Breaking the Two-State Paradigm?

Anat Kurz and Gilead Sher

The Current Situation

In recent years, the Israeli-Palestinian conflict arena has seen growing momentum toward the reality of a binational state. The roots of this trend lie in the frozen political process – in particular, the failure of the most recent round of talks between Israel and the Palestinians mediated by US Secretary of State John Kerry. This failure, much like the failures of previous rounds of negotiations, reflects both the inability and the lack of political willingness on the part of the Israeli and Palestinian leaderships to bridge the gaps in the conditions that will allow the sides to return to the negotiating table – even before testing the ability to bridge the gaps in their respective fundamental stances. Consequently, it seems that in the foreseeable future, chances are slim that understandings on all or even some of the core issues of the conflict can be reached that could serve as a foundation for formulating a permanent agreement based on the two-state principle.

Most of the arrangements mandated by the interim agreement, signed between Israel and the PLO in 1995, continue to this day, with the sides' approval. This interim state, however, is rife with tension. Against the backdrop of the political deadlock, recent years have witnessed significant outbreaks of violence in the conflict arena: the summer of 2014 saw another large scale operation in the Gaza Strip between Israel and Hamas, and the fall of 2015 witnessed a renewed outbreak of Palestinian terrorism that began in the Jerusalem outskirts and spread to the rest of the city, throughout the West Bank, and other population centers within the Green Line. The rivalry between the Palestinian Authority and Hamas, along with their respective

losses of internal legitimacy, heightens the situation's volatility. Beyond the conflict arena itself, and to a certain extent within it, there is an intensifying emphasis on the conflict's religious components at the expense of its historic national and political aspects. All these developments contain a palpable risk for escalation and threaten to distance the fragile political process even further from the Israeli and the Palestinian agendas.

In tandem, there is a proactive Palestinian-Arab campaign against Israel in diplomatic, academic, and economic channels, particularly in various international institutions, the global media, and international public opinion. This campaign in essence reflects the Palestinians' abandonment of direct talks with Israel and their attempt to impose demands for an agreement on Israel. These processes and trends in turn serve to make Israel cling to its positions more forcefully, so that formulating a foundation for renewing talks that is acceptable to both sides becomes even more difficult.

For its part, the international community, preoccupied with other fronts and crises – first and foremost, the upheavals in the Middle East, some of which are the background for a renewed struggle between the superpowers, along with the refugee crisis in Europe – currently has little interest in investing in the Israeli-Palestinian political process. These and other immediate and demanding issues are diverting regional and international attention away from the Israeli-Palestinian conflict and are allowing the parties to the conflict to postpone the moment they will be forced to make difficult, historic decisions that bring with them electoral, strategic, and security risks. Therefore, the present situation is not altogether inconvenient for them.

The Viability of the Two-State Solution

The political deadlock and the ensuing political and security ramifications prompt the question: is a mutually agreed-upon resolution of the conflict in the spirit of the "two states for two peoples" principle still relevant? The answer is: yes. A resolution based on two nation states is very relevant, even though the shelf life of the idea is unknown, as well as how far the situation is from the point of no return – where the idea is no longer relevant.

The assessment that without separation from the Palestinians in the West Bank Israel will not be able to ensure its future as both a Jewish and a democratic state is supported by a broad segment of Israeli society and

explains, at least in part, the degree of support for the two-state solution among the Israeli public.[1] Prime Minister Benjamin Netanyahu has himself affirmed the validity of the idea several times and has called on the Palestinians to return to the negotiating table without preconditions, albeit while expressing Israeli conditions for an agreement and reservations about the probability of reaching a permanent, mutually-accepted solution to the conflict.

Likewise among the Palestinians, many have not abandoned the notion of political independence alongside the State of Israel.[2] For its part, the PA is working for independence, although not via talks with Israel but rather through the international system, as evidenced by its concerted effort to enlist international recognition of a Palestinian state, an effort that has in recent years chalked up some impressive results in the West. In other words, whether or not through negotiations, the Palestinian leadership, particularly that of the PA in the West Bank, is committed to the two-state solution. Moreover, the relevant international players in the political process – the United States, the European Union, Russia, the United Nations, and also key Arab states – still speak about the two-state solution, although there are some essential differences of opinion about how to promote it. From the point of view of these actors, a resolution based on an imposed settlement is, for now, not high on their agenda.

Nonetheless, over the years there have been calls in the Israeli right wing political camp for the annexation of Area C in the West Bank, i.e., calls for a binational reality in one state. These ideas are based on the belief that it is possible to distinguish between territorial and political rights for the Palestinians. In tandem, along with the deadlock in the political process, the Palestinian arena has in the last few years also shown renewed interest in the single binational state. This approach recycles the idea underlying the Palestinian struggle against the State of Israel before recognizing it and engaging in negotiations that led to the signing of the Oslo Accords. Furthermore, the single binational state is an idea discussed internationally, especially in Europe, probably reflecting erosion in the belief that the two-state solution is attainable.

Hence the question: is the idea of a single binational state viable? The answer is: no, it is not. It may of course be that a single binational state will become a de facto reality unless the political and territorial situation

in the conflict arena changes. However, a process in this direction will not only sustain but will also exacerbate the tensions between the two national communities, and will also inflame the ideological and religious friction. As past and present experience shows, these tensions are fed by extremism and violence. Therefore, the reality of a single state, whether it develops of its own because of the two sides' inability to renew concrete negotiations toward the establishment of a Palestinian state alongside Israel, or it develops because of international pressure (an unlikely scenario at this time), may be called an arrangement but will not resolve the conflict.

Therefore, to stabilize the arena, cultivate normalization in the relationship between Israel and the Palestinians in particular and between Israel and the Arab nations in general, and strengthen those aspects of normalization already in place, one must not look for alternatives to the two-state solution. Instead, in order to divert the dynamic leading irreparably away from an end to the two-state idea, and despite the well-known difficulties and the current political circumstances on both the Israeli and Palestinian sides, it is imperative to find a way out of the dead end in the political process. This will necessitate a decisive measure of national responsibility, political courage, and historic vision on the part of the leaders and the public on both sides.

Out of the Dead End

It is difficult to imagine a formula for renewing and conducting the negotiations that has not yet been considered or tried, at least in its initial stages. These include process initiatives, recipes for permanent settlements, and possibilities for independent steps (both Israeli and Palestinian). In other words, there is no need to reinvent the wheel. It is only necessary to reexamine frameworks that have already been proposed and perhaps even discussed in the past, with the goal of implementing whichever seems to be the formula most suited for this time.

An examination of all the official initiatives and outlines for a permanent agreement proposed and even discussed over the last two decades shows that all is in place. These are the landmarks of the political process,[3] and are joined by the many unofficial initiatives and proposals placed before the public and decision makers over the years by civil society elements. There is no denying the complexity of the geopolitical and internal realities of both

Israel and the Palestinians, which are growing ever more fragile in unstable, violent, and dangerous surroundings. But one can also not deny that as time passes, the issues, to the detriment of both Israeli and Palestinian interests, become more complicated, and their resolution much more elusive.

Israel's Political Option

From Israel's perspective, this is the time for a balanced and graduated political initiative. Israel's long term interests – ensuring the nation's future as the secure, democratic nation state of the Jewish people – depend on a territorial division of the area between the Jordan River and the Mediterranean Sea into two nation states. Therefore, at this critical juncture, Israel must at the earliest possible opportunity be proactive in order to draw its borders in a way that reflects the foundations of its existence implied in the Declaration of Independence: a democratic nation state for the Jewish people.

Such an initiative must aim at separation from the Palestinians, whether by expending efforts on renewing the negotiations (regional and bilateral), with willingness to put all the core issues on the table and attempt to reach a full agreement, and if not, to try to reach negotiated interim steps that will advance the parties toward the two-state goal. Given the difficulty in progressing along those channels, independent steps should be taken to create the reality of two states with a defined border between them. Such independent steps may include, for example, declaring temporary borders until the conditions are ripe for an agreement on permanent borders. Dealing with the Jewish settlements is imperative, and requires an engagement with the public and preparation of public opinion on the critical need to take decisive action for the sake of the Jewish and democratic state. Any move in this direction requires prior formulation of a national prioritization program for resettling citizens now living beyond the security fence (or beyond any other line to be named as a temporary border) and legislation on voluntary evacuation with commensurate compensation and relocation. These would of course also be necessary for an agreement achieved through negotiations.

To advance any plan or framework, the government must commission special staff work in the political-security cabinet, the relevant government ministries, the National Security Council, and a peace administration. Such an administration should focus on reviewing Israel's official positions on

the various political initiatives and selecting those that can help pave the path to the two-state goal. In coordination with one another, these bodies would examine the Arab Peace Initiative as a framework for regional talks to support negotiations between Israel and the Palestinians, while granting Israel security guarantees and support for the Palestinian leadership toward the respective difficult decisions each side will have to take. Coordination of the process from beginning to end with the United States and Europe is likely to make it easier for Israel to enlist US support in particular, and international support in general for its positions and demands; furthermore, this could lead the PA back to the bilateral channel. A development in this direction would inevitably take place at the expense of the PA's strategic choice in the spring of 2014 to follow the international route rather than engage in direct talks.

Notes

1   According to the Peace Index issued by the Israel Democracy Institute in September 2015, 46 percent of Jewish respondents in Israel expressed support for the two-state solution, while 30 percent expressed support for a one-state solution. However, after Prime Minister Netanyahu's speech during the opening of the UN General Assembly that month, 50 percent of respondents said that the two-state solution was still viable, compared to 46 percent who felt the idea is no longer relevant. See http://www.peaceindex.org/indexMonth.aspx?num=2 97&monthname=%D7%A1%D7%A4%D7%98%D7%9E%D7%91%D7%A8#. VIVmG3VrKUk.

2   According to a survey carried out by the Palestinian Center for Policy and Survey Research in October 2015, 48 percent of the Palestinians in the West Bank and Gaza Strip support the two-state solution, while 51 percent are opposed. Sixty-five percent of respondents thought that the Jewish settlements in the West Bank invalidated the two-state solution, while 32 percent believed this to be a surmountable obstacle. Seventy-eight percent of respondents felt that the chances for the establishment of a Palestinian state alongside Israel in the next five years was small or very small, whereas 21 percent thought chances were high. See http://www.pcpsr.org/en/node/621.

3   Resolution 181 of the UN General Assembly (1947); Resolution 194 of the UN General Assembly (1948); Resolution 242 of the UN Security Council (1967); Resolution 338 of the UN Security Council (1973); Resolution 1397 of the UN Security Council (2002); Resolution 1515 of the UN Security Council (2004); Resolution 11317 of the UN General Assembly (2012).