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Caption: A supermarket in the French Hill neighborhood of Jerusalem. The vision of two separate states has reached its end *Photo: Olivier Fitoussi*

**Opinion**

**If a Solution to the Conflict is Ever Reached, this is How it will Look**

*Manny Mautner and Joel Singer*

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The Oslo Accords were less a compromise between the contradicting aspirations of Israelis and Palestinians than they were a hybridization of the vision of Shimon Peres (Israeli-Palestinian collaboration, a “New Middle East”) and the opposite vision of Yitzhak Rabin (the necessity of separation, “They are there, and we are here”). It could have been expected that with progress in the implementation of the agreement and the negotiations on the permanent agreement, the contradiction between the views of Rabin or Peres would be resolved in one direction or another. In practice, not only was the contradiction not resolved, but the complex reality created in the field became an even more complicated admixture.

On the one hand, the murderous campaign of Palestinian terrorism with one fell swoop cancelled all of Peres’s plans to create a fabric of Israeli-Palestinian collaborations in various fields such as commerce, economics, transport, health, and science; it also led to the construction of fences between Israel and the territories of Judea, Samaria, and Gaza. As a result, the situation created after 1967, in which the Green Line was de facto erased, was negated, and the two parts of the Land of Israel returned to the situation that resulted from the cease-fire agreements in 1949—with a border closed to the transit of people and goods, except for a small number of exceptions. This was in practice the implementation of Rabin’s approach that “high fences create good neighbors.” Moreover, in these develoipments appear to have paved the way to solving the Israeli-Palestinian conflict through two independent and separate states.

On the other hand, at the same time the adherents of Greater Israel, the Israeli opponents of the Oslo Accords, wisely understood well that the Two-State Solution was a possible result of Oslo. Therefore, after the Oslo Accords were signed, they launched an accelerated effort at settling Judea and Samaria with the aim of preventing the Two-State Solution. Thus, in the twenty-five years between 1967 and [Oslo](https://www.haaretz.co.il/news/TAG-oslo-1.6450166) about 100,000 Jews settled in Judea and Samaria (excluding East Jerusalem) while in the twenty-five years since Oslo the number of settlers has increased to over 500,000—five times the number before Oslo.

[Links:

[Why a Confederation](https://www.haaretz.co.il/opinions/.premium-1.4343347)

[Nevertheless, a Confederation, Avineri](https://www.haaretz.co.il/opinions/.premium-1.5847904)

[Confederation is not the Solution. There is No Such Thing in the World](https://www.haaretz.co.il/opinions/.premium-1.5823716) ]

This was not all: In the past there was an effort to consolidate most of the settlers in blocs or near the Green Line so that they could be joined to Israel later through small border adjustments without harming the territorial contiguity of the rest of the region. In contrast, after Oslo the settlements were spread throughout Judea and Samaria, including near and even within Arab population centers, in the face of weak opposition or even with active support by the Israeli government, all with the goal of preventing the Two-State Solution.

As a result, while immediately after the signing of the Oslo Accords a separate Palestinian state could have been formed through evacuating all the settlers residing deep within the West Bank and redrawing Israel’s eastern border to retain the rest of the settlers—who were the majority of settlers at the time—within Israel, this is no longer a possibility today. In other words, there is no longer a political and practical possibility of evacuating enough settlers to enable the creation of a territorially contiguous Palestinian state. Indeed, a few stubborn devotees of the Two-State Solution continue to assert that it is still possible to create a Palestinian state alongside Israel even without evacuating the settlers. They assert that this can be done by creating a new long and winding border that will send narrow and long fingers into Judea and Samaria and surround several settlements and creating a number of Israeli and Palestinian exterritorial islands that will be connected to their countries through a network of tunnels, exterritorial roads, and bridges—but these are dreams that cannot be implemented. Such an agreement will not be reached; if reached it will not be signed; if signed, it will not be ratified; and if ratified it will quickly fall apart.

In other words, the vision of two separate states has reached its end.

If so, looking back maybe Peres was right in his view that it would be impossible to separate Israel from Judea and Samaria and therefore the desirable solution would be based on close Israeli-Palestinian collaboration rather than separation from the Palestinians, as Rabin sought.

In fact, both leaders were both right and wrong. Rabin was right that the clear Israeli interest is to separate from the Palestinians but was wrong in believing that such a separation is achievable. Peres was wrong in believing it is possible to resolve the conflict through Israeli-Palestinian collaboration (the same ideas Benjamin Netanyahu and Naftali Bennett later adopted and are currently called “economic peace”). Yet Peres was right that the Gordian knot between Israel and the West Bank is inseparable.

As Levi Eshkol put it: “half tea – half coffee”: we are left both separated from the Palestinians by walls and fences and connected to them in an inseparable bond by Jewish settlement. Without a catastrophic war that leads to mass migration such as that which occurred in India-Pakistan in 1947 or among the Greek and Turkish Cypriots in 1974, Israelis and Palestinians appear fated to live like this forever—both separated and connected.

In these circumstances, if ever in the future it becomes possible to end the Israeli-Palestinian conflict through an agreement, the solution will need to be based on recognizing the reality that has been created and on finding a replacement for the solution of two separate states, [Israeli and Palestinian](https://www.haaretz.co.il/opinions/.premium-1.4343347). Here it is worth clarifying the concepts of “federation” and “confederation” and the differences between them. A federation, like the United States, is one sovereign state made up of secondary units that have broad authorities. A confederation, like the European Union, is a collection of several independent sovereign states that exist in an overarching framework to which they provide some of their authorities (although some people claim the European Union also has several characteristics of a federation).

It is interesting to note that after the Six Day War, in the 1960s and 1970s, much was spoken about a confederation as a solution to relations between Jordan and the Palestinians. King Hussein and Yasser Arafat even held continued negotiations about the topic, but it did not lead to an agreement, as King Hussein stubbornly held to the demand for creating a Jordanian-Palestinian federation, whereas Arafat demanded a confederation.

In this article we seek to develop the idea of a confederation as a solution to Israeli-Palestinian relations. We are not the first to propose this. But it appears that in recent years the thinking has been hardened around two other solutions: the solution of two separate states, which the Israeli left has traditionally supported, and the one state solution, which in the past was identified only with the right but in recent years has also been adopted by figures from the left such as A. B. Yehoshua, Yehouda Shenhav, and Oren Yiftachel. We seek to revive the solution of a confederation between Israel and Palestine, and later possibly also with the participation of Jordan.

Already in 1975, when we were officers in the International Law branch of the Israel Defense Forces Military Advocate General’s Corps, we participated in writing a detailed study and plan for the establishment of an Israeli-Palestinian federation. The instruction to prepare the plan came from the office of no other than then-Defense Minister Shimon Peres. We wondered then whether Peres had become a devotee of the binational state idea or whether he did not understand the difference between federation and confederation and actually meant to consider an Israeli-Palestinian confederation. Either way, after we completed the plan, Peres did not promote the topic, but the two of us were convinced that an Israeli-Palestinian confederation is the correct and necessary solution to end the conflict. However, it is possible that already then, like during the Oslo Accords, Peres thought in terms of Israeli-Palestinian integration rather than a hard separation between Israel and Palestine.

After all, the connection between the two parts of the Land of Israel / Palestine is tight, and for centuries, excluding the seventeen years of Jordanian rule, they were one political and administrative unit. The aquifer, road network, and currency are shared among the entire area; the Paris Agreement of 1994 established a unified customs region between Israel and the territories; there are Jewish historical and religious sites in Judea and Samaria; and Palestinians and Jews live on both sides of the Green Line. No less important, Israeli security interests require the continued presence of the IDF in the territories.

Resolving the conflict by establishing a confederation between Israel and Palestine will lead to the creation of two sovereign states that are connected to each other through a system of agreements and joint institutions. This solution will enable the IDF to continue its presence in the demilitarized State of Palestine, not as an occupying force, but rather in the form of peacetime military activity by one of the confederation’s two states on behalf of the confederation and by force of the peace agreement that also defines the confederation’s other joint institutions and activities. The Palestinian police force will continue to act in Palestine, in collaboration with the IDF, and will be further strengthened.

A [confederative solution](https://www.haaretz.co.il/opinions/.premium-1.5847904) can also help solve the problem of Jerusalem. In contrast with the Two-State Solution, which is based on dividing the city, in a confederation Jerusalem as a whole can be the confederation’s capital, meaning the joint capital of both states, where the confederation’s joint institutions sit, while parts of the city will be Israel’s capital and other parts Palestine’s capital.

And now to the most difficult problem: the settlers. It is clear that as part of a confederation there is room for seeking to annex the settlements near the Green Line. Yet to maintain Palestine’s territorial logic, a certain number of settlers will need to continue to live within Palestine (if they choose to do so). They will continue to be Israeli citizens, but their place of residence will be the State of Palestine. This is just like how, for example, French citizens are allowed to live in Italy for many years while remaining French citizens.

In parallel, a certain number of Palestinian citizens will return to Israel (the Palestinians require Israeli agreement to a symbolic return of refugees to Israel so that they can “close the case of the Right to Return,” and the number of such refugees that has been raised since the Lausanne talks in 1949 is up to 100,000). They will live in Israel but be citizens of Palestine, meaning that they will not be given the right to vote for the Knesset. These returning refugees will parallel the settlers who will remain in Palestine.

The formation of a binational state would be crazy, but on the other hand, a complete separation is impossible. A confederation is not a magic solution to the Israeli-Palestinian problem; there is no such thing. But it is the least bad option. It integrates Rabin’s separation with Peres’s integration. Like in many other contexts, in this context as well “middle-ground” mixed and complex solutions are preferable to “extreme” one-dimensional and simplistic solutions. Of course, the criticism will be levied against us that there is no chance the Palestinians or the Israeli right (currently the majority of the population) will accept our plan. Unfortunately, this appears to be the case. Yet we believe that if even an agreement is reached between Israel and the Palestinians, a confederation must and will be the form that it takes.

*Singer was the Director of the International Law Department of the Israel Defense Forces Military Advocate General's Corps, Legal Adviser of the Israel Ministry of Foreign Affairs, and author of the Oslo Accords. Mounter is a member of the Law Faculty of Tel Aviv University and author of the book* Yes, We Can*.*