Shifting the Paradigm

Lessons from the peace process and a new road map for the resolution of the Israeli-Palestinian conflict

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In 1993, Yitzhak Rabin and Yasser Arafat stepped onto the White House lawn and signed a historical declaration of principles that led Israel and the PLO down a new path of political agreement. Roughly a quarter of a century later, we have to ask ourselves: What went wrong?

"The mutual consensus was that “nothing is agreed until everything is agreed”"

The Israeli-Palestinian conflict has been waging for decades, in a never-ending cycle of military, economic and social confrontations alongside several reconciliation attempts between the two sides. However, since the First Intifada in 1987, several changes have occurred that converged in two main periods. In the first period, 1988-2000, support grew among both Israelis and Palestinians for the formula of “land for peace” and a small majority was formed on both sides supporting a political arrangement based on the two-state solution. In the second period, from 2000 and up to the present day, the trend reversed and faith in a diplomatic arrangement shrank on both sides.[1] After Israel's 2005 disengagement from Gaza, support for a political arrangement re-emerged, but collapsed again after the war in Gaza a decade later.[2]

The political process in the first period culminated at the negotiations over a permanent agreement at the Camp David summit in 2000. After the deadlines set out in the Oslo Accords passed, and despite stubborn, and at times, violent opposition from both sides, the leaders of Israel, the PA and the US decided to hold a peace summit at the highest levels. But even before they convened, it became clear that the distance between Ehud Barak and Yasser Arafat’s priorities was great. In a letter he sent President Clinton ahead of the summit, Arafat stated that as early as 1988, he had expressed a willingness to make do with 22% of historic Palestine, and therefore expected Israel not to demand further territorial concessions. He also made it clear that he did not intend to give up the right of return for refugees. However, if the issues of Jerusalem, refugees and territory were adequately addressed, he would have no problem compromising on security issues. [3] Meanwhile, Barak made a speech in the Knesset ahead of the peace summit, laying out the opposite principles: Israel would not return to the 1967 borders, Jerusalem would remain united under Israeli sovereignty, there would be no foreign army in Palestine, and Israel would not take responsibility for the refugee problem.[4]
Despite the vast differences between the parties’ opening positions, the Americans managed to force them to compromise. [5] Throughout the entire summit, it was evident that not all core issues were equally important to both parties. For example, for the Palestinians Jerusalem was the most important issue in the summit, while Israel prioritized security and territory. The mutual consensus was that “nothing is agreed until everything is agreed”. However, the talks failed and about two months later, the Second Intifada erupted, embroiling the two sides in a violent, protracted struggle that marked the beginning of the second period in Israeli-Palestinian relations. In 2001, Ariel Sharon was elected prime minister; in 2002, Israel launched Operation Defensive Shield, sending IDF forces into combat throughout the West Bank. After the operation, Israel began building a long wall separating its sovereign territory from Palestinian centers of population. Since then, Israeli security forces have continued to operate throughout the West Bank. These actions led to a turning point and a decline in Palestinian terrorism. The Israeli public grew convinced that military action had succeeded where negotiations had failed. The Palestinian public concluded that the Oslo Accords had not managed to end Israel’s military and civilian occupation.

Yet the international community continued to demand that Israel end the occupation. At the time, the majority of Israelis refused to continue to pay the heavy toll of continuing to control another people. [6] As a result, Prime Minister Sharon decided to implement the disengagement plan and, in 2005, the Israeli government withdrew all its military forces and civilians from the Gaza Strip. In 2006, Ehud Olmert was elected prime minister in Israel and Hamas won the Palestinian elections. In response, Israel imposed a partial but tight blockade on the Gaza Strip. [7] Since then, the Palestinians in Gaza have been imprisoned in a severe humanitarian crisis, while Israelis living nearby suffer from ongoing rocket barrages. In 2007, the Annapolis process was launched between Israel and the Palestinians, with international mediation. In 2008, Olmert offered Abbas a new, detailed proposal to resolve all the core issues. Yet despite the minor differences between positions, Abbas chose not to respond. In December 2008, war broke out between Hamas and Israel, later followed by two large-scale wars and limited rounds of fighting. The Obama administration tried to promote several rounds of negotiation, but both sides hardened their positions and refused to make any conciliatory gestures. Today, there is no longer an Israeli or Palestinian majority that believes in the feasibility of a political agreement. [8]

The Failure of the Peace Process

Political support for a permanent agreement fell for two reasons: (a) the failure of the negotiation attempts in the period 1988-2000 and 2008, and (b) the weakening of the PA’s autonomous institutions as of the Second Intifada in 2000.

Why did the negotiations for a permanent agreement fail? Explanations can be organized into four groups:
The first group of arguments contends that the talks failed due to random problems not related to the agreement itself. For example, the fact that Israeli PM Olmert was under legal investigation at the time caused the Palestinians to fear reaching a compromise with him, as he might be replaced.\[9\] This explanation seems to fall short though: if the Palestinians were indeed willing to accept Olmert’s offer, they could have publicly declared that it was acceptable in principle. At the very least, they could have declared in real time that the proposal was closer to their positions. Representatives on both sides did so, seven years earlier, at the conclusion of the Taba Summit in 2001, although it was clear that Ehud Barak would be replaced in the next elections within weeks. Therefore, the overwhelming Palestinian response to the Israeli proposal cannot be explained by Olmert’s fragile legal status.

“There is no longer an Israeli or Palestinian majority that believes in the feasibility of a political agreement”

The second group of explanations addresses the ambiguity inherent to the Oslo Accords. From the outset, the Israeli side and the Palestinian side had different and even contrasting expectations from a permanent agreement. Already in 1988, the Palestinians established the determined vision of a Palestinian state alongside Israel, while Israel progressed slowly without presenting a firm public vision. The Oslo Accords stipulated that progress should be made through irreversible interim measures on the ground, consciously ignoring the conflicting expectations of the parties and without a clear Israeli vision for a permanent settlement. This led to a breach of trust. First, throughout the 1990s, the loss of trust caused both sides to try to act unilaterally to improve their position leading up to the final status negotiations. Israel expanded the settlement infrastructure and the Palestinians knowingly turned a blind eye to terror. Second, Israel’s lack of clarity drove Ehud Barak to initially present tough positions and quickly withdraw from them. As a result, the Palestinians concluded that Israel could be pressed into further concessions, which made them harden their own positions.\[10\] Yet this group of explanations can only account for the failure of the talks between Arafat and Barak in 2000. In contrast, eight years later, Olmert presented the Palestinians with a comprehensive, detailed vision. His proposal was preceded by Israel’s withdrawal from Gaza and without further expansion of settlements. It was clear to all concerned that the proposal was final and would be dropped from the agenda if the Likud party was elected; yet the Palestinians did not respond.

The third group of explanations focuses on the mass psychology of conflict. According to this approach, both the Israelis and the Palestinians fostered the false notion that the other party is cruel and not interested in peace. The longer the conflict lasts, the more each party has to justify its victims and therefore more staunchly refuses compromise. According to these explanations, Palestinians believe that the Jewish minority in the otherwise Arab space will eventually collapse, while Israelis believe that their strength will force the Palestinians to compromise. Both communities have a large religious population that believes God supports their political policies and therefore there is no need to adjust them. All this created aggressive opposition on either side that impeded the peace process.\[11\] This group of explanations highlights the considerable difficulties that strengthened the opposition, reducing the leaders’ margins for negotiation. Yet it
cannot be denied that, despite the hostility between the two peoples, the peace process was implemented and leaders on both sides agreed to significant compromises. It seems that analyses of mass psychology are not sufficient to explain why Olmert and Abbas did not overcome the remaining minor differences between them.

The fourth group of explanations emphasizes the historical contradictions between the policies of the Zionist movement and of the Palestinian national movement. However, most scholars who emphasize this aspect tend to take a one-sided approach. Pro-Israel researchers believe that the Palestinian national movement cannot recognize Israel as a Jewish state, and therefore its leaders cannot forgo the right of return or recognize any Israeli affiliation to the Temple Mount, as this would be the end of their internal legitimacy. Pro-Palestinian scholars believe that Israel inherited the Zionist movement’s ethno-Jewish and colonialist views, which is why the Israeli leadership cannot allow the Palestinians real sovereign power as part of an agreement. They argue that this is also why the Oslo process created only a semblance of real public institutions for the Palestinians, while the real power remained in the hands of Israel, which kept up its colonialist policy.

This set of arguments seems to provide the most accurate explanation for the failure of the peace process, if we put aside the one-sided approach of its proponents. A combined analysis of the historical contradiction between the goals of the Zionist movement and the goals of the Palestinian national movement can explain the gap in expectations that led to the failure of the final-status negotiations. This contradictory disposition has been accompanied by a socio-economic trajectory that has proven detrimental to any efforts to deescalate the conflict: Over the last 100 years, the Zionist movement and its successor, the State of Israel, gained power at the expense of the Palestinians. The stronger Israel grew in terms of land, population, social cohesion and economic and military power, the more the Palestinians lost the very same resources. As I will show below, the reason for the persistence of this trajectory lies with domestic politics on either side, and therefore the moral responsibility for the continuation of the conflict lies with both sides.
lethal cycle. These developments have cemented mutual belief in a power structure in which the gain of one party is the downfall of the other. Anyone who challenges this power balance is perceived on both sides as undermining “the just cause”.

"The majority that supported the peace process in both the Israeli and Palestinian societies expected contradictory outcomes”

The 1990s peace process was an honest attempt to work around the problem by establishing two states to physically separate between Israelis and Palestinians. But even the political majority that supported the process on either side expected contradictory outcomes. The deep structure of the mutual relationship did not change. Therefore, even around the negotiation table, any achievement of one party was necessarily perceived as coming at the expense of the other. The Palestinian majority expected an independent state in all the territories of 1967, with East Jerusalem as its capital and without any Israeli presence. The Israeli majority, on the other hand, expected to annex part of the territory, including large parts of East Jerusalem, and to retain certain freedom of military operation in the Palestinian state. The Palestinians also expected Israel to recognize the right of return and the entitlement of all refugees and their descendants to return to Israel as they wish, while the Israelis agreed only to very limited entrance to refugees, and for humanitarian reasons only.

The Israeli-Palestinian Win-Lose System

To overcome the conflicting expectations, the leaders tried to take a “barter” approach. The Israeli side agreed to give up land and
symbols to maintain the Jewish-democratic character of the state. Therefore, the Israeli leaders had to maintain a Jewish majority in Israel and ensure military arrangements that would provide security for its citizens. In addition, Israeli leaders tried to transfer as many settlers as possible to its sovereign control. The Palestinian side agreed to compromise on security and to some extent on territorial issues, but persisted on preserving key national symbols concerning Jerusalem and the right of return. This is a comparison of the parties’ priorities:

“What really stymied the negotiations was the refugee issue”

These priorities created three problems: First, the “barter” approach prevented the parties from agreeing on every issue separately. The only consensus was that “nothing is agreed until everything is agreed”. Therefore, any achievement around the negotiation table was eliminated by a disagreement on another issue. Second, a broad opposition emerged on both sides that did not agree with the ranking of the priorities. In many cases, the opposition also became identified with religious beliefs and political conservatism.

Nevertheless, as noted, the leaders managed to overcome these difficulties. What really stymied the negotiations was the refugee issue.[14] At the high point of the talks in 2008, the gaps between the parties on all other issues were minimal. On borders, the difference was only 4.6% of the land. On Jerusalem, Israel was willing to relinquish exclusive control of the Jewish Quarter and the Western Wall, leaving a gap of 2.2 square km in the Old City. On security, Olmert and Abbas achieved major breakthroughs, and many negotiation-team members believe that this issue was very close to resolution.[15]

But regarding the refugees, the gaps were unbridgeable. The Palestinians tried to compromise, but to no avail. Abbas did not want to change Israel’s demographic composition, but no Palestinian leader could give up on the right of return without risking civil war. The Palestinian interpretation of the right of return holds that only the refugees and their descendants can relinquish their right to return to their land. Therefore, the Palestinians can only agree on a mechanism to incentivize refugees to waive their right, not deny it from them. Olmert and Abbas agreed that only 80,000 refugees would enter Israel.[16] However, they did not agree on the mechanism that would prevent the other millions of refugees from entering Israel later.

[17] On this issue, the parties cannot barter. As the table of priorities shows, both sides rank this issue relatively high and therefore find it difficult to compromise. As a result, they cannot agree on the other core issues, because “nothing is agreed until everything is agreed”.

All of the above only pertains to the failure of the peace process. Yet the Second Intifada, the Gaza war, and the collapse of Arab states in the region proved to most Israelis that there is another problem: the weakness of Palestinian society and institutions serves as fertile ground for terrorism against Israel. The Palestinian factions are not united, and the social and traditional structure of Palestinian society is shaky. The Israeli occupation makes it even harder to gradually introduce stability. As a result, a reasonable scenario is that a rapid Israeli withdrawal would end in an internal Palestinian war, leading to terrorist attacks against Israelis. This is what happened in the Second Intifada, when Arafat allegedly “did not have full control of elements on the ground”. The same occurred between Fatah and Hamas after Israel withdrew from Gaza. Therefore, Israelis cannot be expected to entrust
their fate to Palestinian security forces. This means that even the compromises that Barak and Olmert made in the past on security are no longer acceptable to most Israelis.

A New Proposal for a Political Agreement

It follows from the above that a permanent Israeli-Palestinian agreement must be based on changing the structure of relations between the two parties. This is not just a territorial conflict, and it is not enough to draw a border between the two peoples. An agreement must lead to a new Israeli-Palestinian relationship founded on mutual prosperity (win-win). That is, compromise will not be based on alienated trading-off of core issues, but on a shift in priorities based on an agreed logic that is beneficial to both parties.[18] The four principles of an alternative Israeli-Palestinian arrangement are hereby outlined.

First, the agreement must be based on fail-safe mechanisms to address a possible defection of either side on core issues. As the parties currently have contrasting expectations, Israelis and Palestinians cannot be required to “take each other’s word for it”. This requires a unique mechanism that would allow the IDF to operate independently to protect Israelis, and enable Palestinian political independence without depending on the good will of Israel.

"The Palestinian factions are not united, and the social structure of Palestinian society is shaky."

The idea of a confederation between Israel and Palestine, is therefore out of the question. Confederations are based on trust between two sovereign actors who relinquish parts of their sovereignty in favor of a shared system. That is also why it is untenable to leave settlers in their homes in Palestine or introduce Palestinian refugees into Israel, if they are only made permanent residents but not citizens. Residents who are not citizens cannot fight to receive resources from the country’s authorities. To increase its resources, this population is more likely to turn to crime or plead with the authorities. Settlers or Palestinian refugees who are not citizens of the country they live in will be forced to place an unreasonable degree of trust in the good will of the other side. Therefore, it must be unequivocally stated that the status of all people in the area of the agreement should be equal before the law in their place of residence, and that every person should be a citizen of the state in which he/she resides.

"Every person should be a citizen of the state in which he or she resides"

Therefore, a separate Palestinian state along the 1967 borders will be established alongside Israel, with land swaps. The responsibility for security would pass into the hands of the Palestinians, but the IDF would remain deployed in limited places. Well-founded grounds for a threat of any type to Israeli security would permit the IDF independent entry into the remaining parts of the Palestinian state, for limited periods of time, at repeated intervals, until the threat passes. Alongside the independent authority of the IDF international observers will guarantee ongoing impartial reporting to the international community. This way, the Israeli security establishment and the international community will establish a transparent set of checks and balances regarding security threats originating from the Palestinian territories. After a probationary period, and according to the situation that develops, all Israeli forces
would fully withdraw into Israel and would be allowed to re-enter Palestine only in an emergency. An emergency will be defined as a risk to Israeli lives that Palestinian security forces cannot or wish not to eliminate. Re-entry of Israeli forces into Palestine will restore the internal mechanism of checks and balances until the threat is eliminated and Israeli forces will once again fully withdraw from the Palestinian state territories.

Second, a new policy of reconciliation must be defined. While the political agreement should be signed as soon as possible, reconciliation between the communities will likely take decades. This means that even after the signing of an agreement, opposition to it and various mutual injustices will not stop immediately, but will continue for many years. Therefore, it is important to make sure that actions to ensure Israeli security and the growth of the Palestinian state will not be contingent on each other.

Popular support for a diplomatic arrangement ought to be based on a shared logic that will be immune to objections and to predictable military confrontations. A new narrative must be developed to bridge the conceptual gaps between Zionism and the Palestinian national movement. Proponents of a peace deal on both sides must declare that the wrongful acts of one party do not justify injustices by the other, and that both parties have national rights that cannot be challenged. They must boldly declare that Palestinian terrorism on one hand, and the occupation, the Nakba and Israeli discrimination on the other, are unacceptable. One wrong does not justify another, and does not deny rights. To break out of the bloody cycle, the parties need to pardon each other. To that end, joint frameworks for research, education, religion, culture and economy should be established without delay, to encourage discussion of the historical disputes between the parties and reduce differences. These frameworks should be popular and not identified with a small elite. This will create the political legitimacy the leaders of both sides need to safeguard Israeli lives and at the same time strengthen the Palestinian state, both socially and economically.

Third, the only way to achieve such far-reaching political rewards is to change mutual priorities concerning populations and national symbols. Israel and the Palestinians need to redefine their policies on settlements, the right of return and the Temple Mount, so that the goals of the historic Zionist movement will no longer be in conflict with the goals of the Palestinian national movement.

In conclusion, any final-status agreement between Israel and the Palestinians must be based on fail-safe mechanisms, mutual pardon, and changing the priorities of both sides regarding population and national symbols without damage to the historical mission of either national movement. Based on these three assumptions, a new political approach to a future permanent agreement can be proposed:

Israel will recognize the Palestinian right of return and the fundamental right of every refugee and his or her descendants to become a citizen of Israel or receive compensation. However, the actual
naturalization of Palestinian refugees in Israel will be limited, so as to preserve a solid 70% Jewish majority in Israel, and provided they are absorbed properly and gradually over a period of fifty years, in a process that would include the establishment of new Palestinian towns. The practical significance of this proposal is that any refugee or offspring will be entitled to choose between three options: 1) accept Israeli law and authority, and await one’s turn for naturalization; 2) move to the Palestinian state; 3) receive compensation. If the Palestinians do not comply with the terms of the agreement, Israel will stop their absorption process until the matter is settled. In addition, at no point in time will Israel's Jewish and democratic constitutional principles be altered except by a majority of 75% of the citizens, which includes an absolute majority of Jews.

"Only in this way, when the parties agree to allow a minority community from the other side to naturalize in their independent state, will they prove that they are interested in reconciliation."

On the other hand, the Palestinian government will allow Israelis living in the West Bank to choose whether to evacuate or remain in their homes as Palestinian citizens with equal rights and duties, alongside their Israeli identity and citizenship. Israel, for its part, will compensate settlers who will be evacuated or choose to leave their homes. The outline for arranging the civilian status of Israelis in Palestine and the compensation of Palestinians for the past will be discussed with the consent of the governments of Israel and Palestine.

The Israeli-Palestinian Win-Win System

Only in this way, when the parties agree to allow a minority community from the other side to naturalize in their independent state, will they prove that they are interested in reconciliation. This is the only way to resolve the burning issue of the right of return. It will also open up the possibility that the settlements will cease to be the driving force of the occupation and become equal partners in the construction of the Palestinian economy. In this scenario, Israeli society will see Jewish citizens in the Palestinian state as emissaries of goodwill that strengthen the Jewish connection to the historic Land of Israel and an important strategic component of Israel's foreign and security policy. All other options for a political agreement, which include broad evacuation of settlements without recognizing the right of return, will not enable the reconciliation needed to prevent a certain clash between a powerful Israel and a fragile Palestine.

In this framework, East Jerusalem will be the capital of Palestine and the western part of the city will be the capital of Israel, with land swaps. Given the intense controversy regarding sovereignty over the Temple Mount, and to break out of the current dead end, any solution regarding the future of the compound must be achieved through consent rather than coercion, neutralizing the mutual hostility. The familiar ideas of shared or international sovereignty will inevitably be based on freezing the status quo and the hostility. Another solution could be to restart relations between Israel and the Palestinians in the Temple Mount compound. The new solution must create new gains for both parties, while also requiring them to engage in dialogue. The al-Aqsa compound can be handed over to full Palestinian sovereignty, and along the Southern Wall
outside the mosque area a new institution of Jewish heritage in Jerusalem will be built, to serve as a unifying national symbol for the Jewish people. After that, the State of Israel will submit a formal request to the Palestinian state to form a Jewish area of prayer on the Temple Mount, and allow the Israel Antiquities Authority to carry out archaeological excavations. The advantage of this proposal is that the Palestinians will have full sovereignty, while the Jews will get a better option than any other to enhance domestic cohesion improving their status in the Holy Basin. The proposal will give each party independent sovereign authority and will require them to manage the compound in a bilateral format. From a Jewish perspective, the proposal will replace the current deadlock based on an “all or nothing” policy, with a new policy based on the old Jewish and Zionist approach that seeks to achieve that, which is possible.

Implementing the above three principles will redefine the mutual priorities. This is what the new priorities will look like:
The table shows that placing security and borders-settlements at the top of Israel’s priorities leads to a positive correlation between the Israeli and Palestinian approaches. An issue that is tough for Palestinians to compromise on is an issue that is easier for Israel to compromise on, and vice versa. This creates an internal logic of compromise on every issue and the parties can move on to an agreed relationship of mutual prosperity. This new model is naturally not without its risks. However, the current situation is also full of potential risks. If this model were to be implemented, while these risks cannot be avoided, at least there will be an agreement between the parties that defines the relationship between them on how to deal with these potential risks. Thus, in the best-case scenario, the might help in solving the conflict, and in the worst-case scenario help to stabilize the relationship between the conflict parties. Either way, the model offers a better option than the current reality in the field.

The fourth principle relates to the transition period between the current situation and the signing of the agreement. To mobilize the desired change, Israel will have to be the first to change its priorities. The Palestinians’ weakness bars them from making new concessions without a guarantee that they will be met with a positive response on the Israeli side. Israel, on the other hand, is strong and controls the territory, so it will lose nothing by being the first to introduce concessions. For Israel to agree, it will have to believe that shifting its unilateral stance will lead to unprecedented internal unity and comprehensive international support, regardless of the Palestinian position.

Therefore, in the interim period before a final-status agreement, Israel must allow the Palestinians to build towns, villages and new social institutions throughout the West Bank, to form a modern infrastructure for a future Palestine. This must be complemented by cooperation between settlers willing to be naturalized in the future state and their immediate Palestinian neighbors. Should the settlers continue to contravene international law, harm the rights of Palestinians and the fabric of their lives, and refuse to naturalize in the future Palestine, they will be evacuated and receive compensation from the government of Israel even before the final agreement is signed.

“To mobilize the desired change, Israel will have to be the first to change its priorities”

These interim measures need to be founded on solid public support in Israel. Therefore, the first phase requires convincing an initial group of Israelis on the right and left to jointly support the new diplomatic arrangement and the interim measures it entails. In the second stage, it will be possible to expand support on the right and left, demonstrating that the new political order has the potential to lead to unity within Israel. As public support expands across the Israeli political spectrum, the state will be able to take more interim measures in favor of the Palestinians. Consequently, popular support for terrorism on the Palestinian side will also decrease.
Conclusion

In conclusion, in the quarter century since the Oslo Accords were signed, support for an Israeli-Palestinian agreement has collapsed. The main goal should now be to bring about a profound shift that will revive popular support, based on a broad consensus among the Jewish and Palestinian populations between the Jordan River and the Mediterranean Sea. To sign a sustainable agreement, the issues of settlements and refugees must be transformed from an obstacle to a resource for peace. Only in this way will Israel and Palestine live side by side, for many generations, in peace and prosperity.

"To sign a sustainable agreement, the issues of settlements and refugees must be transformed from an obstacle to a resource for peace"

The Anahnu (Together) Movement, an organization my colleagues and I established, is working to implement a political agreement in light of the four principles detailed above.
Endnotes


[5] However, Israel moved further from its opening positions than the Palestinians.


Shared with me in an interview with a member of the negotiation team. The number stated matches reports by other sources.


Ibid.
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