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Do Not Let Go of the Green Line: It Is Israel's Achilles Heel

By: Nadia Hijab · February, 2017

The poet Dylan Thomas urged his father – and all those approaching death – "Do not go gentle into that good night" but "rage, rage against the dying of the light." The death of the two-state solution has been foretold for nearly 20 years, after it became clear that Israel had signed on to the Oslo peace process in 1993 with no intention of allowing a sovereign Palestinian state.[1]

And yet the light has refused to die. It has been in every country's interest, including Israel and the Palestine Liberation Organization/Palestine (PLO/Palestine), to maintain flickers of life in the two-state possibility despite Israel's relentless colonization of the occupied Palestinian territory (OPT) that has so far planted some 200 settlements and 600,000 settlers there, acts that constitute war crimes under international law.

For Palestinians living in the gray area of occupation the most basic freedoms of life, liberty, movement, health, and access to water, among others, are violated daily. Palestinian refugees and exiles are largely left to their fate, and the Palestinian citizens of Israel are expected to deal with the Israeli state's discrimination and dispossession as best they can. Overall, the stagnation of the Palestinian body politic prevents effective, collective Palestinian action.

However, if the Palestinians are too powerless, as yet, to break out of this gray area, the Israeli right wing and the settler movement believes it is not. It has built

up its strength over the decades and penetrated the army, political system, and the judiciary, its considerable power fully backed and paid for by the Israeli state. Neither the US nor the European Union has put any cost to its colonization of the West Bank, including East Jerusalem. On the contrary the US, the EU and its member states, and countries in Asia, Africa, and Latin America want to maintain military and trade relations with Israel.

The settler movement no longer wants to exist in the murkiness of the two-state scenario: It seeks the clarity of formal annexation of the rest of the OPT (Israel has already illegally annexed Jerusalem) or at least of Area C, which accounts for some 60% of the West Bank. This is the goal, for now, of Israeli right-wing leader and Education Minister Naftali Bennett, who gleefully announced that "t he era of a Palestinian state is over" after Donald Trump won the American presidential elections.

The bill Bennett's Jewish Home Party pushed through the Knesset on February 6, 2017 to "regularize" illegal outposts like Amona, which are built on privately-owned Palestinian land, was intended to make a clear statement as to who owns the land of Palestine and who holds real power in Israel. The bill was described as land theft even in Israel amidst warnings that the move would land it at the International Criminal Court.

The horrified response of the international community to the "regularization" bill was almost comic. The German foreign ministry said its trust in the Israeli government's commitment to the two-state solution had been "fundamentally shaken," while France called on Israel to take back the law and honor its commitments. Where have they been for the last 50 years while these war crimes were under way? All the settlements Israel has built, whether on empty land or on the ruins of Palestinian homes and lands, are illegal under international law, as is the unceasing exploitation of Palestinian natural resources. Moreover, Israel's continued use of force to maintain the occupation prevents the Palestinian people

from enjoying their internationally recognized right to self-determination. At present, world powers are hoping that an Israeli High Court ruling against the bill will save them from having to do something to stop Israel's neocolonial practices.

Israel Can't Legalize Its Conquests: That Would Threaten the Global Order

What this episode has demonstrated, more than anything, is that despite all its maneuvering Israel has not yet been able to erase the Green Line altogether and legalize the permanent acquisition of the OPT. To date, the international community does not recognize its formal annexation of East Jerusalem or its unilateral claim to West Jerusalem. The world maintains that Jerusalem has a separate status (*corpus separatum*) under the 1947 Partition Plan and its status can only be agreed through negotiations.

Even though the international community has not held Israel accountable in an effective way – for example, the much-ballyhooed European Union labeling of settlement goods that enter the EU market has had minimal impact – it will not sign off on Israel's colonization project and give it legitimacy in the eyes of the world.

In short, Israel cannot repeat the original victory of the Zionist movement in creating a state in Palestine, including the expansion of the boundaries of that state well beyond those set out in the 1947 Partition Plan, on which its existence was based. It is in the wrong century for this colonial project.

The Green Line – the armistice line at the end of the fighting between the Arab and Israeli armies in 1949 – underpins the international community's refusal to legalize Israel's occupation because it demarcates what the world considers as the Israeli state from the territory it occupied in 1967 and its illegal acts therein.

More importantly, the status of the OPT is not only something that concerns the Palestinian people: It concerns every other state that is vulnerable to loss of territory. And the threat posed by unilateral Israeli changes to the stability of the global order concerns Europe in particular, which has suffered through two world wars.

This is why UN Security Council Resolution 2334, which passed on December 23, 2016, is not only significant for the Palestinians: It is significant for the entire post-war order because it reaffirms the illegality of settlements and the application of international law – including the laws governing military occupation – to occupied territory. And this is why Israel's response to 2334 was so angry: Its ability to erase the Green Line took a major hit.

Although the hypocrisy of the international community is clear in the very different treatment of Israel's occupation of Palestine and Russia's occupation of Crimea, both are grounded in the same international law. Perhaps the most important statement to come out of the new US administration was that made by the US ambassador to the UN, Nikki Hayley, to the Security Council regarding the flare-up of violence in Ukraine earlier this month. She called for an immediate end to the Russian occupation of Crimea and declared that the US would not lift its sanctions against Russia until Crimea was returned to Ukraine. Given Trump's warm words about Russia, the statement came as a surprise, but no doubt a welcome one to the Europeans.

Letting go of the Green Line at this time would be a serious, perhaps terminal, mistake. The unlawful character of Israel's activities in the OPT maintains Palestinians' ability to pursue Israel and Israeli officials in international and national courts. It is also an important element in reinforcing the efforts of the boycott, divestment, and sanctions (BDS) movement established and led by Palestinian civil society.

To date, efforts at the state level have had only modest success because Israel has positioned itself to be valuable to the international community in trade, weapons development, and geopolitics. The exposure of the true intent of Israeli leaders regarding the permanent acquisition of the OPT by force makes this an opportune time for a concerted push by the PLO/Palestine for, at a minimum, the complete banning of settlement products and an end to dealings with Israeli state and private sector bodies, such as banks, that finance settlements.

The Green Line is Not About One-State vs. Two-States

The Green Line is seen as the border on which a two-state solution would be based. Yet arguing that Palestinians should not let go of the Green Line is not a statement of support for the political outcome of a two-state solution. Rather, it is an argument for using all possible and effective sources of power available without giving up inalienable Palestinian rights.

It is important to make this case at the present time because more voices among Palestinians and in the Palestine solidarity movement are calling for a shift of the Palestinian political goal from a two-state to a one-state solution or toward a civil rights struggle. These voices are likely to grow stronger given the anniversary of the 50th year of the occupation this coming June, with the Palestinians both in Israel and the OPT facing some of the most draconian Israeli threats to their existence on their land since the occupation began.

It is natural that a people in quest of national and human rights and their allies should want clarity about and unity on the end political goal. In addition, the growing split between those arguing for one state or a civil rights struggle, many of whom are Palestinian activists and their grassroots supporters, on the one hand, and those espousing two states on the other, of whom many are Palestinian officials and businessmen (as well as liberal Zionists), has been detrimental to the Palestinian ability to coalesce around collective action.

Unfortunately, achieving clarity of the Palestinian body politic around the end goal is not possible at this stage. It was possible around one state from 1969 to 1974 when the PLO program was based on a secular democratic state. It was also possible around two states in the years between the Palestinian declaration of independence in 1988 and the subsequent recognition of Israel until the end of the 1990s and the failure of the Oslo process.

Today, the Palestinians do not have the power to achieve a political end goal for the foreseeable future. This should not and does not prevent work to achieve interim gains, without compromising basic rights. That is, in fact, the position the BDS movement has taken: It is rights-based and not "solution-based." By not espousing a political end game, the movement can pull in the largest number of Palestinians and solidarity actors, enabling each to act in their own way to challenge Israel's rights violations. They can, in effect, focus on the occupation *and/or* on the rights of Palestinian citizens of Israel *and/or* on the rights of Palestinian refugees.

A great deal of energy is wasted on the end goal question that would be better spent on developing specific strategies to put a cost to Israel's occupation and rights violations. These can use either the rights-based approach to reach out to civil society, or the solution-based approach to reach out to governments and businesses. Neither need negate an ultimate political outcome of two states of Israel and Palestine, in which all citizens enjoy human rights, or of one Palestinian-Israeli state where all enjoy the full range of rights.

Thus, it makes no sense to give up any of the sources of power available to stop and reverse Israel's unlawful acts and to promote Palestinian rights, including, perhaps especially, the Green Line. The most immediate questions are how to avoid the upcoming pitfalls of negotiations led by a Trump administration, while taking advantage of Israel's own goal of revealing its true intentions vis-à-vis the OPT in a way that makes it impossible for anyone to turn a blind eye.

Dealing with the Deal-Makers

The Israeli right's move to legalize its outposts has underscored the reality that, despite its overwhelming power, it has no unilateral road to international recognition of its status in the territories. Only the PLO/Palestine as representative of the Palestinian people can agree to a change in status that allows Israel to keep some of its "spoils" – and it should go without saying that they must not do so; Palestinian civil society must make every effort to ensure that they do not. The coming period is full of dangers and challenges that will need clear and collaborative Palestinian strategies and actions.

One of the main dangers is Trump's desire to do a "deal" on Palestine and Israel. Israel will likely ramp up the economic and military pressure it exerts on the Palestinians under occupation, who are already very tightly squeezed. Moreover, the administration's approach is already heavily weighted against the Palestinians given the nomination of settler supporter par excellence, David Friedman, as US ambassador. The challenge here is to think through how the PLO/Palestine can withstand this push, with the support of (and pressure from) the Palestinian citizens of Israel and internationally, and what strategies it can adopt so that it does not appear "rejectionist," does not crumble under pressure (including from Arab states), and can exert counter-pressure. Internally, too, it must identify ways to phase out security coordination with Israel, which could not be justified at the best of times, but can now no longer be excused at all.

Another challenge has to do with the tensions that could arise between Palestinian civil society and the Palestine solidarity movement in the US, which is one of the strongest sources of power for the Palestinian people, if and when the PLO/Palestine embarks on negotiations sponsored by the Trump administration. The Palestine solidarity movement and its natural allies – including black, Latino, and Native American communities – cannot envisage a situation that "normalizes"

dealings with the Trump administration and its white nationalist and racist strands. In addition, it is going to be difficult to keep Palestine on the agenda with so many competing issues facing American citizens – including access to health care, the environment, education, and workers' rights.

However, the situation could change within two years. The mobilization of vast segments of American civil society on immigrant rights, health care, and education, and against racism and discrimination could dramatically change the composition of Congress at the next mid-term elections with a shift from the Republican to the Democratic Party. And progressive forces as well as support for the Palestinian cause – including support for sanctions against Israel – is growing within the Democratic Party.

Europe, the other main arena, is also preoccupied. The EU is dealing with Britain's withdrawal, the threats of election of far-right leaders in key countries, and the unpredictability of the new US administration. But the Europeans also fear a weakening of the global order, and Israel's actions could provide opportunities for civil society to pressure their governments to pursue their responsibilities and end dealings with Israeli entities that function beyond the Green Line, or consider the kind of sanctions that were applied against Russia after its occupation of Crimea.

The PLO/Palestine has moved on fronts that can and are being pushed more effectively, such as Palestine's membership in the International Criminal Court (ICC) and its engagement with the Human Rights Council, including the Council's decision to create a database of all firms engaged in illegal activity in the OPT. These entry points can also be used by Palestinian human rights organizations that are engaged directly with the ICC and the Human Rights Council, among other international organizations, in coordination with or through lobbying of the PLO/Palestine.

And the passage of UN Security Council Resolution 2334, for all its faults, including

the upholding of security coordination with Israel, can still be chalked up as a PLO/Palestine win. While there have been no shortage of similar resolutions, its restatement at the present time was a warning to Israel that it will face a big battle in its attempts to formalize its unlawful acquisition of territory by force. Moreover, UNSCR 2334 went further than previous UN texts in calling on "all states" to "distinguish in their dealings" between Israeli territory and the territories it occupied in 1967.

This is why Israel is fighting back hard against UNSCR 2334, including at the level of individual states in the US. Already US states were trying to push back against the successes of the BDS movement by boycotting companies that refuse to do business in the settlements – some 20 states have legislation to this effect. Now states are specifically citing UNSCR 2334 as part of their counterattack. For example, the state of Illinois warned the EU against encouraging companies to go this route saying that "the adoption of sanctions pursuant to" UNSCR 2334 (which does not in fact mention the threat of sanctions) could "put EU firms at risk of violating Illinois law."

The lack of definitive progress on the realization of rights for the foreseeable future leaves the Palestinians living under Israeli occupation and siege, the Palestinian citizens in Israel, and Palestinian refugees facing very bleak times. However, there are still reasons for hope, including the resilience of Palestinian civil society and the entry points the PLO/Palestine have secured at the ICC, among others areas. The Israeli right wing's haste to take over power in Israel and to complete the annexation of Palestine will create more openings for action. As American civil society mobilizes against Trump, this is the time to hold fast, defend gains, exploit opportunities, and guard against concessions. And it is the time to hold on to that Green Line.

1. Al-Shabaka publishes all its content in both English and Arabic

(see Arabic text here.) To read this piece in French, please click here. Al-Shabaka is grateful for the efforts by human rights advocates to translate its pieces into French, but is not responsible for any change in meaning.

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