

The Jewish Peace Lobby

Annual Report 2015

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The Jewish Peace Lobby in 2015

JPL Program

Our program remained unchanged. JPL continues to focus on:

1) Developing new ideas for a) resolving the permanent status issues that divide Israelis and Palestinians, and for b) establishing a more effective process for achieving a comprehensive peace accord.

2) Promoting these ideas in multiple venues, with an emphasis on a) the U.S. government, primarily the State Department and the White House; b) Israeli and Palestinian leadership; c) other relevant governments, primarily through contact at the United Nations. In addition we seek to affect the general public and the expert community in the United State, Israel and Palestine.

Our central policy focus this past year has been on:

- Promoting a Parameters Resolution to be adopted by the UN Security Council. This would replace/update UN Security Council 242, which is now almost 50 years old, and which fails to address key aspects of the conflict.

- Further developing the "Common Homeland" approach to the two-state solution, which differs from the standard paradigm of "strict separation," and calls for two separate states within a common homeland, possibly within a Confederation.

- Developing and promoting an International Commission on the Arab Peace Initiative, possibly created by the United Nations. The Commission would be tasked to engage with the Israeli and Palestinian people, and develop a fully detailed peace proposal, consistent with the Arab Peace Initiative that was acceptable to a majority of the public on both sides.

Meeting with President Abbas

The year started out with a JPL visit to Israel/Palestine in January. The highlight of this trip was a meeting with Palestinian President Mahmoud Abbas. From that discussion two things stand out. First, in discussing the up-coming Israeli elections President Abbas said that if Prime Minister Netanyahu was to remain as Prime Minister there was no chance of successfully negotiating an end to the conflict, but that if Labor Party leader Yitzhak Herzog became Prime Minister, "maybe, maybe," there was a possibility of reaching a final agreement. What was clear from the discussion was that the PLO perspective on resuming negotiations with Israel is very specific to which party is in power. If Likud retains control, then renewed negotiations would be viewed as a waste of time and potentially damaging to PLO credibility with the Palestinian public. If Labor comes to power, the PLO would make a very serious effort to reach an agreement.

A second area that was discussed was a potential UN Security Council resolution that would lay down parameters for a conflict ending agreement. JPL president, Jerome Segal was critical of several of the draft resolutions which had circulated at the UN, including one drafted by the PLO. He put forward the view that the central purpose of having the Security Council lay down parameters, was that it made it more feasible for political leaders on both sides to make the hard compromises that they know they have to make, but find it difficult to do politically. Coming from the Security Council, such compromises take on the character of demands that were imposed by the international community. Thus, Segal argued, the kind of resolution that is needed is one that calls of both sides to take very difficult steps. Of considerable interest, President Abbas stated his agreement with this perspective.

Our Work at the United Nations

This year we intensified our work at the UN. Our New York representative, Dr. Leonard Grob, gave us a regular presence, something that to our knowledge, no other peace organization has undertaken. Here is his report:

REPORT FROM NEW YORK: JPL AT THE UN

During 2015, I met with UN diplomats 23 times. Meetings were focused on particular countries, including China, Egypt, France, Germany, Jordan, New Zealand, Norway, United Kingdom, Russia, Saudi Arabia, and Spain; meetings were also held with representatives of the European Union and the Arab League. I met with some UN Ambassadors of these countries, and—most often—with their deputies who specialized in diplomatic matters pertinent to the Israeli-Palestinian conflict. When meeting with deputies, I requested that the proposals under discussion be sent to their Ambassadors and, ultimately, to representatives of their Foreign Ministries. Follow-up meetings were scheduled as needed. I was frequently referred to members of the diplomatic corps in Israel and Palestine, many of whom I and/or Dr. Segal visited when traveling in the region.

Diplomats with whom I had appointments were given JPL documents to be read prior to our face-to-face meetings. All meetings began with my request for an account of how that nation's representative saw where matters relating to the conflict stood at the time. The specific proposal(s) to be discussed at a given meeting was/were determined both by the nature of the relationship of the member state to the Israeli-Palestinian conflict and by what was occurring in the region at the time the meeting occurred. It should be noted that I was welcomed to share JPL ideas at every UN Mission that I approached; I was never refused a visit. Although the question of whether the ideas presented at these Missions will bear fruit is unanswerable at the moment, it is more than likely that future discussion of these ideas will take place in some diplomatic quarters.

Proposals for resolution of the conflict fell under two main categories: 1) Attaining a Security Council Resolution with comprehensive parameters for ending the conflict; 2) Promoting our idea of a UN Commission that

would visit the region and develop the terms of a final peace treaty Palestinians.

- 1) Representatives of the foreign missions were presented with a list of suggested parameters for a Security Council Resolution, along with commentary detailing the rationale for each parameter. On the critical issue of Palestinian recognition of a Jewish state, our proposal—which referred to a common homeland with two sovereignties-- attracted substantial interest on the part of diplomats from nearly every country. The document detailing the parameters was often accompanied by a draft of what the actual resolution incorporating these parameters might look like, as well as a piece suggesting how to think about the issues at hand.

Throughout my discussions with diplomats, the idea that such a resolution would constitute “a new 242” was explored. I believe that the JPL suggestions for parameters will engender discussion among policy makers in at least some foreign ministries.

- 2) Diplomats were asked for their responses to our documents detailing the creation of a UN Commission composed of representatives of member states who would visit the region for an extended period of time, conduct interviews with key Israeli and Palestinian constituencies, and undertake professional polling. *The two peoples themselves, rather their governments, would be the target audience.*

Commission members would then return to the UN and, based on their work with people on the ground, decide if they saw reason to propose terms for a final peace treaty. If they saw hope for such a treaty to be negotiated in the near future, commissioners would then proceed to draft specific and comprehensive terms of an agreement. The draft treaty would be presented to the two governments who would then have a period of several months to accept or reject the agreement, or submit it to a referendum.

Some versions of the JPL Commission proposal noted that terms would have to be consistent with the Arab Peace Initiative. Drafts along these lines were presented, in particular, to representatives of Egypt, Saudi Arabia, Jordan, and the Arab League, along with

a request that they take the initiative in proposing that such a Commission be constituted.

Representatives of the countries I visited responded with different degrees of enthusiasm to the Commission idea. However, seeds of an innovative idea—echoing the 1947 convening of the UN Special Committee on Palestine—were sown, and dialogue with the foreign missions on this proposal will hopefully be ongoing.

JPL Presentation at Anatolia Conference of the API

JPL was invited to attend and present its ideas at a conference on the Arab Peace Initiative that was held in Anatolia, Turkey. At the conference there was wide representation from the region, both NGO's and governments (e.g. U.S., Egypt).

Dr. Segal presented JPL's proposal for a UN Special Commission on the Arab Peace Initiative. The proposal was very well received at the conference, and was re-printed in the conference report. It also served as the basis for two presentations by Dr. Segal made to diplomats stationed in Jerusalem and Tel Aviv in the subsequent week. This in turn resulted in an invitation to give a presentation to Spanish government officials in Madrid, early in 2016.

Here is the JPL proposal:

Building on the Arab Peace Initiative Through the United Nations or the Quartet

Jerome M. Segal
Peace Consultancy Project
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Background on the Arab Peace Initiative

The Arab Peace Initiative was proposed by the League of Arab States in 2002, and was re-endorsed by the League in 2007. The proposal spells out a framework for ending the Arab-Israeli conflict and for normalizing relations between Israel and the entire Arab region. Its key provisions specified:

" I- Full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights, to the June 4, 1967 lines as well as the remaining occupied Lebanese territories in the south of Lebanon.

II- Achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with U.N. General Assembly Resolution 194.

III- The acceptance of the establishment of a sovereign independent Palestinian state on the Palestinian territories occupied since June 4, 1967 in the West Bank and Gaza Strip, with East Jerusalem as its capital.

3. Consequently, the Arab countries affirm the following:

I- Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.

II- Establish normal relations with Israel in the context of this comprehensive peace."

Israeli Reactions

Over the years, Israeli governmental officials have reacted to the API in very different ways. Prime Ministers Sharon and Netanyahu were dismissive, rejecting Palestinian statehood, a return of refugees and compromise on Jerusalem. Shimon Peres reacted positively without agreeing to the specific concessions Israel would be asked to make. And former Prime Minister Olmert, responding to the offer of normal relations with the Arab states, characterized the API a "revolutionary change," though he too, did not agree to all of the specifics.

One frequent Israeli objection focused on the refugee clause which calls for "a just solution to the Palestinian refugee problem to be agreed upon in accordance with U.N. General Assembly Resolution 194." It has been said that mention of Resolution 194 is a code word for "the right of return," and thus the API implies the end of Israel as a Jewish state. Defenders of the API counter that the refugee clause speaks of a solution "to be agree upon" and thus Israel is protected, and further, it is pointed out that the initiative is important precisely because it does not mention a Palestinian right of return.

In 2013 a poll of the Israeli public found that when the API was explained to them, some 55% of Jewish Israelis said they would support it to some degree. And when asked what their response would be if Prime Minister Netanyahu accepted the initiative and then negotiated a peace agreement with the Arab states, support rose to 69%. Most interestingly, **73.5% of Hebrew speaking Israelis said that they "had never heard of the Arab initiative, or knew of its existence, but were unfamiliar with its details."**¹

Re-invigorating the API?

Because the API offered Israel normalization of relations with the entire Arab world, it has been widely seen as having great potential to motivate difficult Israeli concessions that are necessary to end the Israeli-Palestinian conflict. From time to time, efforts have been made to make the API more directly relevant to the peace process. One recurrent idea is to have the API be the basis for renewed negotiations. Just recently, in February 2015, President Abbas, following a meeting with the PLO Central Committee expressed this view, saying that the API would be "the best basis" for renewed negotiations. In 2013 US Secretary Kerry explored the extent to which the API could be modified to accommodate Israeli concerns. As a result Qatar's Foreign Minister al Thani announced on a Washington visit that the call for Israel to return to the 1967 lines could accommodate minor land swaps.

¹ "Most Israelis back Arab Peace Initiative," Jerusalem Post, May 28, 2013.

Despite this recurrent interest, there is no likelihood that the API will in any significant way be revised, nor it is at all likely that any Israeli government would accept the API as the terms of reference for renewed negotiations. Moreover, even if it were identified as the partial basis for negotiations, its ambiguities would emerge as sharp differences in substance during the negotiations. Ideally what is needed is to translate the API into a detailed, "no-ambiguities allowed," peace treaty, offered by the Palestinians, and backed the Arab world. Unfortunately, this too, does not seem likely.

Building on the API

What is proposed here is an alternative approach that **does not modify the API, nor does it require action by the League of Arab states.** Rather the idea is:

- To build on the API by seeking a full treaty document that is "**consistent with the API**"

- To have this treaty document prepared by a special Commission. It will not be a Palestinian or an Arab proposal. Rather, it will be put forward by either the UN or the Quartet to Israel and the PLO.

- In drafting the proposed treaty, the Commission will be concerned not only with achieving consistency with the API, but with finding and making explicit, an agreement that **majorities of both the Palestinian people and the Israeli people will support.**

- In the process of developing this proposed treaty, the Commission will maintain an open and sustained public process within Israel and Palestine, holding hearings (possibly televised), conducting polls, and seeking input from the entire spectrum of opinion, including from experts, and government officials. **This process will play an essential role in addressing the unfortunate fact mentioned above, that 73.5% of Israelis are not truly familiar with the API.**

- Once this treaty document is developed, the UN will call the government of Israel and the PLO, to take it as **the basis for renewed negotiations.**

- It will call on them, to determine, over a six month period, if there are any mutually acceptable improvements they can make. And then, as modified by negotiations, to accept the terms of the treaty proposal.

In short, what is proposed here, after two decades of failure, is **a new model of negotiations, one which involves the international community, but does not involve an imposed solution. One which respects the ultimate decision making role of governments, but more fully involves the peoples themselves. And one which does not seek to modify the API, but to build upon it, to get to the next stage.**

Who Would Be On The Commission?

There are a variety of alternatives. One possibility is to follow the model of UNSCOP and for the UN or the Quartet to name certain countries to the Commission. Then each named country would appoint its own representative. Alternatively, individual experts and statesmen might be appointed in their own right by the Secretary General or the members of the Quartet.

In exchange for US support, the SG might follow US recommendations in naming the Commission chair. **This need not be an American. It could be a significant figure from one of the Arab states. If from Saudi Arabia, the Commission's arrival in Israel would be a transformative event, a cousin of Sadat's visit.**

Advantages of the Study Commission on the Arab Peace Initiative (UNSCAPI)

1. As a new process, this initiative will fill the current void with a hope for renewed productive negotiations. In doing so, it offers an alternative to the resumption of violence.
2. Even if the Israeli government chooses not to cooperate with the Commission, the Commission will be given great attention by the Israeli public, and many distinguished individuals will testify at its hearings. As a process built upon the promise of normalization from the Arab states, this endeavor will restore a measure of hope to both peoples.
3. During the course of its work, the Commission's inquiry will re-center international and Israeli/Palestinian discourse on the final status issues themselves, rather than on issues of process and obstacles to renewed negotiations.
4. In searching for an agreement acceptable to both sides, UNSCAPI will draw upon the most productive elements from previous negotiations efforts, including those between President Abbas and former Prime Minister Olmert, and those under the auspices of Secretary Kerry.
5. The UNSCAPI process will be a vehicle for updating thinking about solutions to the conflict. Quite possible, new and constructive ideas that have not been part of past negotiation efforts will emerge.
6. As an initiative built on the API, a new UNSCAPI plan may be a vehicle for the PLO to say "Yes" to a specific peace treaty proposal. Were this to happen, with a proposal broadly acceptable to the Israeli public, any Israeli government would face considerable pressure for a positive response as well.

Trough the UNSC, the UNGA or the Quartet?

Arguably the Security Council is the best venue for undertaking this process as it represents the highest level of international authority. And the recommendations of a UNSC Commission are most likely to be accepted by the Palestinians who have long called for internationalization of the peace process. However, these very factors contribute to likely Israeli opposition to such UNSC action. This, especially in an election year, makes it unlikely that the required US support can be attained. Further, the US has considerable resistance to "turning over" the peace process to the UN.

These two problems might be overcome if a) the initial call for the UNSC to establish UNSC-API comes from one of the key Arab states and is thus seen as an important peace initiative designed to give new life to the API, and b) an understanding is reached that the US will support the initiative and will have the ability to determine who will be the Chair of the commission.

The UN General Assembly could serve as the alternative UN vehicle for establishing the Commission. But with likely US opposition, this would be firmly rejected by Israel, and its cooperation with the Commission is unlikely. Given the reputation of the UNGA among Israelis, the Israeli public would likely support this rejection. Possibly this could be overcome by the composition of the commission. Thus, were it possible to engage an internationally recognized statesman, like Bill Clinton, as the head of the Commission, the fact that it was established by the General Assembly could be overcome. Other than with someone of Clinton's stature at the head, this becomes quite difficult. Still the Commission could proceed even without Israeli governmental support and in the face of public skepticism on the belief that ultimately a concrete and realistic peace proposal to which the PLO and the Arab states say "Yes" would re-shape Israeli political discourse and open the way to an end-of-conflict agreement.

Action through the Quartet offers greater likelihood of American support, and still retains sufficient legitimacy to contribute to Palestinian participation. Here one should note that the Roadmap for Middle East Peace, developed by the United States but put forward by the Quartet, did succeed in gaining the support of both Israel and the PLO.

There is also a hybrid solution. As there will be two resolutions, one that establishes UNSC-API and one that responds to the UNSC-API report, it is possible to have UNSC-API created by the General Assembly, but have the report forwarded by the General Assembly to the Security Council for its consideration.

Questions and Answers

Q1. Is there any precedent for an international Commission to play a role of this sort?

A: Yes, the closest precedent was the United Nations Special Committee on Palestine (UNSCOP) that was created in May of 1947 by the UN General Assembly. UNSCOP was quickly established, held hearings in the Middle East, receiving testimony from Ben Gurion and Chaim Weizmann. It was boycotted by the Palestinians. In September, UNSCOP reported back to the UNGA and in November 1947, its majority report was adopted as the Partition Resolution, UNGA Res. 181. This was a highly detailed proposal which provided maps detailing the partition of Palestine into two states and detailing a special international regime for Jerusalem.

Q. 2: How would the role of the proposed Study Commission on the Arab Peace Initiative (UNSCAPI) differ from UNSCOP?

A: UNSCAPI's mandate will be to find and detail an agreement acceptable to both peoples and consistent with the API. UNSCOP was charge far more loosely, with finding a solution to the problem of Palestine. Further, the UNSCOP proposal, which became the Partition Resolution, was a take-it-or-leave-it plan. The proposal of the new Commission is intended as the basis for renewed negotiations by the parties.

Q 4: What happens if after UNSCAPI completes its work, Israel or the PLO refuses to negotiate on the basis of the proposed treaty?

A: If the proposed treaty fulfills UNSCAPI's mandate, and is acceptable to a majority of Israelis, and if it is consistent with the API, and accepted by the Palestinians, a refusal to negotiate by an Israeli government is highly unlikely. Were it to occur, this could result in the fall of the government.

Alternatively, if Israel agrees to negotiate on the basis of the proposed treaty, and it is broadly acceptable to the Palestinian public, it is very unlikely that the PLO would refuse to engage. If it did, it would undermine itself as a potential peace partner.

Q 5: What if there are negotiations but they do not reach agreement, and one side or both refuse to endorse the proposed or partially modified treaty?

A: There are, of course, no guarantees. The idea is to find a new and more promising approach to ending the conflict. This proposal should be weighed against other alternatives.

Q 6: What is the alternative? How does it match up against the Study Commission on the API idea?

A: One option under consideration is for the U.S. to put forward its own plan for ending the conflict and to then call on Israel and the PLO to use that as a basis for negotiations. The proposed Commission has several advantages over that approach: a) it builds on the historical offer to Israel of normalization from the Arab states; b) as an extended public process, (Listening Commission) it offers a way to break through the lack of awareness of the API among the Israeli public, c) as a process coming from either the UN or the Quartet, it is more likely to obtain Palestinian support, d) after so many failed US-led efforts at bilateral negotiations, only a new process will generate an atmosphere of hope, creativity and renewed energy.

Another option, one which foregoes the benefits of a public process that seeks to go directly to the two peoples, is for the Quartet (rather than the US) to simply formulate a detailed peace proposal and put it forward as the basis for renewed negotiations. This could be linked to the API, and could draw some of the Arab states more fully into the work of the Quartet. This option is simpler, does not involve an independent Commission, and may be more acceptable to the US.

Q 7: Can the Study Commission on the API go forward, even if traditional bilateral negotiations are renewed under US auspices?

A: This doesn't make sense if the US is playing a strong role in the Commission process as it would if the Quartet or the UNSC were involved. However, if US support is not forthcoming, and the Commission is a vehicle of the General Assembly, then this dual track approach would be positive. Indeed, the existence of a UNGA Commission process would likely provide an impetus for more serious Israeli engagement in a new bilateral negotiations effort.

Q. 8: Does this proposal assume that the Arab League will embrace the proposed treaty?

A: Arab League action requires unanimity, which is not likely, especially since the proposed treaty will only address the conflict with the Palestinians, not the Golan Heights. What is expected, however, is that it will open the door to widespread steps towards normalization, and an expansion of the circle of countries with peace agreements with Israel beyond Jordan and Egypt.

Q. 9: What role would the Arab states have in this process?

A: The most important step would be for one or more of the key Arab states to formally propose such a process. Thus, if Egypt, Saudi Arabia and Jordan were to request that the Quartet develop a detailed peace proposal "consistent with the API," this would launch the effort and be seen as a serious effort by the Arab states to enter a new phase in their peace-making efforts.

Further, support from key Arab states for the proposal that emerges from the process is essential. To ensure this, the Commission will, of necessity, maintain close dialogue with the Arab states as it pursues its work.

Q 9: Can this go forward if the United States does not support it?

A: US support is enormously important. It is however possible to initiate this from the UN General Assembly as an alternative to the Security Council or the Quartet. The original UNSCOP was a General Assembly initiative.

Q 10: What about EU support?

A: Support of the European nations is key to establishing UNSCAPI's credibility. Preliminary discussions have been held with many of the European delegations at the UN and there is receptivity to this approach.

Q 11: What happens to the Palestinian cause if this is tried and is unsuccessful?

A: If the Palestinians go through this process and support a final status treaty that has been endorsed by much of the world, they will only be in a stronger position to galvanize international support for other actions.

Q 12: How does the UNSCAPI proposal connect to the issue of Palestinian unity?

A: The proposal has no direct connection to reconciliation efforts between the PLO and Hamas. It does, however, have several important connections to the deeper issue of Palestinian unity:

- UNSCAPI will undertake hearings in both the West Bank and Gaza. In its mandate to find a solution acceptable to a majority of the Palestinian people, it will be treating the two populations as a single people and bringing them into a common discourse.
- A variety of polls show that the views of Palestinians in the West Bank are not greatly different from those of Palestinians living in Gaza. Thus, a UNSCAPI peace proposal that has overall support of a majority of Palestinians will also be supported by majorities of both populations. This will contribute to moving both the PLO and Hamas in the direction of a common program.
- Hamas (e.g. the Mecca Accord) has taken the position that it would support any agreement approved in a referendum of the Palestinian people. Once UNSCAPI has

produced its proposal, it could be the subject of a Palestinian referendum, and this in turn could contribute to a major evolution in the Hamas position.

Common Homeland Initiative

In 2010 JPL introduced the idea of "The Common Homeland" approach to the two-state solution. The central conceptual point was that the notion of "homeland" is quite different from that of "state" and that having two states was consistent with recognizing that for both peoples the historical homeland transcends the boundaries of the state within which they are citizens.

Based on a recognition that both the Jewish and the Palestinian people share a common homeland, it is possible to envision an approach to the two-state solution which will seek to maximize the extent to which citizens of either state have opportunities (e.g. work, travel, residence) within the other state that shares the homeland.

In recent years there seems to be growing interest in this "alternative paradigm" of the two-state solution. One reflection of this interest was a conference at Harvard on Intractable Conflicts which gave central attention to this second paradigm. The conference served as an opportunity for JPL to further sharpen the contrast between the two paradigms.

Here is what we presented:

Two States Within the Common Homeland: An Alternative Conception of the Two-state Solution

Jerome M. Segal
Jewish Peace Lobby
Aug. 31, 2015

At a time when many Israelis and Palestinians are losing hope about the possibility of achieving peace through the two-state solution, it is important to realize that there is no such thing as "the" two-state solution. Rather, there are a variety of two-state solutions, and it may well be that policy discourse has been unduly focused on one particular paradigm, to the disadvantage of an alternative and possibly more promising approach to two-states.

The purpose of my presentation is to lay out such an alternative. I call it "the Common Homeland" conception. It should be seen in contrast to the standard paradigm, which I term "Strict Separation." In this talk, I will not try to evaluate these two conceptions, but they should be compared with reference to three main criteria: negotiability, difficulty of implementation, and sustainability. Though I shall not argue for it here, I believe a reasonable case can be made that the Common Homeland approach is superior to Strict Separation.

At the heart of the Common Homeland approach there is a vital distinction between a *state* and a *homeland*. This distinction has been glossed over by formulations such as can be found in the Clinton Parameters:

“A new State of Palestine is about to be created as the **homeland** of the Palestinian people, just as Israel was established as the **homeland** of the Jewish people.”

Similarly the Geneva Accords stated:

“The parties recognize Palestine and Israel as the **homelands** of their respective peoples.”

This is confusion. A state is a corporate entity, not unlike a business corporation. It comes into existence through specific actions, at a specific point in time. It is an actor in international and national affairs, doing this deed and that. A homeland is most fundamentally land, land that stands in a certain relationship to a people in virtue of their history and sense of identity. The homeland is not created by diplomats, and it doesn't do anything.

When the State of Israel was created, its founders were clear on this distinction. The Israeli Declaration of Independence reads:

"Eretz-Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped."

And we are told:

*"Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient **homeland**."*

In its operative paragraph it states:

"We, . . . hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel."

With similar clarity, the PLO Covenant which did not call for a Palestinian state, affirmed, "Palestine is the homeland of the Palestinian Arab People."

Using this distinction between state and homeland we can now articulate the **Common Homeland Paradigm for the Two-state Solution**. It starts with a recognition that *the same land is the homeland of both peoples*, and then goes on to affirm the establishment of two states within that homeland. For instance:

It is agreed that:

1. "All of the land between the River and the Sea, is the common homeland of both the Jewish and Palestinian peoples."
2. "This common homeland will be divided into two zones of sovereignty, one exercised by the State of Israel, the other by the State of Palestine."

This however is insufficient. The core of the paradigm requires a third principle:

3. "The two states pledge to honor the oneness of the homeland to the fullest extent practicable."

What might this mean? With respect to political forms, one possibility is that the two states could form a confederation, with some similarities to the United States under the Articles of Confederation. Here each state would retain its sovereignty, and each would be able to secede from the Confederation. There might however, be a joint body with power over select areas, for instance, certain environmental issues. Or there might be certain joint security units, operating under a Confederal flag with responsibility for monitoring the Gaza coast or the border with Jordan.

In principle, once it is recognized that all of the land is the common homeland of both peoples, anyone should be able to freely live, work or visit within any part of the homeland, even if there are two states. But clearly today, and perhaps into the indefinite future, such openness is not possible. With two distinct sovereignties, each state will determine the extent to which it will be open to citizens of the other state.

To what extent would Palestinian refugees be allowed to live in Israel as citizens of Palestine? To what extent would Israeli settlers be allowed to live within Palestine as Israeli citizens? There are no fixed answers to these questions. What is envisioned is that both states will be open to going as far as possible in this direction. It can be expected that this would vary considerably over time and that it would be strongly influenced by experience. Possibly at first there would be only small experimental programs. If they succeeded, they could be enlarged. Alternatively, initial efforts may reveal insurmountable problems, and further attempts shelved for quite some time. The key point is that there would joint recognition that all of the land is the homeland of both peoples, and a commitment to continue to explore the possibilities of open borders between the two states.

A fuller comparison of the Common Homeland paradigm with its main alternative, the Strict Separation paradigm, is detailed in the following table:

Two Paradigms for the Two-State Solution

<u>Dimension</u>	Standard Paradigm (strict separation)	Common Homeland Paradigm
Core Rights/Recognition	<p>1. Israel is the nation state of the Jewish people.</p> <p>2. Palestine is the nation state of the Palestinian people.</p>	<p>1. Mutual recognition of all of the land from the river to the sea as the common homeland of both the Jewish and Palestinian peoples.</p> <p>2. Mutual recognition, in principle, of the right of all to live anywhere within the common homeland. Extent implemented is a sovereign decision of each state.</p>
State/homeland distinction	Blurred as in Clinton parameters: "A new State of Palestine is about to be created as the homeland of the Palestinian people, just as Israel was established as the homeland of the Jewish people."	<p>Sharpened.</p> <p>A homeland is a matter of history and identity.</p> <p>States are political entities created at a specific moment in history.</p>
Degree of separation sought	Maximal. "We are here and they are there."	Only what is necessary. Both states will commit to seeking to find ways to honor the fact of the common homeland.
Presence of citizens of one state residing within the territory of the other: Settlers/Refugees	Zero/Minimized. After land swaps remaining settlers must be evacuated.	* Open to testing state-to-state programs which will allow Israeli citizens (e.g. settlers) to live as residents in Palestine and will allow Palestinian citizens (e.g. refugees) to live as residents within Israel.
Rights of Transit and Visit	No.	* Yes, subject to security.
Approach towards Jerusalem	Clear delineation of sovereignty	Open to removing the Old City from political sovereignty, as symbol of common homeland.
Land Swaps	Yes, with a priority towards smooth borders	Yes, with greater openness to irregular borders
Emotional tone	Painful compromise.	Hope that in the future there

	Permanent giving up of part of the homeland.	will be expanded opportunities to share the homeland.
Place of Palestinian citizens of Israel	Under a cloud. "Why don't they live in their own homeland?"	They live in Israel by right. They represent what is possible with respect to implementation of right of all to live anywhere within the homeland.
End of Conflict/End of Claims Accord	Yes	Yes
Permanence of political forms	Assumed to be permanent	Recognized as subject to the lived experience of relations between the two states and two peoples.
Core of support	Leftist and Centrists	Seeks to bring in the Israeli religious-right. Also may win some support among those Palestinians who presently reject two-state framework.
Impact of Regional Acceptance of Israel	Hopes to build on end to the conflict	Hopes to build both on end to conflict, and on explicit recognition of the historical place of Jewish people in the homeland
Approach toward reconciliation	It would be nice if it occurs, but not a focus. Key is divorce.	Requires both peoples to strive toward reconciliation after an agreement in order to more fully implement sharing of the homeland. Offers an inspiring ideal.
Relations Between the Two States	Mutual Recognition of fully independent states	Mutual Recognition. Possible Confederation of the two states, with retention of a right to secede. Possible joint Parliament with jurisdiction over specific subject areas.
Approach to Israeli security	Extended troop presence in Jordan Valley; Israeli monitors on borders of Pal. state	Possible use of a joint homeland protective service, or Confederal military units.
Economic Union	Not contemplated.	* Long term possibility: - shared currency - shared airports/road - shared power/water facilities - shared economic projects

* = Element present in Partition Resolution of 1947

Deciding between these two approaches is not a matter of determining that one is more attractive than another. Rather an evaluation should be based on three practical questions:

1. Is there greater possibility of successfully negotiating an agreement on one paradigm or the other?
2. Which paradigm would face greater problems of implementation?
3. Which paradigm if implemented, promises greater likelihood for a stable peace?

Unilateralism as an Alternative to Negotiations

When JPL was founded in 1989, the First Intifada (which began in Dec. 1987) was still underway. At that time there were no Israeli-Palestinian negotiations, and the PLO was pursuing a remarkable strategy of "balanced unilateralism" in which it on the one hand, insisted that it would bring the Palestinian state into existence without Israel's permission, and on the other hand, it made unilateral concessions on fundamental issues. Thus, in November and December of 1988, it both, issued a Declaration of Independence proclaiming the State of Palestine, **and**, with no quid pro quo from Israel, accepted the two-state solution and recognized Israel's right to exist.

Today, after twenty-five years of negotiations (since Madrid in 1981) the question emerges: "Other than negotiations, is there another possible path to peace?" Dr. Segal, in 1988, played an important role in laying out a unilateral approach that the Palestinians could pursue. It was most fully articulated in his book: *Creating the Palestinian State: A Strategy for Peace*.

This past year, we were approached by the Palestine-Israel Journal (jointly maintained by Israelis and Palestinians) to take a look back at what we proposed then, assess what did and did not happen, and offer reflections for the future.

The Journal published the following article:

Creating the Palestinian State -- Revisited

Jerome M. Segal

The editors of PIJ asked me to look back at the proposals I made in my 1989 book, "Creating the Palestinian State: A Strategy for Peace," to reflect on what has happened in the intervening 26 years, and to offer some thoughts about where the "Palestinians and all of us" should go from here. A rather tall order, but let me give it a try.

In the spring of 1988 the first Intifada was in its early months, and had already achieved two big accomplishments. It had fully mobilized the Palestinian population in a way not seen in prior resistance to the occupation. And, it had won for the Palestinians, worldwide attention and considerable sympathy for their plight. There was, however, a gaping hole: the absence of strategy. When you asked Palestinians in the territories about how the Intifada was to lead to the independent Palestinian state they said they were seeking, you got one of two answers. Either they said that the issue of grand strategy was up to the PLO, or they invoked the idea of an international conference in which the Palestinians would be represented by the PLO and at which, somehow, the great powers, primarily the United States, would force a Palestinian state and an end to the occupation upon Israel.

Background

In April, I published in the Palestinian newspaper, Al Quds, an essay entitled "From Uprising to Independence" which recommended a unilateral Palestinian Declaration of Independence as the key element in a novel strategy for resolving the conflict. The core idea was that it was unrealistic to imagine that the two-state solution could be achieved either through great power imposition or through negotiations.² Instead, I argued the process should be reversed with a Palestinian state coming first, to be followed by an end to the occupation and then negotiations to resolve key issues such as Jerusalem and refugees. This possibility of starting with a Palestinian state, I maintained, was made possible by the Intifada and could be imposed unilaterally by the Palestinians.

These ideas were further elaborated in "Creating the Palestinian State: A Strategy for Peace," and in late August, I gave Arafat a copy of my manuscript when I met with him in Tunis. At the time of that August meeting, the PLO had already decided to issue a declaration of independence. This PLO decision had been triggered by King Hussein's July 30, 1988 speech in which Jordan disengaged from the West Bank. Secondly, there appeared at this time the so called "Husseini Document," a Palestinian text laying out a plan for a declaration of independence that partially overlapped with the strategy in my April Al Quds piece. Events moved quickly, and on November 15th, meeting in Algiers, the PLO took an historic step: it issued a Declaration of Independence proclaiming the State of Palestine.

² At the time not only did Prime Minister Shamir oppose Palestinian statehood, but Yitzhak Rabin and Shimon Peres did so as well

A Unilateral Strategy for Ending the Conflict

The Declaration of Independence/Proclamation of the State was clearly a *unilateral act*. But it does not follow that this act was embedded within a *unilateral strategy*. Indeed, as I will argue below, it can be maintained that the Declaration played a key role, not in advancing a unilateral strategy, but in advancing the PLO's international conference strategy and the subsequent bilateral negotiations strategy.

Within a unilateral *strategy*, declaring independence and proclaiming the State of Palestine was to be only **the first of many unilateral steps**. It would not lead to an end of the occupation and genuine statehood unless it actually produced a full Israeli withdrawal, and this would not happen unless in addition to being a unilateral strategy *for statehood*, and *ending the occupation*, it was also a *unilateral strategy for peace*. Thus, the subtitle of my book.

Specifically, as a peace strategy three elements were required:

1. Proclaiming the Palestinian state and **bringing it more fully into existence**, under conditions of occupation. This meant going from the rudimentary governance of the underground command which was already central to the Intifada to a **Provisional Government** of the SOP engaged in maximally feasible governance. And it meant obtaining widespread international recognition of the State of Palestine.
2. Convincing the Israeli public that the proclaimed State of Palestine represented a sea change in traditional Palestinian objectives, that PLO was now committed to living in peace alongside Israel. Thus, the Declaration would have to be **the opening act in a sustained unilateral Palestinian peace offensive**, operating on multiple levels.
3. Securing an end to the occupation through internal and external pressure on a future Israeli government, to withdraw from what would come to be seen as another country (Palestine), and which was no threat and committed to lasting peace.

Following the November 15th declaration, the stage was set for the PLO to follow through with (1) and (2) above. To what extent did it do so?

Peace Offensive

Here, the PLO deserves high marks. It made major steps towards peace, and did so unilaterally, without any quid pro quo from Israel.

Most fundamental was the Declaration itself. It could have just declared the State of Palestine. But it went well beyond that. It explicitly based that proclamation on the *continuing legitimacy* of the Partition Resolution of 1947. In doing so, it redefined a central tenet of the Palestinian national movement, as found in the PLO Covenant which stated that "The partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal, regardless of the passage of time." Moreover, in characterizing the Partition Resolution, the Declaration specifically stated that it called for two states, "one Arab and one Jewish." To this day, this remarkable step of linking the legitimacy of the

State of Palestine to the international legitimacy of the creation of Israel, and noting that this extends to its Jewish character, remains largely unknown.

Further, within 30 days of the Declaration, the PLO, through Arafat's statements in Geneva, and to the satisfaction of the Reagan Administration, met the three US conditions: it recognized Israel's right to exist; it accepted UN Security Council Resolution 242, and it renounced terrorism.

These were major steps. As part of a peace strategy the PLO could have done even more. Specifically, I had suggested further unilateral steps:

- Announcing that the State of Palestine was at peace with Israel followed by naming and sending an Ambassador to Israel.
- Enacting a Constitution that is like that of Costa Rica, committing Palestine to demilitarization.
- Enacting as law #1 of the new state, an anti-terrorism statute which would be fully enforced.

Nonetheless, with acceptance of the Partition Resolution, the renunciation of terrorism and the recognition of Israel's right to exist, the PLO had launched a unilateral peace offensive.

In the months to come, however, these messages were not regularly repeated and were not reinforced by steps on the ground. Ideally the intifada should have ended all violence and moved to massive non-violent protest. And more importantly, the PLO should have acted vigorously against terrorist attacks, whatever Palestinian faction was involved.³

Overall, however, it was an impressive start.

Bringing the State of Palestine more fully into existence

Where the PLO really faltered was in not taking further steps to bring the state into existence. Specifically it failed to establish a Provisional government and accordingly it failed to maximize the extent to which self-governance could have been actualized in the West Bank and Gaza.

The Hussein Document, which in a somewhat muddled way was suspended between a unilateral strategy and the international conference/negotiations strategy, was very explicit in laying out its call for a Provisional government once the State had been proclaimed. Specifically it called for a national Parliament that would include personalities from the occupied territories whose names would appear in the Declaration itself. It even provided a list of 150 people, and it spoke of an interim administrative body

³ In June 1990, in the absence of a strong PLO response, the Bush Administration broke off the dialogue with the PLO following an attack on Tel Aviv beaches by the Palestine Liberation Front.

to be established in the occupied territories, one that would deal with "health, education, welfare, law, police, agriculture, industry, commerce, construction, electricity, water, municipalities, press and media."

Moreover, the 19th PNC which proclaimed the Declaration that November, also passed a resolution calling for the establishment of a provisional Government "as soon as possible," and it entrusted the Executive Committee of the PLO with the powers and responsibilities of the provisional Government until such time as it was established. Moreover, the resolution stated that the provisional Government "shall be composed of Palestinian leaders, notables and skilled human resources within the occupied homeland and outside." Yet, other than Arafat being named President of Palestine and Farouk Kadoumi being named Foreign Minister, no government was ever established. Inside the "occupied homeland," where the Intifada has initiated a state-building process, no leaders were given governmental authority.

In my writings, my proposals had gone a good deal further. Specifically **I had called for the PLO to go out of existence**, to be replaced by the State of Palestine. Thus, the entire international apparatus of the PLO would now function as the representative of the new state, and a new Constitution would replace the PLO Covenant, which would become an historic artifact with the PLO no longer existing. This, I argued, more than any other step would signify a new beginning.

Once established the new government would:

- Organize elections in the territories, possibly secret elections, or possibly as public events that dared the Israeli government to suppress them.
- Re-open public schools, again challenging Israel to close them.
- Issue a currency, ideally a coin with intrinsic value to ensure its circulation.
- Issue passports to Palestinian both inside and outside the territories.

Most fundamentally, I urged that the provisional government start functioning as a government. It could legislate in all areas of the law. It could establish a police force, and a court system. If necessary, the courts could function outside the territory. None of this occurred. The state had been proclaimed, but it did not govern, which is to say, it did not exist.

The Declaration, Resolution 242, and the Negotiations Strategy

The failure of the PLO to establish a government of Palestine, and the failure of the Executive Committee which had temporary governmental authority to begin functioning as a government, may suggest that the PLO was never really serious about bringing the State of Palestine into existence under conditions of

occupation. One might be tempted to conclude that though the Declaration of Independence was a unilateral act, and while it was part of a peace offensive, there really never was a unilateral strategy.

Along these lines, it can be pointed out that the Declaration played a critical role within a different strategy, in advancing the PLO towards an international conference and negotiations. Arafat was sharply focused on being viewed as a legitimate player by the United States. The key to official contact with the United States was the requirement that the PLO meet the three US conditions. Of these, the most problematic was acceptance of Resolution 242, not for what 242 said, but because of what it didn't say. It never mentioned the Palestinians. In the elaborate and extended dance between the PLO and the United States over 242, the Palestinian position was always that they would affirm 242 coupled with an affirmation of the Palestinian right to self-determination. And the US, for its part, remained unmoved in its insistence that 242 be accepted without any linkage to Palestinian self-determination. When in December of 1988, the PLO found a way to accept 242 without mentioning self-determination, it was able to do this because in unilaterally proclaiming the Palestinian state the Palestinian people had already exercised their right to self-determination. This was both a logical point and an essential fact of political psychology -- the self-assertion of the unilateral Declaration in November, made unilateral concessions possible in December.

This link between the Declaration and the PLO effort to become legitimate in American eyes can be seen in the phrasing that the Reagan Administration accepted. Arafat stated:

*"we mean our people's right to freedom and national independence according to Resolution 181 and the right of all parties concerned in the Middle East conflict to exist in peace and security and as I have mentioned including **the state of Palestine** and Israel and other neighbors according to the Resolutions 242 and 338."*

Resolution 242 spoke of the right of "every State in the area . . . to live in peace within secure and recognized boundaries." After the Declaration of Independence Arafat could treat the State of Palestine as one of those states. Self-determination, having been exercised, 242 now covered Palestine. The Declaration was critical to opening the door for PLO participation in future negotiations.

The Quest for Recognition of the State of Palestine: 1988 - 1990

Despite all this, it goes too far to say there was no unilateral strategy at all, to characterize the Declaration of Independence as an isolated unilateral act that served to advance the pre-existing strategy of seeking an international conference and negotiations. It was more than that, as can be seen in what followed the Declaration: a prolonged struggle between the US and the PLO as the PLO sought to obtain international recognition of the State of Palestine and its admission to the United Nations and an array of other organizations.

Starting immediately after the declaration and lasting a year and a half, the PLO pushed ahead and the United States countered with an enormous effort to thwart international recognition of Palestine.

On the country level, Palestine was recognized by around 100 states, but the US was able to hold the line with the European democracies. Organizationally there were showdowns in the UN General Assembly, UNESCO, the World Health Organization, and other organizations, as well as a fight over the accession of Palestine to the Geneva Protocols. In the main, by threatening to cut off funds for the UN and UN affiliated agencies, the US was able to block admission of Palestine to international bodies. The PLO pursued this diplomatic struggle to advance its unilateral assertion of statehood with great determination and vigor, despite the fact that it severely aggravated US/PLO relations, just when the US was viewed as the key to PLO achieving international legitimacy and participation in both an international conference and subsequent negotiations.

Oslo and the End of Unilateralism

The year and a half following the Declaration is thus best viewed as **a period of dual strategies**, a period in which, in some dimensions, the unilateral strategy was vigorously pursued, and other dimensions in which it withered. Gradually however it was largely abandoned. At Madrid, the long sought international conference occurred, but it was hardly the empowered conference the PLO had wished for. Mostly it was a gateway to bilateral negotiations, and the PLO was focused in ensuring that it, not Jordan, and not an independent delegation of West Bank notables would represent the Palestinians. In this struggle over representation, the PLO was ultimately successful, with the culminating act being the 1993 exchange of letters in which the PLO straight-forwardly recognized Israel's right to exist, and Israel recognized the PLO as representing the Palestinian people.

In all of this, there was **no mention at all of the State of Palestine**. The Oslo agreement of 1993 read as if the Declaration of Independence of 1988 had never happened. And two years later, with the signing of the Oslo-2 agreement, the PLO formally abandoned unilateralism. The Palestinian Authority had been created, not unilaterally but through negotiations, and it was made explicit that it was not a state and possessed no sovereign powers. Moreover, in the Oslo-2 agreement the PLO agreed that "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations." This was a pledge to not return to the already abandoned unilateral strategy.

It is now 22 years since the Oslo Accord was signed, committing Israel and the PLO to bilateral negotiations to end the conflict. For all its early promise, this process has failed to bring a Palestinian state into existence, failed to end the occupation and failed to end the conflict. Looking backwards, it is hard not to believe that things would have gone far better had the PLO fully committed to a unilateral peace strategy in 1988 and stayed the course. This judgment is made in hindsight, and a reasonable case can be made that when Prime Minister Shamir was replaced by Prime Minister Rabin in 1992, it made sense to abandon unilateralism. And with the signing of the Oslo Accords, it similarly

may have made sense to believe that a permanent status agreement could be reached within the five-year period specified in the agreement.

Subsequent Opportunities

The unilateral strategy rested on two legs. The first was the belief that the Palestinian state could come into existence prior to the conclusion of a comprehensive permanent status agreement. The second was that this could be achieved through unilateral action. These two elements can be teased apart, and over the years there have been, and remain today, possibilities of returning to one or both of these elements.

In 1995, Rabin was Prime Minister, Peres was Foreign Minister, new elections were a year away, and the talks on the permanent status issues hadn't even begun. A return of the Likud to power seemed quite likely and nothing had been achieved that was not easily reversed. There was no chance of a comprehensive agreement prior to the elections, but there was a possibility of moving immediately to Palestinian statehood. This could have been done through negotiations rather than unilaterally. The state would have sovereignty over Gaza; it would have replaced the PA throughout the West Bank; it would replace the PLO in negotiations. During this period a settlement freeze would be in place. At the time, I approached Shimon Peres with such a proposal. He expressed some interest and I then approach Arafat who was distinctly cool to the idea. In my judgment this was a mistake. We will never know, but if we had gone with a Gaza-first approach twenty years ago, I believe we would have progressed to end-of-conflict.

In 2005, there was a different opportunity. Prime Minister Sharon was committed to unilaterally evacuating all Israeli settlements in Gaza and withdrawing all Israeli forces, including from the Philadelphi corridor. Here was a possibility for the PLO to respond unilaterally in its own right. At that point, it could have reaffirmed the 1988 Declaration of Independence/Proclamation of the Palestinian state. The PLO could have gone out of existence, with Palestine taking over its international apparatus, and the State of Palestine could have nationalized the Palestinian Authority, simply incorporating all of its substantial governing structures into a Palestinian state framework. With Israel out of Gaza, Palestine would have been sovereign in Gaza and it would have administrative authority in the West Bank, and in time state to state negotiations on a permanent agreement would have emerged. At the time, I presented a unilateral proposal of this sort to President Abbas and Nabil Shaath, and the idea was seriously considered for a few months. In the end, however, it did not happen.

In 2011 the State of Palestine applied for full membership in the United Nations. In his letter to the Secretary General requesting to join the UN, Mahmoud Abbas signed under two titles, first as Chairman of the PLO Executive Committee and secondly, as President of the State of Palestine. Within the letter he wrote:

This application for membership is being submitted based on the Palestinian people's natural, legal and historic rights and based on United Nations General Assembly resolution 181 (II) of 29 November 1947 as well as the Declaration of Independence of the State of Palestine of 15 November 1988 and the acknowledgement by the General Assembly of this Declaration in resolution 43/177 of 15 December 1988.

Thus, we had come full circle, the proclaimed Palestinian state had now resumed the path it had pursued in 1989; it was again knocking on the gates of the UN. Once again the US swung into opposition, but not with the same determination it displayed twenty years earlier. And one year later, after the failure of Palestine to gain a Security Council recommendation for membership, the General Assembly did grant Palestine the status of a non-member observer state, something it failed to achieve in 1989 because of the US threat to cut off funds for the UN.

Has the PLO now embarked on a new unilateral strategy?

Despite the flurry of PLO activity in the international arena, there is no real strategy that connects these moves to genuine Palestinian statehood or to an end to the occupation. And to do that, as has been the case all along, Israel has to be convinced that such steps at least open the door to the possibility of an enduring peace. Almost no one in Israel believes this is possible, and the PLO doesn't have a strategy for changing that.

The present situation is one in which the PLO has given up on negotiations with a Likud government, but hasn't given up on negotiations altogether. Rather it is hoping for a change in government. If that happens, the US will fully re-engage, and there will be serious permanent status negotiations. Despite repeated failures, it is possible, that finally, both sides will see that their real interests lie much more in reaching an agreement than in the marginal advantages they can achieve through continued back and forth on this or that specific issue. Perhaps such wisdom is not likely, but it should not be discounted.

And if Netanyahu wins?

The open question is what approach should be taken if Netanyahu retains power as Prime Minister. Here I see two possible avenues that draw on the unilateral threads of the previous years.

Option A: Pursue a full blown unilateral strategy, the path not fully pursued in 1988

It is clearly more difficult to do this today than in 1988, especially with Hamas in control in Gaza, but a possibility does exist:

- Relying on the 1988 Declaration, nationalize the PA. This will give the State of Palestine formal governing institutions in the West Bank.

- At long last, jettison the PLO. This will eliminate the multiple addresses. For any party to engage the Palestinians, they will have to deal with the State of Palestine.

- Return vigorously to a peace offensive, taking many of the steps that could have been taken in 1988. Name an Ambassador. Adopt a constitution that specifies demilitarization.

- Put forward a fully detailed, no ambiguities permitted, peace proposal that most Israelis can accept. Gain regional support for it as fulfilling the Arab Peace Initiative. Or alternatively, call on the United Nations General Assembly to establish a Listening Commission that will engage with the Israeli and Palestinian publics, as well as officials and experts to determine if there is, today, any comprehensive treaty arrangement that would resolve all final status issues and have the support of both publics. If so, then the Commission should provide in full detail that end-of-conflict treaty (A New Resolution 181). The PLO should commit in advance to accepting this as the basis for any future negotiations with Israel.

- Re-affirm the Declaration's acknowledgement that under international legitimacy Israel was created as a Jewish state.

- Undertake massive and disciplined non-violent actions to secure realms of sovereignty in the West Bank.

- Assume the sovereign powers of a state; assert control over all non-state actors within the West Bank. Lay claim to Gaza.

- Stick with this strategy, building international pressure on Israel from the outside and building support within Israel for an end to the occupation.

Option B: Attempt to Negotiate with Netanyahu a State With Provisional Borders

While no comprehensive permanent status agreement can be reached so long as Netanyahu remains in power, it may be possible to reach a "transition to state" agreement which does move in the direction of a two-state solution, and does provide for a less explosive, less dangerous environment.⁴

Key elements of such an agreement would be:

- Israel recognizes the State of Palestine with initial sovereignty over a very small area of the West Bank. Keeping this small is important, as it will avoid any possibility of interpreting this as anything other than a short-term step. Also, it will mean Netanyahu will not have to evacuate any settlements at the time of this initial step.

- At the same time, Israel will agree that the ultimate permanent boundaries of Palestine will be based on June 4, 1967 lines modified by 1:1 swaps.

- In exchange, for this commitment on territory, the Palestinians will reaffirm the Declaration of Independence position on the international legitimacy of the Jewish State.

⁴ I take the term "transition to state" from Yair Hirschfeld's new book, *Track-two Diplomacy*.

- With recognition of the SOP, negotiations will become state-to-state. The PA will go out of existence, and the PLO should as well. The SOP will take over all PA functions.
- The State of Palestine, with Israel's blessing, will be admitted to the United Nations and all international bodies.
- Israel will also recognize SOP sovereignty over Gaza, and it should become an internal Palestinian issue as to whether Hamas will accept POS sovereignty. If it does, in the context of future security arrangements, Israel and Egypt should end their blockade and massive economic development undertaken.
- Israel and Palestine should agree to a partial, but equal, land swap close to the green-line. This might cover 2% of the West Bank. With settlements limited to just their built up areas, this can cover the areas where 60% of settlers live and allow for minor expansion. At the same time, an equal area inside of Israel will be attached to the area of Palestinian sovereignty.
- Outside this 2%, Israel will agree to a full and enduring settlement freeze.

Because this agreement will not deal with permanent boundaries, Jerusalem, or long-term security issues nor seek to resolve the refugee issue, nor evacuate settlements, it may be possible to reach such an accord very quickly, if there is a will do so. This is an effort at stabilization, a holding pattern. If this can be achieved, the experience of living with a highly delimited Palestinian state, within the context of a settlement freeze, may give rise to new opportunities.

If this cannot be achieved, then Option A remains. The question is: Does the Palestinian leadership have the discipline and audacity to pursue and sustain a unilateral strategy?

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