

Ending the Palestine-Israel Impasse: Two State or Common State?

By Peter Hain,

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‘Those to whom evil is done/ Do evil in return’, wrote WH Auden on the outbreak of the Second World War.

He could have had in mind the current, seemingly intractable Middle East conflict, the bitterness, horror, and the failure to secure both security for Israel and justice for Palestinians.

For close to seventy years the cycle of violence and hatred has ripped the region apart. Stop-start negotiations to achieve a two-state solution – an Israel with secure borders, not living under siege from its neighbours, and alongside an independent Palestine – have led nowhere, despite the fact that a majority of both peoples (Palestinian and Israeli) continue publicly to support it.

I am both a longstanding supporter of the Palestinian cause and a friend of Israel. As a British Minister for the Middle East in 1999-2001 I worked closely with both Israeli and Palestinian leaders. My record of fighting apartheid, racism and anti-Semitism is long and recognised.

For two decades I have favoured a two-state solution as the best plan for peace and the fairest outcome, one backed by the US, the United Nations, the European Union and all 22 countries of the Arab League. Officially, it’s the stated policy of the current Israeli government and of the Palestinian Authority.

But I am increasingly unsure about whether it’s still achievable – mainly because, as time has marched on, and successive negotiating initiatives have come and gone, the land earmarked for a viable Palestinian state has been remorselessly occupied by Israeli settlers.

And I’m not alone. John Kerry and William Hague have both talked of ‘the window for a two-state solution’ closing. In April 2013, prior to launching yet another peace initiative, the US Secretary of State warned: ‘I think we have some period of time – a year to a year-and-a-half to two years or it’s over.’ On 18 June 2013, the British Foreign Secretary echoed those words in the House of Commons: ‘time is running out for a two-state solution’.

A recent [“Two-State Stress Test”](#) conducted by the European Council on Foreign Relations (ECFR) also points towards this. According to their findings US-led diplomatic efforts are the only factor currently sustaining a two-state solution. Any lessening of this intensity would leave prospects even more fragile, in particular given continued strain from trends relating to territory, Jerusalem and public opinion, most notably on the Israeli side.

There is also a marked dissonance between popular support for a two-state solution on the one hand, and popular scepticism that it is achievable on the other. A 2012 poll by the Konrad Adenauer and Ford Foundations showed that 70 per cent of both Israelis, and Palestinians in the West Bank and Gaza, thought the chances of establishing an independent Palestinian state by 2017 were 'low' or 'non-existent'.

The fundamental problem is this: sooner rather than later the land available to constitute a future Palestinian state will have all but disappeared.

But, first I want to express my frustration at the persistence of international commentators, as well as the Israeli and Palestinian leaderships, in describing the situation as 'astoundingly complex' – almost as a pretext for ending or suspending dialogue. Upholding the narrative of complexity has allowed both sides the pretext either to drop or put off talks with little condemnation from the rest of the world.

Of course the politics are tortuously difficult. But the reality is far simpler than it is often painted.

Achieving the settlement in Northern Ireland was also 'complex'. It was also hopelessly difficult at times. The roots of the conflict there went back eight centuries and were arguably deeper even than in the Middle East. But that was not seen as an excuse by the British Government to abandon the objective, especially in the ten years of Tony Blair's Premiership, eventually culminating in the historic settlement of 2007 when I was Secretary State for Northern Ireland.

There were many, many instances during these ten years when progress seemed impossible, when the two sides never even remotely looked like engaging properly. Even towards the end there were violent outbreaks, breakdowns, stand-offs and histrionics – indeed, throughout the process the cycle of crises seemed endemic. But nevertheless Tony Blair, his Ministers and officials kept going, never accepting defeat in the search for the solution that was ultimately achieved. I have already analysed at length the lessons of this experience, which could be applied to the situation in Middle East.

There is a plan for a two-state solution: the Geneva Initiative. It details what land swaps need to be made in order to return Israel to its 1967 borders, involves sharing Jerusalem as capital and it addresses the final status issues outlined in the 1993 Oslo Accords.

Notwithstanding that, Israel has taken the view that aggressive attack is the best form of defence in the face of unremitting hostility and successive wars, rocket assaults and suicide bombs from Palestinian groups and their allies. Simultaneously, denied their right to self-determination and subject to ruthless violations of their human rights, many Palestinian groups believe they have no alternative but violence.

Intransigence on both sides has stubbornly blocked progress – and this is a primary reason why the window for an independent Palestinian state may be closing. We know from Northern Ireland (and indeed Syria) that preconditions can strangle any attempt even to get around the table, let alone begin negotiating. Understandably the Palestinians refused to enter discussions unless Israel first stopped settlement construction, and Israel refused to do so – a live issue in the current attempt by the US Secretary of State to achieve a resumption of serious negotiations. For its part Israel has stated that it would only be ready to enter talks if its preconditions were met.

While settlements continue to be built in the area that would constitute a possible Palestinian state, and as long as for Israel that building remains a priority and an expedient way of gaining land, negotiation understandably remains problematic from a Palestinian standpoint. The announcement on 28 July 2013 that the Palestinian prisoners Israel has been holding for over 20 years were to be released could have been a real move towards renewed negotiations if 1,200 tenders had not been issued on the very same day for Israeli construction on Palestinian land in Jerusalem and the West Bank.

The Palestinians see the entire Israeli-Palestinian territory as their historic homeland – although the official position of the Palestinian Authority is to accept that only the 1967 lines (or just 22 per cent of the land) from historical Palestine will be available for a Palestinian state. Even the notoriously uncompromising Hamas have hinted they would be ready to compromise.

Equally, many Israelis, a lot of them with influence inside the government, believe they have a legitimate claim to the Biblical land of Israel, stretching from the Jordan River to the Mediterranean Sea, and certainly do not see the 1967 lines as a basis for drawing a border.

To the other Israelis this is a matter of security. The very day the creation of the state of Israel was announced in 1948, five Arab neighbours invaded, and the country has been under siege ever since. The people of Israel are justifiably worried about their safety in such a combustible region, with for instance Iran and its proxy Hezbollah threatening their very right to exist. Former Iranian President Ahmadinejad's infamous statement that 'Israel should be wiped off the map' was a virtual death knell to Israeli moderation. Hopefully his successor, Hasan Rouhani will offer a more conciliatory approach, because some sort of rapprochement between Iran and Israel is essential both to improve stability and security in the region, and to encourage Palestinian concessions from Israel.

Without that – and similar overtures from other Arab neighbours – many in Israel will continue to believe that the creation of a Palestinian state, with ready-made, hostile allies, would be an act of self-destruction for their nation, especially while they believe Iran is pursuing a nuclear weapons programme. Which is why the diplomatic breakthrough over Iran's nuclear capabilities following President Rouhani's election in August 2013, has left Israel rigidly suspicious, doubting its fundamentalist enemy of several decades will ever change its spots.

In the meantime important voices within Israel loudly dismiss the two-state solution. On the 18 June 2013 Naftali Bennett, Israel's economics and trade minister, told a conference of settlers in Jerusalem that 'Area C', which constitutes 60 per cent of the West Bank, should be annexed and taken into the state of Israel as a matter of urgency. Referring to the two-state solution he said: 'Never have so many people invested so much energy in something that is so hopeless.'

Bennett added: 'The most important thing in the land of Israel is build, build, build. This land has been ours for 3,000 years. The house is ours and we are residents here not the occupiers.' Can anybody wonder why Palestinians doubt Israel's sincerity and commitment to a peace process?

Mistrust on both sides is a huge problem that is not only born out of political rhetoric. In the years since 2000, almost 6500 Palestinians have been killed by Israeli security forces. Many of those victims were neither members of the Fatah, the mainstream faction of the Palestinian Authority and the axis of power for Palestinian President Mahmoud Abbas, nor Hamas. Over the same period 1000 Israelis have also lost their lives in attacks by Palestinians. The fear and distrust in both camps is palpable.

It would be heartening to see Israel take the lead on suspending violence, as the superior military and legislative power, to prevent the systematic repression of Palestinians that seems to have become the unofficial norm and which feeds the fire of terrorism. A good starting point could be to ensure that criminal investigations against Israeli Defence Force soldiers accused of mistreatments are undertaken more fully and transparently. And the same must be done for Palestinians accused of criminal activity. 'Transparently' being the key word.

The Israeli human rights group Yesh Din has estimated that 94 per cent of criminal investigations against IDF soldiers are closed without either convictions or charges brought. In stark contrast Palestinians accused have been held in detention without trial – a practise extending to Palestinian children too.

Furthermore, the erosion of Palestinian land means that the civil rights of Palestinians, including those who are Israeli citizens, are being eroded too. For example Israel's policy to people in Gaza was described by Richard Goldstone, who led a UN delegation to Gaza in 2009, as 'collective punishment': because of restrictions on water and energy as well as movement in and out of the Gaza strip.

Despite being more or less autonomous, Gaza is under tight restrictions by Egypt on one side and Israel on the other. The civil rights of its people cannot be guaranteed, not least since physical access is either impeded or flatly denied by both countries.

Water is a major issue that provides a stark example of Israel's non-adherence to the Geneva Convention, as well as being symptomatic of a lack of Palestinian influence over what is supposedly theirs. One of the main water resources for the

West Bank is the Mountain Aquifer, largely located under Palestinian land. Israel allocates approximately 80 per cent of this water to its West Bank settlements, by-passing Palestinian villages which are starved of water. Restrictions on Palestinian construction in the West Bank and East Jerusalem mean that, when Palestinians do build, they do so 'illegally' under Israeli law – and therefore find it is all but impossible to attach their houses to the Israeli-controlled water mains – and electricity for that matter.

Due to Israeli restrictions, daily per capita water consumption for Palestinians in the West Bank is less than three quarters of the World Health Organisation recommended minimum. Water – or at least lack of Palestinian access to their own water – is another example of why the notion of a separate Palestinian state is regarded by many as having become a fiction.

Other abuses, which have been well catalogued by Israeli human rights groups such as B'Tselem, are manifold and range from the seemingly banal to the criminal under international law.

Most pressingly, basic public services, such as education and healthcare, which are protected by the Universal Charter of Human Rights, are often systematically denied to Palestinians. Eyewitness accounts from Israeli Human Rights groups tell of Palestinian ambulances carrying emergency patients, including women in labour, being stopped indefinitely at check-points. Such 'security' measures are not enforced when the ambulances or patients are Israeli.

Poverty afflicts far too many Palestinians, both in Israel and the West Bank. For Arab Israelis this is in large part because equal opportunities employment legislation is not enforced, effectively downgrading Arab participation in the workforce within Israel. Only a small percentage of Palestinians are allowed into Israel to work, usually in construction: these are the Palestinians you see crowded around Israeli checkpoints. Furthermore, West Bank Palestinians are not permitted, or able, to utilise or develop their own land and trading potential.

Even in supposedly Palestinian land the situation for Palestinians already resembles a civil-rights struggle. Life in the West Bank and East Jerusalem is untenable because they have little to no say over the running of the land that is supposedly to constitute a future state. Approximately half of Palestinian school-age children have experienced trauma at the hands of the Israeli army, ranging from incarceration to interrogation. With many male adults having been locked up indefinitely and without trial, approximately 45,000 Palestinian children have to work to support their families, giving up on any hope of an education.

A new generation of Palestinians is growing up in the West Bank in fear and under severe intimidation, less likely even than the generation before to embrace negotiations with their oppressor. Violence and the ability to perpetrate it is the currency between Arab villagers and Israeli settlers, making the future a bleak one for both sides.

Israel's West Bank policy includes using legislation – or the pre-existing lack thereof – to cut off Palestinians from their workplaces or even their own land. In February 2013, there were 67 kilometres of roads in the West Bank exclusively for use by Israelis and therefore mainly by settlers. If they are in a vehicle, Palestinians cannot even cross these roads at junctions which criss-cross the dirt tracks and farm tracks they use. There have been multiple reports of Palestinians having to leave their vehicles, cross the road on foot, and use either pre-arranged transport on the other side or wait in the hope of finding some. It is important to re-iterate that these roads cover land that is Palestinian or is expected to constitute a future Palestinian state. The occupation is effectively balkanising the territory, making it even more difficult practically to establish a new Palestine.

The various Oslo agreements left 40 percent of the West Bank under nominal Palestinian Authority control. Less than 20 per cent of the West Bank is categorised as Area 'A' which is under exclusive Palestinian control although the Israel Defence Force does regularly conduct raids targeting suspected militants. 'Area B' – about 21 percent of the West Bank – shares security control between Israeli and Palestinian forces but is Palestinian administered.

This combined 40 per cent (if we include East Jerusalem) under nominal Palestinian control is an archipelago of isolated Palestinian territorial islands in a sea of Israeli controlled land, checkpoints bases and settlements. The remaining 60 per cent, the majority of the West Bank, is known as 'Area C' under the Oslo Accords, and is under exclusive Israeli control. It contains 350,000 Israeli settlers separated off into communities and subject to normal Israeli law, but it is also home to 180,000 Palestinians subject to Israeli military law.

While the built-up area of settlements only amounts to 2 per cent of the West Bank land, another 40 per cent is under planning and zoning authority of settler local and regional councils. Buffer zones around settlements and firing zones for the Israeli military also erode Palestinian territory.

Israeli 'state land' legislation enables further requisitioning of Palestinian land because, due to informal handovers under British and Ottoman rule, most passed down to families and current owners lacks the required paperwork, preventing Palestinian construction or residency. Palestinian building in Area C is strictly regulated by the Israeli authorities, rendering almost any new Palestinian construction illegal and subject to demolition – even installations of solar panels are sometimes blocked. Similar rules also apply to East Jerusalem, which is in more urgent need of new housing and land for the Palestinian population.

Israel's planning policy consistently ignores Palestinian needs. Acts of administrative repression are an every-day occurrence, such as not including existing Palestinian villages on local maps or in draft plans. What little land there is to constitute a new Palestinian State amounts, as of 2014, to Gaza, and Areas A and B of the West Bank. Gaza itself is territorially minute, it accounts for only 6 per cent of the land that would constitute a Palestinian state, which itself is only 22 per cent of the land between the Jordan River and the Mediterranean Sea.

The geographical split within a future Palestinian state makes it hard to see how it would function. There is no direct transport link between Hamas-controlled Gaza and the Fatah-Palestinian Authority controlled areas of the West Bank. Nor indeed was there any direct link before the two territories became respectively Hamas and Fatah controlled. Movement and trade between the two is also prohibited by the Israelis.

Dr Ron Pundak, one of the architects of the Oslo Agreements, has suggested a closed route for Palestinian-only use between Gaza and the West Bank – a sort of Berlin-type corridor reminiscent of Cold-War divided Germany. Something like this would have to be considered for a two-state solution because the Israelis even prohibit travel between the West Bank and Gaza via Jordan rather than Israel.

In a situation evocative of the partition of East and West Berlin, Israeli withdrawal from Gaza in 2005 was so sudden and swift, and restrictions on movement put in place so fast, that families were split and lives torn apart. Official Israeli policy is that family ties are not an adequate basis for a permit to enter or leave the Gaza strip. So attending weddings or funerals, or looking after sick relatives, is impossible for normal extended families split between Gaza and the West Bank. Resolving this is clearly important to a two-state settlement.

The lack of a real physical link between the West Bank and Gaza also severely harms the potential for a grounded Palestinian politics to evolve. There cannot be an election for a Palestinian unity government because Hamas candidates can't travel between the two territories to campaign, making it hard to conceive of a functioning Palestinian Parliament and state. Nor, in truth, can Fatah candidates travel; and both would face threats from each other if they did, as well from Israel in the case of Hamas.

Hamas, the Islamic Resistance Movement, was conceived in 1987, just after the outbreak of the first Palestinian intifada, as 'a practical response to an oppressive occupation'. Israel considers it to be an anti-Semitic militant organisation committed to the destruction of the Jewish State – casting the conflict in a religious light. Although Hamas is its own worst enemy, with inflammatory vitriol and military attacks against Israelis, it self-defines as working for the liberation of the Palestinian occupied lands and for the recognition of the legitimate rights of the Palestinians; framing itself as a political rather than religious organisation. Notwithstanding this, however, it is encouraging that Israel has signalled a willingness to consider compromise over prisoner swaps and cease-fire deals with Hamas, albeit through third parties.

Hamas views the Palestinian Authority as a hostile rival for Palestinian leadership which has unforgivably colluded with Israel over the Oslo Agreements and at Camp David in 2000. In turn, the PA believes that Hamas' more aggressive, uncompromising stance endangers international support for a Palestinian state. Relations are therefore tense and the absence of a democratically elected and representative government to administer and unite Palestinian land is a major impediment to a two-state solution. Bad relations are

exacerbated by divisions in the region among influential external players, vying for leverage with Palestinian groups.

Palestinians on both sides are now questioning the two-state strategy to an even greater degree. Negotiations have so far failed, as has a reliance on the US to deliver Israeli cooperation. The two-state option was itself originally conceived as a compromise and one likely to be particularly painful for the Palestinian refugee community. All of which explains why in academic and activist circles the one-state option is back on the agenda. There are now a number of different campaigns for the creation of a single democratic, secular state for Jews and Arabs, made up of Israel, Gaza and the West Bank.

While still formally subscribing to it, Fatah has also suggested that a two-state solution is no longer viable, and on 15 May 2013, about 30 of Fatah's members launched a 'Popular Movement for One Democratic State in Historic Palestine'.

Israeli disunity is an additional roadblock. Many in the Knesset are angry with former Prime Minister, Ariel Sharon for his concessions over Gaza. In May 2004 Sharon ordered a full, unilateral withdrawal of Israeli security forces and settlers from the Gaza strip. As a result he was ousted from the party by Benjamin Netanyahu who took over leadership and became prime minister in 2009. This act demonstrated Netanyahu's ideological aversion to compromise which is also strong amongst his supporters.

When he took over from Sharon, he deftly engineered a move away from the centre right, attracting more supporters with more religious and extreme ideas – a move aimed in part at winning-back voters tempted by fringe parties.

The Israeli population has multiplied nine-fold in the last fifty years. In the last quarter century, most of these new arrivals have come from ex-Soviet countries – swelling the ranks of voters sympathetic to Mr Netanyahu's vision. This, coupled with an extreme proportional representation electoral system which gives power to minority parties, means that it has become harder to create the type of consensus which formed the basis for the Oslo Accords in 1993.

The growing strength of the Israeli right has led to a new 'Greater Israel' discourse which openly eschews any kind of two-state option and calls for the annexation of either all the territories, or the 60 percent that is Area C. As previously mentioned, Ministers in the current Israeli government and parliamentary members of the governing coalition openly support such outcomes. Prime Minister Netanyahu's grudging acceptance of two states has so far never been translated into practical or progressive action: quite the reverse, he continues to oversee a program of deepening and entrenching occupation and settlement.

And there is an increasing sense that Israel is pushing Gaza into Egypt's hands, making it easier to digest the West Bank once the large Gazan population is excluded from the equation – there is even a dedicated campaign to claim that

there are 1 million fewer Palestinians in the West Bank than all credible sources insist – the aim being to convince the Israeli public that this is doable.

This brings me to the reason why the land that has been hypothetically apportioned to a Palestinian state is looking vulnerable. Demographics are central both to Israel's worries over the Palestinian population, and its antagonism to joining with Palestinians in a common state, comprising the land of Israel and the Palestinian territories.

There are 4.3 million Palestinians in Gaza and the West Bank (including East Jerusalem). There are 8 million people in Israel of whom 1.8 million are Palestinians. So a common-state would be evenly balanced with 6.2 million Jewish citizens – most of them within 1967 borders but also many settlers littered across the West Bank and the Golan Heights – and 6.1 million Palestinian citizens.

Yet Palestinians don't live in conveniently homogenous zones in the West Bank, but instead in East Jerusalem, in Gaza, in refugee camps in neighbouring countries and all areas of the West Bank including Area C which is inundated with heavily guarded settlements. Even though they are at loggerheads, the two populations are increasingly intertwined in a way that points to geographical convergence rather than separation.

Meanwhile Israeli law severely discriminates against Palestinians and Arab-Israelis under the banner of security. But most commentators see this as an attempt at population control within lands that might otherwise have seen a coherent Palestinian movement. The Law of Return and the Citizenship Law creates a two-tier system, in which any Jewish person in the world can settle in Israel and gain immediate citizenship, whilst those Palestinians forced out in 1948, and those visiting relatives in neighbouring Arab countries, are refused re-entry.

The lack of common ground brings me to identify another barrier to a two-state resolution; that is international confusion over what would constitute a Palestinian state. The US, the EU and the UN all advocate a settlement freeze, but have been unable to deliver it. That said, President Obama did tell the Jerusalem International Convention Centre on the 21 March 2013 that 'Israelis must recognize that continued settlement activity is counterproductive to the cause of peace, and that an independent Palestine must be viable – that real borders will have to be drawn' – but without defining where those borders might lie.

A week before, on 13 March 2013, President Obama argued that peace would bring robust economic growth and prosperity in addition to security. But economic growth in the Palestinian territories would disproportionately benefit Israelis because Palestinian farms and the Palestinian workforce are at the mercy of Israeli restrictions. He cited Israel's strength in invention, engineering and technology, but these are professional fields its government ensures are barely open to Palestinians.

Israel's default position for a while now seems to have been that real security among its Arab neighbours can only be achieved by two, complementary, strategies. First by undermining a new Palestinian state through settlements whilst professing in principle support for it. Second by bolstering its own security, including by building a 430 mile Wall along and within the West Bank; after completion 8.5 per cent of the West Bank area be on the Israeli side of the barrier, reported the Israeli human rights organisation B'Tselem in July 2012.

Instead of living in constant fear of the enemy within as well as without, might it be more fruitful for Israel to seek a settlement legislating for the rights of Palestinians and Arab-Israelis within a new common state to end the conflict?

The proposition to be assessed is this. Absorbed into their traditional homeland – albeit alongside Jewish citizens with a narrow majority over them – Palestinians would no longer be carrying their historic grievance, and would quickly adjust to the new reality. Conversely, Israelis would discover that the fount of poison between them had dissipated.

That, of course is, to say the least, very optimistic. Why would Israel agree to what was the historic aim of the Palestinians prior to the Oslo Accords and the two-state solution? Tense and difficult the current standoff may be for Israel, but it is not going to be defeated and therefore holds the stronger hand.

Moreover, no post conflict situation is ever smooth: witness sporadic, though very isolated and marginalised eruptions in Northern Ireland, or the legacy of apartheid which remains a crippling drag on the new South Africa.

But if Israel's relentless expansion into Palestinian territories cannot be stopped then we must face one of two possible outcomes. The first is that all Palestinian presence in the West Bank and East Jerusalem remains in a permanent and ever-more formalized 'Bantustan status', islands of minimal self-governance with the continued denial of basic rights, facing on-going pressure, perpetual insecurity and possible future physical removal. The second is that they are absorbed into a common Israeli-Palestinian state with the opportunity for pluralism and human rights advancement.

Is that solution now the only one capable of stopping the cycle of violence and preserving Israel's potential to become a force for unity and peace, instead of a beleaguered source of division and a target for attack? And if the window for the two-state solution is indeed closing, then should the EU, the US and the UK make it plain to Israel that a one-state alternative may be the only one available to ensure its security?

If so what guarantees might there be for Jewish citizens both within Israel and worldwide if they agree the merger of their creation – a Jewish state which they fervently (and understandably) believe answers their post-Holocaust question: 'Never Again'? Could the Arab nations join those in the West like the US and the UK to provide such guarantees?

What sort of common state might then be politically feasible and deliverable? Could a federal or con-federal state provide a way forward, with common security, a unified economy, common civil rights and guarantees of religious freedom for Jews and Muslims, but considerable political autonomy for the territories within it of 'Israel' and 'Palestine'? How then might Israeli and Palestinian security forces be integrated?

These are fundamental, difficult and complex questions – but, if successfully answered, could a common state solution more easily resolve the deadlock than the two-state solution I and many others have long-favoured?

I remain uncertain. But I ask because I do not see how either the Israelis or the Palestinians can secure their legitimate objectives by perpetuating for still more decades their unsustainable and unstable predicament, with a two-state solution slipping away while violence and terrorism lurks constantly.

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