The 'State-Plus' Framework: A Confederal Solution for Israel-Palestine

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Omar H. Rahman
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Executive Summary

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 a 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.

"…any solution to the Israeli-Palestinian conflict as a whole, must have two characteristics if it is to produce a durable peace: It must be workable, and, at least in some measure, it must be inspirational. If a potential solution is technically workable but fails to inspire hearts and minds, it is unlikely to succeed."

—John V. Whitbeck[1]

Introduction

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."[2]

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."[3] 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.[4]

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 first section begins with a critique of the two-state and one-state models in order to provide a better understanding of where confederation fits in and the advantages it offers by comparison. The second section presents a theoretical model of confederation and then makes the case for its application as a governance model in the Israeli-Palestinian context. The third section addresses existing critiques of confederation and its weaknesses as an applied model. The fourth, and final, section presents a rough guide to implementing confederation.

Looking Beyond
Classic Partition

Partitioning the land of Israel-Palestine into two independent states has been the dominant conceptual framework for resolving the conflict between the Zionist and Palestinian national movements for decades. This framework was first introduced during the British Mandate and served as the basis for the 1947 U.N. Partition Plan, but was rejected as incompatible with self-determination by the majority-Arab side and faded from view following the 1948 war and its aftermath.[5]

Partition reemerged as a viable option beginning with the gradual acceptance of its basic principles by parts of the Palestinian national movement in the 1970s, as well as forward-thinking Israelis and international peacemakers who that felt that it was the only way to safeguard Israel's democracy and Jewish majority.[6] Partition was then adopted as the basis for negotiation during the Madrid and Oslo peace processes in the early 1990s—although Israel did not formally accept the goal of an independent Palestinian state, preferring instead the concept of separation without ceding sovereignty.[7]

Since that point, an enormous amount of time, resources, energy and attention have been invested by the two sides, the international community, and an entire ecosystem of civil organizations to bring this paradigm to fruition. In spite of this, negotiations failed time and again to reach a final agreement and prospects for partition have been undermined by the state-sponsored expansion of settlements into what would have constituted the Palestinian state.[8] This historical failure does not necessarily mean that an arrangement on the basis of two states is impossible. It is to say, however, that this paradigm has limits and flaws that should be understood and acknowledged. And these shortcomings were, at least in part, responsible for the lack of agreement and for galvanizing opposition forces that have ultimately triumphed in thwarting partition.

In theory, the concept of partition is attractive for its sense of symmetry and parity, grounded as it is in the notion of "two states for two peoples."[9] It ignores, however, the difficulty of dividing the land's unique geography; the overlapping claims of Palestinians and Israelis; the entanglement of their populations; and their interlinked holy sites, economies, and resources. It also disregards

how the Zionist movement came to contest the Palestinians for control of their native lands—the settler-colonial dimension—and how this would affect the Palestinians' willingness to divide their lands for the sake of a "solution" imposed by outsiders.[10]

Partition into exclusive ethno-national sovereign entities under these circumstances raises a host of problems without adequate solutions. Chief among them: How do you homogenize the populations into "two states for two peoples" without undertaking immensely immoral and destructive actions, such as involuntary population transfer? Who is granted sovereignty over areas of shared religious import? How can resources be distributed fairly? How can overlapping claims, attachments, and aspirations be addressed? And how can the individual and collective rights of minority citizens be ensured?

Before the war of 1948, partition proposals were problematic chiefly because of the difficulties of answering these questions and because they ignored how the Israeli and Palestinian national movements came to compete in the first place. These proposals attempted to create a "Jewish State" without the appropriate demographic conditions and did not account for how the need to create these conditions might imperil the indigenous Palestinian population. The 1947 Partition Plan proposed a Jewish State in which non-Jews comprised roughly half the population, while explicitly calling for full civil and political rights for the Arab population (it notably did not recommend population transfer or exchange, as was done for India and Pakistan).[11] But it is unclear how this was reconcilable with the idea of a Jewish state, except by facilitating enough Jewish immigration to overwhelm the native Arab community. As such, when the requisite immigrants were not forthcoming, Zionist forces were encouraged to resolve this dilemma to their sovereignty by expelling a vast amount of the indigenous population, under the pretext of war, in order to secure a substantial Jewish majority.[12]

In effect, this produced the conflict that has existed ever since, and the underlying logic of demographic competition still persists to this day. Israel's former foreign minister Avigdor Lieberman, for example, became infamous for proposing the disenfranchisement of a substantial portion of Israel's non-Jewish citizenry based on the principle of homogenization (a similar proposal was also included in Donald Trump's "Peace to Prosperity" proposal in January 2020).[13] Lieberman became fond of saying that, with 20 percent of Israel's population being Arab, a two-state solution really meant one and a half Palestinian states and only half a Jewish state.[14]

Partition as it was conceived after the 1967 War, on the other hand, was problematic because it ignored how the conflict was rooted in the run-up to 1948 and the ensuing war, instead focusing almost entirely on Israel's occupation of

the West Bank and Gaza Strip. In the words of former American negotiator Robert Malley, "The problem with the two-state idea as it has been construed is that it does not truly address what it purports to resolve. It promises to close a conflict that began in 1948, perhaps earlier, yet virtually everything it worries about sprang from the 1967 war."[15]

Without 1948 as a reference point, it is difficult to understand many of the Palestinian negotiating positions or the level of attachment both sides have to the entirety of Israel-Palestine.[16] As Khaled Elgindy points out, while many think of partition as "each side gets 'half a loaf,' the parties—or at least influential constituencies among them—have been more inclined to view it as negotiating over 'half a baby.'"[17] The logic of partition also intensifies zero-sum competition and aggravates the attendant power imbalance, making it extremely difficult to find an equitable arrangement. The stronger party is encouraged to lean into their advantage to secure as much as possible, and to compromise as little as possible, without consideration for how the weaker party can absorb the loss.

In practice, Oslo's separation paradigm created a perverse incentive structure, especially when coupled with the policy of gradual implementation and the instinct of Israeli and American negotiators to make sure that Israel was bound to as few restrictions and obligations as possible.[18] Thus, Israel was actually incentivized to continue—and even accelerate—the build-up of settlements in order to maximize its portion of the pie over the duration of the negotiation process. Indeed, former Israeli Prime Minister Ariel Sharon is famous for urging Israelis in 1998 (when he was foreign minister) to "run and grab as many hilltops as they can to enlarge the settlements because everything we take now will stay ours… Everything we don't grab will go to them."[19] This undermined Palestinian territorial integrity and perceptions of the peace process, while strengthening the very contingent on the Israeli side who opposed territorial compromise—the settlers and their ideological supporters.[20]

Today, the obstacles to partition appear insurmountable as a result of what transpired under the Oslo framework. And while a number of two-state advocates argue that a more conducive environment may appear in the future, there is no reason to believe whatsoever that present conditions will give way to better ones. In fact, the opposite is likely true.

WHY NOT ONE STATE?

As enthusiasm for the two-state solution wanes in tandem with its perceived viability, alternative paradigms for resolving the Israeli-Palestinian conflict are

predictably gaining traction.[21] Uppermost among these alternatives is a single democratic state, either liberal or binational, encompassing both Palestinians and Israelis and stretching from the Jordan River to the Mediterranean Sea.

Although an ethnocratic state dominated by Israeli Jews is the most likely single-state outcome to appear in the near term, excluding almost half the population from participating in the government is a recipe for perpetual conflict and will not be considered in this section.[22] There are other, more compelling, forms of common statehood that adhere to universal principles and values of equality, fairness and inclusivity; are democratic; and represent all citizens regardless of national, religious, or ethnic affiliation.[23] In the words of Israeli professor Oren Yiftachel, the one-state framework for Israel-Palestine can be "comprehensive, inclusive, and even elegant."[24]

The one-state framework also takes into greater consideration the conflict's history, the rights of Palestinians—especially the right of return for refugees—and the attachments of both peoples to the entirety of Israel-Palestine.[25] Some arguments for a single state also rely on the "one-state reality" that currently exists, which renders separation and partition all but impossible.[26] Instead of fighting endlessly to reverse this *fait accompli*, one-staters accept the reality of a single polity and seek to transform it into one that is equal and democratic for all.[27]

While straightforward, ethical, and admirable, there are major pragmatic gaps in the one-state approach to conflict resolution in Israel-Palestine. Namely, it does not adequately grapple with the political, legal, and coercive forces existing within the system it seeks to change.[28] Its focus is on securing Palestinian rights without imagining a viable post-conflict polity.[29] First and foremost, any viable nation-state must emerge from appropriate building blocks that make possible the forging of a common civic nationalism. Yet one-state proponents ignore the fact that Palestinians and Israelis do not share the same language, culture, religion, or historical narrative, while underestimating the centrality of ethnic nationalism to the conflict.[30]

Nor do they propose a means of overcoming these incongruences, except perhaps through post-conflict reconciliation, which is wholly inadequate to meet the demands of a process that can otherwise take centuries. By treating democracy as a panacea, advocates disregard the perils of democratic majoritarianism while espousing "heroic assumptions about the merits of civic integration under the formula of equal citizenship and the privatization of cultural differences, and hard to believe if not incredible assumptions about the plasticity of collective and individual identities."[31]

Although a binational federation may take greater consideration of existing national and ethno-religious diversity, with modes of power-sharing that accommodate differences, the level of integration needed in that particular modality is still

far too high at the outset to overcome the stark disparities between the two sides, or the deep mistrust and enmity that have hardened over the course of the conflict. While these are not permanent or insurmountable obstacles—there are, after all, thousands of peoples with different languages and identities living in only 193 nation states around the world—it is important not to underestimate the impact these circumstances could have on a fledgling political arrangement. This is not to mention whether Israelis and Palestinians actually desire to wade into the treacherous waters of each other's highly complex and polarized societies.

Detractors of the one-state model often point to Palestinian aspirations for self-determination in a state of their own, as well as for national expression and national institutions. And while that should not be discounted, these aspirations have evolved over time and could prove malleable again if Palestinians find other post-national modalities for securing their political rights and ambitions. However, the corresponding demand from Israeli Jews for a state of their own is likely not as flexible.

Indeed, Zionists have presented the world with a cogent and compelling case for the necessity of a Jewish state as a safe haven from genocidal anti-Semitism. Although the fulfillment of Jewish self-determination at the direct expense of Palestinians and their own rights cannot be justified, one-staters should still contend with the merits of Jewish self-determination distinct from the oppression of Palestinians—even if one views them as inseparable in practice. Integrative solutions that do not sufficiently address the national claims of Zionism are likely to remain unappealing to most Israeli Jews and to face firm opposition.[32]

Although one-staters do not ignore Israel's state power or international support, they also tend not to take these obstacles seriously enough. Israel is a formidable state, militarily, economically and diplomatically. Zionism enjoys overwhelming support within Israel and in Jewish communities worldwide, as well as from a range of other actors.[33] Because a one-state option would ultimately render Jews an electoral minority, it is interpreted as a strategy to destroy Israel, rather than to reform it into a democratic, egalitarian, and non-ethnonational state.[34]

Israel also derives support for its existence from international law, U.N. resolutions, and recognition from a large majority of the international community. While that support does not extend to an Israel that can aptly be characterized as an apartheid state, none of the 164 countries that have diplomatic relations with Israel call into question its desire to exist as a majority-Jewish state. Why, then, would the State of Israel allow itself to be replaced by a new political entity that would completely change its identity, dramatically reducing the power of its dominant elites and privileges of its citizenry?[35]

One-staters imagine a future in which Israel's oppressive regime becomes too intolerable for the international community to bear and enough pressure is marshaled to dismantle it. In reality, there is little basis for believing that any amount of pressure would be enough to force Israel to abandon a 120-year-old national project that is widely viewed as an existential necessity. Certainly, there are several examples of states that are able to withstand considerable external pressure with far less domestic public support than Israel and without a comparable means to internally justify external antagonism (in the way that Israel can with anti-Semitism). That is to say nothing of the fading moral imperative of liberalism on the world stage—a key component of one-staters' strategy to force Israel to comply. Indeed, regimes in Syria, Iran, Cuba, and North Korea have resisted more with less.[36]

But even if that level of pressure were possible somewhere down the road, the one-state outcome would ultimately have to be imposed on a largely unwilling and resentful Jewish population—one that would still likely dominate the levers of economic and coercive power. And that would likely lead to long-term instability in a state that had no basis for national cohesion or common civic identity beyond an overlapping connection to the land, the need to fulfill Palestinian rights, and the moral abhorrence to apartheid.

Arguments for the one-state solution will continue to gain resonance as Israel undermines any alternative, as they should. But the parties would be best served by first creating a basis for cooperation, diffusing tensions, and building a common civic identity. The sensible approach is a measured one that liberates Palestinians from Israeli tyranny at the outset, decolonizing the relationship between them while establishing a political arrangement based on degrees of separation, power-sharing, and cooperation, thereby generating momentum for progressive integration. Such a formula can be found in the model of confederation.

Is There a Third Way?

Confederalism is not an entirely new concept in relation to peacemaking in Israel-Palestine. Components of confederalism have, in fact, been integral to concepts of peacemaking since the days of the British Mandate. Because of its inherent flexibility, confederalism is sometimes conceived of as a toolbox rather than as a strict model of governance, providing useful mechanisms for overcoming challenges.[37]

The U.N. Partition Plan of 1947 was itself a limited confederal arrangement, based on an economic union of two states with "a common customs system, a

common currency and the maintenance of a country-wide system of transport and communications."[38] At the time, these confederal arrangements made sense because of the ontological nature of the problem: two irreconcilable national movements on a small territory with limited resources and relatively interspersed populations. In this context, having two distinct economies and transportation-communication networks would have been redundant, disadvantageous, and difficult to implement. (It should be noted that the U.N. Plan also contained a minority opinion proposal for a federal arrangement).

Confederalism remains compelling today because of the persistence of these dynamics and because it possesses more flexibility than full partition or integration to address intractable challenges related to borders, refugees, settlements, Jerusalem, security, and overlapping connections to the land itself. Importantly, confederalism also disavows the concept of "separation" underlying the Oslo peace process, because in practice—in the absence of peace, advanced by Israeli unilateralism, and defined by asymmetrical power relations—separation has led to a "separate and unequal" system that is predicated on the physical and indefinite subjugation of Palestinians.[39]

In contrast, confederalism is based on principles of shared sovereignty, equality, parity, and partnership, while allowing enough separation for each community to enjoy real national expression in a state of its own. It would require Israelis and Palestinians to work together in key areas and to allow one another to move and live freely, which would no doubt be difficult. But history has proven that Israelis and Palestinians can indeed work together.

While cooperation has never approached the scale needed to make confederation viable, and has been defined by asymmetric power structures, it is not only possible but necessary in order for Israelis and Palestinians to live in peace with each other. At the very least, confederalism provides new ways to consider old problems, which should prove valuable to current and future thinking about peace in Israel-Palestine.

The Case for Confederation in Israel-Palestine

This paper defines confederation as a union or league of two or more sovereign states that agree through covenant or treaty to vest certain powers to a central authority for specified common purposes. The bulk of sovereignty and political independence rests with the constituent states, which maintain their own comprehensive sets of government institutions.[40] Within a limited power-sharing arrangement, each state cedes a measure of sovereignty to joint institutions that exercise authority over specified jurisdictions, which may include foreign affairs, mutual defense, water basin management and distribution, environmental regulation, trade and commerce, tourism, transportation, airspace, and electromagnetic fields.[41] Institutional collaboration may even extend to a joint parliament and executive, but the balance of sovereign power remains with the individual states.

The principal advantages of confederation are its flexibility and adaptability to context, especially in deeply divided places, and its ability to accommodate a wide scope of political arrangements. Constituent polities are linked only as much as they deem necessary and are otherwise separate.[42] Citizens are able to maintain their group identities and collective self-determination, symbols, educational curricula, cultural institutions, and other elements of national expression.

Integrative solutions like confederation can avoid conflict stemming from the application of strict Westphalian notions of sovereignty—which assume nations to be "homogeneous, physically disentangled, and spatially divided"—to heterogeneous and contested spaces.[43] Integrative solutions perceive sovereignty as limited and shared, as opposed to absolute and indivisible. They are therefore more in line with modern notions of state sovereignty in a globalized world, which are restricted by the rights of other states and by numerous institutional links and treaties, norms, laws, trade and environmental regulations, and other components of internationalism.[44]

Confederation can also help stabilize and resolve conflicts by mitigating zero-sum problems while accommodating the rights and claims of various groups through "complex, multilayered, and overlapping institutional designs within which sovereignty is exercised jointly and partially."[45] For example, the demarca-

tion of borders can be considered zero-sum because the placement of a border creates a winner and loser, but a confederal arrangement can compensate for territorial loss by providing for rights beyond the demarcated border.[46] Indeed, open or heavily relaxed borders are a primary feature of confederacies and provide a number of advantages, including freedom of movement, the ability to live and work in other states, access to sites of national or religious importance, and economic opportunities.

Thus, confederation can ease the burdens of partition while simultaneously offering a pathway to further integration through cooperative mechanisms and people-to-people interactions. In some confederate models, citizens are also allowed municipal voting rights in the state of their residence. The Scandinavian Nordic Passport Union (NPU), for example, allows citizens of any NPU state to reside and work in any other state, while also providing residents the right to vote in municipal elections as regulated by domestic legislation.[47]

Contemporary examples of confederation are limited. This is in part because the system is both highly adaptable and dynamic, often integrating or splitting over time.[48] Perhaps the most well-known and successful confederation today is the European Union (EU), which unites 27 countries under a unique political system. Canada identifies itself as a confederation but is more aptly defined in contemporary political science terminology as a federation. Switzerland, Belgium, and Bosnia-Herzegovina are hybrid governments that resemble confederations in certain ways but do not fit a specific model.

A confederal solution for Israel-Palestine is justified by three fundamental concepts:

1. Both peoples have the right to national self-determination, which can be fulfilled through statehood.

2. The two sides are too intermingled and interdependent to separate neatly into distinct, ethnically homogeneous states.[49] Undergoing a process of homogenization would require highly unethical and destructive methods, such as forced population transfer, which negatively outweigh the presumed value of partition.[50]

3. Both peoples have needs, aspirations, and rights tied to the entirety of Israel-Palestine. A paradigm that successfully applies concepts of shared sovereignty can mitigate the zero-sum challenges that stem from rival claims.

A number of important initiatives promote confederalism as a paradigm for resolving the Israeli-Palestinian conflict, including the Israel/Palestine Center for Research and Information's (IPCRI) "Two States in One Space" project, as well as the "Two States, One Homeland" initiative.[51]

The purpose of this section is not to detail a concrete proposal for confederation, but rather to explain the rationale for confederation and how it is useful for overcoming persistent obstacles to peace, as well as capable of producing a more sustainable framework for these two peoples to co-exist in the same territory. Confederation does not offer perfect solutions for the Israeli-Palestinian conflict. But it is more responsive to the needs and aspirations of Israelis and Palestinians than either strict partition or a single democratic state because it adopts elements of both while avoiding their pitfalls.

Fundamentally, a confederal model facilitates national self-determination for two or more peoples in states of their own, allowing for the expression and development of their unique national identities and cultures. It also "preserve[s] the territorial integrity of the national space even while disaggregating sovereignty over it," requiring the involved states to share sovereignty over certain domains and extend particular rights to one another's citizens.[52]

As a result of these compromises, confederation has the potential to reduce zero-sum competition that previously impeded the negotiated resolution of final status issues in Israel-Palestine. This includes issues such as borders, settlements, refugees, Jerusalem, and security. For example, Israelis may be more willing to relinquish territory back to Palestinians if they know they will continue to have guaranteed access to it, including the right to live, work, and worship. That guarantee is more secure because it is bound up in a joint framework of confederation rather than the less-assured consent of a neighboring state.

The fundamental principle underpinning confederation is reciprocity, whereby any collective rights and privileges accorded to one side are also accorded to the other. Confederation makes both Israel and Palestine stakeholders in one another's success. It allows both states to play a role in ensuring that minority populations and their rights are adequately protected. Unlike some proposals that call for Palestinians to have less than a state, or a "state-minus," confederation can be viewed as a "state-plus" framework, in which the sovereignty of each state, and the rights of its citizens, extend beyond its borders.[53]

GOVERNMENT AND FOREIGN RELATIONS

A confederation for Israel-Palestine envisages two sovereign states existing within recognized borders—most likely along the 1949 armistice lines.[54] Each state would run its own domestic affairs, including legal affairs, education policy, healthcare, social security, agriculture and rural development, sports, policing,

and taxes, as well as maintaining its own national symbols and socio-cultural and religious institutions. Both sides would have a fairly comprehensive set of domestic institutions, including parliamentary, executive, and judicial branches. Limited powers would be ceded to joint institutions with the authority to manage agreed upon issues for the mutual benefit of all. These could include trade, commerce, monetary policy, national infrastructure, environmental regulation and conservation, security and border customs, mutual defense, water basin management and distribution, power distribution, airspace, territorial waters, and the electromagnetic spectrum.

Whether the two states decide to establish joint executive, parliamentary, or judicial institutions (including human rights commissions) would be a matter for negotiation, and perhaps time. These rather robust institutions of joint sovereignty are not necessary at the outset, though they represent the fullest expression of confederation. However, there must be enough common institutional capacity to ensure freedom of movement between states, as well as respond to the inevitable political discord and inter-communal violence with effective dispute resolution mechanisms.

Foreign relations would largely be the prerogative of the individual states, including membership in treaties and international institutions. However, as in the EU, it could be advantageous for the confederation to speak with a unified voice on certain topics, especially trade, energy, and environmental issues. While there would be cases where Israel-Palestine is best represented as a confederation, there may also be cause for other forms of dual-representation. For example, Palestine could retain membership in the League of Arab States, but Israel could join Brazil, Eritrea, India, and Venezuela as a non-Arab observer.

The exact confederal configuration would be for the parties to negotiate, but would be enshrined in a confederal constitution that firmly delineates the nature of the union and how it functions. Clear and limited veto powers can also be specified to protect each state from undesirable encroachment by the other.[55] Regardless of the exact terms or conditions, the principles of equal rights, parity, and reciprocity would need to be met.

Moreover, a Palestinian state would need to exist within a sizable and contiguous territory that could reasonably accommodate its current and future population, as well as provide economic opportunities well into the future. Confederalism cannot become a license for a dominant Israel to confine millions of Palestinians to truncated, non-contiguous enclaves that are only nominally a state—as might happen if confederalism were implemented under present conditions.

In a June 2018 joint poll conducted by the Palestinian Center for Policy and Survey Research (PSR) and the Tami Steinmetz Center for Peace Research (TSC) at Tel Aviv University (TAU), roughly one-third of Israeli-Jews (30 percent) and Palestinians (31 percent) expressed support for a confederation of two states in which: 1) citizens of each country could live as permanent residents in the other; 2) Israel and Palestine cooperate on security and the economy; and 3) Jerusalem remains the undivided capital of both states. Moreover, 68 percent of Palestinian citizens of Israel supported the concept.[56] According to 2014 polling by Dahlia Scheindlin on behalf of +972 Magazine and IPCRI, 56 percent of Israelis supported a detailed confederal package, including 51 percent of Israeli Jews.[57]

CITIZENSHIP AND BORDERS

In a confederal Israel-Palestine, two fundamental principles can ensure that, no matter how limited the level of governmental integration, core needs and aspirations are met: open or soft borders and the application of "permanent residency status." While each state should maintain ultimate sovereignty over its territory and borders, both states should agree to allow freedom of movement between them, enabling Israel-Palestine to remain intact as a single geographical unit. This model is more responsive to the attachments felt by both sides and does not equate relinquishing formal control over territory with a zero-sum loss. Israelis can maintain their connections to "Judea and Samaria" (biblical parlance for the West Bank), while Palestinians can reconnect to their historic patrimony in the coastal cities and plains—the Galilee, the Negev, and Jerusalem—from which they were dislocated in 1948 and the years following.

This principle would be enhanced by a system of permanent residency, which would allow citizens of both states to live, study, and work in either without needing citizenship or special permits.[58] In essence, political and voting rights would be decoupled from economic, social, residential, and property rights.[59] This would allow non-citizens the rights of permanent residents without upsetting delicate demographic and political balances—easing one of Israel's key concerns. Over time, the states could choose to enable local voting rights for permanent residents, perhaps as part of a process of decentralization that empowered local communities.

Upon the establishment of a Palestinian state, all residents of the occupied territories who were not already citizens of Israel would be granted Palestinian citi-

zenship. Israeli Jews would remain citizens of Israel no matter where they lived. Current Palestinian-Arab citizens of Israel would be given a choice of citizenship—a choice they have never had before. If they decided to remain Israeli citizens, they would be subject to the same obligations as Jewish citizens, including military service, as the Arab Druze community has been for decades.[60] They would also be granted the rights of a national minority, full civil equality, and the fair distribution of natural and land resources. In so doing, Israel will gain a firmer commitment from all its citizens to the state and society. If they decided to take Palestinian citizenship, they would remain in their homes as permanent residents of Israel with national voting rights in the State of Palestine.[61] And in the case of the dissolution of the confederation, a special statute could be devised to revert them to their original citizenship.

While permanent residency is an intricate concept that will require comprehensive legal and analytical analysis to be developed and applied, there is significant and successful global precedent, including the EU's Schengen regime; Scandinavia's NPU; Belarus and Russia's Treaty on Equal Rights of Citizens; and the United Kingdom (U.K.) and Ireland's Common Travel Area. All of these agreements have kept the peace and expanded economic opportunities for those involved.[62]

Freedom of movement, sovereignty, and open or porous borders would vastly expand economic activity for both sides and especially Palestinians, who have been stifled by decades of oppressive occupation and exploitive policies of "de-development."[63] Israel and Palestine would be bound in an economic arrangement similar to that of the EU and to that envisioned by virtually every peace proposal to date.[64]

Porous borders and permanent residency would not only allow for greater economic activity but also facilitate more frequent interaction between people. While this could cause friction, it is important to note that Israelis and Palestinians have interacted in all facets of life for decades without inherent conflict. In some parts of the country, Israelis and Palestinians work together in the same businesses, shop in the same stores, eat in the same restaurants, study in the same universities, use the same hospitals, and walk the same streets every day. One in five Israeli citizens is of Palestinian origin and within Israel there are several mixed cities, as well as Jerusalem. Palestinians and Jewish Israelis even intermarry. Facilitating more interaction will help reverse the trend of separation that has prevailed since Oslo, which has produced generations of Israelis and Palestinians that have no comprehension of one another on a human or personal level.[65]

Finally, it should be recognized that internal borders are a relatively recent phenomenon. Up until 1948, and after 1967, there were no hard borders between the Mediterranean Sea and the Jordan River, only administrative borders.[66] There

was also relatively free movement between the West Bank, Gaza, and Israel until the early 1990s. Even today, neither side conceives of its homeland as having any internal borders—rather, they conceive of it as the entirety of Israel-Palestine. Yet, while Israelis still have relatively free access to the West Bank, it is facilitated through violent repression of Palestinians, who do not have access to the other side (including Jerusalem) without permits. Palestinians also face a complex regime of checkpoints, roadblocks, and security barriers within their own territory. This must end.

DEMOGRAPHICS: REFUGEES AND SETTLERS

The application of permanent residency status also has potential to resolve two of the most intractable demographic issues in the Israeli-Palestinian conflict: those pertaining to refugees and settlers. Since 1948, Israel has obstructed the return of Palestinian refugees to their lands and homes, despite a legally enshrined right of return and Israel's acceptance of that right in U.N. Resolution 194.[67] The refugee issue is therefore at the very heart of the conflict.

Not only does the prevention of return constitute a grave historical and legal injustice, but refugees comprise the majority of Palestinians worldwide and have been at the center of the national liberation movement since its post-war reconstitution in the 1950s.[68] While the refugee plight took a backseat during the Oslo process, with the Palestine Liberation Organization (PLO) willing to compromise in the context of the two-state solution, Palestinian representatives have never abandoned the right of return in principle, which is considered sacred, nor is it clear that they would have the mandate to do so.[69] Importantly, refugees also comprise the majority of the population in Gaza, as well as substantial portions of the population in the West Bank and the population of internally displaced Palestinian citizens in Israel, who are designated by their government as "present absentees."[70]

From Israel's perspective, however, the return of refugees constitutes a direct threat to the maintenance of its Jewish majority and character. And from a strictly demographic standpoint, this is accurate. If Palestinian refugees returned *en masse* within the context of partition and claimed Israeli citizenship, they would outnumber Jewish Israelis and overturn the demographic and political balance in Israel—voiding the state's *raison d'être*. Consequently, Israel has adopted a fundamentally rejectionist position on everything having to do with refugees, from their genesis to their demands for redress.[71]

These two opposing positions have been pivotal in frustrating the resolution of the conflict: Israel will not voluntarily relinquish its Jewish majority and Palestinian refu-

gees will not give up their inalienable right to return to their homes. While, legally speaking, the refugees are on firmer ground (given that international resolutions, norms, and law care less about the demography of Israel than the rights of civilians displaced by war), the balance of power is still heavily in Israel's favor, and bringing the state into compliance with international convention over the past seven decades has proved impossible.[72] This has produced an enduring stalemate, the biggest losers of which are the refugees themselves.

Past attempts to resolve the conflict using the traditional two-state paradigm have failed to adequately redress refugee claims, offering symbolic restitution at best and no consideration at worst.[73] This is largely because classic partition emphasizes the demographic nature of the states in ahistorical terms, making the refugee demand seem unreasonable if Palestinians were to have their own state. For Israelis, refugees are a national issue with a national solution; for refugees, their condition is localized and their right is to return to their homes, lands, and cities, rather than to an abstract nation-state.[74] (The same is true of Palestinian citizens of Israel, who have national identities but are also firmly rooted in specific locales and refuse to relocate under any circumstances). In short, partition alone cannot resolve this dilemma.

The confederal model, however, is capable of being far more responsive to refugee rights, while also mitigating Israeli existential concerns. Using the system of permanent residency, Palestinian refugees would be given Palestinian citizenship and a choice of whether to become residents of Palestine or Israel, or to receive compensation and settle elsewhere.[75] Regional states that harbor Palestinian refugees, like Lebanon, Syria, and Iraq, could also participate in this framework by offering their refugee populations permanent residency. Those refugees who chose to exercise the right to return to Israel would be able to reestablish themselves as residents with social, economic, and property rights, as well as voting rights inside Palestine, without altering Israel's political balance.

A mechanism and fund would be established to facilitate the processing of refugee return and reparations. Given the extraordinary complexity of this issue after a latency period of more than 70 years, return would have to be implemented in phases. More than 400 Palestinian villages were destroyed by Israel during and after the 1948 war.[76] Most homes and villages of refugees either no longer exist or have been occupied by other people, in some cases for generations. However, studies indicate that upward of 80 percent of the land where these villages stood is vacant, offering the possibility to rebuild communities.[77] This will take time, resources, and patience, but refugees must be given the choice in order to bring this painful chapter to an end.

It should be noted that Israel facilitates the immigration of Jews from all over the world based on the right to return after nearly 2,000 years in exile. Moreover, Jews

who fled Europe during and after the Holocaust have sought restorative justice in the form of compensation, property return, and citizenship in the states they or their relatives left. Between 2000 and 2015, for example, more than 33,000 Israelis took German citizenship based on a law that provides restoration for persecution.[78] In 2015, Spain passed a law that allows for citizenship to be granted to Sephardic Jews whose ancestors were persecuted and expelled in the 15th century.[79] Like these individuals, Palestinian refugees and their descendants should at the very least be given the opportunity to return home.

Between January and March 2003, PSR conducted polling among Palestinian refugees in the West Bank, Gaza Strip, Lebanon, and Jordan—areas that encompass the vast majority of these refugees. In total, only 10 percent of refugees polled expressed a desire to return to Israel and become Israeli citizens; 31 percent said they would stay within the borders of the Palestinian state and receive compensation for their losses; 23 percent said they would return to designated areas in Israel and take on Palestinian citizenship (although the question framed these designated areas as eventually being swapped in a territorial exchange); 17 percent said they would take fair compensation and stay in their host country; 2 percent said they would take compensation and immigrate to a third state; and 18 percent said they would refuse all options or had no opinion.[80]

The system of permanent residency can also be used to address the challenge of what to do with the more than 400,000 Israelis living illegally in more than 200 dispersed settlements throughout the occupied West Bank, beyond East Jerusalem.[81] Under the classic two-state formula, a large portion of settlers would have to be removed from the West Bank and relocated across the border into Israel. Under past negotiations, Palestinian officials were willing to consider the possibility that some portion of settlers would remain in place and the border would be redrawn with land swaps to accommodate Israel's major settlement blocs—although it has never been clear what settlements are included in the "bloc" rubric.[82]

This solution posed a number of physical, political, and legal problems. First of all, some of Israel's major settlements cut deep into the West Bank and purposefully fragment the territory in order to prevent the establishment of a viable Palestinian state.[83] Second, over the past few decades, the political strength of the settler move-

ment has grown considerably, making it virtually impossible for a democratically elected Israeli leadership to take action to uproot the settlers and remain in power.[84] Indeed, the settler movement has become the principal advocate of extending Israeli sovereignty over the West Bank through annexation. While not all settlers are ideologically motivated, a significant block of religious nationalists believe it is their duty to settle "Judea and Samaria" (the West Bank).[85] Third, the settlements constitute a grave violation of international law, which prohibits the transfer of settlers from the metropole into occupied territory. Accommodating settlements, even through negotiated land swaps, is a form of vindication and encourages other states to initiate the same illegal practice.[86]

The problem-solving objective for confederation is to mitigate these issues as much as possible, especially the political crisis posed by uprooting and relocating the settlers.[87] Permanent residency would help neutralize this crisis by allowing settlers to remain in place in the event of a peace settlement, while retaining Israeli citizenship. Although a shift in sovereignty over the West Bank to Palestine is likely to lead settlers to transfer voluntarily back to Israel, some may find the option to remain residents of the State of Palestine attractive, as it would allow them to be physically connected to the land of Judea and Samaria, own property, and enjoy religious freedom.[88] Settlers could enjoy these rights provided they disarm and accept Palestinian sovereignty.[89] A mechanism can be put in place to compensate Palestinians for land that was expropriated, particularly private property, while other land ownership issues can be negotiated. Because settlements would become municipalities of the State of Palestine, the violation to international law that the settlements constituted would not be validated, but the underlying obstacle to conflict resolution would be reduced. Settlements would cease to be Jewish-only communities. Their infrastructure would be available for public use. But unlike in a traditional two-state arrangement, where the border simply moves, settlers would not be required to become Palestinian citizens. They would remain Israelis with resident rights in Palestine equal to Palestinian citizens living in Israel.

One mistake of other confederation proposals is the tendency to draw a false equivalence between refugees and settlers, especially in terms of resolving these two issues on a basis of numerical parity, i.e., an equal number of refugees can return to Israel as settlers who remain in Palestine.[90] This must be avoided. While the image of symmetry is attractive because it gives the impression of fairness, it is actually highly problematic. Treating the settlements as legitimate would not just be an affront to Palestinians but also for the rules-based order and international law. The status of settlers has been illegal from 1967 until today. The refugees' right to return home has been upheld continually since 1948.[91] There simply is no equivalence.

From 2016 to 2018, PSR/TAU conducted a poll testing support for the two-state solution. Among Israeli-Jews opposed to two states, 35 percent changed their minds if Israelis were given the option to live in Palestine as permanent residents while keeping their Israeli citizenship. Among Palestinians who opposed two states, 25 percent changed their opinion when told that they could live in Israel as permanent residents while maintaining their Palestinian citizenship.[92]

JERUSALEM

The city of Jerusalem is central to the national life of both Israelis and Palestinians. It also holds enormous religious significance to billions of people around the world. These layers of local and international attachment have made control of the city the object of fierce contestation and the most emotionally charged issue of the conflict. Neither Israelis nor Palestinians are willing to cede sovereignty of Jerusalem, nor do they necessarily wish to partition the city physically between them and have not discussed doing so in the context of negotiations.[93]

Since 1967, the entirety of Jerusalem has been under Israeli administrative control. Although in 1980 Israel's Knesset passed a Basic Law declaring a united Jerusalem its capital, only a handful of states recognize Israeli sovereignty over the city. At the same time, Palestinian non-citizens comprise roughly 40 percent of Jerusalem's population, in spite of decades of Israeli policies aimed at altering the demographic balance through settlement construction, aggressive discrimination, and displacement.[94] Today, Palestinian neighborhoods are barely integrated into the rest of the city and suffer from severe neglect by the municipal government. In short, despite Israeli claims to sovereignty over a united Jerusalem, the city is neither united nor recognized as part of sovereign Israel.[95]

Acknowledging these facts, the confederal model envisions a city undivided and shared. This approach aims to lower the stakes of determining which side has sovereignty over which neighborhoods—let alone over the holy sites—and to eliminate the impetus for the demographic competition that has transformed the city and undermined its physical and historical integrity over the past half century.[96]

In a confederal arrangement, Jerusalem would be a "condominium" of two sovereign states, rather than the internationally governed *corpus separatum* envisioned by the U.N. in 1947, or the exclusively governed city it is today.[97] Jerusalem

would be the capital of both the State of Israel and the State of Palestine, as well as the seat of the supranational confederal government. The Jerusalem municipality would be a jointly administered region of the confederal state, with an elected municipal council and local district councils.

Both states would have nominal sovereignty over the city, sharing it like property owned within a marriage, while administration of government services would be devolved to the municipal authorities.[98] This would satisfy the symbolic and psychological needs of both Israelis and Palestinians in terms of their connection with Jerusalem. However, because the role of national governments would be reduced, actual (exclusive) sovereignty would mean far less.

The legal system would either be determined anew or be a version of the current Israeli law applied in Jerusalem with modifications, so as to avoid radical disruptions to residents' daily lives. The municipality would be demilitarized and a joint police force established to provide security to the city. Given bilingual constraints, police units could be highly localized, allowing for Hebrew-speaking police to operate in Jewish neighborhoods and Arabic-speaking police to operate in Palestinian neighborhoods, with joint task forces to handle overall security for the city.

In the past, policymakers and negotiators have struggled with the question of whether to make Jerusalem an open or closed city in the event of a peaceful partition.[99] Could two separate states with secure borders share a city with open borders? That is why a shared Jerusalem only really makes sense under a system of shared sovereignty, in which administration and security is handled jointly. In the process, both Israel and Palestine would gain things they have never had and have always sought. Israel would finally gain universal recognition of Jerusalem as its capital. Palestine would gain sovereignty in Jerusalem and the capital of its state.

Perhaps the closest model for this shared Jerusalem would be Brussels, which is a separately administered region within Belgium that serves as the capital of the federal government, of the Dutch-speaking region of Flanders, and of the French-speaking region of Wallonia. Brussels is also the primary seat of the EU, the North Atlantic Treaty Organization (NATO), and the secretariat of the Benelux political-economic union. Brussels is bilingual and in all spheres of public life the two languages are used side by side. Like Jerusalem, Brussels has been a "principal venue for political and cultural clashes" for much of the past century, except without the added religious element.[100] While not without its problems, Brussels today is a stable and prosperous political and economic hub of local, national, and international importance.

Another example, on a smaller scale perhaps, is the Brčko District of Bosnia-Her-zegovina. During the 1995 Dayton Accord negotiations, contestation over Brčko proved too difficult for negotiators to resolve and so the issue was left aside. The city's fate was ultimately determined by international arbitrators, who decided in 1999 to establish an independent, jointly governed condominium. Under in-ternational supervision, Brčko reorganized its judicial system, implemented new civil and criminal codes, established a genuinely multi-ethnic police force, and integrated its schools, among other initiatives.[101] In doing so, it became a singular success story in the early days of the Bosnian experiment. Although it has since been subsumed by many of the country's larger problems, Brčko represents a genuine and largely successful effort to build a common, localized, multi-ethnic space out of a heavily contested one.[102]

In a poll conducted by The Institute for National Security Studies (INSS) in 2017, 75 percent of Israeli Jews expressed a desire for fundamental change in Jerusalem. Opposition to dividing Jerusalem has steadily dropped in annual poll-ing since the 1990s. By 2017, 51 percent of Israeli Jews supported transferring sovereignty of Arab neighborhoods in Jerusalem to a Palestinian state as part of a settlement that would end the conflict. Roughly a quarter of Israeli Jews sup-ported the establishment of a separate municipal authority for the Arab neigh-borhoods in Jerusalem, although under Israeli sovereignty.[103]

SECURITY

Finding a workable and mutually beneficial security arrangement is essential to the establishment of a viable confederal framework. While an in-depth, technical proposal for security is beyond the scope of this paper, related studies produced by the administration of former U.S. President Barack Obama, under the di-rection of General John Allen, and by the Center for New American Security (CNAS), have demonstrated that comprehensive security arrangements that meet the demands of both parties are possible within the context of a two-state framework.[104] Moreover, principals from both studies have indicated in inter-views that many technical solutions can be adapted to meet the particular needs of a confederal framework and that, in some ways, joint sovereignty may en-hance security outcomes and ease security challenges.[105] IPCRI also included a detailed proposal for joint security within its larger proposal on confederalism

for Israel-Palestine.[106] While the IPCRI study is perhaps less rigorous, it is useful as a guide to a consociational security arrangement that considers the demands of both sides.

Essentially, confederalism attempts to resolve an underlying dilemma between Israeli security and Palestinian sovereignty. At present, Israel is unwilling to give up its security control and entrust aspects of its future security to an independent Palestinian state, which it sees as either inevitably hostile, or weak and unstable. Palestine, on the other hand, is unwilling to concede core dimensions of its territorial sovereignty to Israel, which it views as inherently hostile, aggressive, and exploitative. Under a confederal arrangement, however, Israel would maintain influence over security through permanent coordination with Palestine's security forces. At the same time, Palestine would only partially relinquish aspects of sovereignty to institutions in which it would be a joint partner, rather than surrendering them in full to a foreign power. In practice, there are at least five principal domains to address in terms of security arrangements: external borders, internal security, airspace, seaspace, and the electromagnetic spectrum.

A major underlying theme of the aforementioned proposals is that a multi-layered system between Israel, Palestine, and neighboring states would provide the most effective security framework possible. This would include the development of joint operation coordination centers and data sharing mechanisms between Palestine and Israel, Palestine and Jordan, and Palestine and Egypt, with joint monitoring capabilities for all parties, including third-party observers.[107] This system is not only compatible with confederation, but is actually benefitted by it, as it would not be an encroachment on shared sovereignty in the same way it would be on the sovereignty of an independent state.

Most studies, as well as past negotiations, suggest that Palestine would be demilitarized, something the current Palestinian leadership has appeared willing to agree to in principle in the context of two states. This implies that external security for Israel-Palestine would remain in the hands of Israel, at least temporarily, or until Palestine's security forces could be incorporated into various systems, such as border patrol. In a classic partition scenario, Israel's control of Palestine's security is viewed as an extremely problematic violation of sovereignty and point of tension.[108] In a confederation, however, extended security coordination is expected and becomes less violating, as long as Israel reduces its footprint and visibility and Palestine's security forces are enhanced and treated as equal partners. Palestine's control over its own external border crossings would be a must at the outset, although real-time monitoring by and information sharing with Israel would be expected. This set-up would not be unique in the context of peace. The Irish and U.K. governments, for example, share data on air passengers arriving in

each other's territory and have the right to deny entry to third-country nationals through the otherwise open borders in their Common Travel Area.[109]

As mentioned in the previous section on Citizenship and Borders, a fundamental principle of confederation is having relaxed or open internal borders between Israel and Palestine. The two states could come to an agreement on the number of crossings that are policed on both sides, yet permits would not be required for each other's citizens. Permission to cross could be denied to individuals on the selective basis of security or criminality, but not collectively applied. Israel's wall, which was deemed illegal in an advisory opinion of the International Court of Justice in 2004, would have to be removed or relocated to the agreed-upon border, should Israel insist on keeping a security barrier in place.[110] Israel would also be allowed to keep a small monitoring presence in the most sensitive areas of the West Bank, at least as an interim measure, and in conjunction with Palestinian observers.

Palestine would be responsible for its internal security, but joint operation centers would be established, including joint task forces for counterterrorism purposes. IPCRI proposes the establishment of permanent and thematic joint security committees, including on intelligence, border security, crime and law enforcement, and radicalization. Palestine would have its own seaport in Gaza, either on land or offshore, as well as its own airport in the Jordan Valley, with arrangements in place with Israel and third parties to monitor and help develop capacity. Palestine and Israel should share the electromagnetic spectrum equally.

Disputes over the sovereignty of airspace, seaspace, borders, and the electromagnetic spectrum could be easier to resolve if they were handled at the confederal level, as opposed to the sovereign-state level, where one side is relying on the other. Israel would not have to entrust its security to an independent Palestinian state, because Israel would be working with that state on a constant basis in the relevant areas. Any sphere under the sovereign jurisdiction of the individual state would be so for both sides; and any sphere under joint sovereignty would also be for both sides. If Israel wanted direct involvement in controlling Palestine's territorial waters, for example, then all territorial waters should fall under joint sovereignty (including Israel's) and be managed at the confederal level. Otherwise, Palestinian territorial waters should be left for Palestine to manage with limited Israeli oversight.

Finally, it is worth noting that viewing the security dynamic strictly as a balance between Israeli security and Palestinian sovereignty is problematic in at least two ways: 1) it fails to consider the Palestinians' legitimate security concerns, and thus to see security as an interconnected and holistic issue; and 2) it encourages

Israel to view security in zero-sum terms. Given the power disparity between the two sides and the deference paid to Israel's security demands by third parties, it is the weaker and more vulnerable side, Palestine, that is forced to absorb all the inherent risk in the relationship by surrendering its sovereignty to Israel. As a result, a viable Palestinian nation-state capable of fulfilling its peoples' right to self-determination can never materialize. More than that, Palestinians have been forced to live for more than half a century under an interminable and oppressive military occupation, in which their basic rights have been surrendered so that Israeli society can feel secure. Essentially, the result of this dynamic is security for one side safeguarded by the total subjugation of the other.

Because this dynamic goes unquestioned, Israel's security imperative has also become a means of achieving ulterior objectives, such as territorial expansion. For example, Israel has continually expropriated private and public land in the West Bank for "security needs," only to hand it over to civilian settlers who establish illegal settlements and infrastructure.[111] It is this expansion of settler colonialism that is perceived by Palestinians as an existential threat and which provokes a response that is sometimes violent, to which Israel then responds with violent repression. Israel's security imperative thus becomes cyclical and self-justifying. The confederal option for Israel-Palestine is an attempt to break away from that cycle by addressing the security and sovereignty needs of both sides, as well as their underlying motivations.

According to December 2017 polling conducted by the TSC and PSR, nearly 60 percent of Israelis supported a confederation package when it included ongoing security cooperation between the two sides "like today, including sharing intelligence with Israeli security forces, arresting terror suspects and preventing attacks."[112]

HISTORICAL RECONCILIATION

The balance that confederation strikes between partition and integration is useful in many ways. However, in order to prevent the entrenchment of divisions and produce a sustainable and healthy peace, the confederal model must be supplemented by a process of historical reconciliation. While the Oslo framework largely avoided this difficult process, the confederal approach demands coming to terms with historical injustices engendered by the conflict.[113] This process "has the po-

tential of generating social and political changes based on mutual legitimacy, recognition of asymmetries, and coming to terms with past injustices, thus laying the foundations for an inclusive, and often collaborative, political order."[114]

Historical reconciliation will also make it possible for the longer-term advancements of confederation-building to proceed. Unless there is a greater degree of historical understanding of past injustices and acknowledgement by the perpetrators, the reparative process will not be understood or accepted by the population. That is especially true when it comes to the denial of Palestinian identity and nationhood, which has been instrumental in dispossession. Acknowledgment of Palestinian rights and claims should be a fundamental part of the reconciliation process.[115]

For example, the right of return for Palestinian refugees would likely be difficult for Israelis to accept as a contemporary solution without a greater understanding of the roots of the conflict and the creation of the refugee problem. Acknowledgment of wrongdoing is the only way a party can take responsibility and apply reparations accordingly. Additionally, if there were to be a process of bridging the political and economic gaps between Israelis and Palestinians, including through redistribution mechanisms, it would be useful for Israelis to understand how the material dispossession of Palestinians and the half century of occupation and process of "de-development" have helped produce and entrench these gaps.

There has also been a general unwillingness on the part of Palestinians to grapple with the national claims of the Jewish people.[116] A forward-looking solution should account for the collective identity of Israeli Jews and genuinely consider why they have sought to create a space in Israel-Palestine for the preservation and development of a unique Jewish culture, nationality, and religious expression.[117] As Bashir Bashir notes:

> From the perspective of reconciliation, engaging with the Jewish question and Jews' rights and identity in historic Palestine is a moral and normative requirement and a pressing political necessity. Under conditions of historical reconciliation that insist on mutual legitimacy, Palestinians must also recognize and respect Jewish rights, most prominent among these is the right to national self-determination. Such recognition of Israeli/Jewish national self-determination would not need to mean the negation of the Palestinian right to self-determination, nor does it need to be territorially bound to one part of the country.[118]

Civil society initiatives are already active on a number of these fronts. But in the context of confederation, these efforts must be comprehensive and sustained. Raef Zreik envisions the necessary process as one of separating Zionism and the

Jewish nationalism component of Israel from its settler-colonial component—a difficult and painful process, in which he sees Palestinians playing the part of affirming that a Jewish nationalism that is not colonial is a viable option. Palestinians could use Israel-Jewish demands for recognition as a starting point for a broader conversation on mutual recognition. And only by addressing the historical roots of the conflict can historical compromise be achieved.[119]

A joint poll conducted by PSR and the Israel Democracy Institute in 2016 sought to assess the main impediments to peace—the "sacred values" held by both sides that pull each away from compromise. They found that, for both sides, these were related to history and recognition. For Israeli Jews, 79 percent wanted Palestinian recognition of the Jewish character of the state and 73 percent wanted Palestinian recognition of the Jewish roots and history in the land. On the Palestinian side, more Palestinians (62 percent) wanted Israeli recognition of their roots and history in the land than wanted a return of Israel to the 1967 borders (61 percent), acknowledgement of the right of return for refugees (58 percent), or Palestinian sovereignty over the Haram al-Sharif in Jerusalem (57 percent). In fact, of a list of incentives offered to Palestinians who oppose the two-state solution, the top choice was Israeli acknowledgement of responsibility for the creation of the refugee problem, beating out billions of dollars in compensation for refugees, Palestine joining the EU, or Palestinians having freedom of movement around Jerusalem.[120]

INTEGRATION OR EXIT

Power-sharing is not a panacea for ethnic conflict, but it offers benefits in terms of deescalation, bridge-building, and mitigating zero-sum problems. Integrative political systems in general are not static entities but are rather fluid and dynamic, evolving over time and in context.[121] Confederation is a complex form of administration that could prove cumbersome to effective governance or generally unappealing to a majority of Palestinians and Israelis.

While confederation is not intended to be a constitutional waystation, it should be flexible enough to accommodate further integration or dissolution should the two parties so choose. Over time, Israelis and Palestinians may find further integration desirable, perhaps in a more robust confederation, a binational fed-

eration, or even a secular democratic state. Conversely, they could determine to go their separate ways. Confederation provides a middle ground from which to move in either direction without a dramatic alteration in the system of governance, which could elicit high levels of violence or even civil war.

Historically, there are many examples of peaceful integration and dissolution. The EU, for example, began as a narrow economic union between France, West Germany, Italy, and the Benelux countries and has gradually integrated and expanded over the past half century.[122] The United States began as a confederation and, after little more than a decade, rewrote its constitution and became a federation—although an attempt at secession by several states in 1861 from this more integrated system provoked a bloody civil war.[123] In 1995, a majority of Quebecois voted to stay within the Canadian confederation.[124] In 2014, a majority of Scots decided to remain a part of the U.K.[125] Conversely, in 1993, Czechoslovakia, a federal republic of two nations, peacefully dissolved through a voluntary act of parliament.[126] In 2006, Serbia and Montenegro, the sole remaining union of Yugoslavia, peaceably dissolved after Montenegrins voted in a referendum to separate.[127]

The objective of an Israel-Palestine confederation would be to bring the two sides closer together to overcome a history of national conflict and colonial enterprise, but not to lock them into a political embrace from which peaceful extrication was impossible. A constitutional arrangement should be drafted that encourages the former while preventing the latter. The 1947 U.N. Partition Plan envisioned Israel and Palestine as a limited union for a period of ten years, after which the arrangement could be amended.[128]

The confederal treaty should be durable enough to withstand strenuous and difficult times in the relationship between the states but not impossible to withdraw from in a civil and organized procedure should the relationship become poisonous. However, this would require the peaceful settlement of those intractable problems, such as allotting sovereignty over Jerusalem, that made confederation attractive in the first place. Failure to peaceably address these issues prior to exiting the confederation could return the two sides to an active state of conflict.

Weaknesses of the Confederal Model

Confederation largely represents a voyage into the unknown. There are too few examples of confederation in existence, and no precedent for the simultaneous creation of a state from under occupation and its merger into a joint framework with its former occupier. Moreover, those hybrid systems of governance that have confederal traits are sometimes unwieldy. Belgium, for instance, faces chronic difficulties forming a federal government. The EU is routinely accused of having a byzantine and over-regulated bureaucracy, of infringing on the sovereignty of its constituent states, and of being dominated by its strongest powers.

Despite their difficulties, all of these examples have been largely successful in preventing war, stabilizing societies against ethnic hegemony or intercommunal violence, and providing greater economic and social opportunities.[129] The conditions in Belgium, the EU, and other consociational hybrid states, like Switzerland, are vastly preferable to those in Israel-Palestine.[130] While Bosnia-Herzegovina is the least desirable of these confederal hybrids, it has managed to keep the peace for more than 25 years, despite a highly problematic political system that was designed to end a war, rather than to function indefinitely without reforms.

The first weakness of confederation is the hazard of political gridlock arising along ethnic lines, and of ethnic interests becoming entrenched. Bosnia-Herzegovina, for example, is a weak and fractured state, riven by ethnic politics and endemic corruption, that fails its people on many levels. The second is that sovereign states do not tend to appreciate third-party encroachment in their affairs, especially if they are the stronger party in a conflict. During the Oslo process, for example, Israel adamantly refused to incorporate Palestinian proposals for third-party arbitration as a last resort for the resolution of disputes and stalemates. Omar Dajani says this is because Israel had less to gain from altering the status quo and therefore suffered less when stalemates arose. Israel also insisted on overriding authority with respect to matters that implicated the security of its citizens, which could effectively extend to everything. As Dajani notes, "This past experience suggests that integrative solutions to resolving cooperation problems in Palestine/Israel are unlikely to be successful absent a significant shift in approach by one or both of the parties."[131]

A third weakness of confederation is when there are high levels of hostility and low levels of trust between the two sides. These could make power-sharing and joint sovereignty extremely difficult across issues, as well as pushing ongoing intercommunal tensions to flare up into violence. Multi-ethnic states with long histories of conflict tend to face persistent security challenges. It has been argued that solutions such as power-sharing or identity reconstruction cannot work in the case of multi-ethnic conflicts because they do not dampen the security dilemmas posed by intermixed populations or dissolve ethnic fears and hatreds hardened by war.[132] This is especially true when societies have undergone hypernationalist and religious mobilization, as both Israeli and Palestinian societies have.[133] An Israeli-Palestinian confederation will be seriously tested by such currents within society, which may ebb under positive conditions but are likely to persist.

Confederation represents huge conceptual and practical leaps that will not be easy to undertake, and which will likely stoke underlying ethnic tensions. These leaps would include Israeli citizens living under Palestinian sovereignty, subject to Palestine's legal system, courts, and prisons, as well as Palestinian refugees returning to rebuild communities and live under Israeli sovereignty. They would also include a shared municipality in Jerusalem. Coming to terms with these changes could be difficult, and proponents of confederation should acknowledge the practical, material, and psychological challenges involved. Confederation would require that Israelis face their history, relinquish their privilege, and reconcile with the oppressed, while Palestinians reconcile with their own mistakes, including the use of terrorism and the fears that this history has imprinted on the Israeli psyche.[134] After a half century of asymmetrical relations, the two sides could find it strange and difficult to interact as equals.[135]

In order to make a confederation workable, the massive economic, political, and social gaps between the two sides would have to be bridged. While there is little doubt a Palestinian state would make substantial economic strides given proper conditions, especially lifting the military occupation, it would be near impossible for it to reach economic parity with Israel's far-more-advanced economy in the medium-term. This heavy imbalance could create persistent problems and tensions, especially as it leads to wealth redistribution and internal migration from poorer Palestinian areas to wealthier Israeli ones. It is also important, however, not to dismiss how interconnected the two economies already are, and that no formula for peace has ever proposed delinking them. Moreover, the two economies may offer enough complementarity to see them through the initial stages of economic union.[136] Under any circumstances, however, the nature of the economic relationship must change. Today,

Palestine represents a captive economy, exploited by Israel.[137] Within a confederal economic union, steps must be taken to decolonize this relationship and redraw economic arrangements more equitably.

Among Palestinian critics, in particular, the reproach to confederation has focused mainly on two issues: settlements and sovereignty. With respect to the first issue, concern is often expressed that confederation would validate illegal settlements by allowing them to stay in place. However, this criticism is mistaken. First of all, existing Israeli settlements on Palestinian sovereign territory would become Palestinian municipalities under a confederal arrangement. It is difficult to argue that this equates to validation. Second, confederation could also put a mechanism in place to offer compensation or restitution for expropriated Palestinian land and property. Moreover, Palestinian negotiators in the past accepted the principle of land swaps to allow Israel to keep some of its settlement blocs—although there has never been agreement on the issue.[138] This would, in effect, offer more legitimacy to settlements by allowing Israel to keep them.

Certainly, the retention of settlers in Palestine could perpetuate frictions and frustrations.[139] Palestinian security forces would be charged with protecting settlers like they would any other citizen or resident. Many settlers, especially those who might decide to stay, are highly ideological and even radicalized, raising the probability of tensions. Yet any failure to protect this minority from the tyranny of the majority or from violence could destabilize the entire project. Likewise, it is legitimate to question whether Israel can effectively protect Palestinians within its own territory. There is a long history of failing to safeguard Palestinians from Jewish mob violence or settler violence, or to hold Jewish Israelis accountable for this violence.

With respect to the second issue—sovereignty—Palestinian criticism has focused on the likelihood that, within a confederal framework, the more powerful state will come to dominate the weaker one. This concern is legitimate and serious consideration would have to be invested into the design of the confederation to limit this possibility as much as possible. Constitutional guarantees would need to be included to protect the sovereign rights of the states, as well as the collective and individual rights of citizens, especially minority populations. It should also be recognized, however, that strong states tend to exert their influence over their weaker neighbors in many ways, whether they operate within a joint framework or not. However, it would be troubling if the flexibility of confederalism were manipulated to serve the stronger party at the point of design. A "confederation" that did not allow for open borders, permanent residency, or the return of refugees, or whose security arrangements were dominated by Israel, would be a real and persistent threat to a just and fair outcome.

Israeli critics of confederation tend to worry about augmented security challenges as a result of open borders and the erosion of Israel's Jewish character.[140] There is little doubt that open or relaxed borders would complicate the issue of security. But this policy must also be understood in the larger context of confederation and the positive dynamics that will result from a peaceful settlement that expands opportunities for everyone, addresses Jerusalem fairly, and makes a genuine attempt to resolve the refugee issue. Confederation may not provide perfect answers for security, but it is absolutely clear that the continued subjugation and dispossession of Palestinians is not going to produce security for Israel either, and could lead to renewed instability in the near future if not properly addressed.

The same is true of Israel's Jewish character, which was achieved at the cost of expelling hundreds of thousands of Palestinians from their homes in 1948, erasing their memory through the destruction or repopulation of their villages, and denying Palestinian nationhood for seven decades. Confederalism attempts to address Israel's concerns over its Jewish character while also accounting for refugee, and broader Palestinian, rights. Would this require some adjustments from Israel? Yes, but it would also expand opportunities for Israel, which would finally be able to: claim Jerusalem as its sovereign capital and have it recognized around the world; have the stability of a constitution and permanent borders; have its citizens live in the West Bank as legitimate residents; be recognized and accepted in the Middle East; and no longer be the object of the international Boycott, Divest and Sanctions (BDS) movement.

Implementing the Confederal Model

At present, discussion over implementing the confederal government in Israel-Palestine is largely academic. The reality on the ground continues to move further away from a negotiated settlement, as Israel's expansion into the West Bank and annexation of Palestinian territory makes a single-state outcome the only available option.

While interest in alternative paradigms to classic partition is growing, especially at the grassroots, civil society, and academic levels, there is very little political or popular mobilization on behalf of a particular program. Confederation is not a *deus ex machina* for resolving conflict and its implementation would first require building broad support and momentum. It would also require the international community to shift away from its preference for the two-state framework, which it has continued to reinforce in the absence of a clear substitute.

Implementing confederation would require five basic principles or benchmarks:

1. Developing popular support, momentum, and political traction for the confederate model

2. Mobilizing a pressure campaign to raise the costs on Israel for continuing its settlement activity and military occupation

3. Reviving legitimate Palestinian representation and electing an Israeli government amenable to confederation

4. Designing a confederal framework, entering negotiations, and developing the proper mode and pace for implementation

5. Bridging the economic, political, and security capacity gaps between the two states

Making an argument that positions confederation in line with the current international consensus will be a means of expediting this process and of winning over opposition. There is concern among two-state proponents that jettisoning the formula would undo this consensus, as well as decades of investment in state-building and the Palestinian rights to self-determination and independence. Yet

confederation largely conforms to the principles of state-building and self-determination, while bridging the gap between one-state and two-state aspirations.

Two other conditions will be necessary for putting confederation on track to implementation. First, a broad base of Palestinians would have to lend their support to the confederal model through the endorsement of a representative body. This would require reestablishing legitimate representation through institutional rejuvenation and reform, as well as the reconciliation of Palestinian political factions and possibly elections. Palestinian politics is currently dysfunctional and fragmented, making it difficult to gage the popularity and legitimacy of political initiatives. Palestinians putting their own house in order is a prerequisite to any resolution of conflict.[141]

Second, Israelis would have to elect a government willing to engage with Palestinians on the basis of confederalism, including relinquishing control of the occupied territories—and the settlements—to a sovereign State of Palestine. It should not be underestimated how seismic of a shift this represents for Israel's state and society, and the perceived amount of risk this initiative entails. The primary obstacle to this outcome remains Israel's more than 600,000 settlers, who are at least as much of a political obstacle as the settlement infrastructure is a physical one. The settler movement represents entrenched interests and an influential voting constituency, as well as an ideological bloc opposing territorial compromise with the Palestinians and demanding the extension of sovereignty over the entirety of what Israelis call Eretz Israel.

Over time, this movement has managed to influence Israel's broader public opinion, normative discourse, and legislation—there is even a basic law that prevents Israel from relinquishing territory where it exercises jurisdiction unless approved by a public referendum or supermajority of 80 Knesset members.[142] Confronting this bloc would require elected officials to incur significant risk, both to their elected positions and in terms of the very stability of state and society. Some Israeli experts have even contended that taking concerted action to uproot settlers could cause a large-scale mutiny within the Israeli military. It must be asked, then, what democratically elected official would take such a risk, unless they were to face pressure equal to or more substantial than the pressure that would be imposed by relinquishing control of the West Bank, along with a half century of investment, and entering into a confederal relationship with a newly born Palestinian state.

The only way to move away from the prevailing political dynamics is to substantially elevate the political and economic costs for Israel to maintain its exclusionary and oppressive political structure. This is true not just for a confed-

eral outcome, but for any negotiated resolution of the conflict. Moreover, the gross power imbalance between the two sides has historically been reproduced at the negotiation table and created unfavorable dynamics: Israel is too strong to make voluntary concessions, while the Palestinians are too weak to secure their bare minimums.

While the international community has been resistant to resorting to this type of pressure in the past, Israeli annexation, the collapse of the Oslo framework, and the "Bantustanization" of Palestinian population centers could make it much more feasible.[143] Indeed, these dynamics are likely to give strength to punitive pressure campaigns already active, including the BDS movement and the campaign to prosecute Israeli officials at the International Criminal Court. Perhaps even more critical for creating pressure and positive momentum will be the development of a political movement for constitutional change based on equality, incorporating both Palestinian citizens of Israel and left-wing Israeli Jews.

For pressure to be effective, however, it must be accompanied by a clear alternative pathway that is acceptable to a majority of Israeli society. Otherwise, pressure alone, which backs Israel into a corner, could just as easily lead to a large-scale violent confrontation, with Israel as the far-stronger party. That is why the confederal model seeks to present an outcome that—while perhaps not as appealing as the status quo—is ultimately one that most Israelis can live with because it meets their basic needs and aspirations without crossing red lines.

It would be imperative for Palestinians to identify Israeli partners to work with in this regard. A survey conducted in December 2017 by Tel Aviv University's Tami Steinmetz Center for Peace Research (TSC) and the Palestinian Center for Policy and Survey Research (PSR) showed that a substantial number of Israelis—33 percent of Israeli Jews and 70 percent of Arab citizens, supported a basic confederation package. Support among both groups rose when a system of permanent residency was included and detailed, with 40 percent of Israeli Jews and 84 percent of Arab citizens in favor.[144]

If an Israeli political bloc is able to rally around a confederal option, then a negotiation process can begin to design a framework for "a new and more egalitarian political and social order" based on shared sovereignty.[145] Alternatively, the basic design for confederation can also be designed from the "bottom up," with civil society organizations and Track II dialogues producing detailed frameworks that can be adopted by the political strata when a critical mass of support has been reached.[146]

Upon entering negotiations, it is important that the two sides avoid the mistakes of the past, especially those of the Oslo process, which failed to

establish common recognition between the parties and a common goal at the outset, or to put in place a last-resort mechanism for resolving disputes. Without these elements, the process was more susceptible to spoilers and wholly reliant on the balance of power, as well as positive dynamics and committed leaders—both of which were negatively impacted by terrorism and the assassination of Yitzhak Rabin.

While the gradualism of the Oslo Accords proved problematic without clear goalposts, gradualism can be helpful as long as both sides feel confident about where they are headed, and Palestinians are liberated from Israeli domination at the outset. This basic formula can be met by Israel recognizing the State of Palestine immediately and having both sides agree that the purpose of negotiations is to determine the details of the confederal union of two states based on the 1967 borders. A fair arbitration system, in particular, must be established in order to prevent a one-sided agreement, which is ultimately not sustainable. It will be necessary to build in mechanisms to bolster credibility of the commitments made by the parties to each other.[147]

In addition to recognition of Palestinian statehood at the start, Palestine could establish basic sovereignty over the entirety of its territory while Israel maintains temporary security control for its citizens in the West Bank. This could be done by re-zoning all territory currently considered as Area B under the Oslo parameters to Area A—giving the Palestinian government administrative and security jurisdiction. All territory currently registered as Area C should then become Area B, giving the Palestinian government administrative control but leaving security jurisdiction to Israel. That way all of the Palestinian state would be under Palestinian administration and Israel could phase out security control over its citizens and external borders. Importantly, new settlement construction would be subject to building permits from the State of Palestine, regularizing all construction in the territory.

Mechanisms would also have to be established to bridge the economic, political, and security capability disparities between Israel and Palestine, which are substantial. Fortunately, the international community's long record of support for peace in the region and willingness to provide aid and technical support across sectors is a positive indicator that the necessary commitments and resources will be available when the time comes.

What may prove more difficult, but as necessary, will be ensuring the proper mechanisms and funding to facilitate the repatriation or resettlement of Palestinian refugees, as well as to redress or compensate Palestinians whose property was expropriated to build illegal settlements, or who were expelled from their

homes in urban centers. Modalities would also have to be established to facilitate historical reconciliation and transitional justice. These issues are more sensitive and complex, but will still be instrumental to the successful implementation of confederation.

Finally, sequencing for the entire process of implementation would likely pose a major challenge. Naturally, the increasing realization of rights for Palestinians will mean the increasing constraint of Israeli privilege. If there are not reciprocal incentives for both sides throughout the process, momentum toward implementation will likely slow, or even stop, at key intervals. In order to prevent the process from stalling, international guarantors could prove especially critical by offering tangible incentives to the two sides to keep moving forward until a Palestinian state is created and confederal integration is complete.

Conclusion

The intention of this paper was 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. Furthermore, 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 a hold a monopoly over peace-making 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.

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