

When the current war between Israel and Hamas ends, the problem that ignited it, and the previous wars between Israel and her neighbors since 1948, will remain, says Joseph E Fallon. How to secure both Palestinian national self-determination and Israeli national security?

A proposal on how to achieve both exists. It has existed since 1947. It is the two-state solution. It was the basis for the UN partition plan of 1947. It was the basis of The Oslo Accords (1993, 1995) between Israel and the Palestine Liberation Organization. It was the central feature of the Saudi Peace Initiative, (2002, 2007) which "Arab leaders unanimously reapproved..."

With the Oslo Accords of 1993 and 1995, a two-state solution was accepted in principle by Israel and the Palestine Liberation Organization (PLO).The PLO had legal authority to accept the two-state plan as it been recognized as the "representative of the Palestinian people" by the Arab League and the United Nations in 1974 and by Israel in 1993.

Since the Oslo Accords had been endorsed by the principle financial backers of Israel and the PLO, the United States and Saudi Arabia, why has a peace treaty between two states, Israel, and Palestine, not been achieved?

Fearing the peace process would collapse if negotiations covered controversial issues, the Norwegian hosts for the talks that produced the Oslo Accords persuaded the Israeli and Palestinian delegates to defer to the future such vital questions as delineation of borders, status of Jerusalem, future of Jewish settlements on the West Bank and in the Gaza Strip, questions on reparations to Palestinians refugees and on the right of Palestinian refugees to return to Israel. Instead, the accords centered on establishing a limited Palestinian authority over portions of the West Bank and Gaza Strip.

But by avoiding key issues, the accords, instead of building trust, led to recrimination, frustration, and violence.

As Dr. Anthony Cordesman of the Center for Strategic & International Studies wrote in "The War in Gaza and the Death of the Two-State Solution," CSIS, October 11, 2023, the result of the Oslo Accords has not been two states but four Palestinian enclaves.

"Instead of statehood, Palestinians are divided into four Israeli-controlled enclaves, each with different causes of tension between Israel and the Palestinians and somewhat different pressures on its resident Palestinians.

The first such enclave that makes up the "no-state" solution is the greater Jerusalem area, with tensions and conflicts over control of its older central core, its holy places, housing and business restrictions on Palestinians in East Jerusalem, a steadily larger Israeli majority and control over greater Jerusalem, and exceptional security limits.

The second enclave is the rest of Israel, with somewhat different regulations on Palestinian rights, citizenship, and movements, and tight surveillance and security.

The third is the West Bank, with the hollow shell of a Palestinian government, de facto Israeli security control over Palestinian security forces, tight control over Palestinian movements and access to the rest of Israel, and a steadily growing presence by Israeli "settlers" that is rising sharply with the support of the Netanyahu government.

The fourth enclave is Gaza, which presents by far the worst set of pressures on Palestinians. It has some 2.1 million Palestinians and no Israeli Jews and is only twice the size of the greater Washington D.C. area. It has no major industry or exports. It depends on Israel for most of its potable water and electric power.

The two-state solution was advanced again, March 28, 2002, with the Beirut Declaration on

Saudi Peace Initiative. It offered a quid pro quo. In return for a "full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council Resolutions 242 and 338, reaffirmed by the Madrid Conference of 1991 and the land-for-peace principle, and Israel's ...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..."the Arab countries affirm...the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region. [And] Establish normal relations with Israel in the context of this comprehensive peace."

Most importantly, the Saudi peace plan did not call for the right of Palestinian refugees to return to Israel, which is a non-starter for Israeli governments as such a return would demographically destroy Israel as a Jewish state. Rather it sought to "Attain a just solution to the problem of Palestinian refugees to be agreed upon in accordance with the UN General Assembly Resolution No 194."

This wording, and its implication that Palestinian refugees could be resettled outside of pre-1967 Israel, was opposed by Hamas.

This implication was not lost on some Israeli security experts. Security advisor to former Israeli Prime Minister Ehud Bark, Yossi Alpher, said in November 2018, "The initiative is unique in terms of the comprehensive 'payoff' it offers Israel and, with regard to refugees, both the absence of any direct mention of the right of return and the recognition that Israel's agreement to a solution must be solicited. It represents huge progress from the days in 1967."

However, Israel's Prime Minister Ariel Sharon and Hamas rejected the proposal.

In 2007, the Saudi peace plan was revived and adopted at the 19th Annual Arab League Summit in Riyadh. "In 2002, Israel immediately rejected the plan. In 2007, however, Israel initially acted more receptively to the reaffirmed Arab League initiative."

When Benjamin Netanyahu was again elected Israeli Prime Minister in 2009, and Palestinian political unity collapsed into open conflict between Hamas and the PLO movement on the peace plan stalled.

A solution which seeks mutual peace and recognition between Israel and Arab states, without establishment of a viable Palestinian state, as was attempted under the Trump Administration is untenable in the long term for regional stability. This was demonstrated by the massacre of 1,400 Israeli civilians by Hamas on October 7, 2023.

A two-state solution means demographically Israel is a Jewish State and Palestine is a non-Jewish Arab state, each with defined, viable, and secure borders. Such a solution is difficult and expensive but not as expensive and dangerous as the continuation of the Israeli-Palestinian conflict, which has the potential to expand into a regional war.
But instead of seeking two independent states there is a growing call for a single state, Palestine -- "from the river to the sea." Whether espoused by pro-Palestine protesters or Hamas, Palestinian Islamic Jihad, and the Islamic Republic of Iran, the slogan implies the destruction of the State of Israel. It is asserted by some such a state would be democratic and secular with Jews, Christians, and Muslims possessing equal rights. However, the only example of a multi-confessional democratic and secular state in the region was Lebanon, and it collapsed during the Lebanese Civil War, 1975-1990. Now the country is a patchwork of rival "mafias" and rival "militias." As Michael Young, wrote in The National, September 29, 2021, "Lebanon, stands out as a model of how former militia leaders have taken over the state." Hamas, Palestinian Islamic Jihad, and the Islamic Republic of Iran have all rejected a democratic and secular state for Palestine. They are calling for establishment of an Islamic state governed by (their interpretation of) Shariah law. And interpretation of Shariah law by the "Islamic" republic of Iran, as well as the "Islamic" republics of Afghanistan, and Pakistan, is a documented history of persecution of religious minorities â€“ of Christians, Ahmadis, Baha'is, Buddhists, Hindus, Sikhs, and Zoroastrians.

As the saying goes, "Be careful what you wish for because you will get it." The slogan, "From the river to the sea, Palestine will be free" can just as easily read "From the river to the sea, the land is Israeli" (Eretz Israel} as claimed by extreme Zionists. Two sides of the same single state coin. Both imply a forced ethnic cleansing of the other.

The British Mandate for Palestine established at the Conference of San Remo in 1920 combined the Autonomous Sanjaq of Jerusalem with the Sanjaqs of Nablus and Acre and portions of the Sanjaqs of Hawran and Ma'an. Within those borders are today's Israel, the West Bank, the Gaza Strip, and Jordan.

Three years later, London split the mandate in two. Jewish immigration was permitted into the

western region, which was still called the Palestine Mandate, but prohibited into the eastern region renamed Transjordan. "On May 25, 1923, the British recognized Transjordan's independence under the rule of Emir Abdullah..."'

This historical fact is important because in countering the call for a Palestinian state from the river to the sea, the Israeli right and pro-Israel supporters may again declare a Palestinian state already exists; it is Jordan. Issue resolved.

As journalist Daoud Kuttab wrote in "The 'Jordan is Palestine" Idea Resurfaces Again," Arab Center, November 11, 2021, The "Jordan is Palestine" idea becameâ€”and in some ways continues to beâ€”an existential concern for Jordanians" as well as for Palestinians, and Arabs.

Should Israel win a decisive political victory over Iran's proxies, Hamas and Palestine Islamic Jihad, and the two-state solution of Israel and Palestine (consisting of the West Bank and the Gaza Strip) is rejected by a majority of Israelis as well as Palestinians, the call "Jordan is Palestine" could be become a diplomatic reality.

Instead of "Palestine from the river to the sea" or "Jordan is Palestine," the two-state solution is the best method to realize Israeli and Palestinian self-determination. Each state would possess defined, viable, and secure borders. And the Saudi peace plan with one additional point -- a population exchange between the two states -- is the best way to achieve this goal.

A two-state settlement would consist of ten points.

* The borders of Israel are the June 4, 1967, borders.
* Palestine consist of the West Bank and Gaza Strip with borders based on the June 4, 1967, borders.
* West Jerusalem as the capital of Israel.
* East Jerusalem as the capital of Palestine.
* All Christian, Jewish, and Muslim religious sites in Israel and Palestine, including but not limited to Bethlehem, Hebron, Nablus, Nazareth, Jericho, and Jerusalem, are placed under international administration for ten years, a period that could be extended if necessary.
* All Jewish settlements in East Jerusalem, West Bank and Golan Heights are dismantled and all Jewish setters repatriated to Israel.

* All Palestinians in Israel are repatriated to Palestine and/or Arab states.
* Jews living in Eastern Europe, Middle East, and Argentina facing discrimination or persecution would be offered resettlement in Israel.
* Israel would pay reparations to Palestinians whose families were forced out of Israel after 1948. In return, Palestinians would renounce their legal right to return to Israel and would be resettled in Palestine and/or Arab states.
* Palestinians outside of Palestine would be granted Palestinian citizenship and the right to vote in Palestinian elections.

The principal objection to Israel returning to its 1967 borders is the claim such borders do not offer adequate security. Israel would be less than ten miles wide at its narrowest point. But these same borders demarcate a militarily defenseless Palestine bifurcated into two unequal parts separated by Israeli territory. The Palestinian state on the West Bank would be surrounded by Israel on three sides -- north, south, and west. At its narrowest, the West Bank would be less than fifteen miles in width. The portion of the Palestinian state in the Gaza Strip would be bordered by Israel on the north and east, Egypt to the south and the Mediterranean Sea to the west. It is four miles at its narrowest, less than eight miles at its widest, and twenty-five miles in length. If terrorists and terrorist bases are successfully and completely eliminated from Gaza such a state should not pose a threat to Israel's security. And Israel has the military means to respond if it did.

Better yet would be to admit Israel to NATO, automatically creating a Section 5 guarantee from the largest and most sophisticated military alliance in the world.

Returning to the 1967 borders entails the city of Jerusalem becoming the shared capital of both Israel and Palestine. Israel existed prior to its annexation of Arab Jerusalem in 1967. Israel's continued existence does not depend on retaining possession of that section of that city. In 1967, Israel asserted it had reunited a divided city. But half a century later, Jerusalem remains two cities, hostile and irreconcilable -- an Israeli Jerusalem under psychological assault, an Arab Jerusalem under physical occupation. The answer for Jerusalem is political separation and mutual recognition. Rome, as shared capital of both Italy and the Holy See, provides a precedent. Another is the city of Chandigarh in India. It serves as the shared capital of three administrative units, the territory of Chandigarh and the states of Haryana, and Punjab.

To reduce disputes over access to religious sites, all Christian, Jewish, and Muslim holy places in Israel and Palestine would be placed under a temporary international administration for at least ten years, subject, if needed, to renewal for an additional period of years. International administration would be established by and responsible to the United Nations and would be

staffed by law enforcement officials from selected member states of that body. It would have legal authority to take whatever action is necessary to protect and maintain these sites and ensure only unarmed pilgrims enter them.

This proposal is modeled on Part III of U.N. General Resolution 181 of November 29, 1947, that established Jerusalem "as a corpus separatum under a special international regime...administered by the United Nations" through a Trusteeship Council. The purpose of this international administration was "to protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem", to insure "existing rights in respect of Holy Places and religious buildings or sites" are not "denied or impaired", that "free access to the Holy Places and religious buildings or sites and the free exercise of worship" is "secured in conformity with existing rights and subject to the requirements of public order and decorum", and that these "Holy Places and religious buildings or sites" are "preserved". The duration of this international administration was to be ten years. The 1948 Arab Israeli War prevented the implementation of Part III, but the principle of a temporary international administration of all holy places remains valid to this day and should be part of the peace settlement.

The West Bank and the Gaza Strip would be demilitarized. As a practical matter, the Palestinian state would have only a police force. A military would be meaningless, as well as a waste of limited resources. Due to its small size, two separate parts, and irregular borders no army could realistically defend the territorial integrity or political independence of Palestine. Only a peace treaty could do that.

Dismantling of all Jewish settlements in East Jerusalem, West Bank and Golan Heights, and repatriation of all Jewish settlers to Israel. There can be no peace between Israelis and Palestinians without a demographic, as well as political, withdrawal.

There are precedents for dismantlement and repatriation. On March 26, 1979, Israel signed a peace treaty with Egypt; and on April 25, 1982, completed its withdrawal from the Sinai Peninsula, a process that included dismantling all sixteen Jewish settlements and repatriating the 7,000 Jewish settlers to Israel. On September 12, 2005, Israel completed a unilateral withdrawal from the Gaza Strip dismantling all twenty-one settlements there, as well as four on the West Bank, and repatriating 9,000 Jewish settlers to Israel.

However, this would be part of a mutual population exchange between Jews and Arabs. All

Jews in East Jerusalem, West Bank and Golan Heights would be resettled in Israel and all Palestinians in Israel would be resettled in Palestine and/or Arab countries.

Muslim Palestinian-Israelis, estimated to be eighty percent of the total population, not able to be absorbed by the state of Palestine could be resettled in Saudi Arabia and the Gulf emirates, which are the Muslim countries with the financial resources necessary to integrate them into their societies.

Similarly, Palestinian-Israelis who are Christian, twelve percent, and Druze, eight percent, not able to be absorbed by the state of Palestine could be resettled in Lebanon and Syria where communities of their co-religionists reside. The Gulf States, United Nations, European Union, and United States would provide Beirut and Damascus the financial assistance necessary to successfully achieve resettlement as well as additional aid for rebuilding the economies and infrastructure of both countries.

Because of the higher Palestinian birth rate, without a population transfer Israel cannot remain a Jewish state. Israel's Census shows the percent of Jews in the population steadily declining since 1960.

1960, 88.9 percent.
1970, 85.5 percent.
1980, 83.7 percent.
1990, 81.9 percent
2000, 77.8 percent
2010, 75.4 Percent
2020, 73.9 percent
2023, 73.3 percent

This poses a future demographic threat to Israel, but The Times of Israel, August 30, 2022, when counting Israel together with the occupied territories "Jewish people make up less than 47 percent of all those living west of the Jordan River." This existential threat to Israel is now. The only solution is for two separate states, Israel and Palestine, with a population exchange between them.

A number of precedents exist of negotiated population exchanges between neighboring countries. The most relevant for Israelis and Palestinians is the "Convention Concerning the Exchange of Greek and Turkish Populations" of 1923. With the approval of the international community, it successfully transferred a million Greeks from Turkey to Greece and 400,000 Turks from Greece to Turkey.

A population exchange between Israel and Palestine would involve 762,000 Jewish settlers (East Jerusalem-234,000, West Bank-503,000, Golan Heights-25,000) to Israel and 1,595,300 Palestinian Israelis from Israel to Palestine and Arab states.

The goal of a population transfer is to demographically establish Israel as the Jewish state and Palestine as the non-Jewish Arab state. It should not undermine either state's economic stability. This means the settlement must also seek to replace as much of the repatriated Palestinian-Israeli population as feasible. Therefore, Jewish communities in those regions of the world experiencing economic hardships or anti-Semitism would be offered resettlement in Israel.

Reparations to Palestinians forced out of Israel since 1948 implements Section 11 of U.N. General Assembly Resolution 194 of December 11, 1948, which stipulated "compensation should be paid for the property of those [refugees] choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible." The monetary value would be assessed by a mediation panel established by the United Nations. In return, Palestinians would drop all claims to land and property in Israel and the right to return and reside in Israel.

Finally, there is the question of Palestinians residing outside the state of Palestine. For them to be committed to the peace settlement their national identity must be recognized and respected. They must be given a voice, place, and stake in the Palestinian state. Therefore, the peace settlement would grant them Palestinian citizenship and the right to vote in Palestinian elections.
Such a settlement modeled on the Saudi Peace Initiative with population exchanges would fulfill the intent of U.N. General Assembly Resolutions 181 and 194 â€“ (a) partitioning the Holy Land into two independent states, one Jewish, one Arab, (b) placing Holy Sites under an international trusteeship, and (c) providing compensation to Palestinian refugees,

It would also implement U.N. Security Council Resolutions 242 and 338 by ending Israeli

occupation of Arab territories, and recognizing "the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries." This proposed revision of the Saudi Peace Initiative provides a blueprint for a comprehensive political settlement based on security and national self-determination for both Israelis and Palestinians.

Due to the current war, the lives it has claimed and the emotions it has unleashed, such a peace plan will be difficult to promote. Over the last decade, support for a two-state solution among both Israelis and Palestinians had already dropped dramatically.

According to Pew Research Center as of March-April 2023 just 32 percent of Jewish Israelis now support a two-state solution.

While Gallup reported as of July-September 2023 Palestinians support for a two-state solution had declined to 24 percent.

But the alternative is more war and more suffering.

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