

The Way Forward on Settlements: Advice for Trump From Two Veteran Mideast Negotiators

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Only a new U.S. policy that accepts some settlements while rejecting others would practically maintain the viability of two states in the future.

Incoming Presidents usually like to demonstrate how different they are from their predecessors. After the U.S. abstained on a United Nations Security Council resolution condemning Israeli settlement policy, President-elect Trump tweeted that "things will be different after January 20." In this area, at least, a change from the Obama approach is needed.

Israeli settlements in areas expected to be part of an eventual Palestinian state are a problem -- and make peace more difficult to achieve. Historically, however, settlements have not been the main impediment to peace, as Israel has demonstrated a readiness to dismantle them. It did so first when it withdrew from the Sinai as part of peace treaty with Egypt and then again when it withdrew unilaterally from Gaza in 2005.

Yet from the outset of his administration, President Obama placed a special focus on this issue as he called for a complete settlement freeze, including on natural growth. No Israeli prime minister, on the left or the right, ever adopted such a position.

The President went further in his June 2009 speech in Cairo, declaring that "the United States does not accept the legitimacy of continued settlements." By declaring them illegitimate, Obama was essentially ruling out the one formula that had been in play since Israeli negotiators had first raised it in Camp David in the year 2000: create settlement blocs in an area of the West Bank largely adjacent to the June 4, 1967, lines.

In roughly 5% of the West Bank, Israel could absorb 75% of all the settlers. In return for these settlement blocs, there would be territorial exchanges provided to the Palestinians.

Obama himself would later come to understand the value of this formula. In two speeches in 2011, the President proposed a parameter for borders -- 1967 lines and mutually agreed swaps. Unfortunately, while sketching those terms, the administration continued to criticize all settlement activity, even that which takes place in the putative blocs. In other words, Obama's approach treated all settlement construction beyond the June 4, 1967, lines as equal -- certainly one reason that even those Israelis who have little sympathy for the settlers find the President insensitive to Israel's predicament.

Just as the Obama administration has adopted an undifferentiated approach on settlements, so, too, is the current Israeli government doing much the same with its support for legislation that would legalize dozens of small settlements east of the Israeli security barrier even if those settlements are on private Palestinian land. Designed to placate the right wing's response to the Israeli supreme court's order to evacuate Israeli settlers from Amona -- an unauthorized settlement built on privately owned Palestinian property -- the new legislation essentially rules out any differentiation on settlement construction. Regrettably, neither approach is compatible with a two-state outcome.

Donald Trump, who has said he would like to be the one to solve the Israeli-Palestinian conflict, has an interesting choice to make. He can change the Obama policy by giving the Israelis a pass on settlements -- in which case we will be headed for a one-state outcome and a perpetual conflict. Or he can change Obama's policy and adopt a differentiated approach to settlements -- one in which the U.S. would accept building within the blocs because that is consistent with a two-state outcome, but opposes construction outside them, because it is not.

Prime Minister Benjamin Netanyahu continues to emphasize that he favors two states for two peoples. A differentiated approach to settlements would allow Trump not only to demonstrate his difference from Obama but also provide cover for Netanyahu from his right.

Repeatedly, Netanyahu has used expected pressure from the U.S. to hold back the right within his government. With Trump's victory, and his appointment of an ambassador to Israel, David Friedman, who favors settlement construction without limits, the Israeli right wing sees a blank check, not pressure, coming from the new administration.

Thus, paradoxically, Netanyahu needs U.S. understanding on limiting Israeli settlement activity to the blocs to avoid facing an excruciating political decision. American silence on settlements would force the Israeli prime minister to choose between his own understanding that building outside the blocs will, in time, turn Israel into a state that loses its Jewish character and becomes binational, or stopping such building and facing the wrath of many within his own political base.

Only a new U.S. policy that accepts some settlements while rejecting others would practically maintain the viability of two states in the future. Will Trump make the wise choice?

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