

Samaria have been ruled jointly by Israel's military government and the Palestinian Authority.

In 1996, following the implementation of the 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip,²⁷ 98 percent of the Palestinians living in the areas came under the jurisdiction of the Palestinian Authority. The remaining 2 percent of Palestinians, as well as all the Israelis residing in the areas, continued to be governed by the Israeli military government. As we will see in Chapter 10, the Palestinian Authority, after taking power, ended the freedoms the Palestinians had enjoyed under Israeli rule and torpedoed their economy.

Everyday life under the Israeli military government undoubtedly provides more freedom and more economic opportunities, to Palestinians and Israelis alike. Israeli military control facilitates the terror-free environment that attracts investment and that enables Palestinians to move freely between Israeli population centers and their homes in Judea and Samaria for employment, marriage, and myriad other endeavors.

However, the military government also has clear drawbacks for both Palestinians and Israelis living in Judea and Samaria. As we shall discuss more fully in Chapter 10, the military government administers the areas through the Jordanian legal code and military orders promulgated since 1967, rather than through Israeli law. As a result, routine activities for the residents—from dealing with traffic accidents to criminal activities to agricultural and planning and zoning issues—are more wracked with bureaucratic hassles than they are for Jewish and Arab citizens living in sovereign Israel. Land registration, for instance, is nearly impossible.

Furthermore, Israel's inability to trust that the hostile Palestinian security forces will prevent terrorists from killing Jews requires Israel to set up roadblocks on roads. Roadblocks are a primary tool for fighting terrorism. But they make travel cumbersome and dangerous for Jews and Palestinians alike.

Both the Palestinian Authority and the Israeli military government were established as temporary measures that would end once peace was established between Israel and its neighbors. The initial peace accord, signed between Israel and the PLO in September 1993, envisioned that the Palestinian Authority would be replaced by a permanent Palestinian governing authority in five years. Instead the Palestinian Authority has now been governing the Palestinians for twenty years. Likewise,

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the military government was supposed to end when a permanent peace
was reached between Israel and Jordan or the Palestinians, just as it was
ended in the Sinai in 1981 following the implementation of Israel's peace
treaty with Egypt. It is now forty-seven years old.

CLIMBING OVER A BRICK WALL

As events have demonstrated, the PLO was never interested in fulfilling
its part of the bargain it signed with Israel. Whereas Israel ceded lands
to the PLO, the group has refused peace and so has refused to establish
a permanent governing authority. As we shall see in Chapter 10, the Pal-
estinian Authority—the government that the PLO set up—rules as an
authoritarian kleptocracy, whose leaders are less interested in building a
coherent state and cementing peaceful relations with Israel than in steal-
ing from the public trough, suppressing the Palestinians, and inciting ha-
tred and violence against Jews. Fear, rather than trust, is the dominant
feeling that Palestinians hold toward their PLO government. The two-
state solution, it has become clear, is a recipe for war, repression, and
poverty—not for peace, freedom, and prosperity.

Today there are no local Palestinians to whom Israel can safely trans-
fer control of Judea and Samaria, or with whom Israel can exercise joint
control of the areas. What constituency there may be for peaceful coex-
istence is a small minority that has no capacity either to sway the hearts
and minds of their brethren or to implement any peace treaty that they
could hypothetically sign with Israel.

The Jordanian option is also a dead end. Israel's initial hope for a con-
federation with Jordan that would involve Jordanian sovereignty over the
Palestinians of Judea and Samaria has no chance of being implemented—
and indeed it never had such a chance.

After Jordan took control of Judea, Samaria, and Jerusalem in 1949,
the regime annexed the areas and gave Jordanian citizenship to all the
Palestinian Arabs living there. During the PLO-controlled Palestinian
uprising against Israel in 1988, Jordan's King Hussein, in a bid to mend
fences with the PLO but also to weaken it, announced that Jordan was
renouncing all its administrative and legal ties to the areas. Following his
speech, the Jordanian government revoked the Jordanian citizenship held
by all Arabs on the west bank of the Jordan.²⁸ Ever since, Jordanian legal



scholars have claimed that Hussein's move was itself illegal, in breach of Jordan's constitution and international law.²⁹

Despite this criticism, sometime around 2004 Hussein's son and successor, King Abdullah II, began arbitrarily revoking the Jordanian citizenship of ethnic Palestinians living in Jordan. His government also began removing ethnic Palestinians from the Jordanian armed forces and from positions in the government.³⁰

Realistically, while the last word has not been spoken about the nature of the Palestinian-majority monarchy in Jordan, Jordan will be neither willing nor able to join a confederation with Israel at any time in the foreseeable future. Moreover, how long the minority Hashemite monarchy will survive, or who will replace it if it is overthrown, is unknowable. For all these reasons, the Hashemites cannot be considered viable partners with Israel for governing Judea and Samaria.

Lacking the option of forging a peaceful relationship with a Palestinian government, or of forming a confederation with the Jordanian government, Israel is left with three main options:

1. Reassert the military government as the sole governing body.
2. Maintain the current dual governance by the military government and the Palestinian Authority.
3. Incorporate Judea and Samaria into sovereign Israel.

The problem with option one, reasserting the military government as the sole governing body of the areas, is that it is not tenable over the long term. Certainly from economic and civil liberties perspectives, the Palestinians lived better under Israel's military government than they did under any prior government (or under the Palestinian Authority), but military government is not a reasonable long-term option. Both Arabs and Jews have the right to expect to be governed by a democratic, civilian government.

As for option two, maintaining the current dual system of governance: if joint rule with the PLO was a viable long-term option, the two-state paradigm would also be viable—and indeed, a Palestinian state would have been established fifteen years ago. Unfortunately, as we saw in Chapters 1 to 5, Palestinians from every part of the political spectrum

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have made clear through word and deed that they are uninterested in peacefully coexisting with the Jewish state under any conditions that would allow the Jewish state to survive. And so maintaining the joint rule that has been in effect for the past twenty years is no more viable than the two-state peace option.

This leaves us with option three: applying Israeli law to the areas, thereby incorporating them into sovereign Israel.

THE ISRAELI SOLUTION

Israel needs to control Judea and Samaria. It needs to be able to defend itself from the threats of Palestinian terrorism and external forces alike. Equally important, renouncing its rights to Judea and Samaria would mean denying Jewish history and heritage, and so emptying the Jewish state of meaning. Israel cannot do that.

For more than twenty-five years, due to successive Israeli governments' preference for the ideal over the good, Israeli leaders have pursued chimerical peace processes with the PLO and doomed confederations with Jordan instead of considering the viability and the desirability of applying Israeli law to Judea and Samaria, and incorporating the areas and their Palestinian residents into Israel.

Applying Israeli law to the areas would end the authoritarian repression that the Palestinians suffer under the rule of the Palestinian Authority. As permanent residents of Israel, with the option of applying for Israeli citizenship, the Palestinians would find themselves living in a liberal democracy where their individual rights are protected.

Contingent on security concerns—applied on an individual rather than on a communal basis—Palestinians will have the right to travel and live anywhere they wish within Israeli territory. Similarly, Israeli Jews will also be allowed to live anywhere they wish. All prohibitions on property and land sales to Jews will be abrogated.

From the outset, as permanent residents of Israel, Palestinians will have the right to elect their local governments. Those that receive Israeli citizenship in accordance with Israel's Citizenship Law will also be allowed to vote in national elections for the Knesset. The Israeli education system will be open to them. The Israeli economy will be open to them.

To be sure, there are many serious concerns about such a plan.

From an Israeli perspective, the principal concern remains the same as it was in 1967: the fear that the sudden influx of a large, unassimilated Arab population will destabilize the country and endanger the Jewish character of the state. This issue will be discussed in depth in Chapter 8.

From an American perspective, the incorporation of Judea and Samaria into Israel will require Washington to acknowledge that the two-state paradigm has been a disastrous failure, and to cease its funding of the Palestinian Authority and its armed forces. Chapter 18 will consider the ramifications of this acknowledgement for U.S. interests.

Finally, the application of Israeli law to the areas will block the possibility of a confederation between Israel, Jordan, and the Palestinians. But that prospect has been impossible since 1967.

In essence, then, the main thing that the Israeli one-state plan—that is, the application of Israeli law over Judea and Samaria—requires of both Israel and its closest ally is that they embrace reality, with all its opportunities and threats, and stop chasing fantasies of perfect resolutions.

The mechanics of the policy are fairly straightforward. Israel will apply its laws to Judea and Samaria and govern the areas as normal parts of Israel. The military government will be dissolved, as it was in the Golan Heights in 1981, when Israel applied Israeli law to that area.

The Palestinian Authority will be dissolved. Its security forces will be disbanded and disarmed, and the Israeli military and police will assume full security responsibility for the whole of the country. Israel will place reasonable limits on eligibility for citizenship. For instance, past or current membership in terrorist organizations, and past or current incitement to violence against Israel, should disqualify an individual from acquiring citizenship.

The PLO will no longer be the representative of the Palestinians in Judea and Samaria. Like their fellow Israeli Arabs and Jews, if they apply for and receive citizenship, the Palestinians in Judea and Samaria will be duly represented by legislators in the Knesset whom they elect. And all of them will be represented in their local governments by officials they will elect.

As I will discuss in detail in the coming chapters, implementing Israeli law in Judea and Samaria will doubtlessly cause a host of difficulties for Israel—not least, that such a move will burden its welfare services.

ous concerns about such a plan. The principal concern remains the same: a sudden influx of a large, unassimilated Arab population into the country and endanger the Jewish state. This will be discussed in depth in Chapter 8. In addition, the incorporation of Judea and Samaria into Israel, the unwillingness of the United States to acknowledge that the two-state solution has failed, and to cease its funding of the Israeli military forces. Chapter 18 will consider the implications for U.S. interests.

Israeli law to the areas will block the possibility of a confederation with Jordan, and the Palestinians. But since 1967.

arguing that the Israeli one-state plan—that would cover Judea and Samaria—requires of the Palestinians that they embrace reality, with all its unpleasant aspects, rather than clinging to their wishful thinking. The proposals are fairly straightforward. Israel will continue to administer and govern the areas as normal parts of the state. The Golan Heights will be dissolved, as it was in the Golan Heights, and Israeli law to that area.

be dissolved. Its security forces will be absorbed into the Israeli military and police will administer the whole of the country. Israel will grant citizenship to all who apply. For instance, past or present membership in organizations, and past or current involvement in terrorism, should disqualify an individual from

being a representative of the Palestinians in the Knesset, as well as Israeli Arabs and Jews, if they apply for citizenship. Palestinians in Judea and Samaria will be able to elect representatives to the Knesset whom they elect. And all of the local governments by officials they will

In the coming chapters, implementing the plan will doubtlessly cause a host of difficulties. The move will burden its welfare services.

However, this policy has one key advantage that the two-state policy and the confederation-with-Jordan policy lack: it is a viable, realistic option, not a pipe dream. It also has an advantage over the option of prolonging the current dual governance by the Palestinian Authority and the Israeli military government: it is fair, liberal, and democratic.