Holy War or More? An Assessment of the Israel-Palestine Conflict Over Access to Holy Sites

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ABSTRACT:

When two groups of people hate each other as much as the Israelis and Palestinians appear to, it is very difficult to reach any meaningful peace agreement, but to not try would be ignoring the raw displays of suffering of so many individuals. Therefore, all possible attempts should be made to resolve this conflict.

Since the old city of Jerusalem contains major holy sites of great religious importance to Jews, Muslims, and Christians alike, it is a place coveted by many. Deeply entrenched in the entire Middle East conflict is the challenge over how to deal with Jerusalem. Should the city be divided, internationalized, or given to a particular group? How do you deal with religious extremists who will do anything to retain control of these sites? These questions are the central focus of a paper analyzing the interests, approaches, solutions to the question of the holy sites.
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Introduction:

Can the Middle East crisis truly ever be resolved? If not, should the international community even try to solve it? When two groups of people hate each other as much as the Israelis and Palestinians appear to, it is obviously very difficult to reach any meaningful peace agreements, but to not even try would be to ignore the raw displays of pain and suffering in the lives of so many individuals. The conflict between the Israelis and Palestinians has been going on for such a long time that many are unwilling to conceive of the idea of a peaceful Middle East, but that does not mean the world should give up trying.

The length of the conflict in itself is just one of the many factors behind the hatred both group feels for each other. Other such factors include religious differences, feelings of humiliation and alienation, a lack of trust between the parties, loss of land, and so many more. Hatred has led to many, many years of violent conflict, resulting in thousands of deaths and the destruction of the land that so many people desperately want as their home. In such a tense area it does not take much to ignite a violent outbreak.

Over the years many different groups have tried to negotiate peace between Israel and the Palestinians, as well as the other Arab countries that refuse to recognize the state of Israel itself. The method of conflict resolution is very important when considering how to achieve the maximum benefits from the process. Therefore, multiple options must be considered when determining which methods would best facilitate peace between these groups who hate each other so much and at so many levels.

The options considered during this process are also of great importance since there are so many needs that must be met by any such agreement before the parties would ever be willing to honestly give peace a chance. The needs of all interested parties must be met in such a way that the parties are satisfied and willing to put in the hard work to follow through on their promises.
This has been the main problem over the years as agreements have been discussed, but rarely followed. The terms of an agreement are likely to be complex, challenging, and difficult to hear at first, but in the long run must be comprehensive, complete, concrete, specific, supported, legitimized, and encouraged by the international community, in order for them to truly address the necessary interests at hand. Unique and creative ideas that exist outside the average negotiated material suggestions must be considered in order to address the type of agreement that may fulfill these requirements.

It will be difficult to achieve any semblance of peace in the midst of such a volatile conflict. But if the world does not want to see these types of conflict continue and spread around the world, the key players must step in and finally put their feet down to push the Palestinians and Israelis to concede to a peace agreement. Ultimately however, it is the responsibility of the Palestinians and Israelis to work for peace because others cannot do it for them. Until the appropriate leaders are willing to fight for peace, even against their own people, nothing the international community could do, will be of help in the long run. The parties must work through even the most difficult of issues that they typically reserve for final-status talks, such as the issue involving the fight for Jerusalem.

The debate over Jerusalem is often the most volatile and violent issue that must be addressed. The latest period of violence since 2000, the *al-Aqsa Intifada*, began as a result of an apparent religious insult at the site of one of the holiest sites in the world, located at the center of this controversy, the old city of Jerusalem. Because the old city of Jerusalem contains the al-Aqsa mosque, Dome of the Rock, Temple Mount, Wailing Wall, and other areas of religious importance to Jews, Muslims, and Christians alike, it is a place coveted by many. Deeply entrenched in the entire Middle East conflict is the challenge over how to deal with Jerusalem. Should the city be divided, internationalized, or given to a particular group? How do you deal
with religious extremists who will never give up until their group controls these sites? How could you even possibly divide an area where so many holy sites are literally on top of each other? There are of course other hotspots within Israel involving similar debates over access and control of holy sites, but the Old City of Jerusalem is the most important of these sites.

The main difficulty associated with deciding the future of Jerusalem and the other holy sites is that the groups fighting over them firmly believe it is their duty as members of their faith, to protect these sites and control them, since it is their “holy land.” Muslims, Jews, and Christians often do not believe in the doctrines and history of the other groups, and therefore have a difficult time accepting the divine claims to the same land that their own faith values above everything else. When a person does not respect, acknowledge, or believe in the doctrines and beliefs of another group, how can you convince this person to share with others who they may think are liars or delusional individuals? Many of these people will fight, perhaps to the death, to ensure control of the holy sites for their faith. In light of the extremist views of these groups that conflict with each other to such a drastic extent, how can compromise be achieved? Peace will not be possible until this issue is addressed. The holy sites, particularly those in Jerusalem, are of key importance to the entire peace process and therefore must be handled delicately from the beginning to the very end of any attempts made by any party to truly achieve peace.

This paper is laid out in distinct sections signified by the relevant headings. In the beginning it examines the historical, religious, political and social background underlying the conflict, including detailed information about the holy sites under scrutiny and their relevance to the religious groups fighting for them. This general background section concludes with a discussion of other factors that are relevant to the conflict at hand but that may not necessarily fit well with the general narrative of the historical background section. Next comes an analysis of
the interests, motives, and needs of each of the parties who play a role in the Israel-Palestine
conflict, including the US, UK, UN, other Arab nations, and the idea of the international
community as a whole, beyond the necessarily examination of the Israeli and Palestinian
interests that are of course of key importance. The final part of the paper includes an analysis of
the possible processes that could be used in attempting to resolve this conflict in the most
efficient way, a discussion of some of the proposed solutions to the holy site conflict, including
their inadequacies, and the final argument for the best possible solution package aimed at
resolving the holy site conflict in the best possible way to meet the needs and interests of all
relevant parties. The paper is meant to flow sequentially to examine the factors of the conflict,
and then attempt to address these needs and resolve the conflict.

Background:

In the eyes of many, this conflict has roots all the way back to when both the Jews and
the Muslims cemented their ancestry in biblical times as children of Abraham. As the
descendents of Isaac, the Jews, believe that the book of Genesis promises them all the land of
Cannan, which is about where Hebron and the West Bank are today. Also in Genesis, God
promised the children of Ishmael, who eventually became the modern Palestinians, that they
would form a powerful and vast nation. Eventually, the Arab-Palestinians fled their territory to
take refuge in the West Bank after Israel was established in 1948. The Palestinians also claim to
be descendent from the Philistines, who were subjugated by the Jews before they were rescued
by the Romans in 66 C.E.\(^1\)

As anti-Semitism in Europe grew in the late 1800s, a Zionist movement began to
encourage a large number of Jews to seek a permanent homeland to settle on.\(^2\) During the World
War I era the British promised a homeland to the Jews, in response to encouragement by British

Zionists to save their fellow Jews who were being persecuted in Russia and Eastern Europe. The British also promised control of land in Palestine to the leader of an Arabian Hashemite clan, whose assistance they needed during the War against the Ottoman Turks. The Ottomans had control of Palestine until the Allies won control in 1914. The Arabs started considering themselves to be “Palestinians” as they were bombarded with a large influx of Jewish refugees moving onto their lands. Both the Jews and Arabs were very angry, as they felt Britain had not kept their promises of land.

During World War I, some of the Allied powers began to divide up the Ottoman Empire, with Palestine being one of the areas of most importance. The British and French fought for control of the area. A compromise was eventually reached partitioning the area into zones under French or British influence instead of direct rule, with the French in the north and British in the southern areas. Both also agreed to internationalize Jerusalem to prevent more fighting amongst all the major powers. The British appeared willing to share Palestine with the French until the Zionists also asked for help from the Germans, as did their Turkish allies. Britain then fought the Germans for control, without considering the French position. The British finally won control of Jerusalem and Palestine in December of 1917. The borders of the Palestine state were effectively drawn, similar to modern day borders, except for the land Israel would conquer in 1967, with Egypt to the south, Transjordan to the east, and France controlling Syria to the north. Jerusalem became a capital city for Palestine under British rule. Then, the British were given a mandate by the League of Nations, in 1920 to administer Palestine and manage its

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5 Darby, supra note 1, at 88.
6 Schulze, supra note 3, at 5.
8 Id. at 73-82.
future.\textsuperscript{8} The British effectively ruled Palestine as a crown colony from 1920-1948, even as a mandatory power.\textsuperscript{9} Both the Arabs and Jews began to target British forces in Palestine because they were angry that the land they were promised was not given to them completely. In 1939 the British officially informed the League of Nations that its mandate would end within ten years as it withdrew its forces from Palestine.\textsuperscript{10}

As the Jewish population continued to emigrate in alarming numbers to the territory, tension continued to escalate between the Jews and the Palestinian Muslims (Arabs). Attacks by the Arabs and Jews continued to escalate over the years until the point where the British government decided that retaining control over the area was not worth the loss of lives and pain caused by the violence.\textsuperscript{11} Looking for help, the British brought the issue to the United Nations, who formed a Special Committee for Palestine (UNSCOP) that researched the problem and came up with a solution that involved separating the territory into separate Jewish and Arab states, and making Jerusalem a city that was under UN administration as an "international" city.\textsuperscript{12} This idea was unacceptable to the Palestinians because it would force them to give away their territory to pay for the crimes of the Nazis; a war between the Jews and the Muslims began.

The Jews defeated the armies of Syria, Lebanon, Iraq, Egypt, Transjordan, and conquered a large portion of the land that was appointed to the Palestinians; they formed the state of Israel in 1948, although war with the Arab neighbors did not end until 1949.\textsuperscript{13} At the end of this time, Transjordan still controlled East Jerusalem and the West Bank of the Jordan River, and renamed

\textsuperscript{8} Schulze, \textit{supra} note 3, at 5.
\textsuperscript{9} Wasserstein, \textit{supra} note 6 at 90.
\textsuperscript{10} \textit{Id.} at 91.
\textsuperscript{11} Schulze, \textit{supra} note 3, at 11.
\textsuperscript{12} Darby, \textit{supra} note 1, at 89, and Schulze, \textit{supra} note 3, at 11.
\textsuperscript{13} Schulze, \textit{supra} note 3, at 13, and for maps, see Martin Gilbert, \textsc{The Routledge Atlas of the Arab-Israeli Conflict} 50 (2002).
itself the Hashemite Kingdom of Jordan. Similarly, Egypt still had control of the Gaza Strip.
The Arab world refused to recognize Israel as a legitimate state, and the majority of the
Palestinians were left as refugees in the Gaza Strip, West Bank, and other surrounding Arab
states, although some remained in Israel and were given limited rights. The UN ordered Israel
to allow the refugees to go back to their land or to compensate them; and they were ordered to
internationalize Jerusalem. But Israel refused to acknowledge these orders.

Many of the Arab nations were reluctant to challenge Israel until their armies were at full
strength again. The conflict between 1948 and 1967 was actually considered by the Israelis at
least, to be a struggle between Israel and its Arab neighbors, disregarding the idea of the
“Palestinians” as an independent political force. As they grew more frustrated, the Palestinians
began to organize a resistance, the Palestinian Liberation Organization, through the help of the
Egyptian government with the goal of regaining their territory and destroying Israel. An
underground armed branch of the PLO, Fatah, was established by Yasser Arafat and company in
1964, when many of the Palestinians felt the Egyptians were not really willing to help them.
Fatah hoped that using guerrilla tactics to provoke an attack from Israel against the Arab states
would force them to finally mobilize against Israel.

The conflict was fairly quiet until 1967. Egypt closed trading routes to Israel, which
provoked a preemptive Israeli attack. During the Six Day War, Israel conquered new lands from
the surrounding countries, including the Gaza Strip and Sinai Penninsula (which Israel
eventually returned in 1982) from Egypt, the Golan Heights from Syria, and took control of a site
that they consider to be very holy: the Wailing Wall, as well as the rest of East Jerusalem, from

14 Darby, supra note 1, at 89.
15 Schulze, supra note 3, at 15.
17 See Schulze, supra note 3, at 107 for the PLO’s covenant and its purpose.
18 Id. at 34.
Jordan. The Israelis annexed Arab East Jerusalem on June 27, 1967, to declare it their capital. They saw this as a “divine act of historic justice” and the answer to the prayers of their ancestors who prayed every day for the return of Jerusalem. This declaration is still not recognized legitimately today by the international community. This war effectively changed the terms of the Arab-Israeli conflict since it showed the power of the Israeli army. 

This war effectively doubled the size of the territory Israel now controls. The Israelis now also had control of the more than 1 million Palestinians living in Israel, who were very hostile for having their lands conquered again. The Israelis then encouraged their citizens to settle in the West Bank and Gaza Strip as a security measure and buffer for future Arab attacks. Unfortunately, other settlers began to join the original settlers with a different goal in mind: to reclaim and retain the biblical lands in the area they believed they were promised by God.

The international community was now even more upset with Israel, and the UN ordered the Israelis to withdraw their armies from the lands that they had recently conquered, and to grant security and sovereignty to the people living in these areas. The Arab countries tried to fight back from the outside, while the PLO began to mobilize attacks from within, which gained the respect of other nations in the area. The Palestinian nationalist movement flourished in this era on its own accord because the Palestinians realized that other Arab countries were not likely
to be very efficient, especially after such a humiliating defeat. Arafat fed off of this concern and established his role as leader more firmly.

Some Arab countries still tried to fight back however. In 1973, Egypt and Syria attacked Israeli forces in the Golan Heights and the Sinai Penninsula, in the hopes of regaining their lands. Initially, their prospects looked good. Eventually, however, Israel was able to maintain control of the lands and turn Egypt and Syria back in counterattacks. Even today, Israel still controls the Golan Heights, which heightens the tension between Syria and Israel. Israel is not likely to give the entire area back anytime soon since the Heights give Israel a great vantage point for monitoring Syrian movements and provides a natural buffer against any possible military threat from Syria. The area is also a key source of water in such a dry region. The area actually provides a third of Israel's water supply and the land is therefore fertile enough to allow adequate crop growth.

Israel grew more powerful over the years since it first took control in 1948, as it acquired new lands, defeated enemies, made powerful allies (like the US), and showed the world what it was capable of. Israel also grew into a position of power as it acquired nuclear weapons for security purposes, and to become a player with the other nuclear powers of the world. As Israel gained more power, it became more difficult for its Arab neighbors and the general international community to deny the existence of the Israeli state. They may not condone any of Israel's actions or recognize the exact borders, but it became more difficult to deny its existence and position, as a powerful figure in the Middle East.

29 Schulze, supra note 3, at 44-49
30 History of Middle East conflict, supra note 23, and for maps, see Gilbert, supra note 13, at 87-91.
31 History of Middle East conflict, supra note 23.
33 Schulze, supra note 3, at 39.
In the late 1970s, the peace negotiations really began to grow more popular after years of violence, but talks about the future of the Palestinians have been unsuccessful for years. The first such example of talks resulted in the Camp David Accord in 1978 with the help of President Carter. As part of the peace treaty Israel agreed to establish an autonomous regime for the Palestinians in the recently acquired West Bank and Gaza Strip areas. Although the Israelis returned the Sinai lands to Egypt, they ultimately recanted on the agreement by refusing to turn over Gaza and the West Bank for Palestinian sovereignty. In the eyes of many, Israel’s image was now further cemented as an aggressive state that would do whatever they felt was necessary to achieve their goals.

The Palestinians launched a rebellion in 1987 that became known as the *Intifada*, or “shake up,” in order to express their opinion of the unfair treatment they received at the hands of Israelis, and ultimately in response to disillusionment with the ineffectiveness of the PLO. This rebellion animated the Palestinian people and encouraged the establishment of militant groups who were willing to do whatever was necessary to fight for their land and right to self-rule. The Hamas is an example of a powerful group that grew out of this era, as a subsidiary of the Muslim Brotherhood. In 1991, the military wing of Hamas began their new campaign to get rid of the Israelis through the use of suicide bombers and shootings that targeted settlers and soldiers. This change emphasizes a shift to a different phase of the overall conflict, moving from “armed conflict” to daily acts aimed at sustaining the challenge through civil disobedience, refusal to cooperate with the occupation, strikes, terrorist attacks, etc... The *Intifada* also brought women and children into the fighting in a way in which they had not participated before since

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34 Schulze, supra note 3, at 111-112 for Document 15.
36 Schulze, supra note 3, at 80.
37 Darby, supra note 1, at 91.
38 Bar-On, supra note 16 at 221, 222.
they could demonstrate, strap a bomb onto their chest, or throw rocks as well as the men in some instances.\textsuperscript{39}

The \textit{Intifada} became a psychological and political victory for the Palestinians because they gained support from the international community for their struggle and regained some of their dignity.\textsuperscript{40} The rebellion was answered by the Israelis with violence. Two years into the \textit{Intifada}, Rabin tried to end it by using more force against the Palestinians instead of just having the soldiers kill dissenters. He instead urged beatings and the breaking of bones.\textsuperscript{41} This however harmed the Israelis instead of helping them, because the media was able to share the story with the world, resulting in a very negative and inhumane image for the Israelis in the eyes of the general international community.\textsuperscript{42} It also encouraged more Israeli soldiers to question their loyalty to their orders because they felt this kind of inhuman treatment was illegal and immoral. Upon realizing the extent of the extreme violence, the international community again encouraged peace talks.

In 1988 Jordan announced that it was leaving the West Bank for the Palestinians to have as a homeland.\textsuperscript{43} The Palestinians living in the occupied territory urged the PLO to take advantage of this new political situation and try to negotiate peace before the land was completely destroyed. Israel was now forced to at least unofficially negotiate with the Palestinians more directly.\textsuperscript{44} Jordan, Egypt, and other countries still played a role in the negotiation process, but this was a step forward. Another important step came when the Palestinian National Council officially recognized Israel and accepted the idea of a two-state

\begin{thebibliography}{99}
\bibitem{Note1} Id.
\bibitem{Note2} Id. at 220.
\bibitem{Note3} Id.
\bibitem{Note4} Id. at 221.
\bibitem{Note5} Id. at 245.
\bibitem{Note6} Id. at 245, 246.
\end{thebibliography}
solution, with Arafat as their President.\textsuperscript{45} Until this point, they still held out for the complete return of all the land that was supposed to be “Palestine”. Instead, they established the idea of a Palestinian state alongside of a Jewish state, according to the guidelines established by the UN General Assembly Resolution 181 from 1947.\textsuperscript{46}

After these initial steps, the Israeli and Palestinian leaders negotiated possible agreements several times, but the violence continued to reemerge through the reactions of new political leaders and people who were uncomfortable with the direction of the talks. The violence continued at a steady pace for the next few years. The amount of violence was taking a toll on the Israeli and Palestinian people, as well as the soldiers. The Palestinian public grew even more tired and disillusioned. Unfortunately, the extremists began to argue even more with the moderate leadership of Fatah and the PLO, and actually killed Palestinians who they thought were collaborating with the Israelis for peace. At the same time, the Israeli soldiers grew more tired and frustrated with the entire situation, especially as many were forced to wrestle with their conscience and their emotions over the ways in which they were supposed to deal with the Palestinians.\textsuperscript{47} Both sides grew more frustrated and disillusioned with the violence, and many encouraged their leaders to consider peaceful resolution.

Talks emerged secretly in 1993 in Oslo as the Israel government tried to take advantage of a weakened PLO, at a time when the Arab nations turned against the Palestinians since they took a pro-Iraq stance during the Gulf War.\textsuperscript{48} Eventually the Declaration of Principles resulted from these secret talks that occurred over the course of a year. At the signing of this agreement in 1993, the Prime Minister of Israel, Rabin, was forced to recognize the PLO as the legitimate

\textsuperscript{45} Id. at 246.
\textsuperscript{46} Id. at 249.
\textsuperscript{47} Id. at 258.
\textsuperscript{48} Schultze, supra note 3, at 82-86.
representative of the Palestinian people with Arafat as their leader. The Israelis were again supposed to leave Jericho and Gaza, to encourage peace. The Palestinian Authority was formed in response to this agreement as the governing body of the Palestinians over the West Bank and Gaza areas they would control, with Arafat's Fatah dominating the elections over the next several years. This agreement ignored the more controversial issues of the rights to return to land for a lot of the Palestinians, the rest of the West Bank they needed to reclaim, and the most important issue of Jerusalem. Peace declined again over the next few years after Rabin was assassinated by an upset Jewish settler who would be relocated in light of this agreement.

The Wye River Accord was implemented by Israeli Prime Minister Barak and Arafat in 1999 to allow the release of Palestinian prisoners and transfer of more property in the West Bank to the Palestinian people, through the hands of the PA. In exchange, the PA promised to try and calm down extremist groups so they would discontinue violence against the Israeli people. Violence continued however, and as the subject of Jerusalem came up, peace talks failed, even after an attempt by President Clinton to save the talks during a Camp David retreat.

The conflict became really violent again in 2000 after Ariel Sharon, then a leader of the Israelis, and the present Prime Minister of Israel, visited the Temple Mount in an attempt to set the possible foundation for a Third temple, and ultimately as a media stunt for him to gain popularity in the future prime minister elections. He was also determined to flaunt Israeli control over such a sacred site. Palestinian demonstrations erupted and provoked a violent response from the Israeli army. The PA even released some members of Hamas that they previously held, to help the Palestinian people fight back against Israel. The ensuing violence

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49 Darby, supra note 1, at 91.
50 Schultze, supra note 3, at 86-87.
51 Id.
52 Pappe, supra note 2, at 355.
53 Gilbert, supra note 13, at 155.
became known as the second Intifada, or the al-Aqsa Intifada.\textsuperscript{55} As Sharon won the subsequent election and became Prime Minister, he authorized the use of tanks and helicopters to attempt to halt the Intifada. In recent years many leaders of the international community doubted that peace could even be possible since they thought that neither Arafat nor Sharon were capable of considering peace unless they could receive almost everything they wanted.

Ariel Sharon himself is a flashpoint in the overall conflict. Most Palestinians do not trust or respect him at all, and in fact, hate him. His visit to the Temple Mount ultimately sparked the current intifada, as he desecrated a site held in very high esteem by the Palestinian people.\textsuperscript{56} Sharon was the mastermind behind Israel's tragic invasion of Lebanon that it was forced to pull out of in 1982, had a history of encouraging settlement expansion when he was the Minister of Housing, and became more popular during his initial election to Prime Minister by arguing against the peace process.\textsuperscript{57} For most Palestinians however, Sharon is also strongly “associated with the massacre of hundreds of Palestinian civilians in the Sabra and Chatila refugee camps in Beirut 18 years ago.”\textsuperscript{58} He also continued to urge the use of tanks and helicopters against the Palestinians in response to the intifada. Basically, Sharon has a long history of violence and hatred in the eyes of the Palestinians. It is difficult to negotiate peace with somebody who your people could ever believe or trust. His personality simply exacerbates the conflict since he typically appears to disregard even the idea of peace, and often refuses to acknowledge any suffering or wrongdoing towards the Palestinians.

The framework that currently appears to guide the peace process is based on the “Roadmap” to peace created by the US, with the assistance of the EU, Russia, and the UN, aka,

\begin{footnotesize}
\begin{itemize}
\item[Ariel Sharon: Controversial hardliner, \textbf{BBC WORLDNEWS ONLINE}, Jan. 26, 2001]
\item[Bar-On, \textit{supra} note 16, at 258.]
\item\textit{Ariel Sharon: Controversial hardliner, supra} note 54.
\item Id.
\item Id.
\end{itemize}
\end{footnotesize}
the “Quartet.” It was published in June 2002 after President Bush presented the plan to Israeli and Palestinian leaders in a speech. The Roadmap calls itself “a performance-based roadmap to a permanent two-state solution to the Israeli-Palestinian conflict.” It gives goals with specific deadlines to encourage progress towards peace as the parties take “reciprocal steps in the political, security, economic, humanitarian, and institution-building fields.” The Roadmap was supposed to lead to the settlement of the conflict by 2005, which obviously has not occurred. The Roadmap is still in its first phase since the initial steps require the Palestinians to cease all violence, and Israel to cease all settlement activities and to withdraw from the areas it took from the Palestinians since the breakout of the al-Aqsa Intifada in September of 2000. Until these steps are implemented thoroughly, the subsequent phases in the Roadmap cannot take place. The Quartet is supposed to assist the parties in the implementation and facilitation of the plan, but ultimately the steps must be taken by the parties themselves. Though this plan has yet to take full effect and most attempts towards a peace process still refer to this Roadmap as the foundation for the next steps; therefore, the international community still wants to use this outline as the structure for the final agreement.

The United Kingdom also remains interested in the outcome of the conflict in Israel since it first encouraged the groups to live in the same lands, as it promised it to both of them and was the land’s last colonial power. The role of Britain however has declined quite a bit since it held the position of power in the 1920s-1940s. Now, many people believe Britain feels somewhat guilty for the past, but yet cannot really do so since its alliance with the US prohibits Britain from taking a position opposite of the US. Many Palestinians are still bitter about the treatment they and their ancestors received when Britain promised the same lands to two groups. One

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60 Id.
61 Id.
Palestinian notes: “Despite the fact that what Britain has done to the Palestinians was a real disaster in all spheres, no British government has made the effort to apologize and accept even a small part of the responsibility....” A lot of Palestinians therefore, do not respect the British government, and neither do the Israelis, since both parties feel they were betrayed by British rule years ago. The Israelis especially also do not see the point in listening to the British much of the time. As also noted, “Sharon does not want to give Britain a role in the peace process, because he knows that the British role is extremely limited, and derives its magnitude from the special relations between London and Washington - not from the political weight of Britain.” While the British may try to take a larger role in addressing major conflicts such as this one, it often has difficulty doing so since its partner, the US, is often considered to be the true global power.

The violence may have diminished some over the years, especially government-supported violence, but the current Intifada was not called off until very recently. Some are hopeful that the death of Yasser Arafat may have marked the beginning of a new era, especially as Sharon appeared willing to follow through with further disengagement of at least some of the settlements in the West Bank and Gaza areas. The election of Mahmoud Abbas, also called Abu Mazen, as President of the PA, was also a huge step forward in the eyes of many nations. Abbas has a history of advocating peace negotiations, which the west loves, and is remembered as a co-founder of Fatah, which gains respect from Palestinians. He was opposed to the militarization of the Intifada and personally is very different from Arafat, which is a huge benefit in the eyes of the general international community. In one of his first major moves in office, Abbas persuaded many of the Palestinian terrorist groups to agree to a “tahdiah” or cooling-off period, as a step to

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63 Id.
64 Id.
65 Id.
66 Id.
Opperman, 17

get Sharon to the table to renegotiate peace and to prevent Israeli retaliation for another militant attack. 67 This was then formalized in February of 2005 when Sharon and Abbas declared an official cease-fire at the Sharm al-Sheikh summit in Egypt. 68

Abbas appears willing to challenge the extremists at least a little to try and get them to slow down, but he is unlikely to be able to stop them if they choose to ignore him. He is able to negotiate with the militants, at least to some degree, since a lot of them still respect him because of his history with Fatah. The leaders of Hamas, Islamic Jihad, and the al-Aqsa Martyrs Brigades, who even supported his candidacy during the election, appear ready to listen to him at times. 69 This all appears to at least be an improvement over relations between the Palestinians, and demonstrates a willingness by the leader to control the extremists. Nevertheless, the violence may have slowed down but Hamas and Islamic Jihad have not completely ceased the violence and do not look willing to do so at this point. 70

On the other hand, Prime Minister Sharon must deal with his own situation where insurgents within Israel refuse to follow any agreements. There are large groups of settlers who absolutely refuse to withdraw from their homes, even as he agreed to make this concession. 71 Some just do not want to leave their homes, but others refuse to leave because they do not want to lose control of their nearby holy sites and the dream of connecting settlements around East Jerusalem to leave the Palestinians cut off from it. 72 This group leads demonstrations against Sharon and continually expresses feelings of betrayal provoked by his actions. 73

The general cease-fire has held for the most part since February when it was officially enacted, but some instances of violence have occurred, and are again becoming more prevalent.

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67 Id.
68 Id.
69 Id.
70 Alan Johnston, Hamas Manoeuvres in Wake of Truce, BBC WORLD NEWS ONLINE, Feb. 9, 2005
Abbas and Sharon publicly state their intentions to continue with the ceasefire and work towards the Roadmap agreement, but they do not appear willing to completely follow through with their role in it. A top UN political officer reported to the Security Council on this issue on April 21st, 2005. He reported that “the Palestinians must do more to reorganize their security forces to prevent violence and Israel must halt all settlement activity if recent hopes for resolving the Middle East conflict are to be sustained.” He suggested that President Abbas has yet to implement sufficient security reform and to really crack down on militant activity, even though he has mentioned it. He was also very concerned with Sharon’s recent public proclamation that he is still committed to the eventual implementation of a plan known as the E1 plan, to connect Jerusalem with a West Bank settlement, Maale Adumim. This directly violates the Roadmap and the agreement he made at Sharm al-Sheikh.

The latest time of peace may already be in jeopardy as the Israeli government announced that it will not follow through on the disengagement of the West Bank settlements until the Palestinian militants are disarmed. This provoked a response from the head of the Palestinian security force stating that they would not disarm since they need weapons to protect themselves. This controversy was also fueled by the release of another Hamas militant. Does this completely destroy the new relationship supposedly established between Sharon and Abbas? The recent activity in the Middle East therefore, calls into question whether the latest hope of peace will truly continue or whether it was just another lull in a never-ending battle.

72 Id.
73 DERFNER, supra note 65.
74 Israel freezes W Bank handover, BBC WORLD NEWS ONLINE, May 4, 2005
76 Id.
77 Israel freezes W Bank handover, supra note 74.
78 Id.
Holy Site Update:

In the “Old City” of Jerusalem, Israel has sovereignty over what the Palestinian Muslims consider to be the site of the Haram al-Sharif (Noble Sanctuary) and four of their mosques. The Haram al-Sharif “is of deep religious, political and national significance to Palestinians and to Muslims around the world.”\(^80\) Conflict persists here because this is also the site believed to hold many important religious symbols for Jews and Christians, such as the location where the Ark of the Covenant could be buried and where Solomon’s and Herod’s temples may be hidden, in the area they call the Temple Mount.\(^81\) “The Temple Mount is known in Jewish tradition as the ‘abode of God's presence’.\(^82\) For religious Jews, the Mount is where redemption will take place when the Messiah arrives, and therefore giving up the Temple Mount is unthinkable.”\(^83\)

The Dome of the Rock, within the Haram al-Sharif, holds particular significance to the Muslims because it is the location where they believe the Prophet Muhammad ascended to heaven.\(^84\) “Islamic Tradition speaks of the Prophet being taken from Mecca to Jerusalem on a winged horse and then being lifted to heaven where he was shown by God when and how to pray, one of the five pillars of Islam.”\(^85\) For Jews and Christians however, the rock at the center of the Dome of the Rock is where Abraham began to sacrifice Isaac, which also means it is of historical and religious significance in their faith.\(^86\)

The Al-Aqsa mosque is also located within the Temple Mount / Haram al-Sharif compound.\(^87\) This is the third holiest mosque in Islam, and actually used to be the first direction

\(^{80}\) Jerusalem’s Holy Sites, BBC WORLDNEWS ONLINE.
\(^{81}\) Id.
\(^{82}\) Id.
\(^{83}\) Id.
\(^{85}\) Jerusalem’s Holy Sites, supra note 80.
\(^{86}\) A HISTORY OF ISRAEL AND THE HOLY LAND, supra note 84.
\(^{87}\) Id.
of prayer before Mecca took over as the main focal point of worship in Islam. This makes this mosque extremely important for all followers of Islam. The current intifada is even named after this mosque because it is considered so important to Islam that it is worth fighting for.

Right below the Temple Mount is the Western/Wailing Wall, which is the holiest site in Judaism. This is considered to be a retaining wall remaining from the days when a Jewish temple stood on the mount. Jews believe it is important to visit this wall and leave messages or prayers in the ancient stones to connect with their history. At the same time, the Muslims refer to this wall as the "Western Wall al-Buraq". It is said that Muhammad tied his horse to this wall during his ascension, which makes this a Muslim holy site. These are only the sites located in the Old City of Jerusalem, and yet they are all coveted by multiple religious groups.

The Palestinians claim that these temples were not really here. The Israeli police guard the entrances and monitor the area with security cameras. The Jews are allowed to worship at the Wailing Wall at the Temple Mount, yet oftentimes many Muslims are not permitted to pray in the Muslim mosques. Since about mid-2004, Israel began to slowly lift the restrictions a little bit, to allow more access to the al-Aqsa mosque in particular, but still many Muslims are not permitted to even enter Jerusalem, which impedes their ability to visit the sites. Quite often, there is violence at this site between the religious groups, by people who would rather die for their faith than let the other group have control or access to the sites.

88 Id.
89 Id.
90 Jerusalem’s Holy Sites, supra note 80.
92 Jerusalem’s Holy Sites, supra note 80.
There are also other distinctively Christian holy sites in Jerusalem including the Church of the Holy Sepulchre, the Church of John the Baptist and the Via Dolorosa.\textsuperscript{93} The Church of the Holy Sepulchre is particularly important since many Christians believe it is the location where Jesus Christ was crucified.\textsuperscript{94} Because Jesus Christ is the central figure in Christianity, this site would be one of the most important to people of this faith.\textsuperscript{95} Although Christians may not always make up one of the main parties in this conflict at a particular point, their rights for access should also be considered when the main parties debate what should happen to Jerusalem because Christians also want access to all of these sites.

This, however, is not the only religious site whose ownership is being disputed in the area. The city of Nablus is home to the tomb in which Joseph is supposed to be buried, and where a synagogue and a school for the Jewish people had been established.\textsuperscript{96} Conflict ensued here because Islam claims that the shrine is actually the burial place of one of their saints, Yussef Dweikat, and was built by their own people, not the Jews.\textsuperscript{97} Both religious groups claim this is an important burial site for their religious icons. How can they compromise when they believe the other group is lying or completely delusional? The Arabs were not permitted to use this site. After a series of attacks, the Palestinians regained control of the site in 2000 and set the area on fire; then they renovated Joseph’s tomb to establish it as an Islamic mosque, which is a direct attack on the Jewish and Christian faiths.\textsuperscript{98} After this mess, not many people permitted to pray at Joseph’s tomb, unless they have special army protection.

In Hebron, conflict is prevalent as the Jews worship at the Tomb of the prophet Samuel, and the Muslims worship at the Ibrahimi mosque near the Tomb of the Patriarchs. Also in

\textsuperscript{93} Tarik Kafalam \textit{Holy Jerusalem: The key to peace}, BBC WORLDNEWS ONLINE, Feb. 18, 2003.
\textsuperscript{94} Id.
\textsuperscript{95} Id.
\textsuperscript{97} Id.
Hebron, the Tomb of the Patriarchs, known as the Cave of Machpelah, in itself is a major hotspot because Muslims, Jews, and Christians alike all want to visit the tomb of Abraham, Isaac, Jacob, and their wives.\textsuperscript{99} For years Jews were not permitted inside the Tomb to pray by the Muslims who guarded it. Still today, the area often breaks out in violence as one group attempts to pray inside which angers the other. The only international observer force in the West Bank stays here because of the common recurrence of violence.\textsuperscript{100}

In Bethlehem, the Muslims built a mosque in the Manger Square, the area in which Jesus is said to have been born.\textsuperscript{101} This is a slap in the face of Christians who want to worship at the Church of the Nativity and be near the birthplace of Jesus. The Palestinians have also attempted to take control of Rachel’s tomb in Bethlehem, which is regarded as one of the holiest places in Judaism.\textsuperscript{102} Bethlehem typically has more religious significance for Jews and Christians, but some Muslims try to stop their worship and attack in retaliation for their denial of access to Muslim holy sites, especially since the town of Bethlehem is actually under Palestinian control. All over Israel, there are sites that are of great religious importance to each of these groups, and therefore conflict has broken out over who should have access.

\textbf{Other Important Factors:}

The Muslims and the Jews deny that the other group has historical or religious roots that grant legitimacy to their reasons for wanting access or control of the holy sites. Muslims believe that many of the Jewish prophets and important leaders whose burial sites and locations of big accomplishments are at the center of this controversy, are actually Muslims, and therefore should

\textsuperscript{98} Id.
\textsuperscript{99} Id.
\textsuperscript{100} Kafalam, supra note 93.
\textsuperscript{101} Id.
\textsuperscript{102} Radin, supra note 96.
not matter to the Jewish people. This aggravates the conflict and hatred since each side takes offense at this idea because it suggests that they do not know what they believe, and in fact mocks their faith. In accordance with their own beliefs, and in response to this show of disrespect to their own religion, the group in control of a particular site may be willing to destroy or deny access to the holy site for members of the other religious group. Until the groups acknowledge each others' faith, or at least stop provoking each other in this respect, a peace agreement is not likely to be sustained.

Another challenge to peace exists because of how dangerous it often is to gain access to the holy sites when police forces and suicide bombers might attack worshipers from the other group. This has slowed down recently, especially since President Abbas called for a ceasefire from the extremists to try and get the Israelis to back off. However, there is no guarantee that this situation will remain quiet, especially when there have been violent occurrences already since the current ceasefire began. It is also difficult because many of the suicide bombers are members of extremist groups, such as the Hamas or Islamic Jihad, and may not be under control of the government. With a history of cyclical violence, people often are wary of the quieter times as they wait for the violence to resume. This is why an argument has been made that the Israeli-Palestinian conflict is intractable, since there are groups who appear to be unwilling to ever stop the violence. Violence may slow down for awhile, but it is episodic and is therefore likely to return.

In response to militant attacks, the Israeli government imposed curfews, traveling restrictions, and an economic blockade on the Palestinian people. This prevents a number of them from earning a living to support their families or from buying food even if they have the

103 Id.
104 Derfner, supra note 65.
money. A result of the curfew and other regulations is the further sinking into poverty of a lot of Palestinians who do not have enough water, food, or money to support their families. As a matter of fact, two-thirds of the Palestinians in the Gaza Strip live below poverty level since the economic situation grew worse after the start of the second intifada. In light of the desperation many Palestinians feel when they cannot provide the basic necessities the extremist militant groups feed upon these feelings and recruit future extremists through charity, helping the recruits fulfill these needs for their families and friends. This earns them recruits for the cause and also assists them further on their path of Islamic duty through the “purification” process of helping others. If the Israelis will not give the Palestinian people the chance to meet these needs on their own, others may step in to fill this role. That would be a mistake on the part of the Israeli government since it gives further support to extremist groups. The Israelis however, may now be showing a slight willingness to consider loosening some of these regulations if the ceasefire holds out. Maybe soon we will see the economic and living conditions of the Palestinians improve a little bit.

Another response to the violent attacks by Palestinian extremist groups was the building of the “separation wall” at the center of international controversy. The wall is over twenty feet high, is projected to have a length of more than 200 miles, and includes guard towers, two-lane patrol roads, and electronic fences in some areas. The wall initially was originally intended as a safety measure for the Israelis but now looks to be an illegal border-defining tool. The Israeli government is using the wall to close off the Palestinians in the West Bank and Gaza areas from

107 Id.
108 Id. at 41.
109 Derfner, supra note 65.
110 Roane Carey, Bumps in the Road Map, 276 NATION 5-7 (2003).
East Jerusalem and large portions of land and holy sites like Rachel’s tomb in Bethlehem. The wall’s position in the Jerusalem suburbs is especially controversial right now as it appears that the Israelis are cutting the Palestinians completely out of Jerusalem and fragmenting the Palestinian settlements. This is a growing area of concern to the Palestinians, and the general international community that denounces the wall as illegal and uncooperative. This will likely be another major area of controversy that should be considered in any final agreement, especially as it relates to cutting off access to holy sites.

A lot of people involved in this conflict are tired of the violence, especially those that have watched their loved ones die or get injured in the incessant fighting. There are reports of about 4500 dead since the Second Intifada was declared in 2000 Palestinian suicide bombers have find it more difficult to get into Israeli cities as the Israeli military force is better prepared to stop them. Most of the violence is now contained to Gaza and the West Bank, which actually harms Palestinians more than the Israelis. There have recently been Palestinian demonstrations against the Hamas in Gaza to protest their violent acts against Israelis, especially because it brings reprisals that are too painful for them to endure. As conditions worsen in Gaza especially, many of the Palestinians realize that this fight is not worth it. Many are now willing to accept that they will never have all of their land back, as long as they get land to live on and enduring peace.

The Israeli Jews and the Muslim Palestinians often base their identity on culture and religion, which can be bad for the peace process. They often see that the only way to protect

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111 Price, supra note 71.
113 Derfner, supra note 65.
114 Stern, supra note 106, at 41.
115 Johnston, supra note 70.
Their family is to return to the traditions, religion, and heritage of their cultural roots. When their identity begins to tie back to religion and culture, rather than being based on the land they live in, it makes it more difficult to achieve steps towards peace, since religion and culture often conflict with each other and provoke a violent defense. The parties often compete with each other for the “crown of victimhood” as well as for the “place of primacy at the hands of the God”.

They fight to establish their identity as part of God’s chosen group. People get more emotionally invested when they fight to protect their religious identity rather than on their citizenship. The more emotionally invested they are, the more unwilling they are to bend, and the more they grow to dislike people who disagree with them. To many people, “religion is a force driving nationalist hatreds rather than sentiments of tolerance or understanding...holy space here is exploited in terms of political interests...spiritual attachment becomes a means of staking your claim.”

This problem may be at the very heart of this entire issue as religion encourages violence for the extremist groups who see it as their duty to defend their faith at all costs. It is easier to commit suicide for their faith when they believe they will receive rewards in heaven. Among the Israelis and Palestinians, national identity is often tied as much to one’s religious background, as to the hatred of the other party.

Palestinians can be Palestinians, simply because they unite as a group hating the Israelis. “At its essence, the Arab-Israeli conflict is about two peoples who have refused throughout common history to recognize each other, as a people, a nation or nationality.” Instead, they fight to the death to prevent their enemy from having the same rights and needs that they want fulfilled for themselves. Their very identity is tied to this never-ending cycle of violence. Since their identity may be tied to a history of hatred, it will be difficult to achieve peace.

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116 Stern, supra note 106, at 62.
117 Crocker ET AL, supra note 105, at 347.
118 Mideast holy sites take center stage, 117 THE CHRISTIAN CENTURY (2000).
On the other hand, identity encourages a perpetual cycle of violence because each attacker feels their attack was performed in self defense, and justly, since they are protecting themselves against future violence and are retaliating for past acts. Some feel that they were “murdered in the soul by the occupation;” and therefore are justified to kill in self defense or in order to protect their land. Another big problem is that many of the Palestinians do not distinguish Israeli citizens from the military or their government. In their eyes, all Israelis are their enemies because all Israelis can serve in the army, and because they are all descendants of the enemies who threw them off of their land. If every single person who lives in a certain state is your enemy, regardless of whether or not they have personally perpetuated any of the violence or oppressed anyone in any way, it is difficult to find common ground allowing you to forgive, trust, or coexist with the enemy. This dehumanizes everyone and puts an image in the head of each Palestinian so that every Israeli they see has the face of the enemy. How can peace possibly emerge from this deep level of hatred and mistrust? This stereotyping will likely need to be addressed before any agreement is plausible since it denies the ability to trust any possible neighbors outside of their own community.

There are major psychological and emotional scars underlying the materialistic interests of the parties that should be addressed before peace is likely to be sustained for any extended period of time. The Israelis have an overwhelming need to always feel secure in everything they do. The need to feel safe is reflected in every agreement they sign, and in all of the details they require before agreeing to anything. They are always afraid of being attacked, which is why they feel a need to have such a strong army. They feel it is important to retain their image as a strong and powerful nation in the area. If there are mediators involved in this conflict resolution

119 Darby, supra note 1, at 87.
120 Stern, supra note 106, at 87.
121 Id. at 40, 57.
process, they need to keep these kinds of contexts in mind in order to encourage steps towards agreement, since they affect how a party negotiates.\textsuperscript{123}

While the Israelis are afraid, the Palestinians feel hopeless, alienated, humiliated and often focus on their despair. Jessica Stern notes the “inescapable feeling of depression, of utter humiliation and despair” when she walks around the Gaza Strip and realizes that they have no entrepreneurial spirit at all.\textsuperscript{124} They were humiliated when they lost their land and are now forced to basically live in poverty. As they watch the Israelis settlers around them living a life of luxury as compared to themselves, they feel envious of their situation.\textsuperscript{125} The Second Intifada was a response to this feeling. They wanted to show the Israelis that they are not as helpless as they believe the Israelis think they are.\textsuperscript{126} They feel alone when the Israelis have the support of the US, while they often feel deserted by the other Arab nations. They live hopelessly when they cannot even afford to support their families. They also are hopeless as they watch their children suffer from malnutrition or violently at the hands of the Israeli Civil Administration and army.\textsuperscript{127}

They also hopelessly despair because they often do not see any good way out of their situation. Either they give up the land they feel they are entitled to, since it was their home, or else they continue to fight and lose many loved ones as violence continues. Either way, they suffer and lose in most instances. These feelings all play into the hands of the militant groups who step in to play off of these feelings and recruit attackers. If the peace process addresses hopelessness, deprivation, envy, and humiliation, it may go a long way in taking away a power base for Hamas and Islamic Jihad groups, as well as other terrorist movements.\textsuperscript{128}

\textsuperscript{122} Kevin Avruch, CULTURE AND CONFLICT RESOLUTION 71 (1998).
\textsuperscript{123} Id.
\textsuperscript{124} Stern, supra note 106, at 36, 37.
\textsuperscript{125} Id.
\textsuperscript{126} Crocker ET AL, supra note 105, at 364.
\textsuperscript{127} Stern, supra note 106, at 37.
\textsuperscript{128} Id. at 38.
Another important factor to remember is that the major parties involved in this dispute are the Israelis and the Palestinians, their governments, and the Jews and the Muslims, including those with interests from other countries who share the faith. Beyond the religious conflict, there are other underlying issues such as a need for land, a sense of nationalism, and economic prospects that affect all of the people, not just the religious or governmental people. There are also other parties involved that have an interest in seeing a peaceful resolution to this conflict, such as the other Muslims and Jews mentioned above. Similarly, Christians hold an interest since they also hold many of these areas as holy in their own religion as well.

Even though the main parties involved are the Israelis and Palestinians or Jews and Muslims, a lot more of this conflict has to do with the role of the international community. At the heart of the conflict is the basic idea of power politics. The relationships between the larger, more powerful countries play a much larger role in this conflict than any of these countries’ relationships with either Israel or the Palestinians. Many countries line up with either Israel or Palestine based on whether they want to be with or against the US. Similarly, “divided Jerusalem is a product of external pressures at least as much as of internal dynamics. Above all, it is a product of competition among great powers to gain and extend authority in and through the holy city.” International competition plays a distinct role in this conflict; this cannot be forgotten, especially since the history, background, morals, and religious beliefs of each larger country affect their position on this issue, typically based around the political issue. Almost every major industrialized nation hopes to have a strong foothold in the Middle East, and Israel could have the potential to accomplish a lot if the violence within it is ever tamed.

Although the US is still an active member of the Quartet and President Bush plans to continue meeting with Abbas and Sharon at the appropriate times, the US has recently expressed

129 Wasserstein, supra note 6, at 14.
a slight policy shift in how it deals with the Israel-Palestine situation by encouraging others to take over the role of mediator. The Bush administration believes the US should not always take “center stage” as the mediator for this conflict.\textsuperscript{131} Condoleezza Rice recently suggested that the “rebuilding of a direct Israeli-Palestinian relationship” was something that the US does not want to supplant, interfere with, or otherwise complicate.\textsuperscript{132} Therefore, although the US has a vested interest in seeing peace achieved in this area of the Middle East, the current administration wants to give others a chance to deal more directly with the situation. Whether this will play a major factor in possible peace talks remains to be seen.

The history of fluid borders in this dispute plays a large role in the difficulty in resolving this conflict. Many of the Arab nations are bitter about losing their lands to Israel because they were embarrassing defeats. The Arab nations were generally thought to be bigger and more powerful than the Jews in 1948 when this group of Zionists attacked the Arabs to fight for control of what is now considered Israel by most people.\textsuperscript{133} There was no logical reason for Israel continuously being able to beat the other nations. This causes bitterness, envy, hatred, and a strong sense of humiliation that continues to plague relations between Israel and many Arab nations today. Some nations still want their land back. Syria, for example, still wants to regain control of the Golan Heights that it tried to rescue in the 1973 attacks, but failed to do so, even with surprise attacks.\textsuperscript{134} The borders of Israel and the surrounding lands have changed so much over the course of the last fifty years that many nations still hold out hope that they will continue to change back to how they once were before Israel grew powerful enough to win this much.\textsuperscript{135} The longing for permanent borders exists so that the nations may someday be able to define

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{130} Id.
  \item \textsuperscript{131} Derfner, supra note 65.
  \item \textsuperscript{132} Id.
  \item \textsuperscript{133} Schulze, supra note 3, at 13.
  \item \textsuperscript{134} Id. at 44-49.
\end{itemize}
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once-and-for-all, where their borders lie. The relationships in the Middle East are not likely to improve until the borders are agreed upon by all relevant parties.

Some of the Middle Eastern governments also want to see this resolved, particularly those with Palestinians living within their borders, because they would like them to return to Palestine. Some of the governments also want to see a Palestinian state formed because they share a Muslim faith and want the freedom to visit the holy sites as well, and to expand Islam. The general international community also wants peace, particularly the UN, US, EU, and Russia, as part of the Quartet trying to lead negotiations on this conflict. Major conflicts such as this affect a lot of people in a lot of different ways, which means some of these secondary parties may try to fight for certain positions in any agreement, or could be helpful conduits to negotiations.

**Interests:**

There are many different interests that influence the position of the affected parties. Some are unique to those of a religious background, but others are very important to both religious and non-religious participants. There are certain interests that are publicly argued for; however, oftentimes, the true interests might not be acknowledged or realized by the parties themselves. These are the interests that are particularly difficult to address because the parties may not know that they must have these needs addressed. These types of needs may also be more psychological or emotional by nature, and therefore require unique kinds of solutions, beyond the substantive needs typically addressed with international conflict resolution and management processes. Any potential agreement intending to resolve this conflict in a way that permits truly sustainable peace, must attempt to address all of the interests and needs of each of the affected parties. This is one of the reasons why this conflict is so difficult to address: there

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135 See Gilbert, *supra* note 13, for maps of each border shift.
are so many needs and interests that must be addressed, many of which conflict with each other. Also, the parties often fight with their own self-interest in mind, rather than the larger goal of sustainable peace. It is often difficult to convince parties to agree to give up something, for example, if it goes against their own self-interest, even if it was capable of moving the peace process along.

**Israeli Interests:**

The key interest for many Israelis, relevant to the issue at hand, is the ability to maintain control of the holy sites that are important to the Jewish religion, especially the Temple Mount, including the Wailing Wall. Throughout Israel there are many sites that represent the Jewish biblical heritage and the promise they believe they received from God, as told in the Old Testament of the Bible, to rule over the “Promised Land.”\(^{136}\) The Israelis believe that the land they occupy is that land, especially when they see that it contains a lot of the sites of major biblical events, and the burial grounds of many of their biblical ancestors. They fight ruthlessly for the assurance that they will have free and open access to these sites. This is something that is very important and valuable to the majority of the Israelis, especially those who practice Judaism.

Beyond basic access to the sites, the Israelis want the freedom to worship as they choose to, without worrying about being restricted in their worship practices. They want to worship in their own ways and carry out their religious rituals in peace, without the fear of being persecuted or killed because they choose to pray or perform a particular ritual in a site that is holy to them. This may be difficult to achieve however, since it violates principles of the Islamic faith. This occurs at the sites that are holy to both the Jews and Muslims, and when Islamic practices prohibit rituals of other faiths on their own holy sites. Finding a balance that permits worship in

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\(^{136}\) Darby, *supra* note 1, at 86.
the same locations by two different religious groups, continues to be a huge challenge to the peace process.

One of the most controversial issues in this conflict is the need to maintain sovereignty over Jerusalem, and the “Old City” in particular. This is something that many Jews will fight very hard for, even to the death at times. Since the Old City hosts the holiest sites in Judaism and Christianity, they are unwilling to lose it. It is an area that the Israelis have fought for constantly, and in fact, want to make it their capital city. Jerusalem is seen as a “symbol of nationhood” for the Israelis.137 Even non-Jewish Israelis will fight very hard to keep control over the holy sites, especially those in Jerusalem, out of nationalism and pride. They fought for years to defend these sites, and are likely to continue doing so. They have made it a large portion of their lives and their nationality. Their national identity can be found in the religious sites and in the conflict to retain sovereignty over them.138 Jerusalem remains at the center of most major conflicts, especially when it comes to peace negotiations. It is an issue that the Israelis and the Palestinians both feel very strongly about, and are often therefore unwilling to bend. They both believe that they need sovereignty over it before they will consider peace. Jerusalem is therefore considered an issue typically pushed off to be addressed as part of “final-status talks”, which allows leaders to debate the less controversial issues before getting to the topic that they know will spark the most controversy.

It is also very important to the Israelis that they receive an acknowledgment from the Muslims, legitimating their religious and historical roots, thereby justifying their need to retain access over the holy sites. This is one of those emotional needs that must be met, but yet may be difficult to obtain from the Muslims precisely because of the emotional nature of the issue for everyone involved. Right now, the Palestinian claims that “the great temples of Solomon and

Herod were never there, strike at the heart of the Judeo-Christian historical narrative." When Muslims claim that David and Jesus were Muslims, for example, the Jews take this as a great sign of disrespect. They cling to their history and want it to be recognized as the truth. They want the Palestinians to acknowledge their right to be at these holy sites, based on Jewish beliefs. Since they greatly respect their history, ancestry, and religious beliefs, they are unwilling to tolerate disrespect, and are therefore willing to continue fighting to defend the need to guard their history.

Similarly, the Israelis need to be affirmed as a legitimate rule in the Middle East, as a state recognized by the international community. This would legitimate their political position as a state, in addition to their historical and religious position as the ancestors of the Jewish biblical patriarchs. Without proper legal and political standing Israel may continue to be a "rogue nation" in the eyes of the general international community, and will therefore often have to defend its position on everything. This may lead to more violence and less of a willingness to negotiate, help others, or completely join the world stage. Israel will need support from the international community in order to sustain any sort of peace with the Palestinians. Similarly, they will probably need help to achieve peace and improved relations with the rest of the Muslim Middle East nations who often see Israel as the enemy nation destroying their Islamic heritage.

Heritage and culture are also concerns for the Israelis. Many are excited about the prospect of being acknowledged by the international community as a legitimate state, especially as a way to enhance their economic prospects. But, some Israelis are also concerned about the idea of becoming too "westernized" as a possible result of globalization. Peace may grant legitimacy that would allow further trade and a stronger position in the world market, but some

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138 *Mideast holy sites take center stage*, supra note 118.
139 Radin, *supra* note 96.
of the more traditional Jews are concerned that this may erode their culture. Some Israelis therefore are willing to fight against peace or any other prospect that may bring change beyond what they want. These are the people who do not want support from the US, especially as a third party involved in mediating the conflict.

Another reason that the Israelis must find a balance between needing US support, and wanting to distance themselves from the US, is that it hurts their relationships with other Arab Middle Eastern countries. Some Arab nations see the United States as an evil enemy trying to “westernize” and take over the world, especially when religion becomes a factor allowing countries to say that the US is against Islam. When these nations see the US support Israel, they see Israel as the evil partner. This fuels further resentment of the Israelis beyond the basic reasons why the Arab nations dislike the Israelis on their own. Peace with the Palestinians would be a step towards peace with the greater Arab world as a whole. A unified Middle East could be a powerful force to be reckoned with if these nations begin to improve their relations. None of this however, may be possible if the US continues to play a role as Israel’s big brother.

Safety is another major concern that legitimate standing in the international community may help to address. The Israelis want the ability to visit the holy sites, and move around in general, without fear that they may be injured or killed. Since it is still somewhat dangerous to visit these sites, they need assurance that they will not be harmed as they go to worship. They need to know that suicide bombers and violent demonstrators will not appear on a consistent basis to threaten their safety. This is especially challenging when some of the latest threats have even been made by their own nationalist groups, like Revava, and the settlers within Israel.

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141 Id. at 354.
142 Scott Hibbard and David Little, ISLAMIC ACTIVISM AND U.S. FOREIGN POLICY, 59 (1997).
143 Friedman, supra note 140, at 355.
144 Clashes around Jerusalem Shrine, BBC WORLDNEWS ONLINE, May 9, 2005.
These groups may provoke more violence from both sides as further steps towards peace are taken. This is when extremists from all parties try to stop losing some of what they want. Perhaps international recognition could be one small factor that extremists realize may be beneficial, especially economically, for all. If the safety issue can be properly addressed, perhaps the Israeli government will consider opening up some of the Palestinian-controlled territories, such as Jericho, for Israelis to again visit as tourists and pilgrims who want to see the holy sites. They are currently denied access to these sites out of the government’s concern for their safety and for the safety of the military that would have to protect them.\textsuperscript{145} Israel and Palestine are likely to need help controlling terrorists and extremists. Other Arab countries may be able to help with this problem, especially since some groups were established in their countries.

On the other hand however, the above situations are not easily resolved, especially when other issues come up, such as the need to withhold access and control of the holy sites by the Palestinians. Firstly, because the sites are of strong religious importance, they want to preserve them for Jewish use only. There is a lack of trust on behalf of the Israelis to allow Muslims to worship and visit the holy sites because of the possible damage or desecration that may come from the hands of those who oppose Israel and Judaism. Perhaps more compelling to some Israelis, is the suggestion that the Palestinians should have to pay for the pain they have caused. The hatred of so many years of fighting encourages some Israelis that the best form of revenge would be to deny them access to the holy sites. They don’t want to share access with their enemies because it would be considered condoning their violent actions. Some Israelis will do anything to prevent this situation, as has recently become evident by the increase of settlers who are trying to set themselves up in the West Bank near holy sites to encourage the Israeli

\textsuperscript{145} Guerin,\textit{ supra} note 112.
government to connect the settlements and cut the Palestinians completely out of the area.\textsuperscript{146} These settlers are willing to fight their own government to stay on this property and prevent the land from being turned over to the Palestinians. Of course, some of them are doing it for the land itself, but many of the others are religiously motivated, wanting to keep the sites for themselves.\textsuperscript{147}

The land often comes into play with a goal of preventing Palestinian movement within the borders, now and for the future. By maintaining control over the holy sites and Jerusalem, the Israelis also hope to prevent more Palestinians from returning to Israel. They are afraid that some of the Palestinians displaced to neighboring Arab countries will return and add more bodies to an already crowded area. They also do not want more Palestinians to move back because it could displace their own people, cost land and money, give more power to the enemy, and may permit the movement of more unhappy citizens who are capable of leading dissidents to fight them from within. Ultimately, many Israelis still hope for some way to remove all of the Palestinians, and take control of all of the entire land and sites in the area, but realistically, most realize this will never happen.

They also want permanent control over Jerusalem and the holy sites so that they can make it safe enough to bring tourists back and stimulate their economy. Since Jericho, Bethlehem, and Jerusalem are key religious sites for Christians, in addition to Jews, the Israelis realize that many Christians hope to make pilgrimages to these sites. The tourist market is not being tapped to its fullest potential since it is still too dangerous for many people to travel. The fighting causes a great loss of revenue for Israel, and needs to be resolved in order to help the country's economy. In order for this to occur, they must protect the industry. They want control over the holy sites to ensure that the sites are physically maintained, but are kept as natural as

\textsuperscript{146} Derfner, \textit{supra} note 65.
possible to preserve the history behind them. If peace ever really occurs, steps will probably have to be taken to set up the proper infrastructures and expand the appropriate areas to handle an influx in tourism, but this is not necessary until the world knows that peace will truly be sustained.

Peace is in the best interest of the Israeli people so that they can stay alive, living happily without fear, worship, live out their faith and finally heal as a nation. Emotionally and psychologically, it will be difficult to overcome this violent past to heal to the point where they trust their Palestinian neighbors. Perhaps however, one big hurdle has been cleared with the death of Yasser Arafat and the succession of leadership by Abbas, because the Israelis trust the new leader a lot more. As long as Arafat was alive, many Israelis would never have trusted the PA, or even believe them if an agreement had been presented. There is now at least a chance that an agreement may be followed, as long as Abbas can figure out a way to keep the extremists under control so that they will keep the ceasefire. Whether this is honestly possible remains to be seen, but until the interests of great importance to the Israelis are met, it is unlikely that the Israeli people will necessarily support an agreement, even if Sharon was to sign one.

**Palestinian Interests:**

The main interest of the Palestinians is also access to the holy sites. They want the freedom of continual access to the holy sites of Islam, especially the Haram al-Sharif (Temple Mount to Jews) with the Dome of the Rock and the al-Aqsa mosque. The freedom to visit these sites whenever they choose is very important. They want to have control over the sites so that they are always assured access, since they do not believe that the Israelis will allow them access even if it is a part of a peaceful agreement. This is because there is a long history of Israel going back on its promises to permit access to key sites. There are many devout Muslims who will do

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147 Price, *supra* note 71.
anything to ensure that they have access to their holy sites. This appears to be one of those interests that is absolutely non-negotiable for most Muslims. They need to have the freedom to worship openly at these holy sites without fear of being mocked, or kicked out by another religious group, or by their own people because of regulations set on when and how one can worship at the sites.

The Old City of Jerusalem is particularly a key interest of the Palestinians in general because it contains the Haram al-Sharif. Even non-Muslim Palestinians see Jerusalem as a symbol of their nationhood. They also long to make it their capital, as the Israelis hope to do.\(^{149}\) Achieving this goal would be a major sign of power and legitimacy for the Palestinians. Also, since the Old City is a part of East Jerusalem, which is mostly occupied by Arabs, they feel they are entitled to keep it under their own control. For the religious Arabs, it is their duty, as Muslims, to protect their land, particularly that with religious significance. It is immensely disgraceful that they cannot go into some of their mosques right now.\(^{150}\) They need to repair this damage and purify the sites of the unclean influences of others in order to regain their dignity and fulfill their duties to Allah.

The ability to safely visit these sites is also important. They need to feel safe as they worship, demonstrate, or bring their families to these sites. They want other Palestinians controlling security, instead of the Israelis, since there is a history of Israeli police forces exercising their strength with brutality. Currently, there has also been a revival of demonstrations and possible indicators of upcoming violence on behalf of Jewish nationalist groups, such as Revava, who are opposed to Israel giving up some of the settlements on the West

\(^{148}\) Derfner, supra note 65.
\(^{149}\) Symon, supra note 137.
\(^{150}\) Id.
Bank and Gaza.151 Everyone is so tense around the holy sites, waiting for dangerous attacks, that something or someone may easily trigger an unintended response. This is a dangerous time when extremists from one group may try to provoke attacks from others to sabotage the recent steps towards furthering the peace process. Some of these extremists view reconciliation attempts as “a sacrilegious abomination,” and therefore will continue to cause chaos within the community.152 Palestinians want to control their own fate, and therefore guard their own areas, without having Israeli police always standing around, appearing to wait for violence to break out.

Not only is access and control of the sites one of their main interests, but preventing the Israelis from having access is also important. Because Islam teaches that many Jewish religious figures are actually Muslim, many of the Palestinians believe that it is completely improper for non-Muslims to be at these sites. Many Palestinians deny the possibility of a legitimate reason for the Jews to be at these holy sites because they truly believe that they are sites only reflecting Muslim history and events. They do not believe that what the Jews say happened, actually did happen. It is also their duty as Muslims to protect their holy sites and remove those who do not follow the same faith. They also do not trust all of the Jews, or Israelis in general, to come into their holy sites out of fear of possible damage.

Similar to their duty to protect the holy sites for Islam, the Muslim Palestinians feel it is their duty to remove western influence, power, and values from the Middle East, as the US relationship represents in Israel.153 Ultimately, many Muslims hope that defeating the Israelis would be a step towards taking the land back for Islam, as their sense of duty requires. The

151 Clashes around Jerusalem Shrine, supra note 144.
152 Crocker ET AL, supra note 105, at 348.
153 Hibbard, supra note 142, at xvi.
removal of ideas, norms, and values different from those of the Islamic culture is something that the militants especially would truly love to achieve.\textsuperscript{154}

Suffering at the hands of Israelis for years, it is really important to the Palestinians to feel as if justice has been served, and reparations have been made for the pain.\textsuperscript{155} They want vengeance to be served. The feelings of hatred, springing from the loss of their land and the pain they have suffered at the hands of Israeli rule, have been historical. For the Muslims in particular, an “eye for an eye” justifies any form of retaliation and suggests that this is the only true course they should follow to fulfill their duty to Islam.\textsuperscript{156} Their pride and hopes of nationalism are tied to receiving justice and finally succeeding over the Israelis. According to Steve Mufson, the reason that both sides are at war rather than living in peace is that “among both Israelis and Palestinians, there is a sense of pursuing justice, or vengeance, for the last killing, for some ancient or historical wrong.” Some Palestinians are not likely to agree to peace until they feel that vengeance has been served for all the years of pain and suffering their people have endured, and therefore the cycle of violence may continue.

The suffering has also generated feelings of humiliation and alienation. They do not even have a true identity at this point because they do not have land to officially call their. The Palestinians are utterly humiliated about how they live now because they were incapable of standing up to the Israelis, and instead are forced to work for them and watch them live a better life. Sometimes this makes them believe that the only way to restore their sense of dignity is to attack their oppressor.\textsuperscript{157} They were humiliated in the loss of their land and will continue to suffer until they feel they have been redeemed. Possible redemption could come from winning back their land. Otherwise, at least a small step towards redemption could possibly occur if the

\textsuperscript{154} Id. at xvii.
\textsuperscript{155} Stern, supra note 106, at 40.
\textsuperscript{156} Id.
Israelis admit that their occupation has been illegal and was uncalled for in the first place. If they admit responsibility for the hurt and pain, this could possibly give a small sense of worth back to the Palestinians. Regardless of the years of hatred, if the Israelis were to acknowledge the Palestinians as equals deserving of statehood, land, and a national identity, this could show that their enemies realize they are worthy of respect. They want the Israelis to acknowledge the hurt they have caused and repair the damage they inflicted. If not, the Intifada gives people courage to carry out attacks because they have seen so many terrible acts over recent years at the hands of their Israeli oppressors.158

One of the key issues underlying the other interests and the entire religious debate is the need for the Palestinians to have a homeland. They lost their land to the Israelis years ago and now are only visitors in their own territory. They not only need to regain lands already claimed by the Israelis, but they also need to prevent the Israelis from building more settlements on disputed land. Agreements on any dispute over access to the holy sites are unlikely until the Palestinians receive land for their people to settle on and achieve sovereignty over. Sheik Taysir Bayound al-Tamimi commented that, "All Palestine is Islamic land, not just Jerusalem...The Jews usurped it. There can be no compromise on Islamic land... Should I drop my holy shrines and mosques to make them happy?"159 This sentiment is expressed quite freely and often by many Palestinians who argue that the Israelis came in and took their land, and therefore, they should not have to give any of it up at all to the Israelis. For many of the Muslims especially, it is their duty to defend the land for the sake of God, and its loss is utterly humiliating, since it shows they were unable to fulfill their duties, as required by their faith.160 They want the Israelis to leave and turn the land over to its rightful owners, the Palestinians. Although many people

157 Id. at 62.
158 Id. at 40.
159 Radin, supra note 96.
feel this way, some realize this will never realistically happen, and therefore acknowledge that they will have to settle for only some of the land they want back.

Beyond land, the Palestinians have other basic material needs that must be met. Drinkable water is a valuable luxury because they often have so little of it. Food is also scarce for the Palestinians because of the curfew imposed upon them by the Israelis, and because of the destructive nature of violence. They need jobs for which they will not be prohibited from going to on any particular day because of travel restrictions. They also want to benefit from tourism in some of the communities they control. They therefore need the Israeli government to permit Israelis to visit them, in order for the industry to turn profitable, as it could be in Bethlehem, for instance.¹⁶¹ Ultimately, they need food, water, and an economy to ensure their future and the lives of their children before the violence is at all likely to truly end. These are the needs that could possibly be met more easily than some of the more emotional and psychological needs.

To do this however, the Palestinians need support from the international community in their quest for basic necessities, land, independence, and access to the holy sites. They need other countries to grant them legitimacy so they can coexist on equal terms with Israel during negotiations. They also need powerful allies to back up their positions and look out for their needs. The international community could contribute a lot more to help the Palestinians get adequate food and water to the region. For example, if they put more pressure on Israel to allow help to come in, and to permit more travel in the region, Palestinians could work more and attempt to make their own living to support their families. It may also help if the international community put more pressure on Israel to stop building settlements and instead encourage the furthering of the Roadmap peace agreement that Sharon is supposedly willing to follow at least

¹⁶⁰ Stern, supra note 106, at 39.
¹⁶¹ Price, supra note 71.
parts of. It would especially be in the interest of the Palestinians if the US was willing to stop supporting the Israelis, at least when they violate their agreements.

As one way to encourage further support from the international community, it is in the best interest of the general Palestinian population if the extremists and terrorists are controlled more than they have been in the past. This is also important because the Israelis typically retaliate and may go after the general public when these extremists and terrorists act. However, this is a delicate interest because these groups also are respected by, and appear as martyrs to many of the Palestinian people because they represent hope and the possible success of the Palestinian wishes. The Hamas especially has earned a place of loyalty and respect in the eyes of many Palestinians, whereas the PA has a reputation of corruption, especially under Arafat. This may be an area where some steps have recently been taken when the newly elected leader of the PA, President Abbas, asked Hamas, Islamic Jihad, and other extremists to rein in terrorist activity as he started talks with Israeli Prime Minister Sharon in February, ultimately agreeing to a new ceasefire to hopefully halt the Second Intifada. Whether the ceasefire holds remains to be seen as several people have been killed since then in occasional violence, but no major acts have occurred as of now. This issue may indeed be one of the key factors determining whether the peace process moves forward.

An issue that is important to a lot of Palestinians but that does not appear to be one that can likely be addressed, is the feeling that Prime Minister Sharon must be removed from power before many of the Palestinians will consider peace with Israel because they do not respect or trust him. He showed disrespect by visiting the Temple Mount years ago and now promises his own people that he will stop Palestinian violence at all costs. He is therefore widely hated by the Palestinians. They feel it is unlikely that he will honor any agreements, or assist the peace

162 Johnston, supra note 70.
process. However, lately Sharon has been fighting his own people to encourage the
disengagement of the Gaza and West Bank settlements as a step towards following the
Roadmap.\footnote{Clashes around Jerusalem Shrine, supra note 144.} Maybe if he continues on this route, some of the Palestinians will trust him slightly
more. On the other hand however, Sharon does not appear willing to follow all of the steps of
the Roadmap. Therefore, some Palestinians believe that he is making small steps to alter the
political scheme for when the bigger issues come to the forefront of the negotiations. Only
time will really tell how Sharon’s role as leader of Israel will come into play further.

Peace is ultimately an important goal for the Palestinians so that they can live happily, in
peace and without fear. They could finally live as free people if peace is achieved. They want
peace so they can freely visit their holy sites. They want a land to officially call their own. They
want the opportunity to go to work and take care of their families, without worrying about how
to feed their kids. Many Palestinians are sick of the fighting because so many have been killed
on both sides, especially since the outbreak of the Second Intifada. There are so many years of
pain and suffering. As a consequence, this kind of peace may be difficult to achieve, especially
if it meant living as neighbors to the Israelis, and being required to share access to common
locations such as some of the holy sites. This will be a big test for the Middle East: to see if
peace can truly be achieved and sustained for a long period of time, especially with parties who
have hated each other for so many years. The possible benefits of this kind of peace however,
enourage a lot of people to still hope for this goal.

**International Interests:**

There is strong motivation for the international community to see this conflict resolved,
as an example for other areas of conflict. Peace in this situation could be the key to stabilizing a
region characterized by conflict, especially in those states involving religious and ethnic clashes.
Peace could likely put terrorist and extremist groups on defense because they could see that their tactics would not always work. This would be very valuable to a large majority of the international community that suffers from terrorism, especially that of an Islamic origin.\textsuperscript{164} If the Palestinian government showed a strong hand in controlling these extremists, it may be a signal to other countries that fighting terrorism from within works.

The international community would benefit the most if they found ways to encourage the parties to deal with the conflict on their own, as much as possible. For example, if the PA cracks down on the Hamas and Islamic Jihad groups and is held responsible for terrorist activity encouraged within their own community, they will have more plausible authority to justify this type of order. When the international community intervenes it appears as if certain countries are choosing sides in the argument, which greatly angers the other group. To resolve this conflict in the best possible way, the primary parties will need to take the direct role in taking the appropriate steps to handle it.

The United States particularly has a strong interest in encouraging successful steps towards peace in this situation because of the role it has often played as a mediator, and as a supporter of the Israeli state. If peace continues to fail, it could be blamed even more than it already is by the extremists, in addition to the mainstream Muslims around the world. This does not bode well at a time when the US wants the support of Arab countries and Islamic leaders in the fight against terrorism. The US often appears to be the enemy of Islam under these circumstances, and cannot therefore truly request assistance or cooperation from the countries that support Islamic activity.\textsuperscript{165}

The United States also has a vested interest in the outcome of this conflict because of its special ties to Israel. The US supports Israel politically, economically, and socially, oftentimes

\textsuperscript{164} Hibbard, \textit{supra} note 142, at 59.
Opperman, 47

at the expense of some of its other relations, in particular those with other Arab nations. US support may be what keeps Israel in power to an extent, at least to the point that the US protects Israel at times from fighting the international community as a whole in the economic, political, and social worlds. The US has supported the Israeli military, in addition to economic and social programs. The US is Israel’s primary financial aid donor, and Israel is the US’s top aid recipient. During the 2005 fiscal year, for example, the US has budgeted $360,000,000 to support peace and to encourage economic growth, agriculture, and trade within and with Israel.¹⁶⁶ These numbers stand in contrast to the $75,000 budgeted to support Gaza and the West Bank, or even the $535,000 budgeted for Egypt, as the #2 recipient.¹⁶⁷

These numbers have gone down some over the last few years, according to USAID, but the order has not changed. Israel, Egypt, and Jordan were the top three recipients of foreign aid, at least from the budgeted Economic Support Fund.¹⁶⁸ This shows that the US and Israel have a special bond that plays a large role in the overall picture of the peace process. The US has an interest in seeing peace in Israel, but probably only as far as it is a peace that still keeps Israel in control of many circumstances. The West Bank and Gaza, by contrast receive aid from donors such as the EU, UN, World Bank, Germany, UK, Japan, Italy, Norway, Russia, etc...¹⁶⁹ If peace is achieved, perhaps other countries will view Israel in a better light and contribute more aid to them, which could lighten the burden on the US as the primary benefactor.

Many of the Arab nations in the Middle East would like to play a larger role in the settlement of this conflict, especially since they realize that this conflict takes place in the center

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¹⁶⁵ Id. at xx, xxi.
¹⁶⁶ 2005 Economic Support Fund, USAID.GOV.
¹⁶⁷ Id.
¹⁶⁸ Id.
¹⁶⁹ Id.
of their region.170 A lot of refugees have taken refuge in these other nations since the occupation, which has been a drain on their resources, particularly water. There are Arab Israelis that are caught in the middle of this conflict and require support from the other Arab nations. It is also in the best interest of the Arab world to resolve this conflict because the conflict is “increasingly being seen as an ethno-religious struggle instead of a nationalist conflict,” which affects the Arab nations since they are included in the ethnic and religious culture of the Palestinians, which sets them against a lot of westerners.171

There are economic rewards that may benefit the international community if peace can be achieved in Israel, since it could allow the Palestinians to become players in the world market and may allow Israel to expand their economy. More countries will be likely to trade with Israel, for example, once the Palestinian state becomes formalized. As of now this is not possible since a lot of countries refuse to acknowledge Israel because of their role as the oppressor. Once Israel and Palestine each achieve the status of a legitimate state, the markets should open for more trade and increased opportunities beyond what exist at this point.

Many countries in the international community feel they have a moral obligation to help resolve this conflict because there are a large number of people being killed, injured, or are living in poverty every day in this region. The Gaza Strip is rather desolate, especially as it tries to hold so many people in such a small area. The recurring violence has lead to almost 4500 deaths since the Second Intifada was declared in 2001.172 That is a lot of people to die from violence such as used in this situation, especially since it is mostly small bombs exploded by extremists or people shot by the Israeli police. Since decisions regarding international affairs can often have a society-wide impact, moral considerations are typically necessary when assessing the options to

170 Crocker ET AL, supra note 105 at 351.
171 Id. at 361.
172 Derfner, supra note 65.
deal with the international situation, as is relevant in this case. The morality of the violence and the international community’s options for response are considered in light of morality.\footnote{Mark Amstutz, INTERNATIONAL ETHICS 4 (2005).}

Another key interest the international community has to seek peace succeed is its access to the holy sites. There are a lot of Christians, Jews, and Muslims around the world who do not live within the Israel-Palestine area. These people would like the opportunity to visit these sites that are extremely important to their religious heritage. The tourism industry could boom if it was safe for people to travel in the areas in question. Some people still attempt to make pilgrimages and visit the sites now, but they often cannot get to them because they are not permitted or because it would just be too dangerous. The world benefits if these sites are preserved in the best possible conditions and if they are open for everyone to visit, since they are so important historically. It is therefore important that all attempts are made to preserve the land and sites, in addition to encouraging a better quality of life, home, and culture for the people who live in the area so that when peace comes, they can prepare for the tourist industry and maintain these valuable sites. If the violence continues, these sites may continue to be destroyed or desecrated by sabotage or just the typical violence in the areas.\footnote{Friedman, supra note 140, at 302.}

**Approaches to Resolution:**

A common question brought up in the academic community is, can the conflict between the Israelis and Palestinians truly be resolved? If not, what is the best possible alternative solution? Even if it does not look as if it can be resolved, should everyone still try to achieve peace? Crocker argues that this conflict is intractable because it has been perpetuated for so long that the parties are unlikely to ever get along. He therefore suggests that this conflict might be “managed or constrained” at best, but is not likely to be truly resolved.\footnote{Crocker ET AL, supra note 105, at 104.} Therefore, he believes
that conflict resolution methods should focus on ways to minimize the violence by repairing relationships and encouraging understanding.\textsuperscript{176} The UN for example, encourages "peacebuilding," by which they mean making an effort to prevent the continuance or resurrection of violence by addressing the root causes and setting a context for continuous peace.\textsuperscript{177} The general view in the world however, is that this conflict needs to be resolved because so many people continue to be hurt on so many levels. In other words, many nations feel there is a moral obligation to try and stop this violence to prevent the casualties and pain. Therefore, steps will continue to be taken in an attempt to resolve this conflict, or at least improve the situation as much as possible.

Although typically a bilateral negotiation mediated by some third party is the approach used to make progress towards peace in this type of conflict, there are other processes that should be considered when attempting to decide the best course to manage this conflict. The ultimate goal of any approach needs to be the movement of parties from violent habits towards a structure encouraging dialogue and compromise.\textsuperscript{178} Whichever process is chosen must attempt to resolve the root causes of the conflict instead of a particular violent dispute, and should therefore look at the whole peace process as a "peace study," instead of any type of "strategic security study."\textsuperscript{179} Perhaps the best course of action is a combination of several different process types that look to address different aspects of the larger conflict at hand. Regardless of the approach used to take steps towards peace, the final outcome needs to include a written agreement signed by the Palestinian leadership and the Israeli government, and supported by their general populations and the international community at large.

\textsuperscript{176} Id.
\textsuperscript{177} FROM REACTION TO CONFLICT PREVENTION: OPPORTUNITIES FOR THE UN SYSTEM 27 (Fen Hampson & David Malone eds., 2002).
\textsuperscript{178} Darby, \textit{supra} note 1, at 126.
\textsuperscript{179} Avruch, \textit{supra} note 122, at 26.
In every conflict, perhaps the alternative that is considered most often is to just do nothing and let the fighting continue. This is not a healthy option because nothing is likely to ever truly get resolved this way, especially as the fighting festers over the years so that feelings of hatred are perpetuated amongst all involved parties, but it is an option. Nevertheless, this example is seen when parties decide that there is no way they can negotiate with the other party, or are unwilling to negotiate at all because they fight out of principle and cannot compromise their mission. Sometimes this decision is made subconsciously, but it seems that this decision is made by lots of groups when they get to the point where they lose hope that the conflict can ever be resolved. This is one way to deal with a conflict, but it does not seem to be a good option since nothing is not actually resolved.

The "unilateral" option may be somewhat similar to the "do nothing" option because one party may choose to continue an attack, but it may also include other options that are unilateral choices in a conflict. Perhaps this method is used most commonly at the very beginning of a conflict when one party unilaterally initiates the violence or threatens another party, but it can continue further into the conflict. If a party chooses avoidance as an option, they may decide to ignore an act trying to provoke them into a fight, or decide that a fight is not worth the effort. The other unilateral way to deal with the situation is to withdraw from a conflict or an area that may soon become a conflict zone. When Israel decided to pull out of Lebanon, for example, it made a unilateral decision that the best way to deal with the present conflict was to leave before it got worse. Each of these unilateral options are possible ways to deal with a conflict and either promote it more, ignore it, or end it. But these options often do not address the real problems underlying the threat at hand. Some of these options may not work in the long run

180 Crocker ET AL, supra note 105, at 104.
181 Id.
182 Id.
because the emotional and psychological aspects have not been dealt with, or the other party may want to have their say in the situation.

Formal and informal negotiations are commonly encouraged by the international community to open up communications between countries in conflict with each other. These may involve the heads of state and leadership of the parties, lower government officials, or even respected religious leaders. Most often however, government officials represent the leadership and the people of its constituency. There are typically “prnegotiations” before the main talks to set up the agenda and to try to determine what the parties each want out of the bigger negotiations. These prenegotiations may set the tone for the overall meeting, so they can be very valuable.¹⁸³

Occasionally the parties directly involved meet on their own, but more often, the parties work through a third party or in a large group for multinational talks. In this instance, the leader of the Palestinians usually meets with Prime Minister Sharon and either the President of the United States, or the head of another Middle Eastern country, like the recent summit sponsored by Egypt. This format allows parties to talk face-to-face, but yet indirectly through the mediator so that they do not always have to talk directly to one another, especially when they discuss the really challenging issues. The mediator must be careful while setting up these talks and be aware of the relevant contexts such as the history, symbolism, and psychocultural dynamics, that affect how each party thinks about negotiations in order to have the most hope for success.¹⁸⁴ These talks usually do not get deep enough into the conflict to deal with all of the factors involved, but instead focus on the first steps at the surface level. Most of the major summits and meetings over the years between these groups have reached some sort of ceasefire agreement but did not get beyond this point because they either could not agree on an issue, or knew that they would

¹³ Darby, supra note 1, at 4.
not get what they needed before they could even agree to something that their people would accept the agreement.

This is one major problem with using negotiations as the only tool to solve the problem: the people the leaders represent may not support what their leaders agree to. The recent summit with Egypt exemplifies this point because the Palestinian militant groups made it clear that they do not have to follow the ceasefire Abbas agreed to, since they were not consulted on the terms beforehand, and similarly, the Israeli settlers feel that Sharon betrayed them by agreeing to continue with the disengagement of their homes, and will therefore fight against the agreement he made on their behalf. The parties then often give up on their agreements when faced with opposition from within their own country.

A more recent trend in the conflict management field explores the use of grass root "track-three" diplomacy. The idea behind this suggestion is that peace must be built from the ground up, at the same time that the leaders work from the top down. This addresses problems posed by solely using negotiations, because it acknowledges that for any settlements to be implemented, a "peace constituency" and support group must exist to fight for the follow-through. Some ideas within this track include joint business projects, social development projects, peace education, working with the media to address its use as a conduit for hatred, working with religious organizations, etc... The major goal behind this type of process is building relationships with one's "enemy" among ordinary citizens. The Seeds of Peace Project is one such example currently being used with Arab and Israeli teenagers, creating an environment for them to get to know their adversary and form lasting relationships, as the future

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184 Avruch, supra note 122, at 72.
185 Johnston, supra note 70.
186 Price, supra note 71.
187 Crocker ET AL, supra note 105, at 135.
188 Id.
group of leaders. The goal of this particular program is to "change attitudes, end the gears and prejudices that have prevented entire generations from getting to know one another.... It is about 'rehumanizing, not dehumanizing the enemy.' The students learn that the "other" has a face and that the stereotypes they grew up with may not be true. This kind of program encourages re-education for the future.

Another new idea in the conflict resolution field is the idea of Problem-Solving Workshops as a form of "second-track" diplomacy. This process invites private citizens, who still have some access to public officials, to participate in a third party panel where the parties come together to analyze the deep underlying causes of the relevant conflict and try to come up with ways to solve it. The group is typically encouraged to consider how problems of perception, emotion, and interpretation affect how they view negotiations, their adversary, and the peace process as a whole. This gives average citizens a chance to honestly think through the conflict and make suggestions to the government. This gives a new perspective outside of the political arena, and adds to the likelihood that common citizens would support the type of agreement that came out of this type of workshop.

Similarly, Interfaith Dialogue is another example of a process that tries to encourage dialogue with average citizens. It also strives to address the religiously motivated causes of violence at a basic level. This may be a good supplement to the negotiation process because it may soften that process with spiritual and moral values and goals to encourage spiritual reconciliation, in addition to political peace. The process puts people from different religious faiths, particularly those who are fighting at the moment, in a room so they can have a

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189 Id., at 136, 137.
191 Id., at 13.
192 Id., supra note 122, at 85.
193 Id., at 101.
conversation on a common subject, the primary purpose of which is for each person involved to learn from others to the point where they can grow or change based on what they heard.\textsuperscript{195} There are many forms an Interfaith Dialogue group can take, but they all focus on finding similarities between their faiths, examining the differences with each others’ eyes, and learning enough about the other groups to empathize with them. The ultimate goal is that their beliefs and perceptions of the conflict and their enemy would change after they realize, acknowledge, and understand their mutual fears and concerns.\textsuperscript{196} One example appearing amongst the Muslim, Christian, and Jewish groups, is the idea of an interfaith meeting group using the method of studying each others religious texts, rituals, beliefs, etc... as a means for truly learning to understand and accept each other as a way to achieve peace. This process is not likely to stop violence immediately amongst everyone, but instead focuses on sustaining peace in the long run as people learn more about each other. Therefore, this is likely only a partial piece that could be used as part of a larger peace process.

Another new idea in the conflict management field urges the use of the “Forgiveness Model” as a centerpiece to the conflict resolution process. This may not be an actual process in itself to solve the conflict, but it is a model that can be used through the other processes to promote peace and honest healing. This model emphasizes political healing and the restoration of relations between people who have a long and painful history.\textsuperscript{197} In the “Forgiveness Model” the parties must tell each other the complete truth about their wrongdoings and accept responsibility for their actions as a community, the leaders must acknowledge their personal wrongs in the conflict and apologize, the victims must honestly accept the apology and agree to

\textsuperscript{194} A HANDBOOK OF INTERNATIONAL PEACEBUILDING: INTRO TO THE EYE OF THE STORM 112 (John Lederach & Janice Jenners eds., 2002).
\textsuperscript{195} INTERFAITH DIALOGUE 15 (David Smock ed., 2002).
\textsuperscript{196} Id.
\textsuperscript{197} Amstutz, supra note 173, at 77.
not seek retribution, the parties must agree to work on trusting each other, and finally they must
all work to restore their political relations and attempt reconciliation as they learn to live and
work together, or at least near each other.\(^{198}\) This idea focuses on the healing process and the
renewal of relations, which may go a lot further in the long run to solving the actual root
problems of a cause.\(^{199}\) The question at hand here would be whether the Israelis and Palestinians
ever truly had political relations beforehand to rebuild? Also, would this even be an option in an
area where two major religious groups absolutely hate each other and feel it is their religious
duty to stop the other faith? If this is the case, this may not be the most appropriate process for
this conflict, although it is an interesting idea, in theory.

The best way to work towards peace in the conflict between Israel and Palestine appears
to include negotiations using a third party mediator to allow for a dialogue directly between the
parties on the substantive issues, interfaith dialogue groups to discuss religious problems, and
some form of third-track grass root diplomacy to address the more emotional and psychological
issues at the base level with the average citizens who otherwise would not have any real voice in
the conflict resolution process. If all of these processes were practiced simultaneously, it would
allow leaders and average citizens to address the material, religious, emotional, and
psychological needs all at the same time. It would probably require the cooperation of the
international community to run all of these programs at the same time. The Quartet, for
example, could mediate the government negotiations, while an arm of the UN could organize
social development projects to involve a large mix of Palestinians and Israelis, and another
powerful international leader could set up a series of interfaith dialogue meetings. This proposal
would take a lot of resources and support, but would address the various types of issues that need
to be addressed in this conflict and would likely be the best way to encourage everyone to

\(^{198}\) Amstutz, supra note 173, at 77.
support agreements that could be created, since they would all be involved in repairing the relationships at the same time.

**Possible Solutions:**

The most controversial part of the conflict over access to the holy sites appears when parties discuss how to handle Jerusalem since the sites located within are so important to so many different groups of people. There have been many possible solutions to different parts of this complex conflict, brought up by different interested parties. One such idea was brought up by a former mayor of Jerusalem, Ehud Olmert, when he suggested that everyone needed to just "hand over sovereignty in parts of the city (Jerusalem) to God." He meant that Israel should control security of the Temple Mount but give Palestinians free access to their holy sites. This is one possible way to solve the major conflict over Jerusalem. Who would make sure that the Israelis treat the Palestinians fairly would be one concern over this suggestion. Another would be whether or not the Israelis and Palestinians would be able to worship at the same times without coming into conflict with each other since they would be in fairly close proximity to each other. It is not likely that Palestinians will ever completely agree to allow the Israelis to control access to the sites, so this does not necessarily seem to be an idea that would really work.

Another suggestion about Jerusalem was brought up by President Clinton's administration. The basic idea was "to divide the Temple Mount or Haram al-Sharif, which houses the Aqsa Mosque and the Wailing Wall, into four sections each under different "mix" sovereignty." This idea could work but there would be many questions about who would enforce and control these borders. Would other people be permitted to visit a different area?

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199 *Id.*, at 80.
201 *Id.*
Would any group ever truly agree to this because everyone would be in close proximity to each other and because they may want to visit the other areas? Since this would give control over at least part of their holy site to each group, it is more likely to succeed than the previous suggestion, but it still may not be the best option.

Many Palestinians believe that they should just be given complete sovereignty over East Jerusalem because Israel has sovereignty over West Jerusalem, and that would be fair. Also, they believe they had control of the whole area anyway before the Israelis came in to occupy them illegally. This is their idea of a solution over the Jerusalem conflict. The Israelis would never agree to this because they would effectively lose control over the Temple Mount, which is unacceptable to them, so this is not a likely solution.

The UN believes that it needs to help keep the peace until the entire question of Palestine is decided. It believes that its job is “to remain the guardian of international legitimacy and play a key role in mobilizing international assistance for development...of Palestine.” Furthermore, the UN recommended in UN General Assembly Resolution 181, breaking the territory into “Arab and Jewish states, with neither side having sovereignty over Jerusalem, which was to be administered by a UN Trusteeship Council.” In a way this means that both sides get some of the interests they want met since the other group would not have control, but it does not allow the Israelis and Palestinians to have control of their own interest, which should ultimately be the goal of any solution. Part of this suggestion could be a good start towards an answer to the problem, but more needs to be added to the package so that different interests can be addressed in regards to the entire situation.

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202 Symon, supra note 137.
203 Id.
204 UN Press Release, supra note 79.
Conclusion:

The best solution to this problem includes many smaller aspects that add up to meet a variety of interests that both parties have in this conflict. Any agreement towards peace will require a lot of cooperation, understanding, and trust from both sides, which will be a challenge in itself to achieve. There will also need to be a lot of support from the international community in order to keep the parties balanced, and to give them something to aim for as they make concessions. The people of Israel and Palestine need to realize and accept the idea that they cannot prohibit others from having access to the holy sites. They will also have to work together to control the extremist members of all relevant groups that may try to sabotage the possibility of peace. This being said, the best possible solution to this complex problem consists of several key components, in which both sides realize that they will have to make concessions and be willing to compromise in order to achieve sustainable peace.

Broader Context for Resolving This Dispute:

Before any agreements can be made over the issue of access to the holy sites the issue of land will need to be decided or the violence will continue. The Israelis must let the Palestinians form their own nation in parts of the West Bank and all of Gaza; but they will not have to give them Jerusalem, which is an important step. Jerusalem needs to remain neutral and administered by the committee. In exchange for the land, the Israelis would have to retain access to the holy sites that would now fall into the territory of the Palestinians, but that would actually be controlled by the committee. Both parties would need to agree to either allow members of the other group to live peacefully within their lands, or to help relocate the people to their respective territories. Relocation is likely the best option, at least for now, so that the groups all stay with people of their own heritage and because there is still too much hatred that may prohibit them

\[205\] Symon, supra note 137.
from being good neighbors. In the future, hopefully the Palestinians and Israelis could coexist peacefully as neighbors so that integration would be possible for those who chose to exercise that option. Compensation packages similar to those being considered in the relocation of the Gaza settlers from the government of Israel could help to ease the difficulty inflicted by this transition. This is one area that the international community should contribute to in order to fund fair and adequate compensation packages, and to help the respective groups set up new homes in territory they are unfamiliar with.

At least initially, more aid is needed to help the Palestinians especially, get on their feet since they are currently short of food, water, and money. "As many as 600,000 Palestinians cannot afford to meet their basic needs in food, clothing and shelter to survive. Facing what is known as subsistence poverty, this group whose expenditures amount to less than $1.5 a day per person, has become increasingly vulnerable to economic shocks."206 As of December 2003, the official Palestinian poverty line corresponded to approximately $410 per month for a family of two adults and four children, whereas the official Israeli poverty line for the same family was set at approximately $1,350 in 2002.207 These numbers must be equalized. The goal of the international community, in giving foreign aid, should be to bring the Palestinians up to the level of their neighbors. Therefore, foreign governments should work to the point where the poverty line for all families in the Middle East should be set above $1500 per month. The goal should be for each family to have at least $50 a day to spend, which would hopefully be enough to adequately supply the food, water, shelter, and other basic needs at the very least. The monitoring of this level should be relinquished to the World Bank. It could be its responsibility

to distribute aid to the countries so that they receive equal compensation, if the foreign
governments giving aid would agree to donate through the World Bank.

These basic living needs must be met before the people of any sort of Palestinian state
would even be capable of implementing a peace agreement. They will also need help rebuilding
infrastructures and setting up a working economy. A better economy could also benefit the
Israelis if the Palestinians and Israelis entered into trade agreements to support each other and
work together to better their respective economies. One way to help this situation is for the
Israelis to lift the curfew and economic blockade of the Palestinians, as well as the travel
restrictions that prohibit Palestinians from getting certain jobs. This could all be in exchange for
promises made by the Palestinians to not hold violent demonstrations, and for the PLO to agree
to control extremists that may likely cause more violence for awhile. This could ensure more
jobs for the Palestinians and grant them to find food for their families and would give the Israelis
more support in fighting Islamic extremists so that their people could be safer. Similarly, Israel
needs to take responsibility for their extremists as well to calm the situation down on all sides.

The Israelis cannot continue to build this wall as scheduled because it appears as if they
are circumventing land that will likely fall under Palestinian control under an agreement. The
wall suggests that they cannot trust their neighbors and Israel insists that it is a safety measure,
but it looks more like a barrier forcing people out of their homes still. The wall definitely needs
to stop expanding, at least as it is planned, but it also should be torn down in some areas to
encourage better relations. This especially is true in the areas where the wall is placed near the
holy sites and it looks as if the Israelis are trying to cut the Palestinians out of them. If the wall
appears to be the best solution to prevent violence, then at the very least the location of the wall
needs to be more carefully considered and agreed upon. An accepted placement of the wall
Opperman, 62

could also be a huge step towards peace that may placate some of the extremists so that they are more willing to cease the violence and attempt to work through the conflict peacefully.

The Israelis also should release the Palestinian prisoners held for the violence occurring over the period since the al-Aqsa Intifada. The Israelis have released some prisoners over the years but there are still many more being held in prisons, that may not be any sort of danger to society anymore, if they ever were. This would be a major sign to the Palestinians that the Israelis are finally willing to think about long-term peace. It seems that similar to how other countries address these sorts of problems, the Israelis would be best to grant amnesty to at least those mediocre “criminals” who were just reacting to the violence and occupation. All other prisoners could be released into Palestinian custody, if the Palestinians agreed to contain the criminals who were violent and considered a danger to Israel or the peace process itself. If the Israelis and Palestinians are not willing to move beyond the past, it is unlikely that honest feelings of trust will spring up between these groups. Demonstrating trust suggests steps like releasing prisoners and following through on promises such as this.

In response, the Palestinians must step up to crack down on extremists, terror, and crime in general to the point where the Palestinian government makes sure that its military or policing forces arrest and imprison criminals and those who incite violence. They need to aggressively pursue people who perform acts of violence against any Israeli, especially. The arrests need to be made public and the criminals need to be sentenced as a message to others contemplating extremist acts to see that bombings, shootings, and other forms of guerilla warfare will no longer be tolerated. This would also send a message to the Israeli government and the international community that they are willing to patrol their own people and try to calm down the extremist acts as a step towards sustainable peace.
One promising step could be the creation of a joint security force surrounding the holy sites, and monitoring the entire Israel/Palestine area made up of Israelis, Palestinians, and UN peace keepers for as long as it is necessary, or until the groups can get along and co-exist peacefully. The make-up of this peacekeeping force must be equal and represent the needs and interests of all groups relevant to the situation at hand. The UN and the international community should monitor these joint forces to make sure that the balance is maintained. Hopefully at some point the joint security force will not need the UN to oversee it, but it may be necessary for a very long time based on the deep historical hatred, pain, and mutual feelings of distrust that exist between the parties. It is in the best interest of the international community to help keep the peace at all cost, especially since many of these holy sites will likely be visited by people from other countries who share a similar faith or who will just be excited by the prospect of visiting the holy lands that have been dangerous for so long.

Another component of importance is the idea of re-education. For such a long time these parties have hated each other with enough passion to kill, commit suicide, rape, etc... This is nearly impossible to forget or ignore, but it seems that it is necessary to stop perpetuating the stereotypes that come along with these acts. Not all Israelis or Palestinians participate in the violent acts they are accused of, but many of their opponents automatically see them as having done so. The enemy does not have an individual face, but instead is simply an enemy. The parties would need to stop teaching their youth to hate the other group simply because of their ethnicity or religious beliefs. A socialization or re-education program is necessary to stop the stereotypes that are so easily perpetuated. A large-scale version of the Seeds of Peace project could be implemented in an attempt to reach more teenagers and children before they are indoctrinated by their families. These programs should be aimed at children and teenagers, for the most part, because they may still be open to thinking with a new perspective, and because
they are the future leaders of their respective groups. If future generations are more knowledgeable about the other group, and indeed stop seeing their enemy as the "other," then perhaps future policy and governments will reflect this change in belief structure.

It would however also be beneficial to try to carry on dialogue or programs similar in structure to the Seeds of Peace project to put adults together to discuss their differences and honestly learn about the "enemy". A social development program that integrates communities could be a part of these programs to encourage relations between the Israeli and Palestinian adults. The UN could organize rebuilding projects around the area requiring the cooperation of multiple groups to fix the communities that have been devastated by this violence. For example, some of the holy sites have been severely damaged in the fighting and would therefore be good locations for people from all of the religious groups who value the site to work together and fix it up, regardless of what each group feels about the other group being there. They all have an interest in seeing these sites properly maintained, so this could be a good place to start encouraging these enemies to work together more often.

Textbooks and the media should reflect the perspectives of both sides of the conflict in order to prevent future generations from carrying on the war of their parents' generations. Perhaps local media should run ads about extremist activities of all kinds to show that it is not only extremists from the other group that causes pain and suffering, but also includes your own people. If Israelis saw that other Israelis were fighting the government, and Palestinians realized that extremists like Hamas, was fighting with the PA, sometimes both groups leading to violence, perhaps the general public would slowly realize that extremism is everywhere, not identified with their enemy alone.

Both sides need to sign a written agreement, acknowledging the other side's religious and historical roots in order for this to truly succeed. The Muslims would be advised to specifically
acknowledge that the Jewish people know what they believe, and therefore deserve the right to worship at the sites they deem to be holy. This may be difficult for some members of each religion to support because it goes against their personal beliefs, but it is so important to meeting the emotional needs of the respective parties that it is necessary to achieve meaningful peace.

A very important part of this entire package is that the international community would have to grant legitimacy and support to both nations. This could take place in exchange for an agreement by the parties to coexist peacefully, and to bring any further possible disputes before the UN before violence breaks out, in order to be considered by the general international community. The international community should support both sides equally in order to not offend the other side by choosing favorites. Israel now feels as if it is singled out in the UN for example on a consistent basis.\(^\text{208}\) There are continual UN resolutions and special committees condoning Israel and calling for assistance to the Palestinian cause. It would be beneficial to give the Israelis another reason to give up land, return prisoners, and lift the curfews and blockades. The international community could compensate Israel with some important political rewards. Israel would like the international community to back off of them and treat them as an equal instead of singling them out as violators of human rights for example, while ignoring Iran, China, and Syria.\(^\text{209}\) If the UN agreed to disbar these special committees and reduced the number of resolutions, it could be a sign that the international community recognizes the legitimacy of Israeli rule and is willing to treat the Israelis as equal.

Similarly, the Arab-Muslim block in the UN and in almost all other areas of international governance, unites to deny any of Israel’s requests or proposals. Israel for example, wants to join the Asian Regional Group in the UN in order to remain eligible for Presidency, Security

\(^{208}\) www.israel-un.org

\(^{209}\) Id.
As of now the Muslim countries block Israel's application on a consistent basis. The Arab nations could give Israel a strong incentive to back down on some of these other issues and return more prisoners and land, if they knew that in return they could join the international organizations and committees that it wants to join. This would also be a good way for the Arab nations to publicly acknowledge the legitimacy of the state of Israel. Israel may have a lot of the material items it needs, but political power and legitimacy is something that could satisfy some of its ambitions and needs in a unique way.

Main Problem: Holy Site Issue:

The above suggestions only set the broad context leading up to the big issue at the heart of the conflict: the holy sites, and in particular, the final status of Jerusalem. Similar to what the UN suggested, a neutral Jerusalem appears to be the best idea for this situation. Both sides absolutely refuse to give sovereignty over the city to the other side. This is what they are probably the most adamant about. They may want to be the party in control, but because of the hatred and distrust, it is more important that the other side does not have control. Jerusalem cannot be the capital of either party because it would likely exacerbate the conflict to the point where it would be never-ending. Instead, Jerusalem should be a symbol of peace and tolerance to the entire world. The city needs to stay intact in order to preserve what is special about it. It should ultimately be governed by a committee consisting of the different parties who have an interest in what occurs here. The other major holy sites, as agreed upon by members of the Israeli and Palestinian governments, should also fall under the jurisdiction of this committee. It will be responsible for dealing with any problems that may occur after this agreement is established.
This group could be a committee consisting of three elected members each from the Palestinian and Israeli people to be their elected representatives. Then there should be five members of the greater international community, appointed by the UN, to represent the greater international interests and to encourage peace. These representatives must have the ability to remain neutral, when faced with possible nationalistic appeals made by the Palestinians or Israelis. One of the five international members should be elected by the entire committee to be the chair for five years. All members of this committee would need to run for reelection or reappointment approximately every five years in order to meet the changing needs and wishes of the people, but also to ensure that there are not new members with new ideas every year that may prohibit continuity.

This committee should have the ultimate power to enforce agreements reached by the Palestinians and Israelis outside of this group, and address disagreements that may come up over something happening in Jerusalem or the other holy sites. The committee would only need to invoke its power if the Palestinians and Israelis refuse to cooperate or agree upon how the sites should be run internally. Ideally, the sites should run well since they will be under neutral control if both parties have an equal share in the interest and administration of the sites. This group could also set the rules on tourism in the areas surrounding the holy sites and grant exceptions to the access rules for special religious holidays, as established by the Jewish or Muslim religions.

In order for this committee to be effective, it should fall under a trusteeship or a smaller leg of the UN so that the UN would have the ability and authority to enforce agreements established by the committee if any side refuses to cooperate. The UN has a lot of problems, but it is probably the most inclusive and fair of the international organizations that play a part in the conflict right now, especially because of its role in the Quartet. It therefore needs to play the role of guardian when necessary, unless a stronger international organization emerges, and then the
jurisdiction could be reviewed. The role of the representatives from the UN, and the UN itself will only be effective if they do not take sides between the Palestinians and Israelis, but instead fights for general peace. They should not infringe upon any agreement made by the parties directly involved since the ultimate goal should be to have the Israelis and Palestinians handling their own conflict.

This structure also takes some of the power away from the leaders of each party. Hopefully this will not be necessary indefinitely. However, in order to counteract the lack of trust that each party has in the opposing party and its leaders, it appears to be a necessary component of a peace agreement. The parties could hopefully accept the other leaders easier, knowing that they would not really have the power to prevent them from worshipping at their holy sites without having to answer to the international community.

More specifically, the access issue must be addressed at the center of any agreement before it could be enforced by the committee. A fair way to grant access to both the Israelis and the Palestinians would be to split the times in which they could visit the holy sites, but allow equal access by both sides. The exact organization of this split time could be decided upon by a vote of both parties or by the committee, but for example, the Palestinians and other Muslims, could have free visitation rights to the holy sites on Mondays, Wednesdays, and Fridays. The Israelis and Jews could then have free access on Tuesdays, Thursdays, and Saturdays. On Sundays, you could have open access to all other religious groups such as Christians. They could choose to permit members of other religions to have access to the sites on the days that are not designated for them, but they would have to do so at their own risk. Exceptions could be made for religious holidays and ceremonies, as voted upon through the committee. A schedule could alternatively be centered around the time of day, rather then specific days, so that each group has scheduled free access or tour times every day, but only at those specific times.
Another part of this agreement could allow the group who has the designated access for the day, to control the tourist market for their days. A way in which they could do this would be to allow each side to sell food, their religious symbolizing artifacts, or souvenirs relating to their religion, near the sites on their days. Both sides would have to agree to allow tourists to visit the holy sites on all days if they wanted this idea to truly be effective, but it could be a way to help stimulate their respective economies. This would take a lot of organization and cooperation amongst the groups, but it could be a way to allow both parties to gain benefits that are now difficult to exercise. Additionally, the holy sites and the surrounding areas should be built up and expanded to handle the likely influx of tourists and visitors to the area if peace is achieved. All of these improvements will require sufficient support and aid from the international community and would be a step of good faith that could be seen by both parties as a start to their future as legitimate players in the world.

Jerusalem is the hot item that must be resolved before any major steps will ever be sustainable. The conflict over access to holy sites in the Middle East is a very complex issue. In order to truly solve the access problems, one must also honestly consider the real underlying disputes over land, and legitimacy in the eyes of the international community. This is a very critical time for the world because members of each party appear willing to cease the fighting, despite their continuing hatred of each other. This conflict could have serious effects on other areas of the world as well. In all honesty, I am not really sure if anything will solve this problem at this point in time, when there are still so many people who have different ideas about what needs to be done, separate from their perspective leaders. The rising of extremist groups and the settlers in Israel demonstrate the extreme difficulty in solving a conflict in which third parties do not want to settle.

211 Dumper, supra note 91 at 148.
There is so much pain and a long history of suffering involved in this dispute, beyond the divisive religious factors, that it will take great leaders and powerful international support to achieve sustainable peace. There may not be a real solution to this problem, but this package comprehensively covers most of the interests of both parties. It is not possible to meet all of their desires since they conflict with each other, to an extent. But it may be possible to achieve the honest needs of the parties, if they begin to understand what they really need, instead of just what they want. Both sides of this conflict have committed atrocious crimes and need to realize what they are doing to their own children and families in an attempt to realize the long-term consequences of this conflict. Until the Israeli and Palestinian people honestly acknowledge their role in the conflict and take the steps towards peace by their own initiative, this conflict will likely remain intractable, but it is still important that the international community encourages peace in the Middle East since it is an invaluable goal.
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APPENDIX 2:

Major Jerusalem Holy Sites

Click on [LINKS] to find out more

TEMPLE MOUNT/ HARAM AL SHARIF

DOME OF THE ROCK

WESTERN OR WAILING WALL

AL AQSA MOSQUE

Courtesy of BBC News UK Edition
www.newsbbc.co.uk