

BROOKINGS

Report

The 'state-plus' framework: A confederal solution for Israel-Palestine

Omar H. Rahman Wednesday, December 23, 2020

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The Israeli-Palestinian conflict is entering a new stage. A viable diplomatic process for resolving “final-status” issues has been non-existent for several years. The Palestinian national movement is feeble and fractured, leaving it ill-equipped to face down persistent challenges and unable to exert leverage in pursuit of its goals. Israel is rapidly consolidating decades of illegal settlement activity through legislative and institutional means, positioning itself to formally incorporate vast swathes of the West Bank into the state through de jure annexation.

This latter process, in particular, has come at the direct expense of establishing an independent State of Palestine and leaves millions of Palestinians stranded under Israeli sovereignty without political rights or a horizon for achieving them in the future. Absent any intention of integrating these stateless Palestinians into its citizenry, Israel is formalizing a “two-tier system of disparate political, legal, social, cultural and economic rights based on ethnicity and nationality,” which a group of leading United Nations (U.N.) human rights experts recently characterized as “a 21st century apartheid,” and what others have simply termed a “one-state reality.”

In this context, the road to a negotiated settlement of the conflict has become impossible to envision without dramatic changes to each side’s internal socio-political dynamics, the gross imbalance of power between them, and the approach of

the international community. Perhaps as important is the need for a thorough reassessment of the appropriate conceptual framework to resolve the conflict. For more than three decades, the international community has remained wedded to the paradigm of partition into two independent states, or the “two-state solution.” This despite the growing divergence between the objective of establishing a separate Palestinian state and the reality of gradual Israeli annexation on the ground, as well as eroding public support on both sides and the increasing struggle of advocates to defend the solution’s viability.

While interest in alternative frameworks has grown in recent years, there is still a significant shortfall in the examination and development of the various modalities, not to mention a lack of political traction or broad-based mobilization on behalf of any particular option. It is clear that alternatives to classic partition need to be studied with more frequency and in greater depth in order to widen the range of options available to policymakers and civil actors in the years ahead.

This paper presents an exploration of one such alternative: the hybrid model of confederation. The intention of this paper is to think beyond the classic two-state model for resolving the Israeli-Palestinian conflict and to present ideas for how policymakers and civil actors can apply a confederal framework in the future. Given the already entrenched one-state reality, the emancipation of Palestinians through enfranchisement in a single democratic state is the most conceptually straightforward alternative to decades of failed attempts at implementing partition. Striving for the more complex model of confederation may appear unnecessarily burdensome.

However, confederation is more responsive to the realities often overlooked by one-state proponents. More so, it does not preclude a single democratic state from emerging in the long run, should such a state be recognized as feasible and beneficial. Confederation has the potential to serve as a workable and mutually appealing model of governance that liberates Palestinians from the current reality of interminable oppression, halts further settler colonialism, preserves self-determination and

national expression for both sides, and addresses Israeli and Palestinian aspirations and grievances in a harmonizing and practical manner. In doing so, the confederal approach envisions a resolution to the conflict that prevents, or at least limits, further conflict down the road.

By providing pathways toward open or soft borders, permanent residency status, and aspects of shared sovereignty, a confederal system of governance expands opportunities beyond those envisioned under the classic two-state formula, in ways that could minimize zero-sum competition over the most intractable areas of conflict and resolve the security/sovereignty dilemma. The confederal system will necessarily be complex and able to withstand a considerable amount of stress and recurring tensions.

It will also demand huge conceptual and practical leaps in order to rearrange hard-to-dislodge systems of privilege. Breaking the deadlock that has prevented a resolution up to this point will require marshalling unprecedented levels of external and internal pressure, coupled with a clearly articulated alternative that is acceptable to a majority of Israelis and Palestinians. While many will surely cast doubt on the feasibility of confederation, the same could once be said for the two-state solution, which came to hold a monopoly over peacemaking efforts.

At present, the inequitable one-state reality being imposed by Israel is deeply disturbing and harmful. It also fails to offer any resolution to the underlying conflict. While that is likely cause for more instability in the near future, it also presents an opportunity to reassess how Israelis and Palestinians may one day live more equitably in a land they share. At this juncture, the development of that framework is urgently needed.