not for holding negotiations). However, this demand itself is sufficient to challenge the very process, given the fundamental Palestinian opposition to this condition. This in turn raises the level of Israeli suspicion concerning the true intentions of the Palestinians in the future and the irredentist potential of the future Palestinian state. In tandem, the level of Palestinian suspicion concerning Israel’s willingness to reach an agreement on the establishment of a Palestinian state along the 1967 borders, with minimal land swaps and with East Jerusalem as its capital, is increasing.

The focus on process rather than substance and the distrust, suspicion, and even personal animosity between the leaders of the two parties makes progress toward an agreement well-nigh impossible. Moreover, it increases the chances that relations between both parties and

the United States will sour and that the Palestinian entity will be weakened even further. Indeed, it is already a rather failed entity when measured by the performance of its institutions, its economy, its ability to provide for the public good, and especially its ability to ensure a monopoly on the use of force in the territories under its control.

At this point, a paradigm shift is needed that will lead to a focus on substance and to strengthened trust between the two sides to enable a more developed foundation for advanced negotiations toward a future agreement. The paradigm shift must start with a change in discourse. Specifically, the discussion must shift from national rights to human rights, focusing on the humanitarian rights of the Palestinian refugees in the Palestinian Authority (PA). The treatment of these refugees is even worse than the treatment of Palestinian refugees in the Arab countries, and these refugees are in essence being held hostage by the Palestinian leadership, which cynically seeks to perpetuate their misery and refugee status in order to foster the Palestinian national ethos and retain political power in the international arena. In doing so, the Palestinian leadership is violating the basic human rights of the Palestinian refugees, while fostering the destructive demand of “the right of return,” which essentially contravenes Israel’s right to exist as the nation-state of the Jewish people.

Israel, with the backing of the United States and the international community, should launch a process built on the humanitarian drive to bring relief to the refugee population living in the PA and transfer this obligation to the PA government, which would receive aid from Israel and the international community for this effort. New Palestinian cities can be established in Area C, which, with Israel’s agreement, would be transferred to PA responsibility, and Palestinian refugees can be rehabilitated there. The United Nations Relief and Works Agency (UNRWA), which over the years has evolved from a mechanism to resolve the Palestinian refugee problem to a participant in perpetuating their refugee status, would change its mission and become the international community’s representative for promoting this drive. UN aid and additional aid effort would be used for this purpose. Commercial and employment areas would be built next to the Palestinian cities, with the involvement of Israeli, Jordanian, and international developers, so that refugee rehabilitation would not be limited to housing solutions, but would include a comprehensive employment, education, and welfare package.

There is no question that a “Jenin Estates” or “Bethlehem Heights” project would become an economic and social engine in the PA’s economic, social, and infrastructure development. With appropriate, careful, and close input from the international community, it would also aid in developing the political infrastructure of the future Palestinian state. No less importantly, a move of this type would signal to Israel that there is a Palestinian willingness to soften, if not rescind, the demand for the right of return, without the Palestinian leadership having to declare at this point in time that it is willing to consider recognizing Israel as the nation-state of the Jewish people. Such willingness could surface in due course, once a

project of this type advances significantly. At the same time, the Palestinian Authority will gain additional territories in a manner that signals Israeli willingness for real territorial compromise in due course and improves PA territorial contiguity, as well as economic and political recovery.

The Israeli and international effort must focus on the paradigm shift of improving the welfare of the Palestinian refugees. The international community must demand that the PA fulfill its basic obligation to its citizens and cease to exploit their misery. The international effort and international aid will be more effective and contribute far more effectively to the Palestinian Authority, certainly in contrast to the vast amount of money poured into the PA since its establishment in 1994. The extensive but largely uncontrolled aid of the past twenty years has not significantly advanced the PA and has certainly not led to relief of the population.

A move of this kind could swiftly improve the sad state of the Palestinian Authority and bring renewed hope to the refugee population. It would create a dynamic that could in turn lead to strengthened mutual trust, a focus on substance rather than procedure, and development of a foundation for negotiations toward a settlement in due course. If the PA refuses to act to improve the welfare of its people and prefers to perpetuate their status as refugees, this would be an indication of its future intentions and an attempt to challenge Israel in international institutions. In many senses, the PA is perpetrating a kind of humanitarian crime against its own people. Unfortunately, it is relying on the UN aid agency and on the naivete, in some cases deliberate, of the international community. In talking about human rights, the Palestinian leadership would do well to take real action. It is reasonable to assume that Israel and the international community will be there alongside the PA.

