No. 40

TEL AVIV NOTES

AN UPDATE ON POLITICAL AND STRATEGIC DEVELOPMENTS IN THE MIDDLE EAST

Editor: Mark A. Heller

May 29, 2002

THE LEGACY OF UNDEFINED BORDERS

P.R. Kumaraswamy
Jawaharlal Nehru University, New Delhi, India

Although the Likud Central Committee's recent reiteration of its opposition to a Palestinian state has attracted much international attention, the internal debate in the Labor Party raises an even more fundamental question: "How does Israel define its final frontiers?" For more than fifty years, this question has eluded a clear response. But in urging his colleagues to consider a unilateral Israeli withdrawal from the West Bank and Gaza, Haim Ramon, a strong contender for leadership, has stressed an anomaly that has characterized Israel since its creation: "We are the only country in the world without a border, which is like having a house without a door and a lock." Israel's prolonged reluctance to define the territorial limits of its statehood has puzzled many non-Israelis and been one of the major issues in its relations with its Arab neighbors.

More than half a century after independence, David Ben-Gurion's "normal" country still lacks one of the fundamental attributes of a normal state: borders. Debates about Israeli borders have often been influenced by a host of qualifiers: natural borders, historical borders, defensible borders, secure borders, recognized borders, international borders, or, of late, "seam line" borders. Each of these terms is riddled with inbuilt contradictions. Much of the problem is political and historical. While ambiguities over the meaning of the "national home" promised in the Balfour Declaration were resolved in the Biltmore Plan of 1942, Zionism has been unable to define its territorial limits.

Traditional Zionist positions on borders partially reflected historical and/or religious disagreements over the territorial limits of *Eretz Israel*. Nor was the United Nations any more helpful in providing precision. Although the Zionist Movement accepted UN Resolution 181 of November 1947 that called for the partition of Palestine into a Jewish and Arab state, it did not feel bound by the territorial provisions of the Resolution when the Arabs rejected partition and launched a war against the nascent Jewish state. Israel's Declaration of Independence was conspicuously silent on the question of borders, and notwithstanding explicit requests by President Harry Truman, Ben-Gurion refused to clarify whether Israel accepted the boundaries specified in 181. When Armistice agreements were eventually reached in 1949, the newly formed state was much larger than the one proposed by the UN, and the armistice lines became Israel's de facto borders.

For many years, Israel could attribute its undefined borders to the absence of Arab partners willing to accept and recognize the existence of a Jewish state in the Middle East. But UN Security Council Resolution 242 in

Published by TEL AVIV UNIVERSITY
The Jaffee Center for Strategic Studies & The Moshe Dayan Center for Middle Eastern and African Studies

November 1967 paved the way for international acceptance of Israel's existence within "secure and recognized" borders, a position formally endorsed by President Sadat of Egypt in the 1970s and subsequently even by Yasir Arafat. And although the Arab world does not designate Israel on official maps, it has, for the most part, come to terms with Israel's existence.

These changes, however, have not resulted in a definitive articulation of Israel's position on borders. On other matters, such as the closure of the Gulf of Aqaba to Israeli shipping or the entry of hostile Arab forces into Jordan, Israel has defined its "red-lines," violation of which is considered *casus belli.* But the question of borders remains open. Israel, along with almost everyone, endorses Resolution 242, but that Resolution is deliberately ambiguous about the basis of peace, demanding Israeli withdrawal from "territories" but not "the territories" occupied in the June 1967 War. And while the Arabs insist that Resolution 242 does require withdrawal to the lines of 4 June 1967 – a stand supported by many others in the international community – these lines are rife with inconsistencies and contradictions. For one thing, they would legitimize Syria's retention of portions of territory in Mandatory Palestine seized during the 1948-49 War and of pieces of demilitarized zones subjected to creeping Syrian annexation between 1949 and 1967. In particular, they would require moving the international border between Syria and Israel westward, so that Syria would regain the access to the waterline on the north-eastern shore of the Sea of Galilee that it enjoyed on the eve of the June war.

Even when the principle of the international (1923) boundaries of Mandate Palestine has been accepted by the parties in conflict, translating that principle into a demarcated border has been problematic. The dispute over the location of the border near Taba complicated peace negotiations with Egypt. And practical deviations from the formal eastern boundary were accommodated in negotiations over the Israeli-Jordanian Peace Treaty though long-term lease arrangements and minor adjustments. Indeed, these arrangements were severely criticized by Syria on the grounds that they might be cited as a precedent for similar arrangements on the Golan Heights. Finally, Israel's willingness to withdraw unilaterally in 2000 to the internationally recognized border between Mandatory Palestine and Lebanon did not preclude an ongoing controversy over Shab'a farms that leaves the boundary question practically unresolved.

In any case, the question of the international boundary is irrelevant to Israeli-Palestinian relations, where a central problem is the demarcation of a border <u>within</u> Mandatory Palestine. At Oslo, Israel officially abandoned biblical-historical claims to the whole of the Land of Israel west of the Jordan River. But it never endorsed the "Green Line" (the 1949 Armistice Line) as a final border, and political-religious considerations still figure in territorial issues, especially with respect to Jerusalem. In this sense, the real innovation in the negotiations conducted during Ehud Barak's tenure as Prime Minister was not the offer of statehood to the Palestinians, but rather his willingness to draw the formal borders of Israel.

The demarcation of final borders remains central to the formal resolution of the Arab-Israeli conflict. The question of the territorial limits of a future Palestinian state is the obverse side of the question of the territorial limits of Israel. Will Israel define its borders, especially vis-à-vis the Palestinians, through negotiations or through unilateral action? A negotiated agreement would eventually produce final frontiers for the Zionist enterprise. Unilateral action, even in the form of withdrawal, would merely perpetuate the legacy of undefined borders.

Tel Aviv Notes is distributed to a select readership via fax. Comments are welcome and may be faxed to **+972-3-6407924.** Readers who prefer to receive **Tel Aviv Notes** via e-mail are invited to send their e-mail address to