

Expanding PA Authority and Institutions as an Outline for a Political Process: Israeli and Palestinian Perspectives

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This essay presents an outline for an Israeli-Palestinian political process based on gradual steps aimed at expanding the power of the Palestinian Authority and developing its institutions. Precisely now, when the two sides are unable to achieve a resolution to the conflict through negotiations over a permanent agreement, an outline independent of renewed talks may be able to lower tensions between the sides and promote a political dialogue. Moreover, the proposed outline could help prevent Israel and the Palestinians from sliding into a one-state situation without resolving the conflict and perpetuating the status quo by means of unilateral steps that make a permanent arrangement impossible. In this sense, the outline preserves the possibility of the two-state solution, the only formula to date to have garnered broad support on both sides.

To examine the outline's applicability and the conditions for its implementation, the essay first presents an analysis of diverse opinions, initiatives, and alternatives on resolving the conflict, raised on both the Israeli and Palestinian sides. It presents the outline and its political benefits for Israel and for the Palestinians, especially with regard to expanding Palestinian power and building institutions as a foundation for a gradual political process. In addition, based on the responses of senior PA officials, the essay presents the conditions needed to sustain such a political process and the order in which they should be carried out.

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The Rationale

Israel and the Palestinians have not engaged in direct final status agreement talks over the past decade, and during this period, attempts by international mediators – mostly American – have failed to attain an agreement on the conditions needed for the renewal of talks, not to mention a renewal in practice. In the current reality, the two-state solution might become irrelevant following changes on the ground, whether these are changes in policy or changes stemming from lack of planning, such as not limiting Israeli construction in the West Bank to the settlement blocs (as suggested in previous negotiations rounds). In December 2016, after failing to advance Israeli-Palestinian negotiations, former US Secretary of State John Kerry said: “The status quo is leaning towards one state and perpetual occupation. But most of the public either ignores it or has given up hope that anything can be done to change it.”¹ The status quo is not likely to end the conflict, but rather postpone a resolution. The only practical alternative to the conflict is the two-state solution, even if its implementation is fraught with obstacles.

In the current political reality, particularly with a right wing Israeli government, the probability of negotiations with the Palestinian Authority over a permanent resolution is low, given each party’s lack of acceptance of the other’s demands. The Israeli government refuses to accept the Palestinian demand to stop all construction in West Bank Jewish settlements, while the PA refuses to accept the Israeli demand to recognize Israel as a Jewish state. These are but symptoms of a sense on both sides that there is no partner for completing a political process, which was suspended long before any final status agreement was reached.

At the same time, given Israel’s political and security control of most West Bank territories and the ongoing security cooperation with the PA, Israel can take some modest, staggered political steps to build mutual trust and lead to the resumption of the political process with the Palestinians independent of negotiations over a permanent resolution and without any third-party mediation. This option is increasingly relevant due to the crisis between the Trump administration and the PA, which erupted in December 2017 with the US recognition of Jerusalem as Israel’s capital and Abu Mazen’s declaration in response that the United States had lost its status as an honest broker. There is now an opportunity to examine political steps independent of US mediation.

Thus, as an alternate setting for negotiations over a final resolution with third-party mediation, Israel can initiate a political process by taking steps

to strengthen the PA's governance capability, including an expansion of the geographical area where the PA can apply civil governing authority, such as policing, urban planning, and construction, as well as the development of civilian infrastructures in the population centers under PA control. The infrastructures are currently not sufficiently developed because of natural population growth that local inhabitants have experienced since the Oslo Accords were signed in the 1990s.

The PA too, despite its stated opposition to unilateral steps and demand-in-principle that full Palestinian rights be realized through final status negotiations, gains nothing by perpetuating the current situation, which bestows no achievements on it; furthermore, the PA clearly desires to enhance its status and power within the Palestinian public. Therefore, steps leading to better PA governance and an expansion of its authority will presumably be welcomed in Ramallah, especially if this is not conditioned on PA flexibility or changes in posture. Without the need to formulate any understandings or conditions ahead of time, the outline allows Israel and the Palestinians to overcome one of the obstacles hindering the renewal of negotiations and build trust by increasing practical coordination and cooperation on the ground without becoming sidetracked by theoretical political arguments.

The outline proposed in this essay, and in particular the consequent improvement in the Palestinians' fabric of life, may have a positive effect on Israel's international standing, especially the way the world views Israel's policy toward the Palestinian population in the West Bank. An initiative promoting the right to dignified living conditions and the development of national institutions will help Israel refute the claim that it is trying to create an apartheid regime in the West Bank. This has important potential as Israel continues to fight nations and NGOs (such as the BDS movement) engaged in activities designed to boycott Israel and undermine its legitimacy over claims that Israel's policy seeks to perpetuate the occupation under apartheid conditions. Therefore, a process that would advance the social and economic rights of the Palestinian population and strengthen Palestinian governance in the territories would demonstrate that in spite of the deadlock in the negotiations, Israel has not retreated from its commitment to the two-state principle. Proof would lie in the fact that it is taking additional steps aimed at realizing the Palestinians' right to self-determination, contrary to the impression created by anti-Israeli propagandists. Furthermore, having Israeli officials present this outline at international institutions

could reduce the diplomatic condemnations and pressures aimed – under continual Palestinian pressure for as long as the status quo remains in place – against Israel in forums where the nation is, to say the least, the target of severe criticism.

Another consideration at this time is the changing regional reality, a consequence of the interim results of the Arab Spring. Iran's increasing involvement in the Arab world, including its attempts to manipulate Palestinian organizations to act against Israel on the one hand, and the formation of an explicitly anti-Iranian Sunni camp led by Saudi Arabia on the other, could lead to the emergence of a new Sunni policy on Israel and the Palestinians and attempts to promote a political process between them, as Saudi Crown Prince Mohammad Bin Salman has said in interviews.² If necessary, political advisors or teams from these Arab nations can generate confidence building steps between the sides, such as financial help for building Palestinian institutions and normalizations gestures toward Israel as part of the outline proposed here.

Therefore, given local, regional, and international changes in the post-Arab Spring era, Israel must examine the challenges it faces and the opportunities now possible in terms of relations with the Palestinians, and accordingly, consider genuine, practical alternatives to negotiations over a permanent solution as long as the resumption of talks is not within reach.

Alternatives to the Two-State Solution Suggested to Date

The resolution of the Israeli-Palestinian conflict in the context of a single state is, theoretically, a possible alternative to a division into two states. The idea is reflected in the discourse of political leaders and prominent figures from both Israeli and Palestinian political movements.

Some in Israel support a resolution of the conflict with the Palestinians in a one-state setting through the annexation of the territories and subordination of the Palestinian population to Israeli sovereignty. Proponents strive for a change in the status of the territories so that they are recognized as Israeli.³ On the Palestinian side, some feel that over time, the changing demographic balance favoring the Palestinians will make a binational state better for them than the current reality. However, this approach is hardly mainstream in the public discourse and in political movements, only in intellectual circles supporting a single binational state.⁴

Moreover, while some Israelis and Palestinians express support for a one-state solution, they do not share the same vision. Israelis favoring

annexation, especially in the right wing political camp, continue to maintain the idea of a Jewish majority in a (Jewish and democratic) state. In this vision, the annexed Palestinian population would have some sort of autonomy or local government, but would not be granted citizenship or enjoy full citizenship rights.⁵ This would clearly be unacceptable to the Palestinians and would not receive broad international support. In early 2018, UN Secretary-General António Guterres issued a warning about a “one-state reality that is incompatible with realizing the legitimate national, historic and democratic aspirations of both Israelis and Palestinians.”⁶

Another idea for a political resolution is the creation of a confederation (two autonomous states sharing one central government). In practice, this is a variation of the two-state solution and no different from it in any essential way. Among academics such as Prof. Sari Nusseibeh, some favor a binational confederation, but prefer this confederation to be with Jordan.⁷ However, to realize this vision, it would be necessary to establish the Palestinian part of the confederation, i.e., a Palestinian state. Thus, the proponents of this vision are not presenting a solution for realistic implementation at this point. Their vision focuses on a reality that would come into being only after the establishment of a Palestinian state rather than on paving the path to such a reality. Therefore, this vision is not realizable at this time.

Another solution based on the federative idea (Jordan introduced this in the past; the notion was discarded, but in recent years the Israeli side has revived it) involves applying state law (Israel’s or Jordan’s) on one or several Palestinian autonomies (federations). In practice, this is a variant of the annexation idea or the one-state idea, and therefore incurs all the difficulties inherent in the other two solutions as described above.

Graduated Moves toward a Two-State Reality

The outline below presumes that the only alternative likely to improve Israel’s political and security situation is the two-state solution, but it also assumes that this solution is currently difficult to realize. Therefore, the outline focuses on the more modest goal of expanding the Palestinian Authority’s areas of civilian authority, particularly in the heavily Palestinian populated Area C (under full Israeli control, both in terms of civil administration and security) and launching initiatives to improve existing civilian infrastructures to benefit all West Bank inhabitants, both Palestinian and Israeli. Such moves, in addition to stopping construction outside the existing settlement blocs, could help keep the two-state solution viable.

This potential notwithstanding, it is impossible to ignore the mutual suspicions and reluctance that have developed over the years when it comes to attempts at additional cooperation. It is similarly impossible to ignore the profundity of the political difficulty in promoting such processes on both sides because of the various movements and organizations' opposition to the peace process. Therefore, for now, the most significant and realistic objective of such a process is to stop the slide down the slippery slope to the one-state reality because of the ongoing deadlock and/or steps undermining the feasibility of the two-state solution.

Execution of the Proposed Political Outline

In terms of execution, the political outline could begin with a general, unilateral Israeli declaration, such as a government announcement on steps to improve the political reality of Israel and the Palestinians, and continue with one of the following possibilities: either unilateral steps (while informing the PA and the population affected by the changes) or concrete agreements, i.e., issue-specific cooperation between Israel and the PA on the transfer of civilian fields of authority currently not entrenched in existing bilateral agreements.

The field in which it is possible to act and achieve cooperation without significant political obstacles would seem to be basic shared elements (water, electricity, transportation, and communications infrastructures) and other socioeconomic development projects (e.g., medical centers, technological projects) whose launch could generate incentives for expanding cooperation for the benefit of all. The outline therefore first suggests adjustment of Israeli policy in the relevant territories according to three criteria:

The first criterion would be limiting Israeli construction in Areas B and C. The idea is geographic limitation (rather than a total freeze) on Israeli construction in the West Bank to maintain Jewish territorial contiguity (settlement blocs) as well as Palestinian contiguity.⁸

The second criterion would be coordinated unilateral moves to expand the PA's governance capability based on two indexes. The first would be to transfer responsibilities that were supposed to have gone to the PA on the basis of agreements signed in the 1990s (the Interim Agreement and Oslo II), but were transferred only partially or not at all. These areas of authority include policing, civilian government offices activities (in particular urban planning and construction needed to enlarge existing cities or establish new cities), and allocation of possibilities for economic development of

the civilian sphere, such as place of employment, commercial and leisure centers, academic campuses, and medical complexes.

At a later stage, the second index would be reorganization within Area C, which would take into account the demographic changes that have occurred since the 1990s, including first and foremost the increase in the Palestinian population. In 2014, the UN Office for the Coordination of Humanitarian Affairs estimated that the number of Palestinian inhabitants in Area C is 300,000 (though absent accurate data, this is only an assessment; previous OCHA publications estimated the population at 150,000) living in 250 residential areas fully within Area C and 530 residential areas partly in Area C.⁹

The 1995 Interim Agreement called for the gradual transfer of civilian authority in Area C to the PA¹⁰ as part of an Israeli reorganization in the West Bank. But this transfer of authority was never completed according to schedule and there was no progress in negotiations between the sides. Since then, all construction in Area C requires approval from the Israeli Civil Administration, which means that the Palestinians have no way to decide on land use or approve construction.¹¹ Thus, any expansion of the PA's civil control within Area C (in practice, expanding Area B), with emphasis on Palestinian population concentrations, could improve governance. Such steps can be taken by reorganizing the army and Civil Administration within and around Palestinian population centers in Area C to allow the PA to increase its presence and activity in these territorial pockets.

The third criterion would be consensual moves, i.e., issue-specific agreements on increasing construction and developing infrastructures, based on the population's needs, in places where the PA is already in charge. Such agreements would match demographic developments in Palestinian residential areas since the 1990s on the one hand with the authority on development and existing infrastructures on the other.

In the current Israeli political reality, expanding the powers of the PA is not an easy challenge, given the majority among the government's cabinet members opposed to political gestures towards the Palestinians. This was made clear when the government stopped the attempt to approve construction of 14,000 apartments for Palestinians in Qalqiliya in September 2017¹² and rejected the Trump administration's request to transfer planning authority for Area C to allow paving a road to the city of Rawabi and a construction project in Tul Karem. Some ministers expressed their opposition-in-principle for transferring planning and zoning authority

to the Palestinians in Area C.¹³ But despite the fundamental opposition to political gestures without a quid pro quo, one can tie modest, graduated steps to a political initiative aimed at producing political and security gains for Israel, even if these begin with unilateral moves.

A possible model for the graduated execution of the outline is the Roadmap formulated in 2002 (at the height of the second intifada, when it was difficult to renew political negotiations over a permanent resolution) and based on a combination of set political goals relating, inter alia, to the construction of Palestinian institutions and economic development for the benefit of all on the one hand, and a commitment to end violence and battle terrorism, including heightened security coordination, on the other.¹⁴ Unlike the ambitious Roadmap, which aimed to establish a Palestinian state within temporary borders in less than three years, the outline proposed here is limited to modest political moves whose chances of realization in the current political climate are higher than reaching an agreement on a permanent resolution.

Expected Public and Official Israeli Reactions

When it comes to negotiations over sensitive, politically charged issues (borders, the status of the Jewish settlements in the West Bank, and Jerusalem), the idea of enhancing the powers of PA on the basis of existing agreements can be expected to meet with less resistance on the part of the current right wing government, its cabinet members, and leadership echelon. This expectation is true also of the public at large. According to public opinion surveys, most of the Israeli public supports the two-state solution, and thus shifting authority to the Palestinians in Area C is not expected to cause a rift in the public (unlike the debate on evacuating Jewish settlements or dividing Jerusalem).¹⁵

As for the consensual steps proposed, the format of cooperation focusing on civilian aspects, such as improving infrastructures in communications, water, and electricity, is already reaping success, even in the reality of the current Israeli government. Over the years, joint Israeli-PA teams and committees have signed at least five agreements on electricity, water, postal services, and third-generation wireless mobile telecommunications,¹⁶ though clearly none of these agreements was linked to any political outline or long term political strategy.

Impressions from the Palestinian Side

Conversations with senior PA officials have made it clear that the Palestinians would be willing to agree in writing to components of the political outline and coordinate efforts with Israel as long as Israel does not take the two-state solution off the table and does not unilaterally draw the international border.

According to senior figures in top PA echelons involved in Abu Mazen's political strategy, the PA would, under certain circumstances, agree to cooperate with Israel on expanding its authority, including through unilateral Israeli steps taken with prior coordination with the Palestinians. According to Palestinian sources, Israeli-Palestinian cooperation on this is possible in two ways. One would be to refer to previously signed agreements that were never or only partly implemented in practice, to complete Israel's redeployment in coordination with the PA. There are two such examples: the Wye Agreement (1998) and the Sharm el-Sheikh Agreement (1999).¹⁷ In addition, there is a possibility of establishing new agreements concerning security control or redeployment/reorganization at the result of partial withdrawal of Israeli troops, similar to the Rafah Agreement on Movement and Access (2005) signed with Egypt and the European Union after the disengagement from the Gaza Strip.

The second way would be for the Israeli government and the PA to agree on general principles of a process aimed at expanding the PA's powers. These principles would refer to the geographical extent and time period over which the process is expected to be carried out. As for the political goal of the PLO and the PA – the establishment of an independent Palestinian state that would exist alongside the State of Israel on the basis of the two-state vision – Palestinian sources say that if the Israeli government refuses to recognize a Palestinian state officially, the minimum needed for a confidence building measure is avoidance of steps that might put an end to that vision, including construction in the Jewish settlements. The PA further emphasizes the principles of contiguity and connectivity, meaning that the Palestinians would, in a gradual process, expand the area in which they have contiguous control and expand their control over crossings between settlements or in Palestinian population concentrations.

Some in the PA would say that it is possible to accelerate a process of gradual transition toward the establishment of a Palestinian state by exploiting the regional atmosphere created in recent years, as Saudi Arabia has become more involved in regional issues, especially the Palestinian

question. Seeking out international institutions, such as the EU, that can provide money for building Palestinian infrastructures is seen as potentially useful.

Beyond prevalent PA opinions, changes have occurred in the Palestinian arena in general, and in the opposition to the PA in particular. Given the growing crisis in the Gaza Strip and the attempt to rebuild and improve its regional diplomatic relations, Hamas's leadership has softened its political positions, especially after its reconciliation efforts with Fatah. A political document issued by Hamas in May 2017, seen as a step of moderation (relatively speaking), expressed a willingness to accept a state in the 1967 borders as a stage in a struggle, not to be taken as Hamas recognition of Israel. Similarly, during 2018, Hamas's leadership has repeatedly supported the idea of a *hudna* with Israel. On the public level, the desire of West Bank inhabitants to improve their living conditions could also impel the PA to cooperate in an institution-building and economic development process, and perhaps also work with international parties toward these goals.

Conclusion and Recommendations

A political outline consisting of moderate, graduated moves for transferring responsibility and authority in Area C to the PA and strengthening governance there – inter alia via agreements on joint projects – could open a window of opportunity for a political process through a route that essentially differs from negotiations over a permanent resolution, a track that has ended in failure on the several occasions it has been tried. Because of the great difficulty in renewing negotiations on the basis of mutual understandings, such moves may be taken by Israel in an official, unilateral way (such as government decisions or legislation). If political hurdles appear en route to such decisions or laws, the state can act by means of tools existing in the PA, i.e., the Civil Administration, to allow Palestinians relief in construction even without a change in the official status of the relevant parts of Areas C. All international parties involved in resolving the conflict on the basis of the two-state vision could derive a certain benefit should such a process develop and perhaps play an active role in it by diplomatic action aimed at reducing tensions, encouraging political cooperation between Israel and the Palestinians, and providing incentives, such as financial help.

Given the internal, regional, and international circumstances formed in recent years, such an outline is also an opportunity for the Palestinians to improve conditions in the PA's territory and strengthen its authority and

ability to operate and govern in general. Such a process would allow Israel and the Palestinians to improve relations and their ability to cooperate and especially – despite political difficulties and differences of opinion – preserve the possibility of separating into two states, which is the core principle in the most accepted approach to the resolution of the Israeli-Palestinian conflict.

Notes

- 1 U.S. Department of State, Secretary of State John Kerry, archived content, “Remarks on Middle East Peace,” December 28, 2016, <https://2009-2017.state.gov/secretary/remarks/2016/12/266119.htm>.
- 2 For example, in an interview the Crown Prince gave in connection with his visit to the United States. See Jeffrey Goldberg, “Saudi Crown Prince: Iran’s Supreme Leader ‘Makes Hitler Look Good,’” *The Atlantic*, April 2, 2018, <https://www.theatlantic.com/international/archive/2018/04/mohammed-bin-salman-iran-israel/557036/>.
- 3 “Proponents of annexation” means those who also call for naturalizing the Palestinian population. Some among those favoring annexation propose granting Palestinian autonomy in a non-citizenship format, which is unacceptable among the Palestinian supporters of a binational state.
- 4 For example, Daoud Kuttab, “One State for All Citizens,” *Jordan Times*, September 27, 2017, <http://www.jordantimes.com/opinion/daoud-kuttab/one-state-all-citizens>.
- 5 “Wanting Peace and Coexistence between Two Peoples,” *Arutz 7*, June 27, 2017, <https://www.inn.co.il/News/News.aspx/349566>.
- 6 Remarks at opening of the 2018 Session of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, United Nations Secretary-General, António Guterres, February 5, 2018. <https://bit.ly/2Sq16FH>.
- 7 Adi Munther Dajani, “Jordan-Palestine Confederation: A Strategic Option for Peace,” *Sharnoff’s Global Views*, September 18, 2017, <http://www.sharnoffsglobalviews.com/jordan-palestine-confederation/>.
- 8 According to the interim agreement, in Area B the PA is responsible for public order (through the Palestinian police force) and Israel has ultimate responsibility for security to protect Israelis and tackle the threat of terrorism. For more, see https://www.knesset.gov.il/process/asp/event_frame.asp?id=42, Paragraph 3, V, Areas B and C.
- 9 United Nations Office for the Coordination of Humanitarian Concerns (OCHA), “Area C of the West Bank: Key Humanitarian Concerns,” August 2014, <https://www.ochaopt.org/content/area-c-west-bank-key-humanitarian-concerns-august-2014>.
- 10 Interim Agreement, Annex III, Article XXVII, Paragraph 2: “In Area C, powers and responsibilities related to the sphere of Planning and Zoning will be transferred gradually to Palestinian jurisdiction that will cover West

Bank and Gaza Strip territory except for the issues that will be negotiated in the permanent status negotiations, during the further redeployment phases, to be completed within 18 months from the date of the inauguration of the Council.”

- 11 The UN Office for the Coordination of Humanitarian Affairs, “The Occupied Palestinian Territory Special Report,” December 2009, https://www.ochaopt.org/sites/default/files/specialfocusdecember_21_12_2009_hebrew.pdf.
- 12 Shlomo Zesna, “Ministers Oppose, Qalqiliya Project Frozen,” *Israel Hayom*, September 29, 2017, <http://www.israelhayom.co.il/article/506879>.
- 13 Tal Shalev, “Breaking News: Israel Refuses the US Request to Allow the PA to Plan Construction in Area C,” *Walla*, September 29, 2017, <https://news.walla.co.il/item/3100444>.
- 14 “The Roadmap: Full Text,” *BBC News* April 30, 2003, http://news.bbc.co.uk/2/hi/middle_east/2989783.stm.
- 15 Zipi Israeli, “The National Security Index: Public Support for an Arrangement Based on the Two-State Solution,” *INSS Insight* No. 816, April 6, 2017, <https://bit.ly/2yBJNjyi>; Zipi Israeli, “Jerusalem – ‘The Eternal and United Capital of Israel’?: Trends in Public Opinion,” *INSS Insight* No. 936, June 15, 2017, <https://bit.ly/2yDlwCY>.
- 16 “Coordinator of Government Activities in the Territories Signs Agreement with the PA to Renew Water Committee,” Coordinator of Government Activities in the Territories, January 31, 2017, http://www.cogat.mod.gov.il/he/Our_Activities/Pages/WaterAgreement25.1.17.aspx; “First Commercial Agreement Signed Between the Israel Electric Corporation and the PA to Increase Electricity Supply to the Jenin Region,” Israel Electric Corporation, July 10, 2017, <https://www.iec.co.il/spokesman/pages/10072017.aspx>.
- 17 The agreements included changes to the status of small percentages of Areas A, B, and C: <https://www.knesset.gov.il/process/docs/wye.htm>; <https://www.knesset.gov.il/process/docs/sharm.htm>; relevant maps and details in Wye River Memorandum, October 23, 1998, <http://www.passia.org/maps/view/32> <http://www.passia.org/maps/view/33>.