YOAV SHEMER-KUNZ

TOWARDS A SHARED LAND

ISRAEL/PALESTINE 30 YEARS AFTER THE OSLO ACCORDS



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The report is sponsored by the Rosa Luxemburg Stiftung Israel with funds from the Ministry for Economic Cooperation and Development of the Federal Republic of Germany. The content of the publication is the sole responsibility of its author and does not necessarily reflect the position of the Rosa Luxemburg Stiftung.

1. Introduction: 30 Years After the Oslo Accords

30 years after the Oslo Accords of 1993, the paradigm of the 'two-state solution', that is, the partition of the land between the Mediterranean Sea and the Jordan River, often referred to as Israel/Palestine, into two separate nation-states—the state of Israel and the state of Palestine—seems no longer relevant.¹ There is therefore a need for a discussion on a possible paradigm change; from partition and ethnic separation towards an alternative political horizon of sharing the land of Israel/Palestine.

The Oslo Accords, officially entitled 'the Declaration of Principles on Interim Self-Government Arrangements', were signed in September 1993 in the Rose Garden of the White House in Washington, by Israeli Prime Minister, Yitzhak Rabin, and the chairman of the Palestine Liberation Organization (PLO), Yasser Arafat. The historical handshake of the two leaders, accompanied by US President, Bill Clinton, marked the beginning of the Oslo peace process. The process was later strengthened by a second agreement (Oslo II), signed by the Israeli and Palestinian leadership in September 1995 in Taba, Egypt.

Three decades later, it may be a good time to ask what this process has actually led to; how circumstances have changed since 1993; and what may be the way forward. This is especially true in light of the new Israeli government, led by Benyamin Netanyahu for the sixth time, which shows no intention of returning to the negotiation table with the Palestinian leadership, but rather of expanding Israeli sovereignty over large parts of the West Bank, in violation of international law.² In fact, the new government's first fundamental guiding principle states that 'the Jewish people have an exclusive and inalienable right over all areas of the Land of Israel.'³

The Oslo process was, in fact, a series of interim agreements between the state of Israel and the PLO regarding the governance of the West Bank and the Gaza Strip. The core element of these peace accords was the gradual 'transfer of power and responsibilities', from the Israeli military to the newly established Palestinian Authority (PA), in the territories Israel has occupied since 1967. Gaza and Jericho were the first cities the Israeli military forces withdrew from, transferring the authority over them to the PA. In 1994, additional Palestinian cities followed, including Ramallah, Nablus, Bethlehem, and Jenin. The images of Israeli flags being replaced by Palestinian ones outside official government buildings were a strong symbol of these euphoric years, as the Israeli occupation seemed to be finally coming to an end.

While the Oslo Accords did refer to United Nations Resolutions 242 and 338, which called for the withdrawal of Israeli armed forces from the territories occupied in 1967, in practice they divided the West Bank into three administrative areas—A, B, and C. The vast majority of Palestinians in the West Bank live in areas A and B, which together cover around 40% of the West Bank. Area A, which comprises approximately 18% of the West Bank, including eight Palestinian cities and their surroundings, is under Palestinian administrative and security control. Area B, which constitutes about 22% of the West Bank, is under the administrative control of the PA, while security control is maintained jointly by the PA and Israel. The rest of the West Bank, Area C, which covers approximately 60% of the territories, and where all the Israeli settlements are situated, remains under full Israeli control until today.

1.1 A Paradigm of Separation

As the territorial administrative division of the West Bank indicates, the main paradigm behind the Oslo peace process was one of separation between the populations and partition of the land. However, the Oslo Accords never actually mentioned the creation of a Palestinian state as the end goal of this process, nor did they refer to any eventual borders of such a future state. The Oslo process did not address other core issues of the conflict either, such as the status of Jerusalem, the question of the Palestinian refugees and their 'right of return', or the Israeli settlements in the West Bank. It was agreed that these 'remaining issues' would be discussed later, during the 'permanent status' negotiations, which should have been concluded by May 1999, according to the Oslo Accords.

Even though several attempts have been made since to reach an agreement on the 'final status' of the Palestinian Territories, these attempts were unsuccessful. The Camp David peace summit of July 2000, with then Israeli Prime Minister, Ehud Barak, and the President of the PA, Yasser Arafat, ended in failure, with both sides blaming each other. The Second Intifada erupted soon after, in October 2000, and continued until 2004.

The failure of the Camp David Summit was a major blow to the Israeli 'peace camp'. Ariel Sharon, the head of the conservative Likud party, won the 2001 elections against Barak, profiting from the fear of the Israeli population after Hamas and other militant Palestinian organizations, which opposed the Oslo process from the very beginning, conducted a series of suicide attacks, killing numerous Israeli civilians.

Since then, a hegemony of right-wing ideology has been established in Israeli politics, opposing the very idea of negotiations toward a meaningful territorial compromise with the Palestinians over the West Bank. The new Israeli government is an expression of this development. Finance Minister Bezalel Smotrich and National Security Minister Itamar Ben-Gvir, who both live in Israeli settlements in the West Bank, now head ministries that control key aspects of the apparatus of the occupation—from granting construction permits to having authority over the Border Police.

1.2. The Strength of the Israeli Settlers' Movement

The development of the Israeli settlements in the West Bank puts the relevance of the Oslo Accords in question. Today, almost 700,000 Israelis live in the West Bank and East Jerusalem⁴: 229,377 in East Jerusalem and 465,400 in settlements in the West Bank, which were built in violation of international law. ⁵ 132 of these settlements were established by the Israeli government, whereas 147 'illegal outposts' have been established since the 1990s without any formal approval of the government. ⁶

Israel's settlements in the West Bank are destructive to the prospects of a viable Palestinian state; not only because of their sheer numbers, but also because the Jewish settler movement is an extremely influential sector in Israeli society, army, and politics.⁷ The settler movement is based on a combination of extreme nationalist ideology and orthodox religious beliefs.⁸ Following the historic victory in the general elections held in

November 2022, the political bloc of the settler movement, Religious Zionism, currently holds 14 seats in the Knesset, making it the second largest faction in Prime Minister Netanyahu's government, with Netanyahu's Likud party being the largest. The alliance of the three extreme right parties, Religious Zionism, Jewish Power (Otzma Yehudit), and Noam, holds four important ministries. Finance minister Smotrich also holds a minister post in the Defence Ministry, with authority over the civil administration in the West Bank.⁹

The Israeli policy of massive investment in the building and development of settlements, in infrastructure, and in services in the West Bank over the past few decades is a policy of *de facto* annexation of large parts of the West Bank, and not, as its governments claim, a policy of temporary occupation. The result today is an entrenchment of a 'one-state reality of unequal rights' ¹⁰ between the Mediterranean Sea and the Jordan River, in which the Israeli and Palestinian populations live on the same territory, but do not enjoy equal rights. Recently, a growing number of Israeli and international human rights non-Governmental organizations and observers concluded that this situation amounts to a system of 'apartheid'.¹¹

1.3. Towards a New Paradigm?

All of these developments indicate that an Israeli withdrawal from the Palestinian Territories occupied since 1967 is very unlikely, if not already impossible. ¹² Nevertheless, despite the fact that the two-state solution has been severely undermined since the signing of the Oslo Accords three decades ago, the paradigm of separation of the two national groups and partition of land remains relatively uncontended in the international community. ¹³

At the same time, however, more and more scholars and policymakers consider alternative options. Acknowledging the one-state reality on the ground, they ask what alternative solutions are possible, that would not be based on partition? And what would be the concrete steps necessary for promoting such alternatives?

In order to address these questions, we conducted interviews with 38 elected politicians, civil society representatives, and public opinion leaders in Israel and in the Occupied Palestinian Territories. The interviews were held in Hebrew and in Arabic, between October 2021 and February 2022.¹⁴ We conducted 21 interviews with people from the Palestinian side: 12 with Palestinians living in the West Bank¹⁵; and nine with Palestinian citizens of Israel.¹⁶ From the Israeli side, we interviewed 17 people: nine elected politicians from large Israeli settlements in the West Bank¹⁷; two civil society representatives living in the West Bank; and six members of the Israeli peace camp, which calls to end the occupation.¹⁸ In addition, two interviews were conducted with European observers of the conflict. This report is based on these interviews; on relevant documents and publications; and on participation in political meetings, conferences, and demonstrations during a field research period of four months.

2. Mapping the Ground

30 years after the Oslo Accords, the situation on the ground is far from what was envisioned in 1993—two states alongside each other, striving for peace and security, with formal relations. Instead, Israel has expanded its hegemony over practically every aspect of life under the occupation. The new Israeli government, led by Netanyahu, is expected to legalize the illegally established Israeli outposts, further widening Israeli sovereignty over territory that is supposed to belong to the future Palestinian state.

2.1. Israel

Mainstream Israeli society considers the conflict with the Palestinians as 'a given', a fact of life, or simply a destiny, and treats it with apathy and indifference. Under the reign of Netanyahu, the previous framework of 'land for peace' has been replaced by that of 'peace for peace' or 'economic peace'. The new framework is based on economic partnerships and cooperation, and does not include any fundamental change in the political, economic, or social situation in the West Bank, East Jerusalem, and the Gaza Strip.

One could argue that the dominant Israeli approach shifted from an ambition, which was dominant in the 1990s, to find a negotiated solution to the conflict, to a strategy of 'conflict management' or 'shrinking the conflict', as proposed by the influential author and settler Micah Goodman.¹⁹ This approach aims at achieving the maximum level of security, stability, and international legitimacy for Israel while minimizing the Palestinian resistance to its continued control over large parts of the West Bank.²⁰

The process of Israel's *de facto* annexation of Palestinian territory is accompanied by a strategic project of normalizing and legitimizing it in the eyes of the local population, Arab states, and the international community.²¹ Over the years, Israel has thus been able to undermine the boycott the members of the Arab League launched against it in 1945, even before the state of Israel was founded. Following the peace treaties signed with Egypt in 1979, with the PLO in 1993, and with Jordan in 1994, there is no longer a common Arab position on relations with Israel.

In 2020, Israel established official diplomatic relations with the United Arab Emirates (UAE) and Bahrain, through agreements known as 'the Abraham Accords'²². They were followed by similar agreements with Sudan and Morocco. The ongoing process of acceptance of the state of Israel by Arab states is weakening the previous Arab position, which was willing to recognize Israel only after considerable concessions were made to the Palestinians. This position was part of the vision of the Arab Peace Initiative, proposed by Saudi Arabia at the Arab League summit in Beirut in 2002. Thus, the recent wave of normalization agreements is a significant diplomatic and strategic victory for Israel, and a major blow to the Palestinian national struggle.

With no apparent intention to withdraw to the country's 1967 borders, consecutive Israeli governments have been proposing the following deal to the Palestinian leadership: the Palestinians would give up their national aspirations for independence and stop their resistance to the Israeli presence in the occupied territories, and in return, Israel would grant the Palestinians better infrastructure and services, as well as economic and civil

cooperation. This is basically the formula of 'peace for peace', or 'economic peace' that Netanyahu has been proposing ever since he became prime minister again in 2009.

Since far-right nationalists with a settler-friendly agenda have become a key element in Netanyahu's sixth cabinet, a retreat from or demolition of existing Israeli settlements in the West Bank seems highly unlikely. Even though they are illegal under international law and constitute a violation of numerous UN Security Council Resolutions, 'they are there, and it seems that they are there to stay, since uprooting them is beyond the capability of any Israeli government'²³, claims Jonathan Kuttab, a human rights lawyer who co-founded the Palestinian non-government organization al-Haq.

'Considering the political weight of the settlers' movement, the ability of any Israeli government to dissolve settlements or retreat is limited', agrees Hugh Lovatt of the European Council of Foreign Relations (ECFR), a liberal think-tank based in London. 'Every additional settler increases the political price that a future Israeli government would have to pay to make a two-state solution possible', Lovatt claims. 'It probably did not seem possible in 2007 or 2014, when there were fewer settlers, and I do not see how it is any more possible today or how it will be more possible tomorrow.'²⁴

2.2. Palestine

The Palestinian leadership today is still defending the two-state solution, even though it sometimes wields a 'one-state option' as a kind of threat intended to frighten Israelis of what will happen to them if they do not withdraw from the West Bank. For instance, the President of the Palestinian Authority, Mahmoud Abbas, stated at the UN General Assembly in September 2021 in New York: 'If the Israeli occupation authorities continue to entrench the reality of one apartheid state as is happening today, our Palestinian people and the entire world will not tolerate such a situation, and circumstances on the ground will inevitably impose equal and full political rights for all on the land of historical Palestine, within one state. In all cases, Israel has to choose.'

Abbas' tough language belies the fact that the Palestinian society today is fragmented internally, and lacks unity and national leadership. It is also isolated internationally, as even the Arab League has turned its back on it. 'Israel bypassed the Palestinians and went directly to the Arabs; and the Arabs sold the Palestine issue so that they could play with the Iranian threat', claims a senior official of Abbas' Fatah movement in Nablus, when describing the situation after the Abraham Accords.²⁶

From a Palestinian point of view, the current paradigm shift from a two-state solution to a one-state reality of unequal rights entails the risk of losing their national struggle for liberation and independent statehood. 'The quest for an independent Palestinian state has been at the core of the Palestinian national struggle for a very long time,' writes Leila H. Farsakh, an associate professor of political science at the University of Massachusetts in Boston. She emphasizes the 'need to rethink the Palestinian state project, given the territorial impossibility of a Palestinian state', before concluding that 'the quest for a Palestinian state was not in vain, but its historical role has come to an end'.²⁷

Faced with the Israeli policy of 'economic peace' and 'shrinking the conflict', the approach of the Palestinian leadership is very much focused on resisting the pressure to accept and normalize the Israeli occupation. 'The Palestinians do not aspire to improve the living conditions in their prison, but to liberation,' claims a member of the Fatah youth

movement in Nablus. 'The economic peace is throwing sand in the eyes. Our problem is the occupation, not the economy,' he adds. 'Every solution that does not start with an end to the occupation simply delays the explosion.'28

'There is no economic solution to this political conflict,' agrees a member of the Palestinian Legislative Council (PLC) in Bethlehem, who is affiliated with Hamas. He explains that 'the issue is not working permits,' but 'an occupying people and people living under occupation.'²⁹ A member of the left-leaning Popular Front for the Liberation of Palestine (PFLP) adds that 'the experience of the 1980s shows that although people were living in economic prosperity, greater than they have today, the first Intifada still erupted'. This shows that 'there is no solution without an end to the occupation. There is no possibility for a better economic situation with the occupation'.³⁰

Considering the huge imbalance of power in favour of Israel, alternatives to the twostate solution are perceived by most Palestinians merely as an attempt to normalize and legitimize the current status quo of the occupation. 'We will establish neither a confederation with the occupation nor an autonomy under the occupation,' claims a member of the Palestinian Legislative Council in Ramallah, who is affiliated with Hamas.³¹

It is important to keep in mind the shift that took place inside the Palestinian leadership in the 1970s and the 1980s; from an anti-colonial liberation struggle to the demand to establish an independent state alongside Israel on merely 22% of the territory of historic Palestine under Ottoman rule. 'It was only in the aftermath of the 1967 war and the international consensus on UN Security Council Resolution 242 as a framework for peace in the Middle East that the Palestinian national movement made the project of an independent state the vehicle for decolonizing Palestine from Zionism and affirming the Palestinian right to self-determination,' writes Farsakh.³² It meant accepting the solution that had the most international support and legitimacy, even though it entailed giving up large parts of the land lost in the Arab-Israeli war of 1947/48.

Even though the Fatah movement and the Palestinian Authority (PA) still support the two-state solution today, a growing majority of the Palestinian population prefers other solutions, including a one-state solution.³³ Recent polls show a decline in the support for the two-state solution among West Bank Palestinians, and a growing support for an alternative bi-national state solution in the entire territory of historic Palestine.³⁴ Among Israelis, public opinion polls show a constant decline in support for a two-state solution since 2007.³⁵ A poll conducted among Israeli Jews in June 2022 found that only 32% would support a two-state solution, while 54% would oppose it.³⁶

2.3 The Palestinian Citizens of Israel

In the complex struggle to find a solution to the Israeli-Palestinian conflict, the 1.6 million Palestinian citizens of Israel, which represent 17% of the country's citizenry, are an important factor.³⁷ After the war of 1947/48, around 160,000 Palestinians remained in the territory that had become the state of Israel. This population obtained Israeli citizenship, but was put under strict military rule until 1966.

75 years after the establishment of Israel, most of the political representatives of its Palestinian citizens—also referred to as 'Israeli Arabs' or 'Arabs of 1948'—consider historic Palestine as one territorial unit. This approach is different from the one in the 1990s, when

the new civil society organizations among the Palestinian minority were advocating civil equality within Israel, unrelated to the situation of the Palestinians in the West Bank, East Jerusalem, and the Gaza Strip. Also, after the collapse of the Oslo process, the Palestinian political leadership in Israel articulated its vision as a national minority within Israel in the 'Vision Documents' of 2006.³⁸ In sum, these documents expressed a demand for collective rights for the Palestinian citizens of Israel as a national minority; for equal power-sharing at the state level, based on the model of consensual democracy; and for cultural autonomy.³⁹

Despite their particular situation and their demand for equal rights, the Palestinian citizens of Israel have again and again expressed their unity with the rest of the Palestinian people. In October 2000, for example, during the first days of the Second Intifada, Palestinian citizens of Israel took to the streets, and 13 demonstrators were killed by Israeli police. Osome 20 years later, the interethnic strife of May 2021 also showed to what extent the Palestinian citizens of Israel consider themselves part of the Palestinian people as a whole. The demonstrations that broke out in Jerusalem in the spring of 2021 expanded rapidly not only to the West Bank and the Gaza Strip, but also to Israel. In addition to demonstrations of solidarity, they included violent, interethnic clashes between Israeli Jews and Palestinian citizens of Israel, in particular in the mixed cities, such as Lod/Al-Lyd, Acre/Akko, or Jaffa/Yafo.

3. Considering Political Alternatives to Oslo

Political representatives of both the Palestinian and the Israeli sides agree that for the time being there is no point in trying to find a negotiated solution, since a solution could only be achieved through a long process. But where should such a process lead? And how are we going to get there? That is where both sides completely disagree. Whereas the Israeli leadership promotes a process of normalization and acceptance of the current 'one-state reality' with unequal rights, the Palestinian leadership envisions a long fight for liberation and decolonization.

As this zero-sum game offers no tangible solution in the near future, the paradigm of the conflict is currently shifting; from finding a way to divide the territory between the two national groups, to finding a way that would enable them to share the land. The main issue during the Oslo peace process in the 1990s was the question of borders. However, today there seems to be a shift from a territorial dispute to a conflict over rights: on the one hand, the Israeli Jewish people, which established its own nation-state in 1948, and enjoys international recognition; and on the other hand, the Palestinian people, which is still fighting for its collective national rights, self-determination, and statehood.

That is the reason the different emerging alternatives to the two-state solution, such as federal⁴² or confederal⁴³ peace plans, are still perceived by many as unconvincing. Ian S. Lustick, who teaches Middle Eastern politics at the University of Pennsylvania, and who in 2021 published the book *Paradigm Lost: From Two-State-Solution to One-State-Reality,* feels that such plans are 'pretty pictures of a better future than today's reality, and they may give people some hope, but they do not provide a roadmap on how we are going to get there'.⁴⁴

Palestinian politicians advocating the two-state solution argue that it is not wise to abandon the goal of an independent Palestinian state after so much political capital has been invested in it. Moreover, considering the current power relations between the two

sides, the Palestinian leadership mistrusts alternative peace plans. It views them as attempts to legitimize the occupation of Palestinian land and further expand Israeli settlements there. Mikhael Manekin, former executive director of Breaking the Silence, an Israeli non-governmental organization that works against the occupation, and currently the director of The Alliance, a fellowship program dedicated to creating a political network of Palestinians and Jews in Israel, claims that 'we do not have the privilege to give up on the struggle against the on-going occupation in the West Bank in the name of a possible future alternative.'

3.1 The Confederal Option

The idea of an Israeli-Palestinian confederation is not new, but it has gained credibility over the past years. For instance, an Israeli-Palestinian peace initiative launched in 2012, A Land for All, proposes a single territorial unit as the homeland for both Jewish Israelis and Palestinians.⁴⁷ This initiative is therefore part of the current paradigm shift from separation between the two peoples towards a framework of partnership-based peace.⁴⁸

In the same vein, the proposal of The Holy Land Confederation⁴⁹ refers to the strong attachment of both people to the entire territorial unit of historic Palestine/Eretz Yisrael (Greater Israel), and to the need for cohabitation and partnership rather than separation. The proposal was put forward in 2022 by former Israeli justice minister Yossi Beilin, one of the architects of the Oslo Accords, and Hiba Husseini, former legal advisor to the Palestinian Oslo peace process delegation. Despite the fact that confederal initiatives promote partnership instead of separation, the idea is still a variation of the two-state solution—the creation of two sovereign states alongside the 1967 borders.⁵⁰

Like other hybrid concepts, such as cantons and federations, the confederal approach tends to legitimize the Israeli settlements in the West Bank, since such a solution would grant Israeli Jews the right to live anywhere in the shared homeland. Without accompanying this legitimization with equal rights between Israeli settlers and the Palestinian population, though, such an approach would contribute to the legitimacy of the Israeli occupation of the West Bank and to the current one-state reality.

3.2 The Bi-national Option

When looking more specifically into an eventual one-state option, it seems quite clear that after decades of national conflict, mistrust, and bloodshed, a completely ethnically blind system of governance would not suffice here. Mutual guarantees would have to ensure the collective interests of both the Palestinian and the Jewish side.⁵¹ Considering the intense power of national affiliation in this deeply divided society, 'any future arrangement must take into account the national self-identification of the two groups, with the possibility of distributing control and resources on that basis,' As'ad Ghanem and Dan Bavly note when they argue in favour of a bi-national state.⁵² Similarly, Eiki Berg and Guy Ben-Porat are convinced that power-sharing arrangements can provide a solution for protracted ethnic conflicts.⁵³

The chairman of the Israeli-Palestinian Balad party and former member of the Knesset, Sami Abu Shehadeh, also favours a bi-national option. 'We could make a democratic constitution, with equality for all, which respects the right for self-determination of the Jewish nation that was established here,' he claims.⁵⁴ Palestinian lawyer Jonathan Kuttab, the co-founder of the human rights organization Al-Haq, advocates a bi-national vision of a shared state as well.⁵⁵ This bi-national formula would accommodate the needs of both national groups and include institutional power-sharing arrangements.

The main disadvantage of the bi-national model is that it entrenches and fixes the two groups; all citizens would have to belong to one of the groups, preventing the creation of a new common identity for the new state.⁵⁶ But in view of the current reality in Israel and in the Palestinian Territories, it is far more difficult to consider a liberal and secular democratic state that would be simply based on a majority rule and the democratic principle of 'one person, one vote'. Such an ethnic-blind secular liberal state also entails that the 'demographic threat'—the fear strongly felt by a majority of the Israeli population that the Palestinian population will outnumber them in a single state and they would thus lose their 'Jewish majority'—would not be dealt with.

4. The European Union's Position towards Israel/Palestine 30 Years After Oslo

In the Venice Declaration of 1980, the nine member states of the European Economic Community (EEC) recognized the legitimate right of the Palestinian people to self-determination. They demanded that Israel withdraw from the territories it occupied since 1967.⁵⁷ In line with this universal principle established by the EEC, the European Union and its member states today also demand an 'independent, democratic, contiguous and viable State of Palestine, living side by side in peace and security'⁵⁸ with Israel. The EU has repeatedly confirmed its support for the resumption of peace negotiations towards a two-state solution. In December 2022, the European Parliament once again reiterated its 'unwavering support for a negotiated two-state solution on the basis of the 1967 lines'⁵⁹.

In numerous resolutions and declarations, EU institutions have raised their concerns in regards to the continuing settlement expansion in the West Bank, warning that it could have 'serious implications to the prospects of the two-state solution and Palestinian continuity'⁶⁰; and at other times acknowledging that settlement expansion poses a 'serious threat to a viable two-state solution'⁶¹. While the EU, via its European External Action Service (EEAS), regularly condemns Israeli settlement expansion, these official condemnations and statements of 'raising concern' have rarely been followed up by political or economic consequences. Among other reasons, this is also due to the fact that EU resolutions on foreign policy require consensus among the 27 Member States – including Hungary and Poland, whose presidents Victor Orban and Mateusz Morawiecki have been strong allies of Netanyahu in the past. 'Netanyahu has done this so that these countries block any attempts by Western European countries to take punitive measures against Israel', writes security expert Yossi Melman in Haaretz.⁶²

Unlike its approach in the 2000s and early 2010s, the EU no longer seems to link economic, political, cultural, and social cooperation with Israel to advancement in the Middle East Peace Process (MEPP), with the EU-Israel Association Council being the main platform of these discussions. In October 2022, its members met for the first time

after a decade of standstill, due to the absence of any meaningful peace negotiations. The European Parliament, which was vocal in the past against strengthening EU-Israeli relations without any progress in the MEPP, also welcomed the relaunch of the EU-Israel Association Council and called to strengthen the EU-Israel partnership.

According to the EU High Representative, Josep Borrell, the aim of the resumption of the meetings of the Association Council was to 'further develop our partnership and cooperation', describing it as an opportunity to 'discuss how to strengthen these bilateral relations in fields such as education, climate, energy, and the fight against terrorism'⁶³. Borrell also raised his concerns about the number of Palestinian killed in the West Bank in 2022—the highest since 2007; about the forced transfer of Palestinians; and about the continuation of unilateral measures by Israel, such as settlement expansion.⁶⁴

Hence, the current EU policy of strengthening bilateral relations without linkage to the Middle East Peace Process (MEPP) enables Israel to pursue its policy of *de facto* annexation of the West Bank. The overall result is the normalization of the current situation on the ground and the further entrenchment of a 'one-state reality of unequal rights'. It appears that the EU, like the Arab signatories of the Abraham Accords (United Arab Emirates, Bahrain, Morocco, and Sudan), has lost hope and/or patience regarding a resumption of genuine negotiations towards a two-state solution. While EU diplomats are closely monitoring Israeli policies in the West Bank, Brussels seems to accept the current situation on the ground. Yossi Melman from Haaretz agrees: 'Anyone fantasizing that the European Union will impose sanctions on Israel, so that the right-wing government changes the policy it is bent on implementing, is daydreaming. The European Union, even if it dislikes and condemns expected moves by the new government, will get used to the reality taking shape in Israel and will not pull the Israeli liberal camp's chestnuts out of the fire that the right is igniting.'

5. Recommendations

30 years after the signing of the Oslo Accords, the Palestinian and Israeli populations live together, yet separated, in one territorial unit between the Mediterranean Sea and the Jordan River, referred to as Israel/Palestine: in Israel, the West Bank, the Gaza Strip, and East Jerusalem. The political challenge for policymakers, academics, NGOs, and activists is to identify ways, which both Israelis and Palestinians may find acceptable, that would enable them to live side by side as equal citizens, while ensuring self-determination and collective rights for both national groups.

Articulating this new vision requires a shift from the Oslo paradigm of partition of the land and ethnic separation towards a new paradigm of power-sharing, partnership, and equality between the two peoples, which would ensure the rights of both national groups. Acknowledging that the old paradigm of separation has reached a dead end, progressive Israelis, Palestinians, and their partners in the international community could shift their efforts towards a forward-looking vision of equality under democratic conditions.

An alternative to the current impasse should be bi-national in nature, with well-defined rules regarding power-sharing arrangements, shared sovereignty, and collective representation of the two national groups. This report suggests three concrete elements that can already be developed and promoted today in order to advance in this direction.

5.1. Dealing with the Roots of the Conflict

The Palestinian-Israeli conflict is not merely a territorial dispute following the Six-Day War of June 1967, but has roots in the very creation of the State of Israel in 1948. Recognition of the Palestinian *Nakba*—the forced displacement of more than 700,000 Palestinians in 1947/48—is therefore one of the basic starting points for any meaningful process of peace and reconciliation between the two peoples.

Any genuine peaceful solution to the Israeli-Palestinian conflict should thus deal with its historic roots. It should take into account the two national narratives and past injustices, and include a meaningful process of transitional justice. Only a solution that takes into account the international law regarding the rights of the Palestinian people can be considered just and genuine—and thus gain acceptance by the Palestinian side.

5.2. Genuine Palestinian-Israeli Partnership

A true Palestinian-Israeli partnership can only be based on a joint struggle for equal rights—an area where grassroots initiatives of ordinary citizens can play an important role.⁶⁶ In the current situation, however, Israeli-Palestinian people-to-people peace and co-existence initiatives are considered by many Palestinians as part of the Israeli efforts to normalize the current *status quo*. Therefore, instead of co-existence activities, what is required at the grassroots level are initiatives of co-resistance; that is, joint Palestinian-Israeli activities against the occupation.⁶⁷

While an overwhelming majority of the Palestinian people aspire to end the occupation and fulfil their right to self-determination, they also acknowledge that this is not possible today since Palestinian society is weak, fragmented, and isolated. They are also well aware of the political shift to the right in Israeli society over the past twenty years. They therefore argue that international pressure is needed, in order to force Israel to effectively implement the decisions of the international community.⁶⁸

In order to promote a vision of a shared society, in which Israelis and Palestinians live together in equality, it is important to realize that this process would not start from zero: Israeli Jews and Palestinians already live together as citizens of Israel, notably in mixed cities. ⁶⁹ The way forward should be to focus on developing a model of shared, mixed cities, 'in order to open some kind of a political horizon that could work,' as the Israeli-Palestinian Balad Chairman Abu Shehadeh proposes. ⁷⁰ It would also have to take into account the difficulties in these cities, which came to light in the ethnic strife of May 2021.

The success of such a model could impact the entire land, by creating new 'bi-national counter-realities'⁷¹ that could serve as the basis for further transformation of society as a whole. 'If the mixed local authorities here become more equal, and the relations between the two populations improve, this would have an impact at the national level', says Fidah Shehadeh, member of the City Council of Lod/Al-Lyd, one of the cities that was most affected by the strife in May 2021.⁷²

Israel's mixed cities 'have the potential to be a model for Jewish-Arab relations all over the state of Israel',⁷³ agrees Ruth Lewin-Chen, director of the Shared Cities project at

the Abraham Initiatives, an organization dedicated to Jewish-Palestinian partnership. They propose a transformation 'from mixed cities to shared cities', as the Abraham Initiatives put it.⁷⁴ As developments in Northern Ireland after the signing of the Good Friday Agreement in 1998 have shown, for example, creating models of a shared society on a local level can pave the way to a similar transformation at the national level.⁷⁵ Such a model should include best practices of power-sharing and shared rule as tools of conflict resolution.⁷⁶

5.3. Back to the Venice Declaration

In view of the trends described in this report, the European Union may need to reconsider its position regarding the two-state solution in the long run. Going back to the principle of the 1980 Venice Declaration could be helpful here: If the establishment of a sovereign Palestinian state is no longer possible, the legitimate collective right of the Palestinian people to self-determination could also be fulfilled through power-sharing arrangements. The different institutions of the European Union can contribute to the establishment of such an alternative political horizon using their own experiences in peace and reconciliation processes: in solutions that used power-sharing rather than territorial partition, as the ones implemented in Northern Ireland; Bosnia and Herzegovina; Belgium; or even in the foundation of the European Community itself.

Finally, the EU could use Israel's participation in the Horizon Europe program, designed for funding research, as a tool of leverage. According to the program, Israeli entities which operate in the occupied Palestinian territories cannot benefit from its funding. Horizon Europe is the world's biggest publicly funded research and development program in terms of budget and participating states.⁷⁷ 'If collaboration through the Horizon program is suspended, with the entire state again becoming hostage to the settlers, many industrial, high-tech and cultural initiatives will be harmed,' concludes Melman.⁷⁸

6. References

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² Hagar Shezaf, 'Natural Right to the Land of Israel: Netanyahu Lays Out Far-reaching West Bank Settlement Plans', *Haaretz*, December 28, 2022.

³ 37th Israeli Government Guiding Principles (Hebrew).

⁴ According to the Israeli organization Peace Now. See www.peacenow.org.il (last accessed 9 October 2022).

⁵ '2021 Report on Israeli settlements in the occupied West Bank, including East Jerusalem, Reporting period January–December 2021, *EEAS*, 2022. According to the report, 'the advancement, in 2021, in particular of three settlements—E1, Atarot and Lower Aquaduct—is a serious cause of concern. The settlements, if constructed, would disconnect East Jerusalemites from the West Bank urban areas, such as Hebron and Ramallah, and would thus have serious implications on Palestinian urban continuity and pose a serious threat to a viable two-state solution'.

⁶ The new Israeli government's plans to retroactively legalize the illegal Jewish Israeli outposts in the West Bank, the so-called 'young' settlements according to several coalition agreements.

⁷ Idith Zertal and Akiva Eldar, *Lords of the Land: The Settlers and the State of Israel 1967-2004,* Israel: Kinneret, Zmora-Bitan Dvir, 2004 (in Hebrew).

⁸ 'Gush Emunim' ('Bloc of the Faithful') was an extremely influential settler movement in Israel, which has later become more institutionalized in the form of today's 'Yesha Council'. Its ideology may be described as messianic and fundamentalist. It was inspired by the teachings of Rabbi Abraham Isaac Kook (1865-1935), who founded the important 'Merkaz HaRav' Yeshiva in 1924 in Jerusalem, and of his son, Rabbi Zvi Yehuda Kook (1891-1982). Followers of this spiritual religious movement established numerous Jewish settlements in the West Bank already in the 1970s.

⁹ Itamar Ben-Gvir, who lives in the Jewish settlement of Kyriat-Arba, has recently become the Minister of National Security in the new government with extended powers.

¹⁰ Barak Ravid, 'EU Foreign Policy Chief: Israel's Land-grab Law Entrenches One-State Reality of Unequal Rights', *Haaretz*, 7 February 2017.

¹¹ Regarding the question of whether the term 'Apartheid' is appropriate for defining the situation in Israel/Palestine, see the recent reports: Michael Sfard, 'The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion, Position paper, *Yesh Din, June 2020*; 'A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This is Apartheid', *B'Tselem, January 2021*; 'A Threshold Crossed: Israeli Authorities and the Crime of Apartheid and Persecution', *Human Rights Watch*, April 2021; 'Israel's Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity', *Amnesty International*, February 2022; 'Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967', *United Nations Human Rights Council*, 25 March 2022; 'Israeli Apartheid: Tool of Zionist Settler Colonialism', *Al-Haq*, November 2022.

¹² Ian S. Lustick, *Paradigm Lost: From Two-State Solution to One-State Reality*, Philadelphia: Pennsylvania University Press, 2019.

¹³ For instance, see the article 'Is the Two-State Solution Still Viable?' Foreign Affairs, 24 August 2021.

¹⁴ The interviewees were asked very open-ended questions: how do they see the conflict? How, in their opinion, could it be resolved? What do they believe could be a way forward toward this solution? The questions were formulated in the most open-ended way possible, in order to obtain an authentic discourse, in the peoples' own words, and from their own perspectives.

¹⁵ The 12 interviews were conducted in the West Bank, in Arabic, by a Palestinian journalist. The interviewees requested to remain anonymous. Of the 12 political leaders interviewed, there were five Fatah-affiliated politicians; two Hamas-affiliated politicians; one representative of the Democratic Front for the Liberation of Palestine (DFLP); one representative of the Popular Front for the Liberation of Palestine (PFLP); one non-affiliated politician; one civil society representative promoting the establishment of an Israeli-Palestinian confederation; and one civil society representative promoting the creation of One Democratic State (ODS). Of the 12 interviews, four were conducted in Nablus, four in Bethlehem, three in Ramallah, and one in Tulkarem. Of the 12 interviewees, one was a woman. All 12 interviews were conducted between mid-January and mid-February 2022.

¹⁶ Nine interviews were conducted with Palestinian citizens of Israel: one was a Member of the Knesset; four were members of the Municipal Council of the city of Umm al-Fahm; one was a member of the city council of the mixed city of Lod/Al-Lydd; and three were prominent public opinion leaders in civil society. Most interviewees were affiliated with the Hadash party, while a minority were affiliated with the Balad party. Two of the nine people interviewed were women.

¹⁷ Interviews were conducted with nine elected representatives at the local level in Israeli settlements in the West Bank, who represent a certain variety of opinions within the rather mainstream Jewish population living in the West Bank. Three were from Ma'ale Adumim; two from Ariel; three from the Gush Etzion settlement bloc; and one from the northern West Bank area, or 'Samaria'. Two of the nine were heads of their local councils;

three were deputy Mayors; and four were ordinary members of the municipal or local council, but nonetheless members of the municipal coalition. Their Party affiliation was largely Likud (6 out of 9), alongside 'The Jewish Home' and 'Yamina'. The average age of the interviewees was 46 years old; four were under 40; two were aged 40-50; and only three were older than 50. Hence, they represent the emerging political elite of the Jewish settlers in the West Bank. Most of the settlers interviewed were orthodox Jews, while three were not religious. Two out of the nine interviewees were women.

- ¹⁸ Of the six, two were Members of the Knesset—one from Meretz and one from Hadash—while the other four were active in peace initiatives and campaigns.
- ¹⁹ Micah Goodman, 'Eight Steps to Shrink the Israeli-Palestinian Conflict', *The Atlantic*, 1 April 2019.
- ²⁰ Mainly Area C of the 'Oslo Accords', representing 61% of the territory of the West Bank.
- ²¹ Amos Yadlin, Udi Dekel and Kim Lavi, 'A Strategic Framework for the Israeli-Palestinian Arena', *The Institute for National Security Studies (INSS), Tel-Aviv University*, Special publication, March 2019.
- ²² 'Abraham Accord's Peace Agreement: Treaty of Peace, Diplomatic Relations and Full Normalization Between the United Arab Emirates and the State of Israel', signed on 15 September 2020.
- ²³ Jonathan Kuttab, *Beyond the Two-state Solution*, Washington: Nonviolence International, 2020, p. 18.
- ²⁴ Interview with Hugh Lovatt, 11 November 2021, via zoom.
- ²⁵ Statement by Mr. Mahmoud Abbas, President of the State of Palestine, United Nations General Assembly, General Debate of the 76th Session, 24 September 2021.
- ²⁶ Interview with a senior Fatah official, Nablus, February 2022.
- ²⁷ Leila H. Farsakh, 'Introduction: The Struggle for Self-Determination and the Palestinian Quest for Statehood', in Leila H. Farsakh (ed.), *Rethinking Statehood in Palestine: Self-Determination and Decolonization Beyond Partition*, California: University of California Press, 2021, p. 2.
- ²⁸ Interview with a senior member of the Fatah Youth movement, Nablus, February 2022.
- ²⁹ Interview with a member of the Palestinian Legislative Council (PLC), from a Hamas-affiliated party, Bethlehem, February 2022.
- ³⁰ Interview with a member of the Popular Front for the Liberation of Palestine (PFLP), Nablus, February 2022.
- ³¹ Interview with a member of the Palestinian Legislative Council (PLC), Hamas affiliated, Ramallah, February 2022.
- ³² Leila H. Farsakh, 'Introduction: The struggle for Self-Determination and the Palestinian Quest for Statehood', in Leila H. Farsakh (ed.) *Rethinking Statehood in Palestine: Self-Determination and Decolonization Beyond Partition*, California: University of California Press, 2021, p. 3.
- ³³ See Mahmoud Mi'ari, 'Transformations in Party Support and Trends for the Resolution of the Palestine Question', *Majallat al-Dirasat al-Filastiniyya*, issue 125 (Winter 2021), pp. 116-146.
- ³⁴ See Khaled Abu Toameh, 'Palestinian support for two-state solution losing ground, poll finds', *The Jerusalem Post*, 25 November 2021.
- ³⁵ See the polls of the Israel Democracy Institute. https://www.idi.org.il/articles/24845.
- ³⁶ See https://dataisrael.idi.org.il.
- ³⁷ Nasreen Haddad Haj-Yahya, Muhammed Khalaily and Arkik Rudnitzky, 'Statistical Report on Arab Society in Israel 2021', *Israel Democracy Institute and the Authority for the Economic Development of the Minorities Sector, Ministry of Social Equality*, March 2022. The official Israeli statistics include the Palestinian residents of East Jerusalem, annexed by Israel, who do not have Israeli citizenship. If we include the 362,000 East Jerusalem Palestinians, we reach a total of almost 2 million Arab Palestinians, or 21.1% of Israel's total population, according to Israel's Central Bureau of Statistics, updated 31 December 2021.
- ³⁸ See 'The Future Vision of the Palestinian Arabs in Israel', *National Committee for the Heads of the Arab Local Authorities in Israel*, 2006; See 'the Democratic Constitution', *Adalah*, 2007; and 'The Haifa Declaration', *Mada al-Carmel*, 2007.
- ³⁹ The Vision Documents may be a good starting point to examine an alternative future for Israel/Palestine as a whole, since they articulate an alternative to the current unequal one-state reality.
- ⁴⁰ Following the 'October 2000 Events', the Israeli government nominated a 'National Commission of Inquiry into the Clashes Between the Security Forces and Israeli Citizens on October 2000', headed by Justice Theodore Or, also known as 'The Or Commission'.
- ⁴¹ More recently, the killing of Shireen Abu Akleh, a senior Al-Jazeera journalist, in the Jenin refugee camp in May 2022 also illustrated how united the Palestinian people are across the territory of Israel/Palestine, as spontaneous reactions of choc, mourning, and anger over her killing were expressed not only in the West Bank and the Gaza Strip, but also among Palestinian citizens of Israel.
- ⁴² Gideon Elazar, 'Moving away from Partition: the Federal Road to Peace', *Israel Affairs*, Vol. 23 (3), 2017, pp. 575-589.
- ⁴³ Dahlia Scheindlin, 'The Confederation Alternative for Israel and Palestine', *Century Foundation*, February 3, 2020.
- ⁴⁴ Ian S. Lustick, lecture at Sapir College, Israel, 25 May 2022, via zoom.
- ⁴⁵ See also: Jeff Halper, *Decolonizing Israel, Liberating Palestine: Zionism, Settler Colonialism and the Case for One Democratic State*, Pluto Press, 2021.
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All. 2021.

- ⁴⁸ The Van-Leer Jerusalem Institute has a thinking group 'Partnership Based Peace' dealing with this.
- ⁴⁹ 'The Holy Land Confederation as a Facilitator for the Two-State Solution'. See
- https://www.monmouth.edu/news/documents/the-holy-land-confederation-as-a-facilitator-for-the-two-state-solution-english.pdf/ (last accessed 16 May 2022).
- ⁵⁰ Interview with Meron Rapaport, Co-founder of the A Land for All peace initiative, Tel-Aviv, 17 November 2021. Rapaport noted that these two sovereign states will establish joint institutions, a shared superstructure, and have an open border between them.
- ⁵¹ Virginia Tilley, *The One-State's Solution: A breakthrough for Peace in the Israeli-Palestinian Deadlock*, Michigan: The University of Michigan Press, 2005.
- ⁵² As'ad Ghanem and Dan Bavly, *Towards a Bi-National Homeland For Israelis and Palestinians: In Search of a Doable Solution A United Democracy* (Saarbrucken: LAP Lambert Academic Publishing, 2015), p. 152.
- ⁵³ Eiki Berg and Guy Ben-Porat, 'Introduction: Partition vs. Power-sharing?' *Nations and Nationalism*, *Vol. 14* (1), 2008, pp. 29-37.
- ⁵⁴ Interview with former MK Sami Abu Shehadeh, Head of the Balad party, Jerusalem, 22 November 2021
- ⁵⁵ Jonathan Kuttab, *Beyond the Two-state Solution*, Washington: Nonviolence International, 2020. Kuttab proposes power-sharing arrangements that include, for instance, a bi-national constitutional court, while in other significant ministries and public bodies, quotas must dictate the minimum number of representatives at the highest levels. In government ministries, the deputy of every ministry must belong to the other major group.
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- ⁵⁷ See the Venice Declaration of June 13, 1980, of the European Economic Community, which at the time included nine Member States.
- ⁵⁸ EU Foreign Affairs Council resolutions of 18 January 2016 and 20 June 2016 on the MEPP.
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- 62 Yossi Melman: 'What will Brussels do?', Haaretz, December 22, 2022.
- ⁶³ Informal exchange of views with Josep Borrell, EU High Representative for Foreign Affairs and Security Policy, at the EU-Israel Association Council on 3 October 2022. Available at www.newsroom.consilium.europa.eu
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- ⁶⁶ Séverine Auteserre, *The Frontliners of Peace: An Insiders' Guide to Changing the World*, Oxford: Oxford University Press, 2021.
- ⁶⁷ Such co-resistance joint Israeli-Palestinian grassroots initiatives exist in Sheikh-Jarrah in East Jerusalem and in the Masafer Yatta region in the Southern Hills of Hebron, for example.
- 68 Interview with former MK Sami Abu Shehadeh, Head of the Balad party, Jerusalem, 22 November 2021
- ⁶⁹ The six 'historical' cities are Haifa, Acre, Tel-Aviv-Jaffa, Lod/Al-Lydd, Ramla, and Ma'alot Tarshiha.
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- ⁷⁵ See also the special issue 'Lessons from the Northern Ireland Peace Process', *Palestine-Israel Journal*, Vol. 22, No. 1, 2017.
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Abstract

30 years after the Oslo Accords, the two-state solution seems less and less possible. Acknowledging the entrenchment of a one-state reality on the ground, what alternative solutions are possible, which would not be based on partition of the land? And what would be the concrete steps necessary for promoting such alternatives? Based on 38 interviews with Israeli and Palestinian leaders, the report argues that a paradigm shift is required — from partition and separation towards an alternative peace paradigm based on partnership and equality. The report also suggests three recommendations on the way there: dealing with the roots of the conflict; promoting genuine Palestinian-Israeli partnership; and a thorough reassessment of the European approach regarding Israel/Palestine 30 years after Oslo. These elements constitute a roadmap that could be useful to accompany the paradigm shift from partition and separation towards a peace paradigm based on partnership and equality.

About the Author

Dr. Yoav Shemer-Kunz teaches European politics at the University of Strasbourg and study abroad programs of US colleges. He studied sociology and political science at the University of Paris-VIII and at the University of Strasbourg, and obtained his PhD in political science from the Free University of Amsterdam; born and raised in Jerusalem.

Tel Aviv, January 2023

