

“Recalculating the Route”: A Political Program for the Palestinian Arena

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The Failure of the Political Process and the Escalation of the Conflict

The failure of the recent round of Israeli-Palestinian talks (July 2013-April 2014) led by US Secretary of State John Kerry, which were intended to formulate the principles of a final framework agreement, demonstrated anew that the negotiations paradigm used over the last 21 years of the political process that is directed toward a single goal, i.e., a permanent status agreement to the conflict, is ineffective. Reaching the end state of a permanent agreement on the basis of agreement on the core issues – territories and borders, Jerusalem, security, refugees, the end of all claims, and the establishment of two nation states between the Jordan River and the Mediterranean Sea – seems unattainable in the near future.

As in the past, the most recent round of talks was dominated by the recurrent fundamental problems and familiar patterns of conduct among both sides, which prevented any progress toward an agreement. Indeed, there is a basic, unbridgeable asymmetry between Israel and the Palestinians. Israel comes to the negotiating table as a stable, thriving political actor, possessing the strongest army in the Middle East, in practice controlling, directly or indirectly, the daily lives of the Palestinians. By contrast, the Palestinian entity lacks a state and a tradition of statehood. The Palestinian population

living under Israeli occupation in the West Bank and under Hamas' semi-state rule in the Gaza Strip does not enjoy full civil rights. These basic conditions orient the sides to different goals in the negotiations: while Israel wants to advance the political process with the Palestinians, it primarily seeks an arrangement that can be implemented on the ground that does not compromise its security and brings regional and international recognition of its borders. By contrast, the Palestinians seek, first and foremost, to ensure their national rights, which is why they appeal to international settings for recognition, with emphasis on the right to a sovereign, viable state on the basis of the June 4, 1967 borders with East Jerusalem as its capital, as well as recognition and at least partial implementation of the "right of return" of Palestinian refugees on the basis of UN General Assembly Resolution 194. Another ramification of the inherent asymmetry between the sides is the complete distrust between the respective leaders and between the two societies. Although there has long been a steady, consistent majority in both the Israeli and Palestinian societies supporting the two-state solution, the publics on both sides do not believe it can be achieved, and both sides point the finger at the other and blame it for the failure to generate the breakthrough to the long awaited resolution of the conflict.

The mutual distrust is exacerbated by Israel's policy on construction in the Jewish settlements in the West Bank. Ongoing construction in the settlements is viewed by the Palestinians as establishing facts on the ground that neutralize any chance for creating a viable Palestinian state with territorial contiguity. On the other hand, the Israeli government does not view Palestinian Authority President Mahmoud Abbas as a partner in any arrangement, given his oppositional policy in the international arena that turns to international institutions to promote recognition of Palestinian independence while bypassing the bilateral route; Israel sees this approach as a denial of Israel's legitimacy. The Palestinian policy is aggravated by the leadership's firm refusal to recognize Israel as "the national home of the Jewish people." In addition, steps designed to create a supportive atmosphere for the process that were agreed upon by the two sides – including the release of Palestinian prisoners from Israeli jails – failed to further trust between the sides, even becoming a double-edged sword. For example, in order to soften the domestic criticism of the release of Palestinian security prisoners,

Israel announced plans for more construction in the Jewish settlements in the West Bank.

Much like the process that developed during previous rounds of talks, when the negotiations reached the final stretch of the discussion on the core issues as a package, and the sides had to make trade-offs between the various components of the core issues of a permanent status agreement, the Palestinian side found it impossible to make difficult decisions and concessions. So too in the last round of negotiations – as when, for example, Secretary of State Kerry placed principles for a permanent framework agreement on the negotiating table. President Abbas chose not to respond to the proposal, while Prime Minister Netanyahu displayed flexibility on the question of the June 4, 1967 lines as a reference point. At the same time, the Israeli Prime Minister had reservations on other issues, and ultimately both parties were accused of derailing the process.

In light of the failure of this round of talks, Abbas' close circle came up with a three-stage political working program. The first stage was to achieve a UN Security Council resolution calling for the end of the occupation and Israel's withdrawal from the territories within three years. Because the resolution did not pass in the December 2014 vote, Abbas' team decided to make another attempt to pass the resolution once the membership of the Security Council changes and the conditions are more favorable to the Palestinian cause. Second and concurrently, the Palestinians have joined a series of international treaties, including the Rome Statute, thereby gaining access to the International Criminal Court (ICC) where they can pursue claims against senior Israeli figures for West Bank settlement activity and war crimes. Third, should they fail in their legal campaign both at the Security Council and the ICC, the PA could simply fold and voluntarily dismantle itself, transferring responsibility for all civilian and security matters in the West Bank onto Israel's shoulders, leaving Israel to bear the full brunt of the occupation. While the last tactic is more a rhetorical threat than a true intention, a scenario of further deterioration in relations between Israel and the PA, damage to security and economic cooperation, and the neutralization of the PA's ability to govern might in fact generate its collapse and dissolution.

For his part, Mahmoud Abbas is under growing pressure both from within his own movement, Fatah, and from the Palestinian public at large

for his failure to make any progress toward independence. This popular disillusionment sparked the transition from the first to the second stage of Abbas' working program, i.e., submission of a membership request to the ICC, even though this entails the risk of countersuits against the PA and sanctions that could be imposed by Israel and perhaps the United States. (The US Congress is currently threatening to impose sanctions against the PA for taking unilateral steps in contravention of the principle of negotiations, including an end to or reduction of the annual \$400 million aid package.) Abbas' confrontational strategy and the Israeli government's reaction – punishing the PA by stopping the transfer of the tax revenues Israel collects on the PA's behalf – have exacerbated tensions between the sides. The greater the pressure by Israel on the PA, the more the extremists' inclination to opt for violence, be they violent demonstrations or terrorist attacks carried out by "lone wolves" (individuals acting on their own initiative) or cells unaffiliated with any established organization. For now, the Palestinian organizations associated with the PLO have no interest in igniting a widespread uprising, but a sequence of attacks by individuals, which would lead to an Israeli government response and could also generate Israeli extremists' responses ("price tag" acts), might generate a wave of violence liable to develop into a comprehensive clash with Israel.

The international arena is convenient for President Abbas, who prefers to impose his conditions on Israel for a resolution through the international community rather than compromise in a negotiated agreement. His diplomatic activity in various international organizations spares him the need to display flexibility toward Israel and obviates the risk that he will be portrayed as a traitor and collaborator. The image of the victim, long attached to the Palestinians, wins them and Abbas himself widespread support. In addition, the automatic support of the Arab world for the Palestinian cause whenever it comes up for debate or a vote in any international forum, along with European support for the Palestinians, rooted in the sense that the latter have long suffered ongoing injustice, helps Abbas promote his diplomatic goals. Furthermore, in principle, the West and the Arab nations support Palestinian positions and therefore demand that the Israeli Goliath be flexible toward the Palestinian David and agree to far reaching concessions without any concrete recompense or even sufficient security guarantees, understandings

as to the size of future land swaps, or Israel’s demand that it be recognized as the national home of the Jewish people.

In light of all this and given the ongoing construction in Jewish West Bank settlements, Israel is cast as the party uninterested in doing what it takes to improve the chances of realizing the two-state solution. Moreover, in the last year, the cumulative erosion of the supposed utility to be had from preserving the status quo and the strategy of managing rather than resolving the conflict or making any progress toward a resolution became abundantly clear. The strategy was based on the notion that there was no Palestinian partner for a permanent settlement and that at this time, given the social and political upheavals in the Arab world, it was wise to avoid taking more security risks. However, the status quo is unsustainable. Reality in the conflict arena is dynamic and open to outside influence, as evidenced by the increase in homegrown Palestinian terrorism and the confrontation with Hamas, climaxing with Operation Protective Edge and its aftermath. This development is complemented by the Palestinians’ determination to pursue international initiatives to promote Palestinian goals, while imposing on Israel their own parameters and preferences for a resolution by means of international actors and institutions.

A Multi-Route Political Program

In order to extricate the political process from the current dead end and alleviate the international criticism and isolation of Israel – a trend manifest in the BDS movement, both economic and academic – the Israeli government that will be established after the March 2015 elections must formulate and propose a political initiative based on a dynamic political outlook. Such an initiative would offer several routes directed at the same goal: shaping a two-state reality. The initiative would have to allow for the rapid change of routes, depending on progress and constraints created while in motion, while all the time pursuing the direction and advancing toward the end goal. The potential routes include:

A sequence of transition agreements: steps to promote separation in accordance with the principle that anything agreed upon by both sides will move to the implementation stage, in contrast to the formula that has so far informed the Israeli-Palestinian dialogue, namely, that nothing is agreed

until everything is agreed. In this setting, emphasis would be placed on strengthening a stable, effective, and responsible Palestinian government in the West Bank and, to the extent possible, in the Gaza Strip, by means of expanding the PA's hold over the territories. The advance of such a process, during which the cornerstones of the independent Palestinian state would gradually be laid and would include a freeze on construction in the Jewish settlements outside the blocs (i.e., east of the security barrier) and the IDF's regrouping in the area, would be conditional on the progress of Palestinian effective suppression of terrorism, improved governance, the establishment of functioning institutions, and the securing of an economic infrastructure. Of course, progress on this track would depend on both sides fulfilling their obligations and commitments.

A return to the Roadmap as the main outline for progress toward a two-state reality: To prevent the process from collapsing because of known difficulties concerning the core issues of a permanent arrangement, progress would focus on the willingness to implement the second stage of the Roadmap: the establishment of a Palestinian state within provisional borders. It is possible to transfer control of some 60 percent of the West Bank to the PA without the need to evacuate Jewish settlements (at present the Palestinians have civilian control of about 40 percent of the area) and establish a Palestinian state (together with the Gaza Strip, pending attainment of working relations among the Palestinian camps) before the permanent borders are set and other fundamental issues resolved. A move in this direction would fundamentally change the nature of the conflict between the two sides and place the burden of proof on the Palestinians as well as improve Israel's position on the international arena. Even if it proves impossible to progress from this stage to a permanent settlement, the situation created would be more advantageous to Israel in every way than the current one: security-wise, economically, in terms of governability, and in terms of international status.

Discussion and conclusion of the core issues in stages: The discussion of the core issues would first focus on security and borders. This discussion, which should be backed by the international community, would be built around international recognition of the Palestinian state, the national home of the Palestinian people, to be established alongside the State of Israel; recognition of Israel as the national home of the Jewish people; international recognition

of the borders of the State of Israel; and fulfillment of Israel’s security conditions, based on Israel’s effective security control of the perimeters of both states and Israel’s operational freedom of action as required to prevent attempts by hostile elements and spoilers to harm the process and take advantage of a Palestinian area as a platform for attacking Israel.

Regional participation: A regional coalition based on cooperation with the pragmatic Arab nations would be needed to give the political process legitimacy, provide guarantees for the gradual progress toward the establishment of a stable, functional Palestinian state, support the process of Palestinian state building, fight rogue elements and spoilers opposed to a political settlement, and provide guarantees for the implementation of arrangements by the Palestinian side. An unwavering Israeli effort to advance an arrangement with the Palestinians and Israeli recognition of the Arab Peace Initiative as a basis for dialogue between Israel and the Arab world in resolving the Palestinian issue and promoting regional cooperation would help enlist the support of Arab nations.

Independent Israeli measures: Should the Palestinians refuse to make progress on the transition agreements track and/or Roadmap route, and should they rule out negotiations and the gradual progress of reaching understandings on the core issues, Israel would begin to shape the two-state reality independently according to its own set of priorities, preferably with behind-the-scenes coordination with the pragmatic Palestinian leadership. The separation barrier built by Israel would serve as the border. Israel would begin the long process of transferring the territories to the Palestinians and grouping the Israeli settlements in the West Bank within the large settlement blocs. This process would take time and include Israel’s passage of an evacuation/compensation law and determination of the rules for the process among the various camps in the Israeli domestic arena, e.g., agreement as to whether the transfer of territories to the Palestinians must be conditioned on a national referendum. At the same time, Israel would transfer extensive powers to the PA in the areas where the Palestinians live and work, and perhaps promote economic and infrastructure projects in Areas C. Israel would be prepared to return to negotiations at any point, but its moves would neutralize the trend leading to a one-state reality and the Palestinian all-or-nothing principle. In addition, the ability of radicals opposed to the

two-state vision on both sides to disrupt the moves designed to further the goal would be eliminated.

Security: The IDF's control of overall security for the shared Israeli-Palestinian sphere would be required as part of progress on any of the routes, as would Israel's operational freedom of action against terrorist infrastructures in the Palestinian arena. Arrangements that meet Israel's security needs would provide Israel with the flexibility it needs to transfer land and authority to Palestinian rule and would allow the Palestinians to focus on state building and effective governance while reducing their need to confront the entities seeking to disrupt the process. The IDF would retain its freedom to operate against terrorists in operational cooperation with Palestinian security apparatuses. Transferring responsibility for security to the Palestinian security apparatuses would be based on their commitment and determination to combat terrorism and a performance-based assessment by an agreed-upon referee (in all probability the United States). In other words, the transfer of responsibility to the Palestinian side would be conditional on performance rather than on an arbitrarily predetermined time frame. Concurrently, Israel would work to enhance security cooperation with Egypt and Jordan; perhaps the conditions would be ripe for promoting regional security cooperation together with the pragmatic Arab nations.

Aid to Gaza Strip reconstruction: No progress along any of the political routes is possible without a comprehensive, multidisciplinary project for reconstruction of the Gaza Strip. Improving the civilian infrastructure there, aiding employment projects, and lifting the blockade are critical for preventing an explosion of the pressure cooker against Israel and encouragement of terrorism by extremists. To effect this, security arrangements with Egypt are necessary to prevent arms smuggling and the growth of Salafist and jihadist infrastructures, such as ISIS and other extremists in the Gaza Strip.

Time is of the Essence

The next Israeli government must present a political program – preferably in the early months of its tenure – on the basis of the understanding that the political stalemate and status quo mean the steady deterioration of Israel's situation and the standing and influence of the pragmatic Palestinians who still favor a political settlement. The position of Israel's right wing groups

– denying the Palestinians the right to a state within the borders of the Land of Israel and favoring the status quo and inaction on the political front – leads to the creation of one state in the area of conflict that would be either bi-national or discriminatory. In a reality featuring apartheid-like manifestations, Israel would be shunned and boycotted by the family of nations: hence the imperative to try to promote arrangements between Israel and the Palestinians. Precisely at this time of deep regional crisis and uncertainty over the region's future, Israel must make the effort to enlist the support of pragmatic Arab nations in a gradual process and persuade the Arab world and international community that a permanent status agreement is unattainable in the near future and that therefore it is necessary to develop other ways of breaking the deadlock. For all parties involved, a sequence of graduated steps and interim successes that would renew the faith in a process meant to change reality in the arena of conflict for the benefit of both peoples is preferable to another failed dialogue, which would set the scene for an accelerated downward spiral and further reduce the chances for renewing effective talks between the sides.

In the current Middle East reality and given the condition of Israeli-Palestinian relations as shaped over the last decades as well as the repeated failures to progress toward an attainable permanent settlement, it is better to present several options for realizing the two-state vision and a separation between the peoples. At any point in time, it would be possible to assess progress and choose a better route by which to proceed. Conduct based on these principles would serve Israel's political and security interests and prove that the Israeli government is determined to advance toward the two-state solution. A very important byproduct of such a policy would be an improvement in Israel's international standing, which would open the door to opportunities for political, security, economic, and technological cooperation with a host of nations, including the pragmatic Arab states.