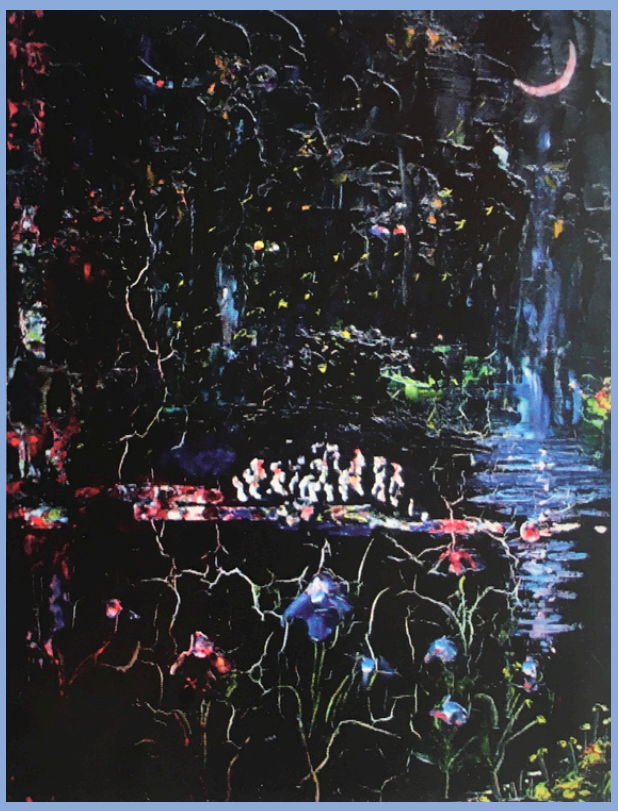
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Resolving the Israel-Palestine Conundrum - A New Era



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Amb. Francis M. O'Donnell is a member of the Peacemaking Reflection Group (of former UN system staff); a Life Member of the Institute of International and European Affairs (Dublin); a director/trustee of the School of Civic Education (of the Association of Schools of Political Science of Council of Europe); and frequent participant in policy networks comprising primarily current/former Heads of State/Government. He was Ambassador Extraordinary and Plenipotentiary of the Sovereign Order of Malta to Slovakia from 2009 to 2013. He previously served as a United Nations official for 32 years, latterly as Resident Coordinator of the United Nations system in Ukraine, from 2004 until 2009, and previously in similar capacity in Yugoslavia/Serbia-Montenegro, 2000-2004. The initiative to create an Irish-Arab Society was proposed by him in November 1968, and taken up by a group of Irish and Arab friends. It played a key advisory and facilitative role promoting Irish-Arab trade and cultural links. With its support Irish diplomatic relations were established with 12 states in the Middle East and North Africa between 1974 and 1976.

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"No Man's Land" (oil painting, 1976)

Idealism yields to realism and the Great Game is back

America, and perforce the world, is entering a new political era, faced not just with Trump 2.0, but *Trumpism* as a broad movement now with democratic legitimacy entrenched by unprecedented electoral strength, and with a "magafied" Supreme Court, and probably some *Project 2025* influence, likely to alter the fundamentals of American politics – and much of the West - for decades to come, perhaps a generation.

While it may seem a retreat from the order of liberal globalisation to a more nationalist and protectionist ideology, ironically, this is heralded as we marked the 35th anniversary of the fall of the Berlin Wall on 9 November. But this is a November of many other anniversaries: the Balfour Declaration in 1917, and the suspension of the UN Trusteeship system in November 1994. We return to these shortly.

But first, Trump's win does not have to necessarily signal a total abandonment of a rules-based world. He will have all the power necessary to wield it magnanimously, which would be the greater tribute to his future record, if only he can depend more on sound and evidence-based advice and avoid unpredictable impulse. However, it already seems that in his *realpolitik*, the shots will be called more by political might than moral right, and America will likely enforce subordination of international engagement to its domestic priorities and exploit residual multilateralism to reshape great power relationships in a transactional manner that dominates smaller states, as well as subjects' migrant rights to the legality of their immigration process. He will however run up against the BRICS reality of outpacing the G-7 on multiple fronts.

So rather than assume full-scale isolationism by the incoming Trump régime, we should address this new self-centered conservatism with strategic thinking, and fast: President Biden is still at the helm until the Trump inauguration on 20 January 2025, therefore, we have just over two months to make a difference. The United Nations and its Charter, treaties, and institutions remains our best guarantor of preserving and evolving our global norms, and the spirit and scope of multilateral cooperation.

The massive Israeli protests against Netanyahu on the same US election day 5 November, potentially give Trump – or Biden for that matter – a unique opportunity to leverage an end to Israel's wars in tandem with hostage release and Iranian restraint. A smart initiative from the White House could "*save Israel from itself*" – and perhaps from sanctions. On UN Day, 24 October 2024, amidst the usual jaded platitudes about the UN and its current ineffectiveness, at least two remarkable appeals

appeared: one by 267 former UN officials[1], calling for an end to violence, and suspending the shipment of arms to Israel, and if necessary, applying economic sanctions, and the other, by over 3,000 Israeli citizens, mostly Jewish, calling directly for sanctions against Israel, to save it from itself, and spare the innocent in Gaza and Lebanon[2].

These appeals need broader acknowledgment and the international community needs to come together, along the lines of the *Pact for the Future* adopted at the UN General Assembly in September[3], and later endorsed by the G20[4], to develop a common position on the revival of the Israel-Palestine peace process. This should advance complex inter-linked diplomatic goals supporting the convergence of current joint approaches by conciliatory Israeli and Palestinian leaders, civic as well as political, for conflict resolution. It should be grounded in international law and UN Charter/treaty obligations, as well as pay heed to UN Security Council and General Assembly resolutions, and support the "good offices" role of the UN Secretary-General.

Now is the time for Antonió Guterres to ratchet-up a more proactive démarche as UN Secretary-General, as clearly in this, the greatest short-term potential catalytic game-changer lies in the White House in Washington, DC, regardless the outcome of the Presidential election. This is because President Biden remains in office until January, and has nothing to lose from abandoning the US veto on Palestinian admission to the UN, which could radically alter the dynamic for peace, restoring the prospect of a settlement of the two-state solution. For that matter, if left to Trump, the same move could resolve the Palestinian lacuna in the Abraham Accords, disempower Hamas and Hezbollah, and catalyse the peace process, restoring the broader potential of those accords, suspended since the 7 October massacre and its aftermath wars. Would such a major move, by whichever US president, have a Nobel flutter? *Carpe diem*.



UN vehicles destroyed in Egyptian-Israeli war at Suez Canal (UNTSO, 1970)

[1] Call by former UN officials to "*End the violence in the Middle East Now and for Good*" (24 October 2024) https://www.foggs.org/wp-content/uploads/2024/10/Call-to-end-ME-violence-Final-with-signatures-23-24-Oct-2024.pdf

[2] "*Israeli citizens calling for true international pressure on Israel for an immediate ceasefire*" (24 October 2024) https://israelicitizensforin.live-website.com/english/

[3] *Pact for the Future, Global Digital Compact and Declaration on Future Generations,* Summit of the Future, September 2024 https://www.un.org/sites/un2.un.org/files/sotf-pact_for_the_future_adopted.pdf

[4] *G20 adopts call for reform of international organizations such as UN and WTO,* 25 September 2024 https://www.g20.org/en/news/g20-adopts-call-for-reform-of-international-organizations-such-as-un-and-wto

From bi-nationalism and regional integration to a state of permanent warfare

It doesn't really matter whether we consider Israeli Jews to be indigenous to Israel-Palestine, or not. Nor whether Palestinians are or not, i.e. considered to be indigenous or Arabs from beyond. The fact is that both peoples, seven million each, are there now, and for many generations, and equally deserve their rights to life, justice, equality and self-determination. The United Nations was supposed to guarantee that almost from its own foundation – but for the past three/four generations of Palestinians since 1948, the UN has failed to do so.



Jews of the Old Yishuv praying at the Western Wall of Herod's Temple (Jerusalem, 1870s)

Jews around the world can exercise "*aliyah*" and "return" to Israel, even after millennia abroad in "exile". Can 2,000 years of exile justify a return? Are there precedents for ancient identities claiming rights of return? Under certain circumstances, perhaps. For example, for the Pontic Greeks, expelled from Turkey to modern Greece after that timeframe, in the brutal population exchange following the *Treaty of Lausanne* a hundred years ago. So, what's special about the Jewish claim to Jerusalem and its hinterland? Well, they may argue that in two thousand or more years of diaspora, Jews have always prayed for a return, and despite their exile, never relinquished their claim. But neither have 4-5 generations of Palestinians, more recently in exile, *ergo*, the crux of the political challenge facing the imperative of a just and sustainable peace.



Installation of the Jerusalem Chief Rabbi at the Yochanan Ben Zakai Synagogue (Jerusalem, 1893)

Whatever Theodor Herzl had in mind launching it in 1897, the philosopher Martin Buber saw Zionism as a *spiritual* challenge, not just material, and warned against Jewish narrow self-centred nationalism. Zionism could only be built on inclusive "*bemishpat*" (justice)[5], and that vision of Zionism was welcomed by Emir Faisal, son of Sherif Hussein of Mecca, who famously said in 1919:

> *We Arabs, especially the educated among us, look with deepest sympathy on the Zionist movement.... We will wish the Jews a hearty welcome home.... We are working together for a reformed and revised Near East, and our two movements complement one another. The movement is national and not imperialistic. There is room in Syria* (incl. then Lebanon and Palestine) *for us both. Indeed, I think that neither can be a success without the other*[6].

Of course, Faisal's caveat to his agreement with Chaim Weizmann meant this failed later. Yet, back then, the *Old Yishuv* was very religious and peacefully cooperating with Arab neigbours, and Buber pioneered the notion of a regional confederacy *including neigbouring Arab states* as early as the 12th Zionist Congress in Karlsbad in 1921.



Street market fruit stall at Bulak, Cairo (water colour by Walter Tyndale, 1912)

Buber's vision of a socialist Israel seemed compatible with emerging Arab nationalism, much of it influenced by indigenous Christians, as pointed out later by Jordan's former crown prince, Hassan Bin Talal[7]. Buber worked with the *Brith Shalom* movement to reach out to progressive Arabs in Palestine, and that group appealed for Jewish self-restraint in the face of Arab incidents/attacks[8]. A century has passed since the first political assassination of a Jew in Palestine, namely that of Jacob Israël de Haan, blamed on the Arabs, but now known to have been assassinated in 1924 by the Zionist Haganah for his anti-Zionism activities.

No one could then anticipate the Holocaust and its impact. Nonetheless, after the World War Two, on 11 November 1946 a new Arab organisation, *Falastin Al Jadida* (The New Palestine) signed an agreement with the *League for Jewish-Arab Rapprochement and Cooperation,* mentored by Buber

[5] As in "*Tziyon bemishpat tipadeh*" (Zion shall be redeemed with justice)
[6] See Faisal's letters: https://www.jewishvirtuallibrary.org/feisal-frankfurter-correspondence-march-1919?utm_content=cmp-true
[7] El Hassan Bin Talal. *Christianity in the Arab World,* (Arabesque Books/BET Publications; 1995)
[8] Hodes, Aubrey. *Encounter with Martin Buber* (Allen Lane, 1972)

who had moved to Palestine in 1938 from Germany. The pact envisaged political equality between the two peoples, complete cooperation in all areas, Jewish immigration in accordance with economic absorptive capacity, and notably, the affiliation of a joint Arab-Jewish Palestine to a pact with neighbouring countries.

Interestingly, the founder/leader on the Arab side, of *Falastin Al Jadida* was Fawzi el-Husseini, cousin of the fanatically anti-Zionist Mufti of Jerusalem, Haj Amin el-Husseini. Fawzi had earlier taken part in anti-Jewish riots in the 1920s, and, like Ya'acov Meridor on the Zionist side, was jailed by the British mandate authorities, but came around to the wisdom of co-existence and advocated bi-national political equality, which he wanted the UN to guarantee.



Nazareth (Daguerrotype 1842) *by Noel-Marie-Paymal Lerebours* (1807-1873); *The long exposure times required for the earliest photographs rendered even urban landscapes to look "empty" and were use to justify colonisation.*

And then he was murdered on 23 November 1946. Buber unfortunately rebuffed Fawzi's followers who brought news of his murder and asked what they should now do - he felt it was too late, and war ensued within the year that followed. Fawzi's death was celebrated by some hard-line Zionists as "*one less Arab*", but was followed by other assassinations of conciliatory Arabs by agents of the Mufti.

> *If bi-nationalism was unpopular among Palestinian Jews and virtually anathema to Palestinian Arabs before 1948, it was dead once the Arab-Israeli war began. Arendt conceded this, but it seemed to only stiffen her resolve. In 1948, she suggested that representatives of the tiny* Ihud *and various "non-Zionists" should negotiate - it is not clear on what basis or with what power - with "Arab individuals" who were "sincere believers in Arab-Jewish cooperation". These sincere believers remained unnamed, for good reason. Very few Arab leaders were willing to enter into talks with Jews, much less discuss joint councils, federation, or bi-nationalism. At the 1939* London Conference on the Future of Palestine*, the Palestinian delegation had refused to sit in the same room with Jews, much less discuss a shared entity. And an alarmingly high number of the few who broached agreement were assassinated by other Arabs; see, for instance, the unhappy fates of Fawzi Darwish Hussaini, Sami Taha, Fakhri Bey Nashashibi, and, later, King Abdullah of Transjordan*[9]*.*

All of this came out again in 1964 in the publication *New Outlook,* one of the editors of which was Aubrey Hodes. Buber later strongly opposed the UN Partition Plan, yet eventually accepted the reality

[9] Linfield, Susie. *The Lions Den - Zionism and the Left from Hannah Arendt to Noam Chomsky* (Yale University Press, 2019).

of Israel's creation, but "*criticised its flaws lovingly*". He reiterated his vision of a regional confederation in 1958, and considered that the best way forward was for Israel (et al.) to "*ease the plight*" of the Palestinian refugees. For him, such Jewish conciliatory justice towards the Palestinians was a question of the moral life, the *virtu,* of Israel. He continued during his life to push the *Ichud's* defence of civil rights for the Israeli Arabs. No doubt had he lived, he would have been even more critical of Israel's post-1967 rule of the *Occupied Palestinian Territory*: Gaza, the West Bank and East Jerusalem. And he would have lamented the murders of other brave leaders who made political compromises in the interests of peace, such Anwar as-Sadat (1981), and Yitzhak Rabin (1995). They were not unique in that, preceded in assassination by the UN's own mediator, Sweden's Count Folke Bernadotte (1948).



British army changing the guard at the Holy Sepulchre (Jerusalem, 1917)

Neo-Zionism betrays Israel's founding ideals

Unlike Buber and his Palestinian collaborators, historically, other leaders on both the Jewish and Arab sides in Mandate Palestine were given to expressing extremist views that cultivated hatred and intolerance. The pro-Nazi Mufti of Jerusalem, Mohamed El Haj Amin Al-Husseini, expressed notorious genocidal intents towards the Jews. And it has to be said that both Israel's founding leaders Chaim Weizmann and David Ben Gurion at various times expressed on the one hand, recognition of the legitimate presence of Palestinian Arabs, and that the Zionists were primarily invaders, and on the other hand, their desire to expel these Arabs and cleanse Israel of them[10]. Hatred and supremacist views continue on both sides to this day, but there are others inclined to reconciliation and co-existence and it is their voices and efforts that deserve far greater international recognition and support. Leaders and their cultures need to shift to a new peace paradigm.

It is also worth remembering that Israel's *Declaration of Independence* identifies Israel as a "*Jewish*" state in the sense that as a people, Jews can exercise their right to self-determination in their "homeland", but does not give Judaism as a religion any special status over other religions nor deny

[10] *Ben Gurion's Notorious Quotes – their polemical uses and abuses*
https://www.progressiveisrael.org/ben-gurions-notorious-quotes-their-polemical-uses-abuses/

minorities' rights. It also says it will "*ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex: It will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations*". So how has Israel managed to become a *pariah* state, with warning under Article 6 of the UN Charter?[11]

To its credit, Israel's Supreme Court ruled in 1985 that the Declaration was the *guiding principle* of the State, in lieu of any formal Constitution, and by 1992, the Basic Law enshrined the *democratic* character of the State: "*The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state*". It has been understood that "*Israel is based on two non-negotiable identities: the homeland of all Jews, whether or not they are citizens of Israel, and it is the state of all its citizens, whether or not they are Jews*", as articulated by Israeli author and journalist, Yossi Klein Halevi.



Bedouins of the Azazmeh tribe, living in extreme distress (UNRWA, 1959)

The qualifications of its character are little understood by outsiders, let alone by many of its citizens, whether Jewish or Arab, and even less by Palestinians in exile or under occupation. The late and brilliant former deputy Prime Minister of Israel, and foreign minister, Abba Eban, writing a quarter century ago, understood the grave danger that Netanyahu represented. As Eban said in in his *Diplomacy for the Next Century* (1999):

> *When Egypt, the ostensible center of Arab power and culture, signed a peace treaty with Israel in 1979, not a single other Arab state followed Cairo's brave example. Yet when Arafat and Rabin shook hands on the White House lawn fourteen years later, the entire Arab world with its twenty-two capitals began a wild rush to endorse the Palestinian decision. Syria announced a *strategic decision" for peace with Israel, Jordan concluded a peace treaty, and Morocco,*

[11] Special Rapporteur calls for a warning of suspension [A/79/384, para. 91 (b); 1 October 2024] https://documents.un.org/doc/undoc/gen/n24/279/68/pdf/n2427968.pdf

> *Tunisia, Oman, Qatar, and Mauritania invited Israeli participation in economic conferences at Casablanca, Amman, and Cairo.*
>
> *Only Binyamin Netanyahu, the newly elected Israeli leader, failed to comprehend the centrality of the Palestine issue in the Middle East. He wavered for months before making his first awkward contact with the Palestinian leader, whom he continued to treat with a lordly condescension and disdain.*

He continued*:*

> *Legitimacy constituted in Vaclav Havel's phrase "the power of the powerless". Realists who look only at capabilities and not intentions are at a loss when intentions change so rapidly. Since the overriding Arab belief holds the Palestine issue as the criterion of legitimacy, it was obtuse of Israeli leaders to seek avenues of achievement in other fields.*
>
> *The crowning accomplishment of Israel in the framework of the peace process was to have established a contractual relationship with the mainstream Palestinian organization. To endanger this in favour of a few scattered settlements in the heart of Arab population centres was to take a broad step in a march of folly. Arafat's followers are now doing more than almost anyone else to combat the dissident terrorists of Hamas and Hezbollah. It remains painfully true that not even the powerful Israeli army, with its renowned intelligence services, has ever been able to insure total security against individual Palestinian terrorists. Even in areas under exclusive Israeli control, the plague of the suicide bombers has not been deterred. It is true that when Israelis and Palestinians meet, they have divergent versions of their previous histories. In a sense, this liberates diplomats for the task of negotiation and leaves space for academic historians to tell us what went wrong in the past.*

As it happened, the *Camp David* and *Oslo Accords* fell by the wayside. And in the years that followed Eban's passing in 2002, and under the increasingly extremist *Neo-Zionism* of the Netanyahu régime, Israel's democratic credentials have been tarnished not only by increasingly exclusionary repression of its occupation of East Jerusalem and the West Bank, but by more recent legislative acts of the Knesset, in particular the law of 2018 that officially defines Israel as a Jewish "*nation-state*", and especially that "*The right to exercise national self-determination in the State of Israel is unique to the Jewish people*", inherently excluding its non-Jewish citizens[12]. It also declares "*Jerusalem, complete and united, is the capital of Israel*", effectively rejecting UN Security Council resolution 242 and much else in various attempts and accords seeking peace. Amongst other provisions, this one is particularly controversial: "*The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation*". But the recent act of the Knesset on 17 July this year seemingly sounded the death-knell for Palestinian aspirations of sovereignty and statehood: it voted overwhelmingly to pass a resolution *rejecting the establishment of a Palestinian state*, destroying, in Israeli law, any prospect of the two-state solution[13]. This Knesset was opposed by many Israelis[14], as has the more recent banning of UNRWA by Israel.

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[12] Prime Minister Netanyahu has been more explicit: Israel is "*the national state, not of all its citizens, but only of the Jewish people*." https://www.npr.org/2019/03/11/702264118/netanyahu-says-israel-is-nation-state-of-the-jewish-people-and-them-alone

[13] https://www.timesofisrael.com/knesset-votes-overwhelmingly-against-palestinian-statehood-days-before-pms-us-trip/

[14] This act of the Knesset was roundly condemned by former Prime Minister Ehud Olmert at a HAARETZ conference in London on Sunday 27 October 2024: https://www.jewishnews.co.uk/former-israeli-pm-and-ex-palestinian-minister-both-speak-of-need-to-change-course/

Hatikva – salvaging hope through reconciliation

That is the same day that former Israeli Prime Minister Ehud Olmert and former Palestinian foreign minister Nasser Al Kidwa signed their joint declaration advocating the two-state solution[15]. Their joint statement has caught global attention, including that of Pope Francis who lately received them on 17 October. Nasser Al Kidwa is a nephew of the late Yasser Arafat, and along with Marwan Barghouti, rival to Palestinian President Mahmoud Abbas/Abu Mazen. Al Kidwa served as PLO representative at the UN from 1991-2005, and foreign minister 2005-2006. He has also served the UN in Afghanistan, and as deputy to Kofi Annan when the latter was joint UN/Arab League envoy to Syria. He launched the "*National Rescue Initiative"* in July 2022 for a transitional body to reform the (corrupt) Palestinian political system and institutions. The initiative was supported by over 60 leading Palestinians including Hanan Ashrawi, Bassem Tamimi, Amjad Shehab, and Taysir Abu Sneineh.

Ehud Olmert and Al Kidwa were not friends until they recently teamed up to make their joint declaration in July this year for a peace proposal[16] based on Olmert's 2008 plan and the *Arab Peace Initiative* (2002)[17]. The Olmert-Al Kidwa initiative is basically a re-take of Olmert's 2008 plan, now with backing from a strong Palestinian faction[18]. Although "confederation" is not mentioned in it, there is not much difference with three other initiatives:

- The two state "confederation" idea mooted by Omar Dajani and Limor Yehuda in the *Foreign Affairs* journal[19]
- The ALFA proposal: "*A Land for All*", put forward by Meron Rapaport and Awni Al Mashni[20]
- The "ten principles" for a two-state solution, laid out by *The Elders*[21]



A DC-3 aircraft in UNTSO service (Qalandiya Airport, north of Jerusalem, in 1965)
(dependent son of an Irish military observer serving in UNTSO, 1965-1967)

[15] The text of the Olmert-Al Kidwa statement, as published by *Al Majalla*: https://en.majalla.com/node/322135/documents-memoirs/al-majalla-publishes-olmert-kidwa-peace-proposal

[16] The *Times of Israel* reported it on 30 August. Mona Ali Khalil wrote a good but somewhat critical piece on it in *PassBlue* on 5 September around the time it also appeared in regional media, including *Haaretz* on 9 September. A recent article Olmert and AlKidwa penned has appeared in the *Financial Times* (4 October), *Washington Post* (4 October), and *Le Monde* (7 October). They are now promoting it globally.

[17] Text of the Arab Peace Initiative of 2002 (reaffirmed in 2007 and 2017): https://www.europarl.europa.eu/meetdocs/2009_2014/documents/empa/dv/1_arab-initiative-beirut_/1_arab-initiative-beirut_en.pdf

[18] See also their extended interview with CNN's Christian Amanpour on 29 October 2024 in London: https://edition.cnn.com/2024/10/29/Tv/video/amanpour-olmert-kidwa?cid=ios_app

[19] https://www.foreignaffairs.com/israel/two-state-solution-can-work

[20] https://www.alandforall.org/english/?d=ltr#principles

[21] https://theelders.org/news/pathway-towards-sustainable-peace-palestine-and-israel

A UN challenge: two peoples can live together, if their neighbours matter

Such a confederation between two sovereign states, Israel and Palestine, could only thrive if it were to become part of *a broader fabric, a weave of inter-connectedness* creating multiple layers and vectors of broader regional collaboration. This is essentially what the *Arab Peace Initiative*, endorsed by the Arab League in 2002, 2007, and again in 2017 had offered, and what Olmert desired back in 2008. The *Abraham Accords* pushed the regional economic aspects at the expense of the Palestinian issue. The lesson must be learnt that *inclusive* beneficial inter-dependence is the glue of successful regionalisation.

Given the foregoing, the UN Secretary-General could convene and consult informally with the leading "internal" proponents of *Israeli-Palestinian rapprochement* being Ehud Olmert and Nasser Al-Khidwa, as well as Limor Yehuda and Omar Dajani, Meron Rapaport and Awni Al Mashni, Achinoam Nini and Mira Awad, and such others as can be identified on leadership levels in both societies, such as on the human rights level, Orly Noy and Hanan Ashrawi. Such a meeting could give their efforts a great boost, as the dialogues must intensify, but also their proponents *need solid protection,* given the history of political assassinations of peacemakers on both sides over the past century, and international accompaniment (unarmed civilian protection) may have to be deployed (e.g. via *Nonviolent Peaceforce*[22]) to protect them.

Pushing further and faster, the UN Secretary-General could convene a *Symposium on the Middle East*, of the Chairs and Secretaries-General of the principal networks of former world leaders (presidents/prime ministers), such as the *InterAction Council*, the *Council of Women World Leaders*, *The Elders*, the *Club de Madrid*, etc.

From or following these, he could constitute a *Commission on the Middle East*, which could also include the former Presidents of the UN General Assembly; headed by a *Special Envoy* he would appoint, and who would in turn consult with the Presidencies/Chairs/Secretaries-General of the Arab League, the AU, the EU, and the G20. The primary role of the Commission would be to lay out the institutional foundations for a community of Middle Eastern States, much as the *Schumann Declaration* laid the foundations for European integration and the eventual European Union[23]. Energy, infrastructure/transport, aviation, and watershed management and climate change could be key elements. An important part of that is the ceding of certain powers to collective supra-national institutions, in tandem with subsidiarity for national prerogatives[24]. The Special Envoy should be a world leader with unquestionable credentials and access to all parties, such as the previous UN Secretary-General or deputy, a former UN General Assembly president, a former top EU official, a Timorese leader, or indeed a former conciliatory Israeli Prime Minister.

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[22] See also foreword by José Ramos Horta: https://nonviolentpeaceforce.org/wp-content/uploads/2024/09/2021_Course_Manual___Full.pdf

[23] The Schumann Declaration: https://www.cvce.eu/en/obj/the_schuman_declaration_paris_9_may_1950-en-9cc6ac38-32f5-4c0a-a337-9a8ae4d5740f.html See also: https://old.robert-schuman.eu//en/doc/divers/9th-may-declaration-website-2011.pdf. The SADC in southern Africa is another example, initially to break away from dependence on *apartheid* South Africa, but building collective strength and regional integration that *post-apartheid* South Africa then became an integral part of.

[24] The elaboration of treaties rooted these endeavours in a legal framework with mutual obligations and shared institutions. And we have so many other examples of this, such as in trans-continental highways, watershed management and river basin cooperation, where the UN regional commissions have also played a role. Later issues such as AI governance, pandemic prevention, global finance, organised crime, and climate change bring this out ever more saliently.

To this end, these networks and the Commission should be encouraged to develop a *global visioning exercise* for the Levant/Middle East, putting forward the feasibility of mutually-supportive win-win paths towards peaceful reconciliation and a community of neighbouring states that support Israeli and Palestinian sovereignties and some form of their optimal confederal arrangements. Ironically, regional integration with neighbouring states may be the only way an Israeli-Palestinian peace deal could thrive, much as the *Schumann Declaration* created the EU precursors, consolidating Franco-German peace, and broadening the benefits beyond. It created the mutual fabric of multi-facetted relations, the investment in which became the overwhelming guarantee of the durability of peace[25].

The UN Secretary-General, and those networks he can mobilise, should articulate forcefully that *of all the major geostrategic crises in the world at present*, such as the Russia-Ukraine war, the PRC/Chinese-Taiwan tensions, the Korean Peninsula tensions, *the Israeli-Palestinian conflict is the one where the strategic interests of the permanent five UN veto-wielding powers appear least in conflict,* and therefore, arguably, the crisis where inclusive diplomacy by the UN and its members is most likely to succeed in bringing consensus in the Security Council.

On 10 September 2024, the UN General Assembly overwhelmingly adopted a resolution titled "*Admission of new Members to the United Nations*" (document A/ES-10/L.30/Rev.1)[26] that upgrades Palestine's rights at the United Nations as an observer State, urging the Security Council to favourably consider its full membership. It determined that the State of Palestine is qualified for membership in the United Nations in accordance with Article 4 of the Charter of the United Nations and should, therefore, be admitted to membership in the Organization[27]. The vote was 143 in favour and 9 against.

However, the United States continues to veto such a move. But can it be argued that it is "*party to a dispute*" regarding the admission of Palestine into the United Nations, by virtue of its extensive direct support, no matter how laudable it is, to Israel's missile defence?[28]. The importance of this is that, if it can, then its veto in the Security Council can be ruled out – as should have been the case for Russia viz its invasion of Ukraine (but wasn't, as Russia chaired the UN Security Council at that moment) – under Article 27.3 of the Charter. If so, might not then the UN through the Credentials Committee (UNGA rules 27 and 28) or whatever procedure requires, to admit Palestine as a full member on the basis of the UN General Assembly resolution of 10 September last and a further consideration this time positive, by the UN Security Council?

Might this not also be a time, with the United Kingdom in the chair of the Security Council for November 2024, for it to mark the anniversary of the Balfour Declaration of November 1917, by doing its utmost to deliver on the ignored injunction in that declaration "*that nothing shall be done which*

[25] Tangentially, the relative durability and success of the *Good Friday Agreement* in Northern Ireland is partly due not only to US and EU support, but also its *creation of new institutions* within Northern Ireland, and also North-South in the island, and East-West (Republic and UK). Economically it remains a work-in-progress (Ireland having bypassed NI and UK in GDP *per capita*), after some distortions resulting from the anti-multilateral fragmentary impact of Brexit.

[26] Text of UNGA resolution: "*Admission of new Members to the United Nations*": https://documents.un.org/doc/undoc/ltd/n24/129/97/pdf/n2412997.pdf

[27] UN Meetings Coverage: *At Emergency Special Session, General Assembly Overwhelmingly Backs Membership of Palestine to United Nations, Urges Security Council Support Bid;* https://press.un.org/en/2024/ga12599.doc.htm

[28] *Identifying co-parties to armed conflict in international law* (Chatham House, 6 March 2024): https://www.chathamhouse.org/2024/03/identifying-co-parties-armed-conflict-international-law/01-introduction

may prejudice the civil and religious rights of existing non-Jewish communities in Palestine". Those rights are now recognised as including the self-determination of the Palestinian people, and their right to Statehood and membership in the United Nations. Would not such membership ensure formal parity of equality and an end to the asymmetry in eventual negotiations on boundaries, etc?

Perhaps it is time for the UN General Assembly to send the matter back to the Security Council under rule 137, recalling the purpose of Article 27.3, and also the Liechtenstein veto initiative[29], and indeed the judgments of the ICJ of 19 July 2024 calling on Israel to end its illegal occupation of the Palestinian territories, and desist from creating new settlements, and evacuate those already established, and pay reparations. Of relevance to this, as per chapter VII of the UN Charter – *Regional Arrangements*, is the consistent position of the Arab League in support of the Arab Peace Initiative, which calls for establishment of a Palestinian State and Israeli withdrawal from the Occupied Territories, in return for full normalisation of relations with Israel. One might also call on the UK, and the USA, et al. to abide by Article 6 (3) of the Arms Trade Treaty, which both have signed[30].

From swords to ploughshares: incentivising peace and penalising war

The failures of the UN today are failures of design, vision, and leadership, from the Security Council to the many faltering peace missions, their flawed mandates, and weak enforcement. After a Charter that fundamentally promised "*to save succeeding generations from the scourge of war*" and much else, almost eighty years ago and many generations since, alas war remains too profitable for a powerful few, and peace is increasingly undermined, especially at that junction of three continents, the navel of the world, the Levant of the Middle East. We need a paradigm shift from war to peace, to penalise warmongers and incentivise peacemakers; a shift from autocracy to democratic civic empowerment, and from assaults on human life, freedom and dignity to robust protection of all human rights, everywhere.

In the interim, and to countervail the growing violence, the United Nations General Assembly may establish a "*Register of Damage and Harm*" - on both sides, akin to that for the Russian invasion of Ukraine[31], with a view to eventual compensation claims, to show the extent of destruction, attribute cause and source, and in so doing help bring the parties to build better self-awareness, truth and reconciliation, whether it leads to formal compensation, or not. It could be designed to also document war crimes and end impunity, for which the *International Court of Justice* has already issued its ruling

[29] Adopted by the UNGA on 26 April 2022. This sets down that the General Assembly will automatically meet within 10 days if the veto is used in the Security Council by one of its five permanent members. https://www.liechtenstein.li/en/liechtenstein_news/vereinte-nationen-nehmen-von-liechtenstein-lancierte-veto-initiative

[30] "*A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party*". https://ihl-databases.icrc.org/en/ihl-treaties/att-2013/article-6

[31] On 14 November 2022, the United Nations General Assembly adopted Resolution *A/RES/ES-11/ 5* "*Furtherance of remedy and reparation for aggression against Ukraine*", whereby it recognised that Russia must be held to account for its violations of international law in Ukraine, including by way of payment of reparation. The resolution recognised the need for an international reparations mechanism and recommended the setting up of an international register of damage as a first step. The *Council of Europe* followed through with an "enlarged partial agreement" for its members states and other states.

on 19 July[32], and for which the *International Criminal Court's* prosecutor has also requested arrest warrants, albeit not yet issued by the ICC judges.

In fact, the ICJ already found in its advisory opinion of 19 July that "*Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory*", building on its earlier opinion in 2004 on the Separation Wall in the West Bank, following which a *Register of Damage* caused by the construction of the Wall, was mandated by the General Assembly in 2006 and instituted in 2007, seated as UNROD in Vienna and with over 73,000 claims by May 2023. Whether the existing Register should be expanded to all damage in the West Bank and also Gaza for all damage ensuing after 7 October 2023, or whether a new comprehensive register should be instituted, and what should be its effective starting date for claims, are issues yet to be resolved[33]. The source of compensation funds could be drawn on a basket of resources seized. In essence, belligerency in violation of international law and UN Security Council resolutions would mortgage the assets and future of future generations – itself a potential source of inequity.



UN Military Observer investigates incident involving ploughing farmer (West Bank, UNTSO, 1966)

The key point here is that grievances can be very long-lasting and can become a pernicious source of further conflict unless recognised and addressed. Truth has to be pursued, not only to be documented but to become a shared experience and not a conflict of narratives. Only then can the parties begin to reach mutual understanding, and the benefits that ensue can be enormous. This is why the personal lifetime reconciliation mission of Assaad Chaftari, former Lebanese Christian warlord, is so important[34]. It is also why the Olmert-AlKidwa plan needs broader global consideration if not support along with related initiatives.

It seems that the brutality of the retaliatory wars now waged by the current Israeli régime, and the rising calls for ethnic cleansing by some of its leading politicians, have squandered enormous global sympathy for the Jewish people following the heinous massacre by Hamas on 7 October 2023. But let

[32] https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf

[33] Latimer, Mark. *Toward an International Register of Damage for the Occupation of Palestinian Territory* (Just Security, August 2024). https://www.justsecurity.org/98323/register-of-damage-israel-palestine/#:~:text=Following%20the%20Wall%20Opinion%2C%20also,construction%20of%20the%20wall%20by

[34] Met by this article's author at the *Initiatives of Change* in Caux in 2010, read his story at the *Forgiveness Project*: https://www.theforgivenessproject.com/stories-library/assaad-emile-chaftari/

us not forget that that happened at a music festival, NOVA, celebrating a sacred Jewish - and Samaritan - holiday, *Shemini Atzeret*, and *Simchat Torah.* World opinion can be fickle, but musicians have been coming together in Israel and beyond to help heal the wounds on both sides, most notably, former Eurovision contestants, Achinoam Nini, known as Noa, whose heritage straddles both the Jewish and Yemenite worlds, and her Palestinian-Israeli Arab co-singer Mira Awad.

Civic leaders and celebrities from all sides should be invited to join forces for supportive multi-cultural and multi-media events that forge public awareness and broader civic outreach, in tandem with new educational programmes about non-demonising narratives of cultural histories, human rights, humanitarian law, and the roles of civil society and the media.



Oriental girl playing mandolin (1873) by Edmond Lévy Borchard (France, 1848-1922);
great-great-great-grandson of Baruch Ben Lippmann Philipp Borchardt (Köslin, Pomerania, Prussia)

Success elsewhere illuminates the pathway to peace

After a landmark workshop on 1 March 2000, that brought together the Timorese leadership and the UN top brass there, the late Sergio Vieira de Mello addressed the UN Security Council chamber in mid-2000 to present a revamped UN mission for East Timor and vividly appealed that the UN had not been set up to govern a country yet had to steer one towards independence and sovereignty.

That is why he insisted to place the Timorese CNRT (*Conselho Nacional de Resistência Timorense*) leadership in first responsibility, assisted by UN advisors and not governed by them – and not fall into the neo-colonialist trap of some UN colleagues who thought the Timorese "*were not ready and not qualified enough*"[35]. It worked, thanks also to leadership and utter dedication of Xanana Gusmão, José Ramos Horta, Mari Alkatiri and Emilia Pires and to the political acumen of J. Victor Angelo, Sukehiro Hasegawa, Ameerah Haq, and others on the UN side. The UN Transitional Administration in

[35] Having personally consulted the CNRT leadership beforehand, I told Sergio that "*as an Irishman, I find these (neo-colonial) attitudes totally unacceptable and we must empower the Timorese immediately or their independence struggle will be against the UN*". He asked me to then organise the landmark workshop, supported by António Correia de Campos, then President of the *Instituto Nacional de Administração* (National Institute of Administration) in Portugal, et al.

East Timor (UNTAET) was revamped accordingly, and independence gained two years later. Timor-Leste's experience, following 25 years of post-colonial and illegal Indonesian occupation, has a lot of relevance for Palestine.

If the Timorese experience does not jive with Israel, then the UN can adopt a more forceful approach. In the twentieth century, the governance of former colonies being graduated to sovereignty was mandated by the UN under its chapters XII and XIII of the *UN Charter*, to its *Trusteeship Council* and the member states administering those territories. The Trusteeship system was suspended on the independence of Palau in November 1994. Whatever its prior history, use the (existing/dormant) *Trusteeship Council*, still one of the six principal organs of the UN, in the thirtieth anniversary year of its suspension on 1 November 1994, could be reconsidered. It remains nominally existent, as the UN Charter has not been revised since 1971, and none of the many alternatives to the Trusteeship Council have yet seen the light of day.

Of direct relevance to Palestine, the United States proposed in March 1948 to place (ex-British) Mandatory Palestine under UN Trusteeship, but the idea was abandoned on the creation of Israel shortly thereafter[36]. It could be revisited now, limited to *placing Gaza, East Jerusalem and the West Bank directly and juridically under a full-fledged trusteeship by the UN itself*[37], i.e. UN security, administration and interim governance (nonetheless like the revamped UNTAET, rather than just a typical Peacekeeping Operation-PKO), i.e. not Israel "proper" (i.e. Israel within its internationally-recognised pre-1967 borders).

Perhaps it could even become the chapeau for the "*Council of Commissioners*" and the "*Temporary Arab Security Presence*" that Olmert and Al Kidwa propose, until the State of Palestine, already recognised by 146 out of 193 UN members states, attains full effective sovereignty and institutional capability as a normalised member of the United Nations. Most importantly, as pointed out by Lloyd Axworthy, Allen Rock, and Michael W. Manulak, a Trusteeship would not be subject to a veto by the Security Council, as it would come under the prerogatives of the General Assembly, hence a mere majority there would suffice.

At this crucial juncture, given that Israel has declared him "*persona non grata*", the UN Secretary-General must delegate to a globally-respected Special Envoy and Commissioners (recommended above) to engage robustly in intensive shuttle diplomacy between the capitals of the Security Council's permanent five veto-wielding countries, namely to Beijing, London, Moscow, Paris and Washington DC, as well as to Amman, Beirut, Cairo, Damascus, Jerusalem/Ramallah, Riyadh and Teheran. Donor conferences, reconstruction, and investment to follow in tandem…. but the groundwork for political convergence must be laid now.

At the global level, as UN Secretary-General, the buck stops with him, and perhaps the General Assembly, rather than the P-5 veto powers. The way forward should be locked-in now, both for the sake of the lives of Israelis and Palestinians, peace in the region, effective multilateralism, and perhaps even the legitimacy and survival of the United Nations, and its *Pact for the Future*, and the generations to come.

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[36] The case for this was forcefully argued earlier in May of this year by Lloyd Axworthy, Allen Rock, and Michael W. Manulak in their article in Foreign Affairs, *A UN Trusteeship for Palestine – A Temporary Fix that can lead to an Enduring Peace*: https://www.foreignaffairs.com/israel/trusteeship-palestine . It had previously been proposed in 2003 by former US ambassador to Israel, Martyn Indyk.
[37] Whether or not the Israeli-annexed *Golan Heights* of Syria should be included is another matter.

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UN Emblem with low-hanging fruits (Predrag Koraksic, Belgrade, 2002)

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