Let me start with a word of appreciation: this is one of the first volumes produced by Israeli (not only) academics to discuss seriously and openly the issue of alternative political geographies for Israel/Palestine. Most leading scholars on the subject have consistently treated Israel as existing unproblematically in its pre-1967 boundaries. For most Israeli scholars—including critical analysts—the Palestinian territories rarely exist as part of the Israeli polity. At best, they mention “the occupation” as an external problem influencing Israeli polity and society. This is despite the rapid integration of the West Bank with “Israel proper” and the gradual disappearance of the Green Line, at least for the Jewish populations (see, among others, Azoulay & Ophir 2008; Bar Tal & Schnell 2013; Gans 2008; Gavison 2012; Newman 2010; Schnell & Leuenberger 2014; Shafir & Peled 2002; Smooha 2002; but see Grinberg, 2007; Kimmerling 2001 for notable exceptions). The courage to openly discuss the possibility of a one-state solution deserves highlighting as it represents the real academic spirit that has been under strong attack by successive nationalist-colonial Netanyahu governments following the right’s 2009, 2013, and 2015 election victories.

As I have argued elsewhere (Yiftachel 2006, 2012; Yiftachel & Ghanem 2004; Yiftachel & Roded 2015), there are various factors that prevent a viable resolution of the conflict. These include Jewish colonialism in the
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West Bank, which prevents and hinders the establishment of a viable Palestinian state as a foundation for a Zionist-Palestinian reconciliation; the protection of the existence of all states (including Israel) by international law; power of the Israeli state, coupled with Western legacy of the holocaust; the strength of Zionist nationalism in Israel and abroad; and the colonial fragmentation of the Palestinians into distinct political and legal entities. These factors have created a structural situation in which neither the “two states for two peoples” scenario nor the one-state template provides a reasonable framework for addressing the need to de-colonize Palestine and to reach Zionist-Palestinian reconciliation.

Consequently, I will argue that we need to create a third space—conceptually and politically—that leads to creation of an Israel-Palestinian confederation. This arrangement is the most suitable for creating a geopolitical foundation for a viable peace, since it provides a framework for the two states to realize their respective rights to self-determination, while protecting socio-ethnic minorities, as well as accounting for the territory’s complex geography and history. The inhabitants of the confederation will maintain a joint economy and benefit from freedom of movement between the two entities. An autonomous, jointly governed capital will be established in the Jerusalem region. An Israel-Palestine confederation could also end Israel’s colonial grip over Palestine, secure Israel’s existence, and protect human rights for all its citizens.

My point of departure is the futility of the two-state solutions currently “on the table.” Since the Oslo Accords, in the framework of purported discussions on establishment of a Palestinian state, Israel has done almost everything it could to destroy that possibility, principally by deepening the Jewish colonization and restricting development of a national Palestinian leadership. “The peace process” has thus provided a smokescreen for Israeli colonization of Palestine. Under the current settings, should a Palestinian state be established, it would be highly dependent on Israel, yet segregate from it; it will be geographically split with little control on external borders, thus lacking real political or economic sovereignty. Such a state is likely to become a source of constant instability. This being the case, continued discussion of the two-state solution in its present format is a certain recipe for continuation of the conflict, rather than a path for its resolution.

The confederation framework proposed below unsettles the problematic dichotomy dominating the political debate between proponents of the one- and two-state solutions. By sanctifying the final format, the dichotomy prevents the development of a more nuanced and serious discussion of the various possibilities to move toward a new political geography of reconciliation. The confederation model, on the other hand, is more open and flexible, and has served in several other conflict regions as a stabilizing framework.
It is time to clarify briefly what I mean by confederation. There are several definitions, all sharing the notion of a political, legal, and territorial framework facilitating cooperation between sovereign states, held by a covenant or treaty. Confederation, and the concept of “confederacy” underlining it, denote a process of political integration “from below,” in contrast to a federation, which is constructed “from above.” In a confederation, the states, which retain their sovereignty, allocate powers “upward” to create the “higher” body to govern joint affairs. On the other hand, in a federation, powers are delegated from the central sovereign body (government, parliament) to the states or provincial sub-units. Hence, in a confederation, as opposed to federation, the states maintain veto power on the existence and nature of the joint political framework (see Mabry, et al. 2013).

However, research on the confederation model is insufficient, and the historical record of this solution is uneven. Let us elaborate on a few known success stories.

The European Union is the most famous and ambitious confederation “in the making.” The European Union is an incredible precedent: strong nation-states with a chauvinist past of nationalist wars and racist global colonialism, which have given up some of their sovereignty for the sake of a supra-national entity. Despite inevitable problems, mainly around economic management, the impressive political success of the European Union—now the most peaceful region in the world—has provided a major geopolitical foundation for the long era of international cooperation and prosperity.

In this context, the process of building the confederation is crucial: the European Union began with a small group of six states and a “thin” layer of joint institutions; it began with the intent of instituting uniform trade laws on the import and export of coal and steel, and later created a common economic community. On these modest foundations, an enormous political organization was later built, one that institutes confederation arrangements between Estonia in the east to Portugal in the west.

In the past, Switzerland and Canada were established as confederations after ethnic wars that to some extent resembled the Zionist-Palestinian conflict. In those cases, a strong ethno-national group gained control over weaker groups, but rather than continue to oppress them, offered a framework of mutual self-determination, and a decentralized form of government, by way of compromise and cooperation.

In recent decades, Belgium, too, has transformed (unofficially) to a model resembling a confederacy: the Walloons and the Flemish enjoy self-determination and self-rule in almost all spheres of life. Brussels—possibly in a status similar to Jerusalem, with local, national, and global significance—is a shared autonomous capital region. In Bosnia-Herzegovina, vicious ethnic
conflict was only halted and stabilized following establishment of the Dayton
confederation framework in which the Serbs, Bosnians, and Croats enjoy
autonomy and separate territory while operating a joint economy and security
apparatus, with a strong European umbrella. The last two examples are far
from ideal, but their confederal system, which combines separate ethno-
national existence with joint management of the space, enables them to
create a non-violent democratic space after generations of bitter ethnic con-
licts.

The list of confederations throughout history is not long. Poland and
Lithuania had extensive confederation agreements that evaporated with the
rise of the Soviet Union. For many years, Norway was part of a confedera-
tion with Sweden, and later with Denmark. The United States began as a
confederation of thirteen states, and Egypt and Syria created the United Arab
Republic (a union of the two states) in the 1950s. The United Arab Emirates
created confederations, albeit not democratic. Benelux and Czechoslovakia
were confederations that were replaced by the European Union.

The confederation model, therefore, exists in practice, though it is not
widespread. It has succeeded in stabilizing ethno-national relations, follow-
ing a period of conflict and war, and in regions where spatial ethnic and
national separation is difficult. It is thus an appropriate approach for intro-
duction into the debate on the political future of Israel/Palestine.

The key to these models appears to be a combination of 1) the end to
oppressive or colonial relations between the groups, 2) freedom of movement
throughout the entire space, preventing ethnic segregation, 3) statutory and
political self-determination for the different groups in various regions, and 4)
establishment of a “layer” of joint governance management and administra-
tion of the whole.

Before discussing how to reconstruct the political future of Israel/Palestine,
let us briefly examine a few questions about the structure of the past and
present: What is the political geographic status of the territory we are dis-
cussing? How can we conceptualize in a credible way its transformation over
the last century? What is the current political regime in Israel/Palestine, and
how did it come into being? Without answers, progress would rest on shaky
grounds. Just like in medicine, diagnosis must precede treatment. So, what
are the dominant views on our political geography?

One, and possibly the most common, view at the international level por-
trays the Israel/Palestine space as a site of struggle between two national
movements. This symmetrical approach views Israel as a legitimate home-
land of a Jewish nation in which it exercises its sovereignty “like all other
nations” after generations of persecution in its diaspora. A similar view is applied to the Palestinians, whose homeland is considered to be the West Bank and Gaza. The main manifestation of the conflict appears in this view to be a long-term borders dispute assuming the imminent establishment of a Palestinian state. This approach gives the conflict the symmetry of “Israelis versus Palestinians” by treating Israeli control of the “occupied” (more accurately of course “colonized”) Palestinian territories as “temporary,” and by commonly overlooking the Nakba, including the mass expulsion of hundreds of thousands of Palestinians in 1948, the destructions of over four hundred villages, and the ongoing oppression, discrimination, and control over of the land, development, and politics of the Arab-Palestinian minority within Israel. This attitude, which is characteristic of the Zionist left, some Palestinians, and most of the international community, maintains that a stable solution can be achieved in the form of two nation-states on the basis of the 1967 borders.

A different perspective held by most Zionists (in Israel and around the world) who see Israel/Palestine primarily as the historical-religious homeland of the Jewish people recognized by the international community. The process of settling and controlling Palestine is considered a “return” to the “promised” homeland, and a realization of the “Jewish historical right.” It is achieved by a “natural” course of events free of ethical problems, and with almost no mention of the rich Arab history of the land or the rights of the previous inhabitants. The return is to the entire homeland, between Jordan and the sea—a territory belonging to the Jews, and to the Jews alone. Minorities in this view can coexist with Jews, as long as they accept Jewish political supremacy.

In addition, the mainstream Zionist view links the need for Jewish sovereignty to recent history of the Holocaust European anti-Semitism, Arab ill-treatment of Jews in the Mideast, and profound Arab and recently Islamic rejectionism and violent opposition to Jewish nationalism. Most Zionists do not ignore that Jewish immigration and settlement created problems for Arabs, but blame Arab intransigence and aggression. At the same time, they refuse to recognize Palestinian historical rights to the land and deny Israeli responsibility for the problems created by the founding of the state and its discriminatory policies. Recently, as a result of political pragmatism, some mainstream and rightist Zionist leaders became willing to recognize certain Palestinian collective rights, though these rights do not amount to sovereignty in the colonized territories or full civil and communal equality. Any discussion on questions of return of the refugees, the events of the Nakba, or the Jewish character of the state are taboo and cannot be seriously discussed or challenged in rebuilding the political future of the land.

The prevalent Palestinian perspective, on the other hand, views the space between Jordan and the sea as one political entity, referred to as “Palestine,”
which was legally created by the British Mandate. However, the newly created would-be state was immediately and unjustly offered to, and settled by, Jewish colonizers. This state was later cruelly partitioned in a process accompanied by ethnic cleansing, turning most Palestinians to refugees. According to this perception, Mandatory Palestine was supposed to become an independent Arab state like Iraq, Syria, Lebanon, and Egypt, but was ultimately divided among various predators—Israel, Jordan, and Egypt. After 1967, the entire land remained in the hands of one conqueror: Israel. The prolonged denial of Palestinian rights, so this perspective holds, has occurred with the support of Western imperialist powers.

While this perspective concurs with much research on the history of Israel/Palestine, it also has some glaring blind spots and denials. For example, it conveniently ignores the plight of Jews in Europe and the Arab world (without which one cannot understand their flight to Palestine and their resilience over the last century), it scoffs at the historical and religious connection of Jews to the land, it overlooks the disastrous 1947 Arab rejection of the opportunity to establish an internationally recognized Palestinian state, and it hardly deals with the use of incessant terrorism against Israel. These factors are taboo in the Palestinian narrative, as much as the Nakba and present colonialism are taboo among Zionists.

Today, moderate Palestinians view the struggle for a Palestinian state in the West Bank and Gaza Strip and for civil equality in Israel as worthy politically, but not as attaining historical justice or genuine reconciliation. The current official Palestinian struggle is viewed by moderates as protecting “the crumbs” left from “historical” (Mandate) Palestine for the Palestinians, rather than historical correction. Meanwhile, and due to the low status accorded to the creation of a small, fragmented Palestinian state at the best-case scenario in this struggle, the one-state solution is rapidly gaining popularity. This political geographic vision is gaining popularity among Palestinians on both the Islamic right and the secular left. The increasing support, and the unlikely alliance it brings from such distant political wings, is due to the potential of the one-state future to achieve justice and historical correction for the Palestinians. However, as elaborated later, both camps tend to ignore that historical justice must consider now a powerful factor that did not exist in the 1940s—the existence of the state of Israel, and the rights attached to such an existence.

My analytical framework offered here seeks to be precise and not polemical in discerning the political geography of the conflict, for which, it appears, one has to combine both of these perspectives. Israel/Palestine is indeed a land of religious and historical attachment to Jews, and that Zionism addressed this belonging in modern-political and territorial terms. Zionism, which was a movement of a small minority of the Jewish people until the 1930s, correctly identified the destructive potential of anti-Semitic racism
and sought to create a safe haven for Jews in the historical or religious homeland. Historically, European and later most Arab Jews were stripped of their rights, evicted, and in Europe became victims of massive genocide, before they became Zionists. Hence, apart from small groups of Zionist ideologues, most of the Jews who came to Israel had no alternative. One can thus observe historically that Jews were actually “expelled to their ancient homeland.” This observation, somewhat ironically, is ignored by both Zionist ideologues, who wish to make us believe that Jews always longed to return to Zion, and most Arab researchers and narratives, who wish to portray Jews as “normal” objectionable colonialists.

As a side comment, and with a touch of sad irony, one can observe that the state created for the quintessential nation of refugees—the Jews—has now created the new quintessential nation of refugees—the Palestinians. Consequently, and again with sad irony, the state aimed to become a safe refuge for the Jews created by Zionism has now turned to be the arguably most dangerous place for Jews in the world.

Zionism managed to create in the reconstructed Jewish homeland, a strong viable ethno-national community, albeit one that is fragmented unevenly along lines of ethnicity, religion, and class. These fuel continuous sets of conflicts between Jews that are not likely to abate in the coming decades. Yet, Zionism managed to plant in Zionist Jews a real and legitimate sense of homeland belonging, while politically realizing the right to self-determination of the Jewish-Israeli nation created anew in the country, out of the ashes of one of the world’s darkest periods.

Significantly, however, these observations do not contradict the Palestinian perspective that the conflict over Israel/Palestine is also the result of a clash between a Jewish colonizing society, whose relentless aim is to Judaize the land, and oppress, evict, and dispossess its indigenous Palestinian population. The literature defines colonialism as an organized expansion of a group into new territory, generally accompanied by conquest, settlement, appropriation, and exploitation of local population and resources. The current Jewish regime in Israel/Palestine fits this definition. It was established on the foundational process of Jewish expansion, settlement, and appropriation, while receiving the general support of world powers, primarily Britain and the United States, which served for long periods as a kind of empowering “metropole” for the Zionist colonization project. Thus, the Zionist-Palestinian conflict is both a clash between colonizers and indigenous peoples, and between two nations battling over the same territory. Although this is not the main focus of the chapter, it needs to be mentioned that the conflict is also a clash embedded within capitalist economic relations that see massive resources transferred from Arabs to Jews over the last century. The transformation of wealth has added a strong socio-economic factor to the national and
colonial conflicts. Any progress toward a solution must take into account these deep structures.

Importantly, over the past century the nature of the Zionist project has also changed in significant ways. Until 1947, it could be conceptualized as “colonization by refugees” that developed through the immigration of Jews who were forced out of their previous states due to persecutions and racism. To be sure, there was a small nucleus of ideological Zionists who came voluntarily, but the majority became Zionists only once their lives in their original homeland became unbearable. Zionist colonization in that period was advanced by using all the loopholes existing under Ottoman and especially British rule—by purchasing and receiving land, erecting settlements, and building a military force and a fledgling national community.

During the 1947–1949 war, Zionism conducted widespread ethnic cleansing against the warring Palestinians—a strategy which sadly was not out of line with international norms of the period. Over the next twenty years, the Zionist project became one of “internal colonialism,” which included the oppressive Judaization policy of Israeli sovereign territory within the Green Line. After 1967, it changed shades again and became almost classic “external” colonialism in which the state settles its citizens beyond its sovereign borders and seeks to appropriate the new settled territories. Simultaneously, Israel deepened its liberal-democratic character, primarily for its Jewish population on both sides of the Green Line. This factor aided in building a broad Jewish consensus around defining the state as a “Jewish and democratic,” while ignoring the ongoing dispossession and discrimination of the Arab citizens living inside the Green Line, most conspicuously the Bedouins in the south, as well as the millions of disenfranchised Palestinians in the colonized territories.

Finally, in the past two decades, the regime between Jordan and the sea has been transforming into a new stage, which I have termed “oppressive consolidation.” Since the Oslo Accords, Israel has sought to stabilize the situation by slowing its expansionist settlement and focusing on “enclavation” of the Palestinians. This was partially achieved through strategic withdrawals—from Southern Lebanon, from Areas A and B in the West Bank, and in 2005 from Gaza and parts of the West Bank. In doing so, it has shown a certain willingness to allow the existence of a quasi-Palestinian state that would grant a degree of self-determination to the Palestinians, while legitimizing Jewish control over most of the land between Jordan and the sea. To this we can add the proposals for a Palestinian state made by Barak and Olmert, and most significantly by Netanyahu in his 2009 Bar-Ilan speech and several statements following the 2013 and 2015 elections, vowing to advance toward a situation of “two states for two peoples,” whereby a demilitarized Palestinian state within unknown boundaries and excluding the Hamas would come into being after recognizing Israel as a Jewish state.
During the 2015 elections campaign, Netanyahu made a significant retreat from this vision by declaring that “If I am elected, there shall be no Palestinian state,” but under international pressure he quickly retracted this statement and declared again his willingness to advance the path for a two states. It should be mentioned that Netanyahu’s statements on the two-state solution are opposed by the majority of the Likud’s members of Parliament, and were never approved by the party, whose charter still denies the right of the Palestinians to statehood.

The present geopolitical stage therefore marks the weakening of Jewish colonialism in the face of international condemnation, Arab resistance, and the shrinking of direct Israeli rule. Some exceptions to this trend are the ongoing establishment of “outposts” (small unapproved settlements) in the West Bank or new Jewish villages in the Galilee and Negev, and Jewish pressure for presence in Temple Mount, but the overall picture is of selective withdrawals within an overall political status quo. This stabilizing stage is taking place alongside accelerating globalization, rapid economic development, and the deepening of liberal tendencies of most Jewish secular groups. However, the consolidation has not changed the structure or ideology of Jewish control over the entire space between Jordan and Sea. Rather, at this stage, Israeli moves constitute only a change in the methods of control over the Palestinians, from direct to partially indirect, that is, from controlling all territory and populations, to allocating these responsibilities to well-controlled Palestinian and international bodies, while locking up the Palestinians in small territorial areas, thereby minimizing the friction with the Israeli state, army, or Jewish settlers.

One of the most blatant expressions of the colonization and Jewish control has involved the issue of land. Israel has been laboring for sixty years on what Sandy Kedar has called “judicial land redemption,” in which it has registered more than 93 percent of the state’s territory and nearly one-half of the land in the West Bank as “state land.” As a result, the Palestinians, who constitute about one-half of the population between Jordan and Sea, control only some 15 percent of the land area. Inside the Green Line, the situation is worse: the Palestinians constitute 18 percent of the Israeli population but control only 3 percent of the land. This is the tip of the iceberg of deep and structural Judaization, which has created intense pressures and tensions. These arise not only because of the prolonged dispossession, but also because the state has become an entity representing almost exclusively its Jewish citizens at the expense of other groups.

The regime that underlies all the geopolitical stages can be conceptualized as “ethnocracy,” and it has ruled for six-and-a-half decades inside the Green Line and for nearly five decades between Jordan and the sea. The cultural and economic details of this regime are laid out at length in my books and articles, but here I would like to emphasize that now in Israel/
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Palestine there is one regime: an ethnocracy that controls, in various means, diverse populations, consistently giving preference to the Jewish groups, while “ranking” the other groups according to their cooperation, acceptance, or rejection of the Zionist project.

However—and here I begin my argument with those who favor the one-state solution—it is necessary to distinguish between regime and state. Although there is one regime with sovereign powers vested in Israel and its institutions, there is not one state as claimed by the supporters of one state—since about half of the inhabitants are not, and apparently will never be, citizens. These people live under military rule or in a temporary status of one kind or another. In any event, the current regime and political structure promote no political program that will bring all the permanent inhabitants of the area under one law, citizenship, or culture, as is customary in a modern state. In other words, the Israeli-Jewish regime that exists between Jordan and the sea does not necessarily result in the establishment of a single state. Other possibilities exist, including a confederation, as detailed below.

Furthermore, “beneath” the political geography of one colonial regime there are, according to international law, two states: Israel and Palestine. This was reinforced by the well-known 2004 decision of the International Court of Justice in The Hague regarding the separation barrier, and numerous decisions of the UN Assembly and of the Arab League for the establishment of Palestine, which is yet to be fulfilled but receives the support of nearly all the international political and legal institutions. The territory between Jordan and the sea is home to two robust national movements that seek to realize their right to self-determination. Therefore, the Jewish ethnocratic regime between Jordan and the sea is not viable and cannot, at this stage, constitute a normative or legal basis for a joint state. We shall return to this later.

This analysis leads me to understand the geopolitical situation in Israel/Palestine as comparable to regimes in which part of its territory is under colonial control, and thus illegitimate, while other parts are under legitimate sovereignty. This is a more complex view of the situation, comparing Israel/Palestine to, for example, the case of Britain in Ireland until 1921, the French in Algeria until the early 1960s, Jordan and the West Bank until 1987, and, recently, the situation in Serbia and Bosnia and Kosovo, Morocco and the Western Sahara, Armenia and Nagorno-Karabakh, and more recently Russia and the Crimea. In the past, solutions to such partial colonial conflicts generally arose when the regime retreated from territories it held illegitimately and remained in control of its legitimate sovereign lands. In none of these cases, however, did the illegitimate occupation of territory lead to a threat to the existence of the mother state. This threat is implied by the one-state proponents, who claim that Israel’s colonization of the West Bank is not only irreversible but makes the existence of Israel itself untenable. Using a colloquial expression, they throw out the baby with the bath water.
Yet, the analysis offered above is too “clean,” since it is hard to make a clear distinction between the different stages and territories through which the Israeli regime has developed, and neatly classify them as legitimate or otherwise. This situation must trigger warning lights, inasmuch as the current regime continues to institutionalize the colonial situation in the West Bank, in the form I have recently termed “liberal colonialism” (Yiftachel 2013). The distinction between both sides of the Green Line is becoming even fuzzier, since Israel is also colonizing and Judaizing parts of its own legitimate territory, particularly the Negev and the mixed cities, in a process of “internal colonization.”

The result of the above processes is the gradual institutionalization of “separate but unequal,” and a structural process of “creeping apartheid” unfolding in the past decades. Naturally, Israel does not declare that such a process is in the making and continues to flag the hollow definition of a “Jewish and democratic state,” and the putative “temporary” nature of the occupation.

Yet, the situation of the West Bank can no longer be described as “occupation” with any credibility. Occupation is characterized in international law as military, external, and temporary, whereas Israel’s control over the region is becoming increasingly civil, permanent, and internal to the Israeli polity (through the full integration of settlers in Israeli politics). At the same time, Israel enacts statutes separating Jews and Arabs in Israel, in most fields of life, such as immigration, religious autonomy, prohibition of civil marriage, separate education systems, local government, and military draft, while separating the two groups from Palestinians in the colonized territories. Thus, without formal declaration, the Israel regime is, one step at a time, institutionalizing a “separate and unequal” system. Such a regime classifies populations according to their ethnic origins and place of residence, and endows each group a different system of control and privileges. In other words, as noted, a quiet but continuous and “thickening” process of “creeping apartheid” (for details, see Yiftachel 2012).

This situation, needless to say, poses serious structural danger identified by many oppositional groups and movements, which have nonetheless remained unable to stop it. The confederation framework offered here has the potential to challenge the dangerous process by introducing a new and equalizing logic for the management of two states in the homeland common to both nations.
books by Mazin Qumsiyeh, Ali Abunimah, and Virginia Tilley, published a few years ago, sparked a flood of writing on the subject. The one-state solution claims to guarantee an honorable way out of the contradictions described above. Proponents of the idea argue that Israel’s control in the occupied territories (reflected by Jewish settlement, military deployment, land nationalization, and massive infrastructure development) is irreversibly and no longer enables establishment of a viable Palestinian state.

The alternative to two states, then, is to treat Mandatory Palestine as one “natural” political unit that will enable all its inhabitants to live in equality and hence in peace. The framework would, the proponents contend, eliminate one of the main obstacles in the conflict—the question of the refugees. The entire land of Israel/Palestine would be open to those evicted and their descendants. The other contested questions—the settlements and Jerusalem, for example—will be easier to resolve in the one-state strategy, which will neutralize the zero-sum ethnic competition over territory, resources, and power that now characterize the relations between the sides.

The one-state idea has various possibilities. The democratic version offers a secular-liberal, binational, or multicultural state. The nationalist brand offers a Jewish or Arab ethnocracy with a sizeable minority which is awarded a degree of autonomy; the religious versions offer a state governed, interchangeably, by the Muslim Sharia or Jewish Halacha.

On the face of it, the one-state framework is highly appealing. It is based on important ethical arguments; it is comprehensive, inclusive, and even elegant. It treats the political territory created by the British empire and the League of Nations as the basis of a future regime, and properly contends that for almost one hundred years later, with the exception of only nineteen years, the whole country was under one regime (though they do not give proper weight to the fact that, in the course of the nineteen-year period, the legitimate sovereign state of Israel was established).

Proponents of the plan also correctly identify the area between Jordan and the sea as the imagined homeland and hence object of belonging and national aspiration of both Jews and Palestinians. Somewhat ironically, the land considered as “sacred homeland” by Muslims and Jews was actually drawn up by British and French Christians, with only partial correspondence to the religious or historical spatialities of Jews and Palestinians. Nevertheless, the new “geobody” created in Palestine/Israel has indeed gained a status of cherished homeland. A quick look at the Palestinian and Zionist maps, symbols, narratives, and publications repeatedly indicate the image of the entire land of Israel/Palestine as a single unit to which the two nations belong.

The attractive one-state horizon has spread rapidly. In recent years, it has been the most “fashionable” proposal among Arab academics and a small number of Jews, primarily outside Israel. Among the Palestinians supporting the idea are notable researchers including Nur Masalha, Ghazi Falah, Nadim
Rouhana, George Bisharat, As’ad Ghanem, Ali Abunimah, Mazin Qumsiyeh, Omar Barghouti, Samira Esmeir, Ghada Karmi, Leila Farsakh, Huneida Ghanem, Islah Jad, Saree Makdisi, Azzam Tamimi, Nura Erekat, and Jamil Hilal. It is also interesting to note those who have not supported the idea: Salim Tamari, Rima Hammami, Rashid Khalidi, Saleh Abd al-Jawad, Sari Hanafi, Manuel Hassassian, and Beshara Doumani—all prominent thinkers who have refrained, for the time being, to openly hop on the one-state bandwagon.

The popularity of the idea among Palestinians is not surprising. It fits well with the long history of Palestinian opposition to partition and to recognition of a Jewish political entity in Israel/Palestine, fueled from the outset with some elements of political Islam. This stance stood until 1988, when the mainly secular Palestine Liberation Organization accepted the UN partition decision and recognized Israel. However, a large part of the secular Palestinian public, especially outside the West Bank, has moved to support the one-state idea. In addition, since the rise of Hamas in the 1990s, and its victory in the 2006 elections, and with the general rise of Islamic mobilization and violent clashes in the Middle East, the Islamic agenda is again salient in Palestinian politics and with it the one-state idea. Most Islamic movements view all of Israel/Palestine as sacred Waqf, which must be liberated, sooner or later, peacefully or violently. Therefore, the one-state agenda fits well with these deep currents in Palestinian spatial imagery and aspiration.

Support for the one-state idea exists to a much lesser degree among Jews. It includes a few notable researchers such as Meron Benvenisti, Yehouda Shenhav, Neve Gordon, Ilan Pappe, Haim Bereshit, Gabi Piterberg, and, recently, Yoav Peled. Less important are those who are not proponents, since most Jewish researchers continue to support two states, or even one Jewish state between Jordan and the sea, possibly with a few Palestinian enclaves. There is also international support for the idea, including among prominent researchers who have written extensively on the Zionist-Palestinian conflict, such as the late and influential Tony Judt, Ron Greenstein, and Judith Butler. Here, too, a number of prominent researchers oppose the idea, some of them critical researchers such as Ian Lustick, Joel Migdal, Norman Finkelstein, and Noam Chomsky.

CRITIQUE: APOLITICAL POLITICAL GEOGRAPHY

Like most thinkers supporting social and political justice, I agree with many of the aims and values of the proponents of a democratic one-state solution—equality, the creation of a common space for peace and trust, historical justice, and the peaceful reintegration of Israel and Palestine. The state, according to most progressive theorists, is a modern political entity whose goal is
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the improvement of human life. A state, in and of itself, is not a worthy goal unless it advances human welfare. Yet, given the geopolitical, ethical, and legal settings in Israel/Palestine, and particularly the existence of Israel, the path to reconciliation and acceptance cannot, I contend, be achieved by a one-state program, but through gradual integration by means of two sovereign entities, within a confederational framework, as elaborated below.

The main problem of one state is, ironically, that the idea is *apolitical*: it does not adequately deal with the political, legal, and violent forces existing in the system it seeks to change—first and foremost the existing (Israeli) state. None of the texts I have read offered any explanation why and how Israel would allow itself to be replaced by a new political entity, which would completely change its identity and dramatically reduce the power of its dominant elites. A serious political analysis seeking to bring about change needs to deal with the validity and strength of the apparatuses it aspires to topple. The one-state strategy simply ignores this need.

Let us remember that following the establishment of the United Nations, the right of a state to exist under international law is inalienable. So is its right to territorial integrity and self-determination. These are the very arguments that make Israeli colonialism in the Palestinian territories illegal, as it prevents realization of the Palestinian right to self-determination. It also makes the uprooting and oppression of indigenous Palestinians inside Israel illegal and unacceptable to existing international norms. But the same international law also ensures the legitimacy of the existence of the Israeli state, with which the one-state framework clashes. This is a serious flaw in a campaign that seeks to bring about political change within an existing political system of international relations.

**PRECEDENTS**

Using a historical and comparative perspective, the type projected for Israel/Palestine by the one-state solution is without precedent in the present UN-led era. The historical record shows that only three unifications of two states have been enduring since 1945: North and South Vietnam, East and West Germany, and the less successful example of North and South Yemen. Each of these cases, we readily see, involved union of states populated by the same culture and national identity, previously split as a result of imperial policy. The merger came about with the consent of the peoples in the two uniting states. In contrast, there has never been a successful union of two states of different ethno-national character in the UN era (in which existence of nation-states is strongly protected), certainly not after a century of bloody conflict. True, Palestine is not an existing state as yet, but given its status in
international law as state-in-the-making, the improbability of its unification with a rival ethno-national collectivity appears highly unlikely.

Historical trends point in the other direction; partitioning, splitting, and devolution of multi-ethnic states have been more common in world politics in our era than ever before. Since the founding of the United Nations in 1945, thirty-five states have officially split (not including liberation from a colonial/imperial state, which occurred in some sixty other cases). The partitions occurred in a number of principal waves:

1. The anti-colonial wave and its aftermath, which led to division of the colonies from metropolitan states, and later to divisions within the new states themselves, such as in India-Pakistan-Bangladesh, Korea, Ethiopia, Singapore-Malaysia, Algiers, and Cyprus.

2. The post-Soviet wave, in which primarily the Soviet Union, Yugoslavia, and Czechoslovakia were divided; at the same time, a number of states in Asia and Africa were established, among them East Timor and Eritrea.

3. The “ethnic-conflict” wave of recent years, in which new state-like entities (official or semi-official) have seceded following bitter ethnic fighting, such as Kosovo, Montenegro, Abkhazia, Ostia, Iraqi Kurdistan, Kashmir, Gaza, and South Sudan.

One-state proponents, then, seek to run counter to the grain of history and create an entity that is without precedent, in which an ethnic state merges with a neighboring rival nation. The lack of precedent does not by itself prevent the one-state option, but one may still ask: why should the first such unification occur in Israel/Palestine? Is it reasonable that a state comprised almost completely of (Jewish) refugees and their descendants following genocide be the first to give up its cultural and ethnic dominance? It appears like one-state proponents are not attuned enough to the almost sacred status of the Israeli-Jewish state in the eyes of most Jews, given their recent historical trauma and the nature of Zionist response to that trauma. In other words, it is hard to imagine any nation giving up its sovereign power, let alone imagine Israeli Jews acting in this way.

Another common argument of one-state proponents describes the Israelization of the West Bank as irreversible. Indeed, there are now some 250 settlements and outposts. Between them towns have been founded, infrastructure laid, and industrial areas created, all of which annexed de facto large sections of the West Bank to Israel.
Yet, the irreversibility thesis is problematic. It is built on an ethnocratic mind set, which assumes a priori that every area on which Jews reside will remain under Jewish sovereignty, and that every Jew must continue living under Israeli rule. This mind set fits well with the assumptions of the Israeli colonial regime in the occupied territories, but contradicts the long experience of liberal democracies, where minorities live among a majority having a different culture. Also, a recent report of B’Tselem (2013) shows that the gross built-up area of the settlements covers less than 2 percent of the West Bank. The rest of the settlement area is comprised of very general municipal boundaries, planned expansion industrial areas, agriculture, and military zones—all of which can easily become Palestinian. So, despite the attempts of settlers and their supporters to destroy the Palestinian national space, the situation is not irreversible.

I do not ignore the bloody history of conflicts between the settlers and the Palestinians, but I also do not negate the possibility of co-existence with some of the settlers, if they accept Palestinian sovereignty and give up their weapons. The confederation framework proposed here makes it easier for them to do this, in return of Palestinian guarantees for their safety and community.

The irreversibility thesis also assumes that, if no Palestinian state is established, a one state will emerge by default. The experience of the past four decades puts a question mark over this assumption. If a Palestinian state is not established, Israel will most likely continue to administer the area, possibly allotting crumbs of sovereignty to Palestinian groups in areas that will continue to function as “Paltustans” (Palestinian Bantustans). The real option, then, appears not between one state and two, but between reconciliation (based in part on continuing Israeli sovereignty) and deepening apartheid. It goes without saying that sovereignty does not negate Israel’s obligation to ensure full rights of the Arab-Palestinian national minority, as well as the rights of other significant ethnic communities, the foremost being the Haredi (ultra-orthodox) community.

Finally, a question of discourse: one-state proponents wish to change the boundaries of the political debate and depict the establishment of a Palestinian state as an arbitrary attempt to partition the country, echoing fears that draw on the trauma the Nakba events. This view again ignores the fact that, under current circumstances, establishment of a Palestinian state on all the colonized territories would be, first and foremost, an act of decolonization and not partition. This course of action also leaves open the possibility of recognizing Israel inside the Green Line as a legitimate political entity, after eliminating its colonial components, and upon granting equal citizenship to all minorities.
Another important element of the comparative discourse revolves around the similarities and differences between Israel/Palestine and South Africa. One-state proponents often compare the two cases, for a good reason. As explained above, illegal apartheid conditions have clearly developed in recent decades in Palestine/Israel, albeit through different historical processes and geographies than the paradigmatic case of South Africa.

However, geopolitical analysis indicates a significant structural difference: South Africa was created as a single, recognized state that became a member of the United Nations, which at some stage stripped the citizenship of its black citizens. The blacks demanded a return of full citizenship in their own state, which eventually was achieved by the move to democracy. In contrast, the juridical geopolitical foundation of Israel/Palestine rests on two states, and Israeli citizenship was never granted, and hence never revoked from the Palestinians outside the Green Line. Since apartheid regimes come in various versions, just like all other regimes (democracies, theocracies, monarchies, etc.), it can be also imagined that the end to apartheid can be achieved through different political horizons—in South Africa it was one united state, while in Israel/Palestine it is two (confederated) states in compliance with international law.

A less talked-about similarity to the South Africa case can be found with respect to neighboring Namibia, a territory over which South Africa received an international mandate in 1920. When the mandate ended, South Africa refused to leave and imposed apartheid laws on the colonized territory. South Africa fought to put down the Namibian uprising that broke out in 1973 with international backing. In a situation that resembles the regime over Palestinian territories, the whites living in Namibia received full rights, and were even represented in South Africa’s parliament, while the blacks were denied political and civil rights. Following the long period of rebellion and the release of Nelson Mandela, South Africa left colonized Namibia, which became independent in 1990.

Patterns of recent Serbian control over neighboring territories can also show some important similarities. For several generations, Serbia attempted to dominate surrounding states and regions. Territories held and settled by Serbs outside the Serbian state included sections of Bosnia, Croatia, Montenegro, and Kosovo. Following the breakdown of Yugoslavia, and a series of serious conflict, Serbia gradually retreated from these territories, shrinking to its recognized borders, and ending the “separated and unequal” conditions. The end to Serbian colonial rule was then not equal citizenship in one “greater Serbia” but rather independence to the various states in which Serbs have settled during previous decades. As noted above, the most relevant case for Israel/Palestine is Bosnia, in which a confederation of Serbian, Bosniak, and
Croatian entities has been established under UN and European Union supervision, with the effect of stabilizing the conflict and laying the foundation for long-term peace.

**POLITICAL GEOGRAPHY OF MORALITY**

Proponents of the one-state solution justifiably base their arguments on ethical considerations of historical justice and human rights—all highly worthy in the shaping of desirable political future. But at the same time, they tend to ignore countervailing ethical arguments regarding the dissolution (some may say, disappearance) of a state like Israel, seriously violates the rules of international morality as they exist in the present global political-legal international system. In addition, Israel is not “just another” state, but a political entity created by and for refugees after massive genocide against the Jews. Under such circumstances, it is hard to imagine the one-state plan, which threatens the existence of Israel in the eyes of many, as a serious option for peace.

Furthermore, in most future political frameworks based on a one-state solution, most notably the 2007 London One-State Declaration, which most proponents of the idea have signed, there is no recognition of the Jews’ right to self-determination (except in the writings of Assad Ghanem and Nadim Rouhana). The leading thinkers in this sphere, George Bisharat, Ali Abu-nimah, Omar Barghouti, Mazin Qumsiyeh, Saree Makdisi, and Virginia Tilley, as well as the late Edward Said, relate generally to the future state as non-sectarian, secular, democratic, or multi-cultural. The collective rights of Jews, for example, in the one-state declaration, arise only from a number of references to “the concerns and fears of the Jews” as a protected religious (or ethnic) minority, or as a protected community (perhaps in accordance with the dhimmi tradition in Islam). This raises strong ethical concerns particularly in the present reality of continues verbal and terrorist attacks against Jews, mainly by strengthening Islamic movements in and around Palestine/Israel. Hence, the one-state framework, regardless of its rhetoric of human rights and “justice to all,” significantly denies existing and legitimate political right gained by Israeli Jews. I am not referring to Jewish privileges which should be revoked in the name of democracy, but to the basic right of self-determination within a recognized state. Have the one-state theorists considered if this denial as morally justifiable?

Another moral issue concerns the following question: is it ethical to demand that Israel loses its state identity for the sake of merging with a nation with which it is in a bitter conflict? A generous interpretation would consider it a naïve demand, showing a lack of historical awareness. A more sinister interpretation would consider it an attempt to undermine the foundation of
Israeli-Jewish existence. Needless to say, these comments should never be understood as approval for the immoral acts committed by Israel: expulsion, ethnic oppression, colonial settlements, and the prevention of Palestinian self-determination. But a distinction must be made between a critical analysis of Israel’s criminal policies and its very existence, particularly when dealing with peace and reconciliation.

A personal piece of history would shed light on another problematic aspect of the one-state strategy. In the 1960s and 1970s, my father had extensive ties with Palestinian Arabs in the Galilee. He had a particularly close relationship with the Shufani family in M’ilya, to which he went for weddings and other family occasions. The family had an elderly uncle who would talk at length about his pre-1948 travels to Beirut and Damascus. I remember how he would sigh, again and again: “Lesh fi hadol al-hudood?! Rajj’uni li’lbilad a-sham!” [“Why do these borders exist?! . . . take me back to ‘greater Syria’ [the area of Palestine-Syria-Lebanon, which was once a seamless regional political unit].” This longing for an open Middle East is of course shared by many. Yet politically, this is a nostalgic hope, not to say illusory, detached from juridical and territorial settings of our times. Hoping to erase structural or legal elements that came into being since 1945 with the emergence of modern states is not a political program or serious analysis, but wishful thinking. Even the forces of economic mobility, globalization, and trans-border cultural flows have not weakened the importance of borders in today’s violent and unstable Middle East.

Similarly, in this context, the Jewish researchers sympathetic to one-state solution, often quote the heritage of Brit Shalom—the organization of intellectuals active during the British Mandate that worked to prevent partition. Without delving into the fascinating writings of leading Brit Shalom scholars such Judah Magnes, Martin Buber, and Hugo Bergman, we must not a significant temporal and contextual difference between discussion on a Jewish state before the founding of an independent Israeli state, and the discussion on its existence after the state was established. At present, the one-state solution must entail the negation of Israel’s existence as an independent state, whereas for Brit Shalom and other Jewish opponents of partition, this moral dilemma did not exist.

Further, in order to cause geopolitical change, good ideas are not sufficient. For most prominent scholars who deal with the links between theoretical writing and political recruitment, such as Antonio Gramsci, Franz Fanon, Henry Lefebvre, or Jan Paul Sartre, the effective intellectuals must first courageously exposes unjust and oppressive reality. Yet, second, the intellectual must also create a political avant garde that can be translated into action in the political arena. The intellectual is active in the public arena in the discourse of producing ideas and tools for transformation, liberation, and the ending of oppression. But these are developed within the spheres of social or
political systems. That is, they challenge the institutional powers and the resources through which skewed power relations are determined. Where only esoteric or theoretical thoughts are aired, Gramsci argues, the intellectual becomes marginal, mired in the bubble of hollow discussions. There is a danger that such intellectual activity would actually serve the hegemony that continues to rule unchallenged in the political and economic reality.

Granted, it is hard to assess, in real time, the ability of new ideas to break into the political field. I am convinced that most writers at the forefront of the one-state strategy believe that their efforts are politically influential and direct us to a better future. Still, since we are involved in a debate about the foundations of the existing geographic-political-legal systems, within which we all work, ideas that seek to make the existence of a legitimate state redundant appear too remote from political or legal feasibility, and hence from the ability mobilize Israelis and Palestinians in the civil or political fields.

ATTITUDES TOWARD PRESENT STRUGGLES

By its nature, the one-state movement does not take part in contemporary struggles on both sides of the Green Line. Although most of its leading figures certainly oppose all types of oppression, they are in a dilemma since it is harder for them to battle against the expansion of Jewish West Bank settlements, for example, if on the horizon they share a geopolitical goal with these settlements—the prevention of the two-state solution.

Therefore, is there not a danger that the one-state movement would actually assist, with its relative indifference to contemporary Palestinian struggle for sovereignty, in strengthening the oppressive status quo? Wouldn’t the demand for a new political framework enable continuation of Palestinian suffering? Wouldn’t the intellectual journey toward one state harm the struggle for a Palestinian state and equality for the Palestinian minority inside Israel? These are complex questions that proponents of one state must address.

Take the “vision documents” charted by leading Palestinian organizations inside Israel in 2006 and 2007 such as the National Committee of the Heads of Local Authorities, the Haifa Declaration, and Adalah. These made an uncompromising demand for civil equality and collective rights for Palestinians within Israel, and caused much uproar for demanding (rightly) an end to Jewish hegemony. The documents mentioned the present state of Israel (without the colonized territories) as the political framework, and the basis for their struggle, and hence, as a legitimate entity. But, over the course of just a few years, some of the writers of the vision documents have changed their opinion and now support a one-state solution, meaning that they advo-
Between One and Two

cate the establishment of a new political domain and negate their own recent call.

Another problem is that most democratic proponents of the one-state solution ignore the geographical congruence of the one-state solution with the messianic visions for the future of Israel/Palestine, especially Jewish settlers and colonial political parties, and Hamas. The growing volume of writings on a future democratic one-state solution focuses on human rights and a benign transition to an all-inclusive democracy. They ignore, however, the very possible scenario that once a single political unit is established from Jordan to the sea, the democrats and liberals may be pushed aside in favor of fundamental religious powers from each nation, vying to fulfill their messianic visions. The rise of more radical Islamic movements in recent years, particularly ISIL, and the political events in Egypt following the revolution are a clear indication to the need to address such scenarios. The leading writers in the field, such as Ali Abunimah, George Bisharat, As’ad Ghanem, Mazin Qumisriyeh, Virginia Tilley, Nadim Rouhana, Yehouda Shenhav, and Meron Benvenisti, almost overlook completely this dire possibility.

Reinforcing this is Hamas’s victory in the 2006 Palestinian elections and its steadfast opposition to recognize Israel. Some of the talk is tactical, but some represent deep Palestinian and Islamic aspirations. How can one ignore Hamas’s plan to turn Israel/Palestine—the framework sought by the one-state proponents—into a Sharia state? Would it be possible to separate between Hamas’s vision and the vision of the liberal Palestinians for the same one state? Wouldn’t the possibility of one state increase support for Islamic parties’ vision among Palestinians?

Let us not forget that in Israel, too, strong political elements (led by the ruling Likud and most religious parties) seek to use the same territorial unit, between Jordan and the sea, to create a “greater” Jewish state—ethnocratic or religious. From an ethical perspective, are the advocates of a democracy between Jordan and the sea ready for the possibility that religious or neo-colonial entities gain control over Palestinian or Israeli politics, as they have done in other Middle Eastern states?

FEASIBILITY

Moving from conceptual to practical discussion, it is hard to imagine the one-state solution gaining serious momentum. It is of course a type of “default” destination, hanging over Israel’s unending colonial rule, but not a major political mobilizer, for several reasons. First, as already noted, its proponents do not answer the key question: Why would the Jews forgo Israel as the state of the Jewish/Israeli nation? Since approval of Israeli citizens is vital for a democratic process that leads to one state, what sensible or utilitarian reason
can be raised to convince Israeli Jews that one state will benefit them when it will almost certainly, sooner or later, have an Arab majority? I leave aside the weighty ethical question of the legitimacy of ethnic considerations in democratic politics. Rather, I ask a practical question, the answer to which is, I believe, clear. In addition, opinion surveys taken even among Arab-Palestinian citizens of Israel indicate that, despite the dissatisfaction with the ethnocracy and oppression in Israel, a stable and large majority prefer the two-state solution. Is it not obvious, then, that most Israelis would prefer, if they had to choose between annexation of the settlements and the continued existence of the state, to shrink geographically rather than become the state of “Israstine”?

Furthermore, as it stands now, there is not one official political body, Palestinian or Jewish, that has adopted, as a political framework, the concept of one democratic state (some religious groups support one state, but not a democratic one). This is understandable, since the framework for discussion so far has been based on the idea of two states as the action plan of the left, and a meeting point for the political elites opposing Israeli control in the occupied territories. However, I may also add that the lack of a meaningful movement toward the two-state solution, some twenty years after the Oslo and Cairo Accords, raises serious doubts about the simplistic partition in the “standard” two-state option. The confederation option offered below addresses and arguably overcomes this weakness.

Still with practical considerations, what do the one-state proponents demand from the Israeli regime? Dissolve the Knesset and establish a substitute parliament? And if so, is the Knesset—the sovereign body—expected to dissolve itself? Is the Zionist Knesset supposed to repeal all the Basic Laws and amend the Zionist Declaration of Independence? Will the Zionist state give up its control over the armed forces? Over legislation? Over immigration? Such steps are necessary for a one-state solution, but appear remote, to say the least.

Furthermore, will the immediate demand be to grant citizenship to four to five million Palestinians and millions of refugees? Will this action be taken by the same Knesset that enacted the racist Citizenship Law? To remind you, with an anecdote, even Nawal al-Uqbi, wife of Nuri, my Bedouin neighbor who was born in Beit Fajjar, cannot obtain citizenship after years of marriage to an Israeli citizen. What will convince the ethnocratic Zionist sovereign to take such actions? Possibly, international pressure can assist, but, as I noted previously, it is highly likely that most Israelis would prefer retreat or continuing “temporary” colonial rule to losing Jewish sovereignty, and to admitting millions of Palestinians as citizens.

To be sure, Israel acts in a deceptive and cynical manner typical to colonial states. It continues to colonize the West Bank, thereby preventing the establishment of a Palestinian state, and simultaneously shedding crocodile
tears over the purported threats to the “fragile and endangered” Jewish state. Here, too, it is clear to most thinking persons that this is self-deception, and that Israel’s colonial rule and “creeping apartheid” are not sustainable and must end. However, the battle against Israel’s wrongdoing, and in favor of Palestinian rights, must be based on the legitimate foundation of international law, according to which Israel is a recognized state, confined to its legitimate borders.

BACK TO CONFEDERATION?

Let us return to the concept of confederation. The need for such a horizon begins with the justifiable fear of one-state proponents that the Palestinian state will never be established and if it does, will not gain genuine sovereignty. It appears that if it ever comes to being, Israeli (and U.S.) policies and demands will devoid it from controlling many aspects of its sovereignty—such as all borders, security, imports, or water. The deep split between Fatah and Hamas and between the West Bank and Gaza contribute further to Palestinian weakness and the grim prospects of establishing a Palestinian state.

The classical two-state path is also threatened by structural deficiencies in the citizenship of Palestinians in Israel, undermined by an alienating Judaizing state, and by prolonged periods of discrimination and oppression. It is also pressured by their natural inclination to support their brethren in the colonized territories. This persistent tension is a complex challenge to the internal strength of the Jewish state. The cracks have widened significantly in the Negev, where Israel attempts to remove many unrecognized Bedouin villages, which sit on their ancestral lands, thus deepening the polarization between Jews and Arabs inside the Green Line. It appears as these structural difficulties can be better addressed, neither by one state, nor by two, but by development of a third space—conceptually and politically—located between these options. Such a space combines elements of the other two options, but does not violate the principle of Israeli and Palestinian sovereignty. The confederation option overcomes many of the geographic and security complexities and the complicated historical and community settings in the shared homeland.

Confederation enables progress by maintaining the logic and significant symbolism of two sovereign spaces for two national communities, while developing a “layer” of joint institutions administrating key joint (and relatively technical-legal) matters, such as environmental protection, external security, economy, transportation, labor migration, or protection of human rights. The confederation model creates a single economic market and freedom of movement for purposes of employment, tourism, trade, and gradually also residence for all within the confederated space. The model complies
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with international law—and can rely on the legal-geographic foundation of
two states. On this basis, progress can be made to create a functioning system
that will not only be economically beneficial for the two nations, but also
advance historical justice for Palestinians and Jews.

The confederation framework, aided by international support, will enable
the two sides to move toward reconciliation. It will be easier for each side to
proceed from Point A (the existing colonial ethnocracy) to Point B (reconcil-
iation and establishment of a Palestinian state), when both sides observe
Point C (the confederation arrangement). In such a setting, the two sides
provide each other invaluable assets: Israel accepts Palestinian sovereignty
(that is, the full legal, security, and political authority of Palestinian govern-
ment on the entire West Bank and Gaza) and allows freedom of movement in
the entire homeland and propels rapid economic development. The Palestin-
ians provide Arab legitimacy for the Jewish Israeli self-determination, Jeru-
salem as the Israeli capital, and contain future violence and terror. Hence, the
sovereignty and security of each nation will be profoundly assisted by the
existence of joint arrangements that will ensure for coming generations not
only their political rights, but also development, water, infrastructures, natu-
ral resources, environmental quality, and personal security. In other words,
realization of full citizenship, security, and development for Israelis entails
also realization of those benefits for of Palestinians, and vice versa.

In more detail, the confederation model is based on two sovereign entities
in the 1967 internationally recognized borders, in which the laws of Israel
and Palestine would apply accordingly. This is accompanied by the establish-
ment of an autonomous and shared capital region in metropolitan Jerusalem/
al-Quds (the Capital Region). The Israeli-Palestinian Confederation Council
(probably under a different name such as Council of “The Union” or “The
Treaty”), elected by citizens of the two states, will be created and empowered
to set policies on agreed—and initially fairly narrow—subjects. Inhabitants
of the two states will be guaranteed freedom of movement throughout, for
purposes of employment, leisure, trade, and tourism, and gradually, through
mutual agreement on each step, also long-term residency.

Another possibility, raised now and then, is to bring Jordan into the ar-
rangement and develop the Israeli-Palestinian-Jordanian space of joint man-
agement of economic, security, and environmental matters. Given the com-
plexity and sensitivity of the proposed setup, and past failures to advance
confederations with Jordan, it appears that at this stage Jordan will be left out
of the equation.

The confederation model is flexible enough to assist the resolution of
“core issues” in the Zionist-Palestinian conflict—regarding the refugees, Je-
rusalem, settlements, and the Arabs in Israel—in a way not addressed by any
of the other proposed solutions. As for the Palestinian right of return, let us
remember that officially Israel already recognized the right when it was
accepted into the United Nations in 1949. However, the situation has clearly changed since, and it is one of the most sensitive issues for reconciliation. The confederation idea allows Palestine to absorb all the returnees, as is the norm in most refugee programs which typically repatriate refugees with “their” nation-state.

Yet, the freedom of movement in the entire homeland, which is a key element of the plan, provides a right of return to the entire land, in a manner never suggested by any other two-state framework. This means that the return into Israel Proper will be exercised by free will with residency (rather than leisure or work) dependent on mutual agreement and conducted in gradual steps. Because returnees will receive Palestinian citizenship, they will not threaten the nature of Israeli society, as currently feared by many. This also holds for Israeli immigration into Palestine, which will be gradual and agreed upon.

The refugee issue may even offer an opportunity for promoting historic reconciliation: in the name of a new symmetry, Israel will allow immediate residency to Palestinians returnees in a number equivalent to the amount of Jewish settlers remaining in Palestine. Israel’s absorption of these refugees will be based on criteria the Palestinians set, which may include, for example, giving priority to refugees from Lebanon, who suffer from harsh living conditions, and to persons born in Palestine prior to 1948.

Regarding West Bank Jewish settlements, the confederation model, governed equally by Palestinians, would allow West Bank (government-approved) Jewish settlements to remain, provided they disarm, pay for their land, and accept Palestinian sovereignty. The objective is to prevent a deep crisis in Israel of mass uprooting which will not only cause internal Zionist strife and regional violence that could easily derail the reconciliation process, but also prevent a form of new injustice for many who were born in the approved settlements.

Moreover, and without ignoring the explosive potential and dangers of this move, we can note that the settlement impact on the West Bank, when brought to its real proportion, is not insurmountable. A 2013 report by B’Tselem, which I mentioned earlier, found that the built-up area of the settlements covers just 1 percent of the land area of the West Bank, and the settlements’ built-up surrounding areas, which include necessary infrastructures, cover an additional 2.5 percent. In principle, the public infrastructure (roads, industrial areas, purification facilities, and so forth) that was built for the settlements will be transferred to the Palestinian state and made available for the use of its inhabitants.

Presumably, as a result of the establishment of Palestinian sovereignty over the settlements, a large proportion of their settlers will leave the West Bank, and Israel will have to make plans for absorbing them. Upon Palestinian consent to allow settlers to remain in their homes, a significant number of
them, most likely in the largest cities and towns, will stay and become residents or citizens of the Palestinian state, reducing the shock to Israeli society and sending an important message that a new page in Israeli-Palestinian relations has been turned. The ability of a Palestinian state to protect a small Jewish minority will also be a positive step toward genuine reconciliation. Such a move will also make redundant the ceaseless attempts by Israelis to offer border changes and land swaps. Such moves constantly stir fears and conflicts over attempts to annex large areas of the West Bank in exchange to areas inside Israel, at times including Palestinian citizens. It is far more just and sustainable to keep the internationally agreed borders (of the UN-approved 1967 line) and change the legal and political arrangements than in effect attempting to repartition the West Bank.

Simultaneously, the confederation plan is likely to promote the democratization of Israeli and Palestinian regimes. Israel should be redefined as belonging to the Jewish-Israeli nation as well as the Palestinian minority, which will receive full rights of a national minority. Democratization of the space must also ensure full and equal citizenship including a fair share of the state’s resources and budgets, return of confiscated land, recognition of all the Bedouin villages, proportional Arab representation in public institutions, and cultural and educational autonomy. The status of the Arab-Palestinian minority in Israel is crucial to stability of the system, not only because the minority is entitled to these rights, but because internal ethnic conflicts can easily undermine political systems, as has occurred around the world—from Turkey to Thailand, Sri Lanka, Ireland, Cyprus, Spain, Georgia, Iraq, and to India and Sudan, and most recently in Syria and Yemen.

Returning to a point already mentioned, the confederation of union plan brings back into life the political framework of UN Resolution 181, of 1947, which was called at the time “partition with economic union” and proposed Jerusalem as an autonomous region. True, at the time, the resolution appeared hostile to the Palestinian people and imposed on them harshly without their consent. However, in an historic reversal, the confederation scheme allows Palestinians, about seven decades later, to regain most of their political rights, while advancing toward cautious and responsible reintegration of the Israeli and Palestinian economies and living space. This historical reversal symbolically began on November 29, 2012, precisely sixty-five years after the original UN decision, when the same UN Assembly responsible for the 1947 decision decided to award Palestine the status of “a non-member state.”

To repeat, Resolution 181 is one of the only resolutions regarding Israel/Palestine that was endorsed by both sides—by the Zionists in 1947 and by the Palestinians in 1988. It is worthwhile quoting from the declarations of independence of the two peoples, which relate to the UN resolution in question. The Israeli Declaration of Independence, of 1948, declares:
by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly, hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel.

The Palestinian Declaration of Independence answers it, forty-one years later:

historical injustice was inflicted on the Palestinian Arab people . . . following upon UN General Assembly Resolution 181 (1947). . . . yet it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty.

In addition to UN resolutions, the confederation solution will jumpstart what I referred to in my writings as a process of “gradual binationalism,” the vital element for moving our land into a de-colonized and democratic stage on both sides of the Green Line. The two sovereign states, the autonomous Jerusalem region, as well as other urban regions, such as Haifa, Nazareth, and Beersheba, would be binational and multi-cultural.

There is no room in this chapter to discuss the inevitable problems in implementing the confederation governmental structure, beyond a brief mention. These begin, first and foremost, with security arrangements, and the management of state violence and terror, which requires a lecture of its own. Other key problems will involve the management of increased Palestinian and Jewish movement across the land, and particularly the absorption of Palestinians in the Israeli labor markets and some living spaces, as well as the relaxation of hostile relations between remaining Jewish settlers and Palestinians in the West Bank. The management of Jerusalem based on equality will also be a major challenge. The many inevitable difficulties can be countered by three key points. First, the confederation framework is flexible and the depth of cooperation is likely to gradually strengthen over time, as security and relations between the sides improve. The confederation model is typically characterized by decentralization, enabling the existence of autonomous regions and diverse and multicultural forms of government, which is suitable for Israeli and Palestinian societies, composed of many different cultural and regional communities. One promising possibility, raised by attorney Hassan Jabarin, is drafting and adopting a democratic overarching constitution between Jordan and the sea as a foundation for administering Israel and Palestine. Such a constitution will ensure the right to self-determination of the two peoples and also the rights of the individual citizen and of the minority communities, on both sides of the border. The political structure, if based on viable foundations, will lead to the gradual integration of the Israeli-Palestinian space, possibly leading, later down the road, to the making of a federation.
Second, the proposed model allows for a gradual decentralization of many aspects of governance into regional or metropolitan spaces, which would reflect the high degree of urbanization in Israel/Palestine. The urban scale is promising for re-inventing the country’s politics, as it neutralizes the “burden” of historical, religious, and territorial issues, so dominant in other scales. We can picture, for example, such functioning metropolitan regions around Nazareth-Karmiel, Haifa, Nablus, Ramallah, Gush Dan, and Beersheba, along with the autonomous metropolitan region of Jerusalem/al-Quds. Urban spaces are generally open and encourage movement and mixing; they can introduce more direct, inclusive, and democratic forms of government less dependent on fixed identities; they can reorient public discourse to present future issues, rather than burdening history and identity.

Third, confederation opens the possibility for novel and original thinking that may rekindle the hope for peace which has been all but extinguished over the past decade, particularly because of Netanyahu’s belligerent reign over Israel and to a lesser extent, Hamas’s rhetoric and action. The framework proposed here provides a better answer to the core issue of the conflict more than the other proposed solution. This is achieved without impinging on Israeli or Palestinian sovereignty, which still forms the basis for global political-geographic order.

Yes, the confederation path sounds utopian, for the time being. Yet, it enables us to imagine and plan a third space, post-colonial and democratic, between the polarized and unachievable one- and two-state solutions. It also allows the mobilization of wide public support among both Israelis and Palestinians, unattainable by all other political agendas. Under a confederated union, Israel and Palestine will be able to advance toward de-colonization and real reconciliation, for which generations of Palestinians and Israelis have been yearning in their shared homeland. The path to realizing this horizon may be best captured by the gentle words of the poet Yehuda Amichai, “the two of us together, and each one alone.”

POSTSCRIPT: THE MAKING OF A MOVEMENT

The ideas expressed in the chapter have already become a platform for a nascent Israeli-Palestine political movement titled “two states, one homeland” (https://www.facebook.com/2states1homeland). The movement works in a grassroots mode and has grown rather fast during 2015. Dozens of small local meetings and two larger conferences have established it as the only Palestinian-Israeli joint movement that makes a fresh and promising proposal to break the deadlock on the political level and the “creeping apartheid” on the ground. The movement’s official publication has articulated the following points, which form the blueprint for Palestinian-Israeli Union:
Between One and Two

- **One homeland.** Palestine/the land of Israel is one historical, geographic, and cultural unit; it is a joint homeland for the two peoples who hold strong ties to all its parts.

- **Two states.** Two independent, sovereign, and democratic states will exist in the land according to the 1967 borders fulfilling the right of the two peoples for self-determination.

- **Immigration and citizenship.** The two states have the right to determine immigration and citizenship within their boundaries, including the naturalization of Palestinian refugees in Palestine and diaspora Jews in Israel.

- **Open borders.** The borders between the two states will be open with free cross-border movement. Citizens of the two states will be allowed to reside in the neighboring state, as long as they live in peace with their neighbors. The opening of borders will occur gradually and by mutual agreement.

- **Palestinian Arab citizens in Israel.** The Palestinian Arab citizens in Israel will be guaranteed a status of national minority and appropriate representation in state institutions. If a Jewish minority is created in Palestine, it will enjoy similar rights.

- **Joint institutions.** A “Palestine-Israel union” will be established with joint institutions for the management of common concerns such as security, environment, natural resources, and economy; a special court will safeguard human rights of residents of the two states.

- **Jerusalem.** Jerusalem will not be divided and become a united city and capital of the two states; the city will be governed by a special Palestinian-Israeli urban regime.

- **Remedying injustices.** The injustices caused by the conflict, past and present, including refugee rights, will be remedied according to international decisions, without causing new injustices.

**NOTES**

1. A similar political plan, with somewhat different geographical borders, was laid out in UN Resolution 181. Despite the political opposition at the crucial time, both sides ultimately accepted the resolution.


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Chapter 16


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FURTHER READINGS ON THE ONE- AND TWO-STATE DEBATE


