



# Rescuing Israeli–Palestinian Peace

## The Fathom Essays 2016–2020

DENNIS ROSS

SARAI AHARONI

HUSSEIN AGHA

AMOS GILEAD

EINAT WILF

YOSSI KUPERWASSER

KOBY HUBERMAN

SARA HIRSCHHORN

MOHAMMED DAJANI

DORE GOLD

JOHN LYNDON

AYMAN ODEH

CALEV BEN-DOR

ASHER SUSSER

MICHAEL KOPLOW

NAFTALI BENNETT

JACK OMER-JACKAMAN

SHAUL JUDELMAN

DAHLIA SCHEINDLIN

HUDA ABU ARQOUB

ALI ABU AWAD

YAIR HIRSCHFELD

YOSSI KLEIN HALEVI

ORNA MIZRAHI

SETH ANZISKA

ALEX RYVCHIN

MICHAEL HERZOG

TONY KLUG

AZIZ ABU SARAH

MICAH GOODMAN

SHALOM LIPNER

GILEAD SHER

MICHAEL MELCHIOR

KRIS BAUMAN

DORON MATZA

NAVA SONNENSCHNEIN

HUSAM ZOMLOT

TIZRA KELMAN

KHALED ELGINDY

JOEL SINGER

ZIAD DARWISH

TOBY GREENE

LAUREN MELLINGER

GRANT RUMLEY

AMIR TIBON

ILAN GOLDENBERG

MEIR KRAUSS

SHANY MOR

DAVID MAKOVSKY

NED LAZARUS

ORNI PETRUSHKA

ODED HAKLAI

GERSHON HACHOEN

NOAM SCHUSTER-ELIASSI

Edited by Alan Johnson, Calev Ben-Dor and Samuel Nurdin

# ENDORSEMENTS

For those convinced of the continuing relevance to global peace and security of a resolution to the issues between the Palestinian people and Israel, Fathom provides an invaluable and widely drawn set of essays at just the right time. With a focus and interest recently enhanced by dramatic and significant events, these differing points of view and suggestions for progress make a great and thoughtful contribution. **Rt Hon Alistair Burt**, UK Minister for the Middle East and North Africa 2010-13, and 2017-19; Distinguished Fellow, RUSI

Israelis and Palestinians are not going anywhere and neither can wish the other away. That, alone, makes a powerful argument for a two states for two peoples outcome to the Israeli-Palestinian conflict. In *Rescuing Israeli-Palestinian Peace 2016-2020*, one can read 60 essays looking at every aspect of two states and how they might be achieved. The recent breakthrough between Israel and the UAE and Bahrain are very significant, particularly as they show how the region is changing and that wider peace between Israel and the Arabs is possible. Even if Palestinians should be mindful of the risk of being left behind, Israelis should also be mindful that these agreements can't substitute for an understanding with the Palestinians. Ultimately, a two state outcome is the only answer to satisfy the national aspirations of both Israelis and Palestinians. **Ambassador Dennis Ross** is counselor and William Davidson Distinguished Fellow at The Washington Institute for Near East Policy.

If you are a stubborn two-stater, like me, here is everything you need to know--and everything you need to worry about. This is a remarkably inclusive collection put together by remarkably fair-minded editors. **Michael Walzer**, Professor Emeritus at the Institute for Advanced Study in Princeton, New Jersey, and editorial board member of *Dissent* magazine.

BICOM and Fathom facilitate meetings between the two sides, scrutinise what went right and what went wrong in the process of negotiations over the past two decades. Only by understanding the other and accepting the others existence can the Arab-Israeli conflict be solved. BICOM and Fathom are leading both of us closer along that route. BICOM and Fathom have leverage that many lack and serve as one of the major catalysts that can remove obstacles on the road to peace. **Elias Zananiri** is Vice-Chairman of the PLO Committee for Interaction with the Israeli Society. He is a former journalist and spokesperson for the PA's Ministry of Interior and Internal Security.

Fathom is a beacon of light in difficult times. 'Two states for two peoples' remains a vital interest for the State of Israel and Fathom promotes a creative, yet practical discourse that contributes towards that goal.' **Prof. Jonathan Rynhold**, Director, Argov Center for the Study of Israel and the Jewish People, Deputy Head, Dept. of Political Studies, Bar-Ilan University.

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## INTRODUCTION

FATHOM EDITORS

Welcome to *Rescuing Israeli-Palestinian Peace: The Fathom Essays 2016-2020*. *Fathom* is the journal of the Britain Israel Communications and Research Centre (BICOM). We publish this collection of over 60 articles and interviews at a significant time in the region, following the recent normalisation deals between Israel, the UAE and Bahrain.

Whether they constitute a ‘pivot of history’ and a ‘new dawn of peace’ as Israeli Prime Minister Benjamin Netanyahu claimed remains to be seen. But in any event, the agreements represent an important milestone, seemingly changing ‘accepted wisdom’ for how Israeli-Palestinian peace could be forged. The Palestinians’ veto on regional normalisation has collapsed – the road to Abu Dhabi (and potentially Riyadh) no longer pass through Ramallah. But while some argue the Palestinian issue has now become peripheral, we at *Fathom* believe that finding a way to fulfil Israelis and Palestinians legitimate rights for self-determination in their historic homeland remains crucial. Even if the road to regional normalisation and peace does not initially pass through Ramallah, it remains a crucial stop somewhere along the journey.

The normalisation agreements – as well as Netanyahu’s annexation threats and the Trump administration’s plan that preceded them – came at a time of general malaise in the so-called peace process. The failure of three rounds of negotiations – Oslo/Camp David, the Annapolis process and the John Kerry talks – led many to believe that no zone of possible agreement exists between the sides. The unstable regional environment following the ‘Arab Spring’ and Palestinian political dysfunction made Israelis more suspicious of compromise. And the rise in strength of the Israeli right-wing – with its emphasis on rejecting an independent Palestinian state – increased consternation that the two-state solution model was on life support.

As strong supporters of the principle of ‘two states for two peoples’, *Fathom Journal* and BICOM have been deeply engaged in Israeli-Palestinian peacemaking for many years. (for an earlier Ebook on this topic published in the summer of 2015, see [Two States for Two Peoples – 20 Years after Oslo II: How to renew the peace process between Israel and the Palestinians](#)). In the latter part of 2016, we facilitated – alongside Chatham House – a series of confidential, track-two dialogues between current and former Israeli and Palestinian officials and academics designed to explore new thinking and provide a detailed critique of different ideas. Since its creation in 2013, *Fathom* has prioritised publishing important and influential Israeli, Palestinian, and international voices deeply involved in the negotiations, or in peacemaking, who have been eager to reflect on

what has gone wrong so far and suggest ways for moving the process forward. The essays in this collection appeared in the journal between 2016–2020 and reflect a wide range of ideas about the ongoing conflict. This diversity has been a central part of the *Fathom* project since its creation in 2012 as we strive to create a space in which different perspectives are respectfully debated.

**Part 1** includes essays analysing the events of the past year – the normalisation agreements, Netanyahu’s annexation talk, and the Trump Plan. **Koby Huberman** believes the agreement constitutes a potential game-changer for the region and if utilised correctly, could be the kickstart to a new initiative for a regional dialogue between Israel, the Palestinians and Arab states for the advancement of the two-state solution.

In an Open Letter following Prime Minister Boris Johnson’s warnings against annexation, **Yossi Kuperwasser** argues the unilateral application of sovereignty is necessary to move the peace process forward; **Dore Gold**, former Director General of the Foreign Ministry and long-time advisor to Prime Minister Netanyahu, sets out the case for Israel applying sovereignty. Drawing on his decades of experience in the security establishment, **Amos Gilead**, warns of the local, regional and international dangers of Israeli annexation; and **Calev Ben-Dor** reviews the Israeli debate about annexation and likely international reactions to it as well as mapping out the reasons for the its political rise in influence.

**Alex Ryvchin** argues the Palestinian rejection of the Trump plan is yet another catastrophic strategic mistake and once again represents the choice of ‘cause’ over statehood. Critical of the plan is **Jack Omer-Jackaman** who believes it to be an affront to Palestinian national rights and to a just Zionism; **John Lyndon**, who sees it as draining the two-state solution and the very idea of peace of all meaning and **Michael Koplow** who claims its construction and release could provide fuel for even more damaging developments.

**Part 2** focuses on the (sometimes faulty) underlying assumptions of the political process. **Toby Greene** emphasises the importance of UN Security Council Resolution 242, which sets out rights and responsibilities for each side and anchors a requirement for an Israeli territorial withdrawal with the simultaneous reinforcement of Israel’s legitimacy and security. **Yossi Klein Halevi** argues that both sides need to stop the war on the legitimacy of each other’s narrative while offering a radically new kind of Israeli-Palestinian conversation about the conflict based on respect and deep mutual recognition. **Orna Mizrahi** details the factors in the Israeli-Palestinian arena, the region, and the international community that have disincenitised the sides to renew negotiations. **Toby Greene** describes the spectrum of opinions on the two-state solution amongst Israelis.

Two essays analyse the flaws of the traditional peace process paradigm which began in 1993. **Einat Wilf** writes that ‘Constructive Ambiguity’ ultimately became destructive and instead advances a model of ‘Constructive Specificity’, especially regarding final status issues such as Palestinian

refugees and Jerusalem. **Rabbi Michael Melchior**, a former Deputy Foreign Minister, points to another lacuna of the peace process, namely the exclusion of religious leaders, and argues that religion can be a source of peace.

The erosion of the classic paradigm, which posited bilateral negotiations based on an ‘all or nothing’ agreement, has led other ideas to take centre stage in Israeli policy circles. **Koby Huberman** lays out a plan for including Arab states in Israeli-Palestinian talks so as to create greater incentives for mutual compromise. **Asher Susser** explains why the peace process is stuck and explains the logic behind Israeli unilateral moves. Former Defence Minister **Naftali Bennett** details his ‘Stability Plan’, which involves gradually applying sovereignty over Area C and giving the Palestinian ‘autonomy on steroids’. From the other side of the political spectrum, **Dahlia Scheindlin** explains how she came to support a confederative approach. **The Israeli-Palestinian peace process: towards a hybrid approach** summarises conversations from the Track 2 dialogue facilitated by BICOM and Chatham House in 2016 and suggests a hybrid approach, combining different strategies as a potential way forward. And **Shany Mor** provides a compelling critique of the one state proposed by Peter Beinart (amongst others).

The many structural and ideological differences preventing a peace agreement coupled with increased fears of the slide towards a binational reality have driven policymakers and thinkers to prioritise keeping the ‘two-state solution window’ open. In separate essays, **Dennis Ross** and **Michael Herzog**, both veterans of negotiations spanning three decades, lay out ideas for what can and should be done now even without a return to bilateral negotiations. And **Micah Goodman**, author of the best seller *Catch 67, The Left, the Right, and the Legacy of the Six-Day War*, recommends specific Israeli policies that can shrink the occupation, even if ending it is not possible for the time being.

The section ends with two essays from different sides of the political spectrum. Writing ‘in praise of the status quo’ **Shalom Lipner** says the current situation is the best that can be hoped for the time being; and **Tony Klug** argues that while a two-state solution is the only plausible solution, it may no longer be feasible.

**Part 3** focuses on Palestinian perspectives and the future of the Palestinian National Movement. **Husam Zomlot**, head of the Palestinian Mission to the UK, argues that the international community needs to play a more active role in the peace process. **Lauren Mellinger** identifies the constitutional crisis awaiting the Palestinians in the ‘After Abbas’ era, and the likely strategic direction the national movement may take. **Hussein Agha**, an advisor to Mahmoud Abbas and former negotiator, lays out the problems of the traditional peace process and seeks to chart a path forward. **Ayman Odeh**, the leader of the primarily Arab ‘Joint List’ in the Knesset, describes his vision for the Arab-Palestinian minority within Israel. **Khaled Elgindy** discusses his book *Blind Spot: America and the Palestinians, from Balfour to Trump* and describes the approaches that American administrations have taken to the Palestinians. **Ziad Darwish** warns that the time to

rescue the two state solution is running out. In separate interviews, activists **Aziz Abu Sara** and **Ali Abu Awad** describe their journeys towards peace activism, while Professor **Mohammed Dajani-Daoudi** talks about his ideas to revive the Palestinian peace camp.

**Doron Matza** analyses the fraught relations between the Government of Israel and the Palestinian Authority, arguing that it actually reflects an informal ‘deal’ which includes turning the diplomatic arena into an ‘agreed conflict zone’. The last two essays in this section focus on President Mahmoud Abbas and the likely future of the Palestinian National Movement after he leaves the scene. **Grant Rumley and Amir Tibon**, the authors of *The Last Palestinian: The Rise and Reign of Mahmoud Abbas*, critically review the events that have shaped the political thinking of the Palestinian President, and assess the legacy he is likely to leave behind.

**Part 4** drills down into the main core final status issues. **Kris Bauman and Ilan Goldenberg**, as well as **Michael Herzog** and **Gershon Hacohen** discuss Israeli security concerns and potential parameters for a security regime in a peace agreement. **Einat Wilf** explains why the United Nations Relief and Works Agency (UNRWA) perpetuates, rather than alleviates, the conflict by encouraging what she terms ‘Palestinian maximalism’. **Meir Krauss**, former head of the Jerusalem Institute for Policy Research, sketches contours for a potential agreement in the city. **David Makovsky** discusses settlements in the West Bank, warning that while they have not yet precluded separation between Israelis and Palestinians, the ‘door won’t always remain open’. **Orni Petrushka and Gilead Sher** (himself a former negotiator at Camp David), believe settlements have not made peace unachievable and present a plan to bring settlers back to within the Green Line. **Sara Hirschhorn** argues that in many cases, the American Jews who moved to the West Bank and Sinai in the early decades after the Six-Day War thought of themselves as idealists and liberals seizing an historic opportunity to create a ‘city on a hilltop’. **Oded Haklai** explains that the longer Israel holds on to the territories, the greater the number of Israeli Jews who accept control over them as the natural state of affairs.

**Part 5** examines the importance of people-to-people peacemaking. **John Lyndon** argues that if the peace camp is to return to its height of the early 1990s, it must heed the lessons of long-termism adopted by the settler movement and re-learn how to implement real change in Israel. **Noam Schuster-Eliassi**, a graduate of the ‘School of Peace’ lays out principles for the Israeli peace camp to rebuild itself and expand its ranks. **Nava Sonnenschein** explains how she came to build ‘School for Peace’ and believes that Israel will eventually have to come to terms with its past if it wants to make peace and fulfil the Zionist dream of her parents. **Shaul Judelman** speaks about grassroots work to empower moderates and his journey to non-violent peace activism. We conclude this section by publishing the Executive Summary of a major *Fathom* report, written by **Ned Lazarus**, reviewing the history and current state of peacemaking and recommending a strategy for future progress. The full report is available online: [A future for Israeli-Palestinian peacebuilding](#).

**Part 6** looks at a range of feminist perspectives, Israeli and Palestinian, on peacemaking and the peace process. **Sarai Aharoni** discusses feminist peace movements and women's participation in negotiations and decision making. **Huda Abu Arqoub**, the regional director of the Alliance for Middle East Peace (ALLMEP), talks about the challenges faced by a Palestinian feminist engaged in conflict-resolution activism; and **Tirza Kelman** reports on an organised visit to Northern Ireland to learn about what the peace process there can teach Israelis and Palestinians.

**Part 7** takes a retrospective look at the Oslo Accords. **Joel Singer**, legal advisor to the Israeli delegation, provides his personal recollections of the Oslo process, **Yair Hirschfeld**, one of the two Israeli academics who engaged in initial conversations with the PLO, analyses lessons learned from that time; and **Gilead Sher** warns of the dangers of terminating the Accords. This section also includes a debate surrounding **Seth Anziska's** book *Preventing Palestine, A Political History from Camp David to Oslo*. The book claims that the architecture of the Camp David Accords between Israel and Egypt undermined the possibility of meaningful sovereignty for Palestinians, although **Joel Singer** and **Yair Hirschfeld** – who were heavily involved in these accords – take issue with this argument.

We don't expect readers – however avid – to go through all 462 pages! But with major changes afloat and traditional thinking in flux, we hope policy makers will find this collection useful in forging a path that offers a better future for Israelis, Palestinians and the entire Middle East. Ultimately, even with the many problems surrounding the two-state paradigm, we don't believe any real-world alternative exists that can better fulfil the hopes and aspirations of both peoples.

Calev Ben-Dor, for the Editors

Professor Alan Johnson is the founder and editor of *Fathom*.

Calev Ben-Dor is a former analyst in the Policy Planning Unit of the Israeli Foreign Ministry and former Director of Research at BICOM. He is currently Deputy Editor of *Fathom*.

Samuel Nurdling is the research associate for BICOM and Deputy Editor of *Fathom*. He is also a consultant for a Middle East political risk consultancy.

## Part 1

# 2020: The Year of the Trump Plan, Annexation Threats & Regional Normalisation



## THE UAE-ISRAEL DEAL: LIKE A BRIDGE OVER TROUBLED SANDS

KOBY HUBERMAN

*Koby Huberman is co-founder of the Israeli Regional Initiative Group, which advocates a regional approach for a two-state solution and end of the Israeli-Arab conflict. In this insightful essay, Koby explains how the Israel-UAE agreement is a potential game-changer for the region and if utilised by the parties correctly, could kickstart a new initiative for a regional dialogue between Israel, the Palestinians and Arab states for the advancement of the two-state solution. (September 2020)*

The UAE-Israel normalisation agreement, which was announced on 13 August 2020, is a real ‘line in the sand’ in the Arab peninsula deserts, and in fact in the entire Middle East. Many traditional paradigms shifted that day, as the agreement broke the basic assumption that normal relations between Israel and Arab Gulf states can be established only when a Palestinian state is formed, as stipulated in the 2002 Arab Peace Initiative (API).

I believe this is a historic event which cannot be under-estimated. For more than 10 years my colleagues from the Israeli Regional Initiative Group have passionately promoted the idea that the way to solve the Israeli-Palestinian conflict requires the engagement of moderate Arab states. We believed that the only way to reach the two-state solution (which is the most desired end-game for the conflict) is by embedding it in a regional framework that engages Arab states and Israel in a number of agreements – to foster regional security, regional economic development and regional normalisation. (For more on this see my *Fathom* [essay](#) from Spring 2017)

### A WIN-WIN-WIN SCENARIO

In my discussions with senior Emiratis over the past few years, I realised that they are committed to the same geo-strategic objectives as Israel, as well as being concerned by the same threats: blocking Iran and its regional proxies; combatting terror and fundamentalism; and recently, confronting Turkish and Muslim Brotherhood’s aspirations in the region. Furthermore, we also saw the looming risks and threats of the Middle East’s failing economies, which will drive millions of young people to life of poverty, no hope, no education – and eventually pushing them to fundamentalism, terror organisations and fanatic extremism.

Yes, the agreement represents a triple win-win-win deal, with immediate political gains for all

parties. Prime Minister Benjamin Netanyahu and Israel win a major step forward in the effort to normalise relationship with the Arab world and strengthen Israel's position vis-à-vis Iran and other shared threats. Crown Prince Mohammad Bin Zayed and the UAE scores a huge achievement in showing the Arab world and the Palestinians in particular, that it was able to eliminate the risk of unilateral annexation, upgrade its relationship with Israel and capitalise on its brave move in terms of US military support as well as international diplomatic clout (in fact, the agreement arguably turned the UAE into the shining star of inspiration for a hopeful, reasonable and pragmatic Middle East). And finally, President Donald Trump and the US are able to show a major diplomatic achievement – perhaps the only one during Trump's first term.

Yet the normalisation agreement this is not just a tactical step that serves short-term objectives. It is a substantial evidence of two key trends that have emerged in the region during the past two decades, combined with a third recent game changer:

- Israel is now an unshakable reality in the Middle East – it is respected and accepted by major regional forces. Note, that out of the Arab Quartet countries, Israel now has peace treaties with three (Egypt, Jordan and the UAE), while only Saudi Arabia is still out (while keeping its informal relations quietly beneath the table).
- Geo-strategic and economic interests matter more than ideology – the UAE followed a pragmatic calculation of its own interests and was less concerned by the Arab League's 'rules of non-engagement' with Israel, as stipulated in the API.
- The COVID-19 pandemic changes the agenda of the regional players, as they need to build healthcare, food security, water, scientific and technology cooperation. The realisation of this new reality requires thought leadership and bravery to overcome past paradigms.

Yet, one conclusion should not be drawn out of this surprising move: *we must not assume that the Palestinian cause will now be brushed aside and left behind.* The Emiratis clearly understand that Netanyahu has little appetite, if any, towards reaching a two-state solution. At the same time, they also know that the current Palestinian leadership is incapable of making the right and tough decisions. So, instead, they smartly chose to prevent the annexation threat (permanently or at least for a reasonable timeframe), thus securing a lifeline for the two-state concept, realising that only new circumstances will be required to push it forward. And most probably, different leaders.

While we should definitely celebrate the deal and look at it as a historic event, we cannot ignore the Palestinian issue. First and foremost, it has significant and risky implications on the future nature and identity of Israel, and Israel's own interest is to find a solution to the Palestinian conflict – in order to prevent a one-state reality with no Jewish majority between

the Jordan River and the Mediterranean. Clearly, the current Palestinian leadership has consistently refused to engage and thus led its people to a frustrating crisis. Yet, the inability of the Palestinian leadership to offer a reasonable path forward, or to accept the changing realities of the region, cannot be a reason to celebrate. Instead, we need to find a way to reframe the path forward, and maybe even recalibrate the timeline, the model forward and the diplomatic choreography – but we still need to address it as a strategic interest of both Israel and its regional partners.

Thus, two-state proponents need to focus their energy on the next steps, rather than just analysing what happened and the reasons for the move. The shifting sands in the region might turn into sandstorms, and here, both Israel and the UAE have a real opportunity to join forces and stabilise the region by building bridges over troubled sands.

## **BUILDING NEW BRIDGES**

Both Israeli and Emirati diplomatic architects and strategists should be looking at three dimensions going forward, and creatively think about building three bridges:

- *The bilateral dimensions:* Israeli peace agreements with Egypt and Jordan have failed to achieve their full potential. While these peace treaties are vital for the security of the region, Israel, Egypt and Jordan, they have not yielded the expected benefits simply because of the failure on the Israeli-Palestinian front. The challenge would be to build bridges of peace and normal relations between UAE and Israel *despite* the frozen peace process. Furthermore, there is a need for a careful, controlled and gradual build-up of relationships between the two countries. Israel and the UAE, as states and societies, have a lot in common but also significant differences – and both sides would be wise to acknowledge and respect these differences. The good news is that I believe both sides are very realistic and pragmatic, with less ‘romantic’ perspectives of each other. Building the bilateral bridge is key to success.
- *The regional dimensions:* The UAE and Israel need to join forces and think about creative ways to increase regional stability and security as a whole. As they look at the security landscapes, they will see multiple frontiers with threats and the potential for violence. Thus, both countries will need to re-think about new and sometimes quiet diplomatic cooperation in order to address these threats. The two countries will need to agree on a shared strategic agenda to *build bridges of regional security* – to confront shared threats (Iran and proxies, terror organisations, Turkish aspirations and instability in Lebanon, Syria, Libya and Yemen). In addition to building a regional security platform quietly and effectively, the two countries should join forces to foster economic development and support weak regional economies as a means to ensure security and stability. Thus, building a solid regional bridge should be a shared objective for the two countries.

- *The Palestinian dimension:* As stated above, while both countries may avoid any effort on the Palestinian front in the short term, I believe that they cannot and should not ignore it. This was one of the key messages that the UAE leadership have pushed recently. On the contrary, they should re-think and find a way to address the Palestinian problem and build a *bridge towards the two-state solution*.

Indeed, this is the toughest bridge to build, yet it is the one real challenge that the two countries could address with fresh approaches. But how can such a bridge be conceptualised?

A new bridge towards potential solution for the Palestinian problem

First, the parties should have no illusions. There is little chance to bring Israelis and Palestinians to the negotiation table and reach a permanent status agreement at this stage. The reasons are pretty obvious – no strategic motivation, huge gaps between the parties, and the ‘convenience of no progress’ syndrome – i.e., both parties see fewer risks in the status quo compared to engaging in negotiations, let alone compared to a scenario of a yet another failure of talks. Thus, it would make no sense to set a target of reaching a full-fledged peace agreement between Israelis and Palestinians.

On the other hand, I believe there is an opportunity to leverage our new reality and offer a roadmap towards peace. Here I present a set of possible principles that could form a bridge towards the two-state solution, which may be reached within a few years and will be implemented in steps. These principles could be driven and orchestrated with the Arab states via the UAE, and in coordination with Israel. The proposed principles are:

1. Present the *new objective as a regional roadmap* towards implementing a negotiated regional package deal with the two-state solution at its core.
2. Create a *new diplomatic architecture* which will include Israel, the Palestinians and the Arab Quartet countries with international support from the US, Russia and the EU. The diplomatic process should also be revised, in order to allow for a gradual, reciprocal, partial and parallel progress in both the Israeli-Palestinian track and the Israeli-Arab states track. In fact, the UAE peace agreement demonstrated just that: it rewarded Israel for taking annexation off the table.
3. Offer a fresh *political horizon* to provide the Palestinians with reasonable clarity that the two-state solution is the endgame of the roadmap. The horizon should be based on a new formula – that will be a compromise between the API parameters and the parameters offered in the Trump Plan. Indeed, the API should be revised and extended if it were to be kept as an umbrella for negotiations, while widening flexibility on the final parameters, taking into consideration the offers in the Trump Plan. As long as the Trump Plan is on the table, it will serve as a framework of reference, and the Palestinians can improve some of its parameters only if they are eventually going to engage. Hence, the political horizon

could be phrased as follows:

**A Regional Framework for two states, regional agreements on normalisation, security, and economic development – as a compromise between the Trump Plan and the API.**

4. On that basis all sides should push and motivate the Palestinian leadership to be part of the process. Even if they say no, the parties should continue their efforts to drive a new reality and expect the Palestinians to join, probably after new leadership is elected.
5. Identify areas for immediate security improvement and stabilisation, primarily in Gaza and the West Bank.
6. Agree on the principle of no irreversible steps taken unilaterally by either party – no annexation or settlement expansion by Israel, and no dissolving of the Palestinian Authority.
7. Offer a scheme of reciprocal gestures/diplomatic moves/transactional steps taken by some of the Arab states towards Israel, tightly linked to progress between Israel and the Palestinians. The principle is that progress on one front – even a tactical Israeli gesture towards the Palestinians – is rewarded by other Arab states (such as Oman, Bahrain, Sudan, Morocco and eventually Saudi Arabia). If preventing annexation was the price set by the UAE for its normalisation (rather than a full-fledge two-state agreement as stipulated by the API), one could think about other smaller steps taken by Israel, rewarded with small diplomatic, commercial and security coordination steps by certain Arab states.
8. Offer bottom-up state building initiatives to strengthen the Palestinian economy and its institutions.
9. Harness public opinion towards supporting bold steps by showing the tangible benefits of progress to all parties
10. When circumstances are ripe, and leaders are willing to seriously negotiate permanent status agreements, drive bilateral and regional negotiations on all Israeli-Palestinian core issues with the Palestinians and the relevant parties from the Arab world. In addition to the resolution of the core issues, the regional negotiations will be used in order to build detailed agreements on how Israeli concessions to the Palestinian will be rewarded with concrete elements of normalisation once a two-state agreement has been reached.

As this article is being written, we are already busy working with regional interlocutors on a more detailed plan to implement the above proposed scheme. We hope to offer the UAE, Israeli and other regional governments some food for thought and convince them to act since we are not willing to accept the status quo and its potential implications as the only way forward.

If Israel and the UAE are able to smartly build these bridges, they will drive significant progress towards the ‘regional package deal’ with the two-state solution at its core – and moreover, they will present a role model for other Arab countries to consider and walk the same path towards Israel.

Building bridges is a tough challenge, especially over troubled and shifting sands. Yet, the new agreement between the UAE and Israel could mark the beginning of a new era in the region’s diplomatic and geo-strategic evolution – and the opportunity must be seized and developed.

*Koby Huberman is co-founder of the Israeli Peace Initiative. In 2011, he co-founded ‘Yisrael Yozemet’, a non-partisan Impact Group which has more than 1,800 signatories. Huberman is an experienced high-tech executive with 30 years in global technology corporations, as a strategic visionary, and business development executive.*



## **'THE UNILATERAL APPLICATION OF ISRAELI SOVEREIGNTY IS NECESSARY TO MOVE THE PEACE PROCESS FORWARD': AN OPEN LETTER TO BORIS JOHNSON**

YOSSI KUPERWASSER

*On 1 July the UK Prime Minister Boris Johnson wrote an op-ed in the Israeli press, titled 'As Israel's friend, I urge you not to annex'. In this open letter Brig.-Gen. Yossi Kuperwasser, an Israeli intelligence and security expert, responds to the prime minister. Kuperwasser served as the head of the research division in the Israel Defense Forces Military Intelligence division and Director General of the Israel Ministry of Strategic Affairs, and today is a senior research fellow at the Jerusalem Center for Public Affairs. (Article published on 14 July 2020.)*

Dear Prime Minister Johnson,

**The UK should support the application of Israeli law and sovereignty over the Jordan Valley and parts of Judea and Samaria (West Bank) according to the US peace plan.**

It is a legitimate and legal move that may finally break the impasse on the road to a peace based on the 'two states to two peoples' formula, and it will contribute to the security of Israel, the Palestinians, the Middle East and Europe.

UK support may be significant in materialising the benefits of the move, which most probably is going to take place anyhow, and finally turn the UK and Europe into a meaningful player in shaping the future relations between Israel and the Palestinians.

There is no viable alternative to the plan and to the unilateral application of Israeli sovereignty over the designated area. Waiting for Palestinian acquiescence and allowing the Palestinians to retain a veto power over any progress in the peace process guarantees that there will never be peace.

Dear Prime Minister Johnson, as an admirer and a real friend of Israel you penned a letter to us Israelis calling upon us to refrain from applying Israeli law to parts of Judea and Samaria (West Bank). To convince us you used the three arguments we keep hearing from around the globe and also from some Israeli politicians and pundits. First you claim that it is an illegal move, a violation of international law. You term it 'annexation' and you define the territory over which Israel intends to apply its law and which is a part of our ancestral homeland 'Palestinian territory'. This is quite problematic coming from a good friend, and especially from a British

friend, and it is definitely wrong on many counts. After all it was Britain who in 1922 got the mandate from the League of Nations based on recognition of the historical connection between the Jewish People and Palestine to reconstitute the national home of the Jewish People in that country. Article Five of the mandate was very clear. It said that the mandatory shall be responsible that no Palestine territory shall be ceded or leased to, or in any way placed under the control of any foreign power, namely other than the Jewish People. This is the last legally binding document regarding the ownership of this land. Obviously, the Palestinians also claim the land and Israel is ready to share it with them, but to term it a Palestinian land instead of disputed land does not lend you many ears in Israel. That said, it is not a surprise to hear it from you. After all, we remember well that you were the British Foreign Secretary under whose watch the UN Security Council (UNSC) adopted the Obama administration promoted Resolution 2334 of December 2016, which referred to all the territories in question, including the Western Wall, as Occupied Palestinian Territory. That was a colossal stab in our back.

Then you warn us that we are taking unnecessary risks as the price of applying Israeli law and sovereignty is going to be considerable (you focus on straining the relations with Arab countries), while the benefits are limited to non-existent. Your assessment of the price we are going to pay is reasonable, maybe even restrained. We may face harsher reaction. But in my assessment, you are underestimating the long-term potential benefits for Israel, the Palestinians and the region and the unique opportunity we have now to make this move with American support.

Finally, you worry that this move will make reaching a peace agreement with the Palestinians more difficult. This is misleading as the prevailing situation is that there is no way today to make durable peace with our Palestinian neighbours. Moreover, the Palestinians reject the 'two states for two peoples' framework as long as one of these peoples is the Jewish People, based on their denial of the existence of a Jewish People and its sovereign history in the Land of Israel or as the Romans called it *Palestina* – to erase the name Judea. In UNSCR 2334 you adopted their version and made no reference to the two peoples or to our identity as the national state of the Jewish People. Moreover, we cannot reach an agreement with them regarding the Jordan Valley, which is essential for our security and essential for them to enable the Palestinian state to fulfil its purpose of being the jumping board to ending Zionism. Here is article Eight from their Phases Theory adopted in 1974 by the Palestinian National Council and never altered since then: 'Once it is established, the Palestinian national authority will strive to achieve a union of the confrontation countries, with the aim of completing the liberation of all Palestinian territory, and as a step along the road to comprehensive Arab unity.'

In fact, applying the Israeli law to the designated areas in accordance with the US peace plan is the only way forward towards real peace. It is based on a new paradigm that tell the Palestinians that they no longer hold the veto power over progress towards peace and that their persistent

intransigence is not going to pay off anymore. It is also based on three other basic elements that were missing from the peacemaking paradigm you subscribe to – that Israel as the national state of the Jewish People has a valid claim to Judea and Samaria (West Bank), namely the territories it took control of in a defensive war in 1967; that the Palestinian narrative is the main obstacle to peace; and that Israel's security concerns are real and can be taken care of seriously only if this narrative changes and Israel is responsible for its security. The old paradigm does not work. It failed miserably and brought a lot of suffering with it. I understand how difficult it is to change paradigms, especially after you invest so much in the old malfunctioning one and became addicted to it. What I actually ask you to do is to admit that the way you and the entire peace industry promoted was and is hopeless and a new paradigm – the US peace plan paradigm – has better chances and therefore it should be supported. You actually admit it in your letter, but you prefer to keep waiting until some miracle happens and the old paradigm will work. Albert Einstein had something to say about such an attitude. Sure, it is going to be a long and difficult way, but the only alternative is the status quo, and Europe, including the UK, used to tell us that that it is not sustainable. Now you actually embrace it. This by itself is a nice positive outcome of the debate, but not a sufficient one.

Mr Prime Minister, before I elaborate on these three arguments, allow me to raise an idea. Since we both want peace, security for Israel and prosperity and freedom for the Palestinians, why don't you write a letter to the Palestinians calling on them to resume peace negotiations on the basis of the US peace plan and demand them to stop using British taxpayers' money to promote hate in their textbooks and pay salaries to terrorists who kill and maim us Israelis. I'm sure you know that they pay about £300m, which are about 7 per cent of their budget, for that purpose annually. They do so on the basis of a law they enacted that refers to the terrorists as 'the fighting sector of the Palestinian society'. You know that but you keep giving them money that they use for paying these salaries while you stick to your wilful blindness towards the real goals of the Palestinian leadership. Unfortunately, I don't think any Palestinian newspaper will publish this letter.

You are well known for your nonconventional and creative leadership and way of thinking. You led Britain to a new reality. You may also lead the Israeli-Palestinian relations to a new and better future.

**Israel's expected application of its law and sovereignty on parts of Judea and Samaria and the Jordan Valley is legitimate and legal.**

Israel is getting ready to extend its sovereignty over the Jordan Valley and over the Israeli settlements in Judea and Samaria in line with the US peace plan and not as a completely unilateral step. This move is not going to happen without American support. The UK and the EU oppose this move, which they mistakenly define as annexation, claiming it is illegal and constitutes a flagrant violation of international law that states that it is illegal to acquire land

through the use of force. In fact, according to international law, the lands that are the subject of this move belong to the Jewish People and to the state of Israel – the nation state of the Jewish People, and therefore the extension of Israel’s sovereignty over them is not annexation, which is the application of sovereignty over foreign lands.

The Jewish People’s historical ownership was approved in the language of the mandate given by the 51 members of the League of Nations to Britain after World War One, which states that ‘recognition has thereby been given to the historical connection of the Jewish People with Palestine and to the grounds for reconstituting their national home in that country’. It was clear at the time from the language of the mandate that this ownership extends over all of Palestine, so that when the British government decided to subtract a considerable part of the territory to establish Jordan in 1921, it needed the approval of the Jewish agency, which represented the Zionist movement. The final language of the mandate given in 1922 was very clear in this respect. Article Five states that: ‘The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power’. It was the European powers at the time – Great Britain, France and Italy – that played a major role in phrasing the mandate in spite of Arab opposition.

This ownership remain valid as the UN Charter clarifies (Article 80) that nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties. Ever since then there was no legally binding international document, resolution or agreement that changed this status. Therefore, the UK and the European Union reference to this territory as an Occupied Palestinian Territory (OPT) lacks any legal basis. Especially bearing in mind that there was never a Palestinian state and that the notion of a Palestinian people is very new.

It was Jordan’s 1950 annexation of the land, of which it took control in the war it launched against Israel in 1948 (with its forces led by a British General), that was illegal (only Britain, Iraq and Pakistan recognised it). Israel retained its rights over the land and in the armistice agreements signed in Rhodes in 1949, and approved by the UN Security Council, stated that ‘No provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this agreement being dictated exclusively by military considerations’. Therefore, the armistice lines did not change the status of the land and when Israel in 1967 regained control of the area in a defensive war, it actually regained control of a territory it has internationally recognised legal rights over and there is no question of annexation.

UN Security Council Resolution 242 reaffirms implicitly this legal status, because otherwise there is no way to explain the contradiction between the preamble that emphasises the inadmissibility of the acquisition of territory by war and the resolution itself that calls for

‘Withdrawal of Israeli armed forces from territories occupied in the recent conflict’, namely allowing Israel to keep certain territories under its sovereignty. Lord Caradon, the British representative at the Security Council at the time, played a major role in phrasing this sentence (earlier in his career he was the assistant district commissioner of Nablus under the mandate).

In the context of the Oslo agreements Israel insisted on its right for sovereignty in these territories, but since it accepted that the Palestinians also claim ownership of the same land, the territory will be treated as disputed land under Israeli control until a permanent status will be agreed upon between the parties. This was the relevant status until the Palestine Liberation Organization (PLO) decided in late May 2020 that it is not committed anymore to the agreements and by that released Israel from its commitment according to them to refrain from unilateral steps regarding the status of the land. It should be reminded that the Palestinians violated all of their commitments according to the agreement right from the beginning by supporting terror, promoting incitement against Israel and taking a long list of unilateral steps, none of which was met by harsh reaction by the UK or the EU. At best, the EU expressed dismay with the Palestinian Authority’s (PA) activities. Even the payments of salaries to terrorists and the decision to join the International Criminal Court did not invoke meaningful reaction.

To sum up, if Israel decides to apply its sovereignty on the Jordan Valley and parts of Judea and Samaria it is not illegal annexation but a legal move to extend its sovereignty on areas the international law recognises as historically belonging to the Jewish People. The law Israel will probably use for this purpose is the Israeli administration law from 1948, which in Article 11B states that the government may apply the Israeli law, administration and legal system to any part of the land of Israel (meaning the area that was under the British mandate) it controls.

The real question is why Israel has not done it until now. The answer is double fold. First, Israel has always preferred reaching a peace agreement to applying its sovereignty without agreement. That is why it did not do it right after the Six-Day War in 1967 and instead extended its hand to a land for peace deal; and this is why it was and still is ready to a territorial compromise with the Palestinians for the sake of peace. Even the coming unilateral move is in the context of a peace plan. Second, it was not implemented until now because there was no green light for such a move from Israel’s closest and most important ally, the US. The American position is that the move is legal because of the above-mentioned arguments and this attitude is also reflected in their decision that the Israeli settlements are not per se illegal. Now for the first time there may be American backing for a certain move in this direction, under certain conditions that Israel may accept (some Israelis on the extreme Right reject these conditions).

**The unilateral application of Israeli sovereignty is necessary to move the peace process forward.**

The peace process between Israel and the Palestinians has been completely stalled now for six years since the Palestinians rejected the Obama-Kerry proposal of March 2014 because it included a demand that the Palestinians accept Israel as the nation state of the Jewish People. The Palestinian rejectionism is the reason the peace process is frozen and did not produce any agreement. It is a direct derivative of the Palestinian fraudulent narrative which claims that there is no Jewish People, that there was no Jewish sovereign history in the land of Israel/Palestine, that Zionism was forced upon the Jews by the colonial European powers, led by Britain, who wanted to get rid of the Jews living among them because the Jews are unbearable people. The British further thought that by sending Jews to Palestine they will serve as a buffer and hold the Moslem forces away from Europe. Because all of the above, the Palestinian identity should be based on the struggle against Zionism on behalf of the Palestinian people, the Arabs and the Moslems, and in the meanwhile the Palestinians should emphasise their victimhood and especially the suffering of the 1948 refugees and their descendants, and remain committed to their wish to return to the homes their family left. Overall, the Palestinians narrative focuses on the refusal to recognise Israel as the nation state of the Jewish People because eventually the Palestinians have to rule a free Palestine from the (Jordan) river to the (Mediterranean) sea.

The Palestinians are ready to have a two-state solution but not a 'two states for two peoples' solution and they insist that the Palestinian state, that will be Jews free, will preside over the entire 1967 territories, including all of East Jerusalem as a capital, without showing any readiness to compromise, beyond limited swaps of land. They clearly reject the option of Israeli lasting control over the Jordan Valley. Israel, on the other hand, insists that a two-state solution must be a 'two states for two peoples' with Palestinian recognition in Israel as the nation state of the Jewish People. It also insists that for security reasons it has to control the Jordan Valley and be solely responsible for its security in the entire area until the Palestinians adopt a new narrative that promotes recognition of Israel as the nation state of the Jewish People, denial of violence and giving up the return of refugees and their descendants. This is an insurmountable impasse and it has proved to be so since the Oslo agreements came into effect.

UK, other European countries and some leaders of the US Democratic Party, together with almost everybody in the peace negotiations industry, chose to be wilfully blind to this bright reality. They repeatedly tried to promote the same idea of the two states based on false perception about sovereignty rights and on some territorial compromises, while totally ignoring the impossibility of making peace without changing the Palestinian narrative. Moreover, they chose to exert pressures only on Israel, though it was ready to take uncalculated risks, make dangerous concessions and approve every American initiative, while every Palestinian intransigence was met with further concessions to the Palestinians, culminating

with UNSCR 2334 that followed the Palestinian rejection of the Obama-Kerry proposal and gave the Palestinians everything they asked for. And on top of all that, the way the peace process was handled was that the Palestinians were given a veto power on any progress in it, which guarantees that there will never be any progress.

Applying Israeli law to the Jordan Valley and the Israeli settlements in the context of the US peace plan finally solves all these problems. Since there is no way the Palestinians will agree to Israeli sovereignty over the Jordan Valley and all of the settlements, it allows Israel to do it unilaterally, provided that its Prime Minister(s) accept the other elements of the plan, including the establishment of a Palestinian state *if* the Palestinians change their problematic narrative. This will untie the Gordian knot by taking the veto power away from the Palestinians and forcing them to reconsider their narrative.

The UK and Europe sided until now with the Palestinians and tolerated their narrative. It insisted on giving them generous financial support though 7 per cent of their budget was spent on paying salaries to terrorists and their families and more on hate indoctrination in textbooks and by their leaders. Europeans led the efforts by Palestinian NGOs, who were financed and guided by European countries, to boycott Israel and was very active, often more than the Palestinians themselves, in the efforts to unilaterally create facts on the ground in Israeli-controlled Area C and East Jerusalem to support the Palestinian claim for the territory. As a matter of fact, in recent years Europe (thankfully not the UK) has been more committed to the Palestinian positions than many Arab states and even some Palestinians. By considering sanctions against Israel for applying sovereignty, some Europeans lean towards the positions of Iran and Turkey rather than those of the pragmatic Arabs. This policy has emboldened the Palestinians and encouraged them to stick to their intransigence and to their narrative and has played a great contribution to preventing any chance of progress towards peace.

But paradoxically, because of this attitude and since Europe has become the only international supporter of the Palestinians that matters (the Palestinians know that Russia and China do not bother Israel in the Palestinian context), if the UK and Europe change their approach now, it may help the Palestinians understand that time has come to change course and adopt a different policy. The Palestinians realise that they have lost most of their assets in their efforts to force their narrative and demands over Israel. The Israeli Left, on which the Palestinians and the Europeans spend so much effort and resources, has shrunk and the Israeli public has practically given up the hope that there will be a genuine Palestinian partner for an acceptable peace in the foreseeable future. Many Arabs oppose publicly the application of Israeli sovereignty over parts of the West Bank as they call it, but are fed up with the Palestinians. They focus on confronting Iranian and Sunni extremism and are interested in cooperating with Israel to confront these threats. Jordan has threatened that the Israeli move may lead to a grave conflict and may take some diplomatic measures, but neither Egypt nor Jordan will risk their peace

agreements with Israel to protest against the application of sovereignty – even the Palestinian youth is less prepared to take action against Israel to protest such a move. So, if the UK and Europe tell the truth to the Palestinians, instead of encouraging them to reject any offer, they may have to reconsider their position and come to the negotiation table to discuss peace based on the US peace plan that promises them a state and vast economic opportunity.

The UK and Europe have also to realise that whereas until recently their attitude towards Israel was explained by their view of the Israeli government as an extremist right-wing nationalistic government, now this argument has no bearing. The government that has adopted the policy on applying sovereignty is a unity government in which the right-wing of the nationalistic bloc is not represented (neither Yamina of Naftali Bennet nor Yisrael Beiteinu of Avigdor Lieberman or Telem of Moshe ‘Bogie’ Ya’alon). This government clarified that it is going to apply sovereignty only if there is full American support, but did not make international support beyond the US a condition for implementing the move. UK and European opposition will clarify how irrelevant they have become because of their staunch support for the Palestinians rejectionism. But supporting the move may prove that they can play a meaningful role in paving the road to a better future for all.

To sum up, because the UK cares so much about the Palestinians, the Israelis and about peace it should support the unilateral application of Israeli sovereignty over the Jordan Valley within the context of the US peace plan to enable progress in the peace process. Moreover, if the UK (and other European powers) supports the move it may have some leverage on the way it is going to be implemented and guarantee that it will lead to peace negotiations.

**Israeli sovereignty over the Jordan Valley will contribute to security and stability for all in the long run.**

It is widely expected that after Israel extends its law and/or sovereignty over the Jordan Valley and the settlements in accordance with the US peace plan, there will be a period of unrest and maybe a rise in violence and terror, even though the daily life of the Palestinians or the Jordanians are not going to change significantly or at all because of this move (the details of the implementation of the application of Israeli law/sovereignty and of the practical meaning of the PA decision to absolve itself from the agreements with Israel and the US are not clear yet). This might well be the case due to the strong Palestinian opposition to the Israeli expected move. But it is also reasonable to expect that after a while violence will subside and the new reality will prevail. Under this new reality it will be clear that Israel is going to remain in the Jordan Valley and control the main roads leading to it from the littoral through the Judea and Samaria mountain ridge. This will allow the Palestinians to have their own state on 70 per cent of the West Bank, Gaza and new territories that are now part of southern Israel.

The value of permanent control of the Jordan Valley to Israel's security is paramount. It was Prime Minister Yitzhak Rabin who explained in the Knesset on October 1995, when he was seeking its approval for the second Oslo agreements, that the Jordan Valley in the widest meaning of this term will be the eastern security border of Israel. The topography of the valley explains this strategic value very simply. The western slopes rise very sharply to a relative altitude of more than 1,000 meters enabling very good observation of any intruder and the ability to stop him, and the Jordan River and the Dead Sea serve as a natural border and obstacle. Moreover, the area is very sparsely populated and provides a buffer against short and medium range rockets reaching Israel's heartland. It is essential for Israel to control this area to prevent weapons and terrorists from hostile entities like Iran or ISIS from reaching the main Palestinian-controlled territory on top of the Judea and Samaria mountains, which overlook the most populated areas of Israel.

Obviously, Israel controls the area today and enjoys the security benefits of it, but as long as this is considered a temporary situation and as long as there is no sign of a peace agreement on the horizon, the Palestinians and other opponents of Israel may think that they can plan for a different situation in the future, and this incentivises them to try and challenge the Israeli presence in the valley as a step on the way to threatening Israel's overall security. This is especially true if Israel does not capitalise on this unique opportunity to turn its presence in the Jordan Valley into permanent sovereignty.

Today, Israel enjoys close security cooperation with Jordan and shares with it the burden of securing the area, but the Arab world is in a continuous disarray, which may affect Jordan's ability in the future to prevent attempts to harm Israel from its territory. Clarifying Israel's determination to stay in the Jordan Valley will help stabilise the area through ongoing cooperation with Jordan.

For the same reason, a permanent Israeli presence and sovereignty in the Jordan Valley is also in the interest of Jordan. The alternatives of either a temporary status quo that encourages terror groups to operate against Israel, or even worse a Palestinian or international force controlling the Jordan Valley that may enable Palestinians from both banks of the river to destabilise both Israel and Jordan, is a well-known Jordanian nightmare, that the Jordanians are not allowed to speak about publicly.

In the end, Israeli sovereignty over the Jordan Valley will embolden the pragmatic Arabs who face, together with Israel, the extreme radicals from both the Shia and Sunni strands of Islam. The stronger the pragmatists become, the more secure the UK and Europe are going to be as well.

**The Jewish and democratic character of Israel is not going to change as a result of applying sovereignty on parts of the disputed territories.**

One of the arguments raised in order to deter Israel from applying its law and sovereignty (and previously against sticking to the status quo) is that it will inevitably lead to changing its identity as a Jewish and democratic state, and thus forcing it to decide whether to retain its Jewish identity on the expense of becoming undemocratic, or remain democratic but then lose its Jewish majority and identity. This line of thinking assumes that if Israel does not accept a Palestinian state over most of the areas it has controlled since 1967, the PA will eventually collapse and Israel will have to add to its citizenship the Palestinians living today under the PA, making the 'One State' option the only viable option, which will present a heavy economic burden for Israel's economy.

Clearly, this sequence of events is completely baseless. Under no circumstances is Israel going to make the Palestinians living in the PA its citizens. Israel has no intention to rule them and I doubt if the PA really intends to dissolve itself. Its existence is considered to be the most important achievement of the Palestinian national movement, and it is the basis for the continuation of the Palestinian struggle, the source of funding necessary for financing the struggle and for enjoying economic benefits, and in Palestinian eyes it is actually the Palestinian state in the making. It is within this entity that the Palestinians have the capability to vote and decide their fate. Whether they actually use this capability is up to them (unfortunately their leadership has not given them this opportunity since 2006). Even if the PA decides to cease to exist, surprisingly, the Palestinians will still enjoy some sort of autonomous self-rule. The Israeli application of sovereignty on parts of the disputed territory is going to change almost nothing for the Palestinians living in the area controlled by the PA. On the other hand, if the Palestinians were to sit at the negotiation table to discuss the peace plan and were prepared to adopt a realistic narrative that focuses on improving their situation politically and economically, they may have a much better future in a state of their own.

To sum up Mr Prime Minister, I call upon you to think it over once again. By echoing the old and failed paradigm you make little difference (Israel listens to you but there is little that we don't know in your message). By adopting a new paradigm and calling upon the Palestinians to change course, you can make much difference and help us and the Palestinians finally make a move towards better future to all of us. Believe me, as an Israeli there is nothing I want more than peace that will guarantee Israel's security and prosperity, preserve its Jewish and democratic identity and its exemplifying morality. Israel that you will be always proud of and admire. Even if we don't agree, I deeply appreciate your friendship and caring and as you know Israelis and me among them love Britain in spite of the disagreements we may have from time to time.

In the end of the day the Israeli decision is going to be affected by several restraining factors, among them the American position, which is not clear at this point, and the American time constraint, the need to focus now on fighting the new wave of Covid-19 in Israel and the PA, the level of unity and support at home for the move (there seems to be a clear majority to support it in the Knesset but it is important that the Blue and White party, who comprises a part of the unity government and supports the move in principle, will support it in practice) and the evaluation of the immediate risks and whether they are worth taken. It is hard to say with all these factors what is going to be Israel's decision, but still, British support is going to be very important in the long run.

And by the way, I hope that the UK will adopt a harsher policy towards Iran as well.

With appreciation, Yossi Kuperwasser

*Brig. Gen. (res.) Yossi Kuperwasser was chief of the research division in IDF Military Intelligence, and until recently, director general of the Ministry of Strategic Affairs. Today is a senior research fellow at the Jerusalem Center for Public Affairs.*



## THE CASE FOR SUPPORTING THE TRUMP PEACE PLAN

DORE GOLD

*Ambassador Dore Gold argues we have to give the Trump peace plan a chance. (July 2020)*

Many people do not understand the nature of Israel's relationship with the Palestinian leadership in recent years. There has been a relationship, but it is one that has not developed anywhere. The last diplomatic effort to make peace, if you can call it that, was in 2014 when US Secretary of State John Kerry came up with a peace plan that was based on some unique qualities. The plan consisted on 15–20 points and each side could agree to the plan in principle even if they disagreed with several points. The premise was that if you could accept the plan, and yet have certain reservations, it would allow the plan to eventually succeed. So, when Kerry came to Netanyahu and asked if him they could proceed with the plan, Netanyahu said yes, let's work on it. Kerry brought that message to President Obama at that time that Palestinian Authority President Mahmoud Abbas visited the White House. The critical moment came when Obama turned to Abbas to ask if he accepted the plan, in which the Palestinian leader replied, "I'll get back to you". That left a lingering sense that the PA leadership wasn't ready for peace.

### THE ERRONEOUS PRINCIPLES OF PAST PEACE PLANS

I present this background because we need to understand where we are coming from as we approach the current initiatives by the Trump administration. These initiatives are important because they are trying to liberate both sides from all the failed peace plans in the past. For example, most of the architects of previous peace plans envisioned a mass removal of settlers from the West Bank. That is simply not going to happen. Israel pulled out 8,000 Israelis from the Gaza Strip and created a scar in the memory of many Israelis, because we were willing to try to set the foundations of peace. But what Israel got instead was a dramatic escalation of rocket fire. Having tried that in the past, it makes no sense to develop a peace plan predicated on the mass removal of Israelis – or Palestinians for that matter. For a peace plan to be just and credible, it requires these populations stay in their homes, which is what the Trump peace plan tries to do.

Another fundamental principle that all previous peace plans suggested was not to allow the IDF to remain in the Jordan Valley indefinitely. Instead, they opted for international peacekeepers to monitor the valley and the international border. However, the Israeli experience is that

international peacekeepers pack up and run the moment there is trouble. At the beginning of the Six-Day War there were peacekeepers in the Sinai Peninsula but once the war began, they simply dissipated. The Trump plan is an effort to create a territorial compromise where Israel will remain in areas of strategic importance to the future defence of the State of Israel. We may have a slight difference of opinion with the Palestinians or US on what are such areas of strategic importance in the West Bank, but we're willing to have a dialogue to find a compromise.

## **ANNEXATION IS THE WRONG TERM**

The term annexation is wrong, because by definition a country can only annex territory which belongs to another entity. Remember what happened at the end of the 1948 war and the territory of the West Bank? It was part of the British Mandate of Palestine but was annexed by the Hashemite Kingdom of Jordan (Transjordan at the time) and as a result, that territory was not recognised by the world as Jordanian. So, were Israel to decide at the end of the Trump plan's four-year timeframe to apply its sovereignty to parts of the West Bank, it would not be real annexation. What the Trump plan talks about is the Israeli side obtaining 30 per cent of the West Bank, and the Palestinians getting 70 per cent. The situation is less clear and more complex than what is described in the media. Israel needs to explain its position clearly but essentially it is one that has a firm moral and legal basis and also sets the stage for a peace process that can work. I'm not saying I embrace the idea of annexation but we have to give the Trump peace plan a chance like we have all previous plans. There is currently no other credible plan on the table.

*Dore Gold was Israel's ambassador to the United Nations from 1997-1999. An advisor on peace process issues to several Israeli prime ministers, since 2000 he has served as president of the Jerusalem Center for Public Affairs.*



## THE DANGERS OF ANNEXATION

AMOS GILEAD

*Maj.-Gen. (Res.) Amos Gilead warns that the annexation plan is a threat to the national security of the State of Israel. (July 2020)*

I believe the annexation plan is a threat to the national security of the State of Israel – as simple as that. Why? Because we have so many other challengers on our horizon and we need to prioritise them. We have a very powerful army in the IDF, but power is not only physical. Power is also wisdom and we have unique achievements based on wisdom. For example, we have unparalleled defence cooperation with our Arab neighbours, who used to be our most dangerous enemies and who have become our best partners.

### WEAKENING ISRAEL'S RELATIONS WITH THE ARAB WORLD

I took part in the building of these alliances. As part of our relationship with Jordan we enjoy strategic depth up to the borders of Iraq. Many terrorist organisations have tried unsuccessfully to attack us from Jordan. Thus, the Hashemite Kingdom is a vital pillar to our defence. Therefore, it makes no sense to provoke the Jordanians with this annexation plan, especially as they consider it a conspiracy to build what they call “the alternative state,” namely a Palestinian state in Jordan. Egypt is the leader of the Arab Middle East and we now we have very good security and defence cooperation. I strongly believe that we would not have relations with any other Arab country without our peace with Egypt. We have also built up relations with the Arab Gulf states. All these alliances saves Israel billions of dollars in defence which subsequently enable the IDF to concentrate on Iran. So why endanger it?

### DISSOLVING THE PALESTINIAN AUTHORITY AND STRENGTHENING HAMAS

The other concern about annexation is what will happen with the Palestinian Authority. Maybe it will be extremely difficult to achieve peace. But for the Palestinians, the annexation plan is a move that closes the door. If there is no horizon, they will not cooperate and I believe were Israel to declare annexation the PA would gradually dissolve. At the moment we enjoy unprecedented tranquillity vis-à-vis terrorism in Israel and the West Bank – especially compared

to the early 2000s. Whilst this is primarily down to our capabilities in counterterrorism, the contribution by the PA is just as important. They run the civilian issues for Palestinians in the West Bank and if there is violence, the PA take care of it. Unlike his predecessor, PA President Abbas is against terrorism. Annexation would pave the way for complete Israeli occupation over the Palestinian in the West Bank. Who will pay for it?

I used to be the IDF's coordination of the territories – a bit like Abbas but without being elected – and I came to the conclusion that Israel holding on to those territories would be a financial and multi-dimensional disaster. I am also concerned that annexation will weaken the PA against Hamas. Hamas believes that terrorism and violence is the only way to defeat Israel. If Abbas [and his path that rejects violence and priorities negotiations] fails, Hamas will be able to argue that historically there were right. Annexation could lead to Abbas being forced to allow Hamas to gain a footing in the West Bank. These two entities are enemies, but annexation would unite them. Why let that happen? It makes no sense.

### **THE EROSION OF AMERICAN BIPARTISAN SUPPORT**

On the international stage, annexation would erode the bipartisan support that Israel enjoys in the US, and it would embarrass our ally in 10 Downing Street, Prime Minister Boris Johnson. Even more, it could unite our allies with our enemies and increase the latter's prestige, especially Iran. I was privileged in 1996 to brief Prime Minister Benjamin Netanyahu on Iran, the country that poses the greatest threat to Israel. They work in two main fronts – the nuclear and the regional – to destroy us. They also embody a threat to our Arab partners. Annexation will weaken our efforts to unite the world against the dangers of Iran.

*Major General (Res.) Amos Gilead is the Executive Director of the Institute for Policy and Strategy (IPS) at IDC Herzliya. Prior, General Gilead led a distinguished career for more than three decades in the IDF and in the Defense Establishment, his last position being Director of Policy and Political-Military Affairs at the Ministry of Defense*



## ISRAEL'S ANNEXATION POLICY – WHY NOW AND WHAT NEXT?

CALEV BEN-DOR

*Deputy Editor Calev Ben-Dor offers Fathom readers a comprehensive review of the Israeli debate about, and likely international reactions to, the impending partial annexation of the West Bank. He maps the reasons for the rise in influence of the Sovereignty Movement, and the idea of annexation: the erosion of the classic 'land for peace' paradigm, the publication of the Trump Plan, the Israeli public consensus that there is no Palestinian partner and that the Jordan Valley must be Israel's security border, and, for many, Prime Minister Netanyahu's identification of the issue as a vote winner and the consequent erosion of the demarcation line between the long-term national interest and short-term domestic political interests. (June 2020)*

### INTRODUCTION

As a new Israeli government was formed, and talk of annexing parts of the West Bank gathered pace, I was reminded of a visit to the nature reserve outpost of Oz VeGaon in the Gush Etzion settlement 'bloc' to meet Nadia Matar, one of the founders of Women in Green. Matar, affable and gracious in a way that belies her reputation as a fiery right-winger, told of how, following the 2005 disengagement from Gaza (she called it 'the expulsion'), the right wing realised it needed to change tactics. For too long, Matar explained, the right wing simply said no to everything – to the Oslo process, to territorial withdrawals, to a Palestinian state, to disengagement – but failed to offer a competing idea. And so the Sovereignty Movement was born – a broad tent united by the idea that Israeli sovereignty should be extended to the West Bank (what they call Judea and Samaria). It constituted an attempt to bring a competing paradigm into the debate about how to best deal with the Israeli-Palestinian conflict.

Some within the sovereignty movement happily use the term *annexation*. But others believe it unsuitable because it infers another state was once recognised as sovereign over the territory, which is not the case in the West Bank. (Before Israel captured the area in 1967, the area was under Jordanian, British and Ottoman control.) They thus prefer the term *sovereignty* or *extending Israeli law and jurisdiction*. Indeed, any Knesset vote on this issue would likely adopt the same semantic form, as in the cases of East Jerusalem in 1967 and the Golan Heights in 1981. Then Knesset legislation simply stated that 'the law, jurisdiction and administration' of

the state ‘will take effect’ in specific territories. In fact, during a stormy Knesset debate, PM Menachem Begin explicitly rejected accusations that Israel was *annexing* the Golan.

For many years, the Sovereignty Movement was peripheral in the Israeli policy debate. But with the continued erosion of the ‘two states for two peoples’ paradigm, Prime Minister Netanyahu’s pre and post-election promises to apply sovereignty over settlements, and the apparent green light from the Trump administration, the movement’s aims have shot to the centre of the Israeli public debate.

Indeed, the Trump administration’s ‘Peace to Prosperity’ Plan has given a tailwind to the sovereignty paradigm. The plan envisages a united Jerusalem under Israeli sovereignty, with outlying Arab neighbourhoods of ‘eastern Jerusalem’ deemed the Palestinian capital; A State of Palestine would be established encompassing approximately 70 per cent of the West Bank and a territorial exchange from substantial territories inside Israel adjacent to the Gaza Strip. Israel would keep control of the sparsely populated and strategically important Jordan Valley and not be required to dismantle any settlements, although 15 – 19 Israeli ‘enclave communities’ (settlements) would remain inside a Palestinian state.

Like many Trump policies, it’s big on hype but short on details for implementation. Moreover, mixed messages have been heard as to when Israeli annexation would get the administration’s blessing. Ambassador David Friedman – a long-time supporter of the Settlement Movement – seemingly gave a green light once a joint planning group had finished its work. And in late April, US Secretary of State Mike Pompeo said it was up to Israel whether it chose to apply sovereignty to parts of the West Bank. But one senior American official reportedly said Israeli annexation must come ‘in the context of an offer to the Palestinians to achieve statehood based upon specific terms, conditions, territorial dimensions and generous economic support’. Last week, Israeli *Channel 13* said the Americans ‘want to downplay the enthusiasm’ for imminent annexation, in order ‘to greatly slow the process’.

This essay looks at the Israeli debate over annexation and why the policy has so significantly entered the policy mainstream. Setting the debate in historical context, it explores the spectrum of opinion within the Sovereignty Movement and argues that the erosion of the ‘land for peace’ paradigm has facilitated the rise of annexation talk. This, alongside the publication of the Trump Plan, a general public consensus on the importance of the Jordan Valley as a security border, and the increasingly thinning line between national interests and domestic political concerns is driving Israeli policy.

## **HISTORICAL BACKGROUND: THE DEBATE AFTER 1967**

The current deliberations within Israel over the future of the territories it captured and occupied in 1967 – especially about how to balance the competing values of security, historical connection, demography and the prevention of diplomatic isolation – is an extension of a 50-

year long argument. Indeed, minutes from a ministerial subcommittee that took place soon after the 6-Day War set the tone for the discussions that ensued in the following decades.

In their book, *Be Strong and of Good Courage, How Israel's Most Important Leaders Shaped Its Destiny*, Dennis Ross and David Makovsky describe how amongst the ministers gathered around the Cabinet table, 'an overall consensus emerged on the importance of the Jordan River serving as Israel's eastern border, although whether as a "security border" or a "political border" was a dramatic and historical point of debate.' The minutes detail how some suggested that a withdrawal from parts of the West Bank, if linked to peace with Jordan, could assuage demographic concerns by shifting responsibility for the Arab-Palestinian residents of the West Bank onto the Hashemite Kingdom. Minister without portfolio Menachem Begin said that the Jewish state should declare that the entirety of 'Western Eretz Yisrael' (the area between the Jordan and the Mediterranean) belonged to Israel. In response, Justice Minister Yaakov Shimshon Shapiro warned that, if that course were followed, 'in the not too distant future, we will become a binational state.' Prime Minister Eshkol – who famously said that Israel had 'been given a good dowry, but it comes with a bride we don't like' – also worried that annexing the land would ultimately lead to the Jews being a minority in the country.

Begin countered with what today remains a radical idea – that Israel offer residency to the territory's Arab-Palestinian residents, who would then be eligible to gain citizenship after seven years. A decade later, when he himself was Prime Minister and was discussing a potential framework for peace with Egypt that envisaged autonomy for Palestinians, Begin reintroduced the idea. In a Knesset speech, he suggested a '[free choice of citizenship, including Israeli citizenship](#)' and '[total equality of rights](#)' for the West Bank population, citing 'fairness', and adding that Israel 'never wanted to be like Rhodesia.'

It has taken several decades to reach the 'not too distant future' that Shapiro warned about. But that future is now, with most demographers – as well as COGAT, the Defence Ministry's Coordinator of Government Activities in the Territories – estimating that a similar number of Jews and Arabs now live in the area between the Jordan river and Mediterranean Sea.

These demographic estimates mean that the Zionist movement faces a deep dilemma in which it seemingly needs to compromise on one of its three core components – its Jewish majority, its democratic character, or its sovereignty over the entire 'Land of Israel'. The dilemma has been repeated ad nauseam – either a state in the entirety of the land, which can only have a Jewish majority if half the population are not given voting rights [i.e. not democratic]; a democratic state in the whole land, which wouldn't enjoy a clear Jewish majority; or a Jewish and democratic state in only part of the land. Historically, when forced to choose, the mainstream of the Zionist movement has chosen the latter option – i.e. been willing to forgo the entirety of the land in order to maintain a Jewish and democratic state. So how does the 'Sovereignty Movement' propose to square this circle (or triangle)?

## THE SUPPORTERS OF ANNEXATION: INSIDE THE SOVEREIGNTY MOVEMENT'S BROAD TENT

### *Begin's heirs*

First, we should note that there remain some (although not many) who see themselves as Begin's heirs – those who support Israeli control over the West Bank and are willing to grant the option of citizenship to all its inhabitants. Numbered in this (ever dwindling) group are former Likud MK and Minister Benny Begin, President Rivlin (who since becoming President has been less outspoken on this controversial topic), and the late Moshe Arens, the former Defence Minister and Foreign Minister. Arens wrote in [Haaretz](#) in 2010 that 'Adding another 1.5 million Muslims, the population of Judea and Samaria, to Israel's Muslim population would of course make the situation considerably more difficult. Would a 30 per cent Muslim minority in Israel create a challenge that would be impossible for Israeli society to meet? That is a question that Israeli politicians, and all Israelis – Jews and Arabs alike – need to ponder.' Arens adds that this option 'would not be the end of the State of Israel, nor would it mean the end of democratic governance in Israel. It would, however, pose a serious challenge to Israeli society. But that is equally true for the other options being suggested for dealing with the Israeli-Palestinian conflict.' Arens and Co never shied away from that challenge. Instead they argued that it wasn't significantly more difficult than implementing partition.

### *Debating the numbers*

One common denominator between Arens and many others in the Sovereignty Movement is the questioning of the 'official' numbers of Palestinians in the West Bank. The best known of these advocates is former Israel diplomat Yoram Ettinger, who argues that a Jewish majority of 66 per cent exists within Israel and the West Bank. Ettinger and others believe the demographers have miscounted – that Palestinian statisticians include Palestinians living abroad in their figures; disregard Palestinian emigration (averaging 18,000 people per year), and 'double count' both East Jerusalemites and Palestinians who married Israeli citizens. Ettinger also points to the changing trends in both Jewish and Arab fertility, concluding that 'This [current two-thirds Jewish] majority will become a demographic tailwind, stemming from the surge in Jewish fertility, especially among secular Jews, compared with the collapse of Muslim fertility, stemming from various aspects of modernisation.' Amazingly, the numbers can sometimes differ by as much as 1 million. The same day I met Nadia who referred to 1.8 million Arabs in Judea and Samaria, a representative from Peace Now talked to me of 2.7 million Palestinians in the same area. In the aftermath of Disengagement, Gaza and its 2 million residents are also excluded from the demographic calculus.

### *The Dream of Mass Jewish immigration*

Others believe Israel can have its territorial cake and maintain its Jewish and democratic

character by encouraging mass Jewish immigration. Tzipi Hotovely, a Likud MK, former Diaspora Affairs Minister, and reportedly the next Ambassador to the Court of St James (after she completes three months in the newly created Settlements Ministry) believes Israel should encourage a wave of immigrants in the coming decades. Writing in the [Sovereignty Journal](#), Hotovely said ‘If this is what Ben Gurion did when we were a weak country, then when the country is secure and economically strong ... should we be ashamed to speak of gathering in the exiles? If, of the nine million Jews in the world, we bring one million, we have already provided a significant demographic answer.’ Quoting Ben Gurion in this context is a tad disingenuous. A huge backer of Jewish immigration, Ben Gurion also specifically rejected conquering the West Bank in 1948 due to demographic fears of the Jews becoming a minority.

The dream that masses of Jewish immigrants could soften the demographic challenge of controlling the West Bank isn’t new. Perhaps Hotovely was channelling her inner Yitzchak Shamir, the former Likud Prime Minister who – even before the fall of the Berlin Wall – hoped Soviet Jewish immigrants would come to the Holy Land. But one would have to wear rose tinted spectacles to believe that today’s Israel will experience any additional mass Jewish immigration. If the American Jewish Conservatives stayed home during Barak ‘Hussein’ Obama’s term and American Jewish progressives haven’t flocked in their droves during Donald ‘very fine people’ Trump’s presidency, it’s difficult to imagine where these million new immigrants will come from. It’s certainly unlikely that Hotovely will make significant headway in advancing this idea with the British Jewish Community when she takes up her post.

### *Residency with Conditional Citizenship*

Hotovely also advocates delaying citizenship for the Palestinian-Arab population in the West Bank, arguing that ‘We must bear in mind that this is a hostile entity and it is impossible to turn them into citizens overnight.’ Instead she calls for a gradual process lasting 25 years which she calls ‘annexation-naturalisation.’ Such a process will also include legislation to define Israel as a state for the Jewish people and require those who request equal rights to meet obligations such as paying taxes and performing National Service.

Bezalel Smotrich, a Yamina MK (and former Transportation Minister) explains that ‘The Arabs will be offered three options: One, to give up the Palestinian national aspiration and live in peaceful coexistence as *residents*. Two, to voluntarily emigrate, with generous Israeli assistance. Three, those who continue to fight will be dealt with firmly by Israel’s security forces’. Smotrich’s residence model (the first option) ‘will be based on the self-management of six municipal administrations (Hebron, Bethlehem, Ramallah, Jericho, Nablus and Jenin) without nationalistic features and will be carried out gradually. In the first stage, the residents’ right to vote will be limited to municipal (rather than national) elections. At a later stage, he suggests either reaching broad agreement with Jordan to allow the ‘Arabs of Judea and Samaria’ to vote for the Jordanian parliament; creating two separate legislative houses in Israel – one for

civil decisions, one for national decisions – with the ‘Arabs of Judea and Samaria’ voting only for the first one; and/or granting full citizenship – including the right to vote for the Knesset – to those ‘Arab residents who are willing to demonstrate their complete loyalty to the Jewish state, including by doing full military service, similar to Israel’s Druze citizens.’

Smotrich does not expand on how Israel’s citizen army will deal with those Palestinians unwilling to give up their nationalist ideas without suffering mass conscientious objection. He is also silent on the conditions under which the Hashemite monarchy (whose stability is vital to Israel) will happily reassume responsibility for the Palestinians they explicitly gave up on in 1987. Moreover, it is unclear whether he believes his Druze model will be suitable for even a handful of West Bank Palestinians. But sovereignty conferences often host a Palestinian speaker or two arguing that Palestinians prefer to live under Israeli control than the corrupt Palestinian Authority.

This line – that Israeli sovereignty is preferable for Palestinians – is also taken up by Israeli journalist Caroline Glick who believes that ‘Israeli democracy and the status of the civil rights of Israelis and Palestinians alike will be massively enhanced if Israel applies its sovereignty over Judea and Samaria.’ Glick argues that ‘The Palestinians in particular have been the primary victims of the ‘Two-State’ formula in that they were better off living under Israeli military rule (the ‘freest society in the Middle East outside Israel’) than ‘being subject to the PLO’s jackboot’. ‘For the past 20 years’, Glick explains, ‘the Palestinians have lived in a legal jungle, with no protected rights whatsoever and have stood by powerless as their children have been indoctrinated to become murderers and bigots.’ In this context, Glick believes that ‘The Israeli “One-State” plan offers them true civil rights and corrects a situation that should never have been created to begin with.’

Glick also talks about citizenship, although she restricts the right to vote to those who did not belong to a terrorist organisation or the apparatuses of the Palestinian Authority. Those who do not receive this right will be classed as permanent residents, like the residents of East Jerusalem, and will benefit from all other civil rights.

As Nadia Matar explained to me, ‘The offer of civil rights without national rights is a decent suggestion for a minority. At the end of the day, not every people need their own state. They can leave, get residency, or potentially have a path to citizenship.’ Ultimately though, for Matar and others, it is a binary choice. ‘There is no middle way – either Israeli sovereignty, or a Palestinian state.’

*Sovereignty over parts – rather than all – of the West Bank*

Another group within the Sovereignty Movement seeks to extend Israeli control over parts of the West Bank rather than all of it, a strategy veteran Likud MK Zeev Elkin refers to as the ‘salami method’. Naftali Bennett, former Defence Minister and leader of Yamina, told

*Fathom* that Area C should be annexed gradually, starting with Maaleh Adumim and Gush Etzion (areas considered part of the domestic Israeli ‘consensus’ but seen by Palestinians and the international community to be illegally occupied land). Yoaz Hendel, now Communications Minister, promotes something similar – that Israel annex 30 per cent of the West Bank including settlement blocs and the Jordan Valley. Both believe that Palestinian-Arabs residing in the annexed areas will have the option of receiving full Israeli citizenship.

## **THE DEAL OF THE CENTURY OR THE DEATH OF A DREAM? THE SOVEREIGNTY MOVEMENT CONFRONTS THE TRUMP PLAN**

Ironically, in addition to the Palestinian National Movement and the Israeli left wing, the Trump Plan also poses significant – even existential – challenges to the maximalist wing of the Sovereignty Movement.

In a recently published letter, several heads of the local authorities in the West Bank wrote that they see the Trump plan as ‘a historic moment’ because it ‘will recognise Israeli sovereignty over the Jewish settlements in Judea and Samaria’. But the Yesha Council, an umbrella organisation of municipal councils of Jewish settlements in the West Bank, has launched a campaign against what they dub ‘the partition plan’, as it recognises a Palestinian state and sucks the oxygen from the ‘enclave communities’. One unnamed Yesha Council member was quoted by Maariv as saying: ‘We need to act to persuade the decision-makers that they have to support the sovereignty map [drawn up] by the settler leaders and not the one [drawn up] by Trump administration representatives.’ And in a statement that likely caused embarrassment and consternation in the Prime Minister’s Office, Yesha Council Chairman David Elhayani [said](#) Donald Trump was ‘not a friend’ of Israel. In a line reminiscent of a classic Eddie Izzard comedy sketch, Elhayani remarked ‘If someone comes to me with a cake while holding a gun to my head will I just take some cake and then say goodbye?’

Ninety three year old Elyakim Haetzni, one of the early leaders of the settlement movement, was also extremely critical of the Trump plan. He said: ‘Anyone would define such a plan as a leftist plan, but because of Netanyahu’s genius, he manages to package the plan in such a way that the Right celebrates. If a month ago I had brought up a plan where the Land would be divided, the idea of two states for two peoples would be accepted, there would be a capital for the state of Palestine in Abu Dis and other parts of Jerusalem, leaving contiguous blocs of settlement while leaving 15 key [Jewish] communities as enclaves and isolated islands; if I had added an offer to give the Arabs parts of the Negev and Emek Iron, with the allocated part of the Negev bigger than the Gaza Strip; if I would have proposed a connection via a tunnel, not under Israel’s control, between Judea and the Gaza Strip, by way of which they could transport anything without oversight, so that they would be able to build a port in Gaza as a sovereign Palestinian territory, or use the tunnel to bring weapons into Judea and Samaria, or even a battalion of Turkish soldiers, just as such soldiers were sent into Libya, would anyone

have defined such a plan as a “right-wing plan”?’ Haetzni’s son, Nadav, referred to the plan as the ‘Palestinian Balfour Declaration’.

While Palestinians see the (further) partitioning of the land to leave 30 per cent of the West Bank in Israel’s hands as a disaster, those who see any Palestinian state as a repudiation of the Greater Land of Israel ideology feel similarly aggrieved. Paradoxically, effective domestic opposition to any partial annexation move by the Israeli Government may be more likely to come from the political right than from the left or the pragmatic centre.

## **THE OPPONENTS OF ANNEXATION: DOMESTIC AND INTERNATIONAL**

### *The Battle-Hardened Domestic Opponents*

For those opposing annexation – led in Israel by former security officials – obsessing about the differences between partial and full annexation is hair splitting. The consequences of *either*, as they see it, will be disastrous. Organisations such as Commanders for Israel’s Security (CIS) and the Institute for National Security Studies (INSS) argue that any partial annexation moves may trigger a chain reaction that would lead to the termination of Palestinian security coordination (which Abbas announced in late May) and the possible collapse of the Palestinian Authority, with Hamas subsequently exploiting the chaos, and the IDF being pulled back into the Palestinian cities they left in the 1990s.

As Amnon Reshef of CIS writes, ‘I fear that a unilateral annexation would thus oblige the IDF to deploy its forces in the streets of Nablus and Qalqilya and the alleyways of the casbah, bringing back the “good old days” of the Civil Administration during which Israel managed and financed the needs of the Palestinian population of the territories.’ Amos Yadlin, head of the INSS, describes annexation as an ‘anti-Zionist course of action that will prevent the future possibility of separating from the Palestinians and of preserving Israel as a Jewish and democratic state, a state that is both safe and moral.’ He adds that it will also undermine the battle to stop Iranian progress toward nuclear weapons and cut off any chances for normalisation with the pragmatic, anti-Iran Sunni world.

Both organisations believe such moves would undermine the peace treaty with Jordan which provides Israel with strategic depth *vis-a-vis* Iran and might also weaken military coordination with Egypt in fighting terrorist elements operating in and from Sinai. Senior economists who contributed to a CIS report estimated that the financial cost of Israel being forced into retaking control over the entirety of the West Bank (following the collapse of the Palestinian Authority) would come to NIS 52 billion per year.

In addition to the scenarios described by CIS and INSS, Amos Gilad, former Director of Policy and Political-Military Affairs at the Defence Ministry, predicts a diplomatic nightmare should annexation take place. ‘Diplomatically, Israel is liable to find itself opening a gratuitous front

against important European countries. That will have economic repercussions.’ Veteran Arab affairs journalist Ehud Yaari described annexation as a ‘gratuitous adventure that will produce conflict without any real need’ and warns it constitutes ‘a serious breach of international law’ that could open Israel up to investigations by the International Criminal Court.

Based on these warnings, Israel will likely face security, diplomatic, and legal challenges the day after annexation. And that’s without the long-term consequences of seemingly closing the door on a two state solution.

#### *The International Community: Aghast but Unlikely to Act*

The world (barring the Trump administration) has also looked on aghast as Israeli moves towards annexation seemingly gather pace.

Without any hint of sarcasm, the Russian Foreign Ministry issued a press release stating that annexation may lead to an escalation of violence, and that ‘expansionist moves may provoke a dangerous wave of violence across the Palestinian territories and de-stabilise the Middle East as a whole’.

In a typically laconic statement, EU foreign policy chief Josep Borrell said the Union will work to ‘discourage’ any Israeli initiative toward annexation and devote diplomatic efforts to finding a solution. In a display of slightly more forthright diplomacy, Germany, the UK, Poland, Belgium, Estonia and France have warned against annexation, while European nations including France, Ireland, Sweden, Belgium, Spain and Luxembourg have reportedly expressed support for threats of punitive action in a bid to deter Israel.

European moves that could financially, symbolically and diplomatically hurt Israel include recognition of a Palestinian state, reconsidering funding of the Palestinian Authority (based on the conclusion that its hundreds of millions of Euros a year are simply bankrolling Israeli occupation rather than facilitating Palestinian institution building), implementing greater policy differentiation between sovereign Israel and West Bank settlements, and potentially rethinking Israeli participation in the successor to Horizon 2020, which is due to expire in December. Some, but not all these measures require unanimity – which is unlikely to be reached due to the presence of some strong allies of Israel in the EU. Ultimately, Israel’s sovereigntists point out, the Europeans have more pressing priorities to deal with in the form of Brexit, Corona, unemployment, refugees/migrants, and the Syrian Civil War.

#### *The Arab World*

The Arab world has also been strident in its opposition. When asked whether Jordan could suspend the peace treaty following annexation, King Abdullah II reiterated that he didn’t ‘want to make threats and create an atmosphere of loggerheads, but we are considering all options,’ adding that such an Israeli policy ‘would lead to a massive conflict with the Hashemite Kingdom of Jordan’.

United Arab Emirates Foreign Minister Abdullah bin Zayed also expressed his concern, saying Israeli annexation was ‘illegal, undermines chances for peace and contradicts all efforts made by the international community to reach a lasting political solution in accordance with relevant international resolutions.’ Bin Zayed also rejected Netanyahu’s assertion that the Arab countries would accept it, saying the policy ‘contradict[s] the reality of the Arab position, as the Arab consensus is declared and fixed in the decisions issued by the League of Arab States and confirmed in many Arab ministerial meetings.’

The Palestinian Authority – which doesn’t have many cards up its sleeve – announced the suspension of security cooperation with Israel in late May, with Foreign Minister Riyad al-Malki describing the move as a pre-emptive strike against annexation and an attempt to enlist the international community. The significance of this decision shouldn’t be understated. For years Abbas held back from making it, despite public pressure to the contrary. The PA is clearly signalling. But it remains unclear as to whether anyone will listen or care enough.

#### *A Diplomatic Tsunami or Crying Wolf?*

Unfortunately, for those opposing Israeli annexation, the international community’s warnings are unlikely to deter an Israeli government that genuinely believes annexation advances the national interest (of which more later). Most of the Israeli public no longer believe the predictions of doom and gloom. The security, diplomatic and legal threats and warnings voiced by the Palestinians, Jordanians, and Europeans all have merit. But Israelis have heard them before. If Netanyahu had a dollar for every time the Palestinians threatened to dissolve the Palestinian Authority, he’d have enough money to fund his legal defence.

Almost a decade ago, then Defence Minister (and former Prime Minister) Ehud Barak was warning of a diplomatic tsunami if the impasse in the peace process continued. In 2015, former Foreign Minister Tzipi Livni, also used the term. Yet when Israelis look around, they see calm waters – strong relations with China, India, eastern Europe, and several African states. Granted, certain Western European countries prefer not to roll out the red carpet for Netanyahu. But he has strengthened covert ties with Gulf States, enjoys a bromance with Trump, and maintains a near open line to Putin. With hand on heart, can analysts honestly say many (any?) of these relationships will be significantly undermined by Israeli annexation?

Yes, the EU will publish ‘strongly worded’ statements decrying Israeli moves. And the Russian Foreign Ministry may even issue additional (hypocritical) statements. But it brings to mind a phrase in Hebrew and Arabic that ‘the dogs bark and the convoy passes.’ Condemnations may come and go, but it won’t make a difference on the ground. Ultimately, the only real deterrence (in a scenario in which Israel sees annexation as advancing its national interest) would be an American administration giving a red light, or Jordan and Egypt credibly threatening to cancel their peace treaties. The collapse (or dissolution) of the PA would certainly bring about

significant challenges and would be a death bell to the two state solution. But supporters of the Greater Land of Israel see such a development as an opportunity rather than a nightmare. When the Palestinians threaten, they say ‘be our guest’.

## WHERE DOES THE ISRAELI PUBLIC STAND?

But if Israelis pay scant attention to the international community (bar the US), why have Commanders for Israel’s Security, INSS, and others seemingly failed to influence policy making?

One reason is that while their *recommendations* are significantly different from the annexationists – CIS and INSS want to keep the window open for a two state solution – their *diagnosis* of the problem is broadly similar. In other words, a broad consensus exists within Israeli society that a two state solution along the lines of the 2000 Clinton Parameters or the 2008 offer by Prime Minister Olmert is simply not attainable in the near future. Justified or not, the Palestinian Authority and the Palestinian National Movement is considered to lack either the will or the capacity to sign a final status agreement to end the conflict.

This consensus isn’t the result of right-wing brainwashing. Rather, the Palestinian rejection of Israeli peace offers (whether they were reasonable or not is beyond the scope of this discussion) has convinced Israelis that no Zone of Possible Agreement exists between the sides: the maximum Israel can offer is less than the minimum the Palestinians can accept. In addition, the large number of settlers (over 100,000) who live east of the security barrier make separating the populations difficult; the chain-smoking octogenarian Abbas presides over a PA suffering from a domestic legitimacy gap; and the deep division between Hamas in Gaza and Fatah in the West Bank undermines the Palestinian’s ability to speak and negotiate in one voice.

Yes, those on the left and centre left continue to warn of the dangers of continued occupation (moral, diplomatic, demographic); they emphasise the need for partition; they provide suggestions for keeping the two state solution on life-support. But the word *peace* – and certainly the ‘New Middle East’ promised by Shimon Peres – has been replaced in the Israeli lexicon by ‘separation’. Indeed, even amongst veteran members of the peace camp – such as the late Amos Oz and David Grossman – hopes for a rosy future with the Palestinians have wavered.

In one recent speech, Grossman suggested the best Israelis could hope for was ‘not bad neighbourliness’. Amos Oz wrote that he and his friends in the peace camp were now working towards a conclusion along the lines of a Chekhovian (rather than Shakespearean) tragedy – one in which the sides are unhappy, bitter, disillusioned and melancholy. And while such sombre analyses are likely far closer to reality than those voiced during the heady years of Oslo, the argument that Israeli society needs to make deep territorial concessions (evacuate settlements, divide Jerusalem etc) just to receive a Chekhovian solution in return, is unlikely

to be a big vote winner. Why risk a potential civil war in return for ‘not bad neighbourliness’ with the Palestinians?

### *The Death of ‘Land for Peace’*

If Israelis feel that the *peace* part of the ‘land for peace’ package enshrined in UN Security Council Resolution 242 has been eroded, it’s unsurprising they are less willing to make concessions on the *land* part. After all, ‘land to prevent a binational reality’ doesn’t quite have the same ring to it – even if it remains of vital strategic importance for the future of the country and the Zionist vision. Moreover, as states surrounding Israel collapse, such a proposal has increasingly become an electoral liability. It’s certainly revealing that during three rounds of elections, the word ‘peace’ was hardly uttered, even by the (dwindling) Zionist left.

With the erosion of the classic bilateral model of Israelis and Palestinians negotiating over all the core issues with American mediation, other ideas have risen to fill the vacuum. Unilateral withdrawal and the evacuation of settlements in the West Bank was popular for a time. But Hamas’ control of Gaza and Hezbollah’s strength in southern Lebanon – both areas Israeli unilaterally withdrew from – undermined its popularity. Other suggestions, such as a regional package deal in which Israeli concessions would be traded for gains from Arab states make strategic sense. But there is low motivation for such initiatives. The cost of occupation is perceived by the public to be manageable, while the risk of change brings a sharp cost with unclear rewards.

The policy vacuum left by the erosion of these paradigms has been filled by the Sovereignty Movement. This, coupled with the Trump Administration’s seeming openness to partial annexation, and a general Israeli consensus about the importance of the Jordan Valley as a security border has ‘mainstreamed’ the policy of annexation.

### **WHITHER NETANYAHU?**

But there has been an additional component to the increased ‘ripeness’ of the idea of annexation, namely Netanyahu *politically* identifying it as a vote winner in increasingly close elections as his corruption trial loomed. But does he mean it? As the Yesha Council argues, the centre-left opposes, Arab states raise the alarm, the EU wags its finger, and the Trump administration touts its Vision for Peace, where does *Netanyahu* really stand on the issue?

Many see the Prime Minister as a Jekyll and Hyde character. There is Mr Bibi the superficial politician always protecting his base and throwing out empty promises right left, and centre (although less left and centre). But there is also Dr Netanyahu, the sometimes visionary strategist who holds his intellectual own with world statesmen. Is Netanyahu a political opportunist or an ideologue?

Where has he stood historically on extending Israeli sovereignty over the West Bank? Well, Netanyahu's political journey has been full of zigzags. As opposition leader, he opposed the Oslo Accords, but as Prime Minister he subsequently signed the Wye River Memorandum and Hebron Agreement which transferred West Bank territory to Palestinian control; He often says he opposed the 2005 Gaza Disengagement, but actually voted for it in the Knesset (as veteran political journalist Amnon Abramovich quipped 'he supported it in the Government and in the Knesset but opposed it in corridors and the television studios'); Netanyahu now promises his supporters that no settlements will be uprooted, but he also publicly outlined a two state vision in the 2009 Bar-Ilan Speech and froze settlement building for 10 months; He consistently rejected the idea of a return to the 1967 'Auschwitz borders' yet was [reportedly](#) open to a 2013 framework for peace (and subsequently a plan by Secretary of State John Kerry) that would have required Israel to withdraw from the majority of the West Bank (and he staked out a more concessionary position on refugees than the Olmert-Livni negotiations during Annapolis). Finally, in an often desperate attempt to draw right wing voters away from Yamina towards Likud, Netanyahu made frantic pre-election promises to annex parts of the West Bank, despite having done nothing during his decade in power to advance any such move, though all it would have taken was a simple Knesset vote, which he would likely have won.

Netanyahu grew up in a Revisionist Home. But he has also stated that he doesn't want a binational state and has generally been guided more by security concerns than religious ones. His former chief of staff Naftali Bennett tells of a visit to Samaria when Netanyahu was leader of the opposition. For Bennett, the place was *religiously* significant – because the Jewish patriarch Abraham had walked there. For Netanyahu, it was *strategically* significant – because Israeli control of those hills protected the population centres of Gush Dan. It is this – as well as a generally cautious political nature – that sets Netanyahu apart from the Greater Land of Israel ideologues in Likud as well as most of those in the Sovereignty Movement.

As the region continues to grapple with weak fragile states and both Shia and Sunni fundamentalism, there is certainly a strategic logic in maintaining a long term IDF presence in the Jordan Valley, and elsewhere, as the best guarantee of Israeli security. However, there is a world of difference between this – which even CIS and INSS advocate for the time being – and extending sovereignty over parts or all of the West Bank. If Netanyahu now talks up annexation, what's changed?

*Was Kissinger right after all?*

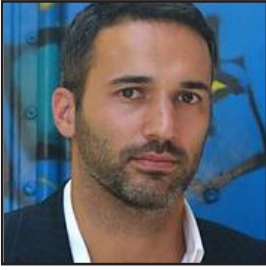
Henry Kissinger once remarked that Israel has no foreign policy, only domestic politics, and it is perhaps here that the solution to the riddle of Netanyahu must be sought. If anyone needed further proof of the timeliness of Kissinger's analysis they need look no further than the purposefully clumsy and crude apportioning out of ministerial positions in the new

government, seemingly guided more by sycophantism to Netanyahu than any relevant professional experience or seniority within Likud. No other reason better explains why Gilad Erdan finds himself as the new ambassador to both Washington and the UN, a dual role even the great Abba Eban had difficulty filling in the 1950s.

After so long in power, Netanyahu believes that he is the only person who can save Israel. He has thus expanded Kissinger's maxim. No longer a correlation between foreign policy and *domestic* but rather between foreign policy and the *personal*. The corollary of Netanyahu's conviction is that Israel's *national* interest is whatever it takes for him to stay in power – regardless of whether that's extending sovereignty to settlements or being open to evacuating them. Such is the opinion of both Netanyahu's former Cabinet Secretary Tzvi Hauser (now an MK in the Derech Eretz party serving in the government) and long-time journalist Ben Caspit, who wrote a biography of Netanyahu. In a 2017 interview Caspit told [Fathom](#) that 'My working premise is that Netanyahu's priority is ... the feeling that "I am essential to the security and continued existence of Israel"... So it's not power for its own sake. Rather, it's the deep belief that only he can save Israel. There isn't any specific plan, only his belief that only he is able to manoeuvre the ship to safety at any given moment'. Caspit adds: 'The true Bibi is the one who can remain in power in order to keep the people of Israel safe.' As Netanyahu corruption trial begins, this need has become even more fundamental.

If, as UK Prime Minister Harold Wilson famously said, a week is a long time in politics, then much can happen before July when Israel may begin to extend its sovereignty over areas of the West Bank. The government has prioritised passing a budget, alleviating the economic circumstances of a million unemployed and preparing for the potential second wave of Corona. Defence Minister and Alternating Prime Minister Benny Gantz, who is more lukewarm towards annexation, may have some effect on decision-making. Yet while decisions in DC, Ramallah and Amman will have influence, the determining factor will likely remain in Jerusalem, in one man's calculation of how he, the only man able to make Israel safe in this dangerous world, can win his ongoing fight for political survival.

*Calev Ben-Dor is a former analyst in the Policy Planning Unit of the Israeli Foreign Ministry and former Director of Research at BICOM. He is currently Deputy Editor of Fathom.*



## PALESTINIANS CHOOSE 'THE CAUSE' OVER STATEHOOD

ALEX RYVCHIN

*Alex Ryvchin, co-Chief Executive Officer of the Executive Council of Australian Jewry (ECAJ), argues that the Trump Plan is the Palestinians' latest shot at statehood and their flat rejection of it, without making a counter-offer, is a catastrophic strategic mistake, the latest in a long line. (February 2020)*

The latest US proposal to end the Israeli-Palestinian conflict has been predictably rejected by the Palestinian side. In fact, it was rejected before it was even tabled. Palestinian Authority (PA) Prime Minister Mohammad Shtayyeh [announced](#) the day before the plan was released, 'We reject it and we demand the international community not be a partner to it...' despite not quite knowing what he was rejecting.

To be sure, it is the Palestinians who have the most to gain from securing a deal. The Jewish people have their national home – a stable, successful, innovative, liberal-democratic state that despite facing incomparable threats and challenges, and despite having virtually no natural resources compared to its neighbours, has matured into an economic and military power in just 71 years.

But the Palestinians remain stateless and stricken by all the consequences of such a condition. Not only did the Palestinian leadership reject Trump's offer, they declined to counter-offer, or to even consider it a starting point for returning to negotiations, instead [calling](#) the plan a 'hoax' and a 'fraud' and summoning their people to a new 'day of rage'.

Conflict resolution requires compromise. Compromise means accepting less than one's optimum outcome. This is something Jewish leaders in pre-state Israel always understood. In 1937, a British Royal Commission, which for the first time offered partition of the land and a two-state solution, concluded that 'half a loaf is better than no bread', and while 'partition mean[s] that neither will get what it wants ... both parties will come to realise that the drawbacks of partition are outweighed by its advantages'. The 'advantage' offered to the Jews at that time was a Jewish state, in which the Jewish people could organise according to their own ideals, a place to ingather their exiles, grant refuge to those needing it, and enlarge Jewish cultural and scientific achievements for the good of the world. This opportunity was too meaningful to reject, even if at that time the Jewish state offered was on a mere four per cent of the originally

mandated territory and would exclude the ancient Jewish capital of Jerusalem.

The question of partition was rejected out of hand by the Arab side, which instead pledged at the Bloudan Conference in Syria to pursue the 'liberation of the country and establishment of an Arab government'. Transjordan's King Abdullah stood apart as the lone voice calling for the partition plan to be considered, warning that if it were rejected, Palestine would eventually pass wholly into Jewish hands.

Partition and a two-state solution was again offered in 1947 following a lengthy examination of the origins of the conflict and a determination by a majority of the UN Special Committee on Palestine, that 'only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations'. Israel declared independence pursuant to the UN's partition plan and set about defending its territory (losing one per cent of its population in the ensuing War of Independence) and creating a state worthy of the sacrifice.

The Arab side chose 'liberation', and 'armed struggle', bland euphemisms that quickly gave way to explicit calls to '... pave the Arab roads with the skulls of Jews, and to saturate this earth with blood and to throw the Jews into the sea,' as expressed in the somewhat florid style of Hafez Al-Assad, father of the current Syrian dictator (who evidently taught his son a thing or two).

In rejecting Trump's offer of peace, PA Prime Minister Shtayyeh, delivered a strikingly candid explanation, perhaps unwittingly, for why the Palestinians, who claim to seek independence above all else, are rejecting a proposal to give them just that. 'It is nothing but a plan to finish off the Palestinian cause,' he said.

Herein lies the answer to the vexing question of why a people that claims they want nothing more than a home of their own and an end to the conflict, have rejected five comprehensive offers of statehood and have now taken to rejecting new offers before they are even presented.

The conflict is not a territorial dispute to be settled by delineating borders and agreeing land swaps. It is a clash between the Jewish national movement which desperately craved a scrap of land to call their own so that they and their contributions to humanity should not vanish from this Earth, and the 'Palestinian cause,' which seeks no precise outcome beyond thwarting its rival, and holding out, digging in, struggling on, resisting. What they are resisting, no one can quite articulate without descending into pseudo-political babble about fighting imperialism and Zionist greed. But so shameful to this 'cause' is the notion of compromise, so inconceivable is a life beyond conflict and grievance, that it is impossible to contemplate any offer (other than perhaps that of Al-Assad senior), that the Palestinian leadership and its boosters in the West, might actually consider. We hear how unbearable life is under 'Israeli occupation,' and yet the idea of reaching a fair bargain to change that condition is evidently more unbearable still.

Meanwhile, the Kurds, the Assyrians, the Tibetans, all stateless peoples with unimpeachable claims to their ancestral lands, whose emancipation movements have never quite taken off as a 'cause', and who don't benefit from dedicated UN agencies or more than \$31bn of foreign aid since 1993, would do anything for a single shot at statehood let alone a perpetual flow of White House peace proposals to scoff at.

One analysis of the Trump proposal, published in the [Washington Post](#), describes the latest approach as 'asking Palestinian leaders to negotiate for part of a loaf rather than watch the whole loaf disappear'. The Jewish leadership grudgingly accepted in 1937 that 'half a loaf is better than no bread'. Perhaps soon the Palestinians will be blessed with leaders that can elevate the future of their people above the contrived importance of an ignoble cause.

*Alex Ryvchin is the author of Zionism – The Concise History (Connor Court, 2019) and the Co-Chief Executive Officer of the Executive Council of Australian Jewry.*



## TRUMP'S PLAN IS MAD, BAD AND DANGEROUS TO ALL

JACK OMER-JACKAMAN

*Jack Omer-Jackaman is the author of Caught Somewhere Between Zion and Galut: Israel, Zionism and Anglo-Jewish identity 1948–1982 (2017). In this lengthy and passionate Zionist critique he argues that Trump's peace plan is duplicitous and self-interested in intent, irrational in execution, and will be dangerous and cruel in consequence for Palestinians and Israelis alike. (March 2020)*

### INTRODUCTION

That the Trump plan itself is an affront to Palestinian national rights, to a just Zionism, and to diplomatic coherence is evident to anyone who has read it and is possessed of a commitment to the liberty and security of both peoples holding an interest in the land between the Jordan and the Mediterranean. Not much more opaque are the motivations of, respectively, the coterie around the President responsible for this travesty and the embattled Israeli Prime Minister who has so welcomed its announcement.

The plan's ostensible architects are the lawyer and Trump loyalist Jason Greenblatt, the US Ambassador to David Friedman (whose Israeli allegiances can be said to fall squarely into the ultra-nationalist camp and who branded J-Street, the dovish American Zionist organisation, as being 'worse than Kapos') and Jared Kushner, the diplomatic dauphin. In pre-floating the plan, the authors made much of their desire both to break from the straitjacket of the traditional two-state solution and to convince both sides (but mostly the Palestinians) to forego unproductive obsessions with the past. One could, indeed, find some sympathy in this latter hope, provided the demand were made equally to Israelis as well as Palestinians. Focus on historical grievances does indeed act as a brake on the wheel of compromise and mutual recognition. Even if we were charitable enough to assume them in earnest, however, in seeking to apply such a proscription to the Israeli-Palestinian conflict, the deal-makers of the century have picked the wrong conflict. 'The past is never dead', wrote Faulkner: 'it's not even past', a sentiment whose wisdom no other conflict better illustrates.

That they purport to wish to move on from a paradigm which, although it has underpinned American policy and its doomed attempts at peace-making for decades, has been regarded as *passé* for some time, also seems, on the surface, justifiable. Except that the plan itself

remains firmly within the increasingly unpopular two-state paradigm, dispensing only with the traditional assumption that, while the parameters of a settlement are unlikely ever to be equitable, they should at least avoid being prohibitively iniquitous to the Palestinians.

Let us speak plainly: it is a plan to satisfy the most ambitious dreams of the Israeli ultra-right as well as the more deranged Rapture-fantasies of American Evangelicals, and one to which no self-respecting Palestinian leader could ever attach an imprimatur. Indeed, it is so far-fetched and egregiously one-sided that were its likely effects on an already tragic conflict not so dangerous, the plan would be satirically comic. Its central conceit is that, in common with all successful peace-making efforts, it calls upon both parties to make painful sacrifices, concessions and compromises. Close reading of the plan, however, reveals this apparently laudable premise to be mere bromidic sophistry. For, on all the points that matter, it is the Palestinians who are being asked (if one can use so neutral a word for a process with all the hallmarks of bribery and extortion) to concede and compromise. The only Israelis – or at least the only Israelis on whose opinion Bibi and Trump lend any weight – for whom the plan entails any sacrifice whatsoever are those on what we may have, in the sorry contemporary scene, to call the ultra-ultra-nationalist right, for whom Bibi is too soft and for whom only the total denial of Palestinian rights will suffice.

## **PART 1: THE PALESTINIANS AND THE TRUMP PLAN**

Before looking at the utter self-abasement it really demands of them, let us consider what the plan's advance propaganda purported to promise the Palestinians: a path to statehood with a capital proximate to East Jerusalem, eventual international normalisation, and economic prosperity. When a people has been powerless for, by now, the entire lifetimes of many of even its oldest members, when it has for so long been denied sovereignty over any part of its civic heart of Jerusalem, and when its economic development has been stunted both by the occupation as well as the corruption and ineptitude of its leadership, then who could do else but rejoice at such a promise? Except, of course, that the plan offers nothing of the kind. It is the two-state solution applied not through the filter of the moderates on both sides, but through that of the Israeli maximalists.

### *Borders and Sovereignty*

The Palestinians are offered 'statehood' in an expanded Gaza area: the current Hamas-held territory supplemented by two remote and hitherto unimagined portions of the Western Negev – one pre-designated for high-tech industry and the other for residential development – the whole thing connected by the thinnest of joins. This enclave is to be rendered contiguous, via an underground tunnel, with a cantonised West Bank shorn of the entire Jordan Valley and areas of contiguous Israeli settlement which are to be legally, and thus respectably, annexed to the State of Israel. The contiguity provided for this rump West Bank, cleaved in three as it is

by settlement clusters, is only by road. Thus, to the delight of ironists everywhere, the ‘Deal of the Century’ (the designation, remember, implied generosity to the *Palestinians*) offers the Palestinians, in its munificence, roughly 75 per cent of the West Bank compared with the nearly 94 per cent offered personally by Ehud Olmert to Mahmoud Abbas in 2008 and the 94–96 per cent envisaged by the post-Camp David 2000 Clinton Parameters and subsequently agreed to by the Israelis at Taba in 2001.

The prescription for the Jordan Valley is both a radical departure from established norms and a green light for imminent Israeli annexation. Previous proposals have recognised both the rightful Palestinian claim to sovereignty in the valley *and* Israel’s quite legitimate designation of the area as crucial to its security. They have therefore included the area in a proposed Palestinian State with the proviso that Israel be permitted to retain early warning stations within it (three according to the Clinton Parameters). Gone is the logic which previous proposals shared with almost the entirety of international opinion and transnational jurisprudence: that UN Resolution 242 should be properly interpreted as demanding that Israel withdraw fully from all territory occupied in June 1967, and that a just solution involve only minor pragmatic adjustments to the ‘67 borders, with land swaps made to reflect the thorniest areas of settlement concentration and security consideration. The plan is quite explicit in its rejection of this interpretation of 242, arguing that Israel has already long-since complied with its terms in trading land for peace with Egypt in the Sinai and in its unilateral withdrawal from Gaza. It also reasserts the hoary cliché that the defensive nature of Israel’s victory in the Six Day War means that a proper interpretation of international law requires of it no concession of territory in any case.

So much for the territory to be enjoyed by this dissected Palestinian statelet; what of its character and powers? We have, in the form of Trump-Kushner, the most ironic crusaders for global arms limitation imaginable, for the State of Palestine is to be one of those famous, so-much-wished-for, disarmed states. Nor is this state of impotence to be phased out once the Palestinians have lived up the plan’s many demands that they prove themselves worthy of ongoing ‘independence’. No, the disarmed status, it is clear, is to be permanent. The Palestinians are, furthermore, to achieve their longed-for normalisation by joining that long list of enviable sovereign nations lacking jurisdiction over both airspace and territorial waters. ‘Sovereignty’, the plan explains to the Palestinians with all the hauteur they have come to expect, ‘is an amorphous concept that has evolved over time ... [t]he notion that sovereignty is a static and consistently defined term has been an unnecessary stumbling block in past negotiations.’

Freed from the bounds of historic and prevailing norms then, the new State of Palestine will not only not have to worry about, but is in fact disbarred from enabling, the defence and security of its own borders. These are to be the preserve of Israel. The Palestinians and their enviable new state are, however, to be endowed with the powers to control internal security, except of

course over those Israeli settlements not sufficiently contiguous to be annexed to Israel which will therefore remain extant in the new State of Palestine, enjoying unlimited physical access to the Jewish State and under its protection. Indeed, even internal Palestinian authority over *Palestinians* will not be truly autonomous in the new state, since the plan affords the Americans and the Israelis a veto power. Deviate from their wishes even slightly and the plan makes clear that even internal security will be instantly returned to Israeli control, reassuringly via the use of ‘blimps, drones and similar aerial equipment’ where possible.

It would no doubt be argued by anti-Oslo Palestinians that this would really be no more than a continuation of the security arrangements brokered by Clinton and agreed to by Arafat, whereby an Israel quite understandably concerned about the Palestinian Authority’s ability to protect its citizens from the violence of rejectionist factions retained a cooperative interest in partially devolved internal security on the West Bank. Understandable the desire may be, and may remain, but it is what enabled Palestinian critics of the process to regard the collaboration as the Palestinian Authority signing up for vassalage. It is certainly not the stuff of genuine, independent state sovereignty. Theorists from Hobbes to Weber have recognised the monopoly of the legitimate use of force inside a state’s borders as being the very definition of sovereignty. Only the most loyal of propagandists would dare make a case for the enfeebled principedom envisaged by the plan being any such.

Linked to the question of security requirements are the demands made of Abbas’s Fatah faction, the US and Israelis publically preferred Palestinian ‘partner’. Were it to find Abbas or an alternative West Bank Palestinian leader debased, desperate or suicidal enough to endorse it, it explicitly demands that they succeed in supplanting Hamas in Gaza before collecting from the table any of the proffered crumbs. Much as we might celebrate the defeat of the ultra-repressive regime in Gaza, Fatah – with its sclerotic leadership and ever-diminishing credibility in the eyes of many weary Palestinians – was incapable of imposing control on the area during the bloody internecine power struggle with Hamas in 2005 and is still so now, even assuming that the covert assistance of the Israelis, Americans and others, enjoyed then, would be repeated.

The Catch-22, of which all involved are surely aware, is that any Palestinian figure with sufficiently revolutionary bona fides to unite the national movement would be vetoed outright by the Americans and Israelis. Nor would any such leader even come close to engagement with his deal. It is, I suppose, possible that the Americans have something as hair-brained in mind as a resuscitation of the macabre political career of Mohammed Dahlan, the exiled former Fatah strongman who still has his supporters in both Gaza and the West Bank. ‘Our boy’, as he was called by GW Bush, remains admired by the Americans, and it is possible that they think his combination of ruthlessness and ambition can effect a bloody unification. The support for the plan of his Emirati patrons is certainly telling. Thus far, however, it seems that mutual

revulsion at the plan has in fact precipitated renewed efforts at *cooperation* between Fatah and Hamas. In public, at least, Abbas and Ismail Haniyeh, Chief of Hamas's Political Bureau, are talking rapprochement.

The inability to defend their new state from external threats is to the Palestinians' own benefit, it is explained, as though to a child slow on the uptake, since 'every [other] country spends a very significant sum of money on its defense from external threats. The State of Palestine will not be burdened with such costs, because it will be shouldered by the State of Israel.' The extent to which the plan assumes that Palestinian ambition and self-respect can be purchased on the cheap is quite breath taking. Indeed, Trump has made much of the economic component of the plan which, in fact, presaged the rest when it was announced to widespread indifference at a summit in Manama, Bahrain in June 2019. To listen to him is to learn that Trump comes bearing riches beyond the wildest dreams, to be enjoyed by every Palestinian man, woman and child. \$50 billion over the course of ten years is the extent of the promised largesse. But there are mighty strings, too, attached to the bounty. If, for example, the will of the Palestinian people was for its 'state' to effect even something as mild as a social democratic economic model, then the plan makes clear that the money and investment would dry up. Instead, from its demands for a 'pro-growth tax structure, and a low-tariff scheme' it is tempting, with knowledge of the American form, to infer that the new Palestine must first submit to being the next go-to destination for vulture capitalists before aspiring to perhaps one day reach the heights of a Middle Eastern Turks and Caicos.

In dangling the carrot of economic enrichment for the very few, and in the wake of a year in which an already immiserated Palestinian economy was further weakened by the cancellation of American aid, the plan attempts a shameless bribery which does not even bother thinly to veil itself.

### *Refugees*

The two issues which have most bedevilled previous proposals are Jerusalem and the Palestinian refugees of 1948 and their 'Right of Return'. On the latter, the plan's shortcomings must be partially mitigated by the recognition that the issue would test even the Wisdom of Solomon. One can acknowledge Israel's creation as having a role in the creation of the Palestinian refugee tragedy whilst also recognising that no peace deal will ever be signed which allows for the return, en masse, of the surviving refugees and their descendants (now numbered in the several millions by UNRWA) to their ancestral homes. It simply will not happen, and a sense of the moral imperative must be tempered by a hard-headed appreciation of realpolitik by those genuinely interested in reaching a viable solution.

That the plan does not offer even a token recognition of the moral right of return is no surprise. But the Trump plan also seeks to limit the return of refugees to the *new State of*

*Palestine!* For, after lionising the Kingdom of Jordan as being the only state which has dealt equitably and with compassion with its Palestinian refugee population, the plan notes that ‘many Palestinian refugees in the Middle East come from war torn countries, such as Syria and Lebanon that are extremely hostile toward the State of Israel’, and that ‘to address this concern, a committee of Israelis and Palestinians will be formed to address this issue and to resolve outstanding disputes over the entry in the State of Palestine of Palestinian refugees from any location.’ Thus, the sizeable Palestinian populations of both Syria and Lebanon will, after seven decades of dislocation, have their ‘return’ to the new State of Palestine dependent upon an as yet unspecified committee of Israelis and Palestinians which will presumably devise or, which is more likely, have thrust upon it some novel test to determine the applicant’s radicalism.

For those deemed unfit by the committee, one potential option is to remain in their country of current residence, though the plan is clear that those countries have the right to veto their refugee populations remaining in what have now, in many cases, been exilic family homes for decades. It will no doubt be balm to the spirit of the over-500,000 Palestinians resident in Syria that if the worst happens and the omnipotent committee deems them too big a risk for the State of Palestine, they can rely on the famed compassion and judgement of Assad and the Ba’athist regime in Damascus.

Nor does the incoherence stop here. No doubt mindful that the Clinton Parameters raised the prospect of refugee repatriation to a country that was neither Israel nor Palestine nor the refugees’ current country of residence (while offering no specifics), the plan offers a bold innovation: that 5,000 refugees a year (for a total not to exceed 50,000) be homed in those members states of the Organisation of Islamic Cooperation which, presumably enticed by financial or diplomatic inducement, are prepared to sign up to the scheme. Since it does not explicitly preclude any members of the OIC from signing up, we can only conclude that the Plan could conceivably allow for the unsuspecting Palestinian refugee to find themselves ushered in the direction of Chad or Mauritania; Albania perhaps, if the US is able to offer something sufficiently compelling to Tirana. The OIC has subsequently, and unsurprisingly, issued a collective rejection of the plan.

### *Jerusalem*

On Jerusalem, the plan is staggeringly audacious in its one-sidedness, and one of its proposals so surreal that I cannot be the only reader who at first thought that it had been inserted by a disgruntled member of Kushner’s staff as an act of satiric sabotage. Again, in pedantic deference to the literalists among my readers, before looking at what is promised to the Palestinians by this ‘Deal of the Century’, it pays to recall what arrangements for Jerusalem have been (reluctantly) accepted by Israeli governments of the past twenty years.

At Taba in 2001, Barak’s delegation accepted in principle the suggestion of the Clinton

Parameters that sovereignty in the Holy City be divided: that Israel would exercise sovereignty over Jewish neighbourhoods and a Palestinian state exercise the same over Palestinian, predominantly Eastern, neighbourhoods in which it could establish its capital of Al Quds. Sovereignty over the respective Holy Sites of the Old City was less clearly defined, though Israel accepted the principle that the Palestinian State should exercise sovereignty over the Haram al-Sharif. Olmert, in an account not contradicted by Abbas, claims in 2008 to have gone much further in his offer to the latter, suggesting his willingness not only to accede to Palestinian sovereignty in East Jerusalem but actually to surrender the Old City, and thus the Holy Sites, to international control.

The Trump-Kushner plan proposes that current *de facto* Israeli control over the entire city be replaced with legitimised, or *de jure*, Israeli sovereignty over an undivided Jerusalem, with the international community called upon to follow Trump's lead and recognise the whole city as Israel's capital. At the plan's official announcement, alongside this guarantee, Trump offered the cognitively dissonant nugget that his plan also allowed for the Palestinians to claim part of East Jerusalem as their own sovereign capital. Netanyahu helpfully clarified that what his friend had meant was that they would be permitted to establish a national centre in Abu Dis, the down-at-heel village with a population in the low five figures which is currently – and would remain – separated from East Jerusalem by an Israeli security fence.

The resurrection of one of the more hair-brained and doomed relic-ideas of the Oslo process was given a new twist by Trump-Kushner, however. Mindful that the Palestinian yearning for sovereignty in some part of Al Quds is imperishable, the plan suggests a simple renaming: Abu Dis will be rechristened Al Quds; *solvitur ambulando*. If Tom Lehrer was premature in declaring that political *satire* became obsolete when *Kissinger* was awarded the Nobel Peace Prize in 1973 then this suggestion, offered in apparent earnest by the leader of the free world, has certainly rendered the superannuation complete now. By this point in the plan, indeed, the view through the looking glass has turned positively hallucinogenic.

We have, in short, a plan more than three years in the making, pursued at considerable expense and launched with characteristic levels of braggadocio which has precisely no chance of leading to a lasting peace. Which begs the question, was it designed to do so? The judicious application of Occam's Razor points to the conclusion marked *cui bono*. In this case, who benefits is, in ascending order of advantage: Trump and his Administration; Bibi Netanyahu; the ultra-nationalist, expansionist-rejectionist camp in Israel of which Netanyahu is but one part.

## PART 2: TRUMP, NETANYAHU AND THE TRUMP PLAN

For all that he professed – accurately, it turns out – the utmost sanguinity over the Democrats' attempts to impeach him, there is no doubt that the hoopla surrounding this non-plan brought Trump some welcome distraction, as did the earlier killing of the unlamented General

Suleimani. The dog was, indeed, wagged. Dogs plural, in fact, since the plan's announcement certainly provided even more welcome relief from the far more serious (in having greater likelihood of leading to serious sanction) legal threats facing his great friend Netanyahu, whose rejectionist approach to the conflict he has adopted in toto and with whom he shares both a hard-line towards Iran and a genuine personal warmth. The opportunity to delight their Evangelical supporters, whose approach to the conflict is informed less by humanitarian or geopolitical concerns than by the Book of Revelations, was also impossible to turn down. So much for the Trumpists.

For Bibi the whole affair has been a triple win. Firstly, it brought distraction from, and possibly lessened the public appetite for, his impending prosecution. Secondly, such an obvious victory for the Israeli ultra-nationalist vision helped staunch the bleeding of his traditional support to his chief rival Kahol Lavan and its leader Benny Gantz. It may also have won Netanyahu some converts from the camps of both the 'Kingmaker' Avigdor Lieberman, and Defense Minister Naftali Bennett's far-right alliance. The third 'win' for Bibi, unique in that it actually transcends self-interest, is the biggest of them all. It is that in shifting the axiomatic parameters of the two-state solution – in establishing new and hugely advantageous Israel default positions – the plan drives the final nail, for a generation at least, into the coffin of a genuine two-state solution. Bibi's defenders point to his formal acceptance of the notion of Palestinian statehood in his famed Bar Ilan speech of 2009. As though his subsequent myriad efforts to ensure it slips further from the horizon don't show that aberration to be what it was: a sop to a new Obama administration to which he was, then at least, still required to show at least lip service. But in every fibre of his being, Bibi holds that a genuine two-state solution would represent an existential threat to Israel. By guaranteeing a Palestinian rejection, the plan allows for the two-state solution to be dealt death by its thousandth cut and, better still, the narrative can be spun so that the offending knife is to be found in a recalcitrant *Palestinian* hand. It will be said that the Palestinians are simply doing as they have always done in spurning the hand offered in peace, unwilling to abandon both the course of violence and their old dream of the ultimate erasure of Israel.

### **PART 3: ISRAEL AND THE TRUMP PLAN**

Why did previous Israeli leaders pursue a 'land for peace' policy? Not because they thought Israel's security dilemmas had gone away. They knew they were what they had always been: profound and many. Though its doctrinaire enemies – usually of the left – like to portray its regional strength as hegemonic, the facts remain that the Jewish State resides in a tough neighbourhood and that, as the old Israeli maxim has it, it cannot afford to lose a single war, while its enemies need win only one. Its security obsessions, implicated as they unquestionably and inevitably are with the tragedies of Jewish history, are neither paranoid nor likely to diminish. For this reason there has never been a political divide over the question of Israel's

need for constant vigilance and the permanent projection of strength; there have been no true ‘doves’ in high Israeli Politics.

Those who have made concessions to Israel’s neighbours, or who have inched closest to accommodation with the Palestinians, have been hawks who have concluded – sometimes reluctantly – that Israel’s security is best served by trading land for peace. Only this way, they have reasoned, can previously inveterate enemies become neighbours with whom the Jewish State can live, albeit in a state of constant vigilance requiring the projection of strength. For the ‘peace hawks’ the value of the land conquered in 1967 lay neither in its biblical-historic significance nor in the physical distance it created between the Jewish State’s heartland and its enemies. Rather, it was valuable in its bargaining potentialities. It was the return of the Sinai which enabled the original Likudnik Menachem Begin to forge a peace with Egypt which has held for over forty years, and it was with the return of the Golan that Barak (at least professedly) proposed to purchase a *détente* with Assad’s Syria. Security, not bleeding hearts, has determined Israeli concession.

So it was with that supposed Lion of the Peace Camp, Yitzhak Rabin. Rabin the warrior, Rabin the ‘bone-crusher’ of the First Intifada, was no gentle saint and was, indeed, a reluctant convert to the cause of peace. When he did convert, he did so as a soldier and an Israeli patriot who had come to the Realist conclusion that the Jewish State and the safety of its people were best served by a physical uncoupling from the Palestinians. Recognising this is not to diminish Rabin. While his interests were Israeli, and though he remained suspicious of his PLO partners, I think he also recognised the moral degradation brought to Israel and its people by the occupation of another and wished to see a day when the guns might be silenced and the bloodshed cease. In attempting actually to *lead* his people where he thought they needed to go he was a martyr to a cause which in the context of our benighted age we might interpret as the most noble to which a politician can commit – that of appealing to the best and most intelligent in the populace and being fully prepared to suffer the scorn of the rest. Tragically, of course – for him and for so many others – Rabin was to suffer far worse than scorn.

Before the ascent of the religious expansionists, it used to be that the opponents of ‘land for peace’ – at least those who mattered politically – were those who believed that any peace traded in this way was illusory and that land exchanged for recognition of Israel and the cessation of hostilities was a Trojan Horse since ‘Arabs’ could not be trusted; could be relied upon, in fact, to seek the destruction of Israel. Yes, withdrawal from the Sinai brought a lasting peace with Egypt but retreat from Southern Lebanon and Gaza begat more Hezbollah rockets – and a bloody war in 2006 – and an enhanced ability for Hamas to assault the Israeli South.

A West Bank under Palestinian sovereignty would also bring calamity, says Netanyahu. His calculation is the opposite of that reached by Rabin, Barak and Olmert all of whom came to believe that occupied Palestinians were more dangerous than those with a defanged state.

Netanyahu feels, genuinely I think, that his calling is to save the Jewish people not only from a nuclear-capable and genocidally intentioned Iran, but from the existential catastrophe of a genuinely sovereign Palestinian state. It is not a messianic vision but rather a particular conception of Israeli – and therefore Jewish – security that moves him. Amid all the talk of impending annexation, what is often lost is that Netanyahu would actually rather *not* pursue this course, preferring the status quo. He will, ultimately, be forced into acquiescence by the fact that he needs the annexationists' support to govern. But the fact that he has demurred until after the election, despite the apparent American green light is telling.

Nonetheless, one can make this distinction between the motivations of Netanyahu and the zealots of the settler movement who are now so influential a political constituency whilst acknowledging that their aims converge. Whether in service to God's Covenant or to Jabotinsky's Iron Wall, both are committed to Jewish demographic, political and military dominance in what they are united in viewing as Judea and Samaria. Divergence on the question of formal annexation does not disguise the fact that both will continue to prevent the establishment of a viable Palestinian state in the West Bank. The combined ascent of religious manifest destiny and the fatalistic Netanyahu worldview have made the rejectionist camp utterly dominant in Israeli elections and, therefore, in Israeli decision making.

#### **PART 4: THE REGION AND THE TRUMP PLAN**

To a large extent, the Trump plan's intended audience was not in Ramallah but in Riyadh, in Doha and in Cairo. There, the administration expects *realpolitik* to trump concern for the popularity of the Palestinian cause on the famed 'Arab Street'. There was a time when the Arab states and their umbrella organisations could be relied upon to champion the Palestinian cause in public, at least rhetorically. Today, as the plan makes explicit, the US is relying on their common enmity towards Iran and other areas of shared interest (not to mention a sense of quid pro quo for the blind eye turned to the Khashoggi killing and the brutal pounding of Yemen) to persuade several of the Sunni powers not only to forgive the ludicrousness of the plan, but to leverage pressure on their Palestinian 'brothers' for its acceptance.

In this, Trump was initially offered some encouragement. Bahrain, Oman and the UAE sent representatives to the announcement, offered supportive statements and can probably be relied upon to remain on board. The Saudis and Egyptians, whose reactions were both of considerably more geopolitical importance, proffered cordial but non-committal statements; neither deigned to send a representative to the announcement. Qatar, as well as being a no-show, also stressed its commitment to any solution being faithful to the 1967 borders, seeming to rule out its doing any heavy lifting. Worse still, Jordan – for whom the plan has serious implications and on whose cooperation it relies in many places – bitingly condemned it, as did, predictably, Netanyahu's old foe Erdogan.

## PART 5: IS THE TWO-STATE SOLUTION DEAD?

Even before this latest assault upon it, the Two-State solution was hardly in rude health. The collapse of political will; the decline in popular faith among two weary and battled-scarred peoples; the programme of house demolition and settlement construction; the continued terror attacks and rockets: all have combined to mean that in both academic and activist circles those of us who have clung doggedly to it have been ridiculed as antediluvian, irrationally wedded to an idea which has outlived its own usefulness and feasibility. We, in turn, have affably chided our more enlightened friends that their unitary ‘binational’ solution is really no solution at all. That expecting two peoples to live side by side who have now known over a century of mutual enmity and grievance would test the optimism even of a Pollyanna. That, in fact, even were the miracle to happen and a unitary arrangement be agreed requiring the dissolution both of Zionism and Palestinian nationalism, the resultant mess would guarantee only eventual and bloody civil war.

My view on the deficiencies of the binational argument have not altered. And yet, I am forced to ask myself if Netanyahu has won. At the very least I am forced to conclude that so deep has the rot of messianic expansion and rejectionist cynicism set in, and so much have they polluted the spirit of Rabinist pragmatism, that a veritable political revolution, a Zionist Spring in Israel, is needed to break the grip which the settlers and their fatalistic enabler exercise over the country.

If the two-state solution is indeed dead and not, as we hope, merely in an induced coma, then will its epitaph read ‘What Might Have Been?’ or ‘Doomed to Failure?’ Its advocates must ask themselves how real have been its supposed ‘missed opportunities’. Put simply, how far apart were the parties’ visions of two states when at their nearest? How much credence is to be given to the Israeli argument – often supported by American brokers – that such efforts have foundered thanks to mulish Palestinian inflexibility? Ought posterity to condemn Arafat and Abbas for not seizing the opportunities they knew to be the best their benighted people could ever hope to receive? While we cannot know where winds the road not taken, I think the future historian will at least conclude that in rejecting Taba and Olmert’s offer the two men rejected proposals offered in at least reasonable faith and whose content was serious and which will never be bettered from a Palestinian point of view.

Their Western leftist allies are wont to portray the Palestinians either as incapable of error or else as passively inert non-agents to whom history has merely ‘happened’. Such a reading is both patronising and ahistorical. Palestinian terror played its part in subverting Oslo – as it was intended to do – just as surely as did the bullet of Yigal Amir and the incitement of Netanyahu and Sharon. It is hard, too, to blame Israelis alone for the decline in influence and popularity of the peace camp, when so many households can solemnly name you a friend or loved one slaughtered by suicide-murder during the Second Intifada. And one can make a

reasoned case that neither Barak nor Olmert erred in believing that in their offers they had met the Palestinians, perhaps not as far as they deserved, but as far as Israeli political reality would safely allow them. It is possible – perhaps even likely – that the wreckers on both sides would have succeeded in fatally undermining any accord reached on the terms of Taba or Abbas-Olmert; but it would have been an endeavour worth pursuing.

In contrast to these Palestinian failures, the future chronicler will not devote a moment to questioning the quality of Palestinian leadership when they turn their attention to their rejection of the Trump plan. They will conclude, surely, that its architects came not to revive an ailing process but to deliver the *coup de grace*; not to bring peace to two peoples so deserving of it, but to sacrifice the cause of one to the altars of expansion, narrow domestic political agendas, Great Power geopolitics and the subverting of personal legal travails. It is a peace plan fit for our times: duplicitous and self-interested in intent, irrational in execution, dangerous and cruel in consequence.

*Dr Jack Omer-Jackaman is author of The Impact of Zionism and Israel on Anglo-Jewry's Identity, 1948-1982 (Vallentine Mitchell, 2018). He is Executive Director of Oasis of Peace UK which supports the Educational Institutions of NSWaS (Neve Shalom in Hebrew and Wahat al-Salam in Arabic), a community of Jewish and Palestinian-Arab Israeli citizens, located midway between Tel Aviv and Jerusalem.*



## A DEAL THAT DRAINS THE TWO-STATE SOLUTION AND THE VERY IDEA OF PEACE OF ALL MEANING

JOHN LYNDON

*John Lyndon is Executive Director of the Alliance for Middle East Peace (ALLMEP). He argues that the Trump Plan is neither part of the peace process nor the latest iteration of the two state solution, but rather has been designed to bury both and move towards a new paradigm: annexation. (February 2020)*

Shalom. Salaam. Peace. These words, famously — to the point of cliché — are used millions of times every day as terms of greeting and friendship by Arabs and Jews. That's one of the reasons why it has been disappointing to observe the delegitimisation of the term in Israeli and Palestinian political discourse over the last generation. However, in Washington last Tuesday, the word 'peace' — used 42 times by president Trump and Prime Minister Netanyahu over the course of a deeply disingenuous hour — was finally emptied of all meaning.

In a room which Chemi Shalev likened to a 'ZOA Gala Dinner', assembled a who's-who of the pro-Israel right-wing and evangelical movement, a heavy press contingent from Israel, several prominent Republican donors, three GCC ambassadors, and... no Palestinians.

Reading through the plan that evening, it was immediately clear that it was unlikely to result in 'peace' between Israelis and the Palestinians who watched on television 10,000km away as the fate of their lands and lives was determined by others. It might seem basic, but it is worth reminding ourselves what that word 'peace' means. It requires both parties agreeing to put conflict behind them and enter into a mutual agreement predicated on the absence of hostility and violence and ending their respective claims. It requires parents telling their children: 'it's over,' and each party feeling sufficiently satisfied with any compromise so as not to allow the past to continue to dictate the future. We used to understand that. I'm not sure precisely when it happened, but at some point the entire 'peace process' became strangely unmoored from that concept.

The Palestinian leadership is ripe for criticism and deserving of plenty of blame in any fair accounting of how we have arrived at this nadir. President Abbas should reflect long and hard on his failure to respond to Ehud Olmert's offer in 2008, as well as his role in the collapse of the 2014 Kerry talks, and on the fact that the Palestinian people have not had a chance to democratically evaluate his performance for fifteen years. However, it is a simple statement of

political fact that the details that this plan sketches out on Jerusalem, borders and refugees fall well below the minimum that any Palestinian leader could accept and sell to their people. That each issue was shrouded in language obscuring its true content, designed as Orwell explained in *Politics and the English Language*, to make ‘lies sound truthful,’ was initially jarring:

\* A ‘two-state solution’ but with a Palestinian ‘state’ on less than 70 per cent of the West Bank, broken up into three isolated islands within an archipelago surrounded on all sides by Israel, with Israeli settlements remaining both within and around them, under permanent occupation, and deprived of almost all of the basic characteristics of sovereignty. Even this heavily circumscribed promise of statehood is only within reach for the Palestinians if they fulfil a plethora of obligations that few other states in the region would be able to meet.

\* A capital in ‘Eastern Jerusalem’, which was made clear meant Abu Dis, Kufr Aqab and Shuafat refugee camp, parts of the city that were not considered part of Jerusalem at any point in Palestinian history, with no control over holy sites, and a ‘special tourist zone’ in the dystopian wasteland around the Qalandiya checkpoint.

\* A ‘settlement freeze’ in areas set aside for the Palestinian state for four years, but Netanyahu clarified later that this only applied to areas where there were in fact no settlements, with Israel free to annex the remaining parts of the West Bank unilaterally, and so undermining the very point of such a freeze which is to maintain the territorial viability of a Palestinian state.

Only on refugees was there no shrouding. Their status, and UNRWA, the body set up to address their needs, would be dissolved, and their ability to return to the Palestinian ‘state’ envisioned in the plan would be heavily circumscribed, with any discussion of limited return to their ancestral lands in what is now Israel completely off the table.

Perhaps most basically, ending the occupation that began almost 53 years ago is — for literally every Palestinian I have ever met — the most fundamental indicator that we have reached peace. Indeed, the justification of Israel’s military occupation is that it is a function of the protracted conflict. If this document promises ‘peace’ then why is permanent occupation at its very core?

There is absolutely no chance that the Israelis and Americans who drafted this plan expected the Palestinians to accept it. So, if the plan cannot credibly be claimed to be the basis of a peace deal between Israelis and Palestinians, it is fair to ask: what is its utility? Certainly, it has political advantages for the beleaguered US and Israeli leaders both up for re-election.

Yet there is also another logic fuelling this whole enterprise: slightly less cynical, immeasurably more ideological, and clearly signalled by figures such as the US Ambassador to Israel, David Friedman. That logic — now shared by most of the Israeli right, and at least rhetorically by many in the centre — is one of annexation. If you boil the plan down to its most basic parts

and bake in Palestinian rejection as a given, what remains is a flashing green light for Israel to annex a third of the West Bank. This is the message Ambassador Friedman gave soon after its release, 'If they wish to apply Israeli law to those areas allocated to Israel, we will recognise it.'

I know of no single Palestinian — and the nature of my work means that I know some of the most moderate and compromise-minded Palestinians alive — who is willing to accept this deal. Equally, I do not often meet Palestinians under the age of thirty who are enthusiastic supporters of an *actual* two-state solution. This plan has undoubtedly sped up the death — which will be conclusive should Israel annex swathes of the West Bank — of the hundred-year debate about partition. Its conceit is that Palestinians will accept living in militarily occupied Bantustans as an alternative. They will not, almost certainly demanding equal rights in the state that controls their lives.

While much of the deception in this plan is so transparent as to be revealed on first reading, its greatest deceit is more deeply buried. This plan is the most *anti-Israel* proposal ever endorsed by a US President. By humiliating the Palestinians, it guarantees continued conflict and insecurity for Israelis. In discrediting the role of the US as the sole mediator, it makes any future negotiations — if we're lucky enough to see them — much more likely to be internationalised or led by parties less sympathetic to Israel. In generating rejection by some of the most pro-Israel Democrats in Congress, it makes Israel a partisan issue in a way unimaginable just a few years ago. By shockingly suggesting that the citizenship of Israeli-Arabs was up for discussion, it tears an already fraying part of Israel's democratic fabric. And by burying the two-state solution it hastens the arrival of a reality where Israel will either need to sacrifice its democracy or its Jewish majority.

So what to do? First: we must rehabilitate the pursuit of *actual* peace, from the bottom-up. We have a generation of Israelis and Palestinians now entering young adulthood who are more physically separated and politically polarised than any other since the conflict began. We must disrupt this. Encounters between Israelis and Palestinians must be exponentially scaled so that the basic empathy, respect and mutual recognition required for peace and utterly absent in this document is re-built.

The international community, which has entirely failed to deliver on the promises made in the 1990s, has a moral obligation to radically increase their support for such efforts. I and other committed supporters of a two-state solution must also recognise that the chances of it ever arriving are now too low for us not to have a contingency plan. Luckily, the societal conditions for a just two-state solution and an ethically defensible alternative are exactly the same. If we had ten thousand times as many daily encounters between Israelis and Palestinians as we have now, I am certain that it would produce immeasurably better ideas on how Israelis and Palestinians can share or divide this land than are to be found within the 181 pages of this plan.

The past week has been difficult for anyone committed to real peace between Israelis and Palestinians. But perhaps it can also provide some sobering clarity. The period that began with handshakes on the White House lawn in 1993 is over. The Trump Administration has offered us a highly detailed blueprint of its idea of what should come next. If we — the Israelis, Palestinians and internationals committed to a just peace — want a different reality, let's stop reacting, start acting, and set about building it.

*John Lyndon is Executive Director of the Alliance for Middle East Peace (ALLMEP).*



## BUILDING A BETTER TRUMP PLAN

MICHAEL KOPLOW

*Michael J. Koplow is Israel Policy Forum's Policy Director, based in Washington, DC. He argues that Instead of seizing the opportunity to cajole folks on all sides to reconsider some of their convictions and sacred cows, the construction and release of the Trump plan could be the fuel for even more damaging developments. (February 2020)*

[The Trump plan](#) for Israeli-Palestinian peace is now out in the ether, and the takes have been flying fast and furious. Unsurprisingly, and as with most things related to President Trump, there are two basic camps. One camp has deemed the plan to be the first one that embraces a realistic view of the Israeli-Palestinian conflict and offers the Palestinians a historic opportunity to improve their situation, and one that may never recur should they reject it. The other camp views the plan as completely unrealistic, born of the view that Israel can bludgeon the Palestinians into submission despite there being no evidence that this will work, and that it is not actually a peace plan designed to be accepted but a thinly veiled excuse for Israel to begin annexing the West Bank and applying sovereignty to settlements.

I am firmly in one of these two camps (no surprise as to which one), but rather than deride the plan as unserious and unrealistic and leave it at that, it is a useful exercise to take the plan's assumptions and posit what a more serious and more realistic proposal designed to actually result in an agreement could look like. After all, whether or not the Trump plan is ever realised, it will [inevitably shape the future of the conflict and Israeli-Palestinian diplomacy](#), and it makes sense to grapple with it in a constructive manner. To do so exhaustively would take a book rather than a thousand words, but as a start, we can examine the big picture issues of territory and Jerusalem.

One of the underlying assumptions of the Trump plan is that as circumstances change, so too should the contours of any deal between the two sides. As Jared Kushner noted in a CNN interview on Tuesday afternoon, 'I'm not looking at the world as it existed in 1967. I'm looking at the world as it exists in 2020.' That strikes me as perfectly sensible, and to get anything done in foreign policy, actors have to deal with the world they have rather than the one they want. Applied to the case of what the division of territory will be between Israelis and Palestinians

in the West Bank, there is a solid argument to be made that irrespective of the precise borders before June 1967, today's circumstances dictate that significant changes be made. Without litigating the fairness, equity, or legality of more than 650,000 Israelis living over the Green Line, with about 450,000 of them in West Bank settlements, the fact is that they are there, and evacuating all of them would be somewhere between Herculean and impossible.

The obvious answer to this is to figure out a way to incorporate as many of those settlers inside of Israel proper once the map is redrawn, but in a way that still allows for a viable and contiguous Palestinian state. The Trump plan approach is to avoid having to figure out the answer to this problem, and instead sees Israel effectively annex every spot of West Bank territory where there is a settlement. This includes not only the large blocs along the Green Line, but far-flung settlements deep inside the West Bank, which on the Trump map become enclaves of Israeli territory. Those enclaves then get access roads and security buffer zones that crisscross the territory designated for a Palestinian state, and the end result is a map that takes into account the Israeli circumstances on the ground without considering any other variable.

A realistic and implementable version of dividing up territory while taking into account facts on the ground would look very different. Drawing a map that incorporates 80 per cent of those Israelis living over the Green Line would construct a border around the five large blocs that sit right on the Green Line and incorporate less than 5 per cent of the West Bank into Israel proper, as opposed to the 30-35 per cent of the West Bank that the Trump plan envisions. While I would not favor this choice, one could even create a single enclave for Ariel, the fourth largest Israeli city in the West Bank and the only one beyond the Green Line blocs, as opposed to the fifteen enclaves that the plan's 'conceptual map' lists and the many more that an actual map would have to include to incorporate every current West Bank settlement.

A realistic and implementable version of dividing up territory while taking into account facts on the ground would recognise that incorporating Ma'ale Adumim into Israel will make it maximally inconvenient for Palestinians who want to travel between Bethlehem and Ramallah, or the southern and northern West Bank, but that imperfect tradeoffs will inevitably be part of any arrangement. There is nothing realistic or implementable about the system of access roads, bridges, and tunnels that the Trump plan lays out or the enormous Israeli security presence that it would require in order to keep every single settlement precisely where it is.

A realistic and implementable version of dividing up territory while taking into account facts on the ground would acknowledge that, as Israelis are fond of pointing out, there are consequences to rejecting more generous offers and of being the weaker party with less leverage, and perhaps that means land swaps that are not precisely even in terms of quantity and quality. It would not, as the Trump plan does, hand Israel some of the best and most fertile agricultural land in the West Bank in return for some dismal parcels in the Negev while also reducing the size of the Galilee by redrawing the border to put current Israeli citizens who

happen to be Arab inside of Palestine.

On Jerusalem, the Trump plan again employs its notion of dealing with current rather than past circumstances, but rather than taking it to the extreme, it simply gets it wrong. The plan envisions a Palestinian capital in Abu Dis, Kufr Aqb, and the Shuafat refugee camp, which is interesting off the bat for two reasons: first, Abu Dis is not part of the current Jerusalem municipality while Kufr Aqb and Shuafat refugee camp are, and second, those three neighborhoods are not actually adjacent to each other. The plan highlights those areas because they are all beyond the security barrier, and thus they are easy to separate out and maintain the position that Jerusalem remains united.

One problem with this is that none of these areas are actually Jerusalem in any meaningful way beyond semantics. When Israel redrew the Jerusalem municipal boundary following the Six Day War, it did not only incorporate the six square kilometers containing the Old City and the Holy Basin that the Jordanians defined as East Jerusalem; it instead annexed an area of 70 square kilometers. Thus, 28 Palestinian villages that were never considered by anyone to be part of Jerusalem suddenly became part of the municipality. Viewed through this lens, the Trump plan wants to take the circumstances of drawing an absurd municipal boundary under which Kufr Aqb and Shuafat refugee camp are now 'Jerusalem' and use that as a capital in the city, while pretending to ignore the internal contradiction of removing neighborhoods that Israel claims are part of Jerusalem and still claiming not to have divided the city. Either the Trump plan is keeping the city united, in which case it cannot spin these neighborhoods off for a Palestinian capital in Jerusalem, or it is acknowledging that these neighborhoods are not actually Jerusalem and thus it is not granting any real Palestinian connection to the city. What it cannot do is claim both of these things simultaneously depending on which side is asking, despite its valiant efforts to do so.

But the other problem is that the Trump plan's section on Jerusalem doesn't actually account for the changed circumstances on the ground at all. It is keeping Palestinian neighborhoods inside of Israeli Jerusalem where there are negligible or no amounts of Jews, from Issawiya to Beit Hanina to Jabal Mukkaber. Dealing with a 2020 world rather than a 1967 world means making these neighborhoods part of a Palestinian capital in Jerusalem, rather than keeping them for Israel for no other reason than to maintain the claim that Jerusalem is remaining united and despite the fact that these neighborhoods have nothing to do with Jewish or biblical Jerusalem. A realistic and implementable version of the Trump plan for Jerusalem would, as one activist in the city brilliantly suggested to me last week, look at the precise spots that Israel places roadblocks on Yom Kippur to divide the Jewish and Arab sections of the city, and use that as a basis for where an Israeli capital and a Palestinian capital should be.

If the Trump plan looked more like what I just outlined, there is a conceivable scenario in which it could serve as the basis for negotiations. Supporters of a two-state outcome could pocket the

concession that Trump made by describing his plan as such and work toward figuring out a viable and implementable solution, using some of the plan's vision and assumptions as a jumping-off point. But that is not what this plan does, and it is a mistake to try to work within its impossibly restricting confines.

The Trump plan was sold as, in its authors' words, 'the best, most realistic and most achievable outcome for the parties.' This is sadly one of the most misleading and hyperbolic sentences in a misleading and hyperbolic plan. It is also apparent that the Trump team does not view the plan as a suggestion, but as a take-it-or-leave-it, as-is plan for Israeli-Palestinian peace, and that in itself is what renders it impossible to work with beyond being something that can be imposed with the fury of a thousand tweets. Instead of a chance to cajole folks on all sides to reconsider some of their convictions and sacred cows, the construction and release of the Trump plan will be the fuel for even more damaging developments. Perhaps the aphorism about never missing an opportunity to miss an opportunity needs to be updated.

*Michael Koplow is the Policy Director of the Israel Policy Forum. Before coming to Israel Policy Forum, he was the founding Program Director of the Israel Institute.*

## Part 2

# Rethinking the Structure, Rethinking the Process



## THE WISDOM OF RESOLUTION 242

TOBY GREENE

*The logic of UN Resolution 242 – that this is a conflict of two sides with rights and responsibilities, and that Israel's withdrawal requirements have to be tied to reinforcing Israel's legitimacy and security – remains sound, claims Fathom Associate Editor Toby Greene. International actors should use this moment to reaffirm the principles set down in November 1967. The pursuit of approaches that seek to avoid that logic, only push a resolution further away. (April 2017)*

### FIFTEEN HANDS, TWO PRINCIPLES

The occupation goes back 50 years, but so too does the internationally-agreed framework for ending it. It was around 4.30pm, on a bracing New York Wednesday afternoon, 22 November 1967, that representatives of 15 nations at the UN Security Council table raised their hands to pass Resolution 242. This text, a mere 291 words, contains the only agreed terms of reference in each of Israel's peace accords with Egypt, Jordan and the Palestinians.

It is a framework built around two parallel principles: Israeli territorial withdrawal on the one hand, and recognition of Israel's right to exist in 'secure and recognised boundaries' on the other. This 'land for peace' trade-off has defined Arab-Israeli peace making. But why has it not yet allowed the Israeli-Palestinian conflict to be resolved, is it still relevant, and what can international actors learn from 242 about promoting conflict resolution today?

### THE HISTORIC AND ARTFUL 242

Whilst it took Israel just six days to flatten its Arab enemies in battle, it took the great powers five months of frustrated backroom haggling to agree 242. That the Cold War titans, the US and Soviet Union, advocates of Israeli and Arab positions respectively, could agree at all, showed that a war born of crisis, had created opportunity.

Israel's establishment in 1948 came after the UN endorsed a plan to partition Palestine into Jewish and Arab states. The Arab rejection of that proposal led to the first Arab-Israeli war, resulting in Israel's establishment within precarious ceasefire lines, and the flight of hundreds of thousands of Palestinian Arabs from the territory of the new Jewish state.

From 1949 until 1967, Israel's Arab neighbours were united by the commitment to reversing the events of 1948 and destroying Israel, threatening to do so in blood curdling terms. June 1967 ended this hope. Arab goals moderated to securing the restoration of the territory it had lost in the 1967 war: the West Bank, East Jerusalem, the Gaza Strip, the Sinai Peninsula and the Golan Heights. Resolution 242 was made possible through the realisation among international diplomats that this could be compatible with Israel's central goals: respect for its sovereignty and its 'right to live in peace within secure and recognised boundaries free from threats'.

Balancing these positions was a delicate business. No less than five separate drafts lay on the Security Council desk that Wednesday. But it was British Ambassador Hugh Foot, Lord Caradon – a former Cambridge Union president from an impressive political family including younger brother Michael Foot – whose deft diplomatic and textual manoeuvres finally won the day.

Critically, the central principles were presented in parallel. If Israel wanted legitimacy and security it needed to withdraw from territories. But equally, if the Arab side wanted its territories back, Israel needed legitimacy and security. Whilst there was enough substance to make the text meaningful, Caradon achieved unanimity by creating enough ambiguity, such that each side could frame its interests in the context of the resolution.

Israel could interpret the resolution as requiring from the Arabs full recognition and negotiated peace agreements, though this was not explicit. Similarly, the Arabs could interpret the resolution as requiring full Israeli withdrawal, though the wording artfully avoided doing so, since Israel could not have accepted it.

Whilst the resolution calls for 'withdrawal of Israeli armed forces from territories occupied in the recent conflict,' it famously omits the words 'all' or 'the' before 'territories'. Israel has always claimed it means only some of the territories, and the Arab side that it means all territories, which they bolster by pointing to an earlier clause emphasising 'the inadmissibility of the acquisition of territory by war'. Israeli negotiators maintain that while the resolution refers to 'the inadmissibility of the acquisition of territory by war,' that does not preclude the inadmissibility of the acquisition of territory by *agreement*. The language of 'secure and recognised boundaries,' alongside the language on 'withdrawal' gave force to Israel's position that the borders need to be defined anew.

In 1967 Israel was adamant that it could not be forced back to the status quo ante – the perilously insecure 1949 armistice lines, which had laid the basis for the 1967 war, and which British Labour Cabinet Minister Richard Crossman called 'impossible peace frontiers'.

Resolution 242 did not (on its own) legally bind the parties. As a Chapter VI resolution, according to the UN Charter, it recommended principles that the parties should adopt in negotiations to resolve the conflict. What made 242's terms binding were the Israeli-Egyptian,

Israeli-Jordanian and Israeli-Palestinian agreements in their bilateral relations to use 242 as a term of reference.

But while Israel, Egypt and Jordan (but not Syria) all separately accepted 242 in the months following its passage, it took another bloody war, in 1973, to convince both Egypt and Israel that its best interests lay in implementing it. When the shooting stopped and the talking began, it was on the sole basis of 242 and Resolution 338 (which reaffirmed the terms of 242 and called for negotiations based upon it) that Egypt and Israel constructed the 1978 Camp David Accords, a cornerstone of regional stability for nearly 40 years.

### **FROM 242 TO TWO (STATES) *FOR* TWO (PEOPLES)**

Back in 1967, Resolution 242 was seen as a setback by the nascent Palestine Liberation Organisation (PLO). Not only did it reinforce Israel's legitimacy within secure boundaries, but Palestinian national claims were conspicuous only by their absence. The Palestinians are referred to only indirectly, through the call for 'achieving a just settlement of the refugee problem'.

Up to 1967 the Palestinian refugee issue was subsumed within the wider pan-Arab agenda to undo the creation of Israel, and in the immediate wake of the war, the idea of an independent Palestinian state was not prominent. Caradon recalled: 'We all took it for granted that the occupied territory would be restored to Jordan.'

It was the acrid smell of devastated tanks and aircraft that caused Arab dreams of militarily undoing Israel to ebb, allowing the PLO to emerge as an independent voice and the demand for a Palestinian state to take prominence. Yet for 20 years under Yasser Arafat's leadership, the PLO remained adamantly committed to replacing Israel, not making peace with it. It took regional changes to shift Arafat's policy: Anwar Sadat and Menachem Begin shaking hands; the exile of the weakened PLO leadership to Tunisia after the First Lebanon War; Palestinian youth seizing the initiative in the First Intifada; and finally King Hussein of Jordan's decision to renounce claims on the West Bank in 1988.

It was in the Algiers Declaration in 1988, where Arafat, as leader of the PLO, declared symbolically the independence of a Palestinian state and called for an international conference on the basis of 242. This implied PLO recognition that Palestinian national rights would be pursued in the West Bank and Gaza but not in sovereign Israel. That recognition by Arafat paved the way for a PLO-US dialogue, and in due course made possible the Oslo peace process itself. In the 1993 Declaration of Principles and the subsequent Israeli-Palestinian agreements, the only agreed terms of reference are 242 and 338.

Israeli-Palestinian peace making was anchored therefore within 242's twin principles: Israeli withdrawal from territories captured in 1967 alongside Israel's right to 'peace within secure

and recognised boundaries free from threats or acts of force'. This belies the framing of the conflict as being simply about ending the occupation. Resolution 242 made clear that it was about competing claims and rights that need to be balanced in a negotiating process.

Establishing special security arrangements to address the threats Israel faces has been an important issue in all final-status negotiations since 1993. Israel shares in the responsibility to end Palestinian indignity and suffering, but not to critically undermine its own population's security in the process. This position is anchored in another of 242's terms, which affirms the necessity of 'guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarised zones'. Key to concluding the peace treaty between Israel and Egypt was the decision to demilitarise the Sinai. A broadly accepted principle of the Israeli-Palestinian peace process is that a future Palestinian state would be demilitarised or have very limited arms.

The logic of 242 ties Israel's withdrawal to security in very clear ways because the security threat to Israel was what triggered the 1967 conflict. Israel's pre-emptive strike on June 5 was widely recognised at the time as a legitimate act of self-defence against Arab forces mobilising on its narrow and vulnerable frontiers and threatening its destruction.

Whilst today Israel is not threatened by Soviet backed Arab armies, the principle of special security measures including demilitarisation remains relevant due to the proliferation and growing power of non-state armed actors. No Israeli leader can persuade their public that it is a good idea to transfer sovereignty in the West Bank unless he can persuade them that there will not be rockets and other threats emerging, as was the case after Israel's withdrawal from the Gaza Strip in 2005. The fear of a Palestinian state becoming a failed state or a terror state is one of the core concerns for Israel. This underpins Israeli demands for a sustained Israeli military presence in the Jordan Valley to prevent the infiltration of weapons and fighters into the West Bank – a sticking point in the 2013–14 Israeli-Palestinian negotiations led by then US Secretary of State John Kerry.

## **THE LIMITS OF 242**

Resolution 242 is not exhaustive. Whilst the land for peace trade-off captured the essence of peace making between Israel and Egypt (and similar failed efforts with Syria), the conflict between Israel and the Palestinians is about more than real estate. It is also about two national identities rooted in the same territory.

The events of 1948 – the establishment of a Jewish nation state and the birth of the Palestinian refugee problem – at least as much as the events of 1967, define the Israeli-Palestinian conflict. Resolution 242 affirms the necessity of 'achieving a just resolution of the refugee problem' but without specifying how.

For Israel, a core trade-off for the establishment of a Palestinian nation state in the occupied territories, is Palestinian renunciation of their claims to the territory of Israel, including the claimed 'right of return' for refugees from 1948 and their descendants. This demand is understood by Israelis as a threat to Israel's very existence as the nation state of the Jewish people. This is one of the drivers behind Israel's claim that in an agreement which establishes Palestine as the nation state of the Palestinians, the Palestinians should recognise that Israel is the nation state of the Jewish people.

Just as Resolution 242 did not address Palestinian national claims, nor does it deal with the special attachment of the Jewish people to the West Bank (Judea and Samaria) and Jerusalem. These areas are deeply connected to the Jewish people, which were also part of the Jewish national home pledged by the League of Nations in 1922. The issue has taken on a new significance with the settlement of Israelis in the West Bank since 1967.

Whilst 242 does not address these issues, it nonetheless incorporates principles which provide the basis for addressing them. The need for Israel to withdraw, creating the possibility for Palestinian sovereignty; the possibility of agreed territorial adjustments, which can incorporate settlements into Israel; and above all the need to establish a balanced basis for all peoples in the region to enjoy 'territorial inviolability and political independence'.

## LESSONS FOR FUTURE DRAFTERS

Many UN resolutions have been passed on the Arab-Israeli conflict, but only the substance of 242 is accepted by both sides as terms of reference for a conflict ending agreement.

Other resolutions have reflected the UN being used as a stage for the parties to act out their differences, rather than the forum for resolving them. Resolution 2334, passed in December 2016 in condemnation of Israeli settlements, was promoted by the Palestinians to advance their agenda, presenting settlements as the core obstacle to achieving an outcome with only minimal reference to Israeli concerns.

Whilst the resolution reflected understandable frustration at Israeli settlement policies, by playing into the hands of one narrative, the UN sent a message to the Palestinian side that it is possible to achieve outcomes without coming to terms with Israel. This was the opposite of 242, which provided guiding principles, but placed the onus on the parties to accept one another's legitimacy to achieve a mutually desirable outcome.

In recent years the Palestinians have moved away from establishing a state through bilateral negotiations, to attempting unilaterally to construct Palestine as an international legal reality. This process has not changed the situation on the ground, underlining that the 'withdrawal of Israeli armed forces' cannot be secured through international resolutions alone, but only through a decision of Israel that this reflects its interests, and enhances its ability to 'live in peace within secure and recognised boundaries free from threats or acts of force'.

Concern at the lack of progress in bilateral talks, and fears that the two-state solution may expire, has prompted some to propose international terms for ending the conflict be imposed on the parties. However, any policy, statement or action from the international community needs to be measured against the metric: is it going to bring the parties closer to dialogue and to mutual recognition?

Both Israelis and Palestinians demonstrated in their negative reaction to Kerry's speech on the peace process in December 2016, that neither party wants to feel it is being disenfranchised from their own process and being forced to do what others are telling them. External dictates also risk emboldening less conciliatory forces on both sides, who garner legitimacy by positioning themselves as defenders against international parameters not reflecting their side's interests.

## RIGHTS AND RESPONSIBILITIES

Having a framework for resolving the conflict is not enough. While the belief that change is possible is necessary, it is badly lacking due to the regional situation and the experiences of both societies, which has heightened mutual distrust and anxiety.

In that context, the 50-year anniversary can fuel international concerns that the conflict is unending, and lead some to seek alternatives to a two-state solution built on the framework of 242. But the problem is not with the principles that shape how we think about this conflict; the problem is the commitment to apply those principles.

Though the Israeli-Palestinian bilateral track has run aground, there are ways, as a recent [BICOM paper](#) outlines, for making progress: incentivising tools of constructive unilateralism; working with Arab states to create a regional umbrella; rebooting civil society peace initiatives; and rebuilding bilateral talks out of the public eye, which can reverse the negative trends.

The logic of 242 – that this is a conflict of two sides with rights and responsibilities, and that Israel's withdrawal requirements have to be tied to reinforcing its security and legitimacy – remains sound. International actors should use this moment to reaffirm those principles. It is the pursuit of approaches that seek to avoid that logic, more than the insistence on that logic, which pulls us away from resolving the conflict.

*Toby Greene is a lecture at Bar Ilan University. He is a former research fellow and adjunct lecturer at the Hebrew University of Jerusalem and a former senior research associate for BICOM.*



## **THIS IS A CONFLICT OVER NARRATIVES. ISRAEL NEEDS TO TELL OURS TO PALESTINIANS**

YOSSI KLEIN HALEVI

*Yossi Klein Halevi is senior fellow at the Shalom Hartman Institute in Jerusalem and the author of the recent New York Times bestseller, 'Letters to my Palestinian Neighbour'. In conversation with Fathom deputy editor Calev Ben-Dor, he sets out the main themes of his book: the need for both sides need to stop the war on the legitimacy of each other's narrative, and the need for a radically new kind of Israeli-Palestinian conversation about the conflict based on respect and deep mutual recognition. (October 2018)*

### **TELLING OUR STORY**

My book originated in the 1990s when I undertook a year-long journey into Palestinian society, specifically into its religious life, going to mosques and monasteries looking for shared devotional language with my neighbours. I was exposed to the Palestinian narrative and to Palestinian stories which deeply moved me and helped shape my thinking about the conflict. And in this book I'm asking my neighbours to hear my story – not through a tit-for-tat argument, but because minimal respect of the right of each side to tell its story is, I believe, a prerequisite for peace. This isn't primarily a conflict over tangible issues like borders and settlements – those are the consequences of a deeper conflict over narratives. We've been fighting a hundred-year war of clashing narratives.

I felt the time had come for someone on the Israeli side to try to explain our story to our neighbours, to tell a story about who we are. So I told my own story – an American-born Jew who moved to Israel as part of a people returning home to a land that has been at the centre of its identity for 4000 years.

The book also came out of the realisation that the other side doesn't know our story. The Palestinian media and school system overwhelmingly convey the message that Israelis and the Jewish people are not only thieves but also liars. They say we've invented our story, or that we have no story. That's the message Palestinians receive on a daily basis. A young man in Hebron, the city with the longest Jewish history of any city anywhere, once told me that there were no Jews in the city until after 1967. But he was simply repeating what he'd been told his whole life.

One part of the Jewish community defends the Israeli, Zionist narrative which is under growing

assault. Another part of the Jewish community defends the two-state solution and the hope for peace. The implicit premise of my book is that both these approaches are necessary and, more, they are complementary. If we don't defend the integrity of the Israeli story and the legitimacy of the Jewish presence here, we'll never reach peace. If the other side is convinced we have no story or roots here – which is what they hear over and over – peace will not be possible. How do you make peace with a non-existent illegitimate people?

On the Palestinian side there is an impression that we are a foreign implant. And on our side, especially on the Right, there is a tendency to see the Palestinians as the successor to a long line of genocidal enemies against the Jewish people. Each side projects its deepest historical trauma onto the other. Rather than see a struggling people on the other side that is holding on for dear life to a sliver of land, we see monsters.

A prerequisite for peace is for both sides to stop the war on the legitimacy of each other's narrative. We disagree about everything, from where we are each descended from, what the roots of the conflict are, right up to the latest events on the Gaza border. We have completely opposite readings of the same reality and that may never change. But my aim with this book is to create a space where we can at least begin a painful process of listening to each other's deeply unpalatable narratives, to model a different kind of conversation based around a Palestinian and Israeli sitting down and telling each other their stories.

The criticism I've received from some on the Left is that, given the extreme power imbalance between Israelis and Palestinians, what right do I have to expect the occupied to listen to the narrative of the occupier? I understand this critique, but it misses several key points that are unique to this conflict. The first is that the occupiers are worried about their own long-term survival. When the French were debating whether to leave Algeria, no one argued that withdrawal would threaten France's ability to defend itself. In Israel, a credible case can be made that withdrawing to nine-mile-wide borders in the most unstable region on the planet could be an existential threat. Our dilemma is that we face opposing existential threats – from withdrawing and from not withdrawing. Many Israelis have two nightmares about a Palestinian state. The first is that there won't be a Palestinian state and the status quo continues indefinitely. The second nightmare is that there will be a Palestinian state, and we may not be able to adequately defend ourselves in a disintegrating region. For many of us, the debate isn't between peace and occupation but over the question of which existential threat is worse.

Israelis carry in their heads a split screen: On one side there's Israel versus the Palestinians, and we are Goliath and they are David. But on the other side of the screen, Israel is David against the Arab and Muslim world Goliath.

Ending the occupation means addressing Israeli anxieties. And nothing provokes those anxieties more than the ongoing Palestinian campaign, with growing support around the

world, to deny our history and legitimacy and roots in this land. Consider the UNESCO resolutions that speak of East Jerusalem as being significant to Islam and Christianity and leave out Judaism. Israelis see that campaign and conclude that there is no chance that a Palestinian state on the West Bank will live in peace with a Jewish state it regards as inherently illegal and illegitimate. Those fears of course strengthen the Israeli Right. The boycott, divestment and sanctions (BDS) movement is the greatest gift to the Israeli Right.

And so explaining and defending our narrative isn't abusing the power imbalance between Israelis and Palestinians, but the opposite. Without some Palestinian willingness to stop the assault on the Jewish narrative, Israelis will continue to view peace as a dangerous illusion of the Left.

## **ENGAGEMENT WITH THE ARAB WORLD**

We have created an Arab language website for the book and I am looking to do serious outreach to Palestinian society and to readers in Saudi Arabia, Egypt and Jordan. We are at a turning point in the Middle East where fear of Iran is creating unexpected alliances of convenience between Israel and Sunni states. My hope is that this book can deepen those alliances by creating a conversation about who the Jews are, our place in the region, and Israel's legitimacy. I think there are many people in the Middle East who are ready to hear our story in a way that they weren't before.

It's an interesting and complicated moment. On the one hand relations have never been worse between Israelis and Palestinians. And yet relations have never been so hopeful between Israelis and the Arab world. My hope is that we can turn what is now a purely strategic relationship into the beginnings of something deeper, which can then have positive consequences for the Israeli-Palestinian conflict.

Everyone realises that unless there is some significant progress on the Palestinian front, the Arab states won't be able to move significantly in our direction (even though they apparently want to). And in light of this, we need to figure out ways of changing the conversation. What I'm suggesting here is one way.

## **A ZIONIST STORY FOR THE 21ST CENTURY**

The book has three components. The first is a discussion of the importance of telling a 21st century Zionist narrative. The narrative we've been telling ourselves and the world is really a Eurocentric 20th century story, one that begins with the pogroms in Czarist Russia and culminates with the Holocaust.

Yet this is no longer tells the story of Israel today. It doesn't reflect an Israeli society in which the majority are descended from families who emigrated, fled or were expelled from one part of the Middle East and came to another. These Jews are mainly excluded by the Holocaust-centric story. And this story also inadvertently feeds the anti-Zionist narrative of Israel as a

colonialist European intrusion.

Israel's founders responded to the region's rejection of the state's legitimacy by saying we're really not part of this region anyway. But if you look at Israeli culture today, from food to music to slang, we are Middle Easterners, to some extent. Yes, we are a meeting point of different cultures but we are increasingly part of this region. I believe that an essential precondition for peace is not only the Arab world seeing Israel as part of the region, but for Israelis to see ourselves as part of the region as well.

## ISRAELI CENTRIST SENSIBILITY

The second component of the book makes the case for an Israeli centrist-mainstream approach to peace-making. The centrist camp, to which I belong, wants a two-state solution for Israel's sake, but deeply distrusts the intentions of the Palestinian leadership, and regards the Israeli Left as too willing to sacrifice Israeli interests.

The centrist Israeli believes there isn't any chance for a viable Palestinian state to emerge any time soon and that there is no indication that the Palestinian national movement has moved one centimetre closer to accepting our legitimacy that it did before the Oslo process began.

But the centrist Israeli also believes we need to stop moving reality towards a one-state solution which is what current Israeli policy is doing. We need to pause, stop building all over the map, and think of ways in which we could be laying the ground for a long-term two state solution.

My starting point is that all the area between the Jordan River and the Mediterranean Sea belongs to me by historical right. The problem is that there are another people between the river and the sea which makes the same claim. So while my starting point is no different from the settlers, my end point is very different, namely that I have to sacrifice part of what legitimately belongs to me for the sake of accommodating a counter claimant who believes what I believe about the land.

I need to make the same kind of painful sacrifice that I'm asking the Palestinians to make which is to give up part of the land which belongs to them. But from a practical perspective we can't have a situation where two parties are negotiating and one side believes it's all theirs and the other says 'well it's not really all ours, were occupying part of this'. So for practical reasons alone we need an Israeli negotiating posture that begins with a right-wing perspective but that ends with compromise. I think one of the great disappointments of the 'Netanyahu years' is that he hasn't moved us closer to that model.

I have deep appreciation for the secular Left, for its historical role in creating the state and its courage in recent years to hold up the goal of a two-state solution even as more and more Israelis stop believing in the possibility of peace. But I don't believe the Left will bring us to peace without carrying the mainstream and there is a growing bitterness on some parts of the

Left (certainly on the far Left) where I believe they are cutting themselves off from the Israeli ethos, which is extremely dangerous not just for the Left itself and Israeli democracy but for the possibility of peace.

## **REINSERTING RELIGIOUS LANGUAGE INTO THE CONVERSATION**

The third component of the book argues for the necessity of bringing religious language and voices into peace-making.

The book is very deliberately written from a religious Jewish perspective and explains Zionism from this perspective because in my experience of working with American Muslims, a secular discourse has no chance of speaking to Muslims. One of the big mistakes the Israeli Left has made is to bypass our religious sensibilities and try to create an artificial peace between secular elites. But this doesn't work in the Middle East and we need to create a religious language for peace and bring religious elites into the peace making process.

## **A MODEL FOR AN INTERNAL JEWISH CONVERSATION**

These components in the book are also an attempt to create a model for a new kind of internal Jewish diaspora conversation as well, to break the left-right stalemate and offer a coherent centrist perspective which too often tends to get lost in the Jewish conversation. When I speak to American Jewish communities I sometimes feel like I'm in some kind of a time warp. Orthodox right-wing communities make me feel as if it's the 1980s, Menachem Begin or Yitzhak Shamir are prime minister, the First Intifada hasn't happened yet, and Israel just needs to keep building facts on the ground because all the land is ours and eventually the Arab world will accept it. And Liberal Jewish communities make me feel as if it's the 1990s during the good old days of Oslo, the Second Intifada hasn't happened yet, and all we need to do is to stop building settlements and sign the damn piece of paper, because we have a peace partner, we all know what the deal is and then we'll live happily ever after. Most Israelis today are no longer ideologically greater Israel or peace now but much of the diaspora, certainly in America, still seems to be divided along those two camps.

## **RESPONSES TO THE BOOK: RAJA SHEHADEH'S STRAW MAN**

The book received some positive responses from Palestinians who said they were ready to accept the fact that there are two stories here and this land needs to accommodate both (although they also asked me not to use their names). Apparently, that isn't a position that one can say publicly in Palestinian society today, which is a tragedy not only for us but for them. I also received a long letter from a Jordanian who ends by asking: 'What the hell took you guys so long to finally begin explaining yourselves to us?' We as Israelis go out of our way to try to explain Israel and Zionism to Europeans and Americans – and even to Chinese – but we hadn't bothered trying to explain ourselves to our neighbours.

The book also received a variety of criticism with some claiming it was an attempt to deflect attention away from Israeli crimes. Rajah Shehadeh, the well-known Palestinian writer, wrote a review in the *New York Times* accusing me of imposing preconditions that ‘Palestinians must become Zionists’ in order for the occupation to end. Yet that was not my intention at all. In fact, I explicitly write that I’m not asking Palestinians to replace their narrative with mine, just as I’m not intending to replace my narrative with theirs.

There is a great difference between being willing to *hear* the narrative of the other side, *acknowledging* that it exists, and *embracing* it. So unfortunately I believe Raja set up a straw man and knocked it down. This was personally disappointing to me because I had been very affected by Rajah’s own work which really helped shape my own understanding of the conflict. And just as I was able to hear his narrative without changing my love and connection to my own narrative, I hoped my book would facilitate that on the Palestinian side.

I understand that what I’m doing is not easy for Palestinians. But I’m convinced that this is a primarily a conflict over narratives. It’s also clear why would-be peace-makers have tried to avoid this issue. But if that’s what this conflict is about – existence, legitimacy, historical memory, fears – and we don’t start dealing with those things, those intangibles, then we will never reach a solution.

*Yossi Klein Halevi is a senior fellow at the Shalom Hartman Institute in Jerusalem. He was a visiting professor of Israel Studies at the Jewish Theological Seminary in New York in 2013. His latest book, Like Dreamers: The Story of the Israeli Paratroopers Who Reunited Jerusalem and Divided a Nation, (2013) won the Jewish Book Council’s Everett Family Foundation Jewish Book of the Year Award.*



## WHY ARE NEGOTIATIONS STILL STUCK?

ONRA MIZRAHI

*Orna Mizrahi is the former Israeli Deputy National Security Adviser for foreign policy and a steering committee member of the 'Dvora Forum, Women in Foreign Policy and National Security'. In this essay, she argues that a number of factors in the Israeli-Palestinian arena, the region and internationally mean there is neither pressure on nor incentive for either side to renew negotiations. In light of this, she recommends the Trump administration postpone the publication of its 'deal of the century' and focus on creating the right environment for the parties to return to the negotiating table, not least by improving its own relations with the Palestinians. In this context, and to encourage the Palestinian leadership, the US should bring the pragmatic Arab states (Egypt, Jordan, Saudi Arabia and the Gulf states) into the process. (September 2018)*

As we mark the 25th anniversary of the Oslo Accords, which were at the time perceived as the greatest opportunity for a solution to the Israeli-Palestinian conflict, it seems that this scenario has become an ever more elusive dream.

In the course of the talks that have taken place between the sides over the years, whether directly or through American mediation, it seemed possible to outline the main guidelines of the potential permanent status agreement in the spirit of the Clinton Parameters (December 2000). However, after the failure of the 2001 talks led by President Bill Clinton, and with the outbreak of the Second Intifada, the difficulty in promoting such agreement in light of the gaps between the sides was revealed. It also became clear that the short timeframe set in the Oslo Accords was unrealistic.

The rounds of negotiations after the Hamas takeover of the Gaza Strip – the Annapolis process during the period of Prime Minister Ehud Olmert (2007–2008) and the US attempts to renew the negotiations between the parties during the period of Prime Minister Benjamin Netanyahu (2013–2014) – also failed. Nevertheless, many believed, and still believe, that achieving a permanent agreement based on the two-state solution set forth in the Oslo Accords is the preferred option, able to provide a solution to the security, political and economic interests of both sides as well as their national aspirations. The efforts reportedly being made by the administration's peace team seem to also be based on this concept.

President Donald Trump has declared his intention to present a peace plan that will constitute the ‘Deal of the Century,’ but almost two years have passed and his team is finding it difficult to formulate an outline that will enable a return to the negotiation table.

In this article, I will not discuss the reasons for the failure of the previous rounds of negotiation, but rather the relevant question for today: Why have no negotiations been conducted between Israel and the Palestinians in recent years?

My main argument will be that this is a result of a combination of changes in the Israeli-Palestinian arena, alongside developments in the region and internationally, which have pushed aside the Israeli-Palestinian conflict and enabled both sides to avoid entering into meaningful negotiations, which would require them to make painful compromises and difficult decisions.

## **THE ISRAELI-PALESTINIAN ARENA**

First we must note the impact of the changes that have occurred in recent years in the Israeli-Palestinian arena:

The situation in the Gaza Strip – the lack of security and stability in light of the frequent rounds of violence since Hamas took over the Gaza Strip, and the deteriorating humanitarian situation, have created an urgency for a regional and international response and pushed aside the preoccupation with the wider Israeli-Palestinian conflict.

Moreover, if in the past there was a tendency to try and advance a diplomatic process that deals with the core issues without referring to the situation in Gaza – such as in the Annapolis process and the [former US Secretary of State] John Kerry-led talks – in the current situation it has become clear that it is difficult to ignore the split between the Gaza Strip and the West Bank and the fact the Palestinian Authority (PA) is not in control of Gaza. To reach a comprehensive solution it is essential to first address the issue of Gaza, both to achieve security and to prevent a humanitarian crisis there.

At the same time, the Palestinian strategy regarding the preferred way to achieve an independent Palestinian state has changed. In the past few years, the Palestinian leadership led by PA President Mahmoud Abbas has not seen negotiations – especially not American-led negotiations (even before the Trump administration) – as the preferred means to establish a Palestinian state. The new Palestinian strategy was based on the perception that the Palestinians would be able to achieve better results by appealing to the international community, with an emphasis on the UN and other international organisations, in which the Palestinians have a clear advantage over Israel. According to this strategy, international pressure on Israel will mean the burden of compromise and concessions will fall mainly on Israel’s shoulders. The Palestinians have also tried to increase the bilateral recognition of a Palestinian state by supportive countries around the world. Israel, for its part, has viewed this new Palestinian policy as yet another proof of its

lack of interest in engaging in bilateral negotiations, and has been forced to work within the international arena to counter the Palestinian strategy.

Another factor shaping Palestinian policy has been the struggle for succession, for 'the day after' Abbas. This internal struggle also undoubtedly affects the current policy of the 83-year-old leader, who is interested in leaving behind a legacy of achievements vis-à-vis Israel, rather than making the painful concessions required in order to advance a comprehensive agreement.

The failures of the past attempts to advance the peace process and the ongoing stagnation also contribute to feelings of despair and loss of confidence in the possibility of reaching an agreement within both Palestinian and Israeli societies. Consequently, other voices, offering different solutions that are not based on the two-state solution, are heard. In this regard we can also note the changes within the Israeli government, which includes right-wing parties. This change reflects the despair and distrust felt by many in Israeli society in the political process, even though Israel's official position on reaching a resolution to the Israeli-Palestinian conflict has not changed.

The daily reality in the West Bank also affects both side's attitude towards the possibility of an agreement. This is expressed on the one hand by Israel, which, despite security cooperation with the PA, is concerned about the continuation of Palestinian terror and incitement; and on the other, by the Palestinian anxiety over the Israeli expansion of settlements in the West Bank creating a reality that will prevent the establishment of a viable Palestinian state.

To these reasons one can add the basic distrust between the leaders of both sides: Prime Minister Netanyahu and President Abbas have had no direct, substantive or continuous dialogue since their first meeting in September 2010.

## REGION

At the same time, there is a lack of interest in dealing with the Israeli-Palestinian conflict in the region with most countries diverting their attention to more pressing issues related to their own national security, namely the regional turmoil and the growing Iranian threat. In recent years the Palestinian issue has not topped the agenda of the Arab world. The profound changes that have occurred following the regional upheavals have undermined the old order within Arab countries and has changed the balance of power between the strongest actors in the Middle East. Somewhere in the process, the attitude towards Israel also changed.

The civil wars in the Middle East have dealt a severe blow to the radical (in their attitude to Israel) regimes such as Libya and Syria, while exposing the pragmatic Sunni camp to the positive potential in advancing relations with Israel in a way that serves their interests against the threats they face. These threats mainly consist of the increasing challenge by Iran, and the threat of terrorism by radical Sunni elements such as ISIS.

Since the nuclear agreement (JCPOA) with Iran in July 2015, the threat that Iran poses has become more tangible. Iran has taken advantage of the earthquake in the Arab world for its own benefit by establishing and leading the Shiite axis, as well as expanding its involvement in all areas of conflict throughout the Middle East, including Syria and the Arabian Peninsula.

Under these circumstances, a broad basis for cooperation was established between Israel and the Gulf states, led by Saudi Arabia and Crown Prince Muhammad bin Salman who set new priorities within Saudi foreign policy, which do not express any interest in dealing with the Palestinian issue. However, one cannot ignore the fact that despite pushing aside the Palestinian issue, the Israeli-Palestinian conflict remains the main obstacle to public exposure of the developing ties between Israel and these countries.

## INTERNATIONAL

Simultaneously, there has been a significant drop in international pressure on Israel and the Palestinians to move toward an agreement. This change stems mainly from the election of President Trump and the subsequent changes in US foreign policy. While Trump declared his interest in dealing with the Israeli-Palestinian conflict, as time has gone on, it has become evident that there are more urgent matters for the administration to deal with, including the Trans-Atlantic relationship, North Korea, Iran, and Russia. Two years have passed and while Trump still shows interest in publishing his peace plan, his staff are struggling to design the deal and there have been a series of delays to its release.

Moreover, President Trump's decision to transfer the American embassy to Jerusalem in May 2018 was perceived by the Palestinian side as leaving the US unable to serve as an 'honest broker'. This contradicts Israel's well-known position that the Americans are the only relevant mediator able to advance the political process.

In addition, there has been a decline in the preoccupation with the Israeli-Palestinian conflict by other powers, such as France, which tried at the end of François Hollande's term to advance the idea of an international peace conference. The lack of interest in Western Europe stems not only from the priority given to dealing with other urgent issues, but also from the lessons drawn from the failures of past attempts and the realisation that there is no chance of advancing such a move today.

## CONCLUSION

It seems that neither side – each from their own perspective – has the motivation at present to advance the political process. At the same time, there are no forces, internationally or regionally, to push Israel or the Palestinians forward toward negotiations, especially when the current focus is on the explosive situation in the Gaza Strip.

Under these circumstances, and assuming that the promotion of bilateral negotiations between Israel and the Palestinians on the basis of the idea of 'Two States for Two Peoples' is still the preferred alternative, it is my understanding that the key to breaking the deadlock is still in the hands of the Americans, but not through the publication of the 'ultimate deal'.

It would be better if US postponed the publication of its position on the permanent-status issues at this time because such a move could be counterproductive and provoke opposition on both sides, as well as contributing to the continued stagnation of the negotiations. Instead, the administration should first focus its efforts on creating the right *environment* for the parties to return to the negotiating table. This should be done through promoting renewed trust between Israel and the Palestinians and through the restoration of US relations with the Palestinian side. In this context, it is very important to include the pragmatic Arab states (Egypt, Jordan, Saudi Arabia and the Gulf states) into the negotiations, which may help to encourage the Palestinian leadership to join the process.

*Orna Mizrahi is the former Israeli Deputy National Security Adviser for foreign policy and a steering committee member of the 'Dvorah Forum, Women in Foreign Policy and National Security'.*



## TWO-STATE SOLUTION 2.0: NEW ISRAELI THINKING ON THE ISRAELI-PALESTINIAN CONFLICT

TOBY GREENE

*A number of proposals for how Israel can act to change the status quo in the Israeli-Palestinian arena have risen in prominence on the Israeli centre-left. Toby Greene examines these strategic level proposals for a permanent change to the status quo and addresses some of the political challenges they face and how the international community might help overcome them. (May 2016)*

### IS THERE ANYTHING NEW UNDER THE SUN?

In recent years, after so many failed efforts, the Israeli centre-left has struggled against a tide of public apathy with respect to resolving the Palestinian issue.<sup>[1]</sup> A majority of the Israeli public (57 per cent according to the Israel Democracy Institute's December 2015 'Peace Index' survey) remains in favour of a two-state solution since they value having a Jewish majority over holding onto all the historic Land of Israel (with its large Palestinian population). However, they assume that no viable agreement is possible since there is no credible Palestinian partner, and associate previous territorial concessions to the Palestinians – whether under Oslo or through the 2005 disengagement – with increased violence against Israelis. This has made centre-left parties wary of making 'peace' a centrepiece of their manifestos, since in Israel it has the ring of naïve idealism out of touch with reality.

However, breaking the status quo with the Palestinians may be creeping back up the Israeli political agenda. For one thing the P5+1 deal with Iran has reduced the salience of the Iranian nuclear threat. For another, Israel is suffering a rising death toll from deadly Palestinian violence since September 2015, with Prime Minister Netanyahu and Defence Minister Moshe Yaalon offering no clear path to end the violence. This is a blow to their argument that the best option for the West Bank is to 'manage the conflict' and maintain the status quo.

In a recent high profile speech, IDF Chief of Staff Gadi Eisenkot pointedly spoke of the difficulty for the IDF in coping with a new type of threat, characterised lone wolf attackers who have no organisational affiliation and strike without warning. He spoke of the need to create hope for the Palestinian civilian population as part of the effort to contain the violence.

Can a fresh Israeli approach, or an old idea whose time has come, offer a viable Israeli policy alternative? For most Israelis it seems there is nothing which has not been tried. John Kerry's

big push to secure a framework agreement collapsed in April 2014. It was the third official attempt to broker a negotiated, bilateral final status agreement to fail, after the Barak-Arafat talks in 2000–2001 and the Olmert-Abbas talks of 2007–2008. Meanwhile, the unilateral route to separation pursued by Ariel Sharon in 2005 led to Hamas controlling the Gaza Strip and rockets fired at every city in Israel.

Certainly changing the status quo requires a feasible plan that realistically addresses the complex issues on the ground. But that is not enough. Israel is a democracy. Decisions relating to the Palestinian arena are rightly perceived by Israelis to have implications not only for security but for the future existence of the state. Any Israeli leader proposing a decisive step requires a political constituency of sufficient weight to buy into their vision and leadership.

### **WHY CAN'T THE TWO SIDES JUST CUT A DEAL?**

Surveys show a majority of both Israelis and Palestinians share a broad vision for solving the conflict based on two states or at least prefer that alternative to a one-state solution. So what's the problem?

First, opponents to the two-state solution are a very potent minority in both Israeli and Palestinian societies, with a lot of spoiling power. Second, the majority who accept in principle the two-state solution have lost faith that it can be implemented in practice, and do not trust the other side. For this reason, they do not mobilise to pressure their leaders to try and make peace. Third, even when the leaders have been put together in the negotiating room, it turns out that there are still fundamental gaps on the core issues in solving the conflict.

On the Palestinian side there is an additional crisis of internal legitimacy and leadership, with rival Hamas and PA governments operating in the Gaza Strip and West Bank, no elections for a decade, and an octogenarian President with waning credibility who has no clear successor. The tide of violent attacks on Israelis by young West Bank Palestinians underlines the growing irrelevance of the Palestinian political leadership.

Palestinian President Mahmoud Abbas has declared that he considers negotiations a failure and has drawn up an ever growing list of preconditions for Israel to meet before he will even enter talks, including the release of prisoners, a settlement freeze, and agreement to settling borders first based on the 1967 lines. Rather than bilateral talks he has preferred symbolic steps such as seeking international recognition. These steps are domestically popular, but change nothing on the ground, and in some cases expand the conflict to new diplomatic and legal arenas, such as the International Criminal Court.

That is not to say there has been no progress in previous talks. According to David Makovsky, an advisor to US envoy Martin Indyk during the 2013–2014 talks, there was significant flexibility from Israel on territory and from the Palestinians on refugees. But on sharing Jerusalem, establishing a security regime which meets Israel concerns, and on the terms of

mutual recognition (including Israel's demand that the Palestinians recognise Israel's character as a Jewish nation state), there was no such progress. According to Makovsky, negotiating security arrangements to meet Israeli concerns in the context of the instability to the east of the Jordan Valley was particularly problematic.

An increasing number of Israeli leaders and policy makers who have been deeply invested in the search for a peace agreement believe that forcing the parties into negotiations once again at this point, only for them to fail again, will simply make things worse.

## **FROM 'PEACE NOW!' TO SEPARATION NOW!**

The Israeli right, which dominates the current government, encompasses two main views on the peace process. The first, held by part of the Likud, is the that the status quo is as good as it gets. This is based on the assessment that the Palestinians are not ready or not willing to make the compromises necessary for peace, and that regional insecurity in any case makes territorial concessions unwise. According to this analysis, the best course is to try and manage the situation, reduce friction, make whatever economic improvements are feasible for the Palestinians, but little more than that. They oppose any Israeli unilateral move to separate from the Palestinians, arguing that this would be giving the Palestinians something for nothing, and would further reduce Palestinian motivation to compromise in negotiations.

The second view, represented by Naftali Bennett and his Jewish Home party, and the right of Likud, rejects in principle the two-state solution, and giving up Jewish sovereignty over the 'Land of Israel', and is committed to entrenching Israel's position in the West Bank through settlement expansion and even annexation of some or all of the West Bank.

So what do members of Israel's opposition suggest? All the Zionist opposition parties on the centre and on the Left of the political spectrum in Israel (centrist Yesh Atid, centre-left Zionist Union, and left-liberal Meretz) believe that the status quo is bad for Israel, since it threatens Israel's future as a Jewish and democratic state, and its international standing. The approaches to change the status quo from within these circles can be broken down into two broad categories: Plan A which emphasises a negotiated agreement, and Plan B, which calls for Israeli unilateral separation initiative.

These basic paradigms are not new. The bilateral negotiated track with the Palestinians was pursued by Labour-led governments under Rabin and Barak between 1992 and 2001 and the Olmert government in 2007-2008. The unilateral track was pursued by Ariel Sharon in the 2005 disengagement. Recently, however, there is an increasing consensus in this camp that Israel should not wait for an agreement with the Palestinians to advance towards a two-state reality.

The most potent argument for continuing to focus on negotiations as opposed to unilateral moves is that Israel should try to strengthen the Palestinian moderates who share the two-state vision and oppose violence at the expense of Hamas. They want to avoid repeating the experience of the Gaza withdrawal, which Palestinians interpreted as a victory for Hamas's terrorism, and negation of the PLO's diplomatic strategy. However, the despair at the ability of Abbas to make any agreement with Israel is leading more and more Israelis in the pro-two-states camp to support Israeli unilateral steps to bolster the two-state solution, in parallel to any effort to secure a negotiated agreement. So what can Israel do to change the game outside of bilateral negotiations?

## **PRACTICAL CHANGES IN THE WEST BANK**

The approach which is gaining the greatest traction by far is the call to act unilaterally to establish a clearer physical separation between Israel and the PA in the West Bank, thereby moving in the direction of a two-state reality on the ground.

There are a wide range of potential measures proposed in this respect. The most far reaching would be to forcibly evacuate all settlements to the east of the security barrier. The main precedent for this is the unilateral evacuation of approximately 8,000 settlers from the Gaza Strip and four small settlements in the northern West Bank in 2005. However, few believe that forced evacuations are politically viable right now, and the number of Israelis living beyond the built and planned route of the security barrier reached 85,000 by the end of 2014.

<sup>[2]</sup> In addition, whilst most Israelis supported the disengagement at the time, they consider its outcome, particularly the Hamas takeover of the Gaza Strip, to be highly problematic. Unilateral separation advocates therefore typically propose a series of measures short of forced evacuations, and also stress the need to leave the IDF in areas critical for Israeli security, especially along border between the West Bank and Jordan. The steps proposed include:

- freezing construction and cutting subsidies in communities beyond the settlement blocs;
- passing a law to compensate settlers who voluntarily relocate from isolated settlements;
- completing the West Bank security barrier and strengthening the settlement blocs which Israel intends to keep in a final status agreement;
- dismantling settlement outposts which have been built without authorisation in contravention of Israeli law;
- establishing a separation in Jerusalem between Jewish and Palestinian populated areas.

Whilst a wide range of organisations and individuals have advocated unilateral separation in recent years, the Institute for National Strategic Studies (INSS) has done most to articulate and lend credibility to it, and opposition Isaac Herzog is the latest Israeli leader to get behind it. In February 2016 the Israeli Labour party formally endorsed a plan which includes completing

the security barrier, freezing construction in areas beyond the barrier (about 92 per cent of the West Bank), and expanding PA civil powers in areas beyond the barrier, including to Arab villages in East Jerusalem. With Arab areas of Jerusalem, which are rarely visited by Jews, being the source of many demonstrations and violent assaults in recent months, the public have in recent months become more open to the idea of dividing the city between Jewish and Arab areas.

There is recent polling suggesting that the public, for many years cold on unilateral separation, may be warming to it again. A recent INSS survey suggested that 49 per cent of Israelis would even be willing to evacuate smaller settlements and an additional 10 per cent would be prepared to evacuate all settlements in a unilateral ‘realignment’ move. Meanwhile Herzog cites survey data indicating that 65 per cent of Israelis support his separation plan.

There are also a wide range of more modest actions which might incrementally expand PA control in the West Bank, without necessarily advancing towards separation. In particular Israel could expand PA control in parts of Area C, the 60 per cent of the West Bank under full Israeli control. This could be done formally, as a transfer of territory to PA control as under the Oslo Accords, or could be done through quieter measures to allow greater PA building and planning in parts of Area C without formal changes to its status.

Unilateral separation was brought briefly onto Israeli front pages by comments made by Netanyahu at a progressive Washington think tank in November 2015. He acknowledged that if Israel could maintain security control – and a repetition of the Gaza experience of Hamas’s rockets and tunnels be avoided – a unilateral move might be possible. Netanyahu’s comments triggered an immediate confrontation with Jewish Home leader Naftali Bennett, and once back in Israel he hastily backtracked.

## **RECOGNISING PALESTINE WITHOUT A FINAL AGREEMENT**

Another proposal to change the diplomatic status quo is for Israel to immediately recognise the State of Palestine, creating a new basis for negotiations between the two states on the final status issues. This proposal currently has much less public support or interest than separation. Though some Israeli public figures signed a letter to British MPs in October 2014 supporting the proposal to recognise Palestine, none were active political players. However, in a policy paper launched in the summer of 2015, Israeli Labour party Secretary General Hilik Bar backed Israeli recognition of Palestine.

Israeli policy makers have until now generally opposed Palestinian moves to secure international recognition as a state, arguing that they undermine the potential for a two-state agreement, since it grants to the Palestinians their central demand without them in turn conceding on any of Israel’s core demands. These include Palestinian recognition of Israel as the Jewish nation state, compromising on the ‘right of return’ for Palestinian refugees from 1948 and their

descendants, and address Israeli security issues including demilitarisation. It is argued that the Palestinians use international recognition to confront Israel legally and politically, for example triggering investigations in the International Criminal Court, and by joining in recognition of Palestine, Israel would encourage others to lend a hand to this Palestinian strategy. A further concern is that the Palestinians may be emboldened to try and assert their sovereignty in Area C of the West Bank in ways which might trigger confrontations with Israel on the ground.

By contrast, Bar argues that Israeli recognition of a Palestinian state would fend off the threat of a bi-national state; clarify Israel's goals and intentions domestically, to the Palestinians and to the Arab world; reduce international pressure on Israel, and place additional obligations on the Palestinians to comply with international law. He attempts to address Israeli concerns about pre-empting the outcome of negotiations by proposing Israel make clear that borders are still to be negotiated, and coordinating the move with the US and other international stakeholders 'in order to prevent a situation in which Israel would be dictated guidelines for ending the conflict.'

Another proposal designed to put Palestinian statehood first, is the idea of negotiating a Palestinian state in interim borders as proposed in the 2003 Quartet backed Roadmap. The most difficult problem with this approach is that the PA leadership has repeatedly rejected it, arguing that the interim deal will give the Palestinians a rump state, and allow Israel to push the core issues off into the long grass. The fears of the two sides are often summarised by saying that Israelis fear that a permanent agreement will become temporary and the Palestinians fear a temporary agreement will become permanent.

## **A REGIONAL DIPLOMATIC APPROACH**

A common theme in the Israeli political and geo-strategic wonkosphere right now, is the opportunities for deepening regional alliances with Sunni Arab states, who share Israel's fears of Iran, Islamic State, and US retrenchment. There have been some very modest signs of thawing relations under the current Israeli government, such as the opening of an Israeli office in Abu Dhabi accredited to the International Renewable Energy Agency, and public contacts between Israeli foreign ministry director general Dore Gold and Saudi media and former officials.

Though the interest in warming ties with Sunni Arab states spans the political divide in Israel, there are different views of how this relates to the Palestinians. Netanyahu has suggested that improved relations with Sunni Arab states could facilitate progress on the Palestinian issue. However, the centre-left argues that Israel's unclear position on the Palestinian issue places limits on any deepening ties with Sunni Arab states. A common cry, led by Yesh Atid party leader and former finance minister Yair Lapid, and shared by Zionist Union, is that Israel should clarify its position by formally responding to the 2002 Arab Peace Initiative (API) and promoting a regional peace conference. The Israeli Peace Initiative, an organisation led by Yuval Rabin, son

of Yitzhak Rabin, has promoted support for this approach, and more than 100 ex-IDF generals and other security officers signed an open letter in November 2014 with the same intention.

Israeli reservations about the API in the past have related in particular to its ambiguity on the right of the return, and the question of whether the initiative is a ‘take it or leave it’ proposal, or a basis for negotiations. In the past Israel has also generally assumed that a negotiation format involving multiple Arab players, such as that held in Madrid in 1991, was inimical to its interests, since it would leave Israel isolated, and pressured into a disadvantageous deal. Now however, Israelis may have reason to hope that Arab states could provide political cover for a Palestinian leadership and even act as a moderating force on them. In April 2013, several Arab foreign ministers demonstrated this potential by declaring in Washington their support for the principle of land swaps in the context of a final status agreement.

Engaging the Sunni Arab states in the process also has the potential to provide greater peace dividends to Israel than the Palestinians could on their own. In 2009 US President Barack Obama asked Saudi Arabia to offer incremental steps towards normalisation of relations with Israel in return for an Israeli settlement freeze, but got a cold response. Whilst those same Arab states may feel greater motivation to put something on the table in the current climate, it would still probably still require a significant Israeli clarification of its position, such as a formal response to the API, to turn this approach into a meaningful process. This diplomatic approach could of course be pursued in parallel to unilateral action on the ground if it was made clear Israel’s actions were consistent with its intention to reach a negotiated agreement.

## UPDATING THE VISION OF THE END GAME

While some are considering how to break the diplomatic status quo or advance towards separation in the short to medium term, others are seeking creative solutions to some of the problems in realising a permanent two-state agreement in the long term.

As an example, the idea of an Israeli-Palestinian confederation has resurfaced lately. Confederal approaches involving – in various combinations – Israel, the Palestinians and Jordan – have been explored in the past, but the idea of an Israeli-Palestinian confederation has re-emerged recently with two significant figures associating their names with it: current Israeli President Reuven Rivlin, and Oslo Accords architect Yossi Beilin. It should be stressed that confederation runs against the current tide of public opinion, in that instead of calling for a clear separation between Israel, and the Palestinians, it envisages close interaction between the two. The essence of the proposal is still two separate states, but with special relations in certain fields.

Confederation offers solutions to a number of practical problems with the classic two-state model. Beilin highlights three in particular. The first is an inherent problem with separating the small territory West of the Jordan into two states based on the pre-1967 ceasefire line which has no geographic logic. It is argued that the best management of issues such as planning, water

usage, or agriculture, would be through shared management.

The other two issues are functions of the current political situation. One is the growth of the Jewish settlement population in areas which will form part of a future Palestinian state. The challenge of relocating these settlers is increasing all the time. In a confederation model, they could choose to remain residents of Palestine but citizens of Israel. By the same token, a similar number of Palestinians who are now outside Israel and who may wish to live in Israel (i.e. a limited number of Palestinian refugees), could do so as citizens of the State of Palestine.

The second difficulty that confederalism addresses is the deterioration of regional security. Earlier models for a two-state solution incorporated the idea that a future Palestinian state would have limited arms – an idea that Palestinian negotiators accepted. But in an era where groups such as Islamic State threatens any weak state or ungoverned regions, this presents a risk to Israelis and Palestinians alike. Beilin proposes a joint security system, in which the IDF would be the dominant player and the party responsible for defending the borders.

For veteran supporters of a two-state solution like Beilin, the confederation approach offers creative solutions to practical problems. For a veteran Revisionist Zionist like President Rivlin, it may be that confederalism answers more ideological rather than practical problems: how to reconcile the ideological commitment to Jewish sovereignty over all the Land of Israel, with the commitment to liberal democracy, given that there is no clear Jewish majority in the territory west of the Jordan River. Rivlin has spoken of a confederal solution with open borders between Israeli and Palestinian entities. Symbolically, confederalism in this sense may soften the edges of the two-state solution, still allowing Jews some political stake in the area of the Land of Israel under Palestinian control, as well as avoiding any Jew being forced to leave their home.

Whilst confederalism may offer a vision of two states which addresses some of the traditional models problems, it does not offer any new routes to get to a negotiated solution. In addition, the idea of open borders seems counterintuitive to most Israelis in the current climate. A recent survey found that 59.1 per cent of Israelis (67.1 per cent of Israeli Jews) preferred that a two-state solution would have a closed border with guarded passages and entry permits, and 34.3 per cent (25.1 per cent of Jews) would prefer an open border so that people from both sides could pass freely from one state to the other.

Nonetheless, updating the vision of what the end game may look like, in light of present realities, enables two-state proponents to fight back against those who claim that the two-state agenda is dead.

## THE POLITICAL PROBLEM

The central problem faced by those in Israel who wish to move proactively towards a two-state solution is political. A successful, proactive Israeli approach to change the status quo – as in the

case of Rabin and Sharon – requires a leadership of enormous determination and political skill, capable of mobilising a critical mass of public support, ready to face down fervent opposition from a sizeable part of the population, and ready to absorb great personal and political risk.

Netanyahu, while acknowledging the threat that the status quo may lead to a bi-national state, and occasionally flirting with the unilateral alternatives to an agreement, is sustained politically by coalition and political base which is opposed to such moves. Historical precedent would suggest that he would have the potential to carry out a major step if he were willing to break with his traditional base and band together with centre-left opposition parties, in the way that Ariel Sharon did in 2005. This remains a possibility, and the option for the Zionist Union to join the coalition remains an issue of frequent speculation in Israel. However, Netanyahu's record in government gives little reason to believe he is minded to take a major political risk in the way Sharon did in 2005.

What are the prospects of Netanyahu being replaced with a leader who has a mandate for change? In the three elections since 2009, the centre left parties have proven incapable of finding a way to replace Netanyahu. The state of regional insecurity bolsters the case against territorial concessions in the current climate. Meanwhile, the limited polling data available indicates that the recent spate of Palestinian violence only shifts the Israeli public to the right on the Palestinian issue.

However, a future election producing a centre-left bloc capable of replacing Netanyahu as Prime Minister is not beyond the realms of possibility. Israel's political system has a habit of reinventing itself for every new election, with new party configurations and leaders capable of fast-tracking their entry into the system. However, if a centre-left government were formed with a Prime Minister explicitly committed to change, he or she would have to contend with fierce opposition within Israeli society.

## **THE ROLE OF THIRD PARTIES: YES TO REALISM, NO TO DESPAIR**

Third parties, including European governments, should engage constructively with any proposal that offers the prospect of advancing towards a two-state reality, as long as it is consistent with the possibility of a future permanent status agreement.

In the case of an Israeli unilateral separation move, enormous international support would be needed to help ensure the Israeli public felt the benefits. A critical element in Ariel Sharon garnering domestic support for the disengagement with Gaza was securing from President Bush a letter which in effect recognised that the major settlement blocs would remain part of Israel in a future agreement. This helped Sharon face down domestic critics and show that Israel was not giving something for nothing. In a situation where the Palestinians are unwilling or unable to reciprocate an Israeli move towards a two-state reality, third parties, in particular the US and European states, have the potential to fill that gap.

The potential for Arab states to play a role has already been mentioned. The EU also has many potential incentives to offer Israel. These include symbolic steps, such as endorsing Israel's character as the nation state of the Jewish people and being clearer about the solution for Palestinian refugees and their descendants not being a 'right of return' to Israel. They also include practical steps, such as deepening trade and other forms of cooperation. So far the EU has offered incentives to both Israelis and Palestinians for reaching a bilateral agreement in the form of 'Special Privileged Partnership'. It has also used legal tools to force on Israel a distinction between Israel and the West Bank, by strictly enforcing its position that its agreements with Israel do not apply beyond the Green Line. A potentially more constructive intervention would be to seek ways to incentivise unilateral Israeli measures which advance towards a two-state solution and are consistent with a future negotiated agreement. In a context where the PA leadership is unwilling or unable to make concessions which would reciprocate constructive Israeli steps, it may be that third parties need to step in and balance the equation.

At the same time, third parties, including European governments, should avoid interventions for advancing the peace process which do not engage with Israeli as well as Palestinian core concerns. External interventions which do not respond to concerns held widely in Israel – especially relating to Israel's legitimacy as the Jewish nation state and its security concerns – are likely to fuel the argument of the status quo camp in Israel that these interventions should be resisted as harmful to Israeli interests.

It is equally important that third parties avoid being the voice of doom, by pronouncing on the imminent death of the two-state solution, or that 'the window is closing.' Such pronouncements are music to the ears of the opponents of the two-state solution. For all the difficulties the two-state solution presents, there is no conceivable alternative that presents a realistic prospect of reconciling Israeli and Palestinian aspirations. A better response to the challenging situation on the ground is to reassert that there is no viable alternative to a two-state solution; to express support for all practical steps that advance in that direction; and to be open to creative solutions which can enable the two-state model to adapt in the face of changing demographic, political and strategic realities.

This requires a basic change of thinking about Israeli-Palestinian peace making. It is not a question of one last heave to get to a deal, it should not be assumed that we all know what the final status looks like, and the situation should not be seen in binary terms of peace or conflict. We need to think in terms of what actions can be taken in the short, medium and long term which reduce tension and expand the possibility for Jews and Palestinians to each enjoy self-determination in the narrow territory they both inhabit.

*Toby Greene is a lecture at Bar Ilan University. He is a former research fellow and adjunct lecturer at the Hebrew University of Jerusalem and a former senior research associate for BICOM.*



## CONSTRUCTIVE AMBIGUITY HAS NOT WORKED. PEACE NEEDS CONSTRUCTIVE SPECIFICITY

EINAT WILF

*Einat Wilf is one of the most creative Israeli thinkers on the peace process. In this talk to a Fathom Forum in London in June 2017 she argued that it is time to drop the dogma that 'constructive ambiguity' helps advance the peace process. In its place, Israelis and Palestinians need to adopt a new strategy of 'constructive specificity' regarding what is required from each side if the process is to result in a realistic peace. (June 2017)*

What I am going to be discussing today is based on part of a paper that I wrote for the Washington Institute that looks in detail at the strategies that are needed by foreign policy decision-makers in the West if they are truly interested in ensuring that the path to a the two-state solution is kept open.

### FROM AMBIGUITY TO SPECIFICITY

I am going to reflect on something central to the thinking of many policy-makers working to achieve peace. It is the notion that given the animosity, the distrust and the competing understandings of history, the way to make peace is through 'constructive ambiguity'. Shimon Peres, with whom I had a chance to work for a few years, used to say that 'in love-making, as in with peace-making, you need to close your eyes'. I'm not going to discuss people's preferences in the bedroom, but with respect to peace-making, I think that this perspective is not very helpful. The idea that we can close our eyes a little bit, that we can fudge the issues, that we can use words knowing that we understand those words one way and that the other side understands those same words in a completely different way – I think by now we have enough experience to know that this method is anything but constructive.

We now have two decades of experience with constructive ambiguity and it's clear that we should really call it *destructive* ambiguity. If we are to move forward what we need is constructive specificity. We need to be very clear about what we mean on the key components, on what makes peace possible and what it means to divide the land between the Jordan River and Mediterranean sea into (to use the words of the UN) 'a Jewish state and an Arab state'. If we are to finally complete the partition, I believe that what is needed is for us to be very specific.

## CONSTRUCTIVE SPECIFICITY ABOUT THE BORDER

What does constructive specificity mean? The first issue is the line of partition. Here we have a lot of words that are being used, such as ‘the 1967 lines’, ‘pre-1967 lines’, and in Israel talk of ‘settlement blocs’ and ‘the barrier’. These kinds of words are, in the context of an agreement, used to describe where the border would be. But the time has come to be very specific about what we mean about the line of partition. When we say something like ‘the 1967 lines with swaps’, it is a good headline but it encourages both sides to continue to be unclear about where that line is. Everyone knows where the pre-1967 lines are, but once we introduce the idea of blocs and swaps it gets muddled.

The one thing that needs to happen, both in Israel and abroad – and this is something I am campaigning for, writing about and proposing that politicians take it as their agenda – is to actually put on the table a very clear delineation of Israel’s final eastern border. I have published articles which list the settlements that Israel needs to include within its final eastern border and the ones it needs to exclude. The foreign ministries of Western countries interested in the conflict should do the same thing. Put a map on the table and begin to base a policy on this map. Say ‘this is our working map of what we find acceptable’. We know what has undermined both American and EU foreign policy in the eyes of Israelis is that by failing to make a distinction between settlements that will be part of the state of Israel in a future agreement and those which will likely not be, the US and EU have not helped anyone’s ability to fully understand what is needed to reach a final agreement.

I propose that the main blocs, except Ariel, should be part of Israel. Ariel goes too deep into the West Bank to be included. I propose that Ma’ale Adumim and Givat Zeev be connected to Israel only with a road. I propose four per cent of the territory of the West Bank, home to about 75 per cent of Israeli settlers, be annexed, with compensating swaps when a peace deal is agreed. Drawing a map would finally end the ambiguity. Once foreign offices in the West have a working map, they can begin to have a policy that is based on this map: much stricter on everything east of this line, but accepting of what is within the line, where building can continue. Policy would become wiser and more credible.

## CONSTRUCTIVE SPECIFICITY ABOUT JERUSALEM

The second issue is Jerusalem. People mean different things when they speak of Jerusalem so, again, we need to be very clear. Jerusalem includes:

- (a) The Jewish neighbourhoods west of the 1967 lines. Having grown up there I can assure you there is nothing holy or anything to get excited about in that part of Jerusalem. It is time for the world to be very clear that there is no question about the status of this part of Jerusalem. Moving western embassies to this part of Jerusalem should not be a big deal. It is time for the world to end the fiction that Jerusalem is an international protectorate to be

governed by the world. It was an idea at the time of partition that, because of the war that followed, was never implemented. The time has come to stop toying with that fiction and to say instead 'we recognise that the Jerusalem West of the 1967 line is Israel'.

(b) The Jewish neighbourhoods built east of the 1967 line surrounding Jerusalem should be part of the map that would be put forward. For me, the Jewish neighbourhoods are part of the four per cent of territory, and 75 per cent of the population, that should be annexed to Israel, done in a way that would be minimalistic.

(c) The Arab villages which were not part of Jordanian East Jerusalem but were annexed to Jerusalem or included into the municipal boundaries after 1968. There is no question in my mind that these areas belong to the future Arab state. Again the world should be very clear that they do not recognise those areas as part of Israel, or Jerusalem, and that they should not be part of united Jerusalem.

(d) Finally there is the Old City. When people speak of Jerusalem they immediately think of the Western Wall, Temple Mount and al-Aqsa Mosque. However, that amounts to about 1 sq km; everything I have just discussed is nearly 100 sq km. So we have to be specific. About the Old City, we need to say that this is the only place where the controversy persists, so the status quo will continue, with an emphasis on ensuring access to the religious places until a decision is made on the final status of that square kilometre. The status of everything else can already be specified, and we would be in a much better position to agree on the status of the Old City if we do not let the ambiguity of that *part* spill over into the *whole*.

## CONSTRUCTIVE SPECIFICITY ABOUT REFUGEES

And finally I want to talk about the issue where I think there is the greatest need to be specific, and that is the refugees and the Right of Return. Amazingly, this is the core issue of the conflict from the Arab perspective, and they are still wedded to the maximalist vision that from the Mediterranean Sea to the Jordan River the state of Palestine will be free. Yet this is the area where the West is most blind. There is a term called 'mansplaining' – where men explain away what women have said because women are incapable of explaining something themselves – so I thought of introducing the idea of 'Westplaining' – the idea that Western countries explain away what Palestinians say. So when Palestinians say 'we will return to Jaffa' or that they will 'never give up the Right of Return', that it is 'a personal right no leader can ever negotiate', and I have met with numerous Western diplomats whose countries donate to the authority that upholds those ideas, UNRWA, and they say to me 'but the Palestinians know they are not coming back, it's just a negotiating card for future talks'. This is not explaining but Westplaining.

And this is why we need to be very specific. The Palestinians and the Arab world in general, as seen in the Saudi initiative, have come to use terms such as 'just' and 'agreed' to explain the solution to 'the refugee problem'. However, these words are interpreted very differently by

Arabs, by the West and by Israel. Regarding the term ‘refugee’ itself, by no other standard apart from UNRWA’s would the five million Palestinians registered as refugees today be considered refugees. 80 per cent live west of the Jordan River and have never been displaced, or they are citizens of Jordan. We have an image of refugees as people who have just escaped from war, or who have lost their homes; we don’t think of them as middle-class lawyers living in Ramallah. But this is what many Palestinian refugees are. So the term itself is deeply misleading and needs to be replaced.

The expression ‘just and agreed’ solution to the refugee problem is understood by many in the West and in Israel to mean that the Arab Palestinians will agree to compromise. But anyone who understands the details knows that if a Palestinian leader accepts the two-state solution and recognises Israel, whilst simultaneously insisting on the demand of return, then the only two-state solution they really support is an Arab state east of the Green Line now, and another Arab state west of the Green Line in the future. It means they have yet to accept the UN Partition Plan of an Arab state and a *Jewish* state. It is important to be specific: when the Arabs say a ‘just’ solution, they mean return. For them, justice is return. By contrast, the West and Israel think that ‘just’ means several possible solutions such as citizenship in Jordan, or a home in Canada.

Again, take the notion of ‘agreed’. Many people think it means that what Israel does not agree to doesn’t happen. But the Palestinians think of ‘agreed’ completely differently. It means agreeing now to what can be got – for example Israel accepting 5,000 Palestinian refugees a year – while not dropping the demand for return. Palestinians emphasise that return is a personal right and that no leader can negotiate it away. What does this mean? It means that even if something is co-signed in an agreement, the demand will always exist. They can agree on a number today, but no agreement can end the demand for return due to the way that they have construed return.

Here, more than with any other issue, we need to be very specific. Israel and the West need to stop using terms like ‘just’ and ‘agreed’. We have even heard officials like former US Secretary of State John Kerry use the words ‘reasonable’ and ‘realistic’. The West and Israel think of a few thousand Palestinians returning as realistic; the Palestine papers demonstrated that the Arabs think Israel can absorb 2–3 million. The time has come to say: first, there has to be complete renunciation of the collective and individual Palestinian demand of a return west of the 1967 line, just as Israel needs to renounce Jewish return east of that border. It could be said that Israel, as a gesture, might allow 5,000 Palestinians to enter, but the numbers should be clear, and it will not be a right. Second, it needs to be clear that there is no legitimate claim to return. I understand that Palestinians will continue to dream of Palestine from the river to the sea – as some Jews may continue to dream of Judea – but there is a difference between people dreaming and the world supporting those dreams. Today, Jews who dream of Judea find themselves isolated in the world while Palestinians who demand Israel west of the 1967 lines do not. Because of the fudging of the words ‘just,’ ‘agreed,’ ‘realistic,’ and because of the continued financial support of the West

to UNRWA, the Palestinians still think that they are supported in their maximalist claims rather than isolated.

## CONCLUSION

Peace will be based on the understanding that both the Jews and the Palestinians are peoples indigenous to the land. Both have a serious claim to all of it, but if both insist on the exclusive and superior claim to it, it will be war forever. Peace depends on a clear renunciation by both sides of their exclusive claims, and a new understanding – that the other side's existence means they will only have some of the land. And the 'some' needs to be better defined. Even if both sides continue to have dreams, they need a far better understanding of how isolated they will become when those dreams make peace impossible.

*Dr. Einat Wilf is a former member of the Knesset for the Labour Party and Independence from 2010 to 2013.*



## **'DOING GOD', OR THE IMPORTANCE OF RELIGIOUS PEACEMAKING**

RABBI MICHAEL MELCHIOR

*When it comes to conflict resolution, the dominant view has been that God should be taken out of the equation. Rabbi Michael Melchior, the former Israeli Deputy Minister of Foreign Affairs, argues that treating the Israeli-Palestinian conflict as a mere land dispute has been one of the reasons for the failure of the peace process. In this interview with Fathom deputy editor Calev Ben-Dor, Melchior explains why we have to 'do God' to secure peace. (March 2016)*

**Calev Ben-Dor:** *Many people say religion is a source of conflict. Why do you argue it can be a source of peace?*

**Michael Melchior:** First of all, religion is probably the biggest NGO in the world. It is the biggest component of identity for a great many people and it connects those people to tradition, history, culture and ethnicity. And at the centre is God. Religion plays many different roles – it soothes lives, heals and can provide redemption, but it can also separate people, causing war, hatred and racism.

We know that religion plays a major role in many conflicts. It is often used by the protagonists as one of the 'reasons' for conflict. And this leads many people – especially in the Western world – to suggest taking God out of the equation, in order to get on better with conflict resolution and with what they see as the 'real' issues. But the world doesn't work that way. God is very much inside the equation; God is one of the real issues.

What the Israeli-Palestinian peacemakers decided to do was to take religion out of the equation. They wanted a quick fix peace agreement that would deal with certain aspects of the conflict, leaving the existential aspects to be dealt with later. This was attempted in Oslo, Camp David, Annapolis, in George W. Bush's Road Map, and during the aborted John Kerry-led talks. It has been like going down a blind alley with four flat tyres. The first time around one could say that we didn't know it was a blind alley. But we should have learned from experience and analysed what went wrong. Why didn't we succeed? I think everybody will agree that the religious factor was the main thing which blew up the Oslo Accords.

When Oslo was signed I was afraid it would fail because it excluded the religious aspects of the conflict, and the religious leaders themselves. And that is what happened: on both sides it was

these excluded groups who blew up the conflict.

## RELIGIOUS SPOILERS ON BOTH SIDES

On the Palestinian side, the people who made sure that Oslo didn't succeed were the Palestinian Islamic groups like Hamas and Islamic Jihad, who mounted terrorist attacks. Rabin said, 'We will fight terror as if there is no peace and continue with peace as if there is no terror,' but it didn't work. It *couldn't* work. The people saw that 'peace' led to terror, and so they didn't buy into the process.

On the Jewish side we had the religious delegitimisation of the process and the demonisation of the people who led it. We had Baruch Goldstein (who murdered 29 worshippers in Hebron in February 1994) and Yigal Amir (who assassinated Prime Minister Rabin in November 1995). The Palestinians saw Israel putting more and more settlers inside what was supposed to be a future Palestinian state, so they perceived us to be unserious about peace. And we saw that they weren't serious about peace. 22 years on, neither side believes it has a partner.

**CBD:** *So for you, one reason for the failure of Oslo was what you call the 'secularising of peace'. What do you mean by that term?*

**MM:** Those who led this process made a major mistake. They wanted the peace process to be part of the secularisation of Israeli society, and it was seen as such by the religious population on both sides. The Oslo architects just didn't know how to speak a religious language. When they talked about Judea and Samaria – it's similar today when the Israeli left talks about it – they talked about *getting rid* of the West Bank; as if it was a burden, as if Israel had no connection to it. As a religious Jew, I believe that Hebron, Otniel and Shiloh are pieces of our heritage. They belong to the Jewish people. A secular language does not speak to the vast majority of Israelis, who look towards religion, tradition and the connection to the land as a major source of their identity.

We have to say this land belongs to us. It's not maximalist; it belongs to us. We believe in it and have the connection to it. To divide the land is a tremendous sacrifice. It is like cutting off a part of our body. But sometimes one has to do just that to survive. Yet saying we have nothing to do with Hebron, Otniel and Shiloh is cosmopolitan political talk which ignores the issue of identity.

**CBD:** *Even some non-religious people look at it that way.*

**MM:** Yes, because many of the old Zionists saw the Bible as the title deed to the land. It's not just traditional Jews who were turned away from peace by a kind of cosmopolitan political humanist language. Not just those who are strict on where they put their tea bags on Shabbat. This is about the essence of the identity of people. And when you make people choose between peace and their identity, people will choose their identity.

## THE ALEXANDRIA PROCESS

**CBD:** *You have written about ‘systematic conflict resolution in a religious existential context.’ What do you mean?*

**MM:** My first serious attempt to do something in this area of religious peacemaking was in 2002 in Alexandria together with a Palestinian colleague and close friend of mine, Sheikh Talal Sider. At that time I was the Deputy Minister of Foreign Affairs and he was a leading religious figure and a junior minister in Arafat’s government. It was the peak of the Second Intifada and we decided we wanted to do something dramatic by getting all the religious leaders of the Holy Land together. We also involved the Grand Imam as a chairman, together with the Archbishop of Canterbury and the Chief Rabbi of Israel, Rabbi Bakshi-Doron. We brought leading rabbis, church leaders and Palestinian Muslims in order to sign a joint declaration. It was tough but we had a very good conference together.

The Alexandria Declaration became a model in many different places around the world for how to make a religious peace. In Nigeria they carved the same declaration in stone where tens of thousands of people, Muslims and Christians, had been killing each other. And on that basis they made religious peace between Christians and Muslims, preventing all the religious killings in Kaduna, the biggest province in northern Nigeria. Brave people are now taking the Alexandria model into the Boko Haram areas and are doing wonderful work. On the basis of this declaration we also convened an inter-religious council for peace and inter-religious dialogue, with the Chief Rabbi and the Palestinian Authority.

What I discovered was that if you really want to make religious peace, you can’t speak to the mainstream. You need to speak to the radicals, to those opposed and sceptical of peace. Not to the good guys, but to the difficult guys. And they weren’t in Alexandria as they opposed it. What I discovered was that those radicals are the ones we need inside the tent of peace in order to make peace.

That’s much harder, but I set out to see if it was possible. I started having one-on-one conversations on both sides. This has been my main effort in recent years. We now have several centres. The Mosaica centre here (in West Jerusalem), and the Muslim partners that we’re working with have created centres in Kfar Kassem, East Jerusalem, Ramallah, Gaza and now in Cairo. They have a network all over the Islamic world and are winning support for the concept of a religious peace in Israel and Palestine. But we have to realise that we will not become Peace Now. And the other side won’t become Meimad (an Israeli moderate religious party that Melchior used to head). It’s not going to happen – neither with the national religious rabbis, nor Hamas, Islamic Jihad nor the radical Islamic leaders. We’re also not going to find – at least not at this stage of history – an Islamic Zionism, which might be our dream and our hope (and we’re allowed to have our dreams). We’re talking about people who believe in all

their hearts that this land belongs to them.

**CBD:** *On both sides?*

**MM:** Yes. It's the 'Greater Land of Israel' on the one hand and 'Waqf' (holy Islamic land) on the other. However, there is also modesty on both sides. Both believe that ultimately all land belongs to God. And both have commitment 'not to do to the other what you wouldn't want the other to do to you.' And there are religious precedents written down in *piskei Halacha* (Jewish legal decisions) and *fatwas* (Islamic legal decisions) that declare religious peace to be desirable and legitimate. Not a *tahadiya* (ceasefire) or *hudhna* (long term agreement) but a *salam* (peace). This doesn't mean one needs to give up legitimate aspirations for the future. There can still be a future Caliphate or Messianic times. But these people need to understand that we are currently in a situation where two peoples are living here together and we need to find a solution. It needs to be a solution that is inclusive of both sides, and which will possibly lead to a two-state solution in which there will be a strong Palestinian presence in Israel, and a Jewish presence in Judea and Samaria.

This solution will come from a different starting point: respect that there are another people living here. For me, this is part of the divine plan. It can't be that we see our return to the land as part of the fulfilment of the vision of the prophets and as part of a divine plan yet think the Divine made a mistake by letting another people live here. This is *a priori*, for me, though it is probably *a posteriori* for my rabbinical colleagues. But when the religious sit together – and you see the radical rabbis sitting, learning together with Islamists – they realise that these are serious people who aren't going anywhere. Nobody is betraying their religion, their tradition, their dreams; they remain fully loyal to those things. But they are willing to face reality and to find a political compromise. It's difficult, but I am meeting only open doors and I go to some of the most radical leaders on both sides – the more radical the better.

**CBD:** *What are these meetings like?*

**MM:** This past year I have met with many of the leading radical figures in the Islamic world outside Palestine. Our Palestinian colleagues who set these meetings up tell us how ideologically weird it is for them to meet with Zionists! And I'm not just some Zionist rabbi – I am a former Israeli cabinet minister! They haven't even met a Jew before and now they get everything in one package. They meet with other national-religious rabbis and see the trust and friendship we have created between the Palestinian and the Jewish leadership, and they understand.

These radicals want Islam, even political Islam, to be a part of the world. They want it to be part of modernity without giving up on one letter of the fundamentals of Islam. The Israeli-Palestinian conflict is bad for them. The hatred in their camp against Jews and Israel is not bringing them anywhere good; just as the hatred and racism amongst us is bringing us to new depths. These radical Muslim leaders feel that putting the Israeli-Palestinian conflict behind

them serves Allah and the purpose of Islam. It's not something they do for the sake of our blue eyes, but it is part of an overall strategy of where they want Islam to go. For us it's also part of our purpose of having a State of Israel – a Jewish state. We have a state not just to provide a safe haven for Jews, but also to sanctify God's name. And how amazing would it be if we could build a model of religious peace that becomes a model for Nigeria, Baghdad, Kashmir, Paris and Sri Lanka? We are on the verge – a lot has gone under the radar.

**CBD:** *Have you been frustrated by the tendency of the media to emphasise extremism amongst religious groups?*

**MM:** In the *Haaretz* peace conference they didn't get how sensational it was that somebody like Sheik Abdullah Nimr Darwish spoke. He told us how he had created the Islamic movement and Islamic Jihad, had been in prison for terrorism, but has now decided that he is going to spend his life making peace. On the same platform was Rabbi Avi Gisser, Rabbi of Ofra, the biggest settlement in Samaria, who also expressed his intention of making religious peace. Sheikh Raed Badir (prominent leader of the Islamic Movement in Israel) was also on the panel. But what did *Haaretz* put as their headline the next day? That Martin Indyk supports the Oslo Accords. *That's the news?!* It seems that if peace comes from another place than this 'safe place' of the (secular) tribe, it's not desirable. Somehow, it is threatening, so it is ignored.

**CBD:** *You've talked about meeting with very sceptical Islamists.*

**MM:** Not only sceptical, I've talked with the people who have written the books about how to blow us up.

**CBD:** *So what happens at these encounters?*

**MM:** Together with Jewish and Islamic friends, I present our concept of religious peace. We must get over some psychological barriers. Eventually, they say, 'Well, if it doesn't come from secular Tel Aviv people who want to corrupt our tradition, but from religious sources, that's a different story. Nobody ever talked to us in this language. We're on board.' When they join the coalition, they begin to speak in a different language. No one who has agreed to be part of the network has subsequently returned to writing the things they did before.

## RELIGIOUS PEACE AFTER DUMA

We had an encounter after the terrible events in Duma (when Jewish hilltop youth set fire to a Palestinian home, killing three of the family members). Some right-wing rabbis called me and said they wanted to do something – not just to condemn the murders but also to meet some of the Islamists. I agreed to organise it, but on condition that it wasn't a onetime encounter. Ultimately a group of leading rabbis from Tzohar, the Chief Rabbi of Jerusalem, and others met with a group. We prayed. The debate was very hard and the accusations were very tough.

When there was the horrific act in Itamar a couple of years ago (when five members of the Fogel family were killed by two Palestinians), Sheik Raed Badir and the others called the leaders of Hamas and told them of their intention to publish a harsh statement condemning the incident and that they wanted Hamas to accept it. They released a statement on the Islamic Movement's website saying that, we should have had a Palestinian state a long time ago, but if this heinous crime is the way to obtain a Palestinian state, we will wait another 1,000 years. And then he said that if you (Israelis) think you can keep on having the State of Israel by doing acts like Duma, you're not going to keep the State of Israel either.

**CBD:** *Do you want recognition? Do you want them to view you as a legitimate, historical entity?*

**MM:** No. I don't need that. I don't need Islam to become Zionist. I want them to live in peace with the State of Israel, not to accept our narrative of 'We've come home here to our historic land.'

**CBD:** *And we don't need to accept their narrative?*

**MM:** No we don't. *I'm* willing to do that, but I don't expect that from my colleagues. That's not the kind of utopian peace we're talking about. But we can live in a peace with common values and common ideals. If all the parties are inside the tent – and I'm hearing this from more and more of the people we're getting to – peace will look very different. We need everybody – Fatah and Hamas as well as all parts of Israeli society – inside that tent.

**CBD:** *What sort of approach to Hamas would you like to see?*

**MM:** Hamas needs to come around to being a part of this deal, of being inside the tent of peace. I follow Hamas internal debate, and there are more and more serious religious and political leaders inside the movement who want it to be like the Tunisian Ennahda party, which constitutes a wonderful model for an Islamic party. It's part of the Muslim Brotherhood, but also part of modernity and part of living together in a society. There are many people in Hamas who want their organisation, together with Fatah and the other parties, to be part of peace here. These guys are different from Daesh and other Islamic anarchists. But they also want something to come out of it so that down the road they won't look like Palestinian President Abbas, who doesn't get any response from the Israeli side.

**CBD:** *This is a political question rather than a religious one: what does peace mean to you?*

**MM:** The politicians will have to work out the deal. I don't expect this of the religious people. Maybe the deal will be very close to the Clinton Parameters. Maybe there are issues in which the religious leaders will have a stronger input. When it comes to the issue of the Jewish presence in the Palestinian state, I think that's something that secular leaders previously couldn't envision but is now increasingly being talked about. Again, when everybody is inside the tent, peace becomes much more realistic. If half the Palestinians are going to blow up the deal, it's not very realistic.

**CBD:** *Before July 2000, you and your partners came up with some ideas regarding Jerusalem that were rejected. What were they?*

**MM:** When it came to the Old City we thought about having joint Israeli-Palestinian sovereignty over Jerusalem, and joint Jewish, Christian and Muslim religious steering of the Old City. Any change could be vetoed. My Muslim partner Sheikh Darwish said that if the Jewish Messiah comes and instructs us to build the Temple, he would be the first one to carry the stones for the building of the Temple, even though he is crippled. If that's the will of Allah, then that's the will of Allah.

**CBD:** *Your discussion of leaving things until messianic times reminds me of the Talmudic idea of Teiku (an issue that in the 'here and now' is left undetermined but which in the end of days will ultimately be resolved). Should we put some things aside and forget about deciding who has 'won'?*

**MM:** Yes. And another judicial principle that exists in both Jewish and Muslim law is a situation in which two people argue over a *tallit* (prayer shawl) and both claim that all of it is theirs. In such a case, they have to go to court and swear that half is theirs (because if they both swear that all of it is theirs, one of them is lying). They still believe that all is theirs, but they divide it and share it. This exists in both Jewish and Muslim law.

The Torah tells us the whole land belongs to God and we all are temporary residents here. Muslims have the same concept. Sovereignty is a modern political concept, not a judicial Jewish or Muslim one.

**CBD:** *Even though they are supportive of Israel, many Jews feel uncomfortable with fundamentalist Christians who believe that sometime in the future we'll convert and embrace Jesus. Are you not suggesting something similar? Don't you too believe that that in the far-off future we will be proven correct and all the land will be ours, but in the meantime we're going to live and let live? Is there a difference?*

**MM:** I don't care about their dreams for the future. I have a problem with what they do today. To have a messianic idea for the future is legitimate. I don't understand why people were so angry at Tzipi Hotovely's dream of an Israeli flag on the Temple Mount. It might not be the most diplomatic idea. As the Deputy Minister of Foreign Affairs, at this point of the violence – when we're trying to do reduce the hate propaganda about the Jews wanting to burn down Al-Aqsa and rebuild the Temple – I'm not sure hers was the brightest statement. But in principle, what's bad about that?

**CBD:** *So from your perspective, at a meeting between religious Jews and religious Muslims, when someone says, 'I dream about one day the third Temple being rebuilt' and someone else says, 'I dream about one day being in Jaffa', that's all OK?*

**MM:** Over the summer I wrote that Jews pray for the return of the divine presence to Zion and that this is my dream, my prayer, my wish. I pray for this every day. But I also wrote that in the meantime this dream is out of bounds. For my Islamic friends, this was fine.

**CBD:** *Do you feel like you're making progress?*

**MM:** Yes. This past year Yom Kippur and Eid al-Adha overlapped for the first time in 33 years. The heads of the Jerusalem Police came to my office and said they had warnings of terrible riots – both on the Jewish and the Muslim side – and asked me to use my contacts. We went to the most radical leaders – not part of the coalition, but the real radicals who have the most influence – and said: do you want this day to be a bloodbath? They issued a *fatwah*, which most radicals signed, saying that all Muslims have to respect the Jewish holiday of Yom Kippur. It appeared in the Palestinian press and was displayed in all the mosques. The rabbis published a statement that people driving on Eid are not disrespecting the day, or meaning to disturb Yom Kippur. And these were the quietest days we've had. It shows how much influence they have over the people. The police came to me afterwards and said, 'You do this for three days, why can't you do this the whole year?'

*Rabbi Michael Melchior is an advocate for social justice in Israel, Jewish-Arab reconciliation and co-existence. He was a member of Knesset for the Meimad Party, Deputy Minister of Foreign Affairs and holds the title of Chief Rabbi of Norway.*



## SEIZE THE MOMENT – BUILD A NEW REGIONAL PARADIGM

KOBY HUBERMAN

*The two-state solution is the only viable solution to the Israeli-Palestinian conflict. Yet we need a new paradigm to reach it because the old ‘Bilateral Negotiations’ paradigm doesn’t work. On the other hand, for the first time in history there is an opportunity for a new regional deal that will generate cooperation between Israel and its new regional allies in order to create stability, limit Iran’s influence, fight radical Islam, rehabilitate the region’s economy and assure Israel’s security. The convergence of interests offers an opportunity to advance the two-state solution, but in a new way.*

*The old bilateral paradigm assumed that Israelis and Palestinians could negotiate and reach a permanent status agreement for the two-state solution, as if all they needed was to return to the negotiating table and show more seriousness. The recurring failures of the old ways require some fresh thinking – ‘one more heave’ won’t do. In this article I outline five myths and fundamental misconceptions of the ‘Old Bilateral Paradigm’ and set out the five components of the ‘New Regional Paradigm’. (April 2017)*

### MYTH 1: THE END GAME

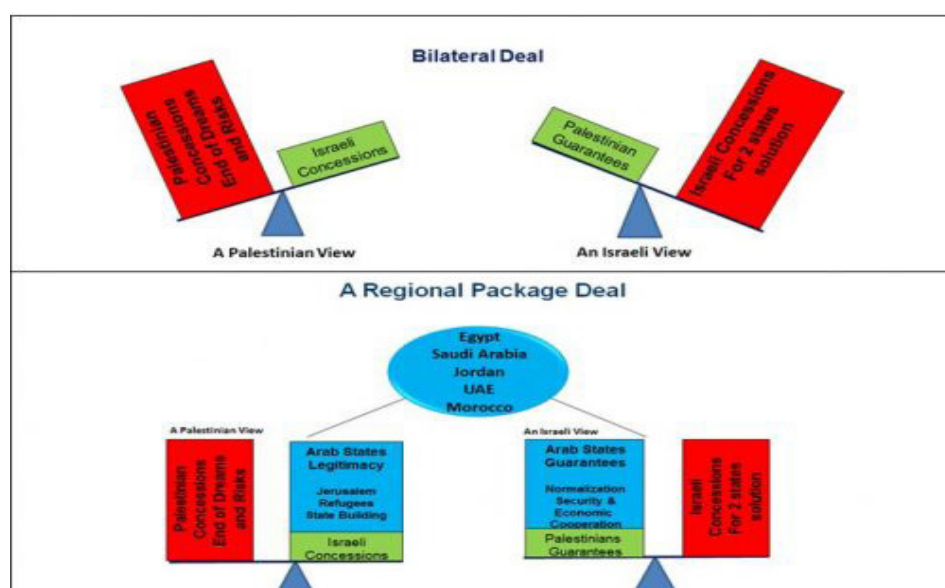
*Old Bilateral Paradigm: The two-state solution should be the ultimate goal of the negotiations.*

*New Regional Paradigm: The ultimate goal should be a comprehensive ‘Package Deal’ that combines the two-state solution with a regional cooperation agreement.*

The two-state solution is an unbalanced deal, which has proven hard to sell. It requires Israelis to make significant concessions, and in return gain very little from the Palestinians. The Palestinians will be busy building a weak state and trying to stabilise it while facing huge challenges of security and governance. The asymmetry between Israeli expectations and the Palestinians’ ability to deliver is a major risk. It is unrealistic for a demilitarised Palestinian state to be a guarantor of Israeli security against key strategic threats. Israeli security cooperation with Arab states could provide this. Moreover, the scope of economic cooperation required in the region goes far beyond Israeli-Palestinian economic development opportunities. Lastly, the fundamental Israeli demands for normalisation and recognition cannot be met by the Palestinians.

Therefore, for the price Israel needs to pay to achieve a two-state deal, it needs to gain a significantly better ‘product’. Consequently, the outcome of negotiations should be a four-legged deal – the Israeli-Palestinian two-state solution together with a regional agreement on security cooperation, a regional agreement on economic development, and a regional agreement on normalisation. Basically, the new ‘give and take’ formula for the final status end-game should be: Israel concedes to the Palestinians and is compensated by the Arab states.

Similarly, the Palestinians will have to make huge concessions for a two-state deal, particularly when it comes to their narrative of victimhood and their dream of the refugees (and their descendants) returning to their former homes. Their compensation for this should be via the Arab world in the currency of legitimacy and support – morally, financially and economically. In the eyes of the Palestinian leadership, the concessions they have already made and the risks they are facing vis-à-vis their people outweigh the benefits of a small-scale Palestinian state.



Here is an illustration of the asymmetry of Israeli and Palestinian compromises in comparison to the balance of a regional package deal. In short, the ultimate outcome should be a regional package deal which addresses Israeli and Palestinian concerns beyond just ‘two states’.

## MYTH 2: THE NEGOTIATION ARCHITECTURE

*Old Bilateral Paradigm: Bilateral Israeli-Palestinian negotiations are the way forward.*

*New Regional Paradigm: Negotiations should include key Arab states – Egypt, Jordan, Saudi-Arabia and the UAE.*

Israelis and Palestinians are unable to reach a deal when negotiating alone for a number of

reasons outlined below. Therefore, the involvement of the key Arab states is vital in order to:

1. Find solutions to the core issues:

*Jerusalem.* In order to solve the issues of sovereignty, custodianship and religious rights, Jordan, Saudi Arabia and Morocco must be involved;

*Security.* Ensuring security along borders – Jordan and Egypt need to be involved;

*Palestinian Refugees.* The Arab hosting countries as well Saudi Arabia, UAE and other Gulf states should be involved;

2. Legitimise the Palestinians' concessions on Jerusalem and refugees by showing that it is part of a much greater deal between the entire Arab world (as outlined in the Arab Peace Initiative [API]);
3. Help both publics with public diplomacy and encouragement;
4. Offer Israel what it needs strategically in return for its concessions;
5. Take and share the responsibility to block spoilers – political or militant parties and terrorist organisations (Hamas, Islamic Jihad, ISIS, Al-Qaeda, Muslim Brotherhood).

### MYTH 3: THE PROCESS

*Old Bilateral Paradigm:* A permanent status agreement will be achieved in one step, and until then the sides should work on the assumption that 'nothing is agreed until everything is agreed'.

*New Regional Paradigm:* Negotiations should start with an agreed end-game framework, to be developed in steps, under the principle that 'whatever is agreed should be implemented'.

There is too much risk in entering the negotiation room with a focus on reaching a permanent status agreement in one step. On the other hand, negotiations built around a series of incremental steps, such as the Oslo process, can be derailed because the process gives the spoilers enough room and time to prepare their sabotage. Moreover, the Palestinians will reject any attempt to reach an interim agreement as they will be suspicious that any such interim agreement will ultimately become permanent; and Israelis will find it too difficult to bet on an 'all or nothing' approach because the closer the sides get to the final agreement, the more likely the Palestinians will raise new demands, thus trying to improve their position through pressure at the last moment.

The alternative paradigm involves quietly negotiating the Terms of Reference (TOR) for an end-game 'regional package deal,' articulating the principles of its four legs mentioned above. The TOR should reflect the concepts presented by the API, and should also reflect Israeli interests and concerns. Then, the parties would build transitional agreements which will allow them to negotiate steps and implement whatever is agreed in order to change reality on

the ground, ensure gradual state-building and creating viability for a Palestinian state. And whenever Israel makes progress vis-à-vis the Palestinians, it will trigger positive steps by the Arab states that promote progress towards normalisation.

The new process described above also offers a new opportunity for the leaders to gain public support by proving to their people that even during the negotiations they are able to obtain tangible benefits for their people. For Israelis, the gradual steps towards normalisation are key – practically and psychologically. For Palestinians, the very existence of a political horizon together with changes on the ground is vital. And for the Arab states, the ability to show their people that the cooperation with Israel impacts the progress towards solving the Palestinian issue is hugely important.

#### **MYTH 4: THIRD PARTY ACTORS**

*Old Bilateral Paradigm: The US assumed the role of (sole) mediator.*

*New Regional Paradigm: Responsibility lies with regional leaders; mediators should act as conveners and enablers.*

The ‘shuttling US Secretary of State’ model should not repeat itself. The US is not alone on the ground (Russia is now intimately involved in the region). Regional parties need to take more responsibility upon themselves. Mediators should become enablers for a regionally-led process. The Egyptian president and the Israeli prime minister should prepare the groundwork for a regional platform that hosts Israel, the Palestinians, Saudi Arabia, Egypt, Jordan and the UAE. US-Russian cooperation should help encourage the regional leaders to take the necessary steps and launch negotiations. In fact, the regional package deal must be seen as part of a ‘grand bargain’ agreed between Russia and the US in order to build stability in the region and in adjacent areas.

#### **MYTH 5: THE VALUE OF PRESSURE ON ISRAEL**

*Old Bilateral Paradigm: International actors must use pressure on Israel in order to obtain more Israeli concessions to achieve progress in the right direction.*

*New Regional Paradigm: International pressure will do the opposite, so avoid it.*

Whenever bilateral negotiations fail, many in the international community call for more international pressure on Israel, in the form of UN resolutions, final status parameters, or the Boycott, Divestments, Sanctions movement (BDS). The dominant narrative blames Israel for any failure and is based on the false assumption that pressurising Israel will bring it back to the table. There are several flaws in this analysis and attitude. First, Israel should not be solely blamed for the recent negotiation failures (Palestinian Authority [PA] President Mahmoud Abbas did not respond to then Israeli Prime Minister Ehud Olmert in 2008; he did not respond to then US Secretary of State John Kerry in 2014). Second, international pressure will only

incentivise Palestinians not to compromise, because it feeds their belief that they can gain greater concessions from Israel through pressure rather than via the negotiation table.

Israel is fiercely averse to negotiating under pressure. The recent UN Security Council resolution (2334) actually strengthened that sentiment among Israelis. Any such attempt to impose parameters or 'punish' Israel will be counter-productive.

Instead, the international community should start apportioning blame more fairly, and understand that rather than airing their frustration, they must offer constructive ideas and encouragement to all parties (Israelis, Palestinians and the Arabs) to build a different approach.

## CONCLUSION: AN OPPORTUNITY TO RETHINK

The new US administration could use the opportunity to re-engineer the paradigm. It cannot go back to the old way of trying to achieve the two-state solution and expect better results. Instead of the old paradigm, the US could drive a new one, based on the following elements:

1. The end goal should be a regional package deal that comprises the two-state solution as well as regional security cooperation, regional economic cooperation and regional normalisation agreements.
2. Negotiations should be conducted in parallel between Israel and the PA and Israel and the key Arab states.
3. Negotiations will be based on TOR of the end game, reflecting the spirit of the API and Israeli interests.
4. While the end-game package is negotiated, it should be reached in a series of phased and transitional agreements.
5. The guiding principle should be that everything that has been agreed and can be implemented should be implemented.
6. The process should be regionally led and internationally supported with the US, Russia and the EU playing a role of conveners and enablers.
7. There should be no international pressure on Israel since this de-incentivises the parties.

Old habits die hard, but the new American administration has an opportunity to rethink many of the assumptions that have accompanied the Israeli-Palestinian peace process for many years, but which have now lost their relevance. Instead, the US administration must seize the moment to encourage regional leaders to make progress and so serve their shared interests.

*Koby Huberman is co-founder of the Israeli Peace Initiative. In 2011, he co-founded 'Yisrael Yozemet', a non-partisan Impact Group which has more than 1,800 signatories. Huberman is an experienced high-tech executive with 30 years in global technology corporations.*



## THE PEACE PROCESS IS STUCK. ISRAEL MUST TAKE THE UNILATERAL OPTION

ASHER SUSSER

*Asher Susser believes that while the status quo is not sustainable, a final status agreement is currently unattainable: that is Israel's dilemma. Because Israelis and Palestinians approach the negotiation table from 'two different historic time zones', there is no trust between the sides, meaning Israel should now take the unilateral option to keep the two state dynamic alive, along with its democratic character and the support of the international community. (May 2019)*

### THE TWO-STATE IMPERATIVE

**Samuel Nurdin:** *In your book 'Israel, Jordan and Palestine: The Two-State Imperative' you say the reason there has been no peace deal is because: 'For the Israelis, the point of departure was the territories in 1967 ... the Palestinian point of reference was 1948.' Can you explain what the difference between these two frameworks is, and how has it affected both side's approach to negotiations?*

**Asher Susser:** The major issue is the difference between the Israeli-Palestinian negotiations and the inter-state negotiation. For Israel and neighbouring states, the only issue is the '1967 file' – namely land and borders – so Israel has been able to make peace with Egypt and Jordan. With the Palestinians though, there is the 1967 file, as well as the 1948 file, which from the Palestinian point of view, relates to their very collective being, to the question 'What is a Palestinian?' It's an identity issue. What differentiates a Sunni, Arabic-speaking man from Palestine from a Sunni Arabic-speaking man from Jordan or Egypt? The answer is collective memory. The Palestinians view the events of 1948 as a disaster, and that defines what Palestinian-ness is; the association with 1948, whether you were there or not, is handed down from generation to generation.

### TWO DIFFERENT HISTORIC TIME ZONES

The Israelis and the Palestinians are approaching the negotiation table from two different historic time zones. Israel wants to end the conflict on the basis of solving the West Bank/ Gaza issue – the 1967 issues. For the Palestinians, however, the conflict did not begin in 1967, but in 1948. They feel the need to redress their grievances from this earlier period in order to establish a Palestinian state within the 1967 boundaries. The main issue of the 1948 file is the refugee question and if there is to be a solution to the conflict, there has to be some measure

of satisfaction on that issue.

Because of the questions of identity and historical narrative arising from 1948, the Palestinians were, and remain, unable to separate themselves from 1948, as they develop negotiation demands. On the other hand, Israel wanted to have a trade-off: It was prepared to concede on just about all of the 1967 issues (land, borders, settlements, Jerusalem) but in exchange it wanted closure on the 1948 file, to which the Palestinian refused. Thus, both sides have a principled acceptance of the two-state idea but have very different perceptions of what two states actually means.

This cognitive dissonance has also intruded into the negotiations, particularly on the 1967 file. For example, after multiple rounds of negotiation, Israel agreed to concede over 90 per cent of the West Bank to the Palestinians; the Palestinian said it must be 100 per cent. Their reasoning: ‘You Israelis already possess 78 per cent of Mandatory Palestine (which we Palestinians already compromised on), and now you want us to compromise more over the 22 per cent (the West Bank and Gaza) that remains?’ The Israelis saw that reasoning as being very inflexible, all or nothing. This is a typical example of both sides coming into the negotiations from two very different historic time zones. The Palestinians count the percentage from 1948; the Israelis count the percentages from 1967.

There is another problem: neither side can fulfill their minimum goals without intruding into the other side’s existential domain. For example, the Palestinian state intrudes into Israel via the refugee question; and the Israelis intrude in a future Palestinian state with their security measures (which the Palestinians regard as eroding their sovereignty) – another stumbling block to negotiations.

**SN:** *The ’48 file consists of two key issues: refugees and recognising Israel as a Jewish state. Why do Israelis regard the latter as a deal-breaker?*

**AS:** The demand for the Palestinians to recognise Israel as the nation state of the Jewish people is to create a firewall between 1948 and 1967. At the beginning of peace negotiations, the Israelis spoke about the Palestinians agreeing to end the conflict. It was very important to have the Palestinians declare that once a state was established in the West Bank and Gaza, there would be no further claims to other parts of Historic Palestine that are now part of the State of Israel. Israel didn’t have this problem with Egypt or Jordan – it was very clear where those states ended and Israel began, and thus there was no such demand for them to declare an end to conflict. In the case of Palestine, it is not exactly clear where a future state would begin and end. Instead of demanding an end to conflict, the Israelis called for the Palestinians to recognise Israel as the nation state of the Jewish people, which in practice means refugees will return to Palestine and not Israel.

As I've said, the demand for the Palestinians to recognise Israel as the nation state of the Jewish people creates a firewall between 1948 and 1967. The problem, however, is that the Palestinians cannot recognise Israel as the nation state of the Jewish people, because if they do so, then they are recognising that historically Palestine is Jewish. So we're still stuck in the same quandary without any resolution. Unlike the inter-state negotiations, which had a clear endgame, the endgame for the Israelis and Palestinians is not so.

Israel, not the Palestinians, has the support of the international community on the refugee issue because the international community makes a very clear distinction between the occupation (which began in 1967) and the creation of Israel in 1948. They do not challenge Israel's creation. The Palestinians – because of the centrality of the refugee question – do.

**SN:** *To what extent can the contrasting understandings of history held by the two sides – especially regarding 1948 and the War of Independence / the Nakba – be incorporated into a political framework of a two-state solution?*

**AS:** The peace process is based on UN Security Council Resolution 242, which for over the first 20 years of its existence the Palestinians refused to accept. When the Palestinians did finally accept 242 in 1988, it was a conditional acceptance, based on that resolution being in conjunction with other UN resolutions related to Palestine, the key one of which is UN General Assembly Resolution 194. Although 194 does not unconditionally endorse refugee return, the Palestinians overwhelmingly interpret it as if it does. For them, 194 is the right of return. Israel is willing to negotiate 242 but not with 194 being included, whereas the Palestinians are not prepared to negotiate just on the basis of 242.

You might ask why an interim arrangement cannot be agreed; separate from a clear vision of the endgame. Well the Palestinians fear that for the Israelis, an interim agreement will be permanent. The Israelis fear that for the Palestinians, a permanent agreement will be interim. Therefore there is a lack of trust between the parties. An interim arrangement is very logical, but not workable in the current circumstances. How do you resolve the 1967 problem with the component of 1948, which for Israel does not relate to the occupation but to Israel's very existence? Solve that question, and you solve the conflict.

## KEEPING THE TWO-STATE DYNAMIC ALIVE

**SN:** *If Israelis and Palestinians are in limbo, is the status quo sustainable? If not, what should be done to create conditions to change it?*

**AS:** Israel has to ask itself what it should do if it cannot have a two-state solution based on negotiations. Many people in Israel, including the government, would argue that we should leave things as they are. But if we don't do something to alter this status quo, we're allowing ourselves to descend down a slippery slope to a one state reality, which would be contentious, conflictual, and more reminiscent of the former Yugoslavia. It would be disastrous for Jews.

An interim arrangement is one option that can be pursued in order to try and create a more conducive atmosphere for a two-state solution. An interim agreement says, 'Let's resolve what we can now, and leave what we can't until later.' The Palestinians though, are only likely to agree to an interim arrangement if consensus can be reached on what the endgame is, believing that Israel will ultimately not be willing to go beyond an interim arrangement. So then you have to sit down and negotiate the endgame again, which fails because neither side agrees to what that endgame is.

The word solution then, is too heavy a word to use in this context. I don't think we're going to arrive at a solution in the sense that Israelis and Palestinians agree on a satisfactory resolution to the conflict. But to thus conclude that there is nothing to be done is wrong, at least from Israel's point of view, because the status quo is not static, and not in Israel's long-term favour.

The status quo is not in Israel's favour firstly, due to the demographic problem that results in Israel being in control, one way or another, over millions of Palestinians, which undermines the capacity of the state to maintain itself in the long-run as the nation state of the Jewish people. (And if Israel doesn't maintain itself as the nation state of the Jewish people then, historically speaking, what is the point of Zionism?)

Second, there is the issue of Israel's international legitimacy. The State of Israel's international legitimacy is based on the 1947 UN Partition Plan. The international community views Israel as a just cause, but in the framework of partition. If Israel is perceived to be moving away from partition and the two-state idea, then its international legitimacy will be steadily undermined. If you look at the international criticism of Israel, it doesn't focus on Israel's creation in 1948, nor really on the refugee questions, but predominately on the occupation. And when people speak about not importing Israeli goods, or boycotting Israel, it's predominately in reference to the occupation. I would argue that since 1967, international recognition of Israel's legitimacy within the 1967 boundaries has been reinforced. The continuation of the occupation however, is opening up questions about the legitimacy of Israel's policy, and that is a dangerous place to be, as moving from this point to questioning the legitimacy of Israel itself, is a very short step.

## THE UNILATERAL OPTION

All that being the case – an interim arrangement is not possible, a negotiated settlement is out of reach – Israel is left with the unilateral option. I believe this option is the only real possibility Israel can resort to. It's not a solution to the conflict. Rather, it's a risky alternative with unclear results. But I don't agree with those who say Israel shouldn't unilaterally withdraw from the West Bank because of the results of the Gaza Disengagement. Ariel Sharon, who led Israel's disengagement, did so not because he believed the withdrawal would lead to peace. He assumed rockets being fired from Gaza would continue. Rather, I believe Sharon was motivated by the need to release Israel of the burden of ruling over 2 million Palestinians and he was

willing to withdraw from the majority of the West Bank based on the same logic.

The Gaza disengagement was obviously not carried out in the best way possible. If Israel were to launch a unilateral initiative in the West Bank, it should be phased over five to ten years. Israel can begin by withdrawing from the isolated settlements that are not a part of settlement blocs, hopefully with their agreement and without having to resort to forcible evacuation. The army's withdrawal from these areas will only occur in conjunction with the establishment of a stable security situation and should be done gradually. This would not constitute a two state solution but it would preserve the two-state dynamic. We are in a one-state dynamic right now and there are too many people concluding, 'let it be'.

If we foster a two-state dynamic and Israel does gradually undo the footprint it has in the West Bank, then we will have a two-state reality. Again, not a two-state solution, but a two-state reality, after which both sides will be able to conclude an agreement, through the framework of negotiations between two 'states'. The Palestinian state will already be there, (even though it may not yet be called that), but we would have a two-state reality and that would progress into something more stable and permanent akin to which Israel enjoys with other Arab states including Egypt and Jordan.

The opposite of withdrawal is annexation of Area C (comprising 60 per cent of the West Bank), which would leave the Palestinians with about 9–10 per cent of Historical Palestine. If there are approximately 6.5 million Jews and 6.5 million Palestinians in Historic Palestine and the Jews have 90 per cent, I do not think there are going to be too many people who think that is a just division.

*Asher Susser is the Stanley and Ilene Gold Senior Fellow at the Moshe Dayan Center for Middle Eastern Studies at Tel Aviv University. He is the author of Israel, Jordan and Palestine: The Two-State Imperative.*



## **'MY STABILITY PLAN OFFERS ONLY PARTIAL SELF-DETERMINATION BUT WILL ALLOW THE PALESTINIANS TO THRIVE'**

NAFTALI BENNETT

*'Forming a Palestinian state along the lines that many readers of Fathom believe is the way forward would guarantee 200 years of misery for the two peoples'. That was the message from Naftali Bennett, the Israeli Minister for Education, leader of the Jewish Home party, and a highly influential member of Israel's coalition government, when he sat down with Fathom Deputy Editor Calev Ben-Dor. Bennett also made the case for his own vision for peace, 'The Stability Plan' – Israeli sovereignty in Area C of the West Bank, limited Palestinian self-government in Areas A and B – and invited Europeans to stop looking at a very tough neighbourhood through the prism of 'Oslo and cocktail parties'. (October 2017)*

**Calev Ben-Dor:** *In a speech on 7 May at the Jerusalem Post Conference in New York you said: 'The left-wing doesn't have a monopoly on peace, just like the right-wing doesn't have a monopoly on patriotism. I am ready for negotiations without preconditions or pre-concessions.' What is your vision of peace?*

**Naftali Bennett:** I've been both fortunate and unfortunate to have fought in many conflicts since the First Intifada – in southern Lebanon, Operation Defensive Shield during the Second Intifada, the Second Lebanon War, and I served as a Cabinet minister during the last round of conflict in Gaza in 2014 – so I think I have a very good perspective of our situation. First and foremost I will do anything in my ability to prevent war. Israel has no territorial claims over Lebanon, Syria, or Iran but we're in the toughest region on earth. On our northern border we have the most concentrated area of rockets in the region in the hands of Hezbollah (and second on earth after the North Korean-South Korean border). To the north-east we have Iranian militias setting up on our borders. In the south we have ISIS's strongest foothold in the Sinai, and in the south-west we have a border with Hamas. On the other side of each of those four borders are people who explicitly say they want to destroy Israel and the Jewish people.

When I look 100 years into the future and think how a country the size of New Jersey can survive and thrive, one principle is the capacity to be able to 'defend ourselves by ourselves'. Israel's brief history has taught us that the international 'peacekeeping' forces are great until you need to use them. They evaporated in 1967 and they are meaningless in Lebanon and in Syria.

Secondly, history shows that land Israel hands over to Arabs usually turns into an Iranian military foothold. The reason the Israeli public has moved to the Right in recent years isn't due to ideology but rather to reality. As a child in the 1980s we had peace songs on the radio and in kindergartens and the Israeli public was conditioned to love and believe in peace. Yet in the last elections the word peace was taboo – not because the parties and public don't desire it, but rather because we came to understand – the hard way – that desiring peace sometimes brings about the opposite. Over 1,000 Israelis died in the terrorist attacks during the 2000s, after we pulled out of parts of Judea and Samaria in the Oslo framework. We pulled out of Lebanon in May 2000 with hopes for peace – as neither side has any territorial claims on the other – but we got the Second Lebanon War in 2006. We pulled out of Gaza and did everything we were expected to do – withdrew exactly to the former armistice lines, kicked out the Jewish settlers, took out the army, and handed over the keys to Palestinian Authority (PA) President Mahmoud Abbas – and what we've had since is an 'Afghanistan,' a Hamastan; rockets that have killed many, three rounds of wars and an insoluble situation.

When we take these examples, people here have absolutely zero appetite to turn over additional land of our small country – especially the heart of our country – to people who thereafter will turn it into an 'Afghanistan'. No amount of words, paper, or schemes of bringing in drones or foreign peacekeeping forces will persuade us otherwise. I say to our friends who think they have these great technological solutions that do not require an Israeli presence on the ground to show us how it would work in Gaza first. Let's try it for five years there and then we'll talk after.

Essentially forming a Palestinian state along the lines that many of the readership of Fathom believe is the way forward would guarantee 200 years of misery for the two peoples.

## THE STABILITY PLAN

That said, what do we do? I have no desire to occupy, govern and control the 2 million Arabs that live in Judea and Samaria. I remember what it was like during the First Intifada, and I don't want to control their education, their sewage system and their quality of life. The main idea of The Stability Plan is to provide full civilian self-governance to the Palestinians so they can elect themselves, pay their taxes, and control those areas that are theirs. We should apply sovereignty in Israeli-controlled areas – known as Area C – and Palestinians living there will become part and parcel of the State of Israel. And since within the State of Israel you cannot have two levels of people, those Palestinians living in Area C – approximately 80,000 people – will be offered full Israeli citizenship, including voting rights. I think most will opt for residency rather than citizenship (like in East Jerusalem) but it's up to them. They can be Israeli citizens, Israeli residents or Palestinian citizens.

Those living in the Palestinian-controlled areas (Areas A and B) will govern themselves in all aspects barring two elements: overall security responsibility and not being able to allow the return of decedents of Palestinians refugees. We can't have an inflow of millions of great grandchildren of 1948 refugees coming across the Jordan River because in one swoop that would distort the demography of the area, and within a few weeks of their arrival, the local Palestinians in Judea and Samaria would tell them to 'go back to Jaffa' which would subsequently create pressure on Israel that could lead to a third intifada inside 'Smaller Israel'.

My option is that Palestinians have an 'autonomy on steroids,' and I'm open to ideas about how this materialises; it could be a confederation with Jordan, or local municipalities, or a central government. It would encompass full freedom of movement, massive infrastructure investment, the creation of a tourism zone so Christians can enter Haifa, Nazareth, Nablus, Ramallah, Jerusalem and Hebron without going through road blocks. We would have joint industrial centres, and we'd be able to create a land port governed by the Palestinians in Jenin that would be connected to Haifa.

**CB-D:** *On the assumption that no Palestinian leader would accept this, how would it be enforced? How would Israel respond to local opposition on the ground? There is also an international consensus around the paradigm of two states for two peoples. In the long term, how would Israel be able to deal with the international community and its likely response to your plan?*

**NB:** Most of the actions to implement The Stability Plan don't require cooperation. It's a bottom-up economy-based peace solution and the Palestinians don't accept any other options. Former Prime Minister Ehud Barak offered them a state and they refused.

All talk of two-state solution is generally on the diplomatic level and forgets the Israelis and Palestinians who want to improve their lives. My approach brings a much better horizon for Palestinians and Israelis because right now the only quiet place in the Middle East is in Judea and Samaria and it's because we're there.

I understand there is global consensus around the two-state solution, but what the world thinks is no proof for the correctness of a plan. The world gets it wrong a lot.

I'd say to those in the international community who are so entrenched in the idea of a Palestinian state that (a) the Palestinians have a state in Gaza and they blew it, and (b) after 50 years, at what time do we need to rethink? In the high tech world where I come from, if my employees tried the same solution and failed again and again I'd fire them as I'd expect them to have tried to tackle the challenge from a different angle by now! There is an industry around this topic – think-tanks, journals, professionals and academics who keep on chewing on the same old failed solution. We're not in Europe, we live in a region with very few democracies, and when we tried this idea out it blew up in our faces and no one showed us any sympathy.

Second, the international community did not recognise Jerusalem as the capital of Israel, or the Golan Heights as ours, but I think everyone now realises that if we had handed over the Golan to Hafez al-Assad in the 1990s we would now have ISIS along the shore of the Sea of Galilee. International recognition may take 20, 50 or 80 years, but this has been our homeland for over 3,000 years and we have no other option. We have to stick to it, and have the strategic patience it takes.

I'm not suggesting we apply sovereignty to all of Area C overnight; it has to be gradual. But yes, we live here and we have to do what is right for us. Lately Israel is being increasingly seen as a source of stability and positive power in a region where there is a fear of Iranian domination. Israel has provided intelligence that has saved hundreds of lives in Europe. People often talk about the importance of boots on the ground, but we have eight million sets of boots on the ground in the heart of this difficult area.

**CB-D:** *Do you feel The Stability Plan provides self-determination for the Palestinian population in the West Bank or is it more a case that while that might be a nice ideal, due to the security concerns Israel can't afford to give what we want for ourselves?*

**NB:** It's unrealistic. Self-determination also depends on democracy so that the people are able to determine what they want. Almost none of neighbours enjoy democracy and if they did they would cease to be. So The Stability Plan is only partial self-determination but in the real world you have to make compromises. But as I said, Israeli Arabs and the Palestinians enjoy some of the best lives in the region.

We have a very large Arab minority in Israel who are thriving and enjoying full equal rights. There are MKs and Supreme Court justices of Arab origin. As Minister of Education I am responsible for hundreds of thousands of Arab kids who are perhaps the best educated Arabs in the whole region. I am investing massively in Maths, Science, English, and the story of Israeli Arabs is a very positive one. They aren't Zionists (although some volunteer to the IDF), but they are happy and thriving.

**CB-D:** *How would you respond to those who argue that your plan is basically a type of Swiss-cheese of Palestinian areas hemmed in by access roads, check points, and the IDF?*

**NB:** No, my plan includes the freedom of movement. Every Arab in Judea and Samaria would be able to get in his or her car and drive freely to any other location without having to go through roadblocks. It's all solvable if there is a desire – full freedom of movement; freedom of political organisations. They would choose their own governments (even though I'm fearful they'll chose Hamas as they did in 2007 but that's their decision). It is true that they won't have an army and won't be able to flood us with millions of descendants of refugees, who instead will need to be naturalised in the countries they currently live. (Just as Israel resettled over 800,000 Jews who were expelled from Arab countries between 1948 and 1967).

I am very optimistic. When you look at the world through Oslo and cocktail parties the world looks dire. But I spend a lot of time on ground, my family lives here and I see the quality of life for Israeli Arabs when I visit their schools, and for Palestinians, and the actual picture is a very good picture. It could be much better if we focus on making lives better from the bottom-up.

*Naftali Bennett is the leader of the religious-nationalist Yamina Party. He is a former Israel's Minister of Education and Minister of Defence and previously served as the Minister of Diaspora Affairs. Between 2013 and 2015, he held the posts of Minister of Economy and Minister of Religious Services.*



## HOW I CAME TO FAVOUR A CONFEDERATIVE APPROACH

DAHLIA SCHEINDLIN

*Dahlia Scheindlin explains potential components of a 'two state confederative approach' which may resolve major challenges surrounding final status issues such as settlements, refugees and Jerusalem. She argues that while the approach is far from perfect, it offers several symbolic and practical advantages over the traditional two state approach with hard separation championed in previous rounds of negotiations. (July 2017)*

### UNDERSTANDING THE CONFEDERATIVE MODEL

**Alan Johnson:** *Some 'solutions' may sound a little bit other-worldly, but part of the purpose of intellectual debate and discussion is to give certain ideas a platform and to work them through, because, as you have pointed out, 'two states for two peoples' was an other-worldly idea not too long ago. We don't need to spend too long on the two state solution because it is so fiercely debated. When I speak on campuses, I argue that it still exists and that it is not impossible, so can you say what you think about that. Have you definitively given up on it?*

*The solution that you have been wanting to discuss is what is sometimes called, rather awkwardly, 'confederalism', although perhaps 'two state confederation' is a better term. I think your point is that if two states are not viable, then there are a very limited number of alternative options. One is one equal state. Another is an unequal state, whatever that is called. The other is some kind of a confederation. Leaving aside the technical detail – over which there exists a huge debate – what is the basic idea of confederalism and why were you drawn towards the concept?*

**Dahlia Scheindlin:** The basic idea of a confederal approach – and I agree with you the term is rather awkward and heavy – is of two separate states with two separate governments both with full independence and sovereignty, but in which each agrees to have a more integrated relationship, a more open, porous border. Citizens from each state would be allowed to obtain residency on either side without obtaining citizenship, (in accordance with numbers that both sides would agree on). These two states would share certain powers – by agreement of course – and would have a shared economic zone. They would address shared security concerns together as well as issues like resource management.

It makes sense in a situation in which there are two parties in the same territory that need some sort of territorial division, but where the geographical nature of the relationship makes it very difficult for them to actually operate completely independently. So, it would be a partial separation – a type of ‘hybrid approach’ between ‘separation’ and ‘together’ in which the two states have overlap. It still falls on the side of what a Palestinian academic and colleague of mine, Professor Bashir Bashir, calls a ‘statist approach’ because it does seek the creation of two separate states based on the idea that each is a nation-state in its own right. But confederalism recognises greater co-dependency and places structures around it.

The other important point made by Yossi Beilin – who is an outright supporter of this solution – is that it is a ‘voluntary’ arrangement. In other words, were this kind of agreement to be reached, the parties would enter the agreement whilst retaining the ability to leave the association between the two states (without going to war: there could be an agreed mechanism for ‘how to get a divorce’). It’s important to keep that in mind, because nobody can say that this is the perfect solution, nor that any solution is perfect.

## **THE TWO-STATE SOLUTION IS NEITHER FEASIBLE NOR PARTICULARLY DESIRABLE**

This goes back to the second half of your question – namely why I was first intrigued by the concept, began researching it and ended up supporting it. The first reason is that, in many ways, the two state solution is now no longer possible, certainly not in the form it was first conceived. It was first envisaged as the idea that the Palestinians would have full independence with fully contiguous territory (Gaza is not contiguous with the West Bank, but there could be ways to link them). But the level of ‘sovereignty’ they should maintain as a state is no longer possible according to the current maps because of the spread, number, and permanence of settlements and settlers. Moreover, the political conditions are also not there on the other side.

I think it’s very hard to reach that sort of solution. Just as an example of these empirical conditions, by all of the best assessments from different political and security figures I speak to, the number of settlers who would be left outside the probable or reasonable border for anything like a contiguous Palestinian state would be 120,000 – 163,000 people. Now, by comparison, in 2005 when Israel left Gaza, Israel had to dismantle settlements that involved evacuating about 8,000 people, and this was incredibly difficult. Some may say, ‘well, we did it – Israel was able to do it in 2005, and therefore it can be done again’. It probably can be done physically, but is there sufficient legal and political justification for doing it, especially for people who’ve been in their homes two or three generations? It gets very dicey, and it gets to be almost impossible.

I also came to critique the desirability of the currently imagined two state solution, which was a major change I reached after a process of thinking about what a Palestinian state in these

circumstances would actually look like. Some people say Netanyahu negotiated in good faith during the Kerry process. Maybe so, but the kind of Palestinian state that would be viable either in 2013/2014 and now would be so dismembered and chopped up. It's beyond the Swiss cheese – it's tiny little bubbles that can barely be connected to one another, more like the holes in the Swiss cheese. Israel would remain the 'cheese', so to speak, as it would be surrounding Palestine and puncturing it everywhere.

I don't think that kind of state would be viable, nor develop a significant economic life and sense of sovereignty for itself. It would lead to such resentment and social disarray that we are likely to see everything from spoilers among extremists to mass unrest, could easily lead to violent escalations (which would then prove to Israelis that it's not possible) and Israel would go in and violate Palestinian sovereignty. I think some people underestimate the dangers of what a two state solution with a hard separation would bring.

### **ERODING SOME OF THE CHALLENGES OF FINAL-STATUS ISSUES**

The idea of a confederation erodes and even resolves – and I use those words carefully because I do not believe any of these issues can be truly resolved – some of the key obstacles and dangers of a two state solution with a 'hard separation' approach. I think one of the main obstacles it reduces is potentially allowing a certain number of settlers to remain in a Palestinian state as permanent residents. They would have to be law abiding of course. But that diffuses this major ticking time bomb within Israeli society.

On the Palestinian side, a confederative approach may help with the refugees. The Palestinians will not agree to a two state solution that fails to recognise the history of the Palestinian refugee problem and its causes. What's acceptable to the Palestinians is complicated, but perhaps the idea of a symbolic number of Palestinians (agreed to by Israel) living in Israel as permanent residents not citizens means they can have their symbolic needs recognised. They will not threaten the 'character' of Israeli society, an issue Israelis will never compromise on. It's a way of eroding these obstacles.

The strength of a two state confederation regarding Jerusalem is that the city would no longer have to be divided 'down the middle'. Any two state solution based on a 'hard separation' imagines a plan for a border running right through what we call Route 1, dividing the East and the West right through the middle of Jerusalem today. That would do significant damage to the fabric of life in Jerusalem. The people in East Jerusalem are already living in dire economic and social conditions, which will get worse under that kind of a division. It would create another barrier to the kind of interaction that leads to greater levels of economic development and interactions between peoples that are healthy.

I started to look at these things condition and say: 'You know, it's all well and good for me to support a two state separation because it sounds theoretically nice and, as a political scientist, it

may be nice to afford both sides total self-determination, but am I really taking into account the interests of a Palestinian living in East Jerusalem? Not really. I think they will be better off, not in a patronising sense, because I think it is a better state of affairs for Palestinians and Israelis to have Jerusalem open, as well as having those other major obstacles addressed in a way that accounts for symbolic and empirical needs.

I think the two state confederation approach is more viable for those reasons, in addition to the economic and security cooperation the concept envisages. I think it stands to be better when there is increased cooperation between each state's security forces, as opposed to total hermetic sovereignty where any sort of overlap is considered a violation of sovereignty. There's plenty of security-based critiques of this plan. But personally, I think that the more remote a traditional two state solution becomes, the weaker those critiques subsequently become too.

**AJ:** *Last year, BICOM-Fathom conducted some informal discussions with both Israelis and Palestinians, and this proposal was one of the solutions we examined in detail around the table. On the positive side, people pointed out that the plan isn't far away from the UN partition plan of 1947. People sometimes think the partition plan was just a line on a map, but it was much more than that. Central to it were all the things you've said about economic cooperation between two small states in a very enclosed area with a particular topography and so forth. The other positive thing people said was that this proposal might allow people to keep their narrative intact rather than having to relinquish them. In addition to symbolism, it would allow Jewish access to the holy places in Judea and Samaria and so on, which they regard as the heartland.*

*I remember a quip from a participant who took a different approach. Having heard the confederal solution laid out, she said she'd just fallen back in love with the two state solution! Others claimed that the confederate approach was ahistorical because it ignores the actual history of the two peoples, the wars and the lack of trust – that while it may be possible to get from conflict to two states with self-determination and sovereignty, you cannot get from conflict to confederalism. Do you have anything like a roadmap with some basic signposts in your head about how you get from here to there?*

**DS:** I would start by saying that you've got to lay the groundwork for peace. You have to do everything you can to strengthen Palestinian society, democracy and economy and maintain a legitimate Palestinian leadership. All of those conditions need to be met to reach any kind of agreement. You must start with that.

I actually believe the confederal approach is the opposite of ahistorical. I think the idea of a two state solution with hard separation whereby it becomes much more difficult for Israelis to visit the holy sites in the West Bank essentially wipes out the entire history of the Jewish people that has driven Zionism. I am not sure how to square that circle in a two state solution. From a Palestinian perspective, the ahistorical argument ignores the history of the 1948 Palestinian 'nakba', or catastrophe. Regardless of whether you dislike this kind of description or not, the fact

is that the *nakba* forms a key portion in Palestinian national identity. Just as other societies want their trauma recognised – first and foremost Jewish society but also within Armenian society with its intense focus on the world recognising the Armenian genocide – the Palestinians need to have their great moment of national trauma internationally recognised, in both symbolic and empirical form. To ignore that is to ignore history. I think the confederal approach does a better job of recognising that and coping with it.

I also want to point out that full freedom of movement is distinct from residency. Residency allows people to live on the ‘other side’ and vote on their own side. But the idea that anybody can move freely if they do not have a security background doesn’t mean that no border exists and that there’s no security. Rather, the default will be that both peoples can move: Palestinians can visit old villages for a day trip, Jews who have no interest in settling in Palestinian areas can visit the holy sites, Palestinians labourers can work in Israel, people can visit family members etc.

Yes, you have to recognise the past, but this approach allows for improving material circumstances as well as offering a more positive future on the symbolic, social and empirical levels.

*Dr. Dahlia Scheindlin is a Policy Fellow at Mitvim Institute: The Israeli Institute for Regional Foreign Policies, researching comparative conflict dynamics. She is also a public opinion expert who has advised five national campaigns in Israel, an adjunct lecturer at Tel Aviv University, and a founding writer on +972 Magazine.*



## THE BICOM ISRAELI-PALESTINIAN DISCUSSIONS: TOWARDS A HYBRID APPROACH TO PEACE

BICOM

*A gap has been opening up between the dominant assumptions of the peace process amongst many international actors and the sharply changing political realities on the ground, not to mention the much more chastened and sceptical attitudes that prevail among ordinary Israelis and Palestinians. Bringing the parties together for another intensive effort at reaching a deal will not succeed. New thinking is needed. This paper is based on a series of confidential, track-two dialogues between current and former Israeli and Palestinian officials and academics designed to explore new thinking and provide a detailed critique of different ideas. The meetings took place in the latter part of 2016 under the auspices of BICOM and Chatham House. As one participant put it, we are here to “come up with seeds of ideas that can be developed in the future”. “We want candid discussion, and no clichés” said another. Section one describes the current parlous state of the peace process and maps out its regional and international context as well as the structural challenges facing the two sides. Section two presents details of four separate strategies discussed and critiqued by the participants in order to examine their effectiveness in advancing the two-state solution. Section three identifies additional dimensions – such as civil society, and third-party actors – that need to be addressed regardless of which strategy, or combination of strategies, is preferred. Section four tentatively draws together the threads of the discussion to suggest the outlines of a new “hybrid” approach to peace making between Israelis and Palestinians. (December 2016)*

### SECTION 1: THE CURRENT STATE OF THE PEACE PROCESS

The Israeli-Palestinian arena is in deep disarray with little progress expected in the short term, and deep pessimism regarding the future. ‘We are at a very low point, as low as I can remember, politically, if not in terms of violence’ said one participant.

*Israeli political paralysis; Palestinian institutional weakness:* While publically backing the principle of two states for two peoples, Israel’s ruling right-wing coalition has almost no room to manoeuvre regarding gestures to the Palestinian Authority (PA) and many of its members flatly oppose Palestinian statehood. The Palestinians are fragmented and beset by geographical and political divisions. No presidential or parliamentary elections have been held since 2006 with recent plans to hold local elections shelved and polls suggesting that neither party enjoys strong popular support. PA President and Palestine Liberation Organisation (PLO) Chairman Mahmoud Abbas (Abu Mazen) is 81 years old but is yet to present plans for a smooth succession

when he exits the political stage.

*Neither side believes it has a partner:* Palestinians point to the consistent expansion of settlements as undermining their trust in the Oslo Process and perceive Israel's security demands for a two-state deal to be incompatible with Palestinian sovereignty and merely an excuse to maintain the occupation, which they see as the core of the conflict. They believe that their significant compromises over the years – relinquishing 78 per cent of Mandatory Palestine in 1988 and recognising Israel in 1993 – went unrewarded by Israel. Moreover they argue that while Abbas has publically rejected violence, stated he had no intention to return to his birthplace in Safed, and showed flexibility on territorial swaps (something neither Egypt nor Syria offered), Israel has failed to fulfil its obligations under Oslo and to negotiate seriously towards a two-state solution along the 1967 borders. Palestinians also point out that Israel has failed to respond positively to the API, which offers the country normalised relations with the Arab world following the establishment of a Palestinian state and a resolution to the conflict. Many Palestinians feel invisible to Israeli society and are deeply frustrated by the seeming failure of the US and international community to pressure Israel to fulfil its commitments. 'You Israelis are in denial about our condition, and that's why we can't move forward to an agreement. You just don't see us,' said one participant.

Israelis point to the Palestinians' failure to seriously respond to what they see as far-reaching proposals made at the Camp David II talks (2000), the Clinton Parameters (2000), at the Annapolis talks (2008) and in President Barak Obama's framework document (2014) as proof that the Palestinians are either unwilling or unable to end the conflict, and perceive their failure to recognise Israel as the nation state of the Jewish people as rejecting the Jewish people's right to self-determination in any part of Eretz Yisrael / Historic Palestine. Palestinian terrorism in the 1990s and during the Second Intifada (2000 – 2004) moved many Israelis politically to the Right, while wars with Hezbollah (2006) and Hamas (2008–9, 2012 and 2014), following unilateral Israeli withdrawals from Lebanon (2000) and Gaza (2005), created the perception that 'land for rockets' was a more accurate description of the result of the withdrawals than 'land for peace'. With Hamas rule cemented in Gaza and low-level Palestinian violence continuing uninterrupted since October 2015, even those Israelis on the centre-Left who recommend practical steps to move the two-state solution forward have little faith that a Palestinian partner exists.

*Wide gaps on final-status issues:* Despite the adage that 'everyone knows what the final deal looks like,' the two sides have never fully agreed on any of the core issues, with one Israeli official involved in negotiations remarking that although negotiations have narrowed many of the gaps between the two sides, unfortunately 'the last inch is a mile deep'.

Even when leaked reports claimed that the Israeli government agreed to the Palestinian demand of using the Green Line as a baseline for negotiations – plus/minus territorial swaps in which Israel would annex West Bank areas where most settlements are situated and compensate the

Palestinians with territory within sovereign Israel – the two sides still failed to agree the volume or nature of potential swaps. Israeli officials have remarked that while the Palestinians agreed to a 4 per cent swap prior to the Camp David II summit in 2000, their position has since regressed to agreeing only 1.9–2.3 per cent. This is some distance from then Prime Minister Ehud Olmert’s offer in 2008, which included an Israeli annexation of 6.3 per cent of the West Bank in return for a 5.8 per cent swap and a land corridor between the West Bank and Gaza.

On security issues, the two sides agree that a future Palestinian state will be demilitarised although they have failed to define what demilitarisation means in practice. Negotiators continue to be far apart on other issues, such as Israeli control over Palestinian airspace and an IDF military presence in the Jordan Valley. On refugees, the Kerry talks saw both sides focus on practical solutions rather than historical-narrative issues, which brought them close to a solution, but the issue remains unresolved and highly sensitive. Likewise, Israelis and Palestinians continue to disagree on the future status of Jerusalem and the Old City, as well as the Israeli demand for recognition of Israel as the nation state of the Jewish people and the practical meaning of terms such as ‘finality of claims’ and ‘end of conflict’.

*Current stability, but for how long?* Despite the often fierce rhetoric against one another in the media and international fora, and the low-level violence since October 2015, the Israeli and Palestinian leaderships *do* share certain common interests and have succeeded in maintaining relative stability on the ground. These interests include preserving security coordination, advancing economic projects in the West Bank, maintaining the existence of the PA and preventing the empowerment of Hamas. Yet the continued absence of political support for pursuing new negotiations, and deep disagreement over a final-status vision, ultimately make these interests harder to maintain in the long term.

*Regional chaos and international community focused elsewhere:* While international initiatives to resume negotiations have recently been raised – primarily by the French and Russians – they have generally lacked any strategic thinking, seeking only to ‘get the sides back to the table’. At the same time, the Middle East remains beset by fractured, dysfunctional states experiencing an erosion of control over their borders and an increase in ethnic and religious tension, as well as the empowerment of Iran and semi-state actors. Confronted with the costly legacies of military interventions in Iraq and Afghanistan, as well as the challenges of the on-going civil war in Syria, the threat from ISIS, the resultant refugee crises, a resurgent Russia, and political and economic instability in Europe, many Western policymakers have turned their attention away from the Israeli-Palestinian conflict. With EU beset by domestic challenges and a new US administration still finding its feet, no significant external intervention is anticipated in the short term. Some international stakeholders may even re-evaluate the levels of foreign aid they provide to the PA.

## SECTION 2: THE EROSION OF THE TRADITIONAL PARADIGM AND THE EMERGENCE OF NEW THINKING

As we noted, the collapse of the talks organised by US Secretary of State Kerry in 2013–14 represented the third failure of the sides to reach a negotiated two-state solution since 2000. This failure, coupled with continuing wide gaps on core issues such as borders, Jerusalem and refugees, have further eroded the belief in the bilateral negotiation model. While the international community continues to recommend a return to negotiations, and each side pays lip service to it, Palestinians are increasingly pursuing a more ‘internationalised path’ via the UN and international organisations, while many Israelis are debating the efficacy of regional and unilateral options.

The structural challenges facing each side, along with regional chaos, international ambivalence and the absence of final-status talks provide an opportunity, and an incentive, to re-evaluate the traditional model for Israeli–Palestinian peacemaking, and to explore alternative approaches and ways they might be combined into a hybrid strategy. The traditional model, which has evolved in the years since the Oslo Accords in 1993, has with some variations primarily been comprised of the following components: Negotiations were bilateral and mediated by the US with the goal of reaching a permanent-status agreement based on separation between Israel and the Palestinians. Such an agreement would be achieved through a package approach to all the core issues, in which nothing is agreed until everything is agreed, and would be entered into without any prior agreement on parameters. Those European and Arab states offering incentives for achieving peace (either via a Special Privileged Partnership or the API of 2002) planned to do so sequentially, only after an agreement was reached.

### *Model 1: Bilateral negotiations focused on agreed parameters*

Bilateral negotiations on final status have seemingly been tried ad nauseam with little success. But surveying the different compositions of these negotiations over the last 20 years raises the possibility that altering certain aspects of the traditional model can create a better atmosphere for progress.

The Oslo Accords began as a secret, strictly bilateral back-channel negotiation in which the Americans (and many in the Israeli government) were only told about the breakthrough after it had occurred. Negotiations during the interim period of Oslo – which included the Hebron Agreement (1997), Wye River Memorandum (1998), Sharm el-Sheikh Memorandum (1999) and Camp David II summit (2000) – all took place under strong US mediation. The Annapolis Process (2007–2008) included US mediation through then Secretary of State Condoleezza Rice, but also encompassed a dual negotiation track between then Foreign Minister Tzipi Livni and senior PLO official Ahmed Qurei (Abu Ala) on the one hand, and the two leaders Olmert and Abbas on the other, as well as hundreds of experts in different working groups.

The Obama administration's negotiation strategy began in 2009 with a failed attempt via Senator George Mitchell for the two sides to agree on parameters, while Kerry's subsequent nine month timetable (2013–14) for this goal similarly proved to not be long enough and was ultimately dropped.

Later negotiations, also focusing on developing a set of parameters, took place via discussions with the US rather than directly between the two sides, which constituted a regression. At the same time, back-channel discussions in London prior to the Kerry talks made substantial progress on parameters (and were, unfortunately, brought to a halt by those talks). With these historical experiences in mind, what might an effective bilateral negotiation model look like?

*Structure: Direct negotiations via a back channel:* It seems the best model for bilateral negotiations involves Israeli and Palestinian teams discussing the issues directly rather than using the US as a go-between. Moreover, as significant progress was made in both the back-channel negotiations prior to the Oslo Accords and reportedly during the negotiations in London before the Kerry talks, it seems wise to re-incorporate such a channel – staffed with empowered negotiators acceptable to both leaders – into any future negotiations so as to allow the sides to float creative ideas away from the spotlight of media and public opinion.

*Content: Agree parameters and terms of reference:* Given the current situation in which neither leadership seems to be inclined to incur the political risk required to reach a final-status agreement, as well as the likely high cost of an additional failure, any further negotiations should initially focus on discussing parameters and terms of reference rather than jumping into the specifics of the core issues. This would help create a political horizon, as a general vision of what a post-agreement reality might look like.

*Implementation: Move away from 'nothing is agreed until everything is agreed' package approach:* The so-called package approach – under which nothing is agreed until everything is agreed – has an advantage in that it allows the sides to trade between core issues rather than only within them (so Israeli concessions on territory can be 'traded' for Palestinian concessions on security). It also prevents one side from 'pocketing' compromises made by the other without having to respond, as unless all issues are resolved ('everything being agreed') each side's concessions on a specific issue such as Jerusalem or refugees will be automatically deemed null and void and taken off the table ('nothing is agreed'). However, the net-result of this package approach has been the continuation of the problematic status quo. In light of this, the sides should consider adopting an alternative strategy in which they first agree parameters and then work towards implementing those areas on which they find agreement. Such an approach would also allow the sides to move forward without resolving the difficult issue of Hamas control over Gaza.

Such parameters could involve the following components:

- Mutual recognition: Two nation states for two peoples.
- A Palestinian state whose borders are based on the former Armistice 'Green Line' plus territorial swaps that would allow Israel to maintain some large settlement blocs.
- A physical connection between Gaza and the West Bank under Israeli sovereignty – either as a bridge, a sunken road or a tunnel.
- A demilitarised Palestinian state, with Israeli control over airspace and a special security regime in the Jordan Valley on both sides of the border, which would provide the Palestinians sovereignty but allow international elements and effective Israeli forces to be stationed along the border for an agreed period of time.
- Jerusalem as the capital of both Israel and Palestine with a political – yet 'breathing' – border through which people can move easily.
- Sovereignty over the Holy Sites should either be held by both sides or neither side.
- Instead of focusing on the historical debate over Palestinian refugees, advance a practical solution – similar to the Clinton Parameters – which offers refugees either relocation in a Palestinian state, citizenship in their current 'host country,' or rehabilitation in a third country. Small numbers would be allowed to move to Israel on an individual basis, but that would be subject to an Israeli sovereign decision.
- The agreement would constitute an 'End of conflict' and 'Finality of all Claims'.

The challenge facing this adapted bilateral model is whether it offers anything significantly different to past failed negotiation attempts that would enable success. In light of the continued wide gaps between the parties, it remains questionable to what extent this model will be able to facilitate a breakthrough.

#### *Model 2: Regional framework*

Fears from the rise of ISIS, Iran's attempt for regional hegemony, and the perceived American regional retrenchment have created converging interests between Israel and a number of pragmatic Sunni states, such as Egypt, Jordan, Saudi Arabia, UAE, Kuwait and Morocco. This convergence may present an opportunity to design a new regional security and economic model that could help to break the deadlock on the Israeli-Palestinian conflict.

Co-opting these Arab Sunni states into negotiations, and encouraging them to incentivise Israeli concessions by matching them with gestures such as normalisation, security coordination and economic cooperation, could change public opinion on both sides and protect the agreement from local and regional spoilers. The model has additional advantages. Arab states' involvement on the issue of Jerusalem could help facilitate an agreement (at the Camp David II summit, Palestinian leader Yasser Arafat rejected the American proposal, telling President Bill Clinton that he first needed to speak to the entire Islamic world), while the design of a regional security

model that includes Israel may help the sides compromise on that issue as well. Certainly, Egypt and Jordan could play an important role in security arrangements regarding Gaza and the West Bank respectively. Furthermore, bringing regional states into the picture might also help smooth the Fatah– Hamas division and the expected succession crisis within the PA after Abbas departs, although Palestinians are very sensitive to Arab interference in their domestic concerns.

What would be the main strategic components of such a model? It would be driven by regional powers without external international mediation (*regionalism*); include a phased implementation process (*gradualism*); and the front-loading of those API benefits linked to progress with the PA (*parallelism*) so Israel benefits from them during the process rather than solely once it has ended. It would include an Israeli–Palestinian track, which would negotiate core issues, and an Israeli–regional track, which would discuss a regional alliance. Implementation of progress on both tracks would be gradual.

‘If you [Israel] are willing to embrace the API, we [the Arab states] will jump in and help in Israeli–Palestinian negotiations’ was one participant’s description of an emerging attitude among some Arab leaders.

*How might the regional framework process work?*

Quiet, back-channel talks would lead to agreed terms of reference covering bilateral elements between Israel and the Palestinians as well as key principles of security benefits and economic development agreements between Israel and the Arab states. The process would also include a nuanced Israeli embrace of the API as reaffirmed and modified by the Arab League in April 2013 on the basis of the 1967 lines with minimal and agreed upon land swaps. The current Israeli government has described the API as including positive elements that can help revive constructive negotiations with the Palestinians but has stopped short of formally accepting it, viewing specific components of it – such as its reference to the Golan Heights and UN General Assembly Resolution 194 relating to refugees – as worrisome. However, some form of official embracement of the API, even as a platform to be further negotiated, would constitute a psychological game changer as it would represent the first time that Israel would publically be on the same side of a document that has been endorsed by the entire Arab League. Other components of this initial stage include a full or partial Israeli settlement freeze as well as an end to Palestinian incitement. Israel could also consider supplementing these understandings with its own Israeli Peace Initiative.

This would be followed by a number of parallel tracks. An Israeli–Palestinian negotiation track would initially emphasise border and security issues and eventually address Jerusalem, refugees and other core issues. An Israeli–regional negotiation track with key Arab states would be dedicated to the implementation of the API and tightly (and mutually) linked to progress made in the Israeli–Palestinian bilateral track. An implementation track would be focused on

changing reality on the ground by implementing those issues agreed upon in the other tracks, thus gradually building trust amongst both Palestinians and Israelis. Alongside progress on the Israeli-Palestinian track, the Israeli-regional track may agree on a series of coordinated mini-steps which could include a Gaza stabilisation package and/or development programme, an Israeli-Arab-international economic improvement programme in the West Bank, an attempt to facilitate a safe path to Palestinian leadership succession, and small steps towards Arab-Israeli normalised relations such as the opening of commercial offices.

The third stage would bring the sides towards an ‘incubated’ final-status deal which would include Israel recognising official Palestinian statehood at the UN, transferring additional territory in Area C to the PA, state-building projects in the West Bank and Gaza under Gulf Cooperation Council (or Egyptian) responsibility. These policies would be regarded as a sufficient trigger to design and implement regional security mechanisms.

The fourth and final stage would constitute a permanent-status deal composed of some traditional bilateral ideas (similar to the above mentioned parameters) on territory, Jerusalem and refugees, yet also incorporating incremental regional components such as normalisation of relations with the Arab world, shared management over the Old City in Jerusalem, an international funding mechanism to resolve the Palestinian refugee issue, regional economic development plans and the design of regional security mechanisms to fight Iran and ISIS.

One weakness in the regional model is that by increasing the number of stakeholders, parallel tracks, and sequenced phases, the model generates more opportunities for local and regional spoilers to prevent its successful implementation. While some Palestinian officials have previously displayed openness to accepting such an approach, others in the dialogue expressed strong reservations that Israel might take advantage of the regional model to normalise relations with Arab states without making the requisite concessions to the Palestinians. ‘We are wasting our time. Get real. Israelis don’t need any more agreements. They have them already – recognition [from the Palestinians at Oslo] and the [regional normalisation once an agreement is finalised from the] API,’ was one comment. Palestinians have been urging the Israeli government to accept the API for many years now and would welcome its adoption. At the same time, due to their perception that the core of the conflict revolves around the occupation, many questioned the need for the complexity of the regional model in a situation in which Israel demonstrates willingness to withdraw to the 1967 borders.

### *Model 3: Constructive unilateralism*

The structural difficulties of reaching a final-status agreement, coupled with the dangers stemming from the continuation of the status quo and the looming threat of a de-facto bi-national reality, raise the attractiveness of certain unilateral steps that may move the sides closer towards two states. Such an approach is based on the understanding that the political

context requires short-term managing of the conflict in order to prepare the longer term conditions for conflict resolution. The strategy is preferable (and more constructive) when coordinated, especially in order to prevent hostile actors filling any vacuum. Moreover, what turns ‘unilateralism’ into ‘constructive unilateralism’ are policies that advance the two-state model and improve the parties’ ability to subsequently negotiate. Recent examples of mini-steps that fall under this category include the IDF reducing its activities in Area A of the West Bank in order to allow PA security forces greater responsibility and Israel issuing Palestinian building permits in Area C.

The ‘constructive unilateral’ ideas raised in discussions – economic development measures and a change in Israel’s policy towards Gaza; an Israeli settlement freeze (either total or partial); and Israel transferring its powers and responsibilities within Area C of the West Bank – tie in with other, more far-reaching policy options raised in Israeli think-tank circles in recent years. These include an Israeli declaration that it has no territorial ambitions east of the separation barrier (an area comprising approximately 90 per cent of the West Bank); legislating a Voluntary Evacuation Package to settlers living in isolated West Bank settlements; and Israeli withdrawals from the West Bank and evacuation of isolated settlements.

Additional unilateral ideas discussed, such as the completion of Israel’s separation barrier, adjusting Jerusalem’s municipal boundaries and transferring outlying Arab neighbourhoods to the PA’s jurisdiction, as well as UN Security Council recognition of Palestinian statehood, could be considered either constructive or destructive, depending on the context in which they are raised and implemented.

While constructive unilateralism has a key role in helping to shape a de facto two-state reality, in light of the current impasse and dangerous status quo it also has several limitations, specifically its inability to bring the sides all the way to a permanent-status agreement. Moreover, by their nature unilateral actions involve non-reciprocal concessions and the sacrifice of potential bargaining chips (‘land for peace’ becomes ‘land for something more amorphous’) making many of the steps – particularly those involving withdrawal from territory and evacuation of settlements – politically unfeasible for Israeli governments and an Israeli public still traumatised by the Gaza disengagement and its aftermath. Furthermore, as most of the constructive unilateral moves fall on the Israeli side, it may create an imbalance that will prevent the Israeli public from supporting them. At the same time the Palestinians are often opposed to unilateral moves, fearing that Israel is trying to squirt its responsibilities. Palestinian participants emphasised that a political horizon or an endpoint to the negotiations needs to be an essential component of this strategy, without which any Israeli unilateral steps would become irrelevant. ‘What really matters’ said one Palestinian participant, ‘is the final stage and where we are going’.

*Model 4: Confederation*

While the first three models of bilateral negotiations, regional framework and constructive unilateralism all imagine a similar end game – even while disagreeing on the most effective route to achieve it – the fourth model, confederation, represents a more radical approach. ‘We need a new paradigm’ said one supporter, to resolving the structural obstacles to an agreement. The term ‘Confederation’ generally envisages two sovereign, independent states with elements of shared governance on certain issues – such as security and economy – and extensive cooperation on areas of mutual concern such as water, cyber, counter-terrorism and the environment. In the Israeli-Palestinian context, such a model envisages two sovereign states each with their own parliament (Israel and Palestine) in the territory west of the Jordan River, which would allow – after a transitional period – freedom of movement for people, goods and services across their internal borders, namely Israel, the West Bank and Gaza.

In the confederal model, Palestinian external security, including patrolling the border crossings into Israel and international borders of the West Bank and Gaza, would be primarily dealt with by the IDF, in cooperation with Palestinian security forces. Moreover, while all current citizens of Israel and Palestine would maintain their legal status, residency of Israelis in Palestine and of Palestinians in Israel could be allowed, based on quotas and benchmarks which could be adjusted over time. Such a model would allow Israeli settlers to maintain their residence in Palestine and an equal number of Palestinians, including refugees, to take up residency in Israel.

The security components of a confederation – such as the IDF’s continued presence in the Jordan Valley – would help to alleviate many of Israel’s current concerns and provide them the capacity to prevent weapons smuggling, the potential Hamas takeover of the West Bank, and threats from ISIS or Al-Qaeda. Furthermore, the de-linking of residency and citizenship may help resolve two additional final-status issues, settlements and refugees, by potentially allowing settlers to stay in a Palestinian state and a limited number of refugees to ‘return’ to Israel.

A confederation with a degree of economic cooperation and integration between the two states also provides financial advantages, especially as the Israeli and Palestinian economies complement one another. Such an economic model would include joint trade and investment (and maybe even currency), and would open markets in the Arab and Muslim world to Israel as well as better access to the West for Palestinian citizens, goods and services. The EU could be expected to work very closely with such an integrated economy. Lastly, a confederation model also provides legitimacy to both sides’ historical identity and claims to the entire land of Eretz Yisrael / Historic Palestine, which is particularly important to several constituencies among Israelis and Palestinians.

However, the move from the classic ‘separation model’ of the Oslo Accords (known in Israel as ‘we’re here, they’re there’) to a more integrative model raised serious concerns among Israelis and Palestinians in our discussions. Israelis worried that, given the history of animosity to Jews in the region, the concept of open borders, free movement and mixing of hundreds of thousands of Israelis and Palestinians would create a security nightmare that would make it difficult to prevent terror attacks. ‘You have made me fall in love with the two-state solution all over again,’ said one Israeli. Furthermore, many expressed concern that due to demographic trends, a future post-national confederation would threaten the Jewish national character of Israel and queried whether Israeli public opinion would support such a move. Indeed in many Israeli eyes, such a mixing of populations is the equivalent to a binational state, a reality a majority oppose. Others argued that the side would still find it difficult to resolve the issues of borders under a confederation and questioned how a shared economy would work in light of the vast disparity in socio-economic levels of the two peoples. Palestinians were apprehensive that continued IDF presence in a confederation was simply maintaining occupation by another name and that it would undermine their sovereignty, while others noted how the on-going presence of settlements and settlers in Palestine brings the potential for significant friction and frustration. ‘Let Palestinian people taste freedom for a long time. Then talk to us about confederalism’ said a participant.

### **SECTION 3: CREATING A SUPPORTIVE ENVIRONMENT FOR PEACE: THE ROLE OF THE INTERNATIONAL COMMUNITY AND CIVIL SOCIETY**

#### *Third parties*

International actors should reengage seriously and go beyond ‘declaratory diplomacy,’ but this cannot substitute for a serious commitment from the two parties.

The EU, requiring consensus among its 27 member states, and having already downgraded its funding to the PA, ‘is not a sufficiently nimble political actor to lead an international diplomatic initiative,’ noted one former diplomat.

The US remains the indispensable actor. However, the new president, casting an eye over his predecessor’s experience, is very likely to be wary of engagement, inevitably questioning the efficacy of greater American involvement. Moreover, while the future strategy of a Trump administration remains unknown, it may portend a further reduction in US commitment to global affairs including the promotion of stability in the Middle East.

While the Palestinians need regional diplomatic cover to make the two-state deal, Israelis need regional involvement in resolving the core issues, as well as regional buy-in and cooperation to take the tremendous security risks involved in territorial compromise.

Palestinians are wary of any talk that is not focused on expediting the removal of Israel from the territories. They argue that the lack of equality between the occupier and occupied should lead

the international community to function as a strong, honest third party to oversee negotiations, that Israel will not be able to browbeat. Moreover, they believe that unless and until Israel pays a price for measures which contribute to closing the window for the two-state solution, negotiations will be ineffective.

Some Israelis looked to the third parties to encourage track-two work, reject boycotts, invest in ‘mind-set shifting,’ and refrain from trying to impose a solution on the parties against their will, although parameters set by the international community could be productive if they are balanced and obtain wide international support. Facilitating Palestinian access to capital markets, venture capital funds, and investment in Palestinian start-ups is another role third parties can play, while governments can facilitate private sector to private sector links.

Effective third-party involvement must be strategic. It must attend to the realities on the ground today rather than remaining trapped in a 1990s mind-set, seeking ‘one more effort’ to solve the conflict. That approach is disconnected from those realities, as John Kerry discovered.

Finally, ways to leverage foreign aid in advancing progress in negotiations, and incentivising the kind of changes that are needed should be examined closely by international actors.

#### *Civil society*

Civil society has a key role in creating an environment in which the leaderships can speak the language of peace, in making possible the compromises required by any final-status deal, and in sustaining a peace agreement in the implementation stage. ‘In parallel’ to different negotiation processes, one Palestinian participant called on the two peoples to ‘create a social movement in Israel and in Palestine promoting a political solution, with a massive presence in media, academia, civil society’.

Alarm was expressed by both Israelis and Palestinians at the current state of public opinion: deeply distrustful of the other and deeply pessimistic about the future. A sense of a dangerous drift of opinion was expressed by both sides. Two typical comments by dialogue participants were: ‘The Palestinian street will dictate what will happen at the end of the day. How do we bring a different message to people in the street?’ and ‘Israelis are not tackling public opinion. Where are we going wrong?’

Israelis and Palestinians believe there is a need for further research on how peace constituencies and a culture of peace can be strengthened and how messages can be developed that will resonate with different groups, including the young, within each nation. A Palestinian suggestion – that that ‘we need a social movement’ to carry the messages of mutual recognition and two states into civil society – received assent.

One particular challenge may be the need for each public to internalise the idea that after deeply painful compromises the end result will likely be an ‘imperfect peace’ when it comes to

questions of history, narrative and identity. This makes it all the more important to develop a credible and attractive post-deal vision for both peoples, stressing the transformative impact on their everyday lives and prospects for the future, and those of their children, that the end of conflict would bring. That vision will be an essential component of this deflation of maximalist hopes that currently constrain the space in which politicians and negotiators can move.

#### **SECTION 4: CONCLUSION – TOWARD A HYBRID MODEL**

Palestinians and Israelis continue to disagree about what constitutes the core of the conflict. Palestinians consistently referred to the occupation as the principal reason for the conflict, benchmarked each strategy against its ability to end the occupation as soon as possible, and repeatedly argued that the only solution was an Israeli withdrawal from the West Bank and East Jerusalem. ‘The occupation is violence. It provokes counter-violence. No more humiliation’ was one pained comment. Israeli concerns about security or Palestinian capacities were perceived to be excuses for maintaining the status quo. ‘Stop using Gaza as a pretext’ and ‘Security? You are the superpower!’ were two comments that reflected the frustration among Palestinians.

Israelis generally saw the challenge as more multi-dimensional. They emphasised the need for a comprehensive approach taking in the importance of recognising the Jewish people’s connection to Eretz Yisrael / Historic Palestine, security issues, Palestinian economic development, access and movement, Gaza reconstruction, settlement policy, the regional dimension, designing a political horizon, the role of the international community, facilitating Palestinian unity and governance, and creating a supportive public atmosphere as important issues to be attended to, and believed in dealing with these factors holistically. As one Israeli counselled the Palestinians, ‘Don’t use occupation to say no progress is currently possible on the ground’.

The sides also disagree about the way forward for resolving the conflict. Israelis imagined mutual compromises on the core issues (such as Israeli concessions on territory and Jerusalem in return for Palestinian compromises on refugees and security). Yet while showing some interest in final-status parameters along these lines, the Palestinians also emphasised that their leadership would have no ability to move from their official positions on core issues, and that a Palestinian state with weakened sovereignty due to Israeli security concerns was not worth having.

While there was little (if any) appetite for returning to the classic bilateral negotiation model without prior agreement on parameters, extensive analysis and critiques of each model did generate an interest in continuing to explore the potential of a ‘hybrid’ model, creatively drawing upon components from each of the four different models discussed. Such a hybrid model would involve a regional framework for a peace process of a new type – composed

of a strategically creative deployment of genuinely constructive, and sometimes coordinated, unilateralism (which could additionally be used as a fall back if the process fails), and bilateral negotiations that move from framework agreements through incremental implementation to final-status talks. This process would be supported from above and from below, by both the international community's financial resources and diplomatic heavy-lifting, as well as independent, popular pro-peace social movements.

The advantage of a hybrid model lies in its combination of a political horizon of a future peace with the flexibility of constructive unilateralism, which might begin on a small-scale. Moreover, a hybrid model can be more easily coordinated with a supportive and encouraging regional framework and peace process, and more effectively deliver genuine improvements in people's lived experience, two factors that will smooth the return to bilateral negotiations. Moving away from sequential to parallel incentives, as the Arab League has recently done, and shedding the mantra of 'nothing is agreed until everything is agreed,' would also introduce more flexibility into the process. Finally, seemingly radical proposals found within the confederative model – such as allowing some Israeli settlers to remain in a Palestinian state with a similar number of Palestinian refugees residing in Israel – may also form part of this model, helping to resolve some hitherto intractable core issues.

Regardless of which model the sides adopt, or even whether components of each are utilised at different times, there is consensus that its chances of success would be strengthened by strong third-party engagement – whether in helping mediate between the sides when called upon, creating incentives for reaching an agreement, overseeing implementation, or helping to design a more attractive post-deal vision as well as by the creation of grassroots social movements that favour peace and mutual recognition, an idea raised by both parties in our discussions. Both sides also agreed that public support remains an indispensable condition for advancing a political solution



## PETER BEINART'S GROTESQUE UTOPIA

SHANY MOR

*Peter Beinart's essay 'Yavne: A Jewish Case for Equality in Israel-Palestine' saw him give up in the two-state solution and embrace the so-called 'one state solution'. The essay sparked an international debate. Shany Mor argues that 'Beinart doesn't understand actual Israelis because he doesn't care about the actual Israel. "Israel" for him is a projection, a cave shadow with which to imagine an argument with people and organisations in American Jewish life.' (September 2020)*

In the years I spent as a grad student first in New York and later in England, I was often buttonholed by opinionated young Jews who wanted to give me an earful of 'criticism of Israel.' Some of it was ignorant blather, some of it was quite serious. Some of it I disagreed with politely (whenever that was possible) and some of it I agreed with, even wholeheartedly as my own views evolved. I heard it all, and I'd like to believe (though I'm no doubt being very generous with myself), that I was able to listen and engage with most of it, but I did notice after a few such encounters that there was one claim which led me, entirely by reflex and not by will, to shut down. Maybe it says more about my own weaknesses, I don't know. But conspiracy-mongering didn't make me stop listening, nor did Holocaust inversion or comparisons with apartheid. Such nonsense was upsetting, to be sure, and it did occasionally result in a raised voice or a bruised friendship, but it never caused me to just stop listening.

What would cause me to stop listening was the word 'brave.' Anyone, and especially any young American or British Jew at a fancy university, who saw himself (and even though ignorant anti-Israel obsessiveness was distributed across genders, the 'bravery' complex was almost always a symptom of male carriers) as *brave* for daring to criticise Israel was just not capable of thoughtful discussion. The claim of bravery, the self-image of a dissident voice speaking out against rigorously enforced dogma, was so patently ridiculous that it was impossible to take seriously anything that a person so afflicted might have to say about a topic that I knew well. And so it was that I encountered Peter Beinart's recent fatwa on the Jewish state from Twitter posts hailing him as brave. Pro-democracy writers in Hong Kong, to say nothing of in mainland China, merit the description 'brave.' So too do LGBT activists in Egypt or Iran. To call a comfortable Upper West Side American Jew 'brave' for writing something against Israel says very little about bravery and very little about Israel, but it says a great deal about what the

person making the compliment thinks about Jewish power in American public life.

This was the barely repressed subtext of the two big NYRB essays with which Beinart reinvented himself as a 'critic of Israel' a decade ago — and which I critiqued seven years ago. In all the years since, each time I was approached for a comment about some new bit of 'bravery' from Peter Beinart, I always declined. My explanation whenever I was asked why was that I didn't disagree with the views Beinart claimed he held — for a Jewish state, against the occupation — I just didn't believe those were his actual views.

It turns out I was right to doubt him.

In my 2013 piece I identified four themes to Beinart's writing on Israel: (1) He makes sweeping judgements on scant evidence, that rely on out-of-date and out-of-context quotes. (2) Any observable outcome or effect or result of the Arab-Israeli conflict is for him an Israeli policy or the action of an Israeli subject on a Palestinian object. (3) He has no expectation of any kind of self-criticism by Palestinians or pro-Palestinian partisans and no capacity for a critical engagement with their actions and the effects those have on the conflict. (4) He consistently presents ideas that have been around for a long time as something new which he has just discovered, and thus manages to make them into a progressive reaction to Israeli actions rather than part of a long-standing rejection of sovereign Jewish life in the Middle East.

In 2013, this was most clear with his historically blind discussion of boycotts, which were central to the Arab strategy to prevent a Jewish state from coming into being and then, when that failed, an attempt to strangle it economically. In 2020, this is how he processes the old-new idea of one non-Jewish state in land of the former Mandate as an expected reaction to Israeli intransigence rather than the longstanding political programme of those who never accepted a Jewish state and never will.

This old-new idea Beinart is now openly advancing, though, it being Beinart, he has branded it under the most sanctimonious name possible, 'equality.' People opposed to legal abortion call themselves 'pro-life,' but no one with a modicum of intellectual integrity thinks that asking why your opponents in a policy discussion 'are against life' is a winning argument. If you oppose the end of Jewish sovereignty (but weirdly, no one else's), then apparently you are against equality. This is the level of argumentation Beinart routinely resorts to now on Twitter when confronted with Israeli voices who actually aren't so eager to see their hard-fought state be dismantled. Beinart, however, isn't concerned with engaging with Israelis in any constructive way, and he wouldn't know how to if he were.

For two years, Beinart had a regular column in Israel's high-brow broadsheet *Haaretz*. It should have been an ideal venue for him. It is a left-wing paper read by cosmopolitan Israelis where his opinions (Bibi bad, Trump bad, etc.) met a sympathetic audience and, in a country without any widely read opinion journals, the best place to have an impact on public intellectual life.

The column ran in Hebrew translation for about two years, and I honestly cannot recall even once that anything he wrote had even a minor impact or became a topic of public conversation or even manufactured controversy.

The column stopped running sometime in 2018 without anyone much noticing. It's worth reminding his American acolytes who take his every pronouncement on this country as holy writs (and who find themselves having to conform to his increasingly pietistic demands regarding who must share a stage with him) just how little he understands Israel and how little purchase his ideas have even among left-wing activists and thinkers.

Beinart doesn't understand actual Israelis because he doesn't care about the actual Israel. 'Israel' for him is a projection, a cave shadow with which to imagine an argument with people and organisations in American Jewish life that Beinart resents deeply. Even as Beinart's views on Israel have changed and changed again, his wrath at American Jews has stayed constant and his message consistent: American Jews must choose between their liberalism and their Zionism, between membership in good standing in the community of the good or, sounding almost like someone who tags a synagogue with graffiti, 'our community's complicity in the oppression of Palestinians.'

One could make a career out of correcting the errors in Beinart's writing about Israel (and maybe somebody else should), but I'll narrow my focus to just three things he gets wrong: the past, the present, the future.

### **PAST: A STATELY HOME**

If someone had asked me this morning what I was in the mood to eat, I might have answered oatmeal or an omelet or maybe just some yogurt and granola. I also would have asked for a cup of coffee. But faced with the same question 12 hours later, it's likely that my answer might mention steak or tacos or even a hearty salad and no coffee. You might rack your brains trying to analyse the reasons for this sudden shift. Did my tastes change in some dramatic way over 12 hours? Was I a committed vegetarian who left the fold, and, if so, why did I do it? Maybe a marketing campaign or a particularly persuasive friend had convinced me to change my entire approach to cooking and eating?

Or maybe you would just note that you asked the first question at 7:00 in the morning and the second at 7:00 in the evening, and that I hadn't changed at all, but breakfast hunger and dinner hunger are not the same thing.

The second method clearly didn't appeal to Beinart in considering why Zionists were by the 1940s so insistent on statehood rather than some of the more abstract ideas about a Jewish 'home,' as had occasionally been mooted in the half century before. Just as he does with the Arab-Israeli conflict, so here he is unable to see any observable fact without assuming that it

can be explained entirely by Jewish or Israeli action — that should be judged as uncharitably as possible.

But it wasn't Zionism that changed. The world changed in at least three very significant ways that required that the cause of Jewish self-determination take into account. First, the norm of state sovereignty went from a vaguely north Atlantic ideal to a global norm. Second, there was a Holocaust. And third, there was a conflict with the Arab (and to a certain extent, Muslim) world that impinged on personal and communal security of Jews in the Middle East and throughout the world.

In a world where most of central and eastern Europe together with nearly all of Western Asia consisted of multinational empires — and other parts of Asia and most of Africa consisted of distant imperial possessions — imagining a Jewish home in the Land of Israel as a protectorate or dominion made sense. Very little of the world's land surface in the late nineteenth century was actually covered in sovereign states. The post-1945 world is absolutely nothing like this. Today, almost every piece of land except Antarctica belongs to a sovereign state. The entire surface of the world is covered in water, ice, and sovereign states. To be sure, the principle often comes up short in application. Borders are disputed; old colonial powers still exercise enormous influence in newly free and ostensibly independent possessions; functional responsibilities are occasionally distributed across boundaries or even among supranational organisations.

And so it was that Herzl and others spoke in a flexible language of self-determination for the Jewish people, occasionally referring to a 'state' and occasionally using terms like 'charter' or 'protectorate' or 'commonwealth' or 'dominion' or even just 'national home,' and eventually settling for a new legal concept after the collapse of the Ottoman Empire, 'mandate.' You'll notice that in today's world there aren't very many protectorates or mandates or dominions around.

There is, ironically, still a Jewish autonomous province centered around the Russian far eastern town of Birobidzhan. And, unarguably, some Jews do prefer to live in an autonomous Jewish district rather than a Jewish state (roughly 1600 versus 6.8 million), but I should think this argument has been adequately settled. (I was there in 2016, and I urge everyone to visit. The street signs are in Yiddish and Russian!) I'm not sure why Beinart wouldn't mention Birobidzhan, especially given the long ago Communist affiliation of the magazine which he edits and which ran his encomium.

Zionists didn't suddenly get greedy about having a state rather than a home, as Beinart wishes to believe. The change that happened with the rapid collapse of empires in the eastern Mediterranean and, for that matter, throughout the world was entirely external to Zionism. In Herzl's *Altneuland*, Jewish self-determination may have been expressed as an autonomous district in a continental empire, but that's the kind of thing you might think of in 1896. It's also

full of references to telegraph use. Is email a betrayal of early Zionist ideal as well?

A second thing happened that was external to Zionism: the genocide of the Jewish people in Europe in the early 1940's. Beinart is certainly right that the Holocaust 'fundamentally transformed Jewish thinking about sovereignty,' though hardly in the egregiously tacky way he presents it (in a quote from historian Dmitry Shumsky) as a cynical 'new contract.'

Nineteenth century Zionists couldn't incorporate the fact of the Holocaust into their thinking because it hadn't happened yet and they couldn't possibly imagine that it might. No one could have before it happened. Very few could even while it was ongoing. Many still struggle today to fully comprehend it. But there really was a Shoah, and it would be unusual in the extreme for any kind of Jewish liberation movement to just look at that and say, 'Right, well, that was certainly a bump on the road, but nothing there to cause any reassessment.'

That the industrialised mass murder of six million Jews made the need for a Jewish state feel more acute to those that survived isn't some lamentable distraction; it's an entirely realistic response, maybe even the only one. Herzl sought to establish a Jewish state (and he used the word state, however much Beinart tries to redefine it) by seeking at turns the sponsorship of the Turks and the Germans and the British. But even the Jewish National Home established by a League of Nations Mandate ultimately provided very little protection for Europe's abandoned Jews. Only a state could do that, and it is entirely appropriate that this would be the Zionist conclusion. What Beinart leaves out of his discussion of a 'Jewish home' is that it is not a fresh idea or even a recovered old idea never tried. There was a Jewish National Home in Palestine from the 1920s right through the Holocaust itself. It was and remains perfectly reasonable for Jews to conclude that a 'home' is insufficient.

Finally, there was a third development in the early 20th century which upended Jewish life, and this one, even more than the emergence of a global sovereignty norm or the impact of the Holocaust, is the one Beinart most struggles to come to terms with. Antisemitism had always existed in the Arab world, to be sure. But a cosmic hatred of Jews as such a totemic feature of Arab political life is a twentieth century phenomenon. It has made its impact felt not only in the Israeli-Palestinian arena, but throughout the Middle East and throughout the entire world as Jews have been consistent targets for jihadist violence for decades.

This is such a central feature of Jewish life that it's almost bizarre how easy it is to miss. But when your first intellectual commitment is to the notion that Jews act and Arabs only react, it's easy to chalk up any anti-Jewish violence to revenge or anger about the occupation or the various defeats in Arab-Israeli wars. This is, to say the least, rather ahistorical. The rise of nationalist sentiment in the Arab world after World War I led to violence against minorities everywhere, and especially violence against Jews — almost exactly as it did in central and eastern Europe. The fall of multinational empires rendered minorities vulnerable everywhere,

but the situation was particularly precarious for minorities who were nowhere a local majority.

Pogroms against longstanding Jewish minorities in the Arab world preceded the Arab defeat in 1948 and were carried out before there was even a single Palestinian refugee. Thus it was in Cairo, in Alexandria, in Aden, in Tripoli, and most notoriously in Baghdad. Protecting Jewish minorities in newly independent Arab states in the 1940s and 1950s was the manifest interest of all those states. It would have kept in Iraq and Tunisia and Yemen populations that were key drivers of economic development. It would have denied the hated Israeli state a demographic advantage just when one was necessary. And it would have suited the anti-Zionist propaganda claim that the Jews were merely a religious minority and not a people. But, of course, neither the mobs nor the regimes in charge could help themselves. If they genuinely believed that Jews were not a people and that middle eastern Jews had nothing to do with a European settler colonial enterprise in Palestine, then seeking 'revenge' against Jewish minorities wouldn't have been the first instinct. And yet in country after country, that is precisely what it was.

There is not a Jewish community in the world that hasn't been touched by the need to conform to the security demands that this hatred imposes. It has been decades since anyone visibly Jewish has felt entirely comfortable boarding a metro train or walking in all neighborhoods of a European capital. This is usually excused as blowback from a terrible conflict, which is odd since there are many diaspora communities from many different conflicts in Europe and the Americas (including conflicts where one side is Muslim and the other is not), and we don't often see Armenian bakeries getting trashed or Greek Orthodox churches getting stoned or Ukrainian cultural festivals needing multiple perimeters of security each time there is a flare-up. We won't begin to understand Arab antisemitism if we only insist on seeing it as an effect of the conflict rather than as one of its causes.

Before the contours of the conflict were widely understood, many early Zionists naively imagined all sorts of scenarios where Zionist goals were compatible with Arab nationalist aims. Jabotinsky himself dreamed of rotating Jewish and Arab prime ministers in a Jewish state. It's notable that Herzl was actually much less naive than he is remembered. One of the subplots of *Altneuland* is the political campaign of a fanatical Jew seeking to deny Arab citizens their equal rights; he is ultimately defeated.

There were also Jews who argued passionately in this period for a kind of binationalism, like the one Beinart proposes now. Beinart refers to Brit Shalom, the main pre-statehood organisation dedicated to binationalism as evidence of an alternative path not taken, but never mentions that besides failing to convince more than a tiny minority of Jews of their cause, they were even more fatefully never able to find any Arab partner at all.

Beinart can't see the contribution of this to Zionist thought because he is simply unable anywhere in any of his writing to assign any agency at all to the Arab side of the Arab-Israeli

conflict. When I challenged him on this seven years ago, he rushed to defend himself with five putative counter-examples, all of which actually proved my point. But now, the mask has dropped and he no longer even pretends to meet the challenge, instead resorting to cheap sloganeering on Twitter that ‘‘You’re not granting Palestinians agency’’ is *hasbara* for ‘‘You’re not blaming Palestinians for their own oppression.’’

It’s such a recurring lacuna in his writing on his Israel that it must reflect a deeply held commitment on his part. He can’t see Arab or Palestinian choices, and he can’t see the cataclysmic hate for Jews in the Arab world as anything more than an effect of the conflict, rather than as one of its animating causes. Beinart is the Basil Fawlty of modern Mideast history, hissing under his breath to everyone to not mention the Arab antisemitism!

This isn’t just true for distant historical events either. To take just one minor example, Beinart describes the cause of the 2015 ‘stabbing intifada’ as ‘oppression meets hopelessness.’ But the spate of stabbings had a very clear cause behind them which Beinart prefers to ignore. They were incited by rumors of a Jewish attempt to damage the al-Aqsa mosque. There was nothing new about these rumors. For roughly a century now, rumors that Jews were conspiring to harm Muslim holy sites have been deployed to incite violence against Jews about once a decade.

This paranoid antisemitic conspiracy theory can be explained several ways — partly, it is obvious transference of what Arabs did to holy Jewish sites during the brief nineteen-year period in the mid-twentieth century when Old Jerusalem was under their control — but it cannot be explained by the occupation or even the existence of the State of Israel, since it was just as potent in fomenting anti-Jewish violence before 1948 as after. In fact, it was more effective before. In the 1929 pogroms, many more Jews were killed as a result of this conspiracy theory precisely because they lacked then what they have now: a sovereign state to defend them. Why does Beinart want to return six million Israeli Jews to this position of vulnerability again?

There’s something almost precious in the way Beinart asks ‘How did Zionism evolve from an ideology that encompassed alternatives to Jewish statehood into one that equates them with genocide?’ Because in order to pose such a silly question you’d have to be completely ignorant of all three of the historical developments alluded to above — one of which involves an actual genocide against the Jewish people and another of which involves the ecstatic and gloating promises of a genocide which were thankfully beaten back by Jewish arms in 1948 and 1967. Or, and this is more likely Beinart’s case, you would have to be so fully committed to a historical method that sees only Jewish causes for a conflict involving Jews and only Jewish neuroses as explanations for fears Jews might have for their safety that you are simply blinded to the weakness of your argument.

## PRESENT: WHY NOT TWO STATES?

No surprise then that is the method Beinart applies to analysing how the two-state solution — something he once claimed to support — is no longer possible.

Beinart, to his credit, does not assign all of the responsibility for his change of heart to factors external to him. He openly admits that he also changed his mind. But the narrative behind his change of heart is a familiar one. We could have had two states, but then Israel went and settled the West Bank so much that we no longer can. People tend to believe this narrative when they really want to — that is, when they want to hold on to both the belief that a Jewish state shouldn't continue to exist but also want the probable victims of Israel's end, the six million Jews living there, to also be the ones held morally responsible for the state's demise.

For anyone else it remains unclear why this narrative should be so convincing. If so many Jews moved from Israel to the West Bank in recent years, why can't they just move back? Or, if Israel has a large Arab minority, why can't a future Palestine have a large Jewish minority? The border might be complicated, but no more so than borders in other former conflict zones.

For Beinart's argument to work, two things need to be true which are not. First, the prospect of two states for two peoples needs to have been possible at one time but no longer be possible now by some measurable metric. And second, it needs to be Israel's fault that it is no longer possible.

Twenty-five years ago, during the Oslo peace process, developed areas of Israeli settlements took up less than 2 per cent of West Bank land. There were at the dawn of Oslo a total 118 settlements in the West Bank (figures are taken from Peace Now's invaluable settlement database). In 2000, when Arafat rejected a peace deal that would have created a Palestinian state in the West Bank and Gaza Strip, built up settlement areas were still just under 2 per cent of West Bank land and the total number was 123. Today, the settlements still take up less than 2 per cent of West Bank land, and the total number is somewhere around 127 (there is disagreement on what counts as a new settlement). The geographical distribution of Jews in the West Bank has not materially changed at all in the past 27 years (1993–2020), and that's significant because it did change very dramatically in the 26 years before that (1967–1992) in ways that did have consequences on potential peacemaking. In particular, the seven years of right-wing Likud led government (1977–1984) saw 76 new settlements established, nearly two thirds of the total in the entire 53 years of the Israeli presence in the territory. This reckless building spree surely changed the geography of the West Bank rather dramatically in ways that arguably limited future diplomatic options (that was certainly the aim at least), but nothing like that happened during the Oslo years or since.

And just as the geography didn't change very much in the past three decades, nor did the demography. The Jewish population of the West Bank and East Jerusalem has been steady at

roughly 15per cent throughout the past three decades — again, after a dramatic increase in the previous three (from zero). The place where the demographic balance changed, interestingly, is inside Israel, where the Arab population grew in the same period from 17per cent to 22per cent, yet no one blames Arab Israelis for killing the two-state solution.

If a two-state solution was geographically and demographically possible in 1993, it was still possible in 2000. And if it was possible in 2000, it was still possible in 2008. And if it was possible in 2008, it was still possible in 2014, and it is still possible now. Nothing on the ground has changed in those years to affect the feasibility of partition except for the rapid disentanglement in the 1990s of the Palestinian and Israeli economies which until well after the First Intifada started in 1987 were fully integrated (on an appallingly unequal basis, it should be said) and mutually dependent — and this one change makes two states more, not less, feasible.

The argument that settlements killed peace is a familiar one, and it's a tempting one for anyone who wishes to see an Israeli fault for any failure — settlements, after all, are deeply unpopular even among most of Israel's international supporters.

But the argument doesn't stand up to scrutiny. At least three times in the past generation there have been serious negotiations between Israel, the Palestinian Authority, and the United States about a peace deal involving two states. They were not theoretical, but rather involved maps and timetables and concrete arrangements for borders and security. Such talks took place in 2000–2001 (Camp David and Taba), 2007–2008 (Annapolis and Jerusalem), and 2013–2014 (back channels in London and elsewhere and then Washington). In all three cases talks broke down when the Palestinian side refused to accept a state as part of a peace deal that would mean an end of claims (fully recognising Israel, renouncing demands for resettlement of descendants of refugees from the 1948 war inside Israel, etc.). Yes, even the talks brokered by John Kerry between Netanyahu and Abbas ended with an American bridging proposal which was accepted by Netanyahu and rejected by Abbas.

What's notable in all three failed attempts is how little the settlements ultimately mattered. In the first two cases in particular, there was an almost automatic Israeli willingness to embark on a broad evacuation of many isolated settlements on land that would become a Palestinian state. In the last two there was an explicit acceptance of the principle that settlements which would be annexed to Israel would be offset by land swaps. All three cases led to plausible borders no more tortuous than those that exist between other once warring neighbors without natural barriers.

Even Beinart's claim that the growing population of Israeli settlers in the West Bank inevitably led to less territory for a prospective Palestinian state is false. Beinart may occasionally be alarmingly ignorant about the realities of the Arab-Israeli conflict, but here he is being knowingly dishonest.

The claim he advances is that with a growing settler population, Israel offered less and less land to the Palestinians for a future state. This claim has the double benefit of both laying all the agency at Israel's door ('Israel has redefined statehood to include ever-less territory') and to put the blame on an unpopular Israeli action, namely settlement activity ('as more Jews have settled in the West Bank, Israel has demanded that a Palestinian state include larger and larger Israeli carve-outs.'). What's the evidence? As Beinart lays it out, in 2000, with the settler population (he is counting East Jerusalem) at 365,000, Palestinians could make peace with Israel at the cost of 9 per cent of the West Bank, but by 2020, 'with the number of settlers approaching 650,000,' the Trump plan would have them concede 30 per cent of the West Bank.

But using more than two data points shows just how hollow the empirical claim Beinart is making here, as well as the larger claim about the causal process. It's true that in 2000 the Palestinians rejected a state along the lines Beinart sketched out. But it's also true that in 2001 the Clinton Parameters proposed a significantly smaller Israeli annexation of 5 per cent, even though there were more settlers in 2001 than in 2000, and the Palestinians rejected this too. It's also true that in talks at Annapolis in 2007, even smaller land swaps were mooted, but no deal was reached — and there were more settlers in 2007 than in 2001. In 2008, Prime Minister Olmert proposed a Palestinian state with a roughly 2 per cent land swap, and Palestinian President Abbas walked away. And yes, there were more settlers in 2008 than in 2007. The connection between the number of settlers and the contours of a two-state solution is not the one that Beinart posits. Fitting the curve on only two data points is radically dishonest.

Nor is Beinart's claim that more and more Israelis are settling in the West Bank particularly robust. The number of Israelis settling in the West Bank has dropped rather dramatically in the past generation. In 1996, 6000 Israelis migrated from Israel into the West Bank; twenty years later in 2016 that number fell to only 2000. Nearly all the growth of Jewish population in the West Bank has been from births, not from 'settling' at all. Three fourths of the population growth in the last forty years has been in three settlement blocs which can be accommodated with land swaps of less than 5 per cent of the territory (much less, even, if some of the rejected proposals are taken seriously).

Looking just at the past fifteen years, during most of which Israel was governed by a right-wing pro-settlement government, nearly all the population growth was concentrated in two ultra-Orthodox settlements with high birth rates, Beitar Ilit and Modiin Ilit, neither of which is affiliated with nationalist settler movement. I urge everyone to open up a map and look where those two are. One starts about 600 meters from the old armistice line and the other about 700 meters (about one third of a mile). The settlement enterprise may very be a moral and strategic catastrophe for Israel (I am convinced it is and have written about this often), but there is no sense in which Beitar Ilit and Modiin Ilit make drawing a line between a State of Israel and a State of Palestine impossible in any way. The settler movement and the nationalist right

in Israel prefer that you not know the numbers and the lay of the land, for obvious reasons. Beinart, perversely, works just as hard to obfuscate this reality.

## **FUTURE: END OF THE JEWISH STATE**

As the recent aborted annexation debacle showed, Israel cannot incorporate the West Bank into its sovereign territory and remain both a Jewish state and a democracy. To restate that in the affirmative: Israel can exist as a both a Jewish state and a democracy on something roughly resembling the provisional borders created by the 1949 armistice agreements. The final disposition of those borders will need to be determined, as final borders eventually are in all international conflicts, by peace treaties negotiated between the warring sides when both are genuinely ready for peace, or at least too exhausted for more conflict.

Peter Beinart, however, does not see this future as possible. Instead he imagines an alternative future based not on the boundaries of any armistice or proposed partition or natural boundary or even any Ottoman administrative division, but rather based on the very short-lived lines of the British Mandate, creating one country where two distinct nations with two distinct histories and two vastly different economies and cultures and international commitments would share the institutions of state power under the principle of what he calls ‘equality.’

Why should ‘equality’ stop there, though?

Whatever argument can be summoned to deny a border between a State of Israel and a State of Palestine can just as easily be marshalled against a border between a Beinartian State of Equality and its neighbour Jordan or its neighbour Lebanon. In both cases, the existing international boundary does not follow any historic Ottoman or Arab internal boundary. In both cases, the lines are drawn by imperial powers and with specific concern, ironically enough, for the Zionist project. For that matter, what is the deal with Lebanese independence anyway? So gauche and anachronistic. For decades Lebanon and Syria have functioned under the direction of one state’s prerogatives anyway. Put a ring on it and call it one state already.

The principle needn’t be limited to the Middle East. It’s not just Zionists, after all, who fell for the siren song of statehood rather than just ‘home.’ So too did, among other peoples, the Irish. Beinart makes much of a stylised and tendentious reading of the Northern Ireland peace process (this isn’t the place to refute it), but it’s not clear why there needs to be a separate sovereign on even part of the island. The whole Northern Ireland dispute would mean so much less if Britain and Ireland were one state based on equality. Sure, that might mean that the hard-fought freedom of the Irish people would be undone, but ‘evidence’ shows that they would probably be better off living under ‘equality’ anyway. The Baltic states, with their complicated ethnic compositions and obstreperously nationalist politics don’t really need independent sovereign institutions either, if you stop and think about it. Sure, citizens with a European standard of material and political life might not jump at the idea of being in a Russian-majority state,

but that's only because they are imagining the Russia of today and not realising that so much of what seems to ail Russia is justified bitterness at the way it has been treated. 'Evidence' certainly suggests that a State of Equality would temper some of the negative Russian behavior to minorities, which is anyway an overblown projection of fears from the last century. And before you go insisting that Latvians want 'sovereignty' and not just a 'home,' make sure you ask the 25per cent of Latvians who are Russian (to use the preening formulation beloved by Beinart).

But Beinart is not seeking to reverse Latvian independence or Irish independence or Lebanese or Jordanian independence. He only seeks to undo Israeli independence, and he's frankly miffed that the benighted Israelis together with the bogeyman of his first forays into the topic, the 'American Jewish establishment,' resist his designs 'despite the evidence that in an equal country Jews could not merely survive, but prosper.'

This casual use of 'evidence' is worth pausing on for a second. Beinart sees 'evidence' in unrelated and entirely incomparable cases (Belgium, for example) that Jews would be safe in an Arab-majority state, but doesn't count the overwhelming evidence that they would not (for example, the uncomfortable question of why Jews don't even feel safe in Belgium right now). He sees evidence that the two-state solution is dead thanks to Israeli action, even though on his own terms such a solution was equally plausible back when he was still claiming to support it. Most outrageously of all, he sees evidence, backed only by his febrile imaginings, that Israel is plotting to carry out a massive expulsion of Arabs from the West Bank and maybe even Israel itself, and urges an unrealistic and unworkable solution to a threat he has invented as the only way to stop it.

For Jews to be concerned about their fate under Arab rule is nothing more than neurotic Holocaust transference according to Beinart, an odd misreading of Arab rhetoric in the lead up to both the 1948 and the 1967 war. In contrast to that, Beinart detects a genuine Israeli plan to effect mass expulsion. The juxtaposition of Beinart's two fantastical prophecies is remarkable, both for his gullibility and for how revealing they are about his prejudices about peoples he knows so little about except his own vain projections. The Arabs will treat the Jews in what was Israel just fine when they get power, but the Jews are secretly planning a mass expulsion when they get the chance. Can anyone who has looked at the lot of historic Jewish communities in Arab countries in the past century on even the best days or the behaviour of Israel in the occupied territories on even the worst ones take either claim seriously?

On Israel's supposed plans for expulsion, Beinart intones, 'that prospect is not as remote as it seems,' and then in typical fashion produces only the flimsiest of evidence. First, as in 2013, there is a willful misinterpretation of an opinion poll used to cast Israelis as monsters. The option to 'physically remove' Palestinians from Area C is 'the most popular answer' among Israeli Jews, he writes, referring to a public opinion survey. But this is misleading for a number

of reasons. The most popular answer is a small minority, as there were five responses. The question asks not what respondents want, but rather what they think should happen if Area C is annexed (including among the larger number who opposed the idea). And the verb used to describe this option doesn't make clear whether it refers to moving people or transferring authority over the villages in question. Even under the least charitable interpretation, it doesn't call for expelling anyone out of the country anyway.

That's not all. Beinart then slips into the same paragraph the recurring proposal by some fringe Israelis (and not always on the fringes you might expect) to cede land on the Israeli side of the Green Line that is mostly populated by Arabs to a future Palestinian state in exchange for land east of the Line that is populated by Jewish settlers as further evidence for the budding acceptance of mass expulsion. While careful to first describe it accurately as a 'redrawing of borders,' he states its purpose is 'to deposit roughly 300,000' Arab citizens outside of Israel, and sandwiches the whole sentence in between claims that Israel is inexorably headed toward expulsion.

This is not the place to discuss the idea of such border adjustments. The idea is a bad and impractical one for myriad reasons and has never had any real traction in Israel. But there is something odd about the way it is framed here as portending an impulse to ethnic cleansing. If India today announced that it was willing to cede Muslim areas of Kashmir to Pakistan, would that be seen as a new form of intransigence or a new openness to compromise and concession? When an Israeli desire to hold on to certain land is your evidence of Israeli malevolence and an Israeli desire to withdraw from certain other land is your evidence of Israeli malevolence, maybe the problem has less to do with Israel and more to do with you.

It's a remarkably disingenuous claim, made even more disingenuous by Beinart's insistence on the *façon de parler* of Israel rejectionists in calling Arab citizens of Israel 'Palestinian.' If a chunk of land on the border is populated by Palestinians, why is a willingness to cede that land to a Palestinian state in a future peace agreement a 'mass expulsion'?

It's not a slip or an editing error. Like a tedious Ivy League sophomore explaining to the college staff that they should refer to themselves as Latinx (before asking to speak to a manager), Beinart insists on referring to Arab Israelis as 'Palestinian' though public opinion surveys consistently show that most reject this label (only 7 per cent prefer it, in fact, according to a recent poll, and the trend is downward).

He cites, for example, two surveys from the Israel Democracy Institute (full disclosure: I am a researcher there, but have nothing to do with public opinion polling) purporting to show more liberal attitudes in general among 'Palestinian citizens,' though when you click on both links, you discover that the word nowhere appears. The survey of Israelis distinguishes between Israeli Jews and Israeli Arabs, and Beinart's sentence about the surveys, like the sentence before

about a different set of surveys, would be clearer if he kept the same distinction, but it is obvious that for him introducing the word 'Palestinian' is a crucial part of the larger narrative he seeks to push of a fully formed Palestinian nation on clearly marked historical boundaries that was robbed of its rightful inheritance by Zionist usurpers.

The word crops in other dissonant contexts. He gives backhanded praise for the 'honorable exceptions' among early Zionists who were 'concerned with Palestinian rights,' naming Ahad Ha-Am, Martin Buber, Gershom Scholem, Judah Magnes, and Henrietta Szold, though none of them would have used that term because it was not then used to describe an Arab nation. He states that 'Zionists employed violence against Palestinians,' though when you follow the link he provides, you discover again that he is changing the terminology. (And the sentence construction is notable too: 'Zionists employed violence against Palestinians' to describe an attack in 1939 after three years of violence against Jews in Palestine, though if you were expecting him to refer to that by describing Arabs employing violence against Jews you clearly don't know Peter Beinart: 'increased Jewish immigration provoked increased violence between Palestinians and Jews' he says of that episode; also, 'in 1929 and 1936, Palestinian uprisings turned violent.' Turned? From what?)

Whenever he needs a dyad for the parties to the conflict, he consistently reaches for the mismatched 'Jews and Palestinians.' It's an odd pairing. If you are going to talk about the conflict as a whole, you might talk about the Arab-Israeli conflict. If you are going to talk about the two peoples fighting over the same land as ethno-religious communities — particularly if you are talking about the Mandate period — you might talk about 'Jews and Arabs' and the proposed Jewish and Arab states of the various partition plans from 1937 to 1947. If you are talking about national-political communities, you might call them 'Israelis and Palestinians.' But for Beinart it is always Jews and Palestinians. On the first or fourth or even fifth time he pairs these terms, you might not notice what's happening.

But after about a dozen the agenda is unmistakable. Just as Beinart can't describe a set of events, especially a lamentable one, as anything other than something with a Jewish or Israeli subject and a passive Palestinian object, so his relation to the two competing national movements evinces two opposite pressures. The yearning for Jewish sovereignty in a historic homeland is something new, transient, and artificial; it's not a longstanding goal but a perversion of an earlier desire for an amorphous 'home' that has been distorted by displaced Holocaust trauma. But the national movement of the Arab Palestinian people — that is eternal. Beinart sees Palestinians in history even where no one was claiming that title, and if he doesn't see them in the text, he writes them in. Beinart sees Palestinians in the Arab community in Israel, and if they don't see themselves there, he will call them that until they accept it.

This is more than just an awkward Starbucks cup making it into a shot of Game of Thrones. It's a tendentious ransacking of history of the Arab-Israeli conflict so thorough that by the end

the whole thing reeks of pumpkin spice.

And it's at the core of his territorial argument too. Palestinians, in his telling, had 'already settled for a country in 22 per cent of the land' and would settle for no less. Let's leave aside that this is empirically false, and that subsequent peace talks broke down on demands for 'return' refugees into Israel and a refusal to accept a Jewish state as a neighbor — in other words, demands far outside the supposed 22 per cent.

Let's consider instead how odd this argument would sound in any other context. Accepting Israel's existence in 78 per cent of the land of the Mandate isn't a concession to Israel. Israel is there; it already exists. It's a concession to reality. Not even 1 per cent of that 78 per cent was ever a Palestinian state of any kind. Zionists too once claimed both halves of the British mandate, including what is today Jordan. But the British exercised the option granted them by the League of Nations to exclude Transjordan from the Jewish National Home in 1922, cutting off 77 per cent of the territory from Jewish land purchases and settlement.

So is a Jewish state on everything on the west side a 'concession' that whittled down the state to 23 per cent of its historic claim? Some right-wing Zionists did make this argument, by the way, but it has never been taken seriously outside these rarified circles. In fact, in no negotiation situation is acknowledging what your rival already has that was never yours considered a concession, much less a final concession that one side gets to stipulate for itself peremptorily.

Lots of national liberation movements, in fact, have historical claims on lands they don't control anymore and can't obtain through force or negotiation. Accepting such unmet claims has often been a painful stage of liberation for many post-imperial states, such as Poland, Greece, Armenia, Ireland, and, for that matter, Israel. In none of those cases is there a bogus argument made involving an exact percentage, because each of those cases involve long complicated histories on ambiguously delimited territories over different times and conflicting memories leading to liberation, rather than just a very recent negation of someone else's liberation.

The Irish case is actually exceptional here, because there is an actual island that exists as a geographical fact prior to any political division. But even here, one doesn't often encounter exact percentages of land supposedly lost or conceded (though one does encounter lots of bitterness about partition, but that is hardly unique).

But while Ireland north and south could be conceived of as a discreet territorial unit, the land that together comprises Israel, the West Bank, and the Gaza Strip can only be conceived as a similarly discreet unit by ignoring all the various borders that have existed there in the past and might exist in the present and insisting on only one set that existed very briefly from about 1922 to 1948 — that is, of the British Mandate, not any Arab state but rather a League of Nations mandate for the establishment of a Jewish National Home. (Pause on all that irony if you need to.)

For Beinart, though, it is essential to conceive that as one geographical entity, otherwise there is no explanation for why 'equality' can't apply across the West Bank-Jordan border, or the Syria-Lebanon border, or the Gaza-Egypt one. He concedes there is no acceptably neutral name for the country as a whole that he wants to impose his 'equality' vision onto, so whenever he wants to refer to it he uses some variation of 'between the river and the sea,' with reference to the River Jordan and the Mediterranean Sea, but this too only reveals the artificiality of the whole claim.

From north to south, Israel is about 425 kilometers long. Only about 125 kilometers of that has a river to the east and a sea to the west. This is the part that has all the historically heavy places that were often labelled on historical maps as Judea or the Holy Land or Palestine. And this is part of the country where, if a two-state solution ever does come into being, the overwhelming majority of the land will be part of the Arab, not the Jewish state.

Even if you take into account the two lakes as part of a natural eastern border and add into the river-and-sea portion, you still only get about 210 kilometers — just under half the entire length of the country. Why is that? Well, the entire southern half of the country is the Negev desert, where the eastern and western borders are lines in the sand drawn over the course of history as a result of wars, peace talks, imperial interventions, and international resolutions, where things like battle outcomes, strategic interests (for example, access to seaports), and ethnic makeup are considerations in the outcome. Each is a border just like any other in the world — an outcome of history. The Arab population that lived in the Negev before 1948 had very little to do both in terms of dialect, dress, customs, religious practices, and even physical appearance with the Arab population in the rest of the country that would come to be called Palestinian.

In the north something similar — history — happened, but with very different results. The border that today separates Lebanon and Israel was agreed upon by the French and British as a border separating the French Mandate for what was designed to become a future Arab Christian state from the British Mandate for a Jewish National Home. It is a jagged line drawn right through the middle of what was an Ottoman province, jagged because contrary to the stereotype of how colonial borders were drawn, this one was effected with attention to the property claims of villagers on either side of the line. Equally notable, every effort was made to respect the ethnic purposes of the two mandates — wherever possible Christians and Shiites are north of the line and Jews are south of it. This is how you get the so-called Galilee Panhandle, where the western border is not a sea but rather a mountain ridge separating an area of Jewish settlement on the east from one of predominantly Shiite settlement to the west.

It's such a transparently bad basis for any historical claim, but Beinart finds it compelling because it coheres with his selective and rather curious sense of history.

There is also a curious ethical sense of national responsibility. Remember, Beinart believes that the blame for the eclipsing of the two-state option is entirely Israel's to bear — never mind that he is, as demonstrated above, both wrong about two states not being an option and wrong about Israel bearing responsibility for the failure to realize that option. Jews were entitled to an independent state in part of their historic homeland, in Beinart's telling, but by their own misguided actions they forfeited that right, now and for future generations (and American Jews — but not Beinart! — are 'complicit').

There is so much more dishonest revision and pious posturing in his article that one doesn't know what to leave out: the ahistorical claims about Arab political goals in pre-1948 Palestine, the shallow psychoanalysis that projects Jewish Holocaust trauma on Palestinians rather than taking seriously the violent Arab rejection of Israel, the selective and dishonest retelling of the PLO's 'recognition' of Israel and the even more dishonest claim about Hamas' 'repeated embrace' of a state next to rather than instead of Israel, the cloying quotes from Arab leaders that they would 'safeguard the rights of vulnerable Jews' under the utopian future Beinart dreams (thanks but no thanks). Most nauseating of all is the passage at the end where Beinart conjures a rabbi reciting *El Maleh Rachamim* at a Nakba memorial as a complement for a Holocaust memorial service. I know this is supposed to be utopian, but I had no idea utopia could be so grotesque.

And Beinart is supposed to be a serious Jewish intellectual, or even a modern-day Rabbi Yochanan ben Zakkai only asking for Yavneh and its sages. But no one who wallows in such moralizing cosplay while intimating such an appalling analogy between, on the one hand, the Arab experience of defeat in an attempt to commit ethnic cleansing and genocide of Jews and, on the other hand, the Jewish experience of actual genocide which had only just finished three years prior, deserves to be taken seriously.

*Shany Mor is a researcher at the Israel Democracy Institute. He is a postdoctoral fellow at the Herzl Institute for the Study of Zionism and a research fellow at the Chaikin Institute for Geostrategy, both at the University of Haifa.*



## HOW TO KEEP THE WINDOW OPEN FOR THE TWO-STATE SOLUTION

DENNIS ROSS

*As Israel approaches its 70th anniversary and the peace process at a low ebb, Dennis Ross, former Middle East advisor to four American Presidents, spoke to Fathom assistant editor Samuel Nurning about what the Trump administration can do to help keep the window of the two-state solution open. Ross argues that for any American plan to succeed, it must be prepared with regional allies and be accompanied by steps on the ground that help maintain the principle of separation. (April 2018)*

I'm not optimistic right now. The level of disbelief on both sides is high, and neither the Israelis nor Palestinians believe a two-state outcome is going to happen in their lifetimes. Disbelief often becomes a self-fulfilling prophecy, and undermines any sense of possibility meaning that neither side invests in the idea of two-states because they don't believe it's going to happen. I'm worried about this dynamic and I feel currently the path we are on is going to lead to a one-state outcome. The question becomes how do you change that path?

In the end it's not the responsibility of the US or international community to keep the two-state window open but rather the two sides'. The question is can the US play a role that will make it more likely for the Israelis and Palestinians to do such a thing. Here the critical element is understanding that an agreement is not likely any time soon because the psychological and conceptual gaps between both parties has never been wider. In this context the key is whether the US can help change realities on the ground.

One reason prospects for a two-state outcome are very low is because no one has an answer to Gaza or Hamas's control of it. Palestinians will never accept a situation in which their state does not include both the West Bank and Gaza, suggesting that at this stage we are in a more 'conflict management' stage of the conflict.

There is a clear understanding in the Trump team that they will need to show that they are able to do something to help things on the ground in Gaza and that if Gaza explodes they will not be in any position to present a peace plan. Palestinian Authority (PA) Chairman Mahmoud Abbas is squeezing Hamas, which has pushed it to respond against Israel with demonstrations along the border fence, (which has subsequently put additional pressure on Abbas). The terrible conditions in Gaza can create an explosion because people have nothing to lose. And the need

to address the economic and humanitarian conditions in Gaza is actually a consensus issue in Israel.

Maintaining the two-state solution means preserving the idea of separation, which in turn means Israel should stop building outside the settlement blocs (which because there isn't an agreed definition of what constitutes a bloc, this in practice means not building in any areas to the east of the barrier or not expanding the geographic size of settlements located outside the blocs – i.e. building up rather than building out. The greatest single risk to the two-state outcome – aside from both parties psychologically not believing it is possible – is a situation in which separation becomes impossible because there is so much co-mingling between populations.

Advancing this idea will be very difficult for the right-wing part of the current government, particularly for the Jewish Home and for some members of the Likud. If Prime Minister Benjamin Netanyahu was not politically constrained, this might be the kind of thing he would accept. Whether he could accept such a condition at this stage may depend upon the US plan including steps on the ground and also US commitments that would also show what Netanyahu is getting from America

I've never been against the idea of presenting peace plans, or principles, but I have been opposed to presenting principles if they aren't correctly prepared and don't produce a favourable – or at least acceptable – response, meaning being perceived as a basis for negotiations, and subsequently creating new standards as a basis for future agreement.

Assuming the Trump administration will present its peace plan, it will be critical to prepare the ground well enough for it not to be rejected by Arab states and for them – and the Europeans – to state publicly that they see credible elements in it that create a basis for talking. Generating this response will be particularly important as Israel is likely to say it doesn't accept everything but is prepared to talk on its basis.

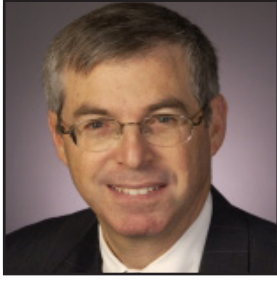
PA Chairman Abbas is likely to reject the plan because he is still operating in an environment where he is reacting to the decision to move the American embassy to Jerusalem. The worst case scenario is the Arabs support him and the US is not able to gain any positive response. Getting Arab leaders – and European leaders – to say it has credible elements would provide a basis for a process.

Another essential component of a peace plan is that it be accompanied by steps on the ground. Regardless of how good a plan looks, if it seems disconnected on the ground, it will ultimately be unlikely to go anywhere. So there needs to be both a connection to events on the ground as well as enough in the plan to allow Arab leaders to point how Palestinian interests are being addressed.

The problem with President Donald Trump's Jerusalem announcement was not its content but the way in which it was presented. It wasn't properly prepared. If a US peace plan is to work, it has to be prepared with those who the US wants to say something favourable about it. If we want to promote an outside-in approach [where close relations between Israel and the Arab states lead to an Israeli-Palestinian agreement], the last thing to do is to cut into the Arab states' political space for manoeuvring or give them fewer incentives to publically support what is presented.

The embassy announcement produced a defensiveness on the part of the key Arab leaders which made them less likely to take the steps we want them to take for peace. If President Trump had gone to the Saudis after his June waiver [which postponed moving the embassy for an additional six months] and said, 'I'm not going to exercise the waiver again, so let's talk now about how we can implement this in a way that doesn't cause you problems,' the sides could have worked on framing and beginning to condition the environment. They could even have argued that the Arab Peace Initiative – which acknowledges full normalisation with Israel if it withdraws to the June 1967 lines – means that West Jerusalem is accepted as being part of Israel. So when we the Americans recognise Jerusalem as the capital of Israel, we're pointing out a reality that some significant part of Jerusalem is going to be the capital of Israel in any agreement.

*Ambassador Dennis Ross is counselor and William Davidson Distinguished Fellow at The Washington Institute for Near East Policy. Prior to returning to the Institute in 2011, he served two years as special assistant to President Obama and National Security Council senior director for the Central Region, and a year as special advisor to Secretary of State Hillary Clinton. For more than 12 years, Ambassador Ross played a leading role in shaping US involvement in the Middle East peace process and dealing directly with the parties in negotiations. Ambassador Ross was point man on the peace process in both the George H. W. Bush and Bill Clinton administrations, played a leading role in assisting Israelis and Palestinians to reach the 1995 Interim Agreement; he also successfully brokered the 1997 Hebron Accord, facilitated the 1994 Israel-Jordan peace treaty, and intensively worked to bring Israel and Syria together.*



## **THE ISRAELI-PALESTINIAN ARENA – WHAT COULD BE DONE SHORT OF AN AGREEMENT**

MICHAEL HERZOG

*Michael Herzog has been a participant in nearly all Israeli-Palestinian negotiations since 1993. In this important essay, which we hope will be widely read, he argues that while set-piece bilateral talks seeking a final status agreement may be counterproductive in the current climate, there is much that Israel can do now, even without a Palestinian partner, in order to maintain the possibility of a two-state solution at a later date. (November 2016)*

### **A BLEAK PICTURE**

From my perspective as someone who has participated in nearly all Israeli-Palestinian negotiations since 1993, the bilateral Israeli-Palestinian arena looks as bleak as I can remember. The last effort at a comprehensive peace solution – the Kerry-led negotiations in 2013–2014 – collapsed, adding despair on both sides to the prospects of a two-state solution. On the Palestinian side, leadership has weakened, with Mahmoud Abbas (Abu Mazen) having lost considerable domestic legitimacy according to consistent Palestinian opinion polls, and likely nearing the end of his rule at age 81. He is talking openly about stepping down and people around him are already positioning themselves towards the ‘day after’. The Palestinian Authority (PA) is weak and divided between two political entities, one in the West Bank ruled by Fatah and one in Gaza ruled by Hamas, with the current situation in Gaza resembling a powder keg. For nearly a year we have witnessed a wave of violence (now generally receding with occasional eruptions) in the West Bank and in some cases in Israel, including stabbings, car ramming attacks and other terror attacks against Israelis carried out by young disgruntled Palestinians. On the Israeli side, there is a right-wing coalition, reflecting the reality of Israeli society increasingly turning to the right under the pressure of repeatedly failed peace efforts and Palestinian terror waves. This coalition, some of whose members do not believe in a two-state solution, limits the prime minister’s ability to manoeuvre on the political front, to the extent he wants to. Meanwhile the American role in our region has weakened and the upcoming American elections paralyse potential international initiatives.

The dramatic upheavals in our region offer a mixed balance sheet to the Israeli-Palestinian arena. On the one hand they fragment and destabilise the region, weaken the state system and generate extreme jihadism across the region. Looking at this mess, Israelis and Palestinians should be incentivised to avert further instability in their own bilateral yard. While this unfortunately has not happened, Israel and some of the major Arab states have been drawn closer together by strong converging interests, namely the threats of extreme violent Islamist jihadism, an empowered Iranian-led axis, regional instability as a whole and the weakening US role. In this context some of the major Arab stakeholders, highly concerned about the weakening of the Palestinian system and the potential empowerment of Hamas, are willing to play a role in providing both space and cover to Israelis and Palestinians in advancing the two-state solution. This should be regarded as an opportunity.

## **MULTI-DIMENSIONAL SOLUTIONS TO MULTI-DIMENSIONAL CHALLENGES**

To address this bleak picture one should look it directly in the eye. After 20 years of failed peace efforts, the first thing to realise is that the Israeli-Palestinian conflict is extremely complex, full of grey areas. Simplistic black-and-white characterisations, such as blaming the failure entirely on one party or suggesting that it could be easily resolved if only the leadership were changed, are unhelpful in trying to reach a solution. While Palestinians point to continued Israeli settlement activity in the West Bank and to Israel's security heavy-handedness, Israelis point to repeated Palestinian rejection of Israeli peace offers over the years, as well as ongoing Palestinian terror and incitement. Israelis rightly push back when Palestinians reject a peace proposal only to subsequently demand that it serve as the baseline for the next round. I have seen this time and again, the most recent example being the US proposal of parameters in March 2014, which to this day awaits a Palestinian response.

There is a natural tendency to single out one specific issue – Israeli settlement policy, Palestinian rejection of recognising Israel's Jewish character, Palestinian incitement and terror, a return to negotiations, an imposed international plan etc. – and argue that if *only* that single issue was successfully dealt with, everything else would fall into place. But the challenge is multi-dimensional with inter-connected components and needs to be addressed as such. The pieces of the puzzle include the security situation on the ground and future security arrangements in a permanent status solution; Israeli settlement activity and practices; bottom-up processes of laying the foundation and infrastructure on the ground for future Palestinian statehood, including economic development as well as access and movement on the ground; the situation in Gaza and the relationship between Gaza and the West Bank; creating a top-down political horizon – either through negotiations or through laying out parameters on the core issues; and the regional dimension.

Within the bottom-up development towards Palestinian statehood there is a critical dimension too – often neglected by both the Palestinians and the international community, which I call ‘putting the Palestinian house in order.’ It includes improving governance and fighting corruption, dealing with the division between Fatah and Hamas, and addressing the challenge of transition, post-Abu Mazen. It is easy for the Palestinians to blame Israel for these maladies, yet they are first and foremost their own doing and responsibility. Former Palestinian Prime Minister Salam Fayyad showed the way in this direction but was ultimately pushed out.

## **FOR NOW, FURTHER BILATERAL NEGOTIATIONS ARE NOT THE ANSWER**

I don’t see the value in forcing the parties to go back to the negotiating table at this moment. First, there is the challenge of Palestinian pre-conditions. In 2000 (Camp David) and 2008 (Olmert-Abu Mazen), we negotiated without any preconditions. In 2013-14 (the Kerry-led process) Israel was asked to choose one of three conditions – adopting the 1967 lines plus land swaps as the territorial baseline for negotiations, freezing settlement activities, or releasing those Palestinian prisoners held in Israeli prisons since before the Oslo Accords – in order to start the talks. Israel ultimately agreed to release prisoners (although due to incompatible bilateral US understandings with each of the parties not all of the prisoners were ultimately released). Today however the Palestinians demand *all three* of these elements in addition to an Israeli commitment to negotiate borders first and draw a map within three months. It is hard to see any Israeli government accepting this.

In any case, the two sides remain far apart regarding their red lines on core issues such as Jerusalem and refugees, so even if they were to return to negotiations the talks would likely fail. Moreover, failure is not cost-free, and a fourth collapse of negotiations (following Camp David in 2000, Annapolis in 2007-08 and the Kerry talks in 2013-14), will drive even more people towards despair regarding the future of the two-state solution.

It is thus time to consider different paradigms. The Palestinians are talking about internationalisation of the conflict, modelled after the P5+1 negotiations paradigm with the Iranian nuclear agreement – namely an international setting, where the US is in a minority, which will lay out guidelines and parameters on the core issues in line with Palestinian demands, force Israel’s hand, and absolve the Palestinian side of the burden of concessions. This paradigm will not deliver their desired end-game.

As an Israeli who cares deeply about the future of Israel as the democratic nation-state of the Jewish people<sup>[1]</sup>, I believe Israel should shape its own future and destiny, not just respond to other parties’ initiatives or external attempted dictates. Because the logic of separating the two communities is in Israel’s interest, the country should signal that direction and start

moving towards shaping a two-state reality, preferably with Palestinian partners but also with regional and international actors. Even without a Palestinian partner at this stage, Israel should implement a policy of constructive unilateralism that improves its security situation, maintains the possibility of a two state solution and keeps an extended hand open to the Palestinians to renew negotiations at a later date.

Addressing the multiple dimensions of the picture, this policy should include the following components:

**Security** – Israel should complete the security barrier between the West Bank and Israel (originally built to stop Palestinian suicide bombers and other terrorists from entering Israel) in order to reduce friction between the two sides. While taking security measures against terror attacks, Israel should continue to encourage authorised Palestinian labourers in Israel. Almost all perpetrators of terror attacks have been illegals, and legal Palestinian labour in Israel has proven a stabilising factor.

**Cessation of settlement activity beyond the security barrier** – This is in Israel's long term interest and in line with its stated policy of favouring a two-state solution. Israel should not authorise construction in areas where we assume a future Palestinian state will be established. While an international quid pro quo will not be forthcoming, Israel should try and elicit some form of quiet understanding for strengthening the settlement blocs – areas which are essential to Israel's security and which are widely acknowledged as being part of Israel in a future agreement (based on territorial swaps).

It is hard to envisage Israel unilaterally removing settlements in the West Bank. Following Israel's unilateral pull out from Gaza in 2005, which included all settlements, it is highly doubtful that an Israeli leader could remove settlements outside the context of an Israeli-Palestinian comprehensive agreement and survive politically.

**Additional Israeli measures towards political separation** – There is a public debate in Israel on whether to implement measures separating the two communities in Jerusalem. It is complicated politically and legally. However, the current situation in which there is no overlap between the municipal boundaries of the city and the route of the security barrier has bred instability and chaos and should be altered. I would seek to amend the municipal boundaries and adjust the barrier accordingly.

**Strengthening the PA's economic and security capacity** – Israel, regional actors and the international community should offer and facilitate (with proper auditing) a significant economic package to boost the PA. Israel should further improve access and movement for Palestinians in the West Bank and upgrade all existing fixed passages. It should also seek to

expand its current policy of limiting incursions into area A to security threats the PA cannot or will not deal with.

**Area C** – In the context of enhancing the PA's capacity, Israel can and should transfer powers and responsibilities to the PA in Area C (which constitutes about 60 per cent of the West Bank), such as planning, zoning and building adjacent to Area A – even without changing the territory's legal designation, a task which falls within the purview of the bilateral political negotiations. This was already discussed between the parties and Israel recently announced initial steps in this direction. Israel has also allowed the PA's police forces to function in Palestinian population centres in Area C and could further expand this.

**Palestinian governance** – Hand in hand with enhancing the PA's economic capacity, the international community should pay much greater attention to Palestinian governance. Particular focus should be paid to encouraging a smooth transition to a post-Abu Mazen era, with an eye to preventing it from being chaotic and endangering the stability of the PA.

**Establishing a long-term ceasefire in Gaza** – Based on the deterrence achieved in the last round of armed conflict in Gaza (2014) Israel should try to achieve a long-term ceasefire arrangement with Hamas in Gaza, involving the PA with an active role in Gaza. Even failing this, speedier reconstruction efforts and fixing basic collapsing infrastructure in Gaza within the framework of coordinated security measures between Israel and Egypt would enhance stability and help avert another violent eruption<sup>[2]</sup>. Meanwhile, Israel is also in the process of developing a technological solution to detect and destroy Hamas's network of offensive tunnels

**Greater investment in the regional dimension** – As noted above, conditions are now ripe for working together with major Arab countries in order to generate progress between Israelis and Palestinians. Egypt is ready to sponsor such a move. Rather than focusing on bilateral Israeli-Palestinian talks, the context should be expanded to include regional actors who can provide both parties with political space and legitimacy. This is important. Israelis would be much more impressed by Arab steps towards normalisation, and reciprocate in the Israeli-Palestinian context, than by anything the Palestinians may offer them.

To facilitate such a regional process, Israel has to relate positively to the Arab Peace Initiative, which it has begun to do. It does not need to embrace the plan verbatim but rather accept it as an important contribution to peace-making in the region. Israel's prime minister has already sounded some positive notes in this direction, although he did add some conditions.

Some of these regional actors may subsequently play an important role in helping the parties address core issues. Moreover, both Egypt and Jordan could definitely play a role in the security arrangements in Gaza and the West Bank respectively.

**Political horizon** – While pushing the parties to negotiate currently serves little purpose, creating a political horizon is crucial and should not be neglected. Based on our experience, the initial focus should be on defined parameters for negotiating and resolving the core issues that separate the parties. Israelis and Palestinians failed to achieve this bilaterally and are unlikely to succeed in the foreseeable future. There is a school of thought that advocates such parameters through a United National Security Council resolution (UNSCR) – an idea considered by the French and the Obama administration. However, for a UNSCR to be constructive and serve both parties it has to be balanced (namely addressing both parties' core concerns), contain elements which are currently rejected by *both* of them and enjoy broad international and regional support. I do not believe that the Obama administration commands sufficient political clout and has enough time to produce such a resolution and garner the required international and regional support. We should therefore pay more attention to the potential of addressing the political horizon in a regional framework, as mentioned above.

Ultimately out of all the existing initiatives currently on the table, the regional approach has the most potential. The parties should be willing to invest in it and the US and Europe should support it.

## REFERENCES

[1] The Palestinians deliberately misrepresent Israel's legitimate demand for mutual recognition between two nation-states serving as a solid basis for ending the conflict as seeking to legitimise Israel's religious nature at the expense of Israel's Arab minority.

[2] For a detailed discussion and policy recommendations regarding the situation in Gaza see: <http://www.bicom.org.uk/analysis/bicom-strategic-assessment-gaza-can-next-war-prevented/>

*Michael Herzog is a former Senior Visiting Fellow at BICOM as well as being an international fellow of The Washington Institute for Near East Policy. He is a former head of the Strategic Planning Division in the IDF, a former Chief of Staff to four former ministers of defence, and in 2009-10 served as special envoy on the peace process. Michael has been involved in peace negotiations between the Israelis and Palestinians for 23 years.*



## **WE ARE PARALYSED BY THE FAILED SEARCH FOR A FINAL PEACE. FOR NOW, LET'S REDUCE THE EXPERIENCE OF OCCUPATION WITHOUT REDUCING SECURITY**

MICAH GOODMAN

*Discussing his best selling book Catch 67, Micah Goodman tracks the evolution of the debate within Israel over the future of the West Bank, arguing that the Israeli Right and Left are now 'selling fears rather than dreams' and that giving up on the idea of peace for the time being can actually help improve the situation on the ground. (May 2019)*

My book 'Catch 67, The Left, the Right, and the Legacy of the Six-Day War' is not about the Israeli-Palestinian conflict. It is about the Israeli conversation about the conflict – what Israelis are really arguing about. Since the book came out, I have shifted my thinking from conversations about the conflict to the conflict itself and what we can do about it.

### **THE SIX-DAY WAR AND TWO VISIONS OF VICTORY**

The Six-Day War transformed the Right and the Left in Israeli politics and transformed the clash between them. The religious / messianic Right created a new narrative: 'The Six-Day War was a miracle. In 6 days, Israel returned to biblical lands in Judea and Samaria, and God wants something from us.' One of the most important theologians who interpreted this event in a way that was compelling for many was the son of Rabbi Abraham Isaac Kook, Tzvi Yehudah, who told his followers that by settling this land one paves the way for redemption. That was a very exciting vision.

The peace camp in Israel didn't see biblical promises of the Messiah. Rather, it saw that Israel was in possession of the Golan Heights, the West Bank and the Sinai Peninsula which the country's Arab neighbours wanted back. The peace camp argued that for the first time in Israel's history it possessed bargaining chips, and if the country were to play its cards right it could trade these assets for a peace treaty that would change Israeli and Jewish history. For the first time Israel would no longer be a fortress state but an organic part of the area.

In Israel we often say that the 7th day of the 6-Day War has lasted for 51 years. On that day two visions emerged regarding what to do with the victory: settle the land and pave the way for redemption, or leave the land in return for a negotiated peace? Both visions had the same understanding: by leveraging victory they could change history and all Israelis would join their camp. Both sides were wrong. Not all Israelis joined either movement. In fact, over the past 52

years most Israelis have become disenchanted with *both* ideologies.

To echo Yossi Klein Halevi, the First Intifada in 1987 was devastating for the Right. When soldiers first started patrolling Palestinian towns in the West Bank and began chasing children with rocks they asked: 'Is this really the fulfilment of a messianic vision? We didn't sign up for this. We're Israeli patriots and signed up to protect our nation, not police another one.' At the beginning of the First Intifada only 20 per cent of Israelis favoured a two-state solution. By 1992 that number rose to 70 per cent.

If the First Intifada was a blow to the messianic Right, the Second Intifada was a fatal blow to the messianic Left. This is partially because the Second Intifada is different in nature – if the symbol of the First Intifada was a ten-year old Palestinian holding a rock, the symbol of the Second Intifada was the suicide bomber who murdered over 1,100 Israelis. But the main reason the Second Intifada struck a fatal blow to the Left was because of its *timing*. It began two months after the Camp David meeting ended in no agreement. There are many stories about what really happened there, but what is important to note is how Israelis experienced it. The Israeli narrative – and that of US President Bill Clinton, US negotiator Dennis Ross and Prime Minister Ehud Barak – is that Barak offered a huge amount of concessions to Arafat including compromises on Temple Mount, partition of Jerusalem and almost complete withdrawal from the West Bank, but Arafat said no. Thus, Israelis could simply not accept the argument that the violence was a result of the occupation, especially as it began only a moment after Israel had offered to end the occupation.

Where did that leave Israel? From the First Intifada, we learnt that most Israeli feel that we cannot stay in the West Bank, cannot control another nation. From the Second Intifada we learn that Israelis felt that Israel cannot leave the West Bank.

## **TODAY'S CLASH BETWEEN THE RIGHT AND LEFT**

The Israeli Right had a very powerful and persuasive argument: If Israel leaves the West Bank, then it is putting its existence at peril by threatening its own ability to defend itself. This argument has an interesting history. Israel within its current borders is only 9 miles wide at its shortest point. Most Israelis live in the country's narrowest area – along the coastal plain which is very close to where the 1967 border would be. They asked themselves what would happen if a new Palestinian state launched a surprise attack on Israel, reflecting on what happened to Israel in 1973 during the Yom Kippur conflict. When Israel was attacked from the north and south simultaneously, the Egyptians and the Syrians managed to conquer roughly 20km until Israel blocked them. So the Right would ask: 'What would happen if we were surprised, as we were in 1973, but within the 1967 borders?' After conquering 20km, they would not be in the Golan Heights and the Sinai Peninsula, but in the Mediterranean.' This argument led many people to believe the current 1967 borders are indefensible, but this is the old argument. The belief that the Palestinian state has a

strong army and could surprise Israel now seems a little anachronistic.

Today, the Right argues that now is not the time to create a new state in the Middle East, which has been upended by the 2011 Arab Spring. What if a new Palestine cannot survive the same forces that are tearing apart Syria, Yemen, and Libya? If a new Palestine is susceptible to these forces, then we would have a dysfunctional state very close to Tel Aviv. Who would fill a vacuum of sovereignty in the West Bank? ISIS? Hamas? Maybe Iran and Hezbollah? As an Israeli intelligence officer told me, probably a cocktail of all these forces together. We used to be afraid that a strong Palestine would threaten us, but now we fear a weak, dysfunctional Palestine.

The Left, too, has a good argument based on three points. First, if Israel continues to control the West Bank, then it will become isolated in the international community. Second, the fact there is a military regime in the West Bank controlling a civilian population, is neither ethical, moral nor Jewish. And third, if Israel continues to hold onto the West Bank, it is effectively controlling the life of another people, approximately 2.4 million Palestinians who will in the near future stop fighting for a two state solution and demand instead a vote in the Knesset. When that day comes, Israel will face two very unfavourable options. The first would involve a Jewish minority controlling a Muslim majority; the end of Israel as a democracy and the beginning of apartheid. The second would be a Jewish minority controlled by a Muslim majority; the end of Israel as a Jewish state. These options would mark the end of Zionism.

## FROM UTOPIAS TO FEARS

Whereas after the Six Day War, the Right and the Left presented different utopias, after the intifadas the Right and the Left are arguing something different, and they are actually mirror images of each other. The Right no longer declares that if the land is settled, redemption will come, but rather, it will be catastrophic to leave the land and the chaos of the Middle East will enter the West Bank. The Left is no longer arguing that if we leave the West Bank, there will be a new Middle East, as Shimon Peres declared. Instead, they are saying that if Israel stays in the West Bank, it will be isolated diplomatically, collapse ethically and will no longer be a Jewish democracy. Both sides have moved from selling dreams to selling fears. And when the Right and the Left changed, it created a 'Centre'.

The nature of the original conversation about utopias involved big dreams, visions, and ideologies. But the current debate over anxieties is different. One needs to choose between dreams. But psychologically speaking, one can accumulate many anxieties. And that is exactly what has happened to 70 per cent of Israelis. They are terrified that if Israel leaves the West Bank, its future is under threat. And they are terrified that if Israel stays in the West Bank, its future is in peril. The shift on the Right and Left from dreams to fears has created a confused Centre. It is a centre that is in a Catch 22 (or a Catch 67), whereby if Israel stays in the West

Bank, it is threatening its national majority, but if it leaves the West Bank, national security is under threat.

## THE INDIFFERENT CENTRE

A majority of Israelis have lost their certainty and are confused. Sure, there are still people on the Left who believe that peace is just around the corner and people on the Right who believe redemption is near, but most Israelis have lost their political certainty. And they responded to their confusion by changing the topic of conversation. From 1967–2011 (when social protests over living costs hit Israel), the conflict held all other issues hostage because it took up all of Israel's time and energy. If there was a protest about peace or war, disarmament or disengagement, tens of thousands, or even hundreds of thousands of people would come to the streets. A protest about social justice would have just 20 people (and it would always be the same people).

Then 2011 happened when thousands of Israelis suddenly left their homes and took to the streets to protest about the prices of homes and cottage cheese. We always thought that we would deal with all these issues *after* addressing the conflict. But Israelis started to deal with these issues once they believed that they can no longer solve the conflict. The discourse turned towards thinking that the best way to deal with an unsolvable problem was to ignore it, and move onto another issue. However, just because you ignore an issue does not mean it is ignoring you.

What I am trying to do is to create language which enables the confused Israeli Centre to return to the conversation which is now only held by the hard Right and hard Left. The interaction of the hard Right and hard Left on the issue is uncivilised and unproductive. What is needed in Israel, and elsewhere, is a centre that is not indifferent, but one that is passionate, and a centre whose reaction to the conflict is not, 'We are confused and therefore indifferent, but we're confused and therefore re-thinking everything again.'

We need our discourse to be more like music than religion. What do I mean? Religion lives in dichotomies – if something is not sacred or pure, it's profane or impure. If something is not forbidden, it's permitted. But in music, if I don't think a particular song is inspiring, I don't necessarily think it's disgusting. When we think about music we think in degrees. So how do we think about politics – in terms of degrees of dichotomies? If we think about politics the same way we think about religion, we stop the function of politics; the person you disagree with is not just wrong but is a sinner, so the conversation collapses. When it comes to the conflict the religious way of thinking created a false dichotomy. Either you can solve the conflict, or you can manage the conflict. Introducing new thinking towards ending the conflict means breaking this false dichotomy. Let's shrink the conflict. That would be a centrist approach.

What does this mean in practice? Israelis have adopted a false zero-sum game between occupation and security – the more we control the Palestinians the less of a threat they are

to us. The less we control them, the more we are threatened. But there are steps that would dramatically minimise the occupation whilst not impacting on the security of Israelis.

## MINIMISING THE OCCUPATION

As I recently laid out in my article for *The Atlantic*, there are eight practical steps Israel can make today that can minimise the conflict without impeaching Israeli security.

### *No Settlement Expansion outside blocs*

To facilitate shrinking the conflict, Israel would have to refrain from expanding its settlements outside the major blocs and allocate land in Area C for Palestinian economic initiatives.

### *Expand the Palestinian Autonomous Zones*

The Palestinian autonomous zones are too small for the population and cannot accommodate its current rate of growth. Although Areas A and B have not grown since the 1990s but the population has and as a result, Palestinians have built some 20,000 houses that spill over the boundaries of the autonomous zones. Palestinian towns and villages have no space to develop, creating self-confined and densely packed population centres that require the authorisation of the Israeli army for any changes. In light of this Israel could transfer a few percentage points of territory in Area C to the Palestinians in order to expand the autonomous areas, letting them develop, grow, and prosper.

### *Land Reallocation*

This connects to the next step. The Israel's Institute for National Security Studies think tank has published a plan – the Political-Security Framework for the Israeli-Palestinian Arena – in which Israel would allocate parts of Area C for Palestinian economic development and industrial estates. The plan would encourage international investment in these areas and create a special credit scheme for loans to build businesses there.

### *Palestinian workers in Israel*

At the same time, a stronger connection to Israel will also increase economic prosperity. Another step that could be taken now is increasing the number of Palestinian workers in Israel. Today, approximately 120,000 West Bankers enter Israel every day to work. Because salaries in Israel are double those in the West Bank for the same work, these workers bring in a lot of money for the economy and those 120,000 workers feed around 600,000–700,000 people. Many people in the Israeli military believe that the number of Palestinian workers entering Israel could increase up to 400,000.

### *Free Movement*

A plan to minimise the conflict would increase physical separation on the one hand and economic connectivity on the other hand. Palestinians should be able to move freely within

the West Bank, build where they want, and fly to the US or EU without having to bump into military occupation. The problem in the West Bank at the moment is that the cities are not connected. Someone living in Ramallah might be unable to visit a relative in Nablus on a certain day because the Israeli army for its own reasons won't let you drive on the road. So each city is its own autonomous area, disconnected from each and every other city. So the fact that the cities are not connected is the real impact and experience of the occupation. So let's connect them. A plan to do so was proposed by the Israeli military in 2000, involving a road and tunnel system.

#### *Ease Palestinians' Travel Abroad*

The Palestinians do not have their own airport, but the construction of a Palestinian airport would boost Palestinians' independence at the expense of Israel's security. Palestinians' access to the world can be expanded in two ways. First, Israel could greatly reduce waiting time at Allenby Bridge, including by introducing advanced technological means to speed up and ease border crossings. Second, it could enable Palestinians to fly abroad through Ben Gurion Airport via direct, secured shuttles, connecting the West Bank to Israel's international airport.

#### *International and Local Trade*

One of the greatest weaknesses of the Palestinian economy is its isolation from the outside world. A new railroad between Jenin and Haifa and the construction of a Palestinian seaport in Haifa Bay under Israeli supervision would solve this problem.

#### *Economic Independence*

One annex of the 1995 Oslo Accords is the Paris Protocol, which makes the Palestinian economy entirely dependent on the Israeli economy and the State of Israel. The Palestinian tax, customs, import, and export systems rely on and are effectively controlled by Israel. The Paris Protocol can and must be revised to end this dependence.

These steps would reduce the experience of occupation without reducing security. But people on the Left do not like these steps because minimising occupation means that occupation still exists. And the Right are against the idea of giving up land. As a result, there is an unspoken alliance between Right and the Left that means freezing the status quo. But are we willing to give up the dream of peace in order to make moves on the ground? We don't need to wait for a final agreement – we don't need to give up sovereignty over Temple Mount or the Palestinians give up their demand of 'Right to Return'. Paradoxically it is the dream of peace that is paralysing us today. And it is giving up on this dream can make things on the ground improve.

*Micah Goodman is an award-winning author and a research fellow at the Shalom Hartman Institute in Jerusalem.*



## FORGET 'THE ULTIMATE DEAL'. FOR NOW, THE STATUS QUO IS THE BEST OPTION AVAILABLE

SHALOM LIPNER

*Shalom Lipner is a non-resident senior fellow at the Center for Middle East Policy at the Brookings Institution. From 1990 to 2016, he served seven consecutive premiers at the Prime Minister's Office in Jerusalem. He warns that Trump's talks of 'the ultimate deal' may be overly ambitious and even dangerous for the present juncture. Failure is never cost-free and all parties should think twice before tossing an admittedly far from ideal status quo out the window. (March 2018)*

Commonly attributed to the transformative effects of the 1967 Six-Day War, that brought the West Bank and Gaza under Israeli control, the dispute between Israelis and Palestinians actually commenced decades earlier. The die was cast already in 1947, when the Jewish Agency embraced – and Arab leaders rejected – the UN plan to partition Mandatory Palestine into one Jewish state and another Arab one. Israel's War of Independence the following year launched an elusive search for Arab-Israeli peace that continues to this very day.

### PERPETUAL ENGAGEMENT

Frenetic activity by the world's foremost statesmen to break the fragile stalemate between Israel and the Palestinians discloses an apparent consensus that diplomatic activism is imperative. International conferences, regional solutions, secret negotiations and an array of other devices have been proposed and tried for the sake of promoting a peace agreement. None has yet produced this precious result. Their failure speaks volumes.

What drives this perpetual engagement? Peace, to be sure, is a lofty objective. Ostensibly, it is also the target of the Israeli and Palestinian leaderships, who have both pledged allegiance to it. But for many of the parties concerned with this mediation, what animates them is the oft-heard assertion that 'the status quo is unsustainable'. This familiar paradigm, as I wrote earlier this year in *Foreign Policy*, alleges that some irreparable and potentially uncontrollable explosion – figuratively and literally – is imminent, unless decisive action is taken urgently to change prevailing realities in the area. Such thinking has underwritten generations of efforts to conclude a deal between the intractable adversaries. But it is a tired mantra indeed, and deserves renewed consideration.

The aspiration of political leaders to leave behind them a legacy of achievement on the world stage enjoins them to roll up their sleeves and facilitate positive change. This is why we elect them to office. And the tradecraft of the Foreign Service officers in their employ commands that they serve the national interest, fostered generally by making the world safer and more prosperous. Settling for the frustrating role of umpire between unruly foes, occupied solely with confining hostilities to a low flame, is an unsatisfying business for these front-line operatives.

## IN PRAISE OF THE STATUS QUO

The inevitable question, however, is whether such spirited involvement is necessarily the shortest route to the coveted destination of reconciliation. Palestinians yearn to be free of Israel's yoke and to plot an independent course to their own destiny. Israelis wish to excise the threat of terrorism and warfare from the routine of their lives, and to flourish. And yet, tinkering with any status quo must be conducted with supreme caution. Casting the status quo into the dustbin of history may be invigorating, but it should be supplanted only by an improved reality. If the resulting situation is more unstable than its predecessor, increased bloodshed could easily follow.

At times, counter-intuitive as it may seem, the status quo is the best available option. US President Donald Trump has said that he fancies brokering the 'ultimate deal' in the Middle East. In this, he is not markedly different from many of the American Commanders-in-Chief to have come before him. Their recognition that the US 'cannot want [a solution to the conflict] more than the parties themselves' – to paraphrase President Barack Obama from 2010 – has not prevented countless American (and other) mediators from trying to cajole and pressure Israelis and Palestinians towards an agreement.

This enthusiasm has often exacted a severe price. When conditions for progress are not evident, boosting improbable expectations of a breakthrough is not cost-free. The dejection that sets in when hopes are dashed only increases the inflexibility of both parties. This, in turn, increases the difficulty of ever bringing them back to the negotiating table in the future.

President Trump has tasked senior members of his White House staff – chief among them, his son-and-law and close advisor Jared Kushner – with the mission of advancing an accord. In January, Vice President Mike Pence shuttled between a number of the primary stakeholders in the Middle East. And Jason Greenblatt, the president's special representative, continues to look for possibilities to promote partnership on the ground. But the stated US goal may be overly ambitious and even dangerous for the present juncture.

Palestinian Authority President Mahmoud Abbas, speaking in Ramallah to the Palestine Liberation Organisation (PLO) Central Council just days before Vice President Pence's arrival in the region, branded Israel 'a colonial project that has nothing to do with Jews'. His

venomous words exemplified the extent to which no semblance of dialogue is in the offing. Abbas was undoubtedly driven to irrationality partially by US moves to slash Congressional funding for UN Relief and Works Agency (UNRWA), the UN agency that tends to the needs of the Palestinian refugee population, and to confer acceptance on Jerusalem as Israel's capital city. (The State Department has since notified Congress that the premises of a US embassy in Jerusalem embassy will be inaugurated this coming May, coinciding with Israel's 70th birthday.) Whatever Abbas's motivation may have been though, Israel's prime minister, Benjamin Netanyahu, wasted no time in clarifying that 'there will not be peace' as long as Abbas persists to deny the Jewish character of the State of Israel.

Since declaring the death of the Oslo Accords, Abbas has taken his foot off the brakes that would halt the Israeli-Palestinian wagon from careening off an unfortunate cliff. Governments in Israel and the PA are exchanging blame for the impasse and scaling back communications, likely until some incentive should emerge to coax them towards reengagement with each other. This deadlock is bound to endure for a considerable time, however, given that the PA is refusing to talk to Washington— notwithstanding the pronouncement of King Abdullah II of Jordan that 'we cannot have a peace process or a peace solution without the role of the US'.

## **RIGHT NOW, PRESERVING THE STATUS QUO IS CHALLENGE ENOUGH**

Trust between Palestinians and Israelis is virtually non-existent; they nurse a litany of grievances – some primordial, others more modern – that command their focus. The tenuous security cooperation which benefits both parties is subject to repeated attack from those Palestinians who wish to disrupt any ounce of collaboration with the enemy. As such, the order of the day must be to sustain a deteriorating ecosystem, containing a violent eruption and nurture the hope of constructive interaction once the clouds clear.

Meanwhile, President Abbas and Prime Minister Netanyahu have their sights trained on other matters entirely. At age 82, Abbas is now into the 14th year of a four-year presidential term. His health is less than optimal. He is consumed with resentment for having been deserted, as he sees it, by America – which heaps its (mostly rhetorical) largesse upon Israel – and by his fellow Arabs; reports abound that Saudi and Egyptian officials, fully occupied with their own domestic problems, interceded with Abbas and encouraged him to consent to American terms for a Palestinian capital on the outskirts of Jerusalem. Multiple rounds of talks with his rivals from Hamas indicate that Abbas is more fixated on internal Palestinian reconciliation than on peace with Israel as his legacy. In this state of affairs, he has scant cachet to talk with Israel at any rate.

Netanyahu's attention has been invested further afield. Abbas's disparaging remarks about Israel's pedigree found Netanyahu in the middle of a triumphal visit to India, where he had a

130-member economic delegation in tow. That trip was followed by meetings with presidents Vladimir Putin and Donald Trump and by appearances at the World Economic Forum in Davos and the Munich Security Conference. When at home in Israel, Netanyahu finds the bulk of his concentration absorbed with his legal perils, facing the prospect of serial corruption charges – and with the wrangling that this has spurred within his governing coalition. Wall-to-wall condemnation of Abbas's recent tirade among Israeli politicians almost guarantees that Netanyahu can ignore Palestinian wishes with virtually no political consequences.

The interim period will witness little more than brinkmanship, with Israel and the Palestinians using the US as a foil for their claims. Israel will appeal to the administration for greater latitude to pursue policies in keeping with the platform of its right-wing government and, judging from recent experience, likely succeed on some counts. The Palestinians will shout betrayal and become further entrenched in their resistance to contacts with Israel. This scenario is precarious particularly because the US is signalling a retreat from active involvement in the Middle East, while Russia is surging as a preeminent force in deciding regional fates.

## **NO, THE STATUS QUO IS NOT IDEAL, BUT SECURING IT IS THE ORDER OF THE DAY**

None of this means the status quo is an ideal condition. In fact, the status quo is changing all the time, albeit at a gradual pace. What it does argue, however, is that present circumstances present only worse alternatives. Those advocating what they claim are better ones are engaging in wishful thinking since their designs are non-starters in the existing political alignment. In the absence of the conditions and the mind-sets required for genuine progress, and with flaring hotspots like Syria and the Sinai on Israel's borders, what qualifies as an imperfect status quo is worth safeguarding – especially if the only viable substitutes will engender greater antagonism.

That said, even such a limited objective as securing the status quo will require heavy lifting. Small steps can and should be taken, nonetheless, to ensure that progress can take root eventually. In February, when there was little expectation of high-level interaction between Israelis and Palestinians, Israeli Finance Minister Moshe Kahlon travelled to Ramallah to meet with both his counterpart Shukri Bishara and Palestinian Prime Minister Rami Hamdallah. The importance of keeping these channels open cannot be overstated. And one month earlier, in January, Israel consented to introduce high-speed mobile service in the West Bank.

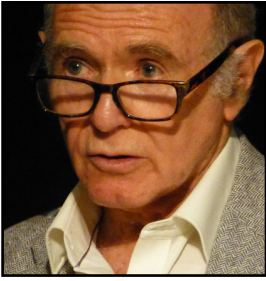
Neither of these events can be considered a great leap forward, but modest achievements like these do contribute to quality of life and should be cultivated. Over time, they infuse a sense of normality and restore confidence that real progress is not impossible. Perhaps not under current management, but with the help of visionaries who are able to see beyond the zero-sum construct of the present moment.

At Cairo's Al-Azhar University in January, Abbas referred to President Trump's decision on Jerusalem as a 'sin' and warned that Jerusalem is 'the gate of peace and war'. One week later, Vice President Pence told the Israeli Knesset in Jerusalem that the same Donald Trump has 'done more to bring [the US and Israel] closer together than any president in the past 70 years'. Loaded statements like these risk unleashing the more aggressive impulses of some Israelis and Palestinians. Everybody, on all sides, needs to take a timeout.

This is a time for cooler heads to prevail. Friends and neighbours should counsel both Israelis and Palestinians to tone down their language and not jeopardise the teamwork, particularly on security, that has survived against all odds.

The status quo has many detractors. But as we stand on the cusp of a potential regression between Israelis and Palestinians, concerned parties should all think twice before tossing the status quo out the window. If things do ultimately spin out of control, the much-maligned status quo will suddenly look very attractive in our rear-view mirror.

*Shalom Lipner is a nonresident senior fellow for Middle East programs at the Atlantic Council, and a former nonresident senior fellow of the Center for Middle East Policy at the Brookings Institution. From 1990 to 2016, he served seven consecutive premiers at the Prime Minister's Office in Jerusalem.*



## TWO STATES MAY BE THE ONLY PLAUSIBLE SOLUTION BUT IS IT STILL FEASIBLE?

TONY KLUG

*In January 1973 the Fabian Society published a pamphlet by a young British student, Tony Klug, titled 'Middle East Conflict: A tale of two peoples'. Boldly, Klug argued that the key to resolving the conflict was the creation of an independent Palestinian state on the West Bank and Gaza Strip, alongside the state of Israel – what in later years came to be known as the 'two-state solution'. 46 years later, in a fascinating talk to Meretz UK in January 2019, Klug spoke about his own journey during the intervening decades, as well as that of the two state solution. Aware of all the failures to negotiate it, and the many changes on the ground, Klug nonetheless cautions against giving up on it, arguing that 'indefinite strife is the real alternative to two states, we need to face up squarely to this, and stop kidding ourselves with sweet-sounding make-believe alternatives.' He ends with some suggestions of how to advance the two state solution today. The editors are grateful to Tony Klug and Meretz UK for permission to publish this shortened version of the talk. (April 2019)*

### INTRODUCTION

At the risk of sounding ungracious, a part of me regrets being here at all <sup>[1]</sup>. The heartbreaking conflict between Israelis and Palestinians should have been – and I believe could have been – ended years ago, within the turbulent century that gave rise to it. Now it is stranded in a new century that has many weighty burdens of its own and doesn't really have the patience or time for it, let alone the memory or the diplomatic skills.

Responsibility for the failure to resolve the conflict can be placed at many doorsteps – some more than others – but the chief culprit in my view has been the serial negligence of the major powers. European states in particular have a special responsibility, as it was this continent's long history of virulent antisemitism at home and rampant imperialism abroad that gave rise to the problem in the first place.

The chief casualty of the deadlock has been hope. At this juncture, there is very little of it left. As a consequence, there is today great despair on the Palestinian street and great frustration on the Israeli street. And it is not only the street, but also some of the most distinguished commentators who see no prospect of progress in the near future. Probably, they are right. Nonetheless, there is good reason not to give up quite yet. The status quo is not tenable beyond

the short-term and neither military force or terror tactics, nor 'economic peace' – whatever that means – or unending repression, offer solutions to what is, at root, a political problem. They only aggravate matters and postpone outcomes.

I risk any slender reputation I may have in saying that, sooner or later, there will be a breakthrough of some sort. It will almost certainly come when least anticipated and in the most unlikely form. For this is the Middle East – a region that has an uncanny knack of confounding expectations. The soothsayers, from which I suppose I cannot entirely exclude myself, have routinely got it wrong, for what they habitually fail to spot is that as one door shuts, another unseen door is prone to open.

What I propose to do today is to tell you a little of my own journey with this tragic but maddening issue, add some historical perspectives drawing on my personal involvement with both sides, share with you my appraisal of the essential basis of any future solution and whether, indeed, there is a plausible alternative to the two-state paradigm, assess whether what is going on is good or bad for the Jews – but not only for the Jews – and conclude by considering what is needed to breathe new life into the two-state paradigm.

My purpose is not to please or to offend. Nor is it to persuade. Rather, it is to relay, candidly, what I have witnessed and what I have learned over the last 50 years or so of active engagement. What you do with that is up to you. I have no axes to grind other than wanting to see this miserable conflict resolved, and I confess to having mislaid my rose-tinted glasses many years ago.

## **PART 1: MY JOURNEY**

My first serious exposure to the conflict came on 5 June 1967, the day war broke out. I was, at the time, president of the students' union at the University of Birmingham and as I turned up at the campus that morning, I was met by a throng of irate students from diverse backgrounds, all out to tutor me on the rights and wrongs of the conflict, aiming to recruit me to their side. It was a thoroughgoing immersion course and, by the end of the week, I was so much better informed – and so much more confused!

Later, I got caught up in national student politics – ending up as deputy president of the National Union of Students (NUS) – and international student politics, where Israel-Palestine polluted just about every agenda, as it still does. More than once, in trying to intervene helpfully, I got my fingers burned and learned something new.

At the conclusion of my three-year stint on the NUS executive, I returned to academia to embark on a doctoral thesis on the Israeli occupation of the West Bank. Through concentrated study, intensive investigation and extensive travel, my aim was to cut through all the humbug, make-believe and hype, to get to grips myself with the core of the conflict with the goal of solving it. The grand ambitions – and I suppose grand illusions – of youth!

I agreed early on with my supervisor to write a short ‘objective’ history of the conflict as the introductory chapter. He emphasised the importance of rigorously sticking to the facts, of being even-handed, balanced and impartial, of ensuring any assessments were value-free, and of not being influenced by the strong feelings of either side. You know the sort of thing. I set out to do exactly as advised. However, I soon found I could not make even the most basic facts sit still long enough to get them down on paper. Eventually, I concluded that the task was not doable.

Then came my ‘eureka’ moment – that blinding insight into the bleeding obvious, as one of my professors was fond of saying – the realisation that what I was trying to do was not achievable; there wasn’t one history but two discrete histories, stemming from two distinct peoples with quite different pasts, whose destinies unhappily collided at the same moment of time.

So, with some trepidation, I adopted an entirely different method of looking at the conflict, one that entailed seeing it as the protagonists themselves saw it: subjectively, through their eyes, each in turn, with all the imbalances and emotions and historical traumas – even the distortions, fabrications and pure inventions – left in. For factual inaccuracies or mythologies, when thought to be true, are no less potent than factual truths in the minds of those who believe them.

This, I found, was the only way of making sense of disputed facts and throwing light on what made both sides tick. This is not to say objective analysis can be dispensed with. Far from it. But the first step has to be to gain an empathetic understanding of the subjective perceptions. Only then can we bring into play our objective analytical skills. Applying them prematurely is what I referred to at the time as ‘phoney objectivity’.

Using this methodology, and egged on by my initially sceptical supervisor, I authored a pamphlet, *Middle East Conflict: A tale of two peoples*, which mapped out the principal narratives. Published in January 1973 by the Fabian Society, it concluded that key to resolving the conflict was the creation of an independent Palestinian state on the West Bank and Gaza Strip, alongside the state of Israel – what in later years came to be known as the ‘two-state solution,’ a term I’m not very fond of although, through attrition, I do tend to use it nowadays.

This combined subjective/objective approach led inexorably to the finding that both peoples overwhelmingly wanted their own state and were not prepared to settle for anything less. I could see no other way of accommodating and reconciling their common, basic, irreducible aspirations. A proposed solution that was unable to meet the ‘bare-minimum-aspiration’ test – on both sides – was, it seemed to me, implausible and so, whatever else it may be, it could not be a solution. Accordingly, a so-called ‘one-state solution’ was, in my eyes, an oxymoron. I will expand on this reasoning shortly and on whether I still view the matter that way. I am conscious of the danger of sticking doggedly to a position that may have passed its sell-by date.

## PART 2: TWO PEOPLES, TWO PERSPECTIVES

Before getting to that, let's sketch the two core perspectives, although drastically condensing them inevitably carries the risk of doing them an injustice. It probably makes sense chronologically to start with the Israeli Jewish perspective and then move on to the Palestinian Arab perspective, so I shall follow this order.

### *The Israeli Jewish perspective*

The underlying case for a Jewish homeland was strikingly, if inadvertently, put by the British poet Lord Byron, as far back as 1815, when some of the worst tragedies to face the Jewish people, including the tsarist pogroms and the Nazi Holocaust, still lay a distance ahead. Byron wrote: 'The wild dove hath her nest, the fox his cave, mankind their country, Israel but the grave!' By 'Israel,' of course, he meant the Jewish people.

Once the Zionist movement eventually came into being, however, several decades later, all sorts of conspiracy theories and malevolent intent were fastened onto it by its detractors, some of it giving off a familiar antisemitic whiff, not so different from that which played the decisive role in winning so many Jews and others to the Zionist cause in the first place.

Conceptually, Zionism was a distressed people's proud, if defiant, response to centuries of contempt, humiliation, discrimination, expulsions and periodic bouts of murderous oppression. The Israeli state was the would-be phoenix to rise from the Jewish embers still smouldering in the blood-soaked earth of another continent. The underlying purpose was the affirmative one of achieving safety and justice for a tormented people, not the negative one of doing damage to another people.

### *The Palestinian Arab perspective*

Yet, in the attempt to rectify the enduring Jewish calamity, the reality – as we step out of one pair of shoes and step into the other – is that damage was inflicted on another people, on the hapless Palestinian Arabs who paid a heavy price and are still paying it. The Palestinians, like all colonised peoples, had long yearned for their independence free from foreign rule, only to find that, in their case, another people, mostly from foreign parts, was simultaneously laying claim to the same land. Naturally, the Palestinians resisted. Any people would have resisted.

The Palestinians, in like fashion, did not set out to damage anyone but aspired to what they felt was rightfully theirs. Displaced, dispossessed and deserted, they were among the principal losers in the geopolitical lottery that followed the horrors of the Second World War. Their original felony was, in essence, to be in the way of another distressed people's frantic survival strategy, fuelled by an industrial genocide for which the Palestinians' bore no responsibility.

Virtually everything that has happened since then is in some way a consequence of this fateful clash of historical forces.

As these renditions signify, the core case for each side has its own internal justification which is not snuffed out because the other side also has – in its own terms – a compelling case.

Looked at this way, it is hard to conceive the long-suffering Palestinian Arabs – a people that has been miserably treated not just by the advent of the Jewish state but also by a succession of Arab states – ever giving up their struggle for independence, just as it is hard to imagine the fiercely independent Israeli Jews – after some two thousand years of precarious existence – ever agreeing to become a minority again in someone else's land.

Fast forward to today, there is no perceptible retreat in the basic aspirations of both peoples for self-determination and statehood. Indeed, if anything, there has been an intensification of these sentiments. Against this, there is little evidence of much authentic – as opposed to lip-service – support for anything else.

### **PART 3: THE ONE-STATE IDEA MAY BE SEDUCTIVE BUT IS IT PLAUSIBLE?**

Yet, people do talk increasingly nowadays of a 'one-state solution'. But the term is used loosely and once you start to interrogate the intent of its advocates, you realise they have very different conceptions of what it would mean. Most of the myriad one-state alternatives – a Muslim state, a Jewish state, an Arab state, secular, unitary, democratic, federal, bi-national, cantonal or multi-confessional – are ill-thought out, unrealistic, and often contradictory and would deny national rights to either or both peoples. Thus, they are viewed as deeply threatening by one side or the other or, in some cases, by both sides.

It is worth recalling that over the past 60 years, there have been several – initially enthusiastic but ultimately unsuccessful – attempts in the region to merge separate entities. Probably the best known was the United Arab Republic of Egypt and Syria – envisaged as an initial step toward creating a wider pan-Arab union – which lasted, mostly on paper, from 1958 to 1961, when Syria formally withdrew. Other short-lived experiments at Arab unity have included, at different times, Iraq, Jordan, North Yemen as it then was, Sudan and Libya.

If such attempts spectacularly failed among peoples who in some way perceive themselves as sharing a common language, culture, religion, ethnicity and a sense of history and destiny, on what grounds would we, in all seriousness, anticipate a more positive outcome between two peoples who share none of these traits or aspirations and who have been bitter foes for the best part of a century?

This said, none of the above is to rule out a future confederative-type arrangement for Israel, Palestine and maybe Jordan too, roughly analogous to Benelux. But it is instructive to note that the constituent states of Belgium, the Netherlands and Luxembourg have retained their official independence and separate identities. A similar comment could be made for the member states

of the European Union. National allegiances evidently continue to have an important appeal.

Moreover, a superstructure embracing the independent states of Israel and Jordan together with a Palestinian entity would not be a confederation at all unless and until a sovereign Palestine can, like the other two sovereign constituents, freely opt into it. Otherwise, it would in effect be a Jordanian-Israeli condominium over Palestine. Or, if just Israel and Palestine, an Israeli hegemonic state. So a confederation is not an alternative to a Palestinian state but a potential – and I would say desirable – outgrowth of it. The state needs to be established first. What's more, a confederation of two states is two states, not one state.

The version of one state that appears to have growing support in some liberal and leftist circles in the West is that of a unitary, secular, democratic, non-sectarian state where everyone in Israel and Palestine has the same rights in just one political entity from the Jordan River to the Mediterranean Sea. On the face of it, you – and I – may feel this vision is enticing, but here are a few considerations to reflect on:

First, to state the obvious, fundamental rights are not determined by the number of states. They could in principle be realised – or not – in one state, two states or multiple states, whether in Israel-Palestine or with regard to any neighbouring states. The number is not the issue.

Second, this particular one-state vision is predicated on the simplistic notion that complex Middle Eastern societies can be atomised down to the level of the individual and that what, at its core, is a historical clash of two national movements can, hey presto, be reduced to a one-dimensional struggle for civil rights. This vision doesn't much like national sentiment, so it summarily discounts the rudimentary need for both peoples to come to terms with the national imperative of the other. Indeed, it is predicated on there being no such national imperative. This denial, whether doctrinaire or merely uninformed, is essentially self-serving and is its most serious defect.

Third, the proponents of this vision – however well-intentioned – are emulating an old European / British tradition that has historically imposed its own values, systems and political preferences on other peoples. Whether this instinct emanates from the Right, the Centre or the Left, it reflects an underlying neo-colonial mindset of 'We know best' that has caused mayhem around the world for generations. I have sometimes portrayed this urge to impose a vision that originates from the outside rather than from the inside as: 'Here is a solution, where is the problem?' If you look around the region, you would be hard-pushed to find examples of this particular one-state model. That should at least give its ardent proponents pause for thought.

Fourth, a one-state set-up would be unlikely to be the end of the matter. The Scots, the Catalans, the Basques, among other peoples, live in democratic secular states with full equal rights, yet this hasn't stopped many of them from agitating for self-determination and separate statehood. Czechoslovakia was one united democratic secular state until a disgruntled Slovakia seceded in 1993.

Fifth, calling for one state undermines – if not comprehensively sabotages – the worldwide campaign to terminate the occupation through a physical Israeli withdrawal from the West Bank. The embrace of one state, by contrast, lends legitimacy to Israel remaining in situ and to the whole settlement enterprise, including annexation of territory. It plays right into the hands of the current hard-line government and the Israeli far-right.

Finally, calls for one state are often predicated on the premise that the two-state solution has failed. But it hasn't even been tried. The problem has not been with the two-state *end*, but with the *means* of achieving it: the chronic failure of world powers to apply appropriate, targeted and concerted pressure, whether through incentives or penalties. Changing the end will not, abracadabra, make the means more effective. On the contrary, it would mean starting all over from scratch with a new end – a lot less clearly defined – that, in any version, currently lacks support internationally as well as locally. It will set back the struggle for an equitable end of conflict immeasurably, if not indefinitely.

#### **PART 4: THE PROTRACTED STRUGGLE FOR TWO STATES**

Forging an international consensus is not easily achieved and should not be taken for granted. In the case of two states, it was an uphill battle for many years following the 1967 war. Indeed, it took until March 2002 for the UN Security Council eventually to adopt it as official UN policy.

In the same month, the Arab League unanimously adopted and launched its Arab Peace Initiative which, in essence, envisaged comprehensive peace and full diplomatic relations between Israel and all Arab states based on the establishment of a Palestinian state alongside Israel, with East Jerusalem as its capital, and what it has called a 'just and agreed settlement' of the Palestinian refugee problem. Significantly, more than a hundred retired Israeli generals have endorsed this approach, but so far the Israeli government has been quite dismissive of it.

This initiative, once known as the Saudi initiative, coupled with the earlier Sadat initiative and the subsequent Palestine Liberation Organisation (PLO) initiative, which I will come to in a moment, contradict the idea that the Arabs have not changed their positions since 1967, that they remain viscerally committed to the destruction of Israel, and always will be, and that they have never put forward constructive proposals. This notion resides more in the imaginings of the ideologues, the propagandists and the simply confused or plain ignorant than grounded in reality. It is not an Arab position but more an Israeli take on the Arab position.

On its part, the PLO officially embraced the two-state paradigm in 1988 at its landmark congress in Algiers, following years of agonised internal debate, which included the assassination of at least two high-level Palestinian proponents. The immensity of this move – sometimes lauded as the PLO's grand 'historical compromise' – should not be underestimated. It was a hard pill to swallow, as it meant lowering Palestinian sights from the hitherto unshakeable demand

for 100 per cent of the land and accepting a scaled-down state on the remaining 22 per cent, comprising the occupied territories of the West Bank and Gaza Strip, with East Jerusalem as its capital.

Additionally, opinion polls for many years from the 1990s onwards showed more than two-thirds support for the two-state idea among Palestinians, and among Israelis too. However, there have been some wobbles in more recent times, with support appearing to wane on both sides. This decline in support is largely because people are losing faith in it as a practical outcome.

But it's not just that. There is, in addition, a common and growing illusion that a deal based on mutual recognition is no longer necessary. Ominously, there are indications that both sides are reverting to the entrenched attitudes of an earlier era when each summarily rejected the national imperative of the other, for obviously self-serving reasons.

These rigid attitudes steadily eroded in the years following the 1967 war, culminating in effective mutual recognition in the Oslo Accords of the 1990s. Over those three decades, both Palestinians and Israelis gradually, if reluctantly, came round to the view that accommodating the other people's national rights was critical to attaining or preserving their own national rights.

However, more recently, there appears to be a growing perception on the Israeli side of the Palestinians as weak and divided and that, after more than 50 years of Israel ruling the West Bank, the Palestinians will have to accept their fate as a defeated people. They won't of course. Their struggle will continue one way or another, internally or externally.

On their part, the Palestinians have witnessed a dramatic, if sometimes overstated, shift of international sympathy from the Israeli side to the Palestinian cause. This has fuelled the belief among some of them that they don't after all need to come to terms with the Israeli reality, as time will take care of the problem. So, they too are loosening their allegiance to the two-state idea and reverting to their former maximal demands.

But there is a fundamental fallacy here, for the two-state idea was not based in the first place on support for it by the two peoples. Indeed, it was conceived at a time when there was very little such support by either of them. Rather, the idea was predicated on the zeal of each people for their own state and, as previously indicated, there is no discernible evidence of a reduction in this sentiment on either side.

In summary, a two-state outcome appears still to be the only *plausible* solution.

#### *Plausibility v Feasibility*

What is alarming, however, is that it is becoming less feasible by the day, as the number of Israeli settlers on the West Bank continues to escalate from fewer than 5,000 in the early 1970s

to hundreds of thousands today. Some estimates put the number as high as 800,000, including East Jerusalem. Many of the settlements have been strategically located so that they surround and dominate the Palestinian population of the West Bank.

Coupled with the fragmentation of the West Bank into three or arguably four discrete areas plus the unconcealed annexationist yearnings of leading Israeli politicians, including government ministers, this policy is designed – quite deliberately – to entrench Israeli rule and prevent the formation of a Palestinian state.

But it is not only the Palestinians who are blighted by the protracted occupation. It is also impacting Israel's own citizens in the form of spreading anti-Israel sentiment, creeping isolation, an expanding boycott campaign, growing challenges to the legitimacy of the state itself, spreading accusations of apartheid and the steady erosion of internal democracy, a telling symptom of the moral damage exacted on a society that daily enforces a despised military rule over another people. If there is one cast-iron law of history it is probably that occupations are, sooner or later, resisted. If there is a second, it is that they brutalise and corrupt the occupier as well as the occupied.

Despite the eloquent but vacuous assurances of Israeli Prime Minister Benjamin Netanyahu, who may himself be indicted shortly on corruption charges, these problems will only get worse as Israel's 'occupation chickens' continue to come home to roost. And if we do lose the only plausible solution, we will indeed have to contend with a situation of perpetual conflict, with all its noxious consequences. Make no mistake about this. Indefinite strife is the real alternative to two states. We need to face up squarely to this, and stop kidding ourselves with sweet-sounding make-believe alternatives.

### *Occupation without end?*

Many Jews – and others too – have uncomfortably co-existed with the Israeli occupation for years by sheltering behind the idea that one day soon there will be a viable Palestinian state alongside Israel, in which Palestinians will be able to exercise their national, political and civil rights.

But the present Israeli government is unashamedly blowing the roof off of this bogus sanctuary. A state that declares itself, loudly and often, to be Jewish, that demands of others that it be recognised as Jewish, and whose leaders often claim to act in the name of Jews worldwide, is gearing itself – in total defiance of quintessential Jewish principles – to withholding fundamental human rights from millions of people *indefinitely*.

Simultaneously, and not by coincidence, it is aligning itself with some of the most repugnant right-wing regimes and causes on the planet – including some with notorious antisemitic links – and takes pride in selling arms to quite a few of them. The notable rightward drift

in political leanings and moral principles in recent years in some Jewish circles in countries outside of Israel is, I venture, at least partly a ‘blow-back’ from Israeli politics. It is a trend that I think is very alarming.

Unless Israel swiftly changes course – which I sincerely hope will happen, although realistically not under this government – Jews around the world will find themselves increasingly forced to choose, consciously or subconsciously, between tribal loyalty to contemporary Israeli policies and enduring loyalty to such existential Jewish values as justice, freedom, equality and peace, rooted in the Hebrew Bible (and explicitly cited – with a shade of irony at it turns out – in the 1948 Israeli Declaration of Independence). If we fail to make a deliberate choice, we may find that, before we know it, Jewish identity has been redefined from under us. The global reputation and image of Jews will bear the consequences. And so will we.

## **PART 5: WHAT IS TO BE DONE?**

Ideally, on their part, Israel’s leaders would wake up to the impending dangers, change policy and declare their intent in principle to withdraw in full from the West Bank, subject to equitable land exchanges and satisfactory security arrangements, enabling a Palestinian state to proudly rise and replace the occupation.

Even before any steps were actually taken, such a declaration, if held to be sincere, would be likely to herald a new mood and trigger a new momentum and it could give a fresh impetus to the dormant Arab Peace Initiative, which has also been unanimously endorsed by the 57 member states of the Organisation of Islamic Cooperation.

Failing that, Jews in other countries could openly refuse to be complicit in a policy of blatant, indefinite discrimination by, first, contrasting their underlying affection for Israel, which is probably still true for most Jews, from a loathing of the occupation – a suitable slogan for people who feel this way could be ‘love Israel hate occupation’ – and, second, calling on the Israeli government to choose between recognising a Palestinian state imminently or, pending the resolution of the conflict, granting equal rights to everyone subject to its rule. I stress this is not a call for one state. But equal rights *until there is a solution* is hardly an excessive demand after 51 years of military occupation and almost no rights.

In practice, no Israeli government is likely to buy into the second option, but if serious international pressure could get behind this either/or demand, obliging Israel to make a choice, it could spark new political currents in Israel and hasten the return to the Israeli political agenda of two neighbouring states.

Whether this outcome is still feasible depends in part on how we picture the two states. The demography has evolved considerably since the original two-state proposal, conceived in an era of rigid ethnic divisions on the ground, and any modern scheme needs to be alive to the

present-day realities.

An apposite model may be provided by the peaceful splitting-up of Czechoslovakia, which left many Czech communities within Slovakia and many Slovak communities within the Czech Republic, with free movement between the two states. The goal was not ethnic purity but political sovereignty. If we see the future more in these terms, many of the ostensible barriers to the realisation of two states in the current era may prove to be far more amenable to solution than often thought.

In sum, having interrogated all other options, it still seems clear that two states, possibly confederated in the future, and possibly incorporating Jordan too, remains the only formula capable of meeting the basic needs and aspirations of both peoples and on which there is already a strong international consensus. But, in the end, all the arguments will remain academic in the absence of an effective strategy to end the occupation and replace it with a sovereign Palestinian government.

By far the best-placed people to do this are Palestinian and Israeli activists dedicated to ending the occupation. The onus now falls on them to overcome any inhibitions they may have about working together, or at least in parallel, and devise a common strategy that civil societies and governments around the world may unite behind. This may be the only way to create the requisite momentum, both internally and externally, that may lead to real focused pressure.

The Palestinian-Israeli conflict has dominated and distorted the Jewish and Arab worlds for too long. It is time to bring it to an end and allow us all to get back to the business of being ourselves.

[1] A longer version of this speech was presented to Meretz-UK in London on 27 January 2019

*Tony Klug is a special advisor on the Middle East to the Oxford Research Group and serves as a consultant to the Palestine Strategy Group and the Israel Strategic Forum. Klug has written extensively about Israeli-Palestinian issues since the early 1970s. For many years he was a senior official at Amnesty International, where he headed the International Development programme.*

## Part 3

# The Future of the Palestinian National Movement



## **AFTER OSLO'S FAILURE, THE TWO-STATE SOLUTION IS NOW AN INTERNATIONAL RESPONSIBILITY**

HUSAM ZOMLOT

*In this essay Husam Zomlot explores the crisis of the Oslo peace process, the changing character of the parties to the conflict, and the new Palestinian strategy which he argues is based on internationalisation, gradualism and non-violence. (June 2016)*

Since 1988 the Palestinian strategy to resolve the Israeli-Palestinian conflict has been to pursue a negotiated two-state solution with the United States acting as the advocate and broker. However, this strategy has failed and we are living with the consequences of that failure. Our task is to face up to that fact and develop a new strategy.

### **THE PALESTINIAN AUTHORITY**

The Palestinian Authority (PA) was established for a specific purpose: to fulfil the Oslo Accords. Interim arrangements were supposed to last for five years during which the PA was to take responsibility for service delivery to the population – education, health, police, etc. – followed by a gradual transfer of authority from Israeli control to the PA. But there has been no wider transfer of authority. The process is frozen and has now outstayed its welcome – by 17 extra years! Palestinians must ask: when we consider our strategic objective of statehood, is the PA now a net burden or a net asset?

My answer is that the PA is a net asset. Of course, everything we do is to secure our legitimate political aspirations, and if we do not see movement towards that end, then we should revise, reconsider, and reorient our strategy. But no nation on earth seeking independence dissolves its national institutions. Once we reform those institutions we will be able to redefine the relationship between them and Israel. Also, Israel has other plans for the Palestinians, and all of them are worse than a not-fully-functioning PA.

But we have to acknowledge that the political purpose of the security coordination agreed to at Oslo has been lost. It was never supposed to be security for its own sake, quiet for quiet. It was supposed to be peace for land; security for gradual withdrawal. We do coordinate and we do it well; every Israeli general says so. But the heart of security coordination was supposed to be 'you don't come to my area, I don't come to yours'. The permanent-interim character

of Oslo however, means that, for example, the Israelis were in my neighbourhood recently, which is the heart of Ramallah. They had to apologise to President Mahmoud Abbas because Abbas's guards found Israeli soldiers in his garden! They come into Area A and Area B – our sovereignty has collapsed.

Nonetheless, we should not dissolve the PA. It has taken a huge effort and a huge investment of time and money – billions of dollars – to get our institutions to this level. Thousands of people of good will have helped us. And our institutions are not bad in the civil sphere. In the security sphere they are among the best in the region, which is why we have relative stability. But Israel is taking us for granted, now. There must be conditionality, responsibility and reciprocity.

The PA needs to consider changes. Of course civil cooperation is needed when somebody has a heart attack and we have to send them to an Israeli hospital, or there is an Israeli fire and they seek our fireman. And of course, the ministry of interior affairs will police the West Bank.

The PA should not be dissolved but we should establish two red lines: we don't do things for free and we don't do things for a non-political aim. Everything we do must be for our legitimate national-political aspirations. If we don't see movement towards that end, then we should revise our thinking and reorient our strategy.

## PALESTINIAN STRATEGY TODAY

That's why since 2010 there has been a major effort to regain the initiative of the peace process.

Two words describe our approach: gradualism and non-violence. This approach was chosen to redefine the relationship with Israel and to focus on pressure points for change.

Fatah is the biggest movement in the Palestinian Liberation Organisation (PLO), and has responsibilities: to reinstate a functioning political system, to lead a democratic renewal, and to seriously think about how to end occupation and fulfil Palestinian historic rights. We have to be patient, adopt a long term perspective and understand that there is no 'knockout' blow available to end the occupation. It will be a cumulative process, incremental and constructive.

The battle is not going to be won via military engagement. 'Popular resistance' however, can succeed; peaceful, non-violent resistance. By engaging the occupation in a popular and peaceful way, this strategy retains the moral high ground and maximises international support for the Palestinians. But this long-term strategy is also *realistic*. Everywhere, public opinion is shifting. At a speaking engagement in the US recently, I learned how the younger generation of American Jews are changing their identity and have a very different relationship with Israel than their parents and grandparents had.

The biggest battle Palestinians face is, in a word, *staying*. Standing steadfast is not easy. For example, the PLO negotiation department recently arranged a tour of diplomats and media to the E1 area between East Jerusalem and Ma'ale Adumim, to inspect the settlement plan, and

even I was shocked by what is happening there. The E1 plan is an Israeli plan to settle in a stretch of the West Bank from East Jerusalem to Jericho, cutting the future Palestinian state in two. The US opposes it strongly. And yet that plan is unfolding.

For the last 22 years we have been thinking that ending the occupation is a Palestinian-Israeli responsibility. We need fresh thinking: building a functioning political system, building a viable and sustainable Palestinian economy, and staying on the land; all that is our responsibility. But ending the occupation is now also an international responsibility.

## THE AMERICANS ARE NOT ENOUGH

The one successful United States intervention in the Israeli-Palestinian conflict was during a Republican administration. That's why, when we Palestinians are asked whether we prefer the Democrats or the Republicans, we reply: 'We have no preference as to party; our preference is reserved for policy.' We miss the Republicans James Baker and George H.W. Bush because they told Israel: 'Our advice comes with money: you are not taking the money without the advice.' Is America ready to pressure Israel in pursuit of its own stated policy? That's the real question. History tells us that Israel only makes concessions under pressure. Pressure works on Israel like it does for everyone else.

Ours is a very long term project and we know it will take time to change the US political scene. Palestinians understand that the US will continue to remain the most important partner for Israel. The Palestinians accept and support US policy – the two-state solution; the illegality and illegitimacy of the settlements inside the 1967 borders; the need to establish two states who live in peace with each other. However, the administration's *policy*, and the successive involvements in the peace process, is not supported by US *politics*: that's the bottom line. And US politics is not about to change dramatically. If anything, it is going in the wrong direction. So we have to think seriously about the limits of the role of the US. Also, we need to engage the Jewish communities in the US. J Street, for example, is growing and providing a different, organised Jewish voice in Washington – an alternative to the American Israel Public Affairs Committee (AIPAC). Either we engage over the long term with these communities, or we give up the idea that the US can be the sole sponsor of the peace process.

## TIME FOR THE INTERNATIONAL COMMUNITY TO STEP UP

The US alone will be unable to bring the Israelis and Palestinians to an agreed settlement. A coordinated international effort is needed. Could the model used to conclude difficult negotiations with Iran by the P5+1 (US, Russia, UK, France, China + Germany) powers be applied to the Israel-Palestinian conflict? Those negotiations succeeded for four reasons. First, the final destination was decided a priori. Iran was made to face a choice: receive sanctions relief or continue towards a nuclear weapons capability. The Iranian people had already chosen the former by electing President Hassan Rouhani. By contrast, Israel has not been required to

recognise the final destination, and it can be both nuclear and occupy another nation. Second, the Iran negotiations worked because there was a clear timetable and a date by which the negotiations would end. By contrast, the Oslo agreement was open-ended. It is over 20 years since Oslo, so what does it mean when we say we are in the Oslo process? Third, Iran was not allowed to build its nuclear capability during negotiations, while Israel is allowed to colonise and dramatically change facts on the ground during talks. Finally, negotiations with Iran were international, and Europe played a decisive role.

### **HAMAS IS A SYMBOL OF OUR FAILURE**

Convincing our international partners to apply meaningful pressure on Israel is difficult. One of our problems is Hamas, who are a domestic Palestinian phenomenon, whether we like it or not. We need to understand that today there are many political parties in the region that are based on religion, and Hamas is one of them. It has mobilised individuals who see Islam as a legitimate part of the system of governance, and if Hamas were to lose its appeal, another group would likely come along and capture those individuals. The only way to deal with Hamas is to integrate them into the political system.

Hamas is, in a sense, the symbol of the failure of Oslo and of our failure in the PLO to deliver the two-state solution. In the absence of a political horizon, people across the region are reverting to religion. The main blame lies with the secular movements in the Arab world who have failed to establish a popular and democratic alternative model of governance.

### **ISRAEL HAS MOVED**

Our strategy is shaped also by the fact that three forces have transformed the Israeli political and social landscape during the Oslo years. The first is the settler movement, now a key political player in Israel. The settler movement was manufactured and protected by the State: there would not be one settlement in the West Bank and East Jerusalem if the state had not sponsored it and provided it with protection and infrastructure. But now the settler movement is a monster that Israel cannot control. It is prepared to fight the State that created it in order to secure its interests as it sees them.

Today, the main roads in the West Bank are for the settlements not for the Palestinian cities. Drive from Ramallah to Hebron or Jenin and you find the big signposts are all in Hebrew. We Palestinians use the bypass roads. Remember, the term ‘bypass roads’ used to be for settlers to avoid Palestinian major cities – Ramallah, Hebron and Jenin. Today, we use the bypass roads because the settlers have the highways.

In time, the settlers gave birth to the so-called ‘hilltop youth’. Their strategy is: the State will continue sponsoring us in the main settlements, in what Israel calls legal settlements, but we will go beyond the State and occupy every hilltop possible to block the possibility of any Israeli

government pursuing the two-state solution. The hilltops of the West Bank are strategic. And in a few years settlers have managed to occupy almost every hill in the West Bank. They discovered that although Israeli society may call these settlements ‘illegal outposts’, it would continue to give them protection, services and infrastructure. From 2014 they started to employ sabotage. And now there are killings. These settlers have a very clear agenda: they are telling the Israeli government, ‘Okay, you have your State, and we have our State here, in Judea and Samaria.’

The second force that has transformed Israel is the arrival of over a million Russian immigrants since 1991. The majority of these immigrants migrated to Israel because there are more jobs and a better standard of living there. But many Russians who came primarily for economic reasons then defined themselves politically as extreme right because that was their ticket into the political landscape.

The third force transforming Israel is the orthodox community – the fastest growing demographic of Israeli society today. Although the orthodox community were not part of the political system in the past, they are now integrating themselves and shaping the coalitions that emerge from elections.

We must avoid this conflict becoming a religious one. If it’s to be ‘my God versus your God,’ then that’s Armageddon. Our task is not to stop religion per se but to ‘de-religionise’ politics. Netanyahu’s government has allowed the ‘religionisation’ of politics in Israel. Parts of the current Israeli government are defining sovereignty not on the basis of national collective rights, but on ‘god-given’ religious definitions. It remains unclear if Netanyahu’s government can backtrack.

## **AFTER ABBAS: DEMOCRATIC RENEWAL AND NATIONAL UNITY**

A discussion of the future of Palestinian politics should not be a discussion of names. It should be about renewing the democratic process, which has been frozen for a long time. The most important thing is that the Palestinian people elect the next president and that we create mechanisms of accountability and democratic structures that are suited to our situation today – and not of 22 years ago. There are over 20 central committee members and each has the right to suggest himself for the presidency or to nominate people from other committees. If somebody puts the name of Marwan Barghouti forward then, in my opinion, he would be uncontested in terms of his popularity and legitimacy. Opinion polls for many years have told us that Marwan is the personality that could win over Hamas. I personally would support him because we need a popular figure who can beat Hamas in elections and deliver national unity.

*Husam Zomlot is co-founder of the Palestine Strategy Group, ambassador-at-large for the Palestinian government and adjunct professor and co-chair of the School of Government at Birzeit University.*



## THE PALESTINIAN NATIONAL MOVEMENT AFTER ABBAS

LAUREN MELLINGER

*Now 11 years into what was supposed to be a four-year term, Mahmoud Abbas – who now rules by presidential decree – presides over three distinct Palestinian political institutions, each one with its own problems of legitimacy: the PA, the PLO, and the Fatah party. But what happens when he departs the scene? Examining the Palestinian National Movement in the post-Abbas era, Lauren Mellinger explains that the constitutional mechanism for succession is likely to be set aside and the odds strongly favour Abbas's successor emerging from within the Fatah party's ranks, absent elections. In any event, his successor is likely to reject the bilateral negotiation track towards establishing two states and may also feel compelled to suspend security cooperation. (September 2016)*

### PALESTINIAN POLITICS AFTER ABBAS: THE SUCCESSION CRISIS

Mahmoud Abbas was elected President of the PA in January 2005. In the aftermath of the Second Intifada, Abbas came to power on a platform of working to secure a peace deal with Israel that would result in the establishment of an independent Palestinian state, while unifying the various factions within Palestinian domestic politics.

Now 11 years into what was supposed to be a four-year term, Abbas – who now rules by presidential decree – presides over three distinct Palestinian political institutions, each one with its own problems of legitimacy: the PA, the PLO, and the Fatah party. Since 2012, Abbas assumed a fourth role – President of the State of Palestine – a largely symbolic title, the result of his campaign to upgrade the status of Palestine at the United Nations.

Despite persistent rumours of Abbas's failing health, the aging leader is unlikely to relinquish his presidential authority. In the years since his term expired Abbas has grown politically weaker. Given his repeated extensions of authority and refusal to name a successor, combined with the Palestinians' increasing frustration with the Abbas government and the moribund peace process with Israel, a chaotic battle for succession is the most likely scenario for the post-Abbas era, one that is [already underway](#).

The first part of this paper explores institutional and constitutional challenges related to Palestinian succession and identify some of the leading candidates; Part two examines strategic

options for the Palestinians in the post-Abbas period, including the long term viability of the PA and the future of security coordination with Israel.

## THE DECLINING STATE OF PALESTINIAN POLITICAL INSTITUTIONS

The Palestinian political system has languished since 2007, when Hamas expelled Fatah from the Gaza Strip and assumed de facto control over the coastal enclave. Governing institutions are led by individuals whose terms have expired and parliament (the Palestinian Legislative Council or PLC) has not met in nine years. The status quo for those Palestinians living in the West Bank and Gaza is defined by institutional paralysis and stagnation, growing authoritarianism, and economic dependence, which to a large extent renders their policy-making options subject to the demands of their international donors.

*A Weakened PLO:* The PLO, while maintaining its legal status as the “sole representative of the Palestinian people”, has been [hollowed out](#) in the years since the establishment of the PA. Since the mid-1990’s, the overlapping roles of the PLO and PA has amounted to what one analyst claims is “[political and institutional schizophrenia](#)”. Most of the PLO’s political institutions have been dormant for years. The Executive Committee – the main PLO leadership body that remains active today – is currently chaired by Abbas. The Fatah-dominated PA, whose jurisdiction has been limited to Palestinian-controlled areas of the West Bank since the split with Hamas in 2007, now serves as the diplomatic address for many in the international community.

*A Divided PA Government:* The nine-year old schism between the Fatah-dominated PA and Hamas is a main driver of Palestinian domestic political dysfunction. Parliament has not met since 2007, and neither Fatah nor Hamas are willing to risk their grip on power in the West Bank and Gaza respectively by proceeding to national elections, despite calls for new elections enshrined in reconciliation agreements, including the Mecca Agreement of 2007, the 2011 and 2012 Cairo Agreements, the Doha Declaration of 2012, and the Gaza Agreement of April 2014.

Significant ideological and policy differences have precluded any of the aforementioned reconciliation attempts from coming to fruition. Israel, the US and many in the international community who regard Hamas as a terrorist organisation remain opposed to Palestinian unity, primarily as Hamas has [rejected the Quartet Principles](#) since their 2006 electoral win. They are unlikely to change their position regarding Palestinian unity so long as Hamas [continues to disavow](#) the PA’s security coordination with Israel. Divisions among regional allies, in particular Qatar and Egypt, who support Hamas and Fatah respectively, have also frustrated reconciliation efforts.

## THE CRISIS WITHIN FATAH

In the years since his term as PA president expired, Abbas has often said that he [has no plans](#) to seek re-election. Despite his public pronouncements that he will not run in new elections, and periodic rumours that he is on the verge of announcing his retirement, Abbas has consistently acted to prevent the emergence of threats to his authority. His increasingly autocratic behaviour has recently included clamping down on political rivals, and suppressing critical journalists and [demonstrations](#) by Palestinian civil society.

*No internal elections:* The last meeting of the Fatah General Conference (FGC), where elections for Fatah's Central Committee are held, was in July 2009, when elections named Abbas party chairman. The FGC was scheduled to meet again in August 2014, but this meeting was postponed due to the conflict in Gaza between Israel and Hamas. Subsequent efforts to convene another conference to hold internal party elections have failed as Abbas is reluctant to allow for elections that might result in the emergence of new leadership that would challenge his authority.

*Refusal to name a successor:* Abbas could still designate a successor or name a vice president, though this option remains unlikely given his refusal to do so thus far. In recent years Fatah's Central Committee has urged Abbas to consider the appointment of a vice president. Creating this new post, however, would require amending the Basic Law, which is problematic as the PLC has not met in years. The deep-seated political dysfunction within the PA precludes Abbas's ability to circumvent the legislative process and name a vice presidential candidate whose appointment would not be subject to staunch opposition from within the ranks of Fatah.

*The generational divide:* In addition to internal power struggles among the movement's top leadership, Fatah is currently in the midst of a conflict with its constituents, driven by a younger generation that feels increasingly alienated from the policies pursued by the traditional political elite.

The majority of members of Fatah's Central Council are in their [60s and 70s](#), largely representing the former Tunis-based "old guard" political elite. The 2009 party election did not allow for the emergence of any members of the so-called "young guard" – comprised of those who spent the majority of their lives in the West Bank and Gaza and established their credibility by participating in the intifadas and serving time in Israeli prisons.

The alienation of these younger generations of Fatah activists has deepened the associated sense of stagnation and further weakened the movement's general appeal and credibility. Many in this younger generation feel that Fatah has [failed to achieve tangible results](#) – particularly under Abbas's leadership which has been largely focused on negotiations with Israel and gaining influence in international organisations. The generational rift is further evidenced by recent [calls for reform](#) by senior Fatah officials belonging to the Revolutionary Council, the

other decision-making body within the party. Though long dominated by Abbas loyalists and representatives of the traditional political elite, the Revolutionary Council is now largely comprised of those representing the young guard faction, who are increasingly directing their anger at the status quo and their frustration over the lack of elections at Abbas.

Many young Fatah activists continue to see no path for political advancement outside of the Fatah movement, but to what extent Abbas's successor will succumb to pressure from the public to end the Oslo process – security coordination with Israel in particular – remains an open question.

## THE SUCCESSION CRISIS

### *2003 Amended Basic Law and the rules governing succession*

The 2003 Amended Basic Law outlines the constitutional mechanism for succession. In the event of a sudden vacancy – such as death, resignation, or removal by the High Constitutional Court – [Article 37](#) stipulates that the duties of the PA president will pass to the speaker of the parliament for a period of 60 days until national elections are held.

At the moment, there is a low-probability that the procedures governing succession will be implemented in the event of a sudden vacancy. Were a presidential vacancy to occur, the Amended Basic Law calls for presidential authority to pass – albeit temporarily – to the current speaker of parliament, Aziz Dweik, a member of Hamas who resides in the West Bank. Yet given the longstanding rivalry between Fatah and Hamas, it is unlikely that Fatah will allow for this transfer of authority, even on a temporary basis until new elections are held. Furthermore, were Hamas to assume control of the PA – even on an interim basis – this would likely result in an immediate cessation of funding from the US and others in the international community, and trigger a political crisis in the West Bank.

In April 2016, Abbas issued a presidential decree establishing [a constitutional court](#), in another instance of growing authoritarianism and the centralisation of power. Thereafter, he selected all nine members who were promptly sworn in, and who it is anticipated will rubber stamp subsequent presidential decrees. Without an active parliament, the move was perceived by many Palestinians as an attempt by Abbas to circumvent the PLC, creating a means for bypassing the constitutional rules of succession, thereby avoiding the temporary transfer of power to Hamas.

## RULING OUT NATIONAL ELECTIONS

Holding national elections would pose significant financial and logistical challenges for the PA, especially given their [current budget crisis](#). Moreover, in the absence of reconciliation between Fatah and Hamas, proceeding to elections is nearly impossible. For the moment, neither Fatah nor Hamas are likely to [allow for national elections](#) to be held for fear of losing

their control over the West Bank and Gaza, respectively.

Even if the two sides agreed to hold national elections, they would face the added hurdle of securing Israeli consent for elections in East Jerusalem. Ensuring a means for Palestinians in the diaspora to participate is also problematic, particularly as the current regional environment renders it impossible to conduct the vote in neighbouring Lebanon and Syria, both of which have large concentrations of Palestinian refugees.

*A second Hamas electoral victory?* Ismail Haniyeh became prime minister following Hamas's victory in the 2006 PLC elections and since 2007, exercises de facto prime ministerial authority over Gaza. While Hamas has proven to be a formidable political opponent for Fatah since the organisation won the parliamentary elections, they are poorly positioned to replace Fatah's hold on the PA presidency given their dismal record of governance and their role in perpetuating disunity. Still, [public opinion polls](#) indicate that should presidential elections be held, Abbas would lose to Haniyeh if the two were the only candidates. (Both Haniyeh and Abbas would lose in a race that included Marwan Barghout.) The same polls suggest that were legislative elections called, Hamas would lose to Fatah by only a few percentage points, making it the second largest party in the Palestinian parliament. The strong opposition to Hamas by Fatah, Israel, the US and others in the international community including key Arab states makes it highly unlikely that Hamas would be allowed to assume control of the PA presidency, even if they were to win elections.

*Internal Fatah elections:* Though holding national elections remains problematic, these same obstacles do not hinder the prospect of holding internal Fatah elections. There is a strong likelihood that the next PA president will emerge from Fatah, yet absent a new conference where internal elections are held, it is difficult to accurately predict who currently holds power within the party leadership. Abbas's efforts to prevent the emergence of anyone to challenge his authority – including from within Fatah and the PLO Executive Committee – have ensured that there is no single candidate with sufficient internal support to distinguish himself from the competition. The result will likely be a prolonged succession battle, wherein a number of scenarios could play out.

## THE LIKELY SCENARIOS

*The Internal Ballot:* A highly undemocratic means of choosing a successor, this option would entail a procedure similar to the way Abbas was elected PLO chairman by a secret ballot within the PLO's Executive Committee in 2004, following the death of the former PA President and PLO Chairman Yasser Arafat.

The most likely successor to emerge in this instance would be a current high-ranking member of the PLO or a senior Fatah official, likely a long-serving Abbas loyalist. Given their many years of serving in the top echelon of Palestinian politics – even prior to the formation of the PA

– such individuals may perceive themselves (and may be perceived by some in the electorate) as natural successors to Abbas. Such individuals include Saeb Erekat, Jibril Rajoub, Nabil Sha'ath, and Tawfiq al-Tirawi. Erekat in particular likely considers himself to be heir-apparent, given his years spent serving as chief Palestinian negotiator with Israel, and his appointment to the post of Secretary General of the PLO in September 2015. Rajoub and Tirawi are both former security chiefs with considerable support among Fatah members in the West Bank.

**An Unofficial Endorsement from Abbas:** Though Abbas remains steadfast in his reluctance to designate a successor or appoint a deputy, some Palestinians have interpreted Abbas's recent moves with respect to two long-time loyalists as an indication that he may regard one of them as his successor:

- **Saeb Erekat:** In July 2015 Abbas fired Yasser Abed Rabbo, the long-serving PLO secretary general, and appointed Erekat. The move was controversial in Palestinian political circles and was perceived by some as an [indication](#) that Abbas considers Erekat to be his successor. Though well-known on the international stage, Erekat's years as a chief Palestinian negotiator with Israel may [stymie](#) his chances of gaining the support of the electorate, given the lack of progress on Palestinian statehood.
- **Majed Faraj:** Though not a member of the Central Committee, Faraj is a long-time Abbas loyalist. Born in the Dheisheh refugee camp just outside of Bethlehem, Faraj rose through the ranks of the security service, eventually assuming the role of PA intelligence chief. He gained diplomatic experience during the 2014 peace talks between Israelis and Palestinians, when he was chosen by Abbas to replace Mohammad Shtayyeh following the latter's resignation from the negotiating team. In the event of a power struggle within the Central Committee, it is possible that a veteran Fatah official from outside the committee such as Faraj might be selected.

**An “Outsider” Candidate:** A [recent](#) survey of Palestinian public opinion found that 95.5 per cent of Palestinians living in the West Bank and Gaza believe that corruption is endemic in Abbas's government. The growing public discontent with the current state of affairs may preclude the presidency from being handed to a current member of Fatah or the PLO's inner circle, especially if the successor is chosen in the absence of an election.

In the event of a sudden vacancy, and in particular if there is a drawn-out power struggle within Fatah's Central Committee and no one from the traditional Palestinian political elite emerges as a clear front-runner, the possibility of an “outsider” emerging to succeed Abbas cannot be ruled out. Among such contenders are:

- **Mohammed Dahlan:** A former head of the Palestinian security service in Gaza, Abbas expelled him from Fatah in 2011. Currently based in the UAE, Dahlan has spent his years in exile mounting a campaign to succeed Abbas. With the financial backing of

the UAE, his strategy consists of gaining support of regional actors while increasing his popularity among Palestinians in the West Bank, Gaza, and among those residing in Palestinian refugee camps. Though his name is often included on a short list of contenders to succeed Abbas, recent [public opinion polls](#) show him getting only 5 per cent of the vote. Yet, while Dahlan may lack sufficient grassroots support to succeed Abbas as the next Palestinian leader, he has the potential to emerge as a strong “[power behind the throne](#)” – an influential second-in-command to whomever succeeds Abbas.

- **Ahmed Qurei (Abu Ala):** A former PA prime minister, Qurei’s name has increasingly been touted as a possible [interim appointee](#) to replace Abbas. A long-time member of the PLO Executive Committee, Qurei was removed from Fatah’s leadership during the last round of internal elections in 2009. His removal was reportedly at the hands of Abbas, who viewed Qurei as a potential rival. As the two are close in age (Qurei will turn 80 next spring with Abbas currently 81) his appointment would be temporary, while the succession battle among the Fatah elite to determine the next PA leader continues.
- **Salam Fayyad; Rami Hamdallah:** Fayyad and Hamdallah, the former and current prime minister respectively, at present lack both [sufficient grassroots support](#) as well as support within Fatah. (Fayyad was never a member of Fatah while Hamdallah is a party member but never rose to the ranks of the party elite). Though well-respected by many in the international community, Palestinians were [disappointed with Fayyad](#) during his term as prime minister. Recent public opinion polls rank Fayyad at two per cent if national elections were called. In July 2016, Fayyad proposed a [plan](#) calling for national unity and statehood, though his announcement was immediately criticised by Abbas and those loyal to him. Yet, amid the chaos that will likely follow Abbas’s departure from Palestinian political life, Fayyad’s years of experience in both Palestinian domestic and foreign affairs could result in his return to the post of prime minister. Meanwhile, should the Fatah-dominated PA hope to bypass the constitutional succession rules to prevent power from temporarily transferring to Hamas, Hamdallah’s role as the current prime minister may mean that Fatah leaders turn to him, at least on an interim basis.
- **The People’s Choice:** A seemingly unifying figure, **Marwan Barghouti**’s name often appears on a list of candidates to succeed Abbas. Barghouti is currently in prison in Israel serving multiple life sentences for his involvement in orchestrating terrorist attacks during the Second Intifada. He has remained active in Palestinian politics from prison, where he regularly challenges Abbas’s decisions, and has liaised with Palestinian students and with members of Hamas to discuss national reconciliation. [Public opinion polls](#) over the last few years consistently show that in a race including candidates other than Abbas and Haniyeh, Barghouti – who has the [support](#) of members of Fatah, Hamas, and independents – would win.

Though Barghouti's life sentences renders his ability to assume the presidency a long shot, his sustained levels of popular support in recent years makes his endorsement of Abbas's successor critical, at the very least.

## INSTITUTIONAL AND CONSTITUTIONAL CHALLENGES

The likely prospect that the succession process will occur without a free and fair election for the Palestinians is highly problematic, particularly in light of the popular unrest that has swept the region since the start of the Arab Spring in 2011. The legitimacy crisis of Palestinian political institutions makes it difficult to accurately predict a successor to Abbas. As the absence of reconciliation between Fatah and Hamas renders holding new elections moot, the most likely scenario is that the Amended Basic Law's succession rules will be set aside and Abbas's successor will emerge from the ranks of Fatah. This individual would then need to be confirmed by the PLO Executive Committee in an effort to compensate for his [legitimacy deficit](#). However, especially in the absence of elections, both the PA and the PLO must implement reforms in order for the PA (and the next PLO) leader to have any semblance of legitimacy. One step toward restoring the legitimacy of Palestinian political institutions is ensuring that after Abbas's departure from political life, a single person is not tasked with leadership of both the PA and the PLO.

Though predicting who will succeed Abbas remains an open question, it is evident that the post-Abbas era likely marks the end of the traditional "Tunis-based" political elite assuming the mantle of Palestinian leadership. Those who assume the leadership of the PA, PLO and Fatah will face the difficult task of leading a constituency that has growing increasingly disenchanted with the Oslo process and with a Palestinian leadership that has failed to deliver, whilst managing the demands of the international community that the Israelis and Palestinians negotiate a two-state solution.

## THE NEXT PALESTINIAN STRATEGIC DIRECTION

### *The fear that the PA will collapse*

The PA, established in 1994 following the Oslo Accords, was intended to serve as an interim government, allowing for Palestinian self-rule in Gaza and parts of the West Bank. The Accords were supposed to have expired after five years, during which the negotiators would conclude a final-status agreement. Yet over 20 years later, the PA is still there, and the prospect of resuming negotiations between Israelis and Palestinians has grown increasingly remote.

The Israeli Prime Minister's Office is reportedly developing contingency plans for four possible scenarios for the day after Abbas leaves the Palestinian political scene. These scenarios range from the least likely option – an orderly succession of power – to the more likely scenario, a prolonged competition for succession amongst Fatah elite (although in both instances, a

“subcontractor” for Israeli security – the PA security forces – would continue to exist.) However, of increasing concern to the Israelis is the prospect of fragmentation, which to a degree is already occurring on the ground in the West Bank.

In early January 2016, amid growing speculation that the PA was on the [brink of collapse](#), the Israeli security cabinet held two meetings to discuss the issue. Israeli Prime Minister Benjamin Netanyahu [instructed](#) the cabinet to take necessary steps to prevent the dissolution of the PA, while at the same time preparing for the worst case scenario – the collapse of the PA and [destabilisation](#) of the West Bank. The assessment of the Israeli security establishment is that the collapse of the PA would place instantaneous and fiscally strenuous demands on Israel, requiring the government to reassert control over both security and civilian affairs in areas of the West Bank which, pursuant to the Oslo II agreement of September 1995, are currently under PA control. Israel would also incur additional financial costs and responsibilities associated with development-related assistance, as US Secretary of State John Kerry [warned](#) in December 2015.

*Israel, Jordan and Egypt remain wary of the looming succession crisis and its potential ramifications:* Both Israel and Jordan are worried that in the wake of Abbas’s departure, a leadership vacuum and a prolonged succession battle could undermine stability in the West Bank and cripple the already weak PA, if not result in its collapse. Jordan is frustrated that Abbas has [poorly coordinated](#) with the Jordanian government, especially on matters related to his diplomatic strategy. Already grappling with the burden of Syrian refugees, the threat of ISIS and ongoing instability in neighbouring Iraq, Jordan fears a drawn-out succession battle will destabilise the West Bank, and is concerned the ensuing chaos could spill over into Jordan. Egypt meanwhile has since 2007 worked to broker a reconciliation agreement between Fatah and Hamas, though these efforts have failed to achieve unity. Egypt’s primary concern is ensuring a robust PA that can curb the Hamas and jihadist threat in Gaza – which Mohammad Dahlan has reportedly [pledged](#) to both the Egyptian government and Israel he will manage were he to replace Abbas. Though President Abdel Fattah el-Sisi’s government has been reluctant to become mired in the succession crisis, with Abbas and Dahlan unable to reconcile despite the latest round of Egyptian-brokered mediation efforts in 2015, Egypt has maintained close contact with Dahlan, and rumours persist that it considers Dahlan the preferred candidate to succeed Abbas.

#### *The future of Israeli-PA security coordination*

Ensuring the survival of the PA and continuing cooperation with Palestinian security services is of immediate concern to the Israeli security establishment in the post-Abbas era.. Since the latest wave of violence began in September 2015, intelligence and security coordination between the PA and Israel has continued. The Israeli security establishment has corroborated [reports](#) that Abbas and the PA security forces have increased their efforts since the outbreak of violence, including stepping up efforts to arrest Hamas operatives in the West Bank.

In March 2015, the PLO Central Committee resolved to end security coordination with Israel. This was followed by an announcement by the PLO's Executive Committee in May 2016 to immediately [begin implementation](#) of that ruling. Thus far, despite staunch domestic pressure, the PA has not complied. Abbas relies on the robust PA security apparatus to maintain his own authority and prevent a Hamas take-over in the West Bank. As the security situation continues to deteriorate, both he and Netanyahu are [concerned](#) that mounting frustrations in the West Bank may lead Palestinians to take to the streets – against the PA.

Abbas has often threatened to [suspend security coordination](#) with Israel (according to one journalist, as of 2015 he made this pronouncement on [58 separate occasions](#)), though he has also referred to it as “[sacred](#)”. A formal (or even informal) move to end security cooperation could have a serious impact on the stability of the West Bank. In an [interview](#) with Israeli TV in April 2016, Abbas warned that continuing security coordination was the only thing preventing the outbreak of a third intifada.

However, as peace talks remain at a standstill, and as Israeli incursions into Area A in order to thwart Palestinian violence have continued, the [debate](#) within the PA regarding continuing security cooperation with Israel has increased. Many view the PA as acting as a collaborator or subcontractor for Israel and are opposed to the government making further concessions. Hamas continues to oppose the PA's security cooperation with Israel, arguing that it is [harming](#) Palestinian interests.

As Palestinians prepare for the post-Abbas era, given how unpopular security coordination with Israel is for many of them, whoever replaces Abbas may ultimately suspend security coordination as a means of bolstering his hardliner credentials.

#### *The end of the bilateral negotiations track*

Even before the failure of the Kerry peace talks in 2014, Abbas had chosen to de-emphasise the bilateral negotiations paradigm and any successor is unlikely to return to it in the short term. Since 2011, Abbas has placed tremendous effort on his internationalisation strategy, known as “[Palestine 194](#)”, the PA's diplomatic campaign to gain entry for the State of Palestine at the UN (as the 194th member state), amongst other things. Thus far, this campaign has proven a diplomatic challenge for Israel, though for Palestinians it has resulted in little more than symbolic victories.

For the Israeli government, Abbas's diplomatic strategy is problematic, particularly in light of the Palestinians' campaign to accede to the Rome Statute of the ICC, which they did in April 2015. Israel maintains that the road to a two-state solution lies with resuming bilateral negotiations. If Abbas's successor were to continue this diplomatic strategy, it could lead to greater problems for Israel diplomatically, especially as the strategy is now focused on a new objective – convening an international conference that would result in a timetable for

negotiations and a set of parameters that would bind Israel. The June 2016 [summit](#) in Paris, is but one example of the incremental progress this strategy of “internationalising” the conflict has had thus far.

### *The next Palestinian long-term strategy*

A moderate who embraced peace talks and eschewed violence, Abbas was welcomed by many in the international community when he first came to power in 2005. Given the results of the 2006 Palestinian Legislative Council (PLC) elections which brought Hamas to power, many in the international community, who at one time advocated for transparency and democratic governance in Palestinian politics, are now disinclined to push for reconciliation, and have largely looked the other way with respect to Abbas’s increasing autocratic tendencies. Abbas’s meagre returns on his approach may mean his successor will likely be subject to considerable domestic pressure to abandon the Oslo framework – or at the very least the ever-unpopular security cooperation with Israel. While predicting the next Palestinian long-term strategy is as fraught with complications as predicting Abbas’s successor, a number of strategies have been proposed, including:

*Doubling down on Abbas’s internationalisation strategy:* Despite having had only marginal success thus far, Abbas’s successor may continue this approach, by seeking to shift international intervention away from pressing for renewed bilateral negotiations toward a [multilateral forum](#), with an international conference modelled loosely on the P5+1 negotiations over the Iranian nuclear program. This approach, which was called for in 2015 by Abbas and [recommended](#) by the Palestine Strategy Group, would in turn de-emphasise the role of the US as the primary mediator, while drawing up a firm timetable for the conclusion of negotiations and the establishment of a state, and holding the parties accountable to their prior commitments in the interim. While some in the international community, particularly in Europe, may support this approach, Abbas’s successor will still be subject to the Palestinian public, who have expressed frustration with Abbas’s diplomatic approach for years. A recent public opinion poll showed that while 50 per cent of Palestinians supported the recent French initiative, only 29 per cent were optimistic it would succeed (59 per cent expected it would fail).

*A non-violent “intifada”:* Marwan Barghouti, one of the relatively younger members of Fatah, offers a [strategic approach](#) to the pursuit of an independent Palestinian state that is radically different from that of Abbas and other members of the so-called “old guard”. From his prison cell, Barghouti advocates for a “[pan-Palestinian](#)” action plan predicated on nonviolent resistance. His plan calls for a series of steps beginning with a public declaration ending Palestinians’ adherence to the Oslo framework and security coordination with Israel, and culminating with a mass march to Jerusalem to be led by the new PLO chairman. The [plan](#) calls for utilising nonviolent resistance to disrupt the lives of Israeli settlers and soldiers in the West Bank, aimed at forcing Israel to withdraw to the [1967 lines](#). Barghouti does not shun further negotiations with

Israel outright, but considers their prospects moot with Israel's current right-wing leadership. Resuming negotiations would necessitate a [short timetable](#) for ending the negotiations and establishing a Palestinian state. In a recent interview outlining his plan, Barghouti clarified his vision for the future of the PA, stating: "I still unequivocally support the idea of two states for two nations. The PA can proceed in one of two directions today: to serve as an instrument of liberation from the occupation, or to be an instrument that validates the occupation. My task is to restore the PA to its role as an instrument of national liberation."

*The "National Alternative Strategy":* In June 2016, the Palestinian National Initiative, led by Mustafa Barghouti, proposed the [National Alternative Strategy](#). The strategy is based on five pillars, with the aim of changing the balance of power on behalf of the Palestinians, thereby cancelling the asymmetry in the negotiations. The first pillar calls for peaceful, nonviolent protests and a local boycott, followed by a second pillar that calls for a campaign similar to the international boycott, divestment and sanctions (BDS) campaign. The third pillar of the proposed strategy urges "national resilience", and includes calls for changing the current economic policies, allowing the Palestinians to develop and thrive. The fourth pillar mandates national unity and a unified national leadership, while the fifth pillar of the proposed strategy calls for the integration of all Palestinians – including those residing in the West Bank, the Gaza Strip, and East Jerusalem, as well as those in the diaspora. According to a recent interview with its author, the strategy will be presented to the PLO factions as well as members of the PLO Executive Committee in the near future. Yet, as a number of Palestinian [political analysts](#) have noted, the strategy – which represents a significant change in the political strategy embodied by the Palestinian leadership – is unlikely to be adopted absent a change in PLO leadership.

*The one-state option:* A divided and dysfunctional Palestinian leadership, whose constituents question its very legitimacy, is not in a position to negotiate and ultimately implement a final-status agreement with Israel. In the absence of progress towards statehood, incoming Palestinian leaders and the Israeli government will have to contend with those Palestinians advocating a "one-state solution" – demanding civil rights in Israel rather than independence. With negotiations at a stalemate, support for a one-state option is increasing, particularly among [younger generations](#) of Palestinians.

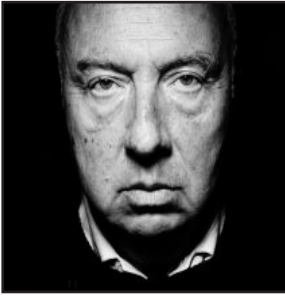
While some members of the Israeli right-wing have [proposed](#) varying forms of a one-state solution, their proposals [fall far short](#) of the Palestinians' demand for an [inclusive single state](#) in lieu of independent statehood. A widespread campaign for a one-state solution would effectively end efforts to reach a two-state solution and would force Israel to choose between existing as a binational state or face the erosion of its credibility as a democracy, while further subjecting Israelis to increasing international isolation.

## CONCLUSION: THE NEXT PALESTINIAN STRATEGIC DIRECTION

Within Palestinian domestic political circles, the end of the Abbas era likely marks the end of the rule of the old guard, “Tunis-based” political leadership. Those who assume leadership of the PA and of the PLO after Abbas will be forced to contend with a domestic constituency that has grown disillusioned with the promises of the Oslo process. Many of the contenders to fill the leadership vacuum espouse policies at odds with Israeli interests and with those in the international community calling for Israelis and Palestinians to reach a negotiated final-status agreement establishing two states. In the post-Abbas era, Israel and the international community stand to lose a [moderate interlocutor](#).

Among the different plans proposed for the next Palestinian strategic direction in the post-Abbas era, one aspect found in each plan is the call for changing the Palestinian position vis-à-vis Israel, thus removing as best as possible the current asymmetry in negotiations between the two sides. The challenge for the next PA president will be managing the expectations and investment of the international community in continuing security cooperation and negotiations with Israel with the demands of Palestinians, especially those of the young guard, to change course. Amid strong public pressure, the emergence of a weak leader may compel whoever succeeds Abbas toward a more rejectionist platform in order to compensate for his legitimacy deficit. There is a growing concern that if Fatah fails to integrate its younger activists and take steps to address their grievances, it may lose its role as the [vanguard](#) of the Palestinian national movement. Moreover, a weakened Fatah allows for an opening for Hamas to step in and fulfil a key goal of the organisation since its founding – assuming leadership of the Palestinian national movement.

*Lauren Mellinger is a PhD candidate at King's College London and a former senior researcher at BICOM.*



## **'WE MUST LIBERATE OUR THINKING FROM THE OSLO STRAITJACKET': AN INTERVIEW WITH HUSSEIN AGHA**

HUSSEIN AGHA

*Hussein Agha has been involved in Palestinian peace negotiations for three decades. A senior associate member of St. Antony's College, Oxford, and co-author (with Ahmad Samih Khalidi) of 'A Framework for a Palestinian National Security Doctrine', Agha most recently carried out backchannel negotiations during the Obama administration's failed effort to broker an Israeli-Palestinian peace agreement. In August 2017 he co-authored, again with Khalidi, the much-noticed essay 'The End of This Road: The Decline of the Palestinian National Movement' in The New Yorker. Agha talked with Fathom editor Alan Johnson in London on 15 August 2018 about his life, the state of the Palestinian National Movement, the reasons for the failure of the old peace process and the shape of the new and very different peace process he thinks is needed. (August 2018)*

### **PART 1: A LIFE IN THE 'PEACE PROCESS'**

**Alan Johnson:** *Please introduce yourself to the reader; tell us something about the more important personal and intellectual influences in your life, and your involvement in the Palestinian National Movement.*

**Hussein Agha:** I was raised in Beirut among Palestinians, though I am not Palestinian by origin. At school, the person who taught me Maths was to become second in command of the Popular Front for the Liberation of Palestine (PFLP) and the lady who taught me English was also a Palestinian. In fact, most of my other teachers were also Palestinian. In my classroom at school, there was, above the blackboard, a map of Palestine inscribed with the slogan: 'We are returning.' I lived in an area not very far from Sabra and Shatila camps, and my best friend from early school days and colleague for decades, Ahmad Khalidi, was also a Palestinian from an ancient Jerusalemite family. So there was inevitably a strong Palestinian presence around me from a very young age. Later, when I went to university, I unwittingly found myself a member of Fatah.

**AJ:** *How so 'unwittingly'?*

**HA:** Well, I did well at school, came from a middle-class background, and was popular with the other students. I was also elected to the highest ranks of the student bodies. The new

Palestinian leadership had an eye for people like me! They came and talked to me about their cause [although in my case they didn't need to because I was aware], and they invited me to meetings. I soon found out that these meetings were nuclei of Fatah political cells. Little by little I found myself a member without realising it – hence 'unwittingly'.

Unlike most other political organisations, Fatah was not a hard-line political party. It did not impose a high level of responsibilities on its members. You could think whatever you wanted to think, as long as you turned up to demonstrations, sit-ins or strikes and voted for Fatah lists in various student bodies.

The other thing about Fatah was that you had access to the leadership from an early age. At 18 I had access to all the leaders – Yasser Arafat, Khalil al-Wazir [Abu Jihad], Salah Khalaf [Abu Iyad] and others. They always listened and gave the impression that they took seriously what you were saying even when you contradicted them. This was not peculiar to me, but to most cadres of a multitude of backgrounds. It gave you a (fake?) feeling of importance. They were both open-minded and masters of political recruitment.

In 1969 I went to Oxford University for an interview. I approached the leadership and told them I didn't want to go to Oxford but to the front line in the south of the country. They laughed me off, were slightly upset with me and told me they didn't need fighters, but people who could talk to outsiders about the Palestinian cause. So I came to Oxford; six months later I decided it was too 'petit bourgeois' for me. I had a lot of leftist notions and a quasi-Marxist outlook and pretensions mostly from my readings. So I went back to Lebanon. Soon after, both Arafat and my supervisor at Oxford requested my return.

**AJ:** *And were you active for Fatah in Oxford?*

**HA:** Yes, I started to talk to Israelis at the precise instruction of Arafat, Abu Jihad and Abu Iyad. They told me: 'You talk with Israelis, you engage with them; try to find out if there are any ideas for peaceful ways and a political solution' – this in 1969 and 1970. Imagine, even that early, the head of the movement, the symbol of struggle, the head of the military wing, and the head of security were convinced that ultimately, the answer to their plight was political. Only intellectuals and 'theorists' believed in a complete military solution.

One Israeli, Gabi Moked was studying philosophy and we had evenings at his digs to discuss the conflict. He had this grand idea of a federated or confederated solution along the Yugoslav model. I felt that he was sincere about finding a peaceful resolution, which was a revelation to me. He was the first Israeli I met and it was the first attempt to start talking.

Then I came across anti-Zionist Israelis from the Israeli revolutionary socialist group Matzpen, including Moshe Machover, Eli Lobel, Akiva Orr, Haim Hanegbi and Shimon Tzabar; all splendid fellows full of energy and a willingness to tirelessly engage. I began going down to

London for Marxist discussions about a solution to the conflict. But Matzpen split up when the idea of the Palestinian state started to be discussed: one group led by Machover was close to the Democratic Front for the Liberation of Palestine (DFPL) and was in favour of the establishment of a Palestinian state. The other group, which was against the establishment of a state, was led by Akiva Orr, who was more aligned to Palestinian rejectionists. My trips to London eventually became a futile, albeit intellectually enjoyable, exercise. The most I did was to march on demonstrations against fascism, racism and discrimination.

**AJ:** *And when did two-state thinking emerge in the Palestinian movement?*

**HA:** In 1975 Said Hamami, the Palestinian representative to the UK wrote two articles about a Palestinian state in *The Times*. These were important articles; it was the first Palestinian articulation of the notion of the two-state solution. Said was a very dynamic and powerful personality. He managed to reach parts of society in London that were often closed to Palestinian representatives, mostly because of his open-mindedness and pragmatic outlook. He introduced me to many friends in London and visitors from the US, including Jewish figures like I.F. Stone and Paul Jacobs.

Said also drew me into the circles that believed a two-state solution was the only viable option. At the time I was against two states and wrote an article in the *Journal of Palestinian Studies* arguing to that effect in 1975. My view then was that the solution lay in coexistence of peoples and not their separation; Said managed to mitigate those tendencies of mine.

I asked Said if he was not scared that more radical Palestinians would say that what he was publically arguing for was, from their point of view, bordering on treason. He told me not be naïve and asked ‘Do you really think I am acting on my own?’ Said told me that Arafat, Abu Jihad and Mahmoud Abbas (Abu Mazen) knew about it, and that was the protection he had. I asked why Abu Mazen (who was a distant figure residing mostly in Damascus away from the hubbub of Palestinian politics in Beirut)? Because, Hamami said, he had the file in Fatah of relations with Jews and Zionists. Soon after that Said was killed in his office in London by an Abu Nidal agent. He was careless about his security. I used to tell him to check under his car for any bombs before he got in, but he would dismiss my concern telling me that if there were a list of people to be assassinated, he would be number 465 on that list, so he would start looking under his car when the first 464 have been killed.

**AJ:** *What was your experience in Lebanon during the invasion in 1982?*

**HA:** I was in the country in the winter of 1982 and Abu Jihad organised for me to meet with his military cadres. I asked them if they were aware of an impending Israeli invasion in the spring or summer once the winter clouds died out. They were very blasé and replied confidently, ‘Of course, we know and we’re ready for it. We’re going to teach them a lesson they will never forget.’ In fact when the invasion came, within 24 hours the Israelis were inside

Lebanon and within few days they were in Beirut. The unpreparedness! I told the leadership I wanted no part of this and that I was leaving. They just chuckled and said 'Fatah you can join but you cannot leave'.

In time I got sucked back in by the charisma of Arafat and Abu Jihad. And I started corresponding again with Abu Iyad. I felt it was bad form to leave when they were down and out. Those leaders were amazing because they used to treat the cadres very seriously. I was not even a Palestinian, but they really valued other people's views and were hungry for ideas. In return, they received loyalty and commitment. That open collective thinking space shrunk with the passing of that generation of leaders. Abu Mazen is the last of the lot.

**AJ:** *You were at the Madrid peace talks. What was your role there?*

**HA:** I was assigned by Arafat to be on the periphery of the Palestinian-Jordanian delegation as he wanted someone to report to him independently on what the delegation was doing. He always did that; sending people to spy on his spies. Madrid was mainly ceremonial. We went to Washington to continue the talks. Most of the delegation came from the 'inside' and were very wary of me as I was from 'the outside'. They didn't know who I was; not that I was of any significance, only that I was not a Palestinian by origin. But I had an authorisation from Arafat, so they could not argue against my being there. My job was to send him reports of their performance. After the first round of talks I realised this was not going to be the place where peace was going to happen.

**AJ:** *Were you involved in the Oslo process?*

**HA:** No. I was aware of something happening away from Washington, but I was not aware of Oslo and did not know the people involved. I had nothing to do with it. Once I knew, my initial reaction was to be against Oslo. For me, the main Palestinian problem and the core of the conflict were the refugees. I was shocked that Oslo did not address that: 'How could this be a step toward a solution when it doesn't deal with the core issue?' I met the Foreign Minister of Norway, Johan Holst, in Oslo and I told him my feelings. He looked tired, said he agreed but that we had to start somewhere. He died few weeks later.

It was around then that I really met Abu Mazen. My colleague Ahmed Khalidi and I were tasked to start talks with the original Oslo team, to come up with a final-status agreement. This became known as the Stockholm track. I remember that half-way through I wanted to quit the talks, thinking my Israeli counterparts were not as well connected on their side as I was on mine. But Arafat and Abu Mazen disagreed. I remember sitting with Arafat in his bedroom at The Grand Hotel in Stockholm when he was visiting and he burst out, 'Do you think I'm stupid? Do you think Yossi Beilin [Israeli Minister of Justice] would be doing this without Prime Minister Rabin knowing about it?' I said, 'Beilin claims Rabin doesn't know anything about it.' Arafat replied: 'Of course he would say this. And if anyone asked me if I knew you,

I would say that I didn't.' Point taken.

We had almost finished the final-status document in 1995, one week before Rabin died, when we briefed Abu Mazen on the text. We then took it to Arafat to get a green light to continue and finish it, but Arafat seemed unconcerned about the details. I was sitting next to him and he was continuously twitching his leg. I whispered into his ear: 'Abu Ammar, the first page of the Stockholm document talks about a sovereign, contiguous Palestinian state; at this stage everything else is of lesser significance.' He gave us the green light. One day later Swedish diplomats headed by former Foreign Minister Sten Andersen came to speak with Arafat to make sure everything was OK for them to proceed with the exercise. They asked him, 'You have been fully briefed by your teams, yes?' He responded that he had, but truthfully he was not fully briefed, as he was not interested in texts. They asked if they had a green light to continue and Arafat pointed to myself and Khalidi and said, 'If those spies agree to continue, then I agree.' Everybody laughed. He loved 'spies'.

After Rabin was assassinated, Beilin took the document to Shimon Peres, the heir to Rabin. Peres didn't have time for it. He wanted to concentrate on the Syrian track and winning the general election in Israel. As it happened, he didn't win the election. His opponents used the slogan 'Peres will divide Jerusalem.' After the elections, Dore Gold told me if that document had been made public before the elections Peres may not have lost, because it would have been clear that nothing in the document suggested dividing Jerusalem. Instead, it said that the city was to be a joint capital of both states, united in all aspects except there would be separate authorities in the Arab and in the Jewish neighbourhoods.

After Camp David in July 2000, some of the American peace team tried to revive with me a version of the unfinished Stockholm document, better and wrongly known as the Abu Mazen/Beilin agreement, thinking that this will lead to a Palestinian acceptance of some of the similar ideas that were discussed at Camp David, but it was too late. Other initiatives followed to no avail.

## PART 2: WHY THE OLD PEACE PROCESS FAILED

### *Intentions*

**AJ:** *As you say, those initiatives failed. Let's talk about why. You tend not to focus upon on this or that misstep and you reject the simplistic view that the process failed because of 'an extremist leadership in Israel or because the Palestinians are natural and serial rejectionists.' You point out the hugely significant fact that this peace process failed over a 20-year period and under 'countless different configurations of policy and power'. As I read your writings I get the sense that you believe the fundamental design and operative assumptions of the peace process were faulty. Is that correct?*

**HA:** Looking back, I have concluded that Oslo was more than anything else an attempt by

Israel to resolve its security predicament by making the Palestinians responsible for Israel's security in the territories and saving Israeli money allocated for basic services in these areas. That required giving up some already-Palestinian areas that they were not interested in keeping, like Gaza. The idea was that instead of Israel being in the front line of containing Palestinian violence, it would be the Palestine Liberation Organisation (PLO). It didn't work out perfectly, but that was the idea.

I don't think Rabin had clarity about a Palestinian state. He sometimes hinted it would be a state, sometimes less than a state, sometimes a very limited form of sovereign state – it was never clear. There were some Israelis around the Oslo process who really did want a Palestinian state, but I think for the majority of mainstream Israelis it was not about ending the conflict, but about defusing the violence that they feared the First Intifada would develop into and saving resources spent to upkeep Palestinian society in the West Bank and Gaza. Rabin's concern was above all Israel's security and not a historical resolution of the conflict. He was not averse to it, but only if Israel's security was the focus. All other historical outstanding issues were of lesser importance to him.

I believe the Palestinians entered Oslo with good intentions, hoping for an independent, sovereign state. After the assassination of Rabin, Arafat felt that was no longer going to happen. When news of Rabin's death reached Arafat he was with a close confidante. He was silent for a long time and then he told his friend, 'This evening they did not only kill Rabin, they killed me as well.' Arafat knew it was the beginning of the end for Oslo, and for himself. He was right. He used to say, 'With Peres, if he says yes or no, you still don't know where he stands. With Rabin, "yes" meant yes and "no" meant no.' I sensed in the weeks prior to Rabin's death that there was something developing between him and Arafat that Arafat felt could be a basis for making Oslo what it was supposed to be. After Rabin's death, Arafat felt exposed; he was not prepared to continue with the alternative version of Oslo.

1948

**AJ:** *Reading your essays, a dominant theme is that the peace process was fixated on the '1967 file', but no secure peace was possible without taking up the '1948 file'. This was Oslo's basic design flaw, so to speak. You have written: 'Oslo sought to trade 1967 against 1948 — that is, to obscure the historical roots of the conflict in return for a political settlement that offered a partial redress that focussed solely on post-1967 realities. Current circumstances have begun to undo this suppression. Oslo could not bypass history, and its limitations have only highlighted the difficulty of ignoring the deeper roots of the struggle over Palestine.'*

*What's inside 'the 1948 file' – much more than simply the right of return, if I understand you correctly – and why must a successful peace process find a way to open it up, in your view?*

**HA:** Oslo pretends that 1948 never took place, but ask yourself what is the origin of this

conflict? It was not 1967 or the absence of a Palestinian state. I was a school kid in Beirut before 1967 and everywhere you looked and everything you heard constantly reminded you of the conflict and the suffering of the Palestinians. The Palestinians were present on the territory between 1948 and 1967 and they did not create a state. Their focus was on 'liberation' and 'return'. To try to find a solution that fantasises that these '48 issues do not exist, well, it's problematic at best, because it does not address the core of the conflict. Resolving 'occupation' does not resolve 'dispossession' and 'dispersal'. Am I calling for the destruction of Israel? No! I am calling for recognising both historical and current realities and acknowledging the nature of the beast, rather than hiding behind one's finger. That is the only way to reach a genuine peace and coexistence.

In every negotiation the Israelis say to the Palestinians, 'Oh, we can't go back to 1948!' Israel was willing to resolve the issues of 1967 and occupation on its own terms but didn't want to touch the ghosts of 1948. It is something very difficult for Israelis to come to terms with. They want to delete the memories of what happened from Palestinian consciousness. It cannot be done. For, in a sense, that is what defines a unified Palestinian nation.

#### *Truth and reconciliation*

**AJ:** *So how should the '48 file be opened up?*

**HA:** Well, having lived through the experience of discussing these issues over and over for decades, I have started to become attracted to something I have always not found relevant: a 'truth and reconciliation' process. We have to start getting to grips with the conflicting narratives and try to find some reconciliation of the narratives. In all the negotiations I was involved in I argued that Israelis had their narratives and Palestinians had their narratives and we shouldn't waste time disputing them. My thought was 'let's find out the arrangement that will make these two cherished narratives irrelevant to a solution.' I now think that approach does not work. You keep being pulled back into the original issues and so into narratives, identities, feelings, psychologies. The only way to deal with all that is not just through elite-level negotiations but through a more public process, perhaps a truth and reconciliation process. I am not sure it will produce results, but I know that the other well-trodden road of denial has not worked; trying to sweep '48 under the carpet, or deal with it in small group negotiations in closed rooms, has not worked. I have only recently started to think this through. I do not know yet how such a process can be put together or begin, whether it is a prerequisite for a settlement or a parallel process or something that can only take place after a peace agreement has been reached. In all cases, like reality, it's going to be messy. By providing a 'neat' model, Oslo distorted the untidy and chaotic reality.

**AJ:** *The Northern Ireland experience is also interesting to study. Sinn Féin people, Mitchell McLaughlin and others, worked for years on the questions of narratives, identities and history.*

**HA:** History has become a bad word in our conflict. ‘Let’s not go back to history; we have a problem today, so let’s try to solve that’ is a recurring theme with the negotiators. The implication is not just that if you bring history in you will not be able to resolve anything, but it is usually treated as a sign that you are not truly interested in resolving anything. Paradoxically, it’s the right wing in Israel that is more attentive to dealing with the 48’ issues than the Left.

**AJ:** *Why do you think that is?*

**HA:** The Right seems to understand the issues better than the Left. The original historical Right, the Herut and its ilk, did not believe in separation. I remember a fascinating meeting I had with the late Eliyahu Ben-Elissar, a member of Irgun, a Likudnik who became Ambassador to Egypt, the US and France. This is what he told me: ‘I have no problem being in a state with you guys. As a matter of fact, Jabotinsky once said that Israel could have a Jewish president for one term, then an Arab president for another term. I know this is not possible in the current circumstances, but this is where we come from. The Israeli Left are racists who look down on you and just want to separate from you by giving you territory. I want to fulfil my Jewishness but I do not want you to suffer because of it. For me, Hebron is much more important than Tel Aviv. For someone on the Left, Tel Aviv is more important, and they are willing to give up on Hebron. They are not the true carriers of the flame of the Jewish people.’

It was fascinating to hear that. Lots of people told me later that he just said it to impress me. I don’t know, but it was intriguing. What he clearly understood was that the Palestinians, like the Jews, can never ‘give up’ on the whole of Palestine. People on the Left, by contrast, say ‘Yes, the Palestinians have reconciled themselves with the 22 per cent.’ There may be something worth engaging on between the Israeli Right and the Palestinians. I am trying to find out exactly what. This is important because Israeli society has shifted to the right and to engage it one has to be sensitive to the new sensibilities. I know that the current climate is not conducive to that and the right feels triumphant and believes that their total victory is at hand. But once they realise that that is not the case and costly chaos and dear uncertainty are around the corner; maybe there will be a possibility to consider some positive consequences of their ideological roots. I am not sufficiently naïve not to recognise that although some of the Right, sometimes, talk about ‘equal rights,’ à la President Reuven Rivlin, they will not compromise on the need for the state to remain in Jewish hands.

It is unfortunate that the awareness of the centrality of the 1948 issues is often used by the right-wing in Israel to highlight the impossibility of reaching an agreement. I will not be surprised at all if some will point to this interview to argue: ‘See, they (the Palestinians) will not be satisfied with dealing with the consequences of 1967, they want to go back to 1948 and claim the whole land!’

By contrast, the Left’s approach is to deny our feelings. You see, the Palestinians feel an

attachment to the whole land. Whether you're a two statist or a one statist, or whatever, the attachment is still there. You cannot deny that. You have to deal with that attachment in a truthful way if you want to have genuine peace. Pretending that things are not what they are is no basis for peace. The eternal challenge remains whether there are ways to reconcile both peoples' attachment to the totality of the land through a mutually acceptable peaceful arrangement. Please do not misunderstand me; I am not calling for a one state solution. It is much more complicated. I can even foresee how a two-state solution could be a more appropriate route to this objective.

### *The Right of Return/End of Conflict*

**AJ:** *Of course a major part of the '48 file is the question of 'the right of return'. You have discussed this with nuance. On the one hand you have said it is a right, therefore the demand is principled. On the other hand, you point out it has been a difficult issue to deal with in terms of a 'two states for two peoples' solution. In short, any successful peace process will have to acknowledge and mediate what Palestinians feel is their inalienable right and what Israelis feel is the existential basis for the very continuation of the Jewish state. It's a really difficult question, and there are no neat answers, but can you talk about what you think the best approach is?*

**HA:** In the past 10 years I have tried to avoid, sometimes successfully, a discussion of rights. I don't want you to recognise my rights; don't expect me to recognise your rights. Let's leave rights aside and try to solve the problems. A consideration of rights inevitably leads to complex philosophical, historical and legal deliberations that are not always conclusively settled. Although of utmost importance, such debates do not always lead to workable realistic outcomes; let's put those aside and let's talk about a problem we have, which is how to pragmatically address the plight of the refugees.

Second, there are certain things that can't be ignored. If a person has documentation that a property is theirs, and meanwhile nothing has legally negated that deed, but that plot has gone to someone else, then that issue has to be resolved on a legal basis. There should be recourse to a neutral body to which the first person can say, 'This is my land, these are the deeds.' Yes, the other person will then say, 'That was many years ago. I am there now.' OK, so now we have a legal dispute between two parties over a property that has to be settled by an acceptable and legal authority. Private property is an essential pillar of modern society and ought to be protected.

Third, if you agree on two states, a Jewish state and a Palestinian state, then any resolution of the refugee issue, of the right of return, has to be consistent with the existence of these two states. So you cannot have Jews in a Palestine overwhelmingly taking over a Palestinian state, just as you cannot have Arabs or Palestinians doing the same in Israel. We do not know how demographics and laws will change in 50 years and who will be the majority and where, but

for the time being, if you accept two states for two peoples, it should be the guiding principle.

Fourth, in the two states case, the refugee must be offered alternatives. One possibility is some form of psychological restitution and material compensation. But to feel comfortable with the idea of reparation you need a public recognition that a wrong was committed in the first place. That is very, very important, emotionally. The second thing is that the person must have the freedom to choose; it should not be decided on his behalf and shoved down his throat. It means that he should be part of the process from an early stage, his views should be listened to and an agreed menu of options should emerge from which to choose.

In all cases, the refugee should feel that he is at the centre of negotiations (not on the sidelines), that his voice is heard, that the injustice is recognised, and that a semblance of fairness is restored. The refugee should feel that he is at the heart of a resolution; that by his agreeing to be a part of it, he will be contributing not only to a better life for himself and his family, but also to regional and global peace. Rather than be treated as the wretched of the wretches, the refugee should feel himself / herself to be a positive contributor to humanity. His forgiveness and generosity of spirit in agreeing not to summon the past for the sake of peace and a better future should be publicly commended and highly valued. I think such an approach will reassure the refugee of a humanity he/she has been denied and encourage him/her to be more flexible in response to concrete material proposals. This has not happened before. If you resolve the refugee problem in a manner that is agreeable, albeit grudgingly, to the refugees; you would be extracting the poison of 1948 and going far in truly ending the conflict.

Right now we are not dealing with this issue. Until we do, talk of 'end of conflict' is bogus. Many are totally focused on the *text* of an agreement. They will say 'Oh, we know the psychological issues are really deep and profound, and all that,' but they do not *really* take them into account. They think that if you have a document that says 'End of Conflict' it means end of conflict. But that is not the case. Of course, signing a document could help facilitate an end of conflict. There are many steps that after the signing would be much more possible than before the signing. But, if one only relies on the agreement to end the conflict; sadly, he or she will be disappointed. An agreement does not end the conflict, but could be the first step in a long and often painful course to achieve that goal.

### PART 3: THE OUTLINE OF A NEW PEACE PROCESS

*AJ: Let's talk about what a new peace process might look like. It seems to me that you think the process has been too slight to successfully deal with the huge issues it confronts. So, the process tries to shrink everything to '67 but it really needs to broaden it out to '48; it tries to shrink the discussion to a room but it really needs to involve two peoples; it involves only elite level negotiators but it really should involve refugees, settlers, two civil societies, and so on. Is the existing peace process model not fit for purpose?*

**HA:** You know, I don't think there ever was a serious peace process. People talk about '25 years of negotiations'. But when you look at when negotiations were actually taking place during those 25 years, I don't think they amount altogether to more than one year. So there is a kind of an illusion of a peace process. This serves purposes: there is a peace process going on so behave, wait, it's going to get there.

There have been attempts at negotiations; some more successful than others. For example, the Olmert/Abbas engagement had good chances. I feel that it had the potential of being concluded. But of course to be successful you need three things. You need the acceptable *content*, you need the right *politics* and you need the precise *moment*. Synchronicity among these three considerations is of utmost importance; if one of them is lacking and not in the right place, a deal becomes difficult to get to.

In the Abbas/Olmert talks the *content* was the strongest part of the three factors, but the *politics* were wrong because Olmert was on his last legs, and some in his team were going to Abbas and telling him if he makes a deal with Olmert he should know that Olmert does not represent Israel, he does not represent the Israeli government and so on. And the *moment* to seal a deal vanished quickly because of Olmert's predicament, because of the 2008 war in Gaza, and because of the end of George W. Bush's tenure. If it had been one year earlier, without Olmert's legal problems and with some kind of cohesion within his camp, it could have produced something. It wouldn't have ended the conflict, but it could have produced an agreement, a good first step. Even now, we don't have a better alternative.

Another missed opportunity was under President Barack Obama. Again the *content* – the substance of an agreement – was almost there, but the *politics* in all three camps, Israel, Palestine and the US deteriorated at the expense of an agreement. And the *moment* was missed as Abbas lost confidence in the seriousness of American efforts and Prime Minister Benjamin Netanyahu got exasperated with the ways of the US administration. Martin Indyk was correct when he observed that as Prime Minister Netanyahu 'moved into the zone of a possible agreement,' Abbas 'shut down,' and by March 2014 he 'had checked out of the negotiations'. Former Secretary John Kerry invested enormous and unprecedented energy in trying to advance the negotiations; he should have been given a better chance by all the parties, but the odds were against him. Again, the synchronisation did not happen.

**AJ:** *You wrote something that I would like to invite you to elaborate on. 'If the whole diplomatic process is formulated so that finding a state is part of a bigger project, then I think that is the first step toward dealing with the heart of the conflict. This has not been done.' This, to me seems to be a very important idea indeed, but can I ask what you mean by 'a bigger project'?*

**HA:** We can't simply go back to all the things we have been trying to do, over and over, and have 'one more heave'. They don't work. They do not have any life in them. Even with the

negotiators, they don't have any resonance anymore, not to mention the people outside the room. If you go out in the street and you say 'they are negotiating the future of Jerusalem', nobody would pay any attention; nobody would believe you, on the Palestinian side or on the Israeli side. They don't think it's serious anymore. The whole notion of a 'peace process' has become an obstacle to real peace.

We have to look at other ways of doing things, we really do. I do not have a readymade blueprint but it's definitely worth deliberating about what could replace the current self-styled so-called peace process. For a long time, beginning with trying to establish two states seemed to be sensible, pragmatic and acceptable to both the local parties and the international community. This process has failed. We must liberate our thinking of the Oslo straitjacket and consider other ways. Most probably two states will still be the best model; we have however to consider achieving it through a different route than the much rummaged current framework.

**AJ:** *Should a new peace process include Hamas?*

**HA:** Theoretically the natural partners for a kind of 'peace' now are Hamas and the Israeli right-wing. They are the only two parties that can reach an agreement that will be acceptable to both of them and at the same time fit their respective ideologies. Neither side believes in a permanent resolution of the conflict so they can each accept interim agreements stretching over long periods of time. In contrast, the PLO and Fatah, the non-religious parts of the Palestinian national movement, are totally fixated on a final deal, but there is no partner in Israel for the kind of deal they have in mind. And Netanyahu does not have a partner on the Palestinian side for the kind of final deal he wants. He might find one in Hamas, because for Hamas it doesn't matter what they get at any particular point in time; finality, closure and end of conflict are not issues that bother them. They believe in accumulating assets, of building an Islamic society. So they are flexible. For a long time they did not believe in a military confrontation with Israel. Instead, they wanted to build an Islamic society and consolidate and achieve victory through the power of their faith and beliefs. They are fatalists who believe that Israel will inevitably disappear, so it does not really matter as long as you do not compromise on your fundamental tenets and have the capabilities to build up your power and create a solid Islamic society. Not unlike some in Israel who believe that the totality of the territory between the Mediterranean Sea and the Jordan River will eventually belong to Israel.

Unlike Fatah, Hamas has ideological roots and beliefs that it can rely upon without the need for 'armed struggle'. Compare that to Fatah who, when you take away 'armed struggle,' has no unifying ideology. There are Marxists, Islamists, liberals, democrats, rich businessman, poor camp dwellers, ideological hybrids and unclassifiables, like myself. This makes Hamas, again theoretically, a better candidate for the kind of deal Israel wants.

That's why it took the precursors of Hamas a long time to join the armed struggle, which only

happened after the First Intifada started. They founded Hamas because they feared not being able to keep the Palestinian Muslim Brotherhood movement from haemorrhaging after seeing it split twice before. It split in the 1950s when some left and founded Fatah and a second time in the early 1980s when Fathi Shiqaqi split and founded Palestinian Islamic Jihad. In 1987 the Gaza-based Muslim Brotherhood created Hamas because it felt that if they didn't create a new armed wing, then there could be another split.

The problem with an interim deal with Hamas is not whether it will abide by it; I think it would. The problem lies in the fact that Hamas does not and cannot, as long as it is an Islamic movement, represent the majority of Palestinians who, while being on the whole devout Muslims, are not attracted to political Islam, especially after the experience of recent years. So there is an intrinsic instability in an interim deal with Hamas and a vulnerability to the whims and conduct of other significant segments of Palestinian society who may choose otherwise.

That is why the real prize for Hamas is the PLO through which it can include more sectors of the Palestinian political scene and replicate the role of Arafat. For that to succeed on the ground Hamas has to establish itself as the authority in the West Bank either through a creeping process or otherwise.

Another difficulty with an interim deal with Hamas is the nascent fragmentation of a movement that prides itself with its internal cohesion and the abiding of its members to decisions once they are tortuously made. There have always been various currents in Hamas that have co-existed and managed to keep its unity. It is not clear that with a momentous decision of going for a deal with Israel, even if only interim, this unity could be maintained. For example, some in the military wing may feel alienated from such a deal and concerned about the curtailment of their influence in the new circumstances.

Lately, there also appeared constituencies within Hamas that have built their own close relations with some states in the region. Some of these groupings depend for their very sustenance on powers outside the immediate Palestinian scene that have their own agendas, and these may not always be in support of an interim agreement with Israel.

The transformation from the culture and codes of conduct of 'resistance' to one of quiet and effective coexistence with Israel under an interim deal will not be an easy task. Hamas will unavoidably shed some members that will either join other organisations or start their own with external sponsors. They may actively pursue a policy of undermining a Hamas/Israel deal, further contributing to its fragility. Fatah is still suffering from this tension between 'resistance' and 'partial peace' 25 years after Oslo.

We are all familiar how brittle and delicate even a 'ceasefire' between Hamas and Israel is. To have a full 'interim peace agreement' poses formidable challenges that may make the whole project a bridge too far.

*The concepts of the past*

**AJ:** *When it comes to vision, the leadership of the Palestinian National Movement have been thrashing around for some time: now seeking negotiations, now going for internationalisation, now flirting with 'popular resistance,' now threatening to dissolve the PA, now appearing to be open to a binational state, and so on. You have rather brutally pointed out that 'not one of these ideas has been well thought out, debated, or genuinely considered as a strategic choice'. Why has there been such strategic uncertainty?*

**HA:** The Palestinians are a very able people. The problem is that they are still living with the concepts and the notions of the past, which have consistently failed them; even when these conceptions were the currency of their times. They still speak the language of a world that no longer exists. There is no correspondence anymore between their discourse and the current zeitgeist. It is paradoxical that while more than ever before, the world is aware of the Palestinians' plight and sympathy to their cause is unmatched; at the same time, the rest of the world is not willing to do much to really help fulfil their aspirations. Even the BDS movement has more to do with punishing Israel for continued occupation than to actually get the Palestinians what they want.

When we talk about the 'liberation' of Palestine, what does that mean today? Can you still talk about a 'contiguous and fully sovereign Palestinian state' and see clearly that it is no longer possible: what does it mean? Talk about 'ending the occupation' has no clarity as to *how*. People feel that the old framework of ideas is less in tune with reality, is less and less a guide for action, but they are also aware that nothing has yet emerged to replace those ideas.

We are passing through a transition period during which there will be many breakdowns. In the beginning, most of these breakdowns will not be political in nature. Eventually, however, they will crystallise around a new political outlook. What do I mean by that? Take the car-rammings and the stabbings. They are not attached to a political programme. Nobody goes and stabs an Israeli, or rams a car into an Israeli, because he or she thinks that will liberate Palestine or help create an independent Palestinian state. It is the result of the impoverishment of the old political outlook. It reminds me of the early days when Palestinians used to fire a Katyusha rocket into Israel and then run and hide. It wasn't going to change anything but over time it consolidated into the so called 'armed struggle' which, whilst failing to achieve its military objectives, created enough political impact to start a diplomatic process.

We are at the end of an era and have entered an undefined and turbulent period in which the old notions are being gradually undermined, and not only for the Palestinians. These changes are global. To ask a rhetorical question reminiscent of Tom Friedman's style; would the Palestinian people rather be Kosovo or Google? Which is more powerful? These are questions we need to ask. We have to channel nationalist feelings into new directions and concepts and explore unfamiliar and uncharted territories.

As I wrote in 2017 – a little cryptically, maybe – ‘the Palestinians may need to acknowledge that yesteryear’s conventional nationalism and “national liberation” are no longer the best currency for political mobilisation and expression in today’s world, and that they need to adapt their struggle and aspirations to new global realities ... old-style nationalism and its worn-out ways may no longer be the vehicle for their empowerment’.

**AJ:** *You have noted – with some regret, I think – that ‘the PLO ... was not a state-building movement, unlike Zionism’. If I read you correctly, you argue that it must become so, in so far as the status quo will allow it to be. So can I ask what relationship your ideas have to what was known as ‘Fayyadism,’ after the state-building and nation-building efforts identified with the former Palestinian Prime Minister Salam Fayyad? What are the lessons of the failure of Fayyadism? Should Fayyadism be rebooted?*

**HA:** Fayyad tried very hard to build a state but it’s very difficult to do that when the Palestinians are geared toward something else: ending the occupation. Of course they want to have clean water, basic infrastructure, better health services and new schools, but for the majority of Palestinians that is not their main focus. So Fayyad ended up, so to speak, shouting and hearing back echoes of his own voice. It is very difficult to build a state under occupation when, at each turn, your freedom to decide is curtailed and you are faced with imposed restrictions.

Some Palestinians were supportive of Fayyad and his ambitious plans. But the Americans and Israelis buttressed him only verbally as a way of pacifying the Palestinians. They did not give him what he needed. Making dirty roads a bit less dirty was never going to impress that many people. He tried hard but the odds were very much against him. Also, he was viewed by many as an outsider imposed on the Palestinian leaders, so there was also an element of suspicion and mistrust. The leadership was always worried about Fayyad – where he was going, who was behind him, whether he was making deals behind their backs, etc. I think Fayyad and people like him do have an important role to play in the future, but as part of a more cohesive political leadership.

**AJ:** *Many genuine friends of both Israel and Palestine think that one reason the Palestinians have not secured statehood since 1948 is that the Palestinian National Movement failed to grasp that it faced a Jewish national movement with national aspirations and, then, a Jewish nation-state with what Rashid Khalidi called ‘strong roots in international legality’. Instead of facing up to that, Khalidi argued that there had been what he called an unfortunate ‘flight from reality’. Is a paradigm shift in the Palestinian position needed: towards recognition of the Jews as a people, not just a religion, and the recognition of Israel as the Jewish nation-state, with full rights for the minority, alongside a Palestinian nation-state recognised as the homeland of the Palestinian people? You seemed to argue for this, and anticipate the Palestinian fears that would have to be addressed, when you wrote the following:*

*Israel needs to know that its presence in this region is legitimised and secure, that it is genuinely accepted by the other states of the region. That is the payback for Israel. If you want a solution, you have to find*

*ways of addressing that without jeopardising both the history and the aspirations of the Arab peoples. Otherwise, you have to go on fighting till total victory or total defeat and surrender. There is no other way. You cannot avoid addressing the issue by saying it's a latter-day excuse that Livni or Netanyahu came up with. From the Israeli point of view, it's the crux of the matter. The Israelis want to be accepted as a Jewish state, no matter how you define that Jewish state. This is not a tactical manoeuvre to make things difficult and escape an agreement. These are genuine feelings. (...) The challenge is how to get there without rendering the Arab version of history meaningless and declaring it bunk, without compromising the rights of Palestinian refugees and without saddling Israeli Palestinians with the status of second-class citizenship.'*

*How should each actor – Israel, the Palestinians, the international community, global civil society – act to make it possible for that challenge to be met?*

**HA:** I am an Arafatist on this matter. Arafat is on record that he recognises a Jewish state; that Israel is a Jewish state. There is a [video](#) on YouTube from 1988. He also said it in an interview that has since been conveniently forgotten or dismissed as not being enough, with David Landau and Akiva Eldar in *Haaretz* published on June 18, 2004. I quote: "Definitely," says Yasser Arafat, waving his arm for emphasis. He definitely understands and accepts that Israel must be, and must stay, a Jewish state. The Palestinians "accepted that openly and officially in 1988 at our Palestine National Council," and they remain completely committed to it. Thus, the refugee problem needs to be solved in a way that will not change the Jewish character of the state. That is "clear and obvious."

My concerns about 'Jewish state' are threefold.

First, it should not jeopardise the rights of the Palestinians that are already living in Israel. It should not result in the Palestinians in Israel becoming second-class citizens, as they feel they are now after the Nation-State Law.

Second, it should not jeopardise the Palestinians' right to keep their narrative. If the Palestinians have to give up their narrative of what happened to them in 1948 and after as a result of recognising a Jewish state, then we have a problem. The Palestinians will never give up their narrative. What matters is how they behave not what their narrative is.

And third, it should not jeopardise the rights of refugees, however these rights are defined. Refugees should not be allowed less or suffer more because Israel is a 'Jewish state'.

If these three concerns are addressed an agreement on this matter could be reached. But if you deny the Palestinians these privileges as a consequence of defining Israel as a 'Jewish state,' any agreement will be phoney and unsustainable, agreed to under coercion and, because of the imbalance of power, it will eventually be reneged on.

In the Palestinian political literature from the extreme Left to the extreme Right, Israel has

always been referred to as *aldawla alyahudiyya* [the Jewish state], or *aldawla ali'briyya* [the Hebrew state]. It became an ideological issue of dispute only when it was posed as a demand by the Israeli team in the negotiations of the Annapolis process. Now it is a real issue; I understand that. As I wrote before, Israel wants to be accepted in the region as a Jewish state. I feel that that acceptance was already there despite the hostility; if you ask any old Arab from any country, 'Is Israel an Arab state?' he or she will say, 'No, it is a Jewish state'! Once you pose it as a demand and you aim to codify it in a formal text, then you start having problems. We should not concentrate on texts, but rather on realities. I do not want to go into late 19th century and early 20th century discussions about the right of nations for self-determination, which is anyway an outdated notion that has lost a lot of its meaning in today's globalised and inter-connected world.

This is part of the problem of defining a sovereign Palestinian state today – what does it actually *mean* now? We talk about a 'fully sovereign state,' but which state is *really* fully sovereign today? Not one. Do the British sovereign bases in Akrotiri and Dhekelia make Cyprus less sovereign? Are Britain, Germany, Japan and many other countries less sovereign because of the presence of American bases on their territory? Does the European Union not automatically curtail the total sovereignty of its member states?

#### **PART 4: AMERICA, TRUMP AND THE 'DEAL'**

*AJ: You have argued that the reliance on US ideas and leadership needs to end. You have offered several reasons. First, 'There is no precedent for a successful start-to-finish American effort to bring about peace in the Middle East.' Second, 'All such endeavours that came to something initially were rooted in local dynamics that the US could influence but did not produce.' Third, there are no 'notable examples of the US forcing an Israeli government to take sustained action that it believes to be fundamentally at odds with its core interests'. Fourth, that 'US mediation has also inevitably blurred the two sides' vision, distorted the nature of their bilateral dealings, and — intentionally or not — enabled the status quo to be perpetuated.' Finally, 'Too often, both [sides] display greater interest in gaining America's support than in persuading each other.' That's quite a list! Putting the singular figure of Trump aside for now, how do you think the US should conduct itself in a new peace process?*

**HA:** For a long time, the Palestinians thought that the Americans could impose a solution on Israel. That was such a waste of time. They don't think that anymore. They see that the Israelis use the Americans to shield them from the rest of the world and to help them sustain the image of being fully engaged in a peace process, without actually making the concessions that the rest of the world expects of them.

After the Obama years, the Palestinian reached the conclusion (rightly or wrongly), and I have heard this clearly from many in the leadership and outside, that no US Administration, whatever its colour and inclinations, ever will or really wants to resolve the conflict and extend

to the Palestinians some of their rights. They are all, in one way or another, totally on Israel's side. They may have different styles of dealing with Israel, but their support is unwavering. It reminds me of the early days of the Palestinian national movement in the 1960s and 1970s when the US was viewed as a threat and an enemy of the Palestinian people. This comes after a quarter of a century dependence on the US to deliver a deal. It even precedes President Trump's controversial measures.

As you point out, I have said before that all the processes that have led to positive outcomes in our part of the world were indigenous, and that is still the case today. The Israelis and the Palestinians have to talk to each other and reach understandings. The Americans can help, providing the parties with the kind of support that is needed for any kind of local agreement to become a reality. But the Americans can't substitute for local dynamics and a local agreement.

**AJ:** *Does the degree of American control of the process prevent that local dynamic developing?*

**HA:** Well, to take one example of what the Americanisation of the process has done, it made the really big issues into side issues. As I argued earlier, a central problem on the Palestinian side is that of refugees. But has that issue been the focus of negotiations? No. I know of no serious negotiations where refugees were the focus. Similarly, a big issue on the Israeli side are the settlers. But while most Israeli negotiators are sensitive to settlers' demands and reactions, there is no direct engagement with them in the negotiations. There is not a settler's voice as such. The settlers and their supporters are the dynamic elements in Israeli society today. When people say, 'Hold on, 70 per cent of Israelis want a two-state solution' I say yes, those are the 70 per cent that stay home and watch television. Those against two states are the ones that go out in the street, that organise and act, that make a difference. You cannot ignore them.

Again, while the Palestinian refugees' voice has not been heard as the political focus shifted to the West Bank, you can't get away from the fact that the majority of the Palestinians do not live in the West Bank. Does a purely West Bank solution provide for the majority of the Palestinians? They might look to the West Bank as their state; those who can might decide to go and settle there. But are the concerns and experiences of the majority of the Palestinians really addressed in repeated 'peace processes'? No. Can you have a genuine end of conflict agreement that excludes the majority of Palestinians?

These are the kind of problems created by an overly Americanised process. The central issues become the side issues. But the refugees and the settlers are not side issues. They are at the heart of the conflict. They really are. You cannot resolve the conflict if you do not hear their voices directly. You *have* to hear their voices.

And as I argued before, Americans are text-oriented. Everything for them has to do with wording and a kind of a contract. This might be appropriate for some disputes, but for heavily emotional and historical conflict, such as ours; it is not fit for purpose. Americans recognise the

weighty emotional dimension, but ignore it.

**AJ:** *What have you made of the approach being taken by Trump and his team?*

**HA:** I think Trump is serious in seeking a deal, but the way his team are going about securing that deal is not always apt. I'm not cognisant of what they're doing, but when I read between the lines, I think it is clear that their matrix appears to be mostly economic and material. They are concentrating on steps on the ground that will make real and positive changes to Palestinian and Israeli lives. I do not think this *by itself* is going to produce the outcome they seek. They seem to believe that improving their economic situation will make Palestinians politically compliant, 'moderate', acquiescent and satisfied with much smaller objectives than they have hitherto. I think they are wrong to expect that.

I suspect that the team are suspicious of seeking a framework agreement on general principles, arguing that this path had been tried for 25 years and has got everyone precisely nowhere. I believe this is also a mistake: a framework agreement is still needed. Why? Look, if you have an agreement on general principles, and you withdraw from five per cent of Area C under such principles, the impact and meaning of that very limited disengagement – because it is part of a process of implementing the agreed principles for a final deal – will be far greater than withdrawing from 10 per cent of Area C without any agreement on general principles.

We need that umbrella: a one pager that agrees two states for two peoples, two capitals in Jerusalem, a fair and agreed resolution to the refugee problem. Yes, it will not produce a peace agreement overnight; yes, it will not immediately produce dramatic changes on the ground; and yes, it will not mean the complete end of conflict. But it would provide a psychological breakthrough that will restore hope in the two peoples. Hope is a rare commodity in the region right now; it is essential to restore some appearance of it to make people believe again. True, many will be cynical, but a framework agreement will be a dramatic and unprecedented step forward. Instead, the US is probably considering a list of projects to improve conditions on the ground without having that political cover. All that will happen is that those projects and policies will either not happen because backers do not know the ultimate destination and are averse to uncertainty or they will be pocketed and the conflict will go on.

We should not forget that, historically, the most radical elements amongst the Palestinians have always been the better off, not the poorest. The leadership of the Palestinian left often came from well-off families, people who could have easily had a comfortable middle-class existence, but they chose the radical left and armed struggle. Hamas's leaders are all engineers, doctors and professionals. You cannot dull people's political feelings by throwing money at them. In fact, after people take the money – of course they will not reject it – they often become even more extreme.

**AJ:** *Why?*

**HA:** Because once you have the money you don't have to run around trying to make ends meet. You have more time to think of your dignity; of the injustice, be outraged by it and act upon it. It's paradoxical but true that nationalistic consciousness increases rather than decreases once the economic situation is relieved. I've seen it first hand, with George Habash and Wadi'e Haddad who were middle-class (both medical doctors), and related to well-off Palestinian families who could have provided them with comfortable lives. But no, they chose to found and lead the Popular Front for the Liberation of Palestine, hijack airplanes and stage dramatic operations. Why? Because in our region and despite appearances, motivation is not just about money.

I am sure that the Trump team know there are deep psychological impulses; they are not dumb. But it is like the economics classes I took at college. The teacher used to say that the 'perfect competition model' did not exist in the real world, but then we go and spend three years discussing the perfect competition model. This is what the Americans may be doing. That is my concern.

Perhaps the Trump team has to learn from President Trump. Maybe he is developing a methodology, a kind of Trump Doctrine, that could work here. In North Korea he didn't do anything on the ground. Rather he had a general paper that created a breakthrough and opened up talks about what to do next. It may or it may not work, but it opened the door. In the case of Israel/Palestine, they are trying to change reality on the ground, without having the much needed political umbrella that will nurture those changes, protect them and give them meaning; without resorting to the political key that will open the door. I hope I am wrong.

**AJ:** *But is there still the space to put together a framework agreement that both sides could agree to?*

**HA:** Yes. I have a framework agreement in my pocket that does not trespass on Israeli or Palestinian red lines. But as well as the content, you need the right political context. I have the content but we don't have the context. I sense that Netanyahu was capable of reaching an agreement with the Palestinians four years ago but right now it's not worth his while. He can do without it at little cost; so why bother, why take the risk?

Here we touch on the bottom line – which few people are willing to discuss honestly and develop answers to. In a deep sense, an agreement has not been reached so far because in this long and bitter struggle between the two national movements, Palestinian defeat is not complete and Jewish victory is also not complete. What do I mean? As long as the Palestinians do not surrender – and they have not and there is no indication that they would any time soon – Jewish victory and Palestinian defeat can never be whole. The desperate acts of stabbings and rammings are unprompted Palestinian reminders to Israel that we are here; we have not given up; your project is incomplete.

So consider the psychology. When Palestinians are close to reaching an agreement and are genuinely faced with giving up 78 per cent of their homeland, they feel surrender, so they recoil. Whenever Israelis find themselves at a similar point and try to justify giving up material assets in return for mere words, i.e. promises about future conduct, they recoil. After all they consider themselves the victors. Whenever both sides get close to a deal, their consciousness of their respective realities becomes paramount and they retreat. This pattern has repeated itself over the last 25 years. Yes, the only party able to make both sides not recoil was the US, but as the Americans, with their eternal optimism, never really fully appreciated the psychology of the two parties nor how to address their deep fears and dark hesitations, they repeatedly missed the opportunity to lead them towards a deal. So now we need something else.

*Hussein Agha is a senior associate of Oxford University's St. Antony's College. Hussein Agha was part of the Palestinian team that negotiated the Oslo II agreement in 1994-5. He has also co-authored three books with Ahmad Khalidi: A Framework for a Palestinian National Security Doctrine (2006), Track-II Diplomacy: Lessons from the Middle East (2004) and Syria and Iran: The Durable Alliance (1995).*



## THE ZIONIST LEFT NEEDS TO UNDERSTAND THAT CHANGE IS IMPOSSIBLE WITHOUT US

AYMAN ODEH

*21 per cent of Israel's citizens are Arab-Palestinians. Since 2015 the leader of the Joint List – an alliance of four Israeli political parties representing this national minority – has been Ayman Odeh. A political visionary who is fond of quoting Martin Luther King Jr., Odeh argues in this interview with Fathom deputy editor Calev Ben-Dor for a new politics of change in Israel. 'Were the government to pursue peace, democracy, and social justice, and treat the country's Arab citizens as legitimate members of political life' he told Fathom, 'the Arab sector will "come out in droves" to build a fair and equal country that works for the benefit of all of its citizens, as happened in Rabin's time'. (September 2019)*

**Calev Ben-Dor:** *What is your vision for the future of the Arab-Palestinian minority in Israel?*

**Ayman Odeh:** That there should be peace based on two states along the 1967 borders with very good relations between them, and that following the establishment of a Palestinian state there should be peace between Israel and all the Arab states.

Within Israel, my vision is of a civic, democratic, state driven by equality and social justice, and in which the reality that there is more than one people and culture in this land will be seen as an advantage rather than a hindrance.

**CB-D:** *Some would say that being the leader of the Joint List is one of the hardest jobs in Israeli politics. What are the biggest barriers you face in trying to realise your goals?*

**AO:** Firstly, it is difficult to be an Arab Palestinian in Israel. By that I mean that you were a majority before 1948, and were subsequently turned into a minority against your will. In 1967 the State of Israel conquered the other part of your people. So in addition to being indigenous and constituting a national minority suffering from systematic and systemic discrimination, you are also part of a people which is under occupation. This very difficult situation provides the context for the challenges inherent in being a representative of the Joint List and in being its leader. Moreover, it is also challenging to build trust and hope for our public – 80 per cent of whom voted for us – while being faced with the extreme right-wing government that our community view as constantly inciting against us.

Yet certain things make my job easier. One is my belief that both peoples have a mutual interest in peace and social justice and that alleviating specific challenges to the Arab population is beneficial to both Jews and Arabs. For example, we promoted an economic plan which entails greater employment in the Arab sector but that ultimately benefits everyone. I also believe that official recognition of the un-recognised villages in the Negev is a win-win situation. The Negev comprises 60 per cent of the country but only 14 per cent of the population live there. In the un-recognised villages, people live with no education system or water and electricity infrastructure. Is this good for the Jewish areas in the Negev such as Ofakim, Yerucham, and Omer? In the 1990s Prime Minister Yitzhak Rabin recognised some previously un-recognised villages in the north and I think the Jewish neighbours realised it was good for them as well. This belief that Jews and Arabs have shared interests allows me to build trust by speaking one politics but in two languages. For example, whenever I post on Facebook I write in both Arabic and Hebrew. I want to advance this idea that the interests of Jews and Arabs don't contradict one another.

While these issues are clearly important on a socio-economic level, they are sensitive on a national level. But let's talk about history. Does recognising the injustices of military rule over the Arab population [which was kept in place from 1948–1966], the massacre in Kfar Kassem in 1956, and all the other injustices undermine the state? Or would it strengthen the civic and shared citizenship of us all? No state established in the past thousand years – neither the US, Canada, nor Australia – was born without sin and recognising that fact strengthens the state and its moral, ethical and civic legitimacy.

The Joint List itself has three goals: First, to strengthen those shared components and to try and reach 15 seats. Second, to create a wide democratic political camp comprised of a diverse range of groups who oppose the weakening of the democratic space in Israel – which isn't just against the Arab sector, but also relates to attempts to weaken the Supreme Court, NGOs, and the media. This political camp already agrees on more than 80 per cent of the following issues; they oppose the occupation; oppose the undermining of the democratic space, oppose the state's neo-liberal economic politics; and oppose the delegitimisation and weakening of the Arab sector.

The third goal is to convince the Zionist Left – the Labour party and others – of two things; that we Arab citizens can't make these changes alone, but that it's impossible to make them without us. I have told these parties that if they want to create a coalition with Education Minister Naftali Bennett or with Defence Minister Avigdor Lieberman they can, but that this will lead to neither peace nor democracy nor social justice. If those issues are important to them, they have to make us partners. Ultimately we need to internalise the equation that we can't do it alone, and the Zionist Left needs to understand that these changes are impossible without us.

I have conducted lots of negotiations with the heads of these left-wing parties and it's sometimes hard to convince them. I tell them that Prime Minister Benjamin Netanyahu is trying to delegitimise us because if we aren't considered legitimate he needs much less support from the Jewish public to stay in power. The Zionist Left should reiterate that the Arabs are citizens, that they deserve equality, and that they are legitimate in the state. Such a position is not only what any decent social democrat should say; it is also politically wise.

**CB-D:** *In the past you have discussed your aim of reaching out to the Jewish-Israeli public but you clearly have to balance several different constituencies pulling in different directions. The Joint List is comprised of four smaller parties with different ideologies, including Palestinian nationalism, communism and political Islam, and you also have been criticised by some Arab mayors for your approach to politics. How do you reconcile the concerns of your political base and the unity of your faction with the mission to bridge gaps of distrust with Israeli Jews? And might some MK's within your party make this bridge-building harder with their statements?*

**AO:** There are undoubtedly different perspectives and ideologies within the Joint List. And sometimes we make mistakes, such as failing to approve a vote-sharing agreement with Meretz before the elections. We have also made mistakes during the current term. But every single Joint List MK believes in universalist principles, supports a Palestinian state alongside Israel, and is in favour of full equality and social justice.

While these positions are seen as moderate in the international community, they are deemed extreme in Israel; just imagine how an individual in France or Britain who believes his country should be a 'state of all its citizens' is considered mainstream while here they're seen as part of an extreme minority. Israeli society is moving rightwards. In every country in the world, the Israeli Left would be considered right-wing – it is security minded and it supports the concept of a nation state despite the fact there are indigenous people here too. This is the context in which one should judge the Joint List.

At the same time, it's not enough to be right. We also need to be smart. For example, with fires ranging in the Carmel forest, it's smarter to focus on the fact that this is where I and my children grew up and that the perpetrators should be punished to the full extent of the law rather than mentioning the fact that the trees are from the Jewish National Fund.

I can't justify the institutionalised attack against some of my colleagues on the Joint List, especially because I believe that in essence, their opinions are correct. But I agree that something needs to be changed in the style of how these views are expressed. With the State of Israel moving further to the right, we need to be smarter in how we present our views and I would choose to present things differently. But we also need to make a distinction between the aggressor and the victim, between the strong and the weak, between the state and representatives of the Arabs. And I think most people understand that there is a deep imbalance here.

**CB-D:** *Do you think some of the statements from Joint List MKs affect your ability to speak to the Jewish public?*

**AO:** I'd like to be able to speak to and convince 100 per cent of Arabs and 100 per cent of Jews. But my aim is to reach out to approximately 30 per cent of the Jewish public who – while I don't expect them to completely agree with me – I hope will conclude that there's a certain logic to what I'm saying and that things are complex and thus we must go beyond simplistic slogans to come to agreeable, equitable solutions. I believe that a coalition comprised of 100 per cent of Arabs and 30 per cent of Jews can defeat the Israeli Right.

**CB-D:** *In an interview with David Remnick of The New Yorker, you talk about leadership and said, 'If I am a metre too far out in front of the people, I'll lose them.' What do you feel would be considered too far in front?*

**AO:** A leader should lead rather than be led. But there is a difference between a politician who thinks about the next election cycle and a leader who thinks of future generations. I don't want to be right but irrelevant. The wisdom in leadership is not to stay in the middle and let people pass you. But one also can't be so far out in front that people don't even see your back. The latter role is for the intellectual, who believes that in 50 years people will understand him and think he was right. A leader has to maintain the connection with his people, and that is the place I believe I'm in.

**CB-D:** *Where do you think your community is today? There seem to be two – perhaps contrasting – trends, one towards further integration, and another towards greater Palestinian nationalism and separatism.*

**AO:** Fundamentally, what is important for Arabs in Israel is both maintaining their national identity as Palestinians and the aspiration to be fully included in all aspects of life in the country. Sometimes there is a clash between these two things, especially regarding defence and security issues, for which we have tried to find a solution. That's what approximately 80 per cent of the public wants – although some place more emphasis on one than the other. I also believe that once a Palestinian state is established, things will be different.

In light of this, what most affects the Arab sector is the government's policies and attitude toward it. Were the government to pursue peace, democracy, and social justice, and treat the country's Arab citizens as legitimate members of political life, the Arab sector will 'come out in droves' to build a fair and equal country that works for the benefit of all of its citizens, as happened in Rabin's time.

But I fear that were the government to continue on its current course of discrimination and incitement, people may despair and become disillusioned with the prospects of building together an equal and truly democratic society and turn to other avenues. This would be truly terrible.

We must promote democratic, unifying politics that speaks to Israeli Jews as well as Arabs, and be willing to be on the frontlines of the struggle for justice, like in the case of Umm al-Hiran.

**CB-D:** *President Reuven Rivlin has made shared society his overwhelming focus. How do you evaluate his efforts? Can his efforts help bridge divides?*

**AO:** I am supportive of the concept of a shared society. But there are two problems with President Rivlin's approach. [Rivlin spoke about the danger of Israeli identity being subsumed along 'tribal' lines – mentioning Ultra-Orthodox, National religious, secular and Arab]. Firstly, he is a supporter of the Greater Land of Israel, which I believe represents the antithesis to peace and the interests of peace with Israelis and Palestinians. Secondly, we are not a tribe but a national minority within the Land of Israel. We deserve *national* and *civil* rights rather than *tribal* rights.

Alongside the recognition that the Jews are a people, we should also be recognised as a people – neither of us are tribes. There is a type of unfair game going on in which after the Jews fulfilled their rights to self-determination as a people, they begin to speak about tribes.

But I love the approach that we need to unify people and if his intention is to bring Jews and Arabs together, then I support it.

**CB-D:** *You have mentioned the concept of national identity and national rights. Can you detail what you mean by this?*

**AO:** National rights mean that we constitute a national group and thus deserve collective rights with regards to such things as language and education, as well as recognition of historical injustices committed by the state. These aren't intended to be against the state, for I believe that granting these rights and recognising past wrong doings would ultimately serve to strengthen everyone's shared citizenship and their sense of belonging to the state.

I try to steer clear of discussions over symbols – where we too often get stuck – and focus on discussing more concrete and substantive issues, where progress can be made. Symbols strengthen the Right, while substance strengthens the Left. For example, saying that the Arabs deserve national rights scares people. But suggesting that Arabic should be a national language and that Arabs should spend more time learning the Koran than Jews do – both of which are national rights – sounds perfectly natural and logical. Much of the resistance to it is psychological.

Social justice and civil rights – which are issues of daily concern – are more important than national rights. But without national rights, the Arab community won't ultimately feel like it truly belongs. For example, were the state to recognise the massacre in Kfar Kassem in 1956 and apologise for it, it would alleviate much of the anger people feel toward it.

**CB-D:** *You spoke in the past about how the Arab parties didn't rush to join coalitions. Can you imagine circumstances under which you would join a coalition government?*

**AO:** There is broad agreement of approximately 85 per cent of Arabs that the period under the Rabin government – where we constituted a voting bloc which supported the government from outside the coalition – was our best parliamentary period in the history of the state. A scenario in which a government that genuinely supports peace and equality would depend on our support to rule, with the alternative being the Right continuing in power is one where I don't think we should stand aside and say we're not interested. I think we would want to influence, and one model would be a return to the situation from the 1990s with Rabin.

But the situation today is not just that the right-wing is in control, but that those who were in Rabin's party have moved rightwards and have even engaged in delegitimisation against us.

*MK Ayman Odeh is head of the Joint List, the third largest parliamentary group in the 23rd Knesset, and chairs the Lobby for Culture in the Knesset. He is a member of the House Committee and the Labor, Welfare and Health Committee. Since 2015, Odeh has been member of the board of directors of the Mahmoud Darwish Foundation.*



## THE US HAS ALWAYS HAD A BLIND SPOT ABOUT THE PALESTINIANS. NOW IT IS WORSE

KHALED ELGINDY

*American academic Khaled Elgindy is a non-resident fellow in the [Center for Middle East Policy](#) at the Brookings Institution. His new book, *The Blind Spot – America and the Palestinians from Balfour to Trump* tells the history of US-Palestinian relations as the evolution of a US ‘blind spot’, with regard to both Israeli power and Palestinian politics. If US eyes were opened by the First Intifada and the Oslo process and with successive US presidents supporting a two-state solution, Elgindy believes the Trump administration is now backing away from longstanding US policy. However, unless his peace plan is committed to 242, an end to the occupation and the creation of a Palestinian state, no Palestinian leader can engage with it. (May 2019)*

### WHAT IS THE US ‘BLIND SPOT’?

**Samuel Nurdin:** *You recently published *The Blind Spot – America and the Palestinians from Balfour to Trump*. What is the blind spot you refer to?*

**Khaled Elgindy:** The Blind Spot in the book’s title refers to the tendency of US politicians to downplay or ignore two things critical to any diplomatic effort: Israeli power and Palestinian politics, which are two sides of the same coin.

For context, any negotiator understands that a successful outcome depends as much on the dynamics outside the negotiation room as those inside. Negotiations are not just about getting two leaders and their respective delegations together in a room to hammer out a deal. Rather, negotiations are also shaped, in terms of what each side can reasonably propose, by their respective public opinions, what their political opponents are doing and saying, and so on. Each side is negotiating their internal politics at the same time as they are negotiating with the other party at the table. It is also clear that the balance of power between the sides matters. The stronger party has more options and leverage than the weaker one.

An effective mediator has to take into account that both sides have internal political constraints and they must therefore create incentives and disincentives based on these power dynamics to encourage each side to act in support the peace process and avoid doing things that harm it.

But this is not at all what US mediation has done. It has a ‘blind spot’, namely its tendency to deal with the Israelis and Palestinians as if they were co-equal parties to a conflict, similar to Egypt and Israel in 1979, which were both sovereign states. In reality though, there has never been any parity between Israel and the Palestinians. One very powerful party dominates the other. This is not just a conflict between two sides, but also an occupation, and that occupation often gets filtered out in American thinking.

The flip side of this is the tendency to treat Palestinians as though their internal politics could be ignored, in complete contrast to the enormous sensitivity and deference with which US politicians and administrations approach Israeli internal politics. Bill Clinton, George W. Bush, Barack Obama and Donald Trump, have all been keenly aware of Israeli politics – what sort of mandate a particular Israeli leader has, the balance within the coalition he leads, the chance of early elections if a party within the coalition leaves due to pressure to curb settlements, and so on.

By contrast, US leaders have been virtually blind when it comes to internal Palestinian politics. For example, the Annapolis conference in the fall of 2007 took place following Hamas’ violent takeover of the Gaza Strip (and a year after Fatah lost elections), when Abbas was at his weakest. That *this* was the time the US felt was opportune to begin negotiations with the Palestinian leader, rather than any time in the two years prior when Abbas came to power and had been pressing hard to start negotiations with the Israelis, was telling. The notion that late 2007 was seen by the Bush administration as the optimal moment to start a negotiation process was a clarifying moment for me. It showed me that the US ignores Palestinian politics.

It does so partly because it has had a natural bias for nation states. It is easy for a superpower to lose sight of the importance or nuances of a non-state actor like the PLO. And there is the influence of the ‘special relationship’ between the US and Israel and the role in domestic politics of a very influential pro-Israel lobby that has been a constant in American politics for many decades. Ultimately, it’s just easier and less politically costly for administrations to put pressure on the Palestinians than on the Israelis. For the same reasons, it is easier to accommodate Israeli politics than Palestinian politics. We’ve often seen politicians who express sympathy for Palestinian perspectives targeted for criticism.

## KISSINGER AND THE REJECTION OF NON-STATE ACTORS

**SN:** *You write: ‘No American policymaker had a greater influence on shaping US policy toward the Palestinians as well as the Middle East peace process’ than Henry Kissinger. Why was he so influential and to what end?*

**KE:** Kissinger was hugely powerful, first as President Nixon’s National Security Advisor and then as Secretary of State to Presidents Nixon and Ford. Even when Secretary of State Rogers put forward his own peace plan, Kissinger worked actively to undermine it. And as Nixon

became bogged down in Watergate and his own problems, Kissinger assumed more powers and had pretty much *carte blanche*. Nixon was initially resistant to giving Kissinger a role in the Middle East in part because he didn't think that the Jewish Kissinger would be fair-minded in dealing with the Israeli-Arab conflict.

Kissinger was a realist, a staunch Cold Warrior, and often quite Machiavellian in how he saw power dynamics. He believed that the driving force in international relations are nation states and at a time, during the 1970s, when there was an explosion, often literally, in non-state actors in terms of their role in global politics and global security. So Kissinger did not view the Palestinian issue as something legitimate or one that needed to be part of a peace process. At best he saw it as a distraction; at worse a dangerous influence. He perceived the PLO's influence on Arab politics as extremely harmful and believed in order to make progress in the Israel-Arab peace process, the PLO would have to be weakened or marginalised.

The ultimate manifestation of this approach was the 1975 Memorandum of Agreement between Israel and the US, in which the US agreed not to talk to the PLO until the PLO met two conditions: 1) To accept UNSCR 242 (and the land for peace formula which had an implicit recognition of Israel in it); and 2) To recognise Israel's right to exist. For many years these two conditions prohibited US contact with the PLO. It is interesting that there was no mention of terrorism as a condition for talks (that condition was added in the 1980s) even though the PLO had already engaged in pretty dramatic acts of terrorism, including the murder of US diplomats in Khartoum and the Munich Olympic killings. The fact terrorism wasn't a factor in American or Israeli thinking suggests their decision was a political one – Israel wanted to keep the PLO out because they saw it as nationalist movement which laid claim to the same territory that the state was built on, and Kissinger had his reasons as well. That Memorandum became official US policy, and subsequently US law, and it was a real constraint on American Presidents in conducting diplomacy. Going forward, this became the original basis on which the US would essentially boycott the PLO until the 1980s.

Kissinger's position on the PLO was not uniform in the US diplomatic community. There are always competing priorities and interests within and between the different components of the policy-making machinery – on any issue. Going back to the time of the Mandate, the State Department has tended to take the view that the US should not ignore the views of the Palestinians, both for its own merits but also because doing so would damage US credibility and standing in the Arab world and on the international community more broadly. And there were moments when clearly that was the case.

## THE FIRST INTIFADA CHANGES US PERSPECTIVES

**SN:** *Shultz was the first Secretary of State to authorise an official dialogue between the US and PLO, in 1988. Why did the US take so long to recognise the PLO?*

**KE:** The 1987 Intifada not only put the Palestinian question on the regional and global agenda, but also drew attention to the PLO and its role as the central political address for the Palestinians. The PLO immediately capitalised on the Intifada by trying to co-opt it and support it with resources and political guidance. As a result of the Intifada, Jordan decided to sever its historical claim to the West Bank, and that was what really changed the US position – until then Jordan was seen as the primary address for dealing with the West Bank and the Palestinians in general.

The PLO had always been a player in the region, and US officials understood this. The US had always dealt with the PLO indirectly through various third parties—for example before, during, and after the Lebanon war. But now it became clear that the Americans had no alternative left other than to deal with the PLO directly. The irony is that as US officials came to the realization in the late 1970s and early 1980s that the PLO would eventually have to play a role in the peace process, the official restrictions placed on the US administration in having contacts with the Palestinians actually increased. In other words, as it became more necessary to deal with the PLO it also became more difficult to do so, and that is the trend we see repeating itself in different manifestations over different time periods.

## **THE OSLO PROCESSES: CONFLICT RESOLUTION AND STATE-BUILDING**

**SN:** *You argue the Oslo Accords involved an implicit trade off that led to the decline of Palestinian institutional politics. What was that trade-off, and in your view, was Oslo ultimately detrimental to Palestinian state-building?*

**KE:** I write about Oslo as two processes in one – on the one hand, as an attempt to resolve a longstanding conflict between two parties and on the other, a state-building project for one of them. So at the same time the two sides are trying to resolve issues such as territory, borders, water, security, refugees etc, the Palestinians are also working to build the institutions of, and lay the ground for a future Palestinian state. Among other things, this meant that for the first time the US, Israel and the EU had a direct (and disproportionate) say in Palestinian internal politics. For many US policy-makers, most of whom already viewed the conflict through an Israeli lens, the goal wasn't just to mediate between Israelis and Palestinians but to help turn the Palestinians into a suitable peace partner – not just by building up their governing institutions but also in terms Palestinian political actors, narratives, and other aspects of their internal politics that considered to be problematic. There were varying degrees of this during different administrations – Clinton, for example, was very different to George W. Bush. The view of Palestinian politics as a pathology – something to be cured or fixed – goes back to Henry Kissinger but is especially prominent during the George W. Bush administration. But the fact that Oslo was both these processes simultaneously meant that it had an enormous say in Palestinian politics, which was not the case for Israeli politics.

Oslo was basically agnostic about Israeli politics. But this was not the case with Palestinian politics, which many felt could – and in fact had to be – transformed to accommodate the needs of the peace process. This, coupled with the PA's massive dependence on foreign aid, created a tension in terms of whether Palestinian leaders should be more responsive to the needs and demands of their own constituents or their foreign benefactors and donors. The priorities of each didn't always line up.

The strongest example of how attempts to re-engineer Palestinian politics ultimately backfired came after Hamas's election in 2006, which led to an international boycott of the PA, and the subsequent violent Hamas takeover of Gaza and the split between the West Bank and Gaza. Thanks to the Quarter's conditions, which reflected American and Israeli opposition to any kind of internal reconciliation, Palestinian division in effect became a condition of the peace process with serious implications for Palestinian governance as well as for the goals of the peace process itself. The ongoing split between the West Bank and Gaza effectively paralysed Palestinian politics. How can you have a successful institution-building process if you don't have a functioning parliament?

#### **FAYYADISM: WHY DID IT FAIL? OBAMA: WHY DID HE FAIL?**

**SN:** *You write that Salam Fayyad was perhaps the Palestinians' most forward-thinking politician in terms of building up a state in all but name. However, Fayyadism failed. Why?*

**KE:** Oslo involved an unspoken trade off. If the PLO/PA did what was needed regarding security, internal reforms etc. (which required the Palestinians giving up a certain level of autonomy over their own institutions and politics) then the US and the international community would do what was needed to deliver a Palestinian state. Fayyad's efforts failed because this unspoken Oslo trade-off never actually materialised.

Fayyad's programme showed that despite being hugely successful in every aspect (corruption, institution-building, transparency, security) the result didn't lead to an end of the occupation and a Palestinian state. In fact, in the Fayyad years, both the Obama administration and Congress ended up punishing the Palestinians for going to the UN and seeking recognition of a Palestinian state. This was another clarifying moment for me: if Obama's policy was to support a two-state solution and Abbas was going to the UN to reaffirm that goal, in a non-violent way, then why spend such enormous political capital in trying to defeat Abbas at the UN? Part of why Abbas went to the UN was to gain some leverage over the Israelis, who already had a lot of leverage – as we've seen in the past, they can surround the Palestinian leader's headquarters with tanks and hold it under siege, or a soldier can prevent a Palestinian minister from moving around the West Bank at a checkpoint. From the standpoint of a two-state solution therefore, the American opposition to Abbas's move was illogical and it really spoke to how invested the US – even the Obama administration – was in maintaining the

power dynamics of the Oslo process, which institutionalised Palestinian weakness.

I certainly think Obama was committed to a two-state solution, but I don't think he was prepared to risk any of his political capital to pursue that political goal. It is one thing to talk a good talk and say 'no settlement building, no preconditions'. But if you're not prepared to back it up with any consequences, then talk becomes meaningless. I think Obama was probably the last, best hope for a Palestinian state, a lost opportunity for a negotiated settlement. Towards the end of the Obama administration I wrote that given the President's very minimalist approach to peace-making, he would probably be the last president to oversee the possibility of a two-state solution. And that was before we knew Donald Trump would go on and become the next President. Since then of course the prospect for peace, or a two-state solution, has only gotten a lot worse.

## TRUMP AND THE PALESTINIANS

**SN:** *How do you assess Trump's approach to the Palestinians?*

**KE:** It is fair to say US-Palestinian relations are at their lowest point. Even Kissinger was prepared to talk to the PLO secretly, despite actively working to marginalise them. At the same time, virtually every single form of American assistance to the Palestinian people has been eliminated. We've never seen that from any other US President and it really says a lot about the level of contempt – there is no other word for it – that the Trump administration has toward the Palestinians. There is hostility writ large. No president has been willing to go as far as cut refugee aid.

In a way, Trump's approach represents the 'blind spot' in its most absolute and pure form. He's turning back the clock not to the pre-Oslo era but to the pre-1967 era, to a time when the Palestinian issue was treated solely as an economic, humanitarian or security issue, rather than a political one. The difference between then and now is that back then it was largely passive and part of an overall learning curve; it was easier to think of Palestinians as refugees (and therefore in humanitarian terms) or guerrillas (and therefore in security terms), but eventually there was a realisation that they had to deal with Palestinian political demands as well. But today it is deliberate. To actively negate everything that has happened before – the commitments dating from the Oslo Accords and the direct US-PLO relations that have developed over the years – and to consciously undo everything that has been learned over the decades, that takes a unique mindset.

**SN:** *The administration is soon to unveil its peace plan. How do you explain Trump's approach to the Palestinians?*

**KE:** I think there is a logic present, in terms of the Trump's team ideological worldview. The US now see things through the lens of the hard-right in Israeli politics. Even the term 'Judea

and Samaria' is designed to negate the existence and history of the Palestinians who live there. But his approach is not logical in terms of a resolution to the conflict. The administration seems to think normalising the status quo is a recipe for peace. It sees Israel as the victor, the settlement project as a success, the Zionist project as a success, and Oslo as well as the Palestinian national project in its various incarnations (PLO, PA, Hamas etc.) as having failed. So the best that they can hope to achieve is some kind of limited autonomy combined with major economic assistance, without political rights to self-determination. It's one thing to be oblivious to the Palestinian demands for freedom, and another to be aware of them and actively suppress and negate them.

**SN:** *What needs to be included in the Trump plan in order for it not to be given a blanket 'no' from the Palestinians? And how you would advise Abbas to respond to the Trump plan?*

**KE:** There need to be three conditions for the Trump plan to meet a minimum threshold of credibility in the Palestinians' eyes: a reference to UNSC Resolution 242 (and the 1967 lines); a call for ending the occupation; and a call for a sovereign Palestinian state. The last three US administrations all set these conditions – which I describe as necessary but insufficient conditions – which were starting points for future discussions. But the current administration is not even prepared to do this. As long as the Trump approach does not include these elements, I doubt very much that any Palestinian leader can touch it, even if they wanted to.

I haven't spoken to Abbas's team but my sense is that he is prepared to wait out the current Trump administration in the hope that a new President will come in and undo many of these destructive policies. The Palestinian public gave up on a US-led peace process a long time ago. We saw elements of this when Secretary of State John Kerry would come to the West Bank to try and restart negotiation and there were protests in Ramallah. It would be virtually politically impossible for Abbas to even indirectly engage in the Trump plan – he would be seen as legitimising Jerusalem as Israel's capital, and as jettisoning 242 and land for peace.

It is important to reiterate that Trump did not kill the peace process. It was already dead. He is merely trying to capitalize on that fact by attempting to re-write the rules for a new peace process with a new rule-book based on the realities on the ground rather than the old terms of reference (UNSC Res. 242, 1967 etc.). That said, I don't think there is any one international power that has the prestige and influence the US has or had, to move this process along. It's possible to imagine a consortium of regional, European or Asian powers who might emerge at some point in the future to oversee a new process. But I don't see that on the horizon given the turmoil in the region, and the distraction in Europe with Brexit and the migrant issue. The fact that there isn't a peace process will only reinforce the current inertia.

In the past the international community could turn to the US to ask them to do something, like Europe did during the Second Intifada when they pressured the Bush administration to get

involved and solve the crisis. Now, people are no longer turning to the US because what they are doing is considered harmful. For the foreseeable future we're likely to remain in a kind of political and diplomatic limbo where the old Oslo process is dead and a new process is yet to emerge. A lot of that uncertainty hinges on the fact we are also far from a coherent and unified Palestinian leadership, which can articulate a strategy – whether that be one-state, two-states, a confederacy etc – that is subject to a political consensus and which could generate diplomatic momentum. This is an important step that needs to happen before we can begin to imagine a new process or framework going forward.

*Khaled Elgindy is a non-resident fellow within the Brookings Institution's Middle East Policy Center, an author, and a founding board member of the Egyptian American Rule of Law Association. Between 2004 and 2009, he was an adviser to the Palestinian leadership in Ramallah on permanent status negotiations with Israel, and was a prominent participant in the Annapolis negotiations during 2008. He is the author of 'Blind Spot: America and the Palestinians, from Balfour to Trump' (2019) and co-author of 'The Arab Awakening: America and the Transformation of the Middle East' (2011).*



## **PALESTINIANS ARE RAISING THE ALARM – THE TIME TO RESCUE THE TWO-STATE SOLUTION IS RUNNING OUT**

ZAID DARWISH

*Dr Ziad Darwish is a member of The Palestinian Committee for Interaction with Israeli Society – PLO (PCIIS). A founder of Palestinian Broadcasting Corporation (PBC) and a professor of media with a Ph.D. in Mass Communications, he lives in Ramallah. In this stimulating essay, Ziad argues that contrary to current thinking in Washington, the Palestinians have acted in good faith as a partner for peace. ‘Peace is only possible between equal partners, not between an occupier and the occupied,’ Zaid argues, so it is up to Israel to make the first steps toward building a lasting peace between the two sides. (April 2018)*

Israel is 70 but so is the unresolved national question. Israel is 70 but so is the Nakba. Israel is 70 but Palestinians are raising the alarm: in your interests and ours, stop the drift away from the two-state solution.

### **AMERICA IS NOT AN HONEST BROKER**

For years, the Palestinian leadership has engaged in good faith with the US administration, providing the American team with a stream of presentations and briefings as well as responding to their many inquiries. Our US counterparts know well the efforts invested by the Palestinian side in terms of developing proposals and encouraging regional initiatives.

However, today, instead of treating the Palestinians with fairness and acting as an honest broker, President Donald Trump has chosen a game of blame. His statements against the Palestinian people have encouraged Israel to continue its violations of international law and to consolidate its occupation regime. Trump has asserted that by recognising Jerusalem as Israel’s capital, he aimed at taking Jerusalem, a final status issue to be negotiated, ‘off the table’. Now, with his threat to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) funding, he has raised the spectre of Palestinian children starving in refugee camps, denied their rights to health and education unless the Palestinian leadership endorse his terms and dictates. A pattern is emerging. While Congress has been threatening to cut Palestinian aid, the US State Department decided to move towards closing the Palestine Liberation Organisation’s (PLO) Washington mission. Then the recognition came of Jerusalem as Israel’s capital.

The Palestinian position is clear: the rights of the Palestinian people are inalienable and sacred. It would be wise for President Trump and his administration to stand on the right side of history, to respect international law and to stop encouraging international anarchy and violations of the basic requirements of peace. The majority of Palestinians believe that President Trump is burying the two-state solution. His decisions are certainly destroying people like me: Palestinian moderates, Palestinians who believe in negotiations, Palestinians who don't want to use violence.

## **ISRAEL IS NOT A PARTNER FOR PEACE**

Following the October 1973 Arab-Israeli War, Washington appeared more willing to address Palestinian grievances. Yet in the second period of the peace process, in the late 1980's before the Oslo period, Washington sought to limit or undermine the participation of Palestinians in negotiations. Publicly, this was achieved by imposing requirements on the PLO to demonstrate its suitability as a negotiating partner. Washington insisted that the organisation accept UN Security Council resolutions 242 and 338 and recognise Israel. Privately, the US and Israel coordinated on negotiations and Washington agreed to support, if not defer to, Israel's stance on the key issues. Thus, Washington required the PLO to make major concessions merely to participate in negotiations, without any guarantees that they would be successful. The secret agreements and coordination between the US and Israel served to ensure that any agreement would be at the expense of the Palestinians. So, the notion that the US is an 'honest broker' has no basis in historical reality.

The Palestinian leadership has come to a conclusion that they don't have a partner in Israel. This Israeli government is the most extreme we have seen, and so we have sought to put pressure on Israel to end the occupation and to return to the negotiation table. Over several decades, the international community has encouraged a negotiated process leading to a two-state solution, addressing all final-status issues on the basis of relevant UN resolutions, international law and mutual agreements as the only way to lay the foundations for enduring peace. Without a partner, we have pursued other paths towards an independent state, including an internationalisation strategy that has seen Palestine join UN institutions and organisations. However, although Palestine has been recognised by 135 states, has acceded to treaties, and has been admitted to international organisations, Palestine's statehood is still being challenged because it is not independent. Palestine remains occupied by Israel, but peace is only possible between equal partners, not between an occupier and the occupied. It is up to Israel to make the giant steps of (i) ceasing to build settlements and dismantling existing settlements while (ii) leaving the IDF in the occupied territory, and conducted the occupation strictly according to Geneva, and then (iii) declaring that it is willing to leave the territories on condition of a demilitarised Palestinian state based on the 1967 border and agreed exchange of land for some settlements near that border. If these steps are taken the Palestinians would then be able to come to the table.

## CHALLENGES

It is time for American and Israeli recognition of a Palestinian state, in order to reach a two-state solution. Then the following challenges to the two-state solution can be addressed in negotiations:

**Security:** For Palestinians, security means an end to Israeli military occupation. Israel claims that to avoid a takeover of the West Bank by a radical Palestinian group that would threaten Israelis, they must maintain a military occupation of Palestinian territories.

**Borders:** There is no consensus about precisely where to draw the line. Generally, most believe the border would follow the 1949 Armistice lines, the lines that existed prior to the Arab-Israeli war that began on 4 June 1967. Since then, Israel has built settlements in the West Bank that have made it difficult to establish that line as the border of an independent Palestine. As time goes on, Israel's accelerated building of settlements makes any future Palestinian state smaller, and breaks that state up into non-contiguous pieces. Israel's construction of a separation wall along and within the West Bank has led many analysts to worry that Israel has created a *de facto* border.

**Jerusalem:** Both sides claim Jerusalem as their capital and consider it a centre of religious worship and cultural heritage. The two-state solution typically calls for dividing it into an Israeli West and a Palestinian East, but it is not easy to draw the line — Jewish, Muslim and Christian holy sites are on top of one another, and Israel has declared Jerusalem its 'undivided capital,' effectively annexing its eastern half, and has built up construction that entrenches Israeli control of the city.

**Refugees:** Large numbers of Palestinians fled or were expelled from their homes in what is now Israel, displaced to refugee camps in Arab countries, primarily during the 1948 Arab-Israeli war that came after Israel's creation. They and their descendants now number five million and believe they deserve the right to return. The compromise solution espoused by the Palestinians would insist that Israel acknowledge both its responsibility for creating the refugee problem and the individual moral right of Palestinian refugees to return. But we recognise that, in view of the changed situation of the refugees over 70 years, and taking into account Israel's claim that many returnees would end Jews' demographic majority, the return of only a limited number would be feasible. Israel would pay both individual and collective compensation.

**Settlements:** By adopting resolution 2334 (2016) by 14 votes, with the US abstaining, the Security Council reaffirmed that Israel's establishment of settlements in Palestinian territory occupied since 1967, including East Jerusalem, had no legal validity, constituting a flagrant violation under international law and a major obstacle to the vision of two states living side-by-side in peace and security, within internationally recognised borders. 'The international community has told the people of Israel that the way to security and peace is not going to be

through occupation ... but rather through peace, ending the occupation and establishing a Palestinian state to live side by side with the state of Israel on the 1967 line,' chief Palestinian negotiator Dr Saeb Erekat told *Reuters* news agency after UNSCR 2334 passed. By contrast, the office of Prime Minister Benjamin Netanyahu thundered, 'Israel rejects this shameful anti-Israel resolution at the UN and will not abide by its terms.'

Some 530,000 Israeli settlers currently live in the West Bank and a further 250,000 Israelis live in occupied East Jerusalem, which the Palestinians see as the capital of their future state. Due to the dangerous radicalisation we are facing in our conflict, the importance of our continued efforts towards two nation states is essential, urgent and, yes, still viable. But it will not always be so: burying the two state idea will bury all chance of regional calm along with the chance of a brighter future for Israelis and Palestinians.

### **CAN ISRAEL BE PERSUADED TO ONCE AGAIN SUPPORT A TWO-STATE SOLUTION?**

The current Israeli leadership, though it nominally supports a two-state solution, appears to oppose it in practice. Netanyahu, the Israeli prime minister since 2009, endorsed the two-state solution in a speech that year at Bar-Ilan University. But he has continued to expand West Bank settlements and, in 2015, said there would be 'no withdrawals' and 'no concessions'. In addition, his fragile governing coalition relies on right-wing parties that are sceptical of, or flatly oppose, the two-state solution. Given this stalemate, in order to revive the peace process the Palestinian Authority plans to appeal to the UN Security Council to achieve international protection for the Palestinians and to recognise the *State of Palestine* as a full member of the UN.

Meanwhile a very important channel remains open between Palestinians and Israelis. The Palestinian Committee for Interaction with Israeli Society (PCIIS) was formed following a decision by the Palestinian leadership on 4 December 2012. Its vision is a just and durable solution to the Middle East conflict through (i) the creation of the independent Palestinian state alongside Israel, on the basis of 4 June 1967 lines and (ii) reaching a just and agreed upon solution to the question of refugees based on UN Resolution 194. Its mission is to influence Israeli public opinion and mobilise more support for the principle of a two-state solution through the formation of pressure on decision-makers in Israel, urging them to adopt a serious policy that leads to an agreement with the Palestinian leadership. Peace on the basis of the two-state solution is still possible, but Israel is 70 and the occupation is 50: time is running out.

*Ziad was a founder of PBC (Palestinian Broadcasting Corporation). He is a professor of broadcast journalism and Head of Media at UN radio in Sudan and a trainer at Tunisian National radio, and a member of PCIIS (Palestinian Committee for Interaction with Israeli Society – PLO).*



## FOR PEACE, WE NEED VISION, HOPE AND BRIDGE-BUILDING

AZIZ ABU SARAH

*Aziz Abu Sarah is a National Geographic Explorer and Cultural Educator. A Palestinian from Jerusalem, Aziz has pioneered and managed many projects in conflict resolution and community relations. He spoke to Fathom editor Alan Johnson. (May 2016)*

**Alan Johnson:** *Can you tell us a little about yourself and your journey?*

**Aziz Abu Sarah:** I grew up in Jerusalem in a very conservative Muslim family, and my introduction to the conflict was when my mum gave me an onion to take to school because of the tear gas. My brother was killed when I was 10 years old. He was 18. He was arrested on suspicion of throwing stones and was forced into a confession by being beaten, which resulted in internal injuries that eventually caused his death a year later. So I grew up angry and revengeful, wanting to make the other side pay for what they did to my brother. I was like that for 8 years.

When I was 18 I went to study Hebrew. Even though it was mandatory in my high school, I hadn't learnt it. I decided I was not going to learn the language of the enemy. Then I realised, 'I'm in Jerusalem, so if I don't speak Hebrew, I am not going to advance in life.' I was the only Palestinian in the Hebrew class.

**AJ:** *What was the class like for you?*

**AAS:** The class was scary and uncomfortable at first. All my interactions with Israeli-Jews to that point had been negative. I could not have a normal relation with the settlers who would attack our neighbourhoods, and we'd throw rocks at them. So when I found myself sitting in a classroom where everybody is Jewish, I'm thinking to myself, 'they're going to beat the crap out of me!' I didn't want to talk to anybody and my brain was racing with all these ideas – fear, ignorance and anger. I didn't know what to do with myself.

But the students were the most amazing people. I was blessed. My teacher went out of her way to make me feel comfortable. She would bring things from the Palestinian community to class as teaching aides. She recognised my culture, she recognised who I was, and she even played an Arabic song in class and asked me to translate it with her for the class. I felt for the first time that

there was an Israeli who listened to me, who cared about me, who really saw me as a human being.

As a group we would go out to drink coffee together. We didn't have enough Hebrew to get into political discussions, so we would talk about things that 18 years olds talk about. Eventually we started talking about politics. Sometimes we would agree and sometimes we would disagree, but our friendship made a difference. The next time there was a suicide bomber, I didn't say to myself, 'well, it happened to them and they're my enemy.' I said to myself 'wait, this is very close to where my friend lives.' So I picked up the phone and called to make sure they were fine. And the next time there was a shooting, a Palestinian was killed, or settlers attacked my neighbourhood, my Israeli friends started calling me to make sure that I was fine.

That shifted the whole dynamic. From that point my life changed completely. I started to realise that I didn't know anything about anybody other than about my own people. Most Israelis probably have the same experience.

What we really need to do is build bridges between these two communities, especially among young people, and this has become my work. At the beginning I joined an organisation called Bereaved Families Forum. I was the chairman for a few years and we did a lot of work bringing Israelis into Palestinian classrooms in East Jerusalem, which was very challenging.

I then created a radio show; the only one that broadcast in both Arabic and Hebrew. I was a translator and we focused on storytelling. We asked people to tell our listeners stories of how they *worked together* across the divide. I hosted it with a Jewish friend of mine who was also from a bereaved family. Although it only lasted a few years, it was an amazing experience. Eventually I expanded my experiences, working in Afghanistan, Turkey, Syria and Iran, and in many other countries.

**AJ:** *You quote from Proverbs to sum up what you see as the greatest challenge facing Israel. 'Where there is no vision, the people perish.' Why that quote in particular?*

**AAS:** The occupation is a big deal; internal issues in Israel are a big deal; the whole radicalisation of communities is a big deal; and terrorist attacks are a big deal. But you can deal with every challenge you face if you have a vision and hope. Proverbs also says: 'Where there is no vision, there is no hope.' I don't believe that the Israeli government of today has a vision for what to do with the Palestinians, with the conflict, or with internal issues in Israel. When a member of the Knesset says, 'I think we should make Arabic not a formal language' and then another counters, 'I think we should take the Palestinian members of the Knesset out if they say something we disagree with', it's not coming out of a strategy. It's coming out of not knowing what to do and wanting to please their voters, instead of having an idea of what kind of community they want Israel to be.

Different members of the Israeli government have totally different visions. Some talk of a one-state solution, some of a two-state solution, whilst others talk of ‘conflict management’, not conflict resolution. There is no real idea of where they want to go and how it’s going to end.

When you ask Israeli people what they think is going to happen they say ‘well, we want peace, but we don’t think it’s going to happen.’ The reason for that is because they don’t see anybody giving them a vision so they have no hope. There is no leadership. Bibi Netanyahu says ‘we shall live by the sword’ but that’s not a vision.

**AJ:** *I asked a Palestinian academic at Exeter University about the trends of opinion in Palestinian society. She said there are not really coherent trends of opinion, as such, only alienation, frustration, and hopelessness. She thinks things could go in any direction. Do you think her reading is accurate?*

**AAS:** There is a continuous frustration on the Palestinian side. I explain to my Israeli friends that when a Palestinian says he doesn’t believe in a two-state solution, that does not mean ‘I want to destroy Israel.’ It means they have lost hope. They see the settlements grow and the Palestinian Authority is completely disabled; they are marginalized and they don’t have any democratic rights anymore – even in the Palestinian territories, there are no elections, no freedom, and you can’t move between one Palestinian city to another.

The Palestinian authorities don’t know what to do. I think President Abbas is hoping that either the international community is going to make change happen, or Israel will suddenly realise that they should give the Palestinians their freedom. Abbas is not actively doing anything to make a difference.

If you ask any Palestinian about the future, they’ll tell you: ‘I have no idea where we’re going. I have no idea what the plan is. Why should I even go to protest? What will it lead to?’ Where is the political goal?’ The first intifada had a political goal and it forced Israel to recognise the Palestinians and negotiate with them and that led to the Oslo Agreement and we felt we were on track for a Palestinian state. Today, if you go out to protest, you are not sure what impact you have, because there is no vision. Partly that is because our leader is 81 years old and he is trying to leave a legacy, but in truth, he’s not committed to lead. It’s a very troubling situation. We don’t know who is going to be the next leader, and the struggle will be a big one within the Palestinian Authority.

**AJ:** *Some Israelis are worried about the possibility of a very messy succession. How you think Palestinian society, and the Palestinian National Movement in particular, will react to the succession question when it is posed?*

**AAS:** We need to hold elections as soon as possible. President Abbas should not die in office. I think that would be a disaster. We don’t have a vice president who would take over. Instead, politicians will vie. The only responsible way to avoid that situation is for President Abbas

to set up new elections where those people can compete at the ballot box. Unfortunately, for whatever reason, it is not happening. The fear is that Hamas might win the presidency. I think that is unlikely, especially if people have hope in the Palestinian Authority. But that is where Israel comes back into the picture, of course.

*AJ: Today's conference was about security. You spoke of 'threats that are often not real threats.' But isn't there a lot for sober people to be very frightened of, from Hezbollah's rockets to the Iranian threat to ISIS and jihadism?*

**AAS:** I didn't mean to say that those threats are not real. I meant to say that these threats are not the main ones. A few months ago, Israel's IDF Chief said: 'Iran is not our main threat, it's not our big issue, and we're not worried about it'. And when you hear the Prime Minister saying in the same week that 'Iran is the biggest existential threat to Israel', it makes you wonder, why the difference? Is ISIS a problem? Absolutely. Is Hezbollah a problem? Yes. But Israel is way more powerful than either of those. Those groups are not an existential threat to Israel. In reality, it is by dealing with the issues of occupation – the Palestinians, Gaza etc. – Israel would be weakening those groups. You would weaken Hezbollah, ISIS and Iran, because they all use the Palestinians. Everybody likes to talk about the Palestinians. By dealing with the Palestinian issue, you don't solve every problem, but you do weaken these groups significantly.

*AJ: Can Israel's Palestinian citizens play the role of a bridge between the two peoples? What are the obstacles to them playing that role?*

**AAS:** Let me say, as a citizen of Jerusalem, I get some of the benefits Israeli citizens get and I don't get some others. I cannot vote in Israeli elections but I do have healthcare. So my relationship with Israel is unique. I learnt to appreciate the things I see in Israel – especially after going to America and seeing the healthcare system. It's important for the Palestinian citizens of Israel to be able to see the positive and the negative of Israel. That's where Israeli Palestinians have this dual struggle because, on the one hand, they are citizens of Israel – they go to university in Israel and they want to get jobs in Israel – but, on the other hand, they don't have the same opportunities. And when you don't have the same opportunities, it limits who you are. You're not included, your national symbols are not part of the country, and your history and culture is not recognised by your own state. And if you are pushed aside like this, then eventually you are going to rebel. It's very hard to be a bridge to an Israeli side that is not accepting you in many ways, that thinks your relationship with the Palestinians in the West Bank is an act of treason, not a bridge.

If they are to be the bridge between the two sides, then they have to take their full place in the Israeli community: more equality, the removal of laws which discriminate against them. And they should be allowed to build more relationships with their Palestinian brothers in the West Bank and in Gaza.

**AJ:** *I don't know if you saw the profile of Ayman Odeh in The New Yorker by David Remnick? Remnick met Odeh in the Knesset cafeteria and some politicians come over and talked to Remnick about Odeh, as if Odeh was not sitting there. Remnick was shocked. Odeh says, 'This is what it's like.' What do you think about Odeh as a leader?*

**AAS:** He's in a very difficult job and I think he's doing the best he can. He's an interesting guy because on the one hand he is very principled, very clear on his stand on the Palestinian issue, and he's also working very hard at advancing equality for Palestinians who are citizens of Israel. He is also reaching out to the Jewish community, saying his party is not only a party for Arabs, but it should also defend the rights of Jewish citizens who are marginalised in Israel.

**AJ:** *You say, 'We need to stop telling ourselves we're victims of each other, and we need to think of ourselves as survivors.' Why?*

**AAS:** You turn into a survivor instead of a victim when you put your narrative into something grander, something beautiful: 'I suffer, but there's a greater cause. There's something more important than my suffering, I'm part of a bigger world.' I worked a lot with Syrian refugees. Those who saw themselves as victims were the most miserable refugees; their trauma got worse and worse because they were re-living their trauma every day. The chance of them being radicalised was higher. Those living in the same situation – in the same refugee camps – who told a different story about themselves, who said 'We have suffered but we're not giving up, we have a chance to make things happen' fared better. These are two very different mind sets, depending on how the trauma has been processed.

So the question becomes, 'How do we change the discourse?' A project I'm working on is called 'I'm Your Protector'. I work with a Jewish friend from New York. The idea is that we need to start bringing out different kinds of stories and narratives. Netanyahu talks about how the Mufti supported Nazis. True, he did. But that's not the *only* story about Muslims during the Holocaust. How about the stories of the many Muslim people who rescued Jews? We started going through these stories one by one, publishing them, and putting them on billboards. For example, about the Mosque Imam in Paris who would forge letters for Jews, claiming that they were Muslims. Why don't we talk about that story?

You can always find a story that can reinforce a narrative of besiegement and victimhood. Or you can look for the kind of stories I just mentioned. We need to use those stories to change people's thinking.

**AJ:** *What kind of activism in the West do you think is constructive?*

**AAS:** First, don't be active from a place of hatred. Say instead, 'I want to make a difference.' You can be critical, but if you're coming from a place of hatred your work will eventually be destructive, regardless of whether you're pro-Israel or pro-Palestine. You know, sometimes I'll tell people I'm Palestinian and they'll start saying horrible things about Jews. They assume that

if I'm Palestinian I must hate all Jews. So we all have to be careful.

Second, I believe a lot in storytelling. When you are stuck and you don't know what to do, tell stories and educate with these stories. Facts and numbers are important, but we are creatures that are moved by emotions – even the British, probably! So people should learn how to tell their story: Why do you care about this issue? What moved you about this issue? And if there are more and more people telling their stories and educating others, then the whole 'pro-Israel, pro-Palestine' narrative will change. Maybe it will become: 'How do we find the solution?' Not 'I do this because I'm pro-Palestine', but, 'I do this because I'm pro-justice.'

Third, get involved in policy work and write to your Member of Parliament. If you disagree with donations going to settlements, for example, government policy does not change unless you start pushing governments. At the same time, I think most of the investment into policy work should be positive. If you are going to boycott something because you think it is bad, I would say you also have to invest. Invest in a Palestinian or a joint venture; invest in the organisations, the people, the businesses that are positive.

Boycott is easy, investment is hard. When you start doing that it sends a positive message instead of a negative one. You are saying, 'I want to help', not just 'I want to destroy.' So that is a big priority and I know some of my Palestinian friends might disagree with me, but I believe in collaboration. I wouldn't buy anything from a settlement, but I tell people to not only boycott settlement goods but to put your money into what you say you really care about. If you care about the Palestinian community, then fine. If you care about Arabs and Jews working together, invest in that.

*Aziz Abu Sarah is a National Geographic Explorer and Cultural Educator, as well as a TED Fellow. A Palestinian from Jerusalem, Aziz is the cofounder of MEJDI Tours, a social enterprise focused on introducing multi-narrative cultural education. In the past, Aziz also served as the Executive Director of the Center for World Religions, Diplomacy, and Conflict Resolution at George Mason University (2009-2015), and was the chairman of the joint Israeli-Palestinian organization the Bereaved Families Forum (2006 to 2010). In the field, Aziz has pioneered and managed many projects in conflict resolution and community relations.*



## **WE ARE WEAK BECAUSE THERE IS NO PALESTINIAN NON-VIOLENT MOVEMENT**

ALI ABU AWAD

*Ali Abu Awad is a leading Palestinian activist and the founder of Roots – an Israeli-Palestinian project in the West Bank that works for co-existence by changing peoples' narratives and by transforming the relationship between the two peoples. He sat with Fathom deputy editor Calev Ben-Dor to discuss imprisonment, bereavement, and the missing Palestinian non-violent movement. (June 2016)*

**Calev Ben-Dor:** *What events have shaped you and your opinions?*

**Ali Abu Awad:** I come from a refugee family. In 1948 my family were thrown out of their village, Qubeiba, in what is now known as Lachish. I grew up with this heavy painful narrative – that Israelis came to my land, built a state and have occupied since 1967. I felt that my life, and even my physical movement were totally controlled by the other, and that I had no resources with which to lead a normal life or to achieve my dreams of travelling and studying.

It made me angry and deeply confused: torn between my humanity which didn't want to hurt anyone and my anger at seeing my mother arrested and humiliated by the army (she was one of the leaders of the Palestinian Fatah party). If people think that we learn how to hate in schools they are mistaken. Whoever lives here doesn't need anyone to teach them how to hate. Our hate is a product of our conditions.

When the first intifada started in 1987 it allowed me to channel my anger and I began throwing stones at Israelis. I was arrested with my mother (it was her fourth time) and we spent four and five years in Israeli prisons. When I went to prison I was totally broken – I felt it was unjust. But ultimately I discovered that it was a university. Palestinian political prisoners created a system based on committees – management, national security, negotiations etc – to organise themselves. When Israel refused our request to see one another, my mother and I went on hunger strike for 17 days. When we succeeded, it transformed my political mind; I realised that another, non-violent, way to achieve my rights existed. I had been blinded by arguments – about blame, victimhood, punishment and justice. But now I realised that showing my humanity in a non-violent way was the best weapon to achieve my rights.

I was released from prison in 1994 after the beginning of the peace process. Our mission as leaders was to transform the Palestinian nation from being part of a revolution against

Israel into becoming citizens of a state that would hopefully be established after five years of negotiations. As we started drafting our constitution we realised that the law is no longer Israel; the law was us – and we needed to respect it.

I became a security officer and I had to arrest Palestinians who had participated in violence. Yet the continuation of Israeli occupation gave legitimacy to this violence, allowing extremist groups to argue that violence was moral and for freedom. They said the Palestinian Authority (PA) were traitors who were bringing security to Israel without bringing independence to the Palestinians. I felt ashamed at being part of that system.

At the same time, Palestinian corruption added another layer of despair and anger. Many Palestinians came to believe that the PA couldn't achieve independence. Arguments took place within the Palestinian community over whether the right thing to do was to fight Israel or to make peace with Israel. People were confused between their identity as fighters and their identity as citizens. But neither could achieve any meaningful changes to Palestinian life.

Inspired by despair and anger, the second intifada began in 2000. One day I was badly wounded by a settler, and while I was being treated my brother Yousef was violently murdered by Israeli soldiers. At that moment I felt there was nothing worth living for. My brother wasn't a criminal or a terrorist, he was my best friend, a beautiful man who had two kids who he wanted to raise. I spent sleepless nights with my suffering. I struggled with the concepts of justice and revenge. But taking revenge was not the answer for me. Not because there was a lack of pain or anger but because what I wanted was justice. Yet the only *real* justice – to have my brother back again – was impossible. When I realised that, I hated myself, my enemy and the whole world. I felt that I was the victim of everyone.

**CBD:** *Both you and Shaul Judelman have mentioned the anger you had. Yet today you are both engaged in non-violence and in dialogue. What brought you to create the organisation Roots?*

**AAA:** One year after my brother's death my mother hosted a group of bereaved Israeli parents – the Parents Circle Family Forum. I found it shocking to see my mother speaking to Israelis, and I was astounded that they came to my home unarmed to pay a condolence visit. It was even shocking to see an Israeli crying – I could never imagine Jewish people had tears. Yet suddenly they had a human face. It struck me that if the people who paid the highest price can respect me and understand my rights then anyone can. This transformed my life.

I began a complex, painful journey in non-violence and reconciliation, touring almost 40 countries and speaking out in order to bring this message. But I also realised it was essential to create a national Palestinian non-violent movement that would ensure two things: that we could resist occupation non-violently, but that we would stop being victims and begging others to help us. I believe this first step has to come from us. This doesn't mean Israel isn't guilty or that we are angels. But we have to create a place where we will no longer be prisoners

of the anger that this situation creates every day. We must escape the prison of our narrative.

Along with many other activists, ex-prisoners, women and youth, I created the Taghyeer movement, which means ‘change’ in English. My aim was to show people that they can develop themselves without waiting for others. We have visited communities and engaged community leaders in order to create the mass movement that will guarantee enough pressure on politicians of both sides.

**CDB:** *What does Roots seek to achieve?*

**AAA:** Encourage people to take responsibility. If a mosque is burned, are Jews ready to say this is not Judaism? If a Palestinian stabs a woman, are Palestinians ready stand up and say this act doesn’t represent them? People need to be strong enough to make statements, because we don’t see it from politicians.

In addition to encouraging the grassroots, we also aim to put pressure on the political leadership to stop using excuses like ‘security’ or ‘freedom’. But this won’t happen unless the two sides stand together and speak in one voice.

But our role is not to dialogue forever. Dialogue is only a carrier from truth to a bigger truth. The bigger truth is what we need to do *for* peace: not only building a non-violent identity, but creating a mass movement on the ground – where hundreds of thousands of people will come onto the street to force the political leadership to sit and find a solution that we will all benefit from.

**CBD:** *In Roots you partner with Jewish settlers. What is that like?*

**AAA:** I came here two and half years ago to create a Palestinian non-violent centre in an area surrounded by settlements. Many people thought I had lost my mind. But I’m tired of the Israeli lefties in the peace movement. The Israeli peace movement is stuck. The Israelis would tell me that as good Jews they don’t drive to the occupied territories, or speak to settlers. But what good does that do me? I suffer here and I want to partner with Israelis here, not at the beach in Tel Aviv or at five star peace conferences. There, they won’t speak about the Dheisheh refugee camp in Bethlehem where people don’t have water. When Israelis don’t speak to settlers they are evading their responsibility. When I came here and began speaking to settlers I found out that my job as a Palestinian is to bring lefties from Tel Aviv to meet settlers in Efrat.

I’m not seeking to give legitimacy to settlements but to the human beings who have roots in this land. This is the painful part of this solution where both sides need to recognise the legitimate narratives that both nations have about this land. One can’t separate five million refugees from their roots and expect a solution. Nor can one divide 700,000 settlers from their roots and expect a solution. On the other hand, we can’t live together.

**CBD:** *So what sort of political model do you imagine?*

**AAA:** In my opinion we should have two states but a complete division is just not possible. This is not just a geographic conflict about land but one that also includes ideology, nationality and demographic reality. The model of having two states on one land, with people benefitting from a shared life together is better than two rigidly divided states.

Independence for Palestinians by ending the Israeli occupation is the first step for peace. Security and recognition for Israel will be the first step for Jews to be engaged. How do we achieve that? By meeting each other and educating towards non-violence. By hearing one another and by overcoming fear. Peace can't be a threat to refugees or to settlers. In *Roots* we do engage, we go to settlements and speak with people who have never spoken to a Palestinian before as a partner. *Roots* isn't about designing borders.

Ultimately any peace initiative that doesn't guarantee recognition for the two nations and their legitimate and full rights to the whole land will fail. And we can't rely on our politicians – they are managers of fear, anger and conflict, but they are not leaders for change and they are not engaged in solutions.

**CDB:** *How do you see the role of third parties in the conflict?*

**AAA:** I once spoke at the [British] House of Lords – the upper chamber in the UK Parliament – and saw that there were two groups divided between pro-Israel and pro-Palestine. They didn't even sit with one another. So I asked them, 'Can't you be pro-solution? Are you expecting that either Israelis or Palestinians are going to disappear?'

This doesn't mean we want the international community to step back and let us figure everything out on our own. We need engagement by third parties that considers the two truths of the two nations. But the minute there is a grassroots movement that guarantees that both peoples' truths can fit together with dignity, it will be much easier for third parties to help us.

**CBD:** *What homework do you believe the sides need to do?*

**AAA:** Each side has to work on their sense of identity. For example, the three main values of a settler's identity are Judaism, settling in the West Bank and Zionism. But these values have been implemented in the heart of the Palestinian community. So the big question is how does one practice these values and identity without victimising the Palestinians? How do we create a situation in which the settler can add the other truth to his truth without having to give up his identity?

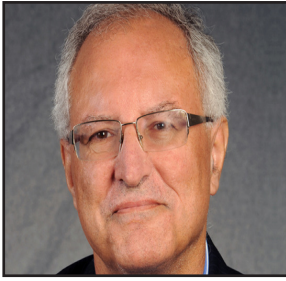
We Palestinians also need to struggle with the question of how we see ourselves and our future with these people – because we consider them occupiers. When you consider someone an occupier you will spend your whole life trying to throw them out. But by doing this we are

just harming our own identity – because it's not going to happen. So one piece of homework for us is to build a new identity that includes adding the Other to our existence.

*Roots* organises community meetings at which we talk about non-violence. This has nothing to do with Israelis. Palestinians need to build their own identity in order to work out how we can end the occupation without harming ourselves. I want to secure an identity for Palestinians that allows them to identify with non-violence without being afraid of the 'anti-normalisation' charge. This movement isn't about the other but about themselves.

Politicians always say that 'the ball is in Israel's court'. But this is not the way to lead my nation. The minute that hundreds of thousands of Palestinians will stand on the street non-violently, the majority of Israelis will rise up non-violently in support of them. The majority of Israelis want peace, but they are weak because there is no Palestinian non-violent movement. Such a mass movement will make Israel embarrassed by the occupation. That's why I believe it's not a question of whether violence is legitimate or not. It's about this: do we want to be right or do we want to *succeed*? Being right is fine. Both sides are right. But we're both unsuccessful, especially the Palestinians.

*Ali Abu Awad is a leading Palestinian activist and the founder of several peace movements, including Taghyeer, Karama and his latest project Roots. His life and work have been featured in two award-winning films, Encounter Point and Forbidden Childhood.*



## AL-WASATIA: REVIVING THE PALESTINIAN PEACE CAMP

MOHAMMED S. DAJANI-DAOUDI

*The great grandfather was the custodian of David's Tomb and Daoudi, in reference to King David, was added to the family name. The great grandson, a Fatah member from 1967 to 1975, a consultant for the Palestinian Authority in the 1990s, is today working to revive the Palestinian peace camp through his organisation Al-Wasatia and his Koranic-inspired philosophy of the middle way. He spoke to Fathom Deputy Editor Sam Nurdin about his family history, his political journey and his philosophy of peacebuilding. This is a voice not often heard in the West: 'Today, when I call for peace with Israel and to recognise Israel, I am termed a "traitor" while PA officials can call for a one-state solution, support so-called "anti-normalisation" and back boycotts of Israel and be regarded as "national heroes". This is basically our dilemma.' (February 2020)*

### THE WASATIA INITIATIVE

**Samuel Nurdin:** *Why did you create the Wasatia Initiative and what does the term mean?*

**Mohammed S. Dajani-Daoudi:** On a Friday morning during the month of Ramadan back in late 2006 I was standing on the balcony of my apartment overlooking an Israeli checkpoint that separates Jerusalem from the West Bank. Hundreds of West Bank Palestinians were queuing and pushing at the checkpoint to cross and reach Jerusalem to pray at the Haram al-Sharif. The Israeli border police were pushing them back with horses and firing tear gas at them because they did not have permits to cross. I assumed these people were extremists and that the Israeli border police would eventually shoot them, creating a tragic media event. Contrary to my expectation, I noticed that the situation was cooling down. The Israeli officers at the checkpoint offered to transport the crowd via buses to the Haram al-Sharif to pray after being checked and taking their identity cards, and then the buses brought them back to the checkpoint where they retrieved their identity cards and went home.

Having taught a course on Game Theory, this appeared to me to resemble a win-win outcome for both sides. It inspired me to think that we can resolve our protracted conflict by creating a win-win outcome. The question in my mind was, who represent these Palestinians? They were religious because they insisted on praying at the al-Haram on a Friday since they believe it is more blessed. However, they weren't extremists because they agreed to be taken to the

holy site on buses provided by Israelis and then to return peacefully home.

I borrowed the term ‘Wasatia’ from the Quran to avoid using the term ‘moderation’ since it is perceived by Palestinians as a Western import. In the Quran, the second chapter titled Surat al-Baqarah (Cow Surah) is the largest in the Quran and is composed of 286 verses. Verse 142 says, ‘God guides whom He wills to a straight path’. The next verse says: ‘And thus we have made you a just community (created you a moderate/ temperate/ just/ balanced/ middle ground nation)’. I adopted that verse in order to reach out to the Muslim community. So far, our message has been well received locally and internationally.

On January 2007, I published the book *al-Wasatia* (Arabic) to introduce the philosophy of moderation, justice, and balance. Initially, the focus was on moderation within Islam, which I was introduced to by Prince Hassan of Jordan who was a staunch advocate of that concept. I thought of establishing a political party, the Wasatia Party, but I came under attack by both Fatah and Hamas, who accused me of taking money from US intelligence services to ‘Westernise Islam,’ which of course was not true! So, I dropped the political party idea and decided to promote Wasatia as an initiative and a movement to gain ground within the community.

## WASATIA AND PEACEBUILDING

**SN:** *Can you describe the philosophy of the Wasatia movement?*

**MD:** I founded the Wasatia Movement to inspire a moderate, peaceful culture based upon the teachings of the holy scriptures and the classic thinkers and philosophers. The goal of the peacebuilding effort is to create a culture of tolerance and reconciliation within the Palestinian community and between the Palestinians and the Israelis. We aim to revive the peace camp in Palestine and Israel. We believe that moderation paves the way for reconciliation in the midst of conflict, reconciliation ushers in negotiations in good will and reciprocal trust, and this would eventually bring peace, democracy, and prosperity: it’s the peace cycle.

**SN:** *You have developed a conflict resolution model called ‘Big Dream, Small Hope’. What does that mean?*

**MD:** Back in the late 1990s I was invited to facilitate between two groups of Israeli and Palestinian religious teachers in Antalya, Turkey. During the first session the groups descended into a shouting match with their maximalist viewpoints and I thought it was hopeless. Then, I remembered a quote by Palestinian poet Mahmoud Darwish and decided to recite it to them: ‘What is more important, a big dream or a small hope?’ They were puzzled and kept asking what I meant. After the tense environment cooled, I explained, ‘The big dream for Israelis is to wake up one morning to find that Palestinians have been vanquished and they have Jerusalem as their un-contested capital where they would build their Holy Temple.’ The Palestinians envision the same dream. The moral dilemma here is that there are millions of Israelis and

millions of Palestinians living on the land and they are all very much attached to it. For the big dream to materialise, one side must wipe the other off the map.

The ‘small hope’ for both sides is to wake up one morning to and realise they can coexist in harmony, security, and peace – it does not matter in one-state, two-states or any federal arrangement – enjoying prosperity, hope, and trust.

I presented this conflict resolution model in talks to many universities in Europe, the US and Israel. I found that groups and individuals in conflict are fixated on their narrative of history, to serve their political agenda. They do not recognise the other, they dehumanise, demonise and delegitimise their enemies and have their historical maps ready in hand to show their legitimate claim to demand the repossession of what they consider their historic homeland. I faced this dilemma not only in Palestine and Israel but also in conflict areas such as Azerbaijan, Georgia, and Armenia.

**SN:** *Is there a silent majority for peace in Palestinian society?*

**MD:** Before 2006, I thought that a majority of Palestinians were religious extremists, had maximalist demands and viewed the victory of Hamas in the January 2006 elections as a clear indication of that hard-line attitude. However, my work in peacebuilding showed me a different picture. A majority of Palestinians want to coexist with the ‘Other’ in peace but do not believe the Israelis want peace. Thus, they worry that their very existence as a people, and as a culture, is threatened by the settlers. They avoid expressing moderate views for fear they be accused of being traitors or collaborators. This fear is reinforced by the asymmetry of power between the two sides. The huge Israeli advantage has not been used to settle the conflict in a just and conciliatory manner or to convince the Palestinians of their peaceful intentions.

**SN:** *You wrote an article in which you disagreed with describing Israel as an ‘Apartheid State’. Why?*

**MD:** It is not a true comparison. The Israeli legal system does not enforce racism. Moreover, the description stops us seeing the elephant in the room, namely, the Israeli occupation of Palestinian territories. The goal of the Palestinians is not equal rights under occupation but to end their humiliation, misery, and suffering under the harsh and repressive occupation.

To achieve peace, Palestinians and Israelis should humanise the image of the other in his/her mind and build bridges of communication, bolstered by soft dialogue. It is a contradiction to say you want peace with Israelis whilst at the same time saying you are boycotting them. We do not want a peace based on a piece of paper, but a peace supported by the people.

## **FAMILY ROOTS**

**SN:** *Can we talk about your journey to these ideas? Let’s begin with your family history, which is fascinating.*

**MD:** Sure. The family name is double-barrelled, Dajani-Daoudi. The ‘Dajani’ refers to my great grandfather, Sheikh Mohammed Dajani, who came to Jerusalem from Morocco, where he had a mosque and taught people about Sufism. It is believed within the family that he dreamt one night that the Prophet David came to him to ask if he would go to Jerusalem and clean his tomb, which at the time was being used as a dump site. So, my great grandfather walked from Morocco to the tomb and cleaned the area, and then he decides to start teaching pilgrims who visit the tomb about Sufism, Islam, and cooperation with different sects. The Sultan, who was trying to build a wall around Jerusalem at the time, the city being continually ransacked by different tribes, appointed my great grandfather to be the custodian of David’s Tomb. He was the only person allowed to take food from the *Kiya*, a place where people would go and eat for free, to David’s Tomb and he would feed the pilgrims. And thus, Daoudi, in reference to King David, was added to our name.

Up until 1948 the area around David’s Tomb belonged to my family; after the war the area fell into the no-man’s land that divided the armistice lines between the newly established Israel and Jordan, but it came under Israeli control. There were over 40 members of the Dajani-Daoudi family living there. My grandfather and his brothers had a lot of business in Egypt and Syria. My grandfather even visited London once and my father became the sole agent for more than 50 British products. By the 1960s my family were selling all sorts of British goods in Jerusalem.

When the violence started in Jerusalem in 1946–47 my grandfather decided to send his wife’s side of the family to Egypt, where his brother had started a business. When the Jewish forces took over West Jerusalem from the British, he was forced to leave the area. A neighbour once told me that she saw my grandfather leaving his house and asked him to bring her back some meat from the *souq*. My grandfather told her that he had meat in his fridge which she could have, and she said to me that when he went to attend his businesses, he never came home. Later, my grandfather told me the story of his departure. He said that after he was sent to East Jerusalem, he asked a British officer, who was a close friend, to go back to his home in West Jerusalem and collect all the jewellery and money he had kept in the safe. He never saw the British officer again.

After the 1948 war my grandfather found a house next to the Old City and he asked his family to return from Egypt. He arranged to bring generators to the Old City as it lacked electricity. Soon after, he started to supply and charge the Old City and its surrounding areas. This business would later develop into the Jerusalem Electric Company. My grandfather was self-reliant. He used to say, ‘nothing scratches your back like your fingers’. In the early days of Israeli control my grandparents had very little, so my grandmother registered herself and the family as refugees – to get monthly free food and clothes. But when she went home and told my grandfather what she had managed to get for the family, he told her to take the clothes and food back and tore up the refugee cards. That was the lesson our grandfather taught us. Being

a refugee was a state of mind. You do not want to be dependent on others, because then you'll be dependent all your life. Instead, you want to be independent and free.

## **BUSINESS**

My grandfather never talked about his wealth. One friend of his told me that people used to say of our family, 'They have wealth that the fire cannot extinguish.' In 1949 my grandfather rented a rundown building near Jaffa Gate from the Patriarch Church, which he turned into a hotel, renovating the building and buying new furniture and carpets from Syria. The problem was that Jaffa Gate was at one end of Jerusalem, and in-between West Jerusalem and the hotel was no-man's land, which was shut off to the public. Along the walls of the city were the Jordanian army and the citadel was used by the Jordanian army as its headquarters, so not many people could access the hotel.

To overcome this obstacle, my grandfather convinced the Chamber of Commerce and the municipality, which the hotel hosted, to use Jordanian and USAID money to build a road connecting the outside of the city to Jaffa Gate. The new road placed the hotel at the centre of East Jerusalem rather than at the periphery and it became one of the best in the area.

Another business my grandfather started was a meat house and he supplied many residents of Jerusalem. He also ran hospitality at the Jerusalem airport. I remember as a young boy I would go to the airport and sell stamps to people returning home who had loose change they no longer needed.

My grandfather was talented in business but his views were not in synch with the Jordanian state so he was never fully trusted. He believed that there should be an independent Palestinian state, but he was not interested in a career in politics. He had a lot of friends from different places, Egyptians, Syrians, Jordanians, and my father and I learnt how important that is from him. For example, before 1948 the Dajani family ran a football team and Jews and Christians played for us. In 1967, when Israel took over the hotel from my family, my father was able to be reconnected with friends he knew before, some of whom had become generals or ministers in the State of Israel, and was able to regain the hotel from the army, who wanted it but relinquished it and went to the citadel instead.

I carry my grandfather's name. My grandmother visited my mother when I was born and she named me Shihad, which they wrote on the birth certificate. When my grandfather came and visited soon after he asked what they had called me, and he said in response, 'Why? He is my grandson and he should have my name.' So that night he called the doctors and they added Mohammed to my birth certificate.

## **GROWING UP IN PALESTINE**

**SN:** *In what ways did your upbringing shape the political positions you have today?*

**MD:** I attended the Quaker School in Ramallah, and this style of teaching taught me tolerance. The dean studied at Al-Azhar in Egypt – although he was a Christian, he got accepted because his name was Farid and they assumed he was a Muslim – and he taught Arabic like a story with people and ideas. The principal of the school was an American, so a lot of Western culture was incorporated in the teaching. I remember during assembly the dean used to read from the Bible, Koran or the Old Testament and we would not know the difference. We grew up never to discriminate. The school was also very apolitical. We would often watch through the windows of the school the local population protesting against the Jordanian system or in support of Egyptian President Nasser, and they used to ask them us to join but we didn't feel like we belonged there so we stayed away.

At the time I was living in Jerusalem and would commute each day to school. I remember one day being on the bus and someone shouting that US President John F. Kennedy had been assassinated, and to me it was a massive shock because he was my hero. But by the time I got to the American University in Beirut, Kennedy was regarded not as a hero but as the enemy, and so my idols changed. But in school we loved American culture, watched many American movies and we used to play music, or tennis, which wasn't available for other children in the West Bank.

## THE SIX-DAY WAR

**SN:** *How did the Six-Day War impact on you?*

**MD:** When the war broke out the university closed. We listened to the radio and counted how many Israeli tanks or planes the Arab countries were blowing up. Only later did we realise that the information they were giving us was all a lie. The Arab Baathist parties brought buses to the university and asked us to join in the fighting, and so I jumped in. They took us first to the Lebanese mountains, where the head of the PLO had built a huge villa, and they taught us how to shoot and plant mines in just one day. We were then sent to Syria and supplied with Chinese rifles and each soldier was given six bullets. I remember people treating the guns like toys and firing shots accidentally on buses taking us to the front line in Jordan. When we arrived the army wanted us to cross the Jordan River but it was the fifth day and wounded soldiers were already returning, saying the war was over. We were all shocked.

When my father heard that Jerusalem had fallen to Israel, he left his house in Jericho and went to Amman, to my aunt's house. I soon arrived and although they were very happy to see me, I told them they shouldn't have left their home in Jericho. Whilst in Amman my father became extremely depressed and attempted suicide by driving his car off a cliff. My brother came from Jerusalem to see him and he walked back to Jericho with our father – the border was not officially closed but soldiers were shooting at people trying to cross back into the West Bank. In Jericho one of my cousins had a plantation. One day the Israeli army turned up because one

of the soldiers was a Dajani, who had married a Jew, and he had come to see his relatives on the plantation. He gave my father a jeep and accompanied him to Jerusalem.

**SN:** *How did the war change your views about Jews, Israel and America?*

**MD:** After the 1967 war I went back to the American University in Beirut and I joined Fatah. I remained a member until 1975. I had become radicalised in the environment of growing Arab nationalism in Lebanon at that time. We were taught that Israel is the enemy: an imperialist country, a dagger in the Arab world, and a puppet of the US. Despite the fact that I was studying at the American University in Beirut this is what I was told, which now I see as a little ironic. Yet I believed it. I was the first student ever to speak at the graduation ceremony – after being head of the Student Union – and in my speech I refused to accept my degree on the basis that it represented imperialism and in solidarity to many of the students who weren't allowed to receive their degree because they could not fulfil their financial obligations.

After witnessing a lot of corruption and misuse of funds in Fatah, and losing hope in the Fatah cause, I decided to register at Loughborough University to do my PhD. However, I only stayed a few months. I was supposed to be the Fatah representative to London but by this time I wanted to leave politics. I went to the US to study because I was not allowed to return to Jordan or Syria due to my Fatah affiliation. I gained my PhD and started teaching in South Carolina. My brother, who was doing his PhD in Houston, Texas invited me there, where I completed another PhD.

## **BACK TO JORDAN AND JERUSALEM**

In 1985 my father managed to get me a pardon from the King of Jordan that allowed me to return (I was still unable to return to Israel), so I began teaching in the political science department at the university there. In 1993 my father arranged for my return to Israel on the family reunification scheme because he was diagnosed with cancer. It was only the second time I had set foot in Jerusalem since the 1967 war. The first time was in 1968 to collect my Palestinian ID card.

In the beginning it was extremely difficult for me to settle. Even in the US it was hard for me to speak to Jews, or at least to distinguish between Jews and Israelis. I was teaching in the same department as a Jew teaching Hebrew, but in the four years we were there we didn't speak once.

## **WORKING FOR THE PALESTINIAN NATIONAL AUTHORITY**

When the Palestinian National Authority (PA) was established in 1995 I joined the UN Development Programme and was put in charge of setting up the PA ministries and the training centres for the new Palestinians civil servants. I ran an institute based in Gaza and the West Bank and trained more than 20,000 people in everything from accountability to

management. I left the UNDP after two years and joined the PA as a consultant at the Ministry of Planning, and then became the Director of Technical Assistance and Training. We had a \$21m trust fund from the World Bank to perform sectoral studies for the Palestinian economy. We had more than 50 reports written up by many different corporations. For example, an American company wrote a report on how to build our tourism industry. Our thinking at the time was that we are preparing the ground for two states and therefore we need to build our own institutions, and the reports were evidence of our strategy to fulfilling that goal. The problem was that we published the reports in a book (in English, not in Arabic) and nobody bothered to read them. From the minister down to the civil servants they were not read within the PA, so the effort was wasted.

### THE PALESTINIAN LEADERSHIP TODAY

**SN:** *What is your view of the Palestinian leadership today?*

**MD:** I was in Morocco recently to commemorate 15 years since the death of a former Fatah member, and I asked the PA representative there, ‘What is your strategy for the future?’ I told him that when I was in Fatah in the 1970s the group had made it clear that its overriding goal was a secular democratic state. When Arafat made peace with the establishment of the State of Israel under the Oslo Accords he called for a two-state solution. But today, when I call for peace with Israel and to recognise Israel, I am termed a ‘traitor’. Current PA officials can call for a one-state solution, support so-called ‘anti-normalisation’ and back boycotts of Israel and be regarded as ‘national heroes’. This is basically our dilemma. The peacemakers in Palestine are being attacked because they want peace. We are labelled ‘collaborators’ or ‘traitors’. This is a major problem.

The current leadership look at Israel and see one entity that doesn’t want peace and wants to throw them out. Yes, Israel is united when it comes to security concerns, but when I look at Israel I see a country with many factions that want peace and want to recognise Palestinian rights. I want to try and empower them and to make them more effective within Israeli society because without those factions we will not achieve the two-state solution.

*Mohammed S. Dajani-Daoudi, an adjunct fellow at The Washington Institute, founded the Wasatia movement of moderate Islam and previously worked as a professor of political science at al-Quds University in Jerusalem.*



## **'COOPERATION BETWEEN RIVALS': A NEW PARADIGM FOR UNDERSTANDING THE ISRAELI-PALESTINIAN SYSTEM (2006-2016)**

DORON MATZA

*Doron Matza proposes a new critical paradigm to understand the relationship between the Israeli and Palestinian leaderships: 'cooperation between rivals' i.e. an informal 'deal' between the political elites. He argues that the paradigm emerged as a response to the second intifada in 2000 and the Arab Spring in 2010 which led both Israeli and Palestinian societies – frustrated, exhausted, disappointed with negotiations and sceptical about peace – to turn inwards, and also towards a new and heightened level of collaboration between Israel and the Palestinian systems in order to preserve the status quo. Matza also explores the defining features of the new model, including turning the diplomatic arena into an 'agreed conflict zone', the multiple benefits this offers the leaderships and sectors of both societies, before turning his attention to the 'losers' on both sides, and to what he sees as the immorality and unsustainability of 'cooperation between rivals'. (December 2016)*

In the broadest sense, people tend to think about society in the terms of one of two dichotomous theories. Some favour functionalist theory which views society as an organism, each part of the social structure fulfilling a specific role, enabling society to function smoothly. Some prefer to see society in terms of conflict theory, which regards society as an arena of conflict between different political groups, each seeking to organise society on the basis of their interests.

The transformation of the Israeli-Palestinian relationship over the last two decades suggests that a *combination* of these two theories is needed to understand it. On the one hand, the conflict-driven aspect of the relationship, based on national, religious and ethnic rivalry, remains. On the other hand, there are important dimensions of their relationship which reflect cooperation and symbiosis between the two sides.

Since 2005, the year in which Mahmoud Abbas (Abu Mazen) replaced Yasser Arafat as the president of the Palestinian Authority (PA), a new dynamic has been created in the Israeli-Palestinian relationship, which I call 'cooperation between rivals' – a dynamic that has effectively maintained the stability of both governments, amid a particularly tumultuous period in the post-Arab Spring Middle East. Even the latest wave of violence which began in October 2015 – referred to by a myriad of names including the 'third Palestinian uprising' and 'the lone-wolf intifada' – did not seriously damage this new dynamic. On the contrary, it only

made more apparent some of its main characteristics, not least the high level of collaboration between Israeli and Palestinian systems.

## **COOPERATION BETWEEN RIVALS: THE EMERGENCE OF A NEW SYSTEM**

The new dynamic of a ‘cooperation between rivals’ developed out of two major events in the Middle East; the second intifada in 2000 and the Arab Spring in 2010. These constituted the background that led both Israeli and Palestinian societies to become frustrated, exhausted and disappointed with negotiations, and with the notion of ‘peace’, and to turn inwards, becoming more focused on the economic and social matters that have an influence on the daily lives of their constituents. This shift in focus from peace negotiations toward internal socio-economic matters led to the establishment of the ‘cooperation between rivals’ dynamic.

### *The second intifada*

The second intifada marked a turning point in the Israeli-Palestinian conflict. The outbreak of violence, coupled with the collapse of the peace talks at the Camp David II summit in July 2000, put an end to the two-state concept, in part by cementing among the Israeli public the notion that there was no Palestinian partner and that brokering a final-status agreement through negotiations was therefore impossible. The collapse of the talks was one of the factors that helped strengthen the ethno-national stream of Israeli politics over the liberal stream, signalling the beginning of the rise of its hegemony as well as policies seeking to implement measures that would prevent the establishment of a two-state solution.

On the Palestinian side, the intifada weakened the traditional secular-dominated leadership of the PA, as Israel became more dominant in the West Bank in the aftermath of Operation Defensive Shield (Spring 2002). These developments shifted the focus in the Palestinian arena from prioritising the pursuit of peace, to economic and other day-to-day problems of Palestinians living in the territories. One direct result of this shift in focus was that it exposed the PA’s corruption, which subsequently paved the way for the now-eleven year rift between Fatah and Hamas, the Islamist movement that has ruled in Gaza for nearly a decade. This was not only a significant political event but it also symbolised a shift in public opinion away from prioritising the peace process – the platform of the secular-led Palestinian leadership – towards the economic and social agenda that was identified with the Islamic movement. Hamas, like many on the Israeli right, also had an interest to stymie progress on the peace process.

### *The Arab Spring*

Neither the Israeli nor Palestinian leaderships were insulated from the wave of social and political protests which swept the region in 2011. The ‘Arab Spring’ was a popular uprising against the old political hegemony and the neo-liberal economic system that was identified with the ruling Arabs elites. Thus, even though the Palestinian leaderships in the West Bank

(the PA) and Gaza Strip (Hamas) largely escaped the upheaval, they still feared that the wave of change sweeping the region could threaten their own rule, due to their failure to promote their main agendas – peace with Israel (for the PA) and economic and social prosperity (for Hamas). This mutual fear brought Hamas and Fatah to some degree of collaboration, although the two remain rivals. Their willingness to be seen to cooperate with one another – a shared desire of their respective constituencies – was reflected in their several public attempts to establish a unity government and promote free elections, all of which eventually failed.

The Israeli leadership also faced the impact of the ‘Arab Spring’ when the social protests began in the summer of 2011. What began as a protest in the centre of Tel-Aviv when young students established a tent encampment on Rothschild Boulevard protesting the high prices of apartments and basic products, developed into a social protest against Prime Minister Benjamin Netanyahu’s government and the neo-liberal economic system. The fact the protesters were predominantly middle class reflected the reality that hundreds of thousands of Israelis had seemingly lost their interest in Israeli-Palestinian matters and were now primarily focused on socio-economic issues. This also led to two newly established political parties emphasising socio-economic issues from the centre-left (Yair Lapid’s Yesh Atid) and centre-right (Moshe Kahlon’s Kulanu) gaining seats in parliament, becoming large parties and important partners within the ruling coalition.

Both the Palestinian and Israeli leaderships have thus found themselves facing similar challenges and having a joint interest in constructing a metaphorical wall to block the winds of change from the ‘Arab Spring’ that would endanger their political position. In short, the dynamic pushing both leaderships away from peace negotiations and towards internal socio-economic matters led to the establishment of the new framework for the relationship – ‘cooperation between rivals’ – which rests on four elements.

## FOUNDATIONS OF THE NEW ORDER

*The peace process is no longer relevant*

Firstly, there is an understanding within the two leaderships that the concept of peace has become irrelevant, mainly due to the different perspectives each side has on what a final status agreement should look like. The Palestinian leadership has maintained the idea of the ‘two-state’ solution based on the ideas proposed in the ‘Clinton parameters’, of a sovereign Palestinian state free of Jewish presence in the settlements. Yet the Israeli interpretation of ‘two states’ has dramatically changed as a result of right-wing parties becoming dominant players in the ruling coalition. This perspective calls for a weak Palestinian state, or in the eyes of some powerful political elements such as Naftali Bennett’s Jewish Home party, Palestinian autonomy in the West Bank (what Bennett called ‘autonomy on steroids’) alongside continued Israeli civilian and security presence and Jerusalem as the sole capital of the Jewish state.

The gap between the two sides over these final-status issues has led both leaderships to conclude that for the immediate future, they would be better served by focusing on socio-economic policies, and incremental steps to improve the daily lives of both Israelis and Palestinians, in lieu of continuing to advance towards a final-status agreement.

*Stability is a shared interest*

The second element is the shared interest of both leaderships to maintain political stability as well as their willingness to cooperate with one other to achieve it. This cooperation has taken the form of a 'package deal' combining political, security and economic dimensions. On the one hand Israel has shown willingness to enable and improve the model of autonomy for Palestinians in the West Bank, which has allowed them to build a bureaucracy that handles civic life and generates economic benefits that enable the PA to offer the population a kind of social prosperity. At the same time, the PA has demonstrated a willingness to take responsibility for law and order and to offer greater security for Israel by preventing terror attacks and by reducing Hamas's political power in the West Bank. Israelis refer to this as 'economic peace' – security for Israel, economic stability to the Palestinians.

*The diplomatic arena is a 'safe space' for limited but agreed conflict*

The third element, which is particularly significant, is the will of both leaderships to preserve an open dimension of conflict between them, despite their cooperation in other areas. Cooperation can be unpopular. From the perspective of Israel's leadership, working with the PA not only contradicts much of the government's political discourse towards the Palestinians, it contradicts the political aspirations of key elements in the Israeli right-wing, who would prefer to see the PA's destruction and who call for annexation of the West Bank. From the Palestinian side, cooperation with Israel can mark Abu Mazen and the PA leadership as collaborators who enable the continuation of the Israeli occupation.

Therefore in order to disguise the amount of cooperation, the two leaderships have created a situation in which they continue the conflict but in a limited way that will not have too negative an effect nor cause a resumption in violence, which would destabilise the situation and destroy this new emerging equilibrium. In this context the diplomatic arena has become the 'agreed conflict zone' between the leaderships. Like a play in which each actor has his own role, the Palestinian leadership challenges Israel in the UN and other international organisations while Israel calls out the PA for incitement and for advancing a de-legitimisation campaign against it. The two sides are thus able to demonstrate their dedication to their national goals while continuing their joined project of mutual cooperation.

*Political discourse over two states continues, although neither side believes it is possible*

The fourth element the model is the continuation of political discourse surrounding 'two states'. Since the collapse of the negotiations at Camp David II in July 2000 and the start of the

second intifada, the paradigm of the two-state solution has been significantly weakened. For the Palestinians, the 'two-state' discourse reflects a lost dream and the PA's continued support for it (despite the many challenges in achieving it) indicates its difficulty in abandoning the goal of an independent Palestinian state through negotiations. In Israel the two-state paradigm was supplanted by the notion that there was 'no [Palestinian] partner' with whom to end the conflict and resolve all the complex issues such as borders, security, refugees and the division of Jerusalem. Regardless of whether this Israeli notion was accurate, it reflected the complexity of Israeli-Palestinian negotiations and challenged the underlying premise of the peace process – that through negotiations the parties could achieve lasting peace. Although the right-wing speaks openly about abandoning the concept of 'two states,' many in the Israeli leadership, including the prime minister, continue to speak out in support of the two-state concept, primarily in order not to appear to the international community as the party who turned its back on peace.

The continued failure to solve the conflict after more than a decade of negotiations raises questions about the process itself, the maturity of the two sides, and the role of third party mediators. Yet while achieving a *two-state solution* remains impossible in the near term, the *two-state paradigm* remains the guiding concept for resolving the Israeli-Palestinian conflict, and Israelis, Palestinians and the international community continue to publically advocate for it, which hinders alternative ideas from emerging. Rather than searching for different paradigms to better handle the relationship between Jews and Palestinians in the geographical area between the Jordan River and the Mediterranean Sea, continued public support for the two-state paradigm has helped both leaderships maintain a situation that has served them very well.

## COOPERATION BETWEEN RIVALS: BENEFITS

The 'cooperation between rivals' model offers significant benefits to both leaderships. It has enabled the Palestinians leadership to preserve its political power by offering the population economic advantages as an alternative to the peace agenda, and to enlarge the civilian and security bureaucracy that enables the PA to fight against political enemies like Hamas. At the same time, it has enabled the Israeli leadership to strengthen itself. It can offer security benefits to Israelis while ignoring the peace process in order to promote an agenda that concentrates on 'day to day' life and economic problems, such as the cost of living.

Moreover, although the new dynamic revolves around an informal 'deal' between the Israeli and the Palestinian political elites, they have also succeeded in recruiting large sectors of their respective societies to the new order. More than 100,000 Palestinian day labourers benefit from a steady income and the ability to support their families as a result of the economic cooperation with Israel. Over 150,000 Palestinian civil servants in the civilian and security bureaucracy enjoy receiving a monthly salary and the social prestige in Palestinian society

that their positions bring. At the same time, Israel's middle class – the most important sector in Israeli society – has shifted its interest from matters of peace to economic problems.

'Cooperation between rivals' has also succeeded in making the Israeli-Palestinian system an island of stability when compared to the chaos experienced by others in the region. The foundations of this new dynamic have been strong enough to stand relatively untouched by the Palestinian violence that erupted in October 2015. Far from contradicting the new model of cooperation between rivals, the past year of violence has actually exposed for all to see the deep logic and strong foundations of the model, as well as demonstrating that significant parts of both societies have an interest in preserving the balance of the system.

Unlike the first and second intifadas in 1987 and 2000, both primarily national in character, the main discourse surrounding the latest wave of violence has not been political. Instead, those involved have primarily focused on changing the main logic of the system created over the last decade – the model of 'cooperation between rivals' – because they were left behind by the new order and did not benefit from its economic and socio-political advantages.

Three points can be made in support of this argument.

First, the violence began in a Palestinian neighbourhood in East Jerusalem before spreading to the West Bank. It is the Palestinians in East Jerusalem who have been neglected by successive Israeli governments since June 1967, suffering for years from lack of decent living conditions. They were driven by similar motivation to the young generation of Egyptians and Libyans who saw their chances of integration in the new order as low and who were motivated to take part in the 'Arab Spring' because they were left out of the social order and did not benefit from the economic prosperity.

Second, some of the targets of the terror attacks carried out in the last year were symbols of the economic system, for example the terror attacks carried out against settlers in the West Bank, who represent the social and economic dimension in the Israeli-Palestinian system. They also represent a sector who benefit from a different economic order than the Palestinians, who can only dream of having nice houses, tax reductions and quality of life like their Jewish neighbours. Another example is the terror attack in June 2016 at Sarna Market in the heart of Tel-Aviv, a city that symbolises Israeli economic prosperity and the social gap between rich and poor in the Israeli-Palestinian system.

Third, contrary to the first and second intifadas, most of the Palestinian public has not participated in the wave of violence, which has been neither popular nor massive. That is why the Israeli media coined the phrase the 'lone wolf intifada' rather than the 'third intifada'. The Palestinian security apparatus has not taken part in it and Abu Mazen and the political leadership have played a cautious role. On the one hand, Abu Mazen blamed Israel for its policies that led young Palestinians to take action. However, despite how unpopular security

coordination continues to be among the Palestinians, he persists with it in order to avoid an escalation in violence.

The current level of violence thus reflects the stability of the new dynamic. AS a model, 'cooperation between rivals' not only makes the Palestinian-Israeli system more stable, but encourages conservatism by incentivising both sides to preserve the current situation. It is a model that has arguably minimised the disadvantages of the current strategic situation, giving preference to the certainty of an imperfect present over the uncertainty of the future. It also explains the main reason behind the lack of progress in the peace process – the fact that neither side has the motivation to take the steps in order to resume negotiations.

### **COOPERATION BETWEEN RIVALS: UNSUSTAINABLE AND IMMORAL**

Nevertheless, despite the stability it provides, the system of cooperation between rivals fails to offer any serious answers to the moral questions posed by current Palestinian-Israeli relations. It facilitates the continuation of the occupation and infringes on the basic human rights of the Palestinians. Furthermore, it maintains a socio-economic dimension of inequality between both Jews and Palestinians and between those Palestinians connected to the elites and those who are not.

Such expressions of immorality and inegalitarianism cannot exist forever and there are already weak signals warning us that the 'cooperation between rivals' model is not sustainable in the long run. Although the current wave of violence has demonstrated the strength of the system, it also reflects the fact that other parts of Palestinian society have been excluded from it and oppose it.

The current system is dependent on Israel and on the capability of the Palestinian leadership to provide the Palestinians with more than simply economic benefits. The Palestinian municipal elections that were due to have been held in October 2016 would have offered the people in the territories a political agenda with meaning. Their cancellation, coupled with continuing violence, indicates the political difficulties facing the PA leadership, which could ultimately lead to an internal uprising against Abu-Mazen and the traditional Palestinian political elite. Such a scenario has the potential to cause anarchy in the West Bank as well as political instability in the PA that might lead to internecine violence among Palestinians or against Israel. A similar scenario is possible when Abu Mazen exits the political scene.

Moreover, although Israel currently cooperates with the PA there are a number of voices inside the government advocating a different approach entirely: ending the last symbols of the Palestinian national ambitions, such as the PA and the Palestinian national leadership, and replacing them with local Palestinian rulers that will come from the Palestinian municipalities. The election of Donald Trump, who is considered by many Israelis as supporting the right-

wing, might also strengthen the motivation to attempt to implement such a strategy.

## CONCLUSION

The fact that the current reality seems to be stable and appears to serve the interest of both leaderships is not an indicator for how the future will look. For this reason, thought must be given to the possibility of renewing dialogue between the two sides. This does not necessarily mean a return to the traditional concept of the two-state solution as the main paradigm for resolving the conflict. But it does mean that both sides – with or without the help of others – should engage in a new effort to resolve the conflict in a manner that can create the best future for the next generations of Israelis and Palestinians.

*Doron Matza has held senior positions in the Israel's security and intelligence, managing the research division for strategy and policy in the Prime Minister's Office from 1993 to 2014. He holds a Ph.D. from Ben Gurion University in Middle Eastern History focusing on hegemonic discourse in the Israeli ruling establishment towards the Palestinian minority. Today he is a member of the Research Program on Jewish-Arab Relations in Israel at the Institute for National Security Studies in Tel-Aviv.*



## THE LAST PALESTINIAN: THE RISE AND REIGN OF MAHMOUD ABBAS

GRANT RUMLEY & AMIR TIBON

*Fathom Deputy Editor Samuel Nurning sat down with Grant Rumley and Amir Tibon to discuss their new book *The Last Palestinian: The Rise and Reign of Mahmoud Abbas* (Prometheus Books, 2017). Rumley is a research fellow at the Foundation for Defense of Democracies and Tibon is the Washington D.C. correspondent for Haaretz. They discuss their motivations in writing the book, critically review the events that have shaped Abbas's political thinking, and assess the legacy Abbas is likely to leave behind for the Palestinian people. (July 2017)*

### INTRODUCTION

**Samuel Nurning:** *Why did you decide to write a study of Palestinian Authority President Mahmoud Abbas?*

**Grant Rumley:** We decided to write the book after the 2014 peace talks, driven by the US Secretary of State John Kerry, fell apart. It was clear that the White House was not going to reengage at the level they had in 2013-4, so there was a window for some deeper analysis. Amir and I were struck by the fact that there were no biographies of Abbas, who is as big a part of the equation as anyone, and we both believe that not enough attention is paid to Palestinian politics. We hope the book sheds new light and will improve the discourse about the peace process.

**Amir Tibon:** After the 2013-4 peace talks fell apart we both doubted that we'd see that level of seriousness again. Hopefully we will be proved wrong. Our thinking was that it was a good time to put out a definitive story about a person who has been so central to the peace process for the last several decades.

The Trump administration has been making some noises and sending some dignitaries. It doesn't look serious to me, at the moment, but if it becomes serious then the book becomes very relevant to all the players. If the Trump administration wants to make progress on the Israeli-Palestinian issue, it needs to become more knowledgeable about Abbas.

## ABBAS AND THE EARLY YEARS

**SN:** *Let's start with Abbas's early life. His family left Safed due to the 1948 war when he was 13. He was old enough to understand that event and to store memories of it. How important was 1948 for Abbas's political thinking?*

**GR:** It's impossible to overstate the impact of the Nakba (The Arabic term for catastrophe, used by Palestinians to refer to the 1948 war) for the Palestinians. It's a foundational moment of the modern Palestinian national narrative. After the Nakba Abbas becomes more involved with his father's business, helping to raise his siblings and contributing to the family. He adopts a working class mentality to the consequences of the Nakba, moving first to Jordan and then to Syria, where he works in the day and finishes his education at night. Abbas has a very serious work ethic. His commitment to his family shines through his life, it's really the highest priority for him.

In this period he realised that he was not suitable to be a soldier and that he needed to look at other ways to contribute to the Palestinian cause. He tried to join the Syrian military camp but was flushed out after two months when the military told him: 'You're not really cut out for this.' So he decides to move to Doha, where he had connections, and he becomes a teacher. He then starts writing pamphlets and develops an interest in politics.

**AT:** Abbas's political legitimacy is based on his early experience. He is not only the leader today, not only a founding member of the Palestinian national movement, but a man who can represent the whole Palestinian narrative and population in a way that future Palestinian leaders will not be able to do. This is something Israelis are not always very appreciative of. In Israel we like to talk reverentially about our founding fathers, the generation of David Ben-Gurion, and how we had leaders and people totally committed to the national project. This is the standing that the founding generation of Fatah, and especially Abbas, has on the Palestinian side. A large percentage of people involved or interested in the conflict are not fully aware or appreciative of this fact when they talk about Abbas.

**SN:** *There are two moments in the 1980s that impacted Abbas greatly: the 1982 Israeli invasion of Lebanon and the 1988 Arab League Summit. Can you explain how these two events helped to steer Abbas's thinking?*

**GR:** During the Israeli siege of southern Lebanon in 1982 Palestine Liberation Organisation (PLO) members started suggesting openly that the PLO might accept some type of two-state solution, as a way of breaking the siege. They saw the dire situation that they were faced with and became more receptive to the ideas that Abbas had been quietly putting forward about engagement and negotiations. It was a perilous time for Abbas to be advocating this. By the time the PLO arrived in Tunis, the PLO realised that Abbas's school of thought was on the rise, and Palestinians had realised that they were no longer going to 'liberate all of Palestine'.

The 1988 Palestinian Declaration of Independence and the renunciation of terrorism by Yasser Arafat was a vindication of Abbas. The years 1982–88 and then 1988–94 represent the arch of Abbas’s rise. There’s also a turnover within the PLO after Arafat’s two deputies, Khalil al-Wazir and Salah Khalaf, are assassinated. Abbas, who at the time was advocating back-channel negotiations with the Israelis, moves up from the middle of the pecking order in the founding generation to a position closer to Arafat. It’s Abbas’s programme that slowly becomes the *modus operandi* of the PLO.

**AT:** These events put the Israeli-Palestinian conflict into the framework it has been stuck in since that time. The war in Lebanon signalled to the Palestinians that their attempts to build military bases in Jordan, then Syria and finally in Lebanon to put pressure on Israel with terror or military attacks would not work, and that realisation shifted the whole PLO towards Abbas’s ideas. The [Palestinian] Declaration of Independence, coupled with Jordan’s end of claims to the West Bank, put Israel in a tough position because it realised it was stuck with the PLO and no longer had a Jordanian fall-back option.

**SN:** *Abbas opposed Arafat’s armed resistance throughout the 1970s, 1980s and 1990s and ‘risked his life’ in opposing the second intifada according to one senior Israeli official in the book. How difficult was it for Abbas to take a line against the use of violence, as he has done for decades?*

**GR:** Abbas was well aware of the risks of advocating for the two-state solution at the time. Members of the PLO who were meeting with Israeli leftists in the 1970s and 1980s were being assassinated by rival Palestinian factions. There are two competing views of why Abbas has pursued peace negotiations for so long. One opinion thinks Abbas at times saw tactical merit to violence but never bought into it as a strategy and therefore thought negotiations were the best way forward. The more cynical view claims that Abbas believes that long drawn out conflicts end in negotiations and that if he could make himself the chief negotiator and expert on Israeli politics, then at a certain point in time he would ultimately be in charge.

Both of those strategies run a significant risk of blowback from his peers – a famous example is Issam Sartawi, who was assassinated by rival PLO groups for advocating recognition of Israel. It wasn’t until the Oslo Process in 1993 and the creation of the Palestinian Authority (PA) that Abbas had the political cover to advocate for negotiations and non-violence, because that’s the spirit of Oslo.

**AT:** The second intifada was a low point for Abbas’s relationship with Arafat. As we describe in the book, Abbas faced pressure from ‘the street’ to join the intifada but instead emerged as the most outspoken critic of that policy. Early on, Abbas warned Arafat about the dangers of his policy and how destructive it would be for the Palestinians. He was consistent with this position throughout the intifada, both in the opposition (although he was part of the establishment, he also became the de-facto leader of the opposition) and then when he became Prime Minister

in 2003. Abbas's opposition made Arafat very angry. At the 2003 Aqaba Summit, Abbas gave a speech in which he not only spoke against violence but didn't even mention Arafat, something that pleased the Israelis and Prime Minister Ariel Sharon. This was the lowest point of the relationship. For Arafat, Abbas was a rising figure and a growing challenge to his power, as well as a man with international legitimacy. But perhaps more importantly for Arafat, Abbas represented an ideological break. All the discussions and disagreements in the 1970s and 1980s about the use of violence were less threatening to Arafat's grasp on power than Abbas's push for negotiations with Israelis. If you ask me, this was one of Abbas's finest hours. But from there on the story changes.

## ABBAS THE NEGOTIATOR

**SN:** *Let's focus on Abbas's role in negotiations in the 1990s. He was involved in two very important sets of peace talks, and in very different ways. The first was the Oslo Accords [and the secret Beilin-Abu Mazen agreement] and the other was the 2000 Camp David talks. In the book you show how instrumental Abbas was in concluding the Oslo Accords, yet you write of the Camp David Summit that the one consensus which emerged was that Abbas's conduct had been unhelpful. How did Abbas change from the champion of the peace process in 1993 to the 'least flexible negotiator' at Camp David?*

**GR:** In the years between Oslo and Camp David, the peace process becomes a contact sport for Abbas. Everything prior was something of an academic exercise for him – doing his research, writing his books and his controversial PhD thesis – where he was able to advocate a certain position and no one had to seriously debate it. When his strategy became the primary objective of the PLO, other actors become involved and Arafat was unprepared for this. As regards the secretly-agreed Beilin-Abu Mazen agreement, it's the leak, the subsequent blowback from the Palestinian street and Arafat's disavowing of what Abbas had compromised on, that killed the agreement. I regard this event as one of the seminal moments in his life. The negotiations and the positions in that agreement were consistent with what he had advocated and communicated in the past. The retaliation and blowback is completely new, and it shocked him and showed him how unequipped he was to combat criticisms of his policy.

You can see the roots of his behaviour in Camp David in the Beilin-Abu Mazen experience, not to mention that in the run up to the Summit, Arafat, typically, was playing his deputies off against one another. For example, he empowered Ahmed Qurei [Abu Ala] with a Swedish back-channel in the months before and Abbas was extremely upset when he found out. So Abbas entered Camp David paranoid, risk-adverse and unwilling to put his neck out because he had been burnt many times before.

**AT:** Abbas's conduct at Camp David was a real surprise to a lot of Israelis who respected and appreciated him, as well as to the American team. The Palestinians were less surprised by his behaviour because – unlike the Americans and Israelis – they didn't see the peace process as

independent to Palestinian politics. The fact that he had been the earliest supporter of a two-state solution as well as the most consistent leader for negotiations and non-violence didn't mean that Abbas was free from his own domestic political considerations too. Camp David was the moment this was exposed.

On the way to Camp David the Americans and the Israelis also made decisions that pushed Abbas into an uncomfortable position. For example the Americans gave Mohammad Dahlan a very large welcome and lots of invitations to talks and dinners, which unsettled Abbas. The Israelis contributed to his isolation and irrelevancy in the talks by including no one in their negotiation team who had prior history of dealing with Abbas (either before or after Oslo). We include one interesting story in the book concerning a senior Israeli official in [then Prime Minister] Ehud Barak's office who said, 'Why don't we bring Yossi Beilin to Camp David because of his negotiating experience and his connection to Abbas?' As we know, Barak was not convinced. We can ask a million '*what ifs*' regarding the Camp David summit, but I think this is one of the more interesting what ifs – might a different approach by the US and the Israelis have produced a more effective Abbas?

GR: Amir brings up a really important point about Dahlan and the dynamic in the Palestinian negotiating team at Camp David. Abbas wasn't prepared for the turf battles he had to fight once the PA was created and his mantra of peace negotiations became the driving force. When the PLO were in their camps in Lebanon, Abbas was in Syria or Tunis, always maintaining some distance, never considered to be one of the revolutionaries. But when Camp David came around, there were all these upstarts, whether it be Mohammad Rashid who was close to Arafat, or Dahlan, the kid from Gaza who grew up with the Fatah youth and the security services. So Abbas not only had to fend off people who were critical of his compromises in negotiations but he also had to fight Palestinian politics. Nothing in his career had prepared him for that, and the result was frankly disastrous for him.

## ABBAS THE PRESIDENT

**SN:** *Following the intifada and Arafat's death, Abbas quickly rose to stardom as the next leader of the PLO and the President. Was he ready?*

**GR:** In one sense, Abbas was ready to be president. He had the bureaucratic qualifications and closeness with Arafat and he was a driving factor in creating the PA. In another sense, he was ill-equipped. The consensus at the time of Arafat's death was that the Palestinians would benefit from a leader who would a) reorient the Palestinians away from the intifada, and b) be able to speak to the Israelis and the Americans and be acceptable for the international community. This was Abbas. Abbas had shown he was a man of principle when he tried to take control of security in the West Bank and Gaza during his brief time as Prime Minister. What he lacked, however, was the ability to play the retail politics that Arafat had been the master of.

After his Presidential election victory, Abbas began a bureaucratic overhaul, trying to rehabilitate the PA after the intifada. But he didn't have a sense of what was coming, and he didn't have the skillset to maintain discipline or keep people like Dahlan and Marwan Barghouti from fracturing his Fatah party. Whilst he is an incredibly capable bureaucrat, he's neither charismatic nor a great party leader. And that really decided his fate in 2006 when Hamas won the parliamentary elections.

**AT:** Abbas was *qualified* from the moment he took power – as Grant said, this was the time when the Palestinians needed someone to repair the damage from the second intifada and rebuild trust with Israelis and the Americans. But he was not ready. And readiness you can't really know in advance, for any leader. You can ask the same question of Olmert, who won an election shortly after Abbas won his presidential election, and he was considered qualified and able to continue in Sharon's path. It turned out that both Abbas and Olmert were unprepared for the events of 2006 – for Abbas the Hamas victory in the parliamentary elections and for Olmert the Gilad Shalit kidnapping and the war in Lebanon. That year deflated all the hope people had when both of these leaders won their respective elections, and it meant that what began under Abbas-Sharon, which was far from perfect but still preferable to stalemate, would continue.

**SN:** *2006 was a watershed year. In what ways did losing the parliamentary election and the subsequent civil war in Gaza set the terms for Abbas, his presidency and his political thinking towards the peace process?*

**GR:** The years 2006 and 2007 are at the heart of understanding Abbas. In 2005 he had the popular mandate, the electoral victory, the support of the White House and tacit support from Israel. Yet that's the last time he can legitimately speak for all Palestinians in the West Bank and Gaza. There are moments between the January 2006 election loss and the June 2007 civil war between Hamas and the PA in Gaza when some attempts at co-existence occurred. For example, Abbas tried to piece together a unity government, but it ultimately failed because Fatah and Hamas have ideologically different views of what a Palestinian society should encompass. Abbas didn't have the ability to stave off the electoral defeat and challenge Hamas in any other way after that.

The year 2007 is sort of inevitable in this sense, and once the split happened, everything else from then on for Abbas is viewed through the primary prism of survival and consolidation of power. It's a very simple choice for him: there was an assassination attempt on his life (which we talk about in the book) before the civil war in 2007, and I see this moment as being as significant for Abbas as the Beilin-Abu Mazen fallout was. It was the moment when Abbas realised that political disagreements with Hamas turned into assassination attempts – it became an issue of life and death. For a guy not accustomed to turf wars, who hadn't come from the militant revolutionary background, and who was already paranoid and risk adverse, the

assassination attempt became a bridge too far. He then concentrated all his political power on making sure that what might have happened to him in Gaza cannot happen to him in the West Bank. And it's a large factor in his future peace negotiation stance.

**AT:** I agree with Grant; the election and war with Hamas is the moment where everything begins to slide away from Abbas. If this book were ever to be turned into a movie (not that I think there is even a one per cent change that will happen!) this is the point where the story line changes. Until that moment Abbas is the leader who, more than anyone else, is committed to peace and negotiations. And he had successes, not least the way that the realisation of the necessity of negotiations evolved in both the Palestinian national movement and in Israel, from total rejection of a Palestinian state to Ariel Sharon saying we need an end to the occupation. From 2007 onwards Abbas lost control over his ability to promote the agenda with which he had become identified. In the book we argue that the political divide within the Palestinian movement – the fact he didn't control half of the population, and that Hamas was challenging the legitimacy of his government – are the key reasons for this loss of control.

At the end of the day, Abbas's story is a tragedy. Maybe there will be a happy ending under the Trump administration, but right now it is a tragic story about the leader who wanted to do the right thing but could not deliver when it mattered most.

#### **‘PALESTINE 194’**

**SN:** *In 2011, with the absence of a political process that he had championed and his legitimacy undermined by the absence of elections, Abbas adopted what has been termed as the internationalisation strategy. Was this the right strategy for Abbas to pursue at the time? And has the strategy paid dividends for Abbas?*

**GR:** I've covered 'Palestine 194', as the strategy is dubbed, a lot since I lived out there and interviewed people who formulated the policy right up to Abbas's UN General Assembly speech in 2011. From a negotiating standpoint I see why it came about. In its initial stages Abbas and his key advisors saw merit to widening the scope of negotiations to include international actors, and even in recent weeks one of Abbas's advisors publicly stated that if negotiations under the Trump administration do not work out then they will turn to Angela Merkel. There has definitely been a growing sense in the PA in recent years that more international actors involved in the peace process will mean more international allies for Palestinians, while the UN is home court for the Palestinians.

'Palestine 194' made sense early on for Palestinians when they threatened to join international bodies like the International Criminal Court (ICC), but then the PA rushed things. In 2015 it joined 15 UN bodies and there was a kind of 'emperor has no clothes' moment. Israel realised that these moves were nuisances but not game changers. Even ICC investigations are bogged down in international law purgatory. The internationalisation strategy always worked much

better as a threat to get back to negotiations or, from the Palestinian perspective, as a way to strengthen their hand in negotiations. Since joining these bodies, how many more arrows do the Palestinians have in their quiver? There is talk about joining Interpol but the threat has stalled and even possibly backfired.

On the other hand, the strategy has led to noticeable accomplishments: the upgraded status of Palestine to non-member observer status at the UN in 2012 and UN Security Council Resolution 2234 are big wins for the Palestinians. You can still see pictures in the West Bank of Abbas delivering his speech at the UN. But at the end of the day they don't really change the reality on the ground, and they don't advance the peace process. Instead, the internationalisation strategy reinforces the notion that a solution to the conflict comes down to the two parties in bilateral negotiations.

**AT:** The internationalisation strategy hasn't promoted Palestinian statehood but it could have had a greater impact if Abbas had made different calculations during the last round of peace talks in 2014. It is not 100 per cent clear who should take the blame for the fall of those talks. Netanyahu made some compromises during the talks despite recently denying them. But the fact that Abbas did not give a clear answer to Obama's peace framework hurt his own internationalisation strategy. After all, what is this strategy supposed to be built on? On the notion that the Palestinians want peace and Israel objects. I personally think Netanyahu has done very little to help the two-state solution become a reality, and if Abbas had said yes to Obama's framework it would have put Netanyahu in a very difficult position. Abbas would then have been strengthened on the international stage. In 2014 momentum was building for the Palestinians; many parliaments voted to recognise Palestine, and if Abbas had accepted the US offer – and Netanyahu hypothetically refused it – Abbas could have said, 'What are we supposed to do now?' But he wasn't able to do that, and that really hurt his own international campaign.

**SN:** *What about the recent Palestinian push to get FIFA to ban the Israeli football governing body? Unlike other UN bodies, FIFA has the potential to get more people talking about the conflict perhaps in ways not beneficial for the peace process. Do you think the FIFA push will have any significance?*

**GR:** It could change some realities for soccer federations on both sides, but the road to statehood doesn't run through FIFA, like it doesn't run through the UN Convention for Biodiversity, which the PA joined in 2014. Ultimately it's theatrics to me; no longer a strategy, only a way to attack and counter-attack in the international community.

## **LORD OF THE PALESTINIAN COURT**

**SN:** *Amir, you mentioned the 2014 peace talks, when Abbas didn't give President Obama an answer to his peace framework proposal. You write in the book that 'Abbas's reaction [to Obama] was one of the most telling moments of his presidency'. What do you mean by this?*

**AT:** In our opinion it was a crucial moment in Abbas's presidency. There are people who say that Abbas's lack of response to Obama in 2014, as with Olmert in 2008 and Arafat's silence to US President Clinton in 2000, represents a pattern. Our analysis suggests there is also an argument to make that these events represent three very different circumstances. There are questions over how serious Olmert's offer was to Abbas, given his domestic political weakness at the time. And 2014 was a different situation for Abbas than Arafat in 2000. The offer in 2014 came from a sitting US president with more than two years in office (Clinton in 2000 was about to depart), who had convincingly won re-election and had a majority in the US Senate, and it was an offer that he could have used to put more pressure on the Israelis. Yet, there were complicated domestic Palestinian issues: the competition with Hamas; internal strife within Fatah and the PLO; and the risks of upsetting and losing public support. Ultimately those factors outweighed the goal of putting pressure on Netanyahu.

Obama told Abbas that there would not be another sitting US administration as committed to this issue as his administration. I will be very surprised if the Palestinians get the same kind of proposal from Trump who – all the signs so far suggest – will be a different kind of negotiator.

**SN:** *What in your mind is Abbas's greatest achievement to date, his greatest mistake to date and the legacy he will leave behind for Palestinians?*

**GR:** His greatest achievement is the Oslo Process and bringing and solidifying the two-state solution into the Palestinian political discourse. For me the culmination of that process was this year's Fatah Congress. I sat through his three hour speech to members of his own party, where he defended his decisions to go to Oslo and talk with Israelis and gave a hearty defence of the two-state solution and the non-violence approach. I look back at the conflict and these were the things we begged Arafat to do – he was famous for saying one thing in Arabic for his own audience and another thing in English to the international community. Yet this is what Abbas is willing to stake his legacy on. He brought the notion of peace into the accepted Palestinian framework for statehood and, if nothing else, that is his greatest achievement.

That does not mean his legacy hasn't been diminished because, like Amir said, his greatest mistake was not accepting the Obama proposal. You can't really ask for a better situation, from a Palestinian standpoint, than having your leader sitting in the White House with a US president, two years left on his term, willing to go to bat for you vis-à-vis the Israelis. And I think his legacy will be that of missed opportunity. Shimon Peres called him the greatest partner for peace because of his role in Oslo, but ultimately his deficiencies outweighed his strengths and he will likely leave a quagmire.

**AT:** I want to offer one defence of Abbas. When we talk about a missed opportunity it works both ways because Abbas is also a missed opportunity for Israel – especially when you look at the entire gallery of Palestinian and Arab leaders. There have been Arab leaders much more

powerful than Abbas, and better able to withstand greater public pressures or attempts to question their legitimacy, who have shown much less courage than President Abbas when it comes to peace talks, normalisation with Israel and even open discussions with Israeli leaders. There is a tendency now to say that Israelis, the Americans and the international community don't need Abbas, and can work with other Arab leaders for a regional peace. They are wrong. There are very powerful Arab leaders in the region who have secret relations with Israel but do not dare to do anything in the open. But there is still Abbas, much weaker, with internal constraints and who isn't perfect, but has taken real risks for peace. The fact he will soon to leave the stage with his life project incomplete is a big loss for all sides.

**SN:** *What message are you conveying with the title of your book, The Last Palestinian?*

**GR:** There are several layers to *The Last Palestinian*. First, Abbas is very likely the last leader who can personify the arc of the modern Palestinian national narrative. He is one of the last Palestinians, and likely the last President, to be able to say, 'I was a refugee; I experienced 1948; I was with the PLO abroad and came back to be one of the founding fathers of the Palestinian national movement'. After him there will be a push for a second generation of Palestinian leaders who came of age during the last two to three decades, but none with the experience and legitimacy that Abbas holds.

Second, Abbas is the last man standing. He began his presidency with control over the West Bank and Gaza but then lost Gaza. And then he started forcing out the technocrats, like Salam al-Fayyad, and independents like Yasser Abed Rabbo. Then his party fractured and he purged members of the Dahlanists. He's basically kept together the same kitchen cabinet since he became president. It's a shrinking crowd of people and he can therefore be the last man standing.

And thirdly, the title was originally written for Arafat in a famous eulogy by Hussein Agha, one of Abbas's negotiating proxies in the last 20 years. Agha said that the days of Arafat's retail politics were gone, and the days of bureaucracy and transparency and accountability were in. That judgement ultimately didn't age too well because Abbas has arguably had more control over the PA than Arafat ever had.

**AT:** There is also the question of whether Abbas is the last Palestinian leader working to promote the two-state solution in the Palestinian space. If he is, the question is not only 'what is next for the Palestinians?', but also 'what is next for Israel?' After Abbas, are we on the road towards a one-state solution? These questions were another factor in choosing this particular title.

*Grant Rumley is a former research fellow at the Foundation for the Defense of Democracies where he focused on Palestinian politics. Amir Tibon is the Washington D.C. correspondent for Haaretz.*

## Part 4

# The Final-Status Issues



## A SECURITY SYSTEM FOR THE TWO-STATE SOLUTION

KRIS BAUMAN & ILAN GOLDENBERG

*Colonel Kris Bauman is Senior Military Fellow at the Institute for National Strategic Studies (INSS) at the National Defence University and in 2013–2014, worked as Chief of Staff for the Senior Advisor to the Secretary of Defence, General John R. Allen. Ilan Goldenberg is Director of Center for New American Security (CNAS) Middle East Security Program and Former Chief of Staff to the Special Envoy for Israeli–Palestinian Negotiations. Bauman and Goldenberg’s Fathom article explains how their paper builds on previous work in negotiations and aims to provide a starting point for further discussion and refinement in order to resolve the security component of final-status discussions between Israelis and Palestinians. Amongst other things, they are guided by the challenge of preventing the West Bank from going the way of Gaza after Israel’s withdrawal in 2005. (September 2016)*

For the past year the CNAS has developed the most comprehensive public study ever released on security arrangements between Israelis and Palestinians in the context of a two-state solution. The work was informed by our own experiences as members of the American team during the last round of final status negotiations in 2013–14 and hours of consultations with Israeli, Palestinian, Jordanian, and American active and retired security and political officials. We concluded during those negotiations that Israelis will never agree to a permanent status, two-state solution unless their security concerns are addressed. Palestinians will not sign on to an agreement that includes unacceptable violations of their sovereignty or perpetuates what they view as an endless occupation. This tension is at the heart of the Israeli–Palestinian security dilemma and any security system must meet both sides’ needs.

### WHY PRESENT THIS NOW?

Before describing the details of the proposals, it is important to explain why we chose to pursue this work, especially at a time where there is no appetite among Israeli or Palestinian political leaders or the general population for a renewed peace process. We are under no illusions about that.

First, the issue has risen significantly in importance. During the 2013–14 negotiations, we were somewhat surprised to find that security had moved to the top of the list of intractable issues. If you speak to negotiators from Camp David (2000) or Annapolis (2007–2008), the biggest

challenges were perceived at that time to be Jerusalem and refugees. On security, negotiators generally assumed the experts would be able to get together and work things out. But much has changed since 2000. Israel's experiences after departing southern Lebanon, living through the second intifada, and dealing with the aftermath of the withdrawal from Gaza have changed the perspective of Israeli society. Security has gone from a technical issue to be resolved by experts to one that is central for the Israeli public and therefore requires more work. There will be no agreement unless an Israeli leader can clearly explain to the public why a Palestinian state in the West Bank will not just lead to another Gaza.

Beyond the elevated importance of this issue, experience reveals the value of continuing to work on these issues even when no process is underway. Back in 2013 when US Secretary of State John Kerry unexpectedly secured an agreement to resume negotiations, one of the first steps we took was to go back and review everything that had been done in previous rounds and by various external track two efforts. A fair amount of work had been done on borders, refugees, and Jerusalem, and that was enormously helpful as the US worked with Israeli and Palestinian negotiators to find creative solutions to these pressing challenges. But there was almost no detailed rigorous external work on security because it had previously not been as central of a challenge. We hope that by releasing this work now, that gap will be filled for future negotiators.

The report can also be helpful because it paints the picture of an achievable security end state that can guide Israeli, Palestinian, and American security efforts today. Because there is currently no political agreement on an end state, there is no clear vision of what the Palestinian Authority Security Forces (PASF) are supposed to become; in particular, there is no agreement on what their final capabilities should be. This creates difficulty for all three parties. The United States Security Coordinator (USSC) and their international partners do not have a target for training and equipping the PASF; the Israel Defence Forces (IDF) do not know what to support and what to object. The PASF is caught in the middle with no clarity as to what the Israelis and the international community will expect of them. This report offers an end state that all parties can begin to work toward, even before an agreement is signed.

Third, we wanted to demonstrate through a serious detailed study that security is truly achievable, and therefore, that security is not a valid reason to postpone serious negotiations on a two-state agreement. This is an important message, especially for the Israeli public who cares so deeply about this issue and whose support for a two-state agreement can give its elected leaders the necessary space to make tough decisions.

We have two other preliminary notes about the context and purpose of the study. First, the final report purposely included in the title the phrase, 'Advancing the Dialogue', because we do not consider the work complete. Rather, this is a living document that provides a starting point for further discussion and refinement and indeed builds on the previous work that has been

done. We are not wedded to the proposals in this study as the be all and end all and indeed in a number of places we offer a series of options for negotiators to consider as opposed to just one solution. We hope to see the next level of detail developed as the dialogue continues.

Finally, our assumption on the interaction of all final status issues is that security will lean toward Israeli demands in exchange for borders leaning toward Palestinian demands. This is a formula that has been clear to negotiators for years. Therefore, if one were to offer the security proposals in this study to Palestinian leaders in isolation, they would be rejected. However, if these security proposals came in conjunction with a commitment to talk about 1967 borders with reciprocal swaps, then it could become the basis for further negotiation.

## THE SECURITY SYSTEM

The security system would include four mutually-reinforcing layers: (1) internal security inside the new Palestinian State to counter the threat of terrorism and other internal challenges; (2) border security to prevent smuggling or cross border attacks; (3) non-ground domain security, including air, maritime, and the electromagnetic spectrum; and (4) regional security with the Arab states to further reinforce security for Israelis and Palestinians. Even beyond all of these layers, in extreme situations Israel would still have the capacity to take unilateral action to defend itself by itself.

Six key principles remained at the forefront of our thinking to answer the question, how do you keep the West Bank from going the way of Gaza after the Israeli withdrawal in 2005?

1. Build a multi-layered system that addresses Israel's security concerns in which Israel retains the right of self-defence as well as the capacity to defend itself by itself, but ensures this is only necessary in extremis. After the unilateral Gaza withdrawal, there was only one layer of protection and only one method of recourse if things went badly: re-invade. In this proposal, there are multiple, interlocking, mutually-reinforcing layers of security and insurance mechanisms to ensure there is no repeat;
2. Minimise Israeli visibility to Palestinian civilians and pursue significant early steps that signal a fundamental change on the ground to Palestinians. This is critical to establish trust early, signal to Palestinians that Israel is committed to redeployment, and reduce the manoeuvre space of potential spoilers;
3. Plan a conditions-based, performance-dependent, area-by-area phased redeployment of Israeli security forces with target timetables, benchmarks, and an effective remediation process. This ensures that no Israeli redeployment is taken prematurely before conditions are right but also gives the Palestinians assurances that there is a clear process for implementing the redeployment of the IDF;
4. Conduct significant upgrades to security systems and infrastructure. Much of this can

come through international and American support and improve security for all sides;

5. Build joint operations centres and data sharing mechanisms for all parties such that there is maximum situational awareness of the security environment for Israelis but minimal intrusion on Palestinian sovereignty;
6. Employ American forces for training, equipping, evaluating, and monitoring, and for conducting highly limited operations along the Jordan River. This is perhaps the most controversial issue for Israelis given their concerns about any third party force. The study offers a number of options for negotiators to consider, but believes this is the best of a number of imperfect options.

The internal Palestinian security system would include a non-militarised Palestinian security force whose maximum capabilities resemble a gendarmerie model. The PASF would also have a small, highly capable Palestinian Counterterrorism (CT) unit trained and equipped to a level analogous with a Special Weapons and Tactics (SWAT) unit of a large American city. The Palestinian system would be further bolstered with a full-spectrum, self-contained Palestinian counterterrorism system composed of vetted and protected personnel including intelligence officers to detect terrorist activity, CT forces to raid sites and arrest perpetrators, forensics experts for site exploitation, pre-trial detention officers to ensure prisoners do not escape, prosecutors and judges to conduct trials and issue warrants, post-trial detention officers to ensure prisoners are not released early, and finally, stand-alone detention facilities.

The entire system would contain joint operations centres that include Israeli, Palestinian, and American security forces for sharing intelligence, identifying potential targets, and coordinating operations. There would be multiple mechanisms for rapidly resolving disagreements between the parties on the merits or needs of a particular operation, including among security professionals, at the bilateral political level, and, where required, through American mediation.

The border security system between Jordan and the future Palestinian state would be far superior to the one that exists today. It would include crossing point facilities between Jordan and the new Palestinian state that would be staffed by the PASF (on the Palestinian side) and Jordanian security forces (JSF) (on the Jordanian side of a crossing) but would include American monitors on the Palestinian side who are qualified to re-inspect people or cargo if Israel deems it necessary. During the transition years, Israel would remain responsible for overall security at the crossing points, though with only a low-visibility Israeli presence that over time would transition to nonvisible and, if technology allows, eventually to electronic monitoring. A state-of-the-art traveller database would be shared by Israelis, Palestinians, and Jordanians that would include watch lists, biometric data for positive identification, and other relevant information.

A multi-layered border trace security system would be installed between Jordan and the new

Palestinian state. It would include a two kilometre security zone between Route 90 and the Jordan River, similar to the one that exists now on the Jordanian side of the Jordan Valley and would be symmetrically enforced on the Palestinian side. It would include aerostat-borne monitoring systems; redundant physical barriers, sensors, and monitoring systems on the border itself; and patrols conducted by Palestinian and American forces.

Data from the crossing points for personnel, baggage, and cargo, and data from the border trace security system would feed into a joint border control centre that would have representatives from all relevant parties and into individual headquarters elements in each relevant country. All parties would have full situational awareness of crossing operations at all times. Many similar concepts could also be applied to the Egyptian border with Gaza, but these would have to be specifically designed and tailored once Gaza and the West Bank come under unified governance that adheres to the Quartet conditions.

There would also have to be additional steps taken on the border between Israel and the new Palestinian State. The security barrier along the agreed lines of final borders would be completed. There would also be exceptional security zones in sensitive areas, which would require additional zoning and/or monitoring by security forces and limitations on construction to prevent possible attacks (e.g. on the pathway into Ben Gurion International Airport). These zones would be combined with anti-tunnelling technology in order to prevent infiltration near the border.

Non-ground domain security would include an airspace security system consisting of vetted personnel, clear air traffic procedures for normal conditions and emergency situations (in which Israeli military air traffic controllers would immediately assume control), up-to-date air traffic control facilities and equipment, and secure airport infrastructure and procedures. The Palestinian government would have sovereign airspace above the future State of Palestine from the surface to 10,000 feet above sea level, and airports in the Jordan Valley and Gaza.

A multi-layered maritime security system would be created in which Palestinians would govern their territorial waters off Gaza, but with an external layer of an Israeli security zone, and standard procedures in international waters, where Israel is free to intercept, board, and inspect any ship (in accordance with international law). A Palestinian port either in Gaza or on a man-made island off Gaza would be constructed with special security procedures analogous to all border-crossing points.

There would also be significant investments in enhancing the efficiency and use of the electromagnetic spectrum (EMS) by Israelis and Palestinians to increase overall access to EMS for both sides.

Beyond all of these steps internally, a regional security system would include new mechanisms for Israel to work bilaterally and multilaterally with Arab states on common threats, including

responding to Islamic extremism and Iranian interference. Some of this cooperation is already occurring, but it can be greatly enhanced in the context of a two-state agreement. Deeper intelligence cooperation and operational coordination would exist between Israel and Arab states. New venues would be created to discuss security-related misunderstandings and peacefully resolve conflicts. There would be an ‘inside envelope’ of two sets of trilateral security relationships: one made up of Israel, the future state of Palestine, and Jordan to address issues around the West Bank; and a second related to the Gaza Strip, involving Israel, the Palestinians, and Egypt. There would also be an ‘outer envelope’ open to Saudi Arabia, its Gulf Cooperation Council (GCC) partners, and possibly other states in North Africa and elsewhere, giving Israel an opportunity to engage on broader regional challenges and opportunities.

Finally, even beyond all of these layers, in extreme situations, Israel would still have the option of last resort, as any sovereign state does, to act unilaterally to defend itself. No Palestinian leader would agree to Israeli unilateral action and this would not be part of the agreement. But Israel already acts unilaterally in places such as Syria and Lebanon when it is in its interests just as do many sovereign states when they face a direct threat. Obviously, any such action would come with diplomatic risk to Israel and to the agreement, which Israel would have to accept. A side agreement could be reached with the US outlining the kinds of extreme conditions under which Israel would receive American diplomatic support in the aftermath of such action. But the whole point of the multi-layered security system is to ensure that this option very rarely gets used.

## THE TRANSITION PROCESS

The key to moving safely from current arrangements to the end state of this security architecture is a carefully-managed transition process. Israelis insist on a conditions based process for redeployment and want a final veto before any decision for IDF forces to redeploy. But Palestinians will never agree to an Israeli veto as they believe that such a process would stall continuously. Our proposal attempts to bridge this gap through a professionalised security-criteria-based process that would assuage Israeli concerns. But this process would still include target timetables and effective remediation processes to alleviate Palestinian anxiety about a perpetual redeployment process. Overall we believe that it would take between 10 and 15 years to implement the full redeployment, but that a rapid reduction of visible Israeli presence can occur very early in the transition to reduce friction to daily Palestinian life.

A Security Implementation and Verification Group (SIVG) consisting of Israeli, Palestinian, and American security professionals would be established to plan, lead, and implement the transition.

There would be an initial phase of early steps agreed to by the Israelis to reduce visible Israeli presence and increase Palestinian sovereignty. These would include an end to Area A

incursions; the turning over of significant portions of Area C to Palestinian civic and security control; early redeployment from the northern quarter of the West Bank where there are relatively few settlements; and rapidly reduced visible Israeli presence on the border crossings between Jordan and Palestine.

The SIVG would provide training to the PASF, and a separate evaluation cell staffed by Americans, Israelis, and Palestinians would judge PASF performance in evaluations and operational tests against clear criteria agreed upon in advance by all three parties. If the SIVG judged that the Palestinians had met a particular series of criteria, then IDF redeployment from a specific area would proceed as planned. If the Palestinians were judged to have not hit a specific metric, then the SIVG would develop a remediation plan to repair the deficiencies using a target timetable not more than half the length of the initial timetable. If after the remediation process disagreement remained about whether criteria had been met, then the issue would be elevated to the political level for Israelis, Palestinians, and Americans to address.

## CONCLUSION

In the end we believe this system can work to meet both Israeli and Palestinian needs and credibly and seriously address the most important security concern about the two-state solution, which is that any Israeli redeployment will only lead to the creation of Gaza on the West Bank. Indeed, as we developed these solutions, the Gaza experience was always at the front of our minds. Ultimately, when Israel unilaterally left Gaza, it had only one insurance policy – that it could go back in. But this isn't a great insurance policy and as it turns out, it is one that Israel has preferred not to use.

The CNAS study argues that instead a security system for the two-state solution will have several insurance policies: (1) stronger relations with the Arab world; (2) better border security, (3) an effective counterterrorism system in the West Bank; (4) gradual conditions-based redeployment; (5) external American monitors watching the process and training and advising security forces; and (6) at the end of all of that, there is still Israel's ability to take unilateral action if it must. These six insurance policies will create a much more effective system to ensure that the West Bank never becomes Gaza even after an Israeli redeployment.

*Kris Bauman is an active duty Air Force officer serving as a Senior Military Fellow at the Institute for National Strategic Studies and as an adjunct instructor at the Eisenhower School for National Security and Resource Strategy, both at the National Defense University in Washington, DC. In 2013-2014, Bauman worked inside the Israeli-Palestinian peace process as the Chief of Staff for the Senior Advisor to the Secretary of Defense, General John R. Allen.*

*Ilan Goldenberg is Senior Fellow and Director of the Middle East Security Program at the Center for a New American Security (CNAS). Prior to CNAS, Goldenberg served as the Chief of Staff to the Special Envoy for Israeli-Palestinian Negotiations at the US Department of State.*



## ISRAEL'S CORE SECURITY REQUIREMENTS IN PERMANENT-STATUS NEGOTIATIONS

MICHAEL HERZOG

*As an official involved in most of the negotiations between Israel and the Palestinians over the last 23 years, Michael Herzog is an expert on Israeli security concerns and interests. In this article he gives his views on the Center for New American Security (CNAS) report and Israel's security concerns in final status discussions. (September 2016)*

The core Israeli-Palestinian negotiation issues have been traditionally divided into 'narrative issues' – those topics such as Jerusalem, refugees and mutual recognition which touch on the core identity of each party and which are extremely difficult to reconcile; and more 'practical issues' such as territory and security. But while some people believe these practical issues are more easily resolved, they are very complicated and we have yet to come to an agreement on them even 20 years on from beginning negotiations.

Security is considered by Israel to be paramount because although the country is militarily strong, it is still vulnerable due to its lack of strategic depth, limited resources and location in a hostile environment. Israel's history is fraught with armed conflicts forced on it by hostile neighbours. In the Palestinian case, security is all the more sensitive because the territory under discussion (the West Bank) is small, condensed and topographically superior to Israel-proper. The 1967 lines (the product of a 1949 temporary armistice agreement), which are the Palestinian baseline for an agreement, would leave Israel with a dangerously narrow waist along its coastal plain – about nine miles at the thinnest point – and overlooked by the West Bank's commanding hills. This narrow strip contains Israel's major cities (including its capital), about 80 per cent of the country's gross domestic product, 70 per cent of its population, as well as its main infrastructure and sole international airport.

Israel's threat perception envisages potential threats emanating from a future Palestinian state, regional challenges, as well as combined threats between the two. It relates to the potential merger of hostile intents with dangerous military, terror and other capabilities. It also takes into account the potential dramatic changes in the strategic landscape surrounding Israel, which have happened more than once, especially in recent years. No analyst accurately predicted the eruption of the 2011 Arab Spring or the emergence of ISIS, and certainly no one knows what the situation will be in 20 to 30 years. This is no reason to not seek a deal – perhaps the

contrary – but it is reason enough to carefully craft security arrangements.

Israel therefore seeks solid security arrangements which will prevent the necessary compromises to the Palestinians in a permanent two-state solution from ultimately undermining Israel's security rather than enhancing it. Yet this stance clashes with the Palestinian desire for independence, sovereignty and dignity. There is an inbuilt tension between their needs and Israel's, which is difficult to reconcile.

## **ISRAEL'S SECURITY CONCEPT FOR A TWO-STATE SOLUTION AND CORE REQUIREMENTS**

In order to address Israel's threat perception, the country developed a comprehensive security concept for the permanent-status negotiations and solution. In all sets of permanent-status negotiations (the Camp David Summit and subsequent talks in 2000, the Annapolis Process in 2008, meetings in 2010 towards the end of Israel's 10 month settlement freeze, and the 'Kerry Talks' of 2013–14) Israel presented a fairly consistent concept of its required essential security arrangements, although some of the emphasis and details varied from one government to another.

Israel's security concept is based on the following three complementary pillars:

- Territorial adjustments to the 1967 lines so as to establish more secure, defensible boundaries. The main adjustment would include incorporating into Israel the major settlement blocs along the 1967 lines, modestly beefing up its depth, as part of territorial swaps.
- Creating 'conditional strategic depth' (a term coined by Israel's military planners). This means partial compensation for Israel's lack of physical strategic depth through a series of non-territorial security arrangements. The first and most dominant of these arrangements is the demilitarisation of a Palestinian state.
- Establishing a special security regime in the Jordan Valley, along the eastern perimeter of the Palestinian state, as an essential part of the above-mentioned 'conditional strategic depth'. Since the days of Prime Minister Yitzhak Rabin, the Jordan Valley has been considered by Israel to be the country's eastern security (though not necessarily political) border. For this special security regime Israel has been seeking to include, among others, an effective Israeli military deployment for an agreed period of time.

The concept of a demilitarised Palestinian state was initially agreed upon in negotiations in 2000 and later enshrined in the Clinton (under the term non-militarisation), yet the two sides never agreed on what it actually entailed. The Palestinians agreed to forego a regular army with tanks and planes as well as military alliances with other regular militaries, but there are many capabilities that fall in the grey area between a strong internal security force and a regular

army that remained unresolved.

In addition to demilitarisation, Israel sought operational control over a future Palestinian airspace (since there will only be one air force – Israel’s – and it’s only possible for one party to make real-time decisions about incoming potential threats in the very limited given time and air space), as well as some strategic early warning posts in a Palestinian state (initially agreed but never finalised) and the option to send troops into Palestinian territory during real emergencies in order to pre-empt emerging military threats from the east. Israel also raised concerns over a potential scenario of extreme Islamist forces (e.g. Hamas) taking over the Palestinian state and turning it into a hostile entity, thus triggering Israeli intervention within the State of Palestine. All of these and other required security arrangements (such on the electromagnetic spectrum) remain unresolved between the parties.

The question of Israel’s right of re-entry to a Palestinian state in case of emerging real threats, terror or military proved to be a major sticking point. Israel has sought to clarify, before the agreement is signed and possibly within the agreement, that it will not gamble with its vital national security. In case of a serious threat and given its narrow margins of security, the Israel Defence Forces (IDF) may intervene without waiting for the threat to reach or enter Israeli territory. The Palestinians would naturally not commit to such stipulations for fear of pre-legitimising Israeli incursions into their state. With the help of the US the parties discussed the definitions of emergency but never came to agreement.

## **WHAT SOLUTION FOR THE JORDAN VALLEY?**

One of the most contentious issues in previous negotiations was Israel’s demand to deploy limited Israeli forces along the Jordan River as part of a special security regime. Such a regime would verify demilitarisation, serve as a deterrent factor, tripwire against military threats, provide early warning, and deal with daily threats of infiltration or terrorism. Israel’s position is informed by deep concerns about long-term stability in Jordan (which is a paramount Israeli strategic interest) as well as hostile state, state-sponsored or jihadi forces from the east, potentially threatening Israel through Jordan. But while Israel views its security in a permanent-status agreement also in a regional context, the Palestinians perceive the security dimension in strict bilateral terms and demand full withdrawal of Israeli troops from a future Palestinian state. The parties fiercely debate this question, including the possible time frame for such a deployment and its terms.

Palestinian President Mahmoud Abbas has agreed to a five year period of Israeli forces in this area, to be subsequently replaced by US or NATO forces. In contrast, Israel wanted long-term deployment measured in decades. (Ehud Barak, Israel’s prime minister in 2000 and defence minister in 2008 spoke about a transitional period of ‘a generation’.) In order to overcome this difficulty, during the 2013–14 Kerry-led talks the parties considered the option of defining

specific criteria which would trigger an Israeli withdrawal when met (or a continued Israeli presence if they are not). Yet the criteria and identity of the adjudicators were not resolved.

The Americans made several important *technological–operational* suggestions, which would integrate into one effective border system electronic barriers, sensors, intelligence collection and exchanges, and forces on the ground. Such a system would make it hard to cross the border without being identified and stopped. However, Israel was no less focused on the *strategic* dimension. Even an operationally perfect border system cannot address a scenario in which Hamas takes over the State of Palestine or if Jordan is destabilised by jihadists.

Whatever the agreed time period and exact terms of Israel's deployment in this area, Israel has always insisted that as long as its forces are there, they ought to have a defined and independent zone or strip of operational responsibility (notwithstanding Palestinian civilian responsibilities in this area) for them to be effective. Israel has agreed that its forces deployed along the Palestinian side of the Jordan River will operate within a special security regime on both sides of the Jordan basin that would include Jordanian troops on the eastern (Jordanian) side of the River and international and Palestinian security forces patrolling an area slightly further to the west of Israel's forces. But Israel does not believe in mixed Israeli–international forces because it does not trust international forces (based on a long history with such forces along its borders), and does not want to end up arguing over whether to track down a specific terrorist crossing the border and ultimately have its own freedom of operational action limited. Israel is also very unenthusiastic about US forces as it would like to avert possible tensions on the ground with its closest ally.

It is hard to imagine that the parties (and the US) can agree on deciding the issue through specific strategic and operational criteria. They will probably have to agree on a period of time, long enough to allow for a proper transition – or find another 'outside the box' solution. In any case, Israel's threat perception will ultimately dictate its future decision on withdrawal in real time. For example, if ISIS-minded jihadists take over Jordan then Israel will be loath to leave the Jordan Valley regardless of the time frame originally defined by the agreement.

## THE US POSITION AND CNAS RECOMMENDATIONS

Beginning in the 2008 negotiations the US administration also zoomed in on the question of security arrangements in a two-state solution, conducting its own professional staff work. In January 2008 Defence Minister Ehud Barak presented an 'eight point plan' to President George W. Bush summarising Israel's core security arrangements. Subsequently General Jim Jones (former commander of United States European Command and later national security advisor) was tasked with formulating the US position, in a bid to reconcile both parties's needs. In the Kerry negotiations of 2013–14 this role was fulfilled by General John Allen (former commander of US forces in Afghanistan). While Israel and the US came close on many of the abovementioned points, their positions were never fully compatible. On the question of

the duration of Israel's deployment in the Jordan Valley, the US accepted the need for such a deployment for a period of time but essentially wanted to take the final decision about its duration away from exclusive Israeli hands.

The recent CNAS paper [also featured in this Fathom issue] represents an attempt by a joint Israeli-American team of former security officials (including one who had served on Allen's team) to identify and discuss the main sticking points. The paper identifies as the most difficult sticking points the questions of timetables for the redeployment of Israeli forces, residual Israeli forces on the Jordan River, the question of who makes the final decision on an Israeli troop withdrawal, and Israel's right to re-entry in the event of an emergency.

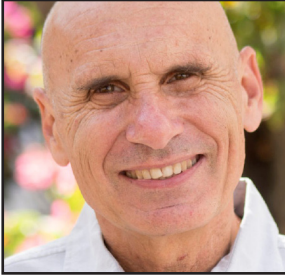
On the thorny question of Israel's residual deployment along the Jordan River, the CNAS paper recommends a multi-layered security system on both sides of the border and provides an array of options – without recommending one – for the parties to choose between. These include a special case of Israeli forces staying for a long time frame in a narrow strip along the River with low visibility, Israeli military deployment for a limited time frame to be replaced by American troops in the area, and more. In any case, the paper talks about a 'realistic and appropriate' transitional period of 10 to 15 years for the completion of Israeli redeployment from the territory of a Palestinian state as a whole.

On the issue of Israeli re-entry to the Palestinian territory, the CNAS paper recommends the creation of an Israeli-Palestinian-American coordination mechanism in order to deal with emergencies. If after joint discussions and intelligence sharing Israel remains unsatisfied with the security situation, the paper argues that Israel can enter the West Bank unilaterally (like Turkey does in Iraq). This is far from an ideal solution as in essence it would constitute invading the sovereignty of another state. But the Palestinians would never agree to approve such a scenario in a negotiated agreement. Therefore, if one wants an agreement that Israel will buy into, the only way forward is to create side understandings with the US over the scenarios that constitute emergencies.

## CONCLUSION

As can be seen from this analysis, the security component of a permanent-status agreement is very complicated. When each security component is considered in isolation one can find a precedent for Israel's requirement and it looks solvable. However, their accumulating effect in terms of limiting Palestinian sovereignty is not easy to overcome in negotiations. It requires thinking outside the box, deeper involvement by Egypt and Jordan in security arrangements in Gaza and the West Bank respectively, and perhaps a broader regional security architecture.

*Michael Herzog is a former Senior Visiting Fellow at BICOM as well as being an international fellow of The Washington Institute for Near East Policy and in 2009-10 served as special envoy on the peace process.*



## SEPARATION IS NOT THE ANSWER

GERSHON HACHOHEN

*Hachohen disagrees with the accepted wisdom regarding the effectiveness of barriers, suggests that there is no substitute for troops on the ground, cautions against an Israeli withdrawal from the West Bank, and concludes that a Palestinian state would inherently undermine Israel's security. (November 2016)*

### THE PURPOSE OF SECURITY: THE PRIORITY OF VALUES AND STRATEGIC DIRECTION

Discussing security is actually comprised of two separate basic questions. One is how to defend a country's existence, and is made up of primarily technical components, such as the location or height of a barrier and is intended for experts. However, a core question that precedes it is intended for philosophers, prophets and leaders and is based on one's values and world view. This revolves around the issue of *what* a country is defending; in other words, the essence and purpose of its existence. Nations should be constantly trying to maintain equilibrium between these two sets of considerations.

One example of the 'values' question which surrounds the *purpose* of a nation's existence took place in April 1948. The situation for the Yishuv, the Jewish community in Mandatory Palestine, was dire. The Negev and communities in the north were under siege while convoys were unable to reach Jerusalem and Gush Etzion. Faced with these threats, David Ben-Gurion decided to focus the main operational effort of his forces on Jerusalem. This decision was not due to the technical recommendations of his military experts but was influenced by his world view as a Jew regarding the city's centrality, and the historical Jewish oath reflected in psalms 'not to forget Jerusalem'.

A leader should not ignore what the experts say, but ultimately his role is to be influenced by values in order to create equilibrium between these two conversations. There is no equation of how to do this.

Ultimately, one can't discuss how to defend Israel's existence without first touching on the conversation of what it is being defended *for*. We Israelis are not simply here in order to live securely and promises by US presidents that America will always protect us do not impress me.

If *all* I want is security, I might as well bring the entire population to Tel Aviv and build a huge fortress. Alternatively, I could move to Palo Alto, which has a better quality of life and greater opportunities. A US general who told me that ‘at the end of the day everyone wants the same things – restaurants that are open until midnight and kids that can get safely to school’ deeply misunderstands me – because I can get all of that in New Jersey.

Jews in Israel may have swapped the threat of pogroms in Kishniev for the threat of Iranian nukes. But when discussing security it’s important to emphasise that something beyond pure security exists, which lies in the realm of values and vision. I believe that the essence of Zionism is to live in the Land of Israel, the land of our forefathers. We didn’t just come here for a Jewish majority or sovereignty but also simply to live in the land.

### **BOOTS ON THE GROUND AND THE PROBLEM WITH FENCES**

Some say that Israel’s West Bank security barrier prevents terror attacks on population centres. But when the Palestinians are beyond a fence it actually creates a worse security situation. The fence is a closed system; protecting it involves routine patrols and cameras. Every mechanical system has points that can be bypassed (in fact a reason for the delay in building the security barrier in the south Hebron hills is that parts of it have been stolen). An enemy that understands such a defensive system can get around it.

I prefer a more open, flexible, dynamic-movement security activity. Such a system would facilitate creativity and surprise, which would make it impossible for the enemy to predict the movements of the Israel Defence Forces (IDF). It may involve constantly changing one’s pattern of activity or altering the location of checkpoints (and some days not having any at all). But ultimately it encourages the IDF to initiate and prevents it becoming too passive.

Many Israelis believe that if we erect a fence the problem would suddenly vanish. But the problem on the other side often gets worse. For example, since leaving Gaza in 2005, Israel no longer has an effective intelligence presence operating on the ground. Rather than protecting Israel, the fence around Gaza actually restricts Israeli operations. The withdrawal of an Israeli presence from Gaza and reliance on the barrier shows that the moment Israel builds a fence and ceases to operate on the other side it allows the Palestinians to create a well-structured military force including battalions, brigades, and command and control headquarters, which can only be destroyed in a war. Meanwhile, if Israel receives information about a bomb laboratory in the West Bank, it can simply enter the territory with two jeeps and arrest the suspected operatives without starting a full blown conflagration. Israel’s presence on the ground in the West Bank also makes it harder for Hamas to organise itself there. A Hamas activist based in Hebron is rarely in touch with his commander because they have been forced to create heavily compartmentalised units where members and operations are only revealed on a need-to-know basis. The moment Hamas begins to plan an attack in the West Bank the IDF can take steps to

prevent it. In Gaza however, Hamas is far more organised – it has a headquarters that can plan, train for and carry out attacks against Israel.

The current reality in the West Bank lies somewhere between war and peace. It is not stability but closely resembles the form of life the entire Middle East is experiencing. The daily friction stemming from the current situation in the West Bank is better for Israel than two alternative scenarios, namely temporary quiet in Gaza followed by serious wars which cause significant damage to both sides (think of Operation Cast Lead in 2008–09, Operation Pillar of Defence in 2012 and Operation Protective Edge in 2014); or a withdrawal from the West Bank which would inevitably be followed by Israel having to recapture the territory during an emergency. Here it should be noted that even Israel's withdrawal from Gaza did not provide the country with international legitimacy for defending itself against subsequent rocket attacks.

Yet in Gaza today there is a closed fence and everything has become binary. The entire area by the border is now built up while the fence around the Strip means that everything near the border is well fortified, thus making it harder for the IDF to attack. Hamas knows exactly where the IDF will enter from. Security as dynamic movement has been completely lost. Instead, the IDF is required to rely on air power. This situation – which we do not have in the West Bank because Israel still controls it – is the big disadvantage of what some on the Israeli political left call the 'we're here they're there' approach.

In 2006 I worked alongside an American general in order to determine how an army could maintain surveillance without having a physical presence on the ground. The Americans initially believed that intelligence and operational superiority, coupled with Remotely Piloted Vehicles (RPVs) that could strike from afar, would be enough to create dominance without the need to put boots on the ground. But the opposition was quick to adapt and went underground. This happened to Israel in Operation Protective Edge. Hamas's leaders in Gaza disappeared and managed to neutralise Israel's superiority. Moreover, nowadays, most of Hamas's rockets in Gaza are stored underground and Israel finds it difficult to defend itself against rockets launched from Gaza towards Ben Gurion International Airport and Tel Aviv.

## **SECURING THE JORDAN RIVER**

One of the big challenges emanating from Gaza is weapons smuggling. Even the Egyptians – who are in the midst of a battle with ISIS in Sinai – have been unable to fully prevent this phenomenon. One Rocket Propelled Grenade (RPG) entering the West Bank would require changing the IDF's entire modus operandi. Israel would no longer be able to enter refugee camps in trucks and would be forced to rethink how it buses children to school.

The only way to prevent smuggling into the West Bank is to control the Jordan valley and implement inspections. This has to be done by Israel; we do not want Americans dying in order to protect us. Yet in order to securely hold the Jordan Valley, the IDF also needs to

maintain a presence further to its west, where the mountain ridge along the eastern watershed of the Samarian and Judean Mountains is located, and which includes Nablus, the Jewish settlements of Elon Moreh and Itamar as well as the Alon Road. Holding the Jordan Valley without simultaneously controlling the mountain range would not allow the IDF to properly defend itself, nor provide it with minimal strategic depth.

Before the Gaza disengagement, then-Prime Minister Ariel Sharon debated whether to maintain a residual IDF presence along the Philadelphi Corridor (the strip of land between Gaza and Rafah in Egypt) in order to prevent smuggling. The reason he ultimately decided against it was because, similar to the situation in the Jordan Valley, the corridor was too narrow to provide sufficient protection to the soldiers who would have been stationed there.

## **THE CHANGING FACE OF WAR AND THE NECESSARY ROLE OF SETTLEMENTS**

In his book *The Utility of Force: The Art of War in the Modern World*, British General Rupert Smith describes a new paradigm of conflict which he calls 'war amongst the people'. Rather than warfare between uniformed armies on a battlefield, Smith argues that the defining character of conflicts is that they are now increasingly fought between parties that are part of, and amongst, the civilian population.

Traditional experts disagree with me that anything has significantly changed in warfare. But this is like the difference between theatre in Greek times and 21st century cinema. One can argue that they are both 'theatre' but the two are completely different, with significant numbers of new 'tricks' one can now bring to the stage. And rather than the more static classic separation between defensive and offensive operations in the works of Clausewitz, a better model to deal with this new type of warfare is the hybrid dynamic movement model. This so called post-modern warfare is reflected in separatist fighting in Donetsk in Eastern Ukraine as well as in other areas of the Caucasus where civilians are on the front lines. Comparable aspects to this type of 'in and amongst the civilian population' are apparent in Judea and Samaria. The IDF only has 10,000 troops in the West Bank, but the mass presence needed for security is in fact provided by the presence of Israeli civilians. Without them Israel would be unable to ensure its security. In fact, before disengagement from Gaza the Israeli settlements – in the north, centre and south – helped Israeli security by allowing Israel to better defend itself from any attacks originating from Gaza.

## **THE CLASH BETWEEN PALESTINIAN SOVEREIGNTY AND ISRAELI SECURITY**

The entire spectrum of fulfilling the Palestinians' national aspirations clashes with Israel's security because a sovereign Palestinian state would endanger Israel. Even in a situation where a Palestinian government would try and maintain a peace agreement, there would still be other

rejectionist groups that try to undermine it. One mortar hidden in a car that could be launched towards Ben Gurion International Airport would be a disaster, and this scenario is a real possibility even if a Palestinian government tries to prevent it. Moreover, today anyone can build home-made weapons with dual-use civilian materials such as iron pipes and chemicals, whilst using instructions found on the internet. Even a cell phone can be used for this purpose, as the Americans saw in Iraq with the use of improvised explosive devices (IEDs).

## SEPARATION IS NOT THE ANSWER

The main idea behind the two-state solution is creating a binary order where two separate areas exist with no interaction between them. When Haim Ramon and Ehud Barak discuss the ‘we’re here, they’re there’ concept, they are trying to convince the public to accept the Oslo Accords even without the nice vision of a new Middle East. Instead, they simply advance separation with the promise that we Israelis won’t have to see Arabs anymore. But the forced, binary separation between Israel and a state of Palestine in the West Bank and Gaza is a technical, rather than architectural solution and is entirely artificial.

Another good example of an ‘architectural’ – rather than technical – security solution happened immediately after 1948. Following the armistice agreements between Israel and Jordan, the old railway track to Jerusalem (which is on the Israeli side of the ‘Green Line’) touches the Palestinian village Battir on the Jordanian side which raised a security challenge. A purely technical approach – the sort of thing Israel would do now – would have entailed building a huge fence. Instead Moshe Dayan came to an understanding with the villagers under which they received permission for direct access to tend to their farmland (which was located on the Israel side of the Green Line) in return for ensuring security for part of the train line. Such human complex systems are all about creating balance. Total solutions only appear in mechanical systems.

I count myself amongst those who believe that Israelis have no chance other than to live together with Arabs. I also believe that a hybrid phenomenon of what I call ‘emerging equilibrium’ is developing between the Jordan River and the Mediterranean Sea which reflects a new order and which offers a lot of hope. One interesting example of this appears in Nazareth in northern Israel where two national entities share the same geographical space but are arranged in a way in which each one finds places which reflect their own state or people. Jews and Arabs in Nazareth coexist and work together but their way of life – their shops and food etc. – are organised differently. If we allow greater numbers of Palestinians to enter Israel to work, and try to facilitate daily interactions which create life-connections between people, this type of model can ultimately emerge within the entire Land of Israel.

*Maj. Gen. (res.) Gershon Hacohen served in the IDF for 42 years, commanding troops in battle on the Egyptian and Syrian fronts. He was a Corps commander, and commander of the IDF Military Colleges.*



## WHY UNRWA IS AN OBSTACLE TO TWO STATES FOR TWO PEOPLES

EINAT WILF

*Einat Wilf is the co-author of The War of Return (with former Haaretz journalist Adi Schwartz). She argues that peace is impossible while the Palestinians claim a 'right of return' for millions of 'refugees', making the two states for two peoples solution to the conflict impossible. An English translation of an extract from Wilf's foreword is available [here](#). (October 2018)*

### THE BOOK

**Calev Ben-Dor:** *The War of Return has been very popular in Israel and the English translation will be available in the coming year. You say the book is a product of a shared recognition between yourself and your colleague Adi Schwartz that whoever wants peace must invest in undermining Arab maximalism no less than in Jewish maximalism. What did you mean by that?*

**Einat Wilf:** The world is particularly focused on aspects of Jewish maximalism, particularly the settlements, especially those deep in the West Bank. Certainly, the latter are intended to convey and embody the idea that the entire land between the Jordan River and the Mediterranean, which Jews call the Land of Israel, is exclusively Jewish. Settlers are intentionally trying to make it impossible to make peace based on the idea of two nation states, Israel and Palestine. Diplomats will regularly argue that settlements are the main obstacle to peace. Yet what Adi and I show in the book is that *Arab* maximalism is no less, and maybe even more of an obstacle to peace. And that is something that almost nobody talks about.

Arab maximalism is manifested through what Arabs and Palestinians call 'The Right of return'. The essence of this 'Right' is that hundreds of thousands of Arabs (and their millions of descendants) who fled from the areas during the war they waged and lost against partition – a war intended to prevent the emergence of the State of Israel – have a right to settle within Israel in a way that would turn the Jews into a minority. And lest we forget, Jews being a minority generally does not turn out too well.

By Palestinians holding onto this idea of 'Return' for 70 years, they are essentially saying 'the war isn't over'. Their message is that even though they lost the battle to prevent Jews immigrating to the land, and the diplomatic battle to prevent the vote of partition in the UN,

and the military battle against Israel's birth, they are still continuing the war by other means. This is the idea of the 'Right of Return' of Arab 'refugees'.

While Israeli settlement construction is taken as conclusive proof that Israel does not want a territorial partition, the lack of awareness of the strength of the Arabs' demand for 'return' means few recognise Arab rejectionism as a serious obstacle to peace. Israel's proven willingness to partition the land – in 1947, 2000, and 2008 – is often brushed aside with the claim that Israel does not really mean it, while the Arabs' proven insistence on 'return' is explained away with the claim that *they* do not really mean that either.

## UNRWA IS PART OF THE PROBLEM, NOT THE SOLUTION

**CB-D:** *Many of the specifics about the Trump administration policy of defunding UNRWA are unclear. For example, which institutions can replace UNRWA in the different areas in which it operates? You address this question and also examine how UNRWA's calculation of refugee numbers should be reassessed. Can you explain your thinking on UNRWA?*

**EW:** Rather than the United Nations Relief and Works Agency (UNRWA) alleviating a difficult situation, it has been one of its main creators and radicalising forces. Through its refugee camps, UNRWA became the incubator that nurtured and developed an angry, victimised, belligerent Palestinian nationalism, one trapped in its own millenarian visions of returning to a country where the Arabs are not a majority and without recognising the co-equal right of the majority group in that country to a state of its own. For example, the terrorists who carried out the Munich massacre and airplane hijackings were all children of UNRWA.

UNRWA operates in the West Bank, Gaza, Syria, Jordan and Lebanon, administering a total of 5.3 million refugees, yet almost none would be considered refugees by international standards. For example, 2.2 million UNRWA 'refugees', 40 per cent of the total, are Jordanian citizens. They vote and hold significant positions of power in Jordan. Citizens are not considered refugees in any other situation. In addition, 82 per cent don't even live in camps throughout Jordan. Many of them are middle class professionals and wealthy business people. There is no connection between the broad image associated with the word 'refugee' and who they actually are.

Another 40 per cent, approximately 2.1 million people, live in the West Bank and Gaza. They are not refugees either. Certainly, by their own accounting they live in the territory of Palestine. UNRWA counts another million refugees in Syria and Lebanon, but we know from recent official census that the numbers are at least four times inflated because most long ago left. For example, the father of supermodels Gigi and Bella Hadid, a multi-millionaire living in LA is still on UNRWA's books in Syria as a refugee from Palestine. This means that already 95 per cent of those registered by UNRWA as 'refugees' would not be considered refugees by international standards and in any other conflict. But even among the 250,000 who actually still reside in Syria and Lebanon, only the original people who fled war, crossed a border to

another country, and did not receive citizenship, would be considered refugees, and had they had been treated like other refugees in the world they would have long ago been resettled and taken off the books.

As an organisation that provides social services, UNRWA is not necessary. In each area of operation, an alternative to UNRWA exists. The Palestinian Authority provides education and healthcare services, and there is no need for UNRWA to operate there as well. Donor states in the West Bank could divert the financial support for running of UNRWA schools and hospitals towards the Palestinian Authority. Nothing would change but the sign at the entrance to the school. In Gaza, a new umbrella organisation could be established whose only purpose would be the Strip's rehabilitation, but which should be conditional on the establishment of a new agency incorporating of all UNRWA's activities. Jordan has a healthcare and education system and UNRWA's 'registered refugees' are Jordanian citizens, so they could and should be provided by their country. In Syria and Lebanon, the UN High commissioner for refugees can take over UNRWA services, with the view to ending the status of refugees, transferring some services to Syria, Lebanon, and private hands and ultimately taking the refugees off the books.

**CB-D:** *You've been very critical of Western donors for funding UNRWA, but you've also been critical of Israel for allowing UNRWA to continue. Since the Trump Administration's announcement, some Israeli security officials have expressed concerns that losing UNRWA will create a vacuum and could generate violence. What are your thoughts on that argument?*

**EW:** Adi and I have been working on this issue for at least a decade, lobbying governments in Europe, Australia and the United States to change their policy on UNRWA. And we have called on the Israeli political system to remove the protection it has given to UNRWA. Our problem has been that one of the main lobbyists for UNRWA in western capitals has actually been the Israeli military! Our book is very critical of the Israeli security establishment's position since 1967, when Israel first came to control territory in which UNRWA operated. Back then, the thinking was that since no one knows how long Israel would hold on to the territories, an organisation that was providing some healthcare and education services in the interim should be allowed to continue. Yet 50 years later, this situation remains, and it has been extremely detrimental to peace.

Even if – and it is a big if – funding UNRWA buys short term quiet, it is at the extremely high price of long-term conflict. When the Palestinians demand 'return' to Israel, that's one thing. But when they feel this demand is a 'right' that is internationally sanctioned and receive money annually from western capitals, they get the message that they should continue believing Israel is temporary and will one day be undone. This extends the conflict. The Israeli security establishment always argued that the choice is between two extreme options – provide UNRWA full protection or face a broad-based Palestinian uprising. No attempt has ever been made to formulate a more nuanced, creative, or visionary policy that would stop

fully protecting UNRWA on the one hand while simultaneously trying to limit any potential dangers of violence on the other. Israel should work to facilitate the provision of aid, health, and education services to Palestinians in need, while at the same time detaching this service provision from the political objective of preserving and nurturing the demand for return.

## **WESTERN STATES ARE COMPLICIT**

Western states have given significant money to UNRWA over the decades. UNRWA's annual budget for standing costs and special projects stood at around \$1.2 billion in recent years. The US used to contribute almost one third of the total. The European Union contributes some \$160 million; and individual European states, including Germany, the UK, Sweden, Switzerland, Norway, and the Netherlands are responsible for a further \$400 million. Europe as a whole contributes roughly half of UNRWA's total budget. Japan, Australia, and Canada are responsible for another \$80 million. Meanwhile, the Arab world, which sees itself as the injured party from the 1948 war and from the creation of the refugee problem, rather than the side responsible, tends not to contribute to UNRWA. Arab states make intermittent and transient promises to contribute to specific projects, which are only very rarely fulfilled.

**CB-D:** *One of your recommendations is for the Western states, if they are going to continue to give money to UNRWA, also issue a statement regarding their position on the right of return. Why?*

**EW:** The western diplomats I speak to often deny that they politically support the Palestinians' demand for 'return'. Yet over the decades, Palestinians have taken Western *financial* support for UNRWA as *political* support for their demand for 'return'. I agree with the Palestinians. If a western government continues to give money to an organisation for 70 years, it's hard to subsequently claim they don't support what this organisation stands for. A parallel example would be if western governments actively gave settlements economic support while rolling their eyes and saying that the issue would be resolved in final-status talks. The policy of not having a position on the refugee issue is neither neutral nor static. Rather it means letting it grow daily till it completely eliminates any possibility of an accord. In the book we argue that if a government does continue to give money to UNRWA, it should, at the minimum, make a clear statement that says 'Dear Palestinians, you are not refugees, there is no right of return but we are giving you some money because we like you'. That's fine.

This obviously won't mean that Palestinians will stop dreaming of an Arab Palestine from the river to the sea. But there is a difference between dreams and something they believe is a 'right' that is supported by the international community. If they are isolated in that demand, if – just like in the case of settlements – morning, noon, and night they would hear that 'return' is not a legitimate demand, that the international community doesn't support it, that Palestinians cannot settle within the state of Israel, and that the international community will only support them if they want to stay the West Bank and Gaza, the likelihood greatly increases that a

Palestinian leadership will emerge that finally tell their people, ‘enough’.

## **THE INTERNATIONAL COMMUNITY NEEDS ‘CONSTRUCTIVE SPECIFICITY’ RATHER THAN ‘CONSTRUCTIVE AMBIGUITY’**

**CB-D:** *During Oslo, you say, one of the assumptions was the need for ‘constructive ambiguity’ on core, final status issues such as Palestinian statehood, borders, settlements, Jerusalem and refugees, but that what is really needed now is ‘constructive specificity’. What do you mean by this phrase?*

**EW:** On four of these final status core issues, the international community has had no problem weighing in on specifics – it constantly says there should be a Palestinian state (some even recognise Palestine already), whose borders should be the 1967 lines give or take land swaps, and that settlements are illegitimate. They refuse to recognise even the western part of Jerusalem – what I call the ‘hum-drum-boring-neighbourhoods-nothing-holy-Jerusalem’ – as Israel’s capital, while calling the eastern part ‘Occupied Palestinian Territories’. While the international community has no problem weighing in on these issues, when it comes to the issue of ‘refugees’ they use phrases such as ‘we don’t want to prejudice a final status issue’. But supporting UNRWA prejudices the final status issue of ‘refugees’ since the organisation constantly inflates the numbers. Any genuine commitment to a comprehensive settlement based on territorial partition should entail an effort to eliminate obstacles on the path to partition. When it comes to UNRWA the international community does the opposite.

This ambiguity has enabled Palestinians to claim that they have accepted the two-state solution and recognised the State of Israel while never having signed any formulation or agreement that might negate the demand for ‘return’. This is why it is particularly essential for the world to weigh in and be clear on the ‘refugee’ issue. The international community should state clearly that the people registered by UNRWA as ‘refugees’ are not actually refugees, that Palestinians, once they have their own state, can enact a law of return to the State of Palestine, but they have no basis for demands on Israel. Just as the international community tells Israelis that Jews settling east of the Green Line is illegal and illegitimate, they should tell the Palestinians their demand to settle west of the Green Line, within the sovereign state of Israel, is illegal and illegitimate. I sincerely believe that we are more likely to get closer to peace if the world were to be specific on all five final status issues in a way that ultimately says the following: There should be a Palestinian state in the West Bank in Gaza; its capital will be in Arab East Jerusalem; Israel can annex settlements adjacent to the Green Line in return for a land swap but should dismantle the others; the holy part of Jerusalem – which I fondly call ‘insanity central’ – will be jointly managed for the benefit of humanity; and there is no such thing as a demand of ‘return’ within Israel. This is a clear specific vision that is fair, equal and that ultimately helps both sides move forward.

*Dr. Einat Wilf is a former member of the Knesset for the Labour Party and Independence from 2010 to 2013.*



## JERUSALEM: THE CONTOURS OF A POSSIBLE AGREEMENT

MEIR KRAUS

*Meir Kraus was the head of the Jerusalem Institute for Policy Research between 2009-2016 and is currently a fellow at the research center at the Shalom Hartman Institute. He has written extensively on options for a political agreement in Jerusalem as part of a wider solution to the Israeli-Palestinian conflict as well as leading track two discussions between Israelis and Palestinians about future alternatives for Jerusalem. In this essay, Kraus sets out with great clarity for the Trump team, or its successor, the challenges faced by peacemakers in Jerusalem, the peacemaking principles that those challenges impose, the lessons of previous negotiating rounds and the various options for reaching an agreement. (October 2018)*

Jared Kushner has promised that President Donald Trump's Middle East peace plan will be submitted in the near future and it will address all the core issues that lie at the heart of the Israeli-Palestinian conflict: Jerusalem, refugees, borders, and security. \* But the real question is: will the plan address the core issues in such a way that a solid basis is established for serious negotiations between the two parties?

While Jerusalem, the subject of this essay, is the most complex and challenging 'issue' on the path to an agreement between the two sides, leaks suggest the Trump peace plan has not yet grasped the sheer complexity of the city's unique political and spiritual challenges. And if that is the case, the plan will fail.

In what follows I set out my thinking on what the balanced and feasible option on Jerusalem is for Trump's team, or a future team. I do so under four headings. First, I define the main *challenges* posed to peacemakers by Jerusalem and the principles of mediation that can be derived from those challenges to guide negotiators. Second, I examine the *lessons* from previous negotiations and assess the degree of negotiating flexibility each side has. Third, and on that basis, I set out some options for making progress. In conclusion, I try to offer some *insights* that can assist negotiators committed to bringing peace to this holy city, whatever option is pursued.

### PART 1: CHALLENGES AND PRINCIPLES OF PEACEMAKING

Three main challenges exist on the path to an agreement on Jerusalem: religious and national aspirations, security and prosperity, and human rights and quality of life.

*Challenge 1: Religious and National Aspirations – a Mutual Demand for Exclusivity*

The question of Jerusalem's political future is intertwined with the city's spiritual, religious, historic, and national significance, which each side views as a 'protected value' about which they find compromise difficult. With respect to the Old City and Temple Mount/Al-Haram Al-Sharif, the prevalent approach on both sides is: what is holy to me must be exclusively under my sovereignty and ownership. And yet, to achieve a stable solution, both sides will have to renounce their aspirations for exclusivity and recognise the existence, desires, attachments, and rights of the other. This is a theological and a moral challenge for both sides requiring profound reflections on the roots of identity, as well as reconsidering the most sensitive strands of their national desires and religious aspirations.

*Challenge 2: Security and Prosperity – Walls versus Reconciliation*

Jerusalem is one urban unit, and most of its infrastructure operates as one system. Nevertheless, the city still can be divided. The Israeli and Palestinian populations live separately, and their distribution within the urban space facilitates a clear distinction between Israeli and Palestinian neighborhoods. Any solution will have to confront the tension between building walls and reconciliation – between separation and living together.

The hostility between the sides, the mutual sense of threat, the yearning for security, and the desire for cultural segregation has created the psychological ground for an agreement based on physical division and separation. At the same time, however, the desire to bring prosperity to Jerusalem, to realise its universal spiritual status, and to enhance the quality of life for all its residents, creates the psychological ground for an agreement based on the notion of a shared city without borders, as befits a multi-faith, multi-cultural city. Some future options are based on the aspiration for separation, others on the promise offered by cooperation.

*Challenge 3: Human Rights and Quality of Life*

While an agreement cannot repair the sense of injustice that was created in the past, the promise of a better and more just future is necessary for any agreement's successful implementation. Jerusalem contains about 900,000 residents, 40 per cent of whom are Palestinian, the rest Israeli. The Palestinian community in the east side of the city suffers from a high rate of poverty, a low rate of services, and very poor infrastructure. Looking at the issue of Jerusalem just through the prism of national and religious aspirations can bring negotiators and mediators to ignore the human rights issues and needs of the population. More: some options for the future agreement are likely to worsen the daily life of the East Jerusalemites, deepening a sense of injustice and negatively affecting the chances for an agreement to hold. Justice, human rights and quality of life must be at the forefront of the negotiators' and mediators' consciousness when they discuss the advantages and disadvantages of any alternative.

## PART 2: PRINCIPLES FOR AN AGREEMENT

Any team of peacemakers must consider how each of these three challenges suggests principles for a successful mediation.

### *Principle 1: Balancing Religious Aspirations and National Desires*

The religious aspirations and national desires will be the most influential barriers on the way to peace and any plan should address these aspirations and desires in a very sensitive, delicate and balanced way. Thus, the plan must look for the most balanced arrangement for the Old City and especially for the Temple Mount/Al-Haram Al-Sharif.

Regarding religious aspirations, the arrangement must not merely allow freedom of access and freedom of worship but also enable both sides to express their religion in equal and balanced ways in their holy sites and on their holy festivals. At the same time, it must take into consideration the status quo determined in the second half of the 19th century and maintained today under Israeli rule. The status quo has given the Waqf the authority to manage daily lives on the site.

Regarding national desires, the best way for the peace plan to balance them is most likely to disconnect the holiness of Jerusalem – the holy sites and perhaps all the Old City – from the questions of sovereignty and ownership and instead establish a Special Regime to manage the Old City area. At the same time, the peace plan should recognise Palestinian neighborhoods in East Jerusalem as the capital of the Palestinian State, just as it should recognise Israeli neighborhoods as the Israeli capital. Otherwise the peace plan will not be balanced, and will in all likelihood fail.

### *Principle 2: Balancing Security and Prosperity*

The second principle is security. Jerusalem is a tinderbox and radicals armed with an ideology can violate the arrangements in many ways. Tensions around the holy sites can affect the entire region. The proximity between Palestinian and Jewish neighborhoods also poses a security challenge. In times of peace, many pilgrims and tourists come to Jerusalem, and ensuring their safety is a significant challenge.

Can a peace plan assure security without physical borders, or are physical borders vital for a stable peace? If security cannot be achieved without physical borders, how should the border regime be designed so security is provided but daily life, including daily economic life, can continue for residents?

Taking into consideration the religious and universal status of the Old City, it seems that in balancing between security requirements and the character of this space, a peace plan should define the Old City as an open place without internal walls. Fulfilling security demands in other areas of the city may require physical borders between Israeli and Palestinian neighborhoods.

*Principle 3: Implementing Human Rights and Quality of Life*

For a lasting peace, the peace plan should ensure full human rights to all residents of the city. Any option should assure the Palestinian residents full citizenship and freedom of movement and employment. The peace plan should grant believers from all religions freedom of access to worship in their holy sites. It should also facilitate improvements to the Palestinian quality of life and encourage investment in the east side of Jerusalem. And because of the high rate of economic dependency between the two sides of the city, Jerusalemite Palestinians should be allowed to make their living in the western side.

Armed with these insights into the challenges and with these principles of mediation, Trump's peace team can begin to design the framework of an agreement. First, however, it would be beneficial to look at the lessons that can be learned from previous negotiations.

**PART 3: THE LESSONS OF PREVIOUS PEACEMAKING EFFORTS**

Between 1993–2014, Israelis and Palestinians discussed the challenge of Jerusalem several times. <sup>[1]</sup> In the Declaration of Principles signed during the Oslo process (1993), the sides committed to discuss Jerusalem within the framework of the negotiations about the final-status agreement. Israelis and the Palestinians then held direct discussions about Jerusalem at the Camp David summit in 2000 and in subsequent meetings. Jerusalem was also discussed in the negotiations held between Prime Minister Ehud Olmert and Chairman of the Palestinian Authority Mahmoud Abbas, in the framework of the Annapolis Process in 2007–2008. Most recently, Jerusalem was also debated in the round of talks held by US Secretary of State John Kerry with Prime Minister Netanyahu and Abbas in 2013–2014.

Although the rounds of negotiations were based on the assumption that 'nothing is agreed until everything is agreed,' and so neither any concessions made nor any understandings reached had binding validity, we can learn much from these previous negotiations about the gaps between the sides and the most important ideas proposed to close those gaps, as well as the interests and the areas of potential flexibility of each side.

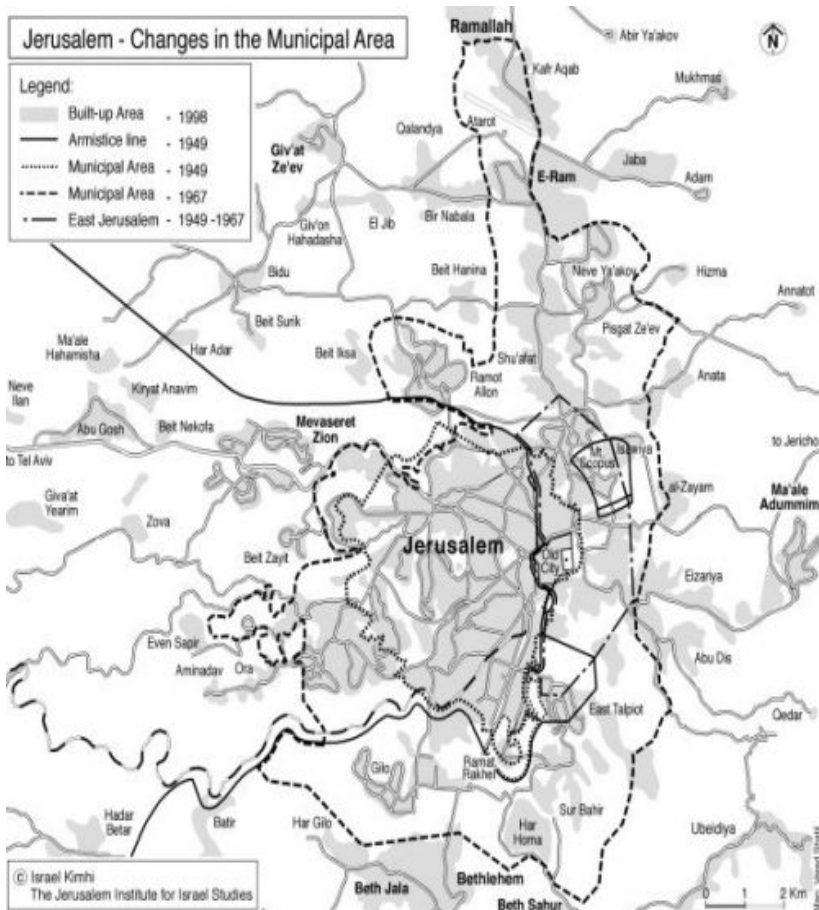
Previous negotiations have established that any agreement will have to address each area of the city in accordance with its historic, national, and religious importance, the character of each area's population, and its location. The main areas to be discussed are: the Israeli city (the urban area that was within Israeli borders prior to June 1967); Jewish neighborhoods built after 1967 beyond the Green Line; Palestinian neighborhoods annexed to the city in 1967; 'Jordanian Jerusalem' prior to 1967; the Historic Basin (also known as the Holy Basin) which encompasses the Old City and the areas adjacent to it, including most of the areas sacred to Judaism, Christianity, and Islam; the Old City; and the Temple Mount/Al-Haram Al-Sharif.

The main issues to be considered regarding any of the above spaces in the framework of negotiations are: sovereignty; two capitals; holy sites; border delineation and border regime;

security; administrative authorities, municipal services and infrastructure; law and order; residents' rights and status; economic and fiscal regime; and international involvement. Following the previous rounds of negotiations, any current or future peace team should analyse the different understandings and disputes between the sides regarding the above spaces and issues.

#### *Israeli and Palestinian Neighborhoods beyond the 1967 Borders*

The two sides accepted the Clinton parameters (Camp David 2000), which made clear that the division of sovereignty in the city would be based on the principle of ethnicity: that Israeli Jewish neighborhoods will be under Israeli sovereignty and Palestinian neighborhoods under Palestinian sovereignty. This understanding was reached based on the assumption of territorial swaps predicated on the borders from 4 June 1967. The exception being the Homat Shmuel (Har Homa) neighborhood. As it was established after the Oslo Accords the Palestinians did not agree to apply that principle to it.



Map courtesy of The Jerusalem Institute for Research and Policy.

*The Old City/The Historic Basin*

The negotiations about the future of the Old City and the Historic Basin were based on two different approaches: division of sovereignty (the Camp David Process); and special regime (Annapolis Process).

During the Camp David process, guided by the concept of division of sovereignty, it was understood by both sides that the Jewish Quarter would be under Israeli sovereignty, and the Muslim and Christian Quarters would be under Palestinian sovereignty. Both sides requested sovereignty over the Armenian Quarter. In addition, Israel demanded sovereignty over the Western Wall Tunnel, the Tower of David, the Mount of Olives, and the City of David. The Palestinians expressed willingness to make special arrangements to preserve Israeli interests and presence in these areas, but under Palestinian sovereignty.

During the Annapolis process Israel proposed setting up a special international trusteeship to administer the Historic Basin and suggested sovereignty not be determined for the area in the near future. Each side would be entitled to preserve its claims there. The Palestinians neither accepted nor rejected that proposal. The Palestinians opposed a scenario in which the territory of the Special Regime would extend beyond the walls of the Old City, and also demanded that there would be a division of sovereignty in the Old City even if an option of a Special Regime is applied there.

*The Western Wall and the Temple Mount/Al-Haram Al-Sharif*

The two sides agreed that the Western Wall would be under Israeli sovereignty and the Temple Mount/Al-Haram Al-Sharif be administered by the Palestinians. The Palestinians demanded sovereignty over the Temple Mount compound, but Israel did not agree to this.

*Two Capitals, Municipal Administration and Border Regime*

The sides agreed upon the establishment of two capitals in Jerusalem, with two separate municipalities, and a joint body to be responsible for the coordination of municipal issues. With respect to the Border Regime to be created between the different parts of the city, the Palestinians supported the solution of an Open City, with no physical internal border, while the Israelis preferred a physical border due to security considerations.

**PART 4: POINTS OF FLEXIBILITY***Israeli points of flexibility*

Israel's official position since 1967 has been that Jerusalem is a united city under Israeli sovereignty, and that its status is non-negotiable. However, when negotiations were held with Palestinians, Israel presented much more moderate positions. Those positions as well as an examination of Track Two talks allows us to estimate the range of Israeli points of flexibility

that may arise during future negotiations.

*Sovereignty – Neighborhoods:* Israel will insist that all Jewish neighborhoods established beyond the 1967 borders will remain under Israeli sovereignty. These neighborhoods will be at the top of the list for land swaps between Israel and Palestine. It is possible that Israel will give up its demand for sovereignty in most of the areas where the Palestinian population resides.

*Sovereignty – Old City:* Israel will prefer a Special Regime in the Historic Basin, and at the very least in the Old City, over a division of sovereignty there. If the Special Regime will apply only to the Old City, Israel will insist on its demand for a Jewish presence and administration in the City of David, in the cemetery on the Mount of Olives, and at the Tower of David.

If a division of the Old City is agreed upon, Israel will insist that the Jewish Quarter, the Western Wall plaza, and the archeological park that is south of the Temple Mount, and the leading ways to these areas, will be under its sovereignty.

*Holy Sites:* It is possible that Israel will agree to designate the Temple Mount/Al-Haram Al-Sharif as being under divine sovereignty, suspended sovereignty, or under the Special Regime. Israel may agree to granting the control and administration of daily life to the Waqf and preserving the status quo that is in place. Israel will insist on its demand for freedom of access for Jews to the Temple Mount. Israel may demand that freedom of worship will include the right of Jews to pray in a limited space on the Temple Mount/Al-Haram Al-Sharif.

*Capital:* Israel will insist on international recognition of Israeli Jerusalem as the capital of the State of Israel. If the Old City is designated a Special Regime, in practice, the Old City does not necessarily have to function as part of the Israeli capital. Israel may agree to the recognition of the area, which will be under Palestinian sovereignty, as the capital of Palestine.

*Open City:* Due to security and demographic concerns, it seems that Israel would prefer a physical separation between the Israeli and Palestinian cities. Israel may allow Palestinian residents to work on the Israeli side. The Old City will remain an open space under the Special Regime.

#### *Palestinian Points of Flexibility*

In 2009, the Palestine Liberation Organisation (PLO) defined the Palestinian interests in an official document. An analysis of the positions of the Palestinian side following the rounds of talks as well as an examination of Track Two talks allows us to estimate the range of Palestinian points of flexibility that might arise during future negotiations.

*Sovereignty – Neighborhoods:* Palestinians will insist on their demand for sovereignty in all the areas where Palestinian population resides. Palestinians will agree that Israeli neighborhoods will be under Israeli sovereignty based on the assumption of territorial swaps. It is possible that Palestinians will agree to Israeli sovereignty over Har Homa in exchange for territorial

contiguity between East Jerusalem and Bethlehem.

*Sovereignty – Old City/Holy Basin:* It is possible that the issue of sovereignty will be suspended and that a Joint Special Regime will be determined in the Old City. It will be very difficult for Palestinians to enlarge the Special Regime beyond the Old City to the Holy Basin since it will interrupt the consecutiveness of the Palestinian city.

*Holy Sites:* It is possible that Palestinians will agree that the Special Regime include the Temple Mount/Al-Haram Al-Sharif. They will insist on granting control and administration to the Waqf and preserving the status quo that is in place. It will be very difficult for Palestinians to grant Jews the right to pray on the Temple Mount/Al-Haram Al-Sharif.

As for places in the Historic Basin to which there is a Jewish connection (the cemetery on the Mount of Olives, the City of David, etc.) it will be difficult for Palestinians to concede their demand for sovereignty, but they will likely agree that Israel will administer these under Palestinian sovereignty.

*Capital:* Palestinians will insist that East Jerusalem as defined by the borders prior to 1967 (Jordanian City) will be designated as the capital of Palestine. However, in practice, if the Old City is designated a Special Regime, the Old City does not necessarily have to function as part of the Palestinian capital.

*Open City:* Palestinians would prefer an Open City with no physical barrier, following a division of sovereignty. However, it is possible that Palestinians may agree to a physical division as long as Palestinian residents will be allowed to work in the west side of the city and the Old City remain open.

## **PART 5: OPTIONS**

Following the analysis of previous negotiations and the points of flexibility of each side, we now draw the contours of the options that could be considered during future negotiations between the two parties and raised by the peace plan team.

### *Option A: Division of Sovereignty and Physical Division in Jerusalem, including the Old City*

This option proposes the division of sovereignty in the city as well as its physical division between the two sides, as follows: all Jewish neighborhoods will be under Israeli sovereignty, and all Palestinian neighborhoods under Palestinian sovereignty. The Jewish Quarter in the Old City will be under Israeli sovereignty, and the Muslim and Christian Quarters under Palestinian sovereignty. The Israeli city will be the capital of Israel and the Palestinian city will be the capital of Palestine.

*Option B: Division of Sovereignty and Physical Division in Jerusalem, and a Special Regime in the Old City/Historic Basin*

This option proposes the division of sovereignty in the different neighborhoods in the city, similar to that proposed in Option A, but in the Old City/Historic Basin there will be a Special Regime jointly administered by both sides, by an international body or by some combination of the two. Sovereignty over the area where the Special Regime will apply will not be defined. The Israeli city will be the capital of Israel, and the Palestinian city will be the capital of Palestine.

*Option C: Jerusalem as an Open City – Division of Sovereignty between the Two States with no Internal Physical Border between the parts of the City*

According to this option, the sovereignty of the city will be divided in a similar way to that described in Option A or Option B, but with no physical separation between different parts of the city. The city will remain as one urban unit, and freedom of movement will be maintained between its various parts. An economic-security border will be determined around the city to separate it from the two states.

*Addressing the Temple Mount/Al-Haram Al-Sharif*

The most sensitive challenge is the Temple Mount /Al-Haram Al-Sharif. The arrangement reached should not give any advantage to either side, regarding both religious and political aspects. At the same time, the options for an arrangement regarding the Temple Mount/Al-Haram Al-Sharif will be examined in light of the extent to which they change the status quo. Due to the great sensitivity of the issue, there is a tendency to adopt the status quo and to perpetuate it, and options put forward to change it are perceived as being low priority. However, preserving the status quo is not the most balanced arrangement. The status quo is crucial in times of conflict to avoid violence and tensions. Yet, in the framework of an agreement seeking to end the conflict, it is possible to consider an alternative balanced arrangement for the Temple Mount in a peace plan, which might include:

1. Joint recognition by both sides that the Temple Mount/Al-Haram Al-Sharif is a Muslim holy place on the one hand, and a holy place for the Jewish people, on the other hand.
2. No sovereignty will be applied at the site. Israel will have to remove its sovereignty from the area. A Joint Committee (Israeli-Palestinian-Jordanian and perhaps other entities) in partnership with an international body will supervise the implementation of the arrangement and its maintenance.
3. Arrangements for the practical expression of Jewish ties to the Temple Mount/Al-Haram Al-Sharif will be implemented. Defining a limited place for Jewish prayer at the Temple Mount/Al-Haram Al-Sharif should be considered.

4. The Waqf will administer daily affairs at the site as it has been doing for hundreds of years. Actions related to changing the character of the Temple Mount/Al-Haram Al-Sharif, such as public works, archeological excavations, planning and construction, and visits by non-Muslims will all be jointly coordinated by the two sides.
5. A joint/international force will be responsible for security and public order.

### *Evaluating the Options*

The religious-national aspect and security dimension will probably have the biggest influence on decision-makers when they consider their preferred alternative. So, the options should be examined for the degree to which they offer the most balanced answer to the contradictory religious and national aspirations of both sides and, of course, best address the unique security challenges of Jerusalem.

The options must be examined in light of their potential feasibility: is it legitimate, will it be stable? It must be asked, to what extent will each option secure political and public legitimacy in Israel, among the Jewish and Palestinian peoples, in the Muslim world and in the Christian world. The potential stability of each option should be assessed in terms of Israeli interests, Palestinian interests, the daily needs of the populations and urban fabric of life, the expected cooperation between the sides and the level of commitment of international partners.

## **PART 6: INSIGHTS FOR NEGOTIATORS**

The following insights, derived from a comprehensive search for the most balanced option for an arrangement, should be considered by the peace plan team.

Option B, which presents a Special Regime for the Old City/Holy Basin and preserves this area as one unit while dividing the rest of the city, appears to be the most balanced option regarding the religious and national aspect as well as for security dimensions. It better responds to the main challenges any agreement in Jerusalem has to face.

Disconnecting the Old City/Holy Basin as well as the Temple Mount/Al Haram Al Sharif from the issue of sovereignty helps to overcome the unsolvable argument between the sides regarding sovereignty. It facilitates a way to balance contradictory national aspirations in the Old City, while managing the Old City/Holy Basin as one unit reflects its universal status, enables the city to flourish and serves its spiritual goal.

Dividing the rest of the city between Israeli and Palestinian neighborhoods and recognising the two parts as the respective capitals of the two states also contributes much to the balancing of national aspirations and better addresses the security challenges as well as the demographic challenges than does an open city. Division also maintains the character of the different parts of the city.

Maintaining the status quo regarding the daily management of the Temple Mount/Al-Haram Al-Sharif, Israeli recognition that the site is a holy Muslim place, and withdrawing Israeli sovereignty from the Old City can all help assure Muslims that nobody will change the character of the site, and that it will be preserved as Muslim holy place.

Muslim recognition of the ties of the Jewish People to Jerusalem and to the Temple Mount/Al-Haram Al-Sharif, implementing freedom of access and worship by giving the Jews the option to express their ties in the mount in a limited place for prayer will provide a balanced answer to the religious aspirations of the Jews in their holiest place.

### *Striving for Public Legitimacy*

While looking for the most balanced agreement, public legitimacy can be achieved by highlighting the advantages for each side. The advantages for the Israelis in implementing option B are: division of the city will ensure the Jewish character of Israeli Jerusalem, increase the security and tranquility in the city, and ensure international recognition of Israeli Jerusalem as the capital of Israel and international recognition of the Jews' religious and historic ties to the Temple Mount. Although Israel would remove its sovereignty from the Old City, Jews will get the option of expressing their religious ties in the holiest place – the Temple Mount – after many generations of longing.

The advantages for the Palestinians in implementing the alternative above are: East Jerusalem will be internationally recognised as the capital of the Palestinian state; Palestinians in Jerusalem will not live under a foreign regime anymore; Israel will remove its sovereignty from the Old City and Palestinians will be an equal partner in managing the Old City; and although the Jews will get the option to express their religion in a limited space, the agreement will assure and confirm the status of Al-Haram Al-Sharif as a Muslim holy site managed by the Muslim Waqf. To both sides' advantage, the agreement will transform Jerusalem into an international tourist destination and thus ensure its prosperity for the sake of all its residents.

## **CONCLUSION**

The purpose of this article has been to draw the contours of a possible agreement regarding Jerusalem. The peace plan team as well as future mediators should be highly aware of and sensitive to the very complex and unique challenges of Jerusalem while seeking a solution. Without a deep understanding of the delicate and crucial balance between the religious and national aspirations of both sides, between security and prosperity and between 'big' questions like national challenges and 'small' questions like human daily life, there will be no solution.

Has President Trump's team engaged deeply with all of these sensitive challenges? Only time will tell. Unfortunately, analysing the administration's steps in the Middle East over the past two years, I have some doubts but I cannot give up hope. If this article contributes to deepening

the understanding of those who are still working on the peace plan and making them aware of these sensitivities, then the article may serve its purpose, and maybe one day we will experience peace in the city of God.

[1] The analysis of the history of the negotiations on Jerusalem is based on Lior Lehrs, *Negotiating Jerusalem*, Jerusalem Institute for Israel Studies, 2013.

\* My thoughts on the geopolitical challenges of Jerusalem are inspired by many discussions with colleagues at the Jerusalem Institute for Policy Research, who have shared with me their knowledge and analysis over many years. Nevertheless, the insights expressed here are entirely my own.

*Meir Kraus is Director of the Jerusalem Institute for Israel Studies.*



## **'THE DOOR WON'T ALWAYS REMAIN OPEN': THE 'SETTLEMENTS AND SOLUTIONS' PROJECT**

DAVID MAKOVSKY

*Fathom hosted a private briefing with David Makovsky, the Ziegler distinguished fellow at The Washington Institute and director of the Project on the Middle East Peace Process. Makovsky has unique insider perspective on the conflict and possibilities for its resolution, having worked in the Office of the US Secretary of State, serving as a Senior Advisor to the Special Envoy for Israeli-Palestinian Negotiations between 2013–2014. (December 2017)*

### **SOUNDING AN ALARM: THE 'SETTLEMENT AND SOLUTIONS' RESEARCH PROJECT**

The '[Settlements and Solutions](#)' project is based on an idea. The great American statesmen Daniel Patrick Moynihan said it best: 'Everyone's entitled to their own opinions, but not their own facts.' To discuss the two-state solution sensibly today, we need to understand the facts, especially the facts about demography and geography in the West Bank.

The project builds on a Washington Institute study from 2011 called [Imagining the Border: Options for Resolving the Israeli-Palestinian Territorial Issue](#). That project put forward three different territorial scenarios. Our project uses interactive high tech tools to understand exactly where the settlers live and with what impact on the possibility of various territorial outcomes. Our question is: is partition still technically feasible? (We do not ask whether there is a *political will* to partition – that would require a political analysis of Mahmoud Abbas, Donald Trump, and Benjamin Netanyahu.)

Our conclusion is that a two-state solution is still possible, for now. Only a minority of settlers live in the 92 per cent of the West Bank that is east of the security barrier. That means that 85 per cent (or 76 per cent if you don't include Jews living in East Jerusalem) live in the 8 per cent of the West Bank that lies between the Green Line and the security barrier.

The good news is that the ratio has held. I'm not saying the barrier is going to be the border, but for analytical purposes, so-called settlement blocs are located in this area between the Green Line and the barrier, and that's where most the settlers live. That suggests to me that, with land swaps, it's still feasible to do two states.

The bad news is that while the ratios have held, absolute numbers have increased. There were 70,000 Jews east of the barrier in 2009, and there are now 97,000. Evacuating them would be far from a piece of cake – in the Gaza disengagement, Israel evacuated 8,500 people. There is a tipping point after which an evacuation is not possible, although what that tipping point is, I don't know. It's something I worry about.

In a certain way, our project is a warning shot, alerting people of the numbers. I am concerned that the door won't always remain open, but I do still think that partition is currently doable.

### **WHEN IT COMES TO PEACE, THERE ARE SETTLEMENTS AND SETTLEMENTS. WE NEED TO START DIFFERENTIATING**

The project gives an integrated overview of different peace plans and what would happen to the settlements in each plan. We want people to look at the settlement issue not as an absolute, but in relation to the feasibility and impact of different peace plans. If we do that, we can answer the question: 'Can some settlements be part of a solution rather than part of the problem?' For example, if there are some places in the West Bank that Abbas has said [in the framework of previous peace negotiations] will be part of Israel, maybe what goes on there isn't as critical? On the other hand, if there is building in other areas then that is clearly more provocative. We are saying: let's know which is which.

One of the findings of the project is that the two biggest settlements in the West Bank lie almost on the Green Line and were even due to become part of Israel under the 'Abbas peace plan'. They are ultra-Orthodox settlements that didn't exist 20 years ago. 46 per cent of the growth of the entire settlement population from mid-2016 to mid-2017 (out of 139 settlements) has come from these two places alone – Modiin Illit with its population of 69,000 and Beitar Illit, which has a population of 56,000. These two areas have drawn people to them due to the overflow of ultra-Orthodox housing shortages in Jerusalem and Bnei Brak. Our approach – studying the feasibility of partition by looking at the nexus between peace plans and the existing settlement population – also educates the public.

A contrasting example is the settlement of Ariel. There's been much more public awareness that Ariel is on the verge of being in or out, in a final-status agreement. The public recognition of that has also meant that population figures in the settlement have been flat. People don't want to move their family to a settlement if its status is unclear. The more the public is aware of where these places are, the more they can make their own determinations. And on the Palestinian side, 82 per cent believe Israel wants all of the West Bank while 58 per cent say that not only does Israel want all of the West Bank but it also seeks to expel every Palestinian. To the extent that settlement building east of the barrier would stop, it would help ease Palestinians' fears.

### **MOVING AWAY FROM AN 'ALL OR NOTHING' PARADIGM**

The US internalised a Palestinian critique of the talks of the 1990s – that they were too

incremental. So instead, we went big and tried to ‘hit a home run’ by going for a final-status agreement. We have failed three times – Bill Clinton in 2000, Condoleezza Rice in 2007/2008 as part of the Annapolis talks, and the John Kerry-led talks in 2013–2014 (which I was part of). I’m not sure a fourth time would be any different.

The Venn diagram on final status topics doesn’t overlap enough. We have five issues; borders, security arrangements, Jerusalem, refugees, and mutual recognition (i.e. accepting the *character* of the other sides’ state). As someone who was involved in previous rounds of negotiations, I can tell you that of the five issues both leaders were willing to move on one, but for that movement they wanted the other four. Netanyahu was more flexible on territory and thought that if he could meet the Palestinian criteria on territory then he should get Israeli positions on the other four. Abbas thought that if he were more flexible on refugees then he would get Palestinian positions on the other four. Whenever it’s all or nothing, in the Middle East it’s nothing.

I hope the research project allows us to see that if we can’t do the whole deal at once, we can see more clearly a direction (even if we don’t currently have an agreed destination). I’m not a fan of the settlement enterprise at all and my view is that you can oppose all settlements, but they are *there*. We have to find where the growth is more acceptable – for example the areas that were part of the Abbas peace plan – and isolate those areas. So, let’s use the data to align settlement policy and two-state policy.

## TRUMP’S JERUSALEM ANNOUNCEMENT

Trump chaffed at the idea of signing the waiver every six months [to postpone moving the embassy] and he’s proud of being able to say that, unlike his predecessors, he fulfilled his campaign promise. I believe that the elements in the administration driving the announcement were *not* those focused on the peace process, and there is speculation that Jared Kushner and Jason Greenblatt would have preferred to fold this issue into a broader strategy when they present their peace plan in the first quarter of 2018. Rather, I believe it came from other elements of the administration, people who felt that it was important for the president to keep to his campaign pledges.

Trump also feels that even if the Palestinians get 100 per cent of their demands in any peace negotiations, there would still be large chunks of Jerusalem that would be Israel’s capital. Israel has its prime minister, president, parliament and Supreme Court all based in the western part of Jerusalem. The US has been doing business at the prime minister’s office all these years and we have a president – whether Democrat or Republican – who speaks at the Knesset. Despite the fiction that this is not Israel’s capital, we treat it that way, so why not just say the truth and fix the historic anomaly and injustice? That’s the logic to what the president did – it acknowledged reality (although the timing of it can be debated).

And Trump said something else. Unfortunately, it has been glossed over, perhaps because people didn't see beyond the obvious headline: 'US recognises Israel capital in Jerusalem.' Trump said that the borders of the city and sovereignty arrangements *would be a result of Israeli-Palestinian negotiations*. I'd like to see US government officials go on Arabic media and point this out, because while sometimes the threat of violence is bluster, there are enemies of peace who would love to exploit this situation. We should make it harder for them, and one way is to make clear what Trump said and what he did not say. He did not close the door on anybody's rights and aspirations, or on negotiations.

Having said that, I would personally have done it differently, by folding the announcement into a broader peace strategy, a package with inducements for both sides.

## Q&A

**Question 1:** *The problem with Trump's speech and with a managed settlement programme is that it represents a big defeat for the Palestinians. And people who are defeated cannot make agreements.*

**David Makovsky:** I don't see that distinguishing between settlements is a defeat for any side. Yasser Arafat acknowledged in 2000 at Camp David that settlement was a concept the Palestinians accept. Any solution that doesn't give dignity to both sides by definition isn't going to work and I am always looking for the win-win. You need people to feel that a solution provides them with greater dignity. I think there will be land swaps. What I would like to see is limitations on Israel settlement activity in a lot of places. Once everything is a '5 Alarm Fire' [a very serious issue], nothing is a '5 Alarm Fire'. This way of framing the issue of settlements has to stop.

**Question 2:** *The historical peace plans you mentioned go from 2 per cent land swaps from Abbas to just fewer than 6 per cent. The percentage figures you mention are based on an 8 per cent calculation, but that's more than the best Abbas concession could be. So can it be achieved?*

**DM:** I spoke to Abbas and Saeb Erekat recently and reminded them of the conversation when we discussed the first set of maps, and they said that 1.9 per cent is not in the Quran and 5.8 per cent is not in the Torah, and that's right.

When I said that I didn't see the barrier as the border, I meant it. I'm not calling for settlements everywhere inside the barrier. As an analytical tool the barrier is one line you can point toward. I think it will be a mistake to settle in places like Ariel, where it's controversial. There should be certain areas with more flexibility, but that should be in return for clear restrictions. There needs to be an understanding. In private conversations with Palestinians they have said they can understand and acquiesce to certain things if they don't have to formally endorse it and if they know that there are restrictions on Israel building in other areas.

**Question 3:** *You've talked about land swaps. What do you think of other proposals that are out there, such as each state ending up with minority populations?*

**DM:** In an ideal situation, yes. But I'm not a fan of this idea because the two populations – the settlers in the West Bank and the Arabs in the Galilee – are not symmetrical. The Arabs in the Galilee know they are in Israel, and don't ask Palestinian Authority (PA) security forces to go into Galilee and protect them, whereas the settlers will want to bring Israel into the West Bank and have the IDF stay and protect them. It would result in leaving behind an ideological minefield. I also don't think people in Hamas and the PA will accept that. One can debate whether this is advisable. It is safe to say it is a proposition that carries risks.

*David Makovsky is the Ziegler distinguished fellow at The Washington Institute and director of the Project on the Middle East Peace Process. Makovsky also worked in the Office of the US Secretary of State between 2013–4, serving as a Senior Advisor to the Special Envoy for Israeli-Palestinian Negotiations.*



## **DON'T BELIEVE THE HYPE: THE SETTLERS HAVE NOT MADE THE TWO-STATE SOLUTION UNACHIEVABLE**

ORNI PETRUSCHKA & GILEAD SHER

*After 50 years of Israeli control over the West Bank, increasing numbers believe that a 'two states for two peoples' solution to the Israeli-Palestinian conflict is impossible. These pessimists point to the total lack of trust between the two parties and the supposed irreversibility of the settlement enterprise, with some 590,000 people now living beyond the former 1949 armistice or Green Line. In this article, Blue White Future co-chairmen Gilead Sher and Orni Petruschka argue that while the obstacles are undoubtedly formidable, neither is insurmountable. The two-state solution is in political trouble but it is still achievable and imperative to the respective parties. (March 2017)*

### **LACK OF TRUST OR LACK OF CREATIVITY?**

The lack of trust between Israelis and Palestinians originates primarily from repeated failures reaching signed agreements and subsequently implementing them, combined with varying levels of violent confrontations. The more the parties fail, the more they blame the other side, and trust declines still further. Each failure means the next round of talks begins from an even lower point. Between and during negotiations extremists and spoilers on both sides do their utmost to erode trust still further, sabotaging any progress, through terrorism, incitement and other actions.

The only way to exit this vicious cycle is to employ a different paradigm, one that is not based solely on bilateral negotiations towards a comprehensive agreement and thus does not require mutual trust as a necessary condition for progress.

The reason for changing the process is to lower the bar. Currently it is set too high: the achievement of a fully-fledged Permanent Status peace agreement. As in a high-jump competition, we need to set the bar at a lower level and only after it has been cleared, should we raise it progressively.

A more realistic target is a 'divorce' two-state agreement between the parties, focused on phased separation between the sides and an absence of violence. But even that level is currently still too ambitious, as was proven in the Camp David and Taba talks in 2000-2001 and in the Annapolis process in 2007-2008. Instead of moving towards an *agreement* to two states, we need to define

our goal as moving towards a *reality of* two states, and to advance gradually towards that goal.

This approach consists of constructive steps that each side can take, independently of the other, in order to advance a situation – both on the ground and in the political realm – which is closer to two states. This paradigm calls for an increased role of the international community, which should provide a clear vision of the final end goal of an agreement – along the lines of the recent John Kerry six-point speech – and of the ways it will benefit both parties. In addition, the international community should also push the parties to make independent progress towards that destination. In other words, a continuous process that comprises transitional stages while moving steadily in the right direction should be initiated, facilitated, and supported. The respective independent steps should not be considered an exclusive route but rather a complementary – and eventually alternative – component within the context of regional and bilateral negotiations.

### CONSTRUCTIVE INDEPENDENT STEPS

What would such constructive independent steps towards a *reality of* two states look like? On the Palestinian side it would involve building governmental institutions of the future Palestinian state; curtailing any incitement within their educational and political systems; working towards a fully functioning democracy which includes all factions that denounce violence; and applying for recognition as a fully-fledged member-state of the UN – a move which should be embraced by Israel and the international community.

On the Israeli side, one constructive independent step would be to announce that it has no claims of sovereignty outside of the main settlement blocs and to the east of the security barrier i.e. on an area that totals approximately 90 per cent of land the West Bank. Such a statement would carry much more significance than a temporary settlement freeze because it would result in a de-facto cessation of settlement activity in the relevant remote areas outside the blocs.

Cessation of settlement activity outside the settlement blocs would restore sincerity to Israel's discourse about the two-state solution. Furthermore, it would convey a crucially important message to the settlers who live in these areas that their current place of residence will eventually not be part of the State of Israel. Such a policy would also immediately require the government to compensate the settlers and offer to relocate them to 'Israel proper'. Hence, the statement that Israel is relinquishing any long-term territorial claims of sovereignty over the areas located outside of the settlement blocs will necessitate enacting a law that enables voluntary relocation and includes considerable compensation for the settlers.

### THE DEMOGRAPHICS OF THE SETTLER COMMUNITY

Voluntary settler relocation brings us to the second obstacle to a two-state solution, which

is the presence of the many settlers beyond the Green Line. The erroneous perception is that since it will not be possible to evacuate approximately 590,000 settlers, an agreement cannot be reached. But failing to make a differentiation between the main blocs and the more isolated settlements ignores both the exact areas in which the settlers reside and the trends within the settler community.

Let's start with the actual numbers. The approximately 590,000 Jews living beyond the Green Line can be divided into three groups. The first group is the approximate 200,000 Israelis who live in the 12 Jewish neighbourhoods of East Jerusalem, which will undoubtedly remain under Israeli sovereignty in any agreement. The second group is some 300,000 settlers who live in the so called 'settlement blocs,' located west of the security barrier which are usually very close to the Green Line. The vast majority of these settlements are also likely to remain under Israeli sovereignty.<sup>[1]</sup> Only the third group, comprising 90,000 settlers – less than 20 per cent of the entire population of those living beyond the Green Line – who live beyond the route of the security barrier, needs to be addressed at the present time. These numbers are significantly fewer than the supposedly prohibitive numbers that are often quoted and regarded as an insurmountable obstacle.

Yet even this third group of 90,000 is far from being homogeneous. It includes far-right ideological settlers, secularists who moved from the kibbutzim in search for a better 'quality of life', and non-nationalist Ultra-Orthodox families who moved beyond the Green Line for cheaper housing. The group varies geographically, with most settlers on the mountain range – from central Samaria to the central part of the Judean mountains – being more ideological, whereas those in the Jordan valley, in northern Samaria and the southern Hebron mountains being less ideological. And it also varies in its approach to the two-state solution and the prospect of settlement evacuation, with some contemplating violent resistance while others actively seeking peaceful voluntary relocation.

## HOW SETTLERS RELATE TO VOLUNTARY EVACUATION AND COMPENSATION

In a 2013-14 [poll](#) conducted by [Blue White Future and the Macro Center for Political Economics](#), we found that within the Jewish population living beyond the security barrier (i.e. those of the third and supposedly problematic group) 28.8 per cent of settlers would accept compensation and relocate to 'Israel proper,' even before a permanent agreement is reached. This number is likely to grow once this option becomes a realistic alternative. Unsurprisingly, this figure is higher within the secular settlements of the Jordan valley and southern Hebron Mountains, where 43.1 per cent would accept compensation and relocate.

These findings underscore the need to enact a voluntary compensation and relocation law, which will enable those settlers who wish to relocate to do so, of their own accord. It will not

only reduce the number of settlers in the West Bank and thus ease the burden of evacuation if and when the need arises in the context of an agreement, but it also represents a humane act that takes into consideration the difficulties suffered by these settlers. It would considerably reduce the personal, communal, societal and national trauma.

Another interesting finding of the poll is that the older age groups are more supportive of a voluntary relocation and compensation law, with 46.5 per cent of people aged 50–59 supporting it. Many of these settlers moved to their homes in the 1970s and 1980s, when a totally different security, political, regional and diplomatic reality governed the territories. They now find themselves at a fairly advanced stage of their lives without their children – who often prefer not to stay in these settlements – and lack proper health services and other old age facilities. In a way, they are paying a price for the government’s indecision about the status of the territories and the resulting lack of investment in old age facilities.

It is the responsibility of Israeli society to recognise this reality and allow the settlers who so wish to rebuild their lives within boundaries, albeit provisional, that encompass the democratic nation–state of the Jewish people. It is the government’s responsibility to create the conditions that will allow them to relocate in a dignified and respectful manner that takes into consideration their current needs.

## **NATIONAL PREPAREDNESS FOR SETTLER ABSORPTION**

Once a negotiated Israeli–Palestinian agreement is reached, it will inevitably require finding a solution not only to the roughly 30 per cent of settlers living beyond the security barrier who wish to relocate today, but to the rest of the approximately 90,000 settlers in that group as well. Although such an agreement may allow some settlers to remain within the borders of a Palestinian state, it should be assumed that most of the remaining settlers will prefer to relocate to Israel, albeit grudgingly.

An important aspect to consider sooner rather than later is a housing plan for these settlers within ‘Israel proper’ (including within those settlement blocs which will likely remain under Israel’s sovereignty as part and parcel of its territory). Given the housing crisis in Israel, it is imperative that the government prepare a national plan for absorption of the settlers, so that the failures of housing arrangements after the 2005 Gaza disengagement will not be repeated. Like every other citizen, the settlers are concerned about house prices, employment, and essential social services.

A 2011 [study](#) conducted by Blue White Future on the availability of future housing for relocated settlers found that if the government accelerates a few infrastructure–related projects, the expected supply of housing can meet and even exceed the requirements. We therefore encourage the government to update that study and to implement its findings in order to open up an abundance of housing solutions.

## PUBLIC LEGITIMACY

Finally, the hard-line, ideological settlers will accept an agreement and evacuate more peacefully if they believe that this is the genuine collective will of Israeli society. It is therefore important that any decision regarding settlement evacuation enjoys wide public legitimacy, and will not be based on a narrow majority in the Knesset.

It is preferable that the mechanism to approve the relocation of settlers following a comprehensive agreement should be based on a public referendum or on a clear majority of the Knesset. From the work Blue White Future has done within the settlements themselves, we have learned that wide public legitimacy will enable the ideological groups to make the case that the unity of the 'people of Israel' is no less important than the unity of the 'Land of Israel,' and that respecting the will of the people – as reflected by a clear majority – justifies compromising on their hard-line ideology.

It is both wrong and counterproductive to treat the settlers as obstacles to peace. Rather, Israeli society should regard them as pioneers or emissaries, whose mission has been accomplished, and who should thus be welcomed back and compensated accordingly. It is the duty of Israeli society and its leadership to ensure that the aspirations of the settlers are treated humanely and be met in a dignified manner.

## SUMMARY

This year marks 100 years from the first international acceptance of Zionism in the form of the Balfour Declaration, 70 years since the UN partition resolution, and 50 years since the Six-Day War in which Israel – defending itself – conquered and subsequently occupied the West Bank. While the end of the Israeli-Palestinian conflict seems remote, careful analysis of the two major obstacles suggests that they can and should be overcome. Lack of trust can be circumvented by the adoption of a new paradigm – one that calls for constructive, independent steps towards a clear vision. The issue of settlements is perceived as a more formidable problem than it actually presents, and can be further reduced by careful and considerate treatment of the settlers.

Peace is possible. It requires political action and public engagement, internal dialogue within respective societies, building bridges from within, preparation of hearts and minds for a compromise and an indispensable paradigm shift. The despair regarding the chances to resolve the conflict is therefore unjustified, as smart, courageous yet careful leadership, as well as a candid internal dialogue, can achieve a breakthrough. As former Irish Prime Minister, Bertie Ahern said: 'We can always go back to killing each other.' It is time for a balanced and graduated political initiative that would be consistent with Israel's long-term interests: ensuring the nation's future as the secure, democratic nation-state of the Jewish people.

[1] According to a more conservative definition of the blocs which the Palestinians are more willing to accept in the context of territorial swaps to reach an agreement, the number of settlers residing in blocs is lower, numbering approximately 240,000. However for the interim steps and recommendations suggested in this article, which advance a two state reality, we have used an Israeli perspective on what constitute settlement blocs.

*Orni Petruschka is a high tech entrepreneur operating in the alternative energy field. He co-founded Pythagoras Solar and Coriolis Wind, where he serves as co-CEO. He is a co-founder of Blue White Future and serves as the Israeli Chairman of the Abraham Fund Initiatives.*

*Gilead Sher is a lawyer, former brigade commander in the IDF, co-founder of Blue White Future and former Chief of Staff and Policy Coordinator for Prime Minister Ehud Barak. He was co-chief negotiator 1999-2001 at the Camp David summit and the Taba talks. His works include *The Israeli-Palestinian Peace Negotiations, 1999-2001: Within Reach* (2006).*



## **'CITY ON A HILLTOP': THE CLASH BETWEEN LIBERAL VALUES AND SETTLER REALITIES**

SARA HIRSCHHORN

*Fathom was delighted to welcome Dr Sara Hirschhorn to a Fathom Forum in London to discuss her recent book *City on a Hilltop: American Jews and the Israeli Settler Movement* (Harvard University Press, 2017). Hirschhorn is a University Research Lecturer in Israel Studies and a Sidney Brichto Fellow at the Oxford Centre for Hebrew and Jewish Studies.*

*Since 1967, more than 60,000 Jewish-Americans have settled in the territories captured by the State of Israel during the Six-Day War, but little is known about who they are and why they chose to leave America to live at the centre of the Israeli–Palestinian conflict. Hirschhorn's book unsettles stereotypes, showing that the 1960s generation who moved to the occupied territories were not messianic zealots or right-wing extremists but in many cases thought of themselves as idealists and liberals seizing an historic opportunity to create a 'city on a hilltop'. On the 50th anniversary of the 1967 war, Hirschhorn's timely research illuminates the changing face of the settlement project and the shifting dynamics of the clash between liberal values and settler realities. (September 2017)*

To shamelessly quote from American constitutional history, we may find this truth to be self-evident: there is an emerging nexus between the Trump administration and the Israeli settler movement. Last summer, the Trump campaign opened an office in the Israeli settlement of Karnei Shomron to 'get out' the Israeli-American vote for the Trump presidency. Members of the Trump administration have deep ties to the Israeli settler movement, specifically to Beit El, which the US Ambassador to Israel David Friedman supports politically and philanthropically. Jared Kushner, the president's son-in-law and special advisor on the Israeli–Palestinian conflict, also has deep ties to the settlements. Now these people are in power. Talk of the 'alleged occupation' by Ambassador Friedman, as quoted in the press, perhaps portends a shift in the administration's policy to the settlement question as part of a resolution to the Israeli–Palestinian conflict.

But this relationship goes far beyond the Trump administration. Today over 60,000 American Jews live in the occupied territories – they constitute 15 per cent of the Israeli settler movement and about half of the total number of American Jews in Israel on either side of the Green Line. Their story begins across the ocean back in the US of the hippie generation, with the coming

together of the dynamics of the Six-Day War and other concurrent trends of ‘the Sixties’ including the civil rights movement.

## 1967 AND THE WAR THAT TURNED AMERICAN JEWS INTO ZIONISTS

American Jews living in the occupied territories have often grabbed the headlines for shocking acts of terrorism or as the public relations spokesperson for the Israeli settler camp, but very little is known about why they chose to devote their lives to living at the heart of the Israeli-Palestinian conflict.

The Six-Day War was a watershed movement for American Jewry as a whole and specifically for the cohort of American Jews who would later migrate to Israel and then move to the occupied territories. As the US neoconservative Norman Podhoretz once said, the 1967 war turned American Jews into Zionists. Prior to 1967, American Jewry was rather agnostic and sometimes ambivalent about the Zionist movement. Whilst they were financially and politically supportive of the birth of the state, Israel was not really the centre of the American-Jewish agenda until the 1967 war. *Commentary* magazine published a symposium about the state of American Jewry in 1966. Though it ran to 130 plus pages, the word ‘Israel’ only appeared twice and not in the most positive context. American Jews were more concerned with the questions of assimilation, antisemitism, and the post-World War II identity of American Jews in a world in which, outside of Israel, American Jewry was becoming the centre of Jewish life worldwide.

The Six-Day War changed this. American Jewry was revolutionised politically, emotionally, philanthropically, psychically, and most certainly intellectually after the dramatic victory of the State of Israel and the conquest of new territories: to many, the State of Israel had been threatened and a second Holocaust forestalled. (Despite the fact that Israel’s victory was mostly assured after the airstrike eliminating the Egyptian air force on the first morning of the war.) Many Americans I interviewed spoke about how obsessively they followed the events. One woman told me that once the war broke out she knew she would be moving to Israel. Others saw the 1967 war as an opportunity to redeem themselves, or their generation, for what they perceived had been the indifference or lack of assistance by American Jews during the Holocaust. The founders of the West Bank settlement of Tekoa, children of Shoah survivors, told me that they saw the war as a potential second holocaust. Realising the precariousness of Israel’s existence they decided that what they needed to do to ensure its future was move there. Others thought they would feel great guilt if they didn’t contribute to Israel’s security in the future. One man who I spoke to, very much part of highly educated and upwardly mobile demographic of future settlers and who later settled in Karnei Shomron, had just graduated with a PhD from the University of Pennsylvania and was about to take a job with General Electric. Instead he moved to Israel in 1969. He told me that he worried what he would say to his children if, they asked him what he did when Israel was about to be destroyed.

The 1967 war brought about profound changes in the political attitudes of American Jewry – 99 per cent supported Israel in the war. The war also prompted theological change; Israel moved into the mainstream of American liturgy. There was a much more rigorous intellectual engagement with the idea of the state of Israel and what its future might be.

## AMERICAN JEWISH SETTLERS AND ‘THE SIXTIES’

The war was not experienced in isolation. What I call the 1967 moment was also shaped by other factors.

First, American Jews were speaking more openly about the Holocaust than they had in the two decades after the Second World War. The equating of the 1967 war and the Shoah became a very important part of why the war had such a profound impact on American Jews as a whole.

Second, the US was experiencing that movement towards ethnic identification that we are all familiar with today. Hyphenated Americans arrived: African-Americans, Polish-Americans and other white ethnics. Jews were also rediscovering the ethnic part of their identity and realising that the assimilationist impulse of the US, which often encouraged new Americans to leave behind their ethnic trappings, could be lived in new ways. American Jews were influenced by African-Americans and black power and developed a Jewish pride.

With Israel’s great victory in the 1967 war and the sense of euphoria in Israel, these two trends reinforced each other.

Third, the 1967 war took place against the backdrop of great social and cultural change in the US: the civil rights struggle, the anti-Vietnam movement of which American Jews were heavily involved, and the New Left. When the Black Power component of the New Left really turned against Israel and its activities in 1967 it was a moment of reflection and angst for many radical American Jews who were trying to understand how to be both radical and Jewish at the same time. They came to realise that these progressive forces were no longer as friendly towards them after 1967. Today, Zionism has become incompatible with other forms of identity politics – you can’t be a Zionist and part of the Black Lives Matters (BLM) movement or the feminist movement, and generally you can’t be a Zionist and part of the progressive movement. Well, all this really started in 1967, leading American Jews to question their place in the radical social movements of their day.

For some this manifested as turning away from their Zionism; but for many it led them towards being more active in Jewish particularist causes, whether that be the student struggle for Soviet Jewry or Meir Kahane’s Jewish Defence League. They wanted to express their radicalism as Jews while devoting themselves to Jewish causes. When I spoke to one of the founders of Tekoa he said that prior to 1967 he had been demonstrating for everyone (the Native Americans, the Eskimos, African-Americans) – everyone except for Jews. So while Eli Birnbaum first tried

to seek new purpose after the 1967 in service of Jewish particularist activism in the USA, his ultimate dedication to Jewish rights led him to move to the occupied territories.

## INTO THE TERRITORIES

The American Jews who came to Israel between 1967 and 1977 were part and parcel of their generation: young, upwardly-mobile, traditional but not necessarily strictly Orthodox in their religious practice, highly engaged in and sympathetic to the social movements of their day and the Democratic Party. They were not neo-conservative right-wing activists. When they moved over the Green Line after the 1967 war they didn't leave this heritage behind, but instead perceived themselves as *continuing* their activism for human and civil rights for Jews. In their eyes, their project in the territories was a way of expressing the human rights discourse they had grown up with.

Between 1967 and 1973 there was only very little settlement over the Green Line – the reestablishment of the kibbutzim in Gush Etzion region outside of Jerusalem which had existed prior to the 1948 war and the reestablishment of a Jewish presence in the city centre of Hebron which had existed up until the 1929 Hebron riots. Americans were engaged in both of these projects – Sandy Amichai from LA had been a member of the Bnei Akiva youth group in the US and joined the new kibbutz Kfar Etzion and Miriam Levinger, wife of Moshe Levinger, the founder of Gush Emunim, came from the Bronx and famously brought her refrigerator and several children to settle in Hebron in the Spring of 1968.

Others had ideas that never came to fruition in the immediate aftermath of the war. One Rabbi, a real estate developer from Baltimore, had the idea to create 'Shalom City,' a pretty radical idea of what an American city might look like in the territories, which I like to call a 'city on a hilltop'. In fact, visions of pioneering and the building of utopian communities in the American style really did come to pass after the 1973 Yom Kippur war.

## YAMIT, EFRAT AND TEKOA

The three settlements financed and built for American Jewish immigrants that I study in the book are Yamit in the Sinai as well as Efrat and Tekoa in the West Bank.

### *Yamit*

Yamit was founded by American Jews from Cincinnati, Ohio along with others from across the US. The settlement was backed by Moshe Dayan in the aftermath of the Six-Day War. He wanted to establish a major Israeli military presence in the Sinai – it was a civilian settlement to house the staff of nearby military base and it was thought that Yamit would become a nuclear weapons depot. However, for Americans who had got wind of the place thought it would be a great place to live and have a coastal existence! The Israeli government had other ideas and this led to a huge amount of friction. That friction is part of this larger story of American

participation in the Israeli settlement movement – a story of the unpredictable and shifting alliances that formed between the American Jews, the Israeli government, Israeli settlers and Palestinians.

At Yamit the Americans came up against the hostility of the government that didn't really see how they fitted into its strategic plan of settling the Sinai. The Americans prevailed and managed to establish homes and industries in Yamit up until 1978 and the Egypt-Israel peace process.

For Americans, the story of Yamit was one of a Paradise Lost – a decade of utopian idealism, pioneering on the Sinai frontier, and interest in co-existence with their Palestinian and Bedouin neighbours effaced like sandcastles on the shore. One of my interviewees even described the disengagement as 'his own personal Holocaust'. However, despite the intense movement around the disengagement from the Sinai – mostly led by religious-nationalists who had never lived in the settlement – the American cohort chose to leave peacefully. While many grieved for their youthful experience for years, they also rebuilt lives in Israel and abroad – understanding that peace outweighed their personal dreams. Perhaps they are both a cautionary tale and model for a future disengagement from the West Bank.

### *Efrat*

While Yamit became a casualty for peace because it existed outside the national will of the Egyptian-Israeli peace agreement, Efrat – the largest American-Jewish settlement in the territories and the best known – has always billed itself as within the consensus and has traded on the fact that there were pre-existing settlements in that area prior to the 1948 war to secure itself within the national discourse. Efrat was founded by Rabbi Shlomo Risken, also known as 'Stevie Wonder,' a dynamic spiritual leader from the us who has done much to revolutionise progressive Modern Orthodoxy. He came from the upper west-side of Manhattan, and his congregation, with other followers from the New York region, came to settle in the West Bank in the 1980s, alongside another group from South Africa. What's interesting about Efrat – which Rabbi Risken said should be known as 'Occupied Scarsdale' – is that it was originally the product of an partnership between a native Israeli settler activist who had been a child in the pre-1948 kibbutzim and a dynamic American spiritual leader who is known for progressive, religious innovation, but who turned out was not progressive when it came to his own political doctrine.

The story of Efrat is the radicalisation of what was known as a moderate, bourgeois settlement during the 1990s. We know that Yigal Amir, who would assassinate Yitzhak Rabin, had been active in the protest movement in Efrat in 1994–1995. So the question is really how is it that a future assassin of a prime minister emerged from taking part in activism in a bourgeois settlement in the West Bank – a story of lifestyle politics meeting political realities.

Efrat, which also became known as the high street of the West Bank where you can have a million dollar mansion alongside the messianic, is perhaps not your moderate settlement after all.

### *Tekoa*

This contrasts with the settlement of Tekoa which was founded deliberately in the midst of the Camp David accords to prevent the success of a Palestinian autonomy track and further Israeli disengagement from the West Bank in the early 1980s. While Tekoa's remote location was once described by its founders as 'Turn Left at the End of the World,' this slogan also evokes the political milieu in which the settlement's leaders have been immersed in the US prior to their immigration to Israel. For them, Tekoa was a project to stake a claim (literally!) to Jewish rights in the occupied territories, whereby they would manifest a destiny of continued Jewish presence that would prevent a future disengagement. Despite very primitive beginnings – and intense hostility from their Palestinian neighbours in a cycle of violence that has lasted three decades in this corner of the West Bank – today Tekoa is a victim of its own success; it has grown so dramatically that the idea it would ever be evacuated has been taken off the table; not to mention that Defence Minister Avigdor Lieberman's own settlement is right across the street. The story of Tekoa illuminates how the vision of a project of American self-realisation through skating a territorial claim does not coincide with political realities and the presence of Palestinian neighbours hostile to Tekoa and the settlement project as a whole – and the future status of Tekoa is threatened under any final-status agreement.

## **AFTER OSLO**

Since the Oslo Accords American Jews in the Israeli settler movement have gone in two directions. The first is the path of settler terrorism. If you ask a person to name one American settler you often hear 'Baruch Goldstein,' the perpetrator of the 1994 Cave of the Patriarchs massacre. Goldstein's story and his radicalisation deserves attention and is chronicled in the book. He is not alone. There have been several other high-profile Americans who have been active in vigilante terrorism against their Palestinian neighbours. Of course, for the most part American-Jewish settlers have been law-abiding citizens of the State of Israel, who have settled in the territories with their government's permission. Tarnished with the same brush as Baruch Goldstein, some have reacted by turning to public relations to try to promote the idea of a liberal struggle for human rights in the territories. These American settlers are the public relations faces of the settler camp: savvy, English-speaking cosmopolitans who know how to communicate to Western audience using terms we understand, such as the language of 'rights'. Fifty years from now we may find that this was their most significant contribution to the movement.

**Question 1:** *Are there people within the settler movement who recognise the reality of a Palestinian presence and are prepared to talk about how to find pragmatic ways of living with the Palestinians?*

**Sarah Hirschhorn:** The American settlers were often people who had been highly engaged in and sympathetic to leftist movements in America. Initially, they didn't believe that they would have to abandon these values, and many have struggled not to. Obviously, there's quite a lot of cognitive dissonance involved in saying you are a liberal living in the West Bank today. The book is about that clash between liberal values and what I call settler realities.

Remember, most people came prior to the First Intifada. Much like the original Zionist blindness, they did not intuit that there was going to be a significant Palestinian presence – literally in their own backyard. I also don't think that they had internalised that this relationship was going to turn violent. In the late 1970s and early 1980s, especially when there weren't that many Jewish Israelis living in the occupied territories, the friction was low. But as the 1980s went on they realised that, as one of my interviewees said, it was not going to be all 'peace, love and happiness'. They realised there would be a cycle of violence very close to home.

In response some just left, but they were a minority. Others began to think in terms of a *hierarchy* of rights. They said to themselves, 'We're for Palestinian economic rights, we want there to be more opportunity and development for the Palestinians, but we draw the line when it comes to political rights, and certainly when it comes to national rights.' Putting it in contemporary terms, the attitude was, 'It's great to build a new Soda Stream factory in the West Bank, it's great for you to come and build my house; I think you should have fair wages, but we are not interested in Palestinian statehood or political rights which may jeopardise the future or the Jewish character of the State of Israel.'

And as the violence got worse, it has become a zero-sum game. Even Rabbi Riskin, who at one time talked openly about a Palestinian state side-by-side with Israel, has reversed his position and rejected the views of his youth. Now he says this is a zero-sum game, and that if they come and try to take his home he will resist.

**Question 2:** *So, where would you find people who may still have views about reconciliation with Palestinians or Palestinian statehood?*

**SH:** Well, there are a few groups. The followers of Rabbi Fruman from the settlement of Tekoa are active in Palestinian-Settler dialogue. His followers have founded an organisation, Roots, that reaches out to Palestinian activists like Ali Abu Awad. But where is this really going? The hugs and hummus are very important from a confidence-building perspective, but are they really on the same page about the endgame to the Israeli-Palestinian conflict? I don't think so. I think the settlers still envisage Israeli sovereignty at the end of the day.

I think you can find those who are willing to accept Palestinian statehood as long as the vast majority of the land remains Israeli territory; not just the Gush Etzion region of the West Bank but the annexation of Area C. This is obviously a non-starter for the Palestinians. I'm sorry to say that there are not a huge amount of people you could talk to who would be sympathetic to Palestinian sovereignty. That reflects the shift in the Israeli public more generally. I was in Jerusalem in the last month and if you use the term 'occupied territories' you're a 'leftist' pariah. The issue is almost foreclosed among the Israeli public, settlers amongst them.

**Question 3:** *What is the extent of the British Jewish involvement in the settlements and what does it look like?*

**SH:** According to the latest Jewish Policy Research (JPR) statistics only about 5 per cent of British Jews move to the settlements. It's because of what the settlements mean to the Americans that drives them over the Green Line more than other nationalities. It accords ideologically with what many of them believe. Some of the settlements also provide a lifestyle that accords with what they left behind – Efrat for example. Americans respond to the ideas of 'pioneering,' an opportunity that they missed out on in the US and in pre-1960s Israel. This idea that they can literally manifest their own destiny in the occupied territories; it's a kind of utopian self-realisation project. In fact the title of the book, *City on a Hilltop*, is drawn from this idea that the lore of American history has been woven in; that the settlements would be like a beacon to American Jewry and the rest of the world about how to manage your affairs and to realise your interests.

I think British, and certainly French people who are moving to the occupied territories are doing partly because they hold positions that are sympathetic to Israel's security and strategic calculations in holding on the occupied territories, but for the most part they are going there for economic reasons. French immigrants are moving more and more to the occupied territories and some map the politics of France onto the politics of the occupied territories. Still, most of the French people who are moving to the occupied territories are the people who can't afford Tel Aviv and Netanya. Most of the French I spoke to hold the same opinions as those who live in Netanya and Tel Aviv, so what's keeping them in the occupied territories is that they don't have the money to live elsewhere. But for Americans, quite honestly, if you can afford a million dollar house in Efrat, you could afford an apartment in Jerusalem and you have other reasons for wanting to be there. You want to be part of the settler movement.

**Question 4:** *At the point at which the '67 generation were deciding to do this, was there any ideological debate among American Zionist Jews as to whether this was a good idea or not. Why go to the territories? Why not go and live in a kibbutz on the Gaza border, or the shore of the Galilee, or the Negev?*

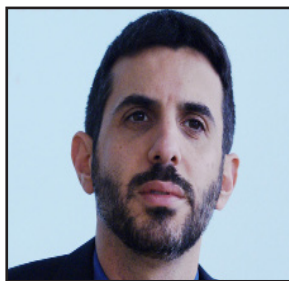
**SH:** Here is an anecdote I recount in the book about two founders of Tekoa who were living

at the time in the Washington Heights area of Manhattan debating with each other about their ‘Aliyah project’. Eli Birnbaum says to his friend Bobby Brown, ‘I want to go to Yerucham,’ this is a town in the Negev with very severe social problems which he as a clinical psychologist felt he could make a difference in. Bobby said to him that while that was great, Yerucham is going to be here 50 years from now, and that if he didn’t come and settle in what became Tekoa, then it wouldn’t be part of Jewish territory in the West Bank. Brown gave him the choice between building something or going to the Negev, and Birnbaum chose Tekoa.

**Question 5:** *Fathom recently had a piece by Gilead Sher and Orni Petruschka who argued that the settlements are perceived to be a more formidable obstacle to the two-state solution that they actually are. Will the Israeli government have a problem getting those American Jews back across the Green Line as part of a peace agreement?*

**SH:** Yes, I think so. There are ideological settlers and some of them live in violent and heavily armed settlements, especially the former supporters of Kach or members of Meir Kahane or Kahane Chai. These are people who aren’t going to just accept compensation and leave. We might see a repeat of what we saw in Efrat in the 1990s – suburbanites camping out on a hilltop with weapons to physically stake a claim to the next hilltop over. If people who live in a white picket fence universe are willing to do that than you’re going to be in for some trouble. As Alan [Johnson, *Fathom* editor] has heard me say a thousand times, I don’t think the issue is necessarily settlements, but partition of the land more generally and whether this is a principle that is still valid and accepted in popular opinion. I think we may be moving towards a one-state reality in which the question of settlements becomes moot.

*Sara Hirschhorn is Visiting Assistant Professor in Israel Studies, Northwestern University and former University Research Lecturer and Sidney Brichto Fellow in Israel Studies at Oxford University.*



## WHY MORE AND MORE ISRAELI JEWS THINK THE SETTLEMENTS ARE IN ISRAEL

ODED HAKLAI

*Oded Haklai reports on research suggesting that for the generations of Israeli Jews born after 1967, the pre-1967 boundaries of Israel are becoming less and less real. As time has passed since 1967, Israeli Jews have increasingly come to believe that the territories are an integral part of Israel. Noting the importance of time for conflict entrenchment he warns that 'the longer Israel holds on to the contested territories, the older grows the generation that remembers Israel in its pre-1967 borders gets, and the larger the number of Israeli Jews who accept the control of Judea and Samaria as the natural state of affairs.' (April 2017)*

### THE RESEARCH PROBLEM

This research project emanates from the book *Settlers in Contested Lands: Territorial Disputes and Ethnic Conflicts*. In that text my co-editor, Neophytos Loizides, and I compared the Israeli case to a number of other cases where there are territorial disputes that feature settlers as one of their prominent aspects; for example, Turkish settlers in Northern Cyprus, Moroccan settlers in West Sahara and Indonesian settlers in East Timor. We identified some common patterns and peculiarities and, as we finished the book, an Israeli peculiarity stood out to me that I wanted to investigate further: Israel never formally pronounced a change in the status of the territory.

In most other cases around the world, the state that sent its settlers to the disputed territory usually made a formal pronouncement about the changing status of the territory. When Turkey sent its settlers to Northern Cyprus it also created the Turkish Republic of Northern Cyprus (TRNC), while Morocco formally annexed Western Sahara. By contrast, the Israeli settlement project was never accompanied by a formal pronouncement on changing the territory's status. It was a conscious Israeli decision in the late 1970s to leave the status of the disputed territories open. Menachem Begin was fully committed to the ideology of the Jews owning the whole Land of Israel, but he was also committed to making peace with Egypt. He realised that a formal annexation would jeopardise peace-making with Egypt, so he decided to leave the issue of sovereignty open.

Governments committed to Israeli control over the West Bank/Judea and Samaria have

continued to encourage the settlement project while governments of the centre-Left have not managed to stop it. So the question becomes: if Israel was not going to annex, why have right-wing governments encouraged settlements in the occupied territories in the first place?

There are a number of reasons. Some believe that Jews should be entitled to live in their homeland irrespective of who the sovereign is. That's the ideological drive. Some are motivated by security reasons and geo-strategic considerations. But it seems there was another reason: changing the mind-sets of Israeli Jews themselves with regard to the *status* of these territories. In short, as time has passed since 1967, Israeli Jews have increasingly come to believe that the territories are an integral part of Israel.

## THE RESEARCH

With 2017 marking the 50th anniversary of the 1967 Six-Day War, I conducted a public opinion survey amongst Israeli Jews regarding the status of Judea and Samaria and the settlements on these territories. I wanted to identify how Israeli Jews *perceive* these territories. The survey was conducted in October and November 2016, among a representative sample of 1,027 Israeli Jews. The question I asked was substantively very different from many other surveys that are being conducted. Most surveys ask respondents what they think *ought to happen*, i.e. if they believe Israel ought to annex the territories, if they support settlement construction, if they support the two-state solution, if they support the evacuation of settlements, and so on. My survey didn't ask people what ought to happen. Instead, it asked them *what they think already exists*. It asked respondents whether to the best of their knowledge Israel has formally declared its sovereignty over Judea and Samaria. It asked respondents whether they believe certain settlements in the West Bank lie within the territory of the State of Israel.

## KEY VARIABLES

When the conventional question – ‘what do you think should happen?’ – is asked, researchers find that religion is the primary predictor of peoples responses. Religion in Israel is highly correlated with political opinion; generally speaking respondents who belong to the national-religious community tend to hold positions more committed to the ideology of the Whole Land of Israel, whereas those who are more secular are more likely to support territorial compromise. But when the questions were rephrased, and people were asked what they believe actually exists, I found something different: *the generational cohort to which they belong is a key variable*.

## CONFUSION ABOUT BORDERS

In response to the question ‘To the best of your knowledge has Israel formally declared its sovereignty over Judea and Samaria’ only about half of the respondents answered ‘no’ (the correct answer), while the other half were split between ‘yes’ and ‘do not know’. In Israel,

there are discussions today about formally extending civilian law (i.e. a form of annexation) to at least some parts of the West Bank, such as Maaleh Adumim. Yet only half of the respondents knew Israel had not already extended its sovereignty formally to these territories. (I should add these are the raw results of the survey with a margin of error of plus/minus 3.1 per cent.) The findings reveal a lot of confusion in the minds of Israelis regarding the status of these territories.

I chose eight settlements for this survey and ensured variation in the size of the settlements and their geographical location. Some lie deep in the West Bank/Judea and Samaria, others are more proximate to the Green Line. They are also different in terms of their socio-demographic characteristics; some are big, some are small, some are urban centres, some are religious communities. The one thing they all have in common is they are relatively old and established. There isn't a single settlement I asked about that was established after 1980s, so all are 37 years or older. I did that because I didn't want the age of the settlement to interfere with my findings – new settlements may be less familiar to people.

The findings show a lot of confusion among Israeli Jews. There were three settlements (Ariel, Kiryat Arba and Ma'ale Adumim) which the majority of respondents thought lay inside the territory of the State of Israel. There were two settlements, which a plurality of respondents thought were inside the State of Israel (Kfar Etzion and Shilo) and three settlements which a plurality of the respondents thought were outside the territory of the State of Israel (Beit El, Elon Moreh and Ma'ale Shomron). What is interesting is there was not a single settlement which a majority of respondents thought was outside the territory of the State of Israel.

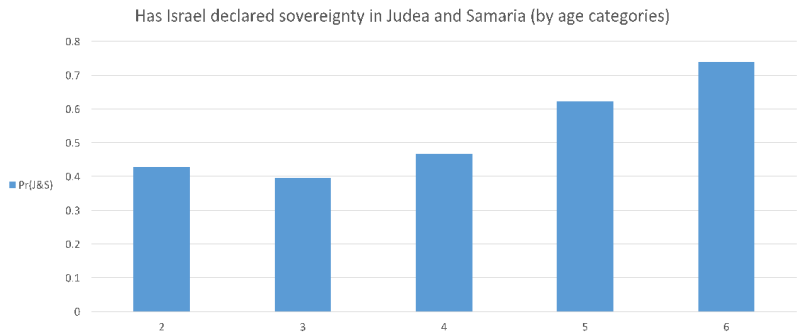
**‘THE AGE OF 50 IS A BREAKING POINT OF SORTS’**

The responses varied according to age categories. Those in the age category of 60+ were more likely to provide a correct answer than those in younger age categories. Note that the table shows not quite a linear progression because the gap between those in their 20s and those in their 40s is much smaller than the gap between those in their 40s and those in their 50s. In other words, *the age of 50 is a breaking point of sorts*; the majority of those 50 years or older are more likely to say that Israel has not formally declared its sovereignty over Judea and Samaria whereas the majority of those 49 and younger are likely respond otherwise.

**Table 1. People responding that Israel has not formally declared sovereignty over Judea and Samaria by age groups**

	18-29	30-39	40-49	50-59	60 and over
Has not declared sovereignty	40%	41%	48.5%	61%	73%

Q: “As far as you know has Israel formally declared its sovereignty over Judea and Samaria  
Predicted probability to answering “no” by age (holding religion and education constant at their mean)



It is possible to isolate the variables of religion and education. In this chart (above) you can see that even when religion is held constant we still see the importance of age.

Again, we have a situation when those of the same religious inclination in their 20s, 30s and 40s are very close together in their responses whereas those in their 50s and 60s provide a very different answer – they are more likely to say that Israel has not formally pronounced its sovereignty over Judea and Samaria.

The same pattern – age as a key independent variable – appeared throughout the responses. So when we look at the question of Ariel, for example, amongst all the respondents the responses do not vary that much from those of the religious-Zionist with one exception which is the very youngest group, those between the ages 18-29.

**Table 2. Respondents who answered that Ariel does not lie within the territory of the State of Israel**

Age	All respondents	Religious Zionists
18-29	32%	22%
30-39	34%	36%
40-49	41%	43%
50-59	57%	53%
60 and Older	64%	60%

Amongst all respondents in the 60+ age category, 64 per cent thought Ariel was outside the territory of the State of Israel, whereas for those of that age group among the religious-Zionist category, it was 60 percent. Amongst all respondents in the 50–59 age category, 57 per cent thought that Ariel was outside the State of Israel and of those of that age in the religious-Zionist category, 53 per cent. Amongst all respondents in the 30–39 age category, only 34 per cent thought Ariel was outside the territory of the State of Israel, whereas for those of that age in the Religious-Zionist category, it was 36 per cent.

Why is it that 50 years of age is where the generational divide occurs? In short, the Six-Day War. The year 2017 marks the 50th anniversary of the 1967 War in which Israel conquered the contested territory from Jordan. Those born before 1967 are more likely to remember Israel's pre-1967 boundaries. They know that Israel has not formally declared its sovereignty over Judea and Samaria. They view the settlements to be outside the territory of the State of Israel, and this is especially true of those who were at least 10 years or older in 1967; for that generation the 'Green Line' is more tangible. They lived in Israel's pre-1967 borders.

In contrast, for those born after 1967, the pre-1967 war boundaries are just not *palpable*. The specific range of experiences that individuals in the lower age groups have undergone means they have a state of mind for which the 'Green Line' of the pre-1967 War doesn't feature. For example, they regularly see Ariel on weather forecasts. They open the sports pages of newspapers to see the football results and they see teams from Ma'ale Adumim and Ariel. They go on go trips to the Dead Sea and they see signs for Ma'ale Adumim. If you drive on one of the major Israeli highways in central Israel you come to an intersection, turn left and you go to Herzilya and Tel Aviv, if you continue straight ahead its Ra'anana, and turn right – Ariel.

So the everyday experience of the Israeli Jews born after 1967 doesn't provide the conditions for them to conceive of the settlements to be outside the State of Israel. There is no reason for them to think that they are outside of Israel. The reason why Ma'ale Adumim, Kiryat Arba, and Ariel are so likely to be thought part of Israel is because they are more likely to be experienced in the ways I have just mentioned. Kiryat Arba and Ariel have centres for the performing arts. So, if you like shows and you open the Israel version of *Time Out* you are likely to see – even if you have never visited the settlements – a musician you like or a particular theatre show playing in Ariel or Kiryat Arba. This resonates in the minds of the younger generation. Exposed to these names in their daily lives, even if just in passing, they are more likely to conceive of them as being part of Israel.

One of the things this research tries to alert us to is the *importance of time for conflict entrenchment*. As time goes by, an existing reality gets routinised and eventually entrenched in the perceptions of new generations that did not experience previous states of affairs. I sometimes like to express the similarities with the vote on Brexit. Those born to a EU reality are finding it very difficult to conceive of a Britain outside of the EU. In the referendum there was a generational gap in

the voting patterns. In Israel something similar is happening. The longer Israel holds on to the contested territories, the older grows the generation that remembers Israel in its pre-1967 borders gets, and the larger the number of Israeli Jews who accept the control of Judea and Samaria as the natural state of affairs.

As regards settlement policy, I have never found evidence for a grand design. I have never found evidence of the government sitting around the table saying ‘we are going to do to try and change the minds of the Israelis.’ But there is certainly enough evidence to show from statements by politicians and activists sympathetic to the settlement enterprise that trying to change the way Israelis think about the settlement enterprise is an objective – and this is something that supporters of the two-state solution should be aware of.

*Dr Oded Haklai, Associate Professor and founding director of the Laboratory for Ethnic Conflict Research at Queen's University, Canada. Haklai is the author of several books, including (in collaboration with Neophytos Loizides) Settlers in Contested Lands: Territorial Disputes and Ethnic Conflicts (Stanford University Press, 2015), Democracy and Protracted Conflict: The Dilemmas of Israel's Peacemaking (Syracuse University Press, 2014) and the 2012 Shapiro Award winner Palestinian Ethnonationalism in Israel (University of Pennsylvania Press, 2011).*

## Part 5

# People to People Peacemaking



## ONE MORE DUNAM, ONE MORE GOAT: RE-LEARNING HOW REAL CHANGE HAPPENS IN ISRAEL AND PALESTINE

JOHN LYNDON

*'In Israel, the group which has sketched out its bold vision of the future most clearly, invested resources at scale, and done the daily incremental work required to transform reality has undoubtedly been the settler movement.' In this reflective essay, Executive Director of the Alliance for Middle East Peace (ALLMEP) John Lyndon sets out how the two-state camp in Israel, and the secular Palestinians, have chosen short-term gains over long-term goals. If the peace camp is to return to its height of the early 1990s, Lyndon argues it must heed the lessons of long-termism of the settler movement and re-learn how to implement real change in Israel. (January 2019)*

November 2017 saw the centenary of the Balfour Declaration, that critical and controversial milestone on the road to Israel's establishment. Six months later came the 70th anniversary of the creation of the State of Israel, the War of Independence and the 'Nakba': the centrifugal events that have powered the conflict and their parallel narratives ever since. And just a few months ago we marked the 25th anniversary of the Oslo Accords, the flawed attempt to create a new paradigm within which those narratives could co-exist and be — if not reconciled — then perhaps softened, until disagreement about the past no longer precluded agreement on the future.

But 1917, 1948 and 1993 did not appear out of thin air. Like most significant moments of socio-political transformation, each was the culmination of long-term processes of incremental change driven by the collective actions of dedicated and determined people.

Balfour could not have happened without the growth of modern Zionism during the preceding decades, the investment of economic, political and diplomatic resources, and the catalytic power of the First World War. Equally, the establishment of Israel would have been impossible without the incremental progress that Zionists made on the ground in Mandate Palestine. 'One more dunam, one more goat,' was a winning strategy, as was the gradual, methodical and efficient creation of the apparatus of state by the Yishuv, painstakingly paving a road upon which sovereignty became the logical next-step.

The Oslo Accords may have seemed to arrive out of the sky like a cosmic monolith in 1993, but in reality, it was the logical outcome of a chain of events starting with the Palestine Liberation

Organisation's (PLO) acceptance of two-states five years earlier and the impact of the First Intifada in clarifying the unsustainability of the status quo to many Israelis, paving the way for the Likud's defeat in 1992.

In short, these transformative moments in the conflict had deeper roots, and were the products of tremendous investments of time, resources and political capital. Those who shaped these outcomes understood what was needed: an audacious, improbable (but tantalising) strategic goal; and the dedication, the willingness to sacrifice and forgo, to spot opportunities and seize them through a tactical discipline that keeps peoples' eyes on the prize, whilst their limbs make incremental, measurable progress towards that goal.

In that light, let us ask a question: what will the historians of the future say about our own period? Who has been making the often little-noticed but tactically astute moves, day by day, to shape the next transformative moment in this region? For supporters of a two-state solution, the answers to these questions are not pleasant, but they need to be confronted.

## **ZIONISM AND THE LONG-TERMISM OF THE SETTLER MOVEMENT**

In Israel, the group which has sketched out its bold vision of the future most clearly, invested resources at scale, and done the daily incremental work required to transform reality has undoubtedly been the settler movement.

In an excellent op-ed lamenting the end of the Oslo era, Lara Friedman, President of the Foundation for Middle East Peace, recalled her time serving at the (recently shuttered) US Consulate in East Jerusalem. These were the days of hope, when we two-staters, to borrow a phrase, 'were the future once':

Not long after the signing of the Oslo Accords, I travelled with a colleague to meet a settler leader at his office in the settlement of Psagot. The world may have its peace process, this man argued, but we, the settlers, have concrete plans that will prevent it. He showed us map after map depicting bypass roads and massive infrastructure that would enable the settlements to continue growing, and connect settlements to each other, and connect all of this seamlessly with Israel proper. One day soon, he argued, settlements will be so much a part of Israel that nobody will be able to talk about giving up land to the Arabs. My colleague and I drove away shaking our heads, marvelling at this man's ability to operate in such a deep state of denial about political realities. In retrospect, I marvel today at the very long game he and his fellow travellers, both in the United States and Israel, were playing, and their incredible success.

A tiny fraction of 'Greater Israel' acolytes were willing to use extreme violence, as in the massacre at the Cave of the Patriarchs in 1994 and the assassination of Prime Minister Yitzhak Rabin in 1995, events that shifted the course of Oslo in ways that are hard to over-estimate. Many more, however, created change through the infiltration of institutions, the slow creation

of ‘facts on the ground,’ and the gradual alteration of public opinion, laws and norms.

What has happened to the Likud Party is a very good example of this dynamic. The settler movement recognised that the mainstream party most aligned with its vision could always be *more* aligned. The YESHA Council has long encouraged its members to join the party and vote in ways that strengthen the settlers’ agenda, pushing sympathetic aspiring Likud leaders further up the party’s list for the Knesset. In Hebron and Yitzhar, two settlements noted for extremism and violence, there were almost five times as many Likud members as Likud voters in 2013. This methodical and dedicated tactic made possible the unanimous passage of a landmark Likud Party resolution in 2017 supporting unlimited settlement construction and annexation of parts of the West Bank.

The Israel Defence Forces (IDF), perhaps Israel’s most venerated institution, has not been immune from such phenomena. Last year I visited the settlement of Eli, located far beyond the Separation Barrier in the centre of the West Bank, and in land that must make up a Palestinian state in any possible two-state agreement. Eli is also home to the Bnei David pre-military Mechina academy, training some of the most able recruits in the IDF. The Mechina was founded in 1988, and trains 500 students a year, 40 per cent of whom become officers in the IDF, with the vast majority of graduates serving in combat or elite units within an IDF that has ten times as many Orthodox men graduating from officer training programmes than was the case in the 1990s. Whilst most of these graduates likely live within the Green Line, and hold a variety of political views, a 2017 PEW survey found that Orthodox Israelis were more than twice as likely to favour settlements than their secular counterparts.

This sort of pioneering dedication was once the hallmark of secular Labor Zionism. Within three years of the Holocaust and the extermination of six million Jews, Israel sacrificed one per cent of its population in the War of Independence, defeated all of its neighbours and founded a state. Within 18 years of that state being founded, it was the sole nuclear power in the region. A year later, it could beat all of its neighbours in just six days, and over the intervening decades, it increased its population to around 8.5m, its GDP per capita to \$40k — higher than the UK’s — and established itself as the most powerful state, economy and military in the region. The level of sacrifice, determination, and long-term vision that is required to accomplish such a feat is stunning.

As Michael Walzer has written in *The Paradox of Liberation* (reviewed in *Fathom* by James Bloodworth), the phenomenon of secular national liberation movements being superseded by religious successors is not unique to Israel. However, the settler movement’s political vision is not limited to the nature of Israeli society. It has a clear territorial agenda that is nothing short of transformative in its implications for Israeli democracy, regional security, and global geopolitics. And through dynamism and diligence — and despite the great odds stacked against them — it is succeeding.

In 1999, when Ehud Barak, the most recent Labor Zionist prime minister, was elected, there were around 385,000 settlers living beyond the Green Line. Today — despite the presumably disincentivising events of the Second Intifada with regards to the attractiveness of moving one's family to the West Bank, and the evacuation of 9,000 settlers from Gaza and northern parts of the West Bank in 2005 — there are more than twice that number, with over 800,000 people living beyond the Green Line. That increase was not accidental. It was the result of a long-term strategy executed with tactical discipline and with a willingness to sacrifice much in the short-term in order to achieve it. These are methods those of us serious about peace must study and re-learn.

### **THE PALESTINIAN NATIONAL MOVEMENT AND THE LONG-TERMISM OF THE ISLAMISTS**

Equally, whilst many may bristle at the comparison, the Palestinian national movement in its earlier phase shared some characteristics with Zionism. It too resurrected a dormant national identity: it's important to remember that in the two decades following 1948, the 'Palestinians' were barely acknowledged as that, scattered across refugee camps, with Gaza and the West Bank absorbed respectively by Egypt and Jordan, and the world largely seeing theirs as a humanitarian plight rather than a national one. In the aftermath of 1967, the Palestinian cause evolved from a small group of *fedayeen*, mounting attacks on isolated infrastructure in Israel, to a dynamic movement under the control of Fatah and its chief, Yasser Arafat. It was sufficiently popular and effective enough to make King Hussein fearful of it taking over the Kingdom of Jordan, while the State of Israel was preoccupied with its capacity to foment revolt in the Occupied Territories.

Within months of Israel's victory in the Six-Day War, Arafat was on the cover of TIME Magazine (the first of 12 appearances). Seven years later, the PLO was the sole entity capable of representing the Palestinian people, had seats on several international bodies, and Arafat was addressing the UN General Assembly, where the PLO had observer status. None of this was accidental. Set against the slow moving, conservative and inefficient states that made up much of the Arab world at the time, the PLO's dynamic progress from a very low base — amplified by the frequent application of outrageous acts of violence — was undeniably impressive.

With the desperately poor refugee camps of Jordan, Lebanon and Syria as its recruiting ground, the PLO still managed to raise large sums for its operations. With interesting parallels to how early Zionism leveraged the Jewish diaspora to achieve its goals, between 5-10 per cent of the salaries of roughly 300,000 Palestinians that were working in the Gulf states by the mid-1970s was taxed by the PLO, augmented by donations from the Gulf monarchies, who were markedly more keen to fund the PLO then than they are to support the cash-strapped Palestinian Authority (PA) now.

There was also an evolving pragmatism, seen most clearly in the acceptance of a two-state solution in Algiers in 1988, and in the signing of the Oslo Accords and recognition of Israel, showing a determination to achieve some semblance of territorial control, even if initially limited to Gaza and Jericho.

However, just as in Israel, the recent past, the present and perhaps the future have not been kind to the secular, pragmatic nationalists, whose fate around the entire Arab world — and beyond, as Michael Walzer has shown with reference to India — has been perilous. Instead, reflecting those same regional developments, it has been the Islamists who have seemed to have the whip hand in the evolution of Palestinian national politics.

Like the settler movement, the Islamists can look back on inauspicious beginnings, when their chances of success seemed remote. Yet, again like the settlers, they understood the need to build gradually but measurably over the long-term toward a goal that — by its inherently outlandish nature — would be some way off. For the dynamic forces that began to gather in Gaza in the early 1980s, inspired and connected to the Muslim Brotherhood in Egypt, that goal was the Islamisation of Palestine, which they saw as necessary to defeating Israel, but also as a temporal and spiritual priority in its own right.

They spent those early years providing social services — schools, clinics, welfare — and were aided by the largesse of benefactors in the Gulf, the small-dollar *zakah* donations of pious Muslims at home, and a degree of tacit approval from Israel, which saw Islamist groups as a counterweight to the PLO. The provision of services bound these nascent Islamic groups to their communities and allowed them to win hearts and minds. They were filling a void, not only due to the effects of the on-going occupation, but also as a result of the PLO's increasingly remote presence, having by the mid-1980s moved its operational hub ever-further from the land it sought to liberate, fleeing from Jordan to Lebanon, and then to Tunisia, 3,000 km from Jerusalem. It was this vacuum of leadership that helped to catalyse the First Intifada in late 1987, and Hamas was officially born nine months later, publishing its infamous anti-Semitic charter.

Hamas quickly began creating a network of institutions beyond their schools and clinics. Islamic banks, media outlets, research institutes and mentorship programmes proliferated.

As early as 1990, Hamas was demanding 40 per cent of the seats in the Palestine National Council (PNC), as a reflection of what it believed to be its popular support, a demand Arafat rejected. By the mid-1990s Hamas was mounting horrendous attacks like the 1994 Dizengoff bus bombing which killed 22 people and was at the time the most deadly suicide attack in Israeli history, and was timed to coincide with — and disrupt — the Israeli/Jordanian peace treaty. They failed to prevent Prime Minister Rabin and King Hussein from making peace, and many still saw such acts as the desperate, murderous death-throes of a movement that was on the wrong side of history. Yet a closer examination of the evidence told a different,

more ominous story of where Palestinian society and politics was headed. A poll conducted in 1996, eight years after Hamas was founded, and two years into its devastating suicide bombing campaign, found that 90 per cent of students at An-Najah University in Nablus identified as religious, with only 8 per cent identifying as secular or leftist. This, despite all ten factions that make up the PLO self-identifying as both secular and leftist.

Hamas's victory in the 2006 Parliamentary elections shocked the world, but looking back over the previous two decades the reasons for their success were clear enough. Their anti-corruption appeal to the electorate spoke to the genuine frustrations of Palestinians, and they also claimed, with some justification after Israel's Gaza withdrawal in 2005, to have liberated more Palestinian land with acts of violence than the PLO had by engaging in diplomacy.

Equally, though their cruel stewardship of Gaza since 2007 has seen three deadly wars and resulted in an economy and society perilously close to collapse, they have managed to repel efforts by Israel, the PA and the international community to topple them, building an arsenal of rockets, a network of tunnels, and a loyal mercantile support base. In fact, in a 2017 visit to Gaza I was struck by the levels of anger many young people had towards the PA rather than Hamas and left with the troubling feeling that any immediate challenge to their rule would likely be from more extreme Islamist groups outflanking them, rather than the PA reasserting itself.

## THE SHORT-TERMISM OF MODERATES

When one excludes Meretz and their five seats, Israel's Zionist opposition parties seem to have abandoned any talk of peace, instead fighting on territory determined by the orthodoxies of the right-wing. When Benjamin Netanyahu won the 1996 election, he felt the need to use the word 'peace' in his campaign slogan. Today, if we are lucky enough to hear the Labor Party, which birthed the peace process, address the conflict, it will be via 'separation from the Palestinians,' an idea that has not only been demonstrated to be electorally ineffective, but also serves to further attenuate relations with the 20 per cent of Israel's population that are in fact Palestinian, and whose votes are worth three times as many Knesset seats as Labor are currently projected to secure in April.

It additionally weakens the very concept of conflict resolution — the only guarantee of Israeli security in the long-term — in favour of unilaterally imposed security measures, which an unimpressed electorate can see having spectacularly failed in Gaza. If the word 'peace' signals naivete, then the word 'occupation', despite having been in Ariel Sharon's vocabulary, has almost become shorthand for anti-Zionism. With election season now upon us, it is a safe bet that Yair Lapid, Benny Gantz and Avi Gabbay will each studiously avoid such language, remaining vague about what sort of answer they have to Israel's central political question, and vaguer still on how they intend to get there.

On the Palestinian side, the strategically shrewd and tactically deliverable state-building initiative pioneered by Salam Fayyad is long dead. Today, Fatah can be relied upon to react rather than act, to avoid condemning — and to sometimes glorify — acts of Palestinian violence in the West Bank, and to allow or encourage the denial of a Jewish connection to the land, only serving to strengthen the appeal of their rejectionist rivals in both polities.

Neither of these defensive strategies will win the hearts and minds of young Israelis and Palestinians. They are both driven by fear, a sense of ideological retreat, a lack of creativity and a reluctance to disrupt that betrays an anxiety that, as bad as things are now, any radical change will probably break heavily against one's interests. Meanwhile, those on what was once called the radical fringe in both societies are now in power, collecting the profits accrued from the shrewd investments made a generation ago and benefiting from an environment in which too few make the opposing case. The international community is too distracted and dysfunctional to re-assert once-obvious norms and realities. Yet those realities need to be restated: there is no zero-sum outcome that is realisable or just. Israelis and Palestinians cannot wish each other away, and the growing and mutually reinforcing rhetoric of expulsion is both ethically disgraceful and politically toxic.

## PROGRESSIVE LONG-TERMISM

Those amongst us who favour inclusive compromise over the chimera of exclusive 'victory' must dust ourselves off and take concrete, measurable steps toward the reality we want to build. We must also be bold and creative in developing a vision that can appeal not only to the self-interest of Israelis and Palestinians, but also to their *imaginations*, one framed by peace, mutual respect and cooperation, as well as a genuine, reciprocal empathy for the dignity and rights of the other. Such ideas are the jet-fuel of political and social movements, yet progressives in both societies have been running on empty for almost two decades.

That future may seem far off, but surely the idea of a thriving Jewish democracy was more far-fetched when those early Zionists took their first steps. Surely the notion of Arafat speaking at the UN, where 70 per cent of the members now recognise Palestine, must have seemed outlandish to Palestinians in the aftermath of the defeats of 1948 or 1967.

We can see that the forces that have shaped this narrow stretch of land for the last century have had imagination and a vision of what can be achieved in the long-term; but also the tactical discipline and determination to work every day toward achieving it. The staff and volunteers of the Alliance for Middle East Peace (ALLMEP)'s members, drawn from many of the most dedicated people working in both the cross-border and shared society realms, embody that spirit. Within their ranks is the grit, strategic vision and daily determination that is so sorely lacking amongst political leaders. Being amongst them allows one to see a very different, embryonic Israeli-Palestinian reality.

ALLMEP's network now includes over 100 organisations. They include members such as Sikkuy, whose tireless advocacy resulted in billions of shekels of funding for Palestinian citizens of Israel from the most right-wing government in the country's history. Or the Parents Circle and Combatants for Peace, whose Alternative Memorial Day creates a space for both Israelis and Palestinians to mourn those lost in conflict, with 8,000 people attending the 2018 ceremony addressed by David Grossman. These movements are leaving an institutional footprint, creating the sort of instruments and empirical milestones that can have a long-term, generational impact.

Together, our members are doing the methodical spade-work necessary to open up new vistas of what is possible in this land. They are the indispensable pre-requisite of *any* societal change, but they lack scale, and political leaders ready to amplify and champion their vision. We cannot create the latter out of thin air. But succeeding in the former – exponentially growing these kinds of movements and ideas until their influence is felt throughout both societies – can foster an environment that incentivises and incubates the emergence of such leaders, both locally and nationally.

## HOW TO START TAKING LONG-TERM STEPS

Israelis, Palestinians and international actors concerned with disrupting the current trajectory need to re-learn how change happens and begin building instruments and movements that can transform the reality that our passivity has facilitated. That is why ALLMEP is campaigning for an International Fund for Israeli-Palestinian Peace, modelled on the International Fund for Ireland (IFI) that lead British negotiator Jonathan Powell called 'the unsung hero of the peace process' in Northern Ireland, seeding over \$1.5bn into social and economic projects to combat hatred and mistrust. Per capita, that is almost ten times what is spent on similar projects Israel/Palestine. In 1987, its first year of operations, there were more conflict-related deaths than in Israel/Palestine in 2017, despite Ulster's population being one-sixteenth the size. Yet over the following decade the IFI helped to transform communities and create constituencies resilient to violence, and ready for the that peace that was secured in 1998.

The International Fund for Israeli-Palestinian Peace would be a brand-new institution focused on supporting social and economic projects that aim to answer one question: what are we doing to ensure that the next generation of Israelis and Palestinians do not grow up to fear and hate one another? Our members succeed in that mission every day at a micro level. Robust studies, including a landmark 2017 study commissioned by BICOM have demonstrated that these programmes work. Yet doing so at a *national* scale in both societies can open up a parallel political universe and produce a generation of leaders capable of capitalising on such a context.

In the US, ALLMEP has worked with key Congressional officials from both sides of the aisle to secure a bipartisan piece of legislation that promises to commit \$50 million per annum toward

such an instrument and we are delighted that the UK Middle East Minister, Alistair Burt, announced his support of the fund in early 2018, with the French government looking likely to join them in 2019.

The fund gives an example of the sort of practical and realisable interventions that the international community can make to catalyse change where it really needs to happen: on the ground. The guiding principle in both societies must be the re-establishment of reciprocity, and the overturning of the dominant zero-sum paradigm that only serves to empower the very worst actors and ideas.

In Israel, the peace camp must reinvent itself, and redefine its make-up. Its best chance of achieving power again is via a genuine partnership with Palestinian citizens, who make up 20 per cent of the electorate and were a critical constituency in the coalition that allowed Rabin to pass the Oslo Accords, and Ariel Sharon to disengage from Gaza. Civic participation must be reenergised and incentivised, with new inclusive institutions that can inspire and engage, disrupting the political apathy and atrophy of recent years. All of this should be focused on values: equality, democracy, peace, the rule of law and the unsustainability of the status quo in the West Bank and Gaza. These ideals are coherent, inspirational and can also appeal to many religious Israelis who have felt excluded by the stuffy, transactional and elitist reputation of the 'old Left'.

For Palestinians, a generational transition is long overdue. When the average age of the PLO Executive Committee is 70, their preference for short-term politics should not be a surprise. The long-term belongs to the young, and with an average age in the West Bank of 19 and in Gaza of 16, Palestine is one of the youngest societies in the region, and also one of the best educated, with literacy levels rivalling some OECD members, and enrolment in higher-level education increasing by an incredible 940 per cent between 1993 and 2011. A genuine democratisation of Palestine, not just the holding of long-overdue elections, but the empowerment of communities and civil society groups who have suffered from centralisation and repression by the PA in recent years must be a priority. As must be a reckoning with the twin maladies of anti-normalisation and denial of Jewish connection to the land, both of which make a genuine peace between Jews and Arabs unlikely. A new generation of Palestinian leaders should confront and overturn these taboos, which would in turn create profound impact in Israel.

The tragic reality is that a final status deal that ends occupation and delivers peace and security to both Israelis and Palestinians looks unlikely in the near future, with almost all of the local and international variables misaligned. In retrospect, that diagnosis may have been broadly accurate, if less acute, since Rabin was assassinated 23 years ago. Yet we have remained focused on a short-term strategy regardless, believing one more round of shuttle diplomacy, or one more White House summit was all that was required, despite the mounting evidence to the

contrary, in a process that has latterly begun to resemble magical thinking.

Twenty-three years is the long-term, even in a land burdened with so much history. As we have seen, less helpful actors have used that time to build social, economic and political facts that buttress their mutually incompatible zero-sum visions. It is time that we remember how real change happens, sketch out a vision founded upon mutual dignity, peace and security and begin building every single day with vigour and determination toward that reality.

One more goat, one more dunam. There are no shortcuts.

*John Lyndon is the Director of the Alliance for Middle East Peace, the largest and fastest-growing network of peacebuilding organisations in the region. A Visiting Fellow at Kings College London and a regular Middle East analyst on France 24 and Sky News, his writing has appeared in TIME, Newsweek and the Independent.*



## REBUILDING THE ISRAELI PEACE CAMP

NOAM SCHUSTER-ELIASSI

*Drawing on her early memories of the Oslo Accords, as well as years of experience in peacebuilding initiatives with populations historically excluded from the peace process, Shuster-Eliassi provides a conceptual framework for strengthening and expanding peace constituencies in Israel. She argues that the traditional Israeli peace camp needs to break out of its comfort zone and stop talking to the same people over and over again. She identifies four key communities – Russian speakers, ultra-Orthodox, Palestinian citizens of Israel and perhaps most controversially the national religious – that need to engage with the existing peace camp in a dialogue about their different visions of peace. (September 2019)*

In 1993, during first or second grade, I remember my parents being optimistic about this concept called “peace” between Israelis and Palestinians. My mother picked me up from school one day particularly happy and told me that we were “going to watch the peace agreement being signed”. I shared her happiness, although I didn’t fully understand the details, and I was also confused, because the day before I hadn’t been allowed to go to the Tel Aviv mall because of an warning about a terrorist attack. I realised that peace meant calm and quiet but also felt the current tension.

Shortly after the Oslo Accords, my parents moved to Neve Shalom/Wahat Al Salam, the only village in Israel where Jews and Arabs live together by choice. By second grade I shared a classroom with Arab-Palestinian citizens of Israel and started to become fluent in Arabic. Yet very early on, because I watched the news, I realised that the peace my parents hoped for – and which had partially influenced their decision to move to the village – wasn’t coming any time soon. I also intuitively knew that what I was a part of at Neve Shalom/Wahat Al Salam was something unique and very different to what was going on outside the village (because my extended family would tell me, and because I noticed my cousins felt distant from those Arab friends and neighbours of ours who became like family to me.)

I also started noticing something else – initially connected to my identity but subsequently something broader – about what peace means in Israel. Whenever I spoke Arabic, people would often mistake me for an Arab. While this made a certain amount of sense (because I inherited my mother’s strong Middle Eastern Iranian roots), when I told them I was Jewish,

they subsequently assumed that I must have learned the language for intelligence purposes in the army. This binary aspect of peoples' perception – that a person knows Arabic either because they're an Arab or for security reasons (rather than because it might be an integral part of their identity from home) – indicated to me that the assumptions within much of the 'traditional 3 peace camp' were too narrow.

This experience helped to shape the way I came to understand my identity, and is a partial testament to the failure and the problems of the traditional peace camp I am part of, grew up amongst and wish to repair from its present and historical mistakes. The Israeli peace camp's challenge In today's public discourse in Israel, it is difficult to use the word "peace" without experiencing a certain level of delegitimization or fear of being immediately dismissed. There is a historical and political context to this. The Intifada of the early 2000s which followed the Oslo peace process of the 1990's seriously undermined much of the Israeli public's belief in the vision of peace that the peace camp was promoting. But it's not just this. Historically, the elite traditionally associated with the peace camp is mostly secular and is the same camp which is perceived as being responsible for discriminating against populations of non-European immigrants over a period of decades which has stoked ethnic tensions between Ashkenazi (European Jews) and Mizrahi ("Oriental", Jews from the Arab and Muslim world). Even though the right wing has succeeded in positioning itself as the political camp that seeks to repair this discrimination, it has failed to do so, despite its many years in power.

Yet what makes the challenge of promoting peace more difficult is the historic exclusion of many components of Israeli society from the peace process. In fact, during the 'Oslo years', both Israeli and Palestinian societies – both of which are highly fragmented – experienced the exclusion of several groups, including the most strategically important ones. On the Palestinian side, this included former detainees and prisoners. Many Palestinians felt excluded by the non-West Bankers who returned with Yasser Arafat from Tunis and who dominated the peace talks and subsequently the Palestinian Authority (PA). Moreover, religious leaders and more traditional communities were excluded from both sides and never considered as constructive options or voices. This constituted one of the biggest mistakes the peace camp has ever made.

## **EXPANDING CONSTITUENTS FOR PEACE – KEY POPULATIONS**

In an attempt to help alleviate these challenges faced by the traditional peace camp, below is a discussion about the characteristics of the most strategic groups in Israeli society who have been traditionally excluded from peacebuilding.

### *The Russian speaking population*

The Russian speaking population, which numbers almost one million, is a huge force in Israeli politics. While most have integrated into Israeli society, many still maintain their language and other factors of their origins. Moreover, the younger generation which grew up in Israel no

longer automatically supports the ‘leadership’. The main wave of immigration from the former Soviet Union came in the early 90’s, at a similar time to the increase in suicide bombings. In fact, one of the deadliest bombings took place at the Dolphinarium Tel Aviv nightclub which was directly associated with the Russian speaking population. This was one of the factors that led to a perception that the Russian speaking population is right wing, although today the opinions of this population are more complex and nuanced.

There is a large untapped potential among this community to become a constructive voice in seeking practical solutions to the Israeli-Palestinian conflict. The group is generally secular and supports separating Church and State – many influential leaders complain that in Russian speaking countries they were considered Jews yet when they reached Israel they were treated as (non-Jewish) ‘Russians’. Many are not swayed by romantic or religious notions of the Jewish historical and religious connection to its ancestral homeland in the West Bank. During projects and activities with this community in which I participated, it became clear that while many are concerned about security, they are also primarily driven by pragmatism and practicalities. We also heard from business people the wish for Israel to better integrate into the Middle East, which a peace agreement would help facilitate.

#### *The ultra-Orthodox population*

The ultra-Orthodox population is growing in numbers and has huge potential to influence the discourse on peace. Because this group is strict in its religious observance, it is stereotypically considered part of the Likud led right wing ‘national camp’. But this is not necessarily the case. The community is far from homogenous and is undergoing many changes in its relationship to its interaction with society, the army and employment. The community’s attitude to the concept of “land” is very different to that of the religious nationalist relationship, which makes the ultra-Orthodox a key, rather than a obstacle, to peace. And while the two largest settlements in the West Bank are populated by ultra-Orthodox, the residents live there for economic rather than ideological reasons.

Historically, the most respected Ashkenazi and Sephardi ultra-Orthodox leadership have issued religious rulings that pave the way for this community to support future solutions of territorial compromise. In the 1990’s Rabbi Ovadya Yosef, the spiritual leader of Shas, presented a ruling which concluded that Israel was allowed to withdraw from land in the West Bank if it would help save lives. And Rav Shach, one of the rabbinic leaders of the Ashkenazi ultra-Orthodox, opposed the expansion of some settlements based on the principle which appears in the Talmud not to ‘rebel against the nations’.

While small groups of ultra-Orthodox are engaged in this issue, Israeli society should prepare the ground for leaders of this community to be around the table and included in discussions around peace.

*The religious Zionist population*

The religious Zionist population has become increasingly influential over the last decade and probably represents the most complex and strategic community in the challenge of expanding constituencies for peace. This population is slowly overtaking 'secular Zionism' as the new elite in Israeli society, with its representatives fully active in the IDF, Knesset and other avenues of power and influence. Based on a current reading of the political map, Israel will be unable to reach a long term sustainable agreement with the Palestinians without this constituency.

This group possesses a variety of leaders and a variety of opinions. Some are moving politically rightwards and prioritise the principle of the unity and sanctity of the 'Land of Israel' as a way to achieve redemption. Yet many religious Zionist youth are grappling with the tensions between competing principles in Jewish thought and exploring prioritising elements such as the sanctity and unity of the 'People of Israel' (rather than the Land of Israel). Such a religious outlook facilitates the beginning of a conversation about peace to advance without the ideology of the Greater Land of Israel being central.

It is also the settler community which comes into the most direct contact with Palestinians. This encounter is far from equal, yet when it happens in an authentic way, it is far less idealized and includes greater exposure to the practical daily reality of life in the West Bank than those of typical "Tel-Aviv liberals" who maintain dialogue with Palestinians.

*The population of Arab-Palestinian citizens of Israel*

Often overlooked and misunderstood, ArabPalestinian citizens of Israel were excluded from the conversation about peace rather than becoming a key factor and mediator between both sides. Too often in dialogue groups people ask whether if a Palestinian state was created they would move there. Yet this question reflects a fundamental misunderstanding of ArabPalestinian citizens of Israel as located between two worlds. On the one hand, they possess a desire to build a life in their ancestral land within the borders of sovereign Israel; on the other they have a natural desire to see their people, the Palestinian people, live in dignity and freedom.

This raises several critical questions that remain open and can only be explored through engagement. How can the desires of this community be bridged? What contribution can they have on the process? Yet from my experience in this field, even engagement itself between this group and the majority Israeli-Jewish population is challenging. In December 2006, the Higher Arab Monitoring Committee and the Committee of Arab Local Council Heads published a 'Vision Document' which called for economic and social equality in Israel, as well as a 'Consensual Democratic system' which most Israeli Jews oppose. And many political leaders are anxious about engaging with this population due to the perceived political cost among their supporters.

Ultimately, this community possesses huge potential to bridge between Israelis and Palestinians. One act as a key issue will be to help the community strengthen itself internally, which may subsequently help it to play a greater role in peacemaking.

## **PRINCIPLES FOR THE ISRAELI PEACE CAMP, PHILANTHROPISTS AND INTERNATIONAL DIPLOMATS**

A non-violent, fair solution to the Israeli-Palestinian conflict will include elements of equality, freedom of movement and justice. However, this must be built strategically though an inclusive and long-term strategy. No scenario for a sustainable breakthrough with the Palestinians exists without these populations nor without recalculating our perceptions of peace to involve representatives from these communities and space needs to be created for these voices to be heard.

Below are some principles that the traditional Israeli peace camp, philanthropists and international diplomats should consider adopting:

### *Include and strengthen new voices*

Discourse on peace needs to be changed to include and to strengthen these new voices. The concept of “peace” was not invented by Meretz or the Labour party and does not belong to the residents of north Tel Aviv. The term must be broken down and allowed to also be defined by people and activists from other places. Unusual suspects from these populations will surprise others by the diversity of their voices and will probably make some people feel uncomfortable. Yet this is an integral part of the process of peace building. There are excellent journalists and writers in religious newspapers who are voices of peace and who constitute a crucial part of every initiative, and the work of an individual from a traditional, right-wing community is significantly more difficult than that of some of the strongest and most famous peace activists. The traditional ‘peace camp’ should create mechanisms – whether in projects, writing, and activities – that will oversee and ensure a wider representation of marginalized groups among the participants. International diplomats should employ political advisors from these communities and use them to map out the key stakeholders in positions of influence.

A common mistake is to say that “there are no suitable people in these communities”. But these people exist. They must be found. The Israeli peace camp and international diplomats should go out into the field and spend days and weeks with other voices. The most dangerous thing is to, once again, forget about the people the peace camp left behind.

Many international diplomats are not yet aware of the crucial importance of reaching out to and engaging with all the different sectors within Israeli society. Such a process will require diplomats moving out of what some may see as their comfort zones and meeting those considered outside the Israeli liberal secular mainstream. Embassies should find and employ

political advisors from each community discussed above; map out and identify the people and influencers in each sector; arrange meetings with these people – who might include social activists in the ‘periphery’, spiritual leaders, ultra-Orthodox women trying to stand for the Knesset or advisors to MKs on the right – discover their priorities and worries. This can’t be cosmetic or short term but should reflect an ongoing commitment to deepen understanding of Israeli society. Decisions over effective funding for projects should be made in light of such meetings.

*Integrate / Accept difference*

International diplomats and the Israeli peace camp need to learn to sit with honesty, bravery and determination with Israelis who think differently. Difficult questions about ending occupation can and should be asked – but out of a genuine desire to understand rather than to expose the perceived ignorance of the other, whose point of departure is different and who deals with peace-related issues in a different way. Israeli-Palestinian dialogue, which is of utmost importance, has been taking place for years. But the only way to make progress is for the traditional peace camp to also sit with other Israelis and discuss visions for Israel. Dialogue is not only to be held with those beyond the wall.

A change is happening in the philanthropic world based on the realization that additional groups need to be engaged with rather than the ‘usual suspects’. While some organisations are willing to engage with voices on the periphery,<sup>6</sup> this is often regarding issues on which they agree – such as shortages of housing or discrimination. What is also needed however is an engagement with such peripheral voices on more controversial issues such as resolving the Israeli-Palestinian conflict. A deep commitment to engaging in internal domestic dialogue within Israel – which inevitably involves including people with radical views within the tent – can come with a political price that not every organisation is willing to pay. It will take courage for philanthropic groups to invest in dialogue with groups whose political positions they may not agree with.

*Religious leaders are key to legitimacy*

Violent conflicts cannot end without at least some support from religious leaders. For many centuries, Jewish leaders were an integral part of the Arab world and Middle East and the religious world contains knowledge and experience on how Jews can live in peace and brotherhood with their Muslim neighbours. While not everything needs to be copied from the past, there is much that can be drawn upon. Many Halachic edicts exist that support brave political processes of reconciliation. Even the use of halakhic language by the Israeli peace camp will turn the work into something far more relevant.

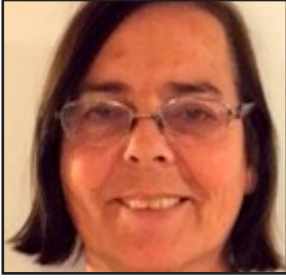
*Consider which political positions may need to be recalculated*

The above process will also require asking difficult, self-critical questions for the Israeli peace

camp and even international diplomats. It may be time to consider that something in the ideas proposed by these groups has stopped working and needs to be recalculated. Old frameworks may need to be disassembled. The peace camp may even need to show flexibility and to compromise on some of its positions. Considering that the two-state solution has been stuck for 20 years, even Palestinians may be happy to hear alternatives and new ideas.

Many in the Israeli public believe that only the Right can provide a direction for the country and that the Left is stuck with irrelevant ideas. It is essential that the public is shown that another way is possible – one beyond dichotomies of right and left.

*Noam Shuster-Eliassi is a freelance comedian, performer, peacebuilder and activist. A graduate of Brandeis University, she grew up in Neve Shalom Wahat Al Salam (“Oasis of Peace”), the only community where Jews and Palestinians live together by choice, and she performs in three languages – Hebrew, Arabic and English.*



## SCHOOLING FOR PEACE

NAVA SONNENSCHIN

*Dr Nava Sonnenschein is one of the founding members of the binational egalitarian community, Neve Shalom – Wahat al-Salam. In this interview with Ruth Ebenstein, Sonnenschein explains how she came to build ‘School for Peace’ and explain why Israel, now aged 70, will eventually have to come to terms with its past if it wants to make peace with its neighbour and fulfil the Zionist dream of her parents. (May 2018)*

### INTRODUCTION

Dr. Nava Sonnenschein’s family history reads like a page from a textbook on Israel’s Zionist founders. Her personal history reads like a page from a textbook on the ways in which Jews and Palestinian Arabs can live together in harmony and equality.

Sonnenschein is one of the four founding families that created Neve Shalom – Wahat al-Salam (‘Oasis of Peace’), a binational egalitarian community of Jewish and Palestinian-Arab citizens of Israel, located on one of the two Latrun hilltops overlooking the Ayalon Valley. She is also a founder and director of the country’s first and only School for Peace, located in the same community. Since 1980, Sonnenschein has taught some 70,000 Israelis and Palestinians aged 16–72 how to dialogue-around-conflict, using a signature method that she helped develop at the School for Peace.

Was this pioneering path a natural progression of her family’s values, or did it constitute a sea change? ‘Oh, it was a bit of both,’ chuckles Sonnenschein in her office at Neve Shalom – Wahat al-Salam, overlooking fig trees, pomegranate trees and pine. ‘I’ve continued the social justice values upon which I was raised, but I’ve also blazed trails of a different sort.’

Both of Sonnenschein’s parents immigrated to Palestine from Europe in 1939 as refugees fleeing the Nazis. Their biographies feature elements prominently woven into the founding narrative of the state. Her father, Aharon Martinovich, hailed from Michlovece, Slovakia, and entered the country legally with his then-wife, Haviva Reik. Martinovich and Reik helped found Kibbutz Maanit, near Karkur, part of Hashomer Hatzair’s Kibbutz Haartzi movement. Little did he know that while he tilled the land and debated Socialism versus Communism,

every member of his extended family was being slaughtered in Europe. After divorcing Martinovich, Reik was one of 30-some parachutists sent in 1942 by the Jewish Agency on missions to Nazi-occupied Europe. She was captured and killed, and earned a hallowed place in the Zionist pantheon.

Sonnenschein's mother, Pnina Guterman, hailed from Lvov, Poland. She was Martinovich's second wife. Guterman came to Israel illegally, in 1939, on the *Tiger Hill*, a boat that sailed from Constanta with some 750 immigrants on board. Guterman worked as an accountant at the Dead Sea Factory and dreamed of buying a plot in Tel Aviv and bringing her parents and siblings to Palestine. Her vision disintegrated when she learned that they had all been murdered and hurled into a mass grave in Poland.

Guterman and Martonovich, the only survivors of their respective families, met in Haifa and married in June 1945. The younger of their two daughters, Nava, was born a mere five years after the establishment of the State of Israel, in 1953. I sat down with Sonnenschein to discuss the occasion of Israel's 70th birthday.

## MY ZIONISM

**Ruth Ebenstein:** *Israel is celebrating its 70th year. What do you think of when you think of Zionism?*

**Nava Sonnenschein:** For me, Zionism connects to my parents fleeing the atrocities of Europe and choosing to come here, rather than settle in the US or elsewhere. There are those who believe that Zionism is just classic colonialism. That's not the case; it's more complicated. My parents came as refugees. At the same time, they were settlers and the Palestinians were natives living in the land. For some, that might be a bitter pill to swallow, but we have to recognise that.

I would definitely characterise the land grab and military occupation in the West Bank and in other parts of the country, post-1967, as colonialism. But that does not apply to my parents and other like them, who came here with the sole goal of saving their lives, not to seize land.

Although in coming to Israel my family fled the Nazi regime, my takeaway message from the Holocaust differs greatly from that of mainstream Israel. The socialisation imparted in our schools and in the media has always been that we need to be strong so that it will never happen again. And that the world hates us. In contrast, what I've gleaned from my family's history, from our people's history, is more universal. I think it ought to be: don't oppress another group, any other group. Our experience teaches us that we need to be big-hearted and make room in our lives for another people. When I apply that to the Zionist ideal, I say, we must recognise that we came to a land where there were also other inhabitants, and that we need to find a way to live together in mutual respect and complete equality.

## BECOMING A PEACE ACTIVIST

**RE:** *How did you become a peace activist? When did the topic of Jewish-Arab rights surface for you and crystallise?*

**NS:** I remember the exact moment when I sensed that perhaps I had been sold a bill of goods. After the Yom Kippur War in 1973, I attended a memorial ceremony at my high school, Tichon Ironi Gimmel, in Haifa. I was 20 years old; my friends and I were all serving in the Israel Defense Forces (IDF). Many people I knew had been killed, including my first love, Nimrod Gazit, and Muly, my cherished counsellor in the 'hamachaneh haolim' youth movement. I'd also seen the horror and trauma of the wounded; I went to Soroka Hospital in Beer Sheva to visit an injured friend, and saw soldiers whose bodies were burned badly, who had body parts hanging in the air.

The speakers at the memorial ceremony recited what seemed like rote lines about how the valiant soldiers had sacrificed their lives so that we could live. As if there was no alternative. I thought, 'Wait a minute! There must be another way.' I felt a sharp pit in my stomach. I thought to myself, 'Isn't it time that we find a different approach to this rather than just military conflict?'

And so began a journey of opening my eyes. Reading the history, I started to see things differently. I learned about the ways in which we Jews had discriminated against the people who were already living here, and that we were continuing to do so. I realised we really needed to pave another path.

**RE:** *How did you find that new pathway?*

**NS:** In 1974 I began my bachelor's degree in education and art at Haifa University, and started working with Edna Zaretsky, a staunch feminist and peace activist, a sociologist and an educator. Edna introduced me to the field of Jewish-Arab relations, and I discovered how much I did not know. For example, I started reading the land-expropriation laws, and my eyes popped out of my head in shock when I realised the extent of discrimination against Palestinian-Arab citizens of Israel. I read more and more, and eventually started going to demonstrations.

Working with Edna and Abed Al Rachman of Shfaram, we moderated one of the first Jewish-Arab groups, made up of Jewish and Arab Israeli young leaders from low-income communities in Haifa and Shfaram. We organised activities in art and drama, and discussed current events. That was my first foray into this field.

In March 1976 the government published a plan to expropriate 21,000 dunams (5,250 acres) in the Galilee for national use. Some 30 per cent of the land was Arab-owned. In response, Arab towns across Israel organised a general strike and marches to protest, which represented the first time they had planned a national collective response since 1948. There were demonstrations

and riots; six unarmed Israeli-Arab citizens were killed, about 100 were wounded, and many more arrested. The day of protests later became known as Land Day. I was horrified. *Our* police were shooting at our citizens? That injustice shook me to the core.

Then in September of that year, the Israeli newspaper *Al Hamishmar* leaked the Koenig Document, which was a confidential internal Israeli government memorandum authored by Yisrael Koenig, the North District Commissioner of the Interior Ministry. That report elucidated means to reduce the number and sway of Arab citizens living in the Galilee. It was the first public confirmation of the government's discriminatory policies, citing ways to contain the minority through coercion and subversion. That discovery rattled me, too.

In the summer of 1977, I heard about a week-long seminar for 70 Jews and Arabs that took place at Neve Shalom – Wahat al-Salam. My husband Cobi and I went. We fell in love with the place. I was enthralled by the notion of a real alternative to the country's ruling and racism – the idea of Jews and Arabs living together in equality. It was a real counterpoint to the movement underway in those days, with the government's blessing, to settle the West Bank.

A handful of those who attended the workshop founded the Neve Shalom – Wahat al-Salam village. Ours was the third family to join the community. I was seven months pregnant when we left our apartment in Rehovot, where my husband was pursuing his doctorate in theoretical physics at the Weizmann Institute of Science. The land was barren, an area atop a rocky hill with a few huts, so they got us a trailer. In February 1979 the truck transporting our trailer got stuck on the unpaved muddy road into the village due to heavy rains. Like Noah's Ark, we had to wait for the water to go down. That 500-square-foot trailer was our home for five years.

We lived off the grid in Neve Shalom – Wahat al-Salam. For electricity, we had a small generator and a medium-size generator and a little water pump. That water pump is similar to what some Palestinians have today. When I visit Hebron and Bethlehem, I see black containers of water on the rooftops not unlike the one we had then, on our trailer. Granted, there were moments of physical challenge, but our mission of coexistence and equality really sustained us. Two months after we arrived, I gave birth to our first child, Nir, who was also the first baby born there.

Many friends and family thought it was impractical, even a bit insane to make that move while pregnant and stay there with my tiny baby. *'We had to be pioneers and build this country from scratch,'* quipped my mother, *'but you don't!'* I thought to myself, *'Ah, but I do'.* The vision of a binational community had to be realised.

## NEVE SHALOM – WAHAT AL-SALAAM

**RE:** *Tell me about those early years in Neve Shalom – Wahat al-Salam.*

**NS:** We would gather in the hall for a potluck dinner on Friday nights. I remember this

couple, Rachel and Francis, who got married on one of those evenings, the bride clad in a white dress, riding on a donkey borrowed from a Bedouin we knew. On cold winter nights, we had to turn off our heater to conserve electricity. We talked about everything – from what should our kids learn in the preschool to what we would do if the water pump died. When Nir was just one year old the water pump did die and we had no water for three weeks. We had to fill jugs at Kibbutz Nachshon nearby. Of course, we had no phone. I remember fondly celebrating Jewish and Muslim holidays. Four families living together with a few single folks, well, that's really like one big family.

**RE:** *How did you come to start the School for Peace?*

**NS:** While living together in equality greatly enriched our lives, we felt impelled to transmit this idea beyond the confines of our tiny community. After staying home with Nir for six months, I gathered a core of 20 Jews and Arabs from that workshop in the summer 1977, and from other places. We created a thinking group and designated five moderators. Together, we built the School for Peace.

In the summer of 1980 we organised our first four workshops for teens. Back then, we already did simulations that were quite revolutionary. Participants dialogued about how to better solve problems between Jewish and Arab villages in the Galilee. For example, we gave them scenarios with a few variables: a Palestinian village destroyed in 1948 with its residents now living as refugees in a nearby village and facing a housing shortage, a development town dealing with unemployment, a kibbutz employing residents from both. We challenged the teens to find more just ways to divvy up the resources. The name 'School for Peace' was inspired by Wellesley Aron, who founded Habonim, the largest Zionist youth movement worldwide, and served as secretary for Chaim Weizmann in pre-state Palestine. Aron also helped pioneer our community and moved there with his wife in 1980. Legend has it that he was chatting with his grandson, Israeli singer David Broza, who said: 'There are many academies for war, why isn't there even one academy for peace?' And so the moniker 'School for Peace' was born. I've been schooling in peace, and for peace, ever since.

**RE:** *How does the School for Peace model work?*

**NS:** We bring together Jewish Israelis, Palestinian citizens in Israel, who are also called Arab Israelis, and Palestinians who live in the West Bank, and articulate clearly from the outset that we've gathered to speak about the conflict. The issues related to the conflict are put right on the table and addressed. And we also relate to the participants as representatives of their group identities, rather than as individuals. We examine intergroup relations, rather than interpersonal relations, mindful of the asymmetrical power relationship between the groups.

For the Palestinians, it's quite natural to be related to as representing a group identity. They experience discrimination as being part of the group called 'Palestinian'. For the Jewish Israelis,

it's a new experience and more difficult to assimilate. The innovation for the Palestinian participants is that they can, for the first time, confront their oppressors and tell them about the terrible things they've experienced without feeling oppressed. It's empowering. They see that their voices can be heard, and that they can influence change in the other side. They also can connect to the identity of, and better understand, the other side. Whereas beforehand the 'Other' was just some soldier, now that same soldier is a human being who cared enough to come to meet you and listen to you. Jewish Israelis gain understanding that they're part of what is happening on the macro level. They understand that the Occupation is not outside of them. Maybe your spouse is in the army in the Occupied Territories. You pay taxes to the state that is using your tax dollars to build settlements. You are part of what your group is doing to the other group.

## RIGHTING WRONGS

**RE:** *How does your work shape your perception of the IDF?*

**NS:** Israel needs the IDF. It cannot exist without an army. But I believe it should be an army for defence, not a police force. I have problems with the IDF policing and controlling millions of Palestinians to protect settlers. The IDF in its current form executes missions that oppress another people, and assists in building settlements. When young people are called upon to police citizens, it can be traumatic and injurious to our society. It's unfair to them. They do not yet have well-developed skills in critical thinking to understand all that is at play.

**RE:** *Despite your criticism of Israel, it's clear that you feel deeply connected to the land...*

**NS:** Oh, I do. Despite my strong conviction that a lot must be changed, I feel profoundly connected to this place and to the people living here, both Jewish and Palestinian. My family and friends are here. I love Hebrew and Arabic. I love the intimacy between people, the candour, the landscapes, and the incredible diversity. Mono-ethnic is boring. I'm also proud of our nation's accomplishments. In a very short time, we've achieved so much in high-tech, literature, environment, many arenas. We have many things that are beautiful. I love Israel's sights and smells. The time I spent studying in California during my husband post-doctoral fellowship was fascinating, but I missed my community back home.

**RE:** *How do you feel about the Israeli flag and Hatikva, the national anthem?*

**NS:** There's what I feel, and there's what I know. If I heard the opening notes of Hatikva while visiting another country, I would feel tugs at my heart. But when I think about it, I know that our national anthem is overtly Jewish and excludes 20 per cent of our citizens. We haven't included them in our flag, or in the character of our country. I feel sad that we missed the opportunity to build the humane state that I wanted for my children and grandchildren.

I truly believe that the Jewish people had the right to establish a state after the Shoah. I just wish

it had been done differently. I wish we had done so without alienating the minority that still lives here. We should have invested more thinking in how to better take into consideration those who lived here before us, and those who live here now. It's not too late to right our wrongs. That certainly doesn't mean we have to pack our things and go. All I'm saying is that for our own sake and for the sake of our children, if we want this glorious project called the State of Israel to be democratic and sustainable, we ought to embrace our Arab citizens as equals and correct our injustices. We have to make peace with the Palestinians so they can have their own independence, and their own anthem. Like we do in our little village, and in our educational model.

**RE:** *Your work keeps you deep-diving into the mire of Israeli-Palestinian all the time. What keeps you going?*

**NS:** Meeting the 'Other' in the right environment and under the right conditions can change your life and your approach. Israelis and Palestinians in our programme do find ways to expand and broaden their identities to include the other. I've got a book coming out in the fall with Rutgers University Press called *The Power of Dialogue between Israelis and Palestinians: Stories of Change from the School for Peace*. I conducted in-depth interviews with 25 Israeli and Palestinian graduates of our programme. Pages of stories of people whose lives have been changed to promote peace: implementing what they've learned in human rights, politics, environment, social work, urban planning, civil engineering, you name it. Witnessing that change fills me with hope.

Jews want to see themselves as humanistic and liberal. I get that. Dealing with the past is complicated and painful. It's easier for us to deny that people that were displaced and 532 communities were destroyed to create Israel, to ignore the injustices we've perpetrated. It's basic social psychology that people want to have a positive image of themselves and their group. When people encounter something bad that their group did, they feel dissonance. Who wants to take responsibility? But we have to be bigger and better than that. There really is no other alternative, no other way forward. We owe it to our Jewish roots. Granted, these are scary times for left-wing activists and peacemakers. Our democracy is being degraded. There are efforts to undermine the Supreme Court's efficacy at protecting basic human rights, and social justice and human rights organisations are vilified. My parents moved heaven and earth to come to this country. If I'm here, I have to do something to make it better. I love this country, and I'm not going to watch from the side-lines as it deteriorates. I've chosen a path to make a difference, and our successes are not small. Some 70,000 graduates is not a small number of participants! To me, that's reason to celebrate — and to keep the faith.

*Dr Nava Sonnenschein is one of the founding members of the binational egalitarian community, Neve Shalom – Wahat al-Salam.*



## WE MUST NOT BE AFRAID TO TALK ABOUT THE ROOTS OF THE CONFLICT

SHAUL JUDELMAN

*Shaul Judelman is a Jewish Israeli living in the Gush Etzion settlement and he is the coordinator of Roots – a grassroots movement of understanding, nonviolence and transformation among Israelis and Palestinians which aims to shift hatred and suspicion towards trust, empathy, and mutual support. He sat with Fathom deputy editor Calev Ben-Dor to talk about his journey to non-violent peace activism and his thoughts about the political future. See the interview in this issue of Fathom with Ali Abu-Awwad, Judelman's Palestinian partner. (June 2016)*

**Calev Ben-Dor:** *What events have shaped you and your opinions?*

**Shaul Judelman:** My family migrated to the United States when I was two. We weren't religious but I always felt a deep attachment to the Jewish people and I remember being involved in demonstrations for freeing Soviet Jewry and bringing Ethiopian Jews to Israel. As a young kid I often thought about where we were from, and on a deep level I knew that the Land of Israel was our home; that it was a place where if I was ever down and out, I could come and they would let me in. In the year 2000 I came to Israel in order to experience a Judaism that was connected to the tradition and to the land. But it was also the start of the second intifada, and violence broke out a few months after I arrived.

It was a very intense time. There were bus bombings and suicide attacks and shootings. I lost a cousin and a friend to Palestinian knife attacks. I had come here with hope in the Oslo Accords – and then that hope was dashed. People raise the question whether the violence was 'terrorism' or 'freedom fighting'. While I saw it as terrorism, I was able to understand that, logically, the other side viewed it as freedom fighting. But in 2007 there was an attack on a child in my community in which he was killed by an axe in the back of his head, and after that my politics moved pretty far to the right. I couldn't understand how Israel was supposed to make peace with people who applauded an attack like that.

It's true, this is a political conflict. But what maintains the conflict and makes it intractable are human feelings like anger and fear. We're an emotional people and violence is a very emotionally stimulating thing. There isn't a home around here that hasn't lost someone or felt

the fear on their flesh – whether that is fear of the Israel Defence Force (IDF) making an arrest in your town or fear of someone throwing stones at your car while driving. Fear and anger takes us to irrational places and makes us defensive, too sure of ourselves and our positions.

Another element in this conflict is despair. 80 per cent of Israelis theoretically support the two-state solution but the same number don't believe they'll see it in their lifetime. And this despair applies even to those like myself who can agree with the right of the Palestinians to a state. (We can debate whether Palestinians existed a thousand years ago but this is the reality on the ground now.) Even supporters of Palestinian rights are afraid to create one on the high ground [i.e. The West Bank] given what's going on in the region. What if Hamas were to gain power there? Are we going to evacuate the settlements and not even get security?

So I don't trust and I have deep fears. And with that fear comes hatred and stereotyping. Unfortunately one of the fruits of the Oslo Accords is that two generations (of both sides) have no experience of the other than as a soldier / settler / terrorist / murderer. And both sides are sure there is no partner for peace.

**CBD:** *Both you and Ali Abu Awwad have mentioned the anger you had. Yet today you are both engaged in non-violence and in dialogue. What ultimately brought you to Roots?*

**SJ:** In 2007 I was angry and fearful. I felt that our only chance to survive here was to be strong. The challenge that ultimately led me to be sitting here was first presented to me by my Rabbi, Menachem Froman, a settler rabbi from Tekoa (in Gush Etzion). Yasser Arafat once offered him the position of Minister of Jewish Affairs in Palestine! He also met with Sheikh Yassin of Hamas who told him: 'In Oslo, your heretics and my heretics got together and signed a piece of paper. But you and I could make peace in five minutes.' I was also influenced by my Judaism. One line from the Talmud – 'whomever gets angered is as if they had worshipped an idol' – hit me particularly hard.

Rabbi Froman felt deeply what Judea and Samaria meant. 90 per cent of the Jewish sites in the Bible appear here. Oslo not only didn't recognise that but gave them away. Rabbi Froman once told Tony Blair that religion is not some dust that can be swept under the carpet but a tiger that will jump out and bite you if it's not addressed. And Oslo didn't address it – it touched neither on Palestinian refugees nor Jewish historical claims to this area.

Speaking honestly, as a Jewish Israeli, the map of Israel doesn't have a big gash (the green line) down the middle of it. And it's the same for the Palestinians. We need to back up from the politics and see where peoples' heads are at. Acre and Jaffa are no less Palestine than Ramallah and Hebron in peoples' experience. Refugees still hold the keys to their homes from 1948. And Shechem (Nablus) and Hebron are a deep part of us. So here we are with two narratives that don't fit.

When he moved to the West Bank in the mid-1970s, Rabbi Froman said a very powerful thing – that our people’s story of redemption cannot become another people’s story of exile. And he saw that one of the core questions was about religion. Can Islam really make space for a Jewish sovereign entity here? Can religious Jews really allow a Palestinian state in Judea and Samaria? Instead of hiding from those issues, it’s important that we bring them out. Let’s look at the roots of the conflict and not be afraid of them because they are uncomfortable.

Through being exposed to Rabbi Froman I tried to channel my growing anger and I found myself involved in grassroots activism. There is a certain simplicity in starting with a local project. I work with local people who at the end of the day have to live right next to each other. As far as we know, Roots is the only joint local Israeli-Palestinian project taking place in the West Bank. According to most analyses, Palestinians and Israeli settlers are the last people who should be talking to one another. But we are questioning some of the givens on both sides. Many politicians say there is no point in speaking to people on the other side. Perhaps what we are doing threatens them.

Not everything is peachy clean. My friend Ali often says that dialogue is not a place to agree but rather a safe place to disagree. We’ve now been doing it for two and a half years, and we are guided by the principle of non-violence.

**CDB:** *What is your aim at Roots?*

**SJ:** We are trying to empower moderate voices. The issue is not the extremists but rather the 80 per cent plus who want to live life quietly but who have no way to express this. When violence happens they don’t want to be a sucker, but they have no way of expressing their feelings in a positive place and so they often allow fear and anger to decide what is possible. But even in the settlements, when we bring Ali to speak, 40–50 people come to hear him. After a heated conversation, 20 of them will still sign up afterwards and want to be involved in Roots. People aren’t fanatics. They don’t realise they have a partner. They don’t think there is a moderate camp on the other side.

My work in Roots looks at what it means to show solidarity. For a political solution one needs to build confidence and trust, and to dispel the feeling that the other side is out to get us. There’s real work to be done and there is huge potential through civil society initiatives. Our politicians are stuck. We need someone to say that there is a partner for peace and we need to go and speak to them.

Our politicians are beholden to the emotions of our people, many of whom live a zero-sum game in which supporting Palestinian rights threatens their rights as Israelis. Most of the Israeli-Palestinian debate revolves around both sides saying the land is theirs. But Rabbi Froman taught that instead of the land of Israel belonging to the people of Israel, it’s the people of Israel who belong to the land. It’s ultimately God’s land, not ours. We don’t own it but belong to it.

And belonging rather than ownership is not exclusive.

An additional question is how to achieve security. In the past it was always with clenched fists, with checkpoints etc. But many people in the security establishment realise that we need to give people space to breathe. That's why the army – despite the public pressure – wanted to expand work permits for Palestinians. That's a conversation we at Roots promote a lot.

We need to let people know they can be themselves in a way that doesn't threaten the other side. For example, it's very difficult for many religious Israelis to hear the word 'occupation'. Not because I don't see the injustice at the checkpoints but because when you use the word you imply that we're not from here, that we're 'colonialists' that stole land that was not ours. There won't be peace unless Palestinians can say that Israelis belong to this land and Israelis can say the same about the Palestinians – and not just in the West Bank but that Palestinians belong in the *whole land*. That's their story, where they are from, how they define themselves. And our people also define themselves as being from the river to the sea. Once we both say that, maybe we can work out a political order. But until we can say that honestly, I'm still living with the existential threat that if they win, I lose.

**CBD:** *What sort of political model do you imagine?*

**SJ:** The mantra of two states for two nations is predicated on separation. The idea is that we can't get along and that good fences make good neighbours. But I doubt that it will ultimately bring peace because it doesn't provide any model for *reconciliation*. In fact it cuts us off from reconciliation and doesn't provide a shared interest. Many of us are thinking more in terms of a confederation, with cooperation on joint investment and joint administration of areas.

**CBD:** *What do you think your community's 'homework' is?*

**SJ:** Because the conflict is so violent and traumatising, a sense exists that any credence given to the narrative of the other side justifies their positions. But we need to do a better job of getting out of our shells. Uri Ariel [Jewish Home MK] recently visited a checkpoint and criticised them as shameful and I think they are humiliating for Palestinians on a daily basis. People here know that, but they don't think it's up to them to do anything about it. We should try and change this.

Another part is addressing hate and stereotypes especially with the young people in our communities. Someone might throw rocks at Palestinian cars or Molotov cocktails, but 99 per cent of us view that as horrific. The way kids speak about Arabs in schools or youth movements is problematic and challenging. The violence against Arabs is growing and we need to recognise where many young people are today – that they have a very clear sense of who their enemy is, yet have no one to expose them to the other's humanity.

**CBD:** *What happens when you bring these ideas into your community?*

**SJ:** Kids would crank call my home and some people walked out of synagogue when I was leading services. Mind you the main person who walked out was the father of the child who was killed by the axe. We spoke for a couple of hours afterwards and it turned out he had seen something in the media about my views and work which I clarified for him. We see things differently but it wasn't vicious.

Most of the people who were adamantly against the project still have a conversation with me about it. In Bat Ayin, the settlement I used to live in, there have been a number of people who participated in Roots events. But there is also a group of young people who feel – especially since the disengagement from Gaza in 2005 – abandoned by the army and the state, or who feel the IDF is controlled by leftists. These are kids who grow up with a very strong ideology in extremely parochial surroundings and are convinced that 90 per cent of the world is against them and that it's down to them to defend themselves. It's a small group of kids, but it's a real issue. For a long time many people had their heads in the sand. Part of our homework is for the religious Zionist leadership to emphasise that these sorts of things have no place.

*Shaul Judelman teaches at Yeshivat Simchat Shlomo and is coordinator at Roots, a grassroots movement that aims to improve the co-existence of Israelis and Palestinians through local initiatives.*



## A FUTURE FOR ISRAELI-PALESTINIAN PEACEBUILDING

NED LAZARUS

*In July 2017 BICOM and Fathom published a major research report, A Future For Israeli-Palestinian Peacebuilding. It was written by Ned Lazarus, Visiting Professor of International Affairs at the Elliott School and before that the Middle East Program Director for Seeds of Peace from 1996-2004. This comprehensive landmark study showed that grassroots Israeli-Palestinian peacebuilding projects work, are a vital missing ingredient in the Israeli-Palestinian peace process and should receive much more support from the international community. Jonathan Powell, CEO of Inter-Mediate and the chief British negotiator during the Northern Ireland Peace Process, described the report as ‘invaluable... helps us avoid both despair and euphoria. Instead, it suggests a practical course of action for governments and civil society organisations that want to move from vicious cycles to virtuous circles’. Below is the Executive Summary. The full report can be downloaded [here](#). (July 2017)*

This report, based on a comprehensive literature review and extensive fieldwork in Israel and the West Bank in 2016, provides a detailed portrait of the Israeli-Palestinian civil society peacebuilding field.

It begins with an overview of contemporary activity, encompassing both ‘cross-border’ initiatives involving Israelis and Palestinians in the Palestinian territories, and ‘shared society’ initiatives involving Jewish and Palestinian Arab citizens of Israel. Ensuing sections chronicle the evolution of the field in historical context, illustrate the diversity of the contemporary field, and provide an empirical record for Israeli-Palestinian peacebuilding gleaned from academic literature and programme evaluations – highlighting models and strategies that have achieved positive outcomes and meaningful impact.

The report notes limitations of civil society peacebuilding imposed by the absence of a viable peace process, and given the inherent challenges of power asymmetry and societal legitimacy. Ultimately, the report advocates establishment of a mechanism for sustained international support for civil society peacebuilding between Israelis and Palestinians, to be framed within a paradigm of long-term conflict transformation rather than as an adjunct of the Track One process.

## KEY POINTS

1. The current macro-political context of the Middle East is profoundly challenging for civil society initiatives associated with 'peace.' Trends at the official political level in each relevant sphere – local Israeli and Palestinian, regional/Middle Eastern, European and American – all militate against the emergence of a diplomatic horizon. This atmosphere has emboldened militant opponents of contact with 'the other side,' in both Israeli and Palestinian societies.
2. The contemporary civil society peacebuilding field remains nonetheless vital, methodologically diverse and resilient. A baseline number of at least 164 civil society initiatives currently engage in peace, conflict resolution, or cross-conflict civil and human rights work in Israel and the Palestinian territories, in addition to academic programmes in Conflict Resolution, research centres and a host of less formal initiatives. These include 104 initiatives founded in the 21st century, and at least 60 veteran organisations established in the 1970s, 1980s and 1990s. Organisational capacity and resources vary widely; funding is uneven. Published financial data was available for roughly half of the initiatives in our sample; of these, approximately one-quarter (39 NGOs) declared annual revenues exceeding one million USD.
3. Initiatives most commonly employ classic approaches such as advocacy, dialogue, education, protest and 'Track Two' diplomacy – yet growing numbers of projects integrate peacebuilding into practical fields such as economic development, environmental protection, health/medicine and technology, among others. Veteran organisations have adapted strategies in response to the volatile context, and a number have evolved into multidimensional peacebuilding 'platforms' using diverse methods to address multiple issues. Youth are the most common target population, but growing numbers of projects focus on women and religiously or politically conservative constituencies not typically identified with the 'peace camp.'
4. Sustained advocacy campaigns led by veteran peacebuilding civil society organisations (CSOs) have registered significant policy impacts during the term of the current Israeli government – spearheading an historic reform of its allocation of resources to Arab citizens, and vastly expanding allocation of water resources to Palestinians in the territories, among other examples.
5. The rise of the extreme Right in Israel has generated a degree of counter-mobilisation among some mainstream elements in Israeli society. Israel's President Reuven Rivlin is the most prominent of a number of longtime Right-wing politicians now advocating inclusive politics toward Arab citizens, respect for human rights, the rule of law, diversity, and expressing consistent opposition to incitement and violence. These values are publicly

espoused by Orthodox religious figures such as Rabbi Binyamin Lau and Adina Bar Shalom, founder of the Ultra-Orthodox Haredi College – both members of prestigious rabbinical families. There is growing interest and legitimization of integrated bi-lingual educational frameworks such as the Hand-in-Hand school network, which has doubled in size in three years and has a waiting list of hundreds of families – among other ‘touchpoints’ of cross-cultural shared space established by CSOs, particularly in Jerusalem, Haifa, and other mixed cities.

6. International funding programmes – particularly the EU Peacebuilding Fund and USAID/CMM Annual Program Statement fund – have contributed to a professionalisation of leading organisations in terms of monitoring and evaluation. A substantial research record now exists regarding the outcomes of peacebuilding interventions, based on two decades of empirical scholarship and evaluation reports.
7. The research record validates the effectiveness of leading intervention models in terms of humanising participants’ perceptions of the other and enhancing participants’ motivation for longer-term engagement in peacebuilding activity. Notable examples include:
  - Longitudinal studies of three intergroup encounter programmes found profound long-term impact for significant numbers of adult graduates, 10 to 15 years after their initial encounter experiences. The most comprehensive study found at least 144 alumni of the Seeds of Peace programme working for more than 40 different peacebuilding initiatives as adults – representing 17.5 per cent of the first ten groups of Israeli and Palestinian participants.
  - Multiple shorter-term studies have found dialogue encounters and peace education interventions resulting in significant, positive attitudinal change in terms of personal empowerment, critical thinking, and humanised perceptions of the other (Salomon 2004; Ross 2015). Over time, a ‘re-entry effect’ diminishing these attitudinal changes is also clearly documented. However, follow-up activities or meetings and/or intergroup friendships are also documented as having a ‘restoration effect,’ increasing the sustainability of positive attitudinal shifts and their subsequent expression in social action.
  - Similar effects have been documented for adult encounter programmes. For example, summative evaluation of the ‘History through the Human Eye’ dialogue project, led by the Parents Circle Families Forum, found 80 per cent reported greater willingness to work for peace; 77 per cent reported increased belief in the possibility of reconciliation; 71 per cent improved trust and empathy for the other; and 68 per cent increased levels of acknowledgment and knowledge about the other narrative.
  - Research identifies a number of ‘best practices’ for programme design cited as enhancing

the depth and sustainability of positive outcomes, including the combination of uni-national and bi-national dialogue, opportunities to build cross-conflict relationships, a ‘mixed’ approach combining trust-building, interpersonal interaction with explicit focus on conflict content and/or social change in discussions, and substantial follow-up activity after completion of the initial encounter programme

- A pair of programmes designed to integrate Arab teachers in Israeli Jewish schools, led by The Abraham Fund Initiatives and the Merchavim organisation, have documented consistent positive effects in terms of prejudice reduction among students. Both programmes have been officially adopted by Israel’s Ministry of Education as part of plans to reach hundreds of schools across the country.
  - A growing number of practical interventions are designed to tangibly address areas of shared interest or common problems – especially in the ‘cross-border’ realm involving Israeli Jews and Palestinians in East Jerusalem and the West Bank. The research record is less extensive in this field, but some projects have documented promising results. In one example, the Near East Foundation (NEF) Olive Oil Without Borders project has worked with 3,400 Palestinian and Israeli olive producers since 2013, facilitating the export of 4500 tonnes of olive oil from the West Bank to Israel and producing 25 million dollars in income for Palestinian farmers. The project has also documented positive results in terms of attitudinal change: 90 per cent of participants reported increased trust in ‘the other’ and 77 per cent indicated intention to continue cross-border cooperation.
8. Peacebuilding efforts are inherently complicated by stark asymmetries of power and cultural differences between Israelis and Palestinians and between Jews and Arabs in Israel, and peace advocates struggle with chronic legitimacy deficits in both societies. While positive results for peacebuilding interventions are frequently documented at the individual and local/communal levels, the hostile sociopolitical context limits the broader impact of most, though not all, interventions to those individuals, institutions or communities directly involved.
  9. Successful models for Israeli-Palestinian peacebuilding have been established through a generation of work, under extremely challenging conditions. To achieve broader, longer-term societal impact, it will be necessary to bring such efforts to scale – to significantly expand the scope of programming and make targeted efforts to reach more diverse participant populations. Given the political climate in the region, scaling effective models to achieve broader societal impact will require sustained international funding.

A promising precedent is set by the International Fund for Ireland (IFI), which has:

- Invested more than 900 million Euros in more than 6,000 civil society peacebuilding

programmes in Northern Ireland over 32 years.

- Sustained long-term peacebuilding. The IFI began its work 12 years before the Good Friday Agreements were signed – and continues today, 21 years later – reflecting the type of long-term investment that can bring lasting change to intergroup relations in an intractable conflict environment.
- Promoted economic and community development, dialogue and cooperation within and between divided communities, tackle the underlying causes of sectarianism and violence and build reconciliation between people and within and between communities throughout the island of Ireland.
- Consolidated the peace. In November 2015, the Fund unveiled plans to allocate up to £45m towards a range of peace and reconciliation programmes over a five-year period through its '[Community Consolidation – Peace Consolidation 2016-2020](#)' Strategy.

*Ned Lazarus is Visiting Professor of International Affairs at the Elliott School and an Israel Institute Teaching Fellow. Before entering the academic field, he served as Middle East Program Director for Seeds of Peace, based in Jerusalem, from 1996-2004.*

## Part 6

# Feminist Perspectives on Peace



## FEMINISM AND ISRAELI-PALESTINIAN PEACE

SARAI AHARONI

*Sarai Aharoni is Assistant Professor at the Gender Studies Programme, Ben-Gurion University of the Negev and one of the founding members of the new Haifa Feminist Institute (HFI). She has written about Israeli women and the Oslo peace process. Aharoni has also critically examined the impact within Israel of UN Security Council Resolution 1325, which amongst other recommendations proposed that more women participate in official peace negotiations and in conflict resolution. In this wide-ranging and in-depth interview the strengths and weaknesses of the so-called 'feminist peace hypothesis' are subject to a searching examination. Aharoni also addresses questions of sex segregation, feminist historiography and the boycott. (February 2018)*

### FEMINISM AND THE CONFLICT

**Alan Johnson:** *Let's review some history. You've argued that the feminist peace movements, after enjoying initial success in the 1990s, fell into crisis during the Second Intifada, due principally to the violence and the resulting fragmentation of Israeli and Palestinian society. You have suggested that the women's movement in Israel has been 'paralysed' as a result. How do you assess the state of the feminist movement in Israel today and what is the way forward?*

**Sarai Aharoni:** Feminists have been active in Israel since the 1970s. They created one of the most inspiring feminist movements in the world. And it is very important for me to stress that this movement is still full of ideas and has led the way to so many reforms in so many fields: rape crisis centres, hotlines for female victims of domestic violence, legal demands for equal representation and equal pay, anti-sexual harassment laws and campaigns, women in politics and more; everything from prostitution and pornography to fertility and healthcare for women. This feminist movement was built from the ground up in a long process. External forces or international institutions such as the UN did not create this movement.

**AJ:** *How does the conflict impact the feminist movement?*

**SA:** First, we find that it is women who identify as feminists and peace activists who have engaged for years in cross-national and cross-cultural dialogues that are often the first to respond to the armed conflict by going out to the streets and protesting. But these are a very

small minority of women. Second, and this is more of a majority experience, conflict has a huge and negative impact on women's engagement with public life. Conflict imposes a lot of pressures on women. This is one of the reasons why I argue that the Jewish-Israeli feminist movement became 'paralysed' after the outbreak of the Second Intifada in 2000. I meant to point to the fact that the majority of feminist organisations were not able to respond to the conflict situation, which in turn, impacted their sense of agency or ability to change the place they live in later on.

**AJ:** *Can I ask a naïve question? Why does the conflict depress the level of women's organising, self-confidence and activism in civil society?*

**SH:** Conflict, in general, undermines people's overall sense of security. These days, militarised conflict does not always happen 'out there' on the front, but often right here, within urban spaces. Armed conflict has a destabilising impact on women for various reasons. First, many women take care of others and conflict pushes women 'back' to their caring roles. Not all of them, I don't want to essentialise, but many women assume caring roles during times of violent escalation. Second, militarised conflicts reinforce all kinds of binaries (us/them, Jews/Arabs, soldiers/civilians) but especially gender binaries that differentiate between the roles, responsibilities, and power of masculine and feminine bodies: the 'warrior,' the 'nurse' and so on.

## **UNSCR 1325: A NEW APPROACH TO WOMEN AND CONFLICT**

**AJ:** *Could you explain to our readers what UN Security Council Resolution (UNSCR) 1325 is and how it affects Israel?*

**SH:** Passed in October 2000, UNSCR 1325 is one of the most important Security Council resolutions for women, and for advocates of gender equality. In this resolution, the Security Council has acknowledged for the first time that war is gendered. The resolution touches upon various issues, including: the responsibility to protect women and children during conflict; the responsibility to prevent conflict, because it especially disturbs the rights, including the right to life, of vulnerable groups like women and children; the need for more participation of women in official peace negotiations and in various kinds of conflict resolution mechanisms. UNSCR 1325 also speaks to the responsibility of the UN and UN institutions to monitor the way they are engaging in conflict zones.

The UN unanimously adopted this resolution in 2000, about the same time as the Second Intifada broke out in Israel. So, it took two or three years before women's groups in Israel/Palestine started to use it as a language to talk about the armed conflict here; to identify that women have particular needs and perspectives and that these must be acknowledged. Different women's groups started to use the resolution to bring forward different claims, including the issue of women's participation in peace negotiations. In 2005 in Israel the Women's Equality

Bill was passed, amending the original 1951 law stipulating that Israeli women should have representation in any national decision-making mechanism including in a peace agreement, interim agreement or any other conflict resolution mechanism.

Perhaps this was a little naïve. In 2017, 12 years after this amendment was passed, we still see pictures of official Israeli diplomatic and security delegations that have no women.

*AJ: If someone were to say ‘well, why should women be included in those delegations and those negotiating teams, just because they are women?’ what would your answer be?*

**SA:** I guess that brings us to the ‘women and peace’ hypothesis. There are different justifications as to why women should be included in official peace and conflict resolutions processes. For example, women suffer in very particular ways in conflict and these experiences must be at the table. Or, representation is a value in and of itself, i.e. women are half of the population and therefore should be there as equals.

*AJ: If you were to step back and make a summary judgement about how much that UNSCR 1325 has actually shaped policy and practice what would you say? Are there ongoing efforts and campaigns to try and make 1325 transformative in Israel?*

**SA:** The euphoria that was experienced in many places in 2000, when the resolution was passed, has faded away. As one can learn from the Israeli experience, the resolution proved to be very hard to interpret and to localise. However, we do have more knowledge today about the ways in which conflict in general, and the Israeli-Palestinian conflict in particular, affects women. These issues had not been discussed enough previously. And we now have a better language with which to describe those differences.

I’ll give you an example, in 2006 during the Second Lebanon War I was in the north and I did a series of telephone calls to Rape Crisis Centres in the north to ask them, ‘What’s happening? What are you doing? How are you coping?’ In one northern city that was under rocket attacks by Hezbollah, a woman in charge of a centre said: ‘We closed down the hotline, we closed down the Rape Crisis Centre, and we left the city’. And I asked her, ‘What if women need help?’ She responded: ‘We can’t be there, it’s too dangerous,’ Now, compare that to the 2014 Gaza War. When centres came under rocket attacks, people were more aware of the fact that women who suffer from sexual violence are actually subject to higher forms of anxiety during conflict situations. The research that we conducted to better understand the gendered dimensions of conflict escalation taught us that empirically, women who were impacted by gender-based violence, whether it is domestic or sexual violence, were most likely to suffer from some sort of a traumatic experience during conflict and that these women really need help. In 2014, unlike 2006, all the centres remained open to assist women. So this is an example of one thing that has changed due to awareness caused by UNSCR 1325.

I'd also say that UNSCR 1325 sparked a lot of debate among women in Israel concerning the meaning of the term 'security'. What is security? Why does the term 'national security' not always represent and reflect women's concerns? And how is 'national security' used in different ways to prevent us from seeing different types of *insecurity*? Consequently, women activists were able to push parts of society to talk about different types of security, not only national security.

## THE 'WOMAN AND PEACE' HYPOTHESIS: AN ESSENTIALISM?

**AJ:** *You mentioned the 'women and peace' hypothesis earlier. What is it?*

**SA:** The 'women and peace' hypothesis states that women have somewhat different ways to address the question of violence and peace and that women may bring with them a different voice and are more likely to talk about reconciliation, care, empathy, etc. It suggests that women are somehow more peaceful than men.

**AJ:** *Some people worry that the idea 'essentialises' women. Do you think that worry is a valid one? Or is the real danger that, by being so concerned about the danger of 'essentialising' women, a basic and obvious fact is being missed: women just do bring something wholly new to these discussions?*

**SA:** I've been struggling a lot with this question, and I've written about it as well. The fact is that there have been many women's peace movements in Israel since the 1980s. The first movement of women to come out as a peace group was in 1982 when mothers of soldiers came out to demonstrate as Mothers Against Silence during the First Lebanon War. These women used their social role as mothers of soldiers – which in Israel is perceived as a central role for Jewish women – to say something political. This group and many others that followed really did try to bring a different voice on the prices and conditions of war. So, yes, there are women who have tried to create alternatives. Paradoxically, since Israeli women did not get a chance to participate directly in official 'dirty' politics of militarism and war and were driven (for various reasons) to the civil society sphere, they were able to express alternative voices representing values of empathy, fear, love, etc.

Personally, I think that the idea that women are more peaceful is a very strong cultural myth. When we look at the data – and there's a lot of data on the differences (or lack thereof) between women and men in their opinions on the conflict – it is very hard to say that gender has a real impact on attitudes or action. In fact, degree of religiosity or national identity (Jewish/Palestinian) are proven to be far more important in shaping political perspectives than gender, and the tendency of Israelis and Palestinians to support a peaceful resolution of the conflict.

We must remember that there is a huge difference between the way that Jewish-Israelis and Israeli-Palestinians view the conflict. Israeli-Palestinian women are much more similar in their attitudes to Israeli-Palestinian men than they are to Jewish-Israeli women. It is the national

divide that is really the determinant, as well as religiosity and level of education, to some degree. Gender doesn't really appear to play a role here.

But, as I said earlier, the myth of women's peacefulness is far more acceptable among the wider public than the empirical findings, which contradict it. For example, if we look at the group called 'Women Wage Peace' (WWP) that started organising in 2014 that attempts to build a mass feminine peace movement in Israel, we can see how the myth persists. Women Wage Peace are quite inspiring. They truly speak from a place of care and from a desperate desire to resolve the conflict and stop the future suffering it may produce. In this movement, many activists define themselves as mothers, so they engage in a very feminine performance of peace activism. What I have learned from groups like WWP is that for them gender binaries are not a source of oppression and violence, but a possibility for hope, continuity, care and connection.

### ISRAELI WOMEN AND OSLO – AN UNTOLD STORY?

**AJ:** *In your paper 'Gender and "peace work": An unofficial history of Israeli-Palestinian peace negotiations' you expose the previously hidden role that women have played in the process. Can you tell us about that and also can you reflect on why the role played by women has not received more exposure?*

**SA:** In 2006 I interviewed a group of 30 women who were involved in various roles in the Oslo peace process throughout the whole decade of negotiations. Some of them were involved in negotiations as part of their role as, for example, military legal advisors. Some of them were administrators; others were typists, because in those days women secretaries typed the draft agreements, which was a lot of work. These women in particular, were physically in the room or in the room next to the room, but were treated as invisible and were deleted from memory. Sometimes, in order to write history from the perspective of women, you really need to look at things differently. This is what I wanted to do. I was trying to write the whole history of the negotiations from the perspective of women who were invisible actors. Listening to their stories, I learned many things about the structure of negotiations and about the role of women as gatekeepers. They did important work by deciding who could enter and who could not, by inviting people to meetings, passing notes and keeping secrets; all the things that you don't really hear about but which were happening. I really got a different picture of the very complicated human terrain and human reality within the official negotiation tracks of the Oslo Peace Accords.

Another thing I noticed that was very specific to this peace process was how the connection between militarism and masculinity was the major reason for the fact that women were absent from official peace talks. We should remember that when militaries are in charge of negotiating peace, it is even less likely for women to sit next to the peace table.

**AJ:** *Yes, you write that one of the main reasons that women did not reach the higher levels of the*

*negotiation team at the time is that men often promoted men with whom they had shared 'combat rations' – that is to say, men with whom they had served in combat units during their national service. Mixed gender combat units are now a part of the IDF; do you those units will eventually change this dynamic?*

SA: I think that's an interesting question, but I'm not really sure where this will lead us. Interestingly, while we have seen more women integrated into combat-related roles in the IDF, there are fewer and fewer ex-generals in the government. So, possibly, the military is actually less powerful than it was due to the development of other paths to enter the closed circle of decision makers in matters of finance, security and foreign policy.

So it's not only about militarism, but more about secrecy and control. Peace negotiations, sometimes, are run like secret societies. It's very hard to understand, but there is a very small group of people, sometimes [between] 10 and 15 people in Israel, who have the power to decide on dramatic issues like war and peace. Consequently, one of the challenges that feminist groups around the world pose to negotiators is to make these processes more open and more accessible. This has happened in Colombia and other places.

How has women's absence from peace negotiations been rationalised? For me, culture plays an important role. The concept of the 'gender-culture double bind' captures the way that gender and culture are linked together in different discourses to perpetuate discrimination. For example, think about the problem of gender segregation in Israel due to religious practices. You find all these culturalist rationales: 'oh, we really need to respect the other' or 'oh, we really need to respect the ultra-Orthodox and give them access to education by creating different classrooms for men and women'. In my research on peace negotiations I discovered that one of the ways of rationalising women's absence was to say 'Oh, Palestinians or Arabs find it hard to negotiate with women, so maybe we shouldn't bring women.' Again, this is not about women. Rather, it is an orientalist perception of Palestinians and Palestinian masculinity.

## CREATING FEMINIST ARCHIVES

*AJ: Since 2007 you have been working with a group of Israeli feminists to create The Feminist Archives – a unique collection going back to the 1970s. The archives are managed by the Haifa Feminist Institute (HFI), a community-based project run by Isha l'Isha, Haifa Feminist Centre. Can tell us a little about this project, how the archival work is proceeding and how the histories are being used?*

SA: The Feminist Archives is a unique initiative that was started by a group of Haifa-based feminists in 2007 as a means to preserve the local history of feminism in Israel. The archive is simultaneously an activist space and a collection of thousands of documents from the 1970s until the present. These documents include various materials on paper, audio, video, posters and any other material aspect one can imagine in terms of the legacy of the movement.

This collection is itself an action. Archiving is becoming a feminist practice all over the world, to preserve the past, which nobody else will do. These communities want to be remembered and they want to determine the conditions under which they will be remembered and they see themselves as keepers of this particular history. The feminist archives in Israel don't have any governmental support or recognition, they are curated by a group of volunteers. And they have such treasures in them! Everything is debated: what should and should not be in the archives? What material should be open access? How to digitise the materials? How to secure the resources to handle the materials?

These issues were widely acknowledged through a very successful pilot project run by the HFI which included a digitisation project of the Queer and Lesbian Collections. Unfortunately, most of the materials are in Hebrew and are still relatively inaccessible to English speaking audiences. I guess this is a major indication of the purpose of this project — to make the past accessible for younger Israeli women. But not all the materials are in Hebrew. For example, we are now working with a group of researchers from Brandeis University to digitise Marcia Freedman's personal collection. Marcia Freedman was the first Israeli feminist member of the Knesset, from 1974 till 1976, and all her Knesset materials are deposited at the archives in Haifa. When this project is over maybe international audiences will become more aware of this particular project.

## SEX SEGREGATION IN ISRAEL

**AJ:** *Yofi Tirosh is very concerned about expanding sex segregation in Israel in public spaces and institutions, in particular the military but also the universities. What's your take on that? Is segregation increasing in public spaces and institutions? Is it a concern to you as a women and a feminist in Israel? What resistance is there to this trend?*

**SA:** Historically, one issue of disagreement among Israeli feminists has been the question of equal representation versus the possibility of creating separate spaces for women. For example, liberal feminist organisations have demanded for many years that women be included *equally* in politics, in Parliament, in the judiciary system, in civil affairs or in every other public space. They have done a lot of legal work and public awareness campaigns to educate people and ensure that women would be represented in politics, in the military, in the media. That was a very important way to talk about the universal aspect of feminism and the basic-yet-radical fact that women are *human*. However, other groups of feminists in Israel have insisted that in order to explore differences, to build power, to gain skills and to feel secure, women sometimes need *separate* spaces.

In the debate about segregation today, many local feminists are resisting any attempt to justify segregation by sex due to religious or cultural reasons. That being said, not all Israeli feminists feel the same about the issue; especially women who come from communities who do not

have access to resources and are not currently equally represented in education and politics, like Orthodox women or Palestinian Bedouin women. For instance, some Bedouin women say, 'I want education, so if the only way for me to get my father to allow me to go to school is if there is segregation, then I prefer segregation'. So the important question that we are struggling with is – what are the *terms* in which segregation is practiced, who gets to *define* segregation and who gets to administer it?

This is where I totally agree with Yofi Tirosh. The current demands for segregation are not coming from women; they are coming from a very masculine institution – the religious Jewish Orthodoxy. That is why I am very suspicious about demands for segregation, because the terms of such segregation are not determined by women themselves.

## THE BOYCOTT AND ACADEMIA

**AJ:** *You set out why you oppose the boycott in 'Is This a Path towards Strong Solidarity? An Israeli Feminist Perspective on Academic and Cultural Boycott'. You argued there (with your co-author Amalia Sa'ar) that the academic boycott is harmful to women and increases the marginalisation of feminism, both in the academy and in society, in Israel. Could you explain why?*

**SA:** Talking about the boycott is very dangerous for Israeli academics because any engagement with the question of boycott is considered very harmful for the 'nation' and is framed as a 'strategic threat'. But I don't view it that way. Rather, I find it is legitimate for academics to decide the conditions of cross-national partnerships they want to engage with. I think that it is totally legitimate for academics on a personal level to decide that they do not want to have professional contact with Israeli researchers if they don't want to be associated with the Occupation, or with other issues related to discrimination or militarisation. I can understand that.

However, for feminists and feminist scholars there is another question to be considered. Alliances between women that are cross-national are not only necessary, they are existentially important for women. So, there is a real price that is being paid for breaking those alliances and those who pay the price are women, namely, a group that is relatively under-represented in national politics and decision making. Due to the boycott, in the last ten years the most progressive and interesting feminist scholars in the world have not come to Israel. Consequently, our students do not have a chance to see or hear about anything that's happening in terms of feminist thought in the world, which makes it easier for them to remain isolated in a closed society. This is quite harmful on the long term, because local women's groups all over the world flourish and thrive when they can foster direct connections with similar groups in other places.

**AJ:** *It sounds like there might be some sort of silent boycott going on.*

**SA:** I don't think it's so silent. 'Progressive' and 'critical' scholars, many of them feminists, often

adhere to the boycott. Things get complicated.

**AJ:** *It strikes me that often the boycott weakens the very forces that are most likely to push hardest for change and reform in Israel, while strengthening the new annexationists. What are your thoughts about the practical impact of the boycott on Israeli politics and in particular those who support two states for two peoples in Israel?*

**SA:** For those of us who believe that only communication and conversation can change reality, of course boycott is not an option. But we also know that conversation, as we have seen in the history of this conflict — especially in the Oslo period) — can also be a way to retain status quo; to run away from resolution. Personally, in my feminism, I believe in crossing borders and reaching out is vital and it is the hardest challenge. The activists that I work with, this is what they do, they cross borders and lines and risk a lot in doing this. I really think that engaging with conflict is more productive than boycotting it. But that's my perspective.

**AJ:** *What are you working on at the moment?*

**SA:** I've been working on several projects, including a fascinating historical ethnography of Haifa port and the visits of the US Sixth Fleet between 1979 and 2001. That is done. Several other projects are ongoing.

*Dr. Sarai Aharoni is a lecturer in Gender studies at Ben-Gurion University. She received her Ph.D. in Gender Studies from Bar-Ilan University, writing her dissertation on gender perspectives and the participation of Israeli women in formal Israeli-Palestinian peace negotiations. She has published articles on gender, peace and conflict in Israel and co-edited the book Where Are All the Women? U.N. Security Council Resolution 1325: Gender Perspectives of the Israeli-Palestinian Conflict (2004). Dr. Aharoni is one of the founding members of the IWC (International Women's Commission) and has been active in promoting women's rights in Israel as a member of Isha l'Isha-Haifa Feminist Center.*



## PALESTINIAN, FEMINIST, PEACEBUILDER

HUDA ABU ARQOUB

*Huda Abu Arqoub is Director of the Alliance for Middle East Peace (ALLMEP), a network of civil society organisations working in conflict transformation, development, and coexistence in the Middle East among Israelis, Palestinians, Arabs, and Jews. A Palestinian, she is also a leading supporter of Women Wage Peace (WWP). Fathom deputy editor Sam Nurdin spoke to her about the challenges faced by a Palestinian feminist engaged in conflict-resolution activism. (February 2018)*

### PERSONAL JOURNEY

**Sam Nurdin:** *I read that your family defended Jews in the riots in Hebron in 1929 and that when as a young woman you wanted to join the First Intifada in Hebron your Communist-leaning mother told you to read Tolstoy instead. In what ways did your grandparents and parents shape your approach to political activism?*

**Huda Abu Arqoub:** My maternal grandfather was a graduate of Oxford in the 1930s and his father was a leading figure in the Hebron community during the 1929 massacre. He was one of many Palestinians who took in Palestinian Jewish residents of Hebron and protected them. That story has not been properly documented, perhaps because it challenges the simplistic narrative of Palestinians and Israelis fighting for 3,000 years. I've felt throughout my life that it is important to challenge these false narratives and to try and change the way we look at the 'Other'.

I grew up in a household of educators, doctors, professionals; people who had a wider view of the world. They had access to education under the British and Jordanians, an education I lacked due to the Israeli occupation, by the way. My childhood shaped my worldview. Tolstoy's *Anna Karenina* and *War and Peace* were just two of the books we read, as well as Shakespeare, Hemingway, T.S. Eliot, Rudyard Kipling, and Jane Austen. My mother was a communist and a feminist, and a teacher of English and so much of what we read was coming from her world. We had a huge library of books, music and all kinds of poetry.

Dad was Sufi by heritage. Though he never embraced it, he was very liberal and spiritual in his understanding of Islam. I owe my liberal view of Islam to him. We lived through house raids

and our dad being dragged to the street to collect strange packages suspected to be bombs. I recall soldiers rejoicing after killing a so-called ‘wanted’ Palestinian. We had the potential to hate but our parents saved us from fear and despair by bringing the wider world to us through books and music. Mother used to sing songs by Fairuz to us in the long dark cold nights of military curfew when, if we opened the door, a tank could be sitting in front of our house.

I refuse to be either an enemy or a victim. The helplessness that comes from feeling yourself to be a victim is paralysing but it was not in the nature of the women I grew up with; they were always fighting, adapting and progressing. I’ve always tried not to think that there are people out there who want to kill me. After the 1982 massacre in Lebanon, that feeling came closer to home. And that’s why I was very resilient during the first intifada, because I felt the adults hadn’t done enough to change our future. I felt it was now up to us, the youth, to be responsible for that.

## ISRAELI AND PALESTINIAN WOMEN AND THE POLITICS OF ACQUAINTANCE

**SN:** *Reading an article at Women Wage Peace I came across this intriguing reference to ‘the politics of acquaintance’: ‘Huda has embarked on a journey of meetings and forged connections with Israeli women with the goal of creating another language, the Politics of Acquaintance.’ The article went on: ‘The goal is to take leave of the slogans that bog us down again and again, and create a language based on sincere curiosity that strives to reveal what we share and what is possible ... Huda says that the politics of acquaintance particularly serves women’. What is the ‘politics of acquaintance’? Who have you been meeting and what has been discussed?*

**HAA:** I said a new women’s movement for Israel must innovate in two ways. Most anti-war movements inside Israel are branded as ‘Leftist’ and that closes them off to many people. So, first, it should be a *feminist-inclusive* movement, meaning it has to talk to all of Israeli society, including people who are supportive of a war and have an occupation mentality. Second, it has to challenge the idea that ‘we don’t have a partner on the Palestinian side’ because once that myth is accepted, those who campaign for peace can be considered ‘traitors’ and ‘peace’ itself can be turned into a dirty word.

It is important to change the language that we use as women if we want to be inclusive. To many Israelis the word ‘occupation’ compromises Israeli security, or represents the Left. So instead of using the phrase ‘ending the occupation,’ we decided to use the phrase ‘ending the conflict’ – the occupation is part of the conflict but there are other things that need to be addressed to end the conflict once and for all. I offered to speak with the Israeli hardliners, bringing the Palestinian narrative to them, under the auspices of WWP. I live in Palestine and I cannot tell you how many times I heard from those Israelis that I was the first Palestinian they had spoken to.

Another challenge was the settler community that lives inside the West Bank. Nobody from the Palestinian side (or majority of the Israelis for that matter) had talked to them. They were seen as one of the main obstacles to the two-state solution, and ignored. For their part, the settlers refused to speak to the Palestinian ‘enemy’ simply because they do not see them or acknowledge their legitimate right to exist on this land. For WWP to speak to the settlers they had to recruit women settlers in order to be guided around the settlements. Then they were able to talk about peace and to reclaim a sense of hope, getting out of that closed mentality that can keep people fearful. It was a form of liberation, I think, and the internal dialogue work done through WWP has given Israelis a chance to rethink their narratives of fear and enabled many to heal from their collective trauma. In my opinion this has been the greatest asset of WWP, and it reinforces my conviction that we need an inclusive feminist-activist movement.

**SN:** *How difficult is to reach women in Gaza and involve them in action for peace? What is possible, nonetheless?*

**HAA:** It would be irresponsible for me as a peace activist to reach out to women in Gaza at this point. I would only be compromising their safety. It is not easy to be involved in any kind of relationship with people who are perceived to be your ‘enemy’. As a peace activist and resident of the West Bank (I also carry a Palestinian passport) I still have my own challenges, but they are not as life-threatening as they would be if I were in Gaza. I have friends there and they want to be engaged, but Gaza is under siege, both occupied and controlled by a regime that fails to respect freedom of opinion and freedom of speech. Gazans are hostages of the power dynamic and conflict between Fatah, Hamas and Israel. In my opinion, Gazans are much more willing to enter peace talks and to get to know Israelis than West Bankers, but it’s a matter of responsibility toward them; who would protect the women once they have participated in dialogue?

## **WOMEN WAGE PEACE**

**SN:** *What impact has WWP had? What should be its next steps?*

**HAA:** There are two contexts to look at when we speak of impact. The first is the Israeli context. These women have changed the discourse about war and peace, and about women’s involvement in peacebuilding. When it comes to rallying huge numbers, they’ve also been much more successful than any other organisation I’ve worked with or studied, and this is because they have not used language that shuts out any groups, and because they are talking a new language that is inclusive, empathetic and addressing the real needs of women for security.

I also helped WWP to take the language of ‘political positions’ and turn it into the language of needs, a language with meaning to people who are struggling to live and to raise their children in a better environment. By talking of human needs and using narrative theory, we redefined ‘security’ from their perspective. All of this was within the framework of the UN Resolution

1325. (See the discussion of UN 1325 by Sarai Aharoni in this issue).

Because WWP reached out to the ultra-Orthodox community, the Russian-speaking community, and the Ethiopian community, they brought authenticity to their work and created space for many different people within the movement. For the Palestinians, WWP represents a serious effort to end this conflict because they are not talking in a bubble; they are doing work with all the stakeholders of this conflict. And that's why in two years WWP has managed to have more Palestinian women come to their events than any other organisation. In 2016 we had 1,000 Palestinian participate in Jericho and in 2017 we had 3,000. (They cannot go to Jerusalem without a permit). I have Palestinian women from different walks of life in Palestine telling me that they want join and be supportive.

WWP has been successful amongst Palestinian women because there has been no attempt to build an 'Israeli-Palestinian WWP'. The Palestinian women who support the Israeli women of WWP are a support group; we provide funding, bring their voice to the Arab world, and help them to forge connections in Europe and the US. If it wasn't for the Palestinian women, WWP could not have projected their voice in Palestinian society. And, in turn, this gives WWP legitimacy, because it answers the question 'is there a partner for peace?'

**SN:** *On that point, it is often said by Israelis and Palestinians that 'we have no partner for peace'. Famously, you told a WWP rally that 'You have a partner!' Can you understand why many Israelis and Palestinians are sceptical? Scepticism plays into the hands of those maximalists who oppose peace, on both sides, so what can overcome it?*

**HAA:** I totally understand. The problem is partly psychological. The barriers built by different social, political and education systems create a monstrous image of the 'other' – the 'other' is always out to finish you. There was no space for a real peace and reconciliation process even after Oslo. Still, we must remember that after Oslo, when the Israeli army was leaving Bethlehem (I was there during that time), the soldiers who were shooting at us a few days before, were sent off by us with flowers. The Palestinians compromised, stood behind our leadership and declared for the two-state solution and the peace process. But what was the global reaction? I'm not going to name and shame, but I think the international world has always been on the side of the Israelis. It has never given credit to the Palestinian people who have *already* made the ultimate compromises in the conflict. Instead, we keep getting hit on the head and threatened, leaving us with a sense of despair.

We took WWP to meet Abu Mazen (Mahmoud Abbas) in the Muqata'a (Palestinian Authority headquarters in Ramallah) in 2016 on his invitation. I wish there had been international press present to hear him say he was willing to go anywhere in the world and start talking about peace with Israeli Prime Minister Benjamin Netanyahu, as long as there are no preconditions. He is willing to support women to participate in peace talks and he said as much; if not for him,

we wouldn't have had that many women showing up in Hebron. We struggle to convince our youth that talking with the Israelis is worthwhile, after 20 years of negotiation that had got us nowhere, politically speaking. We have not moved nearer to recognition, while one action by Hamas, kidnapping one soldier gave us 500 freed prisoners (although many were rearrested later).

The average age in the West Bank is 20 and in Gaza, 16. The Oslo Process means little to them. Palestinians today don't think we have a partner. Israeli society has been completely shut down to us by the wall, the checkpoints, and by the law that doesn't allow Israelis to enter Palestinian areas in the West Bank. I want people to know that there are thousands of partners, Israelis and Palestinians, who are willing to make compromises in order to live in a better place. It's time for a step change in the support from the international community to those Israelis and Palestinians.

## ALLMEP AND PEACEBUILDING

**SN:** *Fathom recently produced a major report on peacebuilding written by Ned Lazarus. One of the questions Ned addressed was 'does peacebuilding work?' Another was 'how can small but effective peacebuilding projects be scaled up nationally to have even more impact?' How would you answer those two questions.*

**HAA:** Being an inclusive feminist, I believe peacebuilding can work, but it is not working at the moment. There is no success to be had when the system in place around you prevents you from succeeding. As Israelis and Palestinians we sometimes have to go through life or death decisions just to meet each other. That Palestinians need a permit in order to meet an Israeli changes the power dynamic. Yes, peacebuilding works and it has worked in many other places around the world, but it has always been accompanied by other kinds of movements that are active on the political, social and international levels, even using civil disobedience and non-violent tactics to resist oppression.

The Israeli-Palestinian conflict is frozen: the so-called 'status quo'. The difference is that the peacebuilding effort is helping people to see that war and violence is not working and it is giving each people a chance to understand and in many case acknowledge the other's narrative. These efforts are coming from people who are legitimate within the Palestinian camp: ex-prisoners, people who have lost their kids and loved ones. This effort has been neglected for a long time; no attention is given and no resources are allocated.

For example, just imagine if we had 50 or 100 schools like the six 'Hand In Hand' schools we do have. We know that the Hand in Hand network has a big waiting list. People are knocking their door down to put their kids, both Palestinian and Israeli, in their schools. But there is no money to build another school. It is the same with the Parents Circle / Bereaved Families Forum, which has the goal of building a new narrative with and for people who have

lost their loved ones in the conflict. These Israeli and Palestinian activists are engaged in self-liberation and building their power together to prevent another war. But they need support! If the international community would give them the resources to reach more people, then we will be able to get the attention and the support to change the course of this conflict, like in South Africa in the 1980s, when the system changed completely.

## DEALING WITH 'ANTI-NORMALISATION'

**SN:** *Alongside Joel Braunold, also of ALLMEP, you wrote the following in Ha'aretz: 'For those who are interested in advancing the cause of peace by building the necessary trust between Jewish Israelis and Palestinians, the [Boycott, Divestment and Sanctions] BDS movement is not the greatest threat; the anti-normalisation movement is.' What is 'anti-normalisation' and why as Palestinian do you think it is a threat to peacebuilding?*

**HAA:** 'Anti-normalisation' is an offshoot of the BDS movement but it is focused on people who are in dialogue with Israelis. Their argument is that, by being in a dialogue, we are ignoring the power dynamics between Israelis and Palestinians by assuming that people are meeting on equal ground. They also say that dialogue is an attempt to beautify the occupation and move the guilt away from the many Israelis who feel bad about the situation.

First, the anti-normalisers have not been successful in stopping Israelis and Palestinians from meeting. Second, the Israeli government uses them to say 'Look, the Palestinians have no interest in peace' (which is completely untrue). Third, it makes no difference to the occupation itself. Fourth, many people in Palestine are fed up with bullies who tell us what to say or how to act.

Morally speaking, I do have an issue with anti-normalisation campaigners, especially when they go after young women on campuses. They operate from two assumptions: that women have no agency or control over their identity and therefore they will easily buy into the 'other' narrative and never challenge it i.e. become affiliated with the Israeli narrative. Again, that is a total misconception and evidence of their low appreciation of Palestinian women. Their second assumption is that women have no power and are vulnerable, so they are easier to intimidate.

In short, 'anti-normalisation' campaigners are just another actor that uses bullying and false assumptions about Palestinians in general and women in particular and have not managed to offer any solutions to the many difficult challenges there are to their theory of change.

## DEALING WITH THE GOVERNMENT

**SN:** *In the Ha'aretz article you and Joel identified another danger to peacebuilding and the politics of acquaintance: 'We fear that legislation in the Israeli government could shut down discourse on a people-to-people level by weakening NGOs.' Is your fear being realised? I guess the government would claim*

*to be acting only against those who demonise Israel – how would you respond to that argument?*

**HAA:** Whenever the government goes after NGOs it makes them stronger in the public arena. Yes, it limits their funding because they have to jump through certain hoops, and if they are connected to BDS groups or other foreign entities that ‘threaten Israeli security’ – which are the conversation-stopper words, by the way – then their funding may be stopped. This is what happened to Breaking the Silence (BtS), but it didn’t stop them. Just two days ago I spoke to a group hosted by BtS, and I found that the pressure had only given BtS a lot of attention. I suspect that Israel is not going to stop. The latest move is the new BDS blacklist. From a Palestinian point of view, these measures prove what we’ve been saying for ages, that Israeli government is not really practicing democracy; or, we can say at least, that in the past 11 years Israel has been moving in a non-democratic direction.

*Huda has been a regional director of ALLMEP since 2014. Previously, Huda worked as a teacher, trainer, and consultant for the Palestinian Ministry of Education for fifteen years. Huda has years of experience in conflict resolution, NGO leadership, and social change education and activism, as well as a life-long commitment to building strong people-to-people Israeli-Palestinian relations. She is a well-known speaker on issues related to Middle East politics and the Israeli-Palestinian conflict. She is a co-founder of the Center for Transformative Education (CTE) and has taught and trained hundreds of students in Israel and the US.*



## **PERHAPS PEACE COMES DROPPING SLOW: REFLECTIONS ON A TRIP TO NORTHERN IRELAND**

TIZRA KELMAN

*Two dozen religious Israelis met with an Irish priest. It sounds like the beginning of a joke, but in October 2017 Tirza Kelman found herself on a plane to Belfast together with a group of Israeli religious men and women, all public figures. She sets out her initial impressions of what the Northern Ireland peace process has to teach Israelis and Palestinians. (February 2018)*

### **FROM ISRAEL TO NORTHERN IRELAND**

The trip was part of a wider project in which the organisation Search for Common Ground arranged intermittent meetings within Israel over the course of a year for public figures within religious society. Before this project, many of us – myself included – did not think of the Israeli-Palestinian conflict as connected with our public role.

Taking part in a project focusing on the Israeli-Palestinian conflict was new to us. As Israeli citizens we had of course been influenced by the conflict – and we all had opinions about it – but it was not central to our public activity. This was not only because we were too busy doing other important things. In addition, for decades the peace process discourse positioned the religious population as an obstacle to reaching an Israeli-Palestinian peace. The Oslo Accords was put together by secular left-wing men with a particular worldview, and they didn't take religious sensibilities into account. Moreover, for the women among us, there were even greater barriers to overcome. There was the well-known gender barrier, which has made it harder for women to take part in the diplomatic sphere. And as Orthodox women in the National-Religious camp in Israel, each of us had made a long journey to being considered a 'religious leader' in a community that is still carefully defining the legitimacy of such religious leadership.

Before our trip to Belfast we had each come a long way. We had spent time evaluating our own opinions, sharing them with one another in order to try to understand the differences between our points of view. We dedicated time and effort to learning about the Israeli-Palestinian conflict. Subsequently hearing about the Northern Ireland conflict and peace process was a tool for us to understand our own conflict in new ways.

For five intense days in Belfast we met with a series of politicians, teachers, former convicted terrorists, priests, policemen, social activists, youngsters, and victims of terror attacks. Even now, several months later, I have not finished processing all the information and experiences. But I have some preliminary thoughts.

## **TOWARDS NON-UTOPIAN PEACE**

Even before our trip, I was struck by the gap between the very different concepts of peace in Israel and Northern Ireland. Israeli discussions about peace traditionally use utopian terms, and expect a type of eschatological outcome, a final destiny reached. In the 1990s people would wax lyrical about 'a new Middle East' and 'eating humus in Damascus'. The peace process was supposed to achieve nothing less than an 'end of conflict' situation, which obviously made 'peace' harder to achieve. The rhetoric and reality in Belfast is very different. While touring the city on a Sunday, we learned that even 20 years after what is considered to be a successful peace agreement, some gates within the so-called 'peace lines' (which are physical barriers) are locked on Sundays, to prevent drunken citizens potentially threatening the delicate structure of peace. When we questioned our hosts about the need for large walls in the middle of neighbourhoods, they explained that barriers make people feel safer, and that people throwing stones (from both sides) can happen as often as once a week. It initially seemed ridiculous to me that, in their eyes, none of this contradicted peace. But I subsequently found it inspiring. What if rather than thinking of war and peace as a dichotomy, we thought of it as a long spectrum on whose edges were total war and utopian peace?

In our Israeli-Palestinian context, such a thought experiment would mean that rather than giving up on an agreement (because a utopian solution cannot currently be achieved) we could try achieving some point on the scale closer towards peace than we currently are. Focusing on smaller goals would also prevent frustration and might enable us to create a positive experiences among Israelis and Palestinians who lack confidence that change is possible. This isn't to suggest that creating such a process is simple. It isn't. But perhaps one lesson from the Northern Ireland case is that our parties might be looking for the wrong kind of solutions.

## **THE IMPORTANCE OF A FUTURE VISION**

Working out what kinds of solutions might work better than others brings me to another insight I gained from the trip. Many people we met spoke very sincerely about the challenges society faces. Now that they have enjoyed two decades of relative quiet, and the people feel safe, questions regarding divisions within society are coming up more than they did before. Some of the speakers expressed regret that their society did not utilise the quiet years well enough to figure out what their hopes for their shared homeland were. This made me reflect back to our situation in Israel. Imagine we had peace. What would be our goals, hopes, plans, and strategies?

This question is more fundamental than it might initially seem. The dreams that the 1990s Israeli-Palestinian peace negotiations were based on were primarily secular Western dreams, in which Jews and Arabs would blend into a modern post-national society. Yet large parts of the population on both sides of the conflict felt uncomfortable with this imagined future. What might other imagined peaceful futures look like?

The conflict has for too long been primarily focused on political negotiations and achieving security. Yet while personal and public security are an essential platform for any society, what would the next floor built on that platform look like? The conflict has become a screen making it hard to consider what our hopes for the future actually are. The type of peace we want is intimately connected with the type of societies each side wants to create. But that is a conversation we haven't yet had.

## PEACE AND THE QUESTION OF IDENTITY

Despite the quiet in Northern Ireland, the bad news is that different identities of the population remain a threat to the future of the country, although not in a violent way at this point. However, the good news (for them) is that the next generation seems to have lost most of their sectarian heritage, which has eroded in the framework of an intense process of secularisation. The youth we met, mostly living in the underdeveloped neighbourhoods of Belfast, did not feel that the history of their community was an integral part of their identity. The wars of previous generations seemed absurd to them, not only because they felt violence was the wrong way to resolve gaps between identities, but because those identities were no longer significantly meaningful.

Yet while for some this may seem like a great success, to me – and I believe also too many Jews and Arabs in the Middle East – this is a warning sign.

The type of peace we should strive for should not erase our unique identities, but rather make it possible for our communities to flourish and to peacefully develop our identity as a source of positive power. Instead of worrying that the parties of the conflict possess different national and religious identities, we should be looking for non-conflictual ways for these different identities to sit beside one another rather than disappear. This is of course easier said than done. But so far, we were not trying to solve this puzzle at all, so even raising the question can be a worthy start.

## THINKING OUTSIDE THE BOX

What made the Good Friday Agreement possible were some very intelligent and creative 'out of the box' ideas that sought to deal with sensitive dilemmas. One example was the deep reform of the police services – that had previously been perceived as being affiliated with the Protestants – as part of the agreement. The reform, which included a civil board in which men

and women from different groups took part together, coupled with a massive recruitment of Catholics, dramatically changed the image of the police, and made it possible for the state to effectively use the police to create public order. I found this impressive procedure not only a good example for how technical and practical decisions can snowball to create deep change, but also to how significant clever and unexpected ideas can be in a complex process.

Our dilemmas are different. But the need to think outside of the box in order to solve deep problems seems to be common.

Meeting with many different kinds of figures in Northern Ireland made it clear that at the end of the day change was possible due to the efforts of many individuals, in many positions, in many ways. Their goals were not identical and they were not necessarily cooperating. Yet their combined efforts made it possible to reach an agreement that has succeeded in stopping the bloodshed. Listening to them tell their story, one after the other, was inspiring and gave me a new perspective on how significant small actions of individuals may be.

## THE COMPLEXITY OF EXPLAINING NARRATIVES

Coming from another country for only a few days, we only saw certain perspectives regarding the complicated situation in Northern Ireland. Yet this too was a big lesson: many of the things that locals raised in a very emotional way were alien to us. No doubt we also sound bizarre to strangers that listen to our narratives. This does not mean that they – or we – are absurd; rather that a limit exists regarding the extent to which one can effectively explain a particular identity to outsiders.

It should teach us to carefully relate to the identities of others on the one hand, and also to be aware of the limits to effectively explain our own point of view. Having many foreign parties involved in the Israeli-Palestinian conflict has always been part of the process, which has often been both helpful and frustrating to the parties involved. Yet being more aware of how complicated it is to describe and express narratives based around identity, together with respecting deep identity differences as a source of positive power, may help different parties communicate with others.

These were just a few of many thoughts that arose during and after our visit to Northern Ireland. Yet even these initial fragments of an attempt to view the old conflict with new glasses and through new sets of questions, seem to be a step in a good direction.

*Tirza Kelman is a Yoetzet Halacha (Orthodox female authority in Jewish Law) and runs the Hebrew website of Nishmat Women's Health and Halacha. She is about to hand in her Doctoral thesis in the field of Jewish law in the Jewish Thought department of Ben Gurion University and is on the board of the women's forum of the Jewish Home political party.*

## Part 7

# Oslo at 25: A Retrospective Look



## TWENTY FIVE YEARS SINCE OSLO: AN INSIDER'S ACCOUNT

JOEL SINGER

*Joel Singer was the Israeli delegation's legal adviser to the Oslo talks. A confidant of Prime Minister Yitzhak Rabin, he negotiated the Oslo Agreement and its implementing agreements with the PLO between 1993 and 1996. This is his candid insider's analysis of what went wrong and what went right. His scrupulous accounting of both the errors made by the Rabin-Peres government, and those successes of Oslo that have survived every challenge in the last quarter century, suggests a line of march for those who would continue in the spirit of Oslo today. (August 2018)*

### INTRODUCTION

I first became involved in the Oslo Agreement negotiations in May 1993, when the then-Deputy Foreign Minister Yossi Beilin and then-Foreign Minister Shimon Peres invited me to Israel to review a draft of the Declaration of Principles on Interim Self-Government Arrangements (the 'DOP') that had been secretly negotiated in Oslo between Palestine Liberation Organisation (PLO) representatives and two Israeli academics, Professor Yair Hirschfeld and Dr Ron Pundak. In those days, representatives of Israel were negotiating in Washington with a joint Jordanian-Palestinian delegation that included non-PLO Palestinians under the auspices of the US State Department. That formula was devised in 1991 by then Secretary of State Jim Baker, in the context of the 1991 Madrid conference. When these negotiations ultimately relocated from Madrid to Washington, the same format was kept, except that the Israeli delegation commenced talking separately with the Palestinian team in the Joint Jordanian-Palestinian delegation (with a few Jordanian delegation members sitting there passively) about uniquely Palestinian issues, and, primarily discussing ideas for Palestinian autonomy in the West Bank and Gaza (the 'WBG'). But no real progress was achieved. While Israel knew well that the PLO, in fact, controlled the non-PLO members of the Palestinian team, it pretended that it was talking with non-PLO Palestinians.

Several months after the new left-wing government of Prime Minister Yitzhak Rabin and Foreign Minister Peres took office in July 1992, the PLO started signaling to the Israeli government through the secret back channel discussions in Oslo that it was prepared to be pragmatic and help in reaching an autonomy agreement in the WBG under conditions that

would be acceptable to Israel.

I was then practicing law in Washington, having retired as a colonel in the Israel Defense Forces (IDF) some four years earlier, after serving for 18 years. The reason why Peres and Beilin asked me to review the draft DOP was that they knew I had been the Head of the International Law Department in the IDF and, as such, was responsible, among other things, for maintaining the rule of law in the WBG. I approved every military order published by the military commanders in these areas and every major security measure taken; I spent a significant part of my time defending petitions brought by Palestinians against the Israeli government before the Israeli Supreme Court; and I drafted resolutions of the Israeli cabinet relating to the WBG. Importantly, I was the representative of the IDF in the Israeli delegation that negotiated an autonomy agreement for the WBG with Egypt and the US following the 1978 Camp David Agreement and, in that role, I developed the detailed Israeli autonomy plan of the right-wing Menachem Begin government. In sum, I was familiar with all the minutiae related to the WBG. And, no less important, I was known as a confidant of Prime Minister Rabin as a result of working with him closely for five years in the 1980s when he was the minister of defence during the Likud-Labour coalition government.

After reviewing the draft, I shared my negative opinion about it with Peres and Beilin. Peres then took me to meet Prime Minister Rabin. I explained what I thought were the main deficiencies in the draft and Rabin agreed completely with me. Yet, instead of concluding that the DOP should be discarded and the Oslo back channel closed, Rabin asked me whether I could fix the draft. When I said 'yes,' Rabin instructed me to do so and then sent me to Oslo, where I spent the next four months working with the PLO on fixing the draft, under Rabin's close supervision, until full agreement was reached and the DOP was initialed in Oslo on 20 August 1993, and then officially signed in Washington on 13 September 1993. Throughout that period, I worked for Rabin and Peres as a volunteer. Once the DOP was signed, however, I accepted Peres's offer to become Legal Advisor to the Israeli Foreign Ministry, left my law firm in Washington, and returned to Israel, where I spent the next three years negotiating all the Oslo implementing agreements, including the Gaza-Jericho Agreement and the Interim Agreement that extended the Gaza autonomy arrangements to the West Bank. Several months after Rabin's assassination in November 1995, I returned to the US and re-joined the law firm I had left three years earlier.

In this article, I am providing my analysis, as a non-political professional who has been deeply involved in developing and negotiating the autonomy concepts of both right-wing (Likud-led) and left-wing (Labour-led) Israeli governments, of what I believe went wrong and what went right in the Oslo Agreement from a vantage point a quarter of a century later. Specifically, I review what I believe were the three main errors and three main successes of Oslo. I limit my review to the errors made by, and successes of, the Rabin-Peres government in the period

when I was involved in the negotiations and most of the important decisions made. Also, I only discuss here the successes and failures from the Israeli, not the Palestinian perspective, even though I do not think that this is a zero-sum game; that is, an Israeli failure is not necessarily a Palestinian success and vice versa.

## **PART 1: THE THREE MAIN ERRORS MADE BY THE RABIN-PERES GOVERNMENT**

### *Error 1: Trusting Yasser Arafat to be a willing and capable negotiating partner*

When a leader of one country considers whether the time is ripe to commence peace negotiations with the leader of an enemy, there are two important questions that the leader must consider:

Is the other leader *willing* to make the sacrifices necessary to attain peace?

Is that leader strong enough to make those sacrifices and enforce the deal internally, that is, is he *capable*?

The answer to both of these questions must be 'yes'. A *willing* but *incapable* leader is as bad for reaching a peace treaty as a *capable* but *unwilling* leader.

And now for a flashback. When Moshe Dayan was the Israeli Foreign Minister back in the late 1970s, he was once asked by an American diplomat: 'Why doesn't Israel agree to talk with Arafat?'

Dayan responded: 'Because he is a terrorist and Israel does not talk with terrorists.'

The American diplomat replied: 'Arafat is no longer a terrorist. There are some factions within the PLO that continue to engage in terrorism but Arafat does not control them.'

'If Arafat does not control his own people,' snapped Dayan, 'this is even a bigger reason for us not to talk with him'.

The main error of Rabin and Peres in deciding to enter into the Oslo Agreement with Arafat in the early 1990s was that they were misled to believe that Arafat had changed since Dayan disqualified him.

First, they concluded that Arafat was *capable* of making a deal with Israel. For years, they had witnessed Arafat's ability to obstruct any deal that Israel had tried to make with any non-PLO parties regarding the future of the WBG. He blocked the Jordanian option, a plan discussed by several Israeli governments with Jordanian King Hussein by which the West Bank would be returned to Jordan. He foiled the Israeli attempt to negotiate an autonomy plan for the WBG following the 1978 Camp David Framework Agreement, where Egypt agreed to represent the interests of the Palestinians. When, during the 1980s, Israel supported the building of local, non-PLO Palestinian political leadership in the West Bank, these organisations quickly melted

away after PLO hatchet men either killed or threatened to kill anyone who dared to talk with Israel. And when, in the early 1990s, a joint Jordanian-Palestinian delegation was formed following the Madrid Conference to negotiate with Israel, with its Palestinian team composed of carefully selected non-PLO members, it soon became clear that they too were controlled by Arafat, whose rigid instructions to them precluded any real progress in Washington. This led Rabin and Peres to conclude that if Arafat was strong enough to prevent anyone else from making a deal with Israel, then he surely must be *capable* — perhaps the only one capable — of making a deal with Israel.

Second, the messages that Arafat sent to Israel in Oslo, through the PLO delegation, conveyed that he was prepared to make a historic deal with Israel. The positions the PLO presented in Oslo were clearly more moderate than those presented in Washington by the non-PLO Palestinian team. So much so that, when the Oslo Agreement became public, Arafat and the chief PLO negotiator in Oslo Ahmed Qurei (known as Abu Ala) were harshly criticised by some of the non-PLO Palestinian team members (who were kept in the dark about the Oslo back channel) for ‘giving away the store’ in the negotiations. Thus Rabin and Peres concluded that not only was Arafat capable of making a deal but that he was also *willing* to do so.

For all of these reasons, Arafat was perceived by Rabin and Peres as the ideal negotiating partner, a hawkish leader who, when circumstances changed, would be prepared to rise to the occasion, take a risk and, like Charles de Gaulle in Algeria and Richard Nixon in China, betray his base of loyal followers and do the unthinkable by reversing his position. Moreover, they believed he possessed enough legitimacy to convince his people to follow him and enough strength to enforce his decisions against any opposition.

Indeed, during the first couple of years following the DOP, Arafat proved himself to be both *willing and capable*. Again and again, I observed him making hard decisions that demonstrated his resolve to push the peace process forward by making difficult concessions and, quite admirably, bringing along the bulk of the Palestinian people, PLO and non-PLO, religious and secular, Gazans and West Bankers. But, when Hamas and other terrorist organisations started killing Israelis, Arafat proved himself to be *unable*, and many Israelis said, *unwilling* to stop terrorism; and when the focus of the negotiations shifted from discussing the autonomy arrangements — which, per definition, addressed transitory, temporary issues — to discussing the post-autonomy, permanent status issues, Arafat’s positions hardened and he became entirely rigid.

It then became clear that Arafat was prepared to make bold choices only with regard to less important issues. When the parties reached the important issues, Arafat constantly sought internal Palestinian consensus. Such a consensus necessarily required that Arafat’s positions on permanent status agreement issues be acceptable to the PLO’s arch enemy Hamas, an organisation that rejected the Oslo Agreement and whose main objective continued to be the

destruction of the State of Israel. In other words, rather than De Gaulle, Nixon or even Anwar Sadat, Arafat ultimately proved himself to be unwilling and incapable.

Arafat's heir, the non-charismatic Mahmoud Abbas (known as Abu Mazen), while perhaps a *bit more* willing, especially with regard to maintaining security cooperation with Israel, is *even less* capable of making the kind of historic decisions that are required to bring an end to the Israeli-Palestinian conflict. No wonder, therefore, that the Oslo-based peace process has all but come to a standstill.

*Error 2: Allowing the PLO to be responsible for internal security for Palestinians*

Security in the WBG after Israel occupied these areas in 1967 traditionally consisted of three main components: (1) defending against external threats; (2) maintaining public order relating to regular, non-security offenses of the Palestinian inhabitants; and (3) maintaining internal security; that is, defending against terrorism threats to Israel and Israelis.

When Israel, Egypt and the US negotiated the 1978 Camp David Agreement, they all agreed that, during the planned five-year autonomy period, Israel would continue to be responsible for defending against external threats and that a strong Palestinian Police force would be established to maintain public order. The Camp David Agreement did not address the most difficult question of who would be responsible for maintaining internal security. During the three years of negotiating a detailed, post-Camp David autonomy agreement, Egypt, representing the Palestinian interests, argued that internal security should be seen as part of public order and so the Palestinian Police should be responsible for it. I was then one of the two representatives of the IDF in the Israeli delegation and the position we developed was just the opposite. Internal security should remain the responsibility of Israel because Israel could not trust the fledgling Palestinian Police to protect Israel and Israelis from terrorist threats during the autonomy period. Because the three parties were unable to reach an agreement over a detailed autonomy agreement, this question was never resolved.

After Peres and Beilin asked me to review the draft DOP, I realised that it simply copied the Camp David Agreement approach on security and was thus silent on who would be responsible for internal security. Accordingly, when Rabin asked me to fix the DOP, among many other changes I proposed was a clause regarding security during the five-year autonomy period. The clause stated clearly that, during the autonomy period, the Palestinians would only be responsible for public order whereas Israel would be responsible for both defending against external threats and for maintaining internal security. But when I presented the draft to Rabin for approval, Rabin instructed me to change this clause and write instead that the Palestinians would be responsible for public order and internal security of Palestinians and Israel would continue to be responsible for defending against external threats and for internal security of Israelis. In other words, Rabin envisioned a situation in which Israel and the PLO would share

the responsibility for internal security, rather than Israel alone being responsible for it.

To clarify, Rabin was not less concerned about security than I was. On the contrary, Rabin repeatedly told me that, if everything would go well with the autonomy, except for the security arrangements, the agreement would fail, whereas if other parts of the DOP would fail, but the security arrangements would work, the agreement would succeed. Instead, Rabin's decision to offer to share the responsibility for internal security with the PLO was based, as I learned later, on two considerations that guided Rabin's thinking.

First, without my knowledge, Rabin had accepted Peres's idea to invite Arafat and the PLO leadership to relocate from Tunisia, where the PLO was then headquartered, to the WBG and take control of the Palestinian Council, which was to be established there pursuant to the DOP. When I first met with Peres to discuss the draft DOP, he did tell me about his idea, but I did not take it seriously, thinking it was too fantastic for Rabin to accept. I was wrong. I assume that what prompted Rabin and Peres to adopt this idea was the same rationale that President Lyndon Johnson used when explaining why he didn't fire J. Edgar Hoover as the FBI Director: 'It's probably better to have him inside the tent pi\*\*ing out, than outside the tent pi\*\*ing in.'

Rabin understood that Arafat would not agree to accept this invitation if he knew he had to rely on Israeli protection, as he would be considered to be a Quisling. So, to make it easier for Arafat to accept Israel's invitation to relocate to the WBG, Rabin agreed he could arrive with an armed Palestinian security force. This didn't constitute a small unit of armed body guards but a large Palestinian military force (called 'Police' in the DOP jargon) that would take responsibility, side by side, with Israel for maintaining internal security for Palestinians. More than anything else in the Oslo Agreement, this DOP provision demonstrates that, unlike Prime Minister Begin, who 15 years earlier invented the autonomy idea as a permanent solution for the WBG, Rabin and Peres genuinely intended the Oslo version of autonomy to be a transitory arrangement that would ultimately lead to the creation of a separate Palestinian political entity.

Second, Rabin believed that Arafat and the PLO would be able to take care of the internal security in the areas under their control (that is, to defend against threats from Hamas, Islamic Jihad and other Palestinian opposition organisations) better than Israel. This belief was not solely based on promises given to Rabin and Peres by senior PLO operatives to effectively crush their opposition forces once they entered the WBG (the planned measures were of Middle Eastern, not European, style). Rabin really believed that the PLO could more effectively fight against Palestinian opposition than Israel. Indeed, in a televised speech given in March 1994, Rabin famously explained that the Palestinian Police would fight the Hamas 'without B'Tselem [an Israeli non-governmental human rights organisation] and without the [Israeli] Supreme Court,' meaning that, unlike the Israeli forces whose activity in the WBG has been closely

monitored and constrained by the Israeli legal system and human rights groups, the Palestinian Police would be able to act without any such checks. But, unfortunately, that conviction was based on the mistaken belief that Arafat was a willing and capable partner.

In fact, however, when the Palestinian opposition commenced launching terrorist attacks against Israelis and Israel, Arafat did nearly nothing to stop them, resulting in the murder of more than 1500 Israelis, as well as more than 7000 Palestinian dead. After the Palestinian violence spiraled into what became known as the Second Intifada (2000–2005), Israeli legitimate self-defence measures resulted ultimately in re-occupation by the IDF of the West Bank, a blow to the Oslo Agreement.

To be clear, it was Israel rather than the PLO which suggested Arafat and the PLO leadership relocate to the WBG. Similarly, it was Israel rather than the PLO who proposed the Palestinians be given responsibility for internal security during the autonomy period.

Also to be clear, my proposal to Rabin to keep the entire responsibility for internal security in Israeli hands did not result from me being less enthusiastic about peace-making than Rabin. Rather, I thought that it would be extremely difficult, if not impossible, to divide the responsibility for internal security of the same area between two forces, which had been sworn enemies for dozens of years prior to the Oslo Agreement. Moreover, I doubted the PLO could shoulder this responsibility at that time. Sometimes I think to myself that, had Rabin accepted my advice when Oslo was negotiated, the lives of thousands of Israelis and Palestinians would have been spared because Israel could clearly have fought Hamas and the other Palestinian terrorist organisations much better than the PLO did, and the fall of the Gaza Strip into the hands of Hamas in 2007 would have been prevented. If Israel had kept the responsibility for internal security in its hands, it is very likely that the split of Gaza from the West Bank, and the ‘bad blood’ that seeped into Israeli and Palestinian societies because of all the Israeli and Palestinian deaths, would have been prevented. If so, Israel and the Palestinians would have had significantly fewer obstacles on their road to peace. Indeed, there is no good answer to the question that many Israelis are asking themselves: What will happen in the West Bank, should Israel withdraw from it as part of a permanent status agreement? Wouldn’t Hamas capture it from the PLO within a few days and start attacking Israel’s population centers as it did in Gaza in 2007? No wonder Israeli support for making peace with the PLO has all but disappeared.

Rabin was right to say that if security failed the Oslo Agreement would fail, but he was wrong in allowing the Palestinians to be responsible for internal security. And, unfortunately, given the Palestinian failure to maintain internal security during the interim period, I cannot now see how any permanent status agreement, if one is to be concluded, can avoid collapse if Israel does not retain a role in maintaining security in the West Bank as part of the agreement.

*Error 3: Failure to freeze settlement activity during the autonomy period*

Begin's objective in devising the original autonomy plan in 1978 was to perpetuate Israeli rule over the WBG without applying Israeli sovereignty to those areas and simultaneously allowing Jews to settle there freely. For Begin, autonomy was the permanent solution for the WBG. Rabin and Peres adopted Begin's autonomy plan in principle but modified it in a few important respects to fit their different vision of the future of the WBG. One of the main differences was that they viewed autonomy as a *transitional* arrangement that should lead to creating a separate Palestinian political entity in those areas at the end of the five-year interim period. Such an entity would be controlled by Palestinians and all Israeli settlers would have to be removed from any areas that would be transferred to Palestinian control. Given this vision, Rabin and Peres should have insisted on freezing settlement activity in the WBG during the transitional period.

But Rabin's and Peres's political calculations resulted in a diametrically opposed position. Rabin instructed me to object to the inclusion of any restrictions on settlement activity in the DOP during the five-year transitional period, an objection which the PLO accepted in Oslo. I assume that what motivated Rabin was a desire to secure public support for the DOP. He knew that including a settlement freeze provision in the DOP would infuriate the settlers. Knowing that the settlers lobby was, and still is, the most powerful lobby in Israel, Rabin preferred to fight with the settlers only once, that is, to defer the fight to the end of the five-year period, when the time would come to seek public approval of a permanent status agreement.

In addition, while neither Rabin nor Peres discussed their vision for the permanent status agreement with me, I believe that Rabin did not intend to agree to a full Israeli withdrawal from the West Bank at the end of the transitional period. Rather, he planned to demand that some West Bank areas would be incorporated into Israel, based primarily on security considerations. Because of this position, he wanted to continue to settle only those areas that he planned to annex to Israel, while unilaterally freezing settlement activity in all other areas. But he didn't want to reveal his plans in a precise manner in the Oslo Agreement because that would have started a premature fight, with both Palestinians and Israelis, over the ultimate location of the borders. When I presented Rabin's position on settlement activity to the PLO in Oslo, the Palestinian negotiators attempted to explore the inclusion of some restrictions on settlements but I stood firm and they gave up. I am confident that they accepted Rabin's position because they understood Rabin's internal difficulties with regard to a possible settlement freeze, concluded that if they insisted on a freeze there was a real danger that there would be no agreement and, most important, trusted Rabin with regard to his expected ultimate position on settlements and borders in the context of the permanent status agreement. But Rabin's plans and Arafat's gamble to go along with those plans proved shortsighted. Neither envisioned that Rabin would be assassinated two years later, that the Israeli Labour Party headed by

Peres would subsequently lose the elections to a Likud Party that would re-introduce Begin's original objectives of using autonomy as a tool for perpetuating Israeli rule over the West Bank. Moreover, neither imagined that the five-year transitional autonomy arrangements would actually last 25 years, (and counting), and that due to the lack of any restrictions on settlement activity in the Oslo Agreement, the number of Jewish settlers in the West Bank (excluding Jerusalem) would jump from only 110,000 in 1993 to more than 400,000, and growing, today.

This third error is much worse than the first two because those were reversible. The internal security error was fixed when, after the Second Intifada, the IDF invaded the West Bank in 2002 and has stayed there ever since, working now collaboratively with the Palestinian Police against terrorists, with Israel carrying the overriding responsibility for security. As a result, the number of terrorism casualties have decreased dramatically and, unlike in Gaza, where Hamas still rules, the economic situation in the West Bank has improved significantly. As to the lack of a willing and capable Palestinian leader, Israel can simply wait until such a leader appears, which could enable the resumption of serious peace talks. But the third error, the expansion of the Israeli settlements, appears to be incurable and it is particularly unfortunate because, effectively, it could prevent a Palestinian-Israeli permanent status agreement deal that is based on a two-state solution.

It is difficult now to imagine how any Israeli prime minister, even the most willing, would be politically capable of evacuating 400,000 Jewish settlers from the West Bank. And if one waits another 25 years, there will likely be one million settlers to evacuate.

In sum, I often have a feeling of *mea culpa*; if only I had been less successful in Oslo and allowed the Palestinian side to score a victory on the settlement freeze issue, I could have saved Israel from the default, one-state solution. I certainly have a sense of impending doom in this regard.

## **PART 2: THE THREE MAIN SUCCESSES OF OSLO**

Notwithstanding the fact that Oslo failed to lead to a permanent status agreement to resolve the Israeli-Palestinian conflict, contrary to conventional wisdom, it is far from dead. In fact, Oslo has brought about some important successes that appear to have survived all the many challenges and setbacks it has faced.

### *Success 1: Mutual Recognition*

When I first heard about the secret discussions that had been conducted in Oslo with the PLO during my first meeting with Peres back in early 1993, I asked him: 'Should the DOP be finalised in Oslo, what will you do with it? Who will sign it?' Peres responded: 'We will give it to our delegation in Washington and instruct them to sign it and the PLO will give it to the Palestinian delegation in Washington and instruct them to sign it.' 'It won't work,' I said. 'The Israeli delegation in Washington is not a puppet on a string. They will ask: "Where did

this agreement come from?” What will you respond? The fact that Israel has been negotiating with the PLO would quickly leak out to the press and how will the Israeli government explain why it agreed to talk with a terrorist organisation?’ ‘Instead,’ I suggested to Peres, ‘before completing the DOP, Israel should first negotiate a preliminary agreement with the PLO, under which the PLO will give Israel certain commitments, such as a commitment to stop the Intifada (the First Intifada that erupted in 1987 and was still going on in 1993), a commitment to stop terrorist attacks against Israel, a commitment to recognise Israel, and a commitment to abolish the Palestinian Charter that called for the destruction of Israel’. ‘In other words,’ I explained, ‘the PLO should demonstrate to Israel that it is no longer a terrorist organisation, and, in return, Israel will recognise the PLO as the representative of the Palestinian people and agree to negotiate with it. Then, and only then, Israel can negotiate the DOP with the PLO without the need to hide it’. Peres did not like my idea. He was concerned that the additional demands from the PLO that I proposed would make it more difficult for Arafat to accept the Oslo Agreement.

But I didn’t give up. After Rabin asked me to fix the draft DOP, I explained my idea regarding the need to reach a preliminary mutual recognition agreement with the PLO. Rabin did not reject this idea out of hand. Instead, his response was: ‘It’s too early.’ I understood that his concern was that the idea of an Israeli recognition of the PLO as a negotiating partner was too much for the Israeli public to swallow at that time. Again, I didn’t give up. I asked Rabin: ‘Can I raise this idea with the PLO as my own personal idea?’ Rabin said: ‘If you present it as your personal idea, then it’s OK.’ I then flew to Oslo and indeed raised my mutual recognition idea with the PLO representatives, emphasising that it was not approved by Peres and Rabin. In the next meeting, Abu Ala, the chief PLO negotiator, informed me that he had briefed Arafat on the mutual recognition idea but Arafat had rejected it. Apparently, Arafat did not like the many obligations that my proposal sought to impose on the PLO. Once more, I did not give up. Ultimately, both Rabin and Arafat accepted my mutual recognition idea but Peres continued to oppose it. After the DOP was completed and initialed in Oslo Peres and I, accompanied by the two Norwegians who hosted the secret Oslo negotiations, Terje Larsen and his wife Mona Yuul, as well as Johan Holst, the Norwegian Foreign Minister, flew together to the US to present the DOP to the then-US Secretary of State, Warren Christopher. He was stunned but very happy to learn about the DOP. By that time, Peres came up with a new idea on how to explain the origin of the DOP while obviating the need for a mutual recognition agreement. Peres thus asked Christopher whether the US would agree to present the Oslo Agreement as a US proposal to the two parties and then host the signing ceremony in Washington. After consulting with President Bill Clinton on the phone, Christopher responded that the US would be happy to host the signing ceremony but that it cannot present the DOP as a US proposal.

Peres was left with no other choice but to allow me to negotiate my personal idea of mutual recognition with the PLO, this time as a formal Israeli proposal. So I flew directly from the US to Oslo, together with Holst, Larsen and Yuul, and meanwhile the PLO representatives and my Israeli colleagues also came to Oslo. We had only a few days remaining to negotiate the mutual recognition agreement before the date set for the signing ceremony, and we managed to complete the negotiations before it was time to get on the plane and fly to Washington to formally sign the DOP.

Unlike the Oslo Agreement that was intended to be a transitory arrangement and has been more honoured in the breach than in the observance, the mutual recognition agreement was intended to be permanent and it still stands, 25 years later, as an accomplishment that transcends the original purpose for which I conceived it. It represents the beginning of reconciliation between the two peoples, Israelis and Palestinians, that share the same geographic location and, even as they are trying to divide the land between them, their close proximity requires that they learn to live together side-by-side. For a hundred years prior to the mutual recognition agreement, the two parties refused to talk with one another. Many Palestinians believed that there is no such thing as a Jewish people, and that Judaism is only a religion; many Palestinians also refused to accept the existence of the State of Israel and referred to it disparagingly as the 'Zionist entity.' Many Israelis, likewise, believed that there is no such thing as a Palestinian people, and considered the Palestinians as Arabs who happened to live in the WBG. Thus, Israeli Prime Minister Golda Meir was quoted as saying in 1969 that 'there were no such thing as Palestinians'. In the same vein, the official position of Israel for many years was that the future status of the WBG must be determined through discussions with Jordan and Egypt, the former occupiers of these areas, rather than with Palestinian representatives, let alone the PLO, which Israel considered to be a terrorist organisation (despite the majority of the Palestinians accepting the PLO as their legitimate representatives).

Similar voices are still heard from time to time on both sides (including in a statement made by Abu Mazen himself to the Palestinian National Council in Ramallah in May 2018 that the Jews are not a people and Judaism is only a religion). Clearly, the mutual recognition agreement, even though it is now a formal part of the Oslo Agreement, needs much more time to override long-held policies and beliefs. But the mutual recognition agreement still stands, notwithstanding Oslo's shortcomings.

#### *Success 2: Opening the door to better relations between Israel and many Arab countries*

Another success of the Oslo Agreement is that it opened the door to establish or strengthen the relations between Israel and many Arab countries. Prior to the signing of the Oslo Agreement, Israel had managed to formally establish peaceful relations with only one Arab country – Egypt. Oslo brought a dramatic change to Israel's position in the Middle East. For instance, in 1994, just one year after the DOP was signed in Washington, Israel signed a Treaty of Peace

with Jordan. The Oslo Agreement also strengthened the Israeli-Egyptian relations, which for many years had been very cold. In fact, almost all of the negotiations between Israel and the PLO over Oslo's implementing agreements took place in Egypt; the Gaza-Jericho Agreement was even signed in Cairo, with the Egyptian president hosting the event, and various Egyptian diplomats and military officers have been very instrumental in helping resolve disagreements between Israel and the PLO over the years. The Oslo Agreement also paved the way for Israel to establish formal relations with other Arab countries. On the way back from Washington to Israel immediately after the signing of the DOP in 1993, we stopped by in Morocco for a first open meeting with Moroccan King Hassan, which quickly led to the establishment of representation offices in both countries. Shortly thereafter, I also negotiated the opening of similar Israeli offices in Tunisia and in Oman. Other Arab countries followed suit in a less formal manner. Finally, in 2002, Saudi Arabia published its peace initiative that called for an end to the Arab-Israeli conflict and normalisation of relations with Israel by all Arab countries in return for a full Israeli withdrawal from the areas occupied in 1967. The Saudi Initiative was endorsed by the Arab League in 2002 and then was re-endorsed at the 2007 Arab League summit and at the 2017 Arab League summit.

None of these developments could have happened without the Oslo Agreement. And these are just the main developments that are publicly known. Behind the scenes, cooperation between Israel and many of its Arab neighbours runs deeper than one could have imagined before the Oslo Agreement was signed.

### *Success 3: Creating a foundation for a future Israeli-Palestinian peace agreement*

While the Oslo Agreement has not yet led to a full-fledged permanent status agreement for the WBG, it has laid a foundation for an Israeli-Palestinian peace agreement in the future. The progress of peace initiatives in the Middle East must never be monitored with a stopwatch but rather with a calendar which spans many years, perhaps decades. The Middle East peace process does not constantly develop in a linear manner; rather, it progresses by fits and starts where every sudden positive development is followed by a long period of stalemate in which the previous development is slowly digested, allowing time for various political and other forces to play out until new energy is accumulated, which may lead, when ripeness is achieved, to a new sudden positive development. One must recall that, after the 1973 Yom Kippur War ended, a Middle East Peace Conference was convened in Geneva that started the peace process between Israel and Egypt, Syria and Jordan. It took Egypt six years to enter into a peace treaty with Israel. It took Jordan 21 years to do the same, while 45 years have passed without a deal with Syria, although I believe one ultimately will be achieved. The fact that 25 years have already gone by since Oslo should not be a cause for despair. After all, the Israeli-Palestinian dispute is much more complicated than the Israeli-Syrian one. Meanwhile, until the situation is ripe for a final Israeli-Palestinian deal, the focus must be on ensuring that the good foundation

established in Oslo, which still exists, does not collapse.

The most important accomplishment of Oslo, therefore, is the existence of an autonomous Palestinian leadership in the West Bank that consists of both PLO leaders and local non-PLO leaders, which is handling most of the daily affairs of most of the Palestinians. The Palestinians are building their national infrastructure both from the top down and the bottom up. They are building, among other things, strong security forces that, at least in the West Bank, are cooperating quite successfully with Israeli forces. The basis for this reality was established in Oslo and in the absence of any subsequent permanent status agreement to replace the Oslo Agreement, the interim arrangements established by Oslo — with some modifications — continue by default as a stop gap. The Oslo Agreement allows for additional, gradual transfer of authority from Israel to the Palestinians, away from the limelight, without public announcements and before any final agreement is signed. This modular mechanism is a key element of Oslo: it enables the two parties to keep building their relations toward a two-state solution even before they have resolved their most fundamental disagreements. Until the time is ripe for a final deal, the parties should not lose hope but continue to address and overcome the many challenges to the fragile Israeli-Palestinian co-existence. If that can be accomplished, peace will come, even if it takes much longer than expected.

*Joel Singer is the former Legal Adviser to the Israeli Foreign Ministry under the Rabin-Peres Government. He negotiated the Israel-PLO Mutual Recognition Agreement, the Oslo Agreement and its implementing agreements with the PLO (1993–96). Singer was also a principal author of the Israeli autonomy model developed pursuant to the 1978 Camp David Accords and was a member of the Israeli delegation to the Autonomy Talks with Egypt and the United States under the Begin Government (1979–1982).*



## LEARNING THE LESSONS OF THE OSLO PEACE PROCESS

YAIR HIRSCHFELD

*Yair Hirschfeld was a key architect of the Oslo Accords and is now the Director General of the Economic Cooperation Foundation (ECF) in Tel Aviv. In 2014 he published his seminal book *Track-Two Diplomacy: Toward An Israeli-Palestinian Solution, 1978–2014*.<sup>[1]</sup> The book not only traces the tortuous path of negotiations since 1978, but also offers a rich and compelling personal account of the highs and lows of a distinguished career. With Oslo forming its centrepiece, every phase of the peace process is analysed and evaluated, and what impresses most is the seriousness with which the Israeli team approached each negotiation. Oslo, it is clear, wasn't a stroke of luck, the fortunate product of good chemistry or of the will and authority of one particular leader. It was the result of years of painstaking collective work, of mining the positives from failure, of learning from mistakes, and of slowly, tenaciously building a framework which set out a clear zone of agreement that both sides could sign up to. James Sorene interviewed Yair at the offices of the ECF in Tel Aviv. They explored his thoughts on the peace process, the lessons of Oslo, and of what the future might hold for Israeli-Palestinian relations. (May 2016)*

### PART 1: THE STATE OF THE PEACE PROCESS TODAY

**Yair Hirschfeld:** Given present conditions nobody today can speak about finalising a permanent status agreement. The gaps are far too wide. There's no legitimacy there, no leadership, nothing that you really need. But you can move ahead on state-building. And we are working on this. There are very strong teams working on security. The Palestinians have started to understand that they are too weak to defend themselves and take responsibility for security. There has to be a certain Israeli control, one way or the other, in the Jordan Valley. Now we're working on ways and means – how to do this without interfering with Palestinian sovereignty.

There is a lot happening on civil society. You have the division of the West Bank into areas A, B and C. A is the towns, B is the villages, and C is the rest. C is 60 per cent of the West Bank. If there's no major economic development in Area C, then there's no Palestinian state. At the moment there are difficulties, there is little understanding, and the Palestinians have taken an everything-or-nothing approach. We've got 50 projects which can be done in Area C. We

have the Israeli Security Authority, officials in the Israeli Ministry of Foreign Affairs and the Ministry of Finance trying to work on this. There's the beginning of a very serious dialogue. One breakthrough is that while the Quartet powers (United States, UN, the European Union and Russia) have hitherto always asked to go to the endgame first – which we told Kerry at the beginning was a major mistake – since September 2015, the Quartet have said 'let's move forward with state-building and whatever can be done in order to preserve the two-state solution.'

So, you've got state-building, security, civil society and, number four, the regional approach. There's a lot going on with the regional approach. There's a lot of talking to the Saudis and others; how do you get a regional support structure? And there's a fifth component – a discussion with the religious leadership and a discussion between the religious Jewish leadership and the Islamic leadership. Rabbi Michael Melchior is doing wonderful work there. (See the Fathom interview with Rabbi Melchior [here](#).)

**James Sorene:** *And all this is going on now, as ongoing track two activities?*

**YH:** State-building is moving from track two to track one and a half. The officials are looking into state-building. On security it is track two, but it's together with the Americans. On the religious component there's Rabbi Melchior, who did unbelievable work. Things have calmed down in Jerusalem due mainly to his dialogue with Islamic leaders. He does the most impressive work you can imagine.

## PART 2: LEARNING THE LESSONS OF OSLO

**JS:** *Some people believe that Oslo happened out of the blue in 1993, but your book makes it clear that negotiations had been happening since the 1970s. The Camp David talks in 1978 kicked off a process and your book tells the incredible story of trial and error between 1978 and 1993. Why did it take so long to reach the breakthrough of 1993?*

**YH:** The best answer is Churchill's quip that a government reaches rational policies only after it exhausts all other alternatives. From a theoretical point of view, each side wants to get the maximum it can in negotiations, but you don't know what that maximum is. You only know that after you've gone through several failures. Each side tests the other; 'what is the optimum I can get?' There were different positions. You had the Israeli right who didn't want Palestinian self-government. A second position did want it, but had serious security and political concerns – that position was found on both the Israeli and Palestinian side.

The basic Israeli position was to have a self-government agreement with the Palestinians, negotiated with the Jordanians. Most of Israel's security concerns are very hard to deal with if a Palestinian state is established with full sovereignty and territory. There's no strategic depth there. You can do it if there's a connection with Jordan. So Rabin and Peres wanted a Jordanian-Palestinian confederation. If there was to be a Palestinian state then there would be a trilateral

security arrangement: Jordan-Palestine-Israel. But the Palestinians wanted to do it without the Jordanians, so it took time to find out what was possible and what was not possible. The first option was to negotiate with the Egyptians, but that went down the pan. The second option was to try to get the Jordanians on board, which could have worked. King Hussein was willing to sign the 'London Agreement' in 1987, but Prime Minister Shamir opposed it. When this failed the Jordanians moved out and instead we got the Palestinian uprising [the First Intifada].

We then thought – and this was also for good strategic reasons – that we wanted to talk to the internal Palestinian leadership. If you speak to the internal leadership, you speak to the representatives of the Palestinian population in the West Bank and Gaza. If they want the end of the occupation, they need friendly relations with Israel. In many ways their well-being depends on cooperation with Israel. If you speak to the outside Palestinian leadership they want a return of the refugees to Haifa. So we wanted to talk to the internal leadership. It turned out that this was impossible – so we talked to the outside leadership on the condition that they come back in. One of the historical achievements of Oslo is that the external leadership became the internal leadership, representing the people in the West Bank and Gaza. And we actually can come to terms with Abbas as President of what will become the State of Palestine, not as the representative of the refugee community.

**JS:** *What was the big breakthrough of Oslo? What was the big new thing you were offering? Was it recognition of the PLO?*

**YH:** No. When you negotiate, as a rule, you have your own interests in mind. We have to understand the interests of the other side, but you're fighting for your own people. On the Israeli side the decisive change was the principle of gradualism: that we should have a gradual approach, a source of authority, and control mechanisms necessary for security in the West Bank. This made it possible for it to go ahead. For the Palestinians, the major factor was that Peres and Rabin offered Arafat the option of coming back to Gaza. These were the two deal-making factors. We had an internal discussion about whether we should recognise the PLO or not, and Peres and me were actually against it. Yoel Singer made a strong argument in favour and this is what happened in the end.

**JS:** *Would it have happened without that recognition of the PLO?*

**YH:** Probably not.

**JS:** *What is interesting about the Oslo story is that Yoel Singer just put recognition on the table. It wasn't there before. Is that an argument for always having a lawyer in the room?*

**YH:** It was a lawyer's argument: if you sign an agreement, sign an agreement you're responsible for. The politics were different: if you don't recognise the PLO you still have an important negotiating card in your hand and the PA would be your counter-part.

**JS:** *Could you elaborate a bit about what you said about the advantage to Israel when it came to control and security?*

**YH:** The Camp David accords [of 1978] are very detailed. If you read the text Begin signed, and you understand the logic of negotiations, the only possible outcome of a negotiated agreement in line with the parameters laid down at Camp David, would be the establishment of a Palestinian state or a Jordanian-Palestinian Confederation. Thus, in the interim, Israel was supposed to withdraw the military government, to withdraw the civil administration, and to withdraw the army into specified security zones. That means Israel loses military control over the West Bank. Now, in the West Bank and in Gaza there are enough spoilers interested in causing major terror acts, so if Israel loses military control, there's nobody there who can prevent this. There was a need to say 'okay, for the time being we will stay there and you can develop your police force, your security forces, and together we can develop agreed terms of cooperation.' But it has to be on a sliding scale: 'You do more, we do less.' It cannot be that we leave you to work alone.

**JS:** *Did Oslo work because all the stars were aligned? The Soviet Union had just collapsed, the US administration was very engaged and at the most potent stage in its political cycle, there was an Israeli Prime Minister from the independence generation who was seen as 'Mr. Security', and there was all the creative thinking of your team that had been working on this for 20 years. All those things came together?*

**YH:** All those things worked together – no question. But it wouldn't have happened without the 15 years of work throughout. You needed the experience, the hard work, and the connections. Without all that, Oslo would never have happened. For example, as a result of our previous work, I had a document with all the Israeli positions and all the Palestinian positions, on every little issue. I had everything in front of me. If you know exactly what the in-depth positions of both sides are then you can think of bridging proposals. You can also see what is not possible.

**JS:** *Can you tell me more about that document?*

**YH:** Israeli-Palestinian negotiations started on 3 November 1991 in Madrid. They continued under Shamir and under Rabin. There were so many different issues. How does it relate to UN Resolution 242? What is the source of authority? What about water? How will we register the population? What is the police force going to look like? What will the Palestinian administration look like? Will there be a Palestinian legislative council? We had to cut through all those issues, by finding out how to bridge between the basic needs of both sides. If you're not going into the details of each issue, it is very difficult to reach an understanding.

**JS:** *If you could go back to 1993 and tell yourself 'For God's sake, do this' to avoid a major mistake, what would that be?*

**YH:** I would change three things. One I talked about in the book: religious actors on both

sides were not part of the process and they should have been. I had a wonderful teacher, Professor Yehoshofat Harkabi, who wrote a book in 1986 called *Israel's Fateful Decisions*. He argued that we must not allow this national conflict to become a religious conflict. So we knowingly excluded the religious guys. That was a mistake.

**JS:** *And what could they have done?*

**YH:** You need a sufficient majority to go ahead. And the legitimacy for moving ahead lay largely with the religious figures. We could have used different language; there's no religious language in Oslo. Our second big failure was that the public relations were a total failure. Prime Minister Rabin had a tendency to oversell what we had achieved. Oslo was never a peace agreement. Oslo was an agreement on how to negotiate and move forwards towards peace. It created the wrong expectations. And our third mistake was to think that we could go for a permanent status agreement before creating the reality of a functioning two state situation on the ground.

**JS:** *Do you mean you shouldn't have set the 1999 deadline?*

**YH:** No, we needed the 1999 deadline. That was fine. But we negotiated on track two what became known as the Beilin-Abu Mazen agreement and I wouldn't do that again. It created the belief that it was possible to solve all outstanding core issues of conflict, Jerusalem, refugees, settlements, borders, security, finality of claims and end of conflict in all their complexities, on the basis of the negotiating principle that 'nothing is agreed upon until everything is agreed upon,' instead of moving ahead in promoting a process of ongoing conflict transformation and conflict resolution.. This concept of 'everything or nothing' strengthened a paradigm that was basically wrong. What I'm upset about is that Arafat told me so. He told me, 'don't go for it, don't go for permanent status.'

**JS:** *So he wanted it delayed?*

**YH:** He wanted to solve issues as they came along and not be obliged to deal with all issues at one and the same time. Look, there's a difference between American and Chinese thinking. Americans believe that for every problem there is a solution. By contrast, the Chinese are sure that whenever there is a solution, it is never really a solution; it is the beginning of a process. They think you have to look at the process and not at the solution. In this I am a strong supporter of the Chinese way of thinking and not the American way.

**JS:** *Your book ends just before the Kerry process, why do you think it failed?*

**YH:** When I wrote the book, the Kerry process was starting. When the book was published, we already knew it had totally failed. We often speak of the four-pillars of the peace process: Palestinian state-building, more security, support from regional actors, and taking care of the spoilers. Achieving progress on all four pillars can create the enabling conditions to reach a

final agreement. But Kerry turned this all upside down. Instead of working on those four pillars and creating a reality necessary to move into the final negotiations, he wanted to have a framework of negotiations where you have all the issues solved. But if you start a building on the tenth floor and you're not willing to build the foundation, and then the first, second, third and fourth floor, you will fail. We actually imploded and we are paying a very high price. So you ask me if I am critical of Kerry, the answer is yes.

**JS:** *Also, Prime Minister Netanyahu was not negotiating with Mahmoud Abbas. Each was negotiating separately with Kerry, who was working with the different teams. That doesn't seem like an effective process.*

**YH:** It depends what you want. There are three different ways forward, I believe in two of them, but I don't believe in the third. One is to try and reach full agreement. You can try to reach agreement; not on all outstanding issues, but on some specific issues. You can have an agreement to move from one phase to another. The Palestinian demand – and I think it makes sense – is to discuss territory and security first. You try to build trust and intimacy and move on to the more difficult issues.

A second way to move forward is to have coordinated, agreed upon, unilateral action with a lot of international and regional support. On security issues, there are many things we can do together without signing an agreement, also on water and other issues. But I think this is also something that is very valuable. It is not necessary to always have a document – we need change on the ground, not always a piece of paper. Then there's the third option – purely unilateral action – which I think is a disaster.

### **PART 3: THE FUTURE OF THE PEACE PROCESS**

**JS:** *What do you think is likely to happen over the next two years?*

**YH:** One of three possibilities. The first is a dangerous trajectory: incitement, hate and lack of professionalism on both sides. This will lead to total disaster and we're not far away from that. In both sides, both governments, there are some very destructive actors.

The second possibility is the more likely one. We stay above water, some things go badly while some things improve. Netanyahu is brilliant in doing this. It is a kind of poor conflict management; tactically it is very interesting to watch, but the problem gets worse.

And the third possibility is that there is substantial improvement and real hope that we can reach a settlement.

**JS:** *What do we need to do to try and improve the chances of that third possibility?*

**YH:** For one, trust-building activity. There is a donor conference in April and if it is successful – and we're working hard on this – it will be important moment for trust building. If the

Palestinian Authority (PA) goes bankrupt it is a 'lose-lose' for everybody. There's a big effort to turn the donor conference into something constructive, to lead to the beginning of negotiations on territory and security. We also have to think about how to prevent another failure of negotiations. There are still gaps – there's no Israeli government which can relocate 180,000 settlers for example.

*JS: If we can build confidence and advance state-building and we do get back to negotiate the big issues of Jerusalem and refugees, do you think there is a zone of agreement on either issue?*

**YH:** You have to make distinctions between conflict management, conflict transformation, and conflict resolution. Under present conditions the key is to engage in 'conflict transformation.' For example, in Jerusalem, the city in effect is divided. There are areas where neither Israeli nor Palestinian authority is being exercised and it causes criminal activity. There is a mutual interest to allow the PA to create a police, security and administrative presence there. In order to lay the foundations for a two-state solution, it is essential to expand Palestinian security and administrative capacities in areas B and C and to create a structure of good neighbourly relations.

*JS: What about refugees?*

**YH:** On refugees you have the Jordanian example. The Jordanians included the refugee camps in the municipal areas of cities close to the refugees. They're taking care of the refugees, actually taking care of them. There are many things you can do.

*JS: Which refugee camps are those?*

**YH:** All over Jordan. You can do this in the West Bank too. You can take care of them – you can include the refugee camps outside the PA area and put it into an administrative structure.

*JS: To what extent will there be a gap in any conceivable negotiation between Israelis and Palestinians due to the Palestinian focus on questions of national narrative, justice and history?*

**YH:** The basic argument that I make is this: 'let's change reality on the ground and create some common interests between the two peoples.' There's a lot of hate, mistrust and unfinished business. If you take the two examples where there has been major headway in negotiations – South Africa and Ireland – in both cases the so-called-underdogs, the ANC and Sinn Féin, made a major effort to understand the opinions of the other side, and that made progress possible. If the Palestinians don't understand the basic essentials of what Israel needs, we won't make progress. If they only talk of justice and history, that's going to be a journey into demonisation and prejudice.

*JS: If I was at the start of a negotiation and I said to you, 'You've been doing this your whole life: tell me five things that I should do to succeed', how would you reply?*

**YH:** First, I'd tell you that you need a concept of mutual trust-building. Second, you should define what you already agree on. For example, on territory and security we agree on more than 70 per cent. So put down in an agreement what you agree upon and you use this in order to *implement* trust-building. Third, where there is agreement, implement. Fourth, work on bridging proposals on what you don't agree upon. While you're implementing, while you're getting trust, while you're getting legitimacy, while you're moving forward on a two-state solution, while you're building relations with third parties, while you're fighting together against terror, while you're creating a better atmosphere; work on bridging proposals. There are all kinds of innovative ideas on bridging proposals.

And I would tell you that it is important to ask the right questions. The question is not 'what is the solution?' The right questions are, 'Do we want a two-state solution? How do I build a strong and effective and continuous Palestinian state? How do I build a strong Jewish and democratic state with equal civilian rights for all citizens? And how do I combine this with both sides recognising that Israel is the homeland of the Jewish people and Palestine the homeland of the Palestinian people.'

Fifth, you have to have agreement about how third parties can help you to implement what you've agreed upon, and how they can help you deal with the outstanding issues.

If you do all five, you have a package that can work.

[1] The US Institute of Peace defines track 2 diplomacy as 'unofficial dialogue and problem-solving activities aimed at building relationships and encouraging new thinking that can inform the official process.' USIP continue: 'Track 2 activities typically involve influential academic, religious, and NGO leaders and other civil society actors who can interact more freely than high-ranking officials. Some analysts use the term track 1.5 to denote a situation in which official and non-official actors work together to resolve conflicts.'

*Yair Hirschfeld is the Isaac and Mildred Brochstein Fellow in Middle East Peace and Security in Honor of Yitzhak Rabin at the Baker Institute. Hirschfeld is currently teaching at the University of Haifa in the Department of Middle Eastern History. Hirschfeld was a member of the Israeli team that prepared the first Israeli-Palestinian blueprint for the Permanent Status Agreement. He is also the director general of the Tel Aviv-based Economic Cooperation Foundation (ECF).*



## JUST DON'T DO IT: THE RAMIFICATIONS OF A TERMINATION OF THE OSLO ACCORDS

GILEAD SHER

*In this essay Gilead Sher argues that despite the flaws of the Oslo Accords and the current paralysis in the peace process all parties stand to lose far more from the cancellation of the Accords than they would gain. Such a scenario would result in perpetual conflict and a most likely deterioration to a civil war'. (May 2018)*

### INTRODUCTION

Two and a half decades have passed since the 1993 Declaration of Principles on Interim Self-Government Arrangements and the subsequent 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the 'Oslo Accords').<sup>[1]</sup> Both agreements were attained throughout an extensive process of Israeli-Palestinian negotiations over three years and sponsored by the international community led by the US. A number of rounds of negotiations (1991-2001, 2007-2008, 2013-2014) failed to reach the end of conflict or to bring claims to a close in a mutual agreement. There seem to be long odds to resolving in the foreseeable future the Israeli-Palestinian conflict comprehensively if at all, in a permanent-status agreement.

The Oslo accord was designed to last for a period of five years, during which time further negotiations were to take place to move the process forward. The identified final status core issues – Jerusalem, refugees, territory and boundaries, security arrangements – that were supposed to be negotiated and subsequently resolved during that five-year period have yet to be agreed upon. Both parties have at various points in time suggested that they would terminate the Oslo Accords due to violations or non-compliance by the other party, or due to the continuous stalemate, as a domestic political token, or to gain leverage over the other party.

The Israeli-Palestinian status quo being as fragile as it is, this essay discusses the ramifications of either party unilaterally canceling the Oslo Accords. Cancellation has pros and cons for each of the parties involved: Israelis, Palestinians, regional actors and the international community. This essay concludes that despite the flaws of the Oslo Accords and some benefits to the Israelis and/or the Palestinians in the aftermath of a cancellation, overall, all parties stand to lose from such cancellation far more than they would gain.

In the nearly two and half decades since the signing of the Oslo Accords (Oslo), leaders from

both Israel and the Palestinian Authority (PA) have [threatened](#) to cancel the agreements.<sup>[2]</sup> Perhaps most significantly, at the UN conference in September 2015, PA leader Mahmoud Abbas [announced](#) to the assembly, '[we] will not remain the only ones committed to the implementation of these agreements. We therefore declare that we cannot continue to be bound by these agreements and that Israel must assume all of its responsibilities as an occupying power, because the status quo cannot continue'. This was widely interpreted to be a threat that the Palestinians would no longer abide by the Oslo Accords, thus cancelling the 1993 and 1995 agreements that have served as the basis for Israeli-Palestinian co-existence and peace negotiations for over two decades. However, the speech was also widely [judged](#) to be 'little more than an empty gesture – and may speak more to Abbas's political desperation than anything else'.

The likelihood is high that this was Abbas's attempt to distract his frustrated and disenfranchised constituency from issues such as corruption and dysfunction within the PA. Oslo was signed with the [expectation](#) that there would be an interim period lasting five years during which some sort of permanent arrangement would come to bear. However, two out of three times, when negotiations on the most contentious core issues became serious, two developments would prevent a successful completion: The Palestinians would hesitate and the Israeli government would collapse. Additionally, the five-year interim structure was marred by weak implementation and feeble monitoring. Each party has since committed a series of grave violations, making the completion of the planned phases psychologically impossible to execute. As a result, what was supposed to be five years is now going on 24 years, with no foreseeable conclusion. In the absence of meaningful steps taken toward settling the decades-long conflict and implementing the two-state solution, the cancellation of Oslo by either one of the parties stands an increasing chance of becoming reality. However, the ramifications of a cancellation would dramatically affect Israelis and Palestinians as well as the international community.

## EFFECT OF CANCELLATION ON ISRAELIS AND PALESTINIANS

### *Ramifications of termination for the PA*

The PA's legal existence was created in the [1994 Gaza-Jericho Agreement](#). Article III.1 of that agreement reads: 'Israel shall transfer authority as specified in this Agreement from the Israeli military government and its Civil Administration to the PA, hereby established, in accordance with Article V of this Agreement, except for the authority that Israel shall continue to exercise as specified in this Agreement.' Oslo II then further [defined](#) the PA in Article I.1–2 of those accords:

1. Israel shall transfer powers and responsibilities as specified in this Agreement from the Israeli military government and its Civil Administration to the Council in accordance with this Agreement. Israel shall continue to exercise powers and responsibilities not so

transferred.

2. Pending the inauguration of the Council, the powers and responsibilities transferred to the Council shall be exercised by the Palestinian Authority established in accordance with the Gaza-Jericho Agreement, which shall also have all the rights, liabilities and obligations to be assumed by the Council in this regard. Accordingly, the term 'Council' throughout this Agreement shall, pending the inauguration of the Council, be construed as meaning the Palestinian Authority.

With Oslo as the basis for the establishment of the PA, the termination of Oslo would mean dismantling the governance of the PA over the Palestinian territories because there would no longer be any legal justification for its existence.

In the aftermath of a termination of Oslo, and therefore of the PA, Israel and the international community would likely work with the Palestinian Liberation Organisation (PLO) as the representative of the Palestinians. However, the PLO and the PA have overlapping roles and conflicting mandates. Moreover, the current incumbent leader of both, Mahmoud Abbas, is struggling for constituency approval. A public opinion poll published in September 2015 found that a record two-thirds of Palestinians wanted Abbas to resign. More recent polls suggest a further drop in support for Abbas. Many Palestinians resent what they see as 'the transformation of their national movement from groups and leaders dedicated to national liberation to a ruling class with special privileges and a stake in the status quo'.

After 12 years in power Abbas's electorate has grown ever more [divided and dysfunctional](#). The split between the Hamas-ruled Gaza Strip and Fatah-ruled West Bank served a devastating blow to the PA's governance. The Palestinians [continue to suffer](#) from institutional decline and growing authoritarianism. The latter schism has been a major concern to all parties involved, and on 12 October 2017, an Egypt-brokered reconciliation agreement was signed between Hamas and Fatah, aiming to restore a Palestinian national unity. It is yet to be seen whether this will avoid the fate of a series of failed reconciliation and unity agreements signed between Fatah and Hamas since the latter overtook the Gaza Strip in 2007.

The Palestinian economy is crippled by recurring budget shortfalls, a massive internal debt, rising unemployment and an over-dependency on international donor aid. The latter would likely shrink if the PA were to [unilaterally](#) give up on Oslo. Furthermore, Abbas' four-year term in office has long since expired. The Palestinian Legislative Council (PLC) has not [convened](#) in over eight years. This has given Abbas the latitude to [avoid](#) accountability for the regression of the Palestinian economy, the repression and the intolerance towards dissent.

The degree of instability inside the Palestinian leadership makes it possible that a collapse of the PA could precede an actual cancellation of Oslo. While this scenario is not equivalent to an automatic termination of Oslo, it could serve as the catalyst for either party to proactively

terminate the accords, especially given that the '95 accords created the PA as a willing and trustworthy partner in the peace process. Either way, it means that the commitments both parties made in the negotiations that led to signing the agreement would be effectively terminated. Such a cancellation would free Israel from the pressure of conceding anything to a corrupt and rejectionist PA, from being roped into reconciliation talks between Fatah and Hamas in order to reunite Gaza and the West Bank and from cooperating on joint economic trade agreements, which the Palestinians, due to the asymmetry between the respective economies, heavily depend on. Israel does not. Taking all the above into account, the Palestinians would be wise to ensure Oslo's survival.

#### *International aid to the PA*

If Oslo is cancelled and with it the PA, the international aid on which the Palestinians heavily depend would shrink, which would further cripple the already-struggling Palestinian economy. The PA [received](#) \$762 million in international humanitarian assistance in 2014, more than half of which came from countries who would likely freeze such donations in the absence of a functioning Palestinian governance committed to bilateral peace efforts. For example, after Hamas won the parliamentary elections in 2006, all direct aid from the Quartet (EU, UN, US, and Russia) was suspended. The funds to pay approximately 160,000 PA employees and their families was in turn [suspended](#) (by the PA) along with funds for basic services such as schools and hospitals. This crucial aid was only [resumed](#) by circumventing the Hamas-led administration and channeling the aid directly to Abbas. This example demonstrates that if another power vacuum is created with the termination of the PA, financial aid could once again be suspended indefinitely, including aid needed for government salaries and benefits.

As discussed above, the PA is already facing unpopularity and unrest amongst its people due to various factors: a struggling economy, corruption, oppressive policies, dysfunctional governance and mismanagement of resources. This lack of a clear political direction towards peace and reconciliation creates an unsustainable economic situation. When donor aid increased, government-funded services fueled consumption-driven growth between 2007 and 2012. However, in recent years donor support has significantly declined along with private investment.

The current economic decline could be reversed in an environment where sustainable, private sector-led growth is fostered, alongside a commitment to ongoing financial support from the international community. Abandoning Oslo could leave a vulnerable 4.5 million population (2.7 million in the West Bank and 1.8 million in the Gaza Strip) with a vacuum of leadership that might be filled by extremist groups. The result would be a devastating cut in international financial aid further debilitating the desperate economy.

*Economic agreements and trade between the PA and Israel*

In accordance with the Paris Protocol of April 1994, the PA serves as the [entity to coordinate](#) economic agreements with Israel and other countries. Israeli-Palestinian trade and joint economic projects in fields such as energy, cement, and telecommunications are significant for the Palestinian economy. Palestinians purchase almost all their electricity from Israel and most of their water comes from Israel as well. Furthermore, Palestinian purchases from Israel account for about two-thirds of total Palestinian imports. Palestinian sales to Israel account for about [81 per cent](#) of total Palestinian exports.

By contrast, only 5 per cent of Israeli worldwide [exports](#) go to Palestinian territories. If either party terminates Oslo this would destroy the economic relationships binding Israel to Palestine. The joint economic projects which tend to exist to serve the Palestinians would be frozen, [resulting](#) in hundreds of millions of dollars in economic losses. The result of an Oslo termination would be Israel's release from the economic obligations of Oslo-based agreements such as the 1994 Paris Protocol, which was incorporated within the 1995 Interim Agreement, and this would likely benefit Israel.

The Palestinian economy specifically relies on Oslo-era economic coordination with Israel; neither people nor goods can move without Israeli cooperation. The Palestinian physical movement in and out of the country is largely facilitated by the security cooperation with Israel. For example, in 2015 Israel [coordinated](#) more than 15.7 million crossings of Palestinians from the West Bank into Israel, most of which were by Palestinians with permits to work in Israel. These work permits provide for the higher average salaries that significantly [contribute](#) to the Palestinian economy. Additionally, there were over 190,000 entrances from the West Bank into Israel for Palestinians [receiving medical treatment](#) in Israel in 2015. There were also 1,700 crossings of Palestinians to [participate](#) in professional health care workshops, exhibitions, and seminars in Israel and abroad in 2015. Israel [revokes the permits](#) in the wake of any acts of Palestinian violence, in which case the Palestinian economy suffers due to their reliance on these permits. If Oslo is cancelled, Israel is then no longer obligated to remain committed to economic coordination with the PA. Israel can revoke (until further notice or agreement) Palestinian permits to work in Israel, which would seriously harm the Palestinian economy and leave the Israeli economy relatively unscathed.

In addition to the movement of people, Israel also [controls](#) all Palestinian imports and exports that go through Israel's borders and it continues to collect customs duties for the Palestinians, transferring those revenues to the Palestinian budget. Approximately 80 per cent of the goods and services [bought](#) by Palestinians are purchased in Israel, where VAT is paid and then returned to the Palestinian State budget. About 50 per cent of the Palestinian budget comes from revenues [collected](#) by Israel and transferred to the Palestinians. When the PA takes unilateral action that harms the peace process, Israel withholds these tax transfers, (for example,

in response to the PA's [unilateral move](#) to apply to the International Criminal Court), and would certainly continue to do so in the event of an overall Oslo cancellation.

Another potential economic benefit for Israel, and a detriment to the Palestinians, pertains to water resources. Under the Oslo process a Joint Water Committee made up of an equal number of Palestinians and Israelis was [set up](#) to manage the West Bank's shared water resources. This committee could cease to exist altogether since Israel is in control of the water resources. In the event of the Accord expiration or cancellation, Israel would have even less incentive than it currently carries to coordinate use of such resources with the Palestinians. Israel controls 80 per cent of Palestinian water resources. The 520,000 Israeli settlers use approximately [six times](#) the amount of water that the Palestinians in the West Bank use. The ultimate termination of Oslo is likely to further degrade cooperation of the shared water resources to the relative benefit of Israel.

Naji Sharab, a political analyst and professor of political science at Al-Azhar University in Gaza, [emphasises](#) the PA's inability to cut economic ties with Israel by stating:

The decisions mentioned in [the president's] speech require strength and the ability to end the economic cooperation and agreements, while finding an alternative, should the economic commitment end between both parties. This is not possible now considering the major challenges the PA is facing, most importantly the Palestinian division, the economy's fragility and the Arab and international community's [lack of involvement] in the Palestinian cause.

Sharab went on to point out that it was impossible for the PA [to resort to decisions](#) that would cut economic ties with Israel since the Palestinian economy completely overlaps with the Israeli economy. At this point in time, Palestinians do not seem to have alternatives which would enable them to end economic cooperation and agreements.

#### *Security and IDF presence in the West Bank*

A cancellation of Oslo would have a significant negative impact on the security of both Israelis and Palestinians. As per agreements reached under Oslo II, the PA maintains civilian and security control of territories in 'Area A,'[3] but the Israeli military (IDF) has ultimate control over all areas of the West Bank, including even 'Area A' into which IDF intrusions do take place when necessary. Many Israelis support cooperation between the IDF and the PA, as the cooperation allows the IDF to preserve Israeli lives and resources by not having to serve as the primary security force in 'Area A,' while still helping the PA collect intelligence to prevent terror attacks on Israelis. Security cooperation benefits Palestinians as well. Despite the PA's several threats to end security cooperation if the IDF continues its intrusions into 'Area A' territories, Palestinians understand that their best hope for a future state will take working with and convincing Israel that they are capable of overseeing security in the West Bank. With the current fragility of the PA's governance, security cooperation is increasingly vital for both

parties to counter terrorists and radical Islamist and Salafi factions, among other threats.

Cancelling Oslo would result in the termination of this mutually critical security coordination, leading Israel to fully deploy the IDF to the entire West Bank. Such move is likely to create an outbreak of violence, given the vast amount of weaponry currently held by PA police and security personnel, which [could find its way](#) into the hands of the militant groups in the West Bank. The inevitable wave of violence, bloodshed, and human rights violations from each party would be devastating. There are no winners under this scenario, which is bound to add suffering and bereavement to all.

## **FURTHER NEGATIVE RAMIFICATIONS OF CANCELLATION FOR ISRAEL**

Israeli critics of Oslo say the accords mean negotiating with and working alongside an incompetent partner unable and/or unwilling to pull their weight. Even though Oslo did not create terrorism, but rather created the possibility to ultimately end it, these critics point to the waves of increased violence and terrorism since Oslo. The second Intifada which erupted in late September 2000, following the failure to reach agreement at the Camp David Summit, went on for four years and caused thousands of deaths and wounded in suicide terror attacks, ambushes, roadside charges, etc., as well as subsequent Israeli retaliations. Israelis view the anti-Israel, anti-Semitic and religious incitement against it as a clear signal that for the Palestinians any peace process would only serve as the pretext for further weakening Israel and advancing towards its annihilation. Thousands of mortars, shells and rockets launched from Gaza pre-meditatedly over Israeli civilians, as well as the West Bankers' 'lone wolves' terror attacks by car ramming and knives stabbing, have all but extinguished the very last remaining shards of trust.

In short, Israelis have lost faith in the Palestinians. They refer to how the PA is currently running what they see as a nearly failed state in the West Bank with faltering support there and how they lost control of Gaza to Hamas, which has since waged armed struggle against Israel in an openly stated effort to destroy the Jewish state. Many Israelis now think Oslo has created more problems than solutions, and these Israelis see benefits to a cancellation not least no longer having to cooperate with incompetent leaders, terrorist groups, constant incitement and impotent agreement implementation. They do not see the several downsides as clearly as they should.

### *De-facto one-state solution and Israeli settlements*

If Oslo is terminated and with it the territorial designation for Palestinians and the security cooperation between the two parties, Israel would not be violating Oslo agreements by fully deploying troops to the entire West Bank which, as discussed above could become a reality, in order to maintain security. Israel could renounce the formal recognition of the PA/PLO, because it was simply a precondition to the Oslo Accords rather than a desire to recognise the

PA. Days before the signing of the first Oslo Accord, each party [agreed to accept](#) the other as a negotiation partner in their Letters of Mutual Recognition. The PLO recognised the State of Israel, and Israel [recognised](#) the PLO as 'the representative of the Palestinian people'. Cancelling Oslo would mean that Israel is no longer bound to recognise the PLO and the PLO can renounce its recognition of Israel. With the cancellation of Oslo, neither party is bound to their commitment to recognition of the other as legitimate. This would be devastating to the notion of an independent Palestinian nation because Israel would no longer be bound. Through the Oslo agreements, to work toward establishing and/or recognising a sovereign Palestinian State. Such a scenario would [create](#) a de facto one-state situation which, as described below, is not ideal for either party:

One state means that Israelis and Palestinians each receive a mutilated and unsustainable version of its national dream. The Palestinians will never get the national self-determination they seek in a Jewish-dominated single state. Jews will achieve neither the democracy [nor] inner harmony they seek (or ought to), nor legitimacy from the world, as long as they obstruct Palestinian rights to national self-expression in their single state – even before Jews become a minority. Finally, this conflict is tragically likely to ignite again over 'some damn foolish thing in the settlements'... a one-state solution not only fails to prevent settlements from ripping into ... Palestinian land and courting violence, it legitimises expansion – since there is no border. Sadly, we all need one.

As noted above, Israeli settlements are another highly contentious topic in the peace process. <sup>[4]</sup> They are considered illegitimate, some would argue they are illegal under international law and a serious obstacle to peace. But as their growth did not stop under the commitments of Oslo, it would certainly not stop in the absence of Oslo.<sup>[5]</sup> Under the first Oslo Accord an arrangement was reached between the parties to postpone a final solution regarding the settlements until permanent status negotiations were cemented. Israel claims that settlements thereby were *not* prohibited, since there is no explicit interim provision prohibiting continued settlement construction. In Article XXXI.7, the agreement does [register](#) an undertaking by both sides namely, '[n]either side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations'. This has been interpreted by Israel as merely imposing restrictions on new settlement building after that date and not as forbidding settlements. With the proactive annulment of Oslo by either party Israel could no longer be accused of 'violating' their agreement undertakings<sup>[6]</sup> (such as refraining from settlement construction), and would continue to build in the West Bank.

#### *International opinion*

There is however, a silver lining for Palestinians in losing the possibility of a sovereign nation. This comes in the form of increased sympathy from the international community. As it is now,

Israel may be winning the battle of land and economics, but Palestinians are [winning the war](#) of international public opinion. The *Economist* [noted](#):

As the occupation of Palestinian territory has dragged on, sympathy [for Israel] has seeped away. In a poll published in June [2014], before the destruction of Gaza, the citizens of 23 countries put the balance of those who think Israel is a good or bad influence on the world at minus 26 per cent, ranking it below Russia and above only North Korea, Pakistan and Iran. A growing number of Europeans call Israel racist (with the sinister flourish that Israelis, of all people, should know better). And even in America, where a solid majority backs Israel, the share that thinks its actions against the Palestinians are unjustified has risen since 2002 by five percentage points, to 39 per cent. Among 18- to 29-year-olds, Israel is backed by just a quarter.

If the Oslo Accords are cancelled, and Israel takes complete control of the West Bank, this will strengthen the Palestinians' advantage in the warfare over public opinion. This matters because it is precisely this edge that Palestinians have gained that ultimately led to the UN granting the PA an upgrade from 'nonmember observer entity' status to 'nonmember observer state' status, which was regarded as providing unprecedented leverage to the Palestinians in their dealings with Israel at the international level. It will most probably increase the level of anti-Semitism and delegitimisation of Israel, thus enhancing the demonisation of the Jewish state and the BDS campaigns against it.

## PROS AND CONS OF CANCELLATION FOR THE INTERNATIONAL COMMUNITY

### *Increased worldwide terror attacks*

The international community has much to lose if Oslo is cancelled by either or both parties. If Oslo collapses, a rise in terrorist attacks can be expected not only in Israel but also in countries allied with Israel to even the smallest degree. This is because terrorist groups as well as terror-perpetrator regimes such as the Iranian one [exploit](#) the Palestinian narrative for the sake of political opportunism, as the underlying unifying vehicle sometimes referred to as the 'Palestine Motivation Effect': '[A]fter all, it makes sense for any movement attempting to gain legitimacy in the Middle East to address one of the region's most heated debates, which conveniently features two of the usual suspects: Jews and America.' Osama bin Laden [cited](#) Palestinian political grievances more often than religious arguments in his rhetoric. Salafi jihadists like al Qaeda use Palestinian grievances as an opportunity to mobilise resources and support to their cause more than as a religious or ideological priority.<sup>[7]</sup>

Likewise, the so-called Islamic State of Iraq and Syria (ISIS) has found an opportunity to exploit the Palestinians – particularly in the suffering of Gaza inhabitants. Although, ISIS's narrative differs from Palestinians' in that it is not about land, liberty, self-determination and freedom but about Islamic rule in Palestine, the Levant and the World. ISIS examines how the

Palestinian narrative failed under the banners of Pan-Arabism and secular nationalists and they are working to radically and actively [change](#) what it means to be 'Palestinian'. By [criticising](#) both Arab governance and Israel, as well as international involvement in the conflict, 'ISIS is essentially exploiting a deep outrage over an issue that is all but irresolvable in the short term. It has an endless capacity to challenge all parties on the ground politically and ideologically without getting its hands dirty by engaging in anything practical let alone constructive, beyond occasional symbolic outreach'. ISIS therefore does not serve as an ally to Palestinians, but as an additional hurdle to addressing actual Palestinian grievances. The more Palestinians suffer in this conflict, as they increasingly will in the cancellation of Oslo, the more Palestinians will [remain](#) 'a compelling chess piece in the Salafi jihadist game,' and serve as a captivating story in the strategy for ISIS recruitment and international mass killings.

### *Anti-Semitism*

Another international consequence of the cancellation of Oslo is the rising tide of worldwide anti-Semitism. Palestinians have been able to present the situation in Gaza as an illegal Israeli siege over the Gaza Strip, violating basic human rights. This harmful [narrative](#) has strengthened the anti-Semitic Boycott, Divestment, and Sanctions movement (BDS). Additionally, anti-Semitic [hate crimes](#) are on the rise with an increase especially during the 2014 Gaza War. If Israel fully annexes all Palestinian territories because of an Oslo cancellation, another increase in violence will inevitably break out which will further stir international solidarity for Palestinians and disdain for Israelis.

## CONCLUSION

Since signing the Oslo Accords both parties have accumulated a long list of violations and infringements of the agreement. Cancelling Oslo in general means liberty for Israel to drop its burdensome commitments to the PA/PLO, albeit at the cost of increasing security responsibilities and at the price of waning international support.

The two-state solution is the only option to preserve the Zionist enterprise of a democratic nation-state for the Jewish People in Eretz YIsrael (the land of Israel). If cancelling Oslo means resorting to one state, this would be lethal to Zionism and would likewise detrimentally affect the Palestinian goal to have their own state established throughout a negotiation process. Such a scenario would result in perpetual conflict and a most likely deterioration to a civil war.

Instead of figuring out how to better implement Oslo, perhaps there should be a proactive step taken by either party to annul the agreements in order to reevaluate and start afresh on the condition that the priority is still to achieve 'two states for two people'. This step should only be taken with a clear plan in mind to (1) prevent the collapse of the PA/PLO; and (2) prevent or minimise a third popular uprising and endless rounds of violent hostilities. This option is regrettably not in the cards at present.

A protracted, intractable and exacerbated Israeli-Palestinian conflict as a result of the cancellation of Oslo would be hazardous to all parties concerned. It will further destabilise the already-turbulent Middle East, foster the Shia radicalism and terrorism perpetrated by Iran and its allies and proxies, and extinguish the faint remainder of hope for peaceful co-existence in this battered area. In conclusion, despite certain advantages to both parties, the path of Oslo cancellation is not recommended.

## REFERENCE

[1] The author is grateful to Ms Michelle Curtis and Ms Colleen Tikva Lemmon for their considerable contribution to this article.

[2] In September 2012, Palestinian leader Mahmoud Abbas threatened to cancel the accords. Then two months later, Israel's foreign minister at the time, Avigdor Lieberman, threatened to cancel the accords and take over, claiming the Palestinians were breaking their commitments. Now we're back to the Palestinians threatening cancellation.

[3] Areas under full Palestinian security and civil responsibility, i.e. all urban areas comprising the vast majority of the Palestinian West Bank population.

[4] For example, the number of Israeli settlers has more than doubled from 262,500 settlers in 1993 to over 520,000 today, across the West Bank, including 200,000 in East Jerusalem. See Oxfam, [20 Facts: 20 Years Since the Oslo Accords](#).

[5] Israel could still, however, be held liable for violating the Geneva Convention and UN Resolution 242 and 338 – though it would depend on the interpretation. Israel's position on the Geneva Convention is that rather than being 'occupied territory,' the West Bank is 'disputed territory,' thus freeing them of such liability. Israel interprets Resolution 242 as calling for withdrawal from territories as part of a negotiated peace and full diplomatic recognition. The extent of withdrawal would come as a result of comprehensive negotiations that led to durable peace not before Arabs start to meet their own obligations under Resolution 242.

[6] With the exception of Article XXXI.7 of the Israeli-Palestinians Interim Agreement.

[7] This was particularly apparent during Israeli operations in Gaza, like Operation Cast Lead in 2008–2009 and Operation Strong Cliff in 2014.

*Gilead Sher is an attorney and former Israeli senior peace negotiator and Chief of Staff to Prime Minister Ehud Barak, heads the Center for Applied Negotiations at the Institute for National Security Studies (INSS) in Tel Aviv. He is a co-founder of the Israeli non-partisan organisation Blue White Future that advocates for a two-state solution. Sher was a lecturer and visiting scholar at Harvard Law School in 2016.*



## ANZISKA'S 'PREVENTING PALESTINE': AN EXCHANGE (1) JOEL SINGER'S REVIEW

JOEL SINGER

*Joel Singer, a veteran Israeli peace negotiator, critically reviews Seth Anziska's book, Preventing Palestine: A Political History from Camp David to Oslo, forcefully rejecting Anziska's central claim that the peace process has 'prevented Palestine'. (February 2019)*

Seth Anziska's revisionist book, *Preventing Palestine: A Political History from Camp David to Oslo*, tells an alternative story to the conventional wisdom regarding the political road that led from the Camp David Accords to the Oslo Agreement (with a detour to the intervening 1982 Lebanon War, which appears to not completely fit organically within his story). As someone who was deeply involved in both ends of this political history, as well as in some other, similar developments in between, reading the book sometimes gave me the feeling that the events it describes belong to some alternate reality.

The book's main thesis can be summarised as follows: A Palestinian state should and could have been created in 1978, when the Camp David Accords were negotiated. In late 1977, Egyptian President Anwar Sadat made his historic visit to Israel and offered to make peace with Israel in return for full Israeli withdrawal from the Sinai Peninsula, which Israel had conquered and occupied since the 1967 Six-Day War, provided that Israel also agreed to recognise the right of the Palestinians to their own state. Thereafter, in September 1978, US President Jimmy Carter invited Israeli Prime Minister Menachem Begin and Sadat to a summit meeting at the presidential retreat, Camp David, in an attempt to achieve a comprehensive agreement that would include both an Israeli-Egyptian bilateral peace treaty and an agreement to allow Palestinian self-determination. Begin, however, decided to prevent the creation of a Palestinian state (or to 'prevent Palestine' in Anziska's shorthand) and, therefore, he shrewdly devised an alternative idea — a plan for Palestinian autonomy. In Camp David, Begin twisted the arms of both Carter and Sadat and, as a result, the Camp David Accords reflected Begin's autonomy idea, rather than an agreement to establish a Palestinian state. According to Anziska, this unfortunate outcome of Camp David has continued to haunt all subsequent political plans and agreements related to the Palestinians, all the way through the 1993 Oslo Agreement. In other words, all of these later developments, Anziska argues, have been contaminated by the

autonomy plan that Begin advocated in Camp David to prevent the creation of a Palestinian state, and this has well served his objective, as well as that of all subsequent Israeli governments, to keep the West Bank.

Before proceeding to review the book, it is important to clarify that I support the creation of a Palestinian state as part of accomplishing an Israeli-Palestinian agreement, the permanent or final status agreement, as it is called in both the Camp David Accords and the Oslo Agreement. I believe that the Palestinians are entitled to their own state and, further, that it is also an Israeli interest to have a friendly Palestinian state created next to it. Moreover, I fully accept the book's proposition that the Oslo Agreement is based largely on the Camp David Accords. Indeed, when negotiating the Oslo Agreement in 1993, both my Palestinian colleagues and I kept copies of the Camp David Accords with us and consulted them occasionally. Also, when subsequently drafting the Oslo implementing agreements, I repeatedly used ideas that had been developed years earlier by the Egyptian, American and Israeli delegations during the post-Camp David autonomy talks. So one can correctly conclude that Camp David begot Oslo. However, from this point forward, my views and the book's path diverge sharply.

As an initial matter, the book must receive the credit it deserves. Anziska did a very good research job and has collected and pieced together an enormous amount of information, including information derived from newly-declassified American and Israeli records, some of which even an avid consumer of books related to the Middle East peace process like me has not previously seen. However, the book fails in improperly allocating its attention among the important players and events that are relevant to the story it attempts to tell.

As to the book's unbalanced focus, consider these facts: *Preventing Palestine* devotes no less than 144 pages to the starting point of this political road (Camp David), of which 100 pages cover the period before the Camp David summit was even convened. Conversely, the final point of this road (Oslo) is covered by all of five and a half pages. One would have expected that a book whose title includes the catchy phrase '*from Camp David to Oslo*' would cover this territory in a more balanced manner. Did Anziska lose steam as he proceeded along this road or did he really intend to focus on Camp David, with Oslo as merely an afterthought? And why did Anziska stop at Oslo? Twenty five years have elapsed since the Oslo Agreement was signed, in which Israelis and Palestinians went well beyond the transitional autonomy arrangements and negotiated, in great detail, the permanent status agreement in several rounds, including the 2000 Camp David II summit (when Israel was led by Prime Minister Ehud Barak) and the 2007 Annapolis Conference (when Israel was led by Prime Minister Ehud Olmert). As to the last of these, even Palestinian negotiators admitted later that peace was then within reach. Nor does the book mention the 2009 Bar-Ilan speech by Begin's heir as the leader of the right-wing Likud party, Prime Minister Benjamin Netanyahu, in which Netanyahu endorsed the two-state solution, thus deviating sharply from Begin's original intention to keep control of

the West Bank and Gaza (WBG). Is it possible that Anziska decided to disregard all of these subsequent developments because they did not support his conclusion that Begin's autonomy idea has been the exclusive cause of preventing a Palestinian state in the 40 years subsequent to Camp David?

More important, the book fails to properly analyse the historic events it does cover. History books often single out the Camp David Accords as the most successful US-led peacemaking effort in the Middle East. Building upon previous, post-1973 Yom Kippur War, American-brokered interim agreements between Israel and Egypt, in 1978, Carter launched the most ambitious and risky peacemaking effort ever attempted in the Middle East by inviting Sadat and Begin to a summit meeting in Camp David. Ambitious — because it attempted to go well beyond the resolution of bilateral relations between Egypt and Israel by adding a much larger dimension to the proposed deal — by accomplishing a second agreement regarding the fate of the Palestinian people. Risky — because Carter and Sadat knew well that Begin, who had taken office as Israeli Prime Minister the previous year, and formed the most right-wing government ever to be elected in Israel, held views regarding the WBG that departed sharply from those held by his predecessor left-wing Labour governments. While previous Israeli Labour governments considered the fate of the WBG primarily from the security perspective, Begin and his Likud government asserted a claim to sovereignty over these areas based on Biblical rights and vowed to never withdraw from them. Therefore, Carter's demand for a resolution of the Palestinian problem in Camp David put Carter and Sadat on a direct collision course with Begin.

Carter and Sadat knew that raising the stakes at Camp David by demanding the resolution of the decades-old Palestinian problem in addition to Israeli-Egyptian bilateral issues, which were very complicated on their own, created the risk that neither set of problems would be resolved, with potential devastating repercussions for all of them.

And yet, following 13 days of hard-nosed bargaining, the parties reached agreement regarding both issues — the Camp David Accords. These accords consisted of two distinct but related documents, one called 'A Framework for the Conclusion of a Peace Treaty between Egypt and Israel,' and the other called 'A Framework for Peace in the Middle East,' which included, among other things, agreed principles for resolving the Palestinian problem. Carter's gamble would not have succeeded without the involvement of two bold, first-rate statesmen: Sadat and Begin.

When Sadat made his historic visit to Israel in September 1977 to offer peace to Israel, he was the first Arab leader to break all three taboos enshrined in the Khartoum Declaration adopted shortly after the 1967 Six-Day War by the leaders of 13 Arab states, including Egypt. In this declaration, these Arab leaders pledged to continue their struggle against Israel and accepted the three famous 'No's': No peace with Israel, no negotiations with Israel, and no recognition of Israel.

Begin was thus faced with a historic decision. Sadat's demand for full withdrawal from the Sinai presented a serious security concern. Israel had previously been forced to twice go to war with Egypt to re-open the strategic passage through the Straits of Tiran, which Egypt had twice blocked for Israeli shipping, in 1956 and 1967. So much so that, since 1967, the official Israeli position (adopted by the much more moderate, previous Labour-led government) was that, in any ultimate peace agreement with Egypt, Israel must retain control of the strategic area of Sharm El-Sheikh that is located at the southern tip of the Sinai and controls the straits. And Moshe Dayan, the Labour Party's Minister of Defence, famously said in 1971: 'Better to hold Sharm El-Sheikh without peace [with Egypt] than [have] peace [with Egypt] without this area.' Sadat's demand that Israel recognise the Palestinians' right to statehood posed an even harder problem for Begin. Contrary to his predecessor, moderate Labour-led governments, who had been prepared to return the Gaza Strip to Egypt and the West Bank to Jordan (minus Jerusalem and security-based border modifications) in return for peace, Begin and his right-wing Likud government's position was that the WBG areas were part of Eretz Israel (the Land of Israel), the Biblical name of Palestine, and that Israel had a sovereign right to all of these areas. But even the previous Labour governments had opposed vehemently the creation of an independent Palestinian state in these areas. As Israeli Prime Minister Golda Meir once famously said: 'There is no such thing as a Palestinian people.' And, furthermore, the assumption was that any Palestinian state, if one were to be created, would be controlled by the Palestine Liberation Organisation (PLO), which all Israeli governments until 1993 considered a terrorist organisation whose main objective was to destroy Israel and, therefore, refused to have any contacts with it. So for Begin to accept Sadat's demand (1) to agree to give up the WBG; (2) to agree to a process that might lead to establishing an independent Palestinian state in the WBG; (3) likely to be run by the PLO, was the equivalent of having to cross not one but three separate Rubicons.

During the Camp David summit, Carter and Sadat joined forces in putting pressure on Begin until they managed to extract from him not only an agreement to fully withdraw all Israeli forces from the Sinai but also, on the Palestinian question, his agreement to the following main principles, which were all embedded in the accords:

- that there is a Palestinian people;
- that the Palestinians will participate in determining their future, including by participating in negotiations with Israel, Egypt and Jordan regarding the final status of the WBG to be concluded within five years;
- that, during the five-year transitional period, Israeli forces must withdraw from the WBG and the remaining forces must redeploy into specified security locations;
- that the final status agreement to be concluded for the WBG must recognise the legitimate right of the Palestinian people and their just requirements; and
- that the final status agreement must be based on all the provisions and principles of UN

Security Council Resolution 242 (which called for Israeli withdrawal from territories occupied in the Six Day War, i.e., the WBG).

In sum, Begin gave up on each of his long-standing positions. And, while the Camp David Accords did not specifically state that Begin agreed to the creation of a Palestinian state, it was understood by all that this would likely be the natural outcome of this agreement. Indeed, shortly after Begin returned to Israel after the signing of these accords in Washington, DC, a large portion of his party's Knesset members voted against ratifying it and subsequently broke away from the Likud and formed a new opposition party; other Likud Knesset members stayed with the party but still voted against ratifying the accords or simply abstained. But for the support of the opposition Labour Party in the Knesset vote, Begin would not have been able to get the agreement ratified.

As for Carter, no other US president before him or thereafter has devoted so much energy and time to personally attempt to resolve the Israeli-Palestinian conflict. Yet he got no political benefit from the successful conclusion of Camp David. Instead, two years later, Carter failed in his bid for re-election in 1980. In 1981, Sadat was assassinated, primarily because of the peace he had made with Israel in Camp David.

Seth Anziska's reaction to the dramatic concessions that Carter and Sadat caused Begin to make and, more generally, the legacy of the Camp David Accords, is essentially: 'Meh!' And why? Because, according to Anziska, the Camp David Accords were not a momentous accomplishment in the history of Middle East peacemaking, as the rest of the world believes, but instead a missed opportunity of grand proportions to create, there and then, a PLO-run, independent Palestinian state. This baseless assertion reminds me of an old Jewish joke:

A Jewish grandmother is watching her grandchild playing on the beach when a huge wave comes and takes him out to sea. She pleads: 'Please God, save my only grandson. I beg of you, bring him back.' And a big wave comes and washes the boy back onto the beach, good as new. She looks up to heaven and says: 'But he also had a hat!'

Not that I compare the purported missed opportunity to create a Palestinian state in Camp David to the missing hat in that joke. As indicated earlier, I support the creation of a Palestinian state. Rather, my criticism of the book results from two separate fundamental errors made by Anziska: First, the author's entirely incorrect conclusion that the creation of a PLO-led Palestinian state was possible in Camp David. Second, his failure to recognise the great efforts invested by Carter and Sadat to take advantage of the Israel-Egypt rapprochement to also enhance the Palestinian cause, as well as Begin's ability and willingness to rise to the occasion and make huge sacrifices for peace, thereby betraying both his political base and his own long-standing beliefs. Instead, the book repeatedly criticises these three leaders. Carter is accused of succumbing to Israel and to pro-Israel Jewish American pressures that caused him to not insist

on including the PLO in the Camp David summit and otherwise preferring to concentrate on more global issues, as well as his re-election, and thereby not following through on his original idea that a Palestinian state should be created. But Carter was likely the most pro-Palestinian US president ever elected.

In the same vein, the book accuses Sadat of preferring to strike a bilateral agreement with Israel rather than insisting on a comprehensive deal that would also include resolving the Palestinian question. But Sadat did more than any other Arab leader at the time in demanding Israeli concessions relating to the Palestinians, as part of negotiating bilateral arrangements with Israel. Having negotiated with all of Israel's Arab neighbours, I can confirm that none of them raised any demand regarding the Palestinians. Syria didn't do so. Jordan didn't do so. Lebanon didn't do so. They each focused exclusively on their own issues. None demanded that, in addition to issues relating to their own interests, Israel should also accept requirements associated with Palestinian issues (or issues related to any other Arab neighbours, for that matter). Even the PLO, after it finally agreed to recognise Israel and stop the use of terrorism, which opened the door to the 1993 Oslo Agreement, did not make any demands relating to any Arab country in its negotiations with Israel; rather, all PLO demands related exclusively to Palestinian issues. Egypt was the only exception. In Camp David, Egypt conditioned the conclusion of its bilateral deal with Israel on Israeli acceptance of additional demands relating to the Palestinians. And, as indicated above, Sadat managed to extract from Begin significant concessions related to the Palestinians.

As to Begin, notwithstanding his many concessions in Camp David, his views regarding the scope of the Palestinian autonomy were quite restrictive. Primarily, Begin's position was that autonomy would be 'personal,' that is, the authority of the Palestinian Council would apply to the inhabitants of the WBG, and not to the territory (whereas the Egyptian position was that authority of the Palestinian Council must cover the WBG territory as well as its inhabitants). While working for Begin for several years after the Camp David Accords were signed in developing detailed plans for implementing his autonomy vision, I attempted many times, but unsuccessfully, to convince him and his advisers to expand the scope of the Palestinian autonomy. From Begin's perspective, however, his sacrifices in Camp David should not have been measured based on the Egyptian, American or Palestinian expectations, but rather in comparison to his previous, long-standing positions. And when viewed from this vantage point, Begin's concessions were enormous.

But for Anziska they were not sufficient. His book is not concerned at all with the scope of autonomy proposed by Begin or that proposed by Sadat. Rather, Anziska criticises Sadat for a much more fundamental 'sin,' that is, accepting a transitional arrangement of Palestinian autonomy in Camp David instead of insisting on Israeli agreement to the creation of a Palestinian state. Never mind that in 1978 the PLO refused to recognise Israel. Never mind that

at that time the PLO also refused to accept UN Security Council Resolution 242. Never mind that, at that time and many years later, the PLO refused to stop terrorism against Israelis and Jews. Thus, in March 1978, six months before the Camp David Accords were signed, the PLO conducted the deadliest terrorist attack in Israeli history, known as the Coastal Road massacre, which involved the hijacking of a bus on Israel's Coastal Highway in which 38 Israeli civilians, including 13 children, were killed, and 71 were wounded. The attack was planned by Yasser Arafat's deputy, Abu Jihad, and carried out by the PLO faction Fatah. And in 1985, seven years *after* Camp David, a group of terrorists belonging to the PLO hijacked the Italian cruise ship Achilles Lauro and murdered a disabled American Jew called Leon Klinghoffer, throwing him to the sea while he was bound to his wheelchair.

It must have been clear to Anziska that, in these circumstances, not only Begin but any other more moderate Israeli leader would have rejected an Egyptian or American demand that Israel agree to a PLO-run Palestinian state. So his argument — the book's *main* argument — that Egypt should have nonetheless insisted on Israel's acceptance of such a condition, necessarily means that Anziska's view is that Egypt should have foregone the peace treaty and the return of the Sinai until Israel accepted this condition. Which may mean that there could have not been peace between Egypt and Israel, even today. As bizarre as this view may sound, Anziska is not alone in this view. In fact, his argument echoes the positions taken at that time by Libyan President Muammar Gaddafi and Syrian President Hafez al-Assad, who led several other Arab countries in condemning Sadat for breaking Arab solidarity by agreeing to make a separate peace with Israel, rather than proceeding against Israel in unison while protecting all Arab interests (including those of the Palestinians), and subsequently suspending Egypt from the Arab League.

Over time, Arab countries have come to terms with the new reality of the Egypt-Israel peace, re-accepted Egypt in the Arab League, and finally, in the context of the 1991 Madrid Conference, agreed to commence negotiations with Israel on separate tracks. Importantly, in 1991, the Palestinians agreed to participate in the Madrid Conference-based peace process, even though the PLO was itself excluded from these discussions. Moreover, there was no promise that a Palestinian state would necessarily be created at the end of the Madrid process; instead, the Letters of Invitation sent out by the US and the Soviet Union to all of the Madrid Conference participants specifically stated that the objective of the discussions as far as the Palestinians were concerned was only the establishment of a five-year transitional period of Palestinian autonomy. Which was exactly what the Camp David Accords had sought. Two years later, the PLO itself accepted the Oslo Agreement's premise that the parties would work together to establish Palestinian autonomy without any advance Israeli promise that the ultimate outcome would necessarily be a Palestinian state. Notwithstanding this change of heart of the Arab world, the Palestinians and the PLO, Anziska appears to be more demanding than all of them

as he continues to level sharp criticism at Carter and Sadat for not involving the PLO and for not demanding that Israel accept a Palestinian state many years earlier in Camp David.

Indeed, *Preventing Palestine* is a PLO apologetic in reference to the Camp David period, when the PLO was still involved in terrorism, did not recognise Israel, did not accept UN Security Council Resolution 242 and remained committed to implementing the main objective of the Palestinian Charter that called for the destruction of Israel. For Anziska, the PLO terrorists who participated in the Israel Coastal Road massacre in 1978 are ‘commandos’ or ‘militants’. The book also suggests that the focus should not have been placed on the PLO’s terror attacks in the late 1970s (that is, at the time of Camp David). Instead, Anziska argues, at that time, the PLO began a process of moderation, pointing to the March 1977 Cairo Declaration of the Palestinian National Council (the PLO’s legislative arm) as an expression of such moderation. But that declaration in fact rejected UN Security Council Resolution 242 and vowed to escalate armed struggle against the ‘racist Zionist regime,’ aka the State of Israel.

At the same time, however, Anziska’s book does not always sympathise with the PLO. On one important issue, *Preventing Palestine* criticises the PLO: For accepting the Oslo Agreement, which, according to Anziska, was the template for a sub-sovereign Palestinian entity based on the blueprint introduced by Begin into Camp David 15 years earlier. And while Anziska concedes that Yossi Beilin, one of the main ‘architects’ of the Oslo Agreement, had suggested that Palestinian statehood was the inevitable outcome of autonomy, he criticises Israeli Prime Minister Yitzhak Rabin for never considering sovereign statehood ‘outright,’ when he shepherded the Oslo Agreement.

As someone who was very involved at both ends (Camp David and Oslo) and throughout the period of the peace processes covered in *Preventing Palestine*, I do not particularly appreciate these assertions and criticisms. They demonstrate Anziska’s misunderstanding of the issues covered by his book. For starters, he completely confuses cause and effect. A Palestinian state was not prevented because the Camp David Accords and Oslo Agreement did not call for such a state and instead selected autonomy, as Anziska argues; to the contrary, these agreements simply reflected the reality that the parties were not able at those points in time to reach agreement on Palestinian statehood, and autonomy appeared to all parties an acceptable, interim compromise. And Anziska’s classification of both Rabin and Begin (or both Oslo and Camp David) as belonging to the same category of those ‘preventing Palestine’ is flatly wrong. Begin intended the Camp David process to result in perpetuating Israeli control of the WBG, whereas Rabin intended the Oslo process to lead to a Palestinian entity separate from Israel. While Rabin was careful not to use the words ‘independent state,’ as he struggled to obtain wide Israeli support for the Oslo Agreement, he knew well that he was leading Israel towards that outcome. Thus, when in 1993 a Rabin aide asked me to review and provide comments on a draft speech that Rabin intended to make in the Israeli Knesset immediately after the signing of the Oslo

Agreement, he confided in me that, to facilitate obtaining the support of a majority of Knesset members for the agreement, the aide had proposed to Rabin that he include a statement in that speech that Oslo would not lead to a Palestinian state. However, Rabin, known as a person whose words always matched his intentions, overruled that idea, insisting he could not say that. Moreover, when I negotiated the Oslo Agreement with PLO representatives in Norway, Rabin — through me — extended an invitation to Arafat and the PLO leadership to relocate from Tunisia, where the PLO was then headquartered, to the WBG and take control of the Palestinian Council, which was to be established there under the Oslo Agreement. Rabin also discarded Begin's approach to autonomy as 'personal' rather than territorial. Further, Rabin proposed that Arafat arrive in the WBG with an armed Palestinian security force. This force was not intended to simply constitute a small unit of armed bodyguards to protect Arafat, but rather a large Palestinian military force (called 'Police' in the Oslo Agreement jargon) that would take responsibility, side by side with Israel, for maintaining internal security for Palestinians in the WBG. And to be clear, it was Rabin who suggested to Arafat that he and the PLO leadership were invited to relocate to the WBG, rather than Arafat suggesting it to Rabin. Similarly, it was Rabin, rather than Arafat, who proposed that the Palestinians be given responsibility for internal security during the autonomy period. More than anything else, these three elements of the Oslo Agreement demonstrate that, unlike Begin, who 15 years earlier invented the autonomy idea as a permanent solution for the WBG, Rabin genuinely intended the Oslo version of autonomy to be a real transitory arrangement that would ultimately lead to the creation of a separate Palestinian political entity.

Without diminishing from the significance of Israeli obstacles placed on the path to Palestinian statehood (primarily, continued settlement activity), the fact that notwithstanding Rabin's clear intentions, Oslo has not yet led to the creation of a Palestinian state is due in large part to Palestinian conduct following the signing of that agreement. This included, primarily, the Palestinian failure to live up to their responsibility to maintain security in the WBG, which led to the 2007 Hamas seizure of the Gaza Strip. So, how can Israel be assured that a Palestinian state, once created, will not also fall quickly into the hands of Hamas? Or Iran? Also contributing to the impasse is the continued Palestinian refusal to recognise Israel as a *Jewish* state (while insisting on establishing a Palestinian state in the WBG), which many Israelis say reflects the desire to implement the alleged Palestinian 'right of return' to Israel. That is, to destroy Israel as a Jewish state.

All of this is missing in Anziska's book, which — perhaps because it entirely incorporates Palestinian attitudes — repeatedly blames everyone else (the US, Egypt and Israel), other than the Palestinians themselves, for the fact that a Palestinian state has not yet been established. Unlike Anziska, I don't believe a Palestinian state has been 'prevented'. It has undoubtedly been postponed. This is due to various obstacles placed on its path for which the two parties are

responsible in almost equal shares. If the parties understand this reality, identify these obstacles and work collaboratively to remove them, the two-state solution will again become viable.

*Joel Singer is the former Legal Adviser to the Israeli Foreign Ministry under the Rabin-Peres Government. He negotiated the Israel-PLO Mutual Recognition Agreement, the Oslo Agreement and its implementing agreements with the PLO (1993-96). Singer was also a principal author of the Israeli autonomy model developed pursuant to the 1978 Camp David Accords and was a member of the Israeli delegation to the Autonomy Talks with Egypt and the United States under the Begin Government (1979-1982).*



## ANZISKA'S 'PREVENTING PALESTINE': AN EXCHANGE (2) SETH ANZISKA REPLIES TO SINGER

SETH ANZISKA

*Seth Anziska replies to Oslo negotiator Joel Singers's critical review of his book Preventing Palestine: A Political History from Camp David to Oslo (Princeton University Press, 2018). In this Shakespearean tragedy, claims Anziska, 'the lawyer doth protest too much'. (February 2019)*

During an interview with a former Israeli legal advisor in 2012 while researching *Preventing Palestine*, my interlocutor responded to a question about the effect of a certain political position with resignation: 'What one sees from here, one doesn't see from there.' This phrase has stuck in my mind ever since, a subtle testament to the power of historical analysis and the gap between those in formative decision-making roles and scholars trying to make sense of the past by weighing multiple and often conflicting perspectives. It was a rare and forthright admission by my interviewee, in stark contrast to self-serving narratives of historical actors who have an incentive to remember things in ways that serve personal and national interests. Joel Singer is exercised by my account of Camp David and its legacy. His own version of events offers another chance to interrogate the Oslo Accords and the wider question of Palestinian state prevention. Some of his gratuitous remarks I leave aside: they seem to reflect defensiveness that the received wisdom might be challenged by new research. But in his rush to promote an insider's corrective, Singer's critique in fact burnishes the very connections between Camp David, autonomy, and Oslo that *Preventing Palestine* seeks to trace.

My book makes the central claim that the architecture of the Camp David Accords and Menachem Begin's autonomy plan for 'Arab residents of Judea and Samaria' undermined the possibility of meaningful sovereignty for Palestinians. As Singer himself noted in an earlier account for *Fathom* this fall, 'Begin's objective in devising the original autonomy plan in 1978 was to perpetuate Israeli rule over the WBG (West Bank and Gaza) without applying Israeli sovereignty to those areas and simultaneously allowing Jews to settle there freely.'<sup>[1]</sup> This took place at the very moment when Palestinian demands for self-determination were first being taken seriously on the global stage. The newly elected U.S. president Jimmy Carter talked openly of a Palestinian 'homeland,' even as statehood itself was never part of the diplomatic equation. While Yitzhak Rabin and Shimon Peres did indeed modify some aspects of Begin's plan in their approach to the Oslo Accords, viewing it as a transitional arrangement,

my argument is that the influence of this early effort was (and remains) instrumental in the persistence of Palestinian statelessness.

Of course any historian must be mindful of causality. As I explain in the book's introduction, one needs to avoid the anachronistic temptation to 'presume statist outcomes' in the 1970s (I never suggest that 'a Palestinian state should and could have been created in 1978'). Rather, I seek in *Preventing Palestine* to describe how 'certain avenues for sovereignty were closed down' between Camp David and Oslo. My point is that 'the effect—if not the intent—has been the elision of a political solution for the Palestinians.' Alongside developments on the ground—most crucially, the expansion of the settlements under the Likud and the decision to intervene in Lebanon in 1982—the Camp David process and subsequent events crippled diplomatic efforts in the 1990s, notably the Oslo Accords. Beyond the new empirical sources I have uncovered, the book is also making a claim about periodisation. Unlike the vast array of literature on the peace process which starts the story from 1993, or perhaps the Madrid and Washington talks just prior, I believe we need to look at the roots of Oslo in the context of the Egyptian-Israeli peace talks fifteen years earlier. The focus on the 1970s and 1980s is therefore intentional, an effort to correct the imbalance in how we think about the history of Israeli-Palestinian peacemaking.

From his review, and several recent interviews, Singer seems to agree with this linkage between Camp David and Oslo. In what can only be described as a further contribution to critical historiography on this period, he openly admits that his own role as the representative of the Israeli army in the Begin autonomy negotiations shaped his approach to his work with Rabin on the Oslo Accords. 'I attempted many times, but unsuccessfully,' Singer tells us, 'to convince him and his advisers to expand the scope of the Palestinian autonomy.' Yet he also questions the very efficacy of autonomy itself. 'Was the autonomy idea a good idea?' Singer told one interviewer, 'Maybe we should have jumped immediately to a state.' He muses about the security risks of acceding to statehood, reminding us how Begin's approach served as a useful constraint:

It's much more difficult to invade a sovereign state than go back to an area where you retain your overall security authority, which is what we did in Oslo and I didn't invent it, I mean, I just wrote it. That is the essence of autonomy...the only question was the scope of the autonomy. Wide autonomy? Narrow autonomy? Only dealing with the sewage and trash collection? Or also getting wider authority? But either way, when you put the Likud here and the Labour there, everyone supported autonomy, just with a different scope. Is it a good idea? No. Is there a better idea? I don't think so.<sup>[2]</sup>

These were some of the core reasons the PLO and Egypt were so adamantly opposed to the autonomy proposal. They recognised that the outcome would preclude meaningful sovereignty. At the same time, there were benefits for Egypt and Israel from the bilateral peace

treaty of 1979, and for the United States as well. Camp David neutralised the military threat to Israel from the southwest, and the return of the Sinai Peninsula relieved pressure on any withdrawal from the rest of the territories occupied in 1967. The cumulative impact for the Palestinian dimension of these negotiations, however, was undoubtedly crippling. This was not, as Singer asserts, a simple reflection ‘that the parties were not able at those points in time to reach agreement on Palestinian statehood, and autonomy appeared to all parties an acceptable, interim compromise.’ He might rather pay attention to the words of Israel’s lead negotiator during the autonomy negotiations, the Minister of Interior Josef Burg, who told one confidant that the mere existence of the talks was a mechanism for ‘shooting the dog’ of Palestinian autonomy.<sup>[3]</sup> Sifting through thousands of pages of archival sources helped me understand Israeli agency in securing a non-statist outcome, one crucial piece of a complex and multifaceted puzzle that underscores why statelessness persists, often by intentional design.

Many other dimensions of this story are worthy of discussion, and *Preventing Palestine* tackles them in kind, casting a wide net and accounting for American, Egyptian, Palestinian and domestic perspectives. Singer, however, gives us ample opportunity to reflect on the adverse role of narrow Israeli legalistic approaches in this story over the last four decades. No amount of exuberant firsthand reflection can mitigate the damage set in motion by the promotion of limited autonomy and the physical expansion of settlements, a reality underscored by the revival of Begin’s ideas across the Israeli political spectrum today. Certainly, what one can see from here might not have been visible from there, but the tenor of Singer’s reaction suggests an inability to connect the dots and discern his own role in helping cement this reality. In this Shakespearean tragedy, perhaps it is the lawyer who doth protest too much.

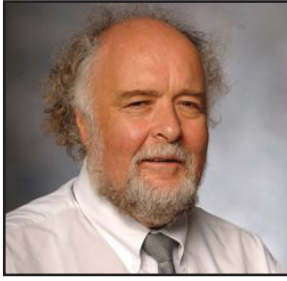
## REFERNECES

[1] Joel Singer, ‘[Twenty Five Years Since Oslo: An Insiders Account](#),’ Fathom Journal, Issue 21 (August 2018).

[2] Quoted in Raphael Cohen-Almagor, ‘The Oslo Peace Process: Interview with Joel Singer,’ *Israel Affairs* 24.5 (2018), 754-756.

[3] See Henry Siegman, ‘[Hurricane Carter](#),’ *The Nation*, 4 January 2007.

*Seth Anziska is the Mohamed S. Farsi-Polonsky Lecturer in Jewish-Muslim Relations at UCL. His research and teaching focuses on Israeli and Palestinian society and culture, modern Middle Eastern history, and contemporary Arab and Jewish politics. He is the author of Preventing Palestine: A Political History from Camp David to Oslo (Princeton University Press, 2018), and his writing has appeared in The New York Times, Foreign Policy, and The New York Review of Books.*



## TEN WAYS THE PALESTINIANS FAILED TO MOVE TOWARD A STATE DURING OSLO: YAIR HIRSCHFELD'S CRITIQUE OF SETH ANZISKA'S PREVENTING PALESTINE

YAIR HIRSCHFELD

*Yair Hirschfeld was one of the two original architects of the Oslo accords. In this extended critical review of Seth Anziska's Preventing Palestine. A Political History From Camp David to Oslo (Princeton University Press, 2018), he argues that the book justifies Palestinian negativism, distorts history, and perpetuates a narrative that can only lead to more disappointment and suffering for Palestinians and Israelis alike. (June 2019)*

### INTRODUCTION

Seth Anziska and I have much in common. We are both non-conformist, independent thinkers committed to Jewish values, and struggling for decency in a complex and often immoral world. In doing so, we have tended to adapt and change our thinking on the basis of understandings reached in regard to a changing reality. And in our late teens, we both spent one year in Israel (he in 2001–2002 and I in 1963–64), which had a formative impact on what we think, do and are.

However, here ends the similarity. Seth Anziska comes from a religious Jewish-orthodox background, I come from a Jewish left-wing secular background. The year Seth lived in Israel he spent in Judea and Samaria. The events he experienced shattered his Zionist Jewish orthodox convictions and influenced him to go back and live in the US; the one year I lived in Israel only reinforced my Zionist convictions and made me come on Aliya and live here since. Seth Anziska came to Israel to stay in Judea and Samaria in a community, where almost everybody either ignored or abhorred the Palestinians living nearby. I stayed (five months) on a Kibbutz where working on the land, found a Maccabean coin – understanding that Israel was our homeland – and joined my Kibbutz father in visiting Arab villages, seeking to build a common bond with them. At the time my Kibbutz parents were engaged in a political battle to put an end to military restrictions enforced on our Arab co-citizens. Two years later, the military regime for Arab Israeli citizens was abolished, making it evident to me that political struggle for a more decent policy could be effective and serve both Jews and Arabs.

Seth Anziska, going back to the US, has convinced himself that it is the task of the US to lead

Israel and the Palestinians on the way to peace, while the spoiler has been Israel. In contrast, I am convinced that seeking peace is a vital Israeli and Palestinian interest, and it is the simplified views of American politicians and experts that have become a major spoiler. Anziska, takes the higher moral ground, and in doing so, ignores much of the 'on ground reality', whereas living in Israel and caring for my children and grandchildren, I have to deal with reality, while still seeking moral positions.

## **PART 1: WHY HAS THE TWO-STATE SOLUTION FAILED THUS FAR?**

While both Anziska and I seek to achieve a two state solution, for Seth it is a simple process: end occupation and permit the Palestinians to take care of their own lives. Alas, I wish this was a realistic position. When I started to work together with Shimon Peres and Yossi Beilin on ways to end the Israeli occupation of the West Bank and Gaza in the early 1980s, the first thing we did was to speak to Palestinian leaders, businessmen, journalists, artists and others. One of our first questions was whether Israel should simply withdraw from the West Bank and Gaza. The answer we got was devastating. 'We Palestinians will first kill each other, and then we will start to kill you.' And they added that Israel should discuss the way forward with the King of Jordan, as well as with Chairman Arafat of the PLO.

In November 1982, I was the note-taker in a meeting between Shimon Peres and Rashad Shawwa, the mayor of Gaza. At the meeting Peres asked Shawwa to help encourage the Palestinian leadership to accept the Camp David formula, of moving in two negotiated phases to a common solution of the Palestinian question. Shawwa asked what the Palestinians could gain and Peres answered, 'You would obtain a veto on what we (Israel) do in the West Bank and Gaza'. When I wrote the protocol of the meeting, Peres corrected the word 'veto' and replaced it by the word 'vote'. Yet regardless, it could have been a vote/veto preventing the expansion of settlements, at a time, when about 6000 settlers lived in the West Bank and Gaza rather than the 600,000 today.

Anziska argues that it has been Israel and the US who have prevented the establishment of the State of Palestine. I argue that Israel has offered repeatedly ways and means to establish a prosperous State of Palestine, living in good neighbourly relations beside Israel. Alas, internal Palestinian divisions, conflicting external influences, and the conviction that Israel is not here to stay, have prevented the establishment of a state of their own.

In the first meeting in Norway in January 1993 (eight months before the 'Oslo Accords'), I made it clear to Abu Ala that the intention was to lead the way to a two state solution. I knew that headway had to be based on five principles: *Gradualism* (or what Anziska calls 'incrementalism'), necessary to turn enmity into a partnership, and permit the Palestine Liberation Organisation (PLO), being a revolutionary movement to become a state-building force, while allowing Israel to maintain a safety network against hostile action; *Palestinian*

*empowerment*, necessary to start building the necessary state institutions; a comprehensive concept of *Israeli-Palestinian cooperation*, in order to lay the foundations for good neighbourly relations; *Security cooperation*, necessary to fight against spoilers; and finally, *embedding Israeli-Palestinian understandings in a wider regional context*, knowing that an Israeli-Palestinian peace-finding process could not be sustained, isolated from the region.

## **PART 2: WHERE ANZISKA IS RIGHT: THE 1978-79 CAMP DAVID PARADIGM WAS COUNTERPRODUCTIVE (ALTHOUGH A DIFFERENT PARADIGM WAS BEING PROPOSED)**

Where I do agree with Anziska is that the strategic paradigm created by the Camp David Accords of 17 September 1978 was counter-productive regarding the Palestinian question. His description of US diplomacy leading to the Camp David Accords is interesting and worth reading.

The paradigm laid out in those Accords suggested a sequence neither side was willing or capable to pursue: After establishing Palestinian self-government (i.e. which we established following the Oslo Agreement) negotiations were supposed to solve all outstanding core issues of conflict, and reach ‘end of conflict’ and ‘finality of claims’. This was intended to become the ‘precursor’ to the establishment either of the State of Palestine, or of a Jordanian-Palestinian Confederation, or of a prolonged autonomy arrangement.

The problem with the paradigm was that it required asking a revolutionary movement – that was uniting all different Palestinian groups under the slogan of ‘armed resistance’ to make irreversible concessions in regard to Jerusalem, refugees and territory. Negotiating these issues, which lay at the heart of the Palestinian national ethos, and giving up ‘the right of armed resistance’ (*muqawamma*) ahead of it was unrealistic, but an essential and vital demand on behalf of the international community and of Israel.

Anziska seems unaware of the justified fear of the Israeli and Jordanian leaderships of a possibly irredentist State of Palestine. Such a state, even with the best intentions of its leadership, would be exposed to jihadist influences that all too easily could provoke an escalating vicious circle of violence. In Shimon Peres’ memoir, *Battling for Peace*, he expressed Israeli fears, writing: ‘In our view, a Palestinian state, though demilitarised at first, would over time inevitably strive to build up a military strength of its own, and the international community, depending upon massive Second and Third World support at the United Nations, would do nothing to stop it. That army, eventually, would be deployed at the very gates of Jerusalem and down the entire, narrow length of Israel. It would pose a constant threat to our security and to the peace and stability of the region.’

In order to counter this fear, a different strategic approach was proposed in detail in my research report: *Israel, the Palestinians and the Middle East: From Dependency to Interdependence* (September

1992). In that report I described possible models of negotiations aiming to reach Palestinian self-government. Of the three models mentioned, one was implemented in Norway and led to the conclusion of the Israel-PLO Declaration of Principles. The research described how to minimise Palestinian dependency on Israel and lay the foundations for good neighbourly relations. In this context, I wrote that ‘For quite some time to come, peace negotiations are and will be threatened by radical forces, militant fundamentalists and others.’ Indeed, Yossi Beilin and I continuously beseeched our Palestinian partners to prevent violent action, knowing that Palestinian terror would feed right wing opposition to the peace process. I also argued that ‘to break the vicious circle of violence’ the establishment of a Middle Eastern Security Organization (MESO) and a Middle Eastern Economic Community for Water, Energy and Trade (MECWET) was necessary, before solving the core issues of conflict (Jerusalem, refugees, borders, settlements, security, finality of claims and end of conflict).

In other words, we – the Oslo negotiators – laid out, ahead of time, the path needed to reach a Palestinian state. We believed that in order to attract foreign investment, develop a flourishing economy, and establish the necessary state institutions, the Palestinian people have a vested self-interest to give up armed resistance, marginalise militant forces within the Palestinian political system, and build a functioning working relationship with all neighbours, including of course, Israel.

Seth Anziska may (correctly) argue that my research paper (submitted to the EU) was not published. However, it is available and with small effort he could have found this and other sources, conflicting with his views, along with the many other documents, he did consult.

### **PART 3: THE PALESTINIANS MUST TAKE THEIR SHARE OF THE BLAME FOR FAILURE**

On pages 282–287 of his book, Anziska describes, how the ‘Oslo Faustian Bargain’ aimed to prevent the creation of the State of Palestine. This is nonsense.

Anziska referenced my book *Track-Two Diplomacy toward an Israeli-Palestinian Solution 1978–2014* in his bibliography, but he has either not read it, or decided ‘not to let the facts get in the way of his argument’. While none of my words should be taken to absolve Israel from its responsibility, it is important to recognise the many ways in which the Palestinian leadership failed to move toward establishing the State of Palestine.

1. **Arafat undermined the ‘local’ leadership:** In October 1993, shortly after the signing of the Israel-PLO Declaration of Principles, Shimon Peres suggested I speak to Faisal Husseini (the most prominent leader of the PLO who resided in Jerusalem and was not part of the Tunis leadership) and tell him that Israel wanted to hand over most documents of the Civil Administration in order to allow for a smooth transfer of authority to the Palestinians. Husseini, who had to consult Arafat, responded after a week saying: ‘We as an

occupied people cannot take documents from the occupiers.’ This was of course counter-productive to the aim of state-building, but it was not counter-productive to Arafat’s political interests. During the first Intifada, Hussein and Sari Nusseibeh had created the ‘Technical Committees’, which in effect were the beginning of a governmental structure. Arafat was determined to undermine the emerging power structure, and in order to put an end to the ‘Technical Committees’, he created a competing structure named PECJAR (Palestinian Economic Council for Development and Reconstruction). It was a first sign that internal Palestinian politics were more important than any serious effort of state-building.

2. **The Palestinians rejected people-to-people activity and created the policy of ‘anti-normalisation’:** In October 1993, Arafat’s brother, Dr Fathi Arafat suggested the building of working committees for what we called ‘people-to-people’ activities, aiming to lay the foundations of good neighbourly relations. The idea was to prepare cooperation programs, with the blessing of the UN, and then implement them. Joint teams worked for 14 months on a wide range of programs, but less than a week before travelling to New York, we were told that the PLO opposed the move. A Palestinian friend who had participated in the effort subsequently told me that the PLO ambassador at the UN, Nasr el-Kidwa, opposed the move as ‘it would have shown the Israelis in a positive light’. This policy was followed by the emergence of a PLO supported strategy coined ‘anti-normalisation’. It meant that any Palestinian who tended to cooperate with Israelis could and would be castigated. In face of a reality, where Israeli peace groups offered most needed help, there were always exceptions to the rule of ‘anti-normalisation’. However, the major message delivered and understood by Israeli society was that good neighbourly relations were not part of the deal, even if this would undermine Palestinian well-being and prosperity.
3. **The Palestinians walked back the Beilin-Abu Mazen agreement:** In October 1995, a small group of Israeli and Palestinian negotiators prepared what is known as the Beilin-Abu Mazen Understanding, which was a blueprint for a Permanent Status Agreement. Abu Mazen (Mohammad Abbas) had followed the preparation of the agreement throughout the process and at the end of November he came to our ECF office in Tel Aviv and said he viewed the document as an important basis for future negotiations between both governments. I took Abu Mazen in my car to the residence of the Egyptian Ambassador Bassiouni in Herzliya and on the way he told me: ‘Yair, we will get there’ supporting his statement with a movement of his hands, describing a serpentine way ahead of us. When, in the summer of 2000, there was an Israeli Government determined to negotiate a Permanent Status Agreement, the understanding we reached in October 1995 had the chance of being translated into reality. Alas, Abu Mazen publicly withdrew his consent. When we phoned him, he answered in his own voice, telling us that he was not at home.

To be fair, six weeks before we concluded the Beilin-Abu Mazen Understanding in 1995, Arafat separately warned Beilin and me not to seek a blueprint for a Permanent Status Agreement. He told me: 'Yair, we are not ready for this. The gap between both positions is too wide. And if you will go ahead, Yossi Beilin will undermine his relations, both with Peres and with Rabin.' Arafat understood that an 'everything or nothing approach' cannot work. And that an incremental strategy was an absolute necessity.

Sari Nusseibeh actually explained this to me in analytical terms. 'Yair,' he said, 'if the Labor Party is in government in Israel, you people will tend to move too fast, and it will create major pressures on the Palestinian political system. This all too easily may become counter-productive.' And he continued: 'However, if the Likud is in government, progress will be slow; the Palestinian leadership will need and will be able to count on the support of the Israeli peace camp and it will be possible to gradually move forward.'

4. **The Palestinians did not advance economic development:** Palestinian economic development, being an important component in the creation of an independent state, was largely determined by the Paris Protocol, signed in May 1994. Anziska and others (such as Toufic Haddad's book *Palestine Ltd. Neoliberalism and Nationalism in the Occupied Territory*) may argue with some justification that the Paris Protocol limited Palestinian state-building capacities. Hence in 1999, with Norwegian financial support, an Israeli and Palestinian team prepared what we called EPS – an Economic Permanent Status Agreement. The Israeli team was led by David Brodet, who had negotiated the Paris Protocol in 1994. And the Palestinian team was headed by Maher el-Kurd, who was one of Arafat's most senior economic advisors. After the EPS was concluded and signed by both sides, Dr Muhammad Shtayeh (now the Prime Minister of the Palestinian Authority) was asked to review it. As in 1993 (when the 'Technical Committees' were replaced by PECDAR), PECDAR again denied the Palestinians a major step forward towards nationhood.
5. **The Palestinians withdrew consent for the trilateral security team:** In order to take care of Palestinian and Israeli security interests, three teams – Israeli, Palestinian and Jordanian – prepared a blueprint for what we called 'Security Permanent Status'. The basic idea was simple: in order to take care of Israeli security interests and facilitate the end of occupation in the West Bank, security arrangements with Jordan could serve all three sides. Israel needed the external borders of Jordan as its security borders; Palestine needed to take care of internal security with no – or extremely limited – Israeli presence, and Jordan had an interest to cooperate both with the State of Israel and the State of Palestine. When this concept was concluded, King Abdallah of Jordan and Ehud Barak, Prime Minister of Israel, met to implement various suggestions made in the document. The Palestinians, however, withdrew their original consent.

6. **Arafat rejected the Clinton Parameters:** Negotiations on an Israel-Palestine permanent-status agreement reached its potential conclusion in December 2000, when Clinton submitted his proposed guidelines for an agreement, offering the Palestinian people not only the right to establish a state of their own, but similarly resolving the issues of Jerusalem, refugees, borders, settlements and security. Yet, Arafat said 'no'. In his memoirs, Clinton wrote that: 'Perhaps he simply couldn't make the final jump from revolutionary to statesman. He had grown used to flying from place to place, giving mother-of-pearl gifts made by Palestinian craftsmen to world leaders and appearing on television with them. It would be different if the end of violence took Palestine out of the headlines and instead he had to worry about providing jobs, schools, and basic services. Most of the young people on Arafat's team wanted him to take the deal. I believe Abu Ala and Abu Mazen also would have agreed but didn't want to be at odds with Arafat. When he left, I still had no idea what Arafat was going to do. His body language said no, but the deal was so good I couldn't believe anyone would be foolish enough to let go.'

I do blame Arafat for not accepting the Clinton parameters, but I am the last to blame Chairman Arafat for the failure of the Camp David Summit of July 2000. In preparing the summit everything was done the wrong way, based on the US-Israeli lack of understanding of Palestinian sensitivities and needs. Thus, in the summer of 2000, the opportunity to conclude the establishment of the State of Palestine, without determining its borders, was squandered. Arafat at the time asked Israel to recognise the establishment of the State, allow it to control 53 per cent of the West Bank territory, allow for Palestinian elections in the Arab neighbourhoods of Jerusalem, create certain limits on settlement activities, and commit to negotiate for a further two years (see Hirschfeld pp. 246-247). The opposition of Barak and Clinton to such an incremental approach and the commitment to an 'all or nothing' approach, meant this opportunity was lost.

7. **The Palestinians launched the Second Intifada leading a war** – the al-Aqsa Intifada – against an Israeli peace government. The al-Aqsa Intifada caused more than 1000 Israeli and 3000 Palestinian deaths between September 2000 and March 2004. The Israeli national economic loss was estimated in June 2002 to amount to more than US \$5 billion, or 3 to 4 per cent of Israel's gross domestic product. The terrorist attacks caused malls, cafes and hotels to empty. A Tel Aviv university research study found that 40 per cent of the children it surveyed were suffering from symptoms of trauma, and up to 40,000 cars a year were stolen through Israeli-Palestinian criminal collaboration. I respect Seth Anziska, who lived at the time in the West Bank, for his sensitivity toward the suffering of the Palestinians. Alas, he ignores that it was Palestinian action that destroyed the fabric of Israeli-Palestinian cooperation and caused a tremendous set-back to the efforts at reaching an agreed two-state solution.

8. **The Palestinians wasted the opportunity provided by disengagement:** Prime Minister Ariel Sharon's unilateral disengagement from the entire Gaza Strip and the Northern West Bank provided another opportunity for the Palestinian leadership that they wasted. True enough, Sharon did not make it easy for the Palestinian side to take advantage of a policy they had not been consulted on. However, Vice-Prime Minister Peres offered an orderly transfer of the entire real estate and equipment created by the settlements, to the Palestinian Authority, both in Gaza and the Northern West Bank. Together with Palestinian counterparts, the Economic Cooperation Foundation had prepared a comprehensive plan: the Gush Katif area could have become an attractive tourism area allowing particularly Arabs from the Gulf to enjoy the Mediterranean; it was suggested that the settlement Netzarim become a centre for agricultural research; the four settlements in the Northern West Bank could have been transformed into sport and culture centres; and agricultural research and much more. These plans, and the existing real estate could have attracted most substantial international investment and jump-started much needed economic growth. Instead, the Palestinian Authority, assisted by the US-led international community, argued that any settlement activity was illegal according to their interpretation of international law, and insisted that Israel destroy real estate worth more than \$4 bn. In place of economic development, what everybody saw was war-like destruction.
9. **The Palestinians gave no answer to the Olmert offer:** During Ehud Olmert's premiership (March 2006 – March 2009) the Israeli government prepared for a two-state solution. In September 2008 Olmert submitted Israel's proposal to Abu Mazen. It fitted hand in glove the terms of reference for negotiations, submitted to us by Hussein Agha and Ahmed Khalidi, Abu Mazen's most trusted advisors. Palestinian PR excused the refusal by claiming that Olmert had submitted a 'take it or leave it' proposal. This is not true. After waiting for an answer from Abbas, Olmert sent former Oslo negotiator Ron Pundak to Ramallah to ask the Palestinian president what he wanted to change. Pundak returned to Jerusalem empty-handed. In January 2009, Olmert discussed his proposal with me, telling me that Abu Mazen had de facto rejected it. Knowing how comprehensive and how forthcoming Olmert's peace proposal was, the Israeli Prime Minister intended to obtain support from the US, Europe, Egypt, Jordan and Saudi Arabia, to implement parts of the plan unilaterally. He intended to develop a strategy, which we called 'coordinated – multilateral unilateralism'. It meant to engage in Palestinian state-building in coordination with the Palestinian Authority, while permitting Abu Mazen to reject the proposed final deal. Had Olmert remained in power this might have paved the way to a two-state solution.
10. **The Palestinians' perennial 'No' to American administrations:** Since then, Abbas has

said ‘no’ to Secretary of State Kerry’s first proposal; ‘no’ to his second proposal, which aimed to take care of Palestinian sensitivities; he said ‘no’ to Kerry’s terms of reference, published when the Democrats were already voted out of power; Abbas said ‘no’ to the Quartet proposals of early July 2016, and he is saying ‘no’ to President Trump’s proposals.

Yes, we have to understand the reasons for the perennial ‘No’ of the Palestinian leadership to each and every constructive peace proposal, either by Israel, the US, or the Quartet powers (US, Russia, EU and the UN). But while the reasons are complex, this does not allow Seth Anziska to put all the blame on Israel and/or the US, for not reaching a peaceful solution of the conflict.

#### **PART 4: WHAT IS TO BE DONE? THE FOUR PILLARS OF PROGRESS**

If the paradigm created at Camp David in September 1978, prevented rather than eased progress towards a peaceful Israeli-Palestinian two-state solution, and if we accept that Anziska’s apparent idea of solving all core issues at once at the start, and allowing the creation of the State of Palestine on the entire territory of the West Bank, Gaza, and East Jerusalem was and is unrealistic, does this mean that there is no hope?

No, it means that a less ambitious paradigm must now be pursued. Creating a two state solution has to be built on four pillars:

- First, the Palestinian leadership and people must set their mind to state-building – creating the necessary state institutions and a prosperous economy;
- Second, it is essential to minimise the prevailing gap regarding the agreed territory of the emerging State of Palestine;
- Third, it is crucial to develop optimal cooperation with Israel, the Arab world and the international community for building a prosperous state;
- Fourth, it is necessary to upgrade security cooperation and coordinate action against spoilers.

If we understand that every Israeli government has to take care of the interests of over 400,000 Israelis living in the West Bank, the real territorial conflict is on 10 per cent of the land of the West Bank. This means that a sufficient majority on both sides of the divide would gain remarkably from an agreement on 90 per cent of the West Bank and 100 per cent of Gaza, leaving the core issues of conflict for follow up negotiations. Thus, thinking out of the box is needed on how to deal with the conflict over the remaining 10 per cent of territory. One way would be to reach state-to-state agreements on the 90 per cent and postpone negotiations on the remaining 10 per cent for later. Another way could be, to establish Special Zones in the area of the 10 per cent and agree not only on a land swap, but also on various other measures in support of a flourishing, prosperous and contiguous State of Palestine.

In 2000 Arafat wanted to proclaim the State of Palestine on 53 per cent of the West Bank territory, while not giving up one inch of land, but leaving this for later negotiations. Salam Fayyad understood that the real Palestinian challenge was to build the institutions of the future state, as well as a prosperous economy. Against the mutual incitement, hate and growing radicalisation this approach may be difficult to achieve today. Nevertheless, it is the only way forward.

Anziska's claim that US and Israeli policy has prevented the establishment of the State of Palestine is at best a half-truth. The second half of the truth is that the main task of establishing the State of Palestine falls upon the Palestinian leadership and people. Saying 'no' to every Israeli proposal or engaging in violence does not build a state. It has only caused tragedies and repeated setbacks.

Writing an academic account that justifies Palestinian negativism does not only distort the historical events, it also perpetuates a narrative leading to more disappointment and suffering of Palestinians and Israelis alike.

*Yair Hirschfeld is the Isaac and Mildred Brochstein Fellow in Middle East Peace and Security in Honor of Yitzhak Rabin at the Baker Institute. Hirschfeld is currently teaching at the University of Haifa in the Department of Middle Eastern History. Hirschfeld was a member of the Israeli team that prepared the first Israeli-Palestinian blueprint for the Permanent Status Agreement. He is also the director general of the Tel Aviv-based Economic Cooperation Foundation (ECF).*

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