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OPTIONS AND STRATEGIES FOR ISRAELI-PALESTINIAN PEACE

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Israel may be on the threshold of the first real opportunity for peace with the Palestinians since the Weizmann-Feisal talks of seventy years ago. Those talks in the end went nowhere, and it became obvious rather quickly that that was the case, and not all learned the lesson.

A New Spirit of Realism

Today there is a new spirit of realism on the part of the various parties to the conflict. It is an ambivalent realism in some quarters, especially among the PLO, but it is a new spirit of realism. What is characteristic of the change that has taken place in the last year or so is that messianic solutions have been dropped from the agenda of all but the fringes in both the Israeli and the Palestinian Arab camps.

This does not mean that all are willing to agree to the same kinds of

compromises that will be necessary for peace, but it does mean that they are approaching the question, whatever their conclusions with regard to the appropriate program, with a more realistic and a less messianic set of expectations. Of course one of the problems that has plagued the making of peace, that has limited the possibilities for the making of peace in the region, has been that there have been many messianic expectations involved on both sides, not only the visibly messianic and the literally messianic, but also the more subtle messianic expectations: the Palestinian expectation of having this homeland to themselves and getting the Jews out, except perhaps for those who were descended from people who were here before 1917 or whatever date they suggested; and, for that matter, the Zionist dream which was also a subtle messianic dream, even if it was not an

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overt one, that the Arabs were a peripheral problem and that they could be dealt with without recognizing the reality of their expectations and aspirations.

In sum, it has become clear to all but a few extremists that everybody has their claims, but almost everybody is coming to recognize that they will not be able to exercise those claims exclusively. That is why, in the last eight months or so, it seems that all the principals, in their public statements, are moving toward federal solutions. Here are a few examples:

Talk of "Confederation"

Yitzhak Shamir has been talking about confederation. By this he means a plan that is somewhere between limited autonomy and confederalization. He is referring to this as "confederation," a word that his predecessor, Menachem Begin, occasionally used, but it has been used more frequently by Shamir, at least in November-December-January of 1988. Shamir's "confederation" includes Israel and Jordan with autonomy for the Palestinians.

Yitzhak Rabin has been talking about confederation without Jordan. What he refers to is something more analogous to the United States and Puerto Rico, which he sees as being much less of a colonial situation. Puerto Rico has true autonomy as a commonwealth or, in Spanish, an estado libre asociado in an asymmetrical relationship with the United States. Rabin's plan envisions something like that for a Palestinian entity permanently linked to Israel.

The indigenous Palestinians now are talking about confederation. At least one has joined the movement for confederation that is being organized in Israel. We at the Jerusalem Center have been having private conversations with a number of very senior Palestinians, in which they have indicated that they also are looking for confederal solutions. However, their confederal solutions would involve much more of a Palestinian state with at least nominal sovereignty, more than perhaps many of us would wish, but they are talking confederation.

Yasser Arafat also has been using the word "confederation." He is the mirror image of Shamir. Shamir says confederation and means some autonomy; Arafat talks about a Benelux arrangement as confederation. Now anybody who knows the Benelux (that is, Belgium, the Netherlands and Luxembourg) arrangement knows that it is essentially a customs union that goes back to the 1920s, which provides for free movement of goods and people across borders. There are really no joint confederal institutions, and of course by now, with all three safely ensconced in the European Community, it is a very modest effort. So Benelux is his code word explanation for his definition of "confederation." But still he uses the term "confederation."

Shimon Peres talked about a functional solution for years: he drifted away from it for a number of years, talking about "land for peace," and "territorial compromise." Now he has also indicated that he has returned to some unspecified form of federal solution.

King Hussein, who does not want any part of the situation right now, in the long run is thinking of some kind of Palestinian-Jordanian confederation -- that is the term that he has used periodically. Under heavy pressure from President Mubarak of Egypt, he and Arafat have conducted negotiations over what a Palestinian-Jordanian confederation should consist of. Hussein told Arafat, "I will have to be recognized as the King," and Arafat agreed. Hussein said, "I will have to have control of foreign relations and defense," and Arafat agreed. They went down a list of everything. But one thing that Arafat could not agree to was that Hussein also wanted to control the secret police, because that of course meant the confederation would last about as long as Hussein felt comfortable with it. But a process of negotiations is occurring.

President Mubarak has insisted that there be a Jordanian-Palestinian confederation. Neither he nor King Hussein see a place for Israel in this, which is not acceptable to Israel, but they have been

talking in these terms.

The United States government, for some time now, has recognized the reality that probably only some kind of federal or shared-rule solution would work. Former U.S. Secretary of State George Schultz used to talk in general terms about a Palestinian entity that would be less than a state and would have to be linked with both Israel and Jordan. The present Secretary of State, James Baker, repeated that message in his famous speech to AIPAC in which the only thing that was quoted was the line about Israel having to give up its dream for a Greater Israel -- an unfortunate choice of words. But in fact, he spoke about a Palestinian entity that is not a sovereign state, but which is somehow linked with Israel and Jordan.

So each has his own version of something called "confederation," and despite the great gaps between them, they are on the right track, because the first step in the process is to agree as to the parameters of the solution.

Nevertheless, there is sometimes a great deal of distance from the first step to the second step. For example, the Greeks and the Turks in Cyprus have agreed that the solution in Cyprus will be a federation, but the Greeks want federation so that they can dominate the Turks, and the Turks want federation to escape from the Greeks. So they have not been able to go much further.

Federation vs. Confederation

There is a difference between a federation and a confederation. A federation has one overarching government, with units within it, like the United States of America, for example, in which there are the fifty states that share in the federal government, but the federal government is the overarching government. In a confederation, the locus of power is in the constituent units, who are united by some joint authorities that they have established to serve very limited purposes. There can be one general-purpose or multi-purpose joint authority, as was the case in the

United States from 1776 to 1789, or there can be a number of special-purpose authorities. This is the case with the European Community under the Treaty of Rome.

Eleven Possible Options

The Jerusalem Center for Public Affairs identified eleven different options for federal solutions in 1976 in work that we did for Shimon Peres when he was Minister of Defense. Basically, these options cover the possibilities, although the number of possible combinations of options is great. For example, in a process lasting over twenty years, Belgium went through a number of these stages and options, moving from an effort to provide some kind of recognition of the cultural demands of the Flemish population through various kinds of cultural councils, to a situation where on January 1 of this year Belgium proclaimed itself a federal state. At the present time, it not only has a territorial division of power, but also has cultural councils -- what in the Israeli context we would call "national councils" -- which overlap the territorial divisions to accommodate minorities of one community, Flemish or Walloon, or for that matter the German-speaking community in Belgium, who live in different parts of the country. The combinations are extensive.

The eleven basic options are:

1. An Israel-Palestine federation.
2. An Israel-Palestine confederation.
3. A federation of multiple Jewish and Arab cantons.
4. A Palestinian Arab state (or entity) associated with Israel as a federacy (on the model of Puerto Rico and the United States or the Aaland Islands and Finland).
5. An Israel-Jordan confederation with the Palestinian Arabs fully incorporated into the Jordanian polity.
6. An Israel-Jordan confederation with a Palestinian Arab partner federated with one or the other.
7. Israeli incorporation of the territories with an internal consociational arrangement put on a constitutional basis.

8. A totally non-territorial consociational federation within the entire area.

9. Condominium: joint Israeli-Jordanian rule over the territories with the local authorities attached to one or the other for civil purposes.

10. Various partial or sectoral federal arrangements such as a customs union, common market, or joint special-purpose authorities serving two or three states with the capability of being further expanded (e.g., to include Lebanon).

11. Bifederate arrangements with different kinds of links between Israel, Judea, Samaria and Gaza, or Israel and the territories with or without Jordan.

Right after the Six-Day War, the option that this author personally favored was that of multiple Jewish and Arab cantons, leaving Jordan out of the picture and dealing out the West Bank of the river entirely under an overarching Israeli government. That would have been good in 1969 or 1970. It was an option that probably could have been introduced at that time. There was no consensus on the Israeli side and there certainly was no initiative on the Palestinian Arab side for such an arrangement, and after 1973 and the Yom Kippur War, that option fell by the wayside entirely.

There was then a substantial stretch of time during which many at the Jerusalem Center preferred the Israeli-Jordanian condominium option. There were two versions of it that we proposed: one with the cantonal sub-system, and another one in which there would have been an interlacing of Jewish and Arab localities under a joint council. Yet now this also does not seem possible.

The Peres-Hussein Agreement

We actually came very close in the late summer-early fall of 1986 to working out a condominium arrangement with Jordan. Then-Prime Minister Shimon Peres actually had reached an agreement with King Hussein of Jordan and the two governments were beginning to implement a de facto condominium, but unfortunately

events overtook this effort, in great part because of the change of government in Israel. Peres, who had worked out this arrangement rather carefully with Jordan, felt constrained to call for an international conference before everything was in place in the condominium arrangement, and so it, too, fell by the wayside.

At this moment, it seems that while such an arrangement could work on an interim basis, we at least have to offer something beyond an interim arrangement if the Palestinians are going to agree to it.

Impact of the Intifada

The truth is that the intifada has changed the situation. What has happened in the territories cannot be ignored, it cannot be treated as simply a matter of whether or not the PLO has changed its tactics, which is a very important issue but it is not the sole issue, but rather what the Palestinian Arabs in the territories will accept -- what they can be brought to accept. There is room for a great deal of movement on both sides with regard to what people will accept. It is a very fluid situation, and this is an occasion where political leadership really can make a difference. Strong, articulated, confidence-generating political leaders in Israel and among the Palestinian Arabs could change the public opinion of their respective constituencies very drastically in one direction or another. There is now such a thing as public opinion among the Palestinian Arabs in Judea, Samaria, and Gaza, and that public opinion makes greater demands than perhaps they would have made before the intifada began.

So the direction we have to go is to reestablish some kind of federal connection between whatever Palestinian entity is established west of the river and Jordan. Hussein may not want it, but he may not have a full choice in the matter, any more than any of the parties has a full choice in the matter. All the parties have to make some concessions, and that may be the concession which Hussein has to make.

Assuring Israeli Security

From Israel's point of view, the Jordan-Palestinian connection will have to be more in the way of a federation than a confederation; in other words, there would have to be a clear understanding that whatever Palestinian entity would come into existence could not become a separate sovereign state by its own unilateral decision.

That arrangement, in turn, would have to be part of a confederal arrangement, of a confederation with an Israel with expanded boundaries (relative to the old "Green Line"), so that Israel's security situation would be sufficiently enhanced. While Israel would have to give up primary authority over some segment of the land west of the river, it would not give up all of its rights and presence anywhere west of the river. It would give up exclusive authority, but it would retain a confederal authority, a share in whatever joint ruling body would be established to handle those tasks that were entrusted to the confederation.

The truth is that all parties would like to be as separate from each other as possible. At the same time, to the extent that they recognize that they must come together, this possibility offers the best chance for success. This confederation could be governed through some kind of general authority, or perhaps through the European Community model of a "package" of special authorities, assigned different tasks, in which all the parties involved would be represented.

Possibilities and Difficulties

Implementing federal solutions requires, first of all, a will to federate or confederate, the will to embrace those solutions on the part of the parties involved. Up to now there has been no such will among the mainstream groups involved. That will is beginning to emerge out of necessity, not out of love. This often has been the case in other, similar situations. Cultivating the will to federate is the first step.

The second step is to begin to think

federal. All parties have to move away from the question of sovereignty and think more about how to handle functions and responsibilities, while putting the sovereignty issue aside. There are many ways to do so: it is possible to vest sovereignty in a constitutional document, it can be vested in the people or in some joint authority, but the issue has to be moved away from the legal question of sovereignty to the question of living together. Finally, there has to be a transition period in which these things are allowed to develop.

We have reached the stage in this land where everyone in it needs peace. The Palestinians need peace if they are going to have anything. Israel needs peace because the world is changing. The world is moving into an era in which regional conflicts are going to be increasingly subject to international pressure for resolution, and the international community is going to become increasingly open to those states that are not involved in protracted conflicts, but closed to those that are. Israel also has a great need to reach out in ways other than militarily to its region and to the world.

This is not some hope for a messianic era in the Middle East. It is simply a reflection of the realities of an increasingly interdependent world in which Israel will not be allowed to preserve the status quo. Under these circumstances, we would be advised to seriously explore these options and to find one that will suit us and our not so friendly neighbors, who will some day have to be our partners.

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Daniel J. Elazar is President of the Jerusalem Center for Public Affairs. His most recent book is People and Polity: The Organizational Dynamics of World Jewry (Detroit: Wayne State University Press, 1989). This Jerusalem Letter/Viewpoints is based on his presentation at the JCPA's First Annual Public Policy Day.

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