

A Land for All?

What a proposed Israeli-Palestinian confederation bears for
the issue areas of water, identity, security and borders in
historic Palestine

Dissertation

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by

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Abstract

In mid-2019, the two-state solution in Israel/Palestine is all but dead. As the status quo deepens, so does the divide between Israelis and Palestinians in economic, political and social terms. In response, various alternative solutions have been proposed. While many of them purport a one-state solution, this paper examines a less disruptive alternative that has been rapidly gaining traction in the 2010s: an Israeli-Palestinian confederation. By way of zooming in on one specific proposal (“A Land for All” confederation), this paper analyzes whether the status quo in the issue areas water, identity, security and borders could be improved. To this end, there is a qualitative case study on the confederation proposal and the relevant context (issue areas, one-state proposals). The corresponding analysis indicates that while “A Land for All” could be applicable for improvements in at least three of four issue areas, the current power dynamics in Israel/Palestine (cf. ubiquity of security, hawkish ideologies) hamper its feasibility in the short-run. That being said, it might well be the best option for achieving true peace between Israelis and Palestinians and with it lasting security for both.

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List of Abbreviations

UNGA:	United Nations General Assembly
UNSC:	United Nations Security Council
ICJ:	International Court of Justice
WHO:	World Health Organization
UNICEF:	United Nations Children's Fund
IDF:	Israel Defense Forces
JWC:	Israeli-Palestinian Joint Water Committee
PASF:	Palestinian Authority Security Forces (also known as NSF/PSS)
PLO:	Palestinian Liberation Organization
PA:	Palestinian Authority
PIJ:	Islamic Jihad Movement in Palestine
PSR:	Palestinian Center for Policy and Survey Research
ODSC:	One Democratic State Campaign
ECSC:	European Coal and Steel Community

1. Introduction

“In hindsight, it is clear that we should have been looking all along at confederation – cohabitation not divorce”

- Yossi Beilin in 2015¹, former Deputy Foreign Minister under Rabin government; set up the Oslo backchannel in 1993

In the wake of the 2019 Knesset elections, the two-state solution appears all but dead. A quarter decade after the signing of the Oslo Accords, the ideological shift from Labor to Revisionist Zionism in Israeli politics has been completed, with the Blue and White party taking Labor’s place as the left-of-Likud faction in the Knesset. Even though Netanyahu was unable to form a coalition as of June 2019 the ensuing do-over elections in September – a first in the country’s history – are unlikely to alter the ideological consensus in Israel. Neither Blue and White nor Likud endorse genuine Palestinian statehood, without which a two-state solution would be little more than a farce. As the Israeli narrative drifts further from the conventional two-state plan, peace in historic Palestine remains distant – not only for the Palestinians who live under military occupation (West Bank) or an all-out blockade (Gaza), but also for Israelis who live with the constant fear of terrorist attacks. The resolution of each side’s problem is contingent on the other: there will be no solution that is acceptable to the Palestinians as long as the Israeli occupation and blockade continue, and there will be no real security for Israelis as long as there is no peace with the Palestinians. The status quo cannot be considered a solution, nor can a full or partial annexation of the West Bank by Israel. There are various proposals for the establishment of one state in historic Palestine, but they are either politically unfeasible, too disruptive (unitary/bi-national) or entrench the formal and informal dominance of Israel over the Palestinians (federation). That being said, this thesis strongly encourages the notion that the prospects for peace are not all lost. In fact, a peace proposal that had remained under the radar for decades has in the last years been gaining traction on both sides: an Israeli-Palestinian confederation.

The confederation proposal presents itself as a less disruptive alternative to the various one-state plans. This paper looks at one specific confederation proposal, namely the “A Land for All” plan devised by the Israeli-Palestinian “Two States, One Homeland (A Land for All)” initiative and supported by renowned Israeli academic Oren Yiftachel. “A Land for All” envisions two sovereign states (Israel and Palestine) that cooperate on matters pertaining to both entities within the framework of a confederation. To this end, this paper seeks to examine what implications the “A Land for All” confederation bears for four issues that are considered key for the situation in historic Palestine: water, identity, security and borders. As such, this paper will follow a single case study approach that seeks to assess “A Land for All’s” feasibility and applicability with regards to improving the situation in the four issue areas. There will first be an in-depth examination of the status quo and the four issue areas, in order to provide a comprehensive overview of the

¹ Beilin, 2015

various problems in the current situation. Subsequently, the paper will go on to discuss the different counterproposals to the two-state solution, specifically the various purported one-state solutions, as well as the confederation. As our object of analysis, “A Land for All’s” confederation proposal will be looked at in more detail. The notion of utilizing regional economic and political integration as a means for conflict resolution is not novel, as evidenced by European integration in the aftermath of World War II. In the Israeli/Palestinian context, confederation nevertheless seems maverick. Although chief negotiators Yossi Beilin (Israel) and Faisal al-Husseini (PLO) discussed the confederacy idea in the early phase of the Oslo process, it stood little chance against the two-state paradigm, which had been established by numerous UN resolutions (cf. UNGA Res 181, UNSC Res 242, 338). In 2019, the two-state paradigm has become all but an anachronism, thereby creating the need for a fresh vision. Confederation seeks to counter the trend of increased separation between Israelis and Palestinians, tearing down the walls of segregation and allowing the two peoples to cohabitate in the holy land - one of the most densely populated areas in the world. By doing so, some major problems with the two-state solution could be circumnavigated. For instance, “A Land for All” would allow Jewish settlers in the West Bank to remain there, in exchange for Palestinian refugees returning to their homes within Israel. Moreover, Jerusalem could serve as an open, undivided capital for both states.

In light of the worsening human rights situation for Palestinians in the West Bank and Gaza, the Israeli-Palestinian conflict deserves more attention, regardless of how gridlocked it seems. There is much literature on the Israeli/Palestinian context within the two-state paradigm. In the 21st century, there has also been some discussion about a one-state solution. While one-state could improve the situation for the Palestinians, its disruptiveness most likely precludes Israeli consent. The idea of an Israeli-Palestinian confederation has only recently emerged as a viable alternative and has thus not received much attention in academic and political circles. Yet, recent polls in Israel/Palestine indicate that the support for some form of Israeli-Palestinian confederation is already at around 30%². Moreover, Israeli president Reuven Rivlin has voiced support for a confederation, albeit one in which the Israel Defense Forces (IDF) retain military sovereignty over all of historic Palestine. Considering its rapid rise in popularity, as well as its potential to overcome the pitfalls of the two- and one-state plans, the confederation merits closer examination. This paper seeks to contribute to the relevant literature by providing an out-of-the-box approach aimed at transcending the established paradigms of the conflict. It does so by closely examining the status quo with regards to water, identity, security and borders, in order to assess whether “A Land for All’s” confederation could enhance the situation in any of these four issue areas. Ultimately, the essence of this thesis can be summed up in the research question:

To what extent could the “A Land for All” confederation proposal be feasible and applicable with regards to the key issue areas: water, identity, security and borders?

² Scheindlin, 2018

2. Method

This paper employs a qualitative research method, specifically that of a single case study. The goal of qualitative research is to “understand and interpret social interactions³.” Doing so by means of a single case study requires a detailed examination of the particular case at hand, namely the “A Land for All” confederation proposal and its implications for the selected issue areas. The single case study approach can be defined as the “focus on one (...) instance of a particular phenomenon with a view to providing an in-depth account of events, relationships, experiences or processes occurring in that particular instance.⁴” Social science research and the processes it analyzes do not occur in a vacuum. Thus, it is important to further consider the relevant context, which interacts with the object of analysis and is therefore decisive for making a differentiated assessment. Ultimately, this paper aims at holistically examining the proposal and its implications. As such, the “A Land for All” confederation proposal serves as the independent variable (IV) and the four issue areas (water, identity, security and borders) as the dependent variables (DV). While this terminology is more prevalent in quantitative research, it captures the essence of this paper, which is to examine the implications of the IV (“A Land for All” confederation) on the DVs (issue areas). The data used in this paper is assembled on the basis of what Yin calls “collecting⁵.” This means detecting and assembling the relevant documents on the topic, in order to create a holistic picture. All sources were checked for their reliability and validity. With regards to online sources, only articles from renowned media outlets (e.g. Haaretz, New York Times) and organizations (e.g. Btselem) were used. It should also be noted that coming up with a comprehensive peace proposal for Israel/Palestine is far beyond the scope of this paper. Rather, this thesis seeks to zoom in on the four issue areas, in order to make inferences on what the “A Land for All” proposal could bear for them in comparison to the status quo and the one-state plans. By no means does this thesis constitute an exhaustive point of reference for the multi-layered conflict as a whole. A comparative case study between two different proposals (e.g. One-State; Confederation) was considered, but decided against, in order to not sacrifice substantive depth at the expense of more topical breadth.

The single case study was chosen as a research design in an effort to comprehensively recount and examine the matter at hand: The confederation proposal within the context of the different alternative peace proposals, as well as the four issue areas (water, identity, security, borders). This is necessary to make differentiated inferences about the feasibility and applicability of the “A Land for All” proposal for the selected issue areas. To this end, there will first be an overview of the status quo and how it came about in the aftermath of the failure of the Oslo peace process and the ideological shift from center to center-right in Israel. Thereafter, this paper will narrow its focus to the four selected areas. As such, the current situation in each issue area will be delineated, in order provide an overview of the dire situation for some in Israel/Palestine. Perhaps

³ Johnson & Christensen, 2008, p. 34

⁴ Denscombe, 2007, p. 35

⁵ Yin, 2011, pp. 130-138

more importantly, the status quo in the four areas demonstrates how much potential for improvement remains untapped, because of political power games. Subsequently, the attention will shift to the alternative proposals for resolving the gridlocked conflict, namely the various one-state solutions, as well as the confederation. The latter part of the chapter on alternatives will focus on the “A Land for All” proposal. In order to compile a thorough recount for a differentiated analysis, the “A Land for All” proposal will be closely examined. Thereafter, the analytical core of the paper takes place. This part will make informed inferences about the advantages and disadvantages of “A Land for All” for each of the four issue areas. Every issue area will be dealt with separately, but it is important to note that they often reciprocally influence one another. For every issue area there will be an assessment on whether “A Land for All” could improve or worsen the situation. For the purpose of making a holistic assessment, it is necessary to use more differentiated categories than just pro or contra confederation. Some issue areas outweigh others; as for instance security concerns have so far single-handedly prevented improvements in the other three issue areas. Therefore, the feasibility/applicability assessment of “A Land for All” for each issue area will be done as: pro confederation, pro confederation with reservations or contra confederation. The reservations will be essential to assessing each issue area in a nuanced manner. Ultimately, the paper will conclude with a discussion wherein the author seeks to summarize the most essential points and give a comprehensive conclusion on what the “A Land for All” proposal bears for the issue areas.

3. Status Quo: The Two-State Impasse

The most prominent approach to resolving the Israeli/Palestinian conflict has been, and still is, to divide historic Palestine into a Jewish (Israel) and an Arab (Palestine) state – a two-state solution based on the premise of “two states for two peoples⁶.” Prior to the first outright war between Israel and its Arab neighbors in 1948/49, the UN had passed a resolution that sought to partition Mandatory Palestine. In 1947, UN General Assembly (GA) Resolution 181 called for the establishment of a Jewish and an Arab state, as well as an UN-administered “corpus separatum” for Jerusalem. The Zionists accepted the UN plan; the Palestinians did not. After the 48/49 War, Israel found itself in control of much more land than the partition plan had envisioned. This war is known in Israel as the War for Independence and among Palestinians as the Nakba – Arabic for “catastrophe” – referring to the mass exodus of Palestinian Arabs from Palestine. Over 700’000 Palestinians, around half of the Arab population of Palestine prior to 1948, had to flee their homes and became refugees in the surrounding Arab countries⁷. Although UNGA Resolution 194, passed towards the end of the war, held that refugees who wanted to return home should be given the right to do so, Israel, to this day, has not granted them that right. Thus, the Palestinians became stateless, falling under Egyptian (Gaza) or Jordanian (West Bank/East Jerusalem) sovereignty until 1967, and after the Six-Day War under Israeli military occupation. Although the international community repeatedly

⁶ Maltz, 2019

⁷ Carter, 2006, p. 5

condemned Israel's occupation of the Palestinian areas (cf. UNSC Res 242 & 338), the West Bank remains occupied and post-evacuation Gaza under an Israeli-Egyptian blockade, which has led Israeli academics to call Gaza an "open-air prison"⁸. One of the main reasons why the two-state solution has dominated the Israeli-Palestinian peace process to such an extent is that it was the formula upon which the Oslo peace process was rooted.

The Palestinian side endorsed the two-state solution for the first time in 1988⁹, when Palestinian Liberation Organization (PLO) leader Yasser Arafat called for multilateral negotiations based on UNSC Resolution 242 thereby implicitly recognizing Israel's right to exist within the pre-1967 borders. Once Israel elected a Labor-government with Yitzhak Rabin at its helm in 1992, the course seemed set for a two-state solution along the lines of the "land-for-peace"¹⁰ doctrine. The following years brought about the most serious peace attempt in the history of the conflict: the Oslo peace process. This process saw Israeli and Palestinian leadership sign the two Oslo accords, which demanded a transitional period for a maximum of five years in anticipation of a permanent peace settlement based on UNSC Resolutions 242 and 338¹¹. Furthermore, the second Oslo accord drew up the West Bank into areas A, B and C¹² (A: Palestinian civilian and military control; B: Palestinian civilian, Israeli military control; C: Israeli civilian and military control). In spite of high hopes, the Oslo peace process stalled in the late-90s due to internal opposition and divisiveness on both sides. Palestinian hawks Hamas set out on a spree of terrorist attacks in 1995/96, showing the Israeli public that the peace process did not guarantee security. At the same time, Israeli hawks under Likud leader Benjamin Netanyahu held large-scale rallies against the peace process, raising concerns about security and settlers' interests, as well as vilifying Yitzhak Rabin – Israel's prime minister at the time - as the country's public enemy number one. What had remained of the initial political harmony vanished in November 1995 when a right-wing extremist assassinated Rabin at a peace rally in Tel Aviv. In the ensuing 1996 elections, Rabin's deputy Shimon Peres lost the premiership to Netanyahu¹³.

The delicate ground on which the Oslo process stood was cracking as the Israeli public demanded security in light of the Hamas/Palestinian Islamic Jihad (PIJ) suicide attacks. The last Labor premiership under Ehud Barak (Israeli Prime Minister from 99-01) saw the outbreak of the second Intifada, which brought about a lasting shift of Israel's political consensus to the right – away from Labor Zionism that had dominated Israeli politics at least until the 1980s, towards Likud's Revisionist Zionism. This meant that security now overrode peace as the main issue in Israel. Ever since Ariel Sharon's

⁸ Yiftachel, 2009

⁹ Until 1988, the PLO was against an Israeli state per se, claiming that the Palestinians are the native people of the area, thus being the sole group entitled to self-determination

¹⁰ Gerner, 1994, p. 189

¹¹ *ibid*, p. 188

¹² Israel vowed to cede an additional 13% from Area C to Area B in the Wye River Memorandum, but withdrew from only 2% and reconquered all of it in Operation Defensive Shield during the Second Intifada

¹³ Shlaim, 2013

premiership (01-06), Israeli governments (Kadima/Ehud Olmert: 06-09; Netanyahu: 09-present) have shown little willingness to genuinely negotiate for a two-state solution with the Palestinian leadership. Israel's insistence on the status quo has only been intensified by the rapid increase of government-backed Israeli settlers in the West Bank. According to Israel's Central Bureau of Statistics, the number of illegal settlers in the West Bank has more than doubled since the turn of the century, mounting to 413'400 in the West Bank and 209'270 in East Jerusalem as of 2017¹⁴. Moreover, the settler population (excl. East Jerusalem) has been growing at a higher rate than that of Israel proper at 3.5% versus 2% in 2017¹⁵. While the Fatah-led PA has been suffering from corruption, lack of accountability, limited authority and inner-Palestinian opposition to its dialogue-based cooperation with Israel, Hamas has managed to establish itself as a dominant force within Palestinian society. It controls a blockaded Gaza since 2007 and continues to garner support from many disillusioned Palestinians in the West Bank. As the fronts have hardened, a two-state solution along the lines of Oslo has become extremely unlikely. Israel has created facts on the ground through its settlement policy and by systematically undercutting the capacity of the PA to govern its territory and constituents. In response to the frozen two-state process and the laming status quo, other ideas for solving the Israeli-Palestinian conflict have been suggested by politicians, public figures and academics alike. There are two main counter proposals to the two-state solution: a one-state solution and a confederation.

The next sections of this paper will examine four issue areas that are considered of vital importance for life quality and rights maximization in Israel/Palestine: water, borders, identity and security. After drawing up the situation and challenges under the status quo for each of the four issue areas, the paper will analyze if and how a confederation could bring improvements to the issue areas for both Israelis and Palestinians. It is important to note that many aspects within the respective issue areas are interlinked and reciprocally influence one another.

4. Issue Areas

While there are many areas of interest and importance in the Israeli/Palestinian context, this paper specifically looks at four issue areas: water, identity, security and borders. Clearly, other aspects like refugees, Jerusalem or the economy are also crucial for a comprehensive peace settlement, but the scope of this paper dictates the limitation to four issue areas. This paragraph elucidates why these four specific areas were chosen. First, each of the four issue areas provides ample evidence for the dire and tenacious situation in historic Palestine. The issue area *Water* has a broad impact on the social and economic fabric of the Palestinian territories. It also demonstrates the technological potential in the region, which remains unavailable to the Palestinians. The water situation affects many aspects of Palestinian life, ranging from economic impediments to the violation of the UN-recognized human right to water and sanitation. Conversely,

¹⁴ Statistics on Settlements and Settler Population, 2019

¹⁵ *ibid*

Israel's recent water abundance due to its technological progress has cemented the country's place as a thriving economic and political power. The issue area *Identity* has been at the center of Israeli-Palestinian relations ever since the first Aliyah in 1882. In the Mandatory period, Zionist/Israeli and Palestinian identities began to clash with one another and after the 1948/49 war, they became inextricably linked, in particular Palestinian identity due to the Nakba. The relevance of identity has only increased in the past decades with the shift from an Arab-Israeli to an Israeli-Palestinian conflict, the ongoing blockade/occupation, as well as Israel's new nation-state law. Third, *Security* is the paramount issue area in the conflict, ubiquitous in the Israeli, and to a lesser extent the Palestinian, discourse. As such, security is often used as justification for liberty-intruding measures vis-à-vis the Palestinians and to maintain Israel's vast security apparatus. Last, the issue area *Borders* was selected because it mightily affects the daily lives of the Palestinians. The West Bank Separation barrier with its massive network of tightly controlled checkpoints significantly hampers West Bankers' freedom of movement and has had a crippling effect on the occupied area's economy and society. In Gaza, the situation is probably even worse, as the strip along the Mediterranean is blockaded by Israel (and Egypt), leaving its residents isolated from the outside world with little room for economic development and a permit regime that makes it difficult to even bring basic items into the strip.

4.1. Water

In 2014, then-president of the European Parliament (EP), Martin Schulz, caused a stir when he addressed the Knesset with the words: "A Palestinian youth asked me why an Israeli can use 70 cubic liters of water and a Palestinian just 17¹⁶." While Schulz did follow that statement with the disclaimer "I haven't checked the data. I'm asking you if this is correct", the damage had already been done. The Jewish Home party collectively left the Knesset in protest and their leader, then-minister of the economy, Neftali Bennett got into a shouting match with Schulz, in which he demanded an apology from the EP president¹⁷. Two aspects of Schulz's statement require elaboration. First, it is not clear whether he was referring to daily domestic water consumption per capita or daily total consumption per capita (including commercial and industrial consumption). According to Btselem statistics, Palestinians in the West Bank (excl. East Jerusalem) have access to 82 liters of water per day, for domestic, as well as commercial and industrial use¹⁸. While, there is some disagreement about what should be included in the definition (domestic, commercial, industrial), most agree that the amount available to Palestinians for daily domestic consumption and personal hygiene is lower than the oft-touted 70-85 liters. The World Health Organization (WHO) recommends a minimum of 100 liters/capita/day. Regardless of which definition one uses, the average Palestinian in the West Bank and Gaza has access to far less water than the WHO recommends. Second, Schulz' comment does not mention the geographical dimension. There are

¹⁶ Robbins, 2014

¹⁷ Bennett and Likud MK Moshe Feiglin both called Schulz's statement intolerable, in particular because the comments had been made in German (Feiglin: „the language used when our parents were thrust into the wagons and the crematoria“); Robbins, 2014

¹⁸ Water Statistics, 2018

considerable differences of per capita water consumption across the Palestinian territories, between the West Bank and Gaza, as well as within the West Bank. Before delving into the specifics, we shall map out the three “trans-boundary Israeli-Palestinian water resources: the Jordan River, of which Lebanon, Syria and Israel are upstream riparians, Jordan and the West Bank downstream riparians; the Coastal Aquifer, which is mainly located within Israel, but also serves Gaza downstream; and the Mountain Aquifer, in which groundwater flows from the heights of the West Bank towards Israel or eastwards into the Jordan Valley¹⁹.” As such, Israel “is the upstream riparian on two (Jordan and Coastal Aquifer) and the downstream riparian on the other (Mountain Aquifer)²⁰.” The West Bank is an upstream riparian to the Mountain Aquifer and a downstream riparian to the Jordan River. Moreover, both Israel and the West Bank have wholly internal smaller-scale aquifers²¹.

4.1.1. West Bank

A 2016 EU report indicated that some parts of Area C have to survive on as little 20 as liters/capita/day²². Especially the northern West Bank experiences distress due to water scarcity. In the Jenin governate, 66 residential areas (13'920 residents, Area C) were not connected to a running-water network in 2013, as compared to only 6 residential areas (194 residents) in the Ramallah district. The Jenin district as a whole (incl. Area A/B) has received far less water (44 liters/capita/day) than the West Bank average (82 l/c/d)²³. Israel's national water company, Mekorot, follows a policy of cutting Palestinian water supply each summer, which causes dire water crises, particularly in vulnerable areas of the West Bank. In the northern governates of Salfit, Jenin and Hebron, some villages were forced to go without water for up to 40 days, when Mekorot's cut off over half of the water supply in summer 2016²⁴. Furthermore, some parts of the Jerusalem/Al-Quds governate (incl. Israeli-annexed parts of East Jerusalem) experience severe water shortages with average per capita daily consumption at only 40 liters in 2014²⁵. There are, in fact, some Palestinian neighborhoods of Israeli-annexed East Jerusalem whose water situation is downright abysmal – namely Ras Hami, Ras Shahada, Dahyat a-Salam, and the Shuafat Refugee Camp. These neighborhoods are de-facto part of Israel under the 1980 Jerusalem Law, in which Israel unilaterally annexed occupied East Jerusalem in defiance of international law. When Israel constructed the West Bank separation barrier in the 2000s, however, these neighborhoods were left on the East (i.e. West Bank) side of the wall, thereby cutting them off from the rest of Jerusalem, the municipality they belong to. Although technically under Israeli sovereignty, these areas receive very little public services, because Israel does take responsibility for them. For instance, when the water supply faltered in March 2014, it took the Israeli authorities 17 days before showing up to

¹⁹ Selby, 2013, p. 5

²⁰ ibid

²¹ ibid

²² Lazarou, 2016, p. 5

²³ West Bank average according to Btselem: 82 l/c/d excluding East Jerusalem

²⁴ Bollack, 2016

²⁵ Water Statistics, 2018

inspect the faulty pipes. As a result, Palestinian residents in these neighborhoods had to rely on intermittent water supply, low-pressure supply or no water supply at all for three weeks²⁶. Israeli settlers in the West Bank consume about three times the amount of water than the Palestinians. This is in part because the settlers use modern agricultural methods in the Jordan River Valley, which increases their water demand²⁷. Additionally, the Palestinian water network is in bad condition. According to the PA, about a third of all water supplied throughout the West Bank is lost to leakage²⁸. Although the PA has sought to repair its pipeline infrastructure, Israel continuously refuses to consent to such plans, because most pipelines also run through Area C²⁹.

4.1.2. Gaza

In Gaza, the situation is probably even worse than in the West Bank. Although the average Gazan has access to more water per capita/day (91.2 l/c/d)³⁰ than the average West Banker (82 l/c/d), the quality of the water in Gaza is markedly worse. In theory, Gaza would have enough water to supply its population, being located atop the Coastal Aquifer that runs along the Mediterranean coast from the Sinai to Haifa. The high population density and the intensity of agriculture along the coast have, however, caused significant problems in recent years. First, modern agricultural chemicals pollute the aquifer, which relies on agricultural return flows for its replenishment. Second, and more importantly, the aquifer has been overused to the extent that the groundwater level has fallen below sea level. This means that seawater and sewage infiltrates the groundwater supply, rendering the vast majority of it over-salinized, over-polluted and undrinkable. The EU and the UN Children's Fund (UNICEF) consider around 95% of water from the Coastal Aquifer unsafe to drink, forcing Gazans to cut back on water usage and/or purchase desalinated water from private vendors at much higher rates³¹. According to the Palestinian Water Authority, the Coastal Aquifer is in danger of running out of water by 2020³². In 2016, the water quality was so bad that only 5.8% of families in Gaza considered it good enough to drink³³. An additional problem facing Gaza's water supply is the conflict with Israel, embodied in the Israeli blockade. Under the blockade, Israel prohibits "dual purpose" materials (i.e. materials that can be used for civilian or military purposes) from entering Gaza, including "construction materials such as cement and iron as well as other raw materials."³⁴ These materials are direly needed, in order to repair Gaza's water and sanitation infrastructure, which was badly damaged in the two Israeli military interventions of 2008 (Operation Cast Lead) and 2014 (Operation Protective Edge). According to Btselem, the estimated damage to Gaza's water and sanitation works due to the Israeli interventions was 34 million dollars³⁵, leaving over

²⁶ El-Ad, 2014

²⁷ Lazarou, 2016

²⁸ Water Crisis, 2017

²⁹ *ibid*

³⁰ Still short of the WHO-recommended minimum of 100 liters/capita/day; Water Crisis, 2017

³¹ Lazarou, p. 4

³² *ibid*, p. 6

³³ *ibid*

³⁴ Water Crisis, 2017

³⁵ *ibid*

100'000 Gazans cut off from the public water network as of 2015. In short, while Gaza might have higher daily per capita water consumption, the quality of that water and the ongoing Israel-Hamas conflict make the situation at least equally atrocious as the one in the West Bank. Moreover, the water supply network in Gaza is even more leaky than that in the West Bank with 40% of water for domestic use lost “on the way to consumers due to Gaza’s outdated and dilapidated infrastructure³⁶.”

4.1.3. Israel

According to the UN, “Israelis and Israeli settlers consume approximately three times as much water per person per day (250 liters) as do West Bank Palestinians (84 liters³⁷).” While 60% of Israel’s water supply in 2016 stemmed from three natural sources (the Mountain Aquifer, the Coastal Aquifer and Lake Tiberias), “wastewater recycling and desalination³⁸” provided for the other 40%. Actually, the share of recycled/treated water has risen rapidly and as of 2019 might have surpassed that of water from natural sources. In spite of historic Palestine’s chronic lack of water, Israel has managed to transform itself into a water-abundant country over the last decade, due to its development of state-of-the-art water recycling and desalination technology. In fact, Israel is - by far - the global leader for making its wastewater reusable, recycling 87% of its effluent in 2016, compared to second-place Spain’s 20%³⁹. Most of this recycled wastewater is used for irrigation, making up about half of the total water used in agriculture⁴⁰. Israel has also made enormous progress in salt-water desalination over the last 15 years. Since 2005, the country has seen the establishment of five major desalination plants along the Mediterranean coast: Ashkelon (2005), Palmachim (2007), Hadera (2009), Sorek (2013) and Ashdod (2015). The Sorek desalination plant is the largest of its kind in the world, producing over 150 billion liters of potable water per year, enough to cover the potable water needs of over 1.5 million people (20% of Israel). The five desalination plants together provide more than 600 million cubic meters of water per year, which means they cover nearly 50% of the country’s total potable water needs⁴¹. Israeli experts expect that 70% of Israel’s drinking-quality water will come from desalination plants by 2050⁴². The main driver behind these advances has been the development of membrane technology, which allows for much cheaper desalination⁴³. Whereas desalination used to cost about 1 US dollar per cubic meter, the introduction of membrane technology has more than halved that cost to 40 cents per cubic meter. The five desalination plants are owned by private corporations, which in turn sell the desalinated water to the Israeli state. The plants are directly connected to the Israeli water network so that salt-water from the Mediterranean can come out of a Tel Aviv tap

³⁶ *ibid*

³⁷ note: Btselem puts the number at 82

³⁸ Lazarou, p. 4

³⁹ TheTower.org Staff, 2017

⁴⁰ Kershner, 2015

⁴¹ Sorek alleviates Water shortage, 2015

⁴² Federman, 2014

⁴³ How Israel became a water leader, 2015; membrane-technology shoots the salt water down a water tank at a pressure of around 70 atmosphere (7.1 MPa), where it passes through the special membrane that prevents unwanted particles from passing and thus transforms the salt water into potable water

within 90 minutes. Although the plants are private, the desalination industry is strongly regulated by the state. After the government and the National Water Authority decide on the location of a desalination plant, they issue an international tender, allowing companies to apply for construction. According to PBS research the construction cost for each desalination plant is about 400 million USD⁴⁴. While the desalination technology has brought Israel water-abundance, it also has negative environmental effects. First, the desalination plants consume about 3% of Israel's total electricity. Second, and more importantly, the water that is filtered out during the desalination process is extremely salty. When this water flows back into the Mediterranean it becomes a threat for the marine ecosystem. Moreover, this water flows into the groundwater system used by Gaza. That being said, Israel has become the avant-garde for water use, reuse and desalination in the chronically dry Middle East. As such, the Palestinians could heavily benefit from Israeli technology under confederation. In fact, the fresh water surplus that Israel has been producing in recent years gives it more leverage in the power relations with its neighbors, who still suffer from water shortages. Some parts of Israeli civil society have proposed to use Israel's water independence as a tool to build bridges with the Palestinians⁴⁵.

4.1.4. Governance

Water is a crucial aspect for life in historic Palestine, a region chronically plagued by water shortage and drought. Hence, access to water has been an important element of the Israeli-Palestinian conflict. As such, water was "part of the peace negotiations since 1991, immediately after the Madrid Conference⁴⁶." The Oslo Accords "established the basis for cooperation on water resources, and for research on subjects such as water infrastructure and desalination⁴⁷." Annex III of the second Oslo accord included an article on "Water and Sewage" as part of which Israel recognized the "Palestinian water rights" in the West Bank⁴⁸. Moreover, the passage "allocated the quantities of water to each party" based on the usage quantities at the time, but also considering "future needs for each party."⁴⁹ Consequently, the Palestinians were given "the right to extract 20% of the annual renewable volume of the Mountain Aquifer (in the West Bank) and to extract water from the Coastal Aquifer according to its needs." In addition, Israel would "transfer 23.6 mcm⁵⁰/year to the West Bank and 5 mcm/year to the Gaza Strip⁵¹." In order to coordinate and facilitate the implementation of this water arrangement, the Israeli-Palestinian Joint Water Committee (JWC) was created. The JWC is constituted by an "equal number of experts from each side⁵²" and cooperates with the two national agencies: the Palestinian Water Authority and the Water Authority of Israel. The JWC regime only pertains to water and sewage issues in the West Bank, but not to Gaza or

⁴⁴ *ibid*

⁴⁵ *ibid*

⁴⁶ Lazarou, p. 6

⁴⁷ *ibid*

⁴⁸ *ibid*

⁴⁹ *ibid*

⁵⁰ mcm = million cubic meters; 23.6 mcm amounts to 23.6 billion liters

⁵¹ Lazarou, p. 6

⁵² *ibid*

Israel. While the JWC might seem like a success story on paper, its real-world effects have been questionable at best. In fact, the JWC has been criticized for entrenching and formalizing the water inequality between Israelis and Palestinians. There are two main problems with the JWC regime.

First, the Oslo regime was meant to exist temporarily for five years until permanent status negotiations were concluded. Due to the failure of the Oslo peace process, the accords are still in place and govern water issues between Israel and the Palestinian Authority (PA). The quantitative approach utilized in the Oslo accords has also been “criticized for not taking into consideration natural factors (adjustment to natural changes) and socio-economic developments (population increases)⁵³.” Second, and more importantly, the JWC exists within a context of extreme power asymmetries between Israel and the PA. The JWC operates on a consensus basis, which in effect grants Israel veto power over water projects in the West Bank. Vice-versa, the PA does not hold any such veto power over water projects in Israel. While the Palestinians theoretically have the right to veto Israeli water projects in the West Bank, this does not help them much. This is because - unlike the PA - Israel does not rely on international donors for its water projects and therefore does not have to apply for its projects through the JWC. The PA’s international donors usually demand an official application through the JWC/Oslo framework. Although this renders the Oslo Accords all but a farce, the lack of effective enforcement mechanisms prevents the PA from stopping Israel’s behavior. Moreover, the PA has become accustomed to the Israeli veto vis-à-vis most Palestinian water projects and thus only applies for projects for which it knows Israel will not veto (e.g. small diameter pipelines). For more important projects like the ones along the Jordan River Basin, the number of PA applications to the JWC is slim, because the PA knows that they will be rejected⁵⁴. Furthermore, Israel often only consents to PA projects contingent upon Palestinian acceptance of new settlements in the West Bank (Area A/B). Selby even argues that the JWC does not only contain the development of Palestinian infrastructure, but has “enabled Israel to compel the PA to assent to its own colonization⁵⁵.” Ultimately, the asymmetric power structure “renders planning and development of infrastructure in the West Bank (and Gaza) extremely difficult (...), costly and time-consuming⁵⁶.” Conclusively, it seems reasonable to state that the Oslo II water regime is flawed, if not in theory then certainly in practice. The only positive about the Oslo regime is that there at least exists some form of governance, regardless of whether it actually fosters cooperation or not. In Gaza, however, there is no such regime. Due to the ongoing conflict between Hamas and Israel, the prospects of there being a water regime soon are bleak. The main determinant for the water governance situation in Gaza is the evolution of the Israel-Hamas conflict. Currently, the Hamas government, whose efforts are heavily restricted by the Israeli-Egyptian blockade, deals with water in

⁵³ *ibid*, p. 7

⁵⁴ Selby, p. 16

⁵⁵ *ibid*, p. 21

⁵⁶ Lazarou, p. 7

Gaza. As such, the confederation proposal will likely bear different implication for Gaza and the West Bank.

4.2. Identity

Historic Palestine is the locus of two distinctly fierce yet undeniably interlinked collective identities: Palestinian and Zionist/Israeli. Ever since the advent of Zionism in the late 19th century and the influx of Jewish immigrants to Palestine in the Aliyahs of the early 20th century, there has been a process of identity-creation among Zionists and Palestinians. As such, it is difficult to conceive of Zionist or Palestinian identity without the “intimate intertwining⁵⁷” of the two narratives. Clearly, these two collective identities are not homogenous bodies, but the common denominator of each side is that most Israelis agree there should be an Israeli state and most Palestinians agree there should be a Palestinian state. Zionist identities and narratives include inter alia revisionist Zionism, labor Zionism, Ashkenazi identity, Mizrahi identity. Jewish identity also includes Haredi Jews, although some Haredis do not agree with the secular Israeli state. Due to the dominance of the Zionist narrative, Palestinian identity is more uniform in that it defines itself mainly through its opposition to aggressive Zionism. That being said, the degree of opposition varies greatly within Palestinian society. While more dovish elements (e.g. Fatah/PLO) agree to share historic Palestine with Israel, hawkish factions (Hamas/PIJ) reject the notion of a Zionist state in historic Palestine. For the sake of clarity, this paper chiefly distinguishes between Israeli and Palestinian identity, but one should keep in mind the heterogeneity within the two collective identities.

4.2.1. Israeli/Zionist Identity

In July 2018, the Knesset added a controversial passage to the Basic Laws, Israel’s de-facto constitution. In the so-called Nation State Law, the Knesset laid down that “Israel is the historic homeland of the Jewish people and they have an exclusive right to nation self-determination in it⁵⁸.” The Nation State Law garnered widespread criticism, not only from the Palestinian and Arab world, but also from the EU, the Israeli opposition and liberal Jews in the US, some of which argued the law equate to apartheid, because it denies the Palestinians the right to self-determination⁵⁹. The question that arises is whether such an exclusionary law mirrors Israel/Zionist identity. First, it is important to note that Israeli identity is not congruent with Jewish identity. Israeli identity was forged through a long process kicked off by late-19th century Zionism⁶⁰, which can be summarized as Jewish nationalism or the quest for a national home for the Jewish people, as envisioned by Theodor Herzl’s *Judenstaat*. Some Jewish narratives, however, do not support the creation of a secular Israeli state for religious reasons⁶¹. Moreover, there has been much debate within Zionism whether Israel should be a state for the

⁵⁷ Khalidi, 1997, p. 146

⁵⁸ Beaumont, 2018

⁵⁹ Although it is not clear what is meant by „Israel“ in the nation-state law: is it Israel within the 1967 borders?, including the West Bank (and if yes, Area C or all of it?), including the Golan? Including Gaza (likely not)?

⁶⁰ Scholars consider 1882 year zero of Zionism; it was the year of the first Aliyah to Palestine

⁶¹ Weissbrod, 2002, p. 11; some Haredis claim that a Jewish state is contingent upon the arrival of the Messiah and the construction of the third Temple

Jews (i.e. a state where they can live in peace) or a Jewish state (i.e. a distinctively Jewish state, in the mold of Smootha's ethnic democracy). The nation-state law and the ubiquitous use of Jewish symbolism indicate that the latter narrative currently has the upper hand. Additionally, there exists a societal distinction between Ashkenazi and non-Ashkenazi Jews. In the proto-state Yishuv era, Zionist identity was decidedly Ashkenazi, whereas Mizrahi Jews arrived in large numbers after the 1948/49 War. Last, what does Jewish-Israeli identity mean for Arabs who have Israeli citizenship, but are not Jewish? This paragraph seeks to indicate how difficult it is to pin down Israeli identity. What most Israelis do have in common is that they generally support the existence of the State of Israel. The next section will analyze some acts, institutions and symbols that have been vital for the creation of an Israeli identity.

In early Zionism, there were various strains of Zionism: Religious, Political, Normalizing, Marxist/Syndicalist, Cultural/Historical and Mystical Zionism. *Religious Zionism* framed the Jewish state as a precursor to the arrival of the Messiah⁶² and would become important after 1967⁶³. *Political Zionists* like Herzl sought a Jewish state in the mold of late-19th century European liberal democracies, in order to escape rampant anti-Semitism in Europe.⁶⁴ As such, they did not see Zionism as the realization of an ancient religious mission. With the advent of Jabotinsky's Revisionist Zionism, political Zionism's relevance started to decrease and today hardly plays any role anymore. *Normalizing Zionism* had a decisive influence on the other strains of Zionism by turning "Jews into a normal people like any other they knew, namely European, while Palestine was merely the viable venue."⁶⁵ *Marxist/Syndicalist Zionism* is important to understand the social-democratic nature of early Zionism. *Cultural/historical Zionism* advocated for a "return" to Palestine based on "the historic ethical mission of the Jewish people, prophesied in the Bible to occur in the Messianic era when the Jews return to Zion⁶⁶." *Mystical Zionism* transformed "the union between the Jewish god, the Jewish people and the Jewish land⁶⁷" from a religious to a mystical one with Zionism as its realization. All of these strains flowed together in what would later become the dominant Zionist narrative from the Yishuv-era until the 1970s: *Labor Zionism*. As Weissbrod⁶⁸ notes "Labor Zionism explained and justified the Jewish need for political independence (political Zionism), productive labor (normalizing Zionism), egalitarianism on a cooperative basis (Marxist/Syndicalist Zionism), return to Palestine for cultural (cultural Zionism) (...) and mystical reasons (mystical Zionism)." Although Labor Zionism no longer dominates Israel, its prevalence during the Mapai-era had been crucial for Israeli identity. For instance, Labor Zionism's insistence on keeping a distinct Jewish community along the Palestinians, meant that the Yishuv developed without integrating into the previously existing local dynamics. This self-imposed separation has

⁶² *ibid*, p. 12

⁶³ *ibid*

⁶⁴ *ibid*, p. 14

⁶⁵ *ibid*

⁶⁶ *ibid*, p. 18; most important contribution to Israeli identity: introduction of Hebrew as national language

⁶⁷ *ibid*, p. 19

⁶⁸ *ibid*, p. 20

had a long-lasting effect on Israel's self-image. Before examining Palestinian identity, it seems worthwhile to briefly examine the changes Israeli identity has undergone in the last decades within the context of the rise of Revisionist Zionism.

In the Yishuv period, Israeli identity was modeled after the *pioneer*, who settled the 'promised' land for the Jewish people. The violent transformations from the Yishuv to statehood in the 1940s proved a turning point in the "identity perception of the Jewish citizens of Israel.⁶⁹" The pioneer identity of the early settlers evolved into the Tsabar/Sabra identity, referring to the Jews born in historic Palestine. The Tsabar identity was more self-defensive, in response to the hostile security environment (Mandatory Period/Pan-Arabism). To this day, the self-defense units Haganah and Irgun are important parts of Israeli collective memory and identity. Like the pioneers, the Tsabars transformed the "Messianic idea (of returning to Palestine) into secular terms.⁷⁰" This changed in 1967. Having conquered the West Bank, Gaza Strip, the Sinai and the Golan, Israelis realized that the Tsabar identity would no longer suffice to justify proprietorship over these new lands. Hence, "the entire self-image of some Israelis was transformed in a novel religious way," which became the "quasi-religious identity of the settler" when it was "gradually adopted by part of the secular majority⁷¹." As such, Israeli identity continued to reshape itself in correspondence with Israel's borders, from pioneering over self-defensive to quasi-religious. This New/Revisionist Zionism held at its core the religiously motivated settlement of all of "Eretz Israel⁷²". Once Likud won the 1977 elections and Begin gained the premiership, New Zionism became socially acceptable and salient among secular Israelis. From the first Likud government until the second Intifada, Labor Zionism (Tsabar/Pioneer identity) competed with New/Revisionist Zionism (Settler identity) over the upper hand in Israeli society. This heated competition culminated when an ultranationalist assassinated Rabin in 1995. Labor had claimed that only a peace deal could bring genuine security. Through 95/96, Hamas⁷³ launched a series of terror attacks on Israeli civilians, thereby undermining Labor's claim. Realizing this, Labor Zionism became more hawkish, but the party's decline could not be stopped. There were two reasons for this: First, the second Intifada erupted under Barak's tenure⁷⁴ and second, the remaining peaceniks on the left felt alienated by Labor's shift towards the center. In 2019, Revisionist/New Zionism has all but become the dominant identity with religious symbolism, the IDF and the settler standing firmly at the heart of Israeli identity. This does not mean that there are not various competing identities within Israeli society (Mizrahi/Ashkenazi; Religious/Secular). Rather, this latest section sought to approximate the dominant narrative within Israeli identity as reified by the latest Knesset elections. The Revisionist

⁶⁹ *ibid*, p. 71

⁷⁰ *ibid*

⁷¹ *ibid*

⁷² cf. Gush Emunim, Kach movement (later outlawed); Weissbrod calls it New Zionism; very similar to Revisionist Zionism

⁷³ Hamas (until 2017) vehemently rejected the notion of a two-state solution

⁷⁴ Notably caused by Sharon's declaration that the Temple Mount would forever remain under Jewish control

self-conception does not recognize the Palestinian right to self-determination as evidenced by the Nation State Law and certainly does not want the West Bank settlers forced to leave. Yet this creeping apartheid will neither bring about peace nor real security.

4.2.2. Palestinian identity

First, it is important to note that Zionism developed within the context of rising European nationalisms in the second half of the 19th century⁷⁵. In this time period, Palestinian nationalism had not yet formed to such an elaborate extent, because of the circumstances within the Ottoman Empire. The late-Ottoman Middle East developed a sense of nationalism, but rather to the Arab people as a whole than to Palestine specifically (cf. religious homogeneity, mutual intelligibility). Around 1900, the “sick man of Europe” found it increasingly difficult to hold on to its lands in the Middle East, particularly vis-à-vis the more advanced British and French empires. Prior to 1914, the Arab inhabitants of Palestine had differing loyalties, be it “to their religion, the Ottoman state, the Arabic language (...) the emerging identity of Arabism, as well as their country and local and familial foci⁷⁶.” However, these distinct loyalties ultimately shaped what would become Palestinian identity after World War I. Palestine laid at the crossroads of two intellectual centers of the Middle East: Cairo and Beirut. Thus, Palestinian intellectual discourse was embedded within the broader Arab context, which hampered the emergence of distinct Palestinian identity, let alone nationalism. The following paragraphs will examine how Palestinian identity eventually developed and how its peculiar interrelation with Zionism shaped its essence. This is necessary, in order to assess the potential impact of confederation on Palestinian identity later on.

In the era around World War 1, a number of urban centers⁷⁷ dominated Palestinians’ scales of belonging through what Khalidi calls “urban patriotism.⁷⁸” As distances shrunk, because of railways and roads, these loyalties “were gradually supplemented by a sense of belonging to a larger entity⁷⁹.” As such, the notion of patriotism emerged and spilled over from the intellectual circles to the broader public⁸⁰. Moreover, Palestine’s status as the ‘holy land’, holy to both Palestinians and foreigners contributed to understanding *Filastin* “as an administrative entity.⁸¹” These elaborations insinuate that Palestinian identity developed concurrently to other Arab identities. Such an analysis, however, leaves out a crucial factor for how Palestinians have become to identify themselves: its intertwining “with one of the most potent narratives in existence, that of Israel and the Jewish people⁸².” In Israel and the US, the discourse about Palestinian identity and nationalism usually occurs in relation to the Israeli/Zionist narrative. While Palestinian

⁷⁵ Gerner, p. 13

⁷⁶ Khalidi, p. 6

⁷⁷ E.g.: Jerusalem, Banlus, Gaza, Hebron

⁷⁸ *ibid*, p. 153

⁷⁹ *ibid*

⁸⁰ Although Khalidi notes that local patriotism still remained an important marker of identity for Palestinians (cf. Descendants of 1948/67 refugees that still identify with their hometown)

⁸¹ *ibid*, p. 152

⁸² *ibid*, p. 146

identity has certainly been affected by the “overlap of the two narratives⁸³”, simply confining Palestinian identity to the Zionist paradigm fails to fully capture its own complexity. The negation of a genuine Palestinian identity has often served as a political move in favor of the Israeli/Zionist narrative, for instance when Golda Meir claimed that there was “no such thing as Palestinians” in 1969⁸⁴. That being said, certain movements within the Arab world have rejected the notion of Palestinian nationalism, typically for two reasons: pan-Arabism and pan-Islamism. Pan-Arabists argue that the “existence of nation-states in the Arab world (...) are a contrivance imposed by Western imperialism⁸⁵” and thus lack legitimacy. Pan-Arab sentiment was particularly strong in the 1950/60s with Syrian president Hafez al-Assad and Egyptian president Gamal Nasser at the helm. However, it declined throughout the 70s and its relevance for the Palestinians dwindled after Israeli-Egyptian peace in 1979⁸⁶. Under the backdrop of pan-Arab demise, pan-Islamism emerged in the 1980s, with Hamas as its Palestinian offshoot. That being said, Hamas finds itself in a dilemma between its decidedly Palestinian scope of operation (membership, organization, goals) and Islamic universalism. To this day, “it is not clear how they resolve this tension⁸⁷”, although the ubiquity of the conflict with Israel might make the resolution of this dilemma less important at the moment. The most prominent representative of Palestinian nationalism has been the secular PLO, which was founded in 1964 and concluded the Oslo Accords in the 90s. From an ideational perspective, the PLO has long tried to anachronistically historicize a Palestinian consciousness and identity “that are in fact relatively modern⁸⁸.” Before discussing the hierarchy between the different identities in historic Palestine, there shall be an overview of the most important events for Palestinian consciousness.

The single most important incident for modern Palestinian identity was the Nakba, wherein about 700'000 Palestinians, half of Palestine's Arab population in 1947, were expelled or fled historic Palestine. The Nakba meant the disappearance of Palestinian identity for almost two decades. There were two main reasons for this: 1. The pre-48 Palestinian leadership “was considered (...) responsible for having lost Palestine, and consequently disappeared from the political sphere; 2. The pan-Arabist movement obstructed the emergence of national identities within the Arab world⁸⁹.” Thus, it was not until a new generation of Palestinians, educated in the universities of Cairo, Beirut and Damascus founded the PLO in 1964 that Palestinian consciousness was reborn⁹⁰. Initially, the PLO was supported by the pan-Arab movement, but only until the end of the Arab-Israeli conflict in 1979. In the 1980s, frustration over continued Israeli occupation and the lack of Arab support grew and eventually unloaded in the First Intifada. The

⁸³ *ibid*, p. 147

⁸⁴ *ibid*, p. 146, p. 203; Meir's argument was based on the fact that prior to World War 1 Palestinians were supposedly either South Syrians or Jordanians

⁸⁵ *ibid*, p. 148

⁸⁶ Morphing of Arab-Israeli conflict into Israeli-Palestinian conflict

⁸⁷ *ibid*, p. 149

⁸⁸ *ibid*

⁸⁹ *ibid*, p. 181

⁹⁰ *ibid*, pp. 180 et seq.

Intifada marked a shift in focus from “outside to inside Palestine⁹¹.” While things seemed to look up with the 1993 signature of the Declaration Of Principles (DOP), the PA that was born out of it was not a real government let alone a state. Thus, the failure of the Oslo process further frustrated Palestinians, as the PLO’s dialogue-based approach did not yield the desired results. This frustration unloaded for a second time when Sharon claimed the Temple Mount – an important Palestinian symbol – forever Israeli. In the two decades of the third millennium, this frustration has only increased in light of expedited Israeli settlement policy and the blockade of Gaza. As a result, resistance to the occupation has become crucial for Palestinian identity. Khalidi calls the fact that the Palestinians have not disappeared, as prophesied by Meir or Dulles, a small success and it might very well be this resilience that comes to define Palestinian self-consciousness for the years to come⁹².

4.2.3. Hierarchy of Identities

The material reality on the ground stipulates that Israeli/Zionist identity hierarchically dominates Palestinian identity. The ongoing occupation of the West Bank, as well as the continued blockade of the Gaza strip evidence this conclusion. Moreover, formal and informal discrimination within Israel is rampant, as demonstrated by the nation-state law and the exclusion of Palestinians from mandatory military service, a rite of passage into Israeli adulthood. Additionally, Zionist culture (e.g. Shabbat, Jewish religious holidays) is central to Israel’s self-image and daily life. As such, Zionist identity can unravel freely in Israel without much obstruction. Conversely, Palestinian identity is strongly influenced by the continued resistance against Israel and the Zionist narrative. This is largely because Israel has obstructed the Palestinians’ ability to cultivate their identity let alone see it reified in a legitimate state. If one only compares the two identities examined here, the conclusion that Zionist identity trumps Palestinian identity is straightforward.

However, it is worthwhile to note that identity is construed in more ways than the ethnicity/religion parameter. Other markers such as sex/gender, sexual orientation, economic status and skin color must also be considered (cf. intersectionality coined by Crenshaw). The gender/sex element is particularly interesting, as many feminists have argued that highly militarized contexts produce a toxic hegemonic masculinity (and inversely femininity⁹³), because of the ubiquity of violence and domination. The Israeli ‘warrior myth’ is pervasive throughout Israeli society, as evidenced by Israel’s highly publicized arrest of a 17-year old Palestinian girl (Ahed Tamimi) who had slapped two IDF soldiers in a video that went viral, thereby undercutting the IDF’s “Zionist Warrior” myth. This anecdote should amply demonstrate that the axes of socio-political stratification are much more diverse than the Israeli/Palestinian divide. While analyzing these axes of stratification in their entirety exceeds the scope of this paper, it is important to keep this circumstance in mind. The multi-layered nature of competing

⁹¹ Ibid, p. 203

⁹² ibid, p. 209

⁹³ Connell, 2014

identities in historic Palestine is important, in order to analyze whether confederation could improve the situation of the marginalized.

4.3. Security

Historic Palestine has been ravaged by conflict for the last 70 years. As a result, security is the overarching issue in the Israeli/Palestinian discourse. The Israeli state legitimizes its ongoing occupation of the West Bank, as well as the Gaza blockade with security concerns. This serves as ample evidence that (perceived) Israeli security overrides Palestinian human rights and international law. At least since Israeli peace with Jordan in 1994, the Arab-Israeli conflict has morphed into an Israeli-Palestinian conflict⁹⁴. In order to guarantee for its perceived security needs, Israel maintains a vast security apparatus that has made it the strongest military power in the Middle East. The Palestinian equivalent can hardly be considered a security apparatus at all⁹⁵. While the PA is not even allowed to field a military force, Israel has become an epicenter for military technology innovation and has ascended to the exclusive circle of nuclear powers. This stark asymmetry makes for an extremely lopsided hierarchy and prevents the Palestinians from positing their demands on a level playing field. That being said, Israel's massive security complex has not managed to eradicate terrorist attacks against civilians. This unequal situation makes historic Palestine a tinderbox where rogue attacks can re-exacerbate the conflict at any time. The latest protests on the Gaza border, where over 100 Palestinian demonstrators died in clashes with Israeli soldiers, serve as a powerful reminder of how security matters dominate the area. The following paragraphs will delineate and compare the security context for Israel and the Palestinians.

4.3.1. Evolution of the Israeli Security Doctrine

Until 1979, Israel perceived its security situation quite differently than it does now⁹⁶. Prior to peace with Egypt, Israel considered the Palestinians part of the pan-Arabist movement, viewing the Arab world "as one unitary actor that was artificially divided by the colonial powers into separate states that did not represent authentic and separate national movements, but one major ethnic group⁹⁷." From 1967 to 1979, Israeli policy followed the notion of defensible borders through linear defenses along the Jordan River Valley and the Suez Canal. As such, the Allon plan advocated for the establishment of settlements along the Jordan River for security reasons⁹⁸. This changed with the ascent of Likud and the descent of pan-Arabism in the 1970s. While settlements remained an integral part of Israeli security policy (Sharon plan), their new primary function was to occupy strategically important high terrain and east-west roads in the West Bank, in order to safeguard Israel's territorial claims⁹⁹. Throughout the 1980s, Israel's security

⁹⁴ From inter-state to intra-state conflict

⁹⁵ Hamas fields a relatively organized military force – the Al-Qassam Brigades with up to 20'000 active personnel; the Brigades (like Hamas as a whole) are considered terrorist forces by Israel and its Western allies

⁹⁶ Govhari, 2018, p. 2

⁹⁷ *ibid*

⁹⁸ *ibid*, p. 6

⁹⁹ *ibid*, p. 8

threats shifted from external to internal ones, namely terrorism and guerilla warfare (cf. First Intifada)¹⁰⁰.

The Shamir government consistently “refused to accept the Palestinian cause and the PLO as a distinctive national movement even after the PLO’s 1988 declaration¹⁰¹”, which called for negotiations based on UNSC Resolution 242. In the 1990s, the more dovish Labor government under Rabin set in motion the Oslo process, which was, however, spoilt by Israeli (Likud) and Palestinian (Hamas/PIJ). The Oslo Accords created the Palestinian Security Forces (PASF), which should have provided security for Palestinians under a final settlement. The short period of cooperation (1994-2000) between Israel and the PA was characterized by various problems. Arafat sought to maintain his absolute power through a divide-and-rule approach, which saw infighting between armed militias and the rise of gun culture in the Palestinian territories. As such, the West Bank and Gaza became one of the “most policed and armed regions in the world by 2001¹⁰².” Moreover, the PASF frequently violated the Oslo provisions (e.g. too many officers, too military-oriented), agitating Israel who feared that the Palestinians would soon be able to acquire anti-tank and anti-aircraft weaponry. After the outbreak of the Al-Aqsa Intifada, the Barak government faltered and Sharon became Prime Minister. A year after assuming office, in March 2002, the Sharon government carried out Operation Defensive Shield, which all but shattered the PASF’s infrastructure in an effort to “regain control of Area A, and conduct an extensive counter-terror campaign.¹⁰³”

Since the Israeli government did not distinguish between militant groups and the PASF, the power vacuum created by Operation Defensive Shield was large enough for non-state armed groups, often the paramilitary wings of political parties, to take control¹⁰⁴. After Arafat’s death, Abbas sought a more dialogue-based approach and the two sides concluded a ceasefire in 2005, entailing Palestinian security sector reform under US and EU support. Only a year after the ceasefire, conflict broke out anew as Hamas won the Palestinian elections and took over the Gaza strip, which Israel had unilaterally disengaged from in 2005. This hardened the Israeli belief that concessions for peace will not bring about more security¹⁰⁵. The ongoing conflict with Hamas, intra-Palestinian divisiveness and new security threats in the Middle East, have made Israeli security policy evermore hawkish and the Palestinians’ situation evermore dire. Israel does not want to govern the Palestinians (for demographic and ideological reasons), but also does not want to worry about them as a security threat. In 2018, Netanyahu described this paradox as “a solution where they (Palestinians) have all the powers they need to govern themselves but none of the powers that would threaten us.” Such a solution would necessitate Israel retaining military sovereignty over the area west of the Jordan River. Netanyahu argued, “it is what we need to live” in light of the militant hotbeds in

¹⁰⁰ *ibid*

¹⁰¹ *ibid*, p. 9

¹⁰² *ibid*, p. 16

¹⁰³ *ibid*, p. 20

¹⁰⁴ *ibid*

¹⁰⁵ *ibid*

Syria and Iraq. The Prime Minister insinuated that Israel would not let the West Bank “collapse” in a similar manner to Gaza. Ultimately, perceived security concerns are integral Israel’s polity and the reason why Israel has not made concessions after Hamas took over the Gaza strip. Considering the growing disillusionment with the status quo, Israel’s approach has gradually shifted from conflict resolution to conflict management, wherein policy seeks to prevent attacks on Israelis without making efforts towards peace¹⁰⁶. From the Israeli point of view, conflict management might seem somewhat reasonable. However, if we consider the effects of the approach on the Palestinians, the outlook becomes a lot worse.

4.3.2. Palestinian Security Situation

Palestinians continue to find themselves at the grace of Israel’s security apparatus. The status quo has vastly more detrimental effects on the daily lives of Palestinians than Israelis. The occupation of the West Bank and the blockade of Gaza constitute extensive infringements upon Palestinians’ human rights (cf. right to assembly, fair trial and a dignified life). Under the Oslo framework, the PA cannot field a military force, but a police-like security force (PASF/PSS). The PASF employs about 30’000 security personnel, paling in comparison to Israel’s security apparatus¹⁰⁷. As of 2018, the PASF had “three main pillar activities: a continuous anti-Hamas campaign, preservation of law and order and maintaining a security cooperation with Israel in a non-violence policy¹⁰⁸.” First, Hamas has considerable support in the West Bank (esp. Nablus, Hebron) and routinely seeks to undermine the PA government. While Hamas does have a sizeable military wing in Gaza (Qassam brigades), the blockade makes the group’s military potential in the West Bank quite small. Yet, Hamas does pose an ideological alternative to the PA, whose cooperation strategy has frustrated many West Bankers. Second, “public order has been restored in the major cities and profound work has been done in removing armed militiamen from the streets¹⁰⁹.” That being said, there are still ‘no-go zones’, which the PA avoids, particularly refugee camps, where radicalism and arms proliferation remain widespread. Moreover, the Oslo division into areas A, B and C complicates matters, as Palestinian-controlled Area A is often more secure than Israeli-controlled Areas B and C. Palestinian police has been deployed in some parts of Areas A and B, in order to do fill the security vacuum there¹¹⁰. Third, Abbas’ dialogue-based approach to Israel is one of the main reasons why the West Bank has seen relative calm in the last years. As part of this approach, IDF and PASF routinely meet, in order to cooperate and build trust. The problem with Abbas’ strategy is that many Palestinians perceive it as acquiescing to the Israeli occupation, since life quality in the West Bank and the prospects of a Palestinian state have not markedly increased since 2005. Palestinians have also become the victims of so-called ‘price tag attacks’, wherein Israeli settlers employ “ideologically-motivated¹¹¹” violence against Palestinians in the West

¹⁰⁶ *ibid*, p. 25

¹⁰⁷ *ibid*, p. 29

¹⁰⁸ *ibid*

¹⁰⁹ *ibid*, p. 31

¹¹⁰ *ibid*, p. 33

¹¹¹ *ibid*, p. 38

Bank. The Israeli security forces have so far been notoriously incompetent at dealing with such attacks, as “only 1.9% of complaints filed by Palestinians result in actual convictions.¹¹²” Palestinian security forces “remain out of the picture¹¹³”. To properly grasp the Palestinian security situation, one should not only look at military security, but expand the assessment to a more holistic level, specifically the concept of human security. In fact, if re-conceptualized in such a manner, security for both Palestinians and Israelis could be increased.

4.3.3. Human Security

The past decades have shown that a vast security apparatus alone does not lead to genuine security, even for Israelis. Thus, it is necessary to go beyond the established paradigm and search for out-of-the-box approaches – for security this could mean embracing the concept of human security. While parts of the international community, especially in the West, have begun to shift towards human security, the concept remains absent in the Middle East¹¹⁴. Human security seeks to reframe security from the national to the individual level, by ensuring human beings’ rights to “freedom of fear, freedom from want and the right to personal dignity¹¹⁵.” Embracing human security does not mean rejecting conventional military security; rather the two should be complementary. For instance, rogue terrorists, from either side, should be dealt with through conventional intelligence and security systems. However, human security should simultaneously protect peoples’ vital freedoms from “critical and pervasive threats and situations, building on their strengths and aspirations as a means for creating systems that give people the building blocks for survival, dignity and livelihood¹¹⁶.” Consequently, Palestinians would be able to lead their lives with less fear and more dignity. This would de-incentivize militancy, which in turn would improve the security situation as a whole. While the current security environment constitutes a vicious cycle of violence and revenge, human security can become a virtuous cycle that over time leads to genuine peace. Thus, including human security in the Israeli/Palestinian discourse would not make the region more prone to violence, but introduce a more “holistic security of people¹¹⁷”, not only tied to military acts and violent clashes. Human security would concern seek to improve the daily lives of people, by addressing and remedying their urgent economic, medical and psychological needs. In doing so, it would “reverse the methodology of the conflict” by placing peace and human rights at its core instead of lopsided power games. The ideological tenacity in Israel/Palestine does not only prevent conflict resolution, but also perpetuates a culture of incommensurability and violence. As civilians have become the foremost victims of the conflict¹¹⁸, it seems paramount to reframe security from a human-based, individual

¹¹² *ibid*

¹¹³ *ibid*

¹¹⁴ Nusseibeh, 2008

¹¹⁵ *ibid*

¹¹⁶ *ibid*

¹¹⁷ *ibid*

¹¹⁸ Not only in Israel/Palestine, but also globally

viewpoint. Human Security could change how Israelis and Palestinians conceive of the conflict by fostering peace and cooperation instead of militarization and polarization.

4.4. Borders

For much of the last century, globalization theory has stipulated that the world is becoming evermore borderless. While this may be true for the European Union, borders have been making a comeback in the 21st century with Trump's wall and Brexit. Even the EU maintains a notoriously hard external border to prevent migrants from entering the Schengen/Dublin Area. In Israel/Palestine borders play a central role, affecting the daily lives of Palestinians and to a lesser extent Israelis. Newman¹¹⁹ argues that the actual impact of a border goes far beyond the physical obstacles it presents. He claims that "borders are institutions" that reciprocally interact with a "process of bordering", reinforcing the notion of the "other" behind the border and creating an "us versus them" narrative. These bordering processes do not only entrench an "us versus them" narrative, but ascribe certain judgmental characteristics to each sides of the border – in Israel/Palestine the Israeli side is considered safe, the Palestinian unsafe. This reciprocally ties into the discussion about Israeli and Palestinian identity. Whenever the economic rationale for opening borders clashes with the securitization narrative, it is usually the latter that prevails¹²⁰. Whilst opening borders seems morally reasonable, the question remains: do borders actually provide security? The answer must distinguish between short-term and long-term security. In the short-term, Palestinian terrorist attacks have drastically decreased since the establishment of the West Bank barrier. Still, some Palestinians will continue to undertake attacks against Israel so long their own situation remains as hopeless as today. The West Bank barrier and the Gaza blockade contribute to the desperate situation for Palestinians. Thus, the current border regime might bring short-term security for Israelis, but will likely fail to achieve sustainable security. Only genuine peace and human security for the Palestinians could ease tensions and bring security in the long-term. In order for this to happen Israel has to shift its focus from managing the conflict to resolving it. The ensuing chapters will look at the status quo in the West Bank and Gaza border in more detail.

4.4.1. West Bank

After numerous Palestinian attacks against Israeli civilians around 2000, Israel's government decided to build a separation barrier along the West Bank border. The official goal was to prevent Palestinians attacks by halting those "without permits from entering Israel from the West Bank.¹²¹" Critics argue that the wall is disproportionate as a security measure, because of its social and economic effects on the everyday live of Palestinians. The wall has also been condemned as advancing the creeping Israeli annexation of the West Bank. In fact, the course of the barrier includes many Israeli settlements in the West Bank, extending far beyond the Green Line. In 2004, the International Court of Justice (ICJ) held in an advisory opinion that the wall violates Israel's obligations under international law, should be dismantled, and compensation

¹¹⁹ 2006, p. 143

¹²⁰ Newman, 2006, p. 149

¹²¹ The Separation Barrier, 2017

paid to “Palestinians who suffered losses as a result¹²²”. 85% of the barrier runs inside the West Bank, thereby violating the Palestinian right to self-determination. Since an advisory opinion yields no direct legal obligations, the wall has remained and is constantly upgraded. At 712 kilometers full length, the final wall will be twice as long as the Green Line, crisscrossing through privately held Palestinian land. As a result, “thousand of Palestinian civilians” were displaced, as the wall fragmented the West Bank and isolated Occupied East Jerusalem¹²³. The wall, which some have called a Segregation or Apartheid Wall, consists mostly “of an electronic fence with paved paths, barbed-wire fences and ditches flanking it on either side.¹²⁴” While “the barrier is about 60 meters wide on average (...), in urban areas – such as Jerusalem, Bethlehem, Qaliliyah and Tulkaram – Israel constructed an eight to nine meter high concrete wall instead of an electronic fence¹²⁵.” Israel’s Supreme Court allowed the construction of the wall affirming the government’s “argument that the barrier is temporary, and that the route was planned on security considerations alone”, thereby disregarding “statements made by various officials concerning Israel’s geopolitical goals served by the barrier¹²⁶.” Not only does the barrier constitute the de-facto annexation of about 10% of the West Bank; it has had a pervasive impact on the fabric of the Palestinian life. First, the various checkpoints along the barrier make it extremely difficult for Palestinians to move between the Israeli and the Palestinians side, even if they have a valid permit. Over 50’000 Palestinians work in Israel and have to cross through the checkpoints every day. Passing the border is a tedious process for Palestinians, who line up as early as 4 AM, in order to arrive to work by 7 AM. The checkpoints are often so overcrowded that Palestinians have been injured or even died in the turmoil. Moreover, Israel comprehensively closed the border for 27 days in 2018 and 32 days in 2017¹²⁷. The physical segregation embodied by the wall is particularly wrenching for the Palestinians of Jerusalem, whose economy has shrunk by almost 50% due to the barrier¹²⁸. In the absence of genuine support by the Israeli state, the Palestinian enclaves on the Israeli side of the wall are economically isolated from the Palestinian territories. As such, the border regime intensifies the economic gap between Israel and the Palestinians, which in turn further complicates the peace process.

4.4.2. Gaza

The Gaza border protests have resulted in the deaths of 183 Palestinians¹²⁹, which serve as ample evidence for the tenacious situation along the blockaded Gaza-Israeli border. While Gaza had been subject to the same restrictions as the West Bank since the 1990s, the border regime was amplified when Hamas took over the strip in 2007. Two years after its unilateral disengagement from Gaza in 2005, “Israel used its control over the crossing to put Gaza under a blockade, turning almost two million people into prisoners

¹²² International Court of Justice, 2004

¹²³ Palestinian Rights Committee, 2014

¹²⁴ The Separation Barrier, 2017

¹²⁵ *ibid*

¹²⁶ *ibid*

¹²⁷ Figures on comprehensive closure days, 2019

¹²⁸ Siniora, 2001

¹²⁹ While also injuring over 6’000

(...), effecting an economic collapse and propelling Gaza residents into dependency on international aid¹³⁰.” Not only did the Israeli blockade prohibit “travel in and out of Gaza”, but also “the import of goods – including restrictions on food items, toys and paper – and export to Israel, the West Bank or foreign countries.¹³¹” Israel lifted some of the restrictions due to international pressure in 2010, but still prohibits the entry of “a list of dual-use items that Israel believes could have both civilian and military uses¹³².” The entry of dual-use items requires an individual permit. The list of dual-use items “includes hundreds of items, without which the maintenance and the restoration of civilian infrastructure cannot proceed¹³³.” This includes many objects needed to repair the damaged water infrastructure in Gaza, where over 95% of water is unsafe to drink. The regulations have also prevented a comprehensive repair of infrastructure damaged by the numerous Israeli interventions since 2007. The Israeli blockade still prohibits exports from Gaza, leaving the area “isolated and with no real opportunity for economic development.¹³⁴” This increases the economic and social despair, while at the same time driving disillusioned Gazans into the arms of radicals like Hamas or PIJ. The Oslo Accords provided for a zone of 20 nautical miles (37km) off the shore of Gaza where fishing is officially allowed. Yet Israel “has never allowed fishing farther than 12 nautical miles out to sea, gradually narrowing the fishing zone, sometimes to three nautical miles, and currently between six and nine¹³⁵.” If the IDF suspects Gazans of fishing beyond this area, it fires at them, “arrests them and confiscates their equipment¹³⁶” As fishing is one of the main economic activities available to Gazans, the sea blockade, “impedes the ability of thousands of fishermen and people working in related sectors to provide for themselves and their families, and denies Gaza residents an essential source of food ¹³⁷.” The blockade has had a crippling effect on Gaza’s economy, as unemployment reached 44% in 2017 (among women: 71%; under 29: 61.9%). In 2000, Gaza’s unemployment rate was at 18.9%¹³⁸. Furthermore, around 80% of Gazans “depend on humanitarian aid, and about 60% suffer from food insecurity.¹³⁹” The blockade has also had disastrous effects on Gaza’s power supply, due to Israel’s restrictions on items that could maintain existing systems. The lack of electricity is especially felt in healthcare, as hospitals are “forced to rely on generators and scale back services.¹⁴⁰” The medical despair is further aggravated by Israel’s travel ban, which prevents doctors “from travelling to medical conferences and seminars to keep abreast of innovations in the field¹⁴¹.” On top of the Israeli blockade, Egypt has also closed off the Rafah border crossing to Gaza, only opening it for a few days every year and even

¹³⁰ The Gaza Strip, 2017

¹³¹ *ibid*

¹³² *ibid*

¹³³ *ibid*

¹³⁴ *ibid*

¹³⁵ *ibid*

¹³⁶ *ibid*

¹³⁷ *ibid*

¹³⁸ *ibid*

¹³⁹ *ibid*

¹⁴⁰ *ibid*

¹⁴¹ *ibid*

then only letting individuals “who meet strict criteria¹⁴²” pass. In essence, Gaza is completely isolated from the rest of the world, which is also the reason why renowned academic Oren Yiftachel has called it an “open-air prison.¹⁴³”

5. Alternatives to the Two-State Solution

In light of the gridlocked two-state solution, which has brought about dire situations in many of the issue areas, there has been discussion about alternative plans to resolve the conflict. Although the confederation idea has entered the discourse in the last few years, various one-state plans remain the most prominent alternatives. The following chapter shall outline the different one-state proposals, before delving into the inner-workings of the confederation plan.

5.1. One-State Solution

While there exist a number of one-state proposals, their common thread is that they all envisage a single state in historic Palestine (at least Israel and West Bank). For the sake of clarity, it makes sense to distinguish between two types of one-state proposals: the inclusive, bi-national, liberal democratic model on the one hand, and the exclusive, ethnic democracy/apartheid model on the other.

5.1.2. Exclusionary One-State

The exclusionary model stems from radical nationalists on either side, be it the Israeli far-right (Zehut, Feiglin plan, Jewish Home, some parts of Likud), or Palestinian radicals in the mold of Hamas and PIJ. In a 2019 poll conducted by the Palestinian Center for Policy and Survey Research (PSR), “8% of Israelis favor a single Jewish state where Palestinians are expelled or transferred from the entire territory”, conversely 17% of Palestinians “expressed support for a single state free of Jews¹⁴⁴.”

5.1.2.1. Palestinian Proposals

On the Palestinian side, the most prominent groups in support of one exclusionary state are Hamas and PIJ. Although Hamas has taken up a more moderate tone since 2017, the group still relies on militant nationalism and religious extremism. Hamas has never explicitly endorsed the notion of a two-state solution, does not recognize Israel and considers the Oslo peace process null and void. However, Hamas implicitly acquiesced to some of compromise in its 2017 charter, when it accepted a Palestinian state within the pre-1967 borders. Until 2017, Hamas had explicitly called for the destruction of Israel and the creation of a Palestinian state in all of historic Palestine¹⁴⁵. The second sizeable force against sharing or dividing the land with Israel is PIJ. PIJ vows to erase Israel and establish an autonomous Islamic Palestinian state from the Mediterranean to the Jordan River. It rejects negotiations with Israel and the two-state solution. Similarly to Hamas, PIJ emerged out of the Muslim Brotherhood in the 1980s and has since been backed by

¹⁴² *ibid*

¹⁴³ Yiftachel, 2009

¹⁴⁴ Maltz, 2019

¹⁴⁵ Hamas Covenant, 1988

Iran and Syria¹⁴⁶. Unlike Hamas, PIJ does not participate in the political process in the West Bank or Gaza. Rather, it carries out military operations against Israel (terrorist attacks and firing of rockets/mortars), mainly from Gaza. Israel, the US, and the EU designate both Hamas and PIJ as terrorist organizations. As has been laid out in the two paragraphs, there are serious forces within Palestinian society that favor an ethnic one-state solution. However, in light of the current situation in which Israel dominates historic Palestine, their propositions seem not only untenable but also very unrealistic, which has become apparent in Hamas' 2017 acceptance of the pre-1967 borders.

5.1.2.2. Israeli proposals

As Israel becomes evermore dominant, Revisionist voices have been calling for a distinctively Jewish state in all of historic Palestine. First, it should be noted that all one-state proposals from the Israeli right exclude Gaza. The Hamas-controlled strip would likely remain an "open-air prison" under Israeli blockade. One of the most prominent exclusionary one-state advocates is former MK Moshe Feiglin. After leaving Likud in 2015¹⁴⁷, Feiglin set up his own party, Zehut (engl: identity), which although ostensibly libertarian, campaigns for an ideological annexation of Judea and Samaria in its aptly named plan "one state for one people¹⁴⁸". Zehut seeks to cancel the Oslo Accords and extend full Israeli sovereignty over the entire West Bank where "no element except for the IDF, the Israel Police and authorized civilians will carry arms¹⁴⁹." In the process, the "terrorists will be offered a peaceful withdrawal.¹⁵⁰" Who exactly would be designated a terrorist is not clear. Once annexed, the "non-Jewish residents of Judea and Samaria will be offered three options.¹⁵¹" 1. They can receive assistance in emigration, 2. Those who wish to remain will receive permanent residency status conditional upon "declaring their allegiance (to the Jewish state) openly¹⁵²". 3. Non-Jewish residents "who wish to be loyal citizens and serve in the army will be able to receive citizenship after a long and thorough examination track ¹⁵³." Jerusalem shall become "Greater Metropolitan Jerusalem", extending as far as Ramallah, Bethlehem and Jericho. Zehut demands the construction of a synagogue on the Temple Mount. Zehut's Jewish state would be called Israel and would maintain, if not strengthen, its Jewish symbolism. Zehut did not make it past the 3.25% threshold in the 2019 Knesset elections, but was considered a potential 'kingmaker¹⁵⁴' prior to the election after doing surprisingly well in the polls¹⁵⁵. The Feiglinites are, however, not alone with their expansive aspirations.

Deputy Foreign Minister Tzipi Hotovely (Likud) has called for the annexation of Judea and Samaria. Hotovely's plan would allow Palestinians to obtain Israeli citizenship, but only after Israel has taken in 2 million diaspora Jews, in order to guarantee Jewish

¹⁴⁶ Palestinian Islamic Jihad, 2019

¹⁴⁷ After becoming frustrated with Netanyahu's „lenient“ approach towards the Palestinians

¹⁴⁸ Zehut Party Platform, Part 7: the One-State Solution, 2019

¹⁴⁹ *ibid*

¹⁵⁰ *ibid*

¹⁵¹ *ibid*

¹⁵² *ibid*

¹⁵³ *ibid*

¹⁵⁴ The deciding factor for which side can form a majority coalition (tipping the scales in favor of one side)

¹⁵⁵ Lubell, 2019

demographic dominance in 'Greater Israel'¹⁵⁶. In early 2019, a group of right-wing MKs, among them Knesset speaker Edelstein (Likud) pledged the government to increase the number of Jews in the West Bank from 450'000 to two million, in order to achieve demographic parity with the Arabs there. This group, which calls itself Nahalah, has been pushing Netanyahu to commit to settlement expansion as the foundation for his next government¹⁵⁷. Other MKs – from Likud and Jewish Home – have proposed an annexation of the West Bank, wherein the Palestinians would get permanent residency status or even citizenship, but not be allowed to vote in national elections¹⁵⁸. Neftali Bennett, Education Minister in the latest Netanyahu government, has endorsed partial annexation, which would see Israel take full control over Area C (ca. 60% of the West Bank), while the Palestinians in Areas A and B would get some form of autonomy, but not a state. This plan would create 165 Palestinian enclaves within the West Bank¹⁵⁹. According to two-state experts, a minimum of 160'000 Jewish settlers would have to move, in order for a Palestinian state to be territorially contiguous¹⁶⁰. In light of the political dynamics in 2019 Israel, the likelihood of an Israeli annexation of at least some parts of the West Bank is greater than at any time since 1967. A few days before the 2019 Israeli elections, Netanyahu made a vague to promise to annex all Israeli settlements in the West Bank. Netanyahu will likely have to make compromises with the right-wing on policy issues, in order to get his coalition partners' support in the fight against his corruption charges.

These paragraphs on ethnic one-state solutions show the diversity of one-state proposals. It is the purpose of this paper to analyze peace proposals that would actually increase the living standards of all people in historic Palestine. Therefore, forced expulsion or the creation of an apartheid-like two-class society cannot be considered a solution, but rather an outcome. Thus, the abovementioned one-state proposals will not be touched upon much further in this paper, although an Israeli annexation of substantial parts of the West Bank does not seem unlikely, given the entrenchment of the center-right consensus in Israel. There are, however, other proposals that fall in line with the premise of this paper – one such proposition is the creation of one bi-national or even unitary state in historic Palestine.

5.1.3. Bi-national One-State

In light of the gridlocked status quo, journalists, academics and politicians have called for a single democratic, bi-national state in all of historic Palestine (including Gaza). Among the first to support a bi-national state was American-Palestinian public intellectual Edward Said, who in a 1999 New York Times op-ed argued, "Oslo set the stage for separation, but real peace can come only with a bi-national Israeli-Palestinian state¹⁶¹." Whereas "land-for-peace" was premised on separating the two peoples, Said

¹⁵⁶ Rosenberg, 2019

¹⁵⁷ *ibid*

¹⁵⁸ *ibid*

¹⁵⁹ Maltz, 2019

¹⁶⁰ For reference: Israel moved 8'500 settlers out of Gaza in the 2005 evacuation; Scheindlin, 2018

¹⁶¹ Said, 1999

advocated for coexistence and porous borders¹⁶². A bi-national solution could look similar to Bosnia and Herzegovina, where a tri-national state was established after the Bosnian War. Other public figures soon followed. In 2003, British Historian Tony Judt claimed that Israel was an anachronism, since the very idea of a “Jewish state” was rooted in a “characteristically late-nineteenth-century separatist project¹⁶³” that had been imported “into a world that has moved on, a world of individual rights, open frontiers, and international law¹⁶⁴.” Judt argued that “a single, integrated, bi-national state of Jews, Arabs, Israelis and Palestinians” is the only true alternative to an “ethnically cleansed Greater Israel¹⁶⁵.” In his view, the two-state solution had died in the early-2000s with the failure of Oslo, Operation Defensive Shield and the rapid deadlock of the Roadmap for Peace initiative – thus leaving only different one-state options on the table. The bi-national sentiment was echoed by American political scientist Virginia Tilley, who considered the main challenge for a bi-national state in finding “a political path through the transition from rival ethno-nationalisms to a democratic secular formula which would preserve Israel’s role as a Jewish haven while dismantling the apartheid-like privileges that presently assign second-class citizenship to non-Jews¹⁶⁶.” This would mean that the “post-Zionist (Israeli) vision needs to clarify the non-ethnic character of the Palestinian component¹⁶⁷.” In the absence of such appeasement between the respective ethno-nationalisms, a bi-national state could present itself as a tinderbox waiting to re-exacerbate conflict. Said, Judt and Tilley, along with others like Ali Abunimah, formulated the intellectual framework for a bi-national one-state solution. In light of the increasingly visible two-state gridlock, support for a bi-national solution has risen substantially among the American public and among Palestinians¹⁶⁸. In late-2018 Rashida Tlaib, the first American-Palestinian congresswoman gave her support for a one-state solution¹⁶⁹.

5.1.4. Unitary One-State

The proposal for creating one single, democratic state between the Mediterranean and the Jordan River has been the flagship of the One Democratic State Campaign (ODSC), a civil society movement made up both Israelis and Palestinians. ODSC’s leader Jeff Halper, who also serves as the director of the Israeli Committee Against House Demolition, claims that a unitary, democratic state could look similar to the United States¹⁷⁰. The ODSC movement prefers a unitary to a bi-national state, because the bi-national aspect would force Palestinians to “legitimize settler colonialism in its Zionist form¹⁷¹.” Thus, Halper suggests a unitary state that does not ascribe privileges to either Israelis or

¹⁶² *ibid*

¹⁶³ In line with European (ethno-)nationalist movements at the time

¹⁶⁴ Judt, 2003

¹⁶⁵ *ibid*

¹⁶⁶ Tilley, 2003

¹⁶⁷ *ibid*

¹⁶⁸ Holmes, 2019; Tibon, 2018

¹⁶⁹ Sommer, 2018

¹⁷⁰ Maltz, 2019

¹⁷¹ Halper, 2018

Palestinians, but protects their respective collective rights to freedom of association¹⁷². Furthermore, ODSC advocates for “dismantling the colonial apartheid regime in historic Palestine and establishing a new political system based on full civil equality, full implementation of the Palestinian refugees’ right of return, and the building of the required mechanisms to correct the historical grievances of the Palestinian people as a result of the Zionist colonialist project¹⁷³.” This implies that the unitary state would not be called Israel or use Jewish symbolism as part of its national identity, as well as discarding its current Law of Return policy¹⁷⁴. In demographic terms, the ODSC proposal would likely tilt the balance in favor of the Palestinians (cf. right to return) in the long run.

Considering the omnipresence of identity politics on both sides, it is very doubtful whether a unitary democracy would be feasible. The bi-national model seems more commensurable with the two national identities, but it remains questionable whether Israel would voluntarily enter into an agreement wherein the Jewish population would be at parity or even slightly smaller than the Palestinian¹⁷⁵. Conversely, continued Jewish dominance within a bi-national state would not only infuriate Palestinians, but also undercut the very premise on which such a solution should be rooted. If at all, the bi-national model, not the unitary one, deserves more attention, especially in light of the recently growing support for a one-state solution¹⁷⁶ - This state would, however, likely keep the name Israeli and Jewish symbolism.

5.1.5. Israeli Federation

The last one-state approach that merits elaboration is the Federation Plan (not to be confused with Confederation), which stipulates the creation of an ‘Israeli Federation’ in Israel and the West Bank¹⁷⁷. The plan’s main proponents are former Mossad official Emanuel Shahaf and former Jewish agency executive Aryeh Hess¹⁷⁸. The Federation would function similarly to the US or Switzerland with historic Palestine being divided into 30 subnational cantons. 20 of these 30 cantons would have a Jewish majority while only 10 would have a Palestinian majority. The Palestinian residents of the West Bank would be eligible to get citizenship of the Federation, in the same manner the Arab residents of Israel are currently able to. The Federation would be created by agreement between Israelis and Palestinians, the PA would be dissolved and the IDF would be in charge of security in all 30 cantons. Politically, the cantons would gain substantial autonomy from the federal government, only delegating to it foreign and security matters as well as the macro-economic management of the Federation¹⁷⁹. Similarly to the bicameral system in the US or Switzerland, the Knesset (popular representation)

¹⁷² *ibid*

¹⁷³ Maltz, 2019

¹⁷⁴ *ibid*

¹⁷⁵ The statistics on the number of Palestinians currently in historic Palestine vary depending on the source

¹⁷⁶ *ibid*

¹⁷⁷ Excl. Gaza; The Federation Plan, 2018

¹⁷⁸ *ibid*

¹⁷⁹ cf. Subsidiarity in Switzerland

would be expanded by a second legislative assembly comprised of representatives of the cantons (cantonal representation)¹⁸⁰. How exactly the powers between these two assemblies would be divided, is not specified. The Jewish settlements in the West Bank would remain, but the Palestinians there would be able to get better medical treatment and economic opportunity due to equal civil rights. The Federation advocates argue that their proposal would appease tensions with the Palestinians. However, the Federation would continue to be dominated by the Jewish community, considering the demographic make-up of the cantons, as well as the security framework. The Federation would in all likelihood continue to utilize Jewish symbolism (cf. Israeli Federation not Israeli-Palestinian Fed.), which in turn would alienate many Palestinians.

5.2. Assessment of Proposals

When analyzing the one-state proposals, it makes sense to group them into two distinct camps: 1. Those that want to create a single exclusionary state through annexation; 2. Those that want to create a single bi-national or unitary democratic state, in which Israelis and Palestinians would enjoy equal citizenship and rights. In light of the current state of Israeli politics, some proposals by the first camp are not even that unrealistic- For instance, one could imagine an outcome in the mold of '1-state-plus' wherein Israel unilaterally annexes Area C and the Golan Heights, while the Palestinians retain some form of limited autonomy in Area A and B. Such an outcome, however, is not a veritable solution to the conflict, as it heavily infringes upon the Palestinians' individual and collective rights under international law. Thus, any such outcome – be it the annexation of Judea and Samaria or of Area C and the Golan – must be deemed undesirable. This is because the formal and informal hierarchies between Israelis and Palestinians would create a two-class, or even apartheid society. The Federation proposal is not much better, because it specifically seeks to hold on to Jewish dominance (cf. 20/30 cantons Jewish majority) while also retaining the name Israel and other Jewish symbolism. As such, the Federation would hardly transform the underlying racism that has disseminated throughout Israel in the past decades. While formal equality might improve (cf. equality before the law) informal discrimination would continue.

The bi-national one-state approach looks promising on paper and its proliferation through academic circles/civil society has socialized the public to the idea that there could be a better alternative to the conventional two-state plan. While reasonable in theory, a bi-national state is quite unrealistic in practice. It is hard to fathom Israel's political elites and the public acquiescing to a single bi-national state, because it would entail Israel rendering relative power over Israel proper and the Palestinian territories. Moreover, considering the ubiquity of security matters in Israel's political discourse, the bi-national approach would have to frame itself as the better security option, at least in the short-term. If borders are to be porous, doing so will be very difficult. It is conceivable that the bi-national one-state proposal might have a minimal chance for realization, due to preservation of collective rights and potential security arrangements in which the IDF would retain almost exclusive control over the area. The unitary

¹⁸⁰ Probably elected through majority voting system cf. Swiss Council of States

approach can be ruled out with confidence, because it would undermine both people's identity and bear grave demographic perils for Israel. Even if not, security concerns would likely preclude Israeli consent to a unitary state.

5.2.1. Why care?

The above discussion hardly inspires optimism for sensible conflict resolution in historic Palestine. Yet this growing disillusionment should not lead to complete apathy, for two reasons: First, the international community has a collective responsibility to protect vulnerable groups from human rights violations. It is evident that the UN considers Palestinians a vulnerable group, considering the countless GA and SC resolutions that have condemned Israel's behavior and the continued presence of UNRWA as the largest UN agency¹⁸¹. The UN's incapacity to bring about an effective solution to the conflict does not dispense other actors from their moral obligation to stand up for the disenfranchised. In light of the gridlock in the UNSC, civil society becomes increasingly important as the potential source of a solidary impetus (cf. BDS) that could break the paralysis at the UN level. The international state community and international civil society reciprocally influence one another. As such, failure to bring about an acceptable settlement in Israel/Palestine will, in the long run, be a failure of the international community as a whole. Second, the status quo will not create sustainable security for either side. As marginalization and discrimination intensify, so does the willingness of Palestinians to forcefully resist Israel. Thus, Israel will not only have to deal with what some have called 'open-air prisons'¹⁸² in the remaining Palestinian territories, but also build evermore walls and anti-missile systems for its own population, converting Israel itself into a gilded cage rather than an open democracy.

The following chapter will introduce "A Land for All's" confederation proposal, in order to analyze whether it could bring about a settlement that would maximize rights of Israeli and Palestinians while simultaneously preserving each people's identity, security and collective rights, in an effort to transcend the established one-state/two-state dichotomy.

6. The Confederation Proposal

The idea of an Israeli-Palestinian confederation has gained traction in recent years amidst the deepening two-state impasse and the absence of viable one-state alternatives. The rationale behind the confederation can be summed as "one land, two states" - in effect upholding the notion of two sovereign states in historic Palestine, while simultaneously recognizing the inherent inseparability of and the corresponding need for cooperation between the two peoples. Israelis and Palestinians inhabit an area the

¹⁸¹ United Nations Relief and Works Agency for Palestine Refugees in the Near East; established in the aftermath of the 48/49 war and the Palestinian exodus in historic Palestine

¹⁸² Hovring, 2018; Abukhater, 2019

size of Haiti with one of the highest population densities in the world¹⁸³. Intuitively, one might think that within such a densely populated area, cooperation is plentiful and the fruits it bears are sweet, but historic Palestine is divided – not only with regards to identity, narrative and military prowess, but perhaps most importantly in economic terms. While Israel has become an OECD member and is a striving economy with a per-capita GDP similar to that of France or the UK¹⁸⁴, Palestine is still not a full UN member and by all measures a developing country with a GDP/capita more akin to that of countries like Mauritania or Bangladesh¹⁸⁵. The confederation approach acknowledges these social and economic gradients and seeks to introduce a new vision into the deadlocked conflict, one of cohabitation and cooperation instead of separation and isolation. A major driving force behind the confederation plan is the “A Land for All” Initiative (also known as “Two States, One Homeland”) - a civil society movement founded by Israeli journalist Meron Rapoport and Palestinian activist Awni al-Mashni¹⁸⁶. The initiative has grown rapidly and now consists of thousands of members, both Israeli and Palestinian. The most prominent member is Oren Yiftachel, an activist and professor for geographic segregation, renowned for coining the term “ethnocracy”. Two States One Homeland “considers itself a shared movement, divided into two separate branches – one Israeli and one Palestinian – both jointly and severally¹⁸⁷”. As such, the movement embodies the Israeli-Palestinian confederation itself, reifying different branches for different areas and people that flow together in a shared vision of coexistence, cooperation and peace. The ensuing paragraphs will examine the details of “A Land for All’s” confederation proposal.

6.1. A Land for All?

“A Land for All’s” principles declare “Palestine/the Land of Israel is one historic and geographic unit (...) from the Jordan River to the Sea¹⁸⁸”, thus acknowledging the area’s inherent inseparability. That being said, in light of the two distinct peoples and the decade-old narrative of separating them, the movement does endorse the notion that there should be two sovereign states, “Palestine and Israel, where the two people will realize their right of self-determination¹⁸⁹.” The states’ borders would be drawn “according to the June 4, 1967 border, thus bringing a complete end to the occupation.¹⁹⁰” The two states “will be democracies; their governments founded on the principle of the rule of law and recognition of the universality of human rights (...) based on the principles of equality, freedom and the sanctity of human life¹⁹¹.” As sovereign

¹⁸³ Israel: 390/km² (31st worldwide); West Bank & Gaza: 839/km² (14th); Gaza: ca. 5’100/km² (according to some sources the most densely populated „state“ on earth; MEO Staff, 2016); List of Countries by Population Density, 2018

¹⁸⁴ Israel – OECD data, 2019

¹⁸⁵ Palestine’s Economic Outlook, 2018

¹⁸⁶ Who We Are, 2019

¹⁸⁷ *ibid*

¹⁸⁸ Shared and Agreed Principles, 2019

¹⁸⁹ Thus respecting international law; Yiftachel has noted that a bi-national/unitary state would violate the right to self-determination, because both people (in particular Israelis as they already have a state) would have to renounce some aspects of their self-determination right; Yiftachel, 2013

¹⁹⁰ Shared and Agreed Principles, 2019

¹⁹¹ *ibid*

states, both entities would have the right to determine “the nature of immigration into them, and their citizenship laws. Therefore, Palestine will be free to grant citizenship to Palestinian refugees, and the State of Israel will be free to grant citizenship to diaspora Jews¹⁹².”

6.1.1. Open Land Vision

Thus far, the proposal has many similarities with the conventional two-state solution. This is where the “Open Land Vision” comes into play, positing the confederation as a far less disruptive and pragmatic alternative to the traditional two-state plan. While the two states will be sovereign entities, they “will be bound to the Open Land Vision, where citizens of both countries are free to move and live in all parts of the land¹⁹³”, resembling the EU’s freedom of movement model. The right to free movement will “apply to any person who becomes a citizen of either country, including Palestinians from the Palestinian diaspora in Palestine and Jews from the Jewish diaspora in Israel.” In order to fully realize the Open Land Vision, the two countries will work “in several phases, mutually, and any progress will require both countries’ agreement.” Such incremental progress would first see a stage, in which both states “recognize the right of their citizens to move, visit, work and trade in all parts of the land¹⁹⁴.” While both sides would have to make concessions, the incremental nature of the confederacy roadmap requires mutual consent, so neither state would find itself in a situation that runs counter to its interests. As part of the first phase, the two states will also “determine an agreed number of citizens of the other country who will live in their territory and receive permanent resident status, with all entailed rights.¹⁹⁵” Consequently, a number of Israelis, including those who already live beyond the 1967 borders, will be allowed to remain as residents of Palestine “as long as they are willing to live peacefully alongside their neighbors under Palestinian sovereignty.¹⁹⁶” Conversely, Palestinians will have the same rights under the same conditions in Israel. These permanent residents “will be required to respect local laws and abstain from activities which undermine the security of the country in which they live in.¹⁹⁷” As permanent residents, they will have voting rights in their country of citizenship: Israeli residents of Palestine in Israel and Palestinians residents of Israel in Palestine.

6.1.2. Jerusalem

The city of Jerusalem, holy to all three Abrahamic religions, will serve as the capital of both states, “shared by and open to citizens of both countries, within agreed borders¹⁹⁸.” To this end “a special municipal government will be established, managed jointly and equally by both states.¹⁹⁹” International lawyer John Whitbeck has long elaborated and

¹⁹² *ibid*

¹⁹³ *ibid*

¹⁹⁴ *ibid*

¹⁹⁵ *ibid*

¹⁹⁶ *ibid*

¹⁹⁷ *ibid*

¹⁹⁸cf.: Jerusalem’s borders have been continuously expanded by the state of Israel so to include Jewish settlements in the West Bank and to tilt the demographic balance in favor of the Jewish population

¹⁹⁹ *ibid*

advocated for such shared sovereignty in Jerusalem, in the form of what international law calls a condominium. The condominium model would undoubtedly be possible within the broader confederation framework – in fact, its vision of post-Westphalian sovereignty would fall in line remarkably well with the confederacy’s Open Land Vision. Whitbeck and “A Land for all” both propose that the spiritual heart of Jerusalem – the holy places – “will be managed with the participation of representatives of the different religions and the international community, while ensuring freedom of worship to people of all religions.²⁰⁰”

6.1.3. Security

Security concerns are paramount to the Israeli-Palestinian conflict, particularly in Israel, which has erected walls to separate itself from the “terrorists”. “A Land for All” proposes a security framework rooted in cooperation and trust rather than separation and repression. To this end, the movement stipulates “the two states will solve all their disputes in peaceful ways, and will act against any violence or terror.²⁰¹” The two states, “will be sovereign on all matters relating to protecting public order within their borders and the personal security of their residents.²⁰²” This means “unauthorized organizations and armed militias (e.g. Al-Qassam Brigades) will be disarmed.²⁰³” Granting the Palestinians the monopoly on the use of force over their territory will be difficult in light of likely Israeli objections. Moreover, the “two states will enter a mutual defense treaty against external threats; no foreign military power will enter the territory of either country, but only in agreement²⁰⁴.” In order to deal with security matters that pertain to both countries “a shared supreme security council will be formed²⁰⁵” with the task of monitoring and deciding on such issues. This council “may deploy a joint force to protect the external borders, with the agreement of both states.²⁰⁶”

6.1.4. Shared Institutions – the Heart of the Confederation

The very nature of confederation prescribes some shared institutions that deal with issues pertaining to both states. First, all of these shared institutions will have equal representation of citizens from both states. A joint Human Rights Court will serve as the highest appellate body, ruling on the following matters: 1. “Petitions by non-citizen residents against the country of their residence, claiming a violation of their rights; 2. Conflicts between the two states as to the rights of their citizens residing in the other state, and all matters deriving from the one land vision.²⁰⁷” In essence, this court will possess jurisdiction over and between the two states, similarly to the European Court of Justice for the EU. Further, there will be a “shared institution to guarantee a minimum economic safety net for all residents of the land, both Palestinians and Israelis²⁰⁸.” Much

²⁰⁰ *ibid*

²⁰¹ *ibid*

²⁰² *ibid*

²⁰³ But what if Hamas would be in the Palestinian government?

²⁰⁴ *ibid*

²⁰⁵ *ibid*

²⁰⁶ *ibid*

²⁰⁷ *ibid*

²⁰⁸ *ibid*

like throughout European integration, the initial shared institutions will mainly deal with low-politic issues (e.g. economic, environmental). To this effect, there will be “a special authority to manage and develop the land’s economy, (...) including institutions for economic cooperation, coordination of customs, traffic of goods and labor, work migration, development of infrastructure and local and international investments.²⁰⁹” The purported goal of these institutions is to “reduce the (economic) gaps between the different regions and populations.²¹⁰” This seems particularly important considering the size of the current economic gap between Israel and the Palestinians. The shared environmental institutions will provide for cooperation on matters of “water, natural resources and the environment, on the basis of a just distribution of resources (...) to the benefit of all residents.²¹¹” Ultimately, the initiative stipulates the creation of “any additional shared institution required for the purpose of realizing the Two States, One Homeland solution.” The institutional framework envisioned by “A Land for All” is similar to that of European integration along the lines of Mitrany’s theory of Neo-functionalism and the mechanism of functional spillover.

6.1.5. Minorities, Restitution, Reparation and Reconciliation

The new minorities created in the two confederate states (Jews in Palestine, Palestinians in Israel) “will be granted national minority rights, civil equality, appropriate representation in government institutions (in Israel and Palestine), fair distribution of national resources and appropriate representation in shared institutions.²¹²” Moreover, victims of the Israeli-Palestinian conflict might even see some form of restitution and/or reparation for losses and damages. The proposal sets forth the creation of “a common mechanism to manage the restitution of property lost or confiscated as the result of the conflict, or for reparation in case restitution is impossible.” In effect, this means that the confederation would start off on a conciliatory note, wherein “old wrongs will not be amended with new wrongs.²¹³” To this end, “the principles of restitution and reparation will be agreed upon with the purpose of achieving maximum justice to victims of the conflict.²¹⁴” This mechanism would not only function in a unidirectional manner, reimbursing Palestinians for Israeli wrongs, but also benefit the Jews that were forced to leave their homes in Arab countries in the aftermath of the 1948/49 war²¹⁵. As such, Israel and Palestine “will call on Middle Eastern countries to compensate Jews for the property they have lost and allow those who so desire to return to their homes²¹⁶.” Genuine reconciliation seems key for overcoming many long-standing grievances between two peoples who for generation have only known each other as terrorists or occupiers. “A Land for All” envisages the establishment of common mechanisms for

²⁰⁹ *ibid*

²¹⁰ *ibid*

²¹¹ *ibid*

²¹² *ibid*

²¹³ *ibid*

²¹⁴ *ibid*

²¹⁵ This exodus of Jewish people in many Arab countries in fact continued until the 1970s; Jerusalem Center for Public Affairs estimates that USD6 to USD30 billion (in 2019 prices) was left behind by the Jews of „Arab countries and Iran“; Mor & Rahimiyan, 2012

²¹⁶ *ibid*

reconciliation “including (...) shared reconciliation councils to allow for a profound and comprehensive discussion of past wrongs on both sides.²¹⁷” As has been endeavored by civil society movements like Musalah, the confederation would promote reconciliation “on the levels of the community, the education systems and cultural institutions.²¹⁸”

6.1.6. International Framework

Considering the political instability and tenacity of the Israeli-Palestinian conflict, it seems risky to pursue a trust-based confederation plan without external actors overseeing its implementation. Thus, “A Land for All” proposes the formation of “an international body acceptable to both sides, representing, among others: the Arab League, the EU and the UN.” This body shall guarantee “the implementation of the Two States, One Homeland plan, and will support it diplomatically, legally and economically.” Finally, “A Land for All’s” confederation can serve as “the basis for integrating two independent states under a comprehensive peace agreement²¹⁹” thereby bringing about a fresh vision for a more peaceful and livable Middle East.

6.2. Support for a Confederation

The interesting thing about the confederation approach is that it combines the predominant narrative of the two-state solution with some pragmatism of the one-state proposals. While support for the broad notion of a two-state solution among Israeli has fallen from 70 to 52 percent from 2010 to 2017²²⁰, most one-state approaches from either side are unacceptable to the other. With the goal of avoiding a lose-lose scenario, the confederation presents itself as a less disruptive alternative to the two-state solution (cf. removal of settlers) as well as the one-state solution (cf. political feasibility), accommodating many demands from both sides while preserving each people’s distinct national identities. In fact, former Israeli deputy foreign minister Yossi Beilin, who set up the secret backchannel with the Palestinians in Oslo, endorsed the confederation in a 2015 op-ed, claiming that “in hindsight, it is clear that we should have been looking at confederation all along – cohabitation, not divorce.²²¹” Historic Palestine is so densely populated that if one excludes the Negev Desert, the area from Beersheba to Haifa and from Gaza to Nazareth resembles one metropolitan area. The interconnectedness associated with such urbanization makes separation almost impossible without significantly disrupting the daily lives of both peoples. Beilin acknowledges that the “two peoples live too close together to ever be completely separate.” If this reality could burn itself into the minds of the Israeli and Palestinian public, as well as its decision-makers, it “might finally persuade both sides to make historic concessions to each other²²².” A confederation would neither constitute a divorce à la two-states nor a forced marriage into one-state, but instead a cohabitation arrangement, letting “both peoples fulfill national aspirations while each side benefits from the other’s energy and skills²²³.”

²¹⁷ *ibid*

²¹⁸ *ibid*

²¹⁹ *ibid*

²²⁰ Support among Israeli Arabs was at 83%; among Israeli Jews only at 46%; Scheindlin, 2018

²²¹ Beilin, 2015

²²² *ibid*

²²³ *ibid*

Beilin recounts that confederation had been an option in the early stages of the Oslo process, when revered Palestinian leader and negotiator Faisal Al-Husseini endorsed the idea in 1993 claiming it would be in neither states' interest to "artificially divide the land", and that while there should be a border between Israel and Palestine, it should not be a Chinese wall. Husseini's argument from 1993 shares astonishing similarities to the ostensibly new confederation plan, wherein "Palestine and Israel would be independent states in a confederation each with its parliament and government, but also with joint institutions for mutual issues like water, infrastructure, the environment, the police and emergency services."²²⁴

The most contentious aspect of any peace plan is security. There are a variety of approaches on how to handle security in a potential confederation. While most proponents of confederation agree that there needs to be some degree of security coordination and cooperation, some on the Israeli right, like President Reuven Rivlin, envision a different security arrangement than the "A Land for All" plan. In 2015, Rivlin – much to the dismay of his own Likud party – voiced his support for a confederation, favoring cohabitation over separation. However, the presidents' endorsement pertained to a solution in which the IDF would retain its role as the sole military force from the river to the sea. According to a recent study by Dahlia Scheindlin, support for a confederation is at about 30 percent among both Israelis and Palestinians, but the number of those in favor is growing rapidly, particularly among the Israeli center and right, as well as the settler community²²⁵. These recent polls are all the more impressive considering that no political party in either Israel or Palestine has so far officially endorsed confederation.

7. Analysis

The following section shall apply the confederation framework onto the issue areas, in order to analyze what "A Land for All's" confederation proposal bears for the issue areas. As such, the goal is to detect whether the proposed confederation could bring about any improvements for the respective areas. Each issue area will be analyzed with a focus on applicability and feasibility, in order to paint a holistic and differentiated picture. Each section will be structured in the same manner: Brief Recap of the Situation, Feasibility, Applicability, Assessment. The feasibility part will look at how realistic the implementation of confederation with regard to the specific issue area is, in light of the current political reality in both Israel and Palestine. Thus, the feasibility part will take into account overarching political problems like lack of trust and unwillingness to compromise. These hindrances to genuine cooperation are often construed through a hawkish perception of one's own narrative in relation to the other. The analysis of the confederation's applicability will mostly leave out these political power games and instead look at the implications for each issue area on a more pragmatic and detached basis. The analysis is split into these two parts (feasibility, applicability), in order to

²²⁴ *ibid*

²²⁵ Maltz, 2019

discern the potential benefits of confederation without being all too confined to the somewhat cynical status quo.

7.1. Water

As has been laid out, the water situation for Palestinians is dire, while Israel has become the world-leader in wastewater treatment and desalination. Clearly, the potential for providing water to all inhabitants of historic Palestine exists considering Israel's recent water abundance. Yet, political interests have thus far prevented that every resident of historic Palestine receives adequate access to water and sanitation. "A Land for All's" confederation offers significant potential to improve this inequitable situation. First, the fact that there will be two sovereign states will give the Palestinian state much more control over the water sources it sits atop. That being said, there might have to be some transitional arrangement over water usage, because much of Israel's water infrastructure runs through what would become part of the Palestinian state (e.g. Jordan River Valley). In the absence of such an agreement, Israel would likely not agree to any confederation of two sovereign states. The "A Land for All" proposal strongly endorses close coordination on issue areas that pertain to both Israel and Palestine – water would certainly pertain to both, as is evidenced by the current dependency on shared water sources. Moreover, the Open Land Vision would foster cooperation, in an effort to share the resources of the land as fairly as possible. There would probably have to be a shared institution that deals with water issues – this institution would, in any case, have to be able to make decisions for all of historic Palestine and not just for the West Bank, as is currently the case under the JWC regime.

7.1.1. Feasibility

Water management is generally not a matter of high-politics. In the Israeli/Palestinian context, however, even ostensibly non-contentious matters can become politicized. Critics have argued that the reason why Israel curtails Palestinian water supply in the West Bank, is that Palestinian irrigation does not expand to the extent that it might hinder future Israeli settlements in the West Bank²²⁶. Therefore, Israel has an incentive to keep Palestinian water supply low in the West Bank. Israel also prevents Gaza, where 95% of water is unsafe to drink, from repairing its heavily damaged water infrastructure. As such, it is difficult to imagine genuine cooperation that could actually improve the situation. From a constructivist perspective, one could make the argument that these attitudes can change over time, if a more peaceful and harmonious narrative emerges on both sides. However, this seems quite unrealistic under the current circumstances. That being said, if the narrative were to change it would have to be along the lines of a "shared reality" between Israelis and Palestinians, realizing that the economic and social developments of the two peoples mutually influence one another. An improvement to the Palestinian water situation would certainly decrease the economic gap, even more so if they gain access to Israel's wastewater and desalination technology through cooperation and knowledge transfer.

²²⁶ Gadzo, 2017

7.1.2. Applicability

With regards to applicability, “A Land for All’s” confederation could vastly improve the water situation for Palestinians in Gaza and the West Bank. Shared institutions that are rooted in both Israel and Palestine could facilitate genuine cooperation between the two. The three, shared institutions specified by “A Land for All” would already enhance the situation. The joint Human Rights Court will have to determine how it applies the human right to water and sanitation, but it seems hard to fathom it denying an UN-recognized human right in light of international supervision. The shared institution for a minimum economic safety net would be able to enforce more equal water distribution considering that the availability of water is crucial for economic prosperity. “A Land for All” also envisages a number of special authorities to “manage and develop the land’s economy²²⁷”, one of which would be tasked with fostering cooperation on “water, natural resources and the environment, on the basis of a just distribution of resources (...) to the benefit of all residents.²²⁸.” Thus, even a low-politics confederation would facilitate improved water cooperation and more equitable distribution. That being said, the genuineness of the cooperation would have to be monitored, in order for it to be less of a farce than the JWC regime. Improved water cooperation could set in motion a “spill-over” process for other issue areas. This means that it could be one of the first fields of integration, aimed at easing the hardship of the suppressed Palestinians, in order to set the tone for a more peaceful region. Water coordination might work even better under a bi-national or a unitary one-state solution, due to the higher levels of Israeli-Palestinian integration. Such a solution is, however, more unrealistic than the confederation plan and should therefore be disregarded due to its lack of feasibility.

Assessment: Strong Pro Confederation with one Reservation (Lack of genuine cooperation from Israeli side, cf. JWC)

7.2. Identity

The reciprocal interaction between the two main identities in historic Palestine (Zionist/Israeli; Palestinian) is paramount to the Israeli-Palestinian conflict. Although each side’s identity is construed through a number of differing and competing narratives (cf. Labor/Revisionist Zionist narratives; Dialogue/Violence-based Palestinian narratives), each side agrees that their collective identity should be reified in a state. The identity situation is complex and goes further than the Israeli-Palestinian, hawkish-dovish dichotomy, with other axes of stratification such as gender, economic status, skin color and sexual orientation playing a role. For the sake of clarity, however, this analysis will focus on identity along the two main markers: Israeli/Palestinian; Dovish/Hawkish.

7.2.1. Feasibility

The current dominance of the Israeli-Revisionist narrative does not bode well for the confederation proposal, at least in the short-run. In fact, the nation-state law and statements by the Israeli government do not indicate that Israel will reframe its

²²⁷ Shared and Agreed Principles, 2019

²²⁸ *ibid*

dominant identity any time soon. Howbeit, the creeping annexation of the West Bank will likely lead to de-facto apartheid in the near future, considering that the Revisionists have long been pushing for an “Israelization” of the West Bank and not want to grant the Palestinians equal rights. This creeping apartheid could exact revenge on Israel in the mid- to long-run, because not even the potent Zionist narrative will remain immune to international pressure once the situation becomes unjustifiably disproportionate. Therefore, if Israel wants to sustain its dominant position within an acceptable context it should consider confederation as a means to achieve legitimacy and peace. It might have little incentive to agree to confederation in the short-run, but in the long-run it would be wise to do so. Palestinian identity has been shaped by the defeat against Zionism. Confederation would present an opportunity to attain what lies at the core of Palestinian identity, namely the establishment of a sovereign Palestinian state with Jerusalem as its capital. In consequence, feasibility can be doubted from the Israeli side, at least for now, while peace-oriented Palestinians should rejoice at the prospect of confederation.

7.2.2. Applicability

“A Land for All’s” confederation has one major advantage over most one-state plans: it allows for the preservation of most of Israeli and Palestinian collective identities. Undoubtedly, exclusionary narratives that seek an all-Israeli or an all-Palestinian state would not benefit, but such hawkish narratives have been sabotaging peace for the past decades and are therefore not a yardstick for applicability. Those that want peace, and with it sustainable security would benefit under confederation. The envisioned Israeli state could continue using the Hatikvah as its anthem, fly the Star of David on its flag and close down public life on the Shabbat. The IDF would remain the army of the Jewish state, thus reifying its identity. While the IDF might no longer have military sovereignty over the West Bank, it could reframe itself as a force for good rather than an occupying force. In fact, an Israeli state along the 1967 borders would demographically be much more Jewish and internationally much more accepted. Instead of denying the Palestinians their right to self-determination, Israel could finally gain international legitimacy for its own such right within the internationally recognized 1967 border (cf. UNSC Resolution 242). Conversely, Palestinian identity would strongly benefit from confederation, finally defining itself through more than its resistance to Israel. Instead of defining itself through defeats (Nakba, Occupation, failure of Oslo), it could flourish in a more open and positive manner. This would provide human security for the Palestinians, which would improve the security situation as a whole. Those that do not want an Israeli state at all will be left out, but as with the Israeli hawks, we cannot consider these narratives conducive to peace. The lopsided hierarchy of identities could be altered if cooperation is genuine and not merely a farce. The current hierarchy constitutes a vicious cycle, in which Israelis subjugate Palestinians to evermore “security” measures, which in turn make Palestinians resort to more violence. The confederation could break this cycle, because it would fundamentally reframe the relation between Israelis and Palestinians. No longer would each side view historic Palestine as a zero-sum game, but instead as a place for coexistence and cooperation. A shared Jerusalem could serve as a uniting symbol for Israelis and Palestinians alike. In

fact, the shared institutions “A Land for All” proposes could help acquaint both sides to working together, and not against each other. Therefore, we can conclude that confederation could be applicable to improving the tenacious identity situation, barring some reservations.

Assessment: Pro Confederation with reservations (lack of willingness to compromise and reshape revisionist Zionist as well as exclusionary Palestinian identities; lack of short-run incentive for Israel to reframe its dominant narrative)

7.3. Security

The security situation in historic Palestine exemplifies the lopsided hierarchy between Israel and Palestine. As Israel has moved from conflict resolution to conflict management, true security still remains distant – Israel’s security doctrine merely fights the conflict’s symptoms. While Palestinians are faced with the dire security situation every day, Israeli civilians also periodically become victims of rogue Palestinian attacks. The conflict has morphed into an intra-state war since the 1990s, wherein asymmetrical warfare between the Israeli state and Palestinian non-state armed groups has become the norm. Hawks on both sides (Revisionist right or Hamas/PIJ) have undermined the easing of tensions since the first Intifada. Considering the status quo, some (e.g. Godhavi) have called for a fundamental reframing of security by introducing the concept of “human security”. Perpetuated conflict has rarely led to true security. Only a genuine and sustainable peace settlement can make security problems a thing of the past in historic Palestine.

7.3.1. Feasibility

Considering Israel’s obsession with its own security, it is doubtful whether it would agree to any arrangement that grants the Palestinians a real monopoly on the use of force. The current asymmetric relation between the two peoples means that Israel has little incentive to cede military control to the Palestinians – at least in the short-run. There could be a confederation in which the IDF retains ultimate military control as proposed by Rivlin (not “A Land for All”), but it is questionable whether the Palestinians would agree to such a confederation. Even if they do agree, such an agreement might not be a sustainable solution for peace and fail to end the pervasive discrimination against Palestinians in the occupied territories and Gaza. The biggest problem with confederation in the short-run is that it could lead to more attacks by hawks that seek to undermine the peace process. In the long run, Israel could consider confederation if - and only if - it means true security. “A Land for All” proposes a cooperation- and trust-based security framework, but it is exactly this trust that has been absent in the security discourse. This is best exemplified by the meek success of Abbas’ dialogue-oriented approach to dealing with Israel. Thus, one must conclude that of the four issue areas, security is the one for which “A Land for All’s” confederation is the least feasible. Israel will likely not grant the Palestinians anything more than they currently have with the PASF. That being said, in the long-run, Israel would be wise to seek a security arrangement that allows both sides to ease tensions and shift from conflict management

to resolution. If power political interests persist, which it currently seems that they will, the proposed security framework is probably unfeasible.

7.3.2. Applicability

In order to assess the applicability of “A Land for All” for security, it is necessary to distinguish between short-term and long-term. In the short-run, the envisioned security framework could increase rogue attacks by those seeking to jeopardize peace for their own interests. Historic Palestine is a delicate tinderbox where few attacks have often re-exacerbated conflict. For the sake of preventing such attacks, there should be some transitional period with a gradual easing of security measures before the final framework is fully implemented. Else there might be a security vacuum that militants can exploit. Hence, the short-run applicability of confederation is questionable. However, the goal is to achieve sustainable security in the long-run. The confederation proposal offers a way to resolve the conflict without disrupting the status quo to an extent that is unacceptable to Israel (cf. One-State Solution). The conventional paradigms of conflict resolution and security have failed to bring about genuine peace and security. As such, it is necessary to think out of the box and consider unconventional approaches – one such approach should be human security. Including human security into the discourse and the broader framework should gradually lead to more understanding and compassion between the two peoples. If the lives of Palestinians were to improve, they would be less incentivized to take up arms against Israel. Focusing on human security could foster a notion of cohabitation and coexistence instead of militarization and polarization. Reframing security, while at the same time jointly dealing with rogue militants, could best provide genuine security in the long-run. Neither PIJ nor price-tag attacks could be tolerated anymore and would therefore have to be persecuted properly. Genuine cooperation is paramount to overcoming short-term repercussions. If Palestinians sense that cooperation is in fact genuine, it could shift their perception of the PA’s dialogue-based approach and drive them out of the hands of Hamas. In conclusion, the confederation framework might not be applicable in the short-run. However, in the long-run a fundamental change in the perception of security could bring long-awaited peace and thus security to historic Palestine.

Assessment: conditional ²²⁹ pro confederation in the long-run with significant reservations (very unlikely to produce results in the short-run, thus quite unfeasible; lack of willingness to re-conceptualize security and abandon dominant Israeli position)

7.4. Borders

The current border situation in historic Palestine is unsatisfying. Israel justifies the West Bank barrier and the ongoing blockade of Gaza with security concerns, but many argue that these methods have a disproportionate the everyday lives of Palestinians. West Bankers find it perilous yet tedious to enter Israel for work, because of the extensive permit and checkpoint system. The Separation Barrier has cut off Palestinian East Jerusalem from the population centers in the West Bank and towns along the Green Line

²²⁹ Conditional on overcoming short-run contra confederation

have sharply declined, because the barrier cuts them off from Israel. The blockade of Gaza has ridden the strip of any possibility for socio-economic development. That being said, Gaza is controlled by Hamas and the West Bank by the PA with the former being much more radical and violent than the latter. In the long-run the goal of Israeli policy should be the absence of fear, but simply caging in the Palestinians will not bring about an end to the conflict and with it true peace. The rigorous bordering process has proliferated an “us versus them” narrative and intensifies the vicious cycle of militarization and polarization of the past decades. While guaranteeing for the security of its citizens should be the primary task of every state, sustainable security for Israelis can only be achieved if Palestinians enjoy it too.

7.4.1. Feasibility

The main obstacles to an open border along the lines of “A Land for All” are Israeli security concerns and overly ideological behavior. The hawks in Israel’s government do not want a Palestinian state or even the integration of Palestinians into Israeli society. As such, Israel might not agree to “A Land for All’s” EU-like Open Land Vision. Palestinians would certainly not put obstacles in the way of free movement for work travel, visit and work. In order to avoid that the peace process backfires, “A Land for All” must be diligently planned and carefully implemented, especially with regards to opening borders. Thus, cooperation on border security is key. Only if security can be guaranteed for, might Israel agree to open borders. Any arrangement that cannot provide security will likely also fail to socialize Israeli decision-makers to the idea of confederation.

7.4.2. Applicability

Barring security concerns (and exclusionary ideologies), there is little that speaks against “A Land for All’s” Open Land Vision. Not only could it break the tendency of increased bordering in the Middle East, it would more importantly benefit almost all aspects of Palestinian life. The devastating effects of the wall and the blockade on Palestine’s economy could be stopped and reversed, thereby narrowing the economic chasm between Israel and the Palestinian territories. This economic rapprochement would increase Palestinians’ human security and decrease their incentive to take up arms against Israel. Opening the borders for increased economic and social interaction would foster Israeli-Palestinian dialogue on all societal levels, thus promoting the narrative of an open, democratic and free Middle East. This will not only help Palestinians so desperately in need of a better life, but also those Israelis that want an open and peaceful society. Israelis and Palestinians could learn from each other’s strengths, by cooperating on low-politics issues like water and the environment. Israel/Palestine could benefit from the same regional integration dynamic that has helped the EU grow economically and institutionally; what neo-functional theory calls “spill-over effects”. The “spill-over” mechanism “emphasizes the relevance of early institutionalization through limited cooperation and expects its later expansion.²³⁰” To put it simpler: cooperation in one sector (e.g. water) will create a positive feedback

²³⁰ Gehring, 1996, p. 229

mechanism that incentivizes cooperation in related sectors (e.g. electricity, environment). While neo-functional theory is not uncontested, the emotionally detached, low-politics dynamics of “functional spill-over” could help to disentangle the ideological gridlock in historic Palestine. Open borders could make Israeli technology and Palestinian culture accessible to both sides, promote mutual understanding and bring about the long-term economic and institutional integration of the two states. This should foster a more peaceful and cooperative narrative on both sides. Israeli and Palestinian hawks have been holding the peace process hostage for over twenty years. The Open Land Vision could make Israelis and Palestinians realize that much of their fears are wildly exaggerated and socially construed by those that benefit from them.

Assessment: Strong Pro Confederation with Security Reservations

8. Discussion

Having analyzed the feasibility and applicability of “A Land for All” for each of the four issue areas individually, the ensuing section shall discuss the findings in their entirety. As such, the discussion will distinguish between feasibility and applicability, but not between the issue areas themselves. It is important to assess the feasibility and applicability of confederation separately, in order to differentiate between the political and the pragmatic realm. The political realm (feasibility) discusses the findings within the narrativistic parameters of the discourse, that is to say including ideological factors and political interests like unwillingness to cooperate, unwillingness to reframe identity and security, unwillingness to resolve the conflict for personal/group benefit (cf. conflict management). Feasibility addresses the political hurdles confederation has to overcome, in order to yield the benefits of its applicability. The pragmatic realm (applicability) leaves out power-political interests, instead focusing on the emotionally detached cause-effect relation between “A Land for All’s” confederation (IV) and the issue areas (DVs). At the end of the discussion, there shall be a final assessment that conjoins feasibility and applicability, in order to provide a holistic conclusion on what “A Land for All” bears for the four issue areas.

8.1. Feasibility

The foregoing analysis indicates that the feasibility of confederation is difficult in at least three of the four issue areas, namely: identity, security and borders. Confederation-like cooperation on *water* is a matter of low-politics and should therefore be feasible. Already the Oslo accords intended to provide for more equitable water distribution, as evidenced by the JWC regime. While the JWC regime has failed to achieve genuine cooperation, this can largely be attributed to how the Israeli/Palestinian discourse around peace and security has evolved since the mid-90s. If any of the issue areas is feasible, it is water – all the more so considering that parts of Israeli civil society have already called to utilize water as a means to build bridges with the Palestinians. The feasibility for *identity* is more difficult, but not impossible. In comparison to many one-state frameworks, confederation allows the two peoples to reify their respective collective identities in a sovereign state. That being said, delegating some aspects of

sovereignty to the supranational (confederate) level equates to a relative loss of sovereign power at the national level – at least in the eyes of ideological hawks. The presently dominant narrative in Israel (Revisionist Zionism) is hawkish and will therefore be reluctant to reframe its identity in a less exclusionary manner. While Palestinian hawks (Hamas) also exist, the lopsided hierarchy between Israel and Palestine makes them much less of a factor than the Israeli right. In order for confederation to be feasible with regards to identity, there must be a fundamental ideological transformation of the Israeli discourse. If confederation is to be realized as outlined by “A Land for All”, the recent apathy of many peace-oriented Israelis must subside and the societal discourse be reframed – this will take time, but it is the only way to commensurate confederation with identity. *Security* is the most important issue area for the overall feasibility of “A Land for All.” It is also the issue area for which the proposal is the least feasible. Security concerns have been ubiquitous in the Israeli debate. Thus, it is difficult to weigh security against the other three issue areas. As such, if security cannot be guaranteed it would likely preclude the feasibility of the overall proposal. That being said, the current focus on conflict management will not create lasting security (cf. absence of fear), because it will not bring about true peace. Similar to identity, reframing security from conflict management to conflict resolution will take time and requires the diligent implementation of any new policy, so to not re-exacerbate the conflict and set back any positive transformations. Although it will be a long-term process, reconfiguring the overarching narrative should be possible from a constructivist viewpoint. The issue area *Borders* is closely connected to security. Israel’s justification for its liberty-intruding border apparatus is security. This conversely implies that porous borders will make Israel less secure. If the Open Land Vision worsens the security situation, Israel will not agree to it. Vice-versa, if open borders leave the security situation unchanged (or even improve it), this could set in motion a virtuous cycle of increased cooperation and integration. Therefore, ‘borders’ is probably the second most important issue area (after security) for the overall feasibility of “A Land for All”, even if only because of its reciprocity with security. Any arrangement for open borders must be diligently planned and implemented carefully, in order to avoid security hick-ups. This is paramount for the successful realization of the proposal. Only if this is the case will confederation be feasible.

8.2. Applicability

Circumventing power-political and ideological constraints, the prospects for confederation improve significantly. At least three of the four issue areas could benefit from “A Land for All”, namely: water, identity and borders. With regards to security, we have to distinguish between short-term and long-term applicability. In the short-run, there might be less security, as current security measures are loosened, which could be exploited by militant opponents of the peace process. In the long-run, a comprehensive peace settlement is the only way to achieve lasting security in historic Palestine. The *Water* situation could certainly be improved through confederation, granting better access to those in West Bank and Gaza. Cooperation on water could foster further cooperation and integration due to “spill-over” effects. This would also benefit the

reframing of the wider narratives. *Identity* could be reframed in a more positive way under confederation, allowing for mutual understanding and eventually reconciliation between Israelis and Palestinians. The current ideological hierarchy might make it unfeasible, but in terms of applicability, this issue area could benefit significantly. Any peace settlement requires an underlying willingness to cooperate and share the little land historic Palestine has to offer. As such, reframing identity as a less hawkish narrative than Revisionist Zionism or Palestinian extremism is essential. This would require a concerted effort by peace-oriented actors to contain and supersede the anti-peace narratives on both sides. As indicated, the applicability for *security* is twofold: in the short-run, confederation might not be the best way to improve security, at least if measured in terms of attacks against Israelis. If properly implemented, confederation could over time bring about the sustainable security the current security apparatus fails to achieve. Therefore, if the wider narrative changes, security needs could be accommodated under confederation. The current *border* situation would most certainly improve. The Palestinians currently caged into Gaza and the West Bank would be able to travel, work and eventually live in any part of the confederation, so long they respect the laws of the country they are in. This would not only have symbolic value, but also end the economic isolation of the Palestinian territories, particularly Gaza. More open borders would facilitate cross-border economic activity, which is direly needed to revitalize both the West Bank and Gaza. Considering the stark economic decline of both Palestinian territories since the early-2000s, it should not be hard to improve economic and social life there. Moreover, Jewish settlers could remain in the new Palestinian state and would not be forced to leave like under the conventional two-state solution.

8.3. Overall Assessment

Overall, we can conclude that “A Land for All’s” confederation is feasible for one out of four issue areas (water) and applicable for three out of four issue areas (water, identity, borders). Moreover, the proposal is applicable for long-term security. If we look at the reasons why it is unfeasible for some issue areas, it becomes apparent this is mainly due to security and ideological concerns. Exclusionary ideological concerns are an important factor, but they are socially construed obstacles to peace. Security concerns often serve as a means to concealing ideological interests. In any case, it is difficult to make a final assessment on the feasibility and applicability of confederation, because security carries so much weight in the Israeli discourse. That is to say, the proposal is probably applicable for the overarching aim of improving the situation in all four issue areas. Disregarding, security concerns, the proposal would probably also be feasible, because much that makes it unfeasible arises from Israel’s obsession with security. The confederation could significantly improve the lives of most Palestinians, as laid out in the applicability section. Israel would at the same time receive true peace and rid itself of the constant fear of attacks. While it might be a long-shot under the momentary political dynamics in Israel/Palestine, this paper strongly endorses the notion that “A Land for All’s” confederation would improve the overall situation of those living in historic Palestine to the extent that it could and should be part of any comprehensive peace settlement.

9. Conclusion

The foregoing analysis and discussion shows that “A Land for All’s” confederation proposal is applicable, but likely unfeasible within the current discursive and hierarchical parameters of the conflict. In a hypothetical scenario where ideological and security concerns are not disproportionately relevant, confederation would be an expedient means to improving the everyday lives of all inhabitants of historic Palestine. That being said, the goal of this thesis has been to scrutinize the status quo and the forces that have been holding back peace, in order to examine whether “A Land for All’s” proposal could enhance the situation in Israel/Palestine, as compared to the status quo as well as other one-state approaches. As such, this paper holds that confederation would improve many aspects of the status quo, especially for the marginalized Palestinians. Whether it will happen in the near future and under the current circumstances is another question completely – confederation is certainly not imminent. Nevertheless, the results of the foregoing analysis bear some important implications for conflict resolution in general.

In essence, confederation seeks to utilize the same dynamic that European integration has employed ever since the Schuman Declaration of 1950. That is, tying two previously warring faction together by the very aorta that had been perpetuating conflict up to that point – in Europe that was the pooling of coal and steel production into the European Coal and Steel Community (ECSC). In Israel/Palestine it might start by pooling low-politic matters like water before moving on to more persistent drivers of divisiveness and conflict. Clearly, the two situations are quite different considering the scale of the war that preceded integration (cf. WWII). Regardless, a similar narrative to the one that had fostered early European integration could be immensely helpful to overcoming the forlorn gridlock in Israel/Palestine. Regional integration might be an unorthodox way to address conflict resolution, especially within the Westphalian notion of sovereignty, but it could serve to redress conflict that is so divisive that the established paradigms no longer suffice to resolve it.

This thesis has also highlighted some inherent problems with the notion of conflict management. Israel currently manages the conflict by erecting walls to keep the “dangerous” Palestinians out. While this has indeed led to a decrease in rogue attacks against Israeli civilians, it is merely a bandage to stop the immediate bleeding – inversely, the wound on the Palestinian side is bleeding more than ever. It should be the primary aim of every state to provide security for its citizens, but not if it entails disproportionately infringing upon the everyday lives and rights of another people. Therefore, it is crucial that Israel shifts its focus from conflict management back to conflict resolution – it is the only way to achieve genuine peace and with it sustainable security. To paraphrase Spinoza: peace is not the absence of violence, but the presence of justice.

Bibliography

Abukhater, J. (2019, February 13). Palestine's other open-air prison. Retrieved from <https://www.aljazeera.com/indepth/opinion/palestine-open-air-prison-190118065003667.html>

Ahituv, N. (2018, March 10). 15 years of separation: The Palestinians cut off from Jerusalem by the wall. Retrieved from <https://www.haaretz.com/israel-news/.premium.MAGAZINE-15-years-of-separation-palestinians-cut-off-from-jerusalem-by-a-wall-1.5888001>

Beilin, Y. (2015, May 14). Confederation Is the Key to Mideast Peace. Retrieved from <https://www.nytimes.com/2015/05/15/opinion/yossi-beilin-a-confederation-for-peace.html>

Beaumont, P. (2018, July 19). EU leads criticism after Israel passes Jewish 'nation state' law. Retrieved from <https://www.theguardian.com/world/2018/jul/19/israel-adopts-controversial-jewish-nation-state-law>

Bollack, E. (2016, October 24). Palestinian villages 'get two hours of water a week'. Retrieved from <https://www.aljazeera.com/news/2016/10/palestinian-villages-hours-water-week-161023105150024.html>

Btselem - Water Crisis. (2017, November 11). Retrieved from <https://www.btselem.org/water#gaza>

Carter, J. (2006). *Palestine: Peace not Apartheid*. New York, NY: Simon & Schuster.

Connell, R. (2014). *Masculinities*. Retrieved from http://www.raewynconnell.net/p/masculinities_20.html

Denscombe, M. (2007). *The Good Research Guide for small-scale social research projects*. Maidenhead, UK: Open University Press.

El-Ad, H. (2014, June 01). In Some Palestinian Neighborhoods of East Jerusalem, Not Even 17 Liters of Water Per Day. Retrieved from https://www.huffpost.com/entry/in-some-palestinian-neigh_b_5058107?guccounter=1

Federman, J. (2014, May 30). Israel solves water woes with desalination. Retrieved from <https://web.archive.org/web/20140602041312/http://news.yahoo.com/israel-solves-water-woes-desalination-053359192.html>

Figures on comprehensive closure days. (2019, March 16). Retrieved from https://www.btselem.org/freedom_of_movement/siege_figures

Gadzo, M. (2017, October 21). How Israel engages in 'water apartheid'. Retrieved from <https://www.aljazeera.com/news/2017/10/israel-engages-water-apartheid-171013110734930.html>

Gehring, T. (1996). Integrating Integration Theory: Neo-functionalism and International Regimes. *Global Society*, 10(3), 225-253.

Gerner, D. J. (1994). *One Land, Two Peoples: the Conflict over Palestine*. Westview Press.

Govhari, N. (2018). The Paradox of Israeli-Palestinian Security: Threat Perceptions and National Security vis-à-vis the Other in the Israeli Security Reasoning. *International Centre for the Study of Radicalisation*. Retrieved from https://icsr.info/wp-content/uploads/2018/12/KPMED-Paper_The-Paradox-of-Israeli-Palestinian-Security-Threat-Perceptions-and-National-Security-vis-à-vis-the-Other-in-Israeli-Security-Reasoning.pdf

Halper, J. (2018, May 03). The 'One Democratic State Campaign' program for a multicultural democratic state in Palestine/Israel. Retrieved from <https://mondoweiss.net/2018/05/democratic-multicultural-palestine/>

Hamas Covenant 1988. (n.d.). Retrieved April 24, 2017, from http://avalon.law.yale.edu/20th_century/hamas.asp

Hamas in 2017: The document in full. (2017, May 2). Retrieved October 12, 2017, from <http://www.middleeasteye.net/news/hamas-charter-1637794876>

Holmes, O. (2019, March 13). One-state solution gains ground as Palestinians battle for equal rights. Retrieved from <https://www.theguardian.com/world/2019/mar/13/one-state-solution-gains-ground-as-palestinians-battle-for-equal-rights>

Hovring, R. (2018, April 26). Gaza: The world's largest open-air prison. Retrieved from <https://www.nrc.no/news/2018/april/gaza-the-worlds-largest-open-air-prison/>

How Israel became a leader in water use in the Middle East [Television series episode]. (2015, April 25). In *PBS Newshour*. Arlington, Texas: Public Broadcasting Service. Retrieved from <https://www.pbs.org/video/how-israel-became-a-leader-in-water-use-in-the-middle-east-1437263743/>

International Court of Justice. (2004, July 9). Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. Retrieved from <https://www.icj-cij.org/en/case/131>

Israel - OECD Data. (2019). Retrieved from <https://data.oecd.org/israel.htm>

Johnson, R. B., & Christensen, L. B. (2008). *Educational Research: Quantitative, Qualitative and Mixed Approaches*. Thousand Oaks, CA: Sage Publications.

Judt, T. (2003, October 23). Israel: The Alternative. Retrieved from <https://www.nybooks.com/articles/2003/10/23/israel-the-alternative/>

Kershner, I. (2015, May 29). Aided by the Sea, Israel Overcomes an Old Foe: Drought. Retrieved from <https://www.nytimes.com/2015/05/30/world/middleeast/water-revolution-in-israel-overcomes-any-threat-of-drought.html>

Khalidi, R. (1997). *Palestinian Identity: The Construction of Modern National Consciousness*. New York, NY: Columbia University Press.

Lazarou, E. (2016, January 13). (European Union, European Parliament, European Parliamentary Research Service). Retrieved from [http://www.europarl.europa.eu/thinktank/de/document.html?reference=EPRS_BRI\(2016\)573916](http://www.europarl.europa.eu/thinktank/de/document.html?reference=EPRS_BRI(2016)573916)

List of Countries by Population Density. (2018). Retrieved from <http://statisticstimes.com/demographics/countries-by-population-density.php>

Lubell, M. (2019, April 08). Israeli election: Far-right, pro-cannabis libertarian may be kingmaker. Retrieved from <https://www.reuters.com/article/us-israel-election-feiglin/israeli-election-far-right-pro-cannabis-libertarian-may-be-kingmaker-idUSKCN1RK16X>

Maltz, J. (2019, March 24). Two states, one and other solutions to the Israeli-Palestinian conflict. Retrieved from <https://www.haaretz.com/israel-news/israeli-palestinian-conflict-solutions/.premium-explained-two-states-one-and-other-solutions-to-the-israeli-palestinian-conflict-1.7044468>

Marcovitch, A., & Wajsman, P. (2015). Israel: Le rêve du président. *Politique Internationale*, 149. Retrieved from http://www.politiqueinternationale.com/revue/article.php?id_revue=149&id=1431&content=synopsis

MEO Staff. (2016, July 12). PCBS Reports: Gaza Strip Is the Most Densely Populated Place on Earth. Retrieved from <https://www.middleeastobserver.org/2016/07/12/pcbs-reports-gaza-strip-is-the-most-densely-populated-place-on-earth/>

Mor, A., & Rahimiyan, O. (2012, September 11). The Jewish Exodus from Arab Lands: Toward Redressing Injustices on All Sides. Retrieved from <http://jcpa.org/article/the-jewish-exodus-from-arab-landstoward-redressing-injustices-on-all-sides/>

Newman, D. (2006). The lines that continue to separate us: Borders in our 'borderless' world. *Progress in Human Geography*, 30(2). doi:10.1191/0309132506ph599xx

Nusseibeh, L. (2008). Why Human Security Is Relevant to the Israeli-Palestinian Conflict. *Palestine-Israel Journal*, 15(3). Retrieved from <http://pij.org/articles/1194>

Palestine's Economic Outlook. (2018, April). Retrieved from <https://www.worldbank.org/en/country/westbankandgaza/publication/economic-outlook-april-2018>

Palestinian anti-corruption chief claws back \$70m. (2016, February 24). Retrieved October 30, 2017, from <http://www.aljazeera.com/news/2016/02/palestinian-anticorruption-chief-claws-70m-160224073940381.html>

Palestinian Center for Policy and Survey Research. (2018, December 18). Public Opinion Poll No (70) Press-Release. Retrieved from <http://www.pcpsr.org/en/node/738>

Palestinian Islamic Jihad. (2019). Retrieved from <https://www.counterextremism.com/threat/palestinian-islamic-jihad#history>

Palestinian Rights Committee, 10 Years after International Court of Justice Advisory Opinion, Urges Removal of Barrier Wall. (2014, July 9). Retrieved from <https://www.un.org/press/en/2014/gapal1308.doc.htm>

Rasgon, A. (2019, March 17). Hamas and Islamic Jihad praise deadly West Bank terror shootings. Retrieved from <https://www.timesofisrael.com/hamas-and-islamic-jihad-praise-deadly-west-bank-terror-shootings/>

Rasgon, A. (2017, October 01). PA struggles to impose order in no mans land north of Jerusalem. Retrieved from <https://www.jpost.com/Arab-Israeli-Conflict/PA-struggles-to-impose-order-in-no-mans-land-north-of-Jerusalem-506427>

Robbins, A. (2014, February 12). EU President Martin Schulz wreaks havoc during speech at Knesset. Retrieved from <https://mondoweiss.net/2014/02/during-speech-knesset/>

Rosenberg, D. (2019, February 05). Two million Jews in Judea and Samaria. Retrieved from <http://www.israelnationalnews.com/News/News.aspx/258620>

Said, E. (1999, January 10). The One-State Solution. *New York Times*. Retrieved from <https://www.nytimes.com/1999/01/10/magazine/the-one-state-solution.html>

Scheidlin, D. (2018, June 29). An Israeli-Palestinian Confederation Can Work. Retrieved from <https://foreignpolicy.com/2018/06/29/an-israeli-palestinian-confederation-can-work/>

Selby, J. (2013). Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee. *Water Alternatives*, 6(1), 1-24.

Shared and Agreed Principles. (2019). Retrieved from <http://www.alandforall.org/english-program>

Shlaim, A. (2013, September 12). It's now clear: the Oslo peace accords were wrecked by Netanyahu's bad faith. *Theguardian.com*. Retrieved March 15, 2017, from <https://www.theguardian.com/commentisfree/2013/sep/12/oslo-israel-reneged-colonialpalestine>

Siniora, H. (2001). The Declining Economy of East Jerusalem. *Palestine-Israel Journal of Politics, Economics and Culture*, 8(1). Retrieved from <http://www.pij.org/details.php?id=179>

Smith, R. O. (2012). Anglo-American Christian Zionism: Implications for Palestinian Christians. *The Ecumenical Review*, 64(1), 27-35. Retrieved August 26, 2016, from <http://onlinelibrary.wiley.com/doi/10.1111/j.1758-6623.2012.00142.x/abstract>

Sommer, A. K. (2018, August 16). From two states to one: Michigan's Rashida Tlaib shifts position on Israel. Retrieved from <https://www.haaretz.com/us-news/.premium-from-two-states-to-one-michigan-s-tlaib-shifts-position-on-israel-1.6387175>

Sorek alleviates Israel's water shortage. (2015, January 13). Retrieved from <https://www.eib.org/en/infocentre/stories/all/2015-january-01/sorek-alleviates-israels-water-shortage.htm>

Statistics on Settlements and Settler Population. (2019, January 16). Retrieved from <https://www.btselem.org/settlements/statistics>

The Federation Plan. (2018). Retrieved from <http://www.federation.org.il/index.php/en/the-federation-plan>

The Gaza Strip. (2017, November 11). Retrieved from https://www.btselem.org/gaza_strip

The Separation Barrier. (2017, November 11). Retrieved from https://www.btselem.org/separation_barrier

TheTower.org Staff. (2017, February 06). Israel Recycles 90% of Its Wastewater, Four Times More Than Any Other Country. Retrieved from <http://www.thetower.org/4305oc-israel-recycles-90-of-its-wastewater-four-times-more-than-any-other-country/>

Tibon, A. (2018, December 15). One-state solution gains ground in America – and pro-Israel groups are worried. Retrieved from <https://www.haaretz.com/us-news/.premium-one-state-solution-gains-ground-in-america-and-pro-israel-groups-are-worried-1.6744283>

Tilley, V. (2003, November 6). The One-State Solution. *London Review of Books*, 25(21), 13-16. Retrieved from <https://www.lrb.co.uk/v25/n21/virginia-tilley/the-one-state-solution>

Water Crisis. (2017, November 11). Retrieved from <https://www.btselem.org/water>

Water Statistics. (2018, July 4). Retrieved from <https://www.btselem.org/water/statistics>

Weissbrod, L. (2002). *Israeli Identity: In Search of a Successor to the Pioneer, Tsabar and Settler*. New York, NY: Routledge.

Who We Are. (2019). Retrieved from <http://www.alandforall.org/english>
Rahimian

Yiftachel, O. (2009, January 15). Think of Gaza as a Prison - and all becomes clear. *The National*. Retrieved from <http://www.thenational.ae/article/20090115/OPINION/491529322/1080>

Yiftachel, O. (2013). Confederation or Colonial Deadlock for Israel/Palestine. *Insight*, 87. Retrieved from [http://www.geog.bgu.ac.il/members/yiftachel/shorts/Colonial Deadlock or Confederation for Israel.Palestine.pdf](http://www.geog.bgu.ac.il/members/yiftachel/shorts/Colonial%20Deadlock%20or%20Confederation%20for%20Israel.Palestine.pdf)

Yiftachel, O. (2018, August 01). Nation-state law's present absentees. Retrieved from <https://www.haaretz.com/opinion/.premium-nation-state-law-s-present-absentees-1.6336526>

Yin, R. K. (2011). *Qualitative research from start to finish*. New York: The Guilford Press.

Younes, A. (2017, May 02). Hamas accepts Palestinian state with 1967 borders. Retrieved from <https://www.aljazeera.com/news/2017/05/hamas-accepts-palestinian-state-1967-borders-170501114309725.html>

Zehut Party Platform, Part 7: The One State Solution. (2019). Retrieved from <https://www.zehutinternational.com/part-7-the-one-state-solution>