

Israel Can't Have It Both Ways

Recognize Palestine or Grant Equal Rights

BY SAM BAHOUR AND TONY KLUG

EVER SINCE IT BECAME clear that the U.S. Secretary of State, John Kerry, had failed to cajole the Israeli and Palestinian leaders into finally ending their conflict, the pressing question has been, what next? Now, with the Israeli prime minister being reelected on a “no-two-state platform,” the need to answer this question is more pressing than ever before.

For over twenty years process has trumped outcome, but it is now in danger of being out-trumped itself by the total collapse of the only internationally recognized paradigm for a solution to the conflict. A new international strategy urgently needs to be devised as an alternative to failed bilateral negotiations.

Our proposal takes as its starting point the need to resolve two crucial ambiguities regarding Israel's control of the West Bank and Gaza, its rule over the Palestinians, and the colonization of their land.

First, is it, or is it not, an occupation? The entire world, including the United States, thinks it is and therefore considers the Fourth Geneva Convention and other relevant provisions of international law to apply. The Israeli government does not accept this except when it suits it, notably in not granting Palestinians under its rule the same rights as Israelis. This ambiguity has served the occupying power well.

Second, at what point does an occupation cease to be an occupation and become a permanent or quasi-permanent state of affairs?

Our contention is that the occupying power should no longer be able to have it both ways. The laws of occupation either apply or do not apply. If it is an occupation, it is beyond time for Israel's custodianship—supposedly provisional—to be brought to an end. If it is not an occupation, there is no justification for denying equal rights to anyone who is subject to Israeli rule, whether Israeli or Palestinian. Successive Israeli governments have been allowed to get away with a colossal

bluff for nearly forty-eight years. It is time to call that bluff and compel a decision.

The Israeli government should be put on notice that, by the fiftieth anniversary of the Occupation, it must make up its mind definitively, one way or the other. Half a century is surely enough time to decide. This would give Israel until June 2017 to make its choice between relinquishing the occupied territories—either directly to the Palestinians or possibly to a temporary international trusteeship—or alternatively granting full and equal citizenship rights to everyone living under its jurisdiction.

Should Israel not choose the first option by the target date, the international community may then conclude that Israel's government has opted by default for the second option, that of civic equality. Other governments, individually or collectively, and international civil society may then feel at liberty to hold the Israeli government accountable to that benchmark. To be clear, this is not a call for a unitary state. How Israelis and Palestinians wish to live alongside each other is for them to decide. The international community's role is to crystallize this.

The bottom line is that until the Palestinians, like the Israelis, achieve their primary choice of self-determination in their own state (if ever they do), they should no longer, in the modern era, be denied equal rights in whatever lands they inhabit, including Arab states. In the case of Israel and its indefinite Occupation, this means putting an end to ambiguities that have lasted far too long. ■

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