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On The Political Stalemate and Horizons for Release

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Towards A Palestinian Foreign Policy?

*By Ilan Halevi**

The title of this communication alludes to that of a workshop recently organized by the Department of Political Planning which I head in the Ministry of Foreign Affairs, shortly after the former Ministry of Planning and International Cooperation (MOPIC) was split in two, and a Ministry of Foreign Affairs (MOFA) came into existence.

You probably remember that according to the Israeli reading of the Oslo Interim Agreements, we were not allowed to have a ministry of Foreign Affairs because it was considered as the attribute of a sovereignty we were not allowed to enjoy during the Interim Period. However, after the President of the United States was illuminated by the vision of a Palestinian State coexisting in peace with the State of Israel, it all changed. The Palestinian State enshrined in the presidential vision ceased being a matter for negotiations. The principle was granted, the discussion switched to the timetable, the borders, the powers, the constraints and the commitments and especially the conditions put by Israel to its establishment. Nonetheless, on the principle of statehood, there was no more discussion. So we created the post of Prime Minister and we were authorized to have a Ministry of Foreign Affairs, to which both the US administration and the Israeli government relate

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officially under that very name, and thus we do live the paradox of enjoying more virtual sovereignty while actual sovereignty, or even semi-sovereignty, on the ground itself, keeps on shrinking.

On the other hand, let us consider another paradox: ever since the Declaration of Independence of the State of Palestine proclaimed in Algiers, in November 1988, we, as PLO, spared no effort to obtain recognition of our existence as a sovereign people, as a state. I would, however, venture to affirm that we are lucky we did not achieve that in spite of the recognition on of 131 states, we are still only observers in the UN, and we therefore do not have the right to vote. Nevertheless, if we had the right to vote as a full-fledged state, we would have to take position on a number of issues we are so far carefully avoiding. If we were full-fledged members of the Commission of Human Rights, for example, or of the Security Council, how would we vote on Chechnya, on the Kyoto Protocol on environment, on Korea, on Cashmere or on Tibet? Would our government incline towards Liberalism or towards Social Democracy? Such a choice does not only pertain to internal social and economic policies, but also induces a series of alliances and behavioral patterns in the realm of international relations in spite of the fact that elections may reverse them overnight and in spite of the fact that international relations are in principle woven between states, and not between regimes. Between the old principle of sovereignty and the new doctrines of interference, how would we position ourselves? What place would parameters like Human Rights play in our diplomacy, given the fact that Human Rights, even within the borders of one sovereign state, have become an element of International Law? I am not expecting to obtain immediate answers to those questions but I only want to underline how far we still are from having a foreign policy in the full sense of the word.

It is not enough to entertain and to develop bilateral and/or multilateral relations with a series of countries without having a foreign policy worthy of the name. In many ways, we continue to manage our international relations in the way of the National Liberation Movement; we have not stopped being in need for and want literally everyone's support, big or small, democrats and dictators. The passage from the international relations of a national liberation movement to the foreign policy of an independent state, however, is not clearly happening because the very transition to independence is being thwarted by the crisis and regression of the Peace Process, the reoccupation of evacuated areas, war and siege and the Israeli-orchestrated destruction of our national institutions. Indeed, one of the peculiarities of the Oslo Process was that instead of the classical sequence of independence and reconstruction, we were supposed to engage in state-building, both at the economic and the institutional level, before achieving sovereignty on our territory. The transition, as we know, did not unfold as scheduled and here we are stuck half-

way: half-liberation movement and half-state, though in fact neither this nor that with the problems of both. This reflects heavily on the state of our institutions and our policies in various fields and indeed in the field of our international relations.

Contrary to a misconception widespread in Palestine, foreign policy is not only the international marketing of a discourse about the conflict, its origin, its character and the solutions proposed. In the present Palestinian situation, however, the need for a unified and consistent discourse on the conflict can obviously not be bypassed. The local, regional and international balance of power, which shapes the conflict, induces such an imbalance that only through the mobilization of the widest possible international support for Palestinian rights can we survive at all, both as an institution and as a people. However, survival strategies do not constitute policies. A foreign policy involves bilateral and multilateral relations with states and governments which include alliances and cooperation on the basis of mutual interests and/or common values and objectives. Nonetheless, it also requires operation of choices between existing options in terms of general principles and providing global responses to global challenges.

It should be clear to all that in the advanced process of globalization, not only of financial markets, but also of political, social and cultural problems and the refusal or inability to provide answers to global questions are recipe for marginalizations. In this sense, tribal lobbies and pressure groups on behalf of specific local interests can never hope to be full-time players on the international scene, and can at best serve as cover or as auxiliaries for the interests and strategies of other and bigger actors.

Thus, a philosophy of international relations and explicit or tacit positioning vis-à-vis global issues appears as an absolute requirement, and obviously this implies choices in terms of social contents and values. In a democratic system, however, these options may change with alternating governments as was the case recently in Brazil or in Spain, where political changes brought about by elections directly affected foreign policy.

In the situation that I have described earlier, wherein the tasks of a state coexist with those of a liberation movement, it is a mistake to think in terms of distinct stages. The need to elaborate a principled foreign policy, or at least to reflect upon the possible foundations of a Palestinian foreign policy, is immediate and absolute, even if the lack of effective sovereignty or of clear recognition may actually delay its implementation. Just as the negotiations and the popular struggle for independence must go hand in hand with the tasks of economic, social and institutional construction, we must both continue to manage our international relations around the need to mobilize international support for our

national rights and identify a Palestinian consensus or majority in favor of options in the field of global challenges.

The passage from the external relations of a liberation movement to a state-like foreign policy, therefore, collides with the day-to-day management of international sympathy and support to our national rights. If we take once again the example of Chechnya, it is clear that any expression of sympathy for the Chechen people, and even more so any condemnation of Russian practices in Chechnya, even if not supported by any action, may be very costly for the present Palestinian diplomacy in the short run. After all, Russia is not only a "friendly" country. It is also a prominent member of the Quartet, on which we depend, which is also the case in relation to Europe and the UN, in order not to be left alone with the Israelis and their American protectors.

But Foreign policy is a matter of sovereignty: it affects the life of every citizen, and shapes the future of the people as a whole. This is why it should in no way be abandoned to experts, specialists and professionals of diplomatic activity. This is where the role of society comes to the fore because only pressure from society will eventually force specialists to operate costly choices, thus, moving from the international relations of a national movement to the foreign policy of a people determined to be the actor of its own destiny.

Paradoxically here again, until ten years ago, which is to say until the establishment of the Palestinian National Authority, we seemed to enjoy a much greater margin of maneuver while the Fatah-dominated PLO leadership operated on the international scene as a leading member of the Non-Aligned Movement. Twenty years ago we organized secret conversations between the Vietnamese government, which then occupied Cambodia, and Prince Norodom Sihanouk who was at the time in exile in China. The conversations took place in France, in Fère-en-Tardennois, and they had been prepared by our Ambassador in Beijing at the time, Mustafa Abu Hadid, with the support of Sami Musallam, who represented the President, and Amin Abu Hassira, now Ambassador in Gabon, who was at the time in PLO office in Paris. In the early seventies, Yasser Arafat had succeeded in averting a major Iraqi-Kuwaiti crisis while in the early nineties, as we were already engaged in the Madrid-Washington negotiations, we could still mediate between the Northern and the Southern Yemeni leaders who were once again at war after the formal reunification of the country.

Can we, at this stage, identify the nucleus of a Palestinian consensus on general principles upon which one may found the philosophy of international relations guiding our foreign policy? Obviously, such a nucleus would rely upon the contemporary experience of the Palestinian people and carry a particular message

in terms of values: the defense of Human Rights, the insistence on International Law and the struggle against racism and ethnic cleansing policies, as well as support for national rights whenever and wherever violated with a particular sensitivity to refugee issues - all those derive directly from the Palestinian collective experience and form part of an implicit national consensus. It should therefore be clearly formulated as the embryo of a foreign policy doctrine.

This nucleus must be put in the context of our basic commitments, as part of the UN, as partners in the Euro-Mediterranean process and in the EU's neighborhood policy and as full members of the Arab League, the Organization of the Islamic Conference and the Non-Aligned Movement.

Let me dismiss at once the often heard objection that we are too small, or too poor, to afford the luxury of such a choice. Small countries can play a totally disproportionate international role if they are consistent with a particular message. The challenge, however, does not consist in playing a leading role but in avoiding being marginalized. I would add cynically that many states proclaim their attachment to noble principles and values which they systematically or sporadically violate in practice, while the reluctance to wave any principle at all amounts to a deliberate declaration of marginality.

I call such a nutshell of general principles the New Non-Alignment. For what made the philosophical content of the old non-alignment was not only the will to escape integration into one of the two rival military Blocks. Ever since the Bandoeng Afro-Asian Conference of 1955, which laid down the foundations of the Movement, these orientations were clearly formulated: the concept of peaceful coexistence between different regimes was promoted, before de-Stalinization in the USSR brought it back on the agenda in the aftermath of the XXth Congress of the Soviet Communist Party and the Khruschtchev report in 1956. Likewise, the movement explicitly called for dialogue of cultures, religions and civilizations, as well as for the peaceful settlement of conflicts and disputes while being totally committed to the struggle for the liberation of peoples from the yoke of colonial domination which was unfolding at the time.

Today, there is no Cold War any more but there is a new Global Enemy for the only remaining military superpower, and a new attempt to enlist the whole world into a new global war. As Bush said, "Either with us or against us". It matters little that the enemy is designed as Terror. Everybody knows the target is Islamic societies, and the underlying philosophy of this crusade waged under the banner of the export of democracy by force, is the nefarious concept of the clash of civilizations, or, as Gilbert Achcar rightly puts it, the clash of barbarisms. Given our own position in this configuration, do we have any choice but be "non-aligned" vis-à-vis this new cleavage?

The recourse and reference to International Law cannot, of course, be one way alone. International Law, by definition, is indivisible and we cannot disregard the rules we demand to be protected by. As an example, we cannot ask for the protection of the Geneva Convention and condone operations against civilians (which includes settler-babies), i.e. against protected persons under the terms of the IVth Geneva Convention.

To conclude, I would like to emphasize once again the double character of the transition we are involved in: to complete through negotiations and popular mobilization - without entering here into a discussion on the forms, tactics and methods of the latter - the liberation of the Occupied Territory, while engaging into the construction of our economy, our political system and our civil society. These simultaneous tasks often appear contradictory. National liberation demands a large measure of national unity and negotiations require an unanimous popular mandate while the building of a democratic order and the emancipation of civil society imply the absolute freedom of expression of contradictory hypotheses and proposals in all fields of public life. The ambiguous character of this phase indeed reflects upon the definition of an appropriate foreign policy. It cannot, however, serve as a justification for remaining defensive and reactive on the international scene. Moreover, there is no doubt that we will be in a better position to mobilize international support for our specific national rights if we act as full-fledged players on the global scene than if we hide behind our weakness in order to remain neutral in the face of other conflicts and issues. Nevertheless, the institution itself will probably not gather the energy required to move ahead on this path on its own. It will have, as in many other areas, to be pushed by society itself and this is where all citizens are responsible.

In short, let me repeat that "a foreign policy adapted to the requirements of the Twenty-First century", which is to say a foreign policy that has absorbed the globalization of issues and the changes in the international system of states, "must be ambitious and its peaceful objectives must be pursued in an offensive manner. Either we conquer an active place in the concert of nations, or we will be marginalized". [1]

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[1] "A Foreign Policy for the 21st Century", document produced for an internal discussion held in MOPIC in September 2000, one week before the beginning of the second Intifada.

Forms of Palestinian Resistance to Occupation:

A Rational Choice Perspective

*By Dr. Martin Beck**

1. Introduction

The Graduate Institute of International Studies at Birzeit University took a both courageous and proper step by deciding to organize a conference on *Palestinian Issues: On the Political Stalemate and Horizons for Release*, held at Birzeit University on May 7th and 8th, 2004. It is courageous because focusing on Palestinian potentials to find a way out of the stalemate under the condition of tightened Israeli occupation and the resulting constraints for Palestinian actors is much more difficult both from an intellectual and a psychological point of view than lamenting on the Israeli policy and the extremely harsh reality faced by the Palestinian people as a result of this policy. It is proper because critical science means to give an input to the active audience, which is Palestinian rather than Israeli in the case of Birzeit University.

The task of the present paper is to contribute to the conference task of providing the Palestinian public with academic reflections on options for political action. For this purpose, applying the rational choice approach seems appropriate because it is, theoretically and methodologically, a sound

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sophisticated tool of Social Science that can be used to analyze politics, as well as to advice political actors. Since the latter purpose is especially relevant here, the basic question to be dealt with is what forms of resistance to occupation are to be classified as (ir)rational and therefore, should (not) be pursued by Palestinian political actors.

Beyond having an aim, a basic prerequisite for a rational choice is to actually have a choice. Yet, a popular argument among Palestinians, which is put forward, especially in ethical debates on bombing attacks in Israel, is not to have a choice at all. For obvious reasons, this is an ideologically driven, rather than a scientifically sound, argument since not all Palestinian political groups and individuals (sharing the aim of achieving Palestinian self-determination) seize the very same mean. Rather, a broad variety of strategies is pursued; beyond military attacks in Israel and the Occupied Territories, different forms of civil disobedience and protest actions (e.g. against the Wall), in addition to negotiations with Israel are carried out. Yet, although Palestinians have choices, they are certainly constrained to an extraordinarily high degree by actors of the regional system, especially Israel, as well as the international system, especially the USA. However, the rational choice approach advices us, first, to analyze the constraints and, second, to choose the best option still available under the constraints.

As a result of an intensive theoretical debate on the rationality of *aims*, most scholars came to the conclusion that the rational choice approach displays its strength if it focuses on the rationality of means, how to achieve a given aim, rather than on a discussion of the underlying aims.[1] The present contribution will also primarily deal with *means* rather than ends. Yet, before doing so, a brief discussion on the political aims of the Palestinian actors in their struggle against occupation is necessary since only if we know about the aims of an actor it makes sense to analyze the best means available to achieve them (Chapter 2).

Rational choice theory is *not* an idealistic approach. Rather, it systematically takes into consideration the *constraints* under which actors' decisions are made. In other words, although the rational choice approach is a normative theory telling us "what we ought to do in order to achieve our aims aswell as possible"[2], it is not an ethical theory (telling us what we ought to do in order to meet moral

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[1] Miles Kahler, Rationality in International Relations, in: *International Organization* 52.4, 1998, pp. 921-924.

[2] Jon Elster, Introduction, in: Jon Elster (ed.), *Rational Choice*, New York: New York University Press, 1986, p. 1.

standards). Thus, the task of this paper is to clarify which of the available options Palestinian actors should take in order to achieve their aim under the condition of *actual* constraints, regardless whether these constraints are fair or unfair. Keeping this in mind, Chapter 3 will critically assess the strategies pursued by major Palestinian actors in recent history, thereby asking whether they were appropriate to achieve the aspirations of the Palestinian people or not. Thus, according to the rational choice approach, this issue will be dealt with from a strategic, rather than an ethical perspective. Yet, it must be taken into consideration that ethical perceptions of other actors, especially if they are powerful, may have repercussions on the Palestinians' strategic situation. In other words, ethical perceptions of powerful actors on strategies pursued by Palestinian agents today may constitute chances or constraints on options available to the Palestinians tomorrow, whether this would be a result of a fair or an unfair process.

A after assessing the Palestinian struggle against occupation in recent history and its (negative) strategic repercussions for this struggle against occupation, the task of Chapter 4 is to reflect whether other (better) options, that would be more appropriate in order to achieve Palestinian aspirations, are available. Finally, in Chapter 5, a conclusion will be presented.

2. The Palestinian Aim of Self-Determination

An overwhelming majority of Palestinian political actors and individuals agree that their general goal is to achieve self-determination by putting an end to the Israeli occupation of their land. Yet, shared overall goals do not necessarily constitute agreement on more concrete aims. Also, in the Palestinian case, different models of self-determination are discussed.

Due to the social realities created by occupation and the fact that the viability of a Palestinian nation state, even on the whole of the Palestinian Territories occupied in 1967, is questionable, Jenab Tutunji and Kamal Khaldi present a sophisticated argument that a bi-national state would be the "rational choice" for Palestinians.[3] More recently, as a result of the failure of the Oslo Peace Process, the aim of establishing a bi-national Jewish-Palestinian state on the whole territory of historical Palestine re-gained momentum among prominent Palestinian scholars and politicians alike.[4] However, the two by far most

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[3] Jenab Tutunji/Kamal Khaldi, A Binational State in Palestine: The Rational Choice for Palestinians and the Moral Choice for Israelis, in: *International Affairs* 73.1, 1997, pp. 31-58.

[4] See the contributions of George Giacaman and Ali Jarbawi in this volume.

important political groups in Palestine, Fatah and Hamas, still prefer to establish an independent Palestinian nation state, which is also the outcome favored by a majority of the Palestinian people.[5] Moreover, contrary to Tutunji and Khaldi, it is not clear whether the recent suggestions of a bi-national state mentioned above reflect a serious preference, or rather a tactical move, in order to convince the Israeli side to accept a Palestinian nation state without ifs and buts. The rationality behind demanding a bi-national state as a tactical move is that the identity of all major Jewish Israeli groups and parties, as well as of the overwhelming majority of the Jewish people, is to preserve the Jewish character of Israel. Thus, since a bi-national state would be a nightmare to Israel, demanding it could be more suitable than anything else for convincing Israel to finally accept a sovereign Palestinian nation-state in the borders of the territories occupied in 1967. However, the problem of demanding a bi-national state as a mere tactical move is that the demand's character as a real threat to Israel depends on its credibility. Again, the credibility depends on actions taken by the Palestinians showing their *real* (rather than *tactical*) commitment to the bi-national solution by implementing actions, such as the self-dissolution of the Palestinian Authority, revision of Fatah's program and mass demonstrations for equal citizenship rights in the State comprising all territories ruled by Israel since 1967. Yet, as long as there are very few, if any, indicators that relevant Palestinian actors could go for such a strategy, demanding a bi-national state would be most likely inefficient.

Our brief discussion of the concrete aim connected to the general Palestinian aim of self-determination generates two findings. First, although there are some arguments that pursuing the aim of a bi-national state would be indeed rational, the academic and political discussions on the bi-national approach alike are still in the beginnings. However, even if in the future, as a result of a more extensive debate on the rationality of Palestinian aims, the Palestinian leadership and/or the Palestinian people drew the conclusion that pursuing a bi-national state would be a more rational approach than attempting to achieve an independent Palestinian nation state, there can be no doubt that to date, the latter approach is dominant among Palestinian actors. Thus, second, by dealing with this preference as a matter of fact, the task of this paper is to clarify what means are available to the Palestinians in order to achieve the given aim of an independent Palestinian nation state.

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[5] Yet, it is worthwhile mentioning that, according to a poll conducted by the Jerusalem Media and Communication Center (JMCC) in October 2003 (Poll No. 49, available at www.jmcc.org, May 23rd, 2004), one fourth of the Palestinians favors a bi-national state.

3. Constraints for Achieving a Palestinian Nation State

The major obstacle to be removed before a Palestinian state can be established is Israeli occupation. Although Israel formally approved the right of Palestinian statehood in principle in 2003 by accepting the *Road Map*,[6] it is still questionable whether the establishment of the State of Palestine is ahead. The reason behind this is *not* that Israel would prevent the Palestinian Liberation Organization (PLO) from announcing a Palestinian state. If the PLO would do so, Israel could easily recognize this state in the borders of areas A (and B), i.e. in the patchwork carpet already administered by the Palestinian Authority since the 1990s. If such state were declared, not much more than the label of statehood would be achieved, thereby leaving all major development options of Palestine at Israel's mercy.

3.1 The Impact of the Power Asymmetry between Israel and the PLO

The fact that the PLO refrained from unilaterally announcing a Palestinian state after the failure of the Oslo Peace Process indicates the superior power position of Israel vis-à-vis the PLO. In at least four major fields (military, economy, diplomacy, politics), Israel's power capabilities far outweigh those at the disposal of the PLO. Israel's army is one of the strongest worldwide whereas the weapon arsenal available to the Palestinians is low developed, even for standards of a Third World Country. Moreover, the Palestinian economy has been dependent on access to the Israeli labor market for decades and, as a result of *Al-Aqsa Intifada* and the Israeli reaction to it, an increasing proportion of the Palestinian society has even become dependent on international food aid.[7] At the same time, Israel's advanced economy provides its citizens with one of the highest per capita income structures worldwide. Furthermore, while Israel is firmly allied with the only left superpower, the USA, the supporters of the PLO suffer from weak positions in the international system. Finally, Israel enjoys the ability to flexibly respond to crisis situations since its democratic system provides it with the capacity to adapt to new circumstances, whereas the authoritarian Palestinian system lacks the ability to develop appropriate problem-solving strategies.

There can be no doubt that Palestinian options to achieve the aim of national independence are highly constrained by Israel's superior power capabilities. Since the foundation of the PLO, the main Palestinian actors have basically perceived

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[6] The Israeli cabinet formulated some reservations to the Road Map. However, the aim of establishing a Palestinian state, which is, contrary to the Oslo Accords, a clearly stated aim of the Road Map, was not among them.

[7] Economic Intelligence Unit, *Country Report: Palestinian Territories*, London, October 2003, pp. 17-20.

two main options: armed struggle and negotiations. Over time, there have been intensive debates among different Palestinian actors on the right option to choose. In the early years of the Palestinian struggle for self-determination, armed struggle was given priority in theory and, to a growing degree in the course of the 1960s, also in practice. Yet, since the mid-1970s and more outspoken in the 1980s, Fatah-originally a Guerilla movement which became the dominant PLO faction under the leadership of Yasir Arafat after the June War of 1967 when Israel occupied the Gaza Strip and the West Bank, including East Jerusalem-started to embark primarily on the strategy of negotiating a Palestinian state. A breakthrough on this strategy seemed to be achieved when the PLO and Israel agreed upon the Oslo Accords in the 1990s.

3.2 Limits of a Negotiated Peace with Israel

When the PLO signed the *Declaration of Principles* in 1993, two major aspects proved the way Israel's power constrains Palestinian options. First, in order to only *enter* (serious) negotiations with Israel about major issues on occupation, such as Palestinian statehood, settlements and the reign over Jerusalem, the PLO had to denounce all forms of armed struggle in Israel, as well as in the Occupied Territories and to fully recognize Israel as a legitimate state in the borders of 1949. Before the PLO was ready to do so, Israel could afford not only to ignore the PLO, but even to avoid any official statement that a Palestinian people exist. Thus, the value of the Palestinian bargaining chips of relinquishing use of force and an unconditional recognition of Israel was not, as originally aspired by the PLO, sufficient to buy off occupation. Rather, relinquishing use of force and recognizing Israel as a legitimate state entitled the Palestinians only with limited autonomy and the chance to conduct negotiations on occupation. Second, since the PLO did not achieve more than an agreement on bilateral negotiations with Israel based on resolutions 242 and 338 of the United Nations Security Council (whereas, for example, Resolutions 181 and 194 of the United Nations General Assembly were not mentioned), it was obvious that the Palestinian aspiration of achieving a sovereign state in the whole of the Occupied Territories could hardly be the outcome of the negotiations. To put it differently, according to the design of the Oslo Accords, the PLO's maximum position was structurally limited to a sovereign Palestinian nation state on the territories occupied in 1967 (plus Israel's recognition of the right of return). Yet, the expectation of the PLO to realize its maximum position was not realistic, especially since there was no reason to assume that Israel would refrain from taking advantage of its superior power capabilities in pure bilateral negotiations.

When the PLO did not agree to what the then Israeli Prime Minister Ehud Barak offered in the frame of the Camp David and Taba negotiations in 2000 and 2001, which was of course, much less than the aspirations of the PLO, its leadership kept on insisting on further negotiations.[8] However, at latest with the election of Ariel Sharon as new Israeli Prime Minister in February 2001, it became evident that there was no Israeli counterpart committed anymore to what his predecessor had offered, not to mention an Israeli government ready to make further concessions. Simultaneously, different opposition movements started to build the forefront of the spontaneous uprising of the Palestinian people against occupation, thereby institutionalizing the resumption of using force against Israel, which implied the termination of one of the basic principles of the Oslo Accords. Since the Palestinian Authority proved to be unable and/or unwilling to crush armed resistance against Israel, especially Israeli civilians inside the Green Line, the Palestinian leadership had lost its function from the Israeli point of view. Accordingly, Israel aimed at going back to square number one, i.e. to marginalize the PLO leadership as had been done in the era before the Oslo Process. Due to its superior power capabilities, Israel managed to do so in a fairly short period of time. Already in a speech delivered on June 24, 2002, US-President George W. Bush officially adopted the Israeli position of considering Palestinian President Arafat as irrelevant. Since he had used his room for maneuver in the 1990s to establish an authoritarian regime, thereby inhibiting the emergence of an alternative leadership in Palestine, Israel got into the strategically favorable situation of an adversary whose international credibility was destroyed, leaving him, however, enough internal power to prevent any dynamic development in Palestine that could impose pressure on Israel to go back to the negotiation table.

The first major structural finding of the brief examination of recent Palestinian history presented above is that the chance of a negotiated peace with Israel meeting the Palestinian aspirations of a fully sovereign state in all of the Palestinian Territories occupied in 1967 is bleak. First, since all influential political actors in Israel are interested in avoiding such an outcome to a more or less degree, and second, since Israel enjoys the power capabilities to prevent it from becoming a reality, the likelihood of this scenario is very small unless a revolutionary change in the Israeli preference structure and/or the power distribution between the two actors occurs. In other words, in in the foreseeable future, the likelihood that negotiations with Israel will fall short of what even moderate Palestinian groups would expect as minimum requirements of an

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[8] Helga Baumgarten, The Myth of Camp David Or the Distortion of the Palestinian Narrative, Birzeit: Ibrahim Abu-Lughod Institute of International Studies, 2003, pp. 41-42.

acceptable peace treaty with Israel is extremely high.[9] One of the major shortcomings of the PLO in the 1990s was to veil this fact instead of admitting that Palestine's bargaining position vis-à-vis Israel was much too weak to achieve what it officially claimed would, sooner or later, come out as the result of negotiations with Israel: a fully sovereign Palestinian state comprising all of the West Bank and the Gaza Strip with Al-Quds as its capital (plus the right of the Palestinian refugees to return to their homes located in Israel).

3.4 Limits of Armed Struggle

Immediately after the release of the Oslo Accords, some Palestinian movements, especially Hamas, heavily criticized it. Yet, only when Palestinians were continuously exposed to prolonged occupation in the 1990s, at the same time, realizing to an accelerating degree that the Peace Process between the PLO and Israel would not meet its aspirations, resuming to armed struggle became increasingly popular among Palestinians. To date, a clear majority of Palestinians supports armed attacks against Israel, including civilians inside the Green Line.[10] Since this paper is based on a rational choice approach, dealing with the *strategic* question: what options Palestinians should embark on in order to achieve their aim of self-determination, the *ethical* problem of bombing attacks against civilians is *not* an issue here.[11] Rather, the question to be dealt with here is whether the armed struggle by major Palestinian actors of *Al-Aqsa Intifada*, especially Hamas, Islamic Jihad and Al-Aqsa Brigades, is a promising strategy for the Palestinian aim of self-determination. Since available data is not firm enough to definitely decide the question whether armed struggle is supposed to be a tool to force Israel back to the negotiation table or rather, a mean to make Israel unilaterally withdraw from the Occupied Territories, both possibilities are to be taken into account.

Bombing attacks against Israeli civilians inside the Green Line are only one among numerous forms of armed attacks conducted by Palestinian actors. Actually,

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[9] The finding of a poll conducted in October 2003 by Birzeit University was that the Geneva Agreement lacks a majority among Palestinians (available at http://home.birzeit.edu/dsp/DSPNEW/polls/geneva/, May 23rd, 2004). At the same time, it is not foreseeable that an Israeli government could be ready to make the concessions required to approve the Geneva Agreement.

[10] See polls conducted by the JMCC, available at: www.jmcc.org, May 23rd, 2004.

[11] According to the value system of international human law, which I personally share without restrictions, bombing attacks against civilians are crimes against humanity (Martin Beck, *Prospects for and Obstacles to Achieving a Viable Palestinian State: What Can an Actor With Inferior Power Capabilities Do in a Graduated Prisoner's Dilemma?*, Birzeit: Ibrahim Abu-Lughod Institute of International Studies, 2004, pp. 28-32).

according to official Israeli figures, the vast majority of armed attacks are conducted in the Occupied Territories.[12] However, from a strategic point of view, it is decisive that a aa ttacks against civilians create such an extraordinarily high degree of outrage, among Israeli and Western observers and political actors alike, that other military and non-military forms of Palestinian resistance against Israeli occupation are, deliberately or unconsciously, neglected in their perceptions. Furthermore, bombing attacks against Israeli civilians are not perceived, and actually are not, isolated actions of some marginal terrorist cells. Rather, major opposition groups, as well as Al-Aqsa Brigades (loosely) affiliated with Fatah, are committed to this strategy. Yet, contrary to Israeli claims, a direct involvement of President Arafat or other members of the Palestinian Authority (PA) could not be proven.[13] However, the PA was either not willing or not capable (or both) of efficiently containing Palestinian attacks inside the Green Line. If it were the first possibility, the conclusion to be drawn is that the PA takes part in the political responsibility; if it were the latter, the conclusion is that groups that are committed to the strategy of attacks targeting civilians partially took over control in the crucial field of Palestinian security politics. Although there is a causal relation between the Israeli policy of targeting the political infrastructure of the Palestinian Authority by military means on the one hand, and the partial loss of control by the Palestinian Authority on the other,[14] the growing strength of groups conducting bombing attacks also reflects their legitimacy in the Palestinian society. In other words, even under the condition of a seriously weakened authority, Palestinian groups committed to the strategy of targeting Israeli civilians could not succeed in the Palestinian system if their strategy did not enjoy a high degree of legitimacy in their society.

Needless to say that the outside perception of the Palestinian struggle against occupation, which is very often blamed as entirely illegitimate, is not founded on a sound and fair assessment. Very frequently, those Palestinian groups, whose struggle against occupation targets the military infrastructure of occupation and those who are committed to civil forms of resistance, are ignored. Moreover, many outside observers do not take the causal relation between the hardships of occupation and the forms of struggling against it into consideration. Last but not least, there is

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[12] Israeli Defense Forces, *Total of Attacks in the West Bank, Gaza Strip and Home Front Since September 2000*, 2004, available at: http://www.idf.il, May 23rd, 2004.

[13] Human Rights Watch, *Erased in a Moment: Suicide Attacks Against Israeli Civilians*, October 2002, available at: www.hrw.org, May 23rd, 2004.

[14] Martin Beck, Rationalismus, Ethik und Krieg: Zur Moral und Logik der "Operation Schutzschild" im Frühjahr 2002 <Rationality, Ethics and War: On Moral and Logic of the Israeli "Operation Defensive Shield" in Spring 2002>, in: ?sterreichische Zeitschrift für Politikwissenschaft 31.4, 2002, pp. 453-456.

a tendency among Western observers to give higher credibility to armed attacks by regular forces of a state, such as Israel, than to violence conducted by non-state actors, even though there is no good reason to assume that armed attacks committed by regular forces are *per se* committed on the basis of high ethical standards. However, although the outside perception of the Palestinian struggle described above is not appropriate, it is also not totally unfounded. The popular Palestinian argument that Palestinians do not have any chance of resistance to occupation beyond committing bombing attacks against civilians is obviously wrong as is proven by the mere fact that there are numerous forms of resistance in Palestine. Thus, it is by no means appropriate to claim that Palestinian bombing attacks against Israeli civilians are a (justifiable) result of a strategic situation in which no other options are available.[15]

The major strategic impacts of bombing attacks targeting civilians are, first, weakening the Palestinian position on the diplomatic level and, second, strengthening its adversary on the political level. Palestinian bombing attacks paved the way for Israel to isolate President Arafat, thereby, postponing serious negotiations with the Palestinians to the indefinite future. Thus, the first finding of discussing the strategic impact of suicide attacks is that conducting them was a complete failure-if and insofar this strategy was supposed to force Israel back to the negotiation table.

Palestinian militant attacks strengthened the political position of the Israeli government vis-à-vis the PLO and the Palestinian Authority because it united all major Israeli groups by creating the spirit of being members of "one family" among the overwhelming majority of Israeli citizens. There are strong indicators that, other things being equal, social and cultural cleavages in the Israeli society are particularly intensive. Also, the degree to which different Israeli social groups are interested in maintaining occupation over all of Palestine, as well as the readiness to invest resources in occupation instead of using it for other purposes, varies among different social groups in Israel. Thus, rather than taking advantage of the potential divisions among Israelis, thereby constraining the room for the Israeli government's maneuvering abilities, Palestinian militant attacks conceal them.

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[15] I venture to argue that this argument is even insulting to the vast majority of Palestinians who decided to stay alive, be it in order to resist to occupation by other means or simply by coping with the hardships of occupation in order to make the lives of their families bearable. One of the psychological problems of bombing attacks as a major form of resistance is its elitist nature. Instead of being proud to deal with the hardships of occupation on a daily basis and/or to resist with the limited means available to "ordinary people", those who glorify suicide attackers as "martyrs" feel guilty for having failed to sacrifice their lives "for Palestine".

Moreover, internal pressure on the Israeli government to refrain from exercising force contradicting standards of international law was significantly reduced. For instance, according to a report published by Human Rights Watch (HRW) in May 2002, "during their incursion into the Jenin refugee camp, Israeli forces committed serious violations of international human law, some amounting *prima facie* to war crimes."[16] Nevertheless, in a poll conducted only one month after the release of the HRW report, some 80% of Jewish Israelis backed this kind of military operations.[17] Planning and building the wall in the West Bank without significant resistance by the Israeli society (and the US government) is another strong indicator supporting the argument that bombing attacks could be and actually were efficiently used by the Israeli government as justification for intensifying the occupation regime, especially in the West Bank. Prime Minister Sharon's plan of unilateral withdrawal from the Gaza Strip, an idea which the Israeli government came out with for the first time in December 2003,[18] does not contradict this finding. This is actually evident in two main facts. First, Prime Minister Sharon made clear that, prior to the withdrawal, Israel will foster its control on the Southern border between the Palestinian part of Rafah and Egypt, thereby controlling access to and from the latter, the only land border of Gaza Strip beyond the one with Israel. Furthermore, Prime Minister Sharon also declared to control access to and from Gaza Strip by air and water. Second, Israel clarified that it expects to get rewarded for the "concessions" made in Gaza Strip by the admission to firmly tie major parts of the West Bank to Israel. Accordingly, the USA officially welcomed the Israeli "Disengagement Plan" on April 14, 2004, at the same time, declaring that "in light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949." Furthermore, by stating that "the United States understands that after Israel withdraws from Gaza and/or parts of the West Bank, and pending agreements on other arrangements, existing arrangements regarding control of airspace, territorial waters, and land passages of the West Bank and Gaza will continue"[19], US-President Bush approved the plan of Israel's Prime Minister Sharon of maintaining major pillars of the occupation regime even after implementing the "Disengagement Plan." Thus, the

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[16] Human Rights Watch, *Jenin: IDF Military Operations*, May 2002, available at: www.hrw.org, May 23rd, 2004.

[17] Ephraim Ya'ar./Tamar Hermann, Peace Index June 2002, 2002, available at: http://spirit.tau.ac.il/socant/peace/peacindex/2002/files/june2002e.doc.

[18] Peretz Kidron, Olmert Turns Dove, in: *Middle East International*, No. 715, 2003, pp. 11-14.

[19] The White House, *Statement by the President*, April 14, 2004, available at: http://www.whitehouse.gov/news/releases/2004/04/20040414-2.html, May 23rd, 2004.

second finding of discussing the strategic impact of Palestinian bombing attacks is that they were a complete failure if, and insofar, this strategy was supposed to force Israel to unilaterally terminate occupation.

The intermediary result of this chapter is that, regardless of the ethical assessment of bombing attacks in Israel, their strategic impact proved to be a disaster for the Palestinian struggle against occupation. As detailed above, this assertion holds true whatsoever purpose was pursued by this strategy, forcing Israel to unilaterally withdraw from the Occupied Territories or pushing the Israeli government back to the negotiation table.

4. Alternative Approaches to the Palestinian Struggle against Occupation

One of the major findings of the analysis presented above is that-given the power asymmetry between Israel and the PLO-in the foreseeable future, there is virtually no chance that negotiations with Israel would result in an agreement realizing all major aspirations of the Palestinians. There are two possible conclusions to be drawn. The moderate one is to accept that in the foreseeable future any negotiated peace with Israel will require from Palestinians to bow to superior Israeli power to a certain degree; the radical one is to postpone the establishment of a Palestinian state until the general conditions are more favorable to the Palestinian side. In the following, first, the moderate and then, the radical approach will be dealt with in more detail.

4.1 The Moderate Approach

Those who are ready to come to terms with the implications of superior Israeli power capabilities have two non-excluding options. First, they could (and should) attempt to diminish the degree to which Israel is able to effectively use its superior power capabilities. Second, they could (and should) try to embark on strategies to reduce the power gap between Palestine and Israel.

4.1.1 Diminishing the Degree to which Israel is Able to Effectively Use its Superior Power Capabilities

Superiority in power capabilities does not in all cases and under all circumstances convert into control over outcomes. For instance, the fact that Israel is a nuclear power does not have a significant impact on conflict settlement between Israel and Palestine. Yet, under the current circumstances, the gap between power capabilities

at the disposal of the two parties is much too large than to expect that the Palestinian side could fully neutralize Israel's superior capabilities. However, its effectiveness might be diminished, especially in the military sector.

Although Israel's use of force against Palestinians is still characterized by self-restraint (for example, Israel has refrained from overall air bombardment in the Palestinian Territories), the degree to which self-restraint is practiced by Israel has been increasingly reduced since the beginning of *Al-Aqsa Intifada*. To an incomparably higher degree than in the 1990s, in the period of *Al-Aqsa Intifada*, Israel resorted to the destruction of Palestinian public infrastructure (offices and installations of the Palestinian Authority, roads etc.), means of production (especially cultivated land), private property (mainly houses), as well as killings of human beings (e.g. in the frame of so-called "targeted killings" of presumed terrorists often involving the death of "bystanders"). Many Israeli military operations conducted in the last three years created outrage among Human Rights Organizations, such as Amnesty International and HRW, as well as among many states. Nevertheless, due to the unequal distribution of power in the international system, these reactions had only a limited impact. The Israeli government managed to justify its military operations as legitimate acts of self-defense against Palestinian suicide attacks to both the USA and its own society.

Thus, from a rational point of view, the strategy of suicide attacks should be abandoned in order to avoid their anticipatable devastating impact on the Palestinians. By doing so, the American tolerance of Israeli use of force against Palestinians would certainly not vanish, especially since occupation in itself, which has been tolerated by the USA for decades, is a basically violent system of rule; yet, it would be reduced to a significant degree. Moreover, and probably even more important, if Palestinians refrained from using force against Israeli civilians, the divisions of Israeli society would break up. Although there are no reasons to assume that the tiny minority in Israel who firmly believes that occupation should be abandoned without restriction, giving up the strategy of suicide attacks would terminate the Israeli spirit of belonging to "one family" holding together the vast majority of Jewish Israelis against what they believe is a threat to the existence of the State of Israel.

Civil forms of resistance, especially if suitable for broadcasting on television, could channel the Palestinian energy of resistance in a much more efficient way. When thousands of Palestinians from Ramallah area escorted the coffin of Faisal Husaini in order to participate in his funeral on *Al-Haram al-Sharif* in Al-Quds on June 1st, 2001, the soldiers could not stop them from passing the checkpoints freely and the snipers posted on the roofs could not shoot at the Palestinians waving Palestinian flags in Salah al-Din Street in Jerusalem. The reason why this

impressive event of Palestinian civil disobedience did not receive the merits it would have deserved is that in the night of the same day a major Palestinian bombing attack was committed at the Dolphin discotheque in Tel Aviv covering all the attention of the international media.[20]

4.1.2 Embarking on Strategies to Reduce the Power Gap between Palestine and Israel

In the military and economic sectors, Palestinians do not have realistic chances in the foreseeable future to improve their power capabilities to a degree that would make a significant difference to the conflict situation with Israel. However, in the sphere of diplomacy and politics there are so far unused promising resources. The most important potential for Palestine is democratization. It is true that fully-fledged democratization is not possible under the circumstances created by the Israeli occupation in general, and its response to the Al-Aqsa Intifada in particular. Paradoxically, this is exactly the reason why it should be embarked on. Since the minimal prerequisite for the start-up of a process of democratization in Palestine would be the withdrawal of the Israeli Army to the lines of the period before the Al-Aqsa Intifada, Israel would come under severe pressure to do so, especially since, due to its officially propagated vision, the USA could not simply reject a credible Palestinian demand for democratization. Nevertheless, when in February 2002 the European Union and on June 24, 2002, US-President Bush brought up the issue of democratizing Palestine in 2002, the PA's approval on the initiatives was half-hearted at best. After the speech of US-President Bush, "the Palestinian leadership made a show of preparing itself"[21] for national elections scheduled for January 2004, then adjourning them *sine die* in December 2003. The Palestinian Authority never conveyed the impression that there is no alternative to democratization in a credible way, for instance, by setting up a date for national elections and at the same time, threatening with self-dissolution if Israel prevented them from taking place. Obviously, the Palestinian Authority preferred to preserve the power it had, no matter how limited it was. Only when Israel and the USA took advantage of the maneuvering policy of the Palestinian Authority by confining their demands to install one of the most prominent members of the authoritarian PLO elite, Mahmud Abbas (Abu Mazen), as prime minister, President Arafat relented because he recognized that even the few capabilities that Israel had been ready to leave to him were sufficient to marginalize Abu Mazen.

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[20] Refraining from using force against Israeli civilians does not necessarily imply to confine to civil forms of resistance only. Rather, from a strategic perspective, divisions in the Israeli society might also rise if the Palestinian armed resistance were directed against military targets and the infrastructure of settlements in the Occupied Territories only.

[21] Charmaine Seitz, The Palestinian Elections That Never Were, in: *Middle East Report Online*, January 23, 2003, available at: www.merip.org, May 23rd, 2004.

Demanding democratization would not only improve the Palestinian diplomatic power in the short term, but also in the long run since legitimizing occupation over an authoritarian system is much easier than over a democratizing society. Moreover, the problem-solving capacities of a democracy are much higher than those of an authoritarian system. In other words, the Palestinian contribution to the stalemate that Palestinians have to face after more than three years of *Al-Aqsa Intifada* is that authoritarian leaders prevent the free development of alternative concepts and personnel. Thus, one of the reasons why it is plausible to argue that there is nobody who could replace Arafat as the political leader of the Palestinians is a strong indicator for the "success" of his own policy. Yet, the issue of concepts should be given priority to the issue of personnel. Therefore, instead of demanding a "unified leadership", as it has become common in Palestine after three years of Al-Aqsa Intifada, there should be a prior understanding of what aims this unified leadership should pursue by taking which measures. Thus, beyond pressing ahead with elections, a pluralistic debate on the issues of Palestinian aims and strategies should be pursued.

4.2 The Radical Approach

Palestinians who are not ready to accept the implications of the fact that, in the foreseeable future, any negotiations with Israel will fall short of a complete withdrawal of the Israeli Army to the borders of 1949 and the Israeli acceptance of the right of return, must embark on changing the power asymmetry between Israel and Palestine before attempting a final agreement with Israel. However, due to the extremely large power gap between the two actors in all major fields, there is no realistic chance to catch up with Israel in the near future. The conclusion to be drawn from a rational choice perspective is that those who are not willing to tolerate bowing to the superior Israeli power at all, should be prepared for the fact that it will take an indefinite period of time before they might have the chance to succeed.

The rational choice approach systematically takes into account the relevance of time. If we have the choice between yielding a gain in the present and the very same gain in the future, we will prefer to have it in the present time simply since we do not know whether we will be alive in the future. However, the perspective of those Palestinians who are not ready to bow to Israeli power is that yielding gains in the short to medium run-concluding a final peace agreement with Israel which does not meet major Palestinian aspirations-would bar the way to yield larger gains in the future. Thus, it can be argued that those Palestinians who reject to sign an "unfair" agreement with Israel are not irrational *if* they are aware of the fact that their project of an agreement acceptable to them requires a very long,

possibly inter-generative, time horizon.[22] Furthermore, the rational behavior to be derived from this preference is to improve the conditions for stamina-sumud. However, committing bombing attacks against Israeli civilians is incompatible with this strategy since, due to the Israeli military reaction, its implication is self-destructive in terms of infrastructure, as well as economic and social development. Note that from a rational point of view, it does not matter whether the Israeli reaction is justified or not; what matters is that the Israeli reaction can be anticipated. To put it in a more positive way, the strategies worked out on the basis of the moderate approach are fully compatible with the strategies to be chosen by those preferring the radical approach. Thus, despite the disagreement among Palestinians whether to sign an agreement with Israel in the foreseeable future, thereby bowing to superior Israeli power, or to refuse to do so, from a rational choice perspective, they could and should agree to abandon bombing attacks against Israeli civilians and to embark instead on democratizing Palestine.

5. Conclusion

There can be few doubts that Al-Aqsa Intifada was a failure. This does not mean that Palestinians were close to achieve their aim of self-determination in September 2000. However, in May 2004, the way off to self-determination seems to be even much longer and the conditions for sustainable development have significantly deteriorated in this period. Although the bleak situation Palestinians have to face to date is, first, the direct result of Israel's strategy to take advantage of its superior power capabilities in the period of negotiations with the PLO in the 1990s and second, of Israel's literally powerful response to Al-Aqsa Intifada, which had started as an uncoordinated uprising out of widespread frustration and even despair among Palestinians. Nonetheless, quickly it was institutionalized by major Palestinian opposition movements, thereby establishing suicide attacks as a systematic strategy of struggling against occupation. As has been argued, regardless of the ethical implications of these attacks, committing them against Israeli civilians was a negative choice if the aim was embarking on self-determination for the Palestinian people.

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[22] Jon Elster (footnote 2, p. 11) goes even a step further. He contradicts the view that "Preferring the present over the future is like preferring apples over oranges, and *de gustibus non est disputandem*." shared by many rationalists. Rather, "(...) a person who takes his future states as given, rather than something to be created, is fundamentally irrational. Moreover, I believe a person will be better off by striving for connectedness, since only then will he be able to form the long-term plans that are a condition for living a meaningful live, *even in the presence*."

Thus, in the context of the Israeli-Palestinian conflict, the strategy of conducting military attacks against Israeli civilians was clearly irrational. Although it is beyond the scope of this paper to discuss this problem in more detail, it is worthwhile mentioning that suicide attacks against Israeli civilians may appear more rational, i.e. a behavior suitable to achieve a given goal, if we assume that they did not aim at the liberation of Palestine but at challenging the authoritarian Palestinian Authority. After the failure of the negotiations of Camp David and Taba, which also marked the failure of the Oslo approach as a whole, the leadership of the Palestinian Authority stubbornly refused to take political responsibility. In this situation it became apparent to the Islamistic opposition that the only way to prevail against the Palestinian Authority, which despite its failure was not ready to share power, was to make the detour via Israel in order to curtail the power of the ruling elite headed by President Arafat. In other words, possibly the primary aim of the opposition movements conducting suicide attacks was to contain the Palestinian Authority with the help of Israel. If so, effectively struggling occupation is secondary to increase one's own internal power position, not only for the ruling leadership, but also for the major opposition movements in Palestine. Be it as it is, both the Palestinian Authority and the Islamistic opposition movements failed in developing a rational strategy to terminate Israeli occupation. It is high time to use the resources available to the Palestinian people in a much more efficient way than both the Palestinian Authority and the major opposition movements proved to be able to. The best way to herald a change would be to democratize Palestine.[23]

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[23] See also Martin Beck, Who Is and Who Should Be Afraid of Democratizing Palestine?, in: Jerusalem Times No. 540, 2004, p. 14.

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