TERRORISM AND THE ISRAELI-PALESTINIAN PEACE PROCESS

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ABSTRACT

TERRORISM AND THE ISRAELI-PALESTINIAN PEACE PROCESS

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This thesis analyzes the issue of terrorism regarding the Palestinian-Israeli Peace Process. The role of two sides on the ongoing violence and terrorism will be discussed comparatively. Focusing on the Peace Process, the thesis will trace whether terrorist activities had an impact on the collapse of the Peace Process and also will demonstrate how a peace process produced an Israeli state more militarized and a Palestinian society more radicalized and religious than ever before.

Keywords: Terrorism, Palestinian-Israeli Conflict, Oslo Peace Process

ÖZ

TERÖRİZM VE FİLİSTİN-İSRAİL BARIŞ SÜRECİ

Öztürk, Tuğçe

Yüksek Lisans, Ortadoğu Araştırmaları

Tez Yöneticisi: Doç. Dr. Özlem Tür

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Bu çalışma, Filistin-İsrail barış süreci bağlamında terörizm konusunu ele almaktadır. Çalışmada devam eden şiddet ve terörizmde iki tarafın rolü karşılaştırmalı bir biçimde tartışılacaktır. Filistin-İsrail barış sürecine odaklanan çalışmada, terör eylemlerinin sürecin çökmesine olan etkisi incelenecektir. Çalışmada aynı zamanda barış sürecinin nasıl olup da daha militarize olmuş bir İsrail devleti ile daha radikal ve daha dindar bir Filistin toplumu ortaya çıkardığı analiz edilecektir.

Anahtar Kelimeler: Terörizm, Filistin-İsrail Uyuşmazlığı, Oslo Barış Süreci

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CHAPTER 1

INTRODUCTION

In divided societies, the conflict is likely to break out because of certain reasons and it is generally a mix of guerilla warfare, insurgency, organized crime and terrorism. Mary Kaldor refers to those kinds of conflicts as "new wars" which are described in literature as internal or civil wars and/or low-intensity conflicts. Kaldor points out that the "new wars" have blurred the distinction between war (usually defined as violence between states or organized political groups), organized crime (violence undertaken by privately organized groups) and large scale violations of human rights (violence undertaken by states and armed groups against individuals) and that they have changed the mode of warfare.[1] Moreover, because of this; the regular armies become like their adversaries in the mode of fighting in counterinsurgency operations; which has made the civilians principal causalities of such conflicts.

The violent confrontation between a state and a minority increases according to certain circumstances in which the minority is found. When the members of minority seeks for self-determination which is incompatible with the principal of territorial integrity of states; they are marginalized; therefore they resort to collective action that probably ends with violent conflict. And this conflict is fostered by the claims of ancient hatred, identity politics, mistrust, fear and economic inequality. Randall Collins argues in his theory of conflict that as there are basic goods like wealth, power and prestige desired by all, in all societies; therefore there is always conflict; this means conflict may result from conflicting interests. Thus, violent conflict fuels ethnic hatred, brings to power manipulative elites, creates fear and insecurity and is responsible for economic ruin; therefore nurtures exclusive identities and divisions based on ethnicity among the society.[2]

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[1] M. Kaldor *New and Old Wars: Organized Violence in a Global Era*, Cambridge, Polity Press, 2006, Introduction

[2] A. Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, London, Routledge, 2007, p. 13

When the claims to self-determination or to seek relief from domination are met by domination again as the dominant group (in this study, state) perceived these claims as a threat; the coercion remains. At the outset, the coercion does not include necessarily armed struggle; but protests, strikes or public defiance. However, if the state chooses deterrence as a way of punishing the challengers in order to repress the other members of minority, then the respond will probably be violent confrontation.

This mode of warfare which is unconventional, poses certain problems for the states as some tactics appealed for counterinsurgency as a right to self defense may be violating the human rights and they are liable to be considered as acts of terrorism. Thus, the principle of proportionate use of force becomes problematic in unconventional warfare as the civilians are targeted though unintentionally.

Terrorism is one of the aspects of internal conflicts. As an insurgent strategy, terrorism aims at achieving political ends by provocation, intimidation, propaganda and creating chaos. Therefore, creating fear among people and killing them which are considered as acts of terrorism is not the ultimate goal of it. Terrorism is a means, a method of reaching a political end. Thus, terrorism does not have an ideology; it may serve every interest of different sects. If terrorism is understood as an attempt by a group to threaten another group of civilians into submission through acts of cruelty, then terrorism has been enduring since the creation of organized societies. Its employment as a political tool by various actors during history suggests that it will not quickly disappear in the immediate future. Terrorism which has become a war strategy with its high effectiveness and low cost is resorted by every fractions ranging from individuals to groups and states. As low intensity warfare, terrorism is today's instrument in achieving political objectives which is used both by state actors and non-state actors.[3]

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[3] As the term terrorism has still not any consistent definition, there is a danger of falling into value judgments and/or of categorizing terrorism in political language which may alienate this thesis from being scientific. That's why, along with the thesis, double standards based on definition of terrorism will be abstained from.

In this context, Middle East deserves to be paid attention as a region which witnesses ceaseless conflicts during the decades. It can be argued that in the region the way of preserving political and social stability is predominantly terror and violence as the history has showed. In the region, terrorism is used as a policy instrument in order to attain specific political objectives both by state actors and non state actors.

Israeli-Palestinian conflict is one of the cases in Middle East which has been dominated by terrorism since the beginning. The conflict is mainly about how to divide the territory of Palestine between two peoples. From 1936-1939 Arab revolt to the establishment of the State of Israel in 1948; Palestine saw civil wars between Palestinians and British, then the Mandate power; Jews and British and finally Palestinians and Jews, the latter has continued up until today. After the foundation of its state, Israel chose to deny the Palestinians as a people; so their right to self-determination. This is what lies within the background of the today's conflict. From the beginning until today, many civilians have been the victims of ethnic cleansing, terrorist actions, riots, massacres and suicide bombings.

The actors from both sides have had a role on fueling terrorism and violence in certain ways. Israeli politicians who sought sovereignty over all Palestine territory rejected the idea of a Palestinian state in Palestine and denied self determination to Palestinians and favored Jordanian sovereignty over the Palestinian populated areas with Israel retaining control of strategic areas for security reasons. The settlers are another important actor of the conflict; they are determined not to leave the territories to Palestinians for religious reasons. As for the Palestinian side, the main player is Palestinian Liberation Organization – PLO who sponsored armed resistance to Israeli occupation, including terrorism until 1988 when its leader Yasser Arafat condemned terrorism in his UN speech. Despite this condemnation, the acts of terrorism on the Palestinian side did not stop, even intensified in the following years with Hamas' and Palestinian Islamic Jihad's –PIJ uncompromising attitude towards making peace with Israel.

The reason of why terrorism and violence dominate Israeli-Palestinian relations may be found in the asymmetry of power which is a high risk for the management of the conflict. Because of this asymmetry "the weaker" side resorts to civil unrest, violence and terrorism and through those it creates high cost to "powerful side". Besides, it's likely that the "powerful side" faces criticisms regarding the riot control responses which may be disproportionate and violent as much as the acts of the "weaker side". Hence, the dilemma prevails: The "weaker side" legitimates its resorting to violence and terrorism in the name of liberation and self-determination while the "powerful side" claims that the measures are taken in the name of self-defense, hence they are legal according to international law. Thereby, the actions resorted by both sides causes a shift in terminology. The acts of self determination are labeled as terrorism; and the acts of self defense, as state terrorism. Finally the thin line between those blurs. But, what separates self defense from state terrorism and self-determination from terrorism? Or, can this separation be made easily? Do the measures taken by states in order to curb terror backlash and turn, they also, a form of terrorism, known in the literature as state terrorism?

The purpose of this study is to examine the issue of terrorism on the collapse of the Israeli-Palestinian Peace Process by analyzing the role of two sides on the ongoing violence and terrorism. During the Peace Process, the political leaders from both sides became hostage to their extremists; thus the rejectionists (Hamas and PIJ from the Palestinian side; Likud, settlers and right wing politicians from the Israeli side) played an important role on undermining the Peace Process. As Hamas and PIJ spread terror and violence, Israeli reaction exacerbated and vice versa. Israel's reaction to Palestinian terrorism weakened the Palestinian moderates vis à vis rejectionists. The terrorism of rejectionists weakened, on the other hand, conciliatory Israeli groups and increased support for nationalist and religious hardliners. Each new case of violence by one side tended to trigger even more violence and extremism by the other.[4]

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[4] Ibid., p. 120

This situation would become more obvious after the breakdown of the Peace Process. Car bombs, suicide bombings and ambushes by Palestinians; mass arrests, targeted killings, sieges, border closings by Israel would mark the aftermath of the Peace Process. As a result, both sides became more hostile and less trustable to each other. Increasing support for the hardliners would end with the election of Hamas, on 2006 legislative elections, who advocate that entire Palestine is a Muslim land and belonged to God and that there is no room for Israel. Israelis on the other hand, would vote for Ariel Sharon who advocates deterrence and separation from Palestinians with a physical barrier. At the end of the Peace Process (2001) the relations would be back to what was before Oslo Process and actually got worsened because of the additional bloodshed and shattered hopes from Oslo's failure.

Considering these facts, this thesis aims at analyzing the issue of terrorism basically focusing on the Israeli-Palestinian relations and is going to look at the activities of Palestinian organizations and Israel, as the actors of the conflict. Particularly, the thesis will focus on the Israeli-Palestinian Peace Process and its aftermath (1993-2010) and will seek to find out whether terrorist activities had an impact on the collapse of the Peace Process and also would demonstrate how a peace process produced an Israeli state more militarized and a Palestinian society more radicalized and religious than ever before. To reach that point, Israeli national security perception and the historical, religious and social factors/dynamics impinging upon Israeli national security perception, then its becoming a "security state" because of the interstate conflicts which later turned into terrorist and counter terrorist operations will be dealt.

The thesis is further going to analyze the Israeli methods of coping with terrorism/counter terror measures which ironically breed terrorism as Israel resorts to harder methods; and which in return have turned to state terrorism according to some. Israeli counterinsurgency tactics such as coercive control, collective punishment, border closings and economic restrictions had a huge impact on the life of the Palestinians by increasing unemployment, therefore humiliated and angry Palestinians easily joined militant groups in order to attack on settlers, Israeli

Defense Forces-IDF and civilians within Israel. Finally terrorism increased so did the counter-terror measures.

As the actor is considered as an insignificant variable according to the definition of terrorism in this study, then; it is the action that will be judged. Therefore; some aspects of the common definition of terrorism that allows the emergence of a double standard is overcome. That is to say that Israel and the Palestinians will be treated as having an equal capacity to employ terrorism in searching the impact of terrorism in Israeli-Palestinian relations.

Hence, this thesis argues that the developments since1987 has led to the emergence of a vicious cycle of violence by the contribution of both sides that dragged the Process into a deadlock. Violence breeds violence, so terrorism begets counter-terrorism, which in turn leads to more terrorism in an ever increasing spiral.[5] The thesis further argues that terrorist activities are frequently counterproductive and that as will be shown in the case of Palestinians, the ultimate goal has not been achieved yet which is Israel's withdrawal to the 1967 borders and creation of a Palestinian State. Another argument of the thesis is that the belief that using terror in order to defeat terror would work is a misleading point and that as the Israeli experience has often showed; its counter-terror operations are not always productive. In the end, the counter-terrorism of the government becomes an instrumental part of the terrorist strategy.[6]

The methodology that will be pursued throughout the thesis is composed of the following research methods: the literature search which is a detailed and organized, step by step search for all the material available on the topic. Another method is description. The descriptions are fostered with different points of views about the topic. In this framework, the comparison and sampling are given place in order to reinforce the comprehension of the topic. As the documents and

[5] A/9028, UN Report of the Ad Hoc Committee on International Terrorism, 1973, P. 17

[6] A. P. Schmid , *Political Terrorism, A Research Guide to Concepts, Theories, Data Bases and Literature*, New Brunswick, Transaction Books, 1983, p.185

information are sought to be analyzed in an objective manner, comprehensive-explanatory-interpretative approach is applied rather than the approaches of total accept or total refusal. To uncover the denotations, the aid of hermeneutic is invoked as hermeneutic aims at understanding human action in its cultural and historical context.

This thesis is composed of three chapters. In the first chapter, the concept of terrorism is analyzed. While searching for a definition of terrorism, the concepts such as guerilla warfare, insurgency or intimidation and the differences between these and terrorism is discussed. Additionally, the causes that lead persons or groups to appeal terrorist activities are examined so as to explain the attitudes of various Palestinian groups who use terrorist means both in Israel and in the international arena. And finally, the types of terrorism are examined in order to better understand how ideological terrorism shifts to ethnic terrorism and later embraces motivations of religious terrorism in Palestine. State terrorism is also taken into consideration as a type of terrorism to question the validity of argument that Israeli counter-terror operations are exceeding the lines of self-defense and transforming into the acts of terrorism.

The definitions of terrorism in literature generally characterize the actor or the perpetrator of the terrorist actions. In this study, the characterization of the perpetrator is eliminated; the act itself is focused on. Thus, according to this study; any action intended to cause death to civilians or non-combatants with the purpose of intimidating a population in order to achieve political ends constitutes terrorism no matter whom the perpetrator is; either a state or a non-state entity.

Chapter two reviews the history of the Israeli-Palestinian conflict in the context of the issue of terrorism and it comprises the pre-state period, the emergence of Israel as a state, the consolidation years and the 1967 war and the aftermath until First Intifada in 1987. This chapter looks at the situation on Palestine before the emergence of Israel and discusses whether the actions of Jewish underground organizations, Irgun and Stern Gang, which appealed to violence and terrorism,

changed the course of events. Here the focus is also on the shaping of Israeli national security vis à vis Palestinian actions that began with infiltrations and then turned into organized acts of terrorism both in Israel and in the international arena.

In this chapter the emergence of PLO as the sole representative of Palestinian cause following the 1967 war that is seen as a turning point in the history of the Israeli-Palestinian relations will also be analyzed. However, the chapter explores that the issue of violence and terrorism was present in the Israeli-Palestinian relations before the emergence of Israel and that both sides used terrorism as an instrument in reaching certain ends. Illustrating the history of the conflict this thesis focuses on the importance of the PLO after 1967 and from 1980s onwards, the emerging role of Hamas and Islamic groups such as Palestinian Islamic Jihad on the ongoing violence and terrorism.

Chapter three analyzes the impact of terrorism on the collapse of the peace process and deals with its consequences regarding the Israeli-Palestinian relations after the failed peace process. Within this perspective, the situation in the wake of the peace process is mentioned briefly in order to understand the circumstances that paved the way for the First Intifada which ended with Oslo Peace Process.

For a better understanding of the frustration that was fostered by terrorism, both the politics of Israel and Palestinian Authority under Yasser Arafat is examined in a comparative manner and the course of terrorism and violence is discussed in a broader way so as to demonstrate its devastating impact on the collapse of the peace process and on the engendering of the inevitable cycle of violence that was pursued even ascended in the aftermath of the peace process with the Second Intifada and finally with the Gaza war of 2008.

CHAPTER 2

CONCEPTS AND DEFINITIONS

Terrorism is the principal aspect of violence in 21st century. However, every act of violence cannot be considered as an act of terrorism. As a politically motivated violence, terrorism has still not achieved a widely accepted definition. That's why; the term has various meanings: According to some, terrorism is composed of violent acts of groups against states; to others, a state's oppression of its own citizens; and for still others, warlike acts of states against other states.[7] As well as academics, the states, too, do not have a consensus on definition of terrorism. Particularly, perceptions of Western officials on terrorism are different, for instance, from Syrian, Iranian and Libyan understanding of what constitutes terrorism. The Western consensus on terrorism is not shared by the majority of people on earth.[8] It is also important to discern that terrorism is not a synonym of civil war, guerilla warfare or banditry.[9]

As an insurgent strategy, terrorism aims at achieving political ends by provocation, intimidation, propaganda and creating chaos. Therefore, creating fear among people and killing them which are considered as acts of terrorism is not the ultimate goal of it. Terrorism is a means, a method of reaching a political end. Thus, terrorism does not have an ideology; it may serve different interest of different groups.

Terrorism has become an issue in international arena for a long time. In a globalized world, it is hard to think that the actions of terrorism would remain within the frontiers of a certain country in terms of causes and consequences.

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[7] A. Merari, *"Terrorism As a Strategy of Insurgency"* in G.Chaliand, A.Blin (eds.), *History of Terrorism: From Antiquity to Al Qaeda*, , London, University of California Press, 2007, p. 12

[8] Ibid., p. 14

[9] W. Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destructio*n, New York, Oxford University Press, 1999, p. 8

Terrorist groups perpetrate their actions in different countries. Terrorists are trained in certain camps located in different countries; they are financially, militarily or operationally supported by certain states; so they can easily become influential on a global scale.

2.1 Definition of Terrorism

The word terror comes from Latin *terrere* and it means "extreme fear and inquietude being felt vis à vis an unforeseen and an unknown danger." According to Oxford English Dictionary, the terms terror and terrorism were first used in English language in 1795[10] with Edmund Burke's book "Reflections on the Revolution in France" which claimed that Jacobin ideology was meant legitimating mass terror policy against civil population for a political cause.[11]

If terrorism is understood as an attempt by a group to threaten another group of civilians into submission through acts of cruelty, then terrorism has been enduring since the creation of organized societies.[12] Its employment as a political tool by various actors throughout the history suggests that it will not quickly disappear in the immediate future.[13] However, its emergence as a political term corresponds to the French Revolution in the 18th century.

During the period of *Convention* following the 1789 Revolution, due to the politics of violence carried out by the Jacobin administration, terrorism became the subject of politics and the law. This period is known as *Reign de la Terreur* and lasted for 13 months (1793-1794). It was marked by the gruesome acts of Jacobins led by Maximilien Robespierre. The aim of these acts was to infuse that the "enemies" of revolution would be eradicated and to assure the common people that

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[10] A. Guelke, *The Age of Terrorism and the International Political System*, New York, I.B.Tauris, 1998, p. 3

[11] E. Öktem, *Terörizm, İnsancıl Hukuk ve İnsan Hakları*, İstanbul, Derin Yayınları, 2007, p. 14

[12] D. K. Gupta, *Who Are The Terrorists?*, New York, Chelsea House Publishers, 2006, p. 14

[13] M. J. Lutz, B. J. Lutz, *Global Terrorism*, London, Routledge, 2008, p. 4

the old, unjust system of monarchy was not going to return.[14] Thus, throughout the Revolution the term terrorism referred to governmental repression, most directly in the form of executions.[15]

David Rapoport argues that modern terror began when Alfred Nobel invented dynamite and that the developments in communication, transportation facilities and weaponry were other factors that helped the creation of modern terror phenomena.[16] He identifies four waves of modern terrorism: The anarchist wave, the anti-colonial wave, the new left wave and finally the religious wave which is witnessed in 21st century.

It is possible to argue that terrorism has changed face and become global following 9/11 attacks on Twin Towers in US. The appearance of certain terrorist groups that operate on international level such as Al-Qaida has also contributed to a change on terrorism. It is transnational since every person regardless of his/her nationality or origin has become the possible target of terrorist acts. The appearance of global terrorism can be based on various causes. The policies adopted by US in Middle East, its support of Israel, excessive use of force while countering terrorism, the recent Iraq war and the inhuman practices of US army may be appreciated some of the causes that breed global terrorism and may serve them as propaganda material.[17]

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[14] D. K. Gupta , op. cit., p.5; J. R. Thackrah , *Dictionary of Terrorism*, London, Routledge, 2004, p. 264

[15] C. Tilly, *"Terror, Terrorism, Terrorists"*, Sociological Theory, Vol.22, No.1, Theories of Terrorism: A Symposium, March, 2004, p. 8

[16] D. C. Rapoport, *"Modern Terror: History and Special Futures"* in A. T. H. Tan (ed.), *The Politics of Terrorism*, London, Routledge, 2006, p.4

[17] İ. Bal, *"Terör Nedir? Neden Terörist Olunur?"* in *Terörizm: Terör, Terörizm ve Küresel Terörle Mücadelede Ulusal ve Bölgesel Deneyimler*, İhsan Bal (ed.), Ankara, USAK Yayınları, 2006, p. 12

2.1.1 Difficulty of Defining Terrorism

There is no consistent definition of terrorism. Until today, neither scholars nor officials of the governments have reached a common definition on terrorism. There are various reasons of why there is no consensus on the definition of the term. Even the terrorists, themselves, eschew using the concept today. While 19th century anarchists proclaimed themselves as terrorists and their actions as terrorism; Jewish terrorist group, for instance, known as Lehi – Lohamei Herut Yisrael (Freedom Fighters for Israel) or Stern Gang never considered itself to be a terrorist group. Likewise, in his book *Invisible Armies*, Sheikh Muhammad Hussein Fadlallah-spiritual leader of Lebanese terrorist group Hezbollah denies being labeled as terrorists: "We do not see ourselves as terrorists. We do not see resisting the occupier as terrorist actions. We see ourselves as mujahedeen (holy warriors) who fight a Holy War"[18]

It can be emphasized that terrorism has today undergone a transformation in meaning and perception. During the French Revolution, the regime of Jacobins was described by terror and it had a positive connotation; whereas terrorism has become a pejorative term.[19] Rather than labeling themselves as terrorists and their actions as terrorism, terrorist groups prefer to use the words with positive connotations like liberation, freedom, resistance, self defense etc.

The political reasons are also dominant on not having a consistent definition of terrorism. The definitions of terrorism generally reflect the ideological and political values of the ones who seek to make a definition. Thus, it becomes impossible that the concept be defined without value judgments and political repercussions. This leads to the use of the term not for making an analysis but for

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[18] Hoffman B., *Inside Terrorism*, New York, Colombia Univeristy Pres, 2006, p. 21-23

[19] Williamson M., *Terrorism, War and International Law: The Legality of the Use of Force Against Afghanistan in 2001*, Surrey, Ashgate Publishing, 2009, p. 44

denouncing.[20] As Alex P. Schmid demonstrated in his book *Political Terrorism: A Research Guide to Concepts, Theories, Data Bases and Literature* after giving 109 different definitions of scholars, the term is extremely difficult to define.

Governments' interests affect the way in which the concept of terrorism is defined. It is natural that every single country has its own understanding of threat and its own way of dealing with it. States behave differently based on their interests and they abstain from restricting their ability of maneuver by dealing on a common sanction and a method of encounter with terrorism. On the other hand, defining terrorism with concrete lines would frustrate some states' project of sponsoring terrorist groups whose purpose is to act on behalf of the sponsoring state as supporting terrorist activities has become a foreign policy tool.[21] Another reason why states avoid defining terrorism concretely is the reservation that their "legal" retaliation would enter into the category of terrorism.[22]

The problem of value neutrality in defining terrorism leads to the cliché that one man's terrorist is another man's freedom fighter. This phrase implies that there can be no objective definition of terrorism, so there are no universal standards of

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[20] Taşdemir F*., Uluslararası Terörizme Karşı Devletlerin Kuvvete Başvurma Yetkisi*, Ankara, USAK Yayınları, 2006, p. 12

[21] D. J. Whittaker (ed.), *The Terrorism Reader*, London, Routledge, 2003, pp. 11-37

[22] In 1985, Israeli Air Forces bombarded PLO Headquarters which was located in Tunisia, Borj Cedria as retaliation to the killing of 3 Israelis in a yacht in Cyprus. During the bombings, PLO Headquarters was destroyed, 60 Palestinians and 12 Tunisians died and more than 40 people were wounded. Israel claimed that the killing of 3 Israelis in Cyprus had been planned in that headquarter and that Israel had no other option rather than destroying the PLO Headquarter in Tunisia in the face of increased attacks. In Security Council session, Israel explained that she had used her right of self defense and that the operation was proportional with the havoc to which Israel exposed. On the other hand, Tunisia qualified the action of Israel as malicious and as "state terrorism." UN Security Council made a decision that denounced Israel because of her armed attack. See F. Taşdemir, op.cit., pp. 128-129

conduct in conflict.[23] For example, PLO – Palestinian Liberation Organization is seen by some nations as a terrorist group without legitimacy and using unjustifiable methods of violence while especially Third World countries view PLO as freedom fighters representing a struggle against colonialism, fascism and apartheid; thus claim that PLO's action has to be regarded as justifiable violence, not actions of terrorism.[24] Likewise, persons like Nelson Mandela or Yasser Arafat or Menachem Begin was once seen as terrorists before becoming a symbol of justice and equality or before receiving Nobel Peace Prize. It is possible to argue that this dilemma was famously explained by Yasser Arafat when he addressed the United Nations General Assembly in 1974: "The difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for the freedom and liberation of his land from the invaders, the settlers and the colonialists, cannot possibly be called terrorist."[25]

Terrorism is generally treated as synonymous with guerilla warfare. As terrorists use the same tactics that guerillas appeal; the confusion becomes understandable. Likewise, terrorists as well as guerillas wear neither uniform nor identifying insignia and so they become indistinguishable from non combatants.[26] However, there are fundamental differences between terrorism and guerilla warfare.

Guerilla means "small war" which evolved as a low level armed resistance against the Napoleonic presence in Spain during the years 1808-1814.[27] Principally, guerilla is cited with the resistance of the peasants; later with the guerilla theories developed by Mao Zedung and Che Guevara, the term has become a sort of warfare related to anti-imperialist and revolutionary movements. According to counter

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[23] B M. Jenkins, *"International Terrorism: The Other World War"* C. W. Kegly (ed.), *The New Global Terrorism: Characteristics, Causes and Controls*, New Jersey, Prentice Hall, 2003, p. 17

[24] G. Wardlaw, *Political Terrorism: Theory, Tactics and Counter Measures*, New York, Cambridge University Press, 1989, pp. 4-5; Öktem E., op.cit., p.31

[25] A/PV.2282 and Corr.1, United Nations General Assembly, 29th Meeting, 13 November 1974, http://domino.un.org Accessed on 06 September 2010

[26] Ibid, p. 35

[27] A. P. Schmid, op. cit., p. 39

insurgency theorists, guerilla is a form of warfare by which strategically weaker side assumes the tactical offensive in selected forms, times and places and it is a weapon of the weak.[28] As seen on definition of terrorism, there is no consensus among the scholars whether guerilla warfare and terrorism differs from each other or not. As A.Guelke puts it terrorist and guerilla is used interchangeably with respect to the context to indicate disapproval in the case of terrorist and a more neutral attitude in the case of guerilla.[29] E. Hyams, for instance, dismisses a distinction between terrorism and guerilla warfare noting that "Terrorism used for social or political ends is guerilla warfare continued by other means, just as the atom bombing of Nagasaki and Hiroshima was international warfare continued by terrorism."[30]

However, according to B. Hoffman there are fundamental differences between guerilla warfare and terrorist groups. Guerilla is composed of armed individuals operating as a military unit; they attack enemy military forces; they seize and hold territory and they exercise some form of sovereignty or control over a defined geographical area and its population.[31] Certain scholars (B.Hoffman, W.Laqueur and P. Wilkinson) agree that the selective factor that distinguishes guerilla warfare from terrorism is the choice of target: Guerilla operations are directed against the armed forces while terrorist operations target civilians and create a general climate of insecurity.

When B. M. Jenkins's definition is taken into consideration, another difference between guerilla warfare and terrorism reveals: According to Jenkins terrorism is aimed at the people watching, not at the actual victims, thus terrorism is a theater.[32] This means that terrorist operations are intended to create effects on people, thus the action becomes symbolic.[33] While guerilla warfare is directed

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[28] J. R. Thackrah, op.cit., p. 108

[29] A. Guelke, op.cit., p. 30

[30] A. P. Schmid, op.cit., p. 40

[31] B. Hoffman, op.cit., p. 35

[32] B. M. Jenkins, op. cit., p. 22

[33] Cited from M. Crenshaw in Political Terrorism, A.P. Schmid, p.44

against military targets (armed forces, security services), terrorist actions are less discriminate in the choice of targets. Terrorists kill innocent[34] people and their operations occupy mental space and create the feeling of insecurity. Guerillas usually fight according to the conventions of the war and respect the rights of non combatants. They occupy territory and they are composed of grand units like army. Terrorists, on the other hand, do not act explicitly; they do not prefer to occupy any geographical area and they do not enter into skirmish with armed forces. Their violence is directed to civilian population. Terrorist assaults on the military targets are an *exception* where as guerilla assaults on military targets are *principle*.[35]

It can be argued that the substantial point in the problem of defining terrorism lies in the incapability of reaching a prevailing distinction between national liberation movements and terrorist organizations. The problem of not being able to distinguish these two terms from each other also influences the attitudes of states against the people's right of self determination. In order to be able to distinguish national liberation movements' actions from terrorist one's, one must analyze the right of self determination which lies on the foundation of these movements. According to the "doctrine of nationalities" exported by the French Revolution, state is the consequence of the self-determination of people and takes its legitimacy from the individuals who constitute the people. The name of this doctrine started to be mentioned, in the 20th century, as the people's right of self determination.[36] After being used during the First World War for the purpose of disintegrating the empires, the right of self determination was supported by Wilson and Lenin following the War. However, the right of self determination has waited until 1960 for entering the international law. In December 14, 1960; United Nations (UN) General Assembly acknowledged all people's right of self defense with the resolution 1514, *Declaration on the Granting of Independence to Colonial*

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[34] Usually, innocence is problematic in the eye of the terrorist. For instance, a tourist going to a place like Israel is not innocent according to a Palestinian and he/she can be blamed of supporting the Israeli economy, thus strengthening the opponent. Hence, he/she becomes victim or target.

[35] F. Taşdemir, op.cit., p. 32

[36] E. Öktem, op.cit., p.171-172

Countries and Peoples. And in October 24, 1970; with the resolution 2625, *Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance With the Charter of the United Nations,* UN General Assembly asserted all the people's right of self determination, introduced that states must refrain from forcibly denying the right and gave the people the right of taking support against the dominant power with respect to purpose and principles of UN.[37]

Apart from UN Charter, peoples' right of self determination is acknowledged in human rights treaties, 1975 Helsinki Final Bill and 1993 Vienna Declaration. However, none of these instruments explicitly specifies whether force may be used in order to achieve self determination or what kinds of force may be used by those fighting for it.[38] On the other hand, UN Charter is far from being coherent and it reflects the power struggles. Actually, the fundamental choice is whether to acknowledge this right or not; but both choices have their implicit meanings: To acknowledge this right means also granting the right of fighting for it and this would bring together international instability and perhaps the loss of cheap markets and raw materials. When this right is not acknowledged; in this case, this would mean denying the legitimacy of national liberation movements and any use of force to secure self determination may be criminalized as terrorism.[39]

During the Cold War, a new kind of warfare aroused around colonialism. Political victory was no longer linked to military victory. Sooner or later, that was understood by national liberation movements and by the West, as well. From the moment when political victory came to rely as much on psychological warfare, terrorism became one of the keys of such ascendancy.[40] During this process, national liberation movements which struggle against colonialist powers in order to

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[37] F. Taşdemir, op.cit., p. 13

[38] B. Saul, *Defining Terrorism in International Law*, Oxford, Oxford University Pres, 2006, p. 74

[39] Ibid., p.75

[40] G. Chaliand, A. Blin, *"Terrorism in Time of War: From World War II to the War of National Liberation"* in History of Terrorism: From Antiquity to Al Qaeda, p. 210

achieve their independence appealed every sort of violence methods, including terrorism and with their occurrence certain important problems began to be discussed such as their judicial covenant, their representation of certain rights on which basis or their right of using force in what circumstances.[41]

As a matter of fact national liberation movements, even they are evaluated separately from terrorist groups in judicial terms, have tried to legalize terrorism by resorting it under the cover of self determination. Liberation movements such as FLN- Front de Liberation Nationale, PLO- Palestinian Liberation Organization, IRA/PIRA- Irish Republican Army/Provisional IRA, SWAPO- South West African People's Organization, POLISARIO- People's Liberation Front of Saguia el Hamra and Rio de Oro, UNITA- Union Nacional par la Independence Totale de Angola appealed to terrorist methods so many times during their struggles.

It must be emphasized that the legitimacy of a national liberation struggle is not perceived in the same manner by the people who are the victims of oppression and by foreign public opinion. For instance, the struggle for the independence of Kashmir appeared as a legitimate national liberation struggle by Pakistan and by the majority of the population in Kashmir while it was seen by India and its supporters, as a manipulation or a foreign intervention in order to destabilize a State. As a result, the methods of struggle to which national liberation movements resort are appreciated in a way different and subjective.[42] Apparently, there exists a cleavage between national liberation movements' right of struggle and the interdiction of use force. This contradiction appears also in UN Documents.

There are two different views whether the terrorist actions perpetrated by national liberation movements in the name of self determination must be interpreted as trespassing of International Humanitarian Law - IHL and as war crimes or as ordinary crime according to Punishment-Justice Model. Western states are unwilling

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[41] F. Taşdemir, op.cit., p. 15

[42] M. Benchikh, *"Le Terrorisme, Les Movements de Liberation Nationale et de Secession et Le Droit International"* in *Le Droit International Face au Terrorisme* eds. K. Bannelier et all., CEDIN, Paris I, Paris, Pédone, 2002, p. 70

to accept the terrorist actions perpetrated during a war of independence as serious violations or as war crime on the grounds that these actions would profit from *jus in bello*[*] approach.[43] IHL is applied equally to all participants in an armed conflict on humanitarian grounds, regardless of whether self determination movements are entitled to use force. In Additional Geneva Protocol I, parties recognize self determination struggles as international armed conflicts, thus the forces parties to such conflicts may qualify as combatants and enjoy lawful acts of war. Combatants cannot be characterized as terrorists for the acts compliant with IHL.[44] 1977 Additional Protocols have changed somewhat the logic of 1949 Geneva Conventions. According to Protocol I Article 1/4 the struggle of the peoples against oppression, apartheid and foreign occupation would no longer be subject to internal wars. The most practical outcome of this embodiment lies on the recognition of the participants into these kinds of struggles as prisoner of war in case of they are captured.[45] For these reasons, Western states prefer to assume such actions as simple offense and judge them according to their national crime laws. Likewise, States not parties to Protocol I treat national liberation struggles as non-international armed conflicts. Israel, for instance, regards the killing of IDF (Israeli Defense Force) members in the Occupied Territories as terrorism.[46] Whereas developing countries

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[*] The rules of jus in bello (justice in war) serve as guidelines for fighting well once war has begun. The rules of jus in bello aim to confine the destructiveness of war, rule out certain kinds of weapons, protect civilians and limit the area and range of fighting. There are two principles of jus in bello: discrimination and proportionality which establish rules of just and fair conduct during warfare. The principle of discrimination concerns about who are legitimate targets in war, the proportionality concerns how much force is morally appropriate and tells that the actions should be expected to do more good than harm. Soldiers assume combatant status. Once a soldier surrenders, he assumes the status of non-combatant and cannot be killed or attacked and becomes prisoners of war. Prisoners of war are entitled to basic human respect and are to be protected against any act of violence and intimidation. See N. Fotion et al. (eds.), *Terrorism: The New World Disorder*, London, Continuum, 2007, see also M. Maiese "Jus in Bello" on

 http://www.beyondintractability.org/essay/jus_in_bello

[43] F. aşdemir, op.cit., p. 21

[44] B. Saul, op.cit., p. 76

[45] E. Öktem, op.cit., p. 227

[46] B. Saul, op.cit., p. 76

defend that, national liberation movements who struggle in cadre of the right of self determination have their right to use force. They see this kind of independence struggles against colonialism and foreign occupation as an international conflict and they insist that violent actions committed during these struggles cannot be qualified as terrorism.[47] Then, there remains only one way: Making most of the actions of national liberation movements which are seen as terrorist acts, detachable from the legitimate struggle of liberation; that means criminalizing with the most powerful intensity their method of combat in order to justify recourse to force.[48] However, this effort would probably founder as this decision is made according to political motives of the States who make the assessment. It is not always easy to distinguish the armed actions which appeal national liberation movements from the terrorist actions.

Recourse to force in the name of self determination and terrorist actions are usually implicated. In this sense, Palestinian Israeli conflict is placed in the center of the national liberation struggle – terrorism problematic. While Arab organizations insist on the assertion that the actions of the liberation movements can not be considered as terrorism, Israel and most of the Western political scientists maintain that the actions perpetrated by liberation movements have to be interpreted as terrorism. Nevertheless, it has be pointed out that national liberation movements may be victims of state terrorism as well as they may be the perpetrators of terrorist actions. In this case, two parties breed terrorism and in the end this creates a vicious cycle under the pretext of violent politics against each other's terrorist actions. Anyway, it must be emphasized that there is still this dichotomy that "one's terrorist is another's freedom fighter" under the failure of making a viable definition of terrorism. This discourse prevails, for example, in the case of Palestinian groups who struggle for liberating the territories under Israeli occupation and demonstrates how the understandings change according to the where people stand.[49]

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[47] F. aşdemir, op.cit., p. 21

[48] M. Benchikh, op. cit., p. 78

[49] F. Taşdemir, op.cit., p. 22

2.1.2 Definition Proposals of Terrorism

So far, the notions that entail the definition problem of terrorism are underscored. It is demonstrated that terrorism must be evaluated separately from guerilla warfare, national liberation movements and the right to use force in the name of self determination. The recourse to violent methods by these groups mostly make them be labeled as terrorist groups, that's why making a viable definition of terrorism becomes unfeasible both for social sciences and for law.

As A. Schmid has demonstrated in his pioneering work, there are various opinions about terrorism, thus so many definitions of it.[50] The reason why there is not "a" definition of terrorism is political indeed. The problem depends on the general framework chosen for definition and on defining agency. According Federal Bureau of Investigation, "Terrorism includes the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives"[51] Department of Defense defines terrorism as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological"[52] As seen from the definitions, two different agency of United States give different definitions of terrorism.

This diversity on definition of terrorism appears also among the definitions of scholars. For instance, G. Wardlaw offers that "Terrorism is the use or, threat of use, of violence by an individual or a group whether acting for or in opposition to established authority, when such action is designed to create extreme anxiety and/or

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[50] A. P. Schmid, A. J. Jongman, op.cit., p. 119-152

[51] A. Sabasteanski A. (ed.), *Patterns Of Global Terrorism 1985-2005 Volume 2*, U.S. Department of State Reports with Supplementary Documents and Statistics, Massachusetts, Berkshire Publishing Group, 2005, p. xxii

[52] Department of Defense, DOD Dictionary of Military and Associated Terms, "terrorism," http://www.dtic.mil/doctrine/jel/doddict/data/t/05370.html

fear-inducing effects in a target group larger than the immediate victims with the purpose of coercing that group into acceding to the political demands of the perpetrators."[53] Wardlaw points out that in contrast to public opinion created by media reports; terrorism is not irrational or wanton in nature. It is a planned action with a political purpose, thus it has objectives. For P. Wilkinson, "Terrorism is the systemic use of coercive intimidation, usually to service political ends. It is used to create and exploit a climate of fear among a wider target group than the immediate victims of violence, often to publicize a cause, as well as to coerce a target into acceding to terrorist aims."[54] Both Wardlaw and Wilkonson predicate that terrorism can be employed by non State actors as well as by States as a tool of foreign policy or additional weapon of warfare.

Some scholars prefer to designate certain characteristics of terrorism rather than striving to define it. B. Hoffman juxtaposes some characteristics of terrorism so as to distinguish it from other forms of crime and irregular warfare. According to him, terrorism is

- ineluctably political in aims and motives
- violent or threats violence
- designed to have far reaching psychological repercussions beyond the immediate victim or target
- conducted either by an organization with an identifiable chain of command or by individuals or a small collection individuals directly influenced by the ideological aims
- perpetrated by a sub-national group or non-state entity[55]

That the terrorism definition of Hoffman ascribes terrorist acts *only* to a non-state entity and excludes states poses certain problems as it disregards state

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[53] G. Wardlaw, *Political Terrorsim, Theory, Tactics and Counter-measures*, New York, Cambridge University Press, 1989, p. 16

[54] P. Wilkinson, "*Why Modern Terrorism? Differentiating Types and Distinguishing Ideological Motivations"* in C.W.Kegly, Jr. (ed.),*The New Global Terrorism: Characteristics, Causes, Controls*, New Jersey, Prentice Hall, 2003 p. 106

[55] B. Hoffman, op.cit., p. 40

involvement in terrorism in certain degrees; either by supporting terrorist groups (in terms of military, operation or funding) or directly perpetrating acts of terrorism.

J. Lutz and B. Lutz, on the other hand, concentrate on six characteristics of terrorism by combining the issues raised in the works of Crenshaw (1983), Hoffman (2006) and Claridge (1996). According to their definition "Terrorism involves political aims and motives. It is violent or threatens violence. It is designed to generate fear in a target audience that extends beyond the immediate victims of the violence. The violence is conducted by an identifiable organization. The violence involves a non-state actor or actors as the perpetrator, the victim of violence or both. Finally, the acts of violence are designed to create power in situations in which power previously had been lacking."[56]

T. J. Badey incorporates three essential elements of terrorism to reach a distinguishable definition of terrorism from other forms of violence: repetition, motivation, intent. Repetition is the one of the critical characteristics of terrorism. Terrorism distinguishes from other forms by its being systematic violence. It is important to discern that isolated acts of violence which may evoke terror can not be considered as terrorism since terrorism hinges on the credible threat of repetition and the systematic use of violence. One aspect of the ongoing definitional debate is the question why people commit acts of terrorism. It is a misjudging point to search moral justifications for the use of violence. Judgments whether the cause is good or bad, right or wrong, freedom fighter or terrorist are irrelevant in definitional perspective. Generally, terrorists pursue a political agenda and they are politically motivated. The argument that there is also criminal motivation founders, too since criminal activity is the result of terrorist action, not the motive. Another aspect is the intention of terrorist actions which is wrongly accepted as fear. Actually fear is the byproduct of terrorism and it is a tool to help elicit a specific response. Terrorists intend to influence the behavior of others, such as gaining legitimacy, provoking a governmental response, releasing prisoners, and etc.[57]

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[56] J. M. Lutz, B. J. Lutz, op.cit., p. 9

[57] T. J. Badey, *"Defining International Terrorism: A Pragmatic Approach",* Terrorism and Political Violence, Vol.10, No.l (Spring 1998), pp. 93-98

B. Saul taking the definition of terrorism as a matter of language indicates that feeling terror or an intention in order to make people feel terror must be inherent in the term terrorism; otherwise it becomes dissociated from its linguistic origin. Therefore, proposals to define terrorism as "intimidation" or "coercion" imply much weaker conduct than terrorism. As words are socially constructed, terrorism cannot be defined so elastically as to depart altogether from its ordinary textual foundation.[58]

This never-ending definitional controversy[59] is also reflected in international legal documents. There are currently 13 international and 7 regional conventions/protocols regarding terrorism.[60] However, instead of making a definition, the world community has attempted to resolve the question of definition largely by ignoring it and focusing on identifying particular criminal acts to be prevented and punished and on particular targets to be protected.[61] Consequently, it is possible to say that neither scholars nor states can agree on what terrorism is.[62] A.

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[58] B. Saul, op.cit., p.62

[59] T. J. Badey, op.cit., p.90

[60] M. Williamson, op.cit., p. 49

[61] J. F. Murphy, *"Challenges of the New Terrorism"* in D. Armstrong (ed*.) Routledge Handbook of International Law*, London, Routledge, 2009, p. 283

[62] However, the definition of Alex P. Schmid may be offered as the most cited and comprehensive definition: "Terrorism is a method of combat in which random or symbolic victims serve as instrumental target of violence. These instrumental victims share group or class characteristics which form the basis for their selection for victimization. Through previous use of violence or the credible threat of violence other members of that group or class are put in a state of chronic fear (terror). This group or class, whose members' sense of security is purposively undermined, is the target of terror. The victimization of the target violence is considered extra normal by most observers from the witnessing audience on the basis of its atrocity; the time (e.g. peacetime) or place (not a battlefield) of victimization or the disregard for rules of combat accepted in conventional warfare. The norm violation creates an attentive audience beyond the target of terror; sectors of this audience might in turn form the main object of manipulation. The purpose of this indirect method of combat is either to immobilize the target of terror in order to produce disorientation and/or compliance, or to mobilize secondary targets of demands or targets of attention to changes of attitude or behavior favoring the

Guelke juxtaposes five barriers to understanding terrorism because of which there is not a definition: Firstly, the widening scope of the term; secondly, the fact that the term does not quite mean what it says it does; thirdly, the related point that causing fear is not a distinguishing feature of terrorism; fourthly, the exceptionally strong emotive overtones of the term and fifthly, its ideological dimension.[63]

As demonstrated above, the definitions of terrorism generally characterize the actor or the perpetrator of the terrorist actions. In this study, the characterization of the perpetrator is eliminated; the act itself is focused on. Thus, according to this study; any action intended to cause death to civilians or non-combatants with the purpose of intimidating a population in order to achieve political ends constitutes terrorism no matter whom the perpetrator is; either a state or a non-state entity.

2.2   Causes of Terrorism

As well as the definition of terrorism, the question of what kind of circumstances lead to terrorism has also come to be on the agenda of researchers of the terrorism field. Generally, authors agree on the assumption that the environment (international, national, domestic or sub cultural environment) and political, social and economic factors are the determinants of the causes of terrorism. Several authors distinguish between *preconditions* and *precipitants* while they grade the causes of terrorism. Preconditions refer to the factors that set the stage for terrorism over the long run, precipitants, on the other hand, relate to specific events that immediately precede the occurrence of terrorism.[64] Precipitants can also be considered as direct causes of terrorism.

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short or long term interest of the users of this method of combat." Schmid A.P., Jongman A.J., op.cit., p.111

[63] A. Guelke, op.cit., p. 14

[64] M. Crenshaw, *"The Causes of Terrorism"*, Comparative Politics, Vol. 13, No. 4 (Jul., 1981), p. 381

Modernization is among the indirect factors of the occurrence of terrorism. The development of new transportation and communication technologies has given the terrorists more mobility and publicity. Neither Narodnoya Volya would have been able to operate without Russia's rail system, nor could Popular Front for the Liberation of Palestine-PFLP indulge in hijacking without the jet aircraft.[65] Urbanization, as part of modernization, provides anonymity, targets and audiences for the terrorist acts.[66] The urban renewal projects of the late 19th century such as the boulevards constructed by Baron Haussman in Paris made the cities became the arena for terrorists as they are now unsuitable for a strategy based on riots and the defense of the barricades.[67]

The availability of weapons is another indirect determinant for the occurrence of terrorism. The replacement of old weapons with the new ones, and the dumping of the latter in the Third World or in the black market and the willingness of the secret services to support foreign clients has led to a "democratization of violence.[68] Therefore, terrorists possess the standard weapons needed for insurgency.

Modernization may also disrupt social structures by de-emphasizing old patterns of respect and social interaction as new economic and social elites develop.[69] Thus, modernization would cause persons' marginalization and alienation as a consequence of which radical groups would emerge. As life patterns are disrupted, structure of values and norms are affected and religions and belief patterns are challenged, certain groups would feel threatened and every symbol of modernization would become a legitimate target of terrorism.

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[65] Ibid., p.381

[66] A. P. Schmid, A. J. Jongman, op.cit., p. 230

[67] M. Crenshaw, *"The Causes of Terrorism"* in The New Global Terrorism, p. 94

[68] A. P. Schmid, A. J. Jongman, op.cit., p. 230

[69] J. M. Lutz, B. J. Lutz, op.cit., p. 19

The existence of a tradition of recourse to violence for political ends may constitute a factor for the occurrence of terrorism. These historical traditions and social habits make the use of violence against an established order morally and politically justifiable. For instance, in Ireland where the tradition of physical force dates from the 18th century, the contemporary Provisional IRA inspires the legend of the IRA in 1919-1921 and excuses the much and less effective terrorism.[70] Likewise, ideologies and beliefs play an important role within the causes of terrorism. Terrorists need an ideology for the purpose of which he/she can struggle. In the 17th century this ideology was anarchism while the 19th and early 20th centuries witnessed revolutionary ideologies.

The direct causes of terrorism can be based on social factors. One of them is the existence of grievances among a subgroup of a larger population who believe that this condition is not what they deserve. Discrimination against an ethnic minority within a society, for instance, may be the ground on which a terrorist organization would emerge for the purpose of compensating the grievances and gaining equal rights. In modern states, separatist nationalism among Basques, Bretons and Quebecois has motivated terrorism as well as the national liberation movements in the colonial era.[71]

Disparities in economic well being can constitute another grievance which leads to terrorism. Marxist theories would clearly accept class differences and economic structures as one key in the appearance of violence.[72] A major loss of status or position may also resort to political violence. However, what is perhaps more important in such situations is that dissidents see their, religious, ethnic or class group suffering from such disparities which may lead to indication that the present political system is unfair and discriminatory and that it needs to be changed by violence, if all else fails.[73]

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[70] M. Crenshaw, *"The Causes of Terrorism"* , p. 382

[71] Ibid., p. 383

[72] J. M. Lutz, B. J. Lutz, op.cit., p. 17

[73] Ibid, p. 18

One other condition that motivates terrorists is the lack of opportunity for political participation. In this case the grievances are primarily political, without social or economic overtones.[74] In situations where paths to the legal expression of opposition are blocked, but where the regime's repression is inefficient, revolutionary terrorism is doubly likely, as permissive and direct causes coincide. An example of this situation is tsarist Russia in the 1870s.[75] Economic recessions which generate anxiety and dissatisfaction may breed terrorism too; as some groups in society may lose ground. Germany was one of the countries hardest hit by economic dislocations; consequently, popular dissatisfaction with economic problems ended with support for the Nazis and Adolf Hitler that made Germany one of the territories on which terrorism reigned during this period.

A precipitating event may precede the outbreaks of terrorism. The action of an established order may cause the reaction of some groups. This action-reaction syndrome would probably breed terrorism unless two parties stop their activities. For example, British government's executions of the heroes of Easter Rising set to the stage for Michael Collins and IRA while in West Germany, the death of Beno Ohnesorg at the hands of the police during a demonstration contributed to the emergence of RAF.[76] It can be pointed out that the mutual terrorism in the ongoing Palestinian Israeli conflict is in a way fed by the action-reaction syndrome.

The causes of terrorism may differentiate according to geographies and time periods. However, the determinants explained above as causes of terrorism reflect the consensus of opinion about the occurrence of terrorism. Wilkinson's checklist of general causes of terrorism may present a summary for this section:

- Ethnic conflicts, hatreds, discrimination and oppression
- Religious and ideological conflicts, hatreds, discrimination and oppression
- Socio-economic relative deprivation

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[74] M. Crenshaw, *"The Causes of Terrorism"* in The New Global Terrorism, p. 95

[75] M. Crenshaw, *"The Causes of Terrorism"*, p. 384

[76] Ibid, p. 385

- Stresses and strains of rapid modernization tending to accentuate socio-economic deprivation
- Perceived political inequities, infringements of rights, injustice and oppression
- Lack of adequate channels for peaceful communication of protests, grievances and demands
- Existence of a tradition of violence, disaffection and popular turbulence
- The availability of a revolutionary leadership equipped with a potentially attractive ideology
- Weakness and ineptness of the government, police and judicial organs
- Erosion of confidence in the regime, its values and institutions afflicting all levels of the population including the government
- Deep divisions with governing élites and leadership groups[77]

2.3 Types of Terrorism

Various works have been made in order to classify terrorism; however there is still not a common typology developed for the classification of terrorism. Terrorist acts are classified by some according to the weapons employed during the operation (chemical terror, biological terror, nuclear terror), while by others according to the geographical area on which the action is realized (domestic terrorism, international terrorism, transnational terrorism). On the other hand, terrorist acts can be classified also depending to the executers of the actions (state terrorism). In this study, the types of terrorism will be undertaken as follows: Ideological/ political terrorism, ethnic terrorism, state terrorism and state sponsored terrorism.

2.3.1 Ideological/Political Terrorism

Political terrorism is composed of the actions of a group of individuals, a movement or faction, or part of a state that are organized around an ideology in order to obtain political goals. Differently from political terrorism which resorts to systematic use

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[77] A. P. Schmid, A. J. Jongman, op.cit., p. 238

of violence; political terror occurs in isolated acts and arbitrary mass violence which is neither systematic nor organized and difficult to control.[78]

Wilkinson divides political terrorism into three sub-categories: revolutionary terrorism, sub-revolutionary terrorism and repressive terrorism. Revolutionary terrorism is defined as the use of systematic tactics of terroristic violence with the objective of bringing about political revolution.[79] In this type, terrorism is justified by revolutionary ideology or program. The selection of the victims and objects of terrorism are usually representative or symbolic as revolutionary terrorism aims to create psychological effect on a specific group and make it change behavior. National liberation movements and guerilla terrorism may be classified within this category as terror is employed as an auxiliary weapon.

The second sub-category in Wilkinson's typology, sub-revolutionary terrorism is used for political motives instead of governmental repression or revolution. The difference between revolutionary terrorism and sub-revolutionary terrorism is that the former seeks total change while the latter's aims are more limited such as forcing the government change its policy and warning public officials. [80] The third sub-category is repressive terrorism which may be defined as the systematic use of terroristic acts in order to suppress certain groups or forms of behaviors which are deemed as undesirable by the oppressor. This type of terrorism relies heavily on the services of specialized agencies whose members are trained to torture, murder or deceive.[81]

2.3.2 Ethnic Terrorism

Separatist movements are not new phenomena. Peoples began to see themselves as nations since the American Revolution and French Revolution. Until this day,

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[78] J. R. Thackrah, op.cit., p. 201

[79] G. Wardlaw, op.cit., p. 14

[80] Ibid, p.14, J. R. Thackrah, op.cit., p. 202

[81] G. Wardlaw, op.cit., p.15

feelings of nationalism are fostered and the possibility of political violence lasted as peoples' demand to become a unique nation is oppressed. Ethnic terrorism has emerged as a modern phenomenon in the 1990s with the disintegration of the USSR and Yugoslavia.

Ethnic terrorism has the characteristic of being quite persistent and lasting for long periods.[82] Separatism is another characteristic of the ethnic terrorist groups; the fact is that from 1968 – accepted as the beginning phase of modern terrorism – the most prevalent agenda for terrorist groups has been an ethnic one.[83] The main objectives of ethnic terrorism can be rated as independence, reunification of a seceded homeland or autonomy. Ethnic terrorist groups usually come out from the grievances which cause discontent among an ethnic population. The cause of these grievances is usually the state. In order to achieve their objectives, ethnic terrorist groups intend to create social, economic and political instability by bombings, kidnappings, assassinations and other forms of intimidation.[84]

Ethnic terrorist groups operate at three different levels: First, they operate in their respective homeland. The second level is where attacks are launched outside of their homeland but within the targeted state, or in where ethnic terrorists refer to as centre. By operating at the centre, they attract more publicity and demonstrate the projection of the group. Car bombs, mortar attacks, rocket attacks, etc. are designed to create causalities among innocent population by targeting public transportation facilities, public areas or major streets. The third operational level is the attacks outside the targeted country. By operating outside the country, terrorist groups attract international publicity and frame the conflict as an international problem.[85] IRA, ETA, PKK and Palestinian terrorist groups have operated in this level and have made their cause heard by international public opinion. Quebecois in Canada,

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[82]J. M. Lutz, B. J. Lutz, op.cit., p. 102

[83] D. Pluchinsky, *"Ethnic Terrorism: Themes and Variations"* in A.H.T. Tan (ed.), *The Politics of Terrorism: A Survey*, London, Routledge, 2006 p. 40

[84] Ibid, p. 45

[85] Ibid, pp. 46-47

Corsican nationalists in France, Kurds in Turkey and Iraq, Croats in Yugoslavia, Albanians in Macedonia, and Basques in Spain have sought independence relying on political violence and terror to achieve their means. Finally, the PLO and its related groups have used terrorism to create a situation where the possibility of a Palestinian state is at least being considered; the successful Algerian war of independence was a model for Fatah and the PLO.[86]

According to Pluchinsky, 9/11 attacks were a catalyst that caused many ethnic terrorist groups to accelerate pursuit of a resolution to their conflicts as 9/11 attacks gave terrorism a "bad name". Therefore, some ethnic terrorist groups felt compelled to re-evaluate their armed struggles.[87] However, one can not imply that nationalist or ethnic terrorism has come to an end; it will continue to harass national and international security of the states.

2.3.3 State Terrorism

A rapid glance at the literature on the field of terrorism demonstrates that the relation between states and terrorism has largely been ignored. Mainstream definition of terrorism attributes the violent acts that are specified as terrorism only to non state actors. On the other hand, mainstream social scientists disregard the states' capacity to commit acts of terrorism either by sponsoring terrorist acts or by directly involving in them on behalf of their national interests. They have failed to recognize that states do carry out acts of terrorism by adhering to Max Weber's classical definition that "*a state is a human community that (successfully) claims the monopoly of the legitimate use of force within a given territory.*"[88]

The idea that the sovereign state is the primary constitutive organization within the international system was consolidated in the Treaty of Westphalia in

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[86] J. M. LutZ,, B. J. Lutz, op.cit., p. 127

[87] D. Pluchinsky, op.cit., p.52

[88] M. Selden, Y. So Alvin (eds.), *War and State Terrorism: The United States, Japan and the Asia Pacific in the Long Twentieth Century*, Oxford, Rowman & Littlefield Publishers, 2004, pp.3-4

1648. The Westphalian system assumed that the interests and goals of the states transcend those of any individual citizen or a ruler. The state has become an independent actor with the Westphalia doctrine; now it has the absolute authority within its borders over its own people, it shares the legal equality with other states and it enjoys the principle of non intervention of other states in its internal affairs. However, during the 20th century, the idea of Westphalian sovereignty has been disturbed by military interventions in Afghanistan, in Sudan, in Iraq or in the former Yugoslavia. These interventions have been supported with the idea of "humanitarian intervention" aimed at preventing the genocide or mass killings. The state as the only provider of human rights within its jurisdiction and as the only protector of these rights; has become also the major violators of human rights.[89]

The argument of this study is that terrorism is used both by state actors and non state actors in order to achieve political objectives; thus along with the study, the term terrorism refers to any type of political violence regardless of whether the actor is a terrorist group or a government. It is evident that certain acts perpetrated by groups or individuals against a state or its citizens are labeled as terrorism while violent acts of states against a population are not interpreted in that term. It is also evident that state sponsored terrorism is evaluated within a double standard as Third World sponsorships are given attention while Western nations' aiding to repressive regimes who commit acts of terrorism in other parts of the world are ignored. As R. Falk observes "anti-state violence is demonized, while greater state violence is virtually immunized from criticism."[90]

As the state is "the sole human community that claims the monopoly of the use of physical force within a given territory" according to Weber; thus the existence of the state is determined in respect to its right to use of force. If the state recourse to force for coercing the community rather than protecting it, then this

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[89] M. Stohl, *"The State as Terrorist: Insights and Implications"*, Democracy and Security, 2:1-25, 2006, p. 17

[90] R. Falk, *"State Terror versus Humanitarian Law"* in War and State Terrorism, p. 48

means that the state has began to abuse its monopoly of use of force.[91] Recourse to force may also be the part of a state ideology; as Machiavelli indicates in his work "the Prince" by suggesting to the governors that "It is safer to be frightened of rather than to be loved."

The question whether the state can commit acts of terror or not has occupied the scholars on the field of terrorism. The rejectionists who claim that the state can not commit acts of terrorism base their arguments according to law implying that such a crime – i.e. committed by the state – does not exist in the international positive law. Another rejectionist claim is that when states appeals to violence this is because they defense a line, a territory which differentiates state actions from those of insurgent groups. On the other hand, what state perpetuates in the territories it already controls cannot be labeled as terrorism since it has the monopoly of the tools of military power and political violence.[92] As this monopoly of violence given to the state is legitimate, so the acts perpetrated by the state would be considered as legitimate according to this point of view. However, all legal acts are not legitimate and vice versa. If the state recourses to violence as a means of coercing the society and if a state adopts a policy of elimination of entire sections of its own society, then it is clearly behaving in an unacceptable and illegitimate manner.[93]

It is a prevailing recognition that state terrorism is frequent within authoritarian, totalitarian and military regimes. However, it is evident that the governments that come to power by democratic elections may also choose this way in order to appease the opposition. Examples may be found in the campaign against black radicals in US during 1960s and 1970s, vigilantism and police connivance in Northern Ireland before "troubles", Felipe Gonzalez's former Socialist government

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[91] E. Öktem, op.cit., p. 257

[92] P. A. Sproat, *"Can State Commit Acts of Terrorism?: An Opinion and Some Qualitative Replies to a Questionnaire"*, Terrorism and Political Violence, Vol.9, No.4, 1997, pp.119-120

[93] D. Claridge., *"State Terrorism? Applying a Definitional Model"*, Terrorism and Political Violence, Vo.8, No.3, 1996, p. 48

who responded to ETA's violence by setting up the GAL which assassinated ETA members in Spain during the 1980s or Israel and its zones of occupation.[94]

State terrorism is not peculiar to a certain ideology. As well as the politics named *Nacht und Nebel*[95] in Nazi Germany that was also pursuit as a model by the military dictatorships in Latin America; the violence and bloodshed perpetrated by the Marxist Pol Pot regime in Cambodia are the examples that state terrorism is independent from ideology.[96] The word terrorism came to be mentioned with totalitarianism during the 20th century as a result of Nazi barbarism and Stalinist despotism. Both systems relied upon organized, systematized, discriminate terror in order to create bondage of the mind as well as of the body.[97] In the early 1930s, Stalin used terror against the peasantry through his campaign "delukakization"; forced collectivization unleashed a famine that claimed almost six million victims. The years 1936-1937 were marked by Great Terror during which certain sectors of the populace was exposed to generalized terror.[98]

No regimes are likely to label their actions as terrorism; they prefer more neutral designations as "coercive diplomacy", self defense, and national security interests and so on. On the other hand, there are difficulties of framing many cases in which states are involved, as terrorism. Deaths often take place during a civil war or within disputed territories, therefore they are not considered as state terrorism or mass killing. Per contra, the state argues that those kinds of killings are legitimate since the population poses a threat to national peace and security. This idea was

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[94] M. Stohl, op.cit., p. 19

[95] Nacht und Nebel (Night and Fog) was a policy implemented by Nazi government with aim of kidnapping of many political activists and helpers to resistance through Nazi Germany's occupied territories. It is unknown till this day, how many people are kidnapped and disappeared during that period.

[96] M. G. Kohen, *"Les Controverses sur la Question du Terrorisme d'Etat"* in Le Droit International Face au Terrorisme, p. 89

[97] J. P. Terry, *"State Terrorism: A Juridical Examination in terms of Existing International Law"*, Journal of Palestine Studies, Vol.10, No.1, 1980, p. 95

[98] G. Chaliand, A. Blin, *"Lenin, Stalin and State Terrorism"* in History of Terrorism, p. 205

taken into consideration by South American leaders as National Security Ideology in 1970s which saw significant portions of the population as threats to the intertwined goals of development and security.[99]

As the state is understood in terms of force and violence, the possible definition of state terrorism becomes too narrow as a result of exclusion of all the acts committed in warfare (notwithstanding serious human rights violations where the military is operating) and as a result of adopting existing legal and security structures. In such cases, states usually follow pseudo-democratic framework of arrest, charge, trial and sentencing facilitated by the introduction of emergency legislation which can also be used to bypass any of these stages while legitimating a facade of legitimate behavior.[100] Nonetheless, the question whether there is a moral difference between the state's activities of law enforcement and its extra ordinary activities that are named as state terrorism remains unanswered.

Teichman's definition of state terrorism includes the tactics which make the actions of the state be labeled as terrorism: "State terrorism is characterized by such activities as kidnapping and assassination of political opponents of the government by the police or the secret service or the army: imprisonment without trial, torture, massacres of racial or religious minorities or of certain social classes; incarceration of citizens in concentration camps and generally speaking government by fear."[101]

States use terrorism as an extension of oppression or repression systems, as a method of consolidating power, as a reaction to "reformist-minded" political, social or economic organizations and their policy demands and as a reaction to an insurgent challenge to the state.[102] Furthermore, states desiring to control the whole population may resort to terrorism because of its being a cost effective means of providing control. When they perceive themselves weak, states might also choose

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[99] M. Stohl, op.cit., p. 18

[100] D. Claridge, op.cit., p. 49

[101] P. A. Sproat, op.cit., p. 129

[102] M. Stohl, op.cit., p. 7

terrorism as the costs are low and the probability of success is high. States may appeal to terrorism as a means to govern socially marginal groups. When the scale of potential opposition is greater enough to pose a threat to government, state terrorism becomes applicable. The greater the heterogeneity is, the greater the likelihood that the state would resort terrorism as a means of rule. Saddam's Iraq was in such a situation. As Kurds in the Northern Iraq were composing a potential threat to Saddam's government, they tragically witnessed Saddam's violence.

Almost all cases of state terror are preceded by campaigns which seek to marginalize and dehumanize the potential victims and are further justified in the name of national security.[103] Once dehumanization and marginalization process is finished, charges of terrorism are rationalized. The most common tactics invoked by the state in order to eliminate the potential threat are forced disappearances, torture, unlawful detentions, etc. M. Selden and A. So designate the emergence of the new forms of state terrorism in the Korean and Vietnam Wars. For example, the US military employed tactics ranging from the use of indiscriminate airpower to search –and-destroy and strategic-hamlet missions that drew no distinction between military and civilian targets and inflicted large scale civilian deaths.[104]

R. Falk implies that the most extreme and permanently traumatizing instance of state terrorism involved the use of atomic bombs as a tactic against the cities of Hiroshima and Nagasaki with the aim of terrorizing the population through mass slaughter and confronting its leaders with the prospect of national annihilation.[105] Another example of strategic bombing may be the bombing of Dresden by British forces which caused mass deaths among the population. In his letter to Lord Beaverbrook about the area bombing strategy, Churchill was clear that *the strategy*

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[103] Ibid., p. 17

[104] M. Selden, Y. So Alvin, op.cit., p. 8

[105] R. Falk*, "State Terror versus Humanitarian Law"*, in War and State Terrorism, pp. 45-46

was directed at civilians, confronting the Nazi homeland with *an absolutely devastating and exterminating attack.* (emphasis added)[106]

After 9/11 attacks, the debate whether the state could recourse to terrorist practices in order to combat terrorism with efficacy has emerged. On theoretical basis, the answer of this question would be "no" since these kinds of acts are prohibited in the international law. However, the actual practices of the Israeli government, the practices of British against IRA, and Spanish against ETA or those of the Algerian government against GIA – Groupe Islamique Armé, Armed Islamic Group[107] are some examples among the others. It is worth emphasizing that the "war against terror" does not justify the employment of the terrorist actions. State terrorism needs to be theorized and challenged by the concrete legal embodiments with which the states will comply. Admitting that a state can employ all the means in order to beat terrorism means producing more terror which would lead a dead end.

2.3.3.1. The Concept of Right of Self defense and Terrorism

That the states have the right of protecting their security is acknowledged by the international law. The right of self defense, on the other hand, is warranting the security of the states through use of force. The right of self defense in based on the fundamental right of states to survival, but it can be appealed only if the survival of the state is at stake. The essence of self defense may be found in self help which means under certain conditions set by international law, a state acting unilaterally may respond with lawful force to unlawful force or to the imminent threat of unlawful force.[108] Self help may be displayed in various ways. One of them may be taking of non forcible measures, for instance, declaring a foreign diplomat persona

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[106] T. Nairn, P. James, *Global Matrix: Nationalism, Globalism and State Terrorism*, London, Pluto Books, 2005, p. 224

[107] M. G. Kohen, op. cit., p. 90

[108] Y. Dinstein, *War, Aggression and Self Defense*, New York, Cambridge University Press, 2003, p. 159

non grata or immobilizing diplomatic relationship with another state.[109] Legitimate self help may also be displayed by taking forcible measures; in this case self help becomes legitimate self defense.

The right of self defense is substantiated in customary law by a doctrine known as Caroline doctrine[110]. According to this doctrine, self-defense accompanied by the use of force may only be applied in rare cases where the need for self-defense is immediate and there is no possibility of employing other less harmful measures.[111] According to customary law, self defense is permitted in cases of aggression. States may seek the right of self defense only in the cases of self defense. What constitutes the acts of self defense is still an issue among scholars of international law.

After 9/11 attacks the issue has become more complicated by the setting forth of the concept "preemptive self defense" which is not binding according to the actual international law. Nevertheless, there have been various opinions about what constitutes the acts of self defense. During the Caroline case, Daniel Webster US Secretary of State that time, suggested that "self-defense only applies in extraordinary circumstances where the *necessity of self-defense [is] instant,* overwhelming, leaving no choice of means, and no moment for deliberation."[112]

According to this basis, it can be pointed out that, the right of self defense is justified when there is an imminent threat of force or a continuing attack against a state;

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[109] Ibid., p. 160

[110] The traditional self defense doctrine is based on the incident which took place in 1837, near the Niagara Falls where a boat called Caroline was attacked and tipped over by British forces. The boat was being used by Canadian rebels who were preparing for an attack. In order to prevent the potential attack, the British forces had implemented the operation which would later found a basis for the self defense as well as anticipatory/preemptive self defense doctrines.

[111] E. Gross, *"Self Defense against Terrorism-What does it mean? The Israeli Perspective"*, Journal of Military Ethics, Vol.1, No.2, 2002, p. 95

[112] M. P. Popiel, *"Redrafting the Right of Self Defense in Response to International Terrorism"*, Gonzaga Journal of International Law, Vol.6, No.3, 2002, p. 7

thus a degree of immediacy becomes fundamental. Yet, the use of force in the name of self defense must be based on the evidence of an imminent second attack, therefore which triggers the right of self defense is not the first attack; on the contrary, it is the imminent threat of the second attack that triggers such right.[113] The right of self defense is enshrined in the Charter of the UN in Article 51 which proclaims: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."[114] This means that the right of defense in Article 51 is permitted under the conditions which corresponds more or less that any national legal system provides: If someone is about to kill me and I have no time to contact the police; then I have the right to prevent this crime by killing or by neutralizing the aggressor.[115] When Article 51 is read in conjunction with the Article 2(4) of the Charter which calls upon all the members of UN to refrain from the threat of use of force against the territorial integrity of another state, Article 51 introduces an exception to the obligation to refrain from the use of force by allowing member states to employ force in the name of self defense in the event of an armed attack. The use of force in self defense is a limited exception to the Charter's prohibition of the use of force by states. As the use of force is irreversible and irreparable; the right to self defense should not depend merely on the credibility of compulsory statements of government officials; especially when the government has sufficient time and opportunity to disclosed supporting evidence.[116]

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[113] Ibid., p. 8

[114] http://www.un.org/en/documents/charter/chapter7.shtml, Access date January 10, 2010

[115] A. Cassese, *Violence et Droit Dans un Monde Divisé*, Paris, Presses Universitaires de France, 1990, p. 52

[116] J. I. Charney, *"The Use of Force against Terrorism and International Law"*, The American Journal of International Law, Vol. 95, No.4, 2001, p. 836

There are certain conditions that must be met by the member states. According to Article 51, states may implement their right of self defense when there is a necessary self defensive measure to an armed attack and when the act of self defense is authorized by UN Security Council as necessary in order to maintain international peace. It must emphasized that the right given to member states by Article 51 of the UN Charter has to be understood as "narrow authorization" not as a "carte blanche"[117], but as a defensive action against a continued armed attack until Security Council intervenes to restore international peace and security. Under no circumstances can the actual use of force by both parties to a conflict be lawful simultaneously; as an American Military Tribunal held in the 1949 "there can be no self defense against self defense."[118]

Under Article 51, the right of self defense arises only when an armed attack occurs. Thus, in order to recourse to force in the name of self defense, a state must demonstrate that an armed attack has taken place. Concurrently, states do not have a right of armed response to acts which do not constitute an armed attack and not all force against states constitutes an armed attack.[119] However, the definition of armed attack is unclear. On the other hand, it has to be ascertained whether terrorist attacks amount to armed attacks. Traditionally, self defense is justified only against the state actors. In this circumstance, terrorist attacks cannot be considered as an armed attack since it is perpetrated by a non-state entity. According to a decision held by International Court of Justice – ICJ in the Nicaragua case, an armed attack which justifies self defense as a response under Article 51, need not take the shape of massive military operation; sending of armed bands into the territory of another state may count as an armed attack.[120]

According to Y. Dinstein, since Article 51 mentions a state as the potential target of an armed attack; then the perpetrator of that armed attack is not identified

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[117] M. P. Popiel, op.cit., p. 7

[118] Y. Dinstein, op.cit., p. 162

[119] M. P. Popiel, op.cit., p. 9

[120] Y. Dinstein, op.cit., p. 176, M. P. Popeil, op.cit., pp.9-10

necessarily as the state which means an armed attack can be carried out by non state actors.[121] It must be added that when there is a conflict between a state actor and non state actor within a territory, this must be considered as a case of internal conflict or domestic terrorism. In order to be considered within Article 51, an armed attack of a non state actor must be perpetrated from the outside.

After 9/11 attacks, the definition of armed attack gained flexibility. Large scale and continuing terrorist attacks are offered to be the causes for the exercise of the right of self defense. In this context, A. Cassese's definition of armed attack may be an example: "Armed attack means a very serious attack either on the territory of the injured State or on its agents or citizens while at home or abroad (in another State or in international waters or airspace). To qualify as an armed attack, international law requires that terrorist acts form part of a consistent pattern of violent terrorist action rather than just being isolated or sporadic attacks."[122] Nevertheless, international law requires an aggressor State or at least an involvement of a state in an aggression which is clear from the Declaration on the Definition of Aggression (1974). In the Resolution of Aggression "sending by or on behalf of the state of the armed bands, groups, irregulars or mercenaries which carry out acts of armed force against another state of gravity[123]" is considered as an aggression. This means that unless the terrorist attacks originate with the involvement of a state, it is difficult to comprehend such action within the Article 51. In this circumstance, states would highlight the involvement of other states in order to exercise right of self defense. However, it seems illogical to simply attack states, founded on the assumptions of terrorist involvement, without direct proof of their participation.[124]

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[121]Y. Dinstein, ibid., p. 204

[122] A. Cassese, *"The International Community's "Legal" Responses to Terrorism"*, International and Comparative Law Quarterly, Vol. 38, 1989, p. 596

[123] UN General Assembly Resolution 3314 (XXIX), Article 3(g), http://www.un-documents.net/a29r3314.htm , Access date January 5, 2010

[124] M. P. Popiel, op.cit., p. 11

The Resolution 1368[125] held by UN Security Council following the 9/11 attacks has opened the possibility for the states to use force against terrorist groups.

With G.W. Bush's declaration of "war against terrorism", the discussions of the preemptive self defense doctrine came on the agenda. Preemptive action is a military policy which aims to neutralize terrorist organizations by targeting their perpetrators or their commanders. However, preemptive self defense is clearly unlawful under international law.[126]

Proponents of a broader right of self defense generally base their arguments on the word "inherent" of the Article 51. The argument is that Article 51 left intact and unchanged the law of customary self-defense predating the adoption of the UN Charter.[127] Y. Dinstein prefers to label this kind of self defense as "interceptive self defense". He argues that while preemptive self defense is unlawful, interceptive self defense is lawful "for it takes place after the other side has committed itself to an armed attack in an ostensibly irrevocable way."[128] As self defense cannot be exercised based on the assumptions or expectations, it has to be apparent that the other side is already engaged in carrying out an armed attack. Thus, according to this interpretation, Israel's war of 1967 may be considered as preventive war given the outbreak of hostilities, the Israeli statement that it had convincing intelligence that Egypt would attack and the measures taken by Egypt which demonstrated that it would aggregate. However, O'Connel implies that Israel acted on less than

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[125] S/RES/1368 (2001) recognizes the inherent right of individual or collective self-defense in accordance with the Charter; Unequivocally condemns in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C. and Pennsylvania and regards such acts, like any act of international terrorism, as a threat to international peace and security…. and expresses its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations. http://www.un.org/docs/scres/2001/sc2001.htm

[126] M. E. O'Connel, *"The Myth of Preemptive Self Defense"*, ASIL Task Force Papers on Terrorism, August 2002, p. 1, www.asil.org

[127] Ibid., p. 12

[128] Y. Dinstein, op.cit., p. 191

convincing evidence; therefore the 1967 Arab-Israel war does not provide an example of interceptive self defense.[129]

Destroying a terrorist infrastructure by bombing a terrorist training camp, arrest or preventive detention of the terrorists, the killing of an individual on the grounds of self defense may be considered among the preemptive acts which are believed to prevent a possible terrorist attack. However, preventive actions lack assertive evidence and some moral questions arise about their applicability. States have to respect the proportionality principle while taking measure against an armed attack that has already occurred. However, preemptive self-defense not only undermines the restraint on when states may use force, it also undermines the restraints on how states may use force. What measure should be taken by the state acting preemptively? As the state can only guess the scale of a possible armed attack; then, it would have to make subjective determination on how much force would be used; which is incompatible with the UN Charter.[130]

Can the killing of an "alleged" terrorist be justified from a moral point of view when no alternative is available? E. Gross suggests that two conditions have to be met for a preemptive action to be justified morally. These are the condition of certainty and the condition of necessity.[131] Can the preventive actions taken for the purpose of neutralizing and preventing a possible attack against citizens within the populated areas be morally justified as they would also cause injury to civilian population? This kind of strike has to rely on large quantities of reliable intelligence; despite this, a strike on the populated areas is illegal since it is inevitable to prevent civilians dying and these causalities cannot be considered as collateral damage. Even at war, the civilian population is protected based on Geneva Conventions.

Consequently, the right of self defense does not allow states to carry out retaliatory attacks or to resort to force against anticipated armed attacks which have

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[129] M. E. O'Connel, op.cit., p. 9

[130] Ibid., p. 19

[131] E. Gross, op.cit., p. 103

not yet occurred. Besides, any armed response from the state which is attacked should be proportionate, necessary and immediate.

2.3.4. State Sponsored Terrorism

State sponsored terrorism as a modern phenomena appeared on the international scene in the 1970s and 1980s during the Cold War to conduct "war on the cheap[132]". Several terrorist groups had some ties to certain governments. For instance, Iran backed Lebanese Hezbollah, Syria and other Arab States supported PLO and other Palestinian organizations, Libya helped PIRA and etc.

D. Byman defines state sponsorship of terrorism "as a government's international assistance to a terrorist group to help it use violence, bolster its political activities or sustain the organization"[133] This form of combat which states prefer to use agents so as to escape from international responsibility instead of entering into an armed conflict is undertaken within the context of "low intensity warfare."[134] State sponsored terrorism is a form of unconventional warfare which may be likened to the continuation of foreign policy by other means.[135] Therefore, terrorism is made a rational instrument by policymakers on all sides of political equation which finds its theoretical validation in a tradition of Western realist thought, especially that of Machiavelli, Hobbes and von Clausewitz.[136] Instead of labeling their actions as terrorism; today, states favor more neutral designations such

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[132] T. Becker, *Terrorism and the State: Rethinking the Rules of State Responsibility*, Portland, Hart Publishing, 2006, p. 250

[133] D. Byman, *Deadly Connections, States That Sponsor Terrorism*, New York, Cambridge University Press, 2005, p. 10

[134] E. Öktem, op.cit., p. 262

[135] D. Smith, *"Military Options in Response to State Sponsored Terrorism"*, Terrorism and Political Violence, Volume 1, Issue 3, July 1989 , p. 295

[136] R. Falk, *"A Dual Reality: Terrorism Against the State and Terrorism by the State"* in The New Global Terrorism, p. 58

as "coercive diplomacy", "nuclear deterrence" and "assistance to a friendly state in its pursuit of internal security".[137]

There are various motivations of sponsoring a terrorist group. This may change according to the sponsor's reasons; nevertheless state sponsorship maintains its ambiguities. The sponsorship can range from funding, training, arms providing to diplomatic backing and providing safe havens. Sponsorship may be direct or indirect according to the degree and form of involvement of the state. Direct involvement of the sponsor is undertaken by the intelligence agencies of various countries, while indirect involvement of the sponsor is undertaken through terrorist groups. The seizure of the US Embassy in Teheran in November 1979 is an example to the direct involvement of the sponsor in terroristic actions. Another example of direct state sponsorship is the bombing of Pan Am Flight 103 over Lockerbie in 1988. The planners and perpetrators of this incident was Libyan government; the incident was tried to be designated as a terrorist attack, thereby Libyan government would claim deniability.

One of the characteristics of the state sponsored terrorism is that it is usually conducted in a clandestine manner. Another characteristic of state sponsorship is denial and refusal to accept responsibility. It carries much less risk compared to military actions and it is relatively low-cost. The anonym nature of the aggression makes the sponsor be exempt from international charges and avoids any recompense.

It is a truism that states sponsor terrorism in one way or another. Then, what may be the reasons of their sponsorship? A rapid and comprehensive answer may be that they sponsor terrorism on behalf of their national interests. It has been pointed out that using terrorist proxies allows deniability and protects states from the possibility of retaliation as the state stays anonym. States also sponsor terrorist or insurgent groups in a country in order to destabilize or weaken it, change its regime

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[137] J. R. Thackrah, op.cit., p. 250

or shape opposition. States support terrorist groups to advance their security and power concerns. States help terrorist groups in the name of destabilizing a neighboring state, toppling its regime if the present regime consists of its rivals. US backed Contras against Sandinistas in Nicaragua since the regime had a leftist tendency and developed close ties with Cuba and USSR. Thus, Nicaragua posed a threat for US as leftist regime in Nicaragua would lead to the establishment of more such regimes in Latin America.[138] Thus, US sponsored the Contras by providing arms, training, food, medicine and etc. Moreover, New York Times informed that the Contras had taken military advices directly from White House officials.[139] As a result, the Contras, with their arms provided by US and its allies, murdered villagers according to the allegations that they had connections to Sandinistas, in the end Sandinista regime was destabilized. Iran, on the other hand, despite having no direct interests in Israel, backed Hamas and Palestinian Islamic Jihad- PIJ in 1990s in order to undermine the Peace Process. Its intention was to score political points in the Arab world.[140] Regimes support terrorism to bolster its political position at home, too. Thus, domestic politics appear as a determinant factor of backing terrorists. States may decide to aid ethnic or religious brethren who are oppressed in another country. Iran's support for a range of Shi'a groups such as the Iraqi Da'wa paty, Islamic Front for the Liberation of Bahrain and Tehrik-e Jafariya-e Pakistan[141] is an example of a sponsorship made as a result of domestic politics.

State support for terrorism ranges from providing arms, intelligence, funding, training, diplomatic backing to providing safe havens. States' support for terrorism might be ideological, financial, operational and military. Consequently, forms and degrees of state involvement in terrorism may be summarized as follows:

- The state may direct and control the terrorist activity
- The state may provide the terrorist group with financial, logistical and military support of varying degrees

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[138] J. Lutz., B. Lutz, Global Terrorism, p. 61

[139] N. Chomsky, *Terörizm Kültürü*, translated by: Taha Cevdet, İstanbul, Pınar Yayınları, 2002, p. 69

[140] W. Laqueur, op.cit., p. 173

[141] D. Byman, op.cit., p. 48

- The state may provide the terrorist group with safe haven, free movement and training facilities, or otherwise tolerate its activities
- The state may offer the terrorist group ideological or political support and inspiration
- The state while not necessarily supportive for the terrorist activity, may be generally unwilling to meet its counter terrorism obligations to prevent activity
- The state despite certain efforts on it part, may fall short of due diligence standards in attempting to prevent terrorist activity
- The state may simply lack the capacity to prevent the terrorist activity[142]

As examples of various forms of state sponsorship demonstrate, state sponsored terrorism is a more deadly form of low intensity warfare of today. It threatens the international system as well as the target state's interests. According to G. Wardlaw, state sponsored terrorism entails three real dangers: firstly, terrorist activities may escalate into war between two or more small countries and may in the end draw global powers to intervene; secondly, a major power feeling that its vital interests are threatened or that it national prestige can take no further assaults may take unilateral action which would probably destabilize international relations and escalate violence; and thirdly, terrorist strategy of provocation may succeed in altering the nature of democracies internally or in the manner in which they execute foreign policy.[143]

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[142] T. Becker, op.cit., p. 240

[143] G. Wardlaw, *"Terror as an Instrument of Foreign Policy"* in D.C. Rapaport (ed.), *Inside Terrorist Organizations,* , London, Frank Cass, 2001, pp. 243-244

CHAPTER 3

HISTORY OF TERRORISM IN THE PALESTINIAN – ISRAELI CONFLICT

Terrorism and violence are generally cited with the Palestine issue when Middle Eastern terrorism is in question. It is somewhat a true judgment when violence and terrorism are interpreted as the result of the creation of the State of Israel and of the ongoing conflict between Israelis and Palestinians since then. The violence between Arabs and Jews within Palestine even predates the establishment of the League of Nations mandate over the territory[144] that paved the way for the establishment of Israeli State. However, it was after the defeat of the Arab armies when they invaded Palestine in May 1948 following the proclamation of the state of Israel that the violence and terrorism began to be resorted by both sides. K. B. Nasr argues that the use of terrorism by both sides was a successful way of prolonging the conflict with a guarantee of never achieving the professed goal. Further, he indicates that the actions of Israel which were aimed at eliminating terrorism actually produced the opposite result.[145]

The assumption that terrorism breeds more terrorism and that it has been one of the major factors of the collapse of peace processes can be traced in the history Palestinian – Israeli conflict. From the creation of Israel until today; terrorism and violence has been the instruments of both sides – Palestine and Israel. Nevertheless, it is worth noting that the reasons of violent conflict between Jews and Palestinians are rooted long before the emergence of Israel. In this chapter, history of the terror and violence regarding the Palestinian – Israeli relations would be analyzed chronologically.

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[144] A. Guelke, op. cit., p. 53

[145] K. B. Nasr, *Arab and Israeli Terrorism*, North Carolina, McFarland & Company Inc Publishers, 1997, pp. 3-4

3.1. From Pre-State Period to the Emergence of the State of Israel

The advent of Zionism at the end of the 19th century among the European Jewry was the first seeds of the upcoming confrontation between Palestinians and Israelis on the land of Palestine.[146] Additionally, Z. Elpeleg contends that Zionism with which Palestinians faced off even before First World War and Balfour Declaration in 1917 has played a great role in the birth of the Palestinian national movement.[147]

The emergence of nationalism as a movement of thought in Europe in the 19th century and its combination with Social Darwinism paved the way for racism and anti-Semitism. In the last quarter of the 19th century anti-Semitism reached to such extreme dimensions that Jewish thinkers began to conclude that it was impossible to live in Europe in those circumstances. Having understood that the Jews would not be able to merge with the societies in which they lived; they were convinced that the Jews should have their own land for their nation on which they would live without discrimination and humiliation. This development led Jewish thinkers to put emphasis on the national and political aspects of Jewish peoplehood. Krochmal and Smolenskin proclaimed that the Jews were a nation and that they should settle in Palestine which was a key element in a nationalist program of action.[148]

However, it was Theodor Herzl who made Zionism the actor of the 19th century international system.[149] The trial of French Army captain, Alfred Dreyfus who was blamed for treason, convinced Herzl to do something for the Jews and despite the fact that Zionism was not his intention; Herzl successfully championed

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[146] Moreover, M. K. Öke asserts that Palestine became one of the "issues" of international politics is the outcome of Zionism. See M.K. Öke, *Siyonizm'den Uygarlıklar Çatışmasına Filistin Sorunu*, İstanbul, Ufuk Kitapları, 2002, p. 417

[147] Z. Elpeleg, *Filistin Ulusal Hareketinin Kurucusu Hacı Emin El-Hüseyni*, İstanbul, İletişim Yayınları, 1999, p. 11

[148] M. Tessler, *A History of the Israeli-Palestinian Conflict*, Bloomington, Indiana University Press, 1994, p. 37

[149] M. K. Öke, op.cit., p. 40

its cause.[150] Herzl concluded that the only viable solution to the Jewish problem would be the creation of a Jewish state in Palestine; he made public that idea with the publication of his book, "The Jewish State" in 1896. The core idea of Herzl's Jewish state lied within its character which was envisaged to be uniquely and authentically Jewish.[151] It may be argued that this way of thinking has played an important role in the shaping of the Israeli-Palestinian conflict as Palestinian population within Israel would in time be perceived as a threat to the Jewish character of the Israeli state.

After the First Zionist Congress that was held in Basel in 1897 following Herzl's great efforts, Zionism became official whose aim was to settle in the historic land of Zion (Palestine) and to re-create there a Jewish state. It is worth noting that Zionism was not a unitary ideology and that there were significant cleavages within the Zionist ranks which led to various Zionisms and which later became an important factor in the shaping of Israeli domestic and foreign policy and in the course of events of the ongoing Israeli-Palestinian conflict.

Aside from Herzl's political Zionism, there was Ahad Ha'am's cultural Zionism which sought creating a new culture free from negative Diaspora influences in Palestine where a new spiritual center for Jewish nation would emerge and the Hebrew language would be revived. Ahad Ha'am emphasized Jewish self-reliance and reconnecting Jews to Judaism, hence revitalizing a religious community in Eretz Israel where Jews would be majority which would not necessarily require the establishment of a Jewish state.[152] He also put forth the ideas of creating settlements in Palestine. Despite the fact that there were settlements (Old Yishuv) in Palestine before these evolution of ideas; their becoming the focal point of Zionist thought and action dates from 1882 known as First Aliya that is appreciated in retrospect for

[150] K. B. Nasr, op. cit., p. 6

[151] T. Herzl, *Yahudi Devleti*, İstanbul, Ataç Yayınları, 2007

[152] N. Finkelstein, *Image and Reality of the Palestinian-Israeli Conflict*, London, Verso, 2002, pp. 9–10

the start it made in constructing the Zionist state[153], following the pogroms in Russia. From that day when the new Yishuv began to be established, the highest priority was given to immigration, land purchase and community development in Palestine.[154] Between 1878 and 1908, about four hundred thousand dunams out of a total land mass of 27 million dunams were purchased by Jews; purchasing was referred in Zionist parlance as "redemption" or as "conquest" of the land.[155] In the beginning, these land purchases were unheeded; however the increase of the Jewish immigration on Palestine triggered the tensions between Jewish settlers and Palestinians. At the beginning, violence occurred due to the accidents or misadventure. In December 1882, for instance, a guard at Rosh Pina (a Jewish settlement) in Galilee accidently shot dead a Palestinian worker from Safad. The Palestinian response was throwing stones and vandalizing the property.[156]

It was with the Second Aliya that the new Yishuv developed and the course toward modern statehood was realized. However, the Second Aliya came with a new ideology which would dominate the Israeli politics for the country's first three decades and would play a leading role in the 1948 Arab-Israeli war. Influenced by the revolutionary and socialist ideas, the Jews coming with the Second Aliya formed a left-wing in Zionist movement, known as Labor Zionism. According to N. Finkelstein, Labor Zionism represented less an alternative than a supplement to political Zionism. Its ideology was based on the establishment of a Jewish state in order to solve the Jewish question; its difference lied within the idea that the absence of the class structure of the Jewish nation that had become lopsided and deformed during its long dispersion.[157] However, inimical to its founding ideology, socialism; Z. Sternhell argues in his book *The Founding Myths of Israel* that Labor Zionism disregarded its roots and by 1920 abandoned the socialist principles and only used

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[153] M. Tessler, op. cit., p. 60

[154] Ibid., p.58

[155] B. Morris, *Righteous Victims: A History of Zionist-Arab Conflict, 1881-2001*, New York, Vintage Books, p. 38

[156] Ibid., p. 47

[157] N. Finkelstein, op. cit., pp. 8 -9

them as mobilizing myths.[158] Its idea of living in peace and harmony with the Palestinians have changed due to the developments regarding the relations with the Palestinians who would begin to feel threatened with the arrival of Jews from Europe.

As well as Labor Zionism, Revisionist Zionism which advocated Jewish right to sovereignty over the whole Palestine would also play important roles in the construction of Israeli domestic and foreign policy. Besides, these two ideologies would play as a determinant factor on the stand that would be taken against the Palestinian issue, on the coming years. The campaigns of violence against British rule under Mandate would be conducted by revisionist organizations in order to drive them out and establish a Jewish State.

3.1.1. Early Clashes between Palestinians and Jews

The opposition to Jewish existence in Palestine and the violence against Jews by Palestinians were based on several considerations. The increasing Jewish influence in commercial activities which led to a fear of economic competition, the resentment that Jewish immigrants retained their foreign citizenship instead of becoming an Ottoman citizen and finally the fear that the Jewish existence would undermine the Palestinian character of the region[159] might be evaluated as some of the reasons of violence in Palestine. Land and labor controversy were another reasons of violence. The demarcation of the land spread among Palestinians the fear of being dispossessed which later changed into, as B. Morris puts it, "local patriotism." Another major cause of antagonism was the labor controversy which originated due to the exclusion of Palestinians from the Jewish economy.[160] The "local patriotism" transformed into nationalist political activity with the Young Turk Revolution in 1908; therefore explicit anti-Zionism developed. Although Young Turk Revolution was not the major factor in mounting anti-Zionism among Palestinians, M. Tessler

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[158] Z. Sternhell, *The Founding Myths of Israel*, New Jersey, Princeton University Press, 1999

[159] M. Tessler, op. cit., p. 130

[160] B. Morris, op. cit., p. 50

points out that anti-Zionism were by no means absent among Palestinians prior to 1908; however it increased rapidly after the Young Turk Revolution and had reached serious proportions on the eve of the World War I.[161]

World War I period dislodged in a sense the status quo in Palestine. The British who had interests in Middle East saw Zionism as a "magic spell[162]" in order to penetrate the region which would secure the routes to its colony India. In the light of this background, the Britain declared a formal statement, known as Balfour Declaration which was a *sign of sympathy to Jewish Zionist aspirations* on 2 November 1917. Balfour Declaration favoring *the establishment in Palestine of a national home for Jewish people* would have many implications on the course of the events in Palestine since it encouraged the immigration of Jews to Holy Land that in turn would change the demographics in Palestine, hence would trigger the anger of Palestinians against Jews and British. Later, that day would be commemorated by Israelis as Balfour Day and by Palestinians, as a day of mourning.

The blood began to flow in Palestine with the 1929 Wailing Wall (Western Wall) incidents which escalated into a small civil war causing hundreds of causalities on both sides.[163] Western Wall is a remnant of the Second Temple on the one hand and it forms a part of Haram al Sharif on which stand the Dome of the Rock and Al Aqsa Mosque, on the other. When Jewish worshippers brought a bench to separate women while praying, the Muslims viewed this as an act of strengthening Jewish claims to the Western Wall. After then, several fights between Jews and Palestinians broke out. In Hebron, Palestinians injured 50 Jews and killed about 60 residents who were the members of the Old Yishuv.[164] Palestinians also attacked Safad where they plundered the houses of the Jews and killed people. The Jews' reaction against these attacks had not been retreat; on the contrary they

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[161] M. Tessler, op. cit., p. 133

[162] M. K. Öke, op. cit., p. 229

[163] A. Goldschmidt Jr., L. Davidson, *A Concise History of the Middle East*, Colarado, Westview Pres, 2006, p. 283

[164] K. B. Nasr, op. cit., p. 10

became more determined in defending themselves and in realizing the dream of making Palestine their homeland, as history shows.

It's possible to argue that 1929 incidents had an impact on the future of the Palestinian − Israeli relations. According to Z. Elpeleg, the friction between Jews and Arabs deepened due to the violence during the incidents and the dissent changed tone as the Muslim societies of other countries came to see themselves as the part of the issue. Therefore, Jews were convinced that violence of Arabs arose from the hostility against Jews and that a defense unit had to be established.[165] Therefore, Haganah, a paramilitary organization was established in 1920 in order to protect the Jewish farms and kibbutz from Palestinian attacks, developed itself following the 1929 incidents and by 1936, Haganah would become the Jewish military with fifty thousand Jewish soldiers.

With the rise of Hitler to power in Germany in 1930s, the Jewish flow to Palestine increased gradually and therefore the situation between Jews and Palestinians worsened. As the demographic composition changed gradually at the expense of Palestinians and reinforced the cause of Zionism[166]; the situation worsened and ended with a general strike of Palestinians in 1936 which was mainly civil disobedience; but the beginning of 1937 witnessed an intense wave of violence which swept across the country during the following two years. Armed Palestinian gangs was carrying out violent and terrorist actions since the beginning of 1930s, killing Jews, sabotaging railways and setting on fire the farms; however with the 1936 Arab Revolt the situation worsened. Throughout the revolt, Palestinians attacked civil Jews, their settlement areas and their means of transport; they even attacked dissident Palestinians whom they called "collaborators."

The incidents paved the way finally for the promulgation by British Mandate, of "White Paper". The British saw it as a way in precipitating the Palestinians. However, White Paper resulted in heightening the tensions and

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[165]Z. Elpeleg, op. cit., p. 54
[166] M. K. Öke, op. cit., p. 415

contributed to the rise of militancy in Palestine. White Paper was a policy paper issued with the idea of creating an independent Palestine governed by Palestinians and Jews in proportion to their numbers in the population by 1939 and it restricted Jewish immigration to Palestine. Both Jews and Palestinians opposed the provisions of White Paper. Britain behaved with geopolitical considerations with the fear of Arab's turning against them in the event of a war since the British thought that they would need more support of Arabs; however this attitude triggered Jewish opposition to British rule and paved the way for terrorism and violence.

The Arab revolt marked also a turning point in the evolution of Ben Gurion's attitude toward the Palestine problem. Having understood the national character of Palestinian opposition to Zionism, he told the Jewish Agency Executive on 19 May 1936: *"We and they want the same thing. We both want Palestine. And that is the fundamental conflict."* He was then persuaded that only war would resolve the conflict, not diplomacy.[167]

3.1.2. British Mandate and Jewish Underground Organizations

The stand that the British had taken with White Paper resulted in the foundation of Zionist underground organizations which sought to exercise power over London by resorting to terrorism. It was during that period Zionist terrorist movements Irgun T'zvei Le'umi (National Military Organization) and the Stern Gang have been founded and began resorting to violence by targeting British soldiers, its installations and Palestinians in order to terrorize them. Coordinated by Haganah, then the military arm of the Jewish Agency, these movements helped implementing plans for military takeover of Palestine as a whole and ethnic cleansing of its native population.[168]

Even though the Jewish Agency did not want to confront the British, two Jewish armed groups began a terrorist campaign against the British rule in Palestine.

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[167] A. Shlaim, *Iron Wall: Israel and the Arab World*, London, Penguin Books, 2000, p. 18

[168] I. Pappe, *The Ethnic Cleansing of Palestine*, p. 16

Irgun T'zvei Le'umi (Etzel in Hebrew) was established in 1937 as the armed wing of revisionist Zionism. Following the government's promulgation of a White Paper which imposed strict restrictions on Jewish immigration to Palestine, Irgun commenced its terroristic actions in May 1939. The head of Irgun was Menachem Begin, the future prime minister of Israel. He was born in 1913 in Poland; he became involved with Zionism when he joined Betar, a right wing nationalist Jewish young group.[169] Begin stayed as the leader of the group until it was disbanded; he then entered the Israeli political scene.

Irgun led a decisive underground campaign of assassinations, bombings, hostage taking and massacres. After the British hanged Irgun member Ben Josef on 29 June 1938, the Irgun began its actions against them.[170] In 1944, Irgun assassinated the British high commissioner Sir Harold McMichael. Same year, Irgun perpetrated simultaneous bombings to the immigration department offices of the British in three major cities, Jerusalem, Tel Aviv and Haifa. Irgun's most spectacular operation was the bombing of King David Hotel in Jerusalem in 1946. The blast was aimed at the offices of the civil administration; however there was another motivation of this act which was to destroy the documents that the British had confiscated detailing plans to sabotage roads and railways.[171] B. Hofmann argues that even though Irgun's main target was neither the civilians working or staying in hotel nor the hotel itself, "the fact remains that a tragedy of almost unparalleled magnitude was inflicted at the King David Hotel" that's why this bombing remains one of the most lethal terrorist incidents of the 20th century.[172] Irgun also took hostage the British sergeants for the release of captured Irgun members. When British refused to negotiate and release Irgun members, they hanged the sergeants and booby trapped their bodies so that they exploded when

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[169] B. Hofmann, op. cit., p. 47

[170] K. B. Nasr, op. cit., p. 18

[171] Ibid., pp. 19-20

[172] B. Hofmann, op.cit., p. 49

they were found. The reaction of the British soldiers was running out into the streets, shooting indiscriminately, killing five and wounding fifteen.[173]

Another Jewish underground group was the Stern Gang (Lehi – Fighters for the Freedom of Israel) an offshoot of the Irgun founded in 1939 by Avraham Stern who thought that Irgun was too conservative. After Avraham Stern was killed by British, Yitzhak Shamir took his place. Stern Gang assassinated Lord Walter Guinness Moyne, the British minister of Middle East in 1944 as the group suspected that he was pro-Arab. Stern Gang operated also internationally. In 1946, they sent a parcel bomb to the British embassy in Rome. Between 1946 and1947; they sent over 70 mail bombs in British government envelopes to the heads of the government and to the soldiers who had served in Palestine.[174]

Both Irgun and Stern Gang resorted to terrorism in order to undermine the British government's prestige and control of Palestine. In Begin's words "History and our observation persuaded us that if we could succeed in destroying the government's prestige in Eretz Israel, the removal of its rule would follow automatically."[175] After having seen the results of the political victory which was won through violence; it might be indicated that terrorism has been a useful instrument in removing the unwanted rule of the British from Palestine.

It is possible to imply that the World War II period in Palestine saw the civil war between two people, Jews and Palestinians. During that period, the killings and retaliations followed each other, causing hundreds of causalities. According to the estimations, between 3.000 and 6.000 civil died during the incidents and hundreds of Palestinian houses were destroyed either during the incidents or by British as punition; there were also swaths of devastated fields and crops with many orchards and roadside groves uprooted.[176]

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[173] K. B. Nasr, op.cit., p. 20

[174] Ibid., p. 19

[175] B. Hofmann, op.cit., p. 48

[176] B. Morris, op. cit., p. 159

The conflict that has created the State of Israel and approved its existence has three stages: First, the terrorist campaigns of Jews against British between 1945 and 1947; second the civil war between Palestinians and Jews in 1947-1948 and third the 1948 war between Israel and Arab states.[177]

Exhausted with the attacks of Jewish organizations and unable to stabilize the enduring clashes between Palestinians and Jews, Britain decided to pull out from the Mandatory Palestine and to leave its question of future to the UN – United Nations in February 1947. Following the adoption of the partition resolution on 29 November 1947 which was certainly not a peaceful resolution to the contest for Palestine[178]; a series of Jewish attacks on Palestinian villages and neighborhoods whose implicit aim was to start ethnic cleansing of Palestine began in early December as retaliation for the buses and shopping centers that had been vandalized during the Palestinian protest again UN resolution.[179] Palestinians displeased with the UN decision began to resort violence and thus Palestine was dragged into a civil war period that would be remembered by Jews as "independence" and by Palestinians as "tragedy-*nakba.*"

3.1.3. Civil War in Palestine

The period between December 1947 and July 1949, saw the implementation of the plans of Jewish Agency whose aim was to terrorize Palestinians, by killing them or by destroying their villages in order to make them flee from Palestine to establish the Jewish state. The Jewish campaign of terrorization included heavy shelling, sniper fire; rivers of ignited oil and fuel sent down the mountain side and detonated barrels of explosives.[180] Embarking on a policy of "aggressive defense which

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[177] W. L. Cleveland, *Modern Ortadoğu Tarihi,* translated by Mehmet Armancı, İstanbul, Agora Kitaplığı, 2008, p. 291

[178] A. Goldschmidt Jr., L. Davidson, op.cit., p. 289

[179] I. Pappe, *Ethnic Cleansing of Palestine*., p. 40

[180] Ibid., p. 93

included economic subversion and psychological warfare[181] Haganah prepared an offensive strategy known as Plan D. Its working assumption was that the Haganah should make it possible to establish a Jewish state and secure its existence against hostile forces by launching offensive campaigns with the goal of seizing territory and assuming Jewish control.[182] Implemented in April and May, S. Flapan argues that the tenets of the Plan Dalet were clear and unequivocal since the aim was to prevent the use of enemy settlements that were situated within or near Haganah installations by active Arab armed forces. Plan D included the destruction of villages and the expulsion of the population to the outside borders of the envisioned Jewish state.[183]

The case of Plan Dalet is controversial in the narratives of the Israeli-Palestinian conflict. Palestinians and Israeli New Historians contend that Plan Dalet was prepared and implemented by Haganah in order to expulse the Palestinian population from the territories and that it was a plan of ethnic cleansing as I. Pappé seeks to prove in his book *Ethnic Cleansing of Palestine.* W. Khalidi, on the other hand, asserts that the premises of Plan D can be seen in the very concept of Zionism as well as in the origins of the implementation of the plan that are rooted in Zionsit strategic thought; he further indicates that expulsion and incitement to leave was a part of policy put into practice with Plan Dalet.[184] Contrary to these opinions; B. Morris propounds in his book *The Birth of the Palestinian Refugee Problem* that Plan Dalet was not a political blueprint or a master plan for a centralized expulsion of the Palestinian population and that it was governed by military considerations. In *The Birth of the Palestinian Refugee Problem Revisited* he points out that the Palestinians left their villages due to the orders given by Arab officials in order to protect them from the clashes. Despite the fact that, there were many reasons for the

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[181] A. Shlaim, op. cit., p. 31

[182] D. Tal, *"The Historiography of the 1948 War in Palestine: The Missing Dimension"*, Journal of Israeli History, Vol. 24, No.2, 2005, p. 188

[183] S. Flapan, *"The Palestinian Exodus of 1948"*, Journal of Palestine Studies, Vol. 16, No.4, 1987, p. 9

[184] W. Khalidi*, "Plan Dalet: Master Plan for the Conquest of Palestine"*, Journal of Palestine Studies, Vol. 18, No.1, 1988

Palestinian exodus that took place during the 1948 war; Jewish military pressure is argued to be one of the most important reasons of it.

During this period, terrorist acts were committed by both sides against innocent civilians. One of the most infamous terrorist acts was the massacre of Deir Yassin on 9 April 1948 when Irgun killed 254 men, women and children. As Irgun members entered the village, they sprayed the houses with machine gun fire and killed many of the inhabitants. The remaining villagers were gathered in one place and murdered in cold blood, their bodies abused while a number of women were raped and then killed.[185] The sole aim of this massacre was not only to destroy the village but also to scare the Palestinians, therefore in line with Plan D, make them begin fleeing their homes. For this reason, the image of Zionist fighters was based on cruelty and destructiveness so as to terrify the Palestinians. In M. Begin's words, "The legend of terror goes before a fighting force and wins."[186] A few days later following the massacre, a Palestinian group ambushed a bus going to the Haddash Medical Center on Mount Scopus and killed 75 professors, nurses and doctors.

It must be pointed out that while conducting operations, persons were dehumanized in order to turn them into legitimate targets; this is one of the characteristics of terrorism. By doing so, terrorist acts like killing, intimidating or expelling are justified. This was the case both in ambushing the bus going to Haddash Medical Center and in Ayn al Zaytun village when males between the age of 10 and 50 were executed at the end of May 1948 in order to intimidate and terrorize the village population and those living nearby. These kind of massacres also occurred after 15 May 1948 when the state of Israel was established. The cases of Tantura and Dawaymeh demonstrate that Israel had continued ethnic cleansing operations even after the proclamation of the state.

Tantura was a village located on the south of Haifa. The knowledge of what had happened in Tantura on 22-23 May 1948 comes from oral history and from the

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[185] Ibid., p. 90

[186] K. B. Nasr, op.cit., p. 23

official history of Alexandroni Brigade although many details are still obscure. The killings in the village took place in two stages. The first phase was a rampage as a result of the soldiers' anger caused by shots fired at them. During this phase about 100 people were killed. The second phase was carried out by intelligence units which systematically executed men. Another 100 victims were dead in this phase.[187] A Jewish officer described the executions at Tantura as follows: "Prisoners were led in groups to a distance of 200 metres aside and there they were shot. Soldiers would come to the commander in chief and say: My cousin was killed in the war. His commander heard that and instructed the troops to take a group of five to seven people aside and execute them.[…] The commander ordered the troop to take a larger group and they were shot, and so on."[188] Professor Asa Kasher, a philosopher from Tel Aviv University called what happened in Tantura a "war crime."[189]

The incidents in the village of Dawaymeh on 28 October 1948 are another example of the continuation of ethnic cleansing operations after the proclamation of the state. The UN's Palestine Conciliation Commission convened a special investigation of what happened in the village and submitted a report from which the knowledge comes. After having surrounded the village, Jewish troops began shooting. The villagers took shelter in the mosque and others in a nearby cave called Iraq el Zagh. After the shooting which lasted about an hour, the scene was as follows: in the mosque, there were bodies of 60 persons; a large number of bodies of men, women and children in the streets. In the cave, there were 85 dead bodies. The mukhtar of the village indicated that 455 persons were missing of whom 280 were men and the rest of women and children.[190]

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[187] I. Pappe, *"The Tantura Case in Israel: The Katz Research and Trial"*, Journal of Paletsine Studies, Vol. 30, No. 3, 2001, p. 24

[188] I. Pappe, *The Ethnic Cleansing of Palestine*, p. 135

[189] I. Pappe, *"The Tantura Case in Israel…"*, p. 22

[190] Com. Tech./W.3, 14 June 1949, UN Conciliation Commission for Palestine Technical Committee, The Dawaymeh Massacre, http://domino.un.org/pdfs/AAC25ComTechW3.pdf , Accessed on 28 January 2010

The massacre of Dawaymeh was the last large massacre perpetrated by Israeli troops during this period. As one of the terroristic methods resorted by states, ethnic cleansing is not genocide; however it is possible to witness mass killings during the ethnic cleansing operations which comprise deportations, forced emigrations and expulsions. Today, International Criminal Court – ICC defines ethnic cleansing as a crime against humanity and as a gross human rights violations.

3.2. Consolidation Years and Shaping of Israeli National Security

After achieving independence, Israel accepted post war status quo. During the consolidation years, it worked to fail the Arab attempts which sought to change the status quo. To preserve the status quo, Israel opposed firmly to the return of the refugees. Therefore, these years were marked by the infiltrations of Palestinian civilians across the armistice line.

3.2.1. Infiltrations and Retaliation

The creation of Israel did not end the conflict; on the contrary the Palestinian – Israeli conflict was intensified and began to be marked with terror and violence from both sides in the coming years. Israel's resort to terrorism and violence was merely transformed into a policy of state and integrated into Israel's official military.[191]

The foundation of Israel gave rise to the creation of large numbers of Palestinian refugees on the borders of Palestine. Altough the causes and the responsibilities of the Palestinian exodus are still a matter of controversy; both the civil war in Palestine and 1948 Arab-Israeli war gave birth to the refugee problem which remains as one of the unsolved problems of Israeli-Palestinian conflict.[192]

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[191] J. Halper, *An Israeli in Palestine: Resisting Dispossession, Redeeming Israel*, London, Pluto Pres, 2008, p. 240

[192] It was with the UN Resolution 302 of 8 December 1949 that Palestinian refugees were specified and UNRWA (The United Nations Relief and Works Agency for Palestine Refugees in the Near East) was set up for dealing with the Palestinian refugee problem. According to UNWRA, a Palestine

In the years following the establishment of Israel, the infiltration which was a direct consequence of displacement and dispossession of around 700,000 Palestinians in the course of 1948 war[193]; became a security threat for Israel who later responded these infiltrations with harsh retaliation. At the beginning, these infiltrations were neither political nor military; they were predominantly based on social and economic concerns. Their aims were to smuggle goods, visit relatives or take the objects from their houses that they had left unprepared. But later, those who crossed the armistice borders began to kill or disturb the Israelis. The free fire policy adopted by Israeli army, border guard and police in dealing with suspects; that is to say a policy of shooting first and asking questions later[194] contributed to this change on the infiltrations which resulted in killing and injuring Israelis and spreading terror.

The first cross-border large scale strike of IDF was against the village of Sharafat on 6 February 1951 so as to avenge a rape and murder at Manahat. The houses were blown up and dozens of civilians, including women and children were killed. Another reprisal came on 6 January 1952, on the village of Beit Jala after the rape and murder of a young Jerusalem woman; six persons were killed, and other three were injured.[195] As these reprisals were marked by incompetence, IDF decided to establish special commando units in order to counter Palestinian terrorism.

The reason why Israel chose to pursue the retaliation policy during these years lies under the desire to exercise permanent pressure on the Arab states to remove the Palestinian refugees from the proximity of the armistice lines and

refugee is "any person whose normal place of residence was Palestine during the period of 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict." The number of Palestinian refugees were multiplied with the June 1967 war when around 300,000 Palestinians fled as a result of the Israeli occupation of West Bank and Gaza. According to UNWRA, the number of Palestinian refugees has today reached to 4.7 million. www.unrwa.org Accesed on 16 September 2010

[193] A. Shlaim, op.cit., p. 81

[194] Ibid., p. 82

[195] B. Morris, *Righteous Victims*, pp. 276-277

disperse them throughout the Arab world.[196] In these years, Israeli retaliation operations were officially motivated by three factors. First, they were counter force assaults on terrorist forces, centers and installations. Second, they caused collateral damage. And third, the aim was to deter the neighbor state supporting terror groups stationed within their territory.[197] But in fact, all of these reprisal raids targeted civilians; conducted at night and nearly all of them failed to accomplish their mission.[198] Yet, the military retaliations gave rise to Arab hatred of Israel and were met with criticism of international community. The special raiding units established by IDF that would perform retaliatory operations and raids in the Arab territories; exceeded its purposes which were explained above and acted irresponsibly in certain cases. A disastrous raid on the village of Qibya which was met by international protest was perpetrated by one of those special raiding units, Unit 101 commanded by then Major Ariel Sharon.

Following the murder of an Israeli mother and her two children aged eighteen months and four by the infiltrators in Yehud on the night of 12-13 October 1953; the Israeli army retaliated by blowing up houses and inflicted heavy causalities on the habitants of Qibya. Forty five houses had been blown up and sixty nine civilians including women and children had been killed.

Even sympathetic American newspapers compared the incident to Nazi massacre of 185 men of the village of Lidice in Czecholoslavakia on June 1942 in reprisal for the assassination of an SS chief.[199] The UN observer, after inspecting the scene, reached this conclusion: "One story was repeated time after time: the bullet splintered the door, the body sprawled across the threshold, indicating that the

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[196] L. Rokach, *"Israeli State Terrorism: An Analysis of the Sharett Diaries"*, Journal of Palestine Studies, Vol.9, No.3, 1980, p. 21

[197] S. Catignani, *"The Security Imperative in Counter Terror Operations: The Israeli Fight Against Suicidal Terror"* Terrorism and Political Violence, Vol. 17, No.1, 2005, pp. 249-250

[198] A. Shlaim, op.cit., p. 83

[199] R. Ovendale, *The Origins of the Arab Israeli Wars*, London, Pearson Education Limited, p. 153

inhabitants had been forced by heavy fire to stay inside until their homes were blown up over them."[200]

Regarding the Israeli public, it was left ignorant of the facts by the heavily censored press and the government controlled radio.[201] Moreover, the retaliation actions were, in the words of Moshe Sharett, *"Israel's vital lymph"*[202] as they made possible to maintain high tension among the population and in the army. Thus, even though the border disputes and the infiltrations did not escalate to an imminent war; they legitimized the creation of a crisis atmosphere and justified the possibility of war as a means of solving political problems, a phenomenon which is defined as militarism.[203]

After having been confronted by a wave of criticism, Israel shifted its policy of retaliation and the reprisals were commenced to target military installations rather than civilians. However, this new strategy resulted in greater clashes between opposing regular armies along the armistice lines and caused greater Arab and Israeli causalities by triggering the armament of Arab states and by transforming infiltrations into organized attacks, by becoming Egypt's formal military unit, Fedayeen, in 1954.[204] The Palestinian response to Qibya massacre came on 17 March 1954 with an ambush of an Israeli bus in the eastern Negev in which eleven Israelis died. Israeli raiding units killed nine inhabitants of the village Nahhaleen in retaliation.

Israel's activist defense policy during the consolidation years aimed at preserving the status quo that had occurred by the end of the 1948 war. As the return

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[200] A. Shlaim, op.cit., p. 91

[201] B. Morris, Righteous Victims, p.

[202] Cited by L. Rokach, op.cit., p. 20

[203]Ben Eliezer U., *"A Nation in Arms: State, Nation and Militarism in Israel's First Years"*, Comparative Studies in Society and History, Vol. 37, No.2, 1995, p. 278

[204] B. Morris,, *"The Israeli Press and the Qibya Operation-1953"*, Journal of Palestine Studies, Vol. 25, No.4, 1996, p. 43

of the Palestinian refugees was the primary problem of those years regarding the number of Palestinians who sought to resettle in their houses which they had left during the war; retaliation became the security policy of Israel as a legitimate form of self defense. However, this policy included promotion of a sensation of danger among the settlers through false propaganda and provocations;[205] thus the retaliation operations would be legitimized and the implicit aim of this policy which was preventing the return of the Palestinian refugees would be reached. As N.Masalha notes in the 1950s the key slogan adopted by senior Israeli Foreign Ministry officials was: *'if you can't solve it, dissolve it'*, which meant that if you cannot solve the Palestinian refugee problem as a political problem, you can attempt to 'dissolve' the problem and disperse the refugees through economic means, employment projects and resettlement schemes[206].

In the meantime, a growing consciousness about founding an organized institution in order to struggle for returning back to Palestine and taking over the land from Israel had been dominating Palestine Diaspora. This thinking would lead to the foundation of various Palestinian organizations. Fatah would be one of them and would play a leading role in Palestinian politics after 1967 and then join Palestinian Liberation Organization. Fatah was founded in 1954 by the members of the Palestinian Diaspora. The main founder of Fatah was Yasser Arafat. The movement advocated a Palestinian nationalist ideology which sought to liberate Palestine through armed struggle. Fatah placed itself on the left-wing of the spectrum of Palestinian politics; however it was not predominantly socialist. It has maintained a number of terrorist groups such as Black September, Tanzim, Al-Assifa and it was considered by Israel as a terrorist organization until it renounced terrorism in 1988.

It is worth emphasizing an issue while narrating the Palestinian - Israeli conflict. According to N. Chomsky, the terms "terrorism" and "retaliation" deserve

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[205] L. Rokach, op.cit., p. 21

[206] N. Masalha, *"The 1956-57 Occupation of the Gaza Strip: Israeli Proposals to Resettle the Palestinian Refugees"*, British Journal of Middle Eastern Studies, Vol. 23, No.1, 1996, p. 67

some more attention. In case of Palestinian – Israeli conflict, he indicates that terrorism is used for referring the actions of Palestinians whereas retaliation is cited as the legitimate actions oriented to eliminate terrorism.[207] Therefore, this reveals that the terminology belongs to the realm of propaganda, not factual description.[208] As every action, which carries the peculiarities of terrorism regardless of the actors, is assessed as an act of terrorism in this study; hence the *unlawful* acts of retaliations or reprisals of a state is interpreted according to this understanding. It is a truism that means of mass communication demonstrate the acts of terrorism and counter terrorism/retaliation/reprisal as a struggle between good and bad, democracy and totalitarianism or civilization and anarchy.[209] When this dilemma is interpreted regarding the Palestinian – Israeli conflict, then the scene would be that Israel is a victim state who tries to defend itself against the violence of Palestinians who disturb the Israelis without any cause. This study also tries to eschew this kind of interpretations which is believed to harm its objectivity.

As for the moral equivalence between Palestinian terrorism and Israeli retaliation which was disproportionate; A.Dershowitz argues that Israel's policy of fighting terrorism is based on the principle of "double effect" which comprises two effects, one good and the other bad, following the perpetration of a lawful action. In the light of this principle, he contends that the killing of a number of non combatants (bad effect) can be compensated "by the great benefit gained through the destruction of the target" by adding that deliberately the targeting of civilians and accidentally killing civilians, in his words "unfortunate consequence of best efforts" are fundamentally different.[210] Nevertheless, this act must meet some requirements of proportionality which is among the utilitarian principles of the conduct of war into which double effect principle belongs. There are certain cases in Israeli history that

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[207]N. Chomsky, *Korsanlar ve İmparatorlar*, translated by Fatma Ünsal, İstanbul, Yeni Zaman Yayınları, 2004, pp. 33-34

[208] K. B. Nasr, op.cit., p. 11

[209] A. Hüseyin, *Ortadoğu'da Devlet ve Terör*, translated by Taha Cevdet, İstanbul, Pınar Yayınları, 2004, p. 14

[210] A. Dershowitz, *The Case for Israel*, New Jersey, John Wiley&Sons, 2003, pp. 191-192

involve the transgressions of utilitarian principles of war ethics: the 1953 Qibya reprisal, the 1956 Kfar Kassem execution of 47 Palestinians who returned from work after curfew, several murder of PLO captives and other people during the 1978 Litani Operation, the heavy bombardment of Beirut during the Lebanon war and the bombardment of villages in South Lebanon during the 1993 Operation Accountability.

All these cases demonstrate that they ended in the abuse of the double effect principle which necessitates proportionality even the death of non combatants are unintended. That is not to say that Israel had violated utilitarian standards of jus in bello more severely than other nations. As G. Merom notes excessive collateral damage and attacks on civilians, forced evacuation, killing of POWs, institutionalized murder, torture, deportations and cover-up have been part and parcel of the history of war everywhere and of any counter-insurgency campaign;[211] but this demonstrates that Israel is not exempt from the acts of violence and terror that any "democratic" state involve during the times of cycle of violence.

3.2.2. Israeli National Security Until 1967

With the proclamation of its state, Israel found itself in a state of war. Even after the proclamation; the state of war continued. The infiltrations which transformed into a kind of guerilla warfare and terrorist activity demonstrated that the conflict was not over. As a result, the process that commenced with the infiltrations and continued with warfare with Palestinians augmented Israel's sense of insecurity, thus national security came to dominate the national agenda. Besides, Israel's vulnerability- small size, density of its small population, the lack of tactical depth and total absence of operational and strategic depth[212] nurtured the security oriented tendencies on the formation of the national agenda.

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[211] G. Merom, *"Israel's National Security and the Myth of Exceptionalism"*, Political Science Quarterly, Vol. 114, No.3, 1999, p.430

[212] S. Feldman, A. Toukan, *Bridging the Gap: A Future Security Architecture for Middle East*, Oxford, Rowman&Littlefield Publications, 1997, p. 17

Since the security dominated Israel's decision-making processes; consequently it influenced its foreign policy as well as economic and social policy. As M. A. Heller explains "the expansive notion of security blurred the distinction between army and society" by supporting his assumption with the speech given by Ben Gurion to the Knesset in 1955: "In our case, security plays a more important role than in other countries and it does not depend only our army…. Security means the settlement of empty regions, the dispersal of the population… Security means the conquest of maritime and air space… Security requires economic independence; it requires the development of research and scientific skills."[213] Departing from the notion developed by researchers to define Israel as a "nation in arms", B. Kimmerling concludes that militarism has become a factor in Israeli society from the very beginning of the state since the arms and management of violence came to be perceived as routine and integral parts of Israeli-Jewish culture.[214]

The strategic environment in which Israel found itself during the consolidation years, dictated a posture of military deterrence which had a defensive strategic purpose since Israel had no political justification for launching a war; but whose operational content was offensive.[215] Born in the 1950s, Israeli security conception was based on certain premises: the demographic asymmetry between the combatant sides – Jews the few, Arabs the many[216]; the immense demographic discrepancy between Jewish settler society and its Arab environment and settlements as a tool to determine the states geographical and political boundaries.[217] These premises made Israel become a status quo preserving power; hence the only goal of Israeli military was to defend the country against the hostile Arab environment. As the fundamental threat to Israel's existence was a surprise Arab

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[213] M. A. Heller, *Continuity and Change in Israeli Security Policy*, London, Oxford University Press, 2000, p. 16

[214] B. Kimmerling, *Clash of Identities: Explorations in Israeli and Palestinian Societies*, New York, Columbia University Press, 2008, p. 135

[215] M. A. Heller, op.cit., p. 10

[216] S. Feldman, A. Toukan, op.cit., p. 9

[217] B. Kimmerling, op.cit., pp. 159-160

attack, Israel had to be prepared for the worst case scenario; hence it sought to develop the capability to provide a high quality strategic warning and a quick response to external threats.

Based on cumulative deterrence, limited military decision and excessive use of force both in limited conflict settings and general wars[218], Israel adopted a national security doctrine to overcome the Arab states' quantitative advantages. In order to persuade the Arabs to accept peace, military victory was not sufficient according to Israeli thinking; what would convince Arab states to make peace with Israel would be their understanding that they could not destroy Israel and that the price of this conflict would be very high. Hence, Israeli strategy of cumulative deterrence would persuade Arab states that there was not any alternative to political accommodation.[219]

According to Israeli national security doctrine, the war was the last solution that would be resorted while facing the conflict. When there were "no choice", the war was then inevitable. However, according to E. Inbar there is no such an option as a "no choice war" as there are always other choices to make in reaction to an act. He implies that this principle is a mechanism to avoid responsibility connected with the decision to use military force.[220] This principle was breached with the invasion of Lebanon as then the Prime Minister M. Begin explicitly explained that the Lebanon invasion was a war of choice and that war became the subject of disagreement. This "war of choice" caused the questioning of its ends and means and it was the first Israeli military campaign that generated a serious controversy among Israeli public opinion.[221]

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[218] Z. Maoz, *Defending the Holy Land: A Critical Analysis of Israel's Security & Foreign Policy*, Ann Arbor, University of Michigan Pres, 2006, p. 15

[219] S. Feldman, A. Toukan, op.cit., p. 12

[220] E. Inbar*, Israel's National Security: Issues and Challenges since the Yom Kippur War*, London, Routledge, 2008, p. 58

[221] G. Cromer, *A War of Words: Political Violence and Public Debate in Israel*, Oxfordshire, Frank Cass Publishers, 2004, p. 59

As the conflict with Arab states continued during these years, Israel's perception of insecurity increased as well. Because of the sense of insecurity, Israel sought to secure a patron among the major international powers. Making alliances with great powers were perceived by Israel as an important element in securing political and economic support as well as in securing access to modern weaponry.[222] The alliances that Israel made were not regarded as a substitute for self reliance which Israel's national security was based; but rather as a supplement to the self-help measures that Israel adopted.[223] Israel has created three types of alliances as a facet of its national security doctrine. The alliances was made with a great power (with France during the Suez War and primarily with US after 1967), with states on the periphery of the Middle East (with Turkey and Iran before the 1979 Islamic revolution) and with minorities in the region (Maronite Christians in Lebanon, Kurds in Iraq).

As for deterring terrorist attacks, Israel maintained the "escalation dominance" strategy which means the ability to cause far greater damage to the terrorists and their sponsors than the damage that terrorists could cause.[224] Within this frame work, Israel resorted to retaliatory, preventive and pre-emptive strikes in order to deter terrorist attacks and to compel the sponsoring countries to stop terrorist activities that were launched from their territories.

It is a widely accepted idea that for Israel security comes first. Since the early 1950s, Israel was convinced that all national resource should be mobilized for the sake of state's security; from immigration absorption to education and settlement buildups.[225] Unlike the other countries, Israel was threatened with annihilation by the Arab states until peace was made. This condition led Israel to perceive the security matters as an existential or strategic threat. Within this framework, Israel

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[222] E. Inbar, op. cit., p. 86

[223] S. Feldman, A. Toukan, op. cit., p. 14

[224] Ibid., p. 16

[225] U. Bar Joseph (ed.), *Israel's National Security Towards the 21st Century*, London, Frank Cass Publishers, 2001, p. 2

divided the threats that it would be facing into three categories which it perceive them as "circles of threats".

The first circle is the threat of terrorism, a threat posed by the long conflict with Palestinians. The second circle is the traditional threat coming from the neighboring Arab states, such as Egypt, Syria, Lebanon and Trans-Jordan. Today, this threat is minimized; the conflict continues only with Syria and Lebanon. The last circle is composed of hostile countries that have no common border with Israel.[226] It must be indicated that the threat posed by the third circle would increase after the Gulf War when Iraq attacked Israel with ballistic missiles.

Aside from those threats which can be treated under the title of conventional threats, there is another threat that Israel perceive as a threat to its existence. The demographic threat which also led to the radicalization of Israeli politics is perceived as endangering Israel's claim to being a Jewish state. Actually, the demographic issue was inherent in Zionist ideology before the creation of the state. The ultimate aim of Zionism was to create a Jewish state in which there was no room for non-Jews. In order to rewrite the demography of Palestine where the Jews were minority, Jewish leadership followed a three stage policy. First, the mass expulsion of Palestinians under the cover of war; second, the encouragement of massive Jewish immigration and conversely the blocking of the right of return for expelled Palestinians and third, financial and other support for improving Jewish birth rates at the expense of Palestinian birth rates.[227] In the light of the demographic threat, Israeli analysts set out a "creeping ethnic cleansing argument" which envisages that Palestinian population, confined to its urban ghettos would grow poorer and more desperate over time. Starved of resources, land, water, employment and education, Palestinians would seek to immigrate to neighboring

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[226] Y. S. Shapir, *"Non-Conventional Solutions for Non-Conventional Dilemmas?"* in Israel's National Security Towards the 21st Century, p. 148

[227] J. Cook, *Blood and Religion: The Unmasking of the Jewish and Democratic State*, London, Pluto Pres, 2006, p. 111

Arab states.[228] However, among the calculations to overcome the demographic threat; Israel faces a dilemma between being a democracy and being a Jewish state. If Israel becomes "a state of all its citizens"; the state's Jewish character would blur as the Palestinians would vote for a Palestinian leadership. If Israel denies its Palestinian population on the other hand, it would cease to be a democracy. To preserve Israel's Jewish identity, the withdrawal from the occupied territories may be an option for Israel or it can agree to a territorial swap according to which the areas within the Green Line inhabited by Palestinians would be a part of Palestinian state in exchange for the Israeli settlement areas in the West Bank.[229]

To sum up, the idea behind Israel's national security doctrine until it evolved in 1967 was to build a reliable deterrence in order to make the Arab states accept that Israel cannot be destroyed militarily, to spend political efforts to convince the Arab states for peace agreements instead of entering war as negotiations were the best alternative for Israel to end the hostilities to overcome the conventional threats providing that Israel was vulnerable to conventional threats that would come from Arab states.

3.3. Turning point: 1967 Six Day War and after

The Six Day War in 1967 was a turning point in Israeli history; as Israel had become an occupying power when it captured West Bank, Gaza Strip, Golan Heights and Sinai Peninsula. Whilst it was a military victory, the war opened a door to the new problems that Israel would be facing. The Six Day War was also important because of its being the beginning of the ideological cleavages among the Israeli society: Whether Israel could settle on the territories which it came to occupy or this act would be illegal and would make Israel a colonial state started to be the hot issues of the debates. In the aftermath of the Six Day War, Israel witnessed the polarization of public opinion which led to the emergence of two ideological movements: the

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[228] Ibid., p. 159

[229] R. S. David, *"Existential Threats to Israel"* in Robert O. Freedman (ed.), *Contemporary Israel*, Boulder, Westview Pres, 2009, p. 307

Greater Israel movement and the peace movement. Greater Israel ideology advocated the integration of all the occupied territories into the boundaries of Israel while the peace movement advocated the return of most of the territories and a policy that sought to accommodate with the Arabs.[230] As the governments which came to power after 1967 chose to annex the occupied territories to Israel the peaceful solution to the Palestinian Israeli conflict began to retreat and Israeli policy gradually transformed from diplomatic into military activism and radicalism began to mark the Israeli policy. Revisionist Zionism began to dominate the Israeli policy and it was articulated progressively to religious/messianic Zionism. With the Likud in power who represented Revisionist Zionism, radicalism increased gradually and it was fostered with religion and ethnic protest. Political scientist Ian Lustick notes that "the Likud victory brought to power men and women committed above all else to reshaping the state in conformance with norms of integralist, irredentist nationalism and active messianism."[231]

3.3.1. The Emergence of PLO as the Sole Representative of Palestinian Cause

In an Arab summit that was convened in Cairo in January 1964, the Palestinian Liberation Organization was established and Ahmad Shuqayri was appointed its first chairman. The PLO was set up on 2 June 1964 under the auspices of the Arab League and Egypt was playing the dominant part in directing its activities,[232] thus PLO was under the influence of Nasser during those times. However, the 1967 June war led to fundamental changes both on PLO and its ideology and on the course of events. In the wake of Arab states' defeat in 1967 war, Fatah and other Palestinian resistance groups came to understand that they were the only ones who could continue the struggle for their land; as Egypt, Jordan and Syria had demonstrated their impotence against Israel during the war. Moreover, Palestinians were

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[230] A. Shlaim, op.cit., p. 286

[231] J. Ron, *Frontiers and Ghettos: State Violence in Serbia and Israel*, London, University of California Press, 2003, p. 116

[232] A. Shlaim, op. cit., p. 230

convinced that they could not rely anymore on Arab governments for their cause on the grounds that their showing willingness to compromise.

Additionally, Palestinians were uncomfortable with the perception of the Palestinian issue as an issue of refugees who were expelled and dispersed during the 1948 Arab-Israeli war and could not return to their territories although the war had finished. As a matter of fact; for the Palestinians the problem would not be solved when the refugee problem would be settled. The real problem in their eyes was the statelessness.[233] This would be one of the reasons of the rejection of the UN Resolution 242[234] by the new PLO under the leadership of Arafat since the Resolution saw Palestinian issue just a refugee problem.[235]

Following the 1967 June war, Fatah and other independent Palestinian groups took the issue in their hands and commenced to organize new efforts for the resistance and political mobilization. Fatah was the leading organization of this new mobilization. Firstly, Fatah sought to gain diplomatic supports from various Arab governments for the PLO. Yasser Arafat, the leader of Fatah, spent efforts to

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[233] M. Tessler, op. cit., p. 423

[234] S/RES/242 was adopted by UN Security Council on 22 November 1967 after the Six Day War. The preamble emphasizes "the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in the Middle East in which every State in the area can live in security." Paragraph one "Affirms that Affirms that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles: (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict; (ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force." Paragraph two "Affirms further the necessity (a) For guaranteeing freedom of navigation through international waterways in the area; (b) For achieving a just settlement for the refugee problem; (c) For guaranteeing the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones." http://www.un.org/documents/sc/res/1967/scres67.htm Accessed on 17 March 2010

[235] W. L. Cleveland, op. cit., p. 398

convince the Palestinians in the occupied territories that armed resistance was necessary in regaining Palestine and to initiate an armed uprising in the occupied territories against Israel. Furthermore, PLO began to establish political presence in the refugee camps by disturbing newspapers and booklets, by providing social services and so on. The period from 1968 to 1970 saw significant expansion of activities which helped to mobilize Palestinian population and consequently gave substance to the PLO's claim that their movement was one of true emancipation.[236] On the other hand, Fatah and other resistance groups continued to challenge the existing leadership of PLO and denied Ahmad Shuqayri as the leader. As a result of mounting pressure, Shuqayri submitted his resignation.

Arafat's rise to power as the leader of PLO was achieved after the Battle of Karameh on 21 March 1968. After a series of raids by PLO, especially by Fatah, against Israel which culminated in an Israeli school bus hitting a mine; Israel planned two reprisal raids on PLO camps, codenamed Operation Inferno and Operation Asuta. The Israelis viewed Fatah's commando operations not as acts of resistance but as acts of terrorism[237] and this view was strengthened by the killing of two people in the school bus that hit the mine. The battle was won militarily by Israel; however, the Battle of Karameh came to represent the Palestinian militants' greatest victory up to that time. The battle in Karameh sent a surge of optimism through the Palestinian community and established the Palestinians' claim to being a national liberation organization.[238] After this "symbolic" victory, many Palestinians applied to join Fatah in order to become commandos or fedayeen.

By 1970, PLO had become an organized unity composed of various Palestinian guerilla organizations under the Fatah's leadership. The new PLO was recognized as the sole representative of the Palestinians in Rabat Summit in 1974 by

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[236] M. Tessler, op. cit, p. 427

[237] Ibid., p. 425

[238] D. Neff , *"Battle of Karameh Establishes Claim of Palestinian Statehood"*, Washington Report on Middle East Affairs, March 1998, http://www.washington-report.org/backissues/0398/9803087.html Accessed on 17 March 2010

the Arab governments. The same year, Arafat gave a speech in UN and PLO gained the observer status in UN. In 1975, France approved the opening of a PLO bureau in France and in 1980 Austria accepted full recognition of PLO. PLO waited until 1988 for the recognition by US when Arafat unequivocally renounced terror.

Palestinian resistant organizations' acquisition of importance is one of the long term consequences of the 1967 war. As a result of the inability of Arab governments to "re-conquest" their territories which had been captured by Israel in 1948, Palestinians got armed against Israel and resorted to international terrorism so as to catch the world's attention to the Palestinian cause. Hence, instead of being recognized in the public imagination as a people with rights and as homeless refugees or freedom fighters; they began to be seen as bloodthirsty terrorists.[239] On the other hand, although the commando operations conducted on the Israeli territories did not pose a serious military threat to Israel; they resulted in Israel's large scale military operations and contributed to the tensions which have become one of the characteristics of Middle East that came until today.[240]

3.3.2. The Intensification of Palestinian Terrorism

After the 1967 war, PLO launched terrorist attacks both in Israel against the civilians and around the world targeting Israelis. PLO advocated guerilla warfare; however it did not refrain from targeting civilians for its cause. Thus, terrorism began to be seen by PLO as a means to obtain its ends. Aside from Fatah; more radical Palestinian organizations such as PFLP, PFLP- GC and Democratic Popular Front for the Liberation of Palestine – DPPFLP launched numbers of terrorist attacks against Israel.

The first incident recorded as an act of terrorism perpetrated by Palestinians is the hijacking of the El Al jet en route from Rome to Tel Aviv in 23 July 1968. The organization behind this incident was PFLP and the operation was

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[239] Ibid.

[240] W. L. Cleveland, op.cit., p. 384

led by Wadi Haddad. The hijackers demanded the release of 100 Palestinians in Israeli jails. The negotiations were led by Italian government and in the end Israel agreed to release 15 prisoners in return of the Israeli passengers on the plane. While hijacking of airliners was not a new tactic, hijacking for the purpose of seizing hostages was.[241] Contrary to its being a small organization, PFLP was the major perpetrator of Palestinian terrorism during 1960s and 1970s. Following the next years, the hijackings intensified as they draw the attention of the world and they served in extracting concessions from the Israeli government. PFLP hijacked a TWA jet en route to Tel Aviv in 1969 and forced it to fly to Damascus where the plane was destroyed and 13 Syrian prisoners in Israel were released. In September 1970, PFLF hijacked this time four planes: a Swissair jet, a Pan Am jet, a TWA jet and a BOAC jet. The first three were destroyed in Dawson's Field, Jordan; the fourth was destroyed at Cairo airport.

PFLP international terrorism was not restricted to airports. On January 24, 1970, a bomb was thrown at the Hapoalim Bank in London injuring one person; and on August 17, PFLP planted incendiary bombs in Marks and Spencer because of the owner's support for Israel. In November 27, 1969; a grenade attack in Athens killed a two-year-old by and injured fourteen.[242] The most notorious act of terrorism which is recalled with Palestinians is the attack on the Israeli quarters at Munich Olympics in 1972. On September 5, 1972, eight masked gunmen raided the compound of the Israeli team in the Olympic Village; they murdered an Israeli athlete and his coach outright, and took the remaining athletes as hostage. The terrorists demanded the release and safe passage to Egypt 234 Palestinians in Israeli jails and two German radicals held by the Germans, Andrea Baader and Ulrike Meinhof; the founders of Red Army Faction-RAF. During the skirmishes between the terrorists and the German police, the terrorists killed all nine hostages, while the police killed five terrorists and captured the remaining three. With this terrorist act perpetrated by

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[241] A. Guelke, op.cit., p. 54

[242] K. B. Nasr, op.cit., p. 53

Black September organization, Palestinians had violated an area that was safe and beyond politics.[243]

Terrorism perpetrated by various Palestinian organizations was not only international; the terrorist incidents took place in Israel too. In November 1968, a car bomb killed 12 people in Jerusalem; a school bus was ambushed in May 1970; nine pupils and three teachers were killed. Further, PFLP acting in association with Japanese United Red Army attacked on Lod Airport in May 1972; the attack resulted in the deaths of 28 people, among them Puerto Rican pilgrims.[244] In 1974, DFLP took over a school in Ma'a lot, an Israeli town; with the breakdown of the negotiations, IDF stormed the dormitory, then the terrorists machine-gunned the children and killed 27 and injured 70.

The aim of all these draconian acts of terrorism was to generate awareness about Palestinians and their grievances as a result of the partition. Similar to Rabin's assassin who slew the prime minister in order to arrest the peace process, the purpose of Palestinian terrorism was to advance certain political goals at the expense of killing innocent people.[245] However, the involvement of the Palestinians in these gruesome events in and outside Israel has resulted in identifying the Palestinian cause with terrorism. From the perspective of Palestinians who participated in terrorist activities and their proponents, terrorism was necessary for keeping the Palestinian question alive and it was considered as a part of armed struggle. The historian Noah Lucas agrees with this hypothesis and adds that "PLO terror campaign earned it little sympathy in the world, it nevertheless succeeded in establishing the image of its cause as the quest of a victimized people for self determination rather than a neglected refugee problem as it had hitherto been widely regarded"[246]

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[243] N. Gordon, G. Lopez, *"Terrorism in the Arab-Israeli Conflict"*, Columbia International Affairs Online, May 1999, http://www.ciaonet.org/wps/gon01/index.html Accessed on 17 March 2010

[244] A. Guelke, op.cit., p. 55

[245] N. Gordon, G. Lopez, *"Terrorism in the Arab-Israeli Conflict"*

[246] Cited by K. B. Nasr, op.cit., p. 57

It has to be pointed out that, no act of terrorism can be justified in the name of a cause or retaliation or counter terrorism measures. The struggles and the defenses should be conducted under the auspices of international law which prohibits the targeting of the civilians under any circumstances. The only fact that remains from these actions would be only the feeling of revenge which fosters more terrorism, thus much more deaths from both sides. The following examples, chosen depending on their similarity, clearly demonstrate how acts of terrorism may become a vicious cycle: On September 1986, a Palestinian group called Palestinian Revenge Organization – PRO entered the synagogue in Istanbul, Turkey. After locking the doors, 24 Jews were shut dead and 3 were wounded.[247] In February 1994, Baruch Goldstein, a member of Jewish Defense League – JDL[248] entered Cave of the Patriarchs/the Ibrahim Mosque in the city of Hebron/Al-Halil and killed 29 people at prayer, wounded another 150 in a shooting attack.[249]

As the Middle East is a region with strategic importance to the industrialized states; world powers have generally condoned terrorism of friendly regimes. It can be argued that, the great powers have produced the highest density of military armaments in the world through their involvement in Middle East, while eschewing any responsibility over the manner which they are used.[250] Consequently, terrorism has become an instrument with the mechanism of sponsorship and it is appealed ordinarily during the political conflicts in achieving the objectives or just for suppressing and terrifying the target. Various Palestinian organizations enjoyed the sponsorship of certain states. Syria, for instance, has supported the Palestinian terrorist organizations such as Saiqa, the PFLP, the PFLP — General Command and Abu Nidal organization.

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[247] "Vahşet", Milliyet, 7 September 1986, http://gazetearsivi.milliyet.com.tr/Arsiv/1986/09/07 Accessed on 18 January 2010

[248] A militant Jewish organization founded by Rabbi Meir Kahane

[249] I. Shahak, N. Mezvinsky, *İsrail'de Yahudi Fundementalizmi*, translated by Ahmet Emin Dağ, İstanbul, Anka Yayınları, 2002, p. 181

[250] G. C. Gambill, *"The Balance of Terror: War by Other Means in the Contemporary Middle East"*, Journal of Palestine Studies, Vol.28, No.1, 1998, p. 60

3.3.3. Reshaping of Israeli National Security After 1967

After 1967, Israeli national security went through fundamental changes since the threat that Israel was facing changed. After 1967 war, the threat of confrontation with the Arab armies was no longer perceived as an existential threat in Israel's security agenda. The image of "David against Goliath" changed following the heavy defeat of Arab armies in 1967, thus the conventional threat declined gradually. With the Egyptian-Israeli peace process that culminated in the peace treaty in 1979 with the Camp David Agreement; Israel sought to avoid an important power in the possible military Arab coalition against itself.

Having become an occupying power after 1967, Israeli security came to be preoccupied with an internal threat, terrorism. Low intensity conflict-LIC moved to the forefront of Israel's agenda in two main sectors: Southern Lebanon and occupied territories, West Bank and Gaza.[251] Israel faced counter terrorism problem in Lebanon with the 1982 invasion. The goal of this invasion was the expulsion of PLO and the Syrian forces from the whole Lebanon and the installation of a Christian dominated pro-Israeli government that would sign a peace treaty with Israel.[252] However, none of these goals were achieved. Instead, Lebanon invasion was recorded as the largest doctrinal fiasco in the history of Israeli military.[253]Israel found itself facing the criticism coming from its public opinion and confronted in Lebanon three new challenges: guerilla warfare, suicide bombings and Islamic fundamentalist terrorism.[254]

The second insurgency front was opened in West Bank and Gaza. Even though, Israel faced terrorist actions coming from the Palestinian infiltrations before; the actual situation was not the same; Israel was now an occupying power trying to administrate a people who saw Israel as the invader of their lands.

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[251] M. A. Heller, op. cit., p. 27

[252] G. Cromer, op. cit., p. 49

[253] B. Kimmerling, op. cit., p. 174

[254] Z. Maoz, op. cit., p. 251

Additionally, the outcome of the 1967 war blurred the distinction between the State of Israel and Land of Israel. That is to say, territory began to be seen as an end to itself rather than as an instrument to promote another end.[255] Therefore, ethno-nationalism rose; Israel's pursuing of ethno-national politics, and the politicization of ethnic identity especially during the Likud rule, contributed to the construction and empowering of the Palestinian ethnic and national identity.[256] The resistance of Palestinians occurred following the increasing oppression and Israeli policies was labeled as terrorism. The rising tension in the occupied territories would culminate, in the end, with the break out of the First Intifada.

In order to deal with suspected terrorists and their supporters, Israel imposed the Defense Emergency Regulations. The extensive use of the 1945 British Defense (Emergency) Regulations enabled Israeli security services to carry out extensive interrogations of detainees at the expense of their human rights.[257] In the light of these regulations arrests without charge or trial, detentions without any legal representation and torture during the interrogations were practices to which detainees were subjected. Israel also used collective punishments, including the demolition of houses, internal deportations and land expropriation for the purpose of establishing settlements.[258] These implementations were the consequence of the perception among the Israeli security planners that terrorism was a strategic threat for Israel despite the fact that it was not a threat to the existence of the state. This understanding led to a change in the counter terrorism policy of Israel which was defined as a strategy of retaliation and prevention based on deterrence. With the coming to power a right wing government, Likud, in 1977, Israeli counter terror strategy shifted from retaliatory operations to preventive as well as pre-emptive ones.[259] Therefore, Israel began to initiate large scale raids by air, sea and land

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[255] M. A. Heller, op. cit., p. 37

[256] B. Kimmerling, op. cit., p. 168

[257] S. Catignani, op.cit., p. 250

[258] Z. Maoz, op. cit., p. 258

[259] S. Catignani, op.cit., pp. 250,251

against PLO bases and infrastructure; and it commenced to resort to excessive and disproportionate use of force.

As B. Miller mentions national security concept has gone into a transformation within the period following the end of the Cold War; and it moved away from international arena to the domestic rivalry.[260] States commenced to witness ethno-national challenges against their legitimacy. The armies were replaced by guerilla organizations, militias, insurgents or terrorist groups. Israel was one of the states that confronted such conflict. The security measures taken by Israel in order to cope with terrorism or insurgency pulled Israel into the cycle of violence, eventually Israel's response to terrorism has transformed in certain cases, albeit unintentionally, into the acts of terrorism itself. It is worth also noting that in this new international arena, the major security threat began to be posed by states themselves as ethno-national policies came to dominate the politics. Within this framework, they violated human rights, discriminated on ethnic, racial or gender basis and even carried out ethnic cleansing and mass killings.[261]

The new strategic outlook of the international arena also effected Israel's threat perception, thus culminated with the changes in its national security doctrine. Israel witnessed a kind of normalization in its geo-strategic position as a result of the peace with Egypt since 1979, the co-operation with Jordan, the PLO's acceptance of the "two states for two peoples" formula by 1988 and Syria's changing policy towards Israel due to its diminished power with the collapse of Soviet Union.[262] The collapse of Soviet Union was seen by Israel as a loss of politico-military relationship that was an important factor in the Arab ability to confront Israel.[263] Therefore, Israel's adversaries lost their superpower patron and primary source of weapons.

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[260]B. Miller, *"The Concept of Security: Should It Be Redefined?"* in Israel's National Security Towards the 21st Century, p. 19

[261] Ibid., p. 20

[262] Y. Peri, *"The Political Military Complex: The IDF's Influence Over Policy Towards the Palestinians since 1987"*, Israel Affairs, Vol.11, No.2, 2005, p. 325

[263] E. Inbar, op. cit., p. 88

This outcome changed the strategic balance, as well. The asymmetrical relationship between Israel and Arab states switched dramatically and Israel gained self confidence as the conventional threat disappeared.

1991 Gulf War also affected Israel's national security doctrine in two ways. The missiles launched by Iraq at Israeli cities during the war left Israel facing with a new threat: weapons of mass destruction-WMD which then took the first place in the threat priority in Israeli national security doctrine. Another outcome of the war was the atmosphere that created a context for a change in Israel's approach towards the Palestinian question. Having understood that terrorism could be contained but not eliminated through only use of security means, Israel was convinced that the conflict should be solved through political arrangements.[264] This thinking paved the way for the inauguration of the Israeli-Palestinian peace process which would culminate in Oslo with the Declaration of Principles.

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[264] S. Brom, *"From Rejection to Acceptance: Israeli National Security Thinking and Palestinian Statehood"*, United States Institute of Peace Special Report, No.177, February 2007, p. 6

CHAPTER 4

THE COURSE OF VIOLENCE AND TERRORISM DURING THE PEACE PROCESS AND ITS AFTERMATH, 1993-2008

The Oslo Peace Process that culminated with the signing of Declaration of Principles on 13 September 1993 is the only peace effort within the long history of the Israeli-Palestinian conflict which brought the hopes for peace and for the end of the conflict. Despite the fact that the phenomenon of violence and terrorism are placed at the heart of the conflict; paradoxically, the peace process produced more violence and terror regarding the Palestinians and Israelis. Moreover, the peace process has not been able to offer the means other than violence to achieve their ends. The politics that were run throughout the peace process both by Palestinian Authority-PA and by Israel helped anti-peace actors from two sides to carry forward terrorism which finally culminated with the eruption of a cycle of violence. Consequently, the peace process produced an Israeli state that is more militarized than before[265] and a people who were more frustrated thus more radicalized concerning Israel and the solution of the conflict.

This chapter would analyze the impact of terrorism on the collapse of the peace process and would deal with its consequences regarding the Israeli-Palestinian relations after the failed peace process. Within this perspective, the situation in the wake of the peace process would be mentioned briefly in order to understand the circumstances that paved the way for the First Intifada which ended with Oslo. For a better understanding of the frustration that was fostered by terrorism, both the politics of Israel and PA under Yasser Arafat would be analyzed in a comparative manner and the course of terrorism and violence would be discussed in a broader way so as to demonstrate its devastating impact on the collapse of the peace process and on the engendering of the inevitable cycle of violence that was pursued even

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[265] M. LeVine, *Impossible Peace: Israel/Palestine since 1989*, Halifax, Frenwood Publishing, 2009, p. 18

ascended in the aftermath of the peace process with the Second Intifada and finally with the Gaza war of 2008.

3.1. The situation in the Occupied Territories prior to the Peace Process

After June 1967 war, the Arab-Israeli conflict transferred into a conflict between Palestinians and Israelis. Following the war, West Bank and Gaza Strip became the occupied territories under the international law, pending a peace treaty. Having no determined agenda about the occupied territories and nearly 1 million Palestinians initially, Israel inflicted civil and military administration in these territories. Over time, Israeli military installations, settlers and roads turned into a phenomenon as a result of the gradually annexation of the Palestinian land into Israeli proper. Palestinian life in the occupied territories worsened dramatically and consequently, the inhabitants of the occupied territories revolted against Israeli rule after twenty years of the occupation.

3.1.1. Life under Occupation

Likud's rise to power, which is known with its uncompromising ideology- Greater Israel, that advocates the possession of all the Palestinian territories by the Jewish state in line with Torah, resulted with the isolation of Palestinians in addition to the efforts of including the occupied territories into the Israeli proper by increasing the construction of the settlements. Throughout the 1980s, the policy of the governments under Likud had been to annex the occupied territories by isolating Palestinians and by taking precautions that would help subjugating them to Israeli policy of annexation.[266] The Israeli administration strengthened its control through issuing identity cards, documents, checkpoints or permits for travel, building, economic activity, working etc. Following the occupation, large amounts of labor were exported to Israel; that meant from the Israeli perspective cheap labor force and job opportunities for the Palestinians who suffered poverty. The price of it for Palestinians was economic dependence on Israel. As for Israel; though the

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[266] W. L. Cleveland, op. cit., p. 520

Palestinian economy benefited, it was at the expense of freedom, human rights and dignity.[267] The occupation had numerous effects on Palestinian life. Aside from the bureaucratic obstacles that had to be overcome; Israel also resorted to institutional use of violence against Palestinians.

There was administrative detention. It was possible for instance to be taken under arrest by Israeli forces due to the doubt of political activity. There were also collective punishments: curfews, house demolitions, closures of schools, restrictions on family unification, confiscations of private land and restrictions on movement enforced through checkpoints and prohibition on organized activities.[268] Curfews were imposed to the whole citizens of a village or city as a result of military or security need. Because of the curfews, the population was deprived from going to school, work or hospitals and was confined to their houses which lacked water or sanitation. Checkpoints were another form of collective punishment. At the checkpoints, food spoiled, patients died, and children were prevented from reaching their schools, and additionally Palestinian economy was strangled again by them and by roadblocks.[269] And finally, Israel's house demolition policy was also seen as a punitive action against the Palestinians in the occupied territories. Israel took this policy as a measure for the actual or suspected crimes of detained or convicted Palestinians. In particular, the homes of persons who have carried out suicide bombings within Israel or against Israeli settlers or soldiers were always demolished in the aftermath of such attacks.[270] There were the deportations, as well. It was a cheap and effective policy leaving no middle ground between resigned acceptance of Israeli rule and total opposition of armed resistance.[271]

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[267] A. Oberschall, *Conflict and Peace Building in Divided Socities: Responses to Ethnic Violence*, London, Routledge, 2007, p. 56

[268] J. Cook, Disappearing Palestine, p. 65

[269] Ibid., p. 170

[270] S. Darcy, *"Israel's Punitive House Demolition Policy: Collective Punishment in Violation of International Law"*, Report of Al-Haq, West Bank affiliate of the International Commission of Jurists, 2003, p. 5

[271] D. Hirst, *The Gun and The Olive Branch: The Roots of Violence in the Middle East*, New York, Thunder's Mount Press, 2003, p. 377

Israel's efforts to deepen its presence in the occupied territories had also affected the Palestinians. Apart from the immediate settlement activities; Israel took control large amounts of land for the military purposes; but in some cases with the projected settlement activity in mind.[272] Likewise, Israel took control of the water resources. The declared aim was to meet the needs of Israeli settlements; however it is argued that the diversion of water was a deliberate attempt to make the farming difficult for the Palestinians because of the lack of water and thereby encourage the Palestinians to sell their lands.[273] Other than water resources, Israel sought to control communication, economic activity and transportation in order to undermine the territories' legal status as occupied land and therefore to make its presence permanent and irreversible.

As the settlement activity continued unabated, the violent confrontations between Israelis and Palestinians became common in the occupied territories. For example, in the spring 1987, there occurred a spiral of violence which began when a patrol bomb was thrown at an Israeli vehicle in Qalqilya resulted in the death of a Jewish woman. Settlers' response came with carrying out a rampage through the town, breaking windows and uprooting trees.[274] Many observers saw signs of rising Palestinian unrest due to the policies of the Israeli occupying authorities and the vigilante actions of the well-armed Jewish settlers.[275] West Bank witnessed numerous clashes between Palestinians and Israeli soldiers or settlers until the break out of the First Intifada. As the anger deepened and tensions rose, Palestinians commenced to resort more violence. This anger was a manifestation to Israel's presence in the occupied territories which sought to change the demographic and political circumstances in the occupied territories. The growing isolation demonstrated itself with a Palestinian consciousness and solidarity, which turned into Palestinian nationalism. Against the growing opposition to the occupation, in order to suppress it, Israel introduced a policy of "iron fist" that for the first time

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[272] M.Tessler, op. cit., p. 521
[273] Ibid., p. 521

[274] Ibid., p. 670

[275] A. Goldschmidt Jr., L. Davidson, op. cit., p. 407

since independence had broken the general Zionist consensus with regard not only to the utility and morality of violent means but also to national goals[276] and which included deportations, forms of collective punishment such as curfews, house demolitions and etc.

From 1985 onwards, the cumulative effects of the policies of Israel and the pressure that Palestinians faced in many aspects of their daily lives led the Palestinian people search for ways to resist the occupation either by joining the militant extremist groups which sought for Israel's drive into the sea or by staging strikes and demonstrations in order to draw the world attention and to discourage Israel from settling in the occupied territories. One Palestinian academic explained the cumulative effects of Israeli government's (then Likud) policies as follows: "The denial of natural rights and more harsh treatment caused eventually an awareness that we are occupied. Everyone felt threatened. Your national existence was targeted. This realization finally sunk into the consciousness of Palestinians, so the occupation was resisted."[277]

Consequently, in December 1987 spontaneous and widespread demonstrations erupted in the occupied territories, following the death of four Palestinians in an accident by Israeli military vehicle. As the movement accelerated, it spread into the all layers of Palestinian society which led to the emergence of a broader leadership structure known as Unified National Leadership of the Uprising (UNLU). Israel's determination to suppress the uprising by introducing harsh methods and collective punishments worsened the situation and raised the participation to the uprising. From 1987 until the end of 1990, the occupied territories witnessed violence and terrorism; the clashes between Palestinians and

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[276] S. Atran, *"Stones Against the Iron Fist, Terror within the Nation: Alternating Structures of Violence and Cultural Identity in the Israeli Palestinian Conflict"*, 1990
http://hal.archives-ouvertes.fr/ Accessed on 02 April 2010

[277] Cited by W. L. Cleveland, op. cit., p. 521

Israeli soldiers engendered a spiral of violence which would cause the deaths of 1025 Palestinians and 56 Israelis.

3.1.2. Violence and Terror during the First Intifada

Confined with curfews, checkpoints and roadblocks Palestinians' life under occupation was humiliating and living conditions were getting worse day by day. Despite the fact that there were continuing violent sporadic events that every Palestinian could face, Israeli resort to terror, violence and repression generally increased and transformed into collective punishment during the uprisings. The more the Palestinian violence during the protests increased, the more IDF resorted to excessive and disproportionate use of force. Throughout the uprisings terror had become the order of the day both for Israel who chose it as a deterrent factor in preventing the Palestinians from joining violent protests and for Palestinians who believed that terror was the only response left to the occupation.

Commenced by the end of 1987 as an immediate reaction to an isolated car accident, the First Intifada was marked with stone throwing youths, mass demonstrations in which women and children were included. These mass demonstrations were a new phenomenon for IDF as both the scope of the demonstrations and their persistence was beyond what the IDF had been accustomed to.[278] Since the mass demonstrations did not fade away, IDF began to use brute force against the demonstrations. The policy of "might, power, and beatings" became concrete with the infamous speech of Yitzhak Rabin, then Minister of Defense: "Break their bones".

During the Intifada, Israel's military and border police responded with a harsh police style repertoire including mass incarcerations, coercive interrogations and widespread beatings[279] against the Palestinian revolt which included mass demonstrations and stone throwing or occasional firebombing. In the occupied

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[278] Z. Maoz, op. cit., p. 259

[279] J. Ron, *Frontiers and Ghettos: State Violence in Serbia and Israel*, p. 144

territories, the IDF directive to the soldiers was to avoid using live ammunition against the demonstrators, except when their own lives were at risk. But, how would one be able to define a life-threatening situation? For some, it only meant when directly attacked by a gun fire; for others, it meant when anyone appeared ready to throw something at them.[280] Nevertheless, the incidents wherein the Israeli soldiers used live ammunition increased as the demonstrations became more violent.

Aware of the lethality of control, Israel issued clubs for riot control and plastic and rubber bullets. However, that tactic led to hitting and beating of demonstrations by soldiers, injuries and deaths and Palestinian anger.[281] In order to restore the order, IDF employed collective punishment to break the will of Palestinians and to reestablish the domination. Curfews, cutting electricity and telephone service with roadblocks and checkpoints were some of the Israeli responses against the Intifada. The Intifada period also witnessed arbitrary detentions, extrajudicial killings and coercive interrogations in order to provide useful information. After coercive interrogation and some other abuses became public, human rights organizations paid attention to the practices and prepared certain reports about the methods of interrogation by General Security Service-GSS. The most common abuses were forced standing, hooding, sleep deprivation, violent shaking, beating, kicking and psychological abuse.[282]

Although Israel contends that the methods of GSS agents do not constitute torture, in 1997 the UN Committee Against Torture determined that the interrogation methods used by the GSS during the Intifada constituted torture within the meaning of the Convention against Torture. It should be added that Israel introduced new regulations about the interrogation process after it had been exposed to criticism from the West and Human Rights Agencies because of its practices during the First Intifada in 1987. In 1999, Israeli Supreme Court prohibited torture during the interrogation process. The changes were in the level of state control over

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[280] Ibid., p. 163

[281] A. Oberschall , op. cit., p. 57

[282] G. Yuval, *"Routine Torture: Interrogation Methods of General Security Service*, B'Tselem Report, February 1998

the process. The entire interrogation system was standardized, rationalized and overseen by the political, the judiciary and medical profession. Besides, the Israeli authorities began to publicly discuss the interrogations in a manner of portraying interrogation as a controlled humane process in which violence was used, but only in a calibrated and calculated manner. [283]

The Intifada drag Israel into a diplomatic, domestic and moral quagmire because of the numerous human rights violations[284] that occurred during the practices of IDF and GSS such as arbitrary detentions, targeted assassinations, use of military forces and so on. As the demonstrations persisted, Israel commenced to leave the idea of interpreting them as a mere outburst of violence by terrorists. Yet IDF joined the statement by Defense Minister Rabin that the Intifada could not be suppressed by force alone, a political solution was needed.[285]

During the Intifada period, Israeli practices against the Palestinians were both criticized and defended. Israel's opponents argued that Israel's practices were used to legitimize the acts of Israeli repression and that Israel was systematically beating, torturing, imposing curfews on oppressed Palestinians and restricting their freedom of movement. For Israel's proponents, the state was using legitimate policy methods in a restrained and regulated manner in order to restore law and order in the occupied territories. According to J. Ron, Israel's methods included both restraint and brutality; Israel's methods were restrained as it did not include ethnic cleansing or wholesale destruction; they were savage as any casual observer could discern in the field.[286] Therefore, Israel pursued, as J. Ron puts it, a dual policy of savage restraint during the Intifada as numerous accounts illustrated.

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[283] J. Ron, *"Varying Methods of State Violence"*, International Organization, Vol. 51, No. 2, 1997, pp. 275-276

[284] S. Catignani, op. cit., p. 253

[285] Z. Maoz, op. cit., p. 260

[286] J. Ron, *Frontiers and Ghettos: State Violence in Serbia and Israel*, p. 147

During the Intifada period which receded by mid 1990, 83 Israeli civilians were killed by Palestinians in the occupied territories. 173 Israeli civilians were killed inside Israel by Palestinians from the Occupied Territories. Since the beginning of the intifada, 66 Israeli security force personnel were killed by Palestinians. Fifty-eight Israeli security forces personnel were killed inside Israel by Palestinians from the occupied territories.[287] By 1990, the incidents of mass demonstrations became less common, the intifada changed form. Popular resistance facet of the Intifada diminished and left its place to isolated knifing attacks on Israelis in the occupied territories. Besides, the Gulf crisis shifted the interest to other matters and 1991 Gulf War brought the Palestinian intifada to a near standstill.[288]

Consequently, the Intifada demonstrated Israel that Palestinians was not going to accept the occupation indefinitely; the ongoing struggle with Israel only served to strengthen their separate identity and Israel also understood that there was not any way to subjugate a people fighting for their freedom without paying a price on human rights abuses that is unacceptable in a democracy[289] and that the conflict with Palestinians could not be solved militarily.

One of the important outcomes of the Intifada was the establishment of a new organization which later would turn into a phenomenon. Hamas (Harakat al Muqawama al Islamiyya –Islamic Resistance Movement) was founded by Sheikh Ahmad Yasin in 1987, in the beginning of the Intifada. The emergence of Hamas paved the way for the cleavages within the Palestinians regarding the Israeli-Palestinian conflict as Hamas' ideology had a religious dimension and denied the existence of Israel in Palestine contrary to PLO that had recognized Israel's right to exist. According to Hamas' ideology, the solution of Palestine question lies within the destruction of Israeli state and the establishment of an Islamic state in its place in

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[287] K. Noga, *"A Decade of Human Rights Violations, 1987-1997"*, B'Tselem Information Sheet, 1998

[288] Z. Maoz, op. cit., p. 261

[289] S. Brom, *"From Rejection to Acceptance: Israeli National Security Thinking and Palestinian Statehood"*, p. 5

whole Palestine.[290] This perspective is declared also in the Hamas charter: "The Islamic Resistance Movement believes that the land of Palestine has been an Islamic Waqf throughout the generations and until the Day of Resurrection, no one can renounce it or part of it, or abandon it or part of it"[291] It may be argued that with Hamas, the change in the ideology was reflected in the actions against Israel. Hamas militants who believe that they are pursuing a Jihad became more violent. And as Hamas' ideology was internalized among the Palestinians, their perspective regarding the Israeli-Palestinian conflict became more extremist and more radical. It is a true judgment if one asserts that Hamas' uncompromising attitude on denying recognizing Israel and insisting on its destruction and also the terrorist actions for which Hamas claimed responsibility have probably had a damaging influence on the peaceful solution of the conflict; on the contrary Hamas has also served to the emergence of the cycle of violence.

Throughout the Intifada, both Palestinians and Israelis witnessed a cycle of violence which emerged by the actions of both sides. As the level of violence that occurred as a result of the Israeli occupation since 1967 aimed at Israel diminished during the Intifada, so did the level of Israeli resort to disproportionate force against the demonstrators, and vice versa. The changing conjuncture in the world, the loss of sympathy to the Palestinians because of its siding with Iraqi regime and Israeli persuasion of solving the conflict not only on military basis, but also on political basis led the two sides agree on a peace process which would began in 1993. However, the process which would be predicated on the formula of peace-for-security would witness numerous terrorist attacks by Palestinians, the Israeli politics that were irreconcilable with the Oslo agreements and PA's failure on cracking down on terrorism directed at Israel; and would cause the end of the process with the beginning of the Al-Aqsa Intifada in 2000. One more time, Israelis and Palestinians would be caught in the cycle of violence and terrorism which was an impediment to the peaceful solution of the Israeli-Palestinian conflict.

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[290] Z. Abu-Amr, *"Hamas: A Historical and Political Background",* Journal of Palestine Studies, Vol: 22, No: 4, 1993, p. 12

[291] The Charter of Hamas, Article 11

3.2. The Oslo Peace Process 1993-2000

The Oslo Agreements, officially known as the Declaration of Principles on Interim Self Government Arrangements, was the first agreement between Israel and PLO and signed in Washington DC on 13 September 1993. The expected achievements at the end of the process were to establish a framework for a permanent settlement, to devise the parameters of the final peace agreement while the relations between the two sides were set out. Within the framework of the Oslo accords, a Palestinian Authority and a Legislative Council chosen by election were created; two sides committed to final status negotiations over the next five years based on UN Security Council Resolutions 242 and 338; Israel agreed to withdraw in phases from the occupied territories that were determined within Oslo II accords[292] signed in 1995.

The dismantling of the Berlin Wall and the demise of the Soviet Union, PLO's renunciation of violence and terrorism, the growing awareness that the world was entering a new era were some important dynamics that produced the Oslo process in the hope of a permanent solution to the conflict. However, according to M. LeVine, when the positions of the two sides were examined in depth, the reality seems to be different: All the changes were primarily in favor of Israel. Although there was a perception among the Palestinians that Israelis were ready to recognize some form of their independence, the Palestinians were in a much less favorable strategic position than Israel whose primary benefactor, US, had triumphed in the cold war; whose most dangerous enemy, Iraq had been vanquished in the Gulf War compared to weakened Palestinian position not only because of the Intifada that

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[292] Oslo II Agreement was supposed to widen Palestinian control of the West Bank and Gaza. According to the terms of Oslo II, West Bank was divided into three areas: Area A would be under exclusive Palestinian control; Area B would be under Palestinian civilian control with Israeli security control and finally Area C under exclusive Israeli control. The idea behind this arrangement was Israel's transfer of increasing amounts of territory from Areas B and C to Area A as the peace process moved forward to a final settlement.

lasted several years but also because of Arafat's support for Saddam that alienated the Gulf rulers to the Palestinian struggle.[293]

The Oslo process was based on the assumption that the resolution of the Israeli-Palestinian conflict would result in greater security for Israel[294]; however, Palestinian Authority's failure of ending the acts of violence and terrorism by Palestinians against Israelis on the one hand, and the ongoing Israeli settlement construction that was said to provoke the Palestinians on the other hand, were among the most important factors that doomed the peace process which was based on the peace for security formula.

It is worth noting that the burden of the history of Israeli-Palestinian relations which was marked by confrontations, contestations and by strong claims over the same territory played a role on the collapse of the peace process. Should the certain issues that shaped the environment in which Oslo emerged be taken into consideration, the process would be based on a more solid ground. There was the refugee problem which occurred in the wake of the creation of the Israeli state, waiting to be solved. There was also the Israeli society that has changed following June 1967 and witnessed the creation of an ethno-class system with strong claims to Palestine or Eretz Israel, known as Greater Israel ideology supported by Likud. Still after 1967, there were the Israeli efforts which aimed to create facts on the ground with the settlement construction in the occupied territories which finally led the rise of fundamentalism of settlers who were religiously motivated and hostile to the Palestinians.[295]

Nevertheless, Oslo process is important with its being the only peace effort which was the closest to a permanent solution to the conflict. It should be added that, aside from the history that Oslo shouldered from the start; the process, itself was problematic, as well. The failure or the reluctance of the PA which became

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[293] M. LeVine, op. cit., pp. 43-44
[294] S. Brom, op. cit., p. 7
[295] For more information see Chapter 5 in *İsrail'de Yahudi Fundementalizmi*, İ. Shahak and N. Mezvinsky, İstanbul, Anka Yayınları, 2002.

hostage to corruption, on cracking down terrorism and its politics during the process and Israel's unwillingness to abandon the construction of the settlements in the occupied territories and its distrust on PA prepared, they also, the failure of the peace process. Following sections would deal with Palestinian and Israeli politics, the issue of terrorism and the cycle of violence which contributed to the foiling of the peace process.

3.2.1. The Palestinian Authority and the Peace Process

From the creation of PLO in 1964 to the mid-1980s; there had been a "non-dialogue" between Israelis and Palestinians based on PLO efforts to weaken and delegitimize Israel and on Israeli efforts to bypass and discredit the PLO by exposing its intensions.[296] Aside from the changing global conjuncture which was explained above; PLO was in need of the new era's superpower United States favors as the Intifada was exhausting and it was no longer drawing world attention to the Palestinian cause. Furthermore, the rise of Hamas in popularity and power caused Arafat to perceive Israel as a negotiation side in making peace. Additionally, Israel had calculated that between Arafat and Hamas, Arafat was clearly the lesser of evils.[297] Therefore, with the peace agreements, PLO anticipated to accomplish its goals which consisted of an independent Palestinian state under PLO leadership, recognition by Israel and also by US from which PLO would be able to gain diplomatic and economic support and elimination of its rivals Hamas and PIJ. It was within this background that the Oslo agreement which introduced mutual recognition between Israel and Palestinians was signed and it led to the creation of a Palestinian Authority under the leadership of Arafat with the domination of PLO.

However, from the outset, PLO faced certain problems and difficulties that plagued its leadership. Some problems included ongoing Israeli settlement which

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[296] N. Caplan, Eisenberg L.Z., *"The Israeli-Palestinian Peace Process in Historical Perspective"* in I. Peleg (ed.), *The Middle East Peace Process*, Albany, State University of New York Press, 1998, p. 8

[297] Ibid., p. 10

was irreconcilable with the peace agreements, the intermittent closure of Gaza Strip, lack of a commitment on the part of the US in furthering the peace process and ongoing political pressures from regional actors such as Syria.[298] There were also internal problems that PLO had difficulty to deal with. The persistent economic frustration that resulted from Israel's closure of West Bank and Gaza Strip was dragging the Palestinians into despair and it was waiting to be solved by PA. Moreover and perhaps more vital was the fracture within the Organization which began to divide it into dissenting camps. Particularly, local representatives of the PFLP and the Hawatma faction of the DFLP charged that the PLO's current negotiating strategy was sidestepping the 1948 refugees, was failing to expand PLO participation to include Palestinians from East Jerusalem at the multilateral rounds and that PLO was unsuccessful in bringing a halt to Israeli settlements.[299] The anti-peace camp which consisted of also Hamas and PIJ was determined to jeopardize the peace process with militant terrorist activities against Israel. However, PA proved to be unable to control the terrorist activities of Hamas, PIJ or any other organizations within the anti-peace camp that led to growing frustration from Israel.

Israeli expectation was that the PA should improve the quality of its security options in order to crack down on violent actions of Hamas and PIJ. Otherwise, Israel threatened to enforce travel bans in Gaza and West Bank that affected thousands of Palestinian jobs and businesses. As a result of Israeli response, it could be said that Hamas and PIJ lost a considerable amount of popular support. As for PA, this response led it to take a much firmer line in reacting to attacks: PA Security forces improved cooperation with Israeli security forces, conducted ruthless interrogations at the expense of human rights and quick trails and expanded their prisons.[300] Finally, these efforts proved to bear certain consequences on the

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[298] J. A. DiGeorgio-Lutz, *"The PLO and the Peace Process"* in *The Middle East Peace Process*, p. 124

[299] Ibid., p. 134

[300] A. H. Cordesman, *Perilous Prospects: The Peace Process and the Arab-Israeli Military Balance*, Oxford, Westview Pres, 1996, p. 122

reduction of terrorist incidents, the loss of popular support on Hamas and PIJ and their weakening.

It should be noted that PA unsuccessfulness on cracking down terrorism could not be tied up only to its unwillingness to end terrorism as Israel claimed. As a newly creation, PA's legal system was inadequate and its security forces were inexperienced and lacked certain supplies for fighting terrorism. As A. Cordesman puts it, the problems in transforming a Palestinian movement which sought armed struggle into a prostate were underestimated, particularly the security dimension. He further notes that the Palestinians were not ready for the tasks they had to take on and that the new PA was not ready to reject armed struggle and to move from a revolutionary movement to a proto government.[301] It could be argued that neither Arafat nor the Palestinian leadership fully rejected the armed force, thus terrorism was tolerated and exploited as a lever against Israel. R. Israeli argues that PA pursued a two pronged policy of negotiating with Israel while at the same time allowing a controlled level of violence to push Israel to submit PA's demands.[302] On December 1994, the IDF Judge Advocate-General' Assistant for International Law issued a report which detailed Palestinian violations of the Oslo agreements. More serious violations were as follows: refusal to transfer to Israel, Palestinians suspected of involvement in terror attacks, non-compliance with the commitment to prevent acts of incitement against Israel, the use of weapons belonging to the Palestinian police in the course of a terrorist attack in Jerusalem on 9 October 1994 and the illegal arrests of Israeli citizens by Palestinian police.[303]

There were also some certain handicaps that Palestinian security forces suffered. Arafat divided the security forces into competing factions so that he could

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[301] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere,* Westport, Praeger Security International, 2005, p. 2

[302] R. Israeli, *War, Peace and Terror in the Middle East*, London, Frank Cass, 2003, p. 202

[303] Y. Ben-Aharon, *"Foundering Illusions: The Demise of the Oslo Process"* in R. L. Rothstein et al. (eds), *The Israeli-Palestinian Peace Process: Oslo and the Lessons of Failure*, Brighton, Sussex Academic Press, 2002, p. 64

personally control them and consequently, the security forces' structure remained incoherent and inefficient as part of a state system. In this way, Arafat reduced the possibility that his power would be challenged. The hiring of low-grade personnel also made corruption, feuding and human rights abuses inevitable within the PA.[304] Hence, the PA security forces emphasized security at the expense of human rights (using excessive force, interrogations, detentions and rapid trials) in order to preserve the peace process. However, A. Cordesman argues that there would be no peace or peace process if these security forces did not act ruthlessly and effectively in order to preserve the momentum of Israeli withdrawal, the expansion of Palestinian control and the peace process.[305]

Likewise, the PA's legitimacy had come into question among the Palestinians in the occupied territories. A Palestinian society that is unemployed, repressed of free expression, faced serious human rights violations, divided by bypass roads, filled in with settlements and periodically locked down by a closure regime lost gradually its faith both on PA and on the peace process.[306] Therefore, unable to confront these issues and to show adequate progress and development on the nationalist agenda, the legitimacy of PA and Oslo was undermined among the Palestinians. Former Clinton aides Robert Malley and Hussein Agha summarized the Palestinian perspective on Oslo at the end of the 1990s as follows: "Seen from the Gaza and West Bank, Oslo's legacy read like a litany of promises deferred or unfulfilled. Six years after the agreement, there were more Israeli settlements, less freedom of movement and worse economic conditions."[307]

By the mid 1990s, as the peace process did not bring dignity or sovereignty, the Palestinian side came to understand that they had done certain strategic mistakes

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[304] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, , pp. 40-42

[305] A. H. Cordesman, *Perilous Prospects: The Peace Process and the Arab-Israeli Military Balance*, p. 140

[306] N. Parsons, *The Politics of Palestinian Authority: From Oslo to Al-Aqsa,* London, Routledge, 2005, p. 226, M. LeVine, op. cit., pp. 59-60

[307] Cited by M. LeVine, op. cit., p. 60

from the start of the peace process. The biggest mistake of Palestinians had been to recognize Israel in return for recognition of PLO instead of achieving recognition of Palestinians' right to an independent state by Israel which helped set the stage for a dysfunctional relationship between PLO and PA, the increasing centralization of power in Arafat's hands as the head of both; thus the frustration of the democratic process within Palestinian society by the executive structures of PA. [308]

As well as Israel's not carrying out the terms of the peace agreements, the PA has played a serious role on the collapse of the Oslo peace process. Its failure of renouncing armed struggle and cracking down decisively on terrorism, its inadequate efforts to deal with terrorism and bring anti-peace groups under control, its corrupted structure from within prepared both for the decrease of support by Palestinians, thus strengthened their support for Hamas and PIJ which pursued militant activity and weakened Israel's trust for Arafat and PA and for the peace process.

3.2.2. Israeli Politics during the Peace Process

From the Palestinian viewpoint, one of the most significant failures of the peace process was that Israel spent no effort the halt the settlement activity while Israel criticized the ongoing acts of violence and terrorism against Israelis both in the occupied territories and inside Israel. On the eve of the signing of the Declaration of Principles, the expectations for a settlement freeze were high although the peace agreements did not mention the cessation of Israeli settlement activity in West Bank, Gaza Strip or Golan Heights, however such activities involved appropriating more Palestinian lands while frustrating and angering most Palestinians.[309]

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[308] Ibid., p. 65

[309] M. Maoz, *"The Oslo Peace Process: From Breakthrough to Breakdown"* in The Israeli-Palestinian Peace Process: Oslo and the Lessons of Failure, p. 144

The expectations were diminished with Israeli decisiveness on continuing the construction of settlements. During the seven years of Oslo process, settler population was doubled and the number of housing units increased by 50 percent.

Table 3.1.Population in West Bank Settlements, 1995-2005

Year	Settler Population*	Population Growth* (%)
1995	129,200	N/A
1996	142,700	10.45
1997	154,400	8.2
1998	163,300	5.76
1999	177,411	8.64
2000	192,976	8.77
2001	198,535	2.88
2002	214,722	8.15
2003	224,200	4.41
2004	235,100	4.86
2005	246,100	5.1

*Including West Bank, excluding Jerusalem
Source: Foundation for Middle East Peace

The settlement activity gained importance with the capture of the West Bank during the Six Day War. The settlement activity was based on the ancient myths about biblical prophecy that the Jews would reconstruct on the old territories which belonged to them 2000 years ago. A new kind of Zionism thus emerged with the support of Likud who was committed to the territorial ideology of Greater Israel; this ideology used nationalist and religious justifications to exercise their rights in their historic homeland.[310]

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[310]E. Efrat, *The West Bank and Gaza Strip, A Geography of Occupation and Disengagement*, London, Routledge, 2006, p.29

Those new settlers were highly motivated because the region they settled was densely populated by Palestinians. Since the end of 1970s, the settlers in the occupied territories have been the partisans of extremism and they have involved in certain incidents against Palestinians in the occupied territories and vice versa.

Today, there are different religious and other communities in the West Bank. Every community's aim of living in West Bank differs from each other. The first settler group that has to be underlined is the Gush Emunim (Bloc of the Believers). This movement was established in 1974 after the traumatic 1973 war. The Gush Emunim's approach to the occupied territories is messianic. They believe in the sanctity of the Land of Israel and the settlement activity according to their ideology helps them to come up to Jewish people's and Israel's salvation.[311]

Gush Emunim gained the support of the Likud government because the military occupation could only be maintained with the aid of a civilian movement and civilian settlement process. Gush Emunim emerged from the National Religious Party's Beni Akiva youth movement. The Gush Emunim is inspired by Rabbi Tzvi Kook's views and concentrated on the issue of the right of Jewish people to sovereignty over all the Land of Israel.[312] The ideology of Gush Emunim is twofold: colonization of the occupied territories by building areas and supplanting Palestinians. In 1976, there were 220 Gush Eminum settlers in the territories and the movement was expected to raise the number of settlements in the occupied territory as they were supported by the government. During the Likud's first two years the movement created many settlements and accumulated the percentage of the Jews in West Bank. Thus, they helped the government's policy of breaking up the territorial continuity of Palestinians.

Apart from Gush Emunim, religious Zionists, there are also Ultra Orthodox (Haredi) and secular communities of settlers in the occupied territory. However, these communities do not involve in violent actions as Gush Emunim. Unlike Gush

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[311] Ibid., p.30

[312] D. Will, *"Ideology and Strategy of the Settlements Movement"*, MERIP Reports, No.92, 1980, p.10

Emunim, ultra Orthodox and other secular groups who settle in the occupied territories are not there because of cheap housing rather than ideological background. They generally view settlements as a security asset.

It can be argued that as well as Palestinian terrorism, including suicide bombings, settlement expansion undermined the peace process. A. Oberschall argues that it was the settlement expansion that provoked violent incidents and magnified the security dilemma as every settlement meant more land seized, and more roads, checkpoints, military installations to protect them, which in turn increased Palestinian attacks and insurgency and which in turn fostered Labor-Likud outbidding on more security which was not achieved.[313] Thus, the settlement expansion distorted Palestinian social, economic and political development on the one hand; it dwarfed on the other hand, the capacities of PA and its national project.[314] Palestinian society began to believe that the growing settlements in the occupied territories were delimiting Palestinian existence through the control of land and movement. Furthermore, the immediate result of the settlement activity was violation of Palestinian rights by denying their entry to more land and by the demolition of their houses in order to build bypass roads which were to connect the settlements.

After Yitzhak Rabin's assassination by a Jewish extremist in 1995; Shimon Peres, his successor, launched a fierce war in Lebanon called "Operation Grapes of Wrath" in 1996 that doomed his chances for re-election. During his short period, Peres presided over the confiscation of vast tracts of Palestinian land for the construction of Israel's bypass roads under the pretext of security considerations. By 2002, the bypass roads had grown into a massive system of twenty nine highways spanning four hundred and fifty kilometers.[315]

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[313] A. Oberschall, op. cit., p. 139

[314] N. Parsons, op. cit., p. 226

[315] Ibid., p. 232

Peres was succeeded by Benjamin Netanyahu in May 1996 elections. With his election, the peace process entered a new phase from the Israeli point of view: The basis of the peace agreement that was "peace for security" transformed into "peace with security" and the diplomatic progress decelerated. By the time Taba or Oslo II Agreement was signed which divided the occupied territories into three parts for the withdrawal of the Israeli forces, settlement activity was persisting. During the Likud governments of Benjamin Netanyahu (1996-1999) and Ariel Sharon (2001-2006) nearly 40,000 new settlers moved into the occupied territories.[316] Throughout his presidency, Netanyahu and his cabinet preserved their commitment to the strengthening of settlements in West Bank. Even after negotiating the Wye River Memorandum in 1998, which stipulated "neither side shall initiate or take any step that will change the status of the West Bank and Gaza Strip in accordance with the interim agreement", the prime minister approved the construction of thousands of new housing units in the occupied territories.

As the peace process moved towards its end, Israeli settlement activity continued in order to control over as much territory in the occupied territories as possible. According to, B'Tselem's study of settlement activity in the West Bank; the sharpest increase during the entire Oslo period was recorded in 2000, under the government of Ehud Barak when almost 4,800 new housing units began to be constructed.[317] By the time, the Camp David meeting started, the Palestinian full control over the West Bank was less than 20 percent and civil control over only 40 percent of that territory. 60 percent was still under Israeli control with the 41.9 percent of the West Bank directly controlled by settlements.[318] N. Parsons argues that the settlement expansion which was barely resisted by PA had distorted Palestinian social, economic and political development; that it poisoned the

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[316] M. LeVine, op. cit., p. 82

[317] Y. Lein, *"Land Grab: Israel's Settlement Policy in the West Bank"*, B'Tselem Report, May 2002, http://www.btselem.org/Download/200205_Land_Grab_Eng.pdf Accessed on 13 April 2010

[318] Information adapted from the statistical table (Table 9: Area of Settlements by Region) in B'Tselem Report Land Grab: Israel's Settlement Policy in the West Bank, May 2002

atmosphere of negotiations and that it played a decisive role in collapsing the political balance cobbled together within the Oslo framework.[319]

3.2.3. Terrorism as a Dynamic of Deadlock and the Failure of the Peace Process

If the Palestinians came to see the Israeli approach to "land for peace" as "settlements for war", many Israelis interpreted the Palestinian Authority's approach to security as "tolerance of terrorism." [320] There are two narratives about the failure of the peace process which was followed by a wave of violence and terrorism. From the Israeli point of view, the peace process collapsed because of Arafat's showing tolerance to terrorism and his uncompromising attitude during the Camp David talks in 2000. His policy during the entire peace process is argued to be "one of redundancy and ambiguity"[321] as he was believed to use terror as a leverage to put pressure on Israel and as a tool so as to advance the Palestinian interests in the diplomatic process. According to Palestinian perspective on the failure of the peace process, it was the settlement expansion that Israel did not intend to halt and its response to Palestinian terror which weakened the Palestinian moderates vis à vis rejectionists.[322] Thus, it could be argued that two sides blame each other for the failure of the process. Neither the Palestinian expectations that the process would bring dignity and sovereignty was realized nor did the process bring security and put an end to Palestinian terrorism as Israel had anticipated.

There are also the narratives which charge the reasons of the failure on both sides. Israel's share of failure were the absence of implementation during Netanyahu's administration and the problematic management of permanent status negotiations under Barak, and Israeli insensitivity to the suffering of an entire

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[319] N. Parsons, op.cit., p. 244

[320] A. H. Cordesman., *The Israeli-Palestinian War, Escalating to Nowhere*, p. 21

[321] B. Ganor. *"Terrorism as a Military Factor: The Israeli-Palestinian Peace Process Era, 1993-2000"* in B. Rubin (ed.), *Conflict and Insurgency in the Contemporary Middle East*, London, Routledge 2009, p. 103

[322] M. LeVine, op. cit., p. 19, A. Oberschall, op. cit., p. 153

people struggling to gain national liberation from the continuing occupation together with the Palestinian insensitivity to the Israeli perception of daily threat of terrorism to their personal security were the factors in causing the deterioration of the situation into violence.[323]

A new phenomenon which Israel witnessed during the peace process was suicide bombings. Although it was not a new tactic (U.S. and French marines in Beirut had been destroyed by suicide bombers in 1983), it was now being directed at civilian population centers and at most central locations in cities. It was the anti-peace Palestinian factions that were the source of terrorism which triggered the escalation in violence on the Palestinian side and did most to block the success of the peace negotiations.[324]

As well as Hamas, Palestinian Islamic Jihad-PIJ involved in triggering violence and it attempted to hinder the peace efforts by launching several terrorist attacks on Israeli targets. Formed by militant Palestinians in Gaza Strip during the 1970s, the group's aim was to create an Islamic state in all Palestine and to annihilate Israel through attacks against Israeli military and civilian targets. PIJ sees Israeli-Palestinian conflict as an ideological war, not a territorial dispute. It rejects any two-state arrangement; differently from HAMAS and PLO, it refuses to negotiate or engage in the diplomatic progress. The group's militaryt wing is al-Quds Brigades and it has conducted numerous attacks and suicide bombings throughout the Peace Process. PIJ remains active and operates underground with limited popular support.[325]

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[323] R. Pundak, "From Oslo to Taba: What Went Wrong?" in The Israeli-Palestinian Peace Process: Oslo and the Lessons of Failure, p. 112

[324] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 35

[325] Council on Foreign Relations, http://www.cfr.org/publication/15984/palestinian_islamic_jihad.html , National Counterterrorism Center, http://www.nctc.gov/site/groups/pij.html , Accessed on 17 September 2010

The Oslo Accords were seen by the Islamic organizations, particularly by Hamas and PIJ as a sellout of Palestinian interests by Arafat.[326] The peace process was marked by the Palestinian suicide bombings which began with the attacks in April 1993. The suicide bombing was executed by the roadside café in the Jordan Valley by a PIJ militant who blew up a car near a group of soldiers.[327] On 22 January 1995, two bombs exploded at a bus stop at Beit Lid and killed 21, wounded 60. PIJ claimed responsibility for the attack. The same year on 9 April, a suicide bombing attack for which Hamas claimed responsibility left 11 Israelis wounded while the same day a suicide bomber linked to PIJ drove a car with explosives into a bus in Gaza killing 7 Israelis, wounding 34. On 3 March 1996, a suicide bomber triggered a bomb in a bus in Jerusalem. 18 Israelis were killed, ten were wounded. The Students of Yahya Ayyash, a splinter group of Hamas, claimed responsibility. The following day, a suicide bomber blew himself outside a shopping center in Tel Aviv, killing 12 Israelis and wounding more than 100.[328]

Hamas and PIJ are envisaged to have carried out nearly 55 attacks which have resulted in hundreds of causalities both civilian and military until the beginning of the Al-Aqsa intifada. The motive behind Hamas's and PIJ attacks was based on several factors. They wanted to avenge Israeli attacks and they believed that Israel had to pay the price of the ongoing occupation and discrimination that the Palestinians had been subjected to. They were justifying the use of terrorism as being a "justified" response to continued Israeli occupation, settlements and repression of Palestinian nationalist aspirations.[329] Other nations also played a role in the Palestinian violence. Iran actively supported Hamas, PIJ and PFLP during the peace process; Syria, too, supported hard line Palestinian groups like Palestine

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[326] Z. Maoz, op. cit., p. 261

[327] B. Ganor, op. cit., p. 107

[328] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 23

[329] M. LeVine, op. cit., p. 140

Liberation Front- PLF, PFLP-GC, Hamas and PIJ. Not only Iran and Syria; but also Sudan and Libya have supported Palestinian groups to some degree.[330]

Like Israel's continuing expansion of settlements, each attack by Hamas and PIJ undermined the peace process.[331] Suicide attacks had certain impacts both on Israel and its public. The attacks carried out in February and March 1996 apparently influenced the outcome of the Prime Ministerial election of May '96, and delayed the implementation of the Oslo Agreements. They also played a role in the fact that the Israeli security establishment came to regard terrorism as a strategic threat, rather than just a tactical one.[332] Besides, these terrorist attacks and suicide bombings reinforced the traditional Israeli fears that any interim stage of Palestinian self governance might turn out to be the first step of the elimination of Israel which was inherent in the classical Palestinian doctrine.[333] As for the Palestinian side, the violence of Hamas and PIJ caused considerable backlash among the Palestinians as they lost their jobs and income as a result of Israeli economic retaliation; hence Hamas faced a steady drop in public support.[334]

Israel responded the Palestinian terrorism by imposing closures on the occupied territories which prevented Palestinians from working in Israel, the shipments of goods and exports; restriction of movement of people and goods inside the occupied territories as a form of collective punishment. Other than these practices, Israeli security forces imposed counter terrorism methods in coping with Palestinian terrorism.

It can be argued that violence is inherent in counter-terrorism and this often makes counter-terrorism as ugly as terrorism itself. During the peace process, Israeli

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[330] A.H. Cordesman, *Perilous Prospects: The Peace Process and the Arab-Israeli Military Balance*, p. 120

[331] Ibid., pp. 29-30

[332] Y. Schweitzer, *"Suicide Bombings-The Ultimate Weapon?"* August 2001, www.ict.org.il Accessed on 14 April 2010

[333] N. Caplan, Eisenberg L.Z., op.cit., p. 18

[334] A. H. Cordesman, *Perilous Prospects: The Peace Process and the Arab-Israeli Military Balance*, p. 116

counter-terror operations breached not only the Oslo I and Oslo II accords, the Hebron Protocol and the Wye Plantation Agreement, but also domestic and international human rights.[335] At the same time, Palestinian factions had shown expertise at manipulating the rhetoric of human rights and democracy and to exploit the weaknesses in the law and legal procedures.[336] It is equally true that these Israeli actions bred more hatred and violence. Yet, IDF Chief of Staff Lt. General Moshe Yaalon told a journalist that "the operations, road closures, curfews and roadblocks imposed on Palestinian civilians were creating explosive levels of hatred and terrorism among the populace hence in our tactical decisions we (IDF) are operating contrary to our strategic interests."[337]

One of Israeli security forces' operations was targeted assassination of "terrorist" leaders. In 1995, Dr. Fathi Shakaki, the head of PIJ, shot and killed in Malta by a gunmen on a motorbike. In January 1996, Hamas bomb maker Yahya Ayyash known as "the engineer" was killed by explosion of a cellular phone packed with explosives. In September 1997, Mossad agents attempted to assassinate a Hamas political leader in Amman, but failed. Between 1993 and 1999, a total of 299 Palestinians, 18 of them Palestinian security forces, were killed by Israeli security forces.[338]

During the peace process, Israel pursued certain policies that would become the catalysts for the cycle of violence. Demolition and sealing of houses were one of the punishments imposed by Israel on the Palestinians living in the occupied territories. Houses were demolished as a result of suspicion that its owners were involved in a terrorist attack or during the searches. There was a significant decline in the demolition of houses during the peace process compared to the First Intifada period. Between 1993 and 1999, 44 houses were demolished and 5 houses were

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[335] S. Catignani, op. cit., p. 254

[336] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 148

[337] Cited By A. H. Cordesman, Ibid., p. 154

[338] Information adapted from the statistical table (Table 1) in B'Tselem Information Sheet *"Oslo Before and After: The Status of Human Rights in the Occupied Territories"*, May 1999

sealed as a punitive measure and during the searches. (During the Intifada period, the numbers were 432 and 289 respectively)[339]

Arrests, administrative detentions and torture during the interrogation were the Israeli methods imposed as a counter-terror strategy since effective counter-terrorism strategy relies on these implementations. It is no doubt that Israeli security operations had a high price tag in terms of human rights.[340] Break-ins made for arrests and administrative detentions violated the rights of privacy and the levels of violence in making arrests were seen as unacceptable. Due to the reduction of the number of Palestinian residents under Israeli security control with the Oslo Agreements, a decline in arrests was observed during the process. However, the peace process did not change the Israeli policy of arbitrary arrests, administrative detentions or tortures during the interrogations. As the Palestinian terrorism persisted, Israel continued to implement its counter-terrorism methods.

Coercive control and collective punishment from Israeli counter-terror tactics, border closings and other economic restrictions expanded the pool of unemployed, humiliated and angry Palestinians who finally recruited into militant groups dedicated to violent attacks on settlers, on IDF and on civilians in Israel.[341] As a result, the violence and terror escalated. Whenever the Israeli or Palestinian attacks increased in intensity, the other side would respond with further belligerence, therefore stimulating a cycle of violence.[342] During the entire peace process, the Palestinian frustration turned into violence and terror and the Israeli counter-terror operations fostered this frustration; hence violence bred more violence, finally the peace process was taken hostage by a vicious cycle of violence that was nurtured by terrorism.

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[339] Information adapted from the statistical table (Table 4-5) in B'Tselem Information Sheet *"Oslo Before and After: The Status of Human Rights in the Occupied Territories"*, May 1999

[340] A. H. Cordesman, *Perilous Prospects: The Peace Process and the Arab-Israeli Military Balance*, p. 146

[341] A. Oberschall, op. cit., p. 139

[342] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 102

Neither the Palestinian responsibility for attacks on civilians can be minimized nor can Israel's resort to excessive and disproportionate use of force and its inhuman treatment be denied. As Aharon Barak the former president of the Israeli Supreme Court notes "Terrorism does not justify the neglect of the accepted legal norms. This is how Israel must distinguish itself from the terrorists themselves" and adds that "National security measures cannot justify undermining human rights in every case and under all circumstances; they do not grant an unlimited license to harm the individual."[343]

During the Oslo Peace Process which began in 1993 and ended with the Al Aqsa Intifada in 2000; both Palestinian terrorism and Israeli violence carried on. It can also be argued that Palestinian terrorism augmented because of Hamas's and PIJ efforts to foil the peace process. On the other hand, during the peace process Rabin, Peres, Netanyahu and Barak governments provoked the Palestinians with the increase in settlements in order to create facts on the ground and continued counter terror operations that were not in line with Oslo Accords, Hebron Protocol or Wye Plantation Agreement. It could be observed that Netanyahu government (1996-1999) sought to decrease the terror attacks and even suicide bombings. However, this did not come at the price of respecting Palestinian human rights, as Netanyahu government resorted to use of various punitive and collective measures such as closures, deportations, administrative arrests and the destruction and or sealing of homes assumed to be associated with terrorists.[344]

B. Kimmerling argues that the suicide bombings which endured during the entire peace process had two unintended consequences: The first was the collapse of the Israeli mainstream peace camp with Barak's declaration after the failure of the Camp David talks that there was "no Palestinian partner" for peace. The second was the growing sense among Israelis and abroad that military force against the whole Palestinian people, including excessive force, was legitimate.[345]

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[343] Judgements of the Israeli Supreme Court, Fighting Terrorism within the Law, 2004, p. 13,14

[344] S. Catignani, op.cit., p. 254

[345] B. Kimmerling, op. cit., p. 261

The peace process collapsed after the break out of the Al-Aqsa Intifada following the unsuccessful Camp David talks in 2000. One more time, violence and terror erupted; the Israelis and the Palestinians were caught again by a cycle of violence, this time harsher and destructive. At the end of the Oslo peace process, the Israeli-Palestinian conflict returned to where the process began. Although, the reasons of the collapse might be various, the fact remains that the ongoing violence and terror had an impact on the failure of the peace process as both sides lost faith on each other's fairness on resolving the issue on a peaceful basis.

3.3. The Aftermath of the Failed Peace Process

Camp David summit based on "make-or-break" was offered in 2000 to overcome the deadlock that the Oslo process had reached. All the major outstanding issues of the Israeli-Palestinian conflict, including settlements, borders, security and refugees were envisaged to be settled with a final status agreement. The hope of the Palestinian side was the creation of the Palestinian state. However, Israeli and Palestinian uncompromising attitudes on Jerusalem were the biggest stumbling block of the talks; hence the Camp David talks collapsed. Nevertheless, two sides continued the contacts but little progress was made. The breakdown of the negotiations was followed by the violence. The immediate event that initiated violence was a visit by Ariel Sharon the opposition leader, to the Temple Mount/Haram al-Sharif that was approved by Barak. The response to Sharon's visit was predictable; it was so predictable that the Palestinian leadership, the head of Jerusalem police Yair Yitzhaki and US officials all warned Barak to prevent it.[346] On 28 September 2000, the clashes erupted and the following day, the violence grew worse, transforming into asymmetrical low-intensity warfare.

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[346] J. Cook, *Blood and Religion: The Unmasking of the Jewish and Democratic State*, p. 34

3.3.1. The Al-Aqsa Intifada, 2000-2005

The First Intifada had become a battle of political and economic exhaustion ending in a peace process based on hope; unlike the first one; the Second Intifada broke out because of the failure of that same peace process as the trust and the willingness to compromise did not evolve at the rate required to reach peace.[347] Israel was convicted that the Intifada was a planned action which was foreseen to start after the collapse of the Camp David talks. However, certain observers argue that the Al-Aqsa Intifada derived from long years of severe and systematic discrimination of Palestinians and their political parties' exclusion from power.[348]

The initial features of the Intifada were marked by mass demonstrations, riots, the blocking of intersections and the throwing of Molotov cocktails at Israeli security forces. However, the following days witnessed a terror campaign intensified into roadside bombs, mortar attacks and large-scale ambushes and shooting incidents.[349] From the outset, the suicide bombings were a key Palestinian weapon. Shin Bet statistics show that during the first two years of the Al-Aqsa Intifada; there occurred 145 suicide bombings, 52 of which were Hamas men and 32 of which belonged to PIJ and 40 to Fatah.[350] S. Catignani and A.H. Cordesman argue that the second Intifada was not a popular uprising because of the nature of violence used by Palestinians. They employed different tactics and weaponry which helped to transform a civil uprising into an urban guerilla war and terror campaign.[351]

The first suicide bombing was conducted on 26 October 2000 by PIJ on Israeli post in Gaza. In 2001 both suicide bombings and Israeli retaliations ascended. On 27 March 2001, a car bomb exploded in Jerusalem, injuring 7 people. PIJ

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[347] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 255

[348] J. Cook, *Blood and Religion: The Unmasking of the Jewish and Democratic State*, p. 48

[349] S. Catignani, op.cit., p. 255

[350] Ibid.

[351] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 101, S. Catignani, op.cit., p. 255

claimed responsibility. The same day, 28 people were injured in a suicide bombing directed against a bus in Jerusalem. Hamas claimed responsibility. The following day, Israel retaliated with helicopter gunships, bombarding bases and training camps of Arafat's security forces. One member of the force and two Palestinians were killed. On 18 May 2001, a Palestinian suicide bomber with links to Hamas detonated himself outside a Shopping Mall in Netanya, killing 5, wounding 100. Israel retaliated by sending F-16 fighter jets against security buildings in West Bank and Gaza for the first time since 1967. On 17 October 2000, Rehavam Zeevi, a right wing Israeli tourism minister was killed by PFLP. On 15 November, Israeli troops, tanks and bulldozers entered the Khan Yunis refugee camp; one Palestinian was killed, 13 were wounded. As suicide bombings intensified, Israel launched the Operation Defensive Shield at the end of March 2002. Israeli strategy included targeted assassinations, arrests, curfews, closures, house demolitions and also expanded counter terrorism measures such as naval bombardments, surgical air strikes with F-16s and artillery barrages. With Operation Defensive Shield, Israel re-occupied all major Palestinian cities and elicited widespread Israeli presence in the entire West Bank.[352]

The most spectacular event happened during the Operation Defensive Shield was the IDF's entry into Jenin refugee camp on 3 April 2002, which was believed to harbor militants who were organizing suicide attacks against Israeli civilians. In Jenin, at least 52 Palestinians were killed and numerous houses were demolished. During the Battle of Jenin, IDF used artillery and bombs to destroy residential buildings and killing civilians in the process.[353] Both Human Rights Watch and Amnesty International accused Israel of committing numerous "prima facie war crimes" during the battle which seriously disrupted the lives of Palestinian civilians but also degraded the ability of militants to work out of the town for a time.[354]

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[352] Z. Maoz, op. cit., p. 265

[353] R. J. Brym, Y. Maoz-Shai, *"Israeli State Violence during the Second Intifada: Combining New Instutionalist and Rational Choice Approaches"*, Studies in Conflict and Terrorsim, Vol. 32, No. 11, 2009, p. 619

[354] M. LeVine, op. cit., p. 71

Since Israel faced a more serious Palestinian threat in terms of scale and weapons, it expanded its counter-terrorism methods which were excessive and disproportionate, thereby violating the human rights and adding to the cycle of violence by causing greater numbers of revenge attacks of Palestinian terrorist organizations. As a form of conflict management, the counter terrorism became therefore counterproductive. The US State Department 2003 Country Report on Human Rights Practices offers some insight about the difficulty that Israel faced of balancing its security measures and preserving human rights. The report indicates that Israel "often used excessive lethal force" when confronting Palestinian demonstrations who threw stones, Molotov cocktails and also fired weapons at IDF soldiers. As a result of Israeli retaliations, Palestinian civilian areas suffered extensive damage with shelling, bombings and raiding. Another method that the report found highly controversial for apprehending terror suspects was the "neighbor practice". The report claims that with this practice IDF placed Palestinian civilians in danger by "ordering the Palestinian civilians to enter buildings to check whether they were booby-trapped, to expel their occupants, to remove suspicious objects from the road and to walk in front of soldiers to protect them from gunfire." [355] Former justice minister Yossi Beilin called the practice "immoral and un-Jewish" adding that "the Sharon government is teaching the army worst practices and is turning the concept of purity of arms into slander."[356]

Palestinian challenge composed of suicide bombings in military and civilian places, buses and other spots, popular unrest, mortar attacks and guerilla warfare was responded by Israel with preventive measures which included targeted assassinations, large-scale military campaigns and forms of collective punishment such as mass arrests, closures, curfews; also with defensive measures such as fortifications and internal security measures. Given these forms of Palestinian challenges and Israeli responses; the Israeli-Palestinian conflict is considered to be one of the clearest illustrations of "violence as a rational choice" in which patterns

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[355] US State Department Country Reports on Human Rights Practices, 2003, http://www.state.gov/g/drl/rls/hrrpt/2003/27929.htm , Accessed on 17 April 2010

[356] Cited by S. Catignani, op. cit., p. 257

of mutual slaughter resembles "synchronized moves of tit-for-tat retaliation."[357] When this trend continues and the death tolls reach to high levels, then the tit-for-tat violence transforms into a "cycle of violence" as one could witness in the ongoing Israeli-Palestinian conflict.

As a result of this never ending cycle of violence, the Israeli public opinion was polarized regarding peace with Palestinians. The Israeli public became convicted on the idea that the Palestinians did not want peace, hence the supporters of extreme solutions and defensive measures increased. There was, for instance, a growing minority that believed that all Palestinians should be expelled from Israel, that more violent action should be taken to deter Palestinian violence and that the acts of violence against Palestinians were justified.[358] The course of violence and terror during the Al-Aqsa intifada fostered extremism. The following years were marked by extremist policies from both sides.

In the meantime, peace efforts continued. In 2002, a new Saudi proposal made by Crown Prince Abdullah called for the establishment of a Palestinian state, for a full diplomatic recognition of Israel by the members of the Arab League, and for the security guarantees in return for Israel's withdrawal to 1967 lines. Another peace effort came in 2003 from the Mideast Quartet (US, European Union-EU, Russia and UN). The Quartet proposed a road map for a permanent two state solution to the conflict. The road map consisted three scheduled phases and envisaged to establish the Palestinian state by 2005. However, the ongoing terrorism and violence; the mistrust of the Israeli public to Palestinians regarding a peaceful solution prevented both sides to make a real commitment to peace.

Within the process, Sharon introduced a unilateral disengagement plan from the Gaza Strip. After several talks, on October 2004, the cabinet approved the plan which was envisaged to start on July 2005. Following the death of Arafat, Mahmud Abbas was elected President of the PA on January 2005 just before the meeting with

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[357] R. J. Brym, Maoz-Shai Y., op. cit., p. 615

[358] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 157

Israel in Sharm el Sheikh within the framework of the Road Map. Following the summit, Abbas and Sharon declared an end to four years of violence by agreeing a cease-fire. However, the day after the summit, a 20 year old Palestinian girl was shot dead from an Israeli army post near a settlement. The next day, another Palestinian was killed as he was driving. The IDF claimed that he refused to stop at a roadblock. On 11 February, Hamas fired mortars and Qassam rockets at an Israeli settlement in Gaza in response to two killings[359]; therefore the ceasefire was once again violated.

The ongoing settlement activity, "Judaization" of East Jerusalem and the construction of the wall as a security measure to prevent the entry of suicide bombers into Israel were the issues liable to explode the calm. While Israel presented the wall as vital for its security, a barrier to Palestinian terror; for the Palestinians the wall was dispossessing the farmers from their land, pushing them into small enclaves between fences and walls.[360] Moreover, for them, the wall was the example of how Israel trampled on their sovereign rights as land was confiscated unilaterally beyond the Green Line.[361] In the course of the conflict between 2000 and 2005, there occurred 25, 375 terror attacks killing 1,080 Israelis, including 146 suicide bombings which killed 518 Israelis.[362] As for the Palestinian losses, as of May 2005, there were 3,259 deaths.[363]

After Hamas became the winner of the 2006 Palestinian elections, the Israeli-Palestinian relations turned again into a cauldron of turmoil as Hamas was seen by Israel a "terrorist" organization, intended to annihilate Israel. The election of Hamas paved the way for a large-scale Israeli attack on Gaza Strip following various

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[359]T. Reinhart, *The Road Map to Nowhere: Israel/Paletsine since 2003*, London, Verso, 2006, pp. 79-80

[360] Ibid., p. 160

[361] C. Jones, A. Pedahzur (eds.), *Between Terrorism and Civil War: The Al-Aqsa Intifada*, London, Routledge, 2005, p. 2

[362] B. Ganor, op. cit., p. 138

[363] A. H. Cordesman, *The Israeli-Palestinian War, Escalating to Nowhere*, p. 325

sanctions by Israel as a result of Hamas victory in which on one day alone some 40 civilians, many children, were killed in a single salvo of Israeli shells, that would pour fresh poison into the brimming well of hate.[364]

3.3.2. Gaza War and Its Consequences

Following the 2006 elections, Hamas assured an electoral victory in Gaza Strip, not because most Palestinians shared its dogma but largely because after a decade of peace-processing and five years of bloody intifada, they despaired of Fatah's corruption and its hopes of coaxing Israel to an honorable settlement.[365] After the takeover of Strip form Fatah in 2007, Hamas challenged ruling under Israeli occupation and exposed to diplomatic isolation. Subsequently, Egypt closed the Rafah border crossing while Israel closed all remaining access to Gaza. Israel began to control the flow of goods, power and water going to Gaza. Israel halted all exports, just allowed the shipments.

In 2008, "a pause in hostilities between Israel and Hamas" come into being with an agreement brokered by Egypt. According to Ethan Bronner, journalist of The New York Times, neither side practiced the agreement effectively.[366] Israeli forces continued to attack Hamas and Hamas went on firing rockets to Israel and smuggling arms using the tunnels. The UN recorded seven IDF violations of the ceasefire between June 20 and June 26, and three violations by Palestinian groups not affiliated with Hamas between June 23 and 26.

On December 4, 2008, Israeli forces raided a dug tunnel near the Israel Gaza border claiming that Hamas militants intended to capture Israeli soldiers while Hamas asserted that the tunnel was used for defensive purposes. After six of its members were killed by Israeli forces, Hamas declared this act as a massive breach to truce. As a result, the rocket attacks increased. On December 20, 2008 Hamas

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[364] *"The hundred years war"* The Economist, Print Edition, Januray 10th, 2009

[365] *"What can we do?"* The Economist, Print Edition, December 30th 2008

[366] *"Gaza Truce may be Revived by Necessity"* The New York Times, December 19, 2008, www.nytimes.com Accessed on 17 April 2010

declared that it would not extend the six month truce which ended in December 19 citing the Israeli border blockade as a primary reason. While Israel blamed Hamas for violating the truce by sending rockets and by making mortar attacks against Israel; Hamas blamed Israel for not lifting the Gaza Strip blockade and for an Israeli raid on a purported tunnel. On December 23, Israeli forces killed three Hamas militants; following this, Hamas launched more than 60 Katyusha and Qassam rockets that hit Negev.

On December 27, 2008, Israel launched an uneven air strike targeting Hamas bases, police training camps, police headquarters and offices, by an intense bombardment. Civilian infrastructure, including mosques, houses, hospital, schools and UN buildings was attacked. Israel claimed many of these buildings were used by combatants, and as storage spaces for weapons and rockets.[367] The stated aim was to stop Hamas attacks on Israel and it included the targeting of Hamas' members, police force, and infrastructure.[368] As retaliation, Hamas intensified rocket attacks throughout the Israeli operation, targeting Beersheba and Ashdod. Israeli ground invasion began on January 4, 2009. On 17 January, Israel declared a unilateral cease-fire, and the next day, Hamas did the same.

According to B'Tselem's *"Guideline for Israel's Investigation into Operation Cast Lead: 27 December 2008 – 18 January 2009"* the scope of damage came into light after the military left the Gaza Strip. B'Tselem indicates that, after three weeks of the operation, over 1,300 Palestinians were killed and over 5,320 were wounded, some 350 of them seriously. And according to initial estimates based on satellite photographs, minimum 1,200 buildings and over 80 hothouses were destroyed during the assault.[369] Tens of thousands of Palestinians became homeless. This campaign was labeled by Israel as an exercise of right to self defense based on

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[367] *"Israeli warplanes destroy Gaza houses and mosque as air strikes continue"* Guardian, Friday 2 January 2009, www.guardian.co.uk Accessed on 17 April 2010

[368] *"Israel strikes back against Hamas terror infrastructure in Gaza 27-Dec-2008."* Israel Ministry of Foreign Affairs, www.mfa.gov.il Accessed on 17 April 2010

[369] According to data given to B'Tselem by the UN Institute for Training and Research, 4 February 2009

Article 51 of UN Charter according to which states may implement their right of self defense when there is a necessary self defensive measure to an armed attack and when the act of self defense is authorized by UN Security Council as necessary in order to maintain international peace.

The report prepared by UN appointed commission on Gaza campaign decided that Israel had committed war crimes during the campaign. However, Israel insists that its actions in Gaza were a part of legitimate response to ongoing rocket and terrorist attacks by Hamas based on the Article 51 of UN Charter. In response to massive human causalities, Israel stated that these were Hamas's responsibility basing its argument on the Article 28 of the Fourth Geneva Convention which clearly states the responsibility for civilian casualties when the civilians are used as human shields lies with the party that deliberately places them at risk, namely Hamas.[370] However, it must be pointed out that Israeli operation on Gaza which was exercised in the name of self defense lacked proportionality; the attacks were indiscriminate which resulted in the loss of life and injury to civilians, certain prohibited weapons were used and there were deliberate attacks on the foundations of civilian life in Gaza.[371]

The question is whether the actions taken for the purpose of neutralizing and preventing another possible attack against citizens within the populated areas be morally justified as they would also cause injury to civilian population. This kind of strike has to rely on large quantities of reliable intelligence; despite this, a strike on the populated areas is illegal since it is inevitable to prevent civilians dying and these causalities cannot be considered as collateral damage. Even at war, the civilian population is protected based on Geneva Conventions. Consequently, the right of self defense does not allow states to carry out retaliatory attacks or to resort to force against anticipated armed attacks which have not yet occurred. Besides, any armed response from the state which is attacked should be proportionate, necessary and immediate.

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[370] *"Faulty on UN Gaza Report Equates Self Defense with Terror"*, AIPAC Memo, September 18, 2009

[371] For further information see UN Gaza Report, A/HRC/12/48, sections X, XI, XII and XIII

CONCLUSION

Middle East is one of the regional subsystems where anarchy prevails. The world's most durable and intense conflict, Israeli- Palestinian conflict continues to generate insecurity in the region. Violence and terrorism have been at the heart of the Israeli-Palestinian conflict and have played a role in shaping the economic, political and territorial map of Palestine.

The sense of insecurity increased militarization not only among society but also in politics. Israel threatened with terrorism by militant Palestinian organizations; became more aggressive and harsher both in operations and in politics. Preventing suicide bombings, controlling hostile crowds needed to be met both by military action and by some measures that were taken for repressing them. However, as the thesis has showed these kinds of measures proved to be counterproductive since they fostered the hatred and the feelings of humiliation that led Palestinians to continue the acts of terrorism and violence. On the other hand, Palestinians seeking for self-determination appealed to terrorism; a way that is not recognized by international law. Israel, based on the right to self-defense, took certain measures in order to preserve the security in the country.

Despite the fact that, both sides used their rights arising from the international law; the means through which they sought for an outcome were not legitimate. As Hannah Arendt points out "terrorism and violence can be justified; however it can never be legitimized." [372] Although appealing to violence and terrorism may be reasonable when human values are oppressed by a majority, when basic rights and liberties of a minority are denied or when there is no other means of self defense, it is the contention of this thesis that no act of terrorism can be justified in the name of a reason.

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[372] H. Arendt, *Şiddet Üzerine*, translated by Bülent Paker, İstanbul, İletişim Yayınları, 2009, p. 65

One of the points this study has reached is that neither Palestinians nor Israel obtained what they sought through use of terrorism/counterterrorism. As the cases have demonstrated neither Israel became more secure; nor the Palestinians attained their ultimate goal; creating a Palestinian state. Both Palestinian terrorism and Israeli counter-terrorism were counter-productive.

Another point this thesis has showed that Israeli counter-terrorism methods were mostly disproportionate; sometimes exceeding the lines of self defense and violating the human rights; therefore they ironically became the acts of terrorism against which it struggled.

The thesis argued that the actions of both Palestinians and Israelis paved the way for a cycle of violence. While Palestinian terrorism spread fear, mistrust and the sense of insecurity among Israelis; Israeli –sometimes inhuman- methods of oppressing Palestinians in order to prevent any insurgency served to the continuation of the cycle of violence. In the end, Palestinian terrorism and Israeli counter-terrorism were locked into an inexorable spiral of ever growing ruthlessness.[373]

The ongoing cycle of violence and terrorism had an impact on the collapse of the Peace Process as this study has argued. As well as the Israeli occupation, the continuing settlement activity fueled Palestinian reaction against Israelis in the form of terrorism – a means every repressed society appeals. A. Gerteiny points out that given the circumstances, violent Palestinian reaction to dispossession should not come as a surprise, adding however *this terrorist expression which is illegal and violates Human Rights*(emphasis added) should be considered as the cause of occupation and dispossession.[374]

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[373] D. Hirst, op. cit., p. 445

[374] A. Gerteiny, *The Terrorist Conjunction: The United States, The Israeli-Palestinian Conflict and Al Qaeda,* Westport, Praeger Security International, 2007, p. 70

However, in spite of the fact that the way of Israeli dealing with Palestinians was a motive for terrorism, thus for the collapse of the Process; the thesis has manifested that PLO's reluctance of hindering terrorism and cracking down on the organizations that resort to terrorism; its turning a blind eye to them, maybe supporting them clandestinely as Israel claimed, have accelerated the collapse of the Peace Process as this strengthened the rejectionists' hands. Hamas' and other militant groups' willingness to use terrorism to resist the Occupation and to undermine the Peace Process made it primary political alternative vis-à-vis PLO which began to be seen as corrupt and compromising.

As a result, Peace Process, contrary to expectations, did not brought any settlement to the conflict; rather it led both parts to extremism by creating an Israeli state more militarized and hawkish and a Palestinian society more radicalized and religious. Israel became a security state and security-seeking society while Palestinians, supporting Hamas and its politics, transformed into a religious society who believed that the only way to end the Occupation was to destroy Israel.

The post-Oslo period saw nothing but terrorism and violence. At the end of Oslo, Palestinian political life went into dissolution and Palestinian nationalist consciousness declined. The occupation still continues and the ultimate aim, establishing a Palestinian state has not been achieved yet. With the Second Intifada which marked the end of Oslo Peace Process; structural violence became rooted in the Israeli-Palestinian conflict.

At the outset of the Oslo, Palestinians hoped that they would attain the statehood; but the end of the Process, the Al-Aqsa Intifada marked the end of this dream. As for the Israelis, living securely in Palestine became a dream. Today, Israel and the occupied territories are so interconnected that dividing the land of Palestine between two people is impossible. In order to attain a lasting peace in Palestine, new identities and new forms of citizenships have to be created for a better and more secure life for both peoples. As long as the problem is fostered by violence and terrorism from both sides which nurture on the other hand hatred and

vengeance, all the peace efforts are doomed to frustration. Only a cooperative coexistence has the power to erase bad memories covered with blood and tear.

The thesis also argued that there seems to be a neglect regarding state terrorism in the literature and that not only non-state actors but also states resort to some kinds of actions that enter into the category of terrorism. The thesis emphasized that divided societies are likely to enter into violent internal conflicts, known as new wars. That the states may commit acts of terrorism during those internal conflicts has been demonstrated in this thesis with the Israeli-Palestinian case. This can be detected in other divided societies too. As well as the actual practices of the Israeli government; the practices of British against IRA, and Spanish against ETA or those of the Algerian government against GIA – Groupe Islamique Armé (Armed Islamic Group) are some other examples in which the traces of state terrorism could be pursued.

This thesis has reached the conclusion that state terrorism needs to be theorized and challenged by the concrete legal embodiments with which the states will comply and that admitting that a state can employ all the means in order to beat terrorism means producing more terror which would lead a dead end. Today, the debate whether the state could recourse to terrorist practices in order to combat terrorism with efficacy continues. Although the arguments and discussions are limited to the Israeli-Palestinian case in this thesis, the issues disclosed are not limited to a geographical area and can surely be replicated in other societies that are exposed to violent conflicts and may serve as an example in raising new questions.

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