

Two-State Solution – The Way Forward

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Introduction

On my blog, <http://almagor.blogspot.com>, which started in 2000, I carried three international campaigns: In 2000 I started the Gaza First campaign. In 2003, Prime Minister Sharon announced his Disengagement from the Gaza Strip. The Gaza First campaign was completed when Israel evacuated Gaza in 2005.

In late 2006 I called for early elections in Israel after I lost trust in Prime Minister Ehud Olmert, the tragic architect of the Israel-Hezbollah War. This campaign ended in February 2009, when Israel held early elections that terminated the Olmert government.

During the past three years I was engaged in a third campaign which called for a prisoner exchange between Israel and Hamas that would bring Gilad Shalit back home. That campaign was ended last month when Gilad was united with his loving family, and more than 1000 Palestinians were released from Israeli jails.

In November 2011, I launched my fourth campaign which is arguably the most difficult of all but like the former three is much needed. **This campaign calls for a two state solution.** I believe this is the only true option for both Israel and Palestine. I believe it is a just and necessary solution.

To be clear, **I am calling for:**

- The end of all hostilities between Israel and Palestine;
- Zero tolerance to violence and terror;
- Ceasing incitement on both sides of the Fence;

- Overhauling the Israeli and Palestinian education curricula on all levels: Kindergarten, primary school, and high school on all issues the pertain to the Conflict;
- The evacuation of all, or almost all settlements situated in the West Bank (94-97% of territory);
- Compensating the Palestinians for the part that would remain in Israel;
- The end of Israeli occupation of the West Bank;
- The re-routing of the Fence along the Green Line;
- The end of the all-encompassing, unjustified blockade of the Gaza Strip. There is a crucial difference between securing Israel's borders and assuring that no weapons are smuggled into the Gaza Strip and blockading Gaza *tout court*. Suffocating Gaza is contradictory to Israeli interests;
- The establishment of a Palestinian State alongside Israel. Palestine is sovereign to decide its capital, like all other sovereign states.

Only a fair solution for both sides will be successful. A partial solution, or a solution that favours one side over another would leave the other side frustrated and angry. It won't work.

2001 Taba Peace Talks

On January 22-28, 2001 in Taba, when Barak brought the experienced dove Minister of Justice Yossi Beilin to the negotiation team, he was willing to cede 94 percent of the West Bank to Palestinian control, and the two sides came very close: The Palestinians proposed that Israel annex 3.1 percent but consented that the annexation would consist three settlement blocs which amounted to four percent. Israel demanded to annex eight

percent but two of them on lease. Thus the disagreement concerned two percent, approximately 110 square kilometers.¹

In Taba, Israel was willing to negotiate issues that it declined to discuss in Camp David. Regarding Palestinian right of return, repatriation and relocation, Israel proposed that each refugee may apply to one of the following programs:

a. To Israel - capped to an agreed limit of XX refugees, and with priority being accorded to those Palestinian refugees currently resident in Lebanon. The State of Israel noted its moral commitment to the swift resolution of the plight of the refugee population of the Sabra and Shatila camps.

b. To Israeli swapped territory. For this purpose, the infrastructure shall be prepared for the absorption of refugees in the sovereign areas of the State of Israel that shall be turned over to Palestinian sovereignty in the context of an overall development program.

c. To the State of Palestine: the Palestinian refugees may exercise their return in an unrestricted manner to the State of Palestine, as the homeland of the Palestinian people, in accordance with its sovereign laws and legislation.

d. Rehabilitation within existing Host Countries. Immediate and extensive rehabilitation wherever possible.

e. Relocation to third countries: voluntary relocation to third countries expressing the willingness and capacity to absorb Palestinian refugees.²

¹ Yossi Beilin, *The Path to Geneva* (NY: RDV Books, 2004), pp. 246-247; Pundak, "From Oslo to Taba: What Went Wrong?", *Survival*, Vol. 43, No. 3 (2001), p. 44.

As for the Temple Mount, Israel agreed that it will remain under Palestinian control but the issue of sovereignty over the holy places remained open, contemplating internationalization as a possible solution.³

Taba was the closest point to reach an agreement between Israel and the Palestinian Authority but there were two major problems. Elections to the prime minister office were due in a few days, on February 6, 2001, so the timing was very wrong. Taba was a desperate last moment call for reaching an agreement but it is hard to see how such an agreement could have been binding. And the compromises that both sides were willing to make were not enough. The Palestinians insisted on Israeli acceptance of the right of return and on having the sole sovereignty over the Temple Mount.⁴ Fundamentally, Arafat did not wish to go down in history as the first Palestinian leader who gave up on the Palestinian dream of one Palestine, at the destruction of Israel. And in the negotiation process, Barak and Arafat lost the people. The Israeli public was no more willing to pay the price for peace. The price was perceived to be too high, in return to an abstract peace that was never practiced. Indeed, terror and democratic processes cannot live together. A zero sum game exists between terror and democracy. One comes at the expense of the other.

² Israeli Response RE Refugees, The Taba Proposals and the Refugee Problem, <http://www.mideastweb.org/tabam.htm>

³ Beilin, *The Path to Geneva*, p. 246. See also Israeli Position on Three Main Points at Taba Talks (January 21, 2001), http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2001/1/Israeli%20Position%20on%20Three%20Main%20Points%20at%20Taba%20Talk

⁴ Benny Morris, "An Interview with Ehud Barak", *New York Review of Books*, Vol. XLIX, 10 (June 13, 2002), <http://www.nybooks.com/articles/archives/2002/jun/13/camp-david-and-after-an-exchange-1-an-interview-wi/?pagination=false>

Barak, who came to office as Mr. Security faded away. Things escalated rapidly when the Al Akza Intifada erupted in late September 2000, following the provocative visit of Ariel Sharon to the Plaza of the Mosques. Shootings became a routine in the everyday life. When Arafat met French President Jacques Chirac on October 4, he told him that in four days the Palestinians lost 64 people while 2,300 others were wounded. Nine Israeli Arabs were killed as well.⁵ The Israelis were also horrified by the surge of violence, even more so following the lynch of two Israeli reserve soldiers in Ramallah on October 12, 2000. That was a bitter reminder of the real face of Israel's 'partners' for peace. The lynch took place in a police station.

Sharon won in the February 6, 2001 elections with a significant majority of 62.4 percent of the vote (it was the first time that special elections were called only to the prime minister office; Barak received 37.6% of the vote) because the public lost trust. Barak's entire campaign was negative: Why Sharon is bad for Israel? There was hardly something to say, in positive terms, about Barak's regime. Only the pulling out from Lebanon stood for Barak's credit.⁶ This was too little, and did not address the real issue at hand: restoring security to daily lives. The Israeli public was not willing to pay such a high price for peace: everyday killings by snipers, bombs, cars driven into crowds, lynching.

The 2002 Arab Peace Initiative of the Council of Arab States could have been a positive step in the right direction. It called for full Israeli withdrawal from all the territories occupied since 1967, finding a just solution to the Palestinian refugee

⁵ Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002* (NY: Other Press, 2003), p. 297.

⁶ On May 24, 2000, Israel withdrew its forces from south Lebanon unilaterally, ending the two decade long military presence inside its neighbour's territory.

problem, the establishment of a sovereign independent Palestinian in the West Bank and Gaza Strip, with East Jerusalem as its capital, ending the Arab-Israeli conflict, providing security for all the states of the region, and establishing normal relations within the context of comprehensive peace with Israel.⁷ However, the initiative came at the worst possible time. It coincided with the Passover suicide bombing at Park Hotel in Netanya on March 27, 2002 which further drew the parties apart. In the Passover Massacre thirty people were killed and 140 injured – 20 of them seriously. Hamas claimed responsibility for the attack.

The Seder massacre pushed the Israeli population to shift from peace yearning to security yearning. It was an awakening call for Israel. Peace was a dream that could not have been achieved at present.⁸

Israel began construction of a barrier that would separate most of the West Bank from areas inside Israel. The fence (as Israel terms it; others call it wall) was deemed necessary as the thought was that it will block terrorists from entering Israel. Indeed, the fence proved a security success story. The facts are conclusive: Before the fence/wall was erected, the average number of terrorist attacks was 26 per year. Since its partial construction, the number has dropped to three-to-zero per year as Israel was able to foil every suicide bombing originating from the northern West Bank and specifically from the cities of Nablus and Jenin, areas that had previously been infamous for exporting suicide bombers. However, almost the entire fence/wall is passing inside Palestinian territory. Some 17,000 Palestinians are expected to live between the barrier

⁷ The Arab Peace Initiative 2002, <http://www.al-bab.com/arab/docs/league/peace02.htm>

⁸ Between April 1993 and May 2005 there were 164 suicide attacks. They resulted in 670 people killed and 4255 people injured. I thank Arie Perliger for the information. See also Raphael Cohen-Almagor, "An Israeli's Shift from Peace Activist To War Backer", *The Washington Post* (March 31, 2002), p. B1.

and the Green Line. Upon the completion of the barrier (eight years after construction began, Israel has completed 64 percent of it),⁹ 16.6% of the West Bank land will serve as a buffer between Israel and the fence/wall. These are the most fertile lands of the Bank. Some 160,000 Palestinians are expected to be locked in buffers, created by the fence/wall.¹⁰

Because of the route of the barrier, which passes through Palestinian living space, 47 gates have been established that are supposed to enable daily movement of farmers to their lands, students and teachers to their schools, businessmen and merchants to their places of work, and more. As a result, freedom of movement for Palestinians, whose lives are now run against their will on both sides of the barrier, is drastically restricted.

The frustrated Palestinians moved to a new form of terror – rocket attack on Southern Israel. The fence/wall cannot stop this form of terrorism that was bound to happen. If you declare a divorce, you need to see that both sides are happy with the settlement, otherwise the children will be miserable. The Palestinian and Israeli children continue to pay a high price.

As expected, on July 9, 2004, the International Court of Justice (ICJ) ruled in its Advisory Opinion that the West Bank separation barrier contravenes international law, that it must be dismantled, and that compensation must be paid to the Palestinian owners of property confiscated for its construction. Fourteen justices supported the decision and the sole opponent was the American judge, Thomas Buerghenthal.¹¹

⁹ Israel's Wall still far from completion (July 8, 2010), <http://www.jmcc.org/news.aspx?id=1243>

¹⁰ *Israeli Politics*, http://almagor.blogspot.com/2004_01_18_archive.html

¹¹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=6/>

In building the Wall, the court opined, Israel violated international humanitarian law, by infringing on Palestinians' freedom of movement, freedom to seek employment, education and health. It also states that Israel violated international treaties it had signed which deal with these topics: "The construction of such a wall accordingly constitutes breaches by Israel of its various obligations under the applicable international humanitarian law and human rights instruments".¹²

The judges rightly question the route of the wall determined by Israel, saying they are "not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives".¹³

The ruling says: "The wall, along the route chosen, and its associated regime, gravely infringe a number of rights of Palestinians residing in the territory occupied by Israel, and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order".¹⁴

On the issue of compensating Palestinians harmed by construction of the wall, the court rules that, "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem".¹⁵

The Hague decision is not binding. As expected, Israel immediately reacted by saying that it will not honour the ICJ advisory opinion.

The separation barrier should have been built along the 1967 Green Line, with some accommodations necessary to include large settlement in the Jerusalem area and

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

Ariel inside the fence/wall, and compensating the Palestinians in other areas. The idea of using the barrier to create geographic facts that in effect make greater Israel and smaller Palestine was unfair, discriminatory, unwise and unjust. The fence/wall should be moved, and I hasten to think that pressure will be exerted that it will. The questions revolve only about time, money and blood involved.

Sharon's Gaza Plan

On June 6, 2004, the cabinet approved Prime Minister Ariel Sharon's revised disengagement plan by a 14-7 majority. The result, however, that Sharon lost the majority in the Knesset, left with 59 MK out of 120. Labour assured that it will back him as long as he pursues the Gaza First Plan.

The key principles of the four-stage disengagement plan were:

- A. The stalemate was perceived as damaging; in order to break the stalemate, the government initiated a process that was not dependent on cooperation with the Palestinians. This infuriated the Palestinians.

- B. The aim of the plan was to bring about for Israel a better security, diplomatic economic and demographic reality.

- C. In any future permanent arrangement, there will be no Israeli presence in the Gaza Strip. Sharon said there will be no Jews in Gaza by the end of 2005.

- D. The withdrawal from the Gaza Strip and from the northern part of Samaria will reduce interaction with the Palestinian population.

E. Completion of the four-stage disengagement plan will negate any claims on Israel regarding its responsibility for the Palestinian population of the Gaza Strip.¹⁶

I should say that I thought the evacuation of Gaza was a step in the right direction. In 2000 I opened an international campaign to that effect under the banner Gaza First. In my letters to prominent politicians in Israel, articles in international newspapers and lectures delivered in four continents (Asia, Europe, North America and Africa) I said that the way to exit the futile cycle of violence and retaliation was by the evacuation of Gaza. The reasons were as follows: Gaza is not emotionally-fraught with religious significance as are Judea and Samaria. By evacuating major settlements, by acknowledging the right of the Palestinians to an independent state, by pulling back the military which was costing so many lives to defend a few thousand settlers, Israel would be no longer seen as the occupier with the strongest army in the Middle East, but as a wise democracy which was willing to pay a price for a solution. It would suit Israel to initiate the Palestinian state's establishment rather than succumb to international pressure to do so. If criticism of the plan is that it is a victory for the Palestinians, it can be shown that it is to Israel's advantage. With Palestinian sovereignty would come the responsibility to the community of nations to overcome terrorism and prove that it is capable of statehood.

I said it was in Israel's interest not to suffocate Gaza, but to enable the Gazans to develop independent economic resources. The settlers, who built their homes in Gaza and lived there for many years and played an historical role, would need to be

¹⁶ For further discussion, see R. Cohen-Almagor, "The best first step", *The Baltimore Sun* (December 18, 2003).

compensated and resettled in other parts of Israel. Gaza, I said, will be a test case for the Palestinians' willingness to resolve the conflict. In this test, I am sorry to say, Gaza miserably failed. From a key to the solution, Gaza became a major impediment with the Hamas takeover and its unshaken confidence in its ability to destroy Israel.

Two major lessons should be learnt: First, Implementation by agreement is preferable to unilateral steps. President Abbas wanted to be involved in the steps leading to Israel's evacuation of Gaza. Prime Minister Sharon was not interested. He was aloof and arrogant. The result was that the vacuum created by the Israeli evacuation was immediately filled by Hamas. It was an Israeli interest to see that the PA will take control, not Hamas. Israeli decision-making process was short-sighted.

Second, when the enemy accumulates weapons, it is for a reason. It intends to use them in the right time, for its own perspective. When I started my Gaza First campaign in 2000, I did not know about the Kassams. In 2008, I had a discussion with Dov Weisglass, Prime Minister Ariel Sharon's Chief of Staff, who said: We knew about the Hamas rocket power; we did not think that it will terrorize Israel with the Kassams.

On January 25, 2006, elections were held for the Palestinian Legislative Council (PLC), the legislature of the Palestinian National Authority (PNA). This was the first election to the PLC since 1996. The final results showed that Hamas won the election, with 74 seats to the ruling-Fatah's 45, providing Hamas with the majority of the 132 available seats and the ability to form a majority government on their own. It might have been a mistake to allow Hamas to participate in the elections before it accepted the Oslo principles.

In June 2007, Hamas vanquished its Fatah rivals and effectively took control of the Gaza Strip. Rocket terrorist attacks on Israel intensified. When Hamas came to power, one would have hoped that with power comes responsibility; responsibility for

economy, food, housing, welfare, health, education, agriculture, infrastructure; responsibility for the running of a daily life of society. Hamas until now has preferred to invest more in fighting Israel than in caring for its own people. The brutal results are inescapable.

2006 Israeli Elections

Elections for the 17th Knesset were held in Israel on March 28, 2006. The voting resulted in a plurality of seats for the then-new Kadima party, followed by the Labour Party, and a major loss for the Likud. After the election, the government was formed by the Kadima, Labour, Shas and Gil parties, with the Yisrael Beitenu party joining the government later. Ehud Olmert, leader of Kadima, was elected prime minister. He had been the acting prime minister going into the election after Sharon's health deteriorated. Sharon is still in a state of post-coma unawareness.¹⁷

Olmert wanted to annex 6.3 percent of the West Bank to Israel, areas that are home to 75 percent of the Jewish population of the territories. His proposal would have also involved evacuation of dozens of settlements in the Jordan Valley, in the eastern Samarian hills and in the Hebron region. In return for the annexation to Israel of Ma'aleh Adumim, the Gush Etzion bloc of settlements, Ariel, Beit Aryeh and settlements adjacent to Jerusalem, Olmert proposed the transfer of territory to the Palestinians equivalent to 5.8 percent of the area of the West Bank as well as a safe-passage route from Hebron to the Gaza Strip via a highway that would remain part of the sovereign

¹⁷ For discussion of this condition, see R. Cohen-Almagor, "Some Observations on Post-Coma Unawareness Patients and on Other Forms of Unconscious Patients: Policy Proposals", *Medicine and Law*, Vol. 16, No. 3 (1997), pp. 451-471.

territory of Israel but where there would be no Israeli presence. Olmert spoke of the establishment of a Palestinian state with its capital in East Jerusalem, and was willing to accept a token number of Palestinian refugees.¹⁸ However, the person who was elected on a clear and explicit peace plan, who was the Peace Camp great hope led Israel to two wars in three years:

July-August 2006 -- Israel-Hezbollah War;¹⁹

Israel-Hamas War 2008-2009, Operation Cast Lead.²⁰

These two wars plus corruption allegation brought about the premature end of Olmert's term in office. Olmert left behind a very different legacy from the one he had in mind when he assumed PM responsibilities.

The 2009 Israeli Elections

Elections for the 18th Knesset were held in Israel on February 10, 2009. These elections became necessary due to the resignation of Prime Minister Ehud Olmert as leader of

¹⁸ Aluf Benn, "Haaretz exclusive: Olmert's plan for peace with the Palestinians", *Haaretz* (December 17, 2009), <http://www.haaretz.com/print-edition/news/haaretz-exclusive-olmert-s-plan-for-peace-with-the-palestinians-1.1970>; Ehud Olmert interview to Stephen Sackur, BBC *HARDtalk* (2009), [http://webcache.googleusercontent.com/search?q=cache:RhsmGjUhoY8J:www.bbc.co.uk/iplayer/episode/b00n4fw3/HARDtalk Ehud Olmert Israeli Prime Minister 2006 2009/+Ehud+Olmert+talks+to+Stephen+Sackur+about+his+Palestinian+peace+proposals&cd=1&hl=en&ct=clnk&gl=uk](http://webcache.googleusercontent.com/search?q=cache:RhsmGjUhoY8J:www.bbc.co.uk/iplayer/episode/b00n4fw3/HARDtalk+Ehud+Olmert+Israeli+Prime+Minister+2006+2009/+Ehud+Olmert+talks+to+Stephen+Sackur+about+his+Palestinian+peace+proposals&cd=1&hl=en&ct=clnk&gl=uk)

¹⁹ See Raphael Cohen-Almagor and Sharon Haleva-Amir, "The Israel-Hezbollah War and the Winograd Committee", *Journal of Parliamentary and Political Law*, Vol. II:1 (2008), pp. 113-130.

²⁰ See Israeli Politics, http://almagor.blogspot.com/2010_01_31_archive.html; http://almagor.blogspot.com/2010_04_25_archive.html; On the Goldstone Report, http://almagor.blogspot.com/2010_04_04_archive.html;

the Kadima party, and the failure of his successor, Tzipi Livni, to form a coalition government.

Benjamin Netanyahu formed the arguably most hawkish government in the history of modern Israel. In the Bar Ilan University speech (June 14, 2009), Netanyahu, for the first time, endorsed the idea a Palestinian state. He started by describing the kind of Palestinian entity that would be acceptable to Israel in the framework of a peace agreement. That entity would have to be, according to Netanyahu, fully demilitarized, with iron-clad international supervision. He made it clear, albeit in a rather implicit manner, that the frontiers would have to be supervised to prevent smuggling of prohibited weaponry, and the freedom of its airspace would have to be partially curtailed to avert any possible aerial attack of Israeli targets. Netanyahu then went on to say that, if the aforementioned conditions were met, he would agree to the establishment of a Palestinian state.²¹

The manner by which Netanyahu presented his consent to the creation of a Palestinian state was related to his domestic audience. By describing first the main characteristics of a Palestinian entity, by emphasizing the security elements essential to Israel to begin with, and then moving on to state that he would be ready to accept a Palestinian state, Netanyahu may have wished to convey the impression that the change entailed in his position was of a gradual, incremental nature.²² To his internal critic, Netanyahu may explain that his views did not actually change much, if at all. As security

²¹ *Address by PM Netanyahu at Bar-Ilan University*, http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.htm

²² Yoav J. Tenenbaum, "The Conceptual Dimension of Netanyahu's Peace Policy," *Letras Internacionales*, <http://www.ort.edu.uy/facs/boletininternacionales/contenidos/87/tenenbaum87.html>

was put at the foremost of the political agenda *vis-a-vis* the Palestinians, the latter were required to assert their governance on all radical factions before granted the green light for declaration of statehood.

Netanyahu had no intention to make the Balfour Declaration for the Palestinian people. His speech was designed to maintain a delicate equilibrium by adopting the idea of a Palestinian state while not wracking his coalition boat. His speech was with an eye to the international community while maintaining the backing of his domestic base.

It should be stressed that none of the Zionist parties to the left of Netanyahu would accept a militarized Palestinian state whose frontiers would not be supervised and its aerial space fully under the control of a Palestinian state.

Netanyahu is not a pragmatist like Menachem Begin who withdrew from Sinai²³ and Ariel Sharon who withdrew from Gaza; he is not driven by a sense of history, as Begin was, and his *realpolitik* is based on different principles than Sharon's. Netanyahu's philosophy is based on the following components:

- Israel should take care of itself. No other country will go out of its way for Israel. The world is busy. Countries have other priorities. We are the only people who understand our needs, appreciate our difficulties, and will be there for us in time of trouble.
- Therefore, Israel needs to be strong. Very strong. Our enemies will restrain themselves in the face of strong Israel.

²³ In his comments, Sam Lehman-Wilzig writes: "After declaring his acceptance of 2 States, it is hard to see how you can say Netanyahu is not a "pragmatist". Comparing him to Begin is grossly unfair -- Begin gave up land that was never "Israel". Moreover, Begin explicitly refused to allow the Palestinians "independence" but merely "autonomy". Not much of a pragmatist..."

- Strength is manifested also by a strong economy which is founded on capitalist interests, bringing wealth to the nation, and retaining it. This means keeping the economic elite happy, and bringing external investments.
- Israel is a very small country, surrounded by hostile neighbours. It should not be smaller than it already is. Therefore, we should retain our territory, build in it, settle it, and we need to help those pioneers, those wonderful people who are willing to conquer new lands, and establish facts in the land. These people truly care for Israel and its destiny.
- The Palestinians have severe problems. They should strive to solve them, possibly with the help of the Arab world, but not at the expense of Israel.
- Some of their problems are the result of Israel's presence in the occupied territories. This is granted. But these problems are the result of their terrorist behavior. They should first prove to us that they had deserted terror. Once they do, Israel will be happy to relax the pressure. We don't enjoy pressurizing the Palestinians. We do it out of necessity to retain our strength and secure our people.
- The UN is not to be trusted. It is biased toward the Muslim and Arab world, with dozens of representatives in the Mission, against one tiny Israel.
- The European Union is biased. It is driven by economic interests, by its own concern vis-a-vis the growing Muslim presence in the continent, by geopolitical interests in which Israel features as a problem. Some argue that Europe is anti-Semitic. Europe should prove otherwise.
- Israel should retain its special relationship with the USA. We should be attentive to any American administration's demands, with reason, communication, and mutual understanding of the respective needs.

This set of principles allows very little scope for concessions and for pragmatism. The Palestinians will not be satisfied with what is offered. At best, the region is in a standstill as far as peace is concerned. At worse, things will escalate into yet another bloody confrontation. Iran, with its offshoots (Hezbollah in Lebanon, Hamas in Gaza and the West Bank), will make things messier and volatile.

In September 2010, President Barack Obama convened a peace summit in Washington. The opening statements of Prime Minister Netanyahu and President Abbas revealed the wide gaps between the two. Netanyahu said that Israel withdrew from Lebanon and in return received terror sponsored by Iran. Israel withdrew from Gaza and in return received yet again Iranian-sponsored terror. Israel must insist on preserving its security. This means all the things that the Palestinian dread and wish to dismantle: the Fence; checkpoints; settlements; army presence.

President Abbas, in turn, spoke of borders, Jerusalem, water, the right of return, checkpoints, settlements -- the well-known bones of contention. President Obama delineated a one-year process. I am afraid it will take more than a year.²⁴

The Way Forward

In Camp David, Prime Minister Barak was willing to confront history and mythology and to make hard concessions. However, his tactics was deficient, and he had no partner who was similarly willing to confront history and mythology and to make hard decisions. To resolve the Israeli-Palestinian conflict there is a need for courageous leaders on both sides who seize the opportunities presented before them and make the

²⁴ Comments by Obama, Netanyahu, Mubarak, Abdullah and Abbas at start of peace talks (September 1, 2010), <http://sdjewishworld.wordpress.com/2010/09/01/comments-by-obama-netanyahu-mubarak-abdullah-and-abbas-at-start-of-peace-talks/>

most for their peoples. There is also a need for balanced, unbiased and fair broker/s as intermediary, one or more parties perceived by *both* sides as honest, even-handed and reliable. During 1993-2010, the United States has not been perceived as an honest broker by the Palestinians. On numerous occasions the USA cooperated and coordinated with Israel, drafting documents and initiating proposals in concert with the Israelis, without incorporating and consulting the Palestinians in the process.²⁵

At present, many Israelis are quite content with satisfying security needs. They believe that the *status quo* is good for Israel. However, in reality there is no *status quo*, as Israel continues to build the settlements, thus is hampering the possibility of striking a deal with the Palestinians in the future. The situation on the ground keeps changing supposedly in favour of Israel. The Palestinians observe as their future state is shrinking in front of their eyes and there is very little that they can do about it. Furthermore, the occupation remains in reality and is undermining the vital ingredients needed for peace talks, good faith and trust. Under occupation, Palestinians lack freedom and control over their lives. Their economic activities, the allocation and management of their natural resources, their health and well being, their ability to move are in the hands of Israel.²⁶

What of the September 1993 Oslo Accords is still relevant today in 2010?

²⁵ One example is the Sharm el-Sheik summit of October 2000, when the Palestinian delegation was presented an "American-Egyptian" working document which was, in fact, an Israeli document. The Israeli delegation examined and studied it prior the summit while the Palestinians saw it for the first time during the summit. Abed Rabbo, the Palestinian negotiator, complained to the Americans, saying this was not right, "don't play that game with us." See Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002*, p. 314.

²⁶ Omar M. Dajani, "Surviving Opportunities", in Tamara Cofman Wittes (ed.), *How Israelis and Palestinians Negotiate* (Washington DC.: US Institute of Peace Press, 2005), p. 46.

The Palestinian Authority, established in 1994, controls parts of the West Bank and administers the lives of most Palestinians. In 2007, it lost control over the Gazan population to Hamas.

PLO remains as the sole legitimate representative of the Palestinian people. All governments in Israel negotiate with the PLO.

Israelis still cannot enter the A Zone, under Palestinian security control. The PA administers the civic life of the population in Zone B.

The Oslo Accords provide judicial framework for all negotiations between Israel and the Palestinians.

After Oslo, Israel and the PA signed the Paris Accords which include bilateral economic and humanitarian relationships between Israel and the PA.²⁷

The Oslo Accords brought about the lifting of some of the Arab ban on Israel. They led to the peace accord with Jordan, and to the establishment of some forms of relationship with other Arab states, mainly in the Gulf.

To erect peace, it is essential to have:

Trust

Good will

Security.

The fence/wall creates political reality. It should move along the 1967 borders.

Both sides need to clean the atmosphere: fight bigotry, racism, incitement and hate on both sides of the fence. This includes a close study of the education curricula in

²⁷ <http://publicintelligence.net/international-agreements-with-third-parties/>

both the PA and Israel. Both sides should utilize the media to promote peaceful messages of reconciliation and mutual recognition.

Israel should remain steadfast on its demand of the Palestinians to fight down terrorism. Zero tolerance in this sphere.

Finally, international cooperation is required to lift the Iranian existential threat.

I believe that if there is a will, there is a way. Both sides should aspire for peace in order to reach peace. Both sides need to understand that peace is a precious commodity and therefore be prepared to pay high price for its achievement. Both sides should reach a solution that is agreeable to both. The peace deal should be attractive to both, equally. It cannot be one sided, enforced or coerced. Of all the possible solutions presently on the table, a two state solution seems to be the most viable.²⁸ I believe that good starting points are the Clinton parameters²⁹ and the Geneva Accord.³⁰ Both documents lay the foundations for resolving all contentious issues:

Borders – Israel will withdraw to the Green Line, evacuating settlements and resettling the settlers in other parts of the country. Major settlement blocs may be annexed to Israel upon reaching an agreement with the PA of territory exchange that will be equal in size. At the Taba talks, the Palestinians presented a map in which Israel would annex 3.1 percent of the West Bank and transfer to the PA other territory of the same size.³¹ Beilin said that they were willing to concede Israeli annexation of three settlement blocs

²⁸ See Aditi Bhaduri, “A society under constant stress”, *In the Fray* (May 6, 2007) <http://inthefray.org/content/view/2268/36/>

²⁹ The Clinton Parameters, http://www.peacelobby.org/clinton_parameters.htm

³⁰ The Geneva Accord, <http://www.geneva-accord.org/mainmenu/english>

³¹ Beilin, *The Path to Geneva*, p. 239.

of at least 4 percent of the West Bank.³² Prime Minister Olmert offered Palestinian President Abbas a similar or even slightly better deal but Abbas did not reply positively. This on the grounds of the Palestinian right of return. Olmert was willing to admit 5,000 refugees and President Abbas said he could not tell 4,000,000 that only some thousands of them could return home.³³

Territorial contiguity – a major elevated highway will connect the West Bank and the Gaza Strip to allow safe and free passage. The road will be solely Palestinian. No Israeli checkpoints will be there.

Security – The Palestinian sovereignty should be respected as much as possible. Checkpoints will be dismantled. Only the most necessary will remain, subject to review and necessity. The Palestinian state will be non-militarized. This issue was agreed upon in 1995. Also agreed: Joint Israeli-Palestinian patrols along the Jordan River, and the establishment of a permanent international observer force to ensure the implementation of the agreed security arrangements.³⁴

Jerusalem – What is Palestinian will come under the territory of the new capital Al Kuds. What is Jewish will remain under Israeli sovereignty.

Haram al-Sharif – Palestine will be granted extraterritorial sovereignty over the site under Waqf administration. Jews will enjoy right of access.

³² Beilin, *The Path to Geneva*, p. 246.

³³ Natasha Mozgovaya, "Condoleezza Rice's Biography," *Haaretz* (October 25, 2011, Hebrew).

³⁴ Beilin, *The Path to Geneva*, p. 169.

Water – Israel and Palestine should seek a fair solution that would not infringe the rights of any of the sides and will assure that the Palestinian people will have the required water supply for sustenance and growth.

Terrorism and violence – Both sides will work together to curb terrorism and violence. I emphasize that there is zero sum game between terror and peace. Therefore, both sides will see that their citizens on both sides of the border reside in peace and tranquility. Zealots and terrorists, Palestinian and Jews, will receive grave penalties for any violation of peace and tranquility. The Palestinians, apparently, fail to understand the gravity of terrorism and are willing to accept it as part of life. Nabil Shaath said: “The option is not either armed struggle or negotiations. We can fight and negotiate at the same time, just as the Algerians and the Vietnamese had done”.³⁵ Democracies, however, see things differently. On this issue there should be no compromise.

Incitement – Both sides will overhaul their education curricula, excluding incitement, racism, bigotry and hate against one another. The curricula should reflect a language of peace, tolerance and liberty.

³⁵ Shlomo Ben-Ami, *Scars War, Wounds of Peace*, p. 240. Yossi Beilin tells the story of the Taba talks during which two Israelis were murdered in Tulkarem. The Palestinians, he writes, expressed their shock at the murder but they found it difficult to understand why “we always play into the hands of those who want to sabotage the talks”. Beilin, *The Path to Geneva*, p. 243.

Prisoner exchange – As an act of good will, part of the trust-building process, Israel will release a number of agreed upon prisoners. With time, as trust will grow between the two sides, all security prisoners will return home.

Right of return – the 1948 Palestinian refugees will be able to settle in Palestine. Israel will recognize the Nakba and compensate the 1948 refugees and their children (but not grandchildren) for the suffering inflicted on them. Unification of families should be allowed on a limited quota annual scale. But massive refugee return to Israel will not be allowed. This dream should be abandoned.³⁶

Israel is the stronger side. It should adopt prudent policy to secure a solution to this protracted and bloody conflict.

The establishment of a Palestinian State is a Palestinian interest. It is also an Israeli interest.

³⁶ Today, more than 4.2 million Palestinian refugees are dispersed across areas of the Middle East in which their forefathers originally took refuge, with others dispersed across the world. See The UN refugee Agency,

<http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4444afcb0&query=palestinian%20refugee%20number>