



PERSPECTIVES

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West Bank Construction Can Help Solve the Israeli-Palestinian Conflict

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EXECUTIVE SUMMARY: The understandings reached between the Trump administration and the Netanyahu government, and approved by the Israeli Security Cabinet (despite some protests), show that a reasonable program of settlement construction is not the root of all evil in the region. In fact, a peace deal is more likely if space is given to the mainstream settler community. The new understandings overturn the language of UNSCR 2334 and the "purist" interpretation of "international legitimacy." Such a return to the recognition of existing realities – which was granted in the exchange of letters between Bush and Sharon in April 2004 – would help all sides come closer to a realistic compromise.

The idea that a reasonable program of settlement construction (not the free-for-all some Israelis had hoped for) might be politically beneficial sounds counterintuitive, certainly in the minds of those who see the existing settlements as an obstacle to peace. But the view that a settlement halt is required for a peace deal to be achieved is short-sighted. It proceeds forwards from the present state, whereas a morally responsible policy should flow backwards from the desired end-state.

For many around the world, any construction activity whatsoever by Israelis beyond the so-called "Green Line" of 1967 (or, to use its proper name, the Armistice Line of 1949) is neither legal nor logical. UN Security Council Resolution 2334 asserted, with the active support of the Obama administration, that such construction is a breach of international law as well as an obstacle to peace. Those who agree, and who raised their hands or abstained at the Security Council, are wrong on both counts.

It is not, however, the purpose of this Perspective to put forward the legal case for settlement building beyond saying that it can, in fact, be argued in some detail. The focus here is on the practical aspects: the accusation that settlement activity is an obstacle to peace, and the rebuttal that the opposite is true.

The "obstacle" case is straightforward. Since the existence of any settlements, let alone the significant presence they have established over the years, presumably makes it more difficult to draw a reasonable line of partition based on the 1967 lines, it makes no sense to add so much as a single covered balcony to the problem. As the saying goes, "If you are in a hole, stop digging." The situation is already serious enough, encompassing some 700,000 Jews (if Jerusalem is included, as it usually is), and need not be compounded. The Palestinians paint a dark picture of the remaining land in the West Bank being devoured bit by bit, with little or no prospects left for a contiguous Palestinian state.

It cannot be denied that for some Israelis, the explicit purpose of further construction is indeed to make the creation of a contiguous Palestinian state impossible. They say this loud and clear. But this is not the policy of the prime minister or the Defense Ministry (which holds the keys to any construction in the West Bank). While Netanyahu and the Defense Ministry are reluctant to commit irretrievably to a two-state solution (not least because if they do, it will be Israel rather than the Palestinians who will be asked to pay the full price for it), they do not wish to foreclose the option. Nor do they wish to alienate friendly neighbors in Jordan and Egypt or quarrel with a mercurial Trump administration. Hence the willingness to come to a detailed (and restrictive) understanding with the American team, including people in key positions who are holdovers from the Obama era.

The understandings reflect a realization in Washington that one of the worst miscalculations of the previous administration was the discarding of Bush's letter to Sharon of April 14, 2004, in which he recognized the need for territorial changes that would take into consideration the existing realities on the ground. This was later compounded by the demand for a total freeze, which generated totally unrealistic Palestinian expectations, narrowed Mahmoud Abbas's room for maneuver, and eventually collided with the Jerusalem question (which was bound to happen from day one). Obama hoped to create "daylight" between the US and Israel, so as to be better placed as an "honest broker". In fact, he gave peace no chance, for two reasons that should now be avoided.

To begin with, lumping together all Jews who live beyond the "Green Line" – including those who repopulated the Jewish Quarter of the Old City in Jerusalem! – is to put the achievement and implementation of any future compromise at grave risk. It generates Palestinian hopes for a coercive outcome that would involve the uprooting of Jews from their homes on a massive scale.

No Israeli government, not even one of the left, would accept such demands in full. Thus, a policy that signals that there might ultimately arise a prospect of total or near-total withdrawal feeds the fantasy, delaying the achievement of a practicable compromise.

Moreover, the legacy of a "total freeze" would make implementation of a peace deal impossible. Israeli governments have been willing in the past to make painful sacrifices. The present prime minister used such language in his speech before the two houses of Congress in May 2011 (not to be confused with his speech to Congress on Iran in March 2015). But for sacrifices to be made without igniting a potential civil war, any Israeli government – the left even more than the right – will have to isolate the radicals and "dead enders" from the mainstream settler community. For that mainstream, a sovereign national decision taken by a solid majority and based on a reasonable compromise, with provisions made for security and mutual recognition of the Palestinian and Jewish right to self-determination, might be acceptable. But the political conditions for such an acceptance will not exist in an atmosphere of severe hostility towards the existing settlements and towards all settlers as such.

Thus, thinking backwards from the end game, it is necessary for any Israeli government – not only for "political" reasons in the narrow sense (i.e., coalition calculations or internal Likud dynamics) – to stay hand-in-hand with the mainstream settler community. This entails some reasonable scope for construction within the existing footprint, as agreed to with the US administration. This is now understood by some of the founding fathers of the Oslo process, as well as by center and center-left leaders. The alternative is unthinkable. If all the settlers, as well as the Jews of East, South, and North Jerusalem, are driven to stand as one against implementation, and they are joined by millions "within" the Green Line, any attempt at implementation will collapse.

The understandings just agreed to are therefore much more conducive to the pursuit of peace – specifically, to the drawing of a future border – than the misguided "purist" line of 2334. True, it is not the free-for-all in Judea and Samaria that some Israelis had hoped for (which disregards the complex regional calculus that neither Trump nor Netanyahu can ignore). But it should be enough to lay the foundations for a diplomatic effort that would be more realistic, in its underlying premises, than the futile efforts of 2009-10 and 2013-14.

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