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Jewish Enclaves in a Palestinian State

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The death of Rabbi Menahem Froman five weeks ago touched many people from different sectors of society, including those with diametrically opposed political views. The Tekoa rabbi embodied a deep and creative pursuit of peace, without reservation and without fear. Eretz Shalom ("Land of Peace"), the movement that united his young supporters, posits that under a peace agreement with the Palestinians, settlers who wish to give up their Israeli citizenship and receive Palestinian citizenship may do so, as long as they remain in their current locations. In their view, a Jewish minority will ensure democracy in the Palestinian state. In previous rounds of negotiations on a permanent settlement, this possibility was actually raised by Palestinian negotiators. "Welcome," they greeted their Israeli interlocutors, inviting anyone who wished to do so to become a Palestinian citizen.

A massive evacuation of settlements located outside the large settlement blocs, home to about 100,000 residents, will be necessary if future Israeli governments seek (or are required to) implement the principle implied by two states for two peoples. This will be highly challenging, traumatic from a human and societal perspective, and politically problematic. At the same time, most of the difficulties can be overcome with advance national planning of the evacuation, suitable compensation, internal Israeli dialogue that unites the population, appropriate legislation, and a comprehensive and empathetic plan to resettle those evacuated.

Nonetheless, the evacuation of tens of thousands from their homes and their settlements, including forcible evacuation of those who refuse to leave at the behest of the government, is a difficult task for the country, and could potentially result in bloodshed and civil war. Thus there is a need to examine other, less conventional ideas that could reduce the number of Israelis living beyond the final borders of the State of Israel who will need to be evacuated, including the idea of retaining Jewish settlements as enclaves

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within the borders of a Palestinian state, provided that it is in the context of a permanent agreement that brings about an end to the conflict.

The idea appears impractical, first and foremost from a security perspective, especially given the state's responsibility for the security of all its residents and citizens, both within its borders and beyond. Nonetheless, an initial analysis of this possibility is in order, irrespective of any opinion on its political or diplomatic feasibility.

The idea itself is not new. A territorial enclave is sovereign territory of a state that is not connected by land to the main territory of the state and is entirely surrounded by land territory of another state. There are territorial enclaves that extend over large areas of thousands of square kilometers, but enclaves are generally small, comprising an area of several square kilometers or even less. In most instances, there is no problem traveling from the enclave to the mother state, but sometimes, passage involves a complex administrative procedure. The world political map shows approximately 300 territorial enclaves. Some 200 of them are located near the border between India and Bangladesh, some 20 are found on the border between Holland and Belgium, and the rest are located in various areas of Europe and Asia.

The Jewish settlements outside the large settlement blocs in the West Bank can be divided into three categories of enclaves: sovereign Israeli enclaves within Palestinian territory; autonomous Israeli settlements under Palestinian sovereignty; and settlements of Jews in the territory of a Palestinian state with no special status.

The largest settlements – Ariel, Ma'aleh Adumim, Efrat, Kiryat Arba – with tens of thousands of residents, will remain under full Israeli sovereignty as part of the State of Israel, and their residents will remain Israeli citizens. Agreed-upon routes will be used for passage to and from these settlements to other areas in the State of Israel, and traffic on these routes will be unrestricted, without oversight by the Palestinian state. Today, the total population in these settlements is 69,000, and their built-up areas total 7,700 dunams. This area will be taken into account during the discussion of exchange of territories between the State of Israel and the Palestinian state. If Efrat and Ma'aleh Adumim remain within the boundaries of the State of Israel as an integral part of a permanent border, only Ariel and Kiryat Arba will remain as two enclaves that are home to some 25,000 people on a built-up area of some 3,500 dunams.

Ten mid-size settlements, each home to between 2,000 and 7,000 people, will be in the territory of the Palestinian state and under its sovereignty, but they will conduct themselves as if they were autonomous in all respects. These settlements are Beit El, Ofra, Emanuel, Kfar Adumim, Kochav Yaacov, Eli, Kedumim, Talmon, Karnei Shomron, and Shiloh. Any Israeli in these settlements will keep his Israeli citizenship, and the settlements will conduct their lives independently in all municipal-social-

administrative areas, such as education, social services, and health. The total population in these settlements is some 40,000, and their built-up areas total 8,500 dunams.

The residents of some sixty-five small and isolated settlements with a total population of 36,000 who decide to remain in their homes will be able to retain their Israeli citizenship and also receive Palestinian citizenship. These settlements will be under the full sovereignty of the Palestinian state. The residents will retain their right to ownership of their private lands and the public areas in the settlement, but in all other matters, including the right to vote, they will be citizens of the Palestinian state. Those who remain in these settlements will be subject to the sovereignty and the laws of the Palestinian state, as Israeli Arabs are subject to the sovereignty of the State of Israel. The territory of these settlements will not be taken into account during the discussion on exchange of territories between Israel and the Palestinian state.

A permanent status agreement on the basis of the principles reviewed here could ensure the continued existence of some of the Jewish settlements and make forced evacuations unnecessary. The residents themselves will choose whether to remain in their homes. Over time, some and perhaps most of this population will choose to return to the borders of the State of Israel of their own volition and receive compensation for the private property they left behind in the settlements, while others will remain willingly within the borders of a Palestinian state on the basis of the proposed models. This action will be taken freely and without the use of force, and occur over a lengthy period of time.

Another positive aspect is that the areas of the enclaves can be expected to be limited compared to the extensive areas of the settlement blocs discussed until now. Creation of the enclaves will reduce the need for territorial “fingers” in the direction of Kiryat Arba, Ariel, and Emanuel, which will reduce the amount of land needed for land swaps with the Palestinians in a peace agreement. The land of the settlements in the second category (autonomy) and the third category (residence and citizenship) will be under the sovereignty of a Palestinian state, and thus it will not be necessary to “pay” for them with territory west of the Green Line.

Nevertheless, there is a decided possibility of friction and clashes between the enclaves and their Palestinian surroundings, which could develop into a state of high intensity open conflict. Many experts believe that from political, security, and practical aspects, the idea is not at all feasible, even in a state of full peace.

In 2000 President Bill Clinton called upon the sides to think not only about borders and sovereignty, but also about creative, long term territorial arrangements. Under conditions of a permanent status solution, the possibility exists that agreement can be reached on the idea presented here.