



**Statement before the
House Committee on Foreign Affairs
Middle East and North Africa Subcommittee**

***“Framing a U.S. Approach
to the West Bank”***

A Testimony by:

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Chairman Lawler, Ranking Member Sherman, distinguished Members of the Committee, I am honored to share my views with you on this important topic. CSIS does not take policy positions, so the views represented in this testimony are my own and not those of my employer.

The area that many call the West Bank and many others call Judea and Samaria has been populated for 11 millennia, has hosted a long parade of civilizations, and is central to three of the world's great religions. Issues of its current status are uniquely difficult because they combine ancient historical claims, modern nationalism, differing religious worldviews, and contemporary security dilemmas.

Surprisingly, the area at times has been an irritant in Israel's relations with the Trump administration, which has been deeply supportive of Israel. President Trump has said he "was the best president in the history of Israel," and Prime Minister Netanyahu has praised President Trump as "the greatest friend Israel has ever had in the White House." Yet, after the Knesset voted in favor of two October bills to annex the West Bank, President Trump told *Time* magazine, "It won't happen because I gave my word to the Arab countries...Israel would lose all its support from the United States if that happened." Vice President Vance, wrapping up a trip to Israel added, "The West Bank is not going to be annexed by Israel. The policy of the Trump administration is that the West Bank will not be annexed by Israel."

The wording is interesting here. The White House consistently uses the term "West Bank," which some dismiss as an inappropriately political descriptor. U.S. ambassador to Israel Mike Huckabee and other evangelical Christians, many Jewish Israelis, and the 11 cosponsors of HR 902, strongly prefer Judea and Samaria to emphasize the area's roots in ancient Jewish history. For evangelicals, Jews' return harkens to a coming battle at Armageddon that ushers in the Second Coming of Christ and the defeat of the forces of evil. Clearly, there are stark differences among Israel's strongest friends about both what to call the area and why.

This fact underlines the unusual nature of this set of issues. I cannot recall another Congressional hearing rooted in historical events between 2,000 and 3,000 years ago. Zionism, the large-scale Jewish return to historic Jewish lands almost 2,000 years after their second exile is unique in human experience. It is possible to see this all as a clear and linear manifestation of God's plan, perhaps even foreshadowing the advent—or return—of the Messiah. It is similarly possible to view this as the product of modern European nationalism, building on 19th century political ideas to create a modern nation out of what had previously been considered to be a religion, thereby forcing the displacement of societies that had evolved in the area over thousands of years.

As an issue of public policy, I am not sure we have much guidance on how to adjudicate such an issue. A complication is how deeply it is woven into matters of faith, which the framers of our constitution purposively left out of the ambit of government in acknowledgement of the profound diversity of religious belief and practice in colonial North America. Different religions, and different individuals within individual religions, see the faith issue of land claims differently.

The historical record provides no silver bullet. If we take the Biblical text as canonical, the Canaanites and the seven nations were resident in the land before the Israelites returned to Canaan after 400 years in Egypt. The archeological record suggests a more complicated story of Judaism's emergence out of Canaanite culture, with significant theological shifts triggered by external

military domination and periods in which the religious elite was exiled. Of course, other nations and empires conquered the area and settled there in the 2,000 years after the Romans destroyed the Second Temple and exiled the Jewish community in 70 CE. As far as we can tell, this history forms a tapestry of different cultures, languages and people, just like modern Israel itself. I have met many non-Jews whose families trace their presence in Jerusalem back 1,400 years, a longer period than all of Jewish rule over Jerusalem, from King David to the destruction of the Second Temple. To deny these people's tie to Jerusalem and the surrounding region is as offensive and counterfactual as to deny Jews' ties to the same region. Sadly, I have heard passionate expressions of both sets of lies. This underscores just how difficult today's topic truly is.

A half-century ago, some planners wrote an article that observed that science has evolved to solve "tame" problems, which have definitive answers. The cars we drive, the computers we use, and even the food we eat reflect progress scientists have made. Questions of social policy have no objective answer, though. These, the planners argued, constitute "wicked problems." Often, they lack either an objective definition or end point. On these questions, there is no single understanding of the public good or viewpoint from which to see it, and no objective definition of equity. Different parties have profoundly different understandings of where we are, where we should go, and how we should get there. As members of Congress, you struggle with this sort of challenge every day. The definition of a wicked problem resonates deeply with my understanding of this conflict. In one especially apt passage familiar to many who have engaged in conflict resolution, "Social problems are never solved. At best they are only re-solved—over and over again."¹

Thinking of the subject of our hearing today, this structure seems especially apt. But that is not to say it is hopeless. In my youth, I worked for the late Sen. Daniel P. Moynihan, who was one of the so-called "Four Horsemen" of Irish-American politicians who began working together in 1977 to steer Irish-Americans away from support for Irish Republican Army violence and toward a political settlement to The Troubles in Northern Ireland. Sen. Mitchell, who was Majority Leader during my time on Moynihan's staff, in his retirement helped negotiate an end to the conflict in 1998. And when I visited Dublin two years ago for a policy conference, the person delivering the dinner address held up a copy of the Good Friday Agreement, essentially a pamphlet of 12,000 words or so that Mitchell had negotiated. And then the speaker held up their product, a well-thumbed book of several hundred pages, full of post-it notes and marginalia, that subsequent negotiations had produced. They had fleshed out the agreement, sought to resolve subsequent disputes, and tried to deepen cooperation between the parties. The Good Friday Agreement did not end disagreements between the two sides. Instead, it created a set of agreed parameters and processes for resolving disagreements as they inevitably arose.

There is a lesson here. Complex identity conflicts require frameworks for managing disputes—not one-time solutions. So let us turn back to the Holy Land. It is tempting to hope that creating the right borders, conditions and oversight will end conflicts over the West Bank, or over the disputes between Israeli and Palestinian populations more generally. Some produce elaborate maps and regulations that they believe would represent a "fair" outcome. For others, the only solution is complete conquest, simply writing one or the other population completely out of the equation. I've met my share of people who passionately embrace all of these views. It is equally tempting to throw up one's hands and say that the problem is insoluble. There is just no making peace with those people, so one must battle them until they simply give up. I've met my share of those people, too.

What these approaches have in common is that they doom Israelis and Palestinians alike to more suffering and more violence, and to prolonged instability. Societies under consistent stress can become inured to violence, which creates conditions that produce more violence, and spirals continue downward.

And to be frank, that is where we seem to be headed. According to recent polling, large majorities on each side believe it has no partner for peace, and significant minorities on each side seek to crush the other. The horrific attacks of October 7, 2023 and the subsequent violence that shattered Gaza in the two years since only deepened popular skepticism.

But from the earliest days of this phase of the conflict, I have believed that hopelessness is exactly what Hamas was seeking in its attack. Yahya Sinwar had few illusions that he would lead a victorious Arab army into Jerusalem after breaching Israel's walls around Gaza. Instead, he hoped that an Israeli overreaction would isolate Israel in the world, end any process of normalization with Israel's neighbors, and radicalize Palestinians into overwhelming support for Hamas.² Sinwar had no fear of dying a martyr; his actual fear was of dying as a powerless victim.

The foundation of the response to Sinwar's efforts must be to reinforce Israel's legitimacy, the roots of which lie in history and in the United Nations' 1947 recognition of the Jewish right to create a modern nation state in what was Mandatory Palestine. To my way of thinking, accepting the legitimacy of that act in 1947 also means accepting the legitimacy of the UN charter's ban on the acquisition of territory by force, which poses challenges for Israeli efforts to remain in lands it seized in the preemptive war it waged in 1967. A sense of forward movement toward peaceful Palestinian-Israeli reconciliation enhanced the legitimacy of both sides, and a sense that movement had stalled diminished legitimacy. The war in Gaza has been devastating to both sides.

Legitimacy is essential to Israel's security. In my view, as Israel's surviving hostages try to recover their lives, the government of Israel must put renewed emphasis on building its international legitimacy. While legitimacy by itself is insufficient to provide Israel with security, it was a constant goal of the early Zionist movement, continued through the period of the Yishuv, and has been the goal of Israeli governments for more than three-quarters of a century. The longstanding assumption has been that legitimacy paves the way for Israel to be secure, to enjoy broad international support, and to be integrated into its surrounding region. An Israel that is considered illegitimate is an Israel that becomes internationally isolated and is consequently weaker, faces greater violence, and is cut off from its neighbors.

For many decades, the United States has strongly embraced Israel's legitimacy and helped enhance its security. A U.S.-brokered peace treaty with Egypt in 1979 eliminated Israel's most serious external threat, and a follow-on treaty with Jordan in 1994 provided enhanced security cooperation to Israel's east. Decades of U.S. diplomacy have promoted Israel's integration into the world and to the Middle East. The Abraham Accords of 2020 created a new high-water mark for regional ties with Israel, and laid the framework for Israeli-Saudi normalization, which both the Biden and Trump administrations worked hard to advance.

Throughout, Israeli control over what were some of the most heavily populated lands of Mandatory Palestine since the 1967 war has challenged Israeli legitimacy. The West Bank now includes more than 3 million Arabs, with some 430,000 Jews interspersed among them. Jews and Arabs in the

territory live under separate jurisdictions and legal regimes, with Jews subject to Israeli civil code, while Palestinians are subject to Israeli military rule. To their credit, Israeli courts have struggled to make sense of the ambiguities and contradictions of the legal status of Palestinians. The law continues to evolve, and it has been criticized by forces within Israel, by Palestinians, and by outside legal scholars. I am not a legal scholar, but I would make one observation. The records of modern governments that apply dramatically different legal regimes based on essentially immutable characteristics such as race, religion or ethnicity is not a happy one. From its founding, Israel has understood itself as a democracy that embraces the principles of classical liberalism, and it holds that maintaining high legal and moral standards is consistent with the state's Jewish character. It is on this basis that generations of Israeli officials have sought partnerships with Western governments.

Yet, about 20 percent of Israeli citizens today are non-Jewish Arabs. The Israeli government considers it an impossibility to extend citizenship to non-Jewish Arabs in the West Bank and Gaza because the country's non-Jewish Arab population would come to equal or exceed its Jewish population and destroy Israel's character as a Jewish state (although as with any religious state, exactly what that means is unclear, and especially so because of Judaism's lack of a single religious authority since the destruction of the Temple).

This leaves Israel in the awkward position of providing no horizon for Palestinians' legal status. That status rests on the remnants of a variety of failed, abandoned or obsolete structures with no clear prospect for change. Not surprisingly, it provokes anger from Palestinians, and anger from Arab governments, and it is an increasingly large obstacle to Israel's acceptance in the region and around the world.

While I do not have a solution to Israel's dilemmas, I take comfort in the fact that no one does. Such solutions cannot be imposed from the outside. At the same time, I am convinced that Israeli efforts to impose unilateral solutions will do little to advance Israel's long-term security. For most of the last 75 years, the U.S. government has sought to advance a two-state solution to the conflict, and it is increasingly hard to see how thinking about this in conventional terms can be successful. Almost two years ago, I wrote a short piece entitled "A Different Two-State Solution" that embraced the framework but argued for a redefinition of a few terms: namely "two," "state," and "solution."³

Mr. Chairman, the United States cannot resolve the Israeli-Palestinian conflict, but it can help ensure that resolution remains possible. This requires resisting unilateral steps, preserving space for future negotiations, and improving the daily lives of people who have endured far too much suffering. Our goal should not be to dictate an outcome, but to keep the horizon open for Israelis and Palestinians who still hope for a life of dignity, security, and peace. They deserve no less, and we should help ensure that their possibilities are not foreclosed.

¹ Horst W.J. Rittel and Melvin M. Webber, "Dilemmas in a General Theory of Planning," *Policy Sciences* 4 (1973), p. 160.

² Jon B. Alterman, "Israel Could Lose," November 7, 2023, <https://www.csis.org/analysis/israel-could-lose>.

³ Jon B. Alterman, "A Different Two-State Solution," January 10, 2024, <https://www.csis.org/analysis/different-two-state-solution>