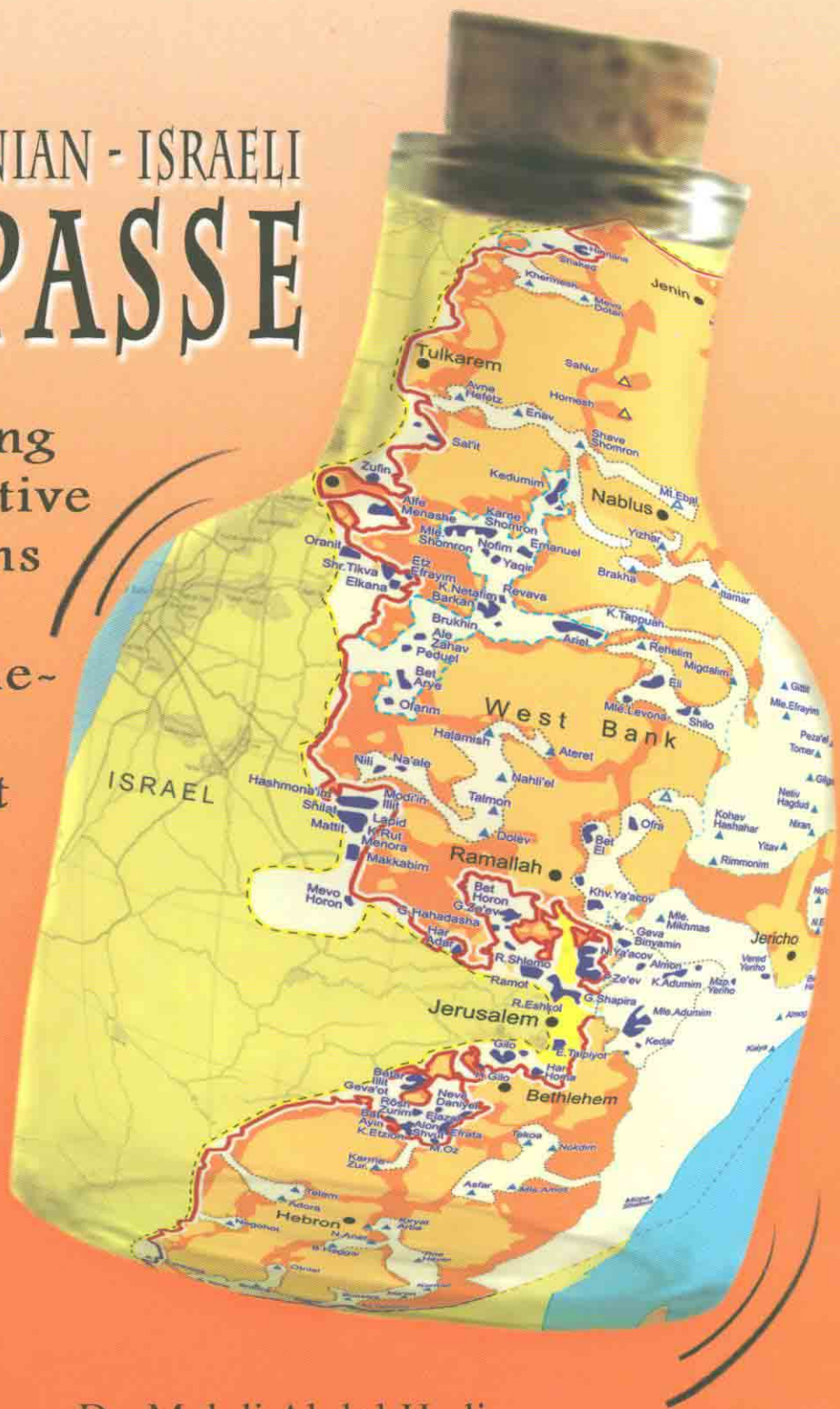


# PALESTINIAN - ISRAELI IMPASSE

Exploring  
Alternative  
Solutions  
to the  
Palestine-  
Israel  
Conflict



Dr. Mahdi Abdul Hadi Editor

Palestinian Academic Society for the Study of International Affairs

PALESTINIAN-ISRAELI  
**IMPASSE**

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EXPLORING ALTERNATIVE  
SOLUTIONS TO THE  
PALESTINE-ISRAEL CONFLICT

**Dr. Mahdi Abdul Hadi** Editor

**PASSIA**  
Palestinian Academic Society for the Study of International Affairs

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*PASSIA endeavors that research undertaken under its auspices be specialized, scientific and objective and that its symposia and workshops, whether international or intra-Palestinian, be open, self-critical and conducted in a spirit of harmony and cooperation.*

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## INTRODUCTION

In 2004, when it became clear that Palestinian-Israeli relations had reached a deadlock – there had not been any serious negotiations for over three years, an “Intifada culture” was prevailing, and daily lives were determined by the Israeli re-occupation of Palestinian cities, military incursions, and closure policies - PASSIA initiated a new project entitled *Palestinian-Israeli Impasse - Exploring Solutions to the Palestine-Israel Conflict*, in a search for the light at the end of the tunnel.

Stuck in a conflict that has been continuing for more than a hundred years, in which scores of mediators and proposals were unable to deliver a solution, and left with the equally unsuccessful more recent initiatives (e.g., the Clinton parameters of 2000, the Taba talks of 2001, the road map of 2002-3, the Nusseibeh-Ayalon Plan and the Geneva Accords of 2003), common analysis had it that it was becoming increasingly likely that confrontation and bloodshed would continue and even intensify in the absence of any practicable alternatives.

As also the international community had proven unable to bring about a settlement consistent with international law and UN resolutions, an increasing number of voices claim that the two-state solution – a viable Palestinian state alongside Israel as pursued in various forms over the last five decades – had been effectively pre-empted by the deliberate policies and strategies of recent Israeli governments.

Against this background, PASSIA embarked on this project with the intention to promote serious dialogue and discussion about the various options facing the two communities over the course of the next few years, and to examine whether, or to which degree, the two-state consensus is “dead,” what lies ahead if the *status quo* would last for another ten years, and what alternative proposals could or should be considered. The project combined research (position papers) and dialogue sessions (roundtables in which the papers were presented and discussed) with an array of Palestinian scholars, intellectuals, members of government and

of various political factions, NGO activists, and professionals as well as Israeli academics and activists.

The papers included in this volume look at the reasons the two-state solution has failed to succeed until the present day and consider what prospects for future success or failure it still has, thereby looking at the issue from various angles (historical, conceptual and religious aspects; implications for the refugee question, Jerusalem, the settlement issue and the future geography of Palestine/Israel).

The various proposed approaches to solve the Palestinian-Israeli impasse explored in this volume were provoked by a number of concrete questions, such as whether there is still a possibility for a (short-term or permanent) two-state solution; how the two-state solution should be reevaluated, given that all recent breakthroughs in the reconciliation process of inter-communal or ethnic disputes (Northern Ireland, South Africa, Bosnia) have been based on federal, consociational, and autonomy arrangements, and not on partition; and what kind of practicable models could be envisioned for the Palestinian-Israeli case.

For those papers that support the idea of a one-state solution, the possibilities of maintaining separate cultures, heritages and identities while holding equal citizenships and rights in a democratic political system on one open territory are considered very seriously. By exploring these and related issues, the PASSIA team aimed to assess the positions adopted by different national, religious, secular and other groups on the various formulas as well as the greatest obstacles to each of them.

It is hoped that this volume will further contribute to the objectives of the project, which were to stimulate debate among people from different backgrounds and political affiliations on alternative agendas to overcome the current status quo and provide a forum for open discussion and exchange on those and related topics.

Jerusalem, May 2005

Dr. Mahdi Abdul Hadi  
Head of PASSIA

## PAPER ABSTRACTS

### **Nick Kardahji, *Dreaming of Co-Existence: A Brief History of the Bi-National Idea***

Nick Kardahji offers an account of the evolution of the concept of a bi-national state as a solution to Zionist and Palestinian territorial claims. He begins by differentiating a bi-national solution (which emphasizes the equal representation of groups) from a one-state solution (which emphasizes the equal representation of individuals). He analyzes the difference between notions of “partition” and the “bi-national” under the British Mandate, exploring the UN Partition Plan of 1947 as well as the motives and interests of both sides for and against separation. He then looks at the differences between cultural and nationalist Zionism and their support for or rejection of a bi-national state (specifically the arguments of Judah Magnes, Arthur Ruppin, Chaim Kalvarisky and organizations such as Hashomer Hatzair and Brit Shalom). Arab advocates of bi-nationalism during the Mandate, he argues, were very marginal and included Ahmed Khalidi, Musa Alami and Fauzi Hussein. He documents the end of the bi-national movement in 1948 with its absolute rejection by the Zionist victors and the dominance of a two-state paradigm by Palestinians after 1988. His paper includes an appendix with detailed information about individuals, movements and proposals that advocated for a bi-national state.

*Nick Kardahji was a Palestinian-British researcher at PASSIA (2003-4) and is a graduate of the University of Sheffield.*

### **As'ad Ghanem, *The Bi-National Solution for the Israeli-Palestinian Crisis: Conceptual Background and Contemporary Debate***

As'ad Ghanem argues in this essay for a bi-national solution that would resolve inter-group conflict through granting equality to all population groups. He begins with a conceptual background of the ways in which group-dominated states deal with their non-dominant groups through extermination and group purification, expulsion and transfer, domination without democratic rights, control by granting partial democratic rights

or, alternatively, through the granting of equality for all groups. He explores the differences between territorial partition and the elimination of group dominance either through a federation/confederation system or through granting the same freedoms to all individuals. He turns to the particular case of the domination of the Jewish majority over Palestinians in the Occupied Territories and argues that the only viable and realistic solution is a bi-national state given the unlikelihood of the following: full Israeli withdrawal from the West Bank and Gaza, a shift in the Israeli position to grant full independence to a separate Palestinian state, a separation of common resources, dismantling the settlements and integrating them into a separate Palestinian state, resolving the Jerusalem question and the right of return in two separate states, and any territorial compromises by hardliners on either side. He offers a model for Israeli-Palestinian relations in a bi-national system which would equalize relations between Israelis and Palestinians and would require changes in the orientation within the two nationalist movements and towards the international community. A bi-national state would also require, he argues, a broad coalition of both parties, a right to veto on the part of both parties, fair representation of both groups and internal autonomy for each group.

*As'ad Ghanem is a political scientist at the University of Haifa.*

**Gary Sussman, *The Viability of the Two-State Solution and Israeli Unilateral Intentions***

In this essay, Gary Sussman explores the mounting debate over the viability of the two-state solution. He analyzes the ongoing Israeli settlement expansion, the separation wall, changing democratic trends in favor of the Palestinians, international opinion regarding Israel and the notion of separation, and, finally, the idea of unilateral separation. The focus of his analysis is the impact of Israeli unilateral actions – be it the wall, settlements or disengagement upon Palestinian and international opinion regarding the desirability of a two-state solution. His main argument is that none of these factors alone imperils the two-state outcome, but when combined could have a dramatic impact on Palestinian support for the two-state outcome. He claims that Israeli unilateralism and a demographic trend that favors Palestinians could trigger a dynamic whereby Palestinians abandon their 15-year long endorsement of the two-state idea. As a result of these demographic trends and the requirement of Palestinian consent for Israeli international and regional legitimacy, he

argues that a bi-national solution is the most realistic option to move forward.

*Gary Sussman is based at Tel Aviv University.*

**Salim Tamari, *The Dubious Lure of Bi-Nationalism***

Salim Tamari argues in this paper that, while at the conceptual level bi-nationalism raises interesting possibilities for examining new dimensions of extraterritorial nationalism and ethnicity, at the level of practical politics the concept can be counterproductive and escapist. He thus proposes a continued struggle for Palestinian independence. He illustrates the drawbacks of the two-state solution and the reasons for its erosion, going on to argue for the structural dependency of Israel and Palestine. However, he claims that the advocates for a bi-national solution have been too simplistic and unrealistic in their approaches, holding their positions without assessing the repercussions of a regime created from two antagonistic national groups with established infrastructures and unbalanced power differentials. Further, those advocates are very marginalized and cannot mobilize a constituency around them, the Palestinians and Israelis themselves. A bi-national solution, he contends, would demand that the Palestinians give up their right to independence without guarantees that Israeli hostility towards them would cease.

*Salim Tamari is the Director of the Institute of Jerusalem Studies in Jerusalem.*

**Fadi Kiblawi, *Towards a Sustainable Solution: Alternative Constructions for an Israeli-Palestinian Peace***

In his essay, Fadi Kiblawi outlines a method to reach a sustainable final solution to the Israeli-Palestinian conflict by first examining the limitations of the current situation, suggesting alternatives, assessing the value of constitutional resolution and finally advocating for a bi-national solution. He claims that the two-state solution is not feasible because it would preempt the right of return of refugees, would legitimize population transfers, and would not be able to resolve the problems of the settlements, the separation wall and Jerusalem. He suggests that escaping the current impasse would require a replacement of the Palestinian Authority, a transformation of international consensus on the conflict and a redistribution of the balance of power. He then explores historically and in the contemporary context the process of defining a constitution of a

prospective solution which would consider land, border, economic and political issues, including the right to return, land reform and Jerusalem. He finally advocates for a constitutionally defined federal system with distinct separation of powers between executive, legislative and judicial branches within a unitary state.

*Fadi Kiblawi is a student at George Washington University Law School in Washington, D.C.*

**Nasser Abu Farha, *Alternative Palestinian Agenda – Proposal for an Alternative Configuration of Palestine/Israel***

Nasser Abu Farha offers in this essay an alternative configuration of Palestine/Israel that would consist in a bi-national state of two sovereign states in political and economic union, the Federal Union of Palestine-Israel. He begins by evaluating the relative concerns and aspirations of Israelis and Palestinians and the failure of the two-state solution. He moves on to argue for the necessity of reconfiguring the notion of statehood in Palestine-Israel on a federalist model that is based on the current demographic distribution of both populations and the need to accommodate the Palestinian right to return. Finally, he explores in detail the borders and demographic distribution of the two separate sovereign states while elaborating what their political and economic union would require. He argues that this solution respects the concerns and aspirations of both parties.

*Nasser Abu Farha is a Ph.D. candidate in Cultural Anthropology at the University of Wisconsin. He is a native of Jalame in the West Bank.*

**Sari Hanafi, *Finding a Just Solution for the Palestinian Refugee Problem – Toward an Extra-Territorial Nation-State***

Sari Hanafi attempts to resolve the problem of the Palestinian refugees' right of return by reconfiguring the very notion of the nation-state itself and formulating a model for an extra-territorial state. He argues that the current nation-state model, based on the "trinity" of nation-state-territory, is in deep crisis and that a new model of nation-state must be conceptualized based on flexible borders, flexible citizenship and some kind of separation between the nation and the State. This model of the "extra-territorial nation-state" is structural and transitions between a territorially-based nation-state and a 'de-territorialized' one. Hanafi distin-

guishes between residency and citizenship, arguing for the extension of citizenship to Palestinian refugees.

*Sari Hanafi is a sociologist and the former Director of the Palestinian Diaspora and Refugee Center (Shaml) in Ramallah. Currently he is a Visiting Associate Professor at the American University of Beirut.*

**Ian Lustick, *Thinking About the Futures of Palestine with the Pasts of Others: Implications for the Settlements in a Two- or One-State Solution***

Ian Lustick begins his essay with a theoretical investigation of predictions and future-oriented thinking based on more or less likely outcomes of situations and events. He suggests that we must look at the pasts of other peoples to illuminate possible Palestinian futures, taking as examples the Kurds, Armenians, Jews, Algerians, South Africans and the Irish. He goes on to consider the implications of the settlements in a one- or two-state solution, arguing that one isn't necessarily more realistic than the other for resolving the issue.

*Ian Lustick is a Professor of Political Science at the University of Pennsylvania.*

**Asher Susser, *Confederation Options in the Palestine-Israel Conflict***

Asher Susser explores the historical ties and identity-based differences within Israel, Palestine and Jordan and assesses the impact of disengagement of each party on this triangle and possible confederation. He argues that an Israeli-Palestinian-Jordanian confederation is currently impossible, but that this doesn't preclude a confederation between Palestine and Jordan, a solution that would be dependent solely on Palestinian and Jordanian political will and decision-making.

*Asher Susser is the Director and Senior Research Fellow at the Moshe Dayan Center for Middle Eastern and African Studies and an Associate Professor in the Department of Middle Eastern and African History at Tel Aviv University.*

**Jeff Halper, *Thinking Out of the Box: Towards a Middle East Union***

Halper first documents the way in which the Sharon administration captured and controlled the West Bank and East Jerusalem, creating a Jewish-controlled state throughout the "Land of Israel." He outlines the



elements necessary to constitute a just peace: the national expression of two peoples, viability, a just resolution of the refugee issue, regional peace, and mutual security for both parties. He rejects the traditional two-state solution, a two-state solution favoring Israel and a bi-national or one-state solution, advocating instead for a regional confederation. This regional confederation would emerge in two stages: 1) the establishment of an independent Palestinian state alongside Israel, and 2) a regional confederation leading to a wider Middle East Union.

*Jeff Halper is an anthropologist and Coordinator of the Israeli Committee Against House Demolitions.*

**Arie Lova Elia, *Isfalur (Israel, Falastin, and Urdun) – A Benelux Scheme***

Arie Lova Elia argues for a complete withdrawal of Israeli forces to the pre-1967 borders of Palestine. Further, he contends that the three states – Israel, Palestine, and Jordan – will slowly merge into a consolidated or confederative relationship with one another called Isfalur. Isfalur would have four regional enterprises – the Northern Water Project, the Jordan Rift Project, the Dead Sea Project and the Arava Project – which would make consolidation economically beneficial for the three countries.

*Arie Lova Elia is a former MK and General Secretary of the Israeli Labor Party.*

**Yehoshua Ben-Arieh, *Trilateral Land Exchange between Israel, the Palestinian Authority and Egypt: A Solution for Promoting Peace between Israel and the Palestinians***

In his paper, Yehashua Ben-Arieh proposes a three-way exchange of territory between Israel, Palestine and Egypt as a way of resolving the Israeli-Palestinian conflict. The article first outlines the basic premises of this plan as well as the pros and cons for each of the three parties. Ben-Arieh then discusses the basic principles underlying the plan. He concludes by offering a draft agreement for the land swap to be signed by the three parties and representatives of the international community, primarily the United States, the European Union and the United Nations.

*Yehashua Ben-Arieh is a Professor of Geography at the Truman Institute at Hebrew University, Jerusalem.*

**Mousa Burayzat, *Federation versus Confederation in Jordanian-Palestinian Politics***

Burayzat's paper takes a historical approach to Palestinian-Jordanian relations, evaluating the effects of Jordan's previous attempts to broker peace, the regional context and Jordanian disengagement from Palestinian affairs in 1988 on current and future relations. He assesses the merits and demerits of a confederal approach to solving the Palestinian question over and against a Jordanian-Palestinian federal approach, encouraging more close cooperation between Palestine and Jordan and the abandonment of a reliance on an Arab confederal structure. However, he claims, it is crucial that genuine collaboration and cooperation be established between Arab states on the Palestinian question, and that federal and confederal solutions to the problem should be explored more fully.

*Mousa Burayzat is the Jordanian Permanent Representative to the United Nations in Geneva.*

**Ahmad Abu Lafi, *Islam and the Bi-National State***

Abu Lafi gives an historical account of Islamic governance, turning to the early foundation of the Islamic state in Medina and defining more broadly the nature of the Islamic state based on the Islamic creed. The constitution and laws of such a state would be derived, he contends, from the Qur'an, the Sunnah, and what they have referred to: reasoning by analogy (*Qiyas*) and recognized consensus on the part of scholars (*Ijma'*). He describes the Islamic state as a unified system under the authority of an individual Muslim ruler and which extends to all residents of the state equal rights. For this reason, a bi-national state would only conform to Islamic law if it was unified, Muslims and non-Muslims living equally under one Muslim ruler and abiding by Islamic laws.

*Ahmad Abu Lafi is a Lecturer at Al-Quds University in Jerusalem.*

**Thomas G. Fraser, *Partition as a Solution to Political Division: The Cases of Ireland, India and Palestine***

Fraser's essay contextualizes the partition of Palestine historically with the partitions of Ireland and India, respectively, as a British Imperial solution to political division. He explores the evolution of Irish nationalism and the key factors which motivated partition as well as the details of the partition agreements finally outlined. Moving to the Indian context,

he examines the ideas of Muhammad Ali Jinnah and the gradual support for Muslim self-determination in a separate state, an idea which motivated and followed through the partition of India and Pakistan. He finally looks at proposals under the British Mandate and UNSCOP to partition Palestine into separate Arab and Jewish states.

*Thomas G. Fraser is Provost at the University of Ulster.*

**Jan de Jong, *The End of the Two-State Solution – A Geo-Political Analysis***

De Jong's looks at the geographical effects of the Separation Barrier Israel is currently erecting in the West Bank and argues that its construction of the 'Barrier' – along with the ongoing settlement policy - will fatally prejudice all remaining prospects for viable Palestinian statehood. He explores the Israeli disengagement plan and its system of segregating Palestinian land and infrastructure from Israeli-controlled land and infrastructure, particularly in relation to the Israeli system of roads and tunnels in the West Bank, the expansion of settlements and outposts, the annexation of Jerusalem from Palestinian control and their combined effect on the economic viability of a separate Palestinian state and creation of a Bantustan-like structure for Palestinian cities. He then outlines what would be necessary for an economically viable Palestinian state and the possibilities of a Labor-Likud compromise on that state. The text also contains eight colored maps.

*Jan de Jong is a Geographer and Land Planning Expert.*

## DREAMING OF CO-EXISTENCE: A BRIEF HISTORY OF THE BI-NATIONAL IDEA

*Nick Kardahji<sup>1</sup>*

The received wisdom regarding the Palestine/Israel conflict is that some form of two-state outcome is inevitable. At some point in the future a separate, independent Palestinian state will emerge on some or all of the West Bank and Gaza Strip, or so the argument goes. Even though Israel's current Prime Minister, Ariel Sharon, is undermining prospects for a Palestinian state on a daily basis, this is still seen by many as merely 'delaying the inevitable', rather than fundamentally changing the nature of the conflict.

But what if this viewpoint is seriously misguided, and in fact, a two-state outcome is now extremely remote if not impossible? It is important to remember that such an outcome, at least as it is currently talked about, can hardly be described as 'historic'. It is a relatively recent notion, the product on the one hand of the successive defeats of the Palestinian nationalist movement, which has been forced into accepting the idea of a 'mini-Palestine', on barely a fifth of the former homeland, out of position of weakness, and also of a need on the part of Zionists to rid themselves of 'non-Jews', in order to maintain the stability and viability of their exclusive ethnocracy.

Therefore it is not an idea which the Palestinians would necessarily choose if the balance of power was different, and similarly, for some Zionists at least, the only thing preventing them permanently extending Israel's borders is the presence of the Palestinians. Both peoples have a strong connection to all of the land between the Mediterranean Sea and

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<sup>1</sup> Nick Kardahji is a Palestinian-British researcher who has been working at PASSIA in 2003/2004, after graduating from the University of Sheffield, UK, with a BA in Philosophy.

the Jordan River, and not just bits of it. When the Palestinians talk of 'Palestine' they do not mean the West Bank and Gaza Strip only; they are referring to Palestine as it was under the British Mandate, and even if some kind of partition solution was implemented, such a powerful sense of belonging is unlikely to be eroded easily.

Beyond a strong attachment to the land, there are other powerful reasons why the two-state outcome is not necessarily desirable, many of which are expounded in later chapters of this volume. Suffice it to say that an increasing number of individuals and groups on both sides are starting to question the logic of partition and are beginning, in some cases reluctantly, to discuss possible alternatives. Of such alternatives, the most widely discussed is the 'bi-national state' model.

A crucial point to note first of all is that the terms "bi-national solution" and "one-state solution" are *not* synonymous. There is an important difference between the two. There are in essence two forms of one-state solution, the bi-national model and the one-person, one-vote model. The former is based on power sharing between the two communities, and in this system, an individual's political power is derived from his or her membership of a particular ethnic group. In brief, in a bi-national state, group rights triumph over individual rights.

The one-person, one-vote model is different. Here, as in most Western 'liberal democracies', individual rights are paramount and each person is represented, and has political power, as an individual and not as part of a particular group. Whereas in the bi-national model, the national legislature is usually comprised of a fixed balance of legislators from the two communities (a 1:1 ratio of Jews to Arabs for instance), in the one-person, one-vote system there are no fixed quotas and the composition of the legislature depends entirely on how citizens choose to vote. Whilst the former model is compatible with some form of Zionism<sup>2</sup>, the latter is not.

It is a common error to confuse these two alternatives, and much of the debate surrounding one-state solutions to the Palestine Question, is characterized by a lack of clarity. Within this volume the bi-national idea

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<sup>2</sup> See the paper by Gary Sussman in this volume.

is the main focus of attention, and by way of an introduction I shall briefly outline the historical roots of the concept within the Palestine/Israel context.

### **Bi-nationalism vs. Partition in the Mandate Era**

Before discussing specific individuals and movements who advocated bi-nationalism during the Mandate era, it is important to recognize that the debate surrounding the bi-national idea today is of a different nature to that in the inter-war years. Although in both cases, discussions tend to focus on the relative merits of a bi-national state as opposed to partition, what was meant by 'partition' during the Mandate was not the same thing as is meant today. Whereas in the thirties and forties, Jews and Arabs talked of 'partition', nowadays Israelis and Palestinians talk about 'separation'.

A starting premise for those seeking to find a peaceful solution to the Palestine Question in the Mandate period, was that some degree of cooperation between Jews and Arabs would be necessary, whatever the outcome. It was recognized in particular that the Arabs would be disadvantaged economically by partitioning the land into two completely separate states, given the less-developed nature of their economy. The 1947 UN Partition Plan, proposed by UN General Assembly Resolution 181, foresaw an economic union between two states, one Jewish and one Arab. This would inevitably place restraints on the independence of the two entities from one another.

Such a degree of cooperation between Palestinians and Israelis would be unwelcome, to say the least, in today's climate. An economic union would entail relatively free movement of people and goods throughout the whole of the land, and the construction of walls or other barriers would certainly impede the proper functioning of this model. If the partition resolution were applied today, the two populations would not be, in any true sense, 'separate' from one another, something which many on both sides seem to want.

This desire for complete disconnection from the other has led to a model of partition whose chief aim is to limit contact between Jews and

Arabs to the greatest extent possible. The hallmark of partition today is the establishment of two separate entities, and what was classed as partition 60 years ago might now be seen as a form of bi-nationalism. It is quite possible that the UN Partition Plan would be seen as such, and the fact that Nasser Abu Farha<sup>3</sup> bases his federal plan on this proposal is perhaps a strong indication of this.

However, this apparently strong desire to be rid of one another masks the true purpose of partition, as conceived of in the present context. Partition's role is to solve the central problem of Zionism, namely how to keep Israel Jewish and democratic in the face of a large indigenous, non-Jewish population. It gets rid of millions of non-Jews, whose higher birth rate would eventually constitute an existential threat to the State of Israel. The fact that many Palestinians claim to support this approach, whether out of resignation or a, perhaps false, belief that a viable state can be built on such a small piece of land, only serves to disguise the main impetus behind the idea.

Demographic concerns were also a key factor behind support for partition during the Mandate era. One of the aims of the partition proposals put forward during that time, was to create a Jewish majority in part of Palestine (i.e. the part of Palestine that would become the Jewish state) and provide sufficient space for further Jewish immigration. But, as mentioned above, a significant degree of inter-relation between the two new states was expected and planned for under these proposals, and the idea of total separation has only really taken hold in the last 10-15 years.

One feature of partition has remained the same however. Both in Mandatory times, and in the present context, partition has been much more important to the Zionists than to Palestinians. The latter rejected partition in 1947 but have subsequently come to accept the idea, albeit with much less favorable terms. Nevertheless, for most Palestinians it is a compromise position, whereas for many Zionists (though not those willing to accept some form of Apartheid) it is an increasingly vital need, as the Palestinian population continues to expand under Israeli domination.

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<sup>3</sup> For details of Abu Farha's proposal, see his chapter in this volume.

An important similarity between many of the bi-nationalists in the 1930s and modern advocates of bi-nationalism, is that both see shared political sovereignty over the whole land as a way to get the opposite side to agree to many of their key demands. Some bi-nationalists (Judah Magnes is one example – see below), for instance, argued that with regards to one of the most important Zionist aims, Jewish immigration to Palestine, a bi-national state which was part of a federation with Arab states, could accommodate large numbers of Jews without upsetting the ethnic balance. Hence, bi-nationalism was a way of achieving a key Zionist goal without inflaming the native population.

Similarly, bi-nationalism is viewed today by both its Israeli and Palestinian supporters as a way to achieve certain goals which cannot be achieved by other means. For Palestinians such goals include sovereignty in all of Palestine, and a just solution to the refugee issue. For those Israelis who support bi-nationalism (often somewhat reluctantly), a bi-national state is intended to make the Zionist project in Palestine more democratic by ending, or at least restricting, excessive Jewish domination.

It is also a way of circumventing the problem of the settlements in the West Bank and Gaza. Their removal has always been fraught with problems for those Israelis willing to consider such a move, and a bi-national solution would allow them to remain. This is one of the reasons why some form of bi-nationalism has been consistently advocated by extremist settler movements who are fundamentally opposed to relinquish their grip on religiously significant territory. Of course, their version of bi-nationalism is also a form of Apartheid, and it is important to remember that bi-nationalism does not have to be democratic.

### **Zionism: A Cultural or Nationalist Project?**

From the beginning of the Zionist project in Palestine there were many who recognized that the aim of Zionism, to create a Jewish state in Palestine, was not readily compatible with the principles of democracy. The primary reason for this was the presence on the land of a native, non-Jewish population. For a predominantly Jewish state to emerge it would be necessary to 'deal' with this population in some way, and the importance of mass Jewish immigration, and later the concept of 'transfer', was



central in this regard. One figure who stands out as having recognized what Zionism, as traditionally conceived, would involve, was Judah Magnes, the first Chancellor of the Hebrew University in Jerusalem.

For Magnes, what was important was the establishment of a Jewish cultural center in Palestine that would help to strengthen and revitalize the Jewish people. This version of Zionism was espoused by the Ukrainian-born Jewish philosopher Ahad Haam, who argued that the aim of the Zionist project is to rejuvenate the Jewish individual, and by extension, the Jewish nation. The formation of a separate Jewish state was not, in Magnes' view, necessary, and in fact he recognized that, because such a state would involve, if a Jewish majority was to be entrenched, dispossessing the Palestinians and denying their right to self-determination, the Zionist project could not also be a democratic one. This was a key factor in Magnes' rejection of Jewish nationalism, insofar as its aim was a state with a Jewish majority. This led him to support the establishment of a bi-national state.

Magnes argued that some form of bi-national state was preferable to a one-person, one-vote system, because the latter would lead, in his view, to the domination of one ethnic group over the other. It was important to maintain parity between the two groups in order to allow their respective national aspirations to be fulfilled. According to Magnes, fulfilling Palestinian demands for national autonomy should be regarded as an integral part of the Zionist project, and the Jewish nationalist movement should not, and possibly could not, attempt to achieve its aims at the expense of the Palestinians.

On the issue of Jewish immigration to Palestine, a major subject of debate during the Mandate era, Magnes argued that an agreement with the Palestinians was necessary in order to prevent inflaming the situation further. Whereas the Zionist leadership was demanding unlimited Jewish immigration to Palestine immediately, Magnes believed that, following peace with the Palestinians, the immigration issue would be easier to deal with. He argued that a bi-national state that was part of a wider federation of Arab states, could handle large numbers of Jewish immigrants without upsetting the delicate demographic balance.

Initially Magnes was merely laughed at or ignored by the *Yishuv*, but by the 1940s he was being branded “anti-Zionist” and a “traitor”. At public speeches members of the audience heckled him and threats were made on his life. He was regarded as dangerous, and his attempts to promote reconciliation and compromise were viewed with disdain by a movement which had come to see “Jewish power” and the use of force as the key to achieving the aims of Zionism.

Perhaps Magnes’ greatest success was his appearance before the Anglo-American Committee of Inquiry, established in 1946 to look into the issue of post-war Jewish immigration to Palestine. His ideas had a big impact on the committee, and following his presentation the Chairman of the Committee, Judge Joseph C. Hutchinson, declared “I recognize moral power when I see it”.<sup>4</sup> The bi-national idea was received favorably by the committee and they ultimately recommended that Palestine should become a trusteeship when the Mandate ended, until relations between Jews and Arabs improved. However, subsequent international investigations, (e.g. the UN Special Committee on Palestine, UNSCOP) remained unconvinced that the bi-national model was feasible, given the animosity between the two sides, and instead recommended partition.

Magnes was a determined figure, totally convinced of the principles he fought for. Even when the attitude of the *Yishuv* became increasingly hostile towards him, he did not waiver, and continued to argue that strength of arms was not a viable strategy for fulfilling the Zionist project. He predicted early on that the Jewish national movement’s continuing failure to properly address the rights of the native people would eventually lead to bloodshed and war. At the time he was ridiculed, but subsequent events attested to the validity of his position.

### **Bi-nationalism as a Means to Zionist Ends**

Aside from Magnes, there were a number of other Jewish figures who believed that some form of bi-nationalism was the best or only way of achieving Zionist aims. At one time or another such individuals included, Arthur Ruppin, Chaim Kalvarisky and organizations such as Hashomer

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<sup>4</sup> Quoted in the *New York Times*, 15 March 1946.

Hatzair and Brit Shalom. A key difference between Magnes and these individuals and groups was that whereas he believed that the Zionists should actively ensure that their aims did not conflict with those of the Palestinian Arabs, for example by restricting immigration and foregoing a Jewish majority if necessary, the other groups did not believe that key Zionist goals should be compromised during the process of forming a bi-national state.

One of the groups which consistently advocated some form of bi-nationalism, was Hashomer Hatzair, a socialist-Zionist youth movement. This group believed that a Jewish majority should not be regarded as a goal, but as a necessary pre-condition for a bi-national society in Palestine. They opposed, on Marxist grounds, the formation of a state, arguing that a 'state' in Marxist ideology is merely a transitory phase towards a utopian worker-led society. They attempted to form workers unions with the Arab *fellahin* (peasants), but were largely unsuccessful, partly due to the fact that Hashomer Hatzair was actively involved in the settlement program, the main source of tension between Jews and Arabs.

Similarly, Chaim Kalvarisky and Arthur Ruppin were both actively involved in dispossessing Palestinians and colonizing their land. At the same time they argued that the aims of Jewish nationalism were best served by coming to some sort of power sharing arrangement with the Arabs. In 1921, at the beginning of the Mandate, Ruppin wrote that Zionism was unlikely to succeed if it proceeded in opposition to the Arabs. He was also among those who saw Zionism as part of a wider project to encourage the "flowering of the East, through a common cultural endeavor"<sup>5</sup>. Ruppin argued that in cooperation with Arabs, Armenians and other 'Eastern peoples', the East could witness a rebirth and become a powerful force in the world.

Ruppin was the founder, in 1925, of Brit Shalom, a movement which campaigned for an alternative approach to relations with the Arabs. Brit Shalom's aim was not to initiate dialogue with the Arabs, or to formulate a concrete plan for a bi-national state; rather it was to encourage the *Yishuv* to adopt a more thoughtful attitude towards the Arabs. Brit Shalom promoted discussion on the issue of bi-nationalism and offered Ara-

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<sup>5</sup> Quoted from Ruppin's diaries in Lee Hattis, Susan, *The Bi-National Idea in Palestine During Mandatory Times*. Haifa: Shikmona, 1970, pp. 39.

bic classes. Brit Shalom members tried to promulgate the view that bi-nationalism is not a prescription for the future, it is a description of current realities. The land of Palestine, they argued, has two competing national groups living on it and the only hope for peace and stability in the future is to balance those competing claims within the context of a single state. Attempts to privilege one groups claims over those of the other, would only lead to violence and the failure of the Zionist project.

The Al-Buraq (“Wailing Wall”) riots of 1929 marked an important turning point in the campaign for a bi-national state. The riots, partly triggered by Arab fears about the fate of the Al-Aqsa compound, Islam’s third holiest site, affected the thinking of many of those who advocated a bi-national state. In general, the bi-nationalists, especially figures such as Magnes, interpreted the riots as an understandable reaction to the Zionist project, which Arabs (rightly as it turned out) viewed as a serious threat to prospects for a state of their own. Although by holding to such a view their perspective was different from the majority of Zionists, who saw the riots as the product of a violent and backward people, the bi-nationalists tended to share the view that prospects for Arab-Jewish cooperation, and hence for some form of bi-national state, had decreased, following the revolt.

Ruppin is a good example of this. Following the rioting of 1929, he began to see the bi-national idea as unfeasible. He did not abandon the idea completely, but given the increasing hostility of the native population and their increased strength, he saw it as unworkable in the present climate. He also became concerned that Brit Shalom was damaging the Zionist cause because “the Arabs interpret our conciliatory tone as weakness”<sup>6</sup>. He later argued that the Arabs had to be forced to accept the idea of a strong Jewish presence in Palestine, by increasing immigration and strengthening the Zionist economy. He believed that this would lead to an easing of tensions, as Arabs came to terms with the “weight of facts”<sup>7</sup>.

Unlike Ruppin, Kalvarisky retained a strong desire to negotiate a settlement with the Arabs, even after the upsurge in violence during the 1930s. Kalvarisky made many attempts to reach some form of agree-

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<sup>6</sup> Bein, Alex (ed.) *Arthur Ruppin: Memoirs, Diaries, Letters*. Weidenfeld and Nicolson, Jerusalem: 1971, pp. 244.

<sup>7</sup> *Ibid.*, Ruppin Letter to Weltsch, 18 March 1936.

ment with the Arabs, with one of the first being his draft proposal to King Faisal in 1919, which called for a Jewish state with unrestricted Jewish immigration, and was rejected by the Zionist leadership. Later he used Brit Shalom's successor organization, *Kedma Mizraha* (Forward to the East), as a platform to pursue contacts with the Arabs in the hope of reaching an agreement on some kind of power sharing arrangements.

### **Arab Bi-nationalists**

The bi-national idea, as a solution to competing land claims in Palestine, arose out of Zionist ideology, and as such it found few supporters among the indigenous population. For most Palestinians, anything less than an Arab state in all of Mandatory Palestine was unacceptable, and the idea of having to share their land with foreign colonists, was seen, understandably, as unthinkable. Nevertheless, there were Arabs who came to believe that bi-nationalism was an acceptable option for Palestine, although it is important to see these figures as marginal and unrepresentative of the general Arab position.

Accepting bi-nationalism entails accepting the validity of the Zionist project, something which most Palestinian Arabs were opposed to doing. However, for a number of reasons, some Arabs were prepared to discuss cooperation with the Zionists, although negotiations were usually held in secret. The fact that most of the Arabs who conducted dialogue with the Zionists refused to do so publicly, means that there is relatively little record of what was discussed and by whom.

There are a number of likely reasons why Arabs were prepared to negotiate with the Zionists over sharing Palestine. Firstly, greed and materialism allowed the Zionists to bribe some prominent Arabs into considering Jewish proposals. Such corrupt behavior was part of a shameful history of collaboration by the Palestinian aristocracy with the Zionists, largely for their own material benefit, and at the expense of the *fellahin*. The issue of land sales to Jews was another instance where the land-owning elite acting out of naked self-interest by selling thousands of dunums to the Zionist colonists, whilst simultaneously condemning in public such activities. Many prominent Palestinian families were guilty of such acts.

A second reason was immediate political concerns. In some cases Arabs engaged in negotiations with the Zionists in order to weaken the position of their (Arab) opponents. For instance, in Jerusalem rivalries between Husseinis and Nashashibis (two of the most powerful Palestinian families) led to each side trying to forge alliances with the Zionists in order to undermine the other. Neil Caplan's study of Arab-Jewish negotiations during the Mandate, *Futile Diplomacy*, discusses such incidents in detail.<sup>8</sup>

However some Arabs were motivated by the belief that a strong Jewish presence in Palestine would bring benefits to the Arabs, in particular, an influx of Jewish capital which would promote economic development and bring greater prosperity for all. However, this presence should not be at the expense of the Palestinian Arabs, and it was important to maintain an Arab majority. One Arab bi-nationalist, Ahmad Khalidi, argued that,

"It is important to preserve a reasonable fixed quota in land and population: an Arab numerical majority versus a rich and enlightened Jewish minority."<sup>9</sup>

In 1933 Khalidi proposed a cantonal plan, which would have involved the establishment of two cantons, one Arab (to be 'linked' with Transjordan) and one Jewish, the latter of which would have extended over 2.5 million dunums of Palestine (1.5 million of which was already, in 1933, settled by Jewish colonists). In addition to the cantons, there was to be three 'free cities', Jerusalem, Hebron and Safad, which would be outside the direct control of either canton. The two cantons would form a federation, with an Executive Council, comprised of Arabs, Jews and British representatives, and the Emir of Transjordan would serve as head of the Council. Jewish immigration would be restricted to the Jewish canton or the free cities.

Musa Alami, Arab Secretary to the High Commissioner during the 1930s, also proposed a cantonal plan. He called for the establishment of a Jewish canton in Palestine whose borders would run from Tel Aviv to Atlith, and then eastwards as far as there were Jewish colonies. There

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<sup>8</sup> Caplan, Neil *Futile Diplomacy*, Vol. One, London: Frank Cass, 1983, pp 70- 79.

<sup>9</sup> Quoted in Lee Hattis, Susan, *The Bi-National Idea in Palestine During Mandatory Times*, Haifa: Shikmona, 1970, pp. 124.

would be no restrictions on immigration to the Jewish canton and it would be free to pass legislation as it saw fit. A national government would be established for all of Palestine, with a legislative council elected by proportional representation. The British were to provide 'guidance' to the new state.

Both of these plans were rejected by the Zionists, on the grounds that they entailed the establishment of boundaries to Jewish immigration within Palestine, something which the Zionists, including the bi-nationalists, were totally opposed to. As mentioned above, most Zionist bi-nationalists were not prepared to sacrifice key Zionist goals for the sake of rapprochement with the Arabs, and unlimited Jewish immigration in particular was a non-negotiable demand.

A third Arab figure to engage in efforts to promote bi-nationalism, was Fauzi Husseini, cousin of the Mufti, Hajj Amin Husseini. Husseini was the head of an organization called "Falastin Al-Jadida" (The New Palestine), which supported the idea of a bi-national state in Palestine. In 1936, Husseini argued that a Jewish-Arab agreement was essential for the development of the country, and such an agreement should be premised upon the principle of "non-domination of one nation over the other and the setting up of a bi-national state on the basis of political equality".<sup>10</sup>

Husseini was aware of the formidable obstacles facing the campaign for a bi-national state, especially amongst the Arabs where nationalist parties were dominant. In August 1946 he spoke at the home of Chaim Kalvarisky and urged supporters of bi-nationalism to take action immediately to promote the idea amongst the Arab population, and to counter the influence of the Mufti's party. On 11<sup>th</sup> November, he, along with four colleagues, signed an agreement with the League for Jewish-Arab Rapprochement and Cooperation (a coalition of Zionists from different organizations, including Brit Shalom and Hashomer Hatzair) on 11<sup>th</sup> November 1946, which outlined a program for a bi-national state in Palestine. Twelve days later Husseini was assassinated, allegedly by other members of his family, for collaborating openly with the Zionists.

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<sup>10</sup> Quoted in *Hamishmar*, the official newspaper of the Zionist organization Hashomer Hatzair, 25 July 1946. Cited in Lee Hattis, Susan. *The Bi-National Idea in Palestine During Mandatory Times*. Haifa: Shikmona, 1970, pp. 303.

The efforts of those Arabs who sought rapprochement with the Zionists, were never likely to bear fruit, and the assassination of Fauzi Husseini was indicative of the general attitude of the Arab population towards negotiations with the Zionists. The dominant Arab view of the Zionists was that they were using the bi-national idea for purely tactical purposes, and they had no intention of actually following through on the proposals they offered. Zionism itself was seen as a foreign, colonial project, the aim of which was the conquest of Palestine and the subjugation or expulsion of the native people. Within this framework, the veracity of which was proved by the events of 1948, there was little room for negotiation or cooperation between the two sides.

### **1948 and the End of the Bi-national Movement**

In November 1947, the UN General Assembly passed Resolution 181, which called for the partitioning of Palestine into two separate states, one Jewish and one Arab. The Arabs rejected the idea as blatantly unfair, given that the Jews, who were only a third of the population at that time, were to receive more than half the land. Over the course of the next year, Palestinian Arab society was systematically destroyed by the Zionist militias, and three quarters of a million Arabs were expelled from Palestine, their villages razed to prevent their return. By the time the *Nakba* (catastrophe) was over, Palestine, as an Arab country, had ceased to exist and in its place was a Jewish ethnocracy that had no place for the former inhabitants.

After the failure of the UN partition proposal, and the subsequent expulsion of the Arabs, interest in the bi-national idea waned. Bi-nationalism had never enjoyed significant support among the Jewish colonists, and following the *fait accompli* of the *Nakba*, its appeal can only have dwindled further. The key motivation for bi-nationalism had been the presence of a large, non-Jewish indigenous population in Palestine, and for liberal Zionists, who were unwilling to contemplate violent expulsion, compromise and cooperation were the only means to pursue the Zionist project. However, after this native population had been systematically dispossessed, there was no longer any need to seek a negotiated solution. A Jewish state, with a Jewish majority, had emerged, fulfilling the aim of Zionism, and rendering bi-nationalism obsolete.



Since the establishment of the State of Israel, no significant Jewish political group or faction has espoused the bi-national idea, although some Palestinian-Israeli political groups support the notion. Certain Jewish-Israelis have come to support the idea (Meron Benvenisti for instance) but there is still no coordinated movement which campaigns for such an outcome. Mainstream political parties in the Jewish State are all united by their opposition to anything which will entail the end of the Jewish ethnocracy.

During the 1970s, the PLO called for a one-state solution to the Palestine Question, although, given the lack of a concrete proposal, it is unclear whether they were proposing a bi-national solution, or a one-person, one-vote polity. In his speech to the UN General Assembly on 13 November 1974, PLO Chairman Yasser Arafat called for "one democratic state where Christian, Jew and Muslim live in justice, equality and fraternity", language which implies a one-person, one-vote model. In any case, following the PNC meeting in Algiers in 1988, the partition resolution was accepted as the basis on which a lasting solution would be constructed, and the two-state paradigm became the predominant one.

Whether a significant revival of the bi-national idea is underway at present, or whether it is merely a passing fad, is impossible to determine for now. During the Mandate era sections of the Jewish colonial movement embraced the idea as a way of ensuring a Jewish foothold in Palestine, with the consent of the indigenous populace. Now though, such consent for the Jewish presence in Palestine is not needed; the strength-of-arms philosophy, espoused by mainstream Zionism during the Mandate era, and opposed by Judah Magnes, has shown itself to be more than adequate. For the Palestinians meanwhile, the desire for a "mini-Palestine" seems to be far more appealing than the prospect of a shared state with the Israeli-Jews. For how long such a choice is possible, as the land available for the "mini-Palestine" diminishes daily, remains an open question.

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**Annex**

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**MANDATE-ERA BI-NATIONALISM  
- PEOPLE AND MOVEMENTS**

**Alami, Musa:** Arab secretary to the High Commissioner during the 1930s. Proposed the establishment of a Jewish canton in Palestine whose borders would run from Tel Aviv to Atlith and then eastwards as far as there were Jewish colonies. There would be no restrictions on immigration to the Jewish canton and it would be free to pass legislation as it saw fit. A national government would be established for all of Palestine, with a legislative council elected by proportional representation. The British would provide 'guidance'. Rejected by Jewish bi-nationalists because of the geographical limits to Jewish immigration.

**Brit Shalom [Covenant of Peace]:** Peace movement founded by Arthur Ruppin in 1925, which advocated a bi-national state for Jews and Palestinians. Until the disturbances of 1929, the group's dominant members included Chaim Kalvarisky, Isaac Epstein (East European settler and critic of prevailing immigrant attitudes towards Arabs) and Jacob Thon (assistant to Ruppin and later his successor as Director of the PLDC), but after 1929 a new leadership of Central European Jews began to take over. The original aim of Brit Shalom was not to negotiate with the Arabs or to offer concrete plans for a bi-national state. Rather its aim was to persuade the *Yishuv* to adopt a more thoughtful attitude in relation to the indigenous Arab population and to recognize that the aims of mainstream Zionism (a Jewish state with a Jewish majority) would inevitably clash with the legitimate rights of the local population. Therefore, they argued, the nationalist aspirations of the Palestinian Arabs must be taken into consideration by the Zionists. Bi-nationalism is not a program, they claimed, but merely a description of the current reality – a land with two competing national groups living on it. In 1930 there was an attempt to establish a Jewish-Arab trade union, but efforts were thwarted by the British, who cited security concerns. In 1933 Brit Shalom disintegrated, partly due to financial problems but mainly because of the loss of several key members. Ruppin argued that Brit Shalom's original aims, to find a formula that would satisfy the interests of both nations, was no longer possible because the Arabs were now (i.e. in the 1930s) in a stronger position than before and were in no mood to compromise with the Jewish colonists.

**Cust Plan:** Archer Cust, Assistant District Commissioner in Nazareth, proposed a canton plan which divided the land according to the current distribution of the two populations. Jerusalem and Bethlehem would become an 'international enclave' with Haifa Port under direct British rule. The Arab cantons would be linked with Jordan and a central federal government would be in overall control of the cantons. Each canton would have responsibility for health, education etc, but the British would retain direct control over defense, customs, ports and certain other areas. Cust envisaged eventual separation, with Arab Palestine merging with the Arab Federation and Jewish Palestine remaining an independent unit.

**Falastin Al-Jadida [The New Palestine]** – Arab organization led by Fauzi Al Hussein, which advocated bi-nationalism and in 1946 signed a document with the League for Jewish-Arab Rapprochement and Cooperation, setting down a shared set of political beliefs, including the idea of a bi-national state in Palestine. Hussein was assassinated in November 1946, allegedly by members of his own family.

**Hashomer Hatzair:** Left wing Zionist-socialist faction, formed in 1913 in Galicia. Consistently advocated bi-nationalism from 1929 till after the creation of the State of Israel in 1948. Its aim was to create a "bi-national socialist society in Palestine". Unlike Brit Shalom, Hashomer Hatzair argued for a Jewish majority in Palestine as a prerequisite for a bi-national society, mainly because of a belief in the need to rescue millions of Jews from the Diaspora. Opposed formation of a 'state' (Jewish or otherwise) on Marxist grounds. Following the establishment of the State of Israel in 1948, Hashomer Hatzair abandoned its call for a bi-national state.

**Ichud [Union]:** Organization, founded by Judah Magnes, which advocated the formation of a bi-national state for Jews and Palestinian Arabs in Palestine. Prominent members included Henrietta Szold and Martin Buber, although its total membership did not rise above 200 and its influence on the mainstream Zionist leadership was negligible.

**Kedma Mizraha [Forward to the East]:** – Post-Brit Shalom movement, comprised of many of the same individuals as its predecessor, including Chaim Kalvarisky, but without Arthur Ruppin. Did not propose a specific program, and was not necessarily in favor of bi-nationalism (although Kalvarisky supposedly was). Instead advocated close cooperation with the Arabs and development of economic, social and cultural ties between Jews and Arabs in Palestine. Attempted to persuade the Jewish Agency to take the

Arab issue more seriously and establish a dedicated committee to examine Jewish-Arab relations, but without success. Kalvarisky came to dominate the movement more and more, until 1938 when it effectively ceased to exist.

**Al-Khalidi, Ahmad:** Head of the Government Arab School during the Mandate period. Proposed a 'canton plan' for Palestine as a way of reconciling competing Jewish and Arab claims. His plan called for a Jewish canton on 2.5 million dunums of land in Palestine (1.5 million of which was already settled by Jewish colonists). The Arab canton would be linked with Jordan, and the Emir of Transjordan (Abdullah) would act as Head of the Executive Council of the two cantons, which would be comprised of Jews, Arabs and British representatives. Each canton would have separate legislatures and would have jurisdiction over matters such as policing, transport, education etc. Jerusalem, Hebron and Safad would be 'free cities', i.e. outside the direct control of either canton. Jewish immigration would be limited to their own canton and the free cities. Mapai rejected the plan on the grounds that it limited Jewish immigration to certain areas of Palestine.

**League for Jewish-Arab Rapprochement and Cooperation** – Umbrella organization, formed in the late 1930s, comprised of most of the Jewish factions which supported bi-nationalism, including ex-Brit Shalom members, Kidma Mizraha, Hashomer Hatzair and others. The League aimed to promote the bi-national idea in the media, work on the formulation of a concrete mechanism for implementing bi-nationalism, encourage the study of Arabic by Jews and the study of Arab culture and traditions. Following the publication of the "Biltmore Program", which called for the establishment of a Jewish State in Palestine, and the adoption of this by the Zionist leadership as official policy, the League increased efforts to promote bi-nationalism as an alternative. However the increasingly unfavorable political environment, especially following the outbreak of WWII and revelations about Nazi atrocities in Europe against Jews, made their goals ultimately unachievable.

**Magnes, Judah:** American Jew who settled in Palestine during the 1920s. Became first chancellor of the Hebrew University in Jerusalem. Believed that Zionism should be a cultural, rather than nationalist, project and its aim should be the revitalization of the Jewish people and the establishment of a "Jewish cultural center" in Palestine. Supported bi-nationalism and strict equality between Jews and Arabs, arguing that Zionism could only be fulfilled in parallel with the aspirations of the Palestinian Arab people. He appeared before the Anglo-American Committee in 1946, calling for a bi-national solution to the Palestine Question. Although the Committee was receptive, the

subsequent UNSCOP team rejected a bi-national state as unfeasible given the degree of inter-communal strife, and instead proposed partition. Magnes was an increasingly unpopular figure within the *Yishuv* and was branded a “traitor” for his refusal to accept the argument that only via the use of force could Zionist aspirations be achieved.

**Poalei Zion:** – Marxist-Leninist Zionist faction. Program changed repeatedly, but advocated equal rights for Palestinian peasants and workers, and occasionally political equality of the two nations in their common homeland. Opposed negotiations with the ‘reactionary’ Arab nationalist leadership. Found it increasingly difficult to reconcile Marxist-Leninist doctrine (class struggle, anti-imperialism) with the realities of the Jewish-Arab conflict. Disintegrated in late-1930s due to lack of popular support and unfavorable political climate.

**Ruppin, Arthur:** Economist, sociologist and Director of the Palestine Land Development Company (PLDC). A key figure behind the settlement enterprise. Helped to establish Tel Aviv, and bought land from the Greek Patriarchate in Jerusalem to establish what became Rehavia. Founder of Brit Shalom movement which advocated the establishment of a bi-national state for Jews and Arabs. Following the Arab revolt in 1929, Ruppin abandoned bi-nationalism and instead campaigned for a Jewish state in Palestine, believing the former to be unworkable given Palestinian hostility.

**Wauchope Plan:** Presented to the 86<sup>th</sup> meeting of the Palestine Executive Council on 25<sup>th</sup> September 1936. Proposed the creation of two Jewish cantons, one Arab, two mixed and two ‘enclaves’. The Jewish and Arab cantons would enjoy autonomy in certain areas, but the mixed cantons would remain under central control. Jewish immigration would be decided according to existing Mandate rules (i.e. selective immigration). Freedom of trade and movement between cantons would be assured.

# THE BI-NATIONAL SOLUTION FOR THE ISRAELI-PALESTINIAN CRISIS: CONCEPTUAL BACKGROUND AND CONTEMPORARY DEBATE

*As'ad Ghanem*<sup>1</sup>

## **Theoretical Background**

How can we relate, in theory and in practice, to group rights on two levels, namely, the individual and the collective? In principle, we can distinguish between two possible methods: continuing to discriminate against the non-dominant groups thus maintaining the dominance of one group, or establishing equality for all groups, which would mean doing away with the deprivations suffered by the non-dominant groups and abrogating the institutionalized dominance of the dominant group.

In the case of discrimination against non-dominant groups and the preservation of the privileges of one group, a state can in principle implement policies, in various forms, that are intended to maintain the relationships between the State and the dominant group; such policies can encompass an infinite number of arrangements, ranging from ethnic purification by extermination, to granting democratic rights to the non-dominant group while maintaining the dominance of the dominant group. What follows is a list of possible known solutions:

**1. Extermination and group purification:** Despite the great moral, political, economic, and cultural importance of the attempts to exterminate whole peoples and groups, available literature has very little on this phenomenon and the subject has still not received a great deal of attention by the students of group, ethnic, and national phenomena. In

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attempting to discuss the subject, the written material has relied upon the UN's definition of genocide, as it appeared in the UN Declaration:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its total or partial physical destruction;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.

Fein has attempted, in a broad study of the phenomenon of "genocide," to provide her own definition, having surveyed all the definitions that appeared in the literature before her:

"Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim" (Fein, 1993, p.24).

Explanations for the phenomenon of "genocide" are varied and provide social, political, cultural, and psychological answers. They all point to a conflict between the State and the dominant group from one side and the non-dominant groups from the other side, leading to feelings of anxiety, superiority, or of threat by the dominant towards the non-dominant, and the development of racist phenomena encouraging the dynamics of racist thinking justifying extermination. Ideologies appear with the dehumanization of the minority at their core, justifying and explaining the physical violence against it. At some stage these ideas lead to actual initiatives, which may be premeditated or not, designed to result in extermination or group purification.

Group purification and extermination can take on various forms, according to the forces involved. It can sometimes appear as action initiated by a state. Various countries, and not all the cases are known, have used the extermination of a non-dominant group in order to avoid giving that group a voice or fair treatment. The best known cases are the attempt on the part of the Nazis to exterminate the Jews of Europe and

other peoples, which Nazi ideology had defined as inferior, and the massacre of the Armenians at the beginning of the century by the Turks.

Extermination can also appear as a war of extermination 'to the end' between different groups in a single state. In the recent past there has been a war of ethnic purification and expulsions (on expulsions see below) between the Tutsi and Hutu tribes in Rwanda, which was not ended even by active intervention on the part of the international community. It can also be a measure taken by conquerors in order to 'clear the ground,' as happened in the first waves of the European white conquest of North America.

**2. Expulsions and transfer:** Group expulsion or transfer involves moving the group - or most of it - from its historical place of dwelling or the place of dwelling its members chose to some other place against its will, that is, to some country that is not its historical homeland and which the group did not choose of its own free will. The dominant group supporting the expulsion cultivates a whole system of arguments and justifications for the expulsions, which can develop into a full-fledged ideology in support of expelling 'aliens,' such as 'Muslims out of India,' or 'Fiji for Fijians.'

The literature holds the historical records of many cases of expulsion and transfer carried out by countries against ethnic groups. The most outstanding in the 20th Century were the transfer of whole populations between Turkey and Greece after both countries achieved independence and that involving the former Soviet Union's decision to move whole groups from their native sites to new regions on Stalin's instructions. In his study, Gurr lists the flight or expulsion of about 40 million inhabitants from their dwelling places since 1992 because of civil wars or ethnic conflicts in various parts of the world. The most outstanding case during this period was the expulsion of whole population groups in Africa in the southern region of the Sahara Desert (Gurr, 1993, p.106).

**3. Domination without democratic rights:** This situation is found in non-democratic states that are ruled by some kind of dictatorship, regardless of whether the state is ethnic - i.e., the state of one national group alone - or non-ethnic. The regime represents the majority or an elite ruling stratum. It does not allow the representatives of the other



groups, including the non-dominant groups, equal participation in government management, and clearly prefers to rely upon one specific group whose members occupy the centers of power and enjoy the moral and material benefits. There are a plentitude of such countries, among them Iran, Iraq before 2003, Sudan, Algeria, and others.

The literature on population groups and on minorities in particular is filled with descriptions of cases of non-democratic state rule over population groups, including minorities, with differences in the form of the state's rule over the groups. For the most part, these states tend to tighten their control over the dominated groups in order to prevent them from expanding their demands, and they do this either by the use of force or the buying or political bribery of the group's elites. These were the methods used in handling the minorities in Nigeria, the Kurds in Iran, the Tamils in Sri Lanka, and the southern Sudanese in Sudan. In other cases, the states agree to grant fundamental rights, including autonomy of one form or another, as happened with the Kurds in Iraq. In most of these cases, however, the autonomy is only apparent and does not reflect any real self-government by the group of its special affairs.

**4. Control by granting partial democratic rights:** Other countries with formally democratic regimes expressed in regular elections and government by the political majority are still prepared to grant limited democratic rights to the members of the non-dominant groups while preserving the majority's formal and material privileges. These rights are preserved either constitutionally or by political and sophisticated methods of control or force. The minority therefore remains deprived of all its rights and cannot achieve equality, be it actual or formal.

These states are limited in number. Among the few we could mention are Malaysia, which defines itself as the state of the Malays, does not include the Chinese in its definition, and designs and implements its policies accordingly. Israel defines itself as the state of the Jewish people and also designs and implements its policies accordingly. The number of states that have adopted this approach grew significantly after the disintegration of the Communist Bloc, and many of the countries of the Bloc have adopted this form of regime: Russia as the state of the Russian ethnic group and not of all Russian citizens; Romania as the state of the Ruma-

nian ethnic group and not of all Romanian citizens, including the Hungarian minority.

All the options and methods adopted by states to create order with their minority groups that have been listed here are problematic for one basic reason: they conflict with the demands and needs of the minority groups as raised by them on the individual and group levels. The forms of order established have been in themselves sources of conflict, sometimes violent, and have led or will lead sooner or later either to the collapse of the system of which they are a part or to the heightened use of the harsh treatment of expulsions and genocide. Non-dominant groups will seek to achieve equality in their countries, and in the new era, they will fight to the end to attain it. What, then, are the alternatives? My own conception of a possible order that will promise the solution of the essential inter-group problems and open the way to the peaceful solution of the secondary problems is presented in the following section.

**5. Equality for all groups:** The alternative to one specific group ruling over the state or political, economic, social, and cultural system, with discrimination against other groups in that system, and thereby providing the fuel for immediate or potential conflict, is to grant equality to all the population groups. This can be achieved by negotiations among the various groups or between the state and the deprived minorities. In practice it can be achieved only by one of the two techniques I will present here.

*a. Territorial partition:* This is an option that has been tried in a number of cases of conflict or in societies with deep population fissures. The territorial partition may be considered the achievement of equality. In such cases the groups engaged in what is generally violent conflict decide after years of war and with the aid of foreign forces to divide their joint territory into two political entities, with the vast majority of the population of each entity belonging to one of the groups. This technique promises equality among the groups, with each group controlling its entity, which is governed by its own representatives.

The best known cases of partition on an ethnic basis involved the partition of Cyprus between the Muslim Turks and Christian Greeks and the partition of India between the Hindus and the Muslims and the resulting establishment of Pakistan. After the Soviet collapse, that

country was also divided, with a great measure of agreement among the leaders of the various populations, on an ethnic-territorial base. The Ukrainians, the Asian-Muslims, etc., established independent states. Other groups, like the Chechnyans, are still raising their demands in this direction. These very days see the completion of a peace agreement between the Palestinians and Israel, officially dividing Mandatory Palestine into two entities, one Israeli and the other Palestinian. It is clear that in every one of the cases, a small minority from each entity's majority is continuing to live in the other entity.

- b. *The elimination of group dominance:* Another alternative to territorial partition by which it may be possible to achieve equality between the population groups would be to leave the two or more groups living in proximity within a united political framework. This alternative necessitates the elimination of the dominance of one specific group with whom the state has been identified and the granting of full equality to all the groups, with the state becoming neutral in inter-group competition. It would be identified in an equal measure with all the population groups. This option, again, can be implemented in one of two possible forms.

The first would be the establishment of a federation or confederation of population groups in which the representatives of the different groups would agree to divide the centers of power, the symbols, the wealth, the economic, cultural, and social benefits, among all the various groups, according to some group key, on a proportional or equalitarian basis, according to the numbers and strength of the various groups, and thereby creating balances strong enough to maintain the equalitarian arrangements. This form of agreement does exist; it was implemented, for example, in Lebanon until the middle of the 1970s and is being implemented today in Belgium and Switzerland.

The second is the total abandonment of the one-group dominance and of the state's identification of the state and the political system with some specific group and the formal rejection of the communal organization of the population in distributing centers of power, deciding on symbols, or allotting economic, social, and cultural resources. In other words, we are talking here about the establishment of a liberal democratic order relating to all individuals as citizens and

not as members of one of the population groups comprising the population. Some of the freedoms within this system would involve the right to organize communally, though without state aid and without the state being a partner to such organization. The most notable example of a state taking this path is that of the United States of America, though even in this case we are not quite certain of the total separation between the state and the dominant group - the white Anglo-Saxons.

Finally, the two alternatives presented above need not be implemented as total alternatives. Actually, the most successful implementation would be by adopting principles from both options simultaneously. Thus, in certain areas, as in participation in centers of power and government, the method of group competition (consociationalism and agreement between the representatives of the group or their elites) could be employed, while in others the liberal competition between individuals would prevail.

#### **The Fourth Option: Towards A Realistic Option for Resolving the Palestinian-Israeli Conflict**

During the last three years, since the outbreak of the *Intifada* and Sharon's rise to power, the fundamental conditions in which the conflict has been conducted have been totally different from those that prevailed until the end of Ehud Barak's tenure as prime minister. When the Oslo Accords were signed in 1993, they marked the start of a historic process of reconciliation between the two national movements, the Palestinian and the Zionist, and in practice, the beginning of the implementation of the option of territorial separation between the two states of Israel and Palestine. This stage of the conflict took place in light of Arafat's control of the Palestinian national movement, on one hand, and the pragmatic and conciliatory Labor Party's temporary hold on power in Israel, on the other. The agreement between Arafat and Rabin was made possible due to significant support from the United States and major assistance from the Europeans, the Russians, and the Chinese, as well as, of course, the active agreement of Egypt and Jordan and the tacit consent of most Arab countries, with the Gulf states and Saudi Arabia expressing a willingness to extend major financial support.

Since February 2001, and in light of the results of the Israeli elections and Sharon's rise to power, the option of territorial separation has ceased to be relevant, along with all of the players who were a part of it. Israel has reoccupied the Palestinian cities, strengthened and enlarged the settlements and reinforced the protection of the settlers, closed down Palestinian institutions in Jerusalem, and tightened its grip on East Jerusalem. Prime Minister Sharon has repeated his willingness to agree to the establishment of a Palestinian state in about 40 percent of the West Bank and Gaza Strip, knowing that no Palestinian leader could accept such an offer. For two years, now, the parties that supported the separation option have no longer been relevant to events in the Palestinian-Israeli conflict.

The Bush Administration automatically supports the line sketched out by Sharon and the Israeli Government. This administration has no independent line and in practice is not relevant to any fair process of separation. The Europeans, whom the Israeli Government suspects of pro-Palestinian sympathies, are excluded from exerting any influence and are not relevant to the conflict; their influence is limited to regular and ineffectual meetings with the parties. The Arab states provide window dressing for an imaginary process, but the positions they stake out from time to time, such as that put forward at the Arab League summit meeting in Beirut, are not relevant in terms of what is taking place in the field; not to mention the fact that they are toothless and have no serious capacity to influence or counteract the Israeli positions.

In Israel and among the Palestinians, the promoters of Oslo and the idea of separation are no longer relevant as far as what is going on in the field is concerned. The Labor Party is irrelevant; at best it can merely provide an attractive wrapper for the rightwing government and its crimes against the Palestinians. Arafat and his cronies are in a hard position. On the one hand, official Israel is abusing them and accusing them of responsibility for terrorism over which they have no control. On the other hand, most Palestinians are disgusted with them and view them as responsible for the stark situation into which they have been forced, accusing them of negligence, corruption, and a lack of concern for the life of the general public.

For three years, now, the conflict between the Palestinians and Israelis has been waged between two antithetical and belligerent options, with

Israeli apartheid on one side and a Palestinian Islamic state on the other. The Sharon Government hopes to lead the Palestinians to despair of the possibility of establishing a sovereign Palestinian state. It is working for a total victory in the conflict-ridden land and unilateral domination of the entire country, perhaps tempered by a willingness to permit the Palestinians to live in some sort of autonomy (quasi-state) under overall Israeli supervision and control. In practice, construction has begun on the foundations of an apartheid regime based on the dictatorship of the Jewish majority, with a systematic infringement of the Palestinians' basic rights. In order to realize this option Israel is employing cruel means of repression of a sort not seen in the conflict since the end of the War of 1948 and the establishment of Israel.

On the other side, the radical Islamic movements, Hamas and the Islamic Jihad, are pushing for the establishment of an Islamic Palestinian state in place of Israel, perhaps with a willingness to allow Jews to live in that state as a vanquished minority. To advance toward the realization of the Islamic option, these movements employ cruel methods against the Jews, of which the harshest manifestation is attacks on Israeli citizens in the heart of Israeli cities.

The three options already mentioned are not realistic and cannot endure. Separation is not relevant because Israel has crossed the threshold of its willingness to withdraw to the 1967 borders and implement United Nations Resolution 242. Even were the Israeli Left to return to power in the foreseeable future it would not risk a civil war. The option of Israeli control might be possible and in fact already exists on the ground, but it cannot endure for long. The Palestinians constitute 50 percent of the total population of the country; they are fighting against Israeli control and are willing to pay a very high price. Hence the Israeli apartheid regime will never be stable and will endanger the Israelis just as it harms the Palestinians. An Islamic state also has no prospects due to the current balance of power in the country and will be rejected by the Jews and a large segment of the Palestinians; it would certainly encounter vigorous opposition on the part of the surrounding Arab countries.

What this means is that we, Palestinians and Jews, must examine the possibility of the fourth option, a bi-national state. Only Palestinians and Israelis together can sketch this out as a possible escape from the cycle

of bloodshed so they can carry on the conflict in a single political entity while making maximum use of techniques of partnership and compromise on fundamental questions and issues and key positions. This option attracted great attention among Jews before the birth of Israel and was put forward by Jewish leftists as a solution for the individual and collective existence of the Jews in the country. Today, some Jewish intellectuals are beginning to consider it as a future option for resolving the violent conflict with the Palestinians. Among the Palestinians, too, there has lately been increasing support for the idea that this option is the only outlet for their future collective existence in the country. Those on both sides who consider this option are willing to accept the other, the Jew or the Palestinian, as a partner in a shared state in which the rights of individuals to equality and a life of dignity are recognized, as are the collective rights of both the Palestinians and the Jews to express their national aspirations and desires in a shared state. Only in this way can there be true concord between the two national movements, the Palestinian and the Zionist. In my opinion, international and Arab parties that wish to be relevant to resolving the conflict must examine this option, too, and adapt their positions in the direction of its realization. Otherwise they will continue to be irrelevant and the conflict will continue to take its toll in terms of human lives and material and other resources, with no realistic solution on the horizon.

### **Factors Raising the Likelihood of the Establishment of a Joint Bi-national State**

A working premise justifying separation is based on the principle of reaching an agreement on the basis of UN Security Council Resolution 242, that is, an Israeli withdrawal from the West Bank and Gaza Strip. I will list below the factors delaying such a separation, and perhaps even making it impossible as a political act whose implementation would require physical, territorial, and national separation. These factors demand that, sooner or later, we begin to consider an entirely different strategy, namely joint rule throughout the country by representatives of both groups. This seems to be the only practicable way to make progress towards solving the continuing conflict between the Jews and the Palestinians over the control of the land.

A. Different expectations of the separation. For most Palestinians, separation should lead to the establishment of an independent Palestinian state throughout the West Bank and Gaza, with East Jerusalem as its capital. This state should be able to cooperate on various issues, from a position of power and free choice, with the different states in the region, including Israel. This is the Palestinian leadership's guideline in negotiating with Israel.

The Israeli public is more evenly divided in its position. Most Israelis support a certain separation, with a significantly high number supporting the establishment of a Palestinian state, limited in its sovereignty and its territory (Arian, 1997). The main political parties in Israel, including the Labor Party, which has removed from its constitution its opposition to the establishment of an independent Palestinian state, are not willing to accept an independent Palestinian state, sovereign and equal to Israel in these respects. The perception of most Israelis and their political representatives can be summed up as a longing to 'get out of the conflict' and leave the Palestinians to deal with their problems, while retaining absolute control over security and foreign affairs, with the ability to threaten the Palestinians (and make good the threat) through closures or other punitive measures at any time. Of course, a significant portion of the Israeli public will not accept even partial Palestinian independence or sovereignty. The current Sharon Government, at least, and any similar government in the future, will depend upon the support of this minority.

These positions reveal that Israel cannot offer the minimum that the Palestinians require to move from a conflict situation to one characterized by the existence of peace. Furthermore, there is a high likelihood that this situation will not change rapidly, seeing that the processes of the change in the Israeli position are limited by other factors that prevent separation. These factors are as follows:

B. Common issues: There are several common issues between the two parties concerning the two parts of the land to be divided, and these call for a common approach. Issues such as water resources, environment, employment, a product market, routes of passage, ports, etc., cannot be separated. These shared concerns are currently a major factor hindering separation and will be a major obstacle to its implementation.

On a number of these issues, Israel, as the ruling power, insists that it



remains the sole ruler. According to various Israeli sources, Israel cannot share its absolute control over these areas with anyone. Even the government that signed the Oslo Accords could not decide on these issues in the agreement and left them for the negotiations on the final settlement. In truth, no possible final agreement scenario would allow these common issues to be in the exclusive control of one of the parties, even assuming both sides were in favor. Therefore, they will continue to be factors obstructing separation and supporting the establishment of a common system throughout the country.

C. The settlements. The Israeli-Jewish settlements in the West Bank and Gaza Strip are the result of the settling undertaken by Jews or by the Government of Israel since 1967. These settlements today house around 200,000 settlers (not taking into account East Jerusalem, which I will consider separately), with 10,000 in the Gaza Strip, and the other 190,000 in the West Bank. These settlers, religious and secular, are motivated by a variety of reasons, ideological and financial.

The settlements are spread over large areas and control many parts of the West Bank and the Gaza Strip. If we add the roads leading to them, it becomes obvious that a huge part of the Palestinian Territories is under the control of the settlers and is used by them. This obstructs the cohesion of the areas ruled by the Palestinian Authority and will be a major impediment to the territorial consolidation of the Palestinian entity, which is the supposed outcome of the separation between the two peoples. Furthermore, the settlers, who for the most part are armed, are a major source of harassment to the Palestinian populace. They are leaders in the expropriation of Palestinian lands and are an inflammatory influence in the various steps taken against the Palestinians. In addition, a number of Palestinians in the Occupied Territories have been killed or injured by settlers.

Obviously the Palestinians cannot accept the idea of the settlements continuing to exist. For the Palestinian entity to succeed the Palestinian demand for the removal of the settlers must be unequivocal and resolute. Of course, the main question is whether it is objectively possible for the Government of Israel to uproot the settlers. The answer depends on several variables. Assuming that the current government continues in power, and even gets a second term, there is no reason to expect a

change in its basic attitude: obviously it will not agree to uproot the settlers, nor be able to do so. Indeed it will make it much more difficult for any future government to realize such a step, rendering it practically impossible to carry out. In such a case, the two sides would have to examine the possibilities of resolving the conflict while allowing the settlers, or at least most of them, to remain. Such an arrangement is practicable only within a common system, and not in a separation of the nations and the country. The settlers and their aspirations have been and will continue to be a major stumbling block to separation and will force the leadership of both peoples to consider other solutions, such as a bi-national state.

D. East Jerusalem. After the end of the War of 1948 and the establishment of the State of Israel, Jerusalem was divided along the ceasefire line into West Jerusalem, under Israeli control, and East Jerusalem, administratively a part of the West Bank, ruled by Jordan and, together with the rest of the West Bank, annexed by her in April 1950. Israel occupied Jerusalem with the rest of the West Bank in the June 1967 War, and annexed it with an amendment to the Rule and Justice Regulations order, passed in the Knesset as early as 27 June 1967; the following day the Government of Israel announced the annexation of about 70,000 dunums from the territory of East Jerusalem to West Jerusalem.

After the annexation, Israel granted the status of permanent residents to those Palestinians in East Jerusalem who participated in the census conducted following the annexation. Those receiving the status of a resident could apply for Israeli citizenship and be granted it, provided they met the basic requirements of swearing allegiance to Israel, renouncing any other nationality, and having a knowledge of Hebrew. Most Palestinian residents of Jerusalem still refuse Israeli citizenship and regard their future as similar to that of other Palestinians in the West Bank. They aspire to disengage themselves from Israeli control and be joined to the Palestinian entity ruling the other cities of the West Bank and Gaza Strip. This is also the position voiced by the political leadership of the Palestinians in Jerusalem.

As far as International Law is concerned, East Jerusalem is occupied territory and therefore the conquering country may not change its status and may not annex it. Hence, in international gatherings Israel refuses to talk of 'annexation,' preferring the phrase 'the integration of Jerusalem in the municipal administration area.' Naturally, the Israeli Government

presents East Jerusalem to Israeli public opinion as an integral part of Israel, subject to all the regulations of Israeli Law.

Side by side with the annexation, Israel pursues a policy of harsh enforcement of the law on the Palestinians in East Jerusalem, with the aim of forcing them to accept Israeli control. This policy includes the expropriation of land, a large presence of security forces, neglect in municipal services and the planning and building processes, and large-scale settlement in all the annexed parts of East Jerusalem and beyond. Today, about 180,000 Palestinians live in those parts of East Jerusalem that were annexed, whereas the number of Jews in those areas is 190,000. This is accompanied by a significant change in the physical landscape, the geographical distribution, and in the control of the land.

Israel has taken various steps, such as encircling the areas of East Jerusalem with Jewish neighborhoods, and erecting Jewish neighborhoods within it, encircling it with roads, establishing Israeli Government institutions on areas of land taken in June 1967, and expropriating areas of land and strengthening the Israeli and Jewish control over them. These steps are clearly and indisputably irrevocable. International Law, the stance of most Palestinians in East Jerusalem, and even the specific section in the Oslo Agreement dealing with the solution of the problem of control in East Jerusalem as a part of the final agreement, are all entirely irrelevant. Israel continues to implement its policies, designed to serve the national interests of the Jews, and is not willing to consider any gesture towards Palestinian control in East Jerusalem. In fact, even were the two sides to desire redistribution, it is now not possible to carry it out.

As in the previously described reality, where the option of separation is not possible - and where the situation is marked by the determined position of the Palestinians, supported by the Arab World, the Muslim World, and most of the states in the world, as well as by International Law - the only possible solution is one of partnership in a framework whose essence is bi-national control of Jerusalem. Jerusalem, then, could be a model of a bi-national reality for the whole country.

E. Refugees. The Palestinian refugees are those Palestinians who lived in Palestine and were deported, or forced to leave for other residences, whether in Palestine or outside, in two major waves. The first arose be-

tween the UN Partition Resolution 181 of 1947 and the aftermath of the War of 1948. Before and during the war, 750,000 Arabs left their homes because of the intimidating tactics of the Zionist forces. The second wave occurred after the outbreak of the June 1967 War, when 250,000 Palestinians were driven from their homes. Some of the refugees in the second wave had already been driven out in 1948. In the negotiations between Israel and the PLO and elsewhere, the term 'refugees' refers to those Palestinians living outside the boundaries of Israel, in particular those still living in the countries of the region, and includes those whose origin is in pre-1967 Israel now living in the West Bank and Gaza Strip.

According to various data, the percentage of refugees amongst the Palestinians fluctuates between 50 and 60 percent, that is between 3.5 and 4 million, according to the latest survey undertaken by the UNRWA. Of that total, 17 percent still live in refugee camps, and 8 percent have no stable dwelling places.

These refugees have not for the most part given up on their right to return to the communities from which they were exiled in 1948 and 1967, and a large part intend to return to the boundaries of Mandatory Palestine in the future. The Arabs in Israel, the most moderate of all the Palestinian groups as regards the settling of the conflict, including the refugee issue, still believe for the most part that the Palestinian refugees have a right to return to their homes.

International decisions, chiefly Resolution 194 of the UN General Assembly (1948), acknowledge the right of the Palestinian refugees to choose between returning to their homes and receiving appropriate compensation for the houses and property they left in the country. The Palestinian leadership reiterates at every opportunity the same right. Even the Oslo Accords, the legal basis for the peace process between Israel and the PLO, did not reject that right, but rather postponed the settling of the question to the final agreement negotiations. This issue is being hammered out in many joint forums and is one of the subjects of the multilateral talks theoretically still taking place between Israel and the countries of the region, and, of course, the Palestinians.

Israel, for its part, has announced that it will not under any circumstances agree to the return of refugees to her territory and has even expressed

reservations about the return of refugees to the Palestinian entity that will be established in the West Bank and the Gaza Strip. Officially, it denies its responsibility for the creation of the refugee problem, usually blaming the Palestinians themselves and the Arab countries. These positions are upheld by the Israeli public, and there are no signs of any weakening in the traditional Israeli position on this issue. It is reasonable to assume that Israel will not agree to the Palestinian demands in the future and that this issue will continue to trouble the people of the area, both Israelis and Palestinians, for a long time.

Under the present circumstances it is obvious that even if Israel were to allow the return of refugees to the Palestinian entity, this entity would be incapable from a financial point of view of absorbing tens of thousands. Moreover, probably most of the refugees would not wish to 'return' to it and would continue to affirm their right and ability to return in the future to their homes within the Green Line.

In short, any separation will not be able to deal effectively with the refugee problem. One can safely assume that only a joint entity could create a Palestinian-Israeli balance; this, however, would necessitate a relative opening of the borders of the State of Israel to the return of the Palestinian refugees. Were this to happen, it would compensate, in some way, for the absorption of tens of thousands of Jews since 1948. It is clear, therefore, that only cooperation on the issue between Palestinians and Israel, following the foundation of a bi-national system in the country, could lead to the solution of the refugee problem.

*F. The image of the 'homeland' for the Jews and the Palestinians.* The Jews and the Palestinians see the whole of the country, rather than a part of it, as their homeland. Even Palestinians and Jews proclaiming their willingness to agree to territorial compromise still believe for the most part that the entire country is their unique and absolute homeland as far as pure justice goes: Palestine to the Palestinians, and the Land of Israel to the Jews. Their willingness to compromise derives from tactical and practical considerations. In a parallel development, the hardliners in both camps - such as the extreme Right and the believers in the 'complete Land of Israel' among the Jews, and the radical Muslims and radical Left among the Palestinians - are not willing to consider compromise solutions and hold that pure justice compels them to fight the other side relentlessly.

Territorial compromise in the form of separation will not satisfy the hardliners, while even those willing to compromise will not, for ideological reasons, be able to agree to it. Even the Jewish Left, in the form of Hashomer Hatzair and Ahdut Ha'avoda-Poalei Zion, reluctantly accepted the idea of partition after the establishment of the State of Israel and did not easily give up on the idea of the entire country as one political and territorial unit. For its part, the Palestinian national movement, beginning in the early 1970s, is coming to terms, albeit slowly and painfully, with the idea of separation and territorial compromise. The reason for this pain is the difficulty of reconciling belief in a right to the entire country with the reality of partition. Only a situation in which both Palestinians and Jews could live together in a framework allowing them access to all parts of the country could satisfy the belief within both communities in their full right to the entire country.

### **A Possible Model for Jewish-Palestinian Relations in a Bi-national System**

The basic premise guiding me to propose as a solution the bi-national Palestinian-Israeli state is that separation is not practicable: the two nations are bound to live together in a common state. True, the first phase would reflect the balance of power in the area; Jews would continue to control the Palestinians, and oppression and discrimination would deepen and grow. Several factors, however, would conspire to incorporate the Palestinians, in terms of equality both as individuals and as a political community, in the running of the state: increasing agitation among the Palestinians, both in Israel and the West Bank and Gaza Strip, and the willingness to initiate violence against the Jewish rule; the support of Jews in condemnation of the oppression; and the growth of public knowledge of the situation worldwide, leading to international pressure.

In conditions similar to those in South Africa in the late 1980s before the overthrow of apartheid, the Jewish public and its leadership will be forced to recognize the Palestinians as equal partners. They will have to negotiate with their representatives and reach with them an agreement as to the distribution of power and control of the resources. Separate and joint institutions will be established, such as parliaments, governments, and legal institutions. Each national group would have autonomy

over its own unique affairs, and common matters would be discussed in common forums where both parties were equally represented. The security forces would be comprised of both groups. The representatives of each group would have the right of veto over joint decisions, and the control over territory would be redistributed among the members of the two groups. The country would be one administrative unit, or be divided into federal and cantonal units, responsible for the running of local matters, and subject to centralized rule in the capital, Jerusalem. Jerusalem itself would have a unique distribution of power and control.

These developments, which would promote the possibility of forming a bi-national state, would be greatly assisted by the maturization of the peace processes and reconciliation between Israel and its surrounding Arab nations: the peace with Egypt and Jordan, despite problems, is stable and mutually beneficial, and Israel would probably make peace accords with Syria and Lebanon in the short term. In such a situation Israel would be sensitive not only to Western pressures but also to its relationships with her Arab neighbors. Even if some of its leaders were to seek to get rid of the Palestinians by a forced 'transfer,' unlike the situations in 1948 and 1967, it could not be carried out due to the peace agreements between Israel and its neighbors and the Israeli wish to maintain them. Overall, the peace processes between Israel and the Arab states would have a positive influence on the building of an equal and bi-national system in the country.

Lately, a penetrating discussion is developing, initiated mainly by those supporting the establishment of a secular democratic state. They insist that the nationalist aspirations of both groups must be bypassed and that a secular democratic state must be established, modeled on a liberal democracy, without regard for its citizens' national affiliations. They oppose the bi-national idea. In my opinion, the proponents of the liberal state do not sufficiently appreciate the power of the national affiliation for the two groups. They speak of a utopia that has no chance of being realized. Any future arrangement must take into account the national self-identification of the two groups and the possibility of distributing control and resources on that basis.

In order to promote serious consideration of the bi-national model I have made suggestions for a solution of the outstanding issues. I have

stressed that an essential change in the character of the relations between the Palestinian and the Israeli nations is required. This would include a change in the character of the two national movements, Zionist and Palestinian, and their relationships to the respective Jewish and Palestinian Diasporas, as well as in relations with the wider Arab national movements. Changes are also required in the attitude of foreign states towards the region and its future, and in the nature of the relations between superpowers and states in the region. The proposed bi-national model paints a picture of inter-community relations entirely and fundamentally different from that of any other option for Jewish-Arab relations in the country.

A. The relations between the nations. Today, one group, the Jews, dominates, while the other, the Palestinians, is ruled, the outcome of the struggle between the two groups since the first Jewish wave of immigration in 1881. In a bi-national state, the relations between the members of the two groups would be equal, reflected in an agreed distribution of power, resources, territory etc., either in a proportionate manner, or an equal one that does not take account of the numerical strength of each group. For the dominant group to relinquish its dominance and for the ruled group to assume equality in a bi-national state would require an amount of pain, and perhaps also loss of lives and property. Such a change would oblige the two communities to undergo a major transformation in their attitude to each other and in their educational, social, and political programs.

B. Changes in Israel and in Palestine. In line with the changes within the two societies the two states or the State of Israel and the Palestinian entity would have to undergo sweeping changes. Each would have to compromise on both the essential and symbolic levels. This would involve changes in the political structure, in the security forces, and in their political, economic, social and strategic perception of their position and status, both internally and with respect to outsiders. Such changes would be manifested later in the current entities becoming a new, joint entity.

C. Changes in the orientation of the two national movements. In order to ensure the survival of both, the internal and external orientation of the two national movements would have to change fundamentally from being based on a conflict situation, or at least on one ruling out any possibility



of living together, to one of mutual acceptance and reconciliation. In such a situation relations between the relevant parties would be fundamentally different from those existing today. This would be true of those between the national movement of the Jews in Israel and Diaspora Jewry, and also of the relations between the Palestinian national movement (both in Palestine and abroad) and the Arab national movement. The ultimate goals of the movements would be to create the bi-national system in the country, as a result of which the growth of the separate national movement would become a means, rather than an end in itself.

Furthermore, the bi-national arrangement would require changes in the nature of its relationship with the rest of the world, in particular with the major powers such as the US, the European nations, and other states in the Middle East. The bi-national state would have to balance its ties with these countries.

In more advanced stages of the development of the bi-national regime, such as we find in Belgium or Switzerland, the leading examples in such matters (Lijphart 1977; 1984), there would be a need to concentrate on the implementation and development of the following major elements:

1. A broad coalition of the two parties. The stability of the bi-national state would be dependent upon a strong coalition between a broad spectrum of the elites of both groups and the political leadership representing the majority in each group. Such a coalition would lead the country and be responsible for keeping the peace and for running its internal and external affairs, while striving to reach consensus and compromise on problematic issues.
2. Right of veto for each of the two groups. Running the affairs of the bi-national state correctly would demand the possibility of either group exercising a right of veto in extreme cases, even in the other group's internal affairs. Thus, the representatives of one group would have to take into account the interests of the other.
3. Fair representation for both groups. The political and public common institutions of the bi-national system would have to include fair and proportionate representation for each of the groups. Each group would have a 'quota' reserved for its representatives. Certain offices

such as President and Prime Minister would require the two groups to agree on rotation, or to have two people in office, one from each group.

4. Internal autonomy for each group. The internal affairs of each group, such as education, culture, municipal government, etc., would be administered separately. Such autonomy might be territorial, personal, or mixed, according to the arrangement reached between the two groups. In dealing with overlapping issues, or with regions of mixed population, both sets of representatives would have to cooperate in the correct management of even areas perceived to be separate.

### **Conclusion: The Present Crisis between Israel and the Palestinians and the Future of a Solution**

At the end of September 2000, Ariel Sharon, accompanied by various rightwing politicians, Israeli security personnel, and journalists, entered the Al-Aqsa Mosque compound in Jerusalem. His visit set off a wave of demonstrations and protests among Palestinians and throughout the Arab World and in practice terminated the Barak Government's attempt to reach an accord with the Palestinians, and, subsequently, led to Barak's replacement as Prime Minister by Sharon in the elections of February 2001. The confrontations between the Palestinians and Israeli security forces and settlers reached a scale unknown since the signing of the Oslo Accords and the establishment of the Palestinian Authority.

Hundreds of Palestinians and Israelis have been killed in skirmishes and hostile operations initiated by one side in the other's territory. Inside Israel proper, members of the Islamic Jihad, Hamas, and the Popular Front for the Liberation of Palestine conducted operations against Israeli citizens; Israeli security forces and settlers carried out offensive operations in the territory under the control of the PA. The situation continued to deteriorate and reached a critical stage by the year 2003. One notes the following features:

- I. The Palestinian side is split. On one side, there is the official position of both Arafat's Fateh organization and the PA, which advocates presenting the 'second *Intifada*' as a popular struggle of national lib-

eration from the Israeli occupation of the West Bank and Gaza, and which has reservations about actions directed against Israeli civilians within the Green Line. On the other side, the main oppositionist groups ( Hamas, the Islamic Jihad, and the Popular Front) hold to the radical line of a total struggle against Israel and Israelis, permitting their members to act both in the territories of the PA and in Israel proper, and presenting the confrontation as part of a comprehensive war against Israel and Zionism.

2. Israel has a rightwing government headed by Ariel Sharon. This government asserts that it remains committed to the peace process, but it has failed to advance any political program that would make it possible to begin negotiations to end the occupation. On many occasions Sharon has stated his support for an interim solution based on a long-term accord that would give the Palestinians control of about 40 percent of the area of the West Bank and Gaza. The Palestinians are not willing even to discuss such an arrangement and depict the current government as having no interest in reaching a peace agreement.
3. Officially, Israel continues to encourage Jews to go settle in the West Bank and Gaza, commending the establishment of 'new outposts' populated by a few settlers, with the object of asserting control of as much land as possible. In practice, there is an ongoing debate between the two main components of the unity government, Likud and Labor, on the continuation of this situation. In the meantime, however, there seems to be no reasonable prospect of turning the clock back and retrieving the situation that existed before the outbreak of the current round of violence in September 2000.
4. There have been no negotiations between Israel and the Palestinians since Sharon became Prime Minister in February 2001. The main contact has been through foreign brokers, and in the media, replete with mutual insults and accusations alleging the other's responsibility for the situation.

Relations between Israel and the Palestinians have worsened since Sharon came to power. In the field, the complexity of the relations and contacts has become increasingly onerous and the disagreements have

amplified. The Palestinians continue to advocate an end to the conflict based on international resolutions, including an Israeli withdrawal from the entire West Bank and Gaza Strip, the dismantling of the settlements, the partition of Jerusalem, and the return of the Palestinian refugees to their homeland, or the payment of compensation in accordance with UN General Assembly Resolution 194. On the other side, the Israeli public has stiffened in its rejection of all Palestinian demands as part of a comprehensive solution to the conflict. In practice, the feasibility of separation between Israel and the Palestinians is diminishing and is much less than it was a year ago.

Several options are available to the parties. The most extreme involves unilateral Israeli action aimed at producing another wave of Palestinian refugees fleeing areas adjacent to Israel proper for the heart of the West Bank, or even the East Bank. Of course this option would produce a wave of Palestinian and pan-Arab resistance and wall-to-wall condemnation in Europe and even North America. This option would cost Israel dearly, which makes its implementation unlikely. However, it remains possible, and is relevant to the current situation. Another option would be the prolongation of the current situation for the foreseeable future, with a concomitant willingness by both sides, and especially Israel, to pay a limited price. Such a long-term continuation of the current situation involves more Jewish settlement activity in the West Bank and Gaza Strip and the perpetuation of Israel's iron-fist policy *vis-à-vis* the Palestinians.

As time passes, isolating the West Bank and Gaza Strip from Israel will become increasingly impracticable and even irrelevant. This could pave the way for new thinking by many persons on both sides about the possibility of establishing a joint political entity with broad internal autonomy for each group. The continuing situation is liable to augment mutual hostility, but also the mutual dependence of the two groups. On the Palestinian side especially, more voices can be expected to call for considering the option of a joint political entity that would be the basis for a shared bi-national Israeli-Palestinian state. It is difficult to envision this today, but a change in leadership, and fatigue and frustration as a result of the present situation could lead to changes in the scope, nature, and form of the longed-for peace between the two peoples.

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# THE VIABILITY OF THE TWO-STATE SOLUTION AND ISRAELI UNILATERAL INTENTIONS

*Gary Sussman<sup>1</sup>*

## **Introduction**

Ariel Sharon seems determined to move ahead and execute his planned unilateral withdrawal from the Gaza Strip, and four forlorn West Bank settlements. As he conceded in his 2004 Passover interviews to the Israeli media, the scheme is designed to forestall solutions imposed by the international community or locally engineered initiatives, like the Geneva Accords, that are premised upon the Clinton Understandings.<sup>2</sup> The move is also hatched to improve Israeli prospects of maximizing future territorial gains in the West Bank.<sup>3</sup> Seemingly, unable to impose his will, and indeed vision of how the conflict should be best regulated, through the Road Map, Ariel Sharon now seeks to harness the widely held perception that there is simply no Palestinian partner, and impose Israel's power on the weaker side. The premise is that Israel needs to make less territorial concessions in a unilateral arrangement, whose terms it dictates.

It is argued that Sharon's scheme could, however, undermine long-term Israeli interests for short-term gains. Whilst Sharon may buy some diplomatic peace and quiet, and seemingly improve Israel's dire demographic balance sheet, his plan will, at best, create a limited Palestinian statelet. This entity, like the Bantustans of yore, will actually serve to ensconce the bi-national reality that Israel seeks to escape. Israel's essential conundrum is that it needs a credible and respected Palestinian

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<sup>1</sup> Dr. Gary Sussman is based at Tel Aviv University.

<sup>2</sup> Aluf Benn, 'Down in the polls – but not down in the dumps', *Ha'aretz*, 5 April 2004.

<sup>3</sup> Aluf Benn, 'Gaza in exchange or the West Bank', *Ha'aretz*, 5 February 2004; also Aluf Benn, 'Analysis / Withdrawal of weariness', *Ha'aretz*, 8 February 2004.



leader to sign off on any two-state deal. George Bush, the Likud membership, and the likes of Mohammed Dahlan – Israel's proposed overlord for Gazastan – are not alternatives. They cannot free Israel from the basic fact that international legitimacy for her future borders, ultimately, requires Palestinian consent. This is Israel's only possible escape from its bi-national condition.

## **Outline**

In the ensuing pages, I will briefly explore the mounting debate over the viability of the two-state solution. In this discussion I explore ongoing Israeli settlement expansion, the ostensibly annexationist separation fence, changing demographic trends in favor of the Palestinians, international opinion regarding Israel and the notion of separation and, of course, unilateral separation. The focus of this analysis will be the impact of Israeli unilateral actions – be it the fence, settlements or disengagement upon Palestinian and international opinion regarding the desirability of the two-state solution. In effect, there are two sets of determinants, independent Israeli variables and slightly more dependent dynamics that, largely, respond to dominant Israel's actions.

My argument is that none of these factors, alone, imperils the two-state outcome. But when combined, the fence, the settlements and the Sharon plan, could have a dramatic impact on Palestinian support for the two-state outcome. It is submitted that Israeli unilateralism and a demographic trend that favors the Palestinians could well trigger a dynamic whereby Palestinians abandon their fifteen year long endorsement of the two-state idea. Israeli actions increasingly discredit separation in the international court of opinion, converting it from a respectable means of conflict resolution to being viewed as a cynical form of domination.

Even if Israel seeks to escape a scenario in which Palestinians abandon their commitment to the two-states for two people formula, it will be hard pressed to succeed. For no matter how generous its retreat from the territories it captured in 1967, the need for Palestinian consent, international legitimacy for separation, as well as the fixed borders with Jordan set in 1994, trap Israel in a bi-national reality. Any Israeli imposed entity will, ultimately, be viewed as a Bantustan. Lessons from South Af-

rica's failure to square its demographic circle through creating mini-states are highly instructive.

If Palestine and Israel will, at some point in time, no longer be "imagined" as separate entities, but rather as one unit, power-sharing may come to be viewed as the desirable alternative to a discredited land-sharing formula. There clearly are limits to the hegemonic protagonist's ability to impose its will and conception of the end game, at a time and on conditions of its own choosing. At issue, also, is whether conflicts have predetermined outcomes or solutions. Israelis and many Palestinian supporters of the two-state solution assume that the outcome is both inevitable and desired by the two protagonists.<sup>4</sup> This conflict, and indeed thinking on how to best regulate it, is not viewed as a dynamic process. This assumption seems ungrounded. And if it is indeed not the case that the outcome of ethnic conflicts is inevitable, but rather dynamic, it is worthwhile considering what determines these outcomes. I argue that demography and international legitimacy may be critical variables in determining perceptions of outcomes.

### **Is the two-state solution in trouble?**

Recent months have witnessed a dramatic upsurge in the number of articles and opinion pieces dealing with the question of a bi-national solution for the Palestinian-Israeli conflict. A visit to [www.one-state.org](http://www.one-state.org), for example, provides cogent confirmation. The bi-national debate is not unfamiliar, and the latest high-tide of interest is an obvious outcome of the malaise. Indeed, traditional propagators of a secular Palestine or the bi-national accommodation - two conflicting ideas often blurred in the debate<sup>5</sup> - have been buttressed by increasing doubts as to the viability of

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<sup>4</sup> According to Ian Lustick, "The secret power of the separate state solution is that it uses what each side strongly wants (the desire to be rid of the other) to achieve the territory, resources, recognition and immigration opportunities each side needs." Ian S. Lustick, *The Cunning of History, 'A Response to The Case for Binationalism'*, <http://bostonreview.net/BR26.6/lustick.html>.

<sup>5</sup> The clarion for a secular one-state outcome is premised on equal rights for all citizens, and approximates the outcome of the South African transition. Bi-nationalism, on the other hand, is premised on power-sharing and incorporates consociational and con-federal models in which communal and collective rights take primacy.

the two-state outcome. One reluctant Israeli supporter of a bi-national arrangement, Danny Gavron, submits that partition is "no longer tenable."<sup>6</sup>

Two developments, in particular, have underpinned the claim that the two-state outcome – though desirable – is no longer attainable. They are unbridled expansion of Israeli settlements and outposts and the construction of the separation fence, which deviates from the Green Line. Both variables are determined by Israel alone, and Ali Jirbawi has called on the Palestinian leadership to set Israel an ultimatum, according to which the Palestinian Authority (PA) should dissolve itself and demand Israeli annexation of the West Bank and Gaza Strip, if the occupation is not terminated within a set period.<sup>7</sup>

In addition, there is increasing speculation that the Palestinian leadership no longer desires a two-state outcome. Many Israelis argue that it probably never did. This issue is linked to demographic trends, which clearly favor the Palestinians. The assumption is that the prospect that Palestinians will constitute the majority will lead them to reconsider their support for the two-state deal. There are indeed signs that the PA is threatening to reconsider its commitment to the two-state script. In a series of public hints triggered by Ariel Sharon's unilateral disengagement plan, first announced in his December 2003 Herzliya speech, both Abu Ala' and Yasser Arafat sounded this warning. I will, therefore, explore the potential impact of unilateralism. A final dependent variable that is extremely relevant, though overlooked by Israel, is legitimacy for partition and indeed Israel's continued existence as an exclusive Jewish state.

All of these factors thus threaten the conventional wisdom that the creation of two states for two peoples is an inevitable outcome. The two-state result can neither be assumed, nor deemed fundamentally doomed. If present trends, however, continue this outcome will increasingly be imperiled. Many Israelis flatly dismiss claims that the two-state outcome is under threat. Instead, they posit that the demographic trends and the fence, in fact, make the outcome more likely. They would also add that

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<sup>6</sup> Peter Hirschberg, 'One-state awakening', *Ha'aretz*, 12 December 2003.

<sup>7</sup> Ravi Nessman, 'One Mideast State May Be Future of Israel', *Associated Press*, 01 November 2003; Interview with Ali Jirbawi, 'We will give you more of us' in Sharon's Herzliya speech, *Bitterlemons*, 22 December 2003 Edition 46.

the settlement effort can be reversed and that the unilateral Israeli withdrawal bodes well for the future.

None of these factors on their own is, therefore, enough to determine the viability of the two-state outcome. But combined, they form a powerful cocktail that – over time – has major implications for how the various protagonists view the conflict and the best way to manage – let alone resolve – it. Local observers tend to see these issues and processes as linear. These evolutions are, however, seldom linear, and numerous unrelated developments could well combine, over time, to reconfigure the way the resolution to the conflict is perceived. The danger for Israel is, therefore, how key actors view the solution to the region's troubles.

### **Settlements**

The critical question we return to with regard to the Israeli settlement effort is whether there exists a "point of no-return," beyond which Israel would create so many "facts on the ground" that it would be impossible for it to disengage. Proponents of this argument, identified with Meron Benvenisti, have argued that Israel has created the geography of a single state, which obviates separation along ethnic lines. Ian Lustick, on the other hand, eloquently rejects this thesis. Harnessing Antonio Gramsci's writings, and the precedents of Algeria and Northern Ireland, Lustick instead argues that it is rather "facts" or "constructs in the mind" that determine whether process of territorial incorporation are reversible.<sup>8</sup> In terms that Ariel Sharon has defined, Lustick's basic contention is that disengagement is only unlikely when Israelis considered the destiny of Netzarim [an isolated settlement in the Gaza Strip] to be the same as Tel Aviv. Ian Lustick, as Ariel Sharon has recently confirmed, was right. Tel Aviv and Netzarim are not equivalent, and the process of Israeli incorporation of the Palestinian territories is far from complete.

Meron Benvenisti was, however, correct in a more fundamental way. Most Israelis would agree that Israel can indeed roll back the settlement effort. But, they also recognize that its continued expansion means that Israel is likely to go back to the starting point, the Green Line. There are

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<sup>8</sup> Ian Lustick, *Unsettled States, Disputed Lands. Britain and Ireland, France and Algeria, Israel and the West Bank* (Ithaca, 1993).

at present over 230,000 settlers in the West Bank and the Gaza Strip, excluding the 190,000 settlers who live in neighborhoods in the greater Jerusalem area. Moreover, the settlers and their communities control a third of the land in the Gaza Strip and 50 percent in the West Bank. So, whereas the settlers may have failed to preclude a full Israeli withdrawal, they have succeeded to alter Israel's future borders in her favor. Hence, the settlements have undermined the prospects for a viable Palestinian state and make the eventual failure of partition more likely. They, ultimately, ensconce Israel's bi-national condition.

One way around this territorial enigma is for Israel to agree to territorial swaps, as proposed in the Geneva Accords. The idea of a return to the 1967 borders with mutually agreed upon alterations is, anyway, opposed by 76 percent of the Israeli public,<sup>9</sup> and it seems unlikely that the current government or the Labour Party would agree to more than was offered by Ehud Barak at Camp David in 2000. Beyond claims that such concessions constitute a reward for Palestinian terror, many in the now dominant Israel right argue that Israeli control over parts of the West Bank (security zones located in the high ground) is essential for Israel's long-term security.<sup>10</sup> Israeli interests, thus, take precedence over what Palestinians might consider a viable state.<sup>11</sup> This view has wide currency in the Likud, and appears to dictate much of Ariel Sharon's thinking on "painful" future territorial concessions. In a recent interview, defense minister, Shaul Mofaz, reflected Sharon's views noting that he did "not believe that the 67 lines have sufficient strategic depth for the state of Israel." Mofaz added that whilst he would agree to leave all of Gaza, national and security interests precluded leaving all of the West Bank.<sup>12</sup> Furthermore, the successful settlement effort also affects Palestinian support for partition. Certainly, when coupled with the fence, the settlements undermine the logic of partition from a Palestinian perspective. In essence, we could redefine the "point of no return" in regard to the settlements as the crux where Palestinians increasingly come to weigh

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<sup>9</sup> Amnon Barzilai, 'Jaffee Center poll shows Jewish majority in Israel backs withdrawal', *Haaretz*, 15 March 2003.

<sup>10</sup> Dore Gold, 'Defensible Borders For Israel', *Jerusalem Letter / Viewpoints: Jerusalem Centre for Public Affairs*, No. 50, 15 June-1 July 2003.

<sup>11</sup> Dore Gold, 'Israel's interests take primacy', In 'What constitutes a viable Palestinian state?' *Bitterlemons*, 15 March 2004 Edition 10.

<sup>12</sup> Amira Lam and Gidi Weitz, 'The refuser', *Yedioth Ahronot*, 30 January 2004.

up the cost and benefits of the two-state solution. As the expansion effort continues they could decide that a state is no longer in their interest. In assuming such a definition, we can, in fact, go beyond one of Lustick's deficiencies, namely that he does not accord enough eminence to the perspectives and dynamics of the "native" population.<sup>13</sup>

### **The Fence**

Many critics of the Sharon government view the fence (separation barrier/ wall), which it has reluctantly embraced, as annexationist in intention. The numerous deviations from the Green Line, in practice and in the proposed trajectory, are viewed as further confirmation that the fence has been harnessed by Ariel Sharon to impose borders of Israel's choosing. Hence, Tom Friedman has cautioned that the fence could undercut Palestinian support for separation.<sup>14</sup> Most Israelis flatly dismiss this analysis, retorting that the fence makes partition more likely. They would argue that the fence effects separation, at a time when the government ideologically opposes the idea. They further adjoin that, psychologically, the fence isolates settlements to the east, making dismantlement easier, and reduces terror and limits its cataclysmic influence over negotiations. Besides, they submit that the fence will, over time, move to the Green Line.

These assumptions are all potentially credulous. For one, it seems highly unlikely that Israel's largest single infrastructure project will be temporary and is not driven by an annexationist agenda. Dore Gold, a former U.N. ambassador, maintains that Sharon's fence "could become a catalyst for the eventual achievement of a political separation that will not be based on the 1967 lines."<sup>15</sup> Secondly, the fence could well increase terror, and merely effect a change in its nature and tactics. More impor-

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<sup>13</sup> Brendan O'Leary, 'The Elements of Right-Sizing and Right-Peopling the State', In Brendan O'Leary, Ian S. Lustick and Thomas Callaghy (Eds.) *Right-sizing the State. The Politics of Moving Borders* (New York: Oxford University Press, 2001), p. 65; Ian Lustick, 'Right-Sizing: Opportunities and Barriers', In O'Leary et al., p. 96; Oren Yiftahel, 'Right-Sizing' or 'Right-Shaping'? Politics, Ethnicity, and Territory in Plural States.' In O'Leary et al., p. 359, 361, 363.

<sup>14</sup> Thomas Friedman, 'One Wall, One Man, One Vote,' *The New York Times*, 14 September 2003.

<sup>15</sup> Leslie Susser, 'Israel: Preventing the Unthinkable', *The Jerusalem Post*, 15 December 2003.

tantly, the gap between the fence and the Green Line will determine the viability of the entity to the east of the fence.

The fence is a seminal underpinning of the evolving unilateralist Israeli mind-set, premised on an assumption that Israel can convert the conflict into a border dispute and address the demographic menace at the same time. The logic is that this is the best that Israel can hope for in the absence of Palestinian "ripeness,"<sup>16</sup> (i.e. a willingness to accept Israel's terms of separation) and a willingness to tackle terror. Hence, Ehud Barak's former chief negotiator implores Israelis,

"To define our borders by ourselves and place an iron wall against the demographic threat. A responsible government cannot make Israel's future conditional solely on the existence of a genuine Palestinian partner to sign and implement agreements."<sup>17</sup>

Yet this prescription can only succeed if Israel is extremely generous. It seems highly unlikely that the current government will agree to liberal unilateral concessions. In his Passover 2004 interview to *Ma'ariv*, Ariel Sharon noted that there is no second phase to his withdrawal plan.<sup>18</sup> Furthermore, the Gaza withdrawal plan is designed to preclude, and not facilitate, a wider West Bank withdrawal. In recent interviews, Ehud Olmert candidly conceded that the real debate is between Yossi Beilin's [Geneva] approach and his, and that his scheme "will preserve the central part of the settlements."<sup>19</sup> As already noted, Sharon similarly presents his plan as serving to thwart such initiatives that compel Israel to withdraw to the Green Line.

In other words, a generous Israeli set of territorial concessions will bolster the country's ability to make future territorial gains. Unilateralism is, therefore, viewed as a means to escape the constraints of a bilateral,

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<sup>16</sup> Gerald Steinberg notes that "The strategic implications of that [Palestinian] culture of denial is that Israel cannot, at this stage, contract itself into the vulnerable 1967 borders. An approximate return to the Green Line is conceivable only in a Middle East that has renounced its longing to eliminate Israel." Quoted in Yossi Klein Halevi, 'It takes two to partition', *The Jerusalem Post*, 20 November 2003.

<sup>17</sup> Gilead Sher, 'The separation imperative', *Ha'aretz*, 21 November 2003.

<sup>18</sup> Ben Kaspi and Shalom Yerushalmi, 'Take me seriously', *Ma'ariv*, 5 April 2004.

<sup>19</sup> Nahum Barnea, 'Olmert leaves the territories', *Yedioth Ahronot*, 5 December 2003.

compact, driven approach. One which the right appreciates entails a retreat to the Green Line. One key difference between the left and right-wing conceptions of unilateral separation is that the latter "does not yet acknowledge the need to leave open the door for future political negotiations with the Palestinians over areas not abandoned by Israel."<sup>20</sup>

This quest to reframe the conflict can only succeed if Israel withdraws from upwards of 85 percent of the Occupied Territories, and seizes the high-ground. Any lesser withdrawal will only serve to convince ordinary Palestinians and the international community that Israel seeks a Bantustan outcome. This move will, over time, backfire and encourage people to support power-sharing arrangements.

### ***The Jordan Factor***

One essential ingredient for any unilateral scheme in which Israel succeeds in lobbing off a significant part of the West Bank is that Jordan provides an economic, territorial and political hinterland for the remnants. This option is no longer available to Israel, and Jordan has sealed Israel's fate in two cardinal and bold moves designed to consolidate the state as a Hashemite entity.

The first was its 1988 decision to forego any territorial claims on the West Bank. In doing so, Jordan under the stewardship of King Hussein, shrewdly sought to improve the prospects of consolidating the hegemony of Transjordanian elites.<sup>21</sup> One upshot of this gambit was that it forced the two-state solution onto the agenda of Israel and the Palestine Liberation Organization (PLO), extinguishing hopes of an arrangement in which Jordan and Israel jointly controlled the West Bank. It is perhaps a rich irony that the Jordanian decision was, in part, prompted by Israel's rebuttal of the 1987 London Agreement between Shimon Peres and King Hussein. More importantly, Jordan's 1994 peace treaty with Israel finally ensured that any Israeli-Palestinian accommodation can only take place within the territory west of the River Jordan. The extremely sticky nature of international borders precludes any option in which Israeli

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<sup>20</sup> Yossi Alpher, 'Green line and red line', In 'Abu Ala's remark about a one state solution', *Bitterlemons*, 19 January 2004, Edition 3.

<sup>21</sup> Mark Lynch, 'Right-Sizing Over the Jordan', In O'Leary et al., p. 326.



gains are offset by reconfiguring the borders of Jordan, through force or even consent. It seems hard to imagine even the most sympathetic US Administration acceding to such border changes, as it would legitimate border changes world-wide and spark new conflicts in volatile regions. In placing limitations on its territorial appetite, Jordan dealt a fatal blow to Israel's ability to impose its version of the two-state outcome and sustain it over time.

### **Demography**

It is widely accepted, though not uncontested, in Israel that demographic trends favor the Palestinians. According to most demographic projections, Palestinians will become the demographic majority between the Jordan and the Mediterranean within two to three years. The demographic card has increasingly come into play in internal Israeli discourse, and will have contradictory affects on the two protagonists.

On the one hand, it is assumed that the Palestinians will increasingly come to reconsider their support for the two-state outcome as demographic parity, and later ascendancy, approaches. Palestinians, it is reasoned, understand that time is on their side - enabling them to secure better terms once they constitute the majority. Israelis increasingly believe that the Palestinians are seeking to delay partition in order to undermine a two-state outcome, an assessment shared by current IDF Chief of Staff Moshe Ya'alon.<sup>22</sup> As Ehud Olmert warns,

“We don't have unlimited time. More and more Palestinians are uninterested in a negotiated, two-state solution, because they want to change the essence of the conflict from an Algerian paradigm to a South African one. From a struggle against 'occupation,' in their parlance, to a struggle for one-man-one-vote. That is, of course, a much cleaner struggle, a much more popular struggle - and ultimately a much more powerful one. For us, it would mean the end of the Jewish state.”<sup>23</sup>

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<sup>22</sup> Akiva Eldar, 'Don't shoot the settlers', *Ha'aretz*, 29 December 2003.

<sup>23</sup> David Landau, 'Maximum Jews, minimum Palestinians', *Ha'aretz English Edition (GA Supplement)*, 13 November 2003.

Yossi Beilin has even gone as far as arguing that "The minute that there is no border and there is a Palestinian majority, the story is over. It's all finished."<sup>24</sup> This claim is somewhat alarmist, as Israel could - with increasingly difficulty - still impose a border in such a scenario. Whether that border holds and is deemed legitimate, over time, is a highly relevant question.

On the other hand, these perilous demographic trends would seem to encourage Israelis to make concessions. Israelis are certainly pre-occupied with the demographic issue and understand that time is no longer on their side. In one recent poll, it emerged that 73 percent of the public fears the emergence of bi-national state if Israel fails to end its control of the territories.<sup>25</sup> The somewhat discredited Zionist left has increasingly harped on this theme, in the aftermath of the breakdown of peace process. Unable to peddle visions of a "new Middle East" and the security and economic dividends of peace, the left has taken to marketing the fear that Israel will lose its Jewish and democratic character. Unilateral separation is increasingly viewed as an Israeli escape hatchet from the demographic trap. The efficacy of curbed territorial concessions to square the demographic circle appears limited. Sharon's proposed Gaza withdrawal was a brilliant master-stroke in this regard, as he could undermine the demographic case for future concessions.

Demography is, however, a double-edged sword. The Israeli fear of being swamped or ruled by savage Palestinian masses could nurture support for more extreme solutions, like transfer and Jewish minority domination through direct and indirect means. Israel is a survivalist project, and it may well be that Israelis explore these two options, long before power-sharing.

The pressing question is what the impact of demographic trends will be on Palestinian dynamics. It seems that the current trends could cause Palestinians to reconsider separation. Moreover, as will be discussed later, the changing demographic ratios could affect what international

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<sup>24</sup> Atila Shumpalbi, 'Beilin's pessimistic side,' *Ynet*, 12 December 2003.

<sup>25</sup> Prof. Ephraim Yaar and Dr. Tamar Hermann, 'Peace Index / Demographic fears favor unilateral separation,' *Ha'aretz*, 7 December 2003.

public opinion considers a fair outcome and the effective mechanism to regulate this conflict.

### ***Palestinian Dynamics***

The changing demographic trends and unilateral Israeli actions like the fence, the settlements and the unilateral impositions, could prompt ordinary Palestinians to increasingly reconsider separation. Israelis are convinced that Palestinians will never agree to a power-sharing arrangement. One reason is that many believe that they are deeply committed to Palestinian nationalism and its expressions through an independent state. They also assume that Palestinians are loath to live as second class citizens in a state where Jews dominate, economically and politically.

Whilst the first challenge does seem insurmountable, Israeli actions could undermine support for the idea. Israelis largely ignored a very significant warning by Marwan Barghouti. In remarks made at his trial for acts of terror against Israel, he noted,

“I hope the Israelis have learned that the Palestinian people can not be brought to yield with force. If an occupation does not end unilaterally or through negotiations then there is only one solution, one state for two people.”<sup>26</sup>

As I have already argued elsewhere, Israeli efforts to impose a deal of its making may make demography and the demand for voting rights a valuable Palestinian resource.<sup>27</sup> Besides, Israel is in deep trouble if we accept the Israeli right-wing's thesis that there is no such thing as Palestinian nationalism. If indeed this identity is invented, redirecting Palestinian energies and "imagination" of the collective identity would seem relatively costless.

The second argument is no less deficient. By some bizarre logic power-sharing is considered by Israelis as worse for Palestinians than the status quo or a truncated state. One could reason that Palestinians already

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<sup>26</sup> Chris McGreal, 'Intifadah leader uses courtroom to point to one-state solution', *The Guardian*, 30 September 2003.

<sup>27</sup> Gary Sussman, 'One State or Two? The Binational Solution', *Current History*, January 2004.

suffer under Jewish hegemony and that the reward of yet more suffering in a single entity is that Jewish domination cannot indefinitely be sustained.

Perhaps the most enduring asset that the two-state solutions' balance sheet offers is the continued support of Fateh elites for this formula. This certainly seems to be the case when it comes to the generation that led the first Intifada, which includes some of the most-favored Israeli interlocutors. In response to Ali Jirbawi's thesis, West Bank strongman, Jibril Rajoub quipped, "I didn't spend 17 years in Israeli jails for a bi-national state."<sup>28</sup> There are compelling interests that keep Fateh elites focused on the two-state game. The most important is the international support for a PA machine of 100,000 officials.<sup>29</sup> Internal Palestinian power dynamics could, however, eventually undermine Fateh support for the two-state outcome. Firstly, it is not clear whether the generation representing the first Intifada will emerge as dominant in the future. If not, Israel will have to contend with the leadership of the second Intifada, who represent a different agenda and interests. It is also worth mentioning that the two-state idea has been tarnished by virtue of its association with the deeply discredited and corrupt elites who controlled the PA to date. Perhaps a new Fateh generation could seek to re-brand the movement by abandoning its tarnished two-state legacy. Besides, the two-state idea is not that rooted. It seems debatable how much longer Fateh political elites can pooh-pooh Ali Jirbawi's arguments. A poll conducted by Khalil Shikaki suggests that nearly 30 percent of the public supports the idea.<sup>30</sup> Given the growing popularity of Hamas, Fateh entrepreneurs may come to view the demand for a bi-national or secular state as a marker to distinguish their movement.

### **Unilateral Actions and the Legitimacy of Separation**

The emerging Israeli strategic approach seeks to impose its version of the end game, unilaterally, outside of the framework of negotiations. One major reason is that Israelis have widely subscribed to Ehud Barak's account of the failed talks. This narrative holds that Yasser Arafat was

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<sup>28</sup> Harvey Morris, 'Sharon threat plunges PA into crisis', *Financial Times*, 22 December 2003.

<sup>29</sup> Yossi Alpher, 'Green line and red line.'

<sup>30</sup> Thomas Friedman, 'One Wall, One Man, One Vote.'

offered everything and balked at the moment of truth. Barak's critics argue that the offer was not that comprehensive, and failed to meet Palestinian red lines.<sup>31</sup> The Israeli conclusion from Camp David and the ensuing conflict is that both a reliable partner and Palestinian ripeness are absent. Hence, making a deal at this point in time is imprudent, and Israel should improve the conditions under which it defends its interests, until such a partner emerges. Unilateral withdrawal is deemed the effective means to do so, as well as address demographic threats. Moreover, there is a prevailing sense that the Palestinians should not be offered more (and many believe less) than they were offered by Ehud Barak. To do otherwise would reward Palestinian terror.

It is widely believed that Ariel Sharon has not changed his world view when it comes to the future of the territories. Whilst Sharon has reluctantly accepted that a Palestinian state will eventually emerge, he continues to believe that the entity should not control all of the West Bank. Many assume that he would agree to a Palestinian state on around 50 percent, or even more, of the West Bank and in all of Gaza. Sharon has long hoped to secure such an arrangement in the framework of the Road Map and secure the creation of a Palestinian state with temporary borders. Such an arrangement would preclude Israel having to deal with Sharon's arch-nemesis and avoid a comprehensive deal and the implicit dear concessions.

Many Israelis are bullish that they may well be able to get away with giving up less territory outside of the bi-lateral framework, especially with a Bush Administration that is favorably disposed. This constitutes wishful Israeli thinking, as this arrangement requires Palestinian consent. None seems forthcoming. And even if Israel did successfully impose a limited Palestinian state (in territorial and symbolic terms), there are two inherent dangers in the unilateral path. One is that Israel could ensconce a single state / bi-national reality by creating a Bantustan.

The second danger is that Israel can prompt the Palestinians to abandon their commitment to the two-state idea and embrace bi-nationalism. The

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<sup>31</sup> David Clark, 'The brilliant offer Israel never made', *The Guardian*, 10 April 2002; Yoav Peled, 'Was Barak telling the truth?', *The Guardian*, 24 May 2002; Robert Malley and Hussein Agha, 'Why Barak is wrong', *The Guardian*, 27 May 2002.

initial statements by both Abu Ala' (in December 2003<sup>32</sup> and March 2004<sup>33</sup>) and Yasser Arafat January (2004<sup>34</sup>) have been tactically driven, to scare Israel and the international community after Ariel Sharon announced his unilateral withdrawal scheme. Tactics could, however, become strategy. The more such desperate statements are made, the harder it is to back down. It is worth remembering that the PLO's commitment to two-states was a product of circumstances and the balance of forces at the time. Circumstances in the dynamic Israeli-Palestinian reality are changing and demographic trends favor the Palestinians.

### **Separation Without Palestinian Consent**

Israelis have traditionally had difficulty agreeing to a fully sovereign and contiguous Palestinian state in all of the West Bank and the Gaza Strip. It is worth noting that the majority of Israelis have no objections to surrendering all of the Gaza Strip, an area whose cramped and impoverished population only poses liabilities. The same generosity will not be extended when it comes to the West Bank. Moreover, it seems unlikely that Israelis are inclined to forgo control of the nascent states' external borders, its airspace, external relations and military capacities. Thus, in addition to challenges in regard to the geographic, developmental, economic and infrastructural viability of a small state, Israel will seek to deny it the key trappings and expressions of a modern sovereign state.

Israeli objections to a fully sovereign state on all of the West Bank and the Gaza Strip encompass a range of interests and sentiments. As already noted, many Israelis believe that a Palestinian state on all the West Bank imperils Israel's national security and leaves the Jewish state vulnerable. Others seek reward for Israel's conquest and more than thirty years of settlement expansion. On the basis of the performance of the PA between the years 1994 and 2000, Israelis can be forgiven for fearing the emergence of a failed state on their back porch. Yet others hold that in

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<sup>32</sup> "This is an apartheid solution to put the Palestinians in cantons. Who can accept this? We will go for a one-state solution... There's no other solution. We will not hesitate to defend the right of our people when we feel the very serious intention [of Israel] to destroy these rights." Reuters, 'Qureia: Israel's unilateral moves are pushing us toward a one-state solution,' Reuters, 8 January 2004.

<sup>33</sup> Khaled Amaryeh, 'Killing two states', *Al-Ahram Weekly*, 11-17 March 2004, No. 681.

<sup>34</sup> Seumas Milne, 'Two-State Plan at Risk, Warns Arafat,' *The Guardian*, 24 January 2004.

the absence of a capable and credible partner for peace, a limited Palestinian state is justifiable, on the assumption that future negotiations will settle the fate of the territories that remain under Israeli control. Even worse yet, some fear that there is no certainty that there is political solution to the conflict.<sup>35</sup>

The growing salience of demographic concerns does not necessarily imply a greater desire to be accommodating on the territorial dimension. The dominant mantra being that Israel needs to control maximal land and absorb minimal Palestinians. Increasingly, the legitimacy and Israeli premise for a Palestinian state is, thus, maintaining the Jewish entity, and not ending the conflict or redressing past injustices. The shared thread of all unilateralist thinking is that Israel's borders should address its' demographic concerns through demographic borders. This falls well short of the Geneva model.

It seems hard to imagine that such an entity will enjoy Palestinian and international legitimacy, especially when it is born out of unilateral Israeli impositions and not an agreement. In the unilateral scenario, Israel's idea of separation will not be recognized as such. Palestine and Israel will not really be distinct, rather two asymmetrical entities in one state. No Israeli designed and imposed entity would be different from a Bantustan. It is worth recalling that Bantustans were explicitly designed to square white South Africa's demographic condition. Here a white minority repressed a black majority in order to sustain a white, Christian- National, entity. The architect of the separate development (homelands) project, H.F. Verwoerd, sought to provide the *Apartheid* project moral coherence in the face of mounting international condemnation of the coarser form of white domination – *Baasskap*. The logic of his schema was that South Africa was a nation of nations. Hence, none of these nations - including the white nation – was a minority.<sup>36</sup> One of the cardinal failures of the Bantustan system was that the successive National Party (NP) governments were not willing to provide these entities with sufficient territory and resources to make them viable.<sup>37</sup> Moreover, the NP governments

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<sup>35</sup> Zeev Schiff, 'Hints of change?' *Ha'aretz*, 12 March 2004.

<sup>36</sup> Dan O'Meara, *Forty Lost Years. The apartheid state and the politics of the National Party, 1948 - 1994* (Randburg, Ravan Press, 1996), p. 73.

<sup>37</sup> F.W. De Klerk, *Die Laaste Trek - 'n Nuwe Begin*. (Kaapstad: Human & Rousseau, 1999) pp. 72-73.

conscripted leaders who lacked any legitimacy – domestic and internationally. In fact only handful of the homelands accepted Pretoria's independence.

In order for a Bantustan not be a Bantustan it, at the very least, requires the consent of the residents. This is Israel's inescapable conundrum and the folly of unilateralism. The support of certain pliant strongmen like Mohammed Dahlan or Jibril Rajoub will not suffice, over time. A lesser leader than Yasser Arafat will not be able to sell even Camp David or less as the expression of the Palestinian national project. The state that emerges from even the most generous of unilaterally measures will, ultimately, be an Israeli *diktat* – a latter day Bantustan.

### ***International Legitimacy for Separation***

Even if Palestinian consent can be successfully manufactured, as the rulers of Ciskei, for example, demonstrated in their phony 1980 independence referendum, the international community would still have to be convinced. Israel has done much to discredit the idea of separation through foot-dragging, settlement expansion, the fence, closures, road-blocks, unilateral actions, and Israeli insistence on a de-militarized state with limited control over its external borders. All hint at a non-contiguous and dysfunctional entity that feels like a Bantustan. By going down the unilateral path of imposition, Israel will merely abet those who claim that separation is like *Apartheid*.

Thus the unilateral path will undercut Israel in the struggle over the essential resource in this conflict – international opinion over whether the outcome is fair. For unless Palestinians and the international community accept the Palestinian entity as a real state and separation as fair, they will continue to imagine the area West of the Jordan River as a single entity. Israel will, therefore, ensconce its bi-national condition. This development will be shaped by and reinforce a process whereby people increasingly question the desirability and legitimacy of a Jewish State. Israel has so far, successfully, ascribed this process to anti-Semitism, which no doubt is an important factor. But, in doing so, it overlooks other important trends that should deeply concern Israel. First of all, this is not a process driven by Anti-Semitism alone, Jewish intellectuals, like Tony



Judt,<sup>38</sup> and Israelis are raising doubts over legitimacy of the idea. Moreover, Israel is living in a reality in which young people are increasingly unaware of the unique circumstances that made the Zionist project possible. Indeed, for many Europeans their colonial legacy is no less influential in shaping their world view, and as long as the conflict between David and Goliath continues, they will side with the Palestinian David.

These dynamics will increasingly come into play and Israelis do not fully seem to appreciate the extent to which international legitimacy is a vital resource in ethnic conflicts. It was the loss of external (and internal) legitimacy that invited growing pressure and, ultimately, forced Pretoria to make concessions.

Israelis will dismiss this warning by noting that Israel enjoys unflinching support from American political elites. This was also the case with South Africa at the height of the cold war. The end of segregation in the South, the emergence of new political constituencies (African Americans) and South Africa's loss of the support of civil society and campuses (disinvestment campaigns) eventually undermined this cozy relationship. Israelis would counter that the two cases are vastly different and that Israel and the US are allied in a global struggle against Islamic terror. South Africa indeed managed to derive great dividend from its role as an ally in the Cold War. Ultimately, however, ordinary Americans judged the South Africa project in accordance with their own normative values. And the court of public opinion proved stronger than the views and will of politicians, who after all are elected by the public.

The status-quo of continued occupation and conflict does pose a threat to continued Israeli support from middle-America and the support of fundamentalist Christians is not enough. Besides, this latter relationship, which is being nurtured by the Israeli government and key ministers, could undermine Israel's support base in other important constituencies. The sociology of American society is evolving and these changes could affect long-term foreign policy preferences. Worse yet, is the prospect of a backlash against Israel, as a result of Islamic terror and failure in Iraq. Spain's new Foreign Minister, Miguel Angel Moratinos, recently conflated

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<sup>38</sup> Tony Judt, 'Israel: The Alternative', *The New York Review of Books*, Volume 50, Number 16, 23 October 2003.

success in dealing with Al-Qaida together with resolving the Palestinian-Israeli issue.<sup>39</sup> And the fact that the Iraqi rebels have appropriated the name "Brigades of the Hero Martyr Sheikh Ahmed Yassin," and that the April 2004 rebellion against the US led coalition is compared to the Intifada cannot be helpful.

### **What Determines the Outcome of a Conflict?**

Beyond assessing the viability of the two-state solution, a larger question looms. Namely, what the equilibrium of a particular conflict is? Does each ethno-national conflict have a specific, pre-ordained, outcome? In our case two-states for two peoples. As already noted, many assume that we are on an inevitable journey to this destination. If this is, however, a dynamic process, then we need to consider what and who determines that result. Is it the hegemonic side? Or the international community and perceptions of what constitutes a legitimate outcome? Is it perhaps demography?

As has been argued, the dominant party is in danger of overplaying its hand in seeking to impose its outcome. Experience from South Africa suggests that perception of what is the desirable and just outcome is can change over time. At critical junctures a solution with minority guarantees and federal arrangement, acceptable to the international community, might have been imposed. South African whites, however, discredited these outcomes through manipulations and foot-dragging. It is worth noting that the numerical gap between blacks and whites widened from 6,2 million in 1946, to 13,2 million in 1974 and 23,3 million by 1991. The feasibility and legitimacy of power-sharing as an option was patently eroded by these trends.<sup>40</sup> The loss of international credibility, coupled with demographic trends that, emphatically, favored blacks meant that one-man-one-vote came to be deemed as the fair outcome. Of no less importance is the fact that the "weight of black numbers forced a fundamental rethink about apartheid as the solution to Afrikaner survival."<sup>41</sup>

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<sup>39</sup> 'Moratinos: Israeli-Palestinian conflict delaying Qaida defeat', *Ha'aretz*, 7 April 2004.

<sup>40</sup> Hermann Giliomee, *The Afrikaners. Biography of a People* (Cape Town: Tafelberg, 2003), p. 595.

<sup>41</sup> *Ibid*, p. 597.

Another example in which our understanding of conflicts has changed is provided by water. For many years the water war discourse warned that the next conflicts would be about water and the water issue was (pardon the pun) considered insoluble, in the Israeli-Palestinian context. That is no longer the case.<sup>42</sup> Can the rise and fall of the two-state outcome in international and domestic discourse be replicated?

By Ian Lustick's very own definition the hegemony of the two-state idea is clearly under threat. Lustick, who supports this result, notes that to "establish a view as hegemonic, or successfully defend its status as such, requires *at least* substantial correspondence between the claims of the beliefs and the political realities it purports to describe." Many would argue that Israeli facts on the ground have undermined that correspondence. Moreover, there are entrepreneurs, especially Palestinians that could profit from the overthrow or breakdown of the dominance of the two-state outcome. Perhaps the greatest danger, which Lustick has recognized, is for "established interests," especially the Zionist left, "to exploit popular prejudice by acknowledging warning of, and even exaggerating the support available for counter-hegemonic ideas."<sup>43</sup> If the left uses the threat of a bi-national state to scare the right into embracing their ideal solution, they could undermine this outcome.

Domestic and international discourses over the two-state outcome clearly feed off each other. Surely the perception that the two-state outcome is no longer feasible shapes perceptions over its desirability and justness. Moreover, these debates undermine the prospects that this outcome can be sustained over time as the, ultimate, end-game. If indeed separation becomes discredited, the variable which could shape opinion on the alternate outcome is demography. In the case where demographic dominance is not disputed (e.g. South Africa) then an individual rights outcome is accepted. If however, there are two significant groups (e.g. Northern Ireland) then power-sharing arrangements are more likely to be deemed desirable. The danger for Israel is that the perception that

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<sup>42</sup> Julie Trottier, 'Water Wars: The Rise of a Hegemonic Concept: Exploring the making of the water war and water peace belief within the Israeli-Palestinian Conflict', (Provisional Version, UNESCO's International Hydrological Programme to the World Water Assessment Programme).

<sup>43</sup> Ian Lustick, 'Right-Sizing: Opportunities and Barriers', In O'Leary, et al., pp. 95-96.

a deal is no longer possible opens the way for demography to shape thinking on how to best manage and resolve this conflict.

## **Conclusion**

As I have argued, the legitimacy, basis and support for separation is steadily being eroded, primarily by unilateral Israeli actions. Theoretically, this process can be reversed, but there do not appear to be Israeli, Palestinian or international (US) leaders who can alter these trends. Besides, we seem to forget that the two-state idea is not deep rooted, becoming salient after 1988. Could it be judged unattainable before 2008? In the absence a break in the stalemate and dramatic progress towards an agreed upon two-state outcome, a move from land-sharing to power-sharing arrangements, or a hybrid of the two, is not inconceivable.

There are already proponents for consociational democracy and a South Africa like outcome in Israel. Though they may be marginal and their ideas unpopular, they may point out that the proponents of the two-state idea were similarly viewed as heretical and faced virulent opposition over a decade ago. The bi-national state will not emerge because Meron Benvenisti and his ilk set up a party and campaigned for one. It will rather come about because Israel discredited separation and undermined Palestinian support for the idea and the prospects for a sustainable arrangement, by its very own actions. There is an increasing recognition in some Israeli circles that a bi-national outcome is on the cards. And standpatters might well be surprised how quickly people adapt to new political realities. Jordan's 1988 decision compelled people to adapt to the two-state scenario with impressive speed. Such a process may be repeated once people realize that a two-state outcome is no longer feasible or a unilaterally imposed statelet has failed.

Skeptics might argue that Israeli Jews will never agree to forego exclusive control of the state and its resources of coercion as the consequences would be suicidal. A South African poll conducted in 1986 suggested that 97 percent of whites vehemently opposed one-man-one-vote for the very same reasons. Yet in 1994 whites proudly voted in such an election. They followed their politicians who, belatedly, acknowledged a demographic reality they had for so long denied and sought to evade. Yet their very tools of evasion had eventually ensnared them.

Gary Sussman

It is not unlikely that Israelis will find themselves in a bi-national reality and, once there, people will re-assess their positions. As the hegemonic power, only Israel can save itself from its bi-national conundrum through a mutually agreed separation arrangement. In seeking to impose Israel's version of the end-game, Ariel Sharon may well – in the longer run - place Israel even more firmly on the path to bi-nationalism.

## THE DUBIOUS LURE OF BI-NATIONALISM

*Salim Tamari*<sup>1</sup>

As Palestinians edge toward a territorial settlement that is less than satisfactory in terms of their minimal requirements for statehood, the idea of a bi-national state for Israelis and Palestinians begins to acquire a certain attractiveness. A public opinion poll published at the end of 1999 suggested that close to 20 percent of the respondents from the West Bank and Gaza and about 15 percent of the Jewish respondents from Israel (17 percent of the Israel Arab respondents) favored a bi-national solution if the attempts at establishing two states fail.<sup>2</sup>

But the debate on bi-nationalism begs for elucidation. While at the conceptual level the issue raises interesting possibilities for examining new dimensions in the nature of extraterritorial nationalism and ethnicity, at the level of practical politics the concept could be counterproductive and escapist.

### **The Drawbacks of the Two-State Solution**

The two-state solution has gradually eroded before it was realized on the ground. This erosion rests on a number of political developments:

- the nature of the Palestinian political regime, in terms of democratic conduct and representativity, has considerably less appeal than the expectations raised by the Madrid Conference and the Oslo agreements.
- the territorial delineation of the Palestinian state-to-be appears to involve considerably less land than the 23 percent of Mandated

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<sup>1</sup> Dr. Salim Tamari is the Director of the Institute for Jerusalem Studies in Jerusalem. A version of this paper appeared in the Boston Review of Books in the spring of 2002.

<sup>2</sup> Jerusalem Media and Communications Center (JMCC), December 1999.

Palestine that constitute the 1967 occupied territories, and it is likely to leave contested and unresolved the status of Arab Jerusalem, the Jordan Valley, and a substantial area under extraterritorial control by Jewish settlements.

- there is little chance that current negotiations will allow any meaningful return of Palestinian refugees to their homeland, except perhaps in symbolic or token numbers.

Moreover, as proponents of bi-nationalism have suggested, the "facts on the ground" created during the thirty years of Israeli political incorporation of the West Bank and Gaza have rendered the Palestinian economy and society so dependent on Israeli institutions that any separation would be illusory (though separation would also tend to camouflage the structural dependency and control over markets, services, and the labor force). Whatever possibilities for separation and disengagement from Israel that were sparked by the Intifada were more than offset by forms of structural dependency that ultimately proved to be stronger than political factors.

These forms of structural dependency include substantial labor mobility between Israel and Palestine on a daily basis (a mobility that involves almost a third of the total Palestinian labor force, even after the continued closure of the territories). This means that overlapping domains of national consciousness have evolved, buttressed as they are by material interests of daily life. In Jerusalem, this notion of overlapping domains is even more pronounced by virtue of the imposition of Israeli identity papers for Arab residents (and the acquisition of Israeli nationality by about 10 percent of the city's Arab population). The extension to Jerusalem's Arab residents of privileged services in health, education, and welfare further integrates them into a new (Israeli) juridical corpus, separating them from a potential Palestinian one.

Another aspect of this structural dependency is the manner in which the Palestinian Authority (and eventual Palestinian state) is emerging under the tutelage of the Israeli state, creating a new national elite that shares considerable interests and interacting concerns with the Israeli state apparatus, hegemonic class, and economy. Altogether, these are bound to give way to forms of exchanges, dependencies, and penetrations that in turn will generate modalities of common markets and formal federal frameworks.

In short, the final status talks are likely to end the Arab-Israeli conflict as we know it, without resolving in a meaningful way the key issues of territorial sovereignty, Jerusalem, refugees, and the duality of exile/return in Palestinian consciousness. This fact, in conjunction with the difficulties of separating the two entities, is bound to keep the lure of bi-nationalism alive.

### **An Alternative Paradigm?**

Nonetheless, the positing of bi-nationalism as an alternative paradigm to a truncated statehood, currently fashionable in some Palestinian and Israeli intellectual circles, is itself problematic and hardly a political option. There are a number of reasons for this.

First, espousing the bi-national state is not a programmatic position but simply the expression of a desired outcome to replace a whole set of social, political, and institutional modalities that have been created on the ground since the return of PLO cadres to Palestine in 1994 and afterward. In fact, the attractiveness of the bi-national idea lies precisely in its simplicity. No discussion of the repercussions of creating a juridical, social, and political regime from two antagonistic national groups in one single constitutional corpus has been put forward.

Second, the bi-national state idea has no real constituency on either side. Although this objection should not, in principle, be valid for an idea "whose time is ripe," nevertheless the "ripeness" is a function of potential advocates. At the moment, the advocates are too few and (politically) too marginal. This makes it difficult to mobilize large numbers around the idea. As for the polling data I cited above, I do not believe that they accurately reflect public opinion regarding bi-nationalism, since the question was formulated in the context of the failure of a two-state framework. On the Israeli side, furthermore, one should read the poll's results at least partly in the context of religious and right-wing opposition to any form of statehood for the Palestinians. Third, the bi-national debate does not address the formidable task of fighting the institutions of the Israeli state, its military apparatus, its Zionist consciousness, its religious establishment, and the material benefits that accrue to its citizens by excluding the masses of pauperized Palestinian refugees from its franchise. Nor does it address the cultural



resistance of Palestinian nationalism to being incorporated - at least for the foreseeable future - within a Europeanized and industrially superior state.

Finally, and most importantly from the perspective of this argument, bi-nationalism means that Palestinians would have to give up their struggle for independence, for the further evacuation of Israeli military rule, and for the dismantlement of colonial settlements. They would give up this struggle in order to struggle instead for a constitutional arrangement that is bound to be met with hostility by their Israeli neighbors and by the vast majority of their political leadership and currents of ideological thought.

(One could add here that the idea raised by the PLO in the late 1960s and early 1970s of a secular democratic state of Jews, Christians, and Muslims was never put forward seriously except as a slogan. It was never properly articulated within the PLO, the Palestine National Council, or in any intellectual forum in that period. Emile Tuma raised a justified objection to the idea in the late 1970s when he suggested that for decades the Palestinian national movement had fought to establish the unity of the Palestinian people in their struggle for independence under the banner of secular nationalism. With the PLO slogan calling for a state of Jews, Christians, and Muslims, he noted, the Palestinians had reverted to the Ottoman formula of confessional communities.)

One can further argue that even a truncated state enshrined in a peace treaty would leave considerable latitude for continued struggle aimed at consolidating its territorial domain and achieving substantial sovereignty. We have witnessed this in a number of historical cases (cf the Irish Free State after the autonomy agreement signed by Michael Collins). We also witnessed, albeit under very different conditions, the State of Israel expanding in 1948+49 and 1956 well beyond the boundaries sanctioned by the 1947 partition plan. A precarious geography that is criss-crossed with ethnic boundaries tends to be inherently unstable if "peace" is imposed by a stronger party on a weaker one. Such impositions are bound to be renegotiated, as relations between the stronger party and the weaker one are renegotiated.

For these reasons, I believe that conditions today are neither favorable nor desirable for abandoning the struggle for realizing the objectives of

Palestinian independence. Nor do I believe that the state that results from conditions imposed by the Israelis on the Palestinians in a situation of weakness will necessarily be permanently deformed or that these conditions are immutable.

### **Relevance of Bi-nationalism**

Whatever the lacunae in the bi-nationalism argument, the Palestinian state that is emerging, with its fragmented boundaries and limited ability to satisfy the aspirations of the Palestinian communities of the Diaspora (to say nothing of its own citizenry), is bound to generate conditions in which the bi-nationalism debate will continue. These conditions tend to weaken the bonds of an exclusive Palestinian identity and undermine the symbolic trappings of Palestinian nationalism and their potency (the flag, the insignias, the anthem, and so on).

They also compel Palestinians to rethink their relationship with neighboring Arab states, particularly Egypt, Jordan, Lebanon, and Syria, in the direction of confederal association. Since most West Bankers and even many Gazans were until recently Jordanian citizens, and since about half the current Jordanian population is of Palestinian origin, this relationship is particularly meaningful as far as the future constitutional ties with Jordan are concerned. In operational terms, this means that the "bi-national idea" is increasingly of greater relevance to Palestine's relationship with Jordan than its relationship with Israel, particularly when one takes into account cultural factors.

In a more profound way, the conditions that will arise from a truncated state will also compel Palestinians to rethink the pan-Arab component of their own culture. This is particularly significant in the arenas of cultural affinities and political identity. But the manner in which bi-nationalism is being raised today refers almost exclusively to recasting the strategic objectives of the Palestinian national movement and to the dubiousness of creating a Palestinian state next to the Israeli state.

There are currently three categories of advocates of bi-nationalism who are likely to constitute a potential constituency for the idea:

- Israeli-Palestinian citizens who may see in it a historic breakthrough for their struggle against discrimination and for equality with Jewish citizens within the corpus of the Israeli state.
- Members of the Israeli anti-Zionist left, who see in this framework a gradual rupture with the idea of a Jewish state through a joint state for Palestinians and Israelis.
- Intellectuals in the Palestinian Diaspora who see in this slogan (and I emphasize that it is a slogan, not a program) an answer to the betrayals of Oslo and its aftermath.

It is noteworthy that not one Palestinian political group, not even minority ones, have adopted bi-nationalism as an objective (except for the brief flirtation with the idea by the Democratic Front, the Popular Front, and Fateh in the early 1970s). All the major Islamic groups find it anathema, since they reject the idea that the Israelis (or the Jews for that matter) constitute a nationality. One can even suggest that the idea is being implicitly rejected by many of these groups.

What is the balance sheet of these countervailing forces?

At the level of resolving the immediate tasks of dismantling Israeli colonial rule in the occupied territories, bi-nationalism creates expectations and prospects of political action that are either unrealizable or counterproductive. In the main, it would act to defuse and mystify the struggle for independence.

The bi-national idea, however, is also embedded in the new and overlapping forms of identity that are emerging in Israel and Palestine as a result of the interplay of population interaction, market forces, and labor mobility. We witness this interplay in the juridical ambiguity in the status of Jerusalem residents under forced Israeli rule, and in the evolving legal ethnicity in the status of Palestinian Israeli citizens. The struggle against Israeli colonial rule is related to, but is not equivalent to, the struggle for "a state of its citizens." To merge the two problematics into a single struggle for bi-nationalism is likely to undermine both possibilities and prolong the resistance against them.

# TOWARDS A SUSTAINABLE SOLUTION: ALTERNATIVE CONSTRUCTIONS FOR AN ISRAELI-PALESTINIAN PEACE

*Fadi Kiblawi<sup>1</sup>*

## **Introduction**

Fifty-six years after the birth of Israel, the climax of Zionism, a burgeoning critical discourse has emerged. In part due to the expansion of Jewish hegemony into the West Bank and Gaza Strip, both earmarked for a future Palestinian state, the idea of separation is rapidly eclipsing. Ironically, this turn of events is, in the long term, favorable for the Palestinians. The post-Oslo economic indicators and geopolitical realities unequivocally predict an unviable, unstable state inside those consensus boundaries, so any acts that undermine this norm, whether intentional or not, serve the Palestinians' interests.

However, it is important to note that the two-state solution within the accepted, yet constantly redefined (and shrinking), parameters is not dead. On the contrary, despite the circumstances, the idea is still vibrant with its lifeline tied to the Palestinian national platform. So many commentators on both sides of the debate accept as a frame of reference either the absoluteness of a Palestinian West Bank/Gaza Strip state or the absoluteness of a "one-state solution." Actually, there is no definite final solution, just numerous trajectories that could lead to certain solutions.

The Palestinian national movement must take advantage of the current crossroad, and pave its own road toward a sustainable solution. The existential realities in the Occupied Territories prevent the formation of

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a state for the time being, therefore providing an opportunity to adopt a new platform. The essential motive for this transition must be sustainability, which is a primary reason for discarding the current status quo.

Territorial and economic viability can only be secured with political stability (and vice-versa). At the core of any workable democracy is a Constitution. The Constitution is necessary to limit the powers of the legal regime, while preserving the rights of the citizens. In a reconciliation of embittered enemies, a strong Constitution must be negotiated then ratified which protects all parties from an invasive government.

This study outlines a method to reach a sustainable final solution. The first section examines the downfalls of the current frame of reference, the West Bank and Gaza Strip. Section 2 prescribes steps to break out of these confines to pursue alternatives. Sections 3-6 describe some of the many considerations effectuating a Constitution. Finally, Section 7 provides an example for one possible alternative.

## **SECTION I: A Final Solution?**

### **I. VIABILITY**

The purpose of this study is to define new parameters for a solution, imposing finality and sustainability. In so doing, there is a very simple formula to predict if a prospective solution meets these objectives. For a solution to be viable, it must be economically and politically stable. In the coming sections, both of these are addressed.<sup>2</sup> Some could argue that a solution would be sustainable without economic viability if political stability were attained. Hence, the Israelis could grant the Palestinians their own “state” but ensure through economic arrangements that the latter are perpetually vulnerable and exposed. Arguably, such an inequitable fix could sustain itself indefinitely so long as there is political legitimacy as a backdrop.

However, this study assumes that inevitably such exploitation would eventually unravel and an eruption would ensue. The working lower class would be disproportionately large, and poverty and unemployment levels disconcertingly high. Meanwhile, the ruling class would be a small native bourgeoisie. This of course is a recipe for confrontation. Accordingly, without economic integrity, political incapacity would result.

### **II. THE TWO-STATE SOLUTION**

The international consensus supports the creation of a Palestinian state in the West Bank and Gaza Strip as the endgame of the conflict. There is a dangerous and heavy reliance on this construction, which, if ever realized, will only disappoint. Three characteristics of this solution signal its infeasibility.

#### **A. Viability**

A political entity within the West Bank and Gaza Strip could theoretically be viable. However, two concessions would be mandatory. The Palestinians would have to accept that no refugees return, as there is little disagreement among geographers that such territorial confinement would

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<sup>2</sup> See Section 4: Economic Features, and Section 5: Political Features.

not be suitable for increased population.<sup>3</sup> The Israelis on the other hand would have to drop all preconceived notions that the Palestinian state would be a client at its disposal. This means its groundwater would remain, its borders be open, and the economies be integrated symmetrically.<sup>4</sup>

Ultimately, it seems that this solution is not very concerned with reconciliation. For many Palestinians, the status of refugees is the *raison d'être* of their struggle. In fact, the majority of Palestinians live in dispersion. By discarding even a partial return of refugees, the seeds of animosity would continue to grow. And with open labor markets and free access, security is questionable.

### **B. Justice**

In accepting a state in the West Bank and Gaza Strip, a precarious precedent is established; population transfers are legitimized.<sup>5</sup> The heinous, colonial aggression of 1948 is seen as valid, while refugeedom is trivialized. Legally, United Nations resolutions and tenets of international law and human rights (such as the Geneva Convention and the Universal Declaration of Human Rights) are irrelevant. War criminals and tyrannical dictators can, at least for the time being, exonerate themselves by pointing to Israel's vindicated crimes. Clearly, the implications are immense. That's not to say that every solution must reverse the catastrophe of 1948; rather, every solution should take an approach that recognizes the implications of this calamity and attempts to redress it as much as possible. The two-state solution simply ignores it.

### **C. Logistics**

The Jewish settlement of Ariel houses 17,000. Located in the heart of the West Bank, 20 kilometers from the Green Line, it covers 30,000 dunums of land. An emblem of the settlement movement, Ariel was founded in 1978 and today enjoys the same comforts and conveniences as Tel Aviv. Can one imagine any Israeli politician with the political will to disband the settlement of Ariel?

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<sup>3</sup> PASSIA, *Palestinian Refugees Special Bulletin*. Jerusalem, 2004. p. 14.

<sup>4</sup> Refer to Section 4: Economic Features.

<sup>5</sup> In other cases there have been population transfers (such as India-Pakistan), however, today such means are no longer acceptable.

Take, for example, the current Sharon-Gaza impasse. This is a matter of only 6,500 settlers, less than the total in Ariel. Gaza has no religious significance for Israel's Jews, nor is it a strategic territory. In a Likud party referendum, the prime minister suffered a decisive and resounding loss. Since, he has struggled to form a coalition that can implement even a watered down version of the disengagement plan.

If the Israeli public, even though through the strength of a critical minority, is unable to disengage from the Gaza Strip, then it seems almost inconceivable that they would disengage from the West Bank. The settlement project could potentially have permanent effects, irrespective of the party in power. It is worth noting here that Likud and Labor do not differ much in ideology, but more so in approach. Both actively sponsored the settlement project for years. In Israeli politics, once a fact on the ground is established, it becomes very difficult to rescind, as even small parties hold large stakes in the contentious and divisive society.

The separation wall only compounds this problem. Also cutting deep inside the West Bank, it is unlikely that any Israeli leader will be able to bring it down since much of it has already been built. The wall directly prevents the envisaged Palestinian state.

Even more, the Jerusalem issue has been intractable for years now, with both sides refusing to back down. Without a resolution on Jerusalem, Israel and the Palestinians will be locked indefinitely in interim agreements and staggered cease fire deals.

These logistical obstacles will not be everlasting. A fitting, rhetorical question to ask here is whether if given the choice, would Israel tear down the wall and withdraw entirely from the West Bank, including East Jerusalem, or would Israel accept a one-state solution?



## **SECTION 2: Escaping the Status Quo**

### **I. INTRODUCTION**

As stated in the Introduction, a crucial mistake is to assume that there is a definite solution to the conflict. In reality, there is no definite, just a number of possible tracks which lead to specific solutions. It is hard to swallow that the two-state solution is not an absolute when it has been the cornerstone of the international consensus and the Palestinian national movement for decades now.

At the same time, it is hard to understand why a two-state solution is even on the Palestinian agenda at this point given its obvious shortcomings and Israel's entrenchment throughout the West Bank. Since 1967, Israel has done all that is humanly possible to prevent a Palestinian state in the Occupied Territories. In so doing, they have paved a road to their own "self-destruction," i.e. a one-state solution. The Palestinian national movement though has not steered itself onto this road, opting instead to stick with the inauspicious two-state solution.

This irregularity represents the cooption of the national movement by the state of Israel. The Palestinian Authority (PA) is fundamentally a colonial apparatus of Israel, absolving the Jewish state of a large non-Jewish demography on minimal lands while at the same time allowing them to control through a proxy. Most devastatingly, it has allowed Israel to hijack the national movement.

The PA has effectively replaced the PLO as the representative body of the national movement and in so doing has excluded millions of Palestinians in the Diaspora and their interests. Furthermore, as a pseudo-governance institution, its source of power is entirely connected to its jurisdiction. Therefore, the PA has the most to gain and lose with the rise and fall of the two-state solution, and will be the last to abandon it.

With the international community and the PA both deadlocked on the two-state solution, escaping it becomes a tremendous task. Hypothetically, even if the Palestinian movement begins to espouse an alternative solution, Israel's monopoly on power and the international consensus provide further obstacles.

## **II. THREE-STEP APPROACH**

The ultimate objective is a final negotiation with parameters that include sustainability and finality. There are three major steps proposed in this paper to reach this lofty, but necessary, goal. Each are intimidating, but below is one far-reaching attempt.

### **A. Replace the PA**

For the abovementioned reasons, the PA is now a crippling factor in the Palestinian struggle. With the PA in place, the Palestinians are stalled in the two-state paradox with unaccountable political elites, whose very stature relies on singing the praises of the client state plan, preserving a vociferous platform. Even more, the PA allows Israel to neglect its responsibilities as an occupying power and de facto legitimates its colonial practices. Thus, the PA must be replaced as the national representation immediately.

One method of doing this is Ali Jarbawi's.<sup>6</sup> Here, the PA threatens to dissolve itself if Israel does not cease wall construction and settlement expansion. After six months, if Israel does not comply, then the PA dissolves and the Palestinians pursue the establishment of just one state. Jarbawi makes the dubious assumption that the PA would be willing to actually fold. If his strategy can gain currency among the political elites, then certainly this would be the smoothest transition.

A more likely scenario would be to appeal directly to the people, acknowledging that the PA will resist any threat to their authority. Through a process that could take years, grassroots efforts would develop the groundwork for a new PLO. During this time, the concept of the PA will likely become more expressly absurd as governance institutions would be inane under the pronounced occupation conditions. In a coordinated effort, the Diaspora communities would also begin to organize with direction from institutions created for the purpose of promoting this agenda. Eventually, all Palestinian communities would elect representatives to establish and found the new national representative body.

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<sup>6</sup> Interview with bitterlemons.org, on the web at <http://israpundit.com/archives/003880.html>.

What's left of the PA would become marginalized as the more representative body would have greater legitimacy. Eventually, the remnants of the PA would probably only be propped by Israel, much like South Africa's homeland governors, though indigenous, represented only the Afrikaners.

The new PLO would not publicize a national platform at its initiation. Rather, it will only demand that Israel submit in their administration of the Territories to the 4<sup>th</sup> Geneva Convention's guidelines on occupying powers. Otherwise, the new body could immediately be rejected by the international community and written off as extreme. There must be a transitional phase in which world opinion is warmed up to the infeasibility of that solution.

Meanwhile, Israel will not concede their settlement program, as its leaders would lack the political will or mobility to do so. However, without the scapegoat of the PA, they must ease some of their repressive policies and at the least feign compliance with the Geneva Convention.

The central shortcoming of this idea is that for the Palestinians it translates into many more years of suffering. However, with the Israelis' intransigence on a two-state solution, the Palestinians must come to terms with the fact that the oppressive military dictatorship will continue for years to come until a final deal that is sustainable is procured. The minimal two-state solution that the PA desires is nowhere near fruition, or Israel's "generosity." Would there be much difference, then, in Palestinian well-being with or without the PA? Many would argue that conditions were in fact better prior to the PA's incompetence and corruption.

In order to alleviate the Palestinian "bleeding," Palestinian negotiators will sign interim agreements with Israel, with the condition that none prejudice the final status. The scope of these accords will strictly deal with humanitarian issues. The negotiators would have to come from outside the new PLO, as Israel will probably never recognize the body until just prior to the final negotiation.

The new PLO will have a difficult task of sustaining itself. This relies on maintaining its legitimacy to the Palestinian people. To do this, transparency and accountability are requisite. The new PLO would have frequent

sessions and representative elections. Finally, as the PA was a source of income for thousands of Palestinians, the new PLO would have a functional social welfare department which would distribute international funds to needy families.

### ***B. Transform the International Consensus***

After the PA is supplanted, the next task is to overhaul the international consensus of a Palestinian client state in the West Bank and Gaza Strip. Currently, any suggestion outside of this framework is a non-starter. However, much of the international community's position is guided by the Palestinian national platform. After a few years of a Palestinian national mantra which only demands that Israel govern the Territories in line with international law, and effective promotion of the inequity of such a confined prospective state, the Palestinians will begin to raise calls for "one-man, one-vote." This is a universally accepted demand that will through time reshape the status quo.

Israel of course will wholeheartedly reject this makeover. They may even unilaterally declare an independent Palestinian state of their choosing and withdraw from this territory (perhaps outlined by the separation wall). Much like South Africa's attempts in 1976 to force the homeland of Transkei into independence, the UN will reject this state.

### ***C. Redistributing the Balance of Power***

By this point, the balance of power will be redefined. While Israel's source of power will be their dominion over the whole of the land, the Palestinian's leveling factor will be the weight of the international community. With the international community now rejecting the two-state solution, Israel will be forced into a final negotiation with the new terms of reference, sustainability and finality.

The remainder of this paper focuses on the different possible formulas for the final negotiation. Some are more favorable towards Israel, while some more so towards the Palestinians. The leverage each side carries to secure their preferable provisions depends on the balance of power. The Palestinians should continue to work towards obtaining more international involvement, as this will be their major source of power.

### **SECTION 3: Land and Borders Features**

#### **I. INTRODUCTION**

Land and border issues are perhaps the most determinative in the process of defining the Constitution of a prospective solution to the Arab-Israeli conflict. Every category within its framework, from the economic to the governance structures, depends on the type of territorial configuration resolved.

In devising the land distribution, cultural trappings, nationalist aspirations, and practicality/viability are potentially dispositive factors, but none as much as demography. Of course, any or all of these can be disregarded or severely subdued depending on the power each side wields when such a solution is negotiated. This has been the case since 1948 under Israeli dominance, dismissing all of these as they concern the Palestinians. However, this paper assumes that the current prevailing construction will be supplanted due its imminent pronounced, un-sustainability. Therefore, some measure of each of these factors will be germane during the final negotiations. The crux of this study is in fact the uncertainty of the balance of power, therefore necessitating the examination of a multitude of possible solutions.

#### **II. HISTORICAL STUDIES**

Throughout the past century, a number of commissions have considered a variety of proposals addressing land and borders issues. Their findings are still relevant today and can serve as a helpful resource.

##### **A. *Palestine Royal Commission (Peel Commission)*<sup>7</sup>**

###### **i. *General Background***

Between 1933 and 1935, the escalating rate of Jewish immigration into Palestine was a cause of great concern and, eventually, panic among the Arab community. In these three years, the rate more than doubled from

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<sup>7</sup> Series of League of Nations Publications, Report of the Palestine Royal Commission (Peel Commission). C.495.M.336.1937.VI. Geneva, November 30, 1937.

30,000 in 1933 to 61,000 in 1935<sup>8</sup> under the auspices of British colonial policy. Ultimately, the political fallout of British pro-Zionist leanings in Palestine produced the Arab Revolt. From May 1936 until July 1937, the first phase of the rebellion took form with general strikes and armed engagements.

The cost to the British was far from minimal. London was forced to rush in reinforcements and take on increased military operations to put down the insurgency. At the same time, they commissioned an investigative team under Lord Peel to study the causes of and solution to Arab outrage. In July 1937, the publication of the Palestine Royal Commission (Peel Commission) was released, accentuating Arab hunger for independence and unease with the Jewish influx.

Partition was the only solution foreseeable by the Peel Commission. Anything short of total separation<sup>9</sup> was to them unworkable due to the striking contrast between the two protagonists as well as the strong nationalist temper of the Jewish community.

## **ii. Borders**

The partition of Palestine would consist of an Arab state, a Jewish state, and a mandated area. This last territory would be under the upkeep of a new mandatory government charged with protecting the “overriding necessity of keeping the sanctity of Jerusalem and Bethlehem inviolate and of ensuring free and safe access to them for all the world.”<sup>10</sup> It would extend from a point south of Bethlehem to a point north of Jerusalem, and include a corridor stretching west and terminating at Jaffa, thus providing access to the sea. The commission further decided to include Nazareth and Lake Tiberias under the mandate’s authority to “accord with Christian sentiment in the world at large.”<sup>11</sup>

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<sup>8</sup> Khalidi, Walid, Ed., *From Haven to Conquest*, Beirut: The Institute for Palestine Studies, 1971, p. 676.

<sup>9</sup> Though it should be mentioned that certain provisions cemented a degree of economic unity through identical customs duties.

<sup>10</sup> Peel Commission, Chapter XXII(2).

<sup>11</sup> *Ibid.*

The frontier between the two states would follow a path that attempted to provide a reasonable allowance within the Jewish state for the growth of population and “colonization,”<sup>12</sup> while guaranteeing compensation to the Arab state for the subsequent loss of land and revenue. In drawing the border, the Peel Commission acknowledged that no boundary can purely separate all Arabs and their land from all Jews and their land. Understanding this, a number of observations effectuated their draft.

In the Galilee, a majority Arab-inhabited territory, Jewish historical connections redeemed this demography. Specifically, the committee held that world Jewry is deeply attached to the “holy cities” of Safad and Tiberias, and Jews had retained a continuous foothold “from the beginning of the Diaspora to the present day.”<sup>13</sup> Even more, the rural Arab villages remained relatively calm during the Arab riots of the mid-30s, thus making them more amenable to inclusion in the Jewish state. A number of mixed villages, such as Tiberias, Safad, Haifa and Acre, experienced some disturbances, and therefore the commission recommended that they continue under Mandatory tutelage for a transitional period.

Jaffa, which would be enveloped by the mandatory corridor connecting the Mediterranean Sea to Jerusalem, was an almost entirely Arab town, and therefore included in the Arab state. However, a narrow belt of land along the north and south borders of the city would remain as part of the foreign supervision.

In Beersheba, although the Jews had purchased substantial blocks of land, the utilization of this property for expansion of the Jewish state would be prevented by the border. This, though, would be balanced by Jewish lands in the Galilee, “which offers a notable opportunity for development and colonization.”<sup>14</sup>

In order to facilitate economic stability, a Jewish treaty would ensure Arab access to Haifa, the only deep-water port on the coast. In return, an Arab treaty would guarantee the free transit of goods to the Egyptian border and an enclave on the northwest coast of the Gulf of Aqaba, which would also stay under Mandatory administration.

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

Although the Peel Commission defined their border squaring the abovementioned factors, they expressly disclaimed that their map is just a rough sketch. The frontier was described with little detail of the actual precise coordinates.

“Starting from Ras an Naqura, it follows the existing northern and eastern frontier of Palestine to Lake Tiberias and crosses the Lake to the outflow of the River Jordan, whence it continues down the river to a point a little north of Beisan. It then cuts across the Beisan Plain and runs along the southern edge of the Valley of Jezreel and across the Plain of Esdraelon to a point near Megiddo, whence it crosses the Carmel ridge in the neighbourhood of the Megiddo road. Having thus reached the Maritime Plain, the line runs southwards down its eastern edge, curving west to avoid Tulkarm, until it reaches the Jerusalem-Jaffa corridor near Lydda. South of the Corridor it continues down the edge of the Plain to a point about 10 miles south of Rehovot, when it turns west to the sea.”<sup>15</sup>

Refer to Appendix A for the map of the Peel Commission’s proposal.

### **iii. Problems**

The most alarming provision of the Peel plan is its suggestion of population transfers. The report itself seems to underscore the exalted obstacle of minorities in the partition idea by offering an extreme to purge it. Aside from legal issues, the Commission also failed to give due consideration to the Arab response, particularly in the wake of the 1936 Arab uprising.

Furthermore, the investigation discarded cantonisation in a federal state deducing that it would exacerbate the gulf between the Arab and Jewish communities. In addition, the Commission concluded, such a solution would revive all of the drawbacks of partition without the principal achievement of partition, being the possibility of an eventual peace. As a result, the problem of minorities, which the committee regarded as only solvable through the elimination of such groups vis-à-vis population

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<sup>15</sup> Ibid.



transfers (such as was done in India-Pakistan and Greece-Turkey), could not be reconciled absent the prospects of finality. The main shortcoming of this conclusion, aside from its assumption that population transfers are a legitimate and practicable means for solving ethnic disturbances, is that it was done through colonial filters. The central government of their unworkable federal state would be the mandatory authority.

#### **iv. Criticisms**

Refer to the Woodhead Commission's findings for criticisms of the Peel Commission report.

#### **B. Woodhead Commission**

##### **i. General Background**

The Peel Commission report enflamed both Arab and Jewish communities and reignited the Arab Revolt. The Arabs outright rejected the proposal fearing both partition and compulsory transfer. In August 1937, the World Zionist Organization rejected the proposal but accepted the idea of partition. At the same time, certainly delighted with the notion of evacuating Palestinians, it formed a Population Transfer Committee.<sup>16</sup>

Working within these strictures, the British set out again to unearth a solution. The Palestine Partition Commission, or Woodhead Commission, was functioned with considering three different partition maps.

##### **ii. Borders**

Plan A, the Peel Plan, was the starting point. Refer to the previous section on the Peel Plan for a description of its borders. Plan B represented the only viable means of bringing together the scattered Jewish landholdings in the Galilee.<sup>17</sup> Plan C was deemed the least offensive method of creating a Jewish state in Palestine.<sup>18</sup> Refer to Appendix B for maps of the Woodhead plans.

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<sup>16</sup> PASSIA. *The Palestine Question in Maps*. Jerusalem, 2002. p. 16.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

**iii. Problems**

Though Plan C was put forth as the most preferable, the Woodhead Commission ultimately rejected the idea of partition and admitted that its plan was only desirable within the confines of the study's parameters. In a Note of Reservations, Thomas Reid, a member of the commission, explicitly rejected plan C.

“That plan of partition, however, is in my opinion impracticable, as is the scheme set out in plans A and B. The criticisms applicable to plan C apply also as a rule to them, but with greater force. We have devised and tested several plans of partition on communal lines and I cannot envisage any scheme which would not be even more defective and lead to stranger results than that set out in plan C, whatever formulae were laid down in our terms of reference.”<sup>19</sup>

Citing an absence of consent, absence of equity, and absence of security, any partition plan would result in an uncontrollable rancor.

**C. United Nations Special Committee on Palestine<sup>20</sup>**

**i. General Background**

In 1947, frustrated over their inability to manage the Palestine question, Britain sought out the assistance of the United Nations. Shortly after, in May 1947, the General Assembly established the United Nations Special Committee on Palestine (UNSCOP). This committee was composed of the representatives of 11 member states: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia. They were delegated the task of appraising the multiple dimensions of the Palestine impasse and recommending a solution based on their findings.

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<sup>19</sup> Abdul Hadi, Mahdi, Ed. *Documents on Palestine, Volume 1*. Jerusalem: PASSIA, December 1997, p. 103.

<sup>20</sup> United Nations Special Committee on Palestine (UNSCOP), *Report to the General Assembly*, Chapter IV. A/364, 31 August 1947.

Over the two and a half months taken to carry out its assignment, the special committee's work entailed a 2,200 mile tour of Palestine, a five day trip to Lebanon and Syria, a one day meeting with the King of Transjordan in Amman, a 2,700 mile tour of displaced persons camps in Germany and Austria, 13 public hearings in which 37 representatives from six Arab states and 17 Jewish organizations submitted evidence, and four private hearings.<sup>21</sup> The comprehensive investigation deliberated over three main classes of proposals propounded during the mandate years and over the course of UNSCOP's hearings. These can be described as: (1) the partition of Palestine into two independent states, one Arab and one Jewish; (2) the establishment of a unitary state; and (3) the establishment of a single state with a federal, cantonal, or binational structure.<sup>22</sup>

Ultimately, the committee discarded the binational and cantonal structures as impractical and unworkable, while the unitary solution was found to be extreme. It is worth noting however that unitary states considered by the special committee were defined as being "under either Arab or Jewish domination," reflecting the currents of the diametrically opposed Arab and Jewish nationalist movements which stipulated an ethnic/religious political character.<sup>23</sup> Thus, a unitary structure enshrined in liberal, secular and democratic principles was precluded from this constrained study.

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<sup>21</sup> United Nations Department of Public Information, Press and Publications Bureau. Lake Success, New York. Press Release PAL/91, 31 August 1947.

<sup>22</sup> UNSCOP, *Report to the General Assembly*, Chapter IV.

<sup>23</sup> *Ibid.*, Chapter V, introductory statement number 2 states, "In the early stages of the discussions, it became apparent that there was little support for either of the solutions which would take an extreme position, namely, a single independent State of Palestine, under either Arab or Jewish domination. It was dear, therefore, that there was no disposition in the Committee to support in full the official proposals of either the Arab States or the Jewish Agency as described in Chapter IV of this report. It was recognized by all members that an effort must be made to find a solution which would avoid meeting fully the claims of one group at the expense of committing grave injustice against the other." The classification of unitary state was thus within the narrow limitations of such solutions presented to the committee by the Arab States and the Jewish Agency. These were maximalist bids providing assurances of Arab or Jewish political domination. The Arab proposals were described as requiring "that the Jews would in no case exceed one-third of the total number of [legislative] members." The Jewish Agency proposal required "[t]hat the Jewish Agency be vested with the... necessary authority for the upbuilding of the country."

The report stated as an operative standard that “it is manifestly impossible, in the circumstances, to satisfy fully the claims of both groups, while it is indefensible to accept the full claims of one at the expense of the other.”<sup>24</sup> As a result, the committee proposed two alternative plans, both grounded on varying degrees of separation. The majority proposal supported by seven of the representative members called for partition with economic union. The minority plan supported by three of the countries would create one federal state.

In compiling the report, the committee established two working groups to study and detail each of the plans respectively. From this, 11 recommendations were adopted based on unanimity in certain issues between the two trajectories. A twelfth recommendation on the Jewish problem in general was approved, notwithstanding two dissenting members and one recording no opinion.

The rationale behind a number of these recommendations could conceivably still pertain today, particularly in determining land and borders issues, given the consistency in some of the circumstances present between the two periods.

Regarding religious interests, the representatives all agreed that “existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence.”<sup>25</sup> They reasoned that as Palestine is sacred to the three largest monotheistic religions and their hundreds of millions of adherents, any solution to the Palestine question should take into consideration their religious interests.

Furthermore, the committee recognized the wide diffusion of Arabs and Jews throughout the contested land, foreseeing an ethnic minority in the population of any solution absent a full ethnic cleansing. As a result, it stipulated that safeguards be ensured to respect the divergent cultural traditions as well as protect the ethnic, linguistic, political, civil and religious rights of all. This consideration will be further examined in the section concerning the religious and national makeup of the state, as well as minority rights.<sup>26</sup>

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, Recommendation V.

<sup>26</sup> See Section 6, Other Constitutional Features.

**ii. Majority Proposal – Political Separation, Economic Parity<sup>27</sup>**

Seven countries represented in UNSCOP decided that while the valid claims to Palestine of the Arabs and Jews are irreconcilable, partition is the solution most likely to mete in part the claims and countervailing national aspirations of the two protagonist communities. Consequently, they drafted a proposal of qualified separation preserving economic unity, recognizing the limited area and resources of Palestine.

“Partition, however, necessarily changes to some extent the fiscal situation in such a manner that, at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services.”<sup>28</sup>

Under this scheme, the then-mandate of Palestine would be constituted into an independent Jewish state, an independent Arab state, and the city of Jerusalem. Arab residents of Jerusalem would become citizens of the Arab state, while Jewish residents would become citizens of the Jewish state. The states would be required to sign a treaty binding them to the Economic Union of Palestine and establishing a system of coordination between them and Jerusalem.

The essential objectives of such an arrangement would be a common customs system, a common currency, the maintenance of a unified system of transportation and communications, and joint economic development. Of paramount concern for this association was the preservation of Mandate standards of public service. To this effect, surplus revenue would be distributed in equal proportions to the two states.

**I. Borders**

The Arab state could be divided into three sections: the “Western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier.”<sup>29</sup> The Jewish state included the “Eastern Galilee, the Esdraelon plain, most

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<sup>27</sup> UNSCOP, *Report to the General Assembly*, Chapter VI.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*, Part II

of the coastal plain, and the whole of the Beersheba subdistrict, which includes the Negeb.”<sup>30</sup> (See map, Appendix C).

In drawing these boundaries, the majority working group tried as best they could to harmonize the problems of minorities, viability, development, contiguity, and access to the sea. With regards to development, they measured Jewish immigration and Arab reproduction rates necessitating sufficient room for further land settlement in each state. On viability, economics seemed conclusive. The committee expressly stated that a drawback of including densely populated Arab lands in a Jewish state would be that it “weakens the Arab State economically and politically by denying it a developed Arab area.”<sup>31</sup>

The proposal, however, sacrificed the desirable contiguity in order to accommodate demographic factors. These played the most significant role in carving out each of the states. One of the distinguishing characteristics of this plan from previous partition attempts, such as the Peel Commission and Morrison-Grady, is the trade-off of continuity in the Galilee for integration of the Arab population in central Palestine with that in the Western Galilee.

The Arab state would have occupied lands sparsely populated by Jews.

“The central inland area of Palestine includes a large Arab population and, leaving Jerusalem out of account, practically no Jews. This obviously is the main starting point in demarcating a possible Arab State. Further north, particularly in Western Galilee, and separated from the central area by a narrow belt of Jewish settlements, is another concentration of Arabs and very few Jews. These two areas form the main territory of an Arab State which has only a small minority of Jews.”<sup>32</sup>

The Jewish state, however, included a significant Arab concentration stemming from the inclusion of more land for development, or immigration, purposes.

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

“The Jewish State... has its center and starting point in the coastal plain between Haifa and Tel Aviv and even in this area there is also a considerable number of Arabs. Extensions of this area in the most suitable directions to include a larger number of Jews as well as a larger land area, increase the proportion of Arabs to Jews in the Jewish State.”<sup>33</sup>

The city of Jerusalem would be enveloped by the Arab state, but placed under the administrative authority of the United Nations. The city’s borders would include the Mandate boundaries of the municipality, plus the surrounding villages and towns extending east-to-west from Abu Dir to Ein Karim, and north-to-south from Shu’fat to Bethlehem.

The distribution of the settled population calculated for the drafted states and Jerusalem, based on December 1946 official estimates, were as follows<sup>34</sup>:

	<b>Jews</b>	<b>Arabs and others</b>	<b>Total</b>
<b>Jewish State</b>	498,000	407,000	905,000
<b>Arab State</b>	10,000	725,000	735,000
<b>City of Jerusalem</b>	100,000	105,000	205,000

## 2. *Problems*

Seemingly, this proposal was almost flawless in light of its own pre-admission that no solution exists that would completely satisfy both sides. By creating two states, investing in each full political power, the conflicting national aspirations, while perhaps curbed, would not be completely bypassed. In fact, the deepest aspirations of both parties, independence, would be satisfied. Furthermore, as a result of the distinct ethnocentric construct of each state, the divergent cultural heritages would each have ample space to flourish in its own space. The states would be viable due to their economic integration, guaranteed territorial freedom of movement among their citizens, and conceived preservation of all religious interests (arguably, these interests could overlap and conflict at certain points, however no solution could reconcile completely these conten-

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

tious issues). Finally, the necessitated path of the border between the states satisfied as best is possible the last consideration, demographic integrity.

“The Arab State will organize the substantial majority of Arabs in Palestine into a political body containing an insignificant minority of Jews; but in the Jewish State there will be a considerable minority of Arabs. That is the demerit of the scheme. But such a minority is inevitable in any feasible plan which does not place the whole of Palestine under the present majority of the Arabs.”<sup>35</sup>

Objectively, there are two classifications of flaws that can be enumerated. First, the problem of minorities within the Jewish state was intractable given the borders and demographic realities. Second, by extension of this, there were blatant inconsistencies which undermine the fundamental dicta of the proposal.

a. minorities

In the Jewish state, the problem of minorities was unresolved with 497,000 Arabs and others (adding 90,000 Bedouins to the previous statistic) compared to 498,000 Jews.<sup>36</sup> This provided only a slight majority for the ruling party, whereas the borders were drawn with the primary objective of conferring on each group its own territory. Evidently, pursuant to the unanimous conclusions drawn by UNSCOP<sup>37</sup>, this would be untenable if that group was a minority in its political domain. Arab birth-rates might eventually overtake Jewish immigration and natural growth producing such a scenario. With only 51% of the population, not much breathing room is left to afford these variables. The democratic foundation of the Jewish state would have to be almost stretched in order to safeguard the ethno-political structure.

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid., Chapter V, Recommendation VII



This deficiency was further compounded by the discovery of an additional 37,000 Bedouins previously unaccounted for, bringing their total to 127,000 and ushering in the anomalous scenario.<sup>38</sup>

b. inconsistencies

On August 27, 1947, UNSCOP rejected unitary state proposals<sup>39</sup>, all of which dismissed secular or egalitarian ideals and stipulated either Arab or Jewish domination. However, in the majority proposal, over one-third of the Arab population would have lived under Jewish domination.

Even more, at the outset the Arabs would have been a majority in the Jewish state. This fact in itself contradicts the conceptions of democracy and minority rights unanimously resolved by the special committee. In essence, a “democratic” state would have been created under the governance of an artificial majority; in other words, a minority.

Finally, the proposal's basic premise was that political cooperation between the two sides is unattainable. However, economic cooperation to the extent suggested between peoples so entrenched in animosity that disjunction is requisite seems unlikely. As the European Union experience has now shown us, economic integration sooner or later leads to political integration, which would defeat the purpose of the majority plan.

3. *Criticisms*

After UNSCOP's report was submitted to the General Assembly, the United Nations on September 23, 1947 postured itself as an Ad Hoc Committee on the Palestine Question. This committee installed a subcommittee to assess proposals for a unitary state in Palestine. In carrying out its work, the subcommittee reviewed the majority plan, and in their final report<sup>40</sup> found it indefensible for various reasons.

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<sup>38</sup> Khalidi, Ed., *From Haven to Conquest*, p. 676. It was also discovered that 22,000 Bedouin “may be taken as normally resident in the areas allocated to the Arab State.” p. 677. Therefore, the total Bedouin population within the Jewish state would be 105,000.

<sup>39</sup> UNSCOP, *Report to the General Assembly*, Chapter V.

<sup>40</sup> Khalidi, Ed. *From Haven to Conquest*, p. 645-701.

First, the group questioned the legality of partition in general, stressing that such an implementation belies both the authority of the UN within the purview of its Charter as well as the promises made to the Arabs over the previous three decades.

Moreover, politically, the proposed partition scheme would be unsound. If executed, the establishment of an efficient administrative and security apparatus would be impossible in a disjointed union of territories. Even more, the Arab world would likely reject the forcible creation of a Jewish state in its heart against the will of the majority of the effected population.

Demographically, the actual Jewish minority within its state presented a formidable dilemma; however, even more instructive was the relative proportion of Arabs and Jews in the three regions comprising the Jewish state. In both the northern section and the southern section, Arabs outnumbered Jews. In fact, in the Beersheba area, the Jewish population was less than one percent of the total. Only in the central pocket was the Jewish population larger than the Arab; but it should be noted that while the Arab population was fairly dispersed throughout this region, almost half the Jewish population resided in Tel Aviv and Petah Tiqva. In every one of the 16 sub-districts of mandate Palestine, Arab land ownership superceded that of the Jewish population. Consequently, in the Jewish state, the bulk of the land was owned by the Arabs.

“In any case, it would be unfair to the Arabs of Palestine if, in an area in which they have a clear majority and in which they own the major portion of land, they were to be artificially reduced to a minority and subjected to the rule of the Jews by means of the introduction of a large number of fresh immigrants. Such a proposal would be utterly undemocratic and would amount to a complete denial of the rights of the Arab majority.”<sup>41</sup>

Throughout Palestine, the Arab and Jewish populations were interwoven, making it impossible to draw boundaries separating them from each other. Approximately four-fifths of the Jewish population was located in towns, with only a small proportion settled in rural areas. Practically all of these towns, with the exception of Tel Aviv, contained mixed

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<sup>41</sup> *Ibid.*, p. 680-681.

populations, so any partition plan would entail grave consequences according to the subcommittee's report.

Finally, there were two economic aspects of the Partition Plan which rendered it unworkable. First, the economy of the whole of Palestine was interdependent, and it would have been impossible to square economic unity with political disjunction. For example, the port in Haifa served the commercial needs of all parts of the mandate. Similarly, the power plants servicing electricity to nearly all major cities in the Arab state were located in the proposed Jewish state. Second, the Jewish state was to be allotted the most economically suitable chunks of the country, while the Arab state would lack resources and certainly not be viable. "It is thus an undisputed fact that the basic industry in Palestine, which largely pays for imports of food, especially wheat, meat and cattle fodder..., and of which the Arabs own approximately 50 per cent, would be almost entirely included in the proposed Jewish State."<sup>42</sup>

#### 4. *Modifications*

Refer to section D, United Nations General Assembly Ad Hoc Committee on the Palestinian Question. The borders of the Jewish state were adjusted excluding areas of dense Arab population (for example, creating an Arab enclave within the Jewish state to place Jaffa under Arab jurisdiction). The Ad Hoc subcommittee on a unitary state criticized such adjustments as inoperable because nine of the ten sub-districts wholly or partly proposed for inclusion in the Jewish state had an Arab majority.

#### **iii. *Minority Proposal – Federal State: Political Unity***<sup>43</sup>

Opposing the majority plan, three of the represented states (India, Iran, and Yugoslavia) formulated a federal state proposal. In so doing, they explicitly dismissed partition as a dangerous solution to the Palestine question.

"In this regard, it is important to avoid an acceleration of the separatism which now characterizes the relations of Arabs and

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<sup>42</sup> Ibid., p. 685.

<sup>43</sup> UNSCOP, *Report to the General Assembly*, Chapter VII.

Jews in the Near East, and to avoid laying the foundations of a dangerous irredentism there, which would be the inevitable consequence of partition in whatever form. A Federal State solution, therefore, which in the very nature of the case must emphasize unity and co-operation, will best serve the interests of peace."<sup>44</sup>

On the other hand, the minority group reasoned, the federal state solution would be the most democratic, develop patterns of government and social organization harmonious with those of the neighboring states, emphasize unity and foster a will to cooperate between the two adversaries. And while admittedly such a state would disregard Jewish nationalist imperatives, namely a separate and sovereign state, it would provide the most functional recognition of both Arab and Jewish nationalism, and mold them into "a single loyalty and patriotism which would find expression in an independent Palestine."<sup>45</sup>

In sum, the three countries believed that such a plan would best serve peace by ameliorating the dangerous divisions disrupting the population of mandate Palestine through the establishment of normal, integrated social structures. In the absence of other potential resolutions, the finality and nature of this solution would cultivate the will to cooperate.

The federal state would comprise an Arab state and a Jewish state. The structure of its constitution would include provisions for a federal government and two state governments. The federal government would consist of a two-chamber legislative body, a head of state and executive body, and a judiciary.

The legislative body would be modeled similar to that of the United States. One chamber would be elected on the basis of proportional representation of the entire population, while the other would have equal representation of the Arab and Jewish communities. The head of state and deputy head of state would be elected by both chambers, with the stipulation that they are not both Arab or both Jewish. The executive branch would be responsible to the legislative branch, and the judiciary would have subject matter jurisdiction over constitutional questions.

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

## I. Borders

All that was written regarding the conceptualization of the territorial configuration of the federal state is, “In delimiting the boundaries of the Arab and Jewish states, respectively, consideration shall be given to anticipated population growth.”<sup>46</sup> (Refer to Appendix D as an illustration of the borders.)

### **D. United Nations General Assembly Ad Hoc Committee on the Palestinian Question (UN Resolution 181)<sup>47</sup>**

#### **i. General Background**

Less than three weeks after UNSCOP’s report was submitted, the General Assembly appointed itself as an Ad Hoc Committee to expand the findings. This committee created two subcommittees; subcommittee 1 to draft a detailed plan based on the precursory majority proposal and subcommittee 2 to draft a plan based on three unitary state proposals submitted by Arab states.

The latter working group submitted resolutions requiring an International Court of Justice advisory opinion on legal questions around the impasse, addressing the problem of Jewish refugees and displaced persons, and establishing a provisional unitary state government. All three were rejected by the Ad Hoc Committee.

Subcommittee 1, after extensive deliberation, put forth a plan of partition with economic union slightly modified from the UNSCOP majority proposal. Although all of the regional countries voted against, and the mandatory power abstained, the resolution passed the Ad Hoc Committee vote. On November 29, 1947, the Partition Plan was adopted by the United Nations General Assembly in Resolution 181.

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<sup>46</sup> Ibid.

<sup>47</sup> United Nations General Assembly, *Report of the Ad Hoc Committee on the Palestinian Question*. A/516 November 25, 1947.

## **ii. Borders**

The boundaries between the Arab and Jewish states would be roughly the same as those described in the UNSCOP majority plan. A number of alterations were approved in attempt to rectify the aforementioned demographic quandaries.

A US amendment expanded the central Arab territory further south so as to include Beersheba and the area northeast thereof. It also added a portion of the Negev along the Egyptian frontier, connected to the southern coastal strip. The city of Jaffa would be an Arab enclave within the Jewish state:

*“The area of... Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Mique Israel lands, to the northwest of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.”<sup>48</sup> (Emphasis added)*

## **iii. Problems**

Aside from those difficulties already specified in previous plans, such as land ownership, economic viability, inconsistencies, and minorities, the UN resolution illuminated two additional flaws. First, a general handicap of any partition plan is that they lacked the consent of the indigenous Arabs, who were a resounding majority on the restive territory until dispersion in 1948. This would surely have profound effects on the im-

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<sup>48</sup> United Nations General Assembly, Resolution 181. A/RES/181(II)(A), November 29, 1947.

position of any partition solution, perhaps resulting in instability throughout the region.

Second, while this modified version avoids the crucial democratic obstacle of the UNSCOP majority plan, it revives development issues addressed by the precursor working group. In order to procure a Jewish majority in their state, the ad hoc working group carved out Jaffe, and its approximately 70,770 Arabs<sup>49</sup>, creating a small enclave. However, this Arab territory would be limited by the fixed boundaries, writing off necessary sufficient excess land for development and natural growth.

### III. RIGHT OF RETURN

While the territorial configuration of a prospective solution significantly affects its constitutional makeup, a number of factors shape this frame of reference. Along with cultural and national trappings, those of relevance to this study mirror the same border considerations of the historical studies. Viability, development, and contiguity are all important levers; however none as substantial as demographics. Besides, all three of the former could be addressed through different economic arrangements (such as equitable revenue sharing and unrestricted movement), whereas the only need for borders would be establishing some degree of fulfillment for the national aspirations and cultural growth of the two rivals. This, of course, hinges on the demographic makeup on either side of the frontiers.

In this vein, the implementation of the Palestinian refugees' and their descendants' right to return must be taken into account, specifically as to the number of returnees and their destination within the contested land. At the root of this paper, the power each side wields will determine the type of return resolved.

Complicating matters even more, there are two methods of assessing the right of return/borders relationship. The first is one whereby the return conforms to a specified territorial fixture. In the second, the

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<sup>49</sup> Supplement to Survey of Palestine, *Notes compiled for the information of the United Nations Special Committee on Palestine, Settled Population, By Towns and Sub-District*. Washington D.C.: The Institute for Palestine Studies, 1991, p. 13.

boundaries are molded by the demographic consequences of an otherwise delimited partial or full return.

### **A. No/Trivial Return**

In the current dynamic, Israel has the leeway to set aside the Palestinian right of return. This is evinced by the return schemes proposed in the full spectrum of virtual and failed peace plans. For example, the People's Voice Initiative (Nusseibeh-Ayalon Principles) diverts the refugees' return to a whittled West Bank state.<sup>50</sup>

If such an environment is retained when a final solution is negotiated and signed, the present population distributions would be used to calculate the demographic balances. However, it is hard to believe that such a maximalist scenario would exist at the same time the client state solution has eclipsed, a precondition for the trajectory of this study.

Nonetheless, such a return negation could be imposed if Israel on its own volition instigates an alternative solution when they still hold a favorable balance of power (for example, in speculation of a future where the current two-state paradigm is unacceptable to all outside parties, namely international brokers). The Israeli author Daniel Gavron, a life-long Zionist turned bi-nationalist, contends that the Jewish state should anticipate an inevitable swing in the international consensus and offer a favorable bi-national state solution as soon as possible.<sup>51</sup> In such a solution, whereby Israel has greater leverage, the Palestinian right of return would be repudiated.

### **B. Partial Return**

In a partial return, either all or a limited number of refugees would be permitted to return within specified, feasible<sup>52</sup> territories (the first return

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<sup>50</sup> Nusseibeh-Ayalon did recognize the right of return to the West Bank, which would ostensibly make it a partial return rather than no/trivial return. However, it is characterized under no/trivial return because it neglects viability (refer to de Jong design) and therefore trivializes the Palestinian right of return.

<sup>51</sup> Hirschberg, Peter. "One-state awakening." [www.haaretzdaily.com](http://www.haaretzdaily.com), December 12, 2003.

<sup>52</sup> The feasible requirement differentiates partial return schemes from those that return Palestinians to the West Bank, which is regarded as unviable by this study.



method), or a considerable, but limited, number of refugees could return to their original villages.

One study that suggests a partial return is the Alternative Palestinian Agenda (APA).<sup>53</sup> In this proposal, approximately two million Palestinian exiles would return to 62 destroyed village sites, four existing cities, and a newly constructed city within a Palestinian state. Four additional existing cities in the Jewish state are slated to accommodate 190,000 returnees.

The APA plan explicitly states that no Palestinian wishing to return to his or her original village would be denied, irrespective of location and whether the two million estimate has been surpassed, granted that civil unrest does not result. So theoretically, this seems to fall under the full return categorization. However, if a situation ensues in which the majority of refugees wanted to return to their original villages, over 350 of which are not allocated destination points and would fall under Jewish sovereignty, the plan would collapse.

The basis for the methodology of the APA territorial configuration is the supposition that realistically only two million Palestinians would opt to return and the vast majority of them would prefer to settle within a Palestinian state rather than their original villages under Jewish sovereignty. This could very well be the case, however a full return plan should consider the possibility a maximum number of returnees.

Similarly, Dutch geographer Jan de Jong uses this same figure in drawing a partition plan guided by the 1947 UN Resolution.<sup>54</sup> The operative factor in determining return practicability in de Jong's design is the overall viability of the Palestinian state to which they would return. It is not solely an issue of space, but also geography and socioeconomic feasibility.

### **C. Full Return**

The quintessential Israeli argument against the right of return is that the country is fully populated and such repatriation would displace Jews. A full return, though, encompasses returning every Palestinian to their original villages, or, if not possible, close by.

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<sup>53</sup> [www.ap-agenda.org](http://www.ap-agenda.org)

<sup>54</sup> PASSIA, *Palestinian Refugees Special Bulletin*. Jerusalem, 2004, p. 14.

The Palestinian researcher Salman Abu-Sitta formulated such a scheme, dividing Israel into three different areas.<sup>55</sup> In his study, he found that 68% of Israeli Jews live on 8% of Israel (Area A), 10% of Jews live on 7% of Israel (Area B), and the remaining 22% live on 85% of Israel (Area C). In sum, 78% of the Jews of Israel live on only 15% of the land.

In his return plan, Abu-Sitta represents the most congested-case scenario, in which all Jews remain and the majority of refugees return to their original homes and the rest close by. Area A would maintain a significant Jewish majority (76%), Area B would be almost three-fourths Palestinian, and Area C would be 80% Palestinian.

Abu-Sitta also considers labor accommodations for the expanded population and sufficiency of water resources. Ultimately, he concludes, many returning Palestinians will have adequate opportunity to resume their historic profession in farming. Furthermore, through abrogating wasteful consumption and crafting different arrangements with other Arab countries, the water problem is no more.

If we are to assume that the Palestinians would have the pull to ensure every refugee's right to return, full return plans, rather than those partial, are the most beneficial in negotiating a final peace. Although it is highly unlikely that even half of the Palestinians in dispersion return if given the opportunity, at the same time it is difficult to posit exactly how many would return and to where. Therefore, the so-called worst case<sup>56</sup> scenario should be anticipated to tackle any of the byproducts of the unforeseeable demographic and geopolitical circumstances.

#### **IV. CONFIGURATIONS**

There are three classes of territorial distributions in a prospective solution. Though conceivably, the more powerful party could impose an unsustainable territory and economic containment on the other, viability is assumed and considered non-negotiable in this context.<sup>57</sup>

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<sup>55</sup> Abu Sitta, Salman. *Palestinian Right of Return - Sacred, Legal and Possible*. London: Palestinian Return Center, 1999.

<sup>56</sup> I.e., most-congested case. This is termed worst case here because it would lead to the most difficult economic situation, perhaps bordering on infeasibility.

<sup>57</sup> Refer to Section 4: Economic Features.

### **A. One Entity**

A unitary state would be bare of internal borders as the peripheral, and only, frontiers would include all of mandatory Palestine, comprising what is today Israel, the West Bank, and the Gaza Strip. This state could accommodate any of the return schemes and a unitary or bi-national polity.

The demographic issues would for all practical purposes be irrelevant. In a unitary, democratic state, the Palestinian population without return of refugees would be approximately equal in number to the Jewish population. With the current growth rates, this uniformity would dissolve after a few years and a non-Jewish majority will quickly emerge. Therefore, Israel's acceptance of a unitary state would be a submission to an eventual Palestinian majority. As such, there would be little difference between a return negotiation and full return in terms of which group would dominate demographically. In a bi-national state, political parity between Palestinians and Jews would be ensured regardless of the demography.

### **B. Two Entities**

Much like the historic plans, this model would embrace two or more large chunks of territories separated by borders. Though it sounds similar to a cantonal state, the multiple entities classification is distinguished by the lesser total number and larger individual areas of the territories, as well as more political unity between the common ethnic/religious territories. For the sake of simplicity, the land masses of each entity, whether disjointed or not, are to be considered as a single territorial unit. The paths of the borders would follow several of the same calculations as the pre-state plans, namely demographics<sup>58</sup>, so as to ensure viability and feasibility. The significant variable affecting these factors would be the refugee return method implemented.

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<sup>58</sup> This model would have a majority Palestinian population in one territory, and majority Jewish population in the other. A boundary which disregards this objective is not considered in this study as such a prospect is entirely unlikely and unsound (Refer to UN Ad Hoc special committee 2 II(c)(ii)(3)).

**i. No/Trivial Return**

The following examples of territorial configurations are measured against current population figures and growth rates in the West Bank, the Gaza Strip, and Israel.

**1. West Bank/Gaza Strip Palestinian Entity**

The current international consensus and the Palestinian national platform, as represented by the Palestinian Authority (PA), support the creation of a sovereign and independent Palestinian state with its borders guided by the 1949 armistice lines. Even in the best-case scenario, i.e. no refugees return, such a solution would likely be unviable without some level of symmetrical economic cooperation.<sup>59</sup> If these territories fell under, at the least, a plausible economic agreement, all of the drawbacks of partition, i.e. clientalism, could possibly be redeemed. (Refer to Appendix I for a map.)

**a. no return**

If no Palestinian refugees were permitted to return even to the West Bank or Gaza Strip, the population figures, current and projected, would look like:

	<b>Jewish Territory<sup>60</sup></b>	<b>Palestinian Territory<sup>61</sup></b>
<b>2003</b>	6,748,100	3,634,495
<b>2005</b>	6,930,000	3,986,813
<b>2010</b>	7,534,400	N/A
<b>2015</b>	N/A	5,758,360
<b>2020</b>	8,672,900	N/A
<b>2025</b>	N/A	7,401,797
<b>Growth Rate<sup>62</sup></b>	1.9%	3.5%

<sup>59</sup> Refer to Section 2 on the shortcomings of such a state.

<sup>60</sup> www.cbs.gov.il, medium variant projection.

<sup>61</sup> www.pcbs.org, medium variant projection.

<sup>62</sup> Figures may vary, as Jerusalem population overlaps. Jewish entity includes current and projected population for Jerusalem, East and West. Palestinian entity includes current and projected population of Palestinians in East Jerusalem. Projections also based on current sociopolitical climate during time of occupation and war.

b. trivial return

The current population density in the West Bank, taking its total area, is 407.5 persons per square kilometer.<sup>63</sup> In the Gaza Strip, it is an astonishing 3,642.9 persons per square kilometer.<sup>64</sup> In a trivial return situation, the total density of the Palestinian entity would be 936.0 persons per square kilometer. However, given the geography and current distribution of the region, much of this population would be isolated in dense pockets. With the current Palestinian growth rates, there is little disagreement among geographers over the inability of these two regions to workably absorb refugees, irrespective of the economic and political arrangements. "The feasibility of refugee-return is intimately linked to the equally urgent issue of the Palestinian state's overall viability."<sup>65</sup>

**ii. Partial Return**

A partial return scheme is defined in this paper as one whereby any number of refugees are permitted to return within specified, feasible territories, or a considerable, but limited, number of refugees can return to their original villages.

1. *UNSCOP Minority Plan*<sup>66</sup>

The borders in the UN Special Committee's minority plan were measured against anticipated population growth. Though these calculations were made over five decades ago, prior to further Jewish settlement and colonization throughout Palestine, it could be used to guide a territorial plan adjusted for a future demography after the implementation of a return scheme. (Refer to Appendix D for a map.)

2. *Alternative Palestinian Agenda*<sup>67</sup>

This plan would give the Palestinians sovereignty over approximately 35% of Mandate Palestine (the occupied territories and an additional 12%

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<sup>63</sup> www.pcbs.org

<sup>64</sup> Ibid.

<sup>65</sup> PASSIA, *Palestinian Refugees Special Bulletin*. p. 14.

<sup>66</sup> UNSCOP, *Report to the General Assembly*, Chapter VII.

<sup>67</sup> www.ap-agenda.org

of what is today Israel).<sup>68</sup> Those areas which are now part of Israel proposed to be included in the Palestinian entity would have a demographic breakdown of 687,656 Palestinians to 50,376 Jews. Overall, each of the two entities would have a clear and resounding Jewish and Palestinian majority respectively. (Refer to Appendix F for a map.)

### 3. *UN Resolution 181*

Similar to the UNSCOP Minority Plan, the borders drawn in the 1947 Partition Plan could guide a final configuration. Jan de Jong's map provides a suitable example of such a plan. De Jong transfers areas scarcely inhabited by Jewish citizens to a Palestinian territory, improving economic viability by creating conditions capable of accommodating two million refugees, while also maintaining the national rights for both populations.<sup>69</sup> (Refer to Appendix G for a map.)

#### iii. **Full Return**

##### 1. *Abu-Sitta Plan*

Taking Salman Abu-Sitta's figures, for which 4,476,000 refugees would return to their homes, three territories emerge.<sup>70</sup> The first, area A, could be classified as Jewish with 3,078,000 Jews compared to 991,000 Palestinians. Area B is mixed, with 419,000 Jews and 1,037,000 Palestinians. Area C is distinctly Palestinian, with 803,000 Jews and 3,460,000 Palestinians. The drawback of this plan is that area A comprises only 8.3% of the land and area B only 7.2%. Even if the two were combined to create the Jewish entity, it would only amount to 15.5% of what is today Israel. If you add the West Bank and Gaza Strip, this would become a mere 12% of all Mandate Palestine. It would seem that in a full return scheme, a unitary state would be more suitable. (Refer to Appendix H for Abu-Sitta's right of return table.)

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<sup>69</sup> PASSIA, *Palestinian Refugees Special Bulletin*. p. 13, 14.

<sup>70</sup> Abu Sitta. *Palestinian Right of Return – Sacred, Legal and Possible*.

### C. Cantonal State

Because 78% of Israel's Jews live on only 15% of the current state<sup>71</sup>, any cantonal scheme would necessarily include more ethnic Palestinian cantons than Jewish cantons. One possible division could be based on the Mandate's 16 sub-districts. If such a plan were devised in 1947, only the Jaffa sub-district would have a Jewish majority. Another cantonal scheme could be based on Abu-Sitta's proposal. Five possible cantons could be drawn out: area A, area B, area C, the West Bank, and the Gaza Strip. Of these five, only one would have a majority Jewish population.

## V. LAND REFORM

For Palestinians, land has emotive overtones across the Holy Land, where there has been extensive colonial dispossession beginning in 1948 and continuing to this day of the indigenous peoples' property. Prior to 1948, Palestinians owned about 87.5% of the total area of Palestine whereas Jews owned 6.6%.<sup>72</sup> Today, the Palestinian community owns less than 3% within the borders of Israel.<sup>73</sup> Since June 1967, Israel has expropriated some 79% of the West Bank and Gaza Strip.<sup>74</sup>

Currently, 93% of the land inside Israel is controlled by the state and is formally known as "Israel lands."<sup>75</sup> Any concession of these lands to partial Palestinian sovereignty under a confederation or federation, or conversion to a unitary state, would require a complete transformation in the land regime. This is no minor obstacle. As one analyst put it, would Israel be more willing to overhaul its entire land regime rather than withdraw from the occupied territories?<sup>76</sup>

Given the historical ties to the land and its formative role in Palestinian identity, contrasted with current Jewish hegemony over the land, the issue could potentially be explosive in negotiations. However, it is one which must be dealt with to redress historical injustices, provide sufficient space for development and growth, and overcome poverty in a significant

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<sup>71</sup> Ibid.

<sup>72</sup> PASSIA, *Diary 2004*. Jerusalem, 2004. p. 279.

<sup>73</sup> [www.arabhra.org/article26/factsheet2.htm](http://www.arabhra.org/article26/factsheet2.htm)

<sup>74</sup> PASSIA, *Diary 2004*. p. 279

<sup>75</sup> [www.arabhra.org/article26/factsheet2.htm](http://www.arabhra.org/article26/factsheet2.htm)

<sup>76</sup> Talk by Dr. Ian Lustick at PASSIA on 16 June 2004 (not verbatim).

sector of the population (the Palestinian community). "Land reform is not merely about asset redistribution. Ideally it should form part of a policy of poverty reduction within a framework of rural development."<sup>77</sup>

If resolved properly, the best land reform program would both alleviate poverty as well as foster reconciliation. The example formula for this study uses the South African model, where post-Apartheid faces a similar dilemma of landlessness after decades of colonial dispossession. The three legs of the South African land reform program are land restitution, land redistribution, and land tenure reform.<sup>78</sup> Bearing in mind that the South African program has not been efficient or effective, adapting this paradigm to circumvent its downfalls is a certain.

### **A. Restitution**

Under the terms of the Restitution of Land Rights Act, 22 of 1994, a person or community in South Africa dispossessed of property after June 19, 1913 (the date of the Natives Land Act) as a result of racially discriminatory practices, is entitled to lodge a claim for restitution of that property or comparable redress.<sup>79</sup>

In Palestine, much of the claims would involve state lands and therefore would not be difficult to settle. However, some of the lands are currently possessed and on a case-by-case basis need to be resolved. This costly and timely method would weigh in practicality to the factors of justice and equity.

### **B. Redistribution**

The South African constitution provides for expropriation with just and equitable compensation for a public purpose or in the public interest.<sup>80</sup> Land redistribution would aim to provide the disadvantaged and poor

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<sup>77</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA). *IRIN Web Special on land reform in Southern Africa*. On the web at [www.irinnews.org/webspecials/land\\_reforms/default.asp](http://www.irinnews.org/webspecials/land_reforms/default.asp).

<sup>78</sup> Sibanda, Siphosiso. *Land Reform and Poverty Alleviation in South Africa*. Paper presented at the SARPAN conference on Land Reform and Poverty Alleviation in Southern Africa held at the Human Sciences Research Council, Pretoria, 4-5 June 2001.

<sup>79</sup> *Ibid.*, p. 2.

<sup>80</sup> UN OCHA. *IRIN Web Special on land reform in Southern Africa*.



with land for residential and developmental purposes. Through a grant system, land is purchased from willing sellers and settlement and production are supported. Recent legislation has allowed the government to surpass failed "willing buyer, willing seller" deals through expropriation.

In Palestine, those state lands not tied up in restitution claims could be used for redistribution.

### **C. Land Tenure Reform**

Through a series of acts, this program provides South Africans with secure tenure where they live and prevents arbitrary evictions.

## **VI. JERUSALEM**

A final note on Jerusalem is worth mentioning. There are two approaches to Jerusalem. One is, in a two-entity or cantonal structure, the city could be divided into East and West. The other, is making Jerusalem the united capital, reinforcing the *Corpus Separatum* ideal put forth in the 1947 Partition Plan.

## **SECTION 4: Economic Features**

### **I. INTRODUCTION**

The issue of “viability” has consistently emerged at the fore of nearly every examination, historical and recent, into a solution. Yet both parties have failed in grasping the importance of this concern, particularly as it relates to serving their national interests.

Through the years, the Jewish state has dismissed the viability of a Palestinian polity, and in so doing, their own security. Israel’s long term security relies on procuring a sustainable peace with their counterparts and normalizing relations with the rest of the Arab world. Both are contingent on the stability of the Palestinian nation. Thus, Israel’s own reasonable well-being is inextricably linked to Palestinian viability. “[I]t would be to the disadvantage of the Jewish State if the Arab State should be in a financially precarious and poor economic condition.”<sup>81</sup>

Unfortunately, perhaps myopically, Israel has struggled to extend to the Palestinians even a sovereign “state.” Their “most generous offer,” considered a milestone in their own colonial political discourse, came at Camp David in the summer of 2000. The orthodoxy on the peace summit declares that Prime Minister Ehud Barak generously offered 96% of the land to Chairman Yasser Arafat, who “never lost an opportunity to lose an opportunity.” The reality though is that the 96% is not in relation to the West Bank and Gaza Strip, but only to those territories that Israel was willing to negotiate.<sup>82</sup> Excluded from the equation was Arab East Jerusalem, the outer belt of Jewish settlements around the city, and a 10-mile wide buffer zone around the territories.<sup>83</sup> The West Bank would be carved into at least three cantons, with Israel controlling the borders, the water, and the airspace.<sup>84</sup>

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<sup>81</sup> UNSCOP, *Report to the General Assembly*, Chapter VI(I)(13). A/364, 31 August 1947.

<sup>82</sup> For a comprehensive assessment of the failings of Camp David, refer to: Baumgarten, Helga. *The Myth of Camp David or the Distortion of the Palestinian Narrative*. Birzeit: Birzeit University, March 2004.

<sup>83</sup> For a map of the Camp David proposal, refer to: PASSIA. *The Palestine Question in Maps*. Jerusalem. August 2002. p. 91.

<sup>84</sup> *Ibid.*, p. 90.

The Palestinian leadership, on the other hand, has entirely miscalculated their precondition, expressly showing willingness to substantively discard it. It wasn't economic discords which stalled the Camp David fiasco, but rather the status of Jerusalem.<sup>85</sup> As evinced by the most recent PLO declarations and the fundamental function of the PA (Israel's proxy governance institutions in the West Bank and Gaza Strip), the Palestinian national discourse has scrutinized viability exclusively under the rubric of territorial retention in the 1967-occupied territories.

The delusion that contiguity in the West Bank alone will create a workable state flies in the face of the historical assessments and, more persuasively, the economic indicators of the past ten years after the Oslo Declaration of Principles was signed. For the leadership to be content with a state economically exposed, vulnerable and exploited by Israel is a serious disservice to the Palestinian nation at large, as well as a formula for perpetual widespread poverty and dangerous instability.

It is generally accepted that the political viability of a modern state is tied to its economic integrity. "Viability is not a function of size, but a consequence of the rule of law, investment opportunities, and access to markets."<sup>86</sup> In negotiating a solution, sustainability and finality can only be achieved through economic cooperation and a genuine pursuit of uniform stability.

## II. HISTORICAL STUDIES

The question of economic viability appears in all of the historical attempts at reaching a solution. An invariable principle throughout, neither state, sovereign or otherwise, can be politically viable without a sound economy, and political and economical stability of the other.

To that effect, the 1937 Peel Commission plan<sup>87</sup>, though itself seriously flawed,<sup>88</sup> advised identical customs duties, a common tariff, and the free

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<sup>85</sup> [news.bbc.co.uk/1/hi/world/middle\\_east/852726.stm](http://news.bbc.co.uk/1/hi/world/middle_east/852726.stm)

<sup>86</sup> Bugajski, Janusz. Presentation: *The Viability of Small States: Security, Cooperation, Europeanization*. Center for Strategic and International Studies, 16 March 2002. Accessible on the web at [www.csis.org/ee/Presentations/020316.htm](http://www.csis.org/ee/Presentations/020316.htm)

<sup>87</sup> Series of League of Nations Publications, *Report of the Palestine Royal Commission (Peel Commission)*. C.495.M.336.1937.VI. Geneva, November 30, 1937.

<sup>88</sup> Refer to Section 3(II)(A)(iii).

interchange of goods between the partitioned states. The Jewish state would be obliged to provide for the free transit of goods between the Arab state and the only deep water port in Haifa. In return, the Arab state would allow the free transit of goods from the Jewish state to the Egyptian frontier and the Gulf of Aqaba. To synchronize the mandate levels of public services with those during partition, the commission recommended that "the Jewish State should pay a subvention to the Arab State when Partition comes into effect."<sup>89</sup>

A cardinal principle of the UNSCOP<sup>90</sup>, the precursor working group to the 1947 Partition Plan, was that "the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples."<sup>91</sup> Both subcommittees (majority and minority) unanimously accepted this recommendation, but applied it uniquely.

The majority plan, which would later become UN Resolution 181, stipulated an economic association with the objective of creating a common currency, customs system, and system of transport and communications. The proposal did accurately state, "Partition, however, necessarily changes to some extent the fiscal situation in such a manner that, at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services."<sup>92</sup> So, similar to the Peel Commission's subvention to the Arab state, customs revenue would be divided in equal proportions to the two states.

The summary results of the fiscal calculations made by the majority group are as follows:<sup>93</sup>

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<sup>89</sup> Peel Commission, Chapter XXII(4).

<sup>90</sup> UNSCOP, *Report to the General Assembly*, A/364, 31 August 1947.

<sup>91</sup> *Ibid.*, Chapter V, Recommendation IX.

<sup>92</sup> *Ibid.*, Chapter VI(I)(12).

<sup>93</sup> *Ibid.*, Chapter VI(II)(A TECHNICAL NOTE...).

<b>Jewish State</b>	Revenue (apart from customs)	4,878,000
	Expenditure	8,418,000
	Deficit	3,540,000
<b>Arab State</b>	Revenue (apart from customs)	1,560,000
	Expenditure	9,324,000
	Deficit	7,764,000
<b>City of Jerusalem</b>	Revenue (apart from customs)	1,098,000
	Expenditure	3,004,000
	Deficit	1,906,000
<b>Combined</b>	Deficit	13,210,000
	Net revenue of customs	11,996,000

The minority subcommittee decided that political unity is vital for economic unity. "Taking into account the limited area available and the vital importance of maintaining Palestine as an economic and social unity, the federal-State solution seems to provide the only practical and workable approach."<sup>94</sup>

### III. POST-OSLO ECONOMY

After a quarter century of crippling Israeli occupation, the creation of a self-sustaining Palestinian economic base was a daunting task. The signing of the Oslo peace accords in 1993 and the subsequent Paris Protocol in 1994, which governed economic relations between Israel and the PA, attempted to do just this. Unfortunately, the design features of both created a client entity that fell well short of the challenge.

The Protocol bound the West Bank and Gaza Strip in a custom union with Israel, allowing for the free movement of capital and most goods between the two, but constraining PA trade to Israeli trade policy.<sup>95</sup>

<sup>94</sup> *Ibid.*, Chapter VII(17).

<sup>95</sup> Protocol on Economic Relations Between Israel and the PLO (Paris Protocol). See also Farsakh, Laila. "Economic Viability of a Palestinian State in the West Bank and Gaza Strip: Is it Possible without Territorial Integrity and Sovereignty?" *The MIT Journal of Middle East Studies*, Vol. 1, May 2001.

More, it “allowed Israel not only to restrict the defense capacities of the PA, but also to determine its international trade, ensure its fiscal dependence on taxes collected from Palestinians by Israel, control its international borders and internal checkpoints for an indefinite period, and so on.”<sup>96</sup>

The final product was an economy completely exposed to Israel, who did not pass on this vulnerability. The Palestinian fiscal situation deteriorated sharply during the Oslo years. Poverty and unemployment grew, while exports, trade, per capita income, and productivity fell.<sup>97</sup> Though some potential was exhibited toward the end of this period<sup>98</sup>, this came to an abrupt halt with the beginning of the Intifada. Israel increasingly flexed its muscle, displaying its ability to shut down the Palestinian economy at short notice through intrusive restrictions on the movement of labor and goods, retaining control over key roads and checkpoints within the territories, and control over international borders.

Israel's recourse to these measures, most pronounced during the uprising, confirmed that economic prosperity in the West Bank and Gaza Strip is dependant on access to Israel.<sup>99</sup> Additionally, separation between the territories poses a serious challenge to viability and can only be squared with unrestricted passage between the two.<sup>100</sup>

One final factor effecting development is the distribution of natural resources, particularly water. As a post-industrial state, Israel's water usage far exceeds that of the underdeveloped, third-world Palestinian territories. Using five times as much water, Israel's consumption can only be described as wasteful. In fact, attaining water has always been an overriding concern of Israel; a concern which has stifled peace with Syria, provoked Lebanon, and guided the settlement project. Israeli settlements are strategically and deliberately placed above aquifers throughout the West Bank in order to control the vital resources. If the Palestinian economy has

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<sup>96</sup> Khan, Mushtaq H. *Constraints Facing State Formation in Palestine*, Memorandum submitted to the International Development Committee (available at [www.one-state.org/articles/khan1.htm](http://www.one-state.org/articles/khan1.htm)).

<sup>97</sup> Farsakh, L., “Economic Viability...,” p. 46-47 (MIT Journal).

<sup>98</sup> This was largely a result of private investments from overseas Palestinians. Khan, Mushtaq H. *Constraints Facing State Formation in Palestine*, p. 2.

<sup>99</sup> Farsakh, L., “Economic Viability...,” p. 48 (MIT Journal).

<sup>100</sup> Talk by Yehoshua Ben-Arie at PASSIA (Jerusalem), 14 July 2004.

ever a chance of developing, it will require a more equitable distribution of water, and at the least control over its own groundwater resources.<sup>101</sup>

#### **IV. NONVIABLE CONFIGURATIONS**

As mentioned above, total separation is unviable. Even the current heavily pro-Israeli consensus understands that some form of economic cooperation in a separation solution is requisite. Hence, the Paris Protocols during the Oslo years. Furthermore, instituting economic asymmetry, containment, and exploitation, as was done under the Paris Protocols, has also proven unworkable.

#### **V. VIABLE CONFIGURATIONS**

Many factors come into play when speculating on viable configurations. This study assumes that an economy totally dependant on another is unstable and therefore beyond its scope.

##### **A. One Entity**

In a unitary state, the problems of access and separation are resolved, but at the expense of others. A product of the history and dynamic since the creation of Israel, the probable scenario would be a sizeable economic gap between Jewish and Palestinian citizens much like we see in contemporary South Africa between whites and blacks. This of course would be exacerbated with the return of refugees. A couple of approaches exist to address this issue.

Most auspicious for the Jewish citizens would be maintenance of the current status quo. Though they would sacrifice political domination, co-habiting under one umbrella polity could provide legitimacy for the economic inequity. In South Africa today, there is not much force behind the blacks' reform movements (such as the Landless People's Movement), mostly because their struggle ended in the international domain at the same time apartheid institutionally did. However, internally it is yet to be

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<sup>101</sup> For a more thorough examination of the water issue, see Daibes, Fadia, Ed., *Water in Palestine – Problems, Politics and Prospects*, Jerusalem: PASSIA Publications, 2003; *Water*, PASSIA Special Bulletin, 2002; Trottier, Julie, *Hydropolitics in the West Bank and Gaza Strip*, Jerusalem: PASSIA Publications 1999.

seen if this fix will lead to permanent political stability. Therefore, though seen in this study as likely more stable than such economic disproportion in a partial political separation, this option could possibly be unworkable. Empirical evidence has suggested otherwise, such as the United States post-slavery, where Blacks a century later still bear significant economic burdens.

More propitious for the Palestinians is a solution that recognizes the imbalance and institutes policies that take it head on. For example, reparations and compensation for historical injustices, increased social and welfare benefits, and perhaps a system of affirmative action in education and employment. At the least, a land redistribution scheme would need to be implemented<sup>102</sup> providing space for landless refugees to live and, for some, pursue historic professions in farming.

### **B. Two Entities or Cantonal**

In a state of partial political separation, vis-à-vis a confederation or federation, delineated by internal borders in a two-entity or cantonal construct<sup>103</sup>, a few obstacles to stability protected in the Paris Protocols must be evaded.

First, to avoid the same problems of vulnerability and exploitation that arose during the post-Oslo years, unrestricted access between the territories of each unit, Jewish or Arab, must be ensured.<sup>104</sup> This access cannot be shutdown on a whim by either party, nor controlled.

Second, equitable and open access to the capital and labor markets of all territorial units would be obligatory. More, entry to ports and other access points to foreign markets must be unconfined. Even the most divisive of partition plans, the 1937 Peel Commission, stipulated the free transit of goods between the two states.

Finally, on the issue of economic imbalance, there is already a formula to resolve this. Both the Peel Commission and the 1947 Partition Plan required subventions and revenue sharing. In a cantonal or two-entity

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<sup>102</sup> Refer to Section 3(V) on Land Reform.

<sup>103</sup> Refer to Section 3(IV) on territorial configurations.

<sup>104</sup> Talk by Yehoshua Ben-Arie at PASSIA (Jerusalem), 14 July 2004.



state, a joint economic institution would be commissioned with distributing revenues to maintain equal public services. Other possible mechanisms to deal with this issue include reparations and compensation for historical injustices, increased social and welfare benefits, and perhaps a system of affirmative action in education and employment. If the Palestinian territorial unity contains land previously part of Israel, a distribution scheme would be implemented allocating land to the large class of Palestinian landless.

## **SECTION 5: Political Features**

### **I. INTRODUCTION**

The distribution of power within the spectrum of prospective territorial configurations has vast implications on the permanent dynamic between the two conflict groups. As such, the issue will be stridently debated in the final negotiations.

One would imagine that Israel would be firm on maintaining their current favorable disposition, whereby they contain a proxy Palestinian polity that absolves them of costly governance tasks. In a negotiation that seeks finality though, a substitute is mandatory. The most Israel can hope for to retain a large stake in the power pool is limited autonomy through a confederation or political parity through bi-nationalism.

The Palestinians stand to take in large dividends from a negotiated solution, going from pseudo self-governance under occupation to, at the least, a 50-50 split in power, or even proportional representation.

As noted in the previous section, economic integration is compulsory for a viable and sustainable solution. In the same vein, some framework of political consociation is needed to both facilitate the fiscal arrangements and create a culture of unity, thus stability. "As the EU experience shows, economic integration leads (sooner or later) to gradually increasing political integration."<sup>105</sup> Hence, total political separation, such as those unworkable proposals put forth in Oslo, Camp David II, and the virtual plans, are not considered in this paper, which focuses on feasible alternatives<sup>106</sup>.

### **II. UNITARY STATE**

In a unitary system of government, all power above the local level is centralized in one body. Contemporary models include France, Syria, Jordan, Italy, Sri Lanka and England. Accordingly, unitary systems range from the authoritarian to the democratic.

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<sup>105</sup> Khan, Mushtaq H. *Constraints Facing State Formation in Palestine*, Memorandum submitted to the International Development Committee (available at [www.one-state.org/articles/khan1.htm](http://www.one-state.org/articles/khan1.htm)).

<sup>106</sup> Feasibility as defined in the introduction section.

### **A. Model**

Though the Palestinians do not have a state or a constitution, during the Oslo years the Palestinian Legislative Council (PLC) Legal Committee drafted a constitutive document. In May 2002, Yasser Arafat signed this Basic Law creating a sort of interim constitution.<sup>107</sup> The structure of the government is based on separation of powers and contains three branches.<sup>108</sup>

The executive branch is comprised of a directly elected president and his appointed Council of Ministers. The president proposes laws to the legislatures and signs or rejects laws ratified by the legislatures. If the office of the presidency becomes vacant before election, the speaker of the legislative branch becomes president for a maximum of 60 days.

The legislative branch consists of 88 representatives directly elected as individuals, rather than on party lists (such as in Israel), in constituency districts.<sup>109</sup> This PLC is headed by a speaker, two deputies, and a secretary. This branch has the ability to pass legislation, approve the annual budget, overturn Presidential vetoes with a two-thirds vote (such as in the US), amend the Basic Law with a two-thirds vote, and vote no confidence in a single council minister or the council as a whole.

The judicial branch is independent with a Supreme Judicial Council, military courts, administrative courts, and *Shari'a* (Islamic law).<sup>110</sup> A constitutional court will interpret legislation and have the power of judicial review (like the US Supreme Court).

On March 10, 2003, the PLC capitulated to US pressure creating the post of Prime Minister, and a week later approved an amended version of the Basic Law.

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<sup>107</sup> For a draft of the Palestinian Constitution see <http://www.mopic.gov.ps/constitution/index.asp>.

<sup>108</sup> Wing, Adrien K. *The Palestinian Basic Law*. Jerusalem: The Palestine Center, Information Brief No. 96, 30 July 2002.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.* Also, for a very good source on the Palestinian interim judiciary: Wagner, Victoria. *Palestinian Judiciary and the Rule of Law in the Autonomous Areas*. Jerusalem: PASSIA, November 2000.

## **B. Example**

The following example is based on a territorially unitary state, with local county governments. The federal government would include an executive, legislative, and judicial branch.

### **i. Executive Branch**

The President is to be directly elected by the people in a majority vote. If no presidential candidates can secure such a vote, a run-off election between the top two vote-recipients will be administered 14 days after the first election. Each Presidential candidate is to have a running mate, designated as Vice President, who will serve as President in cases where the president is incapable of performing his or her duties. A presidential election is to take place every four years.

The President is to appoint National Court justices and a government. The government consists of the following cabinet ministers: Interior, Foreign, Finance, Planning, Agriculture, Housing and Public Works, Justice, Immigration, Religion, Defense, Labor, Education, Local Government, Culture, Information, Energy, Health, Tourism, Economy and Trade, Transportation, Telecommunication, Land Affairs, and Security.

The President has the power to propose legislation and veto legislation. The President is the commander in chief of the military. The principal task of the executive branch is to ensure that the laws of the state are obeyed.

### **ii. Legislative Branch**

A unicameral 200-member parliament, called the Legislative Council, is to be directly elected every two years. The parliament will proportionally represent the population of each local county, which define the constituency districts.

The Legislative Council can with a majority vote reject a government minister within 30 days of appointment by the President or within 60 days after a parliamentary election. The Legislative Council can reject a Supreme Court or National judge within 30 days of appointment through a majority vote. The Legislative Council can rescind a land administration

judge within 30 days of parliamentary election. The Legislative Council can propose and approve legislation with a majority vote. The Legislative Council can override a presidential veto with a 2/3rds vote and amend this Constitution with a 2/3rds vote.

### **iii. Judicial Branch**

The judicial branch consists of a nine-justice Supreme Court, six National Circuit courts, a land administration court, and local administrative courts. Judges appointed to the Supreme Court, any of the National Circuit courts or local administrative courts (also considered National courts), and approved by the Legislative Council, will serve life terms. The land administration court justice must be approved by the Legislative Council every two years.

The National Circuit courts have jurisdiction to protect the laws of the state. The Supreme Court has the power of legislation interpretation and judicial review. The land administration court presides over the land reform and redistribution tenets enshrined in this Constitution.

## **III. FEDERAL STATE**

In a federal system, there are two levels of authority above the local government, an intermediate and a national. The power of the two governments is directed by the Constitution, differing for each case. "The central government may have the sole authority to coin money, raise an army, or declare war, and at the same time the intermediate level of government... may have sole authority to regulate education, criminal law, or civil law."<sup>111</sup> What distinguishes a federation from a confederation is a stronger central authority in the former. "Federalist" is a term referring to an advocate of stronger central government in the US.

### **A. Models**

The United States is a federation with 50 state governments and a strong national government. The national government is divided into three branches which check each other.

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<sup>111</sup> Mahler, Gregory S. *Constitutionalism and Palestinian Constitutional Development*. Jerusalem: PASSIA, August 1996, p. 17.

The executive branch consists of a President, his appointed Cabinet, and a Vice President. The legislative branch consists of a Senate with two representatives from each state and a House of Representatives with proportional representation from each state. The judicial branch consists of a nine-justice Supreme Court and 11-circuit federal court system.

The federal government is allocated such functions as foreign affairs and the military. State governments are limited by the Constitution, but also protected by it.

Another example of a federal system is Switzerland. Switzerland is composed of 26 cantons that retain some sovereignty in areas such as fiscal autonomy and internal cantonal affairs. Under the 2000 Constitution, the cantons hold all powers not specifically delegated to the central government. The federal government consists of three branches.

The bicameral legislature, or Federal Assembly, is the primary seat of power with two houses of equal power, the Council of States and the National Council. Both introduce legislation which must be passed by a plebiscite before taking effect. The 46 members of the Council of States are directly elected for four-year terms within each canton, with two from every canton but the six half cantons, which are allowed one. The 200 members of the National Council are directly elected in each canton under a system of proportional representation and also serve for four years.

The executive branch, or Federal Council, has seven members elected by the Assembly in a joint session of both houses at the opening of a new legislature. Each year, the Federal Assembly elects among the Councilors a president and vice president.

The only regular federal court, the Federal Tribunal, has limited jurisdiction as justice is primarily a cantonal function. It does however have the ability to hear civil and criminal cases, as well as review cantonal court decisions involving federal law.

## **B. Example**

The following example is based on a cantonal state, with local cantonal governments. The federal government would include an executive, legislative, and judicial branch. Each of the cantons would be drawn in such

a way that they have either a resounding Jewish or Arab majority. Any powers not allocated to the federal government would belong to the cantonal governments.

***i. Executive Branch***

The Federal Council will be selected every four years by both houses of the Legislative Council. The four Council members will be comprised of two Jews and two non-Jews. Both houses of the Legislative Council will also select a President from the four. The President will hold equal powers to the other Council members, with the additional tasks of maintaining diplomatic relations with other countries.

The Council oversees the military, directs the legislative process, and executes federal law.

***ii. Legislative Branch***

The bicameral Legislative Council will consist of a Cantonal Assembly and a House of Representatives. The Cantonal Assembly will have three representatives elected from each canton. The House of Representatives is elected directly in each canton through a system of proportional representation. All legislatures serve a four-year term.

In addition to the tasks delegated under the Executive Branch section, the Legislative Council has the power to introduce legislation and oversee the military.

***iii. Judicial Branch***

The Federal Tribunal has jurisdiction only over cases regarding federal law, including the Constitution. It is the final court of appeals with regards to constitutional matters.

**IV. BI-NATIONAL STATE**

Bi-nationalism, while having several possible forms, involves political parity and consociation between the parties, in this case Jews and Palestinians. It can exist concurrently with a unitary, federal, or confederate system.

### **A. Model**

Belgium has a very complex federal structure involving a total of seven governments working together. At the root is the diversity of communities, defined by their languages, or more broadly everything relating to culture: the Flemish, the French-speaking and the German. In addition, Belgium has three regions: the Flemish, the Walloon and Brussels. The regions are responsible for economic and environmental affairs while the communities are dealt with personal matters such as health, language and culture. Geographically, the regions and communities overlap. For example, the vast majority of the Walloon region is also governed by the French community.

Atop this layer is a single federal government which has retained important areas of competence including foreign affairs, defense, justice, finances, social security, and important sectors of public health.

### **B. Example**

Refer to Section 7 for an example of a bi-national state of Israel-Palestine.

## **V. CONFEDERATION**

In a confederal system, two or more states maintain their independence while agreeing to coordinate their activities through common markets and civil, political and social institutions. While a federation stresses the supremacy of the central government, a confederation accentuates the sovereignty of the constituent states. The national governments of the two states would follow their current formations (i.e., the Basic Law in the Palestinian state and current Israeli law in the Jewish state).

### **A. Model**

The European Union (EU) provides a worthwhile example of a confederation. Founded in 1950, the Union has grown to include 25 countries. Initially cooperation between the member states focused on trade and the economy. Since, it has grown into five institutions each playing a specific role.<sup>112</sup>

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<sup>112</sup> For more information on the EU, see [http://europa.eu.int/abc/index\\_en.htm](http://europa.eu.int/abc/index_en.htm)



The Court of Auditors maintains a sound and lawful management of the EU budget. The Court of Justice ensures compliance with the law, obliging member states to comply with legislation even effecting domestic policies. The European Commission is the driving force and executive body. The Council of the European Union represents the governments of the member states. Finally, the European Parliament is legislative in nature, exercising powers similar to those of the national parliaments.<sup>113</sup> This body is elected directly by the peoples of the member states.

It is important to note that based on the EU model, confederations tend to lead to further political coalescence and perhaps eventually a federation. The United States began as a confederation with the signing of the Articles of Confederation. Less than a decade later, the federal Constitution went into effect. In the Israel-Palestine context, such a structure could usher a federal, bi-national state.

## **B. Example**

The following example is based on a two-entity territorial configuration, with national governments in each. Any powers not allocated to the confederation would belong to the national governments (such as military, education, health, etc.). Below are descriptions of each branch rather than Constitutional excerpts.

### **i. Israel-Palestine Commission**

Similar to the European Commission, this executive body is the figure-head and the driving force of the confederation.

### **ii. Court of Auditors**

The Court of Auditors is responsible for maintaining a sound and lawful confederation budget.

### **iii. Council of the Israel-Palestine Confederation**

The Council represents the governments of the member states.

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<sup>113</sup> For an overview of the European Parliament, see [http://europarl.eu.int/presentation/default\\_en.htm](http://europarl.eu.int/presentation/default_en.htm)

**iv. Court of Justice**

The Court of Justice ensures compliance with confederation law.

**v. Israel-Palestine Parliament**

The peoples of the states directly elect members of the Israel-Palestine Parliament to represent their regions. The Parliament has the ability to pass legislation regulating a wide range of economic and business issues, as well as force the two member states to change their domestic policy to meet their laws.

## **SECTION 6: Other Constitutional Features**

### **I. INTRODUCTION**

“Democracy is in part constitutionalism, which concerns creating a climate in which the governing document is adhered to as a charter for the exercise of power as well as a limit on that power.”<sup>114</sup>

With two entirely distinct ethnic/religious protagonists, and divergent cultures, languages, and histories, such a text must necessarily walk a fine line to circumvent the sensitivity of uniting two adversaries under a single governance document. Having already examined the different possible political structures<sup>115</sup>, it is important to enumerate some of the other features in a prospective Constitution that would limit the central government and safeguard the rights of all its citizens.

### **II. RELIGION**

There are two general methodologies in defining the role of religion in the Constitution. The first is an exclusionary approach; that is, absolutely disconnecting religion from politics. For example, separation of church and state is enshrined in the US constitution. This is the ideal, as it would protect every faith from government intrusion.

The other approach would incorporate religion into the Constitution, as done in the constitutions of many Muslim countries. Unfortunately, most of these countries have poor track records on human rights, discrimination and racism. An effective Constitution would have to acknowledge its pluralistic society and progressively impose religious texts, while also harmonizing customs and religious heritages. In most Middle East countries, secularism has displaced the *Shari'a* in constitutional areas.<sup>116</sup> In Palestinian territories, the role of Islam could be limited to general principles accepted in any legal system.

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<sup>114</sup> Wing, Adrien. *Democracy, Constitutionalism, and the Future State of Palestine*. Jerusalem: PASSIA, July 1994, p. 2.

<sup>115</sup> Refer to Section 5: Political Features.

<sup>116</sup> Wing, Adrien. *Democracy, Constitutionalism and the Future State of Palestine*. p. 25.

If this method were to be adopted, it seems unfathomable to apply one religion's laws universally given the distribution of Jews, Muslims and Christians. If the state were to have any territorial divisions based on demography (either through a two-entity configuration, cantonal divides, or community lines), then this scheme could be plausible.

In all instances, the rights of minority religious groups in any jurisdiction must be preserved. Historically, this has been the consensus. The UNSCOP unanimously recommended, "Existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence."<sup>117</sup>

### **III. RELIGIOUS SITES**

Palestine is sacred not only to its wide diffusion of religious adherents, but to hundreds of millions of Christians, Muslims, and Jews throughout the world. Their spiritual interests are intimately associated with the historical events and landmarks on the land. It is only logical that the up-keep of, and free access to, holy sites be guaranteed in the Constitution. At the same time, the current physical status quo of the sites cannot be modified; the obvious repercussion, igniting the rage of millions across the globe. The basic idea here is to shelter the rights of each religious group, but not at the expense of another.

### **IV. MINORITY GROUPS**

In any territorial and political configuration, minority groups will fall under the government's jurisdiction. As with religion, in order to foster stability, concrete safeguards must be codified to protect their rights. A basic tenet of any democracy is full equality under the law. In Palestine, this must be extended to ensure "the linguistic, religious and ethnic rights of the peoples and respect for their cultures, and full equality of all citizens with regard to political, civil and religious matters."<sup>118</sup>

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<sup>117</sup> UNSCOP. *Report to the General Assembly*. Chapter V (Recommendation V). A/364, 21 August 1947.

<sup>1</sup> Recommendation VII.

## **V. BASIC RIGHTS**

The objective here is to instill a framework for stability and sustainability. To that effect, a transparent polity accountable to its patrons must be cemented in a Constitution. The Constitution should include specific guarantees respecting freedom of speech, press, assemblage; rights of organized labor, freedom of movement, freedom from arbitrary searches and seizures; and finally, rights to due process and personal property.

## **SECTION 7: The Bi-National, Federal State of Israel-Palestine**

### **I. TRANSITIONAL PERIOD**

There will be a 20-year transitional period following the ratification of this Constitution. During this period, the all government operations will proceed as defined by the Constitution. The transitional period will only concern land reformation and community jurisdiction.

During this period, the Jewish Agency will have Community jurisdiction over those territories within the 1949 armistice lines and areas designated as C under Oslo II. The Palestinian Authority will have Community jurisdiction over those areas designated as A and B under Oslo II.

A land administration court will immediately take affect to deliberate on all claims within the purview of the Transitional Land Reform Program. All claims must be filed within 15 years after ratification of this Constitution. The land administration justices will be appointed by the President and approved by the federal Legislative Committee after each legislative election by a majority vote.

Nineteen years after ratification of this Constitution, each Community government will appoint two representatives to a border commission. The border commission will define jurisdictional boundaries of each Community with the objective of including all Palestinian areas within the Palestinian Authority and all Jewish areas within the Jewish Agency. Contiguity is not a factor. Cities or towns with mixed populations will place Jews under the jurisdiction of the Jewish Agency and Palestinians under the jurisdiction of the Palestinian Authority.

Two years after the border commission approves its plan, each Community government will appoint two other representatives to a final border commission. This border commission will make any modifications to the previous and approve a final jurisdictional map. The Legislative Committee can amend this final borders plan constitutionally with a two-thirds vote.

#### **A. *Transitional Land Reform Program***

The following two-prong program will take effect immediately under the jurisdiction of the land administration court. The land administration

court must take direction from this program as well as the Constitution's provision on land.

**i. Restitution of Land Rights**

A person or community dispossessed of property after 1940 as a result of racially discriminatory practices is entitled to lodge a claim for restitution of that property or comparable redress. Through a compensation system, support and development of reclaimed land is a priority.

**ii. Redistribution**

The Federal Government can expropriate any land with just and equitable compensation for a public purpose or in the public interest. Through a grant system, contested private land should first try to be purchased from willing sellers. If in the public interest, unwilling sellers' land can be expropriated with just and equitable compensation. Through a grant system, support and development of redistributed land is a priority.

**II. IMMIGRATION**

Every Palestinian and Jew has the right to come to this country as an immigrant. An entry visa will be granted to every Palestinian and Jew who has expressed desire to settle in the country, unless the Minister of Immigration is satisfied that the applicant

- (1) is engaged in activity directed against any citizen of the State; or
- (2) is likely to endanger public health or the security of the State.

Otherwise, the consent of the Minister of Immigration is assumed.

A Palestinian or Jew who has come to this country and subsequent to his/her arrival has expressed his/her desire to settled in it may, while still in the country, receive an immigration certificate, conditioned upon the aforementioned consent of the Minister of Immigration.

Every Palestinian and Jew who has immigrated into this country before the coming into force of this Constitution shall be deemed to be a person who has come to this country as an immigrant under this Constitution.

Every person born in this country before or after this Constitution has come into force shall be deemed a person who has come to this country as an immigrant under this Constitution.

The Minister of Immigration is charged with the implementation of this provision of the Constitution and may make regulations as to any matter relating to such implementation and also as to the grant of immigration visas and immigration certificates to minors up to the age of 18 years.

All immigrants are considered citizens of this State.

### **III. LAND**

Every citizen of the state has the right to own property. The Federal Government can expropriate any land with just and equitable compensation for a public purpose or in the public interest.

### **IV. TERRITORIAL CONFIGURATION**

The Federal Government will have jurisdiction over the entire country, without exception. Community governments will have jurisdiction over those territories defined in the Transitional Period section.

### **V. POLITICAL STRUCTURE**

There will be two governments operating in the State.

#### **A. Federal Government**

The Federal Government will have jurisdiction over all matters not designated to the Community Governments in this Constitution. There are three branches of the Federal Government.

##### **i. Executive Branch**

The executive branch consists of a President, Vice President, and Cabinet. It is responsible for ensuring that the federal laws of the State are obeyed.



The President is elected by majority vote of all citizens of the state above the age of 18. If no presidential candidate can secure a majority, a run-off election between the top two vote-recipients will occur 14 days after the initial election. The President's term is four years.

Each presidential candidate is to have a running mate, assigned vice president, who will serve as President in cases where the president is incapable of performing his or her duties. The President has the power to propose legislation and veto legislation. The President is the commander in chief of the military.

The president is to appoint Federal Court judges and a Cabinet. The Cabinet consists of the following cabinet ministers: Interior, Foreign, Finance, Planning, Agriculture, Housing and Public Works, Justice, Defense, Labor, Education, Local Government, Culture, Information, Immigration, Energy, Religion, Health, Tourism, Economy and Trade, Transportation, Telecommunication, Land Affairs, and Security.

#### ***ii. Legislative Branch***

A 120-member unicameral parliament, called the Legislative Council, is to be elected every two years by citizens above the age of 18. 60 members of the Legislative Council will be elected by the Jewish Agency's constituents, and the other 60 by the Palestinian Authority's constituents. The legislatures will be elected based on a proportional party system. Citizens will vote for parties, and each party will win a number of seats directly proportional to the number of votes they receive. Each party ticket will rank its candidates prior to the election, and those candidates ranked highest will take the party's seats in the Legislative Council.

The Legislative Council can with a majority vote reject a cabinet minister within 30 days of appointment by the president or within 60 days after a parliamentary election. The Legislative Council can reject a Supreme Court or Federal judge within 30 days of appointment through a majority vote. The Legislative Council can rescind a land administration judge within 30 days of parliamentary election. The Legislative Council can propose and approve legislation with a majority vote. The Legislative Council can override a presidential veto with a 2/3rds vote.

### **iii. Judicial Branch**

The judicial branch consists of a nine-justice Supreme Court, six Federal Circuit courts, and local administrative courts. Judges appointed to the Supreme Court, any of the Federal Circuit courts or local administrative courts (also considered federal courts), and approved by the Legislative Council, will serve life terms.

The Judicial Branch is entrusted to protect the laws of the state. The Supreme Court is a Constitutional court with the power of legislation interpretation and judicial review.

### **B. Community Governments**

The two Community governments are the Jewish Agency and the Palestinian Authority. Every citizen of the State over the age of 18 has the right to choose the Community under whose jurisdiction they belong. Every citizen under the age of 18 surrenders that right to his/her legal guardian.

The Community government will consist of a 20-member legislative committee elected by popular vote to four year terms by the Community's constituents. Community governments are responsible for health, education, language, and culture.

## **VI. ECONOMIC STRUCTURE**

The economic unity of the State as a whole shall be preserved.

## **VII. RELIGIOUS SITES**

All Holy Sites designated as such by the Minister of Religion will be safeguarded and enjoy free access by all citizens. The physical status quo of the sites cannot be modified except for renovation and maintenance.

## **VIII. FUNDAMENTAL RIGHTS**

All citizens of the State are guaranteed the following rights: freedom of speech, press, assemblage; rights of organized labor, freedom of movement, freedom from arbitrary searches and seizures; and right to due process and protection from cruel and unusual punishment.

All citizens of the State have a fundamental right to protection under the law, regardless of sex, religion, race, ethnicity, and sexual preference.

## **IX. PUBLIC SERVICES**

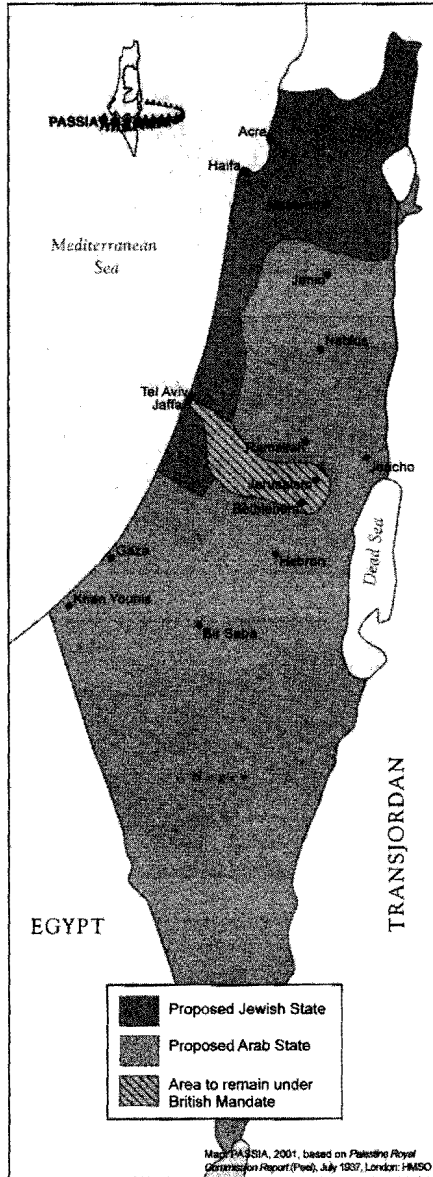
All public services by Federal and Community governments will be equal for all citizens of the State.

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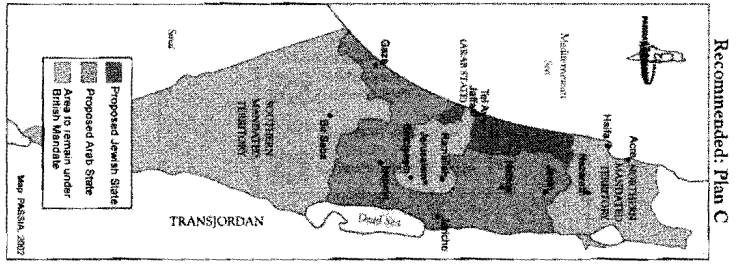
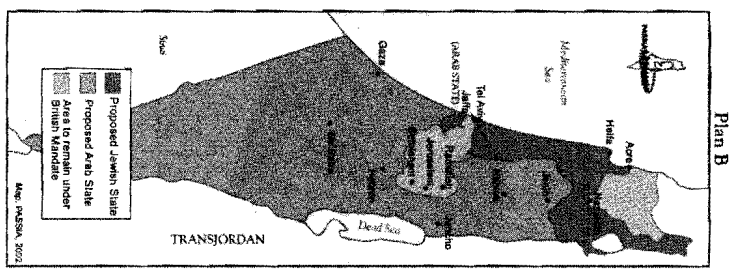
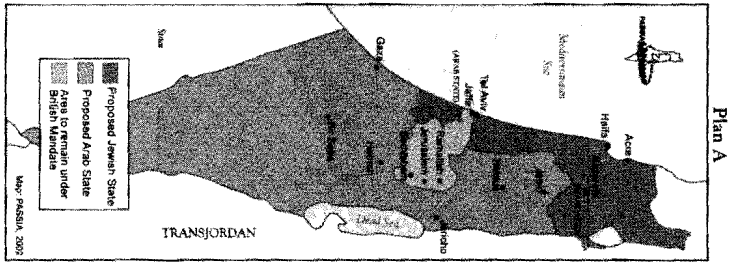
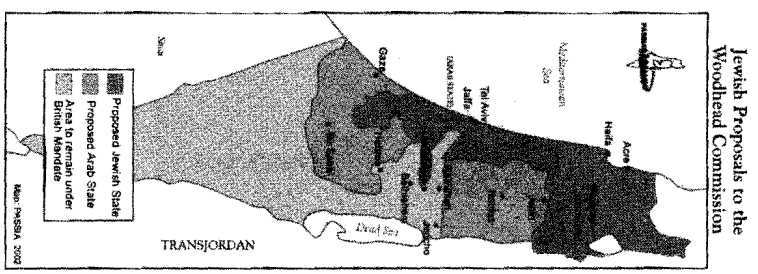
### **Appendices:**

- Appendix A: Map of the Peel Commission Plan
- Appendix B: Maps of the Woodhead Commission
- Appendix C: Map of the UNSCOP Majority Plan
- Appendix D: Map of the UNSCOP Minority Plan
- Appendix E: Alternative Palestinian Agenda Territorial Configuration
- Appendix F: Jan de Jong Map
- Appendix G: Salman Abu-Sitta's Right of Return Table
- Appendix H: Map of West Bank/Gaza Strip Palestinian Entity

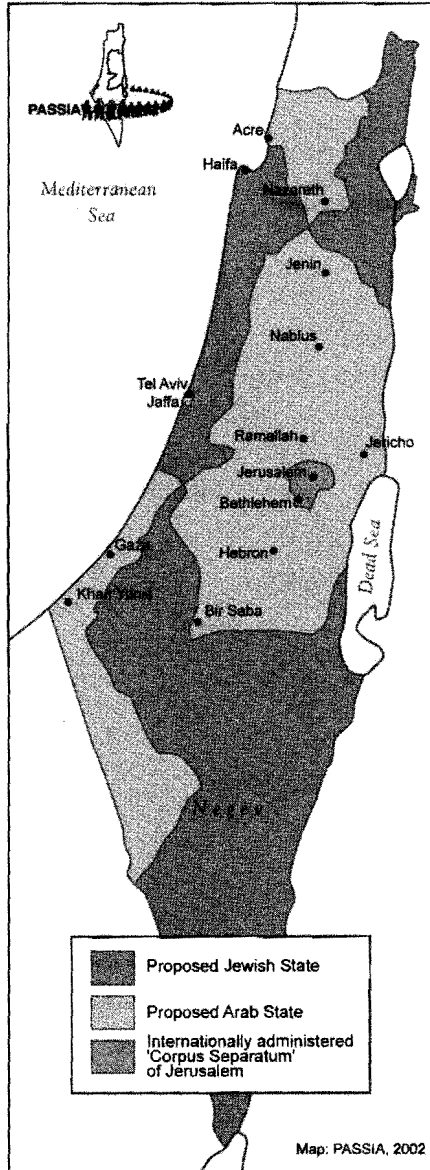
Appendix A:  
Map of the Peel Commission Plan



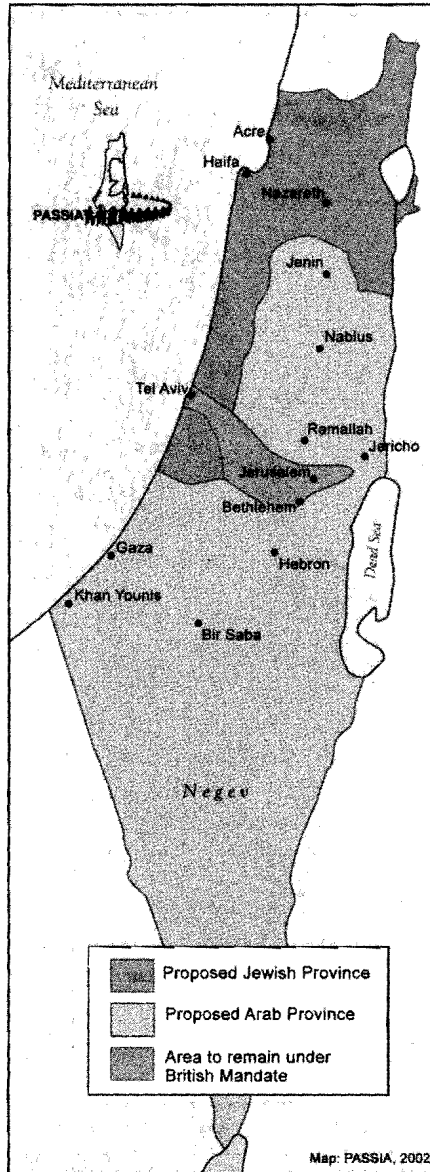
Appendix B:  
Maps of the Woodhead Commission



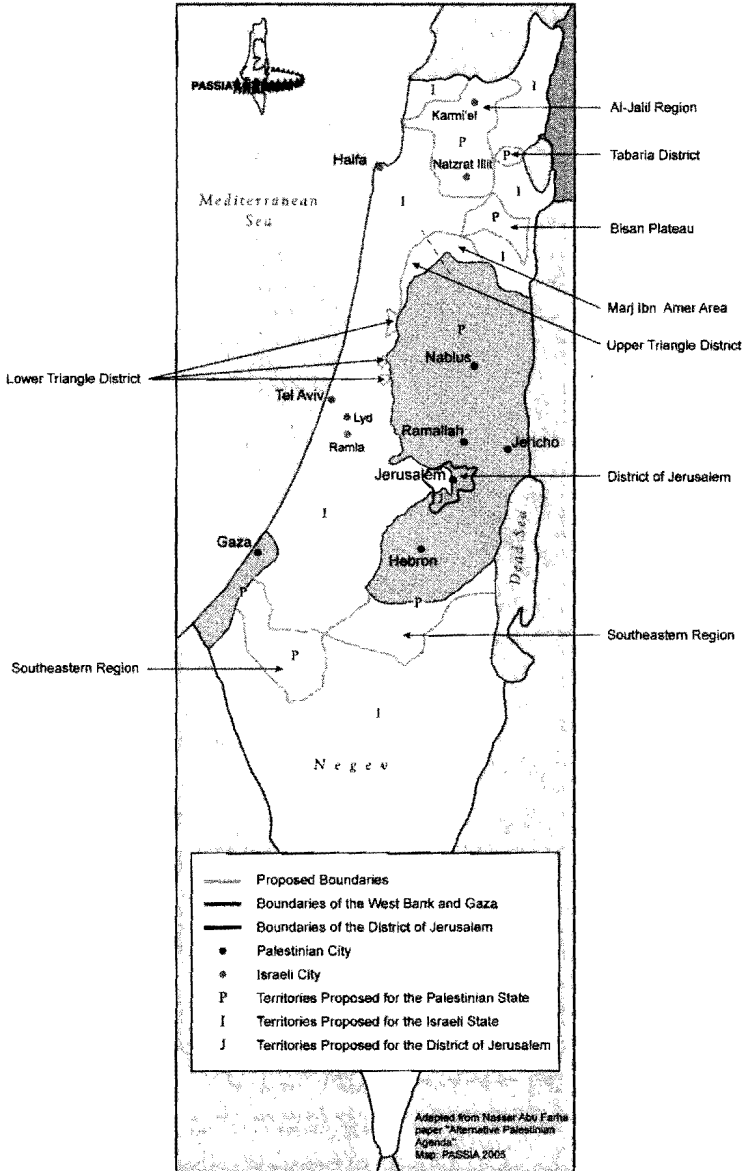
Appendix C:  
Map of the UNSCOP Majority Plan



Appendix D:  
Map of the UNSCOP Minority Plan

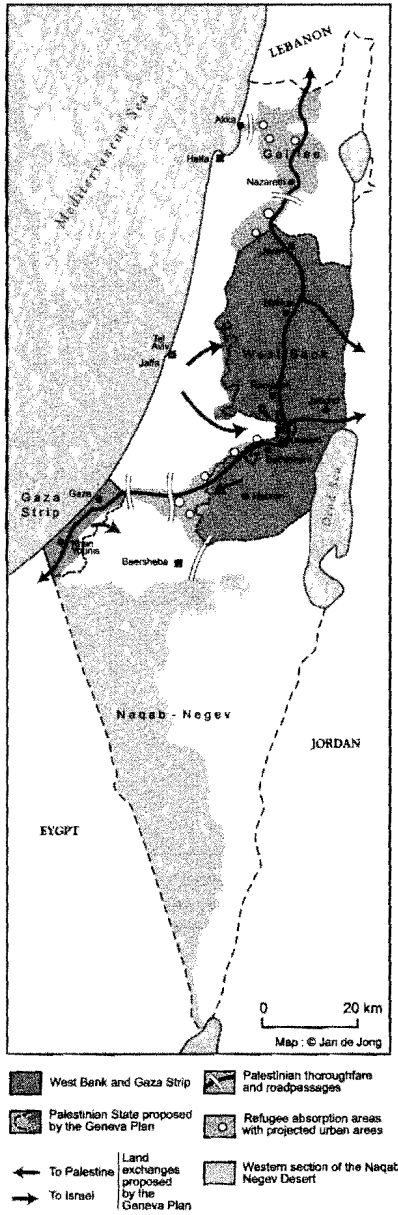


Appendix E:  
Alternative Palestinian Agenda Territorial Configuration





Appendix F:  
 Palestinian-Israeli Adapted Partition Plan  
 (According to Jan de Jong)



Appendix G: Salman Abu-Sitta right of return table

Table 1. Summary of the Return Plan

	PALESTINE		ISRAEL			(note d)	(note e)		Present	New
	1948									
	Area	NOTE	Designation	Description	Area	Jews	Palestinians	Jewish %	Density	Density
	(sq. km.)				(sq. km.)	(000's)	(000's)		(p/sq.km.)	(p/sq.km.)
Jewish-controlled Land	1,682	a	A	largely Jewish	1,683	3,078	991	76%	1,934	2,418
Remaining Palestinians Land	1,465	b	B	mixed	1,318	419	1,037	29%	482	1,106 >
Expelled Palestinians Land	17,178	c	C	largely Palestinian	17,324	803	3,460	19%	82	246
Total Israel	20,325				20,325	4,300	5,488	44%	261	482
										December 1994 figures

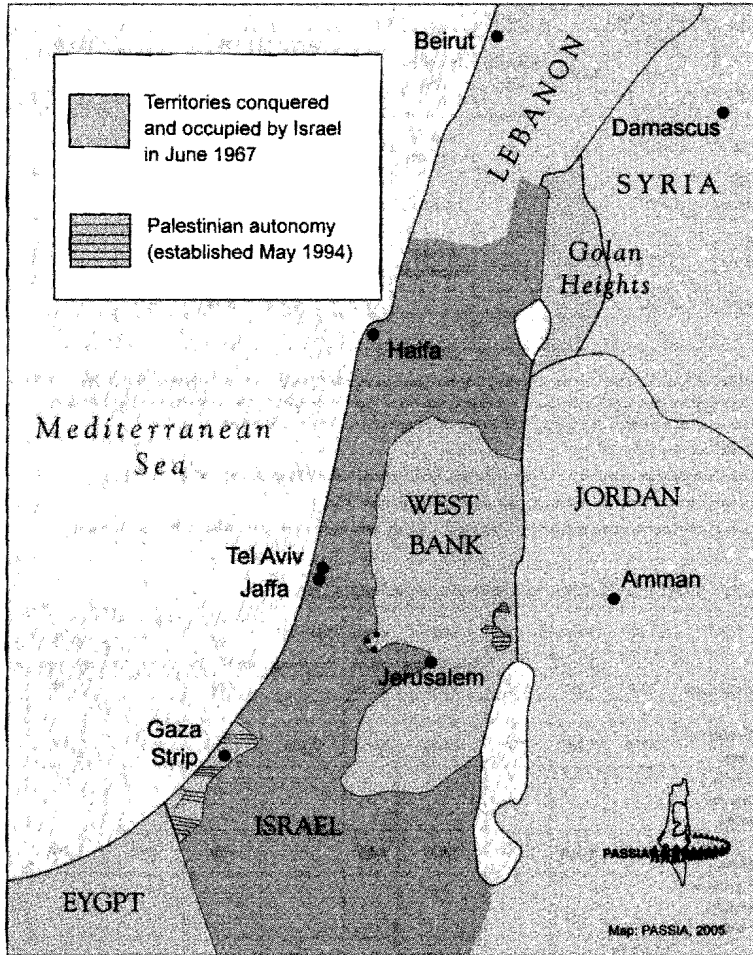
- a** See Hadawi, App. VI, p.230. This area includes public land, concessions, other transfers. Area duly registered is about half, or 3.6% of Palestine. Cf Survey of Palestine report to the Anglo-American Committee on Palestine at 1,392 sq.km., correcting for Turkish donums. Zionist sources: Granott: 1.588 sq.km., Y. Weitz map: 1731 sq.km., both include concessions.
- b** See Hadawi, App. VII, p.242.
- c** Based on compilation of individual village ownership, see Abu-Sitta. Also see Hadawi, App. VIII, p.247, 248.
- d** No change from 1994 figures, although some may emigrate, typically 17%.
- e** Existing (1994) and returning refugees (4.476 million), although some may not return but still hold the right to return.

Table 2. New Water Requirements with and without the Return Plan

Case No.	Case	Year	Israeli Jews	Russians	Israeli Palestinians	Israel Total	Palestinian Returnees	Municipal use mcm/year	Industrial use mcm/year	Agricultural use mcm/year	Total Consumption mcm/year
1	Actual Case	1995	4058	562	1096	5,716	0	594	133	1,300	2,028
2	All refugees return, Present Russians remain	2020	5,888	739	2,032	8,659	9,726	1,103	343	1,300	2,746
3	No refugees return, 1.5 million Russians immigrate	2020	5,888	1,500	2,032	9,420	0	980	274	1,400	2,654
		Nat Increase >95	1.50%	1.10%	2.50%		3.00%				

- Notes: Population 1000's. Israel municipal consumn.(1986)=104 cm<sup>3</sup>/p/yr, should be reduced to 60 as Jordan. Present West Bank @37.5 due to occupation.
- In the above, 60 cm<sup>3</sup>/p/yr is used if Palestinians return; otherwise 104 cm<sup>3</sup>/p/yr.
- Israel Industrial growth @ 2.92% pa from 1958-86. Same amount is used above + 25% for Palestinians use.
- Israeli agriculture uses extravagant 860 m<sup>3</sup>/donum/yr (1951-55), reduced to 550(1986-90). Annual use=900(guaranteed)>300 (depending on rainfall). Cut-off @1400. Agriculture must be industrialised thereafter.

Appendix H:  
Map of West Bank/Gaza Strip Palestinian entity



# ALTERNATIVE PALESTINIAN AGENDA - PROPOSAL FOR AN ALTERNATIVE CONFIGURATION IN PALESTINE/ISRAEL

Nasser Abu Farha<sup>1</sup>

## Introduction

To the same extent as the Palestinians have failed to liberate their homeland and achieve their return to it, the Israelis have failed in their various attempts to be accepted in the region. Fifty-three years after the establishment of the State of Israel in Palestine, the Middle East continues to be in a state of instability and to face ongoing cycles of war and violence. The Israeli-Palestinian conflict has claimed the lives of hundreds of thousands of Arabs and tens of thousands of Israelis and continues to claim yet more.

There have been various attempts and initiatives presented and contemplated to end the Arab-Israeli conflict over the past 50 years. However, in the last ten years, in the wake of the first *Intifada* (Palestinian uprising), the international community was compelled to address the Palestinian question and Israel was pressured to engage in a dialogue and a process leading toward resolution of the conflict.

Unfortunately, the 'peace process' has focused on political definitions and ceasefire lines rather than the more substantive issues that address the concerns and aspirations of both the Israelis and the Palestinians. Future initiatives need to provide a framework that enables both groups to accommodate the other so that the concerns and aspirations of both societies can be addressed.

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<sup>1</sup> Nasser Abu Farha is a native from the West Bank town of Jalame and currently a PhD candidate in Cultural Anthropology at the University of Wisconsin.

Without this framework, it is not surprising that the current process has failed. Both societies are currently at a turning point in their respective histories, and the future of the region depends greatly on the course that each decides to take from here. Without a fundamental shift in focus to real life issues that concern both societies, the conflict will spiral into misery and continue to deprive the children of Palestine and Israel of the dream of life. Once we understand the reasons behind the failure of previous initiatives, we can set the parameters for a constructive dialogue that brings the conflict toward resolution. The effective collapse of the current process places us at a crossroads that demands that we develop an alternative process that comprehensively addresses all aspects of the conflict or be faced with even greater levels of confrontation and destruction.

This proposal presents a new initiative that comprehensively addresses the concerns and current realities of both the Israelis and the Palestinians. It addresses the shortcomings of previous initiatives and how Israelis and Palestinians can accommodate each other. Specifically, this proposal offers a new political arrangement, guidelines for healthy ethno-national relations, and an alternative territorial configuration based on current demographics and land use. This initiative provides the framework for the resolution of all outstanding issues of the conflict that would serve as the foundation for the development of viable civic society in Palestine-Israel and allow for acceptance of Israelis by the various peoples of the region.

### **Palestinian and Israeli Concerns and Aspirations**

The general pursuit of happiness and prosperity is common throughout the world. Since Palestinians and Israelis share the same land as their home, they can only strive toward this shared aspiration when each society is able to understand and respect the concerns and aspirations of the other. In order to get beyond the misconception that the concerns and aspirations of one society are independent of those of the other, we need to devise measures that bridge the concerns of one society without negating the aspirations of the other.

### **Israeli Concerns and Aspirations**

The following Israeli concerns and aspirations represent the primary demands of Israeli society:

**Security:** Security represents the primary concern of Israelis. The nationalist aspirations of the Palestinians for independence and statehood continue to pose a threat to the very existence of the State of Israel. At the regional level, Israelis depend on their military superiority to protect them from their geographical vulnerability of being surrounded by nations that question their very legitimacy.

**Acceptance:** The majority of Israelis would like the State of Israel to be accepted by the nations of the Middle East and enjoy economic and cultural relations across the region. However, nations in the region continue to view Israel as a foreign entity and do not recognize its right to exist as a state.

**Character of the Jewish State:** The majority of Israelis continue to support the idea of a Jewish state as a means of defending and protecting Jewish rights. Moreover, Western Jews find in the existence of Israel a sense of security and an expression of Jewish identity and tend to view the country as a place of refuge should they become subject to racial or religious persecution. Certainly the atrocities committed against Jews in Europe combined with the religious and ideological commitment to the idea of Israel contribute to the desire to maintain a Jewish state.

**Identity:** Israelis have a strong sense of identity expressed through their attachment to the Hebrew language and their strong commitment to their state. This commitment is strengthened by the desire of both the immigrant population and that born in Israel to cut across cultural, social, and historical differences in search of a shared identity. Israelis are resistant to initiatives that may threaten to dilute, destroy, or negate this identity.

**Peace:** There is a growing consensus in Israeli society in support of arriving at an end to the conflict in order to live in peace in the region. The majority of Israelis are frustrated by their inability to move beyond the conflict and devote attention to everyday matters. They long for a peace that would free them of the political instability of the conflict that pervades their lives.

**Jerusalem:** Some Israelis worry that if they were to lose exclusive control over Jerusalem, they would lose access to a city that for them has huge historical and religious significance. Other Israelis represented by

the Zionist leadership have a political commitment towards Jerusalem. Since the whole Zionist idea is founded on the Jewish state and the city of Jerusalem is the symbol of the connection of the Jewish state to Palestine, they find that control over Jerusalem is essential to that commitment.

### **Palestinian Concerns and Aspirations**

The following concerns and aspirations represent the primary demands of Palestinian society:

**Statehood:** The Palestinian identity emerged around the turn of the century and grew increasingly stronger as the Palestinians' right to express that identity continued, and continues, to be denied. The Palestinians' shared experience of exile and living under occupation that refused to recognize their very existence made their commitment to their identity the only definition of self. Statehood remains the modern expression of identity and is therefore at the forefront of the Palestinian agenda.

**Right of Return:** The right of return represents the central and most complex concern among Palestinians. The right of return refers to Palestinians and their descendants who were driven out of their homes in the wake of the establishment of the State of Israel in Palestine in 1948. Today the refugee population exceeds 3.7 million, which represents nearly half of the current Palestinian population in the region.

**Ending the Occupation:** The Palestinian population in the West Bank and Gaza has been under Israeli military rule since 1967 and continues to experience continuous brutal harassment, including policies of expulsion, imprisonment without charge, collective punishment, land confiscation, and restrictions on movement, trade, development, growth and the use of natural resources, such as water. Moreover, they are denied freedom of assembly and association, freedom of speech, and freedom of worship (the majority of the Palestinian population is denied access to Jerusalem and its Christian and Muslim holy sites). This treatment has recently escalated into the direct bombardment of Palestinian towns and cities and a policy of assassination of Palestinian leaders.

**Security and Democratic Rights of Israeli Arabs:** Israeli Arabs are those Palestinians who remained in their homes after the establishment

of the State of Israel in 1948 and subsequently adopted Israeli citizenship. Due to their legal status as Israeli citizens and their identity as Palestinians, they are claimed by both societies. The Israeli Government confiscated the majority of the properties of this population in the 1950s and allocated them to the Israeli agricultural and industrial cooperatives of the kibbutzim and moshavim and continues to confiscate more land until today. In short, this population does not enjoy the same protection by the State of Israel as Jewish Israelis.

For example, residents of the Palestinian town of Sakhnin were killed when they protested against the confiscation of their land in 1976. More recently, in October 2000 to be precise, the Israeli police failed to respond to calls for help from the residents of Nazareth and Jaffa when they were attacked by Jewish Israeli mobs. The State of Israel also denies this population their basic democratic right of self-expression as is evident in the suppression of their Palestinian identity. For example, the Israeli police killed 13 Israeli Arabs and injured hundreds of others in October 2000 when they demonstrated against 'their' state's violent treatment of their fellow Palestinians in the Occupied Territories.

In addition to concerns over security and the democratic rights of Israeli Arabs, Palestinians in Israel are also subject to discriminatory policies such as the State's refusal to recognize over 40 Palestinian villages and the subsequent denial of basic services in an effort to evacuate their populations. Moreover, the State poses restrictions on movement on the Palestinian Bedouin population in the south of Israel in order to make them dependent on the State and become available for the labor market or the Israeli army.

***Demographic Crisis in the Gaza Strip:*** The demographic crisis in the Gaza Strip is a direct consequence of the displacement of Palestinians in 1948 with the establishment of the State of Israel. Two-thirds of the 1.2 million Palestinians in the Gaza Strip remain refugees in an area with a population density of 3000/km<sup>2</sup>. The Palestinian population in the Gaza Strip is confined to this area, which has essentially deprived it of the basic means of survival. This situation has grave social and political consequences as is evident in the 'radicalization' of this population.



**Jerusalem:** The city of Jerusalem holds a special status in the hearts of the Palestinian population as the historical cultural center of Palestine. Moreover, it houses sites that are considered sacred by both Muslim and Christian Palestinians, such as the Al-Aqsa Mosque, or Al-Haram Ash-Sharif (also known as the Noble Sanctuary) and the Church of the Holy Sepulcher, or Al-Qiama. Israel has restricted access to the city for the majority of the Palestinian population since it took it over in 1967.

Access has also been restricted for Palestinian residents of the city through the confiscation of their ID cards, which effectively deprives them of their ability to maintain residency in the city. This restriction is part of an accelerated effort by Israel to Judaize the city. All of these practices and policies have strengthened the commitment of the Palestinian people toward their holy city and their historical, cultural, and political center.

The city is also a central issue in the Arab-Israeli conflict as far as the Arab nations are concerned. All the populations of the nations of the region have strong historical, cultural, and religious ties to the city of Jerusalem. Since these nations have been denied access to the city since its occupation by Israel, they will continue to oppose exclusive Israeli control over it.

### **The Failure of the Two-State Solution**

The most contemplated solution to be put forward in the past 25 years is the two-state solution, which the Palestine Liberation Organization (PLO) adopted in 1978 and which is allegedly the framework of the current peace process initiated with the Oslo Accords of 1993. This solution is based on Israeli withdrawal from all Palestinian territories that Israeli occupied in 1967 and the formation of an independent Palestinian state in those territories. Its significance lies in the fact that it moves beyond the respective programs among Palestinians and Israelis that call for either the total liberation of Palestine or the Zionist project of the complete takeover of all of historical Palestine. These 'solutions' are exclusive programs that are committed to confrontation and leave no room for peace. However, even though the two-state solution is considered the most responsive to Palestinian nationalist aspirations in terms of achieving an 'independent state' and the Zionist ambition of preserving a 'Jew-

ish state,' even this solution falls short of addressing the concerns and aspirations of Israelis and Palestinians.

**Security:** The two-state solution for two independent states is a recipe for continuous war. The newborn Palestinian state would continue to be subject to intimidation by the superior Israeli army. Moreover, Israelis would not feel secure watching a Palestinian state build an army next door knowing that millions of Palestinians still had many claims in Israel.

**Right of Return:** A Palestinian state in the West Bank and Gaza Strip cannot accommodate the number of exiled Palestinians who are prevented from returning to their homes, nor does it address the concerns of the refugees in the West Bank and Gaza whose homes and lands are in what is now Israel.

**Jerusalem:** Both states claiming the city as their capital will continue to be a major obstacle in the way of a two-state solution. Any sharing of the city will affect the sovereignty and independence of both states.

**Security and Democratic Rights of Israeli Arabs:** A two-state solution ignores the issues and concerns of the Palestinian population in what is now Israel. All of the issues relating to security, cultural expression, land confiscation, and respect for civil and human rights are not addressed under the two-state solution.

**Settlements:** The Israeli settlers in the Palestinian territories occupied in 1967 would not feel secure under an independent Palestinian state and any Israeli arrangement for their security would jeopardize the said state's independence. Furthermore, the evacuation of the settlers from these areas is becoming increasingly difficult.

**Demographic Crisis in Gaza:** The Gaza Strip suffers from a great demographic concentration. Any rational solution should take into consideration the need to allow a breathing space in that area. The two-state solution leaves Gaza demographics the same, an issue that will only become more complex as the population increases at a rapid rate in a contained area.

***Israeli Acceptance in the Region:*** The failure to address the concerns of both Israeli and Palestinian society would continue to stand in the way of Israel being accepted by the peoples of the region. Without regional acceptance, Israel remains isolated and vulnerable.

Aside from these concerns, Palestinian groups that call for a Palestinian state in the West Bank and Gaza Strip gain support for such a state as part of what is known as *Al- Barnamij Al-Marhali* (The Stages Program). This program was introduced by the Democratic Front for the Liberation of Palestine (DFLP) in 1975 and then adopted by the PLO in 1978. It calls for the establishment of a Palestinian state in any part of Palestine that is liberated or from which the Israelis withdraw.

Many Palestinians who support this program consider a Palestinian state in the West Bank and Gaza to be a first step towards the total liberation of Palestine. The Israeli public understands this contradiction in the leading Palestinian politics, and this has created a great deal of skepticism and mistrust among Israelis. That is not to say that this is the real intention of the current Palestinian leadership; far from it, the only real program of this leadership is the program to maintain its leadership. *Al- Barnamij Al-Marhali* is nonetheless the only way this leadership is able to promote the acceptance of a Palestinian state limited to the territories occupied in 1967 among the various segments of Palestinian society. This provisional acceptance is the same principle under which Ben-Gurion accepted the UN Partition Plan of 1947. His policy was to establish the Jewish state in any part of Palestine and at the same time continue to acquire new territory by other means. This approach to statehood among the Palestinians is far removed from the advocating of Palestinian acceptance of an Israeli presence in the region.

On the Israeli side, the two-state solution is supported by the Israeli-born generation that is interested in resolution of the conflict but has not looked into what it would take to resolve it. It is – or has been - also supported and led by Zionist intellectuals such as Abba Eban (former Israeli FM, 1915-2002) who see/saw the two-state solution as a historic opportunity to save the exclusive Jewish state. Such advocates fear that Israeli control over all of historical Palestine would inevitably lead to shared governance, which would change the 'character' of the Jewish state.

However, the current political leadership does not support the two-state solution even though it is seemingly engaged in negotiations towards it. The current Israeli political leadership's vision for coexistence is to impose policies of containment on the Palestinian population. This is based on the urbanization of the Palestinian population in contained and isolated enclaves that would be given 'autonomy.'

### **Joining Israeli and Palestinian Concerns and Aspirations**

The Israeli and Palestinian concerns and aspirations outlined above are rooted in a genuine desire for peace and stability so that people can pursue prosperity and happiness. That is not to say that there are not forces whose aspirations represent political or ideological aims that disregard their impact on people's lives and are therefore not conducive to peace. However, this proposal chooses to focus on the interests of the people whose lives are being held hostage by the conflict, be they Israeli or Palestinian, in order to offer them a chance to move beyond the conflict by understanding how they can accommodate each other.

So far, both Israelis and Palestinians have considered their concerns separate from the concerns of the other, one result being that neither party has attempted to understand or accommodate the other's concerns in their effort to address their own. This approach has resulted in an overemphasis on winning attention for the concerns of their side only with total disregard for the other. This misconception assumes that peace can be achieved for one side and not the other. Moreover, both parties have addressed their concerns as separate issues that can be addressed independent of those of the other at different times.

This piecemeal approach to resolution of the conflict has failed repeatedly and will continue to fail since the rationale behind it is flawed. The concerns of one side cannot be addressed individually nor can they be addressed separate from the other's concerns. In other words, peace is a prize that can only be won jointly by comprehensively addressing the concerns of both parties in the conflict. Otherwise, the addressing of one concern becomes the negation of another and does not resolve the conflict nor bring us closer to peace.

Let us now consider all the concerns and aspirations of both Israelis and Palestinians in order to identify the ways in which they are interdependent and in which we can respond to them in order to enhance peace rather than undermine it. If we discuss each of these concerns and aspirations in relation to each other, a path to resolution of the conflict will emerge.

Security is the primary concern of Israelis, but both parties need to understand that security cannot be guaranteed for only one party. In other words, the security of Israelis is directly linked to the security of Palestinians. The defense of Israeli security cannot override the security of Palestinians without further jeopardizing Israeli security and *vice versa*. This begs the question of how both sides can be secure given the additional concerns and aspirations discussed above.

The escalation of confrontation between Israelis and Palestinians has added a sense of urgency to the efforts to end the Israeli occupation of the West Bank and Gaza Strip. This escalation demonstrates that the continuation of the occupation is a threat to the security of Israelis and Palestinians alike. However, ending the occupation alone does not in and of itself guarantee security due to the fact that it does not resolve other concerns and aspirations relevant to the conflict.

First of all, the Palestinian population of the West Bank and Gaza Strip only represents roughly one third of the Palestinian population worldwide. Thus, the concerns of over half of the total Palestinian population – who live today in the region (e.g., in Israel, Jordan, Lebanon, and Syria) – would not be addressed simply by ending the occupation of the West Bank and Gaza Strip. This majority of the Palestinian population consists mainly of refugees but also includes Palestinians in what is now Israel (Israeli Arabs) whose concerns are obviously different from those of the residents of the West Bank and Gaza. Furthermore, of the population in the West Bank and Gaza, roughly 25 percent are refugees whose primary concern is their right to return, which would also not be addressed by ending the occupation. In fact, ending the occupation without addressing the right of return would further intensify the conflict and pose even greater security threats to both sides.

The commitment of Palestinian refugees to the right to return cannot be underestimated. After all, it is their displacement from Palestine that remains the core of the conflict and it therefore cannot be ignored without inviting bitter outrage. Palestinians cannot be expected to accept the Israelis' right to live in 'their' Palestine if they remain homeless. The majority of this population has been living in refugee camps in a perpetual state of unemployment, poverty, and deprivation. This population, through the shared experience of exile for over 53 years, has developed a strong sense of identity and solid commitment to return. Many of these people still hold the keys to the homes they left behind in Palestine, even though many of these homes no longer exist. In short, the Palestinian refugees see their lives and future in the context of their return.

This commitment is also reflected in the emergence of new grassroots organizations in the refugee camps in the West Bank and Gaza, Jordan, Lebanon, and Syria that are keen to address their concerns regarding the right of return since the 'peace process' has virtually ignored the plight of those they represent. Failing to recognize the interdependence of these concerns promises to undermine the attempts to resolve the conflict.

The demographic crisis in Gaza is to a great extent related to the refugee problem since two thirds of the Palestinian population in the Gaza Strip is made up of refugees. Consequently, ending the occupation of the West Bank and the Gaza Strip while ignoring the right of return does not address the refugee problem and the demographic crisis in Gaza and would therefore remain a security threat to the State of Israel. Mounting frustration over this crisis is already reflected in the increase in the number of attacks against Israel during the second *Intifada*. Such attacks originate primarily in the refugee camps of the Gaza Strip and the West Bank.

The demographic crisis in the Gaza Strip and the occupation itself has compromised people's lives to such an extent that a growing number of people feel that they have more to die for than to live for. Nevertheless, Palestinians have managed to maintain their 'lives on hold,' particularly in the Gaza Strip, through the nationalist and increasingly religious movements, which are written off as 'radical' or 'extremist' by Israel and the US. The radicalization of these communities is bound to continue until the alternative of life is available to them.

Ending the occupation would also not affect the concerns of Palestinians in Israel (Israeli Arabs). Due to their status as Israeli citizens, they have been left out of the peace process and yet their existence as Palestinians demands that their concerns be included in negotiations. After all, some of them have remained internally displaced since they were driven out of their homes in 1948. Their democratic rights are not being addressed by the very state that supposedly represents them. The root of their neglect is their presence as Palestinians in what is being called paradoxically both a democracy and a Jewish state given the current demographics within Israel. Their Palestinian identity is relevant to any solution, and the circumstances under which they live, which negate their culture, language, and ethnicity, lead us to yet another integral component of final resolution to the conflict.

Israel's commitment to the preservation of a Jewish state in spite of the fact that half of the population under Israel's control is not Jewish is fundamentally problematic. Moreover, 25 percent of the current population of the State of Israel is Palestinian (Israeli Arabs – citizens of Israel). Maintaining a Jewish state given this fact would necessitate the taking of discriminatory measures against the non-Jewish population, which is already the case. Such an arrangement is neither compatible with Israel's own claim of being a democratic state nor international trends toward democracy and the protection of human rights nor would it contribute to the resolution of the conflict. A policy of transfer or expulsion – which has been promoted by some rightwing Israelis – cannot be considered as a serious option. Aside from constituting the gravest of human rights violations against Palestinians since their displacement from their homes in 1948, the transfer of this population would simply create an even larger refugee problem and even greater regional antagonism toward the State of Israel, which could only be a threat to the State of Israel and peace.

That is not to say that Jewish Israelis must forego their Jewish state as a protectorate of world Jewry, but it does challenge the idea of a Jewish state as a state for Jews and not its citizens. The reality of the existence of both Palestinians and Israelis poses the question of how to accommodate the democratic rights of Palestinians and not place the national rights of Jewish Israelis above those of the Palestinians. This challenge does not strictly apply to those Palestinians living in what is now Israel, but rather to all Palestinians of the region whose lives remain subject,

either directly or indirectly, to Israeli control. Without taking into account these demographic realities, the current commitment to the idea of a Jewish state not only fails to serve as a safe haven for Jews in general, but poses a real security threat to Jewish Israelis in particular.

Even though an exclusive Jewish state does not and never did exist, an Israeli society has emerged such that Israelis today are native to the region and their concerns revolve around the conflict and its resolution just as the native Palestinians live and breathe the conflict and live their lives in the context of its resolution. The new reality of two native populations, one Israeli and the other Palestinian, fundamentally changes the dynamics of how to resolve the conflict.

Jerusalem is an excellent example of the interconnectedness between Israeli and Palestinian society and the need to cater to both societies in order to resolve the conflict. It symbolizes both people's attachment to what they call Israel and Palestine, respectively. Just as the Israelis fear losing control of their spiritual and historical center, the Palestinians cannot be expected to tolerate 'their' Jerusalem being held under the exclusive control of Israel. Both Israelis and Palestinians live in and love this city and in this very real sense it is theirs. It must therefore be addressed in this context in a resolution to the conflict.

Statehood for Palestinians would provide long overdue recognition of the Palestinian identity and reestablish unity for a fragmented community consisting of residents of the West Bank and Gaza Strip, refugees, both in Palestine and neighboring Jordan, Lebanon, and Syria, and the Palestinians in Israel. Protection is also due for the new local Israeli identity and therefore must be figured into any discussion of statehood since statehood represents protection of identity. Thus, a viable notion of a Palestinian state must be relevant for all Palestinians.

At the same time, Israeli statehood must reflect the Israeli identity. In order to do so, it must free itself of the burden of the 'Israelization' of Palestinians in its midst in order to leave room for mutual respect *vis-à-vis* Israeli and Palestinian identity. The current composition of the State of Israel, which continues to contain Palestinian identity within its own self-expression, will continue to compromise and challenge this new Israeli identity. Thus, reconfiguring the notion of statehood in Palestine-Israel is



vital to the protection of the Israeli and Palestinian identity and the resolution of the conflict itself.

Such a reconfiguration would lead to mutual Israeli-Palestinian acceptance once the concerns and aspirations of both societies are addressed. This reconfiguration paves the way for regional acceptance of Israel and Israelis. Anything short of a configuration that addresses all the concerns and aspirations of Israelis and Palestinians would perpetuate the conflict and deny Israel regional acceptance and continue to pose a threat to its very existence. Peace treaties between Israel and neighboring countries demonstrate this point since the peoples of these countries continue to reject Israel and any dealings with its people, its companies, or its institutions. After 23 years of a peace treaty between Israel and Egypt, the Egyptians still boycott any company that deals with Israel and there is no cultural exchange between the two countries. The same applies to Jordan. Israel signed a peace treaty with Jordan in 1996 but the Jordanian Anti-Normalization Committee has more influence on Jordanian companies and institutions than the Jordanian Government that is trying to promote open relations with Israel. This rejection is rooted in the failure to address the concerns of the Israeli-Palestinian conflict, which lie at the heart of the Arab-Israeli one. The State of Israel is still not accepted because it is obvious to the peoples of the region that no matter how many peace treaties it signs, Israel is still far from addressing the concerns of Palestinians. Only by resolving the Israeli-Palestinian conflict at the human level can Israel and Israelis be naturalized in the region.

Since resolution of the conflict is dependent on addressing the concerns of Israelis and Palestinians, acceptance is grounded in respect for the other. Just as Palestinians cannot accept Israelis if their concerns are ignored, neither can Israelis accept Palestinians if their concerns are not addressed. Acceptance is about respecting each other's right to exist as Israeli and Palestinian and respecting the concerns and aspirations of the other. At the same time, it means acknowledging the fact that the concerns and aspirations of one society cannot marginalize or negate those of the other. The extremes of each society do not leave room for such respect and are therefore not part of a solution, however real their sentiments. Concerns and aspirations addressed with the other in mind leave room for the other and room for peace. Anything short of such respect can only invite rejection and stand in the way of peace. Let us

now consider how peace might look between Israelis and Palestinians given these concerns and aspirations.

### **Alternative Configuration**

None of the solutions proposed over the years of the Israeli-Palestinian conflict have adequately addressed the outstanding issues and concerns as discussed in the previous section of this proposal. Even the two-state solution, which continues to receive the most serious consideration among Israelis and Palestinians alike, falls short of addressing the concerns and aspirations of Israeli and Palestinian society. A major source of this problem lies in its failure to comprehensively consider the various segments within both societies, be they Israelis or Palestinians in what is now Israel, Palestinians under occupation, or exiled Palestinians. In particular, the issue of the exiled Palestinian population has been pushed aside throughout every attempt to resolve the conflict even though the plight of the Palestinian refugees lies at the heart of the Israeli-Palestinian conflict.

The complexity of the Israeli-Palestinian conflict lies in the displacement of one civil population of a country and the settlement of another civil population in its place. Had the occupation of Palestine been limited to a colonizing army, the nationalist liberation program would have constituted the only approach to a solution for the Palestinians, but since the colonialist forces have transformed into a civil population in Palestine and the historic violation of Palestinian national rights was not resolved in a timely manner, we are confronted with a far more complex situation.

Today there are over 4.5 million Israelis that constitute an established civil society in what Palestinians still regard as Palestine. Although Jewish immigration continues, Israelis have moved beyond an immigrant society. The majority of this population today was born and raised there and hence is native to the region and therefore entitled to its own expression of identity. This new Israeli identity has fundamentally changed the landscape of historical Palestine and represents a new reality that demands the accommodation of two local identities in what can only now be referred to as Palestine-Israel. Similarly, there are an equal number of native Palestinians in Palestine-Israel and a substantial number of exiled Palestinians in the surrounding countries. This reality presents a unique case whereby the current demographic composition of the area consists

of two main ethnicities: Palestinian and Israeli. Any rational vision for the future of Palestine-Israel would therefore have to respond to the concerns and aspirations of both societies regardless of ethnicity or religion.

Some Palestinians have faced up to the fact that Israelis have the power to impose their presence and that they should let go of their dream of reclaiming historical Palestine. These people were willing to settle for a mini Palestinian state in parts of Palestine. However, facing up to the facts should not require bowing down to Israeli might, but rather constitute a rational political choice based on the new reality of an Israeli civil presence that must be accommodated. At the same time, this recognition should not compromise the national rights of the Palestinians.

Similarly, Israelis need to come to terms with the fact that there cannot be a Jewish state in a land that is equally inhabited by non-Jews. Thus, democratic coexistence that respects the national, civil, and human rights of all ethnic and religious groups that currently compose the population in Palestine-Israel represents the only rational option. Since both Israelis and Palestinians inhabit the same land and consider it their rightful home, resolution of the conflict must reflect that reality. At the same time, the protection of an Israeli and Palestinian identity is essential. Since statehood is foremost the protectorate of identity, total separation of these societies would undermine the demographic reality of a shared space. Therefore, resolution must allow for a form of statehood that supports both the protection of identity and a shared space, in short, a bi-national state.

In the late 1990s, the idea of a bi-national state became a subject of interest to the Palestinian intellectual communities, especially in the West Bank and Gaza, Israel, and the US. Many of those who spoke of bi-nationalism, however, presented it as a last resort option should the two-state option fail. Azmi Bishara for example argued that a bi-national state arrangement should be proposed only if the Palestinians fail to secure an independent Palestinian state in the territories occupied in 1967. However, when the bi-national state option is discussed as a last resort rather than a choice, such endorsements become questionable. The bi-national state solution is based on the realization that the two-state solution is not a viable option for resolution of the conflict and recognition of the fact that Palestinians and Israelis are integral components of a shared space. This solution is rooted in the current demographic situation of a

Palestine-Israel that hosts two main ethnicities, nearly half of which are Israeli Jews and half Palestinian Arabs, surrounded by nearly two million additional Palestinians who were exiled from the same space and who continue to demand their return.

Today roughly 20 percent of the Palestinians of the West Bank and Gaza Strip support this idea. However the bi-national state solution has not been detailed or defined sufficiently for people in either society to determine whether such a state represents a viable option in terms of resolving the conflict. Exactly how this concept would address the concerns and aspirations of both societies remains to be explored.

In what follows, a comprehensive proposal is presented that first and foremost takes the concerns and aspirations of Palestinian and Israeli society into consideration. This proposal is unprecedented in that it protects both people's national identity and aspirations and offers measures by which both peoples can democratically share the land of Palestine-Israel.

### **The Proposal**

A bi-national state would necessitate a reconfiguration of the shared space of Palestine-Israel. This proposal outlines the political and territorial configuration of two sovereign states, but in one political and economic union, namely the Federal Union of Palestine-Israel. This reconfiguration is based on the current demographic distribution of both populations and the need to accommodate the returnees from the exiled Palestinian population.<sup>2</sup>

Under this arrangement, areas predominantly inhabited by Palestinians are recommended to be included in a Palestinian state and areas predominantly inhabited by Israelis in an Israeli state. Areas that are lightly populated and that can sustain population are recommended to be included in the Palestinian state in order to accommodate Palestinian refugees. Jerusalem would fall under a separate shared district and would constitute the capital of the Federal Union of Palestine-Israel.

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<sup>2</sup> A detailed analysis of the demographic distribution of these areas is presented under Territorial Configuration.

The Palestinian state would include the population of the West Bank, the Gaza Strip, the Galilee (Al-Jalil) in the north, the centrally located areas known as the Triangle, and the Bir As-Saba' region in the south. The Palestinian state would absorb the bulk of exiled Palestinians based on a new territorial configuration that reflects the current demographic distribution of Israelis and Palestinians. Similarly, the Israeli state would comprise those areas where Israelis compose the majority population. Each of the states would have sovereignty over its territories and have its own legislative council. Residents of each state would fall under the jurisdiction of that state regardless of their ethnicity.

A transitional period would allow for the implementation of the new configuration and the achievement of stability between both states before permitting residents from either to establish residency across states. However, residents of either state would fall under the jurisdiction of that state regardless of ethnicity. These two states would represent a federal, political, and economic union, which would encompass political representation, external security, and interethno-national relations of its citizens.

The District of Jerusalem (DJ) would include both East and West Jerusalem, the city's suburbs, and the city of Bethlehem. This district would have its own council, which would be independent of either state's legislative councils. The Council of Jerusalem would govern the district's affairs and would represent the district's residents. The Council would develop measures regarding the establishment of residency in the district that would treat Palestinians and Israelis equally. The Council would also oversee provisions for visitation and pilgrimage for all religious parties and communities around the world that are connected to Jerusalem.

What follows is a detailed description of the main components of the proposed configuration: state and federal political composition and structure, ethno-national relations, internal and external security, territorial distribution, and boundaries. This proposal is meant to provide an explicit framework for addressing the concerns and aspirations of Israelis and Palestinians that could lay the groundwork for resolving the conflict and pave the way for reconciliation and the development of a multi-ethnic society.

## **Political and Economic Union**

This proposal calls for a political and economic union for the administration of all matters of common interest in order to enable the two peoples to share the land and its resources and interact in a peaceful manner in light of the new territorial configuration.

**Senate:** The Senate would constitute the highest legislative body of the Federal Union of Palestine-Israel. The Senate would be composed of an equal number of seats for each state regardless of the population and the District of Jerusalem would be represented by an additional 25 percent of the respective state's representation in seats. For example, if the Senate were composed of 45 seats, 20 would be representative of the Israeli state, 20 of the Palestinian state, and 5 of the district of Jerusalem. Members of the Senate would be elected by the residents of each respective state regardless of ethnicity. Residents of the District of Jerusalem would elect its representatives.

**Parliament:** The Federal Union of Palestine-Israel would also have a parliament that would be elected by all citizens of the two states and the District of Jerusalem based on the proportional distribution of the population. Under the supervision of the Parliament and the Senate, there would be an Executive Administration of the Federal Union of Palestine-Israel elected by the Parliament that would be approved by the Senate.

**Executive Administration:** The Executive Administration would administer areas of common interest to both states. These areas would include the following:

- a. **Political Representation:** The Executive Administration of the Federal Union would represent the union of Palestine-Israel at the regional and international level and set the union's foreign policy and external affairs.
- b. **External Security:** A unified army under the Executive Administration of the Federal Union would oversee all matters of external security and international border protection. This army would recruit its members from the citizens of both states on a voluntarily basis.
- c. **Customs:** A joint customs system would be administered under the Executive Administration of the Federal Union and control all as-

pects related to the imports and exports of both states. Customs authorities would collect a single rate tariff on goods imported by either state and the proceeds of these tariffs would help fund the government of the Federal Union.

- d. **Infrastructure:** The Executive Administration of the Federal Union would administer departments that provide services to both states such as energy and power facilities, water and irrigation, interstate highways and transportation, postal services, communications, and economic development and immigration.
- e. **Ethno-national Relations Commission:** The Executive Administration of the Federal Union would form and administer an Ethno-national Relations Commission that would regulate social, civil, economic, and interfaith relations between the two societies.
- f. **Refugee Returnee Commission:** The Federal Union would form a special commission in order to address the placement of refugees wishing to return as well as the loss of property and incurrence of damages to refugees and their descendents. The majority of the Palestinian returnees would be accommodated in the proposed Palestinian state. Returnees wishing to resettle in territories designated for the Israeli state would have the right to do so based on feasibility and regional planning. Individuals whose return to their previous property is impractical would file claims with the Refugee Returnee Commission.
- g. **Supreme Court:** The Executive Administration of the Federal Union would form a supreme court that would serve as the highest court of justice in the land.

**Language:** The Arabic and Hebrew languages would be the official languages of the Federal Union. All documents, records, announcements, and publications would be published in both languages.

**Currency:** The Federal Union of Palestine-Israel would introduce a single currency system and administer one central bank.

**Trade:** There would be completely free trade within the Federal Union, between the two states, and between each state and the district of Jerusalem.

**Federal Employees:** Operation of all departments that fall under the Federal Union would be staffed by employees recruited from both states or from the District of Jerusalem on a non-discriminatory basis.

### **State Authority**

**Citizenship:** All permanent residents of each state would have the right of citizenship of that state. Residents of a state may elect to maintain citizenship of the other state, but are subject to the judicial system of the state in which they establish permanent residency.

**Language:** Each state would have its own language as the official language of the state. All documents, publications, announcements, and records would be published in the official language of the state.

**Flag:** Each state would have its own flag and national anthem.

**National Holidays:** Each state would adopt its own national holidays and celebrations.

**Legislative Council:** Each state would have its own legislative council elected by all citizens of that state regardless of ethnicity, religion, or gender.

**State Government:** The elected state council would form an executive state government that would administer the following areas:

- a. **Police and Internal Security:** All matters of internal security, maintaining order and law enforcement would be conducted by the local state police.
- b. **Education:** Each state would provide education for all of its citizens in its own language. Each community would reserve the right to maintain its own private schools for the education of its members in their own language, but whilst conforming to the local state educational requirements and general regulations.
- c. **Social Services:** Each state would be responsible for providing health care and social services for its citizens.



**Natural Resources:** Each state would utilize the natural resources of its territories and be responsible for preserving the environment and natural beauty of the country.

**Economic Planning:** Each state would initiate and implement its own economic planning and development projects.

**State Tax:** Each state would collect state income tax from the permanent residents living in its territories. Each state would develop special provisions regarding the income tax of residents of one state who are employed in the other.

**Urban Planning:** Each state would administer its local municipalities and develop its own urban planning programs.

**State Highways and Transportation:** Each state would administer its local traffic, transportation, and local state roads.

**Judicial System:** The legislative council of each state would set its own laws and regulations that respect the civil, social, and religious rights of all residents of the state on a non-discriminatory basis.

### **The District of Jerusalem**

The District of Jerusalem would include the united city of Jerusalem (East and West), its suburbs, the neighboring villages including those destroyed in 1948, and the city of Bethlehem as described in the section on Jerusalem under Territorial Configuration.

#### **Districts Guidelines:**

- a. **District Council:** The district's permanent residents would elect a District Council to run the affairs of the district, since they would not hold citizenship of either of the two states.
- b. **Access:** The District Council would guarantee the liberty of access to the district and its holy sites to all residents of both states and to international visitors and pilgrims without distinction as to ethnicity or religion.

- c. Holy Sites: The District Council would preserve and maintain all holy places and religious buildings of all faiths in full coordination with the religious bodies concerned.
- d. Freedom of Worship and Pilgrimage: Freedom of worship and pilgrimage would be guaranteed to all residents of both states and international visitors, subject to maintenance of public order.
- e. Police: The district would form its own police force independent of that of each of the two states.
- f. Language: The district would adopt both Arabic and Hebrew as its official languages.
- g. District Employees: All departments under the jurisdiction of the District Council would be staffed by residents of the district or either state on a non-discriminatory basis.
- h. District Responsibilities and Authority: The District of Jerusalem would bear the same responsibilities as those of the governments of the two states and have the same authority in relation to the area and population under its control.

### **Ethno-national Relations**

For this union to succeed, it must be based on respect by both peoples and their authorities for every citizen of the country regardless of ethnicity. Real democratization of governance and institutions will enhance the living conditions of the general public and respond positively to the general pursuit of prosperity. This in turn will promote mutual understanding of the two communities toward one another and healthy interaction. The following measures are proposed to promote normalization and diffuse tension between the two peoples:

- a. Anti-discrimination Commission: The Federal Union would establish and administer an anti-discrimination commission that monitors the conduct of private and public institutions with respect to race and ethnicity. No discrimination of any kind would be permitted against the inhabitants of either state on the basis of race, religion, language, or gender.
- b. Residency: Any citizen from either state can establish residency in the other state, accepting the laws and regulations of that state once the transitional period of this arrangement is over.

- c. Equal Opportunity: All citizens of both states would have equal opportunities for employment in all private sectors of either state.
- d. Language: All citizens of either state or the District of Jerusalem would be free to use any language in private intercourse, commerce, press, or publications of any kind.
- e. Freedom of Worship: The freedom of all citizens to exercise all forms of worship, while observing public order and public morale, would be granted by both states and the district of Jerusalem.
- f. Freedom of Religion: No measures would be taken by either state or by the District of Jerusalem to obstruct the enterprise of religion or charitable organizations of any faith.
- g. Commerce: Businesses from both states would have the right to branch out to either state whilst observing the local laws and regulations.
- h. Property: All citizens of the country would have the right to buy and sell property to any other citizen from either state.
- i. Land Acquisition: All institutions that work to acquire land and territory for political intentions would be have their activities suspended and be and prevented from making such acquisitions.
- j. Immigration: The Federal Union would set new immigration laws to replace the Israeli Law of Return that would apply the same measures to immigration applicants regardless of religion or ethnic background.

## **Security**

The State of Israel in its current form has maintained regional superiority since its establishment 53 years ago. Israel achieved this superiority through the commitment of the country's resources to armament and the buildup of forces, the development of strong alliances with superpowers, and the relentless work by Jewish communities in the United States and Europe. This superiority, however, did not bring a sense of security to the Israelis even though it protected Israel from a major defeat.

Israel today remains as vulnerable as ever. It is a very small country and lacks the geographical depth to be secure in the face of today's destructive armament industry. Its military superiority cannot protect the country from ballistic missile attacks from Iran, Syria, or any other regional country that Israel feels poses a threat. Neither will it protect the state from suicidal attacks internally. The threat to Israel can only increase

with the spread of chemical weapons technology and technical know-how as such attacks could become far more deadly. Real security can only be achieved by resolution of the conflict based on mutual respect with regard to the concerns and aspirations of both Israelis and Palestinians. Only then will Israel achieve acceptance in the region and ensure security for its citizens.

The Israeli leadership knows that the threat posed by Israel's neighboring countries was caused by the failure to resolve the Israeli-Palestinian conflict. Former Israeli Prime Minister Ehud Barak stated in an interview with *The US News and World Report*, "By smoothing relations with them [the Palestinians], then it will be more difficult to motivate hostile acts against us from Benghazi [in Libya] or Teheran."<sup>3</sup>

Ehud was right; Israel must resolve the conflict with the Palestinians in a comprehensive and satisfactory manner in order for the State of Israel to become naturalized in the region. Once the issues of sovereignty and Palestinian national and civil rights have been addressed and resolved, and equitable relations between Israelis and Palestinians have been achieved, the real threats to peace will have been removed and the remainder of the security concerns will be the normal work of the Israeli and Palestinian police departments.

One of the first to define the concept of law was the great Arab philosopher Ibn Khaldoun in the 14<sup>th</sup> Century. In his definition, the law is the set of measures to be enforced for the protection of man. When the laws in the country are in this spirit, the application of the law and maintaining order is feasible.

The following security arrangement is proposed to maintain order in the country and to provide protection against any internal or external threats:

**Internal Security:**

- a. Israeli Police Force: An Israeli police force in the Israeli state would handle all security matters at the state level and be responsible for enforcing the law and maintaining order in the Israeli state.

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<sup>3</sup> *The US News and World Report*, 26 December 1994/2 January 1995, p. 46.

- b. Palestinian Police Force: A Palestinian police force would be formed in the Palestinian state and recruit members from residents in the State of Palestine. This department would handle all security matters at the state level in the Palestinian state and be responsible for law enforcement and maintaining order in the state.
- c. District of Jerusalem Police Force: A District of Jerusalem police force would be formed and recruit its members from the District of Jerusalem and be responsible for all security matters in the district.
- d. Bi-state Police Bureau: A Bi-state Police Bureau would be formed and recruit its members from citizens of both states as well as from the residents of the District of Jerusalem and would handle security matters with a bi-state dimension. The Bureau would also serve as a channel of coordination between the three police departments mentioned above. This Bureau would be formed, administered, and funded by the Federal Union.
- e. Bear Arms: The bearing of arms would be prohibited; this would apply to residents of both states as well as the District of Jerusalem with *no* exceptions.

### **External Security:**

- a. Federal Army: The Federal Union would maintain an army that is unified and recruit its members from both states as well as the District of Jerusalem. The army would defend the international borders of the country against any external threat.
- b. Bi-state Intelligence Service: The federal bureau would maintain a bi-state intelligence service and recruit its members from residents of both states and the District of Jerusalem. This service would monitor and provide information on any external party that poses a threat to the country or either state. This service would be formed, administered, and funded by the Federal Union.
- c. Unified Army: Under this format, the Israeli Defense Force (IDF) would be merged with a Palestinian force in one army. This army will not be perceived as a threat to the security of the nations of the region and will not be the target of hostilities by the regional countries, nor can this army be used to terrorize its citizens.

## **Settlements**

The proposed partition does not imply the evacuation of residents of any established community. Settlements that are located in the territories proposed for the Palestinian state would fall under Palestinian sovereignty. The Palestinian state would treat those who choose to remain under its sovereignty equally as its citizens. Similarly, the Palestinian villages that are located in the territories proposed for the Israeli state would fall under Israeli sovereignty and the Israeli state would treat them equally as its citizens.

Properties that are being used by settlers that were confiscated from their rightful owners by the Israeli occupation authorities would be returned to their respective owners. All settlers would be disarmed and observe law and order in the state under which they fall. Residents of settlements would be given the choice to maintain their residency in the Palestinian state and the option to maintain citizenship of the Israeli state. However, they would fall under the judicial system of the state in which they establish permanent residency.

## **Legal Grounds for Solutions under International Law**

The analysis of the conflict presented here, as well as the solutions proposed, analyze and respond to the respective concerns and aspirations of both peoples. However, since this conflict has taken on an international dimension, resolution must be grounded in International Law.

The recurring demands for the implementation of United Nations Security Council Resolutions 242 and 338 as the basis for resolution of the Israeli-Palestinian conflict are misguided in that these two resolutions deal with Israeli-Arab wars rather than the Israeli-Palestinian conflict itself.

The groundwork for resolution of the Israeli-Palestinian conflict based on International Law was laid out by the United Nations General Assembly in Resolution 181, 29 November 1947. This resolution deals directly with the Israeli-Palestinian conflict in its entirety. It addresses state territories, security, government, Jerusalem, economic relations, trade, language, religion, anti-discrimination provisions, and so on. No other resolution by the United Nations addresses such issues and these are

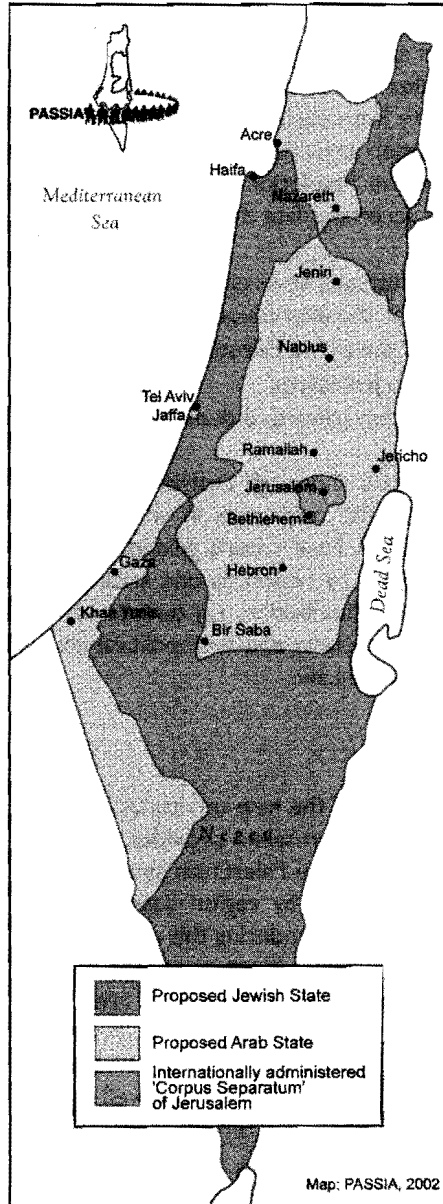
the issues that are still in dispute today. This proposal considers United Nations General Assembly Resolution 181 as the legal grounds for resolving the Israeli-Palestinian conflict according to International Law.

### **Territorial Configuration**

Territorial sovereignty is the core of the Israeli-Palestinian conflict. No line can be drawn on the map without touching nerves on both sides. However, both peoples will learn that territorial distribution will become less of an issue once the stabilization of the two states under a Federal Union is achieved and both peoples are granted access to all the territories of the country of Palestine-Israel, free of any intimidation or harassment. The following recommendations for an alternative territorial configuration are based on feasibility and the necessity for such a configuration to facilitate resolution of the conflict.

The United Nations Partition Plan of 1947 allocated 54 percent of British Mandate Palestine to the Jewish state and 46 percent to the Arab state (see Map 1). The proposal outlined here actually allocates less territory to the Palestinians, and yet is reflective of current demographic realities. This territorial configuration is drawn for two states in union, and not at war. Boundaries are drawn following natural features such valleys, plains and desert frontiers, and major highways so as to avoid abrupt cuts in the land as much as possible and maintain the continuity of natural regions.

Map 1 - 1947 UN Partition Plan





## **Methodology**

The new territorial configuration proposed here is designed to respond to all the concerns and aspirations relevant to resolution of the conflict in order to neutralize the struggle and implement the political arrangements that will carry both societies towards healthy relations. This new territorial configuration provides a framework for constructive efforts toward comprehensive resolution of the conflict. The new territorial configuration must accommodate the following:

- Israeli and Palestinian sovereignty over specified territories in order to allow for the expression of national identity;
- The return of the exiled Palestinian population;
- Equal access to Jerusalem;
- Healthy transition towards a democratic multi-ethnic society.

This study represents a thorough analysis of the territories region by region considering all the territories in what is now Israel, the West Bank, and the Gaza Strip. Four criteria guided the analysis in determining allocation of sovereignty by region to one state or another: (1) current population density and distribution, (2) territories and their capacity to sustain population, (3) security and sociopolitical concerns, and (4) territories under International Law.

## **Regional Description**

The regional description of the new territorial configuration of Palestine-Israel and the District of Jerusalem provides recommendations for the allocation of territories to the Palestinian state, the Israeli state, and the District of Jerusalem region by region based on the criteria outlined above. For the purpose of introducing this proposal, areas other than the West Bank and Gaza Strip that are proposed to fall under Palestinian sovereignty are described in detail below and are illustrated in Map 2.

The new proposed Palestinian state would be composed of the Palestinian territories occupied by Israel in 1967 as well as other territories currently under Israeli control that fall into seven regions: (a) Al-Jalil, (b) Taberia (Tiberias), (c) Bisan Plateau, (d) Marj Ibn Amer Plains, (e) Upper Triangle, (f) Lower Triangle, (g) Southwestern Region, and (h) South-

eastern Region. Most of these regions were allocated to the Palestinians in UN Resolution 181 but have been occupied by Israel since 1948. These territories also include the sites of 62 destroyed Palestinian villages, which would be redeveloped in order to accommodate a large portion of the Palestinian returnees.

### Al-Jalil (the Galilee) Region

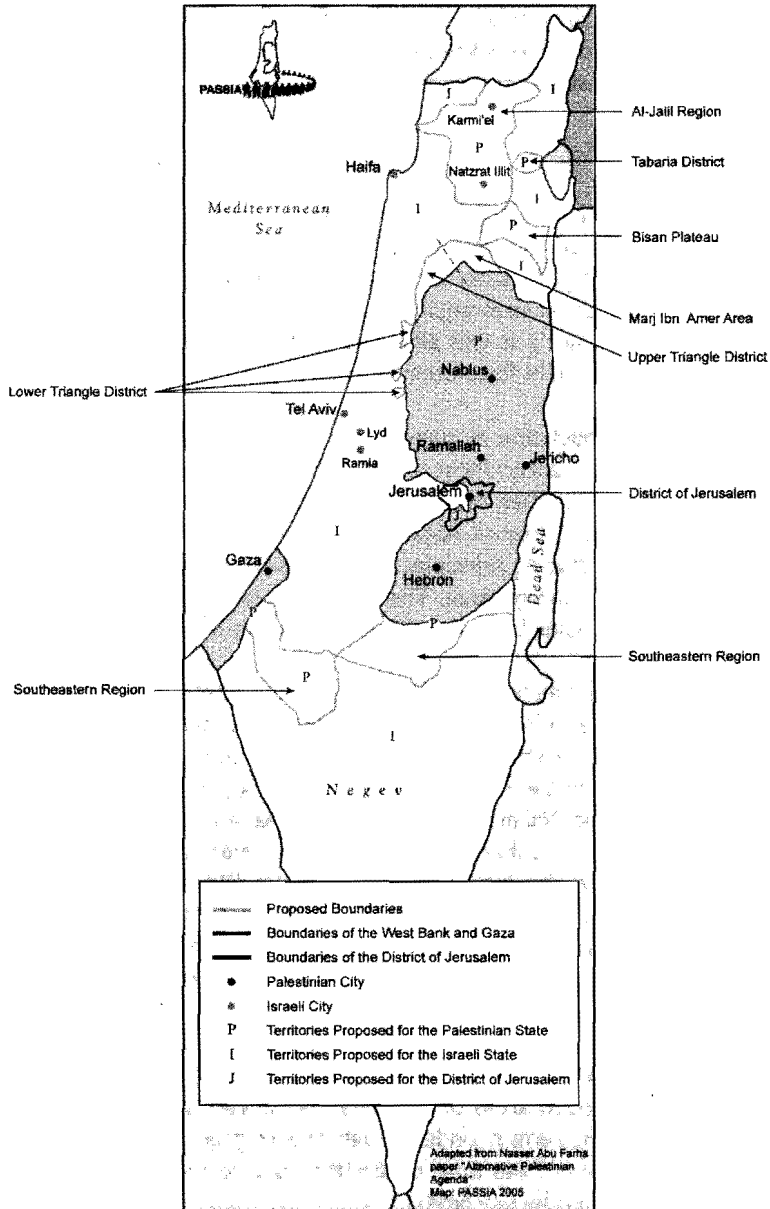
The Al-Jalil region is the largest natural region in what is now Israel and has a population density averaging 400/km<sup>2</sup>. This region has an overall majority Palestinian population and represents the largest area proposed to fall under Palestinian sovereignty that is part of what is now Israel (approximately 1,100 km<sup>2</sup>). It was allocated to the Arab state in the 1947 UN Partition Plan in UN Resolution 181.

The Palestinian population is spread out through the Galilee with the vast majority in the center. Most of the Israeli population in this region is concentrated in two cities, Natzrat Illit (Upper Nazareth) and Karmi'el. However, not every area of Al-Jalil and its surroundings meets all the parameters set as guiding principles. Israelis make up the majority of the population in the Nahariya area. The same applies to the Safed area and most areas surrounding Lake Tabaria (Sea of Galilee).

In order to allow for a majority of Israelis to stay under Israeli sovereignty and for the majority of Palestinians to fall under Palestinian sovereignty and at the same time accommodate the greatest number of Palestinian returnees possible in the region, a new configuration is proposed for the Galilee whereby the Naharia area, the Safed area, and most of the areas around Lake Tabaria would remain under Israeli sovereignty as well as the two Israeli cities in the central Galilee, Natzrat Illit and Karmi'el. The central Galilee area extending to include the city of Akka (Acre, Akko) to the West as well as the area of the destroyed village of Hittin to the east connecting to Lake Tabaria would be included in the Palestinian state.

The boundaries of the two Israeli cities of Karmi'el and Natzrat Illit that are proposed to remain under Israeli sovereignty would be drawn at the limits of the developed areas of each city. Moreover, the suburbs of the city of Akka would remain under Israeli sovereignty, although the city itself would fall under Palestinian sovereignty due to the high population of Palestinians within the city limits.

**Map 2 - Proposed Territorial Configuration for Palestine Israel**



The total population of the Al-Jalil area reconfigured in the partition map is 471,100 Palestinians and 33,991 Israelis excluding the populations of Karmi'el and Natzrat Illit. The total population of this region is 505,091. Thus, the Palestinian population constitutes 93.3 percent and the Israeli population only 6.7 percent of the total population. This region also includes the sites of 33 destroyed Palestinian villages, all of which would be redeveloped in order to accommodate Palestinian returnees.

#### *District of Tabaria*

The areas surrounding Lake Tabaria are currently populated by a majority of Israelis. However, the population of the area of Wadi Hamam on the western shores of Lake Tabaria includes 32 percent Palestinians out of an overall small population of 3,368. This proposal recommends including the area of Wadi Hamam in the Palestinian state in order to provide Palestinians with access to the lake, which represents one of the main natural resources the country has to offer. This area also includes four destroyed Palestinian villages, which had a total population of 4,660. Thus, the total Palestinian population in the area in 1948 was more than the combined Israeli and Palestinian population of the same area today.

#### *Bisan Plateau (Yisakhar Plateau)*

The natural region between the city of Bisan, the village of Zyra'in, Jabal Tabour (Mount Tabor), and Lake Tabaria is lightly populated with an overall population density of 100/km<sup>2</sup>. This area consists mainly of fertile fields and can sustain a higher population density than the Galilee region can. The current demographic distribution in this area has a concentration of Palestinian villages around the hills that separate the Bisan Plateau from Marj Ibn Amer. The Israeli population is concentrated along the Harud Valley at the southern edge of the plateau and along the Jordan River at the eastern edge of the plateau. The center of the plateau is, for the most part, now vacant, but it was used to host a number of Palestinian villages prior to 1948.

A new configuration is proposed whereby the majority of the Israeli population in the Harud Valley including the city of Bisan along with the population along the Jordan Valley would remain under Israeli sovereignty. The vacant areas, which are naturally split by Wadi Al-Bireh (Tvor

Valley), are proposed to be split into two areas. The area north of Wadi Al-Bireh, which is naturally connected to the southern Tabaria area, which is populated by Israelis, is proposed to remain under Israeli sovereignty. The area south of Wadi Al-Bireh along with the hills between the Bisan Plateau and the Marj Ibn Amer region is proposed to be reconfigured under Palestinian sovereignty.

The area referred to here as the Bisan Plateau is composed largely of the natural region of the Bisan Plateau in addition to the eastern edge of Marj Ibn Amer, leaving the Harud Valley and the city of Bisan (Beit She'an) under Israeli sovereignty (an area of approximately 220 km<sup>2</sup>). There are seven Palestinian villages and four Israeli towns currently in the area with a total population of 8,104 and 2,343 respectively. Palestinians still compose a 78 percent majority in this area. The area also includes the sites of 14 destroyed Palestinian villages, which would be redeveloped to help accommodate Palestinian returnees.

#### Marj Ibn Amer (Jezre'el Plateau)

The Marj Ibn Amer plains are lightly populated with an overall population density of 200/km<sup>2</sup>. The population distribution is mainly around the frontiers of the plains. The plains themselves are mostly vacant. There is a concentration of Israeli population on the southeastern frontier, in the city of Afula and the surrounding area, and along the northern frontier of the plains from the city of Migdal HaEmek to the south of the Haifa region. The southern section of the plains alongside the 1949 armistice line has a simple majority of Palestinians.

To allow for the areas that are mostly populated by Israelis to stay naturally connected to the main Israeli populated areas and the coastal plains, the eastern frontier and the northern frontier of the plains along with the northern and eastern sections of the plains are proposed to remain under Israeli sovereignty.

This proposal recommends that the southern section of the plains be reconfigured under Palestinian sovereignty along the same lines proposed in the 1947 UN Partition Plan. This configuration allows for a natural connection of the Palestinian population of the West Bank to the Palestinian population of the Galilee. Similarly, it allows for the connec-

tion of the Haifa region to Afula, Tiberias, and Safed for the Israeli population. It also allows for the accommodation of more Palestinian returnees in these areas and in addition will give the Palestinians more land in order to help them meet their basic food needs.

This area falls in the center of Marj Ibn Amer bordering what is now the West Bank to the north (approximately 65 km<sup>2</sup>). Even though the number of Israeli towns in the area is greater than the two Palestinian towns there, Palestinians constitute a majority of the population. The total population of the area is 6,576 of which 3,580 are Palestinians and 2,966 Israelis. The Palestinian population composes a 54 percent majority in this area.

### *The Triangle*

The Triangle consists of two areas: (a) Upper Triangle, which is the stretch of Palestinian villages in what is now Israel between Tulkarem and Umm Al-Fahm and (b) Lower Triangle, which is a group of Palestinian villages in what is now Israel between Tulkarem and Jerusalem.

#### *□ Upper Triangle*

The Upper Triangle consists of a cluster of highly populated Palestinian villages bordering the West Bank to the west between Umm Al-Fahm and Tulkarem that fall in what is now Israel. This area is actually rectangular in shape but came to be known as the Triangle because the villages in this area belong to the cities of Jenin, Nablus, and Tulkarem, which make a triangle.

This area is densely populated with Palestinians; Israelis compose only a small minority there. A demarcation is proposed here to allow this Palestinian population to be included in the Palestinian state. The total population in this area is 103,867 of which 99,232 are Palestinians and 4,635 are Israelis. The Israelis constitute less than 5 percent of the population of this area and the Palestinians over 95 percent. Also included in this area are the sites of the destroyed villages of Al-Lajoun and Wadi A'ra, which would be redeveloped in order to accommodate Palestinian returnees.

▫ *Lower Triangle*

The area referred to here as the Lower Triangle constitutes three separate areas and includes five populated Palestinian villages south of the city of Tulkarem: (a) the towns of Taibeh, Qalansuwa and Tireh; both Taibeh and Qalansuwa were included in the Jewish state in the 1947 UN Partition Plan while Tireh was allocated to the Arab state, (b) the town of Jaljulya and the surrounding lands and area, and (c) the town of Kufr Qassem and the surrounding lands. Both areas (b) and (c) were allocated to the Arab state in the 1947 UN Partition Plan. The three areas combined measure approximately 65km<sup>2</sup> and are proposed to be included in the Palestinian state. The Palestinians compose a 100 percent absolute majority in the areas described in this section with a total population of 77,240.

South Region

The South Region consists of three areas: (1) the Naqab (Negev), which is the area south of the city of Bir As-Saba' to the Red Sea, including the southern and northern Naqab Mountains and Wadi Araba, (2) the Southeast Area between Bir As-Saba' and the Dead Sea, and (3) the Southwest Area between Bir As-Saba' and the Gaza Strip.

▫ *Naqab (Negev)*

The Naqab is a fairly large area measuring approximately 1,900 km<sup>2</sup>. It was allocated to the Jewish state in the 1947 UN Partition Plan. It is mostly vacant today with an Israeli population density of less than 10/km<sup>2</sup>. (No data is available on the population of the Palestinian Bedouin tribes there.) Although it is mostly vacant, the area cannot sustain a high population density since it is mostly arid and mountainous. It is proposed that it remain under Israeli sovereignty. However, the political arrangement of this region would address the freedom of movement for the Palestinian Bedouin community there and their right to maintain their way of life and access to their grazing grounds.

▫ *Southeast Region*

The Southeast region, which includes the area between Bir As-Saba' and the Dead Sea, is lightly populated and can accommodate a higher population density. The majority of the population there today is Palestinian.

This area for the most part was configured to fall under the Palestinian state according to the 1947 UN Partition Plan. A demarcation is proposed in this area to allow for the majority of the Palestinian population there to be included in the Palestinian state. This change would also help the area to accommodate more Palestinian returnees. The area measures approximately 60 km<sup>2</sup>.

□ *Southwest Region*

The Southwest region consists of the area between the Gaza Strip and Bir As-Saba' and has a population density of less than 20/km<sup>2</sup>. This area is, for the most part, very fertile and can sustain a high population density. This region was allocated to the Jewish state under the 1947 UN Partition Plan except for the western edge of it, which was allocated to the Palestinian state. Today it is mostly farmed by Israeli corporations and very few Israelis actually live there. This region borders the Gaza Strip, which has a population density of 3,000/km<sup>2</sup>. This proposal recommends a reconfiguration whereby the area to the West that was allocated to the Palestinian state would fall under Israeli sovereignty and the area in the center that was allocated to the Jewish state under Palestinian sovereignty. The demarcation proposed is shown in the new configuration map. The area measures approximately 650 km<sup>2</sup>.

Many factors call for such a swap. First of all, the Israeli population in this region today is concentrated in the north-northwestern corner of it. Secondly, the area that was allocated to the Palestinian state is a desert that cannot sustain population. Hence, placing this area under Palestinian sovereignty would not contribute to the efforts to accommodate Palestinian returnees. Thirdly, the central area of this region is very fertile and would make an ideal site for the accommodation of some of the refugee population suffocating in the Gaza Strip. And finally, this central area can naturally connect the Palestinian population of the Bir As-Saba' region and the Gaza region, which would also connect the Gaza Strip to the West Bank.

**Palestinian Cities to Remain under Palestinian Sovereignty**

Under the 1947 UN Partition Plan, the cities of Akka, Jaffa, Al-Lyd, Ar-Ramleh, and Bir As-Saba' were included in the territories allocated to



the Arab state. Under this new configuration, the three cities of Jaffa, Al-Lyd, and Ar-Ramleh would fall under the territories allocated for Israeli sovereignty. However, these cities still have a fairly large Palestinian population living in the old cities. Consequently, the old towns of Jaffa, Al-Lyd, and Ar-Ramleh are proposed to fall under Palestinian sovereignty. The boundaries of these towns would be drawn to the limits of the developed areas of the cities as of 1948. All of these cities still have Palestinian neighborhoods that are vacant, and these could be renovated to help accommodate Palestinian returnees that are originally from there.

### Overall Territorial Analysis of the Final Status

This new configuration will give the Palestinians sovereignty over an estimated 36 percent of Mandatory Palestine and the Israelis nearly 64 percent. The areas that are part of what is now Israel that are proposed here to be included in the Palestinian state measure approximately 3,000 km<sup>2</sup> and have the demographic configuration shown in the table below.

**Table 1:**  
***Demographics of Territories Proposed for the Palestinian State that Fell under Israeli Control Between 1948-1951***

<b>Region</b>	<b>Palestinian Population</b>	<b>Israeli Population</b>
Al-Jalil	471,100	33,991
District of Tabaria	1,060	2,308
Bisan Plateau	8,104	2,343
Marj Ibn Amer	3,580	2,996
Upper Triangle	99,232	4,635
Lower Triangle	77,240	0
The South Region	27,340	4,103
<b>Total</b>	<b>687,656</b>	<b>50,376</b>

*Source: State of Israel, Central Bureau of Statistics, List of Localities, Their Population and Codes, 31 XII 1998, Jerusalem 1998.*

The current residents of these territories are as follows:<sup>4</sup>

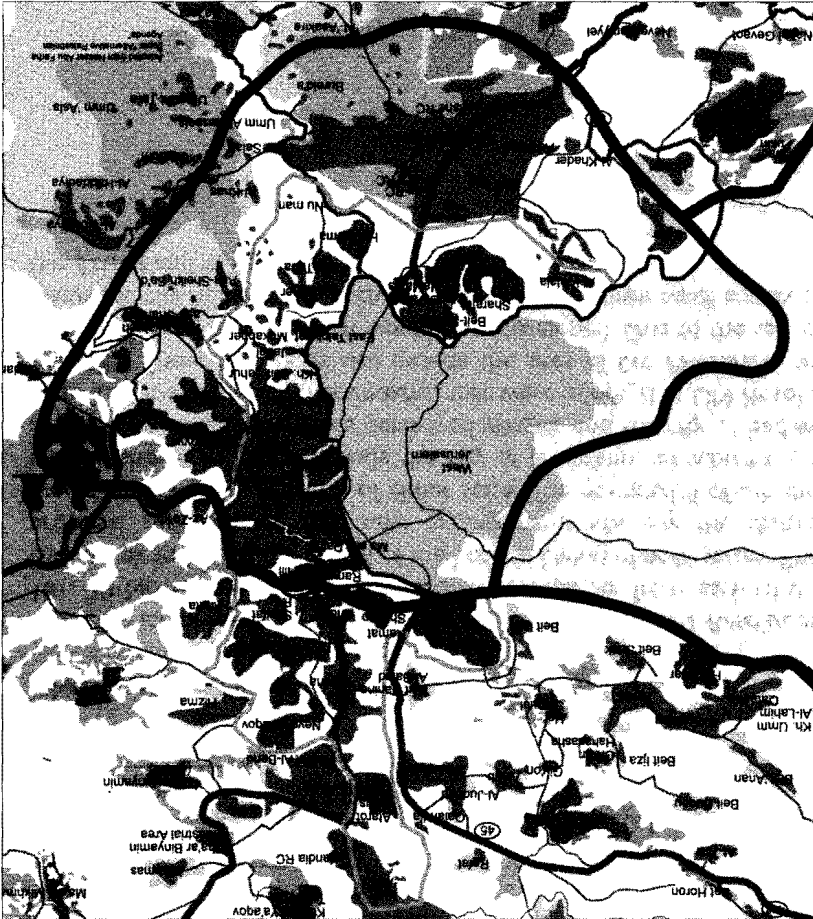
Palestinians	687,565	93.2 percent
Israelis	50,376	6.8 percent
Total Population	738,032	100 percent

### **District of Jerusalem**

The District of Jerusalem as described in Exhibit B of UN Resolution 181, 29 November 1947 is proposed to be separate from each of the two states and to be the capital of the Federal Union of both states. This proposal recommends the same arrangement whereby the district would run its affairs separate of either state. The boundaries of this district as shown in Map 3 include the city of Jerusalem, its suburbs, the neighboring villages, the city's destroyed villages, and the city of Bethlehem. These are the same boundaries that were adopted in UN Resolution 181. These territories also include the sites of five Palestinian destroyed villages, four of which would be redeveloped. Due to the special status the city holds for all, such allocation will guarantee equal access to the district and its holy sites for members of all faiths.

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<sup>4</sup> These figures do not include the Palestinian population of the cities of Jaffa, Al-Lyd, Ar-Ramleh or the Israeli population of the cities of Natrat Illit and Karmi'el. The Bedouin population in the south and the population of Palestinian villages unrecognized by Israel are also not reflected in these figures. The information furnished by the Israeli Central Bureau of Statistics with respect to the Bedouin tribes does not provide this information, nor does the Bureau provide statistics on the unrecognized Palestinian villages.



Map 3 - Boundaries of the Proposed District of Jerusalem

## **Conclusion**

Previous discourse on the Israeli-Palestinian conflict has focused on the power structures of relevant parties rather than the concerns and aspirations of Palestinian and Israeli society. Moreover, such discussions have ignored the historical context of the conflict as well as the current realities of the shared space of Palestine-Israel. Negotiations have set the Palestinian refugee problem aside, left the concerns of the Palestinians in Israel for 'internal' Israeli consideration, overlooked the severity of the demographic crisis in Gaza, and failed to acknowledge the native-born Israeli population as a fundamental change in the dynamics of the conflict.

Just as Palestine is the historical homeland of the Palestinians, Israel has become the homeland of a new native Israeli society. Together, these historical truths have given rise to Palestine-Israel, the homeland of the present day Palestinian and Israeli society. These two societies comprise the shared space of what has become Palestine-Israel. This new reality lends itself to the political expression of a Federal Union that guarantees access to the whole space of Palestine-Israel, and at the same time protects the national identity and cultural expression of both societies through sovereignty over designated territories based on the natural landscape and current demographics of this shared space.

This proposal is born out of necessity. The failure to address the concerns and aspirations of both Israelis and Palestinians has led to a state of tragic misery and chaos that blinds both sides from recognizing the historical destiny of a common future. Certainly the historical aspirations of both Israelis for Israel and Palestinians for Palestine are emotionally charged, but without recognition of current realities that demand accommodation of the other, the State of Israel will continue to be challenged in the region, and Palestinians will threaten to re-inscribe the very injustice they suffered in their pursuit of 'liberation.'

This proposal addresses the concerns and aspirations of Israeli and Palestinian society and promises to effectively end a decades-long conflict of local, regional, and international significance. It is not intended as a political statement, but rather to lay the grounds for a responsible, rational, and practical discussion at the people's level in order to demonstrate the prospects for a political arrangement that will facilitate constructive rela-

tions between Israeli and Palestinian society. Resolution of the conflict depends on creating acceptance of one another. Such acceptance can only come through democratic relations and mutual recognition. Only when such a healthy state of interaction exists will the conflict come to an end. The final resolution is not a political arrangement that can be drafted. It is a process in which both societies must engage. This proposal offers guidance toward initiating that process.

## FINDING A JUST SOLUTION FOR THE PALESTINIAN REFUGEE PROBLEM - TOWARD AN EXTRA- TERRITORIAL NATION-STATE

*"That there is no autonomous space within the political order of the nation-state for something like the pure man in himself is evident at least in the fact that, even in the best of cases, the status of the refugee is always considered a temporary condition that should lead either to naturalization or to repatriation. A permanent status of man in himself is inconceivable for the law of the nation-state."*

*(Agemben, 1997)*

*Sari Hanafi<sup>1</sup>*

### **I. Introduction: Patterns of Return: Challenging the Classical Model of the Nation-State**

There is no simple solution to the Palestinian refugee problem, only a creative one. The question is not only one of right, the number of eventual returnees, or the technical economic and social capacity for absorption; it is also a question of the nature of both the Palestinian and the Israeli nation-states, the concept of State sovereignty and its inherent violence, and the inclusion/exclusion that the State exercises in order to determine who is a citizen.

The objective of this section is to discuss the return of refugees in the current context and to envision a solution based on the right of return that better fits the situation of refugees. Although transnational strategies adopted by refugees/current returnees/trans-migrants themselves are generally flexible, the policies of the nation-states in the region are not.

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<sup>1</sup> Sari Hanafi is a sociologist and the former director of the Palestinian Diaspora and Refugee Center, Shaml, Ramallah, whose scientific advisor and Board of Trustees member he remains. Since early 2005 he is a Visiting Associate Professor at the American University of Beirut. This essay reflects only his personal point of view.

The Palestinian National Authority (PNA), for example, seems to react negatively to the transnational practices of Palestinians rather than facilitate them and this will have implications in terms of the attempts to solve the refugee problem. I intend to demonstrate that the current nation-state model, which is based on the 'trinity' of nation-state-territory, is in deep crisis and that a new model of nation-state must be conceptualized based on *flexible borders, flexible citizenship, and some kind of separation between the nation and State*, what I will call the *extra-territorial nation-state*. This model of nation-state is structural and transitions between a territorially based nation-state and a 'de-territorialized' one. Finally, I will draw a matrix to summarize the solution that corresponds to this model.

In the spirit of the German philosopher, Hannah Arendt, the State is seen as more of a problem than a solution. In a communiqué released in December 2003 by Fateh in Bethlehem, the authors made it clear that they considered the Palestinian State as a substitute for the right of return: "If we must choose between the Palestinian State and the right of return, we will choose the latter." This leads us of course to the question of whether a solution exists that encompasses *both* the right of a return and a Palestinian state. I will argue that only in the framework of an extraterritorial nation-state is this possible. A rethinking of all traditional political-legal categories in the Middle East is not only necessary to resolve the problem of refugees in countries whose refugees sometimes constitute one-third of the population, it is also important in terms of resolving the question of the identity and the mobility of a whole population. The refugee becomes the vanguard of humanity because he reveals the failure of the nation-state model that emerged after World War II to deal with the movement of populations and the consequences of the war and conflict.

The crisis of the modern nation-state is apparent on many different levels. For the purpose of this paper, it is important to highlight just three. On the level of legislation governing the relationship between citizenship and State, with the capacity of the sovereign to proclaim a state of exception, the exception is becoming the rule and, because of that, the populations' ontological status as legal subjects is suspended (Butler, 2000, p. 81). The sovereign has the capacity to transform-naturalize whole chunks of the population turning them into stateless refugees. The Israeli

policies of exception in Jerusalem, for example, make the entire Palestinian population there temporary residents who must prove at all times that their center of life is the city; for other examples one has only to consider the massive expulsion of Palestinian refugees from Libya and the absence of civil and socio-economic rights of Palestinian refugees in Lebanon, two things that are both perfect examples of the use of exception by a sovereign to suspend the status of the specific undesirable populace.

The second level concerns the question of who the actual beneficiary of rights is in the nation-state. The classical order of nation-state has developed rights for citizens but not for human beings. Hannah Arendt extraordinarily noted as early as the beginning of the 1950s that there is no place for the human being outside the nation-state (1985). There are citizens' rights but not human rights, as to have rights, you must first be a citizen. The refugees and the stateless do not have rights but 'benefits' and their ontological status is dependent on the disciplinary apparatuses of the police and security forces. This issue is not confined to the Middle East, and an ever-increasing number of refugees are being excepted from legal norms in countries in Europe, where refugees retain the vulnerability of their status even after acquiring nationality and any criminal or other questionable activity puts them at risk of denaturalization.

The third level concerns the willingness of the sovereign to identify the State with a nation or a religion: "Israel is a Jewish state," "Jordan first," etc., raise the problem of that critical segment of the population that through (forced or voluntary) migration acquires another nationality, another allegiance, another home, and another homeland.

Based on the idea of one country, one nation, and one allegiance, Palestinian negotiators, as in the case of the Geneva initiative, propose a solution based on a headcount of refugees in a given place and offering them a few months to decide their fate. Individuals prefer to maintain flexible citizenship and multiple passports, even if they choose to settle in one place. According to a 2003 Palestinian Center for Policy and Survey Research survey, some 60 percent of Palestinians willing to return to Israel want to hold the nationality of the Palestinian State; only two percent want Israeli nationality, while one-quarter of the entire sample wants to hold both.



If the accumulation of foreign passports for some globetrotting business-people is 'a matter of convenience and confidence' in uncertain political times, for almost all Palestinians who reside abroad, it is a matter of survival. For those who have never possessed a passport and who have been forced to make do with travel documents, the passport signifies and allows basic connectivity with family and labor markets. This being the case, while the classic model of return migration studies mainly envision a definitive return, the concept of return can be amplified to include a form of being 'in between.' Transnational studies provide an excellent conceptual framework for analyzing the experiences of migrants, those who choose to live between worlds. This emerging new form of 'refugeehood' and migration, which is marked by active participation in the cultural, social, economic, and political lives of both the country of origin and the host country, provides new boundaries for solving the Palestinian problem. This cannot be realized, however, if the Palestinians' future state is conceived of as a classic nation-state.

## **II. Inflexible Current State Policies**

While Palestinian populations (whether refugees or not) are used to adopting flexible survival strategies in both their host countries and the Palestinian Territories, the states involved do not facilitate such flexibility. This paper will argue that the political environments that frame Palestinian refugees/trans-migrants are hostile to many transnational practices, or, at least, do not facilitate them. Broadly speaking, two asynchronous dynamics appear to be at work: one that accelerates the presence of transnational actors in the Territories, and another that is bound up with the identity and political closeness of the decision makers within the PNA. The tension between these is quite normal. As Ong argues (1999, p.6), one should see transnationalism not in terms of unstructured flows, but in terms of tensions between movements and social orders.<sup>2</sup> Trans-migrants develop a flexible notion of citizenship in order to accumulate capital and power. According to Ong, flexible citizenship refers to the cultural logics of capitalist accumulation, travel, and displacement that

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<sup>2</sup> Ong relates this to the Foucauldian concept of systems of governmentability that condition and manage movements of populations and capital. This governmentability maintains that regimes (the State, the family, economic enterprise) of truth and power produce disciplinary effects that condition our sense of self and our everyday practices (Foucault 1991).

induce subjects to respond fluidly and opportunistically to changing political and economic conditions. Meanwhile, however, the State seeks to preserve its inflexible sovereignty. Flexible citizenship is thus constituted within mutually reinforcing dynamics of discipline and escape (1999, p. 19).

While many Palestinian scholars are used to dealing with identity in the strict terms of its juridical-legal status, I want to insist that the disciplinary norms of colonialism, capitalism, and culture should also be seen as constraining and shaping strategies for this identity and for flexible subject making, as detailed below.

Although the construction of Palestinian identity began after the establishment of the British Mandate in Palestine, the crystallization of this identity - which occurred within a multilayered context of space and time - is a relatively recent phenomenon (Khalidi, 1997). The same can be said with regard to the Arab and Israeli identities that emerged during the same period. Because of the relative tenuousness of this process of crystallization, the State in the Arab World became a nationalizing state (*Etat nationalisant*), i.e., "After making Syria, Lebanon, and Jordan, ... it must make the Syrians, the Lebanese, the Jordanians...." (Kodmani, 1997, p.217). The same thing could also be said of Israel and the Israelis.<sup>3</sup> Generally speaking, migrants are not encouraged to declare allegiance to either their countries of origin or their host countries (and are sometimes prevented from doing so) (Hanafi, 1997, p.13; Hanafi, 2001). This fact explains the manner in which some Palestinians are assimilated by their host societies, while others retain a sense of unstated double identity with less feeling of alienation.

The weakness of the center of gravity of the Palestinian Diaspora, as we have argued in other studies (Hanafi, 2001), along with the newly established Palestinian national identity, raise many complex questions about Palestinian state formation and the ability of the PNA to challenge the classic pattern of citizenship and nation-states.

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<sup>3</sup> In relation to Eastern Europe, Morawska (1998, p.8) also argues that "We are far from a civic-universalist type of nationalism that has relied in principle on voluntary commitment and therefore flexible criteria of membership in the national collectivity, and on the legal-democratic, consensual process in resolving inter-group tensions."

## **II-1      *Grades of Sovereignty and Inflexibility***

One can imagine two adaptive forms that would allow a nation-state to deal with people outside of its territories: a de-territorialized nation-state and an extra-territorialized nation-state. The literature on transnationalism could be considered a good framework for thinking about the former type. For instance, Basch *et al.* (1994) consider origin countries as 'de-territorialized nation-states' in the sense that the State "...[s]tretches beyond its geographic boundaries" so that "the nation's people may live anywhere in the world and still not live outside the State. By this logic, there is no longer a Diaspora because wherever its people go, their state goes too" (1994, p.269, quoted in Salih, 2000, p.3). In this region, however, it is very hard to imagine such a state. Smith's argument that nation-states are "territorial by definition" certainly bears some weight in this context (1998).

My research indicates that in the context of the intense mobility and networked exchanges that have been fostered by both globalization and war, the State has not lost control. Rather, as Sassen argues, it has merely refashioned sovereignty in order to meet the challenges of globalization, challenges such as the movement of people and capital, and the proliferation of supranational organizations. It does not follow, for instance, that the nation-state is weaker because it allows capital mobility. Rather, "the existence of a final, highest, or supreme power over a set of people, things, or places" (Sassen, 1999, p. 35) remains central to our understanding of the shifting relations between the State, the market, and society, relations that have not ended but that have been reshaped in the era of globalization. How so? Ong conceives of sovereignty as being flexible since globalization "has induced a situation of graduated sovereignty, whereby even as the State maintains control over its territory, it is also willing in some cases to let corporate entities set terms for constituting and regulating some domains while weaker and less desirable groups are given over to the regulation of supranational entities. What results is a system of variegated citizenship in which populations subjected to different regimes of value enjoy different kinds of rights, discipline, caring, and security" (1999, p. 215). In the Palestinian case, there are different grades of sovereignty, which will have many implications for the mobility of the Palestinian populations and for finding a just solution to the Palestinian refugee problem. The Palestinian 'sovereign,' in inter-

action with the *real* Israeli occupying sovereign, is exercising the exception in order to create different categories of populations corresponding to four categories of sovereignty:

In the first category are Palestinian residents who can prove uni-allegiance to the Palestinian nation-state. With such allegiance, the PNA can assert its power to construct national legitimacy. Into this category falls that part of the population that originates in the West Bank and Gaza, or those refugees who arrived with the PNA and who mainly hold Palestinian *travel documents* (which have incorrectly been referred to as Palestinian passports).

The second category of sovereignty encompasses refugees dwelling in the camps in the West Bank and Gaza, which have been ceded by the PNA to the regulatory power of a supranational agency, namely UNRWA. The PNA considers the camps as temporary structures awaiting the implementation of the right of return. Accordingly, very little infrastructure has been established in them. Local authorities also consider the camps as extraterritorial. In Nablus, for instance, the municipality does not want to provide electricity to the Balata refugee camp despite the fact that it is located within Nablus' municipal boundaries. In addition, camp residents do not take part in the municipal elections in the West Bank, though they do in the Gaza Strip.

Notably, the PNA has not delegated only its responsibilities toward Palestinian refugees to international and inter-governmental organizations, but also its responsibilities toward repatriated Palestinian professionals. According to the PNA, the repatriation of such professionals should be taken care of by international programs, e.g., the UNDP's TOKTEN program (Transfer of Knowledge through Expatriate Nationals). This raises questions concerning the ability of the nation-state to deal with issues relating to skilled migration and averting the chances of a brain drain. In an increasingly globalized market for skilled labor, developing countries are rarely able to compete with developed countries because the latter offer far higher wages. In such cases, TOKTEN may be considered a mechanism by which recipient countries (usually Western) compensate countries of origin. Such a mechanism can prove vital in the Palestinian context, characterized as it is by political and economic circumstances that do not encourage (and actually impede) the repatriation of refugees

and diasporic peoples, and which instead likely encourages a continuous outflow of skilled individuals.

The third category pertains to people who have 'returned' after a long stay in the West, mainly the US, and who have decided to move to the Palestinian Territories as professionals or investors. The PNA's position *vis-à-vis* them is ambivalent; on the one hand, the PNA offers them tax breaks for many years in order to encourage investment (up to 15 years depending on the type of investment) but on the other hand, it is very suspicious of their potential *dual* allegiances. In other words, the eroding effectiveness of traditional nation-state-based practices of regulation, taxation, and law enforcement that are expected to enable the emergence of new patterns of cooperation among nation-states in this region (Cooper, 1997, p.3) contrast and conflict with the tendency of the State to close itself off *vis-à-vis* other regional states.

The fourth category concerns Palestinians holding Israeli passports. The nature of their relationship with the Palestinian nation-state is complicated. Most of these people want to remain Israeli citizens while retaining social, economic, and political relations with the Palestinian Territories. However, many circles within the PNA have a difficult time coming to terms with this as is reflected for instance in how it regulates interaction between civil societies across the Green Line. Since the promulgation, toward the end of 1999, of a PNA law regulating NGOs, the Palestinian Ministry of Interior has refused to allow Israeli Arabs from participating in or serving on the administrative committees or boards of any Palestinian NGO. This policy of demarcation was also followed to some extent by elements within the private sector that wanted to reinforce a separation between the Palestinian Territories and Israel. For instance, the Palestinian Telecommunications Company, PALTEL, tried for some time to internationalize communications between the Palestinian Territories, including East Jerusalem, on the one hand, and West Jerusalem and the rest of Israel on the other, pricing a call across these areas as it would an international call. The policy notably failed to take into account how such a move might impede connectivity within family networks.

Some incidents over the past few years have richly illustrated how tricky it is to deal with the various categories of Palestinians within a classical concept of the nation-state that grants rights and duties only to citizens.

One of these incidents, the case of Palestinian-Qatari Issam Abu Issa, terminally damaged diplomatic relations between the PNA and the Qatari Government.

Issam Abu Issa was the head of the Palestine International Bank (PIB), which was set up in 1997 by government ministers and businessmen from the Gulf, with the majority of its shareholders being Qatari. In December 1999, Abu Issa was charged by the PNA with embezzling US\$20 million from the bank through unsecured loans granted during his tenure at PIB. When Abu Issa, who holds Qatari citizenship, on 20 December 1999 sought refuge in the Qatari representative office in Gaza, the mission was put under a 24-hour watch by Palestinian security forces. Following a two-week-long standoff during which the Qatari representative was recalled from Gaza, an agreement was finally reached on 3 January that allowed Abu Issa and his two jailed brothers to leave for Qatar, while an independent task force audited the relevant accounts. Abu Issa protested his innocence, claiming the accusations were political in nature, and accused the Authority of trying to take over the privately run bank.

What is interesting for our purposes about this story is that some of the PNA people involved (interviewed by the author) affirmed that Abu Issa, who is a Palestinian citizen and who was residing on Palestinian soil, should not have been able to benefit from the fact that he also holds a Qatari passport. In this respect, it is important to pay attention to the vocabulary of the PNA officer interviewed, who in categorizing Abu Issa as a “Palestinian citizen” and a “Qatari passport holder” established a hierarchy within which the country of origin surmounts the host country. In doing so, this officer faithfully reflects the spirit of the draft constitution, which states in its third draft that, “Residents of the State of Palestine shall be subject to Palestinian jurisdiction exclusively.” Meanwhile, the Qatari representative highlighted only the fact that Abu Issa is Qatari, which rendered his seeking refuge with the Qatari representative office in Gaza a normal action. Worthy of mention here is the fact that in many states in the Middle East, citizenship remains linked to nationality and non-citizens are in principle denied access to the public sphere defined by the State. As argued by Grillo, Riccio, and Salih (2000), this is also the case in many Western countries.

### ***II-2 Palestinian Draft Constitution: Negotiating Extra-territoriality***

So far, I have mainly discussed practice rather than focus on the discourses of extraterritoriality, since I consider, in line with Ong (1999), that sovereignty is not only juridical power but also an effect of practices associated with law and other forms of regulation that construct relations between the State, its population, and the market. However, it is important to understand how the PNA has tried theoretically to resolve the problem of its de-territorialized Palestinian population. In this regard, arguably the most instructive discourse is that of Palestine's draft constitution. The document is the work of a Palestinian constitutional committee, established by Yasser Arafat in November 1999. The Committee's mandate and efforts were endorsed by the Central Council of the Palestine Liberation Organization (PLO) at various meetings in 2000. The latest version (third draft), which appeared in June 2003, is the subject of the subsequent discussion in this article. Interestingly, the draft constitution highlights important contradictions between the national Palestinian discourse and actual practice with regard to the issues relating to extra-territoriality.

The draft provides a basic and broad definition of Palestinian citizenship. According to Article 12, "Palestinian nationality shall be regulated by law, without prejudice to the rights of those who legally acquired it prior to May 15, 1948, or the rights of Palestinians residing in Palestine prior to that date, and who were forced into exile or departed there from or denied return thereto. This right passes on from fathers or mothers to their progenitor. It neither disappears nor elapses unless voluntarily relinquished as provided by law. No Palestinian shall be deprived of his nationality. The acquisition and renouncement of Palestinian nationality shall be regulated by law. The rights and duties of citizens with multiple nationalities shall be governed by law." Thus, Palestinian nationality includes Palestinians who have not been able to reside in the Palestinian Territories. These people have, according to Article 13 from the same section, the right of return to the Palestinian State though the constitution treads lightly regarding their right to return to their homes inside Israel.

On the participation of Palestinians abroad in governance and national affairs, it is significant that the PLO and the Palestinian National Council (PNC) have all but disappeared from the constitution, with their only role

being to approve of it. Instead, Palestinians in the Diaspora will participate only in the so-called Advisory Council, which, according to Article 109, will be “composed of one hundred and fifty members,” and “shall be established according to this Constitution. In its formation due consideration shall be given to the ratio of distribution of the Palestinian population in Palestine and abroad. The law shall regulate election or appointment of its members according to their countries of residence.” This council has much less power than the PNC does, and it is clear that the PNA is seeking to minimize the importance of the Diaspora over time. Indeed, if we compare this third version from June 2003 with previous drafts from 2001, we can see the extent to which the importance attached to the participation of the Diaspora in the emerging state has diminished<sup>4</sup>.

The draft constitution starkly illustrates the discrepancy between the apparent willingness of the PNA to accommodate transnational practices within the Palestinian Diaspora and the rhetorical and proto-judicial position to which the PNA is bound. While its policies tend *de facto* to be inflexible, the constitutional discourse clearly envisages formal structures that can accommodate hybridity. Notably, beyond the constitution, current discourse also indicates that the Palestinian liberation movement has envisaged a structure that apportions shared responsibility for Palestinians abroad between the PLO and the PNA. However, until now, the post-Oslo era has evidenced a marginalization of the PLO and increased competition between the PNA and PLO, rather than an effort to share the responsibility and burden of governance.

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<sup>4</sup> According to the first draft of July 2001, Article 67 (from Chapter 2: Branches of Government), considers the Arab Palestinian people as “the source of authorities” and asserts that “They shall exercise them through the PLO and branches of government in the State of Palestine as defined in the constitution, guaranteeing the participation of the Palestinian refugees living abroad in designing national public policies.” To that end, Article 70 (from Chapter 2, Section 1: The Legislative Branch) stipulates that the legislative authority of the Palestinian people be vested in two councils, the first of which will be a “legislative council, composed of 150 representatives of the Palestinian people in the State of Palestine,” and specifying that “It alone shall be entrusted with the legislative and oversight role in the State. It shall be elected in accordance with the provisions of the Palestinian Elections Law.” The second council specified by the Article is “the National Council, composed of 150 representatives of Palestinian refugees abroad. It shall be formed to protect and guarantee a just representation within the Legislative Council to determine laws connected with general national rights. The members of the National Council shall be chosen according to the election system of the National Council until it is amended.”



### **II-3      *Toward The Extra-territorial Nation-State***

Friedman (1997) argues that in the past, “diasporic identity entailed a political accusation of treachery, a fifth column aimed at penetrating and conquering the nation from within.” This perception is still prevalent in many countries in the Middle East, including the Palestinian Territories, as evidenced for instance by the discourses of security officers in the Palestinian Territories and elsewhere in the Arab World. This discourse projects symbolic violence against people who enjoy dual nationalities and thus dual allegiances, as was demonstrated above in the case of Issam Abu Issa. In other words, the hegemonic political system reacts violently to the fragmentation of political identity and exercises terrorism against those involved, forcing them to hide this plurality of identity. The problem is not often noted - the Abu Issa affair was highlighted by the media only because Abu Issa is close to the Qatari Government – yet it is clear that the Abu Issa case and ones that are similar reflect the PNA’s fear of the discourse of hybridity and its preference for identifying people as either fully Palestinian or not Palestinian at all.

As suggested by our research and the tension between the transnational practices of Palestinian trans-migrants/returnees/refugees and the policies of the Palestinian State, it may be that the PNA could be more reliable as an extra-territorialized nation-state rather than a de-territorialized one. This kind of state is territorialized in the manner of any other state but it distinguishes between citizenship and nationality. Accordingly, the rights and the duties of those who live in the Palestinian Territories would not be a function of their nationality (i.e., whether they are Palestinian or not). At the same time, those who live abroad who are of Palestinian origin could also enjoy rights and duties, in spite of their not residing permanently in the Palestinian Territories. Notably, however, such an arrangement will be possible only if the PNA is able to enter into special agreements with countries that host Palestinian refugees to facilitate the attainment of full dual citizenship. Palestinian citizenship would consequently be available even to people residing outside of Palestine. This, particularly in light of outstanding questions regarding the local capacity to absorb Palestinian refugees, could be an honorable solution for those who are not willing to return but who would nevertheless like to belong to a Palestinian nation and be involved in Palestinian public affairs.

Currently we find the model of extra-territorial states in many places in the world. In Europe, for instance, all French citizens are also European citizens and can refer to the Court of Justice of the European Communities to sue their government or any group located in their country. Meanwhile, the majority of Bosnian refugees, since the Dayton Agreement in 1995, have enjoyed a status as residents or even naturalized citizens in their host countries in Western Europe as well as Bosnian nationality as they have the right of return there. Some might argue that this model has been applied only in developed countries where economic factors play a determining role, but I think that we also find informal or formal flexibility in many developing countries in Asia and Africa.

### **III. Matrixes of Refugee Solution**

It is difficult to talk about the de-territorialization of identity as disembodied from the particulars of space. In the Palestinian context in particular, identity is still highly territorialized, insofar as the contest over land and the struggle for national liberation shape everyday life. However, the relationship between national identity and territory is fraught with considerable ambivalence and contradictory and multivalent dynamics. In understanding these, Lena Jayyusi (2002) insists on the importance of the national identity as collectivity. For her, "Identity can be thought of as practice of presence: its 'absence,' then, can only be the experience of a condition of compulsion, not merely of lack, or of non-presence. That is to say, the 'absence' of identity is not merely a *docile* absence (...) it can be a *produced* absence."

This produced, structured, and constrained identity has not hindered trans-migrants from exhibiting flexible behaviors in spite of the inflexible policies of the states in the region, policies that have seen flexibility and mobility as a threat to the classical authoritarian pattern of sovereignty. In seeking a solution to the Palestinian refugee problem, this paper has argued in favor of the model of two extraterritorial nation-states (Israeli and Palestinian). This model falls somewhere between the two-state solution, which, due to power inequities, is now leading instead to an apartheid system, and the unpopular bi-national state solution. A sort of 'confederation' may be a more feasible solution: two extraterritorial nation-states, with Jerusalem as their shared capital, contemporaneously forming, without territorial division, two different states. This conclusion

goes along with the conclusion of Eyal Weizman (2004) concerning the failure of any solution based on complete separation. He wrote as follows: "Against the endless search for the form and mechanisms of 'perfect' separation comes the realization that a viable solution does not lie within the realm of design. Instead of a further play of identity-politics in complex geometry, a non-territorial approach based on cooperation, mutuality, and equality must lead to the inevitability of politics of space sharing" (2004).

I will now propose two matrixes that show the possibilities for resolving the Palestinian refugee problem; one runs along the lines of the two rigid states solution, while the other is based on the model of extra-territorial nation-states.

### **III-1 Current Matrix**

This matrix is based on the discussions that took place in Taba and those pertaining to the Geneva initiative. It is, as will be seen, very restrictive:

***Matrix for Resolving the Palestinian Refugee Problem***

	Israel/Palestine/ Current Host Country	New Third Country
<i>Dwelling &amp; working &amp; possibility of movement</i>	Only one state	Subject to State approval
<i>Visit</i>	Subject to visa	Subject to visa
<i>Voting &amp; referendum on national issue</i>	Only for nationals	Only for nationals

In this framework, there is no admission of responsibility on behalf of Israel for the creation and plight of Palestinian refugees but only compassion for the refugees' plight, as formulated by former Israeli Prime Minister Ehud Barak at the July 2000 Camp David talks.

### **III-2 Toward a New Matrix**

The previous matrix was based on the assumption that the return of refugees is a matter of demographic and political stability. I will argue that the new conception will shift the debate to other issues at stake such as

citizenship. This matrix differentiates between citizenship and residency. While all refugees should benefit from multiple nationalities, this will not necessarily translate into a mass movement of populations.

There are three conditions for a matrix based on a model of extra-territorial nation-states: the first condition is the ability to hold three nationalities - that of the current host country (or a third country), that of Palestine, and that of Israel; the second, that Israel accept full responsibility for the creation and plight of the Palestinian refugees; and the third, that any restriction of these advantages should be subject to bilateral or multilateral agreement between concerned states. As Lex Teckenberg argues, "It is important that the international conference reaches agreement on a harmonised approach to citizenship and residency for former Palestinian refugees. The OSCE/UNHCR effort on harmonisation of citizenship and residency standards in the countries of the CIS is one example that may be considered for guidance. Lack of harmonisation could engender continued forced migration across the region and could lead to instability and/or conflict where one state's citizenship or residency laws – in the context of unresolved displacement or new flows – could be regarded as a threat by another state." Any solution, in other words, must be regional, otherwise the lack of coordination between host countries and the country of origin could end up sending refugees in a perpetual orbit between countries because they are denied residence status.

***Matrix for Refugees of 1948***

	Israel	Palestine	Current Host Country	New Third Country
<i>Dwelling</i>	Yes	Yes	Yes	Subject to State approval
<i>Working</i>	Yes	Yes	Yes	Subject to State approval
<i>Possibility of movement or visit</i>	Yes	Yes	Yes	Subject to State approval
<i>Voting</i>	Only for dwellers	Only for dwellers	Only for dwellers	For nationals
<i>Referendum on national issue</i>	Not only for dwellers but all nationals	Not only for dwellers but all nationals	Not only for dwellers but all nationals	For nationals

<i>Property</i>	Property restitution in case land/real estate is empty. Other cases will be subject to compensation.	Private property to be kept. Camp dwellers to own their housing unless the State initiates new urban developments. In this case, the dwellers are compensated.	Private property to be kept. Camp dwellers to own their housing unless the State initiates new urban developments. In this case, the dwellers are compensated.	Not applicable
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### **Matrix for Displaced People**

	Israel	Palestine	Current Host Country	New Third Country
<i>Dwelling</i>	No	Yes	Yes	Subject to State approval
<i>Working</i>	No	Yes	Yes	Subject to State approval
<i>Possibility of movement or visit</i>	Only visit	Yes	Yes	Subject to State approval
<i>Voting</i>	No	Only for dwellers	Only for dwellers	For nationals
<i>Referendum on national issue</i>	No	Not only for dwellers but all nationals	Not only for dwellers but all nationals	For nationals
<i>Property</i>	Not applicable	Not applicable	Private property to be kept. Camp dwellers to own their housing unless the State initiates new urban developments. In this case, the dwellers are compensated.	Not applicable

Of course, other constitutional arrangements based on residency and not citizenship may be feasible to allow refugees to have multiple resi-

dencies instead of multiple nationalities. However, this is likely to generate conflict rather than resolve it, as traditionally the countries of the region are quick to expel non-citizens in case of social or political conflict.

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## THINKING ABOUT THE FUTURES OF PALESTINE WITH THE PASTS OF OTHERS: IMPLICATIONS FOR THE SETTLEMENTS IN A TWO- OR ONE-STATE SOLUTION

*Ian Lustick<sup>1</sup>*

I was given a difficult topic to discuss - the future. Yet for most of us, the question of what is possible in the future and therefore what work is worth undertaking, is crucial. I have thought quite a bit about the question of how to think systematically about things that have not occurred, about how to distinguish the inconceivable from the impossible, the nearly impossible from the impossible, the possible from the nearly impossible, the likely from the possible, and the inevitable from the likely.

I'm going to start out with theoretical ideas and then get to specific ideas of what the solution can look like here. Then I'll spend a little time on the specific issue of settlements under different scenarios.

One of the problems that a government analyst confronts is that their superiors always want to know the answer to a question that cannot actually be answered: "What's going to happen?" What the superiors are implying by insisting on asking this question is a particular image of the future. They seem to be telling analysts something like the following. "Look, the future is out there. I can't see it. It's surrounded by a thick fog and all I can make out are the barest outlines. But you're a trained intelligence analyst. You can see it more clearly through the fog. So quick, tell me what it looks like!"

The fact of the matter is, however, that since the future has not been produced, the problem is not the presence of fog or the absence of training. The fundamental problem, if approached this way, is that there

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is nothing there to see. No matter how skilled you may be at removing fog, there's nothing there to see more clearly.

So what is there and what is to be done?

There is a present that can be analyzed and that present, that unfolding present, can be and must be studied in terms of a past. By understanding the trajectories that could have produced the present we can more effectively extrapolate possible vs. impossible, and likely vs. unlikely, futures. Our focus must be not on what will happen with some "point precision" but on what factors will be crucial and what factors will not be crucial in determining the kinds of futures that are most probable and that are possible.

Now this kind of analysis can get very complicated, in part because some crucial factors won't be crucial if other factors are present. In other words, in political and social life, as in chemistry, there are "interaction effects." One implication is that, just as a meteorologist does not try to predict how many raindrops will fall tomorrow, just whether or not rain is likely, so social scientists and intelligence analysts should not be asked, and should not ask themselves, to make "point predictions" about the future. What they can be asked to do, and what they should ask themselves to do, is to say intelligent things about the distribution of possible vs. likely futures.

What do I mean by a "distribution of futures?" A distribution is a set of possible outcomes. The likelihood of each type of outcome might be high or low, so one can think of a shape of the distribution as "normal" if along some dimension there is a very small likelihood of either extreme type of future occurring, with a single "mode" located at the mean and median. But distributions of futures, like other distributions, could be skewed in various ways, bi-modal, tri-modal, etc. However, we're not going to have a distribution of futures, we're only going to have one. But if we can imagine 100 different types of futures that we might have, some more likely than others, just which future from this "draw" is the one we'll end up with? My point is that analysis should focus on the shape of the distribution, on drivers that determine likelihood of kinds of outcomes, not on point predictions - not on predicting exactly which future we'll get.

One of the benefits of thinking like this is to encourage debate and discussion about policies and their implications that can be somewhat less categorical, less drastic - helping political analysis to be less of a blood-sport and more of a collegial investigative activity. I can argue with you, not by simply rejecting your prediction as idiotic or traitorous, but by saying: "I know that what you're predicting could happen, and what I'm predicting could happen. The question is which kind of outcome is more likely and under what circumstances."

I'll going to give you a famous, perhaps apocryphal example. Adolf Hitler was a corporal in WWI. He left his position in a trench to have lunch somewhere for a few minutes, and a shell hit right where he had been and killed everyone that was there. Now the person that fired that shell had no idea who Hitler was, but if he had not gone to lunch at that precise moment, which might well have happened, would World War II have occurred? Would it have occurred in the way that it did? What would, among other things, have the death of Hitler in that trench have meant for the development of Zionism and the Israeli-Palestinian conflict?

Looked at in this way, Hitler's life was an accident, as his death would have been. But this means that each particular future we get is, in some sense, accidental, and therefore intrinsically unpredictable. But the *type* of future we are likely to get need *not* be treated that way.

Obviously no analyst can be asked to predict whether the person who is going to start WWII will be killed by an auto accident tomorrow. It's the structure of situations that we have to concentrate on, the stream of possibilities that arise from them, and the factors that we might be able to change that would affect the distribution of outcomes from the interaction of those streams of possibilities.

That means we must ask ourselves how to generate pictures of the types of futures we may get. In doing so we must remember how unpredictable accidents can shift trajectories in "inconceivable" ways. We must find in the variability of historical experience the intellectual resources we need to resist the temptation to feel too utterly oppressed by a reality that seems unchangeable or too smugly confident by a process that seems inevitably to be leading toward the future we cherish.

Considering the future of the Palestinians, we can usefully exploit histories of other peoples as models for possible Palestinian futures.

Let me be clear. The Palestinians are going to have their own unique future. No people in the world could have traveled the path that Palestine and the Palestinians have traveled. However, in certain respects that path may resemble the stories of other peoples. Let's look at a few of those stories. Let's imagine the possible future of the Palestinians that is a Kurdish future, or Armenian future, or Jewish future, or South African future, or an Irish future, or an Algerian future.

If the Palestinian future were to resemble the Kurdish past, what would it be? We can imagine that for generations to come the Palestinians will experience oppression and dislocation in their homeland and in the lands of their Diaspora. The guerilla wars or political struggles they might launch in these areas would then bring them different kinds of autonomy, oppression, or semi-independence in these different settings. Such struggles would often be crippled by internal rivalries and substantially shaped by foreign intervention and overt and covert alliances with external forces. Modeling contemporary developments among the Kurds, what emerges is a kind of transnational Diaspora of Palestinians all over the world with a political identity that starts to emerge that isn't necessarily linked to a specific place. Amidst this development, though, a concentration of Palestinians remains in Palestine (as there still are Kurds in Kurdistan). Then what happens? A war comes that has nothing to do with the Kurds—that is nothing to do with the Palestinians, and as a result of this war the Palestinians could get opportunities to maybe snatch a state, if not a major part of autonomy in the Fertile Crescent. Well, that is one type of plausible Palestinian future.

Consider now an Armenian future. Before his most recent shift of directly, this could be said to have been Ariel Sharon's preferred Palestinian future; because in it Palestinians would virtually disappear politically. The Palestinian trajectory, told as an Armenian past, would sound like this. Palestinians were treated terribly. Most of the world, especially those responsible for that ill treatment, ignored or denied crimes that had been committed. In response violent terrorist organizations developed among the scattered remnants of the Palestinian people, but these efforts caused few real problems for the state that had arisen in their

homeland. To be sure, a kind of Potemkin Palestinian state could arise - as the Soviet Socialist Republic of Armenia was allowed to exist. Perhaps this could take shape as a Palestinian Bantustan in parts of the West Bank and Gaza. But as the Soviet Union collapsed under the weight of its own contradictions, so might Israeli domination of the region. Following the Armenian model, a truly independent and sovereign Palestine emerges. Exiles return. Diaspora Palestinian communities then push the new state toward radical irredentism and war to liberate areas of Palestine still controlled by Jews. The state starts to expand, enter war, expand into greater Armenia and gets saddled with its own problem of "Jewish refugees."

Now let's turn to the Jewish past as a source for a Jewish future for Palestinians. Palestinians are exiled from their homeland for a long time, and they suffer in all or almost all the countries of their Diaspora. But through the decades and then centuries there were always some Palestinians remaining in their homeland and others throughout the world passionately remembering the "days of old." Eventually, during a particularly violent and tumultuous historical transition, opportunities arose for Palestinians, through both peaceful political and violent means, to take over as much of the territory and land of their lost homeland as possible. They do so in part by exploiting opportunities that the Great Powers with their own reasons and changing interests decide to give them, and they do it of course against the will of the local population. But despite their return, the Palestinians are unable completely to eradicate the Jewish presence; the world won't allow them to and the Jews are too strong. So the Palestinians come back and are chronically embroiled with a Jewish problem that they really don't know how to solve. This leads eventually to a struggle over sharing the whole land or, somehow, dividing it.

The key aspect of the Algerian case that provides the model for an Algerian future for the Palestinians is that the struggle of the Muslims in that country, led by the FLN, was over control of a part of France that was not part of the core of the French state. The Algerians simply wanted to rule the country in which they were born and in which they were a majority. They wanted as many of the Europeans to leave as possible, and go back to Europe, but they were not after parts of Europe. So the Palestinian story, taking the Algerian model, is that the Palestinians struggle to get the Israelis out of the West Bank and Gaza; out of what many

Israelis consider to be a key element of Israel - as many Frenchman saw Algeria as *Algérie française*, as a key element of France. But most Frenchman did eventually come to see Algeria as separate. The Algerian struggle was to get this to occur and thereby elicit a French decision to disengage, to withdraw.

In this "Algerian future," the Palestinians suffer a complete military defeat. If you know what happened in the Battle of Algiers, you know it was a military victory for the French. They completely succeeded in destroying the FLN in Algiers. But it didn't matter in the long run, because the political battle was in France. In Israel, as it was in France, we may expect in this future that after periods of severe turbulence leaders come to power in Israel able to use the convulsions in their country to move a paralyzed system toward decisive action. Thus the despite Israeli military victories over the Palestinians, the moral/economic/political cost, and social strains, in Israel associated with a long, bloody difficult struggle, and the mobilization of the entire world, including the United States, lead to the crystallization of a truly independent Palestinian state in the territories evacuated by Israel. A particularly interesting feature of this future, modeled on the Algerian past, is that agreements between Israel and the Palestinians involving guarantees for the settlers evaporate amidst a hurricane of settler violence. The complex arrangements become a dead-letter and the vast majority of settlers leave the territory of the new state within a very short time.

A past that has recently received considerable attention among Palestinians regarding their possible future is that of South Africa. Such South African future for Palestinians would begin with domination by a Jewish/Israeli minority of the whole of the country - a geographical shape that, with few exceptions, neither Palestinian Arabs nor Jews could imagine as properly divided. Rigorously enforced and explicit discrimination against Palestinians by the Israeli system of control would include the existence of ghetto like enclaves, or "Bantustans" as the background and basis for a long and partially violent struggle for equality. As the demographic balance continued to shift against the Jews, as the economic untenability of the system of control was aggravated, and as international support for the "Palestinian liberation" struggle for equality against an explicitly discriminatory system intensified, elements within the Jewish/Israeli power structure would come to fear Jewish emigration,

regime collapse, and economic catastrophe more than they valued the disappearing ideal of exclusive Jewish rule of the whole country. Such calculations would then set the stage for a transitional arrangement that would trade political control of the country delivered into Arab hands for the continuation of Jewish economic privilege and guarantees for the personal security of Jews.

I turn now to my last model for a Palestinian future - the Irish. When I was writing my book, *Unsettled States, Disputed Lands*, I visited Algeria. I interviewed an ex-FLN leader who participated in the negotiations at Evian. The Algerians at Evian were very effective negotiators. They did not give much to the French; nothing that they did not have to, and this despite the utter military weakness of the FLN. When asked about this the official I interviewed said that the historical case they paid most attention to, and found most instructive, was the Irish case.

The Irish did succeed in gaining an independent state in 1921 through a combination of military and political struggle, but they negotiated poorly, resulting in an Irish civil war, a divided Ireland, and instability in Northern Ireland until today.

Cast as an Irish future, the story of the Palestinians would sound like this. As a result of a violent Intifada resulting in the deaths of thousands of people, negotiations begin with the Israelis over some kind of political autonomy or independence for Palestinians in parts of the West Bank and Gaza. The Israelis, exhausted from decades of struggle and growing international opprobrium and increasingly disgusted by the atrocities their own forces were committing against Palestinians, finally produced a government, anchored on the right, and ready to negotiate. In their negotiations the Israelis gave the Palestinians a take it or leave it proposal - accept the Gaza Strip and a severely truncated piece of the West Bank as an independent state, but one formally subordinated to Israel, or face all-out war. The Palestinian leaders, terribly frightened by the decimation of Palestinian military and political resources and the vulnerability of their community, agree. East Jerusalem and areas around it, including Gush Etzion and Ma'ale Adumim, will remain within Israel's boundaries (akin to Belfast and Northern Ireland remaining within British sovereignty. In defiance of the Palestinian leadership's agreement to the draconian terms of the treaty of peace and the creation of a "Palestinian Free State," the

“rearguard” of the Palestinian movement, including Hamas, the Al-Aqsa Brigades, and key charismatic leaders, take up arms in a vicious civil war. With Israeli support the “Free State” forces defeat the resisters, but many thousands are killed in the process. A decade later the surviving leader of the resisters is elected President of the Palestinian Free State. The name of the country is changed to the independent sovereign State of Palestine, but the issue of reuniting Palestine with Al-Quds and its hinterland and the fate of Palestinians living inside greater Jerusalem remain sources of prolonged violent and non-violent conflict.

Before considering the question of the future of the settlements in the context of a one, or two-state solution - each of which constitutes an image of the future - let us note how crucial the eruption of totally unexpected events were for the unfolding of many of the pasts we used as templates for the Palestinian future. The Kurdish past was impacted by an American invasion of Iraq, the Jewish past by World War II and the Holocaust, the Algerian past by the extremist violence of the European settlers and their subsequent sudden virtually complete evacuation, the Irish past by the exhaustion suffered by the British in WWI, and the South African past by the unprecedented mobilization of the world community to isolate the Apartheid regime. This pattern should give us pause as we try to extrapolate from present trends the exact future that Palestinians and Israelis will be creating for one another. We should recognize that questions about the future, about the settlements, the possibilities associated with different strategies, are political questions of judgment that do not have to divide Palestinians and their supporters so deeply that positions taken on these questions are equated with loyalty, patriotism, good-will, or their absence. The history of each people whose past I have used for a model of a Palestinian future produced multiple and often contradictory approaches to the future, and as the some options were closed and others opened the existence of multiple voices and multiple strategic approaches to the future was a key resource in the ability of these peoples to reach some or all of their goals.

Certainly, whatever the Palestinian future will be, a key element in it will be the disposition of the settlements Israel has created across the Green Line, in territories it occupied in 1967. We are all familiar with the goal of that settlement project - to make the establishment of a Palestinian state impossible, or even inconceivable, and to make absorption of those

territories by Israel possible, or even inevitable. From month to month, as emotions swing from pessimism to optimism about the possibilities for peace, the question of whether the settlements and related policies have rendered dividing the land between two states regularly surfaces. Now it is often also accompanied by questions of whether a division of the land that could be possible could also satisfy the requirements of justice sufficiently to be a workable basis for peace.

I am not, in the few moments remaining, going to try to answer that question. But it is worth considering how the presence of truly massive numbers of European settlers in Algeria did not prevent their total evacuation and the complete withdrawal of France from that territory, which it had formally annexed. At the same time we see that in Northern Ireland, the concentration of well-organized settlers did decisively shape the contours of independence achieved by the Irish and subsequently burdened both Ireland and the United Kingdom with a political running sore that still resists healing. So settlement in the West Bank and Gaza, though clearly important, is not likely, in and of itself, to determine the outcome of genuine attempts by majorities on each side to make peace.

Taking the distinction between a one and two-state solution as our starting point, let's consider the implications of the settlements. From the point of view of the two-state solution, with the Palestinian state in the West Bank and Gaza, the settlements are obviously an obstacle - physically, politically, infrastructurally, economically, and in terms of security arrangements. But from the perspective of the one-state solution the settlements are not an obstacle, they are, indeed, a rationale. In that context the settlements can indeed be seen as parallel to Arab localities in Israel. Based on that comparison the single state can look forward not only to vigorous disputes over land ownership with respect to parcels controlled by Jewish settlements in the West Bank and Gaza Strip, but also, if the legal jurisdiction is indeed to be identical, the single state would also be a context within which the legal status of lands transferred from Arab to Jewish hands in the 20 years following the establishment of the state could and would be re-examined. An interesting element here will be the parallels that will obtain between Jewish efforts to assert ownership over parcels of Jewish owned land located in the West Bank (owned before 1948) and Palestinian Arab assertions of ownership of parcels within the Green Line of their own land claims (for parcels



owned before 1948. From this perspective, therefore, although the settlements would almost certainly have to be removed for the two-state solution to work, they could remain in place in the context of a one state solution, as long as legal principles associated with return of or compensation for expropriated land were extended equally throughout the entire state.

The question of compensation appears in another way. In the two-state solution context there is much talk, especially now, as the Gaza evacuation approaches, of compensation as a gigantic amount of money to be provided to the settlers to ease their pain, facilitate their resettlement, and make a political solution more palatable for Israelis in general. On the one hand the scale of that compensation, and the formulas used to calculate it, could also be applied to the requirements for compensation to Palestinian refugees. That could result in a much more generous formula than might otherwise be employed. The compensation question looks very different, however, when we consider the one state solution. The money that might otherwise have been spent compensating the settlers could instead be spent compensating the landowners and general Palestinian public for land and water resources removed from their community by the settlements, including rents for the years of use of those resources by settlements that will be evacuated or consolidated.

But probably the single most important factor element related to the settlements that is relevant to the debate over the one vs. two-state solution is that it focuses attention on the question of land, land control, and land ownership. Because it focuses attention on this question it pushes advocates of the one state solution toward the difficult questions they tend to avoid. On the one hand supporters of the bi-national state tend to argue that the challenges to the two-state solution are so large that rationality requires support for the one state solution. But if that is the criterion for choosing one or the other, then we must consider the scale of the challenges facing the one state solution, to see if those are any less daunting. In that context, the fact that establishing one state and one legal jurisdiction over the entire country would open up to radical challenge the wholesale transfer of Arab and public land inside the Green Line into Jewish hands to scrutiny and legal challenge is an immense roadblock on the way to ever getting Israelis to agree to take the one state solution seriously. Indeed, I would argue, that if the political at-

tachments of Israelis to settlements in the territories, including around Jerusalem, are potent enough to persuade potential two-staters that they must look to a one state solution because it is more “realistic, they are very likely to switch back again to the two-state solution if they give serious thought to the strength of the political attachment Israelis have to the distribution of land to Jews vs. Arabs within the Green Line itself.

No matter how much analytic sophistication we bring to the task, we will not be able to know exactly what tomorrow’s challenges and opportunities will be. We learn from the cases I’ve discussed how many surprises can lay in wait for struggling national movements and how crucial is the ability to exploit unanticipated opportunities. Addressing the problem of the settlements is important, but just as important is approaching that problem with a tone and breadth of discussion that encourages multiple lines of thinking, imagination, rigorous questioning of all claims, and a plurality of strategic postures.



## CONFEDERATION OPTIONS IN THE PALESTINE-ISRAEL CONFLICT

*Asher Susser*<sup>1</sup>

Thank you very much. It is always a pleasure and a privilege to be here. I have been here on several occasions and I do value the opportunity to talk to this audience particularly. This time I have been asked to address the idea of confederation. I would have thought some years back of the possibility of a triangular confederation at some time in the future; I'm not optimistic about such a scenario these days.

There are three issues that I would like to address. First the triangle that does unite Israelis, Palestinians and Jordanians in a special kind of association; and that is the common ground that they share, though this does not apply to the same extent to all three of them. Secondly, the historical narratives and collective identities that actually separate the three peoples; one can talk about the historical connections between Israel, Palestine and Jordan; but one cannot ignore Jordanian, Palestinian and Israeli identities, all of which are very distinct and very real. And thirdly, the consequences for this triangular relationship of Israel's decision to disengage; based on the assumption that Israel actually manages to complete the disengagement as planned.

It is not my subject to talk about the Israeli government, but just in terms of setting the current agenda, I am very firmly convinced of Sharon's seriousness to disengage. That does not mean that he will necessarily overcome the obstacles on the Israeli domestic political scene.

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Personally I hope he does, but the difficulties are significant. At the moment, as we speak, he does not have a government that can complete the disengagement. And trying to construct one appears to be more difficult than originally thought.

### **Historical Ties**

First of all, to the Jordanian-Israeli-Palestinian triangle; having studied the affairs of Jordan for many years, and often been confronted by those waiting for Jordan to collapse, I would argue that Jordan is much more stable than some people give it credit for.

For Jordan, Palestine is a domestic issue, rather than foreign policy. It is all about Jordan's being, its own identity, and its own stability, and therefore a case unto itself. This has very longstanding historical reasons, and also some related to the more recent past. Just to mention demography, there are probably more Palestinians in Jordan than in the West Bank. The numbers here are a little difficult to gauge precisely, because they are never given formally. But I don't think it would be an exaggeration to say that there are more Palestinians in Jordan than in the West Bank.

A look at the topography and the administrative boundaries of both sides of the Jordan River, since the earliest of times, reveal a web of unique ties. The East Bank is divided into three parts, created by the three rivers that flow on the East Bank, from East to West into the Jordan Valley. These three rivers (Yarmuk, Zarqa and Mujib) cut through the mountains of the East Bank creating three distinct territorial components.

Historically it has been much easier to travel from East to West across the Jordan River, than from the southern part of the East Bank to its northern part. As a result there have been much closer family ties between towns and villages in the West and East Banks, than within the East Bank itself. There are much closer ties between Nablus and Salt, or between Hebron and Karak, than between Karak and Irbid. One cannot

write the history of Nablus without including the ties with Salt, as it would not make historical sense.

There are profound historical ties, if one looks at the administrative boundaries, from Roman times, through Ottoman rule and up to the British Mandate. The East and West Banks were usually seen as one political unit, and indeed the British Mandate over Palestine initially included both banks of the river.

### **Political Identities**

However, three distinct political entities have emerged in the last century from the British Mandate, and the relationship between these three has been shaped to a very large degree by the various stations on the road of the Arab-Israeli conflict.

Jordan was created as a solution to the Jewish-Arab conflict over Palestine. And Jordan's history, like that of Palestinians and Israelis, has been shaped very much by the turning points of the conflict, 1948, 1967, 1987, 2000, etc. Historically, the Jordanians sought to inherit Palestine. And it was Hussein who used to say in the 1950s and early 1960s that "Jordan is Palestine and Palestine is Jordan." But that is long gone. Jordan has evolved from inheritor of Palestine, to superior partner, to equal partner and ultimately, to non-partner and to "Jordan First" (*Al-Urdunn awalan*). Things indeed have changed.

Israeli and Palestinian identities have emerged with historical narratives that are separated by what is presently an unbridgeable perceptual divide. Zionism, in the way the Jews see it, is, needless to say, extremely different from the way in which it is seen by Palestinians. For the Jews, Zionism is the ultimate self-defense of the Jewish people against their historical fate. For the Palestinians, it is net aggression against them, from the very outset.

I will say, in passing, that one of the reasons why I thought that Israel's idea of urging the Palestinians to declare "end of conflict" at Camp David would not work, was that for the Palestinians to declare "end of conflict"

would require of Israel to concede what it would not. From the Palestinian point of view, "end of conflict" does not relate to the 1967 issues, but to the 1948 issues, which for Israel are extremely difficult to address to Palestinian national satisfaction.

Israel's victory in 1948 was for the Jews an act of defiance against their historical fate; their greatest victory in 2000 years, the attainment of statehood and sovereignty and national liberation. For the Palestinians it was entirely the opposite. No less than a national catastrophe. The differences in the narratives and the collective memory are not just of nuance, they are totally opposed to each other. The Palestinian *nakba* is a traumatic defeat, dispersal of a people, loss of homeland and refugee-dom, which Palestinians recognize as a great historical injustice. All these combined are no less than the formative experience and historical core of Palestinianness. Israeli identity and Palestinian identity may certainly be influenced by each other, and have been created and recreated as part of the confrontation between them, but there is an enormous gulf that separates these two narratives.

Just as Israeliness and Palestinianness have come into being, Jordanianism has evolved as a distinct identity in its own right not to be underrated or underestimated. It is no less distinct than Palestinianness, no less distinct than Jewish nationalism, and is not about to disappear either. There are some Israelis and some Palestinians, who think of Jordan and Jordanian-ness as some form of artificial creation. But if one is to read the literature about nationalism of the last decade and more, one would observe that all identities and all nationalisms are invented and imagined in one way or another. The Jordanians in that respect are no different.

But it did not start that way. In the Jordanians' mind, after 1948 and the incorporation of the West Bank, the Jordanian identity and the Palestinian identity were to merge into the essentially Jordanian Arab identity and to unite in the name of Arabism. The term "West Bank" was a Jordanian invention intended to de-Palestinize the area. The West Bank could, after all, have retained the name Palestine. It was the core area of Arab Palestine. The Jordanian term "West Bank" was a means of diluting

its national identity, by giving it a geographic designation and thereby subordinating it to East Bank domination.

But the war of 1967 changed all that. Jordan's loss of control over the West Bank also meant Jordan's loss of control over the Palestinian historical fate. The loss of the West Bank, the largest area of historical Palestine, which remained after the 1948 war in Arab hands, meant the loss of control of the area of decision of the fate of Arab Palestine. Jordan's loss of the West Bank was, therefore, the end of Jordanian domination over the Palestinian question.

The *fedayeen* challenge and then the events of September 1970 accelerated the coalescence of both Jordanian and Palestinian distinctiveness. If between 1948 and 1967 the Jordanians made no effort to promote a separate Jordanian identity; after 1967 this began to change, and after 1970 even further and at an accelerated pace. The language of Jordanian-ness has become part and parcel of Jordanian political discourse. When Jordan was attacked for making its peace with Israel by Hafiz Assad, the Jordanian minister of information at the time explained that this was simply Jordan's own self-interest, a kind of argumentation that one would never have made in the 1950s or 1960s. Now King Abdullah II has gone even further, speaking of "Jordan First," which has become the normative tone of Jordan's political lexicon. This would have been most unacceptable in the 1950s and early 1960s, in the heyday of Abd al-Nasr. Such terminology would have been dismissed as anti-Arab and separatist (*infisali*).

Together with the "Jordan First" mentality, there is also the talk in Jordan of Jordanians and Palestinians as a united people. There is a discernable effort on the Jordanian side to do two things at the same time; to speak of separate Jordanian identity as well as the special relationship with Palestine and the Palestinians. Because it is domestic politics, the Jordanians cannot but do that. One cannot speak of a Jordanian identity in Jordan without incorporating at least the Palestinians in the East Bank.

The confederation idea stems from this reality. In 1972, Hussein published for the first time his formula for a federation between Jordan and



Palestine. This in my view was the strategic turning point in Jordan's history vis-à-vis Palestine, more so than the disengagement of 1988. As a result of 1967 and the events of September 1970, Jordan had no choice but to recognize Palestinian distinctive identity. From then on it has been a gradual progression from inheritor to partner, albeit superior in 1972, but equal in the 1985 formula agreed with Arafat, for two states in a confederation.

So if one takes a look at Israel-Palestine and Jordan-Palestine in this triangular relationship, the Jordanian-Palestinian relationship is in a totally different category than the Israeli-Palestinian one. Israel-Palestine is far more conflictual, than it is overlapping. If Hussein used to say in the 1950s that Jordan is Palestine and Palestine is Jordan, from the mid 1980s onward, it ceased to be part of his discourse. From then on it was "Jordan is Jordan and Palestine is Palestine." Certainly, from the disengagement of 1988, the Jordanians realized that if they themselves did not make the distinction between Jordan and Palestine, others might do the same, and that could endanger the long term existence of the Jordanian state. Therefore the Jordanian self-interest in supporting the creation of an independent Palestinian state, was intended above all else to maintain Jordan as Jordan.

Strangely enough, Israel's decision to disengage has a similar kind of motivation. The Israeli right, or parts of it (Sharon certainly), recognize that it was in Israel's own interest to see the creation of a Palestinian state in order to maintain Israel as Israel. Israel now, in 2004, is where King Hussein was in 1988, i.e. fully cognizant of the fact that disengagement from Palestine was imperative for the preservation of its own territorial identity and integrity.

Jordan, therefore, is not about controlling the West Bank; Jordan is about controlling the East Bank. What is necessary for that; is an understanding with Palestine and an understanding with Israel. The problem for the Jordanians has been, since the disengagement until today, that there is no mechanism by which to create this understanding. They would like to coordinate with Israel and with the Palestinians and influence the outcome of Israeli-Palestinian negotiations, but they do not

want to bear responsibility for whatever concessions are made during this process. So the Jordanians are locked in this dilemma of seeking influence but not having the mechanism to secure it.

The three entities that have emerged from the British Mandate are here to stay. They have all developed their vibrant and genuine collective identities, and all three have been shaped in one way or another by the conflict. But if there is to be a resolution of the conflict, it will have to rest on the recognition that Jordan is Jordan, Palestine is Palestine, and Israel is Israel. Special ties between Jordan and Palestine make a great deal of sense, considering the history, the demography and the cultural unison of Arabs and Muslims on both sides of the river. The links between Jordanians and Palestinians go back a long way and are very profound. Between Israel and Palestine these overlapping identities do not exist, and the historical narratives are very difficult, if not impossible, to bridge. To that one must add a failed peace process and the last four years of armed conflict, certainly the worst between Israelis and Palestinians ever since 1948.

### **Consequences of Disengagement by Israel**

What are the consequences of Israel's disengagement against this background? The integration of the West Bank into Israel from 1967 onwards weakened the link between the West Bank and Jordan systematically, and incorporated the West Bank into the Israeli orbit of influence. Israel's disengagement would most probably have the opposite effect. The West Bank is landlocked territory between Israel and Jordan. If it not absorbed into the Israeli orbit of influence, and that is what the disengagement suggests, it would probably lead to some kind of closer association between the West Bank and Jordan. Considering the historical narratives of Israelis and Palestinians, the failure of the peace process, and the last few years of ferocious struggle, I find an Israeli-Palestinian confederation hardly a likely proposition, at least not in the foreseeable future. I find it far more realistic to envision a Jordanian-Palestinian confederation. The two peoples have a much greater overlap of identities and historical, cultural and religious ties.

Asher Susser

As an Israeli, I would like to emphasize, that it is not Israel's business if there is to be a confederation between Jordan and Palestine. That is for Jordanians and Palestinians to decide. What Israel does, such as disengaging from the West Bank, naturally has an impact on Jordanian-Palestinian relations. But it is not Israel's decision whether there should be or would be a confederation in the future between Jordan and Palestine.

## THINKING OUT OF THE BOX: TOWARDS A MIDDLE EAST UNION

*Jeff Halper*<sup>1</sup>

The present historical moment - spring 2005 - finds us in Palestine/Israel at a "fateful crossroads." From Sharon's point of view, Israel has won its conflict with the Palestinians. Surveying the landscape – physical and political alike – Sharon can feel a great deal of satisfaction. He has finally fulfilled the task with which he was charged in 1977 by Menachem Begin: to ensure permanent Israel control over the entire Land of Israel while foreclosing the emergence of a viable Palestinian state.

With unlimited resources and authority at his disposal, Sharon set out to establish irreversible "facts on the ground" that would preempt any process of negotiations that might endanger Israel's control of the entire country to the west of the Jordan River. Supported by both Likud and Labor governments, he (and others who occasionally replaced him but in general received their inspiration from him) oversaw the establishment of some 200 settlements on land expropriated from Palestinians in the West Bank, East Jerusalem and Gaza, home today to almost a half million Israelis. In fact, during the Oslo "peace process," when Israel and the Palestinians were supposed to be discussing the future of the Palestinian territories (talks "brokered" by the Clinton Administration), Israel doubled its settler population and constructed, with the permission and financial backing of the US, a system of 29 major highways intended to irreversibly incorporate the settlements into Israel proper. In the meantime, 96% of the Palestinians were locked into what Sharon calls "can-

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tons,” about 70 tiny and disconnected enclaves, where they were deprived of the right to move freely and are now being literally imprisoned behind concrete walls and electronic fences. Although comprising half the population of the country west of the Jordan, the Palestinians – including those with Israeli citizenship – are today confined to crowded and impoverished cantons on a mere 15% of the country.

### **A Fundamental Israeli Dilemma**

Despite continuous talk of “transfer,” Israel faces a fundamental dilemma: how to retain control of the entire country while getting the Territories’ 3.6 million Palestinians off its hands. Two tasks confronted Sharon. First, since international law defines occupation as a temporary situation resolvable only through negotiations, Israel’s expansion into East Jerusalem and the West Bank would have to be transformed into a permanent political fact that trumped international law. That accomplished, a cantonized Palestinian state would have to be established that would “relieve” Israel of the Territories’ Palestinian population while leaving it in *de facto* control of the country’s borders, lands, water, tourism, airspace, communications and overall developmental potential.

The first task proved so easy that even Sharon was taken aback. In an exchange of letters in Washington in April 2004, the Bush Administration surpassed Sharon’s wildest expectations by declaring that Israel would not be required to withdraw to the 1949 Armistice Line (the “Green Line”) nor, indeed, from its “major population centers” [read: its major settlement blocs] in East Jerusalem the West Bank. In one fell swoop the US nullified UN Resolution 242, the very basis of the two-state solution, unilaterally recognized Israel’s annexation of East Jerusalem and 25-30% of the West Bank, and rendered the Road Map meaningless. And if this was not enough, the Bush letter was almost unanimously ratified by Congress, the House approving it by a vote of 407-9, the Senate by 95-3. (The other three members of the Road Map “Quartet,” Europe, Russia and the UN, expressed outrage, as did the Palestinians, but for Israel the US is the only player that counts.) The Israeli government immediately accelerated its settlement expansion, announcing the establishment of a new city of 55,000 (Givat Yael) between Jerusalem

and Bethlehem, as well as construction of 3500 new housing units in the E-1 corridor linking Jerusalem to the settlement of Ma'ale Adumim. Although rooted in the "Bush Vision," the notion of a viable Palestinian state became as redundant as the Road Map itself.

Now to the second task. Having locked the Palestinians into Gaza and the West Bank cantons, separated East Jerusalem from the West Bank by a massive concrete wall and forced Abbas to curb all resistance, Sharon now seeks a Palestinian quisling-leader who will sign off on such a state.

### **A Fundamental Palestinian Dilemma**

Having moved in the late 1980s from a one-state approach to a two-state one, the Palestinian Authority – like the international community and the Israeli mainstream Zionist left - finds itself locked into a political program that has been overtaken by facts on the ground as well as political developments. If, as envisioned in every peace initiative from the formulation of UN Resolution 242 in 1967 to the current Road Map and accepted by the Palestinian leadership since 1988, the solution to the conflict requires the establishment of a viable Palestinian state on all (or almost all) of the lands occupied by Israel in 1967, it would appear that that solution is dead and gone. Israel's settlement enterprise, in which I would include its massive network of "by-pass" highways, the Separation Barrier and other elements of what I call the "Matrix of Control," has reached a critical threshold, a point of no return. Various schemes have been proposed to work around this dilemma - territorial swaps have been suggested, for example, to ensure the Palestinians receive the magical 22% of the country – but none of them adequately address the issues of viability, sovereignty, the integrity of a Palestinian homeland and the refugee issue. The Palestinian leadership has shown great patience and flexibility in considering, and even accepting, different two-state options offered by Israel over the years (all, invariably, to Israel's advantage). But it seems incapable of itself raising new political options that could break it out of the now-*passé* two-state solution.

Thus, although the Palestinians are cooperating with the international

community as it pursues – in an albeit perfunctory manner – the two-state solution, the only likely outcome would be a kind of glorified apartheid, a Palestinian state that indeed “relieves” Israel of that population while leaving it in control of the entire country. Looked at from the ground and from Washington, this “solution” does not seem to offer another possible outcome.

### **Some Fundamental Elements of a Just Peace**

The time has come, it seems, to step back, survey the geographic and political landscape, start to think “out of the box” and come up with some other solutions that will both address the needs of the Palestinian and Israeli peoples and stand a chance of actually being implemented. Let’s begin by identifying those elements are essential for *any* just and sustainable peace. I would suggest four:

- (1) *National expression for the two peoples.* The Israel-Palestine conflict concerns two peoples, two nations, each of which claims the collective right of self-determination. This is what gives such compelling logic to the two-state solution, but it is an essential element in the formulation of any other approach, including a bi-national one-state solution.
- (2) *Viability.* Whatever form a Palestinian state takes, it must be viable as well as sovereign. It must control its borders and its basic resources (such as water). It must possess territorial contiguity and, above all, the ability to develop a viable economy. We must take into account two fundamental elements that cannot be dismissed or minimized. First, besides normal processes of development, the small Palestinian state will have to accept and integrate its refugees, perhaps in the hundreds of thousands, mainly unskilled, impoverished and completely unfamiliar with democratic institutions. Second, more than 60% of the Palestinian population in the Occupied Territories and in the refugee camps is under the age of 25, a young generation that has been brutalized, traumatized, impoverished, left with little education and few skills. The Palestinians’ demand for a *viable* state stems not from intractability but from a sober evaluation of the enormity

of the national challenge facing them. The RAND Corporation recently issued a 500-page study of how a viable Palestinian state might look, but it assumes a far greater withdrawal of Israel from the Occupied Territories than appears likely. More than the possibility of establishing a Palestinian state, then, it is the concern for viability that has rendered the two-state option irrelevant.

- (3) *Refugees.* Eighty percent of the Palestinians are refugees. A sustainable peace cannot emerge from technical arrangements alone. Beyond self-determination and viability lies the issue of justice. Any sustainable peace is dependent upon the just resolution of the refugee issue. The refugee issue does not seem especially difficult to resolve, as even the refugees in the camps have indicated. It depends on a “package” of three elements: Israeli acknowledgement of the refugees’ *right* of return; Israeli acknowledgement of its responsibility in creating the refugee issue; and only then, technical solutions involving a mutually agreed-upon combination of repatriation, resettlement elsewhere and compensation.
- (4) *A regional dimension.* The almost exclusive focus on Israel/Palestine has obfuscated another crucial dimension of the conflict: its regional context. Refugees, security, water, economic development, democratization – none of these key issues can be effectively addressed within the narrow confines of Israel/Palestine. Adopting a regional approach, as we shall see, also opens new possibilities of resolving the conflict lacking in the more narrow two-state (or even one-state) approach.
- (5) *Israel’s security.* Israel, of course, has fundamental and legitimate security needs. Unlike Israeli governments, the Israeli peace camp believes that security cannot be addressed in isolation, that Israel will not find peace and security unless it enters into a viable peace with the Palestinians and achieves a measure of integration into the Middle East region. We certainly reject the notion that security can be achieved through military means. Israel’s assertion that the security issue be resolved before any political progress can be made is as illogical as it is self-serving. We know – and the Israeli authorities



know, and the Palestinians know - that terrorism is a symptom that can only be addressed as part of a broader approach to the grievances underlying the conflict. Like the US, Israel uses security concerns to advance a political agenda; in our case, to justify repressive force intended to force the Palestinians to submit to an Israeli-controlled Bantustan.

### **Eliminating Options**

So where does all this lead us? To a point where we can begin to critically evaluate the options before us and start thinking long-term and “out of the box.” Given the parameters outlined above, it seems to me we are left with four “solutions,” only one of which, the confederal, appears workable. The first three are:

- *The traditional two-state solution* in which a Palestinian state emerges on all of the Occupied Territories (with minor adjustments). This, as we have seen, is the accepted position of the Palestinian National Authority and three out of the four members of the Road Map’s “Quartet” (Europe, Russia and the UN, the US having officially joined the “Israel Plus-Palestinian Minus” option advocated by Israeli governments). It is also the option pursued by progressive Zionists within Israel, especially those associated with the Geneva Initiative, and their liberal supporters within the Diaspora Jewish communities. Yet for reasons discussed earlier, Israel’s “facts on the ground,” coupled with American recognition of its major settlement blocs, have rendered this solution irrelevant.
- An “*Israel Plus-Palestine Minus*” two-state solution, pursued by both Labor and Likud governments, and now advocated by the US as well. This option envisions a semi-sovereign, semi-viable Palestinian state arising in-between Israel’s major settlement blocs, with the Palestinians compensated by minor territorial swaps. Israeli leaders believe that faced with military defeat, impoverishment, transfer, political isolation and its “Iron Wall” of settlements and barriers, a carefully groomed post-Arafat Palestinian leadership can be coaxed to agree. The critical peace movement in Israel considers this option unwork-

able and unsustainable, a sophisticated form of apartheid.

- *A single state*, either bi-national or democratic. On the surface this seems the most natural and just alternative. After all, Israel claims the entire country as one entity, the Land of Israel, and has de facto rendered it one entity through its settlement enterprise. By transforming a struggle for national independence into one for civil rights, akin to that of South Africa, the Palestinians could put Israel in a very difficult situation, highlighting the specter of apartheid. Yet, compelling as it is, even just as it is, the one-state solution falls victim to the *realpolitik* of the day. The transformation of Israel from a Jewish state into a democratic one (with a Palestinian majority) would encounter total opposition from the Israeli Jewish population, Diaspora Jews, the US government and most, if not all the states of Europe. Moreover, although the one-state solution enjoys widespread popular support among Palestinians, the Palestinian leadership is loathe to shift to a new political program with such slight chance of success. Still, many Palestinians hope that a one democratic state in Israel-Palestine might eventually evolve.

### **Working Around the Occupation: The Two-Stage Approach**

If a genuine two-state solution has been rendered impossible and a one-state solution is a non-starter, and if we eliminate the “Israel Plus-Palestine Minus” apartheid option as simply unacceptable, then only one other option remains: a regional confederation. A “Two-State Plus” solution, this approach envisions a two-stage process in which self-determination is disconnected from economic viability. Less elegant than the others, more complex, more difficult to present in a sound-byte, it is also far more workable. Like the European Union, it preserves a balance between national sovereignty and the freedom to live anywhere within the region. Rather than eliminating the Occupation, it neutralizes it by compensating the Palestinians’ readiness to compromise on territory with the economic, social and geographic depth afforded by a regional confederation. Not only is a confederal approach just and sustainable, it offers a win-win solution as well.

In contrast to the two-state solution which is limited in scope, technical in conception and unable to address many of the underlying issues of the conflict, the “two-stage” approach emphasizes processes - of peace-making, trust-building, economic development, the establishment of strong civil societies, and reconciliation leading to a genuine resolution of the conflict. Its outlines are straightforward and transparent.

*Stage 1: A Palestinian State Alongside Israel*

Recognizing that Palestinian demands for self-determination represent a fundamental element of the conflict, the first stage of the confederal approach provides for the establishment of a Palestinian state. This meets the Palestinians’ requirements for national sovereignty, political identity and membership in the international community. Statehood, however, does not address the crucial issue of viability. If it were only a state the Palestinians needed, they could have one tomorrow – the mini-state “offered” by Barak and Sharon. But the issue is not simply a Palestinian state. Their greatest fear is being locked into that state, into a Bantustan, into a prison-state that cannot possibly address the needs of their people, now or in the future.

The “two-stage” approach offers a way out of this trap, even if the Israeli presence is reduced but not significantly eliminated. The Palestinians might be induced to accept a semi-viable state on something less than the entire Occupied Territories (with or without some territorial swaps) *on condition* that the international community guarantees the emergence of a regional confederation within a reasonable period of time (five to ten years). So while the first stage, the establishment of a Palestinian state on most of the Occupied Territories (including borders with Jordan, Syria and Egypt) addresses the issue of self-determination, the second stage, a regional confederation, would address that of viability. It would give the Palestinians a regional “depth” in which to meet their long-term social and economic needs.

*Stage 2: A Regional Confederation Leading to a Wider Middle East Union*

Following upon the emergence of a Palestinian state, the international community would broker a regional confederation among Israel, Pales-

tine and Jordan; Syria and Lebanon would likely join within a fairly short time. Over time, with the entrance of Egypt and other countries of the region into the confederation, a full-blown Middle East Union might emerge.

The key element of this approach is the ability of all members of the confederation to live and work anywhere within the confederation's boundaries. That breaks the Palestinians out of their prison. Rather than burdening the small emergent state with responsibilities it cannot possibly fulfill, the confederal approach extends that burden across the entire region. It also addresses the core of the refugee issue, which is individual choice. Palestinians residing within the confederation would have the choice of becoming citizens of the Palestinian state, retaining citizenship in their current countries of residence or leaving the region entirely for a new life abroad. They could choose to return "home" to what is today Israel, but they would do so as Palestinian citizens or citizens of another member state. Israel would be under no obligation to grant them citizenship, just as Israelis living in Palestine (Jews who choose to remain in Ma'ale Adumim or Hebron, for example, former "settlers") would retain Israeli citizenship. This addresses Israeli concerns about the integrity of their state. In such a confederation, even a major influx of Palestinian refugees into Israel would pose no problem. It is not the presence of the refugees themselves that is threatening to Israel. After all, 350,000 foreign workers and an equal number of Russian Christians reside in Israel today. The threat to Israeli sovereignty comes from the possibility of refugees claiming Israeli citizenship. By disconnecting the Right of Return from citizenship, the refugees would realize their political identity through citizenship in a Palestinian state while posing no challenge to Israeli sovereignty, thus enjoying substantive individual justice by living in any part of Palestine/Israel or the wider region they choose. And since a confederal solution does not require the dismantlement of settlements – although they will be integrated – it is not dependent upon "ending the Occupation," the main obstacle to the two-state solution. It will simply neutralize it, rendering all the walls, checkpoints, by-pass roads and segregated cities irrelevant.

The two-stage solution will encounter opposition. Israel, perceiving itself as a kind of Singapore, has no desire to integrate into the Middle East region, relinquish its control over the entire country or, to say the least, accommodate Palestinian refugees. But it does offer the Israeli people, willing, unlike its governments, to truly disengage from the Occupation, a way out of an untenable situation. The autocratic regimes of the region might resist such a project out of fear of the democratization it would entail, but the advantages of an end to the conflict in the region are obvious. International pressures and economic inducements, combined with a strong civil society initiative, should persuade the region's countries to participate. And for the Palestinians there are only advantages. The two-stage approach offers them much more than the two-state solution, and is far more achievable than a single state.

Although such a Union sounds like a pipedream in the present context of intense conflict, the infrastructure already exists.

The great leverage the Palestinians possess in the peace process is their role as gatekeepers. Once they signal to the wider Arab and Muslim worlds that they have resolved their differences with Israel and that the time has come for normalization, true reconciliation among people and Israeli integration into the region can begin. It is the first stage that constitutes real "hump;" the emergence of a Middle East Union is a much more easily accomplished element of a regional peace process.

### **From The "Default" Approach to an Actual Strategy**

With formal diplomatic efforts unlikely to lead to a just and sustainable peace, the ball is squarely in the court of the international civil society. Its commitment and energy is not enough, however. Grassroots activists require leadership and direction, first from Palestinians and then from the Israeli peace camp, which they are not receiving. Our collective inability to exploit the present historical moment highlights a need for urgent consultation, intra-Palestinian as well as with Israeli and international partners, leading to effective action. Civil society groups in Palestine, Israel and abroad are all floundering for lack of a coherent agenda, an effective set of priorities, effective joint initiatives. This lack of direction

and the malaise it engenders deserve our urgent attention at this historical junction in particular when Israel's Occupation is at its strongest yet most vulnerable in years. Where are we in our struggle for a just and sustainable peace? Where are we going? How are we going to get there? In this time of transition, these fundamental questions become more pertinent than ever.

What political program should supporters of a just peace advocate? The two-state solution remains the only program supported by the Palestinian National Authority. While it is based on international law, this "default" approach rests on the supposition that the Occupation will eventually collapse due to its very injustice, continued Palestinian resistance, *sumud* ("steadfastness") and international pressures. This hardly represents a "strategy" of advocacy. It is more of a passive belief in, and reliance on, mystical historical processes which, presumably, will lead to a two-state solution or some other satisfactory resolution of the conflict. It is a "process" that the Palestinians encourage but do not really direct or lead. The default approach explains the lack of effective advocacy coming from the Palestinian leadership, and the whiny tone of Palestinian litanies of wrongs committed against them rather than effective critiques of the political situation and pro-active measures. (A notable exception to this: the challenge to the Wall initiated and directed by Nasser Al-Qidwa, the PNA's representative to the UN.)

Faced with aggressive pro-active initiatives on the part of Israel where terms ("war on terror," "no partner for peace," "separation"), programs ("disengagement") and downright falsehoods (Barak's "generous offer") have allowed it to frame the conflict and thereby control the discourse surrounding it, the default non-strategy is obviously inadequate. Two elements of effective advocacy seem to be missing: a vision, or at least an achievable end-game; and an effective strategy accompanied by effective organization. Here a strategic decision must be made: If we genuinely advocating a two-state solution, then it can no longer be merely a default position. It must be pro-actively pursued by the PNA while reaffirming to the activist community that this is actually the end-game. If a viable two-state solution is adjudged to be gone, if it is merely an opening tactical position when negotiations resume, then the Palestinian leadership, to-

Jeff Halper

gether with its civil society allies at home, in Israel and abroad, must formulate a fall-back position – actually the “real” end-game. I suggest the confederal approach. If others have better ideas, now is the time to raise them.

## "ISFALUR" (ISRAEL, FALASTIN, AND URDUN) - A BENELUX SCHEME

*Arie Lova Eliav*<sup>1</sup>

The Jewish-Arab conflict in the Middle East has its source in the head-on clash of two national movements which, for reasons rooted in history, culture, religion and nationality, lay claim to the same territory.

One of these movements, Zionism, claims Eretz Yisrael; the other, the Arab Palestinian movement, claims *Falastin*. Both are identical with the territory extending roughly between the Mediterranean on the west and a desert on the east, and from the slopes of Mt. Hermon on the north to the Red Sea in the south. This was Palestine when it came under British mandatory rule after World War I.

Over the years, the conflict spread from this source across the Arab and Moslem world and the Jewish world. Due to its geopolitical location, the region also became an arena of contention between blocs and the superpowers.

It is my belief that the only way to localize and eventually terminate the conflict is to divide this territory between the two national movements and the two people after the bloody warfare of four generations and more.

The Jewish national movement, on its own and by a supreme effort, achieved its political (but not its social and economic) goal in 1948, with the establishment of the State of Israel and the War of Independence.

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<sup>1</sup> Arie Lova Eliav is a former MK and General Secretary of the Israeli Labor Party. His views were first published in an article entitled "Alternative to A Nightmare" in *The Jerusalem Post* on 2 January 1981, based on a lecture given at the Kennedy School of Government at Harvard University.



Within the bounds of this state, Zionism can achieve all its aims under conditions of peace. But Israel must understand that the conflict will not be resolved unless and until Israel and Zionism also recognize the right of the Arab-Palestinian national movement to self-determination in the territory taken over by the State of Israel in the defensive Six-Day War, namely, the areas of the West Bank and the Gaza Strip.

This recognition will lead to peace negotiations with the representatives of the Arab Palestinian national movement, on condition that they, in turn, recognize Israel and sit with it at the conference table to negotiate a complete peace treaty.

The Palestinian Arabs will have to be given the right to determine the nature of the links between themselves and the Kingdom of Jordan, which is a part of the Israeli-Palestinian problem. It will also be their right to determine the manner in which the problem of the Palestinian refugees is handled in their areas, as well as the relationship with the Palestinian Diaspora, just as Israel will maintain its unshakeable Zionist connection with the Jewish people all over the world.

The evacuation of the territories will need to be carried out in agreed stages over a period of several years, with an Israeli army presence maintained until it is completed. The territory will remain demilitarized even after the Arab Palestinian movement is granted sovereignty under the joint supervision of Israel/Falastin or Israel/Falastin/Jordan. The duration of this demilitarization and supervision will be set by the peace treaty. The purpose of these terms will be to make sure that no elements within or outside the region hostile to Israel will be in the position to threaten its security.

Only when this lengthy process is completed will the peace between Israel and Egypt be a genuine Peace, and only then will Israel be able to attempt to achieve peace with Syria and Lebanon, and establish normal regional relationships.

I am well aware that these ideas are still unacceptable to many sectors in the contending parties. They do not reflect the current stand of Israel's current government or of the leadership of the Palestinian national

movement. But I am convinced that there is no other way of terminating the conflict.

I accept the fact that the pre-1967 boundaries are not ideal for Israel from the standpoint of security (although they are not as bad as generally presented). I also go along with the view that they are not ideal for the Palestinian Arabs either.

But the decisive factor is that these borders of the State of Israel in which the Zionist goals can be fulfilled already have tremendously important international acceptance. The parties who have agreed to them are the super-powers - the US and the USSR (as stated by them repeatedly and explicitly), China, all the members of the EEC, and a significant majority of the Third World nations.

Moreover, this agreement takes in (for reasons of sheer realism rather than enthusiasm) quite a few Arab states, headed by Egypt and including Jordan, Saudi Arabia, Morocco, Sudan and the Persian Gulf Emirates. As against this, *there is not a single country in the world other than Israel itself*, which approves of the annexation of the territories and disregards the political problem of Palestinian nationalism. Israel cannot, nor does it have to, face the world in isolation. It can make use of the consensus on the part of almost the entire world community to obtain the optimum conditions (including, primarily, the military supervision terms) for its security.

Should Israel go on maintaining its presence in the territories by force, by bolstering the settlements and by annexing land, it will not only subject itself to increasingly ignominious global isolation, but will also find itself in a progressively more intolerable ruler-subject situation in which its military control over the Palestinian Arabs will inevitably become harsher. That situation will completely distort and falsify the image, content and essence of the State of Israel and of Zionism.

In place of this ominous scenario, let me describe what might well happen if both sides were to proceed along the course I have indicated.

Following the first period (likely to last several years) of separate and extremely suspicious existence, bred by decades of bloody conflict, we

may hope for the activation of the positive dynamic forces of three entities: Israel, Falastin and Jordan. These forces will emerge from the common destiny of some seven million Semites, the sons of Abraham, whom fate has brought to a strip of land, sacred to them all, and who are linked by mutual political, economic and social interests.

Without conceding their full sovereignty and independence, a process of cooperation will set in, in many and varied fields. Such a process is not unfamiliar in recent history in other countries no less hostile to each other in their immediate past. In our case, the compactness of the political entities and their unique geographical location will lead to a form of consolidation (call it a confederacy, a common market or some such) of the three. In the course of this process (which may also take years), we shall see this consolidation arise, which, for the sake of brevity, I shall call ISFALUR, an acronym of ISrael-FALastin-URdun (the Arabic for Jordan).

I should like to describe the forces, which will bring about the emergence and crystallization of ISFALUR, as well as the benefit which (in addition, of course, to the precious reward of peace itself), the three partners will derive from their joint enterprises.

Scanning the ISFALUR map of the future, from north to south, we can visualize four major regional enterprises.

Northern Water Project. ISFALUR can harness the water sources in the north and regulate them for the general benefit. Assuming peace with Lebanon and Syria as well, ISFALUR will be able to effect a rational regional division of the Jordan waters (and the Litani River, with Lebanon's consent), plus the Yarmouk, turning the Sea of Galilee into a perennial reservoir for irrigating vast additional tracts of land on both sides of the Jordan rift, as well as in southern Israel and the Gaza Strip.

A Jordan Rift Project. This, based on both sides of the river, will produce food for export and building of modern food plants. This project will form the infrastructure for large-scale settlement efforts for Palestinian refugees; agricultural production will form a solid base for the establishment of villages, towns and cities, to absorb myriads of new settlers. The Jordan Rift, like the Jordan and Bet Shean valleys in Israel, will become a densely populated, highly productive exporting region.

Within the framework of this rehabilitation and development enterprise, to which Israel can offer its experience and expertise, we should examine the feasibility of digging a canal from the Mediterranean to the Bet Shean valley and southwards. The canal will be a source of hydro-electric power, but its main purpose will be to pour sea-water into artificial lakes with large desalination plants on their shores to add to the supply of water for irrigation. On their shores, too, an inland shipping industry will develop, carrying produce to the Haifa Bay ports. The lakes will also be used for sports, vacationing and recreation. Together with the Sea of Galilee, they will attract multitudes of tourists all over the world.

A Dead Sea Project. The Sea of Salt is ISFALUR's largest natural reservoir and quarry; its three members surround it on all sides. Exploitation of the quarry is still in an elementary stage. The Dead Sea Works in Israel's territory and the small potash plants in the Jordanian sector are only the tips of the saline chemical and metallurgical icebergs. The 1980s and 1990s will undoubtedly witness tremendous technological breakthroughs in the exploitation of new energy sources, as well as advanced chemistry, and the Dead Sea can spearhead these breakthroughs, specifically in the use of solar energy in the chemical industry. The sea, or parts of it at first, can act as a giant mirror able to provide enormous quantities of relatively cheap energy to industry, agriculture, urbanization and tourism along the coast and throughout ISFALUR.

Potash will not be the only mineral - perhaps not even the most important - to be extracted from the Dead Sea. Already bromine is being mined in big quantities, very soon to be followed by the extraction of iodine and many other requirements of the chemical and pharmaceutical industries. But most important of all will be the light metals such as magnesium and aluminum and the rare chemicals needed for the aeronautics and space industries, as well as others based on scientific technology.

The Dead Sea treasures may be readily exploited without impairing the qualities of the area for holiday-resorts and health spas. The deposits may be transported to distant localities in the Arava and along the Syro-African rift, to Eilat and Aqaba and to ISFALUR's Mediterranean ports, when great plants will be constructed for advanced chemical industries. In the framework of this project, a canal may be dug connecting the

Dead Sea with the Mediterranean and ISFALUR's western shores, to serve as an additional major source of hydro-electric energy.

An Arava Project. This will straddle the Arava region from south of the Dead Sea to the Eilat-Aqaba Gulf. It will involve the construction of a modern transport infrastructure, to include freeways, fast trains and airports. The enterprise will encompass a major agro-technical industry of modern food production, mainly for European markets. This region will also accommodate chemical and fertilizer industries (utilizing the rich phosphate deposits) and metallurgical undertakings.

New towns, similar to Arad, will be built right down the Arava, on both the Israeli and Falastin-Jordanian sides, plus new villages and towns capable of absorbing hundreds of thousands of new settlers, among them a refugee population. The future Arava will be a dense and flourishing centre of habitation, like the Mediterranean coastal strip from Rosh Hanikra to the Rafiah area.

The greatest of the Middle East projects will be the construction of the multi-city complexes and the TEAHAK, ERGASH seaports. This will be ISFALUR's crowning achievement, forming as it will a turning point in the development of the entire Middle East. It will be a joint enterprise of five founding states - the three ISFALUR members, Saudi Arabia and Egypt (possibly to be joined by others later).

Let us look at the present geopolitical and economic conditions in the region: Saudi oil is found in the *northeastern* part of the country, near the Persian Gulf-Arabian Sea. Thence (together with the oil from Kuwait, the Emirates, Iraq and Iran) it is transported in giant tankers to Europe, and America through the Strait of Hormuz, around the Arabian Peninsula and up the Suez Canal or around the Cape of Good Hope. As a result of political developments, Hormuz Strait has become one of the most dangerous waterways in the world, constantly under a threat of blockade.

ISFALUR could offer Saudi Arabia a partial but very significant *alternative* to the Hormuz Strait, and in so doing also achieve enormous regional development for *northwestern* Saudi Arabia and for Egypt's Northern Sinai.

The following are the main features of this alternative:

A large proportion of the Saudi oil will be transported via a giant-diameter pipeline network to the area of Hakl, a Saudi fishing village some kilometers south of Akaba. Hakl will be transformed not only into a terminal for this pipeline but also into a major port linked to Jordan's Aqaba, Israel's Eilat, and a fourth port to be constructed by Egypt at Taba.

In this joint enterprise, the four cities and seaports will form a new urban conglomerate, which we shall refer to by the acronym TEAHAK.

From TEAHAK the Saudi oil, or its refinements, (and perhaps also Egyptian, Jordanian and Israeli oil if and where found,) will flow via another pipeline toward the Mediterranean to a second urban and seaport conglomerate, consisting of the ports of El-Arish (Egyptian), Rafiah, Gaza (Falastinian), and Ashkelon Ashdod (Israeli), which we shall call ERGASH.

From ERGASH tanker to European and North American ports will transport the oil. This will be the shortest and most reliable route, as well as the most economical, for the distance of the proposed pipelines from the Persian Gulf to the Mediterranean is 900 miles, as against 3,600 miles via the Hormuz Strait and around the Arabian Peninsula. Perhaps most important of all is that it will allow the Hormuz Strait to maintain its importance but will divest it of its exclusivity and its resulting dangerous potential.

I see in the establishment of the TEAHAK and ERGASH cities a regional, and even an international goal and challenge comparable to the digging of the Panama and Suez Canals. The two conglomerates will be among the largest and most developed in the Middle East, filling roles similar to those of Antwerp and Rotterdam in Western Europe. In and around these cities, basic industries - chemical, petrochemical and metallurgical - will arise to serve other industries - pharmaceuticals, plastics, fine chemicals and fine metals. The edifice will be lopped with science-based industries, electronics and computers.

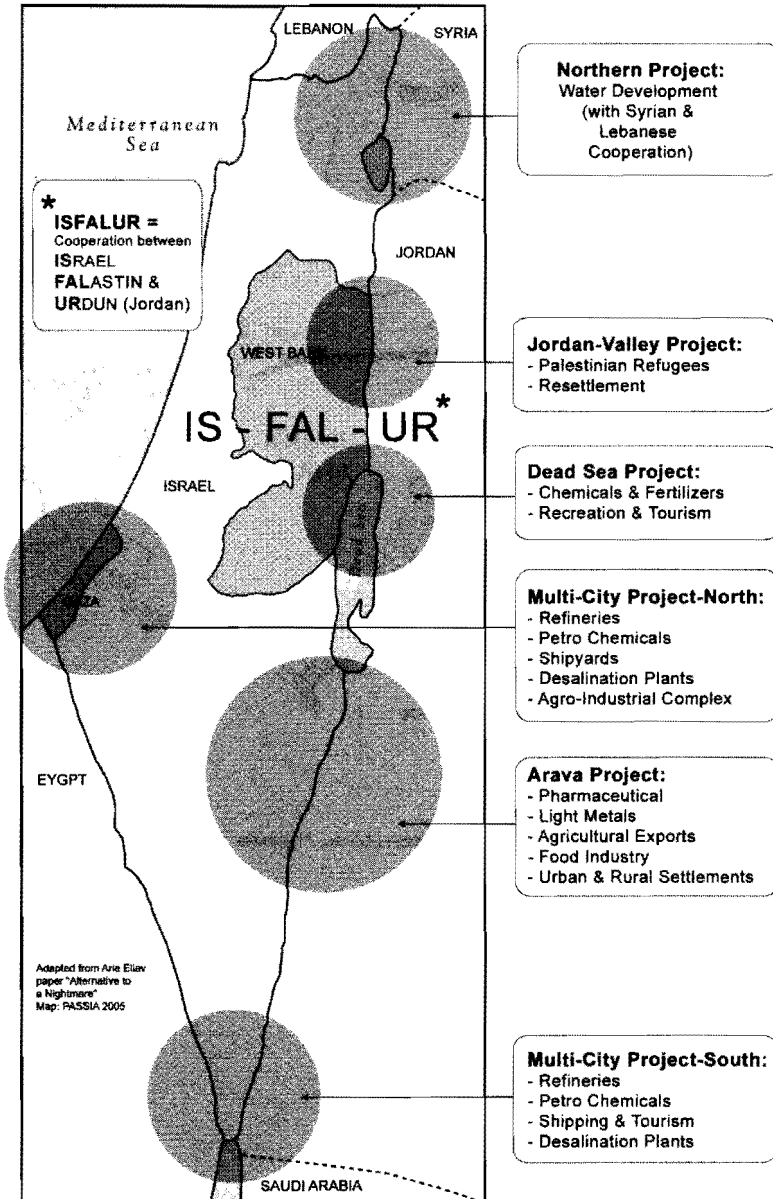
TEAHAK and ERGASH, lying at the crossroads of three continents -Africa, Asia and Europe - will be the confluence of three great civilizations -

Muslim, Jewish and Christian - and of the tremendous petrodollar wealth and the latent genius of Abraham's children - Isaac and Ishmael.

All these projects may seem like bubbles floating in the air, but even if they are dreams, they can also be implemented by- human hands. They are the alternatives to other dreams - nightmares rather - of unceasing murder and bloodshed, which may turn the entire region, perhaps the entire world, into a heap of rubble with a radioactive halo. For this is what Moses, the father of the prophets, sanctified by all the faiths involved in this conflict, had to say - and he said it amid the same rocks, the same deserts and the same seas about which we are speaking:

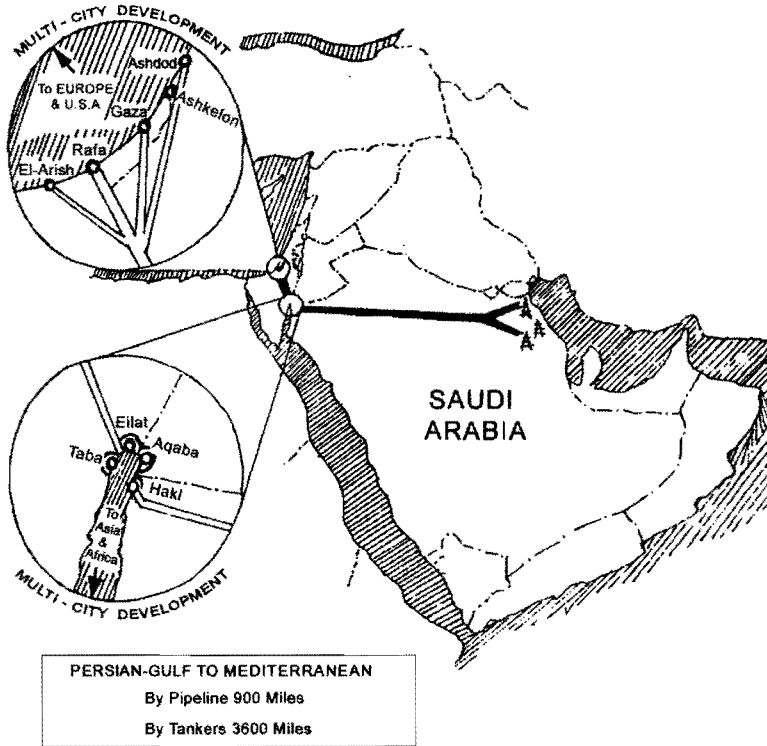
*"I call heaven and earth to witness against you this day, that I have set before thee life and death, the blessing and the curse; therefore choose life..."*

**Map – Regional Development After Peace (I)**





### Map – Regional Development After Peace (2)



Map adapted from Arie Lova Eliav's paper "Alternative to a Nightmare"

# TRILATERAL LAND EXCHANGE BETWEEN ISRAEL, THE PALESTINIAN AUTHORITY AND EGYPT: A SOLUTION FOR PROMOTING PEACE BETWEEN ISRAEL AND THE PA

Yehoshua Ben-Arieh<sup>1</sup>

## Introduction

The Israeli-Palestinian conflict has been broiling for a century. The last four years alone have seen over 1,000 Israelis and 3,000 Palestinians dead, and tens of thousands injured, in the second *intifada* [uprising]. This situation is insufferable for both sides. And daily the question is asked, but is it possible to resolve this conflict? And if so, how can that be achieved?

The time has come to think of and present new, innovative – daring even – ideas for local and regional peace. The present paper does just that. It offers a heretofore-untried approach to peace building: a three-way exchange of territory, between the Palestinian Authority (PA), Israel and Egypt. The plan, it is believed, could help trigger a breakthrough in the peace process and facilitate the quest for a permanent solution to the conflict.

The article first outlines the basic premises of the plan and the pros and cons for each of the three parties. It then discusses the basic principles underlying the plan. It concludes by offering a draft agreement for the land swap, to be signed by the three parties concerned as well as representatives of the international community, primarily the United States, the European Union and the United Nations. It is vital, I argue,

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that these entities be involved, first, to kickstart the peace process and, second, to provide incentives to the three signatories. Egypt's involvement in the plan would lend regional "muscle" and spawn other steps toward the attainment of peace in the Middle East.

In other words, I believe a land swap between the three parties concerned would mark a win-win situation in the current quagmire that is the Middle East.

The idea might sound grand. But in fact there is a precedent of a land exchange agreement in the same neighborhood: Jordan and Saudi Arabia signed such an agreement in 1965, charting anew thousands of square kilometers on both sides of their shared border. It worked then; there is good reason it can work again.

### **Basic Premises**

The plan calls for a three-way land swap between Israel, the Palestinians and Egypt. Israel would cede an area in the Negev to Egypt, with an access route from Egypt to Jordan; Egypt would relinquish a chunk of land south of Gaza to the Palestinians; and the Palestinians would forgo at least some of their claims to land on the West Bank.

The proposed plan has five basic premises:

- A.** *The land area of the West Bank and Gaza Strip will not – now or at any future time – suffice to provide adequate territory for the existence, and subsistence, of an independent and viable Palestinian state, particularly in view of the dire population conditions in the Gaza Strip today.*

In 1947, before Israel's War of Independence, the population of the present-day Gaza Strip amounted only to about 50,000 persons. Following that war, about 125,000 refugees arrived in the Strip from dozens of Arab localities all over the southern region of Palestine/Israel, which were damaged or destroyed as a result of the war. By 1967, this population had doubled to about 350,000 persons. Today, the Strip is home to some 1,250,000. Due to the extremely high rate of natural growth, about 4-5 percent, this population is likely to double about every 15 years. In 2020, it is estimated there will be about

2.5 million inhabitants. As things stand at present, this population will have no economic infrastructure in the Strip's own territory, which amounts to only 350 km<sup>2</sup>. A solution must be found for this grave problem. It should be noted that neither can the West Bank sustain a potential Palestinian state and secure its economic viability. In the 21<sup>st</sup> Century no country can survive solely on agriculture.

- B.** *Egypt took an active part in the 1948 war. The Arab refugees arrived in the Strip as a result of that war. Egypt even controlled the Strip for 19 years, and it cannot ignore the severe Palestinian problem in this territory. It must therefore take a substantial role in solving the problem.*

The entire Arab world today presents the Israeli-Arab conflict as an integral and significant part of the problems that preoccupy it, but it appears to cast the responsibility for its solution on Israel alone. Saudi Arabia, Jordan and other Arab states have for over two years proffered solutions to the Israeli-Arab conflict, but they have not clarified what their role in facilitating the resolution of this conflict would be. Moreover, Egypt was the first country to enter into a peace agreement with Israel. Having cut out the basic lines of that road it is time now to pave it. That is the challenge that stands before this and other countries.

- C.** *The international community, led by the US, Europe and the UN, view the Palestinian problem as urgent and pressing, particularly because of the occupation and the humanitarian problems that it entails. The problem has also long ceased to be an Israeli-Palestinian problem alone, and has become part of the global political and security-related tension. Nonetheless, the parties just mentioned have thus far made no substantial proposal as to how they could assist in solving this severe problem.*

Since the terrorist attacks of 9/11, the whole world, with the US at the helm, has enlisted to invest capital, human resources, equipment and weapons in Afghanistan, Iraq and elsewhere in an attempt to trounce the terrible threat that was created by the burgeoning Islamic-fundamentalist organizations headed by Al-Qaeda. The Arab world, too, is unable to afford a failure to overcome this global-cultural-strategic threat in the years to come. This is an added dimension to how the world now views the Israeli-Palestinian conflict, and

it will be prepared to contribute its resources to an extraordinary extent for this conflict's solution. It is unlikely, however, that external powers will militarily intervene in the Israeli-Palestinian strife.

It is therefore imperative for all parties involved to consider a valid idea which might provide an ultimate solution to the conflict, and which would ensure its future survival.

**D. Israel borders the Gaza Strip. The situation prevailing in the Strip will influence all future developments in this country.** Israel's disengagement plan, presented by Prime Minister Ariel Sharon in early 2004, will not solve the domestic socioeconomic problems within the Strip. The projected withdrawal from Gaza cannot be compared to Israel's withdrawal from Lebanon. In the case of the Gaza Strip, Israel is leaving behind a demographic and economic keg of dynamite which will have a continuing impact on Israel's own existential problem and is also poised to also exacerbate the conflict in the West Bank. It will have a negative effect on Egypt and Jordan as well. Israel therefore has an existential interest in seeking a suitable solution to the situation in the Gaza Strip; this solution, in turn, could preempt the resolution of the entire conflict and lead to the achievement of a final, genuine peace with the Palestinian people. It is a vital interest of other countries in the region to solve the problem and to avoid a massive population explosion in Gaza.

**E. Even if the Palestinians would one day gain the pre-1967 Green Line as their sovereign territory, this land could not safeguard the viability of this new state.** Israel has no commitment whatsoever to secure a road or any other connection between the West Bank and the Gaza Strip, and has no obligations to import Palestinian workforce. *A solution to these problems could only be found on the basis of a trade-off.*

The plan known as the Geneva Accord, announced by Israeli politician Yossi Beilin and his Palestinian counterpart Abu Ala in early 2004, does not provide answers to the central problems of the Israeli-Palestinian conflict.

First, the Geneva plan lacks credibility. Today, after four years of devastating *intifada* – regardless of who is to blame and what the catalysts for its outbreak were – it is impossible to return to the course and the

ideas that underlined the Oslo accord, even if at the time it was highly important and justified. It is impossible to allay the suspicion felt by the majority of the Israeli public that the Geneva plan is little more than a trap designed to destroy the existence of the Jewish state.

Second, the minor land swap envisaged by this plan is inadequate and will not be accepted by the Israeli side, if a rift in and internal devastation of Israeli society is to be avoided.

It is now widely agreed that Israel cannot, in an ultimate peace agreement with the PA, accept a total withdrawal to the lines of 4 June 1967, due to the facts that have been created over the 37 intervening years, and that some trading of land will have to take place between Israel and the PA. Why, then, should not a more significant land swap be considered, which would offer a proper solution to the internal Israeli problem and, simultaneously, would provide much greater assistance for ameliorating the Palestinian distress stemming from the establishment of a Palestinian state in its present cramped area, and especially the demographic-economic problem affecting the Gaza Strip?

Third, and this is perhaps the most significant shortcoming of the Geneva plan, it does not offer any response to the real problem of the Gaza Strip – the economic subsistence of its inhabitants. The idea proposed by the plan, to extend the Strip eastward by 2-3 km, adding an area of about 100 km<sup>2</sup>, is a non-starter. Besides bringing the Gaza Strip closer to the many Jewish localities of the western Negev, thus intensifying the real danger to their existence and their inhabitants' lives, this idea solves virtually nothing from the economic perspective. The problem is not whether or not an area of the Strip could be enlarged so as to construct housing for its exponentially growing population. Even in the Strip's present area, it is possible to construct high-rise buildings which might provide housing – albeit slum housing. The main problem is how the inhabitants are to make their living, given the rapid growth rates of the population, and what standard of living they will be able to maintain. If no valid and proper economic solution is found for these people (which is impossible within the Strip's present area) they will, even under peaceful circumstances – and certainly if there is a mere semblance of a ceasefire – “overflow” into the State of Israel and swamp it, thus progressively increasing the prospect of Israel's becoming a binational state.

## Principles of the Trilateral Land Exchange

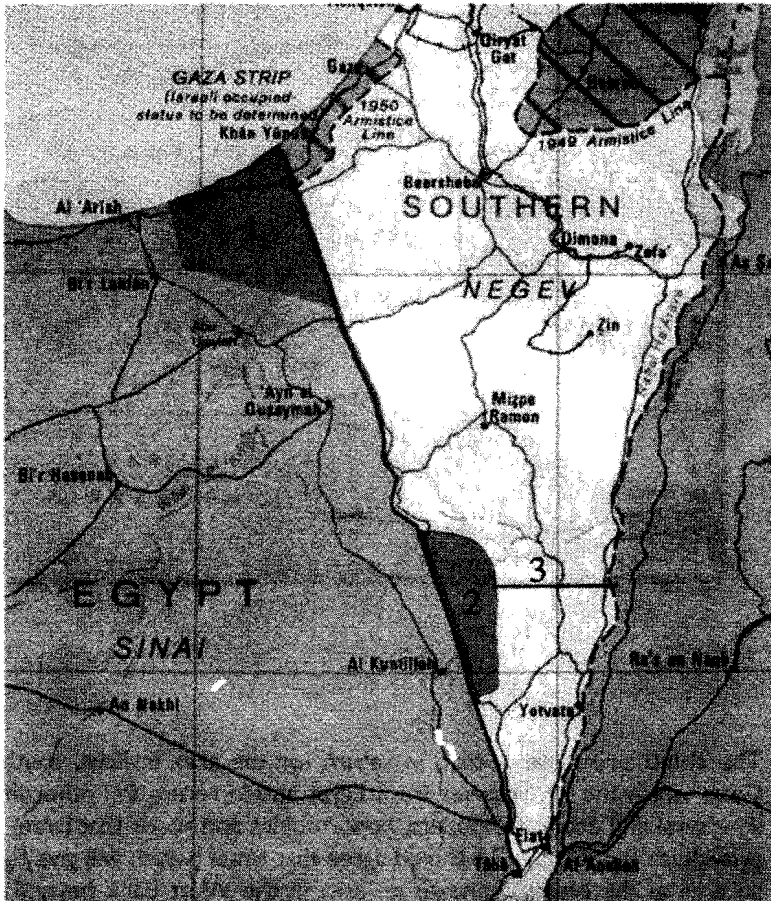
The first principle underlying the idea of this three-way land exchange holds that a genuine solution to the Israeli-Palestinian conflict can be achieved only if it guarantees to the Palestinian state the added **area which is vital to its existence**, in return for some less vital area which it will cede, without an overall reduction of the total area that would have been included in this state based on the 1967 lines.

The most suitable, and indeed almost the only, such area that might be annexed to the Palestinian state is south of the Gaza Strip, from Rafah to El-Arish and inland (see Map 1). The fact that this is almost the only possibility should not be misconstrued to mean it is a "no-other-choice last resort." This area offers *enormous* potential for development (to be described below) and can answer the problem of the Gaza Strip's extremely severe population density, which cannot be solved otherwise, while radically changing the character and economic base of the future Palestinian state.

The **second principle** is that the primary, basic land exchange is actually between Egypt and the PA, with Israel serving as the mediator by supplying to the Palestinians an area in the southern Negev which they can swap with Egypt.

It should be noted that the idea here is based on the precedent of a land exchange agreement between Jordan and Saudi Arabia in 1965. This exchange stemmed from a desire to lengthen the Jordanian coastline near Aqaba, which was previously very short. Following the agreement, Jordanian territory was increased by about 20 km of seafront, but the actual exchange was effected **along the entire stretch of the Jordanian-Saudi border**, for hundreds of kilometers, from the Gulf of Aqaba to the Iraqi border (see Map 2). The total land exchange was 6,000 km<sup>2</sup> for 7,000 km<sup>2</sup>. The question arises whether, as the concept was successful for the purpose of enlarging the port of Aqaba, it might also be applied – even on a much smaller scale – to solve a much harsher and more complex problem: that of the huge population density in the Gaza Strip and the bitter Israeli-Palestinian conflict.

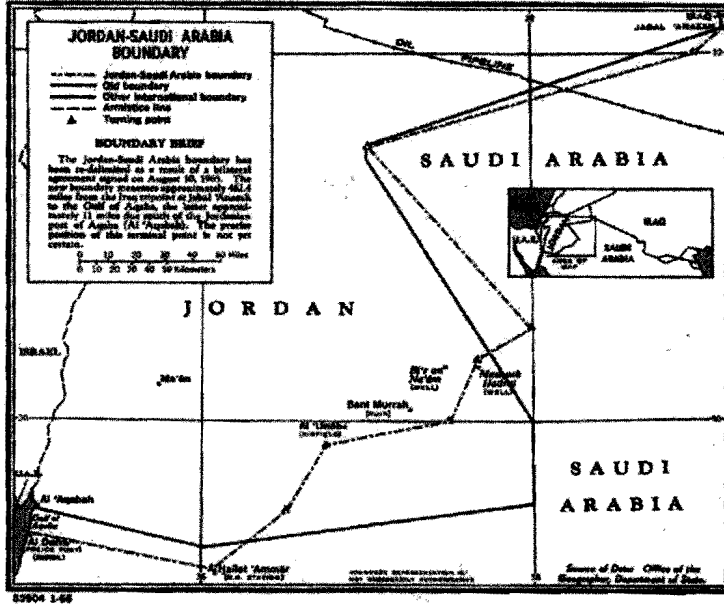
Map 1: Proposed trilateral land exchange



1. Egyptian land to be transferred to the Palestinians
2. Israeli land to be transferred to Egypt
3. Israeli highway/corridor to be transferred to Egypt



Map 2: Jordan-Saudi Arabia Land Exchange Agreement, 1965



The **third principle** is that, in return for the area in Sinai, south of Gaza, which the PA receives from Egypt and in return for other infra-structural and economic outlets, opportunities and roads that Israel will provide to the PA, the PA should agree that Israel (which will give Egypt an area in the Negev) annexes an area in the West Bank beyond the lines of 4 June 1967.

The Israelis and Palestinians will have to reach an accord as to the extent of the area to be ceded to Israel beyond the 1967 lines, including its location and layout (this issue will be addressed in greater detail below).

The **fourth and final principle** is that, whereas in the Oslo accords the ultimate objective of the process agreed between the parties was not specified, out of the hope that the dynamics created between them

would subsequently lead to a consensus on that matter, the present plan proposes adopting the **opposite course** and determining a prior consensus precisely as to the final phase of the agreement, and defining the borders first. A fault of the Oslo accords was that it allowed each side to interpret the agreed-upon process differently and envisage divergent objectives for the final phase; indeed, it was this flaw which doomed the accord to failure. Therefore, if this time a prior consensus is reached as to the final phase of the agreement, this will permit both sides to progress backward by steps that are adapted to the agreed final objective. Such a consensus will undoubtedly bring about an important breakthrough by creating a renewed state of mutual trust between the two parties, as well as an aspiration to achieve a joint purpose without either side having to take irreversible measures throughout the intermediary phases before the final objective is agreed upon.

The question remains: will it be possible to implement this plan? Before we explore that question in greater detail, however, let us discuss the components of the plan and how they may affect each of the parties involved.

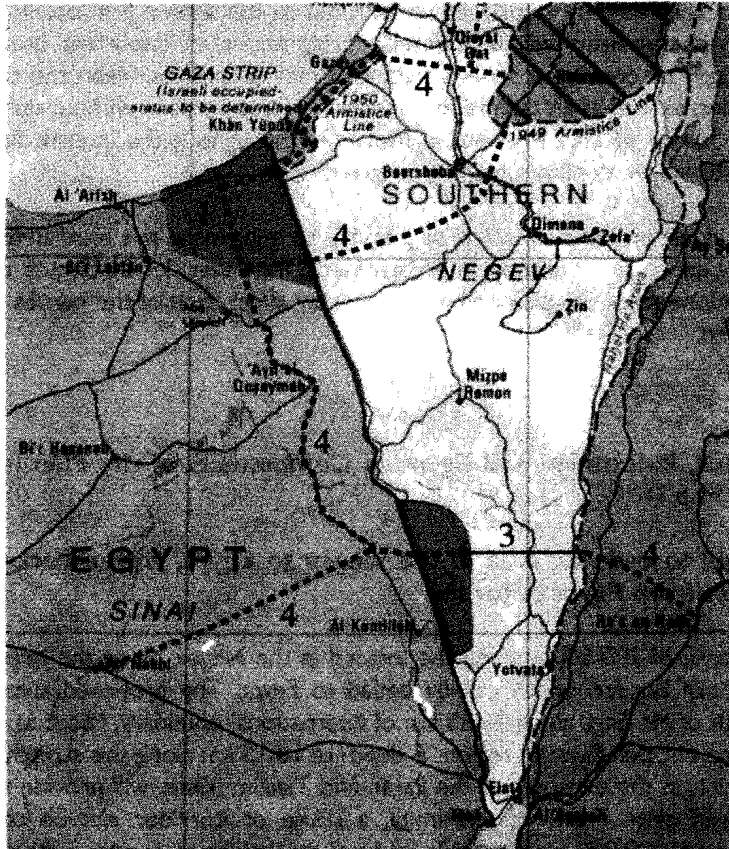
### **Israeli, Palestinian and Egyptian Components of the Plan** (see also Map 3)

#### **Israel to cede an area in the Negev to Egypt, with an access route from Egypt to Jordan**

An area of 200-500 km<sup>2</sup> can be located in the Negev, along the Israeli-Egyptian border, which can be ceded to Egypt. The proposed area is south of Mt. Sagi, along 25-35 km of international boundary, about as far as the Mitzpeh Sayarim region. A depth of 10-15 km along this stretch of border, in the expanses of the Paran and Tznifim plains, will provide the desired area. From its extremity, a route or corridor can be constructed, 200-300 meters wide, toward the Jordanian border, which at this point is only 20-30 km away. This route will provide a **land connection** between Egypt and Jordan –which today does not exist – and thus access too to Jordan's neighbors, Saudi Arabia, Syria and even Iraq. Fences can be constructed on both sides of the route to ensure its isola-

tion from the Israeli territory it transverses. At the crossing points with existing or future Israeli transportation routes, interchanges would be constructed to ensure a total separation between the Egyptian route and the Israeli ones (the Egyptian route can be constructed partly as a sunken highway or even a tunnel, but the necessity for this is uncertain).

**Map 3: Proposed highway connections**



1. Egyptian land to be transferred to the Palestinians
2. Israeli land to be transferred to Egypt
3. Israeli highway/corridor to be transferred to Egypt
4. Proposed highways

The Egyptian access point of this corridor from Sinai can be connected with a **desert superhighway** to the city of Suez via the localities of Thamet and Nahal. From the Jordanian access point to the corridor, the highway can be continued to the city of Ma'an, to connect with the main Jordanian north-south highway and the Hijaz railway.

From the area that is to be transferred to the Palestinians south of the Gaza Strip, a highway can also be constructed to connect the coast of this region with the Egyptian desert superhighway. This route will also utilize the cross-Negev corridor reaching Ma'an, to connect with Jordan and its neighboring Arab states, thus granting them an outlet to the Mediterranean Sea.

### **The PA to cede an area in the West Bank to Israeli sovereignty**

In return for the area that the PA is to receive in northern Sinai, Israel will receive sovereignty over areas in the West Bank. At the present stage, the precise demarcation and size of the areas to be annexed to Israel will not be determined, but it is important to define an order of magnitude for the land area to be exchanged. It appears that Israel will be able to request that the area be similar in size to that which the Palestinians will receive in Sinai south of Rafah, in exchange for the area ceded by Israel in the Negev. The proposed area would not, and should not, hamper in any way the viability of the future Palestinian state. Annexation of such an area to Israel would answer several of its main problems in the West Bank and would gain the support of an overwhelming majority of the Israeli population for the signing of a final peace treaty. Determination of the area to be annexed to Israel can be based on several principles.

- A. **Neighborhoods of Jerusalem** that are located outside the Green Line of June 1967, including the region of Ma'aleh Adumim and its environs, and the neighborhood of Givat Ze'ev which will become part of Jewish Jerusalem.
- B. **The large blocs of Jewish settlement** beyond the June 1967 border, such as Ariel in Samaria and the Etzion Bloc in Judea, and further minor border corrections along that border.

- C. **Additional limited lands** where there is no permanent Palestinian population, which would become enclaves within Palestinian territory, with access corridors and routes. These enclaves would have to be agreed upon between the two sides.
- D. **Nature reserves and other areas under joint control**, either with or without an external entity. Agreement may be reached regarding lands declared National Park area, or lands under joint control. There is a chunk of land in the Judean Desert and by the Dead Sea which could be declared as such an area. There are precedents in the world where two sides to a conflict found solutions by "leaning" on nature reserves or joint control areas to solve their border issues.

### **Egypt to cede an area in northern Sinai, south of the Gaza Strip, to the PA**

In return for the area and route that Israel will relinquish to it, Egypt will agree to cede to the PA an area south of the Gaza Strip and about twice its size. The scale of the territory is to compensate for the route that is to be granted to Egypt, which is of the greatest strategic importance, and also reflects the disparity in size between the land area of Israel and of Egypt – which is 50 times larger than Israel – or even of the Sinai peninsula alone, which is three times larger than Israel.

It is proposed that the "greater" Gaza Strip will extend along 20-30 km of the northern Sinai coast, from Rafah toward El-Arish and 30-40 km inland, for a total area of 500-1,000 km<sup>2</sup>. (Egypt would, ideally, agree to grant a relatively large area.) The Gaza Strip's present land area is 350 km<sup>2</sup> (5-12 km wide along 40 km of coastline). The added area in Sinai will boost the Strip between double and quadruple its size, to a land area of 850-1,350 km<sup>2</sup>. The small Bedouin population now inhabiting the Egyptian-assigned area, excluding the population of the Egyptian sector of Rafah which is actually a Palestinian population, will be able either to remain in place under Palestinian sovereignty or to receive compensation and relocate to another part of Sinai, particularly the environs of the city of El-Arish. The advantages of this proposal for the PA will be listed in detail below.

## **Pros and Cons of the Plan, and Prospects for Its Implementation**

### **The Palestinian Authority**

#### **Pros:**

**A. The Demographic-Economic Perspective.** The Gaza Strip's present land area, as noted above, is only 350 km<sup>2</sup> and its population stands at around 1.25 million inhabitants. This makes the Strip one of the most densely populated regions in the world. Moreover, its rate of population increase is extremely high, which, as many experts have warned, means the Strip is nothing less than a ticking demographic-existential bomb. Having said that, the very sparsely populated area south of Rafah offers enormous potential for development and may be extraordinarily significant for the whole Palestinian State, to the extent of altering its entire future character.

The planning and development of this area can be undertaken by Western companies, with European-American financing, and will have to be supported by the entire world of industrial nations. This must be a global effort.

Development of this area and the absorption therein of a large part of the Gaza strip's present population can radically alter the future character of the Strip and will permit its appropriate economic development together with that of the new area. In other words, a new Greater Gaza region would be formed that could stand as the industrial and economic forefront of the Palestinian state, while the West Bank hinterland would provide the national, historical and cultural area as expressed by the cities of Bethlehem, Hebron, Ramallah, Nablus, Jenin, Tulkarem, Qalqilya and the traditional Arab rural countryside – and, of course, East Jerusalem.

Some examples of the enterprises that may be established in the Greater Gaza region, including both the old and new parts:

- 1) A **deep-water port** which will serve both the Palestinian population of the present Gaza Strip and the large population of the new region to be established, which will increase steadily. Un-

der peaceful conditions, once the proposed connecting routes are created, this port will also be able to serve the Palestinian population of the West Bank. Under such conditions Israel, too, will be able to utilize this port for its needs, particularly those of its southern portion, including the export of phosphates and potash from the Dead Sea region. This port could also serve as an *entrepôt* for Jordan and certain regions of Saudi Arabia, and even Syria and Iraq, becoming their chief export and import outlet on the Mediterranean coast, which will offer these countries numerous advantages.

- 2) **A petroleum terminal, refineries and associated industries.** The laying of an oil pipeline similar to the Saudi TAP line can be contemplated, which would transport petroleum directly from Saudi Arabia to the Mediterranean coast. TAP line was about 1.600 km long, transporting oil from the Persian Gulf region of Saudi Arabia via Syria and the Golan Heights to Zahrani near Sidon, in Lebanon, where refineries for the crude oil were established. Following the occupation of the Golan Heights by Israel, this pipeline was closed down, but it can definitely be rehabilitated, partly along its original route, to lead toward the greater Gaza Strip. The distance would indeed be shorter than to Sidon. Fuel might also be pumped there from the Basra region of Iraq, the distance being almost identical. This would save the shipping of oil by the long route through the Indian Ocean, the Red Sea and the Suez Canal to the Mediterranean, or – where supertankers are concerned – the journey around the entire African continent. From the Gaza region, fuel might be supplied by small tankers to the Mediterranean littoral countries, including their ports from which the fuel is sent inland to the countries of central Europe through pipelines, some of which already exist.

Nearly all the petroleum that is now transported from its points of origin is shipped in its crude state. Refineries are constructed in the consuming regions, or in the transit areas from which the oil is marketed as refined products. A ramified industry develops around the refineries, utilizing their surplus materials. Such industry provides employment and abundant income to its workers.

- 3) **Fishing ports.** As detailed below, contemporary maritime law recognizes, in addition to territorial waters, an exclusive economic zone, which grants littoral countries fishing rights as well as gas and oil prospecting rights 200 km from the shoreline. The coastal waters off Gaza are well stocked with fish and can be further enriched. If the Greater Gaza idea is adopted, this region will have a 70-km shoreline (40 km in the existing Gaza Strip plus 30 km in the new area) with extremely rich coastal waters that will permit the construction of a sizable number of fishing ports to provide a livelihood for a considerable population.
- 4) **A Mediterranean Riviera.** The golden-sand coastline of the old Gaza Strip, and the new area's no less, is ideal for a Riviera-style tourism region that would be among the Mediterranean's most beautiful and suitable. Hotels and tourism centers of various standards can be constructed along this coast to attract a large market, including the future Palestinian State's population. Israeli vacationers will be as glad to go there as they are to Sinai today. With an added European clientele, tourism could become an important source of livelihood and income for the inhabitants of this region and the entire Palestinian State year-round.
- 5) **Power stations and desalination facilities.** Power stations can be constructed on the coast to provide electricity for the residential and industrial purposes of the entire region, including the present Gaza Strip. Desalination facilities could provide water for the industrial and residential consumption of the entire region, as it is provided today in Saudi Arabia, the Persian Gulf countries, and many other littoral regions. The topographical altitude throughout the new and old Gaza Strip does not exceed 100 m., which increases the economic feasibility of utilizing desalinated water as the cost of pumping it uphill is eliminated.
- 6) **A planned central city, additional secondary towns and a road network.** At the center of the area that is to be annexed to the Strip, in the inland region about 20-30 km from the coast (15 minutes' drive on a suitable road,) a new, planned city can be constructed which can absorb a population of hundreds of thousands, up to 1 million and more. Throughout the new area, additional



secondary towns can be established that would serve the large population, which would relocate to this area. The inhabitants of the old Gaza Strip would be able to move into all the new area voluntarily, with the distance to their previous domiciles amounting to a drive of under an hour. A new road network can be constructed, to serve both the region's internal needs and its outward connections. The possibility has been noted above of constructing a highway to connect the greater Gaza Strip to Egypt's desert super-highway, which in turn will directly connect the region with Jordan and its neighboring Arab states. A main north-south highway can transverse the entire enlarged Strip, along its eastern border, from its northern end to the new area with all that is to be constructed there, as far as its southernmost point. This highway will constitute the main artery for all the region's traffic, and it will be connected to the external highways reaching the region, such as the aforementioned eastward highway, but it will also connect to the passages that will connect (as proposed below) the two parts of the Palestinian state: the West Bank and the Greater Gaza region.

- 7) An **international airport**. Not far south of the central city, in the hinterland of the region, it will be possible to construct a potentially important international airport. The fact that the shortest routes for east-west aviation lines pass over this region grants local airports highly important advantages. The airports of Cairo, Amman, Beirut and other regional hubs are overloaded, with aircraft landing at excessive frequency. A new international airport, to be constructed in the greater Gaza Strip could play a most vital role as a stopover for flights crossing this region and could also serve its entire population, which would very much require this facility, as would the tourist traffic reaching this region and adjoining destinations. It could therefore provide a central source of employment and livelihood for the region's inhabitants.

All these examples, to which more can be added, indicate the high economic potential of the region.

It would be profitable if, prior to the discussion on the final agreement, an international company would be retained to assess its real economic potential and propose its own plan; this or another com-

pany can be engaged to propose appropriate regional plans for the entire region and its various subdivisions.

## **B. Palestinian Prestige and Honor**

Another factor that can enhance PA support for the proposed plan pertains to Palestinian prestige, or honor. The Palestinians will be able to claim, rightly, that they received territory equal in size to the Palestinian territory prior to June 1967, in other words a one-for-one swap. The new lands will be even more valuable than those relinquished (a coastal area as opposed to hinterland). Moreover, the new land comes with a considerable area of territorial waters and an exclusive economic zone, with proven natural-gas reserves and extensive fishing areas of high economic value. As noted, the maritime exclusive economic zone will now extend 200 km from the coastline, a matter of highly important geographical significance as it actually adds a large area to the Palestinian State's territory.

### **Con:**

**Palestinian unwillingness to cede to Israel West Bank areas they consider essential.** This of course is a possibility, and the argument they may invoke is that the area offered to them south of the Gaza Strip is not "motherland area," unlike that which they would have to cede in the West Bank. Moreover, Palestinians view some areas that Israel would ask for annexation as vital for their future state, and they could refuse to concede such land for the purpose of the Jewish settlers. This will have to be answered by an effort to arrive at a consensus with them not only about the size of the area they receive in Sinai but also about the return they receive in terms of the size and location of the areas they will have to cede in the West Bank, along with the safe passage highways under their control between the West Bank and the Gaza Strip, including its new area in Sinai, thus greatly strengthening the links between the two parts of the future Palestinian state. The problem of disconnection between these two parts, the West Bank and the Strip, is the main existential problem for the state's viability as a unitary entity. Israel controls the possibility for creating a link between the two, and if it is wise enough to assist the Palestinians in creating a real link (as will be argued below, in the section referring to Israel,) then, presumably, Israel

will be able to demand appropriate compensation from the PA in the form of roads through West Bank areas, which might solve some of its own centrally important problems.

## Egypt

### **Pros:**

- 1) The 1965 significant land exchange between Jordan and Saudi Arabia, for the purpose of increasing the Jordanian coastline near Aqaba, provides a precedent for the current plan of exchanging territories between Arab entities. In this case, the proposed land swap is effectively between Egypt and the PA. **Israel will not receive any Egyptian territory whatsoever.** Therefore, it will be difficult for Egypt to reject this precedent, especially if such a request is addressed to it by the PA. Countries like Jordan and Saudi Arabia might press for the acceptance of such a solution, since they have carried out such an exchange with each other – provided, of course, they conclude that this solution is acceptable to the Palestinians and is capable of ending the Israeli-Palestinian conflict.
- 2) The Egyptians will be able to derive great benefits from the **railway and desert superhighway** that will be constructed from the city of Suez to the area that will be offered to Egypt in the Israeli Negev, and from there will connect to Jordan, the Hejaz railway and the north-south highway connecting to Jordan's Arab neighbors, Syria, Saudi Arabia and Iraq. Settlement stations can be established along the Egyptian desert highway which can serve as starting points for touring the surrounding desert and beyond. Oil, gas and water pipelines can also be laid along this route, so that this passage may assume the greatest importance for the Egyptians – indeed, it fulfils an ancient dream. This highway can even be viewed as a throwback to the historical Darb Al-Haj route, which took the same course. Receiving this passage could serve as a valuable argument for the Egyptian leadership in justifying the land exchange to its people.
- 3) The **threat of a continuing Palestinian-Israeli conflict and its evolution into a religious clash** can also become a domestic danger for Egypt, which it will be highly interested to avoid. There-

fore, if Egypt can contribute to the solution of this problem and prevent its overflow across its own borders, it presumably will not reject the idea out of hand.

- 4) The present **Israeli disengagement plan** from the Gaza Strip is liable to lead Egypt into an entanglement in the Strip's affairs. The harsh economic situation that will be created in this region, the sealing of its exits toward Israel and the grave existential problems that will ensue within the Strip are liable to cause attempts by the local population to spill over onto Egyptian soil. Demands from Egypt to assist the Strip and see to its security so that its inhabitants are no longer involved in terrorist attacks on Israel may deter the Egyptians. Therefore, if Egypt can make its own contribution to an ultimate settlement of the problem, it may be prepared to consider such an idea as a trilateral land exchange much more than it was previously, especially if this is the result of a request by Israel and the PA or an agreement between them, or is the subject of an international initiative and appeal. Moreover, Egypt will not be required to give a positive reply immediately but only not to reject the idea out of hand and to stipulate that to the extent a prior agreement is reached between the other two, Israeli and Palestinian, parties, backed by the western countries and the UN, for an ultimate Israeli-Palestinian peace agreement, Egypt will be prepared to consider its own contribution thereto.
  
- 5) **Financial revenue.** The creation of a passage between the greater Gaza Strip and its economic hinterland in Jordan and the adjoining countries can, on the one hand, form an important source of financial revenue for Egypt, as the passage will be through Egyptian territory and its users will pay tolls. On the other hand, such a passage may reduce Egyptian revenues that are derived today from Suez canal tolls, since traffic through the canal may decrease somewhat as a result. Egypt may demand considerable financial compensation both for this decline in revenue and for its overall contribution in relinquishing the area south of Rafah. Thus, for example, a commitment to dig a parallel Suez Canal alongside the existing one, which will permit replacing today's one-way traffic with uninterrupted passage in both directions, would make a great contribution to the Egyptian economy.

At present, the Egyptians are also planning extensive development projects to absorb their rapidly increasing population in the Western Desert and the Port Said-Bardawil Lagoon area. Generous financial support for these projects might definitely boost Egypt's willingness to join the trilateral land-swap plan, and presumably Cairo would agree to give the idea serious consideration.

- 6) **Prestige and status.** The final argument, and perhaps one of the most important, is that the trilateral land-swap idea will actually bestow on Egypt and its leader the leading role in the entire Middle East and a central status worldwide, since the possibility of implementing this solution will depend entirely on them. Egypt will have to be both a signatory of the agreement and, to a large extent, conduct its implementation, with the two parties to the conflict as well as additional Arab states, the US, Western Europe, the UN and other countries being co-opted – which will confer on Egypt and its leader an extraordinarily prestigious status in the Middle East and worldwide.

#### **Cons:**

- 1) Egypt has in the past demonstrated a resolute **aversion** to cede even an inch of its territory, as was manifested in the peace negotiations at Camp David and subsequently at Taba.
- 2) Its **unwillingness** to become involved in the Palestinian cause and its avoidance of entanglement in the Israeli-Palestinian relationship.

#### **Israel**

##### **Pros:**

- 1) The fact that the proposed area's location in the Negev is extremely **remote** from the geographical center of the Jewish State and lacks any vestige of Jewish settlement may facilitate a decision to concede it.
- 2) The possibility that this plan may bring about a **breakthrough toward a final peace** between Israel and the PA, as well as all the Arab countries, is worth sacrificing the area in the Negev, even if it

is relatively large and even if the Egyptian route crossing it creates a certain, though not insuperable barrier.

It also appears that Israel will be required to give more than the area to be ceded in the Negev, if it wishes to achieve this breakthrough toward a durable peace with the Palestinians. A further, significant contribution to the proposed idea might be for Israel to allow the PA to maintain free passages, similar to the route that is to be offered to Egypt, through Israeli territory, connecting the West Bank and Gaza. One conceivable route might pass from the Bet Hanun region to the Hebron Hills (in the vicinity of the Arab village Bet Awa) (see map 3). In its western part, as far as the highway and railway to Beersheba, this passage might be constructed as a tunnel or sunken highway. East of the Beersheba highway and railway, a secondary road might connect the passage with the Latrun-Bet Sira region and onward toward Ramallah. These roads, which would be partly constructed as tunnels or bridges, might permit free and rapid access for the inhabitants of the West Bank to Gaza and the new area that is to be annexed thereto, and might constitute a decisive argument for the Palestinians to grant their overall support for the proposed trilateral land swap.

There should also be no cause for alarm even at the idea to offer the Palestinians an additional route from the southern Hebron Hills, passing east of Beersheba to the Nitzana region and from there to the new Palestinian area that will be added to the Gaza Strip.

Granting these free-passage routes to the Palestinians through Israeli territory should not constitute any security risk for Israel. On the contrary, it should only intensify the Palestinian desire to preserve a state of peace and quiet alongside Israel. It will also justify a demand by Israel to receive similar roads and create certain Israeli enclaves within the Palestinian state in the West Bank, and will facilitate the determination of the areas in the West Bank that are to be annexed to Israel.

### **Cons:**

- 1) Relinquishing an area in the Negev will constitute an **erosion** of Israel's position, in that Israel will be prepared to concede original Israeli territory dating from before 1967.

- 2) The route that is to be offered to Egypt through the Negev will, in effect, form a line **cutting off Eilat** and the southern Negev from the rest of Israel, and for many Israelis this would rule out any readiness to promote the plan.

## **Summary**

Proposing an Israeli peace plan is very important from the Israeli domestic angle, as it will open for Jewish society the vista of a possible, real peace in the event that an ally is found on the other side.

True, implementation of the proposed plan requires vision and a desire for peace on both sides. It appears that on the Jewish side, present-day society is definitely longing for peace, can appreciate the vision of the proposed plan, and will do all in its power to accomplish it. It must be hoped that on the Palestinian side, an ally can be found to strive together for achieving the coveted peace.

The idea of a trilateral land swap will constitute the first step toward an ultimate peace agreement between Israel and the PA. It will have to be expressed in a signed agreement.

The time for proposing an original Israeli peace plan is now. The following is a proposed draft for an agreement of principles on a trilateral land swap.

**Steps toward a Final and Permanent  
Peace Agreement  
Between Israel and the Palestinian Authority**

**STEP I**

In anticipation of the signing of a final peace agreement between Israel and the Palestinian Authority (PA), the signatory parties of this document agree that, as part of the peace agreement, a trilateral land exchange shall be effected among Israel, Egypt and the PA, as follows:

- A) Israel will cede to Egypt an area of 200-500 km<sup>2</sup> in the southern Negev, in the Nahal Paran region bordering Sinai, approximately opposite Kuntilla, which will be annexed to Egypt and will become Egyptian territory for all intents and purposes. The security arrangements, which apply at present to the region of Sinai adjoining this area, according to the peace agreement between Israel and Egypt, will also apply to this area.
- B) Israel will cede to Egypt a highway corridor from the extremity of the area that is to be annexed to Sinai toward the Kingdom of Jordan, which will permit the construction of a multi-lane automotive highway, a railway, and adequate area for laying fuel and water pipelines.
- C) In return for the area and passage that will be ceded to Egypt, the latter will agree to cede to the PA an area of at least double the size it received from Israel (500-1,000 km<sup>2</sup>). This area will be south of Rafah in the Gaza Strip along about 20-30 km of coastline from the present Israeli-Egyptian border toward El-Arish, extending inland into Sinai.
- D) In return for the area that is to be received by the PA in Sinai from Egypt, an area of similar size will be ceded to



Israel beyond the line determined by the armistice agreement which was signed between Israel and Jordan in 1949 and which was in effect until June 4, 1967.

- E) As part of the documents to be signed for this agreement, detailed maps shall be drawn up to show: 1). The size and boundaries of the Israeli area in the Negev which, according to this agreement, shall be ceded to Egypt as part of the final peace agreement that will be signed between Israel and the PA; 2). The route and breadth of the highway corridor between Egypt and Jordan, which is also to be ceded to Egypt after the signing of the final peace agreement between Israel and the PA, and as part of its implementation; 3). A delineation of size and borders of the area to be ceded by Egypt to the PA south of the Gaza Strip; and 4). The size, in square kilometers, of the area in the West Bank beyond the lines of June 4, 1967, which will, is to be finally agreed for annexation to Israel.
  
- F) The precise demarcation of the area to be annexed to Israel beyond the lines of June 4, 1967, and as a corollary the permanent border between Israel and the PA, as well as the determinations concerning the city of Jerusalem and its environs, will be made as part of additional steps to be agreed upon in advance of the signing of the peace agreement between Israel and the PA.

Signatories:

## FEDERATION VERSUS CONFEDERATION IN JORDANIAN-PALESTINIAN POLITICS

*Mousa Burayzat*<sup>1</sup>

### **The Legacy**

The Jordanian-Palestinian relationship is central to the outcome of the Palestinian-Israeli conflict, an outcome that will continue to be affected to no small extent by what Jordan did in the past and what it will do in the future. At the same time, Jordan and Jordanians will also be affected by whatever happens to the Palestinians west of the River Jordan, and that is why Jordan's stand *vis-à-vis* Palestinian affairs has always been distinct from that of the other Arab states. Geographic proximity and familial and social links between the people east and west of the River Jordan propelled Jordanians to be actively involved in Palestine from the very beginning and these links are yet another reason why Jordan cannot afford to remain aloof or adopt a neutral position with regard to the Palestinian question.

Jordan's involvement in the Palestinian question began long before modern Jordan was founded in 1923. Sharif Hussein Bin Ali, for example, the leader of the Great Arab Revolt of 1916 and the father of King Abdullah I, the founder of modern Jordan, chose to go into exile rather than endorse the infamous Balfour Declaration of 1917. The Hashemite connection is therefore of great significance to the Jordanian-Palestinian relationship, and, in many respects, it has served as a catalyst for Jordan's role in Palestine.

Although Jordan's involvement in Palestinian affairs has served to highlight the Pan-Arab dimension of the Arab-Israeli conflict – as well as the federal-confederal struggle within Arab politics – it has never been smooth or without problems. One reason for this is the fact that the Jordanian role

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was always influenced by the reactions of many players, namely Britain (the Mandatory power) in the early phases of the conflict), the Zionist movement (and, later on, the State of Israel), the Arab states, and the Palestinians themselves.

The purpose of this paper is not to analyze, in detail, the role of Jordan in Palestine and the reactions of others to this role, but rather, to highlight the lessons that Jordan itself has learned from its past experience in dealing with the Palestinian issue and how these lessons might influence Jordan's future relationship with the Palestinians.

First, Jordanians believe that no matter how hard they try, they will not be able to satisfy the Palestinians or gain their genuine approval with regard to a possible Jordanian role in Palestine. Obviously, there were many among the Palestinians who saw some merit in Jordan's involvement in the early stages of the Palestinian-Israeli conflict and who agreed with King Abdullah's 'middle of the road' approach, not least of all because such an approach, they reasoned, succeeded in preserving the West Bank and the Old City of Jerusalem in 1948; those territories, which were subsequently occupied by Israel in 1967, are, after all, in addition to the Gaza Strip, what Palestinians regard as their national homeland. There were others, whoever, who opposed such a role, some of whom even went so far as to claim that the outcome of the War of 1948 was the result of a 'conspiracy' involving King Abdullah I and the British.

Second, though Pan-Arab in orientation, the Palestinian movement vacillated between a Nasserite version of Pan-Arabism and a more parochial Palestinian nationalism. The notion of a Palestinian national identity as a response to the founding of a Jewish national home in Palestine appealed to many, both within the Arab World and elsewhere. The notion collided, however, with the Jordanian-Palestinian unification that occurred in 1950.

Third, as the Palestinian people could not stand alone against the Jews and the Zionist movement, they were forced to rely on the support of the Arab states. History has shown, however, that such support was not without a price. During the early stages of the Palestinian-Jewish struggle there was a parallel political battle going on among Arab leaders over leadership and influence within the Arab World, and due to the problematic nature of Palestinian representation at the time and the absence of a uni-

fied and solid political movement that would fend off Arab intervention in Palestinian affairs, Palestine and the Palestinian question rapidly became an arena for inter-Arab competition. Pro-Palestinian slogans as well as ones of a Pan-Islamic nature and those in support of Pan-Arabism were consequently adopted by Arab rulers and elites simply so that they could boost their claims to power and authority within their own societies and in front of Arab public opinion, and due to the fact that fair and open elections were not on the agenda of most Arab regimes back then, their use of such slogans proved very effective in terms of their efforts to achieve the legitimacy they required in order to rule. The reality is that effective social and economic policies were not important as far as political aspirants in the Arab World of the 1950s and 1960s were concerned and that it was the issue of Palestine that proved to be the most effective tool of Arab leaders and political parties striving to gain acceptance and approval within Arab societies. In short, Palestine, although it was indeed, for some – like Jordan – a cause, was for others nothing more than a highly valuable playing card.

Fourth, the involvement of the Arab states in Palestine was questionable. Although it contributed in some respects to the steadfastness of the Palestinian people, in the final analysis, it has proven ineffective. Many in Jordan believe that the involvement in Palestine of most of the Arab states was aimed primarily at boosting the local and regional legitimacy of certain Arab leaders whilst undermining Jordan's role in Palestine as opposed to helping Palestinians to face the Israeli onslaught. The members of the Arab League (with the exception of a then Hashemite Iraq and Yemen, under the Imam) certainly did not approve of Jordan-West Bank unification in 1950 at which time leading powers in the Arab World and a number of Palestinian factions adopted a maximalist position in a bid to expose Jordan's middle of the road approach toward the unfolding situation in Palestine. Later on, in 1967, the late King Hussein's attempts to enlist US President Nixon's support for an early Israeli withdrawal from the West Bank were rapidly undermined by Arab leaders meeting in Khartoum, Sudan, when they issued their famous 'Three 'Nos' - no to reconciliation, no to recognition, and no to negotiations with Israel - while a few years later, in 1972, several Arab states went so far as to sever their diplomatic relations with Jordan when the late King Hussein announced his United Arab Kingdom Plan, a federal scheme to facilitate the formulation of a joint Jordanian-Palestinian approach to negotiating a peace settlement with Israel. The same negative attitude toward Jordan on the part of the Arab states –

which in 1973/74 had declared that the PLO was the "sole and legitimate representative of the Palestinian people" - was adopted again a few years later, this time in relation to the September 1982 plan of US President Regan because it referred to a possible role for Jordan in the future Palestine. Likewise, leading Arab powers saw no merit in the Jordanian-Palestinian Agreement of 1985, which called for negotiating with Israel through a joint delegation within the context of a possible future union of the two entities, while in 1986 a 'Jordanian plan for economic development of the Occupied Territories' was vehemently opposed by the PLO and viewed with skepticism by most of its Arab state supporters.

If any proof of the anti-Jordan sentiments in those decisions and positions is needed, one need only remind oneself of the fact that the Arab states from which they originated accepted far less than what Amman was asking as a price for a peace settlement with Israel once the PLO started to negotiate directly with the Israelis. It is clear, having considered this fact, amongst other things, that the views of major Arab powers concerning Jordan's political-diplomatic attitudes with relation to Palestine were not based on the merit of the Jordanian initiatives, but rather, on the narrow political interests of those holding such views, all of whom were eager to win the competition for regional influence and power. This fact, unfortunately, has not received enough attention on the part of political activists and analysts, nor even on the part of most historians.

The Arab hostility to which it was subjected as a result of its attempts to play a larger role *vis-à-vis* the Palestinians was no doubt one of the reasons why Jordan decided, in July 1988, to terminate its legal and administrative links with the West Bank. Jordan, quite obviously, had not been acting in an entirely altruistic manner when seeking some form of association with the Palestinians. On the contrary, it had been trying to protect its own interests by helping the Palestinians to regain their land through peaceful means, having always been wary of Israel's extreme rightwing ambition to expel Palestinians eastward. Another contributing factor with regard to Jordan's motives was the fact that Jordanian leaders were unsure about the Arab states' level of determination when it came to forging a common effective strategy to deal with the Israeli threat militarily, which is why Amman consequently adopted a diplomatic option, the hope being that by doing so, it would be able to blunt the Zionists' plans for Jordan. The 'Jordan is Palestine' scheme was undoubtedly always in the background

when it came to Jordan's policy toward the Palestinian question prior to the signing of the peace treaty between Jordan and Israel in 1994.

The Jordanians, however, were not seeking peace with Israel at any price. In all of his diplomatic efforts to resolve the Palestinian question, the late King Hussein made it abundantly clear that Jordan would not accept less than a full Israeli withdrawal from the West Bank, including East Jerusalem, and a fair solution to the refugee problem on the basis of relevant UN resolutions, especially Resolution 194 (1949). The Jordanian monarchy's main concern was the retrieval of the Occupied Territories from a militarily superior Israel through negotiations, though such negotiations between Israel and the PLO were not possible until Oslo in 1993. Jordan's principled position on Palestinian rights was not welcomed by the State of Israel, but Arab opposition to Jordan's efforts succeeded in saving it from international embarrassment, an added bonus being that the delay in putting Israel to the test, so to speak, as far as its desire for peace was concerned, gave the Israeli Government ample time to create facts on the ground through the establishment of settlements.

In Oslo, the PLO was ready to negotiate and make concessions with regard to two main issues, namely, territory and the refugees, in return for recognition, though prominent Palestinian figures criticized the PLO leadership, accusing it of 'selling out' to Israel, while Jordan, too, expressed its concern regarding the signing of the Declaration of Principles (DoP). Arafat's lieutenants apparently discovered, however, that securing a seat at the negotiation table with Israel was too precious a prize to be declined. Jordan's worst fears were reconfirmed on two occasions, first, with the conclusion of the Gaza-Jericho First deal of 1995, and then with the conclusion of the Paris Protocol on Economic Relations between the Government of the State of Israel and the PLO in 1996. In both instances, Jordan's interests were overlooked by both Israel and the PLO. As to the peaceful tactics that Jordan had striven so hard to sell to the Arab states, but to no avail, the latter suddenly began to find these palatable when they were espoused by the PLO in the Oslo Accord, and when Jordanians questioned this fundamental change in attitude, the answer was always the same: "We go along with whatever decision is made by the Palestinians."

Although this may appear, at face value, a logical stance, the reality is very different. Distancing Jordan from the Palestinians was for a long time a political end in itself for key Arab countries and one of the fundamentals of inter-Arab politics during the second half of the past century, a fundamental that was reinforced by the confederal structure that has prevailed until now in the Arab system.

As mentioned previously, having given up hope of securing broad Arab support for its approach in Palestine, Jordan decided to terminate its legal and administrative links with the West Bank on 31 July 1988. It should be mentioned however that it continued to be responsible for Waqf affairs as well as for various Islamic and Christian sites in the Old City of Jerusalem.

### **Jordan's Role in the Present Palestinian-Israeli Stalemate**

Jordan's disengagement from Palestinian affairs did not end the country's political woes. The rightwing Israeli Likud Party has only recently deleted from its charter a clause calling for a 'Palestinian state in Jordan,' this, in spite of the fact that Jordan and Israel concluded their peace treaty as far back as October 1994. Moreover, Jordan had to provide the umbrella of the joint delegation in order for the Palestinians to be able to attend the Madrid Middle East Peace Conference and negotiate with Israel prior to the signing of the DoP in September 1993. At the same time, the Hashemite monarchy, from the launching of the peace conference in October 1991 until the signing of the DoP in September 1993 was disclosed, had to tune the tempo of its negotiations with Israel, which entailed, amongst other things, resisting all temptation to move forward, including by signing a common agenda with Israel, so as not to expose the Palestinian negotiators engaged with their Israeli counterparts in discussing the terms of the Interim Self-Government Arrangements (ISGA) in Washington DC under the umbrella of the joint Jordanian-Palestinian delegation. The PLO, however, was doing exactly that - i.e., moving forward - albeit secretly, in Oslo.

There is no doubt whatsoever that the Jordanian-Israeli peace has been significantly affected by the stalemate and the various interruptions that have marred Palestinian negotiations with Israel. In reality, Jordan has always had to cope with the consequences of Palestinian-Israeli negotiations no matter what. If the two sides reached agreement, it would affect

Jordan negatively; on the other hand, if there was no progress, the result would be an increase in political turmoil and Jordanian interests would be directly affected. Jordan's relations with Israel have therefore been seriously undermined by the second *Intifada*. Along with Egypt, for example, it withdrew its ambassador from Tel Aviv in the wake of the eruption of the Al-Aqsa *Intifada* in September 2000, only sending him back following the Sharm El-Sheikh Summit on 8 February 2005, which succeeded, amongst other things, in bringing the leaders of Jordan, Egypt, the Palestinian Authority, and Israel together.

Jordan's strategy *vis-à-vis* its attempts to deal with the implications of the Palestinian question has evolved over time but generally speaking, it can be said to be connected with two distinct phases, the first of which ended with Amman's termination of its legal links with the West Bank in July 1988. Although some would question the constitutionality of Jordan's decision, it undoubtedly had practical political and legal consequences for both Jordan and the Palestinians, not least of all because until then, the Rabat 1974 decision notwithstanding, Jordan was still responsible for the fate of the West Bank and, *ipso facto*, that of the Gaza Strip.

From the Jordanian point of view, salvaging the Occupied Territories was the main priority. Amman's main concern was to not give Israel and extremist Jewish groups the time and justification to annex the Occupied Territories or vital parts of them through settlement. It therefore challenged Israel to sue for peace by unequivocally accepting UNSC Resolution 242 (1967). At the same time, it begged the PLO and major Arab states to lend their support to the idea of a federal relationship between Jordan and the Palestinians as part of the preparations for a joint Jordanian-Palestinian peace agreement with the Jewish state. The PLO's priorities, however, as well as those of the Arab states, were different, with the former being more interested in its survival as an institution and the latter in matters relating to the balance of power.

The PLO came into existence as the result of two main factors: the Palestinians' search for emancipation from the yoke of occupation and the support of certain Arab countries that were not at all comfortable with Jordan's role in Palestine. The unification of Jordan and the West Bank in 1950 was an expression of the 'federal' approach. Worthy of mention in this regard is the fact that in the early years of the emergence of the



modern Arab state system, leading Arab states, including Egypt, Saudi Arabia, Syria, and Lebanon, did not favor the federal framework of the Jordanian monarchy, which, they believed, was nothing but an attempt on the part of Jordan to accumulate more power in relation to its rivals in the Arab World. King Abdullah I's 'Natural Syria' proposal was consequently dubbed the 'Greater Syria' proposal in a bid to give it a negative connotation by implying an alleged expansionist tendency on the part of the Hashemite leader.

The PLO is a natural offspring of the Arab confederal system. The strategy that has prevailed and that has led to the current state of affairs in Palestine is the strategy of those countries in the Arab World that chose confederation as a constitutional framework for their interaction and that viewed the Jordan-Palestinian relationship merely within the context of the Arab balance of power.

Historically speaking, confederation has never been a viable formula for effective political action. Confederation implies a union of states, but although these states appear to constitute one body, they nonetheless retain their sovereignty and independence, the result being a union of states, not a union of citizens. Hence, in a confederation, power is transmitted from below upward. As the ultimate power or sovereignty resides in the individual units making up the confederation, their interrelationships are of a diplomatic nature. The truth is that history has never known a stable, powerful confederation, and all confederations that came into existence either dissolved into separate entities or evolved to become federal or unitary entities. We have the example of the confederate framework in Arab politics; just as it failed other nations and groups in other parts of the world (the Swiss Confederation 1815-1848, German Bund, 1813-1866, the United States under the Continental Congress and under the Articles of the Confederation), so too has it failed the peoples of the Arab World where confederation has aggravated intra-Arab disagreement and fallen way short of the Arab peoples' aspirations for an effective common Arab approach.

Despite the apparent shortcomings of the confederate scheme, the idea has always been tossed around, mostly by the PLO, as a possible formula for a future Jordanian-Palestinian partnership. Prior to the initiation of the Madrid Peace Process, Jordan's reaction to the PLO's confederate idea

was not that positive. Amman did not believe that confederation was the suitable formula for future Jordan-Palestinian association, yet, at the same time, the Jordanians were keen to avoid wasting any opportunity to come to an understanding with the PLO on a possible formula that would facilitate the initiation of meaningful peace negotiations with Israel. Thus, Jordanian commentaries on the subject were scant and vague, revolving mainly around the calls for a closer relationship between the two sides in the future but in the absence of any commitment to a specific formula.

Palestinian spokespersons, in turn, generally referred to a union of 'states' when they used the word confederation and would immediately emphasize that such a union would only be feasible once the Palestinians had achieved independence and established their independent state. At the same time, even for the Palestinians themselves, the idea of confederation had different interpretations. Some, for example, viewed it as a loose informal arrangement that could be enacted by a joint political statement. The purpose of this exercise, according to Hanan Ashrawi, a member of the PLO delegation to the Madrid Peace Conference, was to provide cover to the Palestinians negotiating with Israel, which, at that time, was opposing the creation of a Palestinian state. For Ashrawi, the focus of the idea was "a political, not a constitutional confederation with Jordan." Meanwhile, Sheikh Abdel Hamid Sayeh, the former speaker of the PNC, said confederation would be a way to achieve the goals of unity and national identity for the Palestinian people. A close examination of these two statements reveals two distinct outlooks towards one of the fundamentals of the PLO, namely, the idea of the judicial unity of the Palestinian people. While Ashrawi's statement implied that eventually, a distinct Palestinian entity would emerge in the West Bank and Gaza within the proposed Jordanian-Palestinian confederation, Sayeh's emphasis was on the unity of the Palestinian people both inside the Occupied Territories and outside them. Ashrawi, therefore, was more interested in the survival of the PLO and Palestinian independence in Palestine, while Sayeh was more concerned with the integrity of the Palestinian people within Palestine and in the Diaspora.

Palestinian opinions also diverge with regard to the importance and possible benefits associated with forming a confederation with Jordan. The late Faisal Al-Husseini believed that the confederal idea was meant to solve a number of problems that would no doubt arise following the establishment of an independent Palestinian state, such as those relating

to the borders of the state and other basic but extremely important issues. While Ashrawi viewed the significance of establishing a Jordanian-Palestinian confederation mostly in the context of Palestinian diplomatic efforts to achieve independence, Hussein regarded such an association as being totally necessary in the post-independence era. A third version of the PLO's view of the confederal idea can be found in the view of Khaled Al-Hassan, chairman of the Foreign Relations Committee of the PNC. Al-Hassan advocates the establishment of a confederation comprising Jordan, Palestine, and Israel similar to the Swiss model (although Switzerland is now a federation) as he believes that the establishment of such a tripartite entity would solve most of the controversial and thorny issues that separate Israelis and Arabs, such as refugees, Jerusalem, boundaries, security, water, nationalism, economics, and so forth.

Within Jordan itself, the trail of official statements regarding possible future links with the Palestinians is minute compared to that of official statements coming from PLO officials, yet major differences in terms of emphasis are no less apparent. Initially, Jordanian officials pressed Arafat, as the head of the PLO, for an early announcement of some kind of Jordanian-Palestinian association, but Arafat remained elusive and restricted himself to declaring, like other Palestinian leaders, that such a thing, in the final analysis, "was inevitable" but whilst refraining from committing himself to any particular formula. There were several memoranda, as well as documents, referring to Jordanian-Palestinian understanding on current and future issues, but none amounted to a substantive agreement on the future Jordanian-Palestinian relationship that was honored and respected by the two sides. The late King Hussein even told Arafat at one point to drop the word 'confederation' from his political lexicon and to refrain from discussing the confederation idea in any shape or form with him as well as any formula or approach that would lead to the same.

It is evident that the Palestinian side was clear on the implications of the concept or formula it was employing. While using similar or identical terms, PLO spokespersons in reality meant different things. Therefore, political observers can easily discern a pattern of inconsistency regarding the subject. At the same time, Jordan and the PLO were clearly not on the same wavelength, which resulted in a situation whereby whenever one side brought up the confederation idea or expected a move to that effect, the other would seem either unready or unresponsive.

There are many reasons why the Jordanians and Palestinians failed to make any progress with regard to the confederation idea, all of them connected to past experiences, present circumstances, and future uncertainties. Notwithstanding the strong links and deep bonds that tie the Jordanians and Palestinians together, each side was constantly worried that confederation or any other form of association would lead to a re-configuration of the existing set of relationships with less than beneficial results. This concern was further underlined by the fact that any proposals for the establishment of a closer affiliation that were actually made by one of the two sides when faced with a dilemma or challenge were made when the other side was not prepared. Given that the two sides have over the years competed for control or sovereignty over the same territory and people and that the competition between them has been exacerbated by the broader Arab confederate framework that molded Arab relations for decades, any new idea regarding their future relationship will inevitably be affected by the legacy of the past. Naturally, Israel's stance has always been and will continue to be a factor.

This state of affairs can be partially explained by the fact that both sides, but the Palestinians in particular, are used to the notion of closer association as a means of dealing with an urgent predicament rather than as a long-term answer. Moreover, while Jordan generally used this association defensively, the Palestinians often used it offensively. The assumption underlying Jordan's position is that the gains related to such a future association would not outweigh the losses. It should be mentioned here that Jordan emphasized the longstanding Jordanian-Palestinian relationship to facilitate the initiation of peace talks with Israel prior to the Madrid Peace Conference and later on, in order to guard against a possible unfavorable Palestinian-Israeli agreement, and that the PLO and leading Arab states viewed such initiatives by Jordan within the context of inter-Arab rivalry and Jordan's alleged aspiration to subdue the Palestinian identity.

Following the Madrid Conference and prior to the signing of the DoP, the Palestinians used the notion of confederation to further their negotiating strategy with Israel, the aim being, it was assumed, to overcome Israel's rejection of Palestinian demands for a discussion of the territorial issues at the early stage of the Palestinian-Israeli negotiations and to allay Israeli fears regarding the contemplated future Palestinian statehood. Every once in a while, Palestinian strategists would dangle their confed-

eration proposal in order to hedge against or curb premature Jordanian agreement with Israel. Moreover, the confederation idea was frequently brought up again in order to remind the Palestinians in the Diaspora of one of the PLO's non-negotiable goals, namely, the unity of the Palestinian people. The idea of having a closer association with Jordan was therefore, as far as the PLO was concerned, a tactic rather than a long-term strategy.

In the midst of so much confusion and so many contradictory pronouncements, mainly from the Palestinians, concerning the notion of confederation, one can detect that the general inclination among both Jordanians and Palestinians is to postpone the determining of their future relationship until the question of the final status of the Occupied Territories has been solved once and for all. Jordan's caution rests largely on two considerations: first, Jordanian fears that the final settlement might not lead to an Israeli withdrawal, thus making confederation a mere union between Jordan and a stateless people; and second, the genuine concern that the whole peace process could collapse because of the inability of the parties concerned to conclude a deal on outstanding issues such as refugees, Jerusalem, and water, leaving Jordan in an incredibly awkward position. Likewise, Arafat was not prepared to engage the Jordanians seriously on this issue or commit himself to any particular type of arrangement in advance. The reasons for Arafat's evasiveness are not difficult to imagine. He did not believe, for example, that it would be in the interest of the Palestinians to negotiate such an arrangement with Jordan while the PLO was still weak; the reaching of a premature binding arrangement with Jordan, as far as Arafat was concerned, would limit his options in the ongoing negotiations with Israel. Another reason of course was that Arafat feared incurring the wrath of his benefactors in the Arab World who were apprehensive concerning such an agreement. Arafat's stand was understandable, especially in light of the fact that he obviously felt that Jordan had no alternative but to stand by the Palestinians in their negotiations with Israel under any circumstances, not to mention the fact that his stance in no way conflicted with the deep Palestinian attachment to independence and equal treatment. In addition, Arafat believed that due to the strong Palestinian influence in Jordan, he could influence the latter's position on the issue whenever he considered it necessary to do so. His private statements concerning "his Palestinian people in Jordan" were naturally very disturbing to the Jordanians, it being very clear at the

time that like many Palestinians, Arafat believed that Jordan was demographically vulnerable to his tactics.

The fate of the Palestinian refugees in Jordan will obviously be affected by the ongoing Palestinian-Israeli negotiations (it was mentioned in the DoP that mechanisms for the return of the Palestinians displaced in 1967 would be worked out by Egypt, Israel, Jordan, and the Palestinians themselves). It is hard, however, to accurately determine the number of Palestinians in Jordan since it is very difficult to tell who is actually Palestinian. Palestinians have arrived in Jordan during different periods and under different circumstances. Some migrated to Jordan prior to the creation of the State of Israel in 1948; some 60 percent of the 70,000 Palestinians who fled Palestine as a result of the War of 1948 fled to Jordan, while another 385,000 arrived after being expelled from the West Bank to Jordan as a result of the War of 1967. It should be mentioned, however, that although some of the Palestinians who found themselves in Jordan acquired Jordanian citizenship, others preferred not to. Worthy of mention here is the fact that three weeks after Jordan announced its disengagement from the West Bank in 1988, the Jordanian authorities issued a statement that defined 'Palestinians' as all permanent residents of the West Bank as of 31 July 1988. Beyond and above these considerations is the fact that the legal status of the Palestinians was affected by the union of Jordan and the West Bank in 1950 when it was made clear that unification did not prejudice the Palestinians' inherent rights in their historic homeland in accordance with rightfulness and international legitimacy. For many in Jordan, this was the most genuine example of unity between two Arab entities involving both territory and peoples; it was only natural, therefore, that when the union was dissolved, it resulted in both the Jordanians and Palestinians reconsidering the entire nationality issue. Jordan, however, because of practical and nationalistic considerations was unable to take any concrete action in this regard.

### **Possible Scenarios**

The signing of the DoP has reshuffled the political cards in a significant manner. It has certainly altered the political context within which the parties approach the issue of the future Jordanian-Palestinian relationship. The question of Palestinian representation has been finally settled in the PLO's favor, and Israel's recognition of the PLO has deprived the

Arab states of an effective card to use against Jordan. However, although the DoP has led to the reorganization of the cards, it has not solved the puzzle and the question concerning the future status of the Occupied Territories remains unresolved. Influential groups in Jordan, mainly of Palestinian origin, are pushing the issue of future Jordanian-Palestinian association to the forefront. At the same time, other groups, largely among the east Jordan establishment, prefer to distance Jordan as much as possible from the Palestinian inferno, the main reason for this being the fear of demographic vulnerability. The issue, therefore, is not going to disappear.

Sharon's Gaza plan is justifiably feared by many in Palestine and outside it. Observers believe it will result in Israel gobbling up more vital areas in the West Bank, thus making the idea of a Palestinian state meaningless. Were this to actually happen, the Palestinians would find themselves squeezed into segregated enclaves in the West Bank, surrounded by Israeli settlements and deprived of enough territory to have a viable community.

At the same time as the international community is busy dealing with equally pressing problems elsewhere, Israel's political and diplomatic isolation is gradually growing less and less, both regionally and internationally. Palestinians, with good reason, are concerned that there will be further diplomatic normalization between the Jewish state and certain Arab countries prior to the establishment of a viable Palestinian state and agreement on thorny issues such as Jerusalem, refugees, water, borders, etc.

Moreover, there is a genuine fear - King Abdullah II was the first to caution against this - that the proposed Palestinian state will be an empty slogan and that the 'Jordan is Palestine' scheme could indeed materialize as a result of Israel's ability to annex most of the West Bank while not blocking the declaration of a Palestinian state. Were this to happen, it is feared that the Palestinians would find in Jordan their only escape in light of the fact that the West Bank and Gaza Strip had been transformed into nothing but enormous prison cells. This scenario, whereby the Palestinians would be given a state with less territory, is very alarming to Jordan as geographic proximity and familial links could force it to deal with Palestinians who have a territorial deficit and a demographic surplus.

For the reasons mentioned above and others, Jordan does not believe that the time is ripe for serious discussion of any form of long-term as-

sociation with the Palestinians, and neither does the PLO. Yet, at the same time, the Palestinians believe that the Arab states rushing to normalize their relations with Israel combined with international complacency could eventually force it to change its mind.

As things stand at present, there are several scenarios for ending the Palestinian-Israeli conflict. The possible scenarios are as follows: (i) a viable and territorially contiguous state in the West Bank and Gaza strip, (ii) a resumption of the *Intifada*, (iii) a stalemate with low-level Palestinian resistance, and (iv) a nominal state with no territorial contiguity or sovereign attributes.

It is clear that a Palestinian-Jordanian confederation or federation would not help the Palestinians to move closer to the best scenario or prevent the occurrence of the worst ones. They could, however, improve their negotiating position by strengthening their coordination with Jordan, especially in light of the fact that there are so many issues of common interest (the refugees, Jerusalem, water, etc.) Close cooperation will strengthen the Palestinian hand, and the reaching of a common understanding *vis-à-vis* such issues would open new horizons for closer cooperation between the two sides in the future. In short, the PLO has to make a psychological and political leap, but for such a leap to occur and prove beneficial, it is vital that both the Palestinians and the Jordanians first take a fresh look at the history of the Jordanian-Palestinian relationship and make every attempt to deepen the trust that exists between the two sides.

One thing that would broaden trust between Jordan and the Palestinians is a common view of the future Arab order. Such a view should be predicated on a joint strategy aimed at revitalizing the moribund Arab system as this is a safer path for both Jordan and the Palestinians. Naturally, such a path requires as a first step the denunciation of the prevailing fragile confederal structure characterizing intra-Arab relations. Likewise this change in approach requires the PLO to reconsider its current strategy focused on heavy reliance on unforthcoming US commitment and support for the Palestinians' legitimate rights as well as on Israeli good will for it is evident that Palestinian betting on US impartial involvement and Israel's good will is unsubstantiated and is the main reason for the current state of affairs whereby Palestinians are forced to



choose between a bad deal and no deal; Jordan, meanwhile, has no choice but to prepare itself to deal with the consequences of both.

It is the author's opinion that the Arab elites should struggle to rejuvenate the Arab World and not wait for others to do it for them. It is also his belief that the Palestinians would have a far better chance of seeing many of their hopes bear fruit were they to opt for genuine coordination, leading to cooperation, with Jordan *vis-à-vis* the final status issues as well as a fresh start in terms of working with Jordanian political groups in order to revitalize the moribund Arab political system. If real progress is achieved at these two levels, new avenues will open for the Palestinians, including a possible closer association with Jordan in the future, and the nightmare scenario of a Palestinian entity with a 'territorial deficit and a demographic surplus' will be averted.

Within Jordan itself, the Hashemite vision of an Arab federation involving any number of entities has not been entirely discarded, which is why the issue of future Jordanian-Palestinian union is not, in the author's opinion, yet dead; the discussion of it, however, is still premature. Both Israel and other Arab states have their own preferences regarding the future of the Occupied Territories and any possible association with Jordan, which is why at least five distinct formulas can be found: (i) the Hashemite vision of a federation straddling the two banks of the River Jordan; (ii) the 'confederation' slogan of the Palestinians; (iii) the Jordanians' dream for broader Pan-Arab integration; (iv) the Arab states' preference for Palestinian independence; and finally, (v) the Benelux model, which is the option favored by Israel.

A new proactive Palestinian strategy could open the door for the emergence of a Jordanian-Palestinian federation, even though under the current circumstances, the federation idea appears unrealistic. The point of departure for a viable Palestinian state in the West Bank and Gaza Strip is meaningful Jordanian-Palestinian understanding on final status issues combined with joint efforts to reinvigorate the Arab nation and a commitment to the idea of a federal alliance. Against the background of such positive circumstances, a federal constitution establishing an Arab monarchy made up of two politically autonomous states in Jordan and Palestine that are nevertheless integrated economically and security wise becomes a viable, long-term option.

In the Name of Allah, the Compassionate, the Merciful

## ISLAM AND THE BI-NATIONAL STATE

*Ahmad Abu Lafi*<sup>1</sup>

The Islamic state that rules strictly according to Islamic (*Shari'a*) principles and the teachings of Islam is not part of the experience of the current generation of Muslims. It is therefore extremely difficult for the Muslim scholar to take people that are under the control of a very different reality and bring them closer to the idea of Islamic governance. These people cannot imagine governance except against what can be perceived of the political regimes that have been imposed on the 'Islamic' countries in which they live, regimes that include monarchies, republics, and dictatorships, all of which were imposed on Muslim societies against their will. It is therefore not at all surprising that there are so many problems inherent in finding ways to positively affect people who have been influenced by un-Islamic cultures and who have taken these cultures as the basis for their thinking, something that has resulted, amongst other things, in the tendency to separate between religion and the State. The reality is that those people accepted the emergence of states in the Islamic World that were built on foundations other than Islam, and that with Islam pushed away from governance and the State, the 'Islamic lands' (*Dar Al-Islam*) have been divided into multiple entities that have no connection whatsoever with Islam, even though some of them nominally call themselves Islamic.

Not only does the Islamic State currently not exist; it is also impossible to even *imagine* the reality of the Islamic State, its shape and foundations, or to consider the Islamic position *vis-à-vis* the bi-national state unless we first return to the Islamic way of living and how the Islamic society and Islamic State were established during the time of the Messenger of Allah (Peace be upon him - PUBH) in his capacity as a messenger and a governor.

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By returning to the life of the Messenger (PUBH) and the early Muslims, and to the verbal and practical proofs within Islamic Law (i.e., the *Shari'a*) that are related to the topic of the bi-national state, we find that Islam calls for a specific way of living that is based on the following three beliefs:

1. Acceptance of the fact that the 'Islamic way of life' is based on adhering to the basic principles of the Islamic faith;
2. Acceptance of the fact that the most important criterion when it comes to one's actions is that they are in total accordance with the commandments of Allah and His prohibitions. In other words, life is portrayed in terms of the lawful and the prohibited;
3. Acceptance of the fact that the true meaning of happiness, according to the Islamic way, is attaining Allah's acceptance, that is, in other words, perpetual tranquility, which cannot be attained except through divine acceptance.

This is the Islamic way, the way of life that appeals to Muslims and with which they feel comfortable. They aspire to live such a life, but in order for them to do so, it is imperative that they first have a state of a specific style, one that promotes the teachings and practices of Islam and its principles both within the state and outside it.

Muslims, from their very first days in Medina, began living according to this specific style of living, which is based on the Islamic faith. At the time, verses of the Qur'an relating to God's commands *vis-à-vis* every aspect of their lives began to be revealed, verses referring to business affairs, the penal code, ethics, food (e.g., prohibition against consuming pork and wine), the prohibition against usury, etc., all of which were later explained by the Messenger of Allah (PBUH).

Worthy of mention here is the fact that the Messenger (PBUH) was required to act in various capacities - as head of state, judge, military commander - in governing the Muslims and in managing their affairs through ruling in disputes, concluding treaties, providing a covenant, leading the army in several major battles, and assigning governors to governorates and rulers to states. Also noteworthy is the fact that when assigning governors, the Messenger (PBUH) would always take the greatest care to choose individuals from amongst those best suited to the job and who

would inculcate faith in the hearts of those under their control, always making a point of asking them about the path they would follow should they be appointed. It has been narrated for example that the Messenger (PBUH) said to Mu'adh Ibn Jabal Al-Khazraji, when he sent him as a ruler to Yemen: "By what will you rule?" to which Mu'adh replied, "By the Book of Allah." "What if you do not find [the case in the Qur'an]?" asked the Messenger (PBUH). "[Then] by the Sunnah of the Messenger of Allah," replied Mu'adh. "What if you do not find [the case in the Sunnah]?" the Messenger (PBUH) asked. "I will exert my effort in formulating my opinion," replied Mu'adh. It was then, according to the tradition, that the Messenger (PBUH) responded by saying, "Praise be to Allah who directed the messenger of the Messenger of Allah to what Allah and His Messenger love." It has been also narrated that the Messenger (PBUH), upon appointing Aban Ibn Sa'id as the ruler of Bahrain, told him: "Be good to [to the tribe of] Abd Al-Qays, and respect their leaders."

The Messenger (PBUH) used to appoint governors from amongst the best of those who had converted to Islam and then ask them to teach the Islamic ways to other converts as well as to collect money and manage alms (Muslims are required to hand over one-fifth of their annual incomes in almsgiving). When doing so, he would command them to teach others the Qur'an, to explain to them their religion, to be lenient when people were honest and fair and harsh when they were unjust. He also commanded them to prohibit the Muslims, if there was unrest amongst them, from reinstating the pre-Islamic call for tribalism and to remind them that they should call upon Allah only, who has no associates, also telling them that if someone from amongst the 'People of the Book,' a Jew or a Christian, became a true Muslim on his own and accepted the religion of Islam, thereby becoming one of the believers, then he she should have the same rights and obligations as others, while those who chose to remain a Christian or Jew should be granted the freedom to do so; in other words, there should be no compulsion.

The Messenger of Allah (PBUH) also told Mu'adh according to the tradition mentioned above, "You will go to a community from amongst the People of the Book, so let the first thing that you invite them be to worship Allah (Subhanahu Wa Ta'ala – SWT, meaning 'Glory be to Him and Highly Exalted be He'), and once they know Him (SWT), then tell them that He made the almsgiving imperative upon them."

This is how life proceeded in Medina, i.e., in a way that reflected the Islamic worldview, where Islamic ideals and principles prevailed and where Islamic systems were constantly implemented *vis-à-vis* the relationships that existed amongst the people.

Before delving into the topic of this paper, namely, the Islamic position regarding the bi-national state, we first have to present some of the features of the Islamic system of governance. This system dictates the form of the Islamic State and its attributes, its pillars, the bases upon which it is established, the ideas, the concepts, and the criteria according to which affairs are run, and the constitution and laws that it implements.

### **The Definition of the Islamic State and Its Foundation**

The Islamic State is a political and executive entity that is founded upon all the concepts, standards, and convictions associated with the implementation of Islamic governance. The Islamic State is not an Islamic 'country,' but rather, the entity that supports Islam as a way of life and without which Islam is reduced to spiritual rituals and ethical attributes.

The Islamic State is dependent on the Islamic creed, which is its very foundation, and it is prohibited from the point of view of the *Shari'a* to separate the two, regardless of the circumstances. When the Messenger of Allah (PBUH) established the Islamic State (i.e., authority) in Medina and assumed office, he established governance based on the Islamic creed from the very first day. He did this by testifying that there is no God but Allah and that Muhammad is the Messenger of Allah; this is the most basic belief in the lives of Muslims, and it affects not only their relationships but also their struggles, including their attempts to settle disputes. Indeed, it is the foundation of their lives. It is consequently unlawful for any apparatus in the Islamic State to follow any thought, concept, rule, or standard that does not stem from the Islamic creed. It is not enough to nominally declare the Islamic creed as the foundation of the State; this foundation must be apparent *vis-à-vis* everything that has to do with the State's existence and all of its affairs, be they big or small. In short, the Islamic State does not allow the existence of any concept that is alien to it or that does not stem from the Islamic creed to exist, nor does it allow the formation of political movements, alliances, or parties whose foundations are un-Islamic.

It is for the above-mentioned reason that the Islamic State has nothing in common with imperialist countries, republics, monarchies, or similar structures, all of which contradict the *Shari'a*, the reason being that they do not stem from the Islamic creed. The necessity of founding the Islamic State on the Islamic creed itself is what dictates that the constitution and laws of the State should be derived from the Qur'an, the Sunnah, and what they have referred to: reasoning by analogy (*Qiyas*) and recognized consensus on the part of scholars (*Ijma'*).

Allah (SWT) obligated the Sultan or governor to rule according to that which He had sent down to His Messenger:

"But no, by the Lord, they can have no faith, until they make you judge in all disputes between them, and find in their souls no resistance against your decisions, but accept them with the fullest conviction." Qur'an, 4:65.

"And this [He commands]: Judge you between them by what Allah has revealed, and follow not their vain desires, but beware of them lest they beguile you from any of that [teaching] which Allah has sent down to you. And if they turn away, be assured that for some of their crimes it is Allah's purpose to punish them. And truly most people are rebellious." Qur'an, 5:49.

### **The Islamic Form of Governance**

The Islamic form of governance is distinguished from all other forms of governance. It is not a monarchy, nor does it even resemble a monarchy, for in a monarchy, authority is hereditary, with children inheriting authority from their parents in the same way as they inherit their possessions. In the Islamic governance system, there is no inheritance in terms of authority. Instead, the right to govern is given to whoever the Muslim Ummah (nation) freely and willfully chooses. In a monarchy, the supreme ruler is granted special rights and privileges that elevate him above the law; the Islamic system, on the other hand, does not provide the head of state with any special privileges or rights but rather ensures that he is restricted in all of his behavior by the *Shari'a*.

As stated previously, there is also no place in the Islamic form of governance for the republican system. The latter is based on the idea that sovereignty belongs to the people and that the people have the right to govern and legislate; the Islamic system, on the other hand, is founded on the Islamic creed and the *Shari'a*, which means that sovereignty belongs to the *Shari'a*, not to the Muslim Ummah.

The Islamic form of governance is also not imperial in nature. The regions that Islam rules, even if they have different races and ethnicities, have one center, that center being Islam, which means they are ruled according to Islamic principles. They are consequently ruled not according to the imperial system but instead, according to laws that are in total contradiction to imperialism which, due to its not considering the various ethnicities within a certain empire equal, breeds privilege, not equality, in terms of governance, power and wealth.

The Islamic system of governance, which treats all citizens as equals, rejects loyalty to ethnicity, one consequence being that non-Muslim citizens have the same rights and obligations as Muslims do, with both groups being equal before the law. Furthermore, it does not allow any individual, regardless of his faith or ethnicity, to have extra rights, even if he is a Muslim. It can be said, therefore, that the Islamic system of governance does not turn minorities into colonies, nor does it subject them to extortion or create out of them sources that feed the center. Instead, it creates of all the regions one unit, no matter how great the distance between them or how diverse the ethnicities of their inhabitants; every region is consequently a part of the body of the State, and even the inhabitants of the most remote areas enjoy exactly the same rights as those who live in the center. In short, the authority, the system, and the *Shari'a* are all one unit regardless of the region.

The Islamic form of governance, therefore, is clearly not a federation where the different states are autonomous yet unite in general in one polity. Instead, the Islamic system is a unified system that considers both Morocco in the West and Khurasan (Iran) in the East parts of a single entity and the finances of the different regions as belonging to one financial unit with a single budget to be spent on behalf of all subjects, regardless of the region in which they live. It is a system of total unity and is therefore unique and distinguished from other known systems in terms

of its foundations, in spite of the existence of certain similarities. Above all, it has one central authority that does not permit any of its parts to be independent and thus render the State subject to possible disintegration.

### **The Unity of the State**

It is prohibited for Muslims, from the point of view of the *Shari'a*, to have more than one state or more than one Caliph or head of state. Moreover, the system of governance in the state of the Caliphate should be a system of unity, which means, of course, that the federation system cannot exist. This is based on Muslim's narration that Abdullah Ibn 'Amr Ibn Al-'As said that he heard the Messenger of Allah (PBUH) say, "Who pledges allegiance to an Imam (i.e., a political leader) and shook his hand and it was from his heart, should obey him if he can. And if another person came to compete with [the existing Caliph], hit the neck of the latter." In addition, according to Muslim's narration, 'Arfaja said, "I heard the Messenger of Allah (PBUH) saying: 'If someone comes to you while you have one leader, intending to divide you or split your community, kill him,'" while Abu Sa'id Al-Khudariyy said that the Messenger (PBUH) said, "If all pledges of allegiance are given to two Caliphs, then kill the latter one."

### **Conditions Put Before the Caliph (the Head of State):**

There are seven conditions that a Caliph should meet; should he not meet these conditions, then his appointment is invalid. The first condition is that the governing Caliph should be a Muslim. The Caliphate cannot be assumed by a non-Muslim, because a non-Muslim cannot be obeyed; this is because Allah (SWT) says:

"...And never will Allah grant to the Unbelievers a way [to triumph] over the Believers." Qur'an, 4:141.

The word 'never' (Arabic = *lan*) indicates an everlasting condition and therefore serves as proof that it is absolutely prohibited for the Unbelievers to assume positions of authority, be it a high-ranking position, such as Caliph, or a lower level one, such as assistant to the Caliph, governor, or ruler.



"O you who believe! Obey Allah, and obey the Messenger and those charged with authority among you..." Qur'an, 4:59.

The phrase "those charged with authority" was never mentioned in the Qur'an except in a context that makes it clear that it refers to Muslims; it therefore confirms that only Muslims can hold positions of authority.

### **Leadership in Islam is Personal and Not Collective**

Islam dictates that there can only be one leader and does not recognize group leadership, as evidenced by the traditions of the Messenger of Allah (PBUH) and his actions. Ahmad narrated from the report of Abdullah Ibn 'Umar that the Messenger (PBUH) said, "It is not permitted for three persons to be in the wilderness except that they choose one of them as a leader." In addition, Abu Dawud narrated that Sa'id said that the Messenger (PBUH) said, "If three of you go on a journey, they should pick one of them as a leader." These traditions dictate that there should only be one leader, and the word "one" indicates the number one, no more. Another example of this is the verse "Say: He is Allah the One and Only" (Qur'an, 112:1). "One" here means that Allah does not have a second. This position is supported by the actions of the Messenger (PBUH); whenever he appointed a leader, he appointed one only and never, under any circumstances, more than one.

We are witnessing today the spreading of collective leadership in Islamic countries, even though the formation of councils, committees, or boards with presidential authority contradicts the *Shari'a* because it means that the leadership role has been given to a group, something that is clearly prohibited according to the text of the above-mentioned traditions. It should be mentioned, however, that if the council committee or board was established to bear the burden or to provide consultation (*Shura*), then this is actually allowed and is an acceptable part of Islam because it is one way to praise Muslims that their affairs are matters of *Shura* amongst themselves.

### **The Internal Policy of the Islamic State**

The internal policy of the Islamic State is to implement the *Shari'a* within the State. This includes the organization of transactions, enforcing the

law, protecting morals, and guaranteeing the establishment of religious rituals. Islam clarified the practical way in which its rulings were to be applied to all those under its jurisdiction, those who believe in it, and those who do not. The Islamic State, with regard to its internal policy, consequently implemented the *Shari`a* and applied it indiscriminately to all its subjects, including non-Muslims, who, in spite of not being Muslim, were considered equal before the law and deserving of the same care and attention as their Muslim neighbors.

### **The Foreign Policy of the Islamic State**

Islamic State foreign policy relates to the relationship of the State with other countries, peoples, and nations and the efforts to take care of the affairs of the Ummah outside the State itself. This policy is based on a fixed idea that never changes, the idea being to spread Islam in the world, in every nation and amongst all its citizens. The following section of the Qur'an forms the basis of this policy (message of Muhammad (PBUH) sent to all people):

"We have not sent you but as a universal [Messenger] to all people, giving them good tidings, and warning them [against sin], but most people understand not." Qur'an, 34:28.

### **The Position of the Islamic State *vis-à-vis* the Bi-national State**

So far, we have discussed several topics that are related to the Islamic State, including its foundation and form, in order to define the Islamic position *vis-à-vis* the bi-national state. Upon examining this issue, it is possible to say that there are two possible scenarios.

#### *The First Scenario*

This scenario presupposes the existence of different nationalities in a true Islamic state, meaning one that is based upon the implementation of the *Shari`a* and nothing else. Such a state would be lawful from an Islamic point of view because it would reflect the reality of the Islamic State at the time of the Messenger (PBUH) and those who came after him. The whole Arabian Peninsula embraced Islam, as did many other regions with different nationalities, languages, religions, customs, habits, laws, and cul-

tures, and the process of melting them together and forming one united Ummah with one religion, language, culture, and legal system was obviously one that was very difficult and that entailed a great deal of hard work. Nevertheless, after living under the banner of Islam and being governed by the Islamic State, these nations and nationalities did indeed accept Islam and become one Ummah, namely, the Islamic Ummah. This would not have happened were it not for the fact that in Islam, there is no compulsion in terms of religious belief; Islam gave people the right to choose – if they desired it, they could convert to Islam, if they did not, they could retain their religion. The Islamic State did, however, expect citizens, be they Muslim or non-Muslim, to submit to the laws that govern relations between people and the penal code, the reason being the necessity for coherence. With everyone following the same laws, it was obviously much easier to deal with their problems and organize their work. Thus, non-Muslims as well as Muslims all benefited from the way in which the system was implemented, the resulting tranquility, and the various other benefits of living in the shade of the banner of Islam.

The Islamic worldview dictates that the humanity of the citizens of the Islamic State should always be recognized and that there is no room for racial, ethnic, sectarian, or religious discrimination. It is for this reason that laws are applied equally to both Muslims and non-Muslims, all of whom are equal before the judicial system:

"O you who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. Verily, Allah is well-acquainted with all that you do." Qur'an, 5:8.

### *The Second Scenario*

This particular scenario has lately been promoted politically. An example of this is the suggestion that a bi-national state be established for the Palestinians and the Jews. The scenario, however, does not conform to the teachings of the *Shari'a* and therefore cannot be considered for the following reasons:

1. The reality of the bi-national state is not compatible with the *Shari'a* and the foundation of the Islamic State. The Islamic State is the political executive entity that oversees the totality of the concepts, standards and convictions relating to the implementation of Islamic Law and putting it into practice; it is the *only* practical method that Islam has established to implement its policies, systems, and laws.
2. The reality of the bi-national state is based on foundations other than those of the Islamic State; such a state cannot exist according to the Islamic creed, nor can it stem from it. The Islamic creed is the basis of the Islamic State and it is prohibited from the point of view of the *Shari'a* to separate the two under any circumstances. When the Messenger of Allah (PBUH) established the Islamic State (authority) in Medina and became the ruler, he did so by using the Islamic creed as its foundation, making the declaration of faith - There is no god except Allah and Muhammad is His Messenger - the very foundation of the life of all Muslims, the relationships between individuals and groups, the attempts to resist and fight injustice, and the efforts to settle disputes; in other words, it was the foundation for life, and the foundation for rule and authority.
3. The bi-national state is vastly different from the Islamic State, not least of all because the latter makes all subjects equal, rejects loyalty to ethnicity, and gives non-Muslims the same rights as Muslims whilst demanding that they perform exactly the same duties. Muslims and non-Muslims are equal before the law, and every region is considered a part of the body of the State, regardless of the religion of its inhabitants, while all the inhabitants of the different regions, no matter how removed they are from the center, have exactly the same rights as the inhabitants of other regions. The authority, system and laws form one unit for all regions; in other words, it is a system of complete unity under a general authority, not a federation, whereby the different regions are considered autonomous. It is therefore impossible, from the Islamic point of view, to entertain the idea of establishing a bi-national state.
4. The reality of the bi-national state contradicts the *Shari'a* which makes it clear that it is imperative for all Muslims to be in one state and with a single Caliph and which prohibits Muslims from having more than one state ruled by more than one leader.

5. The reality of the bi-national state does not allow the selecting of a Caliph. As mentioned previously, the Caliph must be a Muslim. Moreover, only Muslims can hold other positions of authority, and if a non-Muslim is granted such a position, then he should be ignored and his commands disobeyed. This second scenario permits the non-Muslim to rule over the Muslim, which is contrary to the verse: "And never will Allah grant to the Unbelievers a way [to triumph] over the Believers." Qur'an, 4:141.
6. The reality of the bi-national state makes it possible to have a collective leadership, which again, totally contradicts basic Islamic principles. According to Islam, the commander, president, and leader should be one. Islam does not recognize collective leadership or multiple presidents, for leadership in Islam is individualistic.
7. The reality of the bi-national state, in terms of its internal policy, is that it does not allow for implementing the teachings of Islam within the State. This applies to the organization of the people's affairs, the implementation of the penal code, including the executing of punishment, the guarding of morals, and the guaranteeing of the establishment of religious rituals.
8. The reality of the bi-national state does not correspond with the unchanging foundational concept of the foreign policy of the Islamic State as it does not enable the spreading of Islam in the world, in each nation, and amongst every people.

It is clear from the above that support for the idea of a bi-national state is unlawful from the perspective of the Shari'a. Any of the previous points is sufficient in terms of denying the legality of such a state according to Islam. In addition, the bi-national state, if we are to consider the second scenario, is not concerned with Islam, but rather poses a real and serious threat to the future of Islam and Muslims, especially the people of Palestine.

We ask Allah (SWT) to establish our religion and state; He is All-Hearing and Responsive.

## PARTITION AS A SOLUTION TO POLITICAL DIVISION: THE CASES OF IRELAND, INDIA AND PALESTINE

*Thomas G. Fraser*<sup>1</sup>

Partition was to become a recurring feature of international politics in the 20<sup>th</sup> Century. Some partitions, notably in Germany, Korea and Vietnam, were the result of war; of these, Vietnam and Germany have since been reversed. The suggested partition of French Algeria never happened, while the *de facto* division of Cyprus still poses problems for the international community. But it is rightly those cases where partition was implemented in divided societies, notably in Ireland, India and Palestine, that have attracted most interest and controversy. Any historian of the British Mandate in Palestine knows that partition was first put forward, at the behest of Professor Reginald Coupland, in the Peel Commission report of 1937. Ten years later, it formed the basis of the United Nations Special Committee on Palestine's majority report, which was voted on by the United Nations General Assembly on 29 November 1947, and adopted by 33 votes to 13 with 10 abstentions. Just over three months before, India had been partitioned, while a quarter of a century earlier Ireland had experienced a similar division. By 1947, partition was seen to be a well-understood mechanism for dealing with seemingly intractable problems. This paper will seek to place the partition of Palestine in context by relating it to events in both Ireland and India.<sup>2</sup>

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<sup>1</sup> Professor Tom Fraser is Provost at the University of Ulster, this is a revised version of a paper he presented at the PASSIA seminar.

<sup>2</sup> Since first coming to work on the subject of partition some 25 years ago, I have derived inestimable benefit from the insights and experience of the following, which I am glad to acknowledge, even if they are not quoted directly on this occasion: Sir Harold Beeley, the Honorable Loy W. Henderson, Mr H.V. Hodson, Professor Keith Kyle, Sir John Martin, Mr Dean Rusk, and Professor L.F. Rushbrook Williams.

It is important to remember that all three countries were part of the British imperial system, albeit very differently. Palestine's involvement in the British imperial system emerged out of the Anglo-French partition of the Ottoman empire following its collapse at the end of the First World War. By the Mandate of 1922, Palestine was not a British possession at all, but held under the League of Nations, then, after 1945, the United Nations. By contrast, the British connexion with Ireland stretched back over 800 years when the papal bull *laudabiliter* sanctioned the Plantagenet King Henry II's intervention in the Irish affairs, though relations between the islands were far from easy. The Acts of Union of 1800 created the United Kingdom of Great Britain and Ireland, enacting a full union of the two islands under a single monarch and parliament, though the reality fell somewhat short. If Ireland was Britain's oldest area of interest, India was the lynchpin of her imperial system – particularly so after the collapse of Britain's Atlantic empire with the independence of the American colonies. By the 1840s, Britain controlled, either directly or through treaties with native rulers, all of the Indian sub-continent, a land area the size of Europe. India provided raw materials, a reserve of manpower, and, above all, a market for the manufactured goods produced by Britain's industrial cities. As the nexus of a trading network which extended from east Africa to the China coast, it was India which made Britain a world power. With ultimate authority over all three resting in London, it is appropriate to speculate if partition was a 'British' answer to the problems of empire.<sup>3</sup>

Before doing so, however, it is important to reflect on the origins of the term 'partition.' The word itself derives from the Latin verb *partire*, to divide. In the 18<sup>th</sup> Century it was given a political dimension in the writings of the French philosopher Voltaire, so that the events in eastern Europe of 1772, 1793 and 1795, namely the division of the country amongst Russia, Prussia and Austria, were easily described as the 'Partitions of Poland'. A century later, in 1893, Sir John Scott Keltie used the term 'The Partition of Africa' to illustrate the division of much of the continent amongst the European imperial powers, while others speculated about what they believed was the imminent partition of China. By

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<sup>3</sup> For a more extended treatment of the themes in this paper, see T.G. Fraser, *Partition in Ireland, India and Palestine: theory and practice* (London, 1984). See also, Diana Mansergh (ed), *Nationalism and Independence. Selected Irish Papers by Nicholas Mansergh* (Cork, 1997), and T.E. Hachey, *The Problem of Partition. Peril to World Peace* (Chicago, 1972).

the time the future of Ireland came to be the abiding concern of British politics in the late 19<sup>th</sup> Century, the term 'partition' had become an established word in the political lexicon.

By the late 19<sup>th</sup> Century, the overwhelming political demand in Ireland was for 'home rule', the establishment of a parliament in Dublin which would legislate for specifically Irish affairs. These demands were supported by the British Liberal party, which, in 1886 and 1893, introduced home rule bills, albeit unsuccessfully. It is important to note, however, that home rule was overwhelmingly the demand of the island's Catholic majority. For the Protestant minority, continuing links with their fellow-religionists in Britain were preferable to rule by a Dublin parliament, where, to use their slogan, 'Home Rule' would be 'Rome Rule'. The political emotions of the Protestant minority focused on the exclusively Protestant Orange Order, founded in 1795, and drawing on the traditions of the siege of Derry and the battle of the Boyne a century before. Had this minority been thinly spread across the island, their opposition might have counted for little, but their numbers were overwhelmingly concentrated in the north-east, in the nine counties of the historic province of Ulster. By 1905, members of the Protestant minority had formed the Ulster Unionist Council, largely at the instigation of the Orange Order, to organize against home rule. When in 1912 the Liberals tried for the third time to introduce home rule, Unionist opposition mobilized to considerable effect. Selecting as their leader the distinguished Dublin lawyer Sir Edward Carson, members of the Unionist opposition formed their own provisional government, and began drilling their own army, the Ulster Volunteer Force (UVF). When in 1914 the UVF succeeded in acquiring rifles and ammunition from Germany, and nationalists responded with the establishment of their own rival National Volunteers, Ireland seemed on the edge of civil war.<sup>4</sup>

Faced with such a prospect, all parties looked for some kind of compromise. Behind the scenes, some Liberals were urging that an attempt be made at an accommodation with Ulster Unionism. One of those willing to pursue this was Winston Churchill, who felt some filial piety towards his Conservative father, Lord Randolph, who in 1886 had

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<sup>4</sup> A perceptive discussion is developed in James Loughlin, *Ulster Unionism and British National Identity Since 1885* (London, 1995).



thrown down the challenge: 'Ulster will fight and Ulster will be right'. The other voice was that of the Chancellor of the Exchequer, David Lloyd George, influenced by his Welsh Protestant origins. The possibility of compromise first publicly surfaced in June 1912 when the Liberal MP Thomas Agar-Robartes, proposed an amendment to the Home Rule Bill to the effect that the counties of Antrim, Armagh, Down and Londonderry be excluded from its operation. This was to be the germ of partition. By the spring of 1914, the idea of some kind of 'Ulster exclusion' from a Dublin parliament dominated political debate.<sup>5</sup>

However, the issues involved were far from straightforward or readily resolved. Led by John Redmond, Irish nationalists were viscerally opposed to any division of the island. Essentially a Dublin Unionist, Carson actually hoped that by demonstrating the strength of opposition amongst Ulster Protestants he could thwart home rule for any part of Ireland. In this he was at odds with his Ulster supporters, not least his deputy Sir James Craig, who realized that the best they could hope for was the exclusion of their part of Ireland from a Dublin parliament.

Crucial to the Unionists' position was the support of the British Conservative party, which perceived home rule as simply a prelude to the unraveling of the empire. Particularly significant was the fact that the party leader, Andrew Bonar Law, was the son of a Presbyterian minister from Ulster, still visited relatives there, and had cut his political teeth in Glasgow where Conservatives and Orangemen had forged a close alliance. Bonar Law's support for the Ulster Unionists went beyond what might have been expected of any other Conservative leader.<sup>6</sup>

It was, therefore, the combination of Carson, Craig and Bonar Law who advanced the case for the exclusion of 'Ulster' during the critical political negotiations of 1914. What they demanded was the permanent exclusion of the whole province of Ulster from the jurisdiction of a Dublin parliament. This would have entailed nine counties, Antrim, Armagh, Down, Londonderry, Fermanagh, Tyrone, Cavan, Monaghan and Donegal, over which they held a majority of 56.4%. The flaw in their case was that in five of these counties Protestants were in the minority: Fermanagh

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<sup>5</sup> P. Jalland, *The Liberals and Ireland* (Brighton, 1980).

<sup>6</sup> R. Blake, *The Unknown Prime Minister* (London, 1955).

(44.3%), Tyrone (44.4%), Donegal (20.8%), Cavan (18.7%), and Monaghan (25.45). The most, then, that British Liberals and Redmond's Nationalists would concede was the temporary exclusion of the four counties with Protestant majorities: Antrim (75.9%), Down (68.6%), Armagh (55.0%) and Londonderry (58.6%). Even here there were clear anomalies, since there were strongly Protestant areas in Fermanagh and Tyrone, while south Down and south Armagh were overwhelmingly Catholic, as was the city of Derry. In short, while the partition of Ireland was being discussed, and when the Irish problem was eclipsed by the European war in 1914, there was no agreement on whether it should happen or how it might be done.<sup>7</sup>

Once partition had entered into political discourse, there seemed to be no going back. Irish affairs reached a watershed in 1916, when, on Easter Monday, Padraig Pearse proclaimed the Republic outside Dublin's General Post Office. This sparked a chain of events which was to see Republicanism established as the authentic voice of nationalist Ireland. In the aftermath of this failed uprising, it fell to Lloyd George to negotiate a settlement with Carson and Redmond. Although these discussions were unsuccessful, they held great significance since they clarified that the British government was prepared to concede a partition based upon the exclusion from a Dublin parliament of the six counties of Antrim, Armagh, Down, Londonderry, Fermanagh and Tyrone. In fact, this arrangement was to become the future political shape of Ireland, and indeed continues to be to the present day.<sup>8</sup>

Events in Ireland quickly acquired a remarkable momentum. Under the leadership of Eamon de Valera, Sinn Fein took on the mantle of the Easter 1916 Rising. In the United Kingdom general election of 1918, Sinn Fein, pledged to the Republic, won 73 seats, to a rump of six for the

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<sup>7</sup> A fascinating account remains Denis Gwynn, *The History of Partition 1912-1925* (Dublin, 1950), based as it is on Redmond's contemporary notes.

<sup>8</sup> Unionist positions may be studied in P. Buckland (ed), *Irish Unionism 1885-1923* (Belfast, 1973). Denis Gwynn records Redmond's reactions in *The Life of John Redmond* (London, 1932), while Lloyd George gave his account in his *War Memoirs* (London, 1938), vol. 1, pp. 416-25.

home rulers. Forming its members into Dail Eireann, Sinn Fein began a political and military campaign for the full independence of Ireland.<sup>9</sup>

It is often forgotten that the situation in British politics at the time also had profound implications for Ireland's future. In December 1916, Lloyd George had become prime minister, but only by splitting the Liberal party and becoming leader of a coalition with Bonar Law's Conservatives. Bonar Law remained tenaciously loyal to his Ulster Unionist friends, and so the price of his support for Lloyd George's coalition in 1918 was a commitment from the prime minister that '... there are two paths which are closed – the one leading to a complete severance of Ireland from the British Empire, and the other to the forcible submission of the six counties of Ulster to a Home Rule Parliament against their will'. With 339 Conservatives in the coalition and 136 Liberals pledged to Lloyd George, it was clear that Bonar Law had dictated how the government had to act over Ireland.<sup>10</sup>

This was reflected in the terms of the 1920 Government of Ireland Act, the so-called 'partition act,' which formally proposed the partition of Ireland. Its immediate origins lay in the Cabinet Committee on the Irish Question, which reported in November 1919. Interestingly, in the light of Lloyd George's 1916 discussion, the committee recommended the establishment of a separate parliament for the nine counties of Ulster on the basis that this would minimize the division of Ireland along religious lines. There was also to be a parliament for the remaining 26 counties, based in Dublin, and a Council of Ireland, drawn from representatives from both parliaments. This smacked too much of Irish unity for the taste of Unionists and Conservatives, who immediately mounted a counterattack. Their aim was to create an entity where Unionists would be in a clear overall majority, which effectively meant six counties. Strong interventions meant that when the cabinet finally assented to the Government of Ireland Bill on 24 February 1920 it was on the basis that: 'The area of Northern Ireland shall consist of the Parliamentary counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, and

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<sup>9</sup> The essential account is Michael Laffan, *The Resurrection of Ireland. The Sinn Fein Party 1916-1923* (Cambridge, 1999).

<sup>10</sup> See Fraser, *Partition*, pp. 25-6.

the Parliamentary boroughs of Belfast and Londonderry'.<sup>11</sup> In short, the Government of Ireland Act gave the Unionists an area which they believed they could safely control.

Partition, then, gave Unionists most of what they wanted; namely, retention within the United Kingdom of an economically viable area with a clear Protestant majority. Paradoxically, it also gave them what they had long resisted, home rule, since there was to be a devolved parliament in Belfast. Such devolution meant that from 1921 until its suspension in 1972, parliament in Belfast, and hence political power, was the monopoly of Unionists. The nationalist minority, initially some 33%, could only stand aside, their representatives powerless to influence events. Moreover, since nationalists in Northern Ireland felt as Irish as their fellow countrymen and women elsewhere on the island, they felt cheated out of the new project of national independence – a project begun with the establishment of the Irish Free State of 1922 and evolving over time into the Republic of 1949. The pent up tensions associated with a sense of nationalist exclusion and alienation produced the protests of the Civil Rights Movement of the late 1960s, after which Northern Ireland was never to be the same. Indeed, Northern Ireland has been trying to find an acceptable political formula ever since, in the context of political violence which was to claim 3,500 lives.<sup>12</sup>

Two aspects of the partition of Ireland ought to be noted:

The first is the pace at which the need for partition came to be accepted by the Unionists and the British government. The second is how partition came about against the wishes of Ireland's nationalist majority. These aspects are mirrored in the partition of India in 1947. Ten years before, partition was barely on the political agenda in India. True, in 1933 four Muslim students at Cambridge University had published a pamphlet in which the word Pakistan was coined, and others had spoken of a Muslim nation in India, as far back as the 1880s. However, when Britain held

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<sup>11</sup> Basic to an understanding of these events are the recommendations of the Cabinet Committee on the Irish Question, and associated memoranda, in PRO CAB24/92 and 93, and the cabinet discussions from 11 November 1919 to 24 February 1920 in PRO CAB 23.

<sup>12</sup> The Northern Ireland conflict has generated an enormous literature. T.G. Fraser, *Ireland in Conflict 1922-1998* (London, 2000) provides a brief introduction to the issues.

provincial elections in India in 1937 these ideas found little echo. Muslims in their two strongest provinces, Bengal and Punjab, voted for powerful provincial parties, others aligned with Mahatma Gandhi's Indian National Congress, while only a small minority, some 4.8%, voted for Muhammad Ali Jinnah's Muslim League. These voting patterns reflected the fact that most Muslims at the time (including Jinnah), wanted safeguards for Muslims within a united independent India in which they would be a minority of some 25%. They voted accordingly. But what alarmed many Muslims were the actions of a number of Congress controlled provinces after the elections. Things were done which were offensive to Muslim sensibilities, such as the placing of Gandhi's portrait in classrooms.<sup>13</sup> While these did not amount to persecution, they seemed a troubling indication of what might happen once the British left.

A veteran nationalist, Jinnah had long concluded that with Gandhi's assumption of leadership in 1920 Indian nationalism had taken a wrong turn by giving a Hindu tinge to what had been a secular movement. At the 1931 Round Table Conference in London he had finally broken with the Congress on this issue. He was, therefore, intellectually and emotionally ready for the arguments put to him by the great Muslim theologian Muhammad Iqbal. In correspondence with Jinnah in the winter of 1937-1938, Iqbal argued that Muslims could only develop according to Islamic principles, and this could only happen through the creation of a Muslim state or states. Iqbal's 'Two Nation' theory came to be the lode stone of Jinnah's politics, and through him those of the Muslim League, over the next decade.<sup>14</sup>

In March 1940, Jinnah made partition the formal demand of the League. The 'Lahore Resolution' actually mentioned neither 'partition' nor 'Pakistan', but did resolve that contiguous Muslim areas of the subcontinent become independent states. Even so, Jinnah still had to convert the Muslim masses to what was essentially a new concept with far-reaching implications. Moreover, he had to do so in the context of a deeply hostile Indian National Congress led by Gandhi, who perceived the Lahore

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<sup>13</sup> These issues, set out by the League in the Pirpur Report, were hotly contested by Congress.

<sup>14</sup> *Letters of Iqbal to Jinnah* (Lahore, 1943) contain the kernel of the 'Two Nation' theory. See also L.F. Rushbrook Williams, *The State of Pakistan* (London, 1966) for a sympathetic account of Jinnah's political evolution.

Resolution as proposing nothing less than the vivisection of India.<sup>15</sup> Like Irish nationalists, Indians had always assumed that independence would come to a united country. So, too, did the British, as it happened. If the British had seen a threat to Indian unity, this had come from the princely states, which had direct treaties with the Crown, rather than from the Muslims. Hence, the British has spent much of the 1920s and 1930s trying to find a mechanism which would accommodate the princely states once independence came. Both Congress and the British were, therefore, inclined to see the demand for partition as little more than a bargaining position to secure the best terms for Muslims within a united India. This was a serious error.

While what was meant by the Lahore Resolution was opaque, it triggered what was to become perhaps the greatest Muslim mass movement of the 20<sup>th</sup> Century. There is no doubt that between 1940 and 1945 the concept of an independent homeland based upon the 'Two Nation' theory took hold of the Muslim community, and that by the end of the war Jinnah could claim to command its allegiance. In elections to the Central Assembly in December 1945, the League gained 86.6% of the Muslim vote, a far cry from the position on the eve of war. Even so, Jinnah had been careful never to define too closely what 'Pakistan' might mean, since the distribution of the Muslim population meant that any partition would be difficult. Most obviously, a homeland based upon Muslim majority areas would deliver nothing for the substantial numbers of Muslims living elsewhere in India. With his home in Bombay's Malabar Hill, Jinnah personified this dilemma. Arguably, partition would leave these communities in an even more vulnerable minority within a Hindu India, just as the division of Ireland had left small isolated pockets of Protestants in the Free State. Furthermore, British officials were unconvinced of the viability of a Muslim state in two parts, separated by over 1,000 miles of a potentially hostile India.

Even more fundamental were problems associated with the Muslim majority provinces. In the north-east, Jinnah claimed Bengal and Assam. The latter may easily be dismissed, since it had an overwhelming Hindu majority, and its inclusion in a Muslim state was never credible. Bengal had a

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<sup>15</sup> 'The Pakistan Resolution', 23 March 1940, in *Pakistan Resolution to Pakistan 1940-1947*, Latif Ahmed Sherwani (ed) (Lahore, 1968), vol. 1, pp. 39-47. Gandhi's reaction may be studied in *The Collected Works of Mahatma Gandhi*, vol. LXXI (New Delhi, 1968).

Muslim majority of 27,497,624 to 21,570,407 Hindus. Jinnah's claim for national self determination for the Muslims ran directly counter to the demand of the Hindus to be part of a united India. Moreover, Hindus were a clear majority in the Bengali capital of Calcutta, thought essential to the prosperity of the jute industry of the Muslim-dominated east of the province. The north-western part of Pakistan was to consist of the three small provinces of Baluchistan, Sind and the North-West Frontier Province, with the Punjab as its essential core. The position of the Punjab reflected that of Bengal, with a vital added element. While there were 13,332,460 Muslims compared with 6,328,588 Hindus, there were also 3,064,144 Sikhs.<sup>16</sup> The Sikhs dominated the rich farmlands of the central Punjab between the provincial capital of Lahore and their holy city of Amritsar. Their traditions were those of resistance to Muslim domination. Once again, to include these Hindu and Sikh communities in a Muslim homeland would be to deny their claim to self determination, either in a united India or in Sikh homeland. In short, both provinces had mixed populations as well as an essential economic unity developed over centuries.

The opponents of partition, both Indian and British, were well aware of these weaknesses in Jinnah's position. In September 1944, Gandhi made a sustained attempt to expose what he believed to be the absurdity of partition. At the heart of Gandhi's position was his acceptance of the principle that in Baluchistan, Sind, the North-West Frontier Province, Assam, and the parts of Bengal and Punjab where they were in an absolute majority, Muslims could separate from the rest of India. Jinnah rejected any idea of the partition of Bengal and Punjab on the grounds that this would leave the Muslims with the unviable 'husk' of Pakistan.<sup>17</sup> Partition now turned on the question of the partition of Bengal and the Punjab. This formed the basis of the negotiations conducted in the spring of 1946 by Sir Stafford Cripps, A.V. Alexander and Lord Pethick-Lawrence, the so-called 'Cabinet Mission'. In essence, what the British ministers put to Jinnah was that if the case for Pakistan rested on self determination, then that principle could not be denied to the Hindus and Sikhs of Punjab and Bengal. Jinnah responded that a partition of these two provinces would leave Pakistan truncated and economically unviable. What the 'Cabinet Mission' proposed, therefore, was a federal scheme, which, they

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<sup>16</sup> See 1931 *Census of India*, vol. 1, *India*, part II, Imperial Table.

<sup>17</sup> See Gandhi, *Collected Works*, vol. LXXVIII (New Delhi, 1979).

believed, would meet the essence of Jinnah's claim, while retaining key elements of Indian unity as demanded by Congress. It was proposed that in the north-west, the Punjab, Sind, Baluchistan, and the North-West Frontier Province would come together in a grouping that would see a Muslim majority of 62.07% to 37.93%, while a similar grouping of Bengal and Assam in the north-east would give a Muslim majority of 51.69% to 48.31%. The other Indian provinces would form the third grouping. These three groups would then come together for defence, foreign affairs and communications.<sup>18</sup> Although initially accepted by both Congress and the Muslim League, communal antagonism proved too strong for this agreement to hold. On 16 August 1946, Jinnah launched his 'Direct Action' campaign to achieve Pakistan. The 'Great Calcutta Killing', which began that day, proved to be the prelude to a winter of escalating slaughter.

By the time Lord Mountbatten arrived in late March 1947, charged with the task of ending British rule in India, there was scant prospect of retaining any kind of unity. The new Viceroy confronted Jinnah with the by now familiar dilemma that if he wanted Pakistan it could only come at the price of the partition of Bengal and the Punjab. A reluctant Congress had come to accept this as the only way forward. Mountbatten's plan was finally agreed upon at a conference on 2-3 June 1947. It provided for the independence of India and Pakistan on 15 August, and for the establishment of a boundary commission to determine the new borders which would partition the two key provinces.<sup>19</sup> As is well known, the partition of the Punjab proved to be a brutal affair, resulting in the deaths of hundreds of thousands of Muslims, Hindus and Sikhs, and the dispossession and migration of millions. Pakistan did not ultimately hold together; in 1971, east Pakistan emerged as the new nation of Bangla Desh. Nor did partition resolve all the issues of the sub-continent. The two new states were soon locked into confrontation over the former princely state of Kashmir, a conflict escalated by the emergence of both India and Pakistan as nuclear powers, and, in 2005, yet to be resolved.

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<sup>18</sup> The work of the Cabinet Mission is fully recorded in Nicholas Mansergh (ed), *The Transfer of Power in India*, vol. VII (London, 1977).

<sup>19</sup> Mountbatten's role is well covered in H.V. Hodson, *The Great Divide* (London, 1969) and Philip Ziegler, *Mountbatten* (London, 2001).



Partition first entered public debate over Palestine with the discussions, and then the publication, of the Peel Commission in 1937. The background, of course, began years earlier, even before Britain assumed the League of Nations Mandate for the former Ottoman territories in 1922. Before 1914, Palestine existed as part of two administrative districts of the Turkish Empire, with some 400,000 Arabs and 85,000 Jews, of whom about 30,000 had come in support of Jewish statehood. With the outbreak of war in 1914, Palestine's fate became intertwined with that of the empire itself. In particular, Britain made two promises which have long been the subject of violent controversy. In 1915, the High Commissioner in Cairo, Sir Henry McMahon, seemingly pledged that Britain would 'recognize and support the independence of the Arabs', with the exception of 'portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo'. Arabs could never be convinced that these districts included Palestine. Then, in 1917, came the Balfour Declaration, which committed Britain to support 'the establishment in Palestine of a national home for the Jewish people'. Volumes have been written around these two documents. Suffice it to say that both Arabs and Jews had reason to believe that Britain had made pledges over Palestine, and that these pledges haunted British policy for the next three decades.

What no one foresaw was the rise of Adolf Hitler and the state anti-Semitism which his National Socialist regime set in hand from 1933. Alarmed over their prospects in Europe, large numbers of Jews moved to Palestine. By 1936, the Jewish population of the country numbered 370,483 out of a total population of 1,336,518.<sup>20</sup> Faced with this sudden and unexpected surge in Jewish settlement, the Palestinians rebelled. The Arab revolt provoked both military repression and an attempt at a political solution. The latter saw the appointment of a Royal Commission chaired by Lord Peel. Afflicted with cancer, Peel was not its most influential member. The intellectual driving force behind the commission was the Beit Professor of Imperial History at the University of Oxford, Reginald Coupland. Coupland is a pivotal figure in the history of partition. Appointed to the Beit Lectureship in Imperial History at Oxford in 1913, from 1917 to 1919 he edited *The Round Table*, at a time when the future constitutional future of Ireland was at the top of the imperial

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<sup>20</sup> *Report on the Administration of Palestine for 1938*, p. 226.

agenda. Coupland passionately believed that the three British nationalities, English, Scottish and Welsh, had come together in a common nationality. 'The English and the Scots', he wrote in 1943, 'have become one British nation'. Much earlier, in a lecture in India, he observed that 'these three nations have achieved a solid, indestructible unity'.<sup>21</sup> This analysis was then extended to other parts of the empire. Hence, in the Palestine Royal Commission Report, he was able to assert: 'where the conflict of nationalities has been overcome and unity achieved - in Britain itself, in Canada, in South Africa - one of the parties concerned has been English or British, and that, where this has not been so, as in the schism between the Northern and Southern Irish or between Hindus and Moslems in India, the quarrel, though it is centuries old, has not yet been composed'.<sup>22</sup>

Extending this analysis to Palestine, on 23 December 1936 he posed to the Zionist leader Dr. Chaim Weizmann whether Palestine should be divided into 'two big areas'. On 8 January 1937, at a private meeting with Weizmann, he extended this to include a formal partition of the territory, which would produce two independent states. When the Commission's report was published on 22 June 1937, it was permeated with Coupland's views. 'An irrepressible conflict', he argued, 'has arisen between two national communities within the narrow bounds of one small country. About 1,000,000 Arabs are in strife, open or latent, with some 400,000 Jews. There is no common ground between them. The Arab community is predominantly Asiatic in character, and the Jewish community predominantly European. They differ in religion and in language. Their cultural and social life, their ways of thought and conduct, are as incompatible as their national aspirations'.<sup>23</sup> Nor was the Irish parallel far from his mind, arguing that 'the impossibility of uniting all Ireland under a single parliament; and the gulf between Arabs and Jews in Palestine is wider than that which separates Northern Ireland from the Irish Free State'.<sup>24</sup> In such circumstances, he argued, partition held out the only

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<sup>21</sup> For a discussion of the evolution and impact of Coupland's thought, see T.G. Fraser, 'Sir Reginald Coupland, the Round Table and the Problem of Divided Societies', in Andrea Bosco and Alex May (eds.), *The Round Table, the Empire/Commonwealth and British Foreign Policy* (London, 1997), pp. 407-19.

<sup>22</sup> *Palestine Royal Commission Report* (Cmd 5479, 1937), p. 375.

<sup>23</sup> Cmd 5479, p. 370.

<sup>24</sup> Cmd 5479, p. 361.

hope. Although the British cabinet at first embraced the idea, they were not long in retracing their steps. Faced with the deteriorating diplomatic situation in Europe, support of the Arab Middle East, with its oil reserves, was of the essence. In 1938, the British formally declared partition to be unworkable in practice, and then, weeks before the outbreak of war, they issued a White Paper setting out the conditions for the independence of Palestine in ten years as a united state with a clear Arab majority. Partition, it seemed, was dead.

Partition did not feature much during the Second World War, even though Winston Churchill flirted with it in 1944. What proved decisive was the Nazi attempt to exterminate the Jews of Europe, the systematic destruction of some six million people. By 1945, Jews believed that this genocidal policy at the hands of so-called Christian civilization merited the creation of a national home where they could be free from persecution. In 1942, at the Biltmore Conference in New York, the Zionist movement had pledged itself to the support of Palestine as a Jewish commonwealth. In reality, key Zionist leaders, notably Chaim Weizmann and David Ben-Gurion, were keenly aware that numbers were not on their side, and that the best they might hope for was a Jewish state in part of Palestine; in short, partition. This became increasingly clear in the course of 1946. For their part, the Arabs argued that since the Holocaust had been perpetrated by Europeans, Arabs should not be asked to bear the price of surrendering Palestine, in which they commanded a clear majority. They demanded independence for an undivided Palestine, with Jews as a protected minority. In this, they enjoyed British support. The responsible minister, Foreign Secretary Ernest Bevin, and his principal adviser, Harold Beeley, were keen and consistent advocates of the Arab position, though the Colonial Office was more inclined towards partition.

But British attitudes were now less important. The decisive voice lay in Washington, especially with Harry S. Truman, president since the death of Franklin Roosevelt in April 1945. Much ink has been spilt on Truman's attitude towards Palestine. He knew nothing of the Arabs. Unlike many Protestant Americans of his generation, he was comfortable with Jews, and knew something of their aspirations for statehood in Palestine. The officials of the Department of State led by Loy Henderson, conscious of the emerging tensions between Washington and Moscow, looked to

support in the Arab world, and counseled against Jewish statehood in any part of Palestine. But Truman's political advisers, Clark Clifford and David Niles, countered with two arguments. Domestically, if the Democrats did not support Jewish statehood, then the Republicans would. Secondly, if the United States did not support Jewish statehood, then the Soviets would. They won. On 4 October 1946, in his Yom Kippur statement, Truman pledged the United States to support a Jewish state through the partition of Palestine.

By this time, the British were at their wits' end, having no political or military answer to the Jewish Revolt, which had broken out in October 1945. In February 1947, they referred the problem of Palestine to the United Nations. The UN was determined to address the problem seriously, in May establishing the United Nations Special Committee on Palestine (UNSCOP), consisting of Guatemala, Uruguay, Peru, Australia, Canada, Sweden, the Netherlands, Yugoslavia, Czechoslovakia, Iran and India. The Palestinians would have nothing to do with it, believing that they had gained nothing from 18 previous committees of inquiry.<sup>25</sup> By contrast, the Zionists argued hard, privately and in public, for an end to the British Mandate, followed by the creation of a Jewish state through partition.

When UNSCOP presented its findings in September 1947, India, Iran and Yugoslavia reported in favor of a unitary state. The Australian member could see no scheme he could support. The remainder came out in favor of partition with economic union. Here, re-stated, were Coupland's arguments of ten years before: 'The basic premise underlying the partition proposals is that the claims to Palestine of the Arab Jews, both possessing validity, are irreconcilable, and that amongst all the solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and aspirations of both parties.'<sup>26</sup> Actually, it did not. The Palestinians rejected the concept of partition, strongly supported by the British. The Jews were unhappy that Jerusalem was to be a *corpus separatum* under the UN, but they realized that partition offered them

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<sup>25</sup> Jamal Husseini, 29 September 1947, UNO General Assembly Official Records, Ad Hoc Committee on the Palestinian Question, 3<sup>rd</sup> meeting.

<sup>26</sup> UNSCOP Report (New York, 1947).

the chance of statehood and they worked tirelessly to bring it about. In this, they were supported by the Americans and the Soviet Union. When the UN General Assembly voted on the UNSCOP proposals on 29 November 1947, partition passed by the required two-thirds majority, though not without American pressure, galvanized by Truman's White House, on certain swing countries.

None of these three partitions was straightforward. Given the passions aroused and the complex mixture of populations involved, this could never have been the case. In both Ireland and India, two communities developed, and proceeded to assert, distinct identities, which, they argued, meant that they could no longer live within a single, unitary state. This was what Reginald Coupland argued with regard to Palestine in the Peel Commission report of 1937, the document which set the template for the partition of the country ten years later. While Coupland's proposal was sometimes referred to as the 'clean cut' solution, as in the cases of Ireland and India the partition of Palestine was never going to be that simple. In Ireland, partition meant a sense of loss to Protestants in east Donegal and north Monaghan, as well as to Catholics in west Belfast, Derry city, south Armagh and south Down. Similarly, the partition of India destroyed the centuries-old position of Hindus in Lahore, Sikhs in their holy shrine of Nankana Sahib, and the Muslims of Delhi with its famed Islamic architecture. For the Jews, the partition resolution of November 1947 opened the door to statehood in May 1948; for the Palestinians, it triggered a sequence of events which ended in statelessness, and, for hundreds of thousands, exile and the refugee camps. Indians and Pakistanis still wrestle with the seemingly intractable issue of Kashmir, but they do so in the diplomatic forum. In Northern Ireland, the prizes offered by the 1998 Belfast Agreement have proved elusive, but there has, so far, been no return to armed conflict. Palestinians and Israelis have yet to resolve the manner in which they might share their divided territory as two states, each offering the other respect, security and the means of achieving economic prosperity, as envisaged in the 'Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict' unveiled by the American government on 30 April 2003.<sup>27</sup>

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<sup>27</sup> 'Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict', Department of State, Washington, 30 April 2003.

# THE END OF THE TWO-STATE SOLUTION - A GEO-POLITICAL ANALYSIS

*Jan de Jong<sup>1</sup>*

## **Introduction**

Israel's construction of the so-called 'Separation Barrier' or 'Wall' in the West Bank is the most significant and consequential event to have occurred in the Palestinian Territories since 1967. This chapter argues that the construction of the 'Barrier' will fatally prejudice all remaining prospects for viable Palestinian statehood. A resulting Palestinian rump domain circumscribed by Israel's 'Barrier' in the west and its 'Security Perimeter' in the east will be deprived of the sole remaining assets to enable a rudimentary level of urban and rural development and consequently fall prey to ever deepening levels of widespread pauperization.

Instead of the two-state solution targeted by the protagonists of the Western World, a one-state solution now looks inevitable, not between the Mediterranean Sea and the Jordan River, but more likely on both banks of that river, with a scant 12% of historic Palestine hanging on to the Jordan East Bank as a shriveled dead-end appendix.

The chapter will mark Israel's turnabout from the 'Greater Israel' vision back to the erstwhile Allon Plan as a strategic decision of fateful proportions.

The construction of the 'Barrier' in the west mirrored by and connected to the already existing 'Security Perimeter' around the Jordan Valley in the east is a key component of Israel's plan to unilaterally 'disengage' or 'disconnect' (*'hinatkut'* in Hebrew) from the densely populated Palestinian

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areas, described by the Western powers as a “courageous and promising step” towards a two-state solution.

Together, ‘Barrier’ and ‘Perimeter’ act as effective territorial ‘pincers’ enabling a restoration of rock-bottom Palestinian road contiguity in between as a virtual concession to Palestinian viability required by the ‘Road Map.’ The three ingredients together will effectively cement borderlines around the Allon Plan in ‘mini’ to ‘plus’ versions, all of which contain a Palestinian rump state with only virtual attributes of contiguity and sovereignty.

The chapter contrasts the domain of Palestinian urban localities with that of Israeli settlements and analyzes their conflicting objectives. A sequence of maps positions successive interest layers of both sides, focused on urban development, as the key condition for attaining targeted Palestinian socioeconomic viability (for maps refer to the enclosed supplement).

These prospects are shown to be disabled, however, by steadily encroaching Israeli settlements, now advancing and expanding behind and in front of ‘Barrier’ and ‘Perimeter.’

The essential Israeli Allon Plan options are reviewed against the backdrop of the initially introduced map features.

### **Back to the Allon Plan**

Israel’s decision to engage in the Oslo process could be seen as a first tentative step back from the ‘Greater Israel’ vision toward a territorially more constricted version known as the Allon Plan. It was prompted by pressures brought to bear on account of the first Palestinian *Intifada* and American intentions to shape a new order in the Middle East following the first Gulf War, accommodating a form of Palestinian statehood.

Under these pressures, Israel sought to disentangle itself with most of its settlements from the densely populated Palestinian interiors of the West Bank and the Gaza Strip and leave them to their own autonomous devices, but whilst remaining under Israeli tutelage.

It was a move in two directions: one away from the Palestinian population centers, the other closing in toward lightly or unpopulated areas around those centers.

Through the Oslo process, Israel released some 40 % of the West Bank and Gaza Strip territory to delegated Palestinian autonomy but simultaneously expanded its settlement domain more than twofold from an initial 2 to 5% of the Palestinian Territories.

As the brainchild of the Israeli Labor Party and its affiliate circles, the Oslo process was endorsed by the Rabin administration in 1993. The Israeli Likud Party, however, was not yet resigned to the idea of a Palestinian national entity in what it considered the heartland of 'Greater Israel.' Although nominally adhering to the process, when back in government in 1996, the Likud Party launched a counter offensive, calling on settler militants to "grab (Palestinian) hilltops" wherever possible.

The Oslo process came to a showdown when once again a Labor-led coalition took over after the Likud administration was voted out of power in the 1999 elections.

Then Prime Minister Barak attempted to shortcut the process by coercing the Palestinians at Camp David in July 2000 to accept an end result, according to which Israel would absorb some 20% of the West Bank's best land and leave the remaining land, much of which was hugely inferior, to Palestine. When this attempt failed, it became clear that the process had exhausted itself in the eyes of the Israeli political mainstream.

The collapse of the Oslo process prompted Israeli Prime Minister Ariel Sharon, after taking over from Barak in 2001, heading a Likud-dominated coalition, to give greater consideration to concerns that decades ago had motivated erstwhile cabinet minister Allon to call for a withdrawal and disengagement from parts of the Palestinian Territories conquered and occupied in the June War of 1967.

Allon's concerns were focused on the incompatibilities associated with a Jewish state ruling a sizeable Palestinian population in its midst. It was these concerns that encouraged him to formulate a plan to disengage from most of the densely populated Palestinian areas while holding on to



the conquered city of East Jerusalem and the Jordan Valley to ensure lasting Israeli domination of the entire country between the '(Mediterranean) Sea and the (Jordan) River.' In his plan, the Palestinian population would be contained on all sides by Israeli-held territory in a kidney-shaped area linked by a narrow corridor to Jordan.

At the time, Allon's plan fell on deaf ears all around. The Arab countries, including Jordan, rejected it. Most notably, UN Resolution 242 demanded that Israel withdraw from territories conquered and occupied in 1967, but in Israel, the mood was set on another course and the country's political establishment became engulfed in a feverish attempt to settle every little corner of the West Bank viewed as Israel's historical core patrimony.

The ascendancy of the Likud in 1977 occasioned a breakaway from Allon's design. Just one decade was enough to establish the current pattern of Israeli settlements mushrooming all over the West Bank.

Today, a small core group of the Likud leadership, headed by Prime Minister Sharon himself, feels compelled to take a fresh critical look at the results of more than three decades of Israeli settlement activity. The results of this settlement activity are depicted on **Map 1A** (for this and subsequent maps please refer to the enclosed supplement). It is the first in a sequence of similar map frames to which other layers of interest will be added.

### **Israeli Settlements**

Today, two-thirds of the Israeli settlers are concentrated in and around East Jerusalem, occupying a built-up area of altogether 0.5% of the West Bank. An additional quarter resides within the metropolitan outreach of Greater Tel Aviv, beyond the Green Line, occupying a built-up area of 0.25% of the West Bank, comprising altogether less than 1% of West Bank territory.

The two areas together house 90% of the total settler population, living in just over 60 settlements (more than 40% of the total). The actual built-up area of these settlements may appear insignificant. They must, however, be seen in the framework of their larger controlled surround-

ings and the still larger composite pattern imposed by the total, which takes up about 8% of the West Bank.

The map illustrates that together, these two areas inhabited by two-thirds of the Israeli settlers constitute two major 'finger'-shaped extensions protruding deep into the West Bank (indicated by the two arrows). These must be seen in conjunction with the other more isolated settlements, together surrounding and isolating Palestinian areas in between.

The remaining settlers, comprising only 10% of all settlers, are scattered all over the West Bank, with most of them being located in more than 80 tiny hamlet-like settlements, a considerable number of which are in the Jordan Valley. Although pulling negligible demographic weight, they nevertheless exercise tangible territorial control in two vital ways.

First, they 'fill up,' with minimal presence, a maximal amount of 'border' land, inserting a virtual 'wedge' that isolates the Palestinian population of the West Bank from that on the Jordan East Bank across the river. Second, they shore up from the east the two major 'finger'-shaped settlement areas extending from Israel's metropolitan core in the west.

### **Palestinian Localities**

The next map (**IB**) shows the basic underlying pattern of the West Bank's indigenous Palestinian population, represented by three color shades together. The lightest shade indicates the rural countryside of numerous larger and smaller villages. The slightly darker color highlights the prominent concentration of towns and cities. The map depicts this area as a thin, lengthy stretch of habitation situated along the West Bank's central hillcrest. It is more compact in the center and the south than in the north, where a number of 'finger'-shaped areas of Palestinian urban habitation are spreading out from the city of Nablus, mainly toward the north and the west.

The West Bank's largest Palestinian cities such as Jenin, Nablus, Ramallah, Jerusalem, Bethlehem, and Hebron are highlighted in the darkest color shade. There are two cities in the west, Tulkarem and Qalqilya, which have a more peripheral position away from the hill ridge, stemming from their pre-1948 antecedents as a part of the Palestinian coastal plain, and

another such city in the east, Jericho, functioning as the Jordan Valley's Palestinian urban center.

A single glance at the map reveals distinctive characteristics. First, there is little Palestinian habitation east of the central hill ridge, stretching from north to south. Second, there is a roughly even spread of Palestinian villages west of the ridge.

There are therefore two prominent Palestinian population zones: the rural countryside of numerous smaller villages, and the urban zone dominated by cities lined up along the central hillcrest. Together, these Palestinian populated areas take up roughly half of the West Bank, but the proportion of each in terms of area and population is starkly different. The area of rural villages is three times larger than that of towns and cities, yet it contains only 30% of the West Bank's Palestinian population. The much smaller urban area of towns and cities, on the other hand, represents less than 20% of the West Bank, yet it is home to 70% of its Palestinian population.

The whole urban zone itself must be seen as the composite total of locations and infrastructure where primary urban functions and activities such as habitation, production of goods and services, and communication can take place at the least cost and with the highest returns. A certain hierarchy is implied all over the urban zone with places of increasing productive capacity and servicing outreach becoming concentrated closer to the West Bank's central area of Palestinian Greater Jerusalem (which includes Ramallah and Bethlehem). This area could then function as Palestine's primary metropolitan center of optimal urban potential.

### **Implications**

The fact that 70% of the Palestinian urban population of 1.6 million live in such a small area means that there is an average density of 1,400 persons per km<sup>2</sup>. This rate is much higher than that attributed to Europe's most densely populated country, the Netherlands.

Such a concentration implies a heavy dependence on the scant resources of an area that is extremely limited in size. This is problematic given the inadequacy of Palestine's economic productivity. Even in advanced highly

productive economies, like those in Western countries, such concentrations are sometimes problematic but remain generally manageable. That is because a high economic performance, matched by democratic procedures and legality-based governance, equips such societies to build and sustain strong urban centers that are globally competitive. Palestine, however, which is still in the throes of protracted decolonization, is ill equipped to emulate such societies.

This chapter consequently focuses on the material and territorial conditions for Palestinian socioeconomic rehabilitation and highlights successful urbanization as its primary agent.

Palestinian cities must drastically upgrade and expand their productive output of goods and services in order to attain a basic degree of nationwide socioeconomic viability. Most of the opportunities to achieve this are localized within the urban zone.

The figures relating to the existence of a large population concentrated in a limited and restricted area, devoid of adequate productive capacity, are worrisome. More alarming is the fact that these figures are only a snapshot of today's situation. Palestine has few if any parallels in today's world with regard to its population growth. It is said to mix an African birthrate with a European death rate, the combination of which is resulting in a virtual demographic explosion.

Its natural increase alone will raise the West Bank's Palestinian population from the current 2.3 million to an expected 3.6 million by the year 2020. In addition, Palestinian planners anticipate the immigration of at least 700,000 refugee-returnees in the same period, bringing the total population to approximately 4.3 million, or almost double the current figure.

The message coming across from these numbers is that hundreds of thousands of additional dwellings and jobs need to be created in the tightest imaginable time span. Housing and employment are critically dependent on the existence of adequate road connections for moving goods and persons between the two and to other destinations. The current road network is gravely inadequate and needs a major overhaul. Most urgent is the upgrading of the north-south routes together with some lateral connections, turning these into high-capacity thoroughfares.

The challenge resulting from the need to double the current stock of dwellings, jobs, and infrastructure is not a matter of simple numerical dimensions. It cannot be met by using whatever place is at hand or becomes available. To give a crude example, building a city neighborhood with thousands of dwellings in the West Bank's Dead Sea's desert region is simply not feasible, even if free space is amply available.

The problem is that such areas are considered marginal and peripheral in relation to a country's core. Core areas of high socioeconomic opportunity are relatively rare in most countries, even those possessing strong economies. No more than about 10% of a country like France, for instance, can be considered to constitute such a core.

The West Bank's Palestinian urban zone is concentrated in less than 20% of its land, but only its inner core, the agglomeration of Metropolitan Arab Jerusalem, comprising just a bare 4% of the West Bank, has the capacity to function as the fundamental and decisive socioeconomic engine to regenerate and rehabilitate the rest of the Palestinian Territories. As we will see, this metropolitan core is under heavy pressure as a result of encroaching Israeli settlements.

### **Deficiencies**

Attempting to meet the mentioned targets of needed homes and jobs would cause sleepless nights to politicians and planners even in high-income countries with strong economies and ample public funds. In a country such as Palestine, wrecked by decades of colonial rule and occupation, it is likely to cause nightmares, not so much on account of the intimidating numbers, but rather because Palestine is lacking all basic conditions to generate the required growth.

Two crucial spheres of deficiency can be pinpointed, one of which is political, the other territorial. To begin with, Palestine still lacks sovereign jurisdiction capacitating a benevolent, public interest-driven democratic administration to engage in required urban and rural development. More fundamentally, however, Palestine is denied the territorial assets to effectuate it.

Here one question may arise immediately: What about the Palestinian autonomous jurisdiction (Oslo A and B Zones), exercised over at least some 40% of the West Bank and Gaza? Has that not offered prospective foundations for moving in a positive direction? This was the premise and promise of Oslo; a gradual increase of Palestinian self-determination, politically and territorially, up to the point where Palestine could function as a fully-fledged self-sustaining independent state.

However, Oslo failed fundamentally because it detached the political from the territorial sphere. With Western support and an eager Palestinian external leadership, Israel installed a proto-state, but not one given the means to fulfill the most essential mandate of any state in the world, namely, to cater adequately for its current and future needs. Oslo tore the little that remained of Palestinian territorial cohesion to pieces, disabling crucial prospects for national development. Although large amounts of money were funneled into the separate Palestinian territorial fragments, the need to invest in countrywide structural assets in order to boost durable, self-sustaining development was – on account of Oslo – ignored.

Instead of mitigating and ameliorating Palestine's wrecked economic condition, Oslo exacerbated it, in no small part, by giving Israeli settlements a free hand in terms of their drift to expand even further. Let us now examine how the domain of Israeli settlements is impacting upon that of the Palestinian localities. Overlaying the first map (IA) with the second (IB) produces a third one that reveals the scope of impacts.

**Map IC** shows how the Palestinian urban zone is affected by Israeli settlement 'fingers.' Several principal patterns are highlighted. First, one of encirclement, for example the Palestinian city sections between East Jerusalem, Ramallah, and Bethlehem, being constricted and suffocated by Israeli settlements on practically all sides. Another prominent pattern is shown where the settlement 'fingers' intersect the Palestinian urban zone. There, settlements encroach upon urgently needed Palestinian urban resource areas, most prominently in East Jerusalem and other main Palestinian cities.

The next important pattern emerges as a result of settlement areas obstructing vital Palestinian road links or reducing their capacity. Together all these major effects induce more or less severe marginalization, turn-

ing vital areas into so-called 'peripheries' or alienating indispensable area resources altogether.

The most prominent incidences of marginalizing encirclement, resource-alienating intersection, and road link obstruction are marked on the map. Each one inflicts local and regional damage but also contributes to the depletion of Palestinian socioeconomic viability on a national scale. Pattern incidences are marked in bold if affected by the 'Barrier.'

How can the emerging overall composite pattern be characterized? First, it is important to bear in mind that the map only relates to a partial picture, restricted to the sphere of Palestinian towns and cities. Focused on the Palestinian urban zone, the map shows how the zone is cut apart - across its entire stretch - in several places by Israeli settlements in a pattern of intruding 'fingers,' most notably by the settlement clusters of Ariel, East Jerusalem, and Etzion. The settlements involved have been consolidated in so-called 'blocs' through the existence of strips of land, connecting highways, fenced surroundings, and non-residential facilities, such as army depots and industrial sites, all of which have helped to inflate the size of the settlements to five to ten times that of the original built-up area. The 'finger' blocs in their wider sense now swallow up some 8% of the area of the West Bank, most of which is still open land meant to provide the blocs with territorial substance.

Propelled by a demographic momentum made up by 90% of the Israeli settlers, the two major finger 'blocs' fracture the Palestinian urban zone into disjointed provincial pieces, hindering the highly needed cohesion of the total unit. The city regions of Nablus, Qalqilya, Metropolitan Jerusalem, and Hebron are falling apart and are being isolated and suffocated within their own shrinking spaces. Only the cities of Tulkarem and Jenin have been relatively spared from this fate, but they still suffer from peripheral marginalization caused by their being cut off from Nablus as their primary urban back-up center.

The depicted impacts accumulate in the urban zone's metropolitan core of Palestinian Greater Jerusalem. It is instructive to give it a closer look since so much of the targeted Palestinian viability depends on this area.

Today, Palestinian Greater Jerusalem stretches narrowly over the West Bank's central hill spur with a built-up area of some 40 km<sup>2</sup> inhabited by approximately 550,000 Palestinian citizens, a number expected to surpass the one million mark by the year 2020.

Metropolitan Jerusalem is being torn apart, mainly into a northern and a southern section, with a hollowed-out city center in between. Both larger fragments are being pulled outward to the metropolitan outskirts around and even beyond Ramallah and Bethlehem, causing a serious depletion of the capital's urban core, up to the point where today, the Palestinian metropolis has completely lost its urban structure and composition. The map illustrates how Jerusalem's inner core has been alienated from its indigenous inhabitants, inducing a severe crisis of Palestinian housing, qualified employment and regional and national servicing outreach.

It is a crisis of current proportions. If not addressed immediately it will reach implusive dimensions in light of the anticipated future needs.

Suitable additional space to accommodate the Palestinian city's needed growth in terms of dwellings, jobs, and infrastructure can be found in dozens of sites, but it does not exceed, in terms of total area, 35 km<sup>2</sup>. It would require the multi-story density of settlements suburbs like Ramot or Gilo for all of them just to accommodate the city agglomeration's current natural increase. To apply such high densities uniformly to all new neighborhoods would be impossible for any city, let alone Jerusalem with its precious and vulnerable cultural-historical heritage. The theoretically available space already falls short when it comes to accommodating Palestinian Jerusalem's own young generation.

Making matters even worse is the fact that more space is needed for Palestinians coming from the countryside and looking for jobs and housing in Jerusalem because these are increasingly hard to obtain elsewhere. This also applies to the anticipated large number of refugee-returnees, most of whom will require a metropolitan environment in order to make a living. Vital space is also needed to boost the city's commercial and industrial capacity, which requires locations near major highway intersections, such as the current Israeli facility sites at Ofer, Atarot, Rama, and Anatot between Ramallah and Jerusalem. No less urgent is the need



for a drastic upgrade and expansion of the city's so-called 'central business district,' north of the Old City's Damascus Gate.

Just a simple overlay of Israeli settlement areas with the still open areas between Palestinian city neighborhoods urgently needed for their current and future urban development reveals a head-on collision between the two. One reason for this is the fact that approximately two-thirds of the sole remaining suitable open sites for Palestinian city growth are either being absorbed within settlement perimeters or kept empty within security envelopes.

Often the question comes up of why Palestinian citizens could not move a bit further away from Israeli settlement areas and urbanize in areas that are not claimed by settlements. Why, for example, could Ramallah not replace Jerusalem as Palestine's socioeconomic 'engine'? Such a line of argument is flawed in several aspects. First of all Ramallah, Jerusalem, and Bethlehem need to recover, maintain, and enhance their joint cohesion in order to fulfill the metropolitan potential associated with the whole, instead of with the separate parts. Moving it outward, for instance, to Ramallah, would hollow out the urban core in Jerusalem, which has the best location assets in terms of making a return on investments. Even if such a move were feasible, it would immediately stumble on settlements around Ramallah or Bethlehem, which are currently claiming practically all the nearby suitable open spaces.

Another frequently asked question relating to the total picture and overall Palestinian socioeconomic viability is how can Israeli settlement blocs, taking up a relatively small percentage of the West Bank (before the 'Barrier') manage to impede the livelihoods of most, if not a full 100%, of its Palestinian population? The disproportional nature of these percentages is indeed puzzling.

It is important to bear in mind that the livelihoods of at least 70% of the Palestinian population are tied to the centrally positioned urban zone, comprising a mere 20% of the West Bank. Putting the settlement 'fingers' area proportion of 8% in relation to the 20% of the Palestinian urban zone (as percentages of the total West Bank) helps to correct the initial perspective.

It is the Palestinian urban majority that has the potential to diversify, upgrade, and regenerate today's threadbare wrecked economy into one with much higher productivity, initiating an accelerating cycle of steadily increasing demand and supply of goods and services. Optimal locations to unchain its potential are situated primarily in Metropolitan Jerusalem as the West Bank's primary most populated and best connected core area, and in secondary cities such as Nablus and Hebron, with the capacity to follow and partake in Jerusalem's regeneration. In turn, both the primary and secondary Palestinian urban centers are key factors in terms of regenerating the Palestinian rural countryside. In other words: pulling the regenerating socioeconomic potential of Palestinian Metropolitan Jerusalem out from under the depending hierarchy of secondary cities like Nablus and Hebron will not only hamper their development, but also that of the rural districts.

Once again, the impact of the intrusion of Israeli settlements and its proportional weight and force is only a snapshot of today's reality. As stated above, due to the expected doubling of the Palestinian population alone, the amount of residences and jobs must also be doubled, and the failure to achieve this will bring the penalty of exponentially increasing pauperization.

### **Disengagement Infrastructure**

The last map pictures a situation that today is being overtaken by new realities and features introduced as a consequence of the collapse of Oslo. These features are as follows: one, the 'Barrier' that Israel began constructing in the West Bank in the year 2002; two, the 'Security Perimeter' around closed areas spreading over most of the Jordan Valley slopes; and three, the transportation infrastructure constructed by Israel to provide Palestinians with an alternative transportation infrastructure segregated from that of the settlers. These three features are pictured on **Map 2 (A and B)** as the key instruments in terms of Israeli attempts to unilaterally 'disconnect' or 'disengage' from the densely populated Palestinian Territories.

Let us first review the context that makes these features an important aspect of Israeli's current geopolitical drive.

For more than a decade, Israeli geographers, such as Professor Sofer from the University of Haifa have been raising alarms about - in their view - the threats posed by the high level of Palestinian population growth, which is, according to Sofer, the prime factor in terms of relegating Israeli Jews to a minority throughout the country between 'the River and the Sea.' For a long time Prime Minister Sharon managed to ignore these concerns and hang on to the initial 'Greater Israel' vision. That is no longer the case. There is conclusive evidence that he has taken them to heart and that he intends to address them, with determination.

Along with others, Professor Sofer has argued that the spread of settlements throughout the Palestinian Territories can no longer be maintained. The upkeep of remoter settlements in terms of access roads, facilities, and military security is too costly, compared to their 'achievements.' Remote settlements are increasingly regarded as liabilities rather than as assets in the enterprise to assert Israel's geopolitical domination of the Palestinian Territories. Israeli politicians from Labor, and even, sometimes, from the Likud, no longer hesitate to characterize the 'Greater Israel Vision' in its widest territorial fashion as sheer folly, and calls for a return to the old Allon Plan are again being heard.

The failure to coerce the Palestinian leadership into accepting a truncated rump state at Camp David in the year 2000 convinced Israel and the involved Western powers, each in their own way, that progress toward a permanent solution of the conflict required a different approach. As usual, Israel took the lead in charting a different course along the familiar dual political and territorial tracks. The political track was opened up when Prime Minister Sharon spoke out in support of President Bush's vision for a Palestinian state, to be established with a reformed Palestinian leadership, a vision that in 2003 became the centerpiece of Oslo's follow-up plan, known as the 'Road Map' and issued by the so-called 'Quartet' (the USA, Europe, Russia, and the UN).

At the Herzliya Conference in December 2002, Prime Minister Sharon detailed the extent to which he favored "... a Palestinian State, with borders yet to be finalized, which will overlap with territories A and B, except for essential security zones..." Here inference was made to specific objectives on the territorial track. A year later, the objectives became even clearer when Sharon announced Israel's decision to disengage uni-

laterally from parts of the Palestinian Territories, saying that in the framework of this plan "... Israel will strengthen its control over areas that will constitute an inseparable part of the State of Israel in any future agreement ...". The way this materializes is depicted on **Map 2A** showing the sites of current settlement expansion.

Israel has begun to establish a solid infrastructure so as to be able to disconnect itself from most of the West Bank and Gaza's Palestinian population, according to the principles of the old Allon Plan: firstly, by constructing the so-called 'Security' or 'Separation' Barrier throughout the West Bank; secondly, by deciding to redeploy along new security lines in the framework of the disengagement plan; and thirdly, by expediting and implementing a plan to enhance or restore Palestinian road contiguity with traffic routes segregated from highways meant to serve only Israeli settlers. **Map 2A** shows the 'Barrier' and the Jordan Valley 'Security Perimeter' together. What remains for the Palestinian population in between is shown on **Map 2B**.

### 1. The Barrier

The 'Barrier,' according to its last approved trajectory (February 2005), will take a cut of 9.5% out of the West Bank. Three basic sections can be distinguished.

The first part of the 'Barrier,' winding down counter clockwise from the Northern Jordan Valley across the Green Line, shaves a 3.5% strip off the West Bank. It incorporates settlements like Zufin, Alfei Menashe, Elkana, Modi'in Illit, Eshkolot, and Mezadot Yehuda, just over the Green Line.

The other two sections make deep and large indents eastward, reaching up to and over the West Bank's central hillcrest, with one around Ariel and Kedumim, taking 2% of the West Bank, and the other incorporating Israeli designated 'Greater Jerusalem,' comprising 4% of the West Bank territory.

Each of the three sections has dramatically adverse impacts on Palestinian rural and urban communities. The first section hurts important Palestinian rural resource areas, most notably highly productive agricultural areas, such as in the village of Jayyous, next to Qalqilya, which itself has

been turned into a veritable urban dead-end ghetto, cut off from most free access roads to its immediate and more distanced hinterland.

The 'Barrier' indent around the Ariel 'finger' tears two entire Palestinian districts, i.e., Qalqilya and Salfit, to shreds. It isolates main towns like Bidya and Salfit from their market areas, from each other, and from the nearest main city of Nablus, marginalizing a full quarter of the West Bank's populated area into a rapidly de-developing periphery.

The adverse impacts of the 'Barrier' around Palestinian Metropolitan Jerusalem are excessive. Long before the arrival of the 'Barrier,' actually ever since Israel conquered and annexed the city in 1967, Arab Jerusalem had already been forced to counter its undeniable magnificent civic potential consequently.

Having lost its finest neighborhoods outside the Old City walls in 1948, it was nevertheless getting ready for an imaginative Palestinian urban regeneration plan (known as the Kendall Scheme of 1966) of metropolitan proportions. Israel, however, disabled it after 1967 by self-apportioning all advantageous still open city areas, which were subsequently turned into citadel-shaped suburban settlements, while confining the Palestinian citizens in disjointed and undersized quarters deprived of adequate facilities and of room for organic growth.

This dichotomy of opposite urban fortunes has evaporated Jerusalem's metropolitan potential in a paradoxical way. Despite the investment of huge amounts of public funds, the city remains a remote and costly backwater for Israel, exuding a grim ambiance. On the other hand, Jerusalem's organic Palestinian socioeconomic potential was stifled by restrictive licensing and oppressive taxation, which compelled it to move out of the city toward Ramallah.

Today, Palestinian East Jerusalem is facing a severe crisis on two vital fronts. Having lost more than 80% of its original residential capacity to the city's suburban settlements created since 1967, it finds itself with no room left for either the younger generation of Palestinian citizens or a supportive environment to facilitate the drastic broadening of its economic base and the generation of sufficient employment. For a long time, commuting to accommodation or employment between the city and its

outskirts in the West Bank was not problematic. That changed, however, in the 1990s when Israel began closing Jerusalem to Palestinians without municipal citizenship (i.e., those not holding blue identity cards). In doing so, it severed the Palestinian capital from the potential to infuse it with external resources: customers, entrepreneurs, and visitors alike.

Today, instead of growing organically into Palestine's metropolitan central powerhouse, unifying and stimulating the outlying districts, the reverse is happening. Arab Jerusalem has become a break line on which not only the Palestinian metropolis itself, but also the surrounding regions, are falling apart. The 'Barrier' accelerates and crystallizes this process.

The 'Barrier' is constructed right over the most promising locations for Palestinian residential and commercial-industrial development, particularly between Jerusalem and Ramallah and Bethlehem. It therefore isolates, shrinks, and suffocates high-potential areas such as Bir Nabala, Ar-Ram, Kufr Aqab, and Anata, turning them into veritable semi-ghettos forced to turn their backs on the City of Jerusalem. This is also true with regard to similar locations around Al-Izzariyya, Abu Dis, and Sawahreh.

The 'Barrier' also envelopes or isolates large Palestinian resource areas in the city surroundings that have just begun to unleash their high potential for marketing cash crops that are in high demand in the City. Worst hit will be Jerusalem's northwestern and southwestern villages, such as Beit Surik, Khader, and Wadi Fukin, which are being cut off by the 'Barrier' from their direct access routes to the Palestinian capital. The sophisticated barrier crossings announced by Israel, suggesting a relatively inexpensive passage of goods and persons, cannot compensate for the increase in transportation costs caused by barring Palestinian access to and use of convenient highway thoroughfares.

The initial maps pictured the situation prior to the construction of the 'Barrier.' One vital question poses itself immediately. Could the 'Barrier's' completion somehow constrain the settlement 'finger' blocs' outward expansion?

Initial evidence points in the opposite direction. Both north and south of 'Barrier'-enclosed Qalqilya new settlement neighborhoods are sprouting up in Zufin, Alfei Menashe, Oranit, and, possibly, in the near future, in

Salit. Instead of constraining, the 'Barrier' actually stimulates a settler drive eastward over the Green Line. Israeli suburbanites may soon feel safe enough to settle within the 'Barrier's' envelope, a move spurred by the outward pressure of Metropolitan Tel Aviv, which lacks affordable and pleasant accommodation.

Moreover, the outward pressure of settlements is likely to spill even across the 'Barrier' further eastward. The settler residents of Shilo, Bet El, or even Tekoa may soon suddenly discover themselves within eye-sight of Israel's 'Barrier'-extended domain. The step to hook their fenced perimeters to the 'Barrier' does not require much imagination. The upgrading of vital so-called "bypass" highways across the 'Barrier,' for instance to and from Ariel, acts as an additional signpost in that direction. Very soon, today's tiny, still isolated settlements east of the western 'finger' blocs may gear up to repeat the performance of settlements like Alfei Menashe and Elkana, which were relieved of their initial isolation behind the Green Line, a line that has now effectively been replaced by the 'Barrier.'

The 'Barrier' drastically aggravates the factual depletion of Palestinian territorial resources beyond the point where prospects of viability are still feasible. Not only has it practically doubled the areas under settlement control, it has also shaped them as a consolidated cohesive territorial envelope around the settlements, constituting a bridgehead that will greatly facilitate their further expansion.

## 2. The Jordan Valley 'Security Perimeter'

It is instructive to view the 'Barrier' in the west as mirroring the long established 'Security Perimeter' around the Eastern Jordan Valley. Although unfenced - a fence exists only along the Jordan River - it is no less consequential than the 'Barrier' in the West and encloses much larger areas than its western counterpart encloses.

The Jordan Valley 'Security Perimeter' incorporates huge military training grounds that are barred to civilians. Just basic corridors are left for the passage of goods and persons and in addition to enclosed larger areas around Israeli agricultural settlements.

Initially, Israeli politicians and military planners recommended that the 'Perimeter' be transformed into a continuation of the 'Barrier,' roughly following the Allon Road skirting the Jordan Valley.

The suggestion was cancelled when Washington opposed the idea, probably because it would step out of line with the political track articulated in the 'Road Map' prioritizing a Palestinian state, which would then be prematurely exposed as a caged-in Bantustan. It does not mean that the 'Security Perimeter' around the Jordan Valley itself is under scrutiny. As long as Israel insists that its designated security outlines - fenced in the west, unfenced in the east - are temporary, political progress toward a two-state solution is not ruled out in the view of the 'Road Map'-promoting Quartet.

### 3. Segregated Palestinian Road Contiguity

The third feature details the new reality taking shape upon the foundation of the earlier established network of 'bypass' highways linking settlements to one another and to Israel proper. The construction of this network was helped immensely by the Oslo Accords, which, through the division of the West Bank into areas of Palestinian self-rule and areas kept under Israeli control, facilitated the emergence of Israeli-controlled territorial corridors slicing through the former areas, which were reinforced by the 'bypass' highways as their vital backbones.

In 2004, Israel developed and submitted a plan for the restoration of Palestinian road contiguity, which had been disrupted by the 'bypass' highway network. Key components of the plan are planned overpasses and tunnels for Palestinian traffic to go under or over the highways, which will be severed from the roads left to Palestinians and serve only settlements, ensuring their separate contiguity and viability.

Palestinian contiguity will be residual underneath the contiguity reserved for the settlers. These contiguities do not compare; that left for the Palestinians is critically inferior to that reserved for the settlements. The alternative Palestinian thoroughfares need to cross very difficult terrain with steep slopes and pass through numerous built-up areas. Moreover, they will accommodate only a limited flow of traffic. Businesses and public services will not be able to use this network in a cost-effective manner.



**Map 2B** pictures the Palestinian domain omitting the envelope of barriers and fences, thus highlighting what in fact is a territorial residue beneath the superimposed domain of Israeli settlements. It means that a Palestinian population of almost two and a half million, expected to grow to five million within the next generation, is becoming entrapped in roughly half of the West Bank and being deprived of indispensable quality space located within the other half, which is currently occupied by Israeli settlers that are six times less numerous.

### **Israeli Options for a Palestinian State**

At this point, all preceding maps serve as graphical backbones for a brief evaluation of Israeli advanced options for a Palestinian state in a similar map frame.

**Map 3** shows projections of options for a Palestinian state advanced by Israeli political circles. All of them are versions of the initial Allon Plan, including the so-called 'Geneva Option.' The projections have been charted taking account of the disengagement-facilitating infrastructure, the 'Barrier' in the west, the 'Security Perimeter' in the east, and the planned infrastructure of segregated alternative Palestinian road contiguity. The map should be viewed in progressing from the darker to the lighter colors, picturing in that sequence an increase in the area of Palestinian sovereignty according to the various options.

**Option 1** pictures the projected end result of Israeli disengagement in its current initial scope pursued by Sharon's cabinet. It shows the white colored area west of the 'Barrier' as territory that only a marginal fraction of Israeli politicians would be ready to negotiate further. That further territorial concession is indicated left of the dotted blue line, showing a reduction of the Israeli claim on the West Bank, which the champions of the Geneva Initiative are ready to accept (Option 4). It amounts to some 2% of the West Bank, an area to be compensated with a similar percentage of land added to the Palestinian areas elsewhere. This option will be discussed further below.

Returning to Option 1, all lighter orange shades and vertical blue-lined areas are beyond the intended disengagement and remain under Israeli control. In other words, just the area depicted in the darker orange

color renders a projection of Palestinian territory from which Prime Minister Sharon aims to disengage, comprising just over 50% of the West Bank. Israel may present it as a basic option for viable Palestinian statehood within 'provisional borders' upon completion of the segregated Palestinian alternative road network.

The map shows minor sections in and around Jerusalem of potential territorial adjustment in Israel's interest from both a demographic and a political viewpoint (the dotted areas right above and under the Old City). The 'Barrier' now incorporates these areas (Beit Hanina/Shu'fat and Sur Baher/Sawahreh) on the Israeli side, but it is not unlikely that it will be rerouted in the future in order to transfer these neighborhoods to the Palestinian side, as pictured on the map. Another such area is the 'Barrier' currently routed to incorporate villages west of Bethlehem, around Husan and Battir, which for demographic reasons will most likely also be changed into the 'Barrier' line shown on the map.

There can be little doubt that in the period following disengagement from Gaza and the Northern West Bank, Israel will be pressed by the Quartet to keep the momentum going. The map projects one or more possible additional phases of disengagement (the diagonal hatches over the lighter orange-shaded settlement 'fingers'). It shows 24 settlements as eventual candidates for possible evacuation, though the Israeli Government's decision to evacuate will no doubt be conditional on Palestinian compliance with Israeli demands, most pronouncedly in the sphere of security and political reform.

**Option 2** is depicted by combining the darker and lighter shades of orange and yellow. It is composed by adding the lighter orange shades to the Palestinian darker orange-colored area of the first option. Labor 'moderates' might be content to release all orange-yellow colored areas, dark and light, east of the 'Barrier,' leaving 93% of the West Bank to Palestinian statehood. The white-colored vital parts of 'Greater Jerusalem' and the Ariel 'finger' would of course still be excluded. The total would then result in a configuration roughly similar to the Taba 2001 Option.

All these color shades together (i.e., excluding the white) within the dark blue outline running along the 'Barrier' and the Jordan River, represent the likely maximum extent of Palestinian sovereignty contemplated by

the Israeli Labor Party. It basically adds the Jordan Valley to the preceding Disengagement Option. It must however also be viewed in a more likely less enlarged version, marked by the blue horizontal lines.

Security-concerned circles within the Labor Party are likely to be less generous and could insist on retaining the blue-striped areas in the Jordan Valley, reflecting the minimum demands of the Israeli army.

**Option 3** projects a configuration similar to what Israel offered the Palestinians at Camp David in the year 2000. It has the potential to bridge the mainstream Labor position (the darker and lighter orange-colored shades within the blue outline, reduced by the blue-striped Jordan Valley) to the one gaining ground in the Likud Party depicted as Option 1. Bridging the two could be accomplished with the Likud sacrificing the 24 settlements on the expanded disengagement list (see Option 1). This would restore all lighter orange-colored areas to the Palestinian side with the exception of the blue-striped Jordan Valley region. In turn, Labor would consent to keeping the settlement blocs of Shilo, Bet El/Ofra, and Qiryat Arba (within the blue interrupted outline) in Israeli hands.

This option then would closely resemble Israel's offer made at Camp David in 2000. It would release 80% of the West Bank to Palestinian sovereignty incorporating around 99% of its Palestinian population. In turn, Israel annexing 20% of the West Bank would keep 80% of the settlements, with more than 96% of all settlers. The Israeli option similar to the one proposed at Taba in 2001 would add 13% more West Bank territory to the Palestinians, keeping just over 40% of the settlements with 85% of all settlers.

**Option 4** advanced by the Geneva Initiative merits a closer review, in the first place, because it is embraced by a large array of Western political leaders, and perhaps more importantly also by a part of the Palestinian leadership as the sole prospective option to craft a permanent status for the Palestinian Territories, and in the second place, because it is regarded as the option that best corresponds to the so-called 'Clinton Parameters', suggested in 2000 and in principle accepted by both sides. In this chapter, it will be assessed in a similar fashion to the other options, being evaluated in terms of its potential to leave the Palestinians with a

minimum degree of targeted viability, associated with the vital territorial assets identified earlier.

As shown, the Geneva Option aims to release all areas east of the dotted line to Palestinian sovereignty, including pieces of land in Israel, some of which are depicted on the map west of Hebron, and another piece not on the map adjacent to the Gaza Strip.

These areas are meant to compensate for sections of Palestinian Metropolitan Jerusalem and Green Line adjacent areas with settlements in the blocs of Modi'in Illit, Elkana and Oranit-Alfei Menashe, which the Geneva Option aims to absorb in Israel.

Projecting this option against the backdrop of the settlement impact map (1C) removes most of the marked adverse patterned effects throughout the West Bank, but leaves the ones in and around East Jerusalem and the city of Qalqilya. Although the Geneva-claimed sections of Palestinian Metropolitan Jerusalem comprise just 1% of the West Bank, they make up more than half of the city's area and alienate its vital inner core. The adverse effects of this alienation radiate outward over a much larger distance than suggested by the 1% figure. Palestinians would end up with a crippled capital incapable of making its indispensable contribution to the regeneration of the secondary cities and the outlying Palestinian districts.

This chapter has singled out the Palestinian urban zone, centered in Jerusalem as the indispensable backbone, topping the hierarchy of subsequent secondary assets to achieve a bottom degree of Palestinian socio-economic viability, nothing less will do. In that sense, not a single one of the Israeli options, including Geneva, is compatible with the basic targets set out to restore Palestinian viability.

### **A Viable Two-State Solution**

One conclusion appears inevitable. As long as it is left to the State of Israel to determine unilaterally how much of the Palestinian Territories it intends to keep occupied or annex, there will be no viable two-state solution.

Appealing to Israel's democracy has little potential in terms of the making of amends because a critical number of its citizens, in particular settlers behind the 'Barrier,' enjoy profound benefits from prolonged occupation. The charade of inviting Palestinian leaders to the negotiation table and asking them to sign Israeli dictates in the guise of two-state options that are ruling out viable statehood has proved to be futile. Is there a way out of the impasse?

**Map 4B** pictures one way out, probably the only way to keep on sustaining Palestinian livelihoods in a minimal fashion. Without adequate development of indigenous urban and rural resources, Palestinians will need to fall back on an alternative hinterland, namely Jordan.

It is beyond the scope of this chapter to discuss the implications of what might become an alternative 'one-state solution.' Suffice it to say that it will not enhance prospects of peace, security, and prosperity since Jordan is rapidly becoming an unviable entity itself.

Only a return to the framework of international legitimacy offers an opportunity for finding solutions that are compatible with the minimum standards of Palestinian national viability. This chapter has all along highlighted the tight linkage between territorial assets and targeted Palestinian viability. It asserts that what separates Palestinian viability from its opposite runs exactly along the Green Line. Even a territorially seemingly insignificant deflection of that line on a local scale, for instance as suggested by the Geneva Option in Jerusalem, would still fatally deplete Palestinian viability.

Planners and politicians, even within Israel, find it hard to see how socio-economic viability for the Palestinian population can be realized merely within the confines of the 'Green' Armistice Line of 1949.

The target of doubling the current number of Palestinian jobs and dwellings within 15 years is unrealistic, not so much because of the lack of space, but primarily because the West Bank and Gaza's territorial constitution circumscribed by the Green Line is profoundly inadequate. It basically consists of two fractured back-to-back pieces of land without the full range of free and advantageous connections to neighboring Arab regions and states and to the outside world.

Expanding the scope of these links could mitigate and ameliorate, if not overcome, the territorial shortcomings of the West Bank and Gaza.

Projecting such an option detaches the sphere of territoriality from that of politics, this time in an opposite fashion compared with the officially targeted two-state solution.

**Map 4A** suggests the territorial requirements of Palestinian viability when this would inform the search for a political solution, instead of the other way round, as occurs today with political expediency dictating territorial requirements.

This projection is a meaningful exercise to explore the costs and benefits for both parties in full recognition of the fact that it is utopian given the current political circumstances. As such, it pictures a win-win solution providing equitable viability for the two nations together.

The map shows areas in Israel (lighter orange) that are scarcely inhabited by Jewish citizens, due to their remoteness and a shortage of jobs and services. These include areas that Israel conquered in the final stages of the War of 1948-49, where most indigenous Palestinians managed to stay put, and where today they still make up the overwhelming majority of the local population. While marginal on these accounts for Israel, such areas are crucial in terms of making a return of Palestinian refugees feasible, while at the same time decisively improving the prospects for Palestine's development at little if any cost to Israel, which would in fact benefit from a greatly expanded consumer market.

If opened up to a Palestinian state in the West Bank and Gaza, these areas would improve economic viability by creating conditions and areas capable of accommodating up to more than one million returning refugees. It is important to emphasize, however, that the issue of conditions is no less - in fact, it could be more - important than the issue of space in this regard.

The area in the north comprises the core of the Galilee and the Wadi Ara region, while that in the south links the West Bank with Gaza. In each area, new Palestinian towns could be constructed. Spreading the demographic burden of such refugee-absorbing cities over areas that -

on account of their land and market bridging functionality - are economically focal, would create vital space, linkages, and jobs for the incoming population and benefit the entire area by increasing the demand for goods and services.

The new configuration - affecting only 8% of today's Israel proper - could turn the currently fragmented Palestinian Territories into one cohesive contiguous space, along major trunk roads, providing fast and unhindered passage to all districts, neighboring countries, and seaports in both Gaza and Akka. Such a configuration would not need to prejudice the established sovereign rights of Israeli citizens - Arabs or Jews - as all existing communities could remain with their current jurisdictional arrangements, while only the unused open land in the re-absorption areas (light orange) would need to be brought under a regional Palestinian developmental authority. The map indicates free road passages for guaranteeing unlimited Israeli territorial contiguity, while ensuring the same for the Palestinian territory and its thoroughfare.

Drawing guidance from the 1947 Partition Plan, the map further outlines an eventual division of the entire land area along similarly equitable lines, seeing a resulting 50-50 partition as a potentially comprehensive territorial settlement when incorporating the western section of the Negev, as shown on the map, with the contiguous block outlined above.

## APPENDIX: INTERNET RESOURCES

### A. Organizations

The following is a selected list of websites devoted to the constructive search for and/or promotion of alternative agendas to the two-state solution for the Palestinian-Israeli conflict. PASSIA does not necessarily agree with the ideas, proposals or approaches of those listed below, but would like to point to some further research sources on the subject matter. (Listed in alphabetical order)

**<http://www.alternativeflags.org/mideasthome.html>**  
(Website of Alternative Flags - Middle East Project)

**<http://www.ap-agenda.org/>**  
(Website of the Alternative Palestinian Agenda)

**<http://www.britshalom.org/>**  
(Website of Brit Shalom/Tahalof Essalam - Jewish-Palestinian Peace Alliance)

**[http://www.hopeways.org/e\\_index.htm?page=e\\_table1](http://www.hopeways.org/e_index.htm?page=e_table1)**  
(Website of HopeWays – the Alternative National Design Forum)

**<http://www.maiap.org>**  
(Website of the Movement Against Israeli Apartheid in Palestine)

**<http://www.one-democratic-state.org/>**  
(Website of the Association for One Democratic State in Palestine/Israel)

**<http://www.one-state.org/>**  
(Resource center of the web campaign for one-state in Israel/Palestine).



**<http://www.onestate.org/>**

(Website of the Movement for One Democratic Secular State in Israel/Palestine)

**<http://www.onestatesolution.org/>**

(Website of the International Coalition for a One State Solution)

**<http://www.qumsiyeh.com/sharingthelandofcanaan/>**

(Website of Mazin Qumsiyeh, author of *Sharing the Land of Canaan*)

**<http://www.secession.net/israel-palestine-confederation.html>**

(Website of the Voices for Israel-Palestine Confederation)

**<http://www.onepalestine.org/>**

(Website of the New England Committee to Defend Palestine)

## **B. Polls**

The following polls contain one or more question(s) related to the two-state / one-state solution. (Listed in chronological order)

- Poll conducted by the Palestinian Center for Policy and Survey Research (PSR), Ramallah in 2003:  
**<http://www.pcpsr.org/survey/polls/2003/p9a.html>**
- Survey done by the Arab-American Institute and Americans for Peace Now in 2002: **<http://www.chicagopeacenow.org/roi-15.html>**
- Summary of Palestinian-Israeli surveys done by PSR and the Hebrew University's Truman Institute in late 2004/early 2005:  
**[http://www.chicagopeacenow.org/POLL\\_1-18-05.pdf](http://www.chicagopeacenow.org/POLL_1-18-05.pdf)**
- Polls conducted by the Jerusalem Media and Community Center:  
**<http://www.jmcc.org/publicpoll/results.html>**  
1999: Poll no. 35 (see Q11)  
2000: Polls no. 36 b (see Q28) and 39 b (see Q5+6)

2001: Polls no. 40 (see Q13), 41 (see Q15), 42 (see Q21), and 43 (see Q16)

2002: Polls no. 44 (see Q7), 46 (see Q12) and 47 (see Q15)

2003: Polls no. 48 (see Q12) and 49 (see Q8)

2004: Polls no. 51 (see Q6) and 52 (see Q3)

2005: Poll no. 54 (see 7)

- Survey conducted in 2003 by Zogby International for the Arab American Institute (AAI) and Americans for Peace Now (asking about the attitudes of Jewish and Arab Americans):  
[http://www.aaiusa.org/PDF/poll\\_july03.pdf](http://www.aaiusa.org/PDF/poll_july03.pdf)





