

Between one state and two: Time to decide

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By Udi Dekel / January 27, 2018 13:28

The political debate around the Israeli-Palestinian conflict since the second intifada has largely been characterized by a dichotomous conceptual framework: negotiations for a permanent status agreement of “two states for two peoples” versus “continued conflict management,” without seeking a solution in the absence of a proper partner for consent and implementation.

It now appears that over the past year, the public debate has reached a turning point whereby the government of Israel has in effect taken the two-state solution off the table, after years of keeping it there as its declared policy.

At the same time, new-old ideas have arisen, deriving from the recognition that there is no chance now for a political arrangement to end the conflict. The most striking are versions of the one-state solution, the application of Israeli law to the settlements in Judea and Samaria or the annexation of Area C.

Israel has chosen a policy of preferring to manage the conflict and maintaining the so-called “status quo,” based on an assumption that it is sustainable. This choice is grounded in the assessment that in view of the regional volatility, this is the least dangerous alternative for Israel.

Another reason is the inability to crystallize a national consensus around the configuration of dividing the country and defining the final borders of the State of Israel.

Since the Document of Principles on interim self-government was signed in Oslo, there have been material changes to the conflict.

At the Israeli-Palestinian level there were repeated rounds of violence, alongside failed attempts at negotiations; Gaza saw the Israeli withdrawal and the rise of Hamas and its brutal takeover of the Strip; and there was a gradual but considerable expansion of settlements and growth in the Israeli population in Judea and Samaria.

At the regional level, there were upheavals that weakened the central state actors and undermined the political order; Salafi-jihadist Islam has broadened its influence, mainly in the form of the Islamic State; the ongoing wars have caused widespread

destruction, generating huge waves of displaced persons and refugees and creating opportunities for exploitation by Iran looking to extend its sphere of influence.

At the level of the great powers, the United States aims to reduce its presence and involvement in the Middle East, while Russia is becoming more involved and influential. All these factors have weakened the elements that were pushing for a two-state solution to remove the Israeli- Palestinian conflict from the center of the regional and international focus.

Lessons from rounds of negotiations and the gaping divide

The rounds of negotiations between Israel and the Palestinians have highlighted one pattern. Throughout the talks, the Palestinians have clung to their basic positions, while Israel has tried to be flexible and has gone a long way toward the Palestinians.

In practice, no situation has arisen that would satisfy the needs of both sides to sign an agreement.

The most prominent issues to be resolved were (and remain): the Israeli demand for recognition of Israel as a Jewish state, and the Palestinian refusal to do so; failure to accept Israeli's security demands, which are perceived as interfering with the sovereignty of the Palestinian state; responsibility for the Palestinian refugee problem, which has been ascribed to Israel, and the demand for "the right of return" and its implementation (though only partial) within the boundaries of the State of Israel; and the refusal to recognize Jerusalem as Israel's capital (an issue highlighted following President Trump's recognition of Jerusalem as the capital).

In the current circumstances, it is hard to foresee a breakthrough toward a stable political agreement with a sovereign, responsible, and stable Palestinian state in control of its people and with a monopoly over power in its territory. The Palestinian entity is divided between two leaderships, in the West Bank and in the Gaza Strip – with both lacking legitimacy in their areas of control.

Looking ahead of the Palestinian Authority the threat of a leadership vacuum expected the day after Mahmoud Abbas. PA rule in the West Bank survives to a large extent thanks to broad international financial support and because Israel frustrates all attempts by Hamas to become a principal presence.

As for the Gaza Strip, the damage caused to Hamas and the general population after Operation Protective Edge is joined by the intensifying multi-dimensional infrastructure crisis (electricity, water, sewage, and housing) and the employment, economic, and social crisis in the region. While it is true that all these have made Hamas willing to return the reins of civilian control in the Strip to the PA, nevertheless it is hard to see if and how the latter will indeed regain full control.

The PA leadership – backed by pragmatic Sunni Arab states and the international community – worked to emphasize the necessity of the two-state solution, especially when the State of Israel stopped presenting it as an imperative.

However, against the ongoing political freeze, the Palestinian public is showing signs of a greater desire for “one state” with equal rights for all its citizens on the one hand, while supporting terror and violence on the other. (Some 35% of Palestinians currently support the “one-state” solution according to a referendum survey in August 2016 conducted by the Israeli Democracy Institute and the Palestinian Center for Policy and Research (PSR). A PSR survey in March 2016 found that 67% of respondents thought that a new wave of terror developing into a full intifada would serve Palestinian national interests.)

Trump’s declaration regarding Jerusalem also aroused voices in the PA leadership in support of the one-state idea.

As for Israel, over the years the waves of terror and the political impasse have led to decreasing public support for a peace agreement (from 70 percent in 2005 to 55 percent in 2017), according to a broad, methodical sampling of surveys on this subject.

Moreover, an understanding has taken shape that Israel has no partner for such an agreement, and even if a political agreement could be achieved, the Palestinians would have difficulty implementing it and would be unable to satisfy Israel’s security demands, which were presented by Prime Minister Netanyahu as freedom for operational activity from the Jordan River to the Mediterranean Sea.

At the same time, Israel’s settlement enterprise has continued to expand, which is perceived by the Palestinians and by the international community in general as Israeli policy designed to block the two-state solution

The latest alternatives for an Israeli-Palestinian arrangement

The goal of US President Donald Trump to seek the “ultimate deal” marked the first crack in the widespread perception among elements in the international community and Arab states that there was only one agreed solution: a permanent status agreement of two states, based on the 1967 borders and two capitals in the Jerusalem area.

The last three decades have shown that there is no purpose in striving for a better result in the framework of the same perceptions and paradigms of negotiations that have failed again and again in previous rounds.

The Institute for National Security Studies (INSS), after a long and comprehensive research process, has compiled a list of currently dominant alternative approaches, that is, maintaining the current situation or options toward an arrangement.

The basis is a distinction between the two overarching approaches and the respective future options: the concluding end state approach, indicating the final geopolitical situation, and the process approach, which can create a whole range of future options, with or without a favored option.

In most scenarios, the concluding end state approach guides the parties at the end of the process to a reality of two states or one state.

The concluding situation of two states has several possible formats: (1) two separate, independent states; (2) an Israeli- Palestinian confederation (after setting up a Palestinian state); (3) a Jordanian-Palestinian confederation (after setting up a Palestinian state); (4) two states in one space, a kind of limited Israeli-Palestinian confederation.

The concluding situation of one state also has several formats: (1) a state for all its citizens, full equality of rights for both peoples; (2) a Jewish state with limited rights for the Arab-Palestinian public, who will have the status of residents but not citizens; (3) an Israeli-Palestinian federation, which has a range of options for the ties between different publics and districts.

The question of the Gaza Strip is a separate issue, but it could be incorporated into the various options, or subject to a different solution, such as an independent entity or an entity ruled by a regional or international trust.

In the process approach, on the other hand, there are a number of options that serve opposing views, of which the main ones are: (1) continuation of the existing conflict management situation; (2) transitional arrangements toward a reality of two separate states/entities; (3) a regional settlement to provide a supportive regional environment, with collateral and guarantees for progress toward a bilateral Israel- Palestinian arrangement; (4) the application of Israeli law to settlement blocs; (5) processes of annexing some or all of the settlements plus Area C (60 percent of the West Bank).

For purposes of comparing the options, the main objectives were marked, and each option was examined with reference to the manner and degree promoted.

The ultimate objectives – retaining and strengthening Israel as a Jewish, democratic, secure, and moral state; establishing Israel's regional and international status; and the existence of a functioning, stable Palestinian political entity that can serve as the "responsible address" (for both the West Bank and the Gaza Strip).

A number of criteria were outlined, such as: (1) the degree to which the option depends on Palestinian ability to deliver; (2) the ability to stabilize the Gaza Strip and prevent it from becoming a "spoiler" for any positive process; (3) the feasibility of implementing the option within the Israeli public and political system; (4) the feasibility within the Palestinian political system; (5) the option's dependence on external factors.

After that, simulations were performed to examine the survivability and stability of the options given a range of future scenarios, and with reference to possible future challenges.

The following scenarios were run: security deterioration in the Palestinian arena; a failed Palestinian entity, leading to the breakup and collapse of the PA; creation of a hostile Palestinian entity in the West Bank; economic collapse and loss of governance in Gaza; internal Palestinian reconciliation with one responsible address in government, or Hamas retaining its military power while the PA governs (the

Hezbollah model); weakening that undermines stability in neighboring countries in tandem with intensifying trends towards regional chaos; polarization and internal rifts in Israeli society.

Both research methods – criteria and simulations - found that the most stable option in support of the main national objective of a democratic, secure, and moral Jewish state was that of political and geographical separation from the Palestinians and the establishment of a separate, functioning Palestinian entity alongside the State of Israel.

In view of the understanding that in the current conditions it is not possible to “leap” from the existing situation to a permanent two states for two people situation, there are two relevant options for emerging from the current political freeze.

The first one is transitional arrangements, which refers mainly to a sequence of arrangements between Israel and the PLO/PA with the purpose of creating the conditions on the ground to facilitate territorial and political separation.

These arrangements include a series of understandings and agreements between Israel and the PA, to be implemented on the ground before any final agreement is reached. Gradually a de facto situation of two states will take shape. The advantages of this option lie in its practical and flexible nature, as it can be integrated into the President Trump initiative.

The option provides a security response to Israel’s demands, based on IDF control of the security perimeter around the shared Israeli and Palestinian space, with Israeli freedom to take action against terror infrastructures in the Palestinian territories. In return for cooperating with this move, the PA would receive benefits such as the transfer of land and authorities (such as unification of Areas A and B under PA control, and even transfer of control of parts of Area C settled by Palestinians, or designated for economic and infrastructure development), plus creation of the conditions for building a Palestinian state and establishing governance capacity.

The opportunity to advance in the chain of arrangements will significantly increase if the pragmatic Arab states decide to be involved in the process and provide guarantees and financial support to the PA. The central weakness of this option is that for its success is required Palestinian goodwill and the ability of the PA to function effectively and maintain stability and the tendency toward progress.

At present the Palestinian leadership is suspicious of transitional arrangements, which it sees as an ongoing interim situation that will interfere with the ability of the Palestinians to implement their objectives and vision in the long term.

The second option, that parties with specific interests are placed on the table without clarifying the consequences, is one state, which means annexing all the territories (with or without the Gaza Strip) and applying Israeli law.

In addition, the PA will be dismantled (or will remain as an autonomous entity in the framework of one state), and 2.7 million Palestinians will be added to the State from the West Bank and East Jerusalem (and another 2 million Palestinians from the Gaza

Strip, if it is included in this step). This means that the State of Israel will lose its Jewish majority.

As noted, there are two broad outlines for implementing the one-state option: (a) one state with full equality for all its citizens, Jewish and Palestinian, including the right to vote and be elected, freedom of movement, and choice of where to live; (b) one state with restrictions on equal civil rights for the Palestinians.

The one-state option could come about through an agreement between Israel and the Palestinians – it can be assumed that Palestinian agreement would be conditional on the Palestinians receiving full and equal rights, including equalizing its immigration policy with that of Israel (i.e., abolishing the Law of Return or adding a similar right of return law for the Palestinians), or as a one-sided move of annexation of land by Israel, without Palestinian consent.

There is a possibility that in this case the Palestinians would also not receive full rights. Such a step would arouse strong opposition from the Palestinians, regional actors, and the international community.

The advantages of the one-state option focus on the full Israeli security control that would be retained in the entire territory. Also, there would be no need to evacuate settlements and resettle their inhabitants.

The state would have clear borders that could be defended against external threats, even if internal security might be undermined; and Jerusalem would remain united with freedom of access to the holy places.

WHEN THE anticipated consequences are weighed, the disadvantages of the one-state option are greater than its advantages. One state inhabited by two very hostile populations, where the asymmetry of their situation shapes their agenda, would increase the existing friction between them

Establishing an arrangement with unequal rights between citizens of the state, involving discrimination against the Palestinian (Arab) population, would lead to clashes, violence, economic damage, and a drop in the standard and quality of life in Israel. The move could lead to a civil war – between Jews and Arabs – and to the breakup of the one state.

Not only that, there would be no Jewish majority, and the stability and integrity of the state would be seriously damaged.

Relinquishing the Jewish majority of the state would require material changes in the basic definition of the state, and it cannot be assumed that this would gain public support in Israel. To the extent that annexation excludes the Gaza Strip, this area remains without a solution and as a source of instability and ongoing security threats.

And finally, dismantling the Palestinian Authority and taking control of the whole territory and the Palestinian people incurs an enormous budgetary expenditure to manage the lives and welfare of the Palestinian population, in infrastructures and services.

Therefore, the likelihood of implementing the one-state option with positive results is very slim. There is no historical precedent for successfully uniting two entities with different ethnic and religious characteristics into one state – particularly when a bloody conflict has already existed between them for many years. On the contrary, the historical examples show an ethnic-based disintegration.

Now is the time to ensure the future of a Jewish and democratic state.

The option of managing the conflict, which Israel has clung to because it is seen as the “least worst” option, cannot provide a sufficient response to the negative trends and the risks to Israel and its future. Moreover, it encourages slipping into a situation of inability to separate from the Palestinians, and in fact to a “one state” reality.

Therefore, in order to protect a Jewish, democratic, and secure State of Israel, there must be progress in stages, while building conditions to enable a range of options in the future. Above all, measures must lead to political, demographic, and territorial separation from the Palestinians.

This gradual building of conditions could be done with a series of transitional arrangements towards the reality of two states, or two separate entities. To enable Palestinian voices that are ready to cooperate with Israel on steps to promote separation to overcome other voices calling for realization of their rights in one state, there must be extensive, sincere, and deep efforts to improve the Palestinians’ difficult daily life conditions and foster an independent government, and thereby persuade them to agree, or at least accept and cooperate with Israeli moves.

Transitional arrangements also create the conditions and atmosphere to support a political initiative, including that of President Trump, and include negotiating an agreed and realistic arrangement for peaceful, secure, and dignified coexistence between Israel and its neighbors.

At the same time, this is also a Plan B if negotiations over an “ultimate deal” should fail and Israel is forced to take coordinated or independent measures to improve its strategic situation. These would create the conditions for moves toward separation from the Palestinians (governmental and geographical, but not security-related).

In any event, it is essential to maintain a constant and varied dialogue with the PLO/PA and with various groups in Palestinian society – not only in the narrow framework of negotiations for a permanent status agreement, but also to promote safe and fair coexistence for both sides, reducing control over the Palestinians, and if possible, creating the reality of two states for two peoples.

The option proposed here, of a regional settlement combined with transitional arrangements between Israel and the PLO/PA, is highly auspicious at this time, particularly due to its dynamism and flexibility regarding future developments.

The approach emerging from the Trump administration promotes the concept of expanding the deal into a supportive regional format, with the broad cooperation of the Arab Quartet (Saudi Arabia, Egypt, UAE, and Jordan), and creating the conditions

for an Israeli-Palestinian settlement by moving from the outside in – from a regional settlement granting benefits to Israel by establishing formal relations with leading Sunni nations, while providing guarantees to the PA and PLO to advance the objective of two states, including establishing a Palestinian state, even if all the disputes between the parties are not yet settled. Transitional arrangements can support that approach based on the principle that anything that is agreed on will be gradually implemented.

The regional-Arab component of the plan can help to promote mutual recognition, multi-dimensional cooperation, and civic co-existence. The energy of the international community can be harnessed to create the conditions and infrastructures to build the institutions and economy of the emerging Palestinian state, so that it will be stable, accountable, and functioning, and not another failing regional entity.

A strong and stable Palestinian state/entity would enable Israel to advance with greater security to definition of its final borders and reach an overall agreement.

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<http://www.jpost.com/Jerusalem-Report/Between-one-state-and-two-states-Time-to-decide-539558>