

Thinking Beyond the Bush “Road Map”: Would a “Holy Land Protectorate” Work?

Thomas F. Heck

What happens when a peace scenario emerges that lies outside the discursive terms that the principal parties to a conflict have drawn? If the present Israeli and Palestinian leadership regard a *two-state* solution, as projected in the Oslo accords and as endorsed in the Bush “road map,” as the *only* possible path to peace, should the rest of the world simply stop envisioning others?

Does history give us *any* reason to hope that creating two fundamentally hostile neighboring states within the narrow confines of the Holy Land, separated by miles of barbed-wire fences, concrete walls, and watchtowers, will lead to a truly just and long-lasting peace? Will it resolve the countless gut-wrenching grievances over land seizures and bulldozed crops and dwellings? Will it be the balm needed in Gilead to soothe the pain of bereavement and despair? Will it be accepted as doing equal justice to all concerned?

Then there is the symbolism of wrapping fortress Israel in a barbed wire security fence. Auschwitz and Buchenwald were fenced, too. There are some older Jews who still remember what it was like to be cut off from the rest of the world by such cruel perimeters. Will they ever be able to accept the transformation of their state into a ghetto-like “gated community”? Do most Jews truly desire this scenario in their hearts? I have yet to meet one who is completely supportive of such an outcome.

Perhaps nineteenth-century nation-statehood, as understood by Israel’s founders in the mid-twentieth-century, is not (dare we suggest) the “final solution” that twenty-first-century Israelis would choose—if they had a choice. Uri Avnery, a prophetic Jewish dissident, characterizes today’s Israel as a *demographic* rather than a *democratic* state. As a latter-day colonial power, it has ruthlessly subjugated the Palestinians within and outside its self-declared borders. Avnery puts it this way: “Zionism was the last European national movement. Israeli colonialism, too, has come 200 years too late.”

Given the way the states of the E.U. (the very cradle of nation-statehood) are evolving toward ever-greater interdependence, a number of political analysts have suggested that the era of post-modern statehood has already begun. National borders in an expanding E.U. have become remarkably unimportant. Growing respect for human rights

and the subordination of national prerogatives to the greater good of humankind (thanks to organizations like the International Court of Justice, and treaties like WIPO, NAFTA, EFTA, and the Nuclear Test Ban Treaty) are leading to the realization that old-fashioned, self-reliant, insular, unmitigated nation-statehood has become obsolete.

Fresh thinking may be needed for the Holy Land, too, if *shalom/salaam* is ever to have a chance. Genuine peace, according to Rabbi Michael Lerner (founding editor of *Tikkun*), is not something that the present Bush “road map” will make possible for two reasons: first because Israel will never give back enough land to make a viable Palestinian state possible, and second because no settlement predicated on the prior cessation of hostilities stands a chance. Indulge me while I propose an alternative concept of political organization in Israel/Palestine: something that leaps beyond nation-statehood.

A new political paradigm

Buckminster Fuller once said, “In order to change something, don’t struggle to change the existing model. Create a new model, and make the old one obsolete.” The new paradigm being envisioned here is novel only in context, not in essence. It is based on a brilliant but little discussed diplomatic precedent: the highly successful **Antarctic Treaty** of 1959. That covenant is nearly as old as the State of Israel itself (“declared” in 1948, but amazingly still lacking a constitution). It governs an area over five hundred times as large—an area that once was threatened with claims by quite a few competing nation-states. To its credit, and the credit of its signatories, the Antarctic Treaty has been successful in keeping the peace for decades.

While the Holy Land has had chiefly two conflicting claimants, Antarctica has been the object of competing sovereignty claims by no fewer than *seven* states: Argentina, Australia, Chile, France, New Zealand, Norway and the U.K. It was only by a miracle of enlightened diplomacy in the dark days of the cold war, aided by skillful lobbying on the part of the

scientific community, that five other nations (Belgium, Japan, South Africa, the USSR, and the United States) were inspired to make common cause with the seven claimants in crafting a treaty that would simply suspend all claims of sovereignty in Antarctica in the interest of world peace and scientific progress.

A time-tested diplomatic precedent exists, in other words, whereby a group of powerful nations can settle territorial claims in a contested area by gathering together and asserting, in so many words, “since we can’t agree on who governs what in this region, we shall agree that it will be used for peaceful purposes only and not militarized (Article I). While the claimants don’t formally renounce prior claims (Article IV), the signatories shall for the duration of this treaty neither assert nor recognize any claims of national ownership in the region.”

A crucial role for “outsider” nations

The postwar British Mandate aside, why hasn’t such a collective approach, imposed from outside, been tried in the Holy Land? The first reason is no doubt that the United States and the USSR—the two superpowers in May 1948, when the State of Israel declared its existence—both granted *de facto* recognition to the new Jewish state very quickly, each for its own reasons. President Harry Truman’s motivation, according to his biographers, was his own Baptist belief that it would fulfill a Biblical prophecy. Stalin’s and Gromyko’s reasons were evidently geopolitical, if a bit convoluted: to cause an Arab backlash against England by legitimizing Israel, the fruit of the England’s own unilateral Balfour Declaration.

Other nations followed the superpowers’ lead, and by the end of 1948 twenty had recognized Israel. The lesson to remember here is that the Zionists who first declared Israel a state did not, by so doing, legitimize it. *Other* states did. The same will be true if and when the P.L.O. declares a state in whatever remains of Palestine. It still is not the declaration that counts. It’s the recognition that counts. And what can be granted can also be reconsidered, and perhaps some day even recalled.

Many unbiased observers, Jews and others alike, saw the rapid recognition of Israel as a payback to the Jewish people for what they had suffered at the hands of Hitler—Holocaust compensation in the form of a homeland, as it were. That Israeli sovereignty could be conceded at essentially no expense to the granting nations was doubtless viewed by them as advantageous. But others saw Israel differently. Additional diplomatic recognition of Israel would follow slowly in succeeding years. Even now only two of every three countries recognize Israel. Of the 191 member states of the United Nations today, fewer than 120 have diplomatic missions in Israel, according to the

Web site of Israel’s Ministry of Foreign Affairs (www.mfa.gov.il).

Imagine a scenario

Given the widespread resentment that the State of Israel has lately brought upon itself by its expansionism, its illegal settlements, its religious and racial discrimination against non-Jews, and its oppressive treatment of the native Palestinians, one may be excused for wondering whether the world’s superpowers and the neighboring states in the region could not well and wisely *undo* today what they did in 1948-50.

Imagine a scenario, in other words, whereby the leading nations of the world would put the State of Israel on notice that, effective a certain date, diplomatic recognition would simply be withdrawn, and that henceforth *no* governmental claims to territory within the Holy Land (the region of present-day Israel and Palestine) would be recognized by the rest of the world.

Imagine a scenario in which most or all the other nations of the world would agree to support and recognize only a demilitarized “Holy Land Protectorate” (HLP) under U.N. stewardship. The HLP supporters would commit themselves to a new tactic in international conflict resolution: “just saying NO” in a concerted way, on an international scale. They would agree to use every *non-violent* means within their power to transform the region of Israel and Palestine into a nation-state-free zone. They would declare it, in effect, a World Heritage site, to be governed by a document similar to the Antarctic Treaty, with a full international bill of rights guaranteed to all its residents, regardless of their faith, color, or national origin. This writer has already drafted a sample HLP treaty, online at www.holylandprotectorate.org. Excerpts are provided below, p. 4.

The concept of world citizenship

One attractive aspect of this scenario is that, in taking something arguably valuable (statehood, autonomous governance) away from the region’s residents, whether Israeli or Palestinian, it could grant them a new status which is, or could become with diplomatic consensus, much more precious: *world citizenship*, with U.N. Passports.

What might world citizenship bring to the residents of the Holy Land that Israeli or (eventual) Palestinian citizenship cannot? First, it would guarantee them worldwide acceptance, legitimacy, and freedom to

travel. U.N. “world citizen” passports, like gold VISA cards, would be honored everywhere, even in the Arab countries. Palestinians with this status could come and go freely throughout the Holy Land and abroad, provided they obtained the requisite visas. They would no longer need to worry about Israel’s preventing their return to their homes—a stratagem that Israel has used too often against Palestinians in recent years. World citizenship would level the playing field for all the residents of the Holy Land in a way that state citizenship never could.

In summary, the chief benefits of a Holy Land Protectorate for its residents would be:

- The abolition of internal borders in the region.
- Freedom of movement, freedom of religion, freedom of association, and equal rights for all residents (for the first time ever).
- The international arbitration of all disputed property claims.
- Security guaranteed by the major powers and provided by a combined international/local police presence—not by a military.

How would this differ from colonialism?

It will be argued that a U.N.-administered Protectorate would be unacceptable to the residents of Israel and Palestine because it would violate their supposedly inalienable right to self-governance. But the draft treaty proposed here (Article IV - Governance [see below, p. 4]) envisions, in fact, a tripartite governmental structure with a truly representative advisory assembly—hardly an example of denying representation to those who choose to live in a World Heritage site.

We have come a long way since the days of colonialism. This proposal is not about exploitation. An advisory assembly’s mandate would evolve as the Protectorate matured and developed. In the balance, however, life in the

Holy Land Protectorate would still differ (some might say pleasantly) from life in a conventional nation-state.

- There would be fewer taxes to pay since there would be no Army to support.
- Residents would have greater individual freedom and live in less danger than before.
- There could be Jewish (Christian, Muslim) communities and holy sites, but no religion would be favored by the U.N. administrative authority.
- There would be no military conscription.
- There would be long-term land leases instead of land ownership, translating into much more affordable housing for all.
- Housing disputes would be settled by international arbitration.
- Education could be reformed, so that the new generation in the HLP would be schooled in the ways of peace and world citizenship.

Those who prized state citizenship over world citizenship would be free to leave, of course, and could be compensated for personal property left behind.

Moving the residents to a new level

The goal of this proposal is not politics as usual. The goal is to move the inhabitants of the Holy Land to a new level, that of World Citizens. Let them be the first to transcend statehood. Let the leading nations of the world bring about a just peace in the region, first by giving it a privileged, protected, and demilitarized status; then by a process of arbitration of property claims in the context of inexpensive, long-term land leases rather than expensive land ownership. Let the Holy Land thus become a place of peaceful co-existence for Jews, Christians, and Muslims alike: a beacon on a hill, a light to the nations, and a destination of choice for pilgrims, scholars, and tourists from around the world.

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Excerpts from a DRAFT TREATY ESTABLISHING THE HOLY LAND PROTECTORATE (HLP), based on the Antarctic Treaty of 1959. The full draft, together with suggestions for an implementation strategy, can be found at www.holylandprotectorate.org.

The undersigned Governments [initially to include the United States, Canada, China, the E.U. States, the Russian Federation, Egypt, Jordan, Syria, and Lebanon. Ideally a large number of states in the Arab League, in Asia, and in the rest of the world would be among the first signatories as well.]:

Recognizing that it is in the interest of all mankind that The Holy Land, the region historically known as Israel and Palestine, should enjoy a peaceful existence and should no longer be the scene or object of international or internal discord;

Respectful of the region's special significance to three of the world's great religions, and optimistic that the provisions of this agreement will enhance free and open access to The Holy Land's sites by pilgrims and visitors from all nations and backgrounds, by enabling all and favoring none. . . .

Have agreed as follows:

Article I – Establishment of The Holy Land Protectorate

1. Effective the first anniversary of the signing of this treaty, the areas currently known as Israel and Palestine shall be named and known as The Holy Land Protectorate (HLP). No nation which subscribes to this treaty, modeled on the Antarctic treaty, shall either assert a claim of sovereignty in the region, or recognize such an assertion by any other nation. . . .

Article II – Freedom of religion; freedom of speech and movement

Freedom of religion in The Holy Land Protectorate shall be guaranteed to all residents and to all visitors; they shall also enjoy freedom of speech and movement, provided that such rights are exercised without harming others and without disturbing the peace.

Article III – Claims to land and property ownership

1. In light of the special status of The Holy Land Protectorate as a World Heritage belonging to all humankind, the signatories agree that:

a. No individuals or corporate entities may own land in the HLP. The Governor General, through the Judiciary Service, shall review Palestinian, Israeli, and other pertinent records and claims to land ownership, and shall mediate disputes that arise. The Governor General is authorized to grant renewable land leases (of up to 99 years) to those whose claims to land have merit, settling conflicting claims through arbitration by the independent Judiciary Service (Article IV). It will have broad power to grant land leases of comparable value and/or to compensate those who must be relocated in the interest of peace and justice. . . .

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations (notably faith communities) having a scholarly, cultural, or religious interest in The Holy Land.

Article IV – Governance

1. Governing Structures of The Holy Land Protectorate.

a. The Administration of the HLP, under the auspices of the Signatories acting within the framework of the United Nations, shall consist of three main branches: A Governor General (the executive), appointed by the Security Council of the U.N. and charged with maintaining peace, promoting development, and redressing grievances; an advisory Residents Assembly, to be elected to overlapping terms, proportionately representing residents of the HLP; and an independent Judiciary Service to oversee a code of civil and criminal law consistent with the Universal Declaration of Human Rights. The Housing Commission of the Judiciary Service, will have broad authority to arbitrate disputes regarding dwellings and other structures.

b. The Holy Land Protectorate shall be a demilitarized zone. Private ownership of firearms and explosives shall be prohibited. Law and order shall be maintained within the Protectorate by a multinational U.N. Police Force, reporting to the Governor General.

c. The Contracting Parties pledge themselves to the collective defense of the international borders of The HLP, and agree to send consular personnel to assist residents of the HLP with international trade, travel, cultural exchange, and so forth.

d. Official languages in the HLP shall be English, Arabic and Hebrew. The official currency shall be determined by the Administration. It may either be an international denomination, such as the Euro or Dollar, or a U.N. currency pegged to an international denomination.

Article V – Nuclear free zone

1. Nuclear weapons may not be introduced into the Protectorate or maintained within its borders. The disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article VIII are parties, the rules established under such agreements shall apply in The Holy Land. . . .