

Best Line of Defense: *The Case for Israeli Sovereignty in the Jordan Valley*



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Policy Project Staff, Contributors and Advisors

JINSA Staff & Contributors

.....

Michael Makovsky, PhD
President & CEO

Gen Charles “Chuck” Wald, USAF (ret.)
*Distinguished Fellow/Senior Advisor, Gemunder Center for Defense & Strategy;
Former Deputy Commander of U.S. European Command*

Sander Gerber
Distinguished Fellow, Gemunder Center for Defense & Strategy

Steven Rosen
Senior Fellow, Gemunder Center for Defense & Strategy

Charles B. Perkins
Director for U.S.-Israel Security Policy

Abraham Katsman
Fellow, Gemunder Center for Defense & Strategy

Advisors

.....

IDF MG (ret.) Yaakov Amidror
Distinguished Fellow, Gemunder Center for Defense & Strategy

IDF MG (ret.) Yaacov Ayish
Senior Vice President for Israeli Affairs

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I. Executive Summary

Israel's recently declared intent to extend sovereignty to parts of the West Bank beginning in July, based on the Trump peace plan, has sparked passionate discussion. Often overlooked is the distinction between Israel extending its sovereignty to all proposed areas of the West Bank, versus just to the Jordan Valley. The former encompasses 29 percent of heavily populated areas in the West Bank, while the sparsely populated Jordan Valley comprises just 15 percent of the West Bank's landmass.* And the Jordan Valley is a critical slice of strategic territory that holds the key to Israel's security.

At JINSA's Gemunder Center, we focus on U.S. strategic and security interests, and in this paper we explain that U.S. national security interests would be well served if Israel enshrined its permanent control of the Jordan Valley by acting now to extend its sovereignty there. This will boost the security of Israel, as well as Jordan, two pivotal American allies in the region.

We believe it important to consider the status of the Jordan Valley on its own terms and dispassionately. The rationale for applying Israeli civil law there is primarily strategic, differentiating the issue, at least in part though certainly not wholly, from the political and often sentimental considerations that inform the broader debate about West Bank Israeli and Palestinian population centers and territory.

The security of Israel has been a vital U.S. national security interest for over half a century. That interest has only grown as Islamic extremism and the long reach of Iran menace much of the Middle East, and as the United States seeks to reduce its presence there. Israel has stepped up its efforts to hold back the growing disorder and especially Iran's aggression, in the process protecting not just itself but regional partners like Jordan and Gulf Arab states, which are also close American allies.

To play this role effectively, however, Israel must remain secure. And the security of the Jewish state, in turn, necessitates permanent Israeli sovereignty over the Jordan Valley, which it has controlled for 53 years, since the Six Day War. The late Israeli Prime Minister Yitzhak Rabin, revered globally for his efforts to make peace with the Palestinians, stated to the Knesset a month before his assassination in 1995 that a sustainable peace required that "the security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term."¹

Indeed, the Jordan Valley serves as a defensive buffer protecting Israel against attacks from the east, the West Bank from terrorist infiltration, and Jordan from potential instability or hostility originating from the West Bank or elsewhere. These risks cannot be underestimated. The region remains in flux and the upheaval of the past decade is likely to continue. The Hashemite Kingdom, the majority of which is Palestinian, could be overthrown by the Muslim Brotherhood, Islamic State, Palestinians or other forces, offering an opening for Iran or other nefarious actors to threaten Israel from Jordan. Israel has saved Hashemite Jordan before, most notably in 1970 when PLO leader Yasser Arafat sought to overthrow the kingdom. The Palestinian Authority (PA) in the West Bank, which already sponsors terror against Israel, could become more

* This excludes the ancient city of Jericho, to which Israel is not now considering extending sovereignty. Jericho currently has a population of about 20,000, mostly Palestinians.

radicalized through elections (if ever permitted) or overthrown by Hamas, which seized control of Gaza from the PA in 2007 and has used it to smuggle in and manufacture missiles and rockets that it has launched against Israel, including in three wars.

Yet, Israel has faced pressure to relinquish control over the Jordan Valley. Previous American peace plans in 2000 and 2014 envisioned Israel ceding control of the Valley to certain alternative, and inadequate, security arrangements. These plans also minimize the costs – in time, Israeli casualties, and in American and world opinion – if Israel would need to reassert control in the Jordan Valley and other parts of the West Bank if they and/or Jordan become bases for attacking Israel like Gaza or south Lebanon. A future Democratic or Republican administration could pressure Israel to accept these, or even more radical, proposals, with potentially significant political costs if Jerusalem refuses.

Thus, the Trump Administration’s support for Israeli sovereignty in the Jordan Valley — its plan states, “The Jordan Valley, which is critical for Israel’s national security, will be under Israeli sovereignty”— could be a rare chance for Israel to assure its security and that of its tacit Arab allies, too.²

Israel’s current political alignment is also very favorable to do just that. Its unity government of the dominant center-left and center-right parties now has significant parliamentary support for applying sovereignty, demonstrating broad, bipartisan agreement among the Israeli public and their elected representatives. This move would be difficult to undo in the future, requiring an unlikely two-thirds of the Knesset or a majority of Israeli voters in a referendum.

The expectation of such an Israeli decision has provoked passionate opposition – to what critics incorrectly call “annexation”^{*} – by many Democratic Members of Congress, Arab and European leaders, and various American experts on the Middle East. The highly regarded Emirati Ambassador to Washington took the unprecedented step of expressing his opposition in an op-ed in an Israeli newspaper.³ Criticism ranges from claiming the lack of a pressing need to alter the status quo, to concerns that the decision could spoil Israeli relations with Arab countries and torpedo prospects for an Israeli-Palestinian peace agreement. These charges do not sufficiently distinguish between the Jordan Valley and other areas of the West Bank.

There will certainly be costs associated with incorporating the Jordan Valley into Israel proper. Yet, when it comes to the specific issue of the Jordan Valley, we believe that, given the benefits of enshrining permanent Israeli control, these regrettable costs are likely to prove manageable and short-term.

Indeed, despite public opposition voiced by some Arab states, the overwhelming convergence of their interests with Israel, which has led to warming ties, are too vital to countenance a full break over Israeli policy in the Valley. This is true for the Gulf Arab countries, but it is especially true for the Hashemite Kingdom, which requires for its survival close security and intelligence ties with Israel, as well as growing economic ties, such as subsidized Israeli deliveries of natural gas and water.

^{*} The media and critics of Israeli plans use the term “annexation,” but that word suggests one country taking territory that is legally viewed as belonging to another. As we explain in this paper, we don’t believe that is the case here. Hence, extending Israeli civil law or sovereignty is a more accurate description.

Nor is extending Israeli sovereignty to the Jordan Valley likely to foreclose future security cooperation with the Palestinians, including negotiations for Palestinian statehood. The Palestinians, like the Jordanians, need security cooperation with Israel for their own survival. Two years after Israel withdrew its forces from Gaza in 2005, Hamas grabbed power from the PA and would have assassinated its president, Mahmoud Abbas, if not for Israeli intervention. Moreover, the PA's budget is highly reliant on Israeli tax transfers. The peaceful daily lives of the 9,000 Palestinians now living in the Valley (along with 15,000 Israelis) would not change under Israeli sovereignty, and neither should Israeli-Palestinian relations.

Extending Israeli sovereignty to the Jordan Valley also would not torpedo chances for an Israeli-Palestinian peace agreement. In fact, it likely would improve the chances for one. Peace talks can succeed only if they are realistic, and one challenge for reaching an agreement, or even for commencing negotiations, has been the yawning gap between what the Palestinians demand and any Israeli government can accept – hence Palestinian rejection of very favorable terms for 20 years. Enshrining permanent Israeli control over the Jordan Valley, which any Israeli government will insist upon, could well offer a dose of much needed realism to the situation, as well as convey to the Palestinian people that time continues to work in their disfavor.

In this unique moment, the United States should support Israel's extension of sovereignty to the Jordan Valley, which Israel must permanently and physically control to defend itself while advancing U.S. security interests.

II. Geostrategic Importance of the Jordan Valley

Israel has not had a recognized eastern boundary at any point in its 72-year history, but there has long been consensus among Israeli political and military leaders and the general population that Israel must permanently control the Jordan Valley.⁴ This is not surprising, considering that the Valley's depth creates a formidable barrier and provides a far more defensible and natural boundary than the so-called Green Line, or pre-1967 line. This is especially true in the current geostrategic context of an increasingly violent and unpredictable Middle East and, with it, Israel's need for defensible borders.

In short, the Jordan Valley's geography and topography render it vital to Israeli national security. And that makes the Valley critical to the Middle Eastern order as well.

A. Geostrategic Context

For more than a decade, Israel has watched the Middle Eastern order recede in the face of three interconnected security threats: state failure, extremism and Iranian aggression.

By creating security vacuums and replacing friendly governments with more hostile ones, the ongoing Arab uprisings have appreciably raised the risks of strategic surprise for Israel in its own front yard, including in Egypt and the Palestinian territories but also potentially in Jordan. This turmoil has enabled Islamic State, al-Qaeda and other terrorist groups to establish safe havens and bases of operations across the region, including on Israel's Syrian and Egyptian borders, which also threaten Jordan. Though down, these groups are not out, and might still reconstitute themselves. Meanwhile, Iran has exploited the upheaval to extend its footprint surrounding Israel. Iran has expanded Hezbollah's rocket and missile arsenals while its other proxies have emplaced themselves in Syria and Iraq, creating the potential for missile and drone attacks and cross-border incursions into Israel and Jordan.

As these threats have worsened, and as the United States reduces its own commitments and presence in the region, Israel has emerged as the sole regional actor proactively addressing them. It is rolling back Iran's military presence on the ground in Syria and Iraq while confronting Sunni terrorist groups along its borders, including in Sinai. Moderate Arab states have taken notice that Israel's strength is an asset to them against Tehran and the further spread of Islamic extremism, making possible greater, even if still mostly unspoken, security cooperation and diplomatic outreach. Neither Israel's burden in defending itself by itself, nor Arab states' tacit support for a forward-leaning Israeli security posture, are likely to diminish in the foreseeable future. The former necessitates Israel's continued control of the Jordan Valley; the latter lowers its political costs.

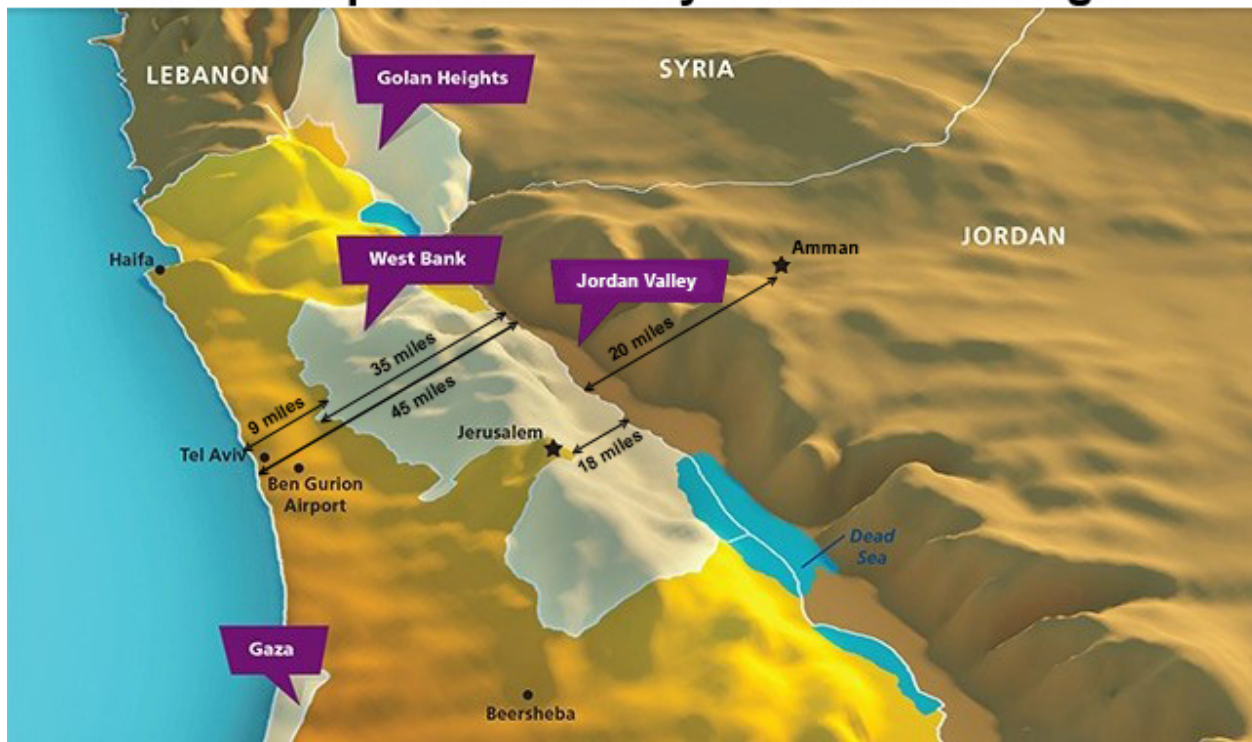
B. Vital Geography for Israel

The Jordan Valley runs north-south along both banks of the Jordan River – which marks the Jordan-Israel border – for some 65 miles between the Sea of Galilee and the Dead Sea. The Valley is between 40 and 60 miles east of the Mediterranean, which forms Israel's western

border. Part of the much larger Great Rift Valley extending from Lebanon to Mozambique, the Jordan Valley is the lowest on earth – roughly 1,300-1,400 feet below sea level – despite being only 2-10 miles wide. On the western slope, the hills of Judea and Samaria rise some 3,000-4,600 feet above the Valley floor; movement up out of the Valley to the west is channeled by these hills into five narrow passages. The same hills also tower over Israel's “waist” further to the west – its narrow, densely-populated coastal plain that is home to approximately 70 percent of Israel's population, 80 percent of its industrial capacity and significant critical infrastructure.⁵

The Jordan Valley is resource-poor and sparsely populated. According to the parameters in the Trump peace proposal, the Jordan Valley constitutes 15 percent of the West Bank landmass and is home to roughly 9,000 Palestinians in 14 communities, as well as 15,000 Israelis in 30 settlements – corresponding to one-third of one percent of West Bank Palestinians and two percent of its Jewish population.⁶ Almost 90 percent of the Jordan Valley has been designated Area C, land in the West Bank which remains under full Israeli control under the Oslo Accords, and it constitutes nearly 40 percent of the total square mileage of Area C.⁷

Relief Map: Jordan Valley and Surroundings



Map credit: AIPAC/JINSA

These features of the Jordan Valley make it uniquely favorable and critical for Israel's self-defense and strategic depth. Its precipitous terrain creates a formidable natural barrier to attack from the east, one that is anchored on the northern and southern flanks by two large bodies of water.⁸ Furthermore, any force striking Israel or the West Bank from the east would have to attack uphill while being funneled into the handful of steep draws leading westward out of the Valley, making them relatively easy targets for defending Israel Defense Forces (IDF). As part of its initial plan to defend the Valley after the 1967 Six Day War, Israel built a series of military outposts on the Valley's western ridge and linked them together with the so-called Allon Road. This road is commonly, if informally, understood to constitute the Valley's western edge.

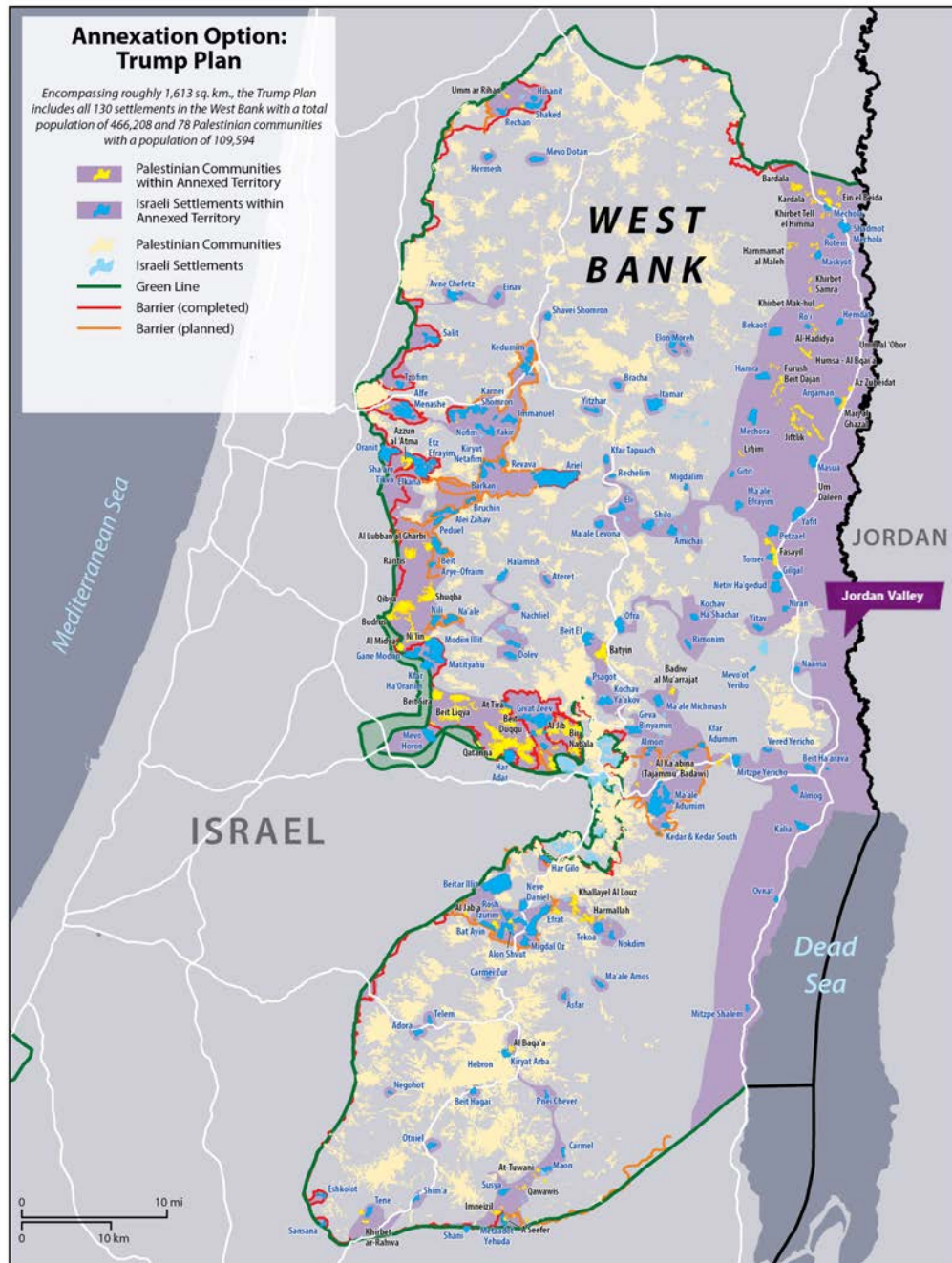
Accordingly, the Valley provides a robust barrier to deter or deny attacks from Jordan, whether by Iran and its proxies attacking from Syria or Iraq through the Hashemite Kingdom, or from Jordan itself should the kingdom collapse and/or be replaced by a regime much less friendly to Israel.

Control of the Valley ensures Israel's ability to reliably detect and intercept terrorists, smugglers and others seeking to infiltrate either the West Bank or Jordan, thereby ensuring any Palestinian entity – including a possible future state – would remain demilitarized, which any Israeli government would insist upon. For example, Jordanian troops and armor invaded through the Valley when Israel did not control the area in 1948 and 1967, but notably refrained from attacking when Israel controlled it during the 1973 Yom Kippur War. Israel's experience with Gaza further underscores this imperative. It controlled a strip along the Gaza-Egypt border called the Philadelphi Corridor, which enabled the IDF to intercept cross-border weapons smuggling both ways between Gaza and Sinai. Upon leaving Gaza in 2005, the IDF also left this buffer zone, leading to drastically increased rocket fire on Israeli population centers, including wars in 2008-09, 2012 and 2014.



Map credit: Graphic News

By contrast, much of the pre-1967 line, which followed the western edge of the Judean and Samaritan hills, is far less advantageous and defensible for Israel. Adversaries holding the hills have both offensive and defensive advantages over Israel's low-lying demographic and economic heartland to the west. Today, if they could be infiltrated through the Valley into – or even worse, manufactured in – the West Bank, even short-range unguided rockets and anti-tank munitions could threaten much more of Israel's homeland than the same capabilities that already are employed in Gaza, southern Lebanon and southwestern Syria. This vulnerability, though partially mitigated by Israeli defensive systems, further necessitates Israeli control of the Jordan Valley in order to prevent the smuggling of rocket and missile parts and technology into the West Bank.



Map credit: The Washington Institute for Near East Policy

Furthermore, in raising the risks of the West Bank becoming another, but more dangerous, Gaza, Israeli withdrawal from the Valley could raise the concomitant risk of Israel eventually having to reenter parts of the West Bank in force to reassert control, even if limited and temporary. Israel's past experiences offer daunting lessons. During the Second Intifada (2000-05), when the West Bank became a launching pad for terrorist attacks that cost roughly 1,000 Israeli lives, Israel nevertheless waited more than a year, after about 300 Israelis had already been killed, before reentering the territory in what became a long and highly costly operation to restore quiet.⁹ Though the challenges are less stark than in the West Bank, the IDF has also been reluctant to conduct anything beyond very limited ground offensives, if at all, in its three major conflicts with Hamas after withdrawing from Gaza in 2005. Similarly, after withdrawing from southern Lebanon in 2000, Israel had to reenter in 2006 in a limited, but very costly, incursion against Hezbollah – and it will have to do so again, likely at great cost to itself in terms of casualties and world opinion, in a future large-scale war there.

If future negotiations with the Palestinians resume to discuss a Palestinian state in the West Bank hills, continuing to hold and control the vital topography of the Jordan Valley will be even more important for Israel to continue to defend itself by itself.

C. Importance of Israeli Control for Regional Order

The benefits of Israeli control of the Jordan Valley do not extend to Israel alone, however. From this critical position, Israel is able to defend against threats that could undermine regional stability, particularly in Jordan and in the Palestinian territories, but also beyond.

1. Jordanian Security

Israeli control of the Jordan Valley is critical for Jordan's security. The Valley serves as a cordon sanitaire protecting Jordan, as well as Israel, from infiltration of terrorists and illicit arms. Without the IDF, current and future enemies of the Hashemite Kingdom could embed themselves in the Jordan Valley to infiltrate terrorists or launch rocket attacks on Jordan, whose capital Amman is only 20 miles away.

Most worrisome for Jordan would be the possibility that the Jordan Valley follows the same political trajectory as Gaza. There, in 2007, two years after Israel withdrew, Hamas violently seized control from the Palestinian Authority (PA), turning the area into a base of regular military attacks against Israel. Or like it did in 2006, Hamas could ascend to control the West Bank by winning elections, were they ever to be held.

Such scenarios in the West Bank are not improbable and would pose grave risks for Jordan as well as Israel. Palestinians of West Bank origin, who make up a majority of Jordan's citizens, have previously sought to wrest control of the kingdom. In 1970, Yasser Arafat, the mentor of the PA's current head, Mahmoud Abbas, promoted an uprising among Palestinian citizens of Jordan to overthrow then King Hussein. Should Islamist terrorists, such as Islamic State, al-Qaeda or Hamas seize control of the PA or a Palestinian state if one emerges, they, too, might seek to extend their control across the river or establish rocket-launching infrastructure targeting the Hashemite Kingdom.

Without Israeli control of the Valley, a West Bank extremist enclave could rise to the level of an existential threat to the kingdom. At minimum, it could pose a nagging security challenge requiring constant attention, thousands of troops and a great deal of money, plus significant

Israeli help, which was required in 1970 to save the Jordanian king and more recently to assist Egypt with addressing Islamic State fighters in the Sinai.

By securing the Jordan Valley, Israel limits the security and financial resources Amman must deploy in the area, allowing it to focus on other challenges and contributing to the kingdom's stability.

2. Palestinian Security

Security cooperation between Israel and the PA serves both sides, and it may in fact be more critical to the survival of the PA than to Israel. Abbas has warned repeatedly that Hamas makes constant attempts to recruit agents and infiltrate arms into the West Bank, not against Israel but to prepare for a coup against him. And the efficient Israeli security services often provide him earlier and more detailed warnings than his own intelligence services. He has revealed that Hamas has made at least two attempts on his life (in 2007 and 2014), and that he was saved both times by warnings and assistance from Israel's Shin Bet.

3. Opposing Iranian Hegemony

Israeli sovereignty over the Jordan Valley also is necessary to provide defensible borders against Iran's expanding regional footprint. Tehran and its proxies already threaten Israel's northern front directly – whether Hezbollah in Lebanon or, more recently, Shiite militias in southwestern Syria – but IDF defenses on the ground there are fairly robust, particularly the natural defensive line atop the Golan Heights. Absent reliable Israeli control of the Jordan Valley, the Hashemite Kingdom becomes a relatively attractive target for hostile forces from Syria and/or Iraq to use either Jordan itself, the Jordan Valley or the West Bank as launching points for attacks against Israel. By maintaining control of the Valley, Israeli forces will be able to deter Iranian aggression that might also threaten other regional states while projecting force forward to roll back Iranian positions throughout the Middle East. Absent Israeli control of the Valley, Jordan itself is likely to become a new focal point for Iran's campaign of terrorism and proxy war against Israel.

D. Importance for U.S. National Security Interests

Israeli sovereignty in the Jordan Valley will also serve vital U.S. national security interests. By permanently guaranteeing Israel's ability to defend itself by itself it will obviate any need to rely on American forces. Israeli sovereignty also will help secure the Hashemite Kingdom of Jordan, another important U.S. ally against destabilization of the region. At a moment when significant doubts are being cast on America's reliability as an ally, support for Israeli sovereignty also will demonstrate how the United States sustains its partners' core security needs.

III. Israeli Control Requires Israeli Sovereignty

If the IDF could continue to operate at will in the Jordan Valley indefinitely, then Israeli sovereignty there would be less imperative. From a current military standpoint, the Valley's status is not that important as long as Israel can operate at will. But in reality, Israel's ability to deploy according to its needs in the Valley cannot be assured without sovereignty over the area.

The status quo in the Valley is increasingly precarious. One of the biggest threats is the growing reluctance to accept the Israeli presence there in certain quarters of American public opinion. Yet, the alternative security arrangements proposed by previous, and likely future, U.S. presidents are inadequate to secure Israel or its partners.

A. Precarious Status Quo

Despite the clear strategic need for Israel to retain control over the Jordan Valley, and overwhelming political support for it in Israel, Jerusalem has had to fend off political and diplomatic threats to its retaining control. Many American experts and government officials believe that Israel's presence in the Jordan Valley is a barrier to a two-state solution, which they believe can be achieved in the near-term. Multiple past American plans have proposed to withdraw the IDF after a brief transitional period, to achieve fully sovereign Palestinian statehood that they believe will mean an enduring end to the Israel-Palestinian conflict. But a majority of Israeli voters have repeatedly expressed their doubts about this optimistic theory by soundly rejecting political candidates and parties sharing this American belief in the minimal risks for peace that would be entailed in U.S. peace proposals.

Yet, it is quite likely that future presidents might return to these proposals, retracting American support for Israel's presence in the Jordan Valley. As Obama's Vice President, presumptive Democratic presidential nominee Joe Biden was a party to and strongly supported then Secretary of State John Kerry's plan, including General John Allen's proposal for alternative security arrangements (discussed below). In January 2014, Biden flew to Israel to tell Netanyahu that he and Obama approved the Kerry/Allen ideas, including Palestinian sovereignty in the Jordan Valley, the removal of the IDF and reliance on American troops and technology.

As a presidential candidate this year, Biden has signaled that, if elected, he will make the pursuit of a two-state solution a priority. Moreover, Biden has not disavowed UN Security Council Resolution 2334, which the Obama Administration promoted behind the scenes in December 2016 despite officially abstaining, declaring all of the West Bank, including the Western Wall in East Jerusalem and the Jordan Valley, as Palestinian territory. Nor is there any guarantee that future Republican presidents will not press Israel for unacceptable compromises with the Jordan Valley.

President Trump has proposed a different idea, one that would keep the IDF in the Jordan Valley permanently. His plan declares the Jordan Valley to be "critical for Israel's national security," and thus it should be permanently "under Israeli sovereignty." This way, if "other Middle Eastern powers" were to use Jordanian territory as a platform to attack the Jewish state,

Israeli forces deployed along the eastern slopes of the West Bank hill ridge would be able to “hold off a numerically superior army until Israel completed its reserve mobilization, which could take 48 hours.” Israel will also need “secure lines of supply for its forces in the Jordan Valley and the ability to move its military personnel and material into and out of the region.” In Trump’s view, Israeli control will also be vital to the security of Jordan, to guard against the danger that Islamic State, al-Qaeda, or militias with Iranian or Syrian sponsorship could in the future “infiltrate the West Bank” and “create a chaotic security situation for the Hashemite Kingdom” and Israel.¹⁰

B. Shortcomings of Previous Peace Proposals

Three times in the past twenty years, plans have been proposed by top Israeli and American officials calling for the departure of the IDF from the Jordan Valley: the Clinton plan in 1999-2000, the Olmert plan in 2007 and the Kerry plan in 2014. In the first two cases, it was only Palestinian rejection that prevented removal of the IDF from happening. (In the third, Israel said no.) The alternative arrangements envisioned by these plans – either the use of American troops and technology or an international force to secure the Jordan Valley – entailed dubious assumptions and unsupported promises.

1. Allen Plan

In 2014, the Obama Administration pressured Israel to accept a plan devised by General John Allen, now president of Brookings Institution, which was never publicly released but has been summarized in various reports by some of its contributing authors. It reportedly entailed removing all standing IDF presence in the Jordan Valley after a transitional period – reported or estimated to be roughly 10-15 years – and replacing the IDF with American troops monitoring Palestinian forces in a 2-kilometer security zone west of the Jordan River. Security control at the crossing points to Jordan would be staffed by Palestinian Authority security forces monitored by American observers, replacing the IDF.¹¹ The Israeli government rejected the proposal.

Israel has a good security relationship with the PA. But this is far from sufficient to conclude that it can subcontract its security to a corrupt, generally inept and weak entity that would not exist in the first place without Israeli security and intelligence support. Moreover, if the Allen Plan is indeed predicated both on permanent PA control of the West Bank and the permanence of the Hashemite Kingdom remaining in power in Amman, it would be ignoring rising instability across the Middle East – including Israel’s very real concerns that the PA and/or Jordan could collapse and be replaced with a regime much less friendly to Israel. Israel has previous experience with failed PA security control. When Hamas challenged PA rule in Gaza in 2007, the PA security forces were quickly defeated, Hamas took control of the territory, and since then has launched repeated wars and near-constant rocket attacks on Israel. Israel’s fear that such a chain of events would be repeated in the West Bank is a well-founded one.

Israel would never want to rely on American soldiers in place of its own forces either, not because they are inept – quite the opposite – but because of its core Zionist commitment, based on centuries of Jewish experience, that it must be able to defend itself by itself. Further, it would be foolish to unnecessarily put hundreds of American soldiers potentially in harm’s way, at a time when the American people feel overextended abroad and want to bring troops home, particularly from the Middle East. It would also invite demonization of Americans as “agents of the Israeli occupation,” including possibly creating a pretext for attacks on American

troops at home or elsewhere. An American president at some point could understandably withdraw U.S. troops, especially if the area becomes dangerous, leaving Israel and Jordan exposed – and requiring a potentially messy Israeli retaking of the territory. And the effect on U.S. internal foreign policy debates would be troubling: anti-Israel groups would be given new fuel for their claims that Israel is a liability or a burden to the United States, and Americans more generally would be given reason to question their view of Israel as a staunch ally that admirably defends itself without the need for American boots on the ground.*

Another flaw in the Allen Plan is its reported heavy reliance on border defense technology in lieu of a physical IDF presence. It calls for a multilayered border security system built around surveillance capabilities, including unmanned aerial and ground-based electronic monitoring systems, smart fences, counter-tunnel detection systems and redundant physical barriers. To be sure, border security technologies have advanced rapidly in recent decades, with Israel at the forefront of developing and deploying such innovations. However, while such capabilities are necessary elements of defensible borders for Israel – similar technologies are deployed along Israel’s Gaza and Lebanon frontiers, for instance – they are critically insufficient without accompanying IDF forces on the ground.

2. International Peacekeepers

Some have called for other possible alternatives to Israeli sovereignty and IDF presence in the Jordan Valley, including deploying international peacekeepers to maintain security. Yet throughout their extensive history on Israel’s frontiers, and regardless of their specific mandate, international peacekeepers and observer forces have failed to prevent cross-border attacks on Israel and, where applicable, failed miserably to stop the buildup of strong military forces along Israel’s borders. Experience has shown that the IDF can rely only on its own presence and conduct its own operations to address threats peacekeepers could not.

The most obvious example is the utter failure of the UN Interim Force in Lebanon (UNIFIL). Its mission since the 2006 Lebanon War is defined by UN Security Council Resolution 1701 as supporting the Lebanese Armed Forces (LAF) in ensuring southern Lebanon “is not utilized for hostile activities of any kind” – including by disarming terrorist groups like Hezbollah. In practice, even with a strong UN mandate and more than 10,000 troops, UNIFIL clearly has not prevented Hezbollah from amassing more than 130,000 increasingly lethal rockets and missiles – versus 10,000 at the conclusion of the 2006 war – aimed at Israel. Nor has UNIFIL prevented Hezbollah from constructing a sophisticated series of cross-border tunnels to conduct terror and kidnapping raids against northern Israel. UNIFIL peacekeepers repeatedly have been blocked or attacked by Hezbollah, and they do not interfere with even the most overt Hezbollah operations in southern Lebanon. UNIFIL also failed in a previous mission in the 1970s and 1980s to help the Lebanon government regain control of southern Lebanon. Instead the Palestinian Liberation Organization (PLO) grew in power, using the terrain to attack Israel repeatedly, helping lead to the 1982 Lebanon War.¹²

* There is no such thing as a fully automated or reliable unmanned defensive border security architecture. Cyberattacks can hobble critical computer and communication networks, while basic air defense and electronic warfare systems can neutralize unmanned aerial systems like those suggested in the Allen Plan. Furthermore, cross-border tunnels can go undetected even by the most effective counter-tunneling technologies, just as the best electronic fences and similar obstacles can be breached by determined terrorist forces, smugglers or other infiltrators.

Other multinational peacekeeping forces have similarly failed to ensure adequate security along Israel's borders. Observer forces from the European Union's Border Assistance Mission (EUBAM Rafah) monitored the Rafah crossing from Gaza following Israel's 2005 departure until June 2007, when Hamas' violent takeover of Gaza prompted their immediate departure, due to E.U. policy of "no contact with Hamas."¹³ The observers have not returned. The U.N. Disengagement Observer Force (UNDOF), stationed in the Golan Heights since 1974 to create and monitor a buffer zone between the Israeli and Syrian militaries, was instead forced to withdraw into Israel when attacked by radical Islamist rebel groups during the Syrian civil war.¹⁴ The U.N. Emergency Force (UNEF), created in the immediate aftermath of the 1956 Suez Crisis to observe a buffer zone with Egypt, evacuated its positions in May 1967, upon orders from Egyptian President Gamal Abdel Nasser, allowing him to close the Straits of Tiran at the mouth of the Gulf of Aqaba in a casus belli that sparked the Six Day War.¹⁵

IV. Legal Basis for Extending Israeli Sovereignty

Israel's sovereignty claim to the Jordan Valley not only is stronger than the claim of any other entity, but no other state has any legally plausible claim. Therefore, there is no legal obstacle to Israel asserting its sovereign rights or extending its civil law to the area.

In 1920, following World War I, the Allied Supreme Council passed the San Remo Resolution, ultimately endorsed unanimously by every member of the League of Nations as the 1922 Mandate for Palestine. The Mandate reflected Turkey's concession of sovereignty claims over Palestine and gave international legal effect to the 1917 Balfour Declaration, recognizing specifically Jewish – and only Jewish – national rights to create a Jewish national home in Palestine. (The Mandate preserved the civil and religious rights of non-Jewish residents.) It was understood by Balfour and other officials that a “national home” meant a state.¹⁶ The United States ratified the Mandate and its purpose in the Anglo-American Treaty of 1924.¹⁷ The Mandate borders included all land west of the Jordan River, without distinctions. While the United Nations proposed a partition of the Mandate in 1947, it was a non-binding recommendation that was rejected by the Arab side, and thus has no legal effect.¹⁸

In 1948, the State of Israel declared independence as the Mandate expired, in fulfillment of the Mandate's purpose. It thus inherited the Mandate borders in the same way as every other state in the region that arose from a mandate inherited its own mandate borders.* Although Jordan then invaded and held the West Bank for 19 years, its claimed “annexation” was overwhelmingly rejected, including by the United States. Furthermore, as Israel survived its War of Independence, the Arab states (including Jordan) made it a condition of their 1949 armistice with Israel that the armistice “Green Line” not be considered an international border; Israel thus ceded no sovereignty claim to the West Bank simply by agreeing to the 1949 ceasefire.¹⁹ Jordan broke the armistice in 1967 by attacking Israel; in that defensive war, Israel took control of the West Bank, reunifying control over the full Mandate area.²⁰

In 1988, Jordan formally renounced its purported claims to the West Bank; in 1994, it signed a peace treaty with Israel identifying the Jordan River as its own western border.²¹ As a result, Jordan no longer has even unrecognized sovereignty claims from its 19-year West Bank administration. The West Bank was never “Palestinian” in that no recognized state of Palestine ever held it. By contrast, Israel never gave up its own sovereignty claim, and has now held the land in question for 53 years. (For political and diplomatic reasons, Israel maintains a certain strategic ambiguity in the international arena as to its official position on its sovereignty over the West Bank, even though it holds by far the strongest claim.)

* Consistent with the principle of international law of *Uti possidetis juris* (“as you possess under law”), that newly-formed sovereign states retain the internal borders that their preceding dependent area had before independence.

V. Potential Risks, But Manageable

Though extending sovereignty to the Jordan Valley is both a legal and necessary means for Israel to maintain control of this strategically vital region, that does not mean the move would not create problems, some potentially serious, for Israel. These include the potential for Jordan to sever ties, Palestinian unrest and elimination of prospects for a peace deal, undoing of improving relations with Arab states, future Israeli governments reversing the decision and erosion of Israel's international standing.

Nevertheless, many of the risks identified by critics are overstated as a result of conflating establishment of Israeli sovereignty in the Jordan Valley with a more sweeping extension of Israeli law to more populous Jewish and Palestinian areas of the West Bank. Although the two share outward similarities, and might be undertaken together, the Jordan Valley is qualitatively different, and its risks must be analyzed independently. As a security-oriented measure that does not impact major population centers, the risks of extending Israeli sovereignty to the Jordan Valley could prove much less significant and long-lasting than critics predict.

A. Relations with Jordan

One of the strongest arguments against extending Israeli law to the Jordan Valley is the difficulty it will create for Jordan, one of Israel's most important security partners. Jordan's King Abdullah II has strongly opposed such a move, recently raising the prospect of a "massive" confrontation with Israel should it proceed. Others have expressed concerns that by taking such action Israel would provoke Jordan to suspend the 1994 Israel-Jordan peace treaty.²² There is a danger that anger in the Jordanian street could be exploited by the Muslim Brotherhood or Syrian, Iraqi and Iranian agents among the million-plus refugees in Jordan, or jihadists seeking the overthrow of the Hashemite Kingdom. There is also the possibility that such a move could destabilize Jordan by potentially triggering mass migration of West Bank Palestinians to Jordan, out of a belief it would signal the end of a two-state solution.²³

These are very real risks for Israel – even though Jordan renounced its own claims to the Valley in 1988, and even though the two countries routinely weather political storms in the interest of the broader mutually-beneficial relationship. Moreover, many of these security risks to Jordan already exist in some form. Yet their impact and duration might be overestimated. Jordan confronts multiple pressing challenges in nearly every area, with the clear exception being the significant benefits it reaps from its relationship with Israel.

Jordan faces persistent economic difficulties, including profound levels of public debt and unemployment, forcing the government to subsidize even basic commodities like food and fuel. It officially hosts more than 750,000 refugees, mainly from Iraq and Syria (the second-most refugees per capita in the world), though the real number could be twice that.²⁴

Jordan also faces real external threats, chiefly the proximity of Islamic State, Iran, Hezbollah and other Iranian-backed forces in Syria and Iraq, and has relied in part on the presence of nearly 3,000 American and other NATO troops – as well as advanced U.S. missile defenses – to help protect the kingdom's borders.²⁵ Reflecting the severity of these internal and external threats, Jordan depends increasingly on growing U.S. foreign aid, which in 2020 accounted

for fully 18 percent of government revenue.²⁶ This special relationship with the United States is enabled by Jordan's peaceful relations with Israel.

Jordan benefits from its relationship with Israel in other ways as well. The 1994 treaty confirmed Jordan's custodianship of the Temple Mount, which undergirds the royal family's religious legitimacy.²⁷ Indeed, King Abdullah II has referred to maintaining this status, which would not be jeopardized by Israeli sovereignty in the Valley, as a "red line" for his country.²⁸ Current bilateral cooperation extends beyond the parameters codified in the treaty, to include significant military and intelligence ties. Given Jordan's domestic difficulties and lack of natural resources, Israel is a vital supplier to the kingdom of subsidized natural gas, saving Jordan hundreds of millions of dollars annually and helping meet 40 percent of its total electricity needs. As part of the peace agreement, Israel also provides water to Jordan, which is one of the world's most water-poor countries.²⁹

These factors help explain why Jordan, despite its outward opposition, is unlikely to countenance a complete breach, or even an end to the most important and mutually beneficial connections, with Israel in response to extension of Israeli sovereignty over the Jordan Valley. If the king, to quiet his critics, suspends the peace treaty it would be a disturbing symbolic act and set a very undesirable precedent, creating pressure on Egypt to follow suit. It would certainly impede overt security cooperation with Israel, as well as other current and potential economic projects such as on water. Paradoxically, however, such a strong display of the King's unhappiness with Israel might augment his support and act as a safety valve to reduce pressure against the government.

At the same time, the countries are unlikely come to military blows over this, and it will certainly not freeze security and intelligence cooperation, which is vital to the Hashemite Kingdom. Jordan will still rely heavily on its relationship with Israel to provide strategic benefits, natural resources and a much-needed stable border for the embattled kingdom. In fact, the permanence of Israeli forces in the Valley would undoubtedly strengthen the kingdom and further incentivize military cooperation with Israel.

Though the king might face pressure to display displeasure over Israel's extension of sovereignty to the Jordan Valley, the move would not change the fundamental calculus of the relationship.

B. Cooperation with Palestinian Authority and Prospects for Palestinian Statehood

Another common argument against extending Israeli sovereignty to the Jordan Valley is the assertion that it would make a two-state solution impossible and endanger Israel by forcing the PA to suspend its cooperation and spark violent protests, perhaps even a new *intifada*, or uprising, among Palestinians. These dire predictions are mostly predicated on the Palestinian reaction to Israel extending sovereignty over West Bank settlements – land and communities that Palestinians might still hope to claim in eventual peace negotiations, an option that would be seen as being precluded by Israeli establishment of sovereignty.

However, when it comes to the Jordan Valley, a sparsely inhabited strip of land, it is reasonable to expect a far less severe response, though a backlash is still possible, if not likely. That

response might be further muted due to the PA's security and economic dependence on Israel. More importantly, however, establishing sovereignty in the Valley should be understood as making Israel more, not less, disposed to a two-state solution.

Critics argue that to demonstrate its anger and respond to popular outrage, the PA would suspend its intelligence and security cooperation with Israel. This could create the risk of increased Palestinian terrorism and violence against Israel and Israeli citizens. Yet, very few of the terrorists threatening Israel who are arrested in the West Bank are actually seized by the Palestinian Authority Security Forces (PASF) anyway. In 2013 for example, at the height of improved security cooperation following an initiative led by U.S. General Keith Dayton, Israel turned over more than 1,000 cases to the PASF—but none actually went to trial. In the same year, Israel's own security services arrested 3,000 suspects in the West Bank, of whom many were later imprisoned by Israel, not the PA.

Moreover, cooperation with Israel benefits the PA as much, if not more so, than it does Israel. Not only have Israeli authorities been instrumental in averting assassination attempts against Abbas, but it is precisely Israeli control of the Jordan Valley that limits the ability of Hamas and other extremist groups to infiltrate the West Bank and overthrow the weak PA, as happened in Gaza in 2007. Further, Palestinian security services depend heavily on Israel for their budgets, making a true rupture even more unlikely. The PASF consumes more than 25 percent of the total PA budget, and two-thirds of the total PA revenue that pays these expensive security services comes from Israeli tax transfers.³⁰ This is more than is provided by the PA's own tax collection, or by all the foreign aid the PA receives from all international donors combined.³¹

Nor is it just the PA and its security services that are financially dependent on Israel. A major source of revenue for West Bank Palestinian families comes from the earnings of Palestinian workers in Israel and the settlements.³² Others work at jobs, as teachers, civil servants or security personnel, funded by Israeli tax transfers to the Palestinian Authority. Altogether, more than half of West Bank Palestinians earn income tied, in some way, to Israel.

This security and economic dependence on Israel might reduce or shorten the Palestinian reaction to an Israeli extension of sovereignty to the Jordan Valley. So, too, might the fact that enshrining Israeli sovereignty will not have any impact on Palestinians, or Israelis, currently living in the Valley. It is also unlikely that the PA would, as it has threatened, renounce the Oslo Accords if Israel extends its laws and administration to the Jordan Valley. That is because the very source of authority for the PA is the Oslo Accords, by which it was created. "If the Oslo Accords were actually terminated," as Dennis Ross, a leading expert, has noted, "the legal result would not be more expansive Palestinian authority. Rather, authority would revert back to Israel, as stated explicitly in the Accords and acknowledged by the Palestinian leadership."³³

Despite any short-term Palestinian anger, we believe Israel extending sovereignty over a part of its land that it will insist on keeping in any agreement only brings more realism to any future peace talks, and thus improves the chances of them actually succeeding. We thought the same about the U.S. decision to move our embassy to Jerusalem two years ago. The only chance of a peace breakthrough is if there's a realignment of terms to reflect what the Israeli political consensus can actually accept.

Indeed, if having two states means returning Israeli forces to the indefensible lines that existed before 1967, where the Jordan Valley and all the high ground are controlled by potential enemies and the IDF must defend the narrow coastal plain from the lowlands, no majority will ever be found to take such a risk. If the permanent defense line is on the far side of the hills, and Israel can control the five passages through them, then it is possible to imagine a set of conditions under which Israel could agree to a truncated and demilitarized state inside the hills. As Yitzhak Rabin put it, a sustainable peace requires that “the security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term.”

In any case, the chances of a peace agreement in the foreseeable future – at least under the current Palestinian leadership – are extremely remote. The 2000 Israeli withdrawal from southern Lebanon that yielded Hezbollah and 130,000 rockets/missiles aimed at Israel, the 2000-5 intifada which cost more than 1,000 Israeli lives, the 2005 withdrawal from Gaza which yielded Hamas control and three wars and regular rocket attacks on Israeli population centers, and continued Palestinian Authority sponsorship of terror against Israeli Jews – all of these, plus continued Palestinian rejectionism, have decimated the peace camp in Israel and moved its political consensus to the right.

That is why the Trump Administration’s peace plan accommodates both Israeli sovereignty in the Valley and negotiations toward Palestinian statehood, reflecting the reality that, rather than preventing the possibility of peace, Israeli control of the Jordan Valley must be a *sine qua non* for any viable two-state arrangement.

C. Arab States

Extending Israeli sovereignty also certainly could jeopardize its long-sought, and strategically valuable, growing ties with anti-Iran Gulf Arab countries, chiefly Saudi Arabia and the United Arab Emirates (UAE). Most notably, in June the Emirati Ambassador to the United States penned the first op-ed ever by a Gulf diplomat in an Israeli newspaper, warning “Israeli plans for annexation and talk of normalization are a contradiction.”³⁴ Shortly thereafter the Crown Prince of Abu Dhabi, UAE’s de facto ruler, tweeted the Emirates’ “full solidarity with Jordan & our categorical rejection of accepting Israel’s illegal annexation of Palestinian lands.”³⁵ Saudi Arabia’s foreign ministry likewise publicly condemned Israel’s plan to extend sovereignty over parts of the West Bank.³⁶

Certainly, extending Israeli sovereignty over the Jordan Valley could well slow or otherwise hinder growing diplomatic relationships between Israel and certain Gulf Arab states. But fundamentally this cooperation is driven by shared concerns over Iran’s regional ambitions, Sunni extremism and U.S. retrenchment, which for all sides outweighs any benefits that could accrue from publicly ending or even downgrading their collaboration. Indeed, the paramount concern for Israel’s Arab partners will always be their own security against these twin threats. These challenges are mitigated, not only by direct ties between Israel and Gulf Arab states, but also by Israel having defensible borders that can help protect against Iran and other terrorists while also bolstering the security of the PA and the Hashemite Kingdom. Furthermore, most of Israel’s tangible cooperation with Gulf Arab states has always been *sub rosa*, and has grown in recent years even as they disagree overtly on other issues.

D. Reversibility

Some object that extending Israeli civil law and administration to the Jordan Valley and other parts of the West Bank would not necessarily be a permanent solution, as it could in theory be reversed if a future Israeli government agreed to Palestinian sovereignty there. Prime Minister Menachem Begin extended Israeli law to the Golan Heights in 1981, but that did not prevent four subsequent prime ministers from offering, on four separate occasions over the past 40 years, to return the Golan to Syria for hypothetical peace agreements that the Syrian government nonetheless spurned. Moreover, a future U.S. administration might demand such a change in return for its support.

But the extension of Israeli civil law to the Jordan Valley would put Israeli control of that territory under the protection of new referendum laws that did not exist before 2014, and which were strengthened in 2018 – a different circumstance from the Golan case. A future prime minister trying to leave the Jordan Valley after Israeli civil law is applied there would need to win support from a majority of voters in a popular referendum, or an 80-vote, two-thirds supermajority in the Knesset – both formidable challenges given Israeli public opinion today and the generally fractious nature of Israeli politics. Israeli control over the Jordan Valley is supported by a wide majority in Israel, including many who could in principle support a Palestinian state under the right circumstances.³⁷

E. Israel's International Standing

The condemnation of Israel extending its sovereignty into the West Bank has been just as loud, if not more so, from Western countries than from the Middle East. With anti-Israeli sentiment rising in some segments of Western Europe and the United States and the Boycott, Divest, Sanction (BDS) movement gaining some steam, some observers allege that Israel risks alienating its friends and swelling the ranks of its Western critics by proceeding with this action.

However, this anti-Israeli attitude has partly been driven by sentiment that has little to do with Israeli actions. Also, it is far from clear that calling off its plans for the Jordan Valley now would silence critics. More problematically, it might just fuel a more vicious backlash in the future. If, as argued above, both Israeli security and an eventual two-state solution both depend on Israeli control of the Jordan Valley, then a decision on the status of the Valley will have to be made at some point. Should Israel eventually decide to extend its sovereignty there, after having backed away from such a move now, the move will appear even more radical and drastic to its opponents. The future opprobrium heaped on Israel is likely to only be greater and at a time when it might not have a staunch ally in the White House who could help defend it.

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