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The Palestinian-Israeli Conflict and the Requirements of a Guarantorship Model







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Introduction

Since October 7, 2023, the world has silently been witnessing one of the worst humanitarian tragedies in history like a television reality show. The long-lasting plight of the Palestinians is not a contemporary phenomenon nor did it start after the recent Hamas attack on Israel. The agony of the Palestinians has continued since the 1948 war and has taught them in the hardest possible way that they need an effective guarantorship model for a sustainable solution to their security and survival concerns.

This paper briefly examines the Palestinian-Israeli conflict and the requirement for a guarantorship model. The paper is structured into three interrelated parts. The first section sets the scene, establishing the theoretical framework and presenting certain factual realities on the ground. Understanding these is crucial for choosing a successful guarantorship model. The second section underlines key principles regarding the role and power of the possible guarantors. The third part focuses on the possible Turkish model of guarantorship by offering a historical reference to the Treaty of Guarantee and Alliance

that led to the establishment of the 1960 Republic of Cyprus. The paper concludes with a summary of the main arguments and important findings.

The objective of this paper is to put forward solid arguments stressing the need for a guarantorship model in Palestine–Israel. The guarantorship model is the only mechanism that could stop the ongoing human tragedy and violence, and pave the way for a two-state resolution to the Israeli–Palestinian conflict, which is the only sustainable, long-term solution. On a secondary level, the paper offers an analytical study that qualifies and amends a host of casual misattributions related to the Palestinian–Israeli issue, specifically by underlining marginalized and often forgotten facts about the Palestinian state.



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Historcial Background: Observations on the Palestinian-Israeli Conflict

Since the United Nations (UN) resolution on the partition of Palestine and the establishment of Israel on May 15, 1948, the Arab states and Israel have fought four times. The 1948 Palestine War was the first major war between the two sides, and resulted in Israel occupying 80 percent of Palestine and 600,000 Palestinians becoming refugees. This was followed by the Suez Canal War in 1956 and the Six-Day War in 1967 when Israel occupied the Sinai Peninsula and the Gaza Strip from Egypt, the West Bank and East Jerusalem from Jordan, and the Golan Heights from Syria. Arab states and Israel also fought in the Yom Kippur War in 1973.

In addition to these four major wars, Arab states including Palestine have confronted Israel on numerous other battlefields including the War of Attrition in 1967-70, Operation Litani in 1978, the 1982 Lebanon War, the South Lebanon conflict (1985-2000), the Gaza War of 2008-2009, the 2014 Gaza War, and finally the 2023 Hamas-Israel War that began on October 7, 2023 and is ongoing.

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There have been major wars between Arab states and Israel in every decade since 1948 and the conflict continues in different forms at present.

There have been major wars between Arab states and Israel in every decade since 1948 and the conflict continues in different forms at present. First, the current status quo is not acceptable or sustainable for either side, and there is an urgent need for a "negative peace" defined by Johan Galtung as the "total absence of any violence in all forms." Violence will only exacerbate the situation and breed new violence, while retaliation attempts will lead to further retaliations, perpetuating the vicious circle. As long as the Palestinian-Israeli conflict exists, regional tensions will never come to an end. At a joint news conference with his Qatari counterpart in Doha, Mr. Hakan Fidan, Minister of Foreign Affairs of the Republic of Türkiye, stated that the region is at a crossroads where there will be "either greater war or greater peace." Only after achieving negative peace, can both sides manage their relations positively. With the current ongoing humanitarian catastrophe, the only way forward is to stop this tragedy by introducing the military guarantorship model.

Second, history has proved in the most dramatic way—the Nakba of 1948 and the Naksa of 1967, in specific-that if Palestinians leave their homes in Gaza, they will never be allowed to return. At the end of the 1948 Palestine War, there were at least 600,000 Palestinian refugees. Similarly, the Six-Day War in 1967 created at least 300,000 Palestinian refugees. In total, after 75 years of displacement, there are approximately six million registered Palestinian refugees only in the Middle East, excluding the one and half million Palestinians who have been internally displaced in Gaza in the recent attacks. As the longest-suffering nation in the world forced into becoming refugees, Palestinians comprise the largest stateless community worldwide. These facts explain the unwavering resistance of the Palestinian people in Gaza and their insistence on staying in their homes despite one of the heaviest bombardments in history. These same facts also underline the urgent requirement of a guarantor.

Third, Israel's attack on Gaza and its war crimes against civilians are unjustifiable and must end immediately. At the time of writing this paper, the death toll has reached almost 22,500 in Gaza with women and children making up about 70 percent of those killed.⁶ Furthermore, at least 53,320 Palestinians have been injured and up to 1.9 million people, or over 85 percent of the population, have been displaced across the Gaza Strip, some multiple times.⁷ Israeli forces are also committing war crimes by striking residential buildings, hospitals, and schools, killing civilians on a mass scale and destroying essential infrastructure leaving Gaza without water, medicine, fuel, and electricity.



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Fourth, most of the mainstream media and literature downgrade the state of Palestine. Yet, the Palestinian state has been recognized as a full sovereign state by 139 of the 193 UN members. It is a member of the Arab League, the Organization of Islamic Cooperation, the Group of 77 (G77), the International Olympic Committee, the International Association Football Federation (FIFA), the International Basketball Federation

(FIBA), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the United Nations Conference on Trade and Development (UNCTAD). Palestine is party to the Rome Statue of the International Criminal Court (ICC) and is a non-member observer state of the UN, among many other international memberships. According to international law, the state of Palestine has the legal capacity and right to sign a guarantorship agreement.

Fifth, the Israeli state's resort to hard security measures cannot guarantee either the security of Israel or that of the people in the region as it diminishes Israel's economic activities and promotes an anti-Israeli sentiment both in the region and around the world.

The Arab world shares many well-established and traditional "common values" such as language, religion, ethnicity, identity, customs, ties of kinship, tribalism, extended family and relative ties, intense communication, the flow of labor and trade, historical memories, and "practicing a common way of life expressed in the form of religion and other cultural traits." Societal values, norms, principles, practices,

human relationships, symbols, and beliefs are among the determinants of culture. Culture provides basic support in different ways to societal behavior, evaluation, judgment, and actions. Thomas Weisner discusses how culture is a mix of shared values, beliefs, and activities organized in daily routines of life. Culture also includes interactional experiences that have emotional meaning and socially transmitted, intra-generationally generated ideas about "how to live and make judgments, both in general terms and regarding specific domains of life." 10

In sum, culture is the entire way of life of a society, and since cultural values are powerful, they should be taken seriously. These common denominators and the common culture of the Arab states of the Middle East are significant because, as argued by Robert B. Edgerton, there must be good social or cultural reasons "why a long-established belief or practice exists and prevails." These commonalities are still operational at the grassroots level, and the interconnection between the Arab people is based on more than simple geographical proximity. As suggested by F. Gregory Gause, III, the "events in one part of the Middle East have had

surprising and unintended consequences in the other parts of the region" as has been witnessed during the recent "Arab Spring" revolutions. 13

For a more stable regional order, the Arab leaders require the social approval of the wider regional Arab nation since the role of the state should not contradict the expectations of the people. Michael Barnett defines this as moral unity for the development of "relatively stable expectations and shared norms to govern relations." In this respect, Palestine is not only a common cause for the Arab world, but Palestinians are an integral and inseparable part of the Arab culture. If the violence continues, this network of relationships could lead not only to sociopolitical problems, but also to an economic boycott of Israel and the promotion of an anti-Israeli sentiment in the region and beyond.



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Sixth, the Eastern Mediterranean possesses a substantial amount of energy resources for self-sustenance and possible exports. As the European Union (EU) tries to decrease its dependency on Russian gas, the region has gained greater importance as a viable option for satisfying Europe's energy needs. However, the discovery of offshore hydrocarbons in the Eastern Mediterranean has exacerbated existing tensions and given rise to new challenges, by while the recent flare-up has impeded the utilization of the hydrocarbon resources and their transfer to Europe.

Last, all these events have once more demonstrated that the two-state solution is the only way forward for a just and sustainable peace in the region as put forth in UN resolutions and official EU statements. For instance, the Venice Declaration of June 13, 1980, which was the first official EU statement on the Palestinian issue, includes the following principles:

- $1. \ \ The recognition of Palestinians' right to self-determination.$
- 2. A call for an end to the Israeli occupation of Arab territories.

- 3. The condemnation of the Jewish settlements in the occupied territories.
- 4. A declaration of the Israeli legislation changing the status of Jerusalem as illegal.¹⁶

The Venice Declaration was followed by the Berlin Declaration of March 24, 1999, in which, once more, the EU explicitly recognized the Palestinians' rights to an independent state. Additionally, the Seville Declaration of June 22, 2002 stated that a settlement on the Palestinian–Israeli issue could only be achieved through negotiation with the objective of ending the Israeli occupation and the establishment of the sovereign state of Palestine based on the 1967 borders. The Seville Declaration also stated that the issue of Jerusalem and the problem of the Palestinian refugees should be solved.

Similarly, Resolution 1397 adopted by the UN Security Council at its 4489th meeting on March 12, 2002, recalls all its previous relevant resolutions, in particular Resolutions 242 (1967) and 338 (1973), affirming a vision of a region where two states live side by side within secure and recognized borders.¹⁸

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In conclusion, for a just and sustainable peace, one side should not dominate or claim legitimacy over the other and a two-state solution should be reached. The role and mission of the guarantor(s) should be utilized to move developments ahead in this direction. A two-state solution is the only way for the Israeli side to normalize its relations with the Arab world and to benefit from the economic incentives offered by both the region and the Eastern Mediterranean hydrocarbon resources.

The Role and Power of Guarantors: Key Principles

The UN peacekeeping operations, missions, or other military presences and guarantorship models offer insight into viable guarantorship options for the Palestinian-Israeli conflict; however, every conflict without exception has its own sui generis characteristics, dynamics, and solutions. Therefore, imitating or adapting other regions' military guarantorship models and solutions to the Palestinian-Israeli conflict will not bring the desired outcomes. Furthermore, the ineffectiveness and failures of the UN Security Council Resolutions and the UN Peacekeeping forces in many parts of the world drive us to consider alternative or new guarantorship models with more limited but more effective contributors and contributions.

Technically speaking, a guarantee refers to "any legally binding commitment to secure [an] object." In this respect, a guarantor is the actor who is legally bound to secure an object militarily. As the definition makes clear, initially there must be a legal agreement between the states that demands

and accepts the guarantorship mechanism. All guarantors should be involved in the process by invitation only, and should participate only after consent and an official/ratified invitation by the receiving states. Furthermore, no decision should be taken by any external states without the information and inclusion of the countries under inquiry.



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Second, the guarantor(s) should be chosen among strong, respected, and capable countries with the power of deterrence; the guarantor powers should have a strong military that will discourage the aggressor side from wrongdoing. Third, the guarantor state(s) should be determined to carry out the task at hand, i.e., the people, the public sphere, and the governing mechanisms of the guarantor(s) should give full support to the mandate which requires a financial commitment and a human risk factor. Fourth, the guarantor state(s) should have mediator capabilities and should have established communication with all the conflicting parties. Finally, the guarantor(s) should ensure that the security of one side does not create insecurity for the other.

Türkiye's Guarantorship Proposal: Lessons From Cyprus

The Republic of Türkiye is a prime candidate, or among the prime candidates, to take on the role of guarantor in the Israel-Palestine conflict. First, Türkiye has a strong historical bond with the region as its ex-ruler under the Ottoman Empire. Second, Türkiye has cultural and religious bonds with the Palestinians, and, third, the country is among the few candidates that could receive an invitation from the Palestinian state to be a guarantor. Fourth, Türkiye and the Turkish army are strong, respected, and capable of acting as a guarantor with a deterrence power. Fifth, Türkiye is ready to carry out this difficult task with support from the Turkish nation, the public sphere, and the country's decision-making mechanisms. Finally, Türkiye possesses mediator capabilities and is in direct communication with all the conflicting parties.

Based on all the above, Türkiye has made a strong and viable proposal for guarantorship to end the vicious cycle of violence between Israel and Palestine.²⁰ According to this model, initially, the conflicting parties should reach an agreement to

activate this mechanism with the responsibility to ensure its implementation. Second, there must be multiple guarantors; one guarantor should only operate in Palestine while other guarantors should only operate in Israel. Mr. Hakan Fidan, Minister of Foreign Affairs of the Republic of Türkiye, has suggested that the countries that will be the guarantors on the Palestinian side must be from the region, and that Türkiye is ready to be the guarantor of the state of Palestine. Finally, Türkiye has underlined that guarantors should pave the way for a two-state solution since there can be no sustainable peace in the region without an independent and sovereign Palestinian state.

At the current stalemate, this proposal could arguably be the most viable option to stop the violence and human tragedy that is occurring in the region. The details of the agreement are open to negotiations; however, it is imperative that a regional conference be convened immediately for a ceasefire.



The Treaty of Guarantee and Treaty of Alliance (1960) which led to the establishment of the Republic of Cyprus, now a defunct republic, could offer valuable insights for the guarantorship mechanism in the Israeli-Palestinian context.

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Article II of the Treaty of Guarantee declares that the guarantors recognize and guarantee the "independence, territorial integrity and security of the Republic of Cyprus." Article IV, the most noteworthy point of the Treaty of Guarantee, states that "in the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together" to protect the provisions of the agreement. It goes on to state that if common action is not possible, then "each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty."

The provisions in these two articles of the Treaty of Guarantee could benefit a guarantorship model for Palestine and Israel. For instance, guarantor powers should ensure the independence, territorial integrity, and security of the recipient states, and should be able to resist any direct and indirect aggression against the independence or the territorial integrity of the states under their guarantorship.

Although the Treaty of Guarantee provided assurances for the maintenance of the independence, territorial integrity, and security of the Republic, the Treaty of Alliance, which did not have a direct connection with the Treaty of Guarantee, envisioned specific arrangements for the troops of the guarantor powers. Thus, similar to the Cyprus experience, two different treaties could be signed by the recipient states—Israel and Palestine—and the guarantors for defining the mandate, size, and operations of the military units stationed in the recipient countries.

For a successful guarantorship model for Palestine and Israel, first, there should be adequate troops for each contingent guarantor power to carry out the task at hand. Similar to the Treaty of Alliance in Cyprus, the size of the troops of the guarantor powers could be arranged according to the populations of the recipient states. For instance, in Article

1 of the Additional Protocol of the Treaty of Alliance, it is stated that the Greek and Turkish contingents will be composed of 950 Greek officers and 650 Turkish officers, respectively. It is also stated that the president and the vicepresident of the Republic of Cyprus may request the Greek and Turkish governments to increase or reduce the Greek and Turkish contingents. Although these numbers were not adequate for guarantor powers to carry out their duty fully, they are significant in terms of reflecting the ratio of agreement between the two sides. In the 1960 Republic, although the constitution allocated 70 versus 30 percent distribution of seats in the Council of Ministers, legislature, and administration, due to its crucial importance, the ratio for the army was 60 to 40 percent, which applied to the number of Greek and Turkish contingents and led to the number of Turkish military officers being 650 out of 1,600.

Second, Article 4 of Additional Protocol I annexed to the Treaty of Alliance states that the guarantor powers "Greece and Turkey shall participate in the Tripartite Headquarters," and Article 5 of the Treaty of Alliance declares, "The Command of the Tripartite Headquarters shall be assumed in rotation,

for a period of one year each, by a Cypriot, Greek and Turkish General Officer, who shall be appointed respectively by the Governments of Greece and Turkey and by the President and the Vice-President of the Republic of Cyprus." Furthermore, Article 4 of Additional Protocol I declares, "The Greek and Turkish contingents will arrive in Cyprus on the date of signature of the Treaty of Alliance," and Article 1 of Additional Protocol II states, "A Committee shall be set up consisting of the Foreign Ministers of Cyprus, Greece and Turkey" and "Decisions of the Committee of Ministers shall be unanimous."

Borrowing from these provisions for the sustainability of a possible Palestine-Israel guarantorship model, a "Quadruple Headquarters" mechanism could be formed with a rotating presidency between Palestine, Israel, and the guarantor powers. Furthermore, the contingent guarantor powers should arrive in the area without any delay on the date of the signature of the Guarantorship Treaty, and a committee should be set up consisting of the foreign ministers of Palestine, Israel, and the guarantor powers to monitor and rule the guarantorship system.

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A credible military guarantee can achieve lasting peace and lead to much-needed regional political stability.

A credible military guarantee can achieve lasting peace and lead to much-needed regional political stability. Both sending and receiving governments should accept that a guarantor in post-conflict regions like Palestine and Israel could be mandated to operate for an initial period of at least ten years with the possibility of extending this to a longer period.

Conclusion

Violence-oriented security frameworks, actions, and policies construct their own normative system which becomes the instrumental modus operandi. Military conflict and violence destroy both physical and social infrastructures, encouraging an array of criminal activity whose victims are mostly civilians. Moreover, resorting to military actions exacerbates new conflicts and harms all parties.

Violence constructs its own normative system that produces and reproduces similar responses and retaliation. The cycle of violence is thus perpetuated and neither of the conflicting parties ends up stronger or more secure. Conflicts divert resources and hinder progress in all fields by creating high levels of uncertainty. What is more, the Palestine-Israel conflict is not restricted to these two geographies, but bears the risk of spreading to neighboring countries. As long as the Palestinian-Israeli conflict continues to generate insecurity, both Palestinians and Israelis will live in perpetual violence and instability.

Contemporary history suggests that there are no security guarantees anywhere in the world. There are innumerable promises, commitments, principles, and even international agreements that have been widely violated. However, it is time for action, not words, to stop one of the worst humanitarian tragedies in history. In this vein, Türkiye has made a strong and viable proposal for guarantorship to end the vicious cycle of violence between Israel and Palestine.

Several small but meaningful steps could make a big difference. First, an international conference should be convened with the attendance of both sides and possible guarantor powers. Then, the mandate of the guarantor powers should be defined, and they should arrive in the area without any delay on the date of signature of the Treaty of Guarantorship.

Mr. Hakan Fidan, Minister of Foreign Affairs of the Republic of Türkiye, has highlighted that despite their continuous pursuit of security, neither the Palestinians nor the state and people of Israel will ever feel secure without an effective guarantorship mechanism.²¹ The ongoing dramatic events have once again demonstrated to the whole world that there can be no just and sustainable peace in the region without an independent and fully sovereign Palestinian state.

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About SAM

Center for Strategic Research of the Ministry of Foreign Affairs of the Republic of Türkiye (SAM) is a think-tank and a research center which is chartered by law and has been active since May 1995. SAM was established as a consultative body to provide Turkish Foreign Policy decision makers with scholarly and scientific assessments of relevant issues, and reviews Turkish foreign policy with a futuristic perspective.

SAM conducts research, organizes scholarly events relevant to the ever expanding spectrum of Turkish Foreign Policy in cooperation with both Turkish and foreign academicians, its counterparts from around the world as well as various universities and government agencies. SAM provides consultancy to the foreign ministry departments as well as some other state institutions in foreign policy issues while also establishing regional think-tank networks.

In addition to its role of generating up-to-date information, reliable data and insightful analysis as a think-tank, SAM functions as a forum for candid debate and discussion for anyone who is interested in both local and global foreign policy issues. Increasingly, SAM has become a center of attraction since it successfully brings scholars and policy makers together for exchange of ideas in panels, in-house meetings, seminars and training programs for young diplomats.

SAM has a widening range of publications. Along with its traditional publication, Perceptions, which is a quarterly English language journal that hosts distinguished Turkish and international scholars within its pages, SAM recently initiated Vision Papers which expresses the views of the H.E. Foreign Minister and SAM Papers that will cover the current debates of foreign policy by various scholars.

With its commitment to contribution to the body of knowledge and constructive debate particularly in Turkish Foreign Policy, SAM will continue to serve as an indispensable think-tank and research center given its role promoting interaction and mutual benefits among the MFA, NGOs, other think-tanks and the broader scientific community and hence strengthen the human and intellectual capital of Türkiye.



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