

The Mossawa Center's Briefing on the 'Deal of the Century'

1. Political Background

Following two inconclusive rounds of elections in April and September 2019, Israel is set to hold an unprecedented third consecutive election in March 2020. With no clear frontrunner between Benny Gantz of *Kahol Lavan* (Blue and White) and Benjamin Netanyahu of the *Likud*, the leaders are locked in a frantic and unrestrained race to the bottom.

Trump's announcement that he would launch the political section of his 'Peace to Prosperity' document before the Israeli election has fanned the flames of this right-wing one-upmanship. The timing of the announcement was criticized as a political ploy to benefit his close ally Netanyahu which, against the backdrop of his alleged interference in Ukraine at the crux of his impeachment trial, he was eager to avoid. In the end, both Netanyahu and Gantz visited the White House, but there was only one winner: the sitting prime minister – who, on the day of the announcement, was indicted all three counts of bribery, fraud and breach of trust after withdrawing his request for immunity. It was Netanyahu who unveiled the document alongside the President, forcing Gantz's hand: in his earlier attempts to cannibalize Netanyahu's voter base in his pledge to annex the Jordan Valley, he had no choice but to endorse the plan, which could come before the Knesset before the March 2020 election.

However, Gantz's rightward shift has dire ramifications for the next election. Between the April and September elections, turnout among the Palestinian Arab community increased by twelve points, and polls are predicting a further increase. As opposed to their historic recommendation of Gantz in September 2019, the Joint List will certainly reject a candidate who, in endorsing this plan, does not respect the most basic and fundamental rights of Palestinians.

2. Overview of the 'Deal of the Century'

The Trump administration launched the economic section of the peace plan in Bahrain in June 2019. The plan proposes \$50 billion investment fund, mainly in the form of loans from Gulf countries, for infrastructure and business projects in a future Palestinian state and surrounding areas. The final judgement was reserved until the meat of the document – the 'political' section – was launched on 28 January 2020 in the East Room of the White House.

The announcement of the long-awaited US peace plan felt more like a celebration, with applause punctuating speeches delivered by one indicted leader after another under trial for impeachment. There was not one Palestinian in sight. This backdrop foreshadows a plan that breaks new ground in its contempt and dismissal for Palestinian rights and humanity.

In contrast to previous agreements, anchored in UN resolutions, Israel was given total control of the agenda and terms, with no Palestinian input whatsoever. This lay bare Israel's expansionist ambitions, and repackaged them as compromise through Orwellian newspeak in order to sanitize a reality of occupation, dispossession, and flagrant disregard for international law. The plan unabashedly rewarded Israeli expansionism by recognizing all major settlement blocs, and sanctions further unilateralism.

Although the document claims to be a roadmap for a Palestinian “state” with a capital in East Jerusalem, it denatures and dismembers the territory beyond any feasibility for statehood, leaves the most rudimentary components of a state (control of borders, membership of international organizations, *inter alia*) to Israel’s whim, and relegates the capital beyond the walls of the Old City into the neighbourhood of Abu Dis, and this is only if Palestinians accept its draconian stipulations, which include the end of claims for the right of return, enshrined in UN Resolution 194.



The attached map in the 'Peace to Prosperity' document.

Since 1967, Israel’s guiding axiom in the occupied territories was the acquisition of maximum territory with minimum Palestinians. The ‘deal of the century’, therefore, was no aberration: it was the natural culmination of this logic, sanctioning the annexation of large swathes of fertile land which, under the guise of various legal excuses from ‘firing zones’ to ‘national parks’, has been systematically ethnically cleansed in the past fifty-two years. Meanwhile, the remaining Palestinians in the West Bank have been herded into isolated slivers of territories for which Israel can abrogate any responsibility, not dissimilar from what has occurred in Gaza.

The deal cannot be understood in isolation from the Trump administration’s decision to suspend UNWRA funding in 2018, or its vocal and public amicability towards the Gulf monarchies. This all comprises part of an effort to corner Palestinians into accepting what is best described as a surrender document. Indeed, leading members of the administration and the negotiating team repeated the worn adages that the “Palestinians never miss an opportunity to miss an

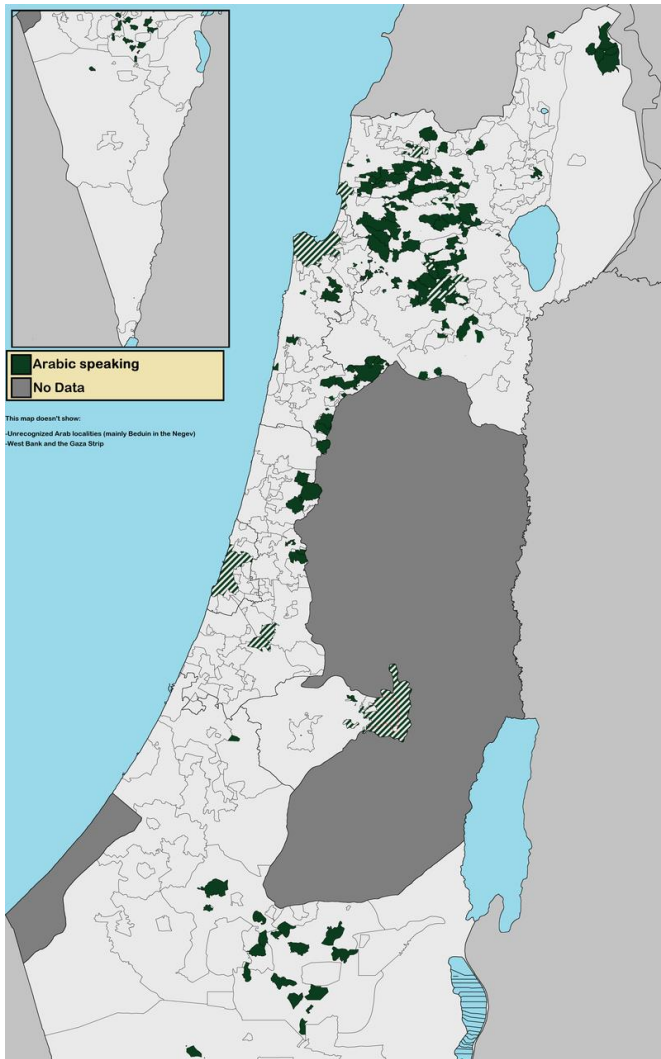
opportunity” and that this could be their last opportunity get a state (in its diminished and severed form) after unanimous Palestinian rejection of the deal.

Although many commentators have understood this plan as a formalization of the status quo, it also proposes radical changes to the current arrangement on the Haram esh-Sharif/Temple Mount and a dangerous idea of ‘land swaps’, explored below.

3. The ‘Deal of the Century’ and Palestinian Citizens of Israel

In 181 pages, the plan refers to Palestinian Arab citizens of Israel – comprising 21% of Israel’s population of Israel – indirectly. In recognizing Israel as the “nation-state of the Jewish people”, it does not address over 65 laws which directly or indirectly discriminate against Palestinians. The supposed guarantee of “equal civil rights for all citizens”, with no elaboration on what will deliver this equality, validates a status quo of stratified visions of citizenship, far removed from a democratic state comprised of and serving all its citizens.

The document, however, alludes to this community directly on one occasion, and this is only to give credence to an idea of ‘population transfer’ championed by the Israeli far-right:



The communities contiguous to the 1949 armistice line, marked in green, are in the crosshairs for potential transfer

"Land swaps provided by the State of Israel could include both populated and unpopulated areas. The Triangle Communities consist of Kafr Qara, Ar'ara, Baha al-Gharbiyye, Umm al Fahm, Qalansawe, Tayibe, Kafr Qasim, Tira, Kafr Bara and Jaljulia. These communities, which largely self-identify as Palestinian, were originally designated to fall under Jordanian control during the negotiations of the Armistice Line of 1949, but ultimately were retained by Israel for military reasons that have since been mitigated. The Vision contemplates the possibility, subject to agreement of the parties that the borders of Israel will be redrawn such that the Triangle Communities become part of the State of Palestine. In this agreement, the civil rights of the residents of the triangle communities would be subject to the applicable laws and judicial rulings of the relevant authorities." – Page 13, 'Peace to Prosperity'

The proposed land swaps of “unpopulated” areas go back to Israel’s peace deal with Jordan in 1994 and were then enshrined in Bill Clinton’s 2000 peace plan. However, the calls

for the transfer of “populated” areas have no precedent in previous negotiations. They are expressly against international law, as outlined in Geneva conventions established after World War II. Given that these communities took to the street in protest, that leading NGOs and political representatives vocally opposed the deal, and that surveys find that opposition from those affected exceeds 90%, the idea of ‘transfer’ should be a non-starter. However, the deal’s double-speak and sanctioning of Israeli unilateralism raises concerns that population exchange would not be “subject to agreement of the parties”, as stipulated.

The 1949 Armistice Agreement with Jordan

The communities in the crosshairs for transfer have undergone this experience before. Unlike most Palestinians who found themselves as citizens of Israel after the 1948 war, the Triangle and Wadi Ara were only incorporated into Israel in 1949 as part of the armistice agreement with Jordan, in exchange for Jordanian control in the south Hebron hills.

The residents were cut off from their ordinary pattern of life without consultation. The border separated the residents of 63 villages and towns on the Jordanian side and 8 villages on the Israeli side from their lands, though Israel and Jordan later took steps to correct the boundaries to make the lives of villagers smoother, for example, in Fakuah and Bartaa.

For the thin and nervous state, the Triangle, in its proximity to Tel Aviv, was seen as a key security asset, surpassing the significance of any demographic concerns that absorbing Arab populations may elicit. In October 1948, the population of Palestinian Arabs in Israel was 70,000, but by the same period in 1949, the figure rose to 160,000, though this was also partially due to infiltration back into Israel. Therefore, the new territories comprised around half of the overall Arab population of Israel.

Yet, as Israel's waist expanded through settlement construction, the horizons for what it considered essential to its security, in both physical and demographic terms, also expanded.

The history of the idea of 'population exchange'

The idea of population exchange is rooted in Israel's declaration of independence, which proclaims Israel to be both democratic and Jewish. The balance between the two pillars demands a perpetual vigilance regarding the number of non-Jews who may be granted citizenship, and especially those who present a challenge to the Jewish character of the state.

This structural basis led Israel to view the Palestinian Arab community in Israel with suspicion, translating into eighteen years of military rule, unequal allocation of resources, land expropriations, and more. This fear was heightened by the occupation of territory and peoples in 1967 that would outnumber the Jewish population between the river to the sea.

There were two connected phenomena in the 1990s that drove the popularity of this idea. Firstly, the growing prominence of the two-state solution, rooted in ideas of separation and ethnic homogeneity, served to abet the logic of transfer. Secondly, the boom in settlement expansion throughout the 1990s sharpened this imperative. With no legal recourse for the land grab, policy makers began to view Palestinian communities in Israel as bargaining chips to annex settlements, and in doing so, construed a false symmetry between an indigenous population and illegal settler communities.

The discussion of transfer emerged in academia among geographers and demographers in this decade and then penetrated mainstream political discourse as early as the 2000s. Although most attention is paid to the most violent manifestations of this idea, epitomized by Avigdor Liberman's racist campaign in 2004 to "disengage from Umm el Fahm" by unilaterally revoking citizenship, these ideas also find a natural home on the 'center' and on the 'left', who prefer a softer approach of transfer into a future Palestinian state through a negotiated settlement.

The idea of population transfer is in line with a liberal Zionist vision of ‘peace’ which argues that a two-state solution and ending the occupation are necessary to preserve a Jewish majority in Israel, embodied by a champion of the Israeli left, Ehud Barak, who has expressly supported the idea. Moments of tension, such as the killing of 13 Palestinians by live fire during protests in October 2000, have emboldened these voices, suggesting that the ‘citizenship’ which Palestinians enjoy in Israel is conditional on passivity and obedience.

The Campaign of Delegitimization

While the sidelining of Palestinian citizens of Israel is not new – they have never been part of the permanent status agreements, nor have they been given a seat at the negotiating table – the timing of this exclusion is especially bitter, and especially revealing.

In the last election cycle, the political representatives of Palestinian citizens of Israel, the Joint List, have shown themselves more willing than ever to recalibrate their priorities, even if it is temporary or pragmatic, domestically. They have extended their arm beyond what should be reasonably expected of an oppressed community, as shown by their historic recommendation (with the exception of Balad) of the leader of the Blue and White Party, Benny Gantz, to be prime minister. The supposed progressive camp received what they have always demanded, only to turn it away.

Instead, they were met with a relentless campaign of delegitimation and incitement.

Much of this emanated from the prime minister’s office, with a hateful “emergency” rally and social media posts against a potential partnership between Gantz and the Joint List, the proposal of legislation to hinder Palestinian voting, and the attacks on Arab lawmakers and parties, with MK Heba Yazbak the latest but by no means the first victim.

However, this was not challenged, and was even parroted, by significant sections of the so-called ‘center’ and ‘left’, who have proven either opportunistic or paralyzed by cowardice. They have allowed the Israeli right to dictate the discourse in the country, and subsequently pandered to a new normal of collapsing democratic standards and the rule of law. Nowhere was this more evident than Gantz’s vow to annex the Jordan Valley, proving he would more readily cannibalize the right’s voter base than seriously consider sitting with the Joint List and building Arab-Jewish partnership based on equality, justice, and the rule of law. But he is not the only culprit. Even the statement by Labor leader Amir Peretz stipulated that annexation 'should be decided in negotiations', diluting his condemnation into insipidity, while all parties apart from Meretz voted in favour of Yazbak’s disqualification before the Central Elections Committee. The final nail in the coffin was Gantz’s announcement on 11 February that the Joint List “won't be a part of my government" and that he will push forward with the “deal of the century” if he were to win the election. Although he came out against the proposals of transfer, he fueled the very fires which made this idea permissible in the first place.

4. Conclusions

The one-sided 'deal' abandons the most basic of Palestinian rights and demands, and threatens to plummet the region into further violence. It is not only a threat to Palestinians and Israelis alike, but it sets a new precedent based on might rather than the rule of law.

These developments also uncover a deep rot in Israel. The treatment of minorities is a litmus test for any healthy democracy. The proposed transfer cannot be viewed separately from an acceleration of incitement against the Palestinian Arab community in Israel, but the validation of racially-charged 'population transfer' by an international actor with the clout of the USA also plunges Israel into new and darker depths.

It also reveals that Palestinian citizens of Israel are viewed by the Israeli establishment as chips in the poker game of negotiations, rather than as agents who are a part of Israeli society. Recent investigations by Haaretz reveal that this proposal came from Netanyahu's office, a claim that was not even denied when asked for confirmation, in order to potentially appease and thus circumvent Avigdor Liberman, who has been a champion of this racist policy in the past. However, like Netanyahu's past incitement, this is only likely to spur the Palestinian Arab community to turn out in larger numbers to reject this proposal and general incitement. Palestinian Arab citizens of Israel, once again, are likely to prove they are not only active political players, but are game changers in the domestic and regional impasse.

The Mossawa Center unequivocally rejects a plan that constitutes an irreversible attack on the territorial integrity and contiguity of any future Palestinian state, and therefore jeopardizes the prospects of any two-state solution. The plan represents a brazen conflagration by the Trump administration that will sustain the occupation and conflict in perpetuity, and also amounts to the most serious threat to citizenship and rights of Palestinian Arab citizens of Israel in recent history. However, the Mossawa Center also rejects the underlying assumption for this plan, which has also plagued 'peace deals' since Oslo: that peace can only be achieved by separation and by establishing and maintaining ethnically homogenous states.

Historically, Jews have always been organic parts of the societies they inhabit, making Israel's attempt to cut itself off from the region anachronistic. No matter how much it engineers its internal demography, Jews are a minority in the region. Israel faces a clear choice: it can erect more mental and physical walls, trapping itself in a self-imposed barricade, which, as proven by the Maronite project in Lebanon, will never lead to security. Alternatively, Israel can opt for a peace which embraces integration and diversity, respecting the rights and culture of its region. This is the only road to peace, and challenges the past paradigm of separation and homogeneity that has formed the basis for negotiations.

The Mossawa Center's 2020 activity is geared to rectifying this routine of thinking. We are placing a renewed focus on closing the gaps among Palestinian citizens of Israel to ensure the community moves forward as an organic whole, and is redoubling its outreach to the Jewish community. A stronger and more equal civil society is not only critical in and of itself, but essential to Arab-Jewish partnership and a just and equitable peace to the regional question.

